

PART 3 – DESCRIPTION OF THE ISSUE

Provide a brief description of the issue and reason for the proposed amendment. If possible, provide a qualitative and quantitative assessment of the impacts of the issue on you and the *IMO-administered markets*. Include the Chapter and Section number of the relevant market rules.

The IMO Board approved the Board process governing hearings at its December 13, 2002 meeting. These hearings would be held at the request of a market participant. In approving the process, the IMO Board identified difficulties with using the current market rules.

The IMO Board identified that the IMO or the IMO Board (including committees) may need to use or disclose confidential information when it is suspending, terminating, or disconnecting a market participant or holding a show cause hearing or other types of hearings and that currently the market rules do not permit this.

The IMO Board also identified that, under the existing market rules (ch 3 sections 6.3.7C) where a market participant has requested a hearing to show cause why a suspension order or disconnection order, or both should not be issued, the IMO Board or a committee of the IMO Board must within 7 days of the date of receipt of such request, conduct a show cause hearing. However, this means that a hearing must be completed within the 7-day time frame. In almost all circumstances, this will not be achievable.

PART 4 – PROPOSAL (BY SUBMITTER)

Provide your proposed amendment. If possible, provide suggested wording of proposed amendment.

The IMO proposes to make the following amendments to the market rules:

- In Chapter 3, section 5.3.1 extend the provision regarding the permitted disclosure, use or reproduction of confidential information to include “the issuance of suspension, termination or disconnection orders in respect of one or more market participants and any show cause hearings in respect thereof under section 6.3, 6.4 or 6.5, the revocation of the registration in respect of one or more metering service providers and any show cause hearings in respect thereof under Chapter 6, section 5.3 or other hearings before the IMO Board or a committee established by the IMO Board for any purpose”.
- In Chapter 3, section 6.3.7C change the obligation for the IMO Board to “commence” rather than “conduct” a show cause hearing within 7 business days of the request.

PART 5 – FOR *IMO* USE ONLY

<i>Technical Panel Decision on Rule Amendment Submission</i>	
MR number: MR-00217-Q00	
Date submitted to <i>Technical Panel</i>:	
Accepted by <i>Technical Panel</i> as: <input checked="" type="checkbox"/> General <input type="checkbox"/> Urgent <input type="checkbox"/> Minor (please indicate with X)	Date: February 25, 2003
Criteria for acceptance: The amendment submission identifies a means to better enable the market to satisfy the market design principles of fairness with respect to market participants rights to a full and fair show-cause hearing or other type of hearing.	
Priority: Medium	
Criteria for assigning priority: Show cause hearings can apply to all market participants	
Not accepted (please indicate with X):	
Clarification/interpretation required (please indicate with X):	
<i>Technical Panel</i> minutes reference: IMOTP 122-1	
<i>Technical Panel</i> Comments: The Technical Panel commented that the proposed amendment in Chapter 3, section 5.3.1 to extend the provision regarding the permitted disclosure, use or reproduction of confidential information in respect of hearings of the Board or any its committees, provides the IMO Board with a wide breadth of power and the Technical Panel noted that this authority should be used judiciously.	