

## Draft Regulations

### Draft Regulation

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

#### Régie de l'énergie — Annual duty 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 duty payable to the Régie de l'énergie, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the annual duty payable to the Régie de l'énergie, made by Order in Council 736-2004 dated 28 July 2004, to

— establish the regulatory agency's new financing rules considering the new jurisdictions that were granted to the agency after the passage in December 2006 of the Act respecting the implementation of the Québec Energy Strategy and amending various legislative provisions (2006, c. 46);

— subject distributors of fuel, including gasoline, diesel fuel, light heating oil and heavy heating oil, to the payment of a duty.

The draft Regulation has no direct impact on the public or electric power and natural gas distributors. As regards the petroleum products distributors that were already paying a duty to ensure the financing of the agency, they will have to pay a duty as fuel distributors. The draft Regulation adds a new category of distributors that will be subject to the payment of a duty because of the costs related to the new responsibilities of the Régie de l'énergie in respect of those distributors.

Further information on the draft Regulation may be obtained by contacting René Paquette, Director General, Electricity, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau A416, Québec (Québec) G1H 6R1; telephone: 418 627-6386; fax: 418 646-1878; e-mail: rene.paquette@mrf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Bienvenue, Associate Deputy

Minister for Energy, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau B401, Québec (Québec) G1H 6R1.

CLAUDE BÉCHARD,  
*Minister of Natural Resources  
and Wildlife*

### Regulation respecting the annual duty payable to the Régie de l'énergie

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 1 and 2nd par.)

1. The rates of duty payable by distributors for the fiscal year ending on 31 March 2009 and for each subsequent fiscal year are determined by dividing, for each form of energy, the adjusted expenditure estimates of the Régie de l'énergie by

(1) the sum of the volumes of electric power distributed by each electric power distributor during its preceding fiscal year, including the volumes delivered to consumers at voltages of 44 kV or higher, excluding the volumes of electric power sold to another electric power distributor;

(2) the sum of the volumes of natural gas transmitted and the volumes delivered by each natural gas distributor during its preceding fiscal year;

(3) the sum of the volumes of gasoline and diesel fuel intended for consumption in Québec that were sold and refined in Québec or brought into Québec by each petroleum products distributor and, if applicable, the volumes traded with a refiner in Québec by each petroleum products distributor;

(4) the sum of the volumes of gasoline, diesel fuel, light heating oil and heavy heating oil intended for consumption in Québec that were sold and refined in Québec or brought into Québec by each fuel distributor and, if applicable, the volumes traded with a refiner in Québec by each fuel distributor; or

(5) the sum of the volumes of steam distributed by pipes for heating purposes by each steam distributor during its preceding fiscal year.

For the purposes of the first paragraph, the adjusted expenditure estimates correspond to the difference, for each form of energy, between the expenditure estimates of the Régie as relate to the distributors, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the distributors at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

For the purpose of determining the volumes of gasoline, diesel fuel, light heating oil and heavy heating oil, for each distributor referred to in this Regulation, the Régie takes into account the volumes stated for its fiscal year preceding 31 March for the purposes of the Regulation respecting the annual share payable to the Agence de l'efficacité énergétique approved by Order in Council 139-2008 dated 20 February 2008.

The duty payable by each distributor of a form of energy is the product of the rate multiplied by the volumes referred to in the first paragraph attributable to the distributor.

**2.** The annual duty payable by the electric power carrier for the fiscal year ending on 31 March 2009 corresponds to the adjusted expenditure estimates of the Régie in that regard and modified according to the remuneration established in the agreement authorized by the Gouvernement du Québec under section 85.4 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) for the same fiscal year.

The annual duty payable by the electric power carrier for each subsequent fiscal year corresponds to the adjusted expenditure estimates of the Régie in that regard.

For the purposes of the first two paragraphs, the adjusted expenditure estimates correspond to the difference between the expenditure estimates of the Régie as relate to the electric power carrier, as approved by the Government for the current fiscal year, and the accumulated surplus as relates to the electric power carrier at the end of the preceding fiscal year, and presented as supplementary information to the audited financial statements of the Régie.

**3.** The duty payable by electric power or natural gas distributors and by the electric power carrier is payable in equal instalments on the first day of each month.

The amount of the last monthly instalment continues to apply until the last day of the month during which the expenditure estimates are adjusted as provided in the second paragraph of section 1 and the third paragraph of section 2. Any overpayment of or amount owing on the duty payable to the Régie for the fiscal year is to be equally apportioned over the remaining monthly instalments.

The annual duty payable by petroleum products, fuel or steam distributors is payable in one instalment on the first day of the month following the month in which the expenditure estimates are adjusted as provided in the second paragraph of section 1.

**4.** Distributors of petroleum products other than distributors that refine in Québec, trade with a refiner in Québec or bring into Québec more than 100 million litres of gasoline or diesel fuel per year intended for consumption in Québec are exempt from the application of this Regulation.

**5.** Any outstanding amount on the duty bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31). The interest is capitalized monthly.

**6.** This Regulation replaces the Regulation respecting the annual duty payable to the Régie de l'énergie made by Order in Council 736-2004 dated 28 July 2004.

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

9148

## Draft Regulation

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

An Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans  
(2006, c. 42)

### Supplemental pension plans — Amendments

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 to amend the Regulation respecting supplemental pension plans, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The main objective of the draft Regulation is to implement, as of 1 January 2010, new measures on the funding of defined benefit pension plans introduced by the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, c. 42). The draft Regulation determines the elements that allow the establishment of