



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

**Docket: UE20944**

**Order: UE19-06**

**IN THE MATTER** of an application by Maritime Electric Company, Limited to approve the rates, tolls and charges for electric service for the period beginning March 1, 2019, pursuant to section 20 of the *Electric Power Act*, R.S.P.E.I. 1988, Cap. E-4;

**AND IN THE MATTER** of an application for intervener status made by Stephen Howard, MLA and Opposition Shadow Critic for Transportation, Infrastructure and Energy, pursuant to Rules 15 and 17 of the Island Regulatory and Appeals Commission Rules of Practice & Procedure for Hearings.

**BEFORE THE COMMISSION ON** Friday, the 2<sup>nd</sup> day of August, 2019.

J. Scott MacKenzie, Q.C., Chair  
M. Douglas Clow, Vice-Chair  
John Broderick, Commissioner

**CERTIFIED A TRUE COPY**

Jonah Clements,  
General Counsel  
Island Regulatory & Appeals Commission

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# Order

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# Order

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**WHEREAS** on or about August 1, 2019, Stephen Howard, MLA and Opposition Shadow Critic for Transportation, Infrastructure and Energy (“Mr. Howard”), filed with the Island Regulatory and Appeals Commission (the “Commission”) an application seeking approval to act as a “Friend of the Commission Intervener” in the General Rate Application in Commission Docket UE20944;

**AND WHEREAS** the public hearing of the General Rate Application is scheduled to commence on Tuesday, August 6, 2019;

**AND WHEREAS** the application for intervener status complies with the requirements set forth in Rules 15 and 17 of the Commission’s Rules of Practice & Procedure for Hearings (the “Rules”);

**AND WHEREAS** the parties to the General Rate Application, namely, Maritime Electric Company, Limited (“MECL”) and the Prince Edward Island Energy Corporation (“PEIEC”), have been provided with the opportunity to reply to the application for intervener status, in accordance with Rule 18;

**AND WHEREAS** PEIEC advised the Commission that it did not intend to respond to the application for intervener status;

**AND WHEREAS** MECL advised the Commission that it was prepared to consent to the intervention on the same basis as the intervention that was granted to PEIEC and, in particular, that:

(1) Mr. Howard's intervention would be limited to (a) the issue of rate design and, in particular, the issue of the residential second block rate; and (b) current or potential DSM programs relevant to the residential second block rate;

(2) Mr. Howard will not call witnesses at the hearing;

(3) Mr. Howard's questioning of MECL and Commission Staff witnesses will be limited to the issues identified in (1) above; and

(4) Any exhibits filed by Mr. Howard would be limited to the issues identified in (1) above and filed by noon on Monday, August 5, 2019;

**AND WHEREAS** Mr. Howard advised the Commission that he was amenable to limiting his intervention as MLA and Opposition Shadow Critic for Transportation, Infrastructure and Energy as suggested by MECL;

**AND WHEREAS** the Commission has considered the application for intervener status and the responses submitted by MECL, PEIEC and Mr. Howard;

**AND WHEREAS** the Commission has the discretion to approve an application for intervener status with conditions, in accordance with Rule 19(1)(b);

**AND WHEREAS** the Commission is satisfied that the conditions suggested by MECL and agreed to by Mr. Howard are fair and reasonable in the circumstances, and will ensure that the hearing of the General Rate Application occurs without delay and without prejudice to any party;

**AND WHEREAS** the Commission is prepared to grant the application for intervener status subject to the conditions suggested by MECL and agreed to by Mr. Howard;

**NOW THEREFORE, IT IS ORDERED THAT:**

1. The application for intervener status is approved and Mr. Howard, in his capacity as MLA and Opposition Shadow Critic for Transportation, Infrastructure and Energy, is hereby granted Friend of the Commission Intervener status in the General Rate Application.
2. Mr. Howard, in his capacity as an MLA and Opposition Shadow Critic for Transportation, Infrastructure and Energy, shall be entitled to participate in the General Rate Application in the following manner and subject to the following conditions:
  - (a) Mr. Howard's intervention shall be limited to the following issues:
    - (i) rate design and, in particular, the residential second block rate; and
    - (ii) current or potential energy efficiency and demand side management programs relevant to the residential second block rate;
  - (b) Mr. Howard shall not be entitled to call witness(es) at the hearing;
  - (c) Mr. Howard's questioning of witnesses shall be limited to the issues identified in (a) above; and
  - (d) Any exhibits filed by Mr. Howard shall be limited to the issues identified in (a) above and shall be filed with the Commission by 12:00 p.m. on Monday, August 5, 2019.

**DATED** at Charlottetown, Prince Edward Island, this 2<sup>nd</sup> day of August, 2019.

**BY THE COMMISSION:**

*(sgd) J. Scott MacKenzie*

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J. Scott MacKenzie, Q.C., Chair

*(sgd) M. Douglas Clow*

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M. Douglas Clow, Vice-Chair

*(sgd) John Broderick*

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John Broderick, 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.