

2018

CHAPTER 38

An Act to amend *The SaskEnergy Act*

(Assented to May 30, 2018)

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

Short title

1 This Act may be cited as *The SaskEnergy Amendment Act, 2018*.

SS 1992, c S-35.1 amended

2 *The SaskEnergy Act* is amended in the manner set forth in this Act.

Section 12 amended

3 **The following subsection is added after subsection 12(2):**

“(3) The corporation is not liable in an action based on nuisance, or any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from:

(a) its land, buildings, machinery, plant or other works, including any of its pipelines, apparatus, equipment or other facilities; or

(b) its operation or non-operation as a public utility”.

Section 16 amended

4 **Subsection 16(5) is repealed and the following substituted:**

“(5) The corporation shall make the schedule mentioned in subsection (3) available to the public in any manner that the corporation determines to be appropriate, including:

(a) publishing it on the corporation’s website; and

(b) making it available to any member of the public on request”.

Section 23 amended

5 **Subsection 23(1) is repealed and the following substituted:**

“(1) In this section and in section 24:

(a) **‘distribution of gas’** means distribution of gas as defined in the regulations;

(b) **‘exclusive right to distribute’** means the exclusive right to distribute as set out in the regulations;

(c) **‘metering point’** means a metering point as defined in the regulations;

(d) **‘oilfield facility system’** means an oilfield facility system as defined in the regulations;

(e) **‘supply system’** means a supply system as defined in the regulations”.

New section 34

6 Section 34 is repealed and the following substituted:

“Entry on premises and lands

34 The corporation, its officers, employees and agents, its subsidiaries and any officers, employees and agents of its subsidiaries may enter, at any reasonable time, the premises of any of its customers or any lands on which pipelines of the corporation or its subsidiaries are located to inspect service conditions, to read meters and, when service is discontinued, to remove meters and other equipment belonging to the corporation or its subsidiaries”.

Section 35 amended

7 Subsection 35(2) is amended by adding “or deposit” after “security”.

Section 45 amended

8 Subsection 45(1) is repealed and the following substituted:

“(1) Subject to subsection (2), the fiscal year of the corporation is the period:

(a) commencing on April 1 in one year; and

(b) ending on March 31 in the following year”.

Section 54 amended

9 Clause 54(1)(d) is amended by adding “or the regulations” after “Act”.

Section 60 amended

10(1) Subsection 60(1) is repealed and the following substituted:

“(1) In this section and in section 61:

(a) **‘enhanced oil recovery operation’** means an enhanced oil recovery operation as defined in the regulations;

(b) **‘exclusive right to transport’** means the exclusive right to transport as set out in the regulations;

(c) **‘gas gathering and processing system’** means a gas gathering and processing system as defined in the regulations;

(d) **‘TransGas gas transmission pipeline’** means a TransGas gas transmission pipeline as defined in the regulations;

(e) **‘transportation of gas’** means the transportation of gas as defined in the regulations”.

(2) The following subsections are added after subsection 60(6):

“(7) Except where TransGas consents, no person other than TransGas shall transport gas to a parcel of land other than the parcel of land to which TransGas delivered the gas.

“(8) Notwithstanding subsection (7), a person who is engaged in an enhanced oil recovery operation may transport gas to a parcel of land other than the parcel of land to which TransGas delivered the gas, if:

- (a) all of the gas that crosses the boundaries of the parcel of land to which the gas was delivered is consumed or otherwise used in an enhanced oil recovery operation; and
- (b) both the enhanced oil recovery operation and the parcel to which the gas was delivered by TransGas are owned or controlled by the same person.

“(9) TransGas’ exclusive right to transport gas pursuant to subsection (2) does not apply to third party transportation of gas by a vehicle if:

- (a) the consumption purpose of the gas is:
 - (i) temporary and transient;
 - (ii) for an industrial or commercial purpose; and
 - (iii) for a single party; and
- (b) TransGas consents to the transportation”.

New section 64

11 Section 64 is repealed and the following substituted:

“Regulations

64(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the rules pursuant to which the corporation may establish rates and charges for the purposes of clause 16(1)(a) and, for that purpose, prescribing rules respecting how fees and charges are to be established and calculated;
- (c) for the purposes of sections 23 and 24:
 - (i) defining ‘distribution of gas’;
 - (ii) respecting the corporation’s exclusive right to distribute gas in Saskatchewan, including determining the extent, the beginning point and the end point of the exclusive right;
 - (iii) defining ‘metering point’;
 - (iv) defining ‘oilfield facility system’; and
 - (v) defining ‘supply system’;

- (d) prescribing rules and circumstances for the purposes of section 35 pursuant to which the corporation may discontinue service;
 - (e) for the purposes of sections 60 and 61:
 - (i) defining ‘enhanced oil recovery operation’;
 - (ii) respecting TransGas’ exclusive right to transport gas in Saskatchewan, including determining the extent, the beginning point and the end point of the exclusive right;
 - (iii) defining ‘gas gathering and processing system’;
 - (iv) defining ‘TransGas gas transmission pipeline’; and
 - (v) defining ‘transportation of gas’;
 - (f) prescribing the rules pursuant to which TransGas may establish rates and charges for the purposes of clause 62(1)(a) and, for that purpose, prescribing rules respecting how fees and charges are to be established and calculated;
 - (g) prescribing any matter or thing that is required or authorized to be prescribed in the regulations;
 - (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to this section may be made retroactive to a day not earlier than June 1, 1988”.

Coming into force

12 This Act comes into force on proclamation.