

1988, chapter 23
AN ACT RESPECTING THE RÉGIE DU GAZ NATUREL

Bill 12

Introduced by Mr John Ciaccia, Minister of Energy and Resources

Introduced 11 May 1988

Passage in principle 31 May 1988

Passage 16 June 1988

Assented to 17 June 1988

Coming into force: 17 June 1988

Acts amended:

Cities and Towns Act (R.S.Q., chapter C-19)

James Bay Region Development Act (R.S.Q., chapter D-8)

Gas Distribution Act (R.S.Q., chapter D-10)

Act respecting the exportation of electric power (R.S.Q., chapter E-23)

Hydro-Québec Act (R.S.Q., chapter H-5)

Electricity Municipalization Act (R.S.Q., chapter M-38)

Tree Protection Act (R.S.Q., chapter P-37)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Building Act (1985, chapter 34)

Act replaced:

Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6)



CHAPTER 23

An Act respecting the Régie du gaz naturel

[Assented to 17 June 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

Application **1.** This Act applies to the supply, transmission and storage of natural gas delivered or intended for delivery by pipe line to a consumer.

Interpreta- **2.** Unless the context indicates otherwise,
tion

“distribution **“distribution system”** means the whole of the conduits,
system” equipment, apparatus, structures, gas meters, meters and other devices and accessories intended for the supply, transmission or delivery of natural gas in a given territory, except a gas pipe or line installed in, under or on the exterior face of a house, plant, building or other structure of any consumer;

“distributor” **“distributor”** means a person or partnership holding exclusive distribution rights or exercising such rights as lessee, trustee, liquidator or assignee;

“natural gas” **“natural gas”** means methane in gaseous or liquid form;

“storage” **“storage”** means any accumulation of natural gas in an underground or overground reservoir.

CHAPTER II

ORGANIZATION AND OPERATION OF
THE RÉGIE

DIVISION I

ESTABLISHMENT

- 3.** A body is hereby established under the name of “Régie du gaz naturel”.
- 4.** The Régie shall be composed of four commissioners, including the chairman and vice-chairman, appointed for a fixed term of not over five years by the Government, which shall fix their salaries and other conditions of employment.
- The commissioners shall exercise their duties on a full-time basis.
- 5.** The Government may, for the proper dispatch of the business of the Régie, appoint additional commissioners for the period it determines, and fix their salaries and other conditions of employment.
- 6.** The chairman shall coordinate and distribute the work of the commissioners.
- 7.** If the chairman is absent or unable to act, the vice-chairman shall exercise the powers of the chairman.
- 8.** No commissioner may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Régie.
- Forfeiture is not incurred if the interest devolves to the commissioner by succession or gift, provided he renounces or disposes of it with dispatch.
- 9.** The secretary and employees of the Régie shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- 10.** No commissioner or employee of the Régie may be prosecuted by reason of official acts performed in good faith in the exercise of his duties.

Examination **11.** A commissioner may continue to examine any application or request referred to him, and render a decision notwithstanding the expiry of his term.

Examination **12.** Any application or request referred to the Régie shall be examined and decided by three commissioners.

Death of commissioner However, where a commissioner becomes incapacitated or dies after the close of the hearing but before a decision has been rendered, the remaining two commissioners may, if they are unanimous, render a decision.

Single commissioner **13.** Notwithstanding the first paragraph of section 12, the chairman may designate a commissioner to examine and decide alone any application or request under section 39, the first paragraph of section 53, section 58 or 60 or the second paragraph of section 61.

Decisions **14.** Every decision of the Régie shall be rendered with diligence and include the reason therefor; it forms part of the records of the Régie which shall transmit a certified copy thereof to the parties and to the Minister without delay. The Régie shall also transmit to the Minister a copy of any related document he may require.

Authenticity of documents **15.** Every document of the Régie signed by the chairman or by any other person designated by him is authentic. The same applies to any copy of a document of the Régie that is certified by the chairman or by any other person so designated.

Head office **16.** The head office of the Régie shall be situated in the territory of the Communauté urbaine de Montréal but it may have offices at any other place in Québec.

Sittings The Régie may sit anywhere in Québec.

Fiscal year **17.** The fiscal year of the Régie ends on 31 March each year.

Report of activities **18.** Not later than 30 June each year, the Régie shall transmit a report of its activities for the preceding fiscal year to the Minister. The report shall include, in particular, a statement listing the applications and requests filed with the Régie, the decisions rendered, and the number, nature and results of the inquiries made in the year. The report shall also contain any other information required by the Minister on the activities of the Régie.

Tabling The Minister shall table the report before the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days of resumption.

DIVISION II

FUNCTIONS AND POWERS

Functions **19.** The functions of the Régie are, to the exclusion of every tribunal,

(1) to fix or amend any tariff for the supply, transmission or delivery by a distributor or for the storage of natural gas;

(2) to supervise the operations of distributors to ensure that consumers are adequately supplied and are charged a fair and reasonable rate for the supply, transmission, delivery or storage of natural gas, or the provision of services;

(3) to decide any dispute between a consumer and a distributor over the application of a tariff or any other condition for the supply, transmission or delivery of natural gas or the provision of services;

(4) to decide any dispute over the conditions of installation of pipes, conduits, dependencies, apparatus or other works by a distributor under or along any public road, street, lane or other public place in a municipality;

(5) to decide any other application or request submitted under this Act.

Powers **20.** The Régie, of its own initiative or at the request of any interested person, may

(1) examine the expediency of amending a tariff and, where expedient, require a distributor to submit a proposal of amendment;

(2) determine the rate of return of a distributor;

(3) determine the cost of service allocation method applicable to a distributor;

(4) formulate general principles for the determination and application of tariffs fixed by it.

Use of an immovable **21.** Before rendering a decision which may modify the use of an immovable situated in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., chapter P-41.1), the Régie must obtain the advice of the Commission de protection du territoire agricole du Québec.

- 22.** The Régie may decide an application or request in part only.
- 23.** The Régie may revise or revoke any decision it has rendered
- (1) where a new fact is discovered which could have justified a different decision had it been known in due time;
- (2) where, for reasons deemed sufficient, a party interested in the dispute could not be heard;
- (3) where a substantive or procedural defect is likely to invalidate the decision.
- 24.** Any decision containing clerical errors, mistakes in calculation or any other error of form may be rectified by the Régie.
- 25.** The Régie or any party may deposit a certified copy of a decision rendered under this Act at the office of the prothonotary of the Superior Court of the district in which the head office or a place of business of the distributor is situated.
- A decision deposited as in the first paragraph has the same force and effect as a judgment emanating from the Superior Court.
- 26.** Except on a question of jurisdiction, article 33 of the Code of Civil Procedure does not apply to the Régie and no extraordinary recourse provided for in articles 834 to 850 of the said Code may be exercised nor any injunction granted against the Régie acting in its official capacity.

DIVISION III

HEARINGS

- 27.** The Régie shall hold a public hearing whenever it is required to render a decision on a request or application under section 20, 31, 36, 53 or 62.
- The Régie may also hold a public hearing in respect of any other matter submitted to it.
- 28.** Before holding a public hearing, the Régie shall issue written instructions in which it shall fix the date for the filing of evidence by

the parties and the place and date of the hearing and shall provide any other information it considers necessary.

Publication The Régie may order one of the parties to cause the instructions to be published, subject to the conditions it determines.

Assistance **29.** When holding a hearing, the Régie shall be assisted by counsel.

Expenses **30.** The Régie shall adjudicate at its discretion upon the expenses relating to matters within its jurisdiction and the execution of its decisions.

Costs The Régie may order a distributor to pay all or part of the costs, including experts' fees, to persons whose participation in its proceedings it considers expedient.

DIVISION IV

TARIFFS

§ 1.—*Fixing*

Tariffs **31.** Tariffs shall be fixed or amended by the Régie upon the application of an interested person.

Documents Every application for the fixing or amendment of a tariff shall be accompanied with the documents and fees prescribed by regulation.

Considerations **32.** When fixing or amending a tariff, the Régie shall

(1) determine the rate base for a distributor after taking into account, in particular, the fair value of the assets it considers prudently acquired and used and useful for the operation of a distribution system, the undepreciated research and development and marketing expenditures, the merchandising programs, the preliminary expenses and the working capital required for the operation of a distribution system;

(2) determine such total amount of expenditures as it considers necessary to cover the cost of providing the service concerned and such rate of return on the rate base of the distributor as it considers reasonable;

(3) take into account the cost of service by classes of consumers and the competition from other forms of energy;

(4) ascertain that the tariff and other conditions applicable to the supply, transmission, delivery and storage of natural gas are fair and reasonable.

Other methods The Régie may also use any other method it considers appropriate in the interest of the parties.

Fair value **33.** The fair value of the assets of a distributor shall be calculated on the basis of the original cost, less depreciation.

Actual cost **34.** The rates and other conditions applicable under a tariff to the supply of natural gas to a consumer or class of consumers must reflect the actual cost of acquisition or any other condition of supply granted to a distributor by producers of natural gas or their representatives in consideration of the consumption by such consumer or class of consumers.

Restrictions **35.** In no case may the tariff prescribe, for the supply, transmission or delivery of natural gas, higher rates or more stringent conditions than are necessary to ensure, in particular, that the capital expenditures and operating costs are met, that the stability of the undertaking and the normal development of the distribution system are maintained or that the distributor obtains a reasonable return on his rate base.

Storage of natural gas The same applies to the storage of natural gas by any person who operates a reservoir for that purpose.

Rate of return **36.** Where the Régie finds, at the expiry of a fiscal year, that the rate of return resulting from the application of a tariff is higher than the rate of return previously determined, it may, of its own initiative or at the request of an interested person, invite the distributor concerned to give the reasons owing to which the surplus earnings ought not be reimbursed to the consumers.

Reimbursement of surplus earnings After giving all interested persons an opportunity to be heard, the Régie, if it considers it in the public interest, may order the reimbursement of the surplus earnings to the consumers on the terms and conditions it determines.

§ 2.—Application

Restrictions **37.** No person may impose, for the supply, transmission, delivery or storage of natural gas, rates or conditions other than those prescribed in a tariff fixed by the Régie.

Service to customers Under penalty of damages, no distributor may discontinue or suspend service to a consumer because of his refusal to pay a price other than the price resulting from the application of a tariff fixed by the Régie.

Prohibited stipulation **38.** Any stipulation of an agreement which is at variance with a tariff fixed by the Régie is null.

Dispute **39.** A consumer or a distributor may request the Régie to decide any dispute over the application of a tariff or any other condition for the provision of a service.

DIVISION V

INSPECTION AND INQUIRIES

Powers of commissioner **40.** A commissioner or any person designated in writing by the chairman may, for the purposes of an inspection to ascertain compliance with this Act,

(1) enter into the establishment or upon the land of a distributor at any reasonable time;

(2) examine and make copies of books, records, accounts, files and other documents relating to the purchase, sale, supply, transmission, delivery, consumption or storage of natural gas;

(3) require any information pertaining to the application of this Act and the production of any related document.

Communication of documents Every person having custody, possession or control of the books, records, accounts, files and other documents shall, on request, communicate them to the commissioner or designated person and facilitate his examination of them.

Identification A commissioner or designated person exercising powers under the first paragraph shall, on request, identify himself and produce a certificate of his capacity issued by the Régie.

Prohibition **41.** No person may hinder the work of a commissioner or designated person in the performance of his inspection duties.

Powers of inquiry **42.** The Régie may make such inquiries as are necessary for the exercise of its functions and, for that purpose, the commissioners and any person specially authorized by the Régie have the powers and immunity of commissioners appointed under the Act respecting public

inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

CHAPTER III

EXCLUSIVE DISTRIBUTION RIGHTS

DIVISION I

GRANTING AND DURATION

43. No person may operate a distribution system unless he is the holder of exclusive distribution rights.

44. The Government may, after obtaining the advice of the Régie, grant, on the conditions it determines, exclusive distribution rights within the territory delimited by it to a person or partnership.

45. Every application for exclusive distribution rights must be filed in writing with the Régie and be accompanied with the documents and fees prescribed by regulation.

The Régie shall inform the Minister without delay of the receipt of any application under the first paragraph.

46. The Régie shall cause a notice of every application filed under section 45 to be published in the *Gazette officielle du Québec* and in a daily newspaper circulated in the territory concerned. The notice shall state

(1) that an application for exclusive distribution rights has been filed with the Régie;

(2) that public hearings will be held to examine the application;

(3) that any interested person will be heard and authorized to make representations;

(4) the place, date and time of the hearings.

No hearing may be held before the expiry of 30 days after the last publication.

47. The Régie, after giving all interested persons an opportunity to be heard, shall give its advice on the application to the Government.

- 48.** In no case may exclusive distribution rights be granted for more than 30 years. However, they may be renewed.
- 49.** After obtaining the advice of the Régie, the Government may, at any time, where the public interest so requires, amend or revoke exclusive distribution rights.
- 50.** The Minister shall give notice in the *Gazette officielle du Québec* of every grant, renewal, amendment or revocation of exclusive distribution rights.

DIVISION II

RIGHTS AND OBLIGATIONS OF DISTRIBUTORS

- 51.** Exclusive distribution rights confer on the holder, within the territory where they obtain and to the exclusion of any other person or partnership, the right to operate a distribution system and the right to transmit and deliver piped natural gas intended for consumption.
- Exclusive distribution rights do not confer the exclusive right to purchase, sell or store natural gas.
- 52.** A distributor has an obligation to supply and deliver natural gas within the territory served by his distribution system to every person who so requests.
- Within his territory, the distributor shall also, at the request of a consumer or at the request of a natural gas broker acting in his own name or in the name of a producer or a consumer, receive, transmit and deliver to the consumer natural gas purchased from a third person by that consumer for his own consumption.
- 53.** Any interested person not served by a distribution system may apply to the Régie for an order directing a distributor to expand his distribution system within the territory where his exclusive rights obtain.
- He may also request the Régie to recommend to the Government that it extend the territory within which the exclusive rights of a distributor obtain and order the distributor to expand his distribution system.
- 54.** The Régie may, at the request of a consumer or a distributor, exempt a distributor from complying with an application or request made under section 52 or 53 where it is of opinion, in particular, that

(1) it would be detrimental to the profitability or efficient operation of the undertaking of the distributor;

(2) the public interest so requires;

(3) the costs of the requested service would not be borne by the consumer;

(4) the application or request is likely to endanger the security of supply of another consumer.

Exemption Where natural gas is used mainly for space heating or domestic purposes, the Régie may also exempt a distributor from complying with a request made under the second paragraph of section 52 if it is of opinion that the security of supply offered under the conditions agreed upon between the consumer and a third person, taking into account the consumer's specific requirements and the availability of gas, is not comparable to that offered by a distributor.

Annual duties **55.** Distributors shall pay to the Régie annual duties at the rate and in accordance with the terms and conditions prescribed by regulation.

Powers of distributor **56.** A distributor may, in the territory where his exclusive distribution rights obtain, exercise, with respect to natural gas, the powers relating to the sale and rent of apparatus and meters, work in the streets and interruptions of service and the power to enter upon private property set out in sections 63 to 71 and 73 to 76 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44), subject to the restrictions, conditions and obligations specified in those sections.

Construction of pipe lines The distributor may exercise the same powers, subject to the same restrictions, conditions and obligations, with respect to the construction of pipe lines for the supply, transmission and delivery of natural gas to his customers in the territory for which exclusive distribution rights have been granted to him, whether the pipe lines are built wholly or partly within or outside that territory.

Acquisition of right of ways **57.** A distributor may acquire by agreement or by expropriation any right of way, servitude or immovable required for the supply, transmission or delivery of natural gas in the territory for which exclusive distribution rights have been granted to him.

Installation of works **58.** The installation of pipes, conduits, dependencies, apparatus or other works by a natural gas distributor under or along any public road, street, lane or other public place in a municipality shall be made

in accordance with the conditions agreed upon between the parties, or, failing agreement, the conditions fixed by the Régie.

Applicable provisions

59. Sections 87, 89 and 94 of the Gas, Water and Electricity Companies Act respecting illegal connections, damage to meters and apparatus exempt from seizure apply to distributors.

Approval

60. Where a distributor is supplied with natural gas by a supplier having a direct or indirect interest in his undertaking, he shall submit the supply contract to the Régie for approval.

Interest

The same applies where the distributor has a direct or indirect interest in the undertaking of the supplier.

Prior authorization

61. A distributor must obtain the prior authorization of the Régie, subject to such conditions as it may fix,

- (1) to cease or suspend his operations;
- (2) to expand or modify his distribution system;
- (3) to alter the use of his distribution system.

Transfer of undertaking

62. No person may alienate or otherwise transfer any undertaking operating under exclusive distribution rights, or amalgamate any legal person holding such rights, except with the authorization of the Government. Before deciding any application under this section, the Government shall obtain the advice of the Régie.

Transfer of securities

The same authorization shall also be required to transfer, assign, exchange or allot securities of any legal person holding exclusive distribution rights or to make any other transaction in respect of those securities if such a transaction directly or indirectly entails putting into the same hands or into the hands of a group of related persons within the meaning of the Taxation Act (R.S.Q., chapter I-3) securities or rights to acquire securities

(1) allowing the election of a majority of the directors of the legal person, in the case of securities exempt from the application of the Securities Act (R.S.Q., chapter V-1.1);

(2) representing more than 20 per cent of the voting securities of the legal person, in the case of securities not exempt from the application of the Securities Act.

Shares of partnership

Where a partnership holds exclusive rights, every transaction in respect of the shares of the partnership must be authorized by the

Government if it entails putting into the same hands or into the hands of a group of related persons within the meaning of the Taxation Act, shares or rights to acquire shares of the partnership representing more than 50 per cent of its capital stock or, in the case of a limited partnership, shares allowing a person to act as a general partner.

Recourse Any interested person may apply to a competent court to cause any act done in contravention of this section to be declared null.

Content of annual report **63.** Each year at the time fixed by the Régie, the distributor shall make a return to the Régie containing the following information:

(1) the name and firm name of the distributor;

(2) in the case of a company, its capital stock, the various issues of securities made since the establishment of the undertaking or since the last return, and the names of the directors;

(3) the assets, liabilities, revenues and expenditures of the distributor for the year;

(4) the prices and rates charged during the year;

(5) any other information that the Régie may require.

CHAPTER IV

DIRECTIVES AND REGULATIONS

DIVISION I

DIRECTIVES

Public hearing **64.** The Minister may require the Régie to hold a public hearing and invite thereto the interested parties who wish to be heard on any matter relating to the application of this Act and affecting the aims and objectives of the Régie in order to report to him and, where expedient, advise him.

Directives **65.** The Minister may issue directives concerning the aims and objectives to be pursued by the Régie in the exercise of its functions.

Approval The directives must be approved by the Government and they shall come into force on the day of their approval. Upon being approved, they bind the Régie, which shall comply therewith.

Tabling Every directive issued under this section shall be tabled before the National Assembly within 15 days of its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days of resumption.

DIVISION II

REGULATIONS

Rules of procedure and practice **66.** The Régie shall adopt rules of procedure and practice applicable to the hearing and examination of applications and requests submitted to it.

Approval The rules must be approved by the Government.

Regulations of the Government **67.** The Government may determine, by regulation,
 (1) the rates and the terms and conditions of payment of the annual duties payable to the Régie by distributors;

(2) the fees payable for the examination of a request or application submitted to the Régie;

(3) those provisions of a regulation under section 68 the contravention of which constitutes an offence.

Regulations of the Régie **68.** The Régie may determine, by regulation,

(1) standards of operation and technical requirements that must be met by distributors;

(2) standards concerning the continuation of a distribution system;

(3) standards concerning the procedure and practice in matters of rate fixing;

(4) standards concerning the accounting methods and procedures and the administrative and financial practices of distributors;

(5) the documents required for the examination of an application or request or a hearing in connection therewith.

Approval The regulations shall be submitted to the Government for approval.

CHAPTER V

OFFENCES AND PENALTIES

Offence and penalty **69.** Every person who contravenes any provision of the first paragraph of section 37 or section 43, 60, 61 or 62 or a decision of the Régie is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$5 000 for the first offence and of \$5 000 to \$25 000 for every subsequent offence.

Offence and penalty **70.** Every person who contravenes any of the regulatory provisions determined under paragraph 3 of section 67, or section 41, who fails to make the return provided for in section 63 or gives false information in the return is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$1 000 for the first offence and of \$1 000 to \$2 000 for every subsequent offence.

Prosecutions **71.** Prosecutions under this chapter are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

c. R-6, replaced **72.** This Act replaces the Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6).

"Régie du gaz naturel" **73.** Unless the context indicates otherwise, the expression "Régie de l'électricité et du gaz" is replaced, wherever it appears in any Act, regulation, order in council, order, contract or other legal instrument, by the expression "Régie du gaz naturel".

Effects **74.** The decisions, orders, regulations and resolutions made or passed by the Régie de l'électricité et du gaz in respect of any matter subject to section 1 of this Act retain their effects, until they are repealed, amended or replaced by a decision or by regulation.

Succession **75.** The Régie du gaz naturel succeeds to the Régie de l'électricité et du gaz and, for that purpose, it acquires the rights and shall assume the obligations thereof.

Party to proceedings The Régie du gaz naturel becomes, without continuance of suit, a party to all proceedings instituted by or against the Régie de l'électricité et du gaz.

- Business** **76.** Any business before the Régie de l'électricité et du gaz relating to matters referred to in section 1 shall be continued before the Régie du gaz naturel, without continuance of suit, in accordance with this Act.
- Functions** **77.** A controller appointed under the Act respecting the Régie de l'électricité et du gaz becomes a commissioner of the Régie du gaz naturel.
- Duration** He shall remain in office until the expiry of his term.
- Functions** **78.** The secretary and the staff of the Régie de l'électricité et du gaz in office on 17 June 1988 become, without other formality, the secretary and the staff of the Régie du gaz naturel.
- Transfer of appropriations** **79.** Appropriations granted to the Régie de l'électricité et du gaz shall be transferred to the Régie du gaz naturel to the extent determined by the Government.
- Health and safety standards** **80.** The Régie may, by regulation, prescribe health and safety standards applicable to any undertaking engaged in the production or distribution of electricity other than a municipal corporation, Hydro-Québec or the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville.
- Effect** This section has effect until the date of coming into force of section 294 of the Building Act (1985, chapter 34).
- 1985, c. 34,
ss. 274 to
278,
repealed **81.** Sections 274 to 278 of the Building Act (1985, chapter 34) are repealed.
- 1985, c. 34,
s. 288, am. **82.** Section 288 of the Building Act (1985, chapter 34) is amended by replacing the words "Régie de l'électricité et du gaz" in the fourth line by the words "Régie du gaz naturel".
- 1985, c. 34,
s. 294, am. **83.** Section 294 of the Building Act (1985, chapter 34) is amended by replacing the words "Régie de l'électricité et du gaz" in the second line by the words "Régie du gaz naturel".
- c. C-19,
s. 447, am. **84.** Section 447 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the words "Régie de l'électricité et du gaz" in the fifth line by the words "Régie du gaz naturel".
- c. D-8,
s. 42, am. **85.** Section 42 of the James Bay Region Development Act (R.S.Q., chapter D-8) is amended by striking out the words "the Act respecting the Régie de l'électricité et du gaz (chapter R-6)" in the third and fourth lines of the first paragraph.

c. D-10,
s. 1, am. **86.** Section 1 of the Gas Distribution Act (R.S.Q., chapter D-10) is amended by replacing paragraph *g* by the following paragraph:

“Board” “(g) “Board”: the Régie du gaz naturel;”.

c. E-23, s. 3,
repealed **87.** Section 3 of the Act respecting the exportation of electric power (R.S.Q., chapter E-23) is repealed.

c. H-5, s. 1,
am. **88.** Section 1 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing paragraph 2 by the following paragraph:

“Régie” “(2) “Régie” means the Régie du gaz naturel;”.

c. H-5,
s. 23, am. **89.** Section 23 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing the words “Electricity Municipalization Act (chapter M-38)” in the fourth line of the first paragraph by the words “Act respecting municipal and private electric power systems”.

c. H-5,
s. 39.8, am. **90.** Section 39.8 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by striking out the words “the Act respecting the Régie de l’électricité et du gaz (chapter R-6)” in the third and fourth lines.

c. H-5,
s. 46,
repealed **91.** Section 46 of the Hydro-Québec Act (R.S.Q., chapter H-5) is repealed.

c. H-5,
s. 48.1, am. **92.** Section 48.1 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by striking out the words “the Act respecting the Régie de l’électricité et du gaz (chapter R-6)” in the third and fourth lines.

c. M-38,
title,
replaced **93.** The title of the Electricity Municipalization Act (R.S.Q., chapter M-38) is replaced by the following title: “An Act respecting municipal and private electric power systems”.

c. M-38,
s. 2, am. **94.** Section 2 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is amended by replacing paragraph 1 by the following paragraph:

“Board” “(1) The word “Board” means the Régie du gaz naturel;”.

c. M-38,
s. 6, am. **95.** Section 6 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is amended

(1) by inserting the words “and shown on a plan drawn by a land surveyor” after the word “municipality” in the third line of subparagraph 3 of the first paragraph;

(2) by striking out the second paragraph.

c. M-38,
s. 17.1,
added

96. The Electricity Municipalization Act (R.S.Q., chapter M-38) is amended by inserting, after section 17, the following division:

“DIVISION VII.1

“PRIVATE ELECTRIC POWER SYSTEMS

Prices and
rates

17.1 In no case may the prices and rates fixed by any person or partnership operating an undertaking engaged in the production, sale or distribution of electricity involve, for any class of persons to which the undertaking supplies electricity, a cost higher than what would be charged to an equivalent class of consumers of electricity under the tariff established by Hydro-Québec.

Applicability

The first paragraph does not apply where Hydro-Québec purchases electricity from an undertaking described in that paragraph.”

c. P-37, s. 1,
am.

97. Section 1 of the Tree Protection Act (R.S.Q., chapter P-37) is amended by striking out the third paragraph.

c. P-40.1,
s. 5, am.

98. Section 5 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing the words “the Act respecting the Régie de l’électricité et du gaz (chapter R-6)” in the second and third lines of paragraph *b* by the words “the Act respecting the Régie du gaz naturel”.

c. R-12,
Schedule
III, am.

99. Schedule III to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 160 of chapter 47 of the statutes of 1987, is again amended by striking out the words “the Régie de l’électricité et du gaz” in paragraph 1.

c. V-6.1,
s. 190, am.

100. Section 190 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the words “Régie de l’électricité et du gaz” in the fifth line by the words “Régie du gaz naturel”.

Minister
responsible

101. The Minister of Energy and Resources is responsible for the administration of this Act.

Coming into
force

102. This Act comes into force on 17 June 1988.