



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

Docket: PD911

Order: PC18-002

CERTIFIED A TRUE COPY

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

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 Tuesday, March 27, 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 published a Notice of Public Hearing on February 26, 2018 (Commission Order PC18-002);

AND WHEREAS the Commission received four (4) requests for intervenor status with respect to the Application;

AND WHEREAS the Commission considered the requests for intervenor status on March 23, 2018, and has determined that it is in the public interest to grant intervenor status to the persons described herein;

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. The following parties shall have intervenor status and shall be entitled to appear before the Commission at the public hearing to 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:

Intervenor	Address for Service
Mel's Enterprises Inc. (formerly Causeway Enterprises Inc.)	Attn: Dan W. MacIsaac Email: dmacisaac@kenmacenergy.com
Ferne MacPhail	Attn: Colin MacPhail Email: macphail.const@gmail.com
Cape d'Or Holdings Limited	Attn: Joel Doucette Email: jd@wilsons.ca
P.E.I. Retail Gasoline Dealers Association	Attn: Jeff Doucette Email: jdoucette@kenmacenergy.com

2. The intervenors must comply with the terms of Order PC18-001, as amended by this Order, such that:
 - a) A party, including any intervenor(s), wishing to present expert evidence at the public hearing must file a notice of expert with the Commission no later than **Thursday, April 5, 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).
 - b) All submissions and expert reports from a party, including any intervenor(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.**

- c) 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.**
 - d) 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.**
3. The parties, including the intervenors, are reminded that the Commission may schedule a pre-hearing case management conference in relation to the Application. 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.
4. The Commission may, at any time, impose such terms and conditions on intervenor standing as the Commission deems fit, including but not limited to the presentation of evidence, cross-examination of witnesses, or presentation of oral submissions.

DATED at Charlottetown, Prince Edward Island, Tuesday, March 27, 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.