



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

Docket: UE20944

Order: UE19-02

IN THE MATTER of an application by Maritime Electric Company, Limited to approve the rates, tolls and charges for electric service for the period beginning March 1, 2019, pursuant to section 20 of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4;

AND IN THE MATTER of a request for confidentiality made by Maritime Electric Company, Limited pursuant to Rule 49 of the Island Regulatory and Appeals Commission Rules of Practice & Procedure for Hearings.

BEFORE THE COMMISSION ON Monday, the 25th day of February, 2019.

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

CERTIFIED A TRUE COPY

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

Order

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AND IN THE MATTER of a request for confidentiality made by Maritime Electric Company, Limited pursuant to Rule 49 of the Island Regulatory and Appeals Commission Rules of Practice & Procedure for Hearings.

Order

WHEREAS on or about November 30, 2018, Maritime Electric Company, Limited (“Maritime Electric” or the “Company”) filed an application with the Island Regulatory and Appeals Commission (the “Commission”) seeking, among other things, approval of its rates, tolls and charges for electric service for the three year period from March 1, 2019 to February 28, 2022 (the “Application”);

AND WHEREAS Commission staff have retained several independent consultants to assist in the review of the Application, including Multeese Consulting Inc., Laurence Booth, and Synapse Energy Economics, Inc. (collectively, the “Experts”);

AND WHEREAS the Experts and Commission staff have submitted a number of written interrogatories to the Company seeking further information and particulars with respect to the Application;

AND WHEREAS on or about February 12, 2019, the Company filed a written request for confidentiality with the Commission, requesting that the responses to certain interrogatories be filed on a confidential basis, in accordance with Rule 49.0 of the Commission’s Rules of Practice & Procedure for Hearings (the “Rules”);

AND WHEREAS the Commission has considered the Company's request for confidentiality and the factors set forth in Rule 51.0 of the Rules;

AND WHEREAS the Commission has determined that the information which the Company seeks to file on a confidential basis is commercially sensitive and contains sensitive financial, commercial and/or personal information;

AND WHEREAS the Commission is satisfied that the sensitive nature of the information outweighs the desirability of adhering to the principle that information be available to the public;

NOW THEREFORE, IT IS ORDERED THAT:

1. The responses to the following interrogatories shall be filed with the Commission on a confidential basis (collectively, the "Confidential Responses"):
 - a) IR-2(b), IR-29, IR-30 and IR-31 as filed by Commission staff and dated January 17, 2019;
 - b) IR-10 as filed by Laurence Booth and dated January 7, 2019; and
 - c) IR-2, IR-6(c), IR-6(d), IR-28, IR-29, IR-30, IR-33, IR-48 and IR-49 filed by Multeese Consulting Inc. and dated January 4, 2019.
2. The Confidential Responses shall be provided to legal counsel to the Commission, Commission staff, the Commission Panel, the Experts, and any other consultants who may be retained by Commission staff to assist in the review of the Application, but shall not otherwise be disclosed.
3. The Experts, and any other consultants retained by Commission staff to assist in the review of the Application, shall:
 - a) refrain from disclosing, reproducing, copying, summarizing, and/or distributing the Confidential Responses for any reason or purpose;
 - b) use the Confidential Responses solely for the purposes of the Application; and

- c) not use, rely upon or disclose any information contained in the Confidential Responses (either directly or indirectly) in any other matter or proceeding, unless the information has become public through no act or fault of the Expert or consultant.

DATED at Charlottetown, Prince Edward Island, this 25th day of February, 2019.

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.