Blackburn Law Inc.

April 13, 2026

VIA EMAIL

Ms. Crystal Henwood
Clerk of the Board
Nova Scotia Energy Board
1601 Lower Water Street, 3rd Floor
Halifax NS B3J 3S3

Dear Ms. Henwood:

Re: M12686 – Nova Scotia Power Inc. – Community Solar Program – 2025 Report

On January 30, 2026, Nova Scotia Power Incorporated ("NS Power") filed its 2025 Report on its Community Solar Program (the "Report").[1] The Community Solar Program ("CSP") and the CSP Regulations, created pursuant to the April 22, 2022 amendments to the *Electricity Act*, S.N.S. 2004, c. 25,(the "Act") under sections 10 and 16 of the Act, came into effect on February 27, 2024.[2] The CSP Regulations require that NS Power enter into a CSP Power Purchase Agreement (the "PPA") prepared by the Department of Energy (DOE) for all projects that the DOE approves under the CSP.

The DOE approved the first project under the CSP on June 27, 2024, but on the same day the DOE notified NS Power that the PPA was not available at that time. The DOE requested that NS Power continue to engage with this first approved project to make sure that it was compensated for supplied energy, consistent with the intent of the CSP, until the PPA was available, after which the CSP PPA term would be amended to have a total payment period of 25 years.[3]

The Nova Scotia Energy Board (the "Board") approved the CSP PPA on January 30, 2025, and NS Power executed the Board-approved PPA with the first DOE-approved CSP Project Owner on February 28, 2025.[4]

On March 7, 2025, the DOE approved three CSP Projects following which NS Power issued PPAs for them, however, these three projects did not achieve commercial operations during the reporting

[1] M12686, Exhibit N-1, Nova Scotia Power Inc. – Community Solar Program – 2025 Report (Redacted), January 30, 2026 (the "Report").
[2] M12686, Exhibit N-1, the Report, para 1, page 1.
[3] M12686, Exhibit N-1, the Report, para 3, page 2.
[4] M12686, Exhibit N-1, the Report, para 2, page 3.

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year of 2025.[5] For this reason, while the Report includes an attachment providing details on the four CSP projects, only one of these projects provides subscription related data.[6]

Submissions

The Small Business Advocate (SBA) reviewed the Report and the responses to information requests submitted by the Board, the Consumer Advocate and itself, and finds that there is a potential gap between the information provided about the current status of these projects, as well as a risk that NS Power's costs may not be fully covered by the PPA. The SBA is concerned that there may be a requirement to provide service consistent with the intent of the CSP that NS Power may have to fulfill and then request that the extra costs for that service be recovered from all customers, including those customer classes represented by the SBA.

NS Power indicates it does have some liability for those projects that are associated with approved PPAs but have yet to reach commercial operations because NS Power would have the obligation to take delivery of and purchase the Net Output of the facility during the "Interim Period", which is defined as the period commencing on the date of the Project's interconnection to the electrical system and ending on the Commercial Operations date.[7]

While the Report acknowledges that DOE issued PPAs for three CSP Projects during 2025 and that these projects did not achieve commercial operations in the reporting year, NS Power left unaddressed whether this created any "Interim Period" liability for any of these projects.

The SBA assumes that the interconnection request process will be handled at some point by the IESO-NS, but for now, we assume it is NS Power that must oversee interconnection. This assumption appears to have been confirmed by NS Power providing the link to view three interconnection request numbers, IR746, IR751 and IR769.[8] While this response stops short of fully explaining the status of these interconnection requests, it does provide a further piece to the puzzle of knowing the extent of NS Power's potential liability under the CSP as more projects are added and future reports are issued.

<u>**Submissions**</u>

It would appear from the Report and subsequent response to IRs that there are a total of four CSP projects with PPAs in place, but not all of them are in a position to supply power to customers at this time, even though they have commercial operations dates established for 2026. The SBA submits that it is important to understand the status of these projects, as well as the definition of any "Interim Period" liability for NS Power, and the best way to do so is to identify the status of their interconnection requests.

The SBA respectfully submits that the Board should consider requiring NS Power to add to its CSP annual report more information for each project, whether new or existing, on a) the interconnection status, whether governed by NS Power or IESO-NS at that time, b) the Interim

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[5] M12686, Exhibit N-1, the Report, para 3, page 3.
[6] M12686, Exhibit N-1, the Report, para 3, last line, page 3
[7] M12686, ExhibitN-6, NS Power (SBA) IR-3(e), page 2.
[8] M12686, Exhibit N-6, NS Power (SBA) IR-3(d), page 2.

Period and an estimate of whether NS Power has financial liability as a result, and c) an explanation of the role played by IESO-NS to ensure these projects reach their planned and final commercial operations dates.

The SBA is encouraged to see that new projects are being added to the CSP program but seeks assurance that NS Power's liability during any interim period is identified and minimized such that the likelihood of NS Power seeking recovery for cost obligations from all customer classes under the next GRA is minimized.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th day of April, 2026.

Yours truly,

Melissa P. MacAdam
Small Business Advocate