

## Regulations and other Acts

Gouvernement du Québec

**O.C. 520-2009**, 29 April 2009

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

### **Wind energy** — **250 MW block of from Aboriginal projects** — **Amendment**

Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from Aboriginal projects by Order in Council 1043-2008 dated 29 October 2008;

WHEREAS the Government amended the Regulation respecting a 250 MW block of wind energy from Aboriginal projects by Order in Council 180-2009 dated 4 March 2009;

WHEREAS the Government determined in that Regulation that the price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted to the Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity;

WHEREAS the unstable economic and financial context can influence the feasibility, realization and profitability of renewable energy projects, including wind energy projects;

WHEREAS the maximum price of 9.5¢/kWh is no longer appropriate given the current economic and financial context and it is necessary to change it to ensure the success of the call for tenders for the benefit of Aboriginal communities;

WHEREAS raising the maximum price to 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent will favour the optimal development of Aboriginal projects for the benefit of the communities and will give more flexibility to tenderers;

WHEREAS it is expedient to further amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in accordance with the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, Hydro-Québec must issue the call for tenders for 250 MW of wind energy from Aboriginal projects before 1 May 2009;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects:

— it is advisable to change the price of electric power so that tenderers may know the basic parameters of the call for tenders as soon as it is issued before 1 May 2009

and submit tenders that take into account the current economic and financial context, while ensuring the optimal development of Aboriginal projects for the benefit of the communities;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects\*

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 112, 1st par., subpar 2.1)

**1.** The last paragraph of section 1 of the Regulation respecting a 250 MW block of wind energy from Aboriginal projects is replaced by the following:

“The price of electric power for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity, may not exceed 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent.”

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

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Gouvernement du Québec

## O.C. 521-2009, 29 April 2009

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

### Wind energy — 250 MW block from community projects — Amendment

Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from community projects by Order in Council 1045-2008 dated 29 October 2008;

WHEREAS the Government amended the Regulation respecting a 250 MW block of wind energy from community projects by Order in Council 179-2009 dated 4 March 2009;

WHEREAS the Government determined in that Regulation that the price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted to the Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity;

WHEREAS the world economic and financial context influences the feasibility, realization and profitability of renewable energy projects, including wind energy projects;

WHEREAS the maximum price of 9.5¢/kWh is no longer appropriate given the current economic and financial context and it is necessary to change it to ensure the success of the call for tenders for the benefit of the regions;

WHEREAS raising the maximum price to 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent will favour the optimal

\* The Regulation respecting a 250 MW block of wind energy from Aboriginal projects, made by Order in Council 1043-2008 dated 29 October 2008 (2008, G.O. 2, 5099), was amended by Order in Council 180-2009 dated 4 March 2009 (2009, G.O. 2, 544).