

THE PROVINCE OF ALBERTA

GAS UTILITIES ACT

ALBERTA ENERGY AND UTILITIES BOARD

IN THE MATTER of an addition to
ATCO Gas and Pipelines Ltd.'s
Rider "C" with respect to the Village
of Breton

ORDER U2004-028

Application No. 1324525

File No. 6675-B28-1

ATCO Gas – North, a division of ATCO Gas and Pipelines Ltd. (ATCO Gas - North) applied to the Alberta Energy and Utilities Board (the EUB) for an Order approving the addition of the Village of Breton to Rate Rider "C" which recovers municipal taxes.

Notice of the application was published in conjunction with the Notice for the Village's application for renewal of its franchise agreement with ATCO Gas and Pipelines Ltd. and no objections were received. ATCO Gas - North has given the EUB consent to proceed with the application without a hearing.

The Board notes that this change in rates result from the provisions included in the franchise agreement between the Village of Breton and ATCO Gas – North which was approved in Order U2004-027 issued in conjunction with this order. The franchise fee provisions included in the Agreement allow the Village to change the level of the franchise fee once annually within a cap of 35 per cent. Clause 4.c) of the Franchise Agreement includes a requirement for the Village to publish notice prior to any change in the level of the fee.

The Alberta Energy and Utilities Board, pursuant to the *Gas Utilities Act*, R.S.A. 2000, c. G-5, hereby orders as follows:

1. Application No. 1324525 by ATCO Gas - North dated December 9, 2003, is approved, subject to the terms and conditions herein contained.
2. The new rate for the Village of Breton, as indicated on Rate Rider "C" attached as Schedule "A" to this Order, becomes effective upon the execution of the Village's Franchise Renewal Agreement with ATCO Gas and Pipelines Ltd.

DATED at the City of Edmonton, in the Province of Alberta, on February 4, 2004.



ALBERTA ENERGY AND UTILITIES BOARD

SCHEDULE "A"

Effective with Decision
Effective
Rider "C" Page 1 of 1

**ATCO GAS AND PIPELINES LTD. - NORTH
RIDER "C" TO ALL RATES
AND ANY OTHER RIDERS THERETO**

Additions to be made to the Rate for Customers resident in municipalities that receive a property tax assessed under The Municipal Taxation Act. The addition is the estimated percentage of gross revenue excluding gas costs (Rider "F"), deemed value (Rider E") and the company owned production rate rider (COPRR) (Rider "G") required to provide for the tax payable each year. To the extent that this percentage may be more or less than that required to pay the tax, the percentage of gross revenue provided in the Rider will be adjusted on the 1st of February each year.

AND

Additions to be made to the Rate of Customers resident in areas or municipalities for the recovery of specific costs which are not generally incurred by the Company. The addition is the estimated percentage of gross revenue excluding gas costs (Rider "F"), deemed value (Rider E") and the company owned production rate rider (COPRR) (Rider "G") required to provide for the costs payable each year. To the extent that this percentage may be more of less than that required to recover the costs incurred, the percentage of gross revenue provided in the Rider will be adjusted on the 1st of February each year.

The percentage is to be applied as an addition to the billings calculated under the Rates including charges as allowed under other Riders in effect with respect to the following municipalities:

Breton