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ALBERTA REGULATION 160/2003
Electric Utilities Act
CODE OF CONDUCT REGULATION

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Part 1
Interpretation

Definitions

- 1** In this Regulation,
- (a) “Act” means the *Electric Utilities Act*;
 - (b) “auditor” means an auditor appointed by an owner or affiliated retailer under section 38;
 - (c) “CICA Handbook” means the handbook published by the Canadian Institute of Chartered Accountants, as amended from time to time;
 - (d) “compliance plan” means a compliance plan of an owner or its affiliated retailer approved by the Market Surveillance Administrator under this Regulation, as amended from time to time;
 - (e) “customer information” means information that is not available to the public and that
 - (i) is uniquely associated with a customer,

- (ii) could be used to identify a customer, or
- (iii) is provided by a customer to an owner;
- (f) “fair market value” means the price available in an open and unrestricted market between informed and prudent parties, acting at arm’s length and under no compulsion to act, expressed in terms of money;
- (g) “owner” means
 - (i) the owner of an electric distribution system, or
 - (ii) if an owner makes arrangements under which one or more other persons perform any or all of the duties or functions of the owner, the owner and those one or more other persons,but does not include a regulated rate provider;
- (h) “provide” includes sell;
- (i) “regulated electricity services” means electricity services
 - (i) that are provided by an owner or the access to which or the use of which is controlled by an owner, and
 - (ii) the costs of which are recoverable under a tariff approved by the Board;
- (j) “regulated rate provider” means a retailer authorized by the owner that provides electricity services to eligible customers in the owner’s service area under a regulated rate tariff;
- (k) “regulated rate tariff” means a tariff to which the *Regulated Default Supply Regulation* applies;
- (l) “retail electricity services” does not include regulated electricity services;
- (m) “retailer” includes
 - (i) an affiliated retailer, or
 - (ii) if a retailer or affiliated retailer makes an arrangement with one or more other persons to perform any or all of the functions of a retailer, the retailer or affiliated retailer and those one or more other persons.

Definition of affiliated retailer

2(1) For the purposes of the Act and regulations made under the Act, “affiliated retailer” means a retailer that is an affiliate of an owner.

(2) For the purposes of the Act and the regulations made under the Act, a retailer is an affiliate of an owner

- (a) if the retailer
 - (i) is a corporation of which the owner legally or beneficially owns or controls, directly or indirectly,
 - (A) at least 10% of the voting shares or securities that are convertible into at least 10% of the voting shares, or
 - (B) an exercisable option or right to purchase at least 10% of the voting shares or securities that are convertible into at least 10% of the voting shares,
 - (ii) is a member of a joint venture with the owner or in partnership with the owner, including a general partner of a limited partnership,
 - (iii) shares office space or office equipment with the owner,
 - (iv) accesses or uses an owner’s computer system or an owner’s information system, or
 - (v) jointly employs or engages persons with the owner,
- (b) if another person legally or beneficially owns or controls, directly or indirectly, at least a 10% interest in each of the retailer and the owner, by way of voting shares, securities that are convertible into voting shares, an exercisable option or right to purchase voting shares, or securities that are convertible into voting shares or otherwise, or
- (c) if the retailer is a regulated rate provider authorized by that owner.

Part 2 Conduct of Owners and Retailers

Behaviour of owners and retailers

3(1) Owners and retailers must conduct themselves and their activities so as to comply with and to ensure compliance with this Regulation.

(2) Owners and affiliated retailers must conduct themselves and their activities so as to comply with and ensure compliance with their respective compliance plans.

Division 1 Equality of Treatment For Customers

Tying prohibited

4 Neither an owner nor its affiliated retailer may require or induce customers to acquire goods or services from the affiliated retailer or any other retailer by making or appearing to make regulated electricity services conditional on the acquisition of those goods or services.

Transfer of customers

5 Neither an owner nor a regulated rate provider may, without the customer's consent,

- (a) transfer the customer to a retailer, or
- (b) transfer the customer to a retail electricity services tariff.

Representations

6 Neither an owner nor its affiliated retailer may represent that customers of any retailer receive treatment from the owner that is different from the treatment that customers of other retailers receive from the owner.

Advertising

7 If the name and logo of an owner and its affiliated retailer do not clearly indicate that they are separate entities, the affiliated retailer must, in any internet text or written material published or sent that markets retail electricity services, include conspicuous statements to the following effect:

- (a) that customers are not required to acquire electricity or other goods or services from the affiliated retailer in order to receive regulated electricity services from the owner;

- (b) the place where customers may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and the regulations under that Act.

Meetings by owner with retailers and customers

8 An owner must make a reasonable effort to be equally available to all retailers for joint meetings with the retailer and the retailer's customers.

Division 2 Confidentiality of Customer Information

Confidentiality rule

9 Owners and retailers must, in accordance with this regulation, protect the confidentiality of customer information.

Disclosure of customer information with consent

10(1) Neither an owner or a retailer, nor an officer, employee, contractor or agent of an owner or retailer may disclose customer information to any person without the consent of the person that is the subject of the information unless

- (a) the information is aggregated customer information disclosed in accordance with section 14,
- (b) the disclosure is to a default supplier appointed by the owner under the *Roles, Relationships and Responsibilities Regulation, 2003*,
- (c) the disclosure is solely for the purpose of preventing interruption of electricity services, or
- (d) the disclosure is permitted under subsection (3).

(2) A consent by a customer has no effect unless the consent

- (a) itemizes the customer information that is authorized to be disclosed,
- (b) states the period of time that the consent is in effect, and
- (c) states whether the customer information may be released to one, some or all retailers.

(3) Customer information may be disclosed without the customer's consent to the following specified persons or for any of the following purposes:

- (a) to the customer's retailer;
- (b) to a person authorized by the owner that provides electricity services to eligible customers in the owner's service area under a regulated rate tariff;
- (c) for the purpose of an audit under Part 4;
- (d) for the purpose of a court proceeding or a proceeding before a quasi-judicial body to which the customer is a party;
- (e) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to require or compel the production of information or with a rule of court that relates to the production of information;
- (f) to a peace officer for the purpose of investigating an offence if the disclosure is not contrary to the express request of the customer;
- (g) if required by law or by an order of a government agency having jurisdiction over the owner or retailer;
- (h) if required by the Market Surveillance Administrator or person authorized by the Market Surveillance Administrator;
- (i) for the purpose of billing customers;
- (j) for the purpose of collecting a customer's unpaid bill.

Disclosure to 2 or more retailers

11 If a customer authorizes that customer's customer information to be disclosed by an owner or regulated rate provider to two or more retailers, the owner or regulated rate provider must disclose the information to those retailers at the same time and in the same manner.

Conditions on disclosure of customer information

12 If a retailer obtains the consent of a customer for the release of that customer's customer information from an owner or regulated rate provider, the owner or the regulated rate provider

- (a) must, within 7 days of a request by the retailer and receipt of the customer's consent, disclose the information to the retailer, and

- (b) must not inform any other person that the customer information has been requested or was disclosed.

Historical electric energy consumption

13 If a customer consents to historical electric energy consumption being disclosed, the owner or regulated rate provider must, within 15 days of receipt of a written disclosure request, give the applicant the historical information

- (a) for the 12-month period preceding the date of the request, or
- (b) if that information has not been collected for a 12-month period, for any period preceding the date of the request for which that information has been collected.

Aggregated customer information

14 An owner or regulated rate provider may make available to a retailer, at not more than its cost to do so, aggregated customer information if

- (a) the aggregation service is available to all retailers under the same terms and conditions,
- (b) customer information has been aggregated to such a degree that the information of an individual customer or retailer cannot be readily identified, and
- (c) at least 24 hours before aggregated customer information is made available to a retailer, the owner places on its website a notice containing a clear description of the information and the cost of obtaining the information, and then keeps the notice on its website for at least 30 days.

Division 3 Equality of Treatment of Retailers

Equal treatment

15 Unless otherwise permitted by the Act or the regulations made under the Act, an owner must not, in the terms and conditions that govern regulated electricity services provided by the owner,

- (a) give preferential treatment to its affiliated retailer or to customers of its affiliated retailer, or
- (b) discriminate against any retailer or against customers of any retailer.

Equal notice of changes

16 If an owner intends to make changes

- (a) in its regulated electricity services, or
- (b) to the terms and conditions that apply to those regulated electricity services,

it must inform all retailers of the intended changes at the same time and in the same manner.

Division 4 Business Practice of Owners and Retailers

Conditions of access to written communications with customers

17(1) When an owner or regulated rate provider allows a retailer to access the owner's or regulated rate provider's written communication, including billing envelopes, with customers for sales or marketing purposes the communication by the retailer must conspicuously

- (a) state that customers are free to choose other retailers, and
- (b) refer the customer to a source where the customer may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and the regulations under that Act.

(2) When a regulated rate provider communicates with its customers for sales or marketing purposes, the communication must conspicuously

- (a) state that customers are free to choose other retailers, and
- (b) refer the customer to a source where the customer may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and the regulations under that Act.

Prohibitions

18(1) An owner or regulated rate provider must not

- (a) give information about retail electricity services in a manner that encourages a customer to contact one retailer in preference to other retailers;
- (b) solicit business on behalf of a retailer;

- (c) give the appearance that it speaks on behalf of a retailer or that a retailer speaks on its behalf;
- (d) give customers advice or assistance about a retailer, except to refer a customer to a source where the customer may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and the regulations under that Act;
- (e) permit website users to access web pages relating to retail electricity services from web pages relating to regulated electricity services or vice versa, unless a warning is displayed immediately when one website is accessed from the other that conspicuously
 - (i) states that customers are free to choose other retailers, and
 - (ii) refers the customer to a source where the customer may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and the regulations under that Act.

(2) If a customer requests information about retail electricity services from an owner or regulated rate provider, the owner or regulated rate provider must refer the customer to a source where the customer may obtain the current list of licensed retailers maintained in accordance with the *Fair Trading Act* and regulations under that Act.

(3) Subsection (1) does not apply to information contained in an owner's billing envelope if the information complies with section 17.

Part 3 Relationship Between Owners and their Affiliated Retailers

Division 1 Preventing Unfair Competitive Advantage

Efficiency without unfair competition

19(1) An owner and its affiliated retailer

- (a) may make arrangements to create cost efficiencies in their operations, but

- (b) must not create an unfair competitive advantage for the affiliated retailer by the arrangements.

(2) A regulated rate provider must not create an unfair competitive advantage for itself as a retailer as a result of its capacity to act as a regulated rate provider.

Non-disclosure of customer information for marketing or sales purposes

20(1) The arrangements between an owner and its affiliated retailer do not create an unfair competitive advantage if

- (a) no customer information is disclosed that could be used by the affiliated retailer for marketing or sales purposes, and the owner and its affiliated retailer each
 - (i) describe in their compliance plans how the disclosure is prevented, and
 - (ii) have in place appropriate data management and information access protocols to ensure customer information is not improperly disclosed,

or

- (b) the owner and affiliated retailer each
 - (i) include in their compliance plans, systems, policies and mechanisms to ensure that no customer information received by the affiliated retailer from the owner is used by the affiliated retailer for marketing or sales purposes, and
 - (ii) have in place appropriate data management and information access protocols to ensure customer information is not improperly used.

(2) A regulated rate provider does not create an unfair competitive advantage for itself as a retailer if

- (a) the customer information it obtains in its capacity as regulated rate provider is not used by the regulated rate provider for marketing or sales purposes, and
- (b) the regulated rate provider includes in its compliance plan, systems, policies and mechanisms to ensure that no customer information received in its capacity as a regulated rate provider is used by it for marketing or sales purposes.

(3) Subsections (1) and (2) do not apply to any customer information that is permitted to be disclosed under this Regulation.

Customer information from employees and others

21 A retailer that seeks or receives customer information from a current or former officer, employee, agent or contractor of an owner or regulated rate provider for sales or marketing purposes seeks or obtains an unfair competitive advantage, unless this Regulation permits the retailer to have that customer information.

Joint acquisitions, research and dispositions

22 The following arrangements between an owner and its affiliated retailer create an unfair competitive advantage for the affiliated retailer if, without appropriately allocating and recording the economic benefits or costs between the owner and its affiliated retailer in a manner that is in accordance with the economic benefits or costs attributable to each party:

- (a) an owner and its affiliated retailer make joint acquisitions;
- (b) an owner and its affiliated retailer share costs or expenses associated with research and development or investment in research and development;
- (c) an owner or affiliated retailer, separately or jointly, sells, leases, gives or otherwise disposes of jointly acquired property.

Goods and services transactions to be at fair market value

23(1) The sale, lease, exchange, transfer or other disposition of goods or services between an owner and its affiliated retailer is an unfair competitive advantage for the affiliated retailer if the transaction is for other than fair market value.

(2) If the value of the transaction for goods or service is regulated by a municipal, provincial or federal government or government agency, the regulated value is to be considered the fair market value.

Financial transactions

24 A loan, guarantee, security or other financial transaction by an owner to, or on behalf of, its affiliated retailer on terms more favourable to the affiliated retailer than the affiliated retailer could obtain on the open market constitutes an unfair competitive advantage for the affiliated retailer.

Allocation of benefits and costs by regulated rate provider

25 A regulated rate provider creates an unfair competitive advantage if the regulated rate provider does not appropriately allocate and record the economic benefits or costs between retail electricity services and electricity services provided under a regulated rate tariff in a manner that is in accordance with the economic benefits or costs attributable to each service.

Access to publicly available information

26 If information in an owner's or regulated rate provider's information system is available to the public, nothing in this Regulation

- (a) prevents the owner or regulated rate provider from giving a retailer unrestricted access to the same information, and
- (b) prevents a retailer from obtaining or using that information.

Division 2 Separate Records and Accounts

Records and accounts

27(1) An owner and an affiliated retailer must each keep records and accounts that are separate from each other.

(2) An affiliated retailer that is not a regulated rate provider must

- (a) keep sufficient records and accounts to enable an audit to be conducted under Part 4, and
- (b) keep accounts in accordance with generally accepted accounting principles.

(3) An owner must

- (a) keep sufficient records and accounts to enable an audit to be conducted under Part 4,
- (b) comply with any guidelines or uniform system of record keeping required by the Board,
- (c) subject to clause (d), keep accounts in accordance with generally accepted accounting principles, and
- (d) keep accounts in accordance with any guidelines or uniform system of accounting required by the Board.

(4) A regulated rate provider must

- (a) maintain separate records and accounts in its capacity as a regulated rate provider,
- (b) keep sufficient records and accounts to enable an audit to be conducted under Part 4,
- (c) subject to clause (d), keep accounts in accordance with generally accepted accounting principles, and
- (d) keep accounts in accordance with any guidelines or uniform system of accounting required by the Board in its capacity as a regulated rate provider.

Written financial transactions

28 Every financial transaction between an owner and an affiliated retailer must be in writing.

Transaction records

29(1) An owner and an affiliated retailer must maintain a record of

- (a) goods and services sold, leased, exchanged, given or otherwise disposed of between an owner and its affiliated retailer, and
- (b) the value of the transaction expressed in terms of money.

(2) All transactions for goods or services between the owner and its affiliated retailer when the total cost of those transactions exceeds \$500 000 annually, must be documented by an agreement and must be supported by written evidence of fair market value.

Maintaining records

30 An owner and an affiliated retailer must keep the records, accounts, financial transactions, reports and plans required by this Regulation or a compliance plan for at least 6 years.

Part 4 Compliance Requirements

Division 1 Compliance Plans and Reports

Compliance plan

31(1) Before an affiliated retailer begins to provide retail electricity services to customers, the affiliated retailer and its owner must each

- (a) prepare a compliance plan setting out the systems, policies and mechanisms that each intend to use to ensure that they and their officers, employees, agents and contractors comply with this Regulation,
 - (b) file the compliance plan with the Market Surveillance Administrator,
 - (c) receive approval of the compliance plan from the Market Surveillance Administrator, and
 - (d) send a copy of the compliance plan, as soon as it has been approved,
 - (i) in the case of an owner's compliance plan, to its affiliated retailers;
 - (ii) in the case of an affiliated retailer's plan, to its owner;
 - (iii) in the case of an owner's or affiliated retailer's compliance plan, to its respective officers, employees, agents and contractors affected by the plan.
- (2) A compliance plan must include at least the following:
- (a) in the case of an owner, a list of the owner's affiliated retailers;
 - (b) the systems, policies and mechanisms in place to ensure compliance with this Regulation;
 - (c) a description of how the owner's or affiliated retailer's officers, employees, agents and contractors will become informed about this Regulation, the compliance plan and their duties and responsibilities;
 - (d) a description of how compliance with this Regulation and the compliance plan will be internally monitored by the owner or affiliated retailer and how contraventions of this Regulation and the compliance plan will be enforced and internally resolved, including the name or names of the persons accountable for
 - (i) development of the plan;
 - (ii) implementing and monitoring the plan and recommending changes as required;
 - (iii) internally ensuring compliance with and enforcement of the plan and this Regulation;

- (e) a description of the contents of quarterly reports to the board of directors of the owner or affiliated retailer and the annual report to the Market Surveillance Administrator required by section 34(2);
- (f) a description of the means to ensure that auditors have sufficient access to officers, employees, agents and contractors, and information systems, of the owner and affiliated retailer to perform the audit required under this Part;
- (g) how the communication to the public about the role of the Market Surveillance Administrator required by section 35 will be carried out;
- (h) a procedure for the voluntary resolution of complaints about non-compliance with the compliance plan and this Regulation.

Approval by MSA

32 The Market Surveillance Administrator may

- (a) approve a compliance plan, with or without changes and with or without conditions, and the plan remains in effect for the period prescribed by, or until revoked by, the Market Surveillance Administrator,
- (b) send to the Board a copy of the compliance plan, together with any approved changes made to it under section 33, and
- (c) send to the Board copies of quarterly and annual compliance reports received under section 34(2).

Changes to compliance plan

33(1) Each owner and affiliated retailer must keep its respective compliance plan up to date and must make changes to the compliance plan to reflect changes in circumstances and changes to this Regulation.

(2) A change to a compliance plan must be submitted to the Market Surveillance Administrator for approval

- (a) within 60 days following a change in circumstances that requires a change to a compliance plan, or
- (b) as soon as practicable when a change in the plan is made for a reason other than a change of circumstances.

(3) On receipt of a proposed change to a compliance plan, the Market Surveillance Administrator may approve it, with or without changes and with or without conditions, and may direct other changes to be made to the compliance plan.

(4) As soon as practicable after changes to a compliance plan have been approved

- (a) the owner must send a copy of the changes to its affiliated retailer;
- (b) the affiliated retailer must send a copy of the changes to its owner;
- (c) the owner or affiliated retailer, as the case may be, must notify its respective officers, employees, agents and contractors who are affected by them of the changes.

Quarterly and annual compliance reports

34(1) At least quarterly, compliance reports must be given to the board of directors by senior management of each owner and affiliated retailer describing at least

- (a) any non-compliance with this Regulation or the compliance plan,
- (b) the action taken to remedy the non-compliance, and
- (c) any complaints of non-compliance with this Regulation and the compliance plan and how the complaints have been dealt with.

(2) Within 30 days following the end of each calendar year, an owner and affiliated retailer must each send to the Market Surveillance Administrator an annual compliance report, approved by the board of directors, describing for the calendar year the matters referred to in subsection (1).

Information about MSA

35(1) The owner and affiliated retailer must, in accordance with their respective compliance plans, each give notice to the public that complaints about contraventions of this Regulation may be made to the Market Surveillance Administrator under section 51 of the Act.

(2) The notice must

- (a) be given so that the greatest number of people will become aware of it,

- (b) make clear that the Market Surveillance Administrator is independent of owners and affiliated retailers, and
- (c) be approved by the Market Surveillance Administrator before it is given to the public.

Publication of plans and reports

36 The Market Surveillance Administrator may make available to the public some or all of the contents of a compliance plan of an owner or affiliated retailer or the annual compliance reports of an owner or affiliated retailer.

No release from obligations under Regulation

37 Compliance by an owner or an affiliated retailer with its compliance plan does not release the owner or affiliated retailer from complying with this Regulation.

Division 2 Compliance Audit

Appointment of auditor

38 An owner and its affiliated retailer must each appoint an independent auditor to perform an audit, composed of an independent examination of the owner or the affiliated retailer for the purpose of expressing an opinion in accordance with this Regulation.

Approval of audit plan required

39(1) Before the audit is undertaken, the auditor must

- (a) be approved by the Market Surveillance Administrator,
- (b) submit a work plan to the Market Surveillance Administrator describing the audit, the review procedures to be used and the scope of the work, and
- (c) receive approval of the work plan from the Market Surveillance Administrator.

(2) If in the opinion of the Market Surveillance Administrator the auditor selected by the owner or the affiliated retailer is not appropriate, or the nature and scope of the work plan is not adequate, the Market Surveillance Administrator may appoint another auditor to conduct the audit.

(3) As part of its approval, the Market Surveillance Administrator may require changes or additions to the work plan, including additional specific audit procedures.

Audit

40(1) An auditor must conduct an audit

- (a) not later than 6 months after the end of the calendar year in which an owner's affiliated retailer begins to provide retail electricity services to customers, and
- (b) within 3 months following the end of each ensuing calendar year during which that affiliated retailer provides retail electricity services to customers.

(2) The owner and the affiliated retailer must give the auditor access to whatever information the auditor requires to conduct the audit.

(3) The auditor's costs and expenses are to be paid by the owner or affiliated retailer whose records and accounts are audited under this Regulation.

Audit report

41(1) The auditor's report must be prepared as follows:

- (a) the auditor must give a report in accordance with section 5815 of the CICA Handbook with respect to the following sections:
 - section 7;
 - section 17;
 - sections 22 to 24;
 - sections 27 to 30;
- (b) the auditor must give a report in accordance with section 8600 of the CICA Handbook with respect to all other sections of this regulation that require compliance with the regulation by an owner or affiliated retailer.

(2) If the auditor identifies contraventions of this Regulation or a compliance plan the auditor must prepare a separate detailed report setting out the contravention and any action that has been taken by the owner or affiliated retailer to address the contravention and to prevent further contraventions.

(3) An owner and the affiliated retailer must send their respective audit reports to the Market Surveillance Administrator as soon as

practicable after receiving them and the Market Surveillance Administrator may send a copy of the report to the Board.

Part 5 Complaints, Exemptions and Exceptions

When complaints referred to Board

42 If the Market Surveillance Administrator receives a complaint under section 51 of the Act relating to sections 22, 23 or 27, the Market Surveillance Administrator must refer the complaint to the Board, but may continue to investigate the complaint in accordance with the Act.

Alternative compliance arrangements

43(1) An owner or affiliated retailer may apply to the Market Surveillance Administrator

- (a) for an exemption from all or any provision of this Regulation,
- (b) for approval of an alternative compliance plan that meets the objectives of this Regulation but in a way that is different from the requirements of this Regulation, or
- (c) an exemption from some provisions of this Regulation and an alternative compliance plan for others.

(2) The Market Surveillance Administrator must not approve an exemption or an alternative compliance plan unless the Market Surveillance Administrator is satisfied that it is in the public interest to do so and

- (a) any exemption does not significantly affect the obligations of the applicant or that the obligations can be or will be met in other ways, and
- (b) any alternative compliance plan
 - (i) contains overall, requirements and responsibilities that are at least as stringent as this Regulation,
 - (ii) is enforceable,
 - (iii) is in the best interests of customers, and
 - (iv) would not have any appreciable anti-competitive effects.

(3) The Market Surveillance Administrator may approve an exemption or alternative compliance plan with or without changes and with or without conditions, and the exemption or alternative compliance plan remains in effect for the period of time specified by, or until revoked by, the Market Surveillance Administrator.

Emergency exceptions

44 Any action taken by an owner or affiliated retailer in response to an emergency that threatens public safety, the safety of its respective officers, employees, agents or contractors, the physical integrity of its facilities or system reliability does not contravene this Regulation or a compliance plan.

Part 6 Transitional Provisions, Repeal and Coming into Force

Definition

45(1) In this Part, “existing owner” and “existing affiliated retailer” means an owner or affiliated retailer operating under the *Code of Conduct Regulation* (AR 156/2000) immediately before the coming into force of this Regulation.

(2) An approval or exemption given to an existing owner or existing affiliated retailer under the *Code of Conduct Regulation* (AR 156/2000) is repealed on December 31, 2003, unless earlier revoked by the Market Surveillance Administrator.

(3) Despite section 31, an existing owner and an existing affiliated retailer must each, on or before January 1, 2004,

- (a) prepare a compliance plan in accordance with Part 4,
- (b) file the compliance plan with the Market Surveillance Administrator, and
- (c) receive approval of the compliance plan from the Market Surveillance Administrator under section 32.

Consents continued

46 A consent given by a customer under the *Code of Conduct Regulation* (AR 156/2000) is considered to be a consent to the same effect under this Regulation.

Repeal

47 The *Code of Conduct Regulation* (AR 156/2000) is repealed.

Expiry

48 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be retained in its existing or an amended form following a review, this Regulation expires on April 30, 2013.

Coming into force

49 This Regulation comes into force on the coming into force of Parts 1 to 10 of the *Electric Utilities Act*, SA 2003 cE-5.1.