

February 24, 2010

NOTICE TO MARKET PARTICIPANTS

Re: FEOC Regulation – Section 3 - Preferential Sharing of Non-Public Records

On July 22, 2009 the MSA posted a notice to its website concerning Section 3 of the Fair Efficient, Open Competition (FEOC) Regulation. Section 3 of the Regulation sets out a general prohibition against the sharing of certain non-public records (information) – i.e. records relating to any past, current or future price and quantity offer made to the power pool or for the provision of ancillary services - but allows under Subsection 3(2) for the sharing of such records in specific contexts and circumstances. Section 3 also establishes a process whereby a market participant can bring an application to the Alberta Utilities Commission (Commission) seeking an order permitting the sharing of such non-public records.

A number of market participants are now submitting applications to the Commission for approval. The MSA would like to remind market participants that:

- Under section 3(5)(b) of the Regulation the only parties involved in the proceeding will be the market participant and the MSA. Consequently, the MSA is open to ways of increasing efficiency with regard to the process, including an exchange of views prior to the filing of the application. The MSA would encourage participants to do this well in advance of any applicable deadline. The exchange of views would allow the MSA to provide feedback on a draft application and an indication of whether it would likely support or oppose if such an application were filed with the Commission. In the event a market participant wishes to receive some feedback from the MSA please contact the undersigned (wayne.silk@albertamsa.ca, 403-705-8522 or matt.ayres@albertamsa.ca, 403-705-3182)
- When making an application to the Commission under Section 3 of the FEOC Regulation, the market participant must concurrently notify the MSA of the matter. To facilitate delivery of that notice to the MSA, unless informed otherwise, market participants are asked to send the notice to the MSA Compliance mailbox – compliance@albertamsa.ca

In any event, we encourage you to contact us as needed.

Yours truly,

“Original signed”

W.W. (Wayne) Silk
Deputy Administrator
Market Surveillance Administrator