

Schedule “A”

Regulations Respecting Wholesale Market Rules made under Section 5 of Chapter 25 of the Acts of 2004, the *Electricity Act*

Citation

1 These regulations may be cited as the *Wholesale Market Rules Regulations*.

Interpretation

2 In these regulations,

- (a) “Act” means the *Electricity Act*;
- (b) “ancillary services” means the services that are necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the transmission provider’s transmission system in accordance with good utility practices;
- (c) “Board” means the Nova Scotia Utility and Review Board;
- (d) “bulk electricity supply system” means a transmission system and all generating facilities that must be registered with NSPSO under the market rules, including all related communications, protection and control systems;
- (e) “distribution system” means a system for conveying electricity at voltages of less than 69 kV, and includes
 - (i) all communications, protection and control systems that interact with the transmission system, and
 - (ii) a transformer station for transforming electricity from voltages of 69 kV or more to voltages of below 69 kV;
- (f) “facility” means a generating facility, load facility and distribution system;

- (g) “generating facility” means one or more generators located in a single site, and includes
 - (i) all associated prime movers, station service equipment and communications, protection and control systems, and
 - (ii) a transformer station for transforming electricity to the voltage at which it is delivered to the transmission system or distribution system to which it is connected;
- (h) “good utility practices” means the practices, methods or acts, including 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;
- (i) “load facility” means a facility to which electricity is supplied from a transmission system;
- (j) “market participant” means a person who has executed a participation agreement with NSPSO and NSPI in defined circumstances set out in the market rules;
- (k) “market rules” means the rules made by the Minister under the Act and Section 4;
- (l) “NSPI” means Nova Scotia Power Inc.;
- (m) “NSPSO” means the Nova Scotia Power System Operator, a part of the Customer Operations division of the transmission provider;
- (n) “participation agreement” means an agreement executed between NSPSO and a person other than the transmission provider that enables the person to receive service under the transmission tariff;
- (o) “transmission provider” means Nova Scotia Power Incorporated;
- (p) “transmission system” means the facilities owned, controlled or operated by the transmission provider that are used to provide transmission service under Part II and Part III of the transmission

tariff;

- (q) “transmission tariff” means the open access transmission tariff approved by the Board on May 31, 2005, as amended by the Board.

Use of transmission system

- 3** A person must not, except in accordance with the market rules, provide or convey, or cause to be provided or conveyed, electricity or ancillary services into, through or out of the transmission system in any way, including
 - (a) directly as a market participant; and
 - (b) by interconnecting a generating facility with a distribution system.

Market rules

- 4** (1) Subject to the limitations set out in these regulations, the Minister may make market rules for
 - (a) the market opened to wholesale customers;
 - (b) the market opened to eligible customers under the transmission tariff; and
 - (c) the operation of the bulk electricity supply system.
- (2) The market rules must define the rights and obligations of NSPSO towards a market participant and of a market participant towards NSPSO within the market that is open for participation in Nova Scotia.
- (3) The rights and obligations of NSPSO as set out in the market rules are subject to the authority retained by the Province in respect of, or associated with, future changes in eligibility for participation in the market.

Scope of market rules

- 5** Market rules made under subsection 4(1) must address all of the following matters:
 - (a) the market itself, its scope and its objective;
 - (b) the administration of the market, including market participation, registration of facilities, market rule amendments, temporary waivers, compliance, monitoring, dispute resolution, enforcement,

emergencies, information reporting and data collection and analysis;

- (c) planning and reliability functions for the bulk electricity supply system, including emergency planning;
- (d) operation and function of the bulk electricity supply system, including scheduling of energy transactions and ancillary services;
- (e) settlement functions.

Eligibility for market participation

- 6** The market rules must establish criteria and procedures to accredit an applicant as eligible to be market participant, including criteria and procedures for credit support and technical requirements.

Registration of facilities

- 7** The market rules must establish criteria and procedures for facilities required to be registered with NSPSO.

Market information

- 8** The market rules must establish reporting and confidentiality requirements for market information.

Market monitoring

- 9** The market rules must provide for collecting, maintaining, reporting on and analyzing information and data required for the operation of the market.

Market surveillance

- 10** NSPSO must provide the Board with the information and data that the Board requests for market surveillance and for any investigation directed by the Board.

Wholesale market advisory committee

- 11** The market rules must establish a wholesale market advisory committee and outline its mandate.

Resolution of disputes

- 12** The market rules must establish methods to resolve disputes between a market participant and NSPSO.

Amendment of market rules

- 13** (1) The market rules must establish criteria and procedures for NSPSO to amend, subject to subsection 4(3), the market rules.
- (2) The market rules must establish criteria and procedures for an urgent amendment to the market rules.
- (3) The market rules must establish procedures and requirements for the application for and the publication of an amendment to the market rules.

Temporary waiver from market rules

- 14** (1) The market rules must establish criteria and procedures by which NSPSO may grant a temporary waiver from the application of any provision of the market rules.
- (2) The market rules must establish procedures and requirements for the application for and the publication of a temporary waiver.

Administration of market rules

- 15** (1) On the effective date of these regulations, the Minister must delegate to NSPSO the administration and enforcement of the market rules.
- (2) NSPSO is authorized to give instructions or directions under the market rules.
- (3) NSPSO is authorized to make an order or decision under the market rules, including an order or decision
- (a) authorizing a market participant to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the transmission system; or
- (b) terminating, suspending or restricting a person's right to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the transmission system.

Review of market rules

- 16** On application by any person, the Board may review any provision of the market rules.

Appeals to the Board

- 17** (1) A person who is subject to an order or decision made by NSPSO and has attempted to resolve the matter as provided for in the market rules may appeal the order or decision to the Board.

- (2) A person whose application to become a market participant is rejected by NSPSO and who has attempted to resolve the matter as provided in Section 12 and in the market rules may appeal to the Board.
- (3) The Board may hear appeals respecting facilities that are required to be registered with NSPSO after the parties have attempted to resolve the matter as provided in Section 12 and the market rules.

Board's powers

- 18** The powers of the Board respecting a hearing or an appeal under the *Public Utilities Act* and regulations apply to a review or an appeal under the market rules.