

Chapter 6

AN ACT TO AMEND THE UTILITY RATES REVIEW COUNCIL ACT

(Assented to March 23, 2010)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Utility Rates Review Council Act* is amended by this Act.**
2. **(1) Subsections 3(1) to (4) are repealed and the following substituted:**

Appointment

3. (1) The Review Council consists of five members appointed by the Minister for the Review Council.

Chairperson and vice-chairperson

(1.1) The Minister for the Review Council shall designate a chairperson and vice-chairperson from among the members of the Review Council.

Term

(2) A member of the Review Council holds office for a term of not more than three years.

Temporary members

(3) The Minister for the Review Council, on the request of the Review Council, may appoint, in addition to the members appointed under subsection (1), no more than two temporary members of the Review Council for the purpose of dealing with a particular matter before the Review Council, and may specify the term and duties of the temporary members.

Limit on appointment

(4) No person employed in the public service may be appointed to, or serve as a member or temporary member of, the Review Council.

- (2) Subsection 3(9) is repealed and the following substituted:**

Executive Director

(9) The Review Council may appoint an Executive Director and fix the terms and conditions of the appointment.

Duties of Executive Director

- (10) The Executive Director shall
 - (a) keep a record of all proceedings of the Review Council and have custody of all of the Review Council's records and documents; and

- (b) perform any other duties that may be assigned by the Review Council.

3. Section 4 is repealed.

4. Section 5 is amended by striking out "Two" and substituting "Three".

5. The following is added after subsection 6(2):

Panels

(2.1) For greater certainty, the Review Council may act in panels and the chairperson shall determine

- (a) whether to assign a matter to the Review Council or a panel; and
- (b) where a matter is assigned to a panel, the composition of the panel.

6. The following is added after subsection 8(1):

Power to demand information

(1.1) The Review Council may, whether or not a question or matter has been referred to it, require a utility to provide any relevant information that the Review Council requests.

7. (1) Subsection 12(1) is repealed and the following substituted:

Application for approval of rate or tariff

12. (1) A designated utility that desires to impose a rate or tariff shall make an application in writing to the responsible Minister for approval of the rate or tariff.

(2) The English version of subsection 12(2) is repealed and the following substituted:

Request for advice of Review Council

(2) Within 15 days of receiving an application under subsection (1), the responsible Minister shall request the advice of the Review Council.

8. The following is added after section 12:

Interim rate or tariff

12.1. (1) Where the advice of the Review Council is requested under subsection 12(2), the Review Council may recommend the imposition of an interim rate or tariff until an instruction is given under section 16, and the Minister for the Review Council may authorize the designated utility to impose the recommended interim rate or tariff.

Overpayment

(2) Where the instruction given under section 16 results in no new rate or tariff or in the imposition of a rate or tariff that is less than the interim rate or tariff, the designated utility shall, as soon as practicable, credit every customer an amount equal to the

difference between the total amount paid by the customer pursuant to the interim rate or tariff and the total amount the customer would have paid had the interim rate or tariff not been in effect.

9. Subsection 13(1) is repealed and the following substituted:

Report

13. (1) The Review Council shall report to the responsible Minister its recommendation that:

- (a) the imposition of the proposed rate or tariff should be allowed;
- (b) the imposition of the proposed rate or tariff should not be allowed;
- or
- (c) another rate or tariff specified by the Review Council should be imposed.

Minor application

(1.1) Where, in the opinion of the Review Council, the application for the proposed rate or tariff is a minor application, the Review Council shall report to the responsible Minister within 90 days of receiving the responsible Minister's request for advice under subsection 12(2).

Major application

(1.2) Where, in the opinion of the Review Council, the application for the proposed rate or tariff is a major application, the Review Council shall report to the responsible Minister within 150 days of receiving the responsible Minister's request for advice under subsection 12(2).

10. The English version of subsection 15(2) is amended by striking out "seeking" and substituting "requesting".

11. The English version of subsection 16(2) is amended by striking out "request" and substituting "application".

12. Subsection 18(1) is repealed and the following substituted:

Notice to public - interim rate or tariff

18. (1) The Minister for the Review Council shall, in the manner the Minister considers is most likely to make the information publicly known in a culturally appropriate and effective way, take reasonable measures to notify the public of the imposition of an interim rate or tariff under subsection 12.1(1).

Notice to public - instruction

(1.1) The responsible Minister shall, in the manner the Minister considers is most likely to make the information publicly known in a culturally appropriate and effective way, take reasonable measures to notify the public of any instruction given, or deemed to have been given, under section 16.

13. The English version of the following provisions are amended by striking out each comma which appears at the end of a paragraph and substituting a semi-colon:

- (a) section 7;**
- (b) subsection 8(1);**
- (c) subsection 13(2).**

14. Each provision listed in Column 1 of the Schedule to this Act is amended by striking out the words set out in the same row of Column 2 and substituting the words set out in the same row of Column 3.

SCHEDULE*(Section 14)*

Provisions Amended	Word or Words Struck Out	Word or Words Substituted
<ul style="list-style-type: none"> • section 1, definition "Minister for the Review Council" 	"who is designated by the Commissioner on the advice of the Premier as being responsible"	"who is responsible"
<ul style="list-style-type: none"> • the English version of section 1, definition "designated utility" 	"a member of class"	"a member of a class"
<ul style="list-style-type: none"> • the English version of section 1, definition "rate structure" 	"a utility, classes of"	"a utility, the classes of"
<ul style="list-style-type: none"> • the French version of section 1, paragraph (b) of the definition "entreprise de service" 	"une division administrative du gouvernement du Nunavut, auquel"	"une division administrative du gouvernement du Nunavut, auxquels"
<ul style="list-style-type: none"> • the French version of section 1, paragraph (c) of the definition "entreprise de service" 	« une personne ou une organisation non mentionnée à l'alinéa a) ou b) et à laquelle »	« une personne ou une organisation non mentionnées à l'alinéa a) ou b) et auxquelles »
<ul style="list-style-type: none"> • the English version of subsection 11(1) 	"paragraph 20(1)(c) no"	"paragraph 20(1)(c), no"
<ul style="list-style-type: none"> • the English version of subsection 11(3) 	"for the purposes of this Act"	"for the purposes of this Act,"
<ul style="list-style-type: none"> • the French version of subsection 15(2) 	"en vertu du paragraphe 16(1) de se conformer"	"en vertu du paragraphe 16(1), de se conformer"
<ul style="list-style-type: none"> • the English version of subsection 16(2) 	"paragraph 1(b)"	"paragraph (1)(b)"
<ul style="list-style-type: none"> • subsection 18(2) 	"section 12"	"subsection 12(2)"