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Cheryl Mosher

Cheryl Mosher,
Senior Financial Advisor,
Island Regulatory & Appeals Commission

Docket: UE21221
Order: UE18-04

IN THE MATTER of a request by Maritime Electric Company, Limited for an Order approving the sale and transfer of land, pursuant to section 10 of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4.

BEFORE THE COMMISSION ON Thursday, the 9th day of July, 2018.

J. Scott MacKenzie, Q.C., Chair
M. Douglas Clow, Vice-Chair
John Broderick, Commissioner

ORDER

IN THE MATTER of a request by Maritime Electric Company, Limited for an Order approving the sale and transfer of land, pursuant to section 10 of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4.

Order

WHEREAS Maritime Electric Company, Limited ("Maritime Electric") entered into an Interconnection Lease Agreement with the Government of Prince Edward Island and the Prince Edward Island Energy Corporation, which agreement is effective as of July 2017 (the "Interconnection Lease Agreement");

AND WHEREAS in accordance with the Interconnection Lease Agreement, Maritime Electric shall lease *inter alia* the interconnection facilities known as Interconnection #2 from the Prince Edward Island Energy Corporation on certain terms and conditions;

AND WHEREAS the Interconnection Lease Agreement requires Maritime Electric to convey to the Prince Edward Island Energy Corporation the land vested in Maritime Electric which is necessary or necessarily incidental to the construction and operation of Interconnection #2;

AND WHEREAS Maritime Electric and the Prince Edward Island Energy Corporation have determined that it is necessary to convey a portion of Provincial Parcel No. 380477 located at Borden-Carleton from Maritime Electric to the Prince Edward Island Energy Corporation for the construction and operation of Interconnection #2;

AND WHEREAS the Interconnection Lease Agreement requires the Prince Edward Island Energy Corporation to pay to Maritime Electric the Cost of Acquisition, as defined therein;

AND WHEREAS Maritime Electric is prohibited from selling or transferring any property used in connection with its operations without first having obtained the approval of the Commission, pursuant to section 10 of the *Electric Power Act*;

AND WHEREAS the Commission has reviewed the Interconnection Lease Agreement and the request from Maritime Electric and is satisfied that the conveyance of a part of Provincial Parcel No. 380477 is reasonable, justified and in the public interest;

NOW THEREFORE, IT IS ORDERED THAT:

1. Maritime Electric Company, Limited is hereby authorized to convey to the Prince Edward Island Energy Corporation that portion of Provincial Parcel No. 380477 that is necessary or necessarily incidental to the construction and operation of Interconnection #2.
2. Maritime Electric Company, Limited shall file with the Commission the survey plan, appraisal and conveyance documentation with respect to the conveyance of the said land immediately upon completion, together with the final land sale closing statement of the breakdown of the Cost of Acquisition paid by the Prince Edward Island Energy Corporation to Maritime Electric.

DATED at Charlottetown, Prince Edward Island, this 9th day of July, 2018.

BY THE COMMISSION:

(sgd) J. Scott MacKenzie

J. Scott MacKenzie, Q.C., Chair

(sgd) M. Douglas Clow

M. Douglas Clow, Vice-Chair

(sgd) John Broderick

John Broderick, 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), 13(2), 13(3), and 13(4) 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 court respecting appeals apply with the necessary changes.

(3) The Commission shall be deemed to be a party to the appeal.

(4) No costs shall be payable by any party to an appeal under this section unless the Court of Appeal, in its discretion, for special reasons, so orders.

NOTE: In accordance with IRAC's *Records Retention and Disposition Schedule*, the material contained in the official file regarding this matter will be retained by the Commission for a period of 5 years.