

Gouvernement du Québec

**O.C. 970-2001, 23 August 2001**

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01)

**Régie de l'énergie  
— Conditions and cases where authorization is required**

Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie

WHEREAS under subparagraph 6 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), as amended by section 51 of the Act to amend the Act respecting the Régie de l'énergie and other legislative provisions (2000, c. 22), the Régie de l'énergie may make regulations determining the cases in which an operation referred to in section 73 requires an authorization and the applicable conditions;

WHEREAS under section 115 of the Act respecting the Régie de l'énergie, the regulations made by the Régie must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 March 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the Régie de l'énergie has submitted an amended Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie, attached to this Order in Council, be approved with amendments.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie**

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 6 and 2nd par.; 2000, c. 22, s. 51)

**1.** Authorization from the Régie de l'énergie is required:

(1) to acquire, construct or dispose of immovables or assets for energy transmission or distribution purposes as well as to extend, modify or change the use of the transmission or distribution system as part of a project involving:

(a) the transmission of electric power worth \$25 million or more;

(b) the distribution of electric power worth \$10 million or more;

(c) the distribution of natural gas worth \$1.5 million or more, where the distributor's total annual delivery is 1 billion cubic metres or more; or

(d) the distribution of natural gas worth \$450 000 or more where the distributor's total annual delivery is less than 1 billion cubic metres;

(2) to cease or suspend the operations of the carrier or distributor for reasons other than public safety or normal system operation; and

(3) to restructure the carrier's or distributor's operations so that a part thereof would be excluded from the application of the Act.

Authorization is also required for projects the cost of which is under the limits set in subparagraph 1 of the first paragraph and which have not yet been recognized as prudently acquired and useful for the operation of an electric power transmission system or an electric power or natural gas distribution system under subparagraph 1 of the first paragraph of section 49 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01).

The second paragraph does not apply to projects for restoring service, or to connections required of the carrier or distributor after the date an application for authorization was filed.

**2.** An application for authorization under the first paragraph of section 1 shall contain the following:

- (1) the project objectives;
- (2) the project description;
- (3) the justification of the project with regard to the objectives;
- (4) the project costs;
- (5) the project feasibility study;
- (6) the list of authorizations required under other laws;
- (7) the impact on the rates including a sensitivity analysis;
- (8) the impact on the reliability of the electric power transmission system and on the quality of the electric power transmission service or electric power or natural gas distribution service; and
- (9) any other solutions contemplated, which must include the information referred to in the preceding paragraphs.

**3.** An application for authorization to acquire, construct or dispose of immovables or assets for energy transmission or distribution shall contain the following:

- (1) according to the nature of the project, the list of the principal technical standards applicable to the project;
- (2) the sales forecasts for the electric power or natural gas distributors' project where applicable; and
- (3) the contractual commitments of the consumers of the service and their financial contributions, where applicable.

**4.** An application for authorization to extend, modify or change the use of a transmission or distribution system as well as a request under subparagraph 2 or 3 of the first paragraph of section 1 shall also contain an impact study on the application of the Act, its attendant regulations and any orders or decisions from the Régie.

**5.** An application for authorization referred to in the second paragraph of section 1 shall be made according to investment category and shall contain the following:

- (1) the descriptive summary of the investments and their objectives;
- (2) the costs based on the investment category;

(3) the justification of the investments with regard to the objectives;

(4) the impact on rates; and

(5) the impact on the reliability of the electric power transmission system and the quality of the electric power transmission service or electric power or natural gas distribution service.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except for the second and third paragraphs of section 1 which will come into force on 1 January 2002.

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Gouvernement du Québec

### O.C. 971-2001, 23 August 2001

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01)

#### Régie de l'énergie

— Rates and terms and conditions of payment of the annual duty  
— Amendments

Regulation to amend the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie

WHEREAS, under subparagraph 1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may determine by regulation the rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie by a distributor;

WHEREAS, under the second paragraph of that section, amended by section 50 of chapter 22 of the Statutes of 2000 and amended again by section 3 of chapter 16 of the Statutes of 2001, the rates and terms and conditions of payment may vary according to the distributors or classes of distributors; the Regulation may also exclude, in particular, a distributor or a class of distributors and in the case of a petroleum products distributor, exclude him on the basis of the volume of gasoline or diesel fuel intended for Québec markets that a refiner refines in Québec, trades with another refiner in Québec or brings into Québec;