



NOTICE TO MARKET PARTICIPANTS AND STAKEHOLDERS

Date: November 9, 2010

Re: Investigation into the Use of Concessionary Government Funds by Competitive Affiliates of ENMAX Power Corporation

On July 30, 2009 the Market Surveillance Administrator (MSA) received a complaint from a market participant that certain financial transactions between ENMAX Power Corporation and its competitive affiliates may have contravened sections 5(c), 6, and/or 95(10) of the Electric Utilities Act. The transactions involved concessionary funds (i.e., at lower interest rates than would be available to a local authority) which are sourced from the Alberta Capital Finance Authority by ENMAX Corporation through The City of Calgary. The MSA conducted an investigation into the complaint pursuant to section 42(1) of the Alberta Utilities Commission Act.

The complainant alleged that the funds may have been loaned by ENMAX Power Corporation to ENMAX Energy Corporation at interest rates more favourable than what are available to independent power producers and may have assisted ENMAX Energy Corporation in purchasing and/or developing generation projects to the exclusion of investor owned power producers in the Province. The MSA has concluded the investigation and attached the report which explains the matters at issue and the reasons for the MSA's findings. The report provides important information for market participants concerning how the MSA interprets section 6 of the Electric Utilities Act.

Link to Report: [ACFA Report](#)

Rob Spragins,
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