



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**  
Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

Docket UE20935  
Order UE08-03

**IN THE MATTER** of an application by  
Maritime Electric Company, Limited for approval  
of an Open Access Transmission Tariff.

**BEFORE THE COMMISSION**

on Tuesday, the 4th day of March, 2008.

Maurice Rodgeron, Chair  
John Broderick, Commissioner  
Anne Petley, Commissioner  
Ernest Arsenault, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd) *Mark Lanigan*

Technical and Regulatory Services

**IN THE MATTER** of an application by  
Maritime Electric Company, Limited for approval  
of an Open Access Transmission Tariff.

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# Order

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**WHEREAS**, pursuant to Commission Order UE06-02, Maritime Electric (the "Company") applied to the Commission for approval of an Open Access Transmission Tariff (the "OATT") on the 13<sup>th</sup> day of December 2006;

**AND WHEREAS**, following receipt of the said filing, the Commission published a Notice of Application in the local newspapers inviting comments on the Company's application;

**AND WHEREAS**, pursuant to the public notice, one response was received indicating support for the establishment of such a tariff;

**AND WHEREAS**, subsequent to the initial filing in December, 2006, the Company requested a stakeholder review process be conducted with all interested parties to facilitate any tariff adjustments necessary for stakeholder specific requirements;

**AND WHEREAS** the Company undertook a lengthy stakeholder review;

**AND WHEREAS** the Company filed a revised tariff in December, 2007 which the Company states will take into account the unique characteristics of the renewable wind generation facilities on Prince Edward Island;

**AND WHEREAS** the Company states the tariff filed is consistent with the approved tariffs of New Brunswick and will, in the view of the Company, comply with the requirements of the Federal Energy Regulatory Commission (FERC) which is necessary for export of energy to United States;

**AND WHEREAS** all other participating parties, with the exception of the City of Summerside (the "City"), are in agreement with the proposed tariff;

**AND WHEREAS** the Commission understands that certain parties believe that timely approval of a tariff is necessary for the business development of wind energy generation on Prince Edward Island;

**AND WHEREAS**, pursuant to Section 20(3) of the *Electric Power Act*, the Commission may provide interim approval for services of the Company where no schedule of rates, tolls and charges exist;

**AND WHEREAS**, in January, 2008, the Commission staff conducted a meeting of all parties involved, and subsequent to that meeting, both the Company and the City developed a process and timeline for the resolution of their specific issues;

**AND WHEREAS** the Commission accepts the agreed upon process and timeline as a reasonable approach in the circumstances;

**AND WHEREAS** the Commission has been advised that the Company and the City have agreed on the implementation of an interim tariff and may, by contract, agree to a payment timetable which is more conducive to cash flow planning for their respective businesses;

**NOW THEREFORE**, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Electric Power Act*,

## **IT IS ORDERED THAT**

1. the October 3, 2007 Open Access Transmission Tariff filed by the Company is approved effective June 30, 2008 as an interim tariff rate for the transmission of electricity by the Company and the collection of which rates are, until a final rate is set, subject to such commercial collection agreements

as the Company and its OATT customers may from time to time agree upon;

2. the Company and the City make additional filings of evidence or argument as follows:
  - i. The City is to file written evidence by expert witnesses by March 31, 2008 on the remaining points at issue, and written evidence of non-expert witnesses by April 15, 2008; and
  - ii. The Company is to file a reply to all evidence presented by May 15, 2008;
3. the Commission may adjust the interim tariff or deal with collection thereof pending consideration of evidence filed by the City and the Company and any hearing which may result.

**DATED** at Charlottetown, Prince Edward Island, this 4th day of March, 2008.

**BY THE COMMISSION:**

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Maurice Rodgerson, Chair

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John Broderick, Commissioner

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Anne Petley, Commissioner

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Ernest Arsenault, Commissioner

## NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

*12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it or rehear any application before deciding it.*

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13.(1) and 13(2) of the *Act* provide as follows:

*13.(1) An appeal lies from a decision or order of the Commission to the Appeal Division of the Supreme Court upon a question of law or jurisdiction.*

*(2) The appeal shall be made by filing a notice of appeal in the Supreme Court within twenty days after the decision or order appealed from and the Civil Procedure Rules respecting appeals apply with the necessary changes.*

IRAC140B(2005/1)