Nova Scotia Energy Board

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[redacted]

David Rossiter
[redacted]

Dear Appellant:

M12611 – Nova Scotia Power Inc. – Appeal by David Rossiter of a Decision of the Dispute Resolution Officer

The Board has reviewed your appeal of a decision of the NS Power Dispute Resolution Officer (DRO). You raise two issues. The first one is that you indicate that your solar installation has supplied power into the NS Power grid for which you have not been compensated. Your second issue is with the timing of the "reset" date for calculating the amount of your credits. As the Board understands it, you would like the period to run from April 1 to March 31 so that the credits will be applied to the time of year when you have the highest bills. You are only seeking a change to the "reset" date.

The DRO suggested that *Regulation* 3.6.4(b) of NS Power's Board-approved *Regulations* was applicable, and that only the Board had the jurisdiction to change this *Regulation*, which states:

> If in a given billing period the electricity supplied to NSPI's grid by the customer generator exceeds that supplied to the customer by NSPI, the customer shall be billed only for the applicable non-KWh monthly charges and shall have the excess self-generation "banked" as energy credits to be applied against future bills over a period not exceeding 12 calendar months.

NS Power provided a response to this appeal on December 9, 2025. While providing some context surrounding your account, NS Power explained that, for solar generation with a nameplate capacity of 27 kilowatts or less, the way in which customer bills are offset by their own generation is set in the *Electricity Act*. NS Power said the utility must comply with the *Electricity Act,* which is legislation passed by the provincial government, and cannot change either the total allowable offset for self-generation or the period used for calculating customer entitlement. The Board notes you did not provide any further submissions once NS Power had filed its response and the January 7, 2026, deadline established for doing so has passed.

The DRO referred to *Regulation* 3.6.4(b) and appears to suggest the Board might have the power to change this wording and how the annual reconciliation is done. In fact, how self-generation credits work, where there is no contract that pre-dates April 22, 2022, is now determined by legislation which the Board has no power to change. The provincial government passed amendments to the *Electricity Act* in 2022, adding s. 3AA that addressed renewable low-impact generators and storage devices, for a customer's own use, with a nameplate capacity of 27 kilowatts or less. In 2025, the former *Electricity Act* was repealed, when a new version of the *Electricity Act* was proclaimed. One subsection in s. 3AA of the old *Electricity Act*, not relevant to this appeal, was eliminated. Otherwise, virtually the same language about low-impact generators and energy storage devices, discussed above, was maintained in the new legislation. The relevant provision in the new *Electricity Act* states:

> **7** **(1)** A Nova Scotia Power customer may, as of right, with no requirement to participate in a Nova Scotia Power program, install a renewable low impact generator or energy storage device with a total nameplate capacity of 27 kilowatts or less.
>
> **(2)** A customer who generates the customer's own electricity shall ensure the equipment meets the standards prescribed by the regulations.
>
> **(3)** Subject to subsection (4), Nova Scotia Power shall purchase excess electricity from a customer who has installed a renewable low-impact generator or energy storage device with a nameplate capacity of 27 kilowatts or less to generate electricity for the customer's own use.
>
> **(4)** **Nova Scotia Power shall purchase electricity under subsection (3) up to a maximum of the customer's total usage per calendar year at a rate equivalent to the rate paid by the customer, but is not required to compensate a customer for electricity generated by the customer in excess of the customer's total consumption in a calendar year.**
>
> **(5)** Customers who generate their own electricity are not required to enter into a contractual agreement with Nova Scotia Power for the sale of their generated electricity if the nameplate capacity of the customer's generator is 27 kilowatts or less.
>
> **(6)** Nova Scotia Power shall transition all existing net-metering customers who were issued contracts for the purchase of their generated electricity to the program referred to in subsection (3), but shall continue to abide by the terms of those contracts, including payment for excess energy generated by the customer, until those contracts are terminated pursuant to subsection (7).
>
> **(7)** A contract between Nova Scotia Power and a net-metering customer in effect as of April 22, 2022, may be terminated when
>
> (a) the customer's electrical service is disconnected;
>
> (b) the customer has not generated any electricity for a period of 12 calendar months; or
>
> (c) the customer's generating facility is not in compliance with the terms of the contract. [Emphasis added]

This means the government of Nova Scotia has established how customer self-generation is to be governed and what limits there are to the amounts available from NS Power for your type of self-generation. The *Electricity Act* says that you can only obtain a credit from NS Power up to the amount of your actual electricity consumption in a calendar year. If you produce more electrical energy than you consume, the *Electricity Act* says NS Power does not have to pay you for this excess energy. That said, as the limit of what NS Power has to pay is based on a calendar year, the utility must keep track of the annual consumption and the annual self-generation. Therefore, if your self-generation exceeds your consumption in a particular month, it does not mean you cannot be compensated for that particular excess generation. Rather, as described by NS Power, that amount is banked. At the end of the year NS Power must calculate how much electricity you have used and how much you have generated. A reconciliation or true-up must be made and you must be compensated for the entire amount you generated in the calendar year, **but only up to the amount you have consumed**. That calculation can only be made at the end of the year. Because the legislation speaks in terms of a calendar year, NS Power is correct that this reconciliation (or settle-up as described by NS Power) is based on the period from January 1 to December 31 of each year. This is like the methodology set out in *Regulation* 3.6.4(b), but it is now enshrined in law.

The Board finds that NS Power's methodology for calculating the amount you are entitled to for your self-generation is correct. NS Power maintains a record of how much energy you generate and how much you consume. In this case, after December 31, 2024, the company calculated any settlement or true-up required so you would be compensated for the annual amount you generated, but only up to the amount you had consumed. For the calendar year 2024, you were entitled to a credit which was issued in January 2025. It appears that an error was discovered related to your consumption that was corrected in March 2025, but the methodology of annual reconciliations is as contemplated in the *Electricity Act*.

Accordingly, this appeal is dismissed.

Your very truly

Richard J. Melanson, LL.B.
Member

c. Kathleen Murray, Regulatory Counsel, NS Power