

YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

and

Yukon Energy Corporation Application for Review of the Electricity Purchase Agreement with Tlingit Homeland Energy Limited Partnership under subsection 18(1) of the *Public Utilities Act*

Costs Awards

BEFORE: R. Buchan, Chair) March 9, 2023
B. King)
A. Fortin)
L. McCullough)

BOARD ORDER 2023-06

WHEREAS:

- A. Pursuant to section 56 of the *Public Utilities Act (Act)*, the Yukon Utilities Board (Board) may “order to whom or by whom any costs incidental to any proceeding before the Board are to be paid, and may set the costs to be paid”;
- B. On May 18, 2021, the Minister of Justice directed the Board, by letter, pursuant to subsection 18(1) of the Act, to perform a detailed review of the Energy Purchase Agreement (EPA) being developed between Yukon Energy Corporation (YEC) and Tlingit Homeland Energy LP (THELP) to acquire power from the Atlin Hydro Expansion project. The letter included Terms of Reference which set out the purpose and the specific aspects of the Energy Purchase Agreement to be reviewed. It stipulated that the Board hold a public review and submit its report within 180 days of when the EPA was finalized and provided by YEC to the Board;
- C. The Minister noted that section 50 of the Act requires ministerial approval in advance of any inquiry or public hearing under the Act and, with the May 18, 2021 letter, granted approval for the public review;
- D. In January 2022, YEC filed an application regarding the YEC-THELP EPA (Application);


- E. On February 1, 2022, the Board issued Board Order 2022-01, which gave notice of the Application and set out the process schedule for the Application. Board Order 2022-01 indicated that parties intending to participate in the proceeding register in writing with the Board by February 14, 2022;
- F. The Board received requests for intervener status from ATCO Electric Yukon, the City of Whitehorse, John Maissan, Nathaniel Yee, and the Utilities Consumers' Group. All requests for intervener status were granted in Board Order 2022-02 dated February 17, 2022;
- G. In accordance with the proceeding schedule set out in Board Order 2022-01, a public information workshop was held, Information Requests (IRs) were sent to YEC, and IR responses were received from YEC. No intervener evidence was received by the March 22, 2022 deadline;
- H. On April 8, 2022, YEC filed a letter with the Board requesting a postponement of the oral hearing scheduled for April 20-22, 2022 due to project design changes and required amendments to the EPA. The Board issued a memorandum on April 14, 2022 granting YEC's request and placing the proceeding in abeyance until YEC provided the revised EPA;
- I. YEC submitted its amended EPA to the Board on April 20, 2022. The Board issued Board Order 2022-05 on April 28, 2022 providing the revised process schedule for the remainder of this proceeding;
- J. In accordance with the revised process schedule, Round 2 IRs were issued to YEC and Round 2 IR responses were received from YEC. No submissions were received by the Board from members of the public by the July 4, 2022 deadline. A virtual public hearing was held July 19-20, 2022, written final argument was received by July 28, 2022, and written reply argument was received by August 4, 2022;
- K. The Board considered the record for this proceeding closed as of August 4, 2022;
- L. On October 18, 2022, the Board issued its Report to Yukon Minister of Justice on the Yukon Energy Corporation Electricity Purchase Agreement with Tlingit Homeland Energy LP, under section 18 of the Act;
- M. The Board received costs claims from Nathaniel Yee and YEC;
- N. Costs claimed by the parties are subject to stringent scrutiny by the Board, as costs awarded are charged to the customers through the utility's rates; and
- O. After careful consideration, the Board has exercised its discretion and made the adjustments set out below based on the criteria set out in the Scale of Costs, Schedule 1 to the Board's Rules of Practice.

NOW THEREFORE, based on the reasons set out in Appendix A to this Board Order, the Board approves total costs of \$385,637.77, which are comprised of the following costs:

1. Nathaniel Yee's costs of \$1,775.00;
2. Yukon Energy Corporation's costs of \$179,859.39; and
3. Government of Yukon's hearing-related costs of the Yukon Utilities Board of \$204,003.38.

DATED at the City of Whitehorse, Yukon, this 9th day of March 2023.

BY ORDER



Richard Buchan
Chair