



Docket: UE20742
Order: UE26-03

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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 a request for confidentiality made by Maritime Electric Company, Limited, pursuant to the Rules of Practice & Procedure.

Order

BEFORE THE COMMISSION ON May 13, 2026.

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

Background:

1. This Order considers a request for confidentiality made by Maritime Electric Company, Limited (“MECL”) pursuant to Rule 51 of the Commission’s Rules of Practice and Procedure. MECL has requested certain documents filed in support of their application for approval of a an “Accelerated On-Island Capacity Development Solution”.
2. On December 5, 2025, the Commission issued Order UE25-07, in respect of two previous requests for confidentiality made by Maritime Electric Company, Limited (“MECL”) 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. Following further submissions and a request to vary Order UE25-07, the Commission issued Order UE25-07A, on March 10, 2026.
3. Order UE25-07 details the background of MECL’s prior confidentiality requests and the Commission’s rules around confidentiality. Generally, as provided in the Commission’s Rules of Practice and Procedure, the only exceptions to public disclosure are documents, or parts of documents, that the Commission deems privileged or confidential.¹ As the Supreme Court of Canada has emphasized, “*Openness is necessary to maintain the independence and impartiality of courts and tribunals and to maintain public confidence in the administration of justice.*”² These same principles apply to quasi-judicial bodies such as the Commission, whose decisions directly affect the public and utility ratepayers.
4. However, Order UE25-07 accepted that limited redactions would be permitted to keep confidential certain elements in MECL’s filings related to vendor-specific pricing structures that could reveal negotiation positions, financial terms, or proprietary contractual provisions.
5. The current request for confidentiality arises from changes to the pricing and delivery timelines related to the Accelerated On-Island Capacity Development Solution. On April 17, 2026, MECL provided the Commission with further details on those changes and an updated proposal from its proposed service provider, ProEnergy. According to MECL, the updated information necessitates updates to certain of MECL’s confidential filings, specifically Exhibit M-12 Tables 1 and 2 and Appendices C, D and E.
6. MECL is of the view that Order UE25-07A permits the update of these filings without the requirement for an additional confidentiality order from the Commission, with the exception of the following (the “New Information”):
 - (a) The additional pricing information contained at Page 8 of the updated Appendix C;
 - (b) The Progress Billing Table contained at Page 8 of the updated Appendix C; and

¹ Rules 50 to 54 (inclusive)

² *Sierra Club of Canada v. Canada (Minister of Finance)*, [2002] 2 S.C.R. 522.

(c) The Engineering Procurement and Construction Progress Billing table contained at Page 9 of the updated Appendix C.

7. MECL requests an order of the Commission permitting the New Information to be disclosed to the Commission and Added Party Intervener, PEI Energy Corporation, while otherwise filed on a confidential basis.

ORDER:

In accordance with the reasons outlined in Orders UE25-07 and UE25-07A, the Commission Orders as follows:

1. Maritime Electric Company, Limited's request for confidentiality is granted, in part.
2. The following document may be partially reacted, only as directed below:
 - **Exhibit M-28(c)** (ProEnergy Budgetary Proposal)
 - This document may include limited redactions permitted only as indicated below:
 - Page 3: employee contact information may be redacted.
 - Page 8: Pricing Description table, "Price" column may be redacted.
 - Page 8: ProEnergy Equipment Progress Billing table, column 3, rows 3 through 17 may be redacted.
 - Page 9: ProEnergy EPC Progress Billings table, column 3, rows 3 through 15 may be redacted.

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

3. The following documents may be partially reacted as previously ordered in Order UE25-07 and Order UE25-07A:
 - **Exhibit M-28(b) Tables 1 and 2:**
 - Table 1, page 1: column 3, rows 3 through 19 maybe be redacted; and column 4, rows 3 through 21 may be redacted
 - Table 1, page 2: column 3, rows 3 through 17 maybe be redacted; and column 4, row 3 through 19 may be redacted.
 - Table 2, page 3: column 2, rows 4 through 15 may be redacted.
 - Table 2, page 4: column 2, rows 4 through 15 may be redacted.
 - **Exhibit M-28(d)** (Slot Reservation Agreement)
 - This document may include limited redactions permitted only as indicated below:
 - Page 4: contact information.

- Page 11 (Equipment purchase price and Equipment 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.

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

- **Exhibit M-28(e)** (Draft Gas Turbine Equipment and Sale Agreement)
 - 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.
4. 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 May, 20, 2026.

DATED at Charlottetown, Prince Edward Island, May 13, 2026.

BY THE COMMISSION:

(sgd) Pamela Williams

Pamela Williams, K.C., Chair

(sgd) Kerri Carpenter

Kerri Carpenter, Vice-Chair