

February 26, 2010

Delivered via e-mail to: fairley.brian@syncrude.com

Syncrude Canada Ltd.
P.O. Bag 4009, M.D. 4100
Bldg 158, Fl 4th, Fsc East)
Fort McMurray, Alberta
T9H 3L1

Attention: Mr. Brian Fairley, Vice-President Production

Dear Mr. Fairley:

**Re: MSA File # 2010-006
Contravention of ISO rule 6.6 – Notice of Specified Penalty
SCL1 – September 17, 2009**

As you will be aware, your organization is a market participant governed by the ISO rules established by the Alberta Electric System Operator (AESO).

The Market Surveillance Administrator (MSA) is granted the power and authority under s. 52 of the *Alberta Utilities Commission Act* (Act) to issue a notice of specified penalty where the MSA is satisfied that a person has contravened an ISO rule. The range of specified penalties is set out in Rule 019 of the Alberta Utilities Commission (AUC).

In accordance with the relevant enactments and rules, the MSA is hereby issuing to your organization a notice of specified penalty for non-compliance by Syncrude #1 (SCL1) with ISO rule 6.6. A summary of other relevant particulars is set out below, for your information.

Event

On September 17, 2009 at 07:06 the SCL1 asset received a dispatch down to 35 MW. Between 07:06 and 07:46 the AESO found the SCL1 unit to be generating up to 20 MW outside its allowable dispatch variance. At 07:46 the SCL1 asset received a dispatch up to 42 MW. At the time of the second dispatch, the AESO found the SCL1 asset to be generating at approximately 60 MW. At 07:56, ten minutes after the dispatch, the SCL1 asset was still generating at approximately 60 MW. The asset did not reach a steady state of 42 MW. Generation dropped below 42 MW and was generating outside its allowable dispatch variance for most, or all, of the period from 07:46 until approximately 09:15 when the unit was dispatched to 0 MW.

Process

The AESO referred this event to the MSA on February 4, 2010 as a suspected contravention of ISO rules 6.6, and your organization was notified accordingly. As part of its compliance monitoring, the AESO obtained information regarding the event and provided an opportunity for your organization to bring forward information it considered relevant to the matters at issue. Information obtained by the AESO was provided to the MSA for use in respect of its mandate. Further, in accordance with the MSA Investigation Procedures, your organization was afforded an opportunity to provide additional information to the MSA upon referral from the AESO, if you so chose.

Findings

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of ISO rule 6.6.

In this regard, the material facts which were relied upon by the MSA include the following:

1. AESO Available Capability (AC), dispatch, and generation data for the SCL1 asset on September 17, 2009.
2. AESO Information Request to Syncrude Canada Ltd. dated December 9, 2009
3. Syncrude Canada Ltd. January 9, 2010 response to AESO information request.
4. AESO Information clarification email to Syncrude Canada Ltd. dated January 18, 2010
5. Syncrude Canada Ltd. January 26, 2010 response to AESO information clarification email.
6. AESO letter to Syncrude Canada Ltd dated February 4, 2010 notifying the referral of the matter to the MSA

Specified Penalty

The MSA understands that this event constitutes the first contravention of ISO rule 6.6 by this asset since September 1, 2009. The MSA notes that this contravention was not self-reported by your organization, and therefore a reduction to the specified penalty cannot be made on that basis.

For these reasons, and in accordance with AUC Rule 019, the MSA has determined that a total specified penalty in the amount of \$1,500 is appropriate for this specific contravention of ISO rule 6.6.

Specified Penalty Due Date

The penalty is due and payable not later than March 29, 2010.

Delivery of Payment

Payment by cheque or certified funds is to be made out to the "General Revenue Fund c/o Minister of Finance", and delivered to the Alberta Utilities Commission at: 4th Floor, 425 - 1st Street S.W., Calgary, Alberta, T2P 3L8. Questions in respect of delivery of payment should be addressed to the Director of Finance, AUC. The payment should reference this notice and related MSA File # (see first page of notice). Delivery of payment should also be confirmed in writing or by email to Doug Doll, the MSA contact person noted below with copy to the

following AUC personnel: Cora Anderson, Sabi Ghavami (Director, Finance), and Darin Lowther (Director, Market Rules).

Failure to Pay Specified Penalty

Failure to pay the specified penalty in accordance with this notice will result in a hearing or other proceeding before the AUC.

Dispute re Notice of Specified Penalty

If your organization disputes the issuance of this notice of specified penalty, or if you have any other questions or comments regarding this matter, please contact Doug Doll, Senior Analyst, MSA, at (403) 233-6497 or doug.doll@albertamsa.ca.

In accordance with the relevant enactments and rules, a dispute regarding the issuance of a notice of specified penalty will be addressed by an AUC hearing or other proceeding.

Notice of Specified Penalty Public

In accordance with s. 5(1) of AUC Rule 019 this notice of specified penalty will be made public 30 days after issuance. The MSA will, if applicable, also post on its website the link to any decision of the AUC respecting the specified penalty.

The MSA is committed to working with your organization and other market participants on compliance related matters, including re: the ISO rules. For further information regarding the monitoring, investigation and enforcement of ISO rules, we would refer you to the *MSA Investigation Procedures* (particularly Appendix A therein), found on the MSA website under *Processes*.

Yours truly,
Market Surveillance Administrator

“Original Signed”

Per: Matt Ayres
Chief Economist

Cc: Ryan Langevin - Syncrude
Cora Anderson – AUC
Darin Lowther – AUC
Sabi Ghavami – AUC