



Docket: **PMC22-01**
Order: **PC23-003**

IN THE MATTER of a review of the petroleum pricing model and the minimum and maximum markup for petroleum products, pursuant to the *Petroleum Products Act*, RSPEI 1988, c. P-5.1;

AND IN THE MATTER of requests for intervener status made by Irving Oil Limited, the Convenience Industry Council of Canada, and the Canadian Fuels Association, pursuant to the Rules of Practice & Procedure.

CERTIFIED A TRUE COPY

Cheryl Mosher

Cheryl Mosher,
Senior Financial Advisor
Island Regulatory & Appeals Commission

Order

BEFORE THE COMMISSION ON Wednesday, the 20th day of September, 2023.

J. Scott MacKenzie, K.C., Chair
M. Douglas Clow, Vice-Chair

BACKGROUND:

1. The Prince Edward Island Regulatory and Appeals Commission (the “Commission”) is reviewing the pricing model for petroleum products, including for gasoline, diesel, furnace oil and commercial diesel, sold in Prince Edward Island.
2. The scope of the review includes the appropriate benchmark price used to make weekly price adjustments, the wholesale and retail margins for petroleum products, and incorporating carbon costs associated with the *Clean Fuel Regulations* into the Commission’s pricing model.
3. The Commission engaged an independent expert, Gardner Pinfold Consultants Inc. (“Gardner Pinfold”), to assist with the review. Gardner Pinfold submitted reports and recommendations to the Commission in May 2023 and August 2023.
4. Following receipt of the May 2023 Gardner Pinfold report, the Commission gave public notice through a publication in local newspapers and on the Commission website. In the notice, the Commission invited interested parties to request intervener status, in accordance with the Commission’s Rules of Practice & Procedure. Requests for intervention were to be submitted by July 4, 2023.
5. The Commission received requests for intervention from the following entities on or before the July 4, 2023 deadline:
 - a) Irving Oil Limited (“Irving”)
 - b) Convenience Industry Council of Canada (“CICC”)
 - c) Canadian Fuels Association (“CFA”)
6. Irving is in the business of refining and wholesaling petroleum products, and supplies petroleum products in PEI. Irving submits that it has a distinct interest in the proceeding as it may be impacted by the Commission’s decision. Irving requests to be granted Added Party Intervener status, with the opportunity to fully participate in the proceeding.
7. CICC is a national, non-for-profit trade organization representing retail owners, operators and suppliers in Canada’s convenience channel. According to CICC, the convenience store industry is the largest retailer of motor fuels in PEI. CICC submits that this proceeding addresses issues that directly impact its membership, including the benchmark price for motor fuels, retail motor fuel margins, and the *Clean Fuel Regulations*. CICC seeks leave to intervene as an Added Party Intervener.
8. CFA represents Canada’s transportation fuels industry. CFA submits that it has a particular interest in the federal *Clean Fuel Regulations* and their effect on refiners and wholesalers in the context of the PEI regulatory framework. CFA requests leave to intervene as an Added Party Intervener. CFA submits that it will provide testimony from the refining, distribution and marketing petroleum industry. CFA will focus on recommendations made by Gardner Pinfold and will offer general input on the *Clean Fuel Regulations*.

DECISION:

9. The Commission has reviewed the requests for intervener status filed by Irving, CICC and CFA. The Commission is satisfied that each applicant has a distinct and substantial interest in the proceeding and intends to actively participate. As a result, the Commission approves the requests for Added Party Intervener status as filed by Irving, CICC and CFA.

ORDER:

The Commission orders as follows:

1. The requests for intervener status are approved. Irving Oil Limited, the Convenience Industry Council of Canada, and the Canadian Fuels Association are each granted Added Party Intervener status with respect to this proceeding.

DATED at Charlottetown, Prince Edward Island, this 20th day of September, 2023.

BY THE COMMISSION:

(sgd) J. Scott MacKenzie

J. Scott MacKenzie, K.C., Chair

(sgd) M. Douglas Clow

M. Douglas Clow, Vice-Chair