



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**
Prince Edward Island
Île-du-Prince-Édouard
CANADA

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Cheryl Mosher

Cheryl Mosher,
Senior Financial Advisor
Island Regulatory & Appeals Commission

Docket: UE20731

Order: UE21-01

IN THE MATTER of an application by Maritime Electric Company, Limited for an order of the Island Regulatory and Appeals Commission approving the 2021 Annual Capital Budget, pursuant to section 17(1) of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4;

AND IN THE MATTER of a request by Maritime Electric Company, Limited for interim approval of certain 2021 capital projects.

BEFORE THE COMMISSION ON
Wednesday, the 12th day of May, 2021.

J. Scott MacKenzie, Q.C., Chair
M. Douglas Clow, Vice-Chair
Erin T. Mitchell, Commissioner

Order

Order

1. On August 6, 2020, Maritime Electric Company, Limited (“MECL” or the “Company”) filed an application with the Island Regulatory and Appeals Commission (the “Commission”) pursuant to section 17(1) of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4 (the “Act”), seeking approval of the Company’s 2021 Annual Capital Budget (the “Application”).
2. On September 8, 2020, the Commission advised MECL that the Application as filed did not contain the information required by Commission Order UE17-03 and the Capital Expenditure Justification Criteria. MECL was directed by the Commission to re-file the Application to include the requisite information.
3. On November 5, 2020 MECL advised the Commission it would re-file the Application by mid-November, 2020. This was not done.
4. MECL took five months to comply with the Commission’s direction and did not re-file the Application, with further information, until February 1, 2021.
5. Following review of the re-filed Application, the Commission found that the information provided was incomplete and issued interrogatories to MECL on March 30, 2021 requesting further explanation and information that would allow the Commission to make an informed decision.
6. MECL filed responses to the Commission’s interrogatories on April 22, 2021.
7. As the Commission’s review of the Application is ongoing, MECL has requested interim approval of certain 2021 capital projects, pending the Commission’s final decision with respect to the entirety of the Application.
8. The Commission has considered MECL’s request and has determined that an Order for interim approval of certain capital projects is appropriate in the circumstances.

NOW THEREFORE, pursuant to section 17 of the *Act*, the Commission Orders as follows:

1. The following 2021 capital projects are approved on an interim basis, pending the Commission's final decision with respect to the entirety of the Application.
2. MECL is authorized to make capital expenditures not exceeding the amounts set forth herein.

Approved Capital Project	Maximum Expenditure
Lot 16 – Route 12 – Single Phase Line Rebuild (8 kilometres)	\$758,000
Route 10 – Searletown to Seven Mile Bay Road – Three Phase Line Rebuild (5 kilometres)	\$881,000
Eastern Cedar Pole Replacement Program	\$1,180,000
PEI Broadband Project (Multi-year project)	\$4,431,000

DATED at Charlottetown, Prince Edward Island, this 12th day of May, 2021.

BY THE COMMISSION:

(sgd) J. Scott MacKenzie

J. Scott MacKenzie, Q.C., Chair

(sgd) Douglas Clow

M. Douglas Clow, Vice-Chair

(sgd) Erin T. Mitchell

Erin T. Mitchell, Commissioner

NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13(1), 13(2), 13(3), and 13(4) of the *Act* provide as follows:

13(1) An appeal lies from a decision or order of the Commission to the Court of Appeal upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.

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

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

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