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Jonah R.K. Clements,
General Counsel
Island Regulatory & Appeals Commission

Docket: PD911
Order: PC18-001

IN THE MATTER of section 20 of the *Petroleum Products Act*, RSPEI 1988, C P-5.1;

AND IN THE MATTER of the Application of Parkland Fuel Corporation for a retail petroleum outlet license under the *Petroleum Products Act* to operate a retail gasoline and diesel outlet, together with a convenience store facility, related food services and carwash, to be located at 400 Capital Drive, Charlottetown, Prince Edward Island (corner of Capital Drive and Maypoint Road);

BEFORE THE COMMISSION ON Monday, February 26, 2018

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

ORDER

IN THE MATTER of section 20 of the *Petroleum Products Act*, RSPEI 1988, C P-5.1;

AND IN THE MATTER of the Application of Parkland Fuel Corporation for a retail petroleum outlet license under the *Petroleum Products Act* to operate a retail gasoline and diesel outlet, together with a convenience store facility, related food services and carwash, to be located at 400 Capital Drive, Charlottetown, Prince Edward Island (corner of Capital Drive and Maypoint Road);

Order

WHEREAS Parkland Fuel Corporation (the "Applicant") filed an application on September 8, 2017 with the Island Regulatory and Appeals Commission (the "Commission") pursuant to section 20 of the *Petroleum Products Act* for a retail petroleum outlet license to operate a retail gasoline and diesel outlet, together with a convenience store facility, related food services and carwash, to be located at 400 Capital Drive, Charlottetown, Prince Edward Island (corner of Capital Drive and Maypoint Road) (the "Application");

AND WHEREAS the Commission published a Notice of Application (Retail Gasoline and Diesel Outlet) on October 18, 2017;

AND WHEREAS the Commission has determined that it is in the public interest to hold a hearing on this matter to allow interested parties an opportunity to make submissions on the Application;

NOW THEREFORE, pursuant to the *Petroleum Products Act* and the *Island Regulatory and Appeals Commission Act*, RSPEI 1988, c I-11,

IT IS ORDERED THAT

1. A public hearing will be held at the Commission's main hearing room, located on the 5th floor of the National Bank Tower, 134 Kent Street, Charlottetown, Prince Edward

Island, on **Wednesday, May 30, 2018**, commencing at 9:30 a.m. and continuing until **Friday, June 1, 2018**, unless otherwise determined by the Commission.

2. Persons wishing to provide written comments in relation to the application, but not wishing to make oral submissions, present evidence, or cross-examine witnesses at the public hearing, may file comments with the Commission until **Friday, March 16, 2018 at 4:00 p.m.** The Commission has already received some written comments in relation to the application. Comments received by the Commission before the date of this Order do not have to be filed again.
3. Persons wishing to have intervenor status to appear and make oral submissions, present evidence, and cross-examine witnesses at the public hearing must file a notice of intervention with the Commission no later than **Friday, March 16, 2018 at 4:00 p.m.** The notice must declare their interest in the proceeding and include an estimate as to the amount of time the person wishes to have in order to make submissions at the public hearing.
4. The Commission will determine whether or not intervenor status will be granted to any person(s) on or before **Friday, March 23, 2018 at 4:00 p.m.** Terms and conditions on intervenor standing may be imposed by the Commission. Only parties granted intervenor standing will be permitted to present evidence, cross-examine witnesses, or make oral submissions at the public hearing.
5. A party, including any intervener(s), wishing to present expert evidence at the public hearing must file a notice of expert with the Commission no later than **Thursday, March 29, 2018 at 4:00 p.m.** The notice must include the name, address, contact information, and qualifications of the proposed expert together with a brief summary of the expected opinion(s).
6. All submissions and expert reports from a party, including any intervener(s), must be delivered to every other party granted standing for the public hearing and filed with the Commission on or before **Friday, April 20, 2018 at 4:00 p.m.**
7. For the avoidance of doubt, all submissions and expert reports shall be filed with the Commission on or before **Friday, April 20, 2018 at 4:00 p.m.**
8. A reply may be filed in writing by the Applicant with the Commission on or before **Friday, May 4, 2018 at 4:00 p.m.**
9. The Commission may schedule a pre-hearing case management conference with the parties who are granted

intervenor standing for the public hearing. The purpose of this conference is to address any procedural issues related to the hearing and to endeavour to focus the hearing process for all parties and the Commission. This conference may be held in person or by conference call.

10. The Notice of Hearing shall be published in the local newspaper forthwith, in a form approved by the Commission, and all details shall be available on the Commission's website at www.irac.pe.ca.

DATED at Charlottetown, Prince Edward Island, Monday,
February 26, 2018.

BY THE COMMISSION:

(Sgd) J. Scott MacKenzie

J. Scott MacKenzie, Q.C., Chair

(Sgd) M. Douglas Clow

M. Douglas Clow, Vice-Chair

(Sgd) John Broderick

John Broderick, Commissioner

(Sgd) Terry McKenna

Terry McKenna, 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.