

From: [Hilary Newman](#)
To: [Nicole McKenna](#); [Gary Demeulenaere](#); [Ryan MacDonald](#); [nic howatt](#)
Subject: REQUEST FOR PRELIMINARY HEARING and MOTION - Application - Retail Petroleum License - Docket PD527
Date: February 28, 2025 10:05:06 AM
Attachments: [image003.png](#)
Importance: High

Good morning,

D.P. Murphy Inc. requests a **preliminary hearing pursuant to Rule 32(g)** of the IRAC Rules of Practice and Procedure for the purpose of **fixing dates for the hearing and any procedural steps to be completed by the parties.**

The Commission's Order dated February 21, 2025 indicates that the Letter from Robert K. Irving, President of Cavendish Farms, dated February 18, 2025 and the undated Letter from Andrew W. Keith, President and CEO of SFX Transport (the "Letters") shall form part of the record of D.P. Murphy's application. There has been no order removing these from the record and therefore we are proceeding on the understanding that the next steps in order to have this matter heard is for the Commission to (1) set a date on which the interveners and define the scope of the interveners response; and (2) set a date for the hearing.

D.P. Murphy Inc. also makes a **motion pursuant to Rule 61.**

The motion is for:

1. an order that the interveners be given a date on which they may respond to the Letters;
2. an order defining the scope of such a response; and
3. an order setting this application down for an oral hearing on the merits.

The grounds for the motion are that:

1. the oral hearing of this matter scheduled from February 25 – 27, 2025 was postponed for the purpose of giving the interveners time to reply to the Letters;
2. the Commission ordered the interveners to advise by end of day on February 21, 2025 whether they intended to reply to the Letters and if so how long they may reasonably need to do so;
3. neither of the interveners have complied with the February 21, 2025 order of the Commission in that they have not provided a timeline of how long they may reasonably need to respond to the Letters; and
4. D.P. Murphy Inc. has a right to have its application heard within a reasonable time frame.

Should the Commission hold a preliminary hearing at D.P. Murphy Inc.'s request, D.P. Murphy Inc. requests that the Commission consider holding the preliminary hearing at the same time or immediately before the hearing of its motion pursuant to Rule 61, so that all issues can be addressed at the same time.

We look forward to hearing from the Commission and the interveners and setting a date on which D.P. Murphy Inc's application will be heard.

Hilary

Hilary A. Newman

Associate
She/Her
Stewart McKelvey
D: 902.629.4590

From: Nicole McKenna <nmckenna@csmlaw.com>
Sent: Monday, February 24, 2025 4:25 PM
To: Gary Demeulenaere <gdemeulenaere@stewartmckelvey.com>; Hilary Newman <hnewman@stewartmckelvey.com>; Ryan MacDonald <ryan.macdonald@keymurraylaw.com>; nic howatt <howattshell@gmail.com>
Subject: RE: Application - Retail Petroleum License - Docket PD527
Importance: High

This is an external email.

Good afternoon,

The Commission has determined that this hearing will not be proceeding tomorrow (Tuesday, February 25th). The Commission's Procedural Orders PC25-002 and PC25-003 are attached.

Nicole McKenna
Partner



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From: Nicole McKenna
Sent: February 24, 2025 8:31 AM

To: Ryan MacDonald <ryan.macdonald@keymurraylaw.com>
Cc: Gary Demeulenaere <gdemeulenaere@stewartmckelvey.com>; Hilary Newman <hnewman@stewartmckelvey.com>; nic howatt <howattshell@gmail.com>
Subject: RE: Application - Retail Petroleum License - Docket PD527
Importance: High

Good morning,

Further to the below emails from Mr. Demeulenaere and Mr. MacDonald, the Commission intends to resume the preliminary hearing to discuss (1) the request from the Applicant to withdraw the letters from the record, and (2) the position of the interveners regarding this request.

Please confirm your availability for a call this morning at 10:00 a.m. In the interest of time, the preliminary hearing will be conducted via Zoom (link to follow).

Nicole McKenna
Partner



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From: Ryan MacDonald <ryan.macdonald@keymurraylaw.com>
Sent: February 23, 2025 10:36 AM
To: Nicole McKenna <nmckenna@csmlaw.com>
Subject: Fw: Application - Retail Petroleum License - Docket PD527

Nicole,

I am just seeing the email below this morning.

I am sure that the commission will want to hear from us in this regard, prior to

responding to the applicant.

I am not sure if that would be a written response, or a further appearance on Monday.

However, at a high level, following the order granting the admissibility of the letters of support, we have spent considerable time over the last couple of days of focussing our efforts on responding materials, and not directly on hearing preparation, since preparing a response would be the next step in the process as per the procedural order.

Please advise as to how we should provide a formal response.

Thanks

Ryan

Ryan MacDonald*

Partner

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From: Gary Demeulenaere <gdemeulenaere@stewartmckelvey.com>

Sent: Friday, February 21, 2025 4:52:13 PM

To: Nicole McKenna <nmckenna@csmlaw.com>

Cc: Hilary Newman <hnewman@stewartmckelvey.com>; Howatt's Shell <howattshell@gmail.com>;

Ryan MacDonald <ryan.macdonald@keymurraylaw.com>

Subject: RE: Application - Retail Petroleum License - Docket PD527

Hi Nicole

We have reviewed your email and the responses from the Intervenors this afternoon.

These communications suggest an adjournment might then be sought or ordered to provide further time to respond. Our client does not wish to see an adjournment of the hearing dates. In that regard, we have received instruction to withdraw the request for submission of the two (2) additional letters that were served.

Given the withdrawal of the two (2) additional letters, could you kindly confirm the hearing will continue next week as scheduled.

Gary G. Demeulenaere, K.C.*

Partner

Stewart McKelvey

D: 902.629.4509

C: 782.377.3733

*Law Corporation

From: Ryan MacDonald <ryan.macdonald@keymurraylaw.com>

Sent: Friday, February 21, 2025 3:58 PM

To: Nicole McKenna <nmckenna@csmlaw.com>

Cc: Gary Demeulenaere <gdemeulenaere@stewartmckelvey.com>; Hilary Newman <hnewman@stewartmckelvey.com>; Howatt's Shell <howattshell@gmail.com>

Subject: Application - Retail Petroleum License - Docket PD527

This is an external email.

Nicole –

We are writing to confirm the position of Ceretti's following the ruling at the Preliminary Hearing this morning that two letters of support in favour of the Applicant will be accepted for filing and form part of the record in the above-noted matter.

As a respondent, Ceretti's intends to file materials in response to the two letters of support that were accepted today. However, having it confirmed by the Commission today that the letters of support will now form part of the evidentiary record, Ceretti's will still need to determine the timeline for the completion of its responding materials. Given today's order on the admissibility of the two letters of support, and for the benefit of the Commission and the other respondent, we can advise that Ceretti's will not be in a position to provide and file a meaningful response in the brief period between now and the commencement of the scheduled hearing date.

We trust that the foregoing provides the Commission with what is needed for today's purposes, but should you require anything further from us, please advise.

Ryan

Ryan MacDonald*

Partner

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