

NOTICE OF SPECIFIED PENALTY

Date of Issue: May 6, 2010

Payment Due Date: June 7, 2010

MSA File Number:	2010-016	Specified Penalty Amount:	\$ 500
Market Participant Name:	Capital Power Energy Marketing L.P.		
Asset ID (if applicable):	EMXB	Self Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule:	6.3.3	Date of Contravention:	September 22, 2009
Date of Referral/Self Report:	March 18, 2010	This is the first contravention by this asset for this rule within a rolling 12 month period.	

EVENT DETAILS

On September 22, 2009 prior to 00:58 the offered Available Capability (AC) value for Capital Power Energy Marketing L.P. export (EMXB) asset for HE 1 – 3 was 100 MW. AESO settlement data indicates that for HE 1 the sum of the e-tags was 0 MW which is a discrepancy of 100 MW. At 00:58 AC for EMXB asset was restated to 0 for HE 1-3 without an acceptable operational reason. Section 6.3.3 of the ISO rules requires, for an importer (exporter), that the AC be restated in accordance with rule 3.5.3.2 (3.5.4.2) prior to the settlement interval in which the offer (bid) is to take effect, to equal the sum of the importer's (exporter's) e-tag quantities for that interval. Additionally, ISO rule 6.3.3 requires that the sum of the importer's (exporter's) e-tag quantities (MW) and importer's (exporter's) wheel-through interchange e-tag quantities (MW) for a single import source asset may only be less than the AC of such asset stated two hours before the start of the settlement interval if the importer (exporter) has an acceptable operational reason.

FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of ISO rule 6.3.3.

MATERIAL FACTS

The material facts relied upon by the MSA include the following:

1. AESO restatement and settlement data for the EMXB asset for September 22, 2009.
2. AESO Information Request to Capital Power Energy Marketing L.P. dated January 22, 2010.
3. Capital Power Energy Marketing L.P. February 5, 2010 response to the AESO information request.
4. AESO letter to Capital Power Energy Marketing L.P. dated March 18, 2010 notifying the referral of the matter to the MSA.
5. Capital Power Energy Marketing L.P. letter to the MSA dated March 30, 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 (AUC) 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 #. Delivery of payment should also be confirmed by email to compliance@albertamsa.ca, with copy to the following AUC personnel: Cora Anderson cora.anderson@auc.ab.ca, Sabi Ghavami (Director, Finance) sabi.ghavami@auc.ab.ca, and Darin Lowther (Director, Market Rules) darin.lowther@auc.ab.ca.

NOTICE

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

In accordance with the relevant enactments and rules, a dispute regarding the issuance of a Notice of Specified Penalty or failure to pay the specified penalty in accordance with this notice will result in a hearing or other proceeding before the AUC.

In accordance with s. 5(1) of AUC Rule 019 this Notice of Specified Penalty will be made public no earlier 30 days and no later than 45 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.

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 the MSA compliance team at compliance@albertamsa.ca.

SIGNATURE

Signature:	<i>"Original Signed"</i>	Signature Date:	May 6, 2010
Name:	Matt Ayres	Title:	Chief Economist