

September 3, 2025

[REDACTED]

Martin and Wendy Tanner

[REDACTED]

Dear Parties:

M12104 - Riverport Electric Light Commission - Power Pole Complaint - Martin and Wendy Tanner

On February 23, 2025, you filed a complaint with the Nova Scotia Utility and Review Board about the proximity of Riverport Electric Light Commission's (RELC) distribution lines to your property. On May 8, 2025, and May 9, 2025, Board staff issued Information Requests (IRs) to you and the RELC, and received responses on May 30, 2025, and June 13, 2025, respectively.

This matter began as a filing with the Nova Scotia Utility and Review Board (NSUARB). On April 1, 2025, on proclamation of the *Energy and Regulatory Boards Act*, S.N.S. 2024, c. 2, Sch. A, the Nova Scotia Energy Board succeeded the Utility and Review Board for all applications involving the production, transmission, delivery or furnishing of electrical energy under the *Public Utilities Act*, R.S.N.S. 1989, c. 380; the *Electricity Act*, S.N.S. 2004, c. 25; and the *More Access to Energy Act*, S.N.S. 2024, c. 2, Sch. B.

The Nova Scotia Energy Board's review included the following documentation:

- The complaint and attachments dated February 23, 2025.
- The RELC's response to your complaint dated March 11, 2025.
- Strum Engineering's report dated March 25, 2025.
- Your response to the Strum Engineering report dated April 4, 2025.
- Your response to Board's IR dated May 30, 2025.
- The RELC's response to Board's IR dated June 13, 2025.
- Your correspondence dated July 9, 2025.

BACKGROUND

You are a customer of RELC. In your complaint, you stated that you purchased the property located at [REDACTED], in August 2024. While working on the property, you noticed that the RELC's electrical distribution lines are situated in close proximity to your property. Concerned about potential safety risks, you raised the issue of insufficient clearance with RELC. When the utility's initial response failed to resolve your concerns, you submitted this complaint to the Board requesting a resolution about the clearance of distribution lines. You also submitted copies of your initial correspondence with the RELC and its response.

In its response to your complaint, dated March 11, 2025, the utility stated that there are no Board-approved regulations on the minimum clearance distance required by electrical code standards. Nonetheless, RELC hired a third-party engineering consultant, Strum Engineering Associates Ltd. (Strum Engineering), to assess your line clearance concern on the basis of the relevant electrical codes and standards. The utility advised the Board that Strum Engineering's review (Strum Report) found no compliance issues arising from your complaint. Furthermore, the utility noted:

RELc further notes that since it appears the deck on the front of the house was built after the distribution lines were originally placed on the property, the issue of the proximity of the deck to those distribution lines and equipment is likely a result of subsequent construction and so should not require changes to the pre-existing configuration in any event.

[Exhibit T-2, p. 2]

RELc did not initially provide the Strum Report to the Board. Once requested by the Board, the utility filed the Strum Report on March 26, 2025. Board staff reviewed the Strum Report and found that Strum Engineering never took any clearance measurements. Instead, Strum Engineering relied upon measurements taken by RELc and information on Google Earth Street View images in providing its opinion.

After receiving the utility's response and reviewing the Strum Report, Board staff issued IRs to you and RELc.

In response to IR-2 which requested any documentation that could support or refute the utility's comment mentioned above, you provided the following response:

The prior owners Harold and Elaine Beck acquired the property in 1981 and they enclosed the original veranda and built the current front step onto the house. Our concern is not with the front "step" as our plans are to remove the front step and reinstate the veranda back to how it was since the house was first built approximately in 1910. The primary distribution line is within 2.85 meters of the upper veranda which I measured with a laser measuring device as stated in a previous email. This is less than the required 3 meters clearance code requirement.

[Exhibit T-5, p. 1]



In IR-6, the Board directed RELC to provide a report signed by a professional engineer, which included applicable regulations and standards, clearance measurements, together with a recommendation regarding the safety clearance for your residence. The utility filed a new report dated June 11, 2025, from Strum Engineering (Strum June Report). The Strum June Report states that it relied upon minimum horizontal and vertical clearance under the Canadian Safety Association, the Canadian Electrical Code (25th edition) and Nova Scotia Power Inc.'s "Overhead Distribution Standard" when assessing the minimum horizontal and vertical clearances for your property.

As requested in IR-5 and IR-6, Strum Engineering visited your property and took five measurements for horizontal clearance and one measurement for vertical clearance. Page 7 of the Strum June Report notes that four of the five horizontal clearance measurements were not compliant, while the vertical measurement was compliant as per the referenced standards. Strum recommended installing a 32" long epoxy insulator arm installed on the roadside of the two utility poles closest to your residence to increase the horizontal clearance.

RELC advised the Board that it implemented the Strum's recommendation to increase horizontal clearance. The Strum June Report concludes that the clearance measurements all comply with industry standards except for the one horizontal clearance of the front steps/landing.

The Strum June Report refers to photos shared by you and states that the non-compliant horizontal clearance (front steps/landing) was the result of modifications done to your property since 1960. The evidence before the Board shows that it is generally accepted that the location of the existing, non-compliant 7.2kV overhead line at your property has not changed since its original installation in 1920.

The report notes that the front steps/landing remain non-compliant even after the utility improved clearance to more than two and a half times the original measurement.

ANALYSIS

Under the *Public Utilities Act*, R.S.N.S. 1989, c. 380 ("Act"), the Board is responsible for the general supervision of all public utilities, including RELC. Section 52 of the *Act* states that "Every public utility is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable."

In reviewing matters such as yours, the Board's role is to determine, based upon the evidence before it, whether the utility is following its Board approved regulations and, more generally, is meeting its obligations under the *Act*.

In this complaint, the Board finds that there is no Board approved regulation for RELC which specifically addresses distribution line clearance. Absence of approved regulations does not, however, exempt the utility from complying with the applicable statutory requirements, regulations, and standards. In situations such as this which are about safety, the Board finds that it is appropriate for RELC to follow industry standards. It was for this reason that the Board directed RELC to hire a professional engineer, specializing in power systems, to assess compliance with the applicable standards, regulations, measurement for your property and provide recommendations about your complaint.



CONCLUSION

After reviewing all the evidence before the Board, including the Strum June Report, the Board is satisfied that RELC has addressed the clearance issues raised in your complaint. The vertical clearance and all horizontal clearances of the power lines on your property, except for one horizontal line clearance, comply with the minimum clearance requirements of the applicable Codes and Standards. The one minimum horizontal clearance that does not comply is from the line to your front steps/landing. This clearance distance was not met despite the work of RELC to improve the clearance. The Board accepts Strum's explanation, which is uncontested, that the original overhead line at your property has not changed since its original installation in 1920 and that this non-compliance occurred because of modifications to your property since 1960. The Board finds that RELC is not responsible for any costs arising to make the non-compliant horizontal line clearance into a compliant line clearance. Accordingly, your complaint is dismissed. The Board notes, however, that the remaining non-compliant horizontal line clearance will become compliant after you fulfil your stated intention to remove the steps/landing.

Before concluding, the Board wishes to raise one further issue with the utility. In reviewing the record before it for this complaint, the Board notes that as part of the Notice of Complaint, in an email dated February 20, 2025, RELC advised the complainants that "there are apparently multiple similar situations throughout the area." This statement concerns the Board that some of the utility's ratepayers may be exposed to safety risks arising from clearance issues. As discussed above, section 52 of the *Act* requires RELC to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The Board directs RELC to review these other properties, determine if they may pose a safety risk, and consider what actions it could take to mitigate any risk identified.

Yours truly,



M. Kathleen McManus, K.C., Ph.D.
Member

c. Dylan Heide, Town of Mahone Bay CAO

