



Docket UE21009
Order UE09-07

IN THE MATTER of a
review of the Energy Purchase Agreement
between Maritime Electric Company Limited and
New Brunswick Power Generation Corporation

**BEFORE THE
COMMISSION**

on Thursday, the 8th day of October, 2009.

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

Order

Compared and Certified a True Copy

(Sgd) *Mark Lanigan*

Technical and Regulatory Services

IN THE MATTER of a
review of the Energy Purchase Agreement
between Maritime Electric Company Limited and
New Brunswick Power Generation Corporation

Order

WHEREAS, pursuant to the *Electric Power Act* (the “Act”), Maritime Electric Company Limited (the “Company”) filed with the Commission the details of an extension agreement for energy supply from New Brunswick Power Generation Corporation (NB Power);

AND WHEREAS the Company entered into an energy supply agreement with NB Power dated April 1, 2008 which expired September 30, 2009 and includes the purchase of replacement energy and capacity during the refurbishment period of Pt. Lepreau nuclear generation facility;

AND WHEREAS the Company has entered into an extension agreement which provides the Company with energy supply and capacity to December 31, 2010 at fixed pricing in US dollars;

AND WHEREAS the Commission engaged the services of KnAP Energy Consultants to assist in the review of the extension agreement and to assess and comment on the reasonableness of the assumptions used by the Company in its evaluation of supply alternatives;

AND WHEREAS the Commission has concluded that the pricing contained in the Agreement and that the Company’s decision to opt for fixed price offerings is reasonable in the circumstances;

NOW THEREFORE, pursuant to the *Electric Power Act*,

IT IS ORDERED THAT

1. the costs associated with the Agreement are deemed to be reasonable and prudent and recoverable through the operation of the Energy Cost Adjustment Mechanism.

DATED at Charlottetown, Prince Edward Island, this 8th day of October, 2009.

BY THE COMMISSION:

(Sgd) Maurice Rodgerson

Maurice Rodgerson, Chair

(Sgd) John Broderick

John Broderick, Commissioner

(Sgd) Anne Petley

Anne Petley, Commissioner

(Sgd) Ernest Arsenault

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 Court of Appeal upon a question of law or jurisdiction.

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

IRAC140B(2005/1)