



65 Grafton Street, P.O. Box 2140  
Charlottetown PE C1A 8B9 Canada tel: 902.892.2485 fax: 902.566.5283  
stewartmckelvey.com

Curtis Doyle  
Direct Dial: 902.629.4520  
cdoyle@stewartmckelvey.com

March 25, 2024

**Via Electronic Mail (pjrafuse@irac.pe.ca)**

Philip Rafuse  
Island Regulatory and Appeals Commission  
National Bank Tower  
134 Kent Street, 5th Floor  
Charlottetown, PE C1A 8R8

Dear Mr. Rafuse:

**Re: LEV23-001 - Matt MacDonald v. Minister of Environment, Energy and Climate Action**

Further to today's pre-hearing conference, please accept this as formal notice that the Minister intends to argue that the Commission lacks jurisdiction to hear this appeal. More specifically, the Minister intends to argue that the Commission does not have jurisdiction to hear an appeal from decisions or determinations made under the Environmental Protection Order issued by the Minister on 11 January 2023 (located at page 172 of the record).

We will look forward to receiving direction from the Commission as to the manner in which it would prefer to receive submissions on this jurisdictional issue.

Yours truly,

Stewart McKelvey

Curtis Doyle

c. Murray L. Murphy  
Jessica Gillis  
Matt MacDonald

4159-0292-0526