

YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

and

ATCO Electric Yukon and Yukon Energy Corporation Terms and Conditions of Service Application

BEFORE: L. McCullough, Chair) February 18, 2025
M. Johnson, Vice-Chair)
B. King)
R. Hancock)
A. Woroniuk)

BOARD ORDER 2025-03

WHEREAS:

- A. On December 20, 2024, ATCO Electric Yukon (AEY) and Yukon Energy Corporation (YEC) (jointly the Utilities) filed an Application with the Yukon Utilities Board (the Board) pursuant to the *Public Utilities Act* (the Act) and *Order-in-Council 1995/90*, requesting an order approving certain updates to the Terms and Conditions of Service (Ts&Cs). The Application seeks approval of:
- Updates focussed on modernization of the Ts&Cs;
 - Updated Maximum Investment Levels (MIL) bases on an MIL Cost Study including an inflation mechanism for future years; and
 - Updated Fees and Service Charges to reflect changes in operations including an inflation mechanism for future years.
- B. The Board issued Board Order 2025-01 on January 13, 2025, in which the Board set out a process schedule whereby the deadline for intervener registrations was set for February 3, 2025;
- C. On January 31, 2025 the Board received correspondence from the Utilities requesting a revision to the Proceeding Schedule. The Utilities stated that due to pre-existing scheduled proceedings the current public oral hearing dates create scheduling conflicts with key representatives from both companies. The Utilities suggested a full written process including a second round on information requests in lieu of the oral public hearing. However, if the Board were to proceed with a public oral hearing, the Utilities suggested a two-day hearing set for June

16-17, 2025;

- D. On February 6, 2025, the Board issued Board Order 2025-02 granting intervenor status to John Maissan, Elena Ross, UCG, Nathaniel Yee, and Max Fraser. In that order the Board asked for comments from intervenors regarding the scheduling request from the Utilities. More specifically, it asked for intervenor comments on an oral public hearing versus a fully written process with two rounds of information requests. It further requested for comments on the proposed hearing dates if an intervenor preferred an oral public hearing. It also asked for comments on any other changes to the proceeding schedule such as later dates for the first round of information requests and potential dates for a second round of information requests if a fully written process was held. Comments from the intervenors were due on February 12, 2025 and reply comments from the Utilities were due February 17, 2025;
- E. On February 10, 2025, the Board received a request from Bipin Kothiyari on behalf of the Tr'ondëk Hwëch'in Government for intervenor status;
- F. The Board received submissions from three intervenors in response to Board Order 2025-02 before the February 12, 2025 deadline. Of the responses, Mr. Maissan preferred a fully written process schedule that would be complete before July 1, 2025. The UCG accepted the Utilities request for a fully written process and accepted the timelines proposed by the Utilities. Mr. Yee supported the full process as outlined in Board Order 2025-01.
- G. The Utilities provided their reply to the intervenor comments on February 14, 2025. In their reply, the Utilities stated new information since the original filing and directions from Board Order 2025-01 drive the need to revisit the process schedule. New information such as:
 - 1. Number of interested parties granted intervenor status.
 - 2. The scheduling conflicts for the hearing dates.
 - 3. Support for a written process that includes two rounds of IRs from two of the three parties providing process comments.

The Utilities further added that the written process provides a fulsome process, achieves cost efficiencies, and promotes a fair, expeditious and efficient determination of the issues. In response to Mr. Yee's submission, the Utilities stated that Mr. Yee did not provide any reason as to why an oral hearing is required nor did Mr. Yee's submission establish that any party would be prejudiced by the Utilities' proposal for a fully written process.

NOW THEREFORE, the Board orders that:

- 1. Intervenor status is granted to the Tr'ondëk Hwëch'in Government.
- 2. The Board has carefully considered the request for rescheduling of the oral hearing and the request for a written hearing, comments of the intervenors, and

reply comments from the utilities. As the key representatives of the Utilities are not available to attend the hearing on the dates scheduled, the Board considered whether to reschedule the oral hearing or proceed with a written hearing. In making its determination, the Board considered the following factors. First, two of the three interveners who provided comments supported a written hearing. Second, the Board is not available on the proposed hearing dates and the key representatives of the Utilities are not available prior to those dates. Third, the Board holding an oral hearing in July 2025 does not allow for the determination of the Application in a timely manner and may conflict with participants' other plans over the summer. Fourth, the Board is of the view that by allowing additional time for information requests and adding another round of information requests, as well as the filing of intervener evidence and argument and reply, provides interveners with ample opportunity to test the Application and present their case. Based on these considerations, the Board has decided to hold a written hearing. To ensure a timely and fair proceeding, the Board sets out the following revised written hearing process for the Application:

Action	Original Date	Revised Date
IRs to the Utilities	February 19, 2025	February 28, 2025
IR responses from the Utilities	March 5, 2025	March 14, 2025
Motions regarding IR responses	March 12, 2025	March 21, 2025
Round 2 IRs to the Utilities		April 2, 2025
Round 2 IR responses from the Utilities		April 16, 2025
Motions regarding IR responses		April 23, 2025
Intervener evidence	March 26, 2025	May 5, 2025
IRs on intervener evidence	April 4, 2025	May 13, 2025
IR responses from intervener evidence	April 16, 2025	May 22, 2025
Rebuttal evidence	April 23, 2025	May 29, 2025
Written final argument	May 20, 2025	June 12, 2025
Written reply argument	May 29, 2025	June 24, 2025

DATED at the City of Whitehorse, Yukon, this 18th day of February 2025.

BY ORDER



Lesley McCullough
Chair