



# VILLAGE OF BITTERN LAKE

Bylaw #09/19

## Prohibiting Other Persons from Providing Electric Distribution Service Bylaw

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A BYLAW TO PROHIBIT OTHER PERSONS FROM PROVIDING ELECTRIC DISTRIBUTION SERVICE WITHIN THE LEGAL BOUNDARIES OF THE MUNICIPALITY

**WHEREAS**, pursuant to section 45 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (Alberta) ("**Municipal Government Act**"), and as authorized by Municipal Bylaw 05-14 the Village of Bittern lake, (the "**Municipality**") has entered into an Electric Distribution Franchise Agreement with FortisAlberta Inc. (the "**Franchise Agreement**");

**WHEREAS**, pursuant to the terms of the Franchise Agreement, FortisAlberta Inc. (such party and its successors and permitted assigns hereinafter referred to as "**FortisAlberta**") has been granted the exclusive right to provide electric distribution service within the legal boundaries of the Municipality as altered from time to time (the "**Municipal Franchise Area**") for the term of such agreement;

**WHEREAS**, the Municipality may, upon the expiration of the Franchise Agreement, and, subject to the terms of the *Municipal Government Act*, enter into a subsequent or replacement agreement with FortisAlberta or a third party (either such party the "**Subsequent Franchisee**") which grants such Subsequent Franchisee the exclusive right to provide electric distribution service within the Municipal Franchise Area for the term of such agreement (any such agreement or replacement thereof a "**Subsequent Franchise Agreement**");

**WHEREAS**, the legal boundaries of the Municipality have increased since the effective date of the Franchise Agreement, and may increase from time to time after the date this Bylaw is passed, due to municipal annexations or for other reasons;

**WHEREAS**, pursuant to Section 46 of the *Municipal Government Act*, and for the duration of any Franchise Agreement or Subsequent Franchise Agreement (any such agreement an "**Exclusive Franchise Agreement**"), the Municipality wishes to prohibit, any person other than FortisAlberta or the Subsequent Franchisee, as the case may be (such party the "**Exclusive Franchisee**"), from providing the electric distribution service or any similar utility service within the Municipal Franchise Area;

NOW THEREFORE the Council of, The Village of Bittern Lake in the Province of Alberta, duly assembled, enacts as follows:

### Short Title

1. This Bylaw may be referred to as the **Prohibiting Other Persons from Providing Electric Distribution Service Bylaw**.

### Exclusive Electric Distribution Service Rights

2. For the duration of any Exclusive Franchise Agreement, any other person other than the Exclusive Franchisee from providing electric distribution service or any similar utility service within the Municipal Franchise Area.



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3. If there is any **[increase]** in the legal boundaries of the Municipality, through annexation or otherwise and whether occurring prior to or after the date that this Bylaw is passed that results in the service area of any Rural Electrification Association (as such term is defined in the *Rural Utilities Act*, R.S.A. 2000, c. R-21 (Alberta)) overlapping with the Municipal Franchise Area, then any consumers which are connected to, and take electric distribution service from, such Rural Electrification Association must transfer to, connect to, and take electric distribution service from, the Exclusive Franchisee no later than the ninetieth (90<sup>th</sup>) day following the later of:
- (a) the date that this Bylaw is passed; and
  - (b) the date that the service area boundary of such Rural Electrification Association is altered by order of the Alberta Utilities Commission (or otherwise pursuant to applicable law) so that it no longer overlaps with the Municipal Franchise Area.

READ a First time in Council assembled this 9 day of May, [2019].

READ a Second time in Council assembled this 9 day of May, [2019].

READ a Third time in Council assembled this 6 day of June, [2019].

  
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Mayor Earl (Charlie) Debnam

  
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CAO Jill Tinson