

May 21, 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 Nova Scotia Power –
MacLeod Request for Intervenor Costs**

Dear Ms. Henwood:

Nova Scotia Power Inc. (NS Power) submits the following comments in response to the letter filed by Mr. David MacLeod requesting pre-approval of an award of intervenor costs pursuant to the *Costs Rules* under the *Energy and Regulatory Boards Act* (Cost Rules).¹ For the reasons set out below, NS Power respectfully submits that Mr. MacLeod's application should be denied.

Eligibility Under the Cost Rules

Section 9 of the Cost Rules provides that the Board may pre-approve an award of costs for a non-profit intervenor where it finds that the intervenor represents the interests of ratepayers, a specific public interest or policy perspective relevant to the Board's mandate, or represents an individual or group with a direct local interest in the proceedings; has limited financial resources; will participate responsibly; and will contribute positively to the Board's understanding of the issues.

The threshold requirement of Section 9 is that the applicant be a non-profit intervenor. Mr. MacLeod participates in this proceeding as a self-represented individual ratepayer, acting on the basis of his claimed personal experience as someone who has held a "security clearance" and was affected by the cyber incident. The particular perspective he advances, the elevated risk to ratepayers holding or having held "security clearances", is a claimed personal circumstance that does not constitute the kind of organized public interest or identifiable group interest the Cost Rules are intended to support.

¹ *Costs Rules*, NS Reg 260/2025, enacted under *Energy and Regulatory Boards Act*, SNS 2024, c 2, ss 20, 34.

Further, Section 10(1)(a) of the Cost Rules permits the Board to consider whether the intervenor represents a public interest or policy perspective not otherwise anticipated to be provided in the proceeding. The interests of domestic ratepayers in this proceeding are already represented by the Consumer Advocate, who is specifically mandated and funded to advance those interests before the Board. The participation of an additional, separately funded intervenor advancing overlapping interests does not align with the purpose of Section 9 or the considerations under Section 10.

Moreover, the issues Mr. MacLeod has stated he intends to raise in his March 27, 2026 email to the Board are either not specific to his claimed background and would overlap with the role and mandate of the Consumer Advocate, or they are not within the scope of M12600.

The Requested Disbursements Are Not Reasonably Necessary

Cost awards against NS Power are recovered through rates and are therefore ultimately borne by ratepayers. Any award must reflect costs that are reasonably and necessarily incurred to enable meaningful participation. Mr. MacLeod seeks recovery of disbursements, including travel, multiple nights of accommodation, meals, and related expenses estimated to exceed \$3,500 that arise from a decision to attend the hearing in person rather than from any procedural requirement imposed by the Board. The Hearing Order expressly provides that all or part of the public hearing may be conducted by video conferencing.² Mr. MacLeod may attend and participate in the July 27, 2026 hearing virtually, preserving his full opportunity to provide testimony and engage in the proceeding without any cost to ratepayers. The disbursements sought are therefore not reasonably necessary within the meaning of the Cost Rules.

For the foregoing reasons, NS Power respectfully requests that the Board deny Mr. MacLeod's request for pre-approved intervenor costs.

Yours truly,



Kathleen Murray
Regulatory Counsel

² Hearing Order, M12600, dated February 9, 2026.