

1995 BILL 26

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

ENERGY STATUTES AMENDMENT ACT, 1995

MR. COUTTS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 26
Mr. Coutts

BILL 26

1995

ENERGY STATUTES AMENDMENT ACT, 1995

(Assented to _____, 1995)

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

Gas Resources Preservation Act

Amends SA
1984 cG-3.1

1(1) The Gas Resources Preservation Act is amended by this section.

(2) Section 10(2) is amended by striking out “, with the approval of the Lieutenant Governor in Council,”.

Gas Utilities Act

Amends RSA
1980 cG-4

2(1) The Gas Utilities Act is amended by this section.

(2) Section 26.01 is amended

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

(b) “direct seller” means a person, other than a distributor, who sells gas to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section;

(c) “distributor” means the operator of a gas utility for the distribution of gas to consumers in all or part of a municipality.

Explanatory Notes

Gas Resources Preservation Act

1(1) Amends chapter G-3.1 of the Statutes of Alberta, 1984.

(2) Section 10 presently reads in part:

10(1) A permittee or a proposed assignee of a permit may apply to the Board for an amendment of a permit to show the proposed assignee as the permittee.

(2) An assignment of a permit has no effect until the Board, with the approval of the Lieutenant Governor in Council, makes the amendment referred to in subsection (1).

Gas Utilities Act

2(1) Amends chapter G-4 of the Revised Statutes of Alberta 1980.

(2) Section 26.01 presently reads:

26.01(1) In this section,

(a) "consumer" means a consumer of gas who takes delivery of the gas at its place of consumption by means of the gas distribution system of a distributor;

(b) "direct seller" means a person who sells gas to a consumer, if the gas is delivered to its place of consumption by means of the gas distribution system of a distributor, but does not include the consumer's distributor;

(b) by repealing subsection (2)(b) and (c) and substituting the following:

- (b) respecting the conditions to which the rights of consumers under subsection (3) are subject;
- (c) governing, with respect to any matters provided for in the regulations, the rights and obligations of
 - (i) distributors,
 - (ii) direct sellers,
 - (iii) consumers, and
 - (iv) agents of consumers for the purposes of this section.

(c) by repealing subsection (5) and substituting the following:

(5) Section 45 of the *Municipal Government Act* does not apply to the sale of gas by a direct seller to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section.

Municipal Government Act

Amends SA
1994 cM-26.1

3(1) *The Municipal Government Act is amended by this section.*

(2) *Section 31 is amended*

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

(c) "distributor" means a person who operates a gas distribution system that is the subject of a municipal gas franchise.

(2) The Lieutenant Governor in Council may make regulations

(a) establishing classes of consumers for the purposes of this section;

(b) respecting, in relation to any class of consumers, the requirements to be met before and during the term of a contract under which a consumer within that class obtains a supply of gas from a direct seller;

(c) respecting the rights and obligations of

(i) a distributor in relation to his consumers or to members of any class of his consumers or in relation to a direct seller,

(ii) a direct seller in relation to a distributor or in relation to consumers to whom the direct seller sells gas, or

(iii) consumers or members of any class of consumers in relation to their distributor or in relation to direct sellers from whom they purchase gas,

with respect to any matters provided for in the regulations.

(3) Subject to the regulations, a consumer has the right to obtain a supply of gas from a direct seller for delivery to the consumer by means of the gas distribution system of a distributor, and for that purpose the Board may require the distributor to transport gas by means of his gas distribution system on behalf of the consumer or the direct seller at the rates, tolls or charges fixed by the Board and on the terms and conditions imposed by the Board.

(4) Subsection (3) applies notwithstanding any municipal gas franchise held by the distributor, whether or not it grants any exclusive rights to the distributor.

(5) Section 45 of the Municipal Government Act does not apply to the sale of gas by a direct seller to a consumer.

Municipal Government Act

3(1) Amends chapter M-26.1 of the Statutes of Alberta, 1994.

(2) Section 31 presently reads:

31(1) In this section,

(b) “direct seller” means a person, other than a distributor, who sells gas to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section;

(b) by repealing subsection (2)(b) and (c) and substituting the following:

(b) respecting the conditions to which the rights of consumers under subsection (3) are subject;

(c) governing, with respect to any matters provided for in the regulations, the rights and obligations of

(i) distributors,

(ii) direct sellers,

(iii) consumers, and

(iv) agents of consumers for purposes related to this section.

(c) by repealing subsection (5) and substituting the following:

(5) Section 45 does not apply to the sale of gas by a direct seller to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section.

- (a) *"consumer" means a consumer of gas who takes delivery of the gas at its place of consumption by means of an urban gas system operated by a distributor;*
- (b) *"direct seller" means a person who sells gas to a consumer, if the gas is delivered to its place of consumption by means of an urban gas system operated by a distributor, but does not include the distributor;*
- (c) *"distributor" means*
 - (i) *an urban municipality that operates an urban gas system, or*
 - (ii) *a rural gas co-operative association as defined in the Rural Gas Act, that operates an urban gas system under an agreement referred to in section 45;*
- (d) *"urban gas system" means the system or works of a public utility for the distribution of gas to consumers within an urban municipality;*
- (e) *"urban municipality" means a city, town, village or summer village.*

(2) *The Lieutenant Governor in Council may make regulations*

- (a) *establishing classes of consumers for the purposes of this section;*
- (b) *respecting, in relation to any class of consumers, the requirements to be met before and during the term of a contract under which a consumer within that class obtains a supply of gas from a direct seller;*
- (c) *respecting the rights and obligations of*
 - (i) *a distributor in relation to its consumers or to members of any class of its consumers or in relation to a direct seller,*
 - (ii) *a direct seller in relation to a distributor or in relation to consumers to whom the direct seller sells gas, or*
 - (iii) *consumers or members of any class of consumers in relation to their distributor or in relation to direct sellers from whom they purchase gas,*

with respect to any matters provided for in the regulations.

(3) *Subject to the regulations, a consumer has the right to obtain a supply of gas from a direct seller for delivery to the consumer by means of an urban gas system operated by a distributor, subject to the rates, charges or tolls and on the terms and conditions established by the distributor with respect to the transportation of the gas.*

Natural Gas Marketing Act

Amends SA
1986 cN-2.8

4(1) The Natural Gas Marketing Act is amended by this section.

(2) Section 14.1 is repealed and the following is substituted:

Audit and
examination

14.1(1) In this section, “authorized person” means an employee of the Commission, an authorized agent of the Commission and a person to whom the Commission has delegated its powers under this section.

(2) An authorized person may enter at any reasonable time any place where a business is carried on by a person required to keep records under this Part for the purpose of auditing or examining records that are required to be kept under this Part in order to determine the accuracy of information furnished or submitted to the Commission under this Part or to obtain information that is required to be furnished or submitted to the Commission under this Part but which has not been so furnished or submitted.

(3) A person having possession of any records referred to in subsection (2) shall, for the purposes of an audit or examination under that subsection,

- (a) provide the authorized person conducting the audit or examination access to that place,
- (b) give all reasonable assistance to the authorized person,
- (c) provide or make available to the authorized person any records required by the authorized person, including records in the possession of agents or employees of the person that are located elsewhere, and answer questions relating to those records, and
- (d) provide a copy of any record required by the authorized person.

(4) The Public Utilities Board, on the application of a consumer or direct seller aggrieved by an unreasonable refusal of the distributor to provide service for the transportation of gas to the consumer by means of the distributor's urban gas system or by any unreasonable term or condition under which the transportation service is or is sought to be provided by the distributor, may make an order

(a) directing the distributor to provide the transportation service in accordance with the provisions of the order,

(b) amending, replacing or voiding the term or condition, or

(c) settling the term or condition.

(5) Section 45 does not apply to the sale of gas by a direct seller to a consumer.

Natural Gas Marketing Act

4(1) Amends chapter N-2.8 of the Statutes of Alberta, 1986.

(2) Section 14.1 presently reads:

14.1(1) Employees and authorized agents of the Commission may enter at any reasonable time any place where a business is carried on by a person required to keep records under this Part, if they do so for the purpose of auditing or examining records that are required to be kept under this Part, in order to determine the accuracy of information furnished or submitted to the Commission under this Part or to obtain information that is required to be furnished or submitted to the Commission under this Part but which has not been so furnished or submitted.

(2) A person having possession of any records referred to in subsection (1) shall, for the purposes of an audit or examination under that subsection,

(a) provide access to that place by the employees and authorized agents of the Commission conducting the audit or examination,

(b) give all reasonable assistance to those employees and agents,

(c) provide or make available to those employees and agents any records required by them, including records in the possession of agents or employees of that person and located elsewhere, and answer questions relating to those records, and

(d) provide a copy of any record required by those employees or agents.

(3) If a person does not comply with any of the requirements of subsection (2) or if the agents or employees of the Commission are otherwise prevented from conducting an audit or examination under subsection (1), the Court of Queen's Bench, on an application by the Commission by originating notice on at least 2 days' notice, may

(4) If a person does not comply with any of the requirements of subsection (3) or if the authorized person is otherwise prevented from conducting an audit or examination under subsection (2), the Court of Queen's Bench, on an application by the Commission by originating notice on at least 2 days' notice, may make any order it considers appropriate to restrain any person from preventing the authorized person from exercising powers under subsection (2) and to enforce compliance with subsection (3).

(3) *Section 17(3) is repealed.*

(4) *Section 22 is repealed and the following is substituted:*

Protection
from action

22 No action or proceeding may be brought against

(a) the Commission,

(b) a member or employee of the Commission, or

(c) a person to whom the Commission has delegated any of its powers, duties or functions

in respect of anything done purportedly pursuant to this Act or the regulations or pursuant to any decision of the Commission under this Act or the regulations.

Petroleum Marketing Act

Amends RSA
1980 cP-5

5(1) The Petroleum Marketing Act is amended by this section.

(2) Section 2(1) is amended by striking out "3 members" and substituting "not more than 3 members".

(3) Section 3(1) amended by striking out "2 members of the Commission constitute" and substituting "a majority of the members of the Commission constitutes".

(4) The following is added after section 6:

make any order it considers appropriate to restrain any person from preventing the employees and authorized agents of the Commission from exercising their powers under subsection (1) and to enforce compliance with subsection (2).

(3) Section 17(3) presently reads:

(3) The Commission may delegate to one of its members any of the powers or duties of the Commission under this Act or the regulations.

(4) Section 22 presently reads:

22 No action or proceeding may be brought against the Commission or any member or employee of the Commission in respect of any act or thing done purportedly in pursuance of this Act or the regulations or in pursuance of any decision of the Commission under this Act.

Petroleum Marketing Act

5(1) Amends chapter P-5 of the Revised Statutes of Alberta 1980.

(2) Section 2(1) presently reads:

2(1) There is hereby created a corporation with the name "Alberta Petroleum Marketing Commission" which shall consist of 3 members appointed by the Lieutenant Governor in Council.

(3) Section 3(1) presently reads:

3(1) Subject to subsection (2), 2 members of the Commission constitute a quorum at a meeting of the Commission.

(4) Commission may delegate.

Delegation

6.1 The Commission may in writing delegate any power, duty or function conferred or imposed on it by this Act or any other Act or any regulation to any person.

