

October 29, 2009

*Delivered via e-mail to: [lenns@enmax.com](mailto:lenns@enmax.com)*

ENMAX Energy Corporation  
141 – 50th Avenue S.E.  
Calgary, Alberta  
T2G 4S7

**Attention: Mr. Lonnie Enns, Vice President, Generation & Wholesale Energy**

Dear Mr. Enns,

**Re: MSA File # 2009-068  
Contravention of ISO rule 6.6 – Notice of Specified Penalty  
BR5 – June 22, 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 asset ID BR5 with ISO rule 6.6. A summary of other relevant particulars is set out below, for your information.

Event

On June 22, 2009 the BR5 asset was found to be in non-compliance with its dispatch level for a period beginning at 10:33 and ending at 11:06 at variances of up to 45 MW after receiving a dispatch to 360 MW from the AESO.

Process

The AESO referred this event to the MSA on September 3, 2009 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 net to grid generation data for the BR5 asset on June 22, 2009.
2. AESO Information Request to ENMAX PPA Management Inc. dated July 30, 2009.
3. ENMAX PPA Management Inc. July 30, 2009 response to AESO information request.
4. AESO letter to ENMAX PPA Management Inc. September 3, 2009 notifying the referral of the matter to the MSA
5. ENMAX PPA Management Inc. October 20, 2009 e-mail communication to MSA confirming no further information to add.

### Specified Penalty

AUC rule 019 and the Category 3 Penalty Table therein prescribe the applicable financial penalty based on the duration and magnitude of a dispatch variance. For the purposes of this calculation and taking into account factors such as ramp period, the MSA has deemed that the contravention persisted for 30 to less than 45 minutes in duration at a dispatch variance 25 to less than 50 MW. As such, the applicable specified penalty is \$5,000. The MSA notes that this contravention was not self-reported by your organization, and therefore a reduction to the specified penalty can not 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 \$ 5,000 is appropriate for this specific contravention of ISO rule 6.6.

### Specified Penalty Due Date

The penalty is due and payable not later than November 30, 2009.

### 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](mailto: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: Glenn Kosak – Enmax  
Cora Anderson - AUC  
Darin Lowther – AUC  
Sabi Ghavami – AUC