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Alberta Utilities Commission

**Stakeholder Consultation Discussion Paper –**

**ISO Rule Objections, Complaints and Related  
Matters**

July 29, 2009



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# STAKEHOLDER CONSULTATION DISCUSSION PAPER

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## 1 INTRODUCTION AND BACKGROUND

1. The Alberta Utilities Commission (Commission) was established on January 1, 2008. The *Alberta Utilities Commission Act* (AUC Act) and amendments to the *Electric Utilities Act* (EUA) provide a number of new powers, functions and duties to the Commission in relation to various aspects of the electricity markets.
2. The Commission initially consulted with industry stakeholders on a number of topics related to new Commission rules, processes and procedures. These consultations included Rule 017: *Procedures and Process for Development of ISO Rules and Filing of ISO Rules with the Alberta Utilities Commission* (Rule 017); Rule 019: *Specified Penalties* (Rule 019); and the procedures for hearing objections to Independent System Operator (ISO) rules under section 20.4 and 20.5 of the EUA. Additional consultations have taken place since then.<sup>1</sup>
3. Following these stakeholder consultations, the Commission conducted hearings that dealt with objections to ISO rules.<sup>2</sup>
4. In early 2009, after the first few ISO rule proceedings, the Commission surveyed the parties who were directly involved in one or more of the markets proceedings held in 2008 (stakeholder survey) with the objective of identifying areas of success and areas for improvement as well as other topics related to the markets hearing processes.
5. The purpose of this discussion paper is to summarize the feedback from stakeholders and to initiate discussion about changes being considered by Commission staff. The ideas and suggestions are presented to generate further discussion and input from interested parties, and are not to be considered proposals endorsed by the Commission.
6. This discussion paper includes the following matters:
  - Summary of Stakeholder Comments and Suggestions,
  - Process To Hear Objections to ISO Rules,
  - Process To Hear Complaints to ISO Rules,
  - Information Technology (IT) Access Matters, and
  - Rule 019 and Bill 50<sup>3</sup> Considerations.

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<sup>1</sup> For further information on consultations at the Commission, see the Commission website at <http://www.auc.ab.ca/market-oversight/market-consultations/Pages/default.aspx>.

<sup>2</sup> These included Proceeding ID 31 – Generator Outage Cancellation and Rescheduling, Proceeding ID 33 – Long Lead Time Energy Dispatches and Directives, Proceeding ID 41 – Transmission Constraints Management, and Proceeding ID 43 – South Area Operations, all of which dealt with objections to ISO rules.

<sup>3</sup> The proposed *Electric Statutes Amendment Act, 2009*, introduced in the Alberta Legislature on June 1, 2009.

## Summary of Stakeholder Comments and Suggestions

7. The following is a summary of the suggestions for improvement received by the Commission as part of the stakeholder survey regarding objections to ISO rules. The specific proceeding within which the comments were provided is also identified below:

- Improve the Alberta Electric System Operator (AESO) stakeholder consultation process so that participants provide their input and comments during the consultation process rather than presenting new options and positions during the hearing (Proceeding ID 31);
- To the extent that the Commission wants an expedited hearing process for ISO rule objections, expand consultation as a required part of Rule 017 (Proceeding ID 31);
- Establish a written information request process (or something similar) prior to the commencement of the oral hearing (Proceeding ID 31, 33 and 41); and
- Introduce a mechanism (such as an agreed statement of facts) in order to focus the issues being debated and assist the Commission in understanding the complexities of the case (Proceeding ID 33).

## 2 PROCESS FOR OBJECTIONS TO ISO RULES PROCEEDINGS

8. The comments received from stakeholders suggest two distinct approaches to the Commission's oversight of ISO rule making. The first approach is broader and suggests a desire to include the record of the ISO's own consultation process as part of the objection process. The second approach is more narrowly focused on improvements to the Commission's current procedure in considering objections filed by market participants. Although distinct, the two approaches are inextricably linked in the sense that the nature and output of the consultation between the ISO and market participants will necessarily shape the way the Commission carries out its decision making responsibility under section 20.5 of the EUA. A more robust and fully documented ISO consultation process, for example, is more likely to lead to a hearing process that is quicker, more efficient and less costly. An ISO rule filed with the Commission and not accompanied by, or supported by, such a fully documented consultation process will require that the Commission use the hearing process to build such a record, which in turn will lengthen the proceeding.

### **OPTION 1: Incorporate AESO Consultation Process as part of ISO Rule Objection Hearing Proceeding**

9. The ISO currently carries out consultations under a process outlined in recent consultations.<sup>4</sup> Material related to the consultation, including the comments of parties and the reply of the AESO have formed part of the record in the rule objection proceedings to date. It is the staff's view that a complete and thorough record, one that accurately describes the mischief intended to be remedied by the proposed rule, the history of discussions and consultation, the positions of the participants and the rationale or basis for these positions and the reasoning that

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<sup>4</sup> For further information on the AESO consultation process, see the AESO website at [http://www.aeso.ca/downloads/AESO\\_Market\\_Services\\_Presentation\\_-\\_July\\_22\\_2009.pdf](http://www.aeso.ca/downloads/AESO_Market_Services_Presentation_-_July_22_2009.pdf)

underlies the ultimate rule that is filed with the Commission, is of invaluable assistance to the Commission and is necessary to:

- (a) facilitate the resolution of some issues between the AESO and interested parties thereby reducing the issues to be addressed in an ISO rule objection proceeding before the Commission;
- (b) make it possible for parties to agree to a full or partial statement of facts relevant to an ISO rule objection proceeding thereby improving the efficiency of the proceeding; and
- (c) allow options and alternatives to be put forward and debated prior to an ISO objection proceeding, avoiding the situation where parties encounter options or positions for the first time at the Commission's ISO rule objection proceeding.

10. Perhaps most importantly, an expanded record reflects consultation in a way that shows the Commission that all relevant parties fully participated; that arguments, rationales and proposals were advanced and met in a principled, forthright way, and that the filed rule is supported by clear reasoning, provides the Commission with the basis for implementing a quicker, less costly, hearing process. The Commission would be able to rely upon the record, assured of its completeness, and minimize the number of procedural steps and filings that currently are required.

11. Option 1 would see a more expansive and perhaps mandatory consultation process for market participants coupled with the creation of a written record that would include:

- a requirement to file the history respecting the impetus for the proposed rule, including any discussion paper prepared by the AESO and any comments received in response to the discussion paper;
- all other related submissions and exchanges between parties;
- written questions from a market participant to other market participants and the AESO about positions or arguments and respective responses to those questions;
- the obligation of market participants to file their views and suggested changes to the proposed ISO rule; and
- a written decision issued by the AESO with reasons that clearly explain why certain positions were rejected and others accepted in determining the proposed rule.

12. All of the exchanges between parties would be documented and form part of the record that would be before the Commission in an objection proceeding.

13. If meaningful participation and a complete record of the consultation are the outcomes of a consultation process, the Commission could consider an objection to the rule on the basis of the record. Some submissions would likely be necessary by the parties but if the record is complete, as discussed above, these submissions are likely to be briefer, highlighting the objector's position for example, with references to the record. A record would not have to be created in the Commission's proceeding itself, except to the extent necessary for parties to address questions of

clarification about their positions during a hearing. The need for witnesses to complete the record through written submissions over and above those already submitted in the ISO consultation process could be reduced and the possibility that the rule objection proceeding could be conducted in writing would be increased.

14. Commission staff considers that there may be merit in limiting a market participant's right to object to a proposed rule, if the objector chose not to fully participate or participate at all in the AESO's consultation on the rule's development, unless a market participant could show that exceptional circumstances existed which prevented or hindered their participation in the consultation or if new facts or other matters have arisen since the consultation was completed. Parties who did participate fully in the process, of course, would be entitled to object under the provisions of the EUA. Therefore, absent extraordinary circumstances, the Commission staff proposes to limit the scope of the objection proceeding to those issues that were raised during the consultation process and that will already form part of the record.

15. The suggested limitations respecting participation and scope are intended to encourage meaningful participation by parties in the AESO consultation process and to ensure an efficient proceeding before the Commission.

## **OPTION 2: Revise the Current ISO Objection Proceeding Process**

16. The second option addresses changes to the existing Commission hearing process and focuses on the last two stakeholder comments listed in paragraph 7.

17. This option leaves the present ISO rule objection process largely intact<sup>5</sup> and does not require the AESO to modify its processes to any significant extent. Under this option, the Commission would continue to encourage market participants to participate in the AESO consultation process as opposed to expressing an objection to an ISO for the first time before the Commission through the ISO rule objection process but the Commission would not introduce formal requirements for change to the AESO consultation process.

18. The Commission would focus on making enhancements to the existing process as follows:

- Consider the addition of written proceedings. Presently, market proceedings have been conducted orally. This approach is unique to market proceedings. The Commission has experience conducting both oral and written proceedings in other areas over which it has a mandate to regulate and would like to pursue the option of conducting written proceedings where circumstances dictate;
- Consider the introduction of written information requests. The current process does not provide for an interrogatory process. Again, this is unique to market proceedings. While the need for written information requests may not exist in all market proceedings, it may be of value to introduce this commonly used process for those market proceedings that are complex and/or have substantial pre-filed evidence; and

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<sup>5</sup> See Proceeding ID 31 – Generator Outage Cancellation and Rescheduling, Proceeding ID 33 – Long Lead Time Energy Dispatches and Directives and Proceeding ID 41 – Transmission Constraints Management for examples of the current process.

- Consider the introduction of an agreed statement of issues. This may be of benefit in terms of focusing the issues being addressed, however, it has not been included in the template discussed below.

19. A template that reflects how the changes noted above could be incorporated in the current process for ISO rule objection proceeding is provided in Appendix A (oral hearings) and B (written hearings). The development of a template is only a guide. The final determination of any hearing process will be determined by the Commission on a case by case basis.

20. Stakeholders are encouraged to comment regardless of whether the items discussed above have been included in the template.

21. The Commission has established an overall timeline for ISO rule objection proceedings, and will undertake to have 75% of ISO rule objection proceedings reach the hearing stage within 75 days of the completed application. Further, the Commission will issue a decision in all ISO rule objection proceedings within 90 days after the conclusion of the hearing or other proceeding.

### **3 PROCESS FOR ISO RULE COMPLAINTS PROCEEDINGS**

#### **Brief Overview of Differences from the ISO Rules Objection Process**

22. Legislative provisions regarding complaints to the Commission about an ISO rule differ from the legislative provisions that apply to objections to ISO rules that are filed with the Commission.

23. The complaints process has a threshold test as outlined in subsections 25(4) and 25(4.2) of the EUA, which states as follows:

**25(4)** The Commission may decline to hold a hearing or other proceeding if, in the opinion of the Commission,

- (a) the complaint is frivolous, vexatious, trivial or otherwise does not warrant a hearing or other proceeding, or
- (b) the complaint or the substance of it has been referred to, should be referred to, or is the subject of investigation by, the Market Surveillance Administrator.

**25(4.2)** The Commission must decline to hold a hearing or other proceeding if, in the opinion of the Commission, the complaint or the substance of it relates to the Independent System Operator's compliance with the Commission rules made under section 20.9 in making the ISO rule.

#### **Summary of Stakeholder Comments and Suggestions**

24. The Commission has received complaints regarding ISO rules that are currently in effect, but for various reasons unrelated to the hearing process, has not been required to hold a complaints hearing. However, the Commission has issued a decision on the threshold test under subsections 25(4) or 25(4.2) of the EUA. Given this limited involvement, the Commission did

not include questions regarding an oral complaints hearing process in its stakeholder survey of 2008 proceedings.

### **Commission Objectives, Considerations and Suggestions<sup>6</sup>**

25. The Commission is seeking to address the application filed by the market participant complainant in as timely a manner as is reasonably possible, while at the same time adhering to principles of natural justice and procedural fairness. When developing the process associated with ISO rule complaint proceedings, the Commission must consider the steps and time elements outlined in relevant sections of the legislation. Where applicable, Commission staff have considered and incorporated the input received with respect to the objections proceedings as noted in Section 2 of this discussion paper.

26. In considering complaints regarding ISO rules, the Commission has established a two stage procedural process. The first stage involves the Commission issuing a Notice of Proceeding, the intervention of other market participants through the submission of a statement of intent to participant, and the receipt and consideration of submissions regarding subsections 25(4) and 25(4.2) of the EUA as noted above. The second stage involves the further steps considered necessary by the Commission for the disposition of the complaint if the Commission determines that it is necessary to hear the complaint.

27. The Commission notes that the subject of an ISO rule complaint may involve complex technical subject matters and that unlike objections regarding ISO rules, prior consultations between the AESO and interested parties may or may not have taken place. This is an important consideration, as in many cases the Commission expects that prior consultations with the AESO will not have taken place, in which case the Commission is required to establish a record in the first instance, rather than relying on a record established as part of an AESO consultation.

28. Even in this instance, there is merit in market participants first approaching the AESO regarding any concerns or complaints regarding an ISO rule. However, given the different legislative scheme, the different historical development of ISO rules prior to January 1, 2008 and the potential lack of prior consultations, two different approaches between objections and complaints regarding ISO rules are warranted.

29. After consideration of the comments made with respect to ISO rule objection proceedings, the legislative requirements and the objectives noted above, Commission staff have identified the following enhancements to the existing process:

- Consider the addition of written proceedings. The Commission has experience conducting both oral and written proceedings in other areas over which it has a mandate to regulate and would like to pursue the option of conducting oral or written proceedings where circumstances dictate;
- Consider the introduction of written information requests. The process used to date did not provide for an interrogatory process. While the need for written information requests may not exist in all market proceedings, it may be of value to introduce this

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<sup>6</sup> These are the views of Commission staff, not the Commission itself, and are presented to promote discussion regarding the topic.

commonly used process for those market proceedings that are complex and/or have substantial pre-filed evidence; and

- Consider the introduction of an agreed statement of issues. This may or may not be possible given the nature of the complaint, the complexity of the issue and the absence of any advance consultation on the associated topic(s) involved in the case. This has not been included in the template below.

30. After consideration of the comments discussed above, Commission staff has developed a template for oral hearings regarding a complaint to an ISO rule (see Appendix C) and written hearings regarding a complaint to an ISO rule (see Appendix D). The development of a template is only a guide. The final determination of any hearing process will be determined by the Commission on a case by case basis.

31. Stakeholders are encouraged to comment regardless of whether the items discussed above have been included in the template.

32. The Commission has established an overall timeline for ISO rule complaint proceedings, and will undertake to have 75% of ISO rule complaint proceedings reach the hearing stage within 75 days of the completed application. Further, the Commission will issue a decision in all ISO rule complaint proceedings within 90 days after the conclusion of the hearing or other proceeding.

## **4 ELECTRONIC INFORMATION ACCESS**

### **Summary of Stakeholder Comments and Suggestions to Date**

33. The Commission's stakeholder survey asked questions regarding the ability of market participants and interested parties to access and file records through the Commission's electronic systems with respect to Markets proceedings. Stakeholder survey respondents were asked to indicate whether they strongly agreed, agreed, disagreed or strongly disagreed with the following statements:

- (a) I was able to access the records related to markets proceedings without difficulty;
- (b) I understood how to file my documents through the Commission's electronic system and see what others had filed; and
- (c) Any questions or difficulties I had were addressed satisfactorily by Commission personnel.

34. The following is a summary of the suggestions for improvement received by the Commission as part of the stakeholder survey regarding electronic information access:

- Parties suggested that the Commission's electronic system for access to proceeding documents be simplified and made more user-friendly;
- One party suggested that proceeding transcripts be posted and made available similar to other documents related to a proceeding; and

- One party suggested that the Commission develop a calendar for key dates of proceedings that can be readily accessed.
35. Other comments regarding electronic information access include the following:
- Parties indicated that the filing process and retrieval mechanism is cumbersome, challenging, difficult and not intuitive. One party indicated that filing documents took repeated calls to Commission staff and finding documents required contacting colleagues in industry;
  - The Commission's electronic system for filing documents was identified as not working well in a MAC environment;
  - Parties indicated the Markets Division was responsive to inquires and assisted in understanding the process;
  - The requirement to pay the significant costs of transcripts was identified as a barrier to openness and transparency; and
  - One party indicated that they had to send their documents to the application officer in order to ensure that the Commission received the filings.

### **Commission Objectives, Considerations and Suggestions<sup>7</sup>**

36. The objective of the Commission in developing and using electronic information access regarding markets proceedings is that market participants are able to access relevant records regarding the proceedings without difficulty. Electronic information access is also intended to enhance the efficiency and effectiveness of information filing and retrieval.

37. The information systems used for markets proceedings have been modified to deal with markets-related matters based on the systems used across the Commission.

38. Following the separation of the Commission systems from the previous Alberta Energy and Utilities Board systems, the IT Department invited 36 individuals from a broad range of organizations, including major utilities, municipalities, intervener groups and representatives to provide feedback on how the Commission's systems could be improved. The responses identified above that were provided to the Commission through the stakeholder survey were also provided to the IT Department as input to their process.

39. On April 15, 2009, the IT Department held a meeting that was attended by 22 participants. During the meeting parties made suggestions as to how the external website and E-Filing Services (including Digital Data Submission, the Electronic Application System, Application Search, Proceeding Submission and Proceeding Search) could be enhanced to improve the user experience and satisfaction when interacting with the Commission's systems.

40. The IT Department committed to providing better communication as to when enhancements to the systems that affect external users are released into production. The

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<sup>7</sup> These are the views of Commission staff, not the Commission itself, and are presented to promote discussion regarding the topic.

Commission's change request and prioritization processes were also outlined in the context of Commission budget constraints.

41. The timing and frequency of future feedback sessions regarding electronic information access will be determined when the pace of completion of change requests can be determined. However, in the meantime, further comments and questions can be addressed directly to the IT Department at [systemservices@auc.ab.ca](mailto:systemservices@auc.ab.ca).

42. Finally, the Commission is interested in stakeholder input regarding the comment that proceeding transcripts be posted and made available similar to other documents related to a proceeding.

## **5 FUTURE CONSULTATIONS**

### **Rule 019 and Bill 50**

43. Rule 019 and sections of Bill 50 regarding Alberta Reliability Standards are also topics that may warrant stakeholder consultation.

44. Prior consultations on Rule 019 involved the establishment of specified penalties for contravention of ISO rules. An interim version of Rule 019 was established effective January 2, 2008, and a revised version was established effective July 1, 2008.

45. When Rule 019 was established, the Commission recognized that changes to specified penalty tables would be required from time to time as changes were made to ISO rules. In June 2008, as consultations were concluded, the Commission was also made aware of additional rules that the AESO suggested be included in the specified penalties tables. Due to the timing of this suggestion, these rules were not added to the specified penalties tables at that time.

46. In its Q1 2009 Quarterly Report, the MSA noted its intention to request that the Commission revisit Rule 019 to either expand the number of rules included in the specified penalty tables, or to create a specified penalty table for all ISO rules. The MSA also stated that Rule 019 may need to be revisited following the revision to ISO rule 6.6, and consequently is of the view that it is sensible to delay its request to revisit Rule 019 at this time.

47. In addition, provisions of Bill 50 contemplate amendments to the AUC Act that would permit the Commission to make a rule regarding specified penalties for Alberta Reliability Standards.

48. The Commission is interested in the extent to which industry stakeholders would see benefit in opening Rule 019 to further stakeholder consultations and/or adding a rule to address specified penalties for Alberta Reliability Standards. To the extent that parties would see benefit in further stakeholder consultations regarding specified penalties, Commission staff is interested in obtaining data and information from either the AESO or the MSA with which to further analyze the dollar amount of the specified penalties currently in Rule 019. Finally, to the extent that parties are interested in further consultations regarding specified penalties, the Commission is interested in the nature of the changes proposed by stakeholders.

## Alberta Reliability Standards

49. The AESO has filed Alberta Reliability Standards and an Alberta Reliability Standards Glossary of Terms with the Commission. These filings were made in accordance with subsection 19(4)(b) of the *Transmission Regulation* (AR 86/2007) (Transmission Regulation).

50. Pursuant to subsection 19(4) of the Transmission Regulation, the AESO, before adopting or making Alberta Reliability Standards, must consult with those market participants that it considers are likely to be directly affected, and must forward the Alberta Reliability Standards to the Commission for review, along with the AESO's recommendation that the Commission approve or reject them. Unlike the ISO rules consultation process, the Commission has not established a rule similar to Rule 017 with respect to the procedures and process for the development of Alberta Reliability Standards and the filing of Alberta Reliability Standards with the Commission.

51. The Commission is interested in the extent to which industry stakeholders would see benefit in the development of a Commission rule regarding Alberta Reliability Standards. Further, to the extent that parties are interested in stakeholder consultations regarding the development of a Commission rule with respect to Alberta Reliability Standards, the Commission is interested in the nature of the suggested provisions of such a rule and the reasons why it might be necessary.

## 6 CONSULTATION PROCESS

52. The Commission appreciates the input provided through the stakeholder survey conducted earlier this year, and is using that feedback as the starting point for the current consultation.

53. Stakeholders and interested parties are asked to submit written comments on this discussion paper on or before **August 28, 2009**. Based on the comments received, the Commission will determine the next step in the consultation process and the timing of these next steps.

54. Interested parties are requested to make their submission on this discussion paper in electronic format to John Esaiw at [john.esaiw@auc.ab.ca](mailto:john.esaiw@auc.ab.ca).

## APPENDIX A

The following is a template for an oral ISO rule objection proceeding, as discussed in section 3 of this discussion paper. Items that are bolded are changes from the process communicated by the Commission on June 27, 2008<sup>8</sup>:

Table 1. Template Process – Objection to an ISO Rule (Oral Hearing)

	Submission Type	Timeframe	Comment
1.	ISO files ISO Rule with the Commission	Not applicable	Follows process as outlined in Rule 017
2.	Commission issues Notice of Filing and Notice for Objection	Within 5 days of ISO filing with the Commission	Legislated Requirement
3.	Market Participant Objector (MPO) files Notice of Objection	10 days following Commission Notice of Filing and Notice for Objection	Legislated Requirement <b>Parties should include in their objection an estimate of the time required to file Supplemental Evidence</b>
4.	Commission issues Notice of Proceeding	<b>Flexible</b>	Commission to appoint panel and establish process
5.	Commission issues Schedule	<b>Flexible</b>	<b>May be combined with Commission Notice of Proceeding</b>
6.	All other parties file Statement of Intent to Participate (SIP). Parties intending to file Evidence must so indicate in their SIP	10 days from Notice of Proceeding or as specified in Commission Schedule	
7.	MPO files Supplemental Evidence (if any) Parties supporting the MPO file Evidence (if any). No new grounds to be introduced	<b>2 weeks</b> following Notice of Proceeding or as specified in Commission Schedule	
8.	<b>Parties file Information Requests to MPO and parties supporting the MPO (if any)</b>	<b>1 week following filing of Supplemental Evidence by MPO (if any) and Evidence by parties supporting the MPO (if any) or as specified in Commission Schedule</b>	<b>Provisions for Information Requests are at the discretion of the Commission panel</b>

<sup>8</sup> For further background regarding the existing process, see Proceeding ID 31, Notice of Proceeding, June 27, 2008.

	<b>Submission Type</b>	<b>Timeframe</b>	<b>Comment</b>
9.	<b>MPO and parties supporting the MPO file Information Request responses</b>	<b>1 week following filing of Information Requests</b>	
10.	ISO and parties supporting the ISO (if any) file Evidence (if any)	Later of: <b>10 days following filing of Information Request responses</b> ; and 20 days following filing of Supplemental Evidence, or as specified in Commission Schedule	
11.	<b>MPO and parties supporting the MPO file Information Requests to ISO and parties supporting the ISO (if any)</b>	<b>1 week following filing of Evidence by ISO and parties supporting the ISO</b>	<b>Provisions for Information Requests are at the discretion of the Commission panel. This step may be skipped if no Information Requests to the MPO and parties supporting the MPO or if no Evidence is filed by the ISO and parties supporting the ISO</b>
12.	<b>ISO and parties supporting the ISO file Information Request responses</b>	<b>1 week following filing of Information Requests</b>	
13.	MPO and parties supporting the MPO file Rebuttal Evidence (if any)	Later of: <b>10 days following filing of Information Request response by ISO/ISO supporter(s)</b> ; and 10 days following filing of ISO/ISO supporter(s) Evidence, or as specified in Commission Schedule	
14.	Oral Hearing	<b>2 weeks</b> following filing of Rebuttal Evidence (if any) or as specified in Commission Schedule	
15.	Argument and Reply Argument	Form and timing of Argument to be determined by presiding Commission panel.	

## APPENDIX B

The following is a template for a written ISO rule objection proceeding, as discussed in section 3 of this discussion paper. The steps in the written hearing are the same as the oral hearing, with the exception of steps 14 and 15. Bolded items are changes from the process communicated by the Commission on June 27, 2008:

Table 2. Template Process – Objection to ISO Rule (Written Hearing)

	Submission Type	Timeframe	Comment
1.	ISO files ISO Rule with the Commission	Not applicable	Follows process as outlined in Rule 017
2.	Commission issues Notice of Filing and Notice for Objection	Within 5 days of ISO filing with the Commission	Legislated Requirement
3.	Market Participant Objector (MPO) files Notice of Objection	10 days following Commission Notice of Filing and Notice for Objection	Legislated Requirement <b>Parties should include in their objection an estimate of the time required to file Supplemental Evidence</b>
4.	Commission issues Notice of Proceeding	<b>Flexible</b>	Commission to appoint panel and establish process.
5.	Commission issues Schedule	<b>Flexible</b>	<b>May be combined with Commission Notice of Proceeding</b>
6.	All other parties file Statement of Intent to Participate (SIP). Parties intending to file Evidence must so indicate in their SIP	10 days from Notice of Proceeding or as specified in Commission Schedule	
7.	MPO files Supplemental Evidence (if any) Parties supporting the MPO file Evidence (if any). No new grounds to be introduced	<b>2 weeks</b> following Notice of Proceeding or as specified in Commission Schedule	
8.	<b>Parties file Information Requests to MPO and parties supporting the MPO (if any)</b>	<b>1 week following filing of Supplemental Evidence by MPO (if any) and Evidence by parties supporting the MPO (if any) or as specified in Commission Schedule</b>	
9.	<b>MPO and parties supporting the MPO file Information</b>	<b>1 week following filing of Information Requests</b>	

	<b>Submission Type</b>	<b>Timeframe</b>	<b>Comment</b>
	<b>Request responses</b>		
10.	ISO and parties supporting the ISO (if any) file Evidence (if any)	Later of: <b>10 days following filing of Information Request responses</b> ; and 20 days following filing of Supplemental Evidence, or as specified in Commission Schedule	
11.	<b>MPO and parties supporting the MPO file Information Requests to ISO and parties supporting the ISO (if any)</b>	<b>1 week following filing of Evidence by ISO and parties supporting the ISO</b>	<b>This step may be skipped if no Information Requests to the MPO and parties supporting the MPO or if no Evidence is filed by the ISO and parties supporting the ISO</b>
12.	<b>ISO and parties supporting the ISO file Information Request responses</b>	<b>1 week following filing of Information Requests</b>	
13.	MPO and parties supporting the MPO file Rebuttal Evidence (if any)	Later of: <b>10 days following filing of Information Request response by ISO/ISO supporter(s)</b> ; and 10 days following filing of ISO/ISO supporter(s) Evidence, or as specified in Commission Schedule	
14.	<b>Written Argument</b>	<b>2 weeks following filing of Rebuttal Evidence (if any) or as specified in Commission Schedule</b>	
15.	<b>Written Reply Argument</b>	<b>10 days following Written Argument</b>	

## APPENDIX C

The following is a template for an oral ISO rule complaint proceeding, as discussed in section 3 of this discussion paper. Items that are bolded are changes from the process communicated in past proceedings:

Table 3. Template Process – First Stage of a Complaint of an ISO Rule

	Submission Type	Timeframe	Comment
1.	Market Participant Complainant (MPC) files Complaint with the Commission	Not applicable for ISO rules	Commission to appoint panel and establish process
2.	Commission issues Notice of Threshold Test re: subsections 25(4) and 25(4.2) of the EUA Filing of Statement of Intent to Participate (SIP) for all parties.	Flexible	The threshold test deals with matters addressed in subsections 25(4) and 25(4.2) of the EUA
3.	Commission issues Ruling on subsections 25(4) and 25(4.2) Filing Notice of Complaint	Flexible	The Commission may decline to hold a hearing based on the provisions of subsections 25(4) and 25(4.2) of the EUA

The following is a template for the second process stage of an oral complaint hearing regarding an ISO rule. This stage would only take place if the complainant has met the threshold tests pursuant to subsections 25(4) and 25(4.2) of the EUA:

Table 4. Template Process – Second Stage of a Complaint of an ISO Rule (Oral Hearing)

	Submission Type	Timeframe	Comment
4.	Commission issues Notice of Proceeding	<b>Flexible</b>	
5.	Commission issues Schedule	<b>Flexible</b>	<b>May be combined with Commission Notice of Proceeding</b>
6.	Parties supporting MPC file Evidence (if any). No new grounds to be introduced.	<b>2 weeks</b> following Commission Ruling on threshold tests or as specified in Commission Schedule	
7.	<b>Parties file Information Requests to MPC and parties supporting MPC (if any)</b>	<b>1 week following Filing of Evidence by parties supporting MPC or as specified in Commission</b>	<b>Provisions for Information Requests are at the discretion of the Commission panel</b>

	Submission Type	Timeframe	Comment
		<b>Schedule</b>	
8.	<b>MPC and parties supporting the MPC file Information Request responses</b>	<b>1 week following Filing of Information Requests</b>	
9.	ISO and parties supporting the ISO (if any) file Evidence	Later of: <b>10 days following filing of Information Request responses</b> ; and 20 days following filing of Evidence by parties supporting MPCs (if any) or as specified in Commission Schedule	
10.	<b>MPC and parties supporting the MPC file Information Requests to ISO and parties supporting the ISO (if any)</b>	<b>1 week following Filing of Evidence by ISO and parties supporting ISO</b>	<b>Provisions for Information Requests are at the discretion of the Commission panel. This step may be skipped if no Information Request to the MPC</b>
11.	<b>ISO and parties supporting the ISO file Information Request responses</b>	<b>1 week following Filing of Information Requests</b>	
12.	MPC and parties supporting the MPC file Rebuttal Evidence (if any)	Later of: <b>10 days following filing of Information Request response by ISO/ISO supporter(s)</b> ; and 10 days following filing of ISO/ISO supporter(s) Evidence, or as specified in Commission Schedule	
13.	Oral Hearing	<b>2 weeks</b> following filing of Rebuttal Evidence (if any) or as specified in Commission Schedule	
14.	Argument and Reply Argument	Form and timing of Argument to be determined by presiding Commission panel.	

## APPENDIX D

The following is a template for a written ISO rule complaint proceeding, as discussed in section 3 of this discussion paper. Items that are bolded are changes from the process communicated in past proceedings:

Table 5. Template Process – First Stage of a Complaint of an ISO Rule

	Submission Type	Timeframe	Comment
1.	Market Participant Complainant (MPC) files Complaint with the Commission	Not applicable for ISO rules	Commission to appoint panel and establish process
2.	Commission issues Notice of Threshold Test re: subsections 25(4) and 25(4.2) of the EUA Filing of Statement of Intent to Participate (SIP) for all parties.	Flexible	The threshold test deals with matters addressed in subsections 25(4) and 25(4.2) of the EUA
3.	Commission issues Ruling on subsections 25(4) and 25(4.2) Filing Notice of Complaint	Flexible	The Commission may decline to hold a hearing based on the provisions of subsections 25(4) and 25(4.2) of the EUA

The following is a template for the second process stage regarding a written complaint hearing regarding an ISO rule. This stage would only take place if the complainant has met the threshold tests pursuant to subsections 25(4) and 25(4.2) of the EUA. The steps in the written hearing are the same as the oral hearing, with the exception of steps 13 and 14:

Table 6. Template Process – Second Stage of a Complaint of an ISO Rule (Written Hearing)

	Submission Type	Timeframe	Comment
4.	Commission issues Notice of Proceeding	<b>Flexible</b>	
5.	Commission issues Schedule	<b>Flexible</b>	<b>May be combined with Commission Notice of Proceeding</b>
6.	Parties supporting MPC file Evidence (if any). No new grounds to be introduced.	<b>2 weeks</b> following Commission Ruling on threshold tests or as specified in Commission Schedule	
7.	<b>Parties file Information Requests to MPC and parties supporting MPC (if any)</b>	<b>1 week following Filing of Evidence by parties supporting MPC or as specified in Commission</b>	

	<b>Submission Type</b>	<b>Timeframe</b>	<b>Comment</b>
		<b>Schedule</b>	
8.	<b>MPC and parties supporting the MPC file Information Request responses</b>	<b>1 week following Filing of Information Requests</b>	
9.	ISO and parties supporting the ISO (if any) file Evidence	Later of: <b>10 days following filing of Information Request responses</b> ; and 20 days following filing of Evidence by parties supporting MPCs (if any) or as specified in Commission Schedule	
10.	<b>MPC and parties supporting the MPC file Information Requests to ISO and parties supporting the ISO (if any)</b>	<b>1 week following Filing of Evidence by ISO and parties supporting ISO</b>	<b>This step may be skipped if no Information Request to the MPC</b>
11.	<b>ISO and parties supporting the ISO file Information Request responses</b>	<b>1 week following Filing of Information Requests</b>	
12.	MPC and parties supporting the MPC file Rebuttal Evidence (if any)	Later of: <b>10 days following filing of Information Request response by ISO/ISO supporter(s)</b> ; and 10 days following filing of ISO/ISO supporter(s) Evidence, or as specified in Commission Schedule	
13.	Written Argument	<b>2 weeks following filing of Rebuttal Evidence (if any) or as specified in Commission Schedule</b>	
14.	Written Reply Argument	<b>10 days from Written Argument</b>	