 <b>AUC</b> Alberta Utilities Commission		<b>Communication Protocol</b>
	Division:	Compliance and Enforcement
	Group:	Enforcement
	Title:	<b>AUC Investigations and Enforcement Proceedings</b>


The practice followed by the Alberta Utilities Commission regarding enforcement proceedings, including investigations of complaints, is set out in [Bulletin 2016-10](#).

This protocol governs the internal communication processes to be followed by Commission panel members, Commission staff, and the Commission enforcement staff in relation to:

- a) investigations of complaints, and
- b) enforcement proceedings, as defined below

In this protocol the following definitions apply:

- a) “Commission employees” means the employees of the Commission who are not Commission staff or Enforcement staff.
- b) “Commission panel members” means the Commission members designated by the chair to sit as a division of the Commission to conduct a hearing or other process in respect of an enforcement proceeding.
- c) “Commission staff” means staff assigned to support Commission panel members with the adjudication of:
  - i. An enforcement proceeding brought by Enforcement staff, or
  - ii. A dispute of a Notice of Specified Penalty filed pursuant to section 63.1(2) of the *Alberta Utilities Commission Act*.
- d) “Complaint” means an allegation or report of wrongdoing or misconduct that is subject to the jurisdiction of the Commission including an alleged contravention or failure to comply with any enactment under the jurisdiction of the Commission, any decision or order of the Commission or any Commission rule, independent system operator rule or reliability standard.
- e) “Enforcement proceeding” means a proceeding initiated by:
  - i. Enforcement staff to prosecute a complaint, or
  - ii. The Commission on receipt of a notice of dispute of a notice of specified penalty.
- f) “Enforcement staff” means the staff delegated by the Commission with the responsibility to investigate complaints, pursue enforcement proceedings and to act as respondents in a notice of dispute of a notice of specified penalty filed pursuant to section 63.1(2) of the *Alberta Utilities Commission Act*. Enforcement staff include the executive director of the Compliance and Enforcement Division of the Commission and any directors of that division.
- g) “Investigation” means the investigation of a complaint by Enforcement staff.

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The Commission panel members, Commission staff, and Enforcement staff will abide by the following communication protocol during an investigation, enforcement proceeding or any appeal, review or rehearing of the Commission's decision in an enforcement proceeding:

#### **A. Investigation process**

1. On receipt of a complaint, an investigation will be initiated and conducted by Enforcement staff under the direction of the executive director of the Compliance and Enforcement Division or any Director in that division.
2. Documents that are collected by Enforcement staff or created by Enforcement staff as part of an investigation are stored electronically in restricted folders and only the members of the Enforcement staff will be given security permission to access these restricted folders.
3. Enforcement staff will have no contact with Commission panel members, Commission staff and, subject to paragraph five below, Commission employees, about matters relevant to the investigation.
4. Any independent third party engaged by Enforcement staff to assist with an investigation, including independent legal counsel, shall be subject to the same restrictions as the Enforcement staff under this communication protocol.
5. In the event that Enforcement staff require the assistance of a Commission employee for an investigation or enforcement proceeding, and that employee does not otherwise have a conflict in providing assistance, that employee will be deemed to be part of the Enforcement staff and will be subject to the same restrictions for the purposes of that investigation or enforcement proceeding as if that employee were a member of the Enforcement staff until either the investigation is closed or the enforcement proceeding is concluded, whichever is later.

#### **B. Enforcement proceeding**

6. Enforcement proceedings will be conducted publicly through the eFiling System. Enforcement staff will submit a request through the eFiling System that the Commission initiate an enforcement proceeding pursuant to sections 8 and 63 of the *Alberta Utilities Commission Act*. Enforcement staff will follow the process established by the Commission panel members and panel chair for the enforcement proceeding.
7. The names of the Enforcement staff and any Commission employee assisting Enforcement staff will be disclosed in an appendix to the request to initiate an enforcement proceeding.

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8. Enforcement staff will register as an external participant in the eFiling System and will register a statement of intent to participate as “Alberta Utilities Commission-Enforcement.” All submissions to be considered in an enforcement proceeding by the Commission panel members will be made by Enforcement staff through the external eFiling System. Enforcement staff will not have access to the internal eFiling System enforcement proceeding folders or any internal AUC folders used by the Commission staff or Commission panel members considering the enforcement proceeding.
9. Consistent with existing eFiling System practices, the names of the Commission staff lead application officer and counsel are disclosed publicly in the eFiling System with the commencement of an application in the eFiling System.
10. Commission panel members and Commission staff members will have no contact with Enforcement staff about matters relevant to the enforcement proceeding except through public filings made through the eFiling System.