

Information Document Requests for Information, Waivers or Variances Regarding Authoritative Documents ID #2017-001



Information Documents are not authoritative. Information Documents are for information purposes only and are intended to provide guidance. In the event of any discrepancy between an Information Document and any Authoritative Document(s)¹ in effect, the Authoritative Document(s) governs.

1 Purpose

The purpose of this Information Document is to provide guidance to market participants in respect of requests to the AESO for information regarding the requirements of an Authoritative Document, or requests to the AESO for a waiver or variance from the requirements of an Authoritative Document.

2 Requests for Information

Market participants are encouraged to thoroughly review the Authoritative Documents and any related Information Documents pertaining to a particular subject area. In the event that a market participant requires further information after completing its review, a request for information regarding the requirements of an existing Authoritative Document may be sent to rfi@aeso.ca.

2.1 Requests for Information Related to Active Projects in the Connection Process

If a request for information regarding the requirements of an existing Authoritative Document is related to an active project that is in stage 1 or a later stage of the AESO's Connection Process, the AESO encourages the market participant to send the request to the AESO Project Manager assigned to the project, rather than to rfi@aeso.ca.

2.2 Requests for Information Related to Proposed Authoritative Documents

Where a market participant seeks information relating to the requirements of a proposed new or amended Authoritative Document, the AESO encourages the market participant to participate in the related stakeholder engagement process.

3 AESO Response to Requests for Information

In order to ensure that the responses provided are transparent and consistent, the AESO addresses requests for information relating to the requirements of an Authoritative Document:

- through an amendment to an Authoritative Document;
- through an amendment to an existing Information Document or development of a new Information Document; or
- by referring to non-confidential information that has already been made public by the AESO.

Where the AESO makes an amendment to an Authoritative Document or Information Document in response to a request for information by a market participant, it will advise the market participant that made the request in a timely manner. The AESO informs all market participants of updates to Authoritative Documents and Information Documents through the stakeholder newsletter.

In a response to a request for information, the AESO may, in limited circumstances, provide information regarding the requirements of an Authoritative Document to a market participant directly, but only where the response is determined by the AESO to be of little or no value to other market participants.

¹ "Authoritative Documents" is the general name given by the AESO to categories of documents made by the AESO under the authority of the *Electric Utilities Act* and regulations, and that contain binding legal requirements for either market participants or the AESO, or both. AESO Authoritative Documents include: the ISO rules, the Alberta reliability standards, and the ISO tariff.

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The AESO will not provide a response to a request for information that falls into one of the following categories:

- requests for the AESO's opinion regarding whether or not a market participant's actions will be deemed compliant for the purpose of compliance monitoring activities;
- requests for information relating to a requirement where the market participant making the query is the subject of an active investigation by AESO Compliance relating to that requirement;
- requests for access to confidential or commercially sensitive information; and
- requests for information relating to a requirement within an Authoritative Document where the AESO is of the view that the existing wording of the requirement is sufficiently clear and comprehensive.

In all cases, the AESO will conduct an appropriate review of the particular facts and circumstances related to each request for information and therefore the response time for each request will vary.

4 Requests for a Waiver or Variance

Where a requirement within an Authoritative Document expressly allows for a waiver or variance, market participants may request such a waiver or variance from the AESO at rfi@aeso.ca.

In general, the following information may assist the AESO in assessing a request for a waiver or variance:

- whether the request, accompanying information and AESO decision is confidential, with reasons;
- the proposed effective date for the waiver or variance, if any, along with the rationale;
- a description of the reasons for which the waiver or variance is requested;
- whether the requested waiver or variance is likely to have a material impact on the reliability of the Alberta interconnected electric system;
- whether the requested waiver or variance is likely to have a material impact on the fair, efficient and openly competitive operation of the electricity market; and
- the cost impact if the waiver or variance is approved or disapproved.

The AESO's response to requests for a waiver or variance, including reasons, may be posted to the AESO's website unless the AESO determines that the request should be treated in a confidential manner.

The AESO will conduct an appropriate review of the particular facts and circumstances related to each request for a waiver or a variance and therefore the response time for each request will vary.

4.1 Requests for Variances (including Technical Feasibility Exceptions) to Critical Infrastructure Protection Alberta Reliability Standards

Note that the process, criteria and grounds for requesting a variance to the requirements of the Critical Infrastructure Protection ("CIP") Alberta reliability standards are set out in the following documents:

- [CIP-SUPP-001-AB1](#), *Cyber Security – Supplemental CIP Alberta Reliability Standard* ("CIP-SUPP-001-AB1"); and
- [CIP-SUPP-002-AB](#), *Cyber Security – Supplemental CIP Alberta Reliability Standard Technical Feasibility Exceptions* ("CIP-SUPP-002-AB").

In addition, the following Information Document provides guidance related to CIP-SUPP-001-AB1:

- [ID #2015-005RS](#), *Process for Variance Requests Under CIP-SUPP-001-AB1*.

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The following Information Document provides guidance related to proposed new CIP-SUPP-002-AB:

- [ID #2016-005RS](#), *Technical Feasibility Exceptions*.

5 Compliance Information

If a market participant submits a Request for Information or a Waiver or Variance Request to the AESO and is concerned that it is not or may not be in compliance with the requirements of an Authoritative Document while the request is being reviewed by the AESO, it is the market participant's responsibility to determine the appropriate course of action. Such action may include discussing the matter with its legal advisors or a self-referral to the Market Surveillance Administrator if the market participant suspects it may not be in compliance with the requirement(s) in question.

6 Freedom of Information and Protection of Privacy

The AESO is a public body subject to the provisions of the *Freedom of Information and Protection of Privacy Act* ("FOIP Act") and may be required to disclose certain information upon request. Information related to requests for information, waivers or variances regarding Authoritative Documents may be requested under the FOIP Act; however, the right of access is not absolute. The FOIP Act recognizes several legitimate reasons to refuse access to information (as outlined in sections 16-29 of the FOIP Act), including harm to business and privacy interests. The AESO is committed to protecting information that qualifies for an exemption. Third parties are active participants in the request process and maintain the right to provide input during the decision-making process and the right to appeal any disclosure decisions.

Note: The AESO is authorized under section 33(c) of the FOIP Act to collect personal information for the limited purpose of providing responses to individual inquiries. Questions related to the handling of personal information can be directed to privacy@aeso.ca.

Revision History

Posting Date	Description of Changes
2017-07-20	Added section 2.1 and 6; Amendments to sections 3 and 4.
2017-03-21	Administrative amendments to update referenced Alberta reliability standards
2017-02-13	Added response time to section 3, amended section 4.1 and added section 5.
2017-01-27	Initial release