

Royal



Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 312/2009

Made: October 29, 2009

Filed: November 2, 2009

Prescribed Petroleum Products Prices

Order dated October 29, 2009
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*

Order**NSUARB-GAS-W-09-05****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Roland A. Deveau, LL.B., Panel Chair
Kulvinder S. Dhillon, P.Eng., Member
Murray E. Doehler, CA, P.Eng., Member

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended October 28, 2009, are:

| | |
|-----------------------------|-----------------|
| Grade 1 Regular gasoline | 58.3¢ per litre |
| Ultra-low-sulfur diesel oil | 57.7¢ per litre |

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

| | |
|-----------------------------|-----------------|
| Gasoline: | |
| Grade 1 | 58.3¢ per litre |
| Grade 2 | 61.3¢ per litre |
| Grade 3 | 64.3¢ per litre |
| Ultra-low-sulfur diesel oil | 57.7¢ per litre |

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

| | |
|------------------------------|----------------|
| Gasoline: | 1.9¢ per litre |
| Ultra-low-sulfur diesel oil: | 1.2¢ per litre |

And whereas a winter blending adjustment of plus 0.5¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 30, 2009.

Dated at Halifax, Nova Scotia, this 29th day of October, 2009.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on October 30, 2009**

| Nova Scotia Petroleum Price Schedule | | | | | | | | |
|--------------------------------------|----------------------|-----------------|-----------|-------------------------|--------------------------|-------|--------------------------|-------|
| Petroleum Prices in Cents/Litre | | | | | Self-Service Pump Prices | | Full-Service Pump Prices | |
| (Pump Prices includes 13% HST) | | | | | | | | |
| | Base Wholesale Price | Fed. Excise Tax | Prov. Tax | Wholesale Selling Price | Min | Max | Min | Max |
| Zone 1 | | | | | | | | |
| Regular Unleaded | 66.5 | 10.0 | 15.5 | 92.0 | 108.5 | 110.2 | 108.5 | 999.9 |
| Mid-Grade Unleaded | 69.5 | 10.0 | 15.5 | 95.0 | 111.9 | 113.6 | 111.9 | 999.9 |
| Premium Unleaded | 72.5 | 10.0 | 15.5 | 98.0 | 115.3 | 117.0 | 115.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 65.7 | 4.0 | 15.4 | 85.1 | 100.7 | 102.4 | 100.7 | 999.9 |
| Zone 2 | | | | | | | | |
| Regular Unleaded | 66.9 | 10.0 | 15.5 | 92.4 | 108.9 | 110.6 | 108.9 | 999.9 |
| Mid-Grade Unleaded | 69.9 | 10.0 | 15.5 | 95.4 | 112.3 | 114.0 | 112.3 | 999.9 |
| Premium Unleaded | 72.9 | 10.0 | 15.5 | 98.4 | 115.7 | 117.4 | 115.7 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.1 | 4.0 | 15.4 | 85.5 | 101.1 | 102.8 | 101.1 | 999.9 |
| Zone 3 | | | | | | | | |
| Regular Unleaded | 67.4 | 10.0 | 15.5 | 92.9 | 109.5 | 111.2 | 109.5 | 999.9 |
| Mid-Grade Unleaded | 70.4 | 10.0 | 15.5 | 95.9 | 112.9 | 114.6 | 112.9 | 999.9 |
| Premium Unleaded | 73.4 | 10.0 | 15.5 | 98.9 | 116.3 | 118.0 | 116.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.6 | 4.0 | 15.4 | 86.0 | 101.7 | 103.4 | 101.7 | 999.9 |
| Zone 4 | | | | | | | | |
| Regular Unleaded | 67.4 | 10.0 | 15.5 | 92.9 | 109.5 | 111.2 | 109.5 | 999.9 |
| Mid-Grade Unleaded | 70.4 | 10.0 | 15.5 | 95.9 | 112.9 | 114.6 | 112.9 | 999.9 |
| Premium Unleaded | 73.4 | 10.0 | 15.5 | 98.9 | 116.3 | 118.0 | 116.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.6 | 4.0 | 15.4 | 86.0 | 101.7 | 103.4 | 101.7 | 999.9 |
| Zone 5 | | | | | | | | |
| Regular Unleaded | 67.4 | 10.0 | 15.5 | 92.9 | 109.5 | 111.2 | 109.5 | 999.9 |
| Mid-Grade Unleaded | 70.4 | 10.0 | 15.5 | 95.9 | 112.9 | 114.6 | 112.9 | 999.9 |
| Premium Unleaded | 73.4 | 10.0 | 15.5 | 98.9 | 116.3 | 118.0 | 116.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.6 | 4.0 | 15.4 | 86.0 | 101.7 | 103.4 | 101.7 | 999.9 |
| Zone 6 | | | | | | | | |
| Regular Unleaded | 68.2 | 10.0 | 15.5 | 93.7 | 110.4 | 112.1 | 110.4 | 999.9 |
| Mid-Grade Unleaded | 71.2 | 10.0 | 15.5 | 96.7 | 113.8 | 115.5 | 113.8 | 999.9 |
| Premium Unleaded | 74.2 | 10.0 | 15.5 | 99.7 | 117.2 | 118.9 | 117.2 | 999.9 |
| Ultra-Low-Sulfur Diesel | 67.4 | 4.0 | 15.4 | 86.8 | 102.6 | 104.3 | 102.6 | 999.9 |

N.S. Reg. 313/2009

Made: November 3, 2009

Filed: November 4, 2009

Pension Benefits Regulations

Order in Council 2009-464 dated November 3, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated September 29, 2009, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to provide for temporary relief for making special payments to amortize a solvency deficiency in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 3, 2009.

Schedule "A"

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under Section 105 of
Chapter 340 of the Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

- 1 The *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, are amended by renumbering Section 7 as subsection 6(6).
- 2 The regulations are further amended by adding the following heading and Section immediately after Section 6:

Temporary solvency funding relief

- 6A (1)** In this Section, "solvency ratio" means the ratio of the market value of investments held by a pension plan, plus any cash balances and accrued or receivable income items, to the solvency liabilities determined as of the same date in accordance with Section 16.
- (2) Subject to subsections (7), (8) and (9), special payments may be made to amortize a solvency deficiency under this Section instead of as required by subclause 6(1)(d)(i) or (iii).
 - (3) The special payments to amortize a solvency deficiency must not be less than the amount required to fully liquidate existing or new solvency deficiencies within 10 years of the date of the first actuarial valuation report prepared between December 30, 2008, and January 2, 2011.
 - (4) A pension plan must not be amended during the first 5 years of the 10-year amortization period under this Section
 - (a) to increase benefits, if to do so would affect the cost of benefits or the solvency or funding of the plan or create an unfunded liability, unless sufficient contributions to the plan have been made to fully fund the cost of those benefits; or
 - (b) to decrease employee contributions.

- (5) Before special payments are made under this Section, an administrator must provide a written notice to all members and former members of the pension plan or their agents, any trade union that represents the members, and any other persons entitled to benefits under the plan, setting out all of the following:
- (a) the amount of the special payments to be made under this Section;
 - (b) the plan's solvency ratio at the date of the first actuarial valuation report prepared between December 30, 2008, and January 2, 2011;
 - (c) a statement that, if special payments are made under this Section, the value of the plan assets during the 10-year amortization period may be lower than they would be if the amortization period were not extended, and that the 10-year amortization period may also lengthen the time the solvency assets are less than the solvency liabilities;
 - (d) for comparison purposes,
 - (i) the special payments that would have to be made under clause 6(1)(d) in the first year following the valuation date without an extension of the amortization period, and
 - (ii) the special payments that will have to be made in that year under subsection (3) if the amortization period is extended;
 - (e) a statement that if special payments are made under this Section, amendments to the plan to increase pension benefits will be limited for the first 5 years of the 10-year amortization period,
 - (f) a statement confirming that if the plan is terminated or wound up in whole or in part, special payments must be made to make the plan meet the wind-up requirements of the Act and these regulations;
 - (g) a statement indicating that special payments will not be made under this Section if 1/3 or more of the members, former members and any other persons entitled to benefits under the plan object to extending the amortization period, within the time allowed for objections;
 - (h) a statement indicating that any member, former member or other person entitled to benefits under the plan may object to extending the amortization period by sending an objection to the administrator to the address and by the date indicated in the notice, which must be at least 30 days after the date the notice is provided by the administrator;
 - (i) a statement setting out the right of access established in Sections 35 and 36 of the Act to the documents described in subsection 47(1).
- (6) Any objection expressed by a trade union that represents members of a pension plan will be counted as a separate objection for each member that it represents.
- (7) An administrator must provide all of the following documents and information to the Superintendent no later than 60 days after the date the written notice is provided under subsection (5):
- (a) a copy of the notice and the date it was provided;

- (b) written confirmation that
 - (i) the notice was provided as required by subsection (5), and
 - (ii) fewer than 1/3 of the members, former members and any other persons entitled to benefits under the plan objected within the time allowed for making objections;
 - (c) written confirmation that special payments are to be made under this Section.
- (8) Special payments to amortize a solvency deficiency may be made under this Section only if
- (a) fewer than 1/3 of the members, former members and any other persons entitled to benefits under the pension plan object before the date indicated in the written notice provided under subsection (6); and
 - (b) at the time that an actuarial valuation report is filed with the Superintendent under Section 12 or 13, no payment required to be made to the pension plan under subsection 5(2) or 8(2) is in arrears.
- (9) This Section does not apply to a pension plan established after 2008, unless
- (a) it is formed as a result of a merger of plans, at least 1 of which was established before 2009; or
 - (b) it is formed as a result of a splitting of a plan that was established before 2009.
- (10) The failure to make any special payment under Section 6 or a provision of a pension plan that, because of subsection (2), is not required to be made, is deemed not to be a breach of Section 6 or the provision requiring the payment to be made.

3 Clause 16(1)(c) of the regulations is amended by

- (a) repealing subclause (iv) and substituting the following subclause:
 - (iv) for a report under Section 4 or 12, the present value of any other special payments established on or after January 1, 1988, that are scheduled for payment within 5 years of the review date,
and
- (b) renumbering subclause 16(1)(c)(v) as subclause 16(1)(c)(vi); and
- (c) adding the following subclause immediately after subclause 16(1)(c)(iv):
 - (v) for a report under Section 13, the present value of
 - (A) any other special payments established on or after January 1, 1988, that are scheduled for payment within 5 years of the review date, and
 - (B) any special payments that are made under Section 6A[, and]

N.S. Reg. 314/2009

Made: November 5, 2009

Filed: November 6, 2009

Prescribed Petroleum Products Prices

Order dated November 5, 2009
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*

Order**NSUARB-GAS-W-09-06****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Roland A. Deveau, LL.B., Panel Chair
Kulvinder S. Dhillon, P.Eng., Member
Roberta J. Clarke, Q.C., Member

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended November 4, 2009, are:

| | |
|-----------------------------|-----------------|
| Grade 1 Regular gasoline | 57.3¢ per litre |
| Ultra-low-sulfur diesel oil | 57.5¢ per litre |

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

| | |
|-----------------------------|-----------------|
| Gasoline: | |
| Grade 1 | 57.3¢ per litre |
| Grade 2 | 60.3¢ per litre |
| Grade 3 | 63.3¢ per litre |
| Ultra-low-sulfur diesel oil | 57.5¢ per litre |

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

| | |
|------------------------------|---------------------|
| Gasoline: | plus 1.2¢ per litre |
| Ultra-low-sulfur diesel oil: | plus 1.0¢ per litre |

And whereas a winter blending adjustment of plus 1.7¢ per liter is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., November 6, 2009.

Dated at Halifax, Nova Scotia, this 5th day of November, 2009.

Sgd: Elaine Wagner
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on November 6, 2009**

| Nova Scotia Petroleum Price Schedule | | | | | | | | |
|---|-----------------------------|------------------------|------------------|--------------------------------|---------------------------------------|------------|---------------------------------|------------|
| Petroleum Prices in Cents/Litre | | | | | Self-Service Pump Prices | | Full-Service Pump Prices | |
| | | | | | (Pump Prices includes 13% HST) | | | |
| | Base Wholesale Price | Fed. Excise Tax | Prov. Tax | Wholesale Selling Price | Min | Max | Min | Max |
| Zone 1 | | | | | | | | |
| Regular Unleaded | 64.8 | 10.0 | 15.5 | 90.3 | 106.6 | 108.3 | 106.6 | 999.9 |
| Mid-Grade Unleaded | 67.8 | 10.0 | 15.5 | 93.3 | 109.9 | 111.6 | 109.9 | 999.9 |
| Premium Unleaded | 70.8 | 10.0 | 15.5 | 96.3 | 113.3 | 115.0 | 113.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.5 | 4.0 | 15.4 | 85.9 | 101.6 | 103.3 | 101.6 | 999.9 |
| Zone 2 | | | | | | | | |
| Regular Unleaded | 65.2 | 10.0 | 15.5 | 90.7 | 107.0 | 108.7 | 107.0 | 999.9 |
| Mid-Grade Unleaded | 68.2 | 10.0 | 15.5 | 93.7 | 110.4 | 112.1 | 110.4 | 999.9 |
| Premium Unleaded | 71.2 | 10.0 | 15.5 | 96.7 | 113.8 | 115.5 | 113.8 | 999.9 |
| Ultra-Low-Sulfur Diesel | 66.9 | 4.0 | 15.4 | 86.3 | 102.0 | 103.7 | 102.0 | 999.9 |
| Zone 3 | | | | | | | | |
| Regular Unleaded | 65.7 | 10.0 | 15.5 | 91.2 | 107.6 | 109.3 | 107.6 | 999.9 |
| Mid-Grade Unleaded | 68.7 | 10.0 | 15.5 | 94.2 | 111.0 | 112.7 | 111.0 | 999.9 |
| Premium Unleaded | 71.7 | 10.0 | 15.5 | 97.2 | 114.4 | 116.1 | 114.4 | 999.9 |
| Ultra-Low-Sulfur Diesel | 67.4 | 4.0 | 15.4 | 86.8 | 102.6 | 104.3 | 102.6 | 999.9 |
| Zone 4 | | | | | | | | |
| Regular Unleaded | 65.7 | 10.0 | 15.5 | 91.2 | 107.6 | 109.3 | 107.6 | 999.9 |
| Mid-Grade Unleaded | 68.7 | 10.0 | 15.5 | 94.2 | 111.0 | 112.7 | 111.0 | 999.9 |
| Premium Unleaded | 71.7 | 10.0 | 15.5 | 97.2 | 114.4 | 116.1 | 114.4 | 999.9 |
| Ultra-Low-Sulfur Diesel | 67.4 | 4.0 | 15.4 | 86.8 | 102.6 | 104.3 | 102.6 | 999.9 |
| Zone 5 | | | | | | | | |
| Regular Unleaded | 65.7 | 10.0 | 15.5 | 91.2 | 107.6 | 109.3 | 107.6 | 999.9 |
| Mid-Grade Unleaded | 68.7 | 10.0 | 15.5 | 94.2 | 111.0 | 112.7 | 111.0 | 999.9 |
| Premium Unleaded | 71.7 | 10.0 | 15.5 | 97.2 | 114.4 | 116.1 | 114.4 | 999.9 |
| Ultra-Low-Sulfur Diesel | 67.4 | 4.0 | 15.4 | 86.8 | 102.6 | 104.3 | 102.6 | 999.9 |
| Zone 6 | | | | | | | | |
| Regular Unleaded | 66.5 | 10.0 | 15.5 | 92.0 | 108.5 | 110.2 | 108.5 | 999.9 |
| Mid-Grade Unleaded | 69.5 | 10.0 | 15.5 | 95.0 | 111.9 | 113.6 | 111.9 | 999.9 |
| Premium Unleaded | 72.5 | 10.0 | 15.5 | 98.0 | 115.3 | 117.0 | 115.3 | 999.9 |
| Ultra-Low-Sulfur Diesel | 68.2 | 4.0 | 15.4 | 87.6 | 103.5 | 105.2 | 103.5 | 999.9 |