

December 5, 2016

JP Mousseau  
Commission Counsel  
Alberta Utilities Commission (AUC)  
4th Floor, 425 – 1 Street SW  
Calgary, Alberta T2P 3L8

**Dear Mr. Mosseau,**

**RE: Bulletin 2016-19 - Amendments to AUC Rule 001**

Thank you for your correspondence seeking comments on the proposed amendments to AUC Rule 001: *Rules of Practice*. The Utilities Consumer Advocate (UCA) appreciates the opportunity to provide input on this matter for your consideration.

#### **Background**

On March 29, 2016, the AUC issued Bulletin 2016-10 outlining the Commission's enforcement policy including: investigations, enforcement stages, enforcement proceedings and proposed amendments to AUC Rule 001 to better address enforcement proceedings brought by either the Market Surveillance Administrator (MSA) or the Commission.

On November 1, 2016, the AUC issued Bulletin 2016-19 inviting written comments from interested parties regarding proposed revisions to AUC Rule 001 indicated in a draft of the rule. Among other objectives, the revisions are designed to eliminate any gaps identified in the rule and add provisions related to the AUC's enforcement functions. In response to the proposed changes, the UCA submits the following comments for your consideration.

#### **Complaint Provisions**

The UCA notes a "proceeding" is defined in the Rule as a matter before the Commission commenced by an application, a complaint, or by the Commission on its own initiative. The UCA has identified a gap in the Rule with respect to complaints. The Rule includes a definition of "application" and provisions for the required form of applications but the rule does not include a definition or provisions of complaints.

The UCA submits a definition for "complaint" should be added to mean an allegation of wrongdoing or misconduct on the part of an entity that is subject to the jurisdiction of the AUC. A "complaint" should include third-party complaints and all customer concerns regarding utility services which are brought forth to the Commission's consumer relations group.

#### **Enforcement Provisions**

The UCA notes that the proposed amendments to the Rule include an added definition of “enforcement proceeding” which refers to a proceeding initiated by the Commission to determine a contravention or non-compliance with a provision of any enactment under the jurisdiction of the Commission, any decision or order of the Commission or any Commission rule. The UCA submits there is a gap with respect to the Rules for the compliance and enforcement process leading up to a proceeding.

The UCA submits that the compliance and enforcement process should be clearly defined in AUC Rule 001, or a new Rule, to provide clear rules for entities under the jurisdiction of the AUC. The Rule should state the requirements for compliance and the process for how all potential non-compliance matters brought forth by application or complaint or by the Commission on its own initiative are resolved. As per Bulletin 2016-20, the UCA will submit written comments specifically on the Commission’s enforcement policy and practices found to Greg Andrews at the AUC’s Market Oversight and Enforcement Division concurrently with this letter.

For further information or if you have questions, please contact me at (403) 476-4998 or [megan.gill@gov.ab.ca](mailto:megan.gill@gov.ab.ca).

Sincerely,



**Megan Gill**  
**Manager, Market Policy and Analysis**  
**The Office of the Utilities Consumer Advocate**

(delivered by e-mail)