

July 24, 2009

NOTICE TO MARKET PARTICIPANTS

Update re: MSA Publishing of Notices of Specified Penalty per AUC Rule 019

On July 10, 2009 the Market Surveillance Administrator (MSA) issued a notice advising of its planned approach to the publishing of notices of specified penalty issued pursuant to AUC Rule 019. A copy of that notice can be found on the MSA website through the following link:

[http://www.albertamsa.ca/files/Notice_to_Market_-_MSA_Approach_to_AUC_Rule_019_-_Publishing_-_07-10-09_\(2\).pdf](http://www.albertamsa.ca/files/Notice_to_Market_-_MSA_Approach_to_AUC_Rule_019_-_Publishing_-_07-10-09_(2).pdf).

The MSA confirmed that unless otherwise directed by the Alberta Utilities Commission (Commission), the MSA would take the approach of applying Section 5(2) of AUC Rule 019 based upon the date of contravention of a given ISO rule rather than the date of issuance of a related notice of specified penalty. The MSA also set out its reasons for taking that approach.

On July 21, 2009 the Commission clarified its view that Section 5(2) of AUC Rule 019 should be interpreted such that the publishing decision is to be based on the date of issuance of a notice of specified penalty, not the date of contravention. A copy of AUC Bulletin 2009-17 (as revised July 22, 2009) can be found on the Commission website through the following link:

<http://www.auc.ab.ca/news-room/bulletins/Bulletins/Bulletin%202009-17%20Revised.pdf>.

The MSA appreciates receiving this clarification from the Commission, and confirms that all notices of specified penalty issued after June 30, 2009 will be made public in accordance with the Commission's direction and relevant provisions of AUC Rule 019.

We trust that this will be of assistance. In any event, we encourage you to contact us with any questions or comments.

Yours truly,

“Original signed”

W.W. (Wayne) Silk
Vice-President, Chief Operating Officer
Market Surveillance Administrator.