

## **AUC Rule 017: Stakeholder comment matrix**

Please provide comments relating to the subsection of the rule in the corresponding box. If you have proposed language changes, please make the changes under the “proposed changes” column with tracked changes on (they are on by default).

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		<b>Part 1: General matters</b>	<b>Part 1: General matters</b>		
1	1.1	<b>Definitions</b> The definitions from the <i>Electric Utilities Act</i> apply to these rules.	<b>Definitions</b> The definitions from the <i>Electric Utilities Act</i> apply to these rules.		
1	1.2	In these rules: (a) “ISO” means the Independent System Operator. (b) “ISO rule” means a rule made by the ISO under its authority in the <i>Electric Utilities Act</i> that: i. has been approved by the Commission after August 1, 2018; or ii. was made by the ISO before August 1, 2018 and has not been amended or removed on or after August 1, 2018.	In these rules: (a) “ISO” means the Independent System Operator. (b) “ISO rule” means a rule made by the ISO under its authority in the <i>Electric Utilities Act</i> that: i. has been approved by the Commission after August 1, 2018; or ii. was made by the ISO before August 1, 2018 and has not been amended or removed on or after August 1, 2018.		
		<b>Part 2: Procedures and process for development of proposed rules and application for Commission approval</b>	<b>Part 2: Procedures and process for development of proposed rules and application for Commission approval</b>		
2	2.1	<b>Definitions</b> In this Part: (a) “proposed rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, a proposed removal of an existing ISO rule, or a renewal of an existing ISO rule that has a fixed term.	<b>Definitions</b> In this Part: (a) “proposed rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, a proposed removal of an existing ISO rule, or a renewal of an existing ISO rule that has a fixed term.		
3	3.1	<b>Application</b> This Part does not apply to proposed provisional rules or proposed initial rules as those terms are defined in Part 3.	<b>Application</b> This Part does not apply to proposed provisional rules or proposed initial rules as those terms are defined in Part 3.		

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4	4.1	<p><b>Notice for development of proposed rules</b></p> <p>When the ISO identifies an issue, or receives a complete proposal pursuant to its process under Section 20.81 of the <i>Electric Utilities Act</i>, that, in the opinion of the ISO, may require a proposed rule, the ISO must issue written notice to the Market Surveillance Administrator, market participants, and other interested parties prior to developing a proposed rule and must post the notice on the ISO’s website.</p>	<p><b>Notice for development of proposed rules</b></p> <p><del>When if</del> the ISO <del>identifies an issue, or receives a complete</del> proposal <del>determines that an issue or a complete</del> received pursuant to its process under Section 20.81 of the <i>Electric Utilities Act</i>, <del>that, in the opinion of the ISO, may</del> requires a proposed rule, the ISO must issue written notice to the Market Surveillance Administrator, market participants, and other interested parties <u>at the time the proposed rule is determined by the ISO as a priority for development prior to developing a proposed rule</u> and must post the notice on the ISO’s website.</p>	<p><b>AESO:</b> The AESO continues to disagree with the concept of posting a notice when it identifies an issue that <i>may</i> require a proposed rule or when a Section 20.81 proposal is received that <i>may</i> warrant a proposed rule.</p> <p>The EUA affords the AESO the discretion to make ISO rules, and requires the AESO to establish a process for Section 20.81 proposals. In the AESO’s view, it should be the AESO that determines, either through its own initiative or on the merits of a Section 20.81 proposal, that a proposed ISO rule is <i>required</i> to be developed. This approach allows the AESO to maintain control over its processes, prioritization of work, internal resourcing and budget. Initiating the Rule 017 consultation process before the AESO has slated a proposed ISO rule for development could result in a large volume of ISO rules being “in flight” at any given time and stalled or lost momentum on those ISO rules that actually need to proceed forward.</p> <p>In the AESO’s view, section 20.9 of the EUA</p>	

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				gives the Commission the authority to make rules relating to the process by which the AESO develops the rules it has identified as priorities for development.	
4	4.2	If the notice is required because of receipt of a complete proposal received by the ISO pursuant to its process under Section 20.81 of the <i>Electric Utilities Act</i> , the ISO must issue notice within 30 days of receipt of the complete proposal.	<del>If the notice is required because of receipt of a complete proposal received by the ISO pursuant to its process</del> <u>If the ISO determines that a proposed rule is required after its assessment of a complete proposal submitted</u> under Section 20.81 of the <i>Electric Utilities Act</i> , the ISO must issue notice within 30 days of <del>receipt of the complete proposal</del> <u>its determination that the proposed rule is a priority for development</u> .	<b>AESO:</b> The amended EUA provides that the Section 20.81 process is the AESO's to develop. The test for moving into Rule 017 consultation should be independent of the AESO's receipt of a Section 20.81 proposal. The AESO would support the publication of a notice within 30 days of its determination that the Section 20.81 proposal warrants the advancement of a proposed rule at the time.	
4	4.3	The notice must set out: (a) the issue that a proposed rule is intended to address; (b) a description of the potential objective or purpose of the proposed rule; (c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit: (i) written comments; (ii) a notice of intent to participate in consultation; and (iii) comments on the form of consultation; (d) the deadline date for comments, which must not be less than 15 days from the later of:	The notice must set out: (a) the issue that a proposed rule is intended to address; (b) a description of the potential objective or purpose of the proposed rule; (c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit: (i) written comments; (ii) a notice of intent to participate in consultation; and (iii) comments on the form of consultation; (d) the deadline date for comments, which must not be less than <del>15</del> <u>45 business</u> days from the later of:	<b>AESO:</b> Please refer to the AESO's comments on subsection 4.1. Recognizing that not all ISO rules are of the same nature, character, complexity etc., the minimum 15-day comment deadline may be longer than needed for certain rule proposals (for e.g., administrative changes). Reducing the comment period to a minimum of 5 business days provides more flexibility for the	

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		(i) the date the notice is issued to the Market Surveillance Administrator, market participants, and other interested parties; or (ii) the date the notice is issued on the ISO's website; and (e) where the information set out in subsection 4.4 can be accessed.	(i) the date the notice is issued to the Market Surveillance Administrator, market participants, and other interested parties; or (ii) the date the notice is issued on the ISO's website; and (e) where the information set out in subsection 4.4 can be accessed.	AESO to create a fit-for-purpose comment process that takes into account the content of the particular ISO rule to create efficiencies where possible. The AESO acknowledges that more substantive rule proposals will necessitate longer comment periods in order to form a comprehensive record.	
4	4.4	When the notice is posted on the ISO's website, the ISO must also post a copy of any material the ISO considers to be relevant that is related to the need for, the development of, removal of, or renewal of the proposed rule.	When the notice is posted on the ISO's website, the ISO must also post a copy of any <a href="#">data, analyses, or other</a> material <a href="#">that</a> the ISO considers to be relevant that is related to the need for, the development of, removal of, or renewal of the proposed rule.	<b>AESO:</b> Please refer to the AESO's comments on subsection 4.1.	
5	5.1	<b>Comments</b> The Market Surveillance Administrator, market participants, and interested parties may: (a) provide general written comments to the ISO on the need for, the development of, removal of, or renewal of a proposed rule; (b) submit a notice of intent to participate in consultation with the ISO; and (c) comment on the form of consultation.	<b>Comments</b> The Market Surveillance Administrator, market participants, and interested parties may: (a) provide general written comments to the ISO on the need for, the development of, removal of, or renewal of a proposed rule; (b) submit a notice of intent to participate in consultation with the ISO; and (c) comment on the form of consultation.	<b>AESO:</b> No issues with subsection 5.1, provided that the AESO maintains both discretion and control over conducting the consultation process and is not bound to consult on or accept alternative methods of consultation just because they are suggested by stakeholders.	
5	5.2	Within 5 business days of receipt of comments, the ISO must: (a) post all submissions received pursuant to subsection 5.1 on the ISO's website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the information set out in subsection 5.2(a) can be accessed.	Within 5 business days of receipt of comments, the ISO must: (a) post all submissions received pursuant to subsection 5.1 on the ISO's website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the information set out in subsection 5.2(a) can be accessed.		

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6	6.1	<p><b>Consultation for development of proposed rules</b></p> <p>Upon receipt of any notice of intent to participate in consultation, the ISO must:</p> <p>(a) form a consultation group or consultation groups composed of any parties;</p> <p style="padding-left: 20px;">(i) who submitted a notice of intent to participate in consultation; or</p> <p style="padding-left: 20px;">(ii) that the ISO thinks may be directly affected by the proposed rule;</p> <p>(b) consult with the consultation group(s) in a manner determined by the ISO to:</p> <p style="padding-left: 20px;">(i) determine the need for a proposed rule; and</p> <p style="padding-left: 20px;">(ii) develop a proposed rule if, in the opinion of the ISO a proposed rule is necessary.</p>	<p><b>Consultation for development of proposed rules</b></p> <p>Upon receipt of any notice of intent to participate in consultation, the ISO must:</p> <p>(a) form a consultation group or consultation groups composed of any parties;</p> <p style="padding-left: 20px;">(i) who submitted a notice of intent to participate in consultation; or</p> <p style="padding-left: 20px;">(ii) that the ISO thinks may be directly affected by the proposed rule;</p> <p>(b) consult with the consultation group(s) in a manner determined by the ISO to:</p> <p style="padding-left: 20px;"><del>(i) determine the need for a proposed rule; and</del></p> <p style="padding-left: 20px;"><del>(ii)</del>(i) develop a proposed rule if, in the opinion of the ISO a proposed rule <u>continues to be is</u>-necessary.</p>	<p><b>AESO:</b> The AESO understands that the intent of subsection 6.1 is to provide meaningful opportunities for input early on in the process. The AESO would emphasize that stakeholder consultation on ISO rules is not a one-size fits all approach and not all ISO rules will require the same level of consultation. For example, a written process may be sufficient for certain rules. With that, the AESO recommends that the Commission consider changing the reference from “consultation group” to “engagement group”.</p> <p>In addition, at the time consultation groups are formed, the ISO will already have assessed the need for a proposed rule to move into the development phase, therefore (b)(i) is not necessary.</p>	
6	6.2	<p>When the ISO undertakes consultation with a consultation group or consultation groups under subsection 6.1, the ISO must provide an opportunity for members of the consultation group(s) to make submissions regarding the information required in subsections 7.2(b) through 7.2(i) of this rule.</p>	<p>When the ISO undertakes consultation with a consultation group or consultation groups under subsection 6.1, the ISO must provide an opportunity for members of the consultation group(s) to make submissions regarding the information required in subsections 7.2(b) through 7.2(i) of this rule.</p>		
6	6.3	<p>Following development of a proposed rule, the ISO must provide written notice to the Market Surveillance Administrator, market participants and other interested parties and solicit comments on the proposed rule by way of a:</p>	<p>Following development of a proposed rule, the ISO must provide written notice to the Market Surveillance Administrator, market participants and other interested parties and solicit comments on the proposed rule by way of a:</p>	<p><b>AESO:</b> The AESO agrees with the Commission that it is difficult for a party who bears the onus of proof to prove a negative (i.e., the</p>	

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		(a) proposed rule comment matrix; and (b) request for comment on whether the proposed rule is technically deficient.	(a) proposed rule comment matrix; and (b) request for comment on whether the proposed rule is technically deficient.	AESO will not be able to satisfy the Commission that a proposed rule is “not technically deficient” will be problematic without first understanding from stakeholders whether there are any gaps in the proposed rule). The AESO is therefore supportive of the requirement for stakeholders to comment on whether a proposed rule is technically deficient.	
6	6.4	The notice required by subsection 6.3 must: (a) be posted on the ISO’s website; (b) include the information required by subsection 4.3, excluding the requirement in subsection 4.3(c)(ii) and 4.3(c)(iii); and (c) include the information required by subsection 4.4.	The notice required by subsection 6.3 must: (a) be posted on the ISO’s website; (b) include the information required by subsection 4.3, excluding the requirement in subsection 4.3(c)(ii) and 4.3(c)(iii); and (c) include the information required by subsection 4.4.		
6	6.5	Within 5 business days of receipt of comments received pursuant to subsection 6.3, the ISO must: (a) post all submissions on the ISO’s website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the submissions referred to in subsection 6.5(a) can be accessed.	Within 5 business days of receipt of comments received pursuant to subsection 6.3, the ISO must: (a) post all submissions on the ISO’s website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the submissions referred to in subsection 6.5(a) can be accessed.	<b>AESO:</b> The AESO agrees with the Commission’s comments that the AESO’s application will, in effect, respond to written stakeholder comments received during the consultation process. The AESO is, however, committed to creating a comprehensive record to put in front of the Commission and therefore would like to retain the ability to consider providing written responses to stakeholders where appropriate.	

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6	6.6	After consulting under Section 6, the ISO may proceed to make an application to the Commission under Section 7.	After consulting under Section 6, the ISO may proceed to make an application to the Commission under Section 7.		
7	7.1	<p><b>Application for Commission approval of proposed rules</b></p> <p>The ISO must apply to the Commission for approval of a proposed rule.</p>	<p><b>Application for Commission approval of proposed rules</b></p> <p><del>The ISO must apply to the Commission for approval of a proposed rule.</del></p>	<p><b>AESO:</b> This requirement duplicates section 20.2 of the EUA and is not believed to be necessary.</p>	
7	7.2	<p>Subject to subsection 7.3, an application for approval of a proposed rule must include the following information:</p> <ul style="list-style-type: none"> <li>(a) a description of the consultation process that was undertaken by the ISO including a list of parties who participated and copies of any submissions made by parties under subsections 6.2 and 6.3;</li> <li>(b) an explanation of whether the proposed rule relates to the capacity market and why;</li> <li>(c) if the proposed rule relates to the capacity market, an explanation of whether or not the proposed rule will be in effect for a fixed term and why;</li> <li>(d) a description of the objective or purpose of the proposed rule;</li> <li>(e) a copy of any analysis conducted or commissioned by the ISO supporting the proposed rule, with a description of assumptions and methodology;</li> <li>(f) an explanation of why the proposed rule, taken together with all ISO rules and in light of the principle of a fair, efficient and openly competitive market, was proposed;</li> <li>(g) a description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</li> <li>(h) if the rule relates to the capacity market, a description of how the proposed rule supports ensuring a reliable supply of electricity at a reasonable cost to customers; and</li> <li>(i) an explanation of how the proposed rule supports the public interest.</li> </ul>	<p>Subject to subsection 7.3, an application for approval of a proposed rule must include the following information:</p> <ul style="list-style-type: none"> <li>(a) a description of the consultation process that was undertaken by the ISO including a list of parties who participated and copies of any submissions made by parties under subsections 6.2 and 6.3;</li> <li>(b) an explanation of whether the proposed rule <del>relates to</del> <u>relates to is necessary for the implementation or specific functioning of</u> the capacity market and why;</li> <li>(c) if the proposed rule relates to the capacity market, an explanation of whether or not the proposed rule will be in effect for a fixed term and why;</li> <li>(d) a description of the objective or purpose of the proposed rule;</li> <li>(e) a copy of any analysis conducted or commissioned by the ISO <u>that, in its opinion, is relevant to</u> supporting the proposed rule, with a description of assumptions and methodology;</li> <li>(f) an explanation of why the proposed rule, taken together with all ISO rules and in light of the principle of a fair, efficient and openly competitive market, was proposed;</li> <li>(g) a description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</li> <li>(h) if the rule <del>relates to</del> <u>relates to is necessary for the implementation or specific functioning of</u> the capacity market, a description of how the proposed rule supports ensuring a reliable supply of electricity at a reasonable cost to customers; and</li> <li>(i) an explanation of how the proposed rule supports the public interest.</li> </ul>	<p><b>AESO:</b> Capacity market rules will be subject to an additional legal test under the EUA (reliable supply at reasonable cost to consumers). The phrase “relates to the capacity market” in subsection 7.2(b) and (h) is vague and does not provide an indication of how strong the nexus needs to be between the proposed rule and the capacity market to subject proposed rules to the additional test (for e.g., existing energy and ancillary services market rules that need to change in response to the capacity market). The AESO recommends clarifying 7.2(b) and (h) as indicated.</p> <p>The truncated criteria in 7.2 (f) and (i) often have overlapping considerations or, in some cases, may present trade-offs with other ISO rules. The AESO believes that FEOC and public interest should be reviewed together, along with reliable supply at reasonable cost where</p>	

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				appropriate.	
7	7.3	In the event that any of the information set out in subsection 7.2 is not included in the application, the ISO must provide an explanation for not doing so.	In the event that any of the information set out in subsection 7.2 is not included in the application, the ISO must provide an explanation for not doing so.		
		<b>Part 3: Procedures and process for development of proposed provisional rules and proposed initial rules and application for Commission approval</b>	<b>Part 3: Procedures and process for development of proposed provisional rules and proposed initial rules and application for Commission approval</b>		
8	8.1	<p><b>Definitions</b></p> <p>In this Part:</p> <p>(a) “proposed initial rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, a proposed removal of an existing ISO rule, or a renewal of an existing ISO rule that has a fixed term that:</p> <ul style="list-style-type: none"> <li>(i) has received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i>; or</li> <li>(ii) has not received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i> and was: <ul style="list-style-type: none"> <li>1. directed by the Commission to be considered under Section 20.22 of the <i>Electric Utilities Act</i> pursuant to Section 20.22(4)(c) of the <i>Electric Utilities Act</i>; or</li> <li>2. developed by the ISO pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>.</li> </ul> </li> </ul> <p>(b) “proposed provisional rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, or a proposed removal of an existing ISO rule that is developed by the ISO pursuant to Section 41.42(3) of the <i>Electric Utilities Act</i>.</p>	<p><b>Definitions</b></p> <p>In this Part:</p> <p>(a) “proposed initial rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, a proposed removal of an existing ISO rule, or a renewal of an existing ISO rule that has a fixed term that:</p> <ul style="list-style-type: none"> <li>(i) has received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i>; or</li> <li>(ii) has not received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i> and was: <ul style="list-style-type: none"> <li>1. directed by the Commission to be considered under Section 20.22 of the <i>Electric Utilities Act</i> pursuant to Section 20.22(4)(c) of the <i>Electric Utilities Act</i>; or</li> <li>2. developed by the ISO pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>.</li> </ul> </li> </ul> <p>(b) “proposed provisional rule” means a proposed new ISO rule, a proposed amendment to an existing ISO rule, or a proposed removal of an existing ISO rule that is developed by the ISO pursuant to Section 41.42(3) of the <i>Electric Utilities Act</i>.</p>		
9	9.1	<p><b>Application</b></p> <p>This Part expires on the date the Commission issues a decision under Section 20.23 of the <i>Electric Utilities Act</i>.</p>	<p><b>Application</b></p> <p>This Part expires on the date the Commission issues a decision under Section 20.23 of the <i>Electric Utilities Act</i>.</p>		
10	10.1	<p><b>Notice for development of proposed provisional rules</b></p> <p>When the ISO develops or intends to develop a proposed</p>	<p><b>Notice for development of proposed provisional rules</b></p> <p><del>When the ISO develops or intends to develop a proposed</del></p>	AESO: Development of the proposed provisional	

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		<p>provisional rule, the ISO must issue written notice to the Market Surveillance Administrator, market participants, and other interested parties prior to developing a proposed provisional rule and must post the notice on the ISO's website.</p>	<p><del>provisional rule, the ISO must issue written notice to the Market Surveillance Administrator, market participants, and other interested parties prior to developing a proposed provisional rule and must post the notice on the ISO's website.</del></p>	<p>rules for the capacity market is already underway. As a result, the AESO sees little to no merit in posting the notice required by subsection 10.1 and recommends removing it from Rule 017.</p>	
10	10.2	<p>The notice must set out:</p> <ul style="list-style-type: none"> <li>(a) the issue that a proposed provisional rule is intended to address;</li> <li>(b) a description of the potential objective or purpose of the proposed provisional rule;</li> <li>(c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit: <ul style="list-style-type: none"> <li>(i) written comments;</li> <li>(ii) a notice of intent to participate in consultation; and</li> <li>(iii) comment on the form of consultation;</li> </ul> </li> <li>(d) the deadline date for comments which must not be less than 15 days from the later of: <ul style="list-style-type: none"> <li>(i) the date the notice is issued to the Market Surveillance Administrator, market participants, and other interested parties; or</li> <li>(ii) the date the notice is issued on the ISO's website; and</li> </ul> </li> <li>(e) where the information outlined in subsection 10.3 can be accessed.</li> </ul>	<p>The AESO must issue a notice <del>must setting</del> out:</p> <ul style="list-style-type: none"> <li><u>(a) the list of the proposed provisional rules;</u></li> <li><u>(b) the opportunities for stakeholder consultation for each proposed provisional rule; and</u></li> <li><u>(c) the deadline for notices of intent to participate in consultation.</u></li> <li><del>the schedule for stakeholder consultation for each proposed provisional rule; and</del></li> <li><del>(a) the issue that a proposed provisional rule is intended to address;</del></li> <li><del>(b) a description of the potential objective or purpose of the proposed provisional rule;</del></li> <li><del>(c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit:</del> <ul style="list-style-type: none"> <li><del>(i) written comments;</del></li> <li><del>(ii) a notice of intent to participate in consultation; and</del></li> <li><del>(iii) comment on the form of consultation;</del></li> </ul> </li> <li><del>(d) the deadline date for comments which must not be less than 15 days from the later of:</del> <ul style="list-style-type: none"> <li><del>1) the date the notice is issued to the Market Surveillance Administrator, market participants, and other interested parties; or</del></li> <li><del>2) the date the notice is issued on the ISO's website; and</del></li> </ul> </li> </ul> <p><del>where the information outlined in subsection 10.3 can be accessed.</del></p>	<p><b>AESO:</b> Considering the schedule and necessary steps to implement the capacity market for a 2019 auction, the current implementation schedule does not allow for time to consult with stakeholders on the form of consultation for the proposed provisional rules. The AESO plans to release its stakeholder consultation plan and schedule for the proposed provisional rules before the effective date of Rule 017. The AESO will not be in compliance with Rule 017 if it begins consultation earlier than August 2018.</p> <p>Instead, the AESO proposes to publish a notice with a list of the proposed provisional rules along with details of the stakeholder consultation opportunities for each proposed provisional rule. In the AESO's view, this alternative notice meets the intent of subsection 10.2.</p>	

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10	10.3	When the notice is posted on the ISO's website, the ISO must also post a copy of any material the ISO considers to be relevant that is related to the need for, the development of, or removal of the proposed provisional rule.	<del>When the notice is posted on the ISO's website, the ISO must also post a copy of any material the ISO considers to be relevant that is related to the need for, the development of, or removal of the proposed provisional rule.</del>	<b>AESO:</b> Relevant material pertaining to the proposed provisional rules was made publicly available during the Straw Alberta Market and Comprehensive Market Design development phases and is still posted to the AESO website. Any additional material that the ISO considers relevant to the proposed provisional rules will be made publicly available during the ISO rules engagement process. The AESO does not see the value in tying the publication of relevant material to the provisional rules notice and therefore recommends the removal of subsection 10.3 from Rule 017.	
11	11.1	<p><b>Comments</b></p> <p>The Market Surveillance Administrator, market participants, and interested parties may:</p> <p>(a) provide general written comments to the ISO on the need for a proposed provisional rule;</p> <p>(b) submit a request to participate in consultation with the ISO; and</p> <p>(c) comment on the form of consultation.</p>	<p><b>Comments</b></p> <p>The Market Surveillance Administrator, market participants, and interested parties may:</p> <p><del>(a) provide general written comments to the ISO on the need for a proposed provisional rule;</del></p> <p>submit a <a href="#">request notice of intent</a> to participate in consultation with the ISO <a href="#">on or before the deadline imposed by the AESO in the notice issued under subsection 10.2 of this rule.</a> <del>and comment on the form of consultation.</del></p>	<b>AESO:</b> The need for proposed provisional rules has already been identified and development is already in flight. The AESO cannot consider the items in subsection 11.1(a) and (c) without adding time to what is already a significantly compressed schedule.	
11	11.2	Within 5 business days of receipt of comments, the ISO must: (a) post all submissions received pursuant to subsection 11.1	Within 5 business days of receipt of <del>comments</del> <a href="#">notices of intent to participate in consultation</a> , the ISO must: (a) post all submissions received pursuant to subsection 11.1	<b>AESO:</b> The AESO recommends removing 11.2(b) in consideration of comments provided on	

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		<p>on the ISO's website; and</p> <p>(b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the information set out in subsection 11.2(a) can be accessed.</p>	<p>on the ISO's website; and</p> <p><del>provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the information set out in subsection 11.2(a) can be accessed.</del></p>	<p>11.1(a) and (c) above.</p> <p>The AESO requests the AUC to revisit whether posting consultation notices on the AESO website is necessary.</p>	
12	12.1	<p><b>Consultation on proposed provisional rules</b></p> <p>Upon receipt of any notice of intent to participate in consultation, the ISO must:</p> <p>(a) form a consultation group or consultation groups composed of any parties:</p> <ul style="list-style-type: none"> <li>(i) who submitted a request to participate in consultation; or</li> <li>(ii) that the ISO thinks may be directly affected by the proposed provisional rule;</li> <li>(iii) consult with the consultation group(s) in a manner determined by the ISO to further develop the proposed provisional rule.</li> </ul>	<p><b>Consultation on proposed provisional rules</b></p> <p>Upon receipt of any notice of intent to participate in consultation, the ISO must:</p> <p>(a) form a <del>consultation</del> <u>consultation engagement</u> group or <del>consultation</del> <u>engagement</u> groups composed of any parties:</p> <ul style="list-style-type: none"> <li>(i) who submitted a request to participate in consultation; or</li> <li>(ii) that the ISO thinks may be directly affected by the proposed provisional rule;</li> <li>(iii) consult with the consultation group(s) in a manner determined by the ISO to further develop the proposed provisional rule.</li> </ul>		
12	12.2	<p>When the ISO undertakes consultation with a consultation group or consultation groups under subsection 12.1, the ISO must provide an opportunity for members of the consultation group(s) to make submissions regarding the information required in subsections 13.2(b) through 13.2(j) of this rule.</p>	<p>When the ISO undertakes consultation with a consultation group or consultation groups under subsection 12.1, the ISO must provide an opportunity for members of the consultation group(s) to make submissions regarding the information required in subsections 13.2(b) through 13.2(<del>j</del>) of this rule.</p>	<p><b>AESO:</b> The AESO is continuing to work with the Demand Curve Working Group on developing the demand curve parameters. It is possible that the procurement volumes will not be developed with sufficient time to allow for stakeholder comment prior to filing. Therefore, 13.2(j) has been removed.</p>	
12	12.3	<p>Following development of a proposed provisional rule, the ISO must provide written notice to the Market Surveillance Administrator, market participants and other interested parties and solicit comments on the proposed provisional rule by way of a:</p> <p>(a) proposed provisional rule comment matrix; and</p>	<p>Following development of a proposed provisional rule, the ISO must provide written notice to the Market Surveillance Administrator, market participants and other interested parties and solicit comments on the proposed provisional rule by way of a:</p> <p>(a) proposed provisional rule comment matrix; and</p>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		(b) request for comment on whether the proposed provisional rule is technically deficient.	(b) request for comment on whether the proposed provisional rule is technically deficient.		
12	12.4	<p>The notice required by subsection 12.3 must:</p> <p>(a) be posted on the ISO's website;</p> <p>(b) include the information required by subsection 10.3, excluding the requirement in subsection 10.3(c)(ii) and 10.3(c)(iii); and</p> <p>(c) include the information required by subsection 10.4.</p>	<p>The notice required by subsection 12.3 must:</p> <p><u>(a) be posted on the ISO's website;</u></p> <p><u>(b) include</u></p> <p><u>(i) a description of the issue that the proposed provisional rule are intended to address;</u></p> <p><u>(ii) a description of the potential objective or purpose of the proposed provisional rule;</u></p> <p><u>(iii) the deadline date for comments which must not be less than 15 days from the later of:</u></p> <p><u>1) the date the notice is issued to the Market Surveillance Administrator, market participants, and other interested parties; or</u></p> <p><u>2) the date the notice is issued on the ISO's website;</u></p> <p><u>4) include the information required by subsection 10.3, excluding the requirement in subsection 10.3(c)(ii) and 10.3(c)(iii); and</u></p> <p><u>include the information required by subsection 10.4.</u></p>	<p><b>AESO:</b> The AESO notes that section 10.4 has been removed. The AESO has suggested amendments to 10.2 and the removal of 10.3. Section 12.4 has been revised accordingly. Further, the AESO may consult on proposed provisional rules in sets or batches and therefore, the descriptions in the notice may pertain to multiple rules.</p>	
12	12.5	<p>Within 5 business days of receipt of comments received pursuant to subsection 12.3, the ISO must:</p> <p>(a) post all submissions on the ISO's website; and</p> <p>(b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the submissions referred to in subsection 12.5(a) can be accessed.</p>	<p>Within 5 business days of receipt of comments received pursuant to subsection 12.3, the ISO must:</p> <p>(a) post all submissions on the ISO's website; and</p> <p>(b) provide written notice to the Market Surveillance Administrator, market participants and other interested parties regarding where the submissions referred to in subsection 12.5(a) can be accessed.</p>		
12	12.6	<p>After consulting with the working group(s), the ISO may proceed to make an application to the Commission under Section 13.</p>	<p>After consulting with the <u>working-consultation</u> group(s), the ISO may proceed to make an application to the Commission under Section 13 <u>of this rule.</u></p>		
13		<p><b>Application for Commission approval of proposed provisional rules and proposed initial rules</b></p> <p>The ISO must apply to the Commission for approval of a</p>	<p><b>Application for Commission approval of proposed provisional rules and proposed initial rules</b></p> <p>The ISO must apply to the Commission for approval of a</p>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
	13.1	proposed provisional rule and a proposed initial rule.	proposed provisional rule and a proposed initial rule.		
13	13.2	<p>An application for approval of a proposed provisional rule or a proposed initial rule must include the following information:</p> <ul style="list-style-type: none"> <li>(a) A description of the consultation process that was undertaken by the ISO including a list of parties who participated and copies of any submissions made by parties under subsections 12.2 and 12.3, if applicable;</li> <li>(b) An explanation of whether the proposed provisional rule or proposed initial rule relates to the capacity market and why;</li> <li>(c) If the proposed provisional rule or proposed initial rule relates to the capacity market, an explanation of whether or not the rule will be in effect for a fixed term and why;</li> <li>(d) A description of the objective or purpose of the proposed provisional rule or proposed initial rule;</li> <li>(e) A copy of any analysis conducted or commissioned by the ISO supporting the proposed provisional rule or proposed initial rule, with a description of assumptions and methodology;</li> <li>(f) An explanation of why the proposed provisional rule or proposed initial rule, taken together with all ISO rules and in light of the principle of a fair, efficient and openly competitive market, was proposed;</li> <li>(g) A description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</li> <li>(h) If the rule relates to the capacity market, a description of how the proposed provisional rule or proposed initial rule supports ensuring a reliable supply of electricity at a reasonable cost to customers;</li> <li>(i) An explanation of how the proposed provisional rule or proposed initial rule supports the public interest; and</li> <li>(j) For an application for approval of a proposed provisional rule, the ISO's targeted capacity procurement volumes for the first two capacity market auctions.</li> </ul>	<p>An application for approval of a proposed provisional rule or a proposed initial rule must include the following information:</p> <ul style="list-style-type: none"> <li>(a) A description of the consultation process that was undertaken by the ISO including a list of parties who participated and copies of any submissions made by parties under subsections 12.2 and 12.3, if applicable;</li> <li>(b) An explanation of whether the proposed provisional rule or proposed initial rule relates to the capacity market and why;</li> <li>(c) If the proposed provisional rule or proposed initial rule relates to the capacity market, an explanation of whether or not the rule will be in effect for a fixed term and why;</li> <li>(d) A description of the objective or purpose of the proposed provisional rule or proposed initial rule;</li> <li>(e) A copy of any analysis conducted or commissioned by the ISO supporting the proposed provisional rule or proposed initial rule, with a description of assumptions and methodology;</li> <li>(f) An explanation of why the proposed provisional rule or proposed initial rule, taken together with all ISO rules and in light of the principle of a fair, efficient and openly competitive market, was proposed;</li> <li>(g) A description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</li> <li>(h) If the rule relates to the capacity market, a description of how the proposed provisional rule or proposed initial rule supports ensuring a reliable supply of electricity at a reasonable cost to customers;</li> <li>(i) An explanation of how the proposed provisional rule or proposed initial rule supports the public interest; and</li> <li>(j) For an application for approval of a proposed provisional rule, the ISO's targeted capacity procurement volumes for the first two capacity market auctions.</li> </ul>		
13	13.3	The Commission may establish additional application requirements for proposed provisional rules and proposed	The Commission may establish additional application requirements for proposed provisional rules and proposed	<b>AESO:</b> The AESO would like clarification on whether	

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		initial rules.	initial rules.	subsection 13.3 is included in Rule 017 to address the scoping exercise that the Commission will be undertaking later this year. If so, please consider being more specific. Otherwise, the AESO is unsure of whether it can comply with additional application requirements if they are introduced on an ad hoc basis because of time constraints.	
14	14.1	<p><b>Notice and consultation for proposed initial rules</b></p> <p>Following the Commission’s order under Section 20.22(4) of the <i>Electric Utilities Act</i> (the “provisional decision”), for proposed initial rules that were not developed pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>, the ISO must provide notice and conduct any additional consultation, if any, in the manner directed by the Commission in the provisional decision within the timeframe directed by the Commission.</p>	<p><b>Notice and consultation for proposed initial rules</b></p> <p>Following the Commission’s order under Section 20.22(4) of the <i>Electric Utilities Act</i> (the “provisional decision”), for proposed initial rules that were not developed pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>, the ISO must provide notice and conduct any additional consultation, if any, in the manner directed by the Commission in the provisional decision within the timeframe directed by the Commission.</p>		
14	14.2	<p>When the ISO identifies an issue, or receives a complete proposal under Section 20.81 of the <i>Electric Utilities Act</i>, that, in the opinion of the ISO, may require a proposed initial rule to be developed pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>, the ISO must provide notice and consult in the manner required by sections 10 through 12.</p>	<p><del>When the ISO identifies an issue, or receives a complete proposal under Section 20.81 of the <i>Electric Utilities Act</i>, that, in the opinion of the ISO, may require a proposed initial rule to be developed pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>, the ISO must provide notice and consult in the manner required by sections 10 through 12.</del></p>	<p><b>AESO:</b> The AESO questions whether subsection 14.2 makes sense given that the Commission must complete its regular consideration of the capacity market rules within 24 months of filing pursuant to the EUA. In the AESO’s view, there will not be sufficient time to re-consult on the same ISO rules.</p>	
		<p><b>Part 4: Application for Commission approval of expedited rules</b></p>	<p><b>Part 4: Application for Commission approval of expedited rules</b></p>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
15	15.1	<p><b>Definitions</b></p> <p>In this Part:</p> <p>(a) “expedited ISO rule” means a proposed rule for which the Commission has approved expedited implementation under Section 20.6 of the <i>Electric Utilities Act</i>.</p> <p>(b) “proposed rule” has the meaning given to it in Part 2 of this rule.</p>	<p><b>Definitions</b></p> <p>In this Part:</p> <p>(a) “expedited ISO rule” means a proposed rule for which the Commission has approved expedited implementation under Section 20.6 of the <i>Electric Utilities Act</i>.</p> <p>(b) “proposed rule” has the meaning given to it in Part 2 of this rule.</p>		
16	16.1	<p><b>Application</b></p> <p>Subject to subsection 17.2, Part 2 of this rule does not apply to:</p> <p>(a) applications for expedited implementation of proposed rules; or</p> <p>(b) expedited rules.</p>	<p><b>Application</b></p> <p>Subject to subsection 17.2, Part 2 of this rule does not apply to:</p> <p>(a) applications for expedited implementation of proposed rules; or</p> <p>(b) expedited rules.</p>		
17	17.1	<p><b>Expedited rule applications</b></p> <p>The ISO must apply for Commission approval for expedited implementation of a proposed rule.</p>	<p><b>Expedited rule applications</b></p> <p><del>The ISO must apply for Commission approval for expedited implementation of a proposed rule.</del></p>	<p><b>AESO:</b> This requirement duplicates section 20.6 of the EUA and is not necessary.</p>	
17	17.2	<p>When the ISO makes an application to the Commission for expedited implementation of a proposed rule, it must provide written notice to the Market Surveillance Administrator, market participants and other interested parties in the manner set out in subsection 4.3(a) and (b) and includes the information required by subsection 4.4, if any.</p>	<p>When the ISO makes an application to the Commission for expedited implementation of a proposed rule, it must provide written notice to the Market Surveillance Administrator, market participants and other interested parties in the manner set out in subsection 4.3(a) and (b) and includes the information required by subsection 4.4, if any.</p>		
17	17.3	<p>An application for Commission approval for expedited implementation of a proposed rule must include:</p> <p>(a) a copy of the proposed rule for which expedited implementation is sought; and</p> <p>(b) a description of:</p> <p>(i) the urgent risk to the reliable supply of electricity, if any;</p> <p>(ii) the urgent risk to the safe and reliable operation of the interconnected electric system, if any; or</p> <p>(iii) the reason for requesting expedited implementation of the proposed rule if it does not fall within (i) or (ii).</p>	<p>An application for Commission approval for expedited implementation of a proposed rule must include:</p> <p>(a) a copy of the proposed rule for which expedited implementation is sought; and</p> <p>(b) a description of:</p> <p>(i) the urgent risk to the reliable supply of electricity, if any;</p> <p>(ii) the urgent risk to the safe and reliable operation of the interconnected electric system, if any; or</p> <p>(iii) the reason for requesting expedited implementation of the proposed rule if it does not fall within (i) or (ii).</p>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
17	17.4	If the Commission approves expedited implementation of a proposed rule, the ISO must post the expedited ISO rule on the ISO's website on the day upon which the expedited implementation is approved by the Commission.	If the Commission approves expedited implementation of a proposed rule, the ISO must post the expedited ISO rule on the ISO's website on the day upon which the expedited implementation is approved by the Commission.		

General category	General stakeholder comments	AUC staff response	Section of Rule 017