

November 16, 2011

Vulnerable Electricity and Natural Gas Customers Initiative and the Gas Utilities Act Code of Conduct Regulation AR 183/2003

1. This letter regards the AUC's initiative to protect vulnerable electricity and natural gas customers (see <http://www.auc.ab.ca/news-room/news-releases/News%20Releases/2011/News%20Release%202011-05.pdf>).
2. As part of its mandate the Alberta Utilities Commission (Commission) has responsibility for enforcing the *Gas Utilities Act Code of Conduct Regulation AR 183/2003*. The AUC has reviewed the implications this regulation may have on its initiative. Set out below are two specific scenarios regarding actions taken by a gas provider (generally speaking, the gas distributor or the default supply provider) pursuant to this initiative, which may be impacted by the code of conduct regulation.
3. In the first scenario, the Commission's initiative contemplates that as the winter season approaches, it may be necessary in certain circumstances for a gas provider to share customer information with third parties to help ensure that customers are not left at risk from disconnection of service. These third parties include the Utilities Consumer Advocate. The consent of the customer for such a sharing of information may not be in hand at the critical point, for a variety of reasons.
4. The Commission's view, is that so long as the customer has not clearly precluded the sharing (disclosure) of their information in such circumstances, subsection 10(1)(b) of the code of conduct regulation can reasonably be interpreted to allow it.
5. That provision creates an exception to the requirement for consent where "the disclosure is solely for the purpose of preventing interruption of gas services or gas distribution service."
6. Under the Commission's initiative, the disclosure and use of the customer information by the parties would be documented and limited to efforts to ensure that the interruption of gas services or gas distribution service can be avoided (the Commission interprets "interruption" to include a pending or continuing disconnection of gas at a site). This should be of benefit to the customer, if they would otherwise be at risk.
7. Further, this interpretation appears to be consistent with provisions of the Alberta *Personal Information Protection Act*, as per the views expressed by the Office of the Information and Privacy Commissioner regarding the AUC initiative. (<http://www.oipc.ab.ca/pages/home/default.aspx>)
8. In the second scenario, some circumstances, such as where a site has been disconnected but is still occupied as a residence by a person other than the previous customer, the gas provider may itself be in a position to provide basic and timely information about gas services and gas distribution service. For example, information regarding how to set up an account or reconnect

service. Such communication may occur during visits to the site by the gas provider or in telephone communications as part of efforts to contact the previous customer or occupant regarding the disconnect status, as contemplated in the Commission's initiative.

9. The Commission's view is that so long as the gas provider is not providing information about retail gas services in a manner which would be inconsistent with the code of conduct regulation there is no issue. For example, any discussion of competitive retail options should be prefaced with the disclosures about customer choice as set out in the code of conduct regulation.

10. If you have any questions please contact AUC Manager of Audit and Compliance Darcy Mazurkewich at 403-592-4429.

Yours truly,

(Original signed by)

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Chief Executive
Alberta Utilities Commission