



**House of Assembly  
Nova Scotia**

**Graham Steele, MLA  
Halifax Fairview**



August 7, 2007

Nancy MacNeil  
Regulatory Affairs Officer  
Nova Scotia Utility & Review Board  
Box 1692, Unit "M"  
Halifax NS B3J 3S3

Dear Ms MacNeil:

I am writing with a suggestion for an amendment to the UARB's rules of procedure. The suggestion is about public notification for public utility rule changes. I would be obliged if you could bring this suggestion to the attention of the appropriate board members.

I am concerned that the public notification procedure may be inadequate in some circumstances. In particular, it does not adequately notify members of the public about the impact of proposed rule changes. This came to my attention as a result of the Halifax Regional Water Commission's recent application for a rule change for billing to condominium corporations.

The Cowie Hill neighbourhood in my constituency is organized into four condominium corporations. The units on Cowie Hill do not have individual water shut-offs. If water is to be shut off (e.g. for a delinquent account) the shut-off affects every homeowner in the block of homes. As a result, the Water Commission cannot shut off water to those very few Cowie Hill homeowners with very delinquent accounts.

Five or six years ago, the Water Commission applied for a rule change allowing them to bill condominium corporations directly. The change would have transferred the risk of non-payment from the Water Commission to the condo corporation. The Cowie Hill condo corporations opposed the application. The UARB rejected the proposed rule change.

This year, the Water Commission applied again for the same rule change. This time they got it. No-one from Cowie Hill attended the hearing. Why? *Because no-one on Cowie Hill was aware of the application.* This is the root of my concern about the UARB's public notification procedure.

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Let me be clear: The Water Commission followed the UARB's notification procedure. There were ads in the local newspapers stating that the Water Commission had applied for a rate increase and some rule changes (albeit with no details about what the proposed rule changes were). This was not, unfortunately, enough to twig anyone connected with the Cowie Hill condo corporations to the fact that one of the proposed rule changes would have a substantial impact on Cowie Hill.

The Water Commission's proposed rule change was of particular concern to Cowie Hill homeowners because the rule has no real impact *except* to those in areas lacking individual water cut-offs. The Water Commission was aware that the four Cowie Hill condo corporations were among the handful of condo corporations that would be truly affected by the rule change. Yet the UARB's notification procedure did not require the Water Commission to write directly to the Cowie Hill condo corporations.

As a result, Cowie Hill homeowners were not aware of a rule change that had a special impact on them, and which they had previously successfully opposed. That cannot be right.

Based on this unfortunate situation, my suggestion to the UARB is this: If the Water Commission (or other utility) is aware that a proposed rule change will have a special impact on a small number of individuals, or on a specific street or neighbourhood, it should be required to deliver notice of the proposed rule change to those persons who would be specially affected.

There is a postscript to this story. After the rule change was approved by the UARB, and after the Water Commission had sent notices to Cowie Hill homeowners informing them that individual billing was ending, the Water Commission and the condominium corporations entered into negotiations about how fairly to implement the rule change. It would have been helpful, and certainly less acrimonious, if those discussions could have been held prior to the rule change, rather than after.

I trust the UARB will find these comments helpful for future utility applications.

Yours sincerely,

Graham Steele, MLA  
Halifax Fairview

c.c. Carl Yates, General Manager, Halifax Regional Water Commission  
Presidents, Halifax County Condominium Corporations Nos. 2, 5, 9, 10