

Stakeholder Consultation Process

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Taking action to promote effective competition and a culture of compliance and accountability in Alberta's electricity and retail natural gas markets

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1 Introduction

This document outlines the process the MSA will follow when engaging in a formal stakeholder consultation. As part of its legislated mandate, the MSA may establish guidelines to support the fair, efficient and openly competitive operation of the electricity market.¹ The *Market Surveillance Regulation* (“MSR”) requires the MSA to consult with market participants on new or materially changed guidelines.² The MSA must also make public the general process used to develop such guidelines.³

In other cases, the MSA may initiate a stakeholder consultation at its discretion where it believes a matter under its consideration would benefit from broad stakeholder feedback or that a guideline is a possible outcome of consultation. A consultation could also result in a report, a recommendation to the Alberta Electric System Operator (“AESO”) or the Alberta Utilities Commission (“AUC”) for a rule change or a recommendation to change a regulation. The MSA will not engage in consultation for matters related to investigations.⁴ For further clarity, the MSA will not use the formal stakeholder process in its day to day interactions with stakeholders nor will it be used for requests for feedback on specific issues, annual or quarterly reports, or routine publications of data.

2 Consultation Process

When a stakeholder consultation is undertaken, the MSA will publish all notices regarding the consultation on its website. An overview of the consultation process is provided in Figure 2.1.

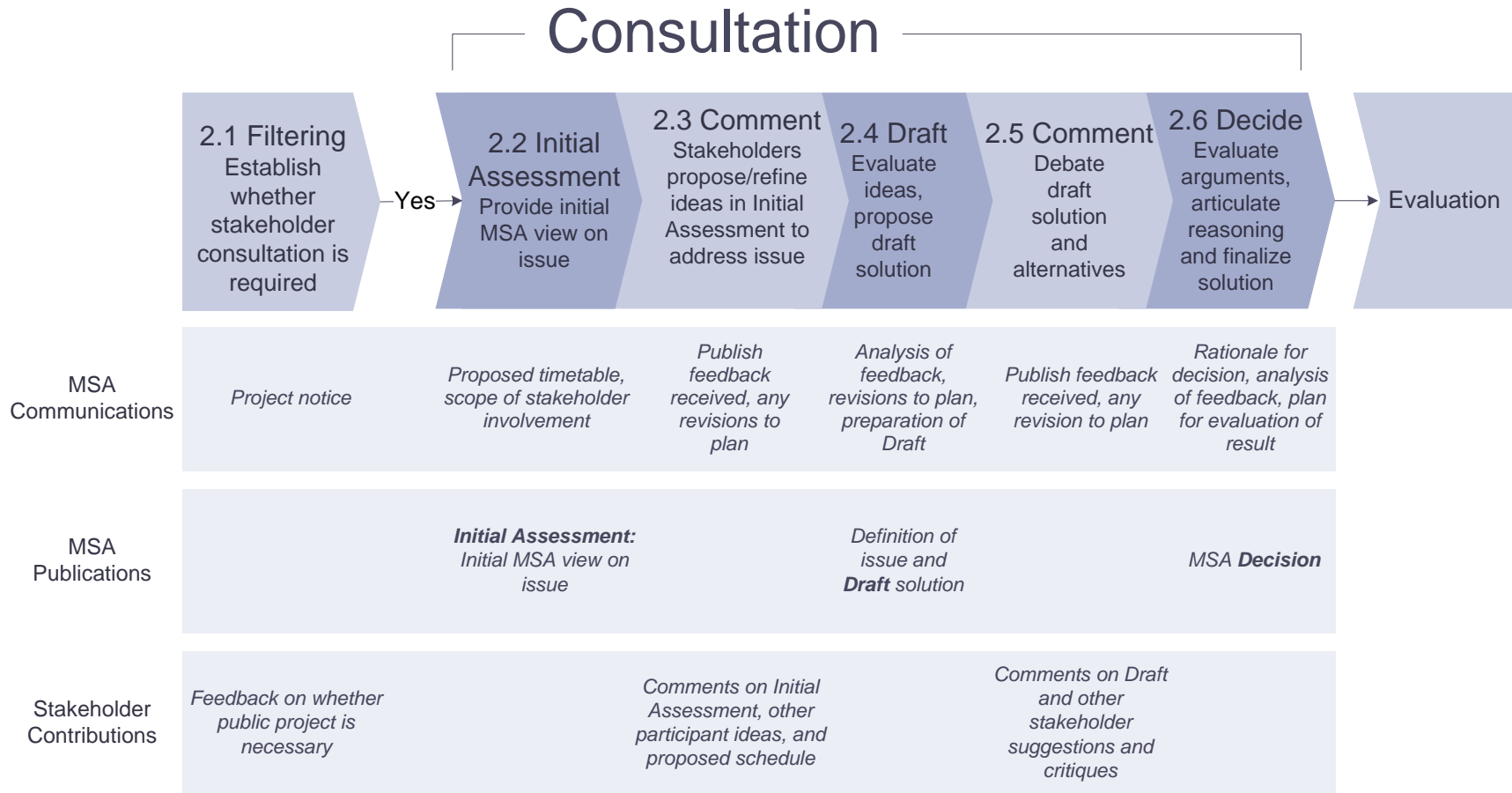
¹ Section 39(4) of the *Alberta Utilities Commission Act*.

² MSR s. 8(1). Section 7(2) of the MSR also requires the MSA to consult with market participants on material changes to its Investigation Procedures.

³ MSR s. 8(2).

⁴ Note that all issues related to alleged misconduct in the market will be addressed through the process outlined in the MSA Investigation Procedures.

Figure 2.1: Consultation Flow Chart



2.1 Filtering

During the filtering stage the MSA will decide whether a guideline, policy or other matter is best addressed through a public consultation process. Issues may arise internally through MSA activities or externally through stakeholder comment. The MSA may solicit comments from stakeholders to help determine whether a public consultation is appropriate. Public notice regarding the decision to engage in a consultation may be provided.

2.2 Initial Assessment

The objective of the initial assessment stage is to provide stakeholders with the MSA's initial view on the issue identified in the filtering stage. The MSA will publish an initial assessment of the issue ("Initial Assessment") to facilitate discussion. In some cases, the Initial Assessment may include a draft solution or resolution to the issue, similar to the Draft stage (section 2.4). This would likely occur, for example, when a guideline is being updated. The MSA may also provide a consultation timeline and direction regarding the scope of stakeholder involvement.

2.3 Public Comment

The MSA will solicit public comments on the Initial Assessment. The MSA encourages stakeholders to suggest improvements, alternative solutions, or raise any concerns. At its discretion, the MSA may have multiple rounds of consultation on an Initial Assessment.

2.4 Draft

After expiry of the public comment period, the MSA will consider stakeholder input, publish stakeholder comments and draft a solution or resolution to the issue ("Draft"). The Draft will be published for stakeholder comment and will be open to revision at the MSA's discretion based on the comments received.

2.5 Public Comment

The MSA encourages stakeholders to craft their comments with the goal of refining the solution put forward in the Draft. Alternate solutions will generally be considered in the first public comment stage. In certain cases the MSA may have multiple iterations of the Draft and public comment stages.

2.6 Decision

In reaching its decision on the issue under consultation ("Decision"), the MSA will consider all public comments and may publish its rationale for the Decision. This stage may also include publication of a final document version, if that was the determined solution.

3 Timelines

The time required by the MSA to undertake the Initial Assessment, Draft and Decision phases will depend on the nature of the project and extent of other commitments. The MSA understands that certain projects may result in some market uncertainty, so will endeavor to

complete them in a timely manner. Stakeholders will be notified of any material deviations from, or changes to the schedule.

3.1 Public Comment Stages

The MSA will provide stakeholders with at least two weeks for each public comment stage. Where the topic is expected to require more in-depth analysis by stakeholders, more time may be provided for comments.

3.2 Extensions

The MSA will consider deadline extensions for the public comment stages where a written request, with reasons, is received at least two days prior to the deadline.

Upon receiving an extension request, the MSA will publish a notice on its website indicating whether an extension has been granted, which may include the request. An extension will be applicable to all stakeholders.

Any comments received after the expiration of the deadline (or extended deadline) will be considered at the MSA's discretion.

3.3 Publication of Stakeholder Comments

Stakeholder comments considered by the MSA will be posted on the MSA's website following the close of each public comment stage.