

CITY OF EDMONTON

BYLAW 12962

**2001 REGULATED RATE OPTION COLLECTION SHORTFALL CHARGE
BYLAW**

Whereas pursuant to paragraph 7 (g) of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting public utilities;

And Whereas EPCOR Energy Services Inc. incurred a shortfall amounting to the difference between the revenue that it collected from its Regulated Rate Option customers in 2001 using the energy charge prescribed by the Minister under the *Regulated Rate Option Amendment Regulation* (A.R. 250/2000) and the revenue that it would otherwise have been permitted to collect from those same customers under the *Regulated Rate Option Bylaw* (Bylaw 12368) plus reasonable carrying costs;

And Whereas the 2001 RRO Collection Shortfall Charge is a "Special Rate" for purposes of the *EPCOR Rates Procedures Bylaw* (Bylaw 12294, as amended);

Edmonton City Council enacts:

PART 1 - PURPOSES, DEFINITIONS AND INTERPRETATION

PURPOSES

- 1 The purposes of this Bylaw are to:
 - (a) approve the 2001 RRO Collection Shortfall Charge for inclusion in the Distribution Tariff on an interim refundable basis effective January 15, 2002;
 - (b) set out a process for establishing the 2001 RRO Collection Shortfall Charge on a final basis; and
 - (c) provide for the payment by EDI to EESI of the amounts collected by EDI under the 2001 RRO Collection Shortfall Charge.

DEFINITIONS

- 2
 - (a) "**City Manager**" means the Chief Administrative Officer of the City of Edmonton or his delegate;
 - (b) "**Council**" means the Municipal Council of the City of Edmonton;

(c) "**Distribution Tariff**" means the EDI Distribution Tariff as approved by Council in the *Distribution Tariff Bylaw* (Bylaw 12367, as amended);

(d) "**EDI**" means EPCOR Distribution Inc.;

(e) "**EESI**" means EPCOR Energy Services Inc.;

(f) "**EPCOR Rates Procedures Bylaw**" means Bylaw 12294, as amended;

(g) "**EUB**" means the Alberta Energy and Utilities Board;

(h) "**EUB Application**" means the EESI application to the EUB dated December 20, 2001 pursuant to the RRO Regulation for review of the amount prescribed by the Minister and for various recommendations to Council;

(i) "**EUB Final Recommendations**" the final recommendations of the EUB to Council resulting from the EUB Application;

(j) "**Final Rate Schedule**" means the Rate Schedule substituted for the Interim Rate Schedule in the Distribution Tariff pursuant to paragraph 10(a) or paragraph 11(a) of this Bylaw;

(k) "**Interim Rate Schedule**" means the Rate Schedule a copy of which is attached as Schedule "A" to this Bylaw;

(l) "**Proposed Rate Schedule**" means the Rate Schedule that is to be filed with the City Manager pursuant to paragraph 8(a) of this Bylaw;

(m) "**RRO**" means Regulated Rate Option;

(n) "**RRO Bylaw**" means Bylaw 12368;

(o) "**RRO Regulation**" means the *Regulated Rate Option Regulation* (A.R. 132/2001); and

(p) "**2001 RRO Collection Shortfall Charge**" means the charge to be collected from customers to recover the

difference between the revenue that EESI collected in 2001 using the 11 cents/kW.h energy charge prescribed by the Minister under the *Regulated Rate Option Amendment Regulation* (A.R. 250/2000) and the revenue that EESI would otherwise have been permitted to collect from customers under the RRO Bylaw as well as related carrying costs, all as more particularly described and quantified in the EUB Application.

INTERPRETATION 3 The marginal notes and headings in this Bylaw are for reference purposes only.

PART II - EFFECTIVE DATE

BYLAW EFFECTIVE 4 This Bylaw is effective January 15, 2002.

PART III - GENERAL

APPROVAL OF INTERIM AND FINAL CHARGES 5 (a) EDI is authorized and shall commence to collect the 2001 RRO Collection Shortfall Charge on an interim and refundable basis effective January 15, 2002 and for such purpose the Interim Rate Schedule is approved for inclusion in the Distribution Tariff on an interim refundable basis effective January 15, 2002.

(b) Effective January 15, 2002, EDI shall include the Interim Rate Schedule in the Distribution Tariff.

(c) EDI is authorized to and shall collect the 2001 RRO Collection Shortfall Charge on a final basis in accordance with the provisions of sections 9 through 12 of this Bylaw.

INTERIM CHARGE EFFECTIVE PERIOD 6 The Interim Rate Schedule shall remain in effect on an interim and refundable basis until:

(a) it is replaced by the Final Rate Schedule pursuant to paragraph 10(a) or paragraph 11(a) of this Bylaw, or

(b) Council amends this Bylaw on application by EESI as contemplated in paragraphs 8(b) or 11(b) of this Bylaw.

- FILING EUB FINAL RECOMMENDATIONS** 7 Immediately after the EUB Final Recommendations are received from the EUB, EESI shall file a copy of the EUB Final Recommendations with the City Manager for information.
- FILING FINAL CHARGE OR NOTICE OF INTENTION TO AMEND BYLAW** 8 Not later than 30 days after the day upon which the EUB Final Recommendations are received from the EUB, EDI shall consult with EESI and:
- (a) with the agreement of EESI file with the City Manager a proposed Rate Schedule that is satisfactory to EESI and that implements the EUB Final Recommendations, or
 - (b) if, in the reasonable determination of EESI the EUB Final Recommendations differ in material respects from the recommendations requested in the EUB Application, file with the City Manager a notice that EESI intends to apply to Council in accordance with the EPCOR Rates Procedures Bylaw to amend this Bylaw.
- CITY MANAGER REVIEW OF FINAL CHARGE** 9 If, pursuant to paragraph 8(a) of this Bylaw, EDI files a Proposed Rate Schedule with the City Manager, then the City Manager shall review the Proposed Rate Schedule to confirm that it correctly implements the EUB Final Recommendations.
- IMPLEMENTING FINAL CHARGE** 10 The City Manager shall within 7 days after EDI files a Proposed Rate Schedule pursuant to paragraph 8(a) of this Bylaw:
- (a) confirm in writing to EDI that the Proposed Rate Schedule correctly implements the EUB Final Recommendations in which event EDI shall immediately substitute it for the Interim Rate Schedule in the Distribution Tariff, or
 - (b) advise EDI in writing of the specific amendments that the City Manager considers must be made to the Proposed Rate Schedule in order that it correctly implement the EUB Final Recommendations.

11 If, pursuant to paragraph 10(b) of this Bylaw, the City Manager advises EDI that amendments are required to the Proposed Rate Schedule, then EDI shall within 7 days after receiving such advice from the City Manager consult with EESI and:

(a) with the agreement of EESI, revise the Proposed Rate Schedule by making the amendments identified by the City Manager, and then immediately substitute it for the Interim Rate Schedule in the Distribution Tariff, or

(b) file with the City Manager a notice that EESI intends to apply to Council in accordance with the EPCOR Rates Procedures Bylaw to amend this Bylaw.

**UPDATES AND
ADJUSTMENTS TO
CHARGE**

12 EDI shall, from time to time as required after a Final Rate Schedule is included in the Distribution Tariff pursuant to this Bylaw, and with the prior agreement of EESI, file with the City Manager for information such revised Final Rate Schedule or Schedules as may be required or desirable in order to collect from or refund to customers as appropriate differences between the interim and final 2001 RRO Collection Shortfall Charge for each customer Rate Class or in order to otherwise ensure that the 2001 RRO Collection Shortfall Charge collects the appropriate amount from each customer Rate Class. Immediately after filing a revised Final Rate Schedule with the City Manager pursuant to this section, EDI shall substitute such revised Final Rate Schedule for any Final Rate Schedule previously included in the Distribution Tariff pursuant to this Bylaw.

**APPLICATION TO
AMEND BYLAW**

13 If, pursuant to paragraph 8(b) or paragraph 11(b) of this Bylaw, EDI files a notice that EESI intends to apply to Council to amend this Bylaw, then EESI shall make such application at the earliest reasonable opportunity.

PAYMENT BY EDI TO EESI 14 EDI shall pay to EESI, in a manner and at times that are agreeable to EESI, all amounts collected by EDI under the Interim Rate Schedule and all amounts collected by EDI under any Final Rate Schedule that is included in the Distribution Tariff pursuant to this Bylaw.

Read a first time this _____ day of January, 2002.

Read a second time this _____ day of January, 2002.

Read a third time this _____ day of January, 2002.

Signed and Passed this _____ day of January, 2002.

CITY OF EDMONTON

MAYOR

CITY CLERK

**THIS IS SCHEDULE "A" TO THE
2001 REGULATED RATE OPTION COLLECTION SHORTFALL CHARGE
BYLAW
BYLAW 12962**

INTERIM RATE SCHEDULE

Applicable: To each site identification enrolled on the EPCOR Energy Services Inc. Regulated Rate Option at any time during 2001.

Rate: A fixed charge per month per site, calculated by multiplying the 2001 charge in the table below by all RRO energy delivered to a site in 2001, estimated or actual, divided by 12. The fixed monthly charge per site will apply until this Rate Schedule is replaced pursuant to the provisions of the 2001 RRO Collection Shortfall Charge Bylaw (Bylaw 12962).

EESI RRO Rate Category	Rider Charge for RRO energy delivered January – December 2001 (credit)
Residential	\$0.0198 /kW.h
Commercial (< 50 kVA demand)	\$0.0197 /kW.h
Commercial (> 50 kVA demand)	\$0.0197 /kW.h
Lighting	(\$0.0070) /kW.h