

## NOTICE OF SPECIFIED PENALTY

Date of Issue: April 29, 2022		Payment Due Date: May 30, 2022	
MSA File Number	2022-025	<b>Specified Penalty Amount</b>	<b>\$1,500</b>
Market Participant Name	ATCO Power (2010) Ltd.		
Asset ID (if applicable)	OMRH	Self-Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule Section	203.3	Date of Contravention	March 23, 2021
Date of Referral/Self Report	January 14, 2022	This is the second contravention by this asset for this section of the ISO rules within a rolling 12 month period.	

### EVENT DETAILS

On March 23, 2021, the declared available capability (AC) of the OMRH asset was 32 MW for all settlement intervals until approximately 06:48, when the AC was restated to 3 MW for HE 07 through HE 24. Information available to the MSA indicates that this restatement was not made as soon as reasonably practicable. Section 203.3 of the ISO rules states, in part:

2(1) A pool participant must only submit an available capability restatement revising the available capability of a source asset if such revision is:

(a) as a result of an acceptable operational reason:

(b) in relation to an operational deviation and required under subsection 5(3) of section 203.4 of the ISO rules, Delivery Requirements for Energy; or

(c) in order to reflect the output of the source asset which is restricted during either one (1) or both of commissioning and testing under section 505.3 of the ISO rules, Coordinating Synchronization, Commissioning, WECC Testing and Ancillary Services Testing or under section 505.4 of the ISO rules, Coordinating Operational Testing.

(2) A pool participant that submits an offer must, if there is a change to the available capability of the source asset as a result of any of the circumstances outlined in subsection 2(1)(a), (b) or (c), submit an available capability restatement revising the available capability for the applicable hours, as soon as reasonably practicable.

[...]

### FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of section 203.3 of the ISO rules.

### MATERIAL FACTS

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

1. AESO available capability, dispatch, generation, and offer data for OMRH for March 23, 2021.
2. AESO information request issued to ATCO Power (2010) Ltd., dated October 29, 2021.
3. ATCO Power (2010) Ltd.'s response to the AESO information request, dated November 17, 2021.
4. Referral from the AESO to the MSA dated January 14, 2022.

### DELIVERY OF PAYMENT

Payment by cheque or certified funds is to be made payable to the "General Revenue Fund c/o Minister of Finance", and delivered to Alberta Energy at: 9945 – 108 Street NW, Edmonton, Alberta, T5K 2G6. The payment should reference this Notice of Specified Penalty and related MSA File #. Electronic copies of the payment and confirmation of delivery should be sent by email to [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca) and [enforcement@auc.ab.ca](mailto:enforcement@auc.ab.ca). Questions can be directed to [compliance@albertamsa.ca](mailto:compliance@albertamsa.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 than receipt of confirmation of payment from the Commission 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](mailto:compliance@albertamsa.ca).

**SIGNATURE**

Signature	"Original Signed"	Signature Date	April 29, 2022
Name	Andrew Wilkins	Title	Director, Compliance