



15 April 2008

Ms. Giuseppa Bentivegna
Commission Counsel
Alberta Utilities Commission
400, 425 1st Street SW
Calgary, AB T2P 3LB

Via email only

RE: IPPSA Response to Rule 022 Consultation

Dear Ms. Bentivegna;

The Independent Power Producers Society of Alberta (IPPSA) appreciates the opportunity to comment on the Alberta Utilities Commission (AUC) consultation on Rule 022, Rules on Intervener Costs.

We begin our comments by reiterating a principle we advanced in the Alberta Energy Utilities Board's Bulletin 2003-11 consultations. In that discussion, IPPSA asserted its belief that the design of intervener funding should not discriminate against an intervener for who they are, but rather should be based on the merits of their interventions. We see this principle aligned with the idea of fairness, an important idea in Alberta's market. We believe the idea of fairness is all the more important when it pertains to the level playing field required by participants in matters involving their adjudicator. To this end, we believe that intervener funding is one area that merits fairness.

Our responses to the questions posed by the AUC are rooted in this principle of fairness:

1.0 Who should be ineligible for cost awards?

Those interveners whose participation is deemed not to be of value by the AUC should be denied funding. In the meantime, every intervener who wishes to participate before an AUC process should have equal access to funding, or be equally denied funding.

2.0 Should the business interest rule have a broader implication to include commercial associations?

From IPPSA's point of view, we see the value of associations as a means to aggregate the opinions of diverse stakeholders, thus improving regulatory processes and efficiencies. Associations do not benefit commercially from the issues they intervene in. Associations advocate for broad principles. We would think that this type of intervention should be welcomed by the AUC.

As above, if the AUC is to provide funding to one association, it should provide it to all. This funding would only be conditioned by the association's ability to demonstrate value in their participation and interventions.

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3.0 Should the Commission set out criteria regarding the application of the business interest rule?

If the goal is to manage costs, we note that the Commission can simply exercise its current prerogative to decline cost claims from any intervener based on the merit of its participation. Utilizing its discretion seems like a far more efficient approach to this issue than engaging in any further debate about definitions, criteria, grandfathering, etc. To our point, we note that the EUB's Bulletin 2003-11, which began this discussion, was introduced some five years ago and is yet to be resolved.

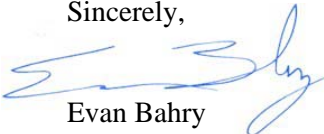
4.0 Is it appropriate to grandfather existing groups?

Again, rather than engaging in this debate, we suggest that the AUC simply invokes its discretion to deny funding for interventions that it does not believe have added value. Discrimination can then be based on merit, or the lack thereof and not simply based on which part of the market the intervener represents.

Whatever the AUC chooses to do, we reiterate our request for fairness in the design of intervener funding. Load interests and load associations should be treated the same way supply interests and supply associations are treated. This recommendation simply reinforces a principle of fairness in due process, and the principle of equal treatment before our adjudicator.

Should you have any questions about our response, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Evan Bahry', written over a light blue horizontal line.

Evan Bahry
Executive Director