

December 12, 2025

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Dear Ms. Power:

M12451 - 2026-2027 General Rate Application - Hearing Logistics

The Board acknowledges receipt of your letter of December 11, 2025.

On September 2, 2025, NS Power wrote to the Board to advise that it intended to file a general rate application “in the coming weeks”. It said its application was the result of an extensive collaborative process. On that basis, it asked the Board to initiate a paper hearing process with a view to having new rates in effect for January 1, 2026.

This request was not reasonable and in its response on September 5, 2025, the Board noted that notwithstanding any settlement agreement between NS Power and some intervenors, the Board must ensure that approving the application is appropriate and based on a thorough evidentiary record.

NS Power filed its general rate application on September 18, 2025, and the Board issued a Hearing Order on September 25, 2025. Since it was clear that NS Power desired a hearing as early as possible and appeared to believe its settlement agreement would reduce the issues needing to be addressed in the hearing, the Board materially shortened its usual processes by removing NS Power’s ability, as of right, to make information requests of intervenors and Board counsel consultants who filed evidence and file rebuttal evidence. However, it was open to NS Power to seek leave to make information requests or file rebuttal evidence if it felt that was necessary.

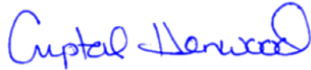
Several Board counsel consultants filed evidence on December 2, 2025. Rather than seeking leave to file rebuttal evidence as contemplated in the Hearing Order, NS Power has, nine days after evidence was filed and after the deadline for seeking leave to file rebuttal evidence, sought leave to present rebuttal evidence at the hearing orally rather than as contemplated in the Hearing Order.

The Board disagrees that NS Power’s proposal is appropriate or efficient. If NS Power intends to rebut the expert evidence that was filed in this proceeding, it is more efficient and fair for the Board and other parties in the proceeding (particularly those who are not parties

to the settlement agreement) to have that pre-filed, as NS Power acknowledges is the practice of the Board. Giving expert rebuttal evidence orally and expecting the parties in the matter to be able to then immediately cross-examine those experts is unreasonable. The Board does not agree that the circumstances relating to Mr. Marshall are analogous; however, that situation was not ideal and the Board does not intend to repeat it.

NS Power's request is denied. If NS Power wishes to submit rebuttal evidence in this proceeding it must do so as the Hearing Order required, by seeking leave and filing it by a date to be set. The Board will extend the deadline for doing so to **2:00 p.m. on Monday, December 15, 2025**. Otherwise, NS Power's witness panels will, as is the usual practice, be called for cross-examination, with direct examination limited to introductions and qualifications. If NS Power's request is granted but it is unable to file the rebuttal evidence within a reasonable time set by the Board, the Board is prepared to accommodate NS Power by adjourning the hearing to a later date to allow NS Power the time it needs to prepare its rebuttal evidence.

Yours very truly,



Crystal Henwood
Clerk of the Board

c. M12451 Participants

