

Draft Regulations

Draft Regulation

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

Agence de l'efficacité énergétique — Annual share payable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the annual share payable to the Agence de l'efficacité énergétique, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation establishes the method of calculation of the annual share payable by an energy distributor and the rate of interest on sums owing. It establishes the conditions on which distributors are required to pay the annual share to the agency. The main purpose of the draft Regulation is to provide for

— the necessary regulatory adjustment to ensure consistency with the Québec Energy Strategy, the Act respecting the Agence de l'efficacité énergétique and the Act respecting the Régie de l'énergie;

— the funding of the agency, in particular to develop, implement and follow up on the comprehensive energy efficiency and new technologies plan;

— the payment of penalties from energy distributors for failure to pay the share.

The draft Regulation has minor impacts on power rates.

Further information on the draft Regulation may be obtained by contacting Véronique Dubois, Secretary of the Régie de l'énergie, 800, Place Victoria, bureau 2.55, Montréal (Québec) H4Z 1A2; telephone: 514 873-2452 or toll free: 1 888 873-2452; fax: 514 873-2070; e-mail: secretariat@regie-energie.qc.ca.

Any person wishing to comment on the draft Regulation may do so in writing to the Secretary of the Régie de l'énergie, within the 45-day period. The comments will be analyzed by the Régie and sent to the Minister of Natural Resources and Wildlife, who is responsible for the administration of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01).

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation respecting the annual share payable to the Agence de l'efficacité énergétique

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 10
and 4th par.)

1. The annual share payable to the Agence de l'efficacité énergétique by an energy distributor under Chapter VI.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) for the fiscal year ending on 31 March 2008 and for each subsequent fiscal year corresponds to the sum of all products obtained by multiplying the applicable rate determined under section 2, per form of energy or group of fuels, by the volume of energy concerned determined under section 4 that is attributable to the distributor.

For the purposes of this Regulation, “form of energy” means electric power, natural gas and the various fuel types consisting of gasoline, diesel fuel, light heating oil, heavy heating oil and propane.

2. A rate is fixed annually for each form of energy and, where applicable, for every group of fuels. The rate applicable for a form of energy or group of fuels is the quotient obtained by dividing the revenue required by the agency for that form of energy or group of fuels, as determined under section 3, by the sum of the volumes determined under section 4 that are attributable to all the distributors of that form of energy or group of fuels.

3. For the purposes of section 2, the revenue required by the agency, for each form of energy or group of fuels, for a particular fiscal year, corresponds, for each form of energy or group of fuels, to the agency's expenditure estimates, less its revenue estimates excluding share revenue for that fiscal year, as approved by the Government, less the agency's audited accumulated surplus for the preceding fiscal year.

A required revenue is established for each group of fuels if the expenditure estimates concern more than one fuel type.

The estimates and surplus referred to in this section are those established by the agency within the scope of the comprehensive energy efficiency and new technologies plan; if applicable, they are adjusted to take into account the decisions of the Régie.

4. The volume of energy attributable to the electric power distributor or a natural gas distributor is determined by the Régie taking into account the information obtained from the distributors for their fiscal year preceding the fiscal year for which the annual share is calculated.

If the volume of electric power is attributable to an energy distributor having entered into a service agreement with Hydro-Québec in the course of its distribution activities to delegate the management of its programs and actions promoting energy efficiency and new energy technologies to Hydro-Québec, that volume is nil.

The volume of electric power distributed by the electric power distributor to an energy distributor that has not entered into the agreement referred to in the second paragraph is not attributable to the electric power distributor. In such a case, the volume of electric power attributable to the energy distributor is determined by the Régie taking into account the information obtained from the energy distributor for the fiscal year preceding the fiscal year for which the annual share is calculated.

The volume of energy attributable to a fuel distributor is converted into megajoules according to the following table:

CONVERSION TABLE (in megajoules per litre)

Fuel types

Gasoline	Diesel fuel	Light heating oil	Heavy heating oil	Propane
35.00	38.30	38.80	42.50	25.31

The fuel sold in Québec is presumed to be intended for consumption in Québec unless shown otherwise by the distributor.

In determining the volume of energy attributable to a fuel distributor, the Régie also takes into account in particular the statements filed by the distributors pursuant to section 85.31 of the Act.

5. The annual share payable by an energy distributor, for each fiscal year of the agency, is payable in four quarterly payments on 30 June, 30 September, 31 December and 31 March.

The amount of the last quarterly payment continues to apply in the subsequent fiscal year up to the quarter during which the notice of payment of the annual share is sent for that fiscal year. Any overpayment or amount still owing to the agency for that fiscal year is apportioned equally over the remaining quarterly instalments.

6. Any variation the Régie establishes in the volume attributable to an energy distributor after the annual determination of the applicable rate will be the subject of a new notice of payment indicating the revised amount of the annual share payable by the distributor. The notice is sent at the latest with the notice of payment for the subsequent fiscal year.

7. Any balance unpaid on the due date bears interest at the rate determined as provided in section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31). The interest is capitalized monthly.

In addition to the interest payable, a penalty of 15% is added to any sum owing if the delay exceeds 60 days.

8. For the purposes of section 3, the agency's audited accumulated surplus for the 2006-2007 fiscal year, for each form of energy or group of fuels, is deemed to be nil.

9. Despite the provisions of section 5, the annual share payable by an energy distributor for the 2007-2008 fiscal year is payable in full on the fifteenth day after the day on which the notice of payment is sent by the Régie.

For the purposes of the second paragraph of that section, the amount corresponding to one-quarter of the annual share payable for the 2007-2008 fiscal year continues to apply in the 2008-2009 fiscal year up to the quarter during which the notice of payment of the annual share is sent for that fiscal year. Any overpayment or amount still owing to the agency for the 2008-2009 fiscal year is apportioned equally over the remaining quarterly instalments.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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