

IN THE MATTER OF the *Public Utilities Act*  
Revised Statutes of Yukon 2002, c 186 as amended

**An Application by Yukon Electrical Company Limited and Yukon  
Energy for a 2009 Joint Phase II Rate Application**

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P R O C E E D I N G S

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October 7, 2010

Volume 3A

8:30 A.M. Session

## Opening Statement, Registration of Parties

1 Proceedings taken at Hearing, The Yukon Utilities Board, held  
2 at The Yukon College, Whitehorse, Yukon.

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4 Volume 3A

5 October 7, 2010

6	B. McLennan	Chair
7	R. Hancock	Member
8	R. Laking	Member
9	J. Woodland	Member

10	G. Bentivegna, Ms.	Board Counsel
11	S. Smart, Ms.	Executive Secretary
12	R. Clarke, Esq.)	Board Staff
13	D. Ward, Esq. )	

14	L.G. Keough, Esq.	For The Yukon Electrical Company Ltd.
15	J. Landry, Esq.	For The Yukon Energy Corporation
16	M. Buonaguro, Esq.	For the Utilities Consumers' Group
17	K. Kellgren, Ms.	For the City of Whitehorse
18	J. Maissan, Esq.	For Leading Edge Projects Ltd.
19	S.J. Lea Dormer, CSR(A)	Court Reporter
20	D.J. Harmata, CSR(A)	

21 THE CHAIR: Good morning, everybody looks  
22 bright-eyed and bushy-tailed. So, are there any preliminary  
23 matters before we get underway?

24 MR. KEOUGH: Thank you, Mr. Chairman. I  
25 just had one matter. I've spoken with Board counsel, and I  
26 think a number of the other counsel. And my understanding is  
27 that the Board is amenable to having argument changed from  
28 one week/one week to two weeks/two weeks, and I wanted to put  
29 that on the record so that everybody is aware that we did

09:33

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1 raise that matter with Board counsel. And to add a degree of  
2 certainty to it, am I correct that we would move the dates to  
3 October 22nd for argument and November 5th for reply so that  
4 we have a measure of certainty to that? I think those would  
5 be the dates?

6 THE CHAIR: Yes, I think I see a shake of  
7 heads so that would be correct and that's acceptable.

8 MR. KEOUGH: Thank you, Mr. Chairman for  
9 that. I will check with the panel to see if they have  
10 anything for you this morning arising from events yesterday.

09:34

11 S. DUNCAN, N. PALLADINO, B. DESJARLAIS (For YECL) previously  
12 sworn, cross-examined by Mr. Buonaguro:

13 A. MR. PALLADINO: Yes, thank you, Mr. Keough.  
14 Good morning, Mr. Chairman and Panel members. I just wanted  
15 to clarify for the record, yesterday we were discussing  
16 Option B rate design with Ms. Kellgren, and I misspoke  
17 regarding the first block energy rate and impact to customers  
18 that consume under 1,000 kilowatt hours. I had originally  
19 indicated that customers would see a small decrease in their  
20 bills, but that is incorrect. In fact, customers under  
21 Option B, both residential and general service customers,  
22 would not see any change to their bills for consumption under  
23 1,000 kilowatt hours for residential, and for general service  
24 customers, under approximately, I believe it's 4,000 kilowatt  
25 hours. But that is all outlined in Exhibit B-14, Tables 1, 2

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1 and 3.

2 THE CHAIR: Thank you, you for that  
3 clarification.

4 A. MR. PALLADINO: Thank you, and I just wanted to  
5 check we don't have any update yet on the undertakings, but  
6 we're still working on them and hopefully we will get them at  
7 some point, a couple of them at least, during the day I  
8 think. If not, we'll file them in writing, but we're still  
9 working on them or having other people outside the room work  
10 on them.

09:36

11 THE CHAIR: And I guess the only other  
12 order of business, I think we'll move our break up -- since  
13 we're starting early, we'll move our break to 10 o'clock as  
14 opposed to 10:30 if that's acceptable to everybody.

15 MS. KELLGREN: Mr. Chair, I just wanted to hop  
16 in and say that I believe the error, the misquote was  
17 discussed with our consultant and we have no issue with that.

18 THE CHAIR: Thank you very much.

19 MR. KEOUGH: Thank you, Mr. Chairman, I  
20 think the witnesses are ready.

09:36

21 THE CHAIR: I'll turn it over to Mr.  
22 Buonaguro.

23 MR. BUONAGURO: Thank you very much. Good  
24 morning, panel.

25 I'm going to pick through my questions because

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1 I know you spoke a lot about it with my friend already, and  
2 also I think there were maybe points which have already been  
3 discussed by YEC on behalf of both companies where there  
4 wasn't any disagreement and I'll try and pick through what's  
5 left of my cross.

6 I would like to start first with an  
7 interrogatory response. This is CW-17(c)

8 **A. MR. PALLADINO: I have that.**

9 Q. To paraphrase, in explaining "undue discrimination,"  
10 which I think was what the question was asking about, the 09:37  
11 undue discrimination aspect of using the lesser percentage of  
12 50 percent of incremental cost of diesel for the runoff  
13 block, YECL states: (as read)

14 "The 50 percent of incremental cost of  
15 diesel as their runoff block allows the  
16 first energy block to remain at what is  
17 currently seen by all customers. As  
18 the runoff block increases, something  
19 must decrease and in Option A, this is  
20 the Block 1 energy charge. As 09:38  
21 interclass rebalancing is allowed and  
22 fixed components move to 100 percent  
23 revenue-to-cost ratio, all customers  
24 will see an increase in the first block  
25 charge, not a decrease."

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1           Can you tell me how it is that YECL comes to the  
2 conclusion that all customers will see an increase in the  
3 first block charge, not a decrease as a result of interclass  
4 rebalancing? I think you may have touched on this as part of  
5 other answers yesterday, but I wanted to get clarification.

6   **A. MR. DESJARLAIS:**           When you look at -- when you  
7 have the opportunity to rebalance amongst classes, and I  
8 think this answer is more directed at the residential  
9 non-government, but when you're allowed to rebalance amongst  
10 classes, and you look at a class like residential  
11 non-government where it's only collecting approximately 80  
12 percent of its costs, when you're allowed to rebalance,  
13 you'll see a general rate increase amongst the entire class  
14 and not just the run-out rate or not just the fixed rate, but  
15 a good balance approach in rate design would be to increase  
16 it amongst all customers throughout the class.

09:38

17   **Q.** So am I correct that part of it is the assumption that  
18 the existing revenue-to-cost ratio is in the application for  
19 certain classes, i.e. that the revenue-to-cost ratio is below  
20 100 percent for the classes you're talking about here in the  
21 response?

09:39

22   **A. MR. DESJARLAIS:**           Correct.

23   **Q.** And it also seems that you're talking about a price  
24 increase as a result of rebalancing, based on a disparity in  
25 revenue/cost ratios independent of any balancing you would do

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1 at the same time that has to do with price signals?

2 **A. MR. DESJARLAIS: Generally, yes.**

3 Q. And I ask that because we went through with the YEC  
4 panel that in terms of price signals, the data that supports  
5 one price signal versus another I think is outdated, i.e.  
6 there haven't been any studies I think since 1992.

7 **A. MR. PALLADINO: As far as we know, that's**  
8 **correct, there haven't been any studies done since that time.**

9 Q. Thank you. And at part (d) of the same response CW-17,  
10 YECL states that it believes that Option A produces  
11 inequitable price signals, I'm paraphrasing, and I think this  
12 may have been -- your answer may be implicit in much of what  
13 you were saying yesterday, but I guess the direct question is  
14 this: Does YECL believe that the recently introduced Option  
15 C rate design produce inequitable price signals?

09:40

16 **A. MR. PALLADINO: As discussed with Ms. Kellgren**  
17 **yesterday, when you look at both residential or general**  
18 **service, from YECL's point of view, we still believe that**  
19 **there are inequitable price signals in the rate design, and**  
20 **that is outlined in Exhibit B-14. When we look at the**  
21 **-- just the rate impacts to customers from 0 kilowatt hours**  
22 **and as high as 5,000 kilowatt hours, we were seeing a rate**  
23 **reduction for customers that consume less than 1000 kilowatt**  
24 **hours when the revenue-to-cost ratio is below or is at 80**  
25 **percent, but yet we're signalling to customers on the high**

09:41

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1 end, that we will see a material rate impact. In our mind,  
2 that is -- it's not sending inequitable price signals to  
3 customers in that we're not -- we're not treating customers  
4 at all consumption levels on an equitable and fair basis.

5 Q. Thank you. There was some discussion yesterday about  
6 the recent announcement with respect to the interim  
7 electrical rebate, specifically that it's supposed to come  
8 off now March 31st, 2011. Do you remember that?

9 A. MR. PALLADINO: Yes, I do.

10 Q. Has YECL contemplated or started developing any sort of  
11 program to deal with that change? Presumably there would be  
12 two things: One, dealing with customer reaction; and, two,  
13 possibly customer mitigation with respect to the rate  
14 increases that it represents. Does YECL have anything to  
15 comment on with respect to those two issues?

09:42

16 A. MR. PALLADINO: No. We haven't looked at it or  
17 addressed it simply for the reason that it is out of our  
18 control. We don't know when the rebate will come off. We  
19 understand that it's scheduled to come off, I believe, the  
20 first quarter of next year, but in a similar vein to the OICs  
21 that are currently in place that do have an expiry date.  
22 Again, those dates may or may not change, but it's something  
23 that's out of our control, so we haven't planned for anything  
24 of that nature in terms of communicating to customers that it  
25 might come off.

09:43

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1 Q. Or I guess the second part I asked which helping  
2 customers with respect to some sort of mitigation dealing  
3 with the change? I just wanted to round it up. You  
4 mentioned specifically the communication part but not the  
5 second part.

6 A. MR. PALLADINO: I think that's -- well, it's  
7 correct to some extent. I think we're always communicating  
8 with our customers in terms of bill impacts and the changes  
9 that they will see to their rates. So that that is an  
10 ongoing communication that we have with customers, whether or 09:44  
11 not the IER is scheduled to come off. I think just generally  
12 it's a customer service offering that, you know, we  
13 communicate with customers at all levels, whether it's  
14 extending our service to customers or even on a commercial  
15 level with respect to our rate design.

16 Q. I have to come back again to the second point which is  
17 whether or not YECL would plan to help customers in terms of  
18 mitigating the impact of the increases as opposed to just  
19 communicating about it, just to make sure that I have an  
20 answer on that point of it. 09:45

21 And I understood, and I want to make sure that  
22 I didn't misunderstand, when you talk about the change being  
23 out of your control, you seem to be suggesting that because  
24 it's something out of your control, you wouldn't take any  
25 steps to help customers with respect to the impacts. Did I

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1 understand that correctly?

2 A. MR. PALLADINO: No, the component that I was  
3 referring to that's out of our control is really the impact  
4 to the rebate itself, but again, I think setting that aside,  
5 we're always discussing the impact of customer bills to our  
6 customers. So, I think I just want to separate and not draw  
7 any comparisons to suggest that just because the IER may or  
8 may not come off, that we would change our communications  
9 with customers. It happens on a frequent basis that's  
10 somewhat, you know, irrelevant to what the IER is -- whether 09:46  
11 it's going to stay or expire.

12 Q. Okay, thank you. Now, you'll remember, I think, myself  
13 and Ms. Kellgren having discussions with YEC with respect to  
14 time-of-use rates and seasonal rates, and I think, again, she  
15 went over some of that with you. My understanding is that,  
16 generally speaking, you're in agreement with the evidence  
17 that YEC has given with respect to the suitability of  
18 seasonal rates and time-of-use rates and for specifically the  
19 costs that would be involved in terms of implementing  
20 time-of-use rates and those matters. Is that generally true? 09:46

21 A. MR. PALLADINO: That's correct. The discussion  
22 that YEC had yesterday regarding time-of-use rates, seasonal  
23 rates, we share the same opinion. So, I don't think there's  
24 any more to add to that.

25 Q. And just briefly, you may recall I asked YEC

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1 specifically about the "appropriate" studies that were  
2 referred to in terms of being a prerequisite to implementing  
3 any type of seasonal or time-of-use rates. And I think, if I  
4 remember correctly -- and I haven't read the transcript -- I  
5 think they said there isn't anything contemplated in terms of  
6 an appropriate study. I wanted to confirm that's the case  
7 for YECL as well, or has YECL taken any steps to look at  
8 seasonal rates or time-of-use rates in the form of a study?

9 **A. MR. PALLADINO:** At this point in time, we're  
10 not contemplating looking at any studies for time of use,  
11 seasonal rates for many reasons, but they would be consistent  
12 with what YEC had yesterday.

09:47

13 Q. Very briefly at YUB No. 22, the question was specific to  
14 YECL. And right at the end of the answer, YECL states:

15 "By considering both points noted  
16 above, this should help eliminate the  
17 distortions caused by the uncertainty  
18 in the incremental reductions costs  
19 enabling customers to face the true  
20 cost of additional electricity  
21 purchases."

09:48

22 Am I correct that I should take that to mean  
23 that YECL generally prefers that rates move closer to full  
24 cost recovery without any cross-subsidy between rate classes?

25 **A. MR. PALLADINO:** I think overall that would be

1 the case. Whether or not it's achievable is another  
2 question. But I think as a fixed-cost utilities, we do have  
3 poles, transformers, conductors, wires that we have to  
4 recover those costs that do not, I guess, change in terms of  
5 consumption. Those costs are fixed in nature, so, ideally,  
6 from a fixed-cost utility point of view, in our mind, it  
7 would be an appropriate price signal to somehow reflect that  
8 surety in rate design.

9 Q. Thank you. There's been some cross of both panels  
10 already on demand side management issues, and I just wanted  
11 to follow up with YECL specifically about YECL's view of DSM  
12 measures going forward in terms of programming and such. Is  
13 it similar to what YEC talked about yesterday, or is there  
14 something -- another piece to it that YECL can add?

09:49

15 A. MR. PALLADINO: No, I think our efforts are  
16 consistent with YEC. Again, we had joint discussions with  
17 the government and stakeholders and YEC regarding DSM  
18 initiatives and we continue to work together on those  
19 initiatives. So I don't think I have any more to add to  
20 that.

09:50

21 Q. And I have a more specific question about that, and this  
22 is in the reference to CW-29(b), which I did take YEC to  
23 during my cross-examination of them on this issue, and I'll  
24 paraphrase: "The utilities indicate in that response that  
25 they were developing 'a suite of Yukon-specific DSM

1 initiatives for discussion with customers and stakeholder  
2 groups this fall.'" "

3 And I just wanted to understand what steps are  
4 being taken to facilitate a meaningful interaction with  
5 customers and stakeholder groups. Specifically, and I'm  
6 drawing on my own anecdotal evidence, would the consultation  
7 involve facilitating stakeholders and customer groups,  
8 obtaining and providing their own consultant views on DSM or  
9 assistance in evaluating or developing DSM programs specific  
10 to the Yukon?

09:51

11 A. MR. PALLADINO: Unfortunately, I haven't been  
12 part of these discussions in the past, so I would have to  
13 take this offline to check to see what was agreed to with YEC  
14 and other stakeholders and the government regarding the  
15 stakeholder sections that we intend to put on with -- during  
16 the foreseeable future here. So I couldn't answer this at  
17 this point. It's something that I would have to check with  
18 my colleagues at YECL.

19 Q. Perhaps I can get that as an undertaking?

20 A. MR. PALLADINO: Absolutely.

09:52

21 Q. Thank you.

22 UNDERTAKING - WITH RESPECT TO CW-29(B) ,  
23 TO ADVISE AS TO WHAT STEPS ARE BEING  
24 TAKEN TO FACILITATE A MEANINGFUL  
25 INTERACTION WITH CUSTOMERS AND

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1           STAKEHOLDER GROUPS; AND IN PARTICULAR,  
2           TO ADVISE IF THERE WOULD BE FUNDING  
3           AVAILABLE, WHAT THE SOURCE OF THAT  
4           FUNDING WOULD BE, THE TYPE OF ANALYSIS  
5           THERE WOULD BE (SEE TEXT).

6   Q.   MR. BUONAGURO:           In particular, if you could  
7   look into whether there will be funding available and in what  
8   source -- if there would be funding available, what the  
9   source of that funding would be, that type of analysis in  
10  terms of facilitation.

09:52

11  A.   MR. PALLADINO:           I will check that.

12  Q.   Thank you. And lastly, on DSM, you'll recall I spent  
13  some time speaking to YEC about specifically peak-load  
14  programs, and I believe they talked about one, maybe two  
15  specific examples of -- possible examples of peak-load  
16  programs, but I think in terms of interacting directly with  
17  distribution companies, they may be deferring to you. And I  
18  was wondering if those been had specifically with respect to  
19  peak-load programs that would reduce peak for the peak load  
20  that residential consumers incur or cause during the peak?

09:53

21  A.   MR. PALLADINO:           As part of DSM initiatives, or  
22  just general overall?

23  Q.   Both.

24  A.   MR. PALLADINO:           Again, I would have to check  
25  with our operations folks to see what discussions they've had

1 with our larger customers regarding whether it's demand side  
2 management initiatives or just overall energy reduction  
3 initiatives. It is -- informally, I'm sure that we do  
4 discuss these matters with customers, but whether it's done  
5 on a formal basis through communication initiatives, I would  
6 have to check with YEC.

7           UNDERTAKING - WITH RESPECT TO DSM AND  
8           PEAK-LOAD PROGRAMS THAT WOULD REDUCE  
9           PEAK FOR THE PEAK LOAD THAT RESIDENTIAL  
10          CONSUMERS INCUR OR CAUSE DURING THE  
11          PEAK, TO ADVISE IF THERE HAVE BEEN ANY  
12          DISCUSSIONS DIRECTLY WITH DISTRIBUTION  
13          COMPANIES

14 Q. So we can add that to the existing undertaking. That's  
15 part of the detail I'm looking for.

16 A. MR. PALLADINO:            Sure.

17 Q. Thank you very much.

18 A. MR. PALLADINO:            Absolutely.

19 Q. Now, I think this is a question that intentionally or  
20 unintentionally was specifically referred to YECL by YEC.  
21 This is CW -- the reference is CW-16(h) and you may recall I  
22 was asking about details or what details YEC may have had  
23 with respect to, as an example, the 1500-kilowatt hour  
24 customer in terms of things like how many of those customers  
25 may use electricity for space heating; how many of those

09:53

09:54

1 customers might be renters with limited options to improve  
2 energy efficiency.

3           And I think in terms of information that might  
4 be available to utilities between YEC and YECL, with respect  
5 to the specific characteristics of its customers, I think you  
6 were put forward as possibly having more information than  
7 they did, and I was wondering if you could comment on that --  
8 what types of information you have in terms of I guess the  
9 demographics of your customers. I guess we can start with  
10 the 1500-kilowatt hour group as an example.

09:54

11 **A. MR. DESJARLAIS:**           In terms of details of let's  
12 say specifically a 1500-kilowatt hour customer, the only  
13 information we would have is billing information. So with  
14 some effort, we could find out if it's a family or a  
15 residence or whatever type of general service customer who's  
16 at a certain level and see if they're consistent throughout  
17 the year.

18           So if they're consistently running between  
19 1500 and 1600, or whatever threshold we put on it, we could  
20 look at a year's worth of data and see if they're  
21 consistently at that level. But if it's a 1500-kilowatt  
22 customer, takes it in January and his typical load is at 1000  
23 all the time, you know, we can identify it that way. But in  
24 terms of, I guess, the demographic behind it that if it's  
25 electric heat, is it a family of seven people? You know, all

09:55

1 those other type of questions we wouldn't have that specific  
2 type of information.

3 Q. I see. It sounds like whatever information you could  
4 provide would be inductively created from their billing  
5 patterns? I think it's inductive versus deductive.

6 A. MR. DESJARLAIS: You'd be able to identify a  
7 pattern for that customer, but again, if you look at that  
8 household, let's say, as an example, over time, you know that  
9 household of seven, the kids start going to school and it  
10 drops to six, five, four and all of a sudden, you've got a  
11 household of two, that pattern will change, but it's  
12 long-term effects. But in terms of looking at specific  
13 information, let's say over a year, generally you'll be able  
14 to put a customer in a band and that's about as much as you  
15 can go by.

09:56

16 Q. Okay. Thank you. Lastly on that, and specific to  
17 renters, and this may be part of the existing undertaking  
18 with respect to DMS programs, but we're interested in if  
19 there are any existing or planned programs specifically to  
20 identify rental units where people simply don't have direct  
21 control over the assets that are causing energy inefficiency,  
22 for example, or causing their bills to be what they are.  
23 We're wondering whether YECL is specifically dealing with  
24 that program or has plans to? I think that may be part of  
25 the existing undertaking.

09:57

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Cross-Examined by Mr. Buonaguro

1           UNDERTAKING - WITH RESPECT TO CW-16(H) ,  
2           TO PROVIDE WHATEVER INFORMATION YEC MAY  
3           HAVE REGARDING THE SPECIFIC  
4           CHARACTERISTICS OF ITS CUSTOMERS; AND  
5           SPECIFIC TO RENTERS, TO ADVISE WITH  
6           RESPECT TO DMS PROGRAMS, IF THERE ARE  
7           ANY EXISTING OR PLANNED PROGRAMS  
8           SPECIFICALLY TO IDENTIFY RENTAL UNITS  
9           WHERE PEOPLE SIMPLY DO NOT HAVE DIRECT  
10          CONTROL OVER THE ASSETS THAT ARE  
11          CAUSING ENERGY INEFFICIENCY OR CAUSING  
12          THEIR BILLS TO BE WHAT THEY ARE

09:57

13    A.    MR. PALLADINO:                    We'll check into that. I'm not  
14    sure how we would be able to identify that information  
15    though. We're getting into a level of information that we're  
16    looking behind the customer's meter to ascertain certain  
17    characteristics or patterns or behaviours that the customer  
18    may have or the circumstances of the residents in the  
19    premise. I'm not sure how far we can go in terms of  
20    understanding those type of issues.

09:58

21    Q.    Can I put something to you? Well, first, do you,  
22    through your billing system and through providing bills to  
23    your customers, I'm assuming that you have some methodology  
24    for customer communication, i.e. you send messages to your  
25    customers through their bills; is that something that you do?

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1 A. MR. PALLADINO: That would be fair, correct.

2 Q. And presumably, it would be quite simple to ask  
3 customers to self-identify themselves as being a particular  
4 group. I.e., you could, in a bill message, ask people who  
5 are renting and have electrical heat as the primary source of  
6 heat in their homes to self-identify to the company as part a  
7 program. That would be fairly simple.

8 MR. KEOUGH: Excuse me, Mr. Chairman. I  
9 don't want to interrupt, but customer information is personal  
10 information belonging to the customer, and the utility does  
11 not have a right to that information. So, I'm not sure if my  
12 friend thinks that the utility could force the customers to  
13 provide this personal information or not. I mean, it belongs  
14 to them and it's under the privacy legislation. We can't  
15 demand it, and even if we got it, I don't think we're  
16 entitled to disclose that. There's all kinds of issues here.

09:59

17 MR. BUONAGURO: What I'm talking about is in  
18 terms of trying to help people of a particular -- who are in  
19 a particular situation with a CDM program, for example, where  
20 the CDM program would be targeted to a particular situation;  
21 i.e., a rental unit that has heating as its main source.

09:59

22 What I'm asking is it would be very simple to  
23 give the customers the opportunity to self-identify. If they  
24 don't want to, I'm not suggesting that the company can force  
25 them to. And I'm not talking about this in terms of building

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1 demographics; this is a slightly different issue, whereas as  
2 part of a CDM program, it would be targeted to renters. It  
3 would be fairly simple to communicate to your customers who  
4 may be in that situation, to self-identify, call us up, give  
5 us your information and we can try and help you. If they  
6 don't want to, then obviously that's covered by privacy  
7 legislation, I think you may be misinterpreting the thrust  
8 behind my question.

9 A. MR. PALLADINO: I think we do that already.  
10 We're certainly not stopping a customer from communicating  
11 any type of concerns that they have with respect to electric  
12 service, and that includes their rates and ultimately the  
13 amount that they pay on their bill. We strongly encourage  
14 that with our customers.

10:00

15 So I'm not sure if we would be doing anything  
16 different than what we are doing right now other than to  
17 formally put out some type of communication package to  
18 facilitate that. But again, I'm not sure how far we would  
19 have to take that.

20 Q. I think I was reacting to your previous answer, which  
21 seemed to suggest that there was very specific difficulty in  
22 identifying customers who would be able to take part in a  
23 particular type of CDM program because you didn't know who  
24 would be the takers of that program, and I was simply  
25 suggesting that there would be ways to encourage customers to

10:01

1 self-identify once that program was in place. Is that fair?

2 **A. MR. PALLADINO:** That could be the case.

3 Q. Thank you. And lastly -- I saved them for last. I have  
4 just a couple of questions on the proposed Rider D. I think  
5 it was suggested by YEC, when I asked them about their view  
6 of the proposal, I believe it was suggested to them that, for  
7 example, load forecast variance risk is something that is  
8 already included in your allowed return. Do you agree with  
9 that proposition?

10 **A. MR. PALLADINO:** I guess it depends on which  
11 context you look at it.

12 When we're looking at load forecasts, the  
13 variance risk, with respect to the issue that we are  
14 discussing here with Rider D, I don't think YECL is being  
15 fairly compensated for that type of risk in this case.

16 Q. How do you mean?

17 **A. MR. PALLADINO:** The materiality of the  
18 potential financial implications to YECL has not been  
19 contemplated in any way, shape or form during even as recent  
20 as our last Phase I application. So I don't think in the  
21 context of what we're talking about in terms of Rider D, I  
22 don't think YECL has been fairly compensated for that  
23 forecast risk.

24 Q. Is there a specific trigger for the application in this  
25 case -- or at this time? Has something specific changed to

10:02

10:02

1 trigger YECL's request?

2 A. MR. PALLADINO: The trigger is a follow-up from  
3 Decision 2009-2, I believe, with respect to YECL's 2008-2009  
4 GRA in which the deferral account is intended to collect  
5 balances associated with diesel on a margin, being plus or  
6 minus, and all we're doing at this point in time is  
7 developing a mechanism to dispense of those balances.

8 Q. In reading this statement yesterday, the opening  
9 statement, which described the application -- and I'm just  
10 going to -- I've lost it on my computer, but I want to pull  
11 it up. If you could just give me a moment.

10:04

12 At the second page, I think it's the beginning  
13 of the last full paragraph.

14 A. MR. PALLADINO: Just give me a moment to call  
15 it up as well.

16 Q. Okay.

17 A. MR. PALLADINO: I have that.

18 Q. Okay. So at the second sentence, it says: (as read)

19 "Subsequent charges to Yukon Electrical  
20 when the ERA from Rate Schedule 42 is  
21 invoked, it is collected in a deferral  
22 account relating to either the  
23 increases or decreases to cost of  
24 purchase power."

10:05

25 And then later on, the second-last sentence, it

1 says: (as read)

2 "Rider D provides a degree of  
3 protection to both YECL and customers  
4 from circumstances beyond YECL's  
5 control."

6 I just want to understand how that would work  
7 because you're suggesting here at the beginning that there  
8 could be a situation where there are decreases in the cost of  
9 power, and that presumably that would flow through to the  
10 customers. And can you talk about that situation, when that  
11 would arise? 10:05

12 A. MR. PALLADINO: So in that case there, when  
13 we're talking about the decreases to the cost of purchase  
14 power, in the event that diesel generation is forecast to  
15 become more predominant on the system and it is forecast to  
16 be part of the base load requirements, if -- and I'll ask my  
17 colleague to come in if I misspeak here, but in the event  
18 that diesel generation on the margin does not occur, then  
19 that would be a component whereby we would refund the  
20 difference to customers in a similar fashion to how it would  
21 occur if diesel generation on the margin were to occur, that  
22 is above what is forecasted as part of the overall production  
23 requirements to serve the base load. 10:06

24 A. MR. DESJARLAIS: Just to clarify a little bit.  
25 If you look at our rate design now, in this test year,

1 there's a forecast of zero percent of diesel on the margin on  
2 the hydro system. Sometime in the future, if there is some  
3 diesel on the margin scheduled or anticipated and it's built  
4 into your base rate, and we build it into our base rate, it's  
5 averaged over the year because of the rate and it doesn't  
6 show up, those -- that amount that was forecasted should  
7 rightly go back to customers. And vice versa, the other way.

8 If this rate design here that has zero percent  
9 of diesel on the margin in the forecast, you know, is  
10 retained and all of a sudden, diesel on the margin is there 10:07  
11 and there are costs, as small or as big as they may be,  
12 again, it's collecting that deferral account and we're just  
13 asking to either collect that sum in that case or refund the  
14 amount in that other type of situation.

15 Q. Okay. Thank you for that. So, my understanding, then,  
16 is that as long as forecast is for zero diesel on the margin,  
17 then the creation of this account has no benefit to  
18 ratepayers; is that right? Because there's no way that there  
19 could be a payback.

20 A. MR. PALLADINO: I guess the benefit to 10:08  
21 ratepayers, if you were to extend it out, in that if we did  
22 not have this deferral account mechanism in place, and the  
23 Rider D mechanism in place, then ultimately when diesel  
24 generation on the margin does occur and YECL incurs  
25 significant costs associated with that trigger, then

1 ultimately we would have to go into a Phase I application to  
2 recover those costs in some fashion.

3 In that vein, we're looking to put in a  
4 mechanism that will allow us to not have to go down that road  
5 of incurring significant rate expense by going through a  
6 Phase I application.

7 So in that respect, I think customers would  
8 see a benefit by not having to go through that process.

9 MR. BUONAGURO: Thank you. Those are my  
10 questions.

10:09

11 THE CHAIR: Thank you very much,  
12 Mr. Buonaguro. So, I guess we'll move to Mr. Maissan.

13 MR. KEOUGH: I'm tempted to say "I object"  
14 just to practice for Mr. Maissan. Just kidding.

15 THE CHAIR: Sorry. Say that again. I  
16 didn't hear.

17 MR. KEOUGH: I said, Mr. Chairman, I'm  
18 tempted to say "I object" just to practice for Mr. Maissan's  
19 questions.

20 MR. MAISSAN: Mr. Chairman, just to practice,  
21 my very learned friend to my right here --

10:10

22 MR. KEOUGH: I told him yesterday that was  
23 an insult.

24 MR. MAISSAN CROSS-EXAMINES THE PANEL:

25 MR. MAISSAN: Mr. Chair, good morning. Good

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Cross-Examined by Mr. Maissan

1 morning, panel.

2 THE CHAIR: Good morning.

3 Q. My first questions relate to rate design, and I wondered  
4 if someone could refresh my memory as to what the revenue is  
5 that is being recovered through rates in this Phase II  
6 application?

7 A. MR. PALLADINO: As noted in Table 2 of the  
8 application, the total revenue requirement has been  
9 established at \$50.833 million.

10 Q. Right. Thank you. And can you tell me, of that revenue 10:11  
11 requirement, why YECL would have an approved revenue  
12 requirement for diesel fuel cost. Can you tell me what that  
13 amount is?

14 A. MR. DESJARLAIS: Just give me one moment,  
15 Mr. Maissan.

16 Q. An approximate number would suffice if you don't know it  
17 exactly.

18 A. MR. DESJARLAIS: Just to my recollection,  
19 subject to check here, it's approximately \$5.3 million. It  
20 was in the materials that were handed out at the 10:12  
21 intervener/stakeholder session, December 15th, approximately  
22 around that area.

23 Q. Right. Thank you.

24 A. MR. DESJARLAIS: Yeah.

25 Q. Would you know approximately what Yukon Energy's

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1 approved diesel fuel expense is that's being recovered?

2 A. MR. DESJARLAIS: That's in the same table there.

3 From what we have in that slide that we presented at the  
4 stakeholder session, it was \$443,000, subject to...

5 Q. So the total would be in the order of \$5.7 million in  
6 diesel fuel expenses out of a total revenue of 50.8 that's  
7 being collected?

8 A. MR. DESJARLAIS: Just to correct the Yukon  
9 Electrical number, just for the record, is 5.397, so  
10 essentially 5.4 million of that. So more around the 5.8, 5.8 10:13  
11 and a half.

12 Q. Thank you. Would you not agree that if, as it appears,  
13 the diesel fuel expense is well in excess of 10 percent of  
14 the total revenue requirement, then this should, in some way,  
15 be reflected in rates?

16 A. MR. DESJARLAIS: It is 10 percent of the  
17 approximate number. 10 percent of the approved revenue  
18 requirements, yes.

19 Q. Yes. So why, then, does Yukon Electric say in various  
20 places, including in responses to interrogatories like CW-19, 10:13  
21 YUB-24 and elsewhere, that when they're referring to  
22 incremental diesel cost and runoff rates reflecting  
23 incremental diesel costs, that these costs are seldom  
24 incurred or even forecasted to occur on the system today and  
25 in the future -- and into the near future?

1     A.   MR. PALLADINO:                    We're talking, Mr. Maissan --  
2     we're talking about incremental costs of diesel on the margin  
3     and setting those price signals through our rate design. And  
4     I go back to I believe YUB -- response to YUB No. 24 on page  
5     2 of 5 of that response, starting on lines -- on line No.  
6     -- sorry, No. 11. It says on page 4, YECL-7, Footnote No. 4,  
7     in quotes: (as read)

8                 "The companies noted in the 1992  
9                 submission on cost of service and rate  
10                design that an important step in  
11                promoting efficient use of electric  
12                energy is the provision of an effective  
13                price signal to the customer such that  
14                the price paid for extra energy  
15                consumption reflects the cost of  
16                providing that same extra energy."

17                So, in my mind, sir, what we're talking about  
18     here is the incremental cost of diesel in reflecting those in  
19     rate design as opposed to reflecting the cost of diesel  
20     through base rates.

21     Q.   Maybe I'm missing something here in subtlety. You were  
22     arguing against a higher runoff rate when you're supporting  
23     your Option B because you're saying these costs are seldom  
24     incurred. When we look at the revenue requirements, we find  
25     that more than 10 percent of the revenue requirement is, in

1 fact, diesel cost at those incremental rates. And, yet,  
2 you're saying these costs are seldom incurred. And how are  
3 they reflected in your Option B rates? The runoff rate is,  
4 as I recall, 13.99 cents for the highest residential  
5 non-government category.

6 A. MR. DESJARLAIS: When you go down that road of  
7 reasoning and you're looking at that runoff rate, like, what  
8 do you expect those revenues to produce? If you look under  
9 Option B -- just at the general service and the residential  
10 component, the revenues out of Blocks 3 and 4, you know, are 10:16  
11 in the neighbourhood of \$8.6 million. By going to a higher  
12 percentage run-out rate, those revenues from those blocks  
13 increase.

14 And as you pointed out, the diesel costs now  
15 are 5.8 million in total. So, how much do we want to deviate  
16 by going to the higher run-out block? That's the challenge  
17 in terms of rate design is like, yes, we can increase this  
18 amount, but how much of that amount is actually, like you  
19 said, going to that forecast diesel?

20 And we do have to -- I think I mentioned to 10:17  
21 Ms. Kellgren, we're setting cornerstones, building blocks to  
22 when diesel is on the margin in the hydro zone, and these  
23 extra costs will be there and how we can adjust rates to  
24 handle these costs and send that appropriate signal. Is that  
25 --

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1 Q. It seems to me that those extra costs are there already  
2 in the fact that we have more than 10 percent of our existing  
3 cost are diesel fuel costs, and yet you're saying, in  
4 response to various interrogatories, that these costs are  
5 seldom incurred or even forecasted to occur and yet it seems  
6 to me they are occurring right now. And I'm surprised, then,  
7 that your proposed rate design doesn't reflect a higher  
8 runoff cost to reflect the fact that we are incurring a  
9 significant percentage of our cost as diesel fuel cost?

10 A. MR. PALLADINO: Mr. Maissan, I think we're  
11 talking about two different things here. My understanding is  
12 that the runoff rate in terms of identifying economy and  
13 efficiency is, as it has been in the past, and again I still  
14 struggle with the term "economy and efficiency" and how it  
15 ties to the incremental cost of diesel, but let's say that is  
16 the case here where we are tying economy and efficiency to  
17 the incremental cost of diesel on the system. And from our  
18 understanding, and from our discussion with my colleagues  
19 here, and from what we've been able to see through this Phase  
20 II application, is that diesel on the margin is not predicted  
21 or forecast to be predominant on the system for some time.

22 Q. Now, you seem to be separating the hydro zone from the  
23 combined zone for which these rates are designed; right?  
24 These rates are designed to incorporate recovery of diesel  
25 costs from large and small diesels as well. And as I

10:18

10:19

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1 understand it, your Option B does not include, as the  
2 existing rates do, a separate runoff for large and small  
3 diesels and Old Crow to recover the costs there where diesel  
4 fuel is more predominant than it is on the WAF system.

5 Your current Option B incorporates that all  
6 into one rate zone and, in that one consolidated rate zone,  
7 diesel costs are fairly significant -- diesel fuel costs are  
8 fairly significant.

9 **A. MR. DESJARLAIS:** Mr. Maissan, we're just  
10 discussing it. I'm still not sure what you're trying to  
11 portray here. You know, the OIC 1995-090 identifies that we  
12 treat Yukon as one zone. All these diesel communities share  
13 with the hydro assets. And the only ability we have to make  
14 any differential change amongst these communities is the  
15 run-out rate, and I'm still -- I'm still trying to understand  
16 the picture you're trying to paint here.

10:20

17 **Q.** I'm trying to reconcile your comment that these costs  
18 are seldom incurred or even forecasted to occur, and yet  
19 they're 10 percent of our actual costs that are being  
20 recovered from rates?

10:21

21 **A. MR. DESJARLAIS:** From the diesel communities as  
22 opposed to the hydro communities.

23 **Q.** Well, they're all consolidated. It's all one rate zone  
24 the way you've proposed it in Option B, so we can't say -- we  
25 can't separate the hydro system from the large and small

1 diesel now because you've put them all together in Option B.  
2 If you had separate runoff rates in proposal B for the  
3 diesel-served communities versus hydro, then I could  
4 understand your reasoning. But since they're all put  
5 together, and there are real diesel costs that we all have to  
6 pay for, I can't understand the reasoning.

7 A. MR. DESJARLAIS: Well, all the proposals that  
8 are there in front of us, Option A, B and C, and your  
9 proposal as well, they all have the run-out rate. They're  
10 all a percentage of the incremental --

10:22

11 Q. Of diesel?

12 A. MR. DESJARLAIS: -- the incremental cost of  
13 diesel. Again, I still don't understand --

14 Q. The difference --

15 A. MR. DESJARLAIS: I understand what you're saying  
16 about yes, there are costs on there, but I'd have to really  
17 review this IR and say is it probably -- could it have been  
18 written in terms of just the hydro zone and looking at the  
19 costs applied there, as with the small diesel, large diesel  
20 and Old Crow. Yes, there are obviously diesel costs  
21 associated with that.

10:22

22 Q. The point is all these other rate options have a run-out  
23 block that's significantly higher to reflect a much greater  
24 percentage of that diesel than you're proposing. And your  
25 reasoning was that these costs were seldom being incurred or

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1 forecasted to occur. So I just wanted to understand that.

2 A. MR. PALLADINO: I just want to get this on the  
3 record. I think when I look at the incremental cost of  
4 diesel, and if we were to attempt to convey this message to  
5 customers, if a customer is consuming normally 3,000 kilowatt  
6 hours in one month and consumes one extra kilowatt hour in  
7 load, ideally you want to be able to link the extra load with  
8 the cost.

9 In other words, if we have an extra load -- an  
10 extra kilowatt hour of load, are we incurring an extra  
11 kilowatt hour of diesel generation on the margin? We're  
12 saying that's not the case here. We're not forecasting that  
13 to happen for some time.

10:23

14 So is it fair to be telling our customers:  
15 "You're going to consume one extra kilowatt hour of load, but  
16 we might not see that one extra kilowatt hour of diesel  
17 generation on the margin, but we're going to charge you for  
18 it though." In our mind, we're not -- we're saying that's  
19 fair.

20 Q. So if a customer in Watson Lake uses an extra kilowatt  
21 hour, they're not served by diesel because they're part of  
22 this rate as well, so some customers are incurring that cost  
23 of diesel with every kilowatt hour they consume.

10:24

24 A. MR. DESJARLAIS: Okay. I agree with that, but  
25 if you look at higher run-out rate, as you pointed out, you

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1 know, diesel cost's around \$5.8 million. We put more to that  
2 run-out rate. The customer in Old Crow who never gets above,  
3 let's say, a thousand kilowatt hours, what is his revenue --  
4 what costs are he covering there as opposed to any customer  
5 in Old Crow, small diesel, large diesel, hydro zone in that  
6 third block, that run-out rate block? What are they paying  
7 for then? Because the revenue generated by that third block  
8 or run-out block is significantly higher than that diesel, so  
9 it captures that cost and then some. So every kilowatt hour  
10 that residents in Old Crow under a thousand kilowatt hour  
11 consumes, what is he paying for? He's actually paying base  
12 rates there. But in terms of that diesel, if it's already  
13 covered in that third block, the run-out block, you know --  
14 that's what I'm saying. It's almost like you'd have to go  
15 the other way where they're declining boxed. You make that  
16 incremental cost of diesel your first block. Pitch it so  
17 high, then it declines to covers that. That's the way, you  
18 know, that this discussion sounds like it's going, if that's  
19 the way you want to reason it. You know, I'm just struggling  
20 with that.

10:25

10:26

21 Q. I think we've covered that subject adequately.

22 A. MR. DESJARLAIS: Okay.

23 Q. If there were supplies other than diesel that were  
24 coming onto the system and they were higher costs than the  
25 excising cost, do you believe that rate should reflect those

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1 higher costs of new generation sources?

2 A. MR. PALLADINO: It's a pretty open-ended  
3 question. I think in general that that would be the case, if  
4 I understand your question correctly. As more expensive  
5 generation comes online, then, yes, ideally we would like to  
6 reflect that through rate design in some fashion.

7 Q. Right. Yukon Energy participated in the Mayo B  
8 hearings, did they not? At least to some degree?

9 A. MR. PALLADINO: Personally I wasn't part of it,  
10 but I understand that we did participate in that hearing.

10:26

11 MR. MAISSAN: Mr. Chair, I have an exhibit.  
12 It's a document that is from the Mayo B hearing that was  
13 circulated to the parties a couple of days ago. I have other  
14 copies. Perhaps I can provide this as an exhibit.

15 THE CHAIR: Yes, please.

16 MR. MAISSAN: I think it would be C1-9.

17 THE CHAIR: C1-9?

18 EXHIBIT NO. C1-9 - DOCUMENT FROM MAYO

19 B, AID TO CROSS-EXAMINATION

20 Q. MR. MAISSAN: Do you have that document in  
21 front you?

10:27

22 A. MR. PALLADINO: I do.

23 Q. Yes, that's the one.

24 THE CHAIR: Is this just an aid to  
25 cross-examination?

1 MR. MAISSAN: Yes.

2 THE CHAIR: Yes.

3 MR. MAISSAN: Correct, yes.

4 THE CHAIR: Can you just hang on until we  
5 get a copy of that, please?

6 MR. MAISSAN: Certainly.

7 THE CHAIR: And does the panel have a copy  
8 of this?

9 A. MR. PALLADINO: Yes.

10 THE CHAIR: So you can proceed. Thank you. 10:28

11 Q. MR. MAISSAN: Thank you. This aid to cross  
12 is from a response from Yukon Energy to YUB/YEC 1-25 in the  
13 Mayo B hearing, and these are two selected pages from a large  
14 spreadsheet. And the cover page which shows a graph of the  
15 costs of Mayo B power under different circumstances and the  
16 cost of diesel generation saved by Mayo B.

17 And if we look at the cost of Mayo B without  
18 the government contributions, which we don't have to pay for  
19 through rates, but if Mayo B had been built without these  
20 contributions from various agencies that are not having to be 10:29  
21 recovered through rates, then the cost of power, as shown on  
22 the graph and the table from which that graph comes, shows  
23 that it's more expensive than diesel.

24 So this new supply is anticipated to come on  
25 late next year, if I understand correctly, and so there is

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1 going to be more expensive power as part of the system,  
2 although most of that expense does not need to be recovered  
3 through rates. Is it your view that the rate structure  
4 should in some way reflect higher cost sources of energy even  
5 if not all of the costs need to be recovered from rates?

6 A. MR. PALLADINO: I'm not sure if I understand  
7 your question, Mr. Maissan. Perhaps if you can rephrase  
8 that.

9 Q. Yes, I'll rephrase that.

10 A. MR. PALLADINO: Are we talking about base load  
11 generation, or are we talking about incremental generation?

10:30

12 Q. Well, at the end of next year, we will have coming onto  
13 the system Mayo B, which is going to generate power into the  
14 system, and it will displace diesel generation to the extent  
15 of about 25 gigawatt hours to 35 gigawatt hours per year in  
16 its first year. So that will be part of the overall  
17 generation supply in the system, in the consolidated hydro  
18 system. Now, that energy, absent the government and other  
19 contributions that have helped pay for the capital cost,  
20 would have cost in the order of, well, starting at 37 cents  
21 and on from there.

10:31

22 As you can see on the graph, the cost without  
23 these contributions would have been in excess of diesel  
24 generation, the marginal cost of which is on the record here.  
25 And I'm just wondering, since we have this more expensive

1 generation, albeit not expensive to the ratepayers, coming  
2 onto the system late next year, when that comes on, do you  
3 feel that rate should reflect the fact that this energy is  
4 more costly, although those costs -- only about a third of  
5 those costs have to be recovered through rates, thanks to  
6 government support?

7 MR. KEOUGH: Excuse me, Mr. Maissan, can I  
8 just clarify? Are you suggesting that the amount that would  
9 be in YEC's rate base would be the amount net of  
10 contributions or the amount with contributions?

10:32

11 MR. MAISSAN: I'm saying that the amount that  
12 is in Yukon Energy's rate base will be yet of contributions,  
13 as shown on this graph or so I believe, and so the costs that  
14 have to be recovered from ratepayers is the lower line, well  
15 below the cost of diesel, but the actual cost of the project  
16 in terms of capital and operating cost, absent the government  
17 contributions which reduce the amount in Yukon energy's rate  
18 base, the energy would have cost more than diesel generation.  
19 So we have this energy source coming on, which, if you just  
20 look at the numbers, is going to cost more than diesel  
21 generation for quite a number of years, and I was just  
22 wondering -- although we, as ratepayers, do not need to pay  
23 for all of that cost; we're only paying for about a third of  
24 that cost -- should rates reflect the fact that this energy  
25 is essentially more valuable or more expensive to develop

10:32

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1 even though we, as ratepayers, do not need to pay that full  
2 expense? And I'm just wondering whether YECL feels that  
3 there should be some consideration in rate design for that?

4 MR. KEOUGH: I guess, Mr. Chairman, why I  
5 intervened is I'm struggling with how rates could be set to  
6 collect more than the amount that's in rate base. I'm  
7 struggling with that conceptually and how utilities would be  
8 allowed to determine a revenue requirement on a number that  
9 is greater than is allowed in rate base. That component of  
10 it is what I'm struggling with, Mr. Maissan.

10:33

11 MR. MAISSAN: Yes. I'm not suggesting that  
12 more should be collected than is required to meet  
13 Yukon Energy's revenue requirements, but if we're talking  
14 about incremental costs, runoff costs, we know that as we use  
15 more diesel, we're going to have to ensure that the runoff  
16 cost reflects the cost of diesel, and I just wondered  
17 whether, as a matter of principle, if new supplies coming on  
18 cost more to develop, even though we, as ratepayers, don't  
19 need develop, should the rate design essentially reflect a  
20 higher runoff rate and perhaps a lower first-block rate to  
21 reflect the fact that the incremental supplies are in fact  
22 more expensive, even if we don't have to pay for that full  
23 cost. I just wondered, as a principle, whether YECL feels  
24 there should be some reflection in rate design. And I  
25 understand it's like a waterbed, and I understand we're not

10:34

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1 paying for the full cost of Mayo B, and we don't have to.

2 THE CHAIR: I understand the question, so  
3 it's up to the Panel to decide how they want to respond.

4 A. MR. DESJARLAIS: In terms of trying to take up  
5 the challenge of trying to address your -- you know, these  
6 higher costs that should be reflected in your rates and  
7 such --

8 Q. In rate design.

9 A. MR. DESJARLAIS: In the rate design, yeah.

10 Q. Right.

10:35

11 A. MR. DESJARLAIS: It would be -- again, you're --  
12 you know, it's nice that we have this right now, it's  
13 documented and stuff like that, but I think it would be very  
14 difficult to do so. And I think you'd almost have to go  
15 through all business cases for any type of production if  
16 you're going to apply it to this one situation. But even  
17 then, it would be very tough to reflect that. You know, if  
18 you're going through the whole procedure of, you know, a  
19 proper cost of service and through a rate design, because,  
20 you know, the cost in the rate -- in the cost of service only  
21 reflect that net of contributions. You can make assumptions  
22 and -- but it would be very difficult to do so.

10:35

23 Q. Yes.

24 A. MR. DESJARLAIS: It would be very challenging  
25 -- challenging exercise.

1 Q. I just wondered, because I've seen in IR responses that  
2 ideally the last kilowatt hour used by a customer should have  
3 the same value to the customer as the cost of that kilowatt  
4 hour, and that's where this comes from.

5 A. MR. DESJARLAIS: Okay.

6 Q. Thank you. In Option B, rate design, you have a  
7 proposed runoff rate of 13.99 cents per kilowatt hour. Can  
8 you perhaps explain how you came up with that number?

9 A. MR. PALLADINO: Sure. I'll start, and then  
10 certainly my colleague will jump in. I think overall from a  
11 principle point of view, when we look at the strategies to  
12 develop a rate design, there are a number of questions that  
13 we ask ourselves in terms of what are the key rate-design  
14 issues and how are they -- do they affect rate designs for  
15 energy efficiency, recognizing the context in which we are  
16 dealing with in Yukon. We look at the different rate-design  
17 options that currently exists and how do we reflect, again,  
18 economy and efficiency in either our current rate design or  
19 something that would incent customers to consume less or to  
20 respond to price signals.

21 What other mechanisms that can encourage  
22 efficiency that are not driven by tariff savings is also and  
23 issue that we look at. We often talk about how rate design  
24 is a tool to encourage economy and efficiency, but are there  
25 other mechanisms that we have out there to also reflect that

10:36

10:37

1 issue? And again, what are the successful strategies for  
2 encouraging economy and efficiency? Is an inclining rate  
3 structure appropriate?

4 So when we look at all those aspects of rate  
5 design, we believe that an inclining rate structure at this  
6 point in time is appropriate. Now, it's a matter of  
7 balancing some of the objectives around rate shock impact,  
8 ensuring that customers are not unduly discriminated, and we  
9 talked about that yesterday with Ms. Kellgren, around the  
10 revenue cost ratio issues that we have with some of the rate  
11 classes. And allowing further adjustments at some point in  
12 time in the future to reflect more accurate signals showing  
13 how costs with usage moves in tandem. So I think when you  
14 include all of those issues, we felt that the 50 percent of  
15 incremental cost of diesel was an appropriate signal at this  
16 point in time.

10:38

17 A. MR. DESJARLAIS: And just to expand on that a  
18 little bit, too, is that we do have OICs in place that guide  
19 us, the policy, but we also have an OIC -- you know, the 2008  
20 OIC that, you know, caps the increases by rate classes. That  
21 presents some challenges. And when you look at that  
22 challenge, to expands on Mr. Palladino's answer, is that what  
23 price signals do you want to send? We hear that, you know,  
24 diesel on the margin on the hydro system is coming. You  
25 know, we're not too sure exactly when that's going to happen,

10:39

1 but it's coming.

2 There's growth in the community, which is  
3 great. You're going to anticipate, you know, some more  
4 stresses on the hydro system. But with the restriction of  
5 that one OIC, 2008 there, you look at the -- there's 70  
6 percent of residential customers that only live in that first  
7 block of energy. How can we say that energy's coming --

8 Q. Sorry, can I jump in?

9 A. MR. DESJARLAIS: Okay. Sure.

10 Q. 70 percent of bills are in the first?

10:40

11 A. MR. DESJARLAIS: 70 percent of bills in that  
12 first block.

13 Q. Okay.

14 A. MR. DESJARLAIS: How can you tell those  
15 consumers paying that amount -- or paying those rates that:  
16 Okay, diesel on the margin is coming? You know, you're only  
17 paying 80 percent of your revenue cost amount right now, plus  
18 there's an IER on top of it, and we're going to reduce your  
19 rates. It's a counter-intuitive signal you're trying to send  
20 to those 70 percent of bills.

10:40

21 So that's why in our option there, we've kind  
22 of stayed status quo on the fixed charge in the first block  
23 and have made those amendments in the second and third blocks  
24 to give us the groundwork for future rate making.

25 Q. So if I understand correctly, you did not want to reduce

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Cross-Examined by Mr. Maissan

1 first block rates because you were concerned that that might  
2 send the wrong signal, and, therefore, you were limited as to  
3 what you could do with your Block 2 and 3 rates?

4 A. MR. DESJARLAIS: This is one of the things where  
5 -- you struggle with that. And let's say we go with that  
6 first block, what we did in the first block presentation of  
7 keeping them status quo, now you start looking at the second  
8 block and the third block. If you're keeping the first block  
9 as is, and you want to keep inclining rates for the  
10 residential non-government, you can only raise that third  
11 block so high before that second block dips below or is at  
12 that first block number.

10:41

13 You know, and that gives us a perfect segue  
14 into rate shock. As you go higher, you know, you're treating  
15 a little bit more on the higher end consumption users as  
16 opposed to the middle, so that's why we decided to mediate  
17 there and just increase what currently is around 46, 47  
18 percent of the incremental costs. Bring it up to 50. And we  
19 have that inclining block presence for that residential  
20 non-government. So that was our thinking in our rate design.

10:42

21 Q. When you look at your concern for rate shock,  
22 particularly in the third block, do you look at what  
23 customers have paid in the past and gauge by that what rate  
24 shock might represent to them?

25 A. MR. PALLADINO: I think overall, rate shock is

1 a term that is used quite often, although there isn't a  
2 criteria around rate shock in terms of identifying what rate  
3 shock is to customers. It's generally a rule of thumb. And  
4 what we've seen in the past is anything in excess of  
5 10 percent would be considered rate shock.

6 So when we're looking at the rate impact for  
7 any rate design option, whether it's rate design Option A, B,  
8 C, or even the option you had proposed, when we're dealing  
9 with percentages in excess of 10 percent, in our mind, we  
10 believe that's excessive.

10:43

11 Q. Right. Were you aware when you set these rates that two  
12 years ago our runoff rate was effectively substantially  
13 higher than 13.99 cents per kilowatt hour?

14 A. MR. DESJARLAIS: In the two-block structure?

15 Q. Yes, in the two-block structure. Two years ago the  
16 runoff rate formerly was 10.45. We had a rider for  
17 Yukon Energy's revenue. We had a rider for YECL interim  
18 revenue rider, and we had a Rider F for fuel surcharges, and  
19 they added up to more than 14.39 cents per kilowatt hour.

20 A. MR. DESJARLAIS: And that applied to all  
21 components of the bill, right? Correct?

10:44

22 Q. This is the runoff rate.

23 A. MR. DESJARLAIS: So it just applied to the  
24 runoff rate?

25 Q. No, not just to the runoff --

S. DUNCAN, N. PALLADINO, B. DESJARLAIS

Cross-Examined by Mr. Maissan

1 A. MR. DESJARLAIS: It applied to all --

2 Q. Correct.

3 A. MR. DESJARLAIS: -- components equally.

4 Q. But the rate that one was paying in the runoff block was  
5 still 14.39, you know, prior to other adjustments.

6 A. MR. DESJARLAIS: I think it's --

7 Q. And the first block was higher, too, because of those --

8 A. MR. DESJARLAIS: Yeah, but --

9 Q. Yeah.

10 A. MR. DESJARLAIS: -- there's a -- I think there's 10:44  
11 a little bit --

12 Q. I just wondered whether that was a consideration --

13 A. MR. DESJARLAIS: Well, there's -- there's a  
14 little bit of a difference there, because, like, it's applied  
15 across all rates. It wasn't that it was applied to the  
16 runoff rate and the first block went down. You know, there's  
17 that difference in those rates. Yes. I understand your  
18 point there.

19 A. MR. PALLADINO: But, Mr. Maissan, if I can just  
20 add, ultimately it's what the customer looks at, and it's the 10:45  
21 bill. So when they see impacts in excess of 10 percent,  
22 that's a concern that we had.

23 Q. Yes. So I take it, then, you didn't compare it to bills  
24 of two years ago?

25 A. MR. PALLADINO: No. When we did our

1 comparison, we're looking at what a customer is paying today.

2 MR. MAISSAN: Thank you.

3 Those are my questions, Mr. Chair.

4 THE CHAIR: Thank you very much,

5 Mr. Maissan. Now, I'd like to just seek a clarification. I

6 know YEC wants to cross. Do they want to go before Yukon

7 Utility Board?

8 MR. CLARKE: Yes.

9 THE CHAIR: Yes. Okay.

10 MR. LANDRY: I guess it doesn't matter what 10:45

11 I want.

12 THE CHAIR: No. That's right.

13 MR. KEOUGH: Me either, or I wouldn't have

14 him cross.

15 THE CHAIR: Mr. Landry, you can proceed

16 when you're ready?

17 MR. LANDRY CROSS-EXAMINES THE PANEL:

18 MR. LANDRY: Mr. Chairman, just for

19 clarification and for the record, I have no questions at all

20 on the rate-design issues that the members of the panel have 10:46

21 spoken to. My issue simply is in relation to Rider D. And

22 just so that it's clear, because there's been a significant

23 amount of co-operation between the two utilities, very

24 positively so. The issue of Rider D throughout has always,

25 from the utilities' perspective been a very simple

1 application, and it's in relation to that separate  
2 application that I bring forward these questions.

3 Mr. Chairman, I've asked my colleague to  
4 provide to the board an aid to cross-examination which I did  
5 provide to my friend a couple of days ago, and I'd ask that  
6 that aid to cross-examination be both circulated and marked  
7 as the next exhibit, please.

8 THE CHAIR: It's marked as B-20.

9 MR. LANDRY: Thank you.

10 **EXHIBIT B-20 - AID TO CROSS-EXAMINATION**

10:48

11 MR. LANDRY: One of the things that I did  
12 reproduce, Mr. Chair, at the beginning of my document, the  
13 aid to cross-examination, is the Rider D application, and  
14 it's in the first number of pages in that document. And just  
15 for ease of reference, because there are a number of  
16 extracts, I'll be referring to the handwritten page numbers  
17 which are at the bottom of the aid to argument. So you can  
18 see they go through from page 1 to I believe it's 41,  
19 Mr. Chair. And it's a two-sided document just so that  
20 everybody is aware as we go through it.

10:48

21 MR. CLARKE: Thank you.

22 Q. MR. LANDRY: Mr. Palladino, I'm going to  
23 direct the questions at you, but if you need the assistance  
24 of your colleagues, please do so at that time.

25 Again, if we could just start with the

1 application, Mr. Palladino, which is, as you can see, the  
2 body of it and the rate -- sorry, the Rider D is pages 1 to 4  
3 of the aid to argument, B-20. As I understand, sir, what you  
4 said yesterday and what is in this document, this deferral  
5 account from YEC's perspective was approved in Board order  
6 2009-2?

7 **A. MR. PALLADINO:** That's correct.

8 Q. Prior to that order, there had been no similar deferral  
9 account in place?

10 **A. MR. PALLADINO:** That is my understanding. 10:49

11 Q. And just so there is some clarity on what was confusing,  
12 at least to me, Mr. Palladino, I have included in this aid to  
13 argument the documentation relating to the deferral account  
14 from the 2008/2009 GRA of YECL, and what I'd like to do is  
15 I'd like to start with the decision of the Board, Board order  
16 2009-2, which is reproduced, Mr. Chair, at pages 21 through  
17 24 of the aid to argument, at least the extract that I'd like  
18 to refer to. And that is -- the extract that's there,  
19 Mr. Palladino, relates to the discussion by the Board and the  
20 determination in relation to purchase power. Do you see 10:50  
21 that?

22 **A. MR. PALLADINO:** So on page 22 is the discussion  
23 of purchase power. On page 23 are the views of the Board.  
24 That's correct. I have that.

25 Q. Okay. And, sir, you'll see in the discussion on

1 page 23, prior to the reviews of the Board, it says -- and

2 I'm going to quote for the record -- it says:

3 Since there was little debate  
4 concerning the deferral accounts, YECL,  
5 in its reply, submitted that these  
6 deferral accounts shall also be  
7 approved, as requested.

8 Do you see that?

9 **A. MR. PALLADINO: I see that.**

10 Q. And then you can go to the next page in terms of the  
11 Board's determination in relation to the deferral account,  
12 and it's at the very top of the page, Mr. Palladino. And it  
13 says -- and it talks about -- well, let me read it into the  
14 record. It says:

10:51

15 The Board acknowledges that there was  
16 little debate regarding the deferral  
17 accounts described in application,  
18 i.e., the diesel contingency fund and  
19 rate from YEC.

20 And there's a footnote. And then it says, "Therefore the  
21 Board approves YECL's request for continuation of the  
22 aforementioned deferral accounts." Do you see that, sir?

10:52

23 **A. MR. PALLADINO: I see that.**

24 Q. And that's the confusion, sir, that I had, given the  
25 evidence that you gave today and yesterday about the deferral

1 account. I wonder if I could then take you to your -- to the  
2 YECL general rate application. And if you could go before  
3 that, sir, to -- it starts at handwritten page 7 of B-20.  
4 And the relevant extracts go through to and include page 18  
5 of the handwritten -- handwritten numbers. And what I have  
6 reproduced for your review is an extract from Section 1 of  
7 the application, which is the overview of the application,  
8 and Section 3 of the application, which relates to purchase  
9 power. Do you see that?

10 **A. MR. PALLADINO:** I see that.

10:53

11 Q. If I go to the Section 1, which at the beginning is  
12 called "overview" on page 8, but I want to go over to  
13 page 11, handwritten page 11. At the top it says, "Summary  
14 of approvals being requested." Do you see that?

15 **A. MR. PALLADINO:** Yes, I do.

16 Q. And I'd just like to go down to the deferral-accounts  
17 issue which is at -- starts at page 6 -- or sorry, at line 6,  
18 and it says, "Yukon Electrical is seeking approval to  
19 continue utilizing the following deferral accounts," and it's  
20 -- the first account is a purchase power flow-through  
21 account, which, if you look in the body of that, it says that  
22 it is discussed in more detail at Section 3. Now, I  
23 understand that to be the deferral account that we're talking  
24 about today. Is that a fair --

10:53

25 **A. MR. PALLADINO:** That's correct.

1 Q. So again, it uses the words "continue utilizing." And  
2 then if you go to the next page, sir, at the very top it  
3 says -- and that's handwritten page 12 -- it says, and I  
4 quote, "Yukon Electrical is seeking approval to utilize the  
5 following new deferral accounts." Do you see that, sir?

6 A. MR. PALLADINO: I see that.

7 Q. And then, sir, if I go to where the issue of the  
8 deferral account is described in more detail under Section 3  
9 of the application, which is reproduced -- extracts are  
10 reproduced at handwritten pages 15 and 16, I see that on page 10:54  
11 handwritten 16 that that deferral account in relation to the  
12 one we're talking about, i.e., rate from Yukon Energy, is  
13 described from lines 1 to 9 on page 16. Do you see that?

14 A. MR. PALLADINO: I have that.

15 Q. And that's the deferral account that we're talking  
16 about, correct?

17 A. MR. PALLADINO: That's correct.

18 Q. And then, sir, one other further document or reference  
19 that I could find in the application that talked about this  
20 deferral account is at an IR, which I've included in the aid 10:55  
21 to argument B-20 at page 19, and that is from the GRA, the  
22 YECL GRA-YUB-YECL6. Do you see that that?

23 A. MR. PALLADINO: Yes I do.

24 Q. And you'll see that there is discussion in the reference  
25 and quote about obviously the deferral account that we're

1 talking about today, and then there is a question, and it  
2 requests for a detailed explanation and example as to what is  
3 meant by the above quote. Do you see that?

4 **A. MR. PALLADINO:** Yes, I do.

5 Q. And then there's an answer to that question that has  
6 been reproduced, and at the very end is where I would like to  
7 take you to, sir; although if you'd like, you can read the  
8 whole quote or the whole answer. But at the very end, the  
9 last sentence in the answer on page 20 of B-20, it says, and  
10 I quote, "In the meantime, Yukon Electrical is requesting the 10:56  
11 continuation of a deferral account to flow through increases  
12 or decreases to purchase power rates." Do you see that?

13 **A. MR. PALLADINO:** Yes, I do.

14 Q. Do you understand my confusion, sir? That you're saying  
15 that the deferral account, both yesterday and today, was  
16 actually approved by this Board order, but the information on  
17 which the Board effectively was looking at was talking about  
18 from YECL's perspective of a continuation of the deferral  
19 account. Can you see the confusion?

20 **A. MR. PALLADINO:** Perhaps the wording may lead 10:57  
21 someone to believe that that is the case, sir, but I did not  
22 write this information response, sir, so I'm not sure what  
23 was going through the mind of the individual that wrote the  
24 information response. But if that choice of wording does  
25 confuse you, that's -- perhaps that's the case, but again,

1 I'm not sure, like --

2 Q. Okay. Well --

3 A. MR. PALLADINO: -- what we're trying to get at  
4 here, sir. The idea is that the Rider D mechanism is  
5 intended to dispense of balances that are collected in this  
6 deferral account, sir, that we did get approval in 2009-2,  
7 sir. The information response here, which has also been  
8 written starting on page 19 to 20, sir, talks about the issue  
9 that we have here that we're trying to address.

10 Q. Yes. I understand that, sir, and I appreciate your  
11 point, but from YECL's perspective, your evidence is that the  
12 deferral account was actually approved in 2009-2, not prior  
13 to that, correct?

10:58

14 A. MR. PALLADINO: My understanding, sir, was that  
15 the deferral account was approved in Decision 2009-2.

16 Q. Now, I wonder if we could again just go back to a bit of  
17 the history on the matters that are relevant to both the  
18 deferral account that you say was approved in 2009-2 and that  
19 we're talking about today. The ERA adjustment mechanism in  
20 Rate Schedule 42, as I understand, sir, was approved back in  
21 the 1993/1994 GRA, and if you'd like a reference, sir, you  
22 could go to paragraph 25 of B-20, which is the title page of  
23 the joint application at the time. And at page 26, it talks  
24 about the wholesale rate.

10:58

25 A. MR. PALLADINO: I see that.

1 Q. And then on page 27, what I understand to be the Rate  
2 Schedule 42 at the time and, subject to check, would you  
3 agree that that looks like the rate schedule for Rate  
4 Schedule 42 at the time?

5 A. MR. PALLADINO: That's correct.

6 Q. So would you agree with me -- and again, subject to  
7 check -- that the ERA mechanism that is relevant to the  
8 issues that we're talking about was first approved by the  
9 Board back in the 1993/'94 GRA? Subject to check, sir.

10 A. MR. PALLADINO: Subject to check, I would  
11 agree.

12 Q. And again, sir, I understand that you weren't around at  
13 the time, but I think you've had plenty of discussions about  
14 what went on back in the 1990s in relation to both the  
15 wholesale rate and the whole issue of ERA. While the  
16 Faro Mine was on the system back in the '90s, would you agree  
17 with me, sir, that diesel was on the margin at that time in  
18 the way in which it's being discussed in this hearing?

19 A. MR. PALLADINO: From my understanding, sir,  
20 that is correct.

21 Q. And during that time, at least after 1993, when Faro was  
22 on the system, the Rate Schedule 42 and the ERA under that  
23 rate schedule applied?

24 A. That is my understanding, sir.

25 Q. And during that time, there was no deferral account in

10:59

11:00

1 place, correct, similar to the one that you say has been  
2 approved in 2009-2? Correct?

3 A. MR. PALLADINO: Sir, before I answer that  
4 question, I think I need to put my response in context. I  
5 think we're looking at two different periods of time that are  
6 quite different. What was in place back in the mid 1990s is  
7 something that is remarkably different than what we are  
8 facing here today, sir, in terms of how the ERA and Rate  
9 Schedule 42 is linked to rate design. I think there's a  
10 significant disconnect between rate design and the current  
11 Rate Schedule 42, sir. 11:01

12 Q. I understand your point, sir, but that wasn't the  
13 question. The question I had was: Was there a deferral  
14 account in place back in the 1990s? Simple question.

15 A. MR. PALLADINO: Again, sir, you're going back  
16 15 years ago, sir. Without having to go check through my  
17 records, I believe so, that that would be the case.

18 Q. You believe that it --

19 A. MR. PALLADINO: There was not a deferral  
20 account, sir. 11:01

21 Q. Thank you. And there was no, therefore, Rider D or  
22 similar mechanism at that time, correct?

23 A. MR. PALLADINO: There was not a need for  
24 Rider D at that point in time, sir, but I think if we had  
25 faced the same circumstances back then, I would suggest tat,

1 sir, we would probably be looking at the same time of  
2 mechanism.

3 Q. There was no Rider D in the place at that time?

4 A. MR. PALLADINO: That's correct.

5 Q. Now, sir, you understand that there was a dispute  
6 between the parties, YEC and YECL, in relation to the way in  
7 which the ERA worked under the Rate Schedule 42 in the late  
8 '90s; correct?

9 A. MR. PALLADINO: Sir, I'm just going based on  
10 what I've been able to see through past correspondence, but I 11:02  
11 understand there was a dispute, that's correct.

12 Q. And, sir, you can do this subject to check, but if you  
13 could go to page 33 of the aid to cross-examination,  
14 Exhibit B-20, and the pages following to the end. Could you  
15 confirm for me, subject to check, that this is the Board  
16 order that effectively implemented the utilities' settlement  
17 agreement on the Rate Schedule 42 ERA matter?

18 A. MR. PALLADINO: I would agree, sir, that that  
19 would be the settlement agreement, but I'm not sure how this  
20 relates to what we're talking about here, sir. 11:03

21 Q. Could you just confirm for me, sir, subject to check,  
22 that it is?

23 A. MR. PALLADINO: Yes, that's correct.

24 Q. Thank you. Now, I want to talk about the 1990s, and I  
25 do understand your position that it's different than it is

1 today, but I'm just talking about the 1990s for now when  
2 diesel was on the margin and when the ERA is in place, okay?  
3 Can you go with me that far?

4 **A. MR. PALLADINO:** Sure.

5 Q. The forecast risk for diesel costs above the forecast  
6 that would be put into a GRA from YECL's perspective, that at  
7 that time was YECL's risk; would you agree with that?

8 **A. MR. PALLADINO:** That's correct.

9 Q. And that would not only be obviously -- and I think it's  
10 the same today, and we'll go through that -- but done not 11:04  
11 only on the WAF system but in your diesel communities, too;  
12 correct?

13 **A. MR. PALLADINO:** That's correct.

14 Q. Now, let's go forward to where we are today, sir, and I  
15 understand your position that it's fundamentally different  
16 than before, but just to make sure that it's clear on the  
17 record, under your requested approval now, if it was  
18 approved, the sales forecast risk, as it relates to diesel  
19 cost in the WAF, would no longer be YECL's risk; it would be  
20 the ratepayers' risk. Is that a fair statement? 11:04

21 **MR. KEOUGH:** Mr. Landry, just for  
22 clarification, are you talking about the Rider D application,  
23 or are you talking about the deferral account? Because the  
24 application that's before the Board here is Rider D, and I  
25 think that's a mechanism to clean out a deferral account. So

1 I don't see how it changes risk. Maybe you can help me out.

2 MR. LANDRY: I'm talking about the deferral  
3 account.

4 MR. KEOUGH: The approved deferral account  
5 that we're not discussing in the Phase II is what we're  
6 talking about?

7 MR. LANDRY: Mr. Chair, I'll leave it to you  
8 if you'd like to hear the answer to that question.

9 THE CHAIR: Actually, I'd like to hear the  
10 answer to that question.

11:05

11 A. MR. PALLADINO: Can you restate that question,  
12 sir?

13 Q. MR. LANDRY: Sir, under your requested  
14 approval that you're asking for now, which, to take your  
15 counsel's point, relates to the deferral account that you say  
16 was approved in 2009-2. Would you agree with me -- and  
17 again, I'm making it relative to what was in the '90s -- that  
18 the sales forecast risk that relates to the diesel cost on  
19 the WAF system no longer will exist with YECL; it now will  
20 exist with the ratepayers?

11:06

21 A. MR. PALLADINO: Sir, I guess I struggle with  
22 when you're comparing to the mid 1990s, sir. We're talking  
23 about two different periods that are considerably different.  
24 All we're suggesting to do, sir, here is to dispense of a  
25 balance associated with a deferral account that we want -- I

1 believe need to be afforded the same treatment in terms of  
2 risk associated with diesel on the margin.

3 To answer your question, sir, the risk -- I'm  
4 not necessarily -- I don't want to characterize it as a risk  
5 sir. It's a cost that YECL bears as a result of incremental  
6 cost of diesel when rate schedule 42, the ERA rate is invoked  
7 is what we're asking to seek to collect from customers, sir,  
8 in the same fashion that YEC would be eligible to recover  
9 from YECL, sir.

10 Q. And again, maybe we're getting it tripped into the  
11 collection of the deferral account that you say was approved  
12 by this Board. Let's go just to the deferral account.

11:07

13 With that deferral account in place, would you  
14 agree with this, sir, that the sales forecast risks that we  
15 talked about in the 1990s, vis-à-vis diesel cost that used to  
16 be with YECL, assuming the deferral account has been  
17 approved, means that that forecast risk is now the  
18 ratepayers' risk, not YECL's risk?

19 A. MR. PALLADINO: Sir, the risks are considerably  
20 different from then to now, but to move this along, sir, I  
21 would agree that we are seeking to collect or refund balances  
22 associated with the Board-approved deferral account from  
23 customers.

11:08

24 So, to suggest that customers are at risk for  
25 these additional costs, I would have to agree with that.

1 Q. Sir, would you agree with me that it's not normal to  
2 have a deferral account to offset costs arising from a sales  
3 forecast risk?

4 MR. KEOUGH: Mr. Chairman, I've let this go  
5 on for a long time, but I'm uncomfortable with it going much  
6 further.

7 We're now discussing the legitimacy of a  
8 deferral account which was considered and approved in Phase  
9 I. There was no review and variance request, there was no  
10 challenge, as my friend has read earlier. In fact, there was 11:09  
11 very little comment on the deferral account during Phase I  
12 and it as approved. These questions aren't going to Rider D.  
13 These questions are going to the deferral account, which is  
14 not before this Panel, and I'm having increasing discomfort  
15 with all the questions focusing on whether there was or  
16 wasn't a deferral account. It's been approved. I would ask  
17 my friend to ask questions about Rider D, which is the  
18 proposed mechanism to dispense with balances in the deferral  
19 account. They're two separate things.

20 We're not here in a Phase II proceeding 11:10  
21 revisiting a decision that was clearly rendered in a Phase I  
22 decision. There was no review and variance application.  
23 There was no appeal. And all the questions so far are  
24 focusing on something that is not before you, and I've got a  
25 real problem with that.

1                   If he's got questions on Rider D, let's have  
2 them, but right now, these questions are focusing on  
3 something that is not before you, and that's not appropriate.

4 THE CHAIR:                   Mr. Landry, do you have any  
5 comments?

6 MR. LANDRY:                   Mr. Chairman, I don't want to  
7 get into a big fight with my friend, but with all due  
8 respect, I think it's fairly clear from the cross-examination  
9 to this point that the clarity with which my friend wants to  
10 suggest to this Board that the deferral account was approved 11:10  
11 in the previous proceeding, I think is somewhat, to say it  
12 mildly, in doubt.

13                   I think these questions are very relevant to  
14 you in your deliberations on whether or not you, at this  
15 time, should be approving any Rider D for the purposes of  
16 what we're talking about.

17                   But, Mr. Chairman, you'll hear it in argument,  
18 you can hear it now. There will be a number of ways in which  
19 we'll approach this, one of which will be that you always  
20 have the capability to look at any ruling that you've made 11:11  
21 under your legislation, as do most utility boards.

22                   So I leave it to you as to whether or not you  
23 would like to hear the answer to that question. You'll hear  
24 it in argument and I don't have to go any further.

25 MR. KEOUGH:                   Mr. Chairman, I have even more

1 difficulty now because my friend is saying that he's not  
2 going to bring a review and variance application, but he's  
3 going to, in argument, invite you to review and vary a Phase  
4 I decision that we've never seen any grounds or documentation  
5 for.

6                   And if he wants to argue about the scope of  
7 the Phase I decision, I suggest a Phase II proceeding is not  
8 the appropriate place and we'll deal with the argument as he  
9 makes it. But I'm not sure it's appropriate to allow him to  
10 continue asking review and variance questions on a Phase I  
11 decision that have nothing to do with the Rider D which is  
12 solely to clear out balances in an approved deferral account.  
13 He can make those arguments, but this is not the right place,  
14 and neither is his questioning.

11:12

15 THE CHAIR:                                   Given that the time is about  
16 10:11, would it be fair to break now for 15 minutes and give  
17 us a little bit of time to deliberate over your positions and  
18 get back in 15 minutes?

19 MR. LANDRY:                                I'm fine with that.

20 THE CHAIR:                                That's what's going to happen.

11:12

21 MR. LANDRY:                                And just so that we all --  
22 because I know there are certain people who have different  
23 time concerns. I really don't have very many other  
24 questions, so I don't think I'll be very long once we get  
25 through this, even assuming that I'm allowed to ask that

1 question. It's a fairly simple question.

2 THE CHAIR: We'll resume in 15 minutes.

3 (ADJOURNMENT)

4 THE CHAIR: So thank you for that

5 opportunity for us to have that break. So we've deliberated,

6 and it's clear from the Appendix A to Board order 2009-2 that

7 the Board approved the YECL application for the continuation

8 of the deferral account, the diesel contingency fund;

9 therefore, the Board will not allow any further questions on

10 this deferral account because it is out of the scope of these 11:29

11 proceedings. However, questions on Rider D are within the

12 scope and may be asked.

13 Q. MR. LANDRY: Thank you, Mr. Chair.

14 Sir, I'd like to now just talk a little bit

15 about the mechanics of this Rider D so-called cost recovery

16 rider. If I understand it -- sir, if I go to handwritten

17 page 4 of B-20...

18 A. MR. PALLADINO: I have that.

19 Q. Do you have that, Mr. Chair?

20 Sir, I'm trying to determine how this will 11:30

21 work, and I guess the way I'd like to think about it is this:

22 Let's make some assumptions. Let's make an assumption that

23 diesel is on the margin in the way that we've been talking

24 about it at this hearing, and I want to test what happens

25 when you're 1 kilowatt hour above the forecast and 1 kilowatt

1 hour below the forecast, just so that we can see the  
2 mechanics.

3 First of all, in looking through the record, I  
4 wasn't able to come across a specific -- a detailed  
5 calculation or even the references as to how it will work  
6 1 kilowatt hour above or below. Is that a fair statement,  
7 that the detail is not in the application?

8 **A. MR. PALLADINO:** The idea, sir, was to develop a  
9 mechanism as a placeholder to allow us to recognize that we  
10 need to dispense of balances in the deferral account. The  
11 mechanics of the deferral account -- or sorry, the Rider D  
12 itself would be done in a subsequent Rider D application to  
13 the expense of those balances, sir.

11:30

14 **Q.** Okay. So there is no attempt anywhere, IRs or  
15 otherwise, to talk about those mechanics?

16 **A. MR. PALLADINO:** That's correct, sir.

17 **Q.** And looking at it, I guess, in general, the -- let's go  
18 to the one that you had a number of questions about before I  
19 started my questioning, which is a kilowatt hour above the  
20 forecast, okay. So let's go to the forecast. Can you  
21 describe in words for me what would happen? Like, what is  
22 the debit and credit, if I can put it that way, to the  
23 circumstance?

11:31

24 **A. MR. PALLADINO:** So the manner in which we're  
25 looking at applying Rider D, sir, is that if we are a

1 kilowatt hour above the forecast, and YEC charges YECL for  
2 the diesel generation on the margin for that extra kilowatt  
3 hour of load, that amount would be put into the deferral  
4 account to be dispensed at a subsequent time.

5 Q. What amount? Just so I understand. I have to get into  
6 my mind -- and maybe we could use some numbers so that I can  
7 see what we're talking about. If we assume the Board  
8 approves, you know, the number, right, an incremental cost  
9 number of -- for argument's sake, let's say 27 cents, okay,  
10 just for argument's sake, and your rate under the wholesale 11:32  
11 rider -- let's pick a rate. What is your rate under the  
12 wholesale rider right now, approximately?

13 A. MR. PALLADINO: It's zero, sir.

14 Q. Sorry, what is your rate if you purchase a kilowatt hour  
15 from YEC? What it is now approximately?

16 A. MR. DESJARLAIS: The one that's in the  
17 application is 8.3 cents --

18 Q. Okay. Let's say 8, just so that we -- we're using this  
19 as an example.

20 A. MR. DESJARLAIS: Okay. 11:33

21 Q. So we've got a 27 cent cost, incremental cost, and we  
22 have an 8 cent normal charge for your rate, so in that case,  
23 we're 1 kilowatt over, what goes into the deferral account?

24 A. MR. PALLADINO: Sir, the amount would be -- I  
25 guess in our mind, it would be determined by YEC, sir, when

1 it sends its bill to YECL. But in our mind, it would be the  
2 incremental cost of diesel generation on the margin. So  
3 we're talking about the base load requirements, sir, of what  
4 we've forecasted in the Phase I. And that increment between  
5 the 8 cents per kilowatt hour and the amount that is charged  
6 to YECL would be part of the deferral account.

7 A. MR. DESJARLAIS: Just for clarity, Mr. Landry,  
8 are you talking about how the deferral account accumulates or  
9 whatever --

10 Q. Yes.

11:33

11 A. MR. DESJARLAIS: -- or the Rider D mechanism?

12 Q. How it accumulates, and then, of course, we have to  
13 determine how it will go out to the customer.

14 A. MR. DESJARLAIS: Yes. So those are -- okay.  
15 Two separate issues.

16 A. MR. PALLADINO: Sir, for that extra kilowatt  
17 hour that is associated with incremental cost of diesel, sir,  
18 in our mind, we would be charged the 27 cents per kilowatt  
19 hour.

20 Q. And the way it would happen, if I understand it  
21 correctly, is you'd be charged your normal 8 cents for the  
22 kilowatt hour, and then under the ERA adjustment you would be  
23 charged -- the difference would be -- which would 19 cents  
24 for a total of 27 cents. Is that the way I understand it to  
25 work?

11:34

1 A. MR. DESJARLAIS: In terms of the deferral  
2 account, I think that's the way that we understand it, that  
3 27 cents would apply to that extra kilowatt hour above  
4 forecast.

5 Q. Okay. Now, the question I have, sir, is obviously for  
6 that 1 kilowatt hour additional -- and I know this is all a  
7 little bit of a, you know, pie-in-the-sky type of thing; it's  
8 not a specific example. But for that 1 kilowatt hour,  
9 Yukon Electrical is going to receive some revenue. What  
10 happens to the revenue for that 1 kilowatt hour?

11:35

11 A. MR. PALLADINO: That's correct, sir. We do  
12 receive revenue associated with that incremental consumption,  
13 so in our mind, we could strip out the incremental revenue  
14 associated with that kilowatt hour that's associated with the  
15 generation portion and apply that incremental revenue against  
16 the incremental cost.

17 Q. So let's use our example. We've got 27 cents and  
18 8 cents, so, therefore, we've got 19 cents going into the  
19 deferral account. What revenue is going to be put into the  
20 deferral account?

11:35

21 A. MR. PALLADINO: Sir, we would have to do a  
22 calculation, but it would be the -- we would have to look at  
23 the blended rate associated with the three blocks from  
24 residential and commercial to calculate the incremental  
25 revenue associated with that period of time. But depending

1 on the rate design that is ultimately approved, sir, we would  
2 take the blended rate associated with Block 1, Block 2,  
3 Block 3, determine the incremental revenue associated with  
4 the G portion, and use that to offset the incremental cost.

5 Q. Sorry, the G portion? I didn't -- kilowatt hour?

6 A. MR. PALLADINO: Sir, we're having some  
7 confusion here. We're talking about the deferral account  
8 balance, so we've established on how the deferral account  
9 balance would be accumulated, and that would be that extra  
10 incremental cost of diesel that would be charged to YECL.  
11 We've established that, correct?

11:37

12 Q. Well, the way I understand it, just so that we're clear  
13 on the record, because this is important, in terms of  
14 mechanics, using the example we have, we have 19 cents going  
15 into the deferral account as extra cost, and I understand  
16 that YECL is going to get revenue for that extra kilowatt  
17 hour, and I'm asking you what revenue are you going to put  
18 into the deferral account?

19 A. MR. PALLADINO: Sir, there is -- the deferral  
20 account holds the balance that is passed on to YECL, sir. We  
21 don't take incremental -- we don't take the revenue and throw  
22 it back into the deferral account. The mechanism in which we  
23 true up the deferral account balance would be done through  
24 the Rider D process.

11:37

25 Q. I understand that, sir, but what you're saying,

1 therefore, is that 19 cents will be eventually collected from  
2 ratepayers. My question to you is: What credit do  
3 ratepayers get for the incremental revenue you get for the  
4 1 kilowatt hour above forecast? That's the question.

5 A. MR. PALLADINO: And the answer, sir, is we  
6 could take the incremental cost minus the incremental  
7 revenue.

8 Q. And what is that incremental revenue --

9 A. MR. PALLADINO: Again, sir, we would have to go  
10 through the calculation and calculate the blended rate  
11 associated with whatever rate option is approved, sir. But  
12 when you look at the blended revenue, sir, you have  
13 generation, you have transmission, and you have distribution  
14 costs associated with the revenue, sir. So we would have to  
15 identify those three components, strip out the generation  
16 portion and that would be our incremental revenue associated  
17 with that extra kilowatt hour, sir.

11:38

18 Q. Sir, based on current rates, not the ones that you're  
19 asking for, based on current rates, what would that be?

20 A. MR. PALLADINO: Sir, I would have to do a  
21 calculation.

11:38

22 Q. Can you do that?

23 A. MR. PALLADINO: Sure.

24 Q. Could you take that as an undertaking?

25 A. MR. PALLADINO: Yes.



1 ratepayers?

2 A. MR. PALLADINO: Sir, the incremental cost of 27  
3 cents per kilowatt hour, so presumably we are forecasting  
4 that 27 cents per kilowatt hour to be part of the base load  
5 then.

6 Q. Correct.

7 A. MR. PALLADINO: Again, sir, if that 27 cents  
8 per kilowatt hour does not occur for that one extra kilowatt  
9 hour, that amount would be refunded back to YECL and, again,  
10 sir, we would calculate that incremental revenue associated  
11 with that extra kilowatt hour, offset that against the amount  
12 that's credited to YECL and pass that on to customers.

11:41

13 So, whether you're looking at up or down, sir,  
14 the calculation would be the same.

15 Q. No problem. I understand it's clear to you; it's not  
16 clear to me. So I want to use the example. 27 and 8, does  
17 that mean that 19 cents -- because it's an avoided cost  
18 now -- 19 cents goes into the deferral account for the  
19 benefit of ratepayers?

20 A. MR. PALLADINO: Sir, that is our understanding.  
21 But, sir, it's an estimate, or it's an amount that would be  
22 passed on to YECL, but that is our understanding.

11:41

23 Q. And would there be any amount that would reflect the  
24 fact that you had less revenue because of one less kilowatt  
25 hour?

1 A. MR. PALLADINO: That's correct, sir. That's  
2 the incremental revenue that I'm -- I guess I'm not making  
3 myself, clear, sir -- that we would recognize and offset,  
4 either the adjustment on the high side or the low side, sir,  
5 that would get ultimately trued up with customers.

6 Q. And, sir, could you take as an undertaking a calculation  
7 for that, too?

8 A. MR. PALLADINO: I can do that.

9 UNDERTAKING - TO CALCULATE AND ADVISE  
10 IF THERE IS ANY AMOUNT THAT WOULD  
11 REFLECT THE FACT THAT YECL HAD LESS  
12 REVENUE BECAUSE OF ONE LESS KILOWATT  
13 HOUR (SEE TEXT).

11:41

14 Q. Would it be fair to say, sir, that the mechanics portion  
15 of this has not been completely thought through by YECL?  
16 That that was something that was intended to be done at a  
17 later application?

18 A. MR. PALLADINO: Sir, I think we have an  
19 understanding of how we intend to handle Rider D. Perhaps I  
20 can do that as part of the undertaking, sir, to clarify how  
21 we would estimate the balance that would get trued up with  
22 customers, sir, in terms of showing the math, if we were to  
23 say. Perhaps that would clarify.

11:42

24 Q. But, sir, none of those mechanics, except for at the  
25 very high level, which I'm seeing in the description of Rider

1 D, none of those mechanics are before this Board; correct?

2 At this point?

3 A. MR. PALLADINO: What we're asking for, sir, as  
4 a placeholder, Rider D, to dispense of these balances and  
5 again the mechanics and the detail of it would be done in a  
6 Rider D application.

7 Q. But none of it is before the Board now?

8 A. MR. PALLADINO: That's correct, sir.

9 Q. And obviously, it goes without saying, sir, that the  
10 only time that this Rider D deferral account -- or sorry,  
11 Rider D mechanism to take care of the deferral account  
12 balances would come into play is when diesel is on the  
13 margin; correct?

11:43

14 A. MR. PALLADINO: That's correct, sir.

15 Q. And according to YECL, that's not going to be a  
16 happening over the next couple of years; is that a fair  
17 statement?

18 A. MR. PALLADINO: I couldn't answer that question  
19 at all, sir. I don't know. You would have to ask YEC if  
20 that's going to be the case.

11:44

21 Our understanding, sir, from the application  
22 itself is that diesel on the margin may occur, but we don't  
23 know whether it's going to be -- I've heard anywhere between  
24 two months, sir, or many years, so I couldn't tell you when  
25 that's going to happen.

1 Q. Sir, I'm not trying to go back on the rate design, which  
2 I told the Chair that I was not going to go, but, sir, I  
3 heard very clearly on a number of occasions answers to  
4 questions that you were indicating to the Board that  
5 effectively that you did not anticipate diesel being on the  
6 margin for at least a couple of years. Was I wrong in --

7 A. MR. PALLADINO: Sir, that's something that,  
8 again, we don't know when -- we don't forecast production  
9 requirements, sir. That is YEC's responsibility. We are at  
10 the mercy of YEC's forecast with respect to production  
11 requirements.

11:44

12 Now, in our mind, from what we've been able to  
13 ascertain from discussions with YEC and throughout the Phase  
14 II process is that diesel generation on the margin is  
15 anticipated to occur, but we don't know when that will  
16 happen, whether it's one year or two years away, sir. Again,  
17 that's just -- in our mind, it's what we've been able to see  
18 that no one has been able to determine when this diesel  
19 generation on the margin is going to happen, sir. So I can't  
20 tell you. I've said a couple of years, but then, again, I'm  
21 just going on hearsay, sir.

11:45

22 Q. So, hearsay?

23 A. MR. PALLADINO: Sir, I'm going based on our  
24 discussions with YEC that diesel generation on the margin is  
25 forecasted to occur at some point in time in the future.

S. DUNCAN, N. PALLADINO, B. DESJARLAIS

Questions by Ms. Bentivegna

1 Q. So from YECL's perspective, if I can summarize, and I  
2 don't want to belabour this point, you're saying now that  
3 YECL can't determine whether or not it might be two months  
4 from now, might be four months from now, might be a year from  
5 now, might be two years from now. Is that a fair summary?

6 A. MR. PALLADINO: Sir, we don't forecast the  
7 production requirements. I can't answer that question.

8 Q. From YECL's perspective, in operating and running your  
9 business from which you're asking for this Board to approve  
10 to collect Rider D, from that perspective, sir, is it your  
11 evidence that diesel will be -- you're not sure when diesel  
12 will be on the margin, it could be two months, it could be  
13 four months, it could be a year, two years; that's what I've  
14 heard. Is that what your evidence is?

11:46

15 A. MR. PALLADINO: Or it could be more than two  
16 years, that's correct.

17 MR. LANDRY: Those are all the questions I  
18 have, Mr. Chair.

19 THE CHAIR: Thank you very much,  
20 Mr. Landry. Ms. Bentivegna, whenever you're ready.

11:46

21 MS. BENTIVEGNA: Thank you, Mr. Chair. Good  
22 morning, panel.

23 MS.BENTIVEGNA QUESTIONS THE PANEL:

24 Q. The first question I have is just a point of  
25 clarification. It was on a question that was asked, an IR.

1 If I could refer you to PWP-3, and I believe those were IRs  
2 asked by Mr. Percival and it's with respect to Good Hope  
3 Lake.

4 A. MR. PALLADINO: We have that.

5 Q. Is the supply of electricity by line connection or by  
6 diesel plant?

7 A. MR. DUNCAN: I believe it's diesel, but  
8 subject to check.

9 Q. Thank you. Now, are any of those assets -- and I'm  
10 speaking of those diesel ones at Good Hope Lake -- are those  
11 included in the regulated rate base? 11:47

12 A. MR. DUNCAN: I'm not sure. I'd have to  
13 check that.

14 Q. All right. If I could have an undertaking that you'll  
15 respond?

16 A. MR. DUNCAN: Yes.

17 Q. Thank you.

18 UNDERTAKING - TO ADVISE IF THE GOOD  
19 HOPE LAKE ASSETS ARE INCLUDED IN THE  
20 REGULATED RATE BASE (SEE PWP-3). 11:47

21 Q. MS. BENTIVEGNA: Now, with regards to the  
22 application and rate design, at YECL-1 in Tab 4. Now, I'm  
23 referring to the paragraph that starts with: (as read)?

24 "Yukon Electrical's proposed approach  
25 is based on introducing a small

1 adjustment to rates at this time and  
2 will be in a more reasonable position  
3 to address the full optimal level of  
4 incremental costs and rates when  
5 interclass rebalancing is allowed and  
6 when increased costs from diesel  
7 generation sources in the hydro zone  
8 are playing an increasingly prominent  
9 role in the process of setting electric  
10 rates."

11:49

11 Now, my question is: Which criteria does YECL  
12 give greater weight to - revenue-to-cost ratios approaching  
13 unity, or the principle of economy and efficiency? And if  
14 you can explain your choice.

15 **A. MR. PALLADINO:** I think in the context of  
16 Yukon, you would have to balance all of those objectives,  
17 Ms. Bentivegna.

18 Ideally, we would like to begin moving more  
19 towards a reasonable recovery of our costs, and I'm speaking  
20 of fixed costs, sir, from a fixed-cost utilities point of  
21 view.

11:49

22 The revenue-to-cost ratio in terms of where  
23 they sit right now poses some challenges that with the  
24 current OICs in place do not allow us to address at this  
25 point in time. But I think we can move towards that

S. DUNCAN, N. PALLADINO, B. DESJARLAIS

Questions by Ms. Bentivegna

1 direction in terms of achieving economy and efficiency with  
2 what we have today in terms of reflecting some level of  
3 incremental cost of diesel in our rate design, recognizing  
4 that we have certain challenges associated with moving the  
5 recovery of costs closer to unity, or from what I've been  
6 able to see in the past, I think there has been a band of 90  
7 to 110 percent of what I've been able to see in previous  
8 correspondence.

9 I think if we eventually move towards that  
10 direction, we should be able to accomplish economy and  
11 efficiency more fairly, I think, by recognizing that if we  
12 get customers more towards a reasonable bandwidth in terms of  
13 the revenue-to-cost ratios and reflecting the incremental  
14 cost of diesel and rate design, I think there would be a  
15 better balance there.

11:50

16 I guess to answer your question, it is -- I'm  
17 not sure we can suggest that one is more important than the  
18 other. I think we have to look at what the current  
19 challenges are within Yukon at this point in time.

20 Q. All right. If I take you to YUB -- your response in  
21 YUB-22, does that -- your response there, would I take that  
22 to be your definition of economy and efficiency that you were  
23 just referring to?

11:51

24 A. MR. PALLADINO: That's correct. I think that's  
25 a good summary of, in our mind, of what economy and

1 efficiency is intended to do. And when we put this response  
2 together, that was the idea of articulating from our position  
3 how we should reflect economy and efficiency ultimately  
4 through rates.

5 Q. Thank you. Now, with regards to Rider D at Tab 4, page  
6 6, YECL. I note that on that page, in talking about the  
7 Rider D, it states: (as read):

8 "A new Rider D diesel energy cost  
9 recovery rider to flow through to Yukon  
10 customers, the actual cost of purchase  
11 power for the hydro zone during the  
12 period when diesel generation is on the  
13 margin and has not been forecasted.  
14 Yukon Electrical is proposing this  
15 rider under separate cover, but it is  
16 intended to form part of this  
17 application."

18 Now, is YECL's rate design based on the  
19 Board-approved load forecast from YECL's last Phase I  
20 application, the 2008-2009?

21 A. MR. PALLADINO: That's correct.

22 Q. And there was no forecast for base-load diesel. Then my  
23 question to you is, and subject to check -- you can check  
24 that that statement is correct, why does YECL require a Rider  
25 D for this test period?

11:53

11:53

1 A. MR. PALLADINO: I guess it's -- the dichotomy  
2 that we see, Ms. Bentivegna, is -- currently the way it sits  
3 right now with the current rate design, is that there is a  
4 more direct link with the revenue that we get from our  
5 customers and incremental cost of diesel.

6 Going forward, the issue that we have with the  
7 incremental cost of diesel is that there's a disconnect in  
8 terms of the revenue that we receive from our customers, be  
9 it on Block 1, 2, or 3, and we're using residential customers  
10 as an example. There is a significant and material  
11 disconnect between the amount of revenue that we see or we  
12 get from our customers and the amount of costs that we would  
13 incur as a result of this incremental cost of diesel.

11:55

14 Currently, if I can use some numbers as an  
15 example -- and I apologize if I don't have the numbers that  
16 are exact -- but the way Block 1 is set up right now, we're  
17 sitting at about 9.86 per kilowatt hour for Block 1 and we're  
18 using residential non-government as an example. Block 2 is  
19 set at 10.45 cents per kilowatt hour for the residential.

20 Under the previous incremental cost of diesel,  
21 there was a small difference between the cost and the  
22 revenue. So for every kilowatt hour of cost that we would  
23 incur for diesel generation on the margin, we would receive  
24 essentially the same amount of revenue for that extra  
25 kilowatt hour.

11:56

1           The problem that we have right now is that the  
2 incremental cost of diesel is sitting at 27 cents per  
3 kilowatt hour, but our incremental revenue is substantially  
4 lower than that 27 cents per kilowatt hour. So there's a  
5 material difference between the amount of incremental revenue  
6 that we would see minus the incremental cost.

7           So in our mind, we thought it was prudent for  
8 us to put in this mechanism to deal with the deferral account  
9 that was approved in Decision 2009-2. So we needed to have a  
10 mechanism in place as a placeholder to ensure that when and  
11 if that ERA rate is invoked, that we collect balances in that  
12 deferral account that are eventually dispensed through a  
13 Rider D mechanism.

11:56

14 Q. Thank you. Now, if that were the case, if that were to  
15 happen, how often does YECL propose to provide reconciliation  
16 of Rider D to the Board if a Rider D were approved?

17 A. MR. PALLADINO: I think we may have answered a  
18 question along those lines, but being that it is a new rider,  
19 we would have to look at the materiality that would be  
20 collected in the deferral account, but without committing  
21 myself to suggest, you know, whether we would do it monthly  
22 or quarterly or annually, ultimately it would depend on the  
23 amount of balance or the amount that is sitting in the  
24 balance that would determine when those amounts would be  
25 trued up.

11:57

1 Q. And can you undertake to provide what those boundaries  
2 would be? You mentioned that there would be a materiality  
3 component.

4 A. MR. PALLADINO: Perhaps I can include that with  
5 the undertaking that I have with Mr. Landry as to estimate  
6 how much would be -- would have to collect in the deferral  
7 account before we would look at the dispensing of that  
8 balance. I can do that.

9 Q. That would be fine, thank you.

10 UNDERTAKING - TO ESTIMATE HOW MUCH  
11 WOULD HAVE TO COLLECTED IN THE DEFERRAL  
12 ACCOUNT BEFORE YEC WOULD LOOK AT THE  
13 DISPENSING OF THAT BALANCE

11:58

14 Q. MS. BENTIVEGNA: Now, if I can refer you to  
15 YUB-12(b), your response, and it's regarding blocking  
16 structure. And I'm referring to the statement that:  
17 YECL's proposed pricing structure,  
18 Option B, avoids two steeply  
19 differentiated energy blocks which YECL  
20 believes are excessive in Option A and  
21 inequitable under the current costing  
22 environment.

11:59

23 Now, can you please explain how YECL believes Option A  
24 excessive and inequitable under the current costing  
25 environment?

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1 A. MR. PALLADINO: The issues that we spoke with  
2 Ms. Kellgren yesterday went along those lines. Essentially,  
3 it looks at a number of issues with respect to rate shock,  
4 sending the appropriate price signals to customers, whether  
5 the customer is on the high end of consumption or whether the  
6 customer is on the low end of consumption, and also the  
7 concerns we have with revenue variability between the  
8 different blocks. If you look at the table that was provided  
9 in response to YUB No. 12, we set out the percentage change  
10 between Block 1 and Block 2, between Option A and Option B;  
11 and in our mind, when we're looking at stepped changes in the  
12 upwards of 40 to 50 percent from a revenue variability point  
13 of view, just addressing that issue alone, in our mind that  
14 wasn't -- that was inappropriate at this point in time; that  
15 we do have some concerns from a revenue stability point of  
16 view that I think we need to address. And you'll see the  
17 comparison with Option B, that it is substantially different  
18 than Option A, addressing all those concerns with rate shock,  
19 revenue variability, and sending the appropriate price  
20 signals to customers.

12:00

12:01

21 Q. Right. What about Option C? What are your views on  
22 Option C in relation to those type of concerns that you've  
23 just enunciated in relation to Option B -- A, sorry?

24 A. MR. PALLADINO: The concerns would be very  
25 similar. We still have a material difference between the

1 step changes between the different options, more so with  
2 general service. We have some rate impact concerns with  
3 Option C that are still a concern, be it with general service  
4 and residential. So it is a better approach than Option A,  
5 but in our mind, it's still not -- it doesn't address all of  
6 the issues that we have with the rate design.

7 Q. Now, does a material change in step changes necessarily  
8 imply a material bill impact?

9 A. MR. PALLADINO: I guess it depends on where the  
10 customer sits within -- relative to that block. So if you're 12:03  
11 a customer that consumes 1,001 kilowatt hours, the first  
12 thousand kilowatt hours would be at the lower block, of  
13 course, and then that extra kilowatt hour would be at the  
14 second block. So depending on where that customer sits  
15 relative to those blocks would determine the rate impact.

16 Q. Now, if I can take you back to the application at page 6  
17 of Tab 4, the YECL Tab 4. And I'm looking at the quote about  
18 the logic behind Yukon Electrical's proposed rate design.

19 That it's based on taking a balanced approach between sending  
20 customers an effective price signal that tells them that 12:04  
21 costs increase as consumption increases and the economic  
22 considerations regarding the price of incremental cost of  
23 diesel generation today. And it goes on to the last sentence  
24 of the portion I'm referring to is:

25 However, part of the problem is

1 defining what the optimum level is when  
2 the vast majority of customers who  
3 consume more will not see higher costs  
4 at this point.

5 Now, my question to you is: Would a rate design which  
6 encompasses inclining rates for all blocks and all rate  
7 classes provide effective price signals?

8 A. MR. PALLADINO: I think ultimately that's what  
9 we're trying to achieve, but ideally, in an incline  
10 rate-block scheme, you are sending signals to customers that 12:05  
11 the more they consume the more that they will pay. Now,  
12 whether those price signals ultimately get to a customer in  
13 terms of understanding what rate blocks mean -- what rate  
14 block -- rate design mean and how I can change my consumption  
15 to fall within those various rate blocks is a different  
16 question, and it's also a challenging one to assess whether  
17 or not customers ultimately respond to those price signals.

18 But from a theoretical point of view, when you  
19 look at it, I guess, somewhat intuitively, as you consume  
20 more, and if those -- that extra kilowatt hour consumption is 12:06  
21 tied to some level of costs, that would suggest that if I  
22 consume one more kilowatt hour of load, that an extra  
23 kilowatt hour of this high-cost generation will occur. That  
24 will send a signal to the customer that it would be in their  
25 best interest I guess, from a -- I guess, from a bill-savings

1 point of view and also from an efficiency point of view to  
2 reduce consumption.

3 So I think it is a mechanism that, if done  
4 properly, will send the appropriate price signals to  
5 customers. Now, whether customers will respond is another  
6 question.

7 Q. Okay. And how does Option B provide an economic price  
8 signal of the cost -- of the incremental cost of diesel  
9 generation today?

10 A. MR. PALLADINO: As we spoke with Ms. Kellgren  
11 yesterday, I think it's a mechanism that gets us into that  
12 discussion of what we can do today, recognizing how we can  
13 move towards that incremental cost of diesel when it becomes  
14 more predominant on the system in the future. It is a step  
15 change in that direction. What we're doing right now is we  
16 are signalling to customers that it is coming, be aware. Be  
17 cognizant of the fact that as you consume more, eventually  
18 you're going to pay more. So it's more of a transitional  
19 rate design that we feel, addressing some of the concerns  
20 that we see today.

21 But that being said, I think there are certain  
22 issues that we still need to address going forward in rate  
23 design that we will have to reflect at some point in time in  
24 the future, be it the incremental cost of diesel, whether we  
25 reflect it on an incremental basis or whether we reflect it

12:07

12:08

1 on a base-load basis; how it can be reflected across all  
2 customers, whether the customer consumes a thousand kilowatt  
3 hours or 5,000 kilowatt hours. I think we need to sent the  
4 appropriate price signal to all customers. And then of  
5 course the inherent problem with ensuring that fixed costs  
6 are recovered in a prudent fashion through rate design. So I  
7 think this rate design is a transitional one. It gets us  
8 thinking about it towards where we want to go in the future.

9 Q. Thank you. Now, with regards to Tab 4, page 10 of your  
10 application. With regards to incremental costs, I'm looking  
11 at the statement:

12 In other words, incorporating  
13 forward-looking information on the  
14 price of electricity that allows  
15 customers today to make informed  
16 decisions about how much electricity to  
17 purchase should be reasonably linked to  
18 the incremental costs that are becoming  
19 more prominent on the system today and  
20 not at some unknown period in the  
21 future as customers consume more  
22 electricity."

23 Now, does this statement imply that YECL does not see diesel  
24 being on the margin for the current test period?

25 A. MR. PALLADINO: Ms. Bentivegna, when you say

12:09

12:09

1 "test period," I struggle with that a little bit because the  
2 test period, I guess, has passed, right? This is based on  
3 the 2008-2009 --

4 Q. Yes.

5 A. MR. PALLADINO: -- GRA, so --

6 Q. That's what I'm referring to.

7 A. MR. PALLADINO: But I guess it hasn't happened,  
8 but going forward along the same lines with my discussion  
9 with Mr. Landry, I can't answer that question in terms of  
10 when diesel generation on the margin is going to occur or  
11 become more prominent on the system. That's the challenge  
12 that we had with this rate design. So I really can't answer  
13 that question to determine or give you some sense as to when  
14 this is going to occur.

12:10

15 Q. Okay. However, do you have any sense of -- is it  
16 sooner, or is it later?

17 A. MR. PALLADINO: Can you define sooner and  
18 later?

19 Q. Less than two years. How's that?

20 A. MR. PALLADINO: If it is less than two years,  
21 if it is going to occur, it may not be significant or  
22 material, but I would guess that diesel generation on the  
23 margin may occur within two years.

12:11

24 Q. All right. Thank you. Now, based on new information  
25 with respect to Yukon industrial mine load, the Alexco, does

1 YECL think a new cost-of-service study and rate design will  
2 be necessary when the current constraints of the -- placed on  
3 by the Orders-in-Council expire?

4 A. MR. PALLADINO: Sorry, if you could clarify  
5 that question. Is that referring to the industrial customer  
6 only or for all customers, a general cost of service?

7 Q. Cost of service for all customers.

8 A. MR. PALLADINO: For all customers. I think the  
9 interesting part about this application here and when you  
10 look at the changes to the revenue/cost ratios through all 12:12  
11 rate classes from 1996, '7 to now, with the exception of I  
12 believe street lights and perhaps general service -- I'd have  
13 to look at it a little but closer here. Just let me confirm  
14 that before I continue. So with the exception of street  
15 lights. And those revenue/cost ratios are shown on page 1-13  
16 -- or sorry, page 3 of 13 of the cost of service, Tab 3.

17 Considering the amount of time that has --  
18 from 1997 to this cost of service here not a lot has changed.  
19 So to suggest that a new cost of service would have to be  
20 done following every general rate application, I'm not sure 12:13  
21 that would be the case.

22 Now, if there are significant changes that  
23 fall out of the general rate application that would drive  
24 that, then certainly I think we would have to go through a  
25 full rate design and -- sorry, and cost-of-service study.

1 But just based on what I've seen here in this application,  
2 compared to what we've -- compared to in 1996, '97, not a lot  
3 has changed, so I don't think we need to do a cost of service  
4 following every Phase I application, but again, we would have  
5 to look at the circumstances at the time.

6 Q. Thank you. Now, at page 11 of Tab 4 -- YECL Tab 4  
7 regarding block structure. Now, how was the block structure,  
8 in terms of kilowatt hours for residential rates, as proposed  
9 in Option B, determined? And I'm referring to the size of  
10 the blocks. How was that arrived at?

12:14

11 A. MR. DESJARLAIS: You're talking about the 1,500  
12 distinction versus the 2,500 distinction?

13 Q. Yes.

14 A. MR. DESJARLAIS: Well, when we're looking at the  
15 overall rate design, the residential and the general service,  
16 and we're trying to determine appropriate break points for  
17 the blocking, one of the considerations YECL had in Option B  
18 is that, well, if you're going to look at about 2 percent of  
19 the general service, why not just 2 percent of the  
20 residential? The break point happened to be somewhere around  
21 that 2,500 break point. I know in Option A, it was a little  
22 lower, you're looking at 10, 11 percent of the customers.

12:15

23 So in our minds we just said: Well, if you're  
24 going to consider those 2 percent of customers in general  
25 service, why not just the 2 percent of residential. So

1 that's how that break point was established. And also, too,  
2 when you look at what we were trying to do in terms of rate  
3 impact and how it would affect those customers at the higher  
4 end, it seemed that that 2,500 break point seemed to work  
5 well.

6 Q. What about the other blocks?

7 A. MR. DESJARLAIS: Just Block 1 and Block 2? We  
8 had some -- I think we've listed in the application here --  
9 we looked at other scenarios. We looked at dropping the  
10 first block between 0 and 700, and then of course the  
11 corresponding second block would be from 701 to whatever  
12 point. You know, further on in our discussions, after we  
13 made the application, you know, we talked about what was --  
14 the possibility of 2,000. Again, we considered these, and  
15 there's always the challenge of taking whatever we have at  
16 the -- the approved billing determinants and coming up with  
17 appropriate determinants in these blocks. We're making some  
18 assumptions about how many customers and all that. And in  
19 conjunction with YEC, we did a lot of work when we submitted  
20 these options in the first place, so there's also that  
21 challenge of how much work do you put into that. But when we  
22 look at the Block 1 rates, it seemed what the current  
23 standard is at the 1000 kilowatt hours for residential and  
24 2000 for general service was appropriate and we built on from  
25 there. And like I said, if you're going to consider the

12:16

12:17

1 run-out rate of around 2 percent of the customers, the  
2 remaining is your second block rate. Mr. Bowman also touched  
3 on it in his testimony about those high-consuming general  
4 service customers, and that is why we introduced a fourth  
5 rate as well -- a fourth block energy rate as well.

6

7 Q. Now, with YEC's proposed Option C, in terms of the  
8 general service rate classes, does YECL think there's further  
9 congruence between the rate design proposed by the two  
10 companies?

12:18

11 A. MR. PALLADINO: For general service?

12 Q. Yes. Is that correct?

13 A. MR. DESJARLAIS: I think we've always been in  
14 agreement in terms of how the general service will unfold in  
15 the future. I think we both agree that there is a need to  
16 recognize the fact that there are substantive differences  
17 between customers in the low end in the general service rate  
18 class compared to customers on the high end.

19 So I think we've come to an agreement that we  
20 need to recognize that through either a new rate class or  
21 within the rate class itself, that we need to somehow ensure  
22 that we can capture those differences between the large  
23 spectrum of customers that we have within the general service  
24 rate class.

12:19

25 The underlying problem that we still have with

1 Option C is, again, the incremental cost of diesel. Setting  
2 it at 71.5 percent, in our mind, was not appropriate at this  
3 time, but in terms of the direction that we're going with the  
4 overall rate class itself, I think we do have an agreement  
5 for a framework around the general service rate class that I  
6 think we can move towards.

7 Q. Thank you. Now, with, again, the rate structure, of  
8 course, and Tab 4 of, this time, YEC at page 8. Now, there  
9 YEC states: (as read)

10 "A transitioning towards a future  
11 potential large general service class  
12 applying to relatively few customers on  
13 the order of 100, whose loads are  
14 unique and require specific  
15 consideration as diesel fuel  
16 requirements on the grid systems  
17 increase."

12:20

18 Now, can you tell me what actions could the  
19 companies or what actions they have undertaken to propose a  
20 new rate class for large general service customers in  
21 anticipation of a Phase II filing? Were there any  
22 discussions that were done?

12:21

23 A. MR. PALLADINO: Not at this point, I think that  
24 would be an exercise that we would look at in the future, but  
25 at this point in time, we haven't looked at it in any depth.

1 Q. Now, with regards -- again, it's Tab 4 YEC, page 9, YEC  
2 stated that: (as read)

3 "Shortly before filing this  
4 application, a further alternative  
5 Option B was identified which  
6 demonstrates what occurs if first block  
7 retail rates are retained at  
8 approximately current levels and retail  
9 runoff rates are also retained at about  
10 50 percent of the 2009 incremental  
11 supply costs. Option B substantially  
12 reduces the focus on evolving system  
13 generation requirements and economic  
14 efficiency in rate design for large  
15 users. As a result, Option B reduces  
16 the price signal and bill effects to  
17 the largest users and concurrently  
18 reduces or eliminates rate decreases  
19 benefits for small customers."

12:22

20 Now, my question to you on that is how can any  
21 form of economic efficiency be obtained when revenue-to-cost  
22 ratios are not at unity?

12:22

23 A. MR. PALLADINO: I'll start and then my  
24 colleague will jump in. It's one of the challenges that we  
25 have spoken about today and also yesterday with Ms. Kellgren.

1 I guess ultimately at some point in time, in order to  
2 recognize economy and efficiency, and I think if you were to  
3 look at the economic theory of what efficiency is all about,  
4 it's ultimately your costs and benefits should be somewhat  
5 aligned.

6 So to the extent that you do have  
7 revenue-to-cost ratios that are not aligned, it doesn't send  
8 the true price signal to customers. I think that's a  
9 challenge that we have to somehow recognize when we look at  
10 rate design going forward, but we also have to recognize the 12:23  
11 context in which we're doing rate design today in the Yukon,  
12 and that is within the OICs, and the challenge that the OICs  
13 present.

14 So, ultimately, I think from our point of  
15 view, it's a critical price signal that we need to reflect.  
16 It's a critical price signal that we need to reflect  
17 appropriately in rate design, whether that's in the first  
18 block, second block, or all three blocks, I think we need to  
19 address, but, ultimately, from our mind, in order to ensure  
20 that all customers see the fair price signal. Those issues 12:24  
21 need to be looked at in detail.

22 Q. Thank you. Now, this is my last question. With regard  
23 to your response, again going to YUB-21(a), and YECL states,  
24 "however" -- and, again, rate design: (as read)

25 "However consideration related to

1           avoiding undue discrimination would  
2           have the highest priority while rate  
3           stability and rate simplification would  
4           also have prominence in ensuring just  
5           and reasonable rates."

6           And then at -- noting the application at Tab 4,  
7   YEC 17 through to 21 of the YEC application, which states:  
8   (as read)

9           "The current rate design is focused on  
10          restoring efficiency signals as  
11          required by OIC 1995/90 within the rate  
12          policy framework established in Yukon  
13          by OIC 1995/90."

14          Can you provide, in this context, your  
15          definition of discrimination within the rate context?

16   **A. MR. PALLADINO:**           From my point of view, when  
17   we're talking rate discrimination, I think within a rate  
18   class because ultimately we look at the manner in which we  
19   send fair price signals across all customers. And, again,  
20   I'm probably going to end up repeating myself, and I  
21   apologize if I do. But we're sending -- we're sending a  
22   price signal on the high end to customers to consume less for  
23   a price signal that does not exist today, in our mind, or at  
24   least it's not a predominant feature on the system in terms  
25   of recognizing the incremental cost of diesel.

12:25

12:26

1                   So we're going to somehow send these excessive  
2 or increased charges to customers on the high end, but yet  
3 we're going to see rate reduction for customers on the low  
4 end.

5                   Now, you might have a customer that is energy  
6 efficient that consumes greater than 3,000 kilowatt hours  
7 that is energy efficient, but just by the sheer size of their  
8 load, cannot consume any less. So we're going to charge that  
9 extra -- that extra incremental cost to that customer there  
10 without seeing that incremental cost on an actual basis. So  
11 we're going to signal to that customer and say, "look, if  
12 you're going to consume one extra kilowatt hour, we're going  
13 to charge you this incremental cost of diesel," but if the  
14 customer were to ask "what incremental cost am I incurring on  
15 this system," the best answer that we can give them is that  
16 we don't have that incremental cost today. It's a signal  
17 that might happen in the future.

12:27

18                   But on the flip side, when we go to a customer  
19 that consumes less than a 1000 kilowatt hours, that is not  
20 energy efficient, will see a rate reduction. So we're  
21 incenting this customer just by the fact that their bills are  
22 going down. We're incenting this customer by, "look, your  
23 bills are going down."

12:28

24                   So to suggest that that would incent the  
25 customer to consume more, one could argue that, but

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1 nonethless, though, we're sending a signal that is opposite  
2 to the signal that we're sending to customer on the high end.

3 So in some respects were sending a signal to a  
4 customer on the low end to consume more so that the cost of  
5 that extra incremental kilowatt hour is different than the  
6 signal that we're sending to the customer on the high end,  
7 recognizing that this is all within the issue that we have  
8 that the current rate design, for residential we're speaking  
9 of, is sitting at a revenue-to-cost ratio of 80 percent.

10 So when you look at rate discrimination in  
11 terms of where a customer sits between the low end of the  
12 consumption versus the high end of consumption, inherent in  
13 that we have a level of undue discrimination I guess that  
14 somehow we have to correct, in my mind, going forward and  
15 ensure that customers across all spectrums of consumption  
16 ensure that they receive that price signal, whether you're  
17 consuming less than a 1000 kilowatt hour or more than 3,000  
18 kilowatt hours, as I used in my example.

19 MS. BENTIVEGNA: Thank you. Thank you, panel.  
20 Those are my questions, Mr. Chair.

21 THE CHAIR: Thank you very much. So before  
22 I dismiss the panel, are there any other items, Mr. Keough,  
23 that you need to raise with the panel?

24 MR. KEOUGH: No thank you, Mr. Chairman. We  
25 do have the undertakings and we will file those in writing,

12:29

12:29

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1 the ones that are still outstanding. There were a number  
2 that came in this morning. We will try and get those in in  
3 the next day or so.

4 (WITNESS PANEL STANDS DOWN)

5 THE CHAIR: Thank you very much. There is  
6 one more panel left, so I will dismiss this panel and I'll  
7 ask Mr. Maissan to take his seat.

8 MR. KEOUGH: Mr. Chairman, while the shuffle  
9 is going on, I will indicate to you that we do not have any  
10 questions for Mr. Maissan. We appreciate his efforts in  
11 bringing forward an alternative. As you've heard, we've had  
12 some concerns with it, but the record is clear, we understand  
13 his position, so we will not be having any cross-examination  
14 for him.

12:30

15 And if you happen to see the YECL contingent  
16 bolt from the room at any point, it is certainly not out of  
17 any disrespect for the Board; it is answering to a higher  
18 power - Air Canada. And I would like to thank the Board,  
19 again, for its accommodation for our schedules, thank you.

20 THE CHAIR: Thank you, Mr. Keough.

12:31

21 MS. BENTIVEGNA: Mr. Chairman, am I correct in  
22 understanding that the undertakings will be responded to in  
23 the next few days, all the undertakings? Thank you, I see  
24 Mr. Keough nodding and I'll check with --

25 MR. LANDRY: The undertakings --

1 THE CHAIR: Go ahead, Mr. Landry.

2 MR. LANDRY: The undertakings with respect  
3 to YEC, we will have some that we can put on the record  
4 before we finish. We don't need to do it now. So just  
5 before or after we finish with Mr. Maissan, we'll put a bunch  
6 of undertakings on the record.

7 THE CHAIR: I'll remember to come back to  
8 that. Thanks very much.

9 J. MAISSAN (For Leading Edge Projects Ltd.), sworn, testified  
10 as follows:

12:33

11 MR. MAISSAN: Thank you for your indulgence.  
12 I'm ready to be sworn and to proceed.

13 THE CHAIR: Thank you, I'll get the court  
14 reporter to do that.

15 Does the city of Whitehorse have any questions  
16 of Mr. Maissan?

17 MR. MAISSAN: May I have some opening  
18 comments?

19 THE CHAIR: Yes, you may. Sorry, I  
20 apologize.

12:33

21 MR. MAISSAN: First of all, for those who are  
22 interested, my resumé has been circulated by e-mail to all  
23 parties.

24 In a nutshell, looking at the last 20 years, I  
25 worked for Yukon Energy for 14 years, and the last seven

1 years I've been an independent consultant.

2 I have a brief opening statement just to  
3 describe my evidence, and after which I will adopt my  
4 evidence and be available for cross-examination.

5 First of all, Mr. Chair, I thank you for the  
6 opportunity to participate in this hearing. The application,  
7 as originally filed by the utilities, provided two rate  
8 design options: Option A, preferred by Yukon Energy, which  
9 provided for retail runoff rates of up to 22.39 cents per  
10 kilowatt hour and somewhat higher in old crow. That was the 12:34  
11 consolidated region of large and small diesel and hydro. And  
12 this reflected 80 percent of the approved cost of diesel fuel  
13 and the first block non-government residential retail rates  
14 that were decreased and would result in about a 10 percent  
15 decrease for bills in the less than 1,000 kilowatt hours per  
16 month category. In fact, all residential non-government  
17 bills for consumption under about 1500 kilowatt hours would  
18 have decreased under that option.

19 Option B, which was preferred by Yukon  
20 Electrical Company Ltd., is fairly close to the status quo 12:35  
21 with relatively small changes to rates.

22 Leading Edge felt, and that Leading Edge is  
23 me, I felt that it was necessary for rates to reflect the  
24 increasing use of diesel and other high cost new energy  
25 sources to encourage conservation, and also to discourage

1 inappropriate use of electricity in which I include electric  
2 heating -- electric space heating, just to avoid confusion.

3 I felt that the runoff rate in Option A,  
4 however, was higher than I was comfortable with, and I felt  
5 that stronger signals than proposed in Option B were also  
6 necessary to achieve this.

7 Thus, with the assistance of the spreadsheets  
8 that the utilities provided in Excel format, I developed an  
9 example rate design that I would be more comfortable with for  
10 the residential non-government sector and that I felt was  
11 more appropriate than either of the two options and that  
12 could be expanded to include the other rate classes.

12:36

13 So, essentially, my option explored the middle  
14 ground between Options A and B.

15 I felt that to get a meaningful -- to get  
16 meaningful residential conservation, there had to be a bill  
17 increase to the greater percentage of -- to a greater  
18 percentage of customers, particularly residential, than  
19 proposed -- than the proposed increase in Block 2 in Option A  
20 provided and, similarly, Block 2 in Option B.

12:37

21 My feeling is that it's important to prepare  
22 for customer impacts of the termination of the IER as well,  
23 because the IER, as Mr. Bowman pointed out, I think in  
24 perhaps somewhat different word, is probably the largest  
25 impediment to real conservation participation in the

1 territory. And I do think that is important for the Board to  
2 facilitate the removal of the IER by the government when the  
3 government is ready to do so.

4 So that summarizes the -- I guess the  
5 reasoning behind my Option A and I will say for the record  
6 now that I adopt my evidence as presented, and I'm available  
7 for cross-examination.

8 MS. KELLGREN CROSS-EXAMINES THE WITNESS:

9 Q. MS. KELLGREN: Mr. Chair, I'll be extremely  
10 brief. I only have one question, and that's just the City is 12:38  
11 interested in what group or who do you represent by filing  
12 evidence on behalf of Leading Edge? Is there a particular  
13 interest that you advocate on behalf of?

14 A. MR. MAISSAN: In this hearing, I've  
15 represented, in a specific matter, Braeburn Lake Christian  
16 Camp Association and you were aware of that.

17 Q. Yes.

18 A. MR. MAISSAN: Aside from that, I represent  
19 only myself on a formal basis. I do not have an organization  
20 for which I'm an official representative. I can say that I 12:38  
21 am very active in the field of energy, and I would certainly  
22 understand, you know, the issues around energy, and I feel  
23 that based on my experience and my involvement in the  
24 community, I'm certainly familiar with the issues around  
25 energy and energy use.

1 MS. KELLGREN: Thank you. And in fact, I just  
2 do have one more question resulting from that because I did  
3 note that there was that group that you represented in your  
4 earlier cross-examination. Have you proposed any rates for  
5 the general service?

6 A. MR. MAISSAN: I did not. I did say in my  
7 option Option A -- sorry, my Option Leading Edge, I guess,  
8 that I just did the example for residential non-government  
9 customers. I really don't have the resources to do a  
10 complete rate design. But similar to my proposal, I would  
11 not be comfortable for a run-out rate, even if it is only  
12 Block 3 of 22 point something cents per kilowatt hour for the  
13 general service group.

12:39

14 Q. Do you adopt any of the options that are before us for  
15 general service?

16 A. MR. MAISSAN: I have not endorsed any one  
17 particular option. I have -- basically with my submission,  
18 I'm encouraging the parties to explore the middle ground  
19 between Options A and Options B. We now have Option C that  
20 fills some of that middle ground.

12:40

21 MS. KELLGREN: Okay, thank you.

22 A. MR. MAISSAN: Thank you.

23 THE CHAIR: Thank you, Ms. Kellgren.

24 MS. KELLGREN: Those are all my questions.

25 Thank you, Mr. Chair.

1 THE CHAIR: UCG...?

2 MR. BUONAGURO CROSS-EXAMINES THE WITNESS:

3 MR. BUONAGURO: Thank you very much. I'll also  
4 be brief, not quite as brief, but mostly brief.

5 Q. Good morning, Mr. Maissan.

6 A. MR. MAISSAN: Good morning.

7 Q. I want to be clear about the nature of the material that  
8 you've put on the record. I've noticed from your resumé that  
9 if you were to be called an expert, it would be as an  
10 engineer; is that fair?

12:40

11 A. MR. MAISSAN: My qualification is as an  
12 engineer, that's correct. Yes.

13 Q. And the material that you have put on the record is  
14 essentially a rate design proposal, one of the options under  
15 a rate design proposal?

16 A. MR. MAISSAN: Yes, I put on the record a  
17 calculation based on the utilities' spreadsheet that looked  
18 at rate options that were between Options B and C, and so it  
19 was a matter of calculating numbers, fairly straight  
20 spreadsheet calculations.

12:41

21 Q. Thank you for that. So I'm correct that you're not  
22 claiming to be an expert in rate design and providing expert  
23 evidence on that matter?

24 A. MR. MAISSAN: That's correct.

25 Q. Thank you very much. And in one of the interrogatories

1 to you, YUB-13, you were asked if there were any studies that  
2 you relied on with respect to the elasticity demand for  
3 electricity. Do you recall that interrogatory?

4 A. MR. MAISSAN: Yes, I do.

5 Q. If I paraphrase the answer, in putting in your actual  
6 option, you didn't rely on any studies?

7 A. MR. MAISSAN: I didn't rely on any studies.  
8 What I said in response to that interrogatory was that there  
9 was a lot of information that generally informs my opinions  
10 and let's call it "where I come from", and I put on the -- in 12:42  
11 response to that interrogatory, I attached examples of some  
12 of those documents that help inform my decisions and  
13 opinions.

14 Q. Okay, thank you. But maybe I'm getting very specific  
15 about the rules of evidence. My understanding is that those  
16 documents haven't been put to a rate-design expert in this  
17 proceeding?

18 A. MR. MAISSAN: Not that I'm aware of, but they  
19 would be available to -- I know they are available to the  
20 utilities, and they were submitted in response to the 12:42  
21 utilities' workshop held in December. So, they were  
22 circulated -- this information was circulated to all parties  
23 in January of this year.

24 Q. Thank you. Now, I've got I guess three more questions.  
25 Following along with the elasticity, my understanding, from

1 what you've just said and from your answers, that you  
2 personally have never done what would be called an elasticity  
3 study specifically in the Yukon?

4 A. MR. MAISSAN: Given all I've heard about  
5 what's involved in doing a proper, credible study, I  
6 certainly would not be qualified to do that and I have not  
7 done so.

8 Q. Thank you. And I'm going to take it that you're  
9 generally aware that there are what we call marginalized  
10 residential customers in the Yukon, i.e., people that may be 12:43  
11 characterized as working poor, people -- seniors on fixed  
12 incomes, people in rental units who are bound to use space  
13 heating --

14 A. MR. MAISSAN: I'm absolutely aware of that,  
15 and I would certainly endorse any government program that  
16 provided support to these people who need support. Just to  
17 elaborate, if I may, on that point, it's often been a point  
18 of discussion between various people and myself about these  
19 people who need support, and my view is that one should not  
20 provide a rate subsidy to all residential customers just to 12:44  
21 ensure that those who need support get it because people like  
22 me, who don't need the support, also get that.

23 And my feeling is that the electric rate is  
24 not the social mechanism to provide these people with  
25 support. I think it's properly done through a government

1 agency rather than through utility rates.

2 Q. Thank you. And just lastly, following up on that, my  
3 understanding is that you haven't brought forward a specific  
4 proposal to help marginalized customers in conjunction with  
5 your Leading Edge option?

6 A. MR. MAISSAN: I wouldn't characterize it  
7 quite that way, I haven't focused specifically on these  
8 marginalized people. I think that's a government  
9 responsibility. However, given that the IER, which covers  
10 the first thousand kilowatt hours, would also support  
11 customers who need that support, in recognition of the bill  
12 impact that they would see, if the IER were to terminate, my  
13 option -- my rate design option incorporated the lower rates  
14 for Block 1 that Yukon Energy had or very similar to what  
15 Yukon Energy had in Option A, so that were the IER were to  
16 terminate, the bill impacts would have been far more modest  
17 than if there wasn't a reduction in Block 1 rates. So to  
18 that extent it was partially incorporated.

12:45

19 MR. BUONAGURO: Thank you very much. Those are  
20 my questions.

12:46

21 THE CHAIR: Thank you very much. Does YEC  
22 have any questions for cross-examination?

23 MR. LANDRY: No questions, Mr. Chair.

24 THE CHAIR: Thank you. So I pass it over,  
25 back to the Yukon Utilities Board.

1 MS. BENTIVEGNA: Thank you, Mr. Chair.

2 MS. BENTIVEGNA QUESTIONS THE WITNESS:

3 Q. Mr. Maissan, in response to YUB-LE-1(a), you stated  
4 that:

5 "Should changes be such that Block 1  
6 energy rates have to increase above 12  
7 cents per kilowatt hour, Leading Edge  
8 would advocate changing all three rate  
9 blocks so as to maintain a differential  
10 of about 4 cents per kilowatt hour."

12:46

11 My first question is: Can you explain the significance of  
12 the 4-cent kilowatt hour differentiation between each box?

13 A. MR. MAISSAN: It's just a personal feeling of  
14 where I thought a reasonable -- what a reasonable step was,  
15 just what I felt comfortable with. And I refer again to my  
16 answer to Mr. Buonaguro that I'm not a rate design expert so  
17 it's not based on any specific rate-design principles. It's  
18 just what I thought was reasonable.

19 Q. Thank you. I refer you to YUB-LE-2 with regards to the  
20 rate design. Do you have that?

12:47

21 A. MR. MAISSAN: I have that, yes. Thank you.

22 Q. And the statement first:

23 "That in addition to the necessity to  
24 reflect the incremental cost of diesel  
25 generation, rates should also reflect

1           the actual cost of new hydrogen  
2           generation which in the short term is  
3           not materially different from  
4           incremental diesel cost."

5           And you go on, and I'm drawing your attention to the end  
6           of the" statement where:

7           "The Mayo B supply of 30 gigawatt the  
8           hours or more will make up about 7  
9           percent of the generation on the  
10          consolidated system.

12:48

11          My question on those statements is: Do you agree that the  
12          cost-of-service study and rate design should be determined  
13          from actual cost to ratepayers?

14          A.   MR. MAISSAN:                   Yes, I agree with that. Sorry,  
15          the cost-of-service study should be based on the actual cost?  
16          I believe that the rate design can reflect the fact that --  
17          new projects that come on. We know that the Mayo B, with  
18          government's assistance, is going to cost ratepayers about  
19          the same as heritage resources, but as pointed out by Yukon  
20          Energy in response to IRs, future projects may not have that  
21          benefit and the energy may be more expensive if ratepayers  
22          have to pay the entire amount.

12:49

23                        So I think there can be a subjective  
24          recognition in rate design that says: Our new supply coming  
25          on, which is, you know, a fairly reasonable percentage, is

1 more expensive, even though it's not costing us that. And I  
2 think that subjectively, the Block 2, and particularly the  
3 runoff block rate, might be increased a little more than it  
4 otherwise would to reflect that reality, so that people treat  
5 that extra consumption as more valuable than heritage  
6 resources.

7 Q. Should runoff rates be based on actual costs --  
8 incremental costs for existing conditions, not potential  
9 future needs?

10 A. MR. MAISSAN: I think it should reflect both 12:50  
11 to some degree. My feeling is that, yes, we do want -- I  
12 feel anyway it is appropriate for runoff rates to reflect  
13 incremental diesel costs over some reasonable period of time.  
14 I think runoff rates should be equal to the marginal cost of  
15 diesel over some time. But I think it can be a little more  
16 forward looking than just so many kilowatt hours because  
17 decisions that are based on the electrical rates are going to  
18 apply for the next generation, and in particular, I'm  
19 thinking about electric heating.

20 Decisions are being made today about the 12:50  
21 installation of electric heating; and in my mind, in  
22 particular, are contractors that are building houses on spec,  
23 condominiums where they try to minimize their capital costs  
24 by installing electric heating. And they don't worry about  
25 operating costs that the occupants are going to incur for the

1 next ten, twenty, thirty years unless they spend a very large  
2 amount of money to convert. So I think there can be -- there  
3 can be -- I think we should also be -- there should also be a  
4 forward-looking component in that.

5 Q. And what weighting would you give to the existing as  
6 opposed to future needs?

7 A. MR. MAISSAN: Well, I think the existing have  
8 to be substantially higher than future, but I think, as with  
9 Mayo B, which is being subsidized by government, I think  
10 there can be at least a subjective reflection that we're  
11 going to be going down a road in future, if we're not  
12 careful, to send some appropriate signal, and it may be just  
13 a nominal increase beyond what would otherwise be applied.  
14 But I think subjectively, it can and should be applied.

12:51

15 Q. Thank you. My last question: And this regards, again,  
16 to your response to YUB-LE-2, and in your view, is it better  
17 to design a rate that affects all customers or design a rate  
18 that reflects the unique characteristics of a customer group  
19 such as those with space heaters?

20 A. MR. MAISSAN: I'm not sure how one can design  
21 rates to affect only one group and not the other. I suppose,  
22 as a matter of principle, I feel that rates should be  
23 designed to affect all groups. However, because of the  
24 nature of electric heating and incremental diesel costs, for  
25 instance, I don't think it's possible to design rates that

12:52

1 impact electrical customers only the same as customers who  
2 don't have electric space heating.

3           You know, those customers who don't have  
4 electric space heating, over the past few years, as has been  
5 pointed out, have seen the full impact of energy costs.  
6 Those with electric heating have not. I think that rates  
7 will be impacting electrical -- people who have electrical  
8 space heating more than those who do not, and I don't think  
9 that's inappropriate.

10 MS. BENTIVEGNA:                   Thank you. Thank you,  
11 Mr. Maissan. Those are my questions, Mr. Chair.

12:53

12 THE CHAIR:                        Thank you, Mr. Maissan. You're  
13 dismissed from the panel.

14 (WITNESS STANDS DOWN)

15 THE CHAIR:                        So, Mr. Landry, I take it you  
16 had some undertakings to bring forward?

17 MR. LANDRY:                        I understand I do. We're just  
18 getting organized here, Mr. Chair. The first one, Mr. Chair,  
19 will be an undertaking -- I'm not sure they're necessarily in  
20 order because I just can't find my reference to the  
21 undertakings, but the first YEC undertaking that I have here  
22 is from page 246 of the transcript, and that relates to the  
23 number of non-government residential customer bills by month  
24 based on 2007 actuals for each rate zone, and we have a  
25 handout for that, so if that could be marked the next

12:56

1 exhibit, please.

2 MS. SMART: That will be B-21.

3 THE CHAIR: That will be B-21.

4 MR. LANDRY: Thank you.

5 EXHIBIT NO. B-21 - RESPONSE TO  
6 UNDERTAKING GIVEN AT PAGE 246 OF THE  
7 TRANSCRIPT RE NUMBER OF NON-GOVERNMENT  
8 RESIDENTIAL CUSTOMER BILLS BY MONTH  
9 BASED ON 2007 ACTUALS FOR EACH RATE  
10 ZONE .

12:56

11 MR. LANDRY: The next one, for the record,  
12 Mr. Chairman, relates to an undertaking regarding industrial  
13 load characteristics, re load factors and coincident peak,  
14 and that's from Transcript page 148. We have a filing for  
15 that so if that could be given the next exhibit number,  
16 please.

17 THE CHAIR: That will be B-22.

18 EXHIBIT NO. B-22 - RESPONSE TO  
19 UNDERTAKING GIVEN AT TRANSCRIPT PAGE  
20 148 REGARDING INDUSTRIAL LOAD  
21 CHARACTERISTICS, RE LOAD FACTORS AND  
22 COINCIDENT PEAK

12:57

23 MR. LANDRY: The next one relates to an  
24 undertaking at transcript page 337, which relates to the  
25 Rider F calculations 2005 to the present. We have a filing

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Cross-Exam by Ms. Kellgren

1 for that, Mr. Chairman, if we could be given an exhibit  
2 number for that one.

3 THE CHAIR: That would be B-23.

4 **EXHIBIT NO. B-23 - UNDERTAKING GIVEN AT**  
5 **TRANSCRIPT PAGE 337 RE RIDER F**  
6 **CALCULATIONS 2005 TO THE PRESENT**

7 MR. LANDRY: The next one is a filing for an  
8 undertaking at page 152 of the transcript, which relates to  
9 YEC/YECL's 2009 Phase II application, and this is the  
10 undertaking in relation to multi-residential suites. So if  
11 we could have an exhibit number for that filing, please.

12:58

12 THE CHAIR: That would be B-24.

13 **EXHIBIT NO. B-24 - RESPONSE TO**  
14 **UNDERTAKING AT PAGE 152 OF THE**  
15 **TRANSCRIPT RE YEC/YECL'S 2009 PHASE II**  
16 **APPLICATION**

17 MR. LANDRY: And the last undertaking that  
18 we believe is on the record for YEC relates to an undertaking  
19 at page 348 regarding the energy reconciliation adjustment  
20 sample calculations that was requested, and we do have a  
21 filing for that, and if you could assign us an exhibit number  
22 for that, please.

12:58

23 THE CHAIR: That will be B-26.

24 MS. SMART: B-25.

25 THE CHAIR: B-25, sorry.



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Cross-Exam by Ms. Kellgren

1 Certificate of Transcript

2

3 We, the undersigned, hereby certify that the foregoing pages  
4 427 to 544 are a true and faithful transcript of the

5 proceedings taken down by me in shorthand and transcribed

6 from my shorthand notes to the best of my skill and ability.

7 Dated at the City of Calgary, Province of Alberta, this 7th8 day of October A.D. 2010.

9

10

11

"S.J. Lea Dormer"

12

"D.J. Harmata"

13

Court Reporters CSR(A)

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 4 COINCIDENCE FACTOR FOR INDUSTRIAL CUSTOMERS

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