

ISO Rules

Part 100 General

Division 103 Administration

Section 103.2 Dispute Resolution



External Consultation Draft

February 7, 2019

Applicability

1 Section 103.2 applies to:

(a) a market participant, except where the **market participant** is-:

- (i) the **legal owner** of a **transmission facility** where the **person** who is eligible to apply for the construction and operation of the **transmission facility** was determined by a competitive process the ISO developed by the ISO in accordance with the **Act**; ~~and or~~
- (ii) the legal owner of a generating unit or an aggregated generating unit that is subject to a renewable electricity support agreement in connection with rounds 1, 2 or 3 of the Renewable Electricity Program in respect of a dispute that is subject to the terms of such renewable electricity support agreement; and

~~(a)(b)~~ the **ISO**.

Requirements

Informal Dispute Resolution

2(1)- The first step a **market participant** must take to resolve a dispute with the **ISO** is to make reasonable efforts to informally resolve the dispute with the appropriate representative of the **ISO**.

(2) If a **market participant** is unsure of the appropriate representative of the **ISO** to contact about the dispute it may call the **ISO** main reception telephone number posted on the **ISOAESO** website.

Submission of a Written Dispute

3(1) If a **market participant** does not receive a satisfactory or timely resolution to its informal dispute resolution efforts, it may proceed to the second step of the dispute resolution process and submit a written dispute to the **ISO**.

(2) The subject matter for a written dispute may include a concern about:

- (a) an **ISO rule**, **reliability standard** or **ISO tariff** provision;
- (b) the **ISO's** interpretation or application of an **ISO rule**, **reliability standard** or **ISO tariff** provision;
- (c) an **ISO** board decision relating to the **ISO's** budget review process; or
- (d) the operation and conduct of the **ISO** in carrying out its duties and responsibilities under the **Act** or other legislation where a **market participant** is concerned about:
 - (i) specific and measurable error by the **ISO**;
 - (ii) the **ISO** not having considered complete information in reaching a determination; or
 - (iii) an element of unfairness in the process used by the **ISO** in reaching a determination.

(3) A written dispute must:

- (a) include the full legal name of the **market participant** directly affected by the matter and the contact information the **market participant** will use for receipt of all notices and communications;

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- (b) include the nature and basis of the dispute, a proposed solution to the dispute and any other material previously submitted to or received from the **ISO**;
- (c) be signed by an officer of the **market participant** if it is a corporation, one of its partners if a partnership, or by the **market participant** personally if an individual person;
- (d) be submitted to the **ISO** at its head office, attention “ISO General Counsel”; and
- (e) be submitted to the **ISO** within ~~thirty (30)~~ **business days** of an **ISO** board decision, if the dispute is regarding a decision concerning the **ISO**’s budget review process.

Acknowledgement of Receipt

4 Within ~~ten (10)~~ **business days** of receiving the written dispute, the **ISO** general counsel must respond to the **market participant** in writing, acknowledging receipt of the written dispute and identifying the **ISO** vice president accountable for handling the dispute.

Review of a Written Dispute

5(1) In the case of a written dispute related to the budget review process, the **ISO** board must, within ~~thirty (30)~~ **business days** of the **ISO** general counsel issuing the acknowledgment of receipt, review the dispute and advise the **market participant** in writing of its decision regarding the matter in dispute.

(2) In the case of all other written disputes, the **ISO** vice president accountable for the dispute must, within ~~thirty (30)~~ **business days** of the **ISO** issuing the acknowledgment of receipt, review the dispute and advise the **market participant** in writing of the **ISO** decision, including reasons, regarding the matter in dispute.

(3) If a written dispute is not resolved to the **market participant**’s satisfaction, the **market participant** may:

- (a) agree with the **ISO** to seek resolution through a mediation or arbitration process; or
- (b) pursue any other remedies available to it under the law, including filing a complaint with the **Commission** or **Market Surveillance Administrator**, or commencing a court action.

Assumption of Resolution

6(1) If a **market participant** does not object to the **ISO**’s written decision regarding a dispute within ~~thirty (30)~~ **business days** of the delivery of the written decision, the **ISO** may close the dispute file.

(2) The file closing does not prevent the **market participant** or the **ISO** from initiating discussions regarding the matter in the future.

No Delay

7 The initiation of a dispute resolution process under this ~~section~~[Section 103.2](#) will not entitle a **market participant** to withhold or delay payment of any amounts due and owing to the **ISO**, nor will it stay the implementation of an **ISO** determination pending resolution of the dispute.

Record Retention

8 The **market participant** and the **ISO** must each create and maintain their own records in relation to a dispute.

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Revision History

Effective	Description
xxxx-xx-2019	Revised the Applicability section to create exception 1(a)(ii).
November 29, 2016-11-29	RevisionsRevised to the Applicability section <u>to create exception 1(a)(i).</u>
January 5, 2010	Supersedes October 1, 2009 Version