

ISO Rules

Part 100 General

Division 103 Administration

Section 103.2 Dispute Resolution



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~~that** is eligible to apply for the construction and operation of the **transmission facility** was determined by a competitive process the **ISO** developed in accordance with the **Act**; 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
 - (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**(2)** A **market participant** may call the **ISO** main reception telephone number posted on the **AESO** website if the **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 **AESO** website.~~~~

Submission of a Written Dispute

3(1) ~~If a**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** ~~if it does not receive a satisfactory or timely resolution to its informal dispute resolution efforts.~~

- (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;
 - (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**;

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- (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 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 10 business days of receiving the written dispute, the~~ **The ISO** general counsel must respond to the **market participant** in writing within 10 business days of receiving the written dispute, 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, and~~ within 30 **business days** of the **ISO** general counsel issuing the acknowledgment of receipt, review the dispute and advise ~~notify~~ the **market participant** in writing of its decision regarding the matter in dispute.

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

(3) ~~If the market participant may 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)**~~ **6(1)** ~~The ISO may close the dispute file if~~ a **market participant** does not object to the **ISO's** written decision regarding a dispute within 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 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~~ Each of 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

Date	Description
<u>xxxx-xx-xx</u>	<u>Updated to align with current AESO drafting principles.</u>
2020-09-16	Revised the Applicability section to create exception 1(a)(ii). Administrative amendments.
2016-11-29	Revised the Applicability section to create exception 1(a)(i).
2010-01-05	Supersedes October 1, 2009 Version