

# QUÉBEC PORT AUTHORITY

## NOTICE NQ-5 ELECTRICITY UTILITY FEE SCHEDULE

Effective date

January 1, 2019

This notice is adopted and issued under the Canada Marine Act, Chapter 10, 46-47 Elizabeth II, 1997-1998, pursuant to the powers granted by the latter.

Electricity utility fees are applicable to any person or entity that uses electricity services within the Jurisdictional Boundaries of the Québec Port Authority (hereinafter referred to as “the Authority”) that come from the Authority’s power grid. These fees are applied to recover the costs incurred by the Authority for utilities and to ensure the maintenance of the power grid on its territory. They are paid by the operator or owner of the ship.

## 1. GENERAL

- a) This notice may be cited as: **Electricity utility fee Schedule.**
- b) The fees provided for in this notice are in addition to any other fees provided for in other notices or which may be due to the Authority contractually or otherwise.
- c) The Authority acts as an agent of Her Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on Her Majesty in right of Canada or a province.

## 2. DEFINITIONS

In this notice, the expression:

- a) **“Short-term Contract”** means a Contract with a term of less than 12 consecutive months. A monthly power premium during the Winter Period applies to this Contract;
- b) **“Authority”** means the Québec Port Authority as defined in the *Canada Marine Act*, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- c) **“Jurisdictional Boundaries of the Québec Port Authority”** refers to all navigable waters and the territory under the jurisdiction of the Authority as defined in the Authority’s letters patent;
- d) **“Billing Period”** means the period of time between two consecutive meter readings, taken on approximately the same date each month;
- e) **“Winter Period”** refers to the period from December 1 of a given year to March 31 of the following year;
- f) **“Person”** includes, but is not limited to, a natural or legal person or an association;
- g) **“Port”** or **“Port of Québec”** is a legal, physical, and territorial designation including any real property under the jurisdiction of the Authority as provided for in the letters patent issued on May 1, 1999, and its supplementary letters patent in accordance with the provisions of *Canada Marine Act*;
- h) **“Billing Demand”** means, for a given Billing Period, the largest of the following quantities:
  - I. the peak power, in kilowatts, established during the current Billing Period; or
  - II. the minimum power to be invoiced.

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- i) **“Minimum Billing Demand”** corresponds to 65% of the maximum power used during a consumption period that is entirely within the Winter Period included in the 12 consecutive monthly periods ending at the end of the consumption period in question.
- j) **“Utility”** refers to the electrical service provided by the Authority within the Authority’s Jurisdictional Boundaries;
- k) **“Medium Power Rate”** applies when the minimum power reaches 65 kilowatts or more, but the power is still less than 5,000 kilowatts;
- l) **“Low Power Rate”** applies when the minimum power is less than 65 kilowatts.
- m) **“User”** means a person using the Utility provided by the Authority.

### 3. SUBJECT SERVICE AREAS

Electricity utility fees are insured within the Authority’s Jurisdictional Boundaries or in any areas over which the Authority has jurisdiction.

### 4. CALCULATION OF FEES

- a) The applicable Electricity utility fees are calculated according to the rates and features set out in Schedule 1 forming an integral part hereof, which may be amended at the Authority’s discretion, subject to compliance with the provisions of the Canada Marine Act.
- b) Electricity utility fees apply to the Utilities set out in Schedule 1 and are calculated independently for each meter used by or reserved for a user.
- c) The rates referred to in paragraph b) of Schedule 1 will be automatically adjusted to match the rates determined by Hydro-Québec whenever it changes its rates for the same type of use.
- d) Billing Demand:
  - i) The monthly rates established are based on a Billing Period of 30 consecutive days;
  - ii) For Billing Periods of a different length, the monthly rate is adjusted pro rata to the number of consumption days;
  - iii) By dividing each of the following factors of the monthly rate by thirty (30):
    - 1) The Billing Demand;
    - 2) The winter power premium (Short-term Contract);
    - 3) The Contract fee;
    - 4) The minimum monthly amount;
  - iv) By multiplying the results obtained in paragraph iii) by the number of days in the Billing Period.

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- e) Measurements:
  - i) The measuring devices and meters used to record the amount of electricity a User consumes will be provided and installed by the Authority in a place provided or designated by the Authority to its satisfaction, which may belong to the User;
  - ii) The location referred to in the preceding paragraph must allow meters to accurately record the total amount of electricity consumed by the User;
  - iii) Authority employees must have reasonable access at all times to the measuring devices and meters referred to in paragraph i) for the purpose of taking readings and inspecting, verifying, repairing, or replacing the meter;
  - iv) The meter is reset after each reading conducted for billing purposes;
  - v) If a meter inaccurately records a User's electricity consumption, the Authority may, at its sole discretion and for the period of the failure, charge for the electricity supplied on whichever of the following bases the Authority deems the most fair:
    - 1) The quantity invoiced for the corresponding period immediately preceding or following that of the incorrect recording;
    - 2) The quantity invoiced for the corresponding period from the previous year; or
    - 3) The quantity provided, calculated using any available evidence.

## 5. ENFORCEABILITY AND PAYMENT OF FEES

- a) The Electricity utility fees are due upon provision of the service and must be paid at the Authority's head office within thirty (30) days of the invoice issue date, in legal Canadian tender.
- b) The fees are payable in accordance with the provisions set out in the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

## 6. EXCEPTION

N/A

## 7. RIGHT AND RESPONSIBILITY OF THE AUTHORITY

- a) Subject to Section 7 b), the Utility will always be available to the User except in the event of an emergency, accident, or other cause that could prevent or hinder its delivery, including interruptions for maintenance purposes.
- b) The Authority may cease to provide the Utility to a User:
  - i) When required for public safety;

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- ii) Upon receipt of a notice from a federal, provincial, or municipal agency requiring termination;
  - iii) When the User hinders or disrupts the Utility; or
  - iv) After providing the User with five (5) days' notice of the Authority's intention to discontinue service if a bill is not paid within the time specified on the statement.
- c) The transfer of the Utility pursuant to paragraph 6 a) does not relieve the User of their obligations under this notice.
  - d) The Authority will cease to provide the User with the Utility upon receipt of a notice from the User indicating the date and time of termination.
  - e) The User will be liable for all fees incurred up to the termination date in accordance with paragraph 7 d).

## 8. REQUIREMENT

- a) The Authority will not provide the Utility unless the Person requesting the service installs equipment with features approved by the Authority.
- b) The User must operate and maintain their electrical equipment in such a way as to disturb the Authority's power grid as little as possible and to distribute the total load as evenly as possible between the phases.