

Bill No. 116 of 1953

A BILL TO AMEND THE PUBLIC UTILITIES ACT

NOTE

This Bill amends *The Public Utilities Act*, being chapter 28 of the Revised Statutes of Alberta, 1942.

Section 70*b* is amended to permit approval by the Board of Public Utility Commissioners of a gas producer's contract prior to the construction of the gas absorption plant.

Section 70*f* is amended. The effect of this amendment is to extend the provisions of this section to the distributors of electricity to the public. This section provided that a contract, made between the owner or producer of gas or the owner of a gas absorption or gas processing plant and the distributor of gas to the public, for the supply or sale of gas to the distributor, if approved by order of the Board, could not be changed or varied by the Board unless the change was provided for in the Board's order or the change is acceptable by the parties to the contract.

Section 71 is amended by the addition of a new subsection (2). The new subsection provides that the Board's consent or approval is not required for the issue of shares of its capital stock by a proprietor of a public utility upon the exercise of an optional right of conversion attaching to any shares, stocks, debentures and any other evidence of indebtedness where the issue of the same was previously approved by the Board, or for a right of entry, sale or other proceedings for the enforcement of a mortgage or charge created by trust deed in the enforcement of the security constituted by the trust deed or in the exercise of the remedies thereby granted where the trust deed or instrument or security was approved or authorized by the Board.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 116 of 1953

An Act to amend The Public Utilities Act

(Assented to , 1953)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Public Utilities Act*, being chapter 28 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 70b
amended

2. Section 70b is struck out and the following is substituted:

Contracts
with owners
or producers
of gas

“70b. (1) In lieu of making an order under subsection (3) of section 70a, the Board with the approval of the Lieutenant Governor in Council, may designate any area of land in the Province from which gas is produced, and may permit the operator of an absorption plant, or a person, firm or corporation which has been granted a permit pursuant to section 41 or approval pursuant to section 75 of *The Oil and Gas Resources Conservation Act, 1950*, to enter into a contract with any owner or producer of gas produced from the designated area fixing the price to be paid by the operator, person, firm or corporation to the owner or producer for the gas.

Term of
contract

“(2) Any such contract may be for a fixed period and shall have no force or effect until it is approved by the Board.

“(3) The operator, or a person, firm or corporation as set forth in subsection (1), shall enter into similar contracts with each owner or producer of gas within the designated area if

“(a) the owner or producer is willing to enter into a contract with the operator, or a person, firm or corporation, and

“(b) in the opinion of the Board, the gas belonging to the owner or producer can be processed economically by the operator, or a person, firm or corporation as set forth in subsection (1).

“(4) The Board, with the approval of the Lieutenant Governor in Council, may withdraw the approval of a contract given pursuant to subsection (2), in the event that the person, firm or corporation referred to in subsection (1) fails to prosecute the construction of the plant and facilities with reasonable diligence.”.

3. Section 70f is amended by adding immediately after the words "the distributor of gas" the words "or electricity". Section 70f
amended

4. Section 71 is amended

Section 71
amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after subsection (1) the following new subsection:

“(2) Notwithstanding any of the provisions of subsection (1), the approval, authority, permission or consent of the Board shall not be required in or with respect to

“(a) the issue of any shares of its capital stock by a proprietor under the exercise of any optional right of conversion attaching to any shares, stocks, bonds, debentures, debenture stock or other evidence of indebtedness, the issue of which has previously been approved by the Board,

“(b) a right of entry, sale, disposition or other proceedings in the enforcement of a mortgage or charge created by trust deed or other instrument or security in the enforcement of or pursuant to, the security thereby constituted or in the exercise of the rights or remedies thereby granted or otherwise available at law if such trust deed or other instrument or security was approved or authorized by the Board.”.

5. This Act comes into force on the day upon which it is assented to. Coming into
force

No. 116

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II

1953

BILL

An Act to amend The Public
Utilities Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. MANNING
