

File No: SM002557-00249

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Delivered by E-mail

Crystal Henwood
Regulatory Affairs Officer/Clerk
Nova Scotia Energy Board
3rd Floor, 1601 Lower Water Street
PO Box 1692, Unit "M"
Halifax NS B3J 3S3

Dear Ms. Henwood:

Re: M12696 – NSPML – Application to Review Holdback Mechanism

The Industrial Group relies on its original submissions of July 9th and makes the following brief reply to certain matters in NSPML's submission.

1. September 2023 — The ML and LIL Bipole Outages Were Not Concurrent

In NSPML's submission at page 11 (lines 8–29) and page 12 (lines 1–2), NSPML asserts that "additional evidence was provided by Concentric in their rebuttal to show that these outages were indeed scheduled at the same time." NSPML relies on this assertion in support of its position that the September 2023 outages reflected coordinated outage planning and good utility practice.

Respectfully, the Concentric rebuttal evidence does not establish that the Maritime Link and Labrador Island Link (LIL) bipole outages responsible for the September 2023 delivery shortfall were concurrent.

As noted in the Industrial Group's July 9th submissions, Bates White's review of the outage schedules showed that the LIL bipole outage occurred from September 17–26, 2023, while the Maritime Link Pole 1 and Pole 2 outages occurred between approximately September 11–17, 2023. The Maritime Link outages had concluded by the time the LIL bipole outage commenced.

Concentric's rebuttal addressed periods of single-pole overlap earlier in September. However, it did not establish overlap between the Maritime Link outages and the LIL bipole outage that gave rise to the September delivery shortfall. Indeed, Concentric acknowledged that the Maritime Link was fully available during the period of the LIL bipole outage.

NSPML's submission is not supported by the evidentiary record when it suggests that Concentric established that the relevant outages were "scheduled at the same time." The concern identified by Bates White, namely, that the scheduling represented a missed opportunity to better optimize the Maritime Link annual outage, remains unrebutted.

2. Haldar Report and the Foreseeability of the March-April 2024 Outage

In NSPML's submission (page 13, lines 16-29), NSPML submits that the Haldar Report merely "identifies opportunities to improve reliability in the future" and does not suggest that the original LIL design was flawed based on the information available at the time. NSPML further submits that concerns raised regarding the Haldar Report are not relevant to determining whether the test for removing the Holdback has been met.

NSPML seeks relief for April 2024 on the basis that the outage arose from exceptional circumstances. The Industrial Group does not rely upon the Haldar Report as evidence of imprudence or as a basis for revisiting the original design approval of the LIL. Rather, the relevance of the Haldar Report lies in what it demonstrates was known before the April 2024 outage occurred and therefore, whether the failure mechanism underlying that outage was reasonably foreseeable.

As discussed in the Bates White evidence (N-7), the Haldar Report identified vulnerabilities associated with unbalanced icing loads and the resulting structural impacts on transmission components. The Report therefore documents a known icing-related vulnerability well before the March–April 2024 outage. It remains relevant not because it attributes fault, but because it bears directly on whether the failure mechanism underlying the outage was reasonably foreseeable, a consideration that is central to NSPML's claim for exceptional-circumstances relief.

All of which is respectfully submitted.

Yours truly,



Nancy G. Rubin, K.C.



Brianne Rudderham

BER/NGR/cj

cc Participants in M12696