



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 54

**An Act to amend the Act respecting the
Agence de l'efficacité énergétique and the
Act respecting the Régie de l'énergie**

Introduction

**Introduced by
Mr. Claude Bécharde
Minister of Natural Resources and Wildlife**

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EXPLANATORY NOTES

This bill proposes that distributors who bring into Québec, or acquire in Québec, volumes of fuel totalling or exceeding the annual volume determined by government regulation be required to pay the annual duty to the Green Fund and the annual share to the Agence de l'efficacité énergétique.

The bill also proposes to require every user of an electric power transmission system under an electric power transmission service agreement to comply with the applicable reliability standards.

In addition, it enables the Régie de l'énergie, when an inspection or an investigation has revealed that a failure to comply with a reliability standard is seriously compromising the reliability of electric power transmission, to order that measures be taken to correct the situation.

Lastly, the bill provides transitional measures.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);
- Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01).

Bill 54

AN ACT TO AMEND THE ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE AND THE ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE

1. Section 0.1 of the Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001) is amended by replacing paragraph 3 of the definition of “fuel distributor” in the first paragraph by the following paragraph:

“(3) a person that acquired, in Québec, during the person's preceding fiscal year, fuel from a person described in paragraph 1 or 2, provided that the total of the volumes of fuel so acquired and those brought into Québec by the person is equal to or exceeds the annual volume determined by government regulation;”.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

2. Section 44 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) at any reasonable hour, enter the establishment or upon the property of the electric power carrier, of an entity described in section 85.3, of a distributor or of a reliability coordinator;”.

3. Section 85.3 of the Act is amended by adding the following paragraph at the end:

“(5) a person who uses an electric power transmission system under an electric power transmission service agreement with the electric power carrier or with any other carrier in Québec.”

4. Section 85.6 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the identification of any entity described in section 85.3.”

5. Section 85.8 of the Act is amended by replacing “non-compliance with” by “a violation of”.

6. Section 85.12 of the Act is amended by replacing “program” by “plan”.

7. The Act is amended by inserting the following section after section 85.12:

“85.12.1. If an inspection or an investigation reveals that an entity is in non-compliance with a reliability standard and is thus seriously compromising the reliability of electric power transmission, the Régie may order that measures be taken, at once or within the time it specifies, in order to correct the situation.”

8. Section 85.13 of the Act is amended by replacing “owners, operators and distributors” in paragraph 1 by “entities that are”.

9. The Act is amended by inserting the following section after section 85.30:

“85.30.1. In determining the annual share that each energy distributor must pay to the Agency, the Régie attributes to a person described in paragraph 3 of the definition of “fuel distributor” set out in the first paragraph of section 0.1 of the Act respecting the Agence de l’efficacité énergétique (chapter A-7.001), the volumes of fuel acquired by that person from persons described in paragraph 1 or 2 of that definition.”

10. Section 85.31 of the Act is amended by replacing “exchanged with a person described in paragraph 1” in paragraph 3 by “acquired from persons described in paragraph 1 or 2”.

11. Section 85.34 of the Act is amended by replacing paragraph 3 of the definition of “fuel distributor” by the following paragraph:

“(3) a person that acquired, in Québec, during the person’s preceding fiscal year, fuel from a person described in paragraph 1 or 2, provided that the total of the volumes of fuel so acquired and those brought into Québec by the person is equal to or exceeds the annual volume determined by government regulation;”.

12. Section 85.37 of the Act is amended by replacing “exchanged with a person described in paragraph 1” in paragraph 3 by “acquired from persons described in paragraph 1 or 2”.

13. Section 85.38 of the Act is amended by inserting the following paragraph after the first paragraph:

“In determining this amount, the Régie attributes to a person described in paragraph 3 of the definition of “fuel distributor” in section 85.34 the volumes of fuel acquired by that person from persons described in paragraph 1 or 2 of that definition.”

14. Section 112 of the Act is amended by inserting the following subparagraph after subparagraph 2.3 of the first paragraph:

“(2.4) the annual volume of fuel for the purposes of paragraph 3 of the definition of “fuel distributor” in section 85.34;”.

TRANSITIONAL AND FINAL PROVISIONS

15. Any person described in paragraph 3 of the definition of “fuel distributor” in the first paragraph of section 0.1 of the Act respecting the Agence de l’efficacité énergétique (R.S.Q., chapter A-7.001), as amended by section 1, or in section 85.34 of the Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01), as amended by section 11, who, during the part of the person’s fiscal year that precedes 31 March 2009, acquired fuel from a person described in paragraph 1 or 2 of those definitions must, by the date determined by the Régie de l’énergie, produce a statement for that period containing the information required by sections 85.31 and 85.37 of the Act respecting the Régie de l’énergie.

16. The first regulation under paragraph 3 of the definition of “fuel distributor” set out in the first paragraph of section 0.1 of the Act respecting the Agence de l’efficacité énergétique, as amended by section 1, as well as the first regulation under subparagraph 2.4 of the first paragraph of section 112 of the Act respecting the Régie de l’énergie, enacted by section 14, are not subject to the requirements of sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1) as regards publication and coming into force. The regulations come into force on the date of their publication in the *Gazette officielle du Québec*.

17. This Act comes into force on (*insert the date of assent to this Act*).

