

NOTICE OF SPECIFIED PENALTY

Date of Issue: January 11, 2012

Payment Due Date: February 13, 2012

MSA File Number:	2011-216	Specified Penalty Amount:	\$ 500
Market Participant Name:	Bowark Energy Ltd.		
Asset ID (if applicable):	DRW1	Self Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule:	OPP 102	Date of Contravention:	August 15, 2011
Date of Referral/Self Report:	November 14, 2011	This is the 1st contravention by this asset for this rule within a rolling 12 month period.	

EVENT DETAILS

On August 15, 2011 between 10:11 and 10:23 the DRW1 asset received four 6 MW energy dispatches effective immediately. These ADaMS dispatches were neither accepted nor rejected within the required 2 minute time period. OPP 102 requires that pool participants must respond to ADaMS energy market dispatches within the required time as described in OPP 003.2. OPP 003.2 stipulates this required time is 2 minutes for all Participants with a total capacity offer of greater than or equal to 2 MW and bids or offers in the energy market merit order.

FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of OPP 102.

MATERIAL FACTS

The material facts relied upon by the MSA include the following:

1. AESO dispatch data for DRW1 asset on August 15, 2011.
2. AESO Information Request to Bowark Energy Ltd. dated October 4, 2011.
3. Bowark Energy Ltd. October 17, 2011 response to AESO information request.
4. AESO letter to Bowark Energy Ltd. dated November 14, 2011 notifying the referral of the matter to the MSA.

DELIVERY OF PAYMENT

Payment by cheque or certified funds is to be made out to the "General Revenue Fund c/o Minister of Finance", and delivered to the Alberta Utilities Commission (AUC) at: 4th Floor, 425 - 1st Street S.W., Calgary, Alberta, T2P 3L8. Questions in respect of delivery of payment should be addressed to the Director of Finance, AUC. The payment should reference this notice and related MSA File #. Delivery of payment should also be confirmed by email to compliance@albertamsa.ca, with copy to the following AUC personnel: Sabi Ghavami (Director, Finance) sabi.ghavami@auc.ab.ca, and Darin Lowther (Director, Market Rules) darin.lowther@auc.ab.ca.

NOTICE

The Market Surveillance Administrator (MSA) is granted the power and authority under s. 52 of the *Alberta Utilities Commission Act* to issue a Notice of Specified Penalty where the MSA is satisfied that a person has contravened an ISO rule. Specified penalties are set out in AUC Rule 019.

In accordance with the relevant enactments and rules, a dispute regarding the issuance of a Notice of Specified Penalty or failure to pay the specified penalty in accordance with this notice will result in a hearing or other proceeding before the AUC.

In accordance with s. 5(1) of AUC Rule 019 this Notice of Specified Penalty will be made public no earlier 30 days and no later than 45 days after issuance. The MSA will, if applicable, also post on its website the link to any decision of the AUC respecting the specified penalty.

If your organization disputes the issuance of this Notice of Specified Penalty, or if you have any other questions or comments regarding this matter, please contact the MSA compliance team at compliance@albertamsa.ca.

SIGNATURE

Signature:	"Original Signed"	Signature Date:	January 11, 2012
Name:	Doug Doll	Title:	Manager Compliance