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Nova Scotia POWER
An Emera Company

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March 23, 2026

REDACTED

Lisa Wallace
Chief Clerk of the Board
Nova Scotia Energy Board
1601 Lower Water Street, 3rd Floor
Halifax, NS B3J 3S3

Re: M12732 – Customer Complaint – Hunter Cooling

Dear Ms. Wallace:

Mr. Hunter Cooling filed a dispute with the Dispute Resolution Officer (DRO) on February 17, 2026 regarding his net metering account and Nova Scotia Power's (NS Power, Company) process and rationale for compensating customers for generation beyond what they consume.

The DRO rendered his decision on March 4, 2026 and dismissed Mr. Cooling's complaint.

Mr. Cooling appealed the DRO's decision to the Nova Scotia Energy Board (NSEB, Board) on March 4, 2026. In the Board's letter dated March 9, 2026, the Board directed as follows:

> By copy of this letter, the Board directs NSPI to file a response with the Board to the enclosed complaint on or before **2:00 PM on Monday, March 23, 2026** and to provide a copy of the complete file reviewed by the DRO in reaching its decision, including any supporting information and comments NS Power wishes the Board to consider. NS Power must also provide a copy of their response to [Hunter Cooling].

Please accept NS Power's response as set out below.

NS Power is enclosing the following confidential attachments to this response:

- **Confidential Attachment 1** – Copy of communications between Hunter Cooling and NS Power (February 13-18, 2026)
- **Confidential Attachment 2** – Copy of the complete DRO file
- **Confidential Attachment 3 –** Copy of CIS Account Notes from 2024-2026

- **Confidential Attachment 4 –** Copy of Invoices 2024 to present
- **Attachment 5** – Excerpt from the *Electricity Act*

Procedural Background

On February 13, 2026, NS Power received a general complaint from Mr. Cooling regarding NS Power's solar billing process and annual reset of banked solar energy credits. The customer requested clarification on the process and rationale for the annual reset on December 31. Mr. Cooling believed that he had not been compensated adequately for his 2025 generation. This is referenced on **pages 1 and 3** of 7 in **Confidential Attachment 1**.

As Mr. Cooling was not satisfied with the response from NS Power, he then reached out to the DRO on February 17, 2026 with his concerns and filed a formal complaint. This is referenced at **page 1** of 33 in **Confidential Attachment 2**.

On February 18, 2026 Mr. Cooling provided consent for his personal information to be released to the DRO. This is referenced at **page 7** of 33 in **Confidential Attachment 2**.

NS Power provided its position to the DRO on February 19, 2026, and enclosed a copy of the account ledger and the meter reads. NS Power's position is that the amount of compensation payable to Mr. Cooling for his generation in excess of consumption is limited under section 7(4) of the *Electricity Act*, and that Mr. Cooling is only entitled to credit for generation up to the limit of his annual consumption. This is referenced at **pages 8-9** of 33 in **Confidential Attachment 2.**

The DRO issued his decision on March 4, 2026, which states in part:

> Board approved Regulation 3.6.1 states in part: "Excess self-generation, over a customer's own consumption needs, is credited against purchased energy for billing purposes over a period of one year. Any surplus generation remaining at the end of a one-year period will be purchased by the utility at the appropriate retail rate."
>
> The Nova Scotia Electricity Act stats "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."
>
> Final Written DRO Decision: In the context of Regulation 3.6, and the Nova Scotia Electricity Act, the Customer received appropriate compensation for generated electricity in 2025.

Legislation and Contextual Background

On April 22, 2022, amendments to the *Electricity Act* (Bill 145) introduced the Self-Generation Option (SGO) for NS Power customers. This option allows any customer to install a generator or battery storage device with a capacity of up to 27 kW that shares the same meter as their home or business, without requiring formal enrollment in a NS Power program. As part of these legislative changes, the former Net Metering Program was retired.

Section 7(4) of the *Electricity Act* (the Act) provides that NS 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 in excess of the customer's total consumption in a calendar year." Under this provision, NS Power is obligated to purchase electricity only up to the customer's total annual usage, at the same rate paid by the customer. Any generation beyond that threshold does not require compensation under the Act. The calendar year begins on January 1 and ends on December 31. A copy of the *Electricity Act* excerpts is included as **Attachment 5.**

For customers participating in the SGO, when electricity generation exceeds consumption during a billing period, the surplus is banked and carried forward as an energy credit for future use. These credits are applied to offset billed consumption in subsequent billing periods. At year-end (December 31), NS Power applies any remaining banked credits retroactively to billed consumption not previously offset by generation within the same calendar year, up to the total billed energy amount. This process ensures that all billed consumption for that year is fully offset before the account resets.

This process is tied to the calendar year under the *Electricity Act*. Section 7(4) specifies that NS Power's purchase obligation is based on the customer's total annual usage, and any generation beyond that amount does not require compensation under the Act.

Mr. Cooling falls under the self-generation option of Section 7 of the *Electricity Act* and is entitled to install solar panels as of right and sell his excess generation (up to the amount of his consumption) to NS Power.

NS Power acknowledges that Regulation 3.6.1 as referenced by the DRO states that excessive consumption shall be purchased by NS Power. However, that regulation was last updated in 2017 and does not reflect the legislative requirements imposed by the *Electricity Act* for customer generation and compensation. Legislation takes precedence over regulations, and NS Power intends on amending Regulation 3.6 to ensure that it is aligned with the *Electricity Act*.

For ease of reference, the following table sets out Mr. Cooling's consumption and generation history for 2025. This information is taken from the invoices included as **Confidential Attachment 4.**

Mr. Cooling's billing cycles fall in February, April, June, August, October and December. For the purposes of determining the appropriate compensation due to Mr. Cooling his consumption and generation are prorated for the beginning and end of the year.

There were 64 billing days between December 8, 2024 and February 10, 2025. Forty-one (41) of those days fell in 2025, which represents 0.64 or 64 percent. Mr. Cooling's consumption for that first billing period was 2133 kWh, and his generation was 803 kWh. Prorated, this results in 1366 kWh of consumption and 514 kWh of generation.

There were 61 billing days on Mr. Cooling's account between December 10, 2025 and February 11, 2026. Of those 61 days, 25 fell in December, which represents 0.41 or 41 percent. Mr. Cooling's consumption during that period was 2000 kWh and his generation was 595 kWh. Prorated, this results in 802 kWh of consumption and 244 kWh of generation.

Date	**Old Meter Read**	**New Meter Read**	**kWh Consumed**	**kWh Generated**	**kWh Credited**
Prorated to Feb 10/25	37651.68	39784.52	1366*		
	9890.90	10693.71		514*	514
Apr 8/25	39784.52	41283.92	1499		
	10693.71	12458.92		1765	1499
Aug 9/25	41283.92	43638.99	2354		
	12458.92	17882.00		5423	2354
Oct 9/25	46458.00	44857.99	1219		
	17882.00	20586.00		2704	1219
Dec 10/25	44857.00	46356.00	1499		
	20586.00	21629.00		1043	1499
Prorated to End 2025	46356.00	48356.00	820*		
	21629.00	22224.00		244*	244
Total			8757	11693	7329

As noted in both the DRO file (at **page 9** of 33 in **Confidential Attachment 2** and more clearly at **page 2** of 7 in **Confidential Attachment 1**), Mr. Cooling's aggregate 2025 generation exceeded his consumption. On his February 2026 invoice, Mr. Cooling was given a settlement payout for the difference between his actual consumption and the amount he had been credited during the year (8757 – 7329 = 1428 kWh). That amount was multiplied by the per-kilowatt-hour cost (1428 x $0.18561 = $265.05) and Mr. Cooling's account was credited with that amount. Mr. Cooling is not legally entitled to compensation for the additional 2936 kWh beyond his 2025 consumption.

Although his dispute focuses on his 2025 entitlement, Mr. Cooling suggested to the DRO that he was paid out for his "excess" generation in 2024. Mr. Cooling first became a self-generating customer on February 23, 2024. In 2024 his consumption was 12027 kWh (including a proration of 2799 from January 1 to February 5, and 768 kWh from December 9 to December 31, 2025). During the year, Mr. Cooling generated 10180 kWh. Over the course of the billing periods from April 2024 to December 2024, Mr. Cooling was credited with 7291 kWh generation. The adjustment at the end of the year reflected the difference of 2889 kWh generation (10180 kWh – 7291 kWh = 2889 kWh) and he was provided a total net meter surplus payout of $511.44. In 2024 Mr. Cooling did not have any "excess" generation – his net generation was below his net consumption for the year.

Summary

NS Power understands Mr. Cooling's frustration about not receiving full compensation for the amount of energy he generates above his consumption levels. However, under section 7(4) of the *Electricity Act*, NS Power is required to purchase customer-generated electricity only up to the customer's total electricity usage in a calendar year and is not required to compensate generation beyond that amount. NS Power compensated Mr. Cooling for 8,757 kWh in 2025, equal to his total electricity usage for that calendar year; electricity generated in excess of that amount is not required to be compensated.

It is NS Power's position that Mr. Cooling has been appropriately billed and compensated for his generation and his consumption in 2025.

Please consider the enclosed information confidential due to the personal nature of the information that has been provided. NS Power has forwarded a copy of this correspondence to Mr. Cooling by e-mail.

Yours truly,

Jennifer Ross
Director Regulatory Planning and Compliance

Encl.

c. Mr. Hunter Cooling

Cooling DRO Appeal Attachment 1 has been removed due to confidentiality.

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Cooling DRO Appeal Attachment 2 has been removed due to confidentiality.

Cooling DRO Appeal Attachment 3 has been removed due to confidentiality.

Cooling DRO Appeal Attachment 4 has been removed due to confidentiality.

Electricity Act

SCHEDULE OF CHAPTER 18 OF THE ACTS OF 2025

Published by Authority of the Speaker of the House of Assembly
Halifax

Short title

1 This Act may be cited as the *Electricity Act*. 2025, c. 18, Sch., s. 1.

Interpretation

2 **(1)** In this Act,

"Board" means the Nova Scotia Energy Board;

"energy storage" means any technology or process that is capable of storing energy from the electricity grid for the purpose of returning part or all of that energy to the grid at a later time or to provide ancillary services;

"hydrogen facility" means a facility that produces or processes hydrogen, or both;

"IESO" means the Nova Scotia Independent Energy System Operator established under the *More Access to Energy Act*;

"IESO-controlled grid" has the same meaning as in the *More Access to Energy Act*;

"market participant" has the same meaning as in the *More Access to Energy Act*;

"Minister" means the Minister of Energy;

"municipal utility" means the Board of Commissioners of the Berwick Electric Commission, The Electric Light Commissioners for Riverport in the County of Lunenburg or an electric utility of the Municipality of the District of Guysborough, the Town of Antigonish, the Town of Lunenburg or the Town of Mahone Bay;

"Nova Scotia Power" means Nova Scotia Power Incorporated;

"plant or equipment" has the same meaning as in the *Public Utilities Act*;

"public utility" means any person that transmits, delivers or furnishes electric power or energy and is regulated as a public utility under the *Public Utilities Act*, but does not include a retail supplier;

"retail customer" means a person who uses, for the person's own consumption in the Province, electricity that the person did not generate;

"retail supplier" means a person who is authorized to sell renewable low-impact electricity in accordance with this Act and the regulations, but does not include a wholesale customer;

"wholesale customer" means Nova Scotia Power, a municipal utility or the owner or operator of a hydrogen facility approved to participate in the hydrogen innovation program under Section 36.

(2) Commencing on such date as prescribed in the regulations, "renewable electricity" includes hydroelectricity, whether generated in or imported into the Province.

(3) For greater certainty, the presence of generators or energy storage devices on customer premises does not constitute a "substantially different circumstance" for the purpose of Section 67 of the *Public Utilities Act*. 2025, c. 18, Sch., s. 2.

Public Utilities Act

3 Notwithstanding Section 117 of the *Public Utilities Act*, where there is a conflict between this Act and that Act, this Act prevails. 2025, c. 18, Sch., s. 3.

Minister has supervision and management

4 **(1)** The Minister has the general supervision and management of this Act and the regulations.

(2) The Minister may establish and administer policies, programs, standards, guidelines, objectives, codes of practice, directives and approval processes under this Act. 2025, c. 18, Sch., s. 4.

Wholesale electricity marker

5 **(1)** Effective on the date prescribed in the regulations and, for greater certainty, notwithstanding Section 303 of the *Municipal Government Act*, wholesale customers may purchase electricity from any competitive supplier.

(2) Nova Scotia Power shall develop and file with the Board for approval an open-access transmission tariff to enable the purchase of electricity for the purpose of subsection (1) and, for greater certainty, Section 77 of the *Public Utilities Act* does not apply.

(3) The tariff referred to in subsection (2) must ensure open and non-discriminatory access to wholesale customers.

(4) IESO shall administer an open access transmission tariff to enable the purchase of electricity for the purpose of subsection (1) and, for greater certainty, Section 77 of the *Public Utilities Act* does not apply.

(5) The tariff referred to in subsection (4) must ensure open and non-discriminatory access to wholesale customers and market participants.

(6) Nova Scotia Power shall develop and maintain a system to facilitate the import of electricity to and export of electricity from the Province for the purpose of this Section.

(7) The Board has all the power and authority necessary to implement this Section. 2025, c. 18, Sch., s. 5.

Program for customer to generate electricity

6 **(1)** In this Section, "customer" means all metered accounts registered to the same person or entity under the same rate code in the same distribution zone.

(2) A public utility may develop and maintain a program that permits any customer to generate electricity for the customer's own use and to sell any excess electricity to the public utility at a rate equivalent to the rate paid by the customer for electricity supplied to the customer by the public utility.

(3) Notwithstanding subsection (2), Nova Scotia Power shall develop and maintain a program that permits a customer to generate electricity for the customer's own use and to sell electricity to Nova Scotia Power at a rate equivalent to the rate paid by the customer for electricity supplied to the customer by Nova Scotia Power.

(4) A program developed under subsection (3) only applies

(a) to a customer who installs a generator with a nameplate capacity of more than 27 kilowatts;

(b) if the generator and the customer's load are not connected to the same meter; or

(c) to other customer classes as prescribed by the regulations.

(5) Only electricity generated by a customer that is renewable low-impact electricity qualifies for the program referred to in subsection (3).

(6) In any calendar year, Nova Scotia Power may not compensate a customer for electricity generated in excess of that customer's consumption in that calendar year.

(7) A program developed and maintained pursuant to subsection (2) or (3) must receive the approval of the Board before it is implemented by the public utility.

(8) The public utility shall collect the data as prescribed by the regulations and provide the Minister with information derived from the data at such times and in such form as the Minister may determine.

(9) The Governor in Council may make regulations respecting any aspect of a program developed or maintained under subsection (2) or (3), including

(a) program requirements and conditions, including customer classes;

(b) participant eligibility requirements;

(c) the application process;

(d) duties of the public utility with respect to the program;

(e) project limitations, including limitations with respect to generator nameplate capacities;

(f) the identification of and conditions respecting equipment to be used to

(i) measure the amount of electricity produced by a generator and the time it is supplied,

(ii) measure the amount of electricity supplied to the customer by the public utility and the time it is supplied, and

(iii) measure the amount of electricity supplied to the public utility by the customer's generator and the time it is supplied;

(g) standards that must be adhered to;

(h) enforcement measures and mechanisms;

(i) costs, fees and penalties;

(j) obligations relating to data collection, reporting and the sharing of information;

(k) the sale of renewable low-impact electricity to the public utility;

(l) oversight of the program by the Board;

(m) requirements or conditions with respect to any agreement between a customer and the public utility;

(n) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program. 2025, c. 18, Sch., s. 6.

Customer may generate and sell electricity

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. 2025, c. 18, Sch., s. 7.

Prohibition on system access charges and standard terms and conditions

8 **(1)** A public utility may not create a fee structure, nor impose system access charges, that discourage customers from developing, installing and using their own renewable low-impact energy generators or energy storage devices.

(2) Nova Scotia Power shall develop standard terms and conditions for all customers, including customers who generate their own electricity. 2025, c. 18, Sch., s. 8.

Regulations

9 The Governor in Council may make regulations

(a) prescribing the duties of a public utility respecting net-metering;

(b) setting standards for equipment used by customers to generate their own electricity. 2025, c. 18, Sch., s. 9.

Interpretation of Sections 11 to 16

10 In this Section and Sections 11 to 16,

"community solar garden" means a facility that generates energy by means of a ground-mounted or roof-mounted solar photovoltaic device for the use of subscribers who receive a bill credit for the electricity generated in proportion to the size of their subscription;

"community solar program" means a program established under Section 11 that permits a customer, group of customers or third party to generate solar energy

(a) for the customer's, group's or third party's use; and

(b) where there is an excess electricity generated, to sell the excess to Nova Scotia Power at a rate prescribed by the regulations;

"project owner" means the eligible entity or group of entities that own and operate a community solar garden and are responsible for enlisting subscribers;

"subscriber" means an eligible retail customer of Nova Scotia Power who owns one or more subscriptions of a community solar garden interconnected with that public utility;

"subscription" means a contract between a subscriber and a project owner. 2025, c. 18, Sch., s. 10.

Community solar program

11 **(1)** The Minister shall develop and maintain a community solar program that permits any Nova Scotia Power customer, group of customers or third party to generate solar energy for the customer's, group's or third party's use and to sell any excess electricity to Nova Scotia Power in accordance with the conditions and requirements and at the rate prescribed by the regulations.

(2) Upon receipt of an application under the community solar program, the Minister shall approve or deny the application within the time and in the manner prescribed by the regulations.

(3) Where the Minister approves an application under the community solar program, the Minister shall determine the rate at which the public utility must purchase the electricity from the project owners.

(4) The Minister shall develop a power purchase agreement, in accordance with the requirements prescribed by the regulations, and file it with the Board for review and approval.

(5) The Minister may issue a power purchase agreement to an approved project owner and Nova Scotia Power is bound by the terms of the agreement. 2025, c. 18, Sch., s. 11.

Subscription agreement

12 **(1)** A project owner and a subscriber must enter into a subscription agreement.

(2) Neither Nova Scotia Power nor a municipal electric utility may be a subscriber or project owner. 2025, c. 18, Sch., s. 12.

Offset of subscriber's electricity demand

13 When a community solar garden commences commercial operation, Nova Scotia Power shall update its billing system such that the electricity produced by the community solar garden offsets the subscribers' electricity demand and any renewable energy certificates are managed in accordance with the regulations. 2025, c. 18, Sch., s. 13.

Fees and billing

14 **(1)** Nova Scotia Power shall develop a system for collecting fees payable by subscribers, make it available for use by project owners and perform such other related duties as may be prescribed by the regulations.

(2) The project owner shall share the following subscriber data with Nova Scotia Power for the purpose of billing:

(a) name, address and account number;

(b) the quantity of energy subscribed; and

(c) such other data as prescribed by the regulations. 2025, c. 18, Sch., s. 14.

Hosting capacity analysis

15 Nova Scotia Power shall perform hosting capacity analysis of each of its substations and feeders and shall make this information public to the extent possible. 2025, c. 18, Sch., s. 15.