

2001

CHAPTER 30

An Act to amend *The Power Corporation Act* and to make a consequential amendment to *The Land Titles Act, 2000*

(Assented to June 28, 2001)

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, 2001*.

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

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

New section 1.1

3 Sections 1.1 and 1.2 are repealed and the following substituted:

“Interpretation

1.1 In this Act:

- (a) **‘board’** means the board of directors of the corporation;
- (b) **‘corporation’** means Saskatchewan Power Corporation continued pursuant to section 2;
- (c) **‘Crown’** means the Crown in right of Saskatchewan;
- (d) **‘minister’** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **‘pipe’** or **‘pipeline’** does not include a pipeline used for the transportation or distribution of gas within the meaning of *The SaskEnergy Act*”.

New section 2

4 Section 2 is repealed and the following substituted:

“Corporation continued

2(1) Saskatchewan Power Corporation is continued as a corporation, consisting of those persons who may be appointed as members by the Lieutenant Governor in Council.

(2) SaskPower is the abbreviated name of the corporation, and the abbreviation when used has the same legal effect and meaning as the full name of the corporation”.

Section 8 amended**5 The following subsection is added after subsection 8(6):**

“(6.1) Notwithstanding subsections (3) to (5), the corporation is not required to set out charges, rates, terms and conditions in a schedule if it is providing a service that another person, other than a wholly owned subsidiary of the corporation, is lawfully entitled to provide in Saskatchewan”.

New sections 8.1 and 8.2**6 The following sections are added after section 8:****“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 third party outside of Saskatchewan;
- (b) export electrical energy to a third party 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 to or on behalf of a third party 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 generation or transmission facilities within an integrated regional power grid;
- (c) acquire and maintain membership in an integrated regional power organization;
- (d) 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 (c).

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

- (a) the corporation may establish standards for the design and operation of facilities owned or operated by a third party that are interconnected with the transmission and distribution lines of the corporation; and
- (b) if a third party fails to comply with a standard established pursuant to clause (a), 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 third party:
 - (i) refuse to transmit electrical energy to or on behalf of the third party; or
 - (ii) disconnect its transmission lines from the lines of the third party”.

Section 9 amended

7 Subsection 9(1) is amended by striking out “The corporation” and substituting “Notwithstanding *The Public Service Act, 1998*, the corporation”.

Section 12 amended

8 Subsection 12(5) is repealed.

New sections 30.1 and 30.2

9 Section 30.1 is repealed and the following substituted:

“Unregistered easements - lands governed by *The Land Titles Act*

30.1(1) This section applies:

(a) before the coming into force of section 191 of *The Land Titles Act, 2000*, to all lands in Saskatchewan; and

(b) after the coming into force of section 191 of *The Land Titles Act, 2000*, to lands in any areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not made an order pursuant to subsection 191(1) of that Act.

(2) In this section, **‘owner’** means:

(a) the person registered in the land titles office as the owner of lands; or

(b) a person who has purchased the lands from the person mentioned in clause (a) pursuant to an agreement for sale.

(3) The corporation may enter on any lands and may do any things on or under those lands that it considers necessary or incidental in connection with constructing, maintaining, inspecting, replacing or removing a power line where:

(a) the corporation acquires or constructs the power line for the purpose of distributing electricity to one or more persons residing in the area in which the lands are situated; and

(b) the current owner or a previous owner of the lands has granted permission to construct the power line on or under the lands to:

(i) an electrical utility acquired by the corporation;

(ii) the Saskatchewan Power Commission; or

(iii) the corporation.

(4) The corporation’s right to enter on lands pursuant to subsection (3) exists whether or not an easement covering the power line is registered in the name of the corporation against the title to the lands.

(5) Where the corporation has a right pursuant to subsection (3) to enter on lands and to construct, maintain, inspect, replace or remove a power line on or under the lands:

(a) the corporation shall determine the number and location of above-ground structures installed as part of the power line with due regard to the agricultural or industrial operations carried out on the lands or the residential use of the lands, within the limits permitted by the economic and technical requirements of the corporation;

(b) the corporation shall pay to the owner or lessee of the lands or to any other person who is entitled, reasonable compensation for any damage caused by the corporation to crops, buildings, trees, shrubs, fences, chattels or livestock during the course of entry on the lands for the purpose of constructing, maintaining, inspecting, replacing or removing the power line; and

(c) if the corporation has received from the owner of the lands a written notice of a proposed construction or excavation by the owner and, in the opinion of the corporation, it is necessary to modify the power line on or under the lands or to move the power line in order to accommodate the proposed construction or excavation, the corporation may:

(i) make any modification to the power line that it considers necessary to accommodate the construction or excavation or move the power line if it considers it necessary to accommodate the construction or excavation; and

(ii) charge all or a portion of the cost of the modification or move to the owner of the lands or to any other person that the corporation considers responsible for the construction or excavation.

(6) Where the corporation has a right pursuant to subsection (3), no owner of lands with respect to which that right applies shall undertake any construction or excavation without giving the corporation prior written notice of the proposed construction or excavation and providing those details that the corporation requires respecting the construction or excavation.

(7) Clauses (5)(b) and (c) apply, with any necessary modification, to an easement of the corporation that:

(a) covers a power line owned by the corporation;

(b) is registered against the title to lands; and

(c) the corporation gave not more than \$1 as a consideration to acquire.

(8) The right granted to the corporation by subsection (3) is deemed to be a right of way or public easement for the purposes of clause 69(c) of *The Land Titles Act*.

(9) Where an easement in favour of an electrical utility has been registered pursuant to *The Land Titles Act* against the title to lands and the electrical utility has been wound up, that easement is deemed to have been assigned to the corporation and the corporation shall possess all the rights of the electrical utility pursuant to the easement and may execute a valid discharge of the easement as though a total assignment of that easement in favour of the corporation had been registered against the title to the lands.

(10) This section does not affect the right of the corporation to acquire or expropriate easements or rights of way for power lines or pipelines pursuant to the authority of this Act or any other Act.

“Unregistered easements - lands governed by *The Land Titles Act, 2000*

30.2(1) This section applies to lands in any areas of Saskatchewan with respect to which the Lieutenant Governor in Council has made an order pursuant to subsection 191(1) of *The Land Titles Act, 2000*.

(2) In this section, ‘owner’ means:

- (a) the person registered in the Land Titles Registry as owner of the title to lands; or
- (b) a person who has purchased the lands from the person mentioned in clause (a) pursuant to an agreement for sale.

(3) The corporation may enter on any lands and may do any things on or under those lands that it considers necessary or incidental in connection with constructing, maintaining, inspecting, replacing or removing a power line where:

- (a) the corporation acquires or constructs the power line for the purpose of distributing electricity to one or more persons residing in the area in which the lands are situated; and
- (b) the current owner or a previous owner of the lands has granted permission to construct the power line on or under the lands to:
 - (i) an electrical utility acquired by the corporation;
 - (ii) the Saskatchewan Power Commission; or
 - (iii) the corporation.

(4) The corporation’s right to enter on lands pursuant to subsection (3) exists whether or not an interest based on an easement covering the power line is registered in the name of the corporation against the title to the lands.

(5) Where the corporation has a right pursuant to subsection (3) to enter on lands and to construct, maintain, inspect, replace or remove a power line on or under the lands:

- (a) the corporation shall determine the number and location of above-ground structures installed as part of the power line with due regard to the agricultural or industrial operations carried out on the lands or the residential use of the lands, within the limits permitted by the economic and technical requirements of the corporation;
- (b) the corporation shall pay to the owner or lessee of the lands or to any other person who is entitled, reasonable compensation for any damage caused by the corporation to crops, buildings, trees, shrubs, fences, chattels or livestock during the course of entry on the lands for the purpose of constructing, maintaining, inspecting, replacing or removing the power line; and

(c) if the corporation has received from the owner of the lands a written notice of a proposed construction or excavation by the owner and, in the opinion of the corporation, it is necessary to modify the power line on or under the lands or to move the power line in order to accommodate the proposed construction or excavation, the corporation may:

(i) make any modification to the power line that it considers necessary to accommodate the construction or excavation or move the power line if it considers it necessary to accommodate the construction or excavation; and

(ii) charge all or a portion of the cost of the modification or move to the owner of the lands or to any other person that the corporation considers responsible for the construction or excavation.

(6) Where the corporation has a right pursuant to subsection (3), no owner of lands with respect to which that right applies shall undertake any construction or excavation without giving the corporation prior written notice of the proposed construction or excavation and providing those details that the corporation requires respecting the construction or excavation.

(7) Clauses (5)(b) and (c) apply, with any necessary modification, to an easement of the corporation that:

(a) covers a power line owned by the corporation;

(b) is registered as an interest against the title to lands; and

(c) the corporation gave not more than \$1 as a consideration to acquire.

(8) The right granted to the corporation by subsection (3) is deemed to be a right of way or public easement for the purposes of clause 18(1)(c) of *The Land Titles Act, 2000*.

(9) Where an interest based on an easement in favour of an electrical utility has been registered pursuant to *The Land Titles Act, 2000* against the title to lands and the electrical utility has been wound up, that easement is deemed to have been assigned to the corporation and the corporation shall possess all the rights of the electrical utility pursuant to the easement and may execute a valid discharge of the easement as though a total assignment of that easement in favour of the corporation had been registered against the title to the lands.

(10) This section does not affect the right of the corporation to acquire or expropriate easements or rights of way for power lines or pipelines pursuant to the authority of this Act or any other Act”.

New section 33

10 Section 33 is repealed and the following substituted:**“Powers re land adjoining power lines**

33(1) The corporation may enter on any land on either side of its transmission or distribution lines or the right of way acquired for those lines, for the purposes of:

(a) doing anything necessary for the construction, operation, maintenance, repair or replacement of any line or part of a line; or

(b) trimming or removing any trees or shrubs or removing other obstructions to the extent that, in the opinion of the corporation, is necessary to protect its transmission or distribution lines and any cross arms, wires or other attachments to power poles.

(2) Any cross arms, wires or other attachments to power poles may project over any land adjoining a highway, road allowance, road, street, lane or other public place vested in the Crown.

(3) In the trimming of a tree or shrub pursuant to clause (1)(b), every care is to be taken to ensure that no damage is done to the tree or shrub other than damage that is unavoidable.

(4) The owner of land described in subsection (1) is not entitled to compensation with respect to the trimming or removal of a tree or shrub or the removal of an obstruction, and the owner of land described in subsection (2) is not entitled to compensation with respect to the overhanging of a cross arm, wire or other attachment to a power pole”.

Section 38 amended

11 Subsection 38(2) is repealed and the following substituted:

“(2) Notwithstanding subsection (1), the corporation may, on any terms and conditions that the corporation considers advisable, consent to the supply, transport, distribution or sale of electrical energy by or to a third party or category of third parties”.

Section 40 amended

12 The portion of subsection 40(1) following clause (e) is amended by striking out “, and in the currency of such country or countries,”.

Section 42 amended

13 Subsections 42(3) and (4) are repealed and the following substituted:

“(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

(a) the principal, interest and premium, if any, of the bonds, debentures or other securities;

(b) the loans, temporary or otherwise; and

(c) the indebtedness or liability for the payment of moneys.

“(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

“(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund”.

Section 44 amended

14 Subsection 44(1) is repealed and the following substituted:

“(1) The corporation may, from time to time:

(a) invest any part of the capital or operating moneys of the corporation in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;

(b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient”.

Section 58 amended

15 Subsection 58(1) is repealed and the following substituted:

“(1) Subject to the regulations, the corporation shall enforce payment of all rates, charges or rents for electrical energy or steam supplied or other services rendered, including service charges and current charges.

“(1.1) The corporation may enforce payment of any rate, charge or rent mentioned in subsection (1) by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the person who owes the rate, charge or rent, wherever the goods and chattels may be found”.

New section 59.01

16 The following section is added after section 59:

“Relocation easement

59.01(1) Where, in the opinion of the corporation, it is necessary to relocate a distribution line in order to remedy an emergency or hazardous condition as described in subsection 59(2):

(a) section 30.1 or 30.2, as the case may be, applies, with any necessary modification, to any lands that the corporation requires to relocate the distribution line and to maintain, inspect, replace or remove the relocated distribution line; and

(b) the owners of any lands mentioned in clause (a) are deemed to have given permission pursuant to clause 30.1(3)(b) or 30.2(3)(b), as the case may be, for the purposes of this section.

(2) Where, in the opinion of the corporation, it is necessary to relocate a transmission line in order to remedy an emergency or hazardous condition as described in subsection 59(2) and the corporation does not have an easement that would allow the corporation to relocate the transmission line:

(a) the corporation shall, in accordance with section 26, give notice to the registered owner of any lands required for the relocation of the transmission line of the corporation’s intention to acquire an easement; and

(b) until the corporation acquires an easement, the corporation may enter on any lands required for the relocation of the transmission line and use and occupy those lands to maintain, inspect, replace or remove the relocated transmission line”.

New section 59.2

17 The following section is added after section 59.1:

“Prohibition re building over meters

59.2(1) No person shall construct or allow the construction of any building, structure or other obstruction over any of the corporation’s meters without the prior written consent of the corporation.

(2) The corporation may demand in writing that the owner of land remove a building, structure or obstruction at the owner’s expense or reimburse the corporation for the corporation’s costs in obtaining access to the meter for the purposes of reading the meter if:

- (a) the building, structure or obstruction is constructed over a meter of the corporation; and
- (b) it is not possible to read the meter without removing the building, structure or obstruction.

(3) If an owner fails to comply with a written demand of the corporation pursuant to subsection (2), the corporation may enter on the land and remove the building, structure or obstruction.

(4) The corporation may charge the owner with the corporation’s costs in removing the building, structure or obstruction.

(5) If the owner and the corporation are unable to agree respecting the costs of removing a building, structure or obstruction or respecting any compensation that the owner may claim as a result of the corporation removing the building, structure or obstruction, both parties shall submit the issue to arbitration in accordance with *The Arbitration Act, 1992*”.

New section 61

18 Section 61 is repealed and the following substituted:

“Regulations

61 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subsection 58(1), prescribing circumstances in which the corporation may elect not to enforce the payment of a rate, charge or rent;
- (c) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

S.S. 2000, c.L-5.1 amended

19 Section 429 of *The Land Titles Act, 2000* is repealed.

Coming into force

20(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 15 of this Act comes into force on proclamation.