

# EPCOR Distributor and Affiliated Providers

## Compliance Plan to *Code of Conduct Regulation*

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**EPCOR Distributor and Affiliated Providers  
Code of Conduct Regulation Compliance Plan**

**PURPOSE .....3**

**PART 1 INTERPRETATION .....5**

    1.0    DEFINITIONS .....5

    2.0    AFFILIATED ELECTRICITY RETAILER AND AFFILIATED GAS RETAILER DEFINED.....6

**PART 2 CONDUCT AND BUSINESS PRACTICES .....7**

    3.0    CONDUCT.....7

**DIVISION 1 CUSTOMERS .....8**

    4.0    TYING PROHIBITED .....8

    5.0    TRANSFER OF CUSTOMERS .....8

    6.0    PROHIBITED REPRESENTATIONS .....9

    7.0    ADVERTISING.....9

    8.0    MEETINGS BETWEEN DISTRIBUTORS OR REGULATED RATE SUPPLIERS WITH RETAILERS AND CUSTOMERS .10

**DIVISION 2 CUSTOMER INFORMATION .....10**

    9.0    CONFIDENTIALITY OF CUSTOMER INFORMATION .....10

    10.0   DISCLOSURE OF CUSTOMER INFORMATION .....11

    11.0   CONDITIONS ON DISCLOSURE OF CUSTOMER INFORMATION .....11

    12.0   HISTORICAL ELECTRICITY OR GAS USAGE .....12

    13.0   AGGREGATED CUSTOMER INFORMATION .....12

**DIVISION 3 BUSINESS PRACTICES OF DISTRIBUTORS AND REGULATED RATE SUPPLIERS .....13**

    14.0   EQUAL TREATMENT OF RETAILERS .....13

    15.0   PROHIBITIONS .....13

    16.0   INFORMATION ABOUT RETAIL ENERGY SERVICES.....14

**PART 3 .....15**

**RELATIONSHIPS AMONG DISTRIBUTORS, REGULATED RATE SUPPLIERS AND AFFILIATED PROVIDERS.....15**

**DIVISION 1 .....15**

**PREVENTING UNFAIR COMPETITIVE ADVANTAGE.....15**

    17.0   ARRANGEMENTS CREATING UNFAIR COMPETITIVE ADVANTAGE PROHIBITED .....15

    18.0   INFORMATION SHARING.....16

    19.0   RETAILER SEEKING CUSTOMER INFORMATION .....17

    20.0   ACQUISITIONS, RESEARCH AND DISPOSITIONS.....17

    21.0   GOODS AND SERVICES TRANSACTIONS TO BE AT FAIR MARKET VALUE.....18

    22.0   FINANCIAL TRANSACTIONS .....18

    23.0   ENTITIES CARRYING ON MORE THAN ONE BUSINESS.....19

    24.0   ACCESS TO PUBLICLY AVAILABLE INFORMATION.....20

**DIVISION 2 RECORDS AND ACCOUNTS .....20**

    25.0   RECORDS AND ACCOUNTS.....20

26.0	WRITTEN FINANCIAL TRANSACTIONS.....	21
27.0	RECORDS OF TRANSACTIONS FOR GOODS AND SERVICES .....	21
28.0	MAINTAINING RECORDS.....	21
<b>PART 4 COMPLIANCE REQUIREMENTS .....</b>		<b>21</b>
<b>DIVISION 1 COMPLIANCE PLANS AND COMPLIANCE REPORTS .....</b>		<b>21</b>
29.0	PROHIBITION AGAINST PROVIDING RETAIL ENERGY SERVICES WITHOUT APPROVED COMPLIANCE PLAN.....	21
30.0	COMPLIANCE PLAN REQUIRED .....	22
31.0	APPROVAL BY COMMISSION .....	24
32.0	CHANGES TO COMPLIANCE PLAN .....	24
33.0	QUARTERLY AND ANNUAL COMPLIANCE REPORTS.....	25
34.0	INFORMATION ABOUT COMPLAINTS .....	25
35.0	PUBLICATION OF COMPLIANCE PLANS AND REPORTS .....	26
36.0	REGULATION PREVAILS.....	26
<b>DIVISION 2 .....</b>		<b>26</b>
<b>VARYING ARRANGEMENTS.....</b>		<b>26</b>
37.0	ALTERNATIVE COMPLIANCE ARRANGEMENTS.....	26
38.0	EMERGENCY EXCEPTIONS .....	26
<b>DIVISION 3 .....</b>		<b>27</b>
<b>COMPLIANCE AUDIT.....</b>		<b>27</b>
39.0	APPOINTMENT OF AUDITOR.....	27
40.0	AUDIT .....	27
41.0	AUDIT REPORT .....	27
<b>DIVISION 4 INVESTIGATIONS.....</b>		<b>27</b>
42.0	REFERRAL OF MATTERS TO MSA .....	27
43.0	NOTICE TO COMMISSION OF MSA INVESTIGATIONS .....	27
44.0	INFORMATION SHARING BETWEEN COMMISSION AND MSA .....	27
<b>PART 5 TRANSITION PROVISIONS, REPEAL AND COMING INTO FORCE .....</b>		<b>28</b>
45.0	APPROVALS UNDER CODE OF CONDUCT REGULATION (AR 160/2003).....	28
46.0	APPROVALS UNDER CODE OF CONDUCT REGULATION (AR 183/2003).....	28
47.0	CONSENTS CONTINUED .....	28
48.0	MARKET SURVEILLANCE AND COMMISSION DUTIES .....	28
49.0	REPEAL .....	28
50.0	EXPIRY.....	28
51.0	COMING INTO FORCE.....	29

## **EPCOR Distributor and Affiliated Providers Code of Conduct Regulation Compliance Plan**

### **Purpose**

EPCOR Utilities Inc. (“EUI”), its subsidiaries, certain of which are described below, builds, owns and operates water and wastewater treatment facilities, electrical transmission and distribution networks, and provides regulated rate option and default supply electricity related services and also sells electricity and natural gas to Alberta residential consumers under contract through its Encor brand.

EPCOR Distribution & Transmission Inc. (“EDTI”) owns and operates high voltage substations and high voltage transmission lines and cables that are primarily situated within and around Edmonton and form part of the Alberta Interconnected Electric System power grid. EDTI also owns and operates aerial and underground distribution lines and related facilities for the distribution of power to customers within its distribution service area in Edmonton.

EDTI is a wholly owned subsidiary of EPCOR Utilities Holdings Inc. (“EUHI”) with the approval of the Alberta Utilities Commission in Order U2006-281. EUHI is a wholly owned subsidiary of EUI. As such, EDTI is a “Distributor” as that term is defined in the *Code of Conduct Regulation* (AR 58/2015) (the “Regulation”).

EPCOR Energy Alberta Limited Partnership (“EEA LP”) is a limited partnership formed under the laws of Alberta. EPCOR Energy Alberta GP Inc. (“EEA”), as the general partner of EEA LP, has the power and authority to conduct the business of EEA LP. EEA has been granted approval by the Alberta Utilities Commission to provide regulated rate option and default supply services to electricity customers within the EDTI and FortisAlberta Inc. service areas and to several Rural Electrification Associations in Alberta. EPCOR Power Development Corporation (“EPDC”) is the limited partner of EEA LP and does not participate in the control and management of EEA. This arrangement was approved by the AUC in Decision 2014-045 on February 26, 2014. EEA is a “Regulated Rate Supplier” and an “Affiliated Provider” defined in the Regulation.

FortisAlberta Inc. is not corporately affiliated with EUI or any of its subsidiaries. FortisAlberta Inc. is responsible for its own compliance with the Regulation.

1772387 Alberta Limited Partnership (“Encor”) is a limited partnership formed under the laws of Alberta. 1772387 Alberta Ltd., as the general partner of Encor, has the power and authority to conduct the business of Encor. EPDC is the limited partner of Encor and does not participate in control and management of Encor.

Encor provides “Retail Energy Services” as defined in the Regulation and is also an Affiliated Provider and “Affiliated Electricity Retailer” pursuant to s. 2 of the Regulation.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that each of EDTI, EEA, and Encor will use to ensure compliance with the Regulation by the

officers, employees, agents and contractors of EDTI, EEA, and Encor. Contraventions of the Compliance Plan by individuals may result in disciplinary action, up to and including termination of employment or contract.

This Compliance Plan describes certain obligations and responsibilities of specified EDTI, EEA and Encor management personnel. Notwithstanding this, and without otherwise reducing or eliminating the obligation and responsibility of the specified EDTI, EEA and Encor management personnel to ensure any specific requirements of this Compliance Plan are satisfied, it is understood that all or a portion of the tasks described in this Compliance Plan may be delegated by the specified EDTI, EEA, or Encor management personnel to other EDTI, EEA, or Encor personnel.

Questions or comments concerning the Compliance Plan should be directed to the EPCOR Compliance Officer. Contact information for the Compliance Officer and a copy of the Compliance Plan are available at [www.epcor.com](http://www.epcor.com).

The numbering used in the Compliance Plan is consistent with the numbering used in the Regulation.

## **Part 1 Interpretation**

### **1.0 Definitions**

Capitalized words and phrases used in the Compliance Plan shall have the meanings set out in the Regulation and the Compliance Plan. In the event of any inconsistency in the definitions between the Regulation and the Compliance Plan, the Regulation definitions will prevail.

- a) **Annual Compliance Report** contains:
- any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance;
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- b) **AUC** means the Alberta Utilities Commission.
- c) **AUC Rule 010** means AUC Rule 010: *Rules on Standards for Requesting and Exchanging Site-Specific Historic Usage Information for Retail Electricity and Natural Gas Markets Rules*.
- d) **AUC Rule 030** means AUC Rule 030: *Code of Conduct Rule*.
- e) **Compliance Officer** means an officer of EDTI and EEA who is responsible and accountable for compliance with the Code of Conduct Regulation Compliance Plan as approved by the AUC, made under the authority of the Regulation.
- f) **Compliance Plan Committee** means a committee composed of at least the following EPCOR personnel:
- Conduct Leader, EDTI;
  - Conduct Leader, EEA
  - Conduct Leader, Encor;
  - Compliance Officer (if not one of the above); and
  - any such employees from EPCOR as may be reasonably required to carry out the business arising for the Committee.
- g) **Compliance Report** contains:
- any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- h) **Conduct Leader** means the individual designated with responsibility for compliance obligations for EDTI, EEA or Encor, and who is responsible to make the Compliance Plan operational.
- i) **EEA Terms and Conditions** means the AUC approved terms and conditions upon which EEA offers and provides Regulated Rate Service to eligible customers under EEA's Regulated Rate Tariff.

- j) **EDTI Terms and Conditions** means the AUC approved terms and conditions for distribution and system access services set out in EDTI's Distribution Access Tariff and System Access Tariff.
- k) **UCA** means the Utilities Consumer Advocate

**2.0 Affiliated electricity retailer and affiliated gas retailer defined**  
**Retained for Numbering Consistency**

## **Part 2**

### **Conduct and Business Practices**

#### **3.0 Conduct**

**Policy: EDTI, EEA, and Encor officers, employees, agents and contractors will conduct themselves and their activities so as to comply with and to ensure compliance with the Regulation and the Compliance Plan.**

#### **Mechanisms**

1. Upon commencement, and as a condition of employment, all new officers and employees of EUI and its subsidiaries will be made aware of the Regulation and Compliance Plan and must execute a form of Code of Conduct Requirements Compliance Awareness. This form will be retained in the employee's Human Resources File.
2. On an annual basis, the Conduct Leaders for EDTI, EEA, and Encor will ensure that all officers and employees of EDTI, EEA, and Encor receive compliance awareness training. Employees of EDTI, EEA, and Encor must acknowledge they are aware of the Regulation and Compliance Plan, and agree to abide by their requirements. Records of acknowledgments will be maintained by the respective Conduct Leader in written or electronic form.
3. Employees of EEA will receive comprehensive training at the commencement of employment, which includes the obligations of the Regulation and Compliance Plan, the business operations of regulated energy services, privacy, ethics and customer interaction.
4. Where contractors and agents perform work on behalf of EDTI, EEA, or Encor and that work assignment is affected by the requirements of the Regulation, the contractor or agent will receive reasonable information about the Regulation and Compliance Plan. Contracts for service entered into with contractors and agents will include provisions to ensure; the confidentiality of customer information is maintained, customer information is not shared without express instructions and consent, unless permitted or required by Regulation or legislation, and appropriate data security provisions are in place. Where contractors provide limited services, not covered by a master contract, each contractor will be required to provide a written acknowledgement that they are familiar with its contents and will abide by its requirements. The acknowledgements will be retained by the Compliance Officer.
5. The Compliance Officer will ensure the Regulation and Compliance Plan is posted on EPCOR's internal and external websites and is accessible to all employees, contractors and agents.



## **Division 1 Customers**

### **4.0 Tying prohibited**

**Policy: EDTI, EEA, and Encor will not require or induce Customers to acquire goods or services from Encor or any other Retailer by making or appearing to make Regulated Energy Services conditional on the acquisition of those goods or services.**

#### **Mechanisms**

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI, EEA and Encor will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. Customers seeking information about Retail Energy Services will receive the statement in section 7(1) of the Regulation either through the Interactive Voice Response recording prior to reaching a live agent when telephoning the call centre, or in writing on the main page of the website.
3. EDTI and EEA's training and procedures will instruct agents to respond to Customer requests for:
  - a. information concerning Retail Energy Services in a manner that does not encourage a Customer to contact one retailer in preference to other retailers;
  - b. advice or assistance with respect to any matter relating to a particular retailer by directing Customers to the UCA for the list of current retailers.
4. EDTI and EEA will perform quality assurance checks on recorded Customer telephone calls to ensure appropriate responses to Customer requests for information are given. Failure to follow established procedures may result in corrective action including coaching, retraining or discipline of the EDTI or EEA employee.

### **5.0 Transfer of customers**

**Policy: EDTI or EEA will not, without the Customer's consent, transfer the Customer to a Retailer or Retail Energy Services tariff.**

#### **Mechanisms**

1. EDTI will only accept requests to transfer Customers to a Retailer or Retail Energy Services tariff from Retailers who have successfully completed the EDTI Retailer Certification process. Prospective Retailers seeking certification may obtain instructions on the EDTI Retailer Certification process online at [Retailer Guidebook](#) or by contacting EDTI Retailer Communication by telephone to 780

412-7899 or by email to [retcomm@epcor.com](mailto:retcomm@epcor.com). All market participants are required to comply with AUC Rule 021 *Settlement System Code Rules*, AUC Rule 004 *Alberta Tariff Billing Code* the *Fair Trading Act*, and the Regulations made under that Act where applicable. Retailers are responsible for obtaining proper authorization from each Customer in accordance with EDTI's Terms and Conditions for Distribution Access Service, as approved by the AUC, which form part of the EDTI Distribution Tariff. The EDTI Terms and Conditions are available at [www.epcor.com](http://www.epcor.com).

2. EEA will manage all market interactions in accordance with the requirements of AUC Rule 004 *Alberta Tariff Billing Code* and AUC Rule 021 *Settlement System Code Rules*. Customer consent will be obtained in writing, orally, or by electronic means obtained through the online account management portal located on [www.epcor.com](http://www.epcor.com). All requests will be recorded in the Customer Records maintained by EEA.

## 6.0 Prohibited representations

**Policy:** EDTI, EEA, or Encor will not represent or imply in any way in communications with Customers or the public, that present or future Customers of EEA or Encor will receive treatment from EDTI or EEA that is different from the treatment received by present or future Customers of other Retailers.

### Mechanisms

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI, EEA and Encor will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. All advertising and marketing of energy services will be conducted in accordance with the methods set out in Section 7.0 below.
3. EDTI, EEA and Encor will respond to customers requesting advice or assistance that is related to the sales or marketing of energy services in accordance with the methods set out in Section 15.0 below.

## 7.0 Advertising

**Policy:** EDTI and EEA will have distinct names and logos that indicate each organization are separate entities from Encor.

## **Mechanisms**

1. Customers seeking information about Retail Energy Services will receive the statement in section 7(1) of the Regulation either through the Interactive Voice Response recording prior to reaching a live agent when telephoning the call centre, or in writing on the main page of the website.
2. Prior to distribution, all material marketing energy services will be reviewed by the Compliance Officer to ensure compliance with the Regulation. The Compliance Officer will maintain a record of the date of approval. EEA and Encor will maintain a record indicating when and how the material was published.

### **8.0 Meetings between distributors or regulated rate suppliers with retailers and customers**

**Policy: EDTI and EEA will make reasonable efforts to be equally available to all Retailers for joint meetings with Retailers and Retailer's Customers to meet the requirements in accordance with the Regulation.**

#### **Mechanisms**

1. EDTI and EEA will make reasonable efforts to be equally available to all Retailers for joint meetings with Retailers and Retailer's Customers within 10 business days, subject to the availability of the Retailers.
2. Instructions to contact the EDTI Retailer Communication team will be available in the EDTI Retailer Guidebook located on the website at [Retailer Guidebook](#) or by contacting EDTI Retailer Communications by telephone to 780 412-7899 or by email to [retcomm@epcor.com](mailto:retcomm@epcor.com). EDTI will maintain a record of all meetings held with Retailers and Retailer's Customers.
3. Requests to meet with EEA must be submitted by email to [EPCORRetailRep@epcor.com](mailto:EPCORRetailRep@epcor.com). EEA will maintain a record of all meetings held with Retailers and Retailer's Customers.

## **Division 2 Customer Information**

### **9.0 Confidentiality of customer information**

**Policy: EDTI, EEA, and Encor will protect the confidentiality of Customer Information and not disclose customer information except in accordance with the Regulation.**

#### **Mechanisms**

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI, EEA and Encor will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. The Compliance Officer will ensure a Privacy Policy, which complies with applicable legislation, is posted on EPCOR's internal and external websites and is accessible to all employees, contractors and agents. Information about the use and disclosure of customer information will be available for Customers on the website [www.epcor.com](http://www.epcor.com).

## **10.0 Disclosure of customer information**

**Policy: EDTI, EEA, and Encor will only disclose Customer Information in accordance with the Regulation.**

### **Mechanisms**

1. EDTI, EEA, or Encor will only disclose Customer Information to a customer, or a third party designated by the customer, if permitted by the Regulation or legislation, or upon receipt of a written, electronic or recorded request. A Third Party Consent Form will be available on the website [www.epcor.com](http://www.epcor.com) and all requests and responses will be recorded in the Customer records maintained by EDTI, EEA, or Encor.
2. EDTI will not disclose Customer Information to any Retailer without the consent of the Customer unless; a form of written consent is received, or the retailer has filed a Representation and Warranty Document pursuant to AUC Rule 010. A form of consent and the Representation and Warranty Document will be available on the website [www.epcor.com](http://www.epcor.com). All requests will be managed by the EDTI Wholesale Energy group who will be responsible for responding to and retaining records of all requests.

## **11.0 Conditions on disclosure of customer information**

**Policy: EDTI and EEA will only disclose Customer Information to a Retailer or Retailers in accordance with the Regulation.**

### **Mechanisms**

1. EDTI and EEA will manage all market interaction with Retailers in accordance with the requirements of AUC Rule 004 *Alberta Tariff Billing Code*, and AUC Rule 021 *Settlement System Code Rules*
2. EDTI or EEA will only disclose Customer Information to a customer, or a third party designated by the customer, if permitted by the Regulation or legislation, or upon receipt of a written, electronic or recorded request. A Third Party Consent

Form will be available on the website [www.epcor.com](http://www.epcor.com) and all requests and responses will be recorded in the Customer records maintained by EDTI, EEA, or Encor.

3. EDTI will not disclose Customer Information to any Retailer without the consent of the Customer unless; a form of written consent is received, or the retailer has filed a Representation and Warranty Document pursuant to AUC Rule 010. A form of consent and the Representation and Warranty Document will be available on the website [www.epcor.com](http://www.epcor.com). All requests will be managed by the EDTI Wholesale Energy group who will be responsible for responding to and retaining records of all requests
4. EDTI or EEA will disclose the requested Customer Information to the Retailer within 7 days following the receipt of the request. EDTI or EEA will retain a record of all requests and responses in the Customer records.
5. If the Customer consents to the disclosure of information to 2 or more Retailers, EDTI or EEA will disclose the same information to all those Retailers at the same time and in the same manner. EDTI or EEA will treat all requests, consents and disclosure as confidential and will retain a record of all requests and responses in the Customer records.

## **12.0 Historical electricity or gas usage**

**Policy: EDTI will only provide a retailer with historical usage information in accordance with the Regulation and AUC Rule 010.**

### **Mechanisms**

1. Providing the condition in Mechanism 2 of Section 10.0 is met, EDTI will, within 3 business days after receiving the request, disclose to the Retailer the requested historical usage information in accordance with the provisions of AUC Rule 010.
2. EDTI will retain a record of all requests and responses in the Customer records.

## **13.0 Aggregated customer information**

**Policy: EDTI will only provide a Retailer with aggregated Customer Information in accordance with the Regulation.**

### **Mechanisms**

1. Instructions to contact the EDTI Retailer Communication team will be available in the EDTI Retailer Guidebook located on the website at [Retailer Guidebook](#) or by contacting EDTI Retailer Communications by telephone to 780 412-7899 or by email to [retcomm@epcor.com](mailto:retcomm@epcor.com). All requests will be managed by the EDTI

Wholesale Energy group who will be responsible for responding to and retaining records of all requests.

### **Division 3**

## **Business Practices of Distributors and Regulated Rate Suppliers**

### **14.0 Equal treatment of retailers**

**Policy:** EDTI Terms and Conditions and EEA Terms and Conditions will not give preferential treatment to its Affiliated Retailer or to Customers of its Affiliated Retailer, discriminate against any Retailer or against Customers of any Retailer, and any changes to EDTI Terms and Conditions or EEA Regulated Energy Services or the EEA Terms and Conditions that apply to those services, will be communicated to all Retailers at the same time and in the same manner to meet the requirements in accordance with the Regulation.

#### **Mechanisms**

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI and EEA will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. As described in Mechanism 5 of Section 3.0 above, the Compliance Officer will ensure the Regulation and Compliance Plan is posted on EPCOR's internal and external websites and is accessible to all employees, contractors and agents.
3. EDTI and EEA will manage all market interaction with Retailers in accordance with the requirements of AUC Rule 004 *Alberta Tariff Billing Code*, AUC Rule 10 and AUC Rule 021 *Settlement System Code Rules*.
4. Subject to the regulatory approval process established by the AUC, EDTI and EEA will ensure the current and approved Terms and Conditions of Service are available to all Customers and Retailers on the website [www.epcor.com](http://www.epcor.com).

### **15.0 Prohibitions**

**Policy:** EDTI and EEA will abide by the prohibitions contained in the Regulation.

#### **Mechanisms**

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI and EEA will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in

written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.

2. As described in Mechanism 2 of Section 7.0 above, Customers seeking information about Retail Energy Services will receive the statement in section 7(1) of the Regulation either through the Interactive Voice Response recording prior to reaching a live agent when telephoning the call centre, or in writing on the main page of the website.
3. EDTI and EEA's training and procedures will instruct agents to respond to Customer requests for:
  - a. information concerning Retail Energy Services in a manner that does not encourage a Customer to contact one retailer in preference to other retailers;
  - b. advice or assistance with respect to any matter relating to a particular retailer by directing Customers to the UCA for the list of current retailers.
4. EDTI and EEA will perform quality assurance checks on recorded Customer telephone calls to ensure appropriate responses to Customer requests for information are given. Failure to follow established procedures may result in corrective action including coaching, retraining or discipline of the EDTI or EEA employee.

## **16.0 Information about retail energy services**

**Policy:** When EDTI or EEA receives a request for information about Retail Energy Services it will refer customers to a source where they may obtain a current list of Retailers that are licensed under the *Fair Trading Act* to engage in the marketing of electricity or the marketing of gas.

### **Mechanisms**

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI and EEA will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. As described in Mechanism 2 of Section 7.0 above, Customers seeking information about Retail Energy Services will receive the statement in section 7(1) of the Regulation either through the Interactive Voice Response recording prior to reaching a live agent when telephoning the call centre, or in writing on the main page of the website.
3. EDTI and EEA's training and procedures will instruct agents to respond to Customer requests for:
  - a. information concerning Retail Energy Services in a manner that does not encourage a Customer to contact one retailer in preference to other retailers;

- b. advice or assistance with respect to any matter relating to a particular retailer by directing Customers to the UCA for the list of current retailers.
4. EDTI and EEA will perform quality assurance checks on recorded Customer telephone calls to ensure appropriate responses to Customer requests for information are given. Failure to follow established procedures may result in corrective action including coaching, retraining or discipline of the EDTI or EEA employee.

### **Part 3**

## **Relationships Among Distributors, Regulated Rate Suppliers and Affiliated Providers**

### **Division 1**

## **Preventing Unfair Competitive Advantage**

### **17.0 Arrangements creating unfair competitive advantage prohibited**

**Policy: EDTI, EEA, and Encor will not make any arrangements that create an unfair competitive advantage for the affiliated provider.**

#### **Mechanisms**

1. The Conduct Leaders for EDTI and EEA will maintain a record of all transactions provided to or received from Encor and will include a general description of the transactions and services and the approximate aggregate value of each type of transaction or service provided.
2. Prior to implementing a new arrangement, a business case will be presented to the Compliance Plan Committee for approval, affirming no unfair competitive advantage will occur, and the minutes of the meeting will reflect the results of the review.
3. In the event an arrangement of the type described in Section 17(5) of the *Code of Conduct Regulation* is not explicitly exempted as not creating an unfair competitive advantage by sections 18, 20 and 21 or Section 23 of the Regulation, EUI will promptly notify the Commission, in writing, of the existing arrangement and will request an opinion of the Commission as to whether the existing arrangement creates an unfair competitive advantage. In the event that the Commission determines that an existing arrangement does create a prohibited unfair competitive advantage, EUI will modify or terminate the arrangement in accordance with the directions of the Commission.

In the event an arrangement of the type described in Section 17(5) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by sections 18, 20 and 21 or Section 23 of the Regulation, EUI will



notify the Commission, in writing, of the proposed arrangement before such arrangement takes effect and will request an opinion of the Commission as to whether the proposed arrangement would create an unfair competitive advantage.

## 18.0 Information Sharing

**Policy: EDTI and EEA will ensure that its Customer Information is not disclosed or made available to any Retailer for the purposes of marketing or sales of energy services, except in accordance with the Regulation.**

### Mechanisms

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI and EEA will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. If an employee is transferred or assigned from a position with EDTI or EEA to Encor, such individual will not have access rights to Customer information in his or her new position, except as permitted by the Regulation or Compliance Plan. The direct manager of the employee to be transferred will complete a Technology Service Request form instructing Information Technology Services to terminate the employee's network access to Customer Information. The Conduct Leader for EDTI or EEA will be responsible for maintaining a record of all employees transferred from their area and identifying if the transferred employee had access to Customer Information.
3. Approval to share information services between EDTI or EEA with Encor may only be provided in writing by the Director of Information Services.
4. The Director of Information Services will ensure that appropriate data management and data access protocols as well as contractual provisions regarding the breach of any access protocols are in place before approving the sharing of information services between EDTI or EEA with Encor.
5. The Director of Information Services will provide an annual certificate to the Compliance Plan Committee attesting to the protection from unauthorized access to shared information systems within 60 days of the end of the previous calendar year.
6. The Conduct Leaders for EDTI and EEA will review the access control lists for all information services shared with Encor (if any) and will provide to the Compliance Officer within 60 days of the end of the previous calendar year, a signed certificate that all access (if any) by Encor complies with the Regulation and Compliance Plan.

## 19.0 Retailer seeking customer information

**Policy:** Encor will not seek or receive Customer Information from a current or former officer, employee, agents or contractor of EDTI or EEA for sales or marketing purposes.

### Mechanisms

1. As described in Mechanism 2 of Section 3.0 above, all officers and employees of EDTI and EEA will receive compliance awareness training about the Regulation and Compliance Plan and will be required to provide an acknowledgement in written or electronic form, that they are familiar with the Regulation and Compliance Plan and will abide by its requirements.
2. If an employee is transferred or assigned from a position with EDTI or EEA to an Encor, such individual will not have access rights to Customer information in his or her new position, except as permitted by the Regulation or Compliance Plan. The direct manager of the employee to be transferred will complete a Technology Service Request form instructing Information Technology Services to terminate the employee's network access to Customer Information. The Conduct Leader for EDTI or EEA will be responsible for maintaining a record of all employees transferred from their area and identifying if the transferred employee had access to Customer Information.
3. All EPCOR officers and employees are bound by the terms of a Confidentiality Agreement signed prior to the commencement of employment, which applies for a period of 5 years after termination of the officer and employee's employment with EPCOR.

## 20.0 Acquisitions, research and dispositions

**Policy:** To prevent the creation of an unfair competitive advantage, EDTI and EEA will allocate and record the economic benefits or costs attributable to each party for joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property.

### Mechanisms

1. The Controllers for EDTI and EEA will approve any shared costs or expenses related to; joint acquisitions, research and development, asset transfers, mortgages, leases, or other dispositions by EDTI or EEA to Encor, or by Encor to EDTI or EEA, and will ensure that such assets transfers are at fair market value.
2. Within 60 days of the end of the previous calendar year, the Controllers for EDTI and EEA will provide a report to the Compliance Officer detailing any shared costs or expenses related to; joint acquisitions, research and development, asset

transfers, mortgages, leases, or other dispositions by EDTI or EEA to Encor, or by Encor to EDTI or EEA. The report will describe the manner in which the asset transfers were determined to be at fair market value.

3. Within 90 days of the end of the previous calendar year, the Compliance Plan Committee will review the report detailing any assets transfers between EDTI or EEA and Encor and the minutes of the meeting will reflect the results of the review, including any recommendations by the Compliance Plan Committee for changes to the methods used to ensure that asset transfers are at fair market value.

## **21.0 Goods and services transactions to be at fair market value**

**Policy:** All transactions involving the sale, lease, exchange, transfer or other disposition of goods or services between EDTI or EEA and Encor or will be recorded and priced at Fair Market Value to prevent the creation of an unfair competitive advantage. If the value of the transaction for goods or services is regulated by a municipal, provincial or federal government or government agency, the regulated value will be considered the Fair Market Value.

### **Mechanisms**

1. Where EDTI or EEA determines it is prudent in operating its business to do so, it may obtain or provide goods and services to Encor on a for profit basis. All parties shall enter into a services agreement for any goods and services provided or acquired. The services agreement will indicate:
  - a. the type, quantity and quality of service;
  - b. pricing, allocation or cost recovery provisions;
  - c. confidentiality arrangements;
  - d. the apportionment of risk;
  - e. dispute resolution provisions; and
  - f. a representation by each party to the agreement that the agreement complies with the Regulation.
2. Prior to implementing a service on a for profit basis, a business case establishing a price which is no less than fair market value will be presented to the Compliance Plan Committee for review and approval. The Conduct Leaders for EDTI, EEA, and Encor will maintain an inventory for all service agreements
3. At the first meeting of the Compliance Plan Committee in each year, the list of services agreement will be reviewed. Any service agreement which no longer meets the test of continued prudence will be revised or terminated in accordance with the terms of the services agreement.

## **22.0 Financial transactions**

**Policy: EDTI or EEA will not provide a loan, guarantee, security or other financial transaction on terms more favorable could be obtained in the open market to prevent the creation of an unfair competitive advantage.**

**Mechanisms**

1. The Controllers for EDTI and EEA will ensure that any loan, investment, or other financial support provided to Encor by EDTI or EEA is provided on terms no more favourable than what Encor would be able to obtain as a stand-alone entity from the capital markets.
2. Within 60 days of the end of the previous calendar year, the Controllers for EDTI and EEA will provide a report to the Compliance Officer attesting that any loans, investments, or other financial support provided to Encor has been provided on terms no more favourable than what ENCOR would be able to obtain as a stand-alone entity from the capital markets.
3. Within 90 days of the end of the previous calendar year, the Compliance Plan Committee will review the report detailing any loans, investments, or other financial support provided to Encor and the minutes of the meeting will reflect the results of the review to ensure compliance with the Regulation and the Compliance Plan.

**23.0 Entities carrying on more than one business**

**Policy: EDTI, EEA and Encor will not make any internal arrangements that use information it obtains from one business that would create an unfair competitive advantage for another business. EDTI and EEA will not incur or allocate economic costs or benefits that create an unfair competitive advantage.**

**Mechanisms**

1. The business and affairs of EDTI and EEA will be managed and conducted separately from the business and affairs of Encor, except as required to fulfill corporate governance, policy, and strategic direction responsibilities of the corporate group of businesses as a whole.
2. No officer or member of a senior management team shall act as both an officer or member of a senior management team for EDTI or EEA, and Encor unless the individual is able to carry out his or her responsibilities in a manner that complies with the Regulation and Compliance Plan.
3. Within 60 days of the end of the calendar year, all officers or members of the senior management team for EDTI or EEA, who also act as officers or members of the senior management team of Encor, will provide a signed certificate to the Compliance Officer stipulating that he or she is aware of his or her

responsibilities and have carried out his or her responsibilities in a manner that complies with the Regulation and Compliance Plan.

4. The Controllers for EDTI, EEA, and Encor will ensure the accounts and records of each of EDTI, EEA, and Encor are kept separate.
5. The Controllers for EDTI and EEA will provide a signed certificate to the Compliance Plan Committee attesting to the accounting separation from Encor and the maintenance of separate financial records and books of account, within 60 days of the end of the previous calendar year.
6. The Controller for Encor will keep sufficient records and accounts in accordance with generally accepted accounting principles and make the records and accounts available for audit upon request by the AUC.

#### **24.0 Access to publicly available information**

**Policy: EDTI and EEA will not restrict access to information available to the public in accordance with the Regulation.**

##### **Mechanisms**

1. See Section 10.0

## **Division 2 Records and Accounts**

#### **25.0 Records and accounts**

**Policy: EDTI, EEA, and Encor will keep accounts in accordance with generally accepted accounting principles, any uniform system of records required by the Commission, sufficient detail to enable an audit to be conducted and will retain separate records and accounts from each of those business operations in accordance with the Regulation.**

##### **Mechanisms**

1. The Controllers for EDTI, EEA, and Encor will ensure the accounts and records of each of EDTI, EEA, and Encor are kept separate.
2. The Controllers for EDTI and EEA will provide a signed certificate to the Compliance Plan Committee attesting to the accounting separation from Encor and the maintenance of separate financial records and books of account, within 60 days of the end of the previous calendar year.
3. The Controller for Encor will keep sufficient records and accounts in accordance with generally accepted accounting principles and make the records and accounts available for audit upon request by the AUC.

## **26.0 Written financial transactions**

**Policy:** Every financial transaction between EDTI or EEA and Encor will be documented in writing to prevent the creation of any unfair competitive advantage.

### **Mechanisms**

1. See Section 25.0

## **27.0 Records of transactions for goods and services**

**Policy:** All transactions for goods and services between EDTI or EEA and Encor will be recorded in accordance with the Regulation.

### **Mechanisms**

1. The Controllers of EDTI and EEA will record each transaction or a series of transactions within a calendar year between EDTI, or EEA and Encor relating to the sale or purchase of assets or to the provision of a services or similar group of services with an aggregated value within that calendar year of \$500,000.

## **28.0 Maintaining records**

**Policy:** EDTI, EEA, and Encor will retain records, accounts, records of financial transactions, reports and plans for at least six years.

### **Mechanisms**

1. The Compliance Officer will retain records, accounts, records of financial transactions, reports and plans that are required by the Regulation and Compliance Plan for at least six years.

## **Part 4 Compliance Requirements**

### **Division 1 Compliance Plans and Compliance Reports**

## **29.0 Prohibition against providing retail energy services without approved compliance plan**

**Policy:** Before Encor begins to provide Retail Energy Services to Customers, Encor will prepare, file, receive approval of a Compliance Plan by the

**Commission and provide copies of the approved plan in accordance with the regulation.**

**Mechanisms**

1. The Compliance Officer and Conduct Leader for Encor will ensure that a Compliance Plan which describe the systems, policies and mechanisms that Encor will follow, is prepared and approved by the AUC.
2. The Conduct Leader for Encor will be responsible for sending a copy of its approved plan to all Affiliated Providers.

**30.0 Compliance Plan Required**

**Policy: EDTI, EEA, and Encor will develop compliance training material that will be used to train officers, employees, agents and contractors of EDTI, EEA, and Encor on the provisions of the Regulation, the Compliance Plan, and their duties and responsibilities. The material will include the following topics:**

- **Equal treatment of Customers;**
- **Protecting confidential Customer Information;**
- **Equal treatment of Retailers; and**
- **Preventing unfair competitive advantage for Affiliated Retailers.**

**Policy: EDTI, EEA, and Encor will develop a process for voluntary resolution of complaints about non-compliance with the Regulation or the Compliance Plan.**

**Mechanisms**

1. See Section 3.0
2. The Compliance Officer and Conduct Leaders will be accountable for implementation of the Compliance Plan and the Mechanisms herein.
3. Each Conduct Leader is accountable for ensuring the Regulation and Compliance Plan is reasonably communicated to employees, agents and contractors of EDTI, EEA, and Encor.
4. Each Conduct Leader will ensure procedures are in place to internally monitor compliance with the Compliance Plan and to identify any instances of non-compliance.

5. The Compliance Plan Committee, which will meet quarterly to discuss matters concerning compliance with the Regulation and Compliance Plan. The Compliance Officer will retain minutes of the meetings.
6. The Compliance Officer is responsible for investigation complaints with respect to EDTI, EEA, or ENCOR's compliance with the Regulation or Compliance Plan, and will diligently act to resolve instances of non-compliance that may be identified.
7. The Compliance Officer will follow the process outlined below for voluntary resolution of complaints received:
  - a. Complaints should be made in writing to;  
conductofficer@epcor.com,  
Fax: (780) 441-7118, or  
EPCOR Compliance Officer  
2000 – 10423 101 Street NW  
Edmonton, AB T5J 0E8
  - b. Complaints will be acknowledged within 5 business days of receipt.
  - c. The investigation into the complaint will be conducted within 21 business days.
  - d. A final resolution of the dispute, complaint must be resolved as expeditiously as possible in the circumstances, and in any event within 60 days of receipt of the dispute or complaint, unless the parties agree otherwise.
8. The Compliance Officer will report any findings of non-compliance with the Regulation or Plan in accordance with the methods set out in Section 33.0 below.
9. The Compliance Officer will ensure complaint procedures are available to all Customers on the website [www.epcor.com](http://www.epcor.com).
10. EDTI and EEA will manage all rules respecting service standards in accordance with the requirements of AUC Rule 004 *Alberta Tariff Billing Code*, and AUC Rule 021 *Settlement System Code Rules*.
11. EEA will provide quarterly and annual reporting of service quality and reliability performance, including billing and billing services, to the AUC in accordance with AUC Rule 003 *Service Quality and Reliability Performance Monitoring and Reporting for Regulated Rate Providers and Default Supply Providers*.
12. EEA and the AUC will meet at least once annually to discuss service quality issues and any corrective action plans necessary. Any items arising from that meeting will be reviewed by the Conduct Leader and a determination will be made to amend this Compliance Plan in accordance with section 32 of the Regulation, if necessary.



13. EDTI will provide quarterly and annual reporting of service quality measures and the process, procedures and standards for transfer of data relating to distribution tariffs, to the AUC in accordance with AUC Rule 002 *Service Quality and Reliability Performance Monitoring and reporting for Owners of Electric Distribution Systems and for Gas Distributors*.
14. EDTI and the AUC will meet at least once annually to discuss service quality issues and any corrective action plans necessary. Any items arising from that meeting will be reviewed by the Conduct Leader for EDTI and a determination will be made to amend this Compliance Plan in accordance with section 32 of the Regulation, if necessary.

### **31.0 Approval by Commission**

#### **Retained for Numbering Consistency**

### **32.0 Changes to Compliance Plan**

**Policy: EDTI, EEA, or Encor will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanisms**

1. Each Conduct Leader is accountable for ensuring the Compliance Plan is kept current and for recommending amendments to the Compliance Plan Committee where operating circumstances or regulatory provisions require changes to the Compliance Plan.
2. The Compliance Officer will be responsible to submit an amended Compliance Plan to the AUC as required.
3. The Compliance Officer will notify EPCOR officers, employees, contractors and agents of any amendments approved by the AUC as soon as practicable by
  - a. ensuring an approved copy of the Compliance Plan is posted on both EPCOR's internal and external websites;
  - b. ensuring Conduct Leaders are aware of the impact on the respective operations;
  - c. assisting the Conduct Leaders in providing training to officers and employees as required; and
  - d. reviewing and ensuring any changes to contractual provisions with contractors are implemented.

### 33.0 Quarterly and annual compliance reports

**Policy:** EDTI, EEA, and Encor will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation and any applicable Commission rule.

#### **Mechanisms**

1. The Conduct Leaders for EDTI, EEA, and Encor will prepare a Compliance Report each quarter of a calendar year describing any non-compliance in accordance with the Regulation, Compliance Plan and AUC Rule 030. The Compliance Officer will provide the reports to the Board of Directors for review.
2. Where the non-compliance is non-material in nature, occurs in the normal course of business and is appropriately managed and remediated, the Compliance Officer will file a Compliance Report with the AUC within 30 days following the receipt of the Conduct Leader's quarterly report.
3. The Compliance Officer will file a Compliance Report with the AUC for any significant, material instances of non-compliance within 30 days of becoming aware of the incident.
4. Within 90 days after the end of each calendar year, the Compliance Officer will file an Annual Compliance Report with the AUC which been approved by the Board of Directors.

### 34.0 Information about complaints

**Policy:** EEA, and Encor will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the Commission or the Market Surveillance Administrator.

#### **Mechanisms**

1. EEA and Encor will ensure the following notice is given to all Customers annually by insertion into billing envelope.

The *Code of Conduct Regulation* governs aspects of Alberta's retail electricity and natural gas market and is intended to create a level playing field for retailers, while at the same time ensuring that customers and customer information are adequately protected.

Any person that feels that an EPCOR company has failed to conduct its business in accordance with the *Code of Conduct Regulation* may submit a complaint to the Alberta Utilities Commission at [consumer-relations@auc.ab.ca](mailto:consumer-relations@auc.ab.ca) or by phoning 1-780-427-4903, or to the Market Surveillance Administrator at

[compliance@albertamsa.ca](mailto:compliance@albertamsa.ca) or by phoning 1-403-705-3181. The Alberta Utilities Commission and the Market Surveillance Administrator are independent of EPCOR Energy Alberta GP Inc. and Encor. Any billing complaints should be submitted by phoning 310-4300 or by email to [custserv@epcor.com](mailto:custserv@epcor.com).

2. The Compliance Officer will ensure that the approved notice is available on the website [www.epcor.com](http://www.epcor.com).

### **35.0 Publication of compliance plans and reports**

**Retained for numbering consistency**

### **36.0 Regulation prevails**

**Policy: Compliance by EDTI, EEA, and Encor with the Compliance Plan requirements does not release EDTI, EEA, or Encor from complying with the Regulation.**

#### **Mechanisms**

1. None required

## **Division 2 Varying Arrangements**

### **37.0 Alternative compliance arrangements**

**Retained for numbering consistency**

### **38.0 Emergency exceptions**

**Policy: Any action taken by EDTI, EEA, or Encor in response to an emergency that threatens public safety, the safety of officers, employees, contractors or agents, the physical integrity of their facilities or system reliability does not contravene the Regulation or the Compliance Plan.**

#### **Mechanisms**

1. In the event of an emergency, the Conduct Leaders of EDTI, EEA or Encor will ensure that all emergency services and resources, provided to, or received are documented by way of an approved work order, purchase order or similar instrument.

2. The Conduct Leaders of EDTI and EEA will provide a report to the Compliance Compliance Officer of all emergency services provided by EDTI or EEA to Encor indicating whether the services have been provided on a cost recovery basis, and have been properly documented, within 60 days of the end of the previous calendar year.
3. Within 90 days of the end of the previous calendar year, the Compliance Plan Committee will review the report detailing any emergency services provided to Encor and the minutes of the meeting will reflect the results of the review to ensure compliance with the Regulation and the Compliance Plan.

### **Division 3 Compliance Audit**

#### **39.0 Appointment of auditor**

**Retained for numbering consistency**

#### **40.0 Audit**

**Policy: EDTI, EEA, and Encor will give the auditor access to any information required to conduct the audit and will reimburse the Commission for the auditor's costs and expenses in accordance with AUC Rule 030.**

#### **Mechanisms**

1. None required

#### **41.0 Audit report**

**Retained for numbering consistency**

### **Division 4 Investigations**

#### **42.0 Referral of matters to MSA**

**Retained for numbering consistency**

#### **43.0 Notice to Commission of MSA investigations**

**Retained for numbering consistency**

#### **44.0 Information sharing between Commission and MSA**

Retained for numbering consistency

## **Part 5**

### **Transition Provisions, Repeal and Coming into Force**

#### **45.0 Approvals under Code of Conduct Regulation (AR 160/2003)**

**Policy:** EDTI, EEA, and Encor will continue to comply with the Compliance Plan filed with and any approvals for exemptions given by the Market Surveillance Administrator that was in effect under *Code of Conduct Regulation (AR 160/2003)* until this compliance plan is approved by the Commission .

##### **Mechanisms**

1. EDTI, EEA, and Encor will continue to be bound by the compliance Mechanisms in the Compliance Plan approved by the Market Surveillance Administrator on June 27, 2014 and amendment of March 5, 2015, until this Compliance Plan is approved by the AUC.

#### **46.0 Approvals under Code of Conduct Regulation (AR 183/2003)**

**Policy:** ORGANIZATION NAME will continue to comply with the Compliance Plan filed with and any approvals for exemptions given by the Commission that was in effect under *Code of Conduct Regulation (AR 183/2003)* until this compliance plan is approved by the Commission .

##### **Mechanisms**

1. None required

#### **47.0 Consents continued**

Retained for numbering consistency

#### **48.0 Market Surveillance and Commission duties**

Retained for numbering consistency

#### **49.0 Repeal**

Retained for numbering consistency

#### **50.0 Expiry**

**Retained for numbering consistency**

**51.0 Coming into force**

**Policy: The Compliance Plan will be effective on the date it is approved by the AUC and remains effective until amended or revoked.**

**Mechanisms**

1. None required