

All our energy.
All the time.



June 11, 2026

Ms. Cheryl Bradley
Island Regulatory and Appeals Commission
PO Box 577
Charlottetown PE C1A 7L1



Dear Ms. Bradley:

***UE20746 – 2026 Capital Budget Application
Response to Interrogatories from Commission Staff***

Please find attached Maritime Electric's responses to interrogatories from Commission Staff with respect to the Company's 2026 Capital Budget Application filed with the Commission on November 4, 2025.

On May 19, 2026, the Company filed the responses to the projects identified as time-sensitive items in Table 2 of the cover letter attached to the Company's application, plus one additional project, CT3 Water Treatment Replacement (Section 4.2b). These are the responses to the remaining Commission Staff interrogatories provided on April 21, 2026.

In accordance with the Commission's letter of direction dated June 2, 2026, these interrogatory responses are accompanied by a sworn affidavit attesting to the truth of the evidence contained herein.

An electronic copy of this submission will be forwarded shortly.

Yours truly,

MARITIME ELECTRIC

A handwritten signature in blue ink that reads "Gloria Crockett".

Gloria Crockett
Director, Regulatory & Financial Planning

GCC27
Enclosure



INTERROGATORIES FROM COMMISSION STAFF

**2026 Capital Budget
UE20746**

filed June 11, 2026



AFFIDAVIT

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

**BEFORE THE ISLAND REGULATORY
AND APPEALS COMMISSION**

IN THE MATTER of Section 17(1) 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 the 2026 Capital Budget and for certain approvals incidental to such an order.

AFFIDAVIT

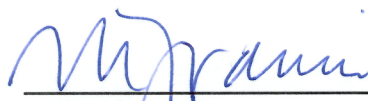
I, T. Michelle Francis of Emyvale, in Queens County, Province of Prince Edward Island,
MAKE OATH AND SAY AS FOLLOWS:

1. I am the Vice President, Finance and Chief Financial Officer for Maritime Electric Company, Limited and as such have personal knowledge of the matters deposed to herein, except where noted, in which case I rely upon the information of others and in which case I verily believe such information to be true.
2. I prepared or supervised the preparation of the attached Interrogatory responses and to the best of my knowledge and belief the responses are true in substance and in fact.

SWORN TO at Charlottetown,
Prince Edward Island, the 11th
day of June, 2026.



A Commission for taking affidavits in the
Supreme Court of Prince Edward Island



T. Michelle Francis



INTERROGATORIES

The Island Regulatory and Appeals Commission (the “Commission”), in assessing the reasonableness of the 2026 Capital Budget Application (the “Application”) submitted by Maritime Electric Company, Limited (“Maritime Electric” or “MECL”), requests responses to the following interrogatories:

Generation

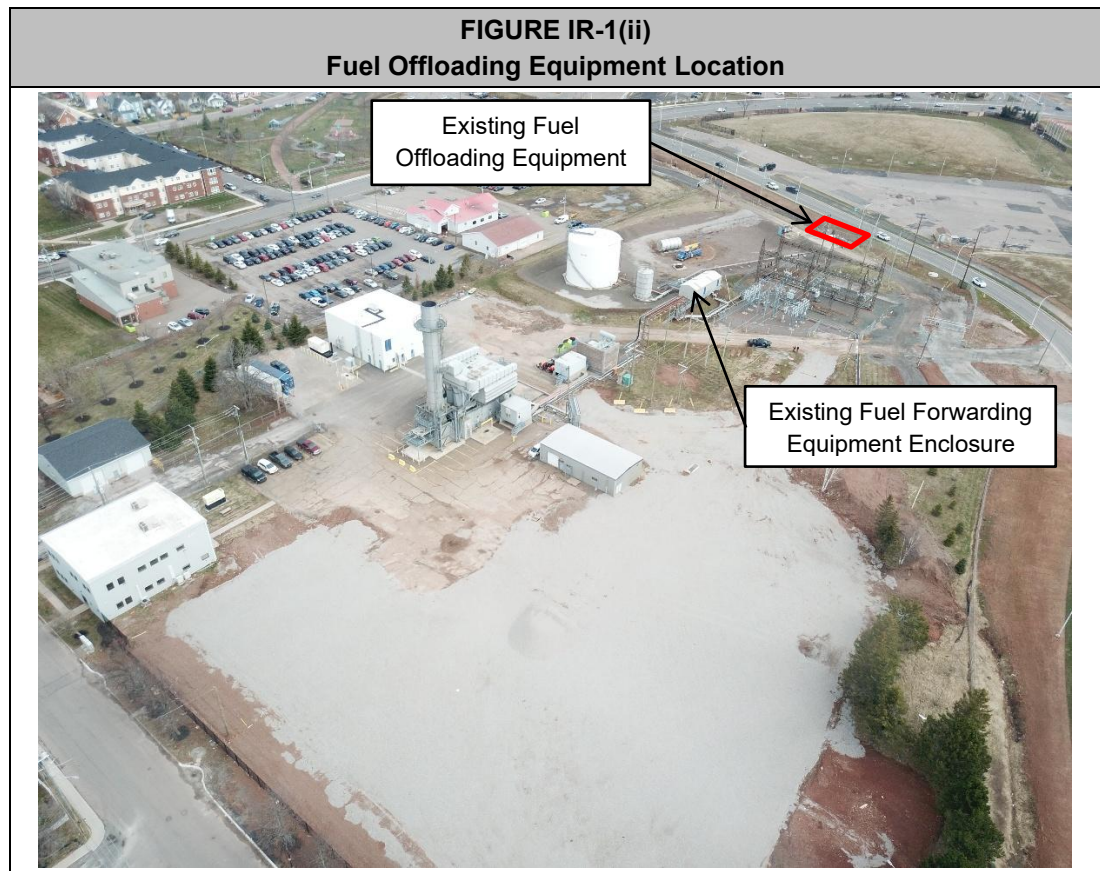
IR-1 Section 4.1c. – Fuel Offloading Weather Enclosure

- a. What kind of building is the proposed enclosure?
 - i. Provide a photograph or layout drawing of the proposed location.
- b. How much has valve and equipment freezing been an issue in the past?

Response:

- a. The proposed enclosure for the fuel offloading equipment is a steel-framed enclosure with steel siding, similar to the Charlottetown Generating Station (“CGS”) fuel forwarding equipment enclosure, which was constructed in 2007.
 - i. Figure IR-1(i) and Figure IR-1(ii) show the fuel offloading equipment and location on the site, respectively. The proposed enclosure will cover the existing fuel offloading equipment. Figure IR-1(iii) and Figure IR-1(iv) show the exterior and interior, respectively, of the CGS fuel forwarding enclosure.





**FIGURE IR-1(iv)
Fuel Forwarding Equipment Enclosure Interior**



- b. During the winter or when there is inclement weather, the exposed fuel offloading equipment at the CGS site can be challenging to access and operate. All other fuel offloading and handling equipment at the CGS and BGS sites are protected within enclosures. With the increased usage of this equipment, especially during the winter season, reducing the exposure of this equipment to the elements would improve its operability and reliability.

Equipment such as valves, motors and pumps that are exposed to the elements require extra care and maintenance due to exposure. This involves diligent monitoring and removal of snow and ice in and around the fuel offloading area throughout the winter to avoid situations where valves and equipment are inaccessible or inoperable. While steps are being taken to minimize the incidence of exposed valves and equipment freezing at CGS, the proposed enclosure would eliminate the need to monitor and clear the fuel offloading area of snow and ice and help to ensure that the valves and equipment are always accessible and operable.

IR-2 Section 4.1d – SCADA Video Wall Display

- a. Is the whole video wall, complete with support structures, being replaced?
 - i. How many spare monitors are being purchased as part of this outlay?
- b. What is the expected service life of the proposed LED monitors?

Response:

- a. Yes. The entire video wall, complete with support structures, is proposed for replacement. The current video wall uses 12 large liquid crystal display (“LCD”) screens. The proposed new video wall is a modern design that uses 49 small light emitting diode (“LED”) screens, which requires a new support structure.
 - i. Four spare units will be purchased as part of the project. For a standard LED video wall used in critical applications, industry best practice is to purchase five to ten per cent more display units as spares to ensure immediate replacements are available, if needed.
- b. The proposed LED monitors have an expected continuous-use (i.e., 24 hours per day, 7 days per week) service life of approximately 10 to 12 years.

IR-6 Section 4.4c – CT2 Air Intake Replacement

- a. Describe past maintenance that has been undertaken on the air intake to extend its life.
- b. Is the proposed new intake expected to last the rest of the asset's expected operating life?
- c. What maintenance is expected on the proposed new intake over the remainder of CT2's asset life? What is the estimated cost of this maintenance?
- d. What additional significant capital or maintenance costs are expected on CT2 over its remaining life?
- e. Based on the current and expected future capital and maintenance costs, provide an economic justification to continue investing capital and operating dollars into this asset, as opposed to running this equipment to failure and purchasing the services it provides from third parties?

Response:

- a. Past maintenance activities on the Combustion Turbine 2 ("CT2") air intake include using mechanical cleaning tools to remove rust, repainting surfaces annually and patching deteriorated areas with new materials.
- b. Yes. The proposed new air intake is expected to last for the rest of the asset's expected operating life.
- c. Maintenance expected on the new air intake assembly includes cleaning and painting, as necessary. Additionally, based on experience with a similar air intake design, pre-filter replacement at a cost of under \$5,000 approximately every five years is expected.
- d. Refer to Appendix B of the Application, List of Future Capital Projects (2026 to 2030), for significant capital costs expected on CT2 over its remaining life. The total capital cost is estimated to be \$15,399,000 over the five-year period.¹ The projects included in this amount were selected from the EastPoint report, provided as IR-5 – Attachment 1, on the basis that they presented the highest risk in terms of safety and reliability over the remaining operational life of the unit. The list of projects may be adjusted, as needed, based on observed operating performance and other issues that may arise.

Maintenance costs are expected to be comparable to what has been incurred in the past number of years. However, as the unit continues to age, maintenance costs may increase.

- e. CT2 provides essential firm capacity, energy, and supplemental reserves required to reliably operate Maritime Electric's system during periods when imports are constrained and non-dispatchable resources are unavailable or insufficient. Maritime Electric currently has a capacity deficit, and neighbouring utilities are similarly capacity limited, with no additional firm capacity available for purchase in the near term to replace the services provided by CT2.

¹ The last item under 4.4 – BGS Turbine Generators in Appendix B is named incorrectly; it should be CT2 Replacement Step Up Transformer.

As a result, there is no viable third-party or neighbouring-utility product available that would allow the Company to avoid continued investment in CT2 by purchasing replacement capacity. Allowing the unit to run to failure, without ongoing maintenance or upgrades, would expose on-site operators to otherwise avoidable safety hazards and materially increase reliability risk.

In addition to capacity and energy, CT2 provides a portion of the supplemental reserves required to operate Maritime Electric's system. Maintaining this capability avoids the need to purchase equivalent reserve services from NB Power, which would otherwise result in material ongoing costs. The continued availability of CT2 therefore provides significant operational and economic value, with avoided reserve procurement costs offsetting a portion of the capital and maintenance investments required to sustain reliable operation.

Continued capital and maintenance investment in CT2 is therefore required to manage near-term reliability risks as identified in the EastPoint report, and to maintain system adequacy until additional on-Island dispatchable generation resources are installed.

Distribution

IR-8 Section 5.1b – Replacements Due to Road Alterations

- a. Do customer contributions offset the costs incurred due to road alterations?

Response:

- a. No. Road alteration work is generally driven by Provincial Government road and bridge projects within public rights-of-way. The work consists primarily of relocating or replacing Maritime Electric transmission and distribution infrastructure (e.g., poles, conductors, and related equipment) to accommodate roadway realignment, bridge replacements, and other construction activities.

Section 34 of the *Roads Act*, provided as IR-8 – Attachment 1, stipulates that where a public utility has equipment in a transportation right-of-way that needs to be removed or altered, the public utility is responsible for all costs to complete the work. For this reason, customer (or in this case, Provincial Government) contributions do not offset the costs incurred due to road alterations.

IR-9 Section 5.2 – Distribution Transformers

- a. Provide a five-year historical summary (2021-2025) of annual transformer purchases, by type (polemount, padmount) and size.
- b. What is the current delivery time for distribution transformers?
- c. Provide an annual breakdown since 2020 of distribution transformer deployment by reason for installation – new service, upgraded service, end of life, spill prevention, damaged, other. What are expected installations in 2026 based on these categories?
- d. Is Maritime Electric at, above, or below its annual target of replacement of end-of-life padmount and polemount transformers?
- e. What was the standard size of polemount and padmount transformer prior to governmental incentives for heat pumps and EV chargers?
 - i. How many customers did a standard transformer serve?
 - ii. What is the standard size installed now, and how many customers does it typically serve?
 - iii. What is the relative incremental cost, per unit, for the larger standard transformer(s)?

Response:

- a. The annual number of polemount and padmount transformers purchased by size in kilovolt-amperes (“kVA”), from 2021 to 2025, are shown in Table IR-9(a)(i) and Table IR-9(a)(ii), respectively.

TABLE IR-9(a)(i)					
Number of Polemount Transformers Purchased by Size (2021 to 2025)					
Size (kVA)	2021	2022	2023	2024	2025
15	895	598	914	802	341
25	576	327	615	350	292
37	254	237	312	263	179
50	169	190	212	224	214
75	115	221	175	226	137
100	-	-	10	-	-
Total	2,009	1,573	2,238	1,865	1,163

TABLE IR-9(a)(ii) Number of Padmount Transformers Purchased by Size (2021 to 2025)					
Size (kVA)	2021	2022	2023	2024	2025
50	22	106	2	4	2
75	23	76	-	2	1
100	15	34	-	14	5
150	6	5	5	19	1
167	9	30	2	12	4
300	20	10	16	25	9
500	14	3	11	44	5
750	10	4	10	17	6
1,000	1	1	4	4	4
1,500	-	-	2	-	-
2,000	-	1	2	-	-
2,500	1	-	4	1	3
Total	121	270	58	142	40

- b. Approximate transformer delivery times are currently:
- Polemount transformers: 4 months
 - Padmount transformers up to 500 kVA: 5 months
 - Padmount transformers above 500 kVA: 7 months
- c. A breakdown of the number of distribution transformer deployments by reason of installation, from 2021 to 2025, is provided in Table IR-9(c). The data was compiled from service order records. As such, and because transformer additions, upgrades and replacements may occur for more than one reason, the breakdown is approximate.

TABLE IR-9(c) Breakdown of Transformer Deployments (2021 to 2025)						
Year	New Service	Service Upgrade	End of Life	Damaged	Not Specified	Total
2021	666	407	308	98	131	1,610
2022	535	411	285	276	210	1,717
2023	504	570	386	122	537	2,119
2024	655	726	412	121	228	2,142
2025	617	782	255	99	210	1,963
Total	2,977	2,896	1,646	716	1,316	9,551

Rather than forecast the number of transformer installations by reason, the Company more generally plans for a quantity of transformers each year based on prior-year installations, inventory levels, and safety stock, unless there is specific information (e.g., a change in Government programs, or projects requiring a large quantity of transformers) that is expected to impact transformer requirements.

- d. Maritime Electric does not have a targeted quantity for the replacement of end-of-life transformers. However, based on approximately 37,200 distribution transformers installed across PEI, and an average expected transformer life of 40 years, an annual replacement rate of 930 is a reasonable approximation. Actual replacements are based on condition, age, inspection results, and loading, rather than an annual target quantity.
- e. Maritime Electric does not have a standard transformer size. Transformer size selection is based on a combination of factors, including required capacity, the number of customers and primary and secondary voltage requirements. As a result, transformer size selection is completed on a case-by-case basis. That said, due to the increase in service entrance requirements in recent years, the Company is installing more higher capacity transformers (e.g., 50 kVA and 75 kVA), as shown in Table 9(a)(i).
- i. Transformers are sized for the combined capacity of all customers planned to be served by the transformer. Table IR-9(e)(i) outlines the capacity requirements for different types of residential customers, as they relate to transformer sizing. As the number of customers served by the same transformer increases, a diversity factor is applied, which reduces the per-customer demand requirements.

TABLE IR-9(e)(i)					
Residential Transformer Sizing Table					
Number of Customers	Residential Maximum Diversified Demand (kVA) by Customer Type				
	A	B	C	D	E
1	4.0	6.4	12.0	21.0	31.0
2	3.5	5.8	11.0	21.0	30.0
3	3.0	4.7	9.4	19.0	28.0
4	2.4	3.8	7.5	18.0	26.0
7	2.1	3.3	6.4	16.0	25.0
10	1.8	2.9	5.6	15.0	25.0
20	1.4	2.4	4.5	14.0	23.0
40	1.25	2.1	4.1	14.0	22.0
60	1.2	2.0	4.0	13.0	21.5
Customer type descriptions:					
A: Small consumer – lighting, radio, television, etc. 300 to 500 kWh/month					
B: Medium consumer - same as "A" with electric range and electric hot water 600 to 800 kWh/month					
C: Large consumer – all electric appliances with no electric heat 800 to 1,500 kWh/month					
D: Small consumer (electric heat) – same as "A" with electric heat					
E: Large consumer (electric heat) – same as "C" with electric heat					

- ii. As noted, Maritime Electric does not have a standard transformer size, and transformers are sized based on a combination of factors.

Referring to Table IR-9(e)(i), four customers of Residential type “A” (small consumer) connected to the same transformer would require a minimum transformer capacity of 9.6 kVA (i.e., a 10 kVA transformer).² If electric heat is added to two of the four customers (i.e., two customers are converted to Residential type “D”), the minimum transformer capacity increases to 40.8 kVA (i.e., a 50 kVA transformer).³ This provides an example of the increase in transformer size requirements related to electric heating upgrades.

Table IR-9(e)(ii) shows the annual total transformer capacity (in kVA), total number of transformers, and the weighted average transformer size (in kVA) purchased. The increasing trend in weighted average transformer size purchased demonstrates the requirement for larger transformer installations in recent years, primarily due to an increase in the number of customers and electrification.

TABLE IR-9(e)(ii)					
Weighted Average Transformer Size Purchased (2021 to 2025)					
	2021	2022	2023	2024	2025
Total Capacity Purchased (kVA)	85,026	82,649	105,338	114,015	62,706
Total Number of Transformers Purchased	2,130	1,843	2,296	2,007	1,203
Weighted Average Transformer Size Purchased (kVA)	39.9	44.8	45.9	56.8	52.1

- iii. Refer to the Confidential Appendix Q-5 of the Application, Table 3 (page 3) and Table 6 (page 7), for polemount and padmount per-unit transformer pricing, respectively.

² 4 x 2.4 kVA = 9.6 kVA.

³ (2 x 2.4 kVA) + (2 x 18.0 kVA) = 40.8 kVA.

IR-10 Section 5.3b – Street and Area Lighting

- a. What rate code applies to LED lanterns?
- b. Does the requesting customer pay an upfront contribution towards purchase and operation of LED lanterns, or is the rate set to recover all costs associated with the lanterns?

Response:

- a. As there is currently no rate code for LED lanterns, rate code 639 for high pressure sodium (“HPS”) lanterns is being used. There are only two HPS/LED lantern customers affected by the replacement plan, both municipal governments, and both have agreed to this approach as an interim solution to facilitate the HPS to LED conversion process. Conversion of an HPS lantern to an LED lantern involves replacing the lantern head and, in some cases, the pole that supports the head.

Maritime Electric is planning to develop a new rate code for LED lanterns that factors in the conversion cost (labour and materials) and the reduced energy consumption of LED relative to HPS technology. It is expected that the LED lantern rate is expected to be lower than the HPS lantern rate due to reduced energy consumption, but the energy savings may be offset by the conversion cost in the short- to medium-term. All costs (and savings) will be factored into the new LED lantern rate code, which will be submitted to the Commission for approval as soon as the rate design process is complete.

- b. As is the case for the current HPS lantern rate, the proposed LED lantern rate will be set to recover all appropriate costs associated with the lanterns.

IR-12 Section 5.5a – Single Phase and Three Phase Line Rebuilds

- a. What vintages are the three lines proposed for replacement in 2026?
- b. Is the amount of proposed line rebuilds in 2026 at, above, or below Maritime Electric's annual target of replacement of end-of-life facilities?

Response:

- a. The approximate vintage of the three lines proposed for replacement in 2026 are:

- Kinross to Vernon River Line Rebuild: 1970
- Green Road Line Rebuild: 1971
- New Argyle Road Voltage Conversion: 1985

As stated in Appendix K of the Application, the New Argyle Road Voltage Conversion is not a complete rebuild, and only poles that are in poor condition will be replaced along with the polemount transformers.

- b. Maritime Electric does not have a targeted quantity for the replacement of end-of-life single and three phase lines. Instead, single and three phase line rebuild projects are based on age, condition, criticality within the system, and other component-specific considerations.

The proposed Section 5.5(a) – Line Rebuilds budget for 2026 is approximately \$2.3 million to complete 13.8 kms of construction. This budget and scope does not include the Rural Broadband Make-Ready project, and the historical information in Table IR-12(b) also does not include broadband make-ready project information for the years shown. From the budget and kms of construction information in Table IR-12(b) for the years 2021 to 2025, it is apparent that the budget and kilometrage proposed for 2026 generally aligns with recent prior year data.

TABLE IR-12(b)						
	2021	2022	2023	2024	2025	Average
Budget	\$ 2,879,000	\$ 2,205,000	\$ 2,406,000	\$ 3,087,000	\$ 2,372,000	\$ 2,590,000
Total Kms	29.5	24.2	20.4	25.3	6.0	21.1

It should be noted that while the kms of line rebuild projects can vary annually, so can project complexity which,⁴ as a consequence, can cause the budget per km of rebuild to vary significantly from year to year. For example, in 2023, a budget of \$2.4 million was proposed for 20.4 kms of construction, whereas in 2025, a budget of \$2.4 million was proposed for 6 kms of construction.

⁴ Project complexity can be a function of: line type, upgrade requirements, pole-heights, span lengths, road crossings, joint-use attachments, turns and dead-ends, amount of traffic control required, number of service connections that need to be transferred, travel distance to the worksite, construction time of year, vegetation management requirements, and other site-specific considerations.

IR-13 Section 5.5c.ii – Deteriorated Conductor Replacement Program

- a. What vintage of conductor is being targeted by this program?
- b. What is the risk of failure of conductors targeted by this program?
- c. Quantify the impact of the replacement of these conductors on system SAIDI and SAIFI.
- d. Is any work, aside from conductor replacement, being completed within this program?
- e. When is the approximate timeframe for a complete rebuild of feeders WL02012 and BL64007?

Response:

- a. Pre-1965 vintage conductor, now over 60-years old, is targeted by this program.
- b. Targeted conductors include deteriorated copper and smooth-body aluminum conductor steel reinforced (“ACSR”). These conductors have a high risk of failure from electrical loading due to limited current carrying capacity, and from physical stress due to the brittleness of the conductor. The condition of the conductors is poor, such that they can no longer be safely worked on (or around) while energized.
- c. Maritime Electric cannot quantify the impact of conductor failures on reliability metrics such as SAIDI and SAIFI because the frequency and duration of future outages cannot be predicted. The deteriorated conductor program is preventative and is based on the condition of targeted asset types, which have been identified as having a high risk of failure.
- d. Yes. Depending on asset conditions, other replacements may also be required, including insulators, framing, poles, transformers, and guys and anchors. However, these replacements do not constitute a rebuild as they are only completed on an as necessary basis, to be able to accommodate the new conductor.
- e. For clarity, the targeted lines are not feeders but rather segments of single-phase branch lines. The remaining sections of both WL02012 and BL64007 are of similar conductor type and vintage as the targeted line segments proposed for replacement in 2026. The remaining sections will also be replaced under the deteriorated conductor program over the next three to five years.

IR-14 Section 5.5c.iii – Backlot Feed Relocation Program

- a. What is the expected remaining asset life for OL00930 and KN80437?
- b. Explain why these assets should be pre-emptively replaced, as opposed to replacing when they reach end of asset life.
- c. What happens to easements or rights of way when the backlot feeds are removed?
- d. What is a typical per kilometre and per span construction cost for new distribution facilities?
- e. Provide a list or map of all remaining backlot feeds in the system that Maritime Electric intends to pre-emptively replace under this program.
- f. Quantify the impact of removal of these backlot feeders on system SAIDI.

Response:

- a. Based on pole and land information, Maritime Electric estimates that OL00930 and KN80437 were constructed in 1974 and 1972, respectively. As such, these assets are now over 50 years old, approaching end-of-life, and are due for replacement.
- b. As indicated in the response to IR-14(a), the assets targeted for the backlot feed relocation program are aged and approaching end-of-life. Therefore, they are not being pre-emptively replaced. It is considered good utility practice to replace this type of asset when approaching end of life, rather than operate to failure. Where individual components in these lines (e.g., poles) have been recently replaced due to failures and are not approaching end-of-life, they will be repurposed, if possible.

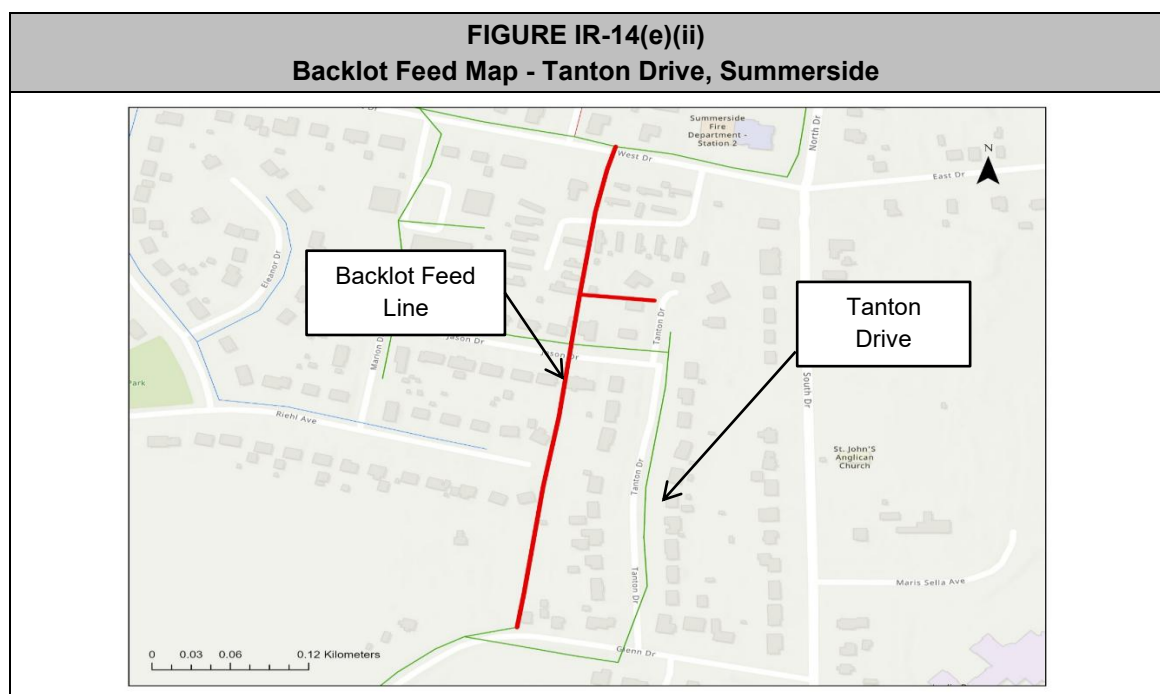
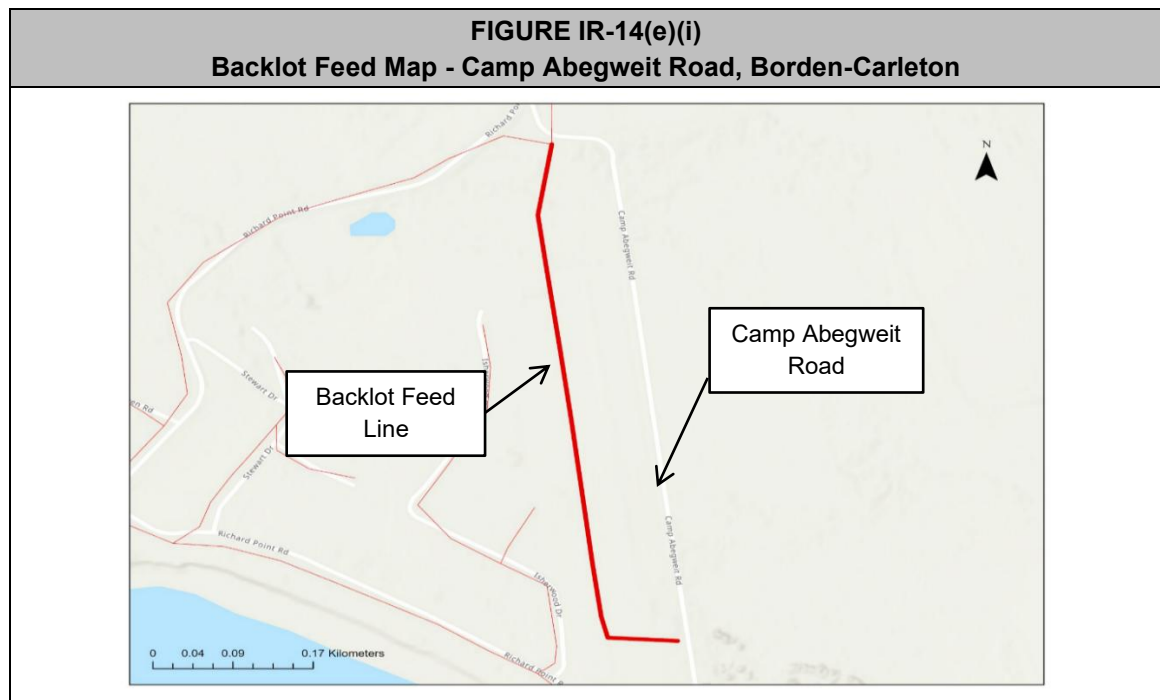
Backlot feed lines also pose a safety risk to customers, powerline technicians, and the general public. Through the relocation program, power lines are moved away from backyard trees, play equipment, outbuildings, etc., significantly reducing the potential for public contact. Safety risks for powerline technicians are also reduced, as they do not have to work around or over backyard structures, decks, pools, etc.

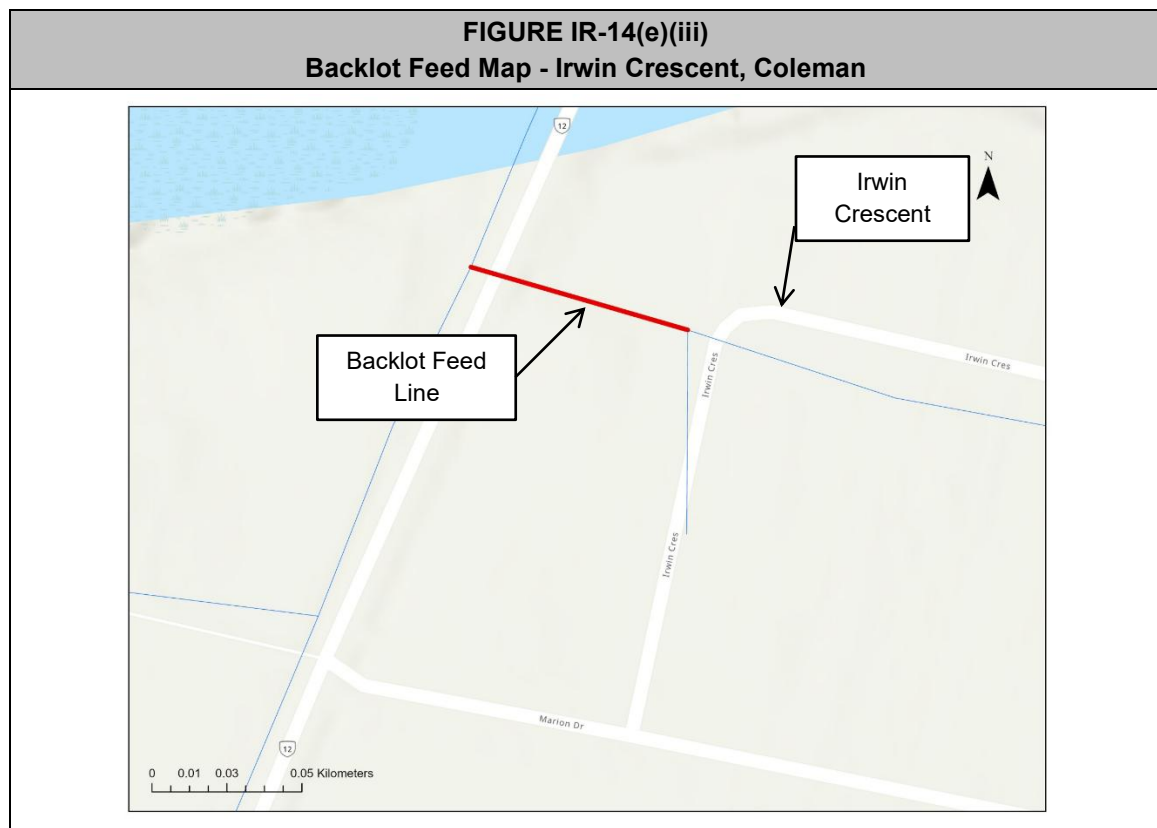
- c. Due to their age and common practice at the time of their construction, Maritime Electric does not have easements for the targeted backlot feeds.
- d. The per kilometre (“km”) cost of new distribution lines is project specific as costs vary significantly based on: line types; proportion of new, rebuild and upgrade requirements; pole-heights; span lengths; road crossings; joint-use requirements; turns and dead-ends; amount of traffic control required, number of service connections that need to be transferred, travel distance to the worksite, time of year, vegetation management requirements, and other site-specific considerations. New distribution line extension and upgrade costs range from approximately \$180,000 to \$580,000 per km.⁵ Distribution line replacements that are part of the backlot feed relocation program are not comparable to new distribution line construction because the projects are more complex, due to having to relocate the line and reconnect to existing service points.
- e. There are three backlot feed lines in the system that Maritime Electric is currently considering for potential relocation: (1) Camp Abegweit Road, Borden-Carleton; (2) Tanton Drive, Summerside; and (3) Irwin Cescent, Coleman. Maps of these backlot feeds

⁵ The cost per km can be higher than the range reported if a distribution underbuild on a transmission line is required.

are shown in Figure IR-14(e)(i), IR-14(e)(ii) and IR-14(e)(iii), respectively. This list does not include other remaining backlot feeds that are not currently planned for replacement.

Ultimately, not all backlot feed lines will be relocated when replaced, due to challenges which include accessibility and availability of a suitable alternate location. For this reason, Maritime Electric will assess the viability of relocating the remaining backlot feeds on a case-by-case basis, but it is anticipated that most will have to be rebuilt in place.





- f. Maritime Electric cannot quantify the impact of backlot feed relocations on reliability metrics such as SAIDI and SAIFI because the frequency and duration of future outages cannot be predicted. However, more generally, it is reasonable to expect reliability improvements from moving backlot feeds to roadside, due to improved line accessibility and outage restoration time.

IR-15 Section 5.5d – Distribution Corridor Widening

- a. What total length of distribution lines is potentially subject to corridor widening?
- b. What total length of corridor widening is proposed in 2026?
- c. What is the current cycle of vegetation management? Is this sufficient to keep up with vegetation growth that may encroach on Maritime Electric facilities?

Response:

- a. Results of the full system satellite scan completed in 2025 indicate that approximately 4,100 km, or 65 per cent, of the primary distribution system has vegetation that requires ongoing management. This result includes vegetation in urban and other developed areas where widening is not practical, but it does not include vegetation that is more than five metres away from distribution lines (e.g., low growth or new vegetation directly under a line that does not currently require management, but it may in the future, depending upon growth). Furthermore, corridor widening is ultimately based on customer permissions, which also has an impact on the ability to widen distribution line corridors. For these reasons, the Company is unable to accurately estimate the total length of distribution lines potentially subject to corridor widening.
- b. The length of corridor widening achievable is heavily dependent on the permissible width that is acquired and the density of the existing vegetation. However, based on recent widening projects, the estimated length of corridor that is expected to be widened in 2026 is approximately 37 kms.
- c. For clarity, capital investment in corridor widening is not for maintenance of vegetation growth. Maritime Electric's vegetation management program, which involves managing vegetation within and directly adjacent to public-rights-of way ("ROW"), is risk-based and not cycle-based. With respect to corridor widening adjacent to the ROW, there is a strong reliance on landowner permissions, due to the lack of authority to perform vegetation management on private land. Areas that are widened will reduce the occurrence of tree-related outages, whereas areas where landowner permission for widening cannot be obtained, will not.

IR-17 Section 5.7 – Distribution Equipment

- a. When does Maritime Electric expect to have sufficient data gathered from the AMI project to undertake data analysis to assist in prioritizing projects?
- b. Table 50. Sections g and h were not listed in the corresponding table in the 2025 Capital Budget. In what sections of the 2025 Capital Budget was this equipment included?

Response:

- a. Advanced Metering Infrastructure (“AMI”) data is becoming available on a phased basis as AMI meters are installed; however, Island-wide data is not expected to be available until the end of 2027. As project planning decisions require varying amounts of data, it is possible that sufficient data for some projects will be available beginning in 2028, while sufficient data for other projects could take much longer to gather.
- b. As indicated in footnote 35 on page 113 of the Application, Section 5.7(g) was not included in the 2025 Capital Budget Application. As such, expenditures in 2025 contributed to a reported over-budget variance for Section 5.7 Distribution Equipment in the 2025 Capital Budget Variance Report.⁶

Section 5.7(h) is a new distribution equipment expenditure category that will be included in the Distribution Equipment section when new feeders are required. Previously these costs were all included in line extension project budgets when new feeders were being proposed. The change was made to facilitate separate budgeting and cost tracking of work required inside the substation fence (managed by the Engineering Department) and work required outside of the substation (managed by the Operations Department).

⁶ Docket UE20747.

IR-18 Section 5.7a – Substation, Line and Communication Equipment

- a. Page 105, Lines 8-20. Does this commentary pertain to Section 5.7a, or all of Section 5.7?
 - i. If this commentary pertains to Section 5.7a only, refer to page 105, lines 8-10: “This budget item provides for these annual expenditures, as well as other costs associated with adding new feeders to substations, and adding equipment such as capacitor banks and reclosers to heavily loaded feeders.” Is Section 5.7a for replacement equipment only, or are items purchased under this section for new projects?
 - 1. If the latter, how much of the budget is for new capacitor banks and reclosers?
 - 2. How does the equipment dealing with new substation feeders in Crossroads and Kensington (page 105, lines 12-15) differ from the costs included in Section 5.7h?
- b. Page 106, Lines 6-8. “The approximately \$3 million increase in budget for 2026, relative to prior years, is due primarily to the aforementioned load-growth driven requirement for substation equipment to connect new feeders, capacitor banks and reclosers.”
 - i. Does this refer to all of Section 5.7, or Section 5.7a only? If the latter, where is this \$3 million located in the budget, compared to 2025?

Response:

- a. The referenced commentary was incorrectly placed in Section 5.7(a) and pertains to all of Section 5.7. Lines 8 to 20 pertain to Section 5.7(g), High-Load Readiness, and Section 5.7(h), New Feeders Substation Equipment.
- b. The referenced commentary was incorrectly placed in Section 5.7(a) and pertains to all of Section 5.7. The approximate \$3 million increase for 2026 over the 2025 budget is the sum of Section 5.7(g) High-Load Readiness, and Section 5.7(h) New Feeders Substation Equipment.

IR-19 Section 5.7b – Relay Replacement Equipment

- a. When are all the electromechanical relays left in the system expected to be replaced?
- b. What is the expected life of microprocessor-based relays?
 - i. When will the system's microprocessor-based relays start requiring replacement?

Response:

- a. There are currently only five electromechanical relays remaining in the system; however, as described in the response to IR-19(b), the oldest microprocessor-relays are now also being replaced.

The five remaining electromechanical relays, along with the expected year of replacement, are as follows:

- Sherbrooke substation 138 kV bus electromechanical relay: 2026;
 - West Royalty X1 distribution transformer electromechanical relay: 2028;
 - West Royalty X4 distribution transformer electromechanical relay: 2028;
 - West Royalty X2 distribution transformer electromechanical relay: not yet decided; and
 - West Royalty X3 distribution transformer electromechanical relay: not yet decided.
- b. The expected life of microprocessor-based relays is approximately 10 to 20 years. While these relays remain in service, certain components may become obsolete prior to end-of-life due to vendor discontinuation of specific models, modules, or internal components, often driven by global supply constraints for microchips and electronic parts. Where vendor support is no longer available, replacement may be required to maintain system reliability and supportability.
 - i. Microprocessor-based relays will begin to require replacement as they approach the end of their expected service life, or earlier based on operational and system requirements. These requirements may include equipment failures, evolving system operating conditions, the need to accommodate additional generation interconnections or load growth, and changes to protection control, or communication requirements.

IR-20 Section 5.7f. – Charlottetown Grid Modernization

- a. What communication path(s) will be used to connect with the field devices?
 - i. Are these paths owned by Maritime Electric or by a third-party?
- b. How will this system be monitored and controlled in real time?
 - i. Who will have real-time visibility?
 - ii. Who will make real-time control decisions?
- c. Will there be any duplication in effort or information between the AMI system and this proposed system?

Response:

- a. The communication paths are expected to be a 5G cellular network or Maritime Electric-owned fibre-optic cable, where available. These communication paths will connect field devices to the Company's Energy Control Centre ("ECC").
 - i. The 5G cellular communication paths are owned by a third-party and the fibre-optic cable paths are owned by Maritime Electric.
- b. Data from the field devices will provide real-time status and control capabilities to the Company's supervisory control and data acquisition ("SCADA") system.
 - i. Users granted appropriate access permissions, including "view" rights will have real-time visibility of system status and operations. This includes ECC operators, as well as authorized personnel within Engineering, Operations and other departments, as required to support system monitoring and decision making.
 - ii. ECC operators will make real-time control decisions.
- c. No. There will not be a duplication of effort or information between AMI and the proposed system. Currently, the two projects are expected to operate independently, as AMI is for billing purposes and the proposed system is for operational purposes. As the two systems develop, there may be opportunities to merge them in the future.

IR-21 Section 5.7g – High Load Readiness Equipment

- a. How was the figure of 19 MVAR of distribution-connected capacitance derived?
- b. How does the 19 MVAR of distribution-connected capacitance align with transmission system reactive power and facility addition plans?
- c. Confirm if all reclosers and capacitors added will have communication ability with the System Operator.
- d. What visibility will the System Operator and/or Engineering group have of equipment operations?
- e. What kind of control program will be used to optimize the use of reclosers during outage restoration?

Response:

- a. The 19 megavolt-amperes reactive (“MVAR”) of distribution-connected capacitance was derived from an analysis to determine the amount of reactive power required at substation load buses during system peak conditions.
- b. Maritime Electric seeks to meet the system’s reactive power requirements in the most cost-effective manner while maintaining power quality. Consistent with this objective, the Company’s strategy prioritizes maximizing reactive power support on the distribution system before adding support on the transmission system. Once the distribution system has reached its practical capacity for capacitance, any additional reactive power support requirements will be addressed on the transmission system.
- c. Reclosers and capacitor banks added under the High Load Readiness project will have communication ability with the System Operator at all installations where there is a viable communication pathway.
- d. Users granted appropriate access permissions, including “view” rights, will have real-time visibility of system status and operations. This includes ECC operators, as well as authorized personnel within Engineering, Operations and other departments.
- e. Initially, ECC operators will be responsible for operating the reclosers during system events. In the future, a comprehensive distribution management system may be considered to control the reclosers.

Transmission**IR-27** Section 6.1c – West Royalty Substation 13.8 kV Distribution Replacements

- a. Provide pre- and post-project layout and single line diagrams for all voltage levels at West Royalty substation.
- b. Describe how the project contributes to Maritime Electric meeting expected future load growth, both in Charlottetown and surrounding areas.

Response:

- a. Current and preliminary single line diagrams for the West Royalty substation are provided in Confidential Attachment 2 - Figure IR-27(i) and IR-27(ii), respectively.
- b. The West Royalty substation 13.8 kilovolt (“kV”) distribution replacements project supports expected future load growth by increasing the substation’s capacity, improving load transfer capability, and enhancing system flexibility in Charlottetown and surrounding areas. The project will replace two end-of-life 20 MVA, 69/13.8 kV transformers with two 30 MVA transformers to accommodate load growth. Improvements to the 13.8 kV switchgear and underground circuits will provide the ability to reconfigure distribution feeders, transfer load between substations during maintenance or unplanned outages, and allow the addition of future distribution circuits.

IR-28 Section 6.1d – Scotchfort Substation

- a. Provide existing and future central and eastern PEI transmission system single line diagrams, after the Scotchfort substation project is complete.
- b. Provide diagrams showing those sections of transmission that will be updated and/or rebuilt within the context of this Capital Budget.
- c. Provide Scotchfort layout and single line diagram for the completed project.
 - i. Describe what provisions have been included for future expansion of the Scotchfort substation.

Response:

- a. A current single line diagram of the PEI transmission system is provided in Confidential Attachment 2 - Figure IR-28(i). A draft single line diagram of the planned 2030 PEI transmission system, to be finalized in the 2025 Integrated System Plan,⁷ is provided in Confidential Attachment 2 - Figure IR-28(ii).
- b. Refer to the response to IR-42(a)(i), filed separately with the Commission on May 19, 2026.
- c. A preliminary single line diagram for the Scotchfort substation is provided in Confidential Attachment 2 - Figure IR-28(iii). Layout diagrams of the substation will not be available until after the engineering work is completed.
 - i. Provisions for future expansion of the Scotchfort substation as shown in Confidential Attachment 2 - Figure IR-28(iii).

The transmission section of the substation will initially be constructed as a five-element ring bus configuration. Provisions will be included to expand the configuration to breaker-and-a-half, which would accommodate up to two additional transmission elements, if required in the future.

The distribution section of the substation will initially be constructed with one power transformer and two distribution feeders. Provisions will be included to add a second power transformer and up to four additional distribution feeders if additional capacity or feeders are required in the future.

⁷ The 2025 Integrated System Plan is scheduled for release in the second half of 2026.

IR-30 Section 6.1f – Bedeque Substation

- a. Explain Maritime Electric's long-term plan to supply customer load in the area south of Summerside and Kensington.
 - i. How would future closure of the Borden Generating Station impact local area supply?
- b. What is the ultimate load-serving capability of the Bedeque distribution substation?
 - i. How many transformers and circuit breakers will the ultimate layout accommodate?
- c. How will customers supplied from the Bedeque substation be protected from significant switching voltages when Interconnection submarine cables and/or reactors are switched in and out?
- d. Page 139, Lines 7-8. "The area directly south of the City of Summerside that is supplied by the Albany substation is prone to outages due to the extended distance from the substation." How do SAIDI and SAIFI for the customers in this area compare to system average? To the worst-performing system feeders?
- e. Page 141, Lines 4-13. "Maritime Electric must prepare the substation to accommodate these installations ... to accommodate the integration and operation of the reactors within the existing system." Who is responsible for the costs associated with preparing the Bedeque substation to accommodate the new reactor installations?

Response:

- a. The area south of Summerside and Kensington is currently supplied from the Albany substation. The addition of a substation in Bedeque will offload the Albany substation and, where possible, a portion of the Kensington substation.
 - i. The long-term plan for the BGS and related 69 kV infrastructure, which supplies the Albany substation, has not yet been determined. When the combustion turbines at the BGS are retired, the related 69 kV infrastructure may also be decommissioned. However, before a decision is made, the Company must study the loads in the surrounding areas, including whether there are solutions for an alternative supply for the area served by the Albany substation.
- b. The Bedeque distribution substation in the Application is proposed to initially have one 10 MVA transformer; however, the substation will be configured to support two power transformers with a combined load-serving capability of up to 40 MVA. The Company will closely monitor load growth and will upgrade the 10 MVA transformer when required, subject to Commission approval. The substation will be equipped with adequate switching devices, including circuit breakers, to minimize impacts between the transmission system and the distribution system, and will be designed with four feeders initially with provisions for additional feeders in the future.
- c. Voltage variations resulting from interconnection subsea cable and reactor switching are estimated to be in the range of two to four per cent. The power transformer at the Bedeque distribution substation will be equipped with an on-load tap changer to regulate the voltage supplied to distribution customers. Appropriate control schemes will be implemented to mitigate the impact of voltage fluctuations and ensure compliance with applicable Canadian Standards Association standards.

- d. Customers located directly south of the City of Summerside that are currently fed from the Bedeque feeder (AB33127) experience approximately double the outage duration and outage frequency compared to the average Maritime Electric feeder. The SAIDI and SAIFI results for the Bedeque feeder are shown in Table 7 (Feeders with Highest Outage Hours from 2015 to 2024 Under All Operating Conditions) of the Application (page 24). The average yearly SAIDI and SAIFI contributions of the Bedeque feeder are 0.145 and 0.050, respectively. Comparatively, the system average feeder yearly SAIDI and SAIFI are 0.073 and 0.025, respectively.
- e. Refer to the response to IR-5 from Roger King.⁸

Detailed design for the replacement of the reactors has not yet been completed and the installation location of the new reactors within the site remains to be determined. If the existing foundations and supporting infrastructure can accommodate the new reactors, costs associated with integrating them will be covered by the Government of PEI through the Cable Contingency Fund. However, if the existing foundations and supporting infrastructure cannot accommodate the new reactors, it is possible that the reactors will be relocated and connected to the Maritime Electric-owned 138 kV bus, in which case costs associated with the supporting infrastructure will be Maritime Electric's responsibility.

⁸ Exhibit M-4, page 7.

IR-31 Section 6.1g - Mount Pleasant Substation

- a. Page 144, Lines 8-9. What power quality issues are being experienced that drive the need for this transformer and substation?
 - i. Will the Woodstock substation resolve the voltage issues currently being experienced by the Ellerslie and Lennox Island customers? Explain.
- b. How much of this project is dedicated for Maritime Electric's proposed solar facility, as filed under Docket UE20743?
 - i. If the proposed solar facility connects to this substation, what are the costs associated with making changes or taking outages at this substation to facilitate the connection?
- c. Provide the ultimate size and layout of the substation, both with and without the proposed solar facility.

Response:

- a. The Mount Pleasant substation is expected to significantly mitigate the voltage challenges currently experienced by customers in the Ellerslie and Lennox Island areas. By establishing a new substation closer to the load, the project will reduce feeder lengths, which will improve voltage regulation, reduce voltage drop during peak demand periods and improve overall power quality.
 - i. No. The Woodstock switching station, as constructed, does not include a distribution yard. Although the Woodstock switching station will improve voltage at the extremities of western PEI, the supply and feeders serving the Ellerslie and Lennox Island areas have not changed.
- b. No part of the proposed Mount Pleasant substation project is dedicated to Maritime Electric's proposed solar farm. Refer to the response to IR-12 from Roger King:⁹

Large-scale solar projects wishing to connect to Maritime Electric's system must be studied. As part of the studies, support challenges are identified and addressed as needed. Having a new substation in the Mount Pleasant area may help address support challenges. Any costs to address these challenges will be allocated to the solar project or Maritime Electric, depending on the specific nature of the challenge.

- i. The proposed solar facility is currently in queue to be studied as a generation interconnection request under the Company's Open Access Transmission Tariff ("OATT"). Part of the OATT process involves a facility study to determine system connection requirements and costs. The proposed solar project has not yet reached the facility study stage. As such, the requested information is not yet available.
- c. As both projects are still proposed, engineering to determine substation size and prepare layout drawings, with and without the solar facility, has not yet been initiated. However, based on a recently constructed distribution substation with a similar load profile of approximately 10 MVA, the footprint is expected to be approximately four acres, without the solar facility.

⁹ Exhibit M-4, page 15.

IR-33 Section 6.1i – Substation Oil Containment Program

- a. Appendix B, Section 6.1 contains a future expenditure on a “25kV Eastern Substation”.
 - i. Confirm this refers to separating the 25kV and 12.5kV at Victoria Cross substation.
 - ii. Will any rework be required on the oil containment system installed at Victoria Cross substation if Victoria Cross is rebuilt or reconfigured in the future?

Response:

- a.
 - i. Yes. The new 25 kV Eastern Substation refers to separating the 12.5 kV and 25 kV portions of the Victoria Cross substation.
 - ii. The oil containment would not require any rework to reconfigure the existing Victoria Cross substation to be all 12.5 kV and increase its capacity. If a rebuild of the substation is required as the station ages, then rework may be required. However, this substation is not currently planned for condition-based replacement.

IR-34 Section 6.1j-i – Backup Generator System

- a. How long are substation batteries designed to last during a power outage?
- b. Provide a list of substations that do not have backup generator capabilities.
 - i. Is it Maritime Electric's intention to have backup generation at each substation? If so, how long does Maritime Electric expect all these installations to take?
 - ii. Is a delay in adding this generation to substations a reliability risk? How does this risk compare to other reliability risks facing Maritime Electric?

Response:

- a. Substation batteries are designed to last eight hours.
 - b. There are 12 substations that currently do not have backup generators:
 - Airport
 - Albany
 - Bagnall Road
 - Dingwells Mills
 - Dover
 - Georgetown
 - Mount Albion
 - Rattenbury
 - Souris
 - Victoria Cross
 - Wellington
 - West St. Peters
 - i. Maritime Electric's intention is to have backup generation at each substation. Through the substation modernization program, generators will be installed at each remaining substation that is not already planned to be rebuilt in the five-year plan (substation rebuild project budgets already include the installation of a backup generator). Maritime Electric is currently prioritizing the installation of backup generators at substations with a high number of devices that benefit from ECC operator visibility, such as the following substations:
 - Airport
 - Bagnall Road
 - Mount Albion
 - Wellington
 - West St. Peters
- The program allows the installation of one backup generator per year.
- ii. A delay in adding backup generation is not a direct reliability risk to customers. Backup generation allows ECC operators to have visibility of substation equipment in the event of a station outage, or when the station service requires a prolonged maintenance outage. Visibility is necessary for operators to safely perform remote operation of substation devices and equipment.

IR-35 Section 6.1j-ii – Security Upgrades

- a. Provide a breakdown of estimated costs, including material, and internal and external labour costs.

Response:

- a. A description and an estimated cost breakdown for the security upgrades is provided in Confidential Appendix Q-16 of the Application.

Maritime Electric's standard substation security system as proposed for West St. Peters substation includes system servers, cameras, mounting equipment and miscellaneous installation materials. Miscellaneous installation materials includes poles, trenching, and conduits to be supplied and installed by a sitework contractor (i.e., the external labour component). A simplified security system, including one camera and one cellular gateway, will be used for small distribution substations. Four such simplified security systems are budgeted in 2026, for installation at substations in Victoria Cross, Dover, Georgetown and Rattenbury.

Internal labour associated with the security upgrades portion of the substation modernization program (i.e., mainly engineering and technical services) is estimated at \$6,000.

IR-36 Section 6.1j-iii – Equipment Upgrades

- a. What are the target substations for these reclosers?
- b. Quantify the impact of these reclosers on system SAIDI.
- c. How do the reclosers proposed in this section differ from those proposed in Section 5.7g?

Response:

- a. The target substations for the reclosers are: (1) St. Eleanors and Wellington, (2) Kensington and Albany and (3) West Royalty and Airport.
- b. Individually, the installation of a single recloser does not produce a fixed or standalone reduction in SAIDI that can be directly quantified in advance, as it depends on outage location, customer loading downstream of the device, and the nature of the fault. However, collectively, the deployment of reclosers under Section 6.1(j)(iii) supports incremental reductions in SAIDI by decreasing outage duration through faster fault isolation and restoration, particularly during sustained outage events.

By enabling automated or remotely controlled switching, these reclosers reduce the time required to sectionalize feeders, transfer load and restore service to affected customers. This reduces the number of customers interrupted and the duration of outages captured in SAIDI and SAIFI. The cumulative benefit of additional feeder automation is reflected over time through improved system restoration performance rather than as a discrete, one-time SAIDI or SAIFI improvement attributable to a specific installation.

- c. The reclosers proposed under both Section 6.1j-iii and Section 5.7g contribute to overall system resilience but serve separate purposes.

Reclosers included in Section 6.1j-iii are primarily associated with distribution automation and reliability improvement, enabling automated switching between adjacent feeders supplied from different substations. Their primary objectives are to improve outage response, reduce restoration times and enhance overall feeder flexibility under normal and contingency operating conditions.

The reclosers proposed under Section 5.7g are implemented specifically to support high-load operation and cold-load pickup mitigation. These reclosers are used to sectionalize long or heavily loaded feeders into smaller sections, allowing controlled and staged restoration during peak demand periods. This reduces demand surges following outages, helps prevent secondary interruptions caused by cold-load pickup, and supports voltage performance during restoration.

IR-37 Section 6.1j-iv – Substation Perimeter Hardening

- a. In how many substations does Maritime Electric intend to add these measures?
- b. Where else have these measures been deployed in the Maritimes area?

Response:

- a. Maritime Electric intends to implement substation perimeter hardening measures at all of its substations. Initially, the Company will prioritize substations that have been vandalized in recent years. This will allow the Company to target problematic areas and evaluate the effectiveness of the hardening, before installing at all substations.
- b. Maritime Electric is aware of similar measures implemented at an NB Power site, which has yielded successful results.

IR-38 Section 6.1k – Communication Fibre – Y-106 Scotchfort to Lorne Valley

- a. What vintage is the 7 GHz radio link?
 - i. What is the expected asset life of this radio system?
- b. Is there any immediate plan to connect distribution assets to this fibre?
- c. Is this fibre being connected to the new Y-106 poles?
 - i. If so, what make-ready conversions are required?

Response:

- a. The existing 7 GHz radio link between Lorne Valley and Summerville uses an Aviat Eclipse system, which is a well-established technology first introduced in the late 2000s.
 - i. The existing radio system is still supported by the vendor and continues to operate reliably. Maritime Electric is actively monitoring its remaining service life and working with the vendor to extend support where possible. It is critical to have a reliable and redundant communication path in place as Lorne Valley will be a key substation serving eastern PEI. Fibre-optic cable provides low latency, higher capacity, and long-term reliability, while the existing radio link can continue to serve as a diverse backup communication path.
- b. Yes. There is a high-load readiness recloser that is in an optimal position to be connected to Company-owned fibre-optic cable.
- c. Yes. The majority of the fibre-optic cable will be connected to the new Y-106 poles, except where it follows distribution to avoid the river crossing.
 - i. This will require minimal make-ready conversions.

IR-39 Section 6.1I – Fibre Modifications Due to Road Alterations

- a. Does the Government provide a customer contribution to cover these costs? Explain.

Response:

- a. No. The Government does not provide a contribution to cover these costs for the same reason provided in the response to IR-8.

IR-40 Section 6.2a – 69 kV and 138 kV Switch Program

- a. What is the long-term plan for the Borden substation?
 - i. Are these switches capable of being redeployed in other areas of the system in the event that the Borden substation is decommissioned?

Response:

- a. Refer to the response to IR-30(a)(i).
 - i. Yes. Substation and transmission switches are specified such that they are capable of being installed in multiple system locations.

IR-41 Section 6.2b – Transmission Line Refurbishment

- a. Lines 6-8, page 162. “The budget increase relative to the prior year is necessary to complete transmission line storm handling at strategic locations identified during inspection...”. Define ‘transmission line storm handling’.
- b. The 70 per cent step increase between 2025 and 2026 is expected to remain in place for the 2026-2030 period, per Appendix B, Section 6.2.
 - i. What incremental transmission line refurbishment activities are planned for the 2027-2030 period, as compared to the 2021-2025 period, that would support this 70 per cent step remaining in place?

Response:

- a. The lines 6 to 8 referenced contain a typo: “storm handling” was meant to be “storm hardening”.

The intent of “transmission line storm hardening” is to reduce the risk of transmission system damage or failure during severe weather. For example, preventing cascading failures of transmission structures can be accomplished by installing additional guys and anchors to existing lines, a practice known as “storm guying.” Traditionally, guys and anchors are installed to support offset loads or angled structures, which stabilize transmission and distribution structures; however, storm guying adds additional support to existing structures to significantly increase their resistance to dynamic loads from multiple directions and reduce the risk of cascading transmission structure failures.

Another method that can prevent cascading failures of transmission structures is to identify strategic locations on the transmission system to implement more robust line design standards. For example, the risk of cascading transmission structure failures can be reduced by adding double-dead-end structures, as opposed to tangent structures, at targeted locations. Double-dead-end structures include additional guying and anchoring, and are designed to remain standing when conductors in adjacent spans are down. This helps stabilize and anchor the transmission line in the event of a cascading scenario. Examples of locations that may be targeted to reduce the risk of cascading impacts include:

- Line sections located in heavily treed areas;
 - Line sections in areas that are commonly exposed to high wind; and
 - Line sections with a significant number of consecutive tangent or light-angle structures.
- b. The budget increase in 2026 is primarily associated with targeted replacements on Y-111, as described in the Application. The incremental increase in budget through to 2030 was carried forward in error. Subsequent budgets will be based on annual inspection results and will explain any material changes that may occur from year to year.

IR-43 Section 6.2d – Transmission Corridor Widening

- a. How much of the 2026 cost presented in Table 97 is attributable to line Y-115?
 - i. Does this represent Transmission Corridor Widening for the entire length of Y-115 between Woodstock and Sherbrooke? If not, what is the estimated cost to provide Transmission Corridor Widening on the entire length of line Y-115 between Woodstock and Sherbrooke?

Response:

- a. Approximately \$285,000 of the 2026 cost presented in Table 97 of the Application is attributable to Y-115.
 - i. No. The estimated cost to perform transmission corridor widening for the entire length of Y-115 from Woodstock to Sherbrooke is approximately \$1.5 million; however, the actual cost will depend on Maritime Electric's ability to acquire permissions from private landowners and the Government of PEI.

Corporate**IR-44** Section 7.1a – Corporate Services

- a. Page 171, lines 25-27 “As the projects under this budget category are unplanned and identified on an as required basis, cost projections at the item level cannot be determined in advance and, therefore, the proposed budget allocation is provisional.” Provide a list of significant projects known to be of high priority in 2026.

Response:

- a. Significant items that were identified so far in 2026 include:
- Replacement of deteriorated wooden transformer stands with steel structures, at district service centres;
 - Construction of a control panel workshop at the West Royalty Service Centre (“WRSC”) to build and test substation control building panels prior to site installation;
 - Replacement of a forklift at the WRSC that, based on recent service work, was determined to be not worth repairing;
 - Replacement of the 180 Kent Street office building automation system that controls heating, ventilation and air conditioning, which failed on several occasions in January and February 2026;
 - Repairing the Sherbrooke Service Centre’s front vestibule, which is detaching from the building due to freeze-thaw cycles; and
 - Installation of modular office systems to replace the remaining aged workstations at 180 Kent Street office building.

IR-45 Section 7.1b – Operations Training Centre

- a. Has this project been identified in any previous Maritime Electric reports or forecasts?
- b. Explain how it is more effective to provide training at this Training Centre than at an approved training centre at an offsite location from the perspective of:
 - i. Content, timeliness and effectiveness of training
 - ii. Overall cost, including forecast annual operational, capital and maintenance costs?

Response:

- a. No. Historically, Maritime Electric relied on a combination of on-the-job training, temporary internal training personnel, and external instructors to develop required competencies. In the past, this approach was common in the industry and appropriate, given the scale of Maritime Electric's training needs. However, best practices for powerline technician training are evolving as systems become more complex, new technologies are introduced, and more emphasis is placed on structured competency-based training. The operations training centre is intended to help develop more competent employees, strengthen safe work practices, and improve overall safety and operational performance.
- b. There are currently no approved local powerline training facilities. While external instructors from other provinces have been engaged in the past, they are not fully familiar with Maritime Electric's electrical system, work methods, standards, and operating practices. Every utility operates a unique system and requires customized training content that reflects its equipment, construction standards, safety rules, and approved procedures. A Maritime Electric-operated training centre enables the development and delivery of curriculum tailored specifically to Maritime Electric's needs. In addition, a dedicated facility allows training to be delivered on an ongoing basis throughout the year and scheduled at times that minimize impacts on daily work, outage response, and workforce availability.

The proposed training centre allows for the installation of power line structures and substation equipment that can be operated in both energized and de-energized states. This provides realistic, scenario-based training that closely simulates conditions employees will encounter in the field, while maintaining a controlled environment that reduces hazards to trainees. The ability to repeatedly practice tasks using permanent, utility-specific training assets improves skill development, reinforces safe work practices, and enhances knowledge retention.

The initial capital costs of the modular classroom and equipment required to establish the training centre are outlined in Table 100 of the Application (page 173).

As the modular classroom and equipment will be new, maintenance costs are expected to be minimal in upcoming years.

Future budget requests may be submitted for additional equipment as training requirements continue to evolve.

IR-46 Section 7.2a – Hardware Acquisitions

- a. How many substations does the \$340,000 target?

Response:

- a. The \$340,000 is the total consisting of \$235,000 for renewed access to security patch releases, firmware updates, and associated support across all substation sites, and \$105,000 for hardware upgrades at six sites: Crossroads (radio site), Church Road, Murray Corner, St Eleanors, Dover, and Hunter River.

IR-47 Section 7.2b – Purchased Software and Upgrades

- a. Is the PSSE Load Flow subscription an annual fee?

Response:

- a. Yes. The PSSE Load Flow subscription fee is an annual renewal.

Maritime Electric is currently evaluating an alternative software solution that has a lower annual subscription fee and may meet the Company's needs. If this evaluation determines the alternative software solution does meet the Company's needs, then the alternative solution will be purchased and implemented.

IR-48 Section 7.2c – Cybersecurity Enhancements

- a. Provide an expanded breakdown of Confidential Appendix Q-17, Section 7.2c, Table 4. Delineate how much of each line item is attributed to IT, and how much is attributed to OT.
- b. Explain how the invoice included as Confidential Appendix Q-17, page 87 fits into this project.

Response:

- a. An expanded Table 4 from Confidential Appendix Q-17 - Section 7.2(c), that shows an approximate allocation of costs attributed to information technology ("IT") and operational technology ("OT"), is provided in Confidential Attachment 2 - Table IR-48.
- b. The quotation included in Confidential Appendix Q-17 is from Stratejm, which is a reseller of Nazomi software (refer to Confidential Appendix Q-17 Table IR-48). This software is used for substation asset management and monitoring and is expected to be implemented at ten substations in 2026.

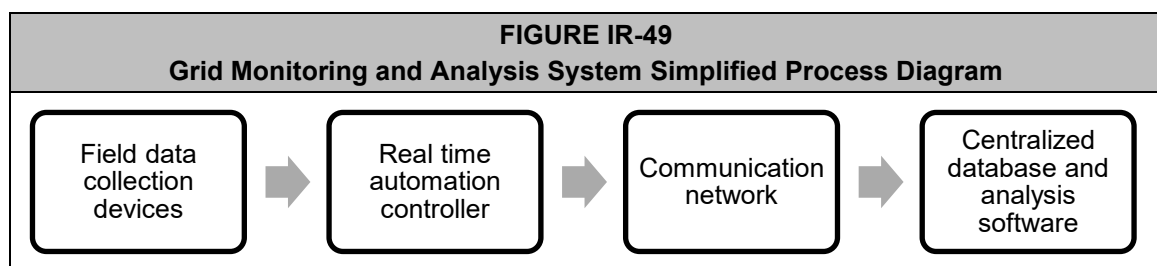
IR-49 Section 7.2e – Grid Monitoring and Analysis System

- a. Page 185, Lines 15-17. The information will “... provide operators and engineers with sub-second electrical system data, automated detection of electrical system events, and advanced analytics.”
 - i. How will this information be used to enhance system operations?
- b. Page 185, Lines 23-24. “It will then be expanded into other areas of the province using existing communication networks.”
 - i. Does Maritime Electric foresee this monitoring and analysis equipment installed system-wide? If so, provide an estimated timeline and level of effort to complete.
- c. Is the data measured and transmitted by existing equipment, or does this require new equipment to be strategically located in the field? A simplified process diagram would be beneficial.
- d. If field hardware and communications are required, what does the ultimate system envisioned look like?
- e. Does this target utility-scale renewable resources? If so, why is this a utility cost and not paid for by the renewable energy proponent(s) as a necessary grid tool for connection?

Response:

- a. The information gathered from the grid monitoring and analysis system (the “System”) will enhance system operations by enabling ECC operators and engineering staff to detect instability issues within the power system early, and potentially before they cause outages.
- b. The System will be strategically deployed at substations across the Island where required, rather than at all substations. For example, data collection and analysis may be required at other locations where power is delivered into the grid, including at conventional and renewable generation interconnections and at Borden and Bedeque substations, near the interconnection subsea cables. Identification of future locations will depend on the information gathered through this initial System deployment.
- c. The final topology of the System will be determined during the engineering phase of the project. It is expected that existing current and potential transformers will be used with a new real-time automation controller.

A simplified process diagram is shown in Figure IR-49.



- d. To add monitoring locations in the future, field hardware (i.e., field data collection devices and/or real time automation controllers) will be required. It is expected that the System will leverage existing communication networks. The centralized database and analysis software that will be included in the initial System will also serve as the connection point for all future location-specific field hardware.
- e. While the System will be used to collect information on utility-scale renewable resources, it is difficult to directly assign the system need and cost to an individual producer or producers; rather, the System is required to monitor the entire electrical grid.

Other

IR-50 Appendix B

- a. Section 5.5 – Line Rebuilds
 - i. Do the line rebuilds forecast over the 2027-2030 period meet Maritime Electric's annual target of replacement of end-of-life facilities?
- b. Section 10.0 – Contributions in Aid of Construction
 - i. Provide a high-level estimate of contributions, by document section.

Response:

- a. As indicated in the response to IR-12(b), Maritime Electric does not have a targeted quantity for the replacement of end-of-life distribution lines. Targeted line replacements are based on age, condition, criticality within the system and other component-specific considerations.
- b. The Contributions in Aid of Construction ("CIAC") budget breakdown, shown in Table 1, is based on the four-year historical average (2022 to 2025 actual CIAC) for the following project categories:
 - i. Replacements due to Storms, Collisions, Fire and Road Alterations;
 - ii. Distribution Transformers,
 - iii. Services & Street Lighting;
 - iv. Line Extensions; and
 - v. Line Rebuilds.

For 2026 there are additional budgeted Contributions associated with the Rural Broadband Make-Ready and Charlottetown Grid Modernization projects.

TABLE 1 2026 CIAC Budget		
Capital Budget Section	CIAC (A)	CIAC (C = B X A)
5.1 Replacements Due to Storms, Collisions, Fire and Road Alterations	1%	\$ 18,460
5.2 Distribution Transformers	2%	36,920
5.3 Services and Street Lighting	63%	1,162,980
5.4 Line Extensions	14%	258,440
5.5 Line Rebuilds	20%	369,200
Subtotal (B)	100%	\$ 1,846,000
Other Budgeted 2026 CIAC:		
5.5(a)(iv) Rural Broadband Make-Ready Projects		1,800,000
5.7(f) Charlottetown Grid Modernization Project – NRCan Funding		900,000
TOTAL		\$ 4,546,000

IR-52 Appendix K

- a. Page 11 – “The aspects of these upgrades that provide benefit to Maritime Electric customers only are not factored into the required joint-use conversion contributions.”
 - i. What are the “aspects of these upgrades” that would provide benefit to Maritime Electric customers only?
 - ii. If these upgrades are driven by a third-party request, why is the third party not responsible for all costs associated with its project?

Response:

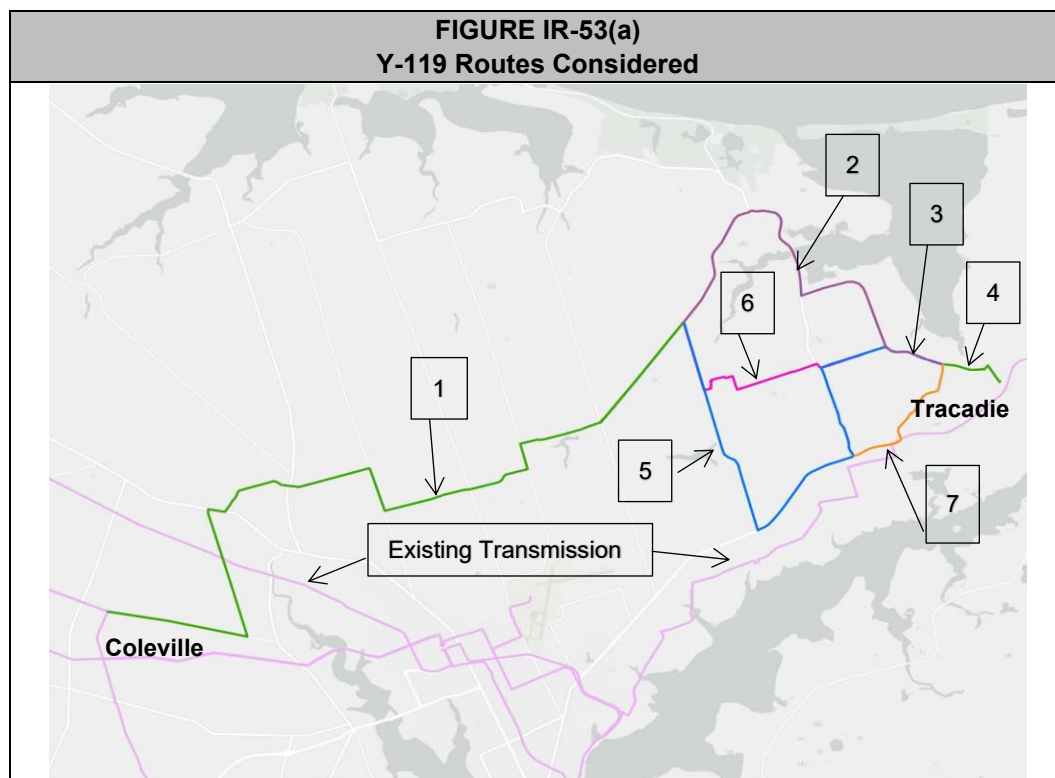
- a.
 - i. Aspects of joint-use upgrades that provide benefit to Maritime Electric customers only, include transferring and replacing assets such as conductors, insulators, crossarms, transformers, streetlights, control devices, customer service drops, connecting hardware, and related installation labour.
 - ii. When a third party makes a request for a Maritime Electric-owned electrical line to be converted to joint-use, that party is responsible for 100 per cent of the joint use conversion costs (i.e., costs for pole addition, replacement, guying and anchoring, and any related system upgrades required to accommodate the equipment that the third party is proposed to attach). However, the third party is not responsible for costs associated with moving or replacing electrical plant-specific components and equipment that provide benefit to Maritime Electric customers only. Similarly, Maritime Electric is not responsible for costs associated with moving or replacing third party components and equipment, such as communication attachments, when it initiates a change to a joint-use line.

IR-53 Appendix N

- a. Page 8, Figure 2. Figure 2 indicates a Y-119 line extension length of 54 kilometres.
- Explain why such an indirect route was chosen to connect Y-119 to Scotchfort substation.
 - Provide an economic case for locating the entire length roadside, compared to a shorter length with offroad locations, taking into account asset lifecycle costs.
 - What are the relative reliability impacts when comparing:
 - Increased length of line due to roadside construction, and
 - Decreased length of line due to off-road construction.

Response:

- a. i. Figure IR-53(a) shows the various route segments that were considered for Y-119. Route segments were assessed based on public road rights-of-way, guying and anchoring requirements, location of existing transmission and distribution lines, consideration for future transmission and distribution lines, and the targeted area for the new Scotchfort substation. Route segments 1 and 4 show the beginning and end of the overall route, where there were limited alternatives. The full route included in the 2025 and 2026 Capital Budget Applications, comprised of segments 1,2,3 and 4. This was the preferred route at the time the Applications were submitted. Subsequently, through additional route analysis, environmental review, and landowner discussions since project approval in February 2026, the full route comprised of segments 1, 5, 3 and 4 (in sequence) was selected as the preferred route.



Route segment 2 was eliminated from consideration due to environmental concerns and a significant amount of existing distribution infrastructure and road crossings. Route segment 6 was eliminated from consideration due to the inability to negotiate land acquisition or easements for a section of the offroad corridor. It also would have required a more complex environmental impact assessment with the risk of not being approved due to the requirement to remove significant vegetation through a wetland, and a river crossing through complex terrain. Route segment 7 was not preferred due to the complexities involved with existing distribution lines, telecommunication lines and overlap with Y-104 along St. Peter's Road.

- ii. The potential for offroad transmission to minimize the overall line length was considered. However, limited availability of public land meant that offroad transmission corridors would have to be secured almost entirely through private landowner agreements. Such agreements often come with conditions that can affect constructability and access, both which can increase capital and operating costs. Also, Maritime Electric does not consider offroad transmission to be a lower cost alternative for the following reasons:
- Offroad transmission lines require land acquisition or easement negotiations with private landowners, which increases routing risk and construction schedule uncertainty. Landowner compensation and legal costs can also be significant;
 - Offroad transmission lines require more complex environmental impact assessments and permissions, which present a higher risk of not being able to secure all required Government approvals;
 - New offroad transmission corridors typically require clearing of forested land or disruption of agricultural land, which raise stakeholder and community concerns;
 - Construction of offroad transmission lines is higher cost due to the requirements for specialized equipment, more complex logistics, and land remediation;
 - Access to offroad corridors is often restricted by seasonal conditions and requires all-terrain vehicles;
 - Inspections and planned maintenance are complicated by access and seasonal restrictions; and
 - Offroad line outage response takes longer than for roadside lines due to specialty equipment requirements and increased time required to patrol, access and restore power when an outage occurs. All these issues are magnified in the winter when accessibility is reduced due to ground conditions.
- iii. As offroad construction can reduce the length of a transmission line relative to roadside construction, the primary reliability tradeoffs that need to be considered are that while roadside lines are exposed to more outages due to vehicle accidents and vegetation contact (where adjacent landowner permissions for vegetation management cannot be secured), they are more accessible and restoration timelines are relatively short. Conversely, offroad lines are less exposed to outages due to vehicles and vegetation, but because they are more difficult to access, especially in winter, restoration timelines tend to be longer and can be extensive when an outage does occur (for reasons included in the response to IR-53(a)[iii]).



IR-8 – ATTACHMENT 1

R o a d A c t



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ROADS ACT

PLEASE NOTE

This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this Act, current to November 29, 2023. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

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ROADS ACT

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ROADS ACT

CHAPTER R-15

1. Definitions

(1) In this Act

- (a) “**axle**” means an assembly of two or more wheels whose centers are in one transverse vertical plane and which transmits weight to the road and includes a liftable axle and a self-steering axle;
- (b) repealed by 1991,c.36,s.1;
- (c) “**commercial motor vehicle**” means a vehicle designed or adapted for the carrying of freight, goods, wares, or merchandise and having attached thereto a truck or delivery body, and any other vehicle used for the transportation of goods, but does not include a private passenger car, other than a private passenger car for the use of which compensation is received;
- (d) repealed by 2016,c.44,s.282(2)(a);
- (e) “**controlled access highway**” means a highway or part thereof where access to the right of way thereto from adjacent properties may be prohibited, or permitted only at fixed locations;
- (f) “**floating**” or “**pony**” axle is one which is designed to carry load only under certain conditions;
- (g) “**highway**” means all the area within the boundary lines of every road or street or right-of-way
 - (i) outside the limits of any city or town, or
 - (ii) within the limits of a city or town if designated under section 27 or 29, which is designed or intended for or used by the general public for the passage of vehicles, and includes any bridge over which any such road, or street or right-of-way is laid;
- (g.1) “**line**” includes, in respect of a public utility,
 - (i) any wire, cable or conduit for wire or cable, and
 - (ii) any pipe or channel for conveying water or sewerage,that is owned, operated, maintained or used by the public utility to provide service;
- (h) “**Minister**” means the Minister of Transportation and Infrastructure;
- (i) “**motor vehicle**” means a vehicle which is self-propelled but does not include a motor vehicle running only upon rails;
- (j) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (k) “**peace officer**” means a police officer and any inspector appointed for enforcing or carrying out the provisions of this Act, or the regulations made hereunder;

- (l) “**permit**” means a document issued by the Minister under the provisions of this Act or the regulations made hereunder;
- (m) “**pneumatic tire**” means every tire which is designed to support the load by compressed air;
- (m.1) “**public utility**” means any person, and the lessees, trustees, liquidators or receivers of any person, that owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing, using any pole, line, plant or equipment,
 - (i) for the conveyance or transmission of any form of telecommunication, including, computer, radio, telegraph, telephone and television,
 - (ii) for the production, transmission, distribution or furnishing of electrical energy, or
 - (iii) for the provision of water or sewerage or water and sewerage service, either directly or indirectly, to or for the public;
- (n) “**public vehicle**” means a motor vehicle operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation therein of passengers and express freight which might be carried on a passenger vehicle;
- (o) “**semi-trailer**” means a vehicle that is designed to be towed by another vehicle and is so designed and used that a substantial part of its weight and load rests on or is carried by the other vehicle or a trailer converter dolly through a fifth wheel and kingpin combination;
- (p) “**tandem axle**” means two axles, not more than seventy-two inches apart when measured at right angles from axle to axle, so arranged that the load carried by each is approximately equal;
- (q) “**tandem axle weight**” means the combined weight which all the wheels on any tandem axle impose on the road when weighed in the manner prescribed;
- (r) “**tire**” means that part of a wheel, roller or other contrivance for the moving of any object upon a highway, which comes into direct contact with the surface of the highway;
- (s) “**trailer**” means a vehicle without power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle;
- (t) “**truck**” means every motor vehicle, other than a bus, that is either permanently fitted with a special purpose device, or is designed and normally used to carry a load, that may operate as a single unit or may pull a trailer other than a semi-trailer;
- (u) “**truck-tractor**” means a motor vehicle designed and normally used to pull a semi-trailer or a semi-trailer and a full trailer or semi-trailer and a semi-trailer.

Alteration and closure of public road

- (2) For the purposes of this Act, in relation to a public road
 - (a) “**alteration**” means any action whereby the location of the road is altered that requires
 - (i) the acquisition of land, for the new location,
 - (ii) the disposal of land no longer required, or
 - (iii) both (i) and (ii);
 - (b) “**closed**” means closed in accordance with section 32. *R.S.P.E.I. 1974, Cap. R-15, s.1; 1976, c.29, s.1; 1980, c.2, s.3; 1983, c.1, s.6; 1983, c.33, s.66; 1985, c.38, s.1; 1991, c.36, s.1; 1996, c.39, s.1 {eff.} June 13/96; 2001, c.16, s.1; 2004, c.17, s.1; 2006, c.16, s.63(10); 2010, c.43, s.1; 2010, c.31, s.3; 2015, c.28, s.3; 2015, c.36, s.46(2); 2016, c.44, s.282; 2021, c.8, s.3.*

2. Common and public highways defined

All parts of the townships of the province reserved in the grants or patents thereof for public roads, all roads laid out by virtue of any statute and all roads whereon public money has been expended for opening them or for keeping them in repair shall be deemed to be common and public highways unless where the roads have been altered or closed or shall be altered or closed according to law; but farm lanes shall in no circumstances be deemed to be common and public highways. *R.S.P.E.I. 1974, Cap. R-15, s.2.*

3. Highway vested in the Minister

Unless otherwise provided the soil and freehold of any public road or common and public highway are vested in the “Government of Prince Edward Island as represented by the Minister of Transportation and Infrastructure” and shall remain so vested notwithstanding the alteration or closure of the road or highway pursuant to this Act. *1996,c.39,s.21 {eff.} June 13/96; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

4. Width of highways

- (1) Except where the Minister otherwise directs, all highways shall be laid out at a minimum width of sixty-six feet.

Existing highways

- (2) All highways laid out or constructed prior to August 10, 1985, shall be a minimum width of sixty-six feet unless determined otherwise by the chief surveyor for the province. *1985,c.38,s.2; 2010,c.43s.2.*

4.1 Public utility easements

- (1) The Minister may grant to a public utility an easement that authorizes the public utility to have access to any highway or portion of the highway for the purpose of placing, laying or maintaining the poles, lines, plant or equipment of the public utility above, across, in, on or under the highway or the portion of the highway.

Fee

- (2) The Minister may charge a fee in such amount as may be prescribed or negotiated with the public utility, for the grant of an easement under subsection (1).

Liability of utility

- (3) Where a public utility conducts any operations in the exercise of its rights under an easement, the utility is
- (a) responsible for the cost of those operations, including all costs necessary to restore the highway to its condition prior to the commencement of the operations;
 - (b) liable for any damage suffered by a third party as a result of the operations.

Relocation of easement - temporary

- (4) Where the Minister grants an easement to a public utility pursuant to subsection (1), and the easement interferes with highway construction or highway maintenance, and the temporary relocation of the easement or a portion of it is required, the public utility shall
- (a) relocate the easement or a portion of the easement, as the case may be, to the satisfaction of the Minister until the highway construction or highway maintenance is completed;

- (b) restore the easement or the portion of the easement, as the case may be, to its condition prior to the commencement of the highway construction or highway maintenance when the construction or maintenance is completed; and
- (c) pay the costs and expenses incurred by the public utility in the relocation and restoration of the easement or the portion of the easement, as the case may be.

Relocation of easement - permanent

- (5) Notwithstanding subsection (4), where the Minister grants an easement to a public utility pursuant to subsection (1), and the easement interferes with highway construction or highway maintenance, and the permanent relocation of the easement or a portion of it is required, the public utility shall
 - (a) relocate the easement or a portion of the easement, as the case may be, to the satisfaction of the Minister; and
 - (b) pay the costs and expenses incurred by the public utility in the relocation of the easement or the portion of the easement, as the case may be.

Exception - municipality

- (6) Notwithstanding subsections (4) and (5), where the public utility provides water or sewerage services or water and sewerage services for the public in a municipality and the easement granted to the public utility is required to be relocated either temporarily or permanently due to the easement's interference with highway construction or highway maintenance, the Minister shall pay the costs and expenses that, in the opinion of the Minister, have been reasonably incurred by the public utility in the temporary relocation and restoration of the easement or permanent relocation of the easement, as the case may be. *1997,c.45,s.1; 2004,c.17,s.2; 2023,c.37,s.1.*

5. Approval of opening to highway

- (1) No person shall
 - (a) open or authorize the opening of any highway; or
 - (b) permit the interconnection of a highway or proposed highway with another highway, without the approval of the Minister.

Prohibition

- (1.1) No municipality shall permit the interconnection of a street or proposed street under its jurisdiction with a highway or proposed highway without the approval of the Minister.

Costs to be paid by beneficiary

- (2) Before giving his approval the Minister shall ensure that all costs associated with such opening or interconnection are or will be paid for by the persons or municipality benefiting therefrom or authorizing the opening or interconnection.

Powers of Minister

- (3) For the purposes of this section the Minister may
 - (a) develop and implement policies upon which to base his decision;
 - (b) enter into agreements with a person or municipality respecting construction and the payment of costs;
 - (c) make his approval subject to such conditions as he sees fit including a condition requiring the conveyance of the road to the Crown. *1985,c.38,s.2; 2013,c.22,s.1.*

6. Minister to control highway

The Minister shall have the supervision and general control over the laying out, opening, altering, building, improving, maintenance, and repair of all bridges and other works pertaining to roads, highways and bridges in the province. *R.S.P.E.I. 1974, Cap. R-15, s.4.*

7. Expenditures under direction of Minister

All money granted by the Legislature for laying out, opening, altering, building, improving, maintenance, repair, and construction of roads, bridges and other works pertaining to roads, highways and bridges shall be expended, subject to any resolution of the Legislative Assembly for the apportionment of the same, under the direction of the Minister. *R.S.P.E.I. 1974, Cap. R-15, s.5.*

8. Report by Minister

The Minister shall annually make a report to the Lieutenant Governor in Council of all the roads, bridges and other works pertaining to roads and bridges upon which any provincial money has been expended; the report shall be laid before the Legislative Assembly with a detailed account of the expenditure for the preceding year, specifying the objects thereof. *R.S.P.E.I. 1974, Cap. R-15, s.6.*

9. Appointment of drivers and machine operators

- (1) The Minister may appoint drivers and operators for the operation and maintenance of motor trucks, tractors, power machines and other equipment owned or operated by the Department of Transportation and Infrastructure, and such drivers and operators, before appointment, are required to pass an examination as to their qualifications.

Assignment of operators

- (2) The Minister may assign to the respective county engineers such drivers and operators or such equipment as he shall consider advisable. *R.S.P.E.I. 1974, Cap. R-15, s.12; 1976,c.29,s.2; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

10. County engineers to direct work of operators

- (1) The county engineer shall direct the employment as to time, place, and road section of all drivers and operators and equipment assigned to him, and may employ additional assistance in men or equipment.

Approval of work

- (2) The county engineer shall pass upon and approve the work of all drivers and operators as a condition precedent to payment therefor. *R.S.P.E.I. 1974, Cap. R-15, s.13.*

11. Daily record of work to be kept by operators

Every driver and operator shall keep a daily record of all work done by him, on forms furnished for the purpose by the Minister, and shall specify therein on what road section and at what time the work has been done, and the amount of work done, and on what road, and the number of days in each section; these daily records shall be delivered to the district highway supervisor or to the county engineer each week. *R.S.P.E.I. 1974, Cap. R-15, s.14.*

12. Minister may call and examine witnesses

- (1) The Minister may require the attendance of any person as a witness and examine him on oath, which oath the Minister is authorized to administer, touching any matter over which he has control or relating to expenditures of any public money expended upon any road, bridge, or any other public work, and require the production of any books, papers, or things relating thereto.

Refusal to comply, offence

- (2) If any person, on being tendered his reasonable expenses, neglects or refuses to attend upon the summons of the Minister, or attending neglects or refuses to produce such books, papers or things, or to answer any questions that may be put to him by the Minister touching any such matter, he is guilty of an offence. *R.S.P.E.I. 1974, Cap. R-15, s.15.*

13. Inspectors, appointment and powers

The Minister may appoint such and so many persons employed in the Department of Transportation and Infrastructure as he may consider advisable as inspectors under this Act; inspectors have all such powers, duties and responsibilities in relation to the enforcement of this Act as are vested in a peace officer under this Act. *1976,c.29,s.3; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

14. Officials not personally liable

Neither the Minister nor any official or employee of the Department of Transportation and Infrastructure is personally liable for any damages occasioned by the performance in good faith of his duty or by his carrying out of orders or instructions received by him from a superior. *R.S.P.E.I. 1974, Cap. R-15, s.16; 1976,c.29,s.4; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

15. Conflict of interest, what constitutes

No provincial civil servant or any employee of the Department of Transportation and Infrastructure shall, directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, have any share or interest whatsoever in any contract let under this Act. *R.S.P.E.I. 1974, Cap. R-15, s.17; 1976,c.29,s.4; 1980,c.2,s.3; 1983,c.1,s.6; 2010,c.31,s.3; 2015,c.28,s.3; 2021,c.8,s.3.*

16. Winter roads, opening of

- (1) Where in the opinion of the county engineer it is considered necessary that winter roads be temporarily opened through fields, they may be opened by him, without becoming liable to any action for so doing, provided that no unnecessary damage is done thereby.

Duration of winter roads

- (2) No winter road shall be opened prior to November 15 in any year or continued to be left open beyond April 15 in the following year. *R.S.P.E.I. 1974, Cap. R-15, s.18.*

17. Removing poles etc., an offence

Any person who wilfully cuts down or removes any poles or other visible marks placed at a gateway or opening in fences or entrances to fields to indicate the course of winter roads is guilty of an offence. *R.S.P.E.I. 1974, Cap. R-15, s.19.*

17.1 Highway development areas

Where the Minister proposes

- (a) to expend public money on the acquisition and development of any area of land for highway purposes; and
- (b) to acquire all or a portion of the lands in that area over a period of time as they become available or are needed for highway purposes,

the Lieutenant Governor in Council may by order declare that area of land to be a highway development area. *1994,c.55,s.1.*

17.2 Acquisition of land

- (1) The Minister may acquire land within a highway development area by purchase or expropriation, when the land is acquired for and in connection with a highway.

Lease back to owner

- (2) Where the Minister is negotiating the purchase of land in a highway development area and the owner indicates that in the event of a sale he wishes to retain possession or the right to possession of the land for any period of time or until it is required for or in connection with a highway, the Minister shall negotiate with that owner in good faith and shall lease that land to that owner until it is required for or in connection with a highway.

Lease of expropriated land

- (3) Where land lying within a highway development area is expropriated, the Minister may lease that land until it is required for or in connection with a highway.

Termination of lease

- (4) The Minister may terminate any lease granted under subsection (2) or (3), notwithstanding the term of the lease, by giving the lessee ninety days notice to vacate in writing and by sending that notice by registered mail to the lessee. *1994,c.55,s.1.*

17.3 Request to purchase

- (1) Where land is made subject to a declaration under section 17.1, the owner of the land may, at any time after the declaration is made, request the Minister to purchase that land.

Declaration expires if land not purchased within 2 years

- (2) If the Minister, within two years of the receipt by the Minister of a request to purchase land given under subsection (1), does not purchase the land made subject to that request to purchase, that land ceases to be subject to the declaration made under section 17.1. *1994,c.55,s.1.*

17.4 Development

- (1) No person shall
 - (a) subdivide land;
 - (b) construct an improvement on land;
 - (c) reconstruct or add to an improvement on land; or
 - (d) change the use of any land,

within a highway development area except with the approval in writing of the Minister.

Approval required

- (2) No municipality or department of the Government shall issue any permit or give any other form of authorization or approval to any person for any work or undertaking including the subdivision of land within a highway development area, except with the approval in writing of the Minister.

Valuation

- (3) Where approval in writing has been given by the Minister under subsection (1) or (2), the value of the land shall be determined as of the date of the declaration under section 17.1 and not thereafter. *1994,c.55,s.1.*

17.5 Registration

Where a highway development area is created under section 17.1, the Minister shall

- (a) file a copy of the order and a plan of the highway development area in the registry office of the county in which the land lies and shall cause notice of the filing of the order and plan to be published in the Gazette within thirty days of their being filed in the registry office;
 - (b) cause to be registered, in the registry office of the county in which the land lies, a notice to the persons who appear from the records of that registry office to be owners of the land in the highway development area, that the land is so affected; and
 - (c) cause a notice to be sent, by registered mail to the persons who appear from the records of the registry office in the county in which the affected land lies to be the owners of the land in the highway development area, that the land is so affected.
- 1994,c.55,s.1.*

17.6 Subdivision

Neither the registration of a notice and plan pursuant to section 17.5 nor the subsequent acquisition of land pursuant to section 17.2 constitutes a subdivision requiring municipal or other governmental approval. *1994,c.55,s.1.*

17.7 Compensation

Where land within a highway development area is expropriated under section 17.2, the owner shall be compensated for that land as though the land were not in a highway development area. *1994,c.55,s.1.*

17.8 Increase in value

Where an owner of land within a highway development area contravenes section 17.4, no compensation shall be paid to the owner for any increase in value resulting therefrom. *1994,c.55,s.1.*

17.9 Act prevails if lands for road purposes

Any person who holds or acquires an interest in land within a highway development area holds or acquires that interest subject to the provisions of this Act. *1994,c.55,s.1.*

18. Expropriation

Where any lands are required for the purpose of opening any new road or for the purpose of altering, widening, raising or diverting any existing public road or for the construction of any road so opened, altered, widened, raised, or diverted or for the purpose of draining any new or existing roads, the Minister or any other person by his order or under his direction, may enter upon the lands and make a survey of the same, and a plan and description of the land shall be filed and registered in the Registry of Deeds for the county in which the lands lie. *R.S.P.E.I. 1974, Cap. R-15, s.20.*

19. Vesting of land in Crown

The filing and registration referred to in section 18 shall vest in the Government the lands so required and taken over for a public road or for drainage thereof. *R.S.P.E.I. 1974, Cap. R-15, s.21; 2022,c.62,s.64.*

20. Copy of plan to owners

A copy of the plan and description shall be delivered to the owner or lessee of the lands if known, or if not known shall be posted on the lands. *R.S.P.E.I. 1974, Cap. R-15, s.22.*

21. Agreement on compensation

The Minister may make an agreement in writing with the owner or owners of any lands so expropriated, fixing the compensation to be paid therefor, which agreement shall contain a description of the lands expropriated, a reference to the plan and the amount agreed upon for compensation. *R.S.P.E.I. 1974, Cap. R-15, s.23.*

22. Agreement for removal of materials for construction

The Minister may make an agreement in writing with the owner or owners of any land from which it may be necessary or expedient to procure materials for the construction, repair or maintenance of any roads or bridges, and may, whether with or without agreement, by his servants or agents enter the land with such equipment as may be necessary, and dig up and carry away stone, clay and gravel, or cut and carry away trees, bushes, logs, poles and brush, in a manner least prejudicial to the owner. *R.S.P.E.I. 1974, Cap. R-15, s.24.*

23. Expropriation

Where for any reason, the Minister and the owner of any lands are unable to enter into any agreement as provided for in sections 21 and 22, the Minister has and possesses all rights vested in him under the *Expropriation Act* R.S.P.E.I. 1988, Cap. E-13, and all of the provisions thereof as to valuation and appeal apply, with the necessary changes. *R.S.P.E.I. 1974, Cap. R-15, s.25.*

24. Factors in fixing compensation

The compensation to which an owner is entitled for lands taken for public roads under this Act, shall comprise the value of the land taken, and damages to the land of the owner directly caused by the roads or alterations, after deducting any benefit accruing to the land of the owner by reason of the construction of the new road or alteration. *R.S.P.E.I. 1974, Cap. R-15, s.26.*

25. Apportionment of old roads

In case of an alteration, the Minister may apportion the old road or parts thereof to the owners of the land through which the alteration passes, and put a value thereon as compensation in whole or in part for the land taken for the alteration and it shall be mentioned in the offer in writing made by the Minister, and in case of appeal in the certificate of the judge of the Supreme Court. *R.S.P.E.I. 1974, Cap. R-15, s.27.*

26. Apportionment

- (1) No apportionment pursuant to section 25 shall be made to the owner unless the old road passes through or adjoins his lands.

Saving for right of way and public utility easements

- (2) When an apportionment has been made, the land apportioned becomes the property in fee simple of the owner to whom it is apportioned subject to
- (a) the continuation of the public right of way thereon until the road is closed;
 - (b) any public utility easement for the purpose of maintaining any line, plant or system of public utilities located or partially located above, under or on such apportioned lands existing at the time of apportionment. *1996, c.39, s.1 {eff.} June 13/96.*

27. Controlled access highway

- (1) The Lieutenant Governor in Council may designate any highway or part thereof as a controlled access highway.

Publication where controlled access highway designated

- (2) A copy of the minute of the Lieutenant Governor in Council designating a highway or part thereof as a controlled access highway shall be published in not less than two consecutive issues of the Gazette, and shall be filed with the Registrar of Deeds for the registration district in which the highway or part thereof is situated, and notice thereof shall be posted by registered letter to the adjacent landowner or landowners concerned and displayed in a conspicuous place on the lands affected. *R.S.P.E.I. 1974, Cap. R-15, s.29.*

28. Restriction where controlled access highway

Where a highway or portion thereof has been designated as a controlled access highway, no person shall

- (a) construct, use, or allow the use of, any private road, entrance-way or gate which or part of which is connected with or opens upon the controlled access highway; or
- (b) sell, or offer, or expose for sale, any vegetables, fruit, meat, fish, or other food or produce, or any goods, wares, merchandise or services, upon or within one hundred and fifty feet of the limit of the controlled access highway. *R.S.P.E.I. 1974, Cap. R-15, s.30; 1985, c.38, s.4.*

29. Designations

- (1) The Lieutenant Governor in Council may, by notice published in the Gazette, designate and classify any highway or part thereof, not being a controlled access highway, as
- (a) arterial;
 - (b) collector;
 - (c) local;

- (d) seasonal;
- (e) non-essential; or
- (f) scenic heritage,

and may make regulations respecting the construction or use of any private road, entrance-way or gate opening onto the class of highways so designated.

Contravention of regulations

- (2) Notwithstanding any other Act, no person and no municipality shall construct, use or approve the construction or use of any access contrary to the regulations made under this section.

Seasonal highway

- (3) A highway or part thereof designated as seasonal or as scenic heritage shall be deemed to be closed, without further notice, between the dates of October 31 to December 31 of any year and January 1 to May 1 of the next succeeding year and no action shall be brought against the Crown for damages sustained by any person using a seasonal road or a scenic heritage road between those dates.

Non-essential highway, maintenance

- (4) The Minister is not responsible for the maintenance of a non-essential road and no action shall be brought against the Crown for damages sustained by any person using a non-essential road.

Application of ss.(4)

- (5) Subsection (4) applies notwithstanding that the Minister undertakes some maintenance or improvement of the road. *1985,c.38,s.5; 2005,c.52,s.1.*

29.1 Exemption from municipal bylaw

The Lieutenant Governor in Council may by notice published in the Gazette, exempt any highway or portion thereof from the application of any municipal bylaw and any exemption may be made retroactive to a date before the date of the notice. *1994,c.55,s.2.*

30. Costs

- (1) Notwithstanding the absence of any designation or regulation under section 29, where an access has been requested by a person and the costs thereof have been determined and made known to that person before the work is undertaken, the Minister may impose, charge and collect the costs associated with the construction, improvement or intensification of the use of any access to the person benefiting therefrom.

Closure

- (2) Where the costs imposed or charged under this section remain unpaid for a period of thirty days, the Minister may close or remove the access and charge the costs of the closure or removal to the person benefiting from the access.

Recovery

- (3) Any person neglecting or refusing to pay the costs imposed or charged under this section is guilty of an offence and the provincial court, upon summary conviction, shall order that, in addition to any other penalty imposed by this Act, the amount imposed or charged under this section be paid to the Minister.

Filing of order

- (4) An order for payment under subsection (3) may be filed with the Supreme Court and shall be deemed to be a judgment obtained in the Supreme Court for the recovery of a debt in the amount specified in the order. *1985,c.38,s.5.*

31. Closing of private roads etc. by Minister

The Minister or any person acting by or under his authority may at any time close any private road, entrance-way, or gate constructed, opened or used in violation of section 28 or 29, and for that purpose may enter himself, or any person under his authority, if necessary, into and upon any land or part thereof and adjoining the highway. *R.S.P.E.I. 1974, Cap. R-15, s.31; 1985,c.38,s.6.*

32. Road closure

- (1) The Minister may order any road, or part of any road, closed when it has become unnecessary for public use, and may convey the road, or part of the road, so closed to the adjoining land owner or owners in whole or in part.

Procedure for road closure

- (2) Where a road or portion thereof is to be closed under this section
- (a) where a road or portion thereof is conveyed to adjoining land owners, the Minister shall issue a declaration of road closure in the prescribed form to be included in the instrument of conveyance; and
 - (b) where no conveyance is executed, the Minister shall issue a declaration of road closure in the prescribed form which shall be filed under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10 and indexed against the names of the owners in fee simple of the road or portion so closed,

and the Minister shall, where he considers it appropriate to do so, publish the declaration in the Gazette.

Effect of declaration

- (3) A declaration under subsection (2) shall be sufficient public notice that a road is closed and shall have effect from the date of registration or the date of execution of the instrument of conveyance, as the case may be.

***Idem*, rights of way and public utility easements**

- (4) Where a road or portion of a road is closed,
- (a) it ceases to be a common or public highway and any public right of way thereon is extinguished;
 - (b) it shall be subject to a public utility easement for the purpose of maintaining any line, plant or system existing at the time of closure and being located or partially located above, under or on the road or portion thereof.

Removal etc., of public utility infrastructure

- (5) The removal, discontinuance of use or abandonment of any line, plant or system of a public utility terminates any public utility easement provided for under subsection 26(2) or subsection (4).

Transitional

- (6) All roads or portions thereof conveyed to any owner before the date on which this section comes into force shall be deemed to have been closed in accordance with this section.

Idem

- (7) All roads and portions of roads purporting to have been closed under the authority of this or any other Act before the date on which this section comes into force shall be deemed to have been validly closed as if they had been closed in accordance with this section. *1996,c.39,s.4 {eff.} June 13/96.*

33. Private road, marking of

Where a private subdivision road meets a public road the owner of the private road shall erect a sign at the entrance of the private road indicating that it is a private road. *R.S.P.E.I. 1974, Cap. R-15, s.33.*

34. Removal of poles, lines etc.

- (1) Where
- (a) any pole of a public utility or other person, or any line, plant or equipment of a public utility, is located above, across, in, on, or under a highway; and
 - (b) the Minister considers it necessary for the pole, line, plant or equipment to be removed and relocated,

the Minister may cause a notice to remove the pole, line, plant or equipment to be served on the public utility or person owning or using the pole, line, plant or equipment.

Notice to remove - contents

- (2) The notice referred to in subsection (1) shall
- (a) identify
 - (i) the pole, line, plant or equipment that is to be removed, by a description of it and its current location on the highway or by other means, and
 - (ii) the location on the highway to which it may be moved by the public utility or other person, and
 - (iii) advise the public utility or other person owning or using the pole, line, plant or equipment of the consequences under this Act of a failure to remove and relocate the pole, line, plant or equipment identified in the notice; and
 - (b) set out the date by which the pole, line, plant or equipment shall be removed and relocated.

Service of notice to remove

- (3) A notice referred to in subsection (1) may be served by registered mail to, or personal service on, the public utility or other person, as the case may be..

Relocation of easement

- (4) The Minister may not, under subsection (1), cause a notice to be given to a public utility until the Minister relocates under subsection 4.1(4) any easement the public utility may have in respect of the portion of the highway on which the pole, line, plant or equipment that is to be removed.

Obligation to remove

- (5) A public utility or other person that is served with a notice in accordance with subsections (1), (2) and (3), shall remove, at the expense of the public utility or other person, the pole, line, plant or equipment that is identified in the notice.

Removal of poles, lines, etc. by Department

- (6) Where a public utility or other person
- (a) is served with a notice under this section to remove any pole, line, plant or equipment on a public highway; and
 - (b) fails to remove any such pole, line, plant or equipment by the date specified in the notice,

any official or employee of the Department of Transportation and Infrastructure, or any other person acting by order or direction of the Minister, may without further notice, remove and relocate to such place as the Minister may designate any such pole, line, plant or equipment.

Liability of government and officials

- (7) Notwithstanding anything to the contrary in any agreement or purported agreement between a public utility or other person and the Minister, no public utility or other person has any right of action or claim against the Government, the Minister, any official or employee of the Department of Transportation and Infrastructure or any other person acting under the authority of this Act for or in respect of the removal and relocation of any pole, line, plant or equipment of that public utility or other person.

Costs of removal - liability to pay

- (8) Where any pole, line, plant or equipment of a public utility or other person is moved removed and relocated under subsection (6), the public utility or other person, as the case may be, is liable to pay for all of the costs associated with the removal and relocation, which shall be a debt due to the Government.

When costs payable are due

- (9) Payment of the removal and relocation costs referred to in subsection (8) is due to the Government on the expiration of 10 days from the date on which a registered letter was sent from the Minister to the public utility or other person advising of the amount of the costs payable.

Certificate stating amount of costs due and payable

- (10) Where a public utility or other person fails to pay to the Government any removal or relocation costs before the expiration of 60 days from the date on which payment is due, the Minister may so certify and may issue a certificate stating the amount due and payable including any interest chargeable under the regulations and the name of the public utility or other person by whom it is due and payable.

Effect of filing certificate

- (11) A certificate issued under subsection (10) may be filed with the Registrar of the Supreme Court and, after filing, it shall be entered and recorded in the court, and when so entered and recorded it has the same force and effect, and all proceedings may be taken thereunder, as it were a judgment obtained in the court by the Government against the public utility or person named in the certificate. *R.S.P.E.I. 1974, Cap. R-15,s.34; 1980,c.2,s.3; 1983,c.1,s.6; 1997,c.45,s.2; 2004,c.17,s.3; 2010,c.31,s.3.; 2015,c.28,s.3; 2021,c.8,s.3*

35. Snow fences

- (1) The Minister may cause to be erected and maintained, on any property bordering a highway, a snow fence or other structure for the protection of the highway from snow drifts.

Entry to maintain snow fences

- (2) Persons authorized by the Minister may enter any property for the purpose of setting up and maintaining the snow fences or other structures and no property owner may claim damage unless through negligence or neglect of the employees of the Minister.

Duration of maintenance

- (3) Snow fences or other structures may be so maintained from November 15 in any year to April 15 in the following year. *R.S.P.E.I. 1974, Cap. R-15, s.35.*

36. Lowering of field to lessen gathering of snow on roads

Where, in the opinion of the Minister, a field adjoining a road is causing snow to gather upon the road, the Minister may cause the field to be lowered to improve winter conditions if

- (a) the top soil of the field is first removed and respread over the field after the sub-soil is removed;
- (b) the back slope of the lowering is so graded that no part thereof, at any point in excess of twenty-five feet distant from the highway right-of-way, is lower than the level of the centre line elevation of the adjoining highway;
- (c) existing fences are removed and *re-erected* after the job is completed, at department expense;
- (d) the owner of the field is compensated for all sub-soil removed in an amount the rate of which shall be fixed by the Minister from time to time, but the sub-soil must be measured on the site. *R.S.P.E.I. 1974, Cap. R-15, s.36; 1975, c.26, s.1.*

37. Obstruction of highway, offence

- (1) No person shall cause any obstruction or make any encroachment by fencing or otherwise, placing pulpwood, lumber or any other material, upon any of the public roads of this province, or wrongfully open out or close up any drains or ditches or water course upon or leading to, from or across any public road, or place any obstruction upon or in any wise interfere with the public in travelling upon or over any road or winter roads in actual use as such.

Removal of obstruction

- (2) The Minister may order the removal of any obstruction or encroachment by fencing or otherwise, or by the placing of pulpwood, lumber or other material on the roads, the opening out or the closing up of any drains, ditch or water course which has been wrongfully opened out or closed up, or the abating of any nuisance in respect to highways.

Rubbish, etc., on or near highway

- (3) No person shall put, place, cast, throw, or leave upon or in view of any road, street, wharf, sidewalk, ditch, gutter, or public place or upon or in view of any portion of the right-of-way of any road or street aforesaid, any bottles, dirt, filth or rubbish of any nature whatsoever, or any material, object or thing which is offensive to the general appearance of the places set forth above, nor cause obstruction, nuisance, or injury to those places. *R.S.P.E.I. 1974, Cap. R-15, s.37; 1985, c.38, s.7.*

38. Sale of obstruction

In the case of any person violating the provisions of section 37, the Minister shall, if the obstruction is saleable, unless sooner claimed, after three days notice sell it and pay the proceeds to the Minister of Finance; if not saleable he shall cause it to be removed, and the cost of the removal may be collected from the owner of the obstruction. *R.S.P.E.I. 1974, Cap. R-15, s.38; 1983,c.1,s.6; 1985,c.38,s.8; 1986,c.5,s.2; 1993,c.29,s.4; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

39. Obstructing water course

- (1) No person shall obstruct or impede the water course of any drain draining any highway in order to facilitate access from his property to the highway or otherwise.

Duty of occupier to keep drains open

- (2) It is the duty of every owner or occupier of land fronting on the highway to see that such drains are kept open at the point of approach to any gateway, lane or other way from the property owned or occupied by him on the highway.

Construction of bridge without approval

- (3) No owner or occupier of land fronting on a highway shall construct any bridge to the approach of any gateway, lane, or other private property, over any drain, without the approval of the county engineer.

Removal of obstructions

- (4) The Minister may cause to be removed any obstructions so placed as referred to in subsections (1) to (3), in any watercourse or drain on any highway at the expense of the person causing or being responsible for the obstruction. *R.S.P.E.I. 1974, Cap. R-15, s.39; 1985,c.38,s.9.*

40. Damage to bridge

No person shall cause damage to any bridge within the province by driving a vehicle in a careless manner or by driving a vehicle loaded beyond its legally licensed limit or by taking across the bridge loads greater than the posted safe load of the bridge. *R.S.P.E.I. 1974, Cap. R-15, s.40.*

40.1 Offence

- (1) No person shall
- (a) damage any highway;
 - (b) create any unsafe conditions or hazard that may injure or affect users of a highway;
or
 - (c) interfere with the lawful use of a highway by any other person.

Penalty

- (2) Where any person has been convicted of an offence under subsection (1), the Minister may recover from that person, as a debt due to the Crown, the expenses incurred by the Minister in removing the hazard or material, or repairing the highway. *1997,c.45,s.3.*

41. Restriction on building near highway

- (1) No person shall, without a written permit from the Minister, erect any building at a distance of less than one hundred feet from the centre line of any highway or road, nor shall any building be erected at a distance of less than fifty feet from those of the next adjoining owner.

Buildings, etc., near intersection

- (2) No person shall, without a written permit from the Minister, erect any building, structure, sign or billboard, at a distance of less than two hundred feet from the point of intersection of any intersecting roads or highways or at a point less than two hundred feet from the point of intersection of a road or highway with a railroad.

Point of intersection defined

- (3) For the purpose of this section the point of intersection of roads or highways is the point at which the centre lines of such roads or highways intersect, and in the case of a road or highway intersecting with a railroad the point of intersection is the point at which the centre line of the road intersects with the centre line of the railroad.

Billboards or signs near curves

- (4) No person shall, without a written permit from the Minister, erect at or near a curve or bend in a road or highway any building, structure, sign or billboard which may obstruct or interfere in any manner with a clear view of traffic on the road or highway or which would result in a reduction of the actual sight of traffic on the said road or highway to less than one thousand feet.

Minister's decision final

- (5) The Minister upon receiving application for a permit may grant or refuse the permit and his decision to grant or refuse the permit is final and conclusive.

Application of section

- (6) This section does not apply to any municipality or to any area in which the regulations of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 apply. R.S.P.E.I. 1974, Cap. R-15, s.41; 1983,c.33,s.66; 2016,c.44,s.282.

42. Cutting down of trees

- (1) When and so often as it may become necessary in the opinion of the Minister to cut down trees or to remove fences, signs or billboards at the intersection of roads, intersection of road and railway, dangerous curves in the highway or where trees, fences, signs, or billboards are considered by the Minister as dangerous or interfering with the maintenance of the highway, the Minister may authorize any person to enter upon the lands and to cut down the trees and to remove the trees, fences, signs, or billboards, as may be designated by him.

Removal of land near highway

- (2) When and so often as it may become necessary in the opinion of the Minister to remove any land in or adjacent to any highway which obstructs the vision of motorists or otherwise, or buildings or other structure at the intersection of roads, intersection of road and railroad, dangerous curves in the highway or where buildings or other structures are considered by the Minister as dangerous or interfering with the maintenance of the highway, the Lieutenant Governor in Council may authorize the removal of the land, buildings or other structures by Order in Council.

Expropriation applies

- (3) In the event any buildings or other structures are ordered to be removed by the Lieutenant Governor in Council the provisions of this Act relating to expropriation apply. *R.S.P.E.I. 1974, Cap. R-15, s.42.*

43. Blinding lights near highway

- (1) No person shall place, station, or operate lights near a highway of such kind or intensity or in such a position that the light blinds the vision of a motor vehicle operator or in any way renders a highway unsafe for night travelling.

Removal of dangerous lights

- (2) Where, in the opinion of the Minister, a light is dangerous to travelling safety, the light must be moved or shielded to the satisfaction of the Minister.

Correction at expense of owner

- (3) If the light is not corrected immediately following written notification from the Minister, the Minister may cause the correction to be made at the expense of the owner. *R.S.P.E.I. 1974, Cap. R-15, s.43.*

44. Piling, etc., of snow on highways

- (1) No person shall remove any substance from any private lane, road, or other property, or from any part of the public right-of-way which the private lane, road, or property adjoins, and put, place, or pile any substance on any part of a public road, or right-of-way.

Idem

- (2) No person shall put, place or pile snow or ice on any part of a public road which impedes traffic movement or road maintenance, or creates a safety hazard. *R.S.P.E.I. 1974, Cap. R-15, s.44; 1975, c.26, s.2.*

45. Parking of vehicles on highway

No person shall park or leave standing any vehicle, whether attended or unattended on any part of the public right-of-way at any time or in any manner which in any way obstructs or otherwise interferes with the operation of any vehicle or equipment on the highway. *R.S.P.E.I. 1974, Cap. R-15, s.45.*

46. Moving of buildings on highways

- (1) No person shall move any building or any load which is over legal weight, length, width, or height, on any highway, unless he has first procured a permit from the Minister authorizing him to move the building or load.

Permit to move, conditions of

- (2) In granting a permit under this section, the Minister may require that the building or load be moved under such conditions as he may impose, and every permit shall be carried by the person engaged in moving the building or load and shall be open to inspection by any peace officer.

Overweight vehicle, permit

- (2.1) Without prejudice to subsection (1), no person shall operate an overweight vehicle on a highway unless he has first procured a permit from the Minister authorizing him to do so.

Definition

- (2.2) For the purposes of subsection (2.1) an “overweight vehicle” means a vehicle that has a steering axle or any combination of single axle, tandem axle group, triaxle group, tridem axle group or any other combination that exceeds the maximum allowable weight authorized by the regulations under section 55 governing vehicle weights.

Regulations

- (3) The Minister may make regulations prescribing
- (a) the form of a permit which may be different for a single trip permit or an annual permit;
 - (b) the conditions that may be imposed on the issue of a permit;
 - (c) the fee for the issue of a permit;
 - (d) penalties for violation of this section or the conditions of a permit. *R.S.P.E.I. 1974, Cap. R-15, s.46; 1982,c.27,s.1; 1997,c.44,s.1.*

47. Penalties

- (1) Any person who violates or attempts to violate this Act or the regulations made hereunder in respect of which no specific penalty is provided is guilty of an offence, and upon summary conviction is liable
- (a) in the case of a first offence, to a fine not exceeding \$50;
 - (b) in the case of a second offence or subsequent offences to a fine not exceeding \$200.

Injunction

- (2) Any act done or commenced contrary to this Act or the regulations made may be restrained by injunction in the Supreme Court in any action at the suit of the Minister.

Impounding of vehicles

- (3) A peace officer may impound any vehicle operated by any person in contravention of section 40, 46, or 49 or any regulations restricting the weight of vehicles and of loads thereon and may detain the vehicle until the weight of the load carried thereon is reduced to within that permitted by the regulations. *R.S.P.E.I. 1974, Cap. R-15, s.47; 1982,c.27,s.2; 1994,c.58,s.6.*

48. Evidence of public road

- (1) In any suit, information or proceeding of any nature instituted under this Act, against any person for any offence against this Act, it is sufficient for the prosecutor or plaintiff to give evidence that the road or highway was generally known as a public road or highway and that public money has been expended on the road or highway and no further evidence is necessary to establish the fact that the road or highway was a public road or highway within the meaning of this Act, and the onus of proving that the encroachment, obstruction or offence complained of was not upon a part of a public road or highway is upon the defendant, and every road or highway shall be presumed to be a width of sixty-six feet, unless where proof is given of its legal establishment of some other width.

Proof of appointment

- (2) In any action or proceeding under this Act, no proof is required of the appointment of any highway foreman other than the order in council appointing the highway foreman. *R.S.P.E.I. 1974, Cap. R-15, s.48.*

49. Weighing of vehicles

- (1) A peace officer may weigh a commercial motor vehicle or cause it to be weighed on an approved weighing device and for the purpose of weighing the vehicle the peace officer may
- (a) stop the vehicle by
 - (i) placing on or as near as possible to the roadway a sign on which are the words, symbols, letters or colours conveying the order to all vehicles or all vehicles of a certain class to stop for weighing, or
 - (ii) signalling manually or by the use of flashing red lights to the driver of the vehicle to stop;
 - (b) order the driver of the vehicle to drive and the driver shall drive the vehicle to the approved weighing device located at the site where the vehicle was detained;
 - (c) order the driver of the vehicle to assist, and the driver shall assist in and facilitate the weighing of the vehicle by driving the vehicle upon an approved weighing device and performing such other acts, if any, as the peace officer requires or considers necessary for the purpose of weighing the vehicle and its load; and
 - (d) if the driver of the vehicle does not obey the order given under clause (b) or (c), drive or authorize some other person to drive the vehicle to and upon the approved weighing device and perform such other acts, if any, as the peace officer requires or considers necessary for the purpose of weighing the vehicle and its load.

Removal of excess load

- (2) Where a vehicle is weighed under subsection (1) and it is found that the gross weight or the axle weight of the vehicle exceeds that permitted by the regulations or by a sign applicable to that portion of the highway on which the vehicle was stopped, the peace officer may, subject to any direction given by the Minister,
- (a) order the driver of the vehicle to drive and the driver shall drive the vehicle to a location specified by the peace officer and leave the vehicle standing at that location until such portion of the load is removed as may be necessary to reduce the weight of the vehicle or the axle to within the limit permitted by this Act or the regulations; or
 - (b) order the driver of the vehicle to remove and the driver shall remove from the vehicle such portion of the load as may be necessary to reduce the weight of the vehicle or the axle weight to within the limit permitted by this Act or the regulations.

Material removed

- (3) Where a portion of a load is removed from a vehicle pursuant to an order under subsection (2) it is the responsibility of the owner of the vehicle to make arrangements for the custody and care of the material removed.

Limitation of action against Minister

- (4) No action lies against a peace officer or the Minister or any other person in respect of any damage done to a vehicle or its load or any loss sustained by any person as a consequence of anything done or ordered to be done under this section where the action is not based on malfeasance or misfeasance.

Offences

- (5) A person who
- (a) does not obey a sign placed or a signal given under clause (1)(a);
 - (b) does not obey an order given under clause (1)(b) or (c) or clause (2)(a) or (b);
 - (c) refuses to have weighed a vehicle which he is driving or which is under his control or direction; or
 - (d) does not remove such portion of the load of a vehicle as a peace officer orders under subsection (4),

is guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$1,000 and for any subsequent offence to a fine of not less than \$2,000.

Damage to vehicle no defence

- (6) An allegation that compliance with an order under this section would or might damage the tires, wheels, axles or any other part of the vehicles or load in respect of which the order is made is no defence in a prosecution for failure to comply with that order. *R.S.P.E.I. 1974, Cap. R-15, s.49; 1982, c.27, s.3; 1990, c.57, s.1; 1991, c.36, s.2; 1992, c.61, s.1; 1994, c.58, s.6; 1996, c.39, s.5 {eff.} June 13/96.*

50. Production of driver's license and registration

- (1) Where a peace officer has reasonable cause to believe that a person has committed a violation of this Act or of any provision of the regulations restricting the weight of vehicles or of loads thereon, he may demand that the person deliver to him his driver's license and the registration permit for the vehicle for examination by the peace officer.

Offence

- (2) Any person who fails to comply with a demand made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100. *1985, c.38, s.10.*

51. Cash bail bond acceptable from non-residents

- (1) Where a person is alleged by a peace officer to have committed a violation of this Act or of any provision of the regulations restricting the weight of vehicles and of loads thereon, the peace officer may accept from that person the sum prescribed by the regulations for that violation as a cash bail bond conditioned for his appearance before a provincial court judge at the place and on the date determined by the peace officer.

Date of hearing

- (2) In determining the date referred to in subsection (1) the peace officer shall be guided by the sittings of the provincial court judge and the wishes of the person, but shall in any event set a date for the hearing of the alleged violation within one month thereof.

Peace officer agent of non-resident

- (3) Where a person gives any sum to a peace officer pursuant to subsection (1) he thereby appoints the peace officer his agent to appear in the event of his absence at the place and time provided and plead guilty to the alleged violation and pay over to the provincial court judge the sum of money deposited with him. *R.S.P.E.I. 1974, Cap. R-15, s.50; 1982, c.27, s.4.*

52. Approved weighing device

- (1) The Lieutenant Governor in Council may designate a device of a kind that is designed to measure weight as an approved weighing device for the purpose of weighing vehicles and the loads thereon, and, upon such designation being published in the Gazette, such device shall be deemed to be an approved weighing device.

Approved test weights

- (2) The Lieutenant Governor in Council may designate the weight of various test weights and upon such designation being published in the Gazette each weight shall be deemed to be an approved test weight having the weight as published in the Gazette.

Accuracy of devices, test by designated person

- (3) The Lieutenant Governor in Council may designate a person as being qualified to test an approved weighing device and certify the accuracy thereof and, upon such designation being published in the Gazette, a person so designated shall be deemed to be a person qualified to test an approved weighing device and certify the accuracy thereof.

Certificate as evidence

- (4) A certificate of a person designated under subsection (3) stating that he has tested an approved weighing device using approved test weights and stating the accuracy of such approved weighing device within the period of, but not exceeding, sixty days prior to the time a vehicle was weighed is proof of the accuracy of the approved weighing device, in the absence of any proof of the contrary, without proof of the signature or official character of the person appearing to have signed the certificate.

Notice

- (5) No certificate referred to in subsection (4) shall be received in evidence unless the party intending to produce it has, before the trial, given to the accused reasonable notice of his intention together with a copy of the certificate.

Attendance of signatory

- (6) Any person against whom a certificate referred to in subsection (4) is produced may, on giving at least seven days notice to the prosecution, require the attendance of the person signing such certificate for the purposes of cross-examination.

Designation of operator of device

- (7) The Lieutenant Governor in Council may designate a person as being qualified to operate an approved weighing device and, upon such designation being published in the Gazette, a person so designated shall be deemed to be a person qualified to operate an approved weighing device.

Evidence of weight

- (8) The weight recorded by a person designated under subsection (7) as the result of the weighing of a vehicle, axle or group of axles on an approved weighing device is, in the absence of any evidence to the contrary, proof of the weight of the vehicle, axle or group of axles being weighed. *R.S.P.E.I. 1974, Cap. R-15, s.52; 1982,c.27,s.4.*

53. Regulation by city or town

Notwithstanding the provisions of this Act, the council of a city or town may make regulations limiting the weight of vehicles which may be driven on a highway over which such city or town has jurisdiction. *R.S.P.E.I. 1974, Cap. R-15, s.53; 2015,c.36,s.46(3).*

REGULATIONS

54. Ministerial power regarding weight limits

- (1) Notwithstanding anything in this Act or the regulations, the Minister may
- (a) set
 - (i) maximum allowable weight limits that may be carried over any bridge or section of highway,
 - (ii) spring weight restrictions over all highways, and
 - (iii) a weight tolerance for each axle on a truck; and
 - (b) approve plans describing the routes travelled by vehicles transporting a commodity prescribed in the regulations.

Notice

- (2) The Minister may erect and maintain signs giving notice of the limit or restriction referred to in subsection (1), and may publish notice thereof.

Offence

- (3) It is an offence for any person to operate or cause to be operated any vehicle, whether loaded or not,
- (a) over a bridge or section of highway having a weight in excess of the maximum allowable weight limit; or
 - (b) over any highways,
- contrary to the limit or restriction stated on the sign or published notice referred to in subsection (2). *2001,c.16,s.2; 2015,c.36,s.46(4).*

55. Regulation by Lieutenant Governor in Council

The Lieutenant Governor in Council may make regulations governing

- (a) the weight of a vehicle which may be driven on a highway or bridge, the weight of the load which may be carried by the vehicle and the gross weight thereof, and the ascertaining of the weight;
- (b) the axle weight of the vehicle which may be driven on a highway, the method of ascertaining the weight, and prescribing the penalties for the violation of the regulations, which penalties may be in addition to any other penalty prescribed by this Act;
- (c) the use of a vehicle on a highway or any part thereof and on any bridge;
- (d) the classification of highways with respect to the use that may be made thereof;
- (d.1) scenic heritage highways, with respect to
 - (i) the designation of highways as scenic heritage highways, and
 - (ii) the regulation of scenic heritage highways, including prohibiting the cutting or removing of trees, shrubbery or plant life from any scenic heritage highway, or the alteration of the landscape of a scenic heritage highway;
- (e) the hauling or moving of any dwelling, building, erection, or other object over, upon, or along a highway or any part thereof or any bridge;
- (f) the application and enforcement of the weight limits, restrictions and tolerances set by the Minister under section 54;
- (g) the relationship between mass in kilograms and weight in kilograms;

- (h) the relationship between weight in kilograms and weight in pounds;
- (i) the allowable dimensions for vehicles or components thereof including height, width, length, box length, axle and interaxle spacings, rear overhangs, kingpin setbacks, wheelbase, track width, drawbar length and fifth wheel offsets;
- (j) prescribing the form of returns to be made, the particulars to be set forth therein and the persons by whom and the time when or within which the returns shall be made, and all other documents, forms, and returns as may be considered necessary to give effect to this Act;
- (k) regulating the closing of any road or bridge to heavy traffic or such closing to all traffic;
- (l) for any purpose whether general or to meet particular cases that may be desirable in order to carry out the objects and purposes of this Act, or to give effect to anything for which regulations are contemplated or required by this Act;
- (m) regarding the conditions under which buildings may be moved across or along any road or highway;
- (n) extending or shortening the time for making any report or return required under this Act. *R.S.P.E.I. 1974, Cap. R-15, s.55; 1982,c.27,s.6; 2001,c.51,s.1; 2001,c.16,s.3; 2005,c.52,s.2.7; 2015,c.36,s.46(5)*