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File Reference: SM23486-38

Jonathan M. Coady
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April 27, 2018

VIA ELECTRONIC MAIL

Parkland Fuel Corporation
c/o Ryan MacDonald
ryan.macdonald@keymurraylaw.com

Mel's Enterprises Inc.
c/o Dan W. MacIsaac
dmacisaac@kenmacenergy.com

Ferne MacPhail
c/o Colin MacPhail
macphail.const@gmail.com

Cape d'Or Holdings Limited
c/o Tom Keeler
tom.keeler@mcinnescooper.com

P.E.I. Retail Gasoline Dealers Association
c/o Jeff Doucette
jdoucette@kenmacenergy.com

Dear Parties:

Re: Parkland Fuel Corporation - Application for a Retail Petroleum Outlet License
IRAC Docket No. PD911

We are writing in our capacity as counsel for the Island Regulatory and Appeals Commission (the "Commission") in relation to the application filed by Parkland Fuel Corporation pursuant to s. 20 of the *Petroleum Products Act*, R.S.P.E.I. 1988, c. P-5.1.

We confirm that the Commission received the following correspondence following a request for clarification by the applicant:

1. correspondence from counsel for the applicant dated April 23, 2018 (page 1);
2. correspondence from the Commission dated April 23, 2018 and April 26, 2018 (page 2); and
3. correspondence on behalf of Cape d'Or Holdings Limited dated April 26, 2018 (page 3).

The correspondence is attached and has been paginated by the Commission (pages 1 to 3).

The parties 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.

Thank you all for your cooperation.

Sincerely,

STEWART McKELVEY

Jonathan M. Coady

c. Allison MacEwen
Director, Regulatory Services
Island Regulatory and Appeals Commission

From: Ryan MacDonald [mailto:ryan.macdonald@keymurraylaw.com]
Sent: Monday, April 23, 2018 12:00 PM
To: Jonathan Coady <jcoady@stewartmckelvey.com>
Cc: Allison MacEwen <AMacEwen@irac.pe.ca>; Jillian Bryanton <Jillian.Bryanton@keymurraylaw.com>
Subject: RE: IRAC - Parkland Fuel Corporation (Application under Petroleum Products Act)

Jonathan –

We have briefly reviewed the materials that were included with your email noted below.

From Parkland's perspective, the procedural Order issued in this matter was very clear with respect to the filing of submissions and evidence, and Parkland has been proceeding on the assumption that the Order would be followed and adhered to. In that regard, we would note that the correspondence provided by Mr. Keeler indicates that his client anticipates the provision of "further submissions and evidence" at the hearing.

We view this to be in contravention of the procedural Order issued in this matter.

As we do not want to jeopardize the hearing dates in any way, we would ask that this matter be addressed, and resolved, in the very near future, such that we can provide a complete reply in accordance with the procedural Order.

If you require anything further from us at this time, please do not hesitate to contact me at your convenience.

Ryan

Ryan MacDonald*
Partner
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*Practising through a professional corporation

KEY MURRAY LAW

From: Jonathan Coady [mailto:jcoady@stewartmckelvey.com]
Sent: Monday, April 23, 2018 9:50 AM
To: Jonathan Coady <jcoady@stewartmckelvey.com>
Cc: Allison MacEwen <AMacEwen@irac.pe.ca>
Subject: IRAC - Parkland Fuel Corporation (Application under Petroleum Products Act)

Parties:

Please review the attached letter on behalf of the Island Regulatory and Appeals Commission in this proceeding.

Kindly confirm receipt of this email.

Thank you.

STEWART McKELVEY
LAWYERS • AVOCATS

Jonathan M. Coady*
Partner
stewartmckelvey.com/Charlottetown
D: 902.629.4520
jcoady@stewartmckelvey.com
*Law Corporation

From: Jonathan Coady
Sent: Thursday, April 26, 2018 1:02 PM
To: 'Keeler, Tom' <tom.keeler@mcinnescooper.com>
Subject: Parkland Fuel Corporation - Clarification

Tom:
Hope you are well. Just checking in for an update on behalf of the Commission.
We look forward to you reply.
JC

STEWART McKELVEY
LAWYERS • AVOCATS

Jonathan M. Coady*
Partner
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D: 902.629.4520
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From: Jonathan Coady
Sent: Monday, April 23, 2018 8:05 PM
To: Keeler, Tom <tom.keeler@mcinnescooper.com>
Subject: Parkland Fuel Corporation - Clarification

Tom:

We are writing in our capacity as counsel for the Island Regulatory and Appeals Commission (the "Commission") in relation to the application filed by Parkland Fuel Corporation pursuant to s. 20 of the Petroleum Products Act, R.S.P.E.I. 1988, c. P-5.1.

We thank you for your letter dated April 19, 2018. A copy is attached for convenience.

We are seeking some clarification on behalf of the Commission. We understand from paragraph 2 that your letter, together with the letter dated December 14, 2017, constitute the submissions of Cape d'Or Holdings Ltd. However, in the concluding paragraph of your letter, you refer to providing further submissions and evidence at the hearing.

Would you be able to clarify what additional submissions and additional evidence you intend to provide at the hearing?

Our desire is to avoid any complaint from the applicant regarding its ability to answer any further submissions and/or evidence in a fair manner. Kindly be aware that we will provide your clarification to the applicant.

As we know you already appreciate, the earlier procedural orders from the Commission were aimed at narrowing the issues for the hearing and avoiding any unfairness.

Thank you in advance for your co-operation. We look forward to your reply.

JC

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Our File: 164602

April 26, 2018

VIA EMAIL

Jonathan M. Coady
Stewart McKelvey
65 Grafton Street
P.O. Box 2140
Charlottetown, PE
C1A 8B9

Dear Mr. Coady:

RE: Parkland Fuel Corporation – Application for a Retail Petroleum License
IRAC Docket No. PD911

Thank you for your correspondence dated April 23, 2018, regarding the above referenced application filed by Parkland Fuel Corporation.

The position of Cape d'Or Holdings Ltd. ("Cape d'Or") with respect to the above referenced application is reflected in the written submissions submitted on April 19, 2018. However, as an intervenor in this matter, we do wish to make clear that Cape d'Or does intend to present evidence, cross-examine witnesses, and provide submissions at the conclusion of the hearing of this matter, in the normal course.

Our expectation at this stage is that Doug MacDonald will be the sole witness put forward by Cape d'Or in relation to this matter, and that Mr. MacDonald will speak to the elements of the public interest, convenience and necessity test in relation to the proposed application, as outlined in the submissions provided on behalf of Cape d'Or.

We trust that this is satisfactory at present, and would be happy to discuss this matter further at your convenience, or in the event that a pre-hearing conference is scheduled in relation to this matter.

Yours very truly,

Tom Keeler

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