



**Docket: UE20946**  
**Order: UE23-01**

**IN THE MATTER** of an application by Maritime Electric Company, Limited for an order approving rates, tolls and charges for electric service for the years March 1, 2023 to February 28, 2026, pursuant to section 20 of the *Electric Power Act*, RSPEI 1988, c. E-4;

**AND IN THE MATTER** of requests for confidentiality made by Maritime Electric Company, Limited, pursuant to the *Rules of Practice & Procedure*.

**CERTIFIED A TRUE COPY**

Cheryl Mosher,  
Senior Financial Advisor  
Island Regulatory & Appeals Commission

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# Order

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**BEFORE THE COMMISSION ON Thursday**, the 5<sup>th</sup> day of January, 2023.

J. Scott MacKenzie, K.C., Chair  
M. Douglas Clow, Vice-Chair

## **APPLICATION:**

1. On October 31, 2022, Maritime Electric Company, Limited (“MECL”) filed an application for confidentiality with the Commission, in accordance with Rule 51 of the *Rules of Practice & Procedure* (the “Application”)
2. The Application relates to six interrogatories issued by Commission staff, and two interrogatories issued by the Commission’s independent expert, London Economics International (“London Economics”), in relation to the General Rate Application. MECL is asking that the responses to these interrogatories be filed with the Commission on a confidential basis.
3. Following receipt of the Application, the Prince Edward Island Energy Corporation (“PEIEC”), as an added party intervenor, was given the opportunity to respond to the requests for confidentiality.
4. PEIEC advised that it generally did not object to the requests for confidentiality. However, PEIEC asked the Commission to exercise its authority under Rule 54(d) to make the confidential responses available to PEIEC. Rule 54(d) of the *Rules of Practice & Procedure* states as follows:

### ***54. Power of Commission Respecting Confidentiality of Evidence***

*The Commission may: [...]*

*(d) order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Commission considers appropriate, including the signing of a confidentiality form approved by the Commission;*

5. It is MECL’s position that the responses over which confidentiality is claimed should not be provided to PEIEC.

## **DECISION:**

6. Having reviewed the Application, the response filed by PEIEC and the reply filed by MECL, the Commission is satisfied that the responses to IR-18 and IR-47 issued by London Economics should be filed on a confidential basis.
7. IR-18 requests underlying data and calculations for certain figures in the Concentric Report. The request for confidentiality extends only to Figures 9 and 10, due to a confidentiality agreement between Concentric and a third party.
8. IR-47 requests historical financial statements for MECL.
9. Although the responses to IR-18 and IR-47 issued by London Economics will be filed on a confidential basis, the Commission orders that the responses be made available to PEIEC, pursuant to Rule 54(d). The Commission accepts that PEIEC, who is a party to

the proceeding, has a good faith interest in accessing the information and is not otherwise in a conflict of interest.

10. The Commission will issue a further Order with respect to the requests for confidentiality as they relate to the interrogatories of Commission staff.

## **ORDER:**

The Commission Orders as follows:

1. The responses to the following interrogatories issued by London Economics shall be filed on a confidential basis (collectively, the “Confidential Responses”):
  - a) IR-47; and
  - b) With respect to IR-18, the underlying data and calculations for Figures 9 and 10 in the Concentric Report.
2. The Confidential Responses shall be provided to London Economics and to PEIEC through its legal counsel.
3. London Economics and PEIEC shall:
  - a) refrain from disclosing, reproducing, copying, summarizing and/or distributing the Confidential Responses for any reason;
  - b) use the Confidential Responses solely for the purpose of the General Rate Application (Docket UE20946); and
  - c) not use, rely upon or disclose any information contained in the Confidential Responses (either directly or indirectly) in any other matter or proceeding, unless the information has become public through no act or fault of their own.
4. MECL shall file the Confidential Responses with the Commission no later than 12:00 p.m. on January 10, 2023.

**DATED** at Charlottetown, Prince Edward Island, this 5<sup>th</sup> day of January, 2023.

## **BY THE COMMISSION:**

(sgd) J. Scott MacKenzie

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J. Scott MacKenzie, K.C., Chair

(sgd) M. Douglas Clow

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M. Douglas Clow, Vice-Chair

