



ATCO Gas and Pipelines Ltd. and ATCO Energy Ltd.

Gas Utilities Act Code of Conduct Regulation Compliance Plans Part A – Interim Approval

September 24, 2015

Alberta Utilities Commission

Decision 20815-D01-2015

ATCO Gas and Pipelines Ltd. and ATCO Energy Ltd.

Gas Utilities Act Code of Conduct Regulation Compliance Plans

Proceeding 20815

September 24, 2015

Published by the:

Alberta Utilities Commission

Fifth Avenue Place, Fourth Floor, 425 First Street S.W.

Calgary, Alberta

T2P 3L8

Telephone: 403-592-8845

Fax: 403-592-4406

Website: www.auc.ab.ca

1 Introduction

1. On September 9, 2015, ATCO Gas, a division of ATCO Gas and Pipelines Ltd. (ATCO Gas) and ATCO Energy Ltd. (ATCO Energy; ATCO Energy and ATCO Gas collectively referred to herein as ATCO) filed an application requesting approval of their proposed code of conduct compliance plans (proposed plans), prepared pursuant to the *Gas Utilities Act Code of Conduct Regulation*, AR 183/2003. ATCO also requested approval of the proposed plans on an interim basis upon receipt of the application. This decision addresses the request for interim approval.

2. Prior to submission of a formal application, ATCO submitted a draft code of conduct compliance plan to the Commission on March 31, 2015. The Commission reviewed the draft compliance plan and provided written comments of a general nature on May 20, 2015.¹ On July 15, 2015, ATCO met in person with Commission staff who provided their comments on revised draft compliance plans. On August 12, 2015, ATCO provided further revised compliance plans to the Commission. In a September 1, 2015 response letter,² the Commission directed ATCO to file an application for approval of the compliance plans in the eFiling System.

3. Pursuant to sections 30(1) and 31 of the *Gas Utilities Act Code of Conduct Regulation*, ATCO Energy will not be able to provide retail gas services to customers until it has approved compliance plans. ATCO had indicated in the July 15, 2015 meeting with Commission staff that it would like to enter the market in October 2015 and to enable that, the Commission suggested in its September 1, 2015 letter that ATCO request interim approval of the proposed plans.

2 Interim request

4. As stated in its September 1, 2015 letter, the Commission is of the view that should interim approval of the draft compliance plans be granted and such draft compliance plans be found to require revision to remedy deficiencies, it would not alter ATCO's obligation to comply with the *Gas Utilities Act Code of Conduct Regulation*. Given that obligation, there is no potential harm to any party, should a subsequent change be required to either or both of the proposed plans.

5. Further, ATCO is required to have an annual compliance audit,³ performed by an auditor using a work plan both of which are to be approved by the Commission.⁴ Should any deficiencies be identified in the compliance plans during this proceeding, the Commission would require that

¹ Exhibit X0010.

² Exhibit X0011.

³ *Gas Utilities Act Code of Conduct Regulation*, sections 37 and 39.

⁴ *Ibid.*, section 38.

the audit plan be designed to compensate for the deficiencies in the compliance plan(s) during the period of interim approval.

6. Finally, the Commission agrees with ATCO's statement in the application⁵ that it is in the public interest for an additional retailer to enter the market as early in the 2015/16 heating season as possible.
7. For the preceding reasons the Commission approves the proposed plans on an interim basis.
8. ATCO Gas and ATCO Energy are directed to post their compliance plans on their respective websites indicating the interim nature of the approval.

3 Further process

9. Notice for this application has been issued and statements of intent to participate are due October 1, 2015. The Commission will determine after October 1, 2015 what further process, if any, is warranted.

4 Order

10. It is hereby ordered that:

- (1) The proposed compliance plans are approved as filed on an interim basis.

Dated on September 24, 2015.

Alberta Utilities Commission

(original signed by)

Kay Holgate
Commission Member

⁵ Exhibit 20815-X0005, page 2, paragraph 7.