



**ATCO Electric Distribution,  
a Division of ATCO Electric Ltd.  
ATCO Gas,  
a Division of ATCO Gas and Pipelines Ltd.  
and ATCO Energy Ltd.**

**Code of Conduct Regulation Compliance Plans**

**December 16, 2016**

**Alberta Utilities Commission**

Decision 21663-D01-2016

ATCO Electric Distribution, a Division of ATCO Electric Ltd.

ATCO Gas, a Division of ATCO Gas and Pipelines Ltd. and ATCO Energy Ltd.

Code of Conduct Regulation Compliance Plans

Proceeding 21663

Application 21663-A001

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## **1 Introduction**

1. On May 31, 2016, ATCO Gas, a division of ATCO Gas and Pipelines Ltd. (ATCO Gas) filed an application<sup>1</sup> on behalf of itself, ATCO Electric Ltd. (ATCO Electric), and ATCO Energy Ltd. (ATCO Energy) (ATCO Gas, ATCO Electric and ATCO Energy collectively referred to as ATCO) with the Alberta Utilities Commission seeking approval of a compliance plan for each of the three ATCO companies pursuant to Section 30(1) of the *Code of Conduct Regulation*. Draft compliance plans were filed with the application.<sup>2,3,4</sup>

2. The Commission issued a notice of application on June 3, 2016, requesting written submissions by June 17, 2016.<sup>5</sup> The Commission received no submissions regarding the application. On September 14, 2016, the Commission issued information requests<sup>6</sup> (IRs) to ATCO and in a process letter<sup>7</sup> established that responses were due by October 7, 2016. The Commission received IR responses on October 7, 2016<sup>8</sup> as well as revised versions of the compliance plans (revised compliance plans)<sup>9,10,11</sup> that reflected changes necessitated by the IR responses.

3. The Commission considers the record of this proceeding to have closed on October 7, 2016. In reaching the determinations set out within this decision, the Commission has considered all relevant materials comprising the record of this proceeding. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record with respect to a particular matter.

## **2 Code of conduct compliance plans**

4. The *Code of Conduct Regulation* came into effect on January 1, 2016. Under sections 45(6) and 46(5) of the *Code of Conduct Regulation*, ATCO Electric and ATCO Gas are

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<sup>1</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016.

<sup>2</sup> Exhibit 21663-X004, ATCO Energy CCR Compliance Plan - Attachment 3, May 31, 2016.

<sup>3</sup> Exhibit 21663-X005, ATCO Gas CCR Compliance Plan - Attachment 2, May 31, 2016.

<sup>4</sup> Exhibit 21663-X006, ATCO Electric CCR Compliance Plan - Attachment 1, May 31, 2016.

<sup>5</sup> Exhibit 21663-X0011, Notice of application, June 3, 2016.

<sup>6</sup> Exhibit 21663-X0012, AUC Information Request to ATCO Gas North, September 14, 2016.

<sup>7</sup> Exhibit 21663-X0013, AUC Letter to ATCO Gas North re Information requests, September 14, 2016.

<sup>8</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016.

<sup>9</sup> Exhibit 21663-X0017, Attachment A - ATCO Gas CCR Compliance Plan, October 7, 2016.

<sup>10</sup> Exhibit 21663-X0020, Attachment B - ATCO Electric CCR Compliance Plan, October 7, 2016.

<sup>11</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, October 7, 2016.

electricity and gas distributors, respectively and ATCO Energy is an affiliated retailer in Alberta. They were required to file new compliance plans in sufficient time for the Commission to consider and approve same before January 1, 2017.

5. Under Section 30(1) of the *Code of Conduct Regulation*, compliance plans must set out the systems, policies and mechanisms that ATCO intends to use to ensure that ATCO and its officers, employees, agents and contractors will comply with the *Code of Conduct Regulation*.

6. ATCO's revised compliance plans are modeled on the requirements of the *Code of Conduct Regulation*, conform to the Commission's code of conduct compliance plan template, and are organized into sections consistent with the *Code of Conduct Regulation*. The revised compliance plans set out the systems, policies and mechanisms that ATCO intends to use to ensure that it and its officers, employees, agents and contractors will comply with the *Code of Conduct Regulation*.

7. The revised compliance plans require applicable ATCO employees and officers receive compliance training and identified contractors and agents receive the compliance training material, and to provide written acknowledgements of their responsibilities. Contraventions of a revised compliance plan may result in disciplinary action, up to and including termination of employment or contract with ATCO.

8. The Commission has reviewed the IR responses and the revised compliance plans. Some sections of the revised compliance plans require additional discussion and comment, and are discussed below.

## 2.1 Variance for annual reporting deadline

9. In its application, ATCO requested that the Commission grant a variance<sup>12</sup> for ATCO Gas, ATCO Electric and ATCO Energy from the requirement under Section 33(2) of the *Code of Conduct Regulation* which states:

(2) Subject to section 37(1)(c), within 90 days after the end of each calendar year, each distributor, regulated rate supplier and affiliated provider of a distributor or regulated rate supplier shall send to the Commission an annual compliance report that has been approved by the board of directors of the distributor, regulated rate supplier or affiliated provider, describing the matters referred to in subsection (1) for the calendar year.

10. ATCO requested that the timing of the annual compliance report be changed to 120 days rather than 90 days following the end of each calendar year. It submitted that the varied timing would align with its existing board of directors' cycle, reduce the administrative burden and facilitate efficient and timely filing. In ATCO-AUC-2016SEP14-040,<sup>13</sup> ATCO further supported its requested variance by reference to Bulletin 2010-25<sup>14</sup> which previously permitted the 120 day timeline.

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<sup>12</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016, PDF page 2.

<sup>13</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016, PDF page 62.

<sup>14</sup> AUC Bulletin 2010-25, Gas Utilities Act Code of Conduct Regulation AR 183/2003 process changes and clarification of requirements, September 17, 2010.

11. Section 37(1)(c) of the *Code of Conduct Regulation* states:

**Alternative compliance arrangements**

**37(1)** The Commission may, in accordance with its rules made under section 76 of the *Alberta Utilities Commission Act*,

- (a) vary the requirements of section 30(4) in the case of a distributor with a small number of customers or if the Commission is satisfied that it is in the public interest to do so,
- (b) vary the intervals at which compliance reports are required to be prepared under section 33(1), and
- (c) require a distributor, regulated rate supplier or an affiliated provider of a distributor or regulated rate supplier to send to the Commission a compliance report prepared under section 33(1).

Section 37(1)(c) allows the Commission to make a requirement that a compliance report be filed by a distributor, regulated rate supplier or by an affiliated provider. It does not empower the Commission to vary the timing specified in Section 33(1) of the *Code of Conduct Regulation*. ATCO's reference to Bulletin 2010-25 is of no of assistance because that bulletin related only to those entities that fell under the previous *Code of Conduct Regulation*, AR 183/2003 (*Gas Utilities Act*), which has been superseded by the current *Code of Conduct Regulation*. Accordingly, the Commission cannot approve ATCO's requested variance. The revised compliance plans all include the 120 day reporting deadline and as such do not meet the requirements of the *Code of Conduct Regulation*. The Commission directs ATCO to revise Mechanism 3 of Section 33 of each revised compliance plan from the 120 days to 90 days in a compliance filing.

**2.2 Direct Energy Regulated Services and Direct Energy Partnership as affiliated providers**

12. In its application, ATCO stated that ATCO Gas and ATCO Electric do not consider Direct Energy Regulated Services (DERS) to be an affiliated provider. ATCO stated that "ATCO Distributors submit that their relationship with DERS is adequately governed by the Regulation and the sections of the compliance plans which deal with Equal Treatment of Retailers."<sup>15</sup>

13. In IR response ATCO-AUC-2016SEP14-003 for ATCO Gas, and referred to in ATCO-AUC-2016SEP14-003 for ATCO Electric,<sup>16</sup> ATCO assured the Commission that:

The only communication of customer information between ATCO Gas and ATCO Electric and DERS occurs through established market mechanisms and is the same for all retailers (i.e. Tariff Bill files). ATCO Gas and ATCO Electric submit that the relationship between itself and DERS is adequately governed by the Regulation and no further amendments are required to the compliance plan.

14. In the revised compliance plans for ATCO Gas<sup>17</sup> and ATCO Electric,<sup>18</sup> both ATCO Gas and ATCO Electric assert that they do not "consider Direct Energy Regulated Services

<sup>15</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016, PDF page 3.

<sup>16</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016, PDF 6-7.

<sup>17</sup> Exhibit 21663-X0017, Attachment A - ATCO Gas CCR Compliance Plan, October 7, 2016, PDF page 4.

(“DERS”) to be an affiliate in this Compliance Plan, as there is no affiliate relationship. ATCO Electric submits that the relationship between itself and DERS is adequately governed by the Regulation.”

15. Section 1(1)(a)(i)(B) of the *Code of Conduct Regulation* states as follows:

**1(1)** In this Regulation,

(a) “affiliated provider”

(i) in respect of a distributor means

...  
(B) a regulated rate supplier that is authorized by the distributor to provide regulated energy services,

...

16. Section 2 of the *Code of Conduct Regulation* states:

**2(1)** For the purposes of the *Electric Utilities Act* and the *Gas Utilities Act*,

(a) “affiliated electricity retailer” means a retailer that is an affiliate of

(i) an owner of an electric distribution system, or

(ii) the regulated rate provider of an owner of an electric distribution system;

(b) “affiliated gas retailer” means a retailer that is an affiliate of

(i) a gas distributor, or

(ii) the default supply provider of a gas distributor.

17. Within the *Code of Conduct Regulation*, an ‘affiliated provider’ and an ‘affiliated electricity/gas retailer’ are distinguishable by the definitions set out in Section 1(1)(a)(i)(B) and Section 2(2). The Commission understands that, pursuant to the definitions set out in the regulation, DERS is an affiliated provider of ATCO and Direct Energy Partnership (DEP) is an affiliated electricity retailer of ATCO. Section 30(4)(a) *Code of Conduct Regulation* specifically requires that:

**30(4)** Subject to section 37(1), a compliance plan must include at least the following:

(a) in the case of a distributor or regulated rate supplier, a list of the distributor’s or regulated rate supplier’s affiliated providers;

18. The Commission does understand that ATCO has no corporate affiliation with Direct Energy Marketing Limited, its business units DERS and DEP or any related entities. However, to comply with the provisions of Section 30(4) of the *Code of Conduct Regulation*, the Commission directs ATCO, in its compliance filing, to include within Section 30, or in the purpose section of the compliance plans, a statement indicating that, for the purposes of Section 1(1)(a)(i)(B) of the *Code of Conduct Regulation* DERS is considered an affiliated provider and that, under Section 2(2), DEP is an affiliated gas and electricity retailer. With that clarification the Commission agrees that the relationship is adequately governed by the *Code of Conduct Regulation* specifically those articulated in Division 2 titled Customer Information and Division 3 titled Business Practices of Distributors and Regulated Rate Suppliers.

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<sup>18</sup> Exhibit 21663-X0020, Attachment B - ATCO Electric CCR Compliance Plan, October 7, 2016, PDF page 4.

## 2.3 Customer information

### 2.3.1 Section 9 requirements

19. Section 9 of the *Code of Conduct Regulation* states that customer information be kept confidential:

**9** No distributor, regulated rate supplier or retailer, and no officer, employee, contractor or agent of a distributor, regulated rate supplier or retailer, shall disclose customer information except as permitted by section 10.

20. Mechanism 3 of Section 9 of the revised compliance plans was added in response to the Commission's request to replace references to ATCO's affiliate code of conduct and affiliate compliance plan<sup>19</sup> in the ATCO Gas and ATCO Electric revised plans.<sup>20</sup> Section 9 states as follows, for both of ATCO Gas and ATCO Electric:

**Policy: ATCO Gas will protect the confidentiality of Customer Information and not disclose Customer Information except in accordance with the Regulation.**

Mechanisms

...

3. ATCO Gas[Electric] will follow the process outlined below with respect to the sharing of Confidential Information with ATCO Energy if not covered by AUC Rule 004, 010 or 028.
  - a. Approval for ATCO Energy to access computer systems containing Confidential Information must be provided in writing by Business Technology Management. No Confidential Information that can be used for marketing or sales purposes will be provided though the sharing of computer systems in accordance with the Regulation. The Compliance Officer will retain a copy of the approvals.
  - b. Annually, Business Technology Management will review the data management and data access protocols and contractual provisions regarding the breach of any access protocols to ensure they are appropriate. The Compliance Officer will retain a copy of the review.

21. The Commission also notes that, in the revised compliance plans, confidential information is defined as:

m) "**Confidential Information**" means any information relating to a specific Customer or potential Customer of ATCO Gas or non-customer information that could be used for sales or marketing purposes and which is not otherwise available to the public.

22. When the definition for "Confidential Information" is inserted into the mechanism above, it results in the mechanism being internally inconsistent because by definition, "Confidential Information" is customer information that could be used for sales or marketing purposes. In other words, to grant ATCO Energy access to computer systems containing "Confidential Information" is to grant ATCO Energy access to customer information that could be used for

<sup>19</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016. ATCO-AUC-2016SEP14-001, and ATCO-AUC-2016SEP14-002, PDF pages 2 and 5.

<sup>20</sup> Exhibit 21663-X0017, Attachment A - ATCO Gas CCR Compliance Plan, October 7, 2016 and Exhibit 21663-X0020, Attachment B - ATCO Electric CCR Compliance Plan, October 7, 2016.



sales or marketing purposes. Therefore, the Commission finds that, with consideration given to the provided definition of “Confidential Information”, the mechanism is in conflict with and is not supportive of the stated policy. The Commission directs ATCO to remove this mechanism from Section 9 of the ATCO Gas and ATCO Electric revised compliance plans in its compliance filing. A new mechanism should be added that only permits disclosure of customer information as specified in Section 10 of the *Code of Conduct Regulation*.

23. Mechanism 3, discussed above, also appears to be contradicted by IR response ATCO-AUC-2016SEP14-013<sup>21</sup> where ATCO confirmed that ATCO Energy has its own systems, where ATCO stated:

Yes, ATCO Gas and ATCO Energy each have their own systems and customer care & billing departments within their respective legal entity. Similarly, ATCO Electric and ATCO Energy each have their own systems and customer care & billing departments within their respective legal entity. Therefore, separate employees perform these functions independently within each respective legal entity.

24. ATCO has not made clear why Mechanism 3 is required or in keeping with the requirements of the *Code of Conduct Regulation*, particularly in light of the IR response quoted above. The Commission considers that Mechanism 3 is contrary to the requirements of the *Code of Conduct Regulation*. Although the Commission has already directed the removal of Mechanism 3 of Section 9, the Commission wishes to clarify that, in addition to the direction given above, if ATCO Energy is actually able to access ATCO Gas and ATCO Electric computer systems that contain customer information in a manner that differs from the access of any other retailer, the Commission directs that such access cease as soon as is practicable, and preferably by January 1, 2017. ATCO is further directed, in its compliance filing to this decision, to confirm with the Commission that either a heightened level of access did not and does not exist and/or that appropriate action has been taken to cease such access.

### 2.3.2 Section 10 requirements

25. Section 10 of the *Code of Conduct Regulation* sets out exceptions to the prohibition to disclose customer information without such customer’s consent. It provides that customer information may be disclosed in specific circumstances, as follows:

**10(1)** A distributor, regulated rate supplier or retailer, or an officer, employee, contractor or agent of a distributor, regulated rate supplier or retailer, may disclose customer information if

- (a) the customer has consented to the disclosure of the information in accordance with subsection (2),
- (b) the disclosure is permitted by subsection (3), or
- (c) the disclosure is otherwise authorized under
  - (i) the *Freedom of Information and Protection of Privacy Act*, in the case of a distributor, regulated rate supplier or retailer to which that Act applies, or
  - (ii) the *Personal Information Protection Act*, in the case of a distributor, regulated rate supplier or retailer to which that Act applies.

<sup>21</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016, PDF page 22.

26. Mechanisms 1 and 2 of Section 10 of the ATCO Gas and ATCO Energy revised compliance plans set out how customer consent will be obtained. Although the Commission finds that mechanisms 1 and 2 address the requirements of Section 10(1)(a), it seeks clarification they apply equally to all retailers, including ATCO Energy. In its compliance filing to this decision, ATCO is directed to provide such clarification of mechanisms 1 and 2 of Section 10 of the compliance plans.

### 2.3.3 Section 18 requirements

27. As discussed in Section 2.4 of this decision, Section 18(1) of the *Code of Conduct Regulation* articulates that “an arrangement under which a distributor or regulated rate supplier shares information with an affiliated provider is deemed to create a competitive advantage for the affiliated provider unless...”. Subsection (3) then carves out an exemption to a deemed unfair competitive advantage in the event that certain circumstances exist and certain controls are in place:

**(3) A distributor or regulated rate supplier may share customer information with an affiliated provider if**

(a) the distributor or regulated rate supplier **and the affiliated provider**

(i) describe in their compliance plans the systems, policies and mechanisms that are in place to ensure that customer information that is received from the distributor or regulated rate supplier is not used by the affiliated provider for marketing or sales purposes, and

(ii) have in place appropriate data management and information access protocols to ensure customer information is not used by the affiliated provider for marketing or sales purposes,

**and**

**(b) the customer information is permitted to be disclosed under section 10, 11, 12 or 13.** [emphasis added]

28. The Commission has considered ATCO’s mechanisms to address this section of the code of conduct compliance plan and makes the following findings.

29. The ATCO Energy revised compliance plan has no policy or mechanism for Section 18. The *Code of Conduct Regulation* Section 18(3) requires that, in order for the exemption from the deemed competitive advantage to be available, the enumerated controls and circumstances must also exist for the affiliated provider.

30. Further, Mechanism 4 of Section 10 is the same as Mechanism 3 in Section 9 of the revised compliance plans. The Commission has previously found that this mechanism is inconsistent with other information responses and incompatible with the requirements of the *Code of Conduct Regulation*.

31. Further, the Commission is not persuaded that Mechanism 4’s reliance on the discretion of Business Technology Management to make determinations regarding system access is sufficient to meet the requirements of the *Code of Conduct Regulation* without further explanation around the decision-making criteria and the training received by Business Technology Management. For example, the decisions of Business Technology Management to grant access are reviewed only annually and the compliance officer only retains a record of the

review after the fact. The Commission considers that an alternative and more effective mechanism would include proactive involvement by the compliance officer at an earlier point in the decision-making process.

32. Finally, the Commission considers that the mechanisms proposed by ATCO Gas and ATCO Electric are generally deficient because they do not recognize the requirement to not only comply with Section 18(3)(a), but also to comply with Section 18(3)(b), in order to have the exemption apply. Namely, the mechanisms do not include the requirement that the information be also permitted to be disclosed under sections 10, 11, 12 or 13 of the *Code of Conduct Regulation*.

33. Consequently, in its compliance application, the Commission directs ATCO Gas and ATCO Electric to address the requirements of Section 18(3)(b) in revised mechanisms. ATCO Gas and ATCO Electric are further directed to clarify Mechanism 4 to resolve the identified conflicts and to propose a more suitable process to determine system access. ATCO Energy is directed to add a policy and the mechanisms necessary to address the requirements of Section 18 of the *Code of Conduct Regulation*.

## 2.4 Unfair competitive advantage

34. Section 17 of the *Code of Conduct Regulation* contains the following requirements:

### Arrangements creating unfair competitive advantage prohibited

**17(1)** A distributor and an affiliated provider of the distributor shall not make arrangements that create an unfair competitive advantage for the affiliated provider.

**(2)** A regulated rate supplier and an affiliated provider of the regulated rate supplier shall not make arrangements that create an unfair competitive advantage for the regulated rate supplier or the affiliated provider.

**(3)** An entity, including a rural electrification association, that carries on both the business of a distributor and the business of a regulated rate supplier or retailer shall not make an internal arrangement that creates an unfair competitive advantage for itself as a regulated rate supplier or retailer.

**(4)** An entity, including a rural electrification association, that carries on both the business of a regulated rate supplier and the business of a retailer shall not make an internal arrangement that creates an unfair competitive advantage for itself as a regulated rate supplier or retailer.

**(5)** A distributor or regulated rate supplier and an affiliated provider of the distributor or regulated rate supplier may make arrangements to create cost efficiencies in their operations if, in the opinion of the Commission, the arrangements do not create an unfair competitive advantage for the regulated rate supplier or the affiliated provider.

**(6)** An entity referred to in subsection (3) or (4) may make internal arrangements to create cost efficiencies in its operations if, in the opinion of the Commission, the arrangements do not create an unfair competitive advantage for the entity as a regulated rate supplier or retailer.

35. In Section 17 of the revised compliance plans, ATCO proposes compliance measures whereby the controller, for ATCO Gas and ATCO Electric, and the compliance officer for ATCO Energy, will review arrangements and the series of transactions that occur for the

arrangements and confirm that no unfair competitive advantage has been created for ATCO Energy. In addition, each revised plan contains a mechanism similar to that in Section 27 of the *Code of Conduct Regulation*. The mechanism from the ATCO Gas revised compliance plan states:<sup>22</sup>

In advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

36. The same mechanism, reflecting the appropriate entities, is proposed in the ATCO Electric and ATCO Energy revised compliance plans.

37. In an IR response<sup>23</sup> to the Commission regarding arrangements creating cost efficiencies, ATCO responded that:

- (b) ATCO Gas and ATCO Electric do not believe the Commission's prior opinion or approval is required to reach a conclusion about whether arrangements with ATCO Energy create an unfair competitive advantage.
- (c) Further to part (b) above, ATCO Gas and ATCO Electric submit that compliance plan mechanisms and non-compliance reporting under the Code of Conduct Regulation and AUC Rule 030 can be relied upon without the need for additional mechanisms.

The compliance plan details the procedure for review of arrangements to create cost efficiencies, please refer to Section 17.0, Mechanisms 1 through 4 of ATCO Gas and ATCO Electric's compliance plans filed herewith as Attachments A and B, respectively. Further, documented transactions are retained for at least six years by the ATCO Gas and ATCO Energy compliance officers, and/or the ATCO Electric and ATCO Energy compliance officers, all of which are available for audit upon request by the Commission.

Any non-compliance with the Code of Conduct Regulation and/or the compliance plan will be reported to the Commission in accordance with Section 33(1) of the Code of Conduct Regulation and AUC Rule 030.

ATCO Gas and ATCO Electric take compliance with the Code of Conduct Regulation seriously and understand that it is subject to the full range of authority of the Commission.

The combination of all such measures described above provides assurance that the creation of an unfair competitive advantage is prevented.

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<sup>22</sup> Exhibit 21663-X0017, Attachment A - ATCO Gas CCR Compliance Plan, October 7, 2016, PDF page 17.

<sup>23</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016, ATCO-AUC-2016SEP14-033, PDF pages 52 – 53.

38. In the Commission's view, while review of arrangements and the related transactions and compliance reporting may assist in certain circumstances, it is insufficient in itself to address the unfair competitive advantage prohibitions in Section 17. Specifically, none of the mechanisms fully address the requirements of Section 17(5) of the *Code of Conduct Regulation* with respect to existing and future arrangements intended to create operational cost efficiencies.

39. Although the concept of "unfair competitive advantage" set out in the current *Code of Conduct Regulation* transplants the prohibition of creating an unfair competitive advantage from the previous *Code of Conduct Regulation*, AR 160/2003 (*Electric Utilities Act*) and the *Code of Conduct Regulation*, AR 183/2003 (*Gas Utilities Act*) (the previous regulations), it has been modified through the addition of sections 17(5) and 17(6).

40. The previous regulations each set out the prohibition against the creation of an unfair competitive advantage in Section 19. The sections that followed discussed the specific instances where an unfair competitive advantage would be deemed to exist, including sharing of customer information (Section 20 of each of the previous regulations), joint acquisitions, research and dispositions (Section 22 of each of the previous regulations), goods and services transactions (Section 23 of each of the previous regulations) and financial transactions (Section 24 of each of the previous regulations). These provisions of the previous regulations also carved out exemptions to a deemed unfair competitive advantage in the event certain circumstances existed or certain controls were in place.

41. The current *Code of Conduct Regulation* re-establishes in Section 17 that the creation of an unfair competitive advantage is prohibited. As in the previous regulations, the sections that follow provide guidance for positive identification of unfair competitive advantages and specify carve-out exemptions to the prohibition as it relates to information sharing (Section 18), acquisitions, research and dispositions (Section 20), goods and services transactions (Section 21), and financial transactions (Section 22). Section 23 provides similar guidance and exemptions to the prohibition for entities carrying on more than one business specifically. Together, sections 18 and 20 through 23 provide that an entity is deemed to have created an unfair competitive advantage *unless* it demonstrates certain circumstances or if certain enumerated controls exist.

42. In addition to these exemptions, the *Code of Conduct Regulation* now regulates a previously un-regulated category of arrangements to create cost efficiencies. Implicitly, these arrangements, addressed in sections 17(5) and 17(6), do not relate to one of the types of arrangements that create an unfair competitive advantage where the circumstances or controls exist enunciated in sections 18, 20 and 21 or Section 23. It is this category of arrangement that now attracts the need to seek the opinion of the Commission that the arrangement does not create an unfair competitive advantage.

43. The Commission considers that Section 17(5) requires an opinion of the Commission with respect to both existing and future arrangements. It is with respect to this requirement that the Commission finds ATCO's mechanisms and systems to be inadequate to meet its Section 17 obligations.

44. While ATCO has cast the prohibition contained in Section 17 of the *Code of Conduct Regulation* in terms of policy objectives in the revised compliance plans, the Commission finds that the mechanisms to address this policy objective are insufficient. Consequently ATCO is directed, in its compliance filing to include the two compliance measures set out below in each

of ATCO Gas, ATCO Electric, and ATCO Energy compliance plans, numbered in accordance with each plan's numbering scheme.

In the event an arrangement of the type described in sections 17(5) of the *Code of Conduct Regulation* is not explicitly exempted as not creating an unfair competitive advantage by sections 18, 20 and 21 or Section 23 of the Regulation, ATCO Gas (Electric/Energy) will promptly notify the Commission, in writing, of the existing arrangement and will request and opinion of the Commission as to whether the existing arrangement creates an unfair competitive advantage. In the event that the Commission determines that an existing arrangement does create a prohibited unfair competitive advantage, ATCO Gas (Electric/Energy) will modify or terminate the arrangement in accordance with the directions of the Commission.

In the event an arrangement of the type described in sections 17(5) or 17(6) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by sections 18,20 and 21 or Section 23 of the Regulation, ATCO Gas (Electric/Energy) will notify the Commission, in writing, of the proposed arrangement before such arrangement takes effect and will request and opinion of the Commission as to whether the proposed arrangement would create an unfair competitive advantage.

45. The Commission expects ATCO to file, on its own initiative, a stand-alone application in respect of present or future arrangements that require the Commission's opinion pursuant to Section 17 of the *Code of Conduct Regulation*.

46. Future audits by the Commission of ATCO's compliance plan and investigations pursuant to a complaint will include verification of compliance with the requirement of Section 17.

47. Mechanism 1 of sections 17 and 21 of the ATCO Gas and ATCO Electric revised compliance plans states:

Prior to implementing a new arrangement to create cost efficiencies with ATCO Energy for the provision of **Retail Energy Services**, the Controller will review and confirm that no unfair competitive advantage will occur. The Compliance Officer will retain documentation supporting that no unfair competitive advantage will occur. [emphasis added]

48. This mechanism was added to the revised compliance plans of ATCO Gas and ATCO Electric in response to the Commission's request to remove references to the affiliate code of conduct and the affiliate compliance plan.<sup>24</sup> The *Code of Conduct Regulation* does not qualify the prohibition for only "retail energy services", but applies generally to "arrangements" in Section 17(1) and "transactions between a distributor or a regulated rate supplier and its affiliated provider" in Section 21(1). As ATCO Energy's line of business is to provide retail energy services, the Commission considers that this mechanism will apply to all arrangements, including any corporate cost type arrangements between ATCO Gas or ATCO Electric and ATCO Energy.

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<sup>24</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016. ATCO-AUC-2016SEP14-001, and ATCO-AUC-2016SEP14-002, PDF pages 2 and 5.

49. Accordingly, the Commission directs ATCO, in its compliance filing, to modify this in such a manner as to ensure it is clear to all officers, employees, agents and contractors that this mechanism applies to all arrangements.

## 2.5 Notice to the public

50. Under Section 34(1) of the *Code of Conduct Regulation*, “[e]ach distributor, regulated rate supplier and affiliated provider of a distributor or regulated rate supplier shall give notice to the public in accordance with its compliance plan that complaints about contraventions of this Regulation may be made to the Commission or the Market Surveillance Administrator.” In its application, ATCO proposed wording to satisfy this notice requirement,<sup>25</sup> however the wording did not include reference to the Market Surveillance Administrator.

51. ATCO proposed revised wording in IR response ATCO-AUC-2016SEP14-042<sup>26</sup> for ATCO Gas which was referred to in similar responses for ATCO Electric and ATCO Energy.<sup>27</sup> ATCO confirmed that it was requesting Commission approval for the notice included in the response and modified its statement to include reference and contact information for the Market Surveillance Administrator.

52. Mechanism 34.2 in the revised compliance plans specifies that the notice will be posted on the ATCO Gas,<sup>28</sup> ATCO Electric,<sup>29</sup> and ATCO Energy<sup>30</sup> websites. The Commission finds that the wording proposed in the information responses and shown below satisfies the requirements of Section 34 of the *Code of Conduct Regulation* and accordingly, approves the notice.

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 [utilitiesconcerns@auc.ab.ca](mailto:utilitiesconcerns@auc.ab.ca). The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca). **The Alberta Utilities Commission and the Market Surveillance Administrator are independent of ATCO [Electric/Energy/Gas].**

53. Section 34 of the ATCO Energy revised compliance plan includes a policy to address the requirements of how complaints may be made.<sup>31</sup> This policy does not currently refer to the Market Surveillance Administrator. The Commission directs that, in its compliance filing, the Market Surveillance Administrator be referred to in this policy statement.

## 2.6 Advertising by ATCO Energy

54. Section 7 of the revised ATCO Energy compliance plan included a policy statement claiming that the logo is not similar to that of ATCO Gas and ATCO Electric. Section 7 of the *Code of Conduct Regulation* requires:

<sup>25</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016, PDF page 7.

<sup>26</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016.

<sup>27</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016. ATCO-AUC-2016SEP14-043, and ATCO-AUC-2016SEP14-053.

<sup>28</sup> Exhibit 21663-X0017, Attachment A - ATCO Gas CCR Compliance Plan, October 7, 2016, PDF page 26.

<sup>29</sup> Exhibit 21663-X0020, Attachment B - ATCO Electric CCR Compliance Plan, PDF page 25.

<sup>30</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, PDF page 20.

<sup>31</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, PDF page 20.

7(1) If either the name or logo of an affiliated provider of a distributor or regulated rate supplier is similar to the name or logo of the distributor or regulated rate supplier, the affiliated provider shall, in accordance with this section, include the following statement on its website and in any advertising that markets energy services:

All customers are free to purchase natural gas services from the default supply provider or from a retailer of their choice and to purchase electricity services from the regulated rate provider or from a retailer of their choice. The delivery of natural gas and electricity to you is not affected by your choice. If you change who you purchase natural gas services or electricity services from, you will continue receiving natural gas and electricity from the distribution company in your service area. For a current list of retailers you may choose from, visit [www.ucahelps.gov.ab.ca](http://www.ucahelps.gov.ab.ca) or call 310-4822 (toll free in Alberta).

55. Despite its claim in the policy statement that “ATCO Energy’s name and logo clearly distinguishes it as a separate entity”<sup>32</sup> ATCO Energy proposed mechanisms that reflect the wording from Section 7(1) of the *Code of Conduct Regulation*, which it refers to as the fair competition statement.<sup>33</sup> The Commission agrees that the inclusion of mechanisms to address Section 7(1) of the *Code of Conduct Regulation* is appropriate and necessary. The Commission considers that the ATCO brand is sufficiently strong that the use of the ATCO name itself provides brand recognition, despite the differences that may exist between the ATCO family of logos. Consequently, the Commission finds that ATCO Energy is required to adhere to Section 7 of the *Code of Conduct Regulation*. Section 7(1) specifically requires that the fair competition statement be **included in any advertising that markets energy services** [emphasis added].

56. ATCO Energy’s current mechanisms provide that the fair competition statement will be communicated at enrollment, as a pre-recorded message through the call center, displayed on the website and on point of sale materials. ATCO Energy also commits that:<sup>34</sup>

...For all other scenarios, Customers will ultimately see or hear the Fair Competition Statement through the two primary sign-up entry points identified as phone or website.

57. ATCO Energy has not included any mechanism(s) to ensure that this will occur but has instead relied upon the customers ultimately seeing or hearing the fair competition statement at enrollment. The Commission finds that this is insufficient to satisfy Section 7 of the *Code of Conduct Regulation*.

58. Section 7(3) of the *Code of Conduct Regulation* lists the standards that must be adhered to when using the fair competition statement:

(3) In the case of a website, and in the case of written advertising that markets energy services that is mailed or emailed to a customer or placed on the internet, the statement referred to in subsection (1) or (2) must be

- (a) on the main page of the website, if applicable,
- (b) on the first page of the written advertising, if applicable,
- (c) in at least 12-point bold type, and

<sup>32</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, PDF page 10.

<sup>33</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, PDF page 5.

<sup>34</sup> Exhibit 21663-X0023, Attachment C - ATCO Energy CCR Compliance Plan, PDF page 10.



(d) in a colour that contrasts with the background.

59. Accordingly, the Commission directs ATCO Energy, in its compliance filing, to describe the specific systems, policies and mechanisms that ATCO intends to use to ensure that it and its officers, employees, agents and contractors will comply with Section 7 of the *Code of Conduct Regulation*; how it will ensure that the fair competition statement is used in all advertising; and how it meets the standards specified in Section 7(3). The Commission further reminds ATCO Energy that relying on customers to see the Section 7(2) wording at enrollment and not displaying the correct wording on all advertising would be contrary to the requirements of the *Code of Conduct Regulation*.

## 2.7 Considerations specific to ATCO Energy compliance plan

60. In a section of the ATCO application entitled “Considerations Specific to ATCO Energy Compliance Plan”,<sup>35</sup> ATCO Energy proposed a similar compliance approach as that currently in place for non-affiliated retailers. ATCO stated: “Non-affiliated retailers must still ensure compliance with the Regulation, but do not rely on auditable compliance plan mechanisms to do so.”<sup>36</sup> ATCO submitted that it is the distributors that are capable of providing an unfair competitive advantage and suggested that, for example during audits, the focus should be on ATCO Gas and ATCO Electric rather than on ATCO Energy.

61. The Commission disagrees with this interpretation of the implementation of the *Code of Conduct Regulation*. There are no requirements within the *Code of Conduct Regulation* that apply to non-affiliated retailers. There are specific sections within the *Code of Conduct Regulation* that set out the obligations and requirements of an affiliated retailer. As an affiliated retailer, ATCO Energy must address these in both its compliance plan and by providing any information requested by an auditor, as required under Section 40 of the *Code of Conduct Regulation*.

62. In IR response ATCO-AUC-2016SEP14-049, ATCO Energy responded by filing a revised compliance plan<sup>37</sup> to more fully address the *Code of Conduct Regulation* requirements. The Commission finds that with the changes directed for the compliance filing the revised compliance plan will satisfy the requirements of the *Code of Conduct Regulation*. The Commission further expects ATCO Energy to cooperate with the scope of any audits undertaken under the *Code of Conduct Regulation* at such time as they are conducted.

## 3 Commission findings

63. Section 31(1) of the *Code of Conduct Regulation* allows the Commission to:

- (a) approve a compliance plan, with or without changes and with or without conditions,  
....

---

<sup>35</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016, PDF pages 4-7.

<sup>36</sup> Exhibit 21663-X0007, ATCO Code of Conduct Regulation Compliance Plans Application (2016-05-31), May 31, 2016, PDF page 6.

<sup>37</sup> Exhibit 21663-X0015, ATCO Information Responses to AUC Oct 7 2016, October 7, 2016, PDF page 73.

64. The Commission accepts the changes ATCO made to its compliance plans in response to Commission IRs. However, in accordance with its directions, the Commission requires modifications to ATCO's revised compliance plans in order to find that the compliance plan sufficiently addresses each of the requirements of the *Code of Conduct Regulation*.

65. Accordingly, the Commission approves the ATCO Gas, ATCO Electric and ATCO Energy revised compliance plans on an interim basis until such time as it can approve a compliance filing as directed in this decision. With respect to any transactions or matters related to Section 17 of the *Code of Conduct Regulation*, the Commission wishes to clarify that it would not be sufficient for ATCO to rely on the current systems and mechanisms contained in the revised plans, approved on an interim basis, in order to justify any new arrangement which may result in the creation of an unfair competitive advantage, unless such arrangements are otherwise exempted pursuant to sections 18, 20, and 21 or Section 23 of the *Code of Conduct Regulation*. Likewise, for any matter related to Section 7 of the *Code of Conduct Regulation*, the Commission expects ATCO to comply with the regulation, regardless of any deficiencies in its compliance plan mechanisms approved on an interim basis.

66. Pursuant to *Code of Conduct Regulation* sections 31(4)(a) and 31(4)(c), the Commission expects ATCO to provide a copy of its revised compliance plans approved on an interim basis in this decision to DERS, and to all ATCO officers, employees, agents and contractors affected by the plan, as soon as practicable. ATCO is also directed to post a copy of the revised compliance plan on its website and to indicate that it has been approved by the Commission on an interim basis.

67. The Commission reminds ATCO that, in accordance with Rule 30: *Compliance with the Code of Conduct Regulation* and Section 33 of the *Code of Conduct Regulation*, ATCO is required to file a compliance report with the Commission within 30 days of becoming aware of an incident of non-compliance with the *Code of Conduct Regulation* or its revised compliance plan. In addition, the annual compliance report is due 90 days following the end of each calendar year, with the first report due in March 2018 for the 2017 calendar year.

#### 4 Order

68. It is hereby ordered that:

- (1) The Commission approves the ATCO Electric Distribution, a division of ATCO Electric Ltd., ATCO Gas, a division of ATCO Gas and Pipelines Ltd. and ATCO Energy Ltd. compliance plans, as attached to this decision as appendix 2, 3 and 4, on an interim basis, effective January 1, 2016.
- (2) The Commission approves the following wording for the notice to be posted on the ATCO websites in accordance with Section 34 of the *Code of Conduct Regulation*:

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 [utilitiesconcerns@auc.ab.ca](mailto:utilitiesconcerns@auc.ab.ca). The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca). **The Alberta Utilities Commission and the Market Surveillance Administrator are independent of ATCO [Electric/Energy/Gas].**

- (3) ATCO is directed to file a compliance filing application in accordance with the directions contained within this decision on or before March 31, 2017.

Dated on December 16, 2016.

**Alberta Utilities Commission**

*(original signed by)*

Anne Michaud  
Commission Member

## Appendix 1 – Summary of Commission directions

This section is provided for the convenience of readers. In the event of any difference between the directions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail.

1. The Commission directs ATCO to revise Mechanism 3 of Section 33 of each revised compliance plan from the 120 days to 90 days in a compliance filing..... Paragraph 11
2. To comply with the provisions of Section 30(4) of the *Code of Conduct Regulation*, the Commission directs ATCO, in its compliance filing, to include within Section 30, or in the purpose section of the compliance plans, a statement indicating that, for the purposes of Section 1(1)(a)(i)(B) of the *Code of Conduct Regulation* DERS is considered an affiliated provider and that, under Section 2(2), DEP is an affiliated gas and electricity retailer.. ..... Paragraph 18
3. The Commission directs ATCO to remove this mechanism from Section 9 of the ATCO Gas and ATCO Electric revised compliance plans in its compliance filing.... Paragraph 22
4. If ATCO Energy is actually able to access ATCO Gas and ATCO Electric computer systems that contain customer information in a manner that differs from the access of any other retailer, the Commission directs that such access cease as soon as is practicable, and preferably by January 1, 2017. ATCO is further directed, in its compliance filing to this decision, to confirm with the Commission that either a heightened level of access did not and does not exist and/or that appropriate action has been taken to cease such access ..... Paragraph 24
5. In its compliance filing to this decision, ATCO is directed to provide such clarification of mechanisms 1 and 2 of Section 10 of the compliance plans ..... Paragraph 26
6. ATCO Gas and ATCO Electric are further directed to clarify Mechanism 4 to resolve the identified conflicts and to propose a more suitable process to determine system access..... Paragraph 33
7. ATCO Energy is directed to add a policy and the mechanisms necessary to address the requirements of Section 18 of the *Code of Conduct Regulation*.. ..... Paragraph 33
8. ATCO is directed, in its compliance filing to include the two compliance measures set out below in each of ATCO Gas, ATCO Electric, and ATCO Energy compliance plans, numbered in accordance with each plan’s numbering scheme. .... Paragraph 44
9. Commission directs ATCO, in its compliance filing, to modify this in such a manner as to ensure it is clear to all officers, employees, agents and contractors that this mechanism applies to all arrangements..... Paragraph 49
10. The Commission directs that, in its compliance filing, the Market Surveillance Administrator be referred to in this policy statement. .... Paragraph 53
11. Accordingly, the Commission directs ATCO Energy, in its compliance filing, to describe the specific systems, policies and mechanisms that ATCO intends to use to ensure that it and its officers, employees, agents and contractors will comply with Section 7 of the *Code of Conduct Regulation*; how it will ensure that the fair competition statement is

- used in all advertising; and how it meets the standards specified in Section 7(3)  
.....Paragraph 59
- 12. ATCO is also directed to post a copy of the revised compliance plan on its website and to indicate that it has been approved by the Commission on an interim basis.....Paragraph 67
- 13. ATCO is directed to file a compliance filing application in accordance with the directions contained within this decision on or before March 31, 2017.....Paragraph 69

## Appendix 2 – ATCO Electric - Compliance Plan



ATCOElectricCCRCom  
pliancePlan.pdf

(contains 27 pages)

### Appendix 3 – ATCO Gas - Compliance Plan



ATCOGasCCRCompliancePlan.pdf

(contains 28 pages)

## Appendix 4 – ATCO Energy - Compliance Plan



ATCOEnergyCCRCom  
pliancePlan.pdf

(contains 22 pages)





ATCO Electric  
Code of Conduct Regulation (A.R. 58/2015)  
Compliance Plan

Effective Date: January 1, 2017



**ATCO Electric**  
**Code of Conduct Regulation Compliance Plan**

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## ATCO Electric Code of Conduct Regulation Compliance Plan

### Purpose

ATCO Electric Distribution ("ATCO Electric"), a division of ATCO Electric Ltd., builds, operates and maintains electric distribution facilities in Alberta. ATCO Electric is a Distributor as defined in the *Code of Conduct Regulation*, A.R. 58/2015 (the "Regulation"). This *Code of Conduct Regulation*, A.R. 58/2015 Compliance Plan (the "Compliance Plan") applies to ATCO Electric's conduct in managing ATCO Electric Ltd.'s distribution facilities as well as the distribution facilities of certain Rural Electrification Associations. For greater certainty, this Compliance Plan does not apply to the Transmission Division of ATCO Electric Ltd. or its operations.

ATCO Energy Ltd. ("ATCO Energy") is a corporation registered under the *Canada Business Corporations Act*, RSA 1985, c. C-44 that sells and provides Retail Energy Services to Customers.

ATCO Electric and ATCO Energy each have their own business processes and do not share records, accounts or employees.

Under the Regulation, ATCO Energy is an affiliated electricity and gas retailer of ATCO Electric as both ATCO Electric Ltd. and ATCO Energy are indirect, wholly-owned subsidiaries of Canadian Utilities Limited. Accordingly, ATCO Electric must obtain approval of this Compliance Plan from the Alberta Utilities Commission (the "AUC") in accordance with the Regulation. Subject to approval of the AUC, this Compliance Plan will become effective on January 1, 2017.

ATCO Electric does not consider Direct Energy Regulated Services ("DERS") to be an affiliate in this Compliance Plan, as there is no affiliate relationship. ATCO Electric submits that the relationship between itself and DERS is adequately governed by the Regulation.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that ATCO Electric will use to ensure compliance with the Regulation by ATCO Electric officers, employees, agents and contractors. Contraventions of the Compliance Plan by individuals may result in disciplinary action, up to and including termination of employment or contract with ATCO Electric.

This Compliance Plan describes certain obligations and responsibilities of specified ATCO Electric management personnel. Notwithstanding this, and without otherwise reducing or eliminating the obligation and responsibility of the specified ATCO Electric management personnel to ensure any specific requirements of this Compliance Plan are satisfied, it is understood that all or a portion of the tasks described in this Compliance Plan may be delegated by the specified ATCO Electric management personnel to other ATCO Electric personnel. Where a business function is referred to, a representative of that function will be responsible for that mechanism.

Questions or comments concerning the Compliance Plan should be directed to the ATCO Electric Compliance Officer (the "Compliance Officer"). Contact information for the Compliance Officer and a copy of the Compliance Plan are available at [www.atcoelectric.com](http://www.atcoelectric.com). The numbering used in the Compliance Plan is consistent with the numbering used in the Regulation.

## Part 1 Interpretation

### 1.0 Definitions

Capitalized words and phrases used in the Compliance Plan, but not otherwise defined herein, shall have the meanings set out in the Regulation. In addition, whenever used in this Compliance Plan, the following words and phrases have the meanings set out below.

- a)
- b) **"Annual Compliance Report"** contains a description of:
  - any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- c) **"ATCO Electric Terms and Conditions"** means ATCO Electric's *Retailer Terms and Conditions for Electric Distribution* approved by the AUC. The Terms and Conditions are available at [www.atcoelectric.com](http://www.atcoelectric.com).
- d) **"AUC"** means the Alberta Utilities Commission.
- e) **"AUC Rule 002"** means *AUC Rule 022 Service Quality and Reliability Performance Monitoring and Reporting for Owners of Electric Distribution Systems and for Gas Distributors*.
- f) **"AUC Rule 004"** means *AUC Rule 004 Alberta Tariff Billing Code*.
- g) **"AUC Rule 010"** means *AUC Rule 010 Rules on Standards for Requesting and Exchanging Site-Specific Historic Usage Information for Retail Electricity and Natural Gas Markets Rules*.
- h) **"AUC Rule 021"** means *AUC Rule 021 Settlement System Code Rules*.
- i) **"AUC Rule 030"** means *AUC Rule 030 Compliance with the Code of Conduct Regulation*.
- j) **"Call Centre"** means the department responsible for interfacing with Customers regarding the provision of electric distribution service.
- k) **"Compliance Officer"** means an officer of ATCO Electric who is responsible and accountable for ATCO Electric's compliance with the Regulation.
- l) **"Compliance Plan Committee"** means a committee composed of the Compliance Officer, and ATCO Electric personnel in a position of knowledge representing business areas such as, but not limited to:
  - Senior Vice-President & General Manager, ATCO Electric Distribution Division;
  - Controller;
  - Customer Care and Billing; and
  - Compliance.
- m) **"Compliance Training Material"** means the material developed by ATCO Electric prior to the end of each calendar year that will be provided to officers, employees, agents and

contractors of ATCO Electric on the provisions of the Regulation, the Compliance Plan, and their duties and responsibilities. The material will include the following topics:

- Equal treatment of Customers;
  - Protecting confidential Customer Information;
  - Equal treatment of Retailers; and
  - Preventing unfair competitive advantage for Affiliated Providers.
- n) "**Confidential Information**" means any information relating to a specific Customer or potential Customer of ATCO Electric or non-customer information that could be used for sales or marketing purposes, and which is not otherwise available to the public.
- o) "**EUA**" means the *Electric Utilities Act*, RSA 2003, c. E-5.1 s168.
- p) "**Fair Trading Act**" means the *Fair Trading Act* (R.S.A. 2000, c. F-2).
- q) "**Quarterly Compliance Report**" contains:
- any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- r) "**Regulation**" means the *Code of Conduct Regulation*, A.R. 58/2015.
- s) "**Retail Electricity Services**" has the meaning as defined in the *EUA*.
- t) "**UCA**" means the Utilities Consumer Advocate.
- u) "**Uniform System of Accounts**" means the system of accounts to be filed by an electric utility as set out in Decision 2007-017.

## 2.0 Retained for Numbering Consistency



## Part 2 Conduct and Business Practices

### 3.0 Conduct

**Policy:** ATCO Electric officers, employees, agents and contractors will conduct themselves and their activities so as to comply with and to ensure compliance with the Regulation and the Compliance Plan.

#### **Mechanisms**

1. The Compliance Officer will identify the applicable officers and employees to be trained on the requirements of the Regulation and the Compliance Plan. Employees preparing education and awareness materials are included as applicable employees. Human Resources will maintain a list of applicable officers and employees to be trained.
2. Annually, the Compliance Officer will confirm with Human Resources that within 30 days of commencing employment, applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgments.
3. Annually, the Compliance Officer will confirm with Human Resources that applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgements.
4. Annually, the Compliance Officer will confirm with Procurement that applicable agents and contractors each have received the Compliance Training Material before commencement of their relationship with ATCO Electric and have provided written acknowledgment of their responsibility to abide by the requirements of the Regulation. Procurement will retain agent and contractor written acknowledgments.
5. The Compliance Plan will be posted on the ATCO Electric website within 15 days of approval of the Compliance Plan by the AUC. The Compliance Officer will maintain a record of changes to webpages and attachments related to the Compliance Plan.
6. The Compliance Officer shall provide a copy of the Compliance Plan to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.

## Division 1 Customers

### 4.0 Tying Prohibited

**Policy:** ATCO Electric will not require or induce Customers to acquire goods or services from ATCO Energy or any other Retailer by making or appearing to make Regulated Energy Services conditional on the acquisition of those goods or services.

#### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Electric website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. All consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
4. Any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must be first reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
5. Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to ensure compliance with the Regulation, and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.



## 5.0 Transfer of Customers

**Policy:** ATCO Electric will not, without the Customer's consent, transfer the Customer to a Retailer or Retail Tariff.

### Mechanisms

1. ATCO Electric will only accept requests to transfer Customers from Retailers and the Regulated Rate Supplier who have successfully completed the ATCO Electric Retailer qualification process located in the *ATCO Electric Retailer Guide*, available at [www.atcoelectric.com](http://www.atcoelectric.com), which requires Retailers to confirm they will comply with AUC Rule 021 and the *Fair Trading Act*.

## 6.0 Prohibited Representation

**Policy:** ATCO Electric will not represent or imply in any way in communications with Customers or the public, that present or future Customers of ATCO Energy will receive treatment from ATCO Electric that is different from the treatment received by present or future Customers of other Retailers.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Electric website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
4. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.

5. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to ensure compliance with the Regulation and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.

## **7.0 Retained for Numbering Consistency**

## **8.0 Meetings by ATCO Electric with Retailers and Customers**

**Policy:** ATCO Electric will make reasonable efforts to be equally available to all Retailers for joint meetings with Retailers and Retailer's Customers to meet the requirements in accordance with the Regulation.

### **Mechanisms**

1. Customer Care and Billing will retain a record of all requests for scheduled joint meetings with Retailers, including self-retailers. The record will contain the date of the meeting request, the date of the meeting, the Retailer requesting the meeting, and the topic of the meeting.

## **Division 2 Customer Information**

## **9.0 Confidentiality of Customer Information**

**Policy:** ATCO Electric will protect the confidentiality of Customer Information and not disclose Customer Information, except in accordance with the Regulation.

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the policy above. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. Annually, the Compliance Officer will confirm ATCO Electric's privacy commitments to comply with applicable federal and provincial legislation are

available at <http://www.atcoelectric.com/Privacy> and retain a written record of the confirmation. The privacy commitment includes information about policies and practices on the use and disclosure of personal information, when and how customer consent is obtained, how Customers can access or update personal information, and contact information for ATCO Electric's Privacy Officer.

3. ATCO Electric will follow the process outlined below with respect to the sharing of Confidential Information with ATCO Energy if not covered by AUC Rule 004, 010, or 021.
  - a. Approval for ATCO Energy to access computer systems containing Confidential Information must be provided in writing by Business Technology Operations. No Confidential Information that can be used for marketing or sales purposes will be provided through the sharing of computer systems in accordance with the Regulation. The Compliance Officer will retain a copy of the approvals.
  - b. Annually, Business Technology Operations will review the data management and data access protocols and contractual provisions regarding the breach of any access protocols to ensure they are appropriate. The Compliance Officer will retain a copy of the review.

## 10.0 Disclosure of Customer Information

**Policy:** ATCO Electric will only disclose Customer Information in accordance with the Regulation.

### Mechanisms

1. ATCO Electric officers, employees, agents and contractors will only disclose Customer Information to a Customer or Customer's agent, after the Customer has provided consent by executing and submitting an *Authorization and Release Form*, which is available at [www.atcoelectric.com](http://www.atcoelectric.com). Customer Care and Billing will verify and retain each executed *Authorization and Release Form*.
2. ATCO Electric officers, employees, agents and contractors will only disclose Customer Information to a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which is available at [www.atcoelectric.com](http://www.atcoelectric.com). Customer Care and Billing will verify each executed *Representation and Warrant Agreement* and retain a written record of approval.
3. Changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approvals.



## 11.0 Conditions on Disclosure of Customer Information

**Policy:** ATCO Electric will only disclose Customer Information to a Retailer or Retailers in accordance with the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Electric officers, employees, agents and contractors will only disclose Customer Information to a Customer, or Customer's agent that has provided consent by executing and submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at [www.atcoelectric.com](http://www.atcoelectric.com). Customer Care and Billing will verify each executed *Authorization and Release Form* and retain each executed *Representation and Warrant Agreement* and retain a written record of approval.
2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approval.
3. When Customer Information is requested by a process not covered by AUC Rule 010, ATCO Electric officers, employees, agents, and contractors will disclose the requested information within 7 days. Customer Care and Billing will maintain a log of these requests, which will include the date each request was made and the date Customer Information was provided.
4. Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Electricity Services in ATCO Electric's service territory. Customer Care and Billing will notify the applicable Retailers by email at the same time when Customer Information is disclosed to two or more Retailers. Customer Care and Billing will retain a record of email notices.

## 12.0 Historical Electricity Usage

**Policy:** Where ATCO Electric receives a request in writing or electronic form for disclosure of a Customer's historical electricity usage information, ATCO Electric will disclose to the Retailer the Customer's electricity usage information for the previous 12-month period within 3 business days to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Electric officers, employees, agents, and contractors will only disclose Customer Information to a Customer, or Customer's agent that has provided consent by executing and

submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at [www.atcoelectric.com](http://www.atcoelectric.com). Customer Care and Billing, will verify each executed *Authorization and Release Form* and retain each executed *Representation and Warrant Agreement* and retain a written record of approval.

2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approvals.
3. When historical information is requested, ATCO Electric officers, employees, agents, and contractors will disclose the requested information within 3 business days. Customer Care and Billing will maintain a log of any requests not covered by AUC Rule 010, which will include the date each request was made and the date the historical information was provided.

### **13.0 Aggregated Customer Information**

**Policy:** ATCO Electric will only provide a Retailer with aggregated customer information in accordance with the Regulation.

#### **Mechanisms**

1. Customer Care and Billing will manage all Retailer requests for aggregated customer information in accordance with the Regulation. Customer Care and Billing will retain records of Retailer requests for aggregated customer information.
2. Customer Care and Billing will review and, as required, modify the aggregated customer information to ensure that information of any particular Customer or Retailer cannot be readily identified prior to posting the aggregated information on the ATCO Electric website. Customer Care and Billing will retain a written record of the aggregated information provided.
3. At least 24 hours before aggregated customer information is made available to a Retailer, Customer Care and Billing will place a notice, which is available at [www.atcoelectric.com](http://www.atcoelectric.com) clearly describing the information and the cost of obtaining the information, which shall be no more than the costs incurred. The notice must be kept on the website for at least 30 days after the aggregated information is made available. Customer Care and Billing will retain a written copy of the notice and record the dates the notice was posted on the website.



## Division 3

### Business Practices of Distributors and Regulated Rate Suppliers

#### 14.0 Equal Treatment of Retailers

**Policy:** ATCO Electric's Terms and Conditions will not give preferential treatment to its Affiliated Provider or to Customers of its Affiliated Provider, discriminate against any Retailer or against Customers of any Retailer, and any changes to ATCO Electric's Regulated Energy Services or the ATCO Electric Terms and Conditions that apply to those services, will be communicated to all Retailers at the same time and in the same manner to meet the requirements in accordance with the Regulation.

#### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. ATCO Electric will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the ATCO Electric Terms and Conditions and distribution tariffs, which are available at [www.atcoelectric.com](http://www.atcoelectric.com).
3. ATCO Electric will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the requirements set out in AUC Rule 004, AUC Rule 010 and AUC Rule 021.
4. ATCO Electric publishes and retains the *ATCO Electric Retailer Guide*, which will provide an overview of ATCO Electric's processes that will enable all Retailers to effectively deal with the company in the same way. The *ATCO Electric Retailer Guide* is available at [www.atcoelectric.com](http://www.atcoelectric.com).
5. As described in Mechanism 4 of Section 11.0, Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Electricity Services in ATCO Electric's service territory. Customer Care and Billing will notify these Retailers by email at the same time when there are changes to the ATCO Electric Terms and Conditions or distribution tariffs and provide a link to the revised documents. Customer Care and Billing will retain a record of email notices.

## 15.0 Prohibitions

**Policy:** ATCO Electric will abide by the prohibitions contained in the Regulation.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents, and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents, and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
3. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
4. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.
5. ATCO Electric will not enable users of its website to access web pages relating to Retail Energy Services from web pages relating to its Regulated Energy Services unless a statement that meets the requirements of section 7 of the Regulation is displayed immediately when one website is accessed from the other.
6. ATCO Electric will not include or incorporate any communication for sales or marketing purposes by any Retailer in any of its written communications to customers related to billing for Regulated Energy Services.

## 16.0 Information about Retail Energy Services

**Policy:** If a Customer requests information about Retail Energy Services, ATCO Electric will refer the Customer to a source where the Customer may obtain a current list of Retailers that are licensed under the *Fair Trading Act*, to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
2. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.

## Part 3

### Relationships among Distributors, Regulated Rate Suppliers and Affiliated Providers

#### Division 1

#### Preventing Unfair Competitive Advantage

## 17.0 Arrangements Creating Unfair Competitive Advantage Prohibited

**Policy:** ATCO Electric shall not make arrangements that create an unfair competitive advantage for ATCO Energy. ATCO Electric may make arrangements to create cost efficiencies in its operations.

### Mechanisms

1. Prior to implementing a new arrangement to create cost efficiencies with ATCO Energy for the provision of Retail Energy Services, the Controller will review and confirm that no unfair competitive advantage will occur. The Compliance Officer



will retain documentation supporting that no unfair competitive advantage will occur.

2. Quarterly, the Controller will review the documented terms of all arrangements to create cost efficiencies for the provision of Retail Energy Services between ATCO Electric and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. Quarterly, the Compliance Officer will confirm that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
4. In advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Electric for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **18.0 Information Sharing**

**Policy:** ATCO Electric will ensure that both its Customer Information and its information that is not Customer Information is not shared with ATCO Energy for the purposes of marketing or sales of Retail Energy Services, to meet the requirements of the Regulation.

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Electric website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 2 in Section 9.0, the Compliance Officer will confirm that ATCO Electric's privacy commitments to comply with applicable federal and

provincial legislation are available at [www.atcoelectric.com](http://www.atcoelectric.com) and maintain a record of changes to webpages and attachments related to the Compliance Plan.

4. As described in Mechanism 3 in Section 9.0, ATCO Electric will follow the process outlined below with respect to the sharing of Confidential Information with ATCO Energy if not covered by AUC Rule 004, 010 or 021.
  - a. Approval for ATCO Energy to access computer systems containing Confidential Information must be provided in writing by Business Technology Operations. No Confidential Information that can be used for marketing or sales purposes will be provided through the sharing of computer systems in accordance with the Regulation. The Compliance Officer will retain a copy of the approvals.
  - b. Annually, Business Technology Operations will review the data management and data access protocols and contractual provisions regarding the breach of any access protocols to ensure they are appropriate. The Compliance Officer will retain a copy of the review.

#### **19.0 Retained for Numbering Purposes**

#### **20.0 Acquisitions, Research and Dispositions**

**Policy:** To prevent the creation of an unfair competitive advantage ATCO Energy and ATCO Electric will allocate and record the economic benefits or costs attributable to each party for joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property.

#### **Mechanisms**

1. The Controller will ensure that plants, assets and equipment are not shared with ATCO Energy in a manner that creates an unfair competitive advantage for ATCO Energy. Annually, the Controller will confirm that plants, assets and equipment have not been shared in a manner that creates an unfair competitive advantage for ATCO Energy. The Compliance Officer will retain a copy of the confirmation.
2. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place, the Controller will review joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property for the provision of Retail Energy Services and document the allocation of costs between ATCO Electric and ATCO Energy, the economic benefits received and confirm that the terms have not created an unfair competitive advantage for ATCO Energy. The Compliance Officer will retain copies of the review and the confirmation.
3. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all joint acquisitions, research and dispositions for the provision of Retail Energy Services between ATCO Electric

and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.

4. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
5. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Electric for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **21.0 Goods and Services Transactions to be at Fair Market Value**

**Policy:** All transactions involving the sale, lease, exchange or transfer or other disposition of goods or services between ATCO Electric and ATCO Energy will be recorded and priced at Fair Market Value to prevent the creation of an unfair competitive advantage. If the value of the transaction for goods or services is regulated by a municipal, provincial or federal government or government agency, the regulated value will be considered the Fair Market Value.

### **Mechanisms**

1. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place for goods and services between ATCO Energy and ATCO Electric for the provision of Retail Energy Services, the Controller will prepare documentation that the goods and services have been acquired at a price which is no more than Fair Market Value. The Compliance Officer will retain a copy of the documentation.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Electric and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.



3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
4. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Electric for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **22.0 Financial Transactions**

**Policy:** ATCO Electric will not provide a loan, guarantee, security or other financial transaction with, or on behalf of, ATCO Energy on terms that are more favorable than could be obtained in the open market to prevent the creation of an unfair competitive advantage.

### **Mechanisms**

1. Prior to a financial transaction taking place for the provision of Retail Energy Services, the Controller will confirm that any loan, guarantee or other financial support provided by ATCO Electric to ATCO Energy is provided on terms no more favorable than what ATCO Energy would be able to obtain as a stand-alone entity from the capital markets. The Compliance Officer will maintain a copy of the confirmation.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Electric and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.



### **23.0 Retained for Numbering Consistency**

### **24.0 Access to Publicly Available Information**

**Policy:** ATCO Electric will not restrict access to information available to the public in accordance with the Regulation.

#### **Mechanisms**

1. None required.

## **Division 2 Records and Accounts**

### **25.0 Records and Accounts**

**Policy:** ATCO Electric will retain separate records and accounts from ATCO Energy to meet the requirements of the Regulation.

#### **Mechanisms**

1. The Compliance Officer will retain the required records and accounts for audit purposes and will ensure that the accounts are kept in accordance with generally accepted accounting principles and any guidelines in the Uniform System of Accounts.

### **26.0 Written Financial Transactions**

**Policy:** Every financial transaction between ATCO Electric and ATCO Energy will be documented in writing to prevent the creation of any unfair competitive advantage.

#### **Mechanisms**

1. As described in Mechanism 2 in Section 22.0, the Controller will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Electric and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
2. As described in Mechanism 3 in Section 22.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.



## **27.0 Records of Transactions for Goods and Services**

**Policy: All transactions for goods and services between ATCO Electric and ATCO Energy will be recorded in accordance with the Regulation.**

### **Mechanisms**

1. The Controller will record each transaction between ATCO Electric and ATCO Energy for the provision of Retail Energy Services including the aggregate value of the transaction or series of transactions.
2. As described in Mechanism 2 in Section 21.0, the Controller will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Electric and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. As described in Mechanism 3 in Section 21.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
3. As described in Mechanism 4 of Section 21.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Electric for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **28.0 Maintaining Records**

**Policy: ATCO Electric will retain records, accounts, records of financial transactions, reports and plans for at least six years.**

### **Mechanisms**

1. The Compliance Officer will retain the required written documentation for at least six years.



**Part 4  
Compliance Requirements**

**Division 1  
Compliance Plans and Compliance Reports**

**29.0 Prohibition against Providing Retail Energy Services Without Approved Compliance Plan**

**Policy:** Before ATCO Energy begins to provide Retail Energy Services to Customers, ATCO Electric will prepare, file, receive approval of a Compliance Plan by the AUC and provide copies of the approved plan in accordance with the Regulation.

**Mechanisms**

1. None required.

**30.0 Compliance Plan Required**

**Policy:** ATCO Electric's Compliance Plan will meet the requirements of the Regulation and will be filed with the AUC for approval.

**Mechanisms**

1. The Compliance Officer will distribute a copy of the approved Compliance Plan to officers, employees, agents and contractors that are affected by the Compliance Plan.
2. The Compliance Officer will ensure that the Compliance Plan is implemented in accordance with its policies and through its mechanisms. The Compliance Plan Committee will monitor and enforce compliance with the Regulation and the Compliance Plan through the policies and mechanisms contained herein. The Compliance Plan Committee will meet quarterly and document its review of compliance.
3. The Compliance Officer will review and document any non-compliance with the Regulation or the Compliance Plan and the action taken to mitigate the non-compliance. Quarterly, the Compliance Plan Committee will review the action taken to mitigate any issues of non-compliance.
4. The Compliance Officer will acknowledge all disputes, complaints or inquiries within 5 working days of its receipt and respond to the dispute, complaint or inquiry within 21 working days. A final resolution of the dispute, complaint or inquiry shall be completed as expeditiously as possible in the circumstances, and

in any event within 60 days of receipt of the dispute, complaint or inquiry, except where the party making the submission otherwise agrees. The Compliance Officer will document how the complaints have been addressed. Quarterly, the Compliance Plan Committee will review how the complaints have been addressed.

5. ATCO Electric will manage all rules respecting service standards in accordance with the requirements of AUC Rule 004, AUC Rule 010 and AUC Rule 021.
6. ATCO Electric will provide quarterly and annual reporting of service quality and reliability performance, including billing and billing services, to the AUC in accordance with AUC Rule 002. Results and explanations related to results are reported through AUC Rule 002.
7. ATCO Electric will meet with the AUC at least once annually to discuss service quality issues and any corrective action plans necessary. Any items arising from that meeting will be reviewed by the Compliance Plan Committee and, where appropriate, a determination will be made to amend this Compliance Plan in accordance with Section 32 of the Regulation.

### **31.0 Retained for Numbering Consistency**

### **32.0 Changes to Compliance Plan**

**Policy: ATCO Electric will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanisms**

1. At least annually, the Compliance Officer will review the Compliance Plan and determine if amendments are required for any reason including changed circumstances and changes to the Regulation.
2. The Compliance Officer will notify affected ATCO Electric officers, employees, agents and contractors of any amendments approved by the AUC as soon as practicable.





### **33.0 Quarterly and Annual Compliance Reports**

**Policy:** ATCO Electric will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation and AUC Rule 030.

#### **Mechanisms**

1. Quarterly, the Compliance Officer will prepare a Quarterly Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors.
2. The Compliance Officer will prepare an Annual Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors for approval.
3. The Compliance Officer will provide the approved Annual Compliance Report to the AUC within 120 days following the end of each calendar year.
4. Any non-compliance will be reported to the AUC in accordance with AUC Rule 030.

### **34.0 Information about Complaints**

**Policy:** ATCO Electric will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the AUC or the Market Surveillance Administrator.

#### **Mechanisms**

1. The Compliance Officer will provide the notice to the AUC for approval prior to publication of the notice on [www.atcoelectric.com](http://www.atcoelectric.com).
2. Annually, the Compliance Officer will confirm the approved notice is available at [www.atcoelectric.com](http://www.atcoelectric.com).

### **35.0 Retained for Numbering Consistency**

### **36.0 Retained for Numbering Consistency**

## **Division 2 Varying Arrangements**

### **37.0 Retained for Numbering Consistency**



### **38.0 Emergency Exceptions**

**Policy:** Any action taken by ATCO Electric in response to an emergency that threatens public safety, the safety of officers, employees, contractors or agents, the physical integrity of their facilities or system reliability does not contravene the Regulation or the Compliance Plan.

#### **Mechanisms**

1. The Compliance Officer will record any emergency action that would otherwise contravene the Regulation or the Compliance Plan and report the emergency action and the expected compliance impact to the AUC as appropriate and to the Compliance Plan Committee at its next meeting.

## **Division 3 Compliance Audit**

### **39.0 Retained for Numbering Consistency**

### **40.0 Audit**

**Policy:** ATCO Electric will give the auditor access to any information required to conduct the audit and will reimburse the AUC for the auditor's costs and expenses in accordance with AUC Rule 030.

#### **Mechanisms**

1. The Compliance Officer will permit sufficient access to officers, employees, agents, contractors, records, and information systems for the auditor to perform the required audit.

### **41.0 Retained for Numbering Consistency**

## **Division 4 Investigations**

### **42.0 Retained for Numbering Consistency**

### **43.0 Retained for Numbering Consistency**

### **44.0 Retained for Numbering Consistency**



**Part 5**  
**Transitional Provisions, Repeal and Coming into Force**

**45.0 Retained for Numbering Consistency**

**46.0 Retained for Numbering Consistency**

**47.0 Retained for Numbering Consistency**

**48.0 Retained for Numbering Consistency**

**49.0 Retained for Numbering Consistency**

**50.0 Retained for Numbering Consistency**

**51.0 Coming into Force**

**Policy: The Compliance Plan will be effective on January 1, 2017 and remains effective until amended or revoked.**

**Mechanisms**

1. None required.



ATCO Gas  
Code of Conduct Regulation (A.R. 58/2015)  
Compliance Plan

Effective Date: January 1, 2017



**ATCO Gas**  
**Code of Conduct Regulation Compliance Plan**

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## ATCO Gas Code of Conduct Regulation Compliance Plan

### Purpose

ATCO Gas ("ATCO Gas"), a division of ATCO Gas and Pipelines Ltd., ("AGPL"), builds, operates and maintains natural gas distribution pipelines. ATCO Gas is a Distributor as defined in the *Code of Conduct Regulation*, A.R. 58/2015 (the "Regulation"). This *Code of Conduct Regulation*, A.R. 58/2015 Compliance Plan (the "Compliance Plan") applies to ATCO Gas' conduct in providing Gas Distribution Service as defined under the *Gas Utilities Act*, R.S.A. 2000, c. G-5 ("GUA"). For greater certainty, this Compliance Plan does not apply to the ATCO Pipelines division of AGPL or its operations.

ATCO Energy Ltd. ("ATCO Energy") is a corporation registered under the *Canada Business Corporations Act*, RSA 1985, c. C-44 that sells and provides Retail Energy Services to Customers.

ATCO Gas and ATCO Energy each have their own business processes and do not share records, accounts or employees.

Under the Regulation, ATCO Energy is an affiliated gas and electricity retailer of ATCO Gas, as both AGPL and ATCO Energy are indirect, wholly-owned subsidiaries of Canadian Utilities Limited. Accordingly, ATCO Gas must obtain approval of this Compliance Plan from the Alberta Utilities Commission ("AUC") in accordance with the Regulation. Subject to approval of the AUC, this Compliance Plan will become effective on January 1, 2017.

ATCO Gas does not consider Direct Energy Regulated Services ("DERS") to be an affiliate in this Compliance Plan, as there is no affiliate relationship. ATCO Gas submits that the relationship between itself and DERS is adequately governed by the Regulation.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that ATCO Gas will use to ensure compliance with the Regulation by ATCO Gas officers, employees, agents and contractors. Contraventions of the Compliance Plan by individuals may result in disciplinary action, up to and including termination of employment or contract with ATCO Gas.

This Compliance Plan describes certain obligations and responsibilities of specified ATCO Gas management personnel. Notwithstanding this, and without otherwise reducing or eliminating the obligation and responsibility of the specified ATCO Gas management personnel to ensure any specific requirements of this Compliance Plan are satisfied, it is understood that all or a portion of the tasks described in this Compliance Plan may be delegated by the specified ATCO Gas management personnel to other ATCO Gas personnel. Where a business function is referred to, a representative of that function will be responsible for that mechanism.



Questions or comments concerning the Compliance Plan should be directed to the ATCO Gas Compliance Officer (the "Compliance Officer"). Contact information for the Compliance Officer and a copy of the Compliance Plan are available at [www.atcogas.com](http://www.atcogas.com). The numbering used in the Compliance Plan is consistent with the numbering used in the Regulation.

## Part 1 Interpretation

### 1.0 Definitions

Capitalized words and phrases used in the Compliance Plan, but not otherwise defined herein, shall have the meanings set out in the Regulation. In addition, whenever used in this Compliance Plan, the following words and phrases have the meanings set out below.

- a) "**Annual Compliance Report**" contains a description of:
  - any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- b) "**ATCO Gas Terms and Conditions**" means the AUC approved ATCO Gas *Terms and Conditions for Distribution Access Service*. The Terms and Conditions are available at [www.atcogas.com](http://www.atcogas.com).
- c) "**AUC**" means the Alberta Utilities Commission.
- d) "**AUC Rule 002**" means *AUC Rule 022 Service Quality and Reliability Performance Monitoring and Reporting for Owners of Electric Distribution Systems and for Gas Distributors*.
- e) "**AUC Rule 004**" means *AUC Rule 004 Alberta Tariff Billing Code*.
- f) "**AUC Rule 010**" means *AUC Rule 010 Rules on Standards for Requesting and Exchanging Site-Specific Historic Usage Information for Retail Electricity and Natural Gas Markets Rules*.
- g) "**AUC Rule 028**" means *AUC Rule 028 Natural Gas Settlement System Code Rules*.
- h) "**AUC Rule 030**" means *AUC Rule 030 Compliance with the Code of Conduct Regulation*.
- i) "**Call Centre**" means the department responsible for interfacing with Customers regarding the provision of gas distribution service.
- j) "**Compliance Officer**" means an officer of ATCO Gas who is responsible and accountable for ATCO Gas' compliance with the Regulation.
- k) "**Compliance Plan Committee**" means a committee composed of the Compliance Officer, and ATCO Gas personnel in a position of knowledge representing business areas such as, but not limited to:
  - Senior Vice-President & General Manager;
  - Controller;
  - Customer Care and Billing; and
  - Compliance.
- l) "**Compliance Training Material**" means the material developed by ATCO Gas prior to the end of each calendar year that will be provided to officers, employees, agents and





contractors of ATCO Gas on the provisions of the Regulation, the Compliance Plan, and their duties and responsibilities. The material will include the following topics:

- Equal treatment of Customers;
  - Protecting confidential Customer Information;
  - Equal treatment of Retailers; and
  - Preventing unfair competitive advantage for Affiliated Providers.
- m) "**Confidential Information**" means any information relating to a specific Customer or potential Customer of ATCO Gas or non-customer information that could be used for sales or marketing purposes and which is not otherwise available to the public.
- n) "**Fair Trading Act**" means the *Fair Trading Act* (R.S.A. 2000, c. F-2).
- o) "**GUA**" means the *Gas Utilities Act*, RSA 2003, c. G-5.
- p) "**Quarterly Compliance Report**" contains:
- any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- q) "**Regulation**" means the *Code of Conduct Regulation*, A.R. 58/2015.
- r) "**Retail Gas Services**" has the meaning as defined in the *GUA*.
- s) "**UCA**" means the Utilities Consumer Advocate.
- t) "**Uniform System of Accounting for Natural Gas Utilities**" means the system of accounts as defined under *Uniform System of Accounting for Natural Gas Utilities Regulation*, A.R. 546/63.

## 2.0 Retained for Numbering Consistency



## Part 2 Conduct and Business Practices

### 3.0 Conduct

**Policy:** ATCO Gas officers, employees, agents and contractors will conduct themselves and their activities so as to comply with and to ensure compliance with the Regulation and the Compliance Plan.

#### **Mechanisms**

1. The Compliance Officer will identify the applicable officers and employees to be trained on the requirements of the Regulation and the Compliance Plan. Employees preparing education and awareness materials are included as applicable employees. Human Resources will maintain a list of applicable officers and employees to be trained.
2. Annually, the Compliance Officer will confirm with Human Resources that within 30 days of commencing employment, applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgments.
3. Annually, the Compliance Officer will confirm with Human Resources that applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgements.
4. Annually, the Compliance Officer will confirm with Procurement that applicable agents and contractors each have received the Compliance Training Material before commencement of their relationship with ATCO Gas and have provided written acknowledgment of their responsibility to abide by the requirements of the Regulation. Procurement will retain agent and contractor written acknowledgments.
5. The Compliance Plan will be posted on the ATCO Gas website within 15 days of approval of the Compliance Plan by the AUC. The Compliance Officer will maintain a record of changes to webpages and attachments related to the Compliance Plan.
6. The Compliance Officer shall provide a copy of the Compliance Plan to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.



## Division 1 Customers

### 4.0 Tying Prohibited

**Policy:** ATCO Gas will not require or induce Customers to acquire goods or services from ATCO Energy or any other Retailer by making or appearing to make Regulated Energy Services conditional on the acquisition of those goods or services.

#### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. All consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
4. Any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must be first reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
5. Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to ensure compliance with the Regulation, and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.



## 5.0 Transfer of Customers

**Policy:** ATCO Gas will not, without the Customer's consent, transfer the Customer to a Retailer or Retail Tariff.

### Mechanisms

1. ATCO Gas will only accept requests to transfer Customers from Retailers and the Regulated Rate Supplier who have successfully completed the ATCO Gas Retailer qualification process located in the *ATCO Gas Retailer Guide*, available at [www.atcogas.com](http://www.atcogas.com), which requires Retailers to confirm they will comply with AUC Rule 028 and the *Fair Trading Act*.

## 6.0 Prohibited Representation

**Policy:** ATCO Gas will not represent or imply in any way in communications with Customers or the public, that present or future Customers of ATCO Energy will receive treatment from ATCO Gas that is different from the treatment received by present or future Customers of other Retailers.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
4. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by the



Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.

5. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to ensure compliance with the Regulation and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.

## **7.0 Retained for Numbering Consistency**

## **8.0 Meetings by ATCO Gas with Retailers and Customers**

**Policy: ATCO Gas will make reasonable efforts to be equally available to all Retailers for joint meetings with Retailers and Retailer's Customers to meet the requirements in accordance with the Regulation.**

### **Mechanisms**

1. Customer Care and Billing will retain a record of all requests for scheduled joint meetings with Retailers, including self-retailers. The record will contain the date of the meeting request, the date of the meeting, the Retailer requesting the meeting, and the topic of the meeting.

## **Division 2 Customer Information**

## **9.0 Confidentiality of Customer Information**

**Policy: ATCO Gas will protect the confidentiality of Customer Information and not disclose Customer Information except in accordance with the Regulation.**

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the policy above. The applicable



officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.

2. Annually, the Compliance Officer will confirm ATCO Gas' privacy commitments to comply with applicable federal and provincial legislation are available at [www.atcogas.com](http://www.atcogas.com) and retain a written record of the confirmation. The privacy commitment includes information about policies and practices on the use and disclosure of personal information, when and how customer consent is obtained, how Customers can access or update personal information, and contact information for ATCO Gas' Privacy Officer.
3. ATCO Gas will follow the process outlined below with respect to the sharing of Confidential Information with ATCO Energy if not covered by AUC Rule 004, 010 or 028.
  - a. Approval for ATCO Energy to access computer systems containing Confidential Information must be provided in writing by Business Technology Management. No Confidential Information that can be used for marketing or sales purposes will be provided though the sharing of computer systems in accordance with the Regulation. The Compliance Officer will retain a copy of the approvals.
  - b. Annually, Business Technology Management will review the data management and data access protocols and contractual provisions regarding the breach of any access protocols to ensure they are appropriate. The Compliance Officer will retain a copy of the review.

## 10.0 Disclosure of Customer Information

**Policy:** ATCO Gas will only disclose Customer Information in accordance with the Regulation.

### Mechanisms

1. ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Customer or Customer's agent, after the Customer has provided consent by executing and submitting an *Authorization and Release Form*, which is available at [www.atcogas.com](http://www.atcogas.com). Customer Care and Billing will verify and retain each executed *Authorization and Release Form*.
2. ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which is available at [www.atcogas.com](http://www.atcogas.com). Customer Care and Billing will verify each executed *Representation and Warrant Agreement* and retain a written record of approval.



3. Changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approvals.

## 11.0 Conditions on Disclosure of Customer Information

**Policy:** ATCO Gas will only disclose Customer Information to a Retailer or Retailers in accordance with the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Customer, or Customer's agent that has provided consent by executing and submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at [www.atcogas.com](http://www.atcogas.com). Customer Care and Billing will verify each executed *Authorization and Release Form* and retain each executed *Representation and Warrant Agreement* and retain a written record of approval.
2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approval.
3. When Customer Information is requested by a process not covered by AUC Rule 010, ATCO Gas officers, employees, agents, and contractors will disclose the requested information within 7 days. Customer Care and Billing will maintain a log of these requests, which will include the date each request was made and the date Customer Information was provided.
4. Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Gas Services in ATCO Gas' service territory. Customer Care and Billing will notify the applicable Retailers by email at the same time when Customer Information is disclosed to two or more Retailers. Customer Care and Billing will retain a record of email notices.



## 12.0 Historical Gas Usage

**Policy:** Where ATCO Gas receives a request in writing or electronic form for disclosure of a Customer's historical gas usage information, ATCO Gas will disclose to the Retailer the Customer's gas usage information for the previous 12-month period within 3 business days to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Gas officers, employees, agents, and contractors will only disclose Customer Information to a Customer, or Customer's agent that has provided consent by executing and submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at [www.atcogas.com](http://www.atcogas.com). Customer Care and Billing, will verify each executed *Authorization and Release Form* and retain each executed *Representation and Warrant Agreement* and retain a written record of approval.
2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing. Customer Care and Billing will retain a written record of approvals.
3. When historical information is requested, ATCO Gas officers, employees, agents, and contractors will disclose the requested information within 3 business days. Customer Care and Billing will maintain a log of any requests not covered by AUC Rule 010, which will include the date each request was made and the date the historical information was provided.

## 13.0 Aggregated Customer Information

**Policy:** ATCO Gas will only provide a Retailer with aggregated customer information in accordance with the Regulation.

### Mechanisms

1. Customer Care and Billing will manage all Retailer requests for aggregated customer information in accordance with the Regulation. Customer Care and Billing will retain records of Retailer requests for aggregated customer information.
2. Customer Care and Billing will review and, as required, modify the aggregated customer information to ensure that information of any particular Customer or





Retailer cannot be readily identified prior to posting the aggregated information on the ATCO Gas website. Customer Care and Billing will retain a written record of the aggregated information provided.

3. At least 24 hours before aggregated customer information is made available to a Retailer, Customer Care and Billing will place a notice, which is available at [www.atcogas.com](http://www.atcogas.com) clearly describing the information and the cost of obtaining the information, which shall be no more than the costs incurred. The notice must be kept on the website for at least 30 days after the aggregated information is made available. Customer Care and Billing will retain a written copy of the notice and record the dates the notice was posted on the website.

### **Division 3**

## **Business Practices of Distributors and Regulated Rate Suppliers**

### **14.0 Equal Treatment of Retailers**

**Policy:** ATCO Gas' Terms and Conditions will not give preferential treatment to its Affiliated Provider or to Customers of its Affiliated Provider, discriminate against any Retailer or against Customers of any Retailer, and any changes to ATCO Gas' Regulated Energy Services, or the ATCO Gas Terms and Conditions that apply to those services, will be communicated to all Retailers at the same time and in the same manner to meet the requirements in accordance with the Regulation.

#### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. ATCO Gas will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the ATCO Gas Terms and Conditions and distribution tariffs, which are available at [www.atcogas.com](http://www.atcogas.com).
3. ATCO Gas will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the requirements set out in AUC Rule 004, AUC Rule 010 and AUC Rule 028.

4. ATCO Gas publishes and retains the *ATCO Gas Retailer Guide*, which will provide an overview of ATCO Gas' processes that will enable all Retailers to effectively deal with the company in the same way. The *ATCO Gas Retailer Guide* is available at [www.atcogas.com](http://www.atcogas.com).
5. As described in Mechanism 4 of Section 11.0, Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Gas Services in ATCO Gas' service territory. Customer Care and Billing will notify these Retailers by email at the same time when there are changes to the ATCO Gas Terms and Conditions or distribution tariffs and provide a link to the revised documents. Customer Care and Billing will retain a record of email notices.

## 15.0 Prohibitions

**Policy:** ATCO Gas will abide by the prohibitions contained in the Regulation.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents, and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents, and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers and a log of all approved communications will be maintained.
3. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
4. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls



that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.

5. ATCO Gas will not enable users of its website to access web pages relating to Retail Energy Services from web pages relating to its Regulated Energy Services unless a statement that meets the requirements of section 7 of the Regulation is displayed immediately when one website is accessed from the other.
6. ATCO Gas will not include or incorporate any communication for sales or marketing purposes by any Retailer in any of its written communications to customers related to billing for Regulated Energy Services.

## 16.0 Information about Retail Energy Services

**Policy:** If a Customer requests information about Retail Energy Services, ATCO Gas will refer the Customer to a source where the Customer may obtain a current list of Retailers that are licensed under the *Fair Trading Act*, to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing. Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
2. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform at least quarterly compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate. Customer Care and Billing will maintain a record of all calls that were reviewed each quarter and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.



**Part 3**  
**Relationships among Distributors, Regulated Rate Suppliers and Affiliated Providers**

**Division 1**  
**Preventing Unfair Competitive Advantage**

**17.0 Arrangements Creating Unfair Competitive Advantage Prohibited**

**Policy:** ATCO Gas shall not make arrangements that create an unfair competitive advantage for ATCO Energy. ATCO Gas may make arrangements to create cost efficiencies in its operations.

**Mechanisms**

1. Prior to implementing a new arrangement to create cost efficiencies with ATCO Energy for the provision of Retail Energy Services, the Controller will review and confirm that no unfair competitive advantage will occur. The Compliance Officer will retain documentation supporting that no unfair competitive advantage will occur.
2. Quarterly, the Controller will review the documented terms of all arrangements to create cost efficiencies for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. Quarterly, the Compliance Officer will confirm that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
4. In advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.



## 18.0 Information Sharing

**Policy:** ATCO Gas will ensure that both its Customer Information and its information that is not Customer Information is not shared with ATCO Energy for the purposes of marketing or sales of Retail Energy Services, to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 2 in Section 9.0, the Compliance Officer will confirm that ATCO Gas' privacy commitments to comply with applicable federal and provincial legislation are available at [www.atcogas.com](http://www.atcogas.com) and maintain a record of changes to webpages and attachments related to the Compliance Plan.
4. As described in Mechanism 3 in Section 9.0, ATCO Gas will follow the process outlined below with respect to the sharing of Confidential Information with ATCO Energy if not covered by AUC Rule 004, 010 or 028.
  - a. Approval for ATCO Energy to access computer systems containing Confidential Information must be provided in writing by Business Technology Management. No Confidential Information that can be used for marketing or sales purposes will be provided through the sharing of computer systems in accordance with the Regulation. The Compliance Officer will retain a copy of the approvals.
  - b. Annually, Business Technology Management will review the data management and data access protocols and contractual provisions regarding the breach of any access protocols to ensure they are appropriate. The Compliance Officer will retain a copy of the review.



## 19.0 Retained for Numbering Purposes

## 20.0 Acquisitions, Research and Dispositions

**Policy:** To prevent the creation of an unfair competitive advantage ATCO Energy and ATCO Gas will allocate and record the economic benefits or costs attributable to each party for joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property.

### Mechanisms

1. The Controller will ensure that plants, assets and equipment are not shared with ATCO Energy in a manner that creates an unfair competitive advantage for ATCO Energy. Annually, the Controller will confirm that plants, assets and equipment have not been shared in a manner that creates an unfair competitive advantage for ATCO Energy. The Compliance Officer will retain a copy of the confirmation.
2. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place, the Controller will review joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property for the provision of Retail Energy Services and document the allocation of costs between ATCO Gas and ATCO Energy, the economic benefits received and confirm that the terms have not created an unfair competitive advantage for ATCO Energy. The Compliance Officer will retain copies of the review and the confirmation.
3. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all joint acquisitions, research and dispositions for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
4. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
5. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas for the provision of Retail Energy Services and will identify each



type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **21.0 Goods and Services Transactions to be at Fair Market Value**

**Policy:** All transactions involving the sale, lease, exchange or transfer or other disposition of goods or services between ATCO Gas and ATCO Energy will be recorded and priced at Fair Market Value to prevent the creation of an unfair competitive advantage. If the value of the transaction for goods or services is regulated by a municipal, provincial or federal government or government agency, the regulated value will be considered the Fair Market Value.

### **Mechanisms**

1. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place for goods and services between ATCO Energy and ATCO Gas for the provision of Retail Energy Services, the Controller will prepare documentation that the goods and services have been acquired at a price which is no more than Fair Market Value. The Compliance Officer will retain a copy of the documentation.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
4. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual



amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **22.0 Financial Transactions**

**Policy:** ATCO Gas will not provide a loan, guarantee, security or other financial transaction with, or on behalf of, ATCO Energy on terms that are more favorable than could be obtained in the open market to prevent the creation of an unfair competitive advantage.

### **Mechanisms**

1. Prior to a financial transaction taking place for the provision of Retail Energy Services, the Controller will confirm that any loan, guarantee or other financial support provided by ATCO Gas to ATCO Energy is provided on terms no more favorable than what ATCO Energy would be able to obtain as a stand-alone entity from the capital markets. The Compliance Officer will maintain a copy of the confirmation.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.

## **23.0 Retained for Numbering Consistency**

## **24.0 Access to Publicly Available Information**

**Policy:** ATCO Gas will not restrict access to information available to the public in accordance with the Regulation.

### **Mechanisms**

1. None required.





## Division 2 Records and Accounts

### 25.0 Records and Accounts

**Policy:** ATCO Gas will retain separate records and accounts from ATCO Energy to meet the requirements of the Regulation.

#### Mechanisms

1. The Compliance Officer will retain the required records and accounts for audit purposes and will ensure that the accounts are kept in accordance with generally accepted accounting principles and any guidelines in the *Uniform System of Accounting for Natural Gas Utilities*.

### 26.0 Written Financial Transactions

**Policy:** Every financial transaction between ATCO Gas and ATCO Energy will be documented in writing to prevent the creation of any unfair competitive advantage.

#### Mechanisms

1. As described in Mechanism 2 in Section 22.0, the Controller will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
2. As described in Mechanism 3 in Section 22.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.

### 27.0 Records of Transactions for Goods and Services

**Policy:** All transactions for goods and services between ATCO Gas and ATCO Energy will be recorded in accordance with the Regulation.



### **Mechanisms**

1. The Controller will record each transaction between ATCO Gas and ATCO Energy for the provision of Retail Energy Services including the aggregate value of the transaction or series of transactions.
2. As described in Mechanism 2 in Section 21.0, the Controller will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained by the Compliance Officer as evidence of the review.
3. As described in Mechanism 3 in Section 21.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
4. As described in Mechanism 4 of Section 21.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

### **28.0 Maintaining Records**

**Policy:** ATCO Gas will retain records, accounts, records of financial transactions, reports and plans for at least six years.

### **Mechanisms**

1. The Compliance Officer will retain the required written documentation for at least six years.



## Part 4 Compliance Requirements

### Division 1 Compliance Plans and Compliance Reports

#### 29.0 Prohibition against Providing Retail Energy Services Without Approved Compliance Plan

**Policy:** Before ATCO Energy begins to provide Retail Energy Services to Customers, ATCO Gas will prepare, file, receive approval of a Compliance Plan by the AUC and provide copies of the approved plan in accordance with the Regulation.

##### **Mechanisms**

1. None required.

#### 30.0 Compliance Plan Required

**Policy:** ATCO Gas' Compliance Plan will meet the requirements of the Regulation and will be filed with the AUC for approval.

##### **Mechanisms**

1. The Compliance Officer will distribute a copy of the approved Compliance Plan to officers, employees, agents and contractors that are affected by the Compliance Plan.
2. The Compliance Officer will ensure that the Compliance Plan is implemented in accordance with its policies and through its mechanisms. The Compliance Plan Committee will monitor and enforce compliance with the Regulation and the Compliance Plan through the policies and mechanisms contained herein. The Compliance Plan Committee will meet quarterly and document its review of compliance.
3. The Compliance Officer will review and document any non-compliance with the Regulation or the Compliance Plan and the action taken to mitigate the non-compliance. Quarterly, the Compliance Plan Committee will review the action taken to mitigate any issues of non-compliance.
4. The Compliance Officer will acknowledge all disputes, complaints or inquiries within 5 working days of its receipt and respond to the dispute, complaint or



inquiry within 21 working days. A final resolution of the dispute, complaint or inquiry shall be completed as expeditiously as possible in the circumstances, and in any event within 60 days of receipt of the dispute, complaint or inquiry, except where the party making the submission otherwise agrees. The Compliance Officer will document how the complaints have been addressed. Quarterly, the Compliance Plan Committee will review how the complaints have been addressed.

5. ATCO Gas will manage all rules respecting service standards in accordance with the requirements of AUC Rule 004, AUC Rule 010 and AUC Rule 028.
6. ATCO Gas will provide quarterly and annual reporting of service quality and reliability performance, including billing and billing services, to the AUC in accordance with AUC Rule 002. Results and explanations related to results are reported through AUC Rule 002.
7. ATCO Gas will meet with the AUC at least once annually to discuss service quality issues and any corrective action plans necessary. Any items arising from that meeting will be reviewed by the Compliance Plan Committee and, where appropriate, a determination will be made to amend this Compliance Plan in accordance with Section 32 of the Regulation.

### **31.0 Retained for Numbering Consistency**

### **32.0 Changes to Compliance Plan**

**Policy: ATCO Gas will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanisms**

1. At least annually, the Compliance Officer will review the Compliance Plan and determine if amendments are required for any reason including changed circumstances and changes to the Regulation.
2. The Compliance Officer will notify affected ATCO Gas officers, employees, agents and contractors of any amendments approved by the AUC as soon as practicable.



### **33.0 Quarterly and Annual Compliance Reports**

**Policy:** ATCO Gas will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation and AUC Rule 030.

#### **Mechanisms**

1. Quarterly, the Compliance Officer will prepare a Quarterly Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors.
2. The Compliance Officer will prepare an Annual Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors for approval.
3. The Compliance Officer will provide the approved Annual Compliance Report to the AUC within 120 days following the end of each calendar year.
4. Any non-compliance will be reported to the AUC in accordance with AUC Rule 030.

### **34.0 Information about Complaints**

**Policy:** ATCO Gas will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the AUC or the Market Surveillance Administrator.

#### **Mechanisms**

1. The Compliance Officer will provide the notice to the AUC for approval prior to publication of the notice.
2. Annually, the Compliance Officer will confirm the approved notice is available at [www.atcogas.com](http://www.atcogas.com).

### **35.0 Retained for Numbering Consistency**

### **36.0 Retained for Numbering Consistency**



## **Division 2 Varying Arrangements**

### **37.0 Retained for Numbering Consistency**

### **38.0 Emergency Exceptions**

**Policy:** Any action taken by ATCO Gas in response to an emergency that threatens public safety, the safety of officers, employees, contractors or agents, the physical integrity of their facilities or system reliability does not contravene the Regulation or the Compliance Plan.

#### **Mechanisms**

1. The Compliance Officer will record any emergency action that would otherwise contravene the Regulation or the Compliance Plan and report the emergency action and the expected compliance impact to the AUC as appropriate and to the Compliance Plan Committee at its next meeting.

## **Division 3 Compliance Audit**

### **39.0 Retained for Numbering Consistency**

### **40.0 Audit**

**Policy:** ATCO Gas will give the auditor access to any information required to conduct the audit and will reimburse the AUC for the auditor's costs and expenses in accordance with AUC Rule 030.

#### **Mechanisms**

1. The Compliance Officer will permit sufficient access to officers, employees, agents, contractors, records, and information systems for the auditor to perform the required audit.

### **41.0 Retained for Numbering Consistency**



## **Division 4 Investigations**

**42.0 Retained for Numbering Consistency**

**43.0 Retained for Numbering Consistency**

**44.0 Retained for Numbering Consistency**

## **Part 5 Transitional Provisions, Repeal and Coming into Force**

**45.0 Retained for Numbering Consistency**

**46.0 Retained for Numbering Consistency**

**47.0 Retained for Numbering Consistency**

**48.0 Retained for Numbering Consistency**

**49.0 Retained for Numbering Consistency**

**50.0 Retained for Numbering Consistency**

**51.0 Coming into force**

**Policy: The Compliance Plan will be effective on January 1, 2017 and remains effective until amended or revoked.**

### **Mechanisms**

1. None required.



ATCO Energy  
Code of Conduct Regulation (A.R. 58/2015)  
Compliance Plan

Effective Date: January 1, 2017





## ATCO Energy Code of Conduct Regulation Compliance Plan

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## **ATCO Energy Code of Conduct Regulation Compliance Plan**

### **Purpose**

ATCO Gas, a division of ATCO Gas & Pipelines Ltd. ("ATCO Gas") builds, operates and maintains natural gas distribution pipelines. ATCO Electric Distribution, a division of ATCO Electric Ltd. ("ATCO Electric") builds, operates and maintains electric distribution facilities in Alberta. ATCO Gas and ATCO Electric (the "ATCO Distributors") are Distributors as defined in the *Code of Conduct Regulation*, A.R. 58/2015 (the "Regulation").

ATCO Energy Ltd. ("ATCO Energy") is a corporation registered under the *Canada Business Corporations Act*, RSA 1985, c. C-44 that sells and provides Retail Energy Services to Customers. Under the Regulation, ATCO Energy is an affiliated provider of the ATCO Distributors as they are all indirect, wholly-owned subsidiaries of Canadian Utilities Limited. Accordingly, ATCO Energy must obtain approval of this Compliance Plan from the Alberta Utilities Commission (the "AUC"). Subject to approval of the AUC, this Compliance Plan will become effective on January 1, 2017.

ATCO Energy and each of the ATCO Distributors have their own business processes and do not share records, accounts or employees.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that ATCO Energy will use to ensure compliance with the Regulation by ATCO Energy officers, employees, agents and contractors. Contraventions of the Regulation or this Compliance Plan by individuals may result in disciplinary action, up to and including termination of employment or contract with ATCO Energy.

This Compliance Plan describes certain obligations and responsibilities of ATCO Energy. The Compliance Officer (as defined below) will be responsible and accountable for ensuring any specific requirements of this Compliance Plan are satisfied. In certain circumstances, and without otherwise reducing or eliminating the obligations and responsibilities of ATCO Energy, the Compliance Officer may delegate responsibilities to other specified ATCO Energy personnel. Where a business function is referred to, a representative of that function will be responsible for that mechanism.

Questions or comments concerning the Compliance Plan should be directed to the ATCO Energy Compliance Officer. Contact information for the Compliance Officer and a copy of the Compliance Plan is available at [www.atcoenergy.com](http://www.atcoenergy.com).

The numbering used in the Compliance Plan is consistent with the numbering used in the Regulation.

## Part 1 Interpretation

### 1.0 Definitions

Capitalized words and phrases used in the Compliance Plan, but not otherwise defined herein, shall have the meanings set out in the Regulation. In addition, whenever used in this Compliance Plan, the following words and phrases have the meanings set out below.

- a) "**Annual Compliance Report**" contains a description of:
  - any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- b) "**ATCO Distributors**" means ATCO Gas, a division of ATCO Gas & Pipelines Ltd., and ATCO Electric Distribution, a division of ATCO Electric Ltd.
- c) "**AUC**" means the Alberta Utilities Commission.
- d) "**AUC Rule 030**" means *AUC Rule 030 Compliance with the Code of Conduct Regulation*.
- e) "**Call Centre**" means the department responsible for interfacing with Customers regarding the provision of Retail Energy Services.
- f) "**Compliance Officer**" means an employee of ATCO Energy with appropriate knowledge of the business and who is responsible and accountable for ATCO Energy's compliance with the Regulation.
- g) "**Compliance Plan Committee**" means a committee composed of the Compliance Officer and ATCO Energy employees in a position of knowledge representing the business areas may include, but not limited to:
  - Accounting;
  - Sales;
  - Customer Care;
  - Compliance.
- h) "**Compliance Training Material**" means material developed by ATCO Energy prior to the end of each calendar year that will be used to train officers, employees, agents and contractors of ATCO Energy on the provisions of the Regulation, the ATCO Energy Compliance Plan, and their duties and responsibilities. The material will include the following topics:
  - Equal treatment of Customers;
  - Protection of confidential Customer Information; and
  - Preventing unfair competitive advantage for Affiliated Providers.
- i) "**Fair Competition Statement**" means the fair competition statement contained in Section 7(1) of the Regulation.



- j) **"Quarterly Compliance Report"** contains:
  - a description of any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how such complaints have been addressed.
- k) **"Regulation"** means the *Code of Conduct Regulation*, A.R. 58/2015.
- l) **"UCA"** means Utilities Consumer Advocate.

## 2.0 Retained for Numbering Consistency



## **Part 2**

### **Conduct and Business Practices**

#### **3.0 Conduct**

**Policy: ATCO Energy officers, employees, agents and contractors will conduct themselves and their activities to ensure compliance with the Regulation and the Compliance Plan.**

##### **Mechanisms**

1. The Compliance Officer will identify the applicable officers and employees to be trained on the requirements of the Regulation and the Compliance Plan. Employees preparing education and awareness materials are included as applicable employees. Human Resources will maintain a list of applicable officers and employees to be trained.
2. Annually, the Compliance Officer will confirm with Human Resources that within 30 days of commencing employment, applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgments.
3. Annually, the Compliance Officer will confirm with Human Resources that applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements. Human Resources will retain officer and employee written acknowledgements.
4. The Compliance Officer will identify the applicable agents and contractors to be trained on the requirements of the Regulation and this Compliance Plan. Prior to commencing their relationship with ATCO Energy, applicable agents and contractors will provide written acknowledgements of their responsibility to abide by the requirements of the Regulation and this Compliance Plan. The Compliance Officer will retain agent and contractor written acknowledgements.
5. The Compliance Plan will be posted on the ATCO Energy website within 15 days of approval of the Compliance Plan by the AUC. The Compliance Officer will maintain a record of changes to webpages and attachments related to the Compliance Plan.



6. The Compliance Officer shall provide a copy of the Compliance Plan to the ATCO Distributors within 15 days of approval of the Compliance Plan by the AUC.

## **Division 1 Customers**

### **4.0 Tying Prohibited**

**Policy: ATCO Energy will not require or induce Customers to acquire goods or services by making or appearing to make Regulated Energy Services conditional on the acquisition of those goods or services from ATCO Energy.**

#### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Energy website and provide a copy to the ATCO Distributors within 15 days of approval of the Compliance Plan by the AUC.
3. Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services will be reviewed for compliance with the Regulation. The Call Centre will retain a written record of Call Centre messaging used.
4. At least monthly, the Call Centre performs quality assurance checks on recorded telephone calls to ensure compliance with the Regulation. The Call Centre maintains a record of calls that were reviewed and will report any non-compliance to the Compliance Officer.
5. The Fair Competition Statement will be applied to all ATCO Energy channels for enrolling Customers for Retail Energy Services. In the case of the Call Centre, the Fair Competition Statement is a pre-recorded message that Customers will hear as they navigate through the options menu. With respect to written or electronic sign-



ups, the Fair Competition Statement is prominently displayed on the website or point-of-sale materials. For all other scenarios, Customers will ultimately see or hear the Fair Competition Statement through the two primary sign-up entry points described above.

## **5.0 Retained for Numbering Consistency**

## **6.0 Prohibited Representation**

**Policy:** ATCO Energy will not represent or imply in any way in communications with Customers or the public, that present or future Customers of ATCO Energy will receive treatment from the ATCO Distributors that is different from the treatment received by present or future Customers of other Retailers.

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training on the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained as described in Section 3.0.
2. As described in Mechanism 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Energy website and provide a copy to the ATCO Distributors within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 3 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services will be reviewed for compliance with the Regulation. The Call Centre will retain a written record of Call Centre messaging used.
4. As described in Mechanism 4 in Section 4.0, at least monthly the Call Centre performs quality assurance checks on recorded telephone calls to ensure compliance with the Regulation. The Call Centre maintains a record of calls that were reviewed and will report any non-compliance to the Compliance Officer.
5. As described in Mechanism 5 in Section 4.0, the Fair Competition Statement will be applied to all ATCO Energy channels for enrolling Customers for Retail Energy Services. In the case of the Call Centre, the Fair Competition Statement is a pre-





recorded message that Customers will hear as they navigate through the options menu. With respect to written or electronic sign-ups, the Fair Competition Statement is prominently displayed on the website or point-of-sale materials. For all other scenarios, Customers will ultimately see or hear the Fair Competition Statement through the two primary sign-up entry points described above.

## **7.0 Advertising**

**Policy:** ATCO Energy's name and logo clearly distinguishes it as a separate entity from the ATCO Distributors, and ATCO Energy will ensure the Fair Competition Statement is applied to applicable marketing materials.

### **Mechanism**

1. As described in Mechanism 5 in Section 4.0, the Fair Competition Statement will be applied to all ATCO Energy channels for enrolling Customers for Retail Energy Services. In the case of the Call Centre, the Fair Competition Statement is a pre-recorded message that Customers will hear as they navigate through the options menu. With respect to written or electronic sign-ups, the Fair Competition Statement is prominently displayed on the website or point-of-sale materials. For all other scenarios, Customers will ultimately see or hear the Fair Competition Statement through the two primary sign-up entry points identified as phone or website.
2. The Fair Competition Statement will be displayed on the main page of the ATCO Energy website.

## **8.0 Retained for Numbering Consistency**

### **Division 2 Customer Information**

## **9.0 Confidentiality of Customer Information**

**Policy:** ATCO Energy will protect the confidentiality of Customer Information and not disclose Customer Information except in accordance with the Regulation.



### **Mechanisms**

1. As described in Mechanisms 1-4 of Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the policy above. The applicable officers, employees, agents and contractors will provide written acknowledgments that will be retained.
2. Annually, the Compliance Officer will confirm ATCO Energy's privacy commitments to comply with applicable federal and provincial legislation are available at [www.atcoenergy.com](http://www.atcoenergy.com) and retain a written record of the confirmation. The privacy commitment includes information about policies and practices on the use and disclosure of personal information, when and how customer consent is obtained, how Customers can access or update personal information, and contact information for ATCO Energy's Privacy Officer.

### **10.0 Disclosure of Customer Information**

**Policy:** ATCO Energy will only disclose Customer Information in accordance with the Regulation.

### **Mechanisms**

1. ATCO Energy's officers, employees, agents and contractors will only disclose Customer Information after the Customer has provided consent. Verbal consent is recorded at the Call Center and electronic consent is documented through website interactions during the Customer enrollment process.

### **11.0 Retained for Numbering Consistency**

### **12.0 Historical Electricity or Gas Usage**

**Policy:** ATCO Energy will not request a customer's historical electricity or gas usage information without the customer's consent.

### **Mechanisms**

1. None required.



### **13.0 Retained for Numbering Purposes**

## **Division 3**

### **Business Practices of Distributors and Regulated Rate Suppliers**

### **14.0 Retained for Numbering Purposes**

### **15.0 Retained for Numbering Purposes**

### **16.0 Retained for Numbering Purposes**

## **Part 3**

### **Relationships among Distributors, Regulated Rate Suppliers and Affiliated Providers**

## **Division 1**

### **Preventing Unfair Competitive Advantage**

### **17.0 Arrangements Creating Unfair Competitive Advantage Prohibited**

**Policy:** ATCO Energy shall not make arrangements that create an unfair competitive advantage.

#### **Mechanisms**

1. Quarterly, the Compliance Officer will confirm that to the best of his/her knowledge, transactions for the provision of Retail Energy Services have not created an unfair advantage for ATCO Energy. The confirmation will be documented in the minutes of Compliance Plan Committee meetings.
2. The Compliance Officer will review the documented terms of all arrangements to create cost efficiencies for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.
3. In advance of the transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Distributors for the provision of Retail Energy Services and will identify each type of transaction or series of



transactions for which the annual amount is expected to exceed \$500,000. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 are documented by an agreement and supported with written evidence of Fair Market Value.

## **18.0 Retained for Numbering Consistency**

## **19.0 Retailer Seeking Customer Information**

**Policy:** ATCO Energy will not seek or receive Customer Information from a current or former officer, employee, agent or contractor of the ATCO Distributors for sales or marketing purposes.

### **Mechanisms**

1. None Required.

## **20.0 Acquisitions, Research and Dispositions**

**Policy:** To prevent the creation of an unfair competitive advantage ATCO Energy and ATCO Distributors will allocate and record the economic benefits or costs attributable to each party for joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property.

### **Mechanisms**

1. As described in Mechanism 1 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy. The confirmation will be documented in the minutes of Compliance Plan Committee meetings.
2. As described in Mechanism 2 in Section 17.0, the Compliance Officer will conduct a quarterly review of the documented terms of all joint acquisitions, research and dispositions for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.
3. As described in Mechanism 3 of Section 17.0, in advance of the transaction the Compliance Officer will review each proposed transaction between ATCO Energy

and ATCO Distributors for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## **21.0 Goods and Services Transactions to be at Fair Market Value**

**Policy:** All transactions involving the sale, lease, exchange or transfer or other disposition of goods or services between ATCO Distributors and ATCO Energy will be recorded and priced at Fair Market Value to prevent the creation of an unfair competitive advantage. If the value of the transaction for goods or services is regulated by a municipal, provincial or federal government or government agency, the regulated value will be considered the Fair Market Value.

### **Mechanisms**

1. As described in Mechanism 1 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy. The confirmation will be documented in the minutes of Compliance Plan Committee meetings.
2. As described in Mechanism 2 in Section 17.0, the Compliance Officer will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.
3. As described in Mechanism 3 of Section 17.0, in advance of the transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Distributors for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the



Commission are documented by an agreement and supported with written evidence of Fair Market Value.

## 22.0 Financial Transactions

**Policy:** ATCO Energy will not seek or receive a loan, guarantee, security or other financial transaction with, or on behalf of, the ATCO Distributors on terms that are more favorable than could be obtained in the open market to prevent the creation of an unfair competitive advantage.

### Mechanisms

1. As described in Mechanism 1 in Section 17.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy. The confirmation will be documented in the minutes of Compliance Plan Committee meetings.
2. As described in Mechanism 2 in Section 17.0, the Compliance Officer will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.
3. As described in Mechanism 3 of Section 17.0, in advance of the transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Distributors for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.



**23.0 Retained for Numbering Consistency**

**24.0 Retained for Numbering Consistency**

## **Division 2 Records and Accounts**

**25.0 Records and Accounts**

**Policy: ATCO Energy will retain separate records and accounts from ATCO Distributors to meet the requirements of the Regulation.**

### **Mechanisms**

1. The Compliance Officer will retain the required records and accounts for audit purposes and will ensure that the accounts are kept in accordance with *International Financial Reporting Standards* and make the records available for audit upon request by the AUC.

**26.0 Written Financial Transactions**

**Policy: Financial transactions between ATCO Distributors and ATCO Energy will be documented in writing to prevent the creation of any unfair competitive advantage.**

### **Mechanisms**

1. As described in Mechanism 2 in Section 22.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy. The confirmation will be documented in the minutes of Compliance Plan Committee meetings.
2. As described in Mechanism 3 in Section 22.0, the Compliance Officer will conduct a quarterly review of the documented terms of all financial transactions for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.



## **27.0 Records of Transactions for Goods and Services**

**Policy: All transactions for goods and services between ATCO Distributors and ATCO Energy will be recorded in accordance with the Regulation.**

### **Mechanisms**

1. Annually, the Compliance Officer will confirm that the ATCO Distributors record each transaction for the provision of Retail Energy Services including the aggregate value of the transaction or series of transactions.
2. As described in Mechanism 2 in Section 21.0, the Compliance Officer will confirm quarterly that to the best of his/her knowledge transactions for the provision of Retail Energy Services have not created an unfair competitive advantage for ATCO Energy.
3. As described in Mechanism 3 in Section 21.0, the Compliance Officer will conduct a quarterly review of the documented terms of all goods and services transactions for the provision of Retail Energy Services between ATCO Energy and ATCO Distributors, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy. A copy of the summary will be retained as evidence of the review.
4. As described in Mechanism 4 of Section 17.0, in advance of the transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Distributors for the provision of Retail Energy Services and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 or an amount determined by the Commission are documented by an agreement and supported with written evidence of Fair Market Value.





## **28.0 Maintaining Records**

**Policy:** ATCO Energy will retain records, accounts, records of financial transactions, reports and plans for at least six years.

### **Mechanisms**

1. The Compliance Officer will retain the required written documentation for at least six years.

## **Part 4 Compliance Requirements**

### **Division 1 Compliance Plans and Compliance Reports**

## **29.0 Prohibition against Providing Retail Energy Services Without Approved Compliance Plan**

**Policy:** ATCO Energy has an approved compliance plan, supporting the provision of Retail Energy Services to Customers.

### **Mechanisms**

1. The approved compliance plan is publicly available on the ATCO Energy website at [www.atcoenergy.com](http://www.atcoenergy.com).

## **30.0 Compliance Plan Required**

**Policy:** ATCO Energy's Compliance Plan will meet the requirements of the Regulation and will be filed with the AUC for approval.

### **Mechanisms**

1. The Compliance Officer will distribute a copy of the approved Compliance Plan to officers, employees, agents and contractors that are affected by the Compliance Plan.
2. The Compliance Officer will ensure that the Compliance Plan is implemented in accordance with its policies and through its mechanisms. The Compliance Plan



Committee will monitor and enforce compliance with the Regulation and the Compliance Plan through the policies and mechanisms contained herein. The Compliance Plan Committee will meet quarterly and document its review of compliance.

3. The Compliance Officer will review and document any non-compliance with the Regulation or the Compliance Plan and the action taken to remedy the non-compliance. Quarterly, the Compliance Plan Committee will review the action taken to mitigate any issues of non-compliance.
4. The Compliance Officer will acknowledge all disputes, complaints or inquiries within 5 working days of its receipt and respond to the dispute, complaint or inquiry within 21 working days. A final resolution of the dispute, complaint or inquiry shall be completed as expeditiously as possible in the circumstances, and in any event within 60 days of receipt of the dispute, complaint or inquiry, except where the party making the submission otherwise agrees. The Compliance Officer will document how the complaints have been addressed. Quarterly, the Compliance Plan Committee will review how the complaints have been addressed.

### **31.0 Retained for Numbering Consistency**

### **32.0 Changes to Compliance Plan**

**Policy: ATCO Energy will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanisms**

1. At least annually, the Compliance Officer will review the Compliance Plan and determine if amendments are required for any reason including changed circumstances and changes to the Regulation.
2. The Compliance Officer will notify affected ATCO Energy officers, employees, agents and contractors of any amendments approved by the AUC as soon as practicable.
3. ATCO Energy will revise the Compliance Plan in the event of a material change in the Regulation or to ATCO Energy's business processes. Any revisions to the Compliance Plan will be submitted to the AUC for review and approval.



### **33.0 Quarterly and Annual Compliance Reports**

**Policy:** ATCO Energy will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation and AUC Rule 030.

#### **Mechanisms**

1. The Compliance Officer will prepare a Quarterly Compliance Report. The minutes of the meeting at which the Quarterly Compliance Report is reviewed by the Compliance Plan Committee will reflect the results of such review.
2. The Compliance Officer will prepare an Annual Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors for approval.
3. The Compliance Officer will provide the approved Annual Compliance Report to the AUC within 120 days following the end of each calendar year.
4. Any non-compliance will be reported to the AUC in accordance with AUC Rule 030.

### **34.0 Information about Complaints**

**Policy:** ATCO Energy will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the AUC.

#### **Mechanisms**

1. The Compliance Officer will provide the notice to the AUC for approval prior to the publication of the notice.
2. Annually, the Compliance Officer will ensure the notice is available at [www.atcoenergy.com](http://www.atcoenergy.com).

### **35.0 Retained for Numbering Consistency**

### **36.0 Retained for Numbering Consistency**



## **Division 2 Varying Arrangements**

### **37.0 Retained for Numbering Consistency**

### **38.0 Emergency Exceptions**

**Policy:** Any action taken by ATCO Energy in response to an emergency that threatens public safety, the safety of officers, employees, contractors or agents, does not contravene the Regulation or the Compliance Plan.

#### **Mechanisms**

1. In the event of an emergency, the Compliance Officer will record an emergency action that would otherwise contravene the Regulation or the Compliance Plan and report the emergency action and the expected compliance impact to the AUC as appropriate and to the Compliance Plan Committee.
2. Any emergency exceptions will be reported in quarterly compliance reports and documented in the minutes of quarterly Compliance Plan Committee meetings.

## **Division 3 Compliance Audit**

### **39.0 Retained for Numbering Consistency**

### **40.0 Audit**

**Policy:** ATCO Energy will give the auditor access to any information required to conduct the audit and will reimburse the AUC for the auditor's costs and expenses in accordance with AUC Rule 030.

#### **Mechanisms**

1. The Compliance Officer will permit sufficient access to records, and information systems for the auditor to perform the required audit.

### **41.0 Retained for Numbering Consistency**



## **Division 4 Investigations**

- 42.0 Retained for Numbering Consistency**
- 43.0 Retained for Numbering Consistency**
- 44.0 Retained for Numbering Consistency**

## **Part 5 Transitional Provisions, Repeal and Coming into Force**

- 45.0 Retained for Numbering Consistency**
- 46.0 Retained for Numbering Consistency**
- 47.0 Retained for Numbering Consistency**
- 48.0 Retained for Numbering Consistency**
- 49.0 Retained for Numbering Consistency**
- 50.0 Retained for Numbering Consistency**
- 51.0 Coming into force**

**Policy:** The Compliance Plan will be effective on January 1, 2017 and remains effective until amended or revoked.

### **Mechanisms**

1. None required.