

**EC2006-339**

PRINCE EDWARD ISLAND BUSINESS DEVELOPMENT INC. ACT  
BOARD OF DIRECTORS  
APPOINTMENTS

Pursuant to clause 2(2)(d) of the *Prince Edward Island Business Development Inc. Act* R.S.P.E.I. 1988, Cap. B-6.2, Council made the following appointments:

NAME	TERM OF APPOINTMENT
Tom DeBlois Charlottetown	16 May 2006 to 30 June 2007
Dennis Gallant Bloomfield (reappointed)	30 June 2006 to 30 June 2007
James C. Johnston Brudenell (reappointed)	30 June 2006 to 30 June 2007

**EC2006-340**

AN ACT TO AMEND THE EMERGENCY 911 ACT (NO. 2)  
DECLARATION RE

Under authority of section 8 of *An Act to Amend the Emergency 911 Act (No. 2)* Stats. P.E.I. 2006, 3rd Session, c. 30 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Emergency 911 Act (No. 2)" to come into force effective 1 July 2006.

**EC2006-341**

**EMERGENCY 911 ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 10 of the *Emergency 911 Act* R.S.P.E.I. 1988, Cap. E-5.1, Council made the following regulations:

- 1. The title of the *Emergency 911 Act Regulations (EC155/00)* is amended by the deletion of the word "REGULATIONS" and the substitution of the words "GENERAL REGULATIONS".**
- 2. Section 10 of the regulations is revoked.**
- 3. These regulations come into force on July 1, 2006.**

**EXPLANATORY NOTES**

**SECTION 1** amends the title of the "Regulations" to "General Regulations".

**SECTION 2** revokes the fee scheme set out in the regulations as it is no longer needed because of an amendment to the *Emergency 911 Act* which sets out a revised fee scheme.

**SECTION 3** provides for the commencement of these regulations.

**EC2006-342**

**EMERGENCY 911 ACT  
911 COST RECOVERY FEES REGULATIONS**

Pursuant to section 10 of the *Emergency 911 Act* R.S.P.E.I. 1988, Cap. E-5.1, Council made the following regulations:

**1.** In these regulations, “Act” means the *Emergency 911 Act* R.S.P.E.I. 1988, Cap. E-5.1; Act

**2.** (1) Where a telecommunications carrier wishes to pay under subsection 2.2(5) of the Act an amount that is calculated on the basis of the amount of the cost recovery fees that the telecommunications carrier collected in the immediately preceding calendar month, the amount that the telecommunications carrier is required to pay in respect of that month shall be determined by the formula

Calculation of amount payable on collection basis

$$A - (B \times C)$$

where

A is the total amount of the cost recovery fees collected in the immediately preceding calendar month by the telecommunications carrier;

B is the amount of the collection or billing allowance set out in section 5 that may be deducted by the telecommunications carrier in respect of each cost recovery fee that it collected; and

C is an amount equal to the number of the cost recovery fees that the telecommunications carrier collected in the immediately preceding calendar month.

(2) Where a telecommunications carrier wishes to pay under subsection 2.2(5) of the Act an amount that is calculated on the basis of the amount of the cost recovery fees that the telecommunications carrier has billed to its local subscribers for telephone services provided in the immediately preceding calendar month, the amount the telecommunications carrier is required to pay in respect of that month shall be determined by the formula

Calculation of amount payable on billed basis

$$[(A \times B) - (B \times C)] - [((A \times B) - (B \times C)) \times D]$$

where

A is the amount of the cost recovery fee set out in the Schedule to the Act;

B is the number of telephone services that the telecommunications carrier billed to its local subscribers during the immediately preceding calendar month;

C is the amount of the collection or billing allowance set out in section 5 that may be deducted by the telecommunications carrier in respect of each telephone service that it bills its local subscribers for; and

D is the telecommunication carrier’s average percentage rate of bad debts for the telephone services that it billed to its local subscribers during its previous fiscal year.

**3.** (1) On or before the twentieth day of each calendar month, every telecommunications carrier shall file with the Commissioner a return that

Returns

(a) is in such form as may be prescribed by the Commissioner; and

(b) contains the information required by this section.

(2) Where the amount that a telecommunications carrier pays in a calendar month under subsection 2.2(5) of the Act is calculated on the basis of the amount of the cost recovery fees that the telecommunications carrier collected during the immediately preceding calendar month, the return filed by the telecommunications carrier pursuant to subsection (1) must indicate

Idem

- (a) the total amount of the cost recovery fees collected by the telecommunications carrier in the immediately preceding calendar month;
- (b) the total number of the cost recovery fees that the telecommunications carrier collected in the immediately preceding calendar month; and
- (c) the total amount of the collection or billing allowance claimed by the telecommunications carrier in respect of the cost recovery fees it collected in the immediately preceding calendar month.

(3) Where the amount that a telecommunications carrier pays in a calendar month under subsection 2.2(5) of the Act is calculated on the basis of the amount of the cost recovery fees that the telecommunications carrier billed to its local subscribers during the immediately preceding calendar month, the return filed by the telecommunications carrier pursuant to subsection (1) must indicate *Idem*

- (a) the number of telephone services that the telecommunications carrier billed to its local subscribers during the immediately preceding calendar month;
- (b) the total amount of the collection allowance claimed by the telecommunications carrier in respect of the cost recovery fees it billed in the immediately preceding calendar month; and
- (c) the telecommunication carrier's average percentage rate of bad debts for the telephone services it billed to its local subscribers during its previous fiscal year.

(4) Where a telecommunications carrier

- (a) is registered under the Act as an agent of the Provincial Treasurer for the collection of the cost recovery fees payable by its local subscribers;
  - (b) normally provides telephone services to its local subscribers; and
  - (c) in the immediately preceding calendar month, did not collect or bill, as the case may be, any cost recovery fees,
- the telecommunications carrier shall, on or before the twentieth day of the following calendar month, file a return that
- (d) indicates that the telecommunications carrier did not collect or bill, as the case may be, any cost recovery fees in the immediately preceding calendar month; and
  - (e) is in a form acceptable to the Commissioner.

No collection of or  
billing made for  
fees

4. (1) Where a telecommunications carrier fails in a calendar month to pay an amount to the Provincial Treasurer, as and when required under the Act and these regulations, the telecommunications carrier is deemed to hold an amount equal to the amount it is required to pay under the Act and these regulations in trust for the payment over of the same under the Act and these regulations, and the amount deemed to be held in trust, until paid, forms a lien and charge on the entire estate of the telecommunications carrier or on the entire assets of such estate in the hands of any trustee, and such lien or charge has priority over all other claims of any person.

Amount held in  
trust

(2) Where a telecommunications carrier is deemed under subsection (1) to hold an amount in trust, that amount shall be deemed to be held separate from and form no part of the estate or assets of the telecommunications carrier, whether or not the amount has in fact been kept separate and apart from the estate or assets of the telecommunications carrier.

Amount held  
separate

5. (1) Subject to subsection (2), a telecommunications carrier may deduct, as provided for in section 2, a collection or billing allowance in the amount of seven cents (\$.07) for each cost recovery fee it bills to or collects from its local subscribers, as the case may be, on behalf of the Provincial Treasurer.

Collection or billing  
allowance

(2) A telecommunications carrier is not entitled to deduct a collection or billing allowance when determining under section 2 the amount that is payable by the telecommunications carrier to the Provincial Treasurer in a calendar month if the telecommunications carrier fails

No deduction of  
collection or billing  
allowance

- (a) in respect of that calendar month, to pay
    - (i) an amount that is equal to the amount payable under section 2,
- or

- (ii) the amount referred to in subclause (i) when required by the Act and these regulations; or
- (b) to file a return for that calendar month as required under section 3.

6. (1) Every telecommunications carrier that provides telephone service to its local subscribers shall keep and maintain books of account, records and documents sufficient to allow the Commissioner to determine, on a monthly basis,

Books and records

- (a) the number of telephone services subscribed to by its local subscribers;
- (b) the amount of cost recovery fees billed to its local subscribers;
- (c) the amount of cost recovery fees collected from its local subscribers;
- (d) the disposal of the cost recovery fees paid to the telecommunications carrier, including any allowance taken; and
- (e) the amount of any allowance for bad debts made by the telecommunications carrier under section 2.

(2) Every telecommunications carrier shall preserve all books of account, records and documents that are required to be kept and maintained under subsection (1) until such time as the Commissioner may authorize their destruction.

*Idem*

7. (1) The Commissioner may from time to time and at such intervals as the Commissioner may consider reasonable, determine and assess, or reassess, any amount that is required to be paid by a telecommunications carrier to the Provincial Treasurer under the Act and these regulations, and thereupon the amount so assessed or reassessed becomes due and payable by the telecommunications carrier.

Assessment and reassessment

(2) Where a telecommunications carrier

- (a) fails, in a calendar month,
  - (i) to pay an amount to the Provincial Treasurer, as and when required under the Act and these regulations, or
  - (ii) to make a return to the Commissioner in accordance with section 3; or
- (b) on the request of the Commissioner, fails to substantiate, by means of the records kept by the telecommunications carrier,
  - (i) the amount of cost recovery fees that the telecommunications carrier has collected from or billed to its local subscribers, as the case may be, during a calendar month,
  - (ii) all or any part of the amount that the telecommunications carrier paid to the Provincial Treasurer under the Act and these regulations during a calendar month, or
  - (iii) a return for a calendar month made to the Provincial Treasurer by the telecommunications carrier under section 3,

Estimate of amount payable under Act and these regulations

the Commissioner may estimate the amount that the telecommunications carrier is required to pay to the Provincial Treasurer during that calendar month and that it has not paid, and such estimated amount is deemed to be due and payable by the telecommunications carrier for that calendar month.

(3) The Commissioner shall serve personally or send by registered mail to the telecommunications carrier, at the latest known address of the telecommunications carrier, a notice setting out the amount assessed or reassessed under subsection (1), or estimated under subsection (2), as being due and payable to the Provincial Treasurer, and in the case of a telecommunications carrier that has more than one address, one of which is within the province, the notice may be sent to the address in the province.

Notice of amount assessed or estimated

(4) The liability of a telecommunications carrier to an assessment, reassessment or estimate made by the Commissioner under this section is not affected by

Liability to assessment

- (a) any previous incorrect or incomplete assessment, reassessment or estimate made by the Commissioner; or
- (b) the fact that no previous assessment, reassessment or estimate has been made by the Commissioner.

- (5) Any assessment, reassessment or estimate made by the Commissioner under this section is valid and binding notwithstanding any error, defect or omission therein or any proceeding under the Act or these regulations, unless the assessment, reassessment or estimate is varied or set aside, Validity
- (a) by the Commissioner, on reconsideration under section 8; or
  - (b) by the Commission, on appeal under section 9.
- (6) An affidavit or statutory declaration by a person serving or mailing a notice to a telecommunications carrier pursuant to subsection (3) stating that the person has mailed or served the notice is proof that the amount stated in the notice is due and owing and the onus of proving otherwise rests on the telecommunications carrier. Notice – proof of mailing or service
- (7) In making an assessment or a reassessment under this section, the Commissioner shall not consider a period prior to the sixty months immediately preceding the month in which the assessment or reassessment is made, as the case may be, except where there is a reasonable appearance of wilful default or fraud to the Commissioner. Period of assessment
- (8) The Provincial Treasurer may by notice published in the Gazette designate any officer of the Provincial Treasury to Designation by Provincial Treasurer
- (a) issue and sign notices under subsection (3); and
  - (b) exercise the powers of the Commissioner under this section.
- 8.** (1) Where a telecommunications carrier wishes to dispute liability for an amount indicated as being due and payable in a notice that is served on or mailed to the telecommunications carrier under subsection 7(3), the telecommunications carrier shall, within sixty days of the date of service or mailing of the notice, serve on the Commissioner a notice of objection setting out the reasons for the objection and all relevant facts. Notice of objection
- (2) A notice of objection is sufficiently served on the Commissioner if, within the time period required by subsection (1), it is Idem
- (a) delivered to the office of the Commissioner; or
  - (b) sent by registered mail addressed to the Commissioner.
- (3) The Commissioner shall, within sixty days of receipt of a notice of objection from a telecommunications carrier that has been served on or mailed to the Commissioner as required by this section, Reconsideration
- (a) reconsider the assessment, reassessment or estimate that is the subject of the notice of objection;
  - (b) decide whether to confirm, vary or set aside the assessment, reassessment or estimate, as the case may be; and
  - (c) send by registered mail addressed to the telecommunications carrier a notice of the decision that includes a statement of the amount, if any, that is due and payable by the telecommunications carrier to the Provincial Treasurer.
- 9.** (1) If a telecommunications carrier is dissatisfied with the decision of the Commissioner under subsection 8(3), the telecommunications carrier may, within thirty days from the date of mailing of the decision, appeal to the Commission. Appeals
- (2) An appeal shall be commenced by serving upon the Commission a notice of appeal in writing setting out the grounds of the appeal and stating briefly the facts relative thereto. Notice
- (3) The grounds of an appeal set out in a notice of appeal shall be limited to the reasons raised by the telecommunications carrier in a notice of objection filed under subsection 8(1). Grounds
- (4) A notice of appeal is sufficiently served on the Commission if, within the time period required by subsection (1), it is Service
- (a) delivered to the office of the Commission; or
  - (b) sent by registered mail addressed to the Commission.
- (5) On the hearing of the appeal both the appellant and the Commissioner are entitled to appear and be heard and to submit further evidence. Right to be heard

- (6) The Commission may, in writing, designate a person to act on its behalf and hear an appeal under this section and any reference in this section to the Commission includes a person so designated. Designation of person to act on behalf of the Commission
- (7) No grounds of appeal shall be considered by the Commission other than the grounds of appeal set out in the notice of appeal. Grounds that may be considered
- (8) Upon any appeal, the Commission may confirm, vary or set aside the decision of the Commissioner and shall give the appellant and the Commissioner written notice of its decision by registered mail. Decision
- 10. (1) Where**
- (a) a telecommunications carrier gives
- (i) a notice of objection to the Commissioner, or
- (ii) a notice of appeal to the Commission; or
- (b) a delay in the hearing of an appeal under section 9 occurs, the giving of the notice or the occurrence of the delay, as the case may be, shall not in any way affect the due date of, or the liability of the telecommunications carrier to pay to the Provincial Treasurer, any amount, including any interest or penalty, that is the subject matter of the objection or appeal and that is due and payable under the Act and these regulations. Payment liability not affected by notices of objection or appeal
- (2) Where Refund
- (a) an assessment, reassessment or estimate of the Commissioner concerning an amount required to be paid by telecommunications carrier is set aside or reduced on reconsideration by the Commissioner under section 8, or on appeal by the Commission under section 9; and
- (b) the decision of the Commissioner or the Commission respecting the reconsideration or appeal indicates that the telecommunications carrier paid to the Provincial Treasurer an amount it was not required to pay because of an error in the assessment, reassessment or estimate,
- the Provincial Treasurer shall, on receipt of notice of the decision of the Commissioner or the Commission, as the case may be, refund to the telecommunications carrier any amount which it was not required to pay, and any additional interest or penalty it paid thereon.
- 11. Where** Recovery of amount
- (a) a telecommunications carrier defaults in the payment of any amount due and payable by a telecommunications carrier to the Provincial Treasurer under the Act and these regulations, including any amount due and payable as interest or a penalty;
- (b) the Commissioner has sent a registered letter to the telecommunications carrier demanding payment of the amount due and payable; and
- (c) 30 days has expired from the date that the registered letter was sent,
- the Commissioner may issue a certificate stating
- (d) the name of the telecommunications carrier from whom the amount is due and payable;
- (e) the facts known to the Commissioner respecting the default referred to in clause (a); and
- (f) the amount that is due and payable on the date of the certificate.
- (2) Notwithstanding anything to the contrary in subsection (1), the certificate referred to in that subsection may be issued forthwith where the Commissioner considers it necessary or advisable to do so. Exception
- (3) Upon its production to and filing with the Registrar of the Supreme Court, the certificate shall be entered and recorded in the court, and when so entered and recorded it has the same force and effect, and all proceedings may be taken thereunder, as if it were a judgment obtained in the court by the Government against the person named in the said certificate. Effect of filing certificate
- (4) All reasonable costs and charges attendant upon the production and registration of the certificate shall be recovered in like manner as if the amount thereof had been included in the said certificate. Costs and charges are recoverable

**12.** When the Provincial Treasurer knows or suspects that a person is, or is about to become, indebted to or liable to make any payments to a telecommunications carrier liable to make a payment of an amount due and payable to the Provincial Treasurer under the Act and these regulations, the Provincial Treasurer may, by registered letter or by a letter served upon the person personally, require the person to pay the amount otherwise payable to the telecommunications carrier in whole or in part, to the Provincial Treasurer on account of the liability of the telecommunications carrier under the Act and these regulations.

Third party payment  
of amount due

**13.** (1) Any amount that is due and payable under the Act and these regulations, constitutes a debt due to the Government and may be recovered by action in any court of competent jurisdiction.

Debt due

(2) The court may make an order as to the costs of such action in favour or against the Government.

Costs

(3) The *Statute of Limitations* R.S.P.E.I. 1988, Cap. S-7 does not apply to the liability of a telecommunications carrier for the payment of an amount due and payable by the telecommunications carrier under the Act and these regulations and does not constitute a restriction on the recovery of that amount.

Statute of  
limitations for  
liability

**14.** (1) Any amount due and payable under the Act and these regulations by a telecommunications carrier shall bear interest at the rate of 1.5% per month from the day on which that amount should have been paid to the Provincial Treasurer.

Interest on amount  
due

(2) Where, as a result of an objection or appeal, an amount is refunded by the Provincial Treasurer to any telecommunications carrier, interest is payable thereon by the Provincial Treasurer at the rate referred to in subsection (1).

Refunded amounts

(3) Notwithstanding subsection (1), interest shall cease to accrue on an amount due and payable under the Act and these regulations by a telecommunications carrier as of the date the telecommunications carrier files an assignment in bankruptcy under the *Bankruptcy and Insolvency Act* R.S.C 1985, Chap. B-3.

Bankruptcy

**15.** Every telecommunications carrier who fails, in a calendar month, to pay an amount to the Provincial Treasurer that is due and payable under the Act and these regulations, or to make a return to the Commissioner for the calendar month in accordance with section 3, shall pay a penalty to the Provincial Treasurer upon demand by the Commissioner in an amount equal to the lesser of

Penalty

(a) five percent of the total amount that was due and payable by the telecommunications carrier for the calendar month; and

(b) \$250,

and the amount of such penalties may be stated in a certificate issued by the Commissioner pursuant to section 11.

**16.** (1) Where a telecommunications carrier owes an amount to the Provincial Treasurer that is due and payable under the Act and these regulations, the telecommunications carrier shall pay to the Provincial Treasurer, on demand by the Commissioner, all of the costs and expenses incurred by the Provincial Treasurer in collecting the amount that is due and payable, and the amount of such costs and expenses may be stated in a certificate issued by the Commissioner pursuant to section 11.

Costs and expenses

(2) The Commissioner may levy against a telecommunications carrier a penalty in the amount of \$35 for each non-negotiable cheque that is issued by the telecommunications carrier to the Provincial Treasurer.

Penalty for non-  
negotiable cheque

**17.** (1) The Commissioner may, from time to time and at such intervals as the Commissioner considers appropriate, make or cause to be made an audit of the books of account, records, documents and papers of any telecommunications carrier.

Audits

(2) Each telecommunications carrier shall make its books of account, records, documents and papers available to the Commissioner for the purpose of an audit under subsection (1).

*Idem*

- 18.** (1) The Commissioner, an inspector or any person authorized by the Provincial Treasurer may, without warrant, during normal business hours or at any other reasonable time, enter upon any premises or place where any telecommunications carrier carries on business or where any records of a telecommunications carrier are kept to audit, inspect or examine any account, record, paper, document, invoice, record keeping device, voucher, letter, electronic mail, or any other document or thing that is related or may relate in any way to the billing or collection of a cost recovery fee or the payment of the fee or an amount in respect of that fee. Entry for audit
- (2) Any person authorized under subsection (1) to enter the premises or place referred to in that subsection may, on entering upon any such premises or place, require the owner, employee or agent of the telecommunications carrier to give him or her all reasonable assistance with the audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he or she so requests, on oath or by statutory declaration, and for that purpose to require the owner or employee to attend at the premises or place with him or her. Assistance
- (3) A telecommunications carrier and any person who is an officer, employee or agent of the telecommunications carrier shall Answering questions
- (a) answer all of the questions of a person authorized to enter the premises of the telecommunications carrier under subsection (1) relating to any of the matters concerning which authority to enter is given in this section; and
- (b) produce for inspection such records, documents and other things as are required by a person authorized to enter the premises of the telecommunications carrier under subsection (1).
- (4) A telecommunications carrier who carries on business in the province, but does not keep or maintain in the province all books of account, records, record-keeping devices, papers or any other documents required for the purpose of audit, inspection, or examination, is liable for the expenses necessarily incurred by any officer appointed by the Provincial Treasurer for the purpose of auditing, inspecting, or examining the books of account, records and documents at the place where they are kept or maintained. Expenses of Provincial Treasurer - liability
- (5) If during the course of an audit or inspection pursuant to subsection (1) it appears to the person conducting the audit or inspection that there has been a contravention of the Act or these regulations, the person conducting the audit or inspection may seize and take away any books of account, records and other documents and retain them until they are produced in any court proceeding and may make a copy thereof. Retention of records
- (6) A copy of any book of account, record or document purporting to be certified by the Commissioner, an inspector or any authorized person referred to in subsection (1) to be a copy pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way. Admissibility of copies
- 19.** Where a telecommunications carrier pays an amount to the Provincial Treasurer that is not due and payable under the Act and these regulations, the Provincial Treasurer shall repay to the telecommunications carrier the amount wrongly paid if application for refund has been made within four years of the date the amount was wrongly paid. Repayment of amount wrongly paid
- 20.** (1) An application under section 19 for a refund of an amount wrongly paid shall be made, in writing, to the Commissioner and shall include Application for refund of amount wrongly paid
- (a) the reason for requesting the refund; and
- (b) such information or documents, including invoices and receipts, as the Commissioner may require, respecting the payment of the amount for which the refund is requested.
- (2) Any information or documents required by the Commissioner in respect of an application under subsection (1) shall be provided or presented by the applicant in such form or manner as the Commissioner may require. Information
- 21.** (1) Any penalty or interest assessed against a telecommunications carrier may be waived by the Commissioner where the penalty or interest Waiver of penalty or interest



results from non-compliance by the telecommunications carrier with the Act, or any regulations made thereunder, as a result of one or more of the following extraordinary circumstances:

- (a) a natural disaster such as flood, fire or storm;
- (b) a personal tragedy such as the serious illness or death of, or in the family of
  - (i) a telecommunications carrier, or
  - (ii) a person who oversees and ensures the telecommunications carrier's compliance with the Act, or any regulations made thereunder;
- (c) the theft or vandalism of records; or
- (d) a civil disturbance.

(2) Any penalty or interest assessed against a telecommunications carrier may be waived by the Commissioner where the assessment is the result of any of the following administrative errors or delays by the Commissioner:

Waiver of penalty due to errors or delays

- (a) a delay in processing returns that results in a lengthy delay in informing the telecommunications carrier of amounts owing;
- (b) incorrect written information being provided to the telecommunications carrier;
- (c) an unreasonable delay in providing required information to the telecommunications carrier;
- (d) an error in materials prepared and distributed by the Commissioner to the general public; or
- (e) a change in the interpretation of the Act, or any regulations made thereunder, after a return has been filed by the telecommunications carrier based on a prior interpretation of the Act, or any regulations made thereunder.

(3) The decision of the Commissioner on the waiver of any penalty or interest pursuant to this section is final and is not subject to objection or appeal.

Commissioner's decision final

**22.** Where a telecommunications carrier has not paid to the Provincial Treasurer an amount that is payable under the Act in respect of the cost recovery fees collected or billed during February, March, April or May of 2006, the telecommunications carrier shall pay that amount to the Provincial Treasurer on or before July 20, 2006.

Transitional

**23.** These regulations come into force on July 1, 2006.

Commencement

## EXPLANATORY NOTES

**SECTION 1** is the definition section.

**SECTION 2** explains how the amount payable is to be calculated.

**SECTION 3** requires telecommunications carriers to file a monthly return with the Commissioner.

**SECTION 4** requires telecommunications carriers to hold an amount in trust for the cost recovery fees they have not yet paid to the Provincial Treasurer.

**SECTION 5** allows telecommunications carriers to deduct a collection and billing allowance from the monthly amount due to the Provincial Treasurer.

**SECTION 6** requires telecommunications carriers providing telephone service to keep and maintain books of account and records.

**SECTION 7** allows the Commissioner to assess, reassess and estimate amounts required to be paid by the telecommunications carrier to the Provincial Treasurer.

**SECTION 8** allows the telecommunications carrier to serve the Commissioner with a notice of objection regarding an assessment when the carrier wishes to dispute liability for an amount.

**SECTION 9** outlines the process to be followed by a telecommunications carrier when appealing a decision of the Commissioner. The appeal lies to the Commission.

**SECTION 10** states that a telecommunication carrier is liable to pay any amount owed to the Provincial Treasurer despite the fact that the carrier has filed an objection or commenced an appeal.

**SECTION 11** provides the Commissioner with the authority to file a certificate in the Supreme Court against a telecommunications carrier and that certificate has the legal status of a judgement of the Court.

**SECTION 12** allows the Provincial Treasurer to require a third party to forward any payment which the third party owes to a telecommunications carrier directly to the Provincial Treasurer.

**SECTION 13** states that when a telecommunications carrier has amounts due and payable under the Act and these regulations, they are considered a debt due to the Government and are recoverable in court. The section also states that the *Statute of Limitations* does not apply to amounts due from telecommunications carrier.

**SECTION 14** allows the Provincial Treasurer to apply interest charges on amounts due from telecommunications carriers.

**SECTION 15** allows the Provincial Treasurer to apply penalties to telecommunications carriers for amounts due.

**SECTION 16** allows the Provincial Treasurer to collect costs and expenses involved in the collection of amounts due from a telecommunications carrier. The section also allows the Commissioner to levy charges for non-negotiable cheques issued by a telecommunications carrier.

**SECTIONS 17 and 18** allow the Commissioner to audit telecommunications carriers and describe the audit process.

**SECTION 19** requires the Provincial Treasurer to repay amounts wrongly paid by the telecommunications carrier.

**SECTION 20** allows a telecommunications carrier, seeking repayment of amounts wrongly paid, to apply in writing to the Commissioner for a refund.

**SECTION 21** allows the Commissioner to waive penalties and interest incurred by a telecommunications carrier.

**SECTION 22** is a transitional provision providing a payment date for any money not paid as required under the Act before the commencement of these regulations.

**SECTION 23** is the commencement section.

**EC2006-343**

EXECUTIVE COUNCIL ACT  
 MINISTER OF HEALTH  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (CANADIAN BLOOD SERVICES  
 EXCESS INSURANCE CAPTIVE SUPPORT AGREEMENT)  
 WITH  
 OTHER PROVINCES AND TERRITORIES,  
 CANADIAN BLOOD SERVICES  
 AND  
 CANADIAN BLOOD SERVICES CAPTIVE INSURANCE  
 COMPANY LIMITED - COMPAGNIE D'ASSURANCE CAPTIVE  
 DE LA SOCIÉTÉ CANADIENNE DU SANG LIMITÉE

Pursuant to clauses 10(b) and (d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health to enter into an agreement with the Provinces, except the Province of Quebec, and the Territories, as represented by their respective Ministers responsible for health, Canadian Blood Services, and Canadian Blood Services Captive Insurance Company Limited – Compagnie d'Assurance Captive de la Société Canadienne du Sang Limitée, to set out terms and conditions of a re-insurance policy providing an additional layer of risk protection related to ownership, management and operation of the blood system in Canada, such as more particularly described in the draft agreement.

Further, Council endorsed the terms of the Accountability Framework referenced in the agreement.

**EC2006-344**

FATHERS OF CONFEDERATION BUILDINGS ACT  
 FATHERS OF CONFEDERATION BUILDINGS TRUST  
 APPOINTMENT

Pursuant to subsection 3(2) of the *Fathers of Confederation Buildings Act* R.S.P.E.I. 1988, Cap. F-6 Council made the following appointment:

NAME	TERM OF APPOINTMENT
George Kitching Ontario (reappointed)	31 July 2006 to 31 July 2009

**EC2006-345**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 GARY OLIVER  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Gary Oliver of Toronto, Ontario to acquire a land holding of approximately eighty (80) acres of land in Lot 55, Kings County, Province of Prince Edward Island, being acquired from Marwood Properties Inc. of Georgetown, Prince Edward Island.

Further, Council noted that the said land holding, being part of Provincial Property No. 158899, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2006-346**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
BEAVERBROOK DEVELOPMENTS LIMITED  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Beaverbrook Developments Limited of Grandlake, Nova Scotia to acquire a land holding of approximately eight decimal two eight (8.28) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from the Estate of Dean Read of Charlottetown, Prince Edward Island.

**EC2006-347**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
COMMUNITY OF CRAPAUD  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to the Community of Crapaud, Prince Edward Island to acquire a land holding of approximately seventy-two decimal one four (72.14) acres of land in Lot 28, Queens and Prince Counties, Province of Prince Edward Island, being acquired from Sherwood Development Limited of Charlottetown, Prince Edward Island.

**EC2006-348**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HANCOCK HOLDINGS LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hancock Holdings Ltd. of Belle River, Prince Edward Island to acquire a land holding of approximately zero decimal seven (0.7) acres of land in Lot 62, Queens County, Province of Prince Edward Island, being acquired from Lorne Bell and Miriam Bell, both of Belle River, Prince Edward Island.

**EC2006-349**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 J & S VISSER PRODUCE INC.  
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to J & S Visser Produce Inc. of Vernon River, Prince Edward Island to acquire a land holding of approximately one hundred and forty-eight (148) acres of land in Lots 50 and 57, Queens County, Province of Prince Edward Island, being acquired from Jacob Visser of Vernon River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-350**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 J & S VISSER PRODUCE INC.  
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to J & S Visser Produce Inc. of Vernon River, Prince Edward Island to acquire a land holding of approximately ninety-eight (98) acres of land in Lots 57 and 58, Queens County, Province of Prince Edward Island, being acquired from Jacob Visser and Stephen Visser, both of Vernon River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-351**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 J & S VISSER PRODUCE INC.  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to J & S Visser Produce Inc. of Vernon River, Prince Edward Island to acquire a land holding of approximately ninety-six (96) acres of land in Lot 66, Kings County, Province of Prince Edward Island, being acquired from Jacob Visser and Stephen Visser, both of Vernon River, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 519447, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2006-352**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
J & S VISSER PRODUCE INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to J & S Visser Produce Inc. of Vernon River, Prince Edward Island to acquire a land holding of approximately one hundred and twenty-four (124) acres of land in Lot 57, Queens County, Province of Prince Edward Island, being acquired from Jacob Visser and Hillegonda Visser, both of Vernon River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-353**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
J & S VISSER PRODUCE INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to J & S Visser Produce Inc. of Vernon River, Prince Edward Island to acquire a land holding of approximately one (1) acre of land in Lot 57, Queens County, Province of Prince Edward Island, being acquired from Jacob Visser and Hillegonda Visser, both of Vernon River, Prince Edward Island.

**EC2006-354**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MARITIME CONFERENCE OF THE  
SEVENTH-DAY ADVENTIST CHURCH INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Maritime Conference of the Seventh-Day Adventist Church Inc. of Moncton, New Brunswick to acquire a land holding of approximately seven (7) acres of land in Lot 33, Queens County, Province of Prince Edward Island, being acquired from Harold Coles of Winsloe, Prince Edward Island.

**EC2006-355**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 MUNICIPALITY OF TYNE VALLEY  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to the Municipality of Tyne Valley, Prince Edward Island to acquire a land holding of approximately zero decimal nine six (0.96) acres of land in Lot 13, Prince County, Province of Prince Edward Island, being acquired from the Tyne Valley & Area Development Corporation of Tyne Valley, Prince Edward Island.

**EC2006-356**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 R & R HOLDINGS INC.  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to R & R Holdings Inc. of Cardigan, Prince Edward Island to acquire a land holding of approximately twenty-two decimal seven six (22.76) acres of land in Lot 53, Kings County, Province of Prince Edward Island, being acquired from Michael Rice and Shirley Rice, both of Cardigan, Prince Edward Island.

**EC2006-357**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 R & R HOLDINGS INC.  
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to R & R Holding Inc. of Cardigan, Prince Edward Island to acquire a land holding of approximately thirty-four (34) acres of land in Lot 53, Kings County, Province of Prince Edward Island, being acquired from Michael Rice and Shirley Rice, both of Cardigan, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-358**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 85555, LOT 18, PRINCE COUNTY  
IDENTIFICATION FOR NON-DEVELOPMENT USE  
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately forty-one (41) acres of land, being Provincial Property No. 85555 located in Lot 18, Prince County, Prince Edward Island and currently owned by Arthur Cousins & Sons Inc. of Kensington, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal six (1.6) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the new parcel as well as to the remaining land.

This Order-in-Council comes into force on 21 June 2006.

**EC2006-359**

PUBLIC DEPARTMENTS ACT  
DEPARTMENT OF EDUCATION  
ACTING DEPUTY MINISTER  
APPOINTMENT

Pursuant to subsection 7(1) of the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29, Council appointed Ken MacRae to serve as Acting Deputy Minister of Education effective 19 June 2006 and continuing during the absence from the office of Shauna Sullivan Curley.

**EC2006-360**

SOCIAL ASSISTANCE ACT  
SOCIAL ASSISTANCE APPEAL BOARD  
APPOINTMENTS

Pursuant to section 5 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Karen Coughlin	21 June 2006
Ellerslie	to
(vice Donna Williams, term expired)	21 June 2009
Brenda Doyle	21 June 2006
Tignish	to
(vice Paul Gaudet, term expired)	21 June 2009



Sue Loucks	6 May 2006
Charlottetown	to
(reappointed)	6 May 2009

Freda Woodside	21 June 2006
Kensington	to
(vice Margaret Bradley, term expired)	21 June 2009

Further, pursuant to subsection 5(2) of the said Act, Council reappointed Sue Loucks as chairperson of the Board for the duration of her term as a member.