



Market Manual 2: Market Administration

**Part 2.7: Treatment of
Market Surveillance
Issues**

Issue 8.0

**This procedure provides the steps to process
market surveillance issues.**

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This *market manual* may contain a summary of a particular *market rule*. Where provided, the summary has been used because of the length of the *market rule* itself. The reader should be aware, however, that where a *market rule* is applicable, the obligation that needs to be met is as stated in the "Market Rules". To the extent of any discrepancy or inconsistency between the provisions of a particular *market rule* and the summary, the provision of the *market rule* shall govern.

| | |
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Table of Changes

| Reference (Paragraph and Section) | Description of Change |
|---|--|
| Sections 1.3, 1.4 and Table 3-1 | Consequential changes from amendments to <i>Electricity Act, 1998</i> , introduced in Bill 58. Market Manual made consistent with Market Rules ch 3 s 3, where Market Surveillance Panel can order disclosure of confidential information. |
| | |
| | |

Market Manuals

The *market manuals* consolidate the market procedures and associated forms, standards, and policies that define certain elements relating to the operation of the *IMO-administered markets*. Market procedures provide more detailed descriptions of the requirements for various activities than is specified in the *market rules*. Where there is a discrepancy between the requirements in a document within a *market manual* and the *market rules*, the *market rules* shall prevail. Standards and policies appended to, or referenced in, these procedures provide a supporting framework.

Market Procedures

The Market Administration Manual is Volume 2 of the *market manuals*, where this document forms “Part 2.7: Treatment of Market Surveillance Issues”.

A list of the other component parts of the Market Administration Manual is provided in “Part 2.0: Market Administration Overview”, in Section 2, About This Manual.

Structure of Market Procedures

Each market procedure is composed of the following sections:

1. **“Introduction”**, which contains general information about the procedure, including an overview, a description of the purpose and scope of the procedure, and information about roles and responsibilities of the parties involved in the procedure.
2. **“Procedural Work Flow”**, which contains a graphical representation of the steps and flow of information within the procedure.
3. **“Procedural Steps”**, which contains a table that describes each step and provides other details related to each step.
4. **“Appendices”**, which may include such items as standards, policies, agreements, and list of forms.

Conventions

The *market manual* standard conventions are as defined in the Market Manual Overview document.

– End of Section –

1. Introduction

1.1 Purpose

This procedure describes the activities required for the treatment of market surveillance issues. The procedure is intended to provide a summary of the steps involved, particularly those that affect *market participants*, and to provide a summary of the interaction among *market participants*, the *IMO*, and other parties as related to investigations and reviews and their outcome.

1.2 Scope

This procedure is intended to provide *market participants* with a summary of the steps and interfaces between *market participants*, the *IMO*, the *Ontario Energy Board* and other parties for the treatment of market surveillance issues. Procedural work flows and steps described in this document serve as a roadmap for *market participants* and the *IMO*, and reflect the requirements set out in the *market rules* and applicable *IMO* policies and standards. The overview information in Section 1.3, below, is provided for context purposes only, highlighting the main actions that comprise the procedure as illustrated in Section 2 and described in Section 3.

This document does not include the procedure for investigations of local market power price reviews as set out in Appendix 7.6 of the “Market Rules” and as described in “Part 2.12: Treatment of Local Market Power”. The review under Appendix 7.6 does not preclude other investigations under the current *market manual*, except that such other investigations may not lead to *settlement* credit adjustments or penalties separate from those prescribed in Appendix 7.6

1.3 Overview

The *market surveillance panel* is responsible for performing investigations and reviews into any activities in the *IMO-administered markets* or the conduct of a *market participant*. An investigation may be initiated as a result of a request from the Chair of the *IMO Board* or:

- the *market surveillance panel* deciding, on its own initiative or at the request of any person to conduct an investigation into any activity in the *IMO-administered markets* or identified as a result of activities conducted under Chapter 3, Section 3.1.1.1, of the “Market Rules”.

A review may be initiated by:

- the *market surveillance panel* deciding to conduct a review of actual or potential design or other flaws and inefficiencies in the *market rules* and other rules and procedures of the *IMO* under Chapter 3, Section 3.1.1.2 with prior concurrence of either the Chief Executive Officer of the *IMO* or Chair of the *IMO Board*; and
- the *market surveillance panel* deciding to conduct a review 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 Chapter 3, Section 3.1.1.3, of the “Market Rules”, with the prior concurrence of the Chair of the *IMO Board*.

More than one *market participant* may be investigated for a particular issue.

Any person, board, agency or tribunal may request the *market surveillance panel* to conduct an investigation. The *market surveillance panel* may refuse to commence an investigation where, in its sole discretion, it is of the view that an investigation is not warranted. In addition, where an investigation has commenced, the *market surveillance panel* may terminate the investigation, if it determines that the complaint or referral is no longer warranted or material, or falls within the jurisdiction of another person, board, agency or tribunal. In such cases, the *market surveillance panel* prepares and delivers a report to the Chair of the *IMO Board* and advises the person who filed the complaint or made the referral and the *market participant*. Decisions of the *market surveillance panel* to not commence or, once commenced, to terminate an investigation are submitted to the *IMO Board* and may be reviewed by the Chair. Where the Chair of the *IMO Board* so directs, the *market surveillance panel* shall commence or resume the investigation, as required.

During the course of the investigation, the *market surveillance panel* obtain and examine copies of documents or other things, from any person, relevant to the investigation. The *market surveillance panel* may also compel testimony of any person. If a *market participant* or other person does not cooperate in the investigation, the *market surveillance panel* may seek a remedy from the Superior Court. All information and material furnished to or received or obtained by the *market surveillance panel* or anyone acting on behalf of the *market surveillance panel* in the course of an investigation is treated in accordance with the confidentiality provisions of the *market rules* and the *Electricity Act, 1998*.

If the *market surveillance panel* intends to include in a report findings related to inappropriate conduct by a *market participant*, the findings of the *market surveillance panel* must be discussed with the *market participant*, who is given a chance to respond to the findings. The response is included in the report and may result in amendments to the report findings. If a report contains recommendations relating to the abuse or possible abuse of market power, the *IMO* is required within 30 days of the date of receiving the report to inform the *OEB* of its actions or intended actions in response to the report.

During the course of monitoring, or carrying out a review, the *market surveillance panel* may review and copy any books, records or documents in the possession of a *market participant*.

Information obtained by the *market surveillance panel* is held in confidence in accordance with section 5 of Chapter 3 of the “Market Rules”; however, if the *market surveillance panel* is of the opinion that disclosure is in the public interest it may make an order permitting the disclosure, after giving the relevant parties an opportunity to be heard.

If the *market surveillance panel* determines that an amendment is required to the *market rules* or that a *market participant* is or may be breaching or violating the *market rules*, it must report its findings to the Chair of the *IMO Board*. If a *market participant* may have acted in a manner of possible concern that falls within the jurisdiction of an outside authority (e.g., the Competition Bureau or the *OEB*), the *market surveillance panel* must submit a report to the Chair of the *IMO Board* and thereafter forward this information to the Chair of the appropriate outside authority *IMO* (e.g. board, agency or tribunal in question).

1.4 Roles and Responsibilities

Responsibility for carrying out the “Treatment of Market Surveillance Issues” procedure is shared among:

- **Market participants**, which are responsible for:
 - receiving notifications from the *IMO* and responding, if necessary; and
 - providing in a timely and accurate manner, all information requested by the *IMO*.
- The **market surveillance panel**, which is responsible for:
 - receiving complaints or requests for investigation;
 - determining whether the request or complaint is warranted;
 - performing investigations, preparing an investigation report, and maintaining appropriate confidentiality; and
 - determining whether market abuse has occurred or if the *market participant* acted in a manner of concern to an outside authority;
 - performing reviews into flaws in the “Market Rules” or overall structure of the *IMO-administered markets*, preparing a report, and maintaining appropriate confidentiality;
 - making an order permitting the disclosure of *confidential information* when it is of the opinion that it is in the public interest;
 - editing reports by deleting all *confidential information* for the purpose of potentially *publishing* the edited report.
- The **IMO**, which is responsible for:
 - informing the *OEB* of the action it has or intends to take in respect of an abuse (or possible abuse) of market power.
- The **OEB**, which is responsible for:
 - receiving reports of the *market surveillance panel*; and
 - receiving notification of the abuse of market power, if abuse occurred, and the action taken or to be taken by the *IMO*.

1.5 Contact Information

As part of the participant authorization and registration process, applicants are able to identify a range of contacts within their organization that address specific areas of market operations. For the treatment of market surveillance issues, this contact will most likely be the Market Surveillance Market Contact Type as indicated in PLC (MP Contacts screens). If a *market participant* has not identified a specific contact, the *IMO* will seek to contact the Main Contact in PLC that is established during the participant authorization process. The *IMO* will seek to contact these individuals for activities within this procedure, unless alternative arrangements have been established between the *IMO* and the *market participant*. For more information on PLC and the participant authorization process see *Market Entry, Maintenance and Exit, Part 1.1 – Participant Authorization Maintenance and Exit*.

If the *market participant* wishes to contact the *IMO*, the *market participant* can contact the *IMO* Help Centre via email at helpcentre@theimo.com or via telephone, mail or courier to the numbers and addresses given on the *IMO*'s Web site (www.theimo.com - or click on 'Have a question?' to go to the 'Contacting the IMO' page). If the *IMO* Help Centre is closed, telephone messages or emails may be left in relevant voice or electronic *IMO* mail boxes, which will be answered as soon as possible by Help Centre staff.

Standard forms that participants must complete for this procedure are listed in Appendix A. These forms are generally available for downloading on the *IMO*'s public website. These forms as well as the accompanying supporting documentation must be transmitted to the *IMO* via mail, fax or courier, by using the appropriate address or number provided on the *IMO*'s public website or on the form. All correspondence relating to this procedure shall be sent **Attention: Market Surveillance Panel**, include the words "Market Surveillance Investigation" in the subject, and refer to the investigation case number.. Documentation where it is not a requirement to be mailed or couriered, can also be emailed to macd@theIMO.com.

– End of Section –

2. Procedural Work Flow

Figure 2-1 represents the flow of work and information related to the treatment of market surveillance issues among the *IMO*, *market participants*, the *OEB*, and others.

The steps illustrated in the diagram are described in detail in Section 3, Table 3-1.

Table 2-1: Legend for Work Flow Diagrams

| Legend | Description |
|-----------------------|--|
| Oval | An event that triggers task or that completes task. Trigger events and completion events are numbered sequentially within procedure (01 to 99) |
| Task Box | Shows reference number, party responsible for performing task (if “other party”), and task name or brief summary of task. Reference number (e.g., 1A.02) indicates procedure number within current <i>market manuals</i> (1), sub-procedure identifier (if applicable) (A), and task number (02) |
| Solid horizontal line | Shows information flow between the <i>IMO</i> and external parties |
| Solid vertical line | Shows linkage between tasks |
| Broken line | Links trigger events and completion events to preceding or succeeding task |

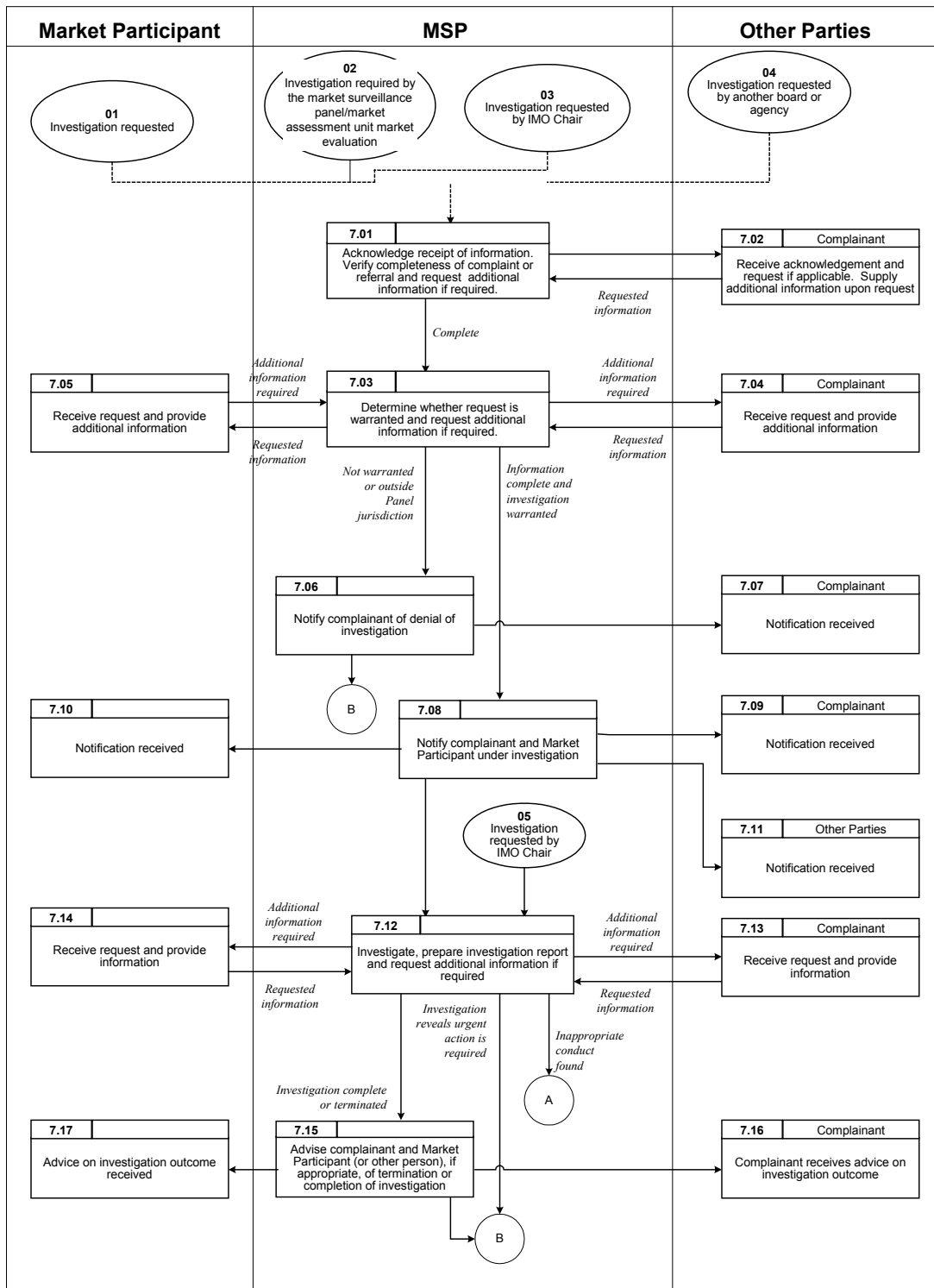


Figure 2-1: Work Flow for the Treatment of Market Surveillance Issues

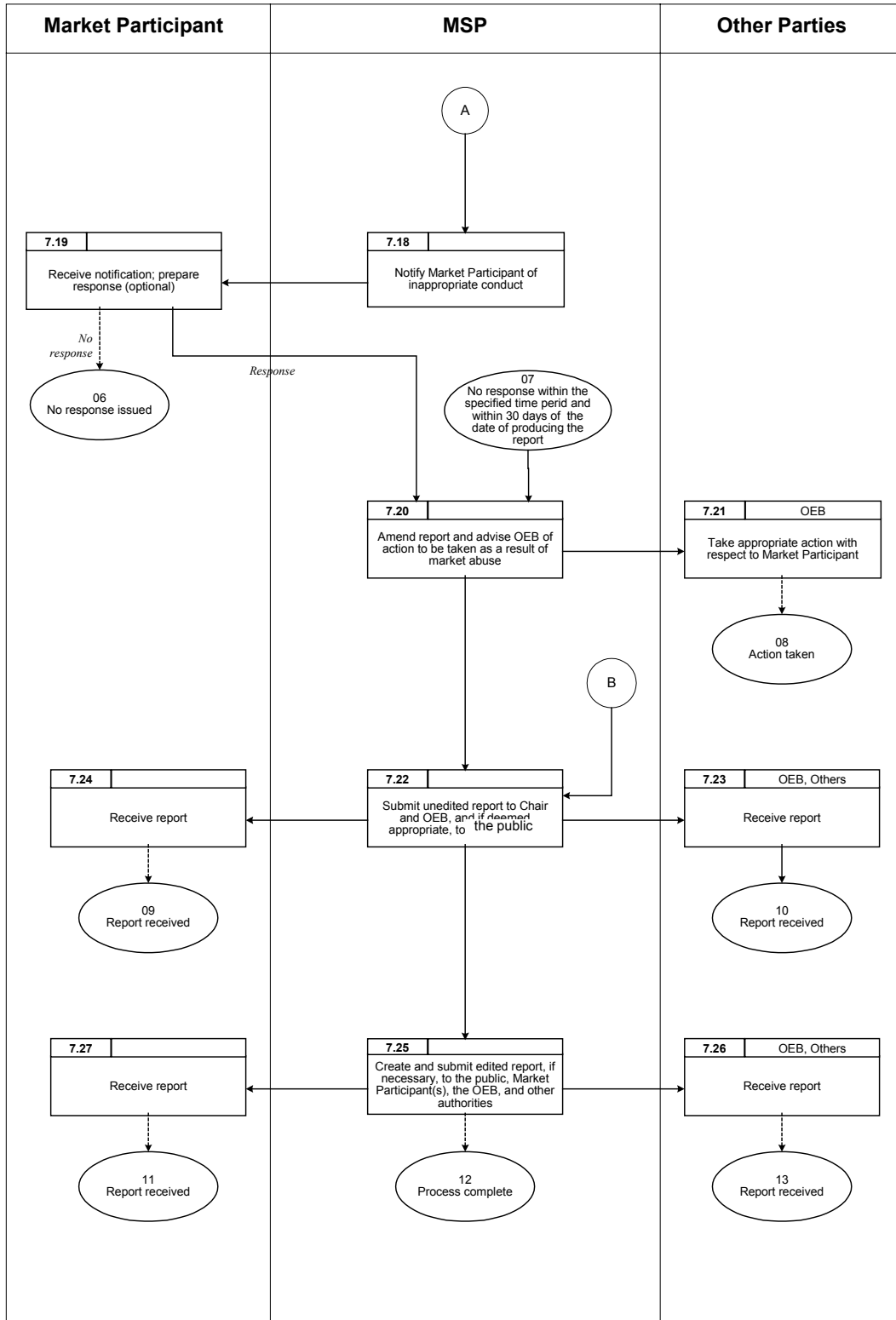


Figure 2-1: Work Flow for the Treatment of Market Surveillance Issues (continued)

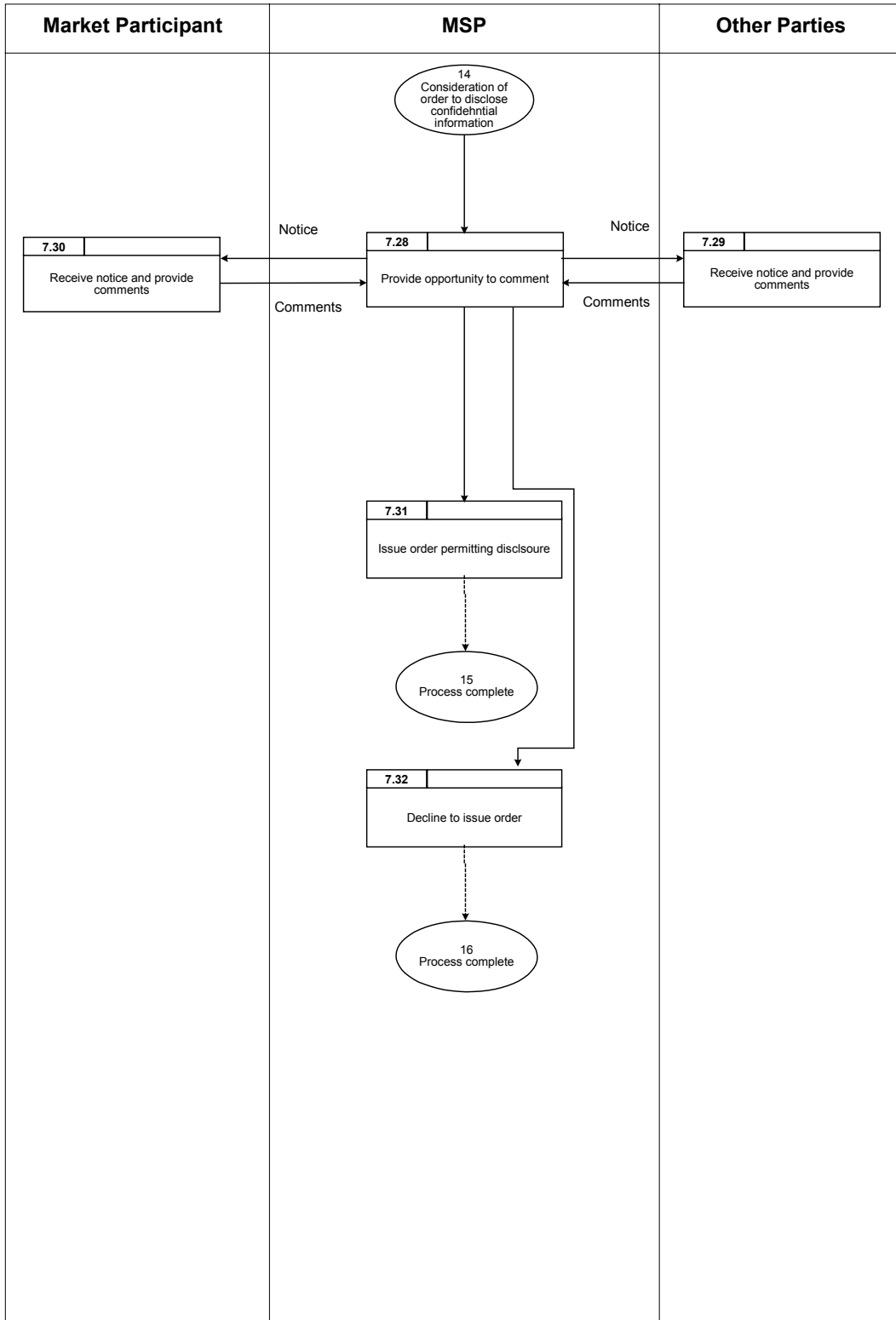


Figure 2-1: Work Flow for the Treatment of Market Surveillance Issues (continued)

– End of Section –

3. Procedural Steps

This section contains detail on the tasks (steps) that comprise the “Treatment of Market Surveillance Issues” procedure.

The table contains seven columns, as follows:

Ref

The numerical reference to the task.

Task Name

The task name as identified in Section 2.

Task Detail

Detail about the task.

When

A list of all the events that can trigger commencement of the task.

Resulting Information

A list of the information flows that may or must result from the task.

Method

The format and method for each information flow are specified.

Completion Events

A list of all the circumstances in which the task should be deemed finished.

3.1 Treatment of Market Surveillance Issues

The steps shown in the following table are illustrated in Section 2, Figure 2-1 for Treatment of Market Surveillance Issues.

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|--|--|---|--|---|-----------------------|
| 7.01 | Acknowledge receipt of information. Verify completeness of complaint or referral and request additional information if required. | <p>The <i>market surveillance panel</i> reviews the information supplied by the complainant and assesses whether the information is complete.</p> <p>The <i>market surveillance panel</i> notifies the complainant that the request has been received. If the information provided is inadequate or incomplete, the <i>market surveillance panel</i> will request additional information to be provided within a specified period of time.</p> <p>The <i>market surveillance panel</i> assigns an appropriate security level to the information associated with the request.</p> | Upon receipt of a written request from a <i>market participant</i> , <i>IMO</i> Chair, other party, as a result of an investigation by the <i>market surveillance panel / market assessment unit</i> or other <i>market surveillance panels</i> or non- <i>market surveillance panel</i> personnel. | <p>Request from complainant.</p> <p>“Market Participant Request for Market Surveillance Investigation or Complaint Form” - IMO_FORM_1329</p> <p>Letter to the complainant acknowledging receipt of the request.</p> <p>“IMO Acknowledgement of Request for Market Surveillance Investigation or Complaint” – IMO_FORM_1331</p> <p>If inadequate information was provided, the letter will also indicate the specific additional information that must be provided within a specified time frame in order for the request to be considered further.</p> | Email, if possible; otherwise via courier or fax. | Request acknowledged. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|-------------|--|--|--|-----------------------------------|--|-----------------------------------|
| 7.02 | Receive acknowledgement and request if applicable. Supply additional information upon request. | <p>The complainant is notified that their complaint or referral has been received by the <i>IMO</i>.</p> <p>The <i>market participant</i> supplies additional information if requested.</p> <p>If the complainant or referring party does not complete the complaint or referral within the time allowed, the <i>market surveillance panel</i> may notify the complainant or referring party that no further action will be taken in respect of the complaint or referral.</p> | Following Step 7.01 and receipt of a request for additional information. | Missing information if requested. | Mail, registered mail, email, fax or courier | Information provided if required. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|--|--|--|---|--|--|
| 7.03 | Determine whether request is warranted and request additional information if required. | <p>If the information provided with the complaint is complete, the <i>market surveillance panel</i> reviews the information to determine whether the request is warranted (i.e., the request is material, not frivolous, not vexatious, and within proper jurisdiction).</p> <p>The <i>market surveillance panel</i> may request additional information prior to commencing an investigation. All requested information must be received within time specified. The <i>market surveillance panel</i> has the broad authority to request that any person provide information or documents relating to an investigation.</p> | Following Step 7.01 when information is complete. ¹ | Request for additional information needed to complete this assessment. “IMO Request for Market Surveillance Investigation Information” – IMO_FORM_1335 | Email, fax or courier. | Assessment of whether an investigation is warranted or whether additional information is needed to make the determination. |
| 7.04 | Receive request and provide additional information. | <p>The complainant receives the request for additional information and supplies the missing information within a specified time for the investigation to proceed.</p> <p>If additional information that</p> | Following Step 7.03 where additional information is requested. | Missing information specified in request. | Mail, registered mail, email, fax or courier | Request for information received, if applicable. Information provided, if required |

¹ Investigations resulting from inquiries on local market power and false advertising practices are subject to *OEB* and Competition Bureau procedures.

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|---|--|--|--|--|--|
| | | is vital to the investigation is not received by the <i>IMO</i> in the specified time, the <i>IMO</i> may choose to seek enforcement through an <i>OEB</i> order. | | | | |
| 7.05 | Receive request and provide additional information. | The <i>market participant</i> receives the request for additional information and supplies the missing information within a specified time for the investigation to proceed. If additional information that is vital to the investigation is not received by the <i>IMO</i> in the specified time, the <i>IMO</i> may choose to seek enforcement through an <i>OEB</i> order. | Following Step 7.03 where additional information is requested. | Missing information specified in request. | Mail, registered mail, email, fax or courier | Request for information received, if applicable. Information provided, if required. |
| 7.06 | Notify complainant of denial of investigation. | The <i>market surveillance panel</i> notifies the complainant that the requested investigation has been found to be unwarranted. | Following Step 7.03 if investigation is not warranted or not within <i>market surveillance panel</i> jurisdiction. | Notification of denial to complainant “IMO Denial of Market Surveillance Investigation” – IMO_FORM_1334 | Email, fax or courier. | Participant notified. |
| 7.07 | Notification received. | The complainant receives notification of the decision not to initiate an investigation. | Following Step 7.06. | None | None | Notification received. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|---|---|--|--|---|--|
| 7.08 | Notify complainant and <i>market participant</i> under investigation. | The <i>market surveillance panel</i> notifies the complainant and the <i>market participant</i> who is under investigation of the initiation of the investigation. If appropriate, the <i>market surveillance panel</i> also issues a letter to other parties including other <i>market participants</i> . | Following Step 7.03 if within the <i>market surveillance panel</i> jurisdiction. | “IMO Notification of Market Surveillance Investigation Initiation (to Complainant)” – IMO_FORM_1332 and “IMO Notification of Market Surveillance Investigation Initiation (to Market Participant)” - IMO_FORM_1333 | Email, fax or courier | Participant, complainant and other appropriate parties notified. |
| 7.09 | Notification received. | The complainant is notified that the investigation has been initiated. | Following Step 7.08. | None | None | Complainant notified. |
| 7.10 | Notification received. | The <i>market participant</i> receives notification that he or she is the subject of an investigation. | Following Step 7.08. | None | None | <i>market participant</i> notified. |
| 7.11 | Notification received. | If appropriate, other parties may be notified that an investigation has been initiated. | Following Step 7.08. | None | None | Other parties notified. |
| 7.12 | Investigate, prepare investigation report and request additional information if required. | The <i>market surveillance panel</i> initiates an investigation to determine whether inappropriate conduct or any other anomalous behavior has occurred. If additional information is needed before this determination can be made, the information is requested. If no additional information is needed, the | As a result of a request by the Chair of the <i>market surveillance panel</i> Board of Directors. Following Step 7.08, if request is warranted. | A report analyzing whether inappropriate conduct or any other anomalous behaviour has occurred or whether additional information is needed to make this assessment. Provides information for Steps 7.18 or 7.22. “Investigation Report” | Hardcopy investigation report prepared for later distribution. Email, fax or courier | Adequate information collected, decision rendered regarding inappropriate conduct, and investigation report prepared. Request for information issued. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|--|--|---|---|--|---|
| | | <p><i>market surveillance panel</i> assesses whether inappropriate conduct or any other anomalous behavior has occurred and prepares an investigation report.</p> <p>The <i>market surveillance panel</i> may, if the investigation reveals that urgent action is required, produce an interim report for internal and <i>OEB</i> use.</p> <p>The <i>market surveillance panel</i> has the broad authority to request that any person provide information or documents relating to an investigation.</p> | | “IMO Request for Market Surveillance Investigation Information”- IMO_FORM_1335 | | |
| 7.13 | Receive request and provide information. | <p>The complainant receives the request for additional information and provides the information requested.</p> <p>If additional information that is vital to the investigation is not received by the <i>IMO</i> in the specified time, the <i>IMO</i> may choose to seek enforcement through an <i>OEB</i> order.</p> <p><i>IMO</i> acknowledges receipt.</p> | Following Step 7.12. If additional information is required. | <p>Response to request, or determination not to respond.</p> <p>“IMO Acknowledgement of Receipt of Market Surveillance Investigation Information” – IMO_FORM_1337</p> | Mail, registered mail, email, fax or courier | Information provided or information not provided within a specified period of time. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|---|---|---|---|--|---|
| 7.14 | Receive request and provide information. | The <i>market participant</i> receives the request for additional information and provides the information requested. If additional information that is vital to the investigation is not received by the <i>IMO</i> in the specified time, the <i>IMO</i> may choose to seek enforcement through an <i>OEB</i> order. <i>IMO</i> acknowledges receipt. | Following Step 7.12. If additional information is required. | Response to request, or determination not to respond. “IMO Acknowledgement of Receipt of Market Surveillance Investigation Information” – IMO_FORM_1337 | Mail, registered mail, email, fax or courier | Information provided or information not provided within a specified period of time. |
| 7.15 | Advise Complainant and <i>market participant</i> (or other persons), if appropriate, of termination or completion of investigation. | If, during the course of the investigation, the investigation was found to be frivolous, vexatious, immaterial, unwarranted, or not within the jurisdiction of the <i>market surveillance panel</i> , the <i>market surveillance panel</i> terminates the investigation with notification to the complainant and <i>market participant</i> . | Following Step 7.12 if investigation is complete or terminated. | Notification of complainant and <i>market participant</i> that the investigation terminates as in Step 7.12 “IMO Termination of Market Surveillance Investigation” – IMO_FORM_1336 “IMO Market Surveillance Investigation Conclusion” – IMO_FORM_1341 | Email, fax or courier | Advice on the outcome of the investigation provided to <i>market participants</i> and the Complainant |
| 7.16 | Complainant receives advice on investigation outcome. | The Complainant receives advice on the outcome of the investigation from the <i>IMO</i> . | Following Step 7.15. | None | None | Advice received. |
| 7.17 | Advice on investigation outcome received. | The <i>market participant</i> receives advice on the outcome of the investigation from the <i>IMO</i> . | Following Step 7.15. | None | None | Advice received. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|---|---|--|---|--|--|
| 7.18 | Notify <i>market participant</i> of inappropriate conduct. | The <i>market surveillance panel</i> notifies the <i>market participant</i> under investigation that inappropriate conduct was identified and invites the <i>market participant</i> to respond in writing. | Following Step 7.12, if inappropriate conduct is identified. | Details of inappropriate conduct and invitation to <i>market participant</i> to respond. “IMO Notification of Inappropriate Conduct or Market Abuse” – IMO_FORM_1340 | Courier | <i>Market participant</i> notified. |
| 7.19 | Receive notification; prepare <i>response</i> (optional). | The <i>market participant</i> receives notification that inappropriate conduct has been determined and prepares a <i>response</i> , if desired. | Following Step 7.18. | Response prepared, if desired. | Courier Optional hard copy letter from <i>market participant</i> to <i>market surveillance panel</i> responding to notification of inappropriate conduct. | Notification to <i>market participant</i> received and <i>response</i> submitted to the <i>market surveillance panel</i> , if the <i>market participant</i> elects to respond. |
| 7.20 | Amend report and advise <i>OEB</i> of action to be taken as a result of market abuse. | The <i>market surveillance panel</i> amends the investigation report if appropriate upon receipt of a <i>response</i> from the <i>market participant</i> or upon determining that no <i>response</i> is forthcoming within a specified period of time. The <i>response</i> from the <i>market participant</i> may involve meetings with the <i>market surveillance panel</i> . The <i>market surveillance panel</i> incorporates the <i>response</i> into the report and may modify the report conclusions. The <i>IMO</i> notifies the <i>OEB</i> | Following Step 7.19, if the <i>market participant</i> responds to the notification of inappropriate conduct or Step 7.18 if no <i>response</i> is forthcoming from the <i>market participant</i> within 30 days of the date of producing the report. | Intended actions as a result of market abuse | Email, if possible; otherwise via courier | Hard copy report prepared for later distribution. Letter issued to <i>OEB</i> . |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|---|--|---|---|---|---|
| | | within 30 days of the date of producing the report, of the action that the <i>IMO</i> has taken or intends to take as a result of the report. | | | | |
| 7.21 | Take appropriate action with respect to <i>market participant</i> . | After receiving notification from the <i>market surveillance panel</i> of the intended action to be taken as a result of market abuse, the OEB takes appropriate action. | Following Step 7.20. | None | None | Action taken. |
| 7.22 | Submit unedited report to Chair and if deemed appropriate, to <i>OEB</i> and other <i>persons</i> | The <i>market surveillance panel</i> submits the unedited investigation report, which may contain <i>confidential information</i> , to the Chair for distribution to the independent directors and the <i>OEB</i> . The Chair of the <i>IMO Board</i> will determine whether a confidential report is to be submitted on a confidential basis to any other persons deemed to be appropriate. In case of an urgent matter, an interim report is submitted to the Chair of the <i>IMO Board</i> . | Following Step 7.12 when the investigation reveals that an urgent response is required or when the investigation and report are complete. | Unedited report of investigation findings | Hard copy unedited investigation report, via courier. | Report issued to Chair and, if necessary, to the <i>OEB</i> and/or other <i>persons</i> . |
| 7.23 | Receive report. | The <i>OEB</i> and others receive the unedited investigation report. | Following Step 7.22. | None | None | Report received by <i>market participant</i> . |
| 7.24 | Receive report. | The <i>market participant</i> may receive the unedited | Following Step 7.22. | None | None | Report received by <i>market participant</i> . |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|--|--|----------------------|------------------------------|---|---|
| | | investigation report if the <i>IMO</i> Chair deems appropriate and the information contained does not compromise the work of the <i>market surveillance panel</i> nor the <i>market assessment unit</i> . Where the report contains <i>confidential information</i> pertaining to one or more <i>market participants</i> , the <i>market surveillance panel</i> will prepare the report in such a form as to not contain <i>confidential information</i> about another <i>market participant</i> . | | | | |
| 7.25 | Create and submit edited report, if necessary, to the public, <i>market participants</i> , the <i>OEB</i> , and other authorities. | In order to advise appropriate parties of the investigation while protecting <i>confidential information</i> of various parties, the <i>market surveillance panel</i> may create one or more edited versions of the report, suitable for the public, <i>market participants</i> , the <i>OEB</i> , and other authorities. The report will not be <i>published</i> if the <i>IMO Board</i> by majority vote decides not to <i>publish</i> such a report or it is the opinion of the <i>market surveillance panel</i> that disclosure may compromise their work or the work of the <i>market</i> | Following Step 7.22. | Edited investigation reports | Hard copy edited investigation reports via courier and posted on <i>market surveillance panel</i> web site. | Edited investigation reports created and issued to appropriate parties. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|------|--------------------------------------|---|---|---|---|--|
| | | <i>assessment unit.</i> | | | | |
| 7.26 | Receive reports. | The <i>OEB</i> and other authorities, as appropriate, receive the edited investigation reports. An edited report is made available to the public. | Following Step 7.25. | None | None | Report received by <i>OEB</i> and other authorities, as appropriate, and made available to the public. |
| 7.27 | Receive report. | <i>Market participants</i> , as appropriate, receive the edited investigation reports. | Following Step 7.25. | None | None | Edited investigation reports received by <i>market participants</i> , as appropriate. |
| 7.28 | Provide opportunity to comment. | The <i>market surveillance panel</i> considers whether the disclosure of the information obtained during an investigation or as a result of a request by the <i>market surveillance panel</i> is in the public interest and accordingly whether to issue an order to that effect. In deciding on the public interest, the <i>market surveillance panel</i> seeks the views of the person from whom the information was obtained and any other person who in the view of the <i>market surveillance panel</i> is an interested party. | At the conclusion of an investigation or when the <i>market surveillance panel</i> is of the view that there may be a public benefit from disclosing the information. | Notice seeking comments. | Email, if possible; otherwise via courier or fax. | Notice sent. |
| 7.29 | Receive notice and provide comments. | The interested party receives notice from the <i>market</i> | After receipt of notice from the | Comments on the public interest in disclosing the | Email, if possible; otherwise via courier. | Comments sent. |

Table 3-1 Procedural Steps for the Treatment of Market Surveillance Issues

| Ref. | Task Name | Task Detail | When | Resulting Information | Method | Completion Events |
|-------------|--------------------------------------|---|---|---|--|--|
| | | <i>surveillance panel</i> and provides written comments or requests a meeting to present comments. | <i>market surveillance panel</i> . | stipulated information. | or fax. | |
| 7.30 | Receive notice and provide comments. | The person from whom the information was obtained receives notice from the <i>market surveillance panel</i> and provides written comments or requests a meeting to present comments. | After receipt of notice from the <i>market surveillance panel</i> . | Comments on the public interest in disclosing the stipulated information. | Email, if possible; otherwise via courier. or fax. | Comments sent. |
| 7.31 | Issue order permitting disclosure. | The <i>market surveillance panel</i> , after considering submissions from the persons notified, determines that disclosure of the stipulated information is in the public interest. | After considering the comments of the persons notified. | A <i>market surveillance panel</i> order. | Posting of order on <i>IMO</i> web site. | Publication of <i>market surveillance panel</i> order. |
| 7.31 | Decline to issue order | The <i>market surveillance panel</i> , after considering submissions from the persons notified, determines that disclosure of the stipulated information is not in the public interest. | After considering the comments of the persons notified. | None. | None. | Matter is closed. |

– End of Section –

Appendix A: Forms

This appendix contains a list of forms associated with the current procedure. Forms to be for submitting information or requests to the IMO are available on the *IMO's* public Web site (<http://www.theimo.com/>). The forms included in this procedure are as follows:

| Form Name | Form Number |
|--|--------------------|
| Market Participant Request for Market Surveillance Investigation or Complaint Form | IMO-FORM-1329 |
| IMO Acknowledgement of Request for Market Surveillance Investigation or Compliant | IMO-FORM-1331 |
| IMO Notification of Market Surveillance Investigation Initiation (to Complainant) | IMO-FORM-1332 |
| IMO Notification of Market Surveillance Investigation Initiation (to Market Participant) | IMO-FORM-1333 |
| IMO Denial of Market Surveillance Investigation | IMO-FORM-1334 |
| IMO Request for Market Surveillance Investigation Information | IMO-FORM-1335 |
| IMO Termination of Market Surveillance Investigation | IMO-FORM-1336 |
| IMO Acknowledgement of Receipt of Market Surveillance Investigation Information | IMO-FORM-1337 |
| IMO Notification of Inappropriate Conduct or Market Abuse | IMO-FORM-1340 |
| IMO Market Surveillance Investigation Conclusion | IMO-FORM-1341 |
| | |

– End of Section –

References

| Document ID | Document Title |
|--------------------|---|
| MDP_RUL_0002 | Market Rules |
| MDP_MAN_0002 | Market Manual 2: Market Administration, Part 2.0: Market Administration Overview |
| IMO_PRO_0034 | Market Manual 2: Market Administration, Part 2.12: Treatment of Local Market Power |
| MDP_PRO_0014 | Market Manual 1: Market Entry, Maintenance & Exit, Part 1.1 – Participant Authorization Maintenance and Exit. |

– End of Document –