

Alberta Regulation 246/2007

Freedom of Information and Protection of Privacy Act

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
(MINISTERIAL) REGULATION**

Filed: December 19, 2007

For information only: Made by the Minister of Service Alberta (M.O. SA:028/2007) on December 17, 2007 pursuant to section 94(3) of the Freedom of Information and Protection of Privacy Act.

Designation of public bodies

1 The following bodies are designated as public bodies:

- (a) Alberta Investment Management Corporation;
- (b) a nominating committee established under the *Alberta Investment Management Corporation Regulation* (AR 225/2007).

Authority

2 This Regulation is made in accordance with section 94(3) of the Act and is repealed in accordance with section 94(2) or (4) of the Act.

Expiry

3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2012.

Coming into force

4 This Regulation comes into force on January 1, 2008.

Alberta Regulation 247/2007

Mines and Minerals

OIL SANDS DISPUTE RESOLUTION REGULATION

Filed: December 19, 2007

For information only: Made by the Minister of Energy (M.O. 52/2007) on September 17, 2007 pursuant to section 39 of the Mines and Minerals Act.

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Mines and Minerals Act*;
- (b) “applicant” means a lessee, Project owner or Project operator, or an agent of any of them;
- (c) “committee” means a committee established under Part 2;
- (d) “Department” means the Department of Energy;
- (e) “Department official” means a person delegated by the Minister to act under section 38(2) of the Act and the Royalty Regulation;

- (f) “Director” means the Director of Dispute Resolution for the Department;
 - (g) “lessee” means a lessee as defined in the Act;
 - (h) “Minister” means the Minister of Energy;
 - (i) “objection” means, subject to section 2, an objection referred to in section 39 of the Act;
 - (j) “Project” means a Project as defined in the Royalty Regulation;
 - (k) “Project operator” means an operator as defined in the Royalty Regulation;
 - (l) “Project owner” means a Project owner as defined in the Royalty Regulation;
 - (m) “Royalty Regulation” means the *Oil Sands Royalty Regulation, 1997 (AR 185/97)*;
 - (n) “Statement of No Resolution” means a Statement of No Resolution issued by the Director pursuant to section 5(5).
- (2) Terms and expressions defined in the Royalty Regulation apply to those terms and expressions when used in this Regulation.

Part 1 Terms and Conditions of Objections

Objections

- 2(1)** Subject to section 38(4) and (5) of the Act, an applicant may make an objection related to the Royalty Regulation only in accordance with the terms and conditions set out in this Regulation.
- (2)** Only one application may be made in respect of the same objection.
- (3)** Before an objection may be made, the Project operator must pay all royalty amounts that are payable under the Act that relate to the objection.
- (4)** An objection must be made in writing to the Director only after the applicant has contacted the Department for the purpose of resolving the matter in dispute.
- (5)** The objection must be received by the Director within 90 days from the end of the month in which the Department official sent to the Project operator the notice advising of the calculation or recalculation.

(6) The Minister may, in exceptional circumstances, extend the period referred to in subsection (5).

Contents of objection

3(1) An objection must contain the following information:

- (a) a copy of the notice advising of the calculation or recalculation;
- (b) a summary of the basis for the objection;
- (c) evidence showing that section 2(3) has been complied with.

(2) If the information required under subsection (1) has been provided to the satisfaction of the Director and section 2 has been complied with, the Director must give a notice in writing to the applicant that the objection will be reviewed by the Director.

Additional information

4(1) For the purpose of conducting a review of the objection, the Director may request from the Department official or the applicant

- (a) additional information, including, but not limited to, any relevant evidence, legislation and guidelines, and
- (b) the Department official's and applicant's analysis and position with respect to the objection.

(2) The applicant and the Department official must provide the information to the Director by the date specified by the Director.

Resolution of objection

5(1) The Director, after considering the merits of the objection, must propose a resolution to the objection not later than 180 days after the date the Director gave the notice under section 3(2) by sending a copy of the Director's proposed resolution to the applicant and the Department official.

(2) The Director may, if both the Department official and the applicant agree, extend the period referred to in subsection (1).

(3) The applicant and the Department official must, not later than 60 days after receiving a copy of the proposed resolution, respond to the Director on the proposed resolution referred to in subsection (1).

(4) The Director may, in exceptional circumstances, extend the period referred to in subsection (3).

(5) If the Department official or the applicant does not accept the resolution proposed by the Director, the Director must issue a Statement of No Resolution to the Department official and the applicant indicating the matters that remain in dispute.

(6) If neither the applicant nor the Department official responds within the period referred to in subsection (3) or (4), the resolution proposed by the Director is deemed to have been accepted by both the applicant and the Department official.

Part 2

Establishment of an Oil Sands Dispute Review Committee

Request for establishment

6(1) Where a Statement of No Resolution has been issued under section 5(5) with respect to one or more matters in dispute and the terms and conditions of this Part are complied with, an applicant may request the establishment of an oil sands dispute review committee to provide recommendations to the Minister regarding a resolution to the matters that are in dispute.

(2) The request must be made in writing to the Director by the applicant and received by the Director not later than 90 days after the date the Statement of No Resolution was issued by the Director.

(3) The Minister may, in exceptional circumstances, extend the period referred to in subsection (2).

Contents of request

7(1) A request under section 6 must contain the following information:

- (a) a copy of the Statement of No Resolution;
- (b) a brief summary of the applicant's position with respect to the matters that are in dispute.

(2) After the Director determines that a request contains all of the information required under subsection (1), the Director must

- (a) provide written notice to the applicant indicating that the request meets those requirements, and
- (b) forward the request to the Minister to decide whether to establish a committee.

Establishment of committee

8(1) Not later than 30 days after the Director has provided the applicant with written notice pursuant to section 7(2)(a), unless the Minister determines that additional time is required, the Minister must advise the Director whether a committee will be established.

(2) The Minister must agree to establish a committee unless, in the opinion of the Minister,

- (a) the request
 - (i) is frivolous,
 - (ii) is vexatious, or
 - (iii) is without merit,

or

- (b) the subject-matter of the dispute has been dealt with by a previous committee.

(3) If the Minister agrees to establish a committee, the Department official and the applicant must, not later than 30 days after being requested by the Director, unless the Director extends that period, each nominate 3 individuals who have consented to participate as members of a committee.

(4) An individual shall not be nominated if the individual is an employee of the Department or the applicant or of an affiliated company of the applicant.

(5) The Director must provide the names of the persons nominated under subsection (3) to the Minister, and may make recommendations to the Minister as to the membership of the committee, including the chair.

(6) The Minister may request that additional nominations be submitted by the Department official or the applicant or both.

(7) Not later than 90 days after the date the Director has provided the names under subsection (5), unless the Minister determines that additional time is required, the Minister must establish a committee in accordance with section 7 of the *Government Organization Act* consisting of 3 members as follows:

- (a) a chair;
- (b) a nominee of the Department;

- (c) a nominee of the applicant.

Powers and duties of a committee

9(1) A committee must

- (a) conduct a fair, expeditious and impartial hearing of the matters in dispute, and
 - (b) subject to this section, establish rules and procedures for dealing with matters before it.
- (2) Two members of the committee constitute a quorum.
- (3) The committee may determine the admissibility, relevance and weight of evidence given and may require any person giving evidence before it to do so under oath.
- (4) All oral evidence received must be taken down in writing or recorded by electronic means.
- (5) The committee is not bound to hold an oral hearing but may instead make its decision based on written submissions.
- (6) The committee may consider new information relevant to a dispute that was not available to the Director when considering the objection and issuing the Statement of No Resolution.
- (7) All hearings must be held in private.
- (8) In establishing procedures for hearing a dispute, the committee must, unless the Department official and the applicant otherwise agree,
- (a) provide the Department official and the applicant with at least 28 days to prepare written submissions to be filed with the committee by a date specified by the committee, but that date must not be later than 21 days before the date the matters in dispute are to be reviewed by the committee,
 - (b) provide the Department official and the applicant with at least 14 days to prepare a response to the written submissions referred to in clause (a) to be filed with the committee by a date specified by the committee, but that date must not be later than 7 days before the date the matters in dispute are to be reviewed by the committee, and
 - (c) require the Department official and the applicant to provide a copy of the written submissions and response filed pursuant to clauses (a) and (b) to each other at the same time as those submissions are filed with the committee.

- (9)** Written submissions must include the following:
- (a) a summary of the facts, evidence and arguments supporting the position of the party filing the submission;
 - (b) in a case where an oral hearing is to be held, a list of witnesses to be called by the party filing the submission and a summary of each witness's evidence;
 - (c) the name and contact information of the lawyer or other agent acting on behalf of the party to the dispute.

Committee recommendations

- 10(1)** The committee must provide the Director and the Department official
- (a) with written recommendations, and reasons for its recommendations, not later than 30 days after the completion of the hearing, unless the Minister extends that period of time, and
 - (b) any supporting documentation on request of the Minister.
- (2)** The Minister, after having reviewed the recommendations and reasons, must make a decision to accept, reject or vary the recommendations of the committee and must deliver a copy of his or her decision to the Director.
- (3)** A decision under subsection (2) must be made within 30 days of the date the committee issued its written recommendations and reasons, unless the Minister determines that additional time is required.
- (4)** The Director must, not later than 7 days after receiving a decision of the Minister,
- (a) provide a copy of the recommendations and reasons of the committee and the decision of the Minister to the Department official and the applicant, and
 - (b) publish or otherwise make available the documents referred to in clause (a), or a summary of them, in a manner the Director considers appropriate.

Costs

- 11(1)** A committee must obtain the prior approval of the Minister before incurring any costs in the performance of its duties.

(2) The Department and the applicant must share equally in any costs incurred by the committee in the performance of its duties, including the remuneration and expenses of committee members.

Expiry

12 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on September 1, 2017.

Alberta Regulation 248/2007

Emergency Management Act

GOVERNMENT EMERGENCY MANAGEMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 582/2007) on December 19, 2007 pursuant to section 6 of the Emergency Management Act.

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Definitions

1 In this Regulation,

- (a) “Agency” means the Alberta Emergency Management Agency;
- (b) “Alberta Emergency Plan” means the plan referred to in section 2(1)(c);
- (c) “business continuity plan” means, with respect to a business disruption, a plan through which
 - (i) essential services will be prioritized,

- (ii) mitigation measures are employed, and
- (iii) continuity of service strategies are co-ordinated and implemented;
- (d) “consequence management plan” means a plan that sets out actions to be taken,
 - (i) for mitigation, preparedness, response and recovery with regard to emergencies, except human-induced intentional threats, and
 - (ii) for response and recovery in respect of human-induced intentional acts;
- (e) “crisis management plan” means a plan that sets out actions to be taken for mitigation and preparedness in respect of human-induced intentional threats;
- (f) “department” means
 - (i) a department of the Government established under the *Government Organization Act*,
 - (ii) the office of Corporate Human Resources, and
 - (iii) the Agency;
- (g) “department plans” means business continuity plans and consequence management plans and any additional plans required by a responsible Minister under section 2(1)(f)(i);
- (h) “deputy head” means
 - (i) the deputy minister of a department referred to in clause (f)(i),
 - (ii) the Public Service Commissioner, and
 - (iii) the Managing Director of the Agency;
- (i) “emergency management” means the management of emergencies concerning all hazards, including all activities and risk management measures related to prevention and mitigation, preparedness, response and recovery;
- (j) “emergency management partners” means those persons or organizations that have a role in Alberta’s emergency management system;

- (k) “emergency management system” means the elements required for effective emergency management, including legislative, regulatory and policy frameworks, emergency plans and procedures and the involvement of emergency management partners;
- (l) “emergency plans” means the following plans:
 - (i) Government plans;
 - (ii) department plans;
 - (iii) municipal plans;
- (m) “Government” means the Government of Alberta;
- (n) “Government plans” means the following plans:
 - (i) the Alberta Emergency Plan;
 - (ii) hazard-specific plans;
 - (iii) the Government of Alberta Business Continuity Plan referred to in section 2(1)(d);
 - (iv) the Alberta Counter Terrorism Crisis Management Plan;
- (o) “hazard” means a potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation;
- (p) “hazard-specific plan” means a plan that sets out actions for mitigation of a specific hazard and preparedness, response and recovery activities with regard to an emergency caused by that hazard;
- (q) “municipal plans” means plans referred to in sections 10 and 11 of the Act;
- (r) “responsible Minister” means
 - (i) the Minister responsible for this Regulation, and
 - (ii) the Minister responsible for the plan referred to in section 2(1)(g).

**Responsibilities of the Alberta Emergency
Management Agency**

2(1) The Agency shall

- (a) be the co-ordinating agency for, and provide strategic policy direction and leadership to the Government and its emergency management partners,
- (b) develop, implement, manage and maintain the Alberta emergency management system as described in the Alberta Emergency Plan,
- (c) in consultation with departments and emergency management partners, develop, implement and maintain a comprehensive plan to be known as the "Alberta Emergency Plan", which shall include
 - (i) a description of the Alberta emergency management system,
 - (ii) the Government of Alberta Business Continuity Plan and any hazard-specific plan required under clause (e),
 - (iii) the roles and responsibilities of departments and emergency management partners,
 - (A) generally in the Alberta emergency management system, and
 - (B) specifically in the preparation, implementation and maintenance of plans required by departments and local authorities,
- and
- (iv) the procedures for the co-ordination of emergencies,
- (d) in consultation with departments, develop, implement and maintain a business continuity plan to be known as the Government of Alberta Business Continuity Plan,
- (e) in consultation with one or more departments, co-ordinate the development of hazard-specific plans to be implemented and maintained under the responsibility of one or more of those departments,
- (f) require departments, in consultation with the Agency,
 - (i) to prepare, implement and maintain, in accordance with the Government plans, consequence management plans, business continuity plans and any other plans required by a responsible Minister,
 - (ii) to review the effectiveness of the plans referred to in subclause (i) based on

- (A) identified exercise objectives for a simulated emergency, or
- (B) the lessons learned evaluation criteria established for a real emergency,

and

- (iii) to carry out other functions and responsibilities set out in the Alberta Emergency Plan,
- (g) liaise with the Department responsible for the preparation, implementation and maintenance of a crisis management plan relating to counter terrorism to be known as the Alberta Counter Terrorism Crisis Management Plan,
- (h) establish mutual aid arrangements and maintain liaison with
 - (i) the departments, agencies, boards, commissions and Crown corporations of the governments of the provinces and territories and of Canada,
 - (ii) the State of Montana and its agencies, and
 - (iii) other provincial, national, international or regional organizations involved in emergency management,
- (i) assist local authorities in the preparation, implementation and maintenance of their municipal plans, and
- (j) conduct or facilitate training for employees of the Government or of municipalities or for other persons who have functions and responsibilities under this Regulation.

(2) Nothing in subsection (1) affects the responsibilities that local authorities, departments or agencies, boards, commissions and Crown corporations may have in respect of emergency plans under other legislation.

Departmental responsibilities

3(1) The functions and responsibilities of departments in respect of emergency management are those set out in this Regulation and the Alberta Emergency Plan.

(2) Each department must prepare, implement and maintain plans, including reviewing the effectiveness of the plans, as required by the Agency under section 2 and the Alberta Emergency Plan.

(3) A department may require an agency, board, commission or Crown corporation that reports to the Minister of that department to prepare, implement and maintain emergency plans for that agency, board, commission or Crown corporation.

Responsibilities of deputy head

4 The deputy head of a department is responsible for ensuring that the department's functions and responsibilities under this Regulation and the Alberta Emergency Plan are properly carried out, including

- (a) the appointing of appropriate persons in accordance with the Alberta Emergency Plan, and
- (b) approving the plans referred to in section 3(2) and the Alberta Emergency Plan.

Repeal

5 The *Government Emergency Planning Regulation* (AR 62/2000) is repealed.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2012.

Coming into force

7 This Regulation comes into force on January 1, 2008.

Alberta Regulation 249/2007

Income and Employment Supports Act

**INCOME SUPPORTS, HEALTH AND TRAINING BENEFITS
AMENDMENT REGULATION**

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 583/2007) on December 19, 2007 pursuant to sections 18 and 50 of the Income and Employment Supports Act.

1 The *Income Supports, Health and Training Benefits Regulation* (AR 60/2004) is amended by this Regulation.

2 Section 1(1) is amended

(a) by repealing clause (b) and substituting the following:

- (b) “adult” means a person
 - (i) who is 18 years of age or older who is not a dependent child,
 - (ii) who is 16 or 17 years of age and
 - (A) the cohabiting partner of a person described in subclause (i) or (iii) or paragraph (B) or (C),
 - (B) determined to be an adult in accordance with requirements specified by the Minister, or
 - (C) an employment insurance full-time learner,or
 - (iii) who is an apprentice full-time learner;

(b) in clause (c)(iii) by adding “if the household unit does not have an apprentice or employment insurance full-time learner,” before “the maximum”;

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

- (c.1) “apprentice full-time learner” means a person who is accepted in technical training as an apprentice under the *Apprenticeship and Industry Training Act* and is eligible for income support or training benefits under Part 2, Division 4 of the Act pursuant to the Canada/Alberta Labour Market Development Agreement (LMDA);

(d) by repealing clause (j) and substituting the following:

- (j) “dependent child” means a person
 - (i) who is under 18 years of age or, if attending an education program under the *School Act*, under 20 years of age,
 - (ii) who is living with and dependent for support on an adult member of a household unit,
 - (iii) who is not an adult under clause (b)(ii) or (iii),

- (iv) who is not in the custody or guardianship of a director under the *Child, Youth and Family Enhancement Act*,
- (v) for whom the maximum financial support payments referred to in section 10 of the *Child, Youth and Family Enhancement Regulation* (AR 160/2004) are not being made, and
- (vi) on whose behalf income support is not being received from the child financial support program through a Child and Family Services Authority;

(e) by adding the following after clause (l):

- (l.1) “employment insurance full-time learner” means a person who is eligible for income support or training benefits under Part 2, Division 4 of the Act pursuant to the Canada/Alberta Labour Market Development Agreement (LMDA), but does not include an apprentice full-time learner;

(f) in clause (o) by striking out “a person” and substituting “an adult person”.

3 Section 2(5) is amended by striking out “, other than a person referred to in section 1(1)(j)(ii),”.

4 Section 5(2) is amended

(a) by repealing clause (a) and substituting the following:

- (a) a home of any value that is the principal residence of an applicant or recipient, including the home quarter section of a farm;

(b) by repealing clause (l).

5 The following is added after section 5.1:

Exempt assets - RRSP

5.2(1) A Registered Retirement Savings Plan to the value of \$5000 per adult member of the household unit is an exempt asset.

(2) If a member of a household unit is a full-time learner, the household unit's Registered Retirement Savings Plans are exempt to the combined total value of \$100 000.

6 Section 6 is amended

(a) in subsection (1)(b)

(i) in subclause (ii) by striking out “and” after “summons,”;

(ii) by adding the following after subclause (ii):

(ii.1) despite section 5(2)(j), income available to a full-time learner accepted in an occupational training program as a beneficiary of a Registered Education Savings Plan,

and

(b) in subsection (4)

(i) in clause (a)(xxi) by striking out “who is attending school”;

(ii) by repealing clause (b)(iii.3).

7 The following is added after section 8:

Division 4 full-time learners

8.1 For the purpose of determining eligibility and providing income support and training benefits under Part 2, Division 4 of the Act, an apprentice or employment insurance full-time learner and his or her household unit are treated the same as a full-time learner and his or her household unit under Part 2, Division 1 of the Act and Part 2, Division 3 of the Act subject to this Regulation.

8 Section 12 is repealed and the following is substituted:

Residency

12(1) For the purpose of section 6(3)(a) of the Act, a member of a household unit in the full-time learner category

(a) must be in Alberta, and

(b) if the member is a full-time learner, must have been in Alberta at the time of acceptance in an approved training program.

(2) Subsection (1)(a) does not apply if a member of the household unit is an apprentice or employment insurance full-time learner.

(3) Subsection (1)(b) does not apply if a member of the household unit is an apprentice full-time learner.

(4) An apprentice full-time learner must be registered as an apprentice in Alberta.

9 Section 13 is repealed and the following is substituted:

Age and other requirements

13(1) For the purpose of section 6(3)(c)(i) of the Act, a member of the household unit must

- (a) be an adult,
- (b) be designated a full-time learner under section 2(1) of this Regulation,
- (c) if the person is not an apprentice full-time learner, have not attended school for 12 consecutive months, and
- (d) be one of the following:
 - (i) a Canadian citizen;
 - (ii) a permanent resident of Canada under the *Immigration and Refugee Protection Act* (Canada);
 - (iii) a refugee under the *Immigration and Refugee Protection Act* (Canada) who has been accepted to apply for permanent residency in Canada;
 - (iv) a temporary resident permit holder under the *Immigration and Refugee Protection Act* (Canada) approved for entry into Canada by the Government of Alberta.

(2) The Director may waive the requirement under subsection (1)(c).

10 Section 15 is amended

(a) by repealing subsection (1)(a) and substituting the following:

- (a) after deducting the cost of tuition and prescribed fees, the value of the combined liquid assets of the adult

members of the household unit is in excess of the applicable core benefits for

- (i) 2 months, or
- (ii) if a member of the household unit is an apprentice full-time learner, 10 months,

(b) by repealing subsection (2) and substituting the following:

(2) Subsection (1) does not apply if the full-time learner in the household unit is applying for a transitional vocational or self-employment approved training program.

11 Section 16 is amended

(a) by adding the following after subsection (1):

(1.1) If the household unit has an apprentice or employment insurance full-time learner and a member of the household unit is not in Alberta, the budgetary requirements are determined as if that person were not a member of the household unit.

(b) by repealing subsection (2)(b) and substituting the following:

- (b) a parental contribution in an amount determined by the Director if the full-time learner member of the household unit
 - (i) is not an apprentice or employment insurance full-time learner,
 - (ii) is under 23 years of age, and
 - (iii) does not have a cohabiting partner or dependent children

unless

- (iv) the learner has not attended a school under the *School Act* during the previous 4 years,
- (v) the learner has been available for full-time employment for at least 2 periods of 12 consecutive months each since leaving school, or
- (vi) there has been a family breakdown between the learner and his or her parents involving mental,

physical or emotional abuse of the learner and the Director is of the opinion that the requirement of a parental contribution would create an undue hardship for the learner.

12 Section 18 is amended

- (a) by renumbering it as section 18(1);**
- (b) in subsection (1)(g)**
 - (i) by striking out** “issued”;
 - (ii) by striking out** “the Alberta Immigration Review Panel” **and substituting** “the Government of Alberta”;
- (c) by adding the following after subsection (1):**
 - (2)** Subsection (1)(a) does not apply to an apprentice or employment insurance full-time learner.

13 Section 22(1) is repealed and the following is substituted:

Financial eligibility for adult health benefits

22(1) An adult who is a member of a household unit that is eligible for

- (a) income support and benefits,
- (b) training benefits in the full-time learner category, or
- (c) training benefits under Part 2, Division 4 of the Act

is financially eligible for health benefits.

14 Section 28(1)(h) is amended

- (a) by striking out** “issued”;
- (b) by striking out** “the Alberta Immigration Review Panel” **and substituting** “the Government of Alberta”.

15 Section 30 is amended

- (a) in subsection (1)**

(i) by repealing clause (a) and substituting the following:

- (a) after deducting the cost of tuition and prescribed fees, the value of the combined liquid assets of the adult members of the household unit is in excess of the applicable core benefits for
 - (i) 2 months, or
 - (ii) if a member of the household unit is an apprentice full-time learner, 10 months,

or

(ii) in clause (b) by striking out “a member” and substituting “an adult member”;

(b) by repealing subsection (2) and substituting the following:

- (2) Subsection (1) does not apply if the full-time learner in the household unit is applying for a transitional vocational or self-employment approved training program.

16 Section 31(3)(b) is repealed and the following is substituted:

- (b) liquid assets in excess of the applicable core benefits for
 - (i) 2 months, or
 - (ii) if a member of the household unit is an apprentice full-time learner, 10 months,

and

17 Section 35 is amended by adding the following after subsection (8):

(9) With respect to apprentice or employment insurance full-time learners, benefits may be provided under Part 2, Division 4 of the Act only to learners whose approved training program begins on or after August 1, 2008.

(10) Where, on August 1, 2008, a person who is enrolled in a training program on a full-time basis and is receiving assistance under the *Grants, Donations and Loans Regulation* pursuant to the Canada/Alberta Labour Market Development Agreement (LMDA),

that person continues to receive assistance under that Regulation until the end of that person's training within the training period for which that person was funded under that Regulation, and during that period is not eligible for benefits under Part 2, Division 4 of the Act.

(11) No application for a grant under the *Grants, Donations and Loans Regulation* pursuant to the Canada/Alberta Labour Market Development Agreement (LMDA) may be made for a training program that begins after July 31, 2008 for which a benefit may be provided under this Regulation.

(12) An asset owned by an apprentice or employment insurance full-time learner while receiving assistance for a training program under the *Grants, Donations and Loans Regulation* pursuant to the Canada/Alberta Labour Market Development Agreement (LMDA) is an exempt asset if

- (a) the learner is continuing the training program,
- (b) it has been less than 6 months since the last period of training under the training program, and
- (c) the asset was an exempt asset for the purpose of receiving assistance under the *Grants, Donations and Loans Regulation*.

18 Schedule 1 is amended

- (a) by repealing Table A and substituting the following:

**Table A: Core Essential Benefit
(monthly amounts)**

	Expected to Work	Not Expected to Work	Full-time Learner	Apprentice or EI Full-time Learner (Gross/Net)
Single Adult	\$ 234	\$ 319	\$ 431	\$ 467/430
Childless Couple	436	563	536	929/855
Single Adult With				
1 Child	\$ 304	\$ 394	\$ 710	\$ 719/661
2 Children	345	449	895	958/881
3 Children	404	516	1086	1197/1101
4 Children	457	579	1278	1436/1321
5 Children	511	642	1468	1676/1542
6 Children	567	707	1528	1915/1762

**Table A: Core Essential Benefit
(monthly amounts)**

	Expected to Work	Not Expected to Work	Full-time Learner	Apprentice or EI Full-time Learner (Gross/Net)
Each Additional Child Add	\$ 56	\$ 56	\$ 56	\$ 222/205
Couple With				
1 Child	\$ 473	\$ 596	\$ 799	\$ 1168/1075
2 Children	526	658	961	1408/1295
3 Children	580	721	1140	1648/1516
4 Children	633	783	1307	1887/1736
5 Children	687	846	1475	2126/1956
6 Children	743	911	1535	2365/2176
Each Additional Child Add	\$ 56	\$ 56	\$ 56	\$ 222/205

NOTES:

1. Core Essential Table assumes all children are under 12 years of age. For each dependent child 12 - 19 years of age in a household unit designated in the expected to work or working or the not expected to work categories add \$33.
2. The gross amount reflects the taxable benefit. The net amount is the amount received by an apprentice or employment insurance full-time learner after the difference between the gross and net amounts is paid to the Canada Revenue Agency as a remittance toward income tax.

(b) by repealing Table B and substituting the following:

**Table B: Core Shelter Benefit
(monthly amounts)**

	Expected to Work	Not Expected to Work	Full-time Learner	Apprentice or EI Full-time Learner (Gross/Net)	Social Housing Shelter excluding Apprentice or EI Full-time Learner	Social Housing Shelter for Apprentice or EI Full-time Learner (Gross/Net)
Single Adult	\$ 168	\$ 303	\$ 323	\$ 437/405	\$ 120	\$ 130/120
Childless Couple	336	436	369	767/710	193	209/193
Single Adult With						
1 Child	\$ 428	\$ 482	\$ 546	\$ 767/710	\$ 212	\$ 229/212
2 Children	503	556	566	875/810	260	281/260
3 Children	524	578	586	983/910	317	343/317
4 Children	546	599	606	1091/1010	377	408/377
5 Children	566	619	626	1199/1110	437	472/437
6 Children	586	639	646	1307/1210	496	536/496
Each Additional Child Add	\$ 20	\$ 20	\$ 20	\$ 108/100	N/A	N/A

**Table B: Core Shelter Benefit
(monthly amounts)**

	Expected to Work	Not Expected to Work	Full-time Learner	Apprentice or EI Full-time Learner (Gross/Net)	Social Housing Shelter excluding Apprentice or EI Full-time Learner	Social Housing Shelter for Apprentice or EI Full-time Learner (Gross/Net)
Couple With						
1 Child	\$ 503	\$ 556	\$ 575	\$ 875/810	\$ 262	\$ 283/262
2 Children	524	578	595	983/910	317	343/317
3 Children	546	599	605	1091/1010	377	408/377
4 Children	566	619	625	1199/1110	437	472/437
5 Children	586	639	645	1307/1210	496	536/496
6 Children	606	659	665	1415/1310	555	600/555
Each Additional Child Add	\$ 20	\$ 20	\$ 20	\$ 108/100	N/A	N/A

NOTES:

1. Households in Social Housing with more than 6 children do not receive an additional amount.
2. All households residing in Social Housing receive Social Housing rates.
3. The gross amount reflects the taxable benefit. The net amount is the amount received by an apprentice or employment insurance full-time learner after the difference between the gross and net amounts is paid to the Canada Revenue Agency as a remittance toward income tax.

19 Schedule 2 is amended

(a) by adding “**Part 1 General**” after “**Continuous Supplementary Benefits**” in the heading preceding section 1;

(b) by repealing section 10 and substituting the following:

High cost community modifier

10(1) If a household unit designated in the full-time learner category is eligible to receive the core shelter benefit but not the social housing benefit under Table B, the Director may provide a monthly high cost community allowance as prescribed by the Minister.

(2) This section does not apply if a member of the household unit is an apprentice full-time learner.

(c) by repealing section 11(4) and substituting the following:

(4) Where a physician provides a written opinion that the physical health, or a psychologist or psychiatrist provides a written opinion that the mental health of a member of the household unit would be endangered by a move, and the maximum core shelter payment is inadequate, the Director may

(a) provide up to \$300 per month for the additional shelter cost for a period that does not exceed the greater of

(i) 3 months, or

(ii) in a household unit in the full-time learner category, the length of the full-time learner member’s training period,

and

(b) renew an amount provided under clause (a)(i) for subsequent 3-month periods if the Director is satisfied that the condition continues to exist.

(5) This section does not apply if a member of the household unit is an apprentice full-time learner.

(d) in section 12

(i) in subsection (2)(e) by striking out “referred to in section 1(1)(j)(ii) of the Regulation” and substituting “who is 18 years of age or older”;

(ii) by adding the following after subsection (4):

(5) This section does not apply if a member of the household unit is an apprentice or employment insurance full-time learner.

(e) by adding the following after section 14:

Part 2

Apprentice Full-time Learner Benefits

Housing allowance

15(1) If a full-time learner household unit has an apprentice full-time learner whose principal residence is in Alberta, the Director may provide a monthly housing allowance as prescribed by the Minister.

(2) The housing allowance shall not be more than the amount by which the following monthly housing expenses exceed the applicable core shelter benefit:

- (a) if the principal residence is owned, the mortgage, utilities, property insurance and property taxes;
- (b) if the principal residence is rented, rent and utilities.

Training travel and temporary accommodation

16 Where the apprentice full-time learner member of a full-time learner household unit requires temporary accommodation away from home to attend technical training required for his or her apprenticeship, the Director may provide

- (a) an allowance for the additional cost of temporary accommodation in Alberta up to \$610 per month, and
- (b) costs of travel at \$0.12 per kilometre for one return trip home per month.

Vehicle expense

17 Where the apprentice full-time learner member of a full-time learner household unit requires a vehicle for his or her apprenticeship, the Director may provide up to \$500 per month for costs associated with operating or owning a vehicle.

Child support

18 The Director may provide a household unit in the full-time learner category with an apprentice full-time learner a child support allowance to cover the cost of child support payable by the learner member of the household under a court order or

written agreement recognized by the Director if the learner has met his or her child support obligations

- (a) since the child support was agreed to or ordered, or
- (b) in the previous 12 months.

20 Schedule 3 is amended in section 18 by adding the following after subsection (2):

(3) This section does not apply if a member of the household unit is an apprentice or employment insurance full-time learner.

21 This Regulation comes into force on the coming into force of section 11 of the *Income and Employment Supports Act*.

Alberta Regulation 250/2007

Income and Employment Supports Act

**RECOVERY, ADMINISTRATIVE PENALTIES AND APPEALS
AMENDMENT REGULATION**

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 584/2007) on December 19, 2007 pursuant to sections 42 and 48 of the ~~Income and Employment Supports Act~~.

Deleted: Inome and

1 The *Recovery, Administrative Penalties and Appeals Regulation* (AR 381/2003) is amended by this Regulation.

2 Section 2(3) is repealed.

3 Section 6 is amended

- (a) by repealing clause (b);
- (b) by adding the following after clause (g):

- (h) decisions related to assistance provided under Part 2, Division 4 of the Act that do not affect eligibility for or the amount or value of assistance provided.

4 Section 3 comes into force on the coming into force of section 11 of the *Income and Employment Supports Act*.

Alberta Regulation 251/2007

Alberta Utilities Commission Act

ALBERTA UTILITIES COMMISSION ACT TRANSITION REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 593/2007) on December 19, 2007 pursuant to section 80 of the Alberta Utilities Commission Act.

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Definitions

1 In this Regulation,

- (a) “Act” means the *Alberta Utilities Commission Act*;
- (b) “Board” means the Alberta Energy and Utilities Board established under the *Alberta Energy and Utilities Board Act*;
- (c) “Commission” means the Alberta Utilities Commission established under the Act;
- (d) “ISO” means the Independent System Operator established under the *Electric Utilities Act*;

- (e) “obligations and liabilities” means all obligations and liabilities whatsoever, including without limitation obligations and liabilities pursuant to contract, tort, statute or equity and all agreements, arrangements and instruments;
- (f) “property, assets, rights and benefits” means all property, assets, rights and benefits whatsoever, including without limitation rights pursuant to contract, tort, statute or equity and all agreements, arrangements and instruments.

Allocation to Energy Resources Conservation Board and Commission

2 Unless otherwise provided for in this Regulation,

- (a) the property, assets, rights and benefits of the Board, and
- (b) the obligations and liabilities of the Board,

as they existed prior to the coming into force of the Act, are allocated between the Energy Resources Conservation Board and the Commission as provided for by the Board prior to the coming into force of the Act.

Continuation of employees

3(1) Those persons employed by the Board immediately prior to the coming into force of the Act continue as employees of either the Energy Resources Conservation Board or the Commission as specified by the Board prior to the coming into force of the Act.

(2) The Energy Resources Conservation Board or the Commission, as the case may be, is deemed to be the employer of the employees referred to in subsection (1).

Agreements, arrangements and other instruments

4(1) Any agreement, arrangement or other instrument in force on the day the Act comes into force to which the Board was a party does not cease to have effect as a result of the coming into force of the Act.

(2) All agreements, arrangements or other instruments executed by the Board prior to the coming into force of the Act continue as agreements, arrangements or other instruments of either the Energy Resources Conservation Board or the Commission, as the case may be.

(3) The Energy Resources Conservation Board or the Commission, as the case may be,

- (a) is the successor in interest of the Board in an agreement, arrangement or other instrument referred to in subsection (1), and
- (b) is deemed to be a party to an agreement, arrangement or other instrument referred to in subsection (1).

Continuation of actions

5 An existing cause of action, claim or liability to prosecution of, by or against the Board or a civil, criminal or administrative action or proceeding pending by or against the Board, or a ruling, order or judgment in favour of or against the Board is to be continued by, against or for

- (a) the Energy Resources Conservation Board, where the cause of action, claim or liability to prosecution of, or civil, criminal or administrative action or proceeding, or a ruling, order, or judgement relates to a matter under the jurisdiction of the Energy Resources Conservation Board, or
- (b) the Commission, where the cause of action, claim or liability to prosecution of, or civil, criminal or administrative action or proceeding, or a ruling, order, or judgement relates to a matter under the jurisdiction of the Commission.

Letters of credit and security deposits

6 Letters of credit and security deposits that were issued to the Board prior to the coming into force of the Act, in accordance with Interim Directive ID 2001-01, Security Deposits, that are in force on the coming into force of this Regulation, or other security deposits under any enactment under which the Board had jurisdiction are deemed to have been issued to the Energy Resources Conservation Board which is the successor in interest of the Board and is deemed a party to each letter of credit or security deposit and is deemed to be the holder of each letter of credit or security deposit.

Continuation of actions

7 Any action begun by the issuance of a Notice of Compliance Review by the ISO under the ISO Rules made under the *Electric Utilities Act* but not completed prior to the coming into force of the Act may be completed by the ISO in accordance with the ISO Rules that were in force immediately prior to the coming into force of the Act.

Expiry

8(1) Sections 2 and 5 of this Regulation expire on November 30, 2012.

(2) Sections 1, 3, 4, 6 and 7 of this Regulation expire in accordance with section 80(10) of the Act.

Coming into force

9 This Regulation comes into force on the coming into force of the Act.

Alberta Regulation 252/2007

Alberta Utilities Commission Act

ENERGY RESOURCES CONSERVATION BOARD RULES OF PRACTICE

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 594/2007) on December 19, 2007 pursuant to section 80 of the Alberta Utilities Commission Act.

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Interpretation of Rules

1 These Rules must be liberally construed in the public interest to ensure the most fair, expeditious and efficient determination on its merits of every proceeding before the Board.

Definitions

2 In these Rules,

- (a) “Act” means the *Energy Resources Conservation Act* and any other Act under which the Board is charged with the conduct of proceedings;
- (b) “applicant” means a person who files an application with the Board;
- (c) “application” means an application to the Board for an approval, permit, licence or other relief under the Act;
- (d) “Board” means the Energy Resources Conservation Board and, where examiners are appointed by the Board to conduct a proceeding, the examiners for the purpose of the proceeding;
- (e) “Crown” means Her Majesty the Queen in the right of Alberta;
- (f) “document” includes films, photographs, charts, maps, graphs, plans, surveys, books of account, transcripts, and video and audio recordings;
- (g) “electronic hearing” means an oral hearing conducted by conference telephone or other electronic means where each

- participant is able to hear and respond to the comments of the other participants at the time the comments are made;
- (h) “file” means file with the Board at its office in Calgary;
 - (i) “hearing” means a hearing before the Board;
 - (j) “information request” means a request for information described in section 29;
 - (k) “intervener” means a person, other than an applicant, who files a submission with the Board in respect of a proceeding;
 - (l) “notice of application” means a notice of application issued by the Board under section 22;
 - (m) “notice of hearing” means a notice of hearing issued by the Board under section 23;
 - (n) “oral hearing” means a hearing at which the participants attend in person before the Board;
 - (o) “party” means
 - (i) an applicant,
 - (ii) an intervener, and
 - (iii) for the purposes of these Rules, any other person whom the Board determines to be a party to a proceeding;
 - (p) “proceeding” means a matter brought before the Board
 - (i) by application,
 - (ii) by the Board on its own initiative, or
 - (iii) at the request of the Lieutenant Governor in Council;
 - (q) “publication” means a directive, bulletin or other document issued by the Board;
 - (r) “representative” means the agent or solicitor of a party;

- (s) “written hearing” means a hearing held by means of an exchange of documents whether in writing or in electronic form.

Application of Rules

- 3** These Rules apply to all energy proceedings of the Board, other than appeals under section 27.2 of the Act.

**Part 1
General Matters**

Directions

- 4** The Board may, at any time before making a decision on a proceeding, issue any directions that it considers necessary for the fair determination of an issue.

On-site visits

- 5** The Board may, with or without the parties, conduct an on-site visit of lands or facilities to better determine any matter relevant to the disposition of a proceeding before it.

Setting of time limits and extending or abridging time

- 6(1)** The Board may set time limits for doing anything provided for in these Rules.
- (2)** The Board may, on its own initiative or on motion by a party, extend or abridge a time limit specified in these Rules or by the Board, on any terms that the Board considers appropriate.
- (3)** The Board may, with or without a hearing, exercise its discretion under this section before or after the expiration of a time limit specified in these Rules or by the Board.

Variation of Rules

- 7** The Board may, with or without a hearing, dispense with, vary or supplement all or any part of these Rules if it is satisfied that the circumstances of any proceeding require it.

Failure to comply with Rules

- 8(1)** If a party fails to comply with these Rules or a direction of the Board, the Board may
- (a) make an order that the Board considers appropriate to ensure the fair determination of an issue, or

- (b) adjourn the proceeding until it is satisfied that these Rules or the direction of the Board has been complied with.
- (2) If a party fails to comply with a time limit specified in these Rules or by the Board for the filing of documentary evidence or other material, the Board may disregard the documentary evidence or material.
- (3) No proceeding is invalid by reason of a defect or other irregularity in form.

Motions

- 9(1)** If a matter arises in a proceeding, other than during an oral hearing or electronic hearing, that requires a decision or order of the Board, a party may bring the matter before the Board by filing a motion.
- (2) A motion brought under subsection (1) must
 - (a) be in writing,
 - (b) briefly describe
 - (i) the decision or order sought,
 - (ii) the grounds on which the motion is made, and
 - (iii) the nature of any oral or documentary evidence sought to be presented in support of the motion,
 - and
 - (c) be accompanied with
 - (i) an affidavit setting out a clear and concise statement of the facts relevant to the motion, and
 - (ii) any documents that may support the motion.
- (3) A party bringing a motion under subsection (1) shall serve a copy of it on the other parties.
- (4) A party who wishes to respond to a motion brought under subsection (1) shall file and serve, as directed by the Board, a response.
- (5) A response under subsection (4) must
 - (a) be in writing,

- (b) briefly describe the nature of any oral or documentary evidence sought to be presented in support of the response, and
 - (c) be accompanied with any documents that may support the response.
- (6) A party who wishes to reply to a response to a motion under subsection (4) shall file and serve, as directed by the Board, a reply.
- (7) A reply under subsection (6) must
- (a) be in writing,
 - (b) briefly describe the nature of any oral or documentary evidence sought to be presented in support of the reply, and
 - (c) be accompanied with any documents that may support the reply.
- (8) If the Board decides to hear a motion brought under subsection (1), the Board shall give at least 2 days' notice to each party stating the time and place of the hearing.
- (9) If a matter arises in an oral hearing or electronic hearing that requires a decision or order of the Board, a party may bring the matter before the Board by making a motion.
- (10) A motion brought under subsection (9)
- (a) may be made orally, and
 - (b) must be disposed of in accordance with such procedures as the Board may order.

Submissions

10(1) Where a person files a submission objecting to a proposed application for the development of an energy resource, the person shall indicate the following:

- (a) the right of the person that may be directly and adversely affected by a decision of the Board on the proposed application;
- (b) the manner in which the right may be directly and adversely affected by a decision of the Board on the proposed application;

- (c) the location of the land, residence or activity of the person in relation to the location of the energy resource that is the subject of the proposed application;
- (d) the name, address in Alberta, telephone number, fax number, if any, and if available, an e-mail address of the person.

(2) The person making a submission under subsection (1) shall serve a copy of the submission on the proponent of the proposed application.

Filing of documents

11(1) If a person is required to file a document with the Board, the person shall

- (a) file the original and the required number of copies of the document, as set out in the relevant statutory provision or publication, and
- (b) indicate on the original document
 - (i) the application number,
 - (ii) the date of filing, and
 - (iii) the name of each person on whom the person will serve or has served a copy of the document.

(2) Subsection (1)(b)(i) does not apply if the document is a form of application.

(3) Where a person files a submission or other document in relation to a proposed application prior to the filing of an application or the commencement of a proceeding, the person shall file the original document in accordance with subsection (1)(a).

(4) Subject to subsection (6), a document may be filed by personal delivery, courier service, ordinary mail, fax, electronic means or by any other means directed by the Board.

(5) If a document is filed by fax or electronic means, the original and the required number of copies of the document, as set out in the relevant statutory provision or publication, must be delivered in writing to the Board by the end of the next business day or as directed by the Board.

(6) A document may be filed by electronic means only if

- (a) the electronic means is compatible with the Board's information technology, equipment, software and processes, and
- (b) the document is in a form acceptable to the Board.

(7) A document is deemed to have been filed when it is received by the Board unless it is received after the Board's business hours, in which case the document is deemed to have been filed on the next business day of the Board.

(8) The Board may require that all or any part of a document filed be verified by affidavit.

Service of documents

12(1) Subject to subsection (3), a document required to be served under these Rules or by the Board may be served on a person

- (a) by personal delivery,
- (b) by courier service, ordinary mail, fax or electronic means to the address given by the person, or
- (c) by such other method as the Board directs.

(2) If a person required to serve a submission or other document on a proponent of a proposed application or an applicant fails to do so, the Board may serve a copy of the submission or other document on the proponent or the applicant.

(3) A document may be served by electronic means only if the person being served has the information technology, equipment, software and processes for receiving or retrieving the document.

(4) The date of service of a document is the day on which the person being served receives the document unless it is received after 5 o'clock in the afternoon Mountain Standard Time, in which case the date of service is deemed to be the next business day.

(5) The Board may require a person to file an affidavit of service setting out on whom a document was served and the means taken to effect service.

(6) Where an oral hearing or electronic hearing is in progress, a party entering a document as an exhibit shall provide copies of the document to the Board, the Board staff attending the hearing and the other parties.

(7) The Board may serve, or direct the applicant to serve, a notice issued by the Board either in accordance with this section or by public advertisement in a daily or weekly newspaper in circulation in the community affected by the proceeding.

(8) Any document required to be served on a party under these Rules may be served on the party's representative.

Public record

13(1) Subject to this section, all documents filed in respect of a proceeding, including any submissions or other documents filed prior to the commencement of the proceeding, must be placed on the public record.

(2) If a party wishes to keep confidential any information in a document, the party may, before filing the document, file a request for confidentiality and serve a copy of the request on the other parties.

(3) The request for confidentiality must

(a) be in writing,

(b) briefly describe

(i) the nature of the information in the document, and

(ii) the reasons for the request, including the specific harm that would result if the document were placed on the public record,

and

(c) indicate whether all or only a part of the document is the subject of the request.

(4) The Board may, with or without a hearing, grant a request for confidentiality on any terms it considers appropriate

(a) if the Board is of the opinion that disclosure of the information could reasonably be expected

(i) to result in undue financial loss or gain to a person directly affected by the proceeding, or

(ii) to harm significantly that person's competitive position,

or

(b) if

- (i) the information is personal, financial, commercial, scientific or technical in nature,
- (ii) the information has been consistently treated as confidential by a person directly affected by the proceeding, and
- (iii) the Board considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the proceeding.

(5) If the Board grants a request for confidentiality under subsection (4), a party may receive a copy of the document only if the party files an undertaking stating that the party will hold the document in confidence and use it only for the purpose of the proceeding.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

Technical reports

14 A document containing a technical report or material of a technical nature must indicate the technical qualifications of the person signing or taking responsibility for the report or material.

Revisions to documents

15(1) Despite any other provision in these Rules, the Board may, on any terms it considers appropriate,

- (a) allow a revision of all or any part of a document, or
- (b) order the revision of all or any part of a document that in the opinion of the Board is
 - (i) not relevant or may tend to prejudice or delay a fair hearing of an application or other proceeding on the merits, or
 - (ii) necessary for the purpose of hearing and determining the pertinent questions in issue in the proceeding.

(2) A party shall revise a document if

- (a) significant new information relating to the document becomes available before the proceeding is disposed of, and
- (b) the information is necessary for the purpose of hearing and determining the pertinent questions in issue in the proceeding.

(3) Any document that is revised must clearly indicate the date of the revision and the part of the document that is revised.

Affidavits

16(1) An affidavit intended to be used in a proceeding must be confined to those facts within the knowledge of the person making the affidavit or based on the information and belief of the person making the affidavit.

(2) If a statement is made in an affidavit on information and belief, the source of the information and the grounds on which the belief is based must be set out in the affidavit.

(3) If an affidavit refers to an exhibit, the exhibit must be marked as such by the person making the affidavit and attached to the affidavit.

Evidence

17(1) Unless the Board otherwise directs, if a party intends to present documentary evidence at an oral hearing or electronic hearing, or is directed to do so by the Board, the party shall file the documentary evidence and serve a copy of it on the other parties before the hearing takes place.

(2) The documentary evidence must be accompanied with a statement setting out the qualifications of the person who prepared the documentary evidence or under whose direction or control the evidence was prepared.

(3) If a party is not able to file all of the party's documentary evidence before the hearing takes place, the party shall

- (a) file such documentary evidence as is available at that time, and
- (b) file a statement
 - (i) identifying the balance of the documentary evidence to be filed, and
 - (ii) stating when the balance of the documentary evidence will be filed.

(4) If a party is not willing to file documentary evidence when directed to do so by the Board under subsection (1), the party shall file a statement setting out the reasons why the party is not willing to do so.

Additional information, documents and material

18(1) The Board may direct the applicant or an intervener to file such further information, documents or material as the Board considers necessary to permit a full and satisfactory understanding of an issue in a proceeding.

(2) If the applicant or the intervener does not file the information, documents or material when directed to do so by the Board under subsection (1), the Board may

- (a) adjourn the proceeding until the information, documents or material is filed, or
- (b) dismiss the application or submission, as the case may be.

Part 2
Commencement of Proceedings

Commencement of proceedings

19(1) Subject to subsection (2), a proceeding must be commenced by filing an application.

(2) A proceeding initiated by the Board or at the request of the Lieutenant Governor in Council may be commenced by a notice of hearing or as determined by the Board.

Form of application

20(1) An application must be in writing and contain the following:

- (a) a description of the approval, permit, licence or other relief applied for;
- (b) the grounds on which the application is made;
- (c) a reference to the statutory provision under which the application is made;
- (d) a clear and concise statement of the facts relevant to the application;
- (e) an explanation of the consultation process, if any, that the applicant has held with persons whose rights may be directly and adversely affected by the proceeding;
- (f) any other information required by the relevant statutory provision or publication;
- (g) any other information that may be useful in explaining or supporting the application;

- (h) the applicant's name, address in Alberta, telephone number, fax number and, if available, e-mail address;
 - (i) if the applicant is represented by a representative, the representative's name, address in Alberta, telephone number, fax number and, if available, e-mail address.
- (2) The application must be accompanied with an application fee, if any.
- (3) The applicant shall serve a copy of the application on any person whose rights may be directly and adversely affected by a decision of the Board on the proceeding.
- (4) If an application is not complete, the Board shall notify the applicant in writing and request the information necessary to make the application complete.
- (5) If the applicant does not supply the information to make the application complete, the Board may dismiss the application.

Withdrawal of application or submission

- 21(1)** If an applicant wishes to withdraw an application before a hearing is held, the applicant shall file a notice of withdrawal of application in writing and serve a copy of the notice on the other parties.
- (2) The Board may, with or without a hearing, grant an application to withdraw an application on any terms that it considers appropriate.
- (3) If an applicant does not take any steps with respect to an application within the time specified in these Rules or by the Board, the Board may declare the application to be withdrawn, unless the applicant shows cause why the application should not be withdrawn.
- (4) If an intervener wishes to withdraw a submission before a hearing is held, the intervener shall file a notice of withdrawal in writing and serve a copy of the notice on the other parties.

Notice of application

- 22(1)** If the Board is considering deciding on an application without a hearing, the Board may issue a notice of application.
- (2) A notice of application must
- (a) be in writing,
 - (b) briefly describe the subject-matter of the application,

- (c) indicate the date by which a submission must be filed,
 - (d) state that the Board may grant the application without a hearing if there are no submissions objecting to the application filed by a person whom the Board considers may be directly and adversely affected by a decision of the Board on the proceeding,
 - (e) indicate that copies of the application and other documents filed in support of the application
 - (i) may be obtained from the applicant or the applicant's representative, and
 - (ii) are available for viewing at a location open to the public,
 - (f) indicate the name and address in Alberta of the applicant or the applicant's representative where the application and other documents filed in support of the application may be obtained,
 - (g) indicate the address of the location open to the public where the application and other documents are available for viewing and the hours during which they may be viewed, and
 - (h) contain any other information that the Board considers necessary.
- (3) If a submission is filed, the Board may
- (a) set the application down for a hearing, or
 - (b) grant the application if
 - (i) the Board considers the submission to be frivolous, vexatious or of little merit, or
 - (ii) the person filing the submission has not demonstrated that the person may be directly and adversely affected by a decision of the Board on the proceeding.

Notice of hearing

23(1) If the Board decides to set an application down for a hearing, the Board shall issue a notice of hearing.

(2) A notice of hearing must

- (a) be in writing,

- (b) briefly describe the subject-matter of the hearing,
- (c) in the case of an oral or electronic hearing,
 - (i) indicate the date, time and place of the hearing, which must not be less than 10 days after the date of the notice, or
 - (ii) because of the complexity of the subject-matter of the proceeding, indicate that the date, time and place of the hearing will be set after the filing of submissions by any interveners,
- (d) indicate if the hearing is to be held by examiners,
- (e) indicate that copies of the application and other documents filed in support of the application
 - (i) may be obtained from the applicant or the applicant's representative, and
 - (ii) are available for viewing at a location open to the public,
- (f) indicate the name and address in Alberta of the applicant or the applicant's representative where the application and other documents filed in support of the application may be obtained,
- (g) indicate the address of the location open to the public where the application and other documents are available for viewing and the hours during which they may be viewed,
- (h) contain a schedule showing the time limits for filing and serving submissions, responses to submissions, replies to responses to submissions, information requests, responses to information requests, documentary evidence and written argument, and
- (i) contain any other information that the Board considers necessary.

Submission of intervener

24(1) A person who wishes to intervene in a proceeding shall file a submission and serve a copy of it on the other parties within the time set out in the notice of hearing.

(2) A submission must be in writing and contain the following:

- (a) a concise statement indicating
 - (i) the manner in which the intervener's rights may be directly and adversely affected by a decision of the Board on the proceeding,
 - (ii) the nature and scope of the intervener's intended participation,
 - (iii) the disposition of the proceeding that the intervener advocates, if any,
 - (iv) the facts the intervener proposes to show in evidence,
 - (v) the reasons why the intervener believes the Board should decide in the manner that the intervener advocates, and
 - (vi) the intervener's efforts, if any, to resolve issues associated with the proceeding directly with the applicant;
 - (b) the name, address in Alberta, telephone number, fax number and, if available, e-mail address of the intervener;
 - (c) if the intervener is represented by a representative, the name, address in Alberta, telephone number, fax number and, if available, e-mail address of the representative;
 - (d) if the intervener is an unincorporated organization, the nature of the intervener's membership.
- (3)** The Board may, on receiving and examining a submission, do one or more of the following:
- (a) direct the intervener to serve a copy of the submission on such other persons and in such a manner as the Board specifies;
 - (b) direct the intervener to provide additional information to the Board;
 - (c) direct the applicant or the intervener to make further submissions, either orally or in writing, on the original submission;
 - (d) decide that the intervener will not be heard because
 - (i) the submission is frivolous, vexatious or of little merit, or

- (ii) the intervener has not shown that the decision of the Board in the proceeding may directly and adversely affect the intervener's rights;
- (e) if the Board is of the view that any matter set out in the submission is not in response to the application or has implications of importance beyond the application, direct a revision of the application or the submission that the Board considers necessary.

Question of constitutional law

25 A person who intends to raise a question of constitutional law before the Board must give notice in accordance with section 12 of the *Administrative Procedures and Jurisdiction Act* and the *Designation of Constitutional Decision Makers Regulation* (AR 69/2006).

Applicant to provide documents and material

26 After an intervener files a submission under section 24, the applicant shall provide the intervener with copies of any of the following documents and material that the applicant has not previously provided to the intervener:

- (a) the application and any other documents filed in support of the application;
- (b) any material filed as documentary evidence.

Late filing

27(1) A party who wishes to file a document, or a person who wishes to file a submission as an intervener, after the time limit set out in the notice of hearing has elapsed, may request of the Board leave to file the document or submission, as the case may be.

(2) The Board may grant a request under subsection (1) on any terms that the Board considers appropriate.

Adjournments

28 The Board may, on its own initiative or on motion by a party, adjourn a hearing on any terms that the Board considers appropriate.

Information request

29(1) A party may request another party, within the time limit set out in the notice of hearing, to provide information necessary

- (a) to clarify any documentary evidence filed by the other party,

- (b) to simplify the issues,
 - (c) to permit a full and satisfactory understanding of the matters to be considered, or
 - (d) to expedite the proceeding.
- (2) An information request under subsection (1) must
- (a) be in writing,
 - (b) be directed to the party from whom a response is sought,
 - (c) contain specific questions for clarification about the party's evidence, documents or other material that is in the possession of the party and relevant to the proceeding,
 - (d) be filed and served as directed by the Board, and
 - (e) set out the date on which the information request is filed.

Response to information request

30(1) A party who is served with an information request under section 29 shall prepare a response that

- (a) repeats each question in the information request,
 - (b) provides a full and adequate response to each question, and
 - (c) identifies the individual or individuals who were responsible for preparing the response.
- (2) A response under subsection (1) must
- (a) be in writing,
 - (b) be filed and served as directed by the Board, and
 - (c) set out the date on which the response is filed.

Partial or no response

31(1) If a party who is served with an information request under section 29 is not able or not willing to prepare a response in accordance with section 30, the party shall do one of the following:

- (a) if the party contends that the information request is not relevant, file and serve on the party making the request a response in writing that sets out the specific reasons in support of that contention;

- (b) if the party contends that the information necessary to provide an answer is not available or cannot be provided with reasonable effort, file and serve on the party making the request a response in writing that
 - (i) sets out the specific reasons in support of that contention, and
 - (ii) contains such other information that the party considers would be of assistance to the party making the information request;
- (c) if the party contends that the information requested is confidential, file and serve on the party making the request a response in writing that sets out the specific reasons why the information is confidential and any harm that may be caused if it were disclosed.

(2) If a party is not satisfied with a response under subsection (1), the party may bring a motion under section 9 requesting that the matter be settled by the Board.

Pre-hearing meeting

32 The Board may, on its own initiative or at the request of a party, direct that a pre-hearing meeting be held with the parties for one or more of the following purposes:

- (a) to determine the issues in question and the position of the parties, including matters relating to costs;
- (b) to recommend the procedures to be adopted with respect to the hearing;
- (c) to determine whether the parties may benefit from a settlement meeting to discuss the issues;
- (d) if an oral hearing or electronic hearing is to be held, to set the date, time and place for the oral hearing or electronic hearing and to fix the time to be allotted to each party to present evidence and argument;
- (e) to decide any other matter that may aid in the simplification or the fair and most expeditious disposition of the proceeding.

Technical meeting

33 The Board may direct the parties to participate in a technical meeting for the purpose of

- (a) reviewing and clarifying an application, a submission, a response to a submission, a reply to a response to a submission, an information request or a response to an information request, or
- (b) recommending procedures to be adopted with respect to the hearing.

Appropriate dispute resolution

34 Where the parties engage in an appropriate dispute resolution, as set out in the *Appropriate Dispute Guidelines, IL 2001-01*, as amended from time to time, published by the Board, the provisions of the relevant guidelines govern the appropriate dispute resolution.

Settlement meetings

35(1) If the parties have not engaged in an appropriate dispute resolution under section 34, the Board may direct the parties to participate in a settlement meeting for the purpose of settling one or more of the issues in a proceeding or for recommending procedures to be adopted with respect to the hearing.

(2) A settlement meeting may not be transcribed or form part of the record of a proceeding.

(3) The Board may appoint a person to chair or facilitate a settlement meeting.

(4) All persons attending a settlement meeting shall treat admissions, concessions, offers to settle and related discussions as confidential and without prejudice.

(5) Admissions, concessions, offers to settle and related discussions in a settlement meeting are not admissible in any proceeding without the consent of all affected parties.

Settlement proposal

36(1) Where some or all of the parties reach an agreement following a settlement meeting under section 35, the parties shall make and file a settlement proposal describing the agreement.

(2) The settlement proposal must identify for each issue those parties who agree with the settlement of the issue and those parties who do not agree with the settlement of the issue.

(3) The parties shall ensure that the settlement proposal contains or identifies sufficient evidence to allow the Board to make findings on the issues.

Effect of settlement proposal

37(1) After a settlement proposal is filed under section 36, the Board may

- (a) hold a hearing to determine whether to accept or reject the settlement proposal,
- (b) accept the settlement proposal, if it is in the public interest to do so and the evidence contained or identified in the settlement proposal is sufficient to allow the Board to make findings on the issues, or
- (c) reject the settlement proposal, if the Board is of the view that
 - (i) the evidence contained or identified in the settlement proposal is not sufficient to allow the Board to make findings on the issues, or
 - (ii) the public interest requires a hearing.

(2) If the Board rejects a settlement proposal under subsection (1)(c), the Board may direct the parties to make reasonable efforts to revise the settlement proposal.

Part 3 Hearings

No electronic hearing

38 The Board shall not hold an electronic hearing if a party satisfies the Board that holding an electronic hearing is likely to cause the party significant prejudice.

Notice to attend

39(1) The Board may, on its own initiative or at the request of a party, issue a notice requiring a person to attend an oral hearing or electronic hearing as a witness and to produce the documents and material set out in the notice.

(2) The provisions of the *Alberta Rules of Court* (AR 390/68) relating to the payment of conduct money and witness fees apply to oral hearings and electronic hearings.

(3) Despite subsection (2), the Board may increase the amount payable to an expert witness or in special circumstances where a witness attends an oral hearing or an electronic hearing as a result of a notice to attend.

Oath or affirmation

40 Unless the Board otherwise directs, a witness at an oral hearing or electronic hearing must be examined orally on oath or affirmation.

Witness panels

41(1) The Board may permit evidence to be given by 2 or more witnesses sitting as a panel.

(2) Questions addressed to a witness panel may be directed at specific members of the panel or the panel in general.

(3) Unless the Board otherwise directs, members of a witness panel may confer among themselves.

(4) Where a question is directed at a specific member of a panel and that member is not able to answer the question because of a lack of knowledge or qualifications, the Board may permit another member of the panel to answer the question.

Presenting evidence

42(1) Unless the Board otherwise directs, no documentary evidence may be presented at an oral hearing or electronic hearing unless the evidence was filed and served in accordance with section 17.

(2) A witness of a party presenting evidence at an oral hearing or electronic hearing shall

(a) confirm on oath or affirmation that the documentary evidence

(i) was prepared by the witness or under the witness's direction or control, and

(ii) is accurate to the best of the witness's knowledge or belief,

and

(b) unless the Board otherwise directs, confine the witness's testimony to matters set out in the documentary evidence or arising from evidence adduced in cross-examination.

(3) A witness may be

(a) cross-examined by or on behalf of a party, or

(b) examined by the Board or a member of the Board staff.

(4) During a recess of an oral hearing or electronic hearing, a witness who is under cross-examination may consult with the witness's counsel if it is necessary to respond to undertakings made before the Board.

(5) No argument may be received by the Board unless it is based on the evidence before the Board.

Hearings in absence of the public

43(1) Subject to subsections (2) and (3), all oral hearings and electronic hearings are open to the public.

(2) If the Board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Board shall conduct all or part of the hearing in private.

(3) If all or any part of an oral hearing or electronic hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

Participation of Crown

44(1) The Crown may appear at an oral hearing or electronic hearing for one or more of the following purposes:

- (a) to present evidence;
- (b) to cross-examine witnesses;
- (c) to submit argument.

(2) Where the Crown intends to present evidence pursuant to subsection (1), the Crown shall do so in accordance with these Rules and any directions of the Board.

Submissions by Board staff

45 If, in the opinion of the Board, it is necessary or appropriate in the circumstances for a member of the Board staff or an expert hired by the Board to participate in a hearing, the member of the Board staff or the hired expert, as the case may be, may, in accordance with these Rules, do one or more of the following:

- (a) file a submission;
- (b) present evidence;

- (c) cross-examine witnesses;
- (d) submit argument;
- (e) be cross-examined by or on behalf of a party;
- (f) be examined by the Board or another member of the Board staff.

Arguments

46 Arguments must be in a form as directed by the Board.

Written hearings

47(1) Where the Board holds a written hearing, it may

- (a) dispose of the proceeding on the basis of the documents filed by the parties, or
- (b) require additional information and material from the parties before disposing of the proceeding.

(2) The Board may determine at any time during a written hearing that the proceeding must be disposed of by means of an oral hearing or electronic hearing.

**Part 4
Review and Rehearing**

Application for review

48(1) The Board may, on its own initiative or on application by a person, review an order, decision or direction made by it.

(2) An application for a review under subsection (1) must be in writing and contain the following:

- (a) a clear and concise statement of the facts relevant to the application;
- (b) the grounds on which the application is made;
- (c) a brief explanation as to the nature of the prejudice or damage that has resulted or will result from the order, decision or direction;
- (d) a brief description of the remedy sought;
- (e) the applicant's name, address in Alberta, telephone number, fax number and, if available, e-mail address;

- (f) if the applicant is represented by a representative, the representative's name, address in Alberta, telephone number, fax number and, if available, e-mail address.
- (3) An application for a review must be filed and served on the parties to the proceeding for which the order, decision or direction of the Board was made.
- (4) Where an application for review is made under section 40 of the Act, the application must contain a clear and concise statement describing the right the applicant for review has and the manner in which the applicant's right may be directly or adversely affected by the order, decision or direction of the Board on the initial application.
- (5) The Board shall determine, with or without a hearing in respect of an application for review, the preliminary question of whether the order, decision or direction made by it should be reviewed.
- (6) When determining the preliminary question, the Board shall grant an application for review,
 - (a) with respect to a review of an order, decision or direction other than a review under section 40 of the Act, if the Board determines that,
 - (i) in the case where the applicant has alleged an error of law or jurisdiction or an error of fact, the applicant has, in the Board's opinion, raised a substantial doubt as to the correctness of the Board's order, decision or direction, or
 - (ii) in the case where the applicant has alleged new facts, a change in circumstances or facts not previously placed in evidence, the applicant has, in the Board's opinion, raised a reasonable possibility that new facts, a change in circumstances or facts not previously placed in evidence, as the case may be, could lead the Board to materially vary or rescind the Board's order, decision or direction,
 - or
 - (b) with respect to a review under section 40 of the Act, if the Board determines that the applicant has, in the Board's opinion, shown that the order, decision or direction made by it on the initial application may directly and adversely affect the applicant's right.

(7) If the Board grants the application under subsection (5), it shall issue a notice of review, and a new hearing must be held in accordance with these Rules.

(8) A notice of review under subsection (7) must contain the same information as is contained in a notice of hearing.

Application for rehearing

49(1) The Board may, on its own initiative or on application by a person, rehear an application before deciding it.

(2) An application for a rehearing must be in writing and contain the following:

- (a) a clear and concise statement of the facts relevant to the application;
- (b) the grounds on which the application is made;
- (c) a brief explanation as to the nature of the prejudice or damage that will result from the decision on the application;
- (d) a brief description of the remedy sought;
- (e) the applicant's name, address in Alberta, telephone number, fax number and, if available, e-mail address;
- (f) if the applicant is represented by a representative, the representative's name, address in Alberta, telephone number, fax number and, if available, e-mail address.

(3) An application for a rehearing must be filed and served on the parties to the proceeding for which the original application was made.

(4) The Board shall grant an application for a rehearing if the Board, with or without a hearing, determines that the applicant has, in the Board's opinion, established that a rehearing is required.

(5) If the Board grants the application under subsection (4), it shall issue a notice of rehearing, and a hearing must be held in accordance with these Rules.

(6) A notice of rehearing under subsection (5) must contain the same information as is contained in a notice of hearing.

Correction of errors

50 The Board may correct typographical errors, errors of calculation and similar errors made in any of its orders, decisions or directions.

Part 5 Costs

Costs

51 In this Part,

- (a) “costs order” means an order of the Board awarding costs on a claim for costs;
- (b) “directive” means *Directive 31A, Energy Costs Claims* published by the Board;
- (c) “participant” means a local intervener as defined in section 28 of the Act;
- (d) “scale of costs” means the *Energy Resources Conservation Board Scale of Costs*, as amended from time to time, published by the Board.

Advance of funds request

52(1) A participant who intends to take part in a proceeding may, at any time during the proceeding, make a request to the Board for an advance of funds in accordance with the directive.

(2) The Board may award an advance of funds to a participant if the participant demonstrates a need for financial assistance to address relevant issues in the proceeding.

(3) If the Board awards an advance of funds to a participant under subsection (2), the Board may

- (a) advance the funds to the participant and
 - (i) set out the terms for repayment of the advance to the Board by the participant, or
 - (ii) direct the applicant to reimburse the Board for the funds advanced to the participant,

or

- (b) direct the applicant to advance funds to the participant and set out the terms for repayment of the advance to the applicant by the participant.

Budget to be filed

53 The Board may, at any time during a proceeding, require a participant to file a budget of the participant's anticipated costs in the proceeding in accordance with the directive.

Interim awards

54(1) A participant may apply to the Board for an award of interim costs incurred in a proceeding by filing an interim costs claim in accordance with the directive.

(2) A participant may claim interim costs only in accordance with the scale of costs.

(3) The Board may award interim costs to a participant if the Board is of the opinion that

- (a) the costs are reasonable and directly and necessarily related to the proceeding,
- (b) the proceeding in which interim costs are claimed is lengthy, and
- (c) the participant has demonstrated a need for financial assistance to continue to address relevant issues in the proceeding.

(4) If the Board awards interim costs to a participant under subsection (3), the Board may

- (a) pay the interim costs to the participant and
 - (i) set out terms for repayment of the interim costs to the Board by the participant if the Board varies or denies costs on a claim for costs filed by the participant at the close of the proceeding, or
 - (ii) direct the applicant to reimburse the Board for the interim costs paid to the participant,

or

- (b) direct the applicant to pay the interim costs to the participant and set out the terms for repayment of the interim costs to the applicant by the participant if the Board varies or denies costs on the claim for costs filed by the participant at the close of the proceeding.

Costs claim

- 55(1)** A participant may apply to the Board for an award of costs incurred in a proceeding by filing a costs claim in accordance with the directive.
- (2) A participant may claim costs only in accordance with the scale of costs.
- (3) Unless otherwise directed by the Board, a participant shall
- (a) file a claim for costs within 30 days after the proceeding is closed, and
 - (b) serve a copy of the claim on the other participants.
- (4) An applicant may submit as part of the applicant's claim for costs a request to the Board to record in the applicant's hearing costs reserve account costs that are reasonable and directly and necessarily related to the proceeding.
- (5) After receipt of a claim for costs, the Board may direct the participant who filed the costs claim to file additional information or documents with respect to the costs claimed.

Comments on costs claim

- 56** Unless otherwise specified by the Board,
- (a) within 14 days of the deadline for the filing of a costs claim referred to in section 55, the applicant in the proceeding to which the costs relate shall file and serve on the participant who filed the costs claim a submission detailing any questions and comments on the costs claimed, and
 - (b) within 14 days of the receipt of the applicant's comments under clause (a), the participant shall file and serve on the applicant a reply respecting those comments.

Costs award

- 57(1)** The Board may award costs, in accordance with the scale of costs, to a participant if the Board is of the opinion that
- (a) the costs are reasonable and directly and necessarily related to the proceeding, and
 - (b) the participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Board.

(2) In determining the amount of costs to be awarded to a participant, the Board may consider whether the participant did one or more of the following:

- (a) asked questions on cross-examination that were unduly repetitive of questions previously asked by another participant and answered by that participant's witness;
- (b) made reasonable efforts to ensure that the participant's evidence was not unduly repetitive of evidence presented by another participant;
- (c) made reasonable efforts to co-operate with other participants to reduce the duplication of evidence and questions or to combine the participant's submission with that of similarly interested participants;
- (d) presented in oral evidence significant new evidence that was available to the participant at the time the participant filed documentary evidence but was not filed at that time;
- (e) failed to comply with a direction of the Board, including a direction on the filing of evidence;
- (f) submitted evidence and argument on issues that were not relevant to the proceeding;
- (g) needed legal or technical assistance to take part in the proceeding;
- (h) engaged in conduct that unnecessarily lengthened the duration of the proceeding or resulted in unnecessary costs;
- (i) failed to comply with this Part.

Liability for costs

58 Unless the Board otherwise directs,

- (a) in a proceeding that relates to a specific licensee, operator or approval holder, the licensee, operator or approval holder shall pay the costs awarded to a participant, and
- (b) in a proceeding that relates to policies or concerns respecting the exploration, processing, development or transportation of energy resources, the Board may pay the costs awarded to a participant.

Costs order

59(1) Where the Board has awarded costs in a proceeding, the Board shall issue a costs order setting out the amount awarded and to whom and by whom the payment must be made.

(2) The Board shall serve a copy of the costs order on the participant making the claim and on the applicant.

(3) An applicant named in a costs order shall pay the amount awarded to the participant within 30 days of being served with a copy of the costs order under subsection (2).

Review request

60(1) A party to a costs order may, within 30 days of the date of service of the order, apply to the Board for a review of the order.

(2) An application for a review of a costs order must be made in accordance with section 48.

Part 6
Repeal and Coming into Force

Repeal

61 These Rules are repealed on the earlier of

- (a) the coming into force of rules made by the Energy Resources Conservation Board, and
- (b) the occurrence of an event referred to in section 80(10) of the *Alberta Utilities Commission Act*.

Coming into force

62 These Rules come into force on the coming into force of the *Alberta Utilities Commission Act*.

Alberta Regulation 253/2007
Alberta Utilities Commission Act
SECURITY MANAGEMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 595/2007) on December 19, 2007 pursuant to section 80 of the Alberta Utilities Commission Act.

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Definitions

1 In this Regulation,

- (a) “appropriate regulating body” means
 - (i) the Alberta Utilities Commission, with respect to a critical facility that is a gas utility pipeline, hydro development, power plant, transmission line or electric distribution system, and
 - (ii) the Energy Resources Conservation Board, with respect to a critical facility other than one referred to in subclause (i);
- (b) “critical facility” means an oil sands mine, a facility for gas processing or for oil sands processing, a transmission line, an electric distribution system, a hydro development, a power plant, a pipeline or related facility, a gas utility pipeline or related facility, a petrochemical plant or a refinery named in the critical infrastructure list;
- (c) “critical infrastructure list” means the critical infrastructure list established under the Plan;
- (d) “gas utility pipeline” means a gas utility pipeline as defined in the *Gas Utilities Act*;
- (e) “Guide 71” means Guide 71, Emergency Preparedness and Response Requirements for the Upstream Petroleum

Industry, as published by the Energy Resources Conservation Board, as amended from time to time;

- (f) “hydro development”, “power plant”, “transmission line” and “electric distribution system” mean a hydro development, power plant, transmission line and electric distribution system as defined in the *Hydro and Electric Energy Act*;
- (g) “in situ operation”, “mining operation” and “processing plant” mean an in situ operation, a mining operation and a processing plant as defined in the *Oil Sands Conservation Act*;
- (h) “mine” and “coal processing plant” mean a mine and coal processing plant as defined in the *Coal Conservation Act*;
- (i) “pipeline” means a pipeline as defined in the *Pipeline Act*;
- (j) “Plan” means the Alberta Counter-Terrorism Crisis Management Plan established under the *Emergency Management Act*;
- (k) “security measures” means threat response plans relating to a threat of terrorist activity or terrorist activity against a critical facility in accordance with the Plan.

Security measures to be established for a critical facility

2(1) A licensee or approval holder of a critical facility must establish security measures relating to the critical facility in accordance with the recommended practices outlined in the Plan to enable the licensee or approval holder to respond to the various levels of threat of terrorist activity that may be declared under the Plan.

(2) In the event that the Security and Information Unit of the Department of Solicitor General and Public Security informs a licensee or approval holder of a critical facility that the facility has been threatened and the level of the threat, the licensee or approval holder must implement security measures in accordance with the recommended practices outlined in the Plan related to the level of threat that has been declared.

(3) If the appropriate regulating body is of the view that the licensee or approval holder of a critical facility has failed to implement security measures in accordance with subsection (2), the appropriate regulating body may

- (a) order the licensee or approval holder to implement security measures in accordance with the recommended practices

outlined in the Plan related to the level of threat that has been declared, or

- (b) take whatever action is necessary to implement security measures in accordance with the recommended practices outlined in the Plan related to the level of threat that has been declared and recover the costs that may be incurred in implementing those security measures from the licensee or approval holder as a debt owed to the appropriate regulating body.

(4) The appropriate regulating body may audit the security measures of a licensee or approval holder in respect of a critical facility and the capacity of the licensee or approval holder to implement those security measures.

(5) Any information acquired by the appropriate regulating body in relation to the security measures of a critical facility is confidential in accordance with section 78(4) of the *Alberta Utilities Commission Act* or section 50(4) of the *Energy Resources Conservation Act*, as the case may be.

Corporate emergency response plan required

3(1) A licensee or approval holder of a critical facility, other than a facility defined in the *Oil and Gas Conservation Act* to which Guide 71 applies, must

- (a) at a minimum, prepare a corporate emergency response plan for the critical facility in accordance with Guide 71,
- (b) update the corporate emergency response plan as required by Guide 71, and
- (c) implement the corporate emergency response plan in the event of an emergency.

(2) The appropriate regulating body may, in accordance with Guide 71, audit the corporate emergency response plan of a licensee or approval holder of a critical facility referred to in subsection (1) and the licensee's or approval holder's capacity to implement the plan.

Threat of terrorist activity

4(1) Where the appropriate regulating body has been informed of the existence of a threat of terrorist activity against a well or facility, pipeline, gas utility pipeline, in situ operation, mining operation or processing plant, mine or coal processing plant, hydro development, power plant, transmission line or electric distribution system, the appropriate regulating body shall

- (a) inform the licensee or approval holder of the threat of terrorist activity and the level of threat, and
- (b) request the licensee or approval holder to provide information about the manner in which the licensee or approval holder will address the threat.

(2) Where the threat of terrorist activity is high or imminent against a well, facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system, and the appropriate regulating body is of the view after consultation with the licensee or approval holder that the licensee or approval holder is unwilling or unable to take measures to address the threat, the appropriate regulating body may

- (a) order the licensee or approval holder to shut in the well or shut down the facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system and set out the terms under which the order may cease, or
- (b) take the necessary action to shut in the well or shut down the facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system and recover the costs incurred by the appropriate regulating body to take action from the licensee or approval holder as a debt owed to the appropriate regulating body.

Application and repeal

5(1) This Regulation ceases to apply in respect of a matter in respect of which a regulation made by

- (a) the Alberta Utilities Commission under section 78 of the Act applies, on the coming into force of that regulation, or
- (b) the Energy Resources Conservation Board under section 50 of the *Energy Resources Conservation Act* applies, on the coming into force of that regulation.

(2) This Regulation is repealed on the earlier of

- (a) the coming into force of the later of a regulation referred to in subsection (1)(a) and (b), and

- (b) the occurrence of an event referred to in section 80(10) of the Act.

Coming into force

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

Alberta Regulation 254/2007

Alberta Utilities Commission Act

ENERGY REGULATIONS AMENDMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 596/2007) on December 19, 2007 pursuant to section 81 of the *Alberta Utilities Commission Act*.

**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*.

Alberta Regulation 255/2007

Electric Utilities Act

TRANSMISSION AMENDMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 597/2007) on December 19, 2007 pursuant to section 142 of the Electric Utilities Act.

1 The *Transmission Regulation* (AR 86/2007) is amended by this Regulation.

2 Section 1 is amended

(a) in subsection (1)

(i) by adding the following after clause (c):

(c.1) “geographic separation” means the physical separation of transmission lines to the extent necessary to ensure the reliability of the transmission system;

(ii) in clause (d) by adding “one or more points on” after “outside Alberta to”;

(b) in subsection (2)(b) by striking out “Board” and substituting “Commission”.

3 Section 8 is amended by striking out “market participants” and substituting “Alberta”.

4 Section 9 is amended

(a) in clause (a) by striking out “of electric energy” wherever it occurs and substituting “of electricity”;

(b) in clause (c) by striking out “Board” and substituting “Commission”.

5 Section 10(1) is amended

(a) in clause (a) by striking out “of electric energy” wherever it occurs and substituting “of electricity”;

(b) in clause (c) by striking out “Board” and substituting “Commission”.

6 Section 15(1)(g) is amended by striking out “electric energy” and substituting “electricity”.

7 The following is added after section 15:

Requirement for siting transmission lines

15.1(1) In preparing plans and making arrangements for new transmission facilities or for enhancements or upgrades to existing transmission facilities, the ISO must take into consideration

geographic separation for the purposes of ensuring reliability of the transmission system.

(2) When considering the location of new transmission facilities or of enhancements or upgrades to existing transmission facilities, the ISO must consider

- (a) wires solutions that reduce or mitigate the right of way, corridor or other route required, and
- (b) maximizing the efficient use of rights of way, corridors or other routes that already contain or provide for utility or energy infrastructure.

(3) The ISO must consider the measures described in subsections (1) and (2) notwithstanding that those measures may result in additional costs.

(4) In subsection (2)(a), “wires solutions” includes, without limitation,

- (a) providing new, higher capacity transmission facilities in combination with the salvage of lower capacity transmission facilities, or
- (b) providing staged transmission capacity increases that reduce the need to access rights of way for subsequent capacity increases.

8 Section 18 is amended

(a) in subsection (1)

(i) in the words preceding clause (a) by striking out “In exercising its duties under section 17(h) of the Act, the ISO must” **and substituting** “The ISO must”;

(ii) by repealing clause (a) and substituting the following:

- (a) during abnormal operating conditions, or

(b) in subsection (2) by striking out “In exercising its duties under section 17(h) of the Act, the ISO must” **and substituting** “The ISO must”.

9 The following is added after section 25:

ISO direction to TFO

25.1 At any time after the ISO gives a direction under section 35(1)(a) of the Act, the ISO may direct the TFO to acquire equipment and materials whose lengthy delivery time may adversely affect the reliability of the transmission system.

10 Section 27 is amended

- (a) in subsection (4)(b) by striking out “Board” and substituting “Commission”;**
- (b) in subsection (5)(a) by striking out “Board” and substituting “Commission”;**
- (c) in subsection (6) by striking out “electric energy” and substituting “electricity”.**

11 Section 31(1)(e)(ii) is amended by striking out “electric energy” and substituting “electricity”.

12 Section 35(1)(b) is amended by striking out “electric energy” and substituting “electricity”.

13 Section 36 is amended

- (a) in clause (b) by striking out “electric energy” and substituting “electricity”;**
- (b) in clause (c) by striking out “electric energy” wherever it occurs and substituting “electricity”.**

14 The heading before section 37 is struck out and the following is substituted:

**Part 7
Commission Responsibilities**

15 Section 37 is amended

- (a) in subsection (1)**
 - (i) by striking out “Board” and substituting “Commission”;**

- (ii) **by striking out** “submitting an application” **and substituting** “submitting a needs identification document”;
- (b) **in subsection (2) by striking out** “Board” **and substituting** “Commission”;
- (c) **in subsection (3) by striking out** “Board” **wherever it occurs and substituting** “Commission”.

16 Section 38 is amended

- (a) **in the words preceding clause (a) by striking out** “an application under section 34(1)” **and substituting** “whether to approve a needs identification document under section 34(3)”;
- (b) **in clause (a) by striking out** “and” **at the end of subclause (i), adding** “and” **at the end of subclause (ii) and adding the following after subclause (ii):**
 - (iii) geographic separation for the purposes of ensuring reliability of the transmission system and efficient use of land, including the use of rights of way, corridors or other routes that already contain or provide for utility or energy infrastructure or the use of new rights of way, corridors or other routes, notwithstanding that geographic separation for the purposes of ensuring reliability of the transmission system or efficient use of land may result in additional costs,
- (c) **by striking out** “Board” **wherever it occurs and substituting** “Commission”.

17 Section 39 is amended

- (a) **by striking out** “or a needs identification document has been approved by the Board” **and substituting** “has been approved by the Commission under that section or if a needs identification document has been approved by the Commission”;
- (b) **in clause (c) by adding** “equipment and” **after** “purchase of”.

18 Section 41 is amended

- (a) **in subsection (1)(a) by striking out** “at the direction of the ISO” **and substituting** “as a consequence of a direction given by the ISO under this Regulation or any other enactment”;
- (b) **in subsection (2) by striking out** “Board” **wherever it occurs and substituting** “Commission”.

19 Section 43 is repealed and the following is substituted:

Decisions under s34(3) of Act

43(1) The Commission shall make a decision under section 34(3) of the Act as to whether to approve a needs identification document in a timely manner and, if possible, within a period of 180 days after receipt of the complete needs identification document.

(2) If the Commission cannot make a decision within the 180-day period referred to in subsection (1), the Commission shall

- (a) before the 180-day period expires
 - (i) notify the ISO of the reasons why it has not made or will not be able to make a decision,
 - (ii) state its best estimate as to when it reasonably expects to make a decision, and
 - (iii) make the reasons and estimate public,
- and
- (b) make its decision within 90 days after the expiry of the 180-day period.

20 Section 45 is repealed.

21 Section 52(1) is amended

- (a) **by striking out** “under section 34(1)” **and substituting** “for approval of a needs identification document under section 34”;
- (b) **by striking out** “Board” **and substituting** “Commission”.

22 Section 54 is repealed and the following is substituted:

Expiry

54 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2018.

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

section 4;
section 5;
section 12;
section 13;
section 15;
sections 19 to 26;
section 42;
section 44;
sections 46 to 48.

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

Alberta Regulation 256/2007

Electric Utilities Act

PAYMENT IN LIEU OF TAX AMENDMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 598/2007) on December 19, 2007 pursuant to section 147 of the Electric Utilities Act.

1 The *Payment in Lieu of Tax Regulation* (AR 112/2003) is amended by this Regulation.

2 Section 1(1)(g.1) is repealed and the following is substituted:

- (g.1) “service area of the municipality” means,
- (i) in respect of electric distribution systems,
 - (A) the area within the boundary of that municipality,

- (B) the area outside the boundary of that municipality where the Board has granted the municipality or its subsidiary the right to provide distribution access service to a customer, but not including any area in which that municipality or its subsidiary acquires electric distribution system assets and any associated Board approved service area from another owner of an electric distribution system after December 31, 2006, unless, for each acquisition, the electric distribution system assets and any associated Board approved service area acquired provide distribution access service to fewer than 100 customers or are acquired as part of an annexation by that municipality of that area, and
- (C) the area outside the boundary of that municipality in an adjacent service area where the municipality or its subsidiary is providing distribution access service to a customer to whom distribution access service is not being provided by the electric distribution system approved by the Board to distribute electric energy in that adjacent service area,

and

- (ii) in respect of transmission facilities,
 - (A) the area within the boundary of that municipality,
 - (B) any area outside the boundary of that municipality that is within a right-of-way used for transmission facilities owned by that municipality or its subsidiary on December 31, 2006, and
 - (C) any area outside the boundary of that municipality that is used for transmission facilities owned by that municipality or its subsidiary on December 31, 2006.

3 This Regulation is deemed to have come into force on January 1, 2007.

Alberta Regulation 257/2007

Gas Utilities Act

GAS UTILITIES DESIGNATION REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 599/2007) on December 19, 2007 pursuant to sections 1, 26 and 27 of the Gas Utilities Act.

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Gas utility pipelines

1 The following gas utilities are designated for purposes of section 1(g.1) of the *Gas Utilities Act*:

- (a) ATCO Gas and Pipelines Ltd.;
- (b) Nova Gas Transmission Ltd.;
- (c) AltaGas Utilities Inc.

Application of ss26 and 27

2 Sections 26 and 27 of the *Gas Utilities Act* apply to the following owners of gas utilities:

- (a) AltaGas Utilities Inc.;
- (b) AltaGas Utility Group Inc.;
- (c) ATCO Gas and Pipelines Ltd.;
- (d) Canadian Utilities Limited;
- (e) CU Inc.

Repeal

3 The *Designation Regulation* (AR 237/2005) is repealed.

Expiry

4 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be

repassed in its present or an amended form following a review, this Regulation expires on November 30, 2015.

Coming into force

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

Alberta Regulation 258/2007

Government Organization Act

**DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION**

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 607/2007) on December 19, 2007 pursuant to section 16 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation* (AR 317/2006) is amended by this Regulation.

2 Section 7 is amended

(a) in subsection (1) by repealing clause (t) and substituting the following:

(t) *Public Utilities Act*;

(b) by adding the following after subsection (1):

(1.1) The Minister of Energy is designated as the Minister responsible for the *Alberta Utilities Commission Act*.

3 Section 9 is amended by adding the following after subsection (1.1):

(1.11) The Minister of Finance is designated as the Minister responsible for the *Alberta Investment Management Corporation Act*.

4 Section 2(a) comes into force on the coming into force of the *Alberta Utilities Commission Act*.

Alberta Regulation 259/2007

Public Trustee Act

PUBLIC TRUSTEE INVESTMENT AMENDMENT REGULATION

Filed: December 19, 2007

For information only: Made by the Lieutenant Governor in Council (O.C. 611/2007) on December 19, 2007 pursuant to section 46 of the Public Trustee Act,.

1 The *Public Trustee Investment Regulation (AR 24/2006)* is amended by this Regulation.

2 Section 1(b) is amended by striking out “principal” and substituting “closing”.

3 Section 3(2)(a) is amended by striking out “minimum” and substituting “closing”.

Alberta Regulation 260/2007

Marketing of Agricultural Products Act

CATTLE MARKETING AMENDMENT REGULATION

Filed: December 20, 2007

For information only: Made by the Alberta Beef Producers on October 18, 2007 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Beef Producers Authorization Regulation (AR 352/2003)* is amended by this Regulation.

2 Section 6 is amended by striking out “July 1, 2008” and substituting “March 31, 2009”.

Alberta Regulation 261/2007
Marketing of Agricultural Products Act
ALBERTA SHEEP AND WOOL COMMISSION
AMENDMENT REGULATION

Filed: December 20, 2007

For information only: Made by the Alberta Sheep and Wool Commission on November 21, 2007 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Sheep and Wool Commission Regulation* (AR 389/2003) is amended by this Regulation.

2 Section 2(1) is amended by striking out “\$1” and substituting “\$1.50”.

3 This Regulation comes into force on January 1, 2008.

Alberta Regulation 262/2007
Municipal Government Act
ASSESSMENT COMPLAINTS AND APPEALS
AMENDMENT REGULATION

Filed: December 20, 2007

For information only: Made by the Minister of Municipal Affairs and Housing (M.O. L.:253/07) on December 17, 2007 pursuant to sections 484.1 and 527.1 of the Municipal Government Act.

1 The *Assessment Complaints and Appeals Regulation* (AR 238/2000) is amended by this Regulation.

2 Section 16 is amended by striking out “December 31, 2007” and substituting “December 31, 2008”.

Alberta Regulation 263/2007
Municipal Government Act
WELL DRILLING EQUIPMENT TAX RATE REGULATION

Filed: December 20, 2007

For information only: Made by the Minister of Municipal Affairs and Housing (M.O. L:257/07) on December 19, 2007 pursuant to section 390 of the Municipal Government Act.

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Calculation of tax for 2008

1 The tax under Division 6 of Part 10 of the *Municipal Government Act* must be calculated in 2008 as follows:

- (a) if the depth of the well is 900 metres or less, \$0.21 per metre of depth, with the minimum tax being \$140;
- (b) if the depth of the well is more than 900 metres but not more than 1500 metres, \$210 plus \$0.42 for each metre of depth exceeding 900;
- (c) if the depth of the well is more than 1500 metres but not more than 1800 metres, \$462 plus \$0.49 for each metre of depth exceeding 1500;
- (d) if the depth of the well is more than 1800 metres but not more than 2400 metres, \$700 plus \$1.05 for each metre of depth exceeding 1800;
- (e) if the depth of the well is more than 2400 metres but not more than 3000 metres, \$1400 plus \$2.52 for each metre of depth exceeding 2400;
- (f) if the depth of the well is more than 3000 metres but not more than 3600 metres, \$3080 plus \$3.99 for each metre of depth exceeding 3000;
- (g) if the depth of the well is more than 3600 metres but not more than 4200 metres, \$5740 plus \$8.40 for each metre of depth exceeding 3600;

- (h) if the depth of the well is more than 4200 metres but not more than 4800 metres, \$11 340 plus \$10.50 for each metre of depth exceeding 4200;
- (i) if the depth of the well is more than 4800 metres, \$18 340 plus \$12.60 for each metre of depth exceeding 4800.

Calculation of tax for 2009

2 The tax under Division 6 of Part 10 of the *Municipal Government Act* must be calculated in 2009 as follows:

- (a) if the depth of the well is 900 metres or less, \$0.29 per metre of depth, with the minimum tax being \$196;
- (b) if the depth of the well is more than 900 metres but not more than 1500 metres, \$294 plus \$0.59 for each metre of depth exceeding 900;
- (c) if the depth of the well is more than 1500 metres but not more than 1800 metres, \$647 plus \$0.69 for each metre of depth exceeding 1500;
- (d) if the depth of the well is more than 1800 metres but not more than 2400 metres, \$980 plus \$1.47 for each metre of depth exceeding 1800;
- (e) if the depth of the well is more than 2400 metres but not more than 3000 metres, \$1960 plus \$3.53 for each metre of depth exceeding 2400;
- (f) if the depth of the well is more than 3000 metres but not more than 3600 metres, \$4312 plus \$5.59 for each metre of depth exceeding 3000;
- (g) if the depth of the well is more than 3600 metres but not more than 4200 metres, \$8036 plus \$11.76 for each metre of depth exceeding 3600;
- (h) if the depth of the well is more than 4200 metres but not more than 4800 metres, \$15 876 plus \$14.70 for each metre of depth exceeding 4200;
- (i) if the depth of the well is more than 4800 metres, \$25 676 plus \$17.64 for each metre of depth exceeding 4800.

Calculation of tax for 2010

3 The tax under Division 6 of Part 10 of the *Municipal Government Act* must be calculated in 2010 as follows:

- (a) if the depth of the well is 900 metres or less, \$0.44 per metre of depth, with the minimum tax being \$290;
- (b) if the depth of the well is more than 900 metres but not more than 1500 metres, \$435 plus \$0.87 for each metre of depth exceeding 900;
- (c) if the depth of the well is more than 1500 metres but not more than 1800 metres, \$957 plus \$1.02 for each metre of depth exceeding 1500;
- (d) if the depth of the well is more than 1800 metres but not more than 2400 metres, \$1450 plus \$2.18 for each metre of depth exceeding 1800;
- (e) if the depth of the well is more than 2400 metres but not more than 3000 metres, \$2900 plus \$5.22 for each metre of depth exceeding 2400;
- (f) if the depth of the well is more than 3000 metres but not more than 3600 metres, \$6382 plus \$8.27 for each metre of depth exceeding 3000;
- (g) if the depth of the well is more than 3600 metres but not more than 4200 metres, \$11 893 plus \$17.40 for each metre of depth exceeding 3600;
- (h) if the depth of the well is more than 4200 metres but not more than 4800 metres, \$23 496 plus \$21.76 for each metre of depth exceeding 4200;
- (i) if the depth of the well is more than 4800 metres, \$38 000 plus \$26.11 for each metre of depth exceeding 4800.

Repeal

4 The *Well Drilling Equipment Tax Rate Regulation* (AR 61/2002) is repealed.

Expiry

5 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2010.

Coming into force

6 This Regulation comes into force on January 1, 2008.

Alberta Regulation 264/2007

Electric Utilities

REGULATED RATE OPTION AMENDMENT REGULATION

Filed: December 31, 2007

For information only: Made by the Minister of Energy (M.O. 82/2007) on December 17, 2007 pursuant to sections 108 and 115 of the Electric Utilities Act.

1 The *Regulated Rate Option Regulation* (AR 262/2005) is amended by this Regulation.

2 Section 1 is amended

(a) by repealing clause (b);

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

(c.1) "Commission" means the Alberta Utilities Commission established by the *Alberta Utilities Commission Act*;

3 Section 13 is amended by striking out "Board" wherever it occurs and substituting "Commission".

4 Section 22 is repealed and the following is substituted:

Service standards and incentives

22 The Commission may determine or establish service standards and service incentives for providing electricity services under a regulated rate tariff.

5 Section 28 is amended by striking out "2015" and substituting "2012".

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

Alberta Regulation 265/2007

Electric Utilities Act

**ROLES, RELATIONSHIPS AND RESPONSIBILITIES REGULATION, 2003
AMENDMENT REGULATION**

Filed: December 31, 2007

For information only: Made by the Minister of Energy (M.O. 83/2007) on December 17, 2007 pursuant to sections 41, 108 and 115 of the Electric Utilities Act.

1 The *Roles, Relationships and Responsibilities Regulation, 2003* (AR 169/2003) is amended by this Regulation.

2 Section 3(8)(a) is amended by striking out “Board” and substituting “Commission”.

3 Section 6 is repealed.

4 Section 13 is repealed.

5 Section 14 is amended by striking out “except to the extent required for the purposes of section 13”.

6 Sections 2 and 3 come into force on the coming into force of the *Alberta Utilities Commission Act*.

Alberta Regulation 266/2007

Alberta Utilities Commission Act

MARKET SURVEILLANCE REGULATION

Filed: December 31, 2007

For information only: Made by the Minister of Energy (M.O. 84/2007) on December 28, 2007 pursuant to section 59 of the Alberta Utilities Commission Act.

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Definitions

1 In this Regulation,

- (a) “Act” means the *Alberta Utilities Commission Act*;
- (b) “Court” means the Court of Queen’s Bench;
- (c) “electricity market” has the meaning given to it in Part 5 of the Act;
- (d) “electricity market participant” has the meaning given to it in Part 5 of the Act;
- (e) “ISO” means the Independent System Operator established by the *Electric Utilities Act*;
- (f) “market participant” means an electricity market participant or a natural gas market participant;
- (g) “MSA” means the Market Surveillance Administrator continued under the Act;
- (h) “natural gas market” has the meaning given to it in Part 5 of the Act;
- (i) “natural gas market participant” has the meaning given to it in Part 5 of the Act;
- (j) “objection” means an objection filed with the MSA by a market participant in accordance with section 6(5);
- (k) “record” has the meaning given to it in the *Electric Utilities Act*.

Duty of ISO to make records available to MSA

2(1) The ISO must, in accordance with this section, make available to the MSA any records relating to electricity market participants that are held by or become available to the ISO pursuant to its mandate under the *Electric Utilities Act* or the regulations made under that Act, including any records that are created by the ISO from records provided by electricity market participants.

(2) The rules made by the ISO under sections 19 and 20 of the *Electric Utilities Act* must reflect

- (a) the right of the MSA to receive the records referred to in subsection (1), and
- (b) the duty of the ISO to make the records referred to in subsection (1) available to the MSA.

(3) On receiving a request from the MSA for records referred to in subsection (1), the ISO must make arrangements with the MSA for the timely and ongoing transfer of the records to the MSA.

(4) Records must be made available under this section

- (a) through secure electronic links, or
- (b) in any other secure manner agreed to by the MSA and the ISO.

**MSA access to records of market participants,
the ISO and the Balancing Pool**

3(1) If the MSA requests the production of records by a market participant, the ISO or the Balancing Pool in accordance with section 46 of the Act, the market participant, the ISO or the Balancing Pool, as the case may be, must provide the MSA with those records as soon as reasonably practicable.

(2) Market participants and the Balancing Pool must take reasonable steps to ensure at all times that records provided to the ISO and to the MSA are complete and accurate.

No fee payable by MSA

4 No fee is payable by the MSA for access to or transfer to it of any record, or for the preparation of any record, that is necessary for the purposes of its mandate under any enactment.

Right to use records

5(1) Subject to section 6, the MSA is entitled to use any record obtained pursuant to an enactment and any record created by the MSA for the purposes of its mandate under any enactment.

(2) The MSA is not required to obtain the consent of a market participant whose records the MSA has obtained before using the records in accordance with subsection (1).

Confidentiality and public disclosure of records

6(1) Any record provided to or obtained by the MSA must be kept confidential by the MSA unless

- (a) disclosure is permitted or required under this section, another enactment or the rules of the Commission or the Court, or
- (b) the record has otherwise been made public.

(2) The MSA may make public the following:

- (a) reports created by the MSA on matters relating to its mandate, including its findings and views on market events or conditions, and such reports may contain references to or reproductions of, in whole or in part, any record provided to or obtained by the MSA, except records provided to the MSA by a market participant as part of an investigation;
- (b) the commencement, progress or completion of a MSA investigation, including the subject-matter of the investigation and the name of any relevant market participant in accordance with subsection (4);
- (c) a summary, reference or other derivative of a record provided to or obtained by the MSA as part of an investigation.

(3) In considering whether to make a record public, the MSA must take into account implications

- (a) to any market participant affected by making the record public, and
- (b) to the fair, efficient and openly competitive operation of the electricity market or the natural gas market, as the case may be, of making or not making the record public.

(4) Before the MSA makes public a record that will identify a market participant by name, the MSA must, except when disclosure of the name of a party is permitted or required under the rules of the Commission or the Court,

- (a) consider
 - (i) the benefits that might reasonably be foreseen of making public the name of the market participant for the purpose of carrying out the mandate of the MSA,
 - (ii) whether making public the name of the market participant could reasonably be expected to
 - (A) result in undue financial loss to the market participant, or
 - (B) harm significantly the competitive position of the market participant,
 - (iii) the implications of not making public the name of the market participant to other market participants,
 - (iv) any practical alternatives reasonably known to the MSA, and
 - (v) any other factors the MSA considers relevant,
 - (b) determine that, on balance, the factors considered under clause (a) favour making public the name of the market participant, and
 - (c) give written notice to the market participant of its intention to make the record public, and the notice
 - (i) must include a copy of the content of the record that it intends to make public, and
 - (ii) must provide at least 7 days for the market participant to file an objection with the MSA in respect of being identified by name in the record that the MSA intends to make public.
- (5) An objection referred to in a notice given under subsection (4)(c) must be filed with the MSA in writing within the period specified in the notice and must include reasons for the objection.
- (6) If an objection is not filed in accordance with subsection (5), the MSA may make public the record identifying the name of the market participant.
- (7) If an objection is filed in accordance with subsection (5), the MSA must, within 7 days of receiving the objection, either

- (a) decide not to identify the market participant by name when making the record public and notify the market participant of that decision, or
 - (b) give written notice to the Commission, pursuant to section 51(1)(b) of the Act, requesting that the Commission initiate a proceeding in private to review whether or not the determination made by the MSA under subsection (4)(b) is reasonable.
- (8)** A notice under subsection (7)(b) must contain a copy of the objection and a response to the objection from the MSA, including a summary of the factors the MSA considered under subsection (4)(a) and the determination the MSA made under subsection (4)(b).
- (9)** The Commission, in respect of a proceeding initiated in response to a request under subsection (7)(b),
- (a) must not consider any new reasons for an objection other than those contained in the objection filed by the market participant, and
 - (b) must conclude the proceeding and provide the MSA and the market participant with a decision within 14 days of receiving the notice requesting the proceeding, unless otherwise agreed to by the parties.
- (10)** If the Commission finds that the determination made by the MSA under subsection (4)(b)
- (a) is reasonable, the MSA may make public the record identifying the market participant by name, or
 - (b) is not reasonable, the MSA must not identify the market participant by name when making the record public.
- (11)** A decision by the Commission under subsection (9)(b) is final and may not be appealed under section 29 of the Act.
- (12)** The Commission must not require disclosure in any hearing or other proceeding of a record that has not otherwise been made public if the record
- (a) is created by the MSA for its internal use in carrying out its mandate, including any communication, report or memorandum relating to the deliberations of the MSA, unless the Commission finds that

- (i) specific conduct of the MSA is relevant and material to its consideration of the matters at issue before the Commission, and
- (ii) after having reviewed the record and considered the general protection of confidentiality regarding internal MSA records, disclosure of the record is necessary for the Commission to determine whether or not, by that specific conduct, the MSA did not comply with a provision of the Act or this Regulation,

or

- (b) is created for the purpose of communication between 2 or more parties in respect of a complaint under section 41 of the Act or a notice under section 45 of the Act.

MSA investigation procedures

7(1) The MSA must make public the procedures to be used in its interactions with market participants during investigations.

(2) If the MSA decides to materially change its investigation procedures referred to in subsection (1), the MSA must consult with market participants on the proposed changes and make public any revised investigation procedures.

MSA guidelines

8(1) The MSA must consult with market participants on any new guidelines it develops pursuant to section 39(4) of the Act or any existing guideline it decides to materially change.

(2) The MSA must make public the general process used by the MSA to develop the guidelines referred to in section 39(4) of the Act.

(3) If the MSA decides to materially change its process referred to in subsection (2), the MSA must consult with market participants on the proposed changes and make public any revised process.

Evidence taken outside Alberta

9(1) The MSA may apply to the Court for an order

- (a) appointing a person to take evidence of a witness outside Alberta for use in an investigation or hearing before the Commission, and

- (b) providing for the issuance of a written request directed to the judicial authorities of the jurisdiction in which the witness is to be found for the issuance of any process as is necessary
 - (i) to compel the witness to attend to give evidence on oath or otherwise before the person appointed under clause (a), and
 - (ii) to produce any record relevant to the subject-matter of the investigation or hearing.

(2) The practice and procedure respecting

- (a) an appointment under this section,
- (b) the taking of evidence, and
- (c) the certifying and return of the appointment

must, to the extent possible, be the same as those that govern similar matters in civil proceedings in the Court.

(3) Unless the Court otherwise provides, the making of an order under subsection (1) does not determine whether evidence obtained pursuant to the order is admissible in a hearing before the Commission.

(4) Nothing in this section is to be construed so as to limit any power that the Commission or the MSA may have to obtain evidence outside Alberta by any other means, including under any other enactment or by the operation of law.

Evidence taken in Alberta

10(1) If a body is empowered by an enactment to carry out surveillance in respect of any activity related to the operation of the electricity market or the natural gas market in a jurisdiction outside Alberta, and the Court is satisfied that a tribunal of competent jurisdiction in a jurisdiction outside Alberta has properly authorized that body to obtain testimony and evidence in Alberta from a witness located in Alberta, the Court may

- (a) order the attendance of the witness for the purpose of being examined,
- (b) order the production of any record mentioned in the order, and
- (c) give directions as to the time and place of the examination and all other matters with respect to the examination as the Court considers appropriate.

(2) In subsection (1), “tribunal” includes a court.

Repeal

11 The following are repealed:

- (a) the *Market Surveillance Regulation* (AR 166/2003);
- (b) the *Tribunal Process and Procedure Regulation* (AR 170/2003).

Expiry

12 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2014.

Coming into force

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