

Suite 601 -- 210 Hawkins St.
Whitehorse, Yukon Y1A 1X4
February 3, 2025

Lesley McCullough, Chair
Yukon Utilities Board
c/o Colleen Henry, Executive Secretary
Box 31728
Whitehorse, Yukon Y12A 6L3
by email: yub@utilitiesboard.yk.ca

**Re: Scale of Costs - Concern re YUB regarding AEY-YEC 2024-25
Terms & Conditions of Service Application**

Dear Ms. McCullough and Members of the Board,

Thank you for your letter of January 31 which explains the background and current situation regarding the *Rules of Practice* and *Scale of Costs*. This is very helpful.

Given that more than a dozen years have passed since the Board was last able to review the above noted matters, and the imminent review of the very important application by AEY and YEC to amend the Terms & Conditions, I ask the Board consider providing an interim decision regarding the Scale of Costs to enable effective intervener participation in the T&C application review process.

The T&Cs are rather fundamental to prices paid by consumers to utilities and are not apparently updated nor reviewed with any frequency or regularity, so any process leading to a decision ought in all fairness to be as rigorous as possible, with expertise and commentary provided by as many participants as possible in addition to the views of the utilities.

The Board in its order 2025-01 recognized the importance of this particular application by determining a full hearing process was warranted rather than a written one. It then follows that to review the T&Cs without benefit of full intervener participation owing to outdated Scale of Costs risks a less-than-robust level of intervener participation in the process; this may well lead to a less-than-fair process and ultimately a less-than-desirable outcome. To take such a risk is not necessary, as a solution is at hand via an interim increase. No doubt this is easier said than done, but it can be done without benefit of a full review, which can take place later when the Board has time to fully address the subject. The alternative is to complete the reviews of the Rules and Costs prior to the T&Cs application, which I am not suggesting, unless there is no other way to achieve fair costs ahead of the T&Cs application.

Page 2

As the opportunity to review T&Cs may not arise again for another decade or so, it seems reasonable for the board to provide an interim upgrade of rates for interveners prior to the T&C review. Specifically, allowable costs should be increased for interveners such as the Utility Consumers Group and others, who have expertise and extensive experience and familiarity with the utilities and their operations, but may lack legal and/or regulatory qualifications; these type of interveners should be distinguished from a person "off the street," such as myself, who has interest and a stake in the outcomes and lacks the expertise but wishes to make representation and otherwise participate in order to protect their interests as a consumer and citizen. I take it from what I have read that in the event an intervener such as UCG hires legal counsel or other experts in the field, those costs will be paid on par with other participants, effecting a level playing field.

I venture that 4.3 should be amended to increase the rate to \$250 per hour and 4.4 to \$300 per half day. No doubt there are more well-informed views on what interim rates could/should be. I would strongly urge an increase in any event, whatever can be done under the circumstances to provide for a robust process and adequate, fair participation by all relevant interests.

Thank you for your time and attention to my correspondence.

Sincerely,

Max Fraser