

# *The Power Corporation Act*

*being*

[Chapter P-19](#) of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by *The Revised Statutes of Saskatchewan, 1978 (Supplement)*, [c.C-50.1](#) and [51](#), and the *Statutes of Saskatchewan, 1979*, c.53; 1979-80, c.M-32.01 and 92; 1982-83, c.22; 1983, c.11 and 29; 1983-84, c.6, 34 and 51; 1984-85-86, c.61; 1986-87-88, c.29 and 52; [1988-89](#), [c.42](#) and [46](#); [1989-90](#), c.20 and [54](#); [1991](#), c. T-1.1; [1992](#), c.A-24.1, S-35.1 and [61](#); [1993](#), c.C-50.101; [1996](#), c.9, [55](#) and [56](#); [1997](#), c.32; [1998](#), c.14, 20 and 31; [2000](#), c.L-5.1 and 16; [2001](#), c.23 and c.30; [2003](#), c.39; [2004](#), c.62; [2005](#), c.M-36.1; [2010](#), c.N-5.2; [2013](#), c.W-17.11 and c.25; [2014](#), c.E-13.1 and c.19; [2015](#), c.21; [2016](#), c.23; [2017](#), c.20; and [2019](#), c.25.

## **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 P-19

### An Act respecting Saskatchewan Power Corporation

#### Short title

1 This Act may be cited as *The Power Corporation Act*.

#### Interpretation

1.1 In this Act:

- (a) **“board”** means the board of directors of the corporation;
- (b) **“corporation”** means Saskatchewan Power Corporation continued pursuant to section 2;
- (c) **“Crown”** means the Crown in right of Saskatchewan;
- (c.1) **“distribution”** means, with respect to electrical energy, any distribution of electrical energy by means of lines, apparatus, equipment or other facilities with a nominal design voltage within the range prescribed in the regulations for the purposes of this clause and, without limiting the generality of the foregoing, includes a distribution undertaken to provide electrical energy:
  - (i) for a person’s own use;
  - (ii) for use by another person; or
  - (iii) for further distribution or transmission by another person;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“pipe”** or **“pipeline”** does not include a pipeline used for the transportation or distribution of gas within the meaning of *The SaskEnergy Act*;
- (f) **“transmission”** means, with respect to electrical energy, any transmission of electrical energy by means of lines, apparatus, equipment or other facilities with a nominal design voltage greater than the upper limit of the range of nominal design voltages prescribed for the definition of ‘distribution’ and, without limiting the generality of the foregoing, includes a transmission undertaken to provide electrical energy:
  - (i) for a person’s own use;
  - (ii) for use by another person; or
  - (iii) for further transmission or distribution by another person.

2001, c.30, s.3; 2004, c.62, s.3.

1.2 **Repealed.** 2001, c.30, s.3.

## PART I ORGANIZATION AND POWERS

### Corporation continued

2(1) Saskatchewan Power Corporation is continued as a corporation, consisting of those persons who may be appointed as members by the Lieutenant Governor in Council.

(2) SaskPower is the abbreviated name of the corporation, and the abbreviation when used has the same legal effect and meaning as the full name of the corporation.

2001, c.30, s.4.

### Capacity to contract, etc.

3(1) The corporation shall have perpetual succession and a common seal and shall have capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf. The corporation may also sue in respect of any tort, and may be sued in respect of any liabilities in tort to which it is made subject by this Act.

(2) Subject to *The Workers' Compensation Act, 2013*, the corporation is subject to all those liabilities in tort to which, if it were a person of full age and capacity, it would be subject:

- (a) in respect of a tort committed by any of its officers, employees or agents;
- (b) in respect of a breach of those duties that a person owes to his or her officers, employees or agents by reason of being their employer or principal;
- (c) in respect of a breach of the duties attaching to the ownership, occupation, possession or control of property; and
- (d) under any statute, or under any regulation or bylaw made or passed under any statute;

Provided that no proceedings lie against the corporation by virtue of clause (a) in respect of any act or omission of an officer, employee or agent of the corporation unless the act or omission would, apart from this Act, have given rise to a cause of action in tort against that officer, employee or agent or his or her personal representative.

(2.1) Notwithstanding subsection (2), the corporation is not liable in any action:

- (a) for failure to supply electrical energy or natural or manufactured gas due to any cause except a failure by the corporation, its officers, employees or agents to exercise a reasonable standard of care having regard to the circumstances; or
- (b) for any injury, loss or damage to persons or property arising out of, or directly or indirectly resulting from, the supply or use of electrical energy or natural or manufactured gas by a customer beyond the point of delivery to the customer's premises.

(2.2) The corporation is not liable in an action based on nuisance, or on 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 transmission and distribution lines, apparatus, equipment or other facilities; or
- (b) its operation or non-operation as a public utility.

(2.3) No action or proceeding lies or shall be commenced against the minister, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or the regulations or any duty imposed by this Act or the regulations.

(3) The corporation shall be the agent of the Crown in right of Saskatchewan, and its powers may be exercised only as such agent, but it shall not be necessary, in contracts entered into by the corporation, to make specific reference to the Crown or Her Majesty.

R.S.S. 1978, c.P-19, s.3; 1983-84, c.51, s.3; 2013, c.25, s.3; 2013, c.W-17.11, s.194; 2016, c23, s.3.

#### **Ownership of property**

4 All property, real and personal, and all moneys owned or acquired by the corporation, and all profits earned by the corporation, shall, subject to section 41, be the property of the Crown in right of Saskatchewan, and shall be exempt from taxation of whatever nature and description.

R.S.S. 1978, c.P-19, s.4.

#### **Chairperson, vacancies, quorum, etc.**

5(1) The Lieutenant Governor in Council shall designate one member of the corporation as chairperson of the board.

(2) The members of the corporation may elect a vice-chairperson to act in the absence of the chairperson.

(3) A vacancy in the membership of the corporation shall not impair the power of the remaining members to act.

(4) The Lieutenant Governor in Council may make provisions as to the number of members who shall form a quorum for the transaction of business at meetings of the members.

(5) The corporation shall, in the performance of the duties and exercise of the powers imposed or conferred under this Act, be responsible to such member of the Executive Council as may be designated by the Lieutenant Governor in Council.

(6) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

R.S.S. 1978, c.P-19, s.5; 1993, c.C-50.101, s.51; 1998, c.20, s.5; 2015, c.21, s.64.

**Executive committee and advisory committees**

- 5.1(1)** The members of the corporation may from time to time:
- (a) appoint from their number an executive committee;
  - (b) by resolution, delegate to the executive committee any powers that they consider necessary for the efficient conduct of the affairs and business of the corporation.
- (2) A member of the executive committee shall hold office until:
- (a) his or her removal by resolution of the members of the corporation; or
  - (b) he or she ceases to be a member of the corporation.
- (3) The executive committee may exercise any powers of the members of the corporation that are delegated to it by resolution of the members of the corporation, subject to any restrictions contained in the resolution.
- (4) The executive committee shall:
- (a) fix a quorum for meetings of the committee, which shall be not less than a majority of its members;
  - (b) keep minutes of its proceedings;
  - (c) submit to the members of the corporation, at each meeting of the members of the corporation, the minutes of the committee's proceedings during the period since the most recent meeting of the members of the corporation.
- (5) The members of the corporation may also from time to time appoint any advisory committees that they consider necessary for the efficient conduct of the affairs and business of the corporation.

1979, c.53, s.3; 2016, c23, s.4.

**Head office**

- 6** The head office of the corporation shall be in the city of Regina, but the Lieutenant Governor in Council may change the location of the head office.

R.S.S. 1978, c.P-19, s.6.

**Publication of appointment of members**

- 7** The Clerk of the Executive Council shall publish in *The Saskatchewan Gazette* a notice of any appointment made under section 2.

R.S.S. 1978, c.P-19, s.7.

**Purposes and powers**

- 8(1)** The purposes and powers of the corporation shall be:
- (a) the generation, transmission, distribution, purchase, sale and supply of electrical energy;
  - (b) the production, transmission, distribution, sale and supply of steam;

- (c) the production or purchase and the sale and supply of gas and the production or purchase and the transmission, distribution, sale and supply of carbon dioxide or gas derived from power generation;
  - (d) the production of coal and the processing of oil to provide fuel for use in the corporation's power plants, the sale of coal and oil not immediately required by the corporation, and the sale of by-products of oil processed;
  - (e) the manufacture of poles, cross-arms and other articles used or capable of being used in the transmission, distribution and supply of electrical energy, and the sale of such articles;
  - (f) the purchase, for the purpose of resale, of apparatus and equipment used or suitable for use in the generation and distribution of electrical energy, and the sale of such apparatus and equipment;
  - (g) **Repealed.** 1992, c.S-35.1, s.73.
  - (h) the construction, maintenance and operation of communication systems in rural and remote areas for the purpose of transmitting telephonic messages by electrical means, and the sale, leasing or other disposition of any such communication system or any part thereof;
  - (h.1) the promotion of, participation in or undertaking and carrying out of programs designed to encourage the prudent, judicious and economic use and conservation of electrical energy, steam and heat;
  - (h.2) the inspection of apparatus and equipment related to the manufacture, transmission, distribution and use of electrical energy, steam, heat, natural or manufactured gas, oil, propane and other fuels and the installation of that apparatus and equipment;
  - (i) any other purposes and powers connected with or incidental to the purposes and powers of the corporation as set out in this Act or any other Act;
  - (j) to exercise any other powers that may be designated and prescribed by the Lieutenant Governor in Council and that the Lieutenant Governor in Council considers are necessary or desirable for the efficient operation of the corporation=s business for the public good.
- (2) The powers of the corporation set forth in clauses (d), (e) and (f) of subsection (1) shall be exercised subject to the approval of the Lieutenant Governor in Council.
- (3) Notwithstanding any other Act but subject to subsection (5), every person who accepts, uses or otherwise is the recipient of a service provided by the corporation shall:
- (a) pay any charges and rates; and
  - (b) comply with any terms and conditions;
- established and revised by the corporation.

(3.1) When required to do so by the Crown Investments Corporation of Saskatchewan, the corporation shall submit to the Crown Investments Corporation of Saskatchewan for review and prior approval any rates, charges and prices at which any goods, utilities or services are sold or provided by the corporation and that the corporation proposes to establish or revise pursuant to subsection (3).

(4) The charges, rates, terms and conditions mentioned in subsection (3) shall be set out or described in a schedule that the corporation shall make available for public inspection at the business offices of the corporation during business hours.

(5) A charge, rate, term or condition is not valid unless the schedule mentioned in subsection (4) and in which it is set out or described has been made available for public inspection in the manner provided in that subsection.

(6) Notwithstanding subsections (3) to (5), where in the opinion of the corporation the schedule of charges, rates, terms and conditions mentioned in subsection (4) does not adequately accommodate the provision of a particular service requested by a person, the corporation may enter into a special agreement with that person to provide the service in accordance with charges, rates, terms or conditions at variance with or in addition to those set out or described in the schedule and the agreement shall have precedence over the schedule to the extent necessary to give effect to that agreement.

(6.1) Notwithstanding subsections (3) to (5), the corporation is not required to set out charges, rates, terms and conditions in a schedule if it is providing a service that another person, other than a wholly owned subsidiary of the corporation, is lawfully entitled to provide in Saskatchewan.

(7) **Repealed.** 1993, c.C-50.101, s.51.

R.S.S. 1978, c.P-19, s.8; 1979, c.53, s.4; 1986-87-88, c.52, s.4; 1992, c.S-35.1, s.73; 1993, c.C-50.101, s.51; 1997, c.32, s.3; 2001, c.30, s.5; 2016, c.23, s.5.

#### **Powers – import, export**

**8.1** Without limiting the generality of section 8, the corporation may do any of the following:

- (a) import electrical energy from a person outside of Saskatchewan;
- (b) export electrical energy to a person outside of Saskatchewan.

2004, c.62, s.4.

#### **Powers – interconnection**

**8.2(1)** In addition to any other powers conferred by this Act, the corporation may do any of the following:

- (a) transmit electrical energy over its transmission lines, apparatus, equipment or other facilities to or on behalf of a person within or outside of Saskatchewan;



- (b) implement any standards, rules or guidelines that the corporation considers appropriate with respect to the planning, design or operation of its transmission lines, apparatus, equipment or other facilities or its generation apparatus, equipment or other facilities within an integrated regional power grid;
  - (c) adopt or incorporate by reference all or any part of any standards, rules or guidelines respecting the transmission of electrical energy as those standards, rules or guidelines exist at the time the regulation is made or as amended from time to time and require compliance with the standards, rules or guidelines being adopted or incorporated by reference;
  - (d) acquire and maintain membership in an integrated regional power organization;
  - (e) do any other thing that, in the opinion of the corporation, is necessary or incidental to the exercise of the powers set out in clauses (a) to (d).
- (2) To ensure the reliability and security of the corporation's lines, apparatus, equipment or other facilities and supply of electrical energy, the corporation may:
- (a) establish design, operation or reliability standards for facilities owned or operated by a person that are interconnected with:
    - (i) the transmission and distribution lines, apparatus, equipment or other facilities of the corporation;
    - (ii) the generation apparatus, equipment or other facilities of the corporation; or
    - (iii) any other apparatus, equipment or other facilities of the corporation;
 and
  - (b) require compliance with the standards established pursuant to clause (a).
- (3) For the purposes of subsection (2), the corporation may:
- (a) adopt or incorporate by reference all or any part of any standards, rules or guidelines respecting the transmission, distribution or generation of electrical energy as those standards, rules or guidelines exist at the time the regulation is made or as amended from time to time; and
  - (b) require compliance with the standards, rules or guidelines being adopted or incorporated by reference pursuant to clause (a).

2004, c.62, s.4; 2013, c.25, s.4.

#### **Powers – refusal or disconnect**

8.3(1) In this section, “**designated officer**” means an employee or agent of the corporation designated by the corporation pursuant to subsection (2).

(2) The corporation may designate an employee or agent of the corporation to exercise the powers and fulfil the duties of the designated officer pursuant to this section.

(2.1) Subject to subsection (2.2), the corporation may, at any reasonable time and if reasonably required for a purpose relating to monitoring or requiring compliance with the reliability standards established, adopted or incorporated by reference pursuant to section 8.2 or relating to a disconnection pursuant to subsection (4):

- (a) enter land or premises and carry out an inspection, audit, investigation or disconnection; and
- (b) require any person to produce any relevant record and inspect or copy that record.

(2.2) The corporation shall not enter any premises that are a private dwelling without the consent of the occupier.

(3) The corporation may act pursuant to subsection (4) if a person:

- (a) fails to comply with a standard established pursuant to subsection 8.2(2); or
- (b) supplies, transmits, distributes or sells electrical energy without the consent of the corporation in contravention of section 38.

(4) In the circumstances mentioned in subsection (3), the corporation may, in addition to any other rights or remedies available to it and notwithstanding the terms of any agreement between the corporation and the person:

- (a) refuse to transmit or distribute electrical energy to or on behalf of the person;
- (b) disconnect its transmission and distribution lines from the lines or facilities of the person;
- (c) take any action it considers reasonably required to bring the facilities of a person into compliance with the standards established, adopted or incorporated by reference pursuant to section 8.2; or
- (d) take any action, in addition to those mentioned in clauses (a) to (c), that it considers necessary.

(4.1) If the corporation takes any action pursuant to clause (4)(c), the costs of taking that action are a debt due and owing by the person to the corporation, and the corporation may recover those costs from that person in any manner authorized by this Act or in any manner that is allowed by law for the recovery of debts due to the Crown.

(5) Before the corporation acts pursuant to subsection (4), the designated officer shall:

- (a) serve written notice of the corporation's intention to act and the reasons for doing so on the person; and
- (b) give the person an opportunity to make written representations to the designated officer, within 30 days after the written notice mentioned in clause (a) is served, as to why the corporation should not act.

- (6) Notwithstanding subsection (5), the corporation may act immediately pursuant to subsection (4) without the designated officer complying with subsection (5) if the corporation considers that it is necessary and in the public interest to do so.
- (7) If the corporation acts pursuant to subsection (6), the designated officer shall:
- (a) serve written notice of the corporation's action within 10 days after the date on which the corporation acted; and
  - (b) give the person an opportunity to make written representations to the designated officer within 30 days after the written notice mentioned in clause (a) is served.
- (8) Nothing in this section requires the designated officer to give an oral hearing to any person.
- (9) Any person aggrieved by a decision of the corporation to act pursuant to this section may appeal that decision to a judge of the Court of Queen's Bench within 30 days after the corporation's initial action pursuant to that decision.

2004, c.62, s.4; 2013, c.25, s.5.

#### Market activities

8.4(1) In this section:

- (a) **“designated corporation”** means:
  - (i) a body corporate, other than a Crown corporation, in which the corporation, directly or indirectly, holds securities, other than by way of security only, to which are attached votes that may be cast to elect a director; and
  - (ii) a Crown corporation designated by the Lieutenant Governor in Council;
- (b) **“market activities”** means issuing, executing, trading, dealing with or entering into any or all of the following:
  - (i) agreements to sell or purchase electrical energy or the transmission of electrical energy;
  - (ii) agreements to sell or purchase natural gas and agreements to sell, purchase, or transmit carbon dioxide or gas derived from power generation;
  - (iii) electrical energy or natural gas swaps or electrical energy or natural gas transmission swaps;
  - (iv) electrical energy or natural gas futures agreements or electrical energy or natural gas transmission futures agreements;
  - (v) agreements to sell or purchase an option on electrical energy or natural gas or the transmission of electrical energy or natural gas;

- (vi) agreements to sell or purchase an option on swaps or futures on electrical energy or natural gas or the transmission of them;
  - (vii) agreements, rights or other benefits related to carbon emissions, greenhouse gases or other air emissions;
  - (viii) any other instruments that may be designated by the Lieutenant Governor in Council.
- (2) In addition to any other powers conferred by any other Act respecting capital market activities and without limiting the generality of section 8, the corporation may, directly or through a designated corporation, do any of the following:
- (a) engage in any market activities;
  - (b) guarantee the payment of any indebtedness and the performance of any obligation of a designated corporation respecting market activities on those terms and conditions that the corporation considers desirable or that the Lieutenant Governor in Council may direct.
- (3) The corporation is at all times to have access to the books, records, documents and any other materials of a designated corporation, and the corporation may require that designated corporation to produce, at all reasonable times, those books, records, documents and other materials, if the designated corporation:
- (a) is a Crown corporation; or
  - (b) is a body corporate in which the corporation, directly or indirectly, has an ownership interest.
- (4) Subject to subsection (5), if the corporation engages in market activities either directly or through a designated corporation, the corporation may do all those things it considers necessary, incidental or conducive to engaging in market activities.
- (5) The Lieutenant Governor in Council may impose any restrictions or limitations that the Lieutenant Governor in Council considers appropriate on the corporation's power to engage in market activities.

2013, c.25, s.6.

#### Staff

- 9(1) Notwithstanding *The Public Service Act, 1998*, the corporation may employ such officers and other employees as it deems necessary for the purposes of its operations and may determine their respective duties and powers, the conditions of their employment and their remuneration, which shall be paid by the corporation.
- (2) All such officers and employees shall be under the control and supervision of the corporation.

R.S.S. 1978, c.P-19, s.9; 2001, c.30, s.7.

**Acquisition and disposal of property**

**10(1)** Subject to subsection (3), the corporation may acquire, by purchase, lease or otherwise, including purchase, sale and leaseback, any property, including water rights and water powers, that it considers necessary or desirable for the efficient operation of its business, and may sell, lease or otherwise dispose of any of its property.

(2) The corporation may make a purchase pursuant to this section:

- (a) on deferred payments; or
- (b) in any manner other than that mentioned in clause (a).

(2.1) For the purposes of making a purchase pursuant to this section, the corporation may give security on the property purchased:

- (a) for the purchase money, or the unpaid balance of the amount of the purchase, with interest; or
- (b) to a person who gives value that enables the corporation to pay the purchase money on the purchase, in whole or in part, if that value is applied to that purchase.

(3) Where the purchase price or sale price of real property included in one transaction exceeds \$150,000, the approval of the Lieutenant Governor in Council must be obtained.

R.S.S. 1978, c.P-19, s.10; 1979, c.53, s.5;  
1983-84, c.51, s.4; 1986-87-88, c.52, s.5; 1996,  
c.56, s.2.

**Cancellation of special franchises**

**11(1)** On acquiring the plant, machinery, apparatus and equipment used or intended for use in the transmission, distribution or supply of electrical energy or steam in a city, town, village, municipal district or rural municipality, the corporation may cancel any special franchise, or any right or permission granted to any person or corporation to construct, maintain or operate within the city, town, village, municipal district or rural municipality, along, upon, under or across any highway, road, street, lane, public place or public water within the jurisdiction of the city, town, village, municipal district or rural municipality any poles, wires, conduits, pipes, erections, structures or other things for the purpose of distributing, of transmitting or conveying electrical energy, or steam.

(2) Such cancellation may be effected by a written notice addressed to the clerk of the city or town, or the secretary treasurer of the village, or the administrator of the municipal district, or the secretary or treasurer of the rural municipality, and sent by registered mail to his or her office, and shall state the date on which the cancellation is to take effect.

R.S.S. 1978, c.P-19, s.11; 1992, c.S-35.1, s.73;  
2004, c.62, s.5; 2014, c.19, s.48; 2016, c23, s.6.

**Purchase of stock, etc. of incorporated companies**

**12(1)** The corporation may, with the approval of the Lieutenant Governor in Council, acquire by purchase, in the open market or otherwise, shares of the capital stock of any incorporated company, or bonds, debentures or other securities of any such company, and any shares, bonds, debentures or other securities so acquired shall belong to the Crown in right of Saskatchewan.

(2) The corporation, on acquiring such shares, bonds, debentures or other securities, may by instrument in writing signed by the chairperson or vice-chairperson, appoint such person as the corporation may think fit to be its representative at any meeting of the company or at any meeting of any class of members, bondholders, debenture-holders, security-holders or creditors of the company.

(3) The person so appointed shall be entitled to exercise on behalf of the corporation all the powers that the corporation could exercise if it were an individual shareholder, bondholder, debenture-holder, security-holder or creditor.

(4) The minister, in accordance with section 13 of *The Executive Government Administration Act*, shall lay before the Assembly a copy of each contract entered into pursuant to subsection (1).

(5) **Repealed.** 2001, c.30, s.8.

R.S.S. 1978, c.P-19, s.12; 1986-87-88, c.52, s.6;  
1991, c.T-1.1, s.37; 2001, c.30, s.8; 2014,  
c.E-13.1, s.62; 2015, c.21, s.64; 2016, c23, s.7.

**Power to promote companies and to accept extraprovincial powers**

**13(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation shall have and be deemed to have had since its incorporation:

(a) the capacity to incorporate any other corporations for any purpose that, in the opinion of the corporation, will directly or indirectly benefit the corporation;

(b) the capacity to accept, directly, or through subsidiary companies, extraprovincial powers and rights and to exercise its powers beyond the boundaries of the province to the extent permitted by the laws in force where such powers are sought to be exercised.

(2) **Repealed.** 1986-87-88, c.52, s.7.

R.S.S. 1978, c.P-19, s.13; 1983-84, c.51, s.5;  
1986-87-88, c.52, s.7; 1993, c.C-50.101, s.51;  
2015, c.21, s.64.

## PART II ACQUISITION OF PROPERTY BY EXPROPRIATION

### **Power to expropriate**

**14(1)** Subject to subsection (2), the Lieutenant Governor in Council may authorize the corporation, without the consent of the owner of or of any person interested in the following, to enter on, take possession of, expropriate and use all or any of the following that, in the opinion of the Lieutenant Governor in Council, are necessary for the purposes of the corporation:

- (a) any land;
  - (b) any buildings, plant, machinery, apparatus or equipment.
- (2) The authorization of the Lieutenant Governor in Council is not required pursuant to subsection (1) with respect to land if:
- (a) the land is to be expropriated by the corporation and is required:
    - (i) solely for the purposes of a power line, with or without substations, or a pipeline, with or without pumping stations; or
    - (ii) for the purposes of protection cable, control cable and communication cable to be used underground in conjunction with a power line; or
  - (b) the corporation considers it advisable to take an easement on the land for the purposes mentioned in clause (a).
- (3) If the corporation expropriates any interest that is capable of registration in the Land Titles Registry, the expropriation must be effected in accordance with:
- (a) *The Expropriation Procedure Act*; and
  - (b) any additional requirements set out in Part III.
- (4) If the corporation expropriates any interest that is not capable of registration in the Land Titles Registry, the expropriation must be effected in accordance with this Part.

2013, c.25, s.8.

### **Application to judge for vesting order**

**15(1)** The corporation may apply to a judge of the Court of Queen's Bench for an order vesting in the corporation all or any of the following to be expropriated pursuant to this Part:

- (a) the land;
- (b) any buildings, plant, machinery, apparatus or equipment;
- (c) any other property that the corporation intends to expropriate, including easements and other rights that may have been acquired in or over the land mentioned in clause (a).

- (2) On such application the corporation shall submit a sufficient description of the real and personal property to be expropriated, including a plan of any land included in the application if in the opinion of the judge a plan is necessary in order that the land to be taken may be accurately determined. Such plan shall be prepared by a duly qualified land surveyor.
- (3) The application of the corporation shall be made on one month's notice to the owner of the property to be taken and to all persons having registered interests therein, stating the time and place at which the application will be made; provided that a judge of the said court may, on the application of the corporation and on sufficient cause being shown, dispense with such notice or reduce the period thereof; and provided further that a judge of the said court may, on the application of the owner of the property or any person interested therein and on sufficient cause being shown, enlarge the period of the notice.
- (4) The judge to whom an application for a vesting order is made shall make the vesting order applied for on the production to the judge of:
- (a) a certificate of the chairperson, vice-chairperson or president of the corporation stating that the property included in the application is required for the purposes of this Act;
  - (b) a sufficient description of the property as required by subsection (2);
  - (c) a copy of a minute of a meeting of the corporation authorizing the taking of the property that is the subject of the application, certified to be a true copy by the secretary of the corporation; and
  - (d) a copy of the order, if any, of the Lieutenant Governor in Council required pursuant to section 14, certified to be a true copy by the Clerk of the Executive Council.
- (5) An order made pursuant to subsection (4) is conclusively deemed to have the effect of divesting all persons other than the Crown of any interest in the property expropriated, but the right and title to mines and minerals that may be found to exist under any land included in the order does not pass to the corporation pursuant to the order.
- (6) The costs of or occasioned by an application for dispensing with notice of application or for reducing or enlarging the period of notice shall be in discretion of the judge hearing the application.

R.S.S. 1978, c.P-19, s.15; 1983-84, c.51, s.6;  
2013, c.25, s.9.

#### **Warrant for possession**

- 16(1)** Nothing in this Act shall be taken to require that a vesting order by a judge shall be obtained, or a survey made or a plan prepared, before or at the time of the entry upon or taking possession of the property to be expropriated.
- (2) If resistance or opposition is made to the taking by the corporation, or a person authorized by it, of any property as provided by this Act, a judge of the Court of Queen's Bench may, on proof of the proper taking of such property as herein provided, issue his or her warrant to the sheriff for the judicial centre nearest to which the property is situated directing him or her to put down the resistance or opposition, and to put the corporation, or a person acting for it, in possession of the property.



(3) The sheriff shall take with him or her sufficient assistance for such purpose, and shall put down such resistance or opposition, and put the corporation, or the person acting for it, in possession thereof; and he or she shall forthwith make a return to the Court of Queen's Bench of the warrant, and of the manner in which he or she has executed the same.

(4) Every person who interrupts, hinders or molests any person while engaged under the authority of the corporation in entering upon or taking possession of any property as authorized by this Act, or in removing any obstruction, making any examination or constructing, maintaining or repairing property taken or to be taken by the corporation under this Act, either before or after a vesting order by a judge has been made, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1978, c.P-19, s.16; 2016, c23, s.8.

#### **Operation by corporation of works taken**

**17** Where the property taken by the corporation consists of or includes any machinery, plant or other work or appliances for the generation, production, transmission or distribution of electrical energy, or steam or the generation or production of gas, the corporation may take all such steps as it may consider necessary for the purpose of operating or continuing to operate the machinery, plant or other work or appliances.

R.S.S. 1978, c.P-19, s.17; 1992, c.S-35.1, s.73.

#### **Compensation for property taken**

**18(1)** If the corporation and the owner of the property taken by the corporation and any other person interested therein agree as to the amount of compensation to be paid by the corporation, that amount shall be paid by the corporation within three months after an agreement has been reached as regards the amount and the proper conveyances of the said property have been executed and delivered, or within such other period as may be mutually agreed on.

(2) If the amount to be paid as compensation is agreed upon by the corporation and the persons claiming the compensation, but those persons are unable to agree within three months after the date of the taking of the property as to which of them shall receive the compensation or in what proportions the same shall be paid to them, the corporation may pay the amount into the office of the local registrar of the Court of Queen's Bench nearest to the land affected, or to the place where property taken other than land is situated, to be paid out to the parties interested in such proportions as may be ordered by a judge of the said court on application therefor.

(3) If the corporation and the person claiming compensation for property taken under this Act are unable to agree, within three months after the date on which the property is taken, as to the amount of the compensation, the question of the amount to be paid, and the person who should receive it, shall be determined by one arbitrator, who shall be a judge of the Court of Queen's Bench named by the Minister of Justice, and *The Arbitration Act, 1992* shall apply to the arbitration proceedings.

(4) An appeal lies from the award of the arbitrator to the Court of Appeal in the same manner as from the judgment of a judge of the Court of Queen's Bench in an action or other proceeding in court, or as may be provided by rules of court, but the decision of the Court of Appeal shall be final and not subject to further appeal.

(5) The claimant shall, before the arbitration is proceeded with, deposit with the corporation as security for the costs of the arbitration, a sum of money equal to ten per cent of the amount claimed by him or her; provided that the arbitrator may, on the application of a claimant, reduce the amount to be so deposited if it appears to him or her that a lesser sum is reasonably sufficient, but the amount of the deposit shall not in any event be less than \$25.

(6) The amount of the compensation shall be paid by the corporation within three months after the award of the arbitrator has been made or, if an appeal is taken, within three months after the date on which the decision on appeal has been rendered, or within such other period as may be mutually agreed on.

R.S.S. 1978, c.P-19, s.18; 1983, c.11, s.65; 1992, c.A-24.1, s.61; 2016, c23, s.9.

#### **Determination of amount of compensation**

**19(1)** In determining the amount of compensation to be paid by the corporation the arbitrator shall, if the property taken consists only of land, or land and buildings, consider and find separately as to the following:

- (a) the value of the land taken and the fair replacement value of all buildings thereon, but making a reasonable deduction for depreciation, deterioration, wear and tear, and obsolescence;
- (b) the damage, if any, to the remaining property of the owner in the immediate vicinity of the land taken;
- (c) the original costs of any extra fencing that may be necessary by reason of the taking of the land.

(2) If the property taken consists of or includes machinery, plant or other works or appliances with or without land and buildings, or land or buildings, the arbitrator shall consider and find separately as to the following:

- (a) the fair replacement value of the machinery, plant or other works or appliances, and of the buildings or erections in which any of the same are located, or that are used in connection therewith, as a going concern, together with the value of the land taken, if any, but making a reasonable deduction for depreciation, deterioration, wear and tear, and obsolescence; provided that the value found shall not include any value for franchise rights, good-will or future earnings;
- (b) where land is taken, the damage, if any, to the remaining property of the owner in the immediate vicinity of the land taken;
- (c) the original costs of any extra fencing that may be necessary by reason of the taking of the land.

(3) If the value of the remaining property of the owner in the immediate vicinity of the property taken is or will be increased by the construction or installation of any buildings or works on the land taken, or by the use to be made by the corporation of the land taken, the arbitrator, whether acting under subsection (1) or (2), shall consider and find separately as to the amount of the increase in value, and that amount shall be deducted from the amount to which the claimant is entitled.

(4) If any of the parties to the arbitration so request, the arbitrator shall show separately the amount awarded by him or her in respect of machinery, plant or other works or appliances used or suitable for use:

- (a) for the generation or production of electrical energy, steam or gas;
- (b) for the distribution of electrical energy or steam in a city, town, village, the part of a municipal district that is prescribed in the regulations or hamlet; and
- (c) for the transmission of electrical energy or steam in a city, town, village, the part of a municipal district that is prescribed in the regulations or hamlet;

and in each case shall include the land, buildings and erections, if any, on or in which the machinery, plant or other works or appliances are located.

R.S.S. 1978, c.P-19, s.19; 1992, c.S-35.1, s.73;  
2004, c.62, s.6; 2014, c.19, s.48; 2016, c23, s.10.

#### **Costs of arbitration**

**20(1)** If the difference between the sum awarded and the amount offered by the corporation is less than the difference between the sum awarded and the amount claimed, the claimant shall pay all costs and expenses of the arbitration, and if the difference between the sum awarded and the amount offered by the corporation is greater than the difference between the sum awarded and the amount claimed, the corporation shall pay the costs and expenses of the arbitration.

(2) The only costs allowable upon an arbitration shall be taxable solicitor's fees on the Queen's Bench scale and counsel fees, arbitrator's expenses and witnesses' fees and expenses.

(3) Subject to the *Judges Act* (Canada), the judge, for his or her services as arbitrator, may be allowed such allowance for travelling and living expenses as may be approved by the Lieutenant Governor in Council, or as may be fixed by orders approved by the Lieutenant Governor in Council.

(4) If the costs are to be paid by the claimant the corporation may deduct the amount thereof from the amount deposited, and the surplus, if any, shall be returned to the claimant.

(5) If the costs are not to be paid by the claimant the full amount deposited shall be returned to him or her.

R.S.S. 1978, c.P-19, s.20; 1989-90, c.54, s.4;  
2016, c23, s.11.

**Cessation of obligation to supply electrical energy, etc.**

**21** Where the property taken by the corporation consists of or includes machinery, plant or other works or appliances for the generation, transmission or distribution of electrical energy, or steam or the generation or production of gas, the person from whom such property is taken shall, from and after the date on which the corporation takes possession, be under no further obligation to supply electrical energy, or steam or the generation or production of gas to persons whose supply has been derived from the said machinery, plant or other works or appliances, or to continue to purchase coal, oil or other fuel for the purpose of any generating plant included in such property.

R.S.S. 1978, c.P-19, s.21; 1992, c.S-35.1, s.73.

**Appointment of sole arbitrator**

**22** In lieu of the provisions of subsection (3) of section 18 with respect to the appointment of an arbitrator, where land or other property is taken by the corporation under the authority of this Part, the Chief Justice of the Court of Queen's Bench, upon the request of the Lieutenant Governor in Council, may nominate such person who, in his or her opinion, is skilled in valuing land or other property, and upon such nomination being approved by order of the Lieutenant Governor in Council, the person so nominated shall be the sole arbitrator for the purpose of any and all matters mentioned in the order of the Lieutenant Governor in Council. In all other respects the provisions of this Part, including the right of appeal given by subsection (4) of section 18, shall apply.

R.S.S. 1978, c.P-19, s.22; 2016, c23, s.12.

## PART III RIGHTS OF WAY

**Power to acquire lands for power lines or pipe lines**

**23(1)** The corporation may acquire such lands as it deems advisable or necessary for the purpose of constructing, maintaining and operating power lines, including any substations forming part thereof and any protection cables, control cables and communication cables to be used underground in conjunction with power lines (such lines with or without substations or cables being in this Part referred to as "**power lines**"), or pipelines, including any pumping stations forming part thereof (such lines with or without pumping stations being in this Part referred to as "**pipelines**"); and the corporation may for the like purposes acquire leases of lands or easements on lands.

(2) For the purposes mentioned in subsection (1), the corporation may, without the consent of the owner thereof or any other person interested therein, enter upon, take possession of, expropriate and use such lands and such rights in or in respect to lands as it deems necessary or advisable.

(3) The powers mentioned in subsections (1) and (2) may be exercised without any prerequisite or preliminary action or proceeding, and without any other sanction or authority than this Act, and shall include the right to take, acquire and possess for such time as the corporation deems proper, under agreement with the owner or other person interested or without his or her consent, such lands or such rights in or in respect to lands as the corporation deems advisable or necessary.

(4) Subsections (2), (3) and (4) of section 16 apply to the taking of lands or interests in or in respect to lands under this Part.

R.S.S. 1978, c.P-19, s.23; 1992, c.61, s.4; 2013, c.25, s.10; 2016, c23, s.23.

#### Same

**24(1)** When the corporation desires to acquire land by purchase for the purposes of power lines or pipelines, the corporation may acquire the land by transfer from the registered owner pursuant to *The Land Titles Act, 2000* or by proceedings under this Part.

(2) When the corporation desires to acquire an easement on or in respect to land for the purposes of power lines or pipelines, it may acquire the easement in accordance with *The Public Utilities Easements Act* or by proceedings under this Part.

(3) An easement acquired by proceedings under this Part means an easement for a right of way over land consisting of the right to the corporation to use the land for the purpose of constructing or placing thereon power lines or pipelines, with such apparatus and equipment as the corporation considers necessary, and the right of entry on the land by the employees or agents of the corporation for the purposes of constructing or placing thereon such power lines or pipelines with such apparatus and equipment as the corporation considers necessary, and inspecting, repairing, replacing, maintaining and removing the same.

R.S.S. 1978, c.P-19, s.24; 2000, c.L-5.1, s.425; 2013, c.25, s.11.

#### Notice of requirement of land

**25(1)** For the purpose of acquiring title to land that is shown as a parcel on a plan and for which title has issued, the corporation may apply to the Registrar of Titles for registration of a transfer of title.

(2) An application pursuant to subsection (1) must be accompanied by a notice that the land is required pursuant to this Part, executed on behalf of the corporation by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.

(3) On registration of the transfer of title mentioned in subsection (1), the Registrar of Titles shall issue title to the land to the corporation, clear of all registered interests.

(4) For the purpose of acquiring title to a parcel of land for which title has issued but that is not shown as a parcel on a plan, the corporation shall submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.

- (5) Where the Controller of Surveys approves a plan submitted pursuant to subsection (4), the corporation shall apply to the Registrar of Titles to issue title respecting the new parcel of land.
- (6) An application pursuant to subsection (5) must be accompanied by a notice in accordance with subsection (2).
- (7) Where the Registrar of Titles issues title to the land to the corporation pursuant to an application pursuant to subsection (5), the title issues clear of all registered interests.
- (8) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (2) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

2000, c.L-5.1, s.426.

**Notice of requirement of easement**

**26(1)** For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:

- (a) on terms and conditions stated in the notice; and
- (b) signed by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.
- (2) A notice registered pursuant to subsection (1) must:
  - (a) contain a sufficient description of the land so that the land may be accurately determined; and
  - (b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) An easement registered as an interest pursuant to this section:
  - (a) enures to the benefit of the corporation and its successors and assigns;
  - (b) runs with the land; and
  - (c) is binding on:
    - (i) the registered owner of the title to the land;
    - (ii) the registered owner's heirs, executors, administrators and assigns; and
    - (iii) all other persons interested in the land.
- (4) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

2000, c.L-5.1, s.426.

**Determination of price of land or compensation for land**

**27** If the corporation and the owner of, or any other person interested in, the land mentioned in section 25 or 26 are unable to agree on the price of land acquired, or the compensation for the easement, the amount shall be determined pursuant to *The Expropriation Procedure Act*.

1979, c.53, s.8.

**Payment into Court of Queen's Bench**

**28(1)** If the owner of land referred to in section 25 or 26 and any other person interested therein are unable to agree as to what person shall receive the price of land acquired or the compensation for the easement, the corporation may pay the amount of such price or such compensation into the office of the local registrar of the Court of Queen's Bench for the judicial centre nearest to which the land is situated, and on so doing shall be under no further liability as to the payment of the price or compensation.

(2) Any person claiming to be entitled to payment of a sum of money paid into court under subsection (1), or any part of that sum, may apply to the judge of the court for an order directing that the said sum or part thereof be paid to him or her.

(3) The judge shall cause such notice of the application to be given to persons who may be interested in the said sum as to him or her seems proper, and on such notice being given he or she shall hear the parties appearing to be interested and determine the disposition of the money in court as to him or her seems just and proper.

(4) No costs shall be awarded on an application under subsection (2) unless the application is opposed, in which case the judge may direct any of the parties to the application to pay the costs of any of the other parties, or may make such other order with respect to costs as under all of the circumstances he or she deems just.

R.S.S. 1978, c.P-19, s.28; 1979-80, c.92, s.74;  
2016, c.23, s.14.

**Non-application of *Homesteads Act, 1989*, etc.**

**29** *The Homesteads Act, 1989* does not apply to the acquisition of lands or easements by the corporation for the purposes of power lines, poles, structures, wires, conduits or pipelines whether under this Part or otherwise.

R.S.S. 1978, c.P-19, s.29; 1989-90, c.20, s.7;  
2000, c.L-5.1, s.427; 2013, c.25, s.12.

**Discharge of easement**

**30(1)** In order to discharge any interest registered in accordance with section 26, the corporation shall apply to the Registrar of Titles to discharge the registration.

(2) The application for discharge mentioned in subsection (1) must be executed by the corporation under the signature of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel.

(3) On discharge of the registration in accordance with this section, the easement ceases to be effective.

2000, c.L-5.1, s.428.

**30.1 Repealed.** 2013, c.25, s.13.

**Unregistered easements - lands governed by *The Land Titles Act, 2000*****30.2(1) Repealed.** 2013, c.25, s.14.

(2) In this section, “**owner**” means:

- (a) the person registered in the Land Titles Registry as owner of the title to lands; or
- (b) a person who has purchased the lands from the person mentioned in clause (a) pursuant to an agreement for sale.

(3) The corporation may enter on any lands and may do any things on or under those lands that it considers necessary or incidental in connection with constructing, maintaining, inspecting, replacing or removing a power line where:

- (a) the corporation acquires or constructs the power line for the purpose of distributing electricity to one or more persons residing in the area in which the lands are situated; and
- (b) the current owner or a previous owner of the lands has granted permission to construct the power line on or under the lands to:
  - (i) an electrical utility acquired by the corporation;
  - (ii) the Saskatchewan Power Commission; or
  - (iii) the corporation.

(4) The corporation’s right to enter on lands pursuant to subsection (3) exists whether or not an interest based on an easement covering the power line is registered in the name of the corporation against the title to the lands.

(5) Where the corporation has a right pursuant to subsection (3) to enter on lands and to construct, maintain, inspect, replace or remove a power line on or under the lands:

- (a) the corporation shall determine the number and location of above-ground structures installed as part of the power line with due regard to the agricultural or industrial operations carried out on the lands or the residential use of the lands, within the limits permitted by the economic and technical requirements of the corporation;
- (b) the corporation shall pay to the owner or lessee of the lands or to any other person who is entitled, reasonable compensation for any damage caused by the corporation to crops, buildings, trees, shrubs, fences, chattels or livestock during the course of entry on the lands for the purpose of constructing, maintaining, inspecting, replacing or removing the power line; and



- (c) if the corporation has received from the owner of the lands a written notice of a proposed construction or excavation by the owner and, in the opinion of the corporation, it is necessary to modify the power line on or under the lands or to move the power line in order to accommodate the proposed construction or excavation, the corporation may:
- (i) make any modification to the power line that it considers necessary to accommodate the construction or excavation or move the power line if it considers it necessary to accommodate the construction or excavation; and
  - (ii) charge all or a portion of the cost of the modification or move to the owner of the lands or to any other person that the corporation considers responsible for the construction or excavation.
- (6) Where the corporation has a right pursuant to subsection (3), no owner of lands with respect to which that right applies shall undertake any construction or excavation without giving the corporation prior written notice of the proposed construction or excavation and providing those details that the corporation requires respecting the construction or excavation.
- (7) Clauses (5)(b) and (c) apply, with any necessary modification, to an easement of the corporation that:
- (a) covers a power line owned by the corporation;
  - (b) is registered as an interest against the title to lands; and
  - (c) the corporation gave not more than \$1 as a consideration to acquire.
- (8) The right granted to the corporation by subsection (3) is deemed to be a right of way or public easement for the purposes of clause 18(1)(c) of *The Land Titles Act, 2000*.
- (9) Where an interest based on an easement in favour of an electrical utility has been registered pursuant to *The Land Titles Act, 2000* against the title to lands and the electrical utility has been wound up, that easement is deemed to have been assigned to the corporation and the corporation shall possess all the rights of the electrical utility pursuant to the easement and may execute a valid discharge of the easement as though a total assignment of that easement in favour of the corporation had been registered against the title to the lands.
- (10) This section does not affect the right of the corporation to acquire or expropriate easements or rights of way for power lines or pipelines pursuant to the authority of this Act or any other Act.

## PART IV

**Supply of Electrical Energy and Steam, Etc.**  
TRANSMISSION LINES AND DISTRIBUTION SYSTEMS

**Power to place poles, etc., on highways outside cities, etc.**

**31(1)** Subject to subsection (2) of this section and clause 4(1)(e) of *The Highways and Transportation Act, 1997*, the corporation may construct or place poles, structures, wires, conduits or pipes on or under any provincial highway wherever situated, or on or under any other highway, road allowance, road, street, lane or other public place vested in the Crown, and not situated in a city, a town, a village, a hamlet in a rural municipality or the part of a municipal district that is prescribed in the regulations; and may carry its wires, conduits or pipes along or across the provincial highway or other highway, road allowance, road, street, lane or public place; and the corporation may also take down, remove or take up such poles, structures, wires, conduits or pipes.

(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a copy of a plan showing the location of the proposed power line or pipeline to each of the following:

- (a) the member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997*;
- (b) the member of the Executive Council responsible for the administration of *The Saskatchewan Telecommunications Act*;
- (c) the secretary or treasurer of any rural municipality or the administrator of any municipal district within which all or any part of the power line or pipeline is to be constructed.

(3) When it becomes necessary, for the purpose of construction, reconstruction, alteration or improvement of any highway, road allowance, road, street, lane or other public place vested in the Crown, and not situated in a city, a town, a village, a hamlet in a rural municipality or that part of a municipal district that is prescribed in the regulations, to take down, remove or take up any poles, structures, wires, conduits or pipes constructed or placed on or under the place and belonging to the corporation, the costs and expenses incurred in the work must be apportioned between the corporation and the ministry over which the minister responsible for the administration of *The Highways and Transportation Act, 1997* presides, in any manner that may be agreed on.

R.S.S. 1978, c.P-19, s.31; 1979-80, c.M-32.01,  
s.43; 1983-84, c.6, s.14; 1988-89, c.46, s.12; 2013,  
c.25, s.15; 2014, c.19, s.48; 2019, c.25, s.19.

**Power to place poles, etc. on highways, in cities, etc.**

**32(1)** Subject to subsection (2), the corporation may construct or place poles, structures, wires, conduits or pipes on or under any highway, road, street, lane or other public place vested in the Crown and situated in a city, a town, a village, a hamlet in a rural municipality or that part of a municipal district that is prescribed in the regulations, and may carry its wires, conduits or pipes along or across the highway, road, street, lane or other public place, and may also take down, remove or take up the same.

(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a plan showing the location of the proposed power line or pipeline to the council of the city, town, village, rural municipality or municipal district.

R.S.S. 1978, c.P-19, s.32; 2013, c.25, s.16; 2014, c.19, s.48; 2019, c25, s.19.

**Powers re land adjoining power lines**

**33(1)** In this section:

- (a) **“pipeline”** means a pipeline within the meaning of Part III;
  - (b) **“power line”** means a power line within the meaning of Part III;
  - (c) **“right of way”** means a right of way acquired by the corporation for the purposes of its power lines, poles, structures, wires, conduits or pipelines.
- (2) The corporation may enter on any land on either side of its power lines, poles, structures, wires, conduits or pipelines or any of its rights of way, for the purposes of:
- (a) doing anything necessary for the construction, operation, maintenance, repair or replacement of any power line or part of a power line, pole, structure, wire, conduit or pipeline; or
  - (b) trimming or removing any trees or shrubs or removing other obstructions to the extent that, in the opinion of the corporation, is necessary to protect its power lines and any cross arms, wires or other attachments to power poles.
- (3) Any cross arms, wires or other attachments to power poles may project over any land adjoining a highway, road allowance, road, street, lane or other public place vested in the Crown.
- (4) In the trimming of a tree or shrub pursuant to clause (2)(b), every care is to be taken to ensure that no damage is done to the tree or shrub other than damage that is unavoidable.
- (5) The owner of land described in subsection (2) is not entitled to compensation with respect to the trimming or removal of a tree or shrub or the removal of an obstruction, and the owner of land described in subsection (3) is not entitled to compensation with respect to the overhanging of a cross arm, wire or other attachment to a power pole.

2013, c.25, s.17.

**Corporation's rights continue**

**33.1** Every person who purchases or otherwise acquires any lands that are subject to any of the corporation's rights set out in sections 31 to 33 acquires those lands subject to the corporation's rights.

2013, c.25, s.17.

## CONTRACTS WITH MUNICIPALITIES

### Supply of electrical energy, etc.

**34(1)** The corporation may contract with any city, town, village, rural municipality or municipal district for the supply of electrical energy or steam to the city, town, village or municipal district, and to their inhabitants, or to a hamlet situated within a rural municipality and to the inhabitants of that hamlet.

(2) The council of a city, town, village, rural municipality or municipal district may contract with the corporation for the supply of electrical energy or steam as mentioned in subsection (1).

(3) Notwithstanding anything in any other Act, a contract entered into under subsections (1) and (2) may be made for such period as may be agreed on, or for an indefinite period, and it shall not be necessary to obtain the assent of the burgesses to the contract.

(4) Where a contract or agreement is made with a city or town for the supply of electrical energy or steam to the city or town in bulk for the purposes of a distribution system belonging to the city or town, the contract or agreement shall be subject to the approval of the Lieutenant Governor in Council, and upon such approval being given, the contract or agreement shall be valid and binding on the parties thereto and shall not be open to question on any ground whatever, notwithstanding anything in this Act or in any other Act to the contrary.

(5) **Repealed.** 1982-83, c.22, s.5.

R.S.S. 1978, c.P-19, s.34; 1982-83, c.22, s.5;  
1986-87-88, c.29, s.5; 1992, c.S-35.1, s.73; 2014,  
c.19, s.48.

**35 Repealed.** 1986-87-88, c.52, s.8.

### Payment by corporation to municipalities

**36(1)** Where the council of a town or village desires to receive from the corporation a monthly payment in lieu of taxes, the corporation may add to the monthly account for electrical energy of every customer in the town or village a sum equal to five per cent thereof, and shall pay the proceeds of such additional charge to the council of the town or village, as a payment in lieu of taxes, monthly or as the parties otherwise agree.

(2) Where the council of a city desires to receive from the corporation a monthly payment in lieu of taxes, the corporation may add to the monthly account for electrical energy of every customer in the city a sum not to exceed ten per cent thereof, and shall pay the proceeds of such additional charge to the council of the city as a payment in lieu of taxes, monthly or as the parties otherwise agree.

(3) Notwithstanding subsections (1) and (2), IPSCO Inc., Weyerhaeuser Canada Ltd., Saskatoon Chemicals Ltd. are exempt from the requirement to pay any additional charges added to accounts pursuant to those subsections.

R.S.S. 1978, c.P-19, s.36; 1986-87-88, c.52, s.9;  
1998, c.31, s.2.

**37 Repealed.** 1982-83, c.22, s.5.

## EXCLUSIVE RIGHTS OF CORPORATION

**Exclusive right to supply, transmit, distribute and sell**

**38(1)** Notwithstanding anything in any other Act, notwithstanding any special franchise or privilege in the nature of a franchise heretofore or hereafter granted and notwithstanding any alteration on or after January 1, 1958, of the limits of a city, town or village, village or municipal district, the corporation shall have, and shall be deemed to have had on and from January 1, 1958, the exclusive right:

- (a) to supply, transmit, distribute and sell electrical energy in any area in which on that date electrical energy and gas were not being supplied;
  - (b) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying electrical energy and gas;
  - (c) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying electrical energy and no gas was being supplied;
  - (d) to supply, transmit, distribute and sell electrical energy in any area in which on that date the corporation was supplying gas and no electrical energy was being supplied; and
  - (e) to supply, transmit, distribute and sell electrical energy in any area in which on that date electrical energy was being supplied by the corporation or no electrical energy was being supplied.
- (2) Notwithstanding subsection (1), the corporation may, on any terms and conditions that the corporation considers advisable, consent to the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons.
- (3) A consent pursuant to subsection (2) is not effective unless it is given expressly and in writing.
- (4) Notwithstanding subsection (1), the corporation is deemed to have consented to the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons if:
- (a) the person or category of persons comply with the conditions prescribed in the regulations; or
  - (b) the circumstances of the supply, transmission, distribution or sale meet the circumstances prescribed in the regulations.

PART V  
FINANCE AND ACCOUNTING

**Borrowing powers of Minister of Finance**

**39(1)** The Lieutenant Governor in Council may authorize the Minister of Finance from time to time to raise by way of loan upon the credit of the province such sums of money, within the borrowing limitation prescribed by section 43, as the Lieutenant Governor in Council deems requisite for the purposes of this Act.

(2) The said sums of money shall be raised in accordance with *The Financial Administration Act*, and may be borrowed for any term or terms.

(3) Moneys raised under this section shall be paid into the general revenue fund and the balance, after deduction and payment of discount and commission applicable to the loan, shall be advanced by the Minister of Finance to the corporation for the purposes of this Act by way of advances in such amounts, at such times and upon such terms as may be determined by the Lieutenant Governor in Council.

(4) The corporation shall reimburse the Minister of Finance for all charges and expenses incurred in raising money under this section.

R.S.S. 1978, c.P-19, s.39; 1983, c.29, s.28; 1986-87-88, c.52, s.11; 1988-89, c.42, s.77; 2019, c25, s.42.

**Power to borrow by sale of bonds, etc.**

**40(1)** The corporation may with the approval of the Lieutenant Governor in Council, borrow from time to time such sums of money, within the borrowing limitation prescribed by section 43, as the corporation deems requisite for the purposes of the corporation, including, without limiting the generality of the foregoing:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised or securities issued by the corporation under this Act;
- (b) the repayment in whole or in part of advances made by the Minister of Finance to The Saskatchewan Power Commission or to the corporation;
- (c) the payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the corporation;
- (d) the payment of the whole or any part of any other liability or indebtedness of the corporation;
- (e) carrying out any of the powers of the corporation referred to in this Act; providing in whole or in part for expenditures of the corporation made or to be made in connection therewith; reimbursing the corporation for any such expenditures heretofore or hereafter made; and repaying in whole or in part any temporary borrowings of the corporation for any of such purposes;

and for the purpose of such borrowing may issue such bonds, debentures or other securities, bearing such rate or rates of interest and being payable as to principal and interest at such time or times, in such manner, in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the corporation with the approval of the Lieutenant Governor in Council may determine.

(2) The bonds, debentures and other securities referred to in subsection (1) may be issued in such amounts as will realize the net sums required for the purposes of the corporation, and a recital or declaration in the resolution or minute of the corporation authorizing the issue of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the corporation shall be conclusive evidence of that fact.

(3) The corporation may with the approval of the Lieutenant Governor in Council sell or otherwise dispose of such bonds, debentures or other securities on such terms and conditions as may be deemed advisable, or may with the like approval charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security, or may do any of these things.

(4) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the corporation for the purpose of negotiating any loans under this section, and the Minister of Finance or other duly appointed person may arrange all details and do, transact and execute all such deeds, matters and things as may be requisite during the conduct of negotiations or for the purpose of placing the loans.

(5) Any securities dealt with as collateral security pursuant to subsection (3), when redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which those securities may have been given as collateral, or when the corporation again becomes entitled to the securities, may be treated by the corporation as unissued and may, subject to the approval of the Lieutenant Governor in Council, and to the borrowing limitation prescribed by section 43, be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the corporation may deem advisable, or at its option be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the securities had not been previously issued.

(6) Bonds, debentures and other securities issued by the corporation under this section shall be in such form or forms and shall be executed in such manner as the corporation may by resolution or minute determine.

(7) The corporation may by resolution or minute provide that the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities or any endorsement of any bonds, debentures or other securities to which it is to be affixed, and that any signature upon any bonds, debentures or other securities, and upon the coupons, if any, attached thereto, may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

(8) The seal of the corporation when so mechanically reproduced shall be of the same force and effect as if manually affixed, and such mechanically reproduced signatures shall for all purposes be valid and binding upon the corporation, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of the security or before the issue thereof.

(9) Subject to the approval of the Lieutenant Governor in Council and within the borrowing limitation prescribed by section 43, the corporation may also from time to time borrow and reborrow by way of temporary loans from any chartered bank or from any person or corporation such sums, upon such terms, for such purposes and upon such conditions as the corporation may determine, by way of bank overdraft or line of credit, or by the pledging as security for such temporary loans of notes, bonds, debentures or other securities of the corporation pending the sale thereof or in lieu of selling the same, or in such other manner as the corporation may determine; and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing or reborrowing of money and the obtaining of advances by way of temporary loans may be executed in such manner as the corporation may determine.

R.S.S. 1978, c.P-19, s.40; 1986-87-88, c.52,s.42;  
2001, c.30, s.12; 2016, c23, s.16.

#### **Charge on revenues**

**41** All interests and instalments of principal and all sinking fund and other debt service charges in respect of the securities mentioned in sections 39 and 40 shall be a first charge on the revenues of the corporation.

R.S.S. 1978, c.P-19, s.41.

#### **Guarantee by province**

**42(1)** The Lieutenant Governor in Council may, on such terms as may be stated in the order in council passed for the purpose, guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the corporation and of any loans, temporary or otherwise, raised by the corporation and of any indebtedness or liability for the payment of money incurred by the corporation or to which it may be or become subject.

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of the bonds, debentures or other securities;
- (b) the loans, temporary or otherwise; and
- (c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the moneys required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

R.S.S. 1978, c.P-19, s.42; 1979, c.53, s.11; 2001,  
c.30, s.13.



**Limitation on borrowing powers**

43(1) Neither the Minister of Finance nor the corporation shall borrow any money by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise, under the authority of this Act, where such borrowing would cause the aggregate principal amount of the outstanding bonds, debentures or other securities and outstanding temporary loans to exceed the aggregate sum of 10,000,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan under the authority of *The Financial Administration Act, 1993* for any of the objects or purposes therein mentioned shall not in any way limit or restrict the borrowing powers of the Minister of Finance and the corporation under the authority of this Act.

(3) **Repealed.** 1984-85-86, c.61, s.2.

R.S.S. 1978, c.P-19, s.43; R.S.S. 1978 (Supp.), c.51, s.2; 1982-83, c.7, s.2; 1983, c.29, s.28; 1984-85-86, c.61, s.2; 1986-87-88, c.52, s.13; 1988-89, c.42, s.77; 2013, c.25, s.18; 2016, c23, s.17.

**Investments**

44(1) The corporation may, from time to time:

- (a) invest any part of the capital or operating moneys of the corporation in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
- (b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient.

(2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person to be the agent of the corporation for the purpose of making investments under this section or disposing thereof, and the Minister of Finance or other duly appointed person may arrange all details and do, transact and execute all such deeds, matters and things as may be requisite for the purpose of making such investments or disposing thereof.

R.S.S. 1978, c.P-19, s.44; 1979, c.53, s.12; 1993, c.C-50.101, s.51; 2000, c.16, s.4; 2001, c.23, s.7; 2001, c.30, s.14; 2016, c23, s.18.

**Annual payments**

44.1(1) In accordance with the regulations, the corporation shall, in each of its financial years, pay to the following the amount prescribed in the regulations based on its revenues from the supply of energy in the financial year:

- (a) the Minister of Finance for deposit in the general revenue fund;
- (b) municipalities designated in the regulations.

(2) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the amount to be paid, which is not to exceed 5% of the corporation's revenues from the supply of energy in a financial year;

- (b) prescribing the manner in which the amount is to be calculated;
  - (c) designating municipalities to which payments may be made;
  - (d) determining the amounts to be paid to the Minister of Finance and to a municipality.
- (3) A regulation made pursuant to this section may be made retroactive to a date not earlier than April 1, 2017.

2017, c.20, s.3.

#### **Financial year**

**45** All books and accounts of the corporation shall be closed and balanced in each year on the thirty-first day of December, or such other date as may be determined by the Lieutenant Governor in Council.

R.S.S. 1978, c.P-19, s.45.

#### **Bonding officials**

**46** All persons employed by the corporation who in the course of their employment receive or disburse cash, and such other officials or employees as may be deemed advisable, shall be bonded in such sums as may be required by the corporation for duly accounting for moneys or goods that come into their hands or under their control.

R.S.S. 1978, c.P-19, s.46.

#### **Regulations**

**47(1)** The Lieutenant Governor in Council may make regulations providing for:

- (a) the setting up by the corporation of reserves for depreciation, obsolescence, replacements, contingencies and other purposes;
  - (b) the accounting by the corporation for advances made by the Minister of Finance and the repayment of such advances, including provision for the creation and management of a sinking fund for the retirement of such advances;
  - (c) the creation and management of a sinking fund for the repayment of moneys borrowed by the corporation under section 40;
  - (d) determining the sums of money to be paid by the corporation in order to reimburse to the Minister of Finance the full amount of interest paid by him or her on moneys advanced for the purposes of the corporation, and the charges and expenses incurred by him or her in providing such moneys, and the times and manner of making payments by the corporation to the Minister of Finance on account of interest and other charges and expenses.
- (2) The Crown Investments Corporation of Saskatchewan may make orders and issue directives with regard to the conduct of the financial operations of the corporation and the audit of its books and accounts.

R.S.S. 1978, c.P-19, s.47; 1983-84, c.34, s.15;  
1993, c.C-50.101, s.51; 2016, c23, s.19.

**Audit**

**48** The Provincial Auditor, or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan with the approval of the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of the corporation annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1993, c.C-50.101, s.51.

**Powers of Government Finance Office**

**49(1)** The Crown Investments Corporation of Saskatchewan shall have access at all reasonable times to the books and records of the corporation, and may at all reasonable times, in its discretion, require the production thereof.

**(2) Repealed.** 1993, c.C-50.101, s.51.

R.S.S. 1978, c.P-19, s.49; 1979, c.53, s.14; 1993, c.C-50.101, s.51.

**50 Repealed.** R.S.S. 1978 (Supp.), c.C-50.1, s.36.

## PART VI GENERAL PROVISIONS

**Insurance**

**51(1)** The corporation may cause its property to be insured against loss by fire or from any other cause in such organizations, authorized to do business in Saskatchewan, as may be designated by the corporation.

**(2)** The corporation may enter into a contract or contracts of insurance with any organization or organizations, authorized to do business in Saskatchewan, insuring the corporation against loss or damage to the person or property of others in such amounts as it deems expedient.

R.S.S. 1978, c.P-19, s.51.

**Use of unused works to produce revenue**

**52** When any land, buildings, plant, machinery, apparatus or equipment belonging to the corporation is not in use for the purpose of supplying electrical energy, steam or gas, or for any other purpose, within the corporation's powers, for which such property may have been acquired, constructed or installed, the corporation may utilize the property for such revenue producing purposes as it deems proper.

R.S.S. 1978, c.P-19, s.52.

**Loan of equipment**

**53(1)** The corporation may lend to any municipality or person, or permit any municipality or person to use, on such terms and conditions as may be agreed on, plant, machinery, apparatus or equipment for the generation, transmission, distribution or use of electrical energy or steam or the generation or production of gas.

(2) Where plant, machinery, apparatus or equipment belonging to the corporation and lent or permitted to be used under subsection (1) is affixed to realty, the plant, machinery, apparatus or equipment shall nevertheless remain subject to the rights of the corporation as fully as before being so affixed.

R.S.S. 1978, c.P-19, s.53; 1992, c.S-35.1, s.73.

**Programs respecting wiring of buildings**

**54** The corporation may participate in, and undertake and carry out, programs designed to encourage the maintenance and improvement of high standards in the wiring of buildings for electrical service thereto.

R.S.S. 1978, c.P-19, s.54.

**Loans to meet cost of improving, extending or replacing wiring**

**55** The corporation may advance to owners of buildings, on such terms and conditions respecting repayment as the corporation may deem advisable, a portion or the whole of the cost of improving, extending or replacing the electrical wiring in the buildings.

R.S.S. 1978, c.P-19, s.55.

**Advances for insulation**

**55.1** The corporation may advance to customers, on any terms and conditions respecting advancement and repayment that the corporation may consider advisable, the whole or part of the cost of installing, improving, extending or replacing insulation or other energy conserving material in customer-owned buildings.

1979, c.53, s.15.

**Loans to customers re construction costs**

**55.2** Where the corporation incurs construction costs for the purpose of providing any service to a customer and is entitled to recover all or a portion of the construction costs from the customer, the corporation may:

- (a) advance to the customer, on those terms and conditions respecting advancement and repayment that the corporation considers advisable, a sum sufficient to pay all or a portion of the customer's share of the construction costs; or
- (b) require the customer to pay all or a portion of his or her share of the construction costs over any time period and on any terms and conditions that the corporation considers advisable.

1983-84, c.51, s.11; 2016, c23, s.20.

**Extent of powers of corporation**

**56** The compulsory powers conferred by this Act shall extend to land, buildings, plant, machinery, apparatus and equipment notwithstanding that they are or may be deemed to be devoted to public use or that the owner thereof possesses the power of taking property compulsorily.

R.S.S. 1978, c.P-19, s.56.

**Load building**

**57(1)** The corporation may take any steps that it considers advisable to increase, stabilize or decrease the demand for electricity or steam on its system.

(2) Without limiting the generality of subsection (1) the corporation may advertise and may in such other manner as it deems advisable disseminate information to the public concerning its operations and the uses of electrical energy and steam.

R.S.S. 1978, c.P-19, s.57; 1979, c.53, s.16; 1992, c.S-35.1, s.73.

**Enforcement of payment of rates, etc.**

**58(1)** The corporation may enforce payment of rates, charges or rents for electrical energy or steam supplied or other service rendered, including service charges, current charges and all charges of any nature or kind whatsoever by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found.

(2) Such distress and sale shall be conducted in the same manner as distresses and sales for unpaid taxes are conducted pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, and the costs chargeable therefor shall be those payable to bailiffs under *The Distress Act*.

(3) Where any rates, charges or rents described in subsection (1) are overdue, the corporation may charge interest to the customer on the overdue rates, charges or rents.

(4) The amount of interest payable is a debt due to the corporation and may be recovered in the same manner as rates, charges or rents owing by a customer.

(5) For the purposes of this section, electrical energy is deemed to be supplied to a customer when it is:

- (a) actually used by the customer; or
- (b) made available or held in reserve for the customer by the corporation.

R.S.S. 1978, c.P-19, s.58; 1983-84, c.51, s.12; 1986-87-88, c.52, s.14; 1992, c.S-35.1, s.73; 2005, c.M-36.1, s.455; 2010, c.N-5.2, s.462.

**Entering premises, discontinuing service, etc.**

**59(1)** The corporation may, by its officers and employees, at any reasonable time, enter the premises of customers and do one or more of the following:

- (a) inspect service conditions;
- (b) read meters;
- (c) cut off the supply of electrical energy or steam or discontinue any other service rendered if the customer fails to pay, when due, any indebtedness of the customer to the corporation;
- (d) when service is discontinued, remove meters and other equipment belonging to the corporation.

(2) Where, in the opinion of the corporation, there is an emergency or a hazardous condition that may endanger the safety of the customer or the public, the corporation may, by its officers and employees, do one or more of the following:

- (a) at any time, enter the premises of customers to deal with the emergency or hazardous condition;
- (b) cut off the supply of electrical energy or steam or discontinue any other service rendered;
- (c) take any other measures that it considers necessary to deal with the emergency or hazardous condition;
- (d) if the emergency or hazardous condition is caused by a customer, add the costs of dealing with the emergency or hazardous condition to the customer's account.

(3) In any other circumstances prescribed in the regulations, the corporation may, by its officers and employees, at any reasonable time, enter the premises of customers and cut off the supply of electrical energy or steam or discontinue any other service rendered.

(4) For the purposes of this section, the Lieutenant Governor in Council may make regulations:

- (a) governing the entry of premises by the officers and employees of the corporation;
- (b) prescribing circumstances in which the officers and employees of the corporation may enter premises.

(4.1) For the purposes of this section, the corporation may designate a person to receive requests on its behalf to accurately locate the corporation's buried lines, and a request received by that person is deemed to have been received by the corporation

**Relocation easement**

**59.01(1)** If, in the opinion of the corporation, it is necessary to relocate a distribution line in order to remedy an emergency or hazardous condition as described in subsection 59(2):

- (a) section 30.2 applies, with any necessary modification, to any lands that the corporation requires to relocate the distribution line and to maintain, inspect, replace or remove the relocated distribution line; and
  - (b) the owners of any lands mentioned in clause (a) are deemed to have given permission pursuant to clause 30.2(3)(b) for the purposes of this section.
- (2) If, in the opinion of the corporation, it is necessary to relocate a transmission line in order to remedy an emergency or hazardous condition as described in subsection 59(2) and the corporation is unable to acquire an easement from the registered owner of, or any other person interested in, the lands that would allow the corporation to relocate the transmission line:

- (a) the corporation shall, in accordance with section 26, give notice to the registered owner of the required lands; and
- (b) until the corporation acquires an easement, the corporation may enter on any lands required for the relocation of the transmission line and use and occupy those lands to maintain, inspect, replace or remove the relocated transmission line.

2013, c.25, s.19.

**Emergency powers re delivery of electrical energy**

**59.02(1)** In this section, “**power emergency**” means an emergency by reason of:

- (a) damage to, or destruction, failure or breakdown of, any of the corporation’s transmission or distribution lines or apparatus, equipment or other facilities;
  - (b) waste of electrical energy;
  - (c) a demand for electrical energy in excess of the corporation’s electrical energy resources; or
  - (d) any other matter that restricts or may restrict the delivery of electrical energy by the corporation.
- (2) Notwithstanding any other Act or law, if, in the opinion of the corporation, there is a power emergency or a power emergency may reasonably be expected to occur, the corporation may do all or any of the following:
- (a) allocate and distribute electrical energy between different customers or classes of customers, and, for that purpose may establish preferences and priorities between different customers or classes of customers;
  - (b) interrupt or decrease delivery of electrical energy or cut off the supply of electrical energy to any customer or class of customers in order to effect the most economical, efficient and equitable use and distribution of electrical energy;
  - (c) regulate, restrict, prohibit and control the corporation’s generation, transmission, distribution, supply and use of electrical energy.

2013, c.25, s.19.

**Liability for damage**

**59.1(1)** The corporation shall keep a record of its power lines, cables and pipelines buried within:

- (a) each parcel of land; and
- (b) land comprising a highway, road, street, lane, square or other public place.

(2) A person may, in writing, request from the corporation information describing generally the power lines, cables and pipelines, if any, buried in the land described in the request, and the corporation shall, on receipt of the request and any reasonable fee that it may prescribe, deliver the information to the person making the request.

(3) A person intending to conduct digging, grading, levelling, excavating, blasting or similar activities in an area where buried power lines, cables or pipelines are situated shall, at least 48 hours before the commencement of the activity, request the corporation to accurately locate the lines or cables on the land in which the lines or cables are buried.

(4) Where a person conducting any digging, grading, levelling, excavating, blasting or similar activity on land in which a power line, cable or pipeline is buried:

- (a) fails to request the accurate location of the line or cable as required by subsection (3); or
- (b) has had the line or cable accurately located for him or her;

damages the line or cable, he or she is civilly liable to the corporation in an amount equal to the sum of:

- (c) the cost to the corporation of repairing the line or cable; and
- (d) where, as a result of the damage, there is a loss of electrical energy, steam, heat, natural or manufactured gas, oil, propane or other fuel, an amount equal to 50% of the amount described in clause (c) as compensation to the corporation for the loss of revenue.

(4.1) For the purposes of this section, the corporation may designate a person to receive requests on its behalf to accurately locate the corporation's buried power lines, cables or pipelines, and a request received by that person is deemed to have been received by the corporation.

(5) The corporation is conclusively deemed to have accurately located the buried power line, cable or pipeline if it has identified the location or route of the line or cable by means of visible markers that are:

- (a) affixed along the route above the line or cable; and
- (b) spaced not more than 200 feet apart and not more than two feet horizontal distance from the route of the line or cable.



**Prohibition re building over meters**

**59.2(1)** No person shall construct or allow the construction of any building, structure or other obstruction over any of the corporation's meters without the prior written consent of the corporation.

(2) The corporation may demand in writing that the owner of land remove a building, structure or obstruction at the owner's expense or reimburse the corporation for the corporation's costs in obtaining access to the meter for the purposes of reading the meter if:

- (a) the building, structure or obstruction is constructed over a meter of the corporation; and
- (b) it is not possible to read the meter without removing the building, structure or obstruction.

(3) If an owner fails to comply with a written demand of the corporation pursuant to subsection (2), the corporation may enter on the land and remove the building, structure or obstruction.

(4) The corporation may charge the owner with the corporation's costs in removing the building, structure or obstruction.

(5) If the owner and the corporation are unable to agree respecting the costs of removing a building, structure or obstruction or respecting any compensation that the owner may claim as a result of the corporation removing the building, structure or obstruction, both parties shall submit the issue to arbitration in accordance with *The Arbitration Act, 1992*.

2001, c.30, s.17.

**Penalties**

**60** A person who:

- (a) wilfully or maliciously damages, destroys, pulls down, defaces, alters or removes or causes or knowingly suffers to be damaged, destroyed, pulled down, defaced, altered or removed any machinery, plant or other works, pole, wire, conductor, service pipe, fitting, lamp, meter or other property belonging to the corporation;
- (b) wilfully alters or impairs or knowingly suffers a meter belonging to the corporation to be altered or impaired so that the meter indicates less electricity, steam or gas than actually passes through it; or
- (c) by any wrongful or improper means increases the supply of electricity, steam or gas agreed for with the corporation;

is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

R.S.S. 1978, c.P-19, s.60; 1979, c.53, s.17.

**Regulations**

**61** For the purpose of carrying out this Act according to its intent, 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;
- (a.1) for the purposes of clause 1.1(c.1), prescribing the range of nominal design voltages within which distribution of electrical energy occurs;
- (a.2) for the purposes of subsection 38(4):
  - (i) prescribing the conditions a person or category of persons must comply with in order for the corporation to be deemed to have consented to the supply, transmission, distribution or sale of electrical energy by that person or category of persons;
  - (ii) prescribing the circumstances respecting the supply, transmission, distribution or sale of electrical energy by or to a person or category of persons under which the corporation is deemed to have consented to the supply, transmission, distribution or sale of electrical energy by or to that person or category of persons;
- (b) for the purposes of subsection 58(1), prescribing circumstances in which the corporation may elect not to enforce the payment of a rate, charge or rent;
- (c) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2001, c.30, s.18; 2004, c.62, s.8.

**Annual report**

**62** The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

1993, c.C-50.101, s.51.