

## NOTICE OF SPECIFIED PENALTY

Date of Issue: July 28, 2023		Payment Due Date: August 28, 2023	
MSA File Number	2023-044	<b>Specified Penalty Amount</b>	<b>\$5,000</b>
Market Participant Name	Evolugen Trading and Marketing LP		
Asset ID (if applicable)	BRBC	Self-Report	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ISO Rule Section	203.6	Date of Contravention	August 6, 9, 10, 24, 25, 26, 28 and 29, 2022
Date of Referral/Self Report	January 25, 2023	This is the third contravention by this asset for this section of the ISO rules within a rolling 12-month period.	

### EVENT DETAILS

For the settlement intervals HE 21 and HE 22 on August 6, 2022, HE 06 on August 9, 2022, HE 09 and HE 10 on August 10, 2022, HE 04 through HE 07 on August 24, 2022, HE 01 on August 25, 2022, HE 01 on August 26, 2022, HE 24 on August 28, 2022, and HE 01 on August 29, 2022, Evolgen Trading and Marketing LP submitted e-tags for energy transactions which did not agree with the available capability of the BRBC asset as stated two hours prior to the start of the settlement interval. Section 203.6 of the ISO rules states in part:

- 6(3) A pool participant must submit one (1) or more e-tags for an energy interchange transaction such that the final total amount in MW agrees with the available capability of the single source asset:
- (a) as stated two (2) hours prior to the start of the settlement interval; or
  - (b) as may be restated in accordance with the provisions of this section 203.6, but in any event the final total amount in MW must not exceed the available capability of the single source asset as stated at two (2) hours prior to the start of the settlement interval.

### FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of section 203.6 of the ISO rules.

### MATERIAL FACTS

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

1. Interchange data and AESO available capability and offer data for BRBC for August 6, 9, 10, 24, 25, 26, 28 and 29, 2022.
2. AESO information request issued to Evolgen Trading and Marketing LP, dated December 19, 2022.
3. Evolgen Trading and Marketing LP's response to the AESO information request, dated January 18, 2023.
4. Referral from the AESO to the MSA dated January 25, 2023.

### 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 Affordability and Utilities 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	July 28, 2023
Name	Mark Nesbitt	Title	Director, Enforcement