



**West Wetaskiwin Rural Electrification
Association Ltd.**

Varied Code of Conduct Regulation Compliance Plan

December 21, 2016

Alberta Utilities Commission

Decision 22067-D01-2016

West Wetaskiwin Rural Electrification Association Ltd.

Varied Code of Conduct Regulation Compliance Plan

Proceeding 22067

Application 22067-A001

December 21, 2016

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1 Introduction and process

1. On October 11, 2016, the West Wetaskiwin Rural Electrification Association Ltd. (West Wetaskiwin REA) filed an application¹ with the Alberta Utilities Commission seeking approval of a varied code of conduct compliance plan (proposed compliance plan) pursuant to the *Code of Conduct Regulation* and Rule 030: *Compliance with the Code of Conduct Regulation*. The Commission issued a notice of application on October 12, 2016, and requested written submissions of concerns or support for the application by October 26, 2016.² The Commission received no submissions regarding the application.

2. The Commission considers the record of this proceeding to have closed on October 26, 2016. In reaching the determinations set out within this decision, the Commission has considered all relevant materials comprising the record of this proceeding.

2 Analysis

3. Section 37(1)(a) of the *Code of Conduct Regulation* authorizes the Commission to make a rule to vary the requirements of Section 30(4) “in the case of a distributor with a small number of customers...”. On March 31, 2016, the Commission issued Bulletin 2016-11 approving Rule 030, which came into effect on April 1, 2016. Section 3(1) of Rule 030 provides that a distributor that has 5,000 customers or less may file a varied compliance plan. Section 3(3) of Rule 030 requires a varied plan to include at least the following:

- (a) A list of the distributor’s affiliated providers.
- (b) A description of how the notice required by Section 34 of the *Code of Conduct Regulation* will be given to the public.
- (c) A description of the procedure that may be used for the voluntary resolution of complaints about non-compliance with the *Code of Conduct Regulation* or the compliance plan.

4. Sections 3(3)(a), 3(3)(b) and 3(3)(c) of Rule 030 correspond to the compliance plan requirements in sections 30(4)(a), 30(4)(i), and 30(4)(j) of the *Code of Conduct Regulation* respectively.

5. In its proposed compliance plan, the West Wetaskiwin REA advised that it currently has 917 customers to which it provides energy services or retail services, which is within the 5,000

¹ Exhibit 22067-X0001, WEST WETASKIWIN REA October 10, 2016 (Final Draft), October 11, 2016.

² Exhibit 22067-X0004, Notice of application, October 12, 2016.

limit specified in Section 3(1) of Rule 030. The West Wetaskiwin REA is therefore eligible for a varied compliance plan. Its proposed compliance plan included the information specified in Rule 030 for a varied code of conduct compliance plan.

6. The Commission notes that a minor change is necessary before the proposed compliance plan can be approved. Section 31(1)(a) of the *Code of Conduct Regulation* allows the Commission to approve a compliance plan with changes and therefore the Commission has revised the wording proposed by the West Wetaskiwin REA in paragraph 8 as follows (change noted in bold and with strikethrough):

8. These Retailers: Epcor Energy Alberta Inc., Enmax Energy Corporation, Enmax Commercial Energy, ~~Nexen Inc.~~, Alta Gas Energy Limited Partnership, Utility Network and Partners Inc., Direct Energy Partnership, Fluent Utilities Inc., ATCO Energy Ltd, and ATCO Energy Ltd. 1., Utilitynet (Spot Power) provide retail energy services, as defined in Paragraph 1(1)(q) of the Code of Conduct Regulation, to West Wetaskiwin Rural Electrification Association Ltd. customers and are not affiliated with West Wetaskiwin Rural Electrification Association Ltd.

7. Section 34(1) requires that notice be provided to the public that complaints about contraventions of the *Code of Conduct Regulation* may be made to the Commission or the Market Surveillance Administrator. Section 34(2) requires that the Commission approve the notice and that it be made clear that the AUC and the Market Surveillance Administrator are independent of distributors, regulated rates suppliers and affiliated providers. The Commission finds that the proposed notice wording, as reproduced below, satisfies the requirements of Section 34 of the *Code of Conduct Regulation*:

9. West Wetaskiwin Rural Electrification Association Ltd. will provide notice to the public that complaints about contraventions of the Code of Conduct Regulation or this compliance plan may be made to the Commission or the Market Surveillance Administrator by displaying the following wording on its website <http://westwetaskiwinrea.com/> to ensure that the greatest number of people will become aware of it.

“Complaints about contraventions of the Code of Conduct Regulation may be made to the Alberta Utilities Commission or the Market Surveillance Administrator. The Alberta Utilities Commission can be reached by contacting 1-780-427- 4903 or consumer-relations@auc.ab.ca. The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or compliance@albertamsa.ca. The Alberta Utilities Commission and the Market Surveillance Administrator are independent of West Wetaskiwin Rural Electrification Association Ltd. and the regulated rate suppliers and affiliated providers.”

In addition, we will reference where the above information will be available to our members, in our quarterly newsletters.

3 Commission findings

8. With the minor change made by the Commission in paragraph 6 of this decision, the compliance plan appended to this decision meets the requirements for a varied compliance plan. It is therefore approved by the Commission effective January 1, 2017 and, if applicable, should

be distributed to the regulated rate supplier and affiliated providers. The approved compliance plan should also be posted on the West Wetaskiwin REA's website.

9. The Commission is mindful that the list of retailers included in the varied compliance plan will change over time. Should the list of retailers require updating, the West Wetaskiwin REA is directed to include the updated list in its annual report filed with the Commission, rather than seek approval of a revised compliance plan.

10. The Commission also wishes to remind the West Wetaskiwin REA of the following two reporting requirements. Under Section 4 of Rule 030, any non-compliance with the *Code of Conduct Regulation* or the compliance plan is to be reported to the Commission within 30 days of the West Wetaskiwin REA becoming aware of the non-compliance. Under Section 33(2) of the *Code of Conduct Regulation*, an annual compliance report is required and must be approved by the board of directors of the West Wetaskiwin REA and filed with the Commission within 90 days after the end of each calendar year. The first such report will be due in March 2018 for the 2017 calendar year. For ease of reference, templates for the reports are posted on the Commission's website under Rule 030.

11. These documents should be filed as reports in the AUC's eFiling System as 'Code of conduct regulation – self reporting' or 'Code of conduct regulation – annual compliance report'. For assistance with the AUC's eFiling System, please contact info@auc.ab.ca or 403-592-4500.

4 Order

12. It is hereby ordered that:

- (a) The wording and method of providing notice to the public in paragraph 9 of the West Wetaskiwin Rural Electrification Association Ltd. varied compliance plan attached as Appendix 1 to this decision, is approved.
- (b) The West Wetaskiwin Rural Electrification Association Ltd. varied compliance plan attached as Appendix 1 to this decision is approved effective January 1, 2017.

Dated on December 21, 2016.

Alberta Utilities Commission

(original signed by)

Anne Michaud
Commission Member

Appendix 1 – West Wetaskiwin Rural Electrification Association Ltd. varied Code of Conduct Regulation compliance plan



West Wetaskiwin
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(contains 3 pages)

WEST WETASKIWIN RURAL ELECTRIFICATION ASSOCIATION LTD.
Code of Conduct Regulation (AR 58/2015)
Compliance Plan

Introduction

1. West Wetaskiwin Rural Electrification Association Ltd. is a distributor of electricity. This compliance plan has been prepared as a varied compliance plan in accordance with Section 3 of AUC Rule 030: *Compliance with the Code of Conduct Regulation*.
2. West Wetaskiwin Rural Electrification Association Ltd. has 917 customers to which it provides energy services or retail services which is less than the 5,000 limit, as specified in Subsection 3(1) of Rule 030.
3. The system is operated by FortisAlberta Inc. on behalf of West Wetaskiwin Rural Electrification Association Ltd. The operator currently does not have a code of conduct compliance plan which includes compliance provisions for the services provided to West Wetaskiwin Rural Electrification Association Ltd. It is contemplated that subsequent operating agreements between the parties will contain compliance provisions for the services provided.
4. The contact for any compliance matters is:

Name:	Mrs. Jean-Anne Sjolin
Position with the Organization:	Secretary
Address:	R.R. # 1 Wetaskiwin AB T9A 1W8
Phone Number:	780-352-4362
Email:	westwet@telus.net

5. The following section numbering has been retained for consistency with Rule 030 and reference to the sections of the *Code of Conduct Regulation* are also provided:

3(3)(a) List of affiliated providers (Paragraph 30(4)(a)) of the *Code of Conduct Regulation*)

6. The following is a list of the affiliated providers of the distributor:
7. Epcor Energy Alberta GP Inc. is the regulated rate supplier, as defined in Paragraph 1(1)(o) of the *Code of Conduct Regulation*, to West Wetaskiwin Rural Electrification Association Ltd. customers.
8. These Retailers: Epcor Energy Alberta Inc., Enmax Energy Corporation, Enmax Commercial Energy, Alta Gas Energy Limited Partnership, Utility Network and Partners Inc., Direct Energy Partnership, Fluent Utilities Inc., ATCO Energy Ltd, and ATCO Energy Ltd. 1., Utilitynet (Spot Power) provide retail energy services, as defined in Paragraph 1(1)(q) of the *Code of Conduct Regulation*, to West Wetaskiwin Rural

Electrification Association Ltd. customers and are not affiliated with West Wetaskiwin Rural Electrification Association Ltd.

3(3)(b) Description of how the notice required by Section 34 of the Code of Conduct Regulation will be given to the public (Paragraph 30(4)(i)) of the *Code of Conduct Regulation*)

9. West Wetaskiwin Rural Electrification Association Ltd. will provide notice to the public that complaints about contraventions of the *Code of Conduct Regulation* or this compliance plan may be made to the Commission or the Market Surveillance Administrator by displaying the following wording on its website <http://westwetaskiwinrea.com/> to ensure that the greatest number of people will become aware of it.

“Complaints about contraventions of the Code of Conduct Regulation may be made to the Alberta Utilities Commission or the Market Surveillance Administrator. The Alberta Utilities Commission can be reached by contacting 1-780-427- 4903 or consumer-relations@auc.ab.ca. The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or compliance@albertamsa.ca. The Alberta Utilities Commission and the Market Surveillance Administrator are independent of West Wetaskiwin Rural Electrification Association Ltd. and the regulated rate suppliers and affiliated providers.”

In addition, we will reference where the above information will be available to our members, in our quarterly newsletters.

3(3)(c) Description of the procedure that may be used for the voluntary resolution of complaints about non-compliance (Paragraph 30(4)(j)) of the *Code of Conduct Regulation*)

10. West Wetaskiwin Rural Electrification Association Ltd. will follow the process outlined below for voluntary resolution of complaints about non-compliance with the *Code of Conduct Regulation*.
 1. Initial contact to REA Board Secretary
 2. The Board Secretary has 5 business days to acknowledge receipt of the complaint, and initiate a process to resolve the complaint.
 3. The Board Secretary initiates an investigation of the complaint, with a ten business day limit on the time to investigate. The ten days starts after notification of receipt in step 2 above.
 4. If upon due investigation, the complaint is not valid, or is a result of a failure of a retailer, the Board Secretary will communicate the result of the investigation to the complainant and close the file.
 5. If after due investigation, the complaint is valid, and the result of the action (or inaction) of the REA, the Board Secretary will communicate the results to the REA Board, and establish a timeline to resolve the issue. This will be communicated to the complainant.

6. If after due investigation, the complaint is valid, and the result of the action (or inaction) of a load settlement agent, the Board Secretary will communicate the results to the REA Board, file a complaint with the load settlement agent, and establish a timeline to resolve the issue. This will be communicated to the complainant.
7. When the issue is resolved, the REA Secretary will close the file.

The REA Secretary will also create a log of complaints and keep a log of each of the steps listed above for each complaint for at least 6 years, in accordance with Section 28 of the *Code of Conduct Regulation*.