

O.C. 596/2007
A.R. 254/2007
December 19, 2007

The Lieutenant Governor in Council makes the Energy Regulations Amendment Regulation set out in the attached Appendix.

For Information only

Recommended by: Minister of Energy

Authority: Alberta Utilities Commission Act
(section 81)

APPENDIX

Alberta Utilities Commission Act

ENERGY REGULATIONS AMENDMENT REGULATION

Administrative Procedures and Jurisdiction Act

1 The *Authorities Designation Regulation* (AR 64/2003) is amended by repealing section 1(e) and (f) and substituting the following:

- (e) the Energy Resources Conservation Board, except when it is imposing fees, interest, penalties or costs under section 27.2 of the *Energy Resources Conservation Act*;
- (f) the Alberta Utilities Commission, except when it is imposing administration fees, interest, penalties or costs under Part 7 of the *Alberta Utilities Commission Act*;

2 The *Designation of Constitutional Decision Makers Regulation* (AR 69/2006) is amended in Schedule 1

- (a) by adding “Alberta Utilities Commission” in Column 1 and adding “all questions of constitutional law” opposite it in Column 2;
- (b) by adding “Energy Resources Conservation Board” in Column 1 and adding “all questions of constitutional law” opposite it in Column 2.

City of Lloydminster Act

3(1) The Lloydminster Charter (AR 43/79) is amended by this section.

(2) In the following provisions, “Alberta Energy and Utilities Board” is struck out and “Alberta Utilities Commission” is substituted:

section 472(4);
section 472(5)(b);
section 472(7).

(3) In the following provisions, “The Public Utilities Board of Alberta” is struck out and “the Alberta Utilities Commission” is substituted:

section 162;
section 163(1).

(4) In the following provisions, “Public Utilities Board of Alberta” is struck out and “Alberta Utilities Commission” is substituted:

section 161(1);
section 387(1)(n)(i)(A);
section 472(7).

(5) Section 163 is amended

- (a) in subsection (1) by striking out “the Board” and substituting “the Commission”;**
- (b) in subsections (2) and (3) by striking out “Board” wherever it occurs and substituting “Commission”.**

(6) Section 397(2)(b)(i) is amended by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board of Alberta, the Alberta Utilities Commission”.

Climate Change and Emissions Management Act

4 The Specified Gas Emitters Regulation (AR 139/2007) is amended in section 1(1)(q)(ii) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board or the Alberta Utilities Commission”.

Coal Conservation Act

5 The Coal Conservation Regulation (AR 270/81) is amended in section 45(4) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

Electric Utilities Act

6 The *Isolated Generating Units and Customer Choice Regulation* (AR 165/2003) is amended

- (a) **in section 25(1)(a) and (b) by striking out “Board” and substituting “Alberta Energy and Utilities Board”;**
- (b) **in section 25(2)(a) by striking out “*Alberta Energy and Utilities Board Act*” and substituting “*Alberta Utilities Commission Act*”;**
- (c) **in the Regulation wherever it occurs, except in section 25, by striking out “Board” and substituting “Commission”.**

7 In the following Regulations, “Board” is struck out wherever it occurs and “Commission” is substituted:

- (a) *Billing Accuracy Regulation* (AR 110/2003);
- (b) *Code of Conduct Regulation* (AR 160/2003);
- (c) *Distribution Tariff Regulation* (AR 162/2003), except section 4;
- (d) *Flare Gas Generation Regulation* (AR 163/2003);
- (e) *Liability Protection Regulation* (AR 66/2004), except in sections 11(a) and 12;
- (f) *Power Purchase Arrangements Regulation* (AR 167/2003).

Electronic Transactions Act

8 The *Electronic Transactions Act Designation Regulation* (AR 35/2003) is amended in the Schedule

- (a) **by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”;**
- (b) **by adding “Alberta Utilities Commission” after “Alberta Petroleum Marketing Commission”.**

Environmental Protection and Enhancement Act

9 The *Environmental Assessment Regulation* (AR 112/93) is amended in section 2(1)(n) by adding “, the Alberta Utilities Commission” after “Energy Resources Conservation Board”.

Fair Trading Act

10 The *Cost of Credit Disclosure Regulation* (AR 198/99) is amended in section 2(1)(a) by striking out “*Public Utilities Board Act*” and substituting “*Public Utilities Act*”.

11 The *Energy Marketing Regulation* (AR 246/2005) is amended in section 21(1) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”.

Financial Administration Act

12 The *Funds and Agencies Exemption Regulation* (AR 128/2002) is amended in Schedule B

(a) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”;

(b) by adding “Energy Resources Conservation Board” after “Alberta Sport, Recreation, Parks and Wildlife Foundation”.

Forest and Prairie Protection Act

13 The *Forest and Prairie Protection Regulations* (AR 135/72) are amended in section 23(b) by striking out “*Public Utilities Board Act*” and substituting “*Public Utilities Act*”.

Freedom of Information and Protection of Privacy Act

14 The *Freedom of Information and Protection of Privacy Regulation* (AR 200/95) is amended in Schedule 1 by adding the following in alphabetic order under the heading “Energy”:

Alberta Utilities Commission

Energy Resources Conservation Board

Gas Utilities Act

15(1) The *Code of Conduct Regulation* (AR 183/2003) is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (c);

(b) by adding the following after clause (d):

(d.1) “Commission” means the Alberta Utilities Commission;

(3) In the following provisions, “Board” is struck out wherever it occurs and “Commission” is substituted:

section 1(1)(e) and (i)(ii);
section 10(3)(h);
section 26(3);
sections 30 to 35;
section 38;
section 40(3);
section 41.

16(1) The *Gas Utilities Exemption Regulation* (AR 53/99) is amended by this section.

(2) Section 1(b) is amended

- (a) **by striking out “Board” and substituting “Commission”;**
- (b) **by striking out “Board’s” and substituting “Commission’s”.**

(3) Section 2(a) is amended

- (a) **by striking out “Board’s” and substituting “Commission’s”;**
- (b) **in subclause (i) by striking out “Board” and substituting “Commission”.**

17 In the following Regulations, “Board” is struck out wherever it occurs and “Commission” is substituted:

- (a) *Default Gas Supply Regulation* (AR 184/2003);
- (b) *Natural Gas Billing Regulation* (AR 185/2003);
- (c) *Roles, Relationships and Responsibilities Regulation* (AR 186/2003).

Marketing of Agricultural Products Act

18 The *Alberta Milk Marketing Regulation* (AR 151/2002) is amended in the following provisions by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”:

section 28(1) and (2);
section 35(1);
section 42(1).

19 The *Alberta Milk Plan Regulation* (AR 150/2002) is amended in section 5(4) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”.

Mines and Minerals Act

20 The *Gas Processing Efficiency Assistance Regulation* (AR 275/89) is amended in section 1(1)(b) by striking out “or the Alberta Energy and Utilities Board”.

21 The *Horizontal Re-entry Well Royalty Reduction Regulation* (AR 348/92) is amended in section 1(1)(a) by striking out “or the Alberta Energy and Utilities Board”.

22 The *Innovative Energy Technologies Regulation* (AR 250/2004) is amended in section 1(1)(e)(i)(B) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

23 The *Low Productivity Well Royalty Reduction Regulation* (AR 350/92) is amended in section 1(1)(a) by striking out “or the Alberta Energy and Utilities Board”.

24 The *Mineral Rights Compensation Regulation* (AR 317/2003) is amended in section 12 by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

25 The *Mines and Minerals Administration Regulation* (AR 262/97) is amended in the following provisions by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”:

section 1(c);
Schedule, section 19(1)(b).

26 The *Natural Gas Royalty Regulation, 2002* (AR 220/2002) is amended in section 1(e) by striking out “or the Alberta Energy and Utilities Board”.

27 The *Oil Sands Royalty Regulation, 1997* (AR 185/97) is amended in section 1(c) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

28 The *Oil Sands Tenure Regulation* (AR 50/2000) is amended in section 1(c) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

29 The *Petroleum and Natural Gas Tenure Regulation* (AR 263/97) is amended in section 1(b) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

30 The *Petroleum Royalty Regulation* (AR 248/90) is amended in section 1(1)(a.06) by striking out “or the Alberta Energy and Utilities Board”.

31 The *Reactivated Well Royalty Exemption Regulation* (AR 352/92) is amended in section 1(1)(a) by striking out “or the Alberta Energy and Utilities Board”.

Municipal Government Act

32 The *Extension of Linear Property Regulation* (AR 265/2006) is amended in section 1 by striking out “Public Utilities Board” and substituting “Alberta Utilities Commission”.

33 The *Municipal Gas Systems Core Market Regulation* (AR 93/2001) is amended

(a) by repealing section 1(1)(c);

(b) by adding the following after section 1(1)(d):

(d.1) “Commission” means the Alberta Utilities Commission;

(c) in the Regulation wherever it occurs, except in section 1, by striking out “Board” and substituting “Commission”.

34(1) The *Subdivision and Development Regulation* (AR 43/2002) is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (a);

(b) by adding the following after clause (b):

(b.1) “ERCB” means the Energy Resources Conservation Board;

(3) Section 5(5)(c) is amended by striking out “*Public Utilities Board Act*” and substituting “*Public Utilities Act*”.

(4) Section 10 is amended

(a) in subsection (1) by striking out “AEUB” wherever it occurs and substituting “ERCB”;

(b) in subsection (2)

(i) by striking out “AEUB” wherever it occurs and substituting “ERCB”;

(ii) in clause (a) by striking out “AEUB’s” and substituting “ERCB’s”;

(c) in subsection (3)

(i) by striking out “AEUB’s” and substituting “ERCB’s”;

(ii) by striking out “AEUB” and substituting “ERCB”.

(5) In the following provisions, “AEUB” is struck out wherever it occurs and “ERCB” is substituted:

section 1(1)(h)(ii);

section 3;

section 4(5)(d);

section 5(5)(g);

section 11.

Natural Gas Marketing Act

35 The *Natural Gas Marketing Regulation* (AR 358/86) is amended

(a) in the following provisions by striking out “Public Utilities Board” and substituting “Alberta Utilities Commission”:

section 8(1), (2)(a)(i), (d) and (4);

section 17.2;

(b) in section 8(6) by striking out “Part 1 of the *Public Utilities Board Act*” and substituting “The *Alberta Utilities Commission Act*”.

Natural Gas Price Protection Act

36 The *Natural Gas Price Protection Regulation* (AR 157/2001) is amended in section 2(1), (1.1) and (3) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”.

Oil and Gas Conservation Act

37 The *Oil and Gas Conservation Regulations* (AR 151/71) are amended in Schedule 17 by striking out “Alberta Energy and Utilities Board” wherever it occurs and substituting “Energy Resources Conservation Board”.

38 The *Orphan Fund Delegated Administration Regulation* (AR 45/2001) is amended in section 1(c) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”.

Petroleum Marketing Act

39 The *Petroleum Marketing Regulation* (AR 174/2006) is amended in sections 2(2) and 4(6) by striking out “Alberta Energy and Utilities Board” wherever it occurs and substituting “Energy Resources Conservation Board”.

Public Sector Pension Plans Act

40 The *Management Employees Pension Plan* (AR 367/93) is amended in Schedule 2

(a) in Part 2 by adding the following after clause (d):

(d.1) the Alberta Utilities Commission,

(d.2) the Energy Resources Conservation Board,

(b) in Part 3 by adding the following after clause (a):

(a.1) the Alberta Utilities Commission,

(a.2) the Energy Resources Conservation Board,

41 The *Public Service Pension Plan* (AR 368/93) is amended in Schedule 2, Part 2 by adding the following after item 9:

(9.1) the Alberta Utilities Commission,

(9.2) the Energy Resources Conservation Board,

Public Utilities Board Act

42 The *Public Utilities Designation Regulation* (AR 194/2006) is amended in section 1(1) and (2) by striking out “*Public Utilities Board Act*” and substituting “*Public Utilities Act*”.

Regulations Act

43 The *Regulations Act Regulation* (AR 288/99) is amended in section 17

(a) in subsection (1)(e) by striking out “Public Utilities Board” and substituting “Alberta Utilities Commission”;

(b) by repealing subsection (2).

Small Power Research and Development Act

44 The *Small Power Research and Development Regulation* (AR 336/88) is amended in section 12(1)(a) and (2)(a) by striking out “Public Utilities Board” and substituting “Alberta Utilities Commission”.

Surface Rights Act

45 The *Surface Rights Act General Regulation* (AR 195/2007) is amended

- (a) in section 1(b) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”;
- (b) in section 5
 - (i) in subsections (1) and (2) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board”;
 - (ii) in subsection (3) by striking out “Alberta Energy and Utilities Board” and substituting “Energy Resources Conservation Board or the Alberta Utilities Commission, as the case may be.”;
 - (iii) in subsection (4) by striking out “Alberta Energy and Utilities Board” and substituting “Alberta Utilities Commission”.

Coming into Force

46 This Regulation comes into force on the coming into force of the *Alberta Utilities Commission Act*.

