1975

c 8 The Ontario Energy Board Amendment Act, 1975 (2nd Session)

Ontario
CHAPTER 8

An Act to amend
The Ontario Energy Board Act

Assented to December 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 6 of section 1 of The Ontario Energy Board Act, being chapter 312 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

6. "gas" means natural gas, substitute natural gas, synthetic gas, manufactured gas, propane-air gas or any mixture of any of them.

2. The said Act is amended by adding thereto the following Part:

PART 1-A
GAS PRIORITIES AND ALLOCATION

37b. In this Part,

(a) "consumer" includes a distributor who purchases all or part of his supply of gas from another distributor;

(b) "distributor" means a person who supplies gas to a consumer.

37c.—(1) Where an allocation plan governing a distributor is approved by the Board, the distributor shall supply gas only in accordance with the allocation plan.

(2) Every distributor, at such times as may be prescribed by the regulations, shall file with the Board,

(a) an estimate of the quantity of gas that will be available to the distributor to supply the requirements of its consumers for gas; and
(b) the distributor's proposed plan for the allocation of the gas referred to in clause a, for such periods of time as may be prescribed by the regulations.

(3) The Board shall consider the proposed allocation plan filed by a distributor together with any objection or submission filed with respect thereto and shall by order approve the plan with or without such modifications or additions thereto as the Board shall determine.

(4) The Board, subject to the same procedures as nearly as possible as apply to the approval of proposed allocation plans, may by order amend an approved allocation plan on its own motion upon notice to the distributor governed by the approved allocation plan or on the application of the distributor governed by the approved allocation plan.

37d. Upon application, the Board may, after a hearing, direct a distributor to make available to another distributor such amount of gas, or any class thereof, and by such means, including sale, loan or otherwise, and on such terms and conditions, including compensation, and to be used by the receiving distributor in such manner, as may be determined by the Board.

37e. Notwithstanding section 25 of this Act and section 55 of The Public Utilities Act,

(a) every distributor affected by a regulation, an order of the Board or an allocation plan approved under this Part, and every consumer affected by an order of the Board, shall comply therewith in accordance with its terms notwithstanding anything in any contract between a distributor and a consumer; and

(b) no action shall be brought against a distributor and a distributor shall not be liable for an act or omission in respect of the supply of gas or the failure to supply gas in so far as such act or omission is authorized, permitted or required by this Part, the regulations, an order of the Board or an allocation plan approved by the Board under this Part.

37f.—(1) Subject to subsection 2 and the regulations, no person, except a distributor, shall use gas in Ontario that has not been acquired from a distributor.
(2) Subsection 1 does not apply to the operator of a pipeline as defined in the *National Energy Board Act* (Canada).

37g. Every order made under this Part takes effect at the time prescribed in the order and the operation of the order is not suspended by an appeal or an application under *The Judicial Review Procedure Act, 1971*.

37h.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing a system or systems of priorities that, subject to any order of the Board and any allocation plan approved by the Board, shall be complied with by distributors in the supply of gas to consumers;

(b) prescribing times and periods of time for the purposes of subsection 2 of section 37c;

(c) specifying principles, criteria or factors that shall be followed by distributors in formulating and implementing allocation plans;

(d) prescribing additional information and material to be contained in an allocation plan, or to be supplied in support of the plan;

(e) prescribing the form in which an allocation plan shall be prepared and filed;

(f) prescribing the procedures for notification to consumers and classes of consumers affected by a proposed plan and for inspection of the plan;

(g) prescribing the procedures for the filing of objections or submissions in respect of any allocation plan with the Board and for the inspection of such objections or submissions;

(h) prescribing the procedures for the implementation of approved allocation plans by distributors;

(i) respecting the manner in which notice of allocation plans, proposed or approved, shall be given to the public;

(j) respecting any other matter necessary or advisable to provide for situations in which the supply of gas available for use in Ontario is not sufficient to supply
all of the requirements of consumers of gas in Ontario so as to carry out effectively the intent and purpose of this Part.

(2) A regulation made under this Part may be general or particular in its application and may apply to any class of distributors, to any class of gas and to any class of consumers.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

4. This Act may be cited as The Ontario Energy Board Amendment Act, 1975 (2nd Session).