

July 21, 2026

[REDACTED]

David Nickerson

[REDACTED]

Dear Mr. Nickerson:

M12972 – Nova Scotia Power Inc. – Billing Issues – Confidentiality Request

BACKGROUND

On July 12, 2026, you filed a Notice of Appeal with respect to an unresolved billing dispute with Nova Scotia Power Inc. This letter addresses your request of the same date for confidentiality made under s. 12 of the *Board Regulatory Rules*.

CONFIDENTIALITY FRAMEWORK

The criteria for a confidentiality order is set out by the Supreme Court of Canada in *Sierra Club of Canada v Canada (Minister of Finance)*, 2002 SCC 41 (*Sierra Club*). In *Sierra Club* the Court held that confidentiality orders are permitted as an exception to the open courts' principle, but only when certain criteria are met, these being that:

- (a) such an order is necessary in order to prevent a serious risk to an important interest, including a commercial interest, in the context of litigation because reasonably alternative measures will not prevent the risk; and
- (b) the salutary effects of the confidentiality order, including the effects on the right of civil litigants to a fair trial, outweigh its deleterious effects, including the effects on the right to free expression, which in this context includes the public interest in open and accessible court proceedings.

Those criteria are essentially codified in s. 12(10) of the *Board Regulatory Rules*.

The "open courts" principle applies to the Board's processes, and there is a public interest in ensuring that information filed in Board proceedings is as open and transparent as possible.

Section 12 of the *Board's Regulatory Rules* states:

Confidential documents

- 12** **(1)** Subject to Rule 12(2), all documents filed in respect of an application shall be placed on the public record.
- (2)** A party may request that all or any part of the document be held in confidence by the Board, which request shall be placed on the public record.
- (3)** The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.
- (4)** Any request for confidentiality shall
- (a) include a summary of the nature of the information in the document;
- (b) state
- (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed, and
- (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and
- (c) be filed with the Board and served on the parties.
- (5)** Where a party has made a request under Rule 12(2), the document shall be held in confidence unless the Board orders otherwise.
- (6)** A party may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (7)** An objection shall state the reasons
- (a) why the party requires disclosure of the document; and
- (b) why disclosure would be in the public interest.
- (8)** The party claiming confidentiality will have an opportunity to reply to any objection.
- (9)** The Board may decide the issue with or without a hearing. Where the Board holds a hearing, the Board may direct that the hearing be held in the absence of the public.
- (10)** In ruling on a request for confidentiality the Board shall consider
- (a) whether the document may disclose matters involving public security;
- (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or
- (c) such other matters as the Board deems appropriate.
- (11)** The Board may
- (a) order that the document be held in confidence by the Board;
- (b) order that the document be placed on the public record;
- (c) order that an abridged version of the document be placed on the public record;
- (d) order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Board considers appropriate, including the signing of a confidentiality undertaking in a form approved by the Board;
- (e) order that the document be withdrawn; and
- (f) make any other order the Board may deem to be in the public interest.



- (12) Where the Board rejects a claim for confidentiality, the party claiming confidentiality may, within seven (7) days of receiving the Board's decision, or such other time as the Board may allow, notify the Board in writing that
- (a) if the party is an applicant, the application is withdrawn; or
 - (b) if the party is an intervenor, the intervention is withdrawn.
- (13) Where a party provides written notice to the Board pursuant to Rule 12(12), if the document is on file with the Board, the Board shall immediately return the documents for which confidentiality was claimed.

As the Court said in *Sierra Club*, the interest cannot be one which is merely specific to the applicant but rather must be one which can be expressed in terms of a public interest in confidentiality.

In your request, you outline concerns that publishing your name would confirm identifying details in a new and durable format or that disclosure of these identifiers “would compound an already-realized security failure, creating a documented, non-speculative risk of identity theft, phishing, or targeted fraud.”

As noted under s. 12(3), you, as the party claiming confidentiality, have the burden of satisfying the Board that the following should be held in confidence:

1. your full legal name, in whole or in part;
2. your home civic/mailling address;
3. your NS Power account number;
4. your personal email address (including the compromised address discussed in Exhibit F);
5. your telephone number, wherever it appears in the record; and
6. your electricity meter number, as it appears in Exhibit A, Exhibit B, and Exhibit C.

With respect to the request that your full name and other identifiers be omitted from publication, you state:

Name, account number, and email address (items 1, 3, 4): These identifiers are directly tied to a confirmed 2025 NS Power data breach, after which the email address associated with my account experienced a marked increase in unsolicited messages and my computer was subsequently compromised. On two separate occasions in 2025, NS Power directed me to submit these same identifiers through an insecure social media channel, which I declined in writing on security grounds. Public disclosure of these identifiers in connection with this proceeding would compound an already-realized security failure, creating a documented, non-speculative risk of identity theft, phishing, or targeted fraud.

In terms of personal identifiers, the Board has a privacy policy to protect personal data identifiers from disclosure to the public on the Internet – that is information such as addresses, phone numbers and email addresses - unless informed consent has been provided (see: Privacy policy | Nova Scotia Energy and Regulatory Boards Tribunal [by clicking this link](#)). “Personal data identifiers” does not include a person’s name.

The Access and Privacy Policy can also be found on the Board’s website [by clicking this link](#).



In keeping with the Access and Privacy Policy, it is the Board's view that your mailing/civic address, your NS Power account number, your personal email address, your telephone number and your meter number do not need to be made public for the purpose of determining this matter. While this information is needed for the Board to address complaints, it is typically not an issue in the proceeding and generally of minimal relevance in resolving the issues in dispute. In such cases, the Board accepts that an individual's privacy interest in the personal identifiers set out above is sufficient to warrant confidentiality. Therefore, the only item that would be publicly available is your full name.

With respect to the disclosure of your full name, you state:

Publishing my name in a permanent, searchable government record, whether within the filed documents or in the Board's public matter title, would confirm identifying details in a new and durable format, compounding an already-established pattern of physical vulnerability at an isolated residence.

Normally, the Boards decisions and hearings include the names of the parties to the proceeding, in accordance with the open court principle. To depart from the open court principle through anonymizing the names of the parties requires satisfying the test described in *Rule 12(10)*.

The Board finds there is a lack of evidence concerning a serious risk to an important public interest. There is no evidence that this appeal concerns sufficiently intimate financial or personal matters to justify departing from the principle that the record should be publicly accessible.

The Board is of the view that disclosing the names of all parties that appear before the Board helps to ensure the integrity of the proceedings, enhances the legitimacy of decisions, and fosters public confidence in the Board's processes. Anonymity would limit the accountability mechanism endorsed by the open court principle.

While your privacy interests were considered by the Board, there remains the primacy of the principle that legal proceedings are to be open. The Board finds there are no compelling reasons in this matter to depart from that principle.

CONCLUSION

Under *Board Regulatory Rule 12*, you requested confidential treatment of certain personal identifiers. As noted above, your mailing/civic address, your NS Power account number, your personal email address, your telephone number and your meter number will not be made public in this matter. Therefore, the only remaining identifier is your full name. After considering the reasons provided by you in your letter of July 12, 2026, the Board finds there is a lack of evidence concerning a serious risk to an important public interest and denies the request to redact your full name in any filed documents in this matter.

Accordingly, your full name will be made available to the public and will appear on all filings and documents received or generated by the Board.



As set out in s. 12(12) you may, within seven days of receiving the Board's decision, or such other time as the Board may allow, notify the Board in writing if you wish to withdraw your complaint.

Yours very truly,



Darlene Willcott, LL.B.
Member

