

**IN THE MATTER** of an application by D.P. Murphy Inc. for a retail petroleum outlet license in Borden-Carleton, Prince Edward Island, pursuant to section 20 of the *Petroleum Products Act*, RSPEI, 1988, c. P-5.1 (the "Application")

**Commission Docket No. PD527**

**NOTICE OF MOTION**

The Moving Party, Ceretti's Grocery & Hardware Ltd. (the "Moving Party"), hereby makes a Motion pursuant to Rule 61 of the Prince Edward Island Regulatory & Appeals Commission (the "Commission") Rules of Practice and Procedure

**1. THE MOTION IS FOR:**

- (a) An Order that the Moving Party shall file its expert report on January 24, 2025 or such other date as directed by the Commission; and
- (b) Such further and other relief as the Commission may deem just and expedient.

**2. THE GROUNDS FOR THE MOTION ARE AS FOLLOWS:**

- (a) By letter dated October 30, 2024, the Commission established procedural timelines in the Application;
- (b) In accordance with those timelines, the Moving Party was required to submit pre-hearing written submissions, including any expert reports, no later than 4:00 PM on December 19, 2024;
- (c) On December 5, 2024, the Moving Party requested that the deadline to file such reports be extended to January 24, 2025;
- (d) The basis for the request for the extension was due to significant health issues with the sole director, officer, and shareholder of the Moving Party that

resulted in him not being able to meaningfully communicate with those retained to assist in this matter for a significant period of time;

- (e) The request by the Moving Party for the extension to file expert reports on January 24, 2025 specifically noted that there was no request to alter, delay or adjust the hearing dates established by the Commission for the hearing of the Application;
- (f) On December 16, 2024, the Commission granted an extension to the Moving Party to file expert reports on or before January 10, 2025;
- (g) The Moving Party requested a further extension to file its expert reports on or before January 20, 2025, based on the communication delays outlined and noted above;
- (h) A response from the Commission was received on January 21, 2025, indicating that a Motion would be required to file documents, including expert reports, should the parties be unable to agree on extensions for filing deadlines past January 20, 2025;
- (i) The Commission further noted that all pre-filed evidence of the parties, including expert reports must be served and filed no later than ten (10) days prior to the commencement of the hearing, which is scheduled to commence on February 25, 2025;
- (j) The Applicant, D.P. Murphy Inc., has not agreed to allow for the filing of the Moving Party's expert report, beyond the date of January 20, 2025, such that this motion is required; and
- (k) Rules 61 of Prince Edward Island Regulatory & Appeals Commission Rules of Practice and Procedure.

Respectfully submitted at Charlottetown, Queens County, Province of Prince Edward Island, this 24<sup>th</sup> day of January, 2025.



**RYAN MacDONALD**

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