

December 5, 2016

Via Email: jp.mousseau@auc.ab.ca

JP Mousseau
Alberta Utilities Commission
400, 425 First Street SW
Calgary, AB T2P 3L8

Dear Mr. Mousseau

Re: **Alberta Electric System Operator (“AESO”) – Stakeholder Comments re Bulletin 2016-019, Stakeholder consultation on proposed amendments to AUC Rule 001: Rules of Practice**

Enclosed please find the AESO’s comment matrix with respect to the consultation process for the proposed new AUC Rule 001.

If you have any questions, please do not hesitate to contact Brenda Hill, Regulatory Coordinator at brenda.hill@aesO.ca or (403) 539-2850.

Sincerely,

Electronically Signed by

Gillian Barnett
Regulatory Legal Counsel

cc:



AUC Rule 001: Rules of Practice	Proposed Changes to AUC Rule 001: Rules of Practice	AESO Comment
<p>2 Definitions</p> <p>“proceeding” means a matter brought before the Commission</p> <ul style="list-style-type: none"> (i) by application, (ii) by notice by the Market Surveillance Administrator (iii) by complaint, (iv) by an objection to an ISO rule in accordance with Section 20.4 of the <i>Electric Utilities Act</i>, or (v) by the Commission on its own initiative; 	<p>1 Definitions</p> <p>“proceeding” includes a matter before the Commission commenced by</p> <ul style="list-style-type: none"> (vi) application, (vii) notice by the Market Surveillance Administrator (viii) complaint, (ix) the filing of an ISO rule in accordance with Section 20.2 of the <i>Electric Utilities Act</i>, or (x) the Commission on its own initiative; 	<p>The AESO requests clarification that the proposed changes to the definition of “proceeding” were made for administrative reasons. The AESO suggests that the filing of an ISO rule is not a matter before the Commission until a notice of objection is filed under Section 20.4 of the <i>Electric Utilities Act</i>.</p> <p>The AESO suggests amending the definition of proceeding as follows:</p> <p>“proceeding” includes a matter commenced by:</p> <ul style="list-style-type: none"> (i) application, (ii) notice by the Market Surveillance Administrator (iii) complaint, (iv) the filing of an ISO rule in accordance with Section 20.2 of the <i>Electric Utilities Act</i>, or (v) the Commission on its own

initiative;

Additionally, the AESO requests clarification on whether the filing of an ISO rule in accordance with Section 20.6 of the *Electric Utilities Act* should be included in the definition of “proceeding.”

2 Application and interpretation of rules

2.1 These rules apply to all proceedings of the Commission, other than appeals under Part 7 of the *Alberta Utilities Commission Act*.

2.2 These rules must be liberally construed in the public interest to ensure the most fair, expeditious and efficient determination on its merits of every proceeding before the Commission.

2.3 The Commission may, at any time before making a decision on a proceeding, issue any directions it considers necessary for the fair, expeditious and efficient determination of an issue.

2.4 The Commission may dispense with, vary or supplement all or any part of these

The AESO suggests deleting “before the Commission” in section 2.2 pursuant to the AESO’s comment regarding the definition of “proceeding.”

	<p>rules if it is satisfied that the circumstances of any proceeding require it.</p> <p>2.5 The Commission may set time limits for doing anything provided for in these rules and may extend or abridge a time limit set out in these rules or by the Commission, on any terms that it considers reasonable, before or after the expiration of the time limit.</p> <p>2.6 No proceeding is invalid by reason of a defect or other irregularity in form.</p>	
<p>19 Commencement of proceedings</p> <p>19.1 A proceeding may be commenced by a party by filing:</p> <p style="padding-left: 40px;">(c) an objection to an ISO rule under Section 20.4 of the <i>Electric Utilities Act</i>.</p>	<p>5 Commencement of proceedings</p> <p>5.2 A proceeding may be commenced by the ISO by filing a rule in accordance with Section 20.2 of the <i>Electric Utilities Act</i>.</p>	<p>The AESO requests clarification on whether the filing of an ISO rule in accordance with Section 20.6 of the <i>Electric Utilities Act</i> would be considered a “proceeding.”</p>
<p>20 Forms of Application</p> <p>20.4 If an application is not complete, the Commission may close and return the application with an explanation of the deficiencies in the application.</p>	<p>6 Forms of Application</p> <p>6.3 If an application is not complete, the Commission may</p> <p style="padding-left: 40px;">(a) make an information request to the applicant; or</p> <p style="padding-left: 40px;">(b) close and return the application with an explanation of the deficiencies</p>	<p>The AESO requests clarification on whether this section permits the Commission to make an information request to the AESO upon the filing of an ISO rule in accordance with Section 20.2 of the <i>Electric Utilities Act</i>.</p>

	<p>in the application.</p>	
	<p>8 Notice of enforcement proceeding</p> <p>8.1 When the Commission commences an enforcement proceeding it must serve a notice of enforcement proceeding.</p> <p>8.2 A notice of enforcement proceeding must</p> <ul style="list-style-type: none"> (a) be in writing; (b) identify the names of the persons concerned; (c) provide reasonable particulars of the alleged contravention or failure to comply; (d) describe the order or other relief that the Commission is considering; and (e) any other information that the Commission may direct. 	<p>The AESO suggests amending 8.2(e) to read “provide any other information that the Commission may direct.”</p>
<p>24 Submission of intervenor</p> <p>24.1 A person who wishes to intervene in a proceeding shall file a submission and serve a copy of it on the other parties within the time set out in the notice of hearing.</p> <p>24.2 Unless otherwise directed by the</p>	<p>10 Statement of intent to participate</p> <p>10.1 Unless otherwise directed, a person that wishes to participate in a proceeding before the Commission must complete and file a statement of intent to participate. (Form RP2)</p>	<p>The AESO seeks to clarify that the time for filing a statement of intent to participate will be set out in the notice of hearing.</p> <p>The AESO requests clarification on that the content of Form RP2 is substantially</p>

<p>Commission, a submission must be in writing and include the following information:</p> <p>(a) a concise statement indicating</p> <ul style="list-style-type: none"> (i) for an application for a facility, the manner in which the intervener's rights may be directly and adversely affected by a decision of the Commission on the application, (ii) the nature and scope of the intervener's intended participation, (iii) the disposition of the hearing or other proceeding that the intervener advocates, if any, (iv) the facts the intervener proposes to show in evidence, (v) the reasons why the intervener believes the Commission should decide in the manner that the intervener advocates, and (vi) the intervener's efforts, if any, to resolve issues associated 		<p>similar to that described in current section 24 of AUC Rule 001.</p>
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<p>with the hearing or other proceeding directly with the applicant;</p> <p>b) the name, address in Alberta, telephone number, fax number and, if available, email address of the intervener;</p> <p>(c) if the intervener is represented by a representative, the name, address in Alberta, telephone number, fax number and, if available, email address of the representative;</p> <p>(d) if the intervener is a group or unincorporated organization, the nature of the intervener’s membership, and</p> <p>(e) any other information that the Commission considers necessary.</p>		
	<p>17 Filing of documents</p> <p>17.3 If a person or party cannot file a document or form using the eFiling System because</p> <p>(a) the person or party has no reasonable means to access the Commission’s eFiling System; or</p>	<p>The AESO suggests amending the formatting to read as follows:</p> <p>“17.3 If a person or party cannot file a document or form using the eFiling System because</p> <p>(a) the person or party has no reasonable means to access the</p>

	<p>(b) the person or party has no reasonable means of converting the document into a supported format,</p> <p>(c) the person may file the document by personal delivery, courier service, ordinary mail, email, fax, or by any other means directed by the Commission.</p>	<p>Commission’s eFiling System; or</p> <p>(b) the person or party has no reasonable means of converting the document into a supported format,</p> <p>the person may file the document by personal delivery, courier service, ordinary mail, email, fax, or by any other means directed by the Commission.”</p>
<p>12 Service of documents</p> <p>12.1 Subject to Section 12.2, a document required to be served under these rules or by the Commission may be served on a person or party</p> <p>(a) by filing the document in the Commission’s eFiling System,</p> <p>(b) by personal delivery,</p> <p>(c) by courier service, ordinary mail, fax or electronic means to the address given by the person or party, or</p> <p>(d) by such other method as the Commission directs.</p> <p>12.2 If a person or party required to</p>	<p>23 Service of documents</p> <p>23.1 Unless otherwise directed, the date of service of a document is the day on which the document becomes publicly available on the Commission’s eFiling System.</p>	<p>The AESO requests clarification on when service becomes effective and to confirm that a document may no longer be served by personal delivery, mail, or electronic means.</p> <p>The AESO suggests this section be amended to “Unless otherwise directed, service is effective on the date a document becomes publicly available on the Commission’s eFiling System.”</p>

serve a submission or other document on a proponent of a proposed application or an applicant and fails to do so, the Commission may serve a copy of the submission or other document on the proponent or the applicant.

12.3 A document may only be served by electronic means if the person or party being served has the information technology, equipment, software and processes for receiving or retrieving the document.

12.4 The date of service of a document is the day on which the document becomes publically available on the Commission's eFiling System, or for persons who cannot access the Commission's eFiling System, the date upon which the person receives the document by some other means.

12.5 Where an oral hearing or electronic hearing is in progress, a party entering a document as an exhibit shall file the document using the eFiling System and, when so directed by the Commission, provide copies of the document to the Commission and to Commission staff

<p>and parties attending the hearing.</p> <p>12.6 The Commission may serve, or direct the applicant to serve, a notice issued by the Commission either in accordance with this section or by public advertisement in a daily or weekly newspaper in circulation in the community affected by the proceeding.</p> <p>12.7 Any document required to be served on a party under these rules may be served on the party’s representative.</p>		
<p>41 Witness panels</p> <p>41.1 The Commission may permit evidence to be given by two or more witnesses sitting as a panel.</p> <p>41.2 Questions addressed to a witness panel may be directed at specific members of the panel or the panel in general.</p> <p>41.3 Unless the Commission otherwise directs, members of a witness panel may confer among themselves.</p> <p>41.4 Where a question is directed at a specific member of a panel and that member is not able to answer the</p>	<p>41 Witness panels</p> <p>41.1 Two or more witnesses may give evidence at an oral hearing by sitting as a panel.</p> <p>41.2 Questions addressed to a witness panel may be directed at specific members of the panel or the panel in general.</p> <p>41.3 If a question is not addressed to a specific member of a witness panel, the members of the witness panel may confer among themselves prior to answering the question.</p> <p>41.4 Where a question is directed to a specific member of a witness panel and that</p>	<p>The AESO requests clarification on on the purpose of limiting conferring among panel members where the panel does not include an independent expert witness. The AESO suggests that it is appropriate to limit conferring between an independent expert witness and other panel members.</p> <p>The AESO suggests section 41.3 be amended to “Unless a question is addressed to an independent expert on a witness panel or the Commission otherwise directs, members of the</p>

<p>question because of a lack of knowledge or qualifications, the Commission may permit another member of the panel to answer the question.</p>	<p>member is not able to answer the question because of a lack of knowledge or qualifications, the Commission may permit the members of the witness panel to confer among themselves and permit another member of the panel to answer the question.</p>	<p>witness panel may confer among themselves.”</p>
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