

## NOTICE OF SPECIFIED PENALTY

Date of Issue: July 9, 2012

Payment Due Date: August 9, 2012

MSA File Number:	2012-169	<b>Specified Penalty Amount:</b>	\$ 1,500
Market Participant Name:	Milner Power Limited Partnership by its General Partner Milner Power Inc.		
Asset ID (if applicable):	HRM	Self Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule:	3.5.3	Date of Contravention:	December 27, 2011
Date of Referral/Self Report:	May 1, 2012	This is the second contravention by this asset for this rule within a rolling 12 month period.	

### EVENT DETAILS

On December 27, 2011 at 14:46, an energy offer restatement for the HRM asset was submitted impacting offered volumes for HE 15 to HE 17. This restatement had the effect of redistributing 104 MW from block 2 to block 1 and block 0 for HE 15 to HE 17. As per ISO rule 3.5.3, an energy restatement which redistributes quantities offered may only be submitted if a restatement of available capability cannot reasonably accommodate an asset's operating state.

### FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of ISO rule 3.5.3.

### MATERIAL FACTS

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

1. AESO Available Capability (AC), offer, and Maximum Capability (MC) data for HRM asset on December 27, 2011.
2. AESO Information Request to Milner Power Limited Partnership by its General Partner Milner Power Inc. dated April 4, 2012.
3. Milner Power Limited Partnership by its General Partner Milner Power Inc. April 18, 2012 response to AESO Information Request.
4. AESO letter to Milner Power Limited Partnership by its General Partner Milner Power Inc. dated May 1, 2012 notifying of 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](mailto:compliance@albertamsa.ca), with copy to the following AUC personnel: Sabi Ghavami (Director, Finance) [sabi.ghavami@auc.ab.ca](mailto:sabi.ghavami@auc.ab.ca), and Darin Lowther (Director, Market Rules) [darin.lowther@auc.ab.ca](mailto: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](mailto:compliance@albertamsa.ca).

### SIGNATURE

Signature:	"Original Signed"	Signature Date:	July 9, 2012
Name:	Doug Doll	Title:	Manager Compliance