



**Docket: UE20946**  
**Order: UE23-03**

**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 Friday**, the 3<sup>rd</sup> day of February, 2023.

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

## **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 LLC (“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. On January 5, 2023, the Commission issued with Order UE23-01 which disposed of the requests for confidentiality relating to the interrogatories of London Economics. This Order deals with the remaining requests for confidentiality arising from the interrogatories issued by Commission staff.

## **DECISION:**

4. The responses to **IR-15**, **IR-16** and **IR-18** of Commission staff shall be filed with the Commission on a confidential basis, as the responses contain sensitive commercial information.
5. The Commission accepts MECL’s position that the responses to IR-15, IR-16 and IR-18 should not be provided to the intervenor, Prince Edward Island Energy Corporation (“PEIEC”). As the sensitive commercial information relates to the cost of electric energy, and MECL can be compelled to purchase electric energy from PEIEC in accordance with the *Electric Power Act*, the requirements set forth in Rule 54(d) are not satisfied.
6. The response to **IR-12** of Commission staff shall be filed with the Commission on a confidential basis. An abridged version of the response shall be placed on the public record which does not disclose the third-party involvement.
7. The Commission accepts that the requirements in Rule 54(d) are satisfied and that the confidential response to IR-12 shall be made available to PEIEC.
8. The response to **IR-40** of Commission staff shall be filed with the Commission on a confidential basis. An abridged version of the response shall be placed on the public record which provides the total aggregate compensation paid to the executive team, and the total aggregate compensation paid to senior management, in each year.
9. The abridged version shall identify the number of paid positions that make up the aggregate executive compensation and the number of paid positions that make up the aggregate senior management compensation. The aggregate compensation shall be further broken down to show the amount paid for various components of the compensation package, including (but not limited to) base salary, short-term incentive plans, long-term incentive plans, retirement plans, stock options, vehicle allowances, bonuses, and any other remuneration.

10. The Commission accepts that the requirements in Rule 54(d) are satisfied and that the confidential response to IR-40 shall be made available to PEIEC.
11. The response to **IR-41** of Commission staff requires the disclosure of aggregate amounts only. As a result, the response shall not be filed on a confidential basis and the aggregate amount shall be made publicly available.

## **ORDER:**

The Commission Orders as follows:

1. The responses to IR-12, IR-15, IR-16, IR-18 and IR-40 of Commission staff shall be filed with the Commission on a confidential basis.
2. The response to IR-41 of Commission staff shall not be filed with the Commission on a confidential basis.
3. An abridged version of the response to IR-12 of Commission staff shall be placed on the public record. The abridged version shall not disclose the third-party involvement.
4. An abridged version of the response to IR-40 of Commission staff shall be placed on the public record. The abridged version shall:
  - a) provide the total aggregate compensation paid to the executive team, and the total aggregate compensation paid to senior management, in each year;
  - b) identify the number of paid positions that make up the aggregate executive compensation and the number of paid positions that make up the aggregate senior management compensation;
  - c) provide a breakdown of the total aggregate compensation to show the amount paid for various components of the compensation package, including (but not limited to) base salary, short-term incentive plans, long-term incentive plans, retirement plans, stock options, vehicle allowances, bonuses, and any other remuneration.
5. The responses to IR-15, IR-16 and IR-18 shall not be provided to PEIEC.
6. The responses to IR-12 and IR-40 shall be provided to PEIEC, through its legal counsel. PEIEC shall:
  - a) refrain from disclosing, reproducing, copying, summarizing and/or distributing the responses for any reason;
  - b) use the 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 responses (either directly or indirectly) in any other matter or proceeding, unless the information has become public through no act or fault of PEIEC.

7. MECL shall file the responses with the Commission no later than 4:00 p.m. on February 8, 2023.

**DATED** at Charlottetown, Prince Edward Island, this 3rd day of February, 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

(sgd) Erin T. Mitchell

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Erin T. Mitchell, Commissioner