



Province of Alberta

## **GAS DISTRIBUTION ACT**

Revised Statutes of Alberta 2000  
Chapter G-3

Current as of June 17, 2013

Office Consolidation

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### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### **Amendments Not in Force**

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

RSA 2000 cG-3 s32 amends ss1 and 4.

2003 c5 s1 (2008 c10 s4 - effective November 4, 2008) adds ss27.1 to 27.6.

# **GAS DISTRIBUTION ACT**

## Chapter G-3

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

#### **Definitions**

- 1 In this Act,
  - (a) “chief officer” means the Deputy Minister of the Department or an employee of the Department designated by the Minister as chief officer;
  - (b) “Department” means the Department administered by the Minister;
  - (c) “distributor” means the owner of a rural gas utility;
  - (d) “easement” means an instrument referred to in section 69 of the *Land Titles Act*;

- (e) “facility” means a highway, road, road allowance, railway, canal, watercourse, cable or pipeline that exists at the time a pipeline under this Act is being constructed;
- (f) “franchise area” means the area of land in Alberta that is described in a franchise area approval;
- (g) “franchise area approval” means a franchise area approval granted under Part 2;
- (h) “low pressure distribution pipeline” means a pipeline that
  - (i) is used for transmitting gas for domestic, commercial or industrial purposes,
  - (ii) is designed or intended to operate at a maximum pressure of 700 kilopascals or less, and
  - (iii) is not part of a rural gas utility;
- (i) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (j) “municipal franchise” means the right granted to a person by an urban municipality pursuant to an agreement entered into under the *Municipal Government Act* whereby a person provides natural gas service to an urban municipality or a portion of an urban municipality;
- (k) “municipal gas utility” means a municipal corporation that owns a gas utility that is subject to a franchise area approval;
- (l) “pipeline” includes any equipment, apparatus, mechanism, machinery or instrument incidental to the operation of a pipeline;
- (m) “plant” means a pipeline that
  - (i) is part of a rural gas utility, and
  - (ii) is dedicated to supplying gas to that portion of a franchise area that is annexed by an urban municipality;
- (n) “primary service line” means a pipeline that is used to deliver gas to a single consumer;
- (o) “rural gas co-operative association” means an association under the *Rural Utilities Act* that owns a rural gas utility;

- (p) “rural gas utility” means a system of pipelines used for the supply, transmission, distribution and delivery of gas to consumers in a franchise area;
- (q) “rural municipal authority” means
- (i) the corporation of a municipal district or Metis settlement,
  - (ii) the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or
  - (iii) the Minister responsible for the *Special Areas Act*, in the case of a special area;
- (r) “urban gas utility” means
- (i) a person who holds a municipal franchise, or
  - (ii) an urban municipality that owns its gas utility;
- (s) “urban municipality” means
- (i) a city, town, village or summer village, or
  - (ii) a hamlet that has a population of not less than 300 residents;
- (t) “utilities officer” means a person who assists a rural municipal authority in the organization, construction, operation and co-ordination, or any of them, of a rural gas utility or a public utility within the boundaries of that rural municipal authority.

1994 cR-19.1 s1;1995 c24 s99(38);1998 c26 s3

## Part 1 Administration

### Co-ordination of standards

**2(1)** The chief officer is responsible for the setting and enforcement of all standards related to the design, construction, operation, maintenance, quality assurance, plant records, surveys and as-built drawings for rural gas utilities and low pressure distribution pipelines.

**(2)** The chief officer may, subject to any terms and conditions the chief officer considers appropriate, waive or vary a standard referred to in subsection (1) or accept an alternative to such a standard where the chief officer is of the opinion that the waiver,

variance or alternative will not significantly compromise the safety, performance or quality assurance that the standard was designed to achieve.

1994 cR-19.1 s2;1998 c26 s4

#### **Waiver of compliance**

**3** The Minister may waive the compliance with any provision of this Act or any order or other document issued under this Act either absolutely, conditionally or for a stated period in any case when the Minister considers it warranted by special circumstances or necessary for the administration of this Act.

1994 cR-19.1 s3

#### **Inspections**

**4(1)** The chief officer or any other officer of the Department, or an employee of the Department authorized for that purpose by the chief officer, may at any reasonable time

- (a) enter on any land or premises to inspect a rural gas utility or a low pressure distribution pipeline, a consumer service installation or the offices of a distributor, and
- (b) examine any records of a distributor in connection with the operation of a rural gas utility if the distributor is a rural gas co-operative association or is a distributor who has received a grant under the regulations made pursuant to section 13 of the *Government Organization Act*.

**(2)** The Minister may, by agreement with an agency of the Government or a person, authorize that agency or person to conduct an inspection under subsection (1) on behalf of the Department.

**(3)** On an agreement being entered into under subsection (2), an individual carrying out an inspection under that agreement is authorized to exercise the same powers as those exercised by a person under subsection (1).

**(4)** A utilities officer employed by a rural municipal authority may enter on any land or premises located within the rural municipal authority for the purpose of inspecting a rural gas utility or any other public utility that is servicing the residents of that rural municipal authority.

1994 cR-19.1 s4;1994 cG-8.5 s67

**Compliance agreements**

**5** The chief officer may enter into agreements with distributors and with owners of low pressure distribution pipelines for the following purposes:

- (a) ensuring compliance with the standards referred to in section 2;
- (b) implementing quality management programs for the purposes of clause (a);
- (c) monitoring and auditing a distributor's or owner's operations in respect of the rural gas utility or the low pressure distribution pipeline.

1998 c26 s5

**Report of contraventions**

**6** A person conducting an inspection under section 4 shall, with respect to the construction, operation, maintenance or administration of a rural gas utility, low pressure distribution pipeline or consumer service installation, report any contravention or suspected contravention of any law to the appropriate department or agency of the Government of Alberta or of the Government of Canada having law enforcement responsibilities in respect of the subject-matter of the report.

1994 cR-19.1 s5

**Cessation of unsafe practices**

**7(1)** Where an inspection is conducted under section 4 and pursuant to that inspection it is determined that unsafe practices are being used or unsafe conditions exist with respect to

- (a) the construction or operation of a rural gas utility or a low pressure distribution pipeline, or
- (b) any work, activity or circumstance that could endanger persons or property,

the chief officer or other officer of the Department or a person authorized under section 4 may order that the unsafe practices be suspended or that remedial action be taken to remove the unsafe conditions.

**(2)** A person who receives an order under subsection (1) shall not resume construction, operation, work or activity until the unsafe practices or conditions have been withdrawn or otherwise stopped.

1994 cR-19.1 s6

**Offence**

**8** Any person who contravenes section 7(2), 13, 14, 16 or 21 is guilty of an offence and liable to a fine not exceeding \$5000 and in default of payment to a term of imprisonment not exceeding 3 months.

1994 cR-19.1 s7

**Order re contravention**

**9** When a person is contravening or has contravened section 7(2) or 13, the Minister of Justice and Solicitor General may, whether or not a conviction has been adjudged in respect of the contravention, apply to the Court of Queen's Bench on not less than 3 days' notice for an order doing one or more of the following:

- (a) restraining that person from contravening section 7(2) or 13, as the case may be;
- (b) restraining that person from continuing the contravention of section 7(2) or 13, as the case may be;
- (c) requiring that person to do any act for the purpose of withdrawing or stopping an unsafe practice or condition carried on in contravention of section 7(2);
- (d) requiring that person to do any act for the purpose of removing any pipeline constructed or installed in contravention of section 13;
- (e) requiring that person to make restitution to any other person for any damage resulting from the contravention of section 7(2) or 13, as the case may be.

RSA 2000 cG-3 s9;2009 c53 s71;2013 c10 s34

## **Part 2**

### **Rural Gas Utilities**

#### **Right of Way and Construction**

**Form of easement**

**10** An easement in favour of a rural gas co-operative association or municipal gas utility must be in a form that is prescribed or approved by the Director of Natural Gas Co-operatives under the *Rural Utilities Act*.

1994 cR-19.1 s9

**Acquisition of easement**

**11(1)** Prior to the construction or installation of a rural gas utility or low pressure distribution pipeline, the distributor or the owner of the low pressure distribution pipeline must ensure that

- (a) for the purposes of the rural gas utility or low pressure distribution pipeline, an interest in land has been acquired for the whole of the rural gas utility or low pressure distribution pipeline by way of easements negotiated with the Crown or any other person who owns land on which the rural gas utility or the low pressure distribution pipeline is to be installed,
- (b) all easements referred to in clause (a) or caveats respecting an interest in land are registered under the *Land Titles Act* or the *Metis Settlements Act*, and
- (c) the owner of any facility over or under which a rural gas utility or low pressure distribution pipeline is to be installed has given consent in writing to the installation.

**(2)** The *Dower Act* does not apply with respect to the acquisition of an easement referred to in subsection (1).

**(3)** Notwithstanding subsection (1)(a), an easement is not required for a primary service line that is installed on or under land in a hamlet, an urban municipality or a subdivision, as defined in Part 17 of the *Municipal Government Act*, if

- (a) the owner of the land on or under which the primary service line is installed has given consent in writing for the distributor to enter on the land to install, maintain and repair the primary service line, and
- (b) the chief officer has approved that the installation of the primary service line may be carried out without an easement being acquired.

1994 cR-19.1 s10;1995 c24 s100;1998 c26 s6

**Proceedings under Surface Rights Act**

**12** Notwithstanding section 11(1)(a), an interest in land for purposes of a rural gas utility may be acquired by proceedings under the *Surface Rights Act* instead of acquiring an easement in accordance with section 11(1)(a) if the chief officer, on application from the distributor, is satisfied that proceedings under the *Surface Rights Act* are in the public interest.

1994 cR-19.1 s11

**Conditions to be met**

**13** A person shall not construct a rural gas utility or a low pressure distribution pipeline unless that person has first obtained

- (a) the approval of the chief officer or an employee of the Department authorized by the chief officer to give the approval, and
- (b) all easements and consents required under section 11 for the installation of the rural gas utility or low pressure distribution pipeline.

1994 cR-19.1 s12

**Ground disturbance**

**14(1)** A person proposing to undertake or undertaking a ground disturbance within the meaning of the *Pipeline Act* must, before commencing any work, operation or activity, take all precautions reasonably necessary to ensure that the ground disturbance will not cause damage to or adversely affect the operation of a rural gas utility or low pressure distribution pipeline.

**(2)** The owner or operator of a rural gas utility or low pressure distribution pipeline must provide any information or assistance to a person proposing to undertake or undertaking a ground disturbance that the person may reasonably require to enable the person to comply with subsection (1).

**(3)** At the request of the Minister, the Alberta Energy Regulator may inquire into and examine an incident respecting a rural gas utility or low pressure distribution pipeline where in its opinion it is in the public interest to do so.

RSA 2000 cG-3 s14;2007 cA-37.2 s82(10);2012 cR-17.3 s90

**Government pipeline**

**15(1)** The Minister may purchase, construct, operate and maintain a high pressure gas pipeline that is required to bring gas from a source to a rural gas utility.

**(2)** A pipeline purchased or constructed under this section is owned by the Crown in right of Alberta unless transferred by the Crown to another government, agency or person.

**(3)** The Minister may purchase, construct, operate and maintain a meter station.

**(4)** The Minister may enter into an agreement in respect of any or all of the construction, operation and maintenance of a pipeline or meter station purchased or constructed under this section.

1994 cR-19.1 s14

## Franchise Areas

### Application for franchise area approval

**16(1)** A person who proposes to construct a rural gas utility must first apply for a franchise area approval in respect of the rural gas utility.

**(2)** An application for a franchise area approval must

- (a) be filed with the chief officer, and
- (b) include the information that the chief officer requires to determine whether the rural gas utility will be economically viable and whether the distributor will be able to comply with the standards referred to in section 2.

**(3)** When a franchise area approval is issued, it must exclude areas contained within the boundaries of an urban municipality unless the council of the urban municipality agrees to the provision of gas service to the residents of the urban municipality by the distributor to which the franchise area approval applies.

**(4)** Notwithstanding subsection (3), a franchise area approval must exclude the area contained within the boundaries of an urban municipality if the council wishes to confer a municipal franchise on the distributor.

1994 cR-19.1 s15

### Issue of franchise area approval

**17(1)** A franchise area approval must prescribe the franchise area for the rural gas utility of the distributor to whom it is issued.

**(2)** The boundaries of a franchise area must

- (a) coincide as nearly as possible with existing municipal boundaries, and
- (b) avoid conflict with the boundaries of existing gas utility systems.

**(3)** In determining the boundaries of a franchise area, the chief officer must

- (a) take into consideration natural boundaries or obstacles that may inhibit growth of the rural gas utility or cause economic hardship for the distributor, and
- (b) ensure that local conditions and the community of interest among potential consumers are recognized.

(4) The chief officer shall not issue a franchise area approval unless the chief officer is satisfied that it is in the public interest to do so, having regard to the availability of other sources of gas, the present and future need for the extension of gas service throughout rural Alberta and any other circumstances that in the chief officer's opinion are relevant to the public interest.

(5) This section applies to a distributor to whom a franchise area approval is issued notwithstanding any other Act or any agreement or instrument made or issued under any other Act.

1994 cR-19.1 s16

#### **Franchise gives exclusive right**

**18(1)** A distributor holding a franchise area approval has both the exclusive right and the duty to offer and provide gas service to all potential consumers within the distributor's franchise area.

(2) Notwithstanding subsection (1), a distributor does not have the exclusive right to provide gas service to the following consumers:

- (a) a consumer using gas as a feedstock;
- (b) a consumer who holds the royalty rights to gas and who uses that gas to serve the consumer's own requirements, notwithstanding that the consumer may already have obtained natural gas service from the distributor;
- (c) a consumer who obtained natural gas service from another person prior to the date that the distributor obtained its franchise area approval;
- (d) a consumer who will use natural gas service on an intermittent or standby basis, other than for grain drying or irrigation purposes;
- (e) a consumer whose estimated annual energy use from natural gas service for purposes other than farming operations is greater than 10 000 gigajoules.

(3) Nothing in subsection (2) shall be construed so as to prohibit a distributor from offering and, if the offer is accepted, from providing service to any of the consumers referred to in subsection (2) who are located within the distributor's franchise area.

(4) Notwithstanding subsection (1), the chief officer may waive a distributor's duty to provide gas service to a consumer who is located within the distributor's franchise area if the chief officer is satisfied that it is not economically feasible for the distributor to provide service to that consumer.

1994 cR-19.1 s17

**Amendment of franchise area approval**

**19(1)** The chief officer may, on application or on the chief officer's own motion, amend a franchise area approval if the chief officer is satisfied that the amendment

- (a) will improve the economic viability of the rural gas utility,
- (b) will enhance the opportunity for potential consumers to obtain gas service,
- (c) will not be unfair or discriminatory to the distributor affected by the amendment, or
- (d) is in the public interest.

**(2)** The chief officer may, instead of making an amendment to a franchise area approval, issue a new franchise area approval incorporating the amendment and any previous amendments.

1994 cR-19.1 s18

**Revocation of franchise area approval**

**20(1)** The chief officer may revoke a franchise area approval when the chief officer is satisfied that it is in the public interest to do so having regard

- (a) to the failure of the distributor to provide safe and adequate gas service to consumers, or
- (b) to any other circumstances that the chief officer considers so prejudicial to consumers as to warrant the revocation.

**(2)** If a franchise area approval is revoked,

- (a) the distributor shall cease to operate the rural gas utility that is the subject of the approval, and
- (b) the chief officer may, following consultation with the consumers of the rural gas utility, appoint another distributor to operate the rural gas utility.

1994 cR-19.1 s19

**Gas service outside franchise area**

**21(1)** A distributor shall not offer gas service to a potential consumer outside the distributor's franchise area or within the franchise area of another distributor unless the distributor has received the consent of the chief officer to do so.

**(2)** Where

- (a) a potential consumer applies for gas service to a distributor who is the holder of a franchise area approval, and
- (b) the location to which the gas is to be supplied is not within the franchise area prescribed by that approval or within any other franchise area,

the distributor may apply to the chief officer for an amendment to the franchise area approval for the purpose of having the consumer's location brought within the distributor's franchise area.

**(3)** When a potential consumer within a franchise area of one distributor applies for gas service to another distributor who is the holder of a franchise area approval, that other distributor may apply to the chief officer for an amendment to the distributor's franchise area approval for the purpose of having the potential consumer's location brought within that other distributor's franchise area.

**(4)** An application under subsection (3) must be accompanied with the consent of the distributor first mentioned in that subsection, but the chief officer may dispense with the consent on any conditions that the chief officer considers just.

1994 cR-19.1 s20

### **Appeals re franchise areas**

**22(1)** When the chief officer

- (a) refuses an application for a franchise area approval or an amendment to a franchise area approval,
- (b) issues a franchise area approval or amends a franchise area approval, or
- (c) revokes a franchise area approval,

the refusal, approval, amendment or revocation, as the case may be, may be appealed to the Alberta Utilities Commission.

**(2)** An appeal under this section may be made by any person having an interest in the decision of the chief officer.

**(3)** An appeal may be commenced by sending a notice of appeal by registered mail to the chair of the Alberta Utilities Commission within 30 days from the day that the chief officer's decision was issued unless leave extending that time is given by the Alberta Utilities Commission.

**(4)** A notice of appeal must be in writing and must set out the grounds for the appeal.

- (5) The Alberta Utilities Commission may refuse to consider an appeal unless subsections (3) and (4) are complied with.
- (6) In deciding an appeal under this section, the Alberta Utilities Commission may modify or reverse the chief officer's decision only if the Alberta Utilities Commission is satisfied that the chief officer has erred in law or has improperly applied this Act in making the decision.
- (7) The Alberta Utilities Commission, on hearing an appeal, may
- (a) confirm the chief officer's decision, or
  - (b) subject to subsection (6), direct the chief officer to modify or reverse the chief officer's decision on the terms set out by the Commission.

RSA 2000 cG-3 s22;2007 cA-37.2 s82(10)

## Annexations

### Annexation

- 23(1)** Notwithstanding section 18, when any part of a franchise area is annexed by an urban municipality, the right to provide service to the residents of the annexed area shall be vested with the urban gas utility as of the date of the order of the Lieutenant Governor in Council approving the annexation.
- (2) If an urban municipality is served under a municipal franchise, subsection (1) does not apply unless the urban gas utility is authorized under that municipal franchise to serve the residents of any area annexed by the urban municipality during the term of the franchise.
- (3) If a municipal franchise does not authorize an urban gas utility to serve any area annexed by an urban municipality, the council of the urban municipality must, within 6 months from the date of the order of the Lieutenant Governor in Council approving the annexation, decide if the urban gas utility or the distributor is to serve the annexed area.
- (4) If the council of the urban municipality decides that the distributor may continue to serve the annexed area, it must enter into a municipal franchise with the distributor.
- (5) If, pursuant to a municipal franchise or a decision made under subsection (3), an urban gas utility is authorized to serve an annexed area, the urban gas utility must within 3 months from the date of the order of the Lieutenant Governor in Council approving the annexation or the date of the decision made under subsection (3), as the case may be,

- (a) purchase the plant from the distributor,
  - (b) assume responsibility for the provision of gas service to all existing consumers in the annexed area, and
  - (c) pay compensation to the distributor in an amount determined in accordance with section 25.
- (6) If a pipeline owned by a distributor is located in an annexed area but is used to supply gas to consumers outside the annexed area, the distributor may
- (a) with the approval of the chief officer, relocate the pipeline if, in the distributor's opinion, the operation of the pipeline may be adversely affected by future developments within the annexed area, or
  - (b) conduct a legal survey of the right of way for the pipeline and prepare and file legal survey plans in accordance with the *Land Surveys Act*.
- (7) An urban gas utility must reimburse a distributor for costs incurred under subsection (6) within 30 days from the date that the urban gas utility receives a statement of costs from the distributor.
- (8) An urban gas utility owned by a municipality is not obliged to pay compensation under subsection (7) or section 25(b).
- (9) The chief officer must amend a franchise area approval to exclude an area annexed by an urban municipality if the chief officer is satisfied that the area is subject to a municipal franchise.

1994 cR-19.1 s22

**Interim supply of gas**

**24** Notwithstanding section 23(5), an urban gas utility may enter into an agreement with a distributor to allow the distributor to continue to supply gas on an interim basis to some or all of the residents of an annexed area.

1994 cR-19.1 s23

**Determination of compensation**

**25** The amount of compensation payable under section 23(5)(c) must include the following:

- (a) the value of the plant, which shall be calculated as 5 times the annual revenue that the urban gas utility will receive from the existing consumers in the annexed area based on
  - (i) the fixed monthly charge for each consumer multiplied by 12, and

- (ii) the base energy charge multiplied by each consumer's estimated energy consumption for the previous 12 months;
- (b) severance damages based on the number of acres of land within the distributor's franchise area that have been annexed by the urban municipality multiplied by,
  - (i) in the case of annexations that take place within the first 10 years from July 1, 1994, an amount of \$50 per acre, and
  - (ii) in the case of annexations that take place within any 10-year period that is subsequent to the 10-year period referred to in subclause (i), an amount of \$50 per acre compounded by the Consumer Price Index for Alberta for each year that occurs in the interval between July 1, 1994 and the beginning of that subsequent 10-year period.

1994 cR-19.1 s24

**Characterization of compensation**

**26** An amount paid under section 23 by an urban gas utility that is subject to the *Gas Utilities Act* is deemed to be a prudent acquisition cost in the determination of the utility's rate base under that Act.

1994 cR-19.1 s25

**Appeals re compensation, etc.**

**27(1)** The distributor, the urban gas utility or any other interested party may appeal to the Alberta Utilities Commission by written notice for one or more of the following reasons:

- (a) where the council of an urban municipality is required to make a decision under section 23(3) and that decision has not been made within the time frame stipulated by that subsection;
- (b) where any of the provisions of section 23(5) have not been satisfied within 3 months from the date of the order of the Lieutenant Governor in Council approving an annexation or the date of a decision made under section 23(3);
- (c) where the distributor and the urban gas utility are unable to agree on the amount of compensation to be paid under section 23;

- (d) where the distributor has not been reimbursed under section 23(7) within 30 days from the date that the urban gas utility receives the distributor's statement of costs.
- (2) On hearing an appeal, the Alberta Utilities Commission may make an order doing one or more of the following:
- (a) setting the date by which the council of an urban municipality must make a decision under section 23(3);
  - (b) setting the date by which any provision under subsection 23(5) must be satisfied;
  - (c) prescribing the amount to be paid to the distributor under any provision of section 23;
  - (d) setting the date by which the distributor shall be reimbursed under section 23(7).
- RSA 2000 cG-3 s27;2007 cA-37.2 s82(10)

### **Part 3 Gas Alberta**

#### **Transfer of Gas Alberta functions**

**28** The Minister may enter into an agreement with a person providing for the transfer or assignment to that person and the assumption by that person of

- (a) any or all of the Minister's rights, powers, duties and obligations acquired by virtue of the Minister's exercising powers under section 28 of the *Gas Distribution Act*, SA 1994 cG-1.5, as it read on June 30, 1998, together with related property and assets,
- (b) gas sales obligations entered into by the Minister under section 30 of the *Gas Distribution Act*, SA 1994 cG-1.5, as it read on June 29, 2000, and
- (c) the balance or deficit in the Gas Alberta Operating Fund

that are subsisting on July 1, 1998.

1998 c26 s10

## Part 4

### Rural Gas Co-operative Associations and Municipal Gas Utilities

#### Form of contract

**29** The chief officer may require changes to any form of contract used by a rural gas co-operative association or municipal gas utility if the chief officer considers the change necessary in the public interest.

1994 cR-19.1 s32

#### Jurisdiction of Alberta Utilities Commission

**30(1)** The *Gas Utilities Act* does not apply to a rural gas utility operated by a rural gas co-operative association or municipal gas utility, but

- (a) a rural gas co-operative association or municipal gas utility shall file a copy of its schedule of rates, tolls and charges with the Alberta Utilities Commission, and
- (b) a consumer who is receiving gas service from a rural gas utility operated by a rural gas co-operative association or municipal gas utility and who has a grievance respecting terms of service, service charges, rates or tolls made to that consumer may, by application, appeal the matter to the Alberta Utilities Commission.

**(2)** If, on hearing an application made under subsection (1), the Alberta Utilities Commission is satisfied that the term, service charge, rate or toll

- (a) does not conform to the utility rate structure established by the rural gas co-operative association or municipal gas utility,
- (b) has been improperly imposed, or
- (c) is discriminatory,

the Alberta Utilities Commission may make an order varying, adjusting or disallowing the whole or any part of that term, charge, rate or toll.

**(3)** Where a person

- (a) is not being provided with gas service by a rural gas co-operative association or municipal gas utility operating a rural gas utility, and

- (b) wishes to receive gas service from that rural gas co-operative association or municipal gas utility,

that person may make a complaint to the Alberta Utilities Commission respecting the lack of gas service.

(4) On hearing a complaint made under subsection (3), the Alberta Utilities Commission may, by order, require a rural gas co-operative association or municipal gas utility to supply and deliver gas to the person, for the purpose, at the rate, prices and charges, and on the terms and conditions that the Commission from time to time directs, fixes and imposes.

(5) An application or a complaint made under this section must

- (a) be in writing,
- (b) be sent by registered mail to the chair of the Alberta Utilities Commission and the chief officer, and
- (c) set out the grounds for the appeal.

(6) In conducting a hearing of an application or a complaint made under this section, the Alberta Utilities Commission

- (a) shall give prior notice of the hearing to the persons who are the interested parties to the matter, and
- (b) shall give the interested parties an opportunity to be heard at the hearing.

RSA 2000 cG-3 s30;2007 cA-37.2 s82(10)

#### **Gas Utilities Act applies**

**31(1)** Notwithstanding section 30, if

- (a) an urban municipality grants to a rural gas co-operative association a municipal franchise for the whole of the municipality and, prior to granting that franchise, the municipality had been served by an urban gas utility, or
- (b) a rural gas co-operative association provides service in an area annexed by an urban municipality under the provisions of a municipal franchise and, at any time following the annexation, the number of consumers in the annexed area is 100 or greater,

the *Gas Utilities Act* applies to the utility operated by the rural gas co-operative association within the boundaries of the urban municipality or the boundaries of the annexed area.

**(2)** Subsection (1) does not apply to an urban municipality or annexed area served by a rural gas co-operative association at July 1, 1994.

1994 cR-19.1 s34

## **Part 5 Repeal Provisions**

### **Repeal by Proclamation**

**32** Sections 1(q) and (t) and 4(4) may be repealed on Proclamation.

1994 cR-19.1 s41;1996 c28 s46





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