

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE PUBLIC UTILITIES ACT

- and -

IN THE MATTER OF a Hearing Regarding Notices of Constitutional and Human Rights Issues filed by **AFFORDABLE ENERGY COALITION, YVONNE CARVERY, LAURA LANNON, WAYNE MacNAUGHTON, KARAN WHITEMAN** and **DENISE BOULTER** (hereinafter referred to collectively as the “Claimants”) in relation to **Nova Scotia Power Incorporated’s 2007 Rate Application (P-886)**

BEFORE: Peter W. Gurnham, Q.C., Chair
Margaret A. M. Shears, Q.C., Vice-chair
Kulviner S. Dhillon, P. Eng., Member

ORDER

WHEREAS Nova Scotia Power Inc. (“NSPI”) filed an application to revise its rates on October 10, 2006. The Claimants in this proceeding filed notice of their intention to participate as intervenors in the proceeding and a notice pursuant to the *Constitutional Questions Act* on October 31, 2006. The Attorney General for the Province of Nova Scotia (the “Attorney General”) filed a response with the Board indicating an interest in intervening on the constitutional questions raised by the Applicants;

AND WHEREAS the question with respect to the *Human Rights Act* was subsequently withdrawn;

AND WHEREAS a special timetable was created to deal with the pre-hearing procedures in respect to the constitutional issues and a procedural order was issued on April 5, 2007, which included dates for filing of Information Requests to various parties.

AND WHEREAS a hearing was held on November 19, 26 and 28, 2007, with final oral argument on December 6 and 14, 2007;

AND WHEREAS the Board was pleased to render its Decision on the 4th day of February, 2008.

IT IS HEREBY ORDERED that Sections 44 and 67(1) of the *Public Utilities Act*, as interpreted by the Board, are not contrary to the *Canadian Charter of Rights and Freedoms*.

DATED at Halifax, Nova Scotia, this 6th day of February, 2008.

Clerk of the Board