

(Consolidated up to 254/2007)

ALBERTA REGULATION 110/2003

Electric Utilities Act

BILLING ACCURACY REGULATION

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Definitions

1 In this Regulation,

- (a) "complaint" means a complaint under section 4 that the Commission decides warrants a review;
- (b) "disputed account" means an account that is the subject of a complaint;
- (c) "eligible customer" has the meaning given to it in the *Regulated Default Supply Regulation*;
- (d) "regulated rate tariff provider" means a person designated by the Minister under section 2(a).

AR 110/2003 s1;254/2007

Application

2(1) For the purposes of this Regulation, the Minister may

- (a) designate regulated rate tariff providers to whom this Regulation applies, and
- (b) specify the service area in respect of which this Regulation applies.

(2) This regulation applies only to accounts issued by a regulated rate tariff provider on or after December 2, 2002.

Right to receive account

3(1) Each eligible customer who purchases electricity services from a regulated rate tariff provider has the right to receive an account from the provider that accurately sets out the charges that the eligible customer is to pay.

(2) If the charges are based on estimates of electric energy consumption made by the regulated rate tariff provider, the estimates must be fair and reasonable.

Customer complaints

4(1) An eligible customer of a regulated rate tariff provider may make a complaint to the Commission about an account from the regulated rate tariff provider if the eligible customer reasonably and in good faith believes

- (a) that the account does not accurately set out the charges that the eligible customer should pay, or
- (b) that, if the account is based on estimated electric energy consumption, that the estimates are not fair and reasonable.

(2) An eligible customer is not entitled to make a complaint about whether the regulated rate tariff provider is authorized to charge the eligible customer for services and other matters pursuant to the *Regulated Default Supply Regulation* or the *Electric Utilities Act*.

(3) When making a complaint, the eligible customer must provide the Commission with any information the Commission requires.

AR 110/2003 s4;254/2007

Responding to complaints

5(1) If the Commission decides that a complaint warrants a review, the Commission must send information about the complaint to the eligible customer's regulated rate tariff provider.

- (2) On receipt of the information sent by the Commission, the regulated rate tariff provider must, within 60 days of receiving the information, satisfy the Commission that
- (a) it accepts as accurate the eligible customer's estimate of consumption of electric energy and has issued a replacement account based on that estimate,
 - (b) it has issued a replacement account to the eligible customer showing actual electric energy consumption, as evidenced by an actual meter reading,
 - (c) the account is within a tolerance of 20% above or below the average daily consumption of electric energy as set out in the disputed account, as evidenced by an actual meter reading, or
 - (d) extenuating circumstances exist that justify the charges.

AR 110/2003 s5;254/2007

When disputed account settled in customer's favour

6 If the regulated rate tariff provider does not satisfy the Commission within 60 days in accordance with section 5(2), the complaint is conclusively settled in the eligible customer's favour and the regulated rate tariff provider

- (a) must issue a replacement account based on a customer supplied meter reading,
- (b) must provide the eligible customer with a credit of \$75 on the disputed account, or if that account is less than \$75, the balance of that credit must be applied to future accounts of the eligible customer, and
- (c) must not require the eligible customer to pay or charge the eligible customer any interest, penalty or other amount as a result of the eligible customer not paying the disputed account.

AR 110/2003 s6;254/2007

Effect of large variations

7 If the average daily consumption of electric energy set out in a replacement account issued under section 6 varies more than 20% above or below the average daily consumption of electric energy set out in the disputed account, the regulated rate tariff provider

- (a) must provide the eligible customer with a credit of \$75 on the replacement account, or if the replacement account is

less than \$75, the balance of that credit must be applied to future accounts of the eligible customer, and

- (b) must not require the eligible customer to pay or charge the eligible customer any interest, penalty or other amount as a result of the eligible customer not paying the amount of the disputed account.

Burden of proof

8 In proceedings before the Commission, the regulated rate tariff provider has the burden of proving that it has complied with this Regulation.

AR 110/2003 s8:254/2007

Duties and powers of the Commission

9(1) The Commission must

- (a) make or approve any tariffs, rules, procedures or practices it considers necessary or appropriate to give effect to this Regulation, and
- (b) resolve any issue arising from the interpretation or application of this Regulation.

(2) The Commission may do any or all of the following:

- (a) order that while a complaint remains unresolved, an eligible customer is obligated to pay only the amount that the Commission determines to be fair and reasonable;
- (b) make any order that it considers appropriate or necessary to ensure that a regulated rate tariff provider complies with this Regulation;
- (c) impose an administrative penalty on a regulated rate tariff provider of not more than \$100 000 a day for each day during which the regulated rate tariff provider fails to comply with this Regulation or with an order of the Commission;
- (d) order a regulated rate tariff provider to include a notice, in the form and using the words specified by the Commission, on all accounts sent to eligible customers, about the rights and duties in this Regulation;
- (e) dismiss a complaint and order that the existing terms and conditions of a regulated rate tariff apply to the eligible customer;

- (f) if a meter reading shows that a disputed account is reasonable, and the Commission considers the complaint to have been frivolous or vexatious, order the eligible customer to pay an off-cycle meter reading charge of not more than \$75;
- (g) from time to time assess its training, staff, administrative and operational costs under this Regulation and direct a regulated rate tariff provider, or if there is more than one, 2 or more providers, to pay those costs in the amount and proportion specified in its order, giving reasons for the apportionment.

AR 110/2003 s9;254/2007

Protection for customer

10(1) While a disputed account remains unresolved, the regulated rate tariff provider

- (a) has no recourse against the eligible customer who made the complaint by way of penalty, interest, service reduction, interruption or stoppage or by other action, and
- (b) may not take any action or provide any information that would affect the eligible customer's historical credit rating.

(2) No person may take or attempt to take any recourse described in subsection (1) while a disputed account remains unresolved.

Costs

11(1) A regulated rate tariff provider is not entitled to recover and the Commission may not permit the recovery of any costs referred to in section 9(2)(g) or under subsection (2) by or through a regulated rate tariff or any other tariff or by any other means, directly or indirectly.

(2) All costs payable or incurred by a regulated rate tariff provider as a result of the administration, operation, implementation and compliance with this Regulation are to be paid by the regulated rate tariff provider who incurs them.

AR 110/2003 s11;254/2007

Resolving conflict

12 In the event of a conflict or inconsistency between this Regulation and any other regulation, tariff or agreement, this Regulation prevails.

Repeal

13 The *Billing Accuracy Deficiency Correction Regulation* (AR 239/2002) is repealed.

Expiry

14 This Regulation is made under section 142(1) and (2) of the *Electric Utilities Act* and is repealed in accordance with section 142(3) of that Act.

Coming into force

15 This Regulation comes into force on the coming into force of Parts 1 to 10 of the *Electric Utilities Act*.