

Electronic Notification

Notice

**NOTICE OF PROCEEDING
APPLICATION NO. 1605811
PROCEEDING ID. 462****APPLICATION FOR AN ORDER REGARDING THE SHARING OF RECORDS NOT AVAILABLE TO THE PUBLIC BETWEEN THE BALANCING POOL AND CAPITAL POWER GENERATION SERVICES INC.**

Take Notice that on January 22, 2010, the Balancing Pool filed an application (Application) with the Alberta Utilities Commission (Commission) pursuant to section 3 of the *Fair, Efficient and Open Competition Regulation* seeking an order from the Commission regarding the sharing of records not available to the public between the Balancing Pool and Capital Power Generation Service Inc. (CPGSI).

Background

The Balancing Pool has entered into an agency agreement with CPSGI (and its predecessor EPCOR Power Development Corporation) whereby CPSGI provides energy management services regarding the Genesee 1 and 2 generation units in return for a monthly fee from the Balancing Pool. For CPGSI to provide this service, the Balancing Pool submits that it is necessary for it to share with CPGSI records that are not available to the public that relate to the price and quantity offers submitted by or on behalf of the Balancing Pool to the Alberta Electric System Operator (AESO).

Relief Requested

The Balancing Pool submits that the agency arrangement with CPSGI is consistent with the *Fair, Efficient and Open Competition Regulation*, and requests that the Commission issue an order permitting the sharing of records not available to the public between the Balancing Pool and CPGSI.

Hearing and Parties to the Proceeding

Subsection 3(5) of the *Fair, Efficient and Open Competition Regulation* requires the Commission, upon receipt of an application under section 3, to publish notice of the application and hold, in private, a hearing or other proceeding involving the market participant that filed the application and the Market Surveillance Administrator (MSA), if the MSA chooses to participate in the hearing or other proceeding.

Accordingly, the parties in this Proceeding will be limited to the Balancing Pool and the MSA, if the MSA chooses to participate in the Proceeding.

A copy of the Application filed with the Commission by the Balancing Pool is not available to the public.

Publicly available information regarding this Proceeding is available for viewing through the [Proceeding Search system](#) which is accessible under the [E-Filing Services & Regulatory Document Search](#) section of the homepage on the Commission website at www.auc.ab.ca.

Intervention in the Proceeding

If the MSA wishes to intervene in this Proceeding, it must submit a Statement of Intent to Participate (SIP) to the Commission by the participation closing deadline of **4:00 pm, February 8, 2010**.

The SIP should provide an indication as to whether the MSA supports or objects to the Application and the supporting rationale. The SIP should also provide an indication as to whether the MSA requires an evidentiary process including information requests and filing of evidence. If the MSA is represented by another party, the contact information for the representative should be included.

An electronic copy of the SIP can be filed with the AUC at:

Email: Filings@auc.ab.ca
Subject: **Application 1605811 – Preferential Sharing of Records - SIP**

If you have any questions with respect to Proceeding 462, please contact Darin Lowther at (403) 592-4507, or by email at darin.lowther@auc.ab.ca or Cam Hughes at (403) 592-4510 or email at cam.hughes@auc.ab.ca.

Issued at Calgary, Alberta on January 28, 2010.

ALBERTA UTILITIES COMMISSION
Douglas A. Larder, Q.C.
General Counsel