

2022 Bill 18

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Third Session, 30th Legislature, 71 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 18**

## **UTILITY COMMODITY REBATE ACT**

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THE ASSOCIATE MINISTER OF NATURAL GAS AND ELECTRICITY

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 18

2022

### UTILITY COMMODITY REBATE ACT

(Assented to \_\_\_\_\_, 2022)

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

#### **Definitions**

**1** In this Act,

- (a) “Alberta Price” means the price of a utility commodity determined in accordance with the regulations;
- (b) “marketable gas” means a mixture mainly of methane originating from raw gas as defined in the *Oil and Gas Conservation Act*, if necessary through the processing of the raw gas for the removal or partial removal of some

constituents, that meets specifications for use as a residential, commercial or industrial fuel or as an industrial raw material;

- (c) “Minister” means the Minister of Energy;
- (d) “utility commodity” means
  - (i) electricity,
  - (ii) marketable gas, or
  - (iii) propane, heating oil or any other prescribed substances used for heating purposes;
- (e) “vendor” means
  - (i) distributor,
  - (ii) direct provider, or
  - (iii) contractor.

**Price protection rebates**

**2(1)** Where, in the opinion of the Minister,

- (a) the Alberta Price for a utility commodity is or is likely to be greater than the amount prescribed in the regulations, or
- (b) the price for a utility commodity justifies providing any rebate of any amount over any period of time,

a rebate may be provided in accordance with the regulations to assist eligible consumers with the cost of the utility commodity.

**(2)** A rebate is subject to any terms and conditions prescribed in the regulations or established by the Minister.

**Rebates**

**3(1)** A rebate may be provided directly to eligible consumers or to a vendor for the benefit of eligible consumers.

**(2)** The Minister may require a distributor to provide rebates

- (a) to the distributor's eligible consumers, or
- (b) to the distributor's direct providers for the benefit of eligible consumers.

(3) The Minister may require a direct provider to provide rebates to eligible consumers.

**Obligations of distributors**

**4(1)** If a rebate is provided to a distributor under section 3(1) or 6, the distributor must provide the benefit of the rebate to the distributor's

- (a) eligible consumers, and
- (b) direct providers for the benefit of eligible consumers,

in accordance with the regulations and any direction of the Minister.

(2) If a distributor is required under section 3(2) to provide rebates, the distributor must provide the rebates to the distributor's

- (a) eligible consumers, and
- (b) direct providers for the benefit of eligible consumers,

in accordance with the regulations and any direction of the Minister.

(3) The Minister must reimburse the distributor for rebates provided by the distributor in accordance with subsection (2).

**Obligations of direct providers**

**5(1)** If a rebate is provided to a direct provider under section 3(1), 4 or 6, the direct provider must provide the benefit of the rebate to the direct provider's eligible consumers in accordance with the regulations and any direction of the Minister.

(2) If a direct provider is required under section 3(3) to provide rebates, the direct provider must provide the rebates to the direct provider's eligible consumers in accordance with the regulations and any direction of the Minister.

(3) The Minister must reimburse the direct provider for rebates provided by the direct provider in accordance with subsection (2).

**Obligations of contractors**

6 If a rebate is provided to a contractor under section 3(1), the contractor must provide the benefit of the rebate to

- (a) eligible consumers,
- (b) distributors for the benefit of eligible consumers, or
- (c) direct providers for the benefit of eligible consumers,

in accordance with the regulations and any direction of the Minister.

**Administrative costs**

7 The Minister may reimburse a vendor for the reasonable costs and expenses incurred in complying with this Act and the regulations.

**Utility commodity eligible for rebates**

8(1) A rebate under this Act is to be made only in respect of a utility commodity that is consumed or used in Alberta.

(2) A rebate under this Act made to an eligible consumer is subject to the maximum amount of rebate prescribed in the regulations.

**Civil remedies**

9 The Crown in right of Alberta has a cause of action in debt against a person who receives a rebate or the benefit of a rebate in respect of a utility commodity under this Act for the amount of the rebate or an amount equal to the benefit, as the case may be, if the person

- (a) was not eligible for all or part of the rebate or benefit,
- (b) consumed or used the utility commodity outside Alberta,
- (c) breached a term or condition on which the rebate was made, or

- (d) in the case of a vendor, failed to pass on the benefit of all or part of the rebate in accordance with this Act, the regulations and any direction of the Minister.

### **Regulations**

**10(1)** The Lieutenant Governor in Council may make regulations

- (a) defining “eligible consumer”, “distributor”, “direct provider” and “contractor” in respect of a utility commodity;
- (b) defining for the purposes of this Act and the regulations any other terms or expressions not already defined in section 1;
- (c) prescribing substances for the purposes of section 1(d)(iii);
- (d) respecting the determination of the Alberta Price for a utility commodity and the amount to be prescribed by the regulations referred to in section 2(1)(a);
- (e) authorizing rebates for a utility commodity for the purposes of section 2;
- (f) respecting the circumstances in which a person is considered not to be an eligible consumer in respect of a utility commodity;
- (g) respecting applications for rebates;
- (h) respecting the terms and conditions on which rebates may be made, including the use that may be made of a utility commodity that is eligible for a rebate;
- (i) respecting the basis on which or methods by which rebates are to be calculated;
- (j) respecting the manner in which and the frequency with which rebates may be made;
- (k) respecting the maximum amount of rebate that may be made to an eligible consumer;
- (l) requiring a vendor to include information determined by the Minister for the purposes of this Act in any bill,

statement, receipt or invoice issued by the vendor to an eligible consumer or to another vendor;

- (m) respecting the administration of the rebates paid to vendors for the benefit of eligible consumers;
- (n) respecting the reimbursement of costs and expenses incurred by vendors under this Act;
- (o) respecting audits of vendors;
- (p) respecting the obligations of vendors
  - (i) to keep records and accounts related to rebates, and
  - (ii) to comply with requests for verification, approvals and audits related to rebates;
- (q) respecting any other matter or thing not provided for in this Act or insufficiently provided for in this Act as is considered advisable by the Minister to carry out the intent of this Act.

**(2)** Regulations made under this section may be specific or general in their application.

**(3)** A regulation made under this section is, if it so provides, effective with respect to a period before it was made.

**(4)** Where there is a conflict or inconsistency between a provision of a regulation made under this Act and a direction of the Minister under this Act, the provision of the regulation prevails to the extent of the conflict.

#### **Acts unaffected by this Act**

**11** Nothing under this Act affects the obligations of

- (a) an owner of an electric distribution system under the operation of the *Electric Utilities Act*, or
- (b) a gas distributor under the *Gas Utilities Act*.

#### **Repeal**

**12** The *Natural Gas Price Protection Act*, SA 2001 cN-1.5, is repealed.









**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
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		<b>Interventions</b>	<b>From</b>	<b>To</b>