

# Bulletin 2009-16

June 30, 2009

## **Discussion Papers**

### **Consultation on Market Surveillance Administrator (MSA) Proceedings Before the Alberta Utilities Commission (AUC or Commission)**

In [Bulletin 2009-15](#) the Commission initiated a consultation process to facilitate discussion on the potential regulatory treatment of procedural fairness and due process issues associated with proceedings brought before the Commission by the MSA.

As the first step in the consultation, stakeholders were asked to submit written comments to the Commission on the topics raised for discussion in Bulletin 2009-15. Written comments were submitted by ten stakeholders. These comments have been posted to the AUC website and are available for review in the Market Oversight > Market Consultations section, or by clicking [here](#). The Commission thanks stakeholders for taking the time to provide comments on the topics identified in the bulletin.

Attached are two discussion papers for review and comment by stakeholders. The first discussion paper is authored by Mr. Kenneth Jull of Baker & McKenzie LLP, who has been retained by the Commission to assist with the consultation. His discussion paper addresses eight key topics that involve the regulatory treatment of proceedings brought forward by the MSA. The second discussion paper is authored by Commission staff, and addresses a number of process improvements associated with specified penalty proceedings. Stakeholders are encouraged to consider the process improvements discussed in the specified penalty proceedings paper in the context of the topics discussed in the paper authored by Mr. Jull.

The discussion papers incorporate the comments received from stakeholders regarding the topics identified in Bulletin 2009-15. The discussion papers are intended to be a catalyst for further discussion, and do not reflect the conclusions of the Commission.

Stakeholders are requested to submit written comments on each discussion paper to Doug Larder, General Counsel, by email at [doug.larder@auc.ab.ca](mailto:doug.larder@auc.ab.ca) on or before **August 17, 2009**. Written comments will be posted to the AUC website, and a roundtable meeting to discuss the comments will be held on September 10, 2009 at the Commission's offices in Calgary.

Any questions relating to this consultation should be directed to Doug Larder at the email above, or by telephone at (403) 592-4520.

*(original signed by)*

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Chief Executive