

YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

And

Review and Variance Application of the Utilities Consumers' Group

BEFORE: R. Buchan, Chair) September 7, 2023
L. McCullough, Vice-Chair)
B. King)
A. Fortin)
M. Johnson)

BOARD ORDER 2023-20

WHEREAS:

- A. On June 20, 2023, the Yukon Utilities Board (Board) issued Board Order 2023-11 approving the Yukon Energy Corporation 2022 Low Water Reserve Fund Report and Energy Reconciliation Adjustment Filing (Original Proceeding);
- B. On July 9, 2023, the Utilities Consumers' Group (UCG) filed a Review and Variance Application of Board Order 2023-11: Yukon Energy Corporation 2022 Low Water Reserve Fund Report and Energy Reconciliation Adjustment (Review Application). UCG submitted that, by rejecting its submissions and calculations, the Board committed errors in fact, law or jurisdiction and that the process followed by the Board in making these rulings was unfair to ratepayers;
- C. Section 62 of the *Public Utilities Act* (Act) states that the Board may review, change, or cancel any decision or order made by it and may re-hear any application or complaint before deciding it; and
- D. The Board adopted section 31 of its Rules of Practice (Rules) regarding applications for review under section 10 of the Act. In considering a review application, the Board uses a two-phase system which enables applications to be dealt with expeditiously and economically. An application for review is subject to an initial screening phase (phase 1) where the applicant must establish a prima facie case sufficient to warrant full consideration by the Board. If the application for review alleges error, the applicant must also show that the error has significant material implications.

NOW THEREFORE, the Board orders that:

The UCG having failed to meet the Phase 1 test criteria, and in accordance with the reasons set out in the Reasons for Decision (Appendix A) to this Board Order, the UCG's Review Application is hereby dismissed.

DATED at the City of Whitehorse, Yukon, this 7th day of September 2023.

BY ORDER

A handwritten signature in blue ink, appearing to read 'Richard Buchan', with a stylized flourish extending to the right.

Richard Buchan
Chair