

September 9, 2025

[REDACTED]
Sherry Dennis
[REDACTED]

Dear Ms. Dennis:

**M12338 - Nova Scotia Power Inc. - Appeal by Sherry Dennis of a Decision of the
Dispute Resolution Officer**

We have reviewed your appeal of a decision by the Dispute Resolution Officer (DRO) dated June 2, 2025.

We reviewed the following documentation:

- The DRO's file and decision, dated June 2, 2025;
- Your appeal of the DRO decision, dated June 18, 2025;
- NS Power's response to your appeal, dated July 8, 2025;
- Your responses to Nova Scotia Power's (NS Power) response, dated July 21, 2025;
- NS Power's response to the Board's information requests, dated August 20, 2025;
and
- Your request for copies of NS Power bills for the previous homeowner since 2018,
dated August 25, 2025.

SUMMARY

We understand that you believe your meter is faulty and hackers might play a role in the recorded consumption in your February 2025 bill. You are challenging the portion of the bill that you believe was incorrect.

APPEAL OF THE DRO DECISION

The Board understands that you are appealing the DRO decision dated June 2, 2025, on the following grounds:

- 1) NS Power and Measurement Canada tested your meter and found it working properly but nothing in your household has changed to warrant the increase in energy consumption;
- 2) You suspected the smart meter might be faulty and/or hacked; and
- 3) You did not accept the DRO's decision.

The DRO for NS Power is an independent third party. His role is to address and ideally resolve disputes with NS Power that cannot be resolved through normal customer channels. He is not an employee of NS Power or the Board. Decisions of the DRO are binding on NS Power but not on the customer. Customers may appeal DRO decisions to the Board within 12 days of receipt of the final written DRO decision.

The DRO noted the *Nova Scotia Power Regulations* that apply to this dispute are *Regulations 5.5, 6.4, 6.7 and 7.1*. In his decision, the DRO stated:

In the context of NSUARB Regulation 5.5, and the Electricity and Gas Inspection Act Regulations, NS Power has appropriately billed the Customer for on-premise consumption (Account # [REDACTED]).

[Exhibit D-2, p. 2]

BACKGROUND & FINDINGS

The following table summarizes some of the key events in the evidence before the Board.

Date	Event
Mar 6, 2020	Meter #2056066 (an AMI meter) was installed at [REDACTED], Dartmouth
Jun 29, 2022	You started account # [REDACTED] with NS Power for [REDACTED], Dartmouth
Feb 21, 2025	NS Power issued your bill for service period between Dec 18, 2024 and Feb 19, 2025
Feb 26, 2025	You called NS Power to discuss your high bill
Feb 27, 2025	You created your MyAccount You asked to opt out of the AMI program. NS Power emailed you the opt-out link
Mar 3, 2025	You cancelled your MyAccount You told NS Power that you would be disputing your high bill and asked NS Power to check the service line to your property
Mar 5, 2025	NS Power removed your meter #2056066 for testing and installed meter #2553403 (an AMI meter) at the property
Mar 11, 2025	NS Power technician inspected the lines servicing your property and found no issues
Mar 18, 2025	NS Power informed you that the test showed the meter was operating within prescribed accuracy limits
Mar 27, 2025	You repeated the request to opt out of the AMI program to NS Power
Mar 28, 2025	NS Power sent you the opt-out link again and followed up on Apr 4, 12 and 22, 2025
Apr 23, 2025	You informed NS Power that you would not make a decision on the AMI program while going through an appeal process. NS Power re-enrolled you in the AMI program
Apr 25, 2025	NS Power offered you a payment extension for May 15, 2025 (for your February bill) and May 23, 2025 (for your April bill), at your request. Measurement Canada tested your meter



Apr 28, 2025	Measurement Canada informed you that your meter complies with the requirements of the <i>Electricity & Gas Inspection Act and Regulations</i> , and no errors in billing calculation were found
May 24, 2025	You purchased an energy monitor system
Jun 2, 2025	You appealed to the DRO. The DRO issued his Decision
Jun 18, 2025	You appealed the DRO's decision to the Board.

First, we will discuss your meter and the AMI program.

Your meter (#2056066) is an advanced metering infrastructure (AMI) meter which is a wireless device that automatically transmits your electricity usage information, in an encrypted format, to NS Power, using radiofrequency electromagnetic field (EMF) signals. These smart meters are approved and inspected by Measurement Canada. The data transmission process does not leave room for alteration or manipulation on either end of the meter. For that reason, during a billing dispute, the meter is required to be tested for accuracy.

Because you started your account at [REDACTED], Dartmouth, with NS Power after meter #2056066 was already installed at the property, you were enrolled in the AMI program and would remain enrolled until NS Power receives a completed opt-out form. You requested to opt out of the AMI program on February 27, 2025, and again on March 27, 2025. NS Power provided you with the opt-out link each time, with multiple follow-up emails in April 2025. On Apr 23, 2025, you informed NS Power that you would not decide on the AMI program during the appeal process.

In responding to the Board's information request IR-3, NS Power explained that the customer must submit the acknowledgement form to complete the opt-out process while their account is placed in a pending opt-out status. If NS Power does not receive the form, at least three follow-up communications will be sent to the customer. Since you did not complete the opt-out form, you were re-enrolled in the AMI program, and no non-AMI meter was installed on the property. The Board does not see an issue with this practice.

NS Power's *Regulations* relating to meter tests are listed below.

1.1 INTERPRETATION AND DEFINITIONS

...

"As Found Meter Test" is a test on the meter removed from a premise and tested at the Company's Measurement Canada certified test center in the condition in which it was found in service (meter seal is intact). The accuracy of the meter is verified and must fall within +/- 3% to be considered accurate as per Measurement Canada's guidelines.

...

5.5 BILLING ADJUSTMENTS

When a customer disputes the amount of electricity consumed from the meter, the Company shall:

- a) Initiate a check on the meter reading to ensure the original reading was correct and advise the customer.
- b) If the customer is not satisfied, the Company shall do an "As found Meter Test" on the meter in the Company's Measurement Canada certified facility to verify the reading is within the allowed tolerances, and advise the customer of the results.



c) If the Customer is still not satisfied, the Company will advise the Customer he/she may request an independent meter test to be performed by Industry Canada (see Regulation 6.7).

...

6.7 DISPUTE TEST

Upon notice from Industry Canada, the Company will remove the meter and ship it to Industry Canada (Measurement Canada, seal intact) for testing. If the meter, when tested, is found to be accurate, the customer is responsible for any outstanding amount. Also, if the meter is found to be accurate, the Company will charge the customer a fee as outlined in the Schedule of Charges 7.1, Section 1.

...

7.1 SCHEDULE OF CHARGES

...

(i) Dispute Test Fee re satisfactory meter \$46.00

...

We note that the “Dispute Test” provision clearly states that “If the meter, when tested, is found to be accurate, the customer is responsible for any outstanding amount.”

You said in your appeal that your meter is flawed, and you believe the hackers were in NS Power’s system long before they were detected, which you think might explain why you stopped getting your paper bills.

As mentioned above, a meter test is essential in a billing dispute. The first meter test is done at NS Power’s testing facility (approved by Measurement Canada) at no cost to the customer. The second meter test by Measurement Canada is advised if the customer is not satisfied with the first test, at a cost to the customer, but not required.

In your case, the first meter test in March 2025 and the second test in April 2025 both concluded that your meter was working properly. NS Power confirmed that paper billing has always been the agreed billing method for your account. There is no reason the cyber incident would affect your billing method.

From the daily usage data from your meter #2056066 and the replacement meter #2553403 after your meter was removed for testing in March 2025, you were concerned about the dates when no AMI reading was available (e.g. October 8-10, 2024). In responding to the Board’s information request IR-2, NS Power explained that the meter was still recording consumption on those dates but could not transmit the data to NS Power, possibly due to communication issues within the AMI network. The very next successful transmission after one of these dates would include usage from the last successful transmission.

You asked for a one-time credit of \$600 - \$1,000 because NS Power cannot say with 100% certainty that hackers were not playing around in their system before the cyber incident and you can say with 100% certainty that nothing in your household has changed to warrant the high meter readings. NS Power explained that the readings from meter #2553403 were only available from March 5, 2025, (the day your meter #2056066 was removed for testing) until April 24, 2025. Due to the cyber incident, the meter, which continued to record your daily usage data, could not transmit the data to NS Power’s system after April 24, 2025. The Board finds no evidence that your smart meter was flawed or that your meter readings were impacted before the cyber incident. Your request for a credit is unfounded.



Second, we investigated your consumption data based on the readings from your meter.

You requested daily usage data for each billing cycle from NS Power to cross reference with your monitoring system. The monitoring system might provide your consumption information on your end. However, systems like these are not regulated by Measurement Canada, and the Board has no way to confirm its accuracy.

MyEnergy Insights is a platform where NS Power's customers can create a MyAccount to access their daily usage information, manage their consumption, set up alerts/ notifications, etc. Customers are encouraged but not required to use the platform. From the Board's information request IR-1, NS Power explained that the platform allows users to view usage by appliance, cost or kWh. According to the information NS Power provided, you created your MyAccount on Feb 27, 2025, but cancelled it four days later. The Board agrees with NS Power's suggestion that you take advantage of the usage information provided in MyAccount to manage your consumption and detect high usage events early.

Below is a summary of your bills provided by NS Power in responding to the Board's information request IR-1.

Bill date	Service period	Usage (kWh)	Daily usage (kWh/d)	Energy charges	Amount due (incl. balance owing from previous bill)
Aug 24, 2022	Jun 29 – Aug 21, 2022	1,166	22.0	\$210.73	\$253.47
Oct 25, 2022	Aug 21 – Oct 20, 2022	1,186	19.8	\$213.97	\$224.67
Dec 21, 2022	Oct 20 – Dec 19, 2022	1,721	28.7	\$300.72	\$315.76
Feb 17, 2023	Dec 19, 2022 – Feb 17, 2023	2,730	45.5	\$464.33	\$492.29
Apr 24, 2023	Feb 17 – Apr 20, 2023	2,572	41.5	\$458.96	\$477.07
Jun 22, 2023	Apr 20 – Jun 20, 2023	1,745	29.2	\$347.26	\$373.85
Aug 22, 2023	Jun 20 – Aug 22, 2023	1,466	23.3	\$278.09	\$298.58
Oct 24, 2023	Aug 22 – Oct 22, 2023	1,402	23.8	\$267.62	\$281.00
Dec 18, 2023	Oct 20 – Dec 18, 2023	2,767	46.9	\$490.86	\$515.40
Feb 22, 2024	Dec 18, 2023 – Feb 20, 2024	3,589	56.1	\$659.40	\$692.37
Apr 23, 2024	Feb 20 – Apr 19, 2024	1,934	32.8	\$377.70	\$799.35
Jun 18, 2024	Apr 19 – Jun 18, 2024	1,745	29.1	\$347.26	\$373.85
Aug 23, 2024	Jun 18 – Aug 21, 2024	1,442	22.5	\$293.62	\$310.91
Oct 24, 2024	Aug 21 – Oct 22, 2024	1,517	24.5	\$306.89	\$322.23
Dec 20, 2024	Oct 22 – Dec 18, 2024	2,747	48.2	\$524.64	\$550.88
Feb 21, 2025	Dec 18, 2024 – Feb 19, 2025	5,472	86.9	\$1,024.03	\$1,642.63
Apr 23, 2025	Feb 19 – Apr 17, 2025	2,284	40.1	\$462.27	\$1,160.62
Jun 23, 2025	Apr 17 – Jun 23, 2025	1,694	25.3	\$352.76	\$868.75

The Board observes an increase in your energy consumption each winter (between December and February) and notes that winter of 2024/25 saw the largest increase. During the December to February time period, your usage increased from 2,730 kWh (2022/23) to 3,589 kWh (2023/24) to 5,472 kWh (2024/25). Your usage varied from 51 to 139 kWh/day



(averaged 86.9 kWh/day) between December 18, 2024, and February 19, 2025, vs. 16 to 81 kWh/day (averaged 56.1 kWh/day) during the same period the year before.

As the DRO mentioned in his decision, NS Power's responsibility is to deliver power to the metering point. They have no role or responsibility with respect to how that energy is consumed on the premise. That is because on-premise usage is a function of lifestyle, heating systems, appliances and other equipment used, as well as a range of other factors, all of which are beyond NS Power's ability to address or control (e.g. outside temperatures, faulty wiring, ground faults, theft of power, etc.)

On July 21, 2025, you commented on NS Power's comparison to billing before you moved to the property in 2022 saying that it was not fair to compare one person's billing and lifestyle to someone else's lifestyle. However, on August 25, 2025, you made a request for copies of the bills NS Power issued to the previous homeowner dated back to 2018. Due to differences in consumption patterns (occupancy, lifestyle, types and number of appliances, heating/cooling system, etc.), the Board finds that historical usage data from the previous owner of the property is not relevant to your usage and does not provide explanations for the high usage between December 18, 2024, and February 19, 2025.

Third, we will address the issue you raised with the 15-minute billing cycle.

In responding to the Board's information request IR-4, NS Power explained that Demand Billing is commonly applied to industrial customers and larger commercial customers who place higher demands on the electrical grid during peak periods. The energy charge reflects the amount of electricity consumed during the billing period and the demand charge is based on the highest amount of electricity used within any 15-minute interval during the same billing period.

NS Power currently does not offer Demand Billing to its residential customers, and therefore, you were not billed based on the highest consumption during any 15-minute cycle during the billing period in dispute.

Finally, on July 21, 2025, you commented that customers are forced to deal with the DRO first, then the Board who has no authority to rule on consumption issues, and that additional stress could be avoided if customers were allowed to go to civil court instead. Customers who have a dispute with NS Power have the option of attempting to resolve it through the DRO process, but they are not required or forced to follow that process. If a customer does not wish to go through that process, there is nothing preventing them from attempting to resolve the dispute in other ways, including commencing legal action.

DECISION

Pursuant to the *Public Utilities Act*, the Board is responsible for the general supervision of all public electric utilities operating in Nova Scotia, including NS Power. Among other things, the Board's jurisdiction includes approving *Regulations* that determine how NS Power is allowed to provide electric service to customers, and the rules they (and customers) must follow.

The Board is an independent body with legal or court-like powers assigned to it by various statutes. The Nova Scotia Energy Board is not a board of NS Power. We are completely independent and impartial. The Board does not act as a mediator between NS Power and



its customers. The Board reviews the facts of this matter and determine whether NS Power has followed the Board-approved *Regulations* to provide customer service.

The Board finds that NS Power followed Board-approved *Regulations* and NS Power has appropriately billed you for the energy consumption at your property. Your appeal is therefore dismissed.

Yours truly,



Richard Melanson, LL.B.
Member



Marc Dunning, P.Eng., LL.B.
Member

c. Kathleen Murray, Regulatory Counsel, NS Power

