

Green Choice Program Regulations
made under Section 4BC of the
[Electricity Act](#)
[S.N.S. 2004, c. 25](#)
O.I.C. 2023-234 (effective August 29, 2023), N.S. Reg. 155/2023

Interpretation

Citation

- 1** These regulations may be cited as the *Green Choice 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](#);

“aggregate partnership” means a partnership consisting of separate public institutions whose combined subscribed electricity is at least 10 000 MWh per year;

“applicant” means a person, public institution, business or aggregate partnership applying to become a participant;

“application” means the documents, information and forms submitted by an applicant to apply to become a participant;

“bidder” means a company or corporate body that is bidding on a request for proposals for procurement of renewable low-impact electricity for the Green Choice Program;

“eligible electricity”, for the purposes of the Green Choice Program, means renewable low-impact electricity that is all of the following:

- (i) not already supplied to a customer under any other program under the Act that directly generates renewable electricity for customer accounts and facilities,
- (ii) not currently directly supplied under a procurement under Section 4B or 4BA of the Act;

“fixed administrative costs” means costs incurred by NSPI to administer the Green Choice Program, including costs the Minister considers administrative in nature and any costs associated with the following activities:

- (i) billing,
- (ii) amending the terms and conditions of a participant's subscription in the Green Choice Program,
- (iii) reallocating subscribed electricity,
- (iv) filing and transferring a REC,
- (v) reporting and record keeping,
- (vi) assisting an applicant in submitting their application,
- (vii) verifying the application processes with the Minister;

“participant” means any entity that participates in the Green Choice Program, including each partner in an aggregate partnership;

“partner” means one of the separate public institutions in an aggregate partnership;

“public institution” means any of the following:

- (i) a registered charity for income tax purposes,
- (ii) a school authority,
- (iii) a public college,
- (iv) a university,
- (v) a hospital authority,
- (vi) a municipal, provincial or federal government, including a department, agency or Crown corporation that is part of a municipal, provincial or federal government,
- (vii) a Mi'kmaw band council or its wholly owned subsidiaries;

“renewable energy certificate” or “REC” means a document that provides proof that a participant owns the renewable attributes per MWh of renewable energy generated;

“social procurement” means the achievement of strategic social, environmental, economic and workforce development goals through the purchasing of goods and services;

“subscribed electricity” means ~~the amount of~~ renewable low-impact electricity contracted by a participant in and produced by a supplier to the Green Choice Program;

“supplier” means an independent power producer as defined in the [Renewable Electricity Regulations](#) made under the Act.

Eligibility, Application, Application Process and Compliance Requirements for Participants

Eligibility requirements for participants

3 To be an eligible participant in the Green Choice Program, an applicant must meet all of the following requirements:

- (a) be 1 of the following entities:
 - (i) a single corporate or commercial customer with a minimum subscription volume of 10 000 MWh per year in electricity load over 1 or more electricity meters,
 - (ii) a public institution or its departments, agencies or Crown corporations with a minimum subscription volume of 10 000 MWh per year in electricity load over 1 or more electricity meters,
 - (iii) an aggregated partnership of 2 or more separate public institutions who have aggregated their electricity load to achieve a minimum aggregated subscription volume of 10 000 MWh per year in electricity load over 1 or more electricity meters,
 - (iv) a partner in an aggregated partnership with an electricity load of no less than 1 000 MWh per year or that subscribes a minimum of 10 000 MWh per year in the Green Choice Program;
- (b) be in good standing with NSPI or a new NSPI customer with the documentation required by [clause 5\(f\)](#);
- (c) only subscribe eligible electricity that is wholly generated and delivered within the Province;
- (d) be a customer with a customer account wholly located in the Province within NSPI's service territory.

Application intake window for participants

- 4** (1) The Minister may open an intake window for applications from eligible participants when there is nameplate capacity available in the Green Choice Program.
- (2) The start and end dates of the intake window for applications from eligible participants must be posted publicly for at least 20 business days prior to the start date of the intake window.
- (3) The start and end dates of the intake window for applications from eligible participants must be determined by the Minister.
- (4) No applications will be accepted after the end date of the intake window for applications from eligible participants.

Application requirements for participants

5 An applicant must include all of the following in an application under subsection 4BA(3) of the Act:

- (a) an application form

- (i) containing the name, address, e-mail address and telephone number of the applicant, and
 - (ii) completed and signed by a person who has authority to sign on behalf of the applicant;
- (b) confirmation that the applicant meets all of the eligibility requirements described in [Section 3](#);
- (c) a document that outlines the total electricity load and the participating customer accounts to be enrolled in the Green Choice Program;
- (d) a statement specifying all of the following:
 - (i) the amount of eligible electricity in kilowatt hours intended to be enrolled in the Green Choice Program per year,
 - (ii) the intended length of the term of enrollment in the Green Choice Program;
- (e) for an aggregate partnership, all of the following:
 - (i) the names of all partners in the aggregate partnership,
 - (ii) a statement designating one of the partners or a third party as the representative of the aggregate partnership,
 - (iii) proof that the partners have entered into an aggregate partnership, in the form of a copy of a letter, an agreement or other written documentation,
 - (iv) confirmation by each partner that they will subscribe for the same term in their participant agreement as the other partners in the aggregate partnership;
- (f) for an applicant that is a new customer of NSPI, all of the following:
 - (i) a credit check, in the form described in the application,
 - (ii) proof of anticipated energy use, in a form acceptable to the Minister;
- (g) any other documents, information or forms required by the Minister and described in the application.

Application process for participants

- 6** **(1)** All applications must be submitted in the form or manner required by the Minister, which may include electronic submission through the Internet.
- (2)** An applicant may withdraw their application at any time prior to being accepted into the Green Choice Program.
- (3)** An applicant may apply for eligible electricity only.
- (4)** An applicant may apply to 1 or more application intake windows described in [Section 4](#), if they are subscribing new eligible electricity.

- (5) Applications from ineligible participants will be rejected.
- (6) The Minister may contact NSPI to verify any of the information included in an application.

Maximum electricity consumption enrollment at time of participant's application

- 7 Upon application, an applicant may enroll up to a maximum of 120% of their electricity consumption, as calculated by the Green Choice Program based on the applicant's electricity consumption during the previous year or years selected by the Green Choice Program, unless otherwise approved by the Minister.

Incomplete participant applications

- 8 Incomplete applications must be rejected, including applications containing information that cannot be verified.

Evaluation and deferral of participant applications

- 9 (1) The Minister may consider all of the following when evaluating applications from eligible participants:
 - (a) whether an eligible participant has made a public climate change or emissions reduction commitment;
 - (b) the date by which an eligible participant must meet the climate change or emissions reduction commitment described in clause (a);
 - (c) the total aggregate nameplate capacity available under the Green Choice Program;
 - (d) for an eligible participant that is a new NSPI customer, the long-term economic viability of the eligible participant and the accuracy of the energy modelling for the eligible participant's new facilities;
 - (e) any other information the Minister deems appropriate.
- (2) The Minister has the discretion to determine the total number of eligible participants and the total amount of subscribed electricity enrolled in the Green Choice Program.
- (3) If an eligible participant submits a complete application, but is not selected to participate in the Green Choice Program, the Minister may defer the eligible participant's acceptance and hold their application on file for up to 3 years.
- (4) If capacity becomes available within the Green Choice Program during the 3-year period referred to in subsection (3), the Minister may select a deferred eligible participant to participate in the Green Choice Program and enrol the eligible participant's requested amount of subscribed electricity in the Green Choice Program with the eligible participant's consent.

Minister's decision on participant's application

- 10 (1) The Minister must, no later than 45 business days after the close of the intake window for applications from eligible participants, provide written notification to an eligible participant that their application has been accepted, deferred or rejected.
- (2) Before accepting, deferring or rejecting an application, the Minister may request additional information from an eligible participant to clarify the information submitted in their application.
- (3) All additional information requested by the Minister under subsection (2) must be submitted within a time frame specified by the Minister.
- (4) If the additional information requested under subsection (2) is not received within the time frame specified by the Minister, the Minister may deem the application incomplete and reject it.
- (5) The Minister must notify NSPI of all eligible participants accepted into the Green Choice Program and all eligible participants deferred.

Aggregate nameplate capacity for Green Choice Program

- 11 The aggregate nameplate capacity of all generation facilities accepted into the Green Choice Program must not exceed 350 MW.

Fees, costs and penalties of Green Choice Program

- 12 (1) Participants must incur no fees, costs or penalties associated with the Green Choice Program outside of those listed in these regulations.
- (2) A fixed administrative cost charged under these regulations must not exceed \$1.00 per MWh of eligible subscribed electricity contracted by the participant, up to a total of \$100 000 per participant per year.

Procurement and Power Purchase Agreements

Procurement of renewable low-impact electricity and awarding of power purchase agreement

- 13 (1) Procurement of renewable low-impact electricity must comply with Section 4B of the Act and [Sections 35A, 35B, 35C, 35D, 36 and 37](#) of the [Renewable Electricity Regulations](#) made under the Act.
- (2) If a procurement administrator awards a power purchase agreement to a successful bidder, the bidder's renewable electricity projects become the renewable energy suppliers for the participants' subscribed electricity for the purpose of the Green Choice Program.

Term of power purchase agreement

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

Termination of power purchase agreement

- 15 If a power purchase agreement issued under the Green Choice Program is terminated, NSPI must provide notification of the termination in writing to the Board and the Minister within 30 business days.

Subscription in Green Choice Program

Terms and conditions of subscription

- 16 (1) NSPI must update the terms and conditions of the subscriptions of all participants in collaboration with the participants no later than 90 business days before the commercial operation dates of the suppliers specified in the power purchase agreements.
- (2) A participant must confirm the term of their subscription in the Green Choice Program, as defined in the terms and conditions of the participant's subscription, in accordance with [Section 18](#).
- (3) A participant may terminate their subscription in the Green Choice Program before the end of their subscription term, as defined in the terms and conditions of the participant's subscription, if they provide 90 days' written notice of the termination to NSPI and the Minister.
- (4) The terms and conditions of a participant's subscription in the Green Choice Program, including the participant's subscription term, do not apply until a supplier achieves commercial operation as defined in the power purchase agreement.
- (5) NSPI must notify the participants and the Minister of when all of the following will occur at least 7 business days before they occur:
- (a) a supplier project achieves commercial operation;
 - (b) the terms and conditions of the participants' subscriptions in the Green Choice Program come into effect;
 - (c) costs and credits begin to be charged, for billing purposes.

Assignment of subscription

- 17 (1) A participant may assign or transfer their subscription in the Green Choice Program to a subsidiary, affiliated party, Crown corporation, department or agency of a public institution if the assignee or transferee accepts the same terms and conditions of the subscription as the participant.
- (2) An assignment of a participant's subscription is subject to approval by NSPI and that approval must not be unreasonably withheld.
- (3) A participant must notify the Minister in writing when the participant's subscription has been transferred or assigned.
- (4) A participant must submit to NSPI, on behalf of the assignee to whom the participant has assigned their subscription, documents that demonstrate all of the following:

- (a) that the results of the credit check of the assignee are equal to or greater than those of the participant at the time of the assignment;
- (b) that the assignee has acquired an interest in the facilities or locations associated with the participant's subscribed electricity.

Term of subscription

- 18** (1) A participant must subscribe to the Green Choice Program for a minimum of 5 years.
- (2) A participant may extend the term of their subscription every 5 years.
- (3) A participant must provide 90 business days' written notice to NSPI and the Minister of their intention to extend their subscription term.
- (4) The maximum amalgamated term of a participant's subscription must not exceed 25 years.

Amendment of subscription terms and conditions

- 19** The terms and conditions of a participant's subscription in the Green Choice Program may be amended by NSPI or the participant, subject to the approval of both the participant and NSPI.

Reallocation of subscribed electricity

- 20** (1) If a participant or aggregate partnership has decreased their subscribed electricity or a participant has not extended or terminated their subscription, NSPI must make a reasonable effort to reallocate and reassign the newly available subscribed electricity among the remaining participants by
- (a) notifying the remaining participants of the availability of the subscribed electricity; and
 - (b) allowing the remaining participants to request an increase in their subscribed electricity on a first-come, first-served basis.
- (2) If NSPI cannot, within 60 business days, reallocate or reassign the subscribed electricity described in subsection (1) to the remaining participants, NSPI must notify the Minister of the amount of available electricity supply under the Green Choice Program.
- (3) Upon receipt of a notification from NSPI provided under subsection (2), the Minister may do any of the following:
- (a) open a new application intake window;
 - (b) if it has been less than 3 years since the end of the previous application intake window, contact deferred eligible participants.
- (4) If 365 calendar days have elapsed since NSPI notified the Minister under subsection (2) and the subscribed electricity has not been allocated to new participants, it may be allocated to serve the general ratepayer, in which case the subscribed electricity will no longer be available for subscription under the Green Choice Program.

Renewable Energy Credits [Certificates]

Registration and retirement of renewable energy credits [certificates]

- 21 (1) NSPI must register annually, on behalf of a participant, a renewable energy credit [certificate] with an internationally recognized organization.
- (2) Each year on or before September 30, NSPI must provide the participant with all of the following information about the renewable energy credit [certificate] registration:
- (a) annual volume of the participant's renewable energy credit [certificate];
 - (b) the participant's identification numbers;
 - (c) vintage.
- (3) Upon NSPI providing the participant with the specifics of the renewable energy credit [certificate] registration under subsection (2), the renewable energy credit [certificate] will be considered retired.

Reporting Requirements

Supplier reporting requirements

- 22 (1) The Minister may request reports from a supplier, as required, regarding all of the following:
- (a) the supplier's progress in putting its electricity generation facility into service, if the electricity generation facility has not reached commercial operation;
 - (b) social procurement activities and local economic benefits, including employment, instigated by the supplier in the previous year and plans for any social procurement activities and local economic benefits in the upcoming year;
 - (c) technical data, upon the commencement of the commercial operation of a electricity generation facility.
- (2) The Minister may specify the form and content of supplier reports requested under subsection (1).
- (3) The Minister may publish aggregate information from supplier reports submitted in response to requests made under subsection (1).

NSPI reporting requirements

- 23 On or before January 31 of each year, NSPI must provide a report to the Minister and the Board summarizing all of the following actions taken in the previous calendar year regarding the participants and power purchase agreements that are under the Green Choice Program:
- (a) any extension, assignment, transfer or termination of a subscription of a participant;
 - (b) any transfer, assignment or termination of a power purchase agreement.

Renewable Electricity Standards

Green Choice Program electricity and renewable electricity standards

- 24 All electricity procured under the Green Choice Program may be used by NSPI to meet the renewable electricity standards.

Green Choice Program Review

Program review

- 25 The Minister may review the Green Choice Program, including any associated costs, fees and benefits, as needed, but must do so no later than 5 years from the date that these regulations come into effect.

Legislative History Reference Tables

Green Choice Program Regulations

N.S.
Reg. 155/2023

[Electricity Act](#)

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 *Green Choice 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
155/2023	Aug 29, 2023	date specified	Sep 8, 2023

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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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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Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
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Repealed and Superseded

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

