



**YUKON**

October 6, 2023

Yukon Utilities Board  
PO Box 31728  
Whitehorse, YK Y1A 6L3

Attention: Richard Buchan  
Chair

**Re: Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint  
Information Responses – Round 2**

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Enclosed please find Information Responses from AEY, responding to the Yukon Utilities Board's Information Requests, received September 5, 2023.

Please contact me at [greg.marghella@atco.com](mailto:greg.marghella@atco.com), if you require any further information regarding this submission.

Yours truly,

Greg Marghella  
Senior Manager

October 6, 2023

WCC275/AEY-YUB-2-001

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-001**

**Reference:** CC275/AEY-YUB-001, WCC response, PDF page 1; CC275/AEY-YUB-001, AEY response, PDF page 3

**Issue:** Rate Schedule, Terms and Conditions for Service (TCS)

**Quote:** CC275 Response: The agreement was developed to address a unique situation not envisioned by the current rates and TCS. WCC275 filed a Complaint with the YUB in February 2022. As a result of a case management meeting, WCC275 and ATCO Electric Yukon agreed to attempt to negotiate a settlement. This agreement is the result.

This agreement is consistent with Board-approved rates because (a)it establishes a modified pricing scheme only for WCC275, so the prices paid for electricity are on par with rates charged all other residential customers; and (b)it provides that WCC 275 unit owners make a True-Up Cost payment to AEY to equalize the cost of service connection.

Our Complaint is that TCS 4.13 unfairly places the residential customers of WCC275 in a General Service (Non-residential) class (which AEY has interpreted to mean General Service (Non-Government) because General Service (non-residential) does not exist in the TCS) and charges them an unjustified higher rate than other residential class customers, simply because of the unique design and one meter service to the building. The AEY-WCC275 agreement is consistent with subsection 47(2) of the Public Utilities Act and paragraph 3.2(c) of the TCS, both of which contemplate an agreement among parties that can be approved by the Board.

AEY response: (c) The Agreement has been submitted to the Board for approval, following an in-person case-management meeting with the Board and various stakeholders on April 20, 2022, in which AEY agreed to take the matter away in an attempt to negotiate a solution. As mentioned in response to (a), while the spirit and intent of the

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terms and conditions have been followed during the development of the Agreement, this scenario is atypical and unique.

(d) AEY submits the Agreement is within the Board's jurisdiction, per Section 47 of the Public Utilities Act, and Section 3.2(c) of the TCS.

**Preamble:**

Rate Schedule 1160 states that this schedule is applicable to single-phase electric service at secondary voltage through a single meter, for normal use by a single and separate household. Not applicable to any commercial, industrial or government use... For multiple residence service on one meter, see Rider A.

Rider A states that it is applicable to: Residential customers living in single detached family dwellings whose service covers the needs of more than a single household. Not applicable to apartments or multiple dwelling facilities.

Section 3.2 (c) of the TCS for service states: No agreement can provide for the waiver or alteration of any part of these terms and conditions unless such agreement is first filed with and approved by the Board.

Section 4.13 of the Ts&Cs states: Each individual unit within a Multiple Dwelling will be served as a separate Point of Service and billed individually on the applicable residential rate. The Company and a Customer may agree that one bill will be issued covering all individual units in a Multiple Dwelling and, in such case, the applicable general service (non-residential) rate will apply to the Service.

Section 47(2) of *the Public Utilities Act* states: If a settlement of a complaint is agreed to in writing, signed by the public utility and the complainant, and approved by the board, the settlement binds the parties and its terms are enforceable as an order of the board under this Act. *R.S., c.143, s.47.*

Section 28(1) of the *Public Utilities Act* states: No public utility shall charge any rate for the supply of the service for which it is franchised other than the rate set by the board pursuant to this Act unless, 90 days before it proposes to charge a different rate,

(a) a statement showing the new rate is filed with the board; and

(b) a notice showing the new rate is sent by mail or delivered to each municipality in which the service is provided and to the Minister.

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**Request:**

- (a) Given that this agreement does not appear to comply with Rate Schedule 1160 and Rider A, is this agreement intended to supersede this rate schedule and rider? Please explain.
- (b) Is this agreement intended to supersede Section 4.13 of the Ts&Cs? Please explain.
- (c) How is this agreement in compliance with Section 28(1) of the *Public Utilities Act*? Please explain.
- (d) Does Section 47(2) of the *Public Utilities Act* override Section 28(1) of the Act? Please explain.
- (e) Under this agreement, is AEY changing the meter that serves WCC275 at the point of delivery? Please explain.
- (f) If AEY is not changing the meter, is the service provided by AEY effectively the same that existed before the complaint? Please explain.
- (g) If AEY is changing the meter, is the service to WCC275 changing? If the service is changing, please describe how the service is changing.

**Response:**

- (a-b) WCC275 is currently not billed pursuant to Rate Schedule 1160 or Rider A, so the Modified Pricing Scheme would not supersede either since neither currently applies to WCC275. In the development of the Modified Pricing Scheme, AEY notes that this agreement Rate utilizes Schedule 1160, Rider A and Section 4.13 of the T&Cs and is not intended to supersede these Schedules, nor is AEY seeking a new rate schedule for the proposed Modified Pricing Scheme. AEY is seeking approval to apply a billing process that addresses the customer complaint by using the approved residential rate class as a guide for investment and rates, avoiding upgrades required to meter individual units.

As indicated in the previous round of IRs, this is a unique scenario and solution which is only applicable to this customer – AEY has worked with the customer as requested by the Board in the case-management meeting on April 20, 2022. This

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Agreement is a custom workaround specifically related to this situation, which would only be implemented if approved by the Board. The solution offered through the agreement is not expected to be repeatable, given the special circumstances faced by the condominium complex. Thus, AEY is not requesting a separate rate schedule.

AEY acknowledges that the solution does not fit exactly within the definitions for Rate Schedule 1160, Rider A and Section 4.13, necessitating Board approval prior to implementing the Agreement. If the Board approves the Modified Pricing Scheme, all approved rates and riders will continue to be applied to the condominium complex in a proxy fashion, as described in the previous round of IRs. The solution attempts to approximate billing as if the developer originally elected service under the residential rate, with the exception of how the condominium complex will be billed. In particular, the billing practice was developed to maintain the spirit and intent of Rate Schedule 1160, Rider A and Section 4.13 – as individual meters are not available by suite. AEY believes the proposed solution strikes a balance which minimizes impacts to other customers. Absent a Modified Pricing Scheme, AEY does not see an alternative scenario, other than an expensive rebuild of the electrical connections at the condominium building.

To clarify, below is the comparison between how the billing works today versus what is being proposed for the condo complex:

### Billing Comparison

Process	Current Billing	Proposed Billing
Customer in AEY System	Condo Complex	Condo Complex (not individual customers)
Meter Read	Main Meter at site	Main Meter at site
Rate	General Service	Modified Pricing Scheme

AEY notes that the meter read will occur as it does today based on the main meter on site. AEY will not utilize any sub metering infrastructure of the condominium

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complex as any sub metering system needs to be compliant with Measurement Canada and currently, they are not located at each individual suite. AEY will continue to bill the Condo complex and not the individual condo units, however AEY will utilize the Modified Pricing Scheme to allow the condo complex to be on the equivalent of approximately 20 residential rate services, rather than a single General Service rate.

- (c) AEY considers WCC275's filing of the settlement agreement to satisfy the requirement to file a statement with the Board under subsection 28(1)(a) of the *Public Utilities Act*. As this is a one-off negotiated proposal, with the intent not to have a separate rate schedule as discussed above, if approved AEY does not believe that a notification process is required.
- (d) Subsection 47(2) of the *Public Utilities Act* provides that Board approval of an Agreement settling a complaint is equivalent to a Board Order. Considering subsection 28(2) requires the issuance of a Board Order to charge a new rate, AEY is of the view that these provisions are not in conflict with one another in this situation. The Settlement Agreement is informed by Rate Schedule 1160 and Rider A to support the mechanics of the Modified Pricing Scheme, which is intended to approximate service to 20 residential units instead of one general service unit. The Agreement proposes a unique solution given the situation that the customer wants to be on the Residential Rate; however, lacks the infrastructure (individual meters) to do so. While unconventional, the Agreement attempts to meet the requirements of having the condo complex on the residential rate with the barrier that individual meters are not available per unit.
- (e-g) The existing meter will continue to serve WCC275 at the point of delivery. As stated in WCC275/AEY-YUB-1-004(a), the Modified Pricing Scheme, attempts to address WCC275's complaint about its billing under the approved General Service rate by approximating a bill for 20 individual residential customers, each served under the approved Hydro Non-Government Residential Rate, without requiring each

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individual unit to be metered ( i.e., the existing meter that is in place for the entire building will remain in place for billing purposes, using the Modified Pricing Scheme). In turn, AEY will continue to invoice WCC275, not individual condominium units, on a monthly basis, similar to its current billing practice. No other downstream technical or behavioral changes are contemplated under the Agreement.

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WCC275/AEY-YUB-2-002

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-002**

**Reference:** CC275/AEY-YUB-1-004(d), PDF page 5; WCC275/AEY-YUB-02(c), PDF page 6; WCC275/AEY-YUB-1-004(d), PDF page 11; AEY-YUB-1-002 (a & b), PDF page 5

**Issue:** Common areas

**Quote:** CC275-1-004(d) Response: As stated in the Complaint, WCC275 is 100% residential and all energy/electricity consumed is for residential purposes, including the common areas. The only common areas of WCC275 that are heated are the garage and social room. Like an attached garage, or other out building on a single-family residential lot, the garage and social room form part of the residence and are as consistent with the description of residential service in the residential service rate schedule as an attached garage or outbuilding.

AEY-1-002(a & b): There is no reference in the TCS for an allowance of an administration fee. However, this fee is necessary to offset costs related to ongoing manual bill adjustments and ensure no preferential treatment from other customers.

AEY-1-002(c) Response: The common areas of the building do not qualify under the residential rate class per se. However, in an attempt to negotiate a solution, consider the existing metering configuration at WCC275, and for administrative simplicity, energy consumption in the common areas will be incorporated into the modified billing scheme. The Condo Corporation will be responsible for allocating the utility bill to downstream customers.

As discussed in AEY-YEC's original response to the complaint filed on March 11, 2022, there was discussion with the developer at the time of construction whereby Section 4.13 of the TCS was leveraged and the site was connected under the General Service rate, behind a single meter for the entire building.

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AEY-1-004(d) Response: Please refer to WCC275-AEY-YUB-02(c) for further discussion around common spaces. The proposed solution in the agreement is the result of negotiations, following the case-management meeting on April 20, 2022. The proposed solution intends to address the atypical and unique nature of the service.

**Request:**

- (a) How are common areas treated for billing purposes in other condominiums/apartment buildings in Yukon? Is a residential or a general service rate applied? Please explain.
- (b) How are condominiums/apartment buildings currently metered in Yukon? Are common areas metered separately under a general service rate?
- (c) Please explain how charging the residential rate for common areas, offset by a fee, will ensure no preferential treatment over other customers.
- (d) What are the typical electricity usages of common areas for condominiums/apartments in Yukon?
- (e) What is the size of the common area? Please provide the cost of electricity being paid for the common area. If it can't be accurately measured, please provide an explanation of how it is calculated and what would have to be done to provide an accurate measurement consistent with the requirements for all other residential condominium corporations.

**Response:**

- (a-b) As outlined in WCC275/AEY-YUB-1-004(a) filed July 5, 2023, under a standard configuration, a new service would typically have a single meter for common spaces, billed under the general service rate, and individual meters for each unit, billed under the appropriate residential rate. As indicated in paragraph 6 of AEY & YEC's original response to the complaint, "multiple residential buildings that pursue a single meter are assisted living buildings with a common kitchen and single client (like a government)." AEY serves one other multi-residential building on a single meter, and it fits this profile.
- (c) The common areas of the building do not qualify under the residential rate class per se. However, considering the existing metering configuration at WCC275 (e.g.,

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a single furnace for the building), and for administrative simplicity, there was no reasonable way, absent a rebuild of the electrical connection in the condo building, to differentiate the common area's usage and thus it is incorporated into the Modified Billing Scheme.

- (d) AEY submits there is no typical usage for common areas. This would vary depending on the condo layout, square footage of the common areas and amenities offered. Based on a sample of existing complexes, the average is approximately \$23,000 or 85,500 kWh annually. This has high variability, as it depends on size, parking, common areas.
- (e) AEY is not aware of the size of the common area. Estimating the cost of electricity for the common area would require high-level assumptions, which creates added complexity and an administrative burden, as it adds another layer to the Modified Pricing Scheme (e.g., an estimate on an estimate to breakdown the total meter read by unit and common area). Alternatively, the building would require re-wiring to mirror the standard configuration for condo buildings and perhaps redevelopment of common heating systems – i.e., one general service meter for common areas and a meter for each individual unit and heating at each unit.

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**WCC275/AEY-YUB-2-003**

**Reference:** WCC275/AEY-YUB-1-004(d), PDF page 10

**Issue:** Energy blocking adjustment

**Quote:** Energy blocking is adjusted to minimize unfair sharing of lower-priced lower energy blocks.

**Request:**

Please explain and demonstrate how the energy blocking adjustment will occur.

**Response:**

An example bill calculation is provided in WCC275/AEY-YUB-1-006 submitted July 5, 2023. AEY believes the proposed Modified Billing Scheme is reasonable given the lack of visibility at each condo unit. As outlined in response to WCC275/AEY-YUB-2-001, AEY will continue to use the main meter on site for meter reading and utilize the Modified Pricing Scheme to bill the condo complex, which approximates billing for 20 residential units. From AEY's perspective, the condo complex will remain AEY's customer under the Modified Pricing Scheme, as it is today. The pricing scheme was developed to address the Customer's complaint. AEY submits that the Agreement is unique to the condo complex and requires Board approval before it can be implemented.

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**WCC275/AEY-YUB-2-004**

**Reference:** WCC275/AEY-YUB-1-004(f), PDF page 11.

**Issue:** Escalation

**Quote:** No, the escalation is not consistent with any existing and applicable legislation and regulations, however ATCO submits the negotiated agreement, including the proposed escalation is reasonable and falls within the purview of the Board's jurisdiction.

**Request:**

- (a) Please explain how the escalation is not consistent with any existing and applicable legislation.
- (b) Please explain how the escalation falls within the Board's jurisdiction even though it is not consistent with any existing and applicable legislation.

**Response:**

(a-b) AEY wishes to clarify its statement that the escalation is not consistent with existing and applicable legislation. AEY's view is that the legislative and regulatory framework does not specifically contemplate the escalation as proposed by the Modified Pricing Scheme – AEY does not consider the escalation as being in violation of or offending any legislation or regulation. AEY notes that the escalation has been set within Schedule 1 to keep pace with inflation over the term of the contract to limit cross-subsidization from other customers, as the Modified Pricing Scheme will be a manual billing process. Section 27(b) allows the Board to set "...just and reasonable standards, classifications, regulation, practices, measurements, or services to be observed, provided, or followed by a public utility". While the legislation and regulations guide the utility and the Board, it is

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WCC275/AEY-YUB-2-004

within the Board's broad discretion to approve the proposed escalation under the Agreement. Furthermore, as this is a unique scenario and solution to address the complaint of WCC275, AEY submits that the Board can also rely on section 47(2) of *the Public Utilities Act* to approve the Agreement.

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**WCC275/AEY-YUB-2-005**

**Reference:** WCC275/AEY-YUB-1-006(n) PDF page 8; WCC275/AEY-YUB-1-006(n) PDF page 17

**Issue:** Cost of meters for individual units

**Quote:** CC275-1-006(n): This question relates to the question of the Investment True-Up and service connection initially ordered by the development company and/or those acting for it. The purpose of the Investment True-Up, as found in Schedule 2 of the agreement, is to avoid preferential treatment and make equitable the costs and revenues on par with residential service.

AEY-1-006(n): AEY does not have a cost estimate. However, the costs were expected to be significant based on the fact that there is no space available for metering inside the existing utility room and for extensive retrofitting required.

**Preamble:** This question was inadequately answered.

**Request:**

Please provide a Class 1 (reasonable) cost estimate to modify the installation to meet the current TCS for condominiums/apartment buildings.

**Response:**

AEY has not conducted a reasonable cost estimate, as it would be the responsibility of the condo complex to get a quote from an electrical contractor and reconfigurations needed to other system such as heating. It is AEY's understanding WCC275 has not pursued such an estimate.

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**WCC275/AEY-YUB-2-006**

**Reference:** WCC275 Complaint, February 11, 2022

**Issue:** Cost reduction of electrical energy

**Quote:** Electricity bills being charged to residents of Whitehorse Condominium Corporation No. 275 (Third and Hawkins) are unreasonably and unfairly high, at least 31% more than other residential customers. The price per kwh being charged on an annual basis is an average 26.85 cents; this is 31% more than an average of 20.57 cents/kwh for residential customers. One year of bills from ATCO Yukon Electric to Third and Hawkins totals \$82,430.70, when a more fair amount would be \$63,144.40, a difference of \$19,286.30, or 30.54%. The disparity is projected to increase to \$27,140 in 2022, a difference of 45%, Left unchecked, by year 2024, residents of Third and Hawkins will have paid more than \$100,000 than what is fair.

**Preamble:** The Board wishes to understand the potential cost savings to the resident as well as the accuracy of the forecast in the original complaint.

**Request:**

- (a) Using the year June 2022 to June 2023, please provide a comparison of the invoices to WCC275 under the current system, under the conventional systems and finally under the proposed arrangement.
- (b) As per the quote in the original complaint and the estimates in (a), please explain how the potential loss of revenue by AEY will be compensated.

**Response:**

- (a) Please refer to the table below for the comparison invoices under the current system, conventional system and under the proposed arrangement for the

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WCC275/AEY-YUB-2-006

12-month charges. For detailed calculations please refer to WCC275/AEY-YUB-2-006(a) Attachment 1.

**Current System Invoices - Comparison**

<b>Description</b>	<b>12 months of Charges</b>
Current	\$ 78,596.36
Proposed Hybrid	\$ 53,408.03
Total Conventional	\$ 55,718.14
Common Area	\$23,362.72
Residential	\$32,355.42

- (b) AEY notes that if approved, future billing determinants/revenue forecasts for the condo complex would be included within the residential rate class. In addition, the additional investment true-up received from the condo complex – investment difference between receiving the general service and residential investment levels – will be applied against rate base.









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**WCC275/AEY-YUB-2-007**

**Reference:** Measurement Canada website - <https://ised-isde.canada.ca/site/measurement-canada/en/consultations/temporary-dispensation-level-3-electric-vehicle-supply-equipment>

**Issue:** Board authority

**Quote:** Verification

**9 (1)** Subject to subsections (2) and (3), where a contractor or purchaser intends to use or cause to be used a meter for the purpose of obtaining the basis of a charge for electricity or gas supplied by or to him, the meter shall not, until it has been verified and sealed in accordance with this Act and the regulations, be put into service.

**Preamble:** The residential energy meters are used for the purpose of obtaining the basis of a charge for electricity.

**Request:**

- (a) Please provide legal authorities that allow the Board to modify or override Measurement Canada requirements.
- (b) Can the existing metering installation be retrofitted with similar equipment that meets Measurement Canada standards? At what costs? Borne by who? What are the differences between the installed meters and Measurement Canada's approved meter?
- (c) Please show the payback period for installing approved Measurement Canada standard meters against costs of electricity paid at current approved general service rates.
- (d) Is the existing residential metering installation compatible with the proposed AMI system in AEY's 2023-2024 GRA?

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- (e) Is the existing residential metering installation compatible with future demand response and other energy conservation schemes?
- (f) How are the EV-charger operating costs and other future non-metered load being fairly apportioned to the individual user?

**Response:**

- (a) As outlined in WCC275/AEY-YUB-2-001(a), AEY will continue to use the main meter at the condo building for the meter read. This meter meets all Measurement Canada requirements. AEY will continue to bill the Condo as is today's practice with that meter reading information. What is different is that the bill will be adjusted using the Modified Pricing Scheme, as if each unit was originally fitted with individual meters. AEY will not be using the condo complexes sub-metering systems, as it does not meet Measurement Canada requirements. AEY recognizes that this is a unique circumstance. The meter at site will not change, nor will the meter reading practice.
- (b) Costs would be incurred to retrofit the building with AEY's standard meters, which are compatible with Measurement Canada requirements and AEY's existing practices. The costs for this retrofit would be borne by WCC275. Physically there is no difference between an installed meters and Measurement Canada's approved meter, however meter's that are used for billing must be inspected by Measurement Canada. Meters used for submetering need to be inspected and approved for billing by Measurement Canada for billing purposes. Please refer to the following Measurement Canada requirements:  
  
<https://ised-isde.canada.ca/site/measurement-canada/en/laws-and-requirements/information-attribution-and-use-revenue-meters-under-electricity-and-gas-inspection-act>
- (c) A complete retrofit would be required as described in WCC275/AEY-YUB-2-006. AEY does not have a suitable estimate to perform the retrofit in order to conduct this analysis.

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- (d) No. Not only are the submeters not compliant with Measurement Canada they are also not compatible with the proposed AMI system.
- (e) No. The submeters are not compliant with Measurement Canada and are not compatible with future demand response and other energy conservation schemes.
- (f) AEY is not aware of any EV-charger operating costs. Assuming the Agreement is approved, the condo board will be responsible for reasonably apportioning the utility bill.

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WCC275/AEY-YUB-2-008

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**WCC275/AEY-YUB-2-008**

**Reference:** No reference

**Preamble:** The Board requires further information.

Under section 3.1 of the TCS, a utility proposing a change to a different rate is required to send a notice to each municipality and to other customers in that class.

**Request:**

- (a) Should a notice of the proposed change be sent to all customers in the class prior to the Board approving the settlement agreement?
- (b) If the answer to (a) is no and this change is approved, how would ATCO comply with the notice requirements under the current approved TCS? Specifically, notification of which customer groups are affected by the amendment? Please provide an explanation of how affected customers will be notified of the amendments. In light of these provisions, why does AEY stress in this agreement that it is a one-off confidential change?
- (c) All changes approved by the YUB become a public document via a Board Order. Please explain why clause 9 of the agreement states that it is not intended to serve a precedent for any other similar customer situation unrelated to that of the Building or to be used by any party or third party to seek support or advance any claim against ATCO whatsoever. In light of the Board's obligation to issue a Board Order, please explain how AEY will deal with other condo owners who would like to change their rate class for common areas.
- (d) How many other contractors building multi-use condos have approached AEY within the last year wanting to install a similar one-meter set-up rather than installing the CMS individual meters? What has AEY advised them regarding the rates the condo association owners would have to pay?

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- (e) If this agreement receives YUB approval, how will it change the way AEY responds to new condominium developers regarding the installation of meters in new buildings?

**Response:**

- (a-b) As per WCC275/AEY-YUB-2-001, AEY is not proposing a new rate. Rather it is using the existing rates/rate schedules and seeking approval for the alterations required to accommodate for the unique scenario. Further, as the proposed solution requires a manual administrative effort (and has taken considerable cost & effort to negotiate), AEY supports keeping this confidential in order to limit customers interested in seeking similar treatment. AEY has no intention of offering this solution to other customers.
- (c) AEY notes that this is a unique scenario and should not be the norm. It is AEY's objective to ensure all customers are set on the correct rate at the time of receiving the connection. In the future, if a customer demands a similar configuration and service to WCC275, AEY will consider other options for limiting that customer's ability to pursue alternate rate treatments.
- (d) None.
- (e) As is practiced today, AEY strongly encourages condo developers to sign up under the residential rate and will continue to do so. However, AEY is not able to restrict access to rate options approved by the Board. In the future, AEY can ensure that an agreement is signed with the developer with acknowledgment if they take the General Rate that this must be presented to the condo board and that there will be no option to reverse. This scenario should be considered unique and one-off as AEY has worked with the customer as requested by the Board in the case-management meeting on April 20, 2022.

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**WCC275/AEY-YUB-2-009**

**Reference:** WCC275/AEY-YUB-1-001(c, d) – AEY response

**Issue:** Inadequate responses

**Preamble:** AEY's response does not answer the question posed.

**Request:**

- (a) For greater clarity on YUB-WCC275/AEY-1-001(c), what is (are) the parties' specific purpose(s) in seeking the Board's approval of the Settlement Agreement? Apart from having access to court enforcement of the Settlement Agreement under section 47(2) of the PUA and a waiver/variance of the applicable TCS provisions, do the parties seek to realize any other objective flowing specifically from the Board's approval?
- (b) Describe in detail the parties' understanding of "the spirit and intent of the terms and conditions". Explain in specific detail how the Settlement Agreement honours that spirit and intent and avoids conferring on WCC275 and its unit-holders more favourable benefits than those available to similarly situated ratepayers.
- (c) For YUB-WCC275/AEY-1-001(d), provide the parties' rationale supporting why the Board should exercise its discretion to approve the Settlement Agreement under section 3.2(c) of the PUA. In particular, what criteria does AEY submit as appropriate for the Board to apply in exercising such discretion?

**Response:**

- (a) AEY's objective is to address the customer's complaint and respond to direction from the YUB to work on a settlement. As part of Section 47(2), AEY is seeking approval of the proposed Agreement, including the content within, such as the Modified Pricing Scheme (including administration fee), which will be unique to this complaint. As outlined in WCC275/AEY-YUB-2-001(a), AEY will continue to use the main meter on site, bill the condo complex and apply all approved rates and

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riders as it does for all residential customers. However, the bill will be adjusted using the Modified Pricing Scheme as outlined in the proposed Agreement. AEY is seeking approval of the Agreement to address the unique circumstance.

- (b) As outlined in WCC275/AEY-YUB-2-001, AEY acknowledges that the solution does not fit exactly within the definitions for Rate Schedule 1160, Rider A and Section 4.13, necessitating Board approval prior to implementing the Agreement. If the Board approves the Modified Pricing Scheme, all approved rates and riders will continue to be applied to the condominium complex in a proxy fashion, as described in the previous round of IRs. The solution attempts to approximate billing as if the developer originally elected service under the residential rate, with the exception of how the condominium complex will be billed. In particular, the billing practice was developed to maintain the spirit and intent of Rate Schedule 1160, Rider A and Section 4.13 – as individual meters are not available by suite. AEY believes the proposed solution strikes a balance which minimizes impacts to other customers. Absent a Modified Pricing Scheme, AEY does not see an alternative scenario, other than an expensive rebuild of the electrical connections at the condominium building.
- (c) AEY has worked with the customer as requested by the Board in the case-management meeting on April 20, 2022. AEY notes that, without a retrofit required to meter individual units, there is no other viable solution to addressing the customer complaint. If denied, the condo complex will continue to be charged on the General Service rate.

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WCC275/AEY-YUB-2-010

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-010**

**Reference:** WCC275/AEY-YUB-1-002(c) – AEY response

**Issue:** Inadequate responses

**Preamble:** AEY's response does not answer the question posed.

**Request:**

The response the Board sought required legal analysis. The original request was: "Please explain how the common areas of the Building qualify as a residential rate under the residential rate class. Conversely, please explain how the common area of the Building qualifies as a General Service Rate under the current billing structure for the Building." Please provide the explanations sought and provide legal authorities to support those explanations.

**Response:**

As discussed in WCC275/AEY-YUB-2-002(a-e), the current treatment of common areas in multi-residential buildings under the approved rate schedules where individual meters are used to measure each unit's usage is as General Service pursuant to Section 4.13 of the T&Cs. AEY submits that given the metering configuration and unique situation for administrative ease the Agreement proposes the use of the residential rate.

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WCC275/AEY-YUB-2-011

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-011**

**Reference:** WCC275/AEY-YUB-1-003(a, d) – AEY response

**Issue:** Follow-up to responses

**Request:**

- (a) Would the Settlement Agreement result in WCC275 and its unit-holders enjoying more favourable energy rates for the building's common areas when compared with the rates paid in relation to buildings designed with the "default metering configuration" described in AEY's response? If not, please explain in detail. If such a benefit would exist, is there any mechanism within the Settlement Agreement that offsets that benefit?
- (b) If the Settlement Agreement were to go into effect, it would create an exception to the general application of TCS section 14.3, which would arguably result in preferential holders relative to other similarly situated AEY customers. Please provide a legal analysis as to how the Board can approve an agreement between AEY and its customer that apparently might breach the general regulatory principle against discriminatory/preferential treatment in respect of certain customers.

**Response:**

- (a) Please refer to WCC275/AEY-YUB-2-002(a-e). AEY acknowledges that this may result in preferential treatment when compared to existing rate treatment. Proposed mitigations include: (1) the investment true-up between general service and residential rates; (2) an ongoing administration fee with escalation; and (3) reduced energy blocking. Given the existing electrical configuration of the building and associated metering, the common area usage is impossible to determine, absent a number of assumptions and estimates, which are not practical for a manual billing process.

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- (b) The Board has broad authority to set rates under section 27(a), to adjust rates provided for in a contract to ensure they are fair and reasonable under section 31, and to render settlement agreements enforceable under section 47(2) of the *Public Utilities Act*. In AEY's submission, general regulatory principles against unjust discrimination and preferential treatment should be weighed against the regulatory and administrative efficiencies arising from the Settlement Agreement in the specific and unique circumstances of this case.

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**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

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Yukon Utilities Board (YUB)  
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**WCC275/AEY-YUB-2-012**

**Reference:** WCC 275/AEY-YUB-1-001(a), Parts D and E of the Complaint Settlement Agreement (Agreement) – WCC275 response

**Issue:** Preferential treatment

**Quote:** The AEY-WCC 275 agreement is consistent with subsection 47(2) of the Public Utilities Act and paragraph 3.2(c) of the TCS, both of which contemplate an agreement among parties that can be approved by the Board.

**Request:**

- (a) Please provide further detail as to how this statement is responsive to the Board's Information Request.
- (b) What does WCC275 submit to be the meaning and intent of the referenced provisions from the Act and the TCS?
- (c) How is the Agreement consistent with the referenced provisions?

**Response:**

(a-c) Not Applicable. AEY can't provide an assessment of WCC275's original response.

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WCC275/AEY-YUB-2-013

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

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Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-013**

**Reference:** WCC 275/AEY-YUB-1-001(a), Parts D and E of the Complaint Settlement Agreement – WCC275 response

**Preamble:** The Board understands WCC275's position, as TCS section 4.13 was apparently designed to deal with the precise circumstances in effect at the WCC275 premises.

**Request:**

Referring to any applicable legal authority or regulatory principles, please explain why the Board should exercise such discretion as it may have in favour of the parties' request to approve the Settlement Agreement.

**Response:**

Not Applicable. AEY can't provide an assessment of WCC275's original response.

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WCC275/AEY-YUB-2-014

**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-014**

**Reference:** WCC 275/AEY-YUB-1-001(e), Parts D and E of the Complaint Settlement Agreement (Agreement) – WCC275 response

**Issue:** Board jurisdiction

**Quote:** The Board has no regulatory jurisdiction downstream of, or beyond or behind the AEY meter/point of service, and we are not asking the Board to exceed its jurisdiction.

**Request:**

Please provide WCC275's legal analysis in support of its statement about the limits of the Board's jurisdiction downstream of the AEY meter/point of service.

**Response:**

Not Applicable. AEY can't provide an assessment of WCC275's original response.

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**Whitehorse Condominium Corporation No. 275 (WCC275) /  
ATCO Electric Yukon (AEY) - Complaint**

**Information Response Round 2 to:  
Yukon Utilities Board (YUB)  
Received: September 5, 2023**

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**WCC275/AEY-YUB-2-015**

**Reference:** No reference

**Issue:** Settlement agreement

**Preamble:** The Board requires further information.

**Request:**

Would the Settlement Agreement, once fulfilled, result in any circumstances substantively different from those that would have resulted if the condominium development had followed the standard practice of having each residential unit separately metered in the conventional manner? Please explain your response in detail.

**Response:**

Please refer to WCC275/AEY-YUB-2-02(a-c). As AEY will be billing the condo complex and not the individual units, the differences would include:

- (1) For administrative ease and in consideration of the condo complex configuration, common areas would be assumed to be part of the Modified Pricing Scheme – i.e., Common Area energy is indistinguishable from other energy.
- (2) The administration fee will help defray additional costs for the manual billing.