

Howatt DRO Appeal (NSEB M12633)
NSPI Responses to NSEB Information Requests

NON-CONFIDENTIAL

1 **Request IR-1:**

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3 **Please confirm:**

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5 **(a) The date service began in Mr. Howatt's name, and**

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7 **(b) The date service ended or transferred.**

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9 Response IR-1:

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11 (a) Service in Mr. Howatt's name commenced on April 12, 2022.

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13 (b) Mr. Howatt's service ended on November 21, 2023.

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Request IR-2:

(a) Please confirm whether Nova Scotia Power Incorporated (NS Power) has any record of attempted communication from Mr. Howatt regarding the termination of service before January 4, 2024.

(b) Did NS Power receive any notification or correspondence from the Trustee relating to the bankruptcy filing prior to January 4, 2024?

Response IR-2:

(a) NS Power has no record of any attempted communication from Mr. Howatt regarding termination of service prior to January 4, 2024. The first communication on this issue occurred on January 4, 2024, when Mr. Howatt contacted NS Power about his bankruptcy and the status of his account.

(b) NS Power did not receive any notification or correspondence from the Trustee prior to January 4, 2024. The bankruptcy package was received on June 19, 2024.

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Request IR-3:

(a) Please explain NS Power’s position that liability under Regulation 2.2 is based solely on “customer of record” status, even where the individual no longer has legal possession or physical control of the premises.

(b) How does NS Power reconcile this with the definitions of “customer” and “occupant” in the Regulations?

Response IR-3:

(a) Under Regulation 2.2, liability for electric service remains with the customer of record. The Regulation provides that an agreement for service is deemed to exist once a person applies for and is approved for service and further specifies that the customer of record “shall remain jointly and severally liable up to the date the Company is notified that the customer of record wishes to terminate the supply of electric service.” As a result, liability is determined by the existence of this deemed service agreement, not by physical occupation of, or control over, the premises.

In this matter, Mr. Howatt remained the customer of record from April 12, 2022 until November 21, 2023, when a new connection for incoming tenants was completed and his account was automatically closed.

This approach is consistent with standard utility practice and is commercially reasonable. Utilities are not positioned to monitor or adjudicate changes in occupancy at individual premises. Relying on the customer of record, who enters into a deemed service agreement by applying for and being approved for service, provides billing certainty, supports enforceability, and ensures uninterrupted service until a new applicant requests connection (or the customer of record requests disconnection). When an incoming customer applies,

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1 NS Power issues a new connection order and the existing account closes, which creates a
2 clear transition point.

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4 (b) The definitions of “customer” and “occupant” in the Regulations are consistent with NS
5 Power’s position under Regulation 2.2. The Regulations define a “customer” as a person
6 who is receiving, intends to receive, or has received electric service from the Company.
7 This definition reflects a service relationship created through a deemed agreement when
8 an individual applies for and is approved for service. It is this deemed agreement, rather
9 than physical occupation of the premises, that establishes the customer of record and the
10 associated liability for service.

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12 By contrast, the term “occupant” refers to a person who has the right to occupy premises.
13 Occupancy alone does not create a service relationship with NS Power, nor does it impose
14 liability for electric service under the Regulations. As a result, the fact that someone other
15 than the customer of record may reside at or otherwise occupy the premises does not alter
16 the customer of record’s responsibility under Regulation 2.2.

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PARTIALLY CONFIDENTIAL

Request IR-4:

- (a) Please clarify whether NS Power has the ability to transfer usage responsibility for an existing account without a termination request from the customer of record.**
- (b) When was the account transferred to the new tenants?**
- (c) In this case, did the new tenants who assumed electrical service at the premises advise NS Power of the date they began occupying the property? If so, please provide the date communicated and the manner in which that information was received.**

Response IR-4:

- (a)** Responsibility for usage remains with the customer of record under the deemed service agreement established at application and approval and continues until NS Power is notified that the customer of record wishes to terminate service. When a new applicant requests electrical service at a premises, NS Power issues a connection order for that applicant. Upon completion of that connection, the existing account at the premises closes and the applicant becomes the customer of record for the premises. Liability for usage begins for the new customer as of the connection date and ends for the prior customer on that date. Usage cannot be transferred retroactively to the new customer.
- (b)** Mr. Howatt's service was disconnected, and service was established for the new tenants on November 21, 2023.
- (c)** No. The new tenants contacted NS Power by phone on November 16, 2023 to request electrical service at [REDACTED]. The connection was completed on November 21, 2023, at which time the existing account in Mr. Howatt's name was automatically closed and a closing bill was generated. The new tenants did not provide any information regarding the date they began occupying the property.