

1 **BEFORE THE NOVA SCOTIA ENERGY BOARD**
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4 **IN THE MATTER OF *The Public Utilities Act, R.S.N.S. 1989, c.380* as amended**

5 **- and -**

6 **IN THE MATTER OF an Application by Nova Scotia Power Incorporated for approval of**
7 **its 2026 ANNUAL CAPITAL EXPENDITURE (ACE) PLAN**

8
9 **CLOSING SUBMISSIONS OF**
10 **THE SMALL BUSINESS ADVOCATE**
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12 The Small Business Advocate (SBA) appreciates the opportunity to provide the following
13 closing submissions with respect to Nova Scotia Power Incorporated's (NS Power) 2026 Annual
14 Capital Expenditure (ACE) Plan¹.

15 At the April hearing before the Nova Scotia Energy Board (Board) there was significant time
16 spent on the issues of the resiliency and reliability of NS Power and how the Board, NS Power
17 ratepayers and other stakeholders can evaluate and measure NS Power's progress in those areas.

18 The SBA's focus rests on ensuring that investments made by NS Power result in positive impacts
19 for both reliability and resiliency, with thorough consideration given to the increasing cost
20 burden on ratepayers. It is also key that the impact of the investments being made on behalf of
21 the ratepayers is well understood and can be measured.

22 **Tree Contacts and Stormy Weather**

23 For many years, NS Power has undertaken vegetation management, increasing the scope and cost
24 of this work in more recent years. The recurring comments from NS Power are that tree contacts

¹ M12619, Exhibit N-1, Application by NS Power for approval of its 2026 Annual Capital Expenditure (ACE) Plan, (the "2026 ACE Plan").

1 are a main cause of outages, both as standalone events and under the cause code of ‘adverse
2 weather’, and that vegetation management is the best way to address this issue.

3 In the hearing, Charlene MacMullin (Ms. MacMullin), on behalf of NS Power, responded to
4 questions relating to NS Power’s evidence about its vegetation management program, outages, and
5 the effects of tree contracts. Specifically, Ms. MacMullin was asked about the upward trajectory
6 of Customer Hours of Interruption due to Annual Tree Contacts (Major/Extreme Removed) shown
7 in the updated Figure 68 provided by NS Power in response to IR-18 from the SBA, and stated
8 that Figure 68 is a “particular view of the system’s response with major and extreme removed.”²
9 Ms. MacMullin clarified that the data contained outages and did not reflect non-storm conditions.

10 Regarding non-storm conditions, Ms. MacMullin was asked to reconcile NS Power’s statement in
11 the 2026 ACE Plan, in its discussions of tree contacts and Figures 65-68 that stated:

12 Significant amount of customers hours from non-MED days due to adverse weather in
13 certain years, such as 2021 and 2022 are not excluded above and do contribute to the
14 volume of tree contacts experienced.³

15 with references in NS Power’s Rebuttal which indicated that the data provided at Figs 65-69 of the
16 2026 ACE Plan contains only tree coded events and excludes any events coded as Adverse
17 Weather.⁴

18 Ms. MacMullin stated that these statements reflect the difference between those outages that occur
19 during stormy weather when they are considered a Major Event Day (MED) and when they do not
20 meet that definition. She also clarified that NS Power was providing the context for the Board,
21 “which is that when we present data that says it’s major events excluded, that does not mean that
22 it excludes all outages that would have been caused by storms.”⁵

23 The SBA respectfully submits that NS Power ratepayers are entitled to expect that NS Power’s
24 system should be able to withstand storms less than MED’s but stormier than ‘blue sky days’. The

² M12619, Transcript of SBA cross examination of Charlene MacMullin, NS Power, April 21, 2026, page 157 at lines 18-19.

³ M12619, Exhibit N-1, 2026 ACE Plan (REDACTED), at page 109 of 782, lines 2-4.

⁴ M12619, Exhibit N-12, NS Power Rebuttal Evidence, Non-Confidential (April 8, 2026), Page 14 of 19, at lines 19-21.

⁵ M12619, Transcript of SBA cross examination of Charlene MacMullin, NS Power, April 21, 2026, page 117, at lines 6-10.

1 ratepayers of NS Power expect, and pay for, a power system that should be able to operate (i.e.: to
2 be resilient and reliable) on those days where there may be some stormy weather (in different areas
3 of the province) and NS Power's investments, as articulated in the 2026 ACE Plan, should be
4 considered within that lens and against that goal.

5 **Tree Contacts and Outages**

6 When asked about the increase in the Customer Hours of Interrupts (CHI) in 2025 from 2024 due
7 to tree contacts (27.7% to 42.6%)⁶, Ms. MacMullin suggested that there is an expectation of
8 increases in outages due to tree contacts following vegetation management as younger or formerly
9 protected trees were now exposed leading to an increase from the exposed new edge⁷.

10 The SBA respectfully submits that as vegetation management is a long-standing, and often yearly,
11 practice at NS Power, it is concerning if there will always be increases expected following each
12 round of vegetation management.

13 Ms. MacMullin also stated that "we are absolutely seeing a 19 percent, about 20 percent reduction
14 in outages due to trees. And so – and, again, that the CHI contribution is the lowest that it's been
15 in several years"⁸. However, the information provided in response to the Board's IR-128(b) does
16 not support that statement. Rather, the contribution to CHI through tree contacts is the highest it
17 has been since 2018 and is significantly higher than in 2024. While CHI represents a percentage
18 contribution, meaning that the percentage may go up because of other factors going down, even if
19 tree contacts have not increased, the Event Count is not percentage based. And when we look at
20 those numbers, they are greater in 2025 than in 2020, 2021 and 2024.

21 It is noted that Ms. MacMullin, in response to a question from Brianne Rudderham, Counsel for
22 the Industrial Group, also referenced a 19-20 percent reduction in tree contacts year over year and
23 referred to Figures 3 and 4 in Appendix G, NS Power Five-Year Reliability Plan – Update, in the

⁶ M12619, Exhibit N-6, NSPI (NSEB) RIR – 128, Attachment 1, page 2 of 2.

⁷ M12619, Transcript of SBA cross examination of Charlene MacMullin, NS Power, April 21, 2026, page 146, at lines 12-19 and page 147, at lines 1-9.

⁸ M12619, Transcript of SBA cross examination of Charlene MacMullin, NS Power, April 21, 2026, page 158, at lines 2-6.

Application⁹. Figure 3 refers to ‘Annual Customer Hours of Interruption (CHI) due to Tree Contacts – Performance Standards¹⁰’ and is only for the years 2020 to 2025 (Projected). Yet in Figure 66: Annual Tree Contact – Customer Hours of Interruption, which covers 2016 – 2025 (Projected) we see that the average green line is going up¹¹. If we look at the updated Figure 68: Annual Tree Contact – Customer Hours of Interruption (Major/Extreme Events Removed)¹², which may be the closer match to what is set out at Figure 3 of Appendix G, although it may be that planned outages are not excluded as they appear to be in Figure 3 of Appendix G¹³, the average green line is going up as well. It therefore remains unclear what the 19-20 percent reduction referenced by Ms. MacMullin refers to and what Figure or document shows it clearly.

The SBA is aware that adverse weather and tree contacts are not things that NS Power can directly control. What the SBA is focused on is ensuring that the money being spent to mitigate these issues as best as possible is actually resulting in a positive outcome. The numbers that have been provided have yet to establish that.

Summary

Ratepayers are facing significant financial hardships, both from electricity cost increases and general inflation as well as external pressures. The SBA respectfully submits that all of NS Power’s expenditures should be assessed to ensure that the benefits promised are realized and that cost savings are obtained through careful and appropriate management by NS Power of its investments and operations. The SBA notes that there is currently a matter before the Board reviewing NS Power’s 5-year Reliability Plan and believes this will be of assistance in the discussion regarding metrics and measurement of improvements.

⁹ M12619, Transcript of IG cross examination of Charlene MacMullin, NS Power, April 21, 2026, page 197, at lines 17-19 and page 198, at lines 1-2.

¹⁰ M12619, Exhibit N-1, 2026 ACE Plan (REDACTED), Appendix G, NS Power Five-Year Reliability Plan – Update, page 12 of 71, at lines 1-4.

¹¹ M12619, Exhibit N-1, 2026 ACE Plan (REDACTED), Figure 66: Annual Tree Contact – Customer Hours of Interruption, at page 107 of 782, at lines 4-5.

¹² M12619, Exhibit N-7, NSPI (SBA) RIR-18, Page 2 of 2.

¹³ M12619, Transcript of Board Member Murphy questions of Charlene MacMullin, NS Power, April 22, 2026, page 464, at lines 5-14.

1 Thank you for the opportunity to make these closing submissions.

2 Dated at Bedford, Nova Scotia, this 29th day of May, 2026.

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4 Melissa P. MacAdam

5 Small Business Advocate