

March 5, 2026

Eugene van den Berg

Dear Mr. van den Berg:

M12556 - Nova Scotia Power Inc. - Appeal by Eugene van den Berg of a Decision of the Dispute Resolution Officer

I have reviewed your appeal of a decision by the Dispute Resolution Officer (DRO) dated November 6, 2025.

My review included the following documentation:

- The DRO's file and decision, dated November 6, 2025;
- Your appeal of the DRO decision, dated November 6, 2025;
- NS Power's response to your appeal, dated November 27, 2025;
- NS Power's response to the Board staff's information request (IRs), dated January 6, 2026;
- Your response to Board staff IRs, dated January 12, 2026; and
- The meter test results dated February 4, 2026.

APPEAL OF THE DRO DECISION

You appealed the DRO's decision, dated November 2025, as you feel that neither the DRO nor NS Power looked properly into the claims of your dispute. These claims are as follows:

- The usage billed for is wrong, at least in part, due to faulty meter reading data (estimates and actual readings) following the cyberattack faced by NS Power;
- You believe you were overcharged for usage;
- That base charges were double charged/counted for at least part of the period in question;
- You claim that a portion of the overcharged amount was due to overlapping dates in subsequent billing periods; and
- That these points were not considered by NS Power or the DRO.

The DRO 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 DRO's final written decision.

In his decision, the DRO stated:

In the context of Board approved Regulation 5.1, N.S. Power has appropriately billed the Customer for energy consumed at [REDACTED]

[Exhibit V-2, p. 3]

In your appeal to the Board, you included the following response to the DRO:

Back to my requests.

- A. Small double billings from above based on your date overlaps:
See above - 315.50 kWh x \$0.18561 = \$58.56
See above - 61.24 kWh x \$0.18561 = \$11.37
- B. Monthly base charge (excluding HST): 76.68. You charged for 6-months; however, you already charged me every month the \$19.17. Clearly that's double milking.
- C. The over-billing
Update:
I read my meter today again: 65,621 @ 141812 (so around 2:20pm, today Nov 6)>>>> ~30.92448 kWh per day (per 24h)
Readings on:
I am reading 65,522 @ 095257 (so a little before 10am Nov 3)
I pm reading 65,528 @140739 (so a little after 2pm Nov 3)
Estimated usage for 24h on Nov 3: 33.92226 kWh.
Daily avg from above: 32.42 kWh
For 30-days, then: 972.60
For 60-days then: 1,945.20
Historic Avg for Nov billings (2021, 2022, 2023, 2024): 1,829 – Fall usage level. Even this is far lower than the number you calculated for the spring/summer up to Sep 16.

The rationale: if fall usage on average is higher than summer, which it should be, it flies against all logic that you can claim usage of some 3,143 kWh (net) as your number for usage net (54-days), so effectively from Jul 24, 2025, for 54-days.

Please resolved (A) and (B) above in a separate reply, then we can continue the dispute on (C).

[Exhibit V-1, p. 2]

BACKGROUND

You received your September 2025 bill with a balance owing of \$580.18, which you did not agree with and indicated that the amount should be less. NS Power did not agree



with you and indicated that the amount you were billed was based on actual usage from March 20, 2025, to September 16, 2025.

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

Date	Event
Nov 3, 2025	You contacted the DRO to dispute your bill and requested that your power be connected to a new address.
Nov 3, 2025	The DRO responded to you, outlining his role and asked NS Power to provide its position on the matter.
Nov 5, 2025	NS Power confirmed consent for the DRO to have access to your information and that the disconnection and connection to the new address were scheduled for November 10.
Nov 5, 2025	You responded to NS Power's position, disputing the response and requested a point-by-point reply to your complaint.
Nov 6, 2025	The DRO issued his final written decision.
Nov 6, 2025	You responded to the DRO's Final written decision.
Nov 6, 2025	The DRO replied to your response.
Nov 6, 2025	You appealed the DRO's Decision to the Board.

Below is the summary of your usage, based on actual meter reads from the copies of the bills NS Power provided on November 6, 2025.

Bill date	Reading	Usage	Daily usage	Account balance	Note
Jan 24, 2023	28530.74	3674	61.2	\$886.70	
Mar 23, 2023	30816.61	2286	38.1	\$1,002.11	
May 24, 2023	33376.51	2560	43.4	\$1,119.24	
Jul 20, 2023	35104.19	1728	27.9	\$801.48	
Sep 20, 2023	36673.82	1570	25.3	\$651.89	5858 from Mar to Sep (183 days, 32.0/day)*
Nov 21, 2023	38842.11	2168	35.0	\$388.09	
Jan 22, 2024	41423.00	2581	41.6	\$886.86	
Mar 19, 2024	43917.57	2495	43.8	\$1,000.72	
May 22, 2024	46078.11	2161	33.8	\$1,213.29	
Jul 22, 2024	48115.41	2037	33.4	\$1,103.99	
Sep 18, 2024	49730.09	1615	27.8	\$711.88	5813 from Mar to Sept (183 days, 31.8/day)*
Nov 20, 2024	51132.39	1402	22.3	\$638.57	
Jan 22, 2025	53148.05	2016	32.0	\$723.60	
Mar 20, 2025	56747.18	3599	63.1	\$1,360.75	
Sep 16, 2025	63824.00	7077	39.3*	\$626.41	7077 from Mar to Sept (180 days, 39.3/day)*
Nov 12, 2025	65785.00	1961	35.7	\$1,048.85	

*calculated by Board staff based on the usage and days between actual meter reads



Your meter was tested on February 3, 2026, with the results provided to you and the Board on February 4th. The meter test indicated that your meter was operating within approved accuracy limits. Given this, the usage from March 20, 2025, to September 16, 2025, is what you should be billed over the full six months, and the total amount owing should take into account this usage and any payments made during those six months, in which your bills were based on estimated meter readings.

Your usage and the cyber incident

Regarding your concern that the recorded usage might be an error caused by the cybersecurity incident, NS Power had explained in previous matters before the Board that the incident only affected NS Power's capability to communicate with the meters to obtain the meter reads, not the meters' accuracy. When your meter was read, any over-or under-billing due to estimated readings would be reconciled. Since the meter test results showed that the meter was operating within expected accuracy limits, the amount of electricity consumed over the six months was correctly billed.

ANALYSIS & FINDINGS

In several of your correspondences with the Board and the DRO, you noted being charged for overlapping dates. The overlapping dates you noted are from March 20, 2025, to March 25, 2025. The Board does not see overlapping dates in any of the bills, which were all filed by NS Power in response to IR-1, nor in any other documentation filed by you or NS Power in this matter. The only reference to March 25 in any of the documents is under the past electric use table on the right-hand side of each bill on or after the March 2025 bill. The March 25 in that table refers to the month and year, not the day of the month. March 25, on the table, indicates there was a bill issued that month. When looking at that bill, you can see the day the meter reading took place (March 20, 2025), as well as the day the bill was rendered (March 24).

The Board notes that NS Power could be more specific about what these dates mean by including the month, day, and year, as opposed to just showing 25 for the year and not showing the day. This would be clearer if NS Power showed the date as Mar 20, 2025, or Mar 20/25. Such a change to the billing system may require some development work, but the Board encourages the utility to update the date fields in this table on the bills, the next time the billing system is updated.

From the summary table above, your actual usage from March 20, 2025, to September 16, 2025, was 7077. This usage multiplied by the Board approved rate, plus six months of base charges, is what NS Power must charge you over the full six months between actual meter reads. Since there were two billing periods covering four months of estimated usage, the total amount you paid over those two billing periods was credited to your account, which lowered the total amount owing by the same amount.

When looking at the base charges, the total figure of \$806.87 that NS Power credited towards the September 2025 bill included four months of base charges and the estimated usage amounts. For the May 2025 bill, you were charged \$38.34 in base charges and \$377.16 for usage (\$415.50), while for the July 2025 bill, you were billed \$38.34 in base



charges and \$353.03 for usage (\$391.37), totaling \$806.87 (\$38.34+ \$377.16+ \$38.34+ \$353.03). For your September bill, you were effectively charged for just two more months of base charges and actual usage, after adjusting for the amounts noted above that were credited to your account.

In response to Board staff IR-4, NS Power addressed the issue of its billing system not being able to break out the usage and base charges being credited as separate line items but is looking at doing so in future system updates. This system limitation, regarding not breaking out base charges separately from usage, likely contributed to confusion about the charges on the September bill.

Another issue with NS Power's bills is the way the kWh per day charge is shown for estimated readings. If a bill was underestimated, the next bill will include what you used, plus the shortfall of what you used and was not charged for, but it makes it look like all that usage was for those two months only. The kWh per day numbers on bills that are for estimated bills or follow an estimated bill will not be an accurate reflection of the energy used in those periods, but rather will show what you were billed for, and should not be used for comparison purposes with previous bills for the same time periods.

After the switch to smart meters, NS Power no longer required meter readers, so when the cybersecurity incident happened, and its systems could not communicate with meters, NS Power did not have the manpower to be able to go out and read its tens of thousands of customers' meters in the short term. As such, the utility estimated power usage for several billing periods until it could find enough people to go out and obtain actual meter readings. Although estimating bills for more than one billing period in a row violates its own regulations, the utility did not have any other options at the time, and the Board accepts this position.

Although your calculations of usage would be correct for the period of time between the two readings you took, they cannot be used to determine what should have been applied over a 30 or 60-day period, as many things can factor into actual usage that would differ from what you witnessed for those short periods of time. What NS Power has effectively done is similar to what you did, but they took a meter reading at the beginning of the period and again at the end of the period (March 20, 2025, and September 16, 2025) and captured all the usage in those six months, so no extrapolation was required on their part.

In his decision, dated November 6, 2025, the DRO explained that "a customer's usage is a function of lifestyle, heating systems, appliances and other equipment used, as well as a range of other factors beyond NS Power's control (for example, outside temperatures, including extreme temperatures and fluctuating temperatures, faulty wiring, ground faults, or theft of power)". The Board agrees with the DRO on this and notes that how you consume electricity on your end of the meter is not the responsibility of NS Power; it comes down to meter accuracy to determine if you were billed correctly.

DECISION

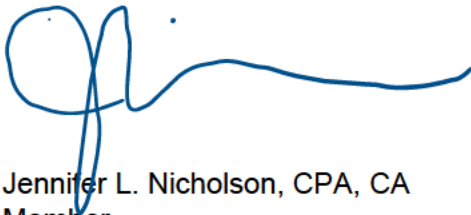
Pursuant to the *Public Utilities Act*, the Board is responsible for the general supervision of all public electric utilities operating in Nova Scotia, including NS Power. Among other things, the Board's jurisdiction includes approving *Regulations* that determine how NS



Power is allowed to provide electric service to customers, and the rules they (and customers) must follow. In reviewing matters such as your appeal, the Board's role is to determine whether NS Power has properly applied the Board's approved *Regulations* in dealing with its customers.

Based on the reasons discussed above, the Board finds that NS Power followed the Board-approved *Regulations* and has appropriately billed you for electrical consumption at your property and properly applied any payments you made, based on the estimated readings, to the amount owing over the full six months. Your appeal is therefore dismissed.

Yours truly,

A handwritten signature in blue ink, appearing to read 'J. Nicholson', with a long horizontal flourish extending to the right.

Jennifer L. Nicholson, CPA, CA
Member

c. Kathleen Murray, Regulatory Counsel, NS Power

