



**Nova Scotia Utility and Review Board
Statement of Mandate
2015-2016**

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A. MESSAGE FROM THE CHAIR

On behalf of the Board I am pleased to present the Nova Scotia Utility and Review Board's Statement of Mandate for the fiscal year ending March 31, 2016.

In addition to maintaining service levels, efforts continue on finalizing the initiatives set out in our 2011 Strategic Plan¹. That plan is nearing substantial completion although it continues to be relevant and is the basis for this Statement of Mandate. While the Strategic Plan includes a number of detailed objectives and initiatives this plan is intended to show the few critical priorities or activities we will focus on in the coming fiscal year. Of particular note are:

- Completing our process reviews with a view to simplifying and rationalizing our processes and reduce costs without jeopardizing natural justice and public access.
- Continuing to increase public understanding of the Board and improving access to information and services.
- Continuing to develop the knowledge, skills and abilities necessary to respond to complex matters coming before the Board.

As always, the Board is mindful of the responsibilities assigned to it by the various statutes and regulations. It takes those responsibilities very seriously recognizing that its decisions can have a significant impact on the lives of Nova Scotians – both broadly on matters such as utility rates, and individually on matters such as property assessment appeals. I believe the activities described in this plan permit the Board to properly discharge its duties.

I would like to thank Government and the citizens of Nova Scotia for placing their trust in this Board. We will do our very best to ensure that trust is earned.



Peter W. Gurnham, QC
Chair
Nova Scotia Utility and Review Board

¹ A copy of the summary strategic plan can be found on the Board's web site at http://nsuarb.novascotia.ca/sites/default/files/PDFs/195115_strategic_plan_2011.pdf

B. BOARD MANDATE

Mission Statement

Our mission is to fairly and independently resolve matters.

Resolving matters includes:

- a. Providing efficient, cost effective and fair processes (i.e., hearings, appeals, licensing, and compliance);
- b. Developing a collective body of knowledge and expertise;
- c. Producing consistent and well reasoned decisions; and
- d. Appropriately informing public policy.

Vision Statement

Our vision is to be a leading administrative and regulatory tribunal.

We will be widely recognized as a fair, independent and accessible board, making insightful, consistent and well explained decisions, which are provided in a respectful, courteous and timely manner.

Mandate

The Board arguably has the greatest effect on the lives of ordinary Nova Scotians of any quasi-judicial tribunal in the province. The most visible decisions relate to oral hearings involving hundreds of millions of dollars or affecting thousands of ratepayers. However, the larger volume of files relate to smaller or more routine decisions not requiring oral hearings.

The Board's quasi-judicial mandate is set by legislation, and includes the following major functions:

- ▶ General supervision of all public utilities². That includes approving things such as:
 - ▶ initial establishment of utilities;
 - ▶ rates and terms of service;

² Public utilities are primarily water and electric utilities although wastewater is also included for the Halifax Regional Water Commission.

- ▶ capital expenditures in excess of \$250,000;
 - ▶ resolution of certain types of complaints; and
 - ▶ abandonment of service.
- ▶ Approval of franchises for distribution of natural gas, monitoring of the approved construction and operation of pipelines and associated facilities, and construction and operation of liquefied natural gas plants and underground hydrocarbon storage facilities. This may include such things as: establishment of franchises; issuance of permits to construct and licenses to operate; setting of rates; approving terms of supply; and permitting abandonment of service. The Board also approves licenses for natural gas marketers.
 - ▶ Economic regulation of public passenger bus operations.
 - ▶ Hearing appeals from the Nova Scotia Assessment Appeal Tribunal³ concerning assessed values of property for municipal taxation purposes.
 - ▶ Hearing appeals from decisions of municipal councils and development officers relating to planning matters.
 - ▶ Establishing the value of expropriated land where in dispute.
 - ▶ Hearing appeals from decisions of the Director of Victims' Rights and Services relating to compensation for victims of crime.
 - ▶ Setting the number of representatives and electoral boundaries for municipalities and school boards⁴.
 - ▶ Approving tolls for the Halifax-Dartmouth bridges.
 - ▶ Considering liquor license applications or disciplinary matters when referred by the AGD (Alcohol and Gaming Division⁵).
 - ▶ Hearing appeals from decisions of the AGD, disciplining of gaming licensees, and hearing application for reinstatement of access to casinos for those who voluntarily exclude themselves.

³ Formerly the Regional Assessment Appeal Court.

⁴ The *Municipal Government Act* requires Municipal Councils to apply to the Board every eight years to confirm or alter the number of polling districts and councilors. The *Education Act* has similar provisions for school board electoral boundaries. The required review of boundaries is currently in progress.

⁵ A Division of Service Nova Scotia and Municipal Relations.

- ▶ Hearing appeals from decisions of the film classifiers of the AGD relating to film classifications.
- ▶ Regulation of short line railways.
- ▶ Hearing appeals from orders made by the Fire Marshall and others as the Fire Safety Appeal Board.
- ▶ Determining the maximum amounts of interest and service charges that lenders may charge for payday loans pursuant to the *Consumer Protection Act*⁶.
- ▶ Determining the rates insurance companies operating in the province can charge for automobile insurance. This includes a mandatory review of rates for each company at least every two years.
- ▶ Setting the rates wholesale and retail outlets charge for gasoline and diesel oil products pursuant to the *Petroleum Products Pricing Act*. This includes setting the number and boundaries of pricing zones.

The *Technical Safety Act*, passed in May 2008 but not yet fully proclaimed, may transfer responsibility for certain other appeals during the fiscal year.

C. GOVERNMENT PRIORITIES

The Government of Nova Scotia has set out four overarching policy priorities to guide efforts in departments, agencies, boards and commissions. Those priority areas are:

1. Fiscal: Balancing the budget and achieving sustainable Government by not later than fiscal 2018.
2. Economy: Creating a climate for private sector and social enterprise economic growth to support the economic goals set out in the One Nova Scotia Commission Report.
3. Education: Increasing workforce participation and entrepreneurship by improving education systems and opportunities for skills development and knowledge through post-secondary education, training and apprenticeship.
4. Demographics: Increasing net interprovincial in-migration and international immigration levels; enhancing wellness and health initiatives; enhancing workforce participation of youth, older workers and

⁶ The *Consumer Protection Act* requires the Board to review any Orders it issues at least every three years. The scheduled 2014 review was delayed until early 2015 and is in progress at the time of writing of this plan.

marginalized communities; and enhancing communities and social well-being.

While these priorities are not the sole focus of Government they do provide an overarching framework to inform the Board's business planning process. Recognizing that our unique role imposes certain limits and requirements in law, our challenge will be to support Government priorities in the following ways:

- a. Properly carrying out our regulatory mandate, including any changes arising from transition to a competitive energy market, with a view to providing reasonably priced and stable utilities infrastructure which business and other consumers can rely on.
- b. Continuing consultations with external stakeholders and reviewing each of our mandates to determine the most efficient and effective way possible to provide our services in order to minimize red tape and shorten overall processing times.
- c. Living within our fiscal means while continuing to find innovative ways to improve service and reduce costs.
- d. Providing information to Government and others seeking to reform policies and cut red tape in order to reduce the effects of regulatory burden on the economy.

The Board will continue to support the intent of Government priorities to the greatest extent possible while respecting its responsibilities under the law and need to maintain its quasi-judicial independence.

D. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2014 – 2015 Estimate	2014 – 2015 Forecast ⁷	2015- 2016 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	5,839	5,365	5,665
Quasi-judicial - unbudgeted operations ⁸		2,110	
Total expenses	5,839	7,475	5,665
Revenues:			
Grant from Province of Nova Scotia	1,970	1,970	1,970
Recoveries from utilities and others	3,869	3,587	3,695
Recoveries - unbudgeted operations ⁹		2,078	
Total revenues	5,839	7,635	5,665
Net income (loss)	0	160	0
Restricted and unrestricted surplus ¹⁰ - beginning of year	1,765	1,765	1,925
Restricted and unrestricted surplus - end of year	1,765	1,925	1,925

⁷ Figures provided are forecasts. Actual results may differ.

⁸ Unbudgeted operations expenses arise from hearing activities that cannot reasonably be forecast in advance. Most of these expenses are recovered from the applicant or appellant, or party requesting the service.

⁹ See footnote 10 below.

¹⁰ Surpluses may be restricted for things such as capital assets in use, working capital requirements, and incomplete projects for which revenues have been received.

E. PERFORMANCE MEASURE

Quasi-judicial Function					
Outcome	Measure	Data Base Year	Trends	Target 2015-2016	Strategies to Achieve Target
Independently and fairly resolve matters in a timely fashion ¹¹ .	Percentage of hearing decisions issued within target number ¹² of writing days from receipt of final submissions.	Base Year 2006-07 94.0%	Trends: See chart on next page	Maintain 95% or more of decisions released within target number of writing days from receipt of final submissions.	<ul style="list-style-type: none"> - Use of electronic filing, information repository and case management programs to aid in processing. - Continue monitoring of member and staff performance through monthly Board meetings. - Periodic consultation with external parties to seek ways to improve services.

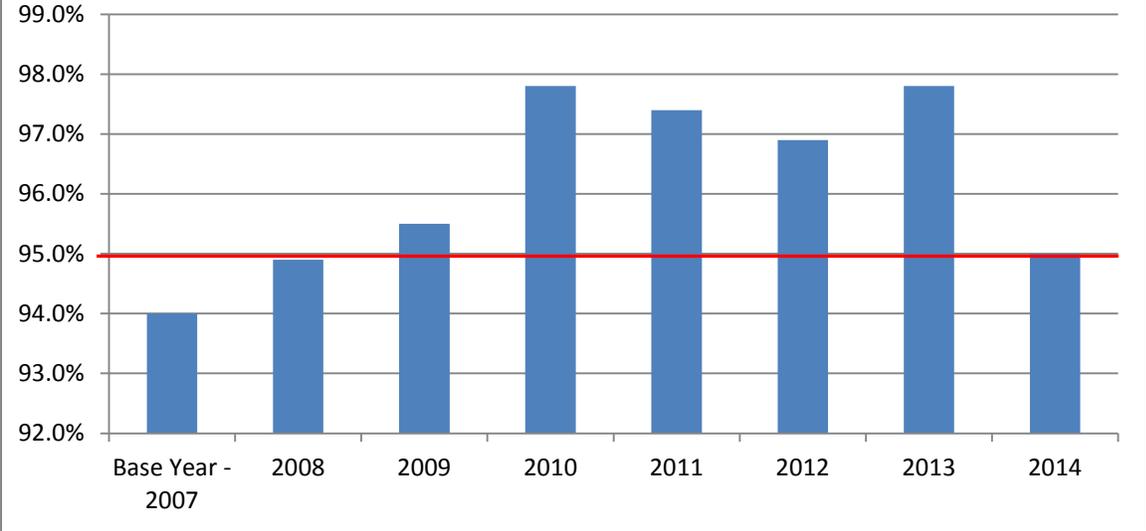
The following chart shows the Board's actual performance in meeting its target of having 95% or more of decisions released within the target writing time.

¹¹ While timely production of decisions is important the primary emphasis must always be to fairly resolve matters based on the specific facts of each case and relevant law.

¹² Target writing times vary by mandate and type of file. Ordinary matters have a target of 90 days. Planning matters have a statutory limit of 60 days unless extended by the Board at the conclusion of the hearing or necessary for the interests of justice. Some insurance matters have statutory limits of 10, 15, 20, or 60 days. At the Board's discretion timelines for some insurance matters can be extended. Interlocutory matters have a target of 10 working days. Note that these timelines are measured from the date of receipt of final submissions.

Decisions Within Target Writing Time

Results by Fiscal Year



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Appendix A: List of Statutes Containing Board Mandate

1. Assessment Act, RSNS 1989, c.23 as amended
2. Consumer Protection Act, RSNS 1989, c.92 as amended
3. Education Act, SNS 1995-96, c.1 as amended
4. Electrical Installation & Inspection Act, RSNS.1989, c. 141 as amended
5. Electricity Act, SNS 2004 c. 25 as amended
6. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
7. Expropriation Act, RSNS 1989, c.156 as amended
8. Fire Safety Act, SNS 2002, c. 6
9. Gaming Control Act, SNS 1994-95, c.4 as amended
10. Gas Distribution Act, RSNS, 1997, c. 4 as amended
11. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
12. Halifax Regional Municipality Charter, SNS 2008, c.39 as amended
13. Halifax Regional Water Commission Act, Acts of 2007, c. 55 as amended
14. Heritage Property Act, RSNS 1989, c.199 as amended
15. Insurance Act, RSNS, 1989, c. 231 as amended
16. Liquor Control Act, RSNS 1989, c. 260 as amended
17. Maritime Link Act, SNS 2012, c. 9 as amended
18. Motor Carrier Act, RSNS 1989, c.292 as amended
19. Motor Vehicle Transport Act of Canada, 1987 as amended (Federal)
20. Municipal Government Act, SNS 1998, c.18 as amended
21. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
22. Nova Scotia Power Privatization Act, SNS 1992, c.8
23. Petroleum Products Pricing Act, SNS 2005, c. 11
24. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
25. Pipeline Act, SNS 1980, c. 13 as amended
26. Public Utilities Act, RSNS 1989, c.380 as amended
27. Railways Act, SNS 1993, c.11 as amended
28. Revenue Act, SNS 1995-96, c.17 as amended
29. Technical Safety Act, SNS 2008, c. 10¹³
30. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
31. Underground Hydrocarbons Storage Act, SNS 2001, c.37
32. Utility and Review Board Act, SNS 1992 as amended
33. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

¹³ Partially proclaimed in force as of the date of writing of this plan.