

May 1, 2026

Crystal Henwood
Clerk of the Board
Nova Scotia Energy Board
1601 Lower Water Street, 3rd Floor
Halifax, NS B3J 3S3

Re: M12600 – Minister of Energy – Accountability for NS Power – Out of Scope IRs

Dear Ms. Henwood:

Nova Scotia Power Inc. (NS Power) is writing in response to the comments received from Mr. MacLeod, the Consumer Advocate (CA), and the Small Business Advocate (SBA) regarding the Out of Scope IRs.

With regard to Mr. MacLeod's comments, NS Power relies on its previous submissions and those set out below regarding the comments received from the CA and SBA.

The basis of the CA's and SBA's comments are the same in that they assert there ought not be "rigid separation" of the issues between the two distinct processes (M12600 and M12273), that delineation between the two matters should not result in a "strict or rigid interpretation with respect to the relevance" of information requests, and that considerations in one matter may be relevant to the conclusions reached in the other.

While considerations in one may inform conclusions in the other, that does not mean that scope overlap between the two is somehow necessary. Clearly defined processes and process scope are essential elements of procedural fairness in any regulatory proceeding. This clear delineation is all the more important in the context of M12600 and M12273 given the highly technical and confidential nature of the subject matter to be dealt with in M12273, as compared to that in M12600.

Further reinforcing the need for clear delineation is the fact that the Board's consultant, MNP Digital, is in the process of preparing its report on issues that pertain directly to the subject matter of the Out of Scope IRs. That report will be part of the record in M12273, not M12600. Including the subject matter of the Out of Scope IRs in M12600 would lead to a scenario where issues are before the Board without a full or proper record.

In its comments, the CA states that the Out of Scope IRs "could also help illuminate Nova Scotia Power's governance and risk management processes and its compliance with regulatory and reporting obligations". The CA continues stating that these matters "squarely fall within the issues to be explored in M12600". However, there is an important distinction to be drawn, as these matters only fall within the issues to be explored in M12600 to the extent they relate to the scope of M12600. The scope of M12600 is clearly established as "the impact of the cyber incident on Nova Scotia Power Incorporated's collection and retention of customer information, customer service and communications, billing processes and regulatory matters". In fact, the issue of "governance and risk management processes" that the CA's comments refer to generally are more specifically set out in the M12600 Final Issues List as "Governance and risk management processes addressing privacy risks". (emphasis added)

The CA's comments also include the statement: "[T]he Board has also recognized that there will inevitably be a certain amount of overlap between the two matters and that a single issue could have both technical and non-technical components." In making this statement, the CA cites the Board's March 25, 2026 letter. The SBA similarly relies upon the March 25, 2026 letter in their comments.

NS Power disagrees with the CA's and SBA's interpretation. To the contrary, in making its decision to not include Preliminary Issue 3 on the Final Issues List, the Board's March 25, 2026 letter made clear that there is not to be concurrent reviewing of issues in the two parallel proceedings. This is also consistent with its ruling in relation to Final Issue 7 in the March 26, 2026 letter, where it drew a clear line between technical and non-technical aspects of an issue, with any technical matters to be dealt with in M12273. In NS Power's submission, the Board was clear in its March 25, 2026 letter that there is not to be overlap between the two proceedings.

Further to the foregoing, it should be noted that Preliminary Issue 3 had been: "Privacy violation detection, and measures implemented to contain the breach." The Out of Scope IRs all generally relate to this subject matter or are even further removed from the scope of M12600 as not relating directly to privacy matters.

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As a result and based on the Board's March 25, 2026 letter, the subject IRs are not within the scope of M12600.

NS Power appreciates the participation and comments from the parties, as well as this opportunity to provide further comment.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Blake Williams', with a stylized flourish at the end.

Blake Williams
Vice President, Legal and Regulatory