

NOTICE TO MARKET PARTICIPANTS AND STAKEHOLDERS

June 5, 2026

RE: Publication of final Investigation and Enforcement Process

Draft process and request for feedback

On February 27, 2026, the MSA published a [Notice to Market Participants and Stakeholders](#) regarding the publication of draft Investigation and Enforcement Process (IEP), with the MSA seeking comments and suggestions by April 16, 2026.

Feedback received

The MSA received feedback from eight parties by the deadline which is published on the MSA website [here](#). The submissions provided specific comments on the draft document and the broader approach to drafting the IEP.

The MSA has summarized the feedback received, one additional letter received following the deadline, and outstanding items from the Technical Meeting that was held on March 19, 2026, in the tables attached to this notice. Updates to the document and responses to recommendations have been grouped into five categories:

1. MSA initiated-changes that are not related to feedback received (blacklined);
2. Changes addressed in the final document (blacklined);
3. Changes partially addressed in the final document (blacklined) along with an explanation for the partial inclusion;
4. Feedback not addressed in the final document with an explanation of the rejection; and
5. Feedback that the MSA considers beyond the scope of the IEP document.

MSA decision

Based on the feedback received and further internal deliberations, the MSA has produced a final integrated process document that is available at the following link:

[Final Investigation and Enforcement Process \(IEP\)](#)

The MSA will implement the IEP on September 1, 2026 by posting a notice at that time to confirm the IEP is in effect and revoke the existing Compliance Process and Investigation Procedures. For clarity on the transition, the MSA will handle matters that are open as of September 1 in the following ways:

- Self-reported and referred matters being handled under the Compliance Process will be completed according to the Summary Investigation Process.
- Investigations that were started under the Investigation Procedures will be completed under those procedures, unless the notice of investigation in the matter includes specific terms about transitioning to the new process during the investigation.

Next steps

To implement the IEP, and in response to feedback received, the MSA is preparing draft updated versions of the self-report and mitigation plan forms that will be published for stakeholder comment later this month.

The MSA appreciates the helpful engagement and thoughtful feedback from participants over the course of this stakeholder consultation.

If there are any questions about this process, please contact Nancy Bishay, Executive Director, External Engagement and Corporate Services, at nancy.bishay@albertamsa.ca.

Derek Olmstead
Administrator & CEO
Market Surveillance Administrator

Changes not related to feedback received, excluding capitalization, cosmetic, and minor grammatical changes:

IEP Section & Related Text	Adjusted text	MSA Commentary
<p>1 Interpretation “ISO rules” means the rules established by the ISO and approved by the AUC in accordance with the EUA;</p>	<p>“ISO rules” means the rules made established by the Independent System Operator SO under section 19 or 20 of the EUA or the regulations under the EUA and approved by the AUC in accordance with the EUA, and includes the REM ISO rules established by the Minister under section 20.01 of the EUA;</p>	<p>The IEP will also apply to ISO REM rules.</p>
<p>1 Interpretation “market participant” means an electricity market participant as defined in the EUA;</p>	<p>“market participant” means an electricity market participant or a natural gas market participant as defined in the MSR-EUA;</p>	<p>The MSA’s mandate includes both electricity and natural gas markets.</p>
<p>2.2 Communications with the MSA As required by the MSR, the MSA will keep all records obtained in the course of an investigation confidential.¹ As permitted by the MSR, the MSA may use records gathered through an investigation to carry out any aspect of its statutory mandate.²</p> <p>1 MSR s. 6 2 MSR s. 7</p>	<p>As required by the MSR s. 6, the MSA will keep all records obtained in the course of an investigation confidential.¹ As permitted by the MSR s. 5, the MSA may use records gathered through an investigation to carry out any aspect of its statutory mandate.</p> <p>1 MSR s. 6 2 MSR s. 7</p>	<p>Converted MSR references to be inline, consistent with the style in the rest of the document. Corrected the reference to MSR section 7 with section 5.</p>
<p>4.1.1 MSA forms and submission procedures ... must be submitted to compliance@albertamsa.ca</p>	<p>... must be submitted to compliance@albertamsa.ca enforcement@albertamsa.ca</p>	<p>To avoid confusion in communications with the AESO as Compliance Monitor, the MSA is transitioning to use an enforcement specific email address in relation to the IEP. The email address was also changed in section 2.2 and section 4.2.3.</p>
<p>4.1.1 MSA forms and submission procedures The MSA strongly encourages the use of these forms and may reject a submission if all information requested has not been appropriately provided.</p>	<p>The MSA strongly encourages requires the use of these forms and may reject a submission if all information requested has not been appropriately provided.</p>	<p>Changed to align with the existing language in section 4.1 requiring use of the forms.</p>

<p>4.1.4(1) Submitting a mitigation plan Mitigation plans must be submitted in the form provided on the MSA’s website in the process & forms section. The mitigation plans must be submitted in accordance with the submission requirements in section Error! Reference source not found. for self reports. Until the mitigation plan is complete, the disposition issued to the market participant or the ISO by the MSA will be considered conditional.</p>	<p>Mitigation plans must be submitted in the form provided on the MSA’s website in the Pprocess & forms section. The mitigation plans must be submitted in accordance with the submission requirements in section Error! Reference source not found. for self reports. Until the mitigation plan is complete, the disposition issued to the market participant or the ISO by the MSA will be considered conditional.</p>	<p>Clarify that the requirements listed are not only for self-reports.</p>
<p>6.1.9 Use of information obtained during investigation Information obtained by the MSA during an investigation will be available for use by the MSA in furtherance of its mandate. The MSA may use the information for that investigation, a related enforcement proceeding, or any other matter related to its mandate [MSR s. 5]. Information obtained by the MSA during an investigation will be kept confidential unless disclosure is permitted or required by legislation, the Court or the Commission, or where the information has otherwise been made public.</p>	<p>6.1.9 Use of information and records obtained during investigation Information and records obtained by the MSA during an investigation will be available for use by the MSA in furtherance of its mandate. The MSA may use the information and records for that investigation, a related enforcement proceeding, or any other matter related to its mandate [MSR s. 5]. Information and records obtained by the MSA during an investigation will be kept confidential unless disclosure is permitted or required by legislation, the Court or the Commission, or where the information has otherwise been made public.</p>	<p>The addition of the defined term ‘records’ makes clear the relationship to section 5 of the MSR and to section 6.1.10 of the IEP.</p>
<p>6.3 Extended investigation process 3. information requests;</p>	<p>3. information requestsgathering;</p>	<p>Changed to be consistent with the heading of section 6.3.3.</p>
<p>8 Forbearance In the case of a matter where multiple contraventions have been recognized that result in multiple NSPs or a mix NSPs, forbearances, and/or decisions not to apply penalties, the MSA categorizes the matter in its public reporting as a</p>	<p>In the case of a matter where multiple contraventions have been recognized that result in multiple NSPs or a mixcombination of NSPs, forbearances, andor decisions not to apply penalties, the MSA categorizes the matter in its public reporting as a single outcome reflecting the most punitivesevere outcome.</p>	<p>Reworded for improved clarity.</p>

single outcome reflecting the most punitive outcome.		
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Feedback addressed by changes in the final document:

IEP Section & Related Text	Recommendation	MSA Commentary
<p>4.1.3 Self-reports during compliance processes If the MSA determines that specified penalties are warranted in relation to conduct within the scope of the compliance process, self-report discounts will be applied if the requirements it the applicable AUC rules have been met.</p>	<p>AESO: Fix typographical error in last sentence – "...self-report discounts will be applied if the requirements it of the applicable AUC rules have been met."</p>	<p>Adjusted text: If the MSA determines that specified penalties are warranted in relation to conduct within the scope of the compliance process, self-report discounts will be applied if the requirements in† the applicable AUC rules have been met.</p>
<p>4.2.2 Collaboration between WECC and MSA The WECC-AESO Membership and Operating Agreement, approved by AUC Order U2008-261, and the MSA-WECC Service Level Agreement define a role for WECC as the compliance monitor for reliability standards applicable to the AESO. WECC, acting as the applicable compliance monitor for the ISO, will monitor for potential compliance issues in accordance with the MSA-WECC Service Level Agreement.</p>	<p>AESO: The WECC-AESO Membership and Operating Agreement referenced by the MSA confirms that WECC’s compliance monitoring of the AESO will be substantially consistent with how the AESO monitors Alberta market participants’ compliance with Alberta Reliability Standards. The agreement also confirms that WECC’s compliance monitoring program of the AESO should be based on the AESO’s Alberta Risk-Based Compliance Monitoring Program (“ARCMP”) and, where possible, is consistent with the monitoring program that WECC uses in the U.S. The MSA has not included a transparent risk-based compliance monitoring program or established processes for the AESO that are consistent with the ARCMP. As a result:</p> <ul style="list-style-type: none"> • The AESO is unaware of what ARS the MSA and WECC are prioritizing and for what reasons. • The MSA has not provided clear processes for compliance monitoring of the AESO. <p>By contrast, the AESO provides transparent and clear compliance monitoring processes for market participants. The AESO does not require a market participant to conduct a self-certification during the same year it undergoes an audit. In addition, the AESO requires the market participant to only self-certify with a sub-set of ARS requirements based on risk; not all applicable ARS requirements. The AESO has undergone both audits and self-certifications in</p>	<p>The draft IEP does not distinguish between referrals that are sourced from risk-based or non-risk based compliance monitoring activities, once these are received by the MSA the process of considering the matter is the same.</p> <p>While the MSA is not a party to the WECC-AESO Membership and Operating Agreement, the MSA notes that as of the second amendment to the agreement approved by the Commission in Decision 2014-310, the section of the agreement referenced in the recommendation was deleted and replaced with text that does not reference the same obligation to undertake substantially similar compliance monitoring. In general, just as the IEP does not direct the AESO on how to design and operate its compliance monitoring activity, the IEP does not direct WECC on how to perform compliance monitoring of the AESO.</p> <p>Specific to the 2026 self-certification with evidence referenced in the comment, the AESO received a draft implementation plan from WECC on December 5, 2025 and, to the MSA's knowledge, provided no response to that draft plan. Having received no feedback, the final plan was sent to the AESO on January 28, 2026 and approved by the MSA on January 29, 2026.</p>

	<p>the same year and the AESO's 2026 self-certification includes all applicable ARS requirements in addition to a request for evidence for a subset – this is a net new element of monitoring with no reduction in burden.</p> <p>Given the absence of a risk-based monitoring approach for the AESO, the draft IEP lacks the clarity and certainty required to apply an informed internal risk-based approach and allocate AESO resources in the most effective manner.</p> <p>Recommendation: In alignment with the agreement between WECC and the AESO, establish a transparent risk-based compliance monitoring program for the AESO's ARS compliance that is consistent with the AESO's application of the ARCMP for market participants.</p>	<p>Adjusted Text: The WECC-AESO Membership and Operating Agreement, originally approved by AUC Order U2008-261 with subsequent amendments approved by AUC Orders 2010-152 and 2014-310, and the MSA-WECC Service Level Agreement define a role for WECC as the compliance monitor for reliability standards applicable to the AESO.</p>
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<p>4.2.5 Additional guidance on referral content</p> <p>The MSA notes the following information which, if not provided in a referral, may result in additional information requests to the ISO.</p> <ul style="list-style-type: none"> • The start and end dates of each suspected contravention. • For reliability standards, both the standard and the requirement for each suspected contravention (e.g., if multiple standards and requirements may have been contravened as part of a single event, all such standards and requirements should be included in the referral). • For O&P reliability standard related suspected contraventions, a listing of the affected facilities, the total number of impacted devices, facilities, and/or personnel as well as the percentage of the total population of devices, facilities, and/or applicable personnel affected by the contravention, etc. • For CIP reliability standards related suspected contraventions, a list of the facilities, BES cyber assets and BES cyber systems, associated physical access control systems, electronic access control or monitoring systems and/or protected cyber assets, etc. • The sample size utilized to determine the suspected contravention. • If the referral relates to an audit or self-certification process, a copy of the final audit report and any applicable reliability standard audit worksheets (RSAW) and evidence. 	<p>AESO:</p> <p>The AESO appreciates that the MSA requires information from the AESO to assess suspected contravention referrals and agrees that transparency and clarity of this process is important. However, each referral of a suspected contravention may not include every element the MSA has listed, as the circumstance can differ greatly depending on the scope of the compliance monitoring activity and the nature of the suspected contravention. This list requires revision to ensure that information that supports an effective and efficient referral process is included. The AESO and MSA have discussed creating a referral form that aligns with the WECC compliance monitoring process and is transparent to Alberta market participants. Some examples for discussion are:</p> <ul style="list-style-type: none"> • Start and end dates – in some cases, the AESO may only be able to identify that a suspected contravention occurred during the compliance monitoring period (e.g., audit period). • Operations and planning (“O&P”) reliability standards – the MSA is only asking for a list of the affected/impacted population, not the list of total population. In some cases, the AESO may have the population data relevant to O&P suspected contraventions (e.g., a completed O&P Alberta Evidence Request Tool). • Final audit reports – in some cases, the AESO may identify positive observations and areas of control strengths in the audit report. In other cases, the AESO may identify areas of concern and opportunities for improvement. The AESO is not obligated to notify or refer these items to the MSA. It is not clear to the AESO or market participants how the MSA may use this information in its enforcement mandate. • Reliability standard audit worksheets (“RSAWs”) – the AESO does not currently provide a copy of completed RSAWs for each referral. The MSA sometimes requests that the AESO provide a copy of or an excerpt of the RSAW for a specific suspected contravention referral. It is unclear why the MSA now requires a copy of each RSAW. Discussion with the AESO are needed to determine whether this requirement promotes effectiveness and efficiency in the process. <p>Recommendation: This portion of the draft investigation procedures needs revision after more substantive engagement with the AESO.</p>	<p>The MSA appreciates the feedback given about the potential inclusion of information unrelated to the referral and has revised this section to describe the high-level objective, that the evidence and analysis relied upon to suspect a contravention be included in the referral, and remove the requirement from the draft for the audit report or RSAW as below:</p> <p>Adjusted text:</p> <p>The referral should include copies of the evidence and analysis used by the Compliance Monitor to establish that the suspected contravention took place. To the extent available, The MSA notes the following information which, if not provided in a referral, may result in additional information requests to the ISO.</p> <ul style="list-style-type: none"> • The start and end dates of each suspected contravention. • For reliability standards, both the standard and the requirement for each suspected contravention (e.g., if multiple standards and requirements may have been contravened as part of a single event, all such standards and requirements should be included in the referral). • For O&P reliability standard related suspected contraventions, a listing of the affected facilities, the total number of impacted devices, facilities, and/or personnel as well as the percentage of the total population of devices, facilities, and/or applicable personnel affected by the contravention, etc. • For CIP reliability standards related suspected contraventions, a list of the facilities, BES cyber assets and BES cyber systems, associated physical access control systems, electronic access control or monitoring systems and/or protected cyber assets, etc. • The sample size utilized to determine the suspected contravention. <p>• If the referral relates to an audit or self-certification process, a copy of the final audit report and any applicable reliability standard audit worksheets (RSAW) and evidence.</p>
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<p>5 Issue Assessment If the MSA decides to commence an investigation, the MSA will also determine whether the matter will be addressed through the summary investigation process (section 6.2) or the extended investigation process (section 6.3). The MSA will typically follow the summary investigation process in respect of ISO rules and reliability standards matters self-reported or referred to the MSA but, at the MSA's discretion, these matters may be processed under the extended investigation process.</p>	<p>AESO: Relatedly, the IEP should delineate circumstances for the summary investigation process as opposed to the extended investigation process. The graphic showing the MSA Investigation and Enforcement Process on page 7 of the draft IEP indicates that the deciding question is whether the matter record is sufficiently complete for a summary investigation, but it does not provide the criteria the MSA would use to make that determination. Clarity for investigated parties would be improved if the MSA identified specific criteria in its IEP for proceeding by way of a summary investigation, and then addressed in its notice of investigation whether and why those criteria had been satisfied in the particular circumstances.</p> <p>Recommendation: Delineate circumstances for the summary investigation process.</p>	<p>The MSA agrees with the feedback that the test articulated in the section 3 flowchart is not adequately reflected in section 5.</p> <p>Adjusted text: The MSA will typically follow the summary investigation process in respect of ISO rules and reliability standards matters self-reported or referred to the MSA where the information self-reported or evidence referred is sufficient to determine whether one or more contraventions occurred with few or no further information requests but, at the MSA's discretion, these matters may be processed under the extended investigation process.</p>
<p>6.1.1 Notice of Investigation The MSA will provide reasonablean opportunity for the party under investigation to make inquiries of the MSA regarding the scope of the investigation and the investigation process.</p>	<p>AESO: Removing the word "reasonable" diminishes the flexibility that exists in the current IEP, which recognizes that parties may need more than one opportunity to clarify scope or process, and reflects the language of the legislation.</p> <p>Recommendation: Revert to original language.</p>	<p>Section 2 of the IEP already stipulates that "[t]he MSA is required to carry out its mandate in a fair and responsible manner [AUCA s. 40]" such that duplicate references to 'reasonable' throughout the IEP are unnecessary.</p> <p>The MSA accepts the feedback that the referenced line should be worded to not strictly exclude multiple engagements to clarify the scope or process.</p> <p>Adjusted text: The MSA will provide an opportunity for the party under investigation to make inquiries of the MSA regarding the scope of the investigation and the investigation process.</p>
<p>6.1.3 Referral of matters to another body Should the MSA determine during an investigation that a matter is within the jurisdiction of another body, including the Commission, it will notify that body of the matter and may make available to that body records in its possession relevant to the matter [AUCA s. 45(1)]. This may include requesting a spot audit of the market participant as described in section 7.5.2 of the</p>	<p>AESO:</p> <ul style="list-style-type: none"> Clarify the process of how the MSA intends to collaborate with the AESO pursuant to Section 45(2) of the Alberta Utilities Commission Act. The AESO sees potential value in collaborating with the MSA in joint assessments of matters that pose a significant risk to reliability, security, FEOC, etc. However, this requires discussion between the MSA and the AESO, and should result in a transparent process for the industry. 	<p>Upon reflection, two separate concepts were inappropriately joined in this section; the AESO is not considered a body with jurisdiction that the MSA could refer matters to under AUCA s. 45(1) so the sentence referenced has been removed.</p> <p>The IEP maintains the reference to the potential for a mitigation plan assessment to be referred to the AESO for a spot audit in section 4.1.4(2).</p> <p>Adjusted text:</p>

<p>Alberta Risk-Based Compliance Program. After such notification, the MSA may continue or discontinue its investigation, or collaborate with the other body [AUCA s. 45(2)].</p>		<p>This may include requesting a spot audit of the market participant as described in section 7.5.2 of the Alberta Risk-Based Compliance Program.</p>
<p>6.1.7 Information and record gathering The MSA will generally not provide any information or records gathered during its investigation to the party under investigation while the investigation is ongoing. When the MSA provides its summary of findings (section 6.3.4), it will provide copies of any records referenced in the summary of findings to the party under investigation.</p>	<p>AESO: Not providing information to a party under investigation suggests a significant change in practices. Refusing to provide information to a party under investigation to allow an informed response is inconsistent with obligations on investigators like the MSA. Early responses before the summary of findings also promotes the efficient use of resources and avoids continuing investigations premised on misconceptions or inaccuracies.</p> <p>Recommendation: Remove the added language.</p> <p>Capital Power: Section 6.1.7- No Obligation to Disclose Investigative Record During Investigation The MSA “will generally not provide any information or records gathered during its investigation to the party under investigation while the investigation is ongoing.” Disclosure occurs only later (if at all), and only in the form of records referenced in a summary of findings. This approach prevents timely access to evidence on which investigative decisions are being formed. By withholding information throughout the investigative phase, the MSA deprives market participants of a meaningful opportunity to understand, respond to, or correct adverse evidence while it may still influence the scope, direction, or outcome of the investigation. Disclosure limited to selected records referenced in a summary of findings (i.e., only records relied upon rather than all records reviewed and considered) further restricts transparency and risks presenting a curated or incomplete evidentiary picture, with no opportunity to challenge relevance, accuracy, or omission. This approach undermines the right to know and meet the case, entrenches an imbalance between investigator and subject, obscures whether all relevant evidence was contemplated and places the market participant in an inherently reactive position of being able to respond only after investigative conclusions have substantially crystallized.</p>	<p>Adjusted text: The MSA will generally not provide any information or records gathered during its investigation to the party under investigation while the investigation is ongoing. The MSA may exercise its discretion and provide records or information to the party under investigation when the MSA determines doing so may facilitate productive discussions with the party under investigation, enable responses to MSA information requests, or otherwise advance the investigation.</p>

<p>6.3.2 Opportunity to voluntarily provide additional information and records</p> <p>The MSA recognizes that a party under investigation may want to voluntarily provide information or records to the MSA in response to a notice of investigation. Where a party under investigation voluntarily provides information or records early in an investigation, the MSA may be able to narrow the scope of its information requests. Records provided voluntarily should be provided in the form and manner described in the notice of investigation for records provided in response to information requests (section 6.1.7 (1)).</p>	<p>Enfinite:</p> <p>Extended Investigation Process – Section 6.3.2 of the IEP allows market participants to voluntarily provide additional information or records early in an investigation. Enfinite notes that unlike Section 6.2.1 the MSA does not set a minimum deadline to provide information. To mirror the summary investigation process, Enfinite recommends adding the minimum deadline of at least 30 days for market participants to voluntarily provide any additional information as part of the extended investigation process.</p>	<p>Adjusted text:</p> <p>Records provided voluntarily should must be provided prior to the deadline specified for responses to the summary of findings and be in the form and manner described in the notice of investigation for records provided in response to information requests (section 6.1.7 (1)).</p>
<p>6.3.4 Sharing summary of findings</p> <p>The MSA will provide the party under investigation with an opportunity to provide a written response to the MSA’s summary of findings prior to the MSA taking enforcement action against the party under investigation. The summary of findings will specify a deadline for the party under investigation to respond and provide any information or records they wish the MSA to consider in reaching its determination, including any information which may have been unavailable at an earlier stage.</p>	<p>ATCO Electric:</p> <p>The IEP specifies that extension requests for submitting information can be made for i) voluntary disclosures, and ii) MSA information requests. Please clarify whether extension requests can be made for a response to the summary of findings, as described in Section 6.3.4.</p>	<p>Adjusted text:</p> <p>Any request for an extension to provide a response must be made at least 4 business days prior to the set deadline and must provide sufficient information for the MSA to evaluate the reasonableness of the request. Any extension to the deadline to provide a response must be confirmed by the MSA in writing to have effect.</p>
<p>7 Enforcement Actions</p> <p>In some cases, upon review of all information and records obtained in an investigation, the MSA may concluded [sic] that the party under investigation did not contravene an enactment. In such cases, the MSA may provide notice of that finding to the party under investigation.</p>	<p>AESO:</p> <p>The draft makes notice of exoneration discretionary, whereas the prior IEP required such notice. This introduces uncertainty for investigated parties.</p> <p>Recommendation: Revert to original language.</p>	<p>Adjusted text:</p> <p>In such cases, the MSA may-will provide notice of that finding to the party under investigation of the closure of the investigation.</p>

<p>7.1.4 Acceptance of mitigation plans</p> <p>Whether the mitigation plan will be implemented in a timely fashion considering the risk to the reliable operation of the grid and the scope of implementation. Timelines longer than 90 days for mitigation plans with limited scope (degree of process changes, number of assets affected, etc.) and 1 year for mitigation plans with larger scope require justification on whether the mitigation can be considered as timely.</p> <ul style="list-style-type: none"> • Extended mitigation plan timelines, beyond the timelines referenced above, should have interim measures to protect the reliability and security of the grid during implementation. 	<p>AltaLink:</p> <p>Thirdly, as set out in the IEP, the assessment of mitigation timeliness considers whether the proposed mitigation will be implemented in a timeframe that is reasonable having regard to the risk to the reliable operation of the Alberta Interconnected Electric System and the scope of the mitigation, including the extent of process changes and the number of assets affected. The IEP further notes that mitigation timelines exceeding 90 days for limited-scope mitigation plans and one year for broader-scope plans require justification for whether the mitigation can reasonably be considered timely.</p> <p>AltaLink submits that allowing a six-month implementation period, rather than a three-month period, will result in more effective and durable mitigation outcomes and better support the MSA's objectives under the IEP. Meaningful mitigation requires coordinated process development, internal governance and approval, documentation updates, and appropriate training to ensure controls are clearly understood and applied consistently. Providing additional time enables mitigation measures to be thoughtfully designed and supports higher-quality mitigation measures that are sustainable and aligned with the intent of timely and effective compliance. Many mitigation measures that are considered uncomplicated nonetheless involve technical configuration changes, testing, and validation within production systems. These changes must be carefully designed, implemented, tested, and verified through established change management processes to avoid unintended system impacts. In addition, any outage requires a minimum 60-day notification to the Alberta Electric System Operator, making a 90-day mitigation window impractical in many cases. AltaLink must also maintain the ability to deploy field crews flexibly to address higher-priority, system-critical work as conditions evolve, which can further constrain the ability to schedule and execute lower-risk mitigation activities within a fixed 90-day timeframe. Other mitigation actions require coordination with customers, which is similarly often not feasible within 90 days.</p>	<p>Adjusted text:</p> <p>Timelines longer than 90 days six months for mitigation plans with limited scope (degree of process changes, number of assets affected, etc.) and 4one year for mitigation plans with larger scope require justification on whether the mitigation can be considered as timely.</p>
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<p>8 Forbearance</p> <ul style="list-style-type: none">• The conduct is not part of a recurring problem.	<p>Technical Meeting:</p> <p>Clarify that matters dismissed as trivial do not count as part of the history for the purpose of determining future forbearance. (Mentioned that the matter is still information available to the MSA that could be used to justify starting an investigation.)</p>	<p>Adjusted text:</p> <p>Information and records obtained in matters that have been declined prior to an investigation will remain available to the MSA but will not be included in the consideration of whether the conduct is part of a recurring problem for the purpose of deciding whether a later matter warrants forbearance.</p>
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Feedback partially addressed by changes in the final document:

IEP Section & Related Text	Recommendation	MSA Commentary
<p>2.2 Communications with the MSA The MSA recognizes that information may be of a sensitive nature (e.g., regarding certain critical infrastructure protection contraventions) and e-mail may not be the most appropriate method to send that information to the MSA. In such instances, the market participant or the ISO should contact the MSA at compliance@albertamsa.ca to request a secure file transfer site be established.</p>	<p>TCE: The Draft IEP recognizes that certain information particularly related to critical infrastructure protection standards may be sensitive and participants can request a secure file transfer site. TC Energy supports this acknowledgement and recommends that the MSA provide additional clarity regarding how such information will be handled, protected throughout the investigation and enforcement process, and the retention policy for such information.</p>	<p>Adjusted text: The MSA retains records gathered in the course of investigations for a minimum of five years and may retain such records indefinitely.</p>
<p>N/A</p>	<p>ATCO Electric: Please specify the MSA’s retention policy for evidence/information submitted by the market participants.</p>	
<p>N/A</p>	<p>Technical Meeting: What are the MSA’s criteria for the retention of records with respect to investigations?</p>	
<p>4.1.3 Self-reports during compliance processes The MSA always encourages self-reporting of contraventions, including during ISO or WECC compliance processes such as audits or self-certifications. However, in the case of a self-report that is within the scope of a current or pending compliance process, the MSA will note the self-report, including creating a matter record and sharing the matter number with the market participant and the ISO, but will hold the remainder of the process until the compliance process has been completed including any related referrals of suspected contraventions, which can include conduct related to that described in the</p>	<p>AESO: It is unclear why the MSA would generally only “hold” self-reports filed by the AESO and market participants during AESO and WECC compliance monitoring processes. In at least some cases, common issue identification should be expected to result in more efficient identification and resolution. There is also no reference to the AESO’s ISO rules compliance monitoring process. In addition, the MSA may not be aware that the AESO is conducting a compliance monitoring activity for ISO rules or ARS (e.g., information request, spot audit, sweep, etc.) at the time they receive a market participant’s self-report. Recommendations: • Include clear criteria for when and why the MSA will not recognize self-reports filed by the AESO and market participants during AESO and WECC compliance monitoring processes. • Include references to the ISO rules compliance monitoring process and indicate how and when the MSA will confirm that the AESO’s compliance monitoring processes have started and</p>	<p>What the MSA means by ‘holding’ is that in the case of self-reports received during a compliance activity the participant still has the obligation (s. 4.1.1) to copy the compliance monitor on the self-report so that information is available to the compliance monitor for efficient processing of the compliance activity. The draft IEP addresses the relatively frequent occurrence where a self-report and a referral are received for the same underlying conduct, but often 4 to 6 months apart leading to inefficient processing. By staying within the 2-year maximum processing window but waiting to process the self-report so that it can be grouped with any referrals results in less duplication and wasted effort.</p> <p>The MSA will always recognize a self-report (submitted in accordance with section 4.1.1), but the decision whether to apply the self-report discount follows the specific requirements in AUC Rules 027. In general, a</p>

<p>self-report. Following confirmation from the applicable compliance monitor that the compliance process has been completed, the MSA will proceed with the process. If the MSA determines that specified penalties are warranted in relation to conduct within the scope of the compliance process, self-report discounts will be applied if the requirements of the applicable AUC rules have been met.</p>	<p>completed.</p> <ul style="list-style-type: none"> • Explore opportunities with the AESO to implement shared technology that enables better awareness and the execution of the end-to-end compliance and enforcement processes in Alberta to significantly increase efficiency for the industry. • This section of the draft investigation procedures generally needs revision after coordination with the AESO to define a mutually understood and accepted protocol for avoiding overlapping compliance processes to promote regulatory efficiency. 	<p>self-report filed while preparing evidence for an audit activity would meet the requirement in AUC Rule 027 that the self-report "[b]e made in writing to the Market Surveillance Administrator prior to the ISO or the Market Surveillance Administrator contacting the market participant about the contravention or in the case of the ISO prior to the Market Surveillance Administrator contacting the ISO." Conversely, a self-report made following an information request from the compliance monitor about a specific possible contravention that was then self-reported would generally not meet that same requirement.</p> <p>The annual schedule of reliability standards compliance activity is already public on the AESO's website (which could be enhanced by indicating which scheduled audits are complete) and, as recommended by participants in the last feedback section, the MSA can add a box to the self-report form indicating whether a compliance activity is underway or not as the trigger for this provision.</p> <p>The MSA does not recommend a similar structure for ISO rule self-reports and will adjust wording to reflect that this provision only applies to reliability standard self-reports. The escalation in specified penalties in AUC Rule 019, based on the number of penalties given in a rolling 12 month period for a particular asset, means holding the processing of a matter potentially creates a chain of further impacted matters.</p> <p>Comments about shared technology and information sharing are covered in section 4.2.1 in the rejected feedback section.</p> <p>Adjusted text: However, in the case of a reliability standard self-report that is within the scope of a current or pending compliance process, the MSA will note the self-report, including creating a matter record and sharing the matter number with the market participant and the ISO, but will hold the remainder of the process in abeyance until the compliance process has been completed including any related referrals of suspected</p>
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		contraventions, which can include conduct related to that described in the self-report.
<p>4.1.4(2) Completion of a mitigation plan</p> <p>The market participant or the ISO is responsible for completing the mitigation plan. Once a mitigation plan has been completed, the market participant or the ISO must submit an updated mitigation plan form noting completion within five business days in accordance with section 4.1.1. An updated mitigation plan form is not required following completion of each activity contemplated in the mitigation plan.</p> <p>Following completion of a mitigation plan, the MSA may request a spot audit to be completed by the compliance monitor to verify successful mitigation of the underlying root cause(s).</p>	<p>AESO:</p> <p>The AESO has concerns about the effectiveness of the proposed mitigation plan review process and reliance on the spot audit process in light of its past experience with recurring contraventions that market participants purportedly addressed in mitigation plans. The proposed process notably omits reviewing evidence that demonstrates market participant completion of the plans. The NERC enforcement process includes this review and Regional Entity enforcement teams may request and assess evidence to verify mitigation plan completion.</p> <p>As the party that may support compliance assessments with subsequent spot audits, more direct coordination is needed between the AESO and the MSA to better understand the MSA's use of mitigation plans and to promote compliance with such plans, while preserving the MSA's confidentiality requirements and institutional independence.</p> <p>Recommendation: This section of the draft investigation procedures needs revision after coordination with the AESO to enhance mitigation plan effectiveness and related compliance monitoring/enforcement after a plan is filed.</p>	<p>Section 6.6 of Appendix 4C to the NERC Rules of Procedure lays out the requirements for a Compliance Enforcement Authority (CEA) in relation to the confirmation of implementation of mitigation plans. It says (emphasis added):</p> <p>“Upon completion of the Mitigation Plan, the Registered Entity shall provide to the CEA certification that all required actions described in the Mitigation Plan have been completed and shall retain Documents, data, and information sufficient for the CEA to verify completion. As necessary, the CEA may request such Documents, data, and information and conduct follow-up assessments, on-site or other Spot Checks, or Compliance Audits to verify that all required actions in the Mitigation Plan have been completed.”</p> <p>The process described in the IEP is already consistent with the NERC Rules of Procedure quoted above. For clarity, the MSA will add language to cover the circumstance where the MSA seeks assurance directly.</p> <p>Adjusted text: Following completion of a mitigation plan, the MSA may request a spot audit to be completed by the compliance monitor to verify successful mitigation of the underlying root cause(s) or undertake its own assurance activity by issuing a fresh notice of investigation.</p>
<p>6.1.7(1) Information Requests</p> <p>Any request for additional response time must include reasons why the additional time is needed. Requests must be received by the MSA in writing at least twoan extension must be made at least 5 business days prior to the existingset deadline.</p>	<p>AESO:</p> <p>Reducing the permitted window to request an extension undermines fairness to investigated parties, particularly given the MSA's intention to establish initial deadlines without the input of the investigated party. Rather than imposing a fixed timeline, the nature of the request should determine the extension. Practically, the proposed change is likely to proliferate extension requests, as parties will conservatively estimate response time.</p> <p>Recommendation: Revert to original language.</p>	<p>The MSA proposes reducing the extension request deadline to 4 business days prior to the information request deadline. The MSA's frequent practice is to make IRs due on a Friday so in those cases the adjusted timeline allows for a request to be made in the same week in which the response is due. In the case where deadlines fall on other days of the week, a four-day extension request timeline ensures that the deadline falls after Monday in the week prior.</p> <p>Adjusted text:</p>
<p>6.1.7(1) Information Requests</p>	<p>AltaLink:</p>	<p>Where a party under investigation believes additional time is required to respond to an information request, they may request an extension of time. Any request for</p>

<p>The MSA may issue written requests to obtain information or records which may be relevant to an investigation. Information requests will set a deadline for response, which will consider the scope and nature of the information or records requested. Where a party under investigation believes additional time is required to respond to an information request, they may request an extension of time. Any request for an extension must be made at least 5 business days prior to the set deadline and must provide sufficient information for the MSA to evaluate the reasonableness of the request including:</p> <p>A) steps that have been taken to respond to the information request; B) the specific factors which preclude a response by the set deadline; and C) a proposed alternate date by which the information request will be answered.</p> <p>The MSA will not generally accede to extension requests that merely assert difficulty in providing responses by the specified deadline.</p>	<p>Secondly, AltaLink believes there is an opportunity to clarify information request timelines. The IEP states: Information requests will set a deadline for response, which will consider the scope and nature of the information or records requested. Where a party under investigation believes additional time is required to respond to an information request, they may request an extension of time. Any request for an extension must be made at least 5 business days prior to the set deadline. While the information request indicates that requests for extensions must be filed within five days, no standardized response timelines for information requests are otherwise specified. AltaLink submits that a standard response period of at least two weeks should be provided, with longer timelines established for more complex information requests. This approach would align with the Alberta Utilities Commission's practice, which typically provides two to three weeks for responses to information requests.</p>	<p>an extension must be made at least 45 business days prior to the set deadline and must provide sufficient information for the MSA to evaluate the reasonableness of the request including:</p>
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Feedback not addressed by changes in the final document:

IEP Section & Related Text	Recommendation	MSA Commentary
<p>2 Introduction The MSA is required to carry out its mandate in a fair and responsible manner [AUCA s. 40]. This is, in part, achieved through the IEP, which provides market participants and the ISO with an overview of how the MSA will typically conduct its investigations and reach dispositions, including the opportunities that parties under investigation will have to provide information, records, or submissions to the MSA.</p>	<p>Capital Power: Capital Power has thoroughly reviewed the Draft Process and its main concern centers on the Draft Process’ misalignment with the common-law duty of procedural fairness. The Alberta Utilities Commission Act (“AUC Act”) gives the MSA broad investigative authority but does not prescribe detailed investigative processes. The latitude afforded to the MSA to develop its own investigation procedures, however, should not be interpreted as allowing the MSA to forgo procedural fairness in its design. As the Supreme Court of Canada has long recognized, any public authority making an administrative decision affecting a person’s rights, privileges or interests is bound by a duty of procedural fairness. The MSA is no exception. As the Alberta Utilities Commission (“Commission”) has confirmed, the MSA must act fairly in conducting investigations. This common-law obligation is reinforced by section 40 of the AUC Act, which expressly requires that the MSA “carry out its mandate in a fair and responsible manner.” While courts recognize that the content of the duty of procedural fairness must necessarily be evaluated on a case-by-case basis, a core principle—one of paramount importance in the context of the Draft Process—is that those subject to an administrative decision be provided with an adequate opportunity to know the case against them and to be heard by the decision-maker in question. Transparent, balanced and stable investigation and enforcement procedures play an important role in holding the MSA accountable to its duty of fairness when interacting with market participants exposed to significant potential legal, reputational or financial consequences from its decision-making. This is reflected in the requirement in the Market Surveillance Regulation (“MSR”) that the MSA publicize its investigation procedures and consult with market participants before implementing material changes. In Capital Power’s view, the Draft Process risks undermining procedural fairness in a number of respects. The Draft Process also overlooks potential improvements that could enhance the quality of engagement between the MSA and market participants and the transparency of the MSA’s decision making within the investigation process.</p>	<p>As Capital Power references, “procedural fairness must necessarily be evaluated on a case-by-case basis”, ie, whether the application of discretion in a particular circumstance is fair and reasonable. Capital Power proposes a core principle of procedural fairness as “that those subject to an administrative decision be provided with an adequate opportunity to know the case against them and to be heard by the decision-maker in question.” The MSA agrees and believes that the processes described, which reasonably can be expected to be applied in the vast majority of matters, adds new protections for parties to know the case against them and be heard by the decision maker. In the summary investigation process, the party under investigation has either self-reported a contravention or has been referred by the ISO following their investigation, and so already knows the conduct at issue (s. 6.2). The MSA having determined the conduct warrants investigation (s. 5) issues a notice of investigation confirming the scope of the investigation (s. 6.2.1) and gives an opportunity to make inquiries of the MSA regarding the scope of the investigation and the investigation process (s. 6.1.1). The party under investigation has a further opportunity to provide any information they want the MSA to consider before deciding the matter (s. 6.2.2). These procedural steps ensure the party both knows the case against them and has any additional information they want to provide heard by the decision-maker prior to reaching a determination. In the extended investigation process, the party under investigation receives a notice of investigation (s. 6.3.1) and will have an opportunity to make inquiries of the MSA regarding the scope of the investigation and the investigation process (s. 6.1.1). The party under investigation can voluntarily provide information to the MSA at any time (s. 6.3.2) up to the deadline specified</p>

		<p>following the summary of findings (s. 6.3.4), request meetings with the MSA (s. 6.1.6), and respond to MSA information requests (s. 6.1.7). The MSA will not make an enforcement determination until after the party under investigation has had an opportunity to respond to the summary of findings (s. 6.3.5) including seeing the evidence that the MSA relied upon (s. 6.3.4) and can explore a negotiated settlement at any time to resolve the matter with appropriate oversight by the Commission (s. 6.1.12). These procedural steps in more complex investigations give additional opportunities for a party under investigation to know the case against them and, with the MSA's full case laid out in the summary of findings, has an opportunity to be heard by the MSA prior to an enforcement determination being made.</p>
<p>2 Introduction The MSA is required to carry out its mandate in a fair and responsible manner [AUCA s. 40]. This is, in part, achieved through the IEP, which provides market participants and the ISO with an overview of how the MSA will typically conduct its investigations and reach dispositions, including the opportunities that parties under investigation will have to provide information, records, or submissions to the MSA.</p>	<p>Capital Power: In conclusion, market participants cannot rely on the Draft Process as a predictable roadmap given the overly broad discretion afforded to the MSA throughout. The Draft Process provides insufficient transparency into the rationale for MSA determinations—including settlement, forbearance, penalty selection, escalation to the Commission, and no-contravention outcomes—leaving parties unable to understand, respond to, or learn from enforcement actions in support of fair, efficient, and openly competitive markets. To meet the common-law duty of procedural fairness and advance FEOC, the MSA should revise the Draft Process to include clear constraints on discretion, timely notice of key steps, meaningful opportunities to be heard, and published decision frameworks that explain the factors considered and how they are weighed. These procedural commitments would improve consistency and confidence in outcomes while enabling market participants to understand expectations and participate effectively throughout an investigation. Capital Power recommends the MSA address the aforementioned concerns through further stakeholder engagement to develop workable options for industry and the MSA.</p>	<p>The MSA cannot, in absolute terms covering all possible circumstances, constrain the discretion given to it in the AUCA; the prior version of the Investigation Procedures and Compliance Process was largely silent on when, how, or whether the MSA would use the powers given in the AUCA in exceptional circumstances. In a number of places the IEP document lays out the normal course processes, but discloses that there could be circumstances where the MSA uses the full extent of the discretion given in the AUCA and what actions the MSA could take either with or without prior notice to a party under investigation. This change gives more transparency to both the general process and to the possible exceptions from it.</p> <p>The AUCA expressly foresees circumstances where action may be taken by the MSA without notification to the party under investigation: AUCA s. 47(4) An application for a Court order under this section may be made without notice to any other person unless the Court orders otherwise.</p> <p>The AUCA and AUC Rule 001 do not require the MSA to provide advance notice to a party under investigation prior to the MSA filing a notice with the Commission. Section 24(1) of the AUCA sets out the process for the Commission to make orders on an ex parte basis.</p>

		Comments with respect to decision frameworks are addressed in subsequent sections.
<p>2.1 Scope and application of IEP The MSA reserves the right to vary these procedures at any time. In the case of a deviation from these procedures which is only applicable to a specific investigation, the MSA will discuss the change with the party under investigation. In the case of a material change that will have general impact, the MSA will consult with market participants on the proposed change. The MSA may update this document without consultation for non-material changes.</p> <p>The MSA will follow the IEP when it suspects a market participant or the ISO has engaged in a course of conduct which may contravene a statutory provision within the MSA's mandate and in respect of which, following investigation, the MSA may take enforcement action against the party under investigation. The circumstances of each investigation are unique, and the MSA retains the discretion to exercise its statutory powers appropriate to the circumstances of each investigation, including without prior notice to the party under investigation. This may include taking steps in addition to or other than those described the IEP.</p>	<p>AESO: The revised language removes the requirement for the MSA to discuss a change in investigation procedures with the party under investigation and undermines general reliance on the IEP. However, consistent with the legislative regime, parties should be able to rely on the procedures set out in the IEP in full, or with limited deviations where obviously necessary.</p> <p>Recommendation: Revert to original language.</p>	<p>The draft process includes description of additional notifications that confirm the MSA's intended process for an investigation, including for matters currently covered by the Compliance Process (s. 6.2.1), and gives a party under investigation an opportunity to make inquiries of the MSA regarding the scope of the investigation and the investigation process (s. 6.1.1).</p> <p>Furthermore, the IEP adds process options not included in the current Investigation Procedures, especially meetings during investigations (s. 6.1.6), negotiated settlements at any stage of an investigation (s. 6.1.12), and providing summaries of findings for extended investigations that do not proceed to administrative enforcement (s. 6.3.4), that enable the resolution of issues in more complex or contentious investigations without stepping outside the normal process as described.</p> <p>See answer to Capital Power in Section 2 for more perspective on constraints in the IEP of the MSA's discretion to vary from the general procedure in exceptional circumstances.</p> <p>The MSA further believes that an obligation to discuss any changes to the investigation process could provide an incentive for a party under investigation to withhold full co-operation or not be fully responsive to information requests to prompt a negotiation over the investigation process itself. The MSA believes the appropriate venue for negotiation in contentious investigations is via a settlement agreement which can be broached through without prejudice discussions structured to preserve the integrity of the investigation in progress (s. 6.1.12).</p>

<p>2.1 Scope and application of IEP The MSA will follow the IEP when it suspects a market participant or the ISO has engaged in a course of conduct which may contravene a statutory provision within the MSA's mandate and in respect of which, following investigation, the MSA may take enforcement action against the party under investigation. The circumstances of each investigation are unique, and the MSA retains the discretion to exercise its statutory powers appropriate to the circumstances of each investigation, including without prior notice to the party under investigation. This may include taking steps in addition to or other than those described the IEP.</p>	<p>Capital Power: Section 2.1 – Scope and application of IEP - Ability to Depart from the IEP Without Notice The MSA states that “the circumstances of each investigation are unique” and that it “retains the discretion to exercise its statutory powers appropriate to the circumstances of each investigation, including without prior notice”, and may take steps “in addition to or other than those described in the IEP.” There is no express constraint or test on how discretion will be exercised or when deviation is justified. This approach undermines the predictability of the investigative process administered by the MSA. Without reliable baseline procedures or advance notice of deviations, market participants cannot meaningfully understand the process that will be applied to their case and appropriately structure their participation in it. This significantly dilutes the value of the MSR's requirement that the MSA's procedures be publicly disclosed. This uncertainty likewise impairs a market participant's ability to know the case it must meet, to make informed representations and to safeguard its rights during the course of an investigation.</p>	<p>The vast majority of MSA investigations completed to date follow the process as described in the Investigation Procedures applicable at the time; those rare investigations that required the MSA to exercise statutory powers that are described in the AUCA but are not part of the normal investigation process have generally included one or more of the following: - A participant not co-operating fully with the investigation or being non-responsive to MSA requests - A participant not producing records that they are either required to retain or could reasonably be expected to have produced contemporaneously in the circumstance - A case involving a whistleblower</p> <p>Parties under investigation have procedural options to request a review of the MSA's use of discretion including filing a complaint with the Commission (which can order the MSA to change its conduct) or alleging procedural unfairness in a Commission proceeding in relation to administrative enforcement or following a refusal to pay a specified penalty.</p>
<p>4.1 Self-reports Through the self-report form, market participants provide information the MSA requires to determine whether an ISO rule or reliability standard has been contravened. In general, the level of detail provided should be commensurate with the circumstances of the self-reported conduct and should address all elements of the applicable rules or standards. Incomplete self-reports may require the MSA to request additional information or records to reach its determination, leading to delays in processing.</p>	<p>ENMAX: Additional Clarity on the Acceptable Level of Detail Contained Within Self-Reports and Associated Reporting Timelines – While ENMAX appreciates that determining the appropriate level of information from a market participant is subject to MSA discretion and differs from case-to-case, ENMAX is keen to find additional efficiencies to improve our existing processes around self-reports, which will lead to more streamlined efforts and better industry outcomes as a result. As such, ENMAX would like to better understand from the MSA the required level of granularity of provided information, as well as the associated timelines for summary and extended investigations.</p>	<p>Given the broad mandate from s. 39(1)(b) of the AUCA that the MSA applies the investigation procedures to, it is not practical to provide detailed feedback on the required content of a self-report. To the extent that information is generally lacking in respect of particular rules or reliability standards, the MSA will provide public comment in the quarterly enforcement report and where there have been repeated concerns with the self-reported content for individual participants, the MSA has tended to contact them directly to discuss their process.</p>

<p>4.1.4(1) Submitting a mitigation plan Mitigation plans must be submitted in the form provided on the MSA's website in the process & forms section. The mitigation plans must be submitted in accordance with the submission requirements in section 4.1.1 for self-reports.</p>	<p>AESO: The AESO is often unaware of market participant mitigation plans and associated updates/changes. This causes a significant amount of administrative burden for both the AESO and market participants during compliance monitoring activities. Recommendations: • Encourage market participants to copy the AESO when submitting mitigation plans and associated updates the same way it encourages market participants to copy the AESO on self-reports. • Explore opportunities with the AESO to implement shared technology that enables better awareness and the execution of the end-to-end compliance and enforcement processes in Alberta to significantly increase efficiency for the industry.</p>	<p>Section 4.1.1 includes instructions for market participants to copy the compliance monitor on mitigation plans and/or root cause analysis sent to the MSA after the initial self-report.</p> <p>Comments about shared technology and information sharing are addressed in section 4.2.1 below.</p>
<p>4.1.4(2) Completion of a mitigation plan Following completion of a mitigation plan, the MSA may request a spot audit to be completed by the compliance monitor to verify successful mitigation of the underlying root cause(s).</p>	<p>Suncor: Suncor seeks clarification on MSA's notification timelines for when a spot audit may be requested.</p>	<p>The AESO is not obligated to undertake a spot audit in response to a request from the MSA so the notification to a market participant of a spot audit should come from the AESO once they have reached a decision. If the AESO declined to undertake a spot audit but the MSA wanted to pursue verification of the mitigation plan completion, the notification to a participant would be via a notice of investigation from the MSA.</p>
<p>4.2.1 Collaboration between ISO and MSA The ISO is required under section 17(l.1) of the EUA to monitor the compliance of market participants with the ISO rules and under section 23 of the T-Reg to carry out compliance monitoring of market participants with reliability standards. As the mandate of the MSA includes enforcement of contraventions of the ISO rules and reliability standards, the ISO and the MSA work together to address compliance. The MSA will endeavour to coordinate its contact with the market participant in relation to a particular ISO rules or reliability standards issue identified by the ISO through its monitoring, such that the market participant will</p>	<p>AESO: The AESO agrees that it is critical for the AESO and MSA to coordinate effectively to execute each body's respective compliance monitoring and enforcement mandates. The MSA's investigation process revision creates an opportunity to enhance information sharing practices between the AESO and the MSA that would result in enhanced transparency, effectiveness, and efficiency. However, the revised language does not provide a transparent and clear process for this coordination and two-way communication to occur. Often, the AESO and MSA are unaware of what matters the other is working on, which can cause duplication of effort, confusion, and regulatory burden for all parties involved. Recommendation: The draft investigation procedures need revision following coordination with the AESO on improved information sharing processes and use of shared technological tools to improve transparency, effectiveness, and efficiency for the industry.</p>	<p>The Market Surveillance Regulation (MSR) imposes an asymmetry with respect to access to market participant information held by the ISO and the MSA: MSR 2(1) The ISO must, in accordance with this section, make available to the MSA any records relating to electricity market participants that are held by or become available to the ISO pursuant to its mandate under the Electric Utilities Act or any other enactment, including any records that are created by the ISO from records provided by electricity market participants. MSR 6(1) Any record provided to or obtained by the MSA must be kept confidential by the MSA unless (a) disclosure is permitted or required under this section, another enactment or the rules of the Commission or the Court, or (b) the record has otherwise been made public. While there could be some efficiency gains from having shared technological tools, the MSA's obligation to</p>

<p>generally deal with only one agency at a time.</p>		<p>keep records confidential necessarily limits the information sharing benefits that could come from such an arrangement and the ongoing compliance burden of ensuring the AESO does not have access to records not explicitly shared with them by the market participant could be significant.</p>
<p>5 Issue Assessment If the MSA decides to commence an investigation, the MSA will also determine whether the matter will be addressed through the summary investigation process (section 6.2) or the extended investigation process (section 6.3). The MSA will typically follow the summary investigation process in respect of ISO rules and reliability standards matters self-reported or referred to the MSA but, at the MSA's discretion, these matters may be processed under the extended investigation process.</p> <p>Prior to reaching a disposition on a matter addressed through the summary investigation process, the MSA may exercise its discretion to address the matter under the extended investigation process. In such cases, the MSA will issue a revised notice of investigation communicating the change.</p>	<p>Capital Power: Section 5; Sections 6.2 and 6.3 - Choice Between Summary and Extended Investigation Processes The MSA unilaterally decides whether a matter proceeds under the summary or extended investigation process. Even where summary treatment is indicated, the MSA may reclassify the matter at its discretion and move it into the extended process at any time, issuing only a revised notice. This discretion introduces instability and unpredictability into the MSA's process. Market participants cannot reasonably rely on the initial classification when making decisions about resourcing because the procedures applicable to the investigation may shift at any time without defined criteria or meaningful advance safeguards. The ability to escalate an investigation unilaterally, without an obligation to justify the reclassification or provide an opportunity for submissions, places market participants in a perpetually contingent position and undermines their ability to participate effectively in the investigative process. This lack of procedural certainty further erodes the balance and fairness required in an administrative investigation with potentially serious consequences.</p>	<p>Section 6.2 already includes language for the MSA to be able to make information requests in a summary investigation and to take other additional investigation steps with notice to the party under investigation. As discussed in section 6.2.2, the intent of the summary process is for summary decisions based on the information provided, but the nature of the summary process does not prevent additional investigatory steps when necessary without moving the whole investigation to the extended process.</p> <p>Moving an investigation to the extended process via an updated notice of investigation engages additional procedural protections for the party under investigation, notably the obligation for the MSA to provide a summary of findings and to give an opportunity to respond prior to the MSA reaching an enforcement determination (s. 6.3.4). Providing notice to a party under investigation that there are sufficient issues for the MSA to believe that more expansive information gathering is necessary and that additional procedural protections are appropriate is useful feedback to participants at the time that the MSA has come to hold this belief rather than delaying that notification to a later stage. Expanding an existing investigation in this way is more efficient than concluding the summary investigation and starting a new extended investigation covering any concerns raised during the initial investigation.</p>
<p>5 Issue Assessment</p>	<p>Technical Meeting: Can we give guidance on the timeframe to complete the issue assessment step for self-reports and referrals?</p>	<p>The MSA intends the timeframe to be two to three weeks for the vast majority of matters, but a matter requiring a more extensive issue assessment could be significantly longer.</p>
<p>6.1.1 Notice of investigation</p>	<p>AESO:</p>	<p>The MSA believes that the word 'briefly' is synonymous with words or concepts that communicate that the</p>

<p>The notice of investigation will briefly describe the conduct under investigation and will, include appropriate contact information for the MSA, specify a deadline to voluntarily provide additional information to the MSA prior to the investigation being started, and confirm whether the matter will be subject to the summary investigation process or extended investigation process.</p>	<p>Investigated Parties must be provided with the subject matter of the investigation. Being fully informed as to the particular conduct under investigation allows parties to preserve records, cease contravening actions, and begin gathering information to respond to an investigation. Parties should understand the issues at hand.</p> <p>Recommendation: Delete “briefly”.</p>	<p>notice of investigation provides a summary (synopsis, digest, outline, etc.), as opposed to a comprehensive document including all of the evidence the MSA has gathered to that point in the investigation.</p> <p>Section 6.1.1 specified that parties have opportunity to make inquiries of the MSA regarding the scope of the investigation.</p>
<p>6.1.6 Meetings during an investigation The MSA is open to meeting with market participants or the ISO while an investigation is ongoing to discuss issues relevant to the investigation, including at the request of the market participant or the ISO. The MSA will exercise its discretion as to whether and when such meetings will occur, may take any step in an investigation without prior meetings with the party under investigation, and may conclude any investigation without meeting with the party under investigation.</p>	<p>AESO: When conducting an investigation, the MSA should inform the investigated party of the issues under investigation and listen to the investigated party’s responses. Meetings between the MSA and an investigated party can significantly assist in this effort. The new language suggests that the MSA may refuse to meet and withhold notice, both of which should be avoided. NERC and the Regional Entities have completed significant modernization efforts to its enforcement model, processes, and entity engagement protocols to encourage collaboration and dialogue and increase transparency and efficiency. These efforts can result in enhanced reliability and compliance outcomes when entities are working collaboratively and effectively with the U.S. electricity regulators through the enforcement process.</p> <p>Recommendation: Revert to original language and consider aligning the enforcement approach in Alberta to align with other jurisdictions.</p>	<p>Section 6.1.6 does not mention withholding notice. There was no original language with respect to meetings during an investigation that could be reverted to.</p> <p>The MSA added section 6.1.6 to provide for meetings during an investigation, which was not an element of either the Compliance Process or the Investigation Procedures, in order to improve efficient processing of matters which is why the section starts with an expression of openness to meet including at the request of the market participant or the ISO. The comparison to NERC and the regional entities is not apt for both the range of matters the MSA addresses, which extends beyond just the reliability standards to the ISO rules and other enactments, and the number of matters self-reported or referred to the MSA in a year. The MSA needs to preserve the discretion to refuse meetings in simple matters or to refuse multiple meetings in the same matter based on the content and conduct of prior meetings.</p>
<p>6.1.6 Meetings during an investigation “while the MSA may discuss the content of or deadlines for information requests or other information gathering steps in meetings with the party under investigation, no changes to content or deadlines discussed will be effective unless confirmed in writing by the MSA.”</p>	<p>AESO: Investigated parties should be able to rely on the representations of the MSA whether, oral or written.</p> <p>Recommendation: Revert to original language.</p>	<p>Section 6 of AUC Rule 013, particularly parts (17) through (29), consider the conduct of a party under investigation as factors to be considered in determining if any mitigation is warranted in the amount of any administrative penalty. The MSA considers proper documentation with respect to any changes in the content or deadlines of information requests or other information gathering steps as important records in an investigation that could inform future proceedings and, as such, are properly memorialized in writing.</p>

<p>6.1.6 Meetings during an investigation The MSA is open to meeting with market participants or the ISO while an investigation is ongoing to discuss issues relevant to the investigation, including at the request of the market participant or the ISO. The MSA will exercise its discretion as to whether and when such meetings will occur, may take any step in an investigation without prior meetings with the party under investigation, and may conclude any investigation without meeting with the party under investigation.</p>	<p>Capital Power: Section 6.1.6 – Meetings During an Investigation - Meetings Are Optional – Investigation May Conclude Without Engagement “The MSA may take any step in an investigation without prior meetings with the party under investigation and may conclude any investigation without meeting with the party under investigation.” This approach avoids providing any assurance of dialogue or meaningful engagement during an investigation. The investigation and outcomes may be entirely paper-based and unilateral. While this may be appropriate for certain categories of investigations, the ability to advance and conclude an investigation without meeting with the market participant risks critical facts, operational context, or mitigating circumstances not being fully understood or considered. The market participant may need to provide additional information where questions have not been properly framed, market or operational realities have been misunderstood, or the significance of certain facts has not been appreciated. A fully unilateral process heightens the risk of incomplete or distorted outcomes and undermines market participants’ opportunity to be meaningfully heard within the MSA’s process.</p>	<p>See response to the AESO on section 6.1.6 for issues with mandatory meetings in all investigations.</p> <p>The MSA agrees that meetings during an investigation can advance an investigation in certain circumstances; however they are not the only option in the IEP for a party under investigation to clarify critical facts, operational context, or mitigating circumstances. A party can include sufficient context in the self-report, in a voluntary submission following a notice of investigation, or, in extended investigations, at any time up to the deadline specified following the summary of findings.</p>
<p>6.1.6 Meetings during an investigation The MSA is open to meeting with market participants or the ISO while an investigation is ongoing to discuss issues relevant to the investigation, including at the request of the market participant or the ISO. The MSA will exercise its discretion as to whether and when such meetings will occur, may take any step in an investigation without prior meetings with the party under investigation, and may conclude any investigation without meeting with the party under investigation.</p>	<p>ENMAX: Provisions to Request Meetings with the MSA During Investigations – ENMAX appreciates the MSA’s openness to meet with market participants while an investigation is ongoing to discuss issues relevant to the investigation. While we recognize these meetings will be at the discretion of the MSA, further defining certain circumstances where a meeting would be warranted would lead to improved processes and regulatory efficiency. At present, there are situations in which a minor contravention may occur that has minimal or no risk to the grid but could result in a penalty. In these cases, an advanced notice of investigation and a meeting with the MSA would be very valuable. It may be helpful to establish guidelines around what impact thresholds would warrant an MSA meeting.</p>	<p>To the extent that a party under investigation believes a meeting would be helpful in a relatively minor contravention, the MSA recommends the party request a meeting with an explanation of why they would like the meeting or to propose an agenda for the meeting, being mindful of whether they have new information to present or discuss beyond what was already provided in writing.</p>
<p>6.1.7 Information and record gathering The MSA will make reasonable efforts to reach mutually agreeable arrangements In addition to gathering</p>	<p>AESO: Since the last version of the IEP, record production and review in response to MSA requests has increased in complexity and cost. In keeping with its statutory obligation to carry out its mandate in a fair and responsible manner, the MSA should</p>	<p>Section 2 of the IEP already stipulates that “[t]he MSA is required to carry out its mandate in a fair and responsible manner [AUCA s. 40]” such that duplicate references to 'reasonable' throughout the IEP are unnecessary.</p>

<p>information and records from the party under investigation, the MSA may exercise its statutory authority to gather information or records from parties persons who are not under investigation.</p>	<p>continue to make reasonable efforts to reach arrangements with investigated parties for the provision of records.</p> <p>Recommendation: Retain the language indicating that the MSA will make reasonable efforts to reach mutually agreeable arrangements for the provision of records and information by an investigated party.</p>	<p>Section 6.1.7 includes language committing the MSA to consider the scope and nature of the information being requested and provides a mechanism for a party to request extensions with explanation. To the extent that the MSA has significantly understated the effort required, that would presumably be apparent to the party well before the deadline provided and the party would have clear reasons to include in the request for an extension. The circumstances would potentially be a valid reason to request a meeting (s. 6.1.6) to discuss further.</p>
<p>6.1.7 Information and record gathering The MSA may also request or demand information related to an investigation from parties is not required to and will generally not provide notice to or otherwise involve the party under investigation when it gathers information or records from persons whose conduct is not under investigation [AUCA s. 46, MSR s. 3].</p>	<p>AESO: The new language suggests a new practice that risks the MSA improperly receiving privileged information and, relatedly, to the extent evidence gathered becomes inadmissible, inefficient costs arise for all parties.</p> <p>Recommendation: Revert to original language.</p>	<p>Consistent with section 2 of the MSR, the most common circumstance for the MSA to request information from a party not under investigation in the course of an investigation is to request records, data, or analysis from the AESO. When it does so, the MSA does not provide notice to the party under investigation, but to the extent any data or records provided by the AESO are relied upon by the MSA in making a finding, it would be shared along with the summary of findings. There are other typical cases where the MSA would not provide notice of engagement with a party not under investigation, such as when it has been approached by a whistleblower providing information.</p> <p>The language in section 6.1.7 does not state that the MSA will never provide notice to the party under investigation when gathering information from parties not under investigation; the MSA will determine in each circumstance whether such notification is warranted.</p>
<p>6.1.7 Information and record gathering The MSA’s statutory authority to gather information and records is set out in AUCA s. 46, and the MSA may exercise any of the powers afforded to it in any investigation. While the MSA will generally provide notice to the person subject to these powers, the MSA has the ability to act without prior notice and will do so where circumstances warrant.</p>	<p>Capital Power: Section 6.1.7 – Information and record gathering - Ability to Act Without Prior Notice When Gathering Information Although notice is said to be “generally” provided, the MSA explicitly reserves the ability to act without prior notice where circumstances warrant. The standard for “circumstances warrant” is undefined and left entirely to the MSA’s judgment. The Draft Process would, at minimum, benefit from examples of circumstances the MSA considers relevant to exercising the powers set out in section 46 of the AUC Act. Many of these powers involve significant disruption to the day-to-day operations of market participants obliged to cooperate with the</p>	<p>Section 46 of the AUCA uses the term reasonable in clauses 1(b), 2, and 4 to guide the approach to information gathering and the obligation of parties under investigation to co-operate. Section 47(2) sets the following standard for when the MSA may apply to the Court for an order which gives guidance on the sorts of circumstances where the MSA may act without notice: (a) if any person hinders, obstructs or impedes the Market Surveillance Administrator or refuses to respond to inquiries, produce records or provide access to computer systems in response to a request</p>

	<p>MSA in a no-notice scenario. Without a defined threshold or criteria governing when notice may be withheld, market participants cannot reasonably anticipate when they will be afforded an opportunity to understand the allegations or prepare an informed response before investigative steps are taken. This open-ended reservation of authority undermines fairness by allowing the MSA to determine, without accountability or transparency, when procedural protections will apply.</p>	<p>under section 46(1) or otherwise refuses to co-operate with the Market Surveillance Administrator in the carrying out of its mandate, or (b) if the Market Surveillance Administrator has reason to believe that requesting access to premises or computer systems or requesting the production of records may result in the destruction of evidence.</p>
<p>6.1.7(1) Information Requests Failing to provide full and complete responses by the set deadline may lead the MSA to seek an order compelling the party under investigation to provide information or records requested. In addition, the MSA views timely and complete responses to information requests as an aspect of market participants' obligation to reasonably co-operate with the MSA. For this reason, the MSA may seek enhanced penalties in enforcement proceedings where a party under investigation does not provide timely and complete responses to information requests.</p>	<p>AESO: In the AESO's experience, the MSA underestimates the degree of effort required to respond to its requests. Enhanced penalties are not reasonable where they are based on unrealistic expectations, as distinct from cases involving flippant or wilful disregard for reasonable MSA requests.</p> <p>Recommendation: Remove added language.</p>	<p>The addition of section 6.1.6 meetings to narrow or clarify information requests and section 6.1.7 extension requests made earlier and with clear explanations of the need for the extension serve to differentiate flippant or willful disregard for the investigation from parties reasonably cooperating.</p>
<p>6.1.7 Information and record gathering The MSA may issue written requests to obtain information or records which may be relevant to an investigation. Information requests will set a deadline for response, which will consider the scope and nature of the information or records requested. Where a party under investigation believes additional time is required to respond to an information request, they may request an extension of time. Any request for an extension must be made at least 5 business days prior to the set deadline and must provide sufficient information for the MSA to evaluate the</p>	<p>Capital Power: Section 6.1.7 – Information and Record Gathering - Limited Proportionality and Flexibility in Approach to Information Requests The Draft Process does not impose any obligation on the MSA to issue clear, specific, and directed information requests, increasing the risk of over- or under-production, misinterpretation of requests, and inadvertent gaps in disclosure. Without clearly framed requests tied to identified issues, the market participant cannot reliably determine what information is being sought or how it will be used, impairing its ability to respond meaningfully and proportionately. Ambiguous or overly broad requests also heighten the risk that adverse inferences may subsequently be drawn from perceived non-responsiveness, despite the absence of clear direction. Overly broad requests also carry significant resource implications for market participants. In addition, the Draft Process does not</p>	<p>The MSA believes the process articulated to request extensions will identify parties under investigation that are acting in good faith and those acting in bad faith that are attempting to delay or frustrate an investigation. A party acting in good faith would reasonably be able to describe steps already taken, challenges encountered which could include difficulties interpreting particular questions or responding to overbroad requests, and propose new deadlines. A party acting in good faith would consider whether they can reliably respond to the information request more than 4 days prior to the deadline.</p> <p>See response to the AESO and AltaLink on section 6.1.7(1) for discussion on setting a shorter extension request deadline for shorter information request deadlines.</p>

<p>reasonableness of the request including: A) steps that have been taken to respond to the information request; B) the specific factors which preclude a response by the set deadline; and C) a proposed alternate date by which the information request will be answered.</p> <p>The MSA will not generally accede to extension requests that merely assert difficulty in providing responses by the specified deadline.</p> <p>Any amendments to the content or deadline of an information request must be confirmed by the MSA in writing to have effect.</p> <p>Failing to provide full and complete responses by the set deadline may lead the MSA to seek an order compelling the party under investigation to provide information or records requested. In addition, the MSA views timely and complete responses to information requests as an aspect of market participants' obligation to reasonably co-operate with the MSA. For this reason, the MSA may seek enhanced penalties in enforcement proceedings where a party under investigation does not provide timely and complete responses to information requests.</p>	<p>adequately address reasonable extensions of time to allow market participants to respond to information requests. The Draft Process establishes a rigid deadline of 5 business days prior to a response deadline within which extension requests must be made. Market participants must balance investigation-related demands with the ongoing operation of their facilities and day-to-day business obligations. Information requests require market participants to allocate time to locate records, consult internal subject-matter experts, and ensure the completeness and accuracy of responses. Should a Market Participant not be able to meet an information request deadline or provide complete responses, the Draft Process indicates that the MSA may seek "enhanced penalties in enforcement proceedings."</p> <p>The MSA should expressly provide a practical, good-faith extension process supported by clear criteria and timely decisions. Doing so would serve to ensure that responses can be provided in an orderly manner without compromising reliability or imposing unnecessary operational burden. The Draft Process should also provide greater clarity on the criteria the MSA applies when evaluating penalties in connection with information request responses, with an embedded onus on the MSA to set reasonable timelines that contemplate the relevant context in which such responses are provided.</p> <p>The lack of clear criteria or timely decision-making around extensions further entrenches an imbalance of power between the MSA and market participants, prejudicing the latter for failing to meet expectations that are neither transparent nor practicable. An express, good-faith extension framework would support fairness, reliability, and efficiency, while reducing unnecessary operational burden and mitigating the risk of unfair adverse inferences against market participants.</p>	
<p>6.1.7(2) Interviews If the MSA records an interview, it will provide a copy of the recording or transcript to the relevant parties prior to or concurrent with giving written notice to the Commission requesting a hearing or other proceeding under s. 51 of the AUCA.</p>	<p>AESO: The proposed absence of this language raised concerns in 2016, as it does now. Removing the requirement for the MSA to provide a copy of the recording or transcript would be a new and unfair practice and should not be adopted. The interviewee and investigated party should be able to correct typos, errors or misstatements so the investigation proceeds accurately. They must also be able to make full answer and</p>	<p>The overarching requirement for the MSA to carry out its mandate in a fair and responsible manner (AUCA s. 40) applies to the preparation of a summary of findings such that the MSA will include information relevant for a party under investigation to understand the case against them. Should the matter advance to an AUC proceeding, whether from disputed specified penalties or administrative enforcement, a party subject to that</p>

	<p>defence to any allegations lodged against them or their employer/principal, as dictated by procedural fairness. Withholding transcripts is inconsistent with both obligations. To the extent there are concerns about any broader investigation, exceptional needs can be dealt with exceptionally. The starting point should be reviewing and confirming transcripts.</p> <p>Recommendation: At minimum, retain the original language. Better, provide transcripts after interviews.</p>	<p>proceeding can request information (transcripts, other files, etc.) from the MSA with the Commission able to adjudicate any disputes over what information should be made available.</p> <p>If the MSA's determination is that the matter warrants forbearance or is not a contravention then there would be no further procedural step to request information from the MSA, but also no further defense that the party under investigation would need to prepare.</p>
<p>6.1.7(2) Interviews With its summary of findings, the MSA will provide the party under investigation with copies of records relied upon in reaching its findings. This may include extracts of any transcripts of interviews conducted by the MSA. In exceptional cases, the MSA may proceed to take enforcement action or seek other relief against the party under investigation prior to providing its summary of findings to the party under investigation.</p>	<p>AESO: The draft allows only extracts of transcripts, whereas the previous IEP contemplated full transcripts. This reduces transparency and may limit a party's ability to identify exculpatory information.</p> <p>Recommendation: Revert to original language.</p>	
<p>6.3.4 Sharing summary of findings With its summary of findings, the MSA will provide the party under investigation with copies of records relied upon in reaching its findings.</p>	<p>Technical Meeting: Questions about access to information that the MSA doesn't rely on in the summary of findings. Does fairness require all records relied on be given to the participant, including communications between the MSA and the AESO? (Gave the answer that there is procedural fairness within the investigation, but in the case where we give a specified penalty that they contest or requested a proceeding a party can request additional records from the MSA through the AUC process.)</p>	
<p>6.2 Summary Investigation Process As such, market participants and the ISO can expect that process steps will be limited and, in many cases, the only communications with the MSA will be the notice of investigation and the notice of the determination.</p>	<p>AESO: The investigated party should be able to provide the MSA with information that is pertinent to its investigation regardless of the nature of the complaint.</p> <p>Recommendation: Restore the earlier ability for parties to provide relevant information.</p>	<p>Section 6.2.2 provides at least a 30-day period for a party under investigation to voluntarily provide any additional information they want the MSA to consider following the notice of investigation. The sentence quoted in the context of the whole paragraph conveys that the summary process may not include additional communications from the MSA if further information requests are not needed to reach a determination in a matter, as is already common for self-reports under the current Compliance Process.</p>

<p>6.2.1 Notice of investigation The notice of investigation will set a deadline at least 30 days after the date of the notice to voluntarily provide any additional information including the root cause analysis and mitigation plan if applicable.</p>	<p>Enfinite: Summary Investigation Process – Section 4.1 of the IEP provides guidance and expectations regarding the information and level of detail that market participants should include when submitting a self-report. This sets the expectation that a self-report should contain all the relevant information related to a contravention. Section 6.2.1 of the IEP states that a notice of investigation will be issued for straight-forward self-reports and referrals. These notices will set a deadline of at least 30 days after the date of notice to voluntarily provide any additional information. At the March 19, 2026 technical meeting, the MSA noted that if a market participant replies to the notice of investigation that it has no additional information to submit, the MSA will still hold the matter until the 30 days have passed before continuing to process the matter. Enfinite is of the view that the if a market participant waives its right to submit any additional information prior to the 30 day deadline provided in the notice of investigation, the MSA should continue to process the matter rather than wait until the comment window has closed. This will potentially allow files to be closed sooner.</p>	<p>The MSA generally does not process matters within 30 days given the need to balance longer-term, more complex matters with the relatively short-term straight-forward self-reports and referrals. The MSA is further concerned that, even if a participant indicated that they had no additional information to provide, they may find new information that they would want included. The 30-day period following a notice of investigation gives a reasonable period to not unduly delay processing, but to ensure new information can be included.</p>
<p>6.2.2 Opportunity to voluntarily provide additional information and records Extension requests for submitting information should be made in writing to the MSA contact specified in the notice of investigation at least two business days prior to the deadline specified and include the reason for the request.</p>	<p>AESO: This timeline is inconsistent with the extension timeline set out in 6.1.7(1). Recommendation: Align timelines by reverting to the original language.</p>	<p>The draft IEP intended the threshold for extension requests on the voluntary provision of information and records to be less onerous than responses for information requests by the MSA.</p>
<p>6.2.2 Opportunity to voluntarily provide additional information and records In the summary investigation process, the MSA’s intent is not to issue information requests to further clarify the information provided. To avoid lengthy delays caused by missing information, follow the requirements and additional guidance on self-report content included in section 4.1.2.</p>	<p>AltaLink: Firstly, regarding the summary investigation process. As currently described, the summary investigation process is intended to be a streamlined, largely record-based process that relies primarily on information provided in a self-report or referral, together with any additional information voluntarily submitted following the notice of investigation. AltaLink agrees that this approach is appropriate for many straightforward matters and supports the objective of timely resolution. AltaLink suggests that a limited, targeted round of information requests may, in some cases, enhance the efficiency and fairness of the summary investigation process, rather than detract from its summary nature. In AltaLink’s experience, a single, focused</p>	<p>While the intent of the summary process is to minimize additional information gathering, the MSA included the following line in section 6.2 to accommodate the referenced situations: Where the MSA issues an information request in the summary investigation process, it will do so concurrent or after issuance of a notice of investigation (section 6.2.1).</p>

	information request can help clarify discrete factual points, avoid unnecessary escalation to an extended investigation, and support more accurate and proportionate determinations.	
<p>6.3 Extended investigation process The extended investigation process will apply to all investigations that do follow the summary investigation process.</p>	<p>ATCO Electric: The extended investigation process is understood to apply to all investigations that do not follow the summary investigation process, which should be clarified in Section 6.3.</p>	The MSA confirms that all investigations that do not follow the summary process will follow the extended process per the intro to section 6.3.
<p>6.2.3 Notice of determination 6.3.5 Notice of determination The MSA will provide notice of its determination to the party under investigation as set out in section 7.</p>	<p>EDTI: EDTI acknowledges the MSA’s feedback as well as its incorporation of stakeholder input in the IEP. As part of this process, EDTI proposes revisiting the treatment of MSA reporting expectations and integrating them directly into the IEP rather than addressing them through parallel or subsequent mechanisms. Integrating the communication of MSA considerations and factors within the IEP would ensure greater transparency through rationale-sharing, and communication of determinations are applied consistently (to the extent possible) across severity assessments, forbearance decisions, and mitigation plan outcomes. EDTI believes that this approach would offer clearer guidance for market participants, and promote a more predictable and efficient compliance framework.</p>	<p>The AUCA s. 39(1)(b) lays out the broad mandate that the MSA applies the investigation procedures to:</p> <p>(b) to investigate matters, on its own initiative or on receiving a complaint or referral under section 41, and to undertake activities to address</p> <p>(i) contraventions of the Electric Utilities Act, the regulations under that Act, the ISO rules, reliability standards, Part 2.1 of the Gas Utilities Act or the regulations under that Act or of decisions, orders or rules of the Commission,</p> <p>(i.1) contraventions of the Rate of Last Resort Stability Act or the regulations under that Act,</p> <p>(i.2) contraventions of the Utility Payment Deferral Program Act or the regulations or rules of the Commission under that Act,</p> <p>(ii) conduct that does not support or promote the fair, efficient and openly competitive operation of the electricity market or the natural gas market, and</p> <p>(iii) any other matters that relate to or affect the structure and performance of the electricity market or the natural gas market, including negotiating and entering into settlement agreements and bringing matters before the Commission.</p> <p>The breadth of the mandate makes it impracticable to provide a singular decision framework or set of criteria that could capture every type of conduct potentially subject to MSA investigation and enforcement such that market participants would have advance certainty of the outcome. Also see the MSA’s responses to the AESO and EDTI on section 7.1.3 on contravention severity, and the response to Capital Power in section 8 for related commentary on some of the limitations on</p>
<p>6.2.3 Notice of determination 6.3.5 Notice of determination The MSA will provide notice of its determination to the party under investigation as set out in section 7.</p>	<p>TCE: 1. Consistency of Enforcement Outcomes The Draft IEP provides a detailed description of procedural steps across matter sourcing, investigation, and enforcement phases. However, it does not describe how the MSA will promote consistency in enforcement outcomes across matters involving similar fact patterns or comparable contraventions. Consistency in enforcement outcomes is an important element of an effective compliance framework. From a market participant perspective, the consistent application of enforcement principles supports regulatory predictability, equitable treatment across similarly situated entities, and efficient compliance program design, particularly for entities managing diverse asset portfolios and operating within finite compliance resources. Absent this consistency, market participants may find it difficult to determine how prior enforcement decisions inform future expectations, particularly where discretion is exercised at multiple stages of the process. TC Energy recommends that the MSA consider articulating, at a high level, how consistency is maintained over time.</p>	

	Additional clarity in this area would support transparency while preserving the MSA's discretion to address the specific facts of each matter.	comparisons between seemingly similarly situated parties.
<p>6.1.12 Settlement agreements 8 Forbearance</p>	<p>Capital Power: Sections 6.1.12 and 8 – Lack of Transparency in Settlement and Forbearance Decisions While providing a high-level description of settlement and forbearance, the Draft Process does not explain when settlement discussions may be offered or declined, how forbearance considerations are weighed, or why similarly situated parties may experience different outcomes. Even where factors relevant to forbearance are identified, the Draft Process emphasizes that ultimate determinations remain discretionary and case-specific, without explaining how those factors are balanced or applied. This approach provides the appearance of structured decision-making without offering any substantive guidance as to how outcomes are reached. A market participant is left without a meaningful basis on which to understand what conduct or remedial actions may be relevant to achieving proportional outcomes, or how to engage constructively in discussions regarding resolutions. The Draft Process also lacks any discussion of how the MSA's determinations will be made transparent or how market participants will be able to understand the rationale for outcomes, including the decision to pursue forbearance, impose a specified penalty, initiate an administrative application to the Commission, or conclude that no contravention has occurred. This lack of reasoning impairs market participants' ability to understand whether outcomes are consistent, proportionate, or aligned with stated criteria, and deprives them of insight enabling them to adjust their behaviour and compliance practices accordingly. Greater transparency and clarity in this respect would promote consistency, predictability, and broader market understanding of how enforcement outcomes align with the stated criteria. Articulated reasoning is essential to ensure that discretionary power is exercised in a principled, accountable, and transparent manner.</p>	<p>The minimum notification requirements for specified penalties are set in AUC Rules 019 and 027 and the minimum notification requirement for forbearance in sections 57 of the AUCA and 23(1) of the Transmission Regulation. The MSA agrees that extended explanation and transparency is warranted in circumstances such as the imposition of significant penalties or the resolution of extended investigations, with those generally being published in the quarterly enforcement reports.</p> <p>The MSA accepts the general feedback that more detailed communication of the reasons behind decisions is desired by market participants.</p>
<p>8 Forbearance</p>	<p>EDTI: In Section 8, Forbearance, the IEP outlines the factors that the MSA may consider when determining whether forbearance is appropriate. While the section indicates that the MSA will</p>	

	<p>advise Market Participants of its decision, it is unclear whether the MSA will also provide insight into the basis for that decision. EDTI requests further clarification on whether the MSA intends to communicate the rationale underlying its forbearance determinations, as greater transparency in this area would assist market participants in understanding how the MSA applies the forbearance framework and, in turn, support more consistent compliance outcomes.</p>	
<p>7.1.2 Self-report discount AUC Rule 027 and AUC Rule 019 provide for discounts to the applicable penalty where conduct leading to a notice of specified penalty is self-reported to the MSA. The MSA will apply the self-report discount where: a) the conduct at issue is self-reported to the MSA; b) the market participant or the ISO provides a complete self-report form to the MSA; c) the market participant provides sufficient information and records with its self-report for the MSA to make all required determinations under the applicable rule; and d) the conduct at issue is self-reported to the MSA prior to any referral to the MSA from the applicable compliance monitor or the MSA independently learning of the conduct at issue.</p>	<p>Suncor: Suncor requests additional clarification on MSA’s criteria for determining discount, specifically the circumstances under which a discount may not be considered applicable to a self-report.</p>	<p>The language in AUC Rules 019 and 027 are different and the MSA applies the specific language in determining whether to apply the discount.</p> <p>AUC Rule 019 applicable to ISO rule contraventions: In the case where a market participant self-discloses a contravention of an ISO rule, the Market Surveillance Administrator shall determine the amount of the specified penalty in accordance with this section and the penalty table and reduce the amount of the specified penalty by 50 per cent.</p> <p>AUC Rule 027 applicable to reliability standards contraventions: A self-disclosure statement referred to in Section 4.5 must meet the following criteria: (a) Be made in writing to the Market Surveillance Administrator prior to the ISO or the Market Surveillance Administrator contacting the market participant about the contravention or in the case of the ISO prior to the Market Surveillance Administrator contacting the ISO. (b) Include the name, address, telephone number and email address of the market participant or the ISO. (c) Describe in detail the contravention, including the reliability standard or a requirement within a reliability standard that was breached, the date, time and duration of the contravention of the reliability standard or a requirement within a reliability standard. (d) Any other information the market participant or the ISO considers to be relevant to the events that took place.</p>
<p>4.1 Self-reports The MSA encourages the self-reporting of contraventions of any</p>	<p>AESO: The MSA is not proposing to implement a risk-based enforcement program and is not materially modifying its self-</p>	<p>The AESO removes the compliance section of reliability standards including the violation severity levels (VSL) as part of the Alberta localization process</p>

<p>provisions of enactments within its jurisdiction.</p> <p>7.1.3 Reliability standard contravention severity</p> <p>Where required by AUC Rule 027, the MSA will determine the severity of each contraventions found. In determining the severity of contraventions, the MSA will consider all relevant factors including, without limitation:</p> <ul style="list-style-type: none"> • information provided in any self-report or referral from the ISO or WECC; • available facts about the non-compliant performance; • the relative continuum of conduct which would result in finding low, moderate, high, or severity, as applicable; • whether the percentage, rather than the count, of non compliant performance is a better indication of contravention severity; • the duration of the conduct at issue relative to the timeframe, if any, defined in the requirement; and • the Alberta risk rating of the standard and requirement. 	<p>reporting process. The severity of different ARS contraventions should be clearly articulated and enforcement efforts prioritized accordingly, rather than relying too heavily on self-reporting or an open-ended list of criteria for severity determinations. Other jurisdictions have adopted risk-based enforcement programs to reduce administrative burden and focus efforts on the highest risks and priorities. For example, NERC has implemented a risk-based enforcement program with its current Self-Logging process. NERC also provides its industry with clear and transparent risk-based violation severity levels for each reliability standard requirement. The MSA’s omission of risk-based enforcement concepts and clear severity criteria under ARS does not align with the efforts and approach the AESO and market participants are taking more broadly.</p> <p>Recommendation: The MSA should clearly define what ARS contraventions are more or less severe based on related system risks, and in tandem clarify which higher-risk contraventions are prioritized for enforcement.</p>	<p>(see slide 14: https://aesoengage.aeso.ca/48406/widgets/220792/documents/167554) prior to consultation and subsequent filing with the Commission for approval. In the NERC context, the VSL are part of authoritative documents established through the standards development process and approved by FERC; the self-logging process referred to in the AESO's comments relies on those authoritative VSL to determine which contraventions are eligible for self-logging in addition to requiring entities be approved for participation following a rigorous review of their internal compliance program. The overall self-logging program was also approved (made authoritative) by FERC for implementation by Electric Reliability Organizations.</p> <p>Neither the AUCA nor the EUA (or their associated regulations) give the MSA the ability to create documents (like rules or standards) and file them with the Commission for approval such that they would be an authoritative source for market participants, the ISO, and the MSA. The MSA can issue guidelines following consultation, but those guidelines are not authoritative and do not prevent the MSA exercising discretion in the evaluation of particular matters consistent with the particular wording of the reliability standards and AUC Rule 027. Non-binding VSL would not give the outcome certainty that the AESO and market participants are looking for and that lack of outcome certainty would be a further impediment to implementing a similar self-logging program. As commented in the notice published on February 27, 2026, the MSA believes that the initial screening of a matter based on whether it is trivial, vexatious or frivolous or otherwise does not warrant investigation can deliver many of the benefits of self-logging and is consistent with the legislative framework in Alberta (AUCA s. 43(1)).</p> <p>To the extent to which parties believe that authoritative VSL would be beneficial in Alberta, the MSA notes that either the AESO could include them in the reliability standards or Rule 027 could be amended to implement them; both options require consultations with affected</p>
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		stakeholders and proper oversight and approval by the Commission prior to being made authoritative.
<p>7.1.3 Reliability standard contravention severity Where required by AUC Rule 027, the MSA will determine the severity of each contraventions found. In determining the severity of contraventions, the MSA will consider all relevant factors including, without limitation:</p> <ul style="list-style-type: none"> • information provided in any self-report or referral from the ISO or WECC; • available facts about the non-compliant performance; • the relative continuum of conduct which would result in finding low, moderate, high, or severity, as applicable; • whether the percentage, rather than the count, of non-compliant performance is a better indication of contravention severity; • the duration of the conduct at issue relative to the timeframe, if any, defined in the requirement; and • the Alberta risk rating of the standard and requirement. 	<p>EDTI: With respect to Section 7.1.3, Reliability Standard Contravention Severity, the IEP identifies a non-exhaustive set of considerations that the MSA may rely upon when determining the severity of a contravention. EDTI requests further clarification – reflected within the process itself – that the considerations and criteria applied in reaching a determination on the severity of a contravention will be communicated to market participants. Providing additional detail or establishing a mechanism through which the basis for these determinations is shared would support improved quality of future submissions and mitigation activities.</p> <p>TCE: 2. Materiality and Severity Considerations TC Energy acknowledges the inclusion of additional guidance on severity determination for reliability standards contraventions in section 7.1.3 of the Draft IEP. However, the Draft IEP does not provide comparable guidance on how the MSA evaluates materiality or harm more generally when determining whether a contravention warrants investigation, enforcement action, or forbearance. In TC Energy’s view, greater transparency regarding how materiality and harm are assessed would improve regulatory predictability and enable market participants with limited resources to better prioritize compliance risks.</p>	Section 3.2 of AUC Rule 027 does not require the MSA to include explanation of a particular determination of contravention severity on the notice of specified penalty. The MSA's general practice is to mention the primary factors (impact, risk, and/or scope) leading to the determination on the notice, except in cases where the severity has been rated as low.
<p>7.1.4 Acceptance of Mitigation Plans AUC Rule 027 section 4.9 specifies criteria for the MSA to accept a mitigation plan. In determining whether these criteria are met, the MSA will consider the following factors:</p> <ul style="list-style-type: none"> • Whether the mitigation plan provides all required information set out in section 4.1.4; • Whether the mitigation plan is designed to correct the contravention; • Whether the mitigation plan correctly identifies and addresses the root 	<p>AESO: The mitigation plan process does not state how and when the MSA will engage the AESO or a market participant to explain why it has not accepted a mitigation plan. In addition, the process does not include steps for the AESO or a market participant to respond to MSA feedback and effectively correct non-compliance and/or prevent future non-compliance. This may create a risk to reliability, security, and FEOC market operation. If the MSA does not provide a timely and transparent rationale for its refusal, an opportunity for the entity to respond, and, as stated earlier re: s. 4.1.4, if the MSA does not assess evidence to verify that the non-compliance has been corrected.</p>	The intent of the summary investigation process, which is how the majority of reliability standard contraventions are processed and is consistent with the language in AUC Rule 027, is to reach a summary determination based on the information provided. As such, the MSA’s practice is not to negotiate a mitigation plan outside of a negotiated settlement or administrative enforcement proceeding. The majority of cases where the MSA has rejected a mitigation plan discount is because it does not include a detailed plan targeted at the root cause of the contravention to prevent reoccurrence in the future.

<p>cause(s) such that a repeat of the same circumstance would be unlikely to result in a contravention.</p> <ul style="list-style-type: none"> • Whether the mitigation plan will be implemented in a timely fashion considering the risk to the reliable operation of the grid and the scope of implementation. Timelines longer than 90 days for mitigation plans with limited scope (degree of process changes, number of assets affected, etc.) and 1 year for mitigation plans with larger scope require justification on whether the mitigation can be considered as timely. • Extended mitigation plan timelines, beyond the timelines referenced above, should have interim measures to protect the reliability and security of the grid during implementation. 	<p>Recommendations:</p> <ul style="list-style-type: none"> • Improve the transparency of the process, such as having the MSA provide the AESO or a market participant timely notification and the reasons that it has not accepted a mitigation plan. • Improve the clarity of timelines for notification, entity response/mitigation plan amendment and re-submission, and MSA assessment. 	<p>The draft IEP does not assert a right for the MSA to revise a mitigation plan proposal.</p> <p>Submission of mitigation plans is not mandatory, but actions taken or planned to be taken to correct a contravention and prevent reoccurrence are important considerations in whether a contravention warrants forbearance and are required in order to have a mitigation discount applied to a specified penalty. Providing details of a mitigation plan can also give the MSA a basis to provide future forbearance during the implementation of the mitigation plan as discussed in section 7.1.4.</p> <p>The draft IEP provides guidance on the content of mitigation plans in section 4.1.4 and information on what the MSA considers when accepting or rejecting a mitigation plan. The MSA has published a revised mitigation plan form for stakeholder comment alongside this notice and will consider the feedback about additional explanation on specified penalties and forbearance notifications to give more information about the factors driving the rejection of a mitigation plan.</p>
	<p>EDTI:</p> <p>Finally, EDTI seeks clarification regarding the expectations set out in Section 7.1.4, Acceptance of Mitigation Plans. Specifically, confirmation as to whether the process explicitly contemplates engagements between the MSA and Market Participants prior to the MSA issuing a Notice of Specified Penalty (NSP) where a mitigation plan is rejected. In circumstances where a mitigation plan is rejected, EDTI would appreciate additional guidance from the MSA on the required next steps Market Participants should take to address the status of the contravention. This would support consistent and effective compliance and reporting.</p>	
	<p>Capital Power:</p> <p>Section 7.1.4 – Mitigation plans – Unclear Requirements The Draft Process does not provide sufficient clarity regarding the required content of a mitigation plan.</p> <p>The absence of defined requirements or evaluative criteria creates inefficiencies and unnecessary operational burden, both for the market participant and the MSA. Market participants may expend significant time and resources attempting to anticipate expectations that are not clearly articulated, while the MSA retains complete discretion to reject or revise mitigation proposals without reference to objective standards. A clearer framework for mitigation plans would improve the quality and efficiency of market participant submissions while reinforcing confidence that mitigation outcomes are assessed consistently and transparently.</p>	
	<p>Enfinite:</p> <p>ISO Rule Mitigation Plans – The requirement to submit mitigation plans has been historically tied to the AUC Rule 027, where an accepted mitigation plan would provide market participants with a 25% discount on any notice of specified penalty (NSP). Enfinite recommends the MSA provide more</p>	

	<p>clarity and guidance with respect to its expectation for when mitigation plans should be submitted for ISO Rules self-reports or referrals.</p>	
<p>7.2.1 Request for an AUC hearing or other proceeding In appropriate circumstances, the MSA may request a hearing from the Commission prior to the conclusion of an investigation and, subject to the applicable rules of practice, may do so without notice to the party under investigation.</p>	<p>AESO: Section 51(3) of the Alberta Utilities Commission Act requires the MSA to serve the notice to parties named in the notice when a hearing is requested, along with section 8 of AUC Rule 001, which requires the AUC to provide notice of an enforcement proceeding. The Alberta Utilities Commission Act only contemplates ex parte hearings when the person to whom a notice of specified penalty was issued under subsection 52(1) relating to ISO rule or reliability standards contraventions fails to attend before the Commission.</p> <p>Ex parte hearings should be minimized generally, and any intent to use them should be well-explained.</p> <p>Recommendation: Remove the new language concerning “without notice”.</p>	<p>The MSA’s language in this section is in alignment with section 24(1) of the AUCA which allows for Commission orders without notice and sets the procedure for a party to vary or rescind the decision or order made in this way: 24(1) Where notice to interested parties to a hearing or other proceeding is required, the Commission may, if it is of the opinion that the matter is urgent, or for other reasons appearing to the Commission to be sufficient, hear the application or make the decision or order as if due notice had been given to all parties, and the decision or order is as valid and has effect in all respects as if made on due notice. (2) A person entitled to notice under subsection (1) may, at any time within 10 days after becoming aware of any decision or order, or within any further time the Commission may allow, apply to the Commission to vary or rescind the decision or order, and the Commission shall, on that application and on any notice to the other interested parties that in its discretion it thinks desirable, hear the application, and either confirm, vary or rescind the decision or order or dismiss the application as it considers just.</p> <p>The normal course of investigations described in the IEP includes concluding the investigation and sharing a summary of findings with the party under investigation having an opportunity to respond including providing additional information or explanation before the MSA takes any enforcement steps including initiating a proceeding before the Commission. There being a</p>
	<p>Capital Power: Section 7.2.1 – Request for an AUC Hearing - AUC Proceedings Without Notice “In appropriate circumstances, the MSA may request a hearing from the Commission prior to the conclusion of an investigation and ... may do so without notice to the party under investigation.” By contemplating the possibility that the MSA may opt to initiate formal regulatory proceedings without prior notice to the market participant under investigation, the Draft Process potentially deprives market participants of the opportunity to shape the investigative record, correct misunderstandings, or make submissions before a matter under investigation escalates to a public and adversarial forum. Given the significant reputational, operational, and financial consequences at stake in AUC enforcement proceedings and</p>	

	<p>the benefits of avoiding more time intensive litigated outcomes for all parties, the Draft Process should facilitate a minimum level of engagement between the MSA and market participants ahead of such steps being pursued.</p>	<p>normal course that is likely to fit the vast majority of circumstances doesn't prevent there being some circumstances where serving the public interest would require more expedient action. The draft IEP explains both the normal course of investigations and gives clarity to the actions that can be taken in exception circumstances.</p>
<p>6.3.4 Sharing summary of findings In exceptional cases, the MSA may proceed to take enforcement action or seek other relief against the party under investigation prior to providing its summary of findings to the party under investigation.</p>	<p>Capital Power: Section 6.3.4 – Sharing Summary of Findings - Early Enforcement Before Sharing Findings (Exceptional Cases) In “exceptional cases,” the MSA may take enforcement action or seek other relief before providing a summary of findings to the party under investigation. No definition or criteria informing what constitutes an “exceptional” case is provided. This approach permits the MSA to pursue prejudicial enforcement actions against a market participant before the market participant is fully informed of factual and legal basis for those actions. In denying market participants the opportunity to respond to any new evidence relied upon at this stage of the investigation, the MSA’s process also increases the risk that the MSA’s exercise of its enforcement powers is premised on errors or misunderstandings that might otherwise have been corrected. The absence of a defined threshold for what constitutes an “exceptional case” leaves Market Participants unable to predict when foundational fairness protections—such as disclosure of the case to be met and the opportunity to be heard—will be bypassed. Enforcement action taken prior to disclosure reverses the ordinary sequence of a fair regulatory process. This approach concentrates extraordinary power in the MSA while stripping the investigatory and enforcement process of the transparency, proportionality, and procedural balance required where serious consequences may be at stake.</p>	
<p>8 Forbearance While the MSA considers the following factors when deciding whether forbearance is appropriate, the MSA will determine whether forbearance is appropriate in each matter, based on the circumstances of a matter.</p>	<p>Capital Power: Section 8 – Forbearance - Discretionary Forbearance Decisions Although factors largely aligning with the existing Compliance Process are listed, the MSA emphasizes it “will determine whether forbearance is appropriate in each matter, based on the circumstances.” Consistent with its January 15, 2026 comments at the initial phase of this consultation process, Capital Power remains concerned with a lack of specificity in the MSA’s approach to forbearance decision-making. Rather than responding to these concerns, the Draft Process increases the level of ambiguity around how the MSA approaches these matters by removing the prior Compliance</p>	<p>The forbearance criteria, informed by s. 57 of the AUCA and 23(1) of the Transmission regulation, apply to more than just ISO rule and reliability standards matters; they could apply to any aspect of the MSA's mandate which makes a particular weighting or threshold meaningful in one aspect of the MSA's mandate not applicable in another.</p> <p>In addition, the forbearance criteria include considerations of conduct beyond the facts of the contravention under consideration, such as whether there is a recurring problem, whether there have been prior failed mitigations, and the speed of identification</p>

	<p>Process' statement that in circumstances where a market participant meets all of the listed criteria, "the MSA will proceed with Forbearance"⁶ in favour of an across-the-board discretion. This approach offers the appearance of decision-making criteria without providing any substantive assurance that those factors will meaningfully inform the outcome. Market participants have no reliable basis on which to understand how forbearance decisions will be made or to tailor their submissions to the criteria that will actually be applied. The absence of defined weighting, thresholds, or decision-making standards undermines transparency and predictability, and deprives Market Participants of a meaningful opportunity to influence an outcome that may significantly affect their regulatory and reputational interests. For clarity, this is not about eliminating discretion; it is about structuring it.</p>	<p>and notification. Beyond the conduct-related criteria, factors like the degree of jeopardy posed to the reliability of the interconnected electric system or the impact, duration and extent of the conduct, may result in otherwise seemingly similar behaviour from different market participants to be more or less likely to receive similar outcomes.</p> <p>On the broader point of whether there should be an established weighting and threshold such that participants would have a meaningful opportunity to influence the outcome through their submissions, sections 4.1, 4.1.2, 4.1.4, and 7.1.4 give guidance on the factual content of submissions that the MSA considers helpful in reaching a decision on a given matter.</p>
<p>8 Forbearance</p> <ul style="list-style-type: none"> The conduct is not part of a recurring problem. 	<p>Technical Meeting:</p> <p>Does the MSA have a threshold where prior conduct is no longer meaningful for determining a future forbearance. (I.E. a forbearance 3 years ago is probably not relevant, but 3 forbearances over 3 months likely is).</p>	<p>Given the range of potential matters and the implicit timeframe differences in different rules and reliability standards (for example an appropriate timeframe to consider the prior history of responses to directives should likely be different from the timeframe considered for standards that mandate a review be completed every 15 months), the MSA cannot give singular guidance on the timeframe considered.</p> <p>Since the structure of AUC Rule 019 bases penalties on a rolling 12 months, the MSA will generally consider a timeframe of at least 12 months when considering whether conduct is part of a reoccurring problem.</p>
<p>N/A</p>	<p>Suncor:</p> <p>Can MSA provide guidance on evidence retention requirements for ARS and ISO Rules? When NERC standards are adapted in Alberta, the evidence retention section is removed. Therefore, clarification on applicable retention expectations would be helpful.</p>	<p>The AESO does not include evidence retention requirements in reliability standards applicable in Alberta sent to the Commission approval and the ISO rules do not contain an evidence retention requirement so there is no authoritative source of evidence retention requirements. AUC Rules 019 and 027 both include a limitation period of four years after the date on which the contravention occurred for specified penalties to be applied and s. 65(b) of the AUCA sets a limitation period of 6 years from the date of the occurrence of the alleged offence.</p>

Feedback to be considered outside of the Investigation and Enforcement Process:

IEP Section & Related Text	Recommendation	MSA Commentary
<p>4.1.1 MSA forms and submission procedures The MSA maintains compliance forms in the Process & forms section of its website, including self-report forms for both ISO rules and reliability standards matters as well as a mitigation plan form for reliability standards matters and, optionally, ISO rules contraventions where the conduct at issue is on-going.</p>	<p>ENMAX: The MSA only maintains a mitigation plan form for ARS.</p> <p>Recommendation: Create a mitigation plan form for ISO rules to align with the new process.</p>	<p>The MSA will publish updated draft self-report and mitigation plan forms for stakeholder comment later in June 2026.</p>
	<p>Enfinite: Compliance Forms – Section 4.1.1 of the IEP encourages market participants to use forms included on the MSA’s website when submitting self-reports. Enfinite is of the view that updating the Compliance Process 2020 to the IEP also requires the MSA to update the Self Reporting and Mitigation Plan Forms for ISO Rules and Reliability Standards. Can the MSA please provide a timeline for when market participants can expect these forms to be updated?</p>	
	<p>Suncor: Suncor seeks clarification on the MSA’s intent regarding timelines associated with updated Self-Report (SR) and Mitigation Plan (MP) forms.</p>	
	<p>ENMAX: Clarity on the Reporting Forms – The current reporting documents listed on the MSA’s website show specific self-report forms for both ARS contraventions and ISO rules contraventions; however, the MSA has only provided one form to report mitigation actions. ENMAX is seeking confirmation that the MSA will accept the current mitigation report form for mitigation actions taken regarding both ARS and ISO rule contraventions.</p>	
	<p>ENMAX: Additionally, the current language within the self-report forms does not reflect the changes being proposed by the MSA, specifically regarding the removal of the 30 day reporting requirement window. It is ENMAX’s understanding that the current self-report forms will be updated to reflect all proposed changes.</p>	
<p>ENMAX: Additionally, while ENMAX appreciates the speed of reporting that is required in some compliance cases, there is a trade-off</p>		

	<p>between the speed of reporting and level of detail that may be provided under tight timelines. As it takes time to investigate the cause of a non-compliance, ensuring adequate time is provided for information gathering pertaining to a contravention will allow for a more efficient investigation process and effective mitigation planning for both the contravening party and industry as a whole as information is shared among participants.</p>	
	<p>Suncor: Suncor requests that the MSA consider revising the 30-day self-reporting timeline to commence from the date of discovery, rather than the date the contravention began, to better align with how issues are typically identified.</p>	
	<p>Suncor: If revising the 30-day trigger is not feasible, Suncor suggests considering an update to the field wording to read: "If this Self-Report is not submitted within 90 days from the date the contravention began, please provide the reasons for the delay."</p>	
	<p>Suncor: Suncor asks whether the MSA would consider adding a checkbox to indicate when a mitigation plan is associated with an audit referral, to improve clarity and tracking.</p>	
	<p>TCE: TC Energy supports the MSA's efforts to provide more detailed guidance on self-report content and mitigation plans, and the removal of the 30-day requirement to receive credit for a self-report. TC Energy recommends that the MSA consider further alignment and streamlining of self-reporting requirements across ISO rules and reliability standards, including:</p> <ul style="list-style-type: none"> • Consolidation of the self-report forms for ISO rules and reliability standards • Ensuring that required form content directly reflects the information identified in the Draft IEP to avoid repeated follow-up information requests. <p>Ensuring that form requirements are clear and proportionate would improve efficiency for both the MSA and market participants.</p>	