2007 Real Property Conference March 2, 2007

Power Utility Easements: How to Find Them, How to Name Them

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Agenda



- ➤ Overview of Nova Scotia Power's LRA Project.
- ➤ Protecting NSPI real estate assets Overriding Interests.
- Reflecting the proper corporate name on the parcel register.



NSPI Lands & Rights



- **≻**Deeds
- ➤ Easements for Transmission, Distribution and Hydro Flowage
- > Rural Electrification Act



NSPI Deeds



NSPI has approximately 1600 deeds for various pieces of property throughout the province.

At present NSPI is migrating its Hydro lands, approximately two thirds have been migrated to date.



Transmission Line Easements



Transmission lines are the high voltage line that transmit power throughout the province.

All easements acquired for transmission lines have been registered at the registry of deeds.

Most transmission lines show up on POL when "TOPO" is enabled.

Transmission Lines





Transmission Line Easement Problems



- Age of the transmission line, may be outside the 40 year search period. If a transmission line shows up on POL mapping and your search did not reveal any easement please call NSPI.
- ➤ Multiple signatures for one easement. Nova Scotia Light & Power or Avon River Power Co. were known to have multiple landowners sign one easement. Sometimes this easement was never cross-referenced to the affected properties.
- The transmission line may have been removed or never built but the easement still exists. This does not show on POL mapping and is hard to determine.



Distribution Line Easement Issues



- ➤ Age of distribution line, significant portion of the distribution ROW is over 40 years old.
- ➤ Rural Electrification Act vested easements in power companies without a document being registered or signed.
- ➤ Previous practices of the company have evolved to deal with line extensions on property that was eventually subdivided.



Private Lands affected by Flowage



➤ NSPI has flowage surrounding the waters of its hydro systems. The majority of these flowage rights are over 40 years old.



What is NSPI doing to protect its rights?



- ➤NSPI is presently creating a statutory declaration for all its transmission lines that are not in use and for its transmission line ROWs over 40 years old. We intend to have these in place this year.
- ➤ NSPI has filed statutory declarations regarding its flowage rights in all affected counties listing PID's and the underlying documentation for the original rights.



What is NSPI doing to protect its rights?



➤NSPI is in the process of identifying the PIDs for which the Company has prescriptive rights to the full supply level and will be filing statutory declarations regarding the same in the near future.

➤ NSPI will be rectifying the parcel registers for migrated parcels which do not reflect NSPI's Utility Interest



Utility Interest



"utility interest" means an easement or other right in or to use land, in existence before the coming into force of this Act, in favour of a public utility or a municipality, and includes a fee simple interest in land owned by a public utility or a municipality before the coming into force of this Act;



Overriding Interests



Priority of certain interests

73 (1) Notwithstanding anything contained in this Act, the following interests, whether or not recorded or registered, and no other interests, shall be enforced with priority over all other interests according to law:

- (d) a utility interest;
- (e) an easement or right of way that is being used and enjoyed;

Rectifying the Parcel Register



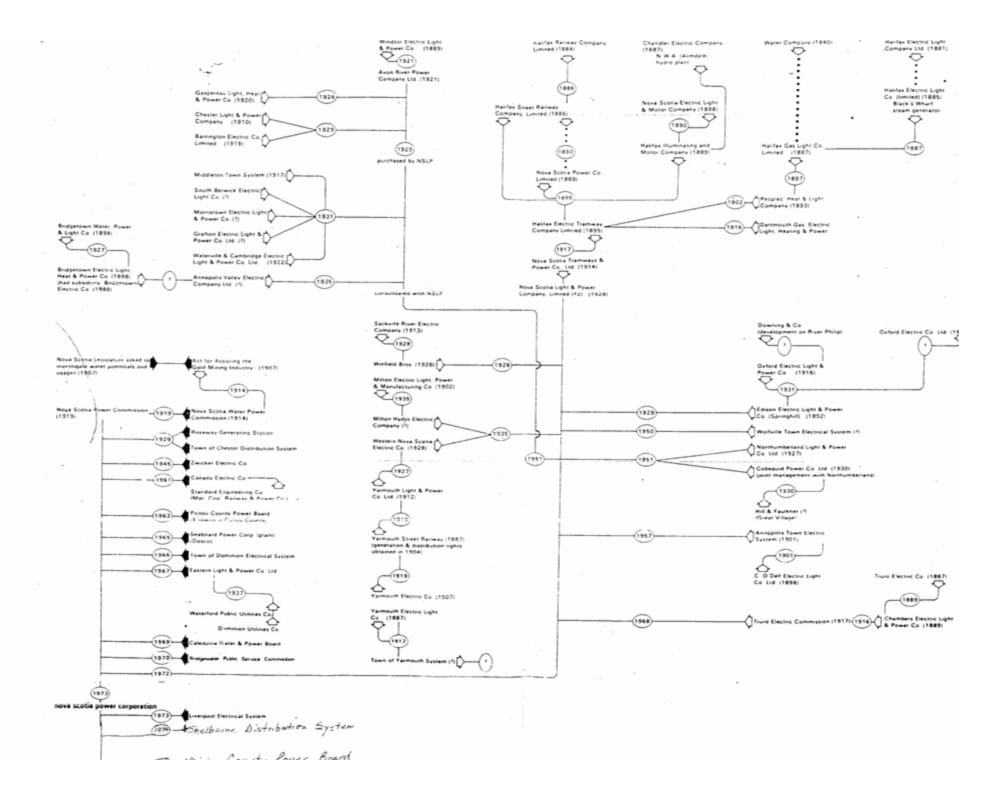
- ➤ NSPI and Service Nova Scotia have worked together to devise a system for recording NSPI's overriding interest.
- The regulations are being amended to prescribe a new form for this purpose.
- ➤Once the recording takes place the registered owner will be notified.

Utility Easements – How to Name Them



History of Electric Utilities in Nova Scotia





Present Day



Nova Scotia Power Privatization Act

Nova Scotia Power Corporation



Nova Scotia Power Finance Corporation



(assets)

Nova Scotia Power Incorporated

Contact Us



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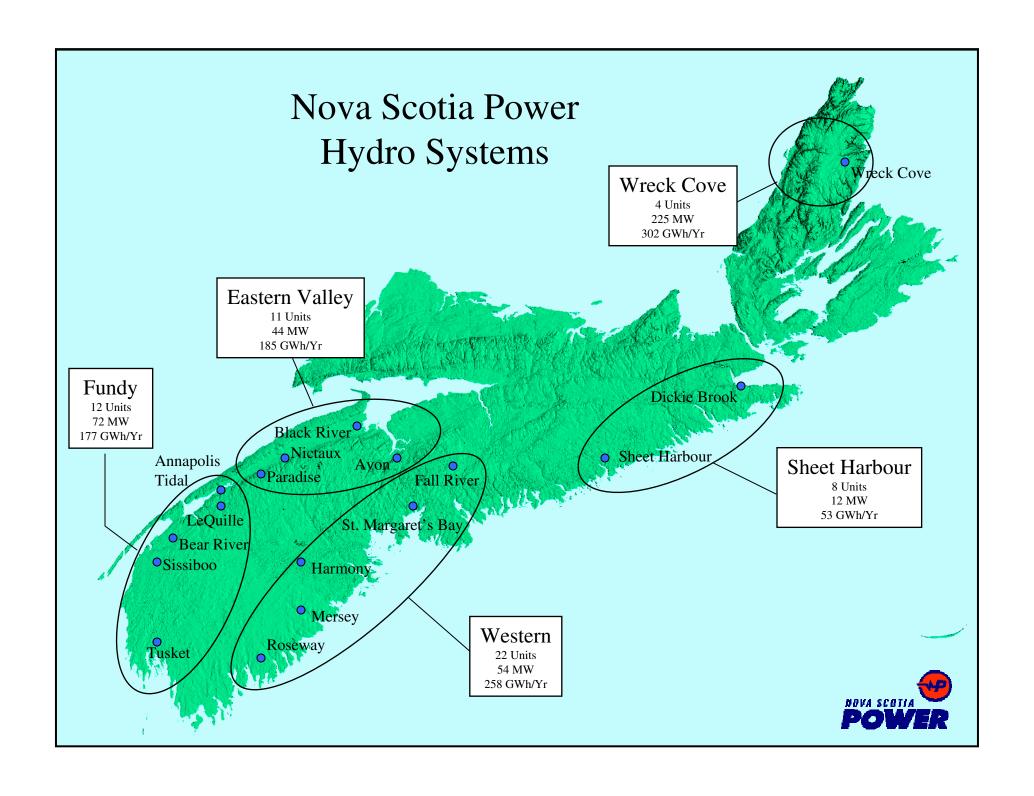
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Questions?

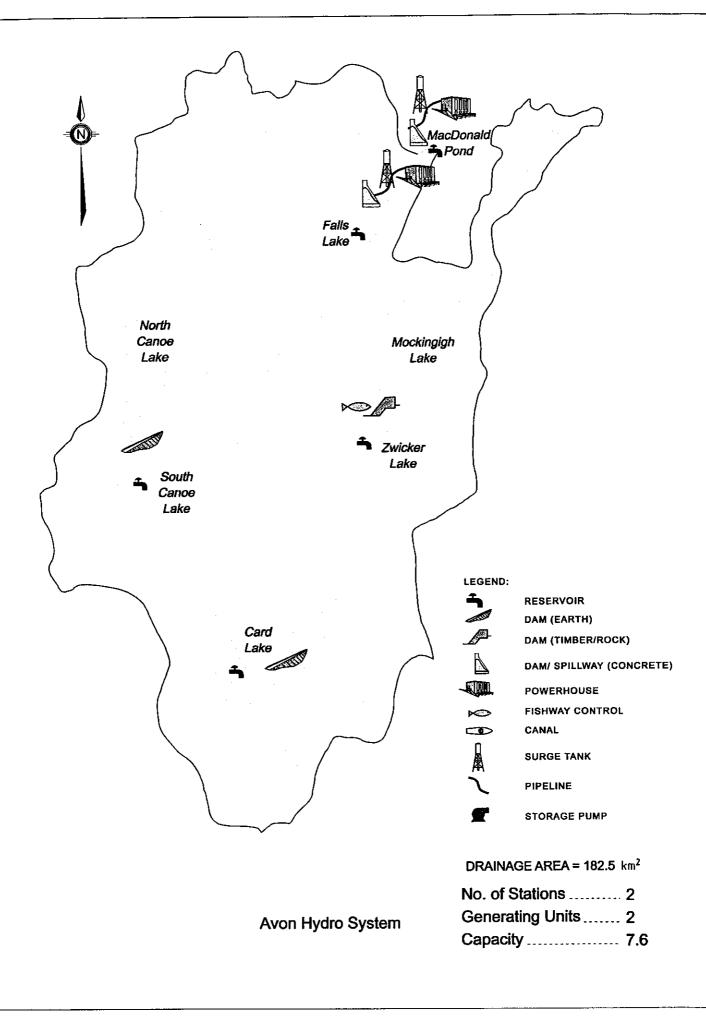


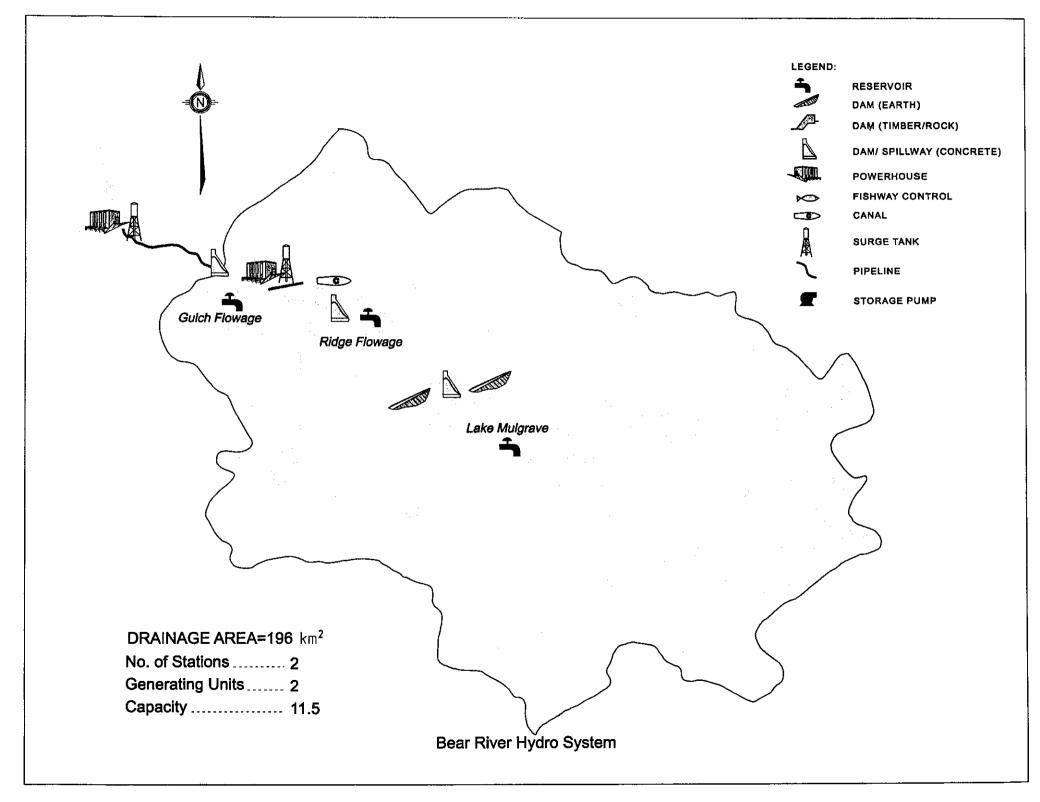


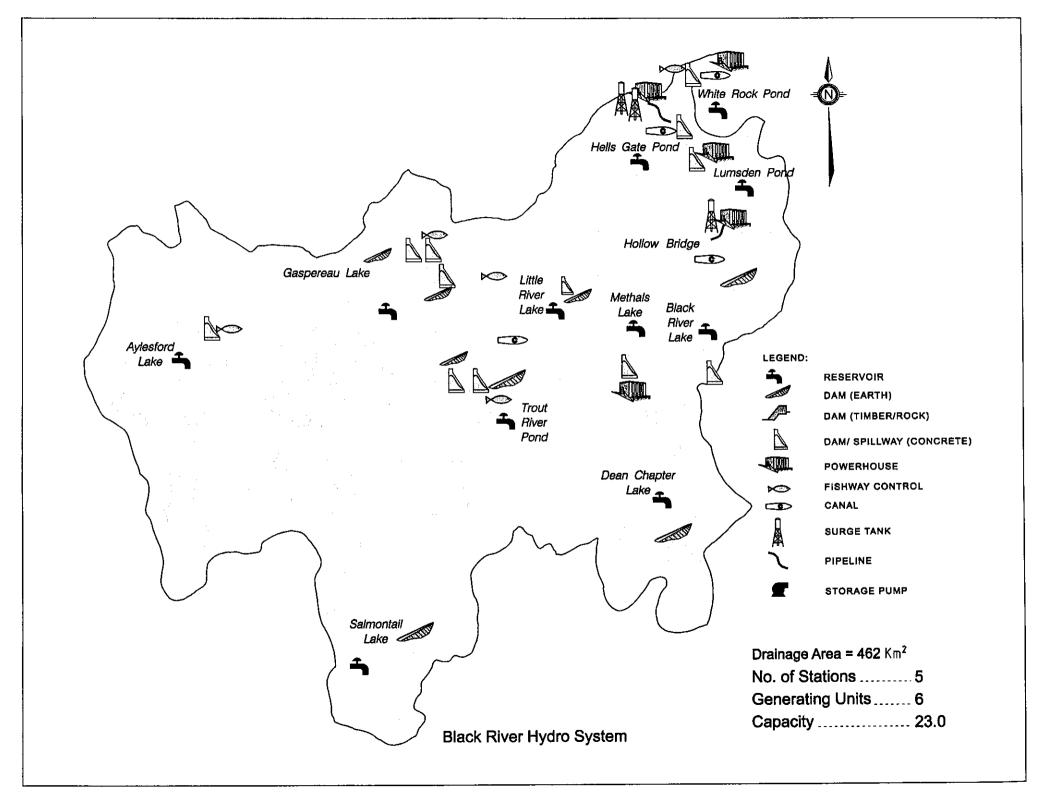


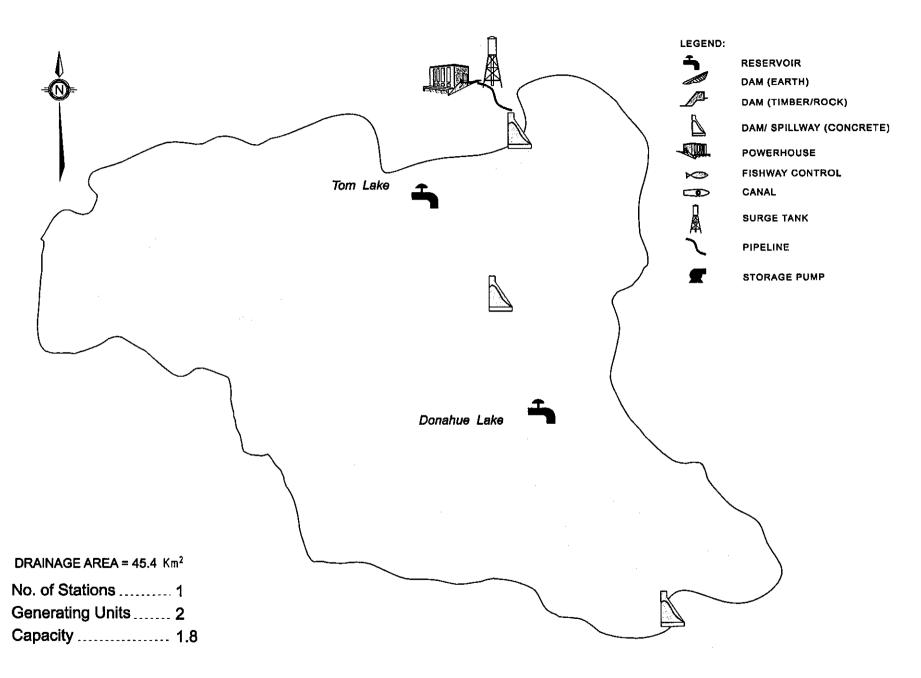
Some Facts

- A total of 17 hydro developments including the Annapolis Tidal Plant
- Over 150 dams utilized to store water and regulate flow for hydroelectric generation
- Hydroelectric installations account for about 17% of NSPI's total installed capacity
- Hydroelectric installations account for about 10% of NSPI's total generation

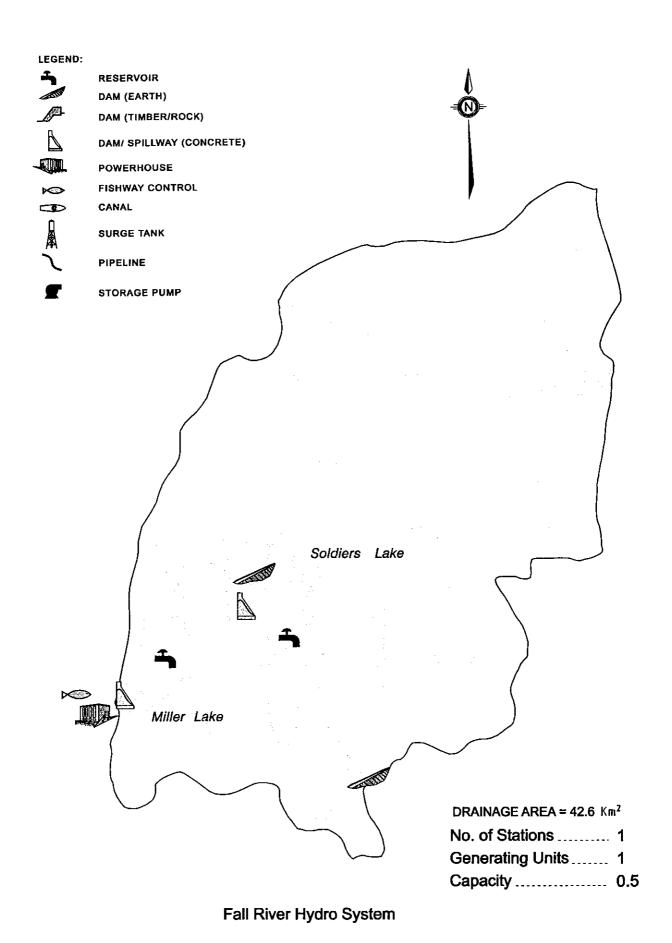


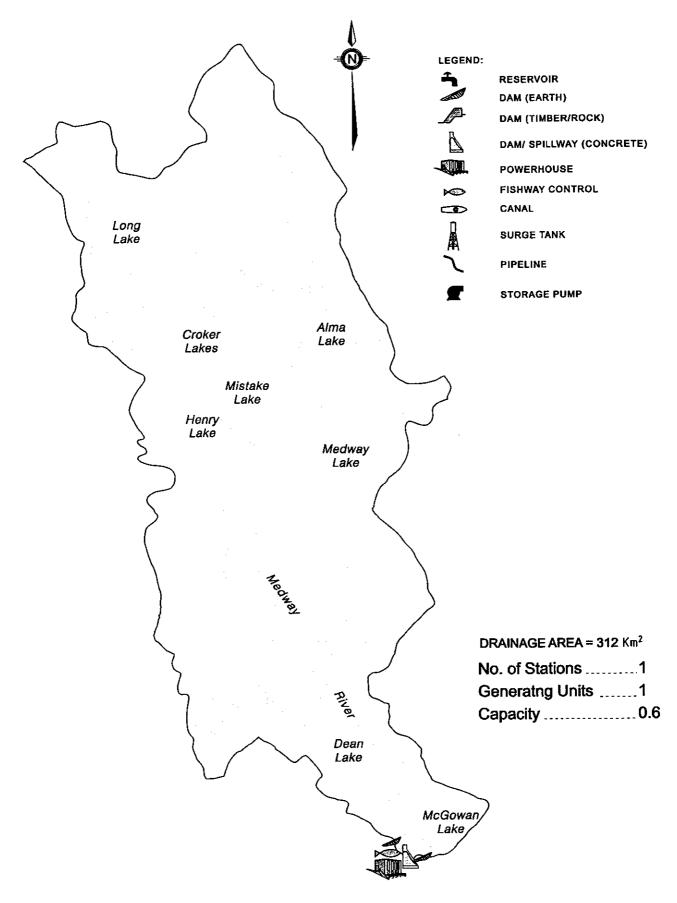




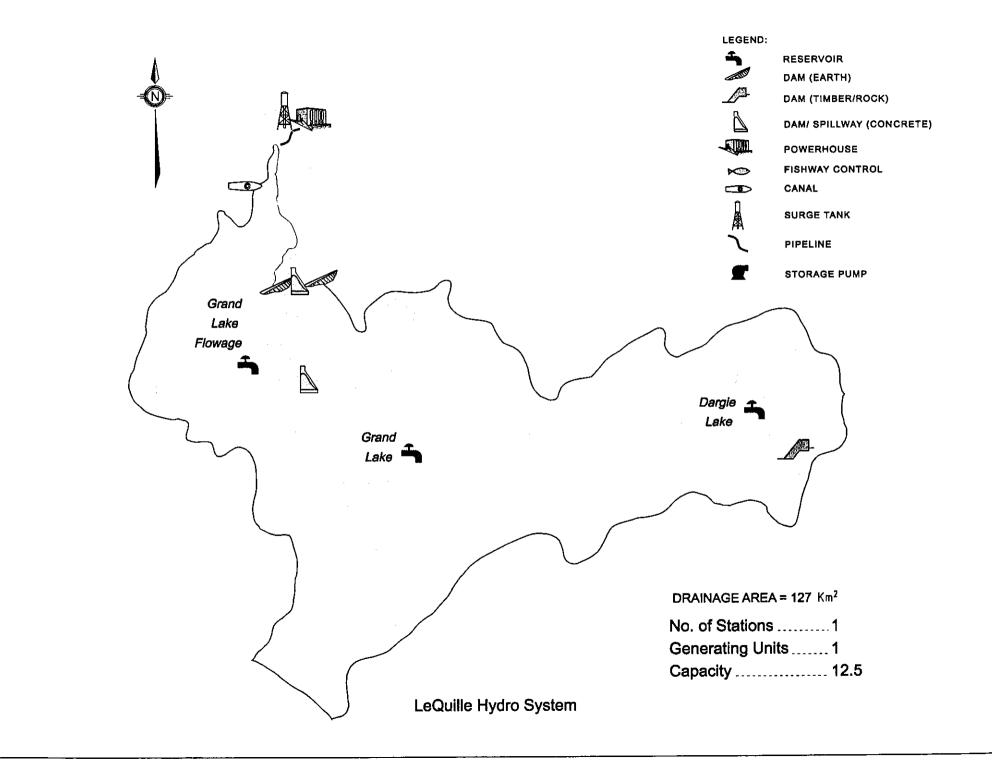


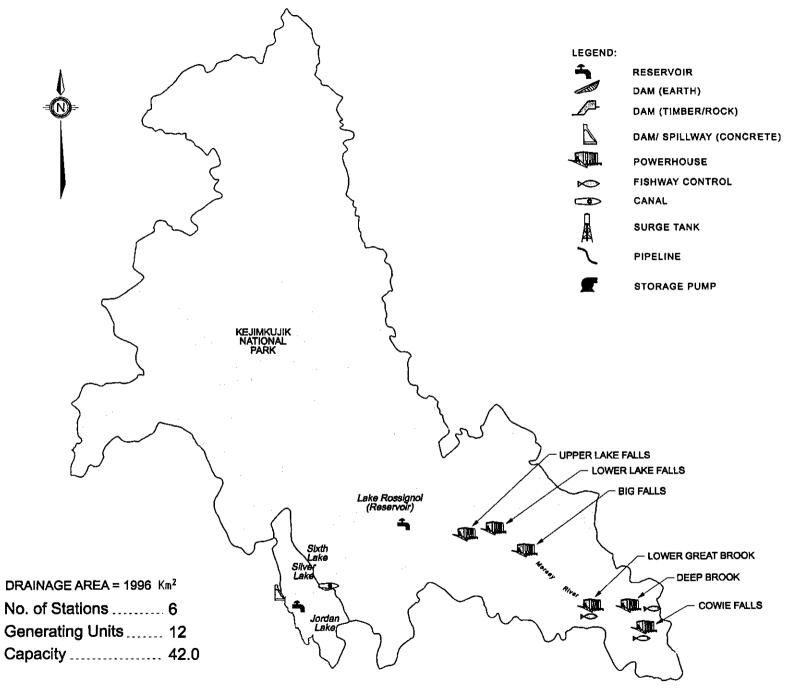
Dickie Brook Hydro System



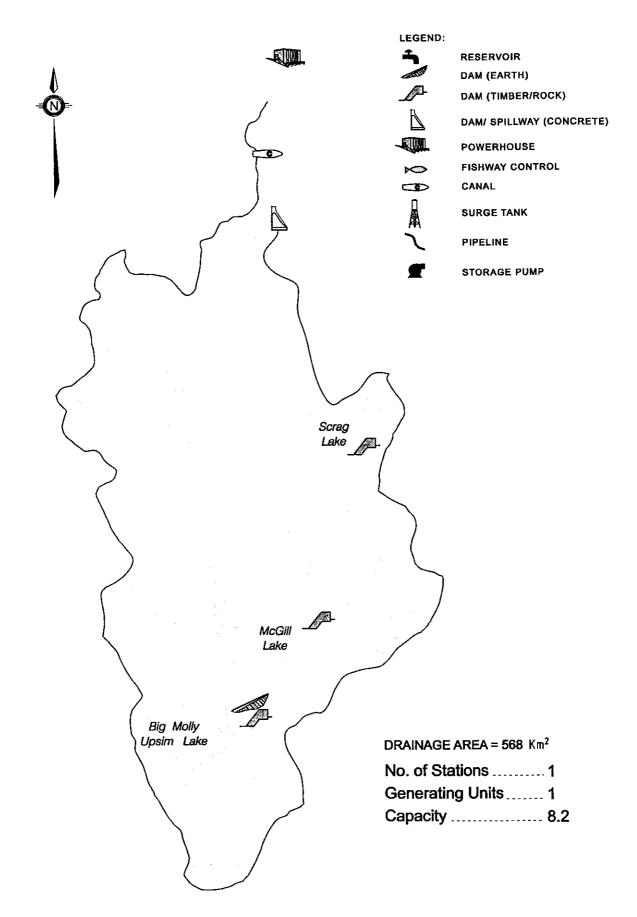


Harmony Hydro System

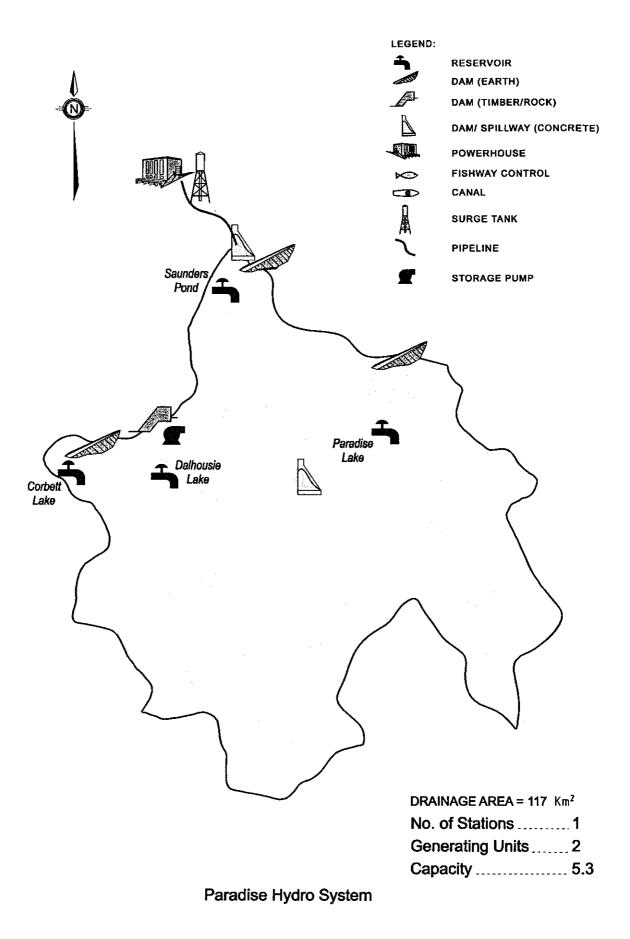


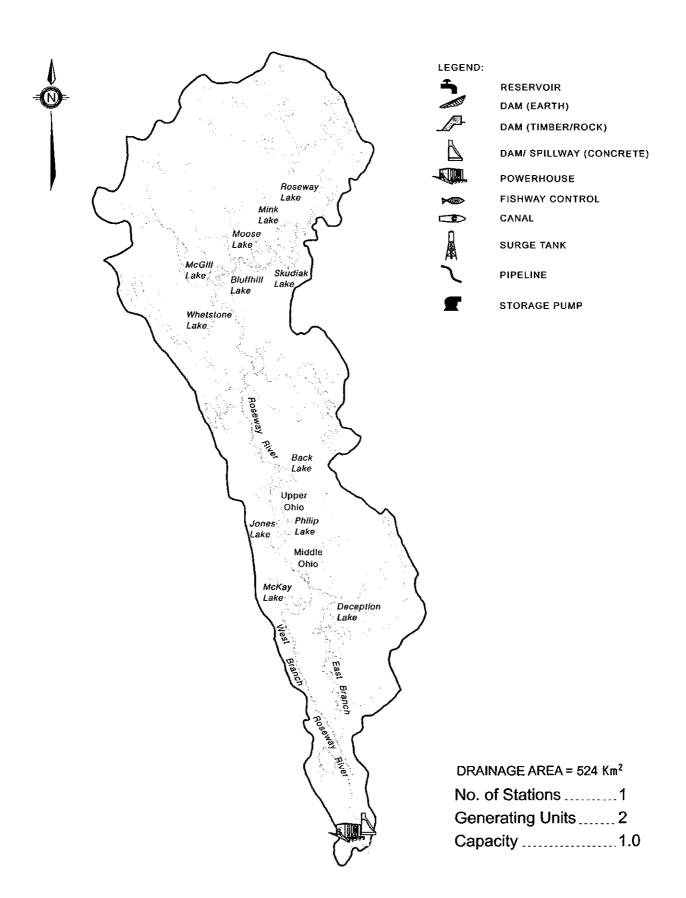


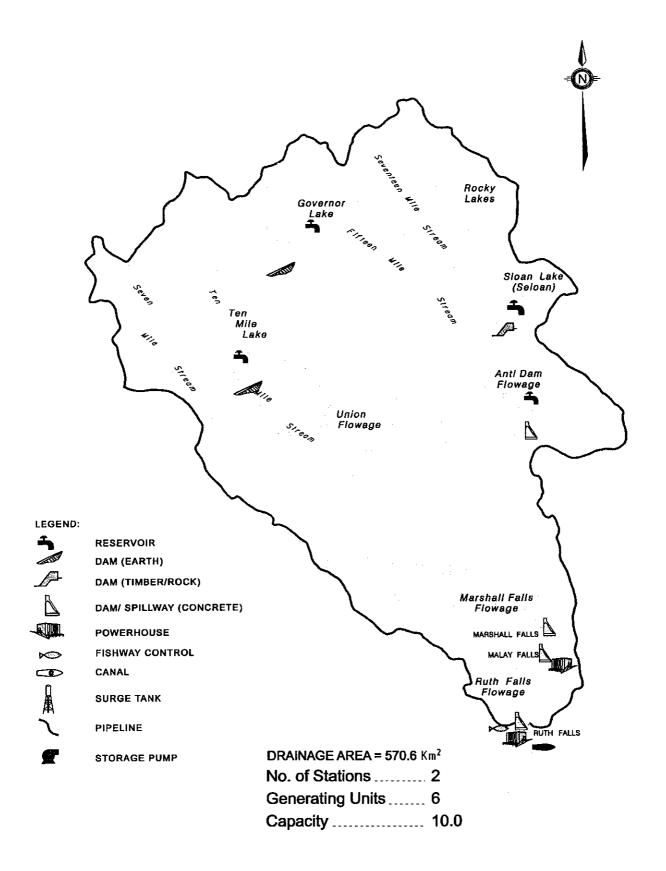
Mersey Hydro System



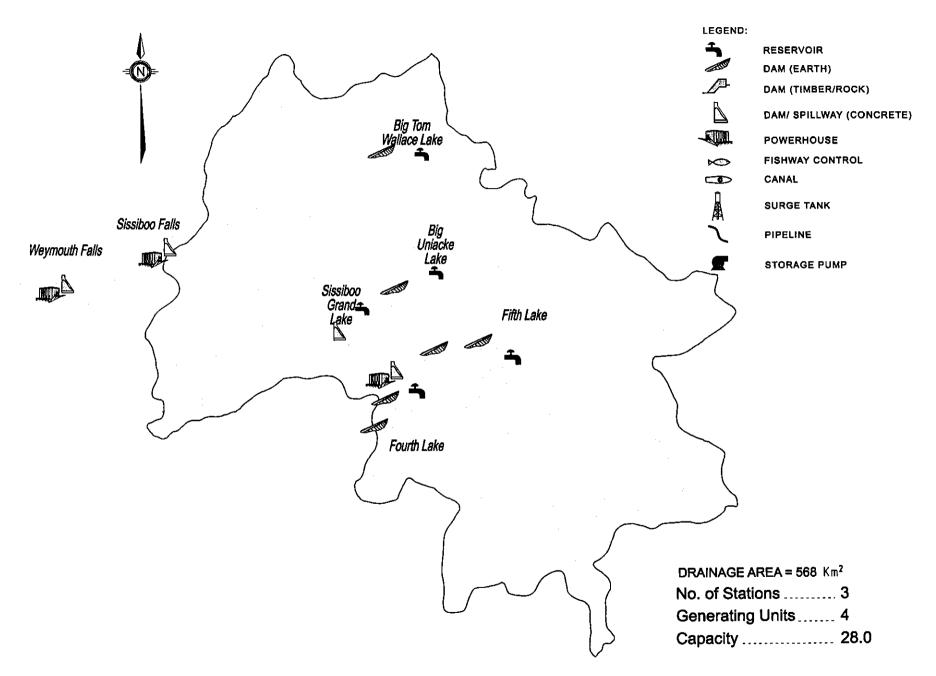
Nictaux Hydro System







Sheet Harbour Hydro System



Sissiboo Hydro System

