



**CITY OF EDMONTON**

**BYLAW 12294**

**EPCOR RATES PROCEDURES BYLAW**

**(CONSOLIDATED ON APRIL 27, 2011)**

**BYLAW 12294, as amended****EPCOR RATES PROCEDURES BYLAW**

**Whereas**, pursuant to section 3 of the *Municipal Government Act*, S.A. 1994, c.M-26.1, the purposes of a municipality are to provide services, facilities and other things that are necessary or desirable for all or a part of the municipality;

**And Whereas**, pursuant to section 7(g) of the *Municipal Government Act*, Edmonton City Council may pass bylaws respecting public utilities;

**And Whereas**, the *Electric Utilities Act*, S.A. 1998, c. E-5.5, governs the provision of electric utility services in Alberta;

Edmonton City Council enacts:

**PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**

- |                                    |   |   |
|------------------------------------|---|---|
| <b>PURPOSE</b>                     | 1 | The purpose of this bylaw is to provide a procedure for Council to approve rates applicable to any utility service provided by EPCOR within the boundaries of the city of Edmonton which the City has authority to approve.   |
| (S.2, Bylaw 12460, March 20, 2001) |   |   |
| <b>DEFINITIONS</b>                 | 2 | <p>In this bylaw, unless the context otherwise requires:</p> <ul style="list-style-type: none"> <li>(a) <b>“City”</b> means the City of Edmonton;</li> <li>(b) <b>“City Manager”</b> means the Chief Administrative Officer of the City or his delegate;</li> <li>(c) <b>“Council”</b> means the council of the City of Edmonton;</li> <li>(d) <b>“Councillor”</b> includes the Mayor;</li> <li>(e) <b>“EPCOR”</b> means EPCOR Utilities Inc. and its subsidiaries;</li> <li>(f) <b>“Person”</b> includes an individual, partnership, association, corporation, trustee, executor, administrator or legal representative;</li> <li>(g) <b>“Rates”</b> means the rates and charges applicable to any utility service provided by EPCOR within the boundaries of</li> </ul> |

the city of Edmonton which Council has authority to approve, but does not include Special Rates;

(S.3(a), Bylaw 12460, March 20, 2001)

- (h) **“Rates Notice”** means a request in writing for Council approval of Rates;
  - (i) **“Rates Report”** includes:
    - (i) a report to Council explaining proposed Rates or Special Rates;
    - (ii) a bylaw prepared in accordance with sections 188-190 of Bylaw 12300, the Procedures and Committees Bylaw, and any other Council policies and procedures; and
    - (iii) any other documentation supporting the Rates or Special Rates.
- (S.3(b), Bylaw 12460, March 20, 2001)
- (j) **“Special Rates”** means the rates and charges applicable to any utility service provided by EPCOR within the boundaries of the city of Edmonton, which are:
    - (i) Regulated Rate Option rates made pursuant to the *Electric Utilities Act*, S.A. 1998, c. E-5.5 and AR 2/2000, the *Regulated Rate Option Regulation*, as amended from time to time; or
    - (ii) rates and charges that are not determined by the exercise of the discretion of Council, comprised of charges determined by market prices, applicable legislation and regulation.
- (S.3(c), Bylaw 12460, March 20, 2001)
- (k) **“Special Resolution”** means a resolution passed by a two-thirds majority of all Councillors.

(S.3(c), Bylaw 12460, March 20, 2001)

## RULES FOR INTERPRETATION

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The marginal notes and headings in this bylaw are for reference purposes only.

**PART II - RATES NOTICE AND RATES REPORT****RATES BYLAW**

- 4 (1) The rates and charges applicable to utility services within the boundaries of the city of Edmonton which the City has authority to approve shall be established in accordance with the provisions of this bylaw.
- (2) Amendments to any bylaw made under the provisions of this bylaw that do not constitute changes to Rates or Special Rates may be made by bylaw passed in accordance with the procedures of Bylaw 12300, Procedures and Committees Bylaw, and the provisions of the *Municipal Government Act*.

(S.4, Bylaw 12460, March 20, 2001)

**GUIDING  
OBJECTIVES**

- 5 The assessment of Rates will reflect the following objectives:
- (a) EPCOR is entitled to a reasonable margin of profit from operations in relation to the provision of utility services within the boundaries of the city of Edmonton;
- (S.5(a), Bylaw 12460, March 20, 2001)
- (b) the citizens of the city of Edmonton must be provided with safe and reliable utility services;
- (S.5(b), Bylaw 12460, March 20, 2001)
- (c) all customer charges will be based upon cost of service;
- (d) rates will be sufficient to ensure continued development of utility infrastructure to reasonably ensure the satisfaction of the objectives of this section;
- (e) utility services are to be provided in a manner that reflects reasonable environmental management in comparison to industry benchmarks;
- (f) service levels and EPCOR performance will be assessed by reference to industry benchmarks; and
- (S.5(c), Bylaw 12460, March 20, 2001)
- (g) the timing of a decision and the effective date for Rates approved pursuant to this Bylaw must reflect the financial needs of EPCOR and where applicable the regulatory

requirements provided under the *Electric Utilities Act*.

**DUTIES OF EPCOR**

- 6 At such time as EPCOR seeks to set or amend Rates or Special Rates, EPCOR must provide the City Manager with:
- (a) a Rates Notice containing:
    - (i) a brief description of the nature of the Rates or Special Rates approval being sought;
    - (ii) the proposed effective dates of the new Rates or Special Rates;
    - (iii) if Special Rates are being sought, the facts qualifying the matter as a Special Rate; and
    - (iv) the preferred date for a public hearing, if applicable;
  - (b) a Rates Report that includes:
    - (i) a sufficient explanation to allow Council to reasonably assess the Rates or Special Rates in relation to the objectives found in section 5; and
    - (ii) comparisons to rates in surrounding communities and other regions.

(S.6, Bylaw 12460, March 20, 2001)

**CITY MANAGER  
FUNCTION**

- 7 (1) Upon receiving the Rates Notice and Rates Report, the City Manager will arrange for the Rates Report to be placed on the Agenda of the next Agenda Review Committee.
- (S.2, Bylaw 15715, April 27, 2011)
- (2) If the Rates Notice deals with Special Rates, the City Manager will prepare an Administrative Report for Council reviewing the classification as Special Rates.

(S.7, Bylaw 12460, March 20, 2001)

**COUNCIL FIRST  
READING**

- 8 (1) When a Rates Report dealing with Rates is before Council, Council:
- (a) will allow EPCOR to introduce the matter;
  - (b) may move and vote on first reading of the bylaw;

- (c) if first reading passes;
  - (i) refer the matter to a Utility Committee meeting for a public hearing to commence within sixty (60) days thereafter;

(S.3, Bylaw 15715, April 27, 2011)

- (ii) refer to the City Manager the Rates Report for an Administrative Report as to the reasonableness of the Rates application in terms of the objectives found in section 5 and a summary of written submissions by interested parties; and
  - (iii) pass a resolution instructing EPCOR to advertise the public hearing for two consecutive weeks in accordance with section 606 of the *Municipal Government Act*.
- (2) Within seven working days after the Council meeting where the first reading was passed Councillors may submit written questions to the City Manager respecting material within the Rates Report.

- 8.1(1) When a Rates Report dealing with Special Rates is before the Utility Committee or Council, the Utility Committee or Council as the case may be:

(S.4, Bylaw 15715, April 27, 2011)

- (a) will allow EPCOR to introduce the matter;
  - (b) will allow the Administration to present its report reviewing the classification as Special Rates.
  - (c) may deal with the bylaw in accordance with the provisions of Bylaw 12300 Procedures and Committees Bylaw and the Municipal Government Act.
- (2) If Council determines by resolution that the Rates Report does not deal with Special Rates, then the Rates Report must be dealt with under the provisions in the bylaw applicable to Rates.

(S.8, Bylaw 12460, March 20, 2001)

**PUBLIC  
INSPECTION OF  
DOCUMENTS**

- 9 EPCOR must make available for inspection at City Hall and at the headquarters of EPCOR in the city of Edmonton the following:

(S.9, Bylaw 12460, March 20, 2001)

- (a) the Rates Notice,
- (b) the Rates Report, except for information provided in confidence under sections 15 of the *Freedom of Information and Protection of Privacy Act*, S.A. 1994, c. F-18.5, and
- (c) the last Annual Report issued by EPCOR.

### **PART III - PUBLIC HEARING**

#### **PROCEDURES**

- 10 (1) When the provision of this Part are inconsistent with the provisions of Bylaw 12300, the Procedures and Committees Bylaw, this Part shall prevail, otherwise rates procedures are subject to the provisions of Bylaw 12300, the Procedures and Committees Bylaw.

(S.10(a), Bylaw 12460, March 20, 2001)

- (2) Repealed

(S.10(b), Bylaw 12460, March 20, 2001)

#### **PUBLIC SUBMISSIONS**

- 11 (1) Any interested person may make a submission to the Utility Committee by delivery of a written submission to the City Manager.

(S.5, Bylaw 15715, April 27, 2011)

- (2) Submissions received not less than 21 days in advance of the public hearing will be delivered to EPCOR not later than 14 days before the public hearing, and will be reviewed and responded to by EPCOR and the City at the public hearing if appropriate.
- (3) Submissions received within 21 days of the public hearing will be received for information only.

#### **PUBLIC HEARING**

- 12 (1) The procedural rules of the public hearing will be in accordance with this section.
- (2) To begin the hearing, EPCOR will introduce the matter.
- (3) The Administration will present its report and provide to the Utility Committee a summary of any written submissions filed with the

City Manager by interested parties.

(S.5, Bylaw 15715, April 27, 2011)

- (4) The City Manager will ask if anyone is present to speak to the proposed bylaw.
- (5) A person who indicates his presence to speak to the proposed bylaw will be allowed five minutes to speak; those in favour will speak first, followed by those opposed.
- (6) After a person has spoken, any Councillor may ask that speaker relevant questions.
- (7) After the Utility Committee has heard from all individuals present to speak, EPCOR may respond to any new information that has arisen.

(S.5, Bylaw 15715, April 27, 2011)

- (8) Any Councillor may then ask EPCOR and the Administration relevant questions.
- (9) The Utility Committee may propose amendments to the bylaw and may allow an opportunity to all persons to respond to any new information that has arisen.

(S.6, Bylaw 15715, April 27, 2011)

- (10) Any Utility Committee member may then move that the hearing on the proposed bylaw be closed.

(S.7, S.8, Bylaw 15715, April 27, 2011)

- (11) The Utility Committee may make recommendations to Council on the bylaw and any proposed amendments to the bylaw.

(S.9, Bylaw 15715, April 27, 2011)

#### **AFTER CLOSE OF HEARING**

- 13 Council may debate the proposed bylaw and may amend, pass or defeat the bylaw without further advertisement or hearing.

(S.10, Bylaw 15715, April 27, 2011)



**PART IV - GENERAL**

- 13.1 Council may suspend any provision of this bylaw, for a defined period of time, by Special Resolution.

(S.11, Bylaw 12460, March 20, 2001)

**NUMBER AND  
GENDER  
REFERENCES**

- 14 All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**EFFECTIVE DATE**

- 15 This bylaw takes effect beginning on June 1, 2000.

(NOTE: Consolidation made under Section 69 of the Municipal Government Act, S.A. 1994, c. M-26.1 and Bylaw No. 12005, and printed under the City Manager's authority.)

Bylaw 12294, passed by Council March 20, 2001

Amendments:

Bylaw 12460 - March 20, 2001

Bylaw 15715 April 27, 2011