

1971 Bill 76

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 76

The Hydro and Electric Energy Act

HON. MR. PATRICK

First Reading

Second Reading

Third Reading

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BILL 76

1971

THE HYDRO AND ELECTRIC ENERGY ACT

(Assented to _____, 1971)

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

1. (1) In this Act,
 1. "Board" means the Energy Resources Conservation Board under The Energy Resources Conservation Act;
 2. "electric distribution system" means any system, works, plant, equipment or service for the delivery, distribution or furnishing of electric energy directly to the consumers, but does not include a power plant or transmission line;
 3. "electric energy" has its ordinary meaning and includes energy associated with an electromotive force;
 4. "highway authority" means
 - (i) the council of a municipality as to public highways subject to its control and management, or
 - (ii) the Minister of Highways and Transport as to public highways subject to his direction, control and management, or
 - (iii) the Minister of Municipal Affairs, as to public highways in a special area that are subject to his direction, control and management;
 5. "hydro development"
 - (i) means a project for the furnishing of hydro energy to a power plant, and
 - (ii) includes dams, diversion works, water conduits and all structures, machinery, appliances, fixtures and equipment, and all appurtenances and lands and rights of way required in connection with that project;
 6. "hydro energy" means energy associated with the motion or the position and potential motion of water;

Explanatory Notes

General. This Bill provides for the regulation of the electric power industry and also water power developments that involve electric power projects, under the administration of the proposed Energy Resources Conservation Board. This Bill is part of the broad legislative plan to bring all energy resources — oil, gas, synthetic crude oil, coal and electric power — under the same administrative framework. See also Bill 61 for The Energy Resources Conservation Act. The Bill applies to municipally-owned as well as privately-owned electric utilities. Among the other features of the Bill are these:

1. The Power Commission Act will be repealed and the Alberta Power Commission will thus be dissolved.
2. The granting of "permissive orders" for service areas of electric utilities will be the responsibility of the new Board rather than the Public Utilities Board.
3. The Board will issue permits for the construction of all power transmission lines. The permits will replace the present procedures under The Water, Gas, Electric and Telephone Companies Act and The Water Resources Act.
4. The Water, Gas, Electric and Telephone Companies Act will no longer apply to electric power companies.

1. Definitions.

7. "local authority" means
 - (i) the corporation of a city, town, village, municipal district or county, or
 - (ii) the board of administrators of a new town, or
 - (iii) in the case of an improvement district or special area, the Minister of Municipal Affairs;
 8. "municipality" means any city, town, new town, village, municipal district or county;
 9. "person" includes a municipal corporation or other corporation;
 10. "power plant" means the facilities for the generation of electric energy from any energy source;
 11. "public highway" means any land owned by the Crown or a local authority that is used or surveyed for use as a public highway, road, street or lane, or other public way;
 12. "service area" means the area in which an electric distribution system may distribute electric energy;
 13. "transmission line" means a system or arrangement of lines of wire or other conductors and transformation equipment, wholly within the Province and whereby electric energy, however produced, is transmitted, and
 - (i) includes all property of any kind used for the purpose of, or in connection with, or incidental to the operation of a transmission line, but
 - (ii) does not include a power plant or an electric distribution system.
- (2) The decision of the Board is final as to whether
- (a) a definition in subsection (1) is applicable in a particular case, or
 - (b) any line or system or installation is, or is part of, a power plant, a transmission line or an electric distribution system.
- 2. The purposes of this Act are**
- (a) to provide for the appraisal of the reserves and productive capacity of hydro energy and electric energy in Alberta,
 - (b) to provide for the appraisal of the requirements for electric energy in Alberta and of markets outside Alberta for electric energy generated in Alberta,
 - (c) to provide for the economic, orderly and efficient development in the public interest of the hydro energy and electric energy resources of Alberta,

2. Purposes of Act.

- (d) to secure the observance of safe and efficient practices in the public interest in the development of hydro energy and in the generation, transmission and distribution of electric energy,
- (e) to control pollution and ensure environment conservation in the development of hydro energy and in the generation, transmission and distribution of electric energy, and
- (f) to provide for the recording and timely and useful dissemination of information regarding the hydro energy and electric energy resources of Alberta.

PART 1

POWERS AND DUTIES OF THE BOARD

- 3. (1)** The Board may make regulations
- 1. prescribing the information that is to be included in or is to accompany any application under this Act or the regulations;
 - 2. excluding a hydro development, power plant, transmission line or electric distribution system of a kind described in such regulations from the application of any provision of this Act or the regulations, either generally or in a particular case;
 - 3. prescribing the measures to be taken to identify and protect from public access, any power plant or transmission line;
 - 4. prescribing conditions subject to which the holder of an approval, permit or licence under this Act or a person proposing to construct a power plant, transmission line or electric distribution system may enter upon lands of another person in absence of an agreement for such entry with the other person, which regulations shall be in addition to any applicable provisions of The Surveys Act;
 - 5. regarding equipment, materials and installations that may be used in any power plant or transmission line or in any works, fittings, machinery, plant or appliance connected therewith;
 - 6. as to the measures to be taken in the construction, operation or abandonment of any power plant or transmission line for
 - (i) the protection of life, property and wild life,
 - (ii) the prevention and extinguishment of fires, and
 - (iii) the control of pollution and ensuring environment conservation;

3. Regulations by the Board.

7. as to the inspection of power plants and transmission lines both during and after construction;
8. requiring and prescribing any tests and surveys;
9. requiring the submission to the Board of information obtained by tests or surveys;
10. respecting the assignment or transfer of approvals, permits or licences;
11. as to the records to be kept, the manner and form thereof, the persons by whom and the place at which they are to be kept and the length of time they are to be kept, and providing for their submission to the Board;
12. as to the reports to be made, the persons required to make them, the authority or person to whom they are to be made, the time of making them and their form, nature and extent;
13. as to when and to whom information contained in records, reports and information submitted to or acquired by the Board under this Act may be made available;
14. prescribing the methods and units to be used for the measurement of water, hydro energy or electric energy for the purposes of this Act;
15. establishing a schedule of fees
 - (i) pertaining to applications or proceedings under this Act or the regulations, and
 - (ii) for any other service by the Board.

(2) Where a regulation under subsection (1), clause 1 has prescribed the information to be included in or to accompany an application pursuant to a given provision of the Act or the regulations, the Board is not precluded from considering or acting upon an application pursuant to such provision that does not contain such information or from requiring additional information.

(3) The Board may prescribe or approve forms to be used under this Act or the regulations, either generally or for any particular or special case.

4. The Board, when required by the Lieutenant Governor in Council shall, or upon its own motion may, inquire into, examine and investigate any matter referred to in section 2.

5. The Board, with the approval of the Lieutenant Governor in Council, may make such just and reasonable orders

4. Board's powers re inquiries etc.

5. General power of the Board to make orders.

and directions as the Board considers necessary to effect the purposes of this Act and as are not otherwise specifically authorized by this Act.

6. (1) At any reasonable time, a member of the Board and any person authorized by the Board

- (a) shall have access to power plants, transmission lines and electric distribution systems and routes of proposed transmission lines, and to all buildings, installations, structures and lands connected therewith,
- (b) may enter upon any land which he must cross to reach a power plant, transmission line or electric distribution system,
- (c) is entitled to make inspections, investigations or tests at power plants, transmission lines and electric distribution systems, and to take samples at power plants, and
- (d) is entitled to inspect all books, records and documents pertaining to hydro developments, power plants, transmission lines and electric distribution systems.

(2) A person authorized by the Board to exercise any of the powers referred to in subsection (1) shall, at any time during which he is exercising such powers, produce on demand his certificate of authority from the Board.

(3) Any person who is the holder of an approval, permit or licence under Part 2 or 3, or any person in charge of a hydro development, power plant, transmission line or electric distribution system, or any contractor or employee of such persons shall permit or assist any member of the Board or any person authorized by the Board in the exercise of the powers conferred by subsection (1).

6. Board's powers of entry, inspection etc.

PART 2

HYDRO DEVELOPMENTS, POWER PLANTS AND TRANSMISSION LINES

Hydro Developments and Power Plants

- 7.** (1) No person shall construct or operate
- (a) a hydro development, or
 - (b) a power plant,
- unless the Board, by order and with the authorization of the Lieutenant Governor in Council, has approved the hydro development or power plant.
- (2) The holder of an approval under this section shall not make a significant alteration in his hydro development or power plant unless the Board has amended the approval or issued a new approval to cover the alteration.
- (3) The authorization of the Lieutenant Governor in Council is not required where the Board amends an approval or issues a new approval under this section or issues a new approval for the purpose only of consolidating and revising a previous approval and subsequent amendments to it.
- (4) Notwithstanding subsection (1), the site for a hydro development or power plant may be surveyed without an approval.
- (5) This section does not apply to a person generating or proposing to generate electric energy solely for his own use, unless the Board otherwise directs.

8. (1) The Board shall refer an application for approval of a hydro development to the Department of the Environment and the Department of Lands and Forests for their advice.

(2) The Board shall refer an application for approval of a power plant to the Department of the Environment for its advice.

(3) In considering an application under section 7, the Board shall consider the advice of a Department to which the application was referred under subsection (1) or subsection (2).

Transmission Lines

9. (1) No person shall construct a transmission line or any part thereof, or undertake any operations preparatory to the construction thereof, unless he is the holder of a permit issued by the Board.

(2) No person shall make a significant extension or alteration of a transmission line unless the Board has amended his permit or issued a new permit to cover the extension or alteration.

7. Requirement for Board approval of a hydro development or power plant.

8. Referrals of applications to Department for advice.

9. Requirement for permit from Board re construction of a transmission line.

(3) This section does not preclude a person proposing to apply for a permit or his agents from

- (a) entering upon any Crown or other lands lying in the intended route of the transmission line to make surveys or examinations, or
- (b) negotiating for the acquisition of interests in lands that may be required for the transmission line.

10. (1) The Board shall refer an application for a permit or an amendment of a permit to the Department of the Environment and the Department of Lands and Forests for their advice.

(2) In considering an application under section 9, the Board shall consider the advice of a Department to which the application was referred under subsection (1).

11. No person shall operate a transmission line unless he is the holder of a subsisting licence to operate the transmission line, issued by the Board.

12. Sections 9 to 11 do not apply to a person proposing to transmit over his own land electric energy solely for his own use, by means of a line that does not cross a public highway.

13. (1) The Board may, upon such terms and conditions as it considers proper, direct a permittee or licensee to alter or relocate any part of his transmission line if in the Board's opinion the alteration or relocation would be in the public interest.

(2) Where the Board directs the alteration or relocation of any part of a transmission line, it may order the payment of such compensation as it may determine and by whom, and to whom the compensation is payable.

14. (1) The owner or operator of a power plant, transmission line or electric distribution system shall not connect his power plant, transmission line or electric distribution system, or cause or permit it to be connected, to any other power plant, transmission line or electric distribution system unless the connection is in accordance with an order under this section.

(2) The Board, either upon its own initiative or upon application or complaint in writing, may, with the authorization of the Lieutenant Governor in Council and by order in writing directed to the owner of a power plant, transmission line or electric distribution system,

10. Referral of application to Department for advice.

11. Requirement of Board licence to operate a transmission line.

12. Exclusion of private facilities from Board requirements.

13. Alteration or relocation of transmission line.

14. Interconnection of electric power facilities.

- (a) if upon the application of the owner or operator, approve the plans of the owner subject to any modification or alteration the Board considers desirable, or deny the application, or
- (b) require the owner to connect his works with other works or proposed works owned by him or by any other owner of a power plant, transmission line or electric distribution system, or
- (c) require the owner to buy electric energy from, sell electric energy to or exchange electric energy with any other owner of a power plant, transmission line or electric distribution system, or
- (d) require the owner to share and participate, or otherwise combine its interests for the production, transmission or distribution of electric energy with any other owner of a power plant, transmission line or electric distribution system,

and may prescribe such terms and conditions as the Board considers suitable.

(3) The owner or operator of a power plant, transmission line or electric distribution system applying for an order for the connection of its works with other works or proposed works, shall file with the Board

- (a) particulars of the proposed connection,
- (b) where the other works or proposed works are those of another owner, particulars of the operating agreement with the other owner, and
- (c) such related information as the Board may require.

(4) Where the Board directs any thing to be done under this section, it may also order when or within what time and upon what terms and conditions, except as to the amount, as to payment of compensation or otherwise and under what supervision the thing directed to be done is to be carried out.

(5) Where as a result of an order under this section compensation is payable and agreement on the amount of compensation cannot be reached, the amount shall be determined by the Public Utilities Board on the application of an interested party.

General

15. (1) Upon an application for an approval, permit or licence under this Part, or for an amendment of an approval, permit or licence, the Board may grant the approval, permit, licence or amendment subject to such terms and conditions as it may prescribe or may deny the application.

(2) Without restricting the generality of subsection (1), the Board may

15. Powers of Board in dealing with applications for approvals, permits and licences.

- (a) require changes in the plans and specifications of a hydro development, power plant or transmission line, or
- (b) require changes in the location of a hydro development, power plant or transmission line, or
- (c) prescribe a date before which the construction of, or operation of, the hydro development, power plant or transmission line must commence.

16. The holder of an approval, amendment of approval or permit under this Part, shall, within three months of the completion of any construction authorized by the approval, amendment or permit, file with the Board plans of the hydro development, power plant or transmission line as constructed and such related particulars as the Board may require.

17. No holder of an approval, permit or licence, and no person who operated a hydro development, power plant or transmission line at the commencement of this Act, shall discontinue the operation of, or dismantle or remove any works or installations forming part of his hydro development, power plant or transmission line, unless he has obtained the authority in writing of the Board to do so.

18. No corporation shall acquire an approval, permit or licence by application, assignment or transfer unless the corporation is

- (a) registered under The Companies Act, or
- (b) incorporated by an ordinance or an Act of the Legislature which empowers it to engage in the business of generation or transmission of electricity, or
- (c) a chartered bank, or
- (d) a railway company incorporated under an Act of the Parliament of Canada, or
- (e) a trust company registered under The Trust Companies Act, or
- (f) an insurance company licensed under The Alberta Insurance Act, or
- (g) a municipal corporation, or
- (h) a co-operative association.

16. Filing of plans following completion of construction.

17. No discontinuance or dismantling of works except as authorized by the Board.

18. Corporations eligible to obtain an approval or permit.

PART 3

ELECTRIC DISTRIBUTION SYSTEMS

19. This Part does not apply to a person who transmits electric energy solely on land of which he is the owner or tenant for use on such land and not across a public highway.

20. (1) Notwithstanding anything in any other Act or in any approval or order issued pursuant to any other Act, no person shall construct or operate an electric distribution system, or alter the service area of an electric distribution system, without the approval of the Board, which approval shall include the designation by the Board of his service area.

(2) Approval under this section shall not be given unless the Board is satisfied, having regard to the availability of any other source of electric energy and to any other circumstances, that it is in the public interest having regard to such circumstances and the present and future need for the extension of electric service throughout Alberta.

21. (1) Upon an application for an approval under this Part, the Board may

- (a) grant the approval as applied for, or
- (b) alter the proposed service area, and grant the approval to amend, or
- (c) deny the application.

(2) In an approval under this Part, the Board shall prescribe such conditions as it considers suitable, and shall state the period for which the approval is granted.

22. (1) The Board shall, with respect to each electric distribution system, determine, subject to further order under this Part, as the service area of that electric distribution system all areas served with electric energy by it as of the commencement of this Act, and for the purposes of section 20 each electric distribution system shall be deemed to have the approval of the Board to supply electric energy in the service area so determined for it.

(2) For the purpose of carrying out its duties under this section, the Board shall, subject to further order under this Part, treat the area specified in an approval given prior to the coming into force of this Act by the Public Utilities Board under section 97 of The Public Utilities Board Act, or its predecessors, as a service area of the electric distribution system for which the approval was granted.

19. Non-application of Part to provide power facilities.

20. Board approval to construct or operate an electric distribution system and designation of service areas.

21. Board's powers on application.

22. Determination of service areas.

(3) Where, at the commencement of this Act, a local authority owned and was operating an electric distribution system,

- (a) the Board, in determining the service area of the local authority's electric distribution system, shall include therein all parts of the local authority's municipality except the parts thereof being served by another electric distribution system under an agreement between the local authority and the owner of the other electric distribution system,
- (b) notwithstanding any other provisions of this section, the parts of the municipality included in the local authority's service area in accordance with clause (a) shall not be, or be included in, a part of the service area of any other electric distribution system, and
- (c) the provisions of section 23 apply mutatis mutandis to the reduction of the size of a service area as a result of clause (b).

(4) The Board shall notify the owner of each electric distribution system of its service area determined for it under this section.

23. (1) The Board, upon the application of an interested person or upon its own motion,

- (a) when in its opinion it is in the public interest to do so, and
- (b) upon such notice and proceedings as the Board deems suitable,

may alter the boundaries of the service area of an electric distribution system, or may order that the electric distribution system shall cease to operate in a service area or part thereof at a time fixed in the order.

(2) Where a local authority owns and operates an electric distribution system within its municipality

- (a) the Board shall grant an application by the local authority to enlarge its service area in any part of the municipality not included in the service area of another electric distribution system, and
- (b) the Board shall not reduce the service area of the local authority without its consent.

(3) Where an order made under subsection (1) reduces the service area of an electric distribution system, the Board, if it considers such provision suitable, may make provision in the order for

- (a) payment of compensation to the owner of the electric distribution system whose service area is reduced,

23. Alteration of service area boundaries.

- (b) the circumstances and conditions under which, and the time at which, such owner is entitled to receive compensation,
- (c) the matters in respect of which any compensation is payable, which matters may include any matter referred to in section 272, subsection (2), clause (b) of The Municipal Government Act, and the economic effect on the overall operation of the owner of the electric distribution system, and
- (d) the persons by whom such compensation is payable and the apportionment of liability among such persons,

and provide that if agreement on the amount of any compensation provided for cannot be reached between the parties, the amount shall be determined by the Public Utilities Board on the application of either party.

(4) Where the Board makes an order to which subsection (3) applies it may defer the addition to the order of the provisions referred to in subsection (3) in a suitable case to give the parties the opportunity of making an agreement as to compensation to be paid.

(5) The amount of compensation payable by any person under an order under this section is a debt and is recoverable by the person entitled to receive the compensation under the order by action.

24. (1) No holder of an approval under this Part and no person who operated an electric distribution system at the commencement of this Act, shall discontinue the operation of his electric distribution system or discontinue the distribution of electric energy in any area, except in a case of emergency or for repairs and maintenance, unless he has obtained authority in writing from the Board to do so.

(2) The Board may make such order upon an application under this section as it considers just and proper and in the public interest.

25. Where the owner of an electric distribution system, by construction or alteration, changes the area actually served by his electric distribution system, he shall within one year of the completion of the construction or alteration file with the Board particulars of the construction or alteration and a description of the actual area served by the electric distribution system as a result of the construction or alteration.

24. No discontinuance of service or dismantling of system except with authorization from the Board.

25. Requirement to file particulars re actual changes in area resulting from alteration of the system.

PART 4

LANDS AND RIGHTS OF WAY

26. In this Part, “operator” means the holder of an approval to construct or operate a power plant or of a permit to construct or licence to operate a transmission line under Part 2.

27. An operator or a person proposing to apply for a permit to construct a transmission line or his agents may cut down any trees or brush that in his opinion obstruct the running of survey lines or endanger or will endanger his transmission line or part thereof, but in so doing shall do as little damage as possible to the property of any other person.

28. (1) An operator has the right to construct a transmission line on, across, over or under any public highway but in the exercise of that right

- (a) subsections (2) and (3) shall be complied with, and
- (b) care shall be taken to preserve, as far as possible, a free and uninterrupted passage of, to and over the portion of the public highway affected.

(2) No transmission line shall be constructed on, across, over or under any public highway without the approval of the highway authority having the direction, control and management of that public highway, or, where approval cannot reasonably be obtained therefrom, without the approval of the Board.

(3) An application for approval under subsection (2) shall be accompanied by a plan of the portion of the public highway affected.

29. (1) An operator has the right to construct a transmission line

- (a) over the land comprising the bed or shore of any river, stream, watercourse, lake or other body of water owned by the Crown in right of Alberta, and
- (b) on, across or under the land comprising the bed or shore of any river, stream, watercourse, lake or other body of water owned by the Crown in right of Alberta in any case where the description of land in a certificate of title issued to a person other than the Crown does not except, reserve or otherwise refer to the land comprising that bed or shore,

without the necessity of acquiring any estate or interest in that land from the Crown in right of Alberta but subject to estates or interests held by persons other than the Crown.

26. “Operator” defined.

27. Minimizing of damage during surveys.

28. Construction of transmission line crossing public highways.

29. Construction of transmission lines crossing water bodies.

(2) Where an operator proposes to construct a transmission line over land comprising the bed or shore of any river, stream, watercourse, lake or other body of water owned by the Crown in right of Alberta and a certificate of title issued to a person other than the Crown excepts, reserves or otherwise refers to the land comprising that bed or shore, the operator shall, before commencing construction, file with the Department of the Environment and the Department of Lands and Forests, both at Edmonton, a copy of a plan of the right of way for the transmission line or the part of the plan that pertains to the land comprising that bed or shore, and in the construction of the transmission line, shall observe the conditions prescribed by either of those Departments.

30. No transmission line shall be constructed on, across, over or under an irrigation canal or ditch or a drainage ditch under The Drainage Districts Act without the approval of the owner, or, where approval cannot reasonably be obtained therefrom, without the approval of the Board.

31. (1) Where an operator, other than a local authority, requires an interest in land for the purposes of a power plant or a transmission line it may expropriate the interest required under The Expropriation Procedure Act if it has the written consent of the Board authorizing it to do so.

(2) The Board shall not give its consent under subsection (1) unless

- (a) it is satisfied that the operator has attempted in good faith to negotiate with the owner of the interest in land so required but has been unable to do so, and
- (b) it has considered the objections, if any, of the owner of that interest.

32. An operator shall not construct a transmission line or carry out any relocation or extension of a transmission line until.

- (a) he has filed with the Alberta Government Telephones Commission plans showing the location of the wires, their height above the ground, their depth below the ground and such other information as the Alberta Government Telephones Commission may require, and
- (b) the plans have been approved by the Alberta Government Telephones Commission.

30. Transmission lines crossing irrigation canals or drainage ditches.

31. Expropriation of land for transmission line.

32. Requirements of Alberta Government Telephones.

PART 5

PROVISIONS OF GENERAL APPLICATION

Approvals and Permits

33. An approval or permit granted pursuant to this Act does not relieve the owner or operator of a hydro development, power plant, transmission line or electric distribution system from the necessity of obtaining any order, permit, licence, consent or authorization that he is required to obtain under any other Act or regulation under any other Act.

34. (1) The Board, by order, may cancel or suspend an approval, permit or licence for failure of the holder to comply with any provision of this Act, the regulations, or the terms and conditions of the approval, permit or licence, or may make such other order as it deems suitable in the circumstances.

(2) Except where a condition exists that, in the opinion of the Board, is a danger to any person or to public or private property, the Board shall not

- (a) cancel or suspend an approval, permit or licence under subsection (1) until it has given the holder 30 days' notice, or such longer notice as the Board deems suitable, to rectify his default, or
- (b) require the doing of any act that will result in any significant expenses, loss or deprivation to the holder of an approval, permit or licence under this Act without due notice and full opportunity to be heard by the Board.

35. The Board shall not issue an order, approval or permit under the authority of section 7, 9, 14, 20 or 23 without publication of notice or a hearing, unless in the light of all the circumstances the Board considers the matter to be of a minor nature that would not warrant the publication of notice or a hearing.

36. (1) Where, at the time of the commencement of this Act a person is

- (a) operating a hydro development, power plant, transmission line or electric distribution system, or
- (b) constructing a hydro development, power plant, transmission line or electric distribution system under authority provided for in previous legislation,

33. Other statutory requirements to be complied with.

34. Cancellation or suspension of approval, permit or licence.

35. Requirement for publication of a notice and a hearing by the Board in the case of more important applications.

36. Persons deemed to hold approvals, permits or licences.

he shall until further order be deemed to be the holder of a subsisting approval, permit or licence covering the operation or construction of his hydro development, power plant, transmission line or electric distribution system.

(2) Where a person is deemed to be the holder of an approval, permit or licence by reason of subsection (1), the Board may issue to him an approval, permit or licence in substitution for the one he is deemed to hold under subsection (1), upon such notice if any as the Board deems suitable.

37. A decision or order of the Board under this Act is final and there is no appeal therefrom.

Offences and Penalties

38. (1) Every person who

- (a) whether as a principal or otherwise, contravenes or defaults in complying with any provision of this Act or of the regulations or of any order, direction, approval, permit or licence made pursuant to this Act, or
- (b) either alone or in conjunction or participation with others causes any holder of an approval, permit or licence to contravene or to default in complying with any such provision, or
- (c) instructs, orders, directs or causes any officer, agent or employee of any holder of an approval, permit or licence to contravene or to default in complying with any such provision,

is guilty of an offence.

(2) Every person who knowingly makes a false statement in any record required to be kept or any report required to be made by this Act or the regulations is guilty of an offence.

(3) Every person

- (a) who wilfully or maliciously breaks up, pulls down or damages, injures, puts out of order or destroys any transmission or other line or part thereof owned by the holder of an approval, permit or licence under this Act, or
- (b) who willfully does any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, repairing, dismantling or taking up of any transmission or other line or any part thereof owned by the holder of an approval, permit or licence under this Act,

is guilty of an offence.

37. Board's decision final.

38. Offences.

39. Every information or complaint for the prosecution of an offence under this Act shall be laid or made within 18 months from the time when the subject matter of the proceedings arose, and not afterward.

40. (1) Every person who is guilty of an offence under this Act is liable on summary conviction,

- (a) if a corporation, to a fine of not less than \$300 and not more than \$1,000, and
- (b) if a person other than a corporation, to a fine of not less than \$50 and not more than \$500 and in default of payment to a term of imprisonment not exceeding six months,

and in the case of a continuing offence, if a corporation to a fine of not less than \$300 and not more than \$1,000 for the first day upon which the offence occurs and of not less than \$100 and not more than \$500 for each subsequent day during which the offence occurs, and if a person other than a corporation to a fine of not less than \$50 and not more than \$500 for the first day upon which the offence occurs and of not less than \$25 and not more than \$250 for each subsequent day during which the offence occurs.

(2) A person other than a corporation who defaults in payment of a fine imposed for a continuing offence is liable to imprisonment for a term of not more than six months.

39. Time limitation on prosecutions.

40. Penalties.

PART 6

CONSEQUENTIAL AND REPEAL

41. (1) *The Co-operative Associations Act is amended as to section 41 by striking out the words "Chairman of the Alberta Power Commission" wherever they occur in subsections (2) and (5) and by substituting the word "Director".*

(2) *The Expropriation Procedure Act is amended as to section 32, subsection (2) by adding the word "or" at the end of clause (c) and by adding after clause (c) the following clause:*

(d) *The Hydro and Electric Energy Act,*

(3) *The Municipal Government Act is amended as to section 276, subsection (1) by striking out the words "The Power Commission Act" and by substituting the words "The Hydro and Electric Energy Act".*

(4) *The Public Utilities Board Act is amended*

(a) *by striking out section 97,*

(b) *as to section 104, subsection (2), clause (a) by striking out the words "light or power, as the case may be,".*

(5) *The Rural Electrification Long Term Financing Act is amended*

(a) *as to section 2 by striking out clause (f),*

(b) *as to section 5, subsections (1) and (2) by striking out the words "Power Commission" wherever they occur and by substituting the word "Director",*

(c) *as to section 8, subsection (1) by striking out the words "Upon receipt of the Power Commission's approval of an application for a loan and the application of the association therefor, if the requirements" and by substituting the words "If the requirements",*

(d) *as to section 22 by striking out the words "Power Commission" and by substituting the words "Energy Resources Conservation Board".*

(6) *The Rural Electrification Revolving Fund Act is amended*

(a) *as to section 10 by striking out the words "Alberta Power Commission" and by substituting the word "him",*

Amends chapter 67 of the Revised Statutes of Alberta 1970.

Amends chapter 130 of the Revised Statutes of Alberta 1970.

Amends chapter 246 of the Revised Statutes of Alberta 1970.

Amends chapter 302 of the Revised Statutes of Alberta 1970

Amends chapter 324 of the Revised Statutes of Alberta 1970.

Amends chapter 325 of the Revised Statutes of Alberta 1970.

(b) *as to section 11*

- (i) *by striking out the words "an application" and by substituting the words "the statement referred to in section 10",*
- (ii) *by striking out the words "Alberta Power Commission" wherever they occur and by substituting the words "Director of Co-operative Activities",*
- (iii) *by striking out the words "it approves the application of the association" and by substituting the words "application for a loan is made",*

(c) *as to section 12*

- (i) *by striking out the words "Alberta Power Commission" wherever they occur and by substituting the words "Director of Co-operative Activities",*
- (ii) *by striking out the words "approve the application and issue a certificate of approval thereof to the association and to the Director of Co-operative Activities" and by substituting the words "permit the association to apply for a loan",*

(d) *as to section 14, subsection (1) by striking out the words "Upon receipt of the Alberta Power Commission's certificate of approval, the Director" and by substituting the words "The Director",*

(e) *as to section 23 by striking out the words "Alberta Power Commission" and by substituting the words "Energy Resources Conservation Board",*

(f) *as to section 26, subsection (1) by striking out the words "Alberta Power Commission" wherever they occur and by substituting the words "Director of Co-operative Activities".*

(7) *The Water, Gas, Electric and Telephone Companies Act is amended*

(a) *by adding after section 3 the following section:*

3.1 Upon the commencement of The Hydro and Electric Energy Act, this Act does not apply to a transmission line as defined in that Act or to any company that is the owner or operator of that transmission line.

(b) *as to section 30, subsection (3), clause (a) by striking out the words "The Alberta Power Commission" and by substituting the words "the Energy Resources Conservation Board".*

Amends chapter 387 of the Revised Statutes of Alberta 1970.

(8) The Water Resources Act is amended

(a) by adding the following section after section 15:

15.1 The Minister shall, except as otherwise directed by the Energy Resources Conservation Board,

- (a) refer to that Board for its advice a copy of every application for a licence and the plans accompanying it, as soon as possible after the application is filed, and
- (b) furnish to that Board a copy of every interim licence and licence, as soon as possible after it is issued.

(b) by striking out section 87 and by substituting the following:

87. (1) Subject to subsection (2), in sections 83 to 86 "licensee" includes any applicant for a licence under this Act.

(2) Upon the commencement of The Hydro and Electric Energy Act, sections 72, 73 and 83 to 86 do not apply in respect of transmission lines as defined in that Act.

(3) Proceedings under section 72, 73 or 83 to 86 commenced before the commencement of The Hydro and Electric Energy Act in respect of transmission lines as defined in that Act may be continued and completed as if that Act had not been enacted.

42. The Power Commission Act is hereby repealed.

43. This Act comes into force on June 1, 1971.

Amends chapter 388 of the Revised Statutes of Alberta 1970.

42. Repeals chapter 280 of the Revised Statutes of Alberta 1970.