



AltaGas Utilities Inc.

Rule 004 Alberta Tariff Billing Code Exemption

December 4, 2015

Alberta Utilities Commission

Decision 20428-D01-2015

AltaGas Utilities Inc.

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Proceeding 20428

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1 Introduction

1. AltaGas Utilities Inc. (AltaGas or AUI) filed an application with the Alberta Utilities Commission on May 12, 2015, requesting exemptions from certain requirements of Rule 004: *Alberta Tariff Billing Code*. Rule 004 defines the business processes and mechanics of how timely and accurate tariff bill-ready information is to be produced and transmitted to retailers by electricity and natural gas distributors for distribution and system access service in Alberta.¹

2. Specifically, AltaGas applied for an exemption from Section 3.2, Table 3-1, lines (Ref IDs) 14 and 15; Section 4.3.1(4); Section 5.4.1(1); and Section 5.4.1(2) of Rule 004 from December 5, 2015, to December 31, 2018.

3. On May 14, 2015, the Commission issued a notice of application. Any party who wished to intervene in this proceeding was required to submit a statement of intent to participate (SIP) to the Commission by May 26, 2015.

4. The Commission received a SIP from Direct Energy Marketing Limited (Direct Energy). By letter dated May 28, 2015, the Commission stated it would be considering the application by way of a basic written proceeding and established the following process schedule:

Process step	Deadline
Information requests (IRs) issued to AltaGas	June 11, 2015, 4 p.m.
AltaGas response to IRs	June 25, 2015, 4 p.m.
Submissions on need for additional process steps	June 30, 2015, 4 p.m.

5. Subsequent to the filing of IR responses, the Commission received submissions on further process from Direct Energy and AltaGas. Direct Energy requested the opportunity to provide evidence regarding its estimated costs to manage the exemptions requested by AltaGas. The Commission, having considered the request by Direct Energy and its own need for further information, determined that the application would be considered by way of a full written proceeding and set the following process schedule:

¹ Rule 004, page 1.

Process step	Deadline dates
IRs Round 2 from the Commission to AltaGas	July 10, 2015
IR responses from AltaGas	July 24, 2015
Intervener evidence from Direct Energy	July 31, 2015
IRs to Direct Energy	August 14, 2015
IR responses from Direct Energy	August 28, 2015
Rebuttal evidence	September 11, 2015
Argument	September 25, 2015
Reply argument	October 9, 2015

6. Responses to Round 2 IRs from AltaGas, intervener evidence from Direct Energy and IR responses from Direct Energy were all submitted in accordance with the process schedule established. On September 11, 2015, AltaGas filed a letter stating that it did not intend to file rebuttal evidence.² The Commission received written argument and reply argument from both AltaGas and Direct Energy on September 25, 2015, and October 9, 2015, respectively. Accordingly, the Commission considers the record of this proceeding to have closed on October 9, 2015.

7. In reaching the determinations set out within this decision, the Commission has considered all relevant materials comprising the record of this proceeding. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record with respect to that matter.

2 Background

8. The Commission's predecessor, the Alberta Energy and Utilities Board (board or EUB), implemented EUB Directive 012: Alberta Tariff Billing Code (the code), which was the precursor to the Commission's Rule 004, in 2004. While the code was initially intended to apply to the Alberta electricity market, on December 22, 2005, the board released EUB Bulletin 2005-034 announcing the implementation of version 1.3 of the code and its application to both electricity and natural gas distributors effective July 1, 2006. AltaGas had been granted a year-long exemption in June 2006 to provide additional time to implement compliance measures. This temporary exemption was extended until March 31, 2008, to accommodate the enactment of the *Alberta Utilities Commission Act*, SA 2007, c. A-37.2, and the subsequent transfer of utility-related matters from the board to the Commission.³

² Exhibit 20428-X0026, AltaGas letter regarding rebuttal evidence, September 11, 2015.

³ Decision 2008-084: AltaGas Utilities Inc., Decision on Request for a Permanent Exemption from AUC Rule 004: Alberta Tariff Billing Code, Application 1493238-1, September 5, 2008.

9. An application by AltaGas for a permanent exemption from complying with the requirements of the code / Rule 004 was addressed by the Commission in Decision 2008-084. In that decision, the Commission denied AltaGas' request for a permanent exemption, and stated that AltaGas was required to proceed with preparing a compliance plan outlining the activities and timelines to achieve full compliance with the code.
10. The Commission approved exemptions from sections 5.4.1(2), 4.3.1(4) and 5.4.1(1), and the requirement of Table Reference ID (Ref ID) 14 of Table 3-1, on April 5, 2010.⁴ On May 28, 2010, AltaGas submitted a compliance plan to the Commission providing its schedule and details of the activities it would undertake to become fully compliant with version 1.4 of Rule 004. In its compliance plan, AltaGas requested temporary exemptions from sections 5.4.1(2), 4.3.1(4) and 5.4.1(1), and the requirements of Ref ID 14 and 15 of Table 3-1, of Rule 004.⁵
11. By way of letter dated June 4, 2010, the Commission approved AltaGas' compliance plan and exemption request with respect to the requirement of Ref ID 15 of Table 3-1. The Commission also noted its previous approval of exemptions for AltaGas from sections 5.4.1(2), 4.3.1(4) and 5.4.1(1), and the requirements of Ref ID 14 of Table 3-1, of Rule 004. The Commission approved the compliance plan and exemptions with the expectation that "efforts to be compliant to this requirement will be (a) near completion by the end of 2012 at which time AUI will be required to submit a revised compliance plan or (b) fully complete by the end of 2012."⁶ Furthermore, the Commission stated that the temporary exemptions to the noted requirements were being granted until December 31, 2012, on the understanding that the exemptions would not unduly or negatively impact the retail operations of the industry. The Commission stated that should it become aware of any negative impacts created by AltaGas' exemptions from Rule 004, it might review the need for continuing the exemptions.⁷
12. AltaGas' compliance plan stated that AltaGas considered certain of the non-compliance issues would be addressed in conjunction with the implementation of version 3 of its customer information system (CIS), which was slated for development starting in 2012.⁸
13. In the current proceeding, AltaGas explained that in 2012 it determined that version 3 of its billing system, which is a component of the CIS, was not ready for deployment as it had not yet been implemented by the vendor's other customers. AltaGas further explained that the vendor was unavailable to implement version 3 in 2012 and that to do so would have cost approximately \$4 million to \$5 million, which AltaGas decided was cost prohibitive following the \$8.6 million cost of upgrading its previous billing system in 2010.⁹ In addition, AltaGas ruled out changes to the current version 2 of its CIS software given that the vendor was not willing to fully support version 2 as it was focusing on implementing version 3 for its customers.¹⁰ Based on the foregoing, AltaGas stated that it made the decision to continue utilizing the current billing system in conjunction with the Rule 004 exemptions.¹¹

⁴ Exhibit 20428-X0010, AUC-AUI-2015JUN11-005(a), attachment, June 4, 2010 letter.

⁵ Exhibit 20428-X0010, AUC-AUI-2015JUN11-005(a), attachment, June 4, 2010 letter.

⁶ Exhibit 20428-X0010, AUC-AUI-2015JUN11-005(a), attachment, June 4, 2010 letter.

⁷ Exhibit 20428-X0010, AUC-AUI-2015JUN11-005(a), attachment, June 4, 2010 letter.

⁸ AltaGas Rule 004 compliance plan, May 28, 2010.

⁹ Exhibit 20428-X0013, AUI-AUC-2015JUN11-005(e).

¹⁰ Exhibit 20428-X0013, AUI-AUC-2015JUN11-005(e).

¹¹ Exhibit 20428-X0028, AltaGas argument, paragraph 5.

14. On April 1, 2011, Rule 028: *Natural Gas Settlement System Code* came into effect, and AltaGas explained that in 2012 both its internal and the billing system vendor's resources were focused on becoming compliant with Rule 028. Accordingly, AltaGas did not proceed with the implementation of version 3 of its current customer information and billing system. AltaGas stated that the filing of a revised compliance plan pursuant to the Commission's June 4, 2010 letter by the deadline of December 31, 2012, was overlooked due to the Rule 028 implementation and compliance effort.¹²

15. On March 2, 2015, in response to the Commission's request that parties provide comments on proposed changes to Rule 004 version 2.0, AltaGas indicated that it would require an exemption from Section 5.4.1(2) of Rule 004.¹³ The current version 2.0 of Rule 004 came into effect on April 1, 2015, but the AUC Rule 004 working group agreed at its May 14, 2015 meeting to a December 5, 2015 implementation date.¹⁴

3 Preliminary matters

16. In its reply argument, AltaGas submitted that the argument filed on behalf of Direct Energy in this proceeding included new evidence, specifically Market Surveillance Administrator (MSA) statistics and references to the fair, efficient and openly competitive principle.¹⁵ AltaGas submitted that this evidence should properly have been included in Direct Energy's filed intervenor evidence, and accordingly requested that the Commission strike the fifth and sixth paragraphs of Direct Energy's argument.

Commission findings

17. The Commission agrees that the MSA statistics referred to by Direct Energy in its argument are more properly considered evidence, which should have been submitted by Direct Energy in the evidentiary portion of this proceeding, with reference to the specific source. The Commission, however, is not bound in the conduct of its proceedings by the rules of law concerning evidence.¹⁶ The Commission does not find it necessary to strike the impugned paragraphs, or any portion thereof, from Direct Energy's argument on the basis that this information, and the timing with which it was submitted, do not appear to have prejudiced AltaGas or its application. Moreover, the Commission did not place significant weight on this information in arriving at its conclusions in this decision.

4 Rule 004 exemptions applied for

18. AltaGas requested Commission approval for an exemption from the following sections of Rule 004:

¹² Exhibit 20428-X0013, AUI-AUC-2015JUN11-005(d).

¹³ Exhibit 20428-X0011, AUI-AUC-2015JUN11-002(b), attachment, AUC Rule 004 (version 2.0): Alberta Tariff Billing Code Rules – Proposed changes for 2015.

¹⁴ AUC Rule 004 working group meeting summary, May 14, 2015, pages 5 and 6.

¹⁵ Exhibit 20428-X0030, AltaGas reply argument, paragraph 19.

¹⁶ *Alberta Utilities Commission Act*, Section 20.

Table 1. Applied-for Rule 004 exemptions

Section of Rule 004	Description
Section 3.2, Table 3-1, Ref ID 14	Table 3-1 Tariff billing events –when a change in tariff pricing occurs within the scheduled billing period, split the billing period to show the charge for the period before the change using the old rate and the charge for the period after the change using the new rate.
Section 3.2, Table 3-1, Ref ID 15	Table 3-1 Tariff billing events –when a change in the regulated rate tariff (RRT) energy rate occurs within the scheduled billing period, split the billing period to show the usage for the period before the change using the old rate and the usage for the period after the change using the new rate.
Sections 4.3.1(4) and 5.4.1(1)	Present one-time charges independently from other tariff charges. Present cancelled and rebilled one-time charges independently from cancelled and rebilled other tariff-based charges.
Section 5.4.1(2)	Cancelled bill records and the associated rebilled records must be in the same tariff bill file (TBF).

19. AltaGas requested the exemptions to December 31, 2018, on the basis that its replacement billing system, which will address the non-compliance issues, is expected to be complete by mid-2019. AltaGas explained that in requesting the exemption it chose the period until the end of the last full year prior to its expected system replacement completion date and would apply for a further exemption from January 1, 2019, until its billing system implementation date, if required.¹⁷

20. The Commission asked AltaGas to explain how the approval of the exemptions would be in the public interest. AltaGas responded that the public interest was served as end customers would avoid potentially substantial costs related to temporary solutions, but that the exemptions would not affect customers' ability to sign with retailers or negatively impact the retail operations of the industry.¹⁸ AltaGas also advised that its obligations under the *Default Gas Supply Regulation*, AR 184/2003 are not affected by its non-compliance or requested exemptions.¹⁹

4.1.1 Section 3.2, Table 3-1, Ref IDs 14 and 15

21. Section 3.2, Table 3-1 of Rule 004 identifies the tariff billing events for which distributors must present tariff charges to retailers within a tariff bill file during the scheduled billing period.²⁰ Ref ID 14 of Table 3-1 describes the tariff billing event distribution or

¹⁷ Exhibit 20428-X0013, AUI-AUC-2015JUN11-001(b).

¹⁸ Exhibit 20428-X0019, AUI-AUC-2015JUL10-003(a).

¹⁹ Exhibit 20428-X0019, AUI-AUC-2015JUL10-003(b).

²⁰ Rule 004, Section 3.2, pages 26-27.

transmission tariff price change (non-energy based charges). The tariff price change may be the result of a change in tariff structure or pricing, or the addition or removal of a rate rider.²¹

22. AltaGas explained that it is seeking an exemption from the requirement of Ref ID 14 in Table 3-1 of Rule 004 because when a rider rate change occurs, for instance a change in Rider A for franchise fees or Rider B for property taxes, within a single billing period, it is not able, with its current billing system to apply the different rider rates to the periods before and after the change. The result is that the rider rate in place at the end of the billing period during which the change occurred is the rate applied to all charge periods within the billing period.²²

23. In response to a Commission IR, AltaGas confirmed that franchise fees in Rider A and property taxes in Rider B are the only non-energy based charges that cannot be split.²³ AltaGas explained that corrections are not required to customer bills because it believes this non-compliance does not result in any errors.

24. In response to a follow-up IR, AltaGas noted this treatment of property taxes, franchise fees, and other taxes has been in place since 1999. The practice of having a tax-like charge applying to the entire billing period, regardless of when the rate change occurred, is similar to how GST changes are dealt with by the Canada Revenue Agency. Furthermore, AltaGas indicated that its Rider A and Rider B schedules, which detail rate changes to the respective riders, state that a bill issued after the effective rider date is subject to the corresponding updated rate.²⁴

25. Similar to Ref ID 14 of Table 3-1, AltaGas also requested an exemption from Ref ID 15 of Table 3-1, which describes the tariff bill event RRT energy rate price change that may result from a change in the RRT. AltaGas is not able, with its current billing system, to split the energy usage when an RRT energy rate price change occurs, as is required by Rule 004.²⁵ AltaGas clarified that the inability to split the usage only exists when a site is idle or de-energized, resulting in zero usage. All energized sites with billed usage are correctly split when an RRT energy rate price change occurs.²⁶ However, if the energization status of a site changes during a billing period, any usage is billed prior to de-energization and results in a correct, off-cycle billing.

4.1.2 Sections 4.3.1(4) and 5.4.1(1)

26. Sections 4.3.1(4) and 5.4.1(1) of Rule 004 both address the presentation of one-time charges and tariff-based charges:

4.3.1 ...

- (4) One-time charges must be presented independently from other tariff charges under a Site Header record and likewise must be disputed, cancelled and rebilled independently from other tariff charges.²⁷

....

²¹ Rule 004, Section 3.2, page 27, Table 3-1, Ref ID 14.

²² Exhibit 20428-X0001, application, paragraph 7.

²³ Exhibit 20428-X0013, AUI-AUC-2015JUN11-007(a).

²⁴ Exhibit 20428-X0019, AUI-AUC-2015JUL10-004(a).

²⁵ Exhibit 20428-X0001, application, paragraph 8.

²⁶ Exhibit 20428-X0013, AUI-AUC-2015JUN11-008(a).

²⁷ Rule 004, Section 4.3.1(4), page 34.

5.4.1 ...

- (1) Cancels and rebills may be issued for tariff-based charges and one-time charges. The cancel and rebill of tariff-based charges is independent from the cancel and rebill of one-time charges for the same site and time period.²⁸

27. AltaGas is currently unable to separate one-time charges from other tariff charges for a specified site and period. Similarly, it is unable to separate one-time cancelled and rebilled charges from other tariff cancelled and rebilled charges for a specified site and period.²⁹ While it is unable to separate these charges as stipulated in Rule 004, AltaGas confirmed that both the tariff and one-time charges are correct.³⁰

4.1.3 Retailer views on Table 3-1, Ref IDs 14 and 15, and sections 4.3.1(4) and 5.4.1(1)

28. The Commission requested that AltaGas contact the retailers active in its service territory to provide feedback regarding any potential impacts, including possible costs of implementing workarounds they face as a result of AltaGas' non-compliances to and requested exemptions from Rule 004.³¹ AltaGas indicated that responses had been received from all 11 of the retailers surveyed.³² The retailers' responses relating to Rule 004 Section 3.2, Table 3-1, Ref IDs 14 and 15, Section 4.3.1(4) and Section 5.4.1(1), are provided in the following table:

Table 2. Retailer feedback to AltaGas regarding the proposed Rule 004 exemptions³³

Retailer	Feedback to Section 3.2, Table 3-1, Ref ID 14	Feedback to Section 3.2, Table 3-1, Ref ID 15	Sections 4.3.1(4) and 5.4.1(1)
AltaGas Ltd.	None	None	None
ENMAX ¹	May drive customer complaints or concerns.	None	None
Gas Alberta Energy (GAE)	Given GAE passes these charges through as we receive them, as long as AUI has addressed the issue to ensure customers are billed correctly, no intervention (and subsequently no cost or impact) should be required.	None	Customer dissatisfaction and complaints when there are too many adjustments to review and deal with. Our customer service namely me is then riddled with questions and concerns with multiple rebills and cancels.
Hudson Energy	None	None	None
Just Energy	None	None	None

²⁸ Rule 004, Section 5.4.1(1), page 77.

²⁹ Exhibit 20428-X0001, application, paragraph 9.

³⁰ Exhibit 20428-X0013, AUI-AUC-2015JUN11-009(c).

³¹ Exhibit 20428-X0019, AUI-AUC-2015JUL10-001.

³² In the attachment to Exhibit 20428-X0019, AUI-AUC-2015JUL10-001, AltaGas explained that at the time it filed its IR responses with the Commission 10 of the 11 retailers contacted had provided feedback. AltaGas received a response from the final retailer on July 28, 2015, and provided an updated set of retailer responses in Exhibit 20428-X0020.

³³ Exhibit 20428-X0020, update to AUI-AUC-2015JUL10-001 attachment 1.

Retailer	Feedback to Section 3.2, Table 3-1, Ref ID 14	Feedback to Section 3.2, Table 3-1, Ref ID 15	Sections 4.3.1(4) and 5.4.1(1)
TransAlta Energy Marketing Corporation	Given [AltaGas is] passing these charges through, as long as AUI has addressed the issue to ensure customers are billed correctly, no intervention (and subsequently no cost or impact) should be required.	None	As long as all charges are received as per market standard, no intervention (and subsequently no cost or impact) should be required. End customer impact will be more volatility in total cancel rebill values, so perhaps customer service issues may result, but system impact should be minimal.
Access Gas Service Inc.	None	None	None
Alberta Limited Partnership (Encor)	The distribution and transmission charges presented in the TBF are flowed through to the customer. If there are customer inquiries or disputes about the allocation of the charges based on the non-energy distribution tariff price change, we would reach out to AltaGas Utilities Inc. for details.	Encor would like AUI to confirm the understanding that the exemption from splitting the usage record will only apply when there is no consumption (i.e. site is idle or de-energized) as noted in item 8 of the attached document.	The one-time charge should be identified as a separate detail line in the TBF record to enable Retailers to identify and bill the charge on the customer statement. Also, Encor would like AUI to confirm whether the period for the one-time charge will correspond with the period that the one-time charge is applicable.

Note 1: The responses for ENMAX are on behalf of ENMAX Energy Corporation, ENMAX Commercial Energy, and ENMAX Energy (Easymax).

29. In response to AltaGas' request for feedback, Direct Energy provided comments on each of Section 3.2, Table 3-1, Ref ID 14; Section 3.2, Table 3-1, Ref ID 15; and sections 4.3.1(4) and 5.4.1(1). Regarding Ref ID 14, Direct Energy confirmed there were no associated costs incurred or impact to Direct Energy, given that the charges are directly passed on to customers without Direct Energy intervention.³⁴ With respect to Ref ID 15 of Table 3-1, Direct Energy explained:

If there is a scenario where the billing period was, for example, from Jun 15 to Jul 15 and the site was de-energized as of Jul 1st, we would like to see that from Jul 1st to Jul 15 the consumption was zero so we would properly allocate our retailer charges. This is particularly important where we have had a retailer price change after July 1st. Hopefully this scenario is rare, but it may cause some customer dissatisfaction if we can't clearly demonstrate that charges are not for the de-energized period.³⁵

30. Direct Energy also provided the following comments in regards to sections 4.3.1(4) and 5.4.1(1):

DE [Direct Energy] would prefer all data be provided via standard file transaction and the rules however, as long as a new TBF is produced, no intervention should be required. From a customer experience and impact perspective, if AUI is trying to cancel and rebill one of the charges (either tariff charge or one time charge), sending a cancellation for

³⁴ Exhibit 20428-X0020, update to AUI-AUC-2015JUL10-001 attachment 1, page 18.

³⁵ Exhibit 20428-X0020, update to AUI-AUC-2015JUL10-001 attachment 1, page 19.

both on the same TBF will be confusing for customers to understand and confusing for agents to explain to customers after the fact.³⁶

31. In its evidence and IR responses to the Commission, Direct Energy stated that it incurs no monetary or man-hour costs as a result of these specific non-compliances.³⁷ In general, Direct Energy stated with respect to all of the sections for which AltaGas is seeking an exemption:

While DE appreciates the opportunity to identify impacts and costs related to AUI's exemption request and although this item does not appear to present either for DE, any deviation from the Rules (which are the means to standardization) through the creation and acceptance of special Distributor processes negatively impact the market. This is especially true for new market participants trying to enter the market and having to learn these subtle differences between distributors which may be considered a barrier to market entry and competition.³⁸

32. Direct Energy's concerns and retailer feedback regarding Section 5.4.1(2) of Rule 004 are discussed in Section 4.2.1 below.

33. AltaGas stated that it plans to work collaboratively with the retailers to try and address areas of concern that were raised in the feedback process.³⁹

34. In argument, AltaGas reiterated its submission that continuation of the existing exemptions is reasonable pending implementation of an effective, long-term solution. AltaGas submitted that the requested exemptions meet the requirements set forth in Section 6.1.5(1) of Rule 004. Specifically, AltaGas submitted that the requested exemptions represent a reasonable balance between all market participants (i.e., distributors, retailers and end-use customers) and are in the public interest. AltaGas further reiterated its view that the requested exemptions will allow end-use customers to avoid potentially substantial costs related to temporary fixes for issues with minimal impact to industry.

35. Direct Energy did not address the above-noted exemptions in its argument or reply argument.

4.2 Section 5.4.1(2)

36. AltaGas is requesting an exemption from Section 5.4.1(2) because it is not able, with its current billing system to complete a one-step cancel and rebill when multiple (two or more) billing periods are affected AltaGas initiates:

... a manual process to hold presentation of cancel and rebill charges from a TBF for a site until the cancel and rebill process is complete. This process may take one or more days depending on the number of billing periods requiring correction. In some instances, cancel or rebill records may be released in one or more tariff bill files for the site in advance of the completed cancel and rebill process. However, all records released will be in sequential order of the cancel and rebill events. In addition, where the cancel and/or rebill process is not completed prior to a site's scheduled tariff bill file publish date, tariff

³⁶ Exhibit 20428-X0020, update to AUI-AUC-2015JUL10-001 attachment 1, page 20.

³⁷ Exhibit 20428-X0025, DEML-AUC-2015AUG14-001(c) and (d).

³⁸ Exhibit 20428-X0020, update to AUI-AUC-2015JUL10-001 attachment 1, pages 18-21.

³⁹ Exhibit 20428-X0019, AUI-AUC-2015JUL10-001.

billing information for that site will be withheld from presentation until the cancel and rebill process has been completed. In the event multiple files are involved, AUI advises the affected retailer of this process and provides a timeline for delivery of all cancelled and rebilled files.⁴⁰

37. In an IR response, AltaGas identified the following steps with respect to the workaround process it will adhere to as a result of its non-compliance with Section 5.4.1(2):

1. Send an e-mail to the retailer with the notification that a multiple cancel/rebill is required. The following information will be included:
 - a. Reason for the multiple cancel/rebill;
 - b. Number of billing periods to be cancelled/rebilled;
 - c. Number of days required to complete the cancel/rebill;
 - d. Retailers must confirm receipt of e-mail and provide confirmation to proceed (as requested in industry meetings).
2. Execute one cancel per billing period per day.
3. Send corresponding TBF.
4. Upon approval of the cancelled TBF, the next cancel will be sent.
5. Upon completion of the cancels, execute one billing period rebill per day.
6. Send corresponding TBF.
7. Upon completion of the rebills, e-mail retailer to advise process is complete.

In all scenarios, cancels will be sent first, then rebills in date order i.e. cancels will be sent from newest to oldest and rebills will be sent from oldest to newest.⁴¹

38. A similar workaround to the one described above has been in place since 2010 and AltaGas explained that alternatives to the current workaround would be risky as they would require manual intervention in the creation or replacement of a TBF.⁴² Furthermore, AltaGas stated that retailers may, depending on their system automation, require their own workaround to align their billing cycles for the cancel and rebills, but no such workarounds have been identified by retailers.⁴³

39. In an IR response, AltaGas provided the following table showing the number of cancel and rebill occurrences billed by retailers over a year, excluding AltaGas as the default supply provider:

⁴⁰ Exhibit 20428-X0001, application, paragraph 10.

⁴¹ Exhibit 20428-X0009, DEML-AUI-2015JUN11-001.

⁴² Exhibit 20428-X0013, AUI-AUC-2015JUN11-006(d).

⁴³ Exhibit 20428-X0013, AUI-AUC-2015JUN11-006(a).

Table 3. AltaGas occurrences of cancel and rebills over one year⁴⁴

Number of cancelled billing periods	Number of occurrences	Average number of days to complete the process
1	1,625	1
2	110	4
3	42	7
4 to 6	30	11
Greater than 6	9	15

40. As illustrated in the table, AltaGas submitted that over a 12-month period, there were 191 instances of cancel and rebills that involved two or more billing periods, which represents 0.0985 per cent of retail sites billed annually. AltaGas explained that an occurrence of a cancel and rebill that spanned more than one billing period means that the cancel and rebill cannot be presented in a single TBF.⁴⁵

4.2.1 Retailer views on Section 5.4.1(2)

41. In response to a Commission IR AltaGas gathered feedback regarding any potential impacts, including possible costs of implementing workarounds, that retailers may face as a result of AltaGas' non-compliance with section 5.4.1(2) of Rule 004. The following responses were provided:

Table 4. Retailer feedback to AltaGas regarding the proposed exemption from Section 5.4.1(2)⁴⁶

Retailer	As a retailer, have you experienced any impacts as a result of the exemption?	As a retailer, have incremental costs been incurred to accommodate the applied for exemption?	Additional comments
AltaGas Ltd.	No	No	None
ENMAX ¹	No	No	None
Gas Alberta Energy	Client service and cash flow recovery are affected when we have event of a series of cancels are processed and billed before rebills are processed. Our billing agent has in the past held one side over a billing period to process the subsequent changes spanning 2 billing periods together and as with any manual process there is always the danger of human error or other tariffs being held up due to the intervention. Biggest problem is: (significant cancels	When system intervention is required GAE or the customer bears the timing risk and \$ are impacted however if the AUI holds the process & triggers a hold on account invoicing pending receipt of charges, then minimal intervention is required (special handling). Essentially manual intervention introduces risk into the billing process and delays invoicing (commodity and TBF) for both the customer and the retailer. If no hold is put in place, the customer bears the risk of	Added to the above risks is the risk of de enrollment and processing the 2nd part after a customer is gone. Gas Alberta suggests that AUI holds the adjustment until all cancels and rebills can be submitted together – netting essentially.

⁴⁴ Exhibit 20428-X0013, AUI-AUC-2015JUN11-010(b).

⁴⁵ Exhibit 20428-X0013, AUI-AUC-2015JUN11-010(b) and (c).

⁴⁶ Exhibit 20428-X0020, AUI-AUC-2015JUL10-001, attachment.

Retailer	As a retailer, have you experienced any impacts as a result of the exemption?	As a retailer, have incremental costs been incurred to accommodate the applied for exemption?	Additional comments
	billed and then significant re-bills sent one month later).	timing differences in invoicing date and when the file are received. Customers are often on budgets and it is helpful when costs line up as close to the flow month as possible.	
Hudson Energy	Yes - Client service and potentially cash flow recovery if a series of cancels are processed and billed before re-bills are processed (i.e. significant cancels billed and then significant re-bills sent one month later).	Yes. If system intervention is required. If the customer wears the timing risk then no intervention is required (no cost), however if the AUI notification process triggers a hold on account invoicing pending receipt of charges, then intervention is required (special handling) with associated costs. This manual intervention introduces risk into the billing process and delays invoicing (commodity and TBF) for both the customer and the retailer. If no hold is put in place, the customer bears the risk of timing differences in invoicing date and when the file are received.	None
Just Energy	No	No	None
TransAlta Energy Marketing Corporation	Yes - Client service and potentially cash flow recovery if a series of cancels are processed and billed before re-bills are processed (i.e. significant cancels billed and then significant re-bills sent one month later).	Yes - If system intervention is required. If the customer wears the timing risk then no intervention is required (no cost), however if the AUI notification process triggers a hold on account invoicing pending receipt of charges, then intervention is required (special handling) with associated costs. This manual intervention introduces risk into the billing process and delays invoicing (commodity and TBF) for both the customer and the retailer. If no hold is put in place, the customer bears the risk of timing differences in invoicing date and when the file are received.	As long as all charges are received as per market standard, no intervention (and subsequently no cost or impact) should be required. If a manual hold process is put in place to minimize customer impact then effort, cost and risk will result.
Access Gas Service Inc.	No	No	None
Alberta Limited	No	No	The one-time charge should be identified as a separate detail

Retailer	As a retailer, have you experienced any impacts as a result of the exemption?	As a retailer, have incremental costs been incurred to accommodate the applied for exemption?	Additional comments
Partnership (Encor)			line in the TBF record to enable Retailers to identify and bill the charge on the customer statement. Also, Encor would like AUJ to confirm whether the period for the one-time charge and any cancel and rebills will correspond with the period that the one-time charge is applicable. It is expected that AUJ will advise the Retailer of cancel rebills that have not been completed by the site's scheduled tariff bill file publish date. Encor requests that AUJ send this notification the same date as the TBF record is produced to enable the Retailer to review the account prior to billing.

Notes 1: The responses for ENMAX are on behalf of ENMAX Energy Corporation, ENMAX Commercial Energy, and ENMAX Energy (Easymax).

42. Direct Energy provided evidence regarding its annual cost of having to accommodate AltaGas' non-compliance with Section 5.4.1(2). It estimated that it would require 200 hours annually, or 600 hours over the requested exemption period, to deal with AltaGas' non-compliance with Section 5.4.1(2). The estimate of 200 hours was made up of 80 hours for the training of billing agents, 100 hours for dealing with billing exceptions and 20 hours devoted to participating in the associated regulatory processes.⁴⁷

43. In response to a Commission IR, Direct Energy provided the basis for the estimation of the number of hours devoted to each of the three components. Specifically, Direct Energy estimated that each TBF exception related to Section 5.4.1(2) of Rule 004 takes approximately one hour to address and estimated 100 cancels and rebills from AltaGas a year.⁴⁸ Direct Energy clarified that this was a high-level estimate. Because it pays a fixed price per site for customer care and billing, Direct Energy was unable to provide an estimate of incremental monetary costs that have arisen due to AltaGas' non-compliance with Section 5.4.1(2) of Rule 004.⁴⁹

44. The Commission also inquired how Direct Energy's customers may be affected by AltaGas' non-compliances, and whether Direct Energy had received any complaints arising therefrom. Direct Energy explained that customer dissatisfaction may result when a cancel and rebill exists over two billing periods. If more than one TBF is required, either a customer will get

⁴⁷ Exhibit 20428-X0021, DEML evidence, page 1.

⁴⁸ Exhibit 20428-X0024, DEML-AUC-2015AUG14-001(b).

⁴⁹ Exhibit 20428-X0024, DEML-AUC-2015AUG14-002(a)-(b).

multiple invoices, or the retailer will have to delay billing as a result of issuing a hold because it was given notice of the multiple TBFs.⁵⁰

45. Direct Energy was asked whether there were any steps AltaGas could take to mitigate its workload in dealing with the non-compliance. Direct Energy responded that it currently had no suggestions on how AltaGas could mitigate the impacts.

46. In general, Direct Energy's position was that "AltaGas must abide by the same rules as all other market participants, regardless of the financial or operational burdens of following the market rules."⁵¹ In argument, Direct Energy submitted that when AltaGas discussed its need for a temporary exemption from Rule 004 in the November 19, 2014 Rule 004 Industry Consultation meeting, AltaGas gave no indication that an exemption would be required until 2018. Direct Energy submitted that a three-year exemption is not reasonable and that if the exemption is granted, it should be of a limited duration.⁵²

47. In reply, AltaGas stated that it plans to become fully compliant but in the meantime, temporary non-compliance must be balanced with the cost of expedited compliance.⁵³

4.3 Commission findings

48. While the Commission considers that full compliance with Rule 004 is important in ensuring an open, fair, and effective retail market, there are circumstances that warrant temporary exemptions from the requirements of Rule 004. The Commission's authority to grant a temporary exemption is provided for in Section 6.1.5 of Rule 004:

- (1) A regulated party may apply to the Commission for a temporary exemption from all or any provision of this rule. The Commission will not approve an exemption unless the Commission is satisfied that:
 - (a) It is in the public interest to do so.
 - (b) The exemption does not significantly affect the obligations of the regulated party or the obligations can be or will be met in other ways for the duration of the exemption.
 - (c) The exemption does not affect the obligation of the regulated party to comply with the *Regulated Default Supply Regulation*.
- (2) The Commission will publish all requests for a temporary exemption and seek comments from interested stakeholders prior to considering the exemption request. The Commission may approve an exemption with or without conditions, and the exemption will remain in effect for the period of time specified by, or until revoked by, the Commission. The Commission must make available on its website all approved exemptions.⁵⁴

⁵⁰ Exhibit 20428-X0024, DEML-AUC-2015AUG14-003(b).

⁵¹ Exhibit 20428-X0021, DEML evidence, page 1.

⁵² Exhibit 20428-X0027, DEML argument, page 1.

⁵³ Exhibit 20428-X0030, AltaGas reply argument, paragraph 9.

⁵⁴ Rule 004, Section 6.1.5, page 85.

49. The only retailer registered in this proceeding is Direct Energy. To get a broader understanding of stakeholder concerns, the Commission asked AltaGas to request feedback from retailers regarding the impacts of the applied-for exemptions. The responses provided to AltaGas, with the exception of Section 5.4.1(2) discussed below, indicate that no significant or costly impacts to retailers were identified, although some concern was expressed regarding possible customer dissatisfaction. In addition, neither AltaGas nor the retailers indicated that manual workarounds were required as a consequence of these non-compliances.

50. The Commission has reviewed AltaGas' explanation of the impacts of its inability to comply with Section 3.2, Table 3-1, Ref ID 14; Section 3.2, Table 3-1, Ref ID 15; and sections 4.3.1(4) and 5.4.1(1) of Rule 004, and considers the limited market impacts identified in this proceeding, to be manageable. The Commission considers that the granting of exemptions to these sections does not affect AltaGas' obligation to comply with the *Regulated Default Supply Regulation*. Moreover, it does not appear that these exemptions will significantly affect the obligations of AltaGas. For these reasons, the Commission finds that granting these exemptions is in the public interest.

51. The Commission recognizes that unlike the exemptions discussed above, the applied-for exemption from Section 5.4.1(2) of Rule 004 has greater impacts. This exemption requires a workaround that directly impacts retailers in AltaGas' service territory and may impact customers. Direct Energy, in its evidence and responses to IRs, and other retailers in response to the request for feedback from AltaGas, expressed greater concern than with the other exemptions requested, that customer dissatisfaction may arise from the issuance of multiple invoices if a cancel and rebill spans multiple billing periods and is unable to be presented in a single TBF.

52. As presented in Table 3 above, AltaGas estimated the number of cancel and rebills occurring over multiple billing periods to be 191 instances per year or approximately 0.01 per cent of annual billed sites. The Commission is provided some comfort that a small percentage of customers is expected to be impacted by an exemption from Section 5.4.1(2).

53. The Commission acknowledges Direct Energy's concerns in regards to the potential barriers to entry that may result from AltaGas' inability to comply with Rule 004.

54. The Commission agrees with Direct Energy that exemptions should be temporary in nature and that market participants should all abide by the same rules. The manual workarounds currently in place and proposed to continue throughout the applied for exemption period require accommodation by retailers. Although manual workarounds are inconvenient, the evidence presented on the record of this proceeding did not indicate that incremental monetary costs would be incurred by retailers as a result of the manual workarounds. Furthermore, no party has presented an alternative means by which AltaGas could, in the short term, better address its inability to present a cancel and rebill spanning more than one billing period in a single TBF, as required by Rule 004.

55. The Commission is very concerned with AltaGas' repeated applications for temporary exemptions from these sections of Rule 004. The Commission does not consider that multiple temporary exemptions, extending for over a decade, were contemplated when Rule 004 and its predecessor code were issued. However, the Commission considers that in the current circumstances, given AltaGas' evidence on the costs associated with implementing a temporary

solution, which would be passed on to customers, and the limited number of customers expected to be impacted, denying the request for the exemptions would not be in the public interest.

56. Accordingly, the Commission grants AltaGas exemptions from Section 3.2, Table 3-1, Ref ID 14; Section 3.2, Table 3-1, Ref ID 15; and sections 4.3.1(4), 5.4.1(1) and 5.4.1(2) of Rule 004 until December 31, 2018.

57. In granting these exemptions, the Commission is relying on AltaGas' proposed compliance timeline whereby full compliance with Rule 004 is achieved by no later than mid-2019. The Commission expects AltaGas to take reasonable measures to control the number of cancel and rebill adjustments during the exemption period to prevent customer dissatisfaction. The Commission also expects that AltaGas will continue to communicate and work with all retailers in its service territory, including any retailers not identified during the course of this proceeding, to address concerns that arise from its non-compliance with Rule 004. The Commission directs AltaGas to advise the Commission on an annual basis, simultaneous with its Rule 002: *Service Quality and Reliability Performance Monitoring and Reporting for Owners of Electric Distribution Systems and for Gas Distributors* annual report, whether the compliance timeline discussed in this proceeding is still correct and, if not, to advise of the measures it has undertaken to address any slippage in the schedule.

58. The Commission acknowledges the potential impact on retailers of the exemptions, and in particular the exemption from Section 5.4.1(2) of Rule 004 as expressed by Direct Energy and to a lesser extent by other retailers as presented in Table 4, above, and in the May 14, 2015, Rule 004 industry consultation meeting.⁵⁵ Given the duration of the applied for exemption, the Commission directs AltaGas to monitor the impacts of the exemptions on retailers and to file with its Rule 002 annual report, the number of non-compliance instances experienced for each of the approved exemptions, presented on a quarterly basis. The Commission further directs AltaGas to report on an annual basis, also with its Rule 002 annual report, any concerns raised by retailers regarding impacts to them, possible customer dissatisfaction arising from the exemptions and any mitigation measures taken.

59. Should the Commission become aware that the exemptions are creating negative impacts, such as workarounds being more numerous or time-consuming than anticipated, it may reassess the continuing viability of those exemptions or impose further conditions on AltaGas.

5 AltaGas' compliance plan

60. AltaGas also requested approval of its updated Rule 004 compliance plan which was attached as Appendix 1 to its application.⁵⁶ AltaGas' previous compliance plan for Rule 004 was approved by the Commission on June 4, 2010, and indicated that AltaGas would be compliant by December 31, 2012, or submit a revised plan. As discussed in Section 2 of this decision, AltaGas did not achieve compliance by that date and did not submit a revised compliance plan until the current application.

⁵⁵ Rule 004 working group meeting summary, May 14, 2015.

⁵⁶ Exhibit 20428-X0001, application, Appendix 1.

61. AltaGas identified the following changes from its previous Rule 004 compliance plan to the plan submitted for approval in this application:

- Updated information about the role of AUI;
- AUI's transition from project to operational mode;
- With respect to the removal of reference to Section 2, the move of measurement and reporting requirements from Rule 004 to Rule 002;
- Clearer descriptions of the reasons for the exemptions;
- AUI's plans to resolve Rule 004 non-compliance issues as part of a billing system replacement to occur by mid-2019;
- The proposed process for requesting exemptions going forward;
- Removal of the self-certification, as it was more relevant to the original system implementation and less relevant to ongoing operations; and
- An update to Accountability.⁵⁷

62. During the course of this proceeding, AltaGas determined that a clarification was required regarding the section of its compliance plan addressing Section 5.4.1(2) of Rule 004. The compliance plan submitted with the application in this proceeding explained that AltaGas is unable to process all-inclusive, one-step cancel and rebills. AltaGas suggested it clarify in its compliance plan that it is only when the cancel and rebills span more than one billing period that a single TBF cannot be presented. AltaGas stated that it would file an updated compliance plan in the compliance filing to this decision.⁵⁸

Commission findings

63. The requirements for a compliance plan are set out in Section 6.1 of Rule 004. Section 6.1.3 provides that the Commission may approve the compliance plan of a party regulated by Rule 004 with or without conditions. The Commission has reviewed AltaGas' updated compliance plan, as well as the summary of changes from its previous plan, and considers that changes to the compliance plan are required for the following:

- (a) Section 6.1.1(1)(b) of Rule 004 requires that "the party" confirms that it is aware of and understands its rule obligations. Section 2 of the compliance plan must be amended to state that AltaGas is aware of and understands its obligations pursuant to Rule 004. The Commission does not object to the further reference to AltaGas' billing and information technology staff.
- (b) Section 3 of the compliance plan should refer specifically to AltaGas' intent to comply with the obligations set out in Section 2 of Rule 004, and the process and transactional requirements, as set out in sections 3, 4 and 5 of Rule 004.

For each of the exemptions set out in Section 3 of its compliance plan, AltaGas should remove the reference to addressing the issue as part of a billing system replacement. Rule 004, Section 6.1.1(1)(d)(ii) refers to the timing by which the party will be prepared to certify that it has met the rule requirements but does not reference the means by which compliance will be achieved. In its compliance plan, AltaGas should address the timing by which it will be prepared to certify that it has met rule

⁵⁷ Exhibit 20428-X0001, application, paragraph 14.

⁵⁸ Exhibit 20428-X0027, AltaGas argument, paragraph 25.

requirements by issuing a self-certification statement, as set out in Section 7. The Commission directs AltaGas to provide a specific date by which it anticipates being able to certify meeting all Rule 004 requirements. Based on the evidence provided in this proceeding, the Commission expects a date no later than June 30, 2019.

As stated above, the Commission has concerns with the number of temporary exemptions that have been applied for and granted, and the period over which AltaGas has not been in compliance with Rule 004. Accordingly, notwithstanding AltaGas' commitment to comply with Rule 004 by no later than mid-2019, the Commission considers that AltaGas should strive to achieve compliance by no later than December 31, 2018, the date to which exemptions have been approved. Achieving compliance by December 31, 2018, would, amongst other things, avoid the regulatory burden of applying for exemptions beyond those provided in this decision.

- (c) Section 4, titled "Process" does not correspond to a requirement of Rule 004 and should be deleted.

64. AltaGas is directed to refile its compliance plan reflecting the above requirements and the clarification identified in its argument⁵⁹ in a compliance filing to this decision, within 30 days from issuance of this decision.

6 Order

65. It is hereby ordered that:

- (1) AltaGas is granted temporary exemption from the requirements of Section 3.2, Table 3-1, Ref IDs 14 and 15; Section 4.3.1(4), Section 5.4.1(1) and Section 5.4.1(2) of Rule 004 effective from the date of this decision until December 31, 2018.
- (2) AltaGas is directed to monitor and report to the Commission on an annual basis, simultaneous with its Rule 002 annual report, the following:
 - (i) whether the compliance timeline discussed in this proceeding is still correct and, if not, what measures AltaGas has undertaken to address any slippage in the schedule;
 - (ii) the number of non-compliance instances experienced, for each of the approved exemptions, presented on a quarterly basis;
 - (iii) any concerns raised by retailers regarding the impacts to them or any possible customer dissatisfaction arising from the exemptions and any mitigation measures taken.

⁵⁹ Exhibit 20428-X0027, AltaGas argument, paragraph 25.

- (3) AltaGas is directed to file an updated compliance plan in accordance with this decision within 30 days from the date this decision is issued.

Dated on December 4, 2015.

Alberta Utilities Commission

(original signed by)

Kay Holgate
Commission Member

Appendix 1 – Proceeding participants

Name of organization (abbreviation) counsel or representative
AltaGas Utilities Inc. (AltaGas or AUI)
Direct Energy Marketing Limited (Direct Energy)

Alberta Utilities Commission
Commission panel K. Holgate, Commission Member
Commission staff K. Kellgren (Commission counsel) J. Work A. Corsi P. Howard A. Laroia

Appendix 2 – Summary of Commission directions

This section is provided for the convenience of readers. In the event of any difference between the directions in this section and those in the main body of the decision, the wording in the main body of the decision shall prevail.

1. In granting these exemptions, the Commission is relying on AltaGas' proposed compliance timeline whereby full compliance with Rule 004 is achieved by no later than mid-2019. The Commission expects AltaGas to take reasonable measures to control the number of cancel and rebill adjustments during the exemption period to prevent customer dissatisfaction. The Commission also expects that AltaGas will continue to communicate and work with all retailers in its service territory, including any retailers not identified during the course of this proceeding, to address concerns that arise from its non-compliance with Rule 004. The Commission directs AltaGas to advise the Commission on an annual basis, simultaneous with its Rule 002: *Service Quality and Reliability Performance Monitoring and Reporting for Owners of Electric Distribution Systems and for Gas Distributors* annual report, whether the compliance timeline discussed in this proceeding is still correct and, if not, to advise of the measures it has undertaken to address any slippage in the schedule. Paragraph 57
2. The Commission acknowledges the potential impact on retailers of the exemptions, and in particular the exemption from Section 5.4.1(2) of Rule 004 as expressed by Direct Energy and to a lesser extent by other retailers as presented in Table 4, above, and in the May 14, 2015, Rule 004 industry consultation meeting. Given the duration of the applied for exemption, the Commission directs AltaGas to monitor the impacts of the exemptions on retailers and to file with its Rule 002 annual report, the number of non-compliance instances experienced for each of the approved exemptions, presented on a quarterly basis. The Commission further directs AltaGas to report on an annual basis, also with its Rule 002 annual report, any concerns raised by retailers regarding impacts to them, possible customer dissatisfaction arising from the exemptions and any mitigation measures taken. Paragraph 58
3. (b) Section 3 of the compliance plan should refer specifically to AltaGas' intent to comply with the obligations set out in Section 2 of Rule 004, and the process and transactional requirements, as set out in sections 3, 4 and 5 of Rule 004.

For each of the exemptions set out in Section 3 of its compliance plan, AltaGas should remove the reference to addressing the issue as part of a billing system replacement. Rule 004, Section 6.1.1(1)(d)(ii) refers to the timing by which the party will be prepared to certify that it has met the rule requirements but does not reference the means by which compliance will be achieved. In its compliance plan, AltaGas should address the timing by which it will be prepared to certify that it has met rule requirements by issuing a self-certification statement, as set out in Section 7. The Commission directs AltaGas to provide a specific date by which it anticipates being able to certify meeting all Rule 004 requirements. Based on the evidence provided in this proceeding, the Commission expects a date no later than June 30, 2019.
..... Paragraph 63(b)

4. AltaGas is directed to refile its compliance plan reflecting the above requirements and the clarification identified in its argument⁶⁰ in a compliance filing to this decision, within 30 days from issuance of this decision. Paragraph 64
5. (2) AltaGas is directed to monitor and report to the Commission on an annual basis, simultaneous with its Rule 002 annual report, the following:
 - (i) whether the compliance timeline discussed in this proceeding is still correct and, if not, what measures AltaGas has undertaken to address any slippage in the schedule;
 - (ii) the number of non-compliance instances experienced, for each of the approved exemptions, presented on a quarterly basis;
 - (iii) any concerns raised by retailers regarding the impacts to them or any possible customer dissatisfaction arising from the exemptions and any mitigation measures taken. Paragraph 65(2)
6. (3) AltaGas is directed to file an updated compliance plan in accordance with this decision within 30 days from the date this decision is issued. Paragraph 65(3)

⁶⁰ Exhibit 20428-X0027, AltaGas argument, paragraph 25.