

September 14, 2026

[REDACTED]

Christine Cameron

[REDACTED]

Dear Ms. Cameron:

M12749 - Nova Scotia Power Inc. - Appeal of a Decision of the Dispute Resolution Officer

The Nova Scotia Energy Board (Board) has completed its review of your appeal regarding your NS Power Inc. (NS Power) account. The Board understands your concerns about the pausing of the Time-Varying Prices (TVP) Critical Peak Pilot Program (Critical Peak Program) and the pricing change which took effect on December 1, 2025 because of the pausing of the TVP Critical Peak Program. The Board also understands that you want a refund on your account for the price increase from December 1, 2025 to January 26, 2026 because this was based on an estimation instead of an actual reading of your meter to determine your usage during this period.

The issues before the Board are whether:

- 1) The Board had the authority to pause the Critical Peak Program and approve that those customers under that paused program be charged a different rate; and,
- 2) NS Power accurately measured and billed electricity delivered to your property from December 1, 2025 to January 26, 2026.

The Board has reviewed the information filed in this matter, including the meter test results, billing records, meter reading history, historical consumption data, your submissions, the information filed by NS Power, the DRO record, and the responses provided during the appeal process. The Board acknowledges that this matter has been a source of frustration and concern for you.

Board's Authority to Temporarily Suspend the TVP Critical Peak Program and Change Rates Charged

Electricity rates charged by NS Power are governed by tariffs set by the Board under the authority of the *Public Utilities Act*, RSNS 1989, c 380. The TVP Critical Peak Program required the approval of the Board to come into existence. The Board has the authority to

make changes to the program, such as pausing the program or making changes to the tariffs (that is the rates).

Following the cybersecurity breach experienced by NS Power in 2025, the company applied to the Board to temporarily suspend on-peak and critical peak event billing. In its decision 2025 NSEB 19, the Board noted that NS Power was unable to extract data from its systems to analyze its customers' energy usage under the tariffs. The Board also noted that the cyber incident prevented NS Power from proceeding with standard TVP billing and critical peak event notifications.

The Board approved, in part, the suspension of the TVP Critical Peak Program and, effective December 1, 2025, the Interim Energy Charge would apply in all hours during both winter and non-winter periods. The Interim Energy Charge was amended to be the same as the standard offer rates for the applicable class while the system functionality was not available.

You say that you entered into an agreement with NS Power when you initially enrolled in the TVP Critical Peak Program in December 2023. You provided the welcome email that NS Power sent you and noted that it said, "outside of critical peak events and winter season your rate will always be lower." You argue that the email amounted to a promise and that you agreed to participate in the program because of the lower rate that was suggested.

In response to IR-1, NS power noted that the phrase "your rate will always be lower," as provided in the Critical Peak Program welcome email, was intended to convey that off-peak rates under the Critical Peak Program Tariff are lower than standard rates in all non-critical peak hours.

As discussed above, electricity rates charged by NS Power are governed by tariffs approved by the Board, as required by the *Public Utilities Act*. The rates charged are not and cannot be privately negotiated prices between NS Power and individual customers. Accordingly, NS Power cannot change an old tariff once the Board has approved a different tariff for that customer class. Similarly, a customer does not have to agree to a Board-approved rate before it becomes effective. The Board therefore does not accept that the language in the NS Power's email to you provided TVP Critical Peak Program customers with a permanent right to the original Critical Peak Program rate regardless of future Board approved tariff (rate) changes.

The Board understands your concern with the wording in NS Power's welcome email to you for the TVP Critical Peak Program. The Board recognizes that the wording "your rate will always be lower," could cause misunderstanding about your future rates. Regardless of the wording in this email, the Board maintains the statutory authority to change the rates in the Program.

Your Meter was Operating within Accuracy Standards

A key consideration in this matter is the accuracy of the meter. Under NS Power's *Regulations*, electric service is recorded by the meter. In plain terms, the meter is the measuring point for electricity entering the property. NS Power is responsible for delivering electricity to the meter and measuring what passes through it. What happens after electricity passes through the meter is determined by the specific characteristics and energy demands of the home. Factors influencing usage may include space heating, water heating, household appliances, number of occupants, and insulation efficiency.



At the request of NS Power, the meter serving your property was removed and tested. The test dated March 12, 2026, confirmed that the meter was operating within the applicable Measurement Canada accuracy standards. There is no evidence before the Board that the meter was malfunctioning or inaccurately recording electricity consumption.

Billing Estimation

As discussed above, after the cyber incident experienced by NS Power in 2025, the company was unable to consistently obtain actual meter readings for certain customers, including your account. During this period, NS Power still had an obligation to continue issuing bills. As a result, bills were issued using estimated consumption until actual meter data became available.

An estimated bill is not intended to be a precise calculation of a customer's actual usage. Rather, it is a temporary approximation based on the best information available at the time. The purpose of an estimate is simply to allow billing to continue until an actual meter reading can be obtained. An estimate is only an approximation; it may be either higher or lower than actual consumption. Once an actual meter reading becomes available, the customer's account is reconciled. If the estimates were too high, the customer receives credit. If the estimates were too low, the customer is billed for electricity that was consumed but not previously charged.

In the Board's view, this distinction is important. The reconciliation process does not create new electricity charges. It simply corrects the difference between estimated consumption and actual consumption once accurate meter information becomes available. Estimated billing is not, by itself, a billing error. It is a temporary method used when an actual read is not available.

The Board notes that s. 5.1 of NS Power *Regulations* directs the company to use estimated meter reading when it is not possible to obtain an actual meter reading:

ESTIMATED METER READING

If the Company is unable to obtain a meter reading due to circumstances beyond its control, or due to the failure of the Customer to return a post card reading, then the amount of power and energy used by the Customer shall be estimated by the Company using the best available data. In the event that estimated meter readings are required five (5) consecutive times, then the Customer shall make suitable arrangements to ensure that the meters are read by the Company during the Company's normal business hours. Should the Customer fail to make such suitable arrangements, the Company may disconnect the supply of electric service to the Customer or may require that the Customer relocate the meter in accordance with the Regulation 4.1.

In the event that actual meter readings are obtained subsequent to estimated readings, the Company shall make the necessary adjustments.

Electricity meters are cumulative. The meter does not reset after each bill. It continues to record total electricity used at the property. When NS Power obtains an actual meter read after one or more estimated bills, the account is reconciled. Rather than using the estimated meter reading as the starting point to measure usage for the next period, NS Power reverts back to the last actual meter reading on file. This is because an estimated read is not treated



as a final measurement of consumption. Any usage already billed through estimates is then credited or reversed to avoid double-counting.

In your case, your meter readings for May, July, September and November 2025 were all estimated reads. The last true read on your account prior to the January 2026 bill was on March 19, 2025. On March 19, 2025, when the meter was read the reading was 32,538.15 kWh. The next true read was on January 29, 2026, when the meter showed a reading of 38,723.70 kWh. This means that the total consumption between these periods was 6,185.55 kWh (this amount was calculated as 38,723.70 - 32,538.15 = 6,185.55). This was billed on the invoices provided by NS Power in this filing as follows:

Read Type	Bill Start Date	Bill End Date	Days	Last Meter Read	New Meter Read	kWh Usage	Total Usage Billed	Average Daily Usage	Opening Balance	Payments	Current Period Charges	Balance
True Read	20-Nov-24	19-Mar-25	119	30,442.23	32,538.15	2,096	2,096	17.6	241.77	-241.77	491.42	491.42
Estimated	19-Mar-25	21-May-25	63	32,538.15	33,954.97	1,417	1,417	22.5	491.42	-491.42	276.10	276.10
Estimated	21-May-25	22-Jul-25	62	33,954.97	35,083.37	1,128	1,128	18.2	276.10	-276.10	228.01	228.01
Estimated	22-Jul-25	18-Sep-25	58	35,083.37	36,246.85	1,163	1,163	20.1	228.01	-228.01	233.84	233.84
Estimated	18-Sep-25	14-Nov-25	57	36,246.85	37,382.86	1,136	1,136	19.9	233.84	-233.84	229.34	229.34
True Read	14-Nov-25	29-Jan-26	76	37,382.86	38,723.70	1,341	1,341	17.6	229.34	-229.34	302.04	302.04

From the historical billing information provided by NS Power, the Board finds that the estimated consumption used for the bills in 2025 was generally consistent with the historic billing for the account for the same period:

Year	January	March	May	July	September	November
2023	1233	1278	1224	1081	1459	1639
2024	1307	1022	1249	1110	1143	1276
2025	-	2096*	1417	1128	1163	1136
2026	1341					

*The March 2025 bill covers two billing cycles

In its responses, NS Power explained that the cyber incident impacted NS Power's ability to process meter information for customers participating in the TVP Critical Peak Program. Meter information had to be entered manually into the billing system as NS Power could no longer automate the process. As a result, some billing cycles were extended beyond your normal cycle range. NS Power has advised that most AMI meters have been restored and that normal billing cycles have been restored.

The Board acknowledges that the inconsistent billing cycles can make it difficult for customers to manage and understand their energy consumption. However, the length of a billing cycle does not determine the energy consumed.

The Board finds that the extended billing cycle did not result in an incorrect cumulative measurement of electricity consumption during the period in question. The January 2026 bill is based on a true read and captures the complete reconciliation of the account from the last known read in March 2025.

As discussed above, your meter was tested and found to be accurately recording electricity consumption. The Board finds that the evidence shows that the electricity usage recorded on your account fully and correctly reconciles with the meter readings and the resulting charges.



Temporary Suspension of the TVP Critical Peak Program and Billing Estimation for New Rate

The TVP Critical Peak Program was a pilot program which was introduced as a form of time varying pricing intended to encourage customers to reduce or shift electricity away from periods when demand on the power grid is particularly high. The participants in this program ordinarily receive a lower rate during most hours but face substantially higher rates during the designated critical peak events. That pricing difference gives participating customers a financial incentive to change how and when they consume electricity.

As discussed above, following the cyber incident, NS Power was unable to reliably operate important aspects of the TVP Critical Peak Program, including obtaining the required interval meter information and administering critical peak events. This lack of information meant that NS Power could no longer provide the price signals that made the program work.

The Board concluded that there was no longer a system benefit from continuing the lower Critical Peak Program rate if customers could not also be exposed to the critical peak pricing that encouraged them to shift energy consumption away from high demand periods. The Critical Peak Program rate was suspended as continuing it would create an imbalance in which customers would benefit from the lower rate, but the electricity system would no longer receive the corresponding benefit of customers responding to critical peak prices.

The Board granted NS Power's application to temporarily suspend the program and directed domestic Critical Peak Program customers to temporarily pay the standard domestic rate while the program functionality was unavailable.

You say that customers did not cause the cyber incident and that NS Power's inability to operate the TVP Critical Peak Program was a company problem, not a customer problem. The Board understands your position and acknowledges that customers did not cause the system limitations. However, the Board had to determine what rate should reasonably apply while the TVP Critical Peak Program could not operate as designed and decided that the standard rate was the appropriate rate during the suspension of the program.

On November 13, 2025, NS Power sent an email to all Critical Peak Program customers. The company advised its customers that the program would be temporarily suspended and that effective December 1, 2025, they would be billed at the standard domestic residential service rate and that no critical peak events would be called. NS Power's email also advised customers that they would remain enrolled in the Critical Peak Program once the program functionality was restored. You say that you did not closely read all of the details of this email.

The Board finds that the notice of suspension of the Critical Peak Program and rate change was provided to you, even though you may not have read all the information in the email.

Finally, you say that the December 1, 2025 rate change should not have been implemented as NS Power did not obtain an actual reading on that exact date. Accordingly, you request a refund for the billing period December 1, 2025 to January 29, 2026.



Your January 29, 2026 bill covered the period from November 14, 2025, to January 29, 2026. NS Power was required to use a reasonable method to allocate energy usage to the applicable rate during this billing period.

Three different rates were applicable for this period:

1. November 14, 2025 – November 30, 2025 - \$0.15852 / kWh (this is the old CCP rate)
2. December 1, 2025 – December 31, 2025 - \$0.18561 / kWh (the prevailing domestic standard rate at the time)
3. January 1, 2026 – January 29, 2026 - \$0.18187 (this was the standard offer rate effective on January 1, 2026)

NS Power used your average daily consumption of approximately 17.6 kWh a day to allocate usage amongst the three rates. This average daily usage is consistent with prior billing periods as shown in the table in an earlier section of this letter.

The Board finds that in the absence of a December 1, 2025 meter read, this methodology is reasonable considering that an actual cumulative meter reading exists at the end of the billing period on January 29, 2026.

Conclusion

Based on the evidence before it, the Board finds that:

- NS Power's statement, in its December 2023 welcoming email to you, that the Critical Peak Program rate would "always be lower" did not create an agreement that the rate would never change. Only the Board has the authority to set the rate under the Critical Peak Program. NS Power is required to implement any changes made to the Critical Peak Program, including the temporary suspension of the Program and the change to the rate (tariff) effective December 1, 2025, as ordered by the Board;
- The meter serving the property was operating within applicable accuracy standards;
- The extended billing cycle arose from the manual processing requirements following the cybersecurity incident and did not result in inaccurate energy consumption calculations;
- The estimated bills issued in 2025 were subsequently fully and correctly reconciled using actual meter readings; and
- NS Power's methodology to implement the rate change for your account during the billing period November 14, 2025 to January 29, 2026 was reasonable.

The Board finds that NS Power appropriately billed the account for the electricity recorded by the meter. Your appeal is dismissed.



The Board is concerned with the customer communication in the NS Power's welcoming email to the TVP Critical Peak Program. The Board directs NS Power to ensure that future communication to customers participating in this, and similar programs is clear and explains that that they operate under Board-approved tariffs that can be amended, suspended or discontinued.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'M. Kathleen McManus'.

M. Kathleen McManus, K.C., Ph. D
Member

