

# Jurisdictional Review of Energy Regulation by Province and Territory

by Karen Taylor | July 2019

*A Forum for Dialogue*

Council for  Clean & Reliable **Energy**  
*transforming the way we think about power*

## About the Author

### **Karen Taylor**



Karen Taylor is Vice Chair of the Council for Clean & Reliable Energy, a non-profit organization that provides a platform for public dialogue and analysis on subjects related to energy policy and governance. She is also an Executive Fellow with the Ivey Energy Policy and Management Centre. Karen has over 25 years of relevant senior executive financial and energy experience. She was a top-ranked equity analyst for 16 years with TD Securities and BMO Capital Markets covering the pipeline, energy utility and power generation sectors. She also served as the Executive Advisor to the Chair of the Ontario Energy Board and was a Member of the Ontario Energy Board, the independent agency that regulates and determines rates for Ontario's natural gas and electric transmission and distribution utilities in the public interest. In addition, she served as Special Advisor to the Chair of the Ontario Securities Commission. She is also an independent energy consultant to industry and investors, with deep experience in capital markets, regulatory policy and infrastructure investing.

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# Jurisdictional Review of Energy Regulation by Province and Territory

**Karen Taylor, Vice Chair, Council for Clean & Reliable Energy**

## INTRODUCTION AND ACKNOWLEDGEMENT

In early April 2019, I was asked by the organizers of the Energy Law Forum to participate on a panel at the Forum on May 9. My remarks were to address the state of regulatory independence, from a pan-Canadian perspective. To inform my remarks, I undertook a jurisdictional review of the governance structure of each of the provincial and territorial energy utility regulators, the federal National Energy Board, the Alberta Energy Regulator, and the legislative initiatives in Ontario via Bill 87 and federally via Bill C-69. The results of this effort are set out on the following pages.

The jurisdictional review was embraced by Forum participants and by CAMPUT, the Canadian Association of Members of Public Utility Tribunals, who collectively supported making the review publicly available and subject to periodic updates, as governance structures evolve.

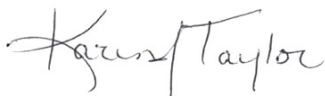
Given the important role public utilities and other rate regulated entities play in the Canadian economy and the equally important, yet often misunderstood role of energy regulators, I am pleased to make the jurisdictional survey publicly available.

I would also like to gratefully acknowledge the review by and receipt of comments and edits from the following regulators:

- British Columbia Utilities Commission
- Alberta Utilities Commission
- Saskatchewan Rate Review Panel
- Manitoba Public Utilities Board
- Régie de l'énergie
- New Brunswick Energy & Utilities Board
- Nova Scotia Utility and Review Board
- Newfoundland and Labrador Board of Commissioners of Public Utilities
- Island Regulatory & Appeals Commission
- Northwest Territories Public Utilities Board
- Yukon Utilities Board
- National Energy Board and Canadian Energy Regulator

Notwithstanding the tremendous support from the regulatory community, any errors or material omissions are my own. I hope you find this review informative.

Karen Taylor



Toronto, July 2019

<b>Regulator</b>	<b>British Columbia Utilities Commission</b>
<b>Nature of Appointment</b>	<p>At pleasure - Lieutenant Governor in Council, in consultation with the Chair and CEO. Reports to BC legislature through the Minister of Energy and Mines.</p> <p>Appointments are as per <i>Administrative Tribunals Act</i>.</p>
<b>Chair/Vice Chair(s)</b>	<p>The LGIC designates one Commissioner as the Chair and other Commissioners are appointed after consultation with the Chair.</p> <p>The LGIC, after consultation with the Chair, may designate a Commissioner as a Deputy Chair.</p>
<b>Full-Time Members</b>	At the time of writing, there are 13 Commissioners - 4 Full-time Commissioners (including the Chair) and 9 Part-time Commissioners.
<b>Board of Directors/ Executive Committee</b>	Not applicable.
<b>CEO/CE/President</b>	Chair is the Chief Executive Officer of the Commission and is responsible for the oversight of the Commission. The Chair must supervise the work of the Commissioners, Chief Operating Officer, staff and technical consultants.
<b>Term</b>	<p>Chair is appointed pursuant to a merit-based process to hold office for an initial term of 3 to 5 years. The Chair may be reappointed after a merit-based process for additional terms of up to 5 years.</p> <p>A Commissioner is appointed pursuant to a merit-based process and consultation with the Chair for an initial term of 2 to 4 years and may be reappointed for additional terms of up to 5 years.</p>

**British Columbia Utilities Commission**

<p><b>Governing Statute(s)</b></p>	<p><i>Utilities Commission Act</i>  <i>Clean Energy Act</i>  <i>Administrative Tribunals Act</i>  <i>Freedom of Information and Protection of Privacy Act</i></p>
<p><b>Directive Authority or Equivalent</b></p>	<p>BCUC is subject to special directions, orders in council, ministerial orders from the BC government, and these directives and orders change on a somewhat regular basis. Section 3(1) of the <i>Utilities Commission Act</i> states that the Lieutenant Governor in Council, by regulation, may issue a direction to the Commission with respect to the exercise of the powers and the performance of the duties of the Commission, including a direction requiring the commission to exercise a power or perform a duty, or to refrain from doing either, as specified in the regulation. Under section 3(1) of the UCA, however, the LGIC may not declare an order or decision of the Commission to be of no force or effect or require the Commission to rescind an order or a decision.</p> <p>Issued directions, orders in council, ministerial orders, etc., by type:</p> <p>BCUC Directions - 40  Regulations - 31  Exemptions - 13  BC Hydro and Power Authority Special Direction(s) and Other - 26  BC Transmission Corporation Special Direction(s) -2  Heritage Special Direction(s) - 13</p> <p><i>Utilities Commission Act</i> - section 3  <i>Clean Energy Act</i> - section 35</p>

**British Columbia Utilities Commission**

<p><b>Decide or Recommend</b></p>	<p>In general, the Commission's authority in relation to public energy utilities includes, but is not limited to: (i) approving or rejecting a long-term resource plan; (ii) approving or rejecting capital and demand-side expenditures; (iii) approving and issuing certificates of public convenience and necessity for projects; (iv) approving the issuance of securities; (v) providing an opinion to LGIC that a consolidation, amalgamation or merger would be beneficial in the public interest or rejecting the application; (vi) determining the depreciation of accounts and funds; (vii) creating reserve funds (deferral and variance accounts); (viii) setting rates, and (ix) determining whether transmission grid reliability standards are in the public interest.</p> <p>There are a number of limits on the Commission's powers and these limits are subject to change. For example, <i>The Clean Energy Act</i> limits the BCUC's authority to approve BC Hydro's integrated resource plan. Direction No. 7 issued under the UC Act also limited the BCUC's authorities. Direction No. 7, which has now been repealed: (i) implemented the government's 2013 10 Year Rates Plan by setting rate increases, rate caps or targets; (ii) required the BCUC to set the Deferral Account Rate Rider at 5% indefinitely; (iii) set BC Hydro's allowed annual net income for rate-setting purposes; and (iv) required the BCUC to approve creation of the Rate Smoothing Regulatory Account and the deferral or specified revenues into it.</p>
<p><b>Appeal</b></p>	<p>Section 99 of the UC Act provides that the Commission, on application or on its own motion, may reconsider a decision, an order, a rule or a regulation of the Commission and may confirm, vary or rescind the decision, order, rule or regulation.</p> <p>With the exception of an appeal of the Commission under section 109.1 or 109.2 (Administrative Penalties), an appeal of a decision or order of the Commission is to the Court of Appeal.</p>
<p><b>Funding</b></p>	<p>Self-Funded since 1988. Costs are recovered through a levy on the businesses regulated by the BCUC.</p> <p>Section 125 of the UCA enables the BCUC to recover its expenses arising from the administration of the Act, in each fiscal year commencing April 1 and to fix and collect levies from public utilities and other persons so defined. The Levy Regulation (B.C. Reg. 283/88), issued under section 125 of the UCA, authorizes the Commission to collect and retain all levies collected under the Regulation and to base the amount of a levy on the value and the volume of the energy transmitted or distributed or the service furnished.</p>

<b>Regulator</b>	<b>Alberta Utilities Commission</b>
<b>Nature of Appointment</b>	At pleasure - Lieutenant Governor in Council. Reports to Alberta legislature through the Ministry of Energy.
<b>Chair/Vice Chair(s)</b>	<p>The Chair has the power to act for, and in the name of, the Commission in the execution, performance and carrying out of any act that is within the power of the Commission, subject only to express directions or decisions given or made by a resolution of the Commission.</p> <p>The Chair may appoint not more than two members as Vice-chairs.</p>
<b>Full-Time Members</b>	<p>Commission shall consist of not more than nine members, one of whom will be designated as Chair.</p> <p>Commission may exceed stipulated number of members by the appointment of acting commission members.</p>
<b>Board of Directors/ Executive Committee</b>	<p>Not applicable.</p> <p>The AUC has not yet executed a Mandate and Roles document with the Alberta Government to satisfy the requirements of the <i>Alberta Public Agencies Governance Act</i>.</p>
<b>CEO/CE/President</b>	The Commission appoints a Chief Executive and determines the Chief Executive's powers, duties and functions. The Commission also determines the remuneration to be paid in accordance with regulations made under the <i>Alberta Public Agencies Governance Act</i> .
<b>Term</b>	<p>Member of Commission: a person appointed to the Commission holds office for a term of not more than five years, and reappointed for one or more terms not exceeding five years each.</p> <p>Pursuant to section 14 of the <i>Alberta Public Agencies Governance Act</i> the maximum term for an appointment in the case of a public agency that is empowered to perform an adjudicative function is 12 consecutive years and 10 consecutive years in any other case.</p> <p>However, if in the opinion of the responsible Minister it is necessary to ensure the effective operation of a public agency, the responsible Minister may recommend to the LGIC that an order be made such that the maximum term of office does not apply.</p>



### Alberta Utilities Commission

<p><b>Governing Statute(s)</b></p>	<p>The Alberta Utilities Commission is established as a corporation under the <i>Alberta Utilities Commission Act</i> and executes its mandate in accordance with various regulations made under the Act. The Commission is an agent of the crown and conducts activities pursuant to the <i>Electric Utilities Act</i>, the <i>Hydro and Electric Energy Act</i>, the <i>Gas Utilities Act</i>, the <i>Renewable Electricity Act</i>, and <i>An Act to Cap Regulated Electricity Rates</i>.</p>
<p><b>Directive Authority or Equivalent</b></p>	<p>Section 8(4) of the AUC Act provides that the LGIC may, by order, require the Commission to carry out any function or duty specified in the order, including inquiring into, hearing and determining any matter or thing within the jurisdiction of the Commission.</p>
<p><b>Decide or Recommend</b></p>	<p>The Commission has the authority to hear and determine all questions of law or fact; make an order granting the relief applied for; make interim orders; and grant partial or additional relief on matters within its jurisdiction. The Commission may exercise its powers the performance of duties and functions under the AUC Act on its own initiative or motion.</p>
<p><b>Appeal</b></p>	<p>Section 10 of the Act provides that the Commission may, in accordance with rules made by it respecting the review or any decision or order made by the Commission, review any decision or order made and after the review, may confirm, rescind or vary the decision or order.</p> <p>An appeal from a decision or order of the Commission is to the Alberta Court of Appeal on a question of jurisdiction or on a question of law, subject to permission to appeal being granted by the Court.</p>
<p><b>Funding</b></p>	<p>Section 70 of the AUC Act allows the Commission to impose an administration fee sufficient to pay for its estimated net expenditures associated with carrying out its power, duties and functions for a fiscal year.</p> <p>Rule 025: Administration Fee sets out how the AUC recovers its operating and capital costs directly from natural gas and electricity companies it regulates. The fee is allocated to administration fee categories based on the AUC's services provided to each category. Orders to pay are issued twice per fiscal year.</p> <p>Section 21 allows the Commission to order by whom and to whom its costs and any other costs of or incidental to any hearing or other proceeding of the Commission are to be paid. The Commission is also allowed to make rules respecting the payment of costs of intervenors, local and non-local.</p>

<b>Regulator</b>	<b>Alberta Energy Regulator</b>
<b>Nature of Appointment</b>	<p>Pursuant to section 6 (1.2) of the Designation and Transfer of Responsibility Regulation, the AER's power, mandate and functions are governed under both the Ministry of Energy and the Ministry of Environment and Parks. Where specifically referenced, the AER may also be governed by the Ministry of Indigenous Relations and accountable to the Minister of Indigenous Relations.</p> <p>Board of Directors: Appointed at the pleasure of the Crown by Order in Council, pursuant to section 5 of <i>Responsible Energy Development Act</i>.</p> <p>Board Chair: Appointed at the pleasure of the Crown, as per Directors.</p> <p>Chief Hearing Commissioner and Hearing Commissioners: Appointed by Order in Council on recommendation by the Ministers. Chief Hearing Commissioner and the Chair with input from the CEO identify skills matrix. Selection process is the responsibility of the Chair.</p> <p>Chief Executive Officer: Subject to the approval of the Ministers, the Board of Directors appoints a CEO.</p>
<b>Chair/Vice Chair(s)</b>	<p>The Chair leads the Board to ensure effective operation of the AER's governance responsibilities. Duties include, but are not limited to: (i) assist in and make recommendations to the Ministers regarding recruitment and selection of directors and hearing commissioners; (ii) work with the CEO and the Ministers in the development of the long-term objectives and short-term targets for the AER to ensure shared outcomes are achieved; (iii) establish the overall system and proposed process for the management and performance assessment of the Chief Hearing Commissioner and hearing commissioners; (iv) assess, with input from the CEO, the performance of the Chief Hearing Commissioner, and the Chief Hearing Commissioner will assess the performance of the full time and part time hearing commissioners; and (v) evaluate, with input from the Board, the performance of the CEO.</p>
<b>Full-Time Members</b>	<p>Chief Hearing Commissioner, together with the Chair and with input from the CEO identify and implement a competency matrix for hearing commissioners as a whole and the competencies and values required for individual full-time and part-time commissioners.</p>

## Alberta Energy Regulator

<p><b>Board of Directors/ Executive Committee</b></p>	<p>The Board is accountable for governance of the AER and strategic direction. It is also responsible for the AER's advisory function. Specifically, through the Chair, the Board will work with the CEO to ensure alignment with government initiatives, providing information, advice, or recommendations as requested; and through the Chair, will work with the CEO to promote the AER working closely together with government departments and agencies to achieve alignment of the AER's policy assurance functions with the government's policy development functions. For greater clarity, "policy development" means analysis and the development of policy options around resource development. "Policy assurance" means implementation and regulation to achieve policy outcomes of government. This includes decision-making, compliance monitoring and enforcement mechanisms.</p>
<p><b>CEO/CE/President</b></p>	<p>The CEO is accountable to the Chair and manages the day-to-day operations of the business and affairs of the AER. The CEO is also responsible and accountable for the oversight and implementation of the AER's strategic plan(s) and initiatives for continual improvement of the efficiency and effectiveness of the AER's operations, including: (i) regulatory requirements and processes; (ii) compliance and enforcement activities; (iii) closure and reclamation activities; (iv) scientific and technical expertise; (v) stakeholders engagement; and (vi) corporate services.</p> <p>The CEO is also accountable for ensuring the AER's adjudicative functions are adequately supported and resourced.</p> <p>Not permitted to make rules or direct the conclusions or decisions of hearing commissioners when they are engaged on adjudicating a matter.</p> <p>Leads the AER's interactions with government departments and agencies; leads the AER's participation in the government's integrated resource management committees; participates with the Chair, Board, and Deputy Ministers in resolving key stakeholder issues so shared outcomes are achieved.</p>
<p><b>Term</b></p>	<p>Hearing Commissioner: pursuant to <i>Alberta Public Agencies Governance Act</i>, no more than 12 consecutive years.</p> <p>Director: pursuant to <i>Alberta Public Agencies Governance Act</i>, no more than 10 consecutive years.</p>

## Alberta Energy Regulator

<p><b>Governing Statute(s)</b></p>	<p>The AER is a corporation established under and subject to the <i>Responsible Energy Development Act</i>. It is not an agent of the Crown. It is also governed by the <i>Alberta Public Agencies Governance Act</i>, the <i>Financial Administration Act</i> and carries out its regulatory and adjudicative functions in accordance with any applicable <i>Alberta Land Stewardship Act</i> regional plan and government policies.</p> <p>The AER also exercises its regulatory and adjudicative functions pursuant to a number of delegated statutes and regulations, including but not limited to:</p> <p><i>Oil and Gas Conservation Act</i>  <i>Gas Resources Preservation Act</i>  <i>Oil Sands Conservation Act</i>  <i>Coal Conservation Act</i>  <i>Pipeline Act</i>  <i>Turner Valley Unit Operations Act</i>  <i>Public Lands Act</i>  <i>Mines and Minerals Act, Part 8</i>  <i>Environmental Protection and Enhancement Act</i>  <i>Water Act</i></p>
<p><b>Directive Authority or Equivalent</b></p>	<p>The CEO may direct the Chief Hearing Commissioner to request hearing panels to consider certain issues or to schedule hearings on an expedited basis. The LGIC may request an inquiry be conducted by the AER or that a regulatory appeal, reconsideration or inquiry or other proceeding be held jointly with any agency, board, commission or other body constituted in Alberta, or with a government department.</p>
<p><b>Decide or Recommend</b></p>	<p>Decisions that are part of the adjudicative decisions of the AER include:</p> <ul style="list-style-type: none"> <li>(i) deciding whether to conduct a hearing with respect to any given application;</li> <li>(ii) determining the status of persons wishing to participate in AER hearings and regulatory appeals;</li> <li>(iii) deciding on applications including approvals, denials, and imposition of conditions;</li> <li>(iv) deciding on scope of a hearing or regulatory appeal; and</li> <li>(v) alternative dispute resolution.</li> </ul> <p>Sections 11 and 12 of the <i>Responsible Energy Development Act</i> require that hearing commissioners must be the ones to conduct all hearings in respect of applications, regulatory appeals and reconsiderations.</p>

### Alberta Energy Regulator

<b>Appeal</b>	AER decisions are subject to regulatory appeal, reconsideration, and appeal to the Alberta Court of Appeal, subject to permission of the Court.
<b>Funding</b>	<p>The AER is subject to the <i>Financial Administration Act</i> and the <i>Fiscal Management Act</i> and applicable directives. Pursuant to Section 29 of the <i>Responsible Energy Development Act</i>, it receives its funding through administration fees levied on industry.</p> <p>The AER's annual financial reporting and its budget are included in the Ministry of Energy's financial report to Treasury Board and Finance. The Treasury Board approves the AER's spending limit and the Treasury Board and Finance approve the AER's budget.</p>

<b>Regulator</b>	<b>Saskatchewan Rate Review Panel</b>
<b>Nature of Appointment</b>	At Pleasure Appointment - by Minister Responsible for Crown Investments Corporation.
<b>Chair/Vice Chair(s)</b>	One Chair (currently appointed until December 31, 2021).  One Vice-Chair (currently appointed until December 31, 2021)
<b>Full-Time Members</b>	Seven members, including Chair and Vice-Chair
<b>Board of Directors/ Executive Committee</b>	Not applicable
<b>CEO/CE/President</b>	Administered via Crown Investments Corporation of Saskatchewan.
<b>Term</b>	Panel members are appointed to serve terms of up to three years in duration. Appointments may be renewed.
<b>Governing Statute(s)</b>	The <i>Crown Corporations Act, 1993</i> , section 6(1) (j) - requires a subsidiary Crown corporation to submit for review and prior approval any rates, charges and prices at which any goods, utilities or services are sold or provided by the subsidiary Crown corporation.
<b>Directive Authority or Equivalent</b>	<i>Executive Government Administration Act</i> , section 15 - allows a minister, subject to the approval of the Lieutenant Governor in Council, appoint one or more advisory committees for a specific period and for a specific purpose.
<b>Decide or Recommend</b>	As described herein, Members recommend, and Provincial Cabinet decides.  The mandate of the Rate Review Panel is to review rate application submitted by SaskPower, SaskEnergy and Saskatchewan Government Insurance Auto Fund and provide government with an objective evaluation of each rate application and recommendations. Minister issues Order mandating a requested review subject to a specific terms of reference, that are consistent with the Saskatchewan Rate Review Policy issued by The Crown Investments Corporation of Saskatchewan (initial issue date: October 2002, effective January 2009 and revised January 2016).
<b>Appeal</b>	No Appeal Right.
<b>Funding</b>	Panel member remuneration and cost of rate review undertakings paid by Crown Investments Corporation of Saskatchewan.

<b>Regulator</b>	<b>Manitoba Public Utilities Board</b>
<b>Nature of Appointment</b>	<p>Members are appointed at the pleasure of the Lieutenant Governor in Council on the recommendations of the Premier of Manitoba.</p> <p>Reports to Provincial Legislature through the Minister Finance.</p>
<b>Chair/Vice Chair(s)</b>	<p>The LGIC shall designate a member of the board to be chairman and a member to be vice-chairman.</p> <p>The chairman has the supervision of the staff of the board. The secretary of the board and such other permanent officers and employees as may be necessary are to be appointed as provided in the <i>Civil Service Act</i>.</p>
<b>Full-Time Members</b>	<p>Board is composed of such number of members, not less than three, as the LGIC may determine.</p> <p>The LGIC determines the number of full and part-time members.</p>
<b>Board of Directors/ Executive Committee</b>	Not applicable.
<b>CEO/CE/President</b>	Not applicable.
<b>Term</b>	<p>All appointees serve at the pleasure of the LGIC. With the exception of the full-time Chair, all members are part-time and receive the prescribed remuneration for their services.</p> <p>Members' terms are fixed by Order in Council at the time of appointment. However, a Member's term may end before the expiry date through an Order in Council.</p>
<b>Governing Statute(s)</b>	<p><i>The Public Utilities Board Act</i> and the <i>Crown Corporations Governance and Accountability Act</i>.</p> <p>Mandate is exercised with reference to provisions of <i>The Manitoba Hydro Act</i>, <i>The Sustainable Development Act</i>, <i>The Climate Change and Emissions Reductions Act</i>. Other relevant statutes include but are not limited to: <i>The Consumer Protection Act</i>, <i>The Municipal Act</i>, <i>The Gas Pipeline Act</i>, <i>The Gas Allocation Act</i>, <i>The Greater Winnipeg Gas Distribution Act</i>, <i>The City of Winnipeg Charter Act</i>, <i>The Manitoba Water Services Board Act</i>, and <i>The Emergency 911 Public Safety Answering Point Act</i>.</p>

## Manitoba Public Utilities Board

<p><b>Directive Authority or Equivalent</b></p>	<p>Pursuant to section 107 of <i>The Public Utilities Board Act</i>, the PUB may be assigned duties or resolution of the legislature, by order of the LGIC. For example, the PUC was assigned specific duties in relation to the Manitoba Hydro GRA pursuant to OIC 92/17. The OIC provided that the PUB consider capital expenditures as a factor in setting rates.</p>
<p><b>Decide or Recommend</b></p>	<p>Recommend - Capital programs of public utilities. For example, Needs For and Alternatives To Review (NFAT) for Manitoba Hydro.</p> <p>Decide - section 84 (1) of PUB Act stipulates that no change in any existing individual rates, joint rates, tools, charges or schedules thereof shall be made by any owner of a public utility, nor shall any new schedule of any such rates, tolls, or charges be established until the changed rates or new rates are approved by the PUB. The board may, either upon written complain or upon its own initiative hear and determine whether the proposed increases, changes or alterations are just and reasonable.</p> <p>Section 25 (1) of the <i>Crown Corporations Governance and Accountability Act</i> states services provided by Manitoba Hydro shall be reviewed by the PUB under the PUB Act and no change in rates for services shall be made and no new rates for services shall be introduced without the approval of the PUB.</p>
<p><b>Appeal</b></p>	<p>Section 44 of the PUB Act permits the PUB to make an order granting relief to a Board order and rehear an application prior to making a decision. The Board may review rescind, change, alter, or vary any decision or order made by it.</p> <p>An appeal of a final Board order or decision is to the Court of Appeal upon any question involving the jurisdiction of the board, or any point of law, or any facts expressly found by the Board relating to a matter before the Board.</p> <p>Leave to Appeal must be sought and obtained before a matter goes to the Court of Appeal.</p>
<p><b>Funding</b></p>	<p>Fees assessed by the PUB are paid by applicants, utilities and licensees to the Minister of Finance and added to the Manitoba Government's Consolidated Revenue Fund. The fee schedule has not changed since 1994.</p> <p>Fees payable to the Minister of Finance are set out in the Public Utilities Board Fees Regulation and amendments as prescribed by the PUB pursuant to section 57 of <i>The Public Utilities Board Act</i>.</p> <p>PUB fees are paid into the Consolidated Revenue Fund. Expenses of the PUB are paid out of the departmental appropriation; the budget amount is determined via the government's appropriation process. Unspent appropriated funds are not accumulated in PUB reserves.</p>



<b>Regulator</b>	<b>Ontario Energy Board</b>
<b>Nature of Appointment</b>	<p>At Pleasure Appointment by Lieutenant Governor in Council.</p> <p>Reports to Provincial Legislature through the Minister of Energy, Northern Development and Mines.</p> <p>Governance structure is set out in the <i>Ontario Energy Board Act</i>, 1998, Ontario Energy Board By-Law #1, and the Memorandum of Understanding Between the Minister of Energy and the Chair of the Ontario Energy Board.</p> <p>The purpose of the MOU is to: (i) satisfy the requirement for an MOU pursuant to section 4.6(1) of the OEB Act; (ii) establish the accountability relationships between the Minister of Energy and the Chair and Management Committee of the OEB; (iii) clarify the operational roles and responsibilities of the Minister and Deputy Minister of Energy, and the Chair and the Management Committee, as well as officers and employees of the OEB and to record their mutual understanding in respect of these matters; and (iv) set out the expectations for the operational, administrative, communications, financial, auditing and reporting arrangements between the OEB and the Ministry of Energy.</p>
<b>Chair/Vice Chair(s)</b>	<p>The Chair is the member of the OEB designated by the LGIC to be chair of the Board as per section 4.1 (6) of the OEB Act, who is also the chair of the Management Committee and the chief executive officer of the Board, pursuant to sections 4.1 (9) and 4.2 (1) of the OEB Act.</p> <p>The LGIC shall also designate two members as vice-chairs, who are to also serve on the Management Committee.</p>
<b>Full-Time Members</b>	<p>The Board is to be composed of at least five members.</p> <p>Appointments are subject to the Agencies and Appointments Directive, approved by the Treasury Board/Management Board of Cabinet of the Government of Ontario.</p>
<b>Board of Directors/ Executive Committee</b>	<p>The Management Committee of the OEB, comprised of the Chair and two Vice Chairs acts as a “board of directors”. Specifically, the Management Committee is responsible for: (i) managing the activities of the Board, including budgeting and resource allocation; (ii) ensuring all of the Board’s reporting requirements and specific obligations are met; (iii) ensuring that the OEB has an appropriate risk management framework and mitigating strategy in place; and (iv) acting as the equivalent to a Board of Directors for providing approvals under applicable Treasury Board/Management Board of Cabinet directives, where Board of Directors approvals are required.</p>

## Ontario Energy Board

<b>CEO/CE/President</b>	<p>The Board's management committee is to appoint a chief operating officer who is responsible for: (i) the general supervision or employees, and the financial, administrative and other affairs of the Board; and (ii) other duties set out in OEB By-Law #1.</p> <p>A Secretary of the Board shall also be appointed from among the Board's employees.</p>
<b>Term</b>	<p>Pursuant to the Agencies and Appointments Directive issued under the <i>Management Board of Cabinet Act</i>, the term of appointment for adjudicative tribunals and regulatory agencies is a maximum of ten years in total.</p> <p>Chair: initial appointment two years, which can be waived at the discretion of the Minister. Reappointment for second term of three years and a final term of 5 years.</p> <p>Vice-Chair or Member: initial appointment for a period of two years. On the recommendation of the Chair, the appointee is eligible for re-appointment for a term of three years; and a further term of five years on the recommendation of the Chair.</p>
<b>Governing Statute(s)</b>	<p>The role of the Ontario Energy Board and how it is to conduct its affairs is contained in:</p> <p><i>Ontario Energy Board Act, 1998</i>  <i>Electricity Act, 1998</i>  <i>Consumer Protections Act, 2010</i>  <i>Statutory Powers Procedures Act</i>  The Memorandum of Understanding Between the Minister of Energy and the Chair of the Ontario Energy Board  Ontario Energy Board By-Law #1 - Governance Structure  Ontario Energy Board By-Law #2 - Procurement  Ontario Energy Board By-Law #3 - Market Surveillance Panel</p>

## Ontario Energy Board

<b>Directive Authority or Equivalent</b>	<p>S. 27 and 28 OEB Act and S. 25.32(5) <i>Electricity Act</i> (IESO/OPA). 24 Directives issued to OEB and 171 Letters and Directives Issued to OPA/IESO.</p> <p>22 Regulations have been issued under the OEB Act relating to:</p> <ul style="list-style-type: none"> <li>- Expansion of natural gas distribution systems</li> <li>- Ontario electricity support program</li> <li>- Distribution rate-protected residential consumers</li> <li>- First Nations delivery credit</li> <li>- Administrative Penalties</li> <li>- Assessments for Ministry of Energy and infrastructure conservation and renewable energy program costs</li> <li>- Cost recovery re: section 79.1 of the Act</li> <li>- Assessment of expenses and expenditures</li> <li>- reclassifying classes of consumers as residential-rate class customers: section 78 of the Act</li> <li>- IESO cost recovery re: smart metering initiative</li> <li>- smart meters: cost recovery</li> <li>- net metering</li> <li>- classes of consumers and determination of rates</li> <li>- payments under section 78.1 of the Act (OPG Payment Amounts)</li> <li>- payments to the financial corporation re: 78.2 of the Act (Fair Hydro Act)</li> <li>- information on invoices to certain classes of consumers of electricity</li> <li>- general</li> <li>- rural or remote electricity rate protections</li> <li>- electricity retailing - disclosure to consumers</li> <li>- definitions and exemptions</li> <li>- gas without charge or at a reduced rate</li> <li>- licence requirements - electricity retailers and gas marketers</li> </ul> <p>A further 47 regulations have been issued pursuant to the <i>Electricity Act</i> - that may inform the Board's discretion or specifically direct the Board.</p>
<b>Decide or Recommend</b>	<p>Decide rates and certain other matters within jurisdiction. Standard of review varies depending on the nature of the issue considered.</p> <p>Section 2.1 of OEB Act requires that the Board, in exercising its powers and performing its duties under this or any other Act, is to be guided by the objective of facilitating the implementation of any directives issued under subsection 25.30 (2) of the <i>Electricity Act</i>, 1998 in accordance with the implementation plans submitted by the Board and approved under clause 25.31 (5) (a) of that Act, including any amendments submitted by the Board and approved under that clause.</p>

## Ontario Energy Board

<b>Appeal</b>	<p>Section 19 of the OEB Act provides that the OEB has in all matters within its jurisdiction authority to hear and determine all questions of law and fact. It may act on its own motion to hear a matter. OEB Rules of Practice and Procedure 8, 40, and 42 describe the process used to bring a motion to have the Board review all or part of a final order or decision, and to vary, suspend or cancel the order or decision.</p> <p>Orders of the Board, rules made pursuant to section 44 of the OEB Act, and codes issued under section 70.1 may be appealed to Divisional Court on the question of law or jurisdiction.</p> <p>The Minister may require the Board to examine, report and advise on any question respecting energy.</p>
<b>Funding</b>	<p>The OEB is a self-funding corporation without share capital and is an agent of the Crown. It is classified by the Management Board of Cabinet as a provincial agency with a governing board.</p> <p>The OEB is funded by OEB Act section 30 (Recovery of Proceedings Costs) and section 79.2 (OESP Cost Recovery). Together, these two sections recover OEB process costs. General cost recovery is also derived from section 26 - to the extent that costs are in excess of costs arising from OEB processes. Monies received by the OEB pursuant to section 112.5 (Penalties) are not used to fund or supplement OEB revenues.</p>

<b>Regulator</b>	<b>Ontario Energy Board – Bill 87</b>
<b>Nature of Appointment</b>	<p>Composition of the OEB is changed to include:</p> <p>(i) Board of Directors - comprised of at least five members and no more than ten members appointed by the LGIC.</p> <p>(ii) Chief Executive Officer - appointed by the Board of Directors. First CEO appointed for a maximum term of two years by LGIC.</p> <p>(iii) Commissioners, including a Chief Commissioner - appointed by the Board of Directors, on the recommendation of the CEO. Appointment cannot be revoked without cause.</p>
<b>Chair/Vice Chair(s)</b>	<p>The LGIC may appoint a vice-chair from among the members of the Board of Directors.</p> <p>The Chair of the Board: (i) oversees the efficient administration of the business of the Board of Directors; (ii) presides over meetings of the Board of Directors; (iii) is accountable to the Minister for the effective delivery of the Board's objectives; (iv) is accountable to the Minister for the independence of persons and entities hearing and determining matters within the Board's jurisdiction</p> <p>Each director shall hold office as an independent and not as a representative of any class of persons. Directors are subject to a fiduciary duty and duty of care.</p>
<b>Full-Time Members</b>	<p>CEO and Board of Directors not permitted to interfere with or influence the hearing or determination of a matter over which the Board has jurisdiction.</p> <p>No person eligible to be appointed as a commissioner if he/she has a material interest in a market participant or is a director, officer, employee or agent of: (i) a market participant; (ii) a generator, distributor, transmitter or retailer; (iii) a person who sells electricity or ancillary services through the IESO-administered markets; (iv) an industry association; (v) the IESO; or (vi) an affiliate of (i), (ii) (iii) or (v).</p> <p>The Chief Commissioner: (i) ensures the efficiency, timeliness and dependability of the hearing and determination of matters over which the Board has jurisdiction, including by directing and supervising commissioners with respect to efficiency, timeliness and dependability;(ii) reports to the CEO with respect to efficiency, timeliness and dependability of the hearing process; (iii) is responsible for training commissioners; and (iv) performs other duties as assigned under the Act.</p>
<b>Board of Directors/ Executive Committee</b>	See previous sections. Director eligibility will be determined by regulation.
<b>CEO/CE/President</b>	CEO is responsible for the efficient and effective management of the operations of the Board.

### Ontario Energy Board – Bill 87

<p><b>Term</b></p>	<p>Directors: first term is not to exceed two years. A director may be reappointed for one or more terms of up to three years each.</p> <p>Chair and Vice-Chair: term is specified by the LGIC and shall not exceed his or her term as a member of the board of directors.</p> <p>CEO: Until the second anniversary of the day section 5 of Bill 87 comes into force, the appointment and any reappointment shall be by the LGIC. Term of the initial CEO appointment shall be two years.</p> <p>Commissioners: The appointment of a person to the position of commissioner or chief commissioner shall be for a fixed term and may not be revoked without cause. The term of the initial appointment for commissioner or chief commissioner is not to exceed two years. Reappointment possible for one or more terms of up to five years each.</p>
<p><b>Governing Statute(s)</b></p>	<p>Unchanged.</p>
<p><b>Directive Authority or Equivalent</b></p>	<p>Unchanged.</p>
<p><b>Decide or Recommend</b></p>	<p>Unchanged.</p>
<p><b>Appeal</b></p>	<p>Unchanged.</p>
<p><b>Funding</b></p>	<p>Unchanged.</p>

<b>Regulator</b>	<b>Régie de l'énergie</b>
<b>Nature of Appointment</b>	<p>At Pleasure Appointment by the Government. The Government may establish a selection procedure applicable to Commissioners, and among other things, provide for the creation of a selection committee.</p> <p>The selection procedure need not be followed to reappoint a Commissioner.</p> <p>The Régie reports to the National Assembly via the Minister of Energy &amp; Renewable Resources</p>
<b>Chair/Vice Chair(s)</b>	<p>A Chairman and Vice-Chairman are named by the Government and are included in the slate of 12 Commissioners.</p> <p>The Chairman coordinates and distributes the work of the Commissioners and is responsible for the administration of the Régie and supervises its personnel.</p>
<b>Full-Time Members</b>	<p>Régie is composed of 12 Commissioners, all of whom exercise their functions on a full-time basis.</p> <p>The Government may also appoint full-time or part-time supernumerary Commissioners, i.e., those required in excess of the number named in the statute.</p>
<b>Board of Directors/ Executive Committee</b>	Not Applicable.
<b>CEO/CE/President</b>	Not Applicable.
<b>Term</b>	<p>Term of a Commissioner is five years. Term of a supernumerary member is determined in the instrument of appointment and not to exceed two years. May also be determined by reference to a special mandate specified in the instrument of appointment.</p> <p>Nomination and renewal process provided for in government approved rule (By-law).</p>

## Régie de l'énergie

<p><b>Governing Statute(s)</b></p>	<p><i>An Act respecting the Régie de l'énergie</i></p> <p><i>An Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances</i></p> <p><i>An Act to Implement the 2030 Energy Policy and to amend various legislative provisions and Coming into force of section 250 of Chapter IV of the Petroleum Resources Act.</i></p>
<p><b>Directive Authority or Equivalent</b></p>	<p>Pursuant to s. 110 of the Act, the Minister may issue directives concerning the general policy and objectives to be pursued by the Régie. Directives must be approved by the Government and are binding on the Régie.</p> <p>Section 112 of the Act stipulates that the Government may make regulations relating to certain subjects and the Régie also has the authority to make regulations pursuant to s. 114.</p> <p>Rules of procedure and regulations made by the Régie must be submitted to the Government, which may approve them with or without amendments.</p> <p>Regulations: 21 Orders in Council: 59</p>
<p><b>Decide or Recommend</b></p>	<p>The authority of the Régie includes, but is not limited to, the following:</p> <p>Hydro-Québec Distribution:</p> <ul style="list-style-type: none"> <li>- sets distribution rates on COS including reasonable rate of return;</li> <li>- approves rates for load management;</li> <li>- approves budgets for energy efficiency programs;</li> <li>- approves conditions of service; and</li> <li>- approves supply plan and features of supply contracts.</li> </ul> <p>Supply:</p> <ul style="list-style-type: none"> <li>- approves call for tender process; and</li> <li>- approves process for purchasing programs for electricity from renewable sources.</li> </ul> <p>Hydro-Québec TransÉnergie:</p> <ul style="list-style-type: none"> <li>- sets native load and point to point rates;</li> <li>- establishes rates based on cost of service including a reasonable return;</li> <li>- approves conditions of service;</li> <li>- sets uniform transmission rates;</li> <li>- authorizes investment projects; and</li> <li>- monitors HQT operations and non-discriminatory access.</li> </ul>



### Régie de l'énergie

<b>Appeal</b>	<p>The Régie, on its own initiative or on application, may revise or revoke any decision it has made pursuant to the conditions in s. 37 (1) (2) and (3) of the Act.</p> <p>A decision containing an error in writing or in calculation or any other clerical error may be rectified by the Régie.</p> <p>Section 40 of the Act stipulates that no appeal lies from a decision of the Régie.</p>
<b>Funding</b>	<p>The Régie is an autonomous and extra-budgetary organization. It is financed through duties paid by the electric power carrier, the electric power distributors, natural gas distributors, and petroleum product distributors exceeding 100 million litres, in accordance with the Regulation respecting the annual duty payable to the Régie de l'énergie and according to the user pay principle. Duties are set on the basis of the share of the workload the Régie performs based on specific form of energy or on specific occasion of activities covering more than one form of energy. The budget is approved annually by Government.</p>

<b>Regulator</b>	<b>Island Regulatory &amp; Appeals Commission</b>
<b>Nature of Appointment</b>	<p>Appointment by Lieutenant-Governor-In-Council for a fixed term and may only be removed for cause.</p> <p>Reports to Legislative Assembly of PEI through the Minister of Education and Lifelong Learning.</p>
<b>Chair/Vice Chair(s)</b>	<p>Full-time Chairman and full-time Vice-Chairman.</p> <p>Chair has control and direction over the duties performed by the Executive Committee, other members of the Commission and by the staff of the Commission.</p>
<b>Full-Time Members</b>	One full-time member in addition to chairman and vice-chairman. Up to five part-time commissioners.
<b>Board of Directors/ Executive Committee</b>	<p>Chairman appoints Executive Committee - consisting of two or more members of the Commission, one of whom may be the chairman.</p> <p>Executive Committee may prescribe forms to be used by the Commission and make rules and regulations governing administration and general procedure, including establishment of panels to exercise the powers of the Commission and the imposition of time constraints. It may also make rules governing practice and procedure at hearings and time constraints on those hearings.</p>
<b>CEO/CE/President</b>	Chairman is the Chief Executive Officer of the Commission.
<b>Term</b>	<p>The Chairman, subject to removal from office for just cause, shall hold office for a period of up to ten years as determined by the Lieutenant Governor in Council from the effective date of appointment, and is eligible for reappointment for a term of up to ten years.</p> <p>Subject to removal from office for just cause, the term of office of the Commissioners other than the Chairman shall be not less than three nor more than ten years as determined by the Lieutenant Governor in Council at the time of appointment. A Commissioner is eligible for reappointment.</p>
<b>Governing Statute(s)</b>	<p>Administers 6 Acts including <i>Island Regulatory and Appeals Commission Act</i>.</p> <p>Has appellate and other responsibilities under a further 7 Acts.</p>
<b>Directive Authority or Equivalent</b>	<i>Electric Power Act</i> R.S.P.E.I. 1998, section 26 (4) - LGIC may direct the Commission to inquire into, and report on, any matter related to the provision of service by a public utility.

### Island Regulatory & Appeals Commission

<p><b>Decide or Recommend</b></p>	<p>Pursuant to the provisions of the <i>Electric Power Act</i> - regulate utilities. Has power to decide and issue orders.</p> <p>Public utilities are not able to establish or vary rates, tolls, or charges for any service without approval of the Commission.</p>
<p><b>Appeal</b></p>	<p>Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.</p> <p>An appeal of a decision or order of the Commission is to the Court of Appeal on a question of law or jurisdiction.</p>
<p><b>Funding</b></p>	<p>Has power to levy assessments, levies, license fees and other charges to cover the cost of its operations and assessments and charges may be imposed upon the government. Cannot levy or issue an assessment on a renewable energy generator.</p> <p>Annual expenses borne by the utilities and other persons subject to the supervision or control of the Commission.</p> <p>Approximately one-half of the annual funding is assessed against the Province of Prince Edward Island, primarily to cover the cost of the office of the Director of Rental of Residential Property which is housed within the Commission.</p>

<b>Regulator</b>	<b>New Brunswick Energy &amp; Utilities Board</b>
<b>Nature of Appointment</b>	<p>Appointed by the Lieutenant-Governor in Council. Each Member shall hold office during good behaviour and may be removed for cause by Lieutenant Governor in Council.</p> <p>Accountable to Provincial Legislature through Minister of Energy and Resource Development.</p>
<b>Chair/Vice Chair(s)</b>	Full-time Chairperson and full-time Vice-Chairperson.
<b>Full-Time Members</b>	<p>Appointment of Members is based on merit. A Nominating committee, comprised of the Chairperson, the Vice-Chairperson, the Deputy Minister of Energy and Resource Development and the Deputy Minister of Justice and Public Safety, is used to inform appointments process.</p> <p>Employees are also appointed to their positions on the basis of merit.</p> <p>The Board presently has five full-time Members, including the Chairperson and Vice-Chairperson.</p>
<b>Board of Directors/ Executive Committee</b>	Not applicable.
<b>CEO/CE/President</b>	Section 10 of the EUB Act provides that the Chairperson is the Chief Executive Officer of the Board and has the general supervision and direction over the conduct of the affairs of the Board.

### New Brunswick Energy & Utilities Board

<p><b>Term</b></p>	<p>Member: Members of the Board shall be appointed for a term of 10-years. A Member may be reappointed as a member for a second or subsequent term of office of five years. A Member shall hold office until the earliest of: (i) his or her resignation; (ii) incapacity of the Member; (iii) expiry of his or her term of office; and (d) attainment of the age of 70.</p> <p>Chairperson: shall be appointed for a term of 10-years and may be reappointed for a second or subsequent term of office of three years. The Chairperson shall hold office until the earliest of: (i) expiry of his or her term of office as Chairperson; (ii) expiry of his or her term of office as a Member; (iii) his or her resignation as a Member or as Chairperson; (iv) incapacity of Chairperson; and (v) attainment of the age of 70.</p> <p>Vice-Chairperson: shall be appointed for a term of seven years and may be reappointed for a second or subsequent term of office of three years. Vice-Chairperson shall hold office until the earliest of: (i) expiry of his or her term of office as Vice-Chairperson; (ii) expiry of his or her term of office as a Member; (iii) resignation as a Member or as a Vice-Chairperson; (iv) incapacity of Vice-Chairperson; and (v) attainment of the age of 70.</p>
<p><b>Governing Statute(s)</b></p>	<p><i>Energy and Utilities Board Act, 2006</i> <i>Electricity Act</i></p> <p>There are an additional 4 statutes that require or authorize the Board to perform duties and functions.</p>
<p><b>Directive Authority or Equivalent</b></p>	<p>Section 24(1) of the EUB Act provides that the Minister may direct the Board to make an investigation and report to the Minister upon any matter over which the Board has jurisdiction.</p> <p>Section 75(1) provides that the Lieutenant-Governor in council may by regulation establish policies to be observed by the Board in the exercise of any jurisdiction or authority conferred upon it under Part 3 (Public Utilities).</p>

## New Brunswick Energy & Utilities Board

<b>Decide or Recommend</b>	<p>Section 36 (1) provides that the Board has the full jurisdiction to hear and determine all matters, whether of law or fact.</p> <p>Section 64 provides that no public utility shall charge or change any toll or tariff in respect of its services without approval of the Board and that a public utility shall not charge, demand, collect or receive a greater or lesser compensation for its services than is prescribed in the tariff approved by the Board.</p> <p>In approving or fixing just and reasonable tolls and tariffs for water and electricity, the Board may adopt any method or technique that it considers appropriate, including an alternative form of regulation, as defined in s. 67(1).</p> <p>The Electricity Act:</p> <ul style="list-style-type: none"> <li>- Section 68 outlines the Electricity Policy of Government;</li> <li>- Section 69 provides that the Executive Council of government may at any time issue directives in writing to NB Power that must be taken into consideration;</li> <li>- Section 70(1) provides that the LGIC may by regulation establish policies to be observed by the Board in the exercise of any jurisdiction or authority conferred on it under the Act of regulations. However section 70(2) provides that 70(1) shall be deemed not to authorize any regulation specifically to any matter or application before the Board;</li> <li>- Section 103(7) provides that in approving or fixing just and reasonable rates, the Board shall base its order or decision on the revenue requirements, taking into consideration: (i) policy set out in s. 68; (ii) the most recent integrated resource plan approved by Executive Council under s. 100; (iii) most recent strategic, financial and capital investment plan filed with the Board under s. 101; (iv) requirements imposed by law on the corporation, including DSM and energy efficiency plans and renewable energy requirements; (v) any directive issued by the Executive Council under S.69 that may be relevant to the application; and (vi) any policy established by a regulation made under paragraph 142(1)(f) that may be relevant to the application;</li> </ul> <p>Section 103(8) provides that in approving or fixing just and reasonable rates, the Board may take into consideration: (i) accounting and financial policies of the corporation; (ii) matters of cost allocation and rate design; (iii) customer service related charges; (iv) DSM and energy efficiency plans; and (iv) any other factor the Board considers relevant; and</p> <ul style="list-style-type: none"> <li>- Section 107 provides for approval by the Board of capital projects \$50 million or more and Board authorities in a number of different circumstances.</li> </ul>
<b>Appeal</b>	<p>Section 43 provides that the Board may review, rescind or vary an order made by it.</p> <p>Section 52 provides that an order or decision of the Board may be appealed to The Court of Appeal of New Brunswick.</p>
<b>Funding</b>	<p>The expenses of the Board are comprised of direct expenses that are directly attributable to any entity, such as the costs of a proceeding initiated by a specific company, and common expenses, including general operating costs of the Board. The Board collects all of its expenses from each regulated company for its direct expenses and each company's share of common expenses.</p>

<b>Regulator</b>	<b>Nova Scotia Utility and Review Board</b>
<b>Nature of Appointment</b>	<p>Appointed by Governor in Council.</p> <p>Accountability pursuant to the UARB and <i>Public Utilities Acts</i> is through the Minister of Finance.</p> <p>Accountability pursuant to the <i>Electricity Act</i>, <i>Energy Resources Conservation Act</i>, and <i>Maritime Link Act</i> is through the Minister of Energy.</p>
<b>Chair/Vice Chair(s)</b>	<p>The Governor in Council shall designate one of the full-time members to be the Chair of the Board and another full-time member to be the Vice-chair.</p> <p>The Chair has the general supervision and direction over the conduct of the affairs of the Board.</p>
<b>Full-Time Members</b>	<p>The Board consists of not less than eight and not more than ten, full-time Members. Up to eight part-time Members may also be appointed.</p> <p>The UARB presently has eight full-time Members.</p> <p>Appointment of Members is based on merit. Minister shall establish an Advisory Committee to enable an appointment. Advisory Committee composed of: Chair of the Utility and Review Board, two representatives appointed by the Minister from among the four members appointed by the Minister of Justice to the Advisory Committee on Provincial Judicial Appointments, a human resource professional appointed by the Deputy Minister of the Public Service Commission; and in the case of a full-time appointment: (i) a member of an administrative tribunal of another province; and (ii) a representative of the professional association (if required).</p> <p>The Advisory Committee is chaired by the HR professional.</p> <p>Criteria Applied by the Committee:</p> <ul style="list-style-type: none"> <li>- Personal characteristics</li> <li>- Intellectual ability</li> <li>- Professional excellence</li> <li>- Diversity</li> <li>- Community awareness and understanding</li> </ul>

**Nova Scotia Utility and Review Board**

<b>Board of Directors/ Executive Committee</b>	Not applicable.
<b>CEO/CE/President</b>	Not applicable.
<b>Term</b>	Full-time: Good Behaviour to age 70.  Part-time: holds office for such term as the Governor in Council determines.
<b>Governing Statute(s)</b>	<i>Utility and Review Board Act, 1992</i> <i>Public Utilities Act, 1989</i> <i>Nova Scotia Power Privatization Act</i> <i>Electricity Act, 2004</i> <i>Electricity, Efficiency and Conservation Restructuring (2014) Act</i> <i>Gas Distribution Act, S.N.S. 1997, c. 4</i> <i>Petroleum Resources Act, R.S.N.S. 1989, c. 342</i> <i>Pipeline Act, R.S.N.S. 1989, c. 345</i>  There are 38 statutes containing a Board mandate.
<b>Directive Authority or Equivalent</b>	Not applicable.  Policy of Government is contained in legislation and regulations issued pursuant to legislation.



## Nova Scotia Utility and Review Board

<b>Decide or Recommend</b>	<p>Section 26 of the UARB Act provides that the finding or determination of the Board upon a question of fact within its jurisdiction is binding and conclusive.</p> <p>What the Board decides is set out in the various statutes that include, but not limited to:</p> <p><i>Efficiency Nova Scotia Corporation Act, SNS 2009</i>  <i>Electrical Installation &amp; Inspection Act, RSNS 1989</i>  <i>Electricity Efficiency and Conservation Restructuring (2014) Act</i>  <i>Electricity Plan Implementation (2015) Act, SNS 2015</i>  <i>Energy Resources Conservation Act, R.S.N.S., c. 147</i>  <i>Expropriation Act, RSNS 1989</i>  <i>Gas Distribution Act, S.N.S. 1997, c. 4</i>  <i>Maritime Link Act, SNS 2012</i>  <i>Municipal Government Act, SNS 1998</i>  <i>Nova Scotia Power Finance Corporation Act, RSNS 1989</i>  <i>Nova Scotia Power Privatization Act, SNS 1992</i>  <i>Petroleum Resources Act, R.S.N.S. 1989, c. 342</i>  <i>Pipeline Act, R.S.N.S. 1989, c. 345</i>  <i>Public Utilities Act, RSNS 1989</i>  <i>Utility and Review Board Act, SNS 1992</i></p> <p>In general, pursuant to the <i>Public Utilities Act</i>, the UARB exercises general supervision over all electric utilities operating as public utilities within the Province. This includes: setting rates, tolls and charges; regulations for provision of service; approval of capital expenditures in excess of \$250,000 and any other matter the Board feels is necessary to properly exercise its mandate.</p>
<b>Appeal</b>	<p>Section 30 of the UARB Act provides that an appeal lies to the Appeal Division of the Supreme Court on any question as to jurisdiction or upon any question of law.</p>
<b>Funding</b>	<p>Section 15 of the <i>Public Utilities Act</i> provides that the expenses of the Board incurred in carrying out its functions and duties pursuant to the Act shall annually be estimated by the Board and assessed upon and borne by the public utilities which carried on business the whole or part of the preceding year in such proportions as the Board shall determine, with regard to the gross earnings of each public utility.</p>

<b>Regulator</b>	<b>Newfoundland and Labrador Board of Commissioners of Public Utilities</b>
<b>Nature of Appointment</b>	<p>Good behaviour appointment by Lieutenant-Governor in Council.</p> <p>Reports to provincial legislature through the Minister of Justice.</p> <p>Pursuant to the <i>Independent Appointment Commission Act</i>, the Independent Appointments Commission provides merit-based recommendations for Commissioner appointments to the Board.</p>
<b>Chair/Vice Chair(s)</b>	The LGIC designates one Commissioner as Chairperson and another as Vice-Chairperson.
<b>Full-Time Members</b>	The Board consists of four full-time Commissioners. The LGIC sets the terms and conditions of the appointment of a Commissioner.
<b>Board of Directors/ Executive Committee</b>	Not applicable.
<b>CEO/CE/President</b>	<p>The Chairperson is the Chief Executive Officer of the Board and has the full authority for the overall operation, management and financial administration of the Board.</p> <p>The Chairperson supervises and directs the work of the Commissioners and staff of the Board and manages and plans the conduct of applications to the Board and matters referred to it including the appointment of Commissioners to panels of the Board and the referral applications and matters to a panel.</p>
<b>Term</b>	Each Commissioner is appointed for a term of 10-years to hold office during good behaviour and is eligible to be appointed for a second term of 10-years.
<b>Governing Statute(s)</b>	<p><i>The Public Utilities Act, R.S.N. 1990</i></p> <p><i>The Electrical Power Control Act</i></p>

## Newfoundland and Labrador Board of Commissioners of Public Utilities

### Directive Authority or Equivalent

Section 5 of the *Electrical Power Control Act* provides that the LGIC may refer to the Board matters relating to rates and other issues on electric power utilities.

Section 5.1 Direction to Board provides that the LGIC may direct the Board with respect to policies and procedures to be implemented by the Board with respect to rate structures of public utilities, fixing of a debt-equity ratio for Newfoundland and Labrador Hydro, and the phase in, over a period of years, of a rate of return determination for Hydro, and the Board shall implement those policies and procedures.

Section 5.1 also provides that for the purpose of the Muskrat Falls Project the LGIC may direct the Board to implement policies, procedures and directives respecting the exercise of powers and the performance of the duties of the Board pursuant to the *Electrical Act* or the *Public Utilities Act*, including but not limited to:

- costs, expenses and allowances that are to be included in rates, tolls and charges approved for a public utility, and the terms of that inclusion;
- the terms of the interim orders or approvals, determining rates, tolls and charges of a public utility;
- the criteria to be applied by the Board for the approval or confirmation of an approval by the Board;
- the annual rate of return of a public utility;
- whether or not a hearing shall be held;
- the commencement, suspension, continuation or termination of a hearing process; and
- the parameters, criteria and timing of the exercise or restraint from exercise of a power or performance of a duty of Board under the *Electrical Act* or the *Public Utilities Act*.

Section 5.2 allows the LGIC to exempt a public utility from the application of all or a portion of the *Electric Power Control Act*.

## Newfoundland and Labrador Board of Commissioners of Public Utilities

<b>Decide or Recommend</b>	<p>The <i>Public Utilities Act, R.S.N. 1990</i>, defines the general powers of the Board. The Act states that the Board has the general supervision of public utilities to ensure compliance by public utilities with the law. The public utilities regulated by the Board are Newfoundland Power Inc., Newfoundland and Labrador Hydro and Deer Lake Power Company Limited.</p> <p>The <i>Public Utilities Act</i> provides:</p> <ul style="list-style-type: none"> <li>- Section 41: capital projects in excess of \$50,000 be approved by the Board</li> <li>- Section 70: schedule of rates, tolls, and charges approved by the Board</li> <li>- Section 71: transmission tariff and amendments thereto must be approved by the Board</li> </ul> <p>The <i>Electrical Power Control Act 1994</i>, an Act to Amend the Hydro Corporation Act and other Acts, proclaimed in January 1996, empower the Board to regulate Newfoundland and Labrador Hydro in the same fashion as it has regulated Newfoundland Power Inc. Prior to this enactment, the Board could only review and recommend to Government the rate charged for power by Hydro. The Board now has the authority to order the rate schedule itself using tests consistent with generally accepted sound public utility practices.</p> <p>The <i>Electrical Power Control Act</i> provides:</p> <ul style="list-style-type: none"> <li>- Section 3: Government Power Policy</li> <li>- for specific matters relating to <i>The Churchill Falls (Labrador) Corporation Limited (Lease) Act, 1961</i> and the <i>Muskrat Falls Project</i></li> <li>- The Board has the authority and responsibility to ensure that adequate planning occurs for the future production, transmission and distribution of power in the province.</li> </ul>
<b>Appeal</b>	<p>Section 28 of the <i>Regulations, 1996</i> under the <i>Public Utilities Act</i> provides for re-opening an application after final submissions or for rehearing after final order.</p> <p>Section 76: The Board may upon notice and after hearing, by order rescind, alter or amend an order fixing rates, tolls, charges or schedules or other order made by the Board.</p> <p>Section 99.(1) provides that an appeal lies to the Court of Appeal from an order of the Board upon a question as to its jurisdiction or upon a question of law.</p>
<b>Funding</b>	<p>The expenses of the Board, including salaries, pensions and allowances of the Commissioners and staff, are estimated annually by the Board and assessed upon and borne by the individual public utilities that carried on business during the whole or part of the preceeding calendar year in the proportion or at the rate that the Board may determine on the gross earnings of each public utility as shown by the financial reports of the public utilities filed with the Board.</p> <p>Section 90 of the Act provides that all expenses in connection with an inquiry held by the Board shall be paid by the public utilities concerned in the inquiry. Where more than one public utility is involved, expenses are apportioned among them in proportion to their gross earnings in the year before the year in which the inquiry was terminated.</p>

<b>Regulator</b>	<b>Yukon Utilities Board</b>
<b>Nature of Appointment</b>	At pleasure appointment - by Minister of Justice.
<b>Chair/Vice Chair(s)</b>	Minister appoints one of the Members to be Chair and another to be the Vice-Chair.
<b>Full-Time Members</b>	Composed of not fewer than three nor more than five persons appointed by the Minister. All Members are part-time.  Category D Appointment - paid per diem.
<b>Board of Directors/ Executive Committee</b>	Not applicable. The Board retains independent legal advisors and qualified technical consultants and contracts with a part-time Executive Secretary.
<b>CEO/CE/President</b>	Chair is the Chief Executive Officer of the Board and supervises and directs the work of the Board.
<b>Term</b>	The term of office for which a Member may be appointed is three years. A Member is eligible for re-appointment on the expiration of their term of office.
<b>Governing Statute(s)</b>	<i>Public Utilities Act RSY 2002, c186</i>
<b>Directive Authority or Equivalent</b>	Section 17 (1) of the <i>Public Utilities Act</i> provides that the Commissioner in Executive Council may issue a special direction to the board with respect to the exercise of the power and functions of the Board. A direction is a regulation within the meaning of the <i>Regulations Act</i> .  Section 17(3) provides that the Board may request a review of a direction. When such a request is received by the Minister, the Commission in Executive Council may suspend or continue the operation of the direction until the completion of the review or confirm, vary, or revoke the direction.

### Yukon Utilities Board

<p><b>Decide or Recommend</b></p>	<p>The Board regulates two electrical utilities, reviews energy projects, and is also empowered to investigate complaints and initiate investigations it deems necessary in the interest of ratepayers generally. It also carries out such other functions as are required by the <i>Public Utilities Act</i> and as directed by the Minister of Justice as ordered through the territorial government's Orders-in-Council.</p> <p>The Board decides rates, however with respect to energy projects, the Board is tasked with issuing a report and recommendation to the Minister, who decides.</p>
<p><b>Appeal</b></p>	<p>The Board may review, change, or cancel any decision or order made by it, and may re-hear any application or complaint before deciding it.</p> <p>An appeal of a decision or order of the Board is to the Yukon Court of Appeal on a question of law or jurisdiction.</p>
<p><b>Funding</b></p>	<p>Funding for public hearings can only be authorized by the Minister of Justice. Funding obtained via annual appropriation from general revenues of government by Department of Justice.</p> <p>The Board may order the payment of costs incidental to any proceeding to whom and by whom.</p> <p>Category D Honorarium per General Administration Manual Policy 1.8 varied by Cabinet Decision. Boards and committees with: independent decision-making authority; or adjudicative role; or high impact on government or public of decisions or recommendations made.</p>

<b>Regulator</b>	<b>Nunavut Utility Rates Review Council</b>
<b>Nature of Appointment</b>	<p>At the pleasure appointment by the Minister for the Review Council.</p> <p>The Council is accountable to the Minister for the Review Council, the member of the Executive Council who is responsible for the administration of the <i>Utility Rates Review Council Act</i>.</p>
<b>Chair/Vice Chair(s)</b>	The Minister for the Review Council shall designate a chairperson and vice-chairperson from among the Members of the Review Council.
<b>Full-Time Members</b>	The Review Council consists of five Members and upon the request of the Review Council, the Minister may appoint no more than two temporary Members for the purpose of dealing with a particular matter before the Review Council. The Minister may specify the term and duties of the temporary Members.
<b>Board of Directors/ Executive Committee</b>	There is no Board of Directors at the Council.
<b>CEO/CE/President</b>	<p>The Review Council may appoint an Executive Director and fix the terms and conditions of the appointment.</p> <p>The duties of the Executive Director include: (i) keeping a record of all proceedings of the Review Council and have custody of all the Review Council's records and documents; and (ii) perform other duties that may be assigned by the Review Council.</p>
<b>Term</b>	<p>A member of the Review Council holds office for a term of not more than three years.</p> <p>Members of the Review Council may be re-appointed. A Member of the Review Council, other than a Temporary Member, whose term of office has expired continues to be a member of the Review Council until he or she is re-appointed, or until a new Member is appointed to replace him or her.</p>
<b>Governing Statute(s)</b>	<i>Utility Rates Review Council Act</i>

## Nunavut Utility Rates Review Council

<p><b>Directive Authority or Equivalent</b></p>	<p>Section 6.(2) of the Act provides that the Minister for the Review Council may issue guidelines concerning the procedures and practices of the Review Council, and the Review Council shall comply with those guidelines.</p> <p>Section 6.(3) of the Act provides that the Minister for the Review Council, with the approval of the Executive Council, may issue guidelines concerning the principles the Review Council shall have regard to when determining whether rates and tariffs are fair and reasonable, and the Review Council shall comply with those guidelines.</p>
<p><b>Decide or Recommend</b></p>	<p>Section 7 of the Act describes the purposes of the Review Council. The purposes are to:</p> <ol style="list-style-type: none"> <li>1. advise the responsible Minister of a designated utility concerning the imposition of rates and tariffs;</li> <li>2. advise the responsible Minister of a utility other than a designated utility with regard to any questions that the responsible Minister refers to it concerning rates, tariffs and rate structures;</li> <li>3. advise the responsible Minister for any utility concerning any matter related to the utility that is referred to it by the responsible Minister on the advice of the Executive Council;</li> <li>4. advise any Minister concerning any matter related to charges for the provision of goods and services that is referred to it by the Minister on the advice of the Executive Council; and</li> <li>5. advise the Minister responsible for the Qulliq Energy Corporation concerning applications for permission for major capital projects.</li> </ol> <p>The Review Council may be tasked with issuing a report to the responsible Minister with its recommendation that: (i) the imposition of the proposed rate or tariff should be allowed; (ii) the imposition of the proposed rate or tariff should not be allowed; or (iii) another rate or tariff specified by the Review Council should be imposed. Factors to be considered by the Review Council that a proposed rate or tariff is fair and reasonable include: (i) the cost of providing the service, including related financing costs; and (ii) any principles and guidelines implemented by the Review Council or stipulated by the Minister for the Review Council.</p> <p>The responsible Minister shall give careful consideration to the reports of the Review Council but is not bound by the provided reports. The responsible Minister makes the final decision and may provide reasons in writing to the Review Council for not instructing the designated utility to comply with the recommendations of the Review Council.</p>
<p><b>Appeal</b></p>	<p>Not applicable.</p>
<p><b>Funding</b></p>	<p>The expenditures of the Review Council must be made from money appropriated by the Legislature for the purpose.</p> <p>Members and Temporary Members are entitled to be paid honoraria at the rates established by the Financial Management Board for members of boards.</p> <p>All Members and Temporary Members are entitled to be reimbursed for their reasonable expenses in accordance with the rates established by the Financial Management Board for members of boards.</p>



<b>Regulator</b>	<b>Northwest Territories Public Utilities Board</b>
<b>Nature of Appointment</b>	At pleasure appointment by the Minister, on the recommendation of the Executive Council.
<b>Chair/Vice Chair(s)</b>	<p>The Minister, on the recommendation of the Executive Council, shall designate a member of the Board, other than a Temporary Member, to be the chairperson of the Board.</p> <p>The Chairperson shall preside over sittings of the Board and supervise the employees of the Board.</p> <p>The Minister, on the recommendation of the Executive Council, shall designate a member of the Board, other than a temporary member, to be the Vice-Chairperson of the Board.</p>
<b>Full-Time Members</b>	<p>The Board is comprised of five Members and not more than six temporary members.</p> <p>All Members are part time.</p>
<b>Board of Directors/ Executive Committee</b>	There is no Board of Directors of the NWT PUB.
<b>CEO/CE/President</b>	The Chairperson is the chief executive officer of the Board and shall supervise, manage and direct the business of the Board in accordance with the direction of the Board.
<b>Term</b>	<p>Members are appointed to hold office for a term not exceeding five years.</p> <p>Temporary Members of the Board may be appointed for the purpose of dealing with a particular matter before the Board and the Minister may specify the term and duties of the Temporary member in the appointment.</p>
<b>Governing Statute(s)</b>	<i>Public Utilities Act</i>

## Northwest Territories Public Utilities Board

<b>Directive Authority or Equivalent</b>	<p>Section 13.1 of the Act provides that the Minister may request the Board to provide advice on any matter specified by the Minister.</p> <p>Section 14 provides that the Executive Council may issue directives to the Board respecting: (i) policies to be applied by the Board in the determination of its orders, decisions and rules; and (ii) the general performance of the duties of the Board.</p> <p>Section 53(1) provides that the Minister may direct the Board to inquire into or hold a hearing on any matter over which the Board has jurisdiction under the Act and to advise the Minister of its findings. No advice or report given by the Board to the Minister shall be disclosed, except by the Minister.</p>
<b>Decide or Recommend</b>	<p>Section 43 provides that no public utility shall collect, charge or enforce rates other than the rates shown in the schedule filed by the public utility and approved by the Board in accordance with the Act.</p> <p>Section 54 stipulates that a public utility shall apply to the Board for a project permit before undertaking a capital project having a total cost projected to exceed: (i) \$5 million; or (ii) 10% of the utility's rate base.</p> <p>Section 67 provides that a public utility shall not issue a security or other evidence of indebtedness payable more than one year after the date of issues, without first obtaining the approval of the Board.</p> <p>Sections 68 to 70 provide that the Board is to approve the following actions of a public utility: (i) the disposition of property outside of the normal course of business; (ii) the disposition or encumbrance of whole or part of its property, franchises, permits, privileges or rights; (ii) by any means, direct or indirect, merging, amalgamation or consolidation in whole or in part of its property, franchises, permits, privileges or rights with another person (iii) the consolidation, amalgamation or merger with another person; (iv) issuance or sale or make on its books a transfer of shares where the result is to vest in the person a majority interest in the outstanding share capital of the public utility. Without approval of the Board, the action is void.</p>
<b>Appeal</b>	<p>Section 25(1) of the Act provides that the Board may vary or rescind a decision, order or rule made by the Board and may rehear a matter before deciding it.</p> <p>An order, decision or rule of the Board may be appealed to the Supreme Court on a question of law or excess of jurisdiction. The granting of leave to appeal an order, decision or rule and the costs of the application are in the discretion of the Supreme Court.</p>
<b>Funding</b>	<p>The expenditures of the Board must be made from money appropriated for that purpose by the Legislative Assembly.</p> <p>Section 26 provides that the costs of and incidental to a proceeding before the Board or any investigation or review made by the Board, including of the costs of an interested person, are in the discretion of the Board and the Board may order by whom, to whom and in what amount the costs are to be paid.</p>

<b>Regulator</b>	<b>National Energy Board</b>
<b>Nature of Appointment</b>	Each Member of the Board is appointed by the Governor in Council. Permanent members hold office during good behaviour, but may be removed at any time by the Governor in Council on address of the Senate and House of Commons. Temporary members are appointed on “such terms and conditions as the Governor in Council may prescribe”; in practice this has meant appointment of temporary members to the Board as being “during pleasure”. The Board is accountable to Parliament through the Minister of Natural Resources.
<b>Chair/Vice Chair(s)</b>	The Governor in Council shall designate one of the Members to be Chairperson of the Board and another of the Members to be Vice-Chairperson of the Board.
<b>Full-Time Members</b>	The Board shall consist of not more than nine full-time Members and as many temporary members as are required.
<b>Board of Directors/ Executive Committee</b>	There is no Board of Directors at the NEB as the Board’s primary function is adjudication and regulatory oversight. Management of the organization lies with the CEO who is the deputy head. However, the Board does participate in certain aspects of the NEB’s organizational activities, including approving the NEB’s Annual Report to Parliament.
<b>CEO/CE/President</b>	Chairperson: The Chairperson is the Chief Executive Officer of the Board. The Chair apportions work among the members, decides whether the Board sits in a panel, and assigns Members to panels and a Member to preside over each panel. The Chair and CEO also has supervision over and direction of the work of the Board’s staff.
<b>Term</b>	Full-time Members: appointed to hold office for a period of seven years and eligible to be reappointed to hold office during good behaviour for any term of seven years or less.  Temporary Members: terms and conditions as the Governor in Council may prescribe.
<b>Governing Statute(s)</b>	The main Acts under which the NEB has a mandate include the:  <i>National Energy Board Act</i> <i>Canada Oil and Gas Operations Act</i> <i>Canada Petroleum Resources Act</i>

## National Energy Board

<p><b>Directive Authority or Equivalent</b></p>	<p>Subsection 52(8) provides that the Minister may issue a directive to the Chairperson to ensure that the recommendation report required pursuant to subsection 52 (1) regarding the application for a pipeline certificate is prepared and submitted in a timely manner.</p> <p>After the Board has submitted its recommendation report, GIC may direct the Board to issue the pipeline certificate, direct the Board to dismiss the application, or refer the report back to the Board for reconsideration (sections 53 &amp; 54).</p> <p>Subsection 26(2) requires the Board to provide the Minister advice, studies and reports as the Minister may request about energy matters, sources of energy and the safety and security of pipelines and international power lines.</p> <p>Under the NEB Act, the Board may make regulations for some matters, while the GIC and Minister may make regulations for other matters.</p>
<p><b>Decide or Recommend</b></p>	<p>The Board's authority to decide includes the following:</p> <ul style="list-style-type: none"> <li>- Orders authorizing minor pipeline projects less than 40 km in length (section 58);</li> <li>- Permits authorizing international power lines (section 58.11);</li> <li>- Matters relating to the detailed route (sections 33-40); deviations and relocations (sections 45-46); leave to open the pipeline for transmission (section 47); safety orders (section 48); financial resources (sections 48.13-48.15); abandonment funding (section 48.49); reviews of inspection officer orders (section 51.2); traffic, tolls and tariffs (Part IV); sales, transfers, or abandonment (section 74); right of entry (section 104); crossings (i.e., sections 108, 112); and administrative monetary penalties (Part IX); and</li> <li>- The Board may decide some matters with the approval of GIC. For example, varying a certificate, licence or permit (subsection 21(2)); revoking a pipeline certificate (section 56); issuing a certificate for an international power line or interprovincial power line (section 58.16); and making certain regulations.</li> </ul> <p>The Board's authority to recommend includes the following:</p> <ul style="list-style-type: none"> <li>- Under section 26(1.1), the Board shall recommend to the Minister such measures as it considers necessary or advisable in the public interest for: (a) the control, supervision, conservation, use, marketing and development of energy and sources of energy; and (b) the safety and security of pipelines and international power lines;</li> <li>- For a pipeline certificate application, section 52 requires the Board to prepare a report to the Minister setting out: (a) its recommendation as to whether or not the certificate should be issued for all or any portion of the pipeline, taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that recommendation; and (b) all the terms and conditions that it considers necessary or desirable in the public interest to which the certificate will be subject; and</li> <li>- Recommendations to the Minister that an international power line (section 58.14) or application for exportation of electricity (section 119.06) be designated by GIC.</li> </ul>

## National Energy Board

<b>Appeal</b>	<p>Subsection 12(2) of the NEB Act provides that the Board has full jurisdiction to hear and determine all matters, whether of law or of fact.</p> <p>Subsection 21(1) provides that the Board may review, vary or rescind any decision or order made by it or rehear any application before deciding it.</p> <p>Subsection 22(1) provides that an appeal lies from a decision or order of the Board to the Federal Court of Appeal on a question of law or of jurisdiction, after leave to appeal is obtained from that Court.</p>
<b>Funding</b>	<p>The NEB is funded through Parliamentary appropriations, 97% of which are recovered by the Government of Canada from the industry the Board regulates.</p> <p>The NEB Cost Recovery Regulations, enacted under subsection 24.1(1) of the NEB Act, imposes charges to recover costs attributable to the Board's responsibilities; and provides for the manner of calculating those charges.</p> <p>All collections from cost recovery invoices are deposited to the account of the Receiver General for Canada and credited to the Consolidated Revenue Fund. The calculation of cost recovery levies for a particular company is determined pursuant to the Regulations.</p>

<b>Regulator</b>	<b>Canadian Energy Regulator - Bill C-69 Part 2: Canadian Energy Regulator Act</b>
<b>Nature of Appointment</b>	<p>Board of Directors: At pleasure appointment by the Governor in Council.</p> <p>Chief Executive Officer: At pleasure appointment by the Governor in Council on the recommendation of the Minister after the Minister has consulted the directors.</p> <p>Commissioners: Good behaviour appointment by the Governor in Council. May be removed for cause.</p>
<b>Chair/Vice Chair(s)</b>	<p>Chairperson and Vice-Chairperson of the board of directors are appointed by Governor in Council.</p> <p>The Chairperson presides over meetings of the Board of Directors and may perform duties or functions assigned by the Board of Directors.</p> <p>The Lead Commissioner and Deputy Lead Commissioner are designated by Governor in Council.</p> <p>The Lead Commissioner is responsible for the business and affairs of the Commission, including apportioning work among the commissioners.</p>
<b>Full-Time Members</b>	<p>Board of Directors: Part-time only.</p> <p>Chief Executive Officer: Full-time only.</p> <p>Commissioners: up to seven full-time Commissioners and an unlimited (unspecified) number of part-time Commissioners. At least one full-time Commissioner must be an Indigenous person.</p> <p>Conflict of Interest provisions are similar to those of the CEO, as adjusted.</p>

## Canadian Energy Regulator - Bill C-69 Part 2

<b>Board of Directors/ Executive Committee</b>	<p>Sections 14 to 20 establish a Board of Directors. The Regulator is to have a board of directors consisting of at least five but not more than nine directors, including a Chairperson and a Vice-Chairperson. At least one of the directors must be an Indigenous person. The CEO, Commissioners and staff of the Regulator are not eligible to be a director.</p> <p>Conflict of Interest provisions are set out in section 16 and include: (i) engaging in, as owner, shareholder, director, officer, partner or in any other way, the business of producing, selling, buying, transmitting, exporting, importing or otherwise dealing in hydrocarbons, electricity or offshore energy; (ii) holding any bond, debenture or other security of a corporation engaged in any such business; and (iii) holding other employment that is inconsistent with their power, duties and other functions or with any provision of the Act or regulation made under it.</p> <p>Role is set out in section 17. The Board is responsible for the governance of the Regulator and its governance functions include providing strategic direction and advice to the Regulator. It must not give directions or provide advice with respect to any particular decision, order or recommendation that is made by the Commission or a Commissioner.</p>
<b>CEO/CE/President</b>	<p>Sections 21 to 25 establish the Chief Executive function.</p> <p>Conflict of Interest provisions are the same as that for Directors, with the addition of a fourth requirement that the CEO not hold office as a Commissioner or be employed by the Regulator.</p> <p>Role is set out in sections 23 and 25, along with other responsibilities as set out throughout the CER Act. The CEO is responsible for the management of the Regulator's day-to-day business and affairs, including the supervision of its employees and their work. The CEO must not give directions with respect to any particular decision, order or recommendation that is made by the Commission or a Commissioner.</p> <p>For greater clarity, the CEO is responsible for the provision of the support services and the facilities that are needed by the Commission to exercise its powers and perform its duties and functions in accordance with the rules that apply to its work. The CEO also has the rank and powers of a deputy head of a department (subsection 23(2)).</p>

## Canadian Energy Regulator - Bill C-69 Part 2

<p><b>Term</b></p>	<p>Board of Directors: Part-time position for a term not exceeding five years. A director may be reappointed in the same or another capacity for one or more terms of up to five years each.</p> <p>Chief Executive Officer: Full-time position for a term up of to six years. May be reappointed for one or more terms of up to six years each. However total term of service is not to exceed 10-years.</p> <p>Commissioners: Appointed for a term not exceeding six years. A Commissioner may be reappointed for one or more terms of up to six years each. Total term of service is not to exceed 10-years.</p>
<p><b>Governing Statute(s)</b></p>	<p>The main Acts under which the CER has a mandate include:</p> <p><i>Canadian Energy Regulator Act</i></p> <p><i>Impact Assessment Act</i></p> <p><i>Canada Oil and Gas Operations Act</i></p> <p><i>Canada Petroleum Resources Act</i></p>
<p><b>Directive Authority or Equivalent</b></p>	<p>Section 13 of the CER Act provides that the Governor in Council may, by order, give to the Regulator directions of general application on broad policy matters with respect to the Regulator's mandate. These directions are binding on the Regulator and must be published in the Canada Gazette and tabled in each House of Parliament.</p> <p>Section 77 provides that the Minister may, in accordance with regulations, enter into arrangements with Indigenous governing bodies for carrying out the purposes of the Act.</p> <p>Section 183(8) provides that the Minister may direct the Lead Commissioner to ensure that the recommendation report required pursuant to subsection 183(1) regarding the application for a pipeline certificate is prepared and submitted in a timely manner.</p> <p>GIC has the authority to direct the Commission to reconsider its recommendation report regarding application for a pipeline certificate (section 186), and recommendation regarding the variation or transfer of a pipeline certificate (section 190-193) or power line certificate (sections 280-283).</p> <p>Section 83 requires the Regulator to provide the Minister any advice that the Minister may request about energy matters, sources of energy and the safety and security of regulated facilities and abandoned facilities.</p> <p>Under the CER Act, the Regulator may make regulations for some matters, while the GIC may make regulations for other matters.</p>



## Canadian Energy Regulator - Bill C-69 Part 2

<p><b>Decide or Recommend</b></p>	<p>See the Decide or Recommend section for the NEB, as a majority of the Commission's authorities are substantively the same (but with different section numbers).</p> <p>Some differences in the CER Act include the following:</p> <ul style="list-style-type: none"> <li>- The Commission has the additional authority to make decisions regarding: the appeal of designated officer and inspection officer decisions and orders (section 71); offshore renewable energy projects and offshore power lines (Part 5); and compensation (sections 327, 334).</li> <li>- The Commission has greater authority to make decisions to vary or transfer pipeline (section 190) and power line certificates (section 280), unless the Minister considers that it is in the public interest to direct the Commission to make a recommendation to GIC.</li> <li>- The Regulator may make various regulations, often with the approval of GIC.</li> <li>- The Regulator may also recommend to the Minister measures regarding the cooperation with governmental or other agencies in or outside Canada (section 82).</li> </ul>
<p><b>Appeal</b></p>	<p>Subsection 32(3) of the CER Act provides that the Commission has full jurisdiction to hear and determine all matters, whether of law or fact.</p> <p>Subsection 69(1) provides that the Commission may review, vary or rescind any decision or order it makes and, if applicable, may re-hear any application before deciding it.</p> <p>Section 72(1) provides that an appeal from a decision or order of the Commission on any question of law or of jurisdiction may be brought in the Federal Court of Appeal with leave of that Court.</p>
<p><b>Funding</b></p>	<p>Subsection 87(1) of the CER Act provides that the Regulator may, with the approval of the Treasury Board, make regulations: (i) providing for fees, levies or charges that are payable for the purpose of recovering all or a portion of any costs that the Regulator considers to attributable to the carrying out of its mandate, including costs related to applications that are denied or withdrawn; and (ii) providing for the manner of calculating those fees, levies or charges and their payment to the Regulator.</p>



## THE COUNCIL FOR CLEAN & RELIABLE ENERGY

<http://www.thinkingpower.ca/>

The Council for Clean & Reliable Energy (CCRE) is a federally incorporated non-profit organization that provides a platform for dialogue and analysis on subjects related to energy policy. The CCRE was formed by a group representing academia, public and private sector business leaders, and labour.

The Council understands the value of creating a broader and more inclusive public discourse. During the last decade the Council has facilitated conferences, thought leader's roundtables, distributed opinioned publications and shared knowledge and expertise. Its efforts have been recognized and appreciated by decision-makers in government and the energy business as providing a neutral forum for the free exchange of ideas and opinions. The Council remains committed to continuing to facilitate debate on the generation, transmission and distribution of clean, affordable and reliable energy with a clear focus on finding effective solutions for Canada and abroad.

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Allan Kupcis	Ron Stewart
David McFadden	Robert Warren
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