

January 28, 2026

Jamie MacGillivray, CEO
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Via NSEB Web Portal

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Crystal Henwood
Regulatory Affairs Officer/Clerk of the Board
Nova Scotia Energy Board
3rd Floor Summit Place, 1601 Lower Water Street
Halifax, NS B3J 3S3

Dear Ms. Henwood:

**Re: M12273 — Board Inquiry into Nova Scotia Power's Cybersecurity Incident
— Withdrawal of Notice of Intervention of Danielle Fraser**

We write to advise the Board that, after careful consideration of the objections filed by Nova Scotia Power (NSP), the Consumer Advocate, and the Small Business Advocate, we are withdrawing Ms. Danielle Fraser's Notice of Intervention in this proceeding.

Our client will pursue judicial remedies, rather than participating in regulatory proceedings that cannot provide the full scope of relief required.

MATTERS OUTSIDE THE BOARD'S JURISDICTION

The cybersecurity breach at Nova Scotia Power has given rise to claims that extend well beyond the regulatory compliance issues within this Board's mandate. Our client's concerns require judicial determination and cannot be adequately addressed through this Board proceeding, regardless of the thoroughness of the Board's regulatory review.

CONSUMER ADVOCATE'S ROLE

After hearing from the Consumer Advocate, we are confident that he will ably represent consumer interests in the regulatory aspects of this inquiry. The Consumer Advocate's mandate encompasses the broad consumer protection issues within the Board's jurisdiction, and we respect the important work that office performs.

FOCUS ON JUDICIAL REMEDIES

Our withdrawal from this Board proceeding in no way diminishes our commitment to pursuing appropriate legal remedies on behalf of affected customers. We will continue to represent our client in the proposed class action to seek judicial remedies.

We feel that the Board's regulatory oversight and judicial proceedings serve complementary but distinct functions. Regulatory proceedings address whether a utility has met its statutory obligations and what prospective measures should be required. Judicial proceedings address customer claims for damages arising from past harms and provide remedies.

PRESERVING JUDICIAL REMEDIES

This withdrawal ensures that affected customers' access to judicial remedies is not compromised by arguments that they should have pursued regulatory remedies. In fact, their attempt to intervene was contested by NSP. The claims our clients seek to advance in court are not matters that this Board can adjudicate, and we agree with the objection of NSP that participation in this regulatory proceeding is neither necessary nor appropriate for pursuing those claims.

We thank the Board for its consideration of Ms. Fraser's initial intervention request, and we look forward to reviewing the results of this inquiry when completed.

Sincerely,

MACGILLIVRAY LAW

A handwritten signature in black ink, appearing to read 'Jamie MacGillivray', is written over a horizontal line. The signature is stylized with a large initial 'J' and a series of loops.

Jamie MacGillivray
CEO

JMG/mh