

UNEDITED

The Power Commission Act

being

Chapter 39 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 39

An Act respecting The Saskatchewan Power Commission

Short title

- 1 This Act may be cited as *The Power Commission Act*.

R.S.S. 1953, c.39, c.1.

INTERPRETATION AND APPLICATION OF ACT

Interpretaion

- 2 In this Act:

“corporation”

- 1 “**corporation**” means a corporation owning, operating, managing or controlling a public utility, and includes a person, or an association of persons, and also includes the liquidators, receivers, trustees, successors, executors, administrators or lessees of such corporation, person or association of persons;

“public utility”

- 2 “**public utility**” means a system or works for the generation, production, transmission, delivery or supply, directly or indirectly, to or for the public, of electrical energy, or natural or manufactured gas, but does not include a telephone system or any part thereof;

“works”

- 3 “**works**” includes all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment used or to be used in the generation, production, transmission, distribution, delivery, sale or use of electrical energy or natural or manufactured gas.

1950, c.9, s.2; R.S.S. 1953, c.39, c.3.

Application of Act

- 3 This Act applies to all corporations operating wholly or in part within the province, and giving public utility service therein, and also to the persons and corporations mentioned in section 14.

1950, c.9, s.3; R.S.S. 1953, c.39, c.3.

THE COMMISSION

Organization

- 4(1) There shall be a commission to be called The Saskatchewan Power Commission, in this Act referred to as “the commission”, consisting of one, two or three members appointed from time to time by the Lieutenant Governor in Council, with the powers and duties set forth in this Act.

- (2) Each member shall hold office during the pleasure of the Lieutenant Governor in Council.

- (3) If the commission consists of more than one member the Lieutenant Governor in Council shall:

- (a) designate one of the members as chairman;

- (b) specify what number of members shall form a quorum;
- (c) designate one of the members as acting chairman in the absence of the chairman.

(4) The chairman or, in his absence, the acting chairman shall have power to sign all orders, rules, regulations and other documents on behalf of the commission. When signed by the acting chairman, such documents shall have the like effect as if signed by the chairman, and, when it appears that the acting chairman, such documents shall have the like effect as if signed by the chairman, and, when it appears that the acting chairman has acted in the place of the chairman, it shall be conclusively presumed that he has so acted in the absence of the chairman.

(5) If there is only one member he shall be deemed to be the chairman and shall possess all the powers and perform the duties of the commission. The Lieutenant Governor in Council may appoint some person to act for him when absent for any cause, and the person so appointed shall during such absence perform the duties and have all the powers of the commission.

(6) Members of the commission shall receive such remuneration as may be approved by the Lieutenant Governor in Council.

1950, c.9, s.4; R.S.S. 1953, c.39, c.4.

Commission continued

5 The Saskatchewan Power Commission as at present constituted is hereby continued as the commission referred to in section 4, subject to such changes in personnel as may be made under the provisions of the said section.

1950, c.9, s.5; R.S.S. 1953, c.39, c.5.

Appointment and remuneration of employees

6(1) The commission may appoint such officers and other employees as it deems necessary and may determine their remuneration.

(2) The remuneration to be paid to such officers and employees, as well as to members of the commission, shall, along with other expenses incurred in the administration of this Act, be chargeable to and payable out of moneys appropriated for that purpose by the Legislature,

1950, c.9, s.6; R.S.S. 1953, c.39, c.6.

Disposal of moneys received

7(1) Moneys received by the commission under the provisions of this Act or the regulations shall be transferred by the commission to the Provincial Treasurer.

(2) Notwithstanding the provisions of subsection (2) of section 6 and subsection (1) of this section, if in any fiscal year there are no moneys appropriated by the Legislature for the commission, and the expenses of the commission are paid by Saskatchewan Power Corporation, the moneys received by the commission in respect of the said year shall be transferred to the said corporation.

1950, c.9, s.7; R.S.S. 1953, c.39, c.7,

CONSENTS

Consent of commission required

8(1) Except as may be provided in regulations made by the commission with the approval of the Lieutenant Governor in Council, no corporation shall commence to construct, reconstruct, enlarge, extend or alter or commence to operate a public utility without first obtaining the consent of the commission.

(2) The corporation shall file with the commission:

- (a) fully detailed plans and specifications of the works or proposed works;
- (b) where the corporation is not a municipal corporation, and the works or proposed works consist of an electrical generating plant or electrical or gas distribution system, the consent of any city, town, village or rural municipality within which the powers of the corporation are to be exercised, such consent to be by bylaw and to be on the terms and conditions therein provided;
- (c) such other information as may reasonably be required by the commission.

(3) Before granting its consent to the construction, reconstruction, enlargement, extension or alteration of any electrical transmission line or gas pipe line, where such transmission line or pipe line is to be placed along, across or under a highway, road allowance, road, street, lane or other public place not situated in any city, town or village, or in a hamlet in a rural municipality, the commission shall obtain the consent of the Minister of Highways and Transportation and of the Minister of Telephones to such work, and shall also submit a copy of a plan showing the location of the proposed line to the secretary treasurer of any rural municipality within which the line or any part thereof is to be constructed and to the Minister of Municipal Affairs if the said line or part thereof is to be constructed in a local improvement district.

1950, c.9, s.8; R.S.S. 1953, c.39, c.8.

Procedure upon application for consent

9(1) When application is made for a consent under or section 8, the commission may grant or reject the application and if the application is granted the commission may prescribe terms and conditions subject to which the consent is granted.

(2) Where the application relates to an electrical transmission line or gas pipe line as referred to in subsection (3) of section 8, the consents of the Minister of Highways and Transportation and of the Minister of Telephones or copies thereof shall be attached to and form part of the consent of the commission.

(3) If terms and conditions are prescribed in the consent of the commission, or of the Minister of Highways and Transportation or Minister of Telephones, the commission may order the corporation operating the public utility in respect of which the consent or consents are issued to comply with such terms and conditions, or any of them, within a time to be specified in the order.

(4) The commission may withdraw a consent at any time, and in such case the corporation may forthwith, and shall, if the commission so orders, and within such time as may be specified in the order, remove any transmission line or distribution system to which the consent applies and restore the ground to its former condition.

(5) If the corporation fails to comply with the order, the commission may cause the removal and restoration to be carried out at the expense of the corporation.

1950, c.9, s.9; R.S.S. 1953, c.39, c.9.

Jurisdiction of courts

10 No court shall grant an injunction or order restraining, either temporarily or permanently, the construction, maintenance or operation of any works the location and mode of construction of which have been approved by the commission if such works are being or have been constructed in the place and according to the mode so approved.

1950, c.9, s.10; R.S.S. 1953, c.39, c.10.

RULES AND REGULATIONS

Powers of commission

11 The commission may, with the approval of the Lieutenant Governor in Council, make rules and regulations:

- (a) for securing the safety of persons who may be in the vicinity of or using or working on the works or undertakings of any corporation;
- (b) for safe-guarding the property of the public or of other corporations which may be affected by the use or proximity of the works and undertakings of a corporation;
- (c) governing the operation, maintenance and service conditions of works and undertakings so as to ensure to the public reasonably safe, continuous and satisfactory service;
- (d) prescribing terms and conditions under which consents and permits may be granted, the forms of such consents and permits, their duration, the conditions under which they may be cancelled or suspended, and the fees chargeable therefor;
- (e) providing for the inspection of all work performed by corporations in order to ensure that it conforms to the regulations and to the terms of any consent granted;
- (f) prescribing fees for inspections and reinspections and for engineering and other work;
- (g) requiring persons and corporations operating works to carry insurance against public liability and property damage;
- (h) for carrying out the provisions of this Act according to their true intent and supplying any deficiency therein.

1950, c.9, s.11; R.S.S. 1953, c.39, c.11.

MOVING OF LINES

Control by commission

12 On proof to the satisfaction of the commission that it is necessary, on account of the widening or alteration of a highway or road, outside the limits of any city, town or village or hamlet in a rural municipality, that any part of an electrical transmission line or distribution system or any gas pipe line be moved, the commission shall issue the necessary order and the cost of the work of moving shall be borne by the corporation operating the transmission line or system or the gas pipe line.

1950, c.9, s.12; R.S.S. 1953, c.39, c.12.

INVESTIGATION OF ACCIDENTS

Power to order investigation

13 The commission may order investigations to be made by competent persons into accidents which are directly or indirectly attributable to electrical hazards, or hazards arising out of the manufacture, distribution, transmission, sale or supply of natural or manufactured gas, and the persons appointed for the purpose shall have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*.

1950, c.9, s.13; R.S.S. 1953, c.39, c.13.

LINES NOT FORMING PART OF PUBLIC UTILITY

Application of certain sections

14 The provisions of section 8 to 13 and section 15 apply, with the necessary modifications, to the construction, reconstruction, enlargement, extension, alteration and operation by any person or corporation of electrical transmission or distribution lines not forming part of a public utility, along, across or under a highway, road allowance, road, street, land or other public place, or along, across or under any land which is not the property of the owner of such lines.

1950, c.9, s.14; R.S.S. 1953, c.39, c.14.

OFFENCES AND PENALTIES

Offences and penalties

15(1) Every municipal or other corporation and every person hindering, molesting, obstructing or interfering with an employee of the commission in the performance of his duty is guilty of an offence and liable on summary conviction to a fine not exceeding \$10.

(2) Every municipal or other corporation and every person commencing construction, reconstruction, enlargement, extension, alteration or operation of works without having obtained the consent of the commission therefor is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$500.

(3) Every municipal or other corporation and every person refusing or neglecting to comply with the provisions of this Act or of any rule or regulation made under this Act, is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$50.

(4) Every municipal or other corporation and every person refusing or neglecting to comply with any order issued by the commission in conformity with the powers conferred by this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$500 and a further fine of not less than \$25 nor more than \$500 for every day during which the refusal or neglect continues.

(5) Every municipal or other corporation and every person obstructing the construction or placing of poles or other works as approved by the commission is guilty of an offence and liable on summary conviction to a fine not exceeding \$10.

1950, c.9, s.15; R.S.S. 1953, c.39, c.15.

GENERAL

Responsibility of commission to minister

16 In the performance of the duties and exercise of the powers imposed or conferred on the commission under the provisions of this Act, the commission shall be responsible to such member of the Executive Council as may be designated for the purpose.

1950, c.9, s.16; R.S.S. 1953, c.39, c.16.