

1988 BILL 59

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 59

TELECOMMUNICATIONS ACT

THE MINISTER OF TECHNOLOGY, RESEARCH
AND TELECOMMUNICATIONS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 59

1988

TELECOMMUNICATIONS ACT

(Assented to , 1988)

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

Definitions

1(1) In this Act,

- (a) “basic service” means a telecommunication service designated as a basic service
 - (i) by the Board, with respect to services under its regulatory authority, or
 - (ii) by the City, with respect to services under its regulatory authority;
- (b) “Board” means the Public Utilities Board;
- (c) “City” means The City of Edmonton;
- (d) “Commission” means The Alberta Government Telephones Commission;
- (e) “system” means a telecommunication system and includes all land, plant, supplies, buildings, works, rights, franchises, easements, assets and property of every kind owned, held, required or used for the purpose of, or in connection with, or for the operation of the telecommunication system;
- (f) “telecommunication” means any transmission, emission or reception of signs, signals, writings, images, sounds, data, message or intelligence of any nature by wire, radiocommunication, cable, waves or any electronic, electromagnetic or optical means but does not include the transmission, emission or reception of broadcasting that is a radiocommunication in which the transmissions are intended for direct reception by the general public.

(2) Any reference in this Act to a system owned by the City includes a system owned by a corporation, all of whose issued shares are held by the City.

PART 1

ALBERTA GOVERNMENT TELEPHONES

- The Commission **2(1)** The Alberta Government Telephones Commission is continued as a corporation under this Act, with the same name.
- (2) The Commission may also be known as “Alberta Government Telephones”.
- (3) The Commission is an agent of the Crown in right of Alberta and its powers may be exercised only as an agent of the Crown.
- Members **3(1)** The Commission shall consist of
- (a) a chairman appointed by the Lieutenant Governor in Council,
 - (b) the president of the Commission, and
 - (c) the persons appointed as members by the Lieutenant Governor in Council.
- (2) The chairman and members of the Commission, other than the president, shall receive the remuneration prescribed by the Lieutenant Governor in Council.
- Management **4(1)** The Commission may make by-laws regulating its proceedings and generally for the conduct, management and operation of the Commission.
- (2) The Commission may appoint a president and any vice-presidents and other officers it considers appropriate.
- Scope of business **5(1)** Subject to this Act, the Commission may carry on the businesses of
- (a) providing basic services;
 - (b) providing other telecommunication services and services pertaining to telecommunications;
 - (c) research in and consultation in telecommunications and in businesses pertaining to telecommunications;
 - (d) purchasing, constructing, extending, maintaining, manufacturing, operating, leasing to and from others, and otherwise acquiring and disposing of systems, including private communication systems;
 - (e) manufacturing, repairing, buying, selling, leasing to and from others, and otherwise trading in goods, merchandise and services pertaining to telecommunications.
- (2) Subject to the regulations, the Commission may carry on any other business approved by the Lieutenant Governor in Council.

Capacity

6 For the purpose of carrying on any business under this Act and carrying out its powers and duties, the Commission

(a) has the capacity and, subject to this Act, the rights, powers and privileges of a natural person,

(b) may incorporate corporations and enter into partnerships,

(c) may become a member of or purchase or otherwise acquire and sell or otherwise dispose of common, preferred or other shares in any corporation, whether or not it is incorporated in Alberta, that either directly or indirectly through an affiliated corporation, as defined in the *Business Corporations Act*, provides or intends to provide a service or produces or intends to produce a product that, in the opinion of the Commission, pertains to telecommunications, and

(d) may make loans to, guarantee the loans of or provide other guarantees or indemnities to or on behalf of a corporation of which it is a member or in which it holds common, preferred or other shares under clause (b) or (c), or an affiliated corporation of that corporation, and take any security for the loans, guarantees or indemnities that the Commission considers advisable.

Borrowing powers

7(1) Subject to the approval of the Lieutenant Governor in Council, the Commission, for the purposes of the Commission, may from time to time borrow any sums of money the Commission requires and may from time to time issue notes, bonds, debentures or other securities, which

(a) shall bear interest at the rate or rates determined by the Commission,

(b) shall be in the denomination or denominations determined by the Commission,

(c) shall be payable as to principal and interest

(i) in the currency or currencies of the country or countries,

(ii) at the place or places,

(iii) at the time or times, and

(iv) in the manner,

determined by the Commission,

(d) may be redeemable or payable in whole or in part in advance of maturity either at the option of the Commission or on demand of the holder thereof

(i) at the time or times,

(ii) on the terms, and

(iii) at the price or prices, either with or without payment of a premium,

determined by the Commission, and

(e) may be issued in the amounts that will realize the net sum required by the Commission for the purposes of the Commission.

(2) When the authorizing resolution of the Commission made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the Commission, the recital or declaration is conclusive proof of the facts stated in it.

(3) Subject to the approval of the Lieutenant Governor in Council, the Commission may sell or otherwise dispose of any notes, bonds, debentures or other securities on any terms and conditions it considers advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached to them, shall be in the form and shall be executed in the manner and by the persons determined by the Commission.

Temporary loans

8(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may from time to time, for the purposes of the Commission, borrow by way of temporary loans from any bank or treasury branch or from any person any sums on any terms the Commission determines by way of an overdraft or line of credit or by the pledging as security for the temporary loans of notes, bonds, debentures or other securities of the Commission pending the sale of them or instead of selling them, or in some other manner the Commission may determine.

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of a temporary loan under subsection (1) may be executed in the manner the Commission determines.

Purpose of borrowings

9 In sections 7 and 8, “purposes of the Commission” includes

(a) the carrying out by the Commission of the powers and duties given to it by or pursuant to this or any other Act and

(i) the provision in whole or in part for expenditures made or to be made by the Commission in connection with the carrying out of those powers and duties, and

(ii) the reimbursement of the Commission for the whole or any part of any expenditures made or to be made by the Commission in connection with the carrying out of those powers and duties,

(b) the repayment of sums advanced or paid over to the Commission pursuant to section 14,

(c) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or the notes, bonds, debentures or other securities issued by the Commission, and

(d) the payment of any other liability or indebtedness of the Commission.

Exemption from approval	<p>10 Section 91.1(2)(a) of the <i>Public Utilities Board Act</i> does not apply to notes, bonds, debentures or other securities issued by the Commission.</p>
Guarantee	<p>11(1) The principal and interest of any borrowings by the Commission and the principal and interest of, and any premiums payable under, any notes, bonds, debentures or other securities issued by the Commission, whether issued before or after the coming into force of this subsection, are hereby guaranteed by the Government of Alberta.</p> <p>(2) The guarantee, in a form and manner that the Lieutenant Governor in Council may approve, may be endorsed on any notes, bonds, debentures or other securities issued by the Commission and may be signed on behalf of the Government by the Provincial Treasurer, a Deputy Provincial Treasurer or some other person whom the Lieutenant Governor in Council designates.</p> <p>(3) The signature of the Provincial Treasurer, a Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, on the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.</p> <p>(4) If in respect of any notes, bonds, debentures or other securities issued by the Commission it becomes necessary or desirable under the terms of any guarantee given on behalf of the Government to make payment under the guarantee, the payment may be made on the order of the Lieutenant Governor in Council</p> <p style="padding-left: 40px;">(a) out of the General Revenue Fund, without further appropriation, or</p> <p style="padding-left: 40px;">(b) from the proceeds of any loan made under the <i>Financial Administration Act</i> or the sale of securities owned by the Government.</p>
Seal and signatures	<p>12(1) The seal of the Commission on any notes, bonds, debentures or other securities of the Commission and the signature of</p> <p style="padding-left: 40px;">(a) any person authorized by the Commission to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or</p> <p style="padding-left: 40px;">(b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities,</p> <p>may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Commission or on the guarantee endorsed thereon, as the case may be.</p> <p>(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the Commission and the Government of Alberta notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.</p>
Sinking fund	<p>13 Subject to the approval of the Lieutenant Governor in Council, the Commission has power to provide for the creation, management</p>

and application of sinking funds or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Commission, including the redemption by call of any securities issued subject to redemption in advance of maturity.

- Advances **14**(1) With the approval of the Lieutenant Governor in Council the Provincial Treasurer may, on the promissory note or other security of the Commission, advance to the Commission out of the General Revenue Fund any sums required from time to time for the capital cost of constructing and extending the system of the Commission.
- (2) The sums so advanced shall be subject to repayment on the terms and conditions that may be prescribed by the Lieutenant Governor in Council.
- (3) The Lieutenant Governor in Council may raise by way of loan in the manner provided by the *Financial Administration Act* any sums the Lieutenant Governor in Council thinks requisite for the purposes of the Commission and those sums may be paid over to the Commission and shall be accounted for in the manner provided for by order in council.
- Surplus earnings **15** The Commission shall pay to the Provincial Treasurer from the surplus of the Commission any money that the Commission with the approval of the Lieutenant Governor in Council determines.
- Annual report **16**(1) The Commission shall annually, after the end of its fiscal year, prepare a report showing the revenues and expenditures during its last fiscal year, together with a full and complete statement of the reserve funds of the Commission and an audited balance sheet, and any other information that the Lieutenant Governor in Council may require.
- (2) When the report is prepared, the Minister shall lay a copy of it before the Legislative Assembly, if it is in session, and if not, at any time during the next ensuing session.
- Pension scheme **17**(1) The Commission shall continue to operate a pension scheme to provide for annuities or other payments by way of pension, superannuation or death benefits to employees or any class or classes of employees, their dependants or their executors or administrators, as the case may be.
- (2) The pension scheme shall be administered by a board consisting of 7 members appointed or elected as follows:
- (a) a chairman appointed by the Commission;
 - (b) 2 persons appointed by the Commission;
 - (c) 4 persons holding office under the Commission and elected by popular ballot of all participating employees.
- (3) The appointment or election shall be made or carried out in a manner and shall be for a period that may be prescribed by the scheme.
- (4) The Commission shall pay out of the revenue of the system into any pension fund under the pension scheme an amount as deter-

mined by the pension scheme, at the times and in the manner determined by the scheme.

(5) The scheme may be altered from time to time by the Lieutenant Governor in Council on the recommendation of the Commission.

(6) The interest of any employee in any pension fund under this Act and in any annuity or other payment granted under this Act is not subject to garnishee proceedings or attachment, seizure or any legal process, except in respect of a charge of failure to account for money of the Commission.

(7) An interest of any employee referred to in subsection (6) is unassignable.

Grants to municipalities

18(1) The Commission may each year pay to any municipality within which any of its property is situated a grant not exceeding the amount that would be recoverable by the municipality if the property, as valued under sections 3 and 5 of the *Municipal and Provincial Properties Valuation Act*, were subject to the ordinary taxes levied by the municipality in that year.

(2) Subject to subsection (3), the Commission may each year pay to any municipality within which any of its premises are situated a grant not exceeding the amount that would be recoverable if the premises were subject to the business tax of the municipality for that year.

(3) No grant shall be paid under subsection (2) in respect of premises that form the site of property valued under section 5 of the *Municipal and Provincial Properties Valuation Act* in the same year a grant is paid under subsection (1) in respect of that property.

(4) The Commission may each year pay to any municipality within which any of its property is situated a grant not exceeding the amount that would be recoverable by the municipality if the property were subject to a business revitalization zone levy by the municipality pursuant to the *Municipal Government Act*.

PART 2

EDMONTON TELEPHONES

Scope of business

19(1) Subject to this Act, the City may carry on the businesses of

- (a) providing basic services;
- (b) providing other telecommunication services and services pertaining to telecommunications;
- (c) research in and consultation in telecommunications and in businesses pertaining to telecommunications;
- (d) purchasing, constructing, extending, maintaining, manufacturing, operating, leasing to and from others, and otherwise acquiring and disposing of systems, including private communication systems;
- (e) manufacturing, repairing, buying, selling, leasing to and from others, and otherwise trading in goods, merchandise and services pertaining to telecommunications.

(2) The business referred to in subsection (1)(a) may be carried on only within the municipal boundaries of Edmonton, and the system used to provide those services must be owned by the City or a corporation all of whose issued shares are held by the City, but the operation and management may be by some other corporation under an agreement with the City.

Capacity **20(1)** For the purpose of carrying on any business under this Act and carrying out its powers and duties, the City

(a) has the capacity and, subject to this Act, the rights, powers and privileges of a natural person,

(b) may incorporate corporations and enter into partnerships,

(c) may become a member of or purchase or otherwise acquire and sell or otherwise dispose of common, preferred or other shares in any corporation, whether or not it is incorporated in Alberta, that either directly or indirectly through an affiliated corporation, as defined in the *Business Corporations Act*, provides or intends to provide a service or produces or intends to produce a product that, in the opinion of the City, pertains to telecommunications, and

(d) may make loans to, guarantee the loans of or provide other guarantees or indemnities to or on behalf of a corporation of which it is a member or in which it holds common, preferred or other shares under clauses (b) and (c), or an affiliated corporation of that corporation, and take any security for the loans, guarantees or indemnities that the City considers advisable.

(2) Except as provided in section 19(2), the capacity and power of the City to carry on business under this Act is not limited to the municipal boundaries of Edmonton.

Special assessment **21** The City may provide for the cost of the construction, installation, expansion, replacement and annual maintenance of the system owned by it by a special tax on the assessable property in the City.

Borrowing powers **22** Any reference in Part 7 of the *Municipal Government Act* to a “public utility” or “utility” is deemed to include the system owned by the City under this Act.

Ownership of system **23(1)** The City may sell the local exchange system owned by it.

(2) If the the local exchange system in Edmonton ceases to be owned by the City or by a corporation all of whose issued shares are held by the City,

(a) this Part, except clause (b) of this subsection, Part 4 and section 41 cease to have any effect, and

(b) any reference to the City in this Act shall be deemed to be a reference to the owner of that system.

PART 3
OPERATING POWERS

- Definitions **24** In this Part,
- (a) “company” means
 - (i) the Commission, or
 - (ii) the City or the corporation that owns or operates the system operating within the municipal boundaries of Edmonton;
 - (b) “long distance service” means a basic service, as defined by the Board, that extends beyond the local exchange calling area.
- Exclusive rights **25(1)** Subject to subsection (2), the Commission has the exclusive right to carry on the business of providing basic services within Alberta.
- (2) The Commission does not have the right to carry on the business of providing basic services within the municipal boundaries of Edmonton, except for long distance service, which may be provided only through interconnection with the system of the City.
- Exclusive rights **26(1)** Subject to subsection (2), the City has the exclusive right to carry on the business of providing basic services within the municipal boundaries of Edmonton.
- (2) The City does not have the right to carry on the business of providing long distance service except as agent of the Commission and only through interconnection with the system of the Commission.
- Discontinuance of service **27** The City may discontinue telecommunication service supplied by the City to any person while
- (a) any toll or charge payable by the person for long distance service from the Commission, or
 - (b) any reasonable security for the payment of the tolls and charges of the Commission,
- remains unpaid.
- Interconnection **28** Subject to the regulations, a company may enter into agreements for the connection, intercommunication, joint operation, reciprocal use or transmission of business between
- (a) any systems within Alberta, or
 - (b) a system within Alberta and a system outside of Alberta,
- owned or operated by the parties to the agreement and for any consequent division of receipts, expenditures or profits or any financial or other adjustments advisable or necessary for the purposes of the agreement.
- Subsidies **29** No revenue of a company arising from the provision of basic services shall be applied to subsidize the provision of telecommunication services other than basic services.

Conditions of service	30 The telecommunication service supplied by a company to any person is subject to the terms and conditions and the basic service rates published in the company's current tariffs.
Entry to property	31 A company may, subject to the regulations, enter any property for the purpose of installing, examining, maintaining, repairing, disconnecting, replacing or removing any telecommunication line or equipment of the company.
Telecommunication lines	32(1) A company may construct, erect and maintain telecommunication lines along the sides of, across or under any public highway, street, lane, bridge or watercourse whether the title to the highway, street, lane, bridge or watercourse is vested in a municipality or in the Crown. (2) If any dispute arises with respect to the use of a public highway, street, lane or other public place under this section between a company and any municipality, the Board may determine the dispute.
Use of power poles	33 Subject to any agreement to which the company is a party, a company <ul style="list-style-type: none"> (a) may place telecommunication lines and other components of its system on the poles and in the communication space used or intended for use in the supply, transmission or distribution of electric power, and (b) shall pay the owner of any poles so used for the use thereof in the amount agreed on or, in the absence of agreement, in the amount set by the Board on the application of the company or the owner.
Overhanging cross arms	34 Any line and any cross arm or other attachment to a pole forming part of a telecommunication line may project over the property adjoining a public highway, street, lane or other public place, and any trees or shrubs that are likely to or do interfere with the overhanging cross arm, line or other attachment may be trimmed to the extent necessary and the owner of the adjoining property is not entitled to compensation for the overhanging cross arms, lines or attachments or on account of the trimming.
Acquisition of land	35 When a company requires an estate or interest in land for the purpose of plant, works or a telecommunication line, the estate or interest may be acquired in land owned by the Crown or any other person <ul style="list-style-type: none"> (a) by negotiation with the owner, or (b) by expropriation under the <i>Expropriation Act</i>.
Attachments	36(1) No person shall fix or allow to remain fixed to any telecommunication equipment of a company any equipment, attachment, device, apparatus or contrivance capable of transmitting or receiving messages passing through a telecommunication system of the company that is not approved or authorized in writing by the company or supplied by the company. (2) Any attachment or device mentioned in subsection (1) shall, for the purposes of this section, be considered to be fixed to telecom-

munication equipment if it is attached or fixed thereto or placed on, over, under or adjacent to that equipment in such a manner as to be able to be used in connection therewith.

(3) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$2000.

(4) When a person is convicted of an offence under this section, the equipment, attachment, device, apparatus or contrivance by means of which the offence was committed may, on the conviction and in addition to any punishment that is imposed, be ordered by the court to be confiscated to the Crown in right of Alberta, and it may be disposed of as the Attorney General directs.

(5) This section does not apply to any person acting in accordance with an Act of the Parliament of Canada.

PART 4

CITY-COMMISSION RELATIONS

Definition **37** In this Part, “tribunal” means the special telecommunication tribunal established under section 39.

Settling a dispute **38(1)** If a dispute arises between the City and the Commission in respect of the interrelationship, either direct or indirect, of the telecommunication systems owned by them, the tribunal, on the application of the City or the Commission, may settle the dispute after hearing the parties.

(2) The tribunal has all the jurisdiction and power it requires to make any order it considers necessary to settle a dispute under subsection (1).

(3) An order made by the tribunal under this section is binding on the City and the Commission.

(4) Notwithstanding subsections (1) to (3) and any order that the tribunal may make settling a dispute between the City and the Commission,

(a) the City shall continue to regulate the City system and set rates for City subscribers,

(b) the Board shall continue to regulate the Commission system and set rates for Commission subscribers,

(c) the existing management prerogatives of the City and of the Commission shall be maintained, and

(d) the tribunal shall not decide matters respecting the mandate of the City or of the Commission as it is defined in this Act.

Special telecommunication tribunal **39(1)** There is hereby established a special telecommunication tribunal consisting of the following:

(a) 1 member appointed by the City;

(b) 1 member appointed by the Commission;

(c) 3 members appointed by the chairman of the Board from among the members of the Board.

(2) A member of the tribunal shall be appointed for a period of not more than 5 years.

(3) The chairman of the Board shall designate one of the members appointed under subsection (1)(c) as chairman of the tribunal.

(4) The chairman of the tribunal is entitled to hold the position of chairman as long as he continues to be a member of the Board and of the tribunal.

Application of
Public Utilities
Board Act

40 Part 1 of the *Public Utilities Board Act* applies to the tribunal and proceedings before the tribunal as if the tribunal were a division of the Board and the members of the tribunal appointed under section 39(1)(a) and (b) were acting members of the Board.

PART 5 GENERAL

Regulatory
authority

41 The City, by by-law, may

(a) establish the terms and conditions under which telecommunication service is provided by the City;

(b) fix the rates, charges, tolls, fares and rents for telecommunication services provided by the City and the times and places where they will be payable and provide for a discount that the City considers expedient for prepayment or punctual payment, or an additional charge on the rates, tolls, fares or rents in arrears that the City considers advisable for failure to pay them until after the date fixed for payment;

(c) provide for the collecting of the rates, charges, tolls, fares or rents;

(d) provide for enforcing payment of those rates, charges, tolls, fares or rents by action or by discontinuance of service;

(e) provide for enforcing the terms and conditions under which the telecommunication service is supplied to a person either

(i) in the general by-law under which the service is supplied, or

(ii) in an agreement made with the person receiving the service,

by discontinuing the service until the person complies with the terms and conditions or those of them that the City designates in the by-law.

Duty to
supply service

42 If there is a sufficient capacity in its system, the City shall supply basic services, on the terms the City considers advisable, to any building within the municipal boundaries of Edmonton and situated on land lying along the line of the system at the request of the owner or occupant or other person in charge of the building.

Toll revenue

43(1) The City and the Commission are entitled to a share of the toll revenue generated within the municipal boundaries of Edmonton based on usage.

(2) The City and the Commission shall accept the obligation to provide funds to finance telephone services in Alberta that are not self-supporting.

Boundary change

44 If any part of the municipal boundary of Edmonton is altered, the Commission or the City, as the case may be, continues to have the right to provide basic services in the area affected by the alteration until a transfer of the local exchange business and associated assets in the affected area has been made.

Telecommunication systems connections

45(1) When the owner of a system

(a) desires to have his system connected or reconnected with the system of another owner for the purpose of obtaining direct communication between the systems, or

(b) is dissatisfied with the terms and conditions on which an existing connection between the systems is maintained or proposed to be maintained,

the owner may apply to the Board for an order directing the connection, reconnection or maintenance of the existing connections, as the case may be.

(2) On the application, the Board,

(a) in accordance with the regulations, and

(b) after taking into consideration all circumstances that in its opinion ought to be considered,

may make any order that the Board considers proper and may thereby

(c) prescribe the conditions on which the order is to become operative, and the rates, tolls, charges or other compensation to be paid by either owner to the other owner, or by any person or persons to either of the owners, in respect of the connection or reconnection or maintenance of an existing connection or in respect of the benefit accruing therefrom,

(d) vary the terms and conditions of any existing connection or direct any connection to be discontinued, and

(e) give any other ancillary directions that in the opinion of the Board are calculated to render the order a complete and effective remedy.

(3) The owner of a system whose business and operations are not subject to the legislative authority of Alberta may, if he has capacity to do so, apply under this section, but every order made as a consequence of the application is only effective with respect to matters within the legislative authority of Alberta.

(4) This section does not apply to connections with the system owned by the City.

Board powers

46(1) Part 1 of the *Public Utilities Board Act* applies to proceedings and orders of the Board under this Act.

(2) If any conflict exists between this Act and Part 2 of the *Public Utilities Board Act*, this Act prevails.

(3) The Board has the capacity to accept and exercise powers respecting the regulation of telecommunications conferred on it by or pursuant to an Act of Parliament.

(4) If the Province is entitled to appoint a member to a body established by or pursuant to an Act of Parliament and having powers respecting the regulation of telecommunications, a member of the tribunal established by Part 4 may be appointed to that position by the chairman of the Board.

Regulations

47 The Lieutenant Governor in Council may make regulations

- (a) applicable to the Board and the City in the categorization of telecommunication services as basic services;
- (b) respecting the connection of the system owned by the City with other systems, except that of the Commission;
- (c) respecting the connection of the system owned by the Commission with other systems, except the system owned by the City;
- (d) notwithstanding anything in this or any other Act, delegating any power, duty or function relating to the regulation of telecommunication services to an agency of the Crown in right of Canada having regulatory powers with respect to telecommunications;
- (e) respecting the times, places and conditions of entry on property pursuant to section 31.

Licensing regulations

48(1) The Lieutenant Governor in Council may make regulations

- (a) providing for the licensing of owners of systems;
- (b) prohibiting any person or class of person from engaging in the operation of a system, class of system, or any part of a system without a licence;
- (c) exempting a system or class of system from any or all of the regulations made under this section;
- (d) governing applications for licences or renewal of licences and the requirements to be met by the applicants or on renewal;
- (e) governing the fees to be paid on application for a licence or the renewal of a licence;
- (f) governing the terms or conditions of a licence;
- (g) governing the information to be given to the issuer of the licence by a licensee from time to time;
- (h) governing the circumstances under which a licence may be refused, cancelled or suspended.

(2) The Lieutenant Governor in Council may delegate any or all of the powers under subsection (1) to the Board subject to any terms or conditions that the Lieutenant Governor in Council may impose.

(3) Any person who fails to comply with a regulation made under this section is guilty of an offence and liable

- (a) to a fine of not more than \$2500, or

(b) in the case of a continuing offence, to a fine of not more than \$500 a day for every day during which the offence continues.

PART 6

CONSEQUENTIAL AMENDMENTS AND REPEALS

- Consequential amendments
- 49(1)** *The Expropriation Act is amended in the Schedule by striking out item 5.*
- (2) *The Municipal and Provincial Properties Valuation Act is amended in section 9 by striking out “the Alberta Government Telephones Act” and substituting “Part 1 of the Telecommunications Act”.*
- (3) *The School Act, RSA 1980 cS-3, is amended in section 71(2)(c) by striking out “the Alberta Government Telephones Act,” and substituting “Part 1 of the Telecommunications Act”.*
- Amends RSA 1980 cP-37
- 50(1)** *The Public Utilities Board Act is amended by this section.*
- (2) *Section 1(j) is repealed and the following is substituted:*
- (j) “telecommunication” means telecommunication as defined in the *Telecommunications Act*;
- (3) *Sections 97(1)(b) and 100 are repealed.*
- (4) *Part 4 is repealed.*
- Amends 1986 cD-28.5
- 51** *The Department of Technology, Research and Telecommunications Act is amended by repealing section 1(d) and substituting the following:*
- (d) “telecommunication” means telecommunication as defined in the *Telecommunications Act*.
- Amends RSA 1980 cM-26
- 52(1)** *The Municipal Government Act is amended by this section.*
- (2) *Sections 1(v)(i), 173(3) and 290 are repealed.*
- (3) *Section 1(y) is amended by striking out “, telegraphic, telephonic”.*
- (4) *Section 23 is amended by striking out “, telephone”.*
- (5) *Section 173(4) is amended by striking out “, (2) and (3)” and substituting “and (2)”.*
- (6) *Section 279(1)(a) is amended by striking out “telephones.”.*
- (7) *Section 293(1) is amended by striking out “telephone.”.*
- (8) *Section 316(1) is amended by adding “or” at the end of clause (g) and by repealing clause (h).*
- (9) *Section 426 is amended by striking out “, telephone”.*
- Amends RSA 1980 cW-4
- 53(1)** *The Water, Gas, Electric and Telephone Companies Act is amended by this section.*
- (2) *The title of the Act is amended by striking out “, Electric and Telephone” and substituting “and Electric”.*
- (3) *Section 5(1) and (2) are amended by striking out “, electric or telephone” wherever it occurs and substituting “or electric”.*

(4) Section 8 is amended

(a) by renumbering it as section 8(1);

(b) in subsection (1)(d) by striking out “approved” and substituting “agreed to”;

(c) by adding the following after subsection (1):

(2) Notwithstanding subsection (1), if agreement cannot be obtained or compensation cannot be agreed on, the matter shall be referred to the Public Utilities Board, whose decision on the matter is final and binding on all the parties concerned.

(5) Section 9 is amended by striking out “or make connection with a telephone system”.

(6) Section 10 is repealed and the following is substituted:

10(1) When a company or a municipality has laid down or erected mains, pipes, lines or conductors for the supply of gas, water, electricity, sewerage or telecommunications through any of the streets, squares or public places of a municipality, no person shall,

(a) without the prior consent of that company or municipality, or

(b) otherwise than on payment to the company or municipality of compensation as may be agreed on,

lay down or erect any main, pipe, line or conductor for the supply of gas, water, electricity, sewerage or telecommunications within 2 metres of the mains, pipes, lines or conductors of the company or municipality.

(2) Notwithstanding subsection (1), if it is impractical to cut trenches for the other mains, pipes, lines or conductors at a distance of 2 metres or more, they shall be cut at as near to 2 metres from the mains, pipes, lines or conductors of the company or municipality as the circumstances of the case will admit.

(3) Notwithstanding subsection (1), if consent cannot be obtained or compensation cannot be agreed on between the parties, the matter shall be referred to the Public Utilities Board, whose decision on the matter is final and binding on all the parties concerned.

(7) Section 11 is amended by striking out “or connect the telephone system”.

(8) Section 17 is amended by striking out “or telephone”.

(9) Section 20 is amended by striking out “, or for a telephone system,”.

(10) Section 21 is amended by striking out “or telephone”.

(11) Section 22 is amended by striking out “, electricity or telephones” and substituting “or electricity”.

(12) Section 23 is amended

(a) by striking out “, electricity or telephones” and substituting “or electricity”;

(b) *by striking out “electricity or telephone” and substituting “or electricity”.*

(13) *Section 25 is amended*

(a) *by striking out “, electricity or telephone” wherever it occurs and substituting “or electricity”;*

(b) *in clause (a) by striking out “, or disconnect the telephone system from.”.*

(14) *Section 27(1) is amended*

(a) *by striking out “or disconnect the telephone system”;*

(b) *in clause (b) by striking out “, electricity or telephone” wherever it occurs and substituting “or electricity”.*

(15) *Section 28 is amended by striking out “, electricity or telephone” wherever it occurs and substituting “or electricity”.*

(16) *Section 30(1) is amended by striking out “telephone or”.*

Amends
RSA 1980 cH-12

54(1) *This section amends the Hydro and Electric Energy Act.*

(2) *Section 36 is amended*

(a) *by renumbering it as section 36(1);*

(b) *by repealing subsection (1)(b) and substituting the following:*

(b) *the plans have been agreed to by The Alberta Government Telephones Commission.*

(c) *by adding the following after subsection (1):*

(2) *Notwithstanding subsection (1), if agreement cannot be obtained or compensation cannot be agreed on, the matter shall be referred to the Public Utilities Board, whose decision on the matter is final and binding on all parties concerned.*

Repeals

55 *The following Acts are repealed:*

(a) *The Municipal Telephone Act;*

(b) *The AGT-Edmonton Telephones Act;*

(c) *the Rural Mutual Telephone Companies Act;*

(d) *An Act respecting the Sale and Purchase of a Telephone System owned and operated by the Western General Electric Company, Limited, in the City of Red Deer and vicinity, and respecting the Joint User of Pole Lines by the said Company and the Government of the Province of Alberta;*

(e) *the Alberta Government Telephones Act.*

Coming
into force

56 *This Act comes into force on Proclamation.*