Nova Scotia Energy Board

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August 24, 2026

[redacted]

Briar Lee Mitchell
[redacted]

Dear Ms. Mitchell:

M12767 – Nova Scotia Power Incorporated – Appeal by Briar Lee Mitchell of a Decision of the Dispute Resolution Officer

I am writing to you in response to your appeal on March 24, 2026, of a decision by the Dispute Resolution Officer (DRO), dated March 24, 2026, on your Nova Scotia Power Incorporated (NS Power) electricity bill.

You have alleged that NS Power "LIED to me on my bills", saying that:

> I was never given correct bills to pay. These people made the numbers up and they were much lower than what I should have been billed. When I looked at the usage chart, I saw that they were pulling numbers from before I even moved in to create these fictional numbers showing previous usage, examples from when the house was EMPTY!
>
> [Exhibit M-1, p. 5]

In your Notice of Appeal, you ask for an apology and a "guarantee that I will only be billed based on the meter and they not make numbers up again". When asked about extended repayment terms you stated a preference for a seven-year repayment period.

I am a Member of the Nova Scotia Energy and Regulatory Boards Tribunal. I have been assigned to the Nova Scotia Energy Board (Board) to review your appeal. The Board is a division of the Tribunal and has legal or court-like powers assigned to it by various statutes. Both the Board and I are completely independent of NS Power. The Board regulates most of the province's energy sector.

The Board has carefully reviewed your submissions, the information filed by NS Power, the DRO record, and the responses provided during the appeal process.

I would note at the outset of this letter that the DRO errored in stating that your "estimated usage over the June to Dec 2025 period was clearly much higher than actual usage." [Exhibit M-4, p. 2] In fact, your estimated usage was lower than your actual usage. While this is an appeal of the DRO decision the Board typically reviews the entire appeal from the start, and it assigns no weight to this statement.

I also recognize that this issue has clearly been a source of significant frustration and concern for you. Throughout your submissions, you have consistently expressed the view that NS Power's estimated bills did not reflect your actual electricity usage and that, had you known the true cost of operating and heating the property, you may have made different decisions regarding heat pump installation and other energy-efficiency improvements. The Board understands why receiving a reconciliation bill of $5,500 after many months of lower invoices would be upsetting and stressful.

As background, it is important to understand what charges are required for electrical use. For most residential customers, their NS Power bill consists of a flat monthly charge (Base Charge) and a kilowatt per hour (kWh) usage charge (Energy) based on the reading from the meter. The kWh is measured by the meter and is typically sent wirelessly to NS Power, rather than being read by NS Power personnel. In addition, other amounts include HST and a Provincial Rebate. You can see these charges on your monthly bills.

The table below shows the energy charges for each of the six bills submitted under your complaint. Three of these bills were estimates while a fourth bill in December revised the estimates, replacing the previous amounts. You can match this table to each of your bills. I have broken the December 3, 2025, bill into two parts: the amount charged for the revised estimated meter read, and the reduction for the previous three estimated bills.

NS Power Bills – Briar Mitchell, Account [redacted]

Shown on Printed Bills

			Last Meter Read	New Meter Read	kWh Used	kWh Price	Energy Charge
1	April 3/2025 (March to April)		107,654.58	112,500.38	4,846	18.561	899.47
2	June 4/2025 (April to June)	Estimates	112,500.38	113,955.38	1,455	18.561	270.06
3	August 6/2025 (June to August)		113,955.38	115,298.38	1,343	18.561	249.27
4	October 3/2025 (August to October)		115,298.38	117,059.38	1,761	18.561	326.86
5	Dec 3/2025 (April to December):						
	Revised Estimate		112,500.38	118,941.38	6,441	18.561	1,195.51
	Original Estimates		-112,500.38	-117,059.38	-4,559		-961.21
	Total (April to December)		0.00	1,882.00	1,882	18.561	234.30
6	March 18/2026 (December to February)		118,941.38	147,480.13	28,539	18.187/18.561	5,277.72
	Total				**39,826**		**7,257.68**

Note: December 3, 2025 Revised Estimate of -$961.21 includes $115.02 to reverse Base Charges for the previous estimated bills.

The Board notes that you purchased the property in March 2025 and that the property utilized radiant heating. The Board further notes that you had been advised during the home purchase process that the property could be expensive to heat and that heating upgrades, including heat pumps, may eventually be desirable. You also indicated that the previous owner did not regularly occupy the property during the winter months, whereas you intended to occupy and heat the property throughout the year.

The Board understands that a significant part of your concern is the belief that NS Power "made up" the estimated bills and that those estimates ultimately caused the situation you now face. For that reason, the Board believes it is important to explain how estimated billing works and why it was used in this case.

Normally, the type of meter you own sends the meter read to NS Power wirelessly, without an individual having to visit each meter. Following the cyber incident experienced by NS Power in 2025, the company was unable to consistently obtain actual meter readings wirelessly. During this period, NS Power still had an obligation to continue issuing monthly bills. As a result, bills were issued using estimated consumption until actual meter data became available. The *Regulations* approved by the Board allow NS Power to estimate usage “using the best available data”, when it cannot obtain an actual meter read.

Based on the evidence before it, the Board finds it likely that the historical information available for the property reflected a significantly lower level of electricity consumption than what occurred after you took occupancy. This led to your bills being substantially underestimated. You had four estimated bills covering an eight-month period from April 2025 to December of 2025. Those four bills estimated 6,441 kWh and had a total energy charge of nearly $1,200. When the meter was finally read on February 2, 2026 (the March 18, 2026, bill) it showed you had used nearly 35,000 kWh over 10 months and had an additional energy charge of nearly $5,300 to make up for the low estimates. In total, you owed $5,541.60 on the February bill.

In your case, the Board found that the historical data used by NS Power reflected the consumption patterns of the previous owner, who did not regularly occupy the property during the winter months, rather than your significantly higher level of heating/energy use after purchasing the home. As a result, the estimates generated during the cyber incident substantially understated your actual electricity consumption. The Board accepts that these inaccurate estimates likely affected your understanding of the property's true operating costs and acknowledges that, had the estimated bills more closely reflected your actual usage, you may have gained earlier visibility into the cost of heating the home and chosen to install heat pumps or pursue other energy-efficiency improvements sooner.

I have reviewed the meter reads and the information submitted by NS Power to ensure that they billed you for the correct number of kWh and that the energy charges were correctly calculated. In total, from April 2025 to February 2026, you were billed for 39,826 kWh on six bills with a total “Energy Charge” of $7,257.68. Unfortunately, these amounts were not spread out properly over the 11-month timeframe. Rather, NS Power underestimated your bills during the April to December 2025 period, leading to a very large reconciliation bill in February 2026. I can confirm, however, that all of the final bill calculations are accurate.

Unfortunately, NS Power did not request that you provide self-read meter photographs or customer-submitted meter readings. Such an approach may have alleviated some of the financial and human stress that has been caused.

I wish to be clear that the evidence before the Board does not establish that NS Power acted dishonestly or intentionally misled you, fabricated consumption, altered meter readings, or attempted to charge you for electricity you did not use. Instead, the evidence indicates that the company used estimated billing during a period when actual meter readings were unavailable and later reconciled the account once actual meter data became available. The Board found no evidence that the actual meter readings were inaccurate; the billing calculations were incorrect; or you were charged for electricity that was not consumed at the property.

Ultimately, while the Board accepts that the estimates understated your actual usage, the Board is also satisfied that the electricity reflected in the February 2026 reconciliation bill was consumed at the premises. The Board, therefore, cannot conclude that the charges are invalid simply because the estimates proved to be lower than actual usage.

The Board recognizes that you have a significant outstanding balance that must be paid to NS Power and that immediate repayment could create financial hardship. You have suggested you be provided with seven years to repay this amount. In deciding if, and how long, you might be given to pay this amount, the Board considered several factors. First, the outstanding amount of $5,541.60 is significant and may have grown during the appeal period. Secondly, the Board notes that had you understood how high the bills were, you could have reduced your energy consumption or "would have added heat pumps last year". While the Board is unaware of your specific financial situation, it notes that you live alone and are retired. Conversely, the evidence shows the electricity was consumed and, while heat pumps may have offset some of that cost, they likely would not have eliminated it. In balancing your responsibility to pay for what you consumed with the financial hardship the large sum is likely to cause, the Board has determined you should pay any outstanding amount over a three-year period.

Therefore, I am directing NS Power to offer a three-year payment arrangement to Ms. Mitchell without interest, penalties, or late payment charges on the amount currently outstanding. NS Power should first provide the Board with the full details of the arrangements comprising all calculations and assumptions including (if relevant) electricity usage, any portions that go toward outstanding usage versus future usage, the breakdown of all payments, the role of credit history, and any alternative payment approaches that might be available. I also direct NS Power to clarify how any payment arrangement would function should your consumption be above or below any estimated consumption amount. NS Power should clarify at what point the monthly amount would be adjusted, if at all. In addition, NS Power should provide an example showing the payment and any adjustments required should consumption be 10% higher or 10% lower.

I am directing NS Power to provide its explanation by **August 31, 2026, at 2:00 p.m**. Once that information has been filed, I will provide you with one week to submit your input and comments on the proposed payment plan. During this time, you should feel free to discuss the proposal with NS Power and to accept any alternative arrangements they may offer that you consider adequate.

Accordingly, your appeal is denied, subject to the direction above regarding a reasonable repayment arrangement for the arrears over a period of up to 36 months, or such other arrangement as you and NS Power may mutually agree upon.

Yours very truly,

Bruce H. Fisher, MPA, CPA
Member

c. M12767 Parties