



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Docket: UE20742
Order: UE25-07A

CERTIFIED A TRUE COPY

Cheryl Bradley,
Director of Finance & Regulatory Affairs
Island Regulatory & Appeals Commission

IN THE MATTER of the Application and Supplemental Application of Maritime Electric Company, Limited for the approval of a Supplemental Capital Budget Request for the On-Island Capacity for Security of Supply Project, pursuant to section 17 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.

Variation to Order UE25-07

BEFORE THE COMMISSION ON Monday, March 10, 2026.

Pamela Williams, K.C., Chair
Kerri Carpenter, Vice-Chair

VARIATION TO ORDER UE25-07

1. On December 5, 2025, the Commission issued Order UE25-07, in respect of two requests for confidentiality made by Maritime Electric Company, Limited (“MECL”) pursuant to Rule 51 of the Commission’s Rules of Practice and Procedure to hold in confidence certain documents filed in support of their applications for approval of a supplemental capital budget request for the On-Island Capacity for Security of Supply Project.
2. On December 17, 2025, MECL filed its updated public and confidential documents in response to Order UE25-07. In its filing, MECL included redactions that were not authorized by Order UE25-07. For example, MECL’s correspondence indicated that the Company had assumed certain additional redactions were permitted based on the Commission’s findings in Order UE25-07. MECL requested the Commission’s direction on how to proceed.
3. On December 23, 2025, the Commission responded to MECL’s request taking the matter under advisement.
4. On January 8, 2026, the Commission advised MECL that approval for additional redactions to the filings would require an application to vary Order UE25-07, pursuant to section 12 of the *Island Regulatory and Appeals Commission Act*.
5. MECL applied to vary Order UE25-07 on January 12, 2026, requesting MECL respectfully requests that Order UE25-07 be varied to permit the redaction of the avoided capacity cost information contained in MECL’s Application at Exhibit M-1-Appendix F, page 4 lines 2 and 3 and Exhibit M-12-Appendix F, page 4 lines 2 and 3.
6. On February 19, 2026, MECL submitted a Further Amended Application to Vary Order UE25-07. MECL has submitted that the additional redactions are necessary to align with the Commission’s decision to redact vendor-specific pricing and cost information.
7. The Commission has reviewed MECL’s Further Amended Application to Vary Order UE25-07, and their correspondence of December 17, 2025, which both contained further clarifying information from MECL about the nature of the request for confidentiality and finds as follows.
8. MECL’s Further Amended Application to Vary identified a number of redactions to Exhibit M-12 Main Body of the Supplemental Application. Some of those additional redactions will be permitted, as explained below. However, the Commission finds that following redactions are **not** permitted:

Exhibit M-12 Main Body of the Supplemental Application

Page 7, Lines 3 and 4	The total amount of the subsequent payments is not confidential.
Page 18, Line 13	The dollar amount of the Full Notice to Proceed payment is not confidential.
Page 19, Lines 2 and 4	The amount of the Long Lead Procurement Payment and the total required financial commitment are not confidential.

Page 29, Line 7	The subsequent payment total is not confidential.
Page 36, Line 26	The dollar amount of the downpayment of the total equipment cost is not confidential.
Page 36, Line 28	The dollar amount of the payment to procure long-lead equipment is not confidential.
Page 38, Line 25	The dollar amount of the total early-stage payments is not confidential.

9. In respect of the above findings, the Commission is of the opinion that the importance of the public's understanding of the requested deferral account, and the potential rate impacts of the required initial payments, outweighs MECL's concerns respecting confidentiality.
10. In respect of the other additional redactions, the Commission agrees to vary Order UE25-07 as struck through and underlined below:

ORDER:

In accordance with the reasons outlined above, the Commission Orders as follows:

1. Maritime Electric Company, Limited's request for confidentiality is granted, in part.
2. The following documents shall be placed in the public record ~~in their entirety~~ and provided to the Friends of the Commission Interveners with the following limited redactions:
 - **Exhibit M-1 Appendix F** (Estimated Impact on Rate Base, Revenue Requirement and Customer Rates) with a limited redaction at Lines 2 and 3 of Page 4, being the Avoided Capacity Costs and Operating Expenses; and
 - **Exhibit M-12 Appendix F** (Estimated Impact on Rate Base, Revenue Requirement and Customer Rates) with a limited redaction at Lines 2 and 3 of Page 4, being the Avoided Capacity Costs and Operating Expenses.

The Commission accepts that these limited redactions are necessary to avoid disclosing cost information related to MECL's Energy Purchase Agreement with New Brunswick Power.

3. The following documents will be held in confidence and are not required to be placed in the public record nor provided to the Friends of the Commission Interveners:
 - **Interrogatory Responses IR2-(d) and IR-2(e) of Exhibit M-6.**

4. The following documents may be partially reacted, only as directed below:

- **Exhibit M-1 – Appendix E** (Net Present Value Inputs and Calculations)
 - Only the specific energy-purchase-cost information identified below may be redacted:
 - Pages 8 through 10 to be redacted only for:
 - Table 1 of page 8 - lines 7 through 10 of the “inputs”;
 - Table 2 of page 8 through page 10 – all data for years 1 through 50 to be redacted, except for the rows labeled “*Total*” and “*NPC*”. Column descriptions shall remain.

All remaining content within this Appendix shall be placed on the public record and provided to the Friends of the Commission Interveners.

- **Exhibit M-12 – Appendix B** (Net Present Value Inputs and Calculations)
 - Only the specific energy-purchase-cost information identified below may be redacted:
 - Pages 5 through 6 to be redacted only for:
 - Table 1 of page 5 - lines 2 through 7 of the “inputs”;
 - Table 2 of page 5 through page 6 – all data for years 1 through 50 to be redacted, except for the rows labeled “*Total*” and “*NPC*”. Column descriptions shall remain.

All remaining content within this Appendix shall be placed on the public record and provided to the Friends of the Commission Interveners.

- **Exhibit M-12 – Appendix C** (ProEnergy Budgetary Proposal)
 - This document may include limited redactions permitted only as indicated below:
 - Page 9 (Pricing section): the price listed on this page contains commercially sensitive information and is to be redacted.
 - [Page 4: Employee contact information](#)

All remaining content within this Appendix shall be placed on the public record and provided to the Friends of the Commission Interveners.

- **Exhibit M-12 – Appendix D** (Slot Reservation Agreement)
 - This document may include limited redactions permitted only as indicated below:
 - Page 9 (Equipment Price and Payment Schedule): the equipment price is to be redacted, and all columns in the

ProEnergy Payments table are to be redacted except for the column headings.

- Page 3, paragraph 10: Employee contact information

All remaining content within this Appendix shall be placed on the public record and provided to the Friends of the Commission Interveners.

- **Exhibit M-12 – Appendix E** (Draft Gas Turbine Equipment and Sale Agreement)

~~○ This document may include limited redactions permitted only as indicated below:~~

- ~~▪ Page 9 banking information; and~~
- ~~▪ Pages 29 through 30, the seller contact information (from the “Attn.” line through the email section), contains sensitive financial and personal information and are to be redacted.~~

~~All remaining content within this Appendix shall be placed on the public record and provided to the Friends of the Commission Interveners.~~

This document will be held in confidence in its entirety for the time being, due to concerns of commercial and legal sensitivity raised by ProEnergy. But the Commission reserves the right to revisit this determination throughout the approval process.

- **Exhibit M-12 – Appendix A** (S&L Letter Re: Firm Generation Capacity on Prince Edward Island)

- Page 3, Estimated Overnight Capital Cost Comparison Table: the dollar amounts found at Rows 3, 4 and 5 of Columns 2, 3, and 4.

5. **Added Party Intervener:** MECL shall provide the Prince Edward Island Energy Corporation, as the Added Party Intervener, with the unredacted copies of MECL’s full Application, Supplemental Application and specifically the following materials:

- Exhibit M-1 – Appendix E (Net Present Value Inputs and Calculations);
- Exhibit M-1 – Appendix F (Estimated Impact on Rate Base, Revenue Requirement and Customer Rates);
- Interrogatory Responses IR2-(d) and IR-2(e) of Exhibit M-6; and
- The unredacted Supplemental Application, being Exhibit M-12, including:
 - Exhibit M-12 – Appendix B (Net Present Value Inputs and Calculations),
 - Exhibit M-12 – Appendix C (ProEnergy Budgetary Proposal),
 - Exhibit M-12 – Appendix D (Slot Reservation Agreement),

- Exhibit M-12 – Appendix E (Draft Gas Turbine Equipment and Sale Agreement), and
- Exhibit M-12 – Appendix F (Estimated Impact on Rate Base, Revenue Requirement, and Customer Rates).

The Commission leaves it to MECL and PEIEC to establish and execute any necessary confidential or non-disclosure agreements between themselves for the exchange and use of these unredacted materials.

~~6. **Notice to ProEnergy:** Notwithstanding the findings above, and in recognition of paragraph 19.2 of Exhibit M-12 – Appendix E, being the *Draft Gas Turbine Equipment and Sale Agreement*, MECL shall provide seven (7) days' written notice to ProEnergy of the Commission's intention to place Appendices C, D, and E of the Supplemental Application in the public record with the limited redactions as set out in this Order. The notice shall include the proposed redactions and shall provide ProEnergy an opportunity to object to any aspect of the disclosure, including the scope of the redactions and the provision of unredacted copies to PEIEC.~~

7. Exhibit M-12 – Main Body of the Supplemental Application: The Commission finds that the main body of the Supplemental Application shall be placed in the public record, apart from the limited redactions authorized in paragraph 4 above and as detailed below. Consistent with paragraph 19.2 of Exhibit M-12 Appendix E, being the *Draft Gas Turbine Equipment and Sale Agreement*, MECL shall notify ProEnergy of the Commission's intention to place the unredacted version of the Supplemental Application in the public record.

- Page 6, Line 6: The percentage value of the fixed-price contracts.
- Page 14, Lines 26 and 27: The total price quote.
- Page 17, Line 3: The total estimated cost.
- Page 17, Line 7: The equipment supply component quote.
- Page 18, Line 13: The percentage of the equipment purchase price.
- Page 19: The last two columns of Table 1.
- Page 20, Line 1: The quoted price for the Engineering, Procurement and Construction scope.
- Page 25: Column 2 of Table 2, excluding the total cost amount.
- Page 32, Line 12: The percentage of the total estimated project cost.
- Page 36, Line 26: The percentage of the total equipment cost.
- Page 36, Line 28: The percentage of the procurement of long-lead equipment payment.

~~8. For clarity, no public release of Exhibit M-12, including Appendices C, D or E, shall occur until the 7-day notice period has elapsed and any objections raised by ProEnergy have been addressed by the Commission.~~

9. MECL shall give effect to this Order by filing the documents with the Commission and serving them on all parties, as directed in this Order, no later than ~~December 17, 2025~~ Friday, March 13, 2026.
10. The Added Party Intervener and Friends of the Commission Interveners shall be provided an additional opportunity to make written submissions to the Commission respecting MECL's request for a Work-in-Progress (WIP) Deferral Account. Such submissions shall be filed with the Commission no later than ~~January 5, 2026~~ Friday, March 20, 2026.
11. As a concluding remark, the Commission reiterates our comments in Order UE25-07 that the starting point for regulatory proceedings is full and fair transparency to rate-payers. While the Commission appreciates the reality of commercial sensitivity, rate-payers are entitled to know the impact to their electricity rates that may result from regulatory filings.
12. In the present Application, the Commission has spent considerable time reviewing MECL's filings to discern their intentions about what exactly they are requesting remain confidential. MECL's approach to making sweeping confidentiality requests across several documents, together with the time taken to refine their requests to vary Order UE25-07, culminating in the Further Amended Request to Vary, has resulted in a continued delay in moving this application forward. The Commission impresses upon MECL the importance of complying with the Commission's Rules of Practice and Procedure from the outset of a regulatory proceeding where confidentiality may be a concern.

DATED at Charlottetown, Prince Edward Island, March 10, 2026.

BY THE COMMISSION:

(sgd) Pamela Williams

Pamela Williams, K.C., Chair

(sgd) Kerri Carpenter

Kerri Carpenter, Vice-Chair