

No. 83

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 83

A Bill to amend The Public Utilities Act

HON. MR. HOOKE

EDMONTON, ALBERTA
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1957

Explanatory Note

2. Section 2, clause (m) (vi) now reads:

“(m) “public utility” means

“(vi) any system, works, plant, equipment or service for the production, gathering, conveying, transmission, transporting, delivery, furnishing or supplying of gas by retail or wholesale, either directly or indirectly, to or for the public or any member of the public.”.

It was recently held by the Appellate Division that this definition did not include or contemplate the supplying of gas to a corporation within the words “to or for the public or any member of the public”. This amendment is for the purpose of remedying this defect in the wording of subclause (vi).

3. This amendment will relate the new Part X to this section wherein some of the powers of the Board of Public Utility Commissioners are set out.

4. This amendment will prohibit persons supplying or furnishing gas from stopping the supply of gas to the public because of contracts with a company giving first call upon all the gas of the operator.

5. A reference to a provision of the new Part X is here made to avoid a conflict. Subsection (3) reads:

“(3) Notwithstanding the provisions of any other Act, no territory shall be added to any city except under the provisions of this section.”.

BILL

No. 83 of 1957

An Act to amend The Public Utilities Act

(Assented to _____, 1957)

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 267 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 2, clause (*m*) is amended by adding at the end of subclause (vi) the words "whether an individual or a corporation,".

3. Section 21 is amended by adding immediately at the end of clause (*h*) the following:

"deal with public utilities and related matters as they concern suburban areas adjacent to a city, as provided in Part X, and".

4. The following section is added immediately after section 78:

"**78a.** Notwithstanding the terms of any contract, no person or company furnishing or supplying gas by retail or wholesale either directly or indirectly to or for the public or any member of the public shall discontinue the furnishing or supplying of the gas by reason of or pursuant to any other contractual obligations in respect of the furnishing or supplying of gas.".

5. Section 148, subsection (3) is amended by adding at the end thereof the words and figures "or section 166".

6. New Part X added.

Section 165 will authorize the Board of Public Utility Commissioners, upon application by any municipality in a metropolitan area defined by the Board as such, to require a proprietor of a public utility including public utilities owned by a municipal corporation, to provide water, light or power and sewerage disposal facilities to a municipality that makes application for these facilities on such terms and conditions as to the Board seem proper.

Section 166 empowers the Board to annex any territory to a city upon application by the municipality desiring annexation or by the city itself that desires territory to be annexed to the city.

6. The following new Part is added immediately after section 162:

"PART X

**"SPECIAL PROVISIONS RESPECTING CITIES AND THEIR
SUBURBAN AREAS**

"163. This Part applies to such areas of the Province as may be defined and described by an order of the Board made upon the recommendation of the Provincial Planning Advisory Board.

"164. In this Part,

- "(a)** "proprietor municipality" means a municipality that owns, operates, manages or controls any public utility;
- "(b)** "proprietor" includes in addition to the definition therefor under subclause (i) of clause (l) of section 2, a proprietor municipality that is within any area to which this Part applies;
- "(c)** "public utility" includes, in addition to the definition therefor under clause (m) of section 2, a sewerage system.

"165. Upon application by a municipality or, in the case of an improvement district, the Minister, the Board may by order require a proprietor of a public utility

- "(a)** to deliver, supply and furnish water, light or power, as the case may be, at a place to be designated by the Board and to do so on such terms and conditions as to the Board seem proper, and
- "(b)** to make available, on such terms and conditions as to the Board seem proper, to the municipality making the application or on whose behalf the application was made, the sewage disposal facilities of a proprietor municipality.

"166. (1) The Board may by order annex any territory to a city upon presentation of a petition for such annexation from

- "(a)** the council of any urban municipality that desires the annexation of the territory of the urban municipality to the city,
- "(b)** the council of a city that desires that any territory adjacent to the city be annexed to the city,
- "(c)** the council of any municipal district that desires any part or parts of its territory to be annexed to the city, or
- "(d)** the Minister in respect of any part or parts of an improvement district that he desires to have annexed to a city.

7. Commencement of the Act.

“(2) For the purpose of carrying out the provisions of this Part, the Board has all the powers vested in the Board by section 148, and in addition thereto may make recommendations to the Lieutenant Governor in Council with respect to such measures as it deems requisite to remove any resulting hardship or any injustice to a municipality concerned in the annexation.

“**167.** (1) Subject to subsection (3), the provisions of Part II of this Act apply, with any necessary changes, in respect of any public utility within the area to which this Part applies and in respect of the public utilities of a proprietor municipality as though a by-law had been passed and approved by the Lieutenant Governor in Council under section 100 bringing its public utilities under this Act.

“(2) This Part shall not be construed so as to derogate from the powers vested in the provincial board of health under *The Public Health Act*.

“(3) This Part does not apply to the operation and management of a public utility of a proprietor municipality in so far as they relate to the affairs and business of the public utility within the corporate limits of the proprietor municipality.”.

7. This Act comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

No. 83

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The Public
Utilities Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
