

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

**BEFORE THE ISLAND REGULATORY  
AND APPEALS COMMISSION**

**IN THE MATTER** of Sections 10, 13(1) and 20 of the  
*Electric Power Act* (R.S.P.E.I. 1988, Cap. E-4) and  
**IN THE MATTER** of the Application of Maritime  
Electric Company, Limited for an order of the  
Commission approving rates, tolls and charges for  
electric service for the years March 1, 2023 to  
February 28, 2026 and for certain approvals  
incidental to such an order.

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**RESPONSE TO APPLICATION FOR CONFIDENTIALITY  
ON BEHALF OF THE PEI ENERGY CORPORATION**

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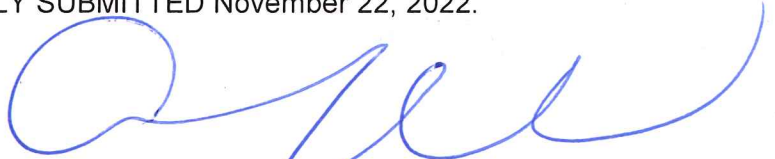
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Company, Limited

1. This submission is made in response to the Application for Confidentiality filed on behalf of the Applicant, Maritime Electric Company, Limited ("MECL"), dated October 31, 2022.
2. The Intervener, Prince Edward Island Energy Corporation ("PEIEC"), does not object generally to the requests for confidentiality included in MECL's application.
3. However, PEIEC submits that a "blanket" order for confidentiality is neither necessary nor appropriate in the present case.
4. Disclosure of the materials over which MECL seeks an order for confidentiality is in some measure in the public interest, as evidenced by the fact that the Commission and its expert have requested that information as being relevant to the issues raised in the general rate application. If the information sought were not relevant to the Commission's determination of the issues in the general rate application, disclosure of the materials would not have been sought.
5. As MECL notes in its brief filed in support of its application for confidentiality, the Supreme Court of Canada has stated that a discretionary request for confidentiality should typically be granted only to safeguard an important public interest.
6. In this regard, PEIEC draws the Commission's attention to Rule 54(d) of the Commission's Rules of Practice and Procedure, which empowers the Commission to: "Order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Commission considers appropriate, including the signing of a confidentiality form approved by the Commission ...".
7. In the present case, PEIEC is a party intervener representing the public interest in the outcome of the general rate application.
8. PEIEC has a good faith interest in accessing the same information as the Commission in responding to the general rate application.
9. PEIEC would not otherwise be in a perceivable conflict of interest with MECL with respect to the items over which MECL seeks confidentiality.

10. Consequently, PEIEC respectfully submits that the application of Rule 54(d) strikes the appropriate balance in the present case between and among: the public interest in the most fulsome disclosure and response to the Commission's reasonable interrogatories; the open court principle as articulated by MECL in its brief; PEIEC's good faith interest in responding to the general rate application; and MECL's concerns with respect to confidentiality.
11. As such, PEIEC respectfully submits that the most appropriate order in the circumstances in one pursuant to Rule 54(d), and that the materials be made available to PEIEC to the same extent as provided to the Commission itself. To that end PEIEC is prepared to execute a confidentiality form on terms as approved by the Commission.

ALL OF WHICH IS RESPECTFULLY SUBMITTED November 22, 2022.



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