

October 30, 2024

**VIA EMAIL**

Gary Demeulenaere, K.C. & Hilary Newman  
Stewart McKelvey  
65 Grafton Street  
Charlottetown, PE C1A 1K8  
Lawyers for the Applicant, D.P. Murphy Inc.

Derek Key, K.C. & Ryan MacDonald  
Key Murray Law  
Suite 200 - 80 Grafton Street  
Charlottetown, PE C1A 7L9  
Lawyers for the Intervener, Ceretti's Grocery & Hardware Ltd.

Chad Howatt & Nicholas Howatt  
23357 Trans Canada Highway  
Borden-Carleton, PE C0B 1X0  
Representatives for the Intervener, Howatt's Tourist Mart Ltd.

**Re: D.P. Murphy Inc. – Application for a Retail Petroleum License  
Commission Docket PD527**

---

On July 2, 2024, the Prince Edward Island Regulatory and Appeals Commission (the "Commission") directed the parties to provide certain procedural information relating to their intended participation in this Application. As stated in the Commission's correspondence, once this information was received, the Commission would determine whether a public hearing would be held and establish timelines for procedural steps.

At the request of the intervener, Ceretti's Grocery & Hardware Ltd. ("Ceretti's"), the timeline to respond to the Commission's procedural questions was extended from July 26, 2024 to August 26, 2024. At the further request of the intervener, Howatt's Tourist Mart Ltd. ("Howatt's"), the timeline to respond was again extended from August 26, 2024 to September 27, 2024.

Both the Applicant, D.P. Murphy Inc. ("D.P. Murphy"), and Ceretti's provided responses to the Commission's procedural questions. No response was received from Howatt's. As the timeline for response has now passed, the Commission has considered the responses of D.P. Murphy and Ceretti's in establishing the following procedural timelines.

The Commission has determined that a public hearing will be held with respect to this Application.

Based on the information provided, D.P. Murphy intends to call Chris Robertson, CPA (Deloitte Canada), and a representative of D.P. Murphy as witnesses at the hearing. Ceretti's intends to call Chad Ceretti, Steve Perry (Esso Mobil Global Fuels), and Lloyd Compton and Adam Cousins (MRSB Group) as witnesses. Ceretti's also reserves the right to call a member or members of the

public to speak to the impact of the Application on residents of Borden-Carleton and surrounding areas. Howatt's has not identified any witnesses or expert witnesses.

Based on this information, the Commission has reserved three (3) hearing days, being **February 25, 26 and 27, 2025**, for the hearing of this Application. A Notice of Hearing will be issued in due course.

To ensure that this Application proceeds in an orderly, timely and fair manner, the Commission has established the following procedural timelines:


1. The parties must promptly notify the Commission, and every other party, in writing of any change to their proposed witnesses, including expert witnesses, as set out herein.
2. In the event Ceretti's intends to call any member(s) of the public to testify at the hearing, the identity of the witness(es) must be disclosed to the parties and the Commission in writing no later than **4:00 p.m. on December 19, 2024**.
3. The interveners, Ceretti's and Howatt's, shall each have the opportunity to submit pre-hearing written submissions, including expert reports. The pre-hearing written submissions and expert reports (if any) must be delivered to every other party, and filed with the Commission, no later than **4:00 p.m. on December 19, 2024**. Any expert reports must comply with Rule 58 of the Commission's *Rules of Practice & Procedure*.
4. The Applicant, D.P. Murphy, will have the opportunity to reply to the pre-hearing submissions and/or expert reports submitted by the interveners. The reply must be in writing and delivered to every other party, and filed with the Commission, no later than **4:00 p.m. on January 24, 2025**.

In accordance with Rule 22 of the Commission's *Rules of Practice & Procedure*, the Commission may reject any documents, evidence or written submissions that are not filed in accordance with these timelines.

The Commission may also adjust or supplement the timelines and procedures set out herein to ensure that this Application proceeds in an orderly, timely and fair manner.

Yours very truly,

CARR, STEVENSON & MacKAY



Nicole M. McKenna