

2004

CHAPTER 62

An Act to amend *The Power Corporation Act*

(Assented to November 30, 2004)

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

Short title

1 This Act may be cited as *The Power Corporation Amendment Act, 2004*.

R.S.S. 1978, c.P-19 amended

2 *The Power Corporation Act* is amended in the manner set forth in this Act.

Section 1.1 amended

3 Section 1.1 is amended:

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

“(c.1) **‘distribution’** means, with respect to electrical energy, any distribution of electrical energy by means of lines, apparatus, equipment or other facilities with a nominal design voltage within the range prescribed in the regulations for the purposes of this clause and, without limiting the generality of the foregoing, includes a distribution undertaken to provide electrical energy:

- (i) for a person’s own use;
 - (ii) for use by another person; or
 - (iii) for further distribution or transmission by another person”;
- and**

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

“(f) **‘transmission’** means, with respect to electrical energy, any transmission of electrical energy by means of lines, apparatus, equipment or other facilities with a nominal design voltage greater than the upper limit of the range of nominal design voltages prescribed for the definition of ‘distribution’ and, without limiting the generality of the foregoing, includes a transmission undertaken to provide electrical energy:

- (i) for a person’s own use;
- (ii) for use by another person; or
- (iii) for further transmission or distribution by another person”.

New sections 8.1 to 8.3

4 Sections 8.1 and 8.2 are repealed and the following substituted:

“Powers – import, export

8.1 Without limiting the generality of section 8, the corporation may do any of the following:

- (a) import electrical energy from a person outside of Saskatchewan;
- (b) export electrical energy to a person outside of Saskatchewan.

“Powers – interconnection

8.2(1) In addition to any other powers conferred by this Act, the corporation may do any of the following:

- (a) transmit electrical energy over its transmission lines, apparatus, equipment or other facilities to or on behalf of a person within or outside of Saskatchewan;
- (b) implement any standards, rules or guidelines that the corporation considers appropriate with respect to the planning, design or operation of its transmission lines, apparatus, equipment or other facilities or its generation apparatus, equipment or other facilities within an integrated regional power grid;
- (c) adopt or incorporate by reference all or any part of any standards, rules or guidelines respecting the transmission of electrical energy as those standards, rules or guidelines exist at the time the regulation is made or as amended from time to time and require compliance with the standards, rules or guidelines being adopted or incorporated by reference;
- (d) acquire and maintain membership in an integrated regional power organization;
- (e) do any other thing that, in the opinion of the corporation, is necessary or incidental to the exercise of the powers set out in clauses (a) to (d).

(2) To ensure the reliability and security of the corporation’s lines, apparatus, equipment or other facilities and supply of electrical energy, the corporation may:

- (a) establish standards for the design and operation of facilities owned or operated by a person that are interconnected with:
 - (i) the transmission and distribution lines, apparatus, equipment or other facilities of the corporation;
 - (ii) the generation apparatus, equipment or other facilities of the corporation; or
 - (iii) any other apparatus, equipment or other facilities of the corporation; and
- (b) require compliance with the standards established pursuant to clause (a).

- (3) For the purposes of subsection (2), the corporation may:
- (a) adopt or incorporate by reference all or any part of any standards, rules or guidelines respecting the transmission, distribution or generation of electrical energy as those standards, rules or guidelines exist at the time the regulation is made or as amended from time to time; and
 - (b) require compliance with the standards, rules or guidelines being adopted or incorporated by reference pursuant to clause (a).

“Powers – refusal or disconnect

8.3(1) In this section, **‘designated officer’** means an employee of the corporation designated by the corporation pursuant to subsection (2).

(2) The corporation may designate an employee of the corporation to exercise the powers and fulfil the duties of the designated officer pursuant to this section.

- (3) The corporation may act pursuant to subsection (4) if a person:
- (a) fails to comply with a standard established pursuant to subsection 8.2(2); or
 - (b) supplies, transmits, distributes or sells electrical energy without the consent of the corporation in contravention of section 38.

(4) In the circumstances mentioned in subsection (3), the corporation may, in addition to any other rights or remedies available to it and notwithstanding the terms of any agreement between the corporation and the person:

- (a) refuse to transmit or distribute electrical energy to or on behalf of the person; or
- (b) disconnect its transmission and distribution lines from the lines of the person.

(5) Before the corporation acts pursuant to subsection (4), the designated officer shall:

- (a) serve written notice of the corporation’s intention to act and the reasons for doing so on the person; and
- (b) give the person an opportunity to make written representations to the designated officer, within 30 days after the written notice mentioned in clause (a) is served, as to why the corporation should not act.

(6) Notwithstanding subsection (5), the corporation may act immediately pursuant to subsection (4) without the designated officer complying with subsection (5) if the corporation considers that it is necessary and in the public interest to do so.

(7) If the corporation acts pursuant to subsection (6), the designated officer shall:

- (a) serve written notice of the corporation’s action within 10 days after the date on which the corporation acted; and

(b) give the person an opportunity to make written representations to the designated officer within 30 days after the written notice mentioned in clause (a) is served.

(8) Nothing in this section requires the designated officer to give an oral hearing to any person.

(9) Any person aggrieved by a decision of the corporation to act pursuant to this section may appeal that decision to a judge of the Court of Queen's Bench within 30 days after the corporation's initial action pursuant to that decision".

Section 11 amended

5 Subsection 11(1) is amended:

(a) **by striking out** "the distribution or supply" **and substituting** "the transmission, distribution or supply"; **and**

(b) **by adding** "distributing," **after** "purpose of".

Section 19 amended

6 Clause 19(4)(c) is amended by striking out "otherwise than by means of a distribution system".

New section 38

7 Section 38 is repealed and the following substituted:

"Exclusive right to supply, transmit, distribute and sell

38(1) Notwithstanding anything in any other Act, notwithstanding any special franchise or privilege in the nature of a franchise heretofore or hereafter granted and notwithstanding any alteration on or after January 1, 1958, of the limits of a city, town or village, the corporation shall have, and shall be deemed to have had on and from January 1, 1958, the exclusive right:

(a) to supply, transmit, distribute and sell electrical energy in any area in which on that date electrical energy and gas were not being supplied;

(b) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying electrical energy and gas;

(c) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying electrical energy and no gas was being supplied;

(d) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying gas and no electrical energy was being supplied; and

(e) to supply, transmit, distribute and sell electrical energy in any area in which on that date electrical energy was being supplied by the corporation or no electrical energy was being supplied.

(2) Notwithstanding subsection (1), the corporation may, on any terms and conditions that the corporation considers advisable, consent to the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons.

(3) A consent pursuant to subsection (2) is not effective unless it is given expressly and in writing.

(4) Notwithstanding subsection (1), the corporation is deemed to have consented to the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons if:

(a) the person or persons comply with the conditions prescribed in the regulations; or

(b) the circumstances of the supply, transmission, distribution or sale meet the circumstances prescribed in the regulations”.

Section 61 amended

8 The following clauses are added after clause 61(a):

“(a.1) for the purposes of clause 1.1(c.1), prescribing the range of nominal design voltages within which distribution of electrical energy occurs;

“(a.2) for the purposes of subsection 38(4):

(i) prescribing the conditions a person or category of persons must comply with in order for the corporation to be deemed to have consented to the supply, transmission, distribution or sale of electrical energy by that person or category of persons;

(ii) prescribing the circumstances respecting the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons under which the corporation is deemed to have consented to the supply, transmission, distribution or sale of electrical energy by or to that person or category of persons”.

Coming into force

9 This Act comes into force on proclamation.

