



Compliance Plan to
Code of Conduct Regulation

ENMAX Power Corporation

and

ENMAX Energy Corporation



ENMAX Power Corporation and ENMAX Energy Corporation
Code of Conduct Regulation Compliance Plan

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ENMAX POWER CORPORATION and ENMAX ENERGY CORPORATION

Code of Conduct Regulation Compliance Plan

PURPOSE:

ENMAX Power Corporation ("EPC"), a wholly-owned subsidiary of ENMAX Corporation, owns, operates and maintains electricity transmission and distribution systems in and around Calgary. EPC is a Distributor.

EPC conducts its own site administration, meter data management, load settlement, distribution tariff billing, and revenue metering inventory management for the Calgary Settlement Zone. EPC enters into contracts with a number of distributor municipalities to perform a variety of services in other Settlement Zones ("Distributor Municipalities"). Services provided under the contracts with Distributor Municipalities are different in each jurisdiction but typically include the following:

- load settlement;
- site administration;
- distribution tariff billing; and
- meter data management, including meter reading.

The Distributor Municipalities perform their own service order management and field work.

EPC appointed ENMAX Energy Corporation ("EEC"), another wholly-owned subsidiary of ENMAX Corporation, to be the Regulated Rate Supplier in EPC's service area. EEC also sells and provides Retail Energy Services, and is an Affiliated Provider. EEC has subcontracted its billing and customer care functions for EEC's Regulated Energy Services and Retail Energy Services to ENMAX Encompass Inc. ("EEI"), which is also a wholly-owned subsidiary of ENMAX Corporation. As such, EEI holds the Customer Information for EEC's Regulated Energy Services and Retail Energy Services Customers.

The Distributor Municipalities have also contracted with EEC to manage their billing, customer care and other functions as Regulated Rate Supplier. The Distributor Municipalities do not have competitive retail operations. EEI also holds the Customer Information of the EEC Rate of Last Resort Municipalities.

The purpose of this Compliance Plan is to establish the systems, policies and mechanisms that EPC, EEC, EEI and ENMAX Corporation (collectively known as "ENMAX") will use to ensure compliance with the Code of Conduct Regulation¹ (the "Regulation") by ENMAX Personnel. Contraventions of the Compliance Plan by individuals may result in disciplinary action up to and including termination of employment or contract.

¹ *Code of Conduct Regulation*, Alta Reg 58/2015.



This Compliance Plan describes certain obligations and responsibilities of specified management and designated ENMAX Personnel. Notwithstanding this, to ensure any specific requirements of this Compliance Plan are satisfied, it is understood that all or any portion of the tasks described in this Compliance Plan may be delegated by management or designated ENMAX Personnel to other ENMAX Personnel.

Complaints, questions or comments concerning this Compliance Plan should be directed to ENMAX Corporation's Director of Legal Services and Compliance. Contact information for the Director of Legal Services and Compliance is as follows:

Karen McGlone
Director, Legal Services and Compliance
ENMAX Corporation
141 – 50 Avenue SE
Calgary, AB T2G 4S7
Phone: (368) 886-1876
Email: compliance@enmax.com

A copy of this Compliance Plan, and instructions on how to raise an issue under the Regulation, can be found on ENMAX Corporation's website.



PART 1 INTERPRETATION

1.0 DEFINITIONS

Capitalized words and phrases used in the Compliance Plan shall have the meanings set out in the Regulation or 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) **Affiliate** has the meaning given to it in the Business Corporations Act² but excludes The City of Calgary.
- b) **Affiliated Provider**
 - (i) in respect of a distributor means
 - (A) an affiliated electricity retailer or an affiliated gas retailer of the distributor.
 - (B) a regulated rate supplier that is authorized by the distributor to provide regulated energy servicesand
 - (ii) in respect of a regulated rate supplier means an affiliated electricity retailer or affiliated gas retailer of the regulated rate supplier.
- c) **AUC or Commission** means the Alberta Utilities Commission.
- d) **Customer** means a person purchasing electricity for their own use; or, in the case of natural gas, means a consumer of gas who takes delivery of the gas at its place of consumption by means of a gas distribution system of a gas distributor.
- e) **Customer Care Centre** means the business unit from which Regulated Energy Services and most Retail Electricity Services Customer contacts are managed. The Customer Care Centre staff is comprised of EEI Personnel.
- f) **Customer Information** means information about a customer that
 - (i) is uniquely associated with the customer,
 - (ii) could be used to identify the customer, or
 - (iii) is provided by the customer to a distributor, a regulated rate supplier or a retailer.
- g) **Distributor** means
 - (i) In respect of the electricity market means an owner of an electric distribution system, but in the case of an entity that carried on both the business of an owner of an electric distribution system and the business of a rate of last resort provider does not include the entity when carrying on the business of a rate of last resort provider,
 - (ii) In respect of the natural gas market means a gas distributor, but in the case of an entity

² *Business Corporations Act*, RSA 2000, c B-9.



that carries on both the business of a gas distribution and the business of a default supply provider does not include the entity when carrying on the business of a default supply provider.

- h) **EEC RoLR Municipalities** means collectively the municipalities that are each, from time to time, parties with EEC to the RoLR Services Agreements.
- i) **EPC Distribution Tariff** means the Commission approved EPC distribution tariff terms and conditions, including the terms and conditions of retail access service.
- j) **Eligible Customer** as defined in the *Rate of Last Resort Regulation*, AR 262/2005 means
 - (i) a rate classification customer, and
 - (ii) any other customer, if the owner's reasonable forecast of the customer's annual consumption of electric energy at a site is less than 250 megawatt hours of electric energy at that site.
- k) **Energy Services** means
 - (i) in respect of the electricity market means electricity services, and
 - (ii) in respect of the natural gas market means gas services or gas distribution services.
- l) **FCS** is the Fair Competition Statement as set out in Section 7 of the Regulation.
- m) **Mechanism(s)** means the compliance mechanisms described in this Compliance Plan.
- n) **Personnel** means officers, employees, and solely for the purpose of this Compliance Plan those contractors, sub-contractors and agents of ENMAX, respectively, whose duties, or access to information, can reasonably be expected to be subject to the Regulation or Compliance Plan.
- o) **Regulated Energy Services** means
 - (i) in respect of the electricity market means electricity services the costs of which are recoverable under a tariff referred to in section 102 or 103 of the Electric Utilities Act that has been approved, and
 - (ii) in respect of the natural gas market means
 - (A) gas services the costs of which are recoverable under a default rate tariff, or
 - (B) gas distribution services the costs of which are recoverable under a distribution tariff.
- p) **Regulated Rate Supplier** means
 - (i) in respect of the electricity market means a rate of last resort provider, and
 - (ii) in respect of the natural gas market means a default supply provider.
- q) **Regulated Value** means the Fair Market Value or cost of goods or services provided for or disposed of in a transaction regulated, determined or approved by a municipal, provincial or federal government, or an administrative body.
- r) **Retail Energy Services means**



- (i) in respect of the electricity market means electricity services provided directly to a customer but does not include electricity services provided to eligible customers under a regulated rate tariff, and
 - (ii) in respect of the natural gas market means gas serviced that are provided by a retailer directly to customers and that are not provided
 - (A) under a default rate tariff, or
 - (B) at or upstream of the inlet to the gas distribution system to a customer accounting on the customer's own behalf.
- s) **Retailer**
- (i) in respect of the electricity market means a person who sells or provides retail electricity services and includes an affiliated provider;
 - (ii) in respect of the natural gas market means a person who provides retail gas services, and includes an affiliated retailer.
- t) **Rate of Last Resort Services Agreements** means the separate agreements made between each of the EEC Rate of Last Resort (RoLR) Municipalities and EEC under which EEC has contracted to provide various RoLR functions.
- u) **Settlement Zone** as defined in Alberta Utilities Commission Rule 021: Settlement System Code Rules, means the collection of sites that are jointly settled by a settlement system.
- v) **The ENMAX Personal Information Commitment** sometimes referred to as our "Privacy Commitment") is intended to comply with Alberta's 'Personal Information Protection Act'. The ENMAX Personal Information Commitment is provided under Privacy on the ENMAX external website.

2.0 AFFILIATED ELECTRICITY RETAILER AND AFFILIATED GAS RETAILER DEFINED

Retained for Numbering Consistency

PART 2 CONDUCT AND BUSINESS PRACTICES

3.0 CONDUCT

Policy: ENMAX Personnel will conduct themselves and their activities so as to comply with the Regulation and the Compliance Plan.



Mechanisms

3.1 As part of the EEI and EEC relationship, compliance checks have been developed for the Customer Care Centre. At least quarterly, EEI will perform a Customer Care Centre audit to review a minimum of 50 calls for compliance with the Regulation.

3.2 ENMAX ensures that all new ENMAX officers and employees receive training on the Regulation and Compliance Plan. This training educates officers and employees on the contents of the Regulation. Initial training is required to be completed by officers and employees within 60 days of commencing their employment. Thereafter, annual refresher training must also be completed.

Training provided to all personnel will be gathered annually, at a minimum, and will be kept for ten years. Training materials will be clearly labeled to indicate whether it is new hire or annual refresher training. Documentation will include a copy of the annual compliance acknowledgement language that is included within the training materials.

The ENMAX On-boarding process for employees will be gathered annually, and will be kept for ten years. The on-boarding process will include documentation on how/when new personnel are assigned Code of Conduct training.

3.3 ENMAX officers and employees will be advised that their failure to comply with the Regulation, Compliance Plan or corporate policies may have serious consequences for the individual, which may include termination of employment. Non-compliance with the Regulation or Compliance Plan may lead to termination of contractor and appropriate legal action.

3.4 Any contractors, sub-contractors and agents of ENMAX whose duties, or access to information, can reasonably be expected to be governed by the Regulation or Compliance Plan are also required to complete the initial training within their first 60 days. Thereafter, annual refresher training must also be completed.

The ENMAX on-boarding process for contractors, sub-contractors and agents of ENMAX will be gathered annually, and will be kept for ten years. The on-boarding process will include documentation on how/when new personnel are assigned Code of Conduct training.

3.5 EEI creates job specific training material for the Customer Care Centre including scripts and training related to the Regulation.

Job specific training materials developed by EEI will be gathered annually, at a minimum, and will be kept for ten years.



- 3.6 ENMAX maintains auditable logs of all Personnel who have completed the corporate-wide training. Updates to the training material, and further training and education related to the Regulation and Compliance Plan, occur as necessary under the direction of the Director, Legal Services and Compliance.

The record of training, in the form of an auditable log, will include a list of all personnel who are required to take the training (as per the defined term of personnel within the Compliance Plan). The auditable log will be maintained annually, and each year will be kept for ten years. The list will also include, at a minimum, the following for each individual:

- Name
- Position Title
- ENMAX Entity they are employed by (as at the last date of report refresh)
- Date of Hire
- Course name and identifier
- Date of Completion of Training (either new hire, or annual refresher)
- Where an external contractor has completed training outside of the Corporate learning management system, a copy of the executed annual Compliance Acknowledgement will be included
- Where personnel have transferred To/From EPC, a record of the transfer will be retained.

- 3.7 ENMAX will inform all Personnel about the Regulation and the Compliance Plan. The Regulation and Compliance Plan are available on ENMAX's external website and on ENMAX's internal website, where a dedicated page includes information about the Regulation and Compliance Plan. ENMAX's internal website is accessible by all ENMAX employees, and most contractors and agents.

- 3.8 ENMAX conducts an annual compliance review of the ENMAX internal and external websites.

- 3.9 There are controls and mechanisms in place to prevent EEC Retail Energy Services sales and marketing Personnel from accessing the Regulated Energy Services Customer Information held by either EEI or EPC. These controls and mechanisms include:

- a) A database system access request process whereby Personnel must submit a request if they require access to any ENMAX database that contains customer information. This request is reviewed by the individual's supervisor and a member from the information technology security team. Those that review the request will either approve or deny the request.
- b) A billing system access request process whereby Personnel must submit a request if they require access to the billing system. This request is reviewed by



the individual's supervisor and a member from the information technology security team and those that review the request will either approve or deny the request. Furthermore, there is an access control that prevents the EEC Retail Energy Services sales and marketing Personnel from accessing any Regulated Energy Services customer information in the billing system.

- c) A network directory and permission process whereby Personnel must submit a request if they require access to a shared network file folder. This request is reviewed by the individual's supervisor and the folder's owner. Those that review the request will either approve or deny the request.

The ENMAX off-boarding process for employees and contractors will be gathered annually, and will be kept for ten years. The off-boarding process will include documentation on identifying the removal of technology access for departing personnel.

The ENMAX request for access process for systems, database, and network directories will be documented and retained for ten years.

- 3.10 ENMAX has systems and mechanisms in place to support compliance with the rules respecting service standards made by the Commission. All ENMAX Personnel are required to comply with this Compliance Plan.

DIVISION 1 CUSTOMERS

4.0 TYING PROHIBITED

Policy: EPC will not require or induce Customers to acquire goods or services from a Retailer by making or appearing to make Regulated Energy Services conditional on the acquisition of goods or services from a Retailer.

EPC, EEC and EEI will, at all times, treat Customers fairly, ethically, and in accordance with the intent and spirit of the Regulation.

Neither EPC nor EEI will require or induce Customers to acquire goods or services from EEC.

Mechanisms

- 4.1 EPC Personnel have direct communications with Customers and Retailers through its regulated market services and system control centre groups; other direct communications with Customers on behalf of EPC are handled by EEI.



- 4.2 Advertising, other than internet advertising, that markets Retail Energy Services to Eligible Customers in the Calgary Settlement Zone and the EEC RoLR Municipalities or Distributor Municipalities includes the FCS, as set out in Mechanism 7.1.

5.0 TRANSFER OF CUSTOMERS

Policy: EPC and EEC (as Regulated Rate Supplier) will not, without the Customer's consent, transfer the Customer to a Retailer or Retail Energy Services tariff.

Mechanisms

- 5.1 EPC follows applicable AUC Rules, including AUC Rule 021, and holds Retailers responsible for maintaining a verifiable record of Customer consent to enrollment.
- 5.2 EEC follows AUC Rule 021 in its capacity as Retailer. Where the Retailer is EEC, the Customer consent is evidenced in the retail contract and/or other forms agreed to by the Customer. Where the Retailer is an entity other than EEC, the Customer consent is evidenced in the AUC Rule 021 Select Retailer Request (SRN) transaction provided to Distributors by Retailers.

ENMAX will document its customer enrollment process for regulated and competitive energy services, at least annually, and retain for ten years. ENMAX will retain a copy of customer agreements and contracts and retain for ten years.

ENMAX will annually gather statistics of enrollment as at December 31 which identifies the number of RoLR customers and the number of Competitive Energy customers by customer type of residential, small business, and large commercial. ENMAX records will include the enrollment statistics of any RoLR municipalities in effect as at December 31.

6.0 PROHIBITED REPRESENTATIONS

Policy: EPC and EEC will not represent to Customers or the public that are present or future Customers of EEC or EEC RoLR Municipalities that they will receive treatment from EPC or EEC (as Regulated Rate Supplier) that is different from the treatment received by present or future Customers of other Retailers.

Mechanisms

- 6.1 EPC and EEC have the following mechanisms and processes in place to prevent representations that Customers of EEC or EEC RoLR Municipalities will receive treatment from EPC or EEC (as Regulated Rate Supplier) that is different from the treatment received by Customers of other Retailers:



- a) quarterly audits conducted by EEI, as described in Mechanism 3.1;
- b) training as described in Mechanisms 3.2, 3.4, and 3.5;
- c) inclusion of the FCS, as described in Mechanisms 4.2, and 7.1; and
- d) annual audit of ENMAX's websites as described in Mechanism 3.8.

7.0 ADVERTISING

Policy: In service areas where the name or logo of EEC as an Affiliated Provider of the Distributor or Regulated Rate Supplier is similar or identical to the name or logo of such Distributor or Regulated Rate Supplier, EEC will include the FCS in accordance with the Regulation.

Mechanisms

7.1 Because EEC's name and logo is similar to the name or logo of EPC (as Distributor) and EEC (as Regulated Rate Supplier), EEC will, on the ENMAX external website and in advertising, other than internet advertising, that markets Retail Energy Services to Eligible Customer in territories in which EPC is a Distributor or EEC is a Regulated Rate Supplier, include the FCS to comply with Section 7 of the Regulation. Additionally, the FCS will be provided to Eligible Customers:

- a) in the Calgary Settlement Zone, because EEC is both an Affiliated Provider and the Regulated Rate Supplier; and
- b) in the EEC RoLR Municipalities Settlement Zones, because EEC is both the Regulated Rate Supplier and an Affiliated Provider.

ENMAX will gather all competitive energy promotional materials, at least annually, and retain for ten years. The documentation will include a list of each promotional item, and identify the medium used for delivery of the promotional material(s).

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

Retained for Numbering Consistency



DIVISION 2 CUSTOMER INFORMATION

9.0 CONFIDENTIALITY OF CUSTOMER INFORMATION

Policy: EPC and EEC will protect the confidentiality of Customer Information and not disclose Customer Information except in accordance with the Regulation.

Mechanisms

9.1 EPC and EEC store Customer Information, including Distributor Municipalities and EEC RoLR Municipalities Customer Information. Upon receipt of a valid information request, EPC will only provide Customer historical usage information. EPC will keep a record of all historical usage information requests.

9.2 As part of The ENMAX Personal Information Commitment, EEI requires Customer consent in order to release specific Customer Information other than in circumstances outlined in Section 10 of the Regulation. EEI will provide Customers with their own Customer Information upon request.

Where an ENMAX customer has requested their own Customer Information, ENMAX will retain a copy of the request, gather the requests annually at a minimum, and retain for ten years.

9.3 Personnel who no longer work under EPC, EEC, or EEI will not have access rights to Customer Information from their previous position.

9.4 Sales and marketing lists for EEC's direct sales and marketing activities are obtained from third party sources, and EEC's own sales activities for Retail Energy Services.

10.0 DISCLOSURE OF CUSTOMER INFORMATION

Policy: EPC, EEC and EEI will only disclose Customer Information in accordance with the Regulation.

EPC, EEC and EEI will not disclose Customer Information without the consent of the Customer, unless: the information is in the form of aggregated information; the disclosure is to a Regulated Rate Supplier appointed by EPC or other Distributor; the disclosure is solely for the purpose of preventing interruption of electricity services; or the disclosure is otherwise authorized under the Regulation.



Mechanisms

- 10.1 Unless otherwise permitted under Subsections 10(1) or 10(3) of the Regulation, EPC, EEC and EEI will not disclose Customer Information.
- 10.2 Written or electronic requests received by ENMAX for electricity services Customer Information from the Utilities Consumer Advocate (the "UCA"), or other agent acting on behalf of a customer will be facilitated, provided the request includes confirmation that the affected Customer has authorized the UCA or the customer's agent to collect their Customer Information for the purposes of enabling the UCA or the customer's agent to assist in mediating the Customer's concerns.
- 10.3 EEC and EEI have established a Customer Information disclosure process and associated form(s) for EEC Customer Information (in all service areas). EEI will manage the disclosure process on behalf of EEC.

Where ENMAX has been requested to disclose customer information in accordance with the Regulation, ENMAX will gather the requests to disclose the information at least annually, and will retain for ten years.

- 10.4 For non-standard requests to EPC or other Distributors Municipalities that are not governed by the AUC Rule 010, only an EPC authorization form or an EPC-provided spreadsheet will be accepted. EPC also requires the requestor to obtain consent from the Customer other than in circumstances outlined in Section 10 of the Regulation. The authorization form and spreadsheet are available on the ENMAX external website.

11.0 CONDITIONS ON DISCLOSURE OF CUSTOMER INFORMATION

Policy: EPC or EEC (as Regulated Rate Supplier) will only disclose Customer Information to a Retailer(s) in accordance with the Regulation.

Mechanism

- 11.1 Where EPC receives a written or electronic request for Customer Information from a Retailer, that Customer Information will be released in accordance with Subsection 10(2) of the Regulation and EPC will disclose the Customer Information to the Retailer as prescribed in AUC Rule 010.

12.0 HISTORICAL ELECTRICITY OR GAS USAGE

Policy: EPC will only provide a Retailer with historical usage information in accordance with the Regulation and AUC Rule 010.



Mechanism

- 12.1 EPC will adhere to the Regulation and AUC Rule 010 when fulfilling requests for Customer historical usage information.

13.0 AGGREGATED CUSTOMER INFORMATION

Policy: EPC will only provide a Retailer with aggregated information about its' Customers, in accordance with the Regulation.

Mechanisms

- 13.1 EPC may make available to a Retailer, in accordance with the EPC Distribution Tariff, aggregated information about its' Customers. The aggregation service is available to all Retailers equally. Customer Information will be aggregated to such a degree that the information of an individual Customer or Retailer cannot be readily identified. Prior to making the aggregated Customer Information available to a Retailer, EPC will place a notice on the ENMAX external website with a clear description of, and the fee for obtaining, the aggregated Customer Information. The notice will be posted at least 24 hours in advance of the provision of the aggregated information to the Retailer; and, the notice will remain on the ENMAX external website for at least 30 days.
- 13.2 A copy of each notice posted in accordance Mechanism 13.1 will be retained and filed.

DIVISION 3

BUSINESS PRACTICES OF DISTRIBUTORS AND REGULATED RATE SUPPLIERS

14.0 EQUAL TREATMENT OF RETAILERS

Policy: EPC (as Distributor) and EEC (as Regulated Rate Supplier) Regulated Terms and Conditions will not give preferential treatment to its Affiliated Retailer or Customers of its Affiliated Retailer or discriminate against any Retailer or against Customers of any Retailer. Any changes to the EPC or EEC Regulated Energy Services or the Terms and Conditions that apply to those services will be communicated to all Retailers at the same time and in the same manner to comply with the Regulation.

Mechanisms

- 14.1 The EPC Distribution Tariff Fee Schedule is published and available to the public on the ENMAX external website. The same fees apply to all Retailers.



- 14.2 The EEC Regulated Rate Tariff Fee Schedule is published and available to the public on the ENMAX external website.
- 14.3 Access to business and systems interfaces as described in AUC Rule 021 and in the EPC Distribution Tariff are available to all Retailers on an equal basis.
- 14.4 EPC and EEC (as Regulated Rate Supplier) recognize that information concerning future changes to the Regulated Energy Services they provide, such as service levels and prices, enrollment procedures, and terms and conditions, could have strategic value to Retailers. Information not publicly available will be treated as confidential.
- 14.5 Notices of changes in services or terms and conditions under tariffs, are available to all Retailers in regulatory filings. Changes in services or terms and conditions under the Regulated Rate Tariff are developed in cooperation with the Regulated Rate Supplier.

15.0 PROHIBITIONS

Policy: EPC and EEC will abide by the prohibitions contained in the Regulation.

Mechanism

- 15.1 EPC and EEC (as Regulated Rate Supplier) will not include or incorporate any communication for sales or marketing purposes by any Retailer in any of their written communications to Customers related to billing for Regulated Energy Services.

16.0 INFORMATION ABOUT RETAIL ENERGY SERVICES

Policy: When EPC (as Distributor) or EEC (as Regulated Rate Supplier), receive a request for information about Retail Energy Services, they will refer Customers to a source where they may obtain a current list of Retailers that are licensed under the Consumer Protection Act³ to engage in the marketing of electricity or the marketing of gas.

Mechanism

- 16.1 EEC (as Affiliated Retailer) initiated communications – sales and marketing materials will include the FCS as required by Section 7 of the Regulation, and described in Mechanism 7.1. As well, all EEC Retail Energy Services sales and marketing Personnel are trained on the Regulation and Compliance Plan (as set out in Mechanisms 3.2 and 3.4).

³ *Consumer Protection Act*, RSA 2000, c -26.3.



- 16.2 The ENMAX external website is reviewed annually to support compliance with Section 16 of the Regulation, as set out in Mechanism 3.8.

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: EPC and EEC (as Regulated Rate Supplier) will not make any arrangements that create an unfair competitive advantage for the Affiliated Provider.

Policy: EPC (as Distributor) or EEC (as Regulated Rate Supplier) and an Affiliated Provider may make arrangements to create cost efficiencies in their operations:

- **if, in the opinion of the Commission, the arrangement does not create an unfair competitive advantage for EEC (as Regulated Rate Supplier) or the Affiliated Provider; and**
- **where no Customer Information is disclosed that could be used by its Affiliated Provider for marketing or sales purposes.**

Mechanisms

- 17.1 EPC (as Distributor) and EEC (as Affiliated Provider and Regulated Rate Supplier) document arrangements between themselves. These arrangements require approval from the Director, Legal Services and Compliance.
- 17.2 In the event an existing arrangement of the type described in Section 17(5) and 17(6) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by Sections 18, 20, 21, 22 and 23 of the Regulation, ENMAX will promptly notify the Commission, in writing, of the existing arrangement and will request an opinion as to whether the arrangement creates an unfair competitive advantage. In the event the Commission determines that an existing arrangement does create a prohibited unfair competitive advantage, ENMAX will act in accordance with the direction of the Commission.
- 17.3 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



in sections 18, 20, and 21 or section 23 of the Regulation, ENMAX 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: EPC (as Distributor) and EEC (as Regulated Rate Supplier) will ensure that Customer Information is not disclosed or made available to any Retailer for the purposes of sales or marketing of Retail Energy Services, except in accordance with the Regulation.

Mechanisms

- 18.1 In its capacity as Regulated Rate Supplier, EEC receives Customer Information from EPC. By contracting with EEI to manage its Regulated Rate Supplier billing and customer care functions, EEC has established mechanisms to prevent EEC, acting as a Retailer, from accessing Regulated Energy Services Customer Information for sales or marketing purposes.
- 18.2 No Customer Information is provided by EPC or EEC (as Regulated Rate Supplier) except as may be permitted by the Regulation or AUC Rules.

19.0 RETAILER SEEKING CUSTOMER INFORMATION

Policy: EEC (as Retailer) will not seek or accept Customer Information from current or former Personnel of EPC (as Distributor) or EEI (holding such Customer Information on behalf of EEC as Regulated Rate Supplier) for sales or marketing purposes.

Mechanism

- 19.1 EEC (as Retailer) will not seek or accept Customer Information from current or former Personnel of EPC (as Distributor) or EEI (holding such Customer Information on behalf of EEC as Regulated Rate Supplier) for sales or marketing purposes.

20.0 ACQUISITIONS, RESEARCH AND DISPOSITIONS

Policy: To prevent the creation of an unfair competitive advantage, EPC and EEC 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

- 20.1 EEC and EPC will price and report in a manner that clearly distinguishes the expenses and benefits borne by each Affiliate for transactions such as: joint acquisition; shared cost or expense associated with research and development; or selling, leasing or disposing of jointly acquired property between EPC (as Distributor) and EEC (as Regulated Rate Supplier and Affiliated Retailer). Such transactions are coded to the appropriate entities at the time of purchase, wherever possible. Any transfer of costs or benefits due to a coding correction will have an affiliate field completed to trace the subsidiary with which the transaction occurred. Records of these and all transactions are kept within ENMAX Corporation's accounting systems and are auditable.
- 20.2 Financial records of ENMAX Corporation are reviewed quarterly and audited annually by external auditors.
- 20.3 Joint acquisition, shared costs or expenses associated with research and development, and selling, leasing or disposing of jointly acquired property, will be made in writing and supported by an appropriate business case to support the determination of Regulated Value and apportionment of costs/benefits.

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 EPC, Distributor Municipalities, and EEC (as Regulated Rate Supplier) or EEC RoLR Municipalities will be recorded and priced at Regulated Value to prevent the creation of an unfair competitive advantage.

Mechanisms

- 21.1 Any transaction between EPC and EEC will be made at the Regulated Value, unless otherwise directed by the Commission
- 21.2 If the transaction is regulated, determined or approved by a municipal, provincial or federal government or administrative body, EPC and EEC may use any method they consider to be appropriate including competitive tendering, competitive quotes, bench-marking studies, catalogue pricing, replacement cost comparisons, or recent market transactions for establishing Regulated Value.
- 21.3 Transactions involving the sale, lease, exchange, transfer or other disposition of goods or services as contemplated herein will be made in writing to support the determination of value of the transaction and the apportionment of costs/benefits. Records kept of such transactions are auditable.



22.0 FINANCIAL TRANSACTIONS

Policy: Neither of EPC (as Distributor) nor EEC (as Regulated Rate Supplier) will provide a loan, guarantee, security or other financial transaction to EEC (as Affiliated Provider) on terms more favourable than could be obtained in the open market, to prevent the creation of an unfair competitive advantage.

Policy: EEC (as Affiliated Provider of EEC RoLR Municipalities) will not accept any loan, guarantee, security or enter into any other financial transaction from/with Distributor Municipalities on terms more favourable than could be obtained in the open market, to prevent the creation of an unfair competitive advantage.

Mechanisms

22.1 Except as permitted under the Regulation, all financial transactions between EPC and EEC are entered into on terms no more favourable than what EEC would be able to obtain from the open market.

22.2 Financial transactions are based on the contractual obligations for service.

ENMAX will retain a copy of each quarterly and annual Financial Statements that have been audited during the calendar year, and will retain the financial statements for ten years.

23.0 ENTITIES CARRYING ON MORE THAN ONE BUSINESS

Policy: EEC will not make any internal arrangements to use information it obtains from one business that would create an unfair competitive advantage for another business. EEC will not incur or allocate economic costs or benefits that create an unfair competitive advantage.

Mechanisms

23.1 See Mechanisms 17.0 through 22.0.

ENMAX will retain a record of cost allocation and transactions between regulated and non-regulated business units, divisions, or affiliated entities that have been filed with the Commission during the calendar year, and will retain for ten years.

Any intercompany, partnership or joint venture agreements that might give rise to shared cost; intercompany financing arrangement; or transfer of assets, goods or services will be gathered at least annually, and will be kept for ten years.



24.0 ACCESS TO PUBLICLY AVAILABLE INFORMATION

Retained for Numbering Consistency

**DIVISION 2
RECORDS AND ACCOUNT**

25.0 RECORDS AND ACCOUNTS

Retained for Numbering Consistency

26.0 WRITTEN FINANCIAL TRANSACTIONS

Retained for Numbering Consistency

27.0 RECORDS OF TRANSACTIONS FOR GOODS AND SERVICES

Retained for Numbering Consistency

28.0 MAINTAINING RECORDS

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

Retained for Numbering Consistency

30.0 COMPLIANCE PLAN REQUIRED

Retained for Numbering Consistency

31.0 APPROVAL BY COMMISSION

Retained for Numbering Consistency

32.0 CHANGES TO COMPLIANCE PLAN

Policy: EPC and EEC will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.



Mechanisms

- 32.1 At least annually, ENMAX will review the Compliance Plan and determine if amendments are required for any reason, including changed circumstances and changes to the Regulation.
- 32.2 ENMAX will notify Personnel of changes to the Compliance Plan within 15 days following the approval of the Compliance Plan by the Commission.

33.0 ANNUAL COMPLIANCE REPORTS

Policy: ENMAX 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

- 33.1 Annual compliance reports will be given by the Chief Legal Officer (or successor position) to the ENMAX Board of Directors. The annual compliance report, approved by the ENMAX Board of Directors, will be provided to the Commission within 90 days after the end of each calendar year.

In addition to the annual compliance report provided to the ENMAX Board of Directors, any reporting provided to the ENMAX Board of Directors relating to ENMAX compliance with the Code of Conduct Regulation and this Compliance Plan will be gathered annually, at a minimum, and will be kept for ten years.

- 33.2 Non-compliance reports will be provided to the Commission in accordance with the Regulation.

34.0 INFORMATION ABOUT COMPLAINTS

Policy: ENMAX will give notice to the public that complaints about contraventions of the Regulation or the Compliance Plan may be made to the Commission or the Market Surveillance Administrator.

Mechanisms

- 34.1 The ENMAX external website provides the following information:

"Complaints about contraventions of the Code of Conduct Regulation may be made to the Alberta Utilities Commission or the Market Surveillance Administrator. The Alberta Utilities Commission can be reached by contacting 310-4282 in Alberta or 1-833-511-4282 outside Alberta or info@auc.ab.ca.



The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or compliance@albertamsa.ca. The Alberta Utilities Commission and the Market Surveillance Administrator are independent of ENMAX Corporation and its subsidiaries including ENMAX Power Corporation and ENMAX Energy Corporation and any regulated rate supplier or affiliated provider. For billing issues please contact our customer care centre at 310-2010 or 1-877-571-7111."

- 34.2 If a Customer wishes to file a complaint with ENMAX in regard to the handling of their Customer Information, ENMAX has a process in place which identifies key stakeholders within each organization who are responsible for investigating, responding to, and escalating the issue to the Director, Legal Services and Compliance (if there is the potential for a Regulation or Compliance Plan contravention).

35.0 PUBLICATION OF COMPLIANCE PLANS AND REPORTS

Retained for Numbering Consistency

36.0 REGULATION PREVAILS

Retained for Numbering Consistency

DIVISION 2 VARYING ARRANGEMENTS

37.0 ALTERNATIVE COMPLIANCE ARRANGEMENTS

Retained for Numbering Consistency

38.0 EMERGENCY EXCEPTIONS

Policy: Any action taken by ENMAX in response to an emergency that threatens public safety, the safety of ENMAX Personnel, the physical integrity of their facilities or system reliability will not contravene the Regulation or the Compliance Plan.

Mechanism

- 38.1 Any emergency action which, but for Section 38 of the Regulation would constitute a contravention of the Regulation, will be brought to the attention of the Director, Legal Services and Compliance and reported to the Commission on an ad hoc or annual basis, as appropriate or required.



DIVISION 3 COMPLIANCE AUDIT

39.0 APPOINTMENT OF AUDITOR

Retained for Numbering Consistency

40.0 AUDIT

Policy: ENMAX 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 the Regulation.

ENMAX will retain all code of conduct compliance records listed under Appendix A for at least three years.

Mechanism

40.1 ENMAX will provide sufficient access to Personnel, records, and information systems for the auditor to perform the required audit.

40.2 The Commission may amend Appendix A to the Compliance Plan 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 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)

Retained for Numbering Consistency

46.0 APPROVALS UNDER CODE OF CONDUCT REGULATION (AR 183/2003)

Retained for Numbering Consistency

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

50.1 This Compliance Plan became effective January 1, 2025 as directed in Alberta Utilities Commission Decision 29655-D01-2024 dated December 12, 2024.



APPENDIX A – List of code of conduct compliance records

- a. Internal reporting documents including internal compliance assessment, Compliance Committee/Board minutes, compliance reports to Board
- b. Training materials
- c. Record of training
- d. Compliance acknowledgements
- e. On-boarding/off-boarding processes and documentation
- f. Record of employee transfers
- g. Employee/contractor listing
- h. Customer consent to disclose information
- i. Customer enrollment records
- j. Promotional materials
- k. IT security reports including system access rights reports or system change reports where applicable
- l. Agreements and contracts
- m. Record of cost allocations and transactions between regulated and unregulated business units, divisions or affiliated entities
- n. Audited financial statements including annual financial statement audit reports