

1995 BILL 35

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

ELECTRIC ENERGY MARKETING ACT REPEAL ACT

MR. MAGNUS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 35
Mr. Magnus

BILL 35

1995

ELECTRIC ENERGY MARKETING ACT REPEAL ACT

(Assented to 1995)

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

PART 1

REPEAL

Repeals SA
1981 cE-4.1

1 The Electric Energy Marketing Act is repealed on December 31, 1995.

Assets and
liabilities

2 The assets and liabilities of the Alberta Electric Energy Marketing Agency are the assets and liabilities of the Crown in right of Alberta when the Agency has completed all of its duties and functions under Part 2.

PART 2

TRANSITIONAL

Definitions

3 In this Part,

(a) "Agency" has the meaning given to it in the former Act;

(b) "Board" means the Alberta Energy and Utilities Board;

(c) "consumer group" has the meaning given to it in the former Act;

(d) "former Act" means the Electric Energy Marketing Act, SA 1981 cE-4.1;

(e) "General Regulation" means the General Regulation (Alta. Reg. 405/84) made pursuant to the former Act;

Explanatory Notes

- 1** Repeals chapter E-4.1 of the Statutes of Alberta, 1981.
- 2** Assets and liabilities becomes assets and liabilities of the Crown.
- 3** Definitions.

(f) "owners" means Alberta Power Limited, TransAlta Utilities Corporation and the City of Edmonton;

(g) "pooling interface" has the meaning given to it in the former Act.

Requirement to file	<p>4(1) No person is required to file in 1995 anything required to be filed pursuant to the former Act in respect of 1996, whether the requirement to file arises before or after this Act comes into force.</p> <p>(2) Each of the owners shall file with the Board the information specified in section 17.2 of the General Regulation in respect of each of 1994 and 1995.</p> <p>(3) The information in respect of 1994 shall be filed no later than June 30, 1995, and the information in respect of 1995 shall be filed no later than June 30, 1996.</p>
Adjustments to price	<p>5 All adjustments to a price or pricing formula set by the Board for 1994 or 1995 shall be made pursuant to this Part and not pursuant to the former Act.</p>
Disputes	<p>6 The owners shall attempt to settle, with each other and with persons having an interest, any disputes relating to the information filed pursuant to section 4 for 1994 and 1995.</p>
Mediation	<p>7(1) The Board shall appoint one of the employees of the Public Utilities Board or the Energy Resources Conservation Board to mediate disputes among the persons referred to in section 6.</p> <p>(2) If the persons referred to in section 6 fail to agree on any issue, the Board shall, despite section 5 of the Alberta Energy and Utilities Board Act, appoint one of its members to make binding decisions as to any matter required to make the cost and adjustment calculations.</p>
Calculations	<p>8(1) The Board shall perform the calculations related to the supply of electric energy to pooling interfaces based on any settlement negotiated under section 6 and the Board's decisions on disputed matters, and the Board shall calculate any adjustment amounts, taking into consideration the former Act and the General Regulation.</p> <p>(2) The Board may appoint one of its members to perform the calculations referred to in subsection (1).</p>

4 Requirement to file.

5 Adjustments to price.

6 Disputes.

7 Mediation.

8 Calculations.

Payments	<i>9 The Agency and the owners shall make any payments among themselves that may be necessary to give effect to the adjustments calculated in accordance with section 8.</i>
Rates, tolls and charges	<i>10 The Board may fix rates, tolls or charges or schedules thereof to be imposed, observed or followed by Alberta Power Limited or TransAlta Utilities Corporation in such a manner that the rates to the members of a consumer group may be increased or decreased in 1996 in respect of adjustments for 1994 and in 1997 in respect of adjustments for 1995 without a hearing or notice to any person except that owner, if the increase or decrease is a result of a change in the deemed cost of the electric energy to that owner in respect of that consumer group resulting from the adjustments calculated in accordance with section 8.</i>
Administrative Procedures Act	<i>11 The Administrative Procedures Act does not apply to the Board in respect of its functions in sections 7, 8 and 10.</i>
Continuation of Agency	<i>12 Notwithstanding section 1, the Agency continues and the former Act and the General Regulation remain in force for the purposes of this Part until the Agency has completed all of its duties and functions under this Part.</i>
Regulations	<i>13 For the purpose of carrying out this Part according to its true intent or for the purpose of supplying any deficiency in this Part, the Lieutenant Governor in Council may make regulations not inconsistent with the spirit of this Part.</i>

PART 3

CONSEQUENTIAL AMENDMENT

Amends RSA 1980 cP-37	<p><i>14 The Public Utilities Board Act is amended</i></p> <p><i>(a) by repealing section 1(b.1);</i></p> <p><i>(b) in section 82(2) by adding “and” at the end of clause (a) and repealing clause (a.1);</i></p> <p><i>(c) by repealing section 82(3) and substituting the following:</i></p> <p><i>(3) In fixing the fair return that an owner of a public utility is entitled to earn on the rate base, the Board shall give due consideration to all those facts that, in the Board’s opinion, are relevant.</i></p>
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9 Payments.

10 Rates, tolls and charges.

11 Administrative Procedures Act.

12 Continuation of Agency.

13 Regulations.

14 Amends chapter P-37 of the Revised Statutes of Alberta 1980.

(d) in section 83

(i) in subsection (1)(a.1) by striking out “the Electric Energy Marketing Act and”;

(ii) by repealing subsection (2);

(e) in section 84

(i) in subsection (1) by striking out “Except as provided in subsection (2), in” and substituting “In”;

(ii) by repealing subsection (2).

