

# ELECTRIC UTILITIES ACT

## CHAPTER E-5.5

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Schedule

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

**PART 1**

**GENERAL MATTERS**

- Interpretation **1(1)** In this Act,
- (a) “affiliate” has the meaning given to it in the *Business Corporations Act*;
  - (a.1) “affiliated retailer” means a retailer that is an affiliate of the owner of an electric distribution system;
  - (a.2) “balancing pool” means the balancing pool established by the Power Pool Council pursuant to the regulations;
  - (a.3) “billing” means the preparation of an account for all charges arising from the generation, transmission and distribution of electricity to a customer, including taxes, franchise fees and balancing pool credits or charges;
  - (a.4) “Board” means the Alberta Energy and Utilities Board established under the *Alberta Energy and Utilities Board Act*;

- (b) “Crown” means the Crown in right of Alberta and includes an agent of that Crown;
- (b.1) “customer” means a person purchasing electricity for that person’s own use;
- (b.2) “customer class” means a group of customers who have similar characteristics relating to
  - (i) the amount of electricity they consume, and
  - (ii) the cost of providing electricity services to them;
- (b.3) “direct access customer” means a customer whose consumption of electricity is measured by a time-of-use meter and who
  - (i) receives electricity from the interconnected electric system at a voltage level of 25 000 volts or more,
  - (ii) is able to increase or decrease its consumption of electric energy or system support services within 60 minutes of receiving a dispatch, or
  - (iii) meets the requirements set out in the regulations;
- (c) “dispatch” means a direction from a person appointed under section 9(1)(c)
  - (i) in the case of a generating unit other than a non-dispatchable generating unit, to the operator of the generating unit to cause a specified amount of electric energy or system support services to be provided by the generating unit to the interconnected electric system in a specified period,
  - (ii) in the case of a non-dispatchable generating unit, to the operator of the generating unit to permit electric energy or system support services to be provided by the generating unit to the interconnected electric system in a specified period, or
  - (iii) to a customer to increase or decrease the amount of electric energy or system support services to be consumed by the customer within a specified period;
- (c.1) “distribution access service” means the service required to transport electricity to customers by means of an electric distribution system;
- (d) “electric distribution system” means the plant, works, equipment, systems and services necessary to distribute electricity in a service area, but does not include a generating unit or a transmission facility;
- (e) “electric energy” means the capability of electricity to do work, measured in kilowatt hours;
- (f) “electric utility” means
  - (i) a regulated generating unit,
  - (ii) a transmission facility, or

- (iii) an electric distribution system,  
that is used, directly or indirectly, for the public, but does not include
- (iv) a generating unit not listed in the Schedule,
- (v) a transmission facility owned by a municipality or a subsidiary of a municipality, other than the City of Edmonton, unless the municipality passes a bylaw under section 59,
- (vi) an electric distribution system owned by a municipality or a subsidiary of a municipality, unless the municipality passes a bylaw under section 59,
- (vii) an arrangement of conductors intended to distribute electricity solely on property of which a person is the owner or a tenant, for use solely by that person and solely on that property, or
- (viii) a facility exempted by the Board pursuant to section 73(4);
- (g) “electricity” means electric energy, electric power, reactive power or any other electromagnetic effects associated with alternating current or high voltage direct current electric systems;
- (g.1) “electricity services” means the services associated with the provision of electricity to customers, including
  - (i) the exchange of electric energy through the power pool,
  - (ii) making financial arrangements to manage financial risk associated with the pool price,
  - (iii) distribution access service,
  - (iv) system access service,
  - (v) system support services,
  - (vi) billing,
  - (vii) metering,
  - (viii) maintaining information systems, and
  - (ix) any other services specified in the regulations;
- (h) “eligible person” means any of the following:
  - (i) the owner of a generating unit;
  - (ii) the owner of an electric distribution system;
  - (iii) the Transmission Administrator;
  - (iv) an importer of electric energy to Alberta or an exporter of electric energy from Alberta if and to the extent that the arrangements governing the exchange of electric energy and system support services between the interconnected electric

system in Alberta and electric systems in jurisdictions bordering Alberta allow for importers and exporters;

- (v) the owner of an industrial system;
- (vi) the purchaser of a power purchase arrangement under Part 4.1;
- (vii) a direct access customer;
- (i) “entitled electric distribution system” means an electric distribution system that is owned by any of the following:
  - (i) Alberta Power Limited;
  - (ii) TransAlta Utilities Corporation;
  - (iii) Enmax Power Corporation;
  - (iv) Edmonton Power Inc.;
  - (v) the City of Lethbridge;
  - (vi) the City of Red Deer;

and is subject to the obligations and entitled to the entitlements set out in Part 4;

- (j) “exchange” means to provide electric energy to or receive electric energy from the interconnected electric system;
- (k) “farm transmission costs”, in respect of an electric distribution system, means
  - (i) the proportion of its costs of supplying electricity on 25 000 volt lines to the service area boundaries of rural electrification associations that the total electricity supplied to rural electrification association members within those boundaries for farm and farm irrigation purposes bears to the total electricity supplied on those lines, and
  - (ii) an equivalent dollar amount per unit of electricity supplied by the electric distribution system to farm and farm irrigation customers who are not members of rural electrification associations;
- (l) “generating unit” means the component of a power plant that produces electric energy from any source and system support services, and includes a share of the following associated facilities that may be used in common with other generating units at a power plant:
  - (i) fuel and fuel handling equipment;
  - (ii) cooling water facilities;
  - (iii) switch yards;
  - (iv) other items;

that are necessary for the safe, reliable and economic operation of the generating unit;

- (m) “generation interface” means the high voltage terminal of the generation transformer of one or more generating units;
- (n) “hour” includes any part of an hour as established by the Power Pool Council in accordance with the rules of the power pool;
- (o) “industrial system” has the meaning given to it in the *Hydro and Electric Energy Act*;
- (o.1) “information systems” means systems for collection and dissemination of data that identify individual customer consumption of electricity from the interconnected electric system;
- (p) “interconnected electric system” means all transmission facilities and all electric distribution systems in Alberta that are interconnected, but does not include an electric distribution system or a transmission facility that is owned by the City of Medicine Hat or a subsidiary of that municipality unless that municipality passes a bylaw under section 59;
- (p.1) “metering” means the purchase, installation, operation and reading of a meter that measures and records the amount of electricity consumed by a customer;
- (q) “Minister” means the Minister of Energy;
- (r) “municipality” means a city, town, village, summer village, municipal district or specialized municipality, a town under the *Parks Towns Act* or a municipality formed by special Act, and includes a Metis settlement;
- (s) “non-dispatchable generating unit” means a generating unit that is determined by a person appointed under section 9(1)(c) to be incapable of providing a specified amount of electric energy to the interconnected electric system in a specified period;
- (t) “owner”, in respect of a generating unit, a regulated generating unit, a transmission facility, an electric distribution system or an electric utility, means the owner, operator, manager or lessee of the facility or any person who is acting as an agent for the owner, operator, manager or lessee and, in the event that one of those persons becomes bankrupt or insolvent, includes any trustee, liquidator or receiver appointed in respect of the bankruptcy or insolvency;
- (u) “pay period” means the period established from time to time by the Power Pool Council in respect of which financial settlement is carried out under section 11(b);
- (v) “pool price” means the price reported by a person appointed under section 9(1)(b), in accordance with the rules of the power pool, that reflects the market value of electric energy for an hour;
- (w) “power pool” means the scheme operated by the persons appointed under section 9(1)(b) and (c) for the dispatch and exchange of electric energy and financial settlement for the exchange of electric energy;
- (x) “regulated generating unit” means
  - (i) a generating unit listed in Part 1 of the Schedule

- (A) as the generating unit existed on the coming into force of this Act, or
- (B) as the generating unit is modified in accordance with regulations made under section 71(1)(f.2), or
- (ii) an isolated regulated generating unit listed in Part 2 of the Schedule
  - (A) as the generating unit existed on December 7, 1995, or
  - (B) as the generating unit is modified in accordance with regulations made under section 71(1)(f.2),
 until Parts 4 and 5 cease to apply to the generating unit;
- (x.1) “retailer” means a person who sells or provides electricity services directly to customers;
- (y) “rules of the power pool” means the rules, practices, policies and procedures established by the Power Pool Council under section 9(1)(a) that regulate the operation of the power pool;
- (z) “rural electrification association” means an association under the *Rural Utilities Act* that has as its principal object the supply of electricity to its members;
- (aa) “service area” means the area determined under the *Hydro and Electric Energy Act* in which
  - (i) the owner of an electric distribution system may distribute electricity, or
  - (ii) a rural electrification association may distribute electricity to its members;
- (bb) “system access service” means the service obtained by eligible persons through a local substation connection to the transmission system or the interconnected electric system, and includes access to exchange electric energy through the power pool and access to system support services;
- (cc) “system support services” means the services required to ensure that the interconnected electric system is operated in a manner that provides a satisfactory level of service with acceptable levels of voltage and frequency stability and harmonic content, through the provision of, among other things, any or all of the following:
  - (i) operating reserve and control margin, including
    - (A) generating capacity operating as spinning reserve, and
    - (B) arrangements with electric distribution systems under which the amount of electricity taken by their customers can be reduced on short notice;
  - (ii) generating capacity with fast acting automatic generation control;
  - (iii) generating capacity with controlled excitation, reactive compensators or other equipment required to control transmission voltages;

- (iv) fast acting automatic load shedding to maintain system load/generation balance;
- (cc.1) “time-of-use meter” means a meter that measures, at intervals of between 15 and 60 minutes, the amount of electricity consumed and that satisfies the standards set under the *Electricity and Gas Inspection Act* (Canada) and the *Weights and Measures Act* (Canada) for revenue collection based on time-of-use consumption;
- (dd) “transmission facility” means an arrangement of conductors and transformation equipment that transmits electricity from the generation interface to the low voltage terminal of the step down transformer operating phase to phase at a nominal high voltage level of more than 25 000 volts to a nominal low voltage level of 25 000 volts or less and includes
  - (i) transmission lines energized in excess of 25 000 volts,
  - (ii) insulating and supporting structures,
  - (iii) substations, transformers and switchgear,
  - (iv) operational and control devices,
  - (v) all property of any kind used for the purpose of, or in connection with, the operation of the transmission facility, and
  - (vi) connections with electric systems in jurisdictions bordering Alberta,
 but does not include a generating unit or an electric distribution system;
- (ee) “transmission system” means all transmission facilities in Alberta that are part of the interconnected electric system.

**(2)** For the purposes of this Act, a subsidiary of a municipality is a corporation that

- (a) is wholly owned
  - (i) by the municipality,
  - (ii) by the municipality and one or more corporations, each of which is wholly owned by the municipality, or
  - (iii) by one or more corporations, each of which is wholly owned by the municipality,

or

- (b) is wholly owned by a subsidiary referred to in clause (a).

**(3)** The definition in subsection (1)(dd) applies to tariffs that have effect in 1996 and 1997, but for the purposes of tariffs that have effect in and after 1998 the definition in subsection (1)(dd) is amended to the extent that subclause (v) includes all equipment in a substation that is used to transmit electric energy

- (a) from the low voltage terminal referred to in subsection (1)(dd), and

## PART 5

### REGULATION OF ELECTRIC UTILITIES AND THE TRANSMISSION SYSTEM

#### Division 1 General Matters

Application of  
this Part

- 46** This Part applies
- (a) to all electric utilities operating in Alberta,
  - (b) to all owners of electric utilities operating in Alberta, and
  - (c) to all electric utilities owned by the Crown.

Public  
Utilities Board  
Act

**47** The provisions of the *Public Utilities Board Act* relating to hearings, service of notices or orders, regulations, rules and procedure, enforcement of orders and the rights, powers, privileges and immunities of the Public Utilities Board apply to the Alberta Energy and Utilities Board as if they were provisions of this Act.

#### Division 2 Approval of Tariffs

Duty to keep  
books

- 48(1)** An owner of an electric utility shall, with respect to the electric utility,
- (a) keep books, records and accounts in a manner that provides a reasonable understanding of the operation of the electric utility, including keeping track separately of the costs of
    - (i) regulated generating units,
    - (ii) transmission facilities, and
    - (iii) electric distribution systems,
 as well as common costs, in accordance with rules established by the Board,
  - (b) provide annually, and at any other times that the Board requires, a detailed report of finances and operations relating to the electric utility in the form, containing the information and verified in the manner the Board requires, and
  - (c) subject to any order of the Board, maintain proper and adequate depreciation, amortization or depletion accounts using any basis or method the Board, on application to it, directs.
- (2)** The Transmission Administrator shall, with respect to the transmission system, keep the books, records and accounts, provide the report and maintain the accounts required under subsection (1) as those duties relate to the transmission system.

Preparation  
and  
application  
for approval  
of tariff

**49(1)** The owner of an electric utility shall prepare a tariff relating to the electric utility and apply to the Board for approval of the tariff.

**(2)** The Transmission Administrator shall prepare a tariff relating to the transmission system and apply to the Board for approval of the tariff.

**(2.1)** On receiving or delivering a notice of intention to terminate, the Transmission Administrator may prepare a recovery tariff and apply to the Board for approval of the tariff.

**(3A)** A tariff must describe how it may change over the period in which it is intended to have effect.

**(4)** A tariff may provide for maximum rates.

**(5A)** A tariff may provide for increases or decreases in the rates to correspond to

- (a) increases or decreases in fuel costs, taxes or other costs,
- (b) price indices, rates of inflation or similar measurements,
- (c) the increases or decreases in costs that occur when the operation of Part 4, or any provision of it, is suspended pursuant to regulations made under section 44(1), or
- (d) other related costs approved by the Board.

**(6)** An application under this section for Board approval of a tariff is required for tariffs prepared under sections 27, 29, 31, 31.5, 31.6, 31.9, 31.97 and this section.

1995 cE-5.5 s49;1998 c13 s30

Duty to  
consider  
application

**50(1)** On giving notice to interested parties, the Board must consider each application under section 49.

**(2)** When considering an application, the Board may take into account any settlement negotiated under Part 6 that relates to the application.

Matters Board  
must consider

**51(1)** When considering whether to approve a tariff that is to have effect after December 31, 1995, the Board shall ensure

- (a) that the tariff is just and reasonable,
  - (b) that the tariff provides for incentives for efficiencies that result in cost savings or other benefits that can be shared in an equitable manner between the electric utility and customers, and
  - (c) that the tariff is not unduly preferential, arbitrarily or unjustly discriminatory or inconsistent with or in contravention of this or any other enactment or any law.
- (2)** Tariffs that provide incentives for efficiency are not unjust and unreasonable simply because they provide those incentives.
- (3)** The burden of proof to show that a tariff is just and reasonable is on the owner of the electric utility seeking approval of the tariff.

Inclusions in costs

**52(1)** When considering an application under section 49, the Board shall have regard for the principle that a tariff approved by it must provide the owner of an electric utility with a reasonable opportunity to recover

- (a) the costs associated with capital related to the owner's investment in the electric utility, including
  - (i) depreciation,
  - (ii) interest paid on money borrowed for the purpose of the investment,
  - (iii) any return required to be paid to preferred shareholders of the electric utility relating to the investment,
  - (iv) a fair return on the equity of shareholders of the electric utility as it relates to the investment, and
  - (v) taxes associated with the investment,

if the costs are prudent and if, in the Board's opinion, they provide an appropriate composition of debt and equity for the investment,

- (b) other prudent costs associated with generation, transmission, exchange or distribution of electricity or associated with the power pool if, in the Board's opinion, they are applicable to the electric utility,
- (c) rates that the owner is required under this Act to pay,
- (d) the costs and expenses applicable to the electric utility that arise out of obligations incurred before January 1, 1996 and that were approved by the Public Utilities Board or the Alberta Energy and Utilities Board before that date if, in the Board's opinion, the costs and expenses continue to be reasonable and prudently incurred, and
- (e) any other prudent costs and expenses that the Board considers appropriate, including a fair allocation of the owner's costs that relate to any or all of the owner's electric utilities.

**(2)** If the electric utility referred to in subsection (1) is an electric distribution system, the costs associated with financial arrangements to manage financial risk associated with the pool price shall not be included under subsection (1) unless the arrangement is, in the Board's opinion, prudently made and the result of a fair and competitive process carried out in accordance with rules that may be established by the Board.

**(3)** When the Transmission Administrator is the applicant under section 49, the Board shall have regard for the principle that a tariff approved by it must provide the Transmission Administrator with a reasonable opportunity to recover all of the items referred to in subsection (1) that are applicable to the transmission system.

Special considerations relating to Transmission Administrator's tariff

**52.1(1)** The Board shall not decide that a tariff referred to in section 49(2) fails to satisfy the requirements of section 51(1) simply because the tariff provides for the flow through, including by the use of deferral accounts, real time pricing or other mechanisms, of some or all of the Transmission Administrator's prudent costs and expenses of carrying out the duties and functions given to it under this Act.

(2) A tariff referred to in section 49(2) must provide the Transmission Administrator with a reasonable opportunity to recover the following in addition to the costs specified in section 52(1):

- (a) prudent costs and expenses incurred by or on behalf of the Transmission Administrator prior to the date of its appointment, for the purpose of preparing to carry out the duties and functions given to it under this Act;
- (b) a management fee, in respect of a period commencing prior to the date of the Transmission Administrator's appointment but not prior to the date specified for the purposes of subsection (3), for the purpose of preparing to carry out the duties and functions given to the Transmission Administrator under this Act;
- (c) a management fee in respect of a period commencing after the date of the Transmission Administrator's appointment during which the tariff is in effect.

(3) The Transmission Administrator is not entitled to recover through its tariff

- (a) any costs and expenses referred to in subsection (2)(a), or
- (b) any management fee referred to in subsection (2)(b) or (c)

relating to a period prior to the date specified by the Minister.

(4) The Minister shall advise the Board in writing of the date specified for the purposes of subsection (3).

(5) In determining whether a management fee is reasonable compensation to the Transmission Administrator, the Board shall consider the extent to which the Transmission Administrator's tariff provides for

- (a) incentives for efficiencies that result in cost savings or other benefits that can be shared in an equitable manner between the Transmission Administrator and its customers, and
- (b) incentives for performance by the Transmission Administrator.

1998 c13 s31

Recovery  
tariff

**52.2(1)** When considering an application under section 49(2.1), the Board shall have regard for the principle that a recovery tariff approved by it must provide the Transmission Administrator with a reasonable opportunity to recover

- (a) a management fee,
- (b) all unrecovered capital costs and investments of the Transmission Administrator, with due allowance made for the cost of capital,
- (c) the costs and expenses incurred by the Transmission Administrator to end its duties and functions under this Act, including
  - (i) costs and expenses of disengaging from all prudent financial or contractual arrangements entered into by the Transmission Administrator,
  - (ii) prudent demobilization costs and expenses, and

- (iii) outstanding amounts owed to the Transmission Administrator from any deferral account,
  - (d) any losses arising during the period commencing on the date of delivery of the notice of intention to terminate and expiring on the date on which the termination of the appointment of the Transmission Administrator is effective, as a result of the tariff in effect during that period being insufficient to cover the costs and expenses of the Transmission Administrator,
  - (e) any other prudent costs and expenses incurred by the Transmission Administrator for which it has not been reimbursed, and
  - (f) interest, if any, accrued at a reasonable rate on the amounts described in clauses (a) to (e), from the date on which the termination of the appointment of the Transmission Administrator is effective to the date those amounts are fully recovered.
- (2) If the notice period in a notice of intention to terminate is less than 365 days and does not give the Transmission Administrator sufficient time to submit a recovery tariff to the Board before the notice is effective, the replacement Transmission Administrator shall, at the request of the former Transmission Administrator, submit the recovery tariff to the Board on behalf of and for the benefit of the former Transmission Administrator if the request is made within 90 days after the termination of the appointment of the former Transmission Administrator is effective.
- (3) A recovery tariff submitted to the Board by the replacement Transmission Administrator under subsection (2) is deemed to be part of the replacement Transmission Administrator's tariff.
- (4) If after the termination of the appointment of the Transmission Administrator is effective the former Transmission Administrator is entitled to receive additional revenue through a recovery tariff, through the operation of section 57.1 or through any other applicable tariff, that revenue is deemed to be part of the tariff of the replacement Transmission Administrator, and the replacement Transmission Administrator shall pay the additional revenue to the former Transmission Administrator as soon as reasonably possible and
- (a) within 12 months after the termination is effective, or
  - (b) in the event that a recovery tariff has been submitted on behalf of the former Transmission Administrator pursuant to subsection (2), within 3 months after the approval of the recovery tariff by the Board,

whichever is later.

1998 c13 s31

Retrospective  
tariff

**53** When considering whether to approve a tariff that is to have effect from a date preceding its consideration of the application under section 49, the Board may take into account evidence relating to revenues received and costs incurred by the applicant in the whole of the applicant's fiscal year in which the application is made.

Powers of  
Board

**54(1)** In respect of each application under section 49, the Board may, subject to section 68,

- (a) approve a tariff or any part of it without changes,

- (b) change a tariff or any part of it and approve it with the changes, or
- (c) refuse to approve a tariff or any part of it.

(2) The Board may make a decision under subsection (1) for an interim period specified by the Board.

Tariff has no effect unless approved

**55** The owner of an electric utility and the Transmission Administrator shall not put into effect a tariff that has not been approved by the Board.

Application for approval of proposed arrangement

**56(1)** The owner of an electric distribution system may apply to the Board for approval of any financial arrangement to manage financial risk associated with the pool price that is intended to have effect after December 31, 1995.

(2) An application under subsection (1) may be part of or separate from an application under section 49.

(3) When considering an application under subsection (1),

- (a) the Board must decide if the arrangement is prudently made, and
- (b) the Board may, where it considers it appropriate, decide if the arrangement is the result of a fair and competitive process carried out in accordance with rules that may be established by the Board.

(4) The Board may approve the arrangement and impose conditions on its approval.

(5) On approval of an arrangement being given, the owner of the electric utility is entitled to recover, in accordance with any conditions imposed under subsection (4), the costs and expenses specified in the arrangement as part of the costs that it may recover under section 52(1)(c).

(6) This section does not apply if the electric distribution system is not an electric utility.

Review of rates

**57(1)** Unless section 20 of the *Alberta Energy and Utilities Board Act* applies, no order of the Board approving a tariff shall be reviewed, rescinded or varied during the period in which the tariff is intended to have effect, except in accordance with this section.

(2) Any person affected by an order approving a tariff may ask the Board to review the order

- (a) if the terms or conditions provided by the tariff for discontinuing the rates have been met and the order provides for a review under this section in those circumstances,
- (b) if the owner of the electric utility or the Transmission Administrator has breached in a material manner a term or condition of the tariff,
- (c) if, since the date of the order, circumstances have changed in a substantial and unforeseen manner that renders the continuation of the tariff unjust and unreasonable, or
- (d) if, in the Board's opinion, the order contains an error of fact or law, provided that the request for a review on that ground is filed with the Board not later than 90 days after the making of the order.

(3) Sections 38(1), 39, 56, 77(1) and 79 of the *Public Utilities Board Act* do not apply to the review of an order by the Board under subsection (2).

Request for  
review of tariff

**57.1(1)** On receiving or delivering a notice of intention to terminate, the Transmission Administrator may ask the Board to review the Transmission Administrator's tariff.

(2) The receipt or delivery of a notice of intention to terminate is a circumstance, in addition to those circumstances set out in section 57(2), that entitles the Board to review the Transmission Administrator's tariff if requested to do so under subsection (1).

(3) On completing its review, the Board may approve, vary or rescind the tariff or direct the Transmission Administrator to prepare a recovery tariff.

1998 c13 s32

Duties of  
owners of  
electric  
utilities and  
the  
Transmission  
Administrator

**58(1)** The owners of electric distribution systems and the Transmission Administrator

(a) shall provide and maintain service that is safe, adequate and proper, and

(b) shall not withhold a service that the Board has ordered it to provide.

(2) Subsection (1) does not apply to an electric distribution system that is not an electric utility.

(3) The owners of electric utilities and the Transmission Administrator shall not act in a manner that is unjust, unreasonable, unduly preferential, arbitrarily or unjustly discriminatory or inconsistent with or in contravention of this or any other enactment or any law.

### Division 3 Municipally Owned Electric Utilities

Bylaw  
bringing  
utility under  
this Act

**59(1)** Any municipality, including the City of Medicine Hat, that owns a transmission facility or an electric distribution system may, by bylaw, provide that the facility or system is an electric utility within the meaning of section 1(1)(f) and therefore governed by this Act and subject to the control and orders of the Board.

(2) A bylaw passed under subsection (1) has no effect unless it is approved by the Lieutenant Governor in Council.

Municipality's  
right to  
impose  
additional  
amounts

**60** Where a bylaw has been passed and approved under section 59, the municipality may, notwithstanding the bylaw or anything in this Act, impose amounts in respect of its electric distribution system that are in addition to the rates approved by the Board if the invoices submitted to the customers of the electric distribution system

(a) clearly distinguish between the rates that have been approved by the Board and the additional amounts imposed by the municipality, and

(b) identify the additional amounts imposed by the municipality as a surcharge or tax.