

To: Nova Scotia Energy Board & Nova Scotia Power

I am writing to reiterate my long-standing position regarding the treatment of excess electricity generated by residential solar customers. As I have previously communicated, I find it entirely unacceptable that Nova Scotia Power retains excess customer-generated electricity without fair compensation. My position on this matter has not wavered; rather, it has been further reinforced by what I consider a fundamentally unjust and reprehensible practice that allows a regulated utility to benefit at the direct expense of the very customers contributing clean energy to the grid.

It is deeply troubling that Nova Scotia Power appears to consider it acceptable to retain, without fair compensation, electricity that is generated in excess by its solar customers. From my perspective, this practice is not merely unfair—it is a direct violation of the principles of fairness and good faith that should govern the relationship between a regulated utility and the public it serves. Allowing a utility to profit from energy produced by individuals undermines public trust and threatens the integrity of the province's renewable energy initiatives.

I have also taken the step of contacting my Member of the Legislative Assembly (MLA) to inquire about the process required to repeal Section 7(4) of the Energy Act. In my view, this provision enables an intolerable situation in which Nova Scotia Power is effectively permitted to appropriate excess customer-generated electricity without providing adequate compensation. Such a practice is not only inequitable, but it actively discourages investment in renewable energy at a time when the province should be vigorously supporting clean energy adoption.

Furthermore, I must highlight a troubling inconsistency in Nova Scotia Power's own practices. During the 2024 calendar year, I was compensated for every kilowatt-hour of excess electricity I generated, establishing a clear precedent and a reasonable expectation of continued fair treatment. Nova Scotia Power has claimed that this compensation was provided because I consumed more electricity than I produced. This claim is inaccurate: if it were true, I would not have been entitled to any compensation under Section 7(4) of the Energy Act. I track my solar production and household consumption using the Enphase app, which records every kilowatt-hour I produce and consume. I am happy to provide detailed reports from 2024—including daily, weekly, or monthly summaries—to demonstrate that my production exceeded my consumption, directly contradicting Nova Scotia Power's assertion. This inconsistency reveals a troubling pattern in the application of rules and further undermines confidence in the utility's transparency, accountability, and adherence to both the law and regulatory principles.

While this letter is addressed to both parties, it is critical to emphasize that, at this stage of the appeal process, the responsibility for review and final decision rests solely with the Nova Scotia Energy Board. As the regulatory authority tasked with ensuring that utility practices are fair, reasonable, and in the public interest, the Board's oversight is not only essential—it is decisive.

Accordingly, I respectfully request that the Nova Scotia Energy Board take the following matters fully into account when rendering its decision on this appeal:

- How Nova Scotia Power's current practices align with Regulation 3.6.1, Nova Scotia Power's own regulation, which states that excess self-generation is credited over a one-year period and that any surplus remaining at the end of that period will be purchased at the appropriate retail rate;
- The rationale for permitting any deviation from or reinterpretation of this provision;
- How Section 7(4) of the Energy Act came to be enacted or is being applied in a manner that appears to override or conflict with the pre-existing and clearly defined framework set out in Regulation 3.6.1, which already provided a fair and transparent mechanism for compensating excess solar generation;
- Whether the Board considers the retention of uncompensated customer-generated electricity to be consistent with its mandate to ensure fairness, reasonableness, and alignment with the public interest;
- What corrective actions, if any, the Board intends to take to address this issue and to ensure equitable treatment of solar customers going forward.

I urge the Nova Scotia Energy Board to examine this matter with the seriousness it warrants and to take decisive action to guarantee that solar customers are treated with the fairness and respect they are entitled to. Allowing a utility to retain uncompensated energy not only disadvantages individual ratepayers, but also undermines trust in Nova Scotia Power—a trust that has already been eroded by the utility's mishandling of the privacy breach last year—and sends a profoundly discouraging message to anyone considering investments in renewable energy across the province. Such practices risk undermining Nova Scotia's clean energy transition.

I look forward to a substantive and thorough response.

Sincerely,

Hunter Cooling