

2018 Bill 14

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Fourth Session, 29th Legislature, 67 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 14**

**AN ACT TO EMPOWER  
UTILITY CONSUMERS**

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THE MINISTER OF SERVICE ALBERTA

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 14

2018

### AN ACT TO EMPOWER UTILITY CONSUMERS

(Assented to \_\_\_\_\_, 2018)

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

**Amends RSA 2000 cG-10**

**1 The *Government Organization Act* is amended by this Act.**

**2 Schedule 13.1 is repealed and the following is substituted:**

**Schedule 13.1**

**Office of the Utilities  
Consumer Advocate**

**Definitions**

**1** In this Schedule,

- (a) “consumer” means a person who is
  - (i) an eligible customer as defined in the *Regulated Rate Option Regulation* (AR 262/2005),
  - (ii) a consumer as defined in the *Energy Marketing and Residential Heat Sub-metering Regulation* (AR 246/2005),
  - (iii) a person who purchases fewer than 2500 gigajoules of natural gas per year, or
  - (iv) a person who receives water from a provider for

## Explanatory Notes

1 Amends chapter G-10 of the Revised Statutes of Alberta 2000.

2 Schedule 13.1 presently reads:

### *Schedule 13.1*

#### *Office of the Utilities Consumer Advocate*

##### *Office of the Utilities Consumer Advocate established*

1 *The Office of the Utilities Consumer Advocate is established as part of the department of the responsible Minister, consisting of the Utilities Consumer Advocate and such staff as the responsible Minister determines.*

##### *Responsibilities*

2 *The Office of the Utilities Consumer Advocate has the following responsibilities:*

- (a) to represent the interests of Alberta residential, farm and small business consumers of electricity and natural gas before proceedings of the Alberta Utilities Commission and other bodies whose decisions may affect the interests of those consumers;*

- (A) residential purposes,
  - (B) small business purposes, or
  - (C) agricultural purposes other than irrigation;
- (b) “distributor” means
- (i) an owner of an electric distribution system as defined in the *Electric Utilities Act*, or
  - (ii) a gas distributor as defined in the *Gas Utilities Act*;
- (c) “provider” means
- (i) a regulated rate provider as defined in the *Electric Utilities Act*,
  - (ii) a default supply provider as defined under the *Gas Utilities Act*, or
  - (iii) a person that provides water, sewage disposal or drainage to a consumer and is
    - (A) a public utility under the *Public Utilities Act*,
    - (B) a public utility under the *Municipal Government Act*, or
    - (C) any other water utility regulated by the Alberta Utilities Commission;
- (d) “retailer” means
- (i) a municipality as defined in the *Municipal Government Act*,
  - (ii) a retailer as defined in the *Electric Utilities Act*, or
  - (iii) a retailer as defined in the *Gas Utilities Act*.

**Office of the Utilities Consumer**

**Advocate established**

**2** The Office of the Utilities Consumer Advocate is established as part of the department of the responsible

- (b) to disseminate independent and impartial information about the regulatory process relating to electricity and natural gas, including an analysis of the impact of decisions of the Alberta Utilities Commission, other bodies and the courts relating to electricity and natural gas;*
- (c) to inform and educate consumers about electricity and natural gas issues;*
- (d) to carry out such other responsibilities relating to electricity and natural gas as the responsible Minister determines.*

*Regulations*

*3 The Lieutenant Governor in Council may make regulations*

- (a) adding to, clarifying, limiting or restricting any of the responsibilities of the Office of the Utilities Consumer Advocate or regulating how they are to be carried out;*
- (b) respecting any other matter necessary to carry out the intent of this Schedule.*

Minister, consisting of the Utilities Consumer Advocate and such staff as the responsible Minister determines.

**Responsibilities**

**3** The Office of the Utilities Consumer Advocate has the following responsibilities:

- (a) to represent the interests of Alberta residential, farm and small business consumers of electricity and natural gas before proceedings of the Alberta Utilities Commission and other bodies whose decisions may affect the interests of those consumers;
- (b) to disseminate independent and impartial information about the regulatory process relating to electricity and natural gas, including an analysis of the impact of decisions of the Alberta Utilities Commission, other bodies and the courts relating to electricity and natural gas;
- (c) to inform and educate consumers about electricity, natural gas and water utilities issues;
- (d) to disseminate independent and impartial information to assist electricity and natural gas consumers in choosing a distributor, provider or retailer, including
  - (i) complaints made under this Schedule, the *Electric Utilities Act* or the *Alberta Utilities Commission Act* and the outcome of any recommendation, hearing or settlement,
  - (ii) investigations, orders, administrative penalties or convictions conducted, awarded or made under the *Electric Utilities Act*, the *Alberta Utilities Commission Act* or the *Consumer Protection Act*,
  - (iii) compliance records of a distributor, provider or retailer in adhering to the standards and codes prescribed under the *Electric Utilities Act*, the *Alberta Utilities Commission Act* and the *Consumer Protection Act*, and



- (iv) any other matters the Utilities Consumer Advocate considers necessary to carry out the purposes of this clause;
- (e) to assist in the resolution of any consumer issue, complaint or dispute between a consumer and a distributor, provider or retailer relating to the provision of electricity, natural gas or water as the Utilities Consumer Advocate considers appropriate and, if a resolution is not reached, to refer the complaint to the person, body or authority the Utilities Consumer Advocate considers appropriate;
- (f) to develop and undertake activities that the Utilities Consumer Advocate considers appropriate for the purposes of
  - (i) preventing the disconnection of electricity or natural gas provided by a retailer or provider to a consumer, or
  - (ii) facilitating the reconnection of electricity or natural gas provided by a retailer or provider to a consumer;
- (g) to carry out such other responsibilities relating to electricity, natural gas and water as the responsible Minister determines.

**Collection and disclosure of distributor, provider or retailer information**

**4(1)** The Office of the Utilities Consumer Advocate may, for the purposes of carrying out the responsibilities set out in section 3(d), collect and use information about an electricity and natural gas distributor, provider or retailer from

- (a) the Market Surveillance Administrator,
- (b) the Alberta Utilities Commission,
- (c) the Director of Fair Trading, and
- (d) any other persons as reasonably required to carry out the responsibilities set out in section 3(d).





(2) For the purposes set out in subsection (1), the bodies, organizations and persons referred to in subsection (1) are authorized to disclose information about a distributor, provider or retailer to the Office of the Utilities Consumer Advocate.

(3) For the purposes set out in subsection (1), the Office of the Utilities Consumer Advocate is authorized to disclose information collected under this section about a distributor, provider or retailer to any persons as reasonably required to carry out the responsibilities set out in section 3(d).

(4) No action lies against the Office of the Utilities Consumer Advocate for the publication of any information pursuant to this section, if such publication is made in good faith for the purposes of section 3(d).

(5) Nothing in this section compels the disclosure of any information or records that are subject to any type of legal privilege, including solicitor-client privilege.

**Authority to collect information**

**5** This Schedule does not limit the authority of the Office of the Utilities Consumer Advocate to collect, use or disclose information when authorized to do so by any other enactment.

**Regulations**

**6** The Lieutenant Governor in Council may make regulations

- (a) clarifying who is a water consumer for the purposes of section 1(a);
- (b) clarifying who is a water provider for the purposes of section 1(c);
- (c) defining any word or phrase used in this Schedule but not defined in this Schedule;
- (d) adding to, clarifying, limiting or restricting any of the responsibilities of the Office of the Utilities Consumer Advocate or regulating how they are to be carried out;
- (e) respecting any other matter necessary to carry out the intent of this Schedule.

**3 This Act comes into force on Proclamation.**

**3** Coming into force.

