



**NOVA SCOTIA POWER INCORPORATED**

**DISTRIBUTION TARIFF**

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## 1. DEFINITIONS

In this Distribution Tariff, the following terms shall have the following meanings:

**Act:** The *Electricity Act*, S.N.S. 2004, c. 25, as amended from time to time.

**Ancillary Services:** Services that are necessary to support the transport of capacity and energy from generation resources to loads while maintaining reliable operation of the Transmission Provider's Transmission System in accordance with Good Utility Practice.

**Board:** The Nova Scotia Utility and Review Board.

**Bundled Service:** Electrical service taken from NS Power under NS Power tariffs approved by the Board. This takes the form of having generation, transmission, distribution, Ancillary Services and all other items associated with the provision of such service blended or bundled within the rate. For certainty, Bundled Service does not include services taken from NS Power under the Distribution Tariff, the Energy Balancing Service Tariff, the Standby Service Tariff or the Renewable to Retail Market Transition Tariff.

**Customer Information:** Information including, but not limited to, the name, telephone number, mailing address, e-mail address, service address, site contact name, site contact telephone number and information regarding electricity consumption, class of service and payment history of a Retail Customer or an RtR customer, as applicable.

**Demand Side Management Recovery Charges:** Costs of demand side management programs that NS Power is entitled to recover from RtR Customers.

**Distribution System:** NS Power's facilities and equipment (generally rated at less than 69 kV) used to distribute electricity to ultimate usage points such as homes and industries either directly from nearby generators or from interchanges from the Transmission System.

**Distribution System Access:** The services provided by NS Power to the RtR Customer under the Distribution Tariff provide for the connection of the RtR Customer to the Distribution System, but does not include the provision of electricity. These services are comprised of delivery of electricity on the distribution system and related services including connections, disconnections, line and service extensions, inspection services,

meter services, power restoration, meter reading, and customer service, all in accordance with applicable NS Power Regulations.

**Distribution Tariff:** This Distribution Tariff, its terms and conditions and all appendices and attachments referenced herein, including the Distribution Tariff Rate Schedules.

**Distribution Tariff Rate Schedules:** The rate schedules attached hereto as Appendix A which outline the pricing and availability provisions for Distribution System Access.

**DT Charges:** This term shall have the meaning set out in Section 11.2.

**Good Utility Practice:** Those practices, methods or acts (including but not limited to the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry in North America) that at a particular time, in the exercise of reasonable judgment, would have been expected to accomplish the desired result in a manner consistent with regulations, reliability, safety, environmental protection, economy and expedition as applied and practiced in the utility industry with respect to power generation, delivery, purchase and sale.

**Licensed Retail Supplier (LRS):** A Retail Supplier who:

- (a) holds a valid Retail Supplier Licence; and
- (b) has a valid LRS Participation Agreement executed with NS Power. For certainty, a Wholesale Customer is not a Licensed Retail Supplier.

**LRS Participation Agreement:** The agreement (and any amendments or supplements thereto) between a Licensed Retail Supplier and NS Power with respect to the sale of renewable low-impact electricity by the LRS in the form approved by the Board.

**NS Power:** Nova Scotia Power Incorporated.

**NS Power Regulations:** NS Power Regulations approved by the Board pursuant to the *Public Utilities Act* (Nova Scotia) as such regulations may be amended from time to time with the approval of the Board.

**Open Access Transmission Tariff (OATT):** NS Power's Open Access Transmission Tariff, as approved by the Board.

**Province:** Province of Nova Scotia

**Real Power Losses:** Resistive losses occurring as the result of current flow through primary distribution feeders, distribution transformers, secondary conductors and service drops.

**Reasonable Efforts:** With respect to an action required to be attempted or taken by a party, efforts that are timely and consistent with Good Utility Practice and are otherwise substantially equivalent to those a party would use to protect its own interests.

**Renewable Low-Impact Electricity:** This term has the same meaning as in the Renewable Electricity Regulations (Nova Scotia).

**Retail Supplier:** This term has the same meaning as under the Act.

**Retail Supplier Licence:** A Retail Supplier licence issued by the Board in accordance with the Act and regulations made thereunder which authorizes a person to sell renewable low-impact electricity generated within the Province.

**Retail Customer:** This term has the same meaning as under the Act. For certainty, a customer of a municipal utility (as defined under the Act) is not a Retail Customer for the purposes of this Distribution Tariff.

**RtR Customer:** A Retail Customer who is acquiring renewable low-impact electricity from an LRS at an individual RtR Customer Premises and is not receiving Bundled Service from NS Power at that RtR Customer Premises.

**RtR Customer Premises:** A premises that is provided with electricity through a single meter and, as the context requires, either:

- (a) a complete building such as an office building, factory or house; or
- (b) a part of a building such as a suite of offices in an office building or an apartment in an apartment building, and in such cases the part of the building occupied must be contiguous and include no space not controlled by the customer; or
- (c) a group of buildings served by one electric service and at its discretion accepted by NS Power as one RtR Customer for LRS billing purposes.

**RtR Customer Transaction Request Application:** A NS Power document to be used by a Licenced Retail Supplier for the purpose of applying to NS Power to accept and process RtR Customer transactions.

**Transmission Provider:** NS Power.

**Transmission Services:** The services obtained by market participants under the terms and conditions of the OATT to access the Transmission System for the purpose of transporting electric energy and Ancillary Services.

**Transmission System:** The facilities, generally rated at 69 kV and above, owned, controlled or operated by the Transmission Provider that are used to provide transmission service under the OATT.

**Wholesale Customer:** This term has the same meaning as under the Act.

2. **PURPOSE OF THE DISTRIBUTION TARIFF**

In accordance with the provisions of the Act and the regulations made thereunder, NS Power will, subject to the terms of this Distribution Tariff, provide Distribution System Access to RtR Customers to enable the connection of the RtR Customer to the Distribution System.

3. **SCOPE OF THE DISTRIBUTION TARIFF**

The Distribution Tariff is applicable to all RtR Customers connected to the Distribution System.

This Distribution Tariff is not applicable to RtR Customers directly connected to the Transmission System. Transmission-connected RtR Customers must have their Transmission System access arranged by the LRS under the provisions of the OATT.

The Distribution Tariff outlines the terms and conditions that apply to the provision of Distribution System Access to RtR Customers.

The Distribution Tariff Rate Schedules apply to the provision of Distribution System Access.

4. **BOARD APPROVAL**

The Distribution Tariff has been approved by the Board.

Nothing contained in the Distribution Tariff shall be construed as affecting in any way the right of NS Power to make application to the Board for a change in any rates (including the Distribution Tariff Rate Schedules), terms and conditions, charges, classification of service, rules or regulations.

5. **APPENDICES**

For greater certainty, Appendix A attached hereto forms part of the Distribution Tariff.

6. **APPLICABILITY OF NS POWER REGULATIONS TO THE RTR CUSTOMER**

The NS Power Regulations apply to an RtR Customer receiving Distribution System Access.

**7. NS POWER RESPONSIBILITIES**

NS Power shall be responsible for:

- (a) provision of Distribution System Access;
- (b) processing RtR Customer Transaction Request Applications that are received from an LRS on behalf of the RtR Customer;
- (c) providing billing data for the RtR Customer's Distribution Tariff charges for inclusion on the RtR Customer's invoice; and
- (d) acting as the point of contact for RtR Customers for matters related to the provision of Distribution Access Service.

NS Power shall not be responsible to the RtR Customer for the supply of electricity (whether renewable low-impact electricity or otherwise) which the RtR Customer shall be obligated to obtain from an LRS.

NS Power shall not be responsible for monitoring, reviewing or enforcing contracts or arrangements between the RtR Customer and the LRS and shall not be liable for any loss, damages, cost, injury, expense or other liability, whether direct, indirect, consequential or special in nature, howsoever caused, as a result of the LRS's failure to perform its obligations to its RtR Customer(s).

**8. RtR CUSTOMER RESPONSIBILITIES**

The RtR Customer shall be responsible for:

- (a) payment of all fees and charges arising in connection with the Distribution Tariff;
- (b) compliance with the terms and conditions of the Distribution Tariff and the NS Power Regulations;
- (c) obtaining a supply of renewable low-impact electricity from an LRS; and
- (d) all contractual arrangements with an LRS for the supply of renewable low-impact electricity.



## 9. INTERRUPTION OF DISTRIBUTION SYSTEM ACCESS

Notwithstanding any term of this Distribution Tariff, NS Power shall have the right to suspend or interrupt, in whole or in part, the provision of Distribution System Access for the purpose of safeguarding life or property, for making repairs, changes, renewals, improvements or replacements to the Distribution System provided NS Power shall make Reasonable Efforts to ensure all such suspensions or interruptions are of a minimum duration consistent with the exigencies of the case, provided, however, any such suspensions or interruptions shall not release the RtR Customer from its obligation to pay all charges pursuant to this Distribution Tariff during the period of any such suspensions or interruption and to resume the use of power and energy when the supply is restored.

### 9A. LIMITATION OF LIABILITY

- (a) NS Power shall not be responsible for any claim, loss, cost, liability, action, judgment, suit, proceeding, expense, disbursement or damage whatsoever arising, either directly or indirectly, whether in contract or tort (including negligence) or otherwise, in respect of any interruptions, diversions, curtailments, or other procedures necessary to maintain the efficient and effective operation of the Distribution System or the Transmission System. This would include all Distribution Access Service as permitted by this Distribution Tariff.
- (b) NS Power not liable for damages in respect of any delay, interruption or other partial or complete failure in supplying Distribution System Access where such damages are caused by something which is beyond the ability of the Company to control by reasonable and practicable effort.
- (c) Notwithstanding any other provision herein or applicable law to the contrary, NS Power shall not be liable for:
  - i. any indirect or consequential loss or incidental or special damages, including, without limitation, any punitive or aggravated damages;
  - ii. any loss of profit, loss of contract, loss of opportunity or loss of goodwill;  
or
  - iii. damages for loss of use,

arising, directly or indirectly, with the performance or delivery of the Distribution Access Service or any other obligations of NS Power under this Distribution Tariff, including but not limited to interruptions, diversions, curtailments or suspensions of any of the Distribution Access Services or from any acts or omissions of its employees and agents, and whether arising in contract, indemnity, tort (including negligence) or any other legal theory.

10. **METERING**

10.1. **Provision and Ownership**

NS Power will provide, install and seal all revenue class meters as necessary for application of this Distribution Tariff. The meters will be used for determining charges for Distribution System Access under the Distribution Tariff applicable to the RtR Customers.

Interval meters with remote polling capability shall be installed for all RtR Customers.

All meters and associated revenue metering equipment shall remain the property of NS Power. All revenue metering equipment installations shall meet the requirements under the Electricity and Gas Inspection Act regulations in effect at the time.

RtR Customer metering requirements are set out in the NS Power Regulations Section 4 - Metering.

10.2. **Meter Reading**

RtR Customer meter reading requirements are set out in NS Power Regulations Section 5 – Meter Reading and Billing.

11. **BILLING**

11.1. **Application of Distribution Tariff Rates**

The Distribution Tariff amounts payable by the RtR Customer will be calculated by NS Power using the RtR Customer's meter readings and the Distribution Tariff Rate Schedule applicable to the RtR Customer's rate class.

If the operational or consumption characteristics of the RtR Customer change, such that the RtR Customer, in NS Power's determination, no longer qualifies for its current rate class, NS Power shall apply a Distribution Tariff rate appropriate to the RtR Customer's new operational or consumption characteristics.

**11.2. Billing**

Unless NS Power directs otherwise, the RtR Customer shall be invoiced by the LRS and will pay the LRS for any charges or fees, inclusive of all applicable taxes, owing by the RtR Customer to NS Power under this Distribution Tariff (DT Charges).

For greater certainty, the DT Charges shall include:

- (a) All fees and charges for the provision of Distribution System Access under this Distribution Tariff;
- (b) Demand Side Management Recovery Charges;
- (c) any applicable costs incurred by NS Power resulting from performance of repairs, changes, renewals, improvements or replacements outside of normal working hours, at the RtR Customer's request; and
- (d) Other items as may be approved by the Board.

NS Power may, at its discretion, include fees for any special customer services provided at the LRS's or the RtR Customer's request, pursuant to NS Power Regulation 7.1 - Schedule of Charges.

The RtR Customer consents to NS Power providing the LRS with Customer Information for the purposes of facilitating the billing arrangements between the LRS and the RtR Customer.

The RtR Customer acknowledges and agrees that unless NS Power directs otherwise, it shall be responsible to the LRS with respect to all matters relating to the payment and collection of the DT Charges and any other amounts owing by it under this Distribution Tariff.

The RtR Customer shall not make or bring any claim, action or demand against NS Power arising out of or in any way attributable to the collection of the DT Charges by the LRS, its servants, agents or employees.

**11.3. Real Power Losses**

Distribution System Real Power Losses associated with Distribution System Access are incorporated in the Distribution Tariff rates applicable to each RtR Customer's rate class. The RtR Customer is responsible for the costs of such Real Power Losses.

**12. DISCONTINUANCE OF DISTRIBUTION SYSTEM ACCESS BY NS POWER**

For certainty, NS Power may discontinue Distribution System Access to an RtR Customer in accordance with the requirements of NS Power Regulations Section 6 – Collection of Accounts, Regulations 6.1 - Disconnection of Electric Service, 6.2 - Rules Governing Disconnection and 6.3 - Medical Emergency.

**APPENDIX A: DISTRIBUTION TARIFF RATE SCHEDULES**

JANUARY 1, 2017