



---

4th SESSION, 64th GENERAL ASSEMBLY  
Province of Prince Edward Island  
62 ELIZABETH II, 2013

---

**CHAPTER 12**

(Bill No. 22)

**An Act to Amend the Electric Power Act**

---

Honourable Wesley J. Sheridan  
Minister of Finance, Energy and Municipal Affairs

---

GOVERNMENT BILL

---

MICHAEL D. FAGAN  
Queen's Printer  
Charlottetown, Prince Edward Island



## CHAPTER 12

### An Act to Amend the Electric Power Act

(Assented to December 6, 2013)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. The preamble before section 1 of the *Electric Power Act* R.S.P.E.I. 1988, Cap. E-4 is repealed and the following substituted:**

WHEREAS the rates, tolls and charges for electric power should be reasonable, publicly justifiable, and non-discriminatory;

AND WHEREAS the regulation of public utilities supplying electric power should be conducted in a manner that is efficient;

AND WHEREAS public utilities should utilize energy efficiency and demand-side resource measures whenever it is cost-effective to do so;

AND WHEREAS the system of regulation of such public utilities should allow public input whenever the rates, tolls and charges for electric energy seem, in any respect, to be unreasonable or unjustly discriminatory;

**2. Subsection 1(1) of Act is amended**

**(a) by the repeal of clause (a) and the substitution of the following:**

(a) “approved energy efficiency and demand-side resources plan” means, in respect of a public utility, an energy efficiency and demand-side resources plan of the public utility that is approved by the Commission under section 16.1, and includes any amendments to the plan that are approved by the Commission under that section;

approved energy  
efficiency and  
demand side-  
resources plan

(a.1) “Commission” means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;

Commission

**(b) by the addition of the following after clause (b):**

(b.1) “energy efficiency and demand-side resource measures” means, in respect of a public utility, any activities, techniques, standards or programs that are or may be used by the public utility to reduce the consumption of electric energy or modify when electric energy is consumed;

energy efficiency  
and demand-side  
resource measures

**3. The Act is amended by the addition of the following after section 16:**

- Order to prepare and submit energy efficiency and demand-side resources plan
- 16.1** (1) The Commission may, by order made in writing and in accordance with subsection (4), direct any public utility
- (a) to prepare an energy efficiency and demand-side resources plan; and
  - (b) within such time as the Commission may require, to submit the plan to the Commission for its approval.
- Circumstances
- (2) The Commission may make an order under subsection (1) in respect of a public utility at any time if the public utility does not have a subsisting approved energy efficiency and demand-side resources plan.
- Idem*
- (3) Where a public utility has a subsisting approved energy efficiency and demand-side resources plan, the Commission may, at any time during the final year of the term of the approved plan, make an order under subsection (1) requiring the public utility to submit a new energy efficiency and demand-side resources plan for a term that commences on or after the expiry of the term of the subsisting approved plan.
- Requirement contents of order
- (4) An order made by the Commission under subsection (1) shall include
- (a) the date of the order;
  - (b) the name of the public utility to whom the order is addressed;
  - (c) the date by which the required energy efficiency and demand-side resources plan must be submitted to the Commission;
  - (d) the term or period of time that the Commission requires the energy efficiency and demand-side resources plan to be implemented, which may not exceed 5 years;
  - (e) a description of the particular energy efficiency and demand-side resource measures, if any, that the Commission requires the public utility to include in the energy efficiency and demand-side resources plan;
  - (f) a statement of the results that the Commission expects the public utility to achieve, if its energy efficiency and demand-side resources plan is approved, by implementing the plan over the course of its term; and
  - (g) such other requirements and matters as the Commission considers appropriate.
- Required contents of plan
- (5) An energy efficiency and demand-side resources plan that is submitted to the Commission in accordance with an order made under subsection (1) shall
- (a) be for the term required by the order;
  - (b) contain the particular energy efficiency and demand-side resource measures, if any, required by the order;

- (c) contain any other energy efficiency and demand-side resource measures proposed by the public utility;
- (d) be designed so that it is reasonably likely, on implementation, to achieve the results expected by the order;
- (e) contain a reasonable estimate of
  - (i) the financial costs, for both the public utility and its customers, to be incurred on implementing the plan over the course of its term, and
  - (ii) the financial benefits, for both the public utility and its customers, to be achieved on implementing the plan over the course of its term; and
- (f) meet such other requirements and address any other matters specified in the order.

(6) On receipt of an energy efficiency and demand-side resources plan from a public utility, the Commission may approve the plan if the Commission is satisfied that

Approval of plan

- (a) the plan has been submitted for approval within such time as the Commission required in the order made under subsection (1) directing the submission of the plan; and
- (b) the plan meets the requirements of subsection (5).

(7) Where the Commission is not satisfied that an energy efficiency and demand-side resources plan submitted for its approval by a public utility complies with subsection (5), the Commission may, under subsection (1), issue a further order, in writing, to the public utility

Further order for submission of a better plan

- (a) to vary the energy efficiency and demand-side resources plan it has submitted, or to prepare another such plan, to meet such requirements or address such matters as the Commission considers appropriate; and
- (b) to resubmit the varied or new plan for the approval of the Commission within such time as the Commission may require.

(8) Where the Commission approves of an energy efficiency and demand-side resources plan under subsection (6), the Commission shall send a written notice of the approval to the public utility that includes a copy of the plan, as approved, and that indicates the date the approval was given and the date the approved plan expires.

Notice of approval of plan

(9) During the term of an approved energy efficiency and demand-side resources plan of a public utility, the Commission may, on application by the public utility, approve any amendments to the plan that are requested by the public utility, if

Amendments to approved plan

- (a) the application is made in such form and contains such information as the Commission may require; and
- (b) the Commission is satisfied that

- (i) the requested amendments are not likely to adversely affect the results the Commission expects, in an order made under subsection (1), to be achieved by the implementation of the plan, and
- (ii) the term of the plan, as amended, does not exceed 5 years as measured from the date the plan was initially approved.

Notice of approval  
of amended plan

(10) Where the Commission approves of the amendment of an energy efficiency and demand-side resources plan under subsection (9), the Commission shall send a written notice of the approval of the amendment of the plan to the public utility that includes a copy of the amended plan, as approved, and that indicates the date the approval of the amended plan was given and the date the amended plan, as approved, expires.

Expiry of approved  
plan

(11) For greater certainty, an approved energy efficiency and demand-side resources plan of a public utility expires at the end of last day of the term of the approved plan, as specified by the Commission

(a) in the notice of approval for the plan sent under subsection (8), if the term has not been amended under subsection (9); or

(b) in the notice of approval for the plan sent under subsection (10), if the term has been amended under subsection (9).

Duty to comply  
with approved plan

(12) During the term of an approved energy efficiency and demand-side resources plan of a public utility, the public utility shall carry out the energy efficiency and demand-side resource measures set out in the approved plan as and when required by the approved plan.

Annual report

(13) After the approval of the energy efficiency and demand-side resources plan of a public utility, the public utility shall, within 3 months after December 31 of each calendar year or part of a calendar year occurring during the term of the approved plan, prepare and submit to the Commission a report for that calendar year, or part of a calendar year, as the case may be, that contains such information respecting the implementation of the plan, including the results achieved, as may be required by the Commission.

---

---

**CHAPTER 12**

(Bill No. 22)

**An Act to Amend the Electric Power Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 27, 2013
<i>2nd Reading:</i>	November 29, 2013
<i>To Committee:</i>	November 29, 2013
<i>Reported:</i>	November 29, 2013
<i>3rd Reading and Pass:</i>	December 6, 2013
<i>Assent:</i>	December 6, 2013

SIGNATURES:

\_\_\_\_\_  
Honourable H. Frank Lewis, Lieutenant Governor

\_\_\_\_\_  
Honourable Carolyn I. Bertram, Speaker

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Honourable Wesley J. Sheridan  
Minister of Finance, Energy and Municipal Affairs

\_\_\_\_\_  
**GOVERNMENT BILL**