

Regulations and other acts

Gouvernement du Québec

O.C. 1354-2002, 20 November 2002

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie

— Conditions under which and cases in which a supply contract entered into by the electric power distributor must be approved

Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie

WHEREAS, under subparagraph 8 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Régie de l'énergie may make regulations determining the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie;

WHEREAS, at its meeting of 15 July 2002, the Régie adopted the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie;

WHEREAS, under section 115 of the Act respecting the Régie de l'énergie, the regulations adopted by the Régie must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 9 October 2002 with a notice that it could be submitted to the Government for approval upon the expiry of 15 days following that publication;

WHEREAS, at its meeting of 20 November 2002, the Régie adopted the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie, with amendments, to take into account comments submitted by interested persons;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— to ensure electric power supply to Québec markets from 2006, Hydro-Québec, carrying on its electric power distribution activities, must, at the beginning of 2003, enter into the electric power supply contracts selected at the end of the tender solicitation process for the purchase of 1200 MW;

— it is essential, considering the importance of those activities, to determine as soon as possible which cases require the approval of the Régie and the conditions for obtaining that approval;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and the Minister for Energy:

THAT the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 8)

1. The electric power distributor must obtain the approval of the Régie de l'énergie before entering into an electric power supply contract for a term exceeding one year, from the scheduled start of deliveries to the end.

An application for approval must be filed with the Régie at least 90 days before the date of coming into force of the contract, unless the electric power distributor shows to the Régie that special circumstances prevented it. That period is 60 days for contracts to be awarded following the electric power distributor's first tender solicitation.

The application must include the contracts and must contain the following information :

(1) a description of the contribution of each contract to the supply plan and, where the tender solicitation is filled by several contracts, a description of the contribution of each contract to the tender solicitation ;

(2) where the tender specifications provide that all or part of the needs of Québec markets met by a particular source of electric power supply must be supplied out of an energy block determined by regulation of the Government, a description of the contribution of each contract to the energy block determined by regulation of the Government, to the supply plan, and to the tender solicitation where it is filled by several contracts ;

(3) a description of the guarantees provided for in the contracts to cover financial risks and risks related to supply adequacy, as well as an analysis of the residual risks ;

(4) the demonstration that the contract or the combination of contracts carries the lowest price, for the quantity of electric power and the conditions stipulated, taking into account the applicable transmission cost and, where the tender specifications provide that all or part of the needs of Québec markets met by a particular source of

electric power supply must be supplied out of an energy block determined by regulation of the Government, the demonstration that the lowest price does not exceed the maximum price established by regulation of the Government, if the Government decides to establish such maximum price.

(5) a report comparing the prices of the contract, of the combination of contracts, or of each contract included in the combination of electric power supply contracts with the prices of the main products available on America's northeastern markets and the applicable transmission costs ;

(6) the demonstration that the characteristics of the contracts approved in the supply plan are met ; and

(7) where applicable, the actions taken by the electric power distributor following the report prepared by the Régie in the exercise of its power to monitor the tender solicitation and contract awarding procedure and code of ethics.

2. The electric power distributor must obtain the approval of the Régie before entering into an electric power supply contract for a term of between three months and one year, from the scheduled start of deliveries to the end, and for which the tenderer is the only one that has taken part in the tender solicitation, where all the tenderers are associated or affiliated with one another or with the electric power distributor, or where the lowest tenderer is associated or affiliated with the electric power distributor.

An application for approval must be filed with the Régie at least 5 days, excluding the days listed in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25), Saturdays and 24 and 31 December, before the date of coming into force of the contract, unless the electric power distributor proves to the Régie that special circumstances prevented it.

The application must include the contracts and must contain the following information :

(1) the demonstration that the contract or the combination of contracts carries the lowest price, for the quantity of electric power and the conditions stipulated, taking into account the applicable transmission cost ;

(2) a report comparing the prices of the contract, of the combination of contracts, or of each contract included in the combination of electric power supply contracts with the prices of the main products available on America's northeastern markets and the applicable transmission costs ; and

(3) where applicable, the actions taken by the electric power distributor following the report prepared by the Régie in the exercise of its power to monitor the tender solicitation and contract awarding procedure and code of ethics.

For the purposes of the first paragraph, the tenderer of a supply contract referred to in the last paragraph of section 2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) is deemed to be affiliated with the electric power distributor.

3. The electric power distributor must obtain the approval of the Régie before entering into a comprehensive general agreement with a supplier for multiple electric power supplies that has been exempted from tender solicitation by the Régie under the Act respecting the Régie de l'énergie.

An application for approval must be filed with the Régie at least 90 days before the date of coming into force of the agreement, unless the electric power distributor proves to the Régie that special circumstances prevented it.

The application must include the agreement and must contain the following information:

(1) a description and forecast of the specific needs referred to in the agreement;

(2) the demonstration that the characteristics of the agreement approved in the supply plan are met;

(3) the prices of the transactions or a description of the method used to determine the prices of the transactions, as the case may be; and

(4) the demonstration that the agreement meets the conditions of the exemption granted by the Régie.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

VILLE DE MAGOG, a corporation legally constituted in virtue of an Order in Council of the Government of Quebec number 1156-2002, adopted on October 2nd, 2002, which took effect and was published in the *Gazette officielle du Québec* on October 9th, 2002, governed by the Cities and Towns Act (R.S.Q., c. C-19), having its head office at 7, Principale Street East, Magog, Province of Quebec, J1X 1Y4, acting and represented by the mayor, Marc Poulin and the clerk, Martine Savard under a resolution bearing number 540-02, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, in Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL, having his main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called