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Mr. Philip J. Rafuse  
Island Regulatory & Appeals Commission  
5<sup>th</sup> Floor, Suite 501  
National Bank Tower, 134 Kent Street  
Charlottetown PE C1A 7L1

Dear Mr. Rafuse:

**Re: Rule 18 Reply to Mr. Don Humphrey's Application to Intervene  
Prince Edward Island Energy Corporation v. Rural Municipality of Eastern Kings  
LA20014**

We write on behalf of the respondent, Rural Municipality of Eastern Kings (the "Municipality"), in reply to Mr. Don Humphrey's application to intervene in the above-noted appeal before the Island Regulatory and Appeals Commission (the "Commission").

The Municipality has reviewed Mr. Humphrey's application, and draws the Commission's attention to the second paragraph of page 2 of Mr. Humphrey's correspondence. This paragraph indicates that Mr. Humphrey wishes to retain the right to cross-examine witnesses, and states "I would like to point out instances where questionable behavior has been exhibited."

To the extent that Mr. Humphrey seeks to cross-examine witnesses on "questionable behavior", the Municipality opposes the intervention of Mr. Humphrey. The hearing of the above-noted appeal is for purposes of determining the reasonableness of Council's decision to decline the Prince Edward Island Energy Corporation's application for a special permit use. It is not designed to become an ambush on witnesses' to the appeal's character, nor should cross-examination be permitted to elicit information that is not relevant to the issue on appeal.

Yours truly,

**STEWART MCKELVEY**

Hilary A. Newman

cc J. Gordon MacKay, Q.C.  
Susan Johnston  
Don Humphrey