



May 2, 2012

### Feedback - Trading on Exempted Outage Records

The MSA received a request regarding clarity about trading on exempted outage records (outage records not required to be provided to the AESO).

The issue of trading on exempted outage records is covered in various subsections within section 4 of the *Fair, Efficient and Open Competition Regulation* (FEOC Regulation).

Subsection 4(1) requires that market participants shall not, directly or indirectly, use outage records to trade unless permitted to do so under other applicable subsections in section 4.

Subsection 4(6) allows the AESO to exempt market participants from the provision of certain outage records, as follows:

*“The ISO may exempt a market participant from the requirement to provide outage records under subsection (2) where, in the ISO’s opinion,*

*(a) the records would not reasonably be expected to have a material impact on market prices, and*

*(b) the records are not necessary to carry out the ISO’s duties under the Electric Utilities Act.”*

Subsection 4(8) further states that subsection 4(1) does not apply to outage records that are not required to be provided to the AESO under applicable provisions of the FEOC Regulation. Consequently, if an outage record has received an exemption under subsection 4(6) and that record was subsequently used for trading the MSA would not investigate or take enforcement action in relation to the prohibition in subsection 4(1).

*Note to reader: This feedback does not constitute a formal guideline or opinion of the MSA. However, within the parameters of the applicable facts and absent any superseding view, we consider ourselves bound by feedback given. Views expressed by the MSA do not supplant the role and authority of the courts, the Alberta Utilities Commission or other adjudicative body with jurisdiction over a given matter. Questions or comments regarding this feedback can be sent to the MSA through the Contact Us link on our website.*

AESO [Information Document #2010-04R Changes Related to Implementation of Fair, Efficient and Open Competition Regulation](#) sets out two exemptions.

First, for planned generation outages beyond the next 24 months (Section 3.c.i):

*“The AESO will provide an exemption under Section 3(6) [sic] of the FEOC Regulation to market participants from providing outage schedule for planned outages that will occur at a time the beyond the next 24 months. As such, market participants are not required to submit any additional information as a result of the FEOC Regulation.”*

Secondly, for outage records relating to the electric distribution system (Section 3.c.ii):

*“The AESO does not currently collect and publish information regarding outages on the electric distribution system. The AESO does not see need for any changes at this time, and has provided an exemption under Section 3(6) [sic] of the FEOC Regulation to market participants from providing such outage records.”*

(The excerpted references to “Section 3(6)” in the Information Document are taken by the MSA to refer to subsection 4(6) of the FEOC Regulation.)

Thirdly, the MSA understands that there is an exemption for load outage records where the planned change in the capability of the market participant to consume is less than 40 MW. However, the exemption is not specifically set out within the Information Document. The MSA understands that the AESO will in due course amend the Information Document to expressly contemplate this exemption, for greater clarity.

No other outage records are presently exempted from the requirement for disclosure to the AESO.