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August 28, 2023

**VIA ELECTRONIC MAIL**

D.P. Murphy Inc.  
250 Brackley Point Road  
Charlottetown, PE C1A 6Y9

**Attention: Mark Doucet, General Counsel**

Dear Mr. Doucet:

**RE: Application by D.P. Murphy Inc. for a Retail Petroleum Outlet License in Borden-Carleton, Prince Edward Island  
Commission Docket PD527**

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As you know, on June 27, 2023, D.P. Murphy Inc. (the “Applicant”) filed an application with the Prince Edward Island Regulatory and Appeals Commission (the “Commission”) for a retail petroleum outlet license in Borden-Carleton, Prince Edward Island (the “Application”).

Regarding the status of the project, the Application states that “a *development permit application is being submitted concurrently to the Town of Borden-Carleton and the Applicant hopes to commence construction later this year*”.<sup>1</sup>

Through communications with legal counsel, the Commission understands that the Applicant submitted its development permit application to the Town of Borden-Carleton (the “Town”) on August 11, 2023. As of August 23, 2023, the Town had not yet begun its review of the application. There is currently no information before the Commission as to the timeline or process for issuance of a development permit by the Town.

As you know, a license for a retail petroleum outlet is site-specific. This means that in addition to a license from the Commission, the Applicant must also obtain the requisite building and/or development permits from the Town. It is the Commission’s practice to require, at a minimum, preliminary approval for the development from the local planning authority clearly indicating that the development of the property as a retail gasoline outlet will be able to proceed, provided all Bylaw requirements are met. In the absence of such development approval, an application for a retail petroleum outlet license is moot.

The Commission understands that, at this time, the application for a development permit is in the preliminary stages. As a result, the Commission intends to hold the Application for a

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<sup>1</sup> Exhibit A-1 at page 4

retail petroleum outlet license in abeyance pending receipt of all requisite permits from the Town to allow this development to proceed.

The Commission intends to issue a Procedural Order holding the Application in abeyance pending receipt of the development permit from the Town allowing the property to be developed as a retail petroleum outlet.

If you wish to comment on the Commission's intended approach, please do so in writing by 4:00 p.m. on September 7<sup>th</sup>, 2023.

Yours truly,

A handwritten signature in blue ink, appearing to read 'NM', with a long horizontal flourish extending to the right.

Nicole M. McKenna