



ATCO Gas

Code of Conduct Regulation (A.R. 58/2015)

With amendments up to and including Alberta Regulation 208/2020  
Current as of November 12, 2020

Compliance Plan

Effective Date: March 1, 2022



**ATCO Gas**  
**Code of Conduct Regulation Compliance Plan**

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## ATCO Gas Code of Conduct Regulation Compliance Plan

### Purpose

ATCO Gas ("ATCO Gas"), a division of ATCO Gas and Pipelines Ltd., ("AGPL"), builds, operates and maintains natural gas distribution pipelines. ATCO Gas is a Distributor as defined in the *Code of Conduct Regulation*, A.R. 58/2015 (the "Regulation"). This *Code of Conduct Regulation*, A.R. 58/2015 Compliance Plan (the "Compliance Plan") applies to ATCO Gas' conduct in providing Gas Distribution Service as defined under the *Gas Utilities Act*, R.S.A. 2000, c. G-5 ("GUA"). For greater certainty, this Compliance Plan does not apply to the ATCO Pipelines division of AGPL or its operations.

ATCO Energy Ltd. ("ATCO Energy") is a corporation registered under the *Canada Business Corporations Act*, RSA 1985, c. C-44 that sells and provides Retail Energy Services to Customers.

ATCO Gas and ATCO Energy each have their own business processes and do not share records, accounts or employees.

Under the Regulation, ATCO Energy is an affiliated gas and electricity retailer of ATCO Gas, as both AGPL and ATCO Energy are indirect, wholly-owned subsidiaries of Canadian Utilities Limited. Accordingly, ATCO Gas must obtain approval of this Compliance Plan from the Alberta Utilities Commission (the "AUC") in accordance with the Regulation. This Compliance Plan took effect on June 27, 2017 and was amended on March 1, 2022 and remains effective until amended or revoked.

Direct Energy Marketing Limited (DEML) and its business units Direct Energy Regulated Services and Direct Energy Partnership are affiliated providers of ATCO Gas, however, there is no corporate affiliation between DEML and ATCO.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that ATCO Gas will use to ensure compliance with the Regulation by ATCO Gas officers, employees, agents and contractors. Contraventions of the Regulation or this Compliance Plan by individuals may result in disciplinary action, up to and including termination of employment or contract with ATCO Gas.

This Compliance Plan describes certain obligations and responsibilities of specified ATCO Gas management personnel. Notwithstanding this, and without otherwise reducing or eliminating the obligation and responsibility of the specified ATCO Gas 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 ATCO Gas management personnel to other ATCO Gas personnel. Where a business function is referred to, a representative of that function will be responsible for that mechanism.



Questions or comments concerning the Compliance Plan should be directed to the ATCO Gas Compliance Officer (the "Compliance Officer"). Contact information for the Compliance Officer and a copy of the Compliance Plan are available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html>. 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, but not otherwise defined herein, shall have the meanings set out in the Regulation. In addition, whenever used in this Compliance Plan, the following words and phrases have the meanings set out below.

- a) "**Annual Compliance Report**" contains a description of:
  - 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.
- b) "**ATCO Gas Terms and Conditions**" means the AUC approved ATCO Gas *Terms and Conditions for Distribution Access Service*. The Terms and Conditions are available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html>.
- c) "**AUC**" means the Alberta Utilities Commission.
- d) "**AUC Rule 002**" means *AUC Rule 002 Service Quality and Reliability Performance Monitoring and Reporting for Owners of Electric Distribution Systems and for Gas Distributors*.
- e) "**AUC Rule 004**" means *AUC Rule 004 Alberta Tariff Billing Code*.
- f) "**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*.
- g) "**AUC Rule 028**" means *AUC Rule 028 Natural Gas Settlement System Code Rules*.
- h) "**Call Centre**" means the department responsible for interfacing with Customers regarding the provision of gas distribution service.
- i) "**Compliance Officer**" means an officer of ATCO Gas who is responsible and accountable for ATCO Gas' compliance with the Regulation.

- j) "**Compliance Plan Committee**" means a committee composed of the Compliance Officer, and ATCO Gas personnel in a position of knowledge representing business areas such as, but not limited to:
- President, ATCO Gas;
  - Controller;
  - Customer Care and Billing; and
  - Compliance.
- k) "**Compliance Training Material**" means the material developed by ATCO Gas prior to the end of each calendar year that will be provided to officers, employees, agents and contractors of ATCO Gas 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 Providers.
- l) "**Fair Trading Act**" means the *Fair Trading Act* (R.S.A. 2000, c. F-2).
- m) "**GUA**" means the *Gas Utilities Act*, RSA 2003, c. G-5.
- n) "**Regulation**" means the *Code of Conduct Regulation*, A.R. 58/2015.
- o) "**Retail Gas Services**" has the meaning as defined in the *GUA*.
- p) "**UCA**" means the Office of the Utilities Consumer Advocate.
- q) "**Uniform System of Accounts**" means the system of accounts as defined under *Uniform System of Accounting for Natural Gas Utilities Regulation*, A.R. 546/63

## **2.0 Retained for Numbering Consistency**



## Part 2 Conduct and Business Practices

### 3.0 Conduct

**Policy:** ATCO Gas 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. The Compliance Officer will identify the applicable officers and employees to be trained on the requirements of the Regulation and the Compliance Plan. Employees preparing education and awareness materials are included as applicable employees.
2. Annually, the Compliance Officer will confirm with Human Resources that within 30 days of commencing employment, applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements.
3. Annually, the Compliance Officer will confirm with Human Resources that applicable officers and employees have received training using the Compliance Training Material and have provided the required written acknowledgements.
4. Annually, the Compliance Officer will confirm with Procurement that applicable agents and contractors each have received the Compliance Training Material before commencement of their relationship with ATCO Gas and have provided written acknowledgment of their responsibility to abide by the requirements of the Regulation.
5. The Compliance Plan will be posted on the ATCO Gas website within 15 days of approval of the Compliance Plan by the AUC.
6. The Compliance Officer shall provide a copy of the Compliance Plan to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.

## **Division 1 Customers**

### **4.0 Tying Prohibited**

**Policy:** ATCO Gas will not require or induce Customers to acquire goods or services from ATCO Energy 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 Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents and contractors will provide written acknowledgments of Compliance Training.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. All consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers.
4. Any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must be first reviewed for compliance with the Regulation and approved by Customer Care and Billing.
5. Customer Care and Billing will perform compliance assurance checks on recorded telephone calls to ensure compliance with the Regulation, and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate.





## 5.0 Transfer of Customers

**Policy:** ATCO Gas will not, without the Customer's consent, transfer the Customer to a Retailer or Retail Tariff.

### Mechanisms

1. ATCO Gas will only accept requests to transfer Customers from Retailers and the Regulated Rate Supplier who have successfully completed the ATCO Gas Retailer qualification process located in the *ATCO Gas Retailer Guide*, available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html>, which requires Retailers to confirm they will comply with AUC Rule 021 and the *Consumer Protection Act*.

## 6.0 Prohibited Representation

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

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers.
4. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing.
5. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform compliance assurance checks on recorded telephone calls to ensure compliance



with the Regulation and that Customers are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate.

## 7.0 Retained for Numbering Consistency

## 8.0 Retained for Numbering Consistency

### Division 2 Customer Information

## 9.0 Confidentiality of Customer Information

**Policy:** ATCO Gas will protect the confidentiality of Customer Information and not disclose Customer Information except as permitted by Section 10 of the Regulation.

### Mechanisms

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the policy above.
2. Annually, the Compliance Officer will confirm ATCO Gas' privacy commitments to comply with applicable federal and provincial legislation are available at <https://www.atco.com/en-ca/privacy.html>. The privacy commitment includes information about policies and practices on the use and disclosure of personal information, when and how customer consent is obtained, how Customers can access or update personal information, and contact information for ATCO Gas' Privacy Officer.
3. ATCO Gas will report disclosures of customer information as follows:
  - a. Any disclosure of customer information to an affiliated provider that is not permitted by Section 10 of the *[Code of Conduct] Regulation* will be reported in ATCO Gas' annual report under Section 33 of this Compliance Plan.
  - b. Any disclosure of customer information that is not permitted by Section 10 of the Regulation, and to which the *Freedom of Information and Protection of Privacy Act* or the *Personal Information Protection Act* does not apply, shall be reported in ATCO Gas' annual report under Section 33 of this Compliance Plan.
  - c. Any disclosure of customer information to a person or entity other than an affiliated provider that is not permitted by Section 10 of the Regulation, and to which the *Freedom of Information and Protection of Privacy Act* or the *Personal Information Protection Act* applies, shall be reported to ATCO Gas'



Privacy Officer and in accordance with ATCO's privacy commitments and any applicable requirements of the *Freedom of Information and Protection of Privacy Act and the Personal Information Protection Act*.

## 10.0 Disclosure of Customer Information

**Policy:** ATCO Gas will only disclose Customer Information to ATCO Energy or any other Retailer in accordance with the Regulation.

### Mechanisms

1. ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Customer's agent after the Customer has provided consent by executing and submitting an *Authorization and Release Form*, which is available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.
2. ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which is available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.
3. Changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing.

## 11.0 Conditions on Disclosure of Customer Information

**Policy:** ATCO Gas will only disclose Customer Information to a Retailer or Retailers in accordance with the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Gas officers, employees, agents and contractors will only disclose Customer Information to a Customer's agent if the Customer has provided consent by executing and submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.
2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing.



3. When Customer Information is requested by a process not covered by AUC Rule 010, ATCO Gas officers, employees, agents, and contractors will disclose the requested information within 7 days.
4. Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Gas Services in ATCO Gas' service territory. Customer Care and Billing will notify the applicable Retailers by email at the same time when Customer Information is disclosed to two or more Retailers.

## 12.0 Historical Gas Usage

**Policy:** Where ATCO Gas receives a request in writing or electronic form for disclosure of a Customer's historical gas usage information, ATCO Gas will disclose to the Retailer the Customer's gas usage information for the previous 12-month period within 3 business days to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanisms 1-2 in Section 10.0, ATCO Gas officers, employees, agents, and contractors will only disclose Customer Information to a Customer, or Customer's agent that has provided consent by executing and submitting an *Authorization and Release Form* or a Retailer that has executed and submitted a *Representation and Warrant Agreement*, which are available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.
2. As described in Mechanism 3 in Section 10.0, changes to the *Authorization and Release Form* and *Representation and Warrant Agreement* must be approved by Customer Care and Billing.
3. When historical information is requested, ATCO Gas officers, employees, agents, and contractors will disclose the requested information within 3 business days.

## 13.0 Aggregated Customer Information

**Policy:** ATCO Gas will only provide a Retailer with aggregated customer information in accordance with the Regulation.

### Mechanisms

1. Customer Care and Billing will manage all Retailer requests for aggregated customer information in accordance with the Regulation.
2. Customer Care and Billing will review and, as required, modify the aggregated customer information to ensure that information of any particular Customer or



Retailer cannot be readily identified prior to posting the aggregated information on the ATCO Gas website.

3. At least 24 hours before aggregated customer information is made available to a Retailer, Customer Care and Billing will place a notice, which is available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html> clearly describing the information and the cost of obtaining the information, which shall be no more than the costs incurred. The notice must be kept on the website for at least 30 days after the aggregated information is made available.

### Division 3

## Business Practices of Distributors and Regulated Rate Suppliers

### 14.0 Equal Treatment of Retailers

**Policy:** ATCO Gas' Terms and Conditions will not give preferential treatment to its Affiliated Provider or to Customers of its Affiliated Provider, discriminate against any Retailer or against Customers of any Retailer, and any changes to ATCO Gas' Regulated Energy Services or the ATCO Gas 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 Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy.
2. ATCO Gas will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the ATCO Gas Terms and Conditions and distribution tariffs, which are available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.
3. ATCO Gas will manage all market interactions with Retailers, including ATCO Energy, and the Regulated Rate Supplier according to the requirements set out in AUC Rule 004, AUC Rule 010 and AUC Rule 021.
4. ATCO Gas publishes and retains the *ATCO Gas Retailer Guide*, which will provide an overview of ATCO Gas' processes that will enable all Retailers to effectively deal with the company in the same way. The *ATCO Gas Retailer Guide* is available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/terms-conditions.html>.

5. As described in Mechanism 4 of Section 11.0, Customer Care and Billing will collect and maintain a list of email contacts for all Retailers who are qualified to sell Retail Gas Services in ATCO Gas' service territory. Customer Care and Billing will notify these Retailers by email at the same time when there are changes to the ATCO Gas Terms and Conditions or distribution tariffs and provide a link to the revised documents.

## **15.0 Prohibitions**

**Policy:** ATCO Gas will abide by the prohibitions contained in the Regulation.

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents, and contractors receive training or Compliance Training Material that includes sufficient information addressing the requirements described in the above policy. The applicable officers, employees, agents, and contractors will provide written acknowledgments of Compliance Training.
2. As described in Mechanism 3 in Section 4.0, all consumer awareness and education materials that will be distributed to the public or Customers will be reviewed for compliance with the Regulation by the Compliance Officer prior to its release to the public or Customers.
3. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing.
4. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate.
5. ATCO Gas will not enable users of its website to access web pages relating to Retail Energy Services from web pages relating to its Regulated Energy Services unless a statement that meets the requirements of section 7 of the Regulation is displayed immediately when one website is accessed from the other.
6. ATCO Gas will not include or incorporate any communication for sales or marketing purposes by any Retailer in any of its written communications to customers related to billing for Regulated Energy Services.



## 16.0 Information about Retail Energy Services

**Policy:** If a Customer requests information about Retail Energy Services, ATCO Gas will refer the Customer to a source where the Customer may obtain a current list of Retailers that are licensed under the *Consumer Protection Act*, to meet the requirements of the Regulation.

### Mechanisms

1. As described in Mechanism 4 in Section 4.0, any Call Centre messaging that will be communicated to the public or Customers regarding Retail Energy Services must first be reviewed for compliance with the Regulation and approved by Customer Care and Billing.
2. As described in Mechanism 5 in Section 4.0, Customer Care and Billing will perform compliance assurance checks on recorded telephone calls to validate that Customers are not provided with information on Retail Energy Services and are referred to the UCA website at [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) when appropriate.

## 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:** ATCO Gas shall not make arrangements that create an unfair competitive advantage for ATCO Energy. ATCO Gas may make arrangements to create cost efficiencies in its operations.

### Mechanisms

1. Prior to implementing a new arrangement to create cost efficiencies with ATCO Energy the Controller will review and confirm that no unfair competitive advantage will occur.
2. The Controller will review the documented terms of all arrangements to create cost efficiencies between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy.
3. The Compliance Officer will confirm that to the best of his/her knowledge transactions have not created an unfair competitive advantage for ATCO Energy.

4. In advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 are documented by an agreement and supported with written evidence of Fair Market Value.
5. In the event an arrangement of the type described in Sections 17(5) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by Sections 18, 20, 21 or 23 of the Regulation, ATCO Gas will promptly notify the Commission, in writing, of the existing arrangement and will request an opinion 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, ATCO Gas will modify or terminate the arrangement in accordance with the directions of the Commission.
6. In the event an arrangement of the type described in Sections 17(5) or 17(6) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by Sections 18, 20, 21 or 23 of the Regulation, ATCO Gas 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:** ATCO Gas will ensure that both its Customer Information and its information that is not Customer Information is not disclosed or made available to any Retailer for the purposes of marketing or sales of Retail Energy Services, except in accordance with the Regulation.

### **Mechanisms**

1. As described in Mechanisms 1-4 in Section 3.0, the Compliance Officer will ensure that applicable officers, employees, agents and contractors receive training or the Compliance Training Material that includes sufficient information addressing the requirements described in the above policy.
2. As described in Mechanisms 5 and 6 in Section 3.0, the Compliance Officer will make the Compliance Plan available to the public on the ATCO Gas website and provide a copy to ATCO Energy within 15 days of approval of the Compliance Plan by the AUC.
3. As described in Mechanism 2 in Section 9.0, the Compliance Officer will confirm that ATCO Gas' privacy commitments to comply with applicable federal and provincial legislation are available at <https://www.atco.com/en-ca/privacy.html>.





4. ATCO Gas will not disclose Customer Information to any Retailer, including ATCO Energy, except as in accordance with Sections 10, 11, 12 and 13 of the Regulation.
5. Annually, Business Technology Management will review the data management and data access protocols to ensure they are appropriate.

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

#### **20.0 Acquisitions, Research and Dispositions**

**Policy:** To prevent the creation of an unfair competitive advantage ATCO Energy and ATCO Gas 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 Controller will ensure that plants, assets and equipment are not shared with ATCO Energy in a manner that creates an unfair competitive advantage for ATCO Energy. Annually, the Controller will confirm that plants, assets and equipment have not been shared in a manner that creates an unfair competitive advantage for ATCO Energy.
2. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place, the Controller will review joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property and document the allocation of costs between ATCO Gas and ATCO Energy, the economic benefits received and confirm that the terms have not created an unfair competitive advantage for ATCO Energy.
3. As described in Mechanism 2 in Section 17.0, the Controller will conduct a review of the documented terms of all joint acquisitions, research and dispositions between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy.
4. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm that to the best of his/her knowledge transactions have not created an unfair competitive advantage for ATCO Energy.
5. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000. The Compliance



Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 are documented by an agreement and supported with written evidence of Fair Market Value.

## **21.0 Goods and Services Transactions to be at Fair Market Value**

**Policy:** All transactions involving the sale, lease, exchange or transfer or other disposition of goods or services between ATCO Gas and ATCO Energy 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. As described in Mechanism 1 in Section 17.0, prior to a transaction taking place for goods and services between ATCO Energy and ATCO Gas, the Controller will prepare documentation that the goods and services have been acquired at a price which is no more than Fair Market Value.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a review of the documented terms of all goods and services transactions between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy.
3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm that to the best of his/her knowledge transactions have not created an unfair competitive advantage for ATCO Energy.
4. As described in Mechanism 4 of Section 17.0, in advance of a transaction the Compliance Officer will review each proposed transaction between ATCO Energy and ATCO Gas and will identify each type of transaction or series of transactions for which the annual amount is expected to exceed \$500,000. The Compliance Officer will confirm that transaction types for which the annual amount is expected to exceed \$500,000 are documented by an agreement and supported with written evidence of Fair Market Value.

## **22.0 Financial Transactions**

**Policy:** ATCO Gas will not provide a loan, guarantee, security or other financial transaction with, or on behalf of, ATCO Energy on terms that are more favorable than could be obtained in the open market to prevent the creation of an unfair competitive advantage.



### **Mechanisms**

1. Prior to a financial transaction taking place, the Controller will confirm that any loan, guarantee or other financial support provided by ATCO Gas to ATCO Energy is provided on terms no more favorable than what ATCO Energy would be able to obtain as a stand-alone entity from the capital markets.
2. As described in Mechanism 2 in Section 17.0, the Controller will conduct a review of the documented terms of all financial transactions between ATCO Gas and ATCO Energy, and identify for each transaction or series of transactions whether the terms have created an unfair competitive advantage for ATCO Energy.
3. As described in Mechanism 3 in Section 17.0, the Compliance Officer will confirm that to the best of his/her knowledge transactions have not created an unfair competitive advantage for ATCO Energy.

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

### **24.0 Access to Publicly Available Information**

**Policy:** ATCO Gas will not restrict access to information available to the public in accordance with the Regulation.

### **Mechanisms**

1. None required.

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

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

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

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

## **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 ATCO Energy begins to provide Retail Energy Services to Customers, ATCO Gas will prepare, file, receive approval of a Compliance Plan by the



**AUC and provide copies of the approved plan in accordance with the Regulation.**

**Mechanisms**

1. None required.

**30.0 Compliance Plan Required**

**Policy: ATCO Gas' Compliance Plan will meet the requirements of the Regulation and will be filed with the AUC for approval.**

**Mechanisms**

1. The Compliance Officer will distribute a copy of the approved Compliance Plan to officers, employees, agents and contractors that are affected by the Compliance Plan.
2. The Compliance Officer will ensure that the Compliance Plan is implemented in accordance with its policies and through its mechanisms. The Compliance Plan Committee will monitor and enforce compliance with the Regulation and the Compliance Plan through the policies and mechanisms contained herein. The Compliance Plan Committee will meet at least once annually and document its review of compliance.
3. The Compliance Officer will review and document any non-compliance with the Regulation, or the Compliance Plan and the action taken to mitigate the non-compliance. At least once annually, the Compliance Plan Committee will review the action taken to mitigate any issues of non-compliance.
4. The Compliance Officer will acknowledge all disputes, complaints or inquiries within 5 working days of its receipt and respond to the dispute, complaint or inquiry within 21 working days. A final resolution of the dispute, complaint or inquiry shall be completed as expeditiously as possible in the circumstances, and in any event within 60 days of receipt of the dispute, complaint or inquiry, except where the party making the submission otherwise agrees. The Compliance Officer will document how the complaints have been addressed. At least once annually, the Compliance Plan Committee will review how the complaints have been addressed.
5. ATCO Gas will manage all rules respecting service standards in accordance with the requirements of AUC Rule 004, AUC Rule 010 and AUC Rule 021.
6. ATCO Gas will provide reporting of service quality and reliability performance, including billing and billing services, to the AUC in accordance with AUC Rule 002. Results and explanations related to results are reported through AUC Rule 002.



7. ATCO Gas will meet with the AUC 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 Compliance Plan Committee and, where appropriate, a determination will be made to amend this Compliance Plan in accordance with Section 32 of the Regulation.

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

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

**Policy: ATCO Gas will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanisms**

1. At least annually, the Compliance Officer will review the Compliance Plan and determine if amendments are required for any reason including changed circumstances and changes to the Regulation.
2. The Compliance Officer will notify affected ATCO Gas officers, employees, agents and contractors of any amendments approved by the AUC as soon as practicable.

### **33.0 Annual Compliance Reports**

**Policy: ATCO Gas will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation.**

#### **Mechanisms**

1. The Compliance Officer will prepare an Annual Compliance Report and the Compliance Plan Committee will review the report before the Compliance Officer provides the report to the Board of Directors for approval.
2. The Compliance Officer will provide the approved Annual Compliance Report to the AUC within 90 days following the end of each calendar year.
3. Any non-compliance will be reported to the AUC in accordance with the Regulation.

### **34.0 Information about Complaints**

**Policy: ATCO Gas will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the AUC or the Market Surveillance Administrator.**



### **Mechanisms**

1. The Compliance Officer will provide the notice to the AUC for approval prior to publication of the notice.
2. Annually, the Compliance Officer will confirm the approved notice is available at <https://www.atco.com/en-ca/for-home/natural-gas/rates-billing/codes-conduct.html>.

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

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

## **Division 2 Varying Arrangements**

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

### **38.0 Emergency Exceptions**

**Policy:** Any action taken by ATCO Gas 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. The Compliance Officer will record any emergency action that would otherwise contravene the Regulation or the Compliance Plan and report the emergency action and the expected compliance impact to the AUC as appropriate and to the Compliance Plan Committee at its next meeting.

## **Division 3 Compliance Audit**

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

### **40.0 Audit**

**Policy:** ATCO Gas will retain all code of conduct compliance records listed under Appendix A for at least three years and give the auditor access to any information required to conduct the audit and will reimburse the AUC for the auditor's costs and expenses.



### **Mechanisms**

1. The Compliance Officer will permit sufficient access to officers, employees, agents, and contractors and to records and information systems for the auditor to perform the required audit.
2. The Commission may amend Appendix A from time to time on notice and absent a registered objection, the proposed changes to the appendix will take effect within 10 business days from the date of the notice.

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

### **Division 4 Investigations**

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

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

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

### **Part 5 Transitional Provisions, Repeal and Coming into Force**

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

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

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

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

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

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

### **51.0 Coming into Force**

**Policy:** The Compliance Plan will be effective on June 27, 2017, amended January 1, 2022 and remains effective until amended or revoked.

### **Mechanisms**

1. None required.



## Appendix A – List of Code of Conduct Compliance Records

As per Section 40.0 Audit, the following list of records, pertaining to sections of this Plan for which compliance records are pertinent, will be maintained for a minimum of three years:

Section	Code of Conduction Compliance Record
3.0	Human resources will retain compliance training material and will maintain a list of applicable officers and employees to be trained, and upon training completion, will retain officer and employee written acknowledgements.
	Human Resources will maintain records of all employees commencing employment or transferring, including employee on-boarding/off-boarding processes.
	Procurement will maintain a list of applicable agents and contractors requiring Compliance Training Material, and upon delivery, will retain agent and contractor written acknowledgements.
4.0	Customer Care and Billing will retain a written record of Call Centre messaging used and the approval.
	Customer Care and Billing will maintain a record of all calls that were reviewed each calendar year and report any non-compliance to the Compliance Plan Committee. The record will include information identifying the call center agent, date the call was received, date the call was reviewed, and number of calls monitored.
	Marketing and Communications will maintain a log of all approved consumer awareness and education materials distributed to the public or Customers.
6.0	Customer Care and Billing will retain a written record of Call Centre messaging, including associated approvals, communicated to the public or Customers regarding Retail Energy Services.
9.0	The Compliance Officer will retain a record of annual confirmation that ATCO Gas’ privacy commitments comply with applicable federal and provincial legislation.
10.0	Customer Care and Billing will verify each executed <i>Authorization and Release Form</i> and retain each executed <i>Representation and Warrant Agreement</i> and retain a written record of approval.
	Customer Care and Billing will retain a written record of approvals for any changes made to the <i>Authorization and Release Form</i> and <i>Representation and Warrant Agreement</i> .
10.0	Customer Care and Billing will retain a record of email notices to applicable Retailers regarding Customer information disclosures made to two or more Retailers.





Section	Code of Conduction Compliance Record
11.0	Customer Care and Billing will maintain a log of all requests for Customer information by a process not covered by AUC Rule 010.
12.0	Customer Care and Billing will maintain a log of any requests for historical usage not covered by AUC Rule 010, which will include the date each request was made and the date the historical information was provided.
13.0	Customer Care and Billing will retain records of Retailer requests for aggregated Customer information and records of the aggregated information provided.
13.0	Customer Care and Billing will retain copies of notices posted at <a href="https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html">https://www.atco.com/en-ca/for-home/natural-gas/rates-billing.html</a> regarding disclosures of aggregated Customer information to Retailers.
14.0	Customer Care and Billing will retain a record of email notices to Retailers regarding changes to the ATCO Gas Terms and Conditions or distribution tariffs.
17.0	The Compliance Officer will retain a summary of the review of all agreements and contracts to create cost efficiencies between ATCO Gas and ATCO Energy.
17.0	The Compliance Officer will retain a copy of new and proposed arrangements and contracts between ATCO Gas and regulated and unregulated business units, divisions, or affiliate entities.
18.0	The Compliance Officer will retain a copy of the Business Technology Management annual review of data management, data access protocols and IT security reports including system access rights reports or system change reports where applicable.
20.0	The Controller will maintain records of cost allocation and transactions between ATCO Gas and unregulated business units, divisions, or affiliate entities.
22.0	The Controller will maintain records of audited financial statements including annual financial statement audit reports.
33.0	The Compliance officer will maintain records of internal reporting documents including internal compliance assessment, Compliance Plan Committee meeting minutes and compliance reports to the Board of Directors.