

Regulations and other Acts

Gouvernement du Québec

O.C. 1379-2009, 21 December 2009

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

Régie de l'énergie — Annual duty payable

Regulation respecting the annual duty payable to the Régie de l'énergie

WHEREAS, under subparagraph 1 of the first paragraph and the second paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, in particular, the rates of the duty payable each year to the Régie by the electric power carrier, by an owner or operator referred to in paragraph 2 of section 85.3, by a person referred to in section 85.33 or by a distributor, including an energy distributor to which Chapter VI.2 of the Act applies, as well as the terms and conditions of payment and the rate of interest on sums due;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the annual duty payable to the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 1 April 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received concerning the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation respecting the annual duty payable to the Régie de l'énergie, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the annual duty payable to the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R6.01, s. 112, 1st par., subpar. 1 and 2nd par.)

1. The rates of duty payable by distributors for each fiscal year ending on 31 March are determined by dividing, for each form of energy, the adjusted expenditure estimates of the Régie de l'énergie by

(1) the sum of the volumes of electric power distributed by each electric power distributor during its preceding fiscal year, including the volumes delivered to consumers at voltages of 44 kV or higher, excluding the volumes of electric power sold to another electric power distributor;

(2) the sum of the volumes of natural gas transmitted and the volumes delivered by each natural gas distributor during its preceding fiscal year;

(3) the sum of the volumes of gasoline and diesel fuel intended for consumption in Québec that were sold and refined in Québec or brought into Québec by each petroleum products distributor and, if applicable, the volumes traded with a refiner in Québec by each petroleum products distributor;

(4) the sum of the volumes of gasoline, diesel fuel, light heating oil and heavy heating oil intended for consumption in Québec that were sold by and attributable to each fuel distributor under Chapter VI.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01); or

(5) the sum of the volumes of steam distributed by pipes for heating purposes by each steam distributor during its preceding fiscal year.

For the purposes of the first paragraph, the adjusted expenditure estimates correspond to the difference, for each form of energy, between the expenditure estimates of the Régie as relate to the distributors, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the distributors at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

For the purpose of determining the volumes of gasoline, diesel fuel, light heating oil and heavy heating oil, for each distributor referred to in this Regulation, the

Régie takes into account the volumes stated for its fiscal year preceding 31 March for the purposes of section 85.31 of the Act.

The duty payable by each distributor of a form of energy is the product of the rate multiplied by the volumes referred to in the first paragraph attributable to the distributor.

2. The annual duty payable by the electric power carrier for the fiscal year ending on 31 March 2010 corresponds to the adjusted expenditure estimates of the Régie in that regard and modified according to the remuneration established in the agreement authorized by the Gouvernement du Québec under section 85.4 of the Act respecting the Régie de l'énergie for the same fiscal year.

The annual duty payable by the electric power carrier for each subsequent fiscal year corresponds to the adjusted expenditure estimates of the Régie in that regard.

For the purposes of the first two paragraphs, the adjusted expenditure estimates correspond to the difference between the expenditure estimates of the Régie as relate to the electric power carrier, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the electric power carrier at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

3. The duty payable by electric power or natural gas distributors and by the electric power carrier is payable in equal instalments on the first day of each month.

The amount of the last monthly instalment continues to apply until the last day of the month during which the expenditure estimates are adjusted as provided in the second paragraph of section 1 and the third paragraph of section 2. Any overpayment of or amount owing on the duty payable to the Régie for the fiscal year is to be equally apportioned over the remaining monthly instalments.

The annual duty payable by petroleum products, fuel or steam distributors is payable in one instalment on the first day of the month following the month in which the expenditure estimates are adjusted as provided in the second paragraph of section 1.

4. The following are exempt from the application of this Regulation:

(1) distributors of petroleum products other than distributors that refine in Québec, trade with a refiner in Québec or bring into Québec more than 100 million litres of gasoline or diesel fuel per year intended for consumption in Québec;

(2) distributors of propane, coal and petroleum coke;

(3) owners or operators, except the electric power carrier, referred to in paragraph 2 of section 85.3 of the Act; and

(4) a legal person or partnership referred to in subparagraph 2 of the first paragraph of section 85.33 of the Act.

5. Despite the third paragraph of section 3, the annual duty payable by a fuel distributor, for the fiscal year 2009-2010, is payable in one instalment on the fifteenth day following the sending of a notice of payment by the Régie.

6. Any outstanding amount on the duty bears interest at the rate determined in accordance with the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31). The interest is capitalized monthly.

7. This Regulation replaces the Regulation respecting the annual duty payable to the Régie de l'énergie made by Order in Council 736-2004 dated 28 July 2004.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1381-2009, 21 December 2009

Mining Act
(R.S.Q., c. M-13.1)

**Petroleum, natural gas, brine and
underground reservoirs
— Amendments**

Regulation to amend the Regulation respecting petroleum, natural gas, brine and underground reservoirs

WHEREAS, under sections 306, 310 and 313 of the Mining Act (R.S.Q., c. M-13.1), the Government made the Regulation respecting petroleum, natural gas, brine and underground reservoirs by Order in Council 1539-88 dated 12 October 1988;

WHEREAS it is expedient to amend the Regulation to take into account the amendments made to the Mining Act by chapter 24 of the Statutes of 1998;