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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R00		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Interpretation of the Market Rules		
Nature of Proposal:	<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	1	Appendix:	
Sections:	7, 14		
Sub-sections proposed for amending:	7.1, 14.1-14.5		

### PART 2 – PROPOSAL HISTORY

Version	Reason for Issuing	Version Date
1.0	Submitted for Technical Panel Review	12 Nov 04
2.0	Technical Panel Review	16 Nov 04
3.0	Posted for Stakeholder Review and Comment	18 Nov 04
4.0	Submitted for Technical Panel Review	25 Nov 04
5.0	Technical Panel Review	30 Nov 04
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

### PART 3 – EXPLANATION FOR PROPOSED AMENDMENT

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
- Alternative solutions considered
- The proposed amendment, how the amendment addresses the above reason and impact of the proposed amendment on the *IMO-administered markets*.

#### **Summary**

Amendments are required to align the market rules with the provisions of Bill 100 (An Act to amend the Electricity Act, 1998 and the Ontario Energy Board, 1998 and to make consequential amendments to other Acts) on the assumption that it will become law. Amendments in the following areas are required:

- changing the name of the Independent Electricity Market Operator (IMO) to the Independent Electricity System Operator (IESO);
- recognition that there will be a single type of director on the IESO Board;
- replacing the listing of the objects of the IMO with a reference to the applicable section of the Electricity Act;
- amendments to the rule amendment procedures;
- amending the market rules with respect to market surveillance (section 3 of Chapter 3) to reflect the transfer of authority for the market surveillance panel from the IMO to the Ontario Energy Board (the IMO will retain the market assessment unit functionality);<sup>1</sup> and
- settlement of regulated rates for electricity.

The proposed market rule amendments have been developed on the assumption that Bill 100 will be passed and proclaimed in its present form.

Other amendments to the market rules may be required with respect to:

- forecasts and assessments (section 7 of Chapter 5; section 7 of chapter 10) when the relationship between the IESO and Ontario Power Authority is defined in this regard; and
- the market surveillance panel when the relationship between the IESO and the OEB in relation to the market surveillance panel is clarified.

These amendments would be picked up in a subsequent amendment proposal.

#### **Background**

Bill 100 was introduced in order to bring about certain changes to the Ontario electricity market. It received first reading on June 15<sup>th</sup>, 2004, and second reading October 18-20, 2004.

Under the Bill 100 amendments to the Ontario Energy Board Act, 1998, the Electricity Act, 1998, and

<sup>1</sup> The IMO will make formal arrangements with respect to the Market Surveillance Panel through agreements with the OEB.

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

subsequent regulations, the IMO market rules will need to accommodate:

- the change of name from Independent Electricity Market Operator to Independent Electricity System Operator;
- recognition that there will be a single type of director on the IESO Board;
- amendments to the objects of the IMO;
- amendments to the rule amendment procedures;
- the transfer of the market surveillance panel from the IMO to the Ontario Energy Board; and
- changes in relation to settlement of the IMO-administered markets, including:
  - payments with respect to consumers who pay a rate regulated by the Ontario Energy Board for the commodity price of electricity;
  - payments to generators with respect to fixed price generation, energy produced under contracts with the Ontario Electricity Finance Corporation, and electricity produced under procurement contracts.

**Discussion**

In order to address the change of name from the IMO to the IESO it is proposed that:

- a section be inserted in Chapter 1 to inform the reader that all references to the IMO, the IMO-controlled grid and the IMO-administered markets should be read as the IESO, the IESO-controlled grid and the IESO-administered markets (refer to R00), and
- the Chapter 11 definitions with IMO be amended to reflect the change in name from IMO to IESO (refer to R05);
- New definitions be created for the IESO, the IESO-controlled grid and the IESO-administered markets (refer to R05);
- On a going forward basis, market rule references to the IMO would be changed to IESO as the market rules are amended for other reasons.

In order to address the change in the make-up of the IMO Board, it is proposed that the references to independent directors in Chapter 1, Chapter 3 and Chapter 11 be amended to IMO Board (refer to R00, R02 and R05).

In order to address the changes to the objects to the IMO, it is proposed that Chapter 1, section 5.2, which currently repeats the existing objects of the IMO, be replaced with a reference to the section of the Electricity Act that specifies the objects, i.e. do not duplicate the IMO objects in the market rules. This change would then allow the objects of the IMO/IESO to be changed in the future without requiring a market rule change.

In order to address the changes in the market rule amendment provisions of the Electricity Act, it is proposed that the references in Chapter 3 sections 4.3 and 4.8 be amended to refer generally to provisions of the Electricity Act (refer to R02).

In order to address the transfer of the market surveillance panel to the Ontario Energy Board, it is

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

proposed to:

- Section 3 in Chapter 3 (Market Surveillance) be amended to reflect the IMO retaining the market assessment unit and that this unit would (in addition to other activities for the IMO) conduct its monitoring, evaluation and analytical activities for the market surveillance panel in accordance with the protocol established between the IMO and the OEB (refer to R03); and
- The definition of the market surveillance panel be amended to reflect that it is a panel of the OEB (refer to R05).

To address the changes to regulated electricity prices and related settlement activities it is proposed that Chapter 9, section 1.2 (Settlements) be amended to require the IMO and market participants to comply with the *Electricity Act, 1998*, the *Ontario Energy Board Act, 1998* and any related regulations with respect to determining, collecting and remitting settlement amounts. This proposed amendment, which does not reference any specific regulation or settlement amount, would also avoid the need for future amendments if there are any further legislative amendments with respect to settlements.

It should be noted that other amendments to the market rules may be required with respect to:

- forecasts and assessments (section 7 of Chapter 5; section 7 of chapter 10) when the relationship between the IESO and Ontario Power Authority is defined in this regard; and
- the market surveillance panel when the relationship between the IESO and the OEB in relation to the market surveillance panel is clarified.

These amendments would be picked up in a subsequent amendment proposal.

## PART 4 – PROPOSED AMENDMENT

## 7. Interpretation and Rules of Construction

### 7.1 General

7.1.1 In the *market rules*, unless the context otherwise requires:

7.1.1.13 a reference to a time:

- a. without the qualification “EST” is a reference to eastern time, which is the prevailing eastern standard or eastern daylight time in the Province of Ontario;
- b. followed by the qualification “EST” is a reference to eastern standard time in the Province of Ontario; and
- c. without the qualification “am”, “a.m.”, “pm” or “p.m.” is a reference to time based on a 24-hour clock; ~~and~~

7.1.1.14 a reference to a month, calendar month, year or calendar year shall mean the period that commences the first hour of the first *trading day* that starts in such month or year and terminates the last hour of the last *trading day* that commences in such month or year; ~~and-~~

7.1.1.15 references in the *market rules*, market manuals, forms, policies, guidelines and other documents to the *Independent Electricity Market Operator*, the *IMO*, the *IMO-controlled grid* and the *IMO-administered markets* shall be deemed to be references to the *Independent Electricity System Operator*, the *IESO*, the *IESO-controlled grid* and the *IESO-administered markets*, respectively.

# 14. Exemptions

## 14.1 Scope of Exemptions

- 14.1.1 As provided in the *Electricity Act, 1998* an *exemption applicant* may apply to the IMOIESO for an *exemption* from the application of any obligation or standard which is or may be imposed upon the *exemption applicant* or in respect of the *exemption applicant's facilities* or equipment pursuant to these *market rules* or to any standard, policy or procedure established by the IMOIESO pursuant to these *market rules*.
- 14.1.2 In this section 14, a reference to an *exemption applicant* shall, where the context so requires, be deemed to include a reference to an *exemption applicant* to whom an *exemption* has been granted by the IESO Board independent directors.

## 14.2 Application Process

- 14.2.1 An *exemption applicant* shall apply for an *exemption* in accordance with the practices and procedures established by the IESO Board independent directors.

## 14.3 Effect of Exemption and Monitoring

- 14.3.1 Failure by an *exemption applicant* to comply with any of the terms and conditions of an *exemption* imposed pursuant to an order of the IESO Board independent directors, including without limitation any amendments to such terms and conditions, shall constitute a breach of the *market rules*.
- 14.3.2 An *exemption applicant* to whom an *exemption* has been granted shall from time to time provide to the IMOIESO such information as the IMOIESO may request for the purposes of monitoring:
- 14.3.2.1 compliance by the *exemption applicant* with any terms and conditions of the *exemption*; and
  - 14.3.2.2 the progress of implementation of the *exemption* plan forming part of the *exemption application*, as such *exemption* plan may be amended from time to time with the concurrence of the IESO Board independent directors.

## 14.4 Reconsideration, Removal or Transfer of Exemptions

14.4.1 Procedures for the reconsideration, removal or transfer of *exemptions* are included in the practices and procedures referred to in section 14.2.1.

## 14.5 Costs

14.5.1 Where the ~~IESO Board independent directors~~ have established and included in the practices and procedures referred to in section 14.2.1 the manner in which the ~~IMOIESO~~ will recover from each *exemption applicant* the costs of processing its *exemption application* and, where a panel of ~~the IESO Board independent directors~~ so decides as a term or condition of the *exemption*, an *exemption applicant* other than the ~~IMOIESO~~ shall submit to the ~~IMOIESO~~ such costs, commit to the ~~IMOIESO~~ in such form as the ~~IMOIESO~~ considers appropriate to pay such costs, or both, in the manner specified in the practices and procedures referred to in section 14.2.1.

### PART 5 – IMO BOARD COMMENTS

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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R01		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Objects of the IMO		
Nature of Proposal:	<input checked="" type="checkbox"/> Alteration	<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	1	Appendix:	
Sections:	5.2		
Sub-sections proposed for amending:			

### PART 2 – PROPOSAL HISTORY – See MR-00285-R00.

Version	Reason for Issuing	Version Date
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

### PART 3 – EXPLANATION FOR PROPOSED AMENDMENT

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
- Alternative solutions considered
- The proposed amendment, how the amendment addresses the above reason and impact of the proposed amendment on the *IMO-administered markets*.

See MR-00285-R00.

### PART 4 – PROPOSED AMENDMENT

## 5.2 Objects of the ~~IMO~~IESO

5.2.1 ~~The objects of the IESO are specified in~~ In accordance with subsection 5(1) of the *Electricity Act, 1998.*, ~~the objects of the IMO are to:~~

- 5.2.1.1 ~~exercise and perform the powers and duties assigned to the IMO under applicable law, the market rules and its licence;~~  
[Intentionally left blank – section deleted]
- 5.2.1.2 ~~enter into operating agreements with transmitters giving the IMO authority to direct the operations of their transmission systems;~~  
[Intentionally left blank – section deleted]
- 5.2.1.3 ~~direct the operations and maintain the reliability of the IMO-controlled grid to promote the purposes of the *Electricity Act, 1998*;~~ [Intentionally left blank – section deleted]
- 5.2.1.4 ~~establish and operate the IMO-administered markets to promote the purposes of the *Electricity Act, 1998*;~~ [Intentionally left blank – section deleted]
- 5.2.1.5 ~~collect and provide to the public information relating to the current and future electricity needs of Ontario and the capacity of the integrated power system to meet those needs;~~ [Intentionally left blank – section deleted]
- 5.2.1.6 ~~participate in the development by any standards authority of standards and criteria relating to the reliability of transmission systems; and~~ [Intentionally left blank – section deleted]

~~5.2.1.7 — work with responsible authorities outside Ontario to co-ordinate the IMO's activities with their activities; [Intentionally left blank – section deleted]~~

~~the whole of which in accordance with the market rules, the by-laws and licence of the IMO and applicable law.~~

**PART 5 – IMO BOARD COMMENTS**

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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R02		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Rule Amendments References		
Nature of Proposal:	<input type="checkbox"/> Alteration	<input type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	3	Appendix:	
Sections:	2, 4		
Sub-sections proposed for amending:	2.2, 4.3, 4.8		

### PART 2 – PROPOSAL HISTORY See MR-00285-R00.

Version	Reason for Issuing	Version Date
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
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See MR-00285-R00.
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**PART 4 – PROPOSED AMENDMENT**

## 2. Dispute Resolution

### 2.2 Application

- 2.2.3.11 a decision of a panel of the IESO Board independent directors:
- granting or rejecting an *exemption application*;
  - respecting the terms and conditions of an *exemption*, other than with respect to the quantum of the costs payable by the *exemption applicant* or one or more *market participants* pursuant to Chapter 1, section 14.5;
  - removing or amending an *exemption* or the terms and conditions thereof, other than with respect to the quantum of the costs referred to in Chapter 1, section 14.5;
  - approving or denying the transfer of an *exemption*; or
  - respecting *confidential information* provided to the IMOIESO as part of or in respect of an *exemption application* including, without limitation the disclosure thereof; and
- 2.2.3.12 when considering an *exemption application*, including for certainty a reconsideration or transfer of an *exemption*, a determination or decision by a panel of the IESO Board independent directors regarding the interpretation of the provisions of any *market rule* or any standard, policy or procedure established by the IMOIESO pursuant to the *market rules*; and

## 4. Rule Amendments

### 4.3 Requests for Review or Amendment of Market Rules

4.3.1 The provisions of this section 4.3 apply to requests made by the *IMOIESO Board*, and *amendment submissions* made by a *market participants* or any other interested person for an *amendment* or review of the *market rules*, and do not apply:

- 4.3.1.1 except as expressly provided in section 4.4.3 or 4.2A.2, to proposed *amendments* to which sections 4.4 or 4.2A, respectively, apply;
- 4.3.1.2 to *urgent amendments* to the *market rules*, which shall be made in accordance with section 4.6; and
- 4.3.1.3 to *amendments* to the *market rules* which are required to be made or reconsidered further to an order of the *Ontario Energy Board* pursuant to ~~sections 33(68), 34(6), 35(6) or 38(4)~~ the provisions of the *Electricity Act, 1998*, which shall be made in accordance with section 4.8.

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### 4.8 Amendments Subject to Order of the Ontario Energy Board

4.8.1 Upon receipt of an order of the *Ontario Energy Board* made pursuant to ~~subsection 33(68) or 34(6)~~ the provisions of the *Electricity Act, 1998* from which no appeal, review or petition to the Lieutenant Governor in Council can or has been taken, the *IMOIESO Board* shall either:

- 4.8.1.1 refer the matter, including consideration of any consequential *amendments* arising from the matter, to the *technical panel*, and the provisions of sections 4.3.7 to 4.3.20 shall, unless and to the extent that the *IMOIESO Board* directs otherwise, apply with such modifications as the context may require to the reconsideration of the amendment to the *market rules* which is the subject of the order; or
- 4.8.1.2 following such consultations as the *IMOIESO Board* considers appropriate, make an *amendment* to the *market rules* including any consequential *amendments* arising from the matter. The *IMOIESO* shall *publish* the *amendment* and shall give notice of the *amendment* to all *market participants* and the *Ontario Energy Board*.

**PART 5 – IMO BOARD COMMENTS**

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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R03		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Market Surveillance Panel		
Nature of Proposal:	<input type="checkbox"/> Alteration	<input type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	3	Appendix:	
Sections:	1, 2, 3 and 5		
Sub-sections proposed for amending:	1.1, 2.7, 3.1-3.10 and 5.3		

### PART 2 – PROPOSAL HISTORY – See MR-00285-R00.

Version	Reason for Issuing	Version Date
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
- Alternative solutions considered
- The proposed amendment, how the amendment addresses the above reason and impact of the proposed amendment on the *IMO-administered markets*.

See MR-00285-R00.
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**PART 4 – PROPOSED AMENDMENT****1. Introduction****1.1 Scope of Chapter**

1.1.1 This Chapter sets forth:

1.1.1.1 the dispute resolution mechanism applicable to certain disputes arising under the *market rules*;

1.1.1.2 the manner in which ~~the IMO and the market surveillance panel will fulfil their~~ market monitoring and surveillance responsibilities will be carried out;

**2. Dispute Resolution****2.7 Arbitration**

2.7.15 Any party to a dispute may apply to the *arbitrator* for, and the *arbitrator* may order, such further and other production as the arbitrator sees fit, provided that the *arbitrator* may not order the production by the *market surveillance panel* or the *market assessment unit* of *confidential information* which relates to a person who is not a party to the dispute. Evidence may be admitted by the *arbitrator* even if not admissible as evidence in a court of law.

## 3. Market Surveillance

### 3.1 Introduction [Intentionally left blank – section deleted]

- 3.1.1 ~~This section 3 sets forth the rules pursuant to which activities in the *IMO-administered markets* and the conduct of *market participants* will be monitored to:~~
- 3.1.1.1 ~~identify inappropriate or anomalous market conduct including, but not limited to, unilateral or interdependent behaviour resulting in abuses and possible abuses of market power and gaming;~~
  - 3.1.1.2 ~~identify actual or potential design or other flaws and inefficiencies in the *market rules* and other rules and procedures of the *IMO*;~~
  - 3.1.1.3 ~~identify actual or potential design or other flaws in the overall structure of the *IMO-administered markets* and assess whether any one or more specific aspects of the underlying structure of the *IMO-administered markets* is consistent with the efficient and fair operation of a competitive market; and~~
  - 3.1.1.4 ~~recommend remedial actions to mitigate the conduct, flaws, and inefficiencies referred to above.~~
- 3.1.2 ~~The activities described in this section 3 will be carried out by the *market assessment unit* of the *IMO* established in accordance with section 3.2.1 and by the *market surveillance panel* of the *IMO* established in accordance with the provisions of the *Electricity Act, 1998*.~~
- 3.1.3 ~~Nothing in this section 3 shall preclude the disclosure or reproduction of *confidential information* as an unidentifiable component of an aggregate sum.~~
- 3.1.4 ~~Notwithstanding any other section of the *market rules*, the *market surveillance panel* shall make an order permitting the disclosure of *confidential information* obtained pursuant to section 3 if, after giving the person from whom the information or material was obtained and any other person who, in the opinion of the *market surveillance panel*, is an interested party an opportunity to be heard, the *market surveillance panel* is of the opinion that disclosure is in the public interest.~~

## 3.2 Establishment and Staffing of Market Assessment Unit

- 3.2.1 ~~A market assessment unit shall be established by the IESO IMO to perform the functions given to it under the market rules and to support, in the manner agreed to by the IESO and the OEB, the market surveillance panel, and composed of IMO staff with the experience and qualifications necessary to fulfil the functions referred to in this section 3. Such qualifications may include professional training pertinent to and experience in the operation of markets analogous to the IMO administered markets, in the electricity industry, and in the field of competition law, economics and public policy.~~
- 3.2.2 ~~The Chief Executive Officer of the IMO shall ensure that the market assessment unit and the market surveillance panel have reasonable resources to perform their respective duties and obligations within the overall budgetary constraints of the IMO, and have full access to data in the power, possession and control of the IMO and the full cooperation of all officers, employees, agents and members of panels established by the IMO for purposes of the fulfillment of their respective responsibilities under this section 3. Where either the market assessment unit or the market surveillance panel believe in good faith that such resources, full access or full cooperation are not being provided, the market assessment unit or the market surveillance panel, as the case may be, may raise such issues with the Chair of the IMO Board. [Intentionally left blank – section deleted]~~
- 3.2.3 ~~The staff forming the market assessment unit shall report to and be under the management and administration of the Chief Executive Officer of the IMO. Where the staff forming the market assessment unit believe their functioning is being adversely affected by a decision of the Chief Executive Officer of the IMO, they may bring such decision to the attention of the market surveillance panel which shall attempt to resolve such disagreement with the Chief Executive Officer of the IMO. If the market surveillance panel and the Chief Executive Officer of the IMO are not able to resolve such disagreement then either one may bring the matter to the attention of the Chair of the IMO Board. [Intentionally left blank – section deleted]~~
- 3.2.4 ~~The market assessment unit shall also report to and take direction from the Chair of the market surveillance panel on all matters pertaining to the responsibilities of the market assessment unit pursuant to this section 3. [Intentionally left blank – section deleted]~~

### 3.3 Market Monitoring Functions

- 3.3.1 The *market assessment unit* shall conduct such monitoring, evaluation, analysis and reporting activities in support of the work of the *market surveillance panel* as may be agreed between the *IESO* and the *OEB*,~~under the supervision and direction of the *market surveillance panel*, monitor, evaluate and analyze the conduct of *market participants* and the structure and performance of, and activities in, the *IMO administered markets* including, but not limited to, conduct or activities that provide indications of the phenomena identified in sections 3.1.1.1, 3.1.1.2 and 3.1.1.3.~~
- 3.3.1.1 [Intentionally left blank – section deleted]
- 3.3.1.2 [Intentionally left blank – section deleted]
- 3.3.1.3 [Intentionally left blank – section deleted]
- 3.3.1A Notwithstanding any other provision of Chapter 3, the *IESO* shall provide the *market surveillance panel* with such information as it may require from time to time.
- 3.3.2 ~~[Intentionally left blank – section deleted]~~The *market assessment unit* shall, under the supervision and direction of the *market surveillance panel*, develop an information requirements system and criteria for evaluation that will enable it and the *market surveillance panel* to effectively carry out the monitoring function referred to in section 3.3.1. To this end, the *market assessment unit* will, under the supervision and direction of the *market surveillance panel*, initially develop:
- 3.3.2.1 ~~—a detailed catalogue of all of the data and/or categories of data it will have the need or means of acquiring directly from *market participants*; and~~
- 3.3.2.2 ~~—a catalogue of the monitoring indices that it will use to evaluate and analyze the data so acquired.~~
- 3.3.2A ~~For the purpose of carrying out the monitoring activities described in section 3.1.1, the *market surveillance panel* has the powers to compel the production of information from *market participants* and to enter upon the premises of *market participants* as authorized by the *Electricity Act, 1998*. [Intentionally left blank – section deleted]~~
- 3.3.3 ~~The *market assessment unit* shall, under the supervision and direction of the *market surveillance panel*, establish procedures it and the *market surveillance panel* will use to handle the data they will have the need or means of acquiring~~

~~and creating, including procedures for protecting confidential information. Such procedures shall not conflict or be inconsistent with the provisions of section 5 and shall be included in the information confidentiality catalogue. [Intentionally left blank – section deleted]~~

- 3.3.3A ~~No confidential information pertaining to a particular market participant and acquired by the market assessment unit for the purpose of carrying out the monitoring functions referred to in section 3.3.1 shall be disclosed by the market assessment unit or by the market surveillance panel to any member of the IMO Board other than the independent directors and, with concurrence of the independent directors by majority vote, the Chief Executive Officer of the IMO. [Intentionally left blank – section deleted]~~
- 3.3.4 ~~The catalogue referred to in section 3.3.2.1 will be published by the IMO and notice thereof shall be provided to market participants for comment prior to its adoption. The catalogue referred to in section 3.3.2.2 will be published by the IMO and notice thereof shall be provided to market participants for comment prior to its adoption unless the independent directors, by majority vote and on the recommendation of the market surveillance panel, determine that publication and notification of such catalogue is reasonably likely to compromise the work of the market assessment unit or the market surveillance panel. [Intentionally left blank – section deleted]~~
- 3.3.5 ~~The market surveillance panel retains the sole discretion to adopt the catalogues referred to in section 3.3.2 notwithstanding any comments received in opposition thereto. [Intentionally left blank – section deleted]~~
- 3.3.5A ~~Market participants must shall provide the market assessment unit with the data identified referred to in the detailed catalogue adopted and published by the market surveillance panel in accordance with the OEB by-laws described in section 3.3.2.1 once published in accordance with section 3.3.6.~~
- 3.3.6 ~~Once the catalogue referred to in section 3.3.2.1 has been adopted by the market surveillance panel, it shall be published by the IMO and included in the applicable market manual. The catalogue shall be the subject of such re-evaluation and refinement by the market assessment unit, under the supervision and direction of the market surveillance panel, as the market surveillance panel deems appropriate. The procedures set forth in sections 3.3.4, 3.3.5 and 3.3.5A and in this section 3.3.6 apply equally to all changes to the catalogue. [Intentionally left blank – section deleted]~~
- 3.3.7 ~~Once the catalogue referred to in section 3.3.2.2 has been adopted by the market surveillance panel, it shall be published by the IMO and included in the applicable market manual unless the independent directors, by majority vote and on the recommendation of the market surveillance panel, determine that publication of all or part of such catalogue is reasonably likely to compromise the work of the market assessment unit or the market~~

~~surveillance panel. The part or parts of each catalogue that would not comprise their work shall be published. The catalogue shall be the subject of such re-evaluation and refinement by the market assessment unit, under the supervision and direction of the market surveillance panel, as the market surveillance panel deems appropriate. The procedures set forth in sections 3.3.4 and 3.3.5 and in this section 3.3.7 apply equally to all changes to the catalogue. [Intentionally left blank – section deleted]~~

- 3.3.8 ~~[Intentionally left blank – section deleted] Wherever in this section 3 the independent directors are authorized to take action or make decisions they shall disclose the action taken or decision made to the other members of the IMO Board so long as no confidential information is disclosed in so doing.~~
- 3.3.8.1 ~~[Intentionally left blank]~~
- 3.3.8.2 ~~[Intentionally left blank]~~
- 3.3.8A ~~In addition to the activities identified in 3.3.1, above, the market assessment unit shall, at the request of the Chief Executive Officer of the IMO, perform the functions referred to in sections 1.3 to 1.6 inclusive of Appendix 7.6 of Chapter 7. [Intentionally left blank – section deleted]~~
- 3.3.8B ~~Nothing in this section 3 shall preclude the market surveillance panel or the market assessment unit, under the supervision and direction of the market surveillance panel, from conducting such monitoring, evaluation or analyses as it determines appropriate at any given time. [Intentionally left blank – section deleted]~~
- 3.3.9 ~~[Intentionally left blank – section deleted] The market assessment unit shall, no less than quarterly and more frequently if so requested by the market surveillance panel, prepare and submit to the market surveillance panel routine reports on matters pertaining to its responsibilities pursuant to this section 3 and to Appendix 7.6 of Chapter 7. Such reports shall contain such information and be in such form as may be specified by the market surveillance panel.~~
- 3.3.9.1 ~~[Intentionally left blank]~~
- 3.3.9.2 ~~[Intentionally left blank]~~
- 3.3.10 ~~The market surveillance panel shall, no less than annually and more frequently if so requested by the Chair of the IMO Board, submit to the Chair of the IMO Board routine reports on matters pertaining to its responsibilities pursuant to this section 3, including a summary of the reports of the market assessment unit referred to in section 3.3.9 and a summary of all complaints or referrals filed and investigations commenced under section 3.4. Once annually, such reports shall contain the market surveillance panel's general~~

~~assessment as to the state of competition within, and the efficiency of, the *IMO administered markets*. [Intentionally left blank – section deleted]~~

- 3.3.10A ~~Any of the *market surveillance panel*, the Chair of the *IMO Board*, and the Chief Executive Officer of the *IMO* may, from time to time, in their discretion, consult with one another; provided, however, that no *confidential information* shall be disclosed to the Chief Executive Officer of the *IMO* without the prior concurrence of the *independent directors* by majority vote. [Intentionally left blank – section deleted]~~
- 3.3.11 ~~The *market assessment unit* shall forthwith report to the *market surveillance panel* any evidence of the phenomena referred to in section 3.3.1 and to the Chief Executive Officer of the *IMO* any evidence of the phenomena referred to in section 3.1.1.2 which may be revealed by the monitoring, evaluations and analyses conducted by the *market assessment unit*. [Intentionally left blank – section deleted]~~
- 3.3.12 ~~Where the *market assessment unit*, in carrying out its responsibilities pursuant to this section 3 or Appendix 7.6 of Chapter 7, identifies that a *market participant* is or may be breaching or violating a provision of the *market rules*, or that an amendment to the *market rules* may be required, the *market assessment unit* shall prepare and submit a report to that effect to the Chair of the *IMO Board* with a copy to the Chair of the *market surveillance panel* and the the Chief Executive Officer of the *IMO*. [Intentionally left blank – section deleted]~~
- 3.3.13 ~~Where the *market assessment unit* or the *market surveillance panel*, in carrying out its responsibilities pursuant to this section 3 or Appendix 7.6 of Chapter 7, identifies that a *market participant* is or may be acting contrary to or in non-compliance with statutory authority falling within the jurisdiction of a person, board, agency or tribunal including, but not limited to, the federal Competition Bureau, the federal Competition Tribunal or the *Ontario Energy Board*, the *market assessment unit* or the *market surveillance panel* shall prepare and submit a report to that effect to the Chair of the *IMO Board*. Except in urgent cases, such report shall first be provided to the *market surveillance panel* for comment. In urgent cases, the report shall be transmitted to the *market surveillance panel* forthwith following submission of the report to the Chair of the *IMO Board*. In either case, the *market surveillance panel* shall thereafter forward such information to the Chair of the relevant authority. [Intentionally left blank – section deleted]~~

### **3.4** ~~Investigations and Reviews~~~~[Intentionally left blank – section deleted]~~

- 3.4.1 ~~The *market surveillance panel* may conduct an investigation into any activities in the *IMO administered markets* or the conduct of a *market*~~



~~participant identified as a result of the activities conducted under section 3.1.1.1.~~

~~3.4.1.1 — [Intentionally left blank]~~

~~3.4.1.2 — [Intentionally left blank]~~

~~3.4.1A — The *market surveillance panel* may undertake reviews of actual or potential design or other flaws and inefficiencies in the *market rules* and other rules and procedures of the *IMO* identified as a result of its activities under section 3.1.1.2 with the prior concurrence of either the Chief Executive Officer of the *IMO* or the Chair of the *IMO Board*.~~

~~3.4.1B — The *market surveillance panel* may undertake reviews of actual or potential design or other flaws in any one or more specific aspects of the underlying structure of the *IMO administered markets* identified as a result of its activities under section 3.1.1.3 with the prior concurrence of the Chair of the *IMO Board*.~~

~~3.4.2 — The *market surveillance panel* shall, at the request of the Chair of the *IMO Board*, conduct or resume an investigation or review into any matter that may be the subject of investigation by the *market surveillance panel* pursuant to section 3.4.1 or of a review pursuant to section 3.4.1A or 3.4.1B.~~

~~3.4.3 — Any person other than the Chair of the *IMO Board* wishing the *market surveillance panel* to conduct an investigation into any matter referred to in section 3.4.1, or any board, agency or tribunal wishing to refer any such matter to the *market surveillance panel* for investigation, shall make a complaint or referral in writing setting out:~~

~~3.4.3.1 — the name and address of the complainant or person referring the matter;~~

~~3.4.3.2 — the particulars of the complaint or referral;~~

~~3.4.3.3 — any information or facts supporting the complaint or referral; and~~

~~3.4.3.4 — the signature of the person making the complaint or referral or, where that person is not an individual, the signature of an officer or duly authorized representative of the person.~~

~~3.4.4 — The *market surveillance panel* may refuse to commence an investigation into any matter referred to it pursuant to section 3.4.3 where, in its sole discretion, the *market surveillance panel* is of the view that an investigation is not warranted and shall, where an investigation is commenced, have the right to terminate the investigation, if it determines that the complaint or referral is:~~

~~3.4.4.1 — frivolous, vexatious, otherwise not material or was not or is no longer warranted; or~~

~~3.4.4.2 — within the jurisdiction of another person, board, agency or tribunal,~~

~~in which case the *market surveillance panel* shall prepare and deliver a report to the Chair of the *IMO Board* in accordance with section 3.4.13 and shall so advise the person who filed the complaint or made the referral. Decisions of the *market surveillance panel* not to commence or, once commenced, to terminate an investigation may be reviewed by the Chair of the *IMO Board*.~~

~~3.4.5 — The *market surveillance panel* may, prior to making a decision pursuant to section 3.4.4, request that the person making the complaint or referral provide additional information relating thereto.~~

~~3.4.6 — Where the *market surveillance panel* reasonably determines that notification will not jeopardize an investigation, the *market surveillance panel* shall, upon determining that there is a *prima facie* case in respect of the conduct of a person subject to a complaint or referral, inform the person who is the subject of the complaint or referral that the person is the subject of an investigation and shall inform that person or cause that person to be advised of the outcome of the investigation. On the written request of the person making the complaint or referral, the *market surveillance panel* shall inform that person or cause that person to be advised of the outcome of the investigation.~~

~~3.4.7 — For the purposes of carrying out an investigation, the *market surveillance panel* has the power to examine and compel production of any documents or other things, to summon and compel testimony, and to enter upon premises and search and seize as authorized by the *Electricity Act, 1998*.~~

~~3.4.8 — [Intentionally left blank]~~

~~3.4.8.1 — [Intentionally left blank]~~

~~3.4.8.2 — [Intentionally left blank]~~

~~3.4.8.3 — [Intentionally left blank]~~

~~3.4.8.4 — [Intentionally left blank]~~

~~3.4.9 — [Intentionally left blank]~~

~~3.4.10 — [Intentionally left blank]~~

~~3.4.11 — [Intentionally left blank]~~

~~3.4.12 — On completion of an investigation, the *market surveillance panel* shall prepare a written report that sets out, among other information:~~

- ~~3.4.12.1—the matter that was investigated;~~
- ~~3.4.12.2—whether the matter came to the attention of the *market surveillance panel* by way of a referral or complaint or whether the *market surveillance panel* decided on its own initiative to investigate the matter;~~
- ~~3.4.12.3—the findings of the *market surveillance panel* including, without limitation, and where appropriate, that it was unable to reach firm conclusions on the matter investigated and the reasons for such inability;~~
- ~~3.4.12.4—where the findings of the *market surveillance panel* include findings to the effect that a *market participant* has engaged in inappropriate conduct, any response provided by the *market participant* to such findings pursuant to section 3.4.14; and~~
- ~~3.4.12.5—the recommendations, if any, of the *market surveillance panel* and the reasons for the recommendations.~~
- ~~3.4.13—Where the *market surveillance panel* makes a determination either not to commence or to terminate an investigation pursuant to section 3.4.4, it shall prepare and submit to the Chair of the *IMO Board* a report that sets out:~~
- ~~3.4.13.1—the nature of the complaint or referral; and~~
- ~~3.4.13.2—the reasons for which the *market surveillance panel* determined that no investigation was warranted or that the investigation should be terminated, as the case may be.~~
- ~~3.4.14—Where the *market surveillance panel* intends to include in a report referred to in section 3.4.12 findings to the effect that a *market participant* has engaged in inappropriate conduct including, but not limited to, a breach of the *market rules*, it must discuss its findings with the *market participant* before including the findings in the report and must give the *market participant* a reasonable opportunity to respond in writing to the allegations. Where the *market participant* has not made any *response* within such reasonable time, the *market participant* shall be deemed to have elected to make no *response*.~~
- ~~3.4.15—Where a report of the *market surveillance panel* made under section 3.4.12 contains recommendations relating to the abuse or possible abuse of market power, the *IMO* shall, within thirty days after receiving the report, inform the *Ontario Energy Board* of the action which the *IMO* has taken or intends to take in response to the report.~~
- ~~3.4.16—Reports of the *market surveillance panel* of the results of its examinations under sections 3.4.1A and 3.4.1B and its recommendations, if any, in respect thereof shall be made to the Chair of the *IMO Board* and, subject to the~~

provisions of section 3.5.1 if a report contains *confidential information* pertaining to a *market participant*, the Chief Executive Officer of the *IMO*.

~~3.4.17 — Reports of the *market surveillance panel* in respect of investigations under section 3.4.1 shall be made to the Chief Executive Officer of the *IMO* subject to the provisions of section 3.5.1 if a report contains *confidential information* pertaining to a *market participant*.~~

~~3.4.18 — Where the *market surveillance panel* determines that action is urgently required in respect of the matters which are revealed during the course of an investigation, the *market surveillance panel* may make an interim report to that effect to the Chair of the *IMO Board* containing the applicable recommendations.~~

### **3.5 Dissemination of Reports[Intentionally left blank – section deleted]**

~~3.5.1 — A report of the *market assessment unit* or the *market surveillance panel* under this section 3 that contains *confidential information* pertaining to a *market participant* shall be provided to the Chair of the *IMO Board* on a confidential basis for distribution to the *independent directors* of the *IMO*. Such report may, in the case of reports referred to in section 3.3.12 or 3.4.18 and after prior consultation with the Chair of the *IMO Board*, also be provided on a confidential basis to the *Ontario Energy Board* and to such other persons as the Chair of the *IMO Board* or the *market surveillance panel*, as the case may be, determines appropriate. Such report shall, in the case of reports referred to in sections 3.4.12 and 3.4.13, be provided, after prior consultation with the Chair of the *IMO Board*, on a *confidential basis* to the *Ontario Energy Board* and to such other persons as the *market surveillance panel* determines appropriate. On the direction of the Chair of the *IMO Board*, the *market surveillance panel* shall consult or cooperate with the *Ontario Energy Board* or such other persons in respect of the provisions of the report. Such reports may, in the case of reports referred to in sections 3.4.16 and 3.4.17 containing *confidential information* on a *market participant*, with the concurrence of the *independent directors* by majority vote, be provided to the Chief Executive Officer of the *IMO*.~~

~~3.5.2 — The *market surveillance panel* or the *market assessment unit*, as the case may be, shall prepare, for submission to the remaining members of the *IMO Board* and, after prior consultation with the Chair of the *IMO Board*, to such other persons as may be appropriate, an edited version of the reports referred to in section 3.5.1 from which all *confidential information* has been removed, unless in the opinion of the *market surveillance panel*, such submission is reasonably likely to compromise the work of the *market surveillance panel* or the *market assessment unit*.~~

- 3.5.3 — ~~A report of the *market surveillance panel* made pursuant to section 3.4.12 or 3.4.13 in respect of an investigation relating to the conduct of a *market participant* shall be provided to the *market participant* unless in the opinion of the *market surveillance panel*, such disclosure is reasonably likely to compromise the work of the *market surveillance panel* or the *market assessment unit* in which case the report provided to the *market participant* shall have deleted therefrom such portions that would so compromise the work of the *market surveillance panel* or the *market assessment unit*. Where such report contains *confidential information* pertaining to more than one *market participant*, the *market surveillance panel* shall prepare such number of reports as may be necessary to ensure that the report received by each *market participant* does not contain any *confidential information* pertaining to any other *market participant*.~~
- 3.5.4 — ~~The edited versions of the reports described in section 3.5.2 shall be *published* by the *IMO* unless either the *IMO Board* by majority vote decides not to *publish* such a report or, in the opinion of the *market surveillance panel*, such disclosure is reasonably likely to compromise the work of the *market surveillance panel* or the *market assessment unit*.~~
- 3.5.5 — ~~A report of the *market assessment unit* or the *market surveillance panel* under this section 3 that does not contain *confidential information* pertaining to a *market participant* shall be provided to the *IMO Board* and shall be *published* by the *IMO* unless either the *IMO Board* by majority vote decides not to *publish* such a report or, in the opinion of the *market surveillance panel*, such disclosure is reasonably likely to compromise the work of the *market surveillance panel* or the *market assessment unit*.~~

## **3.6 Expert and Other Assistance[Intentionally left blank – section deleted]**

- 3.6.1 — ~~The *market surveillance panel* may, subject to the by laws of the *IMO* and to budgetary approval of the Chief Executive Officer of the *IMO*, hire such consulting assistance and seek such expert external advice as may be necessary for the purpose of the conduct by it or by the *market assessment unit* of the monitoring or investigative activities described in this section 3. Where the Chief Executive Officer of the *IMO* does not approve such request, the *market surveillance panel* may appeal such decision to the Chair of the *IMO Board*.~~
- 3.6.2 — ~~Consultants and expert external advisors hired pursuant to section 3.6.1 shall enter into such confidentiality agreement as may be required by the Chair of the *IMO Board*.~~
- 3.6.3 — ~~In carrying out an investigation, the *market surveillance panel* may make use of the services of the *market assessment unit*.~~

### 3.7 ~~[Intentionally left blank – section deleted]~~

3.7.1 ~~[Intentionally left blank]~~

3.7.1.1 ~~[Intentionally left blank]~~

3.7.1.2 ~~[Intentionally left blank]~~

3.7.2 ~~[Intentionally left blank]~~

3.7.3 ~~[Intentionally left blank]~~

3.7.3.1 ~~[Intentionally left blank]~~

3.7.3.2 ~~[Intentionally left blank]~~

3.7.3.3 ~~[Intentionally left blank]~~

3.7.4 ~~[Intentionally left blank]~~

3.7.5 ~~[Intentionally left blank]~~

### 3.8 Dispute Resolution and Other Relief

3.8.1 The dispute resolution procedures under section 2 shall not apply to the activities of ~~the market surveillance panel or the market assessment unit~~ under this section 3, ~~other than the provisions of this section 3 that make reference to Appendix 7.6 of Chapter 7.~~

3.8.2 Nothing in this section 3 shall prevent the IESOMO or any other person from asserting any rights they may have under any *applicable law* or under the *market rules*.

### 3.9 ~~Publication and Provision of Data~~~~[Intentionally left blank – section deleted]~~

3.9.1 ~~Market participants may request that the market assessment unit or the market surveillance panel provide data which is not confidential information collected or created in the course of the monitoring activities described in section 3.3.1 and which is not data otherwise required to be published by the IMO pursuant to the market rules. Such data may, with the approval of the Chair of the IMO Board, be provided unless, in the opinion of the market surveillance panel, such disclosure is reasonably likely to compromise the work of the market surveillance panel or the market assessment unit. Where~~

~~the provision of data imposes a significant burden or expense on the *IMO*, the data may be provided on payment of a reasonable fee.~~

### 3.10 Audit~~[Intentionally left blank – section deleted]~~

~~3.10.1 The activities of the *market surveillance panel* shall be audited in accordance with procedures adopted from time to time by the *IMO* in consultation with the *market surveillance panel*.~~

## 5. Accessibility and Confidentiality of Information

### 5.3 Exceptions

5.3.1 Unless prohibited by *applicable law* or by the provisions of these *market rules* other than this section 5, nothing in sections 5.2, 5.4 or section 5.5.1A of chapter 5 shall prevent:

- 5.3.1.9 the disclosure by the ~~*IESO*~~~~*IMO*~~ of confidential information to a market participant:
- a. during an *emergency* or where the ~~*IMO*~~~~*IESO*~~-controlled grid is in an *emergency operating state* or a *high-risk operating state*; or
  - b. where an *emergency*, an *emergency operating state* or a *high-risk operating state* is anticipated by the ~~*IMO*~~~~*IESO*~~; to the extent that such disclosure would, in the ~~*IMO*~~~~*IESO*~~'s opinion:
    - c. assist the *market participant* in responding to the conditions referred to in sections 5.3.1.9(a) and 5.3.1.9(b); or
    - d. assist the ~~*IMO*~~~~*IESO*~~ in restoring the ~~*IMO*~~~~*IESO*~~-controlled grid to a *normal operating state*; ~~or~~
- 5.3.1.10 disclosure by the ~~*IMO*~~~~*IESO*~~ of confidential information to a standards authority, a control area operator, a security coordinator or an interconnected transmitter, ~~or~~
- 5.3.1.11 disclosure by the *IESO* of confidential information to the *market surveillance panel*.

**PART 5 – IMO BOARD COMMENTS**

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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R04		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Settlements		
Nature of Proposal:	<input type="checkbox"/> Alteration	<input type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	9	Appendix:	
Sections:	1		
Sub-sections proposed for amending:	1.2		

### PART 2 – PROPOSAL HISTORY – See MR-00285-R00.

Version	Reason for Issuing	Version Date
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
- Alternative solutions considered
- The proposed amendment, how the amendment addresses the above reason and impact of the proposed amendment on the *IMO-administered markets*.

See MR-00285-R00.
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**PART 4 – PROPOSED AMENDMENT**

## 1.2 Regulated Settlement Amounts and Related Payment Charges

1.2.1 ~~Notwithstanding any other provision within the market rules, the IESO shall, with respect to determining, collecting and remitting applicable settlement amounts, comply with the relevant provisions of the *Electricity Act, 1998*, the *Ontario Energy Board Act, 1998*, and any related regulations, as amended from time to time. Notwithstanding any other provision within the market rules, the IMO shall determine settlement amounts and other payments as may be required under:~~

~~1.2.1.1 — sections 79.1 to 79.5 and 79.14 of the *Ontario Energy Board Act, 1998*; and [Intentionally left blank – section deleted]~~

~~1.2.1.2 — any regulation made under section 88.0.1 of the *Ontario Energy Board Act, 1998*. [Intentionally left blank – section deleted]~~

1.2.2 [Intentionally left blank – section deleted] ~~Notwithstanding any other provision within the market rules, the IMO shall collect from and remit to applicable market participants such settlement amounts, and shall do all other things and take all such actions as may be required under:~~

~~1.2.2.1 — sections 32(9), 33(1.1) and (1.2) and 34(2.1) and (2.2) of the *Electricity Act, 1998*;~~

~~1.2.2.2 — sections 79.1 to 79.5 and 79.14 of the *Ontario Energy Board Act, 1998*; and~~

~~1.2.2.3 — any regulation made under section 88.0.1 of the *Ontario Energy Board Act, 1998*.~~

1.2.3 Notwithstanding any other provision within the market rules, market participants shall remit to the IESO such applicable settlement amounts and other payments as may be required under the relevant provisions of the Electricity Act, 1998, the Ontario Energy Board Act, 1998 and any related regulations thereunder, as amended from time to time. ~~Notwithstanding any other provision within the market rules, market participants shall remit to the IMO such applicable settlement amounts and other payments as may be required under:~~

~~1.2.3.1 — sections 79.1 to 79.5 and 79.14 of the Ontario Energy Board Act, 1998; and [Intentionally left blank – section deleted]~~

~~1.2.3.2 — any regulation made under section 88.0.1 of the Ontario Energy Board Act, 1998. [Intentionally left blank – section deleted]~~

## PART 5 – IMO BOARD COMMENTS

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## Market Rule Amendment Proposal

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### PART 1 – MARKET RULE INFORMATION

Identification No.:	MR-00285-R06		
Subject:	Bill 100 Consequential Rule Amendments		
Title:	Market Surveillance Panel		
Nature of Proposal:	<input type="checkbox"/> Alteration	<input type="checkbox"/> Deletion	<input type="checkbox"/> Addition
Chapter:	11	Appendix:	
Sections:			
Sub-sections proposed for amending:			

### PART 2 – PROPOSAL HISTORY – See MR-00285-R00.

Version	Reason for Issuing	Version Date
Approved Amendment Publication Date:		
Approved Amendment Effective Date:		

**PART 3 – EXPLANATION FOR PROPOSED AMENDMENT**

Provide a brief description of the following:

- The reason for the proposed amendment and the impact on the *IMO-administered markets* if the amendment is not made
- Alternative solutions considered
- The proposed amendment, how the amendment addresses the above reason and impact of the proposed amendment on the *IMO-administered markets*.

See MR-00285-R00.
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**PART 4 – PROPOSED AMENDMENT**

*exemption application* means the material submitted by the *exemption applicant* pursuant to the practice and procedure established by the *IESO Board*~~*independent directors*~~ for the processing of an *exemption*;

*IESO* means the Independent Electricity System Operator, which is the continuation of the *IMO*;

*IESO-administered markets* means the markets established by the *market rules*;

*IESO Board* means the Board of Directors of the *IESO*;

*IESO-controlled grid* means the *transmission systems* with respect to which, pursuant to *operating agreements*, the *IESO* has authority to direct operations;

*IMO* means the Independent Electricity Market Operator established and continued as the *IESO* under Part II of the *Electricity Act, 1998*;

*IMO-administered markets* means the markets established by the *market rules* and ; continued as the *IESO-administered markets*;

*IMO Board* means the Board of Directors of the *IMO* ; continued as the *IESO Board*;

*IMO-controlled grid* means the *transmission systems* with respect to which, pursuant to *operating agreements*, the *IMO* has authority to direct operations, and ; continued as the *IESO-controlled grid*;

~~*independent directors* means the members of the Board of Directors of the *IMO* appointed pursuant to section 1(2)(h) of O. Reg. 610/98;~~

*market surveillance panel* means the panel of the same name continued as a panel of the OEB established by the IMO pursuant to in accordance with subsection 4.3.143(1) of the Ontario Energy Board Act, 1998 ~~Electricity Act, 1998~~ and the ~~Governance and Structure~~ *By-law*;

**PART 5 – IMO BOARD COMMENTS**

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