



March 29, 2021

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Don Humphrey

**Re: Ruling – Matter LA20014 - PEI Energy Corporation v. Rural Municipality of Eastern Kings – Planning Act Appeal – Applications for Intervener Status**

The following is a ruling by the Island Regulatory and Appeals Commission (the "Commission") on an application for intervener status filed by Fred Cheverie on March 1, 2021 (the "Cheverie Application") and an application for intervener status filed by Don Humphrey on March 1, 2021 (the "Humphrey Application") (collectively, the "Applications").

### **Background**

On February 18, 2021, the Commission posted public notice of the hearing in this matter, including notice that any applications for intervener status had to be filed with the Commission in accordance with Rules 14 to 20 of the Commission's *Rules of Practice & Procedure for Commission Hearings* (the "Rules"). The deadline for applications to be filed with the Commission was March 1, 2021 at 4:00 p.m. The Applications were filed within the deadline.

In accordance with the Rules, copies of the Applications were provided to the Appellant, the PEI Energy Corporation ("Energy Corp") and the Respondent, Rural Municipality of Eastern Kings ("RMEK"), for reply.

Both Mr. Cheverie and Mr. Humphrey sought to make written submissions at the end of the hearing, but wished to preserve their right to cross-examine witnesses and provide additional evidence, subject to limitations imposed by the Commission.

Energy Corp filed a submission objecting to the Applications and requested that both Applications be denied.

RMEK filed a submission advising it has no objection to the Cheverie Application. RMEK opposes the Humphrey Application “to the extent that Mr. Humphrey seeks to cross-examine witnesses on ‘questionable behaviour’”.

**Ruling**

Having considered the Applications and submissions of Energy Corp and RMEK in accordance with rules 14 to 20 of the Rules, the Commission has decided to grant limited intervener status to Mr. Cheverie and Mr. Humphrey as Friend of the Commission Intervenors, subject to conditions on participation.

Participation shall be limited to written submissions of no more than five pages

Mr. Cheverie and Mr. Humphrey may each file brief written submissions, not to exceed five pages, with the Commission within seven days of the conclusion of the hearing. These written submissions shall be limited to addressing the submissions and evidence tendered by Energy Corp and RMEK and the Record filed with the Commission.

Reply by parties

Energy Corp and RMEK may, within three business days of receipt of the written submissions, file a reply with the Commission, not to exceed three pages.

No other participation by Humphrey or Cheverie

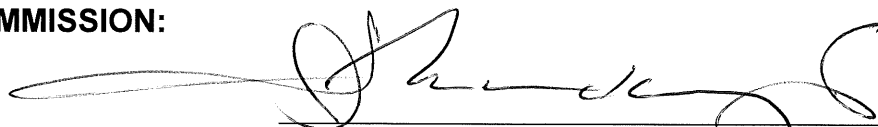
Mr. Humphrey and Mr. Cheverie shall not otherwise participate in the hearing. Due to Covid-19 restrictions they are not permitted to attend at the hearing in person and may only participate in the hearing by listening to the broadcast of the hearing by the Commission. For clarity, they shall not be entitled to:

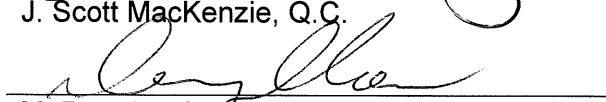
- file exhibits or tender evidence,
- testify or call witnesses,
- cross-examine witnesses, or
- speak, ask questions or make any comments or submissions during the hearing.


Written submission filing deadlines to be confirmed

The Commission will confirm the filing deadlines for written submissions with the parties upon the conclusion of the hearing, which is scheduled to commence on April 7, 2021 and conclude on April 9, 2021.

**BY THE COMMISSION:**

  
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J. Scott MacKenzie, Q.C.

  
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M. Douglas Clow.

  
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Erin T. Mitchell.