



B R O W N L E E
L L P
B a r r i s t e r s & S o l i c i t o r s

Refer to: T.D. Marriott
Direct Line: (780) 497-4868
E-mail: tmarriott@brownleelaw.com
Your File#:
Our File#: 71310-0009

December 15, 2008

Yukon Public Utilities Board
Box 31728
Whitehorse, Yukon
Y1A 6L3

Attention: Ms. Wendy Shanks, Board Chair

Dear Ms. Shanks:

RE: YECL 2008-2009- INTERIM REFUNDABLE RATES

Please find enclosed the cost submission on behalf of the City of Whitehorse (the "City") reflecting costs for Brownlee LLP as legal counsel and Garbutt Consulting Inc ("GCI"). The City retained Mr. Marriott of Brownlee LLP and Mr. Garbutt of GCI to review and analyze the application, discuss the issues with and make recommendations to the City and prepare a written submission which was approved by the City as reflecting its position on the matter. The City submits that these costs were reasonably and prudently incurred, given that the City has insufficient in-house expertise and resources to deal internally with regulated utility rate matters.

The City was supportive of the proposed decrease in YEC's rates based on higher sales projections arising from YEC's interconnection with Minto. The City did not support increases to residential runoff rates, expressing the view that alternative rate schedules should be tested before implementation. The City also indicated that Rider J was an appropriate mechanism to flow benefits across all rate classes. The City submits that its participation was effective, and its submissions relevant and reasonable, as reflected in Board Order 2008-16, as amended by Board Order 2008-17 (in which the Board generally agreed with the positions advanced by the City).

The City notes that the hourly fee rates charged by both Brownlee LLP and Garbutt Consulting Inc. exceed the Board's maximum fee of \$225.00 by \$25.00. In this regard the City notes that the Board's maximum hourly fee appears to have been set at the \$225.00 level as of September 1, 1995. By way of benchmarking, the AUC's Rule 022 was recently amended and raised the Alberta tribunal's long-standing approved maximum hourly fees. For matters commencing after October 1, 2008, lawyer's rates were raised from the previous maximum of \$250 per hour to

\$350 per hour and the consultant's maximum rate went from \$250 per hour to \$275 per hour. The maximum rates in Alberta apply to lawyers at least 12 years at the bar and consultants with at least 12 years experience. Mr. Marriott has been a member of the bar since 1989 and Garbutt Consulting Inc. has 16 years experience. Mr. Marriott's regular hourly rate for 2008 is \$350 and he is already doing utility regulation files at a considerable discount at \$250 per hour in 2008.

In light of the above the City would ask that the Board consider approval of its cost claim in its entirety, or alternatively that in the near future it consider raising the maximum fees which appear to have been frozen for a lengthy period.

Yours truly,

BROWNLEE LLP

PER:

Thomas Marriott
Mon Dec 15 16:07:49 2008



THOMAS D. MARRIOTT

/rd

AFFIDAVIT OF FEES AND DISBURSEMENTS

AFFIDAVIT

Yukon Utilities Board (the "Board") Box 31728, Whitehorse, Yukon, Y1A 6L3

AFFIDAVIT OF FEES AND DISBURSEMENTS CLAIMED IN THE MATTER OF A CLAIM FOR COSTS MADE BY THE CITY OF WHITEHORSE IN A PROCEEDING BEFORE THE YUKON UTILITIES BOARD

I, **THOMAS D. MARRIOTT**, of the City of Edmonton and the Province of Alberta, MAKE OATH AND SAY THAT:

- 1) I am the Solicitor of the cost claimant the City of Whitehorse (the "Claimants") and as such have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated, I do verily believe to be true.
- 2) The Claimants were interveners in a proceeding (the "Proceeding") before the Board with respect to the above application(s).
- 3) The Claimants incurred fees and disbursements (exclusive of GST) in the amount of \$2,098.52 as a result of its participation in the Proceeding. Additionally, the Claimant incurred GST on the above fees and disbursements in the amount of \$104.94.
- 4) I have personally reviewed the accounts of the Claimant's lawyer(s) and consultant (s) including the supporting documentation as required by the *Scale of Costs*, and confirm that these accounts represent work performed at the specific request of the Claimant.
- 5) I have personally reviewed all receipts, invoices, or accounts for transcripts, airfare, or accommodation and confirm that they represent disbursements incurred at the specific request of the Claimant.
- 6) I confirm that the fees and disbursements claimed on behalf of the Claimant's lawyer(s) and consultant are reasonable and in accordance with the Board's *Scale of Costs*.
- 7) To the best of my knowledge and belief, the fees and disbursements claimed by the Claimants represent fees and disbursements incurred necessarily and reasonably for the purpose of the Proceeding.

SWORN before me at the City of Edmonton, in the Province of Alberta, on the 15th day of December, 2008.

Rebecca Daw

Signature of Affiant

T. D. Marriott
THOMAS D. MARRIOTT

REBECCA DAW
My Commission Expires June 29, 2011

Summary of Total Costs Claimed
Form U1 - Page 1 of 1

Date December 15, 2008

Firm/Company Name	Total Fees	Total Disbursements	GST		Total Fees, Disbursements, & GST
			Total GST on Fees & Disbursements		
BROWNLEE LLP	\$1,337.50	\$11.02	\$67.44		\$1,415.96
GARBUTT CONSULTING INC.	\$750.00		\$37.50		\$787.50
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
TOTAL COSTS CLAIMED	\$2,087.50	\$11.02	\$104.94		\$2,203.46

Claimant <u>City of Whitehorse</u>	Applicant(s) <u>YEC</u>
Agent/Representative <u>Brownlee LLP</u>	Application(s) No. <u>Hearing YEC 2008-2009 GRA - Request for Interim Refundable Rates</u>
Address <u>2200, 10155 - 102 Street, Edmonton, AB T5J 4G8</u>	
Phone <u>780-497-4868</u>	
Fax <u>780-424-3254</u>	
E-mail <u>tmariott@brownleelaw.com</u>	

Summary of Professional Fees Claimed

Form U2 - Page 2 of 2

Date	Years of Experience	PROFESSIONAL FEES										GST Professional Fees	Total Fees & GST	
		Hourly Wage		Preparation		Attendance		Argument & Reply		Total Fees				
		Hours	Fees	Hours	Fees	Hours	Fees	Hours	Fees	Hours	Fees			
FIRM/COMPANY NAME														
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00		\$0.00	\$0.00
Total This Company		0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	\$0.00

FIRM/COMPANY NAME														
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
	Individual Name		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
Total This Company		0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	\$0.00

TOTAL PROFESSIONAL FEES CLAIMED 8.35 \$2,087.50 0.00 \$0.00 0.00 \$0.00 5.35 \$2,087.50 \$104.38 \$2,191.88

Claimant City of Whitehorse Applicant(s) YEC

Hearing YEC 2008-2009 GRA - Request for Interim Refundable Rates Application(s) No.

YUKON UTILITIES BOARD

Date December 15, 2008

Summary of Disbursements Claimed

Disbursements Claimed (exclusive of GST)	Explanatory Notes	Number of Hours (where applicable) Number of hours for down hours for Preparation for Hearing, Attendance at Hearing and Argument and Reply	Name of Claimant	Name of Claimant	Name of Claimant	Name of Claimant	Total Disbursements	
Legal Fees	Maximum \$225/hr. including meals - Break down hours by firm/company and individual performing work		Brownlee LLP				\$0.00	
Consultant Fees	Maximum \$225/hr. including meals						\$0.00	
Airfare	At economy or less fare, to and from hearing, only when attendance is required						\$0.00	
Accommodation	During hearing days only						\$0.00	
Mileage	(\$0.61/km for road travel for Yukoners not residing in hearing location						\$0.00	
Taxi	Only to and from airports, when attending a hearing						\$0.00	
Parking	Only for travel while attending a hearing						\$0.00	
Transcripts	Actual costs						\$0.00	
Postage	Actual costs					\$0.52	\$0.52	
Courier	Actual costs						\$0.00	
Computer Access	Only when computer access is required, external to the applicant's operations						\$0.00	
Long distance telephone and fax	Actual costs						\$0.00	
Internal photocopying	At claimant's costs or \$0.10/copy, whichever is less					\$10.50	\$10.50	
External printing	Actual costs						\$0.00	
Other	Please attach details and receipts						\$0.00	
Other	Please attach details and receipts						\$0.00	
Other	Please attach details and receipts						\$0.00	
Other	Please attach details and receipts						\$0.00	
TOTAL DISBURSEMENTS							\$11.02	\$11.02
Total GST on Disbursements							\$0.56	\$0.56

Claimant City of Whitehorse

Applicant(s) YEC



B R O W N L E E
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City of Whitehorse
ATTN: Brian Crist
2121 - 2nd Avenue
Whitehorse, YT Y1A 1C2
Canada

October 30, 2008
Invoice No.: 323111
Our File Number: 71310-0009/TDM
Your Reference:
Email: tmarriott@brownleelaw.com
Direct Line: (780) 497-4868

RE: YEC General Rate Application, Interim Refundable Rates

REMITTANCE COPY

PLEASE REMIT WITH PAYMENT TO

**2200 Commerce Place
10155 – 102 St
Edmonton Alberta T5J 4G8**

TOTAL THIS INVOICE:

TOTAL PROFESSIONAL FEES	1,225.00
TOTAL TAXABLE DISBURSEMENTS	0.00
TOTAL NON-TAXABLE DISBURSEMENTS	0.00
TOTAL OTHER CHARGES	0.30
TOTAL GOODS & SERVICE TAX	61.27
TOTAL FEES, DISBURSEMENTS, OTHER CHARGES AND Goods & Service Tax	\$1,286.57

This file is Taxable for purposes of Goods & Service Tax.

INTEREST ON ACCOUNTS OUTSTANDING IN EXCESS OF 30 DAYS

WILL BE CHARGED at 0.00% PER ANNUM.

G.S.T. NUMBER: R119412096



B R O W N L E E
L L P
B a r r i s t e r s & S o l i c i t o r s

City of Whitehorse
ATTN: Brian Crist
2121 - 2nd Avenue
Whitehorse, YT Y1A 1C2
Canada

October 30, 2008
Invoice No.: 323111
Our File Number: 71310-0009/TDM
Your Reference:
Email: tmarriott@brownleelaw.com
Direct Line: (780) 497-4868

RE: YEC General Rate Application, Interim Refundable Rates

FOR PROFESSIONAL SERVICES RENDERED THROUGH October 30, 2008

<u>Date</u>	<u>Description</u>	<u>Tkpr</u>	<u>Hours</u>	<u>Value</u>
10/17/08	Telephone call from Greg Garbutt;	TDM	0.15	37.50
10/17/08	Email to Brian Crist; Email from Brian Crist;	TDM	0.30	75.00
10/17/08	Email from Board Re: YEC GRA;	TDM	0.15	37.50
10/17/08	Initial review of application;	TDM	0.25	62.50
10/20/08	Email to Greg Garbutt;	TDM	0.10	25.00
10/20/08	Review 3 emails from John Maissan sent on October 18;	TDM	0.30	75.00
10/21/08	Review GRA (interim application in particular) review draft recommendations and reply letter from Garbutt Consulting Inc.; Prepare explanation and recommendation for Brian Crist and discuss same;	TDM	2.75	687.50
10/21/08	Telephone call to Greg Garbutt and Brian Crist;	TDM	0.30	75.00
10/21/08	Review YECL reply to YEC application;	TDM	0.25	62.50
10/22/08	Receipt and initial review of file; conducting and review of conflict searches	TDM	0.25	62.50
10/23/08	Receipt and review email from Mr. Rondeau Re: R&V;	TDM	0.10	25.00

City of Whitehorse
71310-0009

Invoice No. 323111
October 30, 2008

<u>Date</u>	<u>Description</u>	<u>Tkpr</u>	<u>Hours</u>	<u>Value</u>
	Total Hours		4.90	
	Total Services			\$1,225.00
	Plus 5% Goods & Service Tax			61.25
	TOTAL FEES FOR PROFESSIONAL SERVICES:			\$1,286.25

Summary of Services

	<u>Timekeeper</u>	<u>Hours</u>
TDM	Marriott, Thomas D.	4.90
	Total Services	4.90

DISBURSEMENTS AND OTHER CHARGES:

OTHER CHARGES:

Laser - Printing Letter paper	\$0.30	
Total Other Charges:	0.30	
Plus 5% Goods & Service Tax	0.02	
TOTAL: (INCL Goods & Service Tax)		\$0.32

TOTAL FEES & DISBURSEMENTS	\$1,225.30
TAX	\$61.27
TOTAL DUE THIS MATTER	\$1,286.57

This is our account herein

BROWNLEE LLP

PER: _____
Thomas D. Marriott

This file is Taxable for purposes of Goods & Service Tax.

INTEREST ON ACCOUNTS OUTSTANDING IN EXCESS OF 30 DAYS

WILL BE CHARGED at 0.00% PER ANNUM.

G.S.T. NUMBER: R119412096

City of Whitehorse
71310-0009

Invoice No. 323111
October 30, 2008

E&OE



B R O W N L E E
L L P
Barristers & Solicitors

City of Whitehorse
ATTN: Brian Crist
2121 - 2nd Avenue
Whitehorse, YT Y1A 1C2
Canada

November 27, 2008
Invoice No.: 324059
Our File Number: 71310-0009/TDM
Your Reference:
Email: tmarriott@brownleelaw.com
Direct Line: (780) 497-4868

RE: YEC 08-09 GRA - Interim Refundable Rates

FOR PROFESSIONAL SERVICES RENDERED THROUGH November 27, 2008

<u>Date</u>	<u>Description</u>	<u>Tkpr</u>	<u>Hours</u>	<u>Value</u>
11/14/08	Receipt and review of Board Order 2008-16;	TDM	0.10	25.00
11/14/08	Email from Greg Garbutt Re: Board Order;	TDM	0.10	25.00
11/17/08	Receipt of Board Order 2008-17;	TDM	0.25	62.50
	Total Hours		0.45	

Total Services	\$112.50
Plus 5% Goods & Service Tax	5.63
TOTAL FEES FOR PROFESSIONAL SERVICES:	\$118.13

Summary of Services

	<u>Timekeeper</u>	<u>Hours</u>
TDM	Marriott, Thomas D.	0.45
	Total Services	0.45

DISBURSEMENTS AND OTHER CHARGES:

OTHER CHARGES:

Photocopies	\$0.30	
Laser - Printing Letter paper	9.90	
Postage	0.52	
Total Other Charges:	10.72	
Plus 5% Goods & Service Tax	0.54	
TOTAL: (INCL Goods & Service Tax)	\$11.26	

City of Whitehorse
71310-0009

Invoice No. 324059
November 27, 2008

TOTAL FEES & DISBURSEMENTS	\$123.22
TAX	\$6.17
TOTAL DUE THIS MATTER	\$129.39

This is our account herein

BROWNLEE LLP

PER: _____
Thomas D. Marriott

This file is Taxable for purposes of Goods & Service Tax.

INTEREST ON ACCOUNTS OUTSTANDING IN EXCESS OF 30 DAYS
WILL BE CHARGED at 0.00% PER ANNUM.

G.S.T. NUMBER: R119412096

E&OE

Garbutt Consulting Inc.

11527-13 Avenue, Edmonton, AB, T6J 7A3

Telephone: (780) 965-7283

Fax (780) 437-7292

E-mail: ggarbutt@telus.net

November 25, 2008

Invoice No.: 2008-17

YEC Application for
Interim Refundable Rates
Effective November 1, 2008

Brownlee LLP
2200 Commerce Place
10155-102 Street
Edmonton, Alberta T5J 4G8

c/o Mr. Thomas D. Marriott

**In Account With
Garbutt Consulting Inc.**

For consulting services rendered by Mr. Greg Garbutt of Garbutt Consulting Inc. (GCI) for the period ending October 21, 2008 on behalf of the City of Whitehorse pertaining to the Yukon Energy Corporation 2008/09 General Rate Application, specifically its application for interim refundable rates effective November 1, 2008, in particular:

- Reviewing portions of the YEC 2008/09 GRA pertinent to the proposed application for interim refundable rates effective November 1, 2008 (1.50 hours on October 20, 2008);
- Drafting letter on behalf of CW, discussing contents with Tom Marriott, and finalizing the CW letter (1.50 hours on October 21, 2008).

- All totaling 3.00 hours

Fees (3.00 @ \$250/hr.)	\$ 750.00
<u>Disbursements</u>	<u>\$ 0.00</u>
Total Fees and Disbursements	\$ 750.00
<u>GST on Fees and Disbursements GST # 842336471RT0001</u>	<u>\$ 37.50</u>
Total this Invoice	\$ 787.50

We trust the above is acceptable.

Sincerely,
GARBUTT CONSULTING INC.

(original signed by writer)

Greg Garbutt