

David T. MacLeod

25 May 2026

Clerk of the Board
Nova Scotia Energy Board
P.O. Box 1692, Unit M
Halifax, Nova Scotia B3J 3S3

RE: Matter 12600 – Minister of Energy – Accountability for Nova Scotia Power

Ms. Henwood,

I write in response to Nova Scotia Power Inc.'s (NSP) submission dated May 21, 2026 opposing my application for pre-approval of intervenor costs pursuant to Section 8 of the Costs Rules, NS Reg 260/2025 (Cost Rules), made under the Energy and Regulatory Boards Act, SNS 2024, c 2 (Act). NSP's submission advances four principal objections to my application:

1. That an individual cannot qualify as a non-profit intervenor under Section 9 of the Cost Rules;
2. That my perspective is duplicative of the Consumer Advocate's mandate and therefore fails to satisfy Section 10(1)(a);
3. That the issues I propose to address fall outside the scope of Matter 12600; and
4. That travel and accommodation disbursements are unreasonable because the Hearing Order permits virtual participation.

Each of these objections is without merit. NSP's arguments rest on misreadings of the Cost Rules, mischaracterizations of my proposed participation, and an improperly narrow construction of the Board's mandate in this proceeding. I respectfully submit that my application satisfies all eligibility criteria under Section 9, addresses a distinct public interest under Section 10(1)(a), falls squarely within the scope of Matter 12600, and proposes reasonable disbursements under Section 12(c)(iii).

I address each objection in turn below.

1. ELIGIBILITY UNDER SECTION 9: INDIVIDUALS AS NON-PROFIT INTERVENORS

A. NSP's Position

NSP submits that the term non-profit intervenor in the Cost Rules includes only incorporated entities or formal organizations, and that a self-represented individual ratepayer cannot qualify for cost eligibility under Section 9.

B. The Cost Rules Define Non-Profit Intervenor *Functionally*

The plain language of Section 9 of the Cost Rules renders NSP's position entirely baseless. Section 9 does not define non-profit intervenor by corporate structure, legal personality,

or organizational form. Section 9 defines eligibility *functionally*, by reference to what the intervenor represents and how the intervenor participates.

Section 9(a) provides that the Board may pre-approve costs for a non-profit intervenor if the intervenor represents one or more of the following:

- (i) the interests of ratepayers concerning services that are regulated by the Board,
- (ii) a specific public interest or policy perspective that is relevant to the Board's mandate and the proceedings before the Board,
- (iii) an individual or group of individuals with a direct local interest in the proceedings.

Section 9(a)(iii) clearly includes individuals. The phrase "an individual or group of individuals" is unambiguous. The functional definition in Section 9(a) is reinforced by Section 9(b), which sets out three additional criteria:

- (i) has limited financial resources,
- (ii) will participate in the hearing in a responsible way, and
- (iii) will contribute positively to the Board's understanding of the issues to be addressed in the proceeding.

These criteria are equally applicable to individuals and organizations. An individual ratepayer with limited financial resources, who participates responsibly and contributes positively to the Board's understanding, satisfies the statutory definition of a non-profit intervenor.

The term "non-profit" in this context does not mean a corporate form; it indicates the absence of a profit motive. I participate in this proceeding without any expectation of financial gain, commercial advantage, or pecuniary benefit. My sole interest is to ensure that the Board has access to a national-security and personal-safety perspective on NSP's cybersecurity posture. This perspective is clearly distinct from the economic and reliability concerns of ratepayer advocates.

C. Section 11 Does Not Exclude Self-Represented Individual Ratepayers

NSP's argument is further undermined by Section 11 of the Cost Rules, which names categories of entities that are ineligible for pre-approval of costs as non-profit intervenors. Section 11(1) provides an exhaustive list:

- (a) the applicant in the proceeding;
- (b) a utility;
- (c) a party regulated or licensed by the Board;
- (d) for-profit electricity generators, including associations of those entities;
- (e) electrification associations;
- (f) municipalities, including associations of municipalities;
- (g) provincial and federal government departments, agencies and Crown corporations;
- (h) gasoline retailers and wholesalers, including associations of those entities;
- (i) other entities primarily representing commercial, institutional or industrial interests, including associations of those entities.

Self-represented individual ratepayers do not appear in this list. The list is exhaustive, not illustrative. Had there been intent to exclude individuals, it would have been described in Section 11(1). It has not been included.

The express mention of certain categories in Section 11(1) implies the exclusion of all others (*expressio unius est exclusio alterius*). Because self-represented individual ratepayers are not listed in Section 11(1), they are not excluded from eligibility under Section 9.

D. I Satisfy All Three Prongs of Section 9(a)

I qualify under all three prongs of Section 9(a):

Section 9(a)(i): I am a Nova Scotia Power ratepayer. My participation concerns the adequacy of NSP's cybersecurity preparedness. Such matters directly affect the interests of ratepayers in the security, reliability, and trustworthiness of regulated services.

Section 9(a)(ii): I represent a specific public interest perspective *relevant* to the Board's mandate: the national-security and personal-safety dimensions of a utility's cybersecurity posture, assessed through the lens of a former Intelligence Analyst with specialized expertise in threat assessment and geopolitical risk.

Section 9(a)(iii): I am an individual with a direct local interest in this proceeding. My personal information was compromised in the March 19, 2025 breach. I have a direct, personal stake in understanding how NSP's security posture contributed to the breach and what measures are necessary to prevent recurrence.

I also satisfy the criteria in Section 9(b): I have limited financial resources, I have participated responsibly in this proceeding to date, and I will contribute positively to the Board's understanding of the national-security and personal-safety dimensions of a utility's cybersecurity posture. Such a perspective is not represented in this proceeding.

E. Conclusion on Eligibility

NSP's argument that individuals cannot qualify as non-profit intervenors is inconsistent with the plain language of Section 9(a)(iii), contradicted by the exhaustive list in Section 11(1), and unsupported by any interpretation. I respectfully submit that I am eligible for pre-approval of costs under Section 9.

2. DISTINCT PUBLIC INTEREST UNDER SECTION 10(1)(a)

A. NSP's Position

NSP submits that my perspective is duplicative of the Consumer Advocate's mandate and therefore fails to satisfy Section 10(1)(a), which requires that the non-profit intervenor represent a public interest or policy perspective not anticipated to be otherwise provided in the proceeding.

B. The Consumer Advocate's Mandate Is Different from My Perspective

The Consumer Advocate represents the general economic interests of ratepayers: rates, reliability, billing practices, service quality, and cost recovery. The Consumer Advocate's mandate is to ensure that ratepayers receive safe, reliable, and reasonably priced utility services.

My perspective is categorically different. I do not address rates, cost recovery, or economic efficiency. I address the national-security and personal-safety dimensions of NSP's cybersecurity posture, assessed through the lens of a former Intelligence Analyst with specialized

expertise in threat assessment, geopolitical risk, and the operational tradecraft of state-sponsored threat actors.

Specifically, I propose to address three issues that are not within the Consumer Advocate's mandate or expertise:

C. Issue 1: Alignment with the 2025-2026 National Cyber Threat Assessment

The Canadian Centre for Cyber Security's National Cyber Threat Assessment 2025-2026 (NCTA) provides authoritative guidance on the cyber threat landscape facing Canadian critical infrastructure. The NCTA warns that:

"Cyber threat actors present a persistent threat to Canada's economic prosperity and national security."

The NCTA specifically identifies Russian-nexus state-sponsored cyber threat actors as posing a persistent and sophisticated threat to Canadian critical infrastructure, including energy utilities. The NCTA documents that:

"Since the start of Russia's invasion of Ukraine in February 2022, Russian state-sponsored cyber threat actors have conducted cyber and electronic warfare operations... against commercial satellite communications services used by the Ukrainian military. At least one of these attacks disrupted satellite Internet service to civilian customers outside of the conflict zone."

The NCTA further warns that state-sponsored actors have demonstrated the capability to use cyber-attacks to disrupt, degrade, or deny opponents access to commercial services during an armed conflict, and that these attacks can have cascading disruptive effects on civilian and critical infrastructure customers that depend on the same services.

My first issue is whether NSP's cybersecurity posture, as of March 19, 2025, was reasonably aligned with the threat landscape described in the NCTA. This is not an economic question. It is a national-security question that is directly linked to personal security. The Consumer Advocate is neither mandated nor equipped to assess whether a utility's security posture is aligned with intelligence-community threat assessments. I am.

D. Issue 2: Retention of Social Insurance Numbers

My second issue concerns NSP's decision to retain Social Insurance Numbers (SINs) for approximately 540,000 customers despite the absence of a clear operational or regulatory necessity for doing so.

The retention of SINs unnecessarily expands the threat of NSP's data assets (attack surface) that, if compromised, pose a risk to individuals' personal safety, financial security, and privacy. SINs are high-value targets for identity theft, financial fraud, and social engineering attacks. This is not a billing or cost-recovery question. It is a risk-management and personal-safety question. The Consumer Advocate does not address data retention policies, attack surface management, or the application of intelligence-community threat assessments to data governance decisions. I do.

E. Issue 3: Detection Latency

My third issue concerns the 37-day detection latency between the initial breach on March 19, 2025, and NSP's detection of the breach on April 25, 2025. A 37-day detection latency is

significant. During this period, the threat actor had sustained access to NSP's systems, enabling reconnaissance, lateral movement, privilege escalation, and data exfiltration. The longer a threat actor remains undetected, the greater the potential for harm. Was the detection latency reasonable?

This is not a reliability or service-quality question. It is a threat-detection and incident-response question that requires an understanding of adversarial tradecraft, detection methodologies, and the operational tempo of state-sponsored operational campaigns. The Consumer Advocate does not possess this expertise. I do.

F. My Perspective Is Unique, Substantive, and Directly Relevant

The three issues I propose to address are not duplicative of the Consumer Advocate's mandate. They are:

- (a) Unique: No other party in this proceeding is offering an intelligence-community-informed analysis of NSP's cybersecurity posture in the context of the NCTA's threat warnings.
- (b) Substantive: Each issue raises material questions about the reasonableness of NSP's preparedness and response.
- (c) Directly relevant: Each issue falls squarely within the Board's mandate to assess the adequacy of NSP's cybersecurity practices and the reasonableness of its conduct as a regulated utility.

Section 10(1)(a) requires that I represent a public interest or policy perspective not anticipated to be otherwise provided in the proceeding. I satisfy this requirement. The national-security and personal-safety dimensions of cybersecurity risk are not anticipated to be otherwise provided by the Consumer Advocate, NSP, or any other party.

G. Conclusion on Distinct Public Interest

NSP's argument that my perspective is duplicative of the Consumer Advocate's mandate is without merit. The Consumer Advocate addresses economic interests; I address national-security and personal-safety interests. These are categorically distinct. I respectfully submit that I satisfy Section 10(1)(a).

3. SCOPE OF ISSUES IN MATTER 12600

A. NSP's Position

NSP submits that the three issues I propose to address fall outside the scope of Matter 12600.

B. Matter 12600 Concerns NSP's Cybersecurity Preparedness and Breach Response

Matter 12600 is a proceeding concerning NSP's cybersecurity preparedness and its response to the March 19, 2025 data breach. The Board's mandate in this proceeding is to assess:

- (a) The adequacy of NSP's cybersecurity policies, practices, and controls prior to the breach;
- (b) The reasonableness of NSP's detection and response to the breach; and
- (c) The appropriateness of NSP's remedial measures and future preparedness.

Each of the three issues I propose to address falls squarely within this scope:

- (a) Issue 1 (NCTA alignment): Assesses the adequacy of NSP's threat modeling and risk assessment processes and management in light of authoritative intelligence-community guidance on the threat landscape facing Canadian critical infrastructure.
- (b) Issue 2 (SIN retention): Assesses the reasonableness of NSP's data retention policy and its contribution to the scope and severity of the breach.
- (c) Issue 3 (detection latency): Assesses the reasonableness of NSP's detection capabilities and incident response timeline.

These issues are not tangential, speculative, or beyond the Board's mandate. They are core questions in any assessment of a modern utility's preparedness.

C. NSP's Argument Improperly Narrows the Scope of the Proceeding

NSP's argument appears to rest on an improperly narrow construction of the proceeding's scope. If followed, it would limit the Board's inquiry to technical compliance with minimum regulatory standards, rather than a holistic assessment of the reasonableness of NSP's cybersecurity posture in light of the threat environment, industry best practices, and the utility's duty to protect ratepayer data.

Such a narrow construction is inconsistent with the Board's mandate under the Act and with the public interest in ensuring that regulated utilities maintain cybersecurity practices that are reasonable, prudent, and aligned with the threat landscape.

D. Conclusion on Scope

NSP's argument that my issues fall outside the scope of Matter 12600 is without merit. Each issue is directly relevant to the Board's assessment of NSP's cybersecurity preparedness and breach response. I respectfully submit that my proposed participation is within scope.

4. DISBURSEMENTS: IN-PERSON ATTENDANCE

A. NSP's Position

NSP submits that my request for travel and accommodation disbursements is unreasonable because the Hearing Order permits virtual participation.

B. The Cost Rules Expressly Contemplate Travel/Accommodation Disbursements

Section 12(c)(iii) of the Cost Rules expressly contemplates travel and accommodation directly related to the party's participation in the proceedings as eligible disbursements. The Cost Rules do not condition eligibility on the unavailability of virtual participation.

The Hearing Order in Matter 12600 permits virtual participation. It does not prohibit or disadvantage in-person attendance. The decision to attend in person is a legitimate exercise of procedural rights.

C. In-Person Attendance Enhances the Quality and Effectiveness of Participation

In-person attendance meaningfully enhances the quality and effectiveness of participation in a proceeding of this nature. Specifically:

- (a) Cross-examination of witnesses: Real-time assessment of witness demeanor, responsiveness, and credibility is enhanced by in-person

observation. Cross-examination on issues involving threat modeling, detection methodologies, and incident response timelines benefits from the ability to observe witness reactions, consult exhibits in real time, and adjust questioning.

(b) Assessment of exhibits: In-person access to technical exhibits, diagrams, and documentary evidence facilitates more effective analysis and questioning.

(c) Full exercise of participatory rights: In-person attendance ensures that self-represented intervenors are not disadvantaged by technological barriers, connectivity issues, or the inherent limitations of virtual platforms in complex technical proceedings.

NSP's argument would penalize independent participants for using the rights the hearing order clearly protects. This is inconsistent with the purpose of the Cost Rules, which is to ensure that eligible intervenors with limited financial resources can participate meaningfully in proceedings that serve the public interest.

D. Assess Reasonableness, Not to Impose a Least-Cost Standard

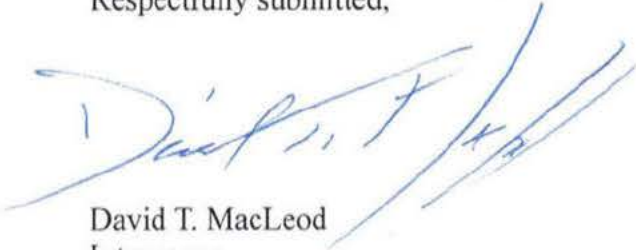
The relevant inquiry under Section 12(c)(iii) is whether the disbursements are reasonable and necessary, not whether they represent the least expensive means of participation. The Cost Rules do not impose a least-cost standard.

E. Conclusion on Disbursements

NSP's argument that travel and accommodation disbursements are unreasonable because virtual participation is available is without merit. The Cost Rules expressly contemplate such disbursements, the Hearing Order permits in-person attendance, and in-person attendance is reasonable and necessary in this proceeding. I respectfully submit that my requested disbursements satisfy Section 12(c)(iii).

For reasons stated, I respectfully request that the Board grant my application for pre-approval of intervenor costs.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David T. MacLeod", with a large, stylized flourish extending from the end of the signature.

David T. MacLeod
Intervenor
Matter 12600