

NOTICE OF SPECIFIED PENALTY

Date of Issue: April 14, 2010

Payment Due Date: May 17, 2010

MSA File Number:	2010-017	Specified Penalty Amount:	\$ 1,500
Market Participant Name:	Air Liquide Canada Inc.		
Asset ID (if applicable):	ALS1	Self Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule:	6.6	Date of Contravention:	January 4, 2010
Date of Referral/Self Report:	March 19, 2010	This is the first contravention by this asset for this rule within a rolling 12 month period.	

EVENT DETAILS

On January 4, 2010 ALS1 accepted an energy dispatch down to 52 MW effective at 23:12. The ALS1 asset did not move directionally toward the new dispatch level until approximately 00:12 on January 5, 2010. Section 6.6.3(a) of ISO rule 6.6 requires that in accordance with an energy market dispatch issued to a pool participant, the output of a generating asset must be changed to move directionally towards the quantity (MW) indicated in that energy market dispatch within ten (10) minutes of the time specified in the energy market dispatch.

FINDINGS

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

MATERIAL FACTS

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

1. AESO Available Capability (AC), dispatch, and generation data for the ALS1 asset on January 4, 2010.
2. AESO Information Request to Air Liquide Canada Inc. dated February 22, 2010.
3. Air Liquide Canada Inc. February 24, 2010 response to AESO information request.
4. AESO letter to Air Liquide Canada Inc. dated March 19, 2010 notifying the referral of the matter to the MSA.

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 shall 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.

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>"Originally Signed"</i>	Signature Date:	April 14, 2010
Name:	Matt Ayres	Title:	Chief Economist