

# D É C I S I O N

QUÉBEC

RÉGIE DE L'ÉNERGIE

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D-2008-004

R-3625-2007

14 janvier 2008

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**PRÉSENT :**

Jean-Paul Théorêt

Régisseur

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**Hydro-Québec**

Demanderesse

et

**Intervenants et observatrices dont les noms apparaissent à la page suivante**

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**Décision approuvant la version anglaise du code de conduite du coordonnateur de la fiabilité et rectification de la décision D-2007-142**

*Demande afin d'obtenir la désignation de coordonnateur de la fiabilité au Québec pour la direction Contrôle des mouvements d'énergie du Transporteur*

**Intervenants :**

- Association québécoise des consommateurs industriels d'électricité et Conseil de l'industrie forestière du Québec (AQCIE/CIFQ);
- Énergie La Lièvre S.E.C. et Énergie Brookfield Marketing Inc. (ELL/EBMI);
- Fédération canadienne de l'entreprise indépendante (FCEI);
- Union des municipalités du Québec (UMQ).

**Observatrices :**

- Association de l'industrie électrique du Québec (AIEQ);
- Association des redistributeurs d'électricité du Québec (AREQ).

## 1. INTRODUCTION

Dans sa décision D-2007-142 du 18 décembre 2007 (la Décision), la Régie approuve le texte du code de conduite du coordonnateur de la fiabilité et demande à Hydro-Québec, dans ses activités de transport (le Transporteur) de déposer une version traduite en anglais du code de conduite. Conformément à la Décision, le Transporteur dépose la version anglaise du code de conduite le 8 janvier 2008.

Par ailleurs, le Transporteur informe la Régie, le 8 janvier 2008, qu'une erreur d'écriture s'est glissée dans le texte du code de conduite du coordonnateur de la fiabilité qu'il a déposé le 8 novembre 2007. Le Transporteur demande à la Régie de se prévaloir des dispositions de l'article 38 de la *Loi sur la Régie de l'énergie*<sup>1</sup> pour rectifier sa décision D-2007-142 afin que le texte du code de conduite tienne compte de la correction à apporter.

## 2. VERSION ANGLAISE DU CODE DE CONDUITE DU COORDONNATEUR DE LA FIABILITÉ

La Régie considère que la version anglaise du code de conduite est conforme au texte approuvé dans la Décision telle que ci-après rectifiée. Néanmoins, elle a apporté des modifications de forme à ce texte en anglais, lesquelles sont indiquées en gras et souligné dans le texte joint en annexe à la présente décision.

## 3. RECTIFICATION

À la définition de « Personnel » de la section 1 *Définitions* du code de conduite approuvé par la Régie, le Transporteur souhaite remplacer l'expression employée « d'Exploitation du réseau de transport » par « d'Exploitant du réseau de transport » pour plus de clarté et d'exactitude. **La Régie accepte de rectifier la décision D-2007-142 afin de corriger cette erreur d'écriture.**

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<sup>1</sup> L.R.Q., c. R-6.01.

## La Régie de l'énergie :

**Approuve** la version anglaise du code de conduite du coordonnateur de la fiabilité jointe à la présente, telle que modifiée par la Régie;

**Accueille** la demande de rectification du Transporteur;

**Rectifie** la décision D-2007-142 pour que la définition de « Personnel » à la section 1 *Définitions* du code de conduite se lise comme suit :

*« Personnel » : le personnel sous l'autorité du Coordonnateur de la fiabilité ou d'une autre direction du Transporteur effectuant des tâches reliées au rôle du Coordonnateur de la fiabilité. Est également inclus, le personnel remplissant les fonctions de Responsable de l'équilibrage, d'Exploitant du réseau de transport et de Responsable des échanges. Cette définition inclut tant les cadres que les employés ainsi que le personnel employé à contrat par le Coordonnateur de la fiabilité ou par une autre direction du Transporteur pour effectuer des tâches reliées au rôle du Coordonnateur de la fiabilité.*

**ORDONNE** au Transporteur d'afficher ce jour la version anglaise du code de conduite sur le site Internet du coordonnateur de la fiabilité.

Jean-Paul Théorêt  
Régisseur

**Représentants :**

- Association de l'industrie électrique du Québec (AIEQ) représentée par M. Jean-François Samray;
- Association québécoise des consommateurs industriels d'électricité et Conseil de l'industrie forestière du Québec (AQCIE/CIFQ) représenté par M<sup>e</sup> Pierre Pelletier;
- Association des redistributeurs d'électricité du Québec (AREQ) représentée par M<sup>e</sup> Serge Cormier;
- Énergie La Lièvre S.E.C. et Énergie Brookfield Marketing Inc. (ELL/EBMI) représenté par M<sup>e</sup> Paule Hamelin et M<sup>e</sup> Pierre Legault;
- Fédération canadienne de l'entreprise indépendante (FCEI) représentée par M<sup>e</sup> André Turmel;
- Hydro-Québec représentée par M<sup>e</sup> Carolina Rinfret et M<sup>e</sup> F. Jean Morel;
- Union des municipalités du Québec (UMQ) représentée par M<sup>e</sup> Steve Cadrin.

**ANNEXE**  
**Code de conduite du coordonnateur de la fiabilité**  
**(Version anglaise)**

**Annexe (9 pages)**

**J-P. T. \_\_\_\_\_**

***Direction - Contrôle des mouvements d'énergie***

**RELIABILITY COORDINATOR  
CODE OF CONDUCT**

**January 2008**

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## 1. DEFINITIONS

In this Reliability Coordinator Code of Conduct, the definitions below apply:

“Act”: *An Act respecting the Régie de l'énergie* (R.S.Q., c. R-6.01);

“Affiliate of the Transmission Provider”: Any of the entities referred to in Schedule 1 to this Code of Conduct;

“Code of Conduct”: This Reliability Coordinator Code of Conduct;

“Company”: Hydro-Québec;

“Director”: The Director of the Transmission Provider’s Direction – Contrôle des mouvements d'énergie (hereinafter System Control unit);

“OASIS”: Open Access Same-Time Information System, the Web-based software used to request, approve and administer a transmission service and disseminate information about the transmission system;

“Preferential Treatment”: Treatment that gives an advantage to one System User over another System User in violation of this Code of Conduct;

“Régie”: The Régie de l'énergie;

“Reliability Coordinator”: The Direction – Contrôle des mouvements d'énergie (System Control unit) of the Transmission Provider, as designated by the Régie de l'énergie in its Decision D-2007-95 issued on August 14, 2007;

“Staff”: Personnel who are under the authority of the Reliability Coordinator or under the authority of another unit of the Transmission Provider who perform functions related to the Reliability Coordinator’s role. The definition includes personnel fulfilling the functions of the Balancing Authority, Transmission Operator and Interchange Authority. The definition includes both management and employees, as well as personnel hired on contract by the Reliability Coordinator or another unit of the Transmission Provider to perform functions related to the Reliability Coordinator’s role;

“Subsidiary”: A subsidiary as defined in the *Companies Act* (R.S.Q., c. C-38);

“System User”: Any user of the electric power transmission system for which the Reliability Coordinator is responsible, and more specifically, any generator owner or operator, any transmission provider, any distributor, any marketer, or any customer connected directly to such electric power transmission system;

“Transmission Provider”: Hydro-Québec when carrying on electric power transmission activities within the meaning of the Act.

## **2. APPLICATION**

**2.1** The Code of Conduct governs the activities of Staff. Accordingly, each and every member of Staff is governed by the Code of Conduct.

## **3. PURPOSE**

**3.1** This Code of Conduct is intended to prevent any form of Preferential Treatment by Staff **in favour of** other units of the Transmission Provider, Affiliates of the Transmission Provider **or** other System Users.

**3.2** This Code of Conduct governs the decisions or actions of Staff so as to ensure that the reliability of the electric power transmission system for which the Reliability Coordinator is responsible remains the priority in all circumstances.

## **4. RULES OF CONDUCT**

### **General Rules**

**4.1** Staff shall act in a manner that gives priority to the reliability of the electric power transmission system for which the Reliability Coordinator is responsible.

**4.2** Staff shall treat all System Users in a fair and non-discriminatory manner.

## **Independence**

- 4.3** Decisions or actions by Staff shall not favour commercial interests over the reliability of the electric power transmission system for which the Reliability Coordinator is responsible. Such decisions or actions shall not favour one System User over another; the same applies to all communications which Staff, in the course of performing their duties, are required to have with other units of the Transmission Provider and Affiliates of the Transmission Provider.

## **Emergency Actions**

- 4.4** Notwithstanding any other provision of this Code of Conduct, in emergency circumstances likely to jeopardize the reliability of operation of the system for which the Reliability Coordinator is responsible, Staff are authorized to take any steps they consider necessary to maintain the reliability of the electric power transmission system for which the Reliability Coordinator is responsible.

## **Other Codes of Conduct**

- 4.5** Staff are also subject to the codes of conduct of the Transmission Provider and the Company.

## **Employee Conduct**

- 4.6** Staff shall in no circumstances allow an employee of an Affiliate of the Transmission Provider or an employee of another unit of the Transmission Provider involved in activities that relate to the marketing of transmission service or an employee of another System User:
- a. to participate directly in the operations of the Reliability Coordinator or assume transmission system reliability duties; or
  - b. to have access to the System Control Centre or a backup centre used for transmission operations or for transmission system reliability functions that differs in any way from the access given to other System Users.

- 4.7 Staff shall not disclose to an employee of a System User, to an employee of another unit of the Transmission Provider **or to an employee of** an Affiliate of the Transmission Provider any information conferring Preferential Treatment.
- 4.8 Should Staff disclose information not posted on the Reliability Coordinator's Web site to an employee of a System User, an employee of another unit of the Transmission Provider or an employee of an Affiliate of the Transmission Provider in a manner that confers Preferential Treatment, the Reliability Coordinator shall immediately post such information on its Web site.
- 4.9 Staff shall always act in the fundamental interests of the Reliability Coordinator's role and functions and shall avoid any situation that compromises its primary obligation of loyalty thereto.

#### **Training and Information**

- 4.10 The Reliability Coordinator shall provide Staff with information sessions and material so that the individuals concerned are aware **at all times** of the rules contained in the Code of Conduct and updates thereto.
- 4.11 The Reliability Coordinator shall make the Code of Conduct and updates thereto available to other units of the Transmission Provider, Affiliates of the Transmission Provider and System Users with which it does business.

### **5. RESPONSIBILITY FOR APPLICATION OF THE CODE OF CONDUCT**

- 5.1 The Director is responsible for **the application of** the rules set out in this Code of Conduct and shall ensure compliance therewith. To this end, he or she shall establish internal management rules relating to the application and enforcement of the Code of Conduct. Managers concerned shall ensure that the rules of this Code of Conduct are applied and shall **report** to the Director **annually** and on request.
- 5.2 The Director is responsible for organizing and overseeing **processes for providing information and** ongoing training **to** Staff. The Director is also responsible, when required, for informing other units of the Transmission

Provider, Affiliates of the Transmission Provider and other System Users of the terms and guidelines for the application of this Code of Conduct.

- 5.3 The Director is assigned to receive any reporting of a deviation from this Code of Conduct. He or she shall deal with such reporting in accordance with Section 6 of this Code of Conduct.
- 5.4 The Director shall submit annually to the President of the Transmission Provider a report on the application of the Code of Conduct, accompanied by a certificate of compliance from the Controller of the Transmission Provider. The annual report on the application of the Code of Conduct shall be submitted to the Régie and posted on the Reliability Coordinator's Web site.
- 5.5 The Director shall, within twenty-four (24) hours, send to the Régie a report regarding any deviation from this Code of Conduct. He or she shall also post such information on the Reliability Coordinator's Web site within the same time limit.

## 6. REPORTING OF DEVIATIONS FROM THE CODE OF CONDUCT

- 6.1 Anyone having knowledge of an event or situation in which a member of Staff acted in a manner contrary to this Code of Conduct must **report it to the Director within** five (5) business days of discovery thereof. The Director shall promptly investigate any **matter reported** in good faith, and shall do in a fair, impartial and confidential manner.
- 6.2 Further to an investigation made pursuant to Section 6.1 of this Code of Conduct, the Director shall issue any decision or **take** any corrective **action that** he or she considers appropriate, including disciplinary measures.
- 6.3 Reporting may be done anonymously or not, and anyone who reports in good faith a situation that is contrary to this Code of Conduct will not be the subject of retaliation or of administrative or disciplinary measures.

## **7. DEVIATION FROM THE CODE OF CONDUCT**

**7.1** Any member of Staff who contravenes this Code of Conduct may be subject to disciplinary measures, as the Director considers appropriate after investigating the matter.

## **8. PUBLICATION**

The Code of Conduct shall be posted permanently on:

- the intranet site of the Direction Contrôle des mouvements d'énergie;
- the Reliability Coordinator's Web site;
- OASIS via a link to the Reliability Coordinator's Web site.

A copy of the Code of Conduct shall be given to Staff.

## **9. COMING INTO FORCE**

This Code of Conduct comes into force on January 14, 2008.

## **SCHEDULE 1: AFFILIATES OF THE TRANSMISSION PROVIDER**

The following entities are considered Affiliates of the Transmission Provider for the purpose of applying this Code of Conduct:

- Other Hydro-Québec divisions;
- **Organizational** units carrying out Hydro-Québec corporate activities;
- Persons within the Transmission Provider carrying out work not regulated by the Act;
- First-tier Hydro-Québec subsidiaries;
- Second-tier Hydro-Québec subsidiaries and their subsidiaries;
- Limited partnerships and joint ventures under the effective control of Hydro-Québec.