

Bill No. 60 of 1944.

A BILL TO ESTABLISH THE NATURAL GAS UTILITIES BOARD AND TO PRESCRIBE ITS DUTIES.

NOTE.

This Bill establishes the Natural Gas Utilities Board for the purpose of conserving natural gas in the Province. The Board consists of the present Chairman of the Board of Public Utility Commissioners and the Chairman of the Petroleum and Natural Gas Conservation Board.

The Bill is divided into three parts.

Part I relates to the organization of the Board and is a virtual re-enactment of Part I of *The Public Utilities Act*, chapter 28 of the Revised Statutes of Alberta, 1942.

Part II deals with the general powers of the Board over public utilities and is also a virtual re-enactment of Part II of *The Public Utilities Act*.

Part III gives to the Board established by the Bill new and important powers to deal with natural gas in the Province.

Hitherto the waste of natural gas in the Turner Valley field has been due largely to the fact that one producing company enjoyed the exclusive right to supply the natural gas markets. The Bill declares null and void the exclusive features of all existing contracts for the supply of natural gas and provides that in all other respects contracts must be submitted to the Board for review and alteration. Municipal franchises are excluded from such provisions.

The Bill declares all natural gas wells, as well as all natural gas pipe lines and scrubbing plants to be public utilities and the Board is given power to require the operators of such pipe lines and plants to construct whatever lines, compressors, etc., are necessary to gather in natural gas to be scrubbed and marketed, the excess to be restored to the underground formation. The Board is given power to fix the price of natural gas at all stages from the well-head to the point where it is delivered to the utilities supplying municipalities and other markets.

The Bill provides that in the event of non-compliance with orders of the Board requiring the gathering in of natural gas, the Lieutenant Governor in Council is empowered to take over the management of, or to acquire by purchase or to expropriate the business of the company which has made default under the Board's order.

The Bill declares every pipe-line company purchasing gas in a field to be a common purchaser in accordance with the production allowables fixed by the Conservation Board and by this means every producer of natural gas in a field is assured of an equitable share in the markets available.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

Bill No. 60 of 1944.

An Act to establish the Natural Gas Utilities Board and to prescribe its duties.

(Assented to _____, 1944.)

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

SHORT TITLE.

1. This Act may be cited as "*The Natural Gas Utilities Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Absorption Plant" means any plant for treating or processing natural gas by absorption or otherwise for the extraction therefrom of natural gasoline or other hydrocarbons.
- (b) "Board" means the Natural Gas Utilities Board constituted pursuant to the provisions of this Act.
- (c) "Minister" means the Minister of Lands and Mines.
- (d) "Natural Gas" unless the context otherwise requires, means and includes gas in its natural state as and when produced from the earth at the gas exit from the separator where a separator is employed and in all other cases from the well-head either alone or in association or conjunction with other petroleum products or hydrocarbons and means and includes gas, both before and after it has been subjected to any treatment or process by separation, absorption or otherwise for the extraction therefrom of natural gasoline or other hydrocarbons, and both before and after it has been purified, scrubbed or otherwise treated for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance, and both before and after any odorant has been added thereto.
- (e) "Owner" unless the context other requires, means and includes in addition to its ordinary meaning the person who is operating any oil well or well producing or capable of producing natural gas or who is in charge of the management of such well or who is entitled to dispose of any production of any

natural gas from such well or who would be so entitled in the absence of any contract governing the disposition of such production or the owner in fee simple or the lessee or the sub-lessee or the owner of any right to participate in the said production in kind or in the proceeds of the said production.

- (f) "Pipe Line" means any pipe or any system or arrangement of pipes whereby natural gas is conveyed from any well-head or other place at which it is produced to any other place, and/or from any place where it is processed or treated to any other place, and includes all property of any kind used for the purpose of or in connection with or incidental to the operation of a pipe line in the gathering, transporting and handling including delivery of natural gas excepting temporary drilling fuel pipe lines and/or other temporary pipe lines used as common practice for the drilling of a well, re-working of a well, reconditioning of a well and the operation of a producing well and without restricting the generality of the foregoing, means and includes tanks, surface reservoirs, pumps, compressors and compressor stations, pressure measuring and controlling equipment and fixtures of all kinds, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, heating, cooling and dehydrating equipment and fixtures, and without limitation including all other equipment for the efficient and economical gathering and transportation of natural gas and facilities incidental to delivery.
- (g) "Plant" includes all property without restriction of any kind used for the purpose of or in connection with or incidental to the separation, transportation, purifying, drying, scrubbing of natural gas, the extraction of natural gasoline or other hydrocarbons from natural gas, compressing, repressuring or otherwise processing or dealing with natural gas.
- (h) "Proprietor of Public Utility" or "Proprietor" means every person, firm, or corporation and their lessees, trustees, liquidators or receivers, appointed by any Court, which owns, operates, manages or controls any public utility.
- (i) "Public Utility" means,—
 - (i) any pipe line as defined in paragraph (f) of this section;
 - (ii) any scrubbing plant as defined in paragraph (j) of this section;
 - (iii) any well, system, works, plant, equipment or service for the production of or capable of producing natural gas as defined in paragraph (d) of this section.

- (j) "Scrubbing Plant" means any plant for the purifying, scrubbing or otherwise treating of natural gas for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance.

PART I

ORGANIZATION, POWERS AND PROCEDURE.

ORGANIZATION OF BOARD.

3.—(1) There shall be a Board to be styled The Natural Gas Utilities Board consisting of two members, one of whom shall be the Chairman of the Board of Public Utility Commissioners constituted under the provisions of *The Public Utilities Act*, being chapter 28 of the Revised Statutes of Alberta, 1942, and who shall be Chairman of the Board hereby constituted and the other of whom shall be the chairman of The Petroleum and Natural Gas Conservation Board constituted under the provisions of *The Oil and Gas Resources Conservation Act*, being chapter 66 of the said Revised Statutes.

(2) In the case of the absence of any member or members of the Board, or of his or their inability to act, and in the case of any vacancy or vacancies on the Board, the member or members of the Board present may exercise all the jurisdiction and powers of the Board.

(3) In case of the absence or disability of the chairman, all orders, rules, regulations and other documents may be signed by any one member, and when so signed shall have the like effect as if signed by the chairman.

(4) Whenever it appears that a member other than the chairman has acted for and in the place of the chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the chairman.

(5) Each of the members shall hold office during the term of his appointment under the provisions of *The Public Utilities Act* and *The Oil and Gas Resources Conservation Act* respectively.

(6) A member may at any time be suspended by the Lieutenant Governor in Council for cause assigned, and another person appointed to act in his stead until the next Session of the Legislative Assembly.

(7) Vacancies caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

(8) Every member on the expiration of his term of office shall, if not disqualified by age, be eligible for re-appointment.

4. The Lieutenant Governor in Council upon the request of the Board may appoint a fit and proper person as a temporary member of the Board or as a substitute for a temporary member to act during the illness or absence of

such temporary member for such period, upon such terms and at such remuneration as may be prescribed by Order in Council and the person so appointed shall have all the powers and authority of a member of the Board.

5. The Board shall be a body corporate with perpetual succession and a common seal of such design as may be approved by the Lieutenant Governor in Council, and such seal shall be judicially noticed.

6. The Lieutenant Governor in Council may, upon the recommendation of the Board, from time to time appoint one or more experts, or persons having technical or special knowledge of the matter in question, to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

7. Subject to the provisions of *The Public Service Efficiency Act*, the Board may with the approval of the Lieutenant Governor in Council appoint or employ a secretary and such other officers, clerks or servants as it may deem necessary, and any person so appointed or employed shall receive such remuneration as shall be determined by the Lieutenant Governor in Council.

8. The secretary shall, —

- (a) keep a record of all proceedings conducted before the Board or any member thereof;
- (b) have the custody and care of all records and documents belonging to or pertaining to the Board and filed in his office;
- (c) obey all rules or directions given by the Board touching his duties or office;
- (d) see that every regulation and order made by the Board is drawn pursuant to the direction of the Board, properly authenticated and filed in his office.

9. Upon application of any person and on payment of such fees as the Board may prescribe, the secretary shall deliver to such person a certified copy of any regulation or order.

10. In the absence of the secretary the Board may appoint a secretary *pro tempore*, who shall act in the place of the secretary, or a member of the Board may act as secretary.

11. The Board or the Chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and that member shall, when so authorized, have all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for the purpose of his report, and, upon his report being made to

the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

12. For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this Act or by Order in Council, the Board may, with the consent of the Minister in charge of any Department of the Government, avail itself of the services of any officer or other employee of such Department.

13. Whenever the Board, acting within its jurisdiction, appoints or directs any person, other than a member of its staff, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant Governor in Council may, upon the recommendation of the Board, determine.

14. The salaries and all expenses incurred by the Board in the performance of its duties, including all reasonable travelling and subsistence expenses of the members and the secretary, and of such members of the staff of the Board as may be required by the Board, shall be paid monthly, out of the General Revenue Fund of the Province.

15. The Lieutenant Governor in Council shall fix the place where the Board shall sit and shall have its office, and shall also provide it with suitable quarters, furniture and facilities for the holding of its sittings and the transaction of its business generally.

16. Whenever circumstances render it expedient to hold a sitting of the Board elsewhere than in the place fixed by the Lieutenant Governor in Council, the Board may hold such sitting in any part of the Province.

17.—(1) Where sittings of the Board, or of any member thereof, are appointed to be held in any city, town or place in which a court house is situate, the member presiding at any such sittings shall have, in all respects, the same authority as a judge of the Supreme Court with regard to the use of the court house and other buildings or apartments set apart in the judicial district for the administration of justice; but subject to the prior right of the court and of judicial and administrative officers to use such buildings and apartments for the purposes of the administration of justice.

(2) Where sittings are appointed to be held in any municipality where there is a hall belonging to the municipality, the municipality shall, upon request, allow such sittings to be held in such hall without charge.

JURISDICTION AND POWERS.

18. The Board shall have exclusive power and jurisdiction to deal with all public utilities as defined by this Act and

the proprietors thereof and in accordance with the provisions hereof.

19.—(1) In matters within its jurisdiction the Board may order and require any person to do forthwith or within or at any specified time and in any manner prescribed by the Board, so far as it is not inconsistent with this Act or any other Act conferring jurisdiction, any act, matter or thing which such person is or may be required to do under this Act or under any other general or special Act, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any regulation, order or direction of the Board.

(2) The Board shall, as to matters within its jurisdiction, have authority to hear and determine all questions of law or of fact.

(3) The Board shall, except as herein otherwise provided, as respects the amendment of proceedings, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the payment of costs, and all other matters necessary or proper for the due exercise of its jurisdiction or otherwise for carrying any of its powers into effect, have all such powers, rights and privileges as are vested in the Supreme Court of Alberta.

(4) The Board may in its discretion accept and act upon evidence by affidavit or written affirmation or by the report of any officer or engineer appointed by it or obtained in such other manner as it may decide.

(5) All hearings and investigations before the Board shall be governed by rules adopted by the Board, and in the conduct thereof the Board shall not be bound by the technical rules of legal evidence.

(6) No person shall be excused from testifying or from producing any book, document or paper in any investigation or inquiry by or upon a hearing before the Board, when ordered so to do by the Board, upon the ground that the testimony or evidence, book, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

(7) Nothing herein contained is intended to give or shall be construed as in any manner giving to any corporation immunity of any kind.

(8) No member or employee of the Board shall be required to give testimony in any civil suit to which the Board is not a party, with regard to information obtained by him in the discharge of his official duty.

(9) The Board or any person authorized by the Board to make inquiry or report, may when it appears expedient,—

- (a) enter upon and inspect any place, building, works or other property;
- (b) require the attendance of all such persons as it or he thinks fit to summon and examine and take the testimony of such persons;
- (c) require the production of all books, plans, specifications, drawing and documents;
- (d) administer oaths, affirmations or declarations, and shall have the like powers as are vested in the Supreme Court to summon witnesses, enforce their attendance, and compel them to give evidence and produce the books, plans, specifications, drawings and documents, which it or he may require them to produce.

20.—(1) The Board may, of its own motion, and shall upon the request of the Lieutenant Governor in Council inquire into, hear and determine any matter or thing within its jurisdiction.

(2) Any power or authority vested in the Board under this Act or any other Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion requires.

PRACTICE AND PROCEDURE.

21. Every municipal council, whenever it deems that the interests of the public in a municipality or in a considerable part of a municipality are sufficiently concerned, may by resolution authorize the municipality to become a complainant or intervenant in any matter within the jurisdiction of the Board; and for that purpose the council is authorized to take any steps and to incur any expense and to take any proceedings necessary to submit the question in dispute to the decision of the Board, and if necessary to authorize the municipality to become a party to an appeal therefrom.

22.—(1) If the Attorney General or any party interested makes a complaint to the Board that any proprietor has unlawfully done or unlawfully failed to do, or is about unlawfully to do, or unlawfully not to do, something relating to a matter over which the Board has jurisdiction, and prays that the Board do make some order in the premises, the Board shall, after hearing such evidence as it may think fit to require, make such order as it thinks proper under the circumstances.

(2) Upon any application to the Board under this Act and upon any hearing by the Board, the Attorney General may appear personally or by his counsel or solicitor and call or cross-examine witnesses and take part in argument before the Board.

23.—(1) The Rules of Practice made by the Board of Public Utility Commissioners pursuant to the provisions of section 27 of *The Public Utilities Act* shall be the rules of practice of the Board constituted under this Act and the Board shall have power to rescind or amend the same or to make new rules of practice not inconsistent with this Act regulating its practice and procedure and the time of its sittings.

(2) Any amendments to the existing rules of practice or any such new rules of practice shall come into force from the date of their publication in *The Alberta Gazette*.

24. —(1) The Board may, where in its opinion the attendance of any witness before the Board is desirable, cause to be served upon such witness a notice requiring his attendance before the Board, which notice shall be signed by a member or the secretary thereof.

(2) In all other cases, the procedure relating to the attendance of witnesses before the Board shall be the same as is now in force, or may for the time being be in force, in the Supreme Court of Alberta.

25. Any notice with regard to matters before or to come before the Board required or authorized to be given in writing,—

- (a) by the Board, may be signed by the chairman, any other member of the Board, or the secretary;
- (b) by any person appointed by the Board, may be signed by such person;
- (c) by any other person, may be signed by such person or his duly authorized agent or solicitor.

26. Any such notice required to be given to a company, a municipal or other corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor,—

- (a) in the case of a municipal corporation, to the head of the municipality or to the clerk or secretary;
- (b) in the case of any other corporation or company, to the president, vice-president, manager or secretary, or to some adult person in its employ at its head office or chief place of business within the Province;
- (c) in the case of a firm or co-partnership, to any member thereof; or, at the last known place of abode of any such member, to any adult member of his household; or at the office or place of business of the firm to a clerk employed therein; and
- (d) in the case of an individual, to him; or, at his last known place of abode, to any adult member of his household; or, at his office or place of business, to a clerk in his employ.

27.—(1) If, in any case within the jurisdiction of the Board, it is made to appear to the satisfaction of the Board, that service of any such notice cannot conveniently be made in the manner hereinbefore provided, the Board may order and allow service to be made by publication in *The Alberta Gazette*, and also, if thought desirable, in a local newspaper; and such publication in each case shall be deemed to be equivalent to service in the manner provided in the said section.

(2) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this or Section 26.

28. Sheriffs, deputy sheriffs, constables and other peace officers shall, whenever required so to do, aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act.

29. The Registrars of Land Titles in the different land registration districts throughout the Province and the Department of Public Works shall furnish the Board with such certificates and certified copies of documents as the Board may in writing require, without charge, and the Board and any member or official of the Board thereunto authorized may at any time search in the public records of the Land Titles Offices without charge.

30. Every written or printed document purporting to have been issued or authorized by a corporation or any officer, agent or employee of a corporation, or by any other person or corporation, for or on its behalf, shall, as against the corporation be received as *prima facie* evidence of the issue of such document by the corporation, without any further proof than the mere production of such document.

31.—(1) Every document purporting to be signed by the chairman and secretary of the Board or by a single member of the Board, or by any officer of the Board, shall, without proof of signature, be *prima facie* evidence that the document was duly signed, and shall be sufficient notice to a company and all parties interested, if served in the manner hereinbefore provided for service of notice, that the document was duly signed and issued by the Board or any officer of the Board, as the case may be.

(2) If the document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or any of its officers, it shall be *prima facie* evidence of the regulation, order, direction, decision or report, and when served in the manner hereinbefore provided shall be sufficient notice of the regulation, order, direction, decision or report from the time of service.

32.—(1) Any document purporting to be certified by the secretary as being a copy of any document deposited with the Board, or of any portion thereof, shall, without proof of signature of the secretary, be *prima facie* evidence of the original document, and that it is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which it purports to be signed, certified, attested or executed, as shown or appearing from the certified copy, and also, if the certificate states the time when the original was deposited, that it was deposited at the time so stated.

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the Board, purporting to be certified by the secretary to be a true copy and purporting to be sealed with the seal of the Board, shall be *prima facie* evidence of the regulation, order or document without proof of the signature of the secretary.

33. Any rule, regulation, order or decision of the Board shall, when published by the Board, in two successive issues of *The Alberta Gazette*, and while it remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof.

34. In contentious matters, the Board may require such notice of an application to or hearing by the Board to be given, as may be deemed requisite.

35.—(1) When the Board is authorized to hear an application, complaint or dispute, or make an order upon notice to the parties interested, it may, upon the ground of urgency or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in the notice, make the like order or decision in the matter as if due notice had been given to all parties; and the order or decision shall be as valid and take effect in all respects as if made on due notice.

(2) A person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of any order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind the order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear the application, and either amend, alter or rescind the order or decision, or dismiss the application as may seem to it just.

ORDERS OF THE BOARD.

36.—(1) The Board may direct in any order that it, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in the order specified, or upon the performance, to the satisfaction of the Board or person named

by it for the purpose, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole or any portion of the order shall have force for a limited time or until the happening of any specified event.

(2) The Board may, instead of making an order final in the first instance, make an interim order and reserve further direction, either for an adjourned hearing of the matter or for further application.

37. Upon any application to the Board, the Board may make an order granting the whole or part only of the application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the Board seems just and proper, as fully and in all respects as if the application had been for such partial, further or other relief.

38. The Board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, petition, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the Board deems necessary to enable the matter to be heard and determined.

39. When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon giving such notice as it deems reasonable, or in its discretion without notice, extend the time so specified.

40.—(1) The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the Board, or upon any matter or thing over which the Board has jurisdiction.

(2) The Board may order by whom and in what proportion the costs and expenses incurred in making the inquiry and report shall be paid, and may fix the amount of the costs and expenses.

(3) Any application, petition, matter or complaint over which the Board has jurisdiction under this Act or any other Act may be heard by a single member of the Board who, after the hearing, shall report his findings to the Board, and the Board may thereupon deal with the application, petition, matter or complaint as if the hearing had been before the full Board.

41. The Board may rehear an application before deciding it, and may review, rescind, change, alter or vary any decision or order made by it.

42. An order of the Board need not show upon its face that any proceeding or notice was had or taken, or that any circumstances existed, necessary to give it jurisdiction to make the order.

43.—(1) The observance of an order of the Board may be enforced by a written direction to the sheriff of any judicial district indorsed upon or annexed to a certified copy of the order and signed by the Board, and in the case of an order for payment of any money, costs, expenses or penalty, the sheriff receiving the direction shall levy the amount with his costs and expenses in like manner and with the same powers as if the order were an execution against the goods of the party to pay issued out of the Supreme Court of Alberta.

(2) In the case of an order of the Board for payment of any money, costs, expenses or penalty, a certificate of the order signed by the secretary may be registered in any Land Titles Office in the Province, and when so registered shall constitute a lien and charge upon any lands or interest therein of the party, persons, company or corporation ordered to pay the money in the land titles district in which such office is situated to the same extent and in the same manner as the lands would be bound by the registration of an execution issued after judgment in the Supreme Court of Alberta.

(3) The amount ordered to be paid by any order so registered may be realized in the same manner and by similar proceedings as the amount of any registered execution of the Supreme Court of Alberta.

44.—(1) An appeal shall lie from the Board to the Appellate Division of the Supreme Court of Alberta upon a question of jurisdiction or upon a question of law, upon leave therefor being obtained from a judge of the Appellate Division upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, and the costs of the application shall be in the discretion of the judge.

(2) On the hearing of any appeal referred to in subsection (1) of this section no evidence other than the evidence which was submitted to the Board upon the making of the order appealed from shall be admitted, and the Court shall proceed either to confirm, vary or vacate the order appealed from, and in the latter event shall refer the matter back to the Board for further consideration and re-determination.

(3) Upon leave being obtained the party appealing shall deposit with the Registrar of the Appellate Division the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for

hearing at the next sittings, and the party appealing shall within ten days after the appeal has been set down, give to the parties affected by the appeal or the respective solicitors, by whom the parties were represented before the Board, and to the secretary of the Board, notice in writing that the case has been set down to be heard in appeal as aforesaid; and the appeal shall be heard by the Appellate Division as speedily as practicable.

(4) On the hearing of the appeal the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board and are necessary for determining the question of jurisdiction or of law, as the case may be, and shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion.

(5) The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any appeal.

(6) The Appellate Division shall have power to fix the costs and fees to be taxed, allowed and paid upon the appeal and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Appellate Division shall be applicable to appeals under this Act.

(7) Neither the Board nor any member of the Board shall in any case be liable to costs by reason of or in respect of an appeal or application.

(8) Save as otherwise provided,—

- (a) every decision or order of the Board shall be final; and
- (b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any Court.

(9) Every order of the Board shall go into effect at the time prescribed by the order, and its operation shall not be suspended by any such appeal to the Appellate Division unless otherwise ordered by the said Appellate Division, but the Board itself may suspend the operation of its order, when appealed from, until the decision of the Appellate Division is rendered, if the Board thinks fit.

45.—(1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain or may be taxed.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

(3) The Board may prescribe a scale under which such costs shall be taxed.

(4) The Board may, with the approval of the Lieutenant Governor in Council, prescribe the fees to be paid by local authorities or persons interested in the matters which come before it.

46. The Board shall, in the month of January in each year, transmit to the president of the Executive Council for the year ending on the thirty-first day of December previous, a report showing briefly,—

- (a) applications to the Board and summaries of the findings made thereon;
- (b) the number and the nature of the inquiries which it has held of its own motion;
- (c) such matters as the Lieutenant Governor in Council directs.

PART II

POWERS AS TO PUBLIC UTILITIES.

47. This Part shall apply to all public utilities as defined by this Act and the provisions of this Part shall be read and construed subject to the provisions of Part III.

48. The fact that a receiver, manager or other official of any public utility, or a sequestrator of the property thereof, has been appointed by any court in the Province, or is managing or operating a public utility under the authority of any such court, shall not prevent the exercise by the Board of any jurisdiction conferred by this Act; but every such receiver, manager or official shall be bound to manage and operate the public utility in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to the public utility; and every such receiver, manager or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of the public utility, and be subject to have them enforced against him by the Board, notwithstanding the fact that the receiver, manager, official or person is appointed by, or acts under the authority of, a court.

49.—(1) The Board shall have power,—

- (a) to investigate, upon its own initiative or upon complaint in writing, any matter concerning any public utility;
- (b) from time to time to appraise and value the property of any public utility whenever in the judgment of the Board it shall be necessary so to do, for the purpose of carrying out any of the provisions of this Act, and in making such valuation the Board may have access to and use any books, documents,

or records in the possession of any Department or board of the Province or any municipality thereof;

- (c) to require every public utility as herein defined to file with it complete schedules of every classification employed and of every individual or joint rate, or charge made, charged or enacted by it for any product supplied or service rendered within this Province as specified in such requirement;
- (d) to impose and enforce regulations in case of accidents, howsoever happening, in or about a public utility or the operation thereof, and for the remedying of the cause thereof and prevention of recurrence.

(2) In fixing and determining prices or values of any real or personal property for any of the purposes of this Act the Board shall not be bound by the price paid by the owner or the replacement cost or by any book values however established by the owner for such property, but may adopt any basis or formula which to it shall appear just and reasonable, and in particular and without restricting the generality of the foregoing the Board in fixing such prices or values shall determine the just and reasonable allowance for depreciation and in so doing shall not be required to take into account depreciation already taken by the owner or any antecedent owner of such property.

50. The Board, either upon its own initiative or upon complaint in writing, shall have power by order in writing made, after notice to and hearing of the parties interested,—

- (a) to fix just and reasonable rates, charges, or schedules thereof which shall be imposed, observed and followed thereafter by any proprietor;
- (b) to fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed thereafter by any proprietor;
- (c) to require every proprietor of a public utility,—
 - (i) to comply with the laws of the Province and any municipal by-law affecting the public utility, and to conform to the duties imposed thereby, or by any agreement with any other proprietor;
 - (ii) to furnish safe, adequate and proper service and to keep and maintain its property and equipment in such condition as to enable it to do so;
 - (iii) to establish, construct, maintain and operate any extension of or addition to its facilities when in the judgment of the Board such extension or addition is reasonable and practicable and will furnish sufficient business to justify its

construction and maintenance, and when the financial condition of the proprietor of the utility reasonably warrants the original expenditure required in making and operating the extension or addition;

- (iv) to keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require all proprietors of public utilities of the same class to adopt a uniform system of accounting, which system may be prescribed by the Board;
- (v) to furnish periodically, and whenever the Board shall require, a detailed report of finances and operations, in such form and containing such matters and verified in such manner as the Board may from time to time by order prescribe;
- (vi) to carry, whenever in the judgment of the Board it may reasonably be required, for the protection of stockholders, bondholders, debenture holders or creditors, a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the Board may prescribe, and the Board shall from time to time ascertain and determine, and by order in writing after hearing, fix proper and adequate rates of depreciation of the property of each proprietor of a public utility, in accordance with its regulations or classifications, which rates shall be sufficient to provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry, and each proprietor of a public utility shall make its depreciation accounts conform to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings and carry the same in a depreciation fund, and the income from investments of moneys in such fund shall likewise be carried in such fund, and this fund shall not be expended otherwise than for depreciation, improvements, new constructions, extensions or additions to the property of the proprietor of that public utility;
- (vii) to give such notice to the Board as it may by order require of any and all accidents which may occur within this Province upon the property of the proprietor of a public utility, or which directly or indirectly arise out of or are connected with its maintenance or operation, and to investigate any such accident, and the

Board may make such order or recommendation with respect thereto as in its judgment may be just and reasonable.

51. The Board shall have power to require every corporation, which is the proprietor of a public utility, to file with the Board a statement in writing, verified by the oaths of the president and secretary thereof, respectively, setting forth the name, title of office or position and post office address, and the authority, power and duties, of every officer, member of the board of directors, trustee, executive committee, superintendent, chief or head of construction and operation, or department, division or line of construction and operation thereof, in such form as to disclose the source and origin of each administrative act, rule, decision, order or other action of the corporation, and within ten days after any change is made in the title of, or authority, powers or duties appertaining to, any such office or position, or the person holding the same, to file with the Board a like statement, verified in like manner, setting forth such change.

RESTRICTION ON POWERS OF PROPRIETORS OF PUBLIC UTILITIES.

52. No proprietor of a public utility shall,—

- (a) make, impose or exact any unjust or unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, commutation rate, mileage or other special rate, charge or schedule for any product or service supplied or rendered by it within this Province;
- (b) adopt or impose any unjust or unreasonable classification in the making or as the basis of any individual or joint rate, charge or schedule for any product or service rendered by it within this Province;
- (c) adopt, maintain or enforce any regulation, practice or measurement which shall be unjust, unreasonable, undue preferential, arbitrarily or unjustly discriminatory or otherwise in violation of law, or provide or maintain any service that is unsafe, improper or inadequate, or withhold or refuse any service which can reasonably be demanded and furnished when ordered by the Board;
- (d) make, or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever;
- (e) issue any stocks, stock certificates, bonds or other evidences of indebtedness, payable in more than one year from the date thereof, until it shall have first obtained authority from the Board for such proposed issue, which authority shall be granted upon the

Board being satisfied that the proposed issue is to be made in accordance with law and the purpose of such issue being approved by the Board;

- (f) capitalize its right to exist as a corporation; capitalize any right, franchise or privilege in excess of the amount, exclusive of any tax or annual charge, actually paid to the Province or any municipality thereof as the consideration therefor; capitalize any contract for consolidation, merger or lease; issue any bonds or other evidence of indebtedness against or as a lien upon any contract for consolidation, merger or lease; provided, however, that the provisions of this paragraph shall not prevent the issuance of stock, bonds or other evidences of indebtedness, subject to the approval of the Board, in respect of any lawfully merged or consolidated public utilities not in contravention of the provisions of this paragraph;
- (g) without the approval of the Board, sell, lease, mortgage or otherwise dispose of or incumber its property, franchises, privileges or rights, or any part thereof; or merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other proprietor of a public utility and every sale, lease, mortgage, disposition, incumbrance merger or consolidation made in violation of any of the provisions hereof shall be void and of no effect, but nothing herein contained shall be construed in any wise to prevent the sale, lease or other disposition of any of the property of any proprietor of a public utility in the ordinary course of its business.

53. No corporate proprietor of a public utility incorporated under the laws of this Province, shall sell, nor shall any such proprietor make or permit to be made upon its books any transfer of any share or shares of its capital stock to any other proprietor, unless authorized to do so by the Board, nor shall any such proprietor without the authorization of the Board sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, the result of which sale or transfer, in itself or in connection with other previous sales or transfers, would be to vest in such corporation more than one-half of the outstanding capital stock of the said corporate proprietor.

54.—(1) Every purported assignment, transfer, contract or agreement for assignment or transfer by or through any person or corporation to any corporation in violation of any of the provisions of the preceding section shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation.

(2) Nothing in the preceding section contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

55.—(1) Every proprietor of a public utility subject to the provisions of this Act shall observe the following conditions over and above those which may be prescribed by the Board, that is to say,—

- (a) the proprietor shall not unnecessarily interfere with the public right of travel and shall not in the construction of any pipe lines or other lines obstruct the entrance to any door or gateway existing at the date of the construction, or free access to any then existing building;
- (b) the proprietor shall not unnecessarily cut down or mutilate any shade, fruit or ornamental tree.

(2) The proprietor shall be responsible for all unnecessary damage which it wilfully or negligently causes in carrying out, maintaining or operating any of its works.

56. Every order made by the Board under this Part shall be served upon the person affected thereby within ten days from the time the order is signed, or within such longer time as the Board may direct.

57.—(1) The Board may take such steps and employ such persons as are necessary for the enforcement of any order made by it and for the purposes thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the movable and immovable property of the proprietor of any public utility, together with the books and offices thereof, and may, until such order has been enforced, assume and take over the management of the undertaking for and in the interests of the shareholders and the public, and all or any of the powers, duties, rights and functions of the directors and officers of the public utility in all respects, including the employment and dismissal of officers and servants thereof, for such time as the Board continues to direct such management.

(2) Upon the Board taking possession of such property, it shall be the duty of every officer and employee of the public utility to obey the orders of the Board or of such person or persons as it places in authority in the management of any or all departments of the undertaking.

(3) The Board may, upon taking possession of an undertaking, determine, receive and pay out all moneys due or owing by the proprietor of the public utility, and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such possession had been taken.

(4) The costs and expenses of and incidental to proceedings to be taken by the Board under this section shall be in

the discretion of the Board, and the Board may direct by whom and to what extent they shall be paid.

58.—(1) If it is proved that the proprietor of a public utility has not complied with an order given by the Board, and if of opinion that there are no effectual means of compelling it to obey such order, the Board, as an alternative, shall transmit to the Attorney General a certificate, signed by the Board and secretary, setting forth the nature of the order and the default of the proprietor in complying therewith.

(2) Such default so established shall be ground, after public notice in *The Alberta Gazette*, of the receipt of the certificate by the Attorney General, for an action to dissolve the proprietor if a corporation or to revoke its charter.

(3) The proceedings upon the action shall be governed by the rules of procedure of the Supreme Court.

59. When in the exercise of the powers conferred upon it by this Act or by any special Act the Board directs any structure, appliances, equipment or works to be provided, constructed, reconstructed, altered, repaired, installed, used or maintained, it may order by what company or persons interested and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision such work shall be carried out.

60. No order involving any outlay, loss or deprivation to the proprietor of any public utility or person shall be made without due notice and full opportunity to all parties concerned, to make proof to be heard at a public sitting of the Board, except in case of urgency, and, in such case, as soon as practicable thereafter, the Board shall, on the application of any party affected by such order, re-hear and reconsider the matter and make such order as shall seem just.

61. Every proprietor of a public utility shall, as soon as possible after having received or having been served with any order or other document of the Board, notify the same to each of its or his officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or duties or some of them are to be performed.

OFFENCES AND PENALTIES.

62. Any person who knowingly and wilfully performs, commits or does, or participates in performing, committing or doing, or who knowingly or wilfully causes, participates or joins with others in causing, any proprietor of a public utility or any corporation or company to do, perform or commit, or who advises, solicits, persuades or knowingly and wilfully instructs, directs or orders any officer, agent

or employee of any proprietor, corporation or company, to perform, commit or do any act or thing forbidden or prohibited by this Part, shall be guilty of an offence against this Part.

63. Any person who knowingly and wilfully neglects, fails or omits to do or perform, or who knowingly and wilfully causes or joins or participates with others in causing any proprietor, corporation or company to neglect, fail or omit to do or perform, or who advises, solicits or persuades, or knowingly or wilfully instructs, directs or orders any officer, agent or employee of any proprietor, corporation or company to neglect, fail or omit to do, any act or thing required to be done by this Part, shall be guilty of an offence against this Part.

64. Any proprietor, corporation or company which performs, commits, or does any act or thing hereby prohibited or forbidden, or which neglects, fails or omits to do or perform any act or thing hereby required to be done or performed by it, shall be guilty of an offence against this Part.

65. Every person guilty of an offence against this Part shall, in addition to all other penalties, be liable, on summary conviction before a police magistrate or two justices of the peace, to a fine of not less than fifty dollars nor more than five hundred dollars, besides costs of prosecution, and, in default of payment, if an individual, to imprisonment for a term not exceeding six months.

66. This Part shall not have the effect of releasing or waiving any right of action by the Board or by any person for any right, penalty or forfeiture which may have arisen, or which may arise, under any of the laws of the Province, and any penalty or forfeiture enforceable under this Act shall not affect or bar any action at law or prosecution against any proprietor of a public utility, or its officers, directors, agents or employees.

PART III

67.—(1) Every contract and/or other arrangement, written or oral, express or implied which restricts or reserves to any one person, firm or corporation the exclusive right to sell or supply or to purchase or take delivery of natural gas to or for the markets available or to become available for such natural gas and in particular but without restricting the generality of the foregoing every contract made between the owner or operator of any scrubbing plant and any person, firm or corporation supplying natural gas whether by wholesale or by retail to the ultimate consumer thereof which restricts or reserves to the owner or operator of such scrubbing plant the exclusive right to supply natural

gas to such person, firm or corporation as and from the date of the coming into force of this Act shall be null and void to the extent that such contract and/or arrangement restricts or reserves in manner aforesaid the right to sell or supply or purchase or take delivery of natural gas.

(2) Notwithstanding the terms of subsection (1) the Board is hereby authorized and directed forthwith upon the coming into force of this Act to consider and review and from time to time to consider and review all of the terms, conditions and provisions of every contract or arrangement between whatever parties made in any way relating to the transportation, processing, purifying, selling, purchasing, storing and/or otherwise dealing with natural gas and shall have power by order to approve, amend, alter, vary or nullify any or all terms of such contracts or arrangements; provided that no such approval, alteration or variation shall confer upon any party to any such contract or arrangement any exclusive right of the kind referred to in subsection (1).

(3) No contract made after the coming into force of this Act in any way relating to the transportation, processing, purifying, selling, purchasing, storing and/or otherwise dealing with natural gas shall contain any exclusive right of the kind referred to in subsection (1) and no such contract or arrangement shall have any force or effect unless and until approved by the Board; provided that the Board shall have power from time to time to review, revise and modify any contract approved hereunder.

(4) The provisions of this section shall not apply to franchises conferred by statute, nor to contracts or arrangements whether by agreement, written or oral or entered into pursuant to any statute in so far as such contract or arrangement relates to the supply or distribution of natural gas by wholesale or retail within the confines of any municipality and made between any municipal corporation and any person, firm or corporation supplying natural gas to the ultimate consumer whether by wholesale or by retail but the provisions of this section shall apply outside the confines of such municipality to all such franchises, contracts or arrangements and to all such persons, firms or corporations other than municipal corporations in this subsection referred to.

68. Subject to the further provisions of this Act every pipe line shall be a public utility.

69. Subject to the further provisions of this Act, every scrubbing plant shall be a public utility.

70. Every well, works, plant, equipment or service for the production of or capable of producing natural gas shall be a public utility.

71.—(1) Notwithstanding the provisions of any contract or arrangement the Board may by order, direct that

the owner or operator of any well named and described in the Board's order and/or the proprietor of any pipe line named and described in the Board's order and/or the proprietor of any scrubbing plant named and described in the Board's order shall,—

- (a) construct pipe lines, re-arrange pipe lines, install compressor and all other equipment required and do and perform all further acts and things which the Board deems necessary or advisable for the purpose of conserving, gathering and transporting to any absorption plant, scrubbing plant or compressor or to any other point as directed by the Board any and all gas at wells or elsewhere which in the Board's opinion can be effectively and economically used or stored as hereinafter provided;
- (b) gather in and/or transport to an absorption plant or a scrubbing plant or elsewhere as directed by the Board any and all gas which in the Board's opinion can be effectively and economically used or stored as hereinafter provided;
- (c) purify, scrub or otherwise treat for the removal therefrom of sulphuretted hydrogen or other deleterious substance that portion of the natural gas gathered in accordance with the provisions of paragraphs (a) and (b) which is required for the market;
- (d) purchase and take delivery of at prices fixed by the Board all natural gas ordered by the Board to be delivered and/or sold and in the quantities fixed by the Board;
- (e) return to the underground formation at such place and in such manner and in accordance with such terms and conditions as the Board shall prescribe all or any part of the natural gas gathered which is in excess of the market requirements; provided that nothing herein contained shall limit the rights and powers of the Petroleum and Natural Gas Conservation Board constituted pursuant to the provisions of *The Oil and Gas Resources Conservation Act* to make orders respecting the repressuring of any oil field, gas field or oil-gas field for the purpose of effecting the conservation of oil resources;
- (f) to sell the natural gas gathered and/or treated in accordance with paragraphs (a), (b), (c) and (d) at the prices and in the quantities fixed by the Board to such wholesale or retail marketers and/or users of natural gas as the Board shall direct from time to time.

(2) The Board shall have power by order to require the owner or operator of any well producing or capable of producing natural gas to sell and deliver to the person, firm or corporation designated by the Board all the natural gas produced at the owner's or operator's well or wells, or such portion of such natural gas as the Board in its order shall stip-

ulate, at the prices fixed by the Board in accordance with section 72 and in the event of neglect or refusal by the owner or operator of any well to comply with the terms of any order of the Board made hereunder the Board, notwithstanding the terms of any order made by the Petroleum and Natural Gas Conservation Board may order that production of natural gas at such well be prohibited for such time as the Board by its order shall prescribe.

(3) With the approval and concurrence of the Petroleum and Natural Gas Conservation Board the Board shall have power by order,—

- (a) to require the owner or operator of any oil well or well producing or capable of producing natural gas to maintain, continue or resume production of natural gas from such well subject to such terms and conditions as the Board may prescribe;
- (b) for the purpose of retaining in or returning to the underground formation natural gas for storage to require the owner or operator of any oil well or well producing or capable of producing natural gas to restrict or discontinue production of natural gas from such well or to permit and allow such well to be used as an in-put well subject to such provisions as to compensation as the Board shall prescribe,—

and in the event of neglect or refusal by any such owner or operator to comply with the terms of any order made hereunder, in addition to the penalty prescribed by subsection (6), the Board may forcibly or otherwise enter upon, seize and take possession of such well and may until such order has been enforced assume and take over the management of the well for and in the interests of the shareholders and the public and any and all of the powers, duties, rights and functions of the directors and officers of the owner or operator of the well in all respects including the employment and dismissal of officers and servants thereof for such time as the Board continues to direct such management. Upon the Board taking possession of such well it shall be the duty of every officer and employee of the owner or operator to obey the orders of the Board or of such person or persons as it places in authority in the management of the well. The Board may upon taking possession of such well receive and pay out all moneys due to or owing by the owner or operator of the well and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such possession had been taken. The costs and expenses of and incidental to proceedings to be taken by the Board hereunder shall be in the discretion of the Board and the Board may direct by whom and to what extent they shall be paid.

(4) The Board shall have power by order to require the owner or operator of an absorption plant or any other

person, firm or corporation which has in his or its possession or under his or its control natural gas, the property of the producer thereof, or has in his or its possession or under his or its control natural gas in which he or it has a proprietary interest, to sell and deliver such natural gas or such portion thereof as the Board shall stipulate, to the person, firm or corporation designated by the Board at the prices fixed by the Board.

(5) The Board shall have power by order to restrict and control the wasteful use of natural gas and to eliminate the use of natural gas for expansive power only; provided that in the case of orders made pursuant to subsections (2) and (4) the Board shall make due and proper allowance for the efficient use of natural gas in field operations as approved by the Board and for the efficient use of natural gas in the operation of any plant as approved by the Board.

(6) Any person, firm or corporation failing to obey any order of the Board made under this section shall be guilty of an offence and liable on summary conviction to a penalty of not less than two hundred dollars and not more than one thousand dollars and costs and in the case of a continuing offence to a penalty of not less than two hundred dollars and not more than one thousand dollars for each day during which the offence continues, together with costs; provided that no prosecution under this subsection shall be commenced without the approval of the Board.

72.—(1) Notwithstanding the terms of any contract, the Board shall fix and determine,—

- (a) the price or prices to be paid for natural gas in its natural state as and when produced from the earth at the gas exit from the separator where a separator is employed and in all other cases from the well-head either alone or in association or conjunction with other petroleum products or hydrocarbons and before such natural gas has been delivered into any pipe line and before such natural gas has been subjected to treating or processing by absorption or otherwise for the extraction therefrom of natural gasoline or other hydrocarbons and before such natural gas has been purified, scrubbed or otherwise treated for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance and the Board also shall have power to fix the price or prices of natural gas at any point on the pipe line or lines connecting the well-head or the gas exit from the separator as the case may be with any absorption plant or scrubbing plant;
- (b) the price or prices to be paid for natural gas, which has been gathered and delivered to an absorption plant and after it has been subjected to treating or processing by absorption or otherwise for the extraction therefrom of natural gasoline or other hydrocarbons;
- (c) the price or prices to be paid for natural gas after it has been purified, scrubbed or otherwise treated

for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance including the price to be paid for such purified natural gas by a public utility purchasing the same for distribution to the ultimate consumer or otherwise;

- (d) the price or prices to be paid for natural gas which by the terms of any order made by the Board under the provisions of section 71 is required to be returned to the underground formation for storage.

(2) The Board may fix and determine a price for natural gas which by order of the Board has been retained in the underground formation notwithstanding that the production of such natural gas has been allowed by order of the Petroleum and Natural Gas Conservation Board.

(3) Notwithstanding the terms of any contract between the owner or producer of natural gas and the operator of any absorption plant the Board shall by order fix and determine the proportion of the price received by the operator of such plant to be paid by him to such owner or producer for the gasoline or other hydrocarbon content of such natural gas.

(4) For the purpose of carrying out the provisions of this section, the Board in addition to any other powers conferred by this Act or any other Act, shall have the power to require and compel the attendance of the proprietor or any officer, agent or servant of the proprietor of any absorption plant and to compel the production of documents related in any manner to the operation of any such plant and with regard to the attendance of such persons and the production of such documents the Board shall have all the powers, rights and privileges as are vested in the Supreme Court of Alberta.

73.—(1) Upon receipt of a report in writing from the Board that the person, firm or corporation named in such report has refused or neglected or delayed to obey and execute any order of the Board made pursuant to the provisions of section 71, subsection (1), the Lieutenant Governor in Council may and is hereby empowered to,—

- (a) forcibly or otherwise enter upon, seize and take possession of the whole or part of the movable and immovable property of the person, firm or corporation named in the Board's report together with the books and offices thereof and until the order of the Board has been obeyed and executed, assume and take over the management of the undertaking for and in the interests of the shareholders and the public and all or any of the powers, duties, rights and functions of such person, firm or corporation in all respects, including the employment and dismissal of officers and servants thereof, for such time as the Lieutenant Governor in Council continues by

himself or his nominee to direct such management. Upon the Lieutenant Governor in Council taking possession of such property, it shall be the duty of every officer and employee of such person, firm or corporation to obey the orders of the Lieutenant Governor in Council or of such person or persons as he places in authority in the management of any or all departments of the undertaking. The Lieutenant Governor in Council may, upon taking possession of the undertaking, determine, receive and pay out all moneys due to or owing to such person, firm or corporation and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such possession had been taken. The costs and expenses of and incidental to proceedings to be taken by the Lieutenant Governor in Council under this section shall be in the discretion of the Lieutenant Governor in Council, and he may direct by whom and to what extent they shall be paid;

- (b) purchase and acquire at such price and upon such terms and conditions as may be agreed upon the whole or any part of the real and personal property, business, plant, equipment and assets of any person, firm or corporation named in the Board's report as well as any and all gas gathering lines and transmission lines, pumps, boosters, meters and other accessory plant of whatever kind or nature connected with such real and personal property, business, plant, equipment and assets and the Lieutenant Governor in Council is hereby empowered to operate the business, plant, equipment and assets so acquired during such period of time as the Lieutenant Governor in Council may from time to time by order direct;
- (c) to take and appropriate all or any part of the real and personal property (other than money and securities for money), plant, equipment and assets including those described in paragraph (b) of any person, firm or corporation named in the Board's report and in case the Lieutenant Governor in Council exercises the powers herein conferred,—
 - (i) the Minister shall deposit in the Land Titles Office for the Land Registration District within which such property is situate a description or descriptions thereof either by metes and bounds or by reference to existing registered plans or both or by reference to a new plan or plans of survey prepared by a land surveyor duly licensed for the Province of Alberta, and which said descriptions or plans or both shall be signed by the Minister and shall be entitled in the matter of this Act and upon such deposit having been made the real property or proper-

ties therein described shall thereupon become and remain vested in His Majesty the King in the right of the Province of Alberta, subject to payment of the compensation to be paid as hereinafter provided;

- (ii) the Minister shall deposit or cause to be deposited in the office of the Clerk of the Supreme Court for the Judicial District within which such personal property is situate a detailed inventory or inventories thereof signed by the Minister and such personal property by such deposit shall thereupon become and remain vested in His Majesty the King in the right of the Province, subject to payment of the compensation to be paid as hereinafter provided;
- (iii) upon the filing in the Land Titles Office of the description or plans or both of any land taken pursuant to the provisions of this Act and upon the deposit in the office of the Supreme Court of the inventory or inventories before referred to, the Minister shall cause to be served by registered mail upon the owner of such property so taken and appropriated and in the case of real property upon all persons shown by the records of the Land Titles Office to be interested in the land so taken, a notice setting forth the compensation which the Crown is prepared to pay for the lands and personal property so taken;
- (iv) if any person entitled to compensation for lands or personal property taken as aforesaid is dissatisfied with the amount offered therefor he shall within thirty days from the date of the mailing of the notice provided for in paragraph (iii), notify the Minister in writing of his dissatisfaction and shall in such notice state the amount that he claims as compensation for the real or personal property taken, together with a full statement of the facts in support of his claim and in the event of no claim for increased compensation being received by the Minister within the period, the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in paragraph (iii);
- (v) the Minister shall consider every claim for increased compensation and shall notify the claimant of his decision in respect thereto by registered letter addressed to the claimant's last known address;
- (vi) the claimant if dissatisfied with the decision of the Minister may within thirty days after

being notified as aforesaid of that decision give notice in writing to the Minister which may be by registered letter that he will submit the claim to arbitration and the claim shall thereupon be submitted to arbitration and the arbitration shall be by two arbitrators, one to be appointed by the claimant and one by the Minister and the arbitration shall be governed in all respects by the provisions of *The Arbitration Act*;

- (d) establish a commission or board or procure the incorporation of a company, corporation, or other body corporate for the purpose of exercising and performing any of the powers conferred upon the Lieutenant Governor in Council by this section and delegate to any such company, corporation, board, commission or other body corporate any of the powers and duties conferred or imposed upon the Lieutenant Governor in Council under this section, and for the purpose of this section the Provincial Secretary shall if the Lieutenant Governor in Council so requests issue a certificate of incorporation, constituting such persons as are named by the Lieutenant Governor in Council and any others who may thereafter be appointed by the Lieutenant Governor in Council in their stead or in addition thereto, a body corporate and politic without share capital for the purpose of exercising and performing without pecuniary gain to such corporation such of the powers and duties conferred or imposed upon the Lieutenant Governor in Council under this section and delegated to such corporation by the Lieutenant Governor in Council pursuant to the provisions of this section. The Articles and Memorandum of Association of any such corporation shall be in such terms as may be approved by the Lieutenant Governor in Council and the Lieutenant Governor in Council may remove any members, directors or officers of any such corporation at any time and appoint others in their stead. The provisions of *The Companies Act* shall apply to every such corporation except in so far as they may be declared inapplicable, varied or added to by the Lieutenant Governor in Council. The accounts of any such company or corporation shall be audited by the Provincial Auditor;
- (e) delegate to any existing company, corporation, board, commission or other body corporate any of the powers and duties conferred or imposed upon the Lieutenant Governor in Council under this section.

(2) The Provincial Treasurer is hereby authorized to provide out of the General Revenue Fund such sum or sums as the Arbitration Board constituted as hereinbefore provided shall direct to be paid to the owner of any property

acquired under the provisions of this section, or such sum or sums as are required to be paid as the purchase price pursuant to the provisions of paragraph (b) of subsection (1) of this section.

74.—(1) Every proprietor of every pipe line engaged in gathering, transporting, handling or delivering natural gas shall be a common carrier in respect of all natural gas gathered or transported or handled or delivered or offered for gathering or transporting or delivery by means of such pipe line provided that the provisions of this subsection shall not apply to service pipe lines within the boundaries of any plant carrying on any industrial operation nor to pipe lines within the limits of a municipality used for the purpose of distributing natural gas.

(2) No proprietor of a pipe line who is a common carrier shall directly or indirectly make or cause to be made or suffer or allow to be made any discrimination of any kind as between any of the persons for whom any natural gas is gathered or transported by means of the pipe line.

(3) No proprietor of a pipe line who is a common carrier shall be compelled to accept natural gas for delivery within any municipality already served by a public utility or within the area adjacent to such municipality unless and until,—

- (a) the person, firm or corporation seeking to use the pipe line as a common carrier has satisfied the Board that his or its scheme for the supply of natural gas is reasonable and sufficient having regard to the general circumstances; and
- (b) the Board is satisfied that, having regard to the availability of any other or existing source of supply in the area or to any other circumstances, the use of the pipe line as a common carrier is to the general benefit of the area directly or indirectly affected thereby; provided that for the purpose of this subsection it shall be within the discretion of the Board to declare and define the extent of the area adjacent to the municipality.

75. Every proprietor of every pipe line engaged in the gathering, transporting, handling, purchasing or delivering of natural gas in any oil field, gas field or oil-gas field shall be a common purchaser of natural gas produced in such field and shall purchase and/or take delivery of and/or transport natural gas from each well in such field in accordance with the terms of orders made by the Board, which orders shall be made having regard to the amount of natural gas produced from each well and from the oil field, gas field, or oil-gas field as a whole; provided that the amount of natural gas produced at or allowed to be produced from or allocated to each such well or in such field as a whole shall not be in excess of the amount of production fixed and allowed by the Petroleum and Natural Gas Conservation Board.

76. Every owner or operator of every scrubbing plant shall be required to accept and treat at prices and charges fixed by the Board all natural gas offered to it for treating unless the Board orders to the contrary and no such owner or operator shall directly or indirectly make or cause to be made or suffer or allow to be made any discrimination of any kind as between any of the persons for whom any natural gas is purified, scrubbed or otherwise treated in such plant.

77. Every proprietor of every pipe line and every proprietor of every scrubbing plant shall be required to accept and store, at prices and charges fixed by the Board, all natural gas offered to it for storage pursuant to Board orders.

78. In the making of orders the Board may prescribe, define and designate areas in oil fields, gas fields or oil-gas fields in which such orders shall have effect and the areas so prescribed, defined or designated may include the whole or any part of any oil field, gas field or oil-gas field.

79.—(1) The Board shall have power to make regulations not inconsistent with the general purposes and to effectuate the general purposes for which this Act is passed.

(2) All regulations made pursuant to this Act shall be laid upon the table of the Legislative Assembly within fifteen days after the commencement of the session next held after the making of such regulations.

(3) All such regulations when made, shall, unless and until disallowed by the Legislative Assembly at its session next held after the making of the same, have the same force and effect as if they were set out at length in this Act.

80. Subsection (3) of section 57 of *The Public Utilities Act*, being chapter 28 of the Revised Statutes of Alberta, 1942, is hereby repealed.

81. This Act shall come into force on the day upon which it is assented to.

**FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944**

BILL

An Act to establish the Natural Gas
Utilities Board and to prescribe its
duties.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

**EDMONTON:
A Shnitka, King's Printer
1944**