



AUC

Alberta Utilities Commission

Travers Solar GP Ltd.

**Application for an Order Permitting the Sharing
of Records Not Available to the Public Between
Travers Solar GP Ltd., Travers 2 Solar LP
and URICA Energy Real Time Ltd.**

December 2, 2021

Alberta Utilities Commission

Decision 26970-D01-2021

Travers Solar GP Ltd.

Application for an Order Permitting the Sharing
of Records Not Available to the Public Between
Travers Solar GP Ltd., Travers 2 Solar LP
and URICA Energy Real Time Ltd.

Proceeding 26970

Application 26970-A001

December 2, 2021

Published by the:

Alberta Utilities Commission
Eau Claire Tower
1400, 600 Third Avenue S.W.
Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282) in Alberta
1-833-511-4AUC (1-833-511-4282) outside Alberta

Email: info@auc.ab.ca

Website: www.auc.ab.ca

The Commission may, within 60 days of the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

Contents

1 Decision summary 1

2 Introduction and procedural background..... 1

3 The Commission’s authority to allow record sharing 2

4 Submissions of the applicant..... 3

4.1 Is the proposed sharing of records reasonably necessary 3

4.2 Fair, efficient and openly competitive operation of the electricity market..... 3

4.3 Offer control..... 4

5 Commission findings..... 4

6 Order 6

**Application for an Order Permitting the Sharing
of Records not Available to the Public Between
Travers Solar GP Ltd., Travers 2 Solar LP
and URICA Energy Real Time Ltd.**

**Decision 26970-D01-2021
Proceeding 26970
Application 26970-A001**

1 Decision summary

1. In this decision, the Alberta Utilities Commission considers whether to approve an application brought under Section 3 of the *Fair, Efficient and Open Competition Regulation*, by Travers Solar GP Ltd. (Travers Solar) for the preferential sharing of records that are not available to the public between Travers Solar, Travers 2 Solar LP (Travers 2 Solar) and URICA Energy Real Time Ltd.

2. As discussed in greater detail below, Travers Solar established that the sharing of such records is reasonably necessary for it to carry out its business and that the shared records will not be used for any purpose that will not support the fair, efficient and openly competitive operation of the electricity market. On this basis, and noting the support of the Market Surveillance Administrator (MSA), the Commission has granted the application to permit the sharing of records pertaining to the Alberta energy market under subsection 3(3) of the *Fair, Efficient and Open Competition Regulation*.

2 Introduction and procedural background

3. On November 10, 2021, Travers Solar filed an application¹ with the AUC pursuant to Section 3 of the *Fair, Efficient and Open Competition Regulation*, AR 159/2009. The application sought an order from the Commission permitting the sharing of records not available to the public between Travers Solar, Travers 2 Solar and URICA, relating to the to-be-constructed Travers Solar Power Plant (asset ID TVS1), to be located in the village of Lomond, which will consist of 1,322,460 solar photovoltaic modules and 153 inverter/transformer stations with a total nominal capability of 465 megawatts (MW). The power plant will also consist of a 34.5-kilovolt collection system to collect and transmit the electrical energy generated by each solar module.

4. In its application, Travers Solar indicated that it has entered into commercial arrangements with URICA, which, among other things, appoint URICA as an agent of Travers Solar to provide 24-hour real-time dispatch-desk service for operational energy market services and energy restatements for events at TVS1. These arrangements will make it necessary for Travers Solar, Travers 2 Solar and URICA to share with each other certain records that are not otherwise available to the public, including energy price, volume pairs and available capability. The agreement between the companies is for services to be provided until the earlier of June 1, 2029, or the termination of the commercial arrangements.

¹ Application 26970-A001.

5. The AUC issued a notice of the application on November 6, 2021. In the notice, the Commission advised that the parties granted standing in the proceeding were limited to Travers Solar and the MSA, in accordance with Subsection 3(5) of the *Fair, Efficient and Open Competition Regulation*.
6. On November 17, 2021, the MSA advised the Commission that it supports the application of Travers Solar and does not require further evidentiary process.
7. The Commission considers the record for this proceeding closed as of November 17, 2021.
8. In reaching the determinations contained within this decision, the Commission has considered all relevant materials comprising the record of this proceeding. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record with respect to that matter.

3 The Commission's authority to allow record sharing

9. Subsection 3(1) of the *Fair, Efficient and Open Competition Regulation* establishes that an electricity market participant shall not share records that are not available to the public relating to any past, current or future price and quantity offers made to the power pool or for the provision of ancillary services. Subsection 3(2) establishes instances where records that are not available to the public may be shared. Subsection 3(3) allows the Commission to issue an order permitting the sharing of records, stating:

(3) The Commission may, on application by a market participant that is otherwise prohibited from sharing records referred to under subsection (1), issue an order permitting the sharing of those records on any terms and conditions the Commission considers appropriate where the market participant establishes that

- (a) the records will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the electricity market, including the conduct referred to in section 2, and
- (b) the sharing of the records is reasonably necessary for the market participant to carry out its business.

10. Another factor that the Commission considers in making a determination on the sharing of records is market share offer control. Subsection 5(5) of the *Fair, Efficient and Open Competition Regulation* states that a market participant shall not hold offer control in excess of 30 per cent of the total maximum capability of generating units in Alberta.

11. The Commission is also cognizant of the requirement in Section 6 of the *Electric Utilities Act* that "[m]arket participants are to conduct themselves in a manner that supports the fair, efficient and openly competitive operation of the market."

4 Submissions of the applicant

4.1 Is the proposed sharing of records reasonably necessary

12. Neither Travers Solar nor Travers 2 Solar have the personnel or resources to accept energy or ancillary services dispatch orders on a 24-hour basis to manage the output of TVS1.

13. URICA provides a 24-hour real-time dispatch-desk service to clients for operational energy market services, ancillary services, dispatch-down services and energy restatements for events at generators as required by the independent system operator rules and has the necessary expertise and resources to assist Travers Solar.

14. For these reasons, Travers Solar asserted that the sharing of non-public records relating to TVS1 is reasonably necessary in order for it to carry out its business regarding TVS1. A written representation from a senior officer of Travers Solar attesting to the necessity for the sharing of records with URICA was filed with the application.

4.2 Fair, efficient and openly competitive operation of the electricity market

15. As part of the application, Travers Solar filed a written representation from a senior officer of Travers Solar and Travers 2 Solar indicating that the records subject to preferential information sharing will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including but not limited to, the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*.

16. The senior officer's written representation also identified that Travers Solar and Travers 2 Solar have a formal system of controls and policies which ensure that the information shared with URICA will be handled appropriately, including adherence to Section 2 of the *Fair, Efficient and Open Competition Regulation*.

17. Additionally, the written representation confirmed that Travers Solar and Travers 2 Solar have in place a *Code of Conduct and Business Ethics* relating to compliance with all laws and regulations, and a confidentiality policy relating to the confidentiality of information, both of which all employees and others conducting business on behalf of Travers Solar and Travers 2 Solar must comply with.

18. A written representation from a senior officer of URICA was filed with the application, which confirms that any records shared with URICA will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including but not limited to, the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*.

19. The senior officer of URICA confirmed that URICA has a formal compliance plan and program in place to safeguard confidential and commercially sensitive information and access to such information, including non-public quantity-offer information and the confidential information of companies with which URICA does business. All of URICA's employees, officers and affiliates are required to acknowledge and comply with the compliance plan and

the *Fair, Efficient and Open Competition Regulation*. Access to secured information is strictly controlled and monitored.

4.3 Offer control

20. Travers Solar advised that Travers Solar and Travers 2 Solar's total offer control is three per cent, and that URICA's offer control is zero per cent, both of which are less than the offer-control limit of 30 per cent, as set out in subsection 5(5) of the *Fair, Efficient and Open Competition Regulation*.

5 Commission findings

21. Subsection 3(3) of the *Fair, Efficient and Open Competition Regulation* authorizes the Commission to issue an order permitting the sharing of records on any terms and conditions that the Commission considers appropriate, provided that certain requirements are satisfied. For the reasons that follow, the Commission finds that those requirements have been met.

22. The Commission is satisfied that Travers Solar has demonstrated that (i) the extension of the existing records sharing order is reasonably necessary for Travers Solar to carry out its business; and (ii) the subject records will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission is further satisfied that Travers Solar and URICA will conduct themselves in a manner that supports the fair, efficient and openly competitive operation of the market. In making these findings, the Commission has relied on:

- (a) Submissions from Travers Solar stating that neither it nor Travers 2 Solar have the necessary personnel or resources to accept energy or ancillary services dispatch orders on a 24-hour basis to manage the output of TVS1.
- (b) Written representations from senior officers of Travers Solar, Travers 2 Solar and URICA confirming that any records subject to preferential information sharing will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market and that they will conduct themselves in a manner that supports the fair, efficient and openly competitive operation of the market.
- (c) Written representations from Travers Solar and Travers 2 Solar confirming that they have formal systems of controls and policies that ensure the information shared with Travers Solar and Travers 2 Solar will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission understands that all employees and others conducting business on behalf of Travers Solar and Travers 2 Solar are required to comply with these policies.

(d) Written representations from URICA stating that it has a formal system of controls and policies that ensure the information shared with URICA will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission understands that all officers and employees of URICA are required to comply with these policies.

23. The Commission also finds that offer-control figures for all entities involved (both before and after any approval to share records) are less than the offer-control limit of 30 per cent, as set out in subsection 5(5) of the *Fair, Efficient and Open Competition Regulation*.

24. Finally, the Commission considers the MSA's support of this application to be a contributing factor in its determination to permit the sharing of records, given the MSA's mandate under subsection 39(2)(a)(vi) of the *Alberta Utilities Commission Act*, to survey, investigate or enforce the "arrangements, information sharing and decisions relating to electricity market participants exchanging or wishing to exchange electric energy and ancillary services or any aspect of those activities."

25. For all of the above reasons, the Commission is prepared to issue an order allowing Travers Solar and Travers 2 Solar to share records not available to the public with URICA, subject to the following terms and conditions:

- (a) The order applies to the sharing of non-public price, quantity and availability information, between Travers Solar, Travers 2 Solar and URICA, pertaining to TVS1, that may relate to TVS1's participation in the Alberta energy market, as described in the application.
- (b) Travers Solar, Travers 2 Solar and URICA must notify the Commission of the termination of the commercial arrangements between Travers Solar, Travers 2 Solar and URICA as soon as is practicable and within 30 days of the termination of such commercial arrangements;
- (c) Travers Solar, Travers 2 Solar and URICA must notify the Commission of any material changes to the information and continued applicability of any representations included within its application that may affect the compliance of Travers Solar, Travers 2 Solar or URICA with the *Fair, Efficient and Open Competition Regulation* as soon as is practicable and within 30 days of the material changes.

26. The order shall be effective from the date of this decision until the earlier of June 1, 2029, or the termination of commercial arrangements between Travers Solar, Travers 2 Solar and URICA.

6 Order

27. Pursuant to the provisions of Section 3 of the *Fair, Efficient and Open Competition Regulation*, the Commission grants the application for the sharing of records as set out in the following order granted to Travers Solar GP Ltd., Travers 2 Solar LP and URICA Energy Real Time Ltd., which is a separate disposition in this proceeding:

- (1) Preferential Sharing of Records – Travers Solar Power Plant –
Order 26970-D02-2021 – December 2, 2021

Dated on December 2, 2021.

Alberta Utilities Commission

(original signed by)

Fino Tiberi
Executive Director, Market Oversight and Enforcement Division
On behalf of the Alberta Utilities Commission