

## Proposed Confidentiality Undertaking

[Stakeholders: Direct Energy Regulated Services (DERS), Utilities Consumer Advocate (UCA), Consumers’ Coalition of Alberta (CCA), Alberta Electric System Operator (AESO), City of Calgary (Calgary), EPCOR, AltaGas Utilities Inc. (AUI), AltaLink L.P. (AltaLink)]

Section	Subsection	Proposed form wording	Stakeholder comment	AUC response
<b>Confidentiality Undertaking</b>				
<b>Whereas</b> (party who obtained the confidentiality order)		Whereas <span style="color: red;">[insert name of party who obtained confidentiality order]</span> (grantee) applied to the Commission under Section 13 of Rule 001: <i>Rules of Practice</i> for confidential treatment of certain records, reports, documents or information in connection with the above-mentioned proceeding;	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests defining the term “proceeding” and using the defined term throughout the undertaking.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - The document uses a number of different terms to describe the relevant parties. It would be helpful to use only one term to describe each party rather than multiple terms to describe the same party.</p> <p><b>AUI</b> - No comments</p>	
<b>Whereas</b> (date of ruling)		And whereas the Commission in its ruling dated <span style="color: red;">[insert date of ruling]</span> (ruling) granted the grantee confidential treatment of certain records, reports, documents or information, or portions thereof, as specified in the ruling (the confidential information);	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - CCA is not sure there are degrees of confidentiality. A major concern is why a regulated utility would enter into agreements or contracts which cannot be publicly disclosed.</p> <p><b>AESO</b> - No suggested change.</p>	

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			<p><b>Calgary</b> - The definition of “confidential information” in this undertaking is based upon a reference to another document i.e. the underlying Commission ruling. To avoid ambiguity for ascertaining future compliance by the recipient, consider inserting [_____] which references the exact paragraph(s) of the ruling which set out the exact information being protected. It is noted previous AUC undertaking forms set out the exact information to be protected. Having this information specified assists in the management of the information and the compliance with the undertakings.</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
<p><b>And whereas</b> (name of recipient)</p>		<p>And whereas <u>insert name of recipient</u> (recipient), who is a party to, or is acting on behalf of a party, in this proceeding, wishes to be granted access to the confidential information for the purpose of participating in this proceeding;</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO seeks to clarify the meaning of the term “party” in this provision. The AESO seeks confirmation that each individual recipient within an organization (or counsel) that will have access to the confidential information and related materials is required.</p> <p><b>Calgary</b> - See comments below in Sections 2) and 4) about scope of undertaking in relation to being granted access “for the purpose of participating in this proceeding”. This recital should be modified to remove the highlighted language if the recommended changes are made. (highlighted “for the purpose of participating in this proceeding “)</p> <p><b>EPCOR</b> - Proceeding number to be identified [insert proceeding no.] instead of “this”</p> <p><b>AUI</b> - No comments</p>	
<p><b>Now therefore</b></p>		<p>Now Therefore, in consideration of receiving access to the confidential information, the recipient agrees and undertakes as follows:</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p>	

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			<p><b>AESO</b> - The AESO suggests that “Therefore” be lower-case.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
1)		<p>I have read the ruling and agree to observe its terms and conditions as they relate to the access, use and protection of the confidential information.</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> -No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change.</p> <p><b>Calgary</b> - Remove this clause. This clause is redundant given the execution and delivery of the undertaking. All obligations of the recipient should be contained in the undertaking. (highlighted” I have read the ruling and agree to observe its terms and conditions”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	

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2)		<p>I will only use the confidential information and all evidence, transcripts, notes, working papers, calculations, analysis or other materials based on or using the confidential information that I receive, review or prepare during the course of the proceeding (related materials) for the purpose of participating in Proceeding [insert proceeding no.] and any appeal, review or rehearing from the Commission's decision in this proceeding.</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests removing the words “during the course of the proceeding” from this provision, so that the materials from an appeal, review or rehearing will be included in the definition of “related materials”.</p> <p><b>Calgary</b> - The restriction on use of confidential information should not be restricted to the initial proceeding and appeal/review of any decision respecting the same. As long as the recipient agrees to be bound by its obligations on confidentiality and nondisclosure, and is subject to contempt sanctions and its indemnity obligations to the Commission, the recipient should be entitled to use the confidential information in any subsequent Commission proceeding, appeal or review application involving the grantee, and where the information is relevant to the (future) proceeding/review/appeal. To use confidential information in a future proceeding, the recipient would have to take proper steps in the future proceeding to ensure confidentiality protection, which would likely include a Rule 001 Section 13 application in the case of Commission proceedings. Obvious examples of future Commission proceedings where this approach would be of benefit to reduce costs, and increase fairness and transparency for Interveners, would be compliance filings in relation to a rate decision, the next subsequent general rate proceeding involving the grantee utility, or a generic proceeding (such as GCOC) involving the grantee utility. See comments in Section 7 below re a 5 year overriding limitation on use. (highlighted “for the purpose of participating in Proceeding [insert proceeding no.] and any appeal, review or rehearing from the Commission’s decision in this proceeding.”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
3)		<p>I will maintain all of the confidential information and related materials in confidence. I will not disclose the confidential information or related materials to any person except to</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p>	

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		<p>the Commission or to a person who is authorized by the Commission to receive access to the confidential information and who has executed and filed with the Commission an undertaking, unless otherwise required by law, in which case, I will promptly give written notice to the Commission and <u>the grantee</u> that such disclosure has been required</p>	<p><b>AESO</b> - No suggested change.</p> <p><b>Calgary</b> - This clause would suffice to protect unauthorized disclosure under the proposed revisions set out in Section 2), as the obligation is to disclose only to those persons who are authorized have filed undertakings with the Commission. (highlighted “who is authorized by the Commission to receive access to the confidential information and who has executed and filed with the Commission an undertaking”)</p> <p><b>EPCOR</b> - A reference to the recipient’s obligations to follow its document protocol for handling confidential information should be included.</p> <p><b>AUI</b> - No comments</p>	
4)		<p>I will not copy or reproduce the confidential information or related materials except in connection with my participation in Proceeding <u>[insert proceeding no.]</u>.</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change.</p> <p><b>Calgary</b> - Change to “except in connection with the uses authorized herein.” (highlighted “except in connection with my participation in Proceeding <u>[insert proceeding no.]</u>”).</p> <p><b>EPCOR</b>- Any copies, duplicates, reproductions are subject to the terms &amp; conditions of this Agreement and shall contain the same proprietary and confidential notices as appearing on the original materials.</p> <p><b>AUI</b> - No comments</p>	
5)		<p>I will use all reasonable and necessary efforts to safeguard the confidential information and related materials from any unauthorized disclosure or use.</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests that this provision be amended to include reference to handling the confidential information and related materials in</p>	

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			<p>accordance with the confidentiality protocol to be provided to the Commission under proposed new section 13.9(a) of AUC Rule 001.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
6)		<p>I shall save harmless and indemnify the Commission from and against all claims, actions, proceedings, demands, losses, damages, costs, and expenses which may be brought against the Commission or which the Commission may suffer, sustain, pay or incur, resulting from, or arising in connection with, the unauthorized use or disclosure by myself of the confidential information or the related materials.</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - CCA has some concerns with this clause. It is fair to expect the AUC to make a full defense to any claim or action. This clause, which could result in serious hardship to a participant, lends support to an overarching position for very limited use of confidential material.</p> <p><b>AESO</b> - The AESO suggests the insertion of a provision whereby the recipient acknowledges that any breach of the terms of the confidentiality undertaking will cause material and irreparable harm and damage to the grantee, and that the grantee will be entitled to injunctive relief to prevent breaches of the undertaking and to specifically enforce the terms and provisions of the undertaking, in addition to any other remedy to which the grantee may be entitled under law.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - As between the Rule and this form, there is no indemnity for the party releasing the document. Consequently, they may have difficulty in any action related to unauthorized use or release of the confidential information. The form should provide some reasonable protection for the party releasing the confidential information.</p>	
7)		<p>Subject to paragraphs 11 and 12, within 30 days of the expiration of any appeal or review period of the Commission's decision in respect of Proceeding <a href="#">[insert proceeding no.]</a>, unless otherwise directed by the</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - For these periods there should be a positive duty on the Grantee to notify parties of an R &amp; V and or Appeal process and the completion of the same.</p>	

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		Commission, I will:	<p><b>AESO</b> - The AESO suggests that the recipient be permitted to retain one copy of all confidential information and related materials, as the confidential information and related materials may be the subject of corporate decision records or other internal documents that the recipient is required to maintain. The recipient may also need to defend against claims related to the confidential information or related materials.</p> <p><b>Calgary</b> - Change highlighted section to “no later than 5 years of the date of” either the ruling or the undertaking.</p> <p>Note by leaving in the clause “unless otherwise directed by the Commission”, there will be flexibility for parties to seek orders from the Commission to have confidential information expunged etc. by recipients prior to or beyond the expiry of the 5 year period. (highlighted “Subject to paragraphs 11 and 12, within 30 days of the expiration of any appeal or review period of the Commission’s decision in respect of Proceeding [insert proceeding no.]”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
	a)	Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and control;	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests revising the wording to read “in my possession or under my direction and control.”</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
	b)	Deliver to the <b>grantee</b> or destroy all paper copies of the confidential information and related materials in my	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p>	

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		possession or under my direction and control; and	<p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
	c)	Provide an originally executed statutory declaration in the form attached to both the Commission and to the grantee.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - Are scanned or faxed copies permissible? They should be given the distance of some consultants.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
8)		I will promptly report a violation of this undertaking to the Commission and to the grantee.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - Can only apply to violations the signatory is aware of otherwise no position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - Take steps to retract and report back to AUC and grantee</p> <p><b>AUI</b> - No comments</p>	



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9)		I acknowledge that a breach of the terms of the ruling or this undertaking may be the subject of contempt proceedings in the Alberta Court of Queen’s Bench by the Commission.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b>- There should be an express obligation of a request for compliance with the undertaking prior to any further process.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
10)		I agree that no failure or delay by the Commission in exercising any right or privilege in respect of a breach of this undertaking or of the ruling, shall operate as a waiver.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
11)		In the event that any Commission decision in respect of this proceeding is the subject of a review application pursuant to Section 10 of the <i>Alberta Utilities Commission Act</i> and Rule 016: <i>Review of Commission Decisions</i> :	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - See above comments on notice of termination of R &amp; V or Appeal.</p> <p><b>AESO</b> - No suggested change Calgary - This clause could be deleted with the recommended changes to Section 7).</p> <p><b>Calgary</b> - This clause could be deleted with the recommended changes to Section 7).</p>	

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			<p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
	a)	<p>I may use the confidential information and related materials for the purpose of my participation in any such review or variance proceeding, subject to the ruling and the terms and conditions of this undertaking related to the access, use and protection of the confidential information;</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO seeks confirmation that this section is necessary given the wording of section 2. If this section is necessary, the AESO suggests beginning the section with the words: “Notwithstanding the previous sections of this confidentiality undertaking...”. The AESO suggests that this provision be amended to refer to “the access, use and protection of the confidential information and related materials”.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
	b)	<p>I will, within 30 days following the release of the Commission’s final disposition of any review application:</p> <p>i. Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support</p> <p><b>AESO</b> - The AESO suggests revising the wording in (i) to read “in my possession or under my direction and control.”</p> <p>The AESO suggests that the recipient be permitted to retain one copy of all confidential information and related materials, as the confidential information or related materials may be the subject of corporate decision records or other internal documents that the recipient is required to maintain. The recipient may also need to defend against claims related to the confidential information or related materials.</p> <p><b>Calgary</b> - No comments</p>	

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		control; ii. Deliver to the <u>grantee</u> or destroy all paper copies of the confidential information and related materials in my possession or under my direction and control; and iii. Provide an originally executed statutory declaration in the form attached to both the Commission and to the grantee.	<b>EPCOR</b> - No comments  <b>AUI</b> - No comments	
12)		In the event that any Commission decision in respect of this proceeding is the subject of a permission to appeal application or appeal:	<b>DERS</b> - No comments <b>UCA</b> - No comments <b>CCA</b> - See above comments on notice of termination of R & V or Appeal. <b>AESO</b> - No suggested change <b>Calgary</b> - This clause could be deleted with the recommended changes to Section 7) <b>EPCOR</b> - No comments. <b>AUI</b> - No comments	
	a)	I may use the confidential information and related materials	<b>DERS</b> - No comments <b>UCA</b> - No comments	

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		<p>for the purpose of my participation in any such permission to appeal application or appeal except to the extent that a court of competent jurisdiction grants any contrary order with respect to the confidential information or related materials;</p>	<p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO seeks confirmation that this section is necessary given the wording of section 2. If this section is necessary, the AESO suggests beginning the section with the words: “Notwithstanding the previous sections of this confidentiality undertaking...”.</p> <p>The AESO suggests clarifying that use of the confidential information and related materials in a permission to appeal application or appeal is subject to the terms of the confidentiality undertaking.</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p> <p><b>AltaLink</b> - This section appears to obviate the confidentiality obligation for a leave to appeal application. The confidentiality should continue to apply, subject to the direction of the Court. Now it reads that it does not apply and the onus shifts to the party that was granted confidentiality to apply to the Court. AltaLink suggests the following wording for 12(a)</p> <p>“12. In the event that any Commission decision in respect of this proceeding is the subject of a permission to appeal application or appeal:</p> <p>(a) The confidential information and related materials remain confidential and subject to the Confidentiality Order of the Commission except to the extent that a court of competent jurisdiction grants any contrary order with respect to the confidential information or related materials;”</p>	
	b)	<p>I will, unless otherwise directed by a court of competent jurisdiction, within 30 days following the release of a final decision disposing of the appeal (a decision dismissing the application for permission to appeal or a final decision on</p>	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests revising the wording in (i) to read “in my possession or under my direction and control.”</p> <p>The AESO suggests that the recipient be permitted to retain one copy of all confidential information and related materials, as the confidential information or related materials may be the subject of corporate decision records or other</p>	

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		appeal): i. Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and control;  ii. Deliver to the <u>grantee</u> or destroy all paper copies of the confidential information and related materials in my possession or under my direction and control; and  iii. Provide an originally executed statutory declaration in the form attached to both the Commission and to the grantee.	internal documents that the recipient is required to maintain. The recipient may also need to defend against claims related to the confidential information or related materials.  <b>Calgary</b> - No comments  <b>EPCOR</b> - No comments  <b>AUI</b> - No comments	
<b>Made</b> (place and date)		Made at _____, _____, this _____ day of _____,	<b>DERS</b> - No comments  <b>UCA</b> - No comments	

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		20__.	<p><b>CCA</b> - No comments</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
Signatures		Recipient signature Witness name Witness signature	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No comments</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
General comments on undertaking			<p><b>DERS</b> - Concerns about the impact of new rule on third party contracts. See letter</p> <p><b>UCA</b></p> <ol style="list-style-type: none"> <li>1. There is no mention of the protocol when someone breaches the confidential undertaking, whether it is by someone who has signed an undertaking or someone who has not.</li> <li>2. Is there a need for lawyers to sign given the law society and ethical rules and obligations surrounding implied undertakings and confidentiality;</li> <li>3. There may be a need for different CUs given sometimes confidential information will continue to be relevant in the next proceeding/s e.g. EPSP procurement methods.</li> </ol> <p><b>CCA</b> - CCA is concerned with growing use of confidential information for a number of reasons. Our substantial concern is the undertaking may limit participation of parties, consultants and experts.</p>	

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			<p><b>AESO</b> - No additional comments.</p> <p><b>Calgary</b> - The inclusion of a specified term or period for use of confidential information (often measured in years), together with prescriptive limitations on use, as well as surviving obligations on confidentiality and nondisclosure, reflects typical commercial practice in nondisclosure and under</p> <p><b>EPCOR</b> - The word “I” as used in numbered paragraphs 1-12 should be replaced with “The Recipient”.</p> <p><b>AUI</b> - No comments</p>	
<b>STATUTORY DECLARATION OF RECIPIENT (DESTRUCTION OF CONFIDENTIAL INFORMATION)</b>				
Declaration name		I, <b>[insert name of recipient]</b> _____of _____ in the _____ of _____, do solemnly declare as follows:	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No comments</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
1)		I had within my care and control records, reports, documents or information, or portions thereof, that were granted confidential treatment (confidential information) by the Commission in its ruling dated <b>[insert date of ruling]</b> (ruling) in Proceeding <b>[insert proceeding no.]</b> pursuant to Section 13 of Rule 001: <i>Rules of Practice</i> , and had within my care and control evidence, transcripts, notes, working papers, calculations,	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - The AESO suggests revising “care and control” to “in my possession or under my direction and control” to align with the confidentiality undertaking. The AESO suggests removing the words “during the course of the proceeding” from this provision, so that the materials from an appeal, review or rehearing will be included in the definition of “related materials”.</p>	

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		analysis or other materials based on or using the confidential information that I received, reviewed or prepared during the course of the proceeding (related materials).	<p><b>Calgary</b> - Remove highlighted section. No longer necessary.(highlighted “during the course of the proceeding (related materials).”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
2)		I executed an undertaking in accordance with the ruling and Section 13 of Rule 001: <i>Rules of Practice</i> (undertaking) to have access to the confidential information and related materials for the purposes of my participation in the above-noted proceeding.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - Remove highlighted section. No longer necessary.(highlighted “for the purposes of my participation in the above-noted proceeding.”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
3)		I have made no use of the confidential information or related materials except as permitted pursuant to the ruling and undertaking.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - Remove reference to ruling. See previous comments about restricting obligations of recipient only to those set forth in the undertaking. (highlighted “except as permitted pursuant to the ruling”)</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
4)		I have not disclosed the confidential information or related materials in	<b>DERS</b> - No comments	



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		any manner except as permitted by the ruling and undertaking.	<p><b>UCA</b> – No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - Remove reference to ruling. See previous comments about restricting obligations of recipient to only those set forth in the undertaking. (highlighted “except as permitted by the ruling”</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
5)		I have expunged all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession or under my direction and control.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	
6)		I have delivered to the grantee or have destroyed, all paper copies of the confidential information and related materials in my possession or under my direction and control.	<p><b>DERS</b> - No comments</p> <p><b>UCA</b> - No comments</p> <p><b>CCA</b> - No position- but not to be taken as support.</p> <p><b>AESO</b> - No suggested change</p> <p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - No comments</p> <p><b>AUI</b> - No comments</p>	

Section	Subsection	Proposed form wording	Stakeholder comment	AUC response
Declaration		And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.	<b>DERS</b> - No comments <b>UCA</b> - No comments <b>CCA</b> - No position- but not to be taken as support. <b>AESO</b> - No suggested change <b>AESO</b> - No suggested change <b>Calgary</b> - No comments <b>EPCOR</b> - No comments <b>AUI</b> - No comments	
Signatures and seal		Recipient signature Declared before me at the _____ of _____ in the province of _____ this ____ day of _____, 20__. _____ A Commissioner for Oaths in and for Alberta or a Notary Public (with seal affixed)	<b>DERS</b> - No comments <b>UCA</b> - No comments <b>CCA</b> - No comments <b>AESO</b> - No suggested change <b>Calgary</b> - No comments <b>EPCOR</b> - No comments <b>AUI</b> - No comments	
General comments on Statutory Declaration			<b>DERS</b> - No comments <b>UCA</b> - No comments <b>CCA</b> - No comments <b>AESO</b> - No additional comments.	

Section	Subsection	Proposed form wording	Stakeholder comment	AUC response
			<p><b>Calgary</b> - No comments</p> <p><b>EPCOR</b> - Add an additional paragraph to bind the corporate recipient:            “I, [name of declarant] am employed by the recipient in the capacity of [insert job title] and as such have knowledge of this Proceeding and the use of the confidential information referred to herein.”            The word “I” in paragraphs 1-6 should be changed to “the Recipient”.</p> <p><b>AUI</b> - No comments</p>	