

February 28, 2019

VIA EMAIL: jdfox@assembly.pe.ca

Jamie Fox
Office of the Official Opposition
P.O. Box 338
Charlottetown, PE C1A 7K7

Dear Mr. Fox:

**RE: Request regarding Maritime Electric Company, Limited General Rate Application
Commission Docket UE20944**

We write further to your February 22, 2019 correspondence to Mr. J. Scott MacKenzie Q.C., Chair and Chief Executive Officer of the Island Regulatory and Appeals Commission (the "Commission").

As you know, your correspondence relates directly to matters in issue in the General Rate Application filed by Maritime Electric in Commission Docket UE20944 (the "Application"). This matter is currently before the Commission. You have asked that the Application be adjourned on the basis that Maritime Electric may be called before the Standing Committee on Infrastructure & Energy (the "Standing Committee"). We understand that, to date, the Standing Committee has not made a determination as to whether it will require the attendance of Maritime Electric.

Your correspondence was provided to Maritime Electric for comment, as Maritime Electric is the applicant and sole party to the Application. Maritime Electric has advised the Commission that, although they are willing to appear before the Standing Committee if called upon to do so, this should not impact the hearing of the Application.

The Commission has determined that any attendance of Maritime Electric before the Standing Committee will have no bearing on the Application that is currently before the Commission.

As you know, the Commission is an independent, quasi-judicial tribunal which operates under the authority of the *Island Regulatory and Appeals Commission Act*. It is part of the Commission's mandate, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Electric Power Act*, to regulate Maritime Electric.

Although the Standing Committee may request that Maritime Electric appear before it, the actions of the Standing Committee do not derogate from the Commission's regulatory function.

In fact, conceding to a request of this nature from a member of the Standing Committee could be viewed as undermining the independence of the Commission.

In addition, from a legal perspective, the functions of the Standing Committee and the Commission are separate and distinct. As a result, any evidence that Maritime Electric may provide to the Standing Committee will not form part of the record in the Application, and will not be considered by the Commission in deciding the Application.

Further, from a procedural perspective, the Commission may only consider a request for postponement or a motion to adjourn from a party to the Application. To date, the only party to the Application is Maritime Electric. You may apply for intervener status in the Application and, if intervener status is granted, you may then make a request to postpone or a motion to adjourn the Application. The process for doing so is set out in the Commission's *Rules of Practice & Procedure for Hearings*. We note that interested parties were required to apply for intervener status by January 18, 2019. As a result, if you intend to apply for intervener status, you should do so as soon as possible.

For all of these reasons, the Commission can only adjourn on following proper procedures and your correspondence of February 22, 2019 is not sufficient.

Yours very truly,

CARR, STEVENSON & MacKAY

A handwritten signature in blue ink, appearing to read 'S.A. Matheson', is written over the printed name of Thomas A. Matheson.

Thomas A. Matheson & Nicole M. McKenna