

NOVA SCOTIA ENERGY BOARD

IN THE MATTER OF: The *Public Utilities Act*, RSNS 1989, c 380, as amended

– and –

IN THE MATTER OF: An Application by EfficiencyOne for Approval of the 2027–2031 Demand-Side Management (DSM) Purchase Agreement between EfficiencyOne and Nova Scotia Power Inc., the establishment of a final agreement between the parties, and approval of a 2027–2031 Demand Side Management (DSM) Resource Plan

**REPLY SUBMISSION
OF EAST COAST ENVIRONMENTAL LAW**

East Coast Environmental Law (“ECEL”) thanks the Board for the opportunity to provide this reply submission in response to closing submissions by the parties in this Matter.

ECEL’s closing submission states that we are largely supportive of the Application by EfficiencyOne (“E1”), with two significant reservations. The submission acknowledges the procedural delays and costs that E1 and other stakeholders would face if the Board were to withhold approval of this Application, and it expresses reluctance to argue that the Application should not be approved; ultimately, however, it argues that some reconsideration is necessary before a 2027-2031 DSM Plan is approved. The submission does not request a specific order or procedure to address the concerns raised within it, but it indicates that it may be necessary for E1 to file an updated Application. The submission’s open-endedness in this regard reflects ECEL’s uncertainty concerning the Board order or directions that would be most appropriate under the circumstances.

The closing submission of the Consumer Advocate also raises concerns about E1’s Application, and it recommends specific directions and procedure to resolve those concerns:

The CA also acknowledges that requiring E1 to develop an entirely new Plan based on the IRP may be difficult and impractical to implement, at least in advance of January 1, 2027. With that in mind, the CA submits that the appropriate remedy is not to reject the Plan but to approve it subject to direction that corrects its trajectory. Both the IESO’s Integrated Resource Plan and E1’s updated DSM potential study are expected to be completed by the end of 2026[.] The CA submits that the Board should: (i) confirm that the level of cost-effective DSM identified through the IRP process is the benchmark against which E1’s savings targets are to be assessed; (ii) approve the 2027 investment and savings levels as filed, so that program delivery is not disrupted on January 1, 2027; (iii) direct E1 to file, within 90 days of completion of the updated IRP and potential study, a mid-course adjustment setting out revised savings and investment levels for

2028-2031 that align the Plan with the level of cost-effective DSM those studies identify, together with an updated rate and bill impact analysis; and (iv) adopt Mr. Love's recommendation that the Standardized Filing Framework include a mid-course adjustment trigger where the Evergreen IRP process identifies optimal DSM acquisition levels more than 20% away from the approved Plan over its remaining term.¹

ECEL is supportive of the suggestion that E1's proposed 2027 investment and savings levels be approved as filed so that program delivery is not disrupted in January 2027 but that E1 be required to file revisions to the proposed Plan as it pertains to 2028-2031. However, we are not certain that a mid-course adjustment process (which E1's opening statement and closing submission now call an Annual Adjustment Process) is an appropriate mechanism for revisions of this kind.

E1 has been clear in its evidence and argument that it does not view either the proposed Annual Adjustment Process or the proposed Mid-Term Check-In Process as an opportunity, in the ordinary course, to make significant alterations once the 2027-2031 DSM Plan has been approved. For example, E1 states the following about the Annual Adjustment Process in its closing submission:

The Annual Adjustment Process (renamed from the previously labelled "mid-course adjustment process") provides the DSM administrator limited flexibility to adjust annual program-level budgets and savings from those set out in the original approved DSM Plan, in order to respond to market conditions and program performance changes that were not known at the time of Plan development. The Annual Adjustment Process does not change approved overall investment or Board-approved Performance Targets.²

Likewise, E1's evidence states that its proposed Mid-Term Check-In Process would "not constitute a full plan reopening or amendment process", nor would it "alter E1's approved performance targets or total spending authority".³

ECEL's understanding is that E1 envisions that the proposed Mid-Term Check-In Process could potentially, but would not necessarily, lead E1 to file a fresh application to modify the Board-approved 2027-2031 DSM Plan.⁴ As E1 stated in its evidence:

The mid-term check-in process described above is designed to enhance transparency and stakeholder engagement but does not constitute a plan amendment proceeding or create any obligation for E1 to seek plan amendments. Should circumstances arise during plan implementation that, in E1's reasonable assessment, may necessitate changes to approved investment levels, performance targets, or other material plan elements requiring NSEB approval, E1 will provide advance notice to the DSMAG and file an appropriate application with the NSEB in accordance with the *PUA*. Such circumstances might include, for example, significant and unforeseen changes in avoided costs, material shifts

¹ Closing Submission of the Consumer Advocate, pp. 11-12.

² Closing Submission of E1, p. 5 of 68.

³ Exhibit E-1, p. 65 of 71.

⁴ Exhibit E-1, p. 66 of 71; Closing Submission of E1, pp. 7-8 of 68.

1 in market conditions or technology availability, legislative or regulatory changes affecting
2 DSM delivery, or other extraordinary events materially impacting plan feasibility or
3 ratepayer value. E1 does not anticipate the need for such amendments.⁵
4

5 In light of E1's characterizations of both the proposed Annual Adjustment Process and proposed
6 Mid-Term Check-In Process, ECEL is not certain that directing E1 to file a mid-course
7 adjustment, as the Consumer Advocate suggests, would be the most appropriate way for the
8 Board to direct revisions to an approved 2027-2031 DSM Plan. It might instead be necessary to
9 direct E1 to file a new application to revise the Plan, as E1's own evidence and argument
10 suggests.
11

12 As noted above, ECEL supports the suggestion that the Board approve the proposed 2027
13 investment and savings levels but require E1 to file revisions to the proposed Plan as it pertains
14 to 2028-2031. Approving the 2027-2031 DSM Plan as proposed but requiring E1 to return with a
15 fresh application pertaining to the years 2028-2031 may be an option; however, approving a five-
16 year plan on the condition that significant changes be filed for four out of the five years is
17 perhaps not an ideal solution. A better option may be an interim order approving the proposed
18 2027 investment and savings levels but requiring E1 to file a revised application for 2028-2031.
19 The Board may also see other options that the parties have not considered or advanced.
20 Ultimately, it is within the Board's discretion and power to determine the best path forward in
21 this regard.
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24 Respectfully submitted this 18th day of September, 2026, at Halifax, Nova Scotia.
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28 _____
29 Kostantina Northrup
Staff Lawyer

⁵ Exhibit E-1, p. 66 of 71.