

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
		Part 1: General matters	Part 1: General matters		
1	1.1	Definitions The definitions from the <i>Electric Utilities Act</i> apply to these rules.	Definitions 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.		
		Part 2: Procedures and process for development of proposed rules and application for Commission approval	Part 2: Procedures and process for development of proposed rules and application for Commission approval		
2	2.1	Definitions 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.	Definitions 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	Application This Part does not apply to proposed provisional rules or proposed initial rules as those terms are defined in Part 3.	Application This Part does not apply to proposed provisional rules or proposed initial rules as those terms are defined in Part 3.		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
4	4.1	<p>Notice for development of proposed rules</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>Notice for development of proposed rules</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><u>Within 5 business days of receipt of a complete proposal pursuant to its process under Section 20.81 of the <i>Electric Utilities Act</i>, the ISO must post all submissions received on the ISO's website.</u></p> <p><u>In the event that, in the opinion of the ISO, the complete proposal pursuant to its process under Section 20.81 of the <i>Electric Utilities Act</i> may not require a proposed rule, the ISO must provide a response to the market participant with an explanation as to why it was rejected. The ISO must post the response on the ISO's website.</u></p>	<p>The CWG is concerned that the current process lacks transparency. The CWG submits that when a market participant provides a proposal pursuant to Section 20.81, all other market participants should have visibility of the proposal. The CWG accepts that the volume of proposals received pursuant to Section 20.81 may inhibit official notice and an AESO response in all cases, however, at a minimum, the CWG submits that the AESO should be required to establish and maintain a webpage where all proposals received pursuant to Section 20.81 are posted, as received, to provide adequate transparency to market participants.</p> <p>The CWG submits that the ideal case would also include a brief response by the AESO to each proposal to provide market participants visibility of if the AESO considers the proposal to be an issue and if not, rationale as to why the AESO does not consider it an issue.</p> <p>To the extent that the Commission is unwilling to add this language at this time with the expectation that the AESO will self-</p>	

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
				govern under its own Section 20.81 process, the CWG suggests that the Commission should reopen the AUC Rule 017 process following the completion of the AESO Section 20.81 process to allow parties to comment on further requirements, if necessary.	
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.	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.		
4	4.3	<p>The notice must set out:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	<p>The notice must set out:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 		
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,	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,		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		removal of, or renewal of the proposed rule.	removal of, or renewal of the proposed rule.		
5	5.1	<p>Comments</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, the development of, removal of, or renewal of a proposed rule;</p> <p>(b) submit a notice of intent to participate in consultation with the ISO; and</p> <p>(c) comment on the form of consultation.</p>	<p>Comments</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, the development of, removal of, or renewal of a proposed rule;</p> <p>(b) submit a notice of intent to participate in consultation with the ISO; and</p> <p>(c) comment on the form of consultation.</p>		
5	5.2	<p>Within 5 business days of receipt of comments, the ISO must:</p> <p>(a) post all submissions received pursuant to subsection 5.1 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 5.2(a) can be accessed.</p>	<p>Within 5 business days of receipt of comments, the ISO must:</p> <p>(a) post all submissions received pursuant to subsection 5.1 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 5.2(a) can be accessed.</p>	<p>The CWG is supportive of this addition. It is important that the AESO publicly post all materials received from market participants as a part of its consultation process.</p> <p>In addition to posting comments received from market participants, the AESO should also be required, through AUC Rule 017, to publicly post all responses it provides to market participants. See edits to Section 6.5.</p>	
6	6.1	<p>Consultation for development of proposed rules</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>(i) who submitted a notice of intent to participate in consultation; or</p> <p>(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</p>	<p>Consultation for development of proposed rules</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>(i) of any parties who submitted a notice of intent to participate in consultation; and</p> <p>(ii) of any parties that the ISO thinks may be directly affected by the proposed rule;</p> <p>(b) consult with the consultation group(s) in a manner</p>	<p>The proposed changes are intended to ensure that the AESO is not able to choose between forming working groups comprised of either those who submitted SIPs or those who it considers to be affected. All interested and impacted parties should be eligible.</p>	

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		determined by the ISO to: (i) determine the need for a proposed rule; and (ii) develop a proposed rule if, in the opinion of the ISO a proposed rule is necessary.	determined by the ISO to: (i) determine the need for a proposed rule; and (ii) develop a proposed rule if, in the opinion of the ISO a proposed rule is necessary.		
6	6.2	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.	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.		
6	6.3	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: (a) proposed rule comment matrix; and (b) request for comment on whether the proposed rule is technically deficient.	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: (a) proposed rule comment matrix; and (b) request for comment on whether the 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. <u>Within a timely manner of receiving comments pursuant to subsection 6.3 and before continuing with the next stage of consultation, the ISO must:</u> <u>(a) provide a response to submissions received pursuant</u>	In addition to a requirement of the AESO to post all comments, the CWG submits that the AESO should be required to respond to all comments received. The Commission staff noted at the session that the application for the rule should be considered the time when the AESO is required to respond to comments received during	

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
			<p><u>to subsection 6.3; and</u> (a)(b) <u>post all response on the ISO's website.</u></p>	<p>consultation. The CWG disagrees and submits that consultation efficiency and regulatory efficiency would both be enhanced by requiring the AESO to provide responses in a timely manner throughout the consultation process. The consultation process is iterative and occurs over a long period of time. If the AESO is required to provide responses to comments throughout the process that will foster a better dialogue where market participants may be able to better understand rationale and drop issues that they would otherwise pursue or may be able to provide better counter-arguments after understanding the AESO's rationale for dismissing the original comments. Without AESO responses to comments, market participants are forced to repeat comments and questions throughout the consultation process rather than adjust positions and/or arguments by reacting to AESO's responses to comments.</p>	
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		Application for Commission approval of proposed rules	Application for Commission approval of proposed rules		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
	7.1	The ISO must apply to the Commission for approval of a proposed rule.	The ISO must apply to the Commission for approval of a proposed rule.		
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"> (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; (b) an explanation of whether the proposed rule relates to the capacity market and why; (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; (d) a description of the objective or purpose of the proposed rule; (e) a copy of any analysis conducted or commissioned by the ISO supporting the proposed rule, with a description of assumptions and methodology; (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; (g) a description of any alternatives that were explored during consultation and an explanation as to why they were rejected; (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 (i) an explanation of how the proposed rule supports the public interest. 	<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"> (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; (b) an explanation of whether the proposed rule relates to the capacity market and why; (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; (d) a description of the objective or purpose of the proposed rule; (e) a copy of any analysis conducted or commissioned by the ISO supporting the proposed rule, with a description of assumptions and methodology; (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; (g) a description of any alternatives that were explored during consultation and an explanation as to why they were rejected; (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 (i) an explanation of how the proposed rule supports the public interest. 		
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.		
		Part 3: Procedures and process for development of proposed provisional rules and proposed initial rules and application for Commission approval	Part 3: Procedures and process for development of proposed provisional rules and proposed initial rules and application for Commission approval		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
8	8.1	<p>Definitions</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"> (i) has received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i>; or (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"> 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 2. developed by the ISO pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>. <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>Definitions</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"> (i) has received provisional approval from the Commission under Section 20.22 of the <i>Electric Utilities Act</i>; or (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"> 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 2. developed by the ISO pursuant to Section 41.42(1) of the <i>Electric Utilities Act</i>. <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>Application</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>Application</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>Notice for development of proposed provisional rules</p> <p>When the ISO develops or intends to develop a proposed 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>Notice for development of proposed provisional rules</p> <p>When the ISO develops or intends to develop a proposed 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>		
10	10.2	<p>The notice must set out:</p> <ul style="list-style-type: none"> (a) the issue that a proposed provisional rule is intended to address; (b) a description of the potential objective or purpose of the 	<p>The notice must set out:</p> <ul style="list-style-type: none"> (a) the issue that a proposed provisional rule is intended to address; (b) a description of the potential objective or purpose of the 		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		<p>proposed provisional rule;</p> <p>(c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit:</p> <ul style="list-style-type: none"> (i) written comments; (ii) a notice of intent to participate in consultation; and (iii) comment on the form of consultation; <p>(d) the deadline date for comments which must not be less than 15 days from the later of:</p> <ul style="list-style-type: none"> (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 <p>(e) where the information outlined in subsection 10.3 can be accessed.</p>	<p>proposed provisional rule;</p> <p>(c) the manner in which the Market Surveillance Administrator, market participants, and other interested parties may submit:</p> <ul style="list-style-type: none"> (i) written comments; (ii) a notice of intent to participate in consultation; and (iii) comment on the form of consultation; <p>(d) the deadline date for comments which must not be less than 15 days from the later of:</p> <ul style="list-style-type: none"> (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 <p>(e) where the information outlined in subsection 10.3 can be accessed.</p>		
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.	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.		
11	11.1	<p>Comments</p> <p>The Market Surveillance Administrator, market participants, and interested parties may:</p> <ul style="list-style-type: none"> (a) provide general written comments to the ISO on the need for a proposed provisional rule; (b) submit a request to participate in consultation with the ISO; and (c) comment on the form of consultation. 	<p>Comments</p> <p>The Market Surveillance Administrator, market participants, and interested parties may:</p> <ul style="list-style-type: none"> (a) provide general written comments to the ISO on the need for a proposed provisional rule; (b) submit a request to participate in consultation with the ISO; and (c) comment on the form of consultation. 		
11	11.2	<p>Within 5 business days of receipt of comments, the ISO must:</p> <ul style="list-style-type: none"> (a) post all submissions received pursuant to subsection 11.1 on the ISO's website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested 	<p>Within 5 business days of receipt of comments, the ISO must:</p> <ul style="list-style-type: none"> (a) post all submissions received pursuant to subsection 11.1 on the ISO's website; and (b) provide written notice to the Market Surveillance Administrator, market participants and other interested 		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		parties regarding where the information set out in subsection 11.2(a) can be accessed.	parties regarding where the information set out in subsection 11.2(a) can be accessed.		
12	12.1	<p>Consultation on proposed provisional rules</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"> (i) who submitted a request to participate in consultation; or (ii) that the ISO thinks may be directly affected by the proposed provisional rule; (iii) consult with the consultation group(s) in a manner determined by the ISO to further develop the proposed provisional rule. 	<p>Consultation on proposed provisional rules</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"> (i) who submitted a request to participate in consultation; or (ii) that the ISO thinks may be directly affected by the proposed provisional rule; (iii) consult with the consultation group(s) in a manner determined by the ISO to further develop the proposed provisional rule. 		
12	12.2	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.	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.		
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>(b) request for comment on whether the proposed provisional rule is technically deficient.</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> <p>(b) request for comment on whether the proposed provisional rule is technically deficient.</p>		
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>(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>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
12	12.5	<p>Within 5 business days of receipt of comments received pursuant to subsection 12.3, the ISO must:</p> <ul style="list-style-type: none"> (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 12.5(a) can be accessed. 	<p>Within 5 business days of receipt of comments received pursuant to subsection 12.3, the ISO must:</p> <ul style="list-style-type: none"> (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 12.5(a) can be accessed. <p><u>Within a timely manner of receiving comments before continuing with the next stage of consultation, the ISO must:</u></p> <ul style="list-style-type: none"> <u>(a) provide a response to submissions received; and</u> <u>(a)(b) post all response on the ISO's website.</u> 	<p>In addition to a requirement of the AESO to post all comments, the CWG submits that the AESO should be required to respond to all comments received. The Commission staff noted at the session that the application for the rule should be considered the time when the AESO is required to respond to comments received during consultation. The CWG disagrees and submits that consultation efficiency and regulatory efficiency would both be enhanced by requiring the AESO to provide responses in a timely manner throughout the consultation process. The consultation process is iterative and occurs over a long period of time. If the AESO is required to provide responses to comments throughout the process that will foster a better dialogue where market participants may be able to better understand rationale and drop issues that they would otherwise pursue or may be able to provide better counter-arguments after understanding the AESO's rationale for dismissing the original comments. Without AESO responses to comments, market participants are forced to</p>	

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
				repeat comments and questions throughout the consultation process rather than adjust positions and/or arguments by reacting to AESO's responses to comments.	
12	12.6	After consulting with the working group(s), the ISO may proceed to make an application to the Commission under Section 13.	After consulting with the working group(s), the ISO may proceed to make an application to the Commission under Section 13.		
13	13.1	<p>Application for Commission approval of proposed provisional rules and proposed initial rules</p> <p>The ISO must apply to the Commission for approval of a proposed provisional rule and a proposed initial rule.</p>	<p>Application for Commission approval of proposed provisional rules and proposed initial rules</p> <p>The ISO must apply to the Commission for approval of a proposed provisional rule and a proposed initial rule.</p>		
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"> (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; (b) An explanation of whether the proposed provisional rule or proposed initial rule relates to the capacity market and why; (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; (d) A description of the objective or purpose of the proposed provisional rule or proposed initial rule; (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; (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; 	<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"> (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; (b) An explanation of whether the proposed provisional rule or proposed initial rule relates to the capacity market and why; (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; (d) A description of the objective or purpose of the proposed provisional rule or proposed initial rule; (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; (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; 		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		<p>(g) A description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</p> <p>(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;</p> <p>(i) An explanation of how the proposed provisional rule or proposed initial rule supports the public interest; and</p> <p>(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.</p>	<p>(g) A description of any alternatives that were explored during consultation and an explanation as to why they were rejected;</p> <p>(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;</p> <p>(i) An explanation of how the proposed provisional rule or proposed initial rule supports the public interest; and</p> <p>(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.</p>		
13	13.3	The Commission may establish additional application requirements for proposed provisional rules and proposed initial rules.	The Commission may establish additional application requirements for proposed provisional rules and proposed initial rules.		
14	14.1	<p>Notice and consultation for proposed initial rules</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>Notice and consultation for proposed initial rules</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	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.	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.		
		Part 4: Application for Commission approval of expedited rules	Part 4: Application for Commission approval of expedited rules		
15	15.1	<p>Definitions</p> <p>In this Part:</p>	<p>Definitions</p> <p>In this Part:</p>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		<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>(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>Application</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>Application</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>Expedited rule applications</p> <p>The ISO must apply for Commission approval for expedited implementation of a proposed rule.</p>	<p>Expedited rule applications</p> <p>The ISO must apply for Commission approval for expedited implementation of a proposed rule.</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><u>When the ISO begins development of a proposed rule that may require an application for expedited implementation, 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.</u></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>	<p>The AESO should provide notice to the market that it is developing a rule that may require expedition at the point rule development begins rather than at the application stage. It is not necessary to wait until proposed implementation which appears to be the current approach.</p> <p>That being said, notice should also be posted when the expedited application is filed.</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>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>		

Section	Subsection	Existing	Proposed changes	Stakeholder comment	AUC staff response
		(ii) the urgent risk to the safe and reliable operation of the interconnected electric system, if any; or (iii) the reason for requesting expedited implementation of the proposed rule if it does not fall within (i) or (ii).	(ii) the urgent risk to the safe and reliable operation of the interconnected electric system, if any; or (iii) the reason for requesting expedited implementation of the proposed rule if it does not fall within (i) or (ii).		
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.		
<u>18</u>			<p><u>Process following the approval of an expedited rule</u></p> <p><u>If the Commission approves expedited implementation of a proposed rule, the rule is required to follow the process subsequent to Part 2 "Procedures and process for development of proposed rules and application for Commission approval."</u></p>	The language of AUC Rule 017 should be clear that the AESO is still required to consult on the rule and apply for the rule following the Commission approval of expedited implementation. The CWG suggests adding a section for clarity.	

General category	General stakeholder comments	AUC staff response	Section of Rule 017
Consultation on Commission Directions / Test in Compliance Filings	<p>There are significant consultation requirements on initial AESO rule applications and significant participation will occur in those proceedings. However, when a Commission decision directs a change to the rule, the AESO is not required to consult on its interpretation of the direction or on its changes based on the direction. Further, when the rule is re-filed, it is done so as part of a compliance filing and may be subject to a shortened Commission process with minimal ability of interveners to effect change. Further, the test at this point is simply compliance with the Commission direction and not the more rigorous public interest, FEOC and not technically deficient tests that the initial rule was subject to. The CWG submits that when the AESO re-writes a rule in response to a Commission direction, the rule should be subject to the same consultation requirements and the same process before the Commission as would a new rule or rule amendment.</p>		
Authoritative Documents	<p>The CWG submits that anything that places a requirement on market participants should be an authoritative document. Historically, the AESO has avoided the rigor of an AUC approval by labelling certain documents as information documents or business practices. The CWG submits that, at a minimum, a process should be developed that allows market participants to challenge the AESO's categorization of documents into authoritative (i.e. rules) and non-authoritative documents whereby the Commission could direct the AESO to refile the document in question as a rule.</p>		
Commission process for provisional rule approval	<p>To the extent that the Commission intends to focus on specific issues, given the limited time available during the 6-month provisional rule approval process, the CWG submits that the Commission should hold a technical workshop where scoping is discussed. In the interest of time, it may be ideal to hold a preliminary scoping workshop in late-2018 and issue a preliminary issue list prior to the receipt of the AESO application.</p> <p>The CWG is concerned with the possibility of different rules being approved in the provisional process from the rules approved in the full 18-month process given the condensed time frame and lower bar of approval. This creates significant investor uncertainty. The government has required two deadlines be met: (1) the AESO initiate the first auction in 2019; and (2) the first delivery year begin in 2021. The AESO has already interpreted 2021 delivery to mean November of 2021 and, accordingly, the first auction does not need to occur in June of 2020, as currently proposed. As long as the pre-qualification</p>		

General category	General stakeholder comments	AUC staff response	Section of Rule 017
	<p>and qualification rules are approved provisionally and the AESO is able to begin these activities in late-2019, then the auction can occur after the final rules are approved through the 18-month process. Consideration should be given to an alternative process, such as this, that is able to increase investor certainty in the early auctions.</p>		