

March 25, 2026

By Email

Parties M12600

Dear Parties:

M12600 – Minister of Energy – Accountability for Nova Scotia Power – Final Issues List

Further to the above noted matter, please find enclosed the Final Issues List for this matter.

The Board panel considering the matter is Stephen T. McGrath, K.C., Chair; Roland A. Deveau, K.C., Vice Chair; and Richard J. Melanson, LL.B., Member.

The Board received comments on the Preliminary Issues List circulated by the Board from the Consumer Advocate and NS Power by the deadline of March 23, 2026.

The Consumer Advocate proposed adding the following to the Preliminary Issues List:

1. The impact of the cyber security incident on Nova Scotia Power's ability to accurately bill customers generally.
2. The different measures that were considered in order to maintain Nova Scotia Power's revenue from customer billing and the reasons why the approach that was implemented was adopted.

The Board finds these issues are closely related to Issue #8 on the Preliminary Issues List but should be expressly included. The Board has therefore revised Issue #8 to read:

8. The impact of the cybersecurity incident on Nova Scotia Power's ability to accurately bill customers, including alternative measures considered for billing customers, billing estimates and associated data usage, and seasonal adjustment logic.

NS Power submitted that Issues #1 to #6 were privacy-related issues involving "broader questions relating to privacy compliance and interpretation [that] fall squarely within the specialized expertise and jurisdiction of the Office of the Privacy Commissioner of Canada (OPC)". While it said it recognized and respected the Board's mandate under the *Public Utilities Act* and assumed that any consideration of these issues would be appropriately undertaken within the scope of that statutory context, it submitted that the Board should defer to the federal privacy oversight regime on these issues.

The Board finds it is appropriate to continue with these issues in this proceeding. Section 18 of the *Public Utilities Act* vests the Board with "the general supervision of all public utilities". It authorizes the Board to "make all necessary examinations and inquiries and keep itself informed as to the compliance by the said public utilities with the provisions of law" and gives the Board "the right to obtain from any public utility all information necessary to enable the

Board to fulfil its duties." Section 83 contemplates that the scope of the Board's general supervisory power includes the ability to investigate and the authority to consider the reasonableness of any "practice or act whatsoever affecting or relating to the operation of any public utility".

The Privacy Commissioner of Canada is tasked with assessing compliance with the *Personal Information Protection and Electronic Documents Act*. While NS Power's compliance, or not, with this federal legislation may be evidence of a standard of care, it is not determinative of the reasonableness of NS Power's actions in providing service to customers as a regulated utility in Nova Scotia. The Board will therefore continue with these issues in this proceeding, except for Issue #3 as discussed below.

NS Power also stated that Issue #3 was more appropriately within the scope of the Board's separate proceeding under Matter M12273 dealing with the more technical aspects of the cyber incident. NS Power said this issue does not require "concurrent reviewing of these measures in a parallel proceeding under M12600." The Board agrees and has removed this issue from the Final Issues List.

Similarly, NS Power also said Issue #7 was more appropriately within the scope of Matter M12600. While the Board agrees that technical aspects of this issue are better addressed in the other proceeding, non-technical aspects of this may be included in the present matter. This might include, for example, NS Power's policies around when, how and under what conditions it will share customer information with third parties. As a result, Issue #7 has been maintained on the Final Issues List.

Yours very truly,



Crystal Henwood
Clerk of the Board

c. William L. Mahody, K.C., Board Counsel

