

Community Solar Program Regulations
made under Section 3AK of the
[Electricity Act](#)
[S.N.S. 2004, c. 25](#)
O.I.C. 2024-90 (effective February 27, 2024), N.S. Reg. 60/2024

Citation

1 These regulations may be cited as the *Community Solar Program Regulations*.

Definitions

2 (1) Except as otherwise provided in these regulations, words and expressions used in these regulations have the same meaning as in the Act and the [Renewable Electricity Regulations](#) made under the Act.

(2) In these regulations,

“Act” means the [Electricity Act](#);

“commercial operation date” means the date, specified in a power purchase agreement, that a project began operating;

“designated representative” means a person designated in writing by a project owner to communicate with the Minister and NSPI about the project owner’s project and the community solar program;

“Minister” means the Minister of Natural Resources and Renewables;

“power purchase rate” means a rate, determined by the Minister, at which NSPI purchases the solar energy generated by a project from a project owner;

“program guidelines” means the community solar program guidelines issued by the Minister;

“project” means a community solar garden;

“renewable energy certificate” means a document that provides proof that a subscriber owns the renewable attributes per megawatt-hours of renewable energy generated.

Subscription agreements

3 A subscription agreement must contain all of the following information:

- (a) the project’s name and address or location;
- (b) the subscriber’s name, residential address and billing address;

- (c) the subscriber's NSPI account number;
- (d) the subscriber's average annual electricity consumption, in kilowatt-hours, reported by NSPI;
- (e) the percentage of the subscriber's electricity consumption they seek to offset with their subscription;
- (f) the quantity of kilowatts the subscriber is subscribing to, reported by NSPI;
- (g) the estimated annual amount of solar energy the subscription may generate, in kilowatt-hours;
- (h) the bill credit rate of \$0.02/kWh for the subscriber's share of solar energy generated by the project;
- (i) any other information the Minister considers necessary.

Subscriber must not be charged additional fees

- 4** A subscriber must not be charged any additional fees by NSPI or a project owner to participate in the community solar program.

Subscriber receives bill credit for solar energy generated

- 5** A subscriber is billed by NSPI for their electricity consumption but will receive a bill credit for the amount of solar energy generated from their subscription.

Power purchase agreements

- 6** A power purchase agreement must be for a term of 25 years starting from the commercial operation date.

Power purchase rate

- 7** (1) The minimum power purchase rate for the community solar program is \$70.00/MWh.
- (2) In determining whether to assign a higher power purchase rate to a project, the Minister may consider any of the following factors:
- (a) the percentage of the total project capacity available for residential subscriptions;
 - (b) an evaluation of the community benefits plan as set out in [subsection 14\(4\)](#);
 - (c) a project owner's plan to engage subscribers from marginalized communities as set out in [subsection 14\(3\)](#), if one is submitted;
 - (d) any other factors that support the program's objectives.

Administrative costs

- 8 A power purchase agreement must include a fixed administrative fee for NSPI, determined by the Minister, not exceeding \$5.00 per MWh of electricity purchased by NSPI from a project.

Failure to comply with Act or regulations

- 9 (1) If a project owner fails to comply with the Act or these regulations, the Minister may request that NSPI take either of the following actions:
- (a) revoke the project's power purchase agreement; or
 - (b) decrease the project's power purchase rate.
- (2) The Minister must provide 30 days' written notice to the project owner before requesting that NSPI take any actions under subsection (1) to permit the project owner to bring the project back into compliance, and a project owner must notify the Minister once the project is back in compliance.
- (3) The Minister may extend the notice period in subsection (2).

Community solar program capacity

- 10 (1) The aggregate nameplate capacity of all projects approved under the community solar program must not exceed 100 MW.
- (2) The Minister may reserve 20 MW of aggregate nameplate capacity in the community solar program for applications that meet all of the following criteria:
- (a) more than 50% of the project is owned by not-for-profits, co-operatives or marginalized communities in the Province;
 - (b) the project has a nameplate capacity of 5 MW or less.

Project eligibility requirements

- 11 (1) To be eligible for the community solar program, a project must meet all of the following requirements:
- (a) it must be located in the Province, in the service territory of NSPI and connected to the NSPI system;
 - (b) it must have a nameplate capacity of at least 500 kW, but no more than 10 MW;
 - (c) it must meet any other eligibility criteria specified by the Minister.
- (2) The Minister may approve an application for a project that is under construction or ready to operate at the time of application if the project meets the eligibility requirements in subsection (1).

Application to increase nameplate capacity

- 12 (1) Subject to subsection (2), a project owner may apply to the Minister to increase the nameplate capacity of an existing project.

- (2) When determining whether to approve a project owner's application to increase the nameplate capacity of an existing project, the Minister must consider all of the following factors:
 - (a) the available program capacity;
 - (b) whether the increase in nameplate capacity would cause the project to exceed the maximum nameplate capacity in [clause 11\(1\)\(b\)](#);
 - (c) the hosting capacity of the project site's proposed substation;
 - (d) any other requirements outlined in the program guidelines.

Project owner eligibility

13 A project owner must be 1 of the following eligible entities:

- (a) a registered not-for-profit organization;
- (b) a co-operative;
- (c) a NS Mi'kmaw band as defined in the [Indian Act](#) (Canada);
- (d) a municipality, town or village;
- (e) a private, for-profit entity;
- (f) a Community Economic and Development Investment Fund;
- (g) a university or college;
- (h) a partnership between any of the eligible entities in clauses (a) to (g);
- (i) any other entity approved by the Minister.

Community solar program applications

- 14** (1) A project owner or their designated representative may apply to the community solar program by submitting the information required in the program guidelines and application package, including a community benefits plan, to the Minister in the form and manner required by the Minister.
- (2) An application must be signed by the project owner or their designated representative.
- (3) A project owner may submit a plan to engage subscribers from marginalized communities with their application.
- (4) A community benefits plan that outlines the social and economic benefits of a project must include all of the following:
 - (a) a plan for community capacity building, including increasing knowledge and skills in the renewable energy sector;

- (b) an equity, diversity and inclusion plan;
- (c) a local employment strategy;
- (d) a strategy to engage subscribers;
- (e) a plan to direct a portion of project revenues back to a community or to low-income or equity-deserving subscribers;
- (f) any other requirements outlined in the program guidelines.

Applications accepted until total aggregate nameplate capacity reached

- 15** (1) Applications for the community solar program will be accepted until the total aggregate nameplate capacity available under the program has been reached.
- (2) Despite subsection (1), the Minister may close the program to applications at any time in the Minister's discretion.

Evaluation of program application

16 The Minister may consider all of the following when evaluating a community solar program application:

- (a) the total aggregate nameplate capacity available under the program;
- (b) the hosting capacity of the project site's proposed substation;
- (c) the long-term economic viability of the project determined by the Minister after reviewing the application;
- (d) the scope of the project owner's community benefits plan;
- (e) how the project would enable access to renewable energy for marginalized communities;
- (f) any additional requirements outlined in the Act, these regulations or the program guidelines;
- (g) any additional information the Minister considers necessary.

Approving or rejecting program applications

- 17** (1) After reviewing an application, and no more than 45 business days after the date the application is received, the Minister must approve, reject or request further information about the application.
- (2) The Minister must provide their decision in writing to the project owner or designated representative and, in the case of a rejection, must include a description of which evaluation criteria the applicant failed to meet.

Incomplete applications

- 18** (1) If a community solar program application is incomplete or the Minister requires additional information about an application, the project owner or designated representative must provide the required information no more than 45 business days after the date the notice from the Minister is received.
- (2) If the information requested is not provided by the deadline specified in subsection (1), the Minister may reject the application and must immediately notify the project owner or designated representative in writing that the application is rejected.

Withdrawal from program

- 19** (1) A project owner must notify the Minister as soon as reasonably possible that they are withdrawing from the program.
- (2) After receiving notice under subsection (1), the Minister must request in writing that NSPI revoke the project owner's power purchase agreement.

Projects not public utilities

- 20** Neither a project nor a project owner is considered a public utility by virtue of their participation in the community solar program.

Subscriber eligibility

- 21** (1) To participate in the community solar garden program, a subscriber must meet all of the following conditions:
- (a) they must be a customer in good standing with NSPI at the time of their application;
 - (b) they must not be participating in the net-metering program under Section 3A or 3AA of the Act.
- (2) A project owner may subscribe to their own project.

Recruiting subscribers

- 22** A project owner whose project has been approved by the Minister and who has been issued a power purchase agreement may begin to recruit subscribers for their project, but a subscription is not active until the commercial operation date.

Subscriber application

- 23** An application to subscribe to a project must contain all of the following:
- (a) the project's name and address or location;
 - (b) the NSPI account holder's name;
 - (c) whether the applicant is a residential or non-residential customer;
 - (d) the applicant's mailing and billing addresses;

- (e) the applicant's NSPI account number;
- (f) the percentage of the subscriber's electricity consumption they seek to offset with their subscription;
- (g) the applicant's written consent to allow the project owner to share the subscriber's information with NSPI and to allow NSPI to share the subscriber's information with the project owner as needed to administer the community solar program;
- (h) any other information the project owner may require.

Application forwarded to NSPI to determine eligibility

- 24** (1) After receiving a completed subscriber application form, a project owner must forward the application to NSPI to determine the applicant's eligibility to participate in the community solar program and the maximum number of kilowatts the subscriber may subscribe to as a portion of the project's approved nameplate capacity.
- (2) NSPI must provide the information under subsection (1) to a project owner within a reasonable amount of time.

Project owner duties

- 25** (1) A project owner is responsible for all of the following:
- (a) constructing, operating and maintaining the physical infrastructure of the community solar garden during the term of the power purchase agreement;
 - (b) recruiting subscribers during the term of the power purchase agreement;
 - (c) ensuring that NSPI and each subscriber receives a completed subscription agreement;
 - (d) ensuring that at least 85% of the nameplate capacity of their project is subscribed to during the term of the power purchase agreement beginning 1 year after the commercial operation date.
- (2) A project owner may delegate any of their duties in clauses (1)(b), (c) and (d) to a third party hired to manage subscriptions.

Information to be provided on subscriber's bill

- 26** NSPI must provide all of the following information on a subscriber's bill:
- (a) the amount of energy the subscriber used during the billing period;
 - (b) the subscriber's bill credit rate for the community solar program;
 - (c) the total bill credit the subscriber is receiving during the billing period for the amount of energy generated from their subscription.

Deadline for NSPI to update billing system

27 For the purposes of subsection 3AI(1) of the Act, NSPI must update its billing system by January 1, 2025.

Purchase and sale of energy by NSPI

- 28** (1) Subject to any terms and conditions contained in a power purchase agreement, NSPI must purchase all solar energy, including excess electricity, generated by projects in the community solar program.
- (2) For the purpose of subsection (1), excess electricity means all unsubscribed electricity up to the approved nameplate capacity of the project.

NSPI must measure energy production

- 29** (1) NSPI must measure the solar energy generated by a project at least once each day and confirm each subscriber's share of monthly generation, in kilowatt-hours, no later than the 7th day of each month.
- (2) The amount of solar energy generated by a project is measured on the total metered production of the project delivered to the grid, in kilowatt-hours, subtracting any electricity consumed as part of the project's operation.

Subscriber bill credits

- 30** (1) A subscriber must receive a bill credit for solar energy generated in proportion to the size of their subscription.
- (2) A subscriber's bill credit is calculated by multiplying a subscriber's attributable share of the net production of solar energy delivered by a project to the grid calculated in [subsection 29\(2\)](#) by the bill credit rate specified in [clause 3\(h\)](#).
- (3) A subscriber's attributable share is based on the number of kilowatts they are subscribed to for that project as a percentage of the approved nameplate capacity of the project, in kilowatts.

Ongoing project requirements

31 A project must meet all of the following requirements during the term of the power purchase agreement:

- (a) at least 25 percent of the approved nameplate capacity of the project must be subscribed to by residential customers;
- (b) the project must have at least 2 subscribers;
- (c) at least 85 percent of the approved nameplate capacity of the project, in kilowatts, must be subscribed to during the term of the power purchase agreement beginning 1 year after the commercial operation date.

Transfer of project ownership

- 32** (1) Before the ownership of a project may be transferred, the project owner must notify NSPI of the proposed change and request NSPI's approval to transfer the power purchase agreement to a new owner.
- (2) NSPI must not unreasonably withhold its approval under subsection (1).
- (3) No later than 14 days after the date a project transfers ownership, the designated representative for the new project owner must notify the Minister in writing of the transfer.

Subscription must not exceed subscriber's annual electricity consumption

- 33** A subscription must not exceed 100 percent of a subscriber's expected average annual electricity consumption reported by NSPI.

Subscriber residence requirements

- 34** (1) A subscriber who moves but maintains service with NSPI continues to be a subscriber if permitted under their subscription agreement.
- (2) A subscriber is not required to live in the same distribution zone as the project to which they are subscribed.

Project owner reporting requirements

- 35** (1) Before the commercial operation date, a project owner must report all of the following information to the Minister every 6 months after their project is approved by the Minister, or within 30 days of the date of a request by the Minister, in the form and manner required by the Minister:
- (a) their progress in putting the project into service;
 - (b) the number of subscribers recruited and how the project owner is recruiting subscribers;
 - (c) any other information the Minister may request.
- (2) After the commercial operation date, a project owner must report all of the following information to NSPI at least once every 2 months for the duration of the power purchase agreement:
- (a) the number of subscribers to the project and the size of each subscription;
 - (b) the total amount of the project's approved nameplate capacity, in kilowatts, that is subscribed to;
 - (c) any other requirements outlined in the program guidelines.

NSPI annual reporting requirements

- 36** On or before January 31 of each year, NSPI must report all of the following information about each project to the Minister:
- (a) the project's commercial operation date;

- (b) the project's address or location;
- (c) the project's approved nameplate capacity;
- (d) the average number of residential subscribers and non-residential subscribers, for each month of the reporting year;
- (e) the average subscription size, in kilowatts, each month of the reporting year;
- (f) the average subscription size, in kilowatts, for residential subscribers and non-residential subscribers;
- (g) the remaining nameplate capacity, in kilowatts, on December 31 of the previous year;
- (h) any other information the Minister considers necessary.

Failure to operate for 14 or more days

37 If a project ceases to operate for 14 or more days, NSPI must notify the Minister in writing no more than 7 days after the 14-day period has ended.

Registration and retirement of renewable energy certificates

38 (1) Upon request by a non-residential subscriber, NSPI must do all of the following:

- (a) register all renewable energy certificates for the subscriber on an annual basis with an internationally recognized organization;
- (b) no later than March 31 of each year, provide all of the following information to the subscriber:
 - (i) the annual volume of the subscriber's renewable energy certificates,
 - (ii) the subscriber's identification numbers,
 - (iii) vintage.
- (2) Once the information described in subsection (1) is provided to the subscriber, the renewable energy certificate is considered retired.
- (3) Solar energy purchased by NSPI under the community solar program may be used by NSPI to meet the renewable electricity standards specified in the [Renewable Electricity Regulations](#).

Review of project or program by Minister

- 39** (1) The Minister may review a project at any time during the term of the project's power purchase agreement to ensure that it complies with the regulations.
- (2) The Minister may review the community solar program at their discretion, but must review the program no later than April 1, 2026.

Legislative History Reference Tables

Community Solar Program Regulations
[Electricity Act](#)

N.S. Reg. 60/2024

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Community Solar Program Regulations* made under the [Electricity Act](#) includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
60/2024	Feb 27, 2024	date specified	Mar 8, 2024

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See [subsection 3\(6\)](#) of the [Regulations Act](#) for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected

How affected

.....

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Provision affected**How affected**

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note**Effective
date**

Repealed and Superseded

**N.S.
Regulation Title****In force
date****Repealed
date**

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.