



Province of Alberta

UTILITY PAYMENT DEFERRAL PROGRAM ACT

Statutes of Alberta, 2020
Chapter U-4

Current as of May 12, 2020

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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UTILITY PAYMENT DEFERRAL PROGRAM ACT

Chapter U-4

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Preamble

WHEREAS the Lieutenant Governor in Council made Order in Council numbered 80/2020 under section 52.1(1) of the *Public Health Act* on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS residential, farm and small commercial electricity and gas utility customers have experienced hardship during this public health emergency;

WHEREAS the Government of Alberta announced a utility payment deferral program on March 18, 2020 to defer customers' utility bill payments to reduce the financial hardship Albertans are experiencing as a result of the COVID-19 pandemic;

WHEREAS it is necessary to provide financial support to regulated rate providers, default supply providers, retailers, rural electrification associations, rural gas utilities and municipal utilities to enable them to provide payment deferrals to customers; and

WHEREAS it is necessary to empower the Alberta Electric System Operator, the Alberta Utilities Commission and the Balancing Pool to enable program delivery;

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

Definitions

1 In this Act,

- (a) “Commission” means the Alberta Utilities Commission established under section 2 of the *Alberta Utilities Commission Act*;
- (b) “deferral period” means the period commencing on March 18, 2020 and ending on June 18, 2020;
- (c) “Minister” means the Associate Minister of Natural Gas and Electricity;
- (d) “rate rider period” means the period commencing on June 19, 2021 and ending on June 18, 2022;
- (e) “repayment period” means the period commencing on June 19, 2020 and ending on June 18, 2021;
- (f) “Utility Payment Deferral Program” means
 - (i) the Electric Utility Payment Deferral Program established in section 4, and
 - (ii) the Gas Utility Payment Deferral Program established in section 14.

Part 1
Electric Utility Payment
Deferral Program

Interpretation

2(1) In this Part,

- (a) “distribution owner” means an owner of an electric distribution system;
- (b) “Electric Utility Payment Deferral Program” means the program established in section 4;
- (c) “electricity service provider” means
 - (i) a regulated rate provider,
 - (ii) a retailer,
 - (iii) a rural electrification association, and
 - (iv) the City of Medicine Hat, or a subsidiary of the City of Medicine Hat, in its capacity as the owner and operator

of an electric distribution system operated in the service area of the City of Medicine Hat;

- (d) “eligible electricity customer” means any residential, farm, small commercial or other customer whose annual consumption of electric energy at a site is reasonably forecasted by that customer’s distribution owner to be less than 250 megawatt hours of electric energy at that site;
- (e) “enrolled electricity customer” means an eligible electricity customer who has been enrolled in the Electric Utility Payment Deferral Program under section 4(3);
- (f) “ISO” means the Independent System Operator established by the *Electric Utilities Act*;
- (g) “transmission charges” means the charges determined by the ISO for system access service in accordance with the ISO’s tariff.

(2) For the purposes of this Part, the following words and phrases have the meaning given to them by the *Electric Utilities Act*:

- (a) balancing pool;
- (b) bill;
- (c) customer;
- (d) electric distribution system;
- (e) electric energy;
- (f) electricity;
- (g) ISO tariff;
- (h) owner;
- (i) record;
- (j) regulated rate provider;
- (k) retailer;
- (l) rural electrification association;
- (m) service area.

Prohibition on disconnecting or limiting energy provided

- 3** During the deferral period, a distribution owner must not
- (a) disconnect an eligible electricity customer for non-payment of an electricity bill, or
 - (b) install a device to limit or reduce the amount of electric energy provided to that eligible electricity customer.

Electric Utility Payment Deferral Program

- 4(1)** The Electric Utility Payment Deferral Program is established
- (a) to permit enrolled electricity customers to
 - (i) defer the payment of certain amounts on electricity bills that are due in the deferral period in accordance with section 5, and
 - (ii) repay the deferred amounts over the repayment period in accordance with section 6,and
 - (b) to provide funding to enable electricity service providers to accommodate the deferred payments under clause (a).
- (2)** An eligible electricity customer may contact the customer's electricity service provider to enroll in the Electric Utility Payment Deferral Program.
- (3)** An electricity service provider that is contacted by an eligible electricity customer under subsection (2) must enroll that customer in the Electric Utility Payment Deferral Program.

Right to defer payments

- 5(1)** An enrolled electricity customer may defer payment of billing amounts charged in respect of electricity on the customer's electricity bill if payment of that electricity bill is due in the deferral period.
- (2)** Subsection (1) does not apply to billing amounts charged on an enrolled electricity customer's electricity bill that were originally due prior to the deferral period.
- (3)** An electricity service provider may not charge an enrolled electricity customer a late fee or penalty
- (a) on billing amounts due in the deferral period if payment is deferred by that enrolled electricity customer during the deferral period, or

- (b) during the deferral period on billing amounts charged on the enrolled electricity customer's electricity bill that were originally due prior to the deferral period.
- (4) During the deferral period, an electricity service provider may not take collection actions against an enrolled electricity customer in respect of
- (a) billing amounts due in the deferral period if payment is deferred by that enrolled electricity customer during the deferral period, or
 - (b) billing amounts charged on the enrolled electricity customer's electricity bill that were originally due prior to the deferral period.

Repayment of deferred payments

- 6(1)** An enrolled electricity customer that deferred making payments to an electricity service provider under section 5 must repay the total amount that the enrolled electricity customer deferred to that electricity service provider in equal monthly instalments during the repayment period.
- (2)** Notwithstanding subsection (1), an enrolled electricity customer may enter into an agreement with the customer's electricity service provider to pay the customer's deferred amounts on a different repayment plan, as long as the full amount is scheduled to be repaid on or before June 18, 2021.
- (3)** This section continues to apply to an enrolled electricity customer that changes electricity service providers during the repayment period.

Deferral accounts

- 7(1)** Notwithstanding anything to the contrary in the *Regulated Rate Option Regulation* (AR 262/2005), a regulated rate provider may establish a deferral account with the approval of the Commission for the purposes of the administration of payments under this Part.
- (2)** A deferral account approved by the Commission under subsection (1) must use the weighted average cost of capital to determine the carrying costs that may be collected in respect of the deferred payments.

Balancing Pool funding to electricity service providers

- 8(1)** An electricity service provider that has enrolled electricity customers may apply to the Commission for funding from the Balancing Pool for the electricity bill payment amounts deferred by

those customers under section 5(1), other than the portion of those electricity bill payment amounts that relate to transmission charges.

(2) An application under subsection (1) must be made in the form and manner required by the Commission.

(3) In considering an application under subsection (1), the Commission may

- (a) require the electricity service provider to correct the information in the application or provide any additional information to the Commission and resubmit the application, or
- (b) approve the application and the amount of funding that the electricity service provider may receive and provide the Balancing Pool with that amount and any information necessary for the Balancing Pool to prepare a funding agreement to be entered into with the electricity service provider.

(4) On receiving the information referred to in subsection (3)(b), the Balancing Pool must enter into a funding agreement, in a form established by the Balancing Pool, with the electricity service provider to provide interest-free funding to the electricity service provider in the amount approved by the Commission.

(5) The Balancing Pool must make payments to an electricity service provider out of the balancing pool accounts as set out in the funding agreements entered into with that electricity service provider.

Electricity service provider repayment of funding

9(1) Each month during the repayment period, an electricity service provider that received funding from the Balancing Pool or that was allowed to defer payment of transmission charges must

- (a) provide a statement to the Commission and the Balancing Pool, in the form established by the Commission, setting out
 - (i) the amounts the electricity service provider received from enrolled electricity customers under section 6,
 - (ii) the proportion of the amounts referred to in subclause (i) that
 - (A) are not in respect of the deferred payment of transmission charges, and

(B) are in respect of the deferred payment of transmission charges,

and

(iii) the deferred amounts that are still outstanding from enrolled electricity customers that

(A) are not in respect of the deferred payment of transmission charges, and

(B) are in respect of the deferred payment of transmission charges,

and

(b) remit the amounts referred to in clause (a)(i), in the proportions determined by the Commission,

(i) to the distribution owner to pay to the ISO for the deferred transmission charges, and

(ii) to the Balancing Pool to repay the amounts provided under the funding agreement under section 8.

(2) If, after the repayment period, an electricity service provider receives a payment from an enrolled electricity customer in respect of amounts that the customer had deferred under section 5, the electricity service provider must remit the payment to the Balancing Pool and notify the Commission.

(3) The Balancing Pool must oversee payment into the balancing pool accounts of all amounts received under subsections (1)(b)(ii) and (2).

Duty to keep accounts and records

10 An electricity service provider that received funding from the Balancing Pool or that was allowed to defer payment of transmission charges under this Part must

(a) maintain records and accounts in accordance with the funding agreement in a manner that provides a reasonable understanding of

(i) the payments that were deferred by enrolled electricity customers under section 5,

(ii) the payments that were received from enrolled electricity customers under section 6,

- (iii) the funding that the electricity service provider received from the Balancing Pool under section 8, and
- (iv) the payments that the electricity service provider made to distribution owners and the Balancing Pool under section 9,
- (b) provide, when requested by the Commission or the Balancing Pool, a detailed report of finances and operations relating to all money paid or received in respect of the Electric Utility Payment Deferral Program, containing the information and verified in the manner the Commission or the Balancing Pool requires, and
- (c) subject to any order of the Commission, maintain accounts using any basis or method the Commission directs.

Rate rider

11(1) As soon as practicable on or after June 19, 2021,

- (a) the Balancing Pool must determine the amount of funding that has not been repaid by each electricity service provider and inform the Commission of those amounts,
- (b) the Balancing Pool must determine the amount of any expenses incurred by the Balancing Pool to enter into and administer the funding agreements and inform the Commission of those amounts,
- (c) the ISO must determine the transmission charges in relation to the deferral period that are outstanding from each distribution owner and inform the Commission, and
- (d) each electricity service provider that received funding under section 8 or that was allowed to defer payment of transmission charges must provide a report to the Commission, in the form established by the Commission, setting out
 - (i) for each distribution service area, the deferred amounts that were not received from enrolled electricity customers in the repayment period under section 6, and
 - (ii) the reasonable efforts that the electricity service provider made to collect the outstanding amounts referred to in subclause (i).

(2) The Balancing Pool must apply to the Commission for approval of a rate rider to recover

- (a) the funding amounts that the Commission determines are outstanding from each electricity service provider on June 18, 2021, and
 - (b) the expenses incurred by the Balancing Pool to enter into and administer the funding agreements that the Commission determines are reasonable.
- (3) The ISO must apply to the Commission for approval of a rate rider to recover the transmission charges that are outstanding in relation to the deferral period from each distribution owner on June 18, 2021.
- (4) The Balancing Pool, the ISO and the electricity service providers must provide any information, reports or assistance requested by the Commission for the purpose of establishing rate riders under this section.
- (5) The rate riders referred to in subsections (2) and (3) must be included in the ISO tariff during the rate rider period.
- (6) The ISO must pay all amounts collected pursuant to the rate rider under subsection (2) to the Balancing Pool.

Part 2

Gas Utility Payment Deferral Program

Interpretation

12(1) In this Part,

- (a) “eligible gas customer” means any residential, farm, small commercial or other customer whose annual consumption of gas at a site is reasonably forecasted by that customer’s gas distributor, municipal gas utility or rural gas utility to be less than 2500 gigajoules of energy at that site;
- (b) “enrolled gas customer” means an eligible gas customer who has been enrolled in the Gas Utility Payment Deferral Program under section 14(3);
- (c) “gas service provider” means
 - (i) a default supply provider,
 - (ii) a retailer,
 - (iii) a municipal gas utility, and
 - (iv) a rural gas utility;

- (d) “Gas Utility Payment Deferral Program” means the program established in section 14;
- (e) “municipal gas utility” means a municipal gas utility under the *Gas Distribution Act*;
- (f) “rural gas utility” means a rural gas utility under the *Gas Distribution Act*;
- (g) “transmission provider” means the owner of a gas utility that provides for the transmission of gas to or for the public that has the approval of the Commission under section 17(2).

(2) For the purposes of this Part, the following words and phrases have the meaning given to them by the *Gas Utilities Act*:

- (a) customer;
- (b) default supply provider;
- (c) gas;
- (d) gas distributor;
- (e) gas services;
- (f) gas utility;
- (g) owner of a gas utility;
- (h) retailer;
- (i) service area.

Prohibition on disconnection

13 A gas distributor, a municipal gas utility or a rural gas utility must not disconnect an eligible gas customer during the deferral period for non-payment of a gas bill.

Gas Utility Payment Deferral Program

14(1) The Gas Utility Payment Deferral Program is established

- (a) to permit enrolled gas customers to
 - (i) defer the payment of certain amounts on gas bills that are due in the deferral period in accordance with section 15, and
 - (ii) repay the deferred amounts over the repayment period in accordance with section 16,

and

(b) to provide loans to enable gas service providers to accommodate the deferred payments under clause (a).

(2) An eligible gas customer may contact the customer's gas service provider to enroll in the Gas Utility Payment Deferral Program.

(3) A gas service provider that is contacted by an eligible gas customer under subsection (2) must enroll that customer in the Gas Utility Payment Deferral Program.

Right to defer payments

15(1) An enrolled gas customer may defer payment of billing amounts charged in respect of gas on the customer's gas bill if payment of that gas bill is due in the deferral period.

(2) Subsection (1) does not apply to billing amounts charged on an enrolled gas customer's gas bill that were originally due prior to the deferral period.

(3) A gas service provider may not charge an enrolled gas customer a late fee or penalty

(a) on billing amounts due in the deferral period if payment was deferred by that enrolled gas customer during the deferral period, or

(b) during the deferral period on billing amounts charged on the enrolled gas customer's gas bill that were originally due prior to the deferral period.

(4) During the deferral period, a gas service provider may not take collection actions against an enrolled gas customer in respect of

(a) billing amounts due in the deferral period if payment is deferred by that enrolled gas customer during the deferral period, or

(b) billing amounts charged on the enrolled gas customer's gas bill that were originally due prior to the deferral period.

Repayment of deferred payments

16(1) An enrolled gas customer that deferred making payments to a gas service provider under section 15 must repay the total amount that the customer deferred to that gas service provider in equal monthly instalments during the repayment period.

(2) Notwithstanding subsection (1), an enrolled gas customer may enter into an agreement with the customer's gas service provider to pay the customer's deferred amounts on a different repayment plan, as long as the full amount is scheduled to be repaid on or before June 18, 2021.

(3) This section continues to apply to an enrolled gas customer that changes gas service providers during the repayment period.

Deferral accounts

17(1) A default supply provider that has the approval of the Commission may establish a deferral account to administer payments under section 15(1) that are not in respect of the deferred payments of transmission charges.

(2) A transmission provider that has the approval of the Commission may establish a deferral account to administer the deferral of payments that relate to transmission charges normally due in the deferral period.

(3) A gas distributor that has the approval of the Commission may establish a deferral account to administer the deferral of payments for gas services or transmission charges normally due in the deferral period.

(4) A deferral account approved by the Commission under this section must use the weighted average cost of capital to determine the carrying costs that may be collected in respect of the deferred payments.

Loans to gas service providers

18(1) A gas service provider that has enrolled gas customers may apply to the Commission for a loan from the Minister for the gas bill payment amounts deferred by those customers under section 15(1), other than the portion of those bill payment amounts that relate to transmission charges.

(2) An application under subsection (1) must be made in the form and manner required by the Commission.

(3) The Commission may

- (a) require the gas service provider to provide any additional information requested by the Commission and resubmit the application, or
- (b) approve the application and the amount of funding that the gas service provider may receive and provide the Minister

with the information necessary to prepare a loan agreement to be entered into with the gas service provider.

(4) On receiving information referred to in subsection (3)(b), the Minister may require the gas service provider to provide additional information before making an interest-free loan to the gas service provider in the amount approved by the Commission.

(5) The Minister may make a loan, subject to any terms or conditions the Minister considers necessary, to a gas service provider for the purpose of the Gas Utility Payment Deferral Program.

Gas service provider repayment of loans

19(1) Each month during the repayment period, a gas service provider that received a loan from the Minister or that was allowed to defer payment of transmission service charges must

- (a) provide a statement to the Commission and the Minister, in the form established by the Commission, setting out
 - (i) the amounts the gas service provider received from enrolled gas customers under section 16,
 - (ii) the proportion of the amounts referred to in subclause (i) that
 - (A) are not in respect of the deferred payment of transmission charges, and
 - (B) are in respect of the deferred payment of transmission charges,and
 - (iii) the deferred amounts that are still outstanding from enrolled gas customers that
 - (A) are not in respect of the deferred payment of transmission charges, and
 - (B) are in respect of the deferred payment of transmission charges,and
- (b) remit the amounts referred to in clause (a)(i), in the proportions determined by the Commission,

- (i) to the gas distributor to pay to the transmission provider for the deferred transmission charges, and
- (ii) to the Minister to repay the loan under section 18.

(2) If, after the repayment period, a gas service provider receives a payment from an enrolled gas customer in respect of amounts that the customer had deferred under section 15, the gas service provider must remit the payment to the Minister and notify the Commission.

Duty to keep accounts and records

20 A gas service provider that received a loan or that was allowed to defer payment of transmission charges under this Part must

- (a) maintain records and accounts in a manner that provides a reasonable understanding of
 - (i) the payments that were deferred by enrolled gas customers under section 15,
 - (ii) the payments that were received from enrolled gas customers under section 16,
 - (iii) the loans that the gas service provider received from the Minister under section 18, and
 - (iv) the payments that the gas service provider made to the gas distributor to pay to the transmission provider and the Minister under section 19,
- (b) provide, when requested by the Commission or the Minister, a detailed report of finances and operations relating to all money paid or received in respect of the Gas Utility Payment Deferral Program, containing the information and verified in the manner the Commission or Minister requires, and
- (c) subject to any order of the Commission, maintain accounts using any basis or method the Commission directs.

Rate rider

21(1) As soon as practicable on or after June 19, 2021,

- (a) the Minister must determine the loan amounts that are outstanding from each gas service provider and inform the Commission of those amounts,

- (b) the Minister must determine the amount of any expenses incurred by the Minister to enter into and administer the loan agreements and inform the Commission,
 - (c) a gas distributor must determine the transmission charges in relation to the deferral period that are outstanding from enrolled gas customers in the gas distributor's service area and inform the Commission, and
 - (d) each gas service provider that received a loan under section 18 or that was allowed to defer payment of transmission charges must provide a report to the Commission, in the form established by the Commission, setting out
 - (i) the deferred amounts that were not received from enrolled gas customers in the repayment period under section 16, and
 - (ii) the reasonable efforts that the gas service provider made to collect the outstanding amounts referred to in subclause (i).
- (2)** On receiving information under subsection (1), the Commission must consult with the Minister, transmission providers and gas distributors, and initiate a proceeding to establish
- (a) a rate rider to recover
 - (i) the loan amounts that the Commission determines are outstanding from each gas service provider on June 18, 2021, and
 - (ii) the expenses incurred by the Minister to enter into and administer the loan agreements that the Commission determines are reasonable,
- and
- (b) a rate rider to recover the transmission charges that the Commission determines are outstanding from each gas distributor on June 18, 2021
- from all classes of customers in a manner determined by the Commission.
- (3)** A rate rider under subsection (2) shall be added to the transmission provider's revenue requirement or collected through a gas distributor rate rider to be approved by the Commission.

(4) The transmission provider or gas distributor must pay all amounts collected under the rate rider established under subsection (2)(a) to the Minister and all amounts collected under the rate rider established under subsection (2)(b) to the transmission provider.

Financial Administration Act

22 Section 42.1 of the *Financial Administration Act* does not apply to loans made under this Act.

Part 3 Commission Powers

Definitions

23 In this Part,

- (a) “enrolled customer” means
 - (i) an enrolled electricity customer under Part 1, and
 - (ii) an enrolled gas customer under Part 2;
- (b) “service provider” means
 - (i) an electricity service provider under Part 1, and
 - (ii) a gas service provider under Part 2.

General powers

24 The Commission may do all things that are necessary for or incidental to the exercise of its powers and the performance of its duties and functions under this Act, including, but not limited to,

- (a) establishing the form and contents of applications by service providers,
- (b) establishing timelines for the approval and payment process in respect of funding agreements with service providers under Part 1, and
- (c) establishing timelines for the approval and payment process in respect of loans to service providers under Part 2.

Inspection, audits and reporting

25(1) A service provider must make available for inspection by the Commission all records and documents related to its participation in a Utility Payment Deferral Program.

(2) The Commission may review and audit the records of a service provider to ensure that submissions made by the service provider under this Act are correct.

(3) The Commission must provide an annual financial report relating to the Utility Payment Deferral Program to the Minister on or before December 31 each year.

Commission rules

26 The Commission may make rules respecting

- (a) review, verification, approvals and audits related to the Utility Payment Deferral Program,
- (b) filing and reporting requirements related to the Utility Payment Deferral Program,
- (c) the duty to keep records and accounts related to the Utility Payment Deferral Program,
- (d) the efforts that must be made by service providers to recover deferred amounts from enrolled customers, and
- (e) any matter necessary for the administration of the Utility Payment Deferral Program.

Administrative penalties

27 If the Commission, after a hearing or other proceeding, determines that a person has contravened or failed to comply with any provision of this Act, an order of the Commission under this Act or a Commission rule under this Act, the Commission may deal with the contravention or failure to comply in accordance with Part 6 of the *Alberta Utilities Commission Act*.

Immunity for the Crown

28 No action may be brought against the Crown claiming compensation for any real or perceived loss or damage resulting from the coming into force or the implementation of this Act or amendments to this Act or any regulations made or purported to be made under this Act.

Regulations

29(1) The Lieutenant Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;
- (b) respecting the making of payments and repayments under Utility Payment Deferral Programs, including, without limitation, regulations
 - (i) respecting the manner in which payments and repayments will be provided and remitted, and
 - (ii) respecting the use of deferral accounts;

- (c) respecting the establishment of rate riders under this Act, including providing for mechanisms for the imposition and collection of those rate riders under the *Electric Utilities Act* and the *Gas Utilities Act*;
 - (d) respecting information, including information of customers, to be provided by service providers to the Commission, the Balancing Pool, the ISO or the Minister for the purposes of this Act;
 - (e) adding to, clarifying, limiting or restricting any powers, duties or functions of the Commission as the Minister considers necessary or advisable to enable the Commission to exercise powers, duties or functions for the purposes of this Act and the *Alberta Utilities Commission Act*;
 - (f) adding to, clarifying, limiting or restricting any powers, duties or functions of the Balancing Pool or the ISO as the Minister considers necessary or advisable to enable the Balancing Pool or the ISO to exercise powers, duties or functions for the purposes of this Act and the *Electric Utilities Act*;
 - (g) respecting the administration of funding agreements and loans;
 - (h) respecting the duty to keep accounts and records;
 - (i) providing for any matter that the Minister considers is not provided for or is insufficiently provided for in this Act;
 - (j) respecting any other matter necessary to carry out the purposes of this Act.
- (2) Regulations made under this section may be specific or general in their application.

Part 4

Consequential Amendments, Repeal and Coming into Force

30 to 32 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Repeal

33 This Act is repealed on June 18, 2023.

Coming into force

34 This Act, except sections 3, 13 and 27, has effect on March 18, 2020.



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