



Province of Alberta

NATURAL GAS MARKETING ACT

Revised Statutes of Alberta 2000
Chapter N-1

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Office Consolidation

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Note

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

Amendments not in Force

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

Amended by RSA 2000 c22 (Supp) s2 amends s9, s3 amends s10, s4 (2013 c10 s34 - effective May 27, 2013) amends s11, s4 amends s12.

Regulations

The following is a list of the regulations made under the *Natural Gas Marketing Act* that are filed as Alberta Regulations under the Regulations Act.

	Alta. Reg.	<i>Amendments</i>
Natural Gas Marketing Act		
Natural Gas Marketing	358/86	31/87, 278/89, 313/89, 263/91, 280/92, 358/93, 390/94, 25/96, 264/96, 185/98, 156/2001, 221/2002, 108/2004, 254/2007, 56/2015
Prescribed Deregulation Date.....	352/86	

NATURAL GAS MARKETING ACT

Chapter N-1

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

Interpretation

1(1) In this Act,

- (a) “Commission” means the Alberta Petroleum Marketing Commission incorporated under the *Petroleum Marketing Act*;
- (b) “gas” means a gaseous mixture consisting primarily of methane;
- (c) “gas contract” means a contract under which gas is sold and delivered by a seller to a buyer, and includes an agreement that varies or amends that contract and an arbitration award that relates to that contract;
- (d) “marketable gas” means marketable gas as defined in the regulations;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “prescribed deregulation date” means 8 a.m. Mountain Standard Time on the date designated by the Minister as the prescribed deregulation date for the purposes of this Act;
- (g) “record” means a record as defined in the *Financial Administration Act*.

(2) The Minister may by regulation designate a date as the prescribed deregulation date for the purposes of this Act.

(3) Where any reference is made in this Act or any regulation, order or decision under this Act to a month, whether by its name or not, the reference shall be construed to be the period commencing at 8 a.m. Mountain Standard Time on the first day of that month and ending immediately before 8 a.m. Mountain Standard Time on the first day of the next month.

1986 cN-2.8 s1

Part 1 Services Relating to Price Components

Interpretation

2(1) In this Part,

- (a) “Alberta cost of service” means the classes of costs and charges that are constituted by the regulations as the Alberta cost of service for the purposes of this Part;
- (b) “component provision” means
 - (i) in relation to a gas contract, a provision contained in the contract and referred to in section 3(1), or
 - (ii) in relation to gas contracts with the same buyer, a provision referred to in section 3(1) that is common to the contracts,

and includes any other provisions in the gas contract or gas contracts that contain guidelines or directions to be followed by the Commission in the provision of services in relation to a price component;
- (c) “price component”, in relation to a gas contract, means
 - (i) the Alberta cost of service, if the gas contract provides for the deduction or addition of the buyer’s Alberta cost of service in the calculation of the price payable for gas delivered under the contract,
 - (ii) any class of costs or charges that is, according to the gas contract, a component in the calculation of the price payable for gas delivered under the contract, or
 - (iii) any class of revenue that is, according to the gas contract, a component in the calculation of the price payable for gas delivered under the contract.

(2) If the text of a component provision in gas contracts with the same buyer is not identical but is in the opinion of the Commission substantially the same, the gas contracts shall be considered as having a common component provision for the purposes of this Part.

1986 cN-2.8 s2

Commission services re price components

3(1) If a gas contract contains a provision, or 2 or more gas contracts with the same buyer contain a common provision, that

- (a) requires or authorizes the Commission to provide services in relation to a price component, or
- (b) otherwise indicates an intention to confer on the Commission the power to provide services in relation to a price component,

the Commission may, subject to this Part and the regulations, provide those services for the purposes of the gas contract or gas contracts in respect of any month to which the provision applies.

(2) The services that the Commission may provide pursuant to a component provision may, without limitation, consist of or include any of the following:

- (a) the determination of price components;
- (b) the confirmation or verification of price components;
- (c) the allocation of all or part of the amount of a price component to a gas contract or gas contracts;
- (d) the redetermination of price components or the calculation of adjustments of price components;
- (e) any other services that pertain to or are incidental to the ascertainment of the amounts of price components.

1986 cN-2.8 s3

Approval of component provision

4(1) Subject to subsection (2), a component provision, or an amendment or replacement of a component provision, is subject to the approval of the Commission, and, in the absence of its approval, the Commission may refuse to provide services under the component provision, the component provision as amended or the replacement component provision, as the case may be.

(2) The Commission's approval is not required in respect of an amendment or replacement of a component provision

- (a) that does not affect the Commission's powers or duties under the component provision,
- (b) that reduces the scope of the Commission's services under the component provision,
- (c) that results in the termination of the Commission's services in relation to a price component, or
- (d) that by reason of the regulations does not require the Commission's approval.

1986 cN-2.8 s4

Appeal to Alberta Utilities Commission

5 In the circumstances provided for in the regulations, a decision of the Commission made pursuant to section 3 is appealable to the Alberta Utilities Commission in accordance with the regulations.

RSA 2000 cN-1 s5;2007 cA-37.2 s82(18)

Recovery of costs

6 The costs and fees chargeable by the Commission under the regulations relating to services provided by the Commission under this Part are payable to the Commission by the person charged by the regulations with the payment of them.

1986 cN-2.8 s6

Commission services by agreement

7 The Commission may enter into an agreement under which it undertakes to provide services not otherwise provided for in section 3 on behalf of the buyer or seller under a gas contract, or both, if the services relate directly or indirectly to any matter arising under the gas contract.

1992 c25 s3

Regulations

- 8** The Lieutenant Governor in Council may make regulations
- (a) respecting the classes of costs and charges that constitute the Alberta cost of service for the purposes of this Part;
 - (b) respecting the Commission's powers and duties with respect to the determination of the Alberta cost of service for a buyer under gas contracts in respect of any month and the allocation of any part of a buyer's Alberta cost of service for a month;
 - (c) respecting applications to the Commission for approvals under section 4;

- (d) prescribing, for the purposes of section 4(2)(d), any additional circumstances in which the Commission's approval under section 4(1) is not required;
- (e) respecting the powers and duties of the Commission and of buyers and sellers under gas contracts in relation to the provision of services by the Commission under this Part, including, without limitation, the powers and duties of the Commission and those buyers and sellers in relation to
 - (i) the examination and auditing by the Commission of records of those buyers and sellers that are relevant to the Commission's services,
 - (ii) the allocation of all or any part of the amounts of price components by the Commission,
 - (iii) the calculation of adjustments of price components and the application of those adjustments, and
 - (iv) the redetermination of price components;
- (f) respecting the confidentiality of information submitted to the Commission under this Part;
- (g) respecting the circumstances in which hearings are required or authorized to be held by the Commission under section 3 and any matters related to those hearings;
- (h) respecting the circumstances in which a decision of the Commission made pursuant to section 3 is appealable to the Alberta Utilities Commission and respecting any matters related to those appeals, including the suspension of a decision of the Commission that is the subject of such an appeal;
- (i) respecting the Commission's costs and fees for providing services under this Part, the persons to be charged for those costs and fees and the manner in which and the time within which those costs and fees are to be paid.

RSA 2000 cN-1 s8;2007 cA-37.2 s82(18)

Part 2 Producer Support for Downstream Pricing

Interpretation and application

9(1) In this Part,

- (a) “finding of producer support” or “finding” means a finding issued by the Commission under section 10(2);
- (b) “netback gas” means marketable gas sold and delivered pursuant to producer-shipper contracts under which the same shipper is the buyer, where the price payable to the producers for gas so delivered is calculated in accordance with a netback pricing formula, but does not include marketable gas sold and delivered pursuant to a producer-shipper contract under which the producer’s obligation to deliver gas under the contract is preconditioned on the producer’s consent to the actual resale price or prices used in the netback pricing formula;
- (c) “netback pricing formula” means a formula or method under which the actual price payable by the shipper for marketable gas sold and delivered pursuant to a producer-shipper contract is calculated wholly or partly by reference to a price or prices payable to the shipper on the resale of gas by the shipper, whether the formula or method is contained in or incorporated by reference in the producer-shipper contract;
- (d) “producer” means the seller under a producer-shipper contract;
- (e) “producer-shipper contract” means a gas contract relating to the first sale and delivery of
 - (i) gas after it is first recovered from a well, if the gas is marketable gas at the time it is so recovered, or
 - (ii) gas after it first becomes marketable gas, in any other case,and includes a gas contract that is deemed by the regulations to be a producer-shipper contract for the purposes of this Part;
- (f) “shipper” means the buyer under a producer-shipper contract.

(2) This Part does not apply to gas recovered from a well outside Alberta.

1986 cN-2.8 s8

Commission finding of producer support

10(1) Subject to this Part, a shipper of netback gas may not, during any period after the prescribed deregulation date,

- (a) remove that gas from Alberta for resale outside Alberta, or

(b) deliver that gas in Alberta for resale to another person,

unless there is in effect during that period a finding of producer support in relation to that netback gas.

(2) The Commission shall issue a finding of producer support for the purposes of subsection (1) where

(a) the Commission has determined that the shipper has, in accordance with the regulations and before the netback gas was so removed or resold, obtained the prescribed minimum degree of support of the producers of the netback gas for the resale of the netback gas

(i) at a specified price,

(ii) at or above a minimum price,

(iii) at a price determined in accordance with a specified formula or method for the determination of the price, or

(iv) at any price to be negotiated by the shipper,

or

(b) the Commission has determined

(i) that the price at which the gas is to be resold, or the formula or method to be used to calculate the price at which the gas is to be resold,

(A) has been determined by arbitration, or

(B) is in the process of being determined by arbitration,

(ii) that the shipper has, in accordance with the regulations and prior to the commencement of the arbitration proceedings, obtained the prescribed minimum degree of support of the producers of the netback gas for the method of conducting the arbitration, the arbitration procedures and any criteria or guidelines to be followed by the person conducting the arbitration, and

(iii) where the Commission has made a determination under subclause (i)(A), that the arbitration was conducted in accordance with the methods and procedures and the criteria or guidelines in respect of which the prescribed minimum degree of support of the producers had been obtained.

- (3)** If a finding of producer support is issued under subsection (1) on the basis of a determination of the Commission under subsection (2)(b)(i)(B),
- (a) the finding is subject to the condition that the arbitration will be conducted in accordance with the methods and procedures and the criteria or guidelines in respect of which the prescribed minimum degree of support of the producers had been obtained,
 - (b) the Commission, on the application of a producer of the netback gas, may hold a hearing to determine whether there has been a breach of the condition referred to in clause (a), and
 - (c) where after the hearing the Commission determines that there has been a breach of the condition referred to in clause (a), the Commission may
 - (i) direct the shipper to conduct a vote of the shipper's producers on the question of whether the producers accept the price determined by the arbitration award or the formula or method provided for in the arbitration award for the calculation of the price, as the case may be, and
 - (ii) revoke the finding if the result of the vote is that the prescribed minimum degree of producer support is not obtained for that price or that formula or method, as the case may be.
- (4)** Where the Commission has reason to believe that a finding of producer support may have been obtained by misrepresentation of any fact material to the Commission in making the finding, the Commission
- (a) may hold a hearing on the matter, and
 - (b) may revoke the finding of producer support if after the hearing the Commission determines that the finding was obtained by misrepresentation of any fact material to the Commission in making it.
- (5)** A revocation of a finding of producer support shall be made effective not earlier than
- (a) the first day of the month following the month in which the revocation is made, in the case of a revocation under subsection (3), or

(b) the first day of the month in which the notice of the hearing was given to the shipper, in the case of a revocation under subsection (4).

(6) The Commission shall, as soon as possible after revoking a finding, serve a notice of the revocation on the shipper and give the shipper directions respecting the notification by the shipper to the producers of the netback gas of the revocation.

(7) If

- (a) netback gas is removed from Alberta for resale outside Alberta or delivered for resale in Alberta after the prescribed deregulation date, and
- (b) the Commission, before the prescribed deregulation date, had made a determination that the producers of all or substantial amounts of that netback gas had consented to
 - (i) the price at which the gas was to be resold,
 - (ii) a minimum price at or above which the gas could be resold,
 - (iii) a specified formula or method for determining the resale price, or
 - (iv) an authorization to the shipper to negotiate the resale at any price,

the determination of the Commission is deemed to be a finding of producer support for the purposes of subsection (1) in relation to that gas.

1986 cN-2.8 s9

Penalties

11(1) In each case where a shipper removes or resells netback gas in contravention of section 10(1), the Commission may impose penalties in relation to the netback gas at a rate per gigajoule prescribed by the Commission, but the rate so prescribed shall not exceed the maximum rate prescribed by the regulations.

(2) Penalties imposed pursuant to subsection (1) are recoverable by the Commission in a civil action against the shipper.

(3) If the Commission recovers penalties under this section, the Commission shall distribute all or part of the money recovered as penalties in accordance with the regulations to producers of the netback gas in respect of which the penalties were imposed.

(4) Notwithstanding any agreement to the contrary, the shipper is not entitled to recover from the shipper's producers, directly or indirectly, any penalties imposed on the shipper under this Part.

1986 cN-2.8 s10

Regulations

12 The Lieutenant Governor in Council may make regulations

- (a) respecting the circumstances in which a gas contract is deemed to be a producer-shipper contract for the purposes of this Part;
- (b) prescribing what constitutes the minimum degree of support of producers for the purposes of section 10 and respecting the manner in which that minimum degree of support is to be determined;
- (c) respecting the circumstances in which a shipper is deemed to have obtained the prescribed minimum degree of support of producers for the purposes of section 10;
- (d) respecting the voting procedures and other requirements to be complied with by a shipper in obtaining the prescribed minimum degree of support of producers under section 10;
- (e) prescribing a maximum rate per gigajoule for the purposes of section 11(1);
- (f) respecting the obligations of the Commission in relation to the distribution pursuant to section 11(3) of all or part of the money recovered as penalties under this Part.

1986 cN-2.8 s11

Part 3 Gas Pricing Arbitration

Arbitration

13(1) In this section, "end user" means the buyer of gas under a gas contract who purchases the gas for the purpose of using or consuming it.

(2) Subject to subsection (3), this section applies to every arbitration agreement to which the *Arbitration Act* applies, if that agreement provides for the arbitration of present or future differences relating to

- (a) the initial determination or a redetermination of the price of gas delivered under a gas contract,

- (b) the creation, replacement or modification of a method or formula for the calculation of the price of gas delivered under a gas contract, or
- (c) the determination of the price of gas delivered under a gas contract in place of a method or formula for the calculation of the price of gas delivered under the gas contract.

(3) The buyer and seller under a gas contract may agree to vary or make inapplicable all or any of the provisions of this section in relation to a matter in dispute submitted to arbitration to which this section applies only if the arbitration agreement is made on or after October 30, 1986.

(4) In an arbitration under this section, the arbitral tribunal shall have regard to at least the following matters to the extent that evidence is adduced with respect to those matters:

- (a) the prices of substitutable energy sources
 - (i) that compete with gas for the various end users of gas in the markets served by the buyer, where the buyer is not the end user of the gas, or
 - (ii) that are available for use or consumption by the buyer in place of gas, where the buyer is the end user of the gas, taking into account any differences in the efficiencies of gas and those substitutable energy sources;
- (b) the prices of other gas
 - (i) that competes in the same markets as those being served by the buyer, where the buyer is not the end user of the gas, or
 - (ii) that is available for use or consumption by the buyer, where the buyer is the end user of the gas;
- (c) the explicit or implicit prices of other gas produced in Alberta and delivered under other gas contracts;
- (d) the prices for gas in markets outside Canada that could be served by gas produced in Alberta if there were no quantitative restrictions imposed on the export of gas from Canada by or under any law in force in Canada.

(5) The arbitral tribunal, in having regard to each of the matters enumerated in subsection (4), shall take at least the following

matters into account to the extent that evidence is adduced with respect to those matters:

- (a) differences in transportation costs;
 - (b) the times at which prices were agreed on between the respective sellers and buyers;
 - (c) similarities and dissimilarities between the provisions of the gas contract and the provisions of contracts for the purchase of the substitutable energy sources and gas referred to in subsection (4).
- (6) In an arbitration to which this section applies,
- (a) the arbitrator must be ordinarily resident in Alberta, if the arbitration is conducted by an arbitral tribunal composed of a single arbitrator, and
 - (b) at least half of the arbitrators must be ordinarily resident in Alberta, if the arbitration is conducted by an arbitral tribunal composed of 2 or more arbitrators.

1986 cN-2.8 s12;1991 cA-43.1 s57(2)

Part 4 Records and Information

Regulations

14(1) The Lieutenant Governor in Council may make regulations respecting the keeping of and the furnishing to the Commission of information relating to natural gas, marketable gas and products obtained by processing natural gas or marketable gas and required for the purposes of

- (a) evaluating, formulating or administering any policy or program of the Department administered by the Minister, or
- (b) administering any enactment under the administration of the Minister.

(2) Regulations under this section may provide for any matter respecting

- (a) the keeping of records for the purposes of this Part and the persons required to keep them,
- (b) information to be furnished to the Commission, the persons required to furnish that information, the form in which that information must be furnished and the time within which the information must be furnished,

- (c) the confidentiality of records, returns and other information obtained by the Commission under this Part and the communication of and access to those records and returns and that information, and
 - (d) the imposition of pecuniary penalties for failure to comply with subsection (3)(b).
- (3)** A person required to do so by the regulations under this section shall
- (a) keep records for the purposes of this Part in accordance with the regulations, and
 - (b) furnish to the Commission information required by the regulations within the time prescribed by the regulations.

1986 cN-2.8 s13;1994 c24 s2

Returns

15 The Commission may, by notice in writing, require any person to submit to the Commission, within the time stated in the notice,

- (a) a written return showing in detail any information required by the notice that is relevant to
 - (i) the provision of services by the Commission under Part 1,
 - (ii) a finding of producer support under Part 2, or
 - (iii) any other matter arising under Part 1 or 2,
- or
- (b) a return containing or pertaining to any records if the records relate to anything mentioned in clause (a) and are sufficiently described in the notice to enable them to be identified.

1986 cN-2.8 s14

Audit and examination

16(1) In this section, “authorized person” means an employee of the Commission, an authorized agent of the Commission and a person to whom the Commission has delegated its powers under this section.

(2) An authorized person may enter at any reasonable time any place where a business is carried on by a person required to keep records under this Part for the purpose of auditing or examining records that are required to be kept under this Part in order to

determine the accuracy of information furnished or submitted to the Commission under this Part or to obtain information that is required to be furnished or submitted to the Commission under this Part but which has not been so furnished or submitted.

(3) A person having possession of any records referred to in subsection (2) shall, for the purposes of an audit or examination under that subsection,

- (a) provide the authorized person conducting the audit or examination access to that place,
- (b) give all reasonable assistance to the authorized person,
- (c) provide or make available to the authorized person any records required by the authorized person, including records in the possession of agents or employees of the person that are located elsewhere, and answer questions relating to those records, and
- (d) provide a copy of any record required by the authorized person.

(4) If a person does not comply with any of the requirements of subsection (3) or if the authorized person is otherwise prevented from conducting an audit or examination under subsection (2), the Court of Queen's Bench, on an application by the Commission on at least 2 days' notice, may make any order it considers appropriate to restrain any person from preventing the authorized person from exercising powers under subsection (2) and to enforce compliance with subsection (3).

RSA 2000 cN-1 s16;2009 c53 s120

Confidentiality

17(1) Except as provided under the regulations, a person who is or was employed or engaged in the administration or enforcement of this Act shall not

- (a) communicate or allow to be communicated any record, return or other information obtained by the Commission under this Act to a person not legally entitled to that record, return or other information, or
- (b) allow any person not legally entitled to any record, return or other information obtained by the Commission under this Act to have access to it.

(1.1) For the purposes of subsection (1), a person is not legally entitled to a record, return or other information simply because the

person has a right of access to it under the *Freedom of Information and Protection of Privacy Act*.

(2) A person who knowingly receives records, returns or other information communicated to the person under subsection (1) holds the records, returns or other information subject to the same restrictions under subsection (1) that apply to the person from whom the records, returns or other information were received.

(3) Notwithstanding any other Act or law, no person who is or was employed or engaged in the administration or enforcement of this Act may be required, other than in proceedings relating to the administration or enforcement of this Act, to give evidence relating to any record, return or other information obtained under this Act or to produce anything containing that record, return or other information.

(4) With respect to any record, return or other information obtained by the Commission under this Act that is used for

- (a) determining or verifying royalty liability or collecting or forecasting royalty, or
- (b) determining, prescribing or verifying an amount, factor or other component that is used to calculate royalty,

subsection (1) prevails despite the *Freedom of Information and Protection of Privacy Act* for a period of 5 years following the end of the year to which the record, return or other information relates.

(5) In subsection (4), “royalty” means royalty reserved to the Crown in right of Alberta on a mineral as defined in the *Mines and Minerals Act*.

RSA 2000 cN-1 s17;2002 c12 s4

Offences

18 A person who

- (a) fails to comply with section 14(3)(a) or 17 or a notice under section 15, or
- (b) files or submits to the Commission under this Act a report, return or other information or makes any statement or answers any question knowing that the report, return or other information is false or misleading or misrepresents or fails to disclose a material fact,

is guilty of an offence.

1986 cN-2.8 s16;1994 c24 s3

Part 5 General

Commission procedures generally

19(1) For the purposes of this Act and the regulations, the Commission may make rules respecting procedures for making applications and representations to the Commission, the conduct of hearings before the Commission and generally the manner of conducting any business before the Commission under this Act.

(2) In proceedings before the Commission, the Commission may require evidence to be given under oath.

(3) The Commission may authorize any one of its directors to report to the Commission on any question or matter arising in connection with the business of, or any application or proceeding before, the Commission under this Act or the regulations, and the director has all the powers of the Commission for the purpose of taking evidence or acquiring the necessary information for the purpose of the report, and when the report is made, it may be adopted as the decision of the Commission or otherwise dealt with as the Commission considers advisable.

(4) The Commission, on the conduct of a hearing, is not bound by the rules of law concerning evidence applicable to judicial proceedings.

RSA 2000 cN-1 s19;2013 c16 s16

Procedures respecting applications

20(1) Unless the Commission directs that a hearing is to be held with respect to a decision of the Commission under Part 1 or an application for a finding of producer support under Part 2, the Commission may make its decision on the basis of

- (a) the statements in the application and the evidence accompanying the application, and
- (b) the written representations of persons who are parties to the proceedings or who, at the direction of the Commission, have been given notice of the application and an opportunity to submit written representations to the Commission in respect of the subject-matter of the hearing.

(2) If an application is made to the Commission for a decision under Part 1 or a finding of producer support under Part 2, the Commission may give directions respecting

- (a) the giving of notice by the applicant of the applicant's application to interested parties,

- (b) any hearing to be held with respect to the application and the giving of notice of the hearing, and
- (c) if no hearing is to be held in respect of the application, the procedures under which interested parties are to be given an opportunity to submit written representations to the Commission respecting the application, and the giving of notice of those procedures to those interested parties.

(3) For the purposes of this section, a person is an interested party in relation to an application to the Commission under this Act if the Commission is satisfied that the person is or was

- (a) a party to a contract affected by the Commission's decision, in the case of an application under Part 1, or
- (b) a party to a producer-shipper contract referred to in Part 2, in the case of an application under Part 2 that affects or may affect that contract.

1986 cN-2.8 s18

Protection re evidence

21(1) No person may be excused from testifying or from producing any book, document or paper at a hearing before the Commission when ordered to do so by the Commission, on the ground that the testimony, book, document or paper might tend to incriminate the person or subject the person to penalty or forfeiture.

(2) A witness who testifies or produces documents at a hearing before the Commission has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

1986 cN-2.8 s19

Witnesses at hearing

22(1) In the case of failure or refusal by a person to comply with a notice to attend issued by the Commission, or to produce a book, document or paper when ordered to do so by the Commission, the Court of Queen's Bench, on the application of the Commission, may issue a bench warrant requiring the attendance of the witness before the Commission, or the production by the witness of the book, document or paper.

(2) In the case of refusal by a witness to give evidence or answer as to any matter regarding which the witness is questioned before the Commission, or to produce a book, document or paper when ordered to do so by the Commission, the Court of Queen's Bench,

on the application of the Commission, may commit the witness for contempt.

1986 cN-2.8 s20

Appeal to Court of Appeal

23(1) Subject to the regulations, a decision of the Commission under Part 1 or 2 is appealable to the Court of Appeal on a question of jurisdiction or a question of law.

(2) Appeals under this section shall be commenced and conducted in accordance with the regulations.

(3) The operation of a decision of the Commission under Part 1 or 2 is not suspended by an appeal under this section, or any further appeal, but if an appeal is commenced under this section, the Commission may suspend the operation of its decision until the appeal is concluded, or the time for appeal to the Supreme Court of Canada has expired, or any appeal is abandoned.

1986 cN-2.8 s21

Protection from action

24 No action or proceeding may be brought against

- (a) the Commission,
- (b) a director or employee of the Commission, or
- (c) a person to whom the Commission has delegated any of its powers, duties or functions

in respect of anything done purportedly pursuant to this Act or the regulations or pursuant to any decision of the Commission under this Act or the regulations.

RSA 2000 cN-1 s24;2013 c16 s16

Proof of Commission documents

25(1) A decision or finding or other document purporting to be issued by authority of the Commission, when signed by the chair or a director of the Commission, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of its contents without any proof of the signature of or of the authority of the chair or director, as the case may be, to sign the document or of that person's appointment as a director or of that person's designation as chair, as the case may be.

(2) A copy of a decision, finding or other document purporting to be issued by authority of the Commission, when certified as a true copy by the Commission's secretary, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the document and its contents without any proof of the authority of the

director by whom the document purports to be signed and without proof of the signature, authority or appointment of the Commission's secretary.

RSA 2000 cN-1 s25;2013 c16 s16

Offences

26(1) A person who is guilty of an offence under this Act is liable to a fine of not more than

- (a) \$100 000, or
- (b) where the contravention occurs and continues for more than one day, \$25 000 for each day on which the offence occurs and continues.

(2) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and liable to the fines provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

(3) A prosecution for an offence under this Act may be commenced within 36 months from the date on which the subject-matter of the offence arose, and not afterwards.

1986 cN-2.8 s24;1994 c24 s4

Regulations

27(1) The Lieutenant Governor in Council may make regulations

- (a) defining "marketable gas" for the purposes of this Act;
- (b) prescribing standard methods for the conversion of volumetric measurements of marketable gas to gigajoules for any purpose related to this Act;
- (c) respecting fees payable to the Commission for services performed under this Act;
- (d) respecting the exemption of any class of gas or any class of persons or contracts from the operation of any or all of the provisions of this Act or respecting the circumstances in which any provision of this Act does not apply;
- (e) respecting reviews by the Commission of decisions made by it under this Act;
- (f) respecting the commencement and conduct of appeals to the Court of Appeal under this Act;

(g) providing for any matter in connection with or incidental to the administration of this Act.

(2) Regulations made under this Act after the prescribed deregulation date may be made effective as of any date not earlier than the first day of the month preceding the month in which the regulation is enacted.

1986 cN-2.8 s25



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