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March 19, 2008

Market Surveillance Administrator
#500, 400 – 5th Avenue S.W.
Calgary, AB T2P 0L6

Dear Sir/Madam:

Re: Response to MSA Investigation Procedures, March 5, 2008 Revised Draft

TransAlta appreciates the opportunity to provide comment on the March 5, 2006 further revised version of the MSA Investigation Procedures.

We understand that IPPSA is providing comments as well (which we echo), and rather than repeating those comments here we limit his letter to one particular point.

As you know, the MSA recently advised TransAlta that it had concluded a particular investigation, had decided not to request a hearing into the conduct of TransAlta that was the subject of the investigation, and closed its investigation file. As a result, by letter from our counsel dated January 29, 2008, we requested certain records and reasons from the MSA regarding its decision to conclude the investigation and close the file. That request was based in part on specific reference to numerous sections and provisions of the October 5, 2006 MSA Investigation Procedures, that remained in force, unamended, as of January 29, 2008. Approximately one week later, on February 6, 2008, the MSA published its proposed Draft Revised Investigation Procedures, proposing to delete those sections and provisions.

Especially in that context, and considering that Section 6(12) of the *Market Surveillance Regulation* expressly contemplates that the Commission may require the MSA to disclose records created for its internal use, TransAlta is concerned about the circumstances leading to the proposal by the MSA to amend its own Investigation Procedures, and how this may affect the transparency of the investigation processes to be used by the MSA, and the accountability of the MSA to both the Commission and market participants.

For this reason, TransAlta strongly supports the request by IPPSA that the MSA not delete the various provisions from the October 5, 2006 Investigation Procedures that pertain to the investigative processes, considerations and records (which provisions are enumerated in IPPSA's February 20, 2008 letter of comment).

Yours truly,



Sterling Koch
Director & General Counsel
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