

## NOTICE OF SPECIFIED PENALTY

Date of Issue: November 1, 2013

Payment Due Date: December 2, 2013

|                               |                                 |   |   |
|-------------------------------|---------------------------------|---|---|
| MSA File Number:              | 2013-361                        | <b>Specified Penalty Amount:</b>  | \$ 500  |
| Market Participant Name:      | Algonquin Power Operating Trust |   |   |
| Asset ID (if applicable):     | DKSN                            | Self Report   | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| ISO Rule:                     | 203.3                           | Date of Contravention:  | July 18, 2013   |
| Date of Referral/Self Report: | October 18, 2013                | This is the first contravention by this asset for this rule within a rolling 12 month period. |   |

### EVENT DETAILS

On July 18, 2013 from approximately 09:27 to 12:15 MST, the DKSN generating asset had a declared available capability (AC) of 10 MW while DKSN was offline and apparently unable to generate due to an operational issue. ISO Rule 203.3 states that a pool participant with a submitted offer must, if there is a change to the available capability of the source asset as a result of an acceptable operational reason, submit an available capability restatement revising the available capability for the applicable hours, as soon as reasonably practicable.

### FINDINGS

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

### MATERIAL FACTS

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

1. AESO information request issued to Algonquin Power Operating Trust dated September 25, 2013.
2. Algonquin Power Operating Trust response to the AESO information request dated September 25, 2013.
3. Referral from the AESO to the MSA dated October 18, 2013.

### DELIVERY OF PAYMENT

Payment by cheque or certified funds is to be made out to the "General Revenue Fund c/o Minister of Finance", and delivered to the Alberta Utilities Commission (AUC) at: 4th Floor, 425 - 1st Street S.W., Calgary, Alberta, T2P 3L8. Questions in respect of delivery of payment should be addressed to the Director of Finance, AUC. The payment should reference this notice and related MSA File #. Delivery of payment should also be confirmed by email to [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca), with copy to the following AUC personnel: Sabi Ghavami (Director, Finance) [sabi.ghavami@auc.ab.ca](mailto:sabi.ghavami@auc.ab.ca), and Darin Lowther (Director, Market Rules) [darin.lowther@auc.ab.ca](mailto:darin.lowther@auc.ab.ca).

### NOTICE

The Market Surveillance Administrator (MSA) is granted the power and authority under s. 52 of the *Alberta Utilities Commission Act* to issue a Notice of Specified Penalty where the MSA is satisfied that a person has contravened an ISO rule. Specified penalties are set out in AUC Rule 019.

In accordance with the relevant enactments and rules, a dispute regarding the issuance of a Notice of Specified Penalty or failure to pay the specified penalty in accordance with this notice will result in a hearing or other proceeding before the AUC.

In accordance with s. 5(1) of AUC Rule 019 this Notice of Specified Penalty will be made public no earlier 30 days and no later than 45 days after issuance. The MSA will, if applicable, also post on its website the link to any decision of the AUC respecting the specified penalty.

If your organization disputes the issuance of this Notice of Specified Penalty, or if you have any other questions or comments regarding this matter, please contact the MSA compliance team at [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca).

### SIGNATURE

|            |                   |                 |  |
|------------|-------------------|-----------------|--|
| Signature: | "Original Signed" | Signature Date: | November 1, 2013                           |
| Name:      | Doug Doll         | Title:          | Manager, Compliance and Corporate Services |