

**TOWN OF BLACKFALDS
BYLAW 1248/20**

**BEING A BYLAW TO AMEND THE ELECTRIC DISTRIBUTION SYSTEM FRANCHISE
AGREEMENT BYLAW TO PROHIBIT OTHER PERSONS FROM PROVIDING ELECTRIC
DISTRIBUTION SERVICE WITHIN THE LEGAL BOUNDARIES OF THE MUNICIPALITY**

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26 (the "Municipal Government Act" - MGA) and amendments thereto, to provide for amendments to Bylaw 1156/13, for the purpose of the Electric Distribution Franchise Agreement between the Town of Blackfalds (the "Municipality") and Fortis Alberta Inc. (the "Franchise Agreement"), as authorized under MGA Section 45, Granting rights to provide utility service.

WHEREAS, the Municipal Council deems it necessary and expedient to amend Town of Blackfalds Bylaw 1156/13.

WHEREAS, pursuant to the terms of the Franchise Agreement, Fortis Alberta Inc. (such party and its successors and permitted assigns hereinafter referred to as "Fortis Alberta") 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 Fortis Alberta 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 may be altered from time to time after the date this Bylaw is passed, due to municipal annexations or for other reasons.

AND 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 Fortis Alberta or the Subsequent Franchisee, as the case may be (such party the "Exclusive Franchisee"), from providing electric distribution service, or any similar utility service, within the Municipal Franchise Area.

NOW THEREFORE the Council of Town of Blackfalds, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - TITLE

- 1.1 That this Bylaw shall be cited as the "Prohibiting Other Persons from Providing Electric Distribution Service within the Municipal Franchise Area" Bylaw.

PART 2 - LIMITATIONS

- 2.1 For the duration of any Exclusive Franchise Agreement, any person other than the Exclusive Franchisee shall be prohibited from providing electric distribution service, or any similar utility service, within the Municipal Franchise Area.
- 2.2 If, prior to the date that this Bylaw is passed,:
- a. an alteration of the legal boundaries of the Municipality, through annexation or otherwise, occurred and resulted in the service area of any rural electrification association (as such term is defined in the Electric Utilities Act, R.S.A. 2003, C. E-5.1) extending into the Municipal Franchise Area; and
 - b. the service area of such rural electrification association was subsequently altered by Decision 22164-D01-2018 or any other decision, order, or approval of the Alberta Utilities Commission (or otherwise pursuant to applicable law) such that it no longer extends into the Municipal Franchise Area;

then any consumers within the Municipal Franchise Area 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 (90th) day following the date that this Bylaw is passed.

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2.3 If,:

- a. an alteration of the legal boundaries of the Municipality, through annexation or otherwise, occurs after (or occurred prior to) the date that this Bylaw is passed and results in (or resulted in) the service area of any rural electrification association (as such term is defined in the Electric Utilities Act, R.S.A. 2003, c. E-5.1) extending into the Municipal Franchise Area; and
- b. the service area of such rural electrification association is subsequently altered by any decision, order, or approval of the Alberta Utilities Commission (or otherwise pursuant to applicable law) such that it no longer extends into the Municipal Franchise Area (any such alteration, a "Service Area Alteration");

then any consumers within the Municipal Franchise Area 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 (90th) day following the date of such Service Area Alteration.

PART 3 - AMENDMENT

3.1 That Bylaw 1156/13 is hereby amended upon this Bylaw coming into effect.

PART 4 - DATE OF FORCE

4.1 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the First time this 28 day of April, A.D. 2020

(RES. 122/20)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON

READ for the Second time this 26 day of May, A.D. 2020

(RES. 152/20)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON

READ for the Third and Final time this 26 day of May, A.D. 2020

(RES. 153/20)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON