

1 YUKON UTILITIES BOARD

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8 YEC 2021 GENERAL RATES APPLICATION

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P R O C E E D I N G S

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Volume 3

19

September 29, 2021

20

Held via videoconferencing

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Whitehorse, Yukon

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 2 videoconferencing, Whitehorse, Yukon.

3
 4 Volume 3

5 September 29, 2021

6 Richard Buchan	Chair
7 Bonnie King	Vice-chair
Andre Fortin	Board Member
8 Anne Middler	Board Member
Lesley McCullough	Board Member

9 Alison Sabo	Board Counsel
10 Jaimie Graham	Board Counsel

11 Deana Lemke	Board Staff
Dwayne Ward	Board Staff
12 Abhinav Ayri	Board Staff
Lorrie Mullen	Board Staff

13 P. John Landry, QC	For Yukon Energy Corporation
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14 Christopher Cullingham	For ATCO Electric Yukon
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15 Keegan Rutherford	For the City of Whitehorse
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16 Roger Rondeau	For Utilities Consumers'
17	Group

18 Nathaniel Yee	In his own stead
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19 Lorelee Vespa CSR(A) RPR CRR	Official Court Reporters
20 Donna Gerbrandt, CSR(A)	

21 (PROCEEDINGS COMMENCED AT 8:30 A.M. PST)

22 THE CHAIR: Good morning, everyone. Before we
 23 get back in the -- into the question and answer phase,
 24 are there any preliminary matters anybody wishes to
 25 raise?

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP

1 MS. LEMKE: Mr. Landry has his hand up.

2 THE CHAIR: Yes, okay, Mr. Landry.

3 MR. LANDRY: I love putting my hand up with
4 this new virtual thing.

5 THE CHAIR: Don't let that constrain you from
6 going something like (Chair gestures).

7 MR. LANDRY: That's the old way.

8 THE CHAIR: Yeah, yeah.

9 MR. LANDRY: Mr. Chair, I understand there is a
10 clarification that Mr. Epp would like to make to one of
11 the questions from Ms. Graham yesterday. So I wonder
12 if we could just allow him to do that.

13 THE CHAIR: Certainly.

14

15 A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP

16 (For Yukon Energy Corporation), previously affirmed

17 A. MR. EPP: Okay. Hi, Mr. Chair, Ms. Graham.

18 Ms. Graham, when you were questioning me yesterday
19 on labour rates, when I looked at the transcript, you
20 were specifically asking about base pay. And my
21 response was that the collective bargaining process
22 resulted in a 1.75 percent increase in base pay, which
23 is what did happen in the collective bargaining
24 agreement.

25 But as our application detailed, our labour rates

08:30

08:31

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1 don't just include base pay but they include other
2 benefits in our 2 percent forecast in the application.
3 So these other benefits that are part of the collective
4 bargaining agreement are such things as vacation leave,
5 special leave, and there was also a shift premium.

6 So all those costs added together result in an
7 additional cost of 0.25 percent that was agreed to in
8 the collective bargaining process. So the total
9 economic increment as per our application of 2 percent
10 is actually what did result in the collective
11 bargaining agreement.

08:32

12 So I just wanted to clarify that, that there
13 wasn't a difference between the 1.75 and the 2 percent.

14 MR. LANDRY: And that's all we have, Mr. Chair.

15 THE CHAIR: Okay. Thank you.

16 So in terms of the order of proceedings this
17 morning we will -- Ms. Graham will finish with her
18 questions of the YEC panel, followed by the Board
19 asking questions of the panel, and then Mr. Landry may
20 want to have some redirect to clarify anything arising.
21 And then following that, once we're done with the YEC
22 panel, I understand Mr. Bell may be testifying on
23 behalf of the City of Whitehorse. Is that -- will
24 there be --

08:33

25 MR. RUTHERFORD: That's correct, sir.

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 THE CHAIR: Yes, okay. All right. Well,
2 we'll get to that. Let's get through the YEC portion
3 and we'll see where we are in the morning schedule.
4 So, over to you Ms. Graham.

5 MS. GRAHAM: Thank you, Mr. Chair.

6 MS. GRAHAM QUESTIONS THE PANEL:

7 Q. YEC panel, can you hear me all right?

8 A. MR. MOLLARD: Yes.

9 Q. Perfect. Before I continue with O&M, I just have one
10 topic I'd like to ask about in an exchange that
11 happened yesterday that's on the transcript. So that's
12 Volume 2 of the transcript, hard copy page 225, pdf
13 page 57.

08:33

14 A. MR. MOLLARD: Okay. We're there.

15 Q. So the topic of discussion here is the low water
16 reserve fund, and there's an undertaking from
17 Mr. Mollard at line 7. And in the undertaking he
18 agrees to: (as read)

19 "Provide the first reference for the
20 issue of variability was addressed by
21 the Board because of the variability in
22 water conditions."

08:34

23 So there was an agreement to a question.

24 And there was a discussion before, on the
25 page before that with Mr. Mollard. So that's hard copy

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1 224 or pdf page 56, starting at line 20, where
2 Mr. Mollard said: (as read)

3 "So, again, it wasn't about the load; it
4 was about the cost impact doing to rates
5 because of this variability in hydro
6 supply."

7 So I just had a few follow-up questions and a request to
8 amend the undertaking. Would you agree with the
9 statement that the purpose of the LWRF is to remove the
10 risk to the utility due to variations in water levels
11 for given loads, and that variability is gauged from
12 long-term average?

08:35

13 **A. MR. MOLLARD:** Can you say that one more time,
14 **please.**

15 **Q.** Absolutely. Would you agree with the statement that
16 the purpose of the LWRF is to remove the risk to the
17 utility due to variations in water levels for given
18 loads and that variability is gauged from long-term
19 average?

20 **A. MR. MOLLARD:** I'm going to say no, and I'll
21 **explain why. I don't necessarily disagree with the**
22 **statement, but the primary purpose of the low water**
23 **reserve fund is to stabilize rates for ratepayers. We**
24 **talked about the impact of variability of water supply**
25 **and how the Board wanted us to not be adjusting rates**

08:35

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1 all the time because of water supply variability. So
2 while there is an element of that, that that does
3 de-risk my operations somewhat, the primary purpose is
4 about stabilizing rates for ratepayers.

5 Q. And for the undertaking, I think what we're looking for
6 is for YEC to provide a reference from a Board decision
7 prior to 2015, where the Board states the LWRF is to
8 cover the variability of hydrogeneration from long-term
9 forecasts for the portion of load which is above
10 forecast or the last approved forecast.

08:36

11 So that's a more specific, like, finding, as
12 opposed to variability of water conditions. So we just
13 wanted to ensure or provide that clarity in terms of
14 what we were looking for.

15 A. MR. MOLLARD: I understand that, Ms. Graham.
16 I'm not sure I can do that. To my recollection, I
17 wasn't here for all of the proceedings, and we will
18 check, but it wasn't until the last proceeding that the
19 Board brought up this issue of variability related to
20 GRA forecast. That was never an issue in prior
21 proceedings. It was always long-term average and it
22 was whatever the actual load was.

08:37

23 So I don't know that I can find that reference.
24 To my knowledge, the Board brought that up in the last
25 proceeding and it hadn't occurred before that.

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Questioned by Ms. Graham

1 Q. Thank you.

2 A. MR. MOLLARD: But I will check.

3 Q. Thank you, I appreciate that. Yeah, if you could
4 check. And if you can't find anything, if you could
5 just let us know, that would be fine as well.

6 UNDERTAKING - FOR YEC TO PROVIDE A
7 REFERENCE FROM A BOARD DECISION PRIOR
8 TO 2015, WHERE THE BOARD STATES THE
9 LWRF IS TO COVER THE VARIABILITY OF
10 HYDROGENERATION FROM LONG-TERM
11 FORECASTS FOR THE PORTION OF LOAD WHICH
12 IS ABOVE FORECAST OR THE LAST APPROVED
13 FORECAST

08:36

14 Q. MS. GRAHAM: All right. So I'm going to return
15 to O&M, and my first question is actually going to be
16 an undertaking to your depreciation expert. So I'm
17 going to read it into the record. And I provided your
18 counsel with a reference to an AUC exhibit, or Alberta
19 Utilities Commission exhibit. So that will be one of
20 the things I refer to in this undertaking request.

08:38

21 So in the consolidated IR responses for Round 1,
22 which is YUB-YEC-1-111 (e), so that's at pdf page 2866.

23 A. MR. MOLLARD: Okay. We're there.

24 Q. In response to the request for a calculated annual
25 accrual and accrued depreciation for each depreciation

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Questioned by Ms. Graham

1 study amount, YEC provided a summary by way of a link
2 to YUB-YEC-1-109, which takes the reader to that
3 response, the 109 response.

4 And if you scroll in the 109 IR response, you get
5 to an Excel document, which is YUB-YEC-109 (h)
6 Attachment 1, which starts in the consolidated IR
7 responses to Round 1 at pdf page 2857.

8 And while we appreciate that the Excel workbook
9 does provide a summary of the calculated and
10 accumulated depreciation balances for each study
11 account, what we were looking for was an output from
12 the depreciation study that provides the requested
13 information in a more detailed format for each account.

08:39

14 So to be helpful, we've provided a reference to
15 your counsel that's indicative or illustrative of the
16 information we've seen in proceedings from other
17 jurisdictions, which may not have the exact same
18 depreciation methods approved for YEC but contains the
19 information we'd like. And that reference is to
20 Alberta Utilities Commission Proceeding 26509, which is
21 the AltaLink 2022-2023 general tariff application,
22 Exhibit 13, Appendix 8, depreciation study, pdf
23 page 81.

08:40

24 So I'd like to request for YEC to undertake to ask
25 Alliance Consulting Group to provide, as of the date of

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Questioned by Ms. Graham

1 the depreciation study, the calculated annual accrual
2 and accrued depreciation amounts for each account that
3 will include columns indicating the year the assets
4 were installed, the original cost, the calculated
5 annual accrual amount, and the calculated accumulated
6 depreciation amount. And to the extent there's
7 additional detail, such as annual accrual rates or
8 depreciation factors included in that information, for
9 Alliance to provide that as well.

10 A. MR. MOLLARD: Are we to understand, Ms. Graham,
11 that's required for every line?

12 Q. One moment. Yes, for each account.

13 A. MR. MOLLARD: Okay. We'll do that.

14 Q. Thank you.

15 UNDERTAKING - REFERRING TO THE
16 REFERENCE PROVIDED TO YEC COUNSEL, TO
17 ASK ALLIANCE CONSULTING GROUP TO
18 PROVIDE, AS OF THE DATE OF THE
19 DEPRECIATION STUDY, THE CALCULATED
20 ANNUAL ACCRUAL AND ACCRUED DEPRECIATION
21 AMOUNTS FOR EACH ACCOUNT THAT WILL
22 INCLUDE COLUMNS INDICATING THE YEAR THE
23 ASSETS WERE INSTALLED, THE ORIGINAL
24 COST, THE CALCULATED ANNUAL ACCRUAL
25 AMOUNT, AND THE CALCULATED ACCUMULATED

08:41

08:40

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1 DEPRECIATION AMOUNT; TO THE EXTENT
2 THERE IS ADDITIONAL DETAIL SUCH AS
3 ANNUAL ACCRUAL RATES OR DEPRECIATION
4 FACTORS INCLUDED IN THAT INFORMATION,
5 FOR ALLIANCE TO PROVIDE THAT AS WELL

6 Q. MS. GRAHAM: Moving on in the consolidated IR
7 responses for Round 1, YUB-YEC-1-113, pdf page 3207.

8 A. MR. MOLLARD: Okay, we're there.

9 Q. In the IR the Board noted that YEC proposed a
10 significant reduction of 25 years, an average service
11 life for account 1615-506. The Board asked YEC to
12 provide the dollar amount of retirements by transaction
13 year and vintage for the years 1998 to 2018.

08:42

14 And YEC responded it was not able to provide
15 detailed information for retirements by transaction
16 year and vintage given the considerable time and effort
17 it would take to collect and summarize this information
18 and its limited relevance to the current review
19 process.

20 Staying in the same document but turning to IR
21 response 1-111, which is Attachment 2 of the response
22 at hard copy 64 and 65, or pdf 2936 to 2937, YEC
23 provided an observed life table, which has a column
24 titled "Retirements During Interval."

08:42

25 And if you scroll down that column over the two

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Questioned by Ms. Graham

1 pages there is five instances of asset retirements
2 during certain age intervals. And I just want to make
3 sure you're there.

4 MR. LANDRY: Sorry, Ms. Graham, what's the
5 page --

6 A. MR. MOLLARD: Yes, we're there.

7 MR. LANDRY: What was the pdf on that again,
8 sorry?

9 MS. GRAHAM: 2936 and 2937.

10 MR. LANDRY: Thank you.

08:43

11 Q. MS. GRAHAM: So given the five instances of
12 asset retirements, is that an indication that
13 retirements are not happening all that frequently in
14 this account?

15 A. MR. MOLLARD: Sorry, Ms. Graham, we're just
16 trying to confirm that it's the same line. 1615-506
17 equates to hydro plant waterwheels, turbines, and
18 generators; is that correct?

19 Q. That's correct.

20 A. MR. MOLLARD: Okay. That would be a fair
21 statement. We don't -- we don't ever retire hydro
22 units. We do maintenance to refurbish them and keep
23 them productive for as long as absolutely possible.

08:44

24 I'm going to speculate a little bit. There's
25 possibly -- it may be that components were replaced at

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 some time and there may have been a retirement coming
2 out of that. You know, something like an exciter on a
3 hydro unit is a component that is replaced throughout
4 its life. The hydro unit itself has a life of 65,
5 75 years, but components get replaced. So I'm going to
6 speculate that that's what that is.

7 I'm not clear why -- why we gave that response
8 when we had this data, though. So I'm a bit of a loss
9 for that.

10 Q. For sure. And maybe this will help. So the rationale
11 that YEC provided for proposing a 25-year decrease to
12 the service life was: (as read)

13 "Based on information provided by
14 company personnel, the study recommends
15 decreasing the life to 60 years."

16 So it was an internal recommendation. And I'm just
17 interested in the retirements of the runners and rewind
18 generators, and I'm not sure if this is -- I think you
19 mentioned there is an exciter, if that is something
20 different or the same.

21 A. MR. MOLLARD: That would be somewhat different,
22 yes.

23 Q. Okay. Can you explain that, the difference for me?

24 A. MR. MOLLARD: The exciter is just a piece of
25 equipment -- well, actually, I probably should defer to

08:45

08:45

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Questioned by Ms. Graham

1 Mr. Gazankas to explain its function, but it's not --

2 Mr. Gazankas, over to you, please.

3 A. MR. GAZANKAS: So, an exciter basically serves
4 two purposes. It actually allows for a voltage control
5 on the system by injecting or absorbing VARs. I
6 recognize this is highly technical, but basically it
7 manages that by way of a large electromagnet and, as a
8 result, it's able to control voltage on the system.

9 A. MR. MOLLARD: Thank you. So, as I said, that
10 would be, you know, a component that on occasion would
11 be replaced. I'm thinking, as far as replacement
12 turbine, actual turbine runners, I don't think we've
13 done one since -- well, we did WH2 uprate this year,
14 but I think the last one we did before that was the
15 Mayo A units back in 2004 or 2003.

16 Q. Do you have a rough percentage of the runners and
17 rewind generators that have been retired prior to age
18 60?

19 A. MR. MOLLARD: Sorry, I missed the first part of
20 the question, Ms. Graham. Can you repeat?

21 Q. Do you have a rough percentage of runners and rewind
22 generators that have been retired prior to age 60?

23 A. MR. MOLLARD: Prior to age 60. Well, we did the
24 re-runners of the Mayo units in the early 2000s, and
25 those units were installed in the 50's. So right

08:47

08:47

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1 around 60 years.

2 Rewinds. Sorry, I'm just trying to remember when
3 we would have done rewinds. We did rewinds of WH2
4 recently as part of the uprate. That unit is from the
5 '60s. So probably close to 60 years.

6 WH4? That wasn't a rewind.

7 A. MR. GAZANKAS: I don't think so, no.

8 A. MR. MOLLARD: That's as much as my memory allows
9 right now, Ms. Graham. So I would say that the couple
10 that we have done, it's around that neighbourhood of
11 60 years.

12 Q. Okay. And we're just trying to get a better
13 understanding of why a 25 percent decrease in service
14 life is reasonable. So we're just trying to
15 understand --

16 A. MR. MOLLARD: Sure.

17 Q. -- if there's some events happening.

18 A. MR. MOLLARD: Absolutely. Yeah, I would say
19 that. It's just that we have a small number of units
20 and they don't really mile out very often so there's
21 not much history. In prior depreciation studies that
22 we've done in 2005 and I think in '12-13 we did one.

23 Frequently we'll get told by the depreciation
24 specialists that we don't have enough history to
25 actually develop an expected life. Part of that is

08:48

08:49

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Questioned by Ms. Graham

1 lack of records because we were managed by others prior
2 to 1998. We just don't have the detailed records of
3 where and when assets were retired and at what level.
4 So frequently they're going out to look at the broader
5 industry metrics of how long are these things lasting
6 across the industry, just because we don't have that
7 data.

8 I'm not saying that's exactly what happened here,
9 we can go back and check the record, but that is a
10 common occurrence with a small utility when they're
11 trying to update rates.

08:50

12 Q. Yeah, if you have any additional information, you know,
13 on the information provided by the company that led to
14 the recommendation that the life be decreased, that
15 would be helpful.

16 A. MR. MOLLARD: We'll go check the records, see
17 what we can dig up for you.

18 Q. Thank you.

19 UNDERTAKING - REFERRING TO CONSOLIDATED
20 IR RESPONSES FOR ROUND 1,
21 YUB-YEC-1-113, PDF PAGE 3207, TO ADVISE
22 WHY A 25 PERCENT DECREASE IN SERVICE
23 LIFE IS REASONABLE, OR OTHER INFORMATION
24 THAT LED TO THE RECOMMENDATION THAT THE
25 LIFE BE DECREASED

08:41

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 Q. MS. GRAHAM: And also, would you have a rough
2 percentage of the costs of runners and rewind
3 generators that make up the total cost for this
4 account? So we're just trying to get a sense of the
5 magnitude.

6 A. MR. MOLLARD: Sure. I'll defer to Mr. Gazankas
7 because we did an uprate of WH2 most recently.

8 A. MR. GAZANKAS: Yeah. And the WH2 project did
9 involve a number of items, though: a runner
10 replacement, rewinding of the stator, and refurbishment
11 of the rotor poles, plus a number of balance plant
12 activities, the contract with Litostroj, through the
13 competitive process, they didn't break it down
14 specifically, and that total contract was 6 million.

15 So it was just a portion of that. I'm not sure of
16 the exact number of what the cost of just rewinding the
17 stator and replacing or refurbishing the rotor poles.
18 It was all combined into one.

19 A. MR. MOLLARD: For 6 million?

20 A. MR. GAZANKAS: For 6 million; 6 million 400,
21 yeah.

22 Q. All right. Moving on, I'm going to talk about
23 AMI meters. So in the consolidated IR responses for
24 Round 1, which is YUB-YEC-1-120, pdf page 3,223 to
25 3,224.

08:50

08:51

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 A. MR. MOLLARD: Okay. We're there.

2 Q. YEC attributes the decrease in service life for the
3 accounts referenced in the preamble of the IR as
4 related to the installation of AMI meters. This
5 resulted in the decision to recognize the shorter
6 service lives for assets of this type consistent with
7 observations made elsewhere in North America. And in
8 part (b) of the response, YEC indicated it has
9 installed AMI meters.

10 Can you tell me when the program to replace the
11 earlier electromechanical meters with AMI technology
12 was undertaken?

08:52

13 A. MR. MOLLARD: You've caught me a bit flatfooted
14 here, Ms. Graham. I wasn't aware we were installing
15 AMI meters. I know we've switched from the old
16 electromechanical to digital meters, but I did not
17 believe that we had AMI meters in the fleet, so I'm
18 going to need to undertake to confirm that.

19 Q. Thank you. And if you have, if you could also let us
20 know when the project was completed or if it's still in
21 progress.

08:53

22 A. MR. MOLLARD: Will do.

23 Q. Thank you.

24 UNDERTAKING - REFERRING TO CONSOLIDATED
25 IR RESPONSES ROUND 1, YUB-YEC-1-120,

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 PDF PAGE 3,223, TO ADVISE WHEN THE
2 PROGRAM TO REPLACE THE EARLIER
3 ELECTROMECHANICAL METERS WITH AMI
4 TECHNOLOGY WAS UNDERTAKEN AND WHEN THE
5 PROJECT WAS COMPLETED OR IF IT IS STILL
6 IN PROGRESS

7 Q. MS. GRAHAM: I'm going to move on to a
8 different depreciation question. So YEC proposed to
9 change the service life and Iowa curve for
10 accounts 1635-300, which is the main transmission poles
11 and fixtures, from 65-R3 to 50-R3, while also proposing
12 to increase the service life for account 1640-300,
13 which is sub transmission poles and fixtures, from
14 45-R3 to 50-R3.

08:53

15 In the consolidated IR responses for Round 1 at
16 pdf page 3,240, and that's IR response YUB-YEC-1-124
17 (h).

18 A. MR. MOLLARD: Okay. We're there.

19 Q. YEC states: (as read)

20 "...there is no significant difference
21 in the general types of assets in
22 account 1635-300 and 1640-300 other than
23 one is connected to Main Transmission
24 Facilities and the latter is connected
25 to Sub Transmission Facilities."

08:54

6 A. MR. MOLLARD: So, can we go through that again,
7 Ms. Graham? I want to make sure I understand what
8 you're after here. So you want to understand why both
9 of those classes are 50 years and not 60 years?

08:55

19 A. MR. MOLLARD: Okay. We were told we didn't need
20 our depreciation expert, so that would be a question
21 that would have to go back to them. So I guess we'll
22 have to do an undertaking on that.

08:56

AMICUS REPORTING GROUP - A Veritext Company

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Questioned by Ms. Graham

1 FOR ROUND 1 AT PDF PAGE 3,240,
2 YUB-YEC-1-124 (H), TO ENQUIRE OF THE
3 YEC DEPRECIATION EXPERT HOW A 50-YEAR
4 SERVICE LIFE WAS ARRIVED AT AS THE
5 MIDDLE GROUND BETWEEN THESE TWO
6 ACCOUNTS AS OPPOSED TO SOME OTHER
7 NUMBER, SUCH AS THE 60-YEAR SERVICE
8 LIFE

9 Q. MS. GRAHAM: Okay. And if you could turn to
10 the application, which is in the depreciation study pdf
11 page 286, or page 9-51. And these are my last
12 questions on O&M, so we're almost done.

08:56

13 MR. LANDRY: What was the pdf on the
14 application again?

15 MS. GRAHAM: 286.

16 MR. LANDRY: 286. Thank you.

17 MS. GRAHAM: Depreciation study hard
18 copy 9-5-1.

19 A. MR. MOLLARD: Okay. We're there.

20 Q. So YEC said the assets in this account are being
21 retired at 50 years and replaced with new poles as part
22 of the transmission line refurbishment program. And if
23 YEC is putting in newer, perhaps better treated poles,
24 we're wondering if the poles should be forecasted to
25 last longer than 50 years.

08:56

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 A. MR. MOLLARD: I don't understand the question.
2 Is there an assumption that the poles are better
3 treated, or is that on the record?

4 Q. For sure. So the assets in the account are being
5 retired at 50 and new poles are being replaced in. So
6 we're wondering if it would be correct to assume that
7 they should last longer because perhaps they have
8 better treated technology.

9 A. MR. MOLLARD: I have no knowledge of that. I'm
10 not a pole expert. I can't comment on that.

08:57

11 Q. Can I ask for an undertaking to ask your depreciation
12 expert to provide some current peer statistics for the
13 average service life of wooden poles?

14 A. MR. MOLLARD: The average service life for this
15 class?

16 Q. That's correct.

17 A. MR. MOLLARD: Okay.

18 Q. Thank you very much.

19 **UNDERTAKING - TO REQUEST YEC'S**
20 **DEPRECIATION EXPERT PROVIDE SOME**
21 **CURRENT PEER STATISTICS FOR THE AVERAGE**
22 **SERVICE LIFE OF WOODEN POLES**

08:57

23 Q. MS. GRAHAM: So I'm going to move over to the
24 capital project section of the GTA [verbatim]. And the
25 first set of questions are just confirming the cost

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 amounts found in each capital project category, which
2 include capital projects, deferred costs, and
3 intangible assets.

4 I think these can be answered without
5 page flipping to the application, so I'm going to try
6 it that way, but if you need more information, let me
7 know. I just think it might be a bit more efficient.
8 And you're all very well prepared so it might go a bit
9 faster.

10 So starting with the capital projects category,
11 this is in the application at pdf page 116, hard
12 copy 5-3.

08:58

13 So under the "Major Projects greater than a
14 million - Rate Base Additions" title on line 15, YEC
15 states that the total forecast to be added to year-end
16 net rate base net of contributions for major capital
17 works projects for the end of '21 is approximately
18 47.846 million.

19 So I won't turn this up, but I can if you need me
20 to. So in the Board's first and second round of IRs
21 YEC provided some updated 2020 and 2021 costs for some
22 of the capital projects in this category. That
23 included updated costs for N-1 capacity shortage at
24 Faro, the replacement of the P125 Headgate project, and
25 the WH2 uprate project. And also in the first round of

08:59

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1 IR responses YEC indicated the project costs would be
2 reflected in the compliance filing.

3 So my question is just to have YEC confirm that
4 it's still seeking approval of the 47.846 million for
5 this capital project category and it will update the
6 amount in the compliance filing.

7 A. MR. MOLLARD: So, Ms. Graham, I think, yes, as
8 of right now the application stands on its own -- on
9 its own merits with those numbers as you've quoted.

10 I would be seeking a direction from the Board on
11 what exactly they want updated. Again, that's -- we
12 haven't historically done a lot of updates for our
13 compliance filing. It's generally at the direction of
14 the Board. So if it chooses to direct us to update
15 those numbers, we can update them.

16 Q. All right. And my question was more, we just wanted to
17 confirm that the updates provided in the IR responses
18 weren't amending that number you were seeking approval
19 of as part of the test period, if that makes sense.

20 A. MR. MOLLARD: That is correct.

21 Q. Okay. And does that apply for all the other projects
22 as well? For example, projects in the 100,000 to the
23 1 million cost category, et cetera?

24 A. MR. MOLLARD: Yes. We've made no formal
25 application to update any of those numbers.

09:00

09:01

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1 Q. Okay. I'll just list the amounts, then, in the
2 application just to confirm that we have the right
3 number.

4 So for the projects, 100,000 to 1 million. This
5 is at the application pdf page 113, or hard copy
6 page 520. I have the number as 18.073 million. Is
7 that right?

8 A. MR. MOLLARD: Sorry, Ms. Graham, we're having
9 trouble finding that number on 5-20.

10 Q. I think we summed it up, so that may be -- that may be
11 the delay.

12 A. MR. MOLLARD: Yeah, I'm sorry, we're not seeing
13 numbers that add up to that.

14 Q. Okay.

15 A. MR. MOLLARD: I can't confirm that with that
16 amount of info.

17 Q. All right. Can you take an undertaking to confirm the
18 amount for the 100,000 to 1 million?

19 A. MR. MOLLARD: Can you provide me the number
20 again, please?

21 Q. Sure. 18.073 million. And that was, I believe, taken
22 summing the amounts starting at pdf page 133 starting
23 at line 6.

24 A. MR. MOLLARD: Okay. Got it.

25 Q. Thank you.

09:02

09:03

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 UNDERTAKING - REFERRING TO THE CAPITAL
2 PROJECT SECTION, PDF PAGE 133 STARTING
3 AT LINE 6, TO CONFIRM THE AMOUNT FOR
4 THE 100,000 TO 1 MILLION IS
5 18.073 MILLION

6 Q. MS. GRAHAM: Turning to the deferred costs
7 category. This is also in the application at pdf
8 page 134, hard copy page 5-21. This is for major
9 products under 1 million. And YEC states at line 7:
10 (as read)

09:03

11 "Total forecast to be added to net rate
12 base for major deferred cost projects by
13 the end of 2021 is approximately
14 \$2.471 million."

15 So just to confirm, that's the amount you're seeking
16 approval of?

17 A. MR. MOLLARD: Just to be clear, that was for
18 major projects greater than a million?

19 Q. You're correct.

20 A. MR. MOLLARD: Okay. Yes, we confirm that
21 amount.

09:04

22 Q. Thank you. And turning to intangible assets. So this
23 is also in the application at pdf page 140, hard copy
24 527. Major projects greater than a million - rate base
25 additions. Line 20, YEC states the total forecast,

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1 including rate base, by end of 2021 is approximately
2 4.938 million. And that one project is the Enterprise
3 asset management project.

4 So just to confirm, that's the amount you're
5 seeking in this capital project category and that
6 you'll update it in the compliance filing?

7 A. MR. MOLLARD: Confirmed.

8 Q. Okay. So in the application YEC also provided cost
9 amounts for projects remaining in the work in progress,
10 or WIP stage. More specifically, cost amounts were
11 provided in the following three cost categories. And
12 they're just sprinkled throughout, so I'll just try and
13 do this at a bit more high level.

14 First was capital projects over a million. This
15 is at pdf page 158 of the application. Second,
16 deferred projects over a million. That's in pdf pages
17 179 to 84 of the application. And, third, deferred
18 projects between 100,000 to a million, and that's at
19 pdf page 194.

20 So we've summed these up, and we're looking for
21 YEC to confirm the costs remaining in WIP are still
22 35.955 million for capital projects over a million,
23 28.573 million for deferred projects over a million,
24 and .4 million for deferred projects between 100,000 to
25 a million.

09:05

09:05

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1 A. MR. MOLLARD: Again, I'll have to -- I can't do
2 the math on the fly here, Ms. Graham, so I'll have to
3 undertake to confirm those.

4 Q. Thank you.

5 UNDERTAKING - REFERRING TO PDF PAGES
6 158, 179 TO 84, AND 194 OF THE
7 APPLICATION, TO CONFIRM THE COSTS
8 REMAINING IN WIP ARE STILL
9 35.955 MILLION FOR CAPITAL PROJECTS
10 OVER A MILLION, 28.573 MILLION FOR
11 DEFERRED PROJECTS OVER A MILLION, AND
12 .4 MILLION FOR DEFERRED PROJECTS
13 BETWEEN 100,000 TO A MILLION

09:06

14 Q. MS. GRAHAM: I'm going to move on to questions
15 about specific capital projects. I'm going to start
16 off with capital projects proposed to be included in
17 rate base with costs over a million dollars.

18 So starting with that, and specifically the N-1
19 capacity shortage Faro thermal rental site
20 infrastructure project. This is in the application at
21 pdf page 120, hard copy page 5-7, line 21.

09:06

22 YEC stated that the project: (as read)
23 "...involved the design and installation
24 of temporary rental site electrical
25 infrastructure at Faro (870S) to ensure

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Questioned by Ms. Graham

1 YEC can continue to meet its N-1
2 capacity planning requirements."

3 Can YEC confirm the project was undertaken to support
4 the increase in rented diesel units at the Faro
5 facility?

6 **A. MR. GAZANKAS:** **Good morning. This is Gary**
7 **Gazankas. Yes, that's confirmed.**

8 **Q.** And turning to the Mayo-McQuesten transmission line
9 upgrade project, which is in the second round of
10 consolidated IR responses, YUB-YEC-2-17, pdf page 145
11 or page 9.

09:08

12 **A. MR. MOLLARD:** **Sorry, Ms. Graham, can you repeat**
13 **that reference, please? Thank you.**

14 **Q.** Sure. It should be the second round of IR responses,
15 YUB-YEC-2-17. And I'll just try as well to make sure
16 the reference is correct.

17 Okay. I'm actually getting it at pdf page 138.

18 **A. MR. MOLLARD:** **Okay. I think we're there.**

19 **Q.** Okay. So it may not be on this exact page, but YEC
20 identified reasons for the cost variance of the
21 project, and one of the variances was related to
22 StatCom equipment at the Stewart Crossing South
23 substation.

09:09

24 I'm just trying to find the exact quote for you.
25 Okay. And at page 145 at about one, two, three, four,

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1 the fifth bullet down on line 120, it says -- YEC
2 indicated that: (as read)
3 "STATCOM supply and installation
4 contract exceeded the original cost
5 estimates by 1.450 million."

6 So one of the alternatives of the StatCom is the static
7 VAR compensator, or SVC. Based on the cost increases
8 seen with StatCom, is StatCom still a more
9 cost-effective alternative compared to SVC?

10 A. MR. GAZANKAS: Mr. Gazankas. At this point in
11 time it would be very difficult to -- to understand
12 that, for the reason being that we went to market for
13 the StatCom specifically. Market pricing told us that
14 the costs were obviously greater than what we had
15 estimated. So similarly for a static VAR compensator,
16 it would be unknown at this time whether or not those
17 costs would be comparable.

09:10

18 However, based on my experience, I believe that
19 both devices have pros and cons, and the SVC cost would
20 be very similar to the StatCom.

09:11

21 Further to that, it's industry known that the SVC
22 is an aging technology and industry is more or less
23 going towards a StatCom device based on parts being
24 obsolescent in the future on the SVC.

25 Q. And if you could open to the first round IR responses.

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Questioned by Ms. Graham

1 IR YUB-YEC-1-51. Hopefully at pdf page 1510, or page 2
2 of the response.

3 So in part (d) the Board asked YEC to explain why
4 a proposed to install StatCom in the Mayo-McQuesten
5 transmission line upgrade project.

6 And the response, which is on pdf page 1514, or
7 hard copy 6, while YEC provided the alternatives
8 explored for this reactive power support, it didn't
9 explain why StatCom was needed in the first place. So
10 we're wondering, as an example, if part of the system
11 had voltage concerns below a CSA standard or if you
12 could provide, you know, a reason for why that support
13 was required.

14 A. MR. GAZANKAS: This is Mr. Gazankas. So the
15 three devices are very similar in nature in terms of
16 controlling voltage. The StatCom, SVC, and sync
17 condenser do actually stabilize the system.

18 You know, when we have events on the system, a
19 tree falling on the line, lightning conductors slapping
20 together because of ice, the system can become
21 unstable. And what these devices do is essentially
22 monitor for that frequency and voltage, and adapt in
23 order to stabilize that system.

24 Without the device, essentially what happens is if
25 there is a transient fault -- excuse me -- then the

09:12

09:13

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
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1 system can trip off, causing outages, of course.

2 Q. So, what I hear you saying is it's more of a general
3 practice to have something like this on the system as
4 opposed to there's a specific concern, a site-specific
5 concern that required StatCom.

6 A. MR. GAZANKAS: Again, you know, the -- this is
7 Gary Gazankas. Again, the StatCom serves the system.
8 In this instance, however, the StatCom was installed
9 because of that adding additional load, Victoria load.
10 And when you have a significant load on and running
11 large motors, et cetera, it can draw the voltage down
12 in the system. And, as such, the StatCom was required
13 to ensure system stabilization.

09:14

14 Further to that, regardless of the mine, the
15 StatCom does provide Yukoners with a stable system with
16 or without the mine.

17 Q. I'm going to move to the transmission line
18 refurbishment L178 project. So if you could open the
19 second round of consolidated IR responses,
20 YUB-YEC-2-17, pdf page 146, page 10. At line 4 -- at
21 line 4 YEC states that: (as read)

09:15

22 "This project did not proceed in 2021 as
23 forecast in the GRA application. During
24 the procurement process the market price
25 came back much higher than YEC

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1 expected."

2 So what market price was YEC expecting in the
3 procurement process?

4 A. MR. MOLLARD: Subject to check, Ms. Graham, we
5 had anticipated that -- or we had budgeted for, I
6 believe, roughly \$800,000 for that piece of work that
7 we went out to tender for.

8 Q. And what, as an estimate, was the price that was coming
9 back in market?

10 A. MR. MOLLARD: Sorry, Ms. Graham, am I to
11 understand you were asking for the results of the
12 tender?

13 Q. We're just trying to understand the variance in terms
14 of what was expected and what came back.

15 A. MR. MOLLARD: Yeah. So just a little bit
16 on -- actually, I'll defer to Mr. Gazankas just to
17 explain a little bit about the nature of the work
18 because it was somewhat unusual.

19 A. MR. GAZANKAS: Yeah, this is Mr. Gazankas. My
20 understanding is that the structure replacements is in
21 a geological area with significant rock and, as such,
22 there is blasting required. And so, you know, we don't
23 have -- we have little experience in terms of blasting
24 to install structures. So we had an estimate. And
25 when we went to market, the market told us different.

09:16

09:16

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
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1 A. MR. MOLLARD: So I think, Ms. Graham, again,
2 subject to check, the bids were -- I believe they were
3 double or more than what we had estimated. We were at
4 800,000. I think the lowest bid came back at 1.6.

5 Q. And was that the reason primarily that the project
6 didn't proceed or were there other reasons?

7 A. MR. MOLLARD: No, that was it.

8 Q. All right. I'm going to read a passage from the 2012
9 general rate application oral hearing transcripts.
10 This is just to provide context. This is the
11 November 14th, 2012, transcript, pdf page 7, transcript
12 page 455. And it's a quote from Mr. David Morrison,
13 who I understand was president and CEO of YEC at the
14 time.

09:17

15 So he states: (as read)
16 "So a few years ago when we were doing
17 maintenance on the units, the hydro
18 turbines at Mayo, we put in new runners
19 that are more efficient and therefore
20 they use less water and get -- in doing
21 so we get more kilowatt hours out of the
22 same amount of water that we had. So we
23 looked at them."

09:18

24 So it seems that the new runners for the hydro turbines
25 at the Mayo facility were expected to be more efficient,

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1 and we're wondering if you could describe the efficiency
2 gains that YEC predicted for the new runners when they
3 were installed and what they're seeing now.

4 So I guess a bit more of a higher level question,
5 we're just trying to understand if those runners have
6 resulted in improved efficiency based on your
7 experience.

8 A. MR. MOLLARD: So, to be clear, you're asking
9 about the Mayo runners that we installed in 2004?

10 Q. So that transcript passage was from the 2012 GRA. I'm
11 not sure exactly when those runners were installed.
12 Maybe they were installed a few years earlier.

13 I guess we're just trying to get a better
14 understanding of how efficiency at the Mayo turbines
15 has improved since they were installed.

16 A. MR. MOLLARD: Yeah, Ms. Graham. So, yeah, we
17 did check. There was an IR around these re-runnerings.
18 They actually were in 2001. So, obviously, we don't
19 have that data at our fingertips. We will undertake to
20 see what we can dig up for efficiency gains.

21 I am reminded by my colleague Ms. Milojevic that
22 there has been constraints put on generation on that
23 hydro system for various reasons that are related to
24 icing and flooding issues that would affect that
25 generation.

09:18

09:20

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1 So we'll do our best to see what we can dig up,
2 but the record might not be completely clean on that
3 conclusion.

4 Q. Thank you. And just for clarity, anything on expected
5 versus actual efficiency would be helpful information.

6 **UNDERTAKING - REFERRING TO THE 2012 GRA**
7 **TRANSCRIPT, TO ADVISE HOW EFFICIENCY AT**
8 **THE MAYO TURBINES HAS IMPROVED SINCE**
9 **THEY WERE INSTALLED, IF ABLE TO PROVIDE**
10 **EXPECTED VERSUS ACTUAL EFFICIENCY**

09:20

11 Q. MS. GRAHAM: Okay. Now I have a few questions
12 for capital projects proposed in rate base between
13 100,000 and a million. So I'm going to start off with
14 the WH4 ventilation project. And this is in YEC's
15 second round of consolidated IR responses.

16 YUB-YEC-2-17, pdf page 161 or page 25.

17 And at line 16 YEC states: (as read)
18 "The WH4 ventilation project required
19 additional studies in order to determine
20 greater cost certainty. Project
21 construction will now commence in 2022."

09:21

22 What additional studies were conducted?

23 A. MR. GAZANKAS: This is Gary Gazankas. Additional
24 studies -- in terms of understanding what's called a
25 heat run. So running the unit at maximum and tracking

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1 the temperature. What our engineers had found is that
2 there might be a simple cost-effective solution. So
3 what we wanted to do is try that solution. And if in
4 the event that that solution didn't work, then we were
5 looking at an alternative option with respect to a HVAC
6 system, which was much more mostly.

7 So, at this point in time we attempted to do the
8 heat run, but because of the high water situation, it
9 didn't allow us to get to maximum speed. And so as
10 such, you know, once we get the water levels back such
11 that we can -- we can perform this test, you know,
12 we're looking at deferring the remainder of the tests
13 until that time.

09:22

14 However, you know, this further examination, this
15 actual testing may result in, you know, lowering the
16 costs significantly.

17 Q. And is the 150,000 cost identified in Table 2 on that
18 page associated with the additional studies?

19 A. MR. GAZANKAS: It is, yes.

20 Q. And these studies weren't conducted prior to the filing
21 of the application just because they thought of the
22 heat run alternative after it had been filed?

09:23

23 A. MR. GAZANKAS: We had done some preliminary
24 studies. However, we still wanted to further that with
25 a field test just to, you know, accurately identify a

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Questioned by Ms. Graham

1 solution, the best cost-effective solution. Desktop
2 studies are a little different than, obviously -- than
3 actual field testing.

4 Q. All right. So the original plan for the project was
5 the WH4 ventilation work. Then there is the thought it
6 could be a heat run. And currently it's paused until
7 those studies can be completed. If it's feasible
8 you'll do the heat run; if not, you'll return to the
9 WH4 plan; is that correct?

10 A. MR. GAZANKAS: That's correct.

09:24

11 Q. Okay. And can you describe the WH4 ventilation work
12 for the project?

13 A. MR. GAZANKAS: Again, we're -- we don't know the
14 solution, and, as such, you know, all we're in is the
15 planning preliminary stage, (a), to make sure that, you
16 know, we don't have a project that is overbuilt from a
17 cost-savings perspective. So, at this point in time I
18 don't know what that solution is. It's either some
19 form of HVAC system or just managing what we have
20 currently in place with some minor ventilation
21 adjustments.

09:24

22 Q. And I understand that the plant was overheating, which
23 is why YEC is looking into the solution. Can you
24 describe the temperatures the WH4 plant was reaching
25 that caused the concern?

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 A. MR. GAZANKAS: You just have to give me a moment.
2 I'm not sure if we have that in -- in a previous IR.

3 This is Gary Gazankas. I don't have that number
4 specifically on hand, but what I do know is that it was
5 a result of the stator overheating. And we do have set
6 points on our stator that go into alarm and essentially
7 at one point shut the unit down. And we do alarm at
8 this point in time at 90 degrees C.

9 Q. All right. I'm going to move to the transmission line
10 access project. So this is also in YEC's second round
11 of IR responses. YUB-YEC-2-17, pdf page 162, or hard
12 copy 26.

13 And at line 11 on that page YEC states: (as read)
14 "The scope for 2020 was revised as no
15 accesses were ready to be constructed."

16 So can you just help me explain the purpose of the
17 project given no accesses were required to be
18 constructed?

19 A. MR. MOLLARD: A little background on this
20 project, Ms. Graham. So historically we've been able
21 to be somewhat informal with our accesses to our
22 transmission lines coming off of highway right-of-ways.
23 We were informed, I can't recall, a couple of years ago
24 by the Department of Highways that that would no longer
25 be allowed and that we needed to designate permanent

09:26

09:27

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1 accesses to transmission lines and keep them in a
2 certain state. So we created a program to look at what
3 are our critical accesses, and over the last couple of
4 years we've been fixing those up.

5 The focus in this period, '18-19, we were -- the
6 accesses we were focusing on were those accesses
7 required for us to do the TLR project, which was the
8 refurbishment of the 138-kV line backbone system on our
9 grid. So it's simply 2020 was -- we didn't -- we
10 didn't do any work in 2020 because we didn't need any
11 accesses for that project. So that work was deferred.

12 Q. And staying in the same document, if you could turn to
13 the next page, or pdf 163. YEC provided costs variance
14 explanations for the new mobile office unit project.
15 And starting at line 1 it says: (as read)

16 "The quotes received for the project
17 were too high compared to what YEC had
18 anticipated."

19 So, again, we just wanted to get a better understanding
20 of the variance between forecast and actual.

21 A. MR. MOLLARD: Yes. Thank you, Ms. Graham.
22 Subject to check, we believe the quotes we got back,
23 the lowest quote we got back from our tender was
24 approximately \$400,000. So we decided that that was
25 not an economic choice and we deferred the project.

09:28

09:28

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Graham

1 Q. Is there still a need for the project in the future?

2 A. MR. MOLLARD: We will have to solve for office
3 spacing. We are bursting at the seams here. We do not
4 have a plan currently on how we're going to solve for
5 that, but we will have to.

6 A. MR. HALL: Yeah. I think if I could just
7 also comment. You know, through the experience with
8 COVID, you know, certain departments do have the
9 ability to work from home. So it's a bit of a moving
10 target in terms of how much permanent office space we
11 would require once we reach a sort of post COVID steady
12 state, I would say.

13 So, I mean, Mr. Mollard is absolutely correct.
14 Prior to COVID we were bursting at the seams, but I
15 think, you know, we need to reassess this when we have
16 a feel for how many of our employees can work at home
17 usefully on a long-term basis.

18 Q. And I understand there's project costs that YEC is
19 requesting approval for in the test period for the new
20 mobile office unit. Is YEC still requesting approval
21 of those, given the project is being deferred to after
22 the test period?

23 A. MR. MOLLARD: Ms. Graham, I would defer to my
24 earlier statement. We've provided some updated
25 information, but we have not been directed to provide

09:29

09:30

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1 any updates. So the application stands as is for now.

2 Q. All right. I'm going to move to questions regarding
3 deferred projects proposed to be included in rate base
4 with costs between 100,000 to a million. So I'm going
5 to start off with the Mayo-Aishihik hydro climate
6 change study. This is in the second round of IR
7 responses at YUB-YEC-2-17, pdf page 155 or page 19.

8 A. MR. MOLLARD: Okay. We're there.

9 Q. At line 6 YEC states: (as read)

10 "The additional costs for this project
11 associated with INRS (the contractor who
12 developed forecasting models on
13 Aishihik, Mayo and Yukon River) were
14 made to enhance the long term
15 forecasting ability in the Upper Yukon
16 system and primarily Marsh Lake. The
17 additional scope was added after the
18 budget was set as the importance of this
19 modelling in this system with respect to
20 Climate Change."

09:32

09:32

21 Can you describe why expanding the scope of the project
22 to enhance the long-term forecasting ability in the
23 Upper Yukon system was necessary?

24 A. MS. MILOJEVIC: The original project scope, which
25 was to do climate change studies to basically assess

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
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1 the impact of climate change on our hydro reservoirs,
2 was originally focused on just our Mayo and Aishihik
3 facilities.

4 And so this project gives us both a medium-term
5 and long-term forecasting model, which actually gives
6 us different scenarios of the inflows coming into our
7 hydro system so that we can look at, from a reservoir
8 modelling perspective, how much generation might be
9 available and what levels the waters may reach,
10 depending on the precipitation that we see, which was
11 the main driver, as well as glacial melt, over both the
12 short, medium, and long term.

09:33

13 So originally, as I said, the scope was just for
14 the two facilities. Once the company reviewed those
15 results and the functionality of the model and deemed
16 that it was very useful to have, the significance of
17 our Whitehorse hydro facility played into expanding the
18 scope to do the same climate modelling, to assess the
19 impact of climate change, precipitation, and glacial
20 melt on the Marsh Lake Reservoir, which is the feed-in
21 for our Whitehorse system.

09:33

22 So essentially now we have this model, the inflow
23 forecasting, and the long-term effects for all three
24 hydro reservoirs. So it was that scope increase from
25 just the two to all three facilities that was that

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
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1 **change.**

2 Q. And staying in the same IR response document at
3 pdf page 156 or page 20, the first two lines on the
4 page related to the Transmission Access Road Program
5 study. And YEC states that: (as read)

6 "Phase I activities were completed by
7 Tetra Tech in 2020 at a total cost of
8 87,526. Phase 2I and Phase 3 activities
9 planned for 2021 have been deferred to
10 2022."

09:34

11 Can you explain why the Phase 2 and 3 activities were
12 deferred to 2022?

13 A. **MR. GAZANKAS:** This is Mr. Gazankas. The project
14 was deferred. Phase 2 and 3 were deferred as a result
15 of assessing resources within the organization and
16 understanding our ability to complete the work. We had
17 just completed our -- our dam safety review,
18 understanding that there are activities that are going
19 to be driven from that, as an example, and, as such, we
20 had focused on that primarily based on priority.

09:35

21 Q. And staying on the same page, YEC also included the
22 cost for the IPP standing offer program implementation,
23 which I believe was addressed yesterday with
24 Mr. Rondeau as well.

25 YEC provided an explanation for cost variances

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1 compared to its original application filings starting
2 at line 12 stating that: (as read)

3 "The increased costs came from the legal
4 costs working with ATCO Electric
5 Yukon's, or AEY, legal team...and YEC's
6 legal costs. The objective was to
7 jointly develop the Standing Offer
8 Program which was very technical in
9 nature and required significant
10 discussion and alignment to adapt the
11 BC Hydro model to the Yukon."

09:36

12 Can you explain how the external legal costs associated
13 with this work, which appears to benefit independent
14 power producers, is tied to regulated utility service?

15 A. MR. HALL: It's Andrew Hall. So I'll just
16 point out that the -- you know, the independent power
17 producer policy and implementation of the standing
18 offer program is being enacted through or in council.
19 So there's an Order in Council basically instructing us
20 and the Board to get costs associated with
21 implementation of this policy. So, I mean, this is as
22 per government direction.

09:37

23 So what we were left with is to take the
24 government policy, which is fairly high level, as
25 policy is, and implement it. And, you know, this is a

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1 lot of devil in the detail of, you know, looking at a
2 small jurisdiction, considering how IPPs and their
3 standing offer program might connect to the grid, and
4 under what commercial terms that would be reasonable.

5 So, as stated in the IR response, we started with
6 a template from BC Hydro, but you can appreciate that
7 their system is much larger than ours. And so we had
8 to work with that, those templates, and refine and
9 modify them to be more applicable to the Yukon
10 circumstance.

09:38

11 A. MR. MOLLARD: And if I could, Ms. Graham, the
12 documents that we developed weren't just for the
13 benefit of the IPPs. These are contract templates and
14 policy rules that protect the utilities and ratepayers
15 from risks in these transactions as well. So it's to
16 everybody's benefit that we did this work.

17 Q. And staying in the same document at YUB-YEC-2-17, which
18 is pdf 164 or page 21. This is regarding the Atlin
19 hydro EPA.

20 At line 21, YEC provides the following explanation
21 for costs variances seen in the Atlin hydro EPA
22 preparation project: (as read)

09:38

23 "Despite having an
24 Agreement-in-Principle, the Project
25 Definition was redone when the Proponent

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Questioned by Ms. Graham

1 hired new engineers (SNC-Lavalin) which
2 impacted the project economics and the
3 operating regime of the plant."

4 Can you explain when or why YEC hired new engineers for
5 the preparatory work?

6 A. MR. HALL: Line 22 states that the proponent
7 hired the new engineers. It wasn't Yukon Energy. So
8 the costs -- our costs were not related directly to the
9 cost of those engineers.

10 Q. When will the -- or do you have an update on when the
11 Atlin hydro application will be filed with the Board?

12 A. MR. HALL: Ah. I expect by the end of the
13 year.

14 Q. Okay. If you could open -- or maybe we're still in the
15 same document, but it's the Round 2 consolidated IR
16 responses, also at YUB-YEC-2-17, pages 162 to 163.

17 So, in these pages YEC indicated that a number of
18 projects had refined scope deferred due to the overall
19 volume of capital projects. And I'll just summarize a
20 couple. The protection and control program and the
21 Mayo earthworks project were both refined; and the FD7
22 overhaul project; the building conditions report 2021
23 to 2024; and Whitehorse diesel rental substation
24 improvements was deferred.

25 For the deferred projects, is there still a need

09:39

09:40

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1 for them during the test period or will the need for
2 those be evaluated in a future test period?

3 A. MR. MOLLARD: We'll bring them back in a future
4 test period.

5 Q. All right. And so I just have one final question.

6 Yesterday in Mr. Yee's questioning of the YEC
7 panel regarding the YESAA permits, Ms. Milojevic
8 indicated that the 14-megawatt air emissions cap would
9 have been in the decision document that the air
10 emissions permit is based on.

09:41

11 Can you provide a copy of the decision, or, if
12 it's quite long, just the relevant parts of that
13 decision that discuss the 14-megawatt air emissions
14 cap?

15 A. MS. MILOJEVIC: We can undertake to do that, yes.

16 Q. Thank you.

17 UNDERTAKING - TO PROVIDE A COPY OF THE
18 DECISION OR EXCERPT OF THE DECISION
19 THAT DISCUSSES THE 14-MEGAWATT AIR
20 EMISSIONS CAP AS DESCRIBED IN
21 MS. MILOJEVIC'S TESTIMONY

09:41

22 MS. GRAHAM: Mr. Chair, those are my questions.

23 Thank you very much, panel, for being responsive
24 to my questions today.

25 THE CHAIR: Thank you, Ms. Graham.

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Questioned by The Chair

1 Just one moment.

2 I think we'll take a morning break now. The Board
3 wishes to just consider follow-up questions for the YEC
4 panel.

5 So let's reconvene at 10:00. Okay? Thank you.

6 (ADJOURNMENT)

7 THE CHAIR: Okay. So the Board has some
8 questions for the YEC panel.

9 THE CHAIR QUESTIONS THE PANEL:

10 Q. I'd like to begin directing a question to Mr. Mollard.
11 Following up on the questions that Ms. Graham had
12 yesterday in relation to the -- some of the legal costs
13 arising from the appeal or appeals over the last few
14 years. And the latest of which the decision came down
15 on February 5th of this year. And that was the
16 decision that resulted in YEC's appeal against the
17 Board's decision being dismissed.

10:05

18 Now, just, I guess, first off, Mr. Mollard, to get
19 to the -- just to get a clarification. Do you happen
20 to have the transcript of yesterday's hearing available
21 to you?

10:06

22 A. MR. MOLLARD: Yes, we do.

23 Q. Okay. I'm referring to page 316 of the transcript.

24 A. MR. MOLLARD: Okay. We're there.

25 Q. Yes? Okay. All right. So beginning at line 10,

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Questioned by The Chair

1 Ms. Graham says or asks: (as read)

2 "Why are YEC's legal costs in relation
3 to appeals of Board decisions properly
4 in revenue requirement."

5 And your response was: (as read)

6 "Well, it is -- in my mind it is part of
7 the regulatory process and, therefore,
8 it should be paid for the same as the
9 costs of the application and defence of
10 the application."

10:07

11 Then Ms. Graham again asks: (as read)

12 "Should it matter if YEC is successful
13 or not in the appeal in relation to
14 other ratepayers pay cost through the
15 revenue requirement?"

16 And your answer was: (as read)

17 "I honestly take no position on that.
18 It's entirely at the Board's discretion
19 as to what gets paid through that
20 account or not."

10:07

21 So my question is, when referring to the "Board," are
22 you referring to the Utilities Board or are you
23 referring to YEC's board or some other board?

24 **A. MR. MOLLARD:** I'm referring to the Utilities
25 **Board.**

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Questioned by The Chair

1 Q. Okay. So, do you have any criteria to apply in terms
2 of deciding what goes into that line item, if you want
3 to call it that, for legal costs?

4 A. MR. MOLLARD: Not specifically, Mr. Chair. The
5 hearing reserve account is a relatively new construct
6 at YEC. I think it was in -- I think we got approval
7 from the Board for the use of that account in the
8 '12-13 proceeding as an alternative to having specific
9 regulatory costs booked on a sort of infrequent basis.
10 This was a vehicle that -- again, I believe it has been
11 established at the other Yukon utility, at
12 ATCO Electric Yukon, for some number of years, and in
13 '12-13 we created that account to deal with it. But we
14 did not create a specific set of rules. It was to
15 address hearing-related costs. So my interpretation,
16 as I said yesterday, is that the appeal costs are an
17 extension of the regulatory process, so I booked those
18 costs in for the Board's consideration.

10:08

19 I think Mr. Epp has a comment here, sorry.

20 A. MR. EPP: And subject to check, Mr. Chair, I
21 believe the creation of this hearing reserve account
22 was at the direction of the Board. I don't think we
23 specifically asked for it. This is a result. We
24 created it in response to a directive.

10:09

25 Q. Okay, that's fine. So, Mr. Mollard, Ms. Graham asked

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Questioned by The Chair

1 you the question about, you know, should it matter as
2 to whether or not, for example, an appeal or an
3 application, or whatever it is, is successful or not.
4 And I gather you're saying, well, it's not up to me to
5 decide, it's the Board -- you know, the Board's got
6 discretion over that. Is that the gist of your answer?

7 **A. MR. MOLLARD:** **I mean, yeah. I have an opinion,**
8 **Mr. Chair, I think you can probably guess what that is,**
9 **but my revenue requirement is to you to decide what it**
10 **should be.**

10:10

11 **Q.** Yes. Well, I suppose the very fact that you have
12 included those costs in your application, one can infer
13 that you think that the ratepayers should pay?

14 **A. MR. MOLLARD:** **That is a reasonable inference.**

15 **Q.** Okay. Now, I presume that before launching the appeal
16 you have sought a legal opinion as to its viability.
17 Is that a fair assumption?

18 **A. MR. MOLLARD:** **That would have been part of the**
19 **process in making that decision, yes.**

20 **Q.** Okay. And I'm not going to go anywhere near asking
21 what that legal opinion may have been, but would it be
22 fair to assume that it either supported or discouraged
23 going ahead with the appeal?

10:11

24 **A. MR. MOLLARD:** **Yes.**

25 **Q.** Okay. And pursuant to -- I gather -- Ms. Graham asked

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Questioned by The Chair

1 for, in her specific request following those questions
2 for a breakdown of appeal costs for 2019 and 2020, that
3 the appeal -- or the opinion relating to the appeal was
4 received in 2019?

5 **A. MR. MOLLARD:** **Sorry, Mr. Chair, I'm trying to**
6 **recall when that DSM appeal was formally released. I**
7 **thought it was in February of 2020, but I might be**
8 **mixing up OICs and appeal decisions.**

9 **Q.** Yeah. Well, from the decision I've been looking at,
10 the date of issue of the decision was February 5th of
11 2021.

10:12

12 **A. MR. MOLLARD:** **Yes, that was the decision for the**
13 **DSM appeal, yes.**

14 **Q.** Right. And then prior to that there was a decision on
15 the same matter, which was the Court of Appeal's
16 decision on YEC's application for leave to appeal?

17 **A. MR. MOLLARD:** **Yes, correct.**

18 **Q.** Okay. And would it be fair to say that after receiving
19 the Court of Appeal's decision that you would have
20 again received some opinion or commentary from your
21 legal counsel relative to the outcome of the appeal?

10:13

22 **A. MR. MOLLARD:** **I don't know if I'd characterize**
23 **it as a legal opinion, Mr. Chair. We reviewed the**
24 **decision, and it was fairly obvious what the position**
25 **of the court was. So at that point for us the issue**

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Questioned by The Chair

1 was resolved.

2 Q. Fair enough. Well, just in case there were some
3 additional legal services, I'd like to expand
4 Ms. Graham's request beginning at line 14 of page 317
5 of yesterday's transcript. I'd like to expand that
6 from 2019 into 2021 in case there were some other legal
7 services incurred relative to the appeal.

8 A. MR. MOLLARD: I understand what you're looking
9 for. We will do that.

10 Q. Okay.

11 **UNDERTAKING - TO PROVIDE A BREAKDOWN OF**
12 **THE COSTS BETWEEN THE APPEALS AND THE**
13 **OTHER CATEGORIES OF HEARING COSTS**
14 **CHARGED TO THE HEARING COSTS RESERVE**
15 **ACCOUNT FOR 2019 TO 2021**

16 Q. THE CHAIR: In addition to that I would like
17 to augment that request for a specific breakdown of all
18 legal fees, disbursements, and any other incidental
19 costs arising in connection with obtaining a legal
20 opinion, applying to the Court of Appeal for leave to
21 appeal, and, of course, arguing the appeal and anything
22 subsequent to the issuance of the court's decision this
23 year.

24 A. MR. MOLLARD: I understand the request.

25 **UNDERTAKING - TO PROVIDE A SPECIFIC**

10:14

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 BREAKDOWN OF ALL LEGAL FEES,
2 DISBURSEMENTS, AND ANY OTHER INCIDENTAL
3 COSTS ARISING IN CONNECTION WITH
4 OBTAINING A LEGAL OPINION, APPLYING TO
5 THE COURT OF APPEAL FOR LEAVE TO
6 APPEAL, AND ARGUING THE APPEAL AND
7 ANYTHING SUBSEQUENT TO THE ISSUANCE OF
8 THE COURT'S DECISION THIS YEAR

9 Q. THE CHAIR: Okay. Now, given that the appeal
10 was unsuccessful and the Board's decision on the order
11 was essentially vindicated by the Court of Appeal, do
12 you have a rationale as to why the ratepayers should
13 have those costs imposed on them?

10:15

14 A. MR. MOLLARD: Well, I could offer a parallel, if
15 I could, Mr. Chair. We put an application in front of
16 the Board for a rate increase that touches on all
17 aspects of our business. And while I'm pretty proud of
18 all of our success on these applications, we're very
19 rarely completely successful.

20 So I would say that -- but I still ask for the
21 full costs of preparing and defending that application.
22 So even though I don't win everything within the
23 application, I still get paid to prepare and defend it.
24 So I would suggest that the appeals could be
25 considered -- appeal costs could be considered in the

10:16

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 **same light.**

2 **Q.** Regardless of whether or not the appeal itself or
3 the -- or for that matter the legal opinion on which it
4 was presumably based was accepted or rejected by the
5 Court of Appeal?

6 **A. MR. MOLLARD:** **Yes, that would be my position.**

7 **Q.** Okay. Now, moving over to the low water reserve fund,
8 I think -- I can't remember which document it was,
9 whether it was in an IR response or whatever, but I
10 think the term used in quotation marks was treated as
11 sort of a trust fund for ratepayers.

12 **A. MR. MOLLARD:** **That's correct.**

13 **Q.** Okay. Now, is that trust fund -- are those funds kept
14 in a separate account, a YEC account, or is it just
15 part of the corporation's general -- call it general
16 bank account?

17 **A. MR. MOLLARD:** **Yeah, sure. So historically we**
18 **have not segregated the cash into a separate account.**
19 **We do have -- we do keep track in a separate account on**
20 **our balance sheet what exactly the value of that amount**
21 **is, and we are, obviously, legally bound to produce**
22 **that money if so required.**

23 **A. MR. EPP:** **And, Mr. Chair, just to add to**
24 **that, we do have a separate line of credit that is in**
25 **excess of the current limit.**

10:17

10:17

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 A. MR. MOLLARD: Yeah. We essentially would rely
2 on that line of credit should something happen that we
3 have to fund something out of the -- the water reserve
4 fund, we had rely on that line of credit. We have
5 discussed with our own board the need to segregate that
6 cash and produce it in a separate account. We haven't
7 figured out the dynamics of how we would do that so, as
8 Mr. Epp states, for now we rely on that line of credit
9 that we have authorized with our commercial banker.

10 Q. I see. So keeping that so-called trust fund simply as
11 a reserve on the books, as it were, rather than having
12 it segregated, am I correct in concluding that there is
13 no tracking of interest that would accrue and be
14 credited to that account if it were -- if it were
15 segregated?

10:18

16 A. MR. EPP: Mr. Chair, no, there is an
17 interest calculation. The exact details are -- I don't
18 remember specifically, but it's calculated based on a
19 previous Board direction as to what interest rate it
20 actually is calculated at.

10:19

21 A. MR. MOLLARD: So we credit the account every
22 year. If the fund is in a surplus balance, Mr. Epp
23 uses the formula that the Board directed us to use to
24 create an interest calculation and adds that to the
25 account. So the fund is grown as directed for surplus

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Questioned by The Chair

1 funds with interest.

2 Q. I see. Okay. And then correspondingly I assume that
3 if you ever had to draw down the funds significantly by
4 using your line of credit, the interest on the line of
5 credit would be a debit against that account. Is that
6 accurate?

7 A. MR. MOLLARD: That is correct.

8 Q. Okay. At this stage have you got a rough idea what the
9 value of the credit to the low water reserve fund is?

10 A. MR. MOLLARD: How much money is in the account? 10:20

11 A. MR. EPP: Sorry, are you talking about the
12 interest, the annual interest, or the actual balance?

13 Q. Yeah, sorry, the balance. I'm assuming that there is
14 a -- the balance is in a positive state. Particularly
15 given the volume of water we've seen over the last year
16 or so.

17 A. MR. MOLLARD: I want to suggest we're not -- we
18 haven't got the benefit yet because the water just got
19 here this year. So when Mr. Epp does the true-up for
20 2021, my expectation is that there will be a large 10:21
21 deposit into that fund reflecting the fact that we had
22 much more water this year than we have -- much more
23 water this year than long-term average.

24 A. MR. EPP: Yeah. I don't have the numbers
25 again offhand, but for forecasting purposes, the

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 balance is getting closer to -- it's between 0 and
2 2 million I'd say is where we're forecasting by the end
3 of this year.

4 Q. I see. Okay. Just useful to get a rough idea of where
5 it sits.

6 Now this line of questions will have some
7 relevance, to frame it, I guess, relative to the use of
8 rental diesels and so on.

9 So if I understand the evidence correctly, you've
10 got 15 rental diesel units ready to go into operation
11 at any one time; is that correct? With two as spares?

12 A. MR. MOLLARD: Correct.

13 Q. Okay.

14 A. MR. MOLLARD: To be clear, during the heating
15 season, December 1st to approximately April 20th.

16 Q. Okay. And then in the event, you know, of an N-1
17 event, you still -- you can throw the other two online
18 as well under Section 49 of the legislation?

19 A. MS. MILOJEVIC: Not quite, Mr. Chair. The two
20 spare units can't be used in addition to the 15.
21 They're there in case any of the 15 or if two of the
22 15 units wouldn't start during N-1. The spares are
23 there to start in their place.

24 Q. Oh, I see. All right. And those 15 units account for
25 how much capacity in total?

10:22

10:22

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 **A. MS. MILOJEVIC: 27 megawatts of dependable**
2 **capacity.**

3 **Q. Now, you've got a couple of projects in the offing, one**
4 **of which is the power purchase from the Taku River,**
5 **Tlingit -- was it on the Pine Creek? Pine Creek**
6 **Resource?**

7 **A. MR. HALL: Yeah. Surprise Lake, which was**
8 **goes into Pine Creek, yeah.**

9 **Q. And what would be the amount of power that you would**
10 **get from Atlin if it goes ahead?**

10:23

11 **A. MR. HALL: Subject to check, about**
12 **7 megawatts, I believe.**

13 **Q. Okay. And then the other one on the horizon is the**
14 **Moon Lake project. How far into the future do you**
15 **anticipate that would be before the power from that**
16 **project would come online?**

17 **A. MS. MILOJEVIC: The Moon Lake project, Mr. Chair,**
18 **has about a 10-year lead time, eight to ten years with**
19 **the size of the project. So in our 10-year renewable**
20 **plan I believe it comes online, subject to check,**
21 **around 2029.**

10:24

22 **Q. Okay.**

23 **A. MS. MILOJEVIC: So we would be looking in the 2030**
24 **mark.**

25 **Q. Okay. So that, presumably, would involve a variable**

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 amount of power, depending on water conditions and so
2 on; is that correct?

3 A. MS. MILOJEVIC: There is some inflow, as in energy
4 generation, from the plant that would vary with water
5 conditions, but really the plant's main purpose would
6 be twofold. It would be to provide 35 megawatts of
7 dependable capacity, which should be there regardless
8 of the water.

9 And then the second piece is that it provides
10 seasonal storage. Where it's a reversible hydro
11 facility, it means that we have spill here at
12 Whitehorse or access renewable electricity from the
13 IPPs in the summer. We can store it in the Moon Lake
14 reservoir until the winter, when we need it.

15 So that's really that purpose of the facility
16 rather than energy.

17 Q. Right. So if I understand, not being an engineer, but
18 if I understand correctly, you expend surplus energy to
19 pump water up to add to that reservoir when you've got
20 the surplus and then it would be available at a later
21 date to feed the system?

22 A. MS. MILOJEVIC: That's exactly right, yes.

23 Q. Okay. So in total, conceivably, you know, in
24 ten years, if both these projects go online, you've got
25 up to 42 megawatts of dependable capacity?

10:25

10:26

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 A. MS. MILOJEVIC: Yes. For those two projects, plus
2 the others considered in the plan. So, for example,
3 the battery project --

4 Q. Yes.

5 A. MS. MILOJEVIC: -- and the earlier ones, yes.

6 Q. Well, the battery project is not supplying additional
7 energy. It's more of a storage project; right?

8 A. MS. MILOJEVIC: Right. But it does provide
9 dependable capacity. So it doesn't provide us any
10 energy, but it does give 7 megawatts, so about four
11 rental units' worth, of dependable capacity.

10:26

12 Q. Okay. So I'm trying to -- what I'm getting at, I
13 guess, and this is sort of a going-forward projection,
14 and there are a number of variables that we're not
15 going to be entirely clear on, but one of the
16 variables, of course, is growth in demand or growth in
17 load on the system going forward. And I suppose
18 another variable would be IPPs that start feeding the
19 system.

20 Is there a time frame within which you expect that
21 YEC will be able to divest itself of reliance on any
22 diesel-powered generation?

10:27

23 A. MS. MILOJEVIC: So just to be clear, Mr. Chair, I
24 think are you referring to rental diesels specifically
25 or all diesel? Just to...

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Questioned by The Chair

1 Q. Well, yeah, let's look at the rental diesels, because,
2 you know, clearly there's an ongoing cost associated
3 with those.

4 A. MS. MILOJEVIC: So I think it might actually be
5 helpful to look at a figure from my response,
6 Mr. Chair, if we can. If we could go to the
7 consolidated Round 1 IR responses.

8 Q. Okay.

9 A. MS. MILOJEVIC: And in our response to
10 CW-YEC-1-36, Attachment 1. And I'll just grab the pdf
11 page reference here.

12 Q. 136? Oh, yes. Right. Oh, that's the renewable plan?

13 A. MS. MILOJEVIC: That's right, yes. I think the
14 figure might help illustrate here. If my mouse will
15 cooperate with me here.

16 Okay. So on pdf page 228 of the consolidation.
17 So of the 10-year renewable plan it's page 56.

18 Q. Yes?

19 A. MS. MILOJEVIC: So Figure 20, shown on that page,
20 the gold line, which is increasing, is essentially
21 during an N-1 event the amount of dependable capacity
22 we would need as it's the firm load we would have
23 during an N-1 event. And then the stacked bars are the
24 different resources that stack up to provide the total
25 amount of dependable capacity. There's a grey hatched

10:28

10:29

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by The Chair

1 bar that's labelled "Temporary rental diesel."

2 Q. I see.

3 A. MS. MILOJEVIC: So you can see that's a forecast
4 of how we reduce the reliance on rental diesels and
5 eventually eliminate it once all the new resources are
6 on over time as we add more dependable capacity through
7 building these permanent resources.

8 Q. Okay. So according to this chart, and if I'm
9 interpreting it correctly, by 2028, '29, all things
10 going well, you'd be able to wean off rental diesel
11 altogether?

10:30

12 A. MS. MILOJEVIC: That's the objective, yes.

13 A. MR. HALL: And, Mr. Chair, just to sort of
14 round out the thought process. You know, I think we've
15 made the comment several times that because of this
16 plan, the overall conclusion was that our rental
17 solution was appropriate given the, you know, the other
18 projects that we have in the hopper, I would say.

19 Q. Yes. Okay. And that, as well, I suppose, correct me
20 if I'm wrong, but that would factor into your decision
21 whether or not to stay with rental or to go with a
22 permanent diesel fixture?

10:30

23 A. MR. HALL: Yeah. I mean, I think I would say
24 that, you know, as we discussed in the prior days, you
25 know, we do revisit these resource plans at least every

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1 five years or, you know, subject to, you know, major
2 changes in our environment, such as policy change, for
3 example. But, I mean, if we had a major development,
4 either positive or negative, either in terms of how
5 that load is forecast to grow or, indeed, you know,
6 success or lack thereof with some of those new
7 projects, you know, we could revisit the idea of a more
8 permanent diesel facility. But at this time, you know,
9 we don't have that on the radar screen.

10 Q. Okay. So is this projection, is this something that
11 the YEC board reviews and approves?

10:31

12 A. MR. HALL: Well, specifically around the
13 development of this plan, yeah, absolutely.

14 Q. Okay.

15 A. MR. HALL: This 10-year renewable plan, yeah.

16 Q. Yeah. And this particular projection relative to the
17 chart and so on, is that something that the board
18 engages in or approves?

19 A. MR. HALL: Well, yeah. I mean, that
20 projection is -- is developed by Ms. Milojevic's group
21 based on the expected load contributions of primarily,
22 you know, population growth, but then also
23 electrification. And there's some uncertainty there
24 about how -- how quickly Yukoners are going to adopt
25 these electrification solutions, whether they be

10:32

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1 electric vehicles or electric home heating. We don't
2 have perfect foresight on what that looks like, but,
3 you know, the models that we use, you know, attempts to
4 model out those behavioural changes and policy-driven
5 changes as best we can.

6 Q. Okay. And do you have an in-house cost-benefit
7 analysis or business plan to support this document, the
8 10-year plan?

9 A. MS. MILOJEVIC: Yes. So the cost of the resources
10 were considered as part of selection of the portfolio
11 for the plan. So that's a key part of the long-term
12 planning, is looking at the available resources to
13 serve the needed energy and capacity and evaluating
14 their economics was part of the process done to select
15 this portfolio you see.

10:33

16 Q. Okay. Could I ask you to provide to the Board the
17 document or documents comprising this, whatever you
18 want to call it, this business plan or cost-benefit
19 analysis?

20 A. MS. MILOJEVIC: Yes. I think I can provide maybe
21 a reference on the record that might be helpful. And
22 it's in that same attachment, actually, in the plan.
23 It's on page 48 of the renewable plan, which in the
24 consolidated pdf of Round 1 IRs is pages 220 and 221.

10:33

25 And this gives a good sense of the metrics, and in

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1 particular we look at, as we've discussed I think quite
2 a bit during the last several days, Mr. Chair, the LCOC
3 and the LCOE, which gives a sense of the relative
4 levelized cost for providing the dependable capacity.
5 This plan is very much focused on our capacity
6 requirements given that we tend to have a surplus of
7 energy in certain months and that the capacity is
8 really where our major shortfall is. So that levelized
9 cost of capacity metric is what's been used.

10 And I will just note that one of the really key
11 assumptions underpinning this plan was the federal
12 funding to help reduce the cost of renewable resources
13 and positively impact the levelized cost of capacity as
14 in bring the price down of these resources.

10:34

15 Q. Okay. Yes. Well, these tables would be helpful. Do
16 you have any additional sort of narrative analysis that
17 perhaps you provided to your board to -- you know, to
18 assist the board in considering the plan? I mean this
19 document here is a public document. I'm enquiring if
20 you have anything that has gone to your board to help
21 them in understanding the pros and cons of the process.

10:35

22 A. MR. HALL: Mr. Chair, I think in general, in
23 terms of our board, there was nothing more prepared.
24 The discussion of what portfolio of resources, the
25 justification thereof I believe is in the document.

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1 There wasn't anything more -- more detailed information
2 that's not on the record at this time.

3 Q. I see. Okay. Thank you.

4 THE CHAIR: I think that covers the questions
5 I wanted to canvass with you, but I believe Ms. Middler
6 has some additional questions of the panel.

7 MS. MIDDLEL QUESTIONS THE PANEL:

8 Q. I have a number of questions that utilize a bunch of
9 different references, so I hope I can get them
10 straight.

10:37

11 A. MR. HALL: Ms. Middler, we're having trouble
12 hearing you. I don't know if you can move the
13 microphone.

14 Q. Is that better? Can you hear me now?

15 A. MR. HALL: Yes.

16 Q. Okay. I'll try to talk towards it like this.

17 Can we start with the IR responses consolidated,
18 pdf page 1408, YUB-YEC-1-22, Attachment 1. Let me know
19 if you have arrived.

20 A. MR. HALL: Yeah, we're there.

10:38

21 Q. Okay. I'm looking at the generation from the hydro
22 facilities. And I'm looking at the forecast output of
23 Aishihik for 2021, and it's significantly higher than
24 any of the other years over the last decade. And I'm
25 wondering if you can describe how Aishihik will be

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1 operating differently to achieve that level of output.

2 **A. MR. HALL:** I think we're going to have to
3 take an undertaking to dig into that, Ms. Middler.

4 **Q.** Okay. Thank you.

5 **UNDERTAKING - TO DESCRIBE HOW AISHIHIK**
6 **WILL BE OPERATING DIFFERENTLY TO**
7 **ACHIEVE THE LEVEL OF FORECAST OUTPUT OF**
8 **AISHIHIK FOR 2021 AS SHOWN IN THE**
9 **CONSOLIDATED IR RESPONSES, PDF**
10 **PAGE 1408, YUB-YEC-1-22, ATTACHMENT 1**

10:37

11 **Q. MS. MIDDLEL:** Perhaps we can go now to the
12 revised, the first IR revised, and go to page 17 of
13 that pdf, UCG-YEC-1-18 Revised. And I'm looking
14 at -- I don't think there's a table number, but it's
15 on -- yeah, page 17.

16 And there was some discussion yesterday around
17 installed capacity and dependable capacity. First of
18 all, are you at the table in question?

19 **A. MS. MILOJEVIC:** Yes, we are. Thank you.

20 **Q.** Okay. Good. And so I'm looking again at the hydro
21 resources, and I believe there was a bit of questioning
22 and response between Mr. Rondeau and Ms. Milojevic
23 around the dependable capacity for the hydro resources.
24 And I believe Mr. Rondeau asked about increased water,
25 and Ms. Milojevic said that the water availability

10:39

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1 doesn't affect the dependable capacity of the hydro
2 resources; is that correct?

3 A. MS. MILOJEVIC: That's correct, yes.

4 Q. What is the reason why there's such a significant
5 difference in the installed versus the dependable
6 capacity for the hydro? Is that constraints around
7 operating or what?

8 A. MS. MILOJEVIC: Yes. It's important, I think,
9 Ms. Middler, to note that for dependable capacity the
10 critical time period is the winter, and winter is
11 certainly when we have operating restrictions.

10:41

12 So, for example, several of our units have flow
13 restrictions in the winter to mitigate downstream ice
14 jam impacts, for example. So it's around how much we
15 can actually output the unit at in the winter given
16 those types of operating restrictions we have in place.

17 Q. Thank you.

18 A. MS. MILOJEVIC: And, sorry, just to add to that,
19 my colleague Mr. Mollard has just reminded me as well
20 that it is also about the water flows we see in the
21 winter versus the summer. So while a unit may be able
22 to output more in the summer, we have less water
23 actually coming to the facilities in the winter.

10:41

24 Q. Yes. Okay.

25 I wonder if we can go to the Exhibit B-11, the low

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Questioned by Ms. Middler

1 water reserve fund term sheet and reports. And I don't
2 really have a -- I don't think I have a specific
3 reference here, but I'm just looking at the reports in
4 term sheets of the forecasting for the water situation
5 in the summer of 2021. And so this document is dated
6 April 8, 2021, and it was talking about predictions,
7 recognizing that there would be more water in the
8 system this year because the snow load was more than
9 twice the average over the wintertime.

10 And in the term sheet report here it talked
11 about -- as of April of 2021 it talked about how the
12 levels could get up to 656.82 metres by the end of
13 August. When what happened was, in reality, it got
14 there and beyond -- it got there by the end of June and
15 peaked a few weeks later. So early July, July 10, sort
16 of exceeding those 2007 levels, and so that was a
17 difference of three-quarters of a metre in two months.

18 And I'm just curious, what was it about the model
19 that missed that? Or, you know, if you put the
20 temperature data in the model now, does it reflect that
21 or, you know, it just wasn't within the range of what
22 the model had predicted.

23 **A. MS. MILOJEVIC:** Yes, Ms. Middler, that -- one of
24 the big differences that happened for us between what
25 we would have forecast in April and what actually

10:42

10:43

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1 happened was a warm spell that was experienced in June.
2 So as the Board may be familiar, we had a snowpack this
3 last winter that was something around 200 percent of
4 normal, and then we had some very warm weather that
5 impacted both, we believe, snow melt and glacial melt,
6 which impact our reservoirs.

7 So just to give a sense of the magnitude here, the
8 inflows that we saw in, subject to check, I believe it
9 was the month of June, were double the historical
10 average and significantly higher than the historical
11 maximum.

10:44

12 So when you think about our models, they typically
13 do something like a P50, a P90 probability, so a one in
14 ten years or one in X year event, and we're talking
15 about seeing inflows that were upwards of -- I think
16 some of them that we were anticipating seeing were 1 in
17 500 or 1 in 1,000 year events. So our models wouldn't
18 look at such an extreme scenario.

19 Having said that, we experienced that scenario.
20 And so one of the activities we're undertaking is
21 looking at our modelling given what we experienced this
22 year and should we be looking at more comparators, or
23 how do we improve our modelling given the extreme
24 weather events that we've seen.

10:44

25 Q. Because you would have known that there was that, you

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1 know, 200 percent increase in potential inflows. It
2 was mostly about the rate at which it was inflowing?

3 A. MS. MILOJEVIC: That's exactly right. So those
4 very warm temperatures in the spring caused a much
5 faster melt than we'd ever seen. So typically even if
6 you had that higher snowpack, we knew that would likely
7 cause higher water elevations in Marsh Lake. But given
8 the normal rate of melt, it wouldn't have been so
9 extreme all at once. The system has a bit of a
10 bottleneck. So when you push that much water into it
11 in inflows, it can't get them out fast enough so you
12 get that elevation rise. And so it was the rate of the
13 melt due to unseasonably warm temperatures that drove
14 that difference from what we had forecast.

10:45

15 Q. Thank you. I wanted to move over to Exhibit D-1-2, and
16 that is John Maissan's presentation. I'm curious if
17 you had an opportunity to read it; and, if so, if you
18 have any general takeaways.

19 And if that's casting too broad a net, I have some
20 specific questions about topics that he raised.

10:47

21 A. MR. HALL: Let's go to specific questions,
22 Ms. Middler.

23 Q. Okay. He talks about the cost of studies. He quotes,
24 "in my view --" sorry, for the record, Mr. Maissan
25 quotes in his presentation: (as read)

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1 "In my view we are incurring a higher
2 level of study costs that is reasonable
3 for a small jurisdiction with a small
4 number of ratepayers. It is my belief
5 that, for a number of the activities and
6 capital projects, more practical and
7 modest approaches make sense for Yukon."

8 What is your perspective on that?

9 A. MR. HALL: I think it's a complex question
10 because we don't exactly know what he's referring to.
11 If I was to answer the question narrowly as it relates
12 to capital projects, budget certainty is an important,
13 you know, consideration in our business, because no one
14 is happy if the project goes over budget.

10:48

15 And so, you know, I think particularly with
16 Mr. Gazankas joining the company, we've really changed
17 our approach, and he can comment on this in a second,
18 but making sure that we're doing enough work upfront to
19 get a handle on scope, schedule, and budget.

20 And, you know, that's not going to mean that every
21 single project is going to, you know, come in on budget
22 because there are always uncertainties when you get
23 into execution. But we have, you from, from a
24 management perspective, taken some care and attention
25 to ensure that we're doing the appropriate amount of

10:48

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1 work upfront. And that's reflected in what might
2 appear to be increased study costs.

3 But in our view, in terms of addressing risk to
4 our business and to our capital program, it's
5 appropriate.

6 A. MR. GAZANKAS: I mean, just further to that, I
7 think, you know, the other aspect, that this is
8 exacerbated by the fact that, you know, in 2017 we saw
9 a \$20 million capital program and now we're realizing
10 somewhere upwards of 60 million. So, as a result, to
11 get this cost certainty and, you know, solid scoping,
12 we do require the use of consultants and studies to get
13 that cost certainty, scope certainty, et cetera.

10:49

14 A. MR. HALL: More generally in our business,
15 you know, one of the thematic that we talked about was
16 just general growth; and whether that's growth in the
17 capital program, which Mr. Gazankas just referred to,
18 growth in load, our current head count complement is
19 stretched. I mean, no one has spare time. We are
20 seeking to add to head count, as you would have seen,
21 but I would argue that some of what we've observed in
22 terms of consultant costs is just a reflection on
23 dealing with that growth and managing the business as
24 it grows.

10:50

25 Q. Thank you. Further in Mr. Maissan's presentation he

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1 talks a bit about the standing offer program. And to
2 digress a little bit, yesterday there was a question
3 about supply side management. And I believe that
4 Mr. Maissan's reference to YUB-YEC-1-34 (c), which --
5 where would that be. Page 1438. When the prospect of
6 having some winter rates for the standing offer program
7 was discussed, Yukon Energy responded that: (as read)

8 "Current policy directions on IPP
9 pricing for Standing Offer Program
10 projects do not include any provision
11 for lower prices to apply during summer
12 periods."

10:51

13 My question is, should it?

14 A. MR. HALL: I think if you look at the design
15 of the IPP program, that's clearly within the purview
16 of the Yukon government. So it's not in some ways
17 appropriate for us to comment on that.

18 I think in terms of some of the policy
19 developments that we might see, as you know, the
20 envelope of available energy for the IPP program has
21 been increased in Our Clean Future from 20 to 40
22 gigawatt hours, but there's a specific intent to cap
23 the solar component at 20 gigawatt hours, and to create
24 an allocation of 20 gigawatt hours for wind and small
25 hydro, for example, non-solar. And I think the

10:52

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1 thinking there was to provide -- ensure that we don't
2 get 100 percent solar generation, which exacerbates
3 this problem of a surplus of IPP energy in the summer.

4 So I think through another means they're arriving
5 at an outcome, which Mr. Maissan is seeking here, which
6 is a bit of a better balance within that IPP portfolio
7 between solar and non-solar resources that are a bit
8 more winter focused.

9 Q. How does the cost of Moon Lake relate to the cost of
10 solar on the grid?

10:53

11 A. MR. HALL: Ms. Middler, are you asking for a
12 comparison of the energy produced from a solar resource
13 compared to any surplus energy that Moon Lake might
14 produce? Is that what you're asking?

15 Q. Well, I guess, how is the -- the ability to utilize
16 some of the solar will be dependent on Moon Lake and
17 that investment. Is there any -- is that too -- is
18 that a bridge too far to consider them connected in
19 a -- in a financial capacity?

20 A. MS. MILOJEVIC: I think, generally speaking,
21 Ms. Middler, I would say that where -- through the
22 standing offer program requirements we're paying for
23 the energy in the summer. With the Moon Lake
24 project -- sorry, we're paying for the solar energy in
25 the summer. With the Moon Lake project, that seasonal

10:54

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1 storage that I was referring to means that currently
2 there's, you know, a good portion of the summer where
3 we will be acquiring solar energy and spilling at the
4 Whitehorse facility. Whereas in fact once we have
5 Moon Lake, the thinking will be we'll be able to
6 capture that spilled energy for use in the winter.

7 So essentially as a system coming from a whole
8 perspective, it allows us to better balance that energy
9 picture, which currently I think, as Mr. Maissan is
10 referring to, the solar sort of -- in the summertime
11 doesn't -- doesn't help that balance.

10:55

12 Q. Thank you. I just have one other question. Does
13 Yukon Energy have any information about how much energy
14 is exported to the grid from the microgen program?

15 A. MS. MILOJEVIC: Sorry, Ms. Middler, I'm just
16 trying to find the reference here. I think we have
17 that information on the record. If I could have just a
18 moment.

19 Q. And my further questions on that is, you know, what is
20 your understanding of what happens to those electrons
21 purchased by Yukon government from household solar
22 systems and are they purchased by anyone or are they
23 just given to ATCO, and does it materially result in a
24 reduction in wholesale?

10:56

25 A. MS. MILOJEVIC: So those kilowatt hours generated

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1 by the microgeneration program are measured and paid
2 out by Yukon government. From Yukon Energy's
3 perspective, they simply reduce the load. So we don't
4 see a -- you know, a generation and a load number. We
5 just see the net load after the microgeneration
6 program. I believe we estimate or we understand from
7 Yukon government that there should be about an
8 incremental additional 1.5 gigawatt hours from the
9 microgeneration program in 2021. I think we have a
10 reference of the program total as well. I just don't
11 have that at my fingertips here.

10:57

12 Q. So ATCO will use and sell that as opposed to drawing
13 down or buying from Yukon Energy?

14 A. MS. MILOJEVIC: I think it would be seen as,
15 again, the same from ATCO's perspective, just less load
16 from someone's home. So if a customer has a solar
17 panel on their home, it will feed from the solar first
18 and then from the grid. So essentially the grid just
19 does not need to supply the amount of load that the
20 solar supplies directly to the house. So there's no
21 real interaction between the solar and either of the
22 utilities.

10:57

23 Q. Well, there is -- it's an offset program, but there is
24 surplus that's exported to the grid after --

25 A. MR. HALL: Right. So we don't have access to

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1 that detailed analysis because, on the one hand, ATCO
2 is facing a reduction in sales overall compared to no
3 microgen program, right; but then they are getting the
4 benefit of those surplus electrons. But we don't have
5 the information to know how that math works out in the
6 end.

7 Q. Okay. That's fine.

8 MS. MIDDLE: Thank you.

9 THE CHAIR: Mr. Fortin.

10 MR. FORTIN: Good morning, panel. Can you hear
11 me? It's kind of difficult because you're facing the
12 panel and...

13 MR. FORTIN QUESTIONS THE PANEL:

14 Q. Well, I'll start with thanking you for keeping the
15 power on. I mean, sometimes you need a pat on the
16 back. And thank our new intervener, Mr. Yee.

17 Wow, I've got a bunch. Mr. Hall, I think you
18 mentioned earlier on that you had a 28 percent increase
19 above forecast of sales and a new peak. Could you tell
20 me if those are unexpected new peak and unexpected
21 volume of sales or it was just -- how did that
22 materialize?

23 A. MR. HALL: I'll focus on the peak first
24 because we did talk about that, I believe, on day 1.
25 And I would say that new record non-industrial peak

10:58

10:59

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1 that we saw in January of 2020, that was a bit of a
2 surprise. And the reason, Mr. Fortin, is it was a
3 particular weather event, sustained cold weather over,
4 you know, I think about a two-week period in that
5 January, that we hadn't seen in Yukon since the late
6 90's. And so, you know, we hadn't seen how Yukoners
7 behave when the weather gets that cold for that long.
8 And, you know, your behaviour when it's cold is quite
9 unique, right, and you get this effect where actually
10 the longer it's cold the more people use.

11:00

11 And so Ms. Milojevic's team had to revise their
12 models. Because you can appreciate 20 years ago, you
13 know, the state of the art modelling wasn't even what
14 we have today.

15 So it was a bit of a learning experience, and I
16 believe it added around 10 megawatts to the peak, that
17 we would have estimated. So that was a bit of a
18 surprise in a sense. But, as I said, because we saw
19 weather there that we hadn't seen in 20 years.

20 In terms of the energy forecast, I believe the
21 variability, there was some on the industrial side
22 compared to our expectations. Maybe Mr. Mollard can
23 speak to that.

11:01

24 A. MR. MOLLARD: Yeah. The largest portion of the
25 growth in industrial from 2018 approved to 2021

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Questioned by Mr. Fortin

1 forecast was certainly in the industrial area. We're
2 forecasting to add 70 gig to sales just through that
3 one customer class. And that would primarily be the
4 addition of the Victoria Gold load, as well as the
5 Alexco load becoming an industrial during that period.

6 Q. Okay. Thank you. Now I'll take you
7 to -- unfortunately I have a deluge of information that
8 we have received. Somewhere in the application there
9 is a cost for relocating a transmission line because of
10 highway realignment. And I don't remember the number.
11 Maybe somebody can chase it or we can...

11:02

12 My question is, if the highway realignment is
13 required by YG, why would the ratepayer have to pay for
14 the relocation of the transmission line?

15 A. MR. MOLLARD: It's a condition of our permit
16 with highways, that they have the authority to direct
17 us to move the line if required.

18 They're the ones that issue the authorization to
19 allow us to be inside the highway right-of-way, but
20 part of that deal is that they have the authority to
21 direct us to move if they require us to move, and we
22 have to -- we have to comply.

11:02

23 Q. So there is -- the highways has no downside? They can
24 ask you and you have to comply and the ratepayer pays
25 the cost?

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Mr. Fortin

1 **A. MR. MOLLARD:** **That is correct.**

2 **Q.** Okay. Now let's bounce to -- during Mr. Yee's cross
3 there was reference to reinstalling four diesel at Faro
4 and installing three new ones. So I want to expand on
5 the reinstalling the four diesel. When were the four
6 diesel removed from Faro? You could just pick a random
7 date. It's probably in the 90's, I would expect.

8 **A. MS. MILOJEVIC:** **I don't have the specific dates**
9 **here, Mr. Fortin. Just to provide perhaps some context**
10 **about the conversation. The uninstalled capacity would**
11 **have been related to either previous retirements or**
12 **derations; and we're talking in the context of the air**
13 **emissions permit. So that total capacity of**
14 **10.6 megawatts that were permitted to output had been**
15 **reduced previously due to the fact that we had reduced**
16 **the capacity at the site. But I do not have the**
17 **specific dates. I could -- if you would like, we could**
18 **undertake to provide those.**

11:04

19 **Q.** No. Where I'm going with this is there was four diesel
20 installed at some point in time. I could speculate
21 that some of those might have been relocated to Mayo.
22 My question is, then the reinstallation of four diesel
23 would have just tied into the existing infrastructure
24 of the former four diesels?

11:04

25 **A. MS. MILOJEVIC:** **So, again, that reinstallation**

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Questioned by Mr. Fortin

1 that was referred to was reinstallation of equivalent
2 capacity. There weren't four diesel units of the same
3 size moved back. It was that installation of the
4 rentals.

5 Q. I see Mr. Mollard is going to...

6 A. MR. MOLLARD: Sorry, Mr. Fortin. We're trying
7 to reflect on history. So our permit obviously goes
8 back to the times when the Faro mine was running and I
9 think we had upwards of six or seven units on the site.
10 And as you correctly postulate, we've moved most of
11 those units around, some to Dawson, some to Mayo.

11:05

12 But my recollection is that the infrastructure
13 that we had that tied those units in was no longer
14 available when we came back to site to install those
15 rental units. So we had to -- we had to basically
16 rebuild the plug-ins for those units to be able to plug
17 them into the substation at Faro.

18 A. MR. GAZANKAS: And this is Mr. Gazankas. And I
19 think further to that, part of the issue was aging
20 infrastructure and existing buildings, and the other
21 side of it was putting infrastructure in place such
22 that we could reuse it in the future to install the new
23 thermal, the new diesel machines when we performed the
24 diesel replacement project. So we were able to utilize
25 that infrastructure we put in place for the rentals in

11:06

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1 the future for the diesel replacement project. So it's
2 not a sunk cost in the future.

3 Q. Okay. WH4 ventilation and uprate. I'm referring to
4 the Hatch report. So YUB-YEC-2-23 (a), page 9 of 56.
5 There's a few questions in there for me. I do believe
6 that one of the questions to the IR as to the
7 temperature, YEC stated that they were reducing the
8 power output of the unit to 80 percent. So I guess
9 it's a statement, not really a question.

10 When I look at this efficiency curve here, and
11 this is basically just an observation, I can see that
12 probably somewhere at 80 percent is where this
13 particular generator makes the most efficient use of
14 the water, and that's just an observation for future
15 for my mind.

11:08

16 This heating problem at number 4, does that occur
17 year round?

18 A. MR. GAZANKAS: No, it does not. It actually
19 occurs during the summer months.

20 Q. Okay. When you referred earlier on to HVAC system,
21 just refresh my memory, what does HVAC stand for?

11:08

22 A. MR. GAZANKAS: My apologies, this is
23 Mr. Gazankas. Heating ventilation and air
24 conditioning.

25 Q. Are you telling me -- are you suggesting that air

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1 conditioning might be part of the solution?

2 A. MR. GAZANKAS: Some type of chilling, cooling
3 system. I'm not sure if it's specific to air
4 conditioning. It's an industrywide term. So basically
5 we're looking at the ventilation and cooling the air.
6 It could be through air conditioning or some type of
7 chiller system, but at this point still not determined.

8 Q. Okay. If you can please turn to page 17 of that
9 report, at the bottom there. We are told that the
10 design limit for the unit is 100 degrees C and there
11 should not be any problem with the uprate and it's a
12 conservative design. So earlier on you alluded to the
13 fact that you shut down the unit at 90 degrees C?

11:10

14 A. MR. GAZANKAS: We actually alarm at 90 degrees C.
15 But, you know, we're somewhat conservative in that we
16 would shut down prior to meeting the maximum
17 temperature. It's a very good question in that this is
18 part of what we're looking at right now in terms of
19 whether or not we can actually -- and part of the heat
20 test run is whether we can actually increase the limits
21 and the set points on our SCADA system so that it
22 doesn't turn off or alarm at 90 and doesn't shut
23 off -- or turns the unit off later. So we're looking
24 at basically if we can run the unit a little hotter and
25 not damaging the unit and the stator. So we are

11:10

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1 looking at that.

2 Q. Okay. Thank you. I'm brushing up on my examination
3 here. Given that this overheating happens in the
4 summer and assuming that you have lots of water in the
5 summer, wouldn't it be just simple to run it at
6 80 percent for the three days that are hot in the
7 summer? I'm just being facetious here.

8 A. MR. GAZANKAS: Well, I believe the reason is that
9 we want maximum output from that unit.

10 Q. Okay. So just to retrospect, the heating problem is -- 11:11
11 the high temperature problem occurs only in the summer.
12 In the summer -- I know you want maximum output, but in
13 the summer there is lots of water coming down the
14 canyon. So I'm just suggesting one could just reduce
15 the load.

16 A. MR. HALL: Mr. Fortin, I think the goal with
17 WH4 in the summer is to maximize the output, get as
18 many megawatts as you can. So if we derated WH4 during
19 the summer, we'd have to get those megawatts somewhere
20 else. So I think the idea is we want to run WH4 flat 11:12
21 out in the summer. And that was one of the
22 justifications actually for the operating project as
23 well.

24 Q. Okay. Thank you. Going back to that lovely Hatch
25 report, I go to the conclusion at the back. On page 20

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1 of 56, the last bullet: (as read)

2 "There will be added turbine
3 cavitation..."

4 So I'm just wondering, have you monetized that, or what
5 does that look like? Are we improving the performance
6 of the machine and then we're going down a rabbit hole
7 where we have this bullet where it says there will be
8 added -- and then there is on the following page,
9 page 21, above the reference, it says an evaluation of
10 the generator design by the OEM should be done because
11 there might be a few more issues creeping up.

11:13

12 I'm just wondering are those -- have those been
13 tabulated in the project or is this just future expenses
14 to come?

15 A. MR. GAZANKAS: Those haven't been tabulated in
16 the project, and, you know, we're uncertain around
17 whether or not those are going to -- you know, we're
18 going to realize future expenses in the project. As
19 part of the recommendations, and recommendations we
20 received from all consultants, is that we will now
21 closely monitor this and obviously repair when
22 required. Or if required.

11:14

23 Q. Okay, so that's for WH4. That StatCom, or actually
24 the -- I've got StatCom, N-1, and rental diesel, a few
25 questions. So I'll start with the N-1.

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Questioned by Mr. Fortin

1 Is it fair to assume that any generator, the N-1
2 is to deal with an Aishihik transmission line problem
3 so that any generation on the integrated system can
4 contribute to the N-1?

5 **A. MS. MILOJEVIC:** Yes, that's correct, Mr. Fortin,
6 with a small exception. There is a small amount of
7 generation at Haines Junction that's excluded from the
8 calculation because if the transmission line were
9 disconnected, that generation would be unavailable.

10 **Q.** Okay. During the BESS hearing, we were told that the
11 BESS can operate in the four quadrants. It can supply
12 energy, it can soak up energy, it can supply VAR, it
13 can soak up VAR. Is that sort of equivalent to a
14 StatCom?

11:15

15 **A. MR. GAZANKAS:** It is to an extent. But when we
16 look at our use cases for the energy storage system,
17 and Ms. Milojevic can possibly elaborate on this as
18 well, our use cases are primarily for using it to
19 provide that dependable capacity when required.

20 And as such, you know, we need to be cognizant of
21 the fact that using it for different functionalities
22 actually can limit the life of the battery. I can't
23 speak, you know, specifically as to whether or not that
24 would be the result here in terms of absorbing and
25 supplying bars, but the primary use of this battery is

11:15

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1 for N-1.

2 Further to that, however, the StatCom devices and
3 sync condensers, they are built and designed
4 specifically for supplying that voltage support.
5 Battery can, but it's not its primary use.

6 Q. Okay. So I was just using the BESS project as a
7 reference that -- the BESS project, I'm not suggesting
8 any -- I'm just exploring this a little bit. For right
9 now the StatCom -- just correct me if I'm wrong, but
10 the StatCom is not installed, not in service?

11:17

11 A. MR. GAZANKAS: The StatCom actually is installed.
12 We are beginning commissioning starting Monday and
13 testing over the next month. So we're expected to be
14 in service in late October, early November.

15 Q. Okay. And the StatCom is -- so Alexco is in service,
16 Victoria Gold is in service, we've had no StatCom up
17 until today. Do we need it because of the projected
18 load of the mines or -- or what's the benefit today?

19 A. MR. GAZANKAS: Yeah. So the benefit today, you
20 know, serves two purposes. One is obviously, you know,
21 in the event -- or when we have an event on the system,
22 you know, a transient event like a lightning strike or
23 a tree striking a line, and it's not a sustained fault,
24 it will stabilize the system. It will see that fault.
25 There will be voltage variations, the StatCom will

11:17

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1 respond, and ultimately resulting in system
2 stabilization.

3 Pertaining to Vic Gold and Alexco, it's very
4 similar in nature. When they're operating normally the
5 StatCom will still be -- will still operate, but not to
6 the extent to a fault, to the extent where we have an
7 event like a fault. But, you know, what happens is if
8 you look at the way the mine is set up, they have a
9 primary crusher, and what -- it's a very large motor.
10 And so when they dump rock into that crusher, you could
11 have the motor binding. And what happens is that looks
12 like a fault event on the system, and it will
13 essentially draw -- it will spike in load and it will
14 draw the system voltage down. So the StatCom in that
15 instance will actually stabilize the system as well.

11:18

16 But under normal operating conditions for the
17 mines, it's fine, but it does protect systemwide
18 against those transient faults: trees, lightning,
19 conductor slaps in the winter, et cetera.

20 Q. Is there any contribution from the mine for that
21 particular piece of equipment?

11:19

22 A. MR. GAZANKAS: Absolutely. So as previously
23 mentioned, there's 75 percent federal funding for that
24 project. Of the remaining 25, 85 percent of that
25 remaining 25 will be funded by the industrial customers

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Questioned by Mr. Fortin

1 on that line. And I believe that's Alexco and
2 Victoria Gold.

3 Q. So we're talking specifically the StatCom is being
4 partly paid for by the mine?

5 A. MR. GAZANKAS: Partly paid for by the mine, but
6 there's a significant federal contribution. It is the
7 entire Mayo-McQuesten transmission project. So it
8 includes the transmission line from Mayo to McQuesten,
9 as well as the StatCom and substation upgrades at
10 Stewart Crossing South.

11:20

11 Q. Good. Thank you. My next question is for Mr. Hall. I
12 guess the function of the utility, you've got to keep
13 the lights on to best service your -- the clients. And
14 this has to do with -- Mr. Landry might pipe in there,
15 and that's okay. When directives come from YGs or
16 policy come from YG to electrify the grid, when EMR or
17 those energy people, I'll call them, give good bonuses
18 for people to install heat pumps, when other people
19 install the thermal storage, which I think Mr. Hall has
20 talked to -- you know, like, when it's cold,
21 eventually -- Yukoners, after two weeks of being cold,
22 they go to the big box store, who has pallets and
23 pallets of heaters. And they plug them in and they
24 say, "we'll pay when we have to pay."

11:21

25 My question is, if the government or these various

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1 agencies are driving up the demand in the consumption,
2 what representation is YEC making to these authorities
3 to say, "look, you're really driving up my cost. I'm
4 scrambling to maintain generation. How about we see
5 some cash"?

6 A. MR. HALL: Yeah, that's a great question,
7 Mr. Fortin. And I think -- you know, there's a couple
8 of tangible examples where that kind of dialogue goes
9 on. And, you know, I think in general when we looked
10 at Our Clean Future -- and we had a seat at the table. 11:22
11 Not so much in terms of the design of Our Clean Future,
12 but we were aware of what it was going to include and,
13 therefore -- I think we spoke about this on day one of
14 the hearing, that that was one of the key reasons why
15 we chose to update our resource plan and develop the
16 10-year renewable plan.

17 So we saw what was coming, both in terms of the
18 program spending that you're referring to, but also the
19 fact that, you know, in fairly short order here we're
20 going to have a *Clean Energy Act* that will put into law 11:23
21 a requirement for us to meet this renewable portfolio
22 standard; right?

23 So we saw what was coming. We adjusted our plans
24 accordingly. But we did have a very important
25 discussion with our shareholder about, well, what are

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1 the implications of this. And, for example, that chart
2 that Ms. Milojevic showed about this capacity gap, you
3 know, we had a lot of conversation about the federal
4 funding piece.

5 And so I would say there's a lot of collaboration
6 around accessing, for example, the funds that Yukon get
7 through the green infrastructure funds of what's called
8 the ICIP program, which are federal funds that are
9 given to Yukon essentially to build out green
10 infrastructure. And they provided substantial funding
11 for the battery project out of that pot. So the
12 battery is a great example of Yukon government using
13 its allocation of federal funding to support our plan.

11:23

14 Another example would be the Atlin project, which
15 also needs significant federal funding, or grant
16 funding in general, for the economics to work for
17 ratepayers. And, again, if I look at loading up that
18 funding stack, a portion will come from Yukon
19 government and a portion directly from the feds is the
20 current plan.

11:24

21 So I think there's good concrete examples through
22 the battery and Atlin of that collaboration at work.

23 Q. And I think it's one last question from -- probably for
24 Mr. Mollard.

25 Did you ever pick up the phone and tell Finning

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Questioned by Mr. Fortin

1 how much the cheque has to be to buy these 17 units?

2 A. MR. MOLLARD: No. I mean, it was -- again, I
3 think -- we talked a little bit about our plans on how
4 we intended using these units, our experience with
5 these units and, you know, saying it as plainly as I
6 can, we just never really considered that as a
7 realistic option.

8 Certainly, for the last seven units that we got
9 for Faro, they weren't even owned by Finning, they were
10 owned by some other affiliate company, so I don't think
11 they could even have made that offer.

11:25

12 But, honestly, Mr. Fortin, we never really
13 considered it at the time.

14 Q. Okay. Well, I'll just add on to that question.

15 So the N-1 criteria, if I remember right, is an
16 event that's forecast to occur for two weeks every
17 20 years. Am I correct?

18 A. MS. MILOJEVIC: I believe it's one in ten years is
19 the probability assigned.

20 Q. Okay. In a previous life, Northern Canada Power
21 Commission had at Faro a turbine, which was a 737
22 engine coupled to a generator fit in a nice 40-foot
23 container, provided 10 megawatts. Are we not
24 contemplating buying a couple of those and spinning
25 them up once in a while, and when N-1 happens, they're

11:26

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1 there.

2 A. MR. HALL: Okay. There's a couple of ways to
3 respond, Mr. Fortin. I mean, the one is we -- in the
4 Chair's questioning, Ms. Milojevic showed the plan,
5 which very certainly shows that the rental solution is
6 temporary. It doesn't last forever. For us to
7 consider buying, you know, a gas turbine, that asset's
8 around for 40 years, but we don't need it for 40 years
9 because we're going to be bringing on other renewable
10 assets into the system.

11:27

11 So, again, the approach of renting has to be seen
12 within the context of what else is going on in the
13 business and whether the projects we're -- we're
14 working on.

15 I think we did -- I do recall getting a quotation
16 for rental of a gas turbine, and I think it could even
17 run on LNG, but those things are very finicky units,
18 and you can't bring them in and out on a temporary
19 basis. For one, they have to be set up and very
20 carefully installed, and you wouldn't want to be moving
21 a gas turbine around on an annual basis.

11:27

22 So, really, the most appropriate solution that was
23 available were the rentals that Finning -- units that
24 Finning had.

25 A. MR. MOLLARD: And just to add onto that. So we

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Questioned by The Chair

1 are -- you know, as I think we've made it pretty clear
2 on the record, we believe rental is still the best
3 option for us. That being said, we are looking beyond
4 what CAT can provide or Finning can provide to us.
5 There's a number of companies out there that specialize
6 in remote generation and have approached us. It's a
7 small world, so people know we're renting thermal
8 units. They have approached us.

9 And so, I mean it's a no-cost option to me because
10 I'm not putting anything into it, I tell them what I
11 need for generation and they go away and see if they
12 can put together a competitive package.

13 So we are trying to look at ways to meet this
14 need, you know, at the best cost for our ratepayers in
15 Yukon, but we are, you know, obviously pretty committed
16 to that rental solution for this temporary capacity.

17 Q. I think that's the last of my question.

18 THE CHAIR: Panel, if you'll forgive me, I
19 have one more point that I'd like circle back and
20 canvass with you.

21 THE CHAIR QUESTIONS THE PANEL:

22 Q. When we were talking about the appeal decision that
23 came out earlier this year, I happened to note
24 the -- or compare the date of the appeal decision,
25 which was February 5th with the date on the OIC that

11:28

11:29

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Questioned by The Chair

1 came about.

2 Obviously, as a consequence of that decision, the
3 OIC was dated February 11th, which strikes me as
4 nothing short of miraculous when it comes to the pace
5 with which OICs typically progress through cabinet,
6 which leads me to infer that perhaps that OIC was in
7 the works sometime before the Court of Appeal decision
8 came out.

9 Mr. Hall, or any member of the panel, do you have
10 any information in that regard?

11:30

11 **A. MR. HALL:** Mr. Chair, as I said yesterday, or
12 the day before, we did have conversations with
13 government around the topic of an OIC; but, again, I
14 just want to be very clear, that we have no ability
15 to -- to influence how quickly that -- those OICs
16 progress through the system or indeed what the outcomes
17 are.

18 I've had my hand rapped several times by
19 suggesting that I might even be able to attend a
20 Cabinet meeting to talk to them about it, and have been
21 explained in no uncertain terms that that's just not
22 possible.

11:31

23 So, yeah, that is completely up to cabinet, and
24 they guard that prerogative very closely.

25 **A. MR. MOLLARD:** Based on what we know of their

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Questioned by The Chair

1 process, it was started long before that Court of
2 Appeal decision was released.

3 Q. Yes. You know, considering it had to be translated
4 into French and so on, there's a lot that goes into an
5 OIC, which leads me to enquire whether, perhaps as a
6 result of what transpired at the appeal hearing itself,
7 whether the proverbial writing was on the wall, you
8 know, based on the court's response to the submissions
9 at the time of the hearing. Is that a fair conclusion?

10 A. MR. MOLLARD: Can you try that one again,
11 Mr. Chairman? I'm not sure I'm understanding your
12 question.

11:32

13 Q. Yeah. As a result of what occurred at the appeal
14 hearing, did you get any information, you know, as to
15 what -- you know, what the court's decision might
16 likely be?

17 Often, commentary by a panel of judges in the
18 Court of Appeal can lead one to think that they're with
19 you or not with you on your argument. So I'm just
20 wondering whether or not following the appeal hearing
21 itself, you had reason to think that you might have to
22 get an OIC to correct for what the court might
23 pronounce?

11:32

24 A. MR. MOLLARD: I think it was more the opposite,
25 Mr. Chair. We didn't -- we didn't have clarity from

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Questioned by The Chair

1 the government on what they were -- we knew they were
2 working on an OIC related to DSM, but we did not have
3 clarity from them on exactly what it would cover, and
4 they wouldn't provide that to us.

5 So we held on to our appeal on the off chance they
6 didn't protect us, which they ended up not doing, and
7 we lost the appeal anyways.

8 Q. Okay. Were these -- now, maybe I can just clarify.
9 Your conversations with government, was that with the
10 EMR department?

11:33

11 A. MR. MOLLARD: No, that was with employees of our
12 shareholder. We don't -- I don't typically correspond
13 with the people that write the OICs. It's through our
14 shareholder, Yukon Development Corporation.

15 So, without saying what was in the OIC, he just
16 told me, "I can't tell you if you're going to get that
17 or not."

18 Q. Okay. So you're essentially -- YEC is one step removed
19 from the government as shareholder?

20 A. MR. MOLLARD: That would be a correct
21 characterization, yes.

11:34

22 Q. Okay. So in these conversations -- did these
23 conversations occur before the appeal was launched?

24 A. MR. MOLLARD: No, after. We were -- we had
25 already, subject to check, I think we already had leave

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Questioned by The Chair

1 to appeal, and so when we became aware that the
2 board -- that the government was going to issue an OIC,
3 they publicly came out and said they wanted to support
4 DSM and that the OIC became a real thing, that was when
5 we were enquiring with them, and said, "Okay, well, do
6 I still need to continue with my appeal because these
7 things cost a lot of money," and that's when they came
8 back and said, "Well, I can't tell you whether you're
9 going to get coverage for that, so you should continue
10 with your appeal."

11:35

11 Q. Okay. That's my question, I guess, is, you know, if
12 you already had, at least to some extent, the ear of
13 the government, and the government having the power to
14 essentially nullify the need for -- to proceed with the
15 appeal, you know, why did the appeal proceed.

16 And was there any consideration in terms of
17 delaying the appeal to allow the political process to
18 decide whether or not to issue an OIC?

19 A. MR. MOLLARD: No, we had already gotten leave to
20 appeal, and we'd been given a court date to advance
21 that issue. Again, the -- we knew the
22 YUB -- appreciate, the appeal is dealing specifically
23 with historical costs, so we knew the YG wanted to
24 issue an OIC to deal with prospective costs because
25 they wanted DSM to be part of our future supply, but we

11:35

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Questioned by Ms. Middler

1 couldn't get clarity from them on whether we felt
2 that -- whether they were going to cover our historical
3 costs with the OIC.

4 As a utility, we felt that those were valid costs
5 and that we should be reimbursed for those. So, with
6 that level of uncertainty from the shareholder, we
7 needed to proceed with the appeal.

8 Q. Fair enough. Okay. Thank you. I don't have any
9 further questions on that.

10 Anything arising?

11:36

11 THE CHAIR: Sure. Go ahead. Speak up.

12 MS. MIDDLEL QUESTIONS THE PANEL:

13 Q. Mr. Hall mentioned the *Clean Energy Act*, and I'm
14 wondering if you could speak to how you predict that
15 new legislation would influence or affect Yukon
16 Utilities Board decisions?

17 A. MR. HALL: Well, Ms. Middler, that's the
18 10,000 question, isn't it? Because our supply -- we
19 will have specific requirements to meet in terms of our
20 supply mix.

11:37

21 So it will impact the way in which projects are
22 presented because it won't -- it will no longer be a
23 pure economic test. There will have to be some
24 recognition of what a particular supplied project does
25 or does not do to our ability to meet that act.

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Middler

1 I would also point out that the -- what's also in
2 Our Clean Future is an intent for Yukon government to
3 look at updating the *Public Utilities Act* itself, which
4 may provide some clarity in this area in terms of what
5 the YUB's mandate is or the rules in which you operate,
6 but I suspect that that's going to be a longer term
7 initiative than the *Clean Energy Act*. I believe we've
8 been told informally that the *Clean Energy Act* is
9 probably going to come first.

10 But this might be an area where you seek to engage
11 with the Department of Justice just to get some -- have
12 a dialogue, because I think from our perspective,
13 better to have your Board involved in that conversation
14 rather than just receiving -- being on the receiving
15 end of these government actions.

16 THE CHAIR: Yes. Well, and we have learned
17 that an amended or overhauled *Public Utilities Act* is
18 in the works, but the timeline for that, as you
19 indicated, is likely rather longer than the
20 *Clean Energy Act*. Sounds like the *Clean Energy Act* is
21 fairly imminent --

22 A. MR. HALL: And maybe Ms. Milojevic can
23 comment based on her experience in Nova Scotia, because
24 I believe they had a similar situation.

25 A. MS. MILOJEVIC: Yes. I think that the Nova

11:38

11:39

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Questioned by Ms. Middler

1 Scotia -- where I worked in this sphere, and in other
2 jurisdictions, certainly, that I'm aware of that have
3 renewable portfolio standards, it becomes part of the
4 consideration of the economic test, so that you're
5 still trying to obviously have a prudent economic
6 project, but it needs to be in the context of the
7 legislation the utility has to abide by with respect to
8 the energy mix.

9 So there's a number of ways that it influences,
10 for example, the LCOE comparator or LCOC comparator.
11 And so we just have to work through how those
12 justifications change with the mandated renewable
13 amounts.

11:39

14 So that was how they addressed it in Nova Scotia
15 specifically, for example, was the comparator became a
16 renewable comparator to meet that supply mix.

17 Q. Okay. Be interesting to see whether or not this
18 pending legislation has any impact directly or
19 indirectly on the Board's jurisdiction, because if the
20 Board's jurisdiction under the *Public Utilities Act* is
21 out of sync with what the utility itself is required to
22 do under the new legislation -- so, but the Act hasn't
23 passed yet, and if the government sees fit to alter the
24 Board's jurisdiction to deal with these changes, you
25 know, that might resolve the problem. Interesting to

11:40

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Re-examination by Mr. Landry

1 think about, and we'll see in due course, I suppose.

2 So I think that's all the questioning from the
3 Board.

4 Mr. Landry, do you want to take a little time to
5 prepare yourself for any redirect or are you ready to
6 go now?

7 Because we can take -- start the noon break
8 earlier.

9 MR. LANDRY: Just in the interests of everybody
10 here, I think I can do a couple of questions,
11 Mr. Chair, and then maybe we can take our break and I
12 can gather my thoughts.

11:41

13 I think there will be a bit more redirect than I'm
14 normally used to, but I think I could probably get a
15 few out of the way --

16 THE CHAIR: Sure. That's great. Go ahead.

17 MR. LANDRY RE-EXAMINES THE PANEL:

18 Q. Now, I guess I'll direct this at you, Mr. Hall, and if
19 you need to -- if you need to hand it over to your
20 colleagues, please do so.

11:42

21 But, obviously, there's been -- and just to give
22 context as to where I'm going here on the specific
23 redirect -- this is really to deal with the whole issue
24 of the need for the rentals, the N-1 requirement, and
25 the issue of what work was done to determine the rental

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1 units as the alternative, so just so you know where I'm
2 going.

3 Now, there was a line of questioning, Mr. Hall, by
4 Mr. Rutherford about whether certain or various items
5 were -- were included in what he, I guess, called a
6 "business case," I'm not sure about the definition of
7 business case, but he talked about business case, and
8 the transcript reference for those that are interested
9 is on September 27th starting at page 31.

10 And, Mr. Hall, and you mentioned this a couple of
11 other times since then, but you indicated that there
12 was a cold snap in January of 2020 that obviously
13 impacted the grid and the need for dependable capacity.

14 I wonder if you could, first of all, explain,
15 because there will be a number of questions that will
16 go, what that cold snap was, what we're talking about
17 here in terms of temperatures, and what period of
18 time -- I think you mentioned it, but it would be good
19 to revisit that -- but, more importantly, in terms of
20 the question, what amount of increased megawatts was
21 required for your N-1 capacity requirements because of
22 that cold snap?

23 **A. MR. HALL:** Certainly. So, I think we talked
24 about that a little bit this morning; but, yeah, so
25 January 2020, we saw a period of sustained cold

11:43

11:43

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1 weather, I think in Whitehorse it was well below
2 minus 40 and, you know, it was both -- so it was both
3 the absolute temperature, but the duration that
4 was -- that combination, as I said, we hadn't seen
5 since the late 90's; and, you know, we observed a
6 non-industrial peak that was approximately 10 megawatts
7 higher than our models would have suggested, which was,
8 you know, quite a learning for us.

9 And, you know, we had to immediately adjust our
10 plans because we had to think immediately about the
11 next winter and what were we going to do.

11:44

12 So we had the whole of 2020 to -- you know, at our
13 disposal to put those plans in place, but as you can
14 appreciate, it's not a lot of time when you have to put
15 infrastructure in place, you have to procure, in this
16 case, more rentals, but I think the situation we faced
17 is, there was really no other option but to procure an
18 additional approximately 10 megawatts' worth of
19 rentals.

20 So -- and then there was an accompanying
21 initiative to look at the whole permitting side, which
22 has been well examined through Mr. Yee's questioning,
23 but I'll just focus on the capacity side. (a) we had
24 no other option and we had to get going immediately,
25 and so that involved two activities: One engaging with

11:45

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1 Finning to secure the additional rental units, which as
2 Mr. Mollard outlined, was not simple. Finning had to
3 search basically all of North America through their
4 affiliate network to get those units.

5 And (b) we had to, I think Mr. Gazankas has
6 described, put in an infrastructure project so we could
7 connect those extra rentals to the system in Faro. And
8 so they worked hard through the summer and fall of 2020
9 to put that infrastructure in place.

10 But it was all geared around executing really the
11 only available option that was at our disposal given
12 the learnings of January 2020.

13 Q. So if I can just focus in on that for a moment, if I
14 understand that, so, in 2020, when you -- in the winter
15 of 2020, when you hit that cold snap, you did not have
16 enough dependable capacity, in fact, you were low by
17 10 megawatts to supply the load in the Yukon. Is that
18 a fair statement? If Aishihik had went down,
19 obviously.

20 A. MR. HALL: Yeah, well, we had a shortfall. I
21 don't know if it was quite 10, but, yeah, we were in a
22 shortfall position, yes.

23 Q. So if I go to what you did, which is to the winter of
24 20 -- let me get this right now -- 2021, if you were
25 faced with that cold snap, that same cold snap, that

11:46

11:46

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1 same peak, did you, Yukon Energy, have the capacity,
2 the dependable capacity, to meet the N-1 requirement?

3 A. MR. HALL: Yeah, I mean, through the actions
4 we took in 2020, this past winter we were in a much
5 better position, yeah.

6 Q. And did the Faro diesel units, that was part of that,
7 obviously?

8 A. MR. HALL: Oh, absolutely. Yeah. I mean,
9 the -- yeah.

10 Q. Now, Mr. Gazankas, I wonder if you could help me a
11 little bit with the infrastructure requirements that
12 were required for the diesel rental units. There's
13 been a number of questions on it, including some by the
14 Panel.

15 Based on your experience, sir, and given the time
16 frame that you had to put something in place by the
17 winter of 2021, how well did Yukon Energy fair in your
18 experience?

19 A. MR. GAZANKAS: Extremely -- this is
20 Mr. Gazankas -- extremely well. Just to, you know,
21 maybe go into a little more detail of the process that
22 the organization, engineering and operations, undertook
23 to get us to that point is, you know, we realized the
24 cold temperatures, we had to get -- we realized the
25 peak, the new record peak; we got together as a team,

11:47

11:48

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1 we highlighted and identified a solution.

2 Then what we did is, from an engineering
3 perspective, at a high level, due to time, we developed
4 a scope and a high level estimate.

5 Then we actually went to market as part of our
6 competitive process and policy here. We went to
7 market, and, you know, based on our estimate and the
8 market pricing coming in, we believed that we could
9 self-perform and complete this project much less than
10 what the market had shown us.

11:49

11 So we took it upon ourselves. We procured
12 material, we ordered material, we did a full-blown
13 design, and we constructed a substation within six
14 months, and, you know, in the utilities space, that's
15 quite remarkable, in my opinion.

16 Q. I was on mute, I apologize.

17 Just to put real context into this, Mr. Hall, in
18 terms of Aishihik -- and we'll talk about Aishihik
19 facility or line going down in January, which is what
20 we're talking about here -- has that ever happened in
21 the history of Yukon Energy?

11:50

22 A. MR. HALL: In January of 2006.

23 Q. And did the backup diesels in that case take care of
24 the load?

25 A. MR. MOLLARD: We had a number of challenges

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1 during that time period, that -- 15 years ago, my
2 memory is a bit weak, I know we did do a full report to
3 this utilities Board on what actually happened, but we
4 did have a number of challenges with getting our own
5 thermal assets online when we lost that plant.

6 MR. LANDRY: Okay. Maybe, Mr. Chair, just
7 looking at the time and looking at my notes here that
8 what we could do is take the break now, and I'll
9 continue my redirect after the break?

10 THE CHAIR: That sounds fine. So we'll break
11 until 10 to 2. Gives us two hours. Okay?

12 MR. LANDRY: That's fine, thank you.

13 THE CHAIR: Thank you. Enjoy your lunch.

14 (PROCEEDINGS ADJOURNED AT 11:51 A.M. PST)

15 _____

16 PROCEEDINGS ADJOURNED TO 1:50 P.M. PST

17 _____

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11:51

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1 Volume 3
2 September 29, 2021
3 P.M. Session

4

5 (PROCEEDINGS RESUMED AT 1:57 P.M. PST)

6

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8 (For Yukon Energy Corporation), previously affirmed

9 THE CHAIR: Okay. All in attendance?

10 Go ahead, Mr. Landry.

13:58

11 MR. LANDRY: Thank you, sir.

12 Okay. I wonder if people could have up before
13 them -- I'll have a couple of introductory questions
14 before that, but it's going to relate to this IR. It's
15 one that we've heard in a number of questions about --
16 both by Mr. Rutherford and Ms. Graham, and I think
17 others, including the Panel. And it's CW-2-6, which is
18 Exhibit B-26, and it is pdf pages, sorry, 11 to 14.

19 So if people could have that up before them.
20 We'll move into that from a couple of introductory
21 questions I have.

13:59

22 Once you have that, Mr. Chair, if you could just
23 tell me.

24 THE CHAIR: Mr. Landry, were you referring to
25 B-26?

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1 MR. LANDRY: Yes. The IR consolidations No. 2.

2 THE CHAIR: Oh, okay. Hang on. I'm looking
3 at the wrong one here.

4 A. MS. MILOJEVIC: I believe it's Exhibit B-27, if
5 that's helpful.

6 THE CHAIR: B-27. Right. That's one with the
7 Hatch report in it?

8 MR. LANDRY: That I'm not sure of, sir. If it
9 helps, it's CW-2-6 and the pdf numbers are 11 to 14.

10 THE CHAIR: 1114?

14:00

11 MR. LANDRY: No, sorry, 11 to 14.

12 THE CHAIR: Oh, pages 11 to 14.

13 MR. LANDRY: Pdf pages, yeah.

14 THE CHAIR: Yeah, we've got it. Thank you.

15 MR. LANDRY: Good. That was one of the reasons
16 why I wanted to deal with it before I started my
17 questioning. So thank you, sir.

18 **MR. LANDRY RE-EXAMINES THE PANEL:**

19 Q. This one, I think, I believe is over to Mr. Hall.

20 Mr. Hall, in answer to a number of questions in
21 relating to this whole shortfall in dependable capacity
22 that we've been talking about here, you referred back
23 to the shortfall first being identified in the 2016
24 resource plan, which I understand was filed in the
25 2017-18 GRA. I wonder if you could explain what was

14:01

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1 done in that resource plan, from that resource plan,
2 and the process involving that resource plan to both
3 identify and cost options that might be available to
4 rectify that shortfall.

5 A. MR. HALL: Certainly. So as part of that
6 resource planning process in 2016, we took a very wide
7 look at a number of different types of resource
8 options. And those were studied largely through
9 third-party studies, which were completed as part of
10 the resource planning exercise. So we looked at a
11 number -- you know, we looked at hydro, pump storage,
12 thermal, diesel plant, geothermal, wind. It was a wide
13 selection of different options. And there was sort of,
14 you know, costing done by independent consultants which
15 fed into that analysis as part of the resource plan.

14:02

16 And, you know, what came out of it -- so the
17 results of the 2016 resource plan was a portfolio of
18 options. And I would note that at that time projects
19 such as the battery project was identified. At the
20 time a 20-megawatt permanent diesel plant was also
21 identified.

14:02

22 So, you know, the history of those projects goes
23 back to the 2016 resource plan time.

24 Q. Okay. And what I'm trying to understand, sir, is how
25 extensive was the analysis of the various options that

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1 you just referred to that ultimately led to, say, the
2 battery and the 20-megawatt diesel plant? Like, how
3 extensive was that and how much work did you do with
4 your outside consultants to ensure that you had
5 reviewed the landscape?

6 **A. MR. HALL:** Yeah. I mean, I think the -- as
7 far as resource plans go, I would argue it was an
8 extensive analysis. In fact, you know, this Board had
9 concerns about the costs, the amount of money we spent,
10 and that was partly a reflection on the amount of rigor
11 that we applied, I would argue.

14:03

12 So I'm comfortable that we did a comprehensive
13 scan of available technologies and options and that the
14 costs were well quantified for the purposes of that
15 planning.

16 **Q.** And, sir, you mentioned in response that one of the
17 options, vis-a-vis the rentals and the shortfall, was a
18 20-megawatt permanent diesel plant?

19 **A. MR. HALL:** It was, yes.

20 **Q.** Now I will refer the Board to CW-YEC-2-6, which is,
21 just to bring back everybody's memory, it was -- this
22 came up in the questioning by Mr. Rutherford, and it
23 also came up in the questioning by Ms. Graham, and I
24 believe effectively came up in some of the questions
25 raised by the Panel.

14:04

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1 And I want to take you, sir, to that document.

2 MR. LANDRY: And just for context, Mr. Chair,
3 if you give me a bit of indulgence here, I just want to
4 read the first question off that was asked.

5 Q. And it was, and I quote: (as read)

6 "Please confirm that no 'analysis or
7 business case' comparing the cost of
8 owning generation and renting diesel
9 generation exists. If not confirmed,
10 please provide copies of all analyses or
11 business cases that YEC had done or
12 prepared comparing the cost of owning
13 diesel generation to the cost of
14 diesels."

15 And, sir, if you go to the next page of the IR, which is
16 the response to (a), where it says "not confirmed," do
17 you see that, Mr. Hall?

18 A. MR. HALL: Yeah.

19 Q. There it talks about that 20-megawatt diesel plant that
20 we just referred to that came out of the 2016 resource
21 plan. I wonder if you could put a little bit of
22 context into what was done after the resource plan and
23 ultimately what happened.

24 A. MR. HALL: Yeah. The work focused on two
25 things. We did work to identify particular allocations

14:05

14:05

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1 for a greenfield plant around Whitehorse. And as part
2 of that work, I believe there was a bit of technical
3 work done to scope out how large the plants would be,
4 because we needed to prepare information for engagement
5 with the public and with stakeholders. So we would
6 have had preliminary layouts, et cetera just to give
7 the public and stakeholders a sense of what this new
8 plant might look like.

9 We then engaged in -- you know, in extensive, you
10 know, outreach with various public meetings, one-on-one
11 stakeholder meetings to get some feedback on, you know,
12 views towards a greenfield 20-megawatt plant in the
13 vicinity of Whitehorse, which is our load centre.

14 You know, the outcome of that engagement was of
15 very significant concerns, I would say, universally
16 about, you know, the appetite for a greenfield diesel
17 plant in the vicinity of Whitehorse.

18 Q. And do I take it that from the answer to that, that it
19 was this public engagement process and what you got out
20 of that, that you at least at that time stopped the
21 assessment of the 20-megawatt plant?

22 A. MR. HALL: Yes. I would say it was a
23 confluence of different factors. Certainly it was the
24 result of this public engagement, which our board, you
25 know, considered very carefully. I would say, you

14:06

14:07

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1 know, going on at the same time, so this would be 2019,
2 there was -- you know, the Our Clean Future was
3 starting to be developed, the whole issue of public
4 policy both at the federal and territorial levels
5 towards climate change was developing. I think the
6 urgency of public action towards climate change I would
7 say was accelerating at that time. And, you know, the
8 confluence of those factors. So we knew what Our Clean
9 Future was going to have in it. We had what we had
10 learned from the public engagement. Our board put
11 those two together and really decided that, you know,
12 the corporation was not going to pursue a 20-megawatt
13 diesel plant further.

14:08

14 Q. Okay. So I want to ask you a question, really, that
15 arises out of that, because, as you know, this GRA is
16 for a test year period 2021. And my question to you,
17 sir, is you did that public engagement, I think you
18 mentioned in 2019. How long -- if you had decided to
19 go ahead at that point in time, how long would it have
20 taken to plan, to permit, because it's above
21 5 megawatts, how long would it take to plan, permit,
22 and construct, even on an optimistic basis?

14:08

23 A. MR. HALL: It would probably be a four-year
24 exercise, because, as you reference, it's above
25 5 megawatts so you're looking at an executive level

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1 screening by YESAA, which typically is 12 months or
2 more just for YESAA. So, yeah, four years is a good
3 number to use.

4 Q. So four years from 2019. That would have taken it to
5 2023?

6 A. MR. HALL: Correct.

7 Q. Ms. Milojevic, given that you're the planning person,
8 would you agree with that assessment by Mr. Hall as to
9 how long it would take to plan, permit, construct a
10 20-megawatt diesel plant?

14:09

11 A. MS. MILOJEVIC: Yes, that is -- would be a similar
12 estimate as I would provide, yes.

13 Q. Thank you. And, sir, if you go to pdf, I believe it is
14 14, and it mentions another option of a 12.5 megawatt
15 owned diesel plant. Do you see that?

16 A. MR. HALL: Yes.

17 Q. And, sir, so this was another option that at least was
18 costed out by Yukon Energy?

19 A. MR. HALL: Correct.

20 Q. It talks about a Midgard estimate for such a greenfield
21 diesel located. Who is Midgard?

14:10

22 A. MS. MILOJEVIC: Midgard is a third-party expert
23 consulting firm that was retained to develop cost
24 estimates for some of the resource options that we've
25 looked at.

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1 Q. And this would have been done, I assume, post 2019?

2 A. **MS. MILOJEVIC:** I believe it was either in late
3 2019 or early 2020, Mr. Landry.

4 Q. Ms. Milojevic, maybe I'll ask you since you are the
5 planning person. Assuming one went ahead with that,
6 which I see was a Takhini option that ultimately turned
7 into a City of Whitehorse option, assuming that YEC
8 decided to go head with that option, could we assume
9 that it would be the same amount of time frame, around
10 four years, before it would be employed?

14:11

11 A. **MS. MILOJEVIC:** Yes, you could. It would have the
12 similar assessment requirements for a greenfield site
13 as a 20-megawatt option. So that four-year estimate is
14 still reasonable for that size.

15 Q. Thank you. Now, I want to go to another document, and
16 it's from the first round of IRs. So before I make a
17 mistake on what exhibit that number is, it's the first
18 round of consolidated IRs.

19 MR. LANDRY: My reference is B-9. I'm not
20 sure, madam registrar, whether that's the correct
21 exhibit, but it's -- the one I'd like to refer to is
22 CW-1-6. I'm sorry, I have the wrong reference here.
23 Just give me a second.

14:12

24 I'm sorry, it's CW-YEC-1-36, and it's the
25 attachment to 1-36, which is the 10-year renewable

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1 electricity plan. Perhaps people could get that up.
2 It's pdf page -- it starts at 173, but the pages that
3 I'm going to be referring to are pages that were
4 questioned on this morning, pages 220 to 221. Pdf 220
5 to 221.

6 And, Mr. Chair, if you could just tell me when
7 you're there.

8 THE CHAIR: We've got it. Thank you.

9 Q. MR. LANDRY: Now, Ms. Milojevic, you were asked
10 a couple of questions regarding the resource plan this
11 morning, and you referenced a few things in the
12 resource plan. And maybe just so everybody recalls, it
13 was first the graph, which I believe was on pdf 228.
14 Do you recall that?

14:14

15 A. MS. MILOJEVIC: Yes, I do. Thank you.

16 Q. And then you took the member -- asking the questions to
17 pages -- pdf pages 220, I guess it's through to
18 page -- maybe 220, 221, which is "Refined List of
19 Future Potential Resource Options." Do you recall
20 that?

14:15

21 A. MS. MILOJEVIC: Yes.

22 Q. And there was a number of questions -- I believe it was
23 from the Chair, but I could be mistaken -- about what
24 additional information that you might have put before
25 your board at this point in time, and Mr. Hall gave a

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1 question [verbatim] to that. I want to pursue that a
2 little bit more. And maybe Mr. Hall can help, too, on
3 this.

4 I'd like to know what background information was
5 required and what was undertaken by YEC, first of all,
6 to identify these various options, small hydro, wind,
7 solar, diesel, et cetera, to identify them, and not
8 only to identify them, but to cost them in the manner
9 in which you had to do in order to identify these as
10 potential options for -- for future resource
11 development.

14:15

12 A. MS. MILOJEVIC: As a 10-year renewable resource
13 plan, we started with the list of all the resource
14 options that were considered in the 2016 resource plan.
15 So Mr. Hall earlier had talked about the amount of
16 effort and study undertaken in that process to identify
17 resource options.

18 For the purposes of the 10-year renewable plan,
19 that list of full available resources was refined into
20 a subset of preferred resource options. So,
21 essentially, the full list was pared down and we
22 eliminated options that were deemed to be fundamentally
23 uneconomic, located too far from existing or proposed
24 transmission infrastructure, too large for the need of
25 the Yukon Integrated System, or that had been

14:16

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1 superseded by other options eliminated from the list.

2 So, basically, we had a list of 92 resource
3 options identified from the 2016 resource plan, and it
4 got narrowed down to that 19 resource options based on
5 that screening.

6 Following that screening, for those 19 resource
7 options, we did an update of their technical
8 attributes. So we would have looked at the information
9 from the 2016 resource plan and identified what needed
10 to be updated, and done that through third-party
11 consultants, which then forms the basis for the summary
12 that's shown in the table on the pdf pages you were
13 referencing.

14:17

14 So, for example, small hydro options, a
15 third-party expert might consult, would have done a
16 desktop review of the hydroelectric projects that went
17 from studying -- I believe it was in the range of
18 120 different options down to a list of five. So all
19 of that same sort of study of resource options and
20 their economics underpin the findings that are
21 summarized in the future potential resource options
22 table I had referred to earlier.

14:17

23 Q. And, Ms. Milojevic, if people wanted to ask for or see
24 that documentation, that would be open to them?

25 A. MS. MILOJEVIC: Absolutely, yes. And I believe

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1 most of the details of the work we've tried to include
2 in our plan, but certainly if there was anything that
3 wasn't shown, we would provide that, yes.

4 Q. And, Ms. Milojevic, as vice president in charge of
5 planning for the purposes of resource development,
6 that's a fair way of describing it, is it not?

7 A. MS. MILOJEVIC: Yes.

8 Q. In your view, madam, the amount of work that was put in
9 to come to these resource plan options, was it
10 appropriate?

14:18

11 A. MS. MILOJEVIC: Absolutely. I believe it was a
12 thorough update of the options and assessment, and then
13 modelling done of the economics to -- with the
14 renewable target to come to the most economic portfolio
15 to meet the demand.

16 Q. Now, just before we go to some follow-up redirect on
17 some of the questions on revenue requirement, Mr. Hall,
18 I'd like to go to you.

19 There's a question, I believe, by Mr. Fortin, I
20 think there was a couple of other questions throughout
21 the cross-examination of the panel regarding the
22 possibility of purchasing the rental diesels, and
23 perhaps even reselling the rental diesels. And
24 Mr. Fortin specifically asked a question, if I
25 recall -- and I apologize, Mr. Fortin, if I don't have

14:19

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1 it exactly right, but asked the question, well, why
2 didn't you phone Finning and ask whether or not you
3 could purchase -- or did you phone Finning and ask
4 whether or not you could purchase. Mr. Mollard's
5 answer, my notes indicates no. And then there was a
6 little bit more of a response as to some of the
7 reasons.

8 But I want to put it to you, sir, as the president
9 and CEO of the company responsible for safe and
10 reliable power to the Yukon, sir, what is your view as
11 to whether or not that was considered or should have
12 been considered as a realistic option?

14:19

13 **A. MR. HALL:** Briefly, I don't believe it's a
14 realistic option that we would have been able to
15 quantify economically in an adequate fashion at the
16 front end.

17 **Q.** And why is that?

18 **A. MR. HALL:** And I can go into the reasons for
19 that if you'd like.

20 **Q.** Please.

14:20

21 **A. MR. HALL:** Well, you can imagine that, you
22 know, a strategy to rent, the rental costs are known at
23 the front end. If we were to look at an option to
24 purchase and then sell again in the future, we have to
25 look at, firstly, you know, what certainty we have

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Re-examination by Mr. Landry

1 around those overall economics. Then the practicality
2 of buying and selling units potentially on an annual
3 basis.

4 So I'll deal with each of those in turn.

5 So the first thing about cost certainty, I know of
6 no way that we could have confirmed the sale price of
7 the units four, five, eight years down the track to an
8 adequate level of certainty that our board would have
9 been comfortable that we had a handle on the economics.
10 So that's the first point.

14:21

11 In terms of practicality, you know, I'll draw
12 folks attention to Figure 20 again in the 10-year
13 renewable plan, and I'll just get a reference there.

14 Q. I believe that's pdf 228.

15 MR. LANDRY: Mr. Chair, do you have that?

16 A. MR. HALL: Yeah, that's it. So Figure 20.
17 And then Ms. Milojevic referred to this earlier.

18 So you can see that the height of the hatched grey
19 bars, the temporary diesel rental, varies over time.
20 So you can see as additional resources are brought
21 online through to 2024, so that would be the battery
22 for example, plus the Atlin project, the number of
23 rentals would drop. So we would be buying diesels,
24 then selling them and then lo and behold after 2024 the
25 height of that bar starts growing again. So we'd have

14:21

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1 to be buying again.

2 So this whole idea of getting into the business of
3 trading pretty much on an annual basis diesel engines,
4 I mean, that's not our business, and I wouldn't be
5 comfortable with us getting into that line of work.

6 So given that profile of how many rentals we need,
7 I think the idea -- renting gives you a lot more
8 flexibility in terms of being able to determine the
9 number of rentals on an annual basis and not having to
10 buy and sell and trade those units.

14:22

11 Also, as we've seen, there's some uncertainty to
12 all of this, of course. So how quickly load grows, it
13 has some uncertainty associated with it. And renting
14 is an appropriate way of accommodating that
15 uncertainty. If we were buying, we would be locking
16 ourselves in, and then having to respond in a much more
17 inflexible way to changes in circumstance.

18 So I think if I look at those two factors
19 together, the idea of buying rental units and then
20 selling them again we just viewed as not being a
21 practical solution for the company.

14:23

22 Q. Okay. Thank you, sir.

23 Now, to go to some questions, more technical
24 questions, on revenue requirement, I wonder if I could
25 switch my questions over to you, Mr. Epp.

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1 Ms. Graham, you'll recall, took you to the labour
2 component that is forecast for the 2021 test year. Do
3 you recall that?

4 **A. MR. EPP:** **Yes, I do.**

5 **MR. LANDRY:** And just for the record, and
6 perhaps if need be, Mr. Chair, to have up, the
7 application is Exhibit B-1. The pdf pages I believe
8 are 55 to 59, or alternatively the page numbers were
9 from 3-9 to 3-13. And if, Mr. Chair, you could tell me
10 when you're there.

14:24

11 **THE CHAIR:** Yes, we've got it. Thank you.

12 **Q. MR. LANDRY:** Mr. Epp, just for the record, the
13 questioning occurred at the transcript yesterday at
14 page 291 and following.

15 Now, sir, Ms. Graham took you through a number of
16 the new positions that are forecast for 2021. Do you
17 recall that?

18 **A. MR. EPP:** **Yes, I do.**

19 **Q.** And as I understand, basically most of them were -- had
20 been filled, but some of them had not. Do you recall
21 that?

14:25

22 **A. MR. EPP:** **Yes.**

23 **Q.** Just in relation to the unfulfilled positions and the
24 fact that you're making a forecast in the 2021, I
25 wonder if you could comment on how the vacancy rate

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1 that is assumed in the application would impact the
2 issue of whether or not a position is filled or not
3 filled?

4 **A. MR. EPP:** Yeah. So the... Can you repeat
5 the question, Mr. Landry?

6 **Q.** I'm trying to get an understanding -- maybe it was me,
7 I wasn't articulate, sir. I'm trying to get an
8 understanding -- she went through some that were
9 filled, most filled, some that were not. I'm trying to
10 get an understanding how the vacancy rate interplays
11 with unfulfilled positions in terms of a forecast.

14:26

12 **A. MR. EPP:** So, Mr. Landry, when we are
13 calculating the costs for labour and revenue
14 requirement, we do add up all the costs for the
15 103 positions that we are asking for.

16 From that cost we deduct a vacancy factor, which
17 in this case was a vacancy rate of five employees that
18 we assumed would be unfilled for calculating the costs
19 of revenue requirement.

20 Now, we don't go into specifics on that number of
21 five vacancy factor because we just don't know
22 which -- at the time of preparing this we just don't
23 know which positions will be filled and which won't be,
24 and the reasons for that can vary from year to year.

14:26

25 So the fact that positions are unfilled is

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1 expected. Yes, there might be differences between
2 actuals and forecast, but it's not a surprise that some
3 positions are unfilled at a certain point in time.

4 Q. And just so we have it on the record, sir, what is the
5 vacancy, I don't know whether you call it rate or
6 vacancy factor that is included in the forecast in this
7 application?

8 A. MR. EPP: The vacancy rate included in this
9 application is five.

10 Q. Thank you, sir.

14:27

11 Mr. Mollard, there were a number of questions that
12 were asked of you by Ms. Graham, I believe it was this
13 morning, it could have been yesterday, and maybe it was
14 a combination of both, where she went through a number
15 of capital projects that were forecast to go into rate
16 base in the 2021 year.

17 And then in the update, I believe it was in
18 YUB-YEC-2-17, no need to go there, but it showed that
19 some of those projects were going to be deferred into
20 2022. And there was, I believe a question, and I'll
21 use my words, not hers, because I don't have them
22 written down specifically, but something to the effect
23 would those -- do you still effectively keep those
24 projects in the forecast. And your answer was, I
25 believe, yes. And I just wanted to know why would you

14:28

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
Re-examination by Mr. Landry

1 keep them still in the forecast?

2 A. MR. MOLLARD: Well, I think it's -- I mean, it's
3 a principle of this regulatory process that we do these
4 things on a test year basis and we forecast out what we
5 think is going to happen. Pretty much the day after
6 the application is prepared, just about every number in
7 the application can change. The fact that those
8 forecasts have changed can mean many different things,
9 but at the end of the day the utility lives with the
10 risk of that.

14:29

11 You know, we were talking about this a little bit
12 offline and we -- you know, one of the things to
13 recognize, that sometimes when those projects in that
14 application are deferred, the reason they're deferred
15 is because we had another priority project come up that
16 we had to do. So we were still spending capital
17 dollars in the year. It may not have been on that
18 project, but, you know, we have to -- we have to be
19 able to be flexible enough to shift to priority
20 projects where that's required.

14:30

21 Q. And so, sir, if I just -- you mentioned capital, and
22 that was the question, but would the same apply for
23 your forecast in O&M expenses?

24 A. MR. MOLLARD: Absolutely. To the extent that
25 those numbers change, that's my risk.

A. HALL, E. MOLLARD, M. MILOJEVIC, G. GAZANKAS, J. EPP
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1 A. MR. EPP: And, sorry, Mr. Landry, if I could
2 add to that. With O&M, we don't -- when we budget O&M,
3 we really budget to what we -- we already know is going
4 to be spent or expect to be spent. We don't have any
5 slush fund money, or whatever you want to call it, in
6 O&M. So when something unexpected comes along in O&M,
7 it's more than likely going to be an extra cost. We
8 aren't going to be able to find an offset usually on
9 O&M.

10 A. MR. MOLLARD: And I think that's demonstrated on
11 the record. If you look at our history of ROEs, we're
12 more often below our allowed ROE than above. So if
13 something is going to happen, it's going to cost us,
14 and we eat that as the utility.

15 Q. So, you talked about Board directions and updates. If
16 you were directed to do an update, in your mind would
17 it be appropriate to just update certain matters?

18 A. MR. MOLLARD: No, I wouldn't think so. I think
19 if there's updates, we have to be careful about picking
20 out just individual projects. I think it needs to be a
21 fulsome update of all the projects, to be fair to both
22 parties, to all parties.

23 Q. Thank you, sir.

24 MR. LANDRY: If I could just have a moment,
25 Mr. Chair.

14:30

14:31

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1 THE CHAIR: Yes, go ahead. Apparently

2 Mr. Rondeau is wanting to speak to something.

3 Mr. Rondeau.

4 MR. RONDEAU: Yes, thank you very much. I had
5 my hand up for quite some time now but...

6 THE CHAIR: Well, we weren't going to
7 interrupt Mr. Landry in his questioning. So we have a
8 moment now if you want to -- if it's important.

9 MR. RONDEAU: I understand that. I would like
10 to interject on the way that Mr. Landry asks certain
11 panel members their opinions on projects. For example,
12 he asked Ms. Milojevic her opinion on appropriateness
13 of the costs and outcomes of the 10-year plan.

14 Also Ms. Milojevic, he asked a similar type of
15 opinion on the N-1 diesels in Faro.

16 I don't think these are appropriate.

17 THE CHAIR: Okay. Mr. Rondeau, this is not a
18 court of law, and there is far more latitude to be
19 allowed in the manner of questioning, and that includes
20 all parties and interveners. So --

21 MR. RONDEAU: So I'm not allowed to give my
22 opinion, but they are?

23 THE CHAIR: I don't recall denying you the
24 opportunity to express an opinion about something. So
25 your objection is denied, and the Board is quite

14:32

14:33

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Re-examination by Mr. Landry

1 capable of weighing the evidence and the responses
2 given without reliance on the strict courtroom rules of
3 evidence. This is an administrative proceeding and
4 there is a more relaxed approach to the formal rules of
5 evidence.

6 So...

7 MR. RONDEAU: Thank you.

8 THE CHAIR: There you go.

9 Go ahead, Mr. Landry.

10 MR. LANDRY: Sir, those are all the questions
11 that I had in redirect. Thank you very much for taking
12 the time to allow me to do that.

13 THE CHAIR: Very well. Okay. We have now...
14 All right. So I believe we have next on the list City
15 of Whitehorse. And I understand Mr. Bell will be your
16 witness, Mr. Rutherford?

17 MR. RUTHERFORD: Correct, yes. The City of
18 Whitehorse witness panel consists of Mr. Russ Bell of
19 Russ Bell and Associates. So if Mr. Bell can turn on
20 his camera, I'd ask that he be sworn before I ask him a
21 few preliminary questions.

22 THE CHAIR: Yes. He'll be sworn by the court
23 reporter.

24 MR. LANDRY: Mr. Chair, I wonder, while that is
25 just being set up, I assume that the panel is now

14:34

14:35

RUSSELL BELL

1 complete from YEC. Obviously I have not been speaking
2 to the panel, and I just want to make sure that's the
3 case given that the intervenor evidence is now being
4 called.

5 THE CHAIR: Okay. I don't think -- I mean,
6 you've had your redirect. I don't see any other reason
7 to keep the panel if they are wanting to stand down.

8 MR. LANDRY: I think it was for me, sir, just
9 to make sure, and you can appreciate this, just to make
10 sure that I'm now free to speak to my client,
11 obviously, and --

14:36

12 THE CHAIR: Oh, yes, yes, yes, of course.

13 MR. LANDRY: That's my only concern. Obviously
14 the panel is complete, so...

15 THE CHAIR: Yes. No, they're done and you're
16 free to speak with your client.

17 (PANEL STANDS DOWN)

18

19 **RUSSELL BELL** (For City of Whitehorse), sworn

20 MR. RUTHERFORD: So, Mr. Chairman, given that not
21 all members of the Board may have past experience with
22 Mr. Bell, I'd like to take a moment to have him provide
23 some information about his qualifications and
24 experience before we get started, if that would be all
25 right.

14:37

RUSSELL BELL**Examined by Mr. Rutherford**

1 THE CHAIR: Yes, for sure.

2 MR. RUTHERFORD: Thank you. And just for the
3 Board's reference, Mr. Bell's curriculum vitae is
4 attached as Appendix A to the evidence he prepared on
5 behalf of the City of Whitehorse. So that is
6 Exhibit C-3-6, for your reference.

7 **MR. RUTHERFORD EXAMINES THE WITNESS:**

8 Q. So, Mr. Bell, with reference to Appendix A to the
9 evidence you prepared on behalf of the City of
10 Whitehorse for the purpose of this proceeding, can you
11 please briefly describe your education, training, and
12 experience for the Board with focus on anything you
13 believe to be particularly pertinent to your appearance
14 in this proceeding?

15 A. Yes, thank you. I am a chartered professional
16 accountant. I hold a bachelor of commerce degree from
17 the University of Alberta. For the past 40 years, I
18 have worked in the utility industry. The first 20
19 years were in the ATCO group in Canadian Western
20 Natural Gas and in their IT division, and ATCO I-TEK as
21 controller.

22 For the last 20 years I have worked in
23 Russ Bell & Associates representing the interests of
24 small customers in utility rate proceedings.

25 I have participated in over 100 files and

14:37

14:38

RUSSELL BELL**Examined by Mr. Rutherford**

1 proceedings before boards such as the Alberta Utilities
2 Commission, the British Columbia Utilities Commission,
3 the Northwest Territories Public Utilities Board, and
4 the Yukon Utilities Board.

5 I have provided testimony on 62 different
6 occasions with 38 appearances before these bodies.

7 Q. Perfect. Thank you, Mr. Bell.

8 And now, was the evidence that I noted a few
9 moments ago, namely, Exhibit C-3-6, which is evidence
10 filed on behalf of the City of Whitehorse in this
11 proceeding, and the curriculum vitae attached to it as
12 Appendix A, was that prepared by you or under your
13 direction and control?

14 A. Yes, it was.

15 Q. Thank you. And do you have any corrections to make to
16 anything within that exhibit?

17 A. I have one small correction in my evidence. Bear with
18 me while I call it up.

19 In my evidence at answer 13, on pdf page 10, the
20 last sentence reads: (as read)

21 "For the number of customers and size of
22 load, it may be well too onerous to
23 conduct a multivariate regression
24 analysis such as the one that ATCO Gas
25 does, but it would be well within the

14:39

14:39

RUSSELL BELL**Examined by Mr. Rutherford**

1 **capability of YEC."**

2 **And then to add to that:**

3 **"To prepare a simple linear regression."**

4 **And that is the only correction I have.**

5 Q. Okay. Thank you. And so with that correction, are the
6 contents of Exhibit C-3-6 in this proceeding true and
7 accurate, to the best of your knowledge and belief,
8 Mr. Bell?

9 A. **Yes, they are.**

10 Q. Thank you. And do you adopt Exhibit C-3-6 as filed on
11 the record as your evidence on behalf of the City of
12 Whitehorse in this proceeding with that minor
13 correction you've indicated?

14 A. **I do.**

15 Q. And do you understand your duty to be fair -- duty to
16 provide fair, objective, and non-partisan evidence to
17 the Board in this proceeding?

18 A. **I do.**

19 Q. Thank you. And are you willing and able to fulfill
20 that duty today, Mr. Bell?

21 A. **I am.**

22 Q. Thank you.

23 Board Chair, the witness is available for
24 questioning.

25 THE CHAIR: Thank you. Ms. Graham -- sorry.

14:40

14:40

RUSSELL BELL**Cross-examined by Mr. Landry**

1 Mr. Landry. You got any questions for Mr. Bell?

2 MR. LANDRY: I do, Mr. Chair, but I would
3 think, in the normal course, given the other
4 interveners, that perhaps it would be Mr. Yee and
5 Mr. Rondeau that would go first, and then I'll go after
6 that --

7 THE CHAIR: Oh, yes. Right.

8 Mr. Yee, are you ready to proceed? Mr. Yee?

9 MR. YEE: Sorry, I forgot to unmute there.

10 Is there a way that Mr. Rondeau could proceed
11 first as I am unfamiliar with exactly what this part of
12 the process is.

14:41

13 THE CHAIR: Well, if you've got some questions
14 of Mr. Bell in relation to his report, this would be
15 your opportunity.

16 MR. YEE: Okay. No, I don't, actually.

17 THE CHAIR: Very well.

18 Mr. Rondeau?

19 MR. RONDEAU: No questions, Mr. Chairman.

20 THE CHAIR: Okay.

14:42

21 Mr. Landry, over to you.

22 MR. LANDRY: That was quick. Okay.

23 **MR. LANDRY CROSS-EXAMINES THE WITNESS:**

24 Q. Mr. Bell, do I understand that you would have, I
25 gather, listen to most of the testimony that was

RUSSELL BELL**Cross-examined by Mr. Landry**

1 provided by YEC's panel?

2 **A. I did, yes.**

3 Q. And do I take it, sir, that you reviewed the YEC's
4 application carefully?

5 **A. I did.**

6 Q. And that would include all of the information relating
7 to the need for rental diesels?

8 **A. The need for diesel generation capacity, yes.**

9 Q. Okay. I take your point.

10 And would you at least agree with me, given that
11 I've seen your evidence and the answers to the various
12 questions, that there seems to be a disagreement as to
13 what constitute a business case or a business plan for
14 various options?

15 **A. I would say that I have outlined what a business case
16 for spending \$3.8 million a year should entail in my
17 evidence, yes.**

18 Q. And you would agree with me that YEC has a different
19 view, that they believe that they have brought forth
20 the proper assessment; correct?

21 **A. I understand that they assert they have brought forward
22 the proper assessment, yes.**

23 Q. Would you agree with me that one of the things, one of
24 the main things that you consider important in
25 undertaking an analysis, what you call a business plan

14:43

14:43

RUSSELL BELL**Cross-examined by Mr. Landry**

1 analysis or business case analysis, is that you should
2 look at various options?

3 **A. Absolutely you should.**

4 **Q.** So you should look at all possible options that might
5 be available to effectively deal with such a situation
6 as a capacity shortfall that we're talking about here?

7 **A. Yes, you should examine all options.**

8 **Q.** And one of the options that you mentioned, or at least
9 either explicitly or -- I think even explicitly, is
10 that you thought the idea should have been looked at
11 about the construction and ownership of the permanent
12 generation generating station instead of diesels;
13 correct -- or rentals?

14 **A.** Well, my basic thesis is that this was a simple lease
15 versus buy analysis looking at leasing versus owning
16 rental units of diesel. When I did the analysis of
17 revenue requirement to see what \$3.8 million a year
18 would support in capital program, that comes to some
19 \$50 million.

20 And so I was just postulating that it may be more
21 cost effective to build a bigger unit because, as I
22 understand it, there are economies of scale.

23 I'm not suggesting it should or shouldn't happen,
24 and I know there was analysis, and there were things
25 done -- or not things -- there was consultation done,

14:44

14:45

RUSSELL BELL

Cross-examined by Mr. Landry

1 and that option was rejected. I was just suggesting
2 that, given the amount of money, it's a viable
3 alternative that might be considered.

4 My basic thesis is, there is \$3.8 million per year
5 of diesel rental, and when I looked at that, I'm
6 looking at what I would want if I was the CFO or
7 controller of an organization, I'd want to assure
8 myself that that was the least cost alternative of
9 between buying and owning -- or renting and buying
10 diesel.

14:45

11 Q. Well, Mr. Bell, I think that was a long answer to a
12 very simple question, and maybe I should take you to
13 your evidence, which if you go to your evidence at
14 question 8.

15 A. Yes, I'm there.

16 Q. And you talk about what a business case should
17 demonstrate under that question?

18 A. Yes, I do.

19 Q. In the third bullet you say: (as read)

20 "The third option could be the
21 construction and ownership of a larger
22 generating station."

14:46

23 A. Yes, it could be.

24 Q. Well, sir, let me ask you a question: Before you
25 prepared this material, did you look at the 2016

RUSSELL BELL

Cross-examined by Mr. Landry

1 resource plan that Yukon Energy had prepared?

2 **A. I was familiar with it, yes.**

3 **Q. Did you look at it in detail?**

4 **A. Not for this proceeding, but I was aware that they had**
5 **looked at larger sites and had rejected it.**

6 **Q. Well, I guess it will speak for itself, sir, but I**
7 **guess, let me go down to the basics. You heard**
8 **Mr. Hall testify earlier?**

9 **A. Yes, I did. I'm aware that -- all I'm suggesting is**
10 **that that's an option, but the basic thesis I'm**
11 **proposing is that, in fact, diesel generation, there**
12 **are -- there is two options that should be explored:**
13 **One is owning and one is renting.**

14 **Q. Well, I understand that, sir, and I'm back at the 2016**
15 **resource plan, though, that Mr. Hall testified about**
16 **the extensive work that was undertaken to determine**
17 **what, if any, options there were to deal with the**
18 **shortfall. Did you hear that evidence?**

19 **A. I absolutely did, and that's some five years ago.**

20 **Q. And you would agree with me that that is the type of**
21 **approach that we should go through, an extensive review**
22 **of the options, in order to determine whether or not**
23 **you can deal with a shortfall outside of rented**
24 **diesels?**

25 **A. Outside of diesels, but I haven't seen any analysis**

14:46

14:47

RUSSELL BELL**Cross-examined by Mr. Landry**

1 that says -- other than four high-level numbers that
2 say rented versus owned diesels is the optimal
3 solution, or a mix of rented versus own, but yes.

4 Q. Mr. Bell, you've heard Mr. Hall and it's said in the
5 evidence that coming out of the 2016 resource plan, one
6 of the options that they had for effectively getting
7 through the rented diesel time period and to deal with
8 the shortfall was a 20-megawatt diesel plant.

9 A. Yes.

10 Q. And that is an option that YEC, as you know, based on
11 the evidence, assessed?

14:48

12 A. Yes.

13 Q. And, ultimately, they did not go ahead with that option
14 because of a number of issues, one of the major ones
15 being, because stakeholders in relation to that type of
16 a plant were against it.

17 A. Yes.

18 Q. And, sir, when you prepared your evidence, did you know
19 that Yukon Energy had assessed the 20-megawatt diesel
20 plant?

14:49

21 A. Yes.

22 Q. And I notice that in response to question 6, sir, in
23 your evidence, you quoted quite extensively from
24 CW-YEC-2-6. Do you recall that?

25 A. Yes, I do.

RUSSELL BELL

Cross-examined by Mr. Landry

1 Q. Do you know why you neglected to put in a paragraph
2 that talked about the assessment of the 20-megawatt
3 diesel plant?

4 A. **Because the focus of my thoughts was on the comparison**
5 **of ownership versus rental of diesel.**

6 Q. So that was the reason why you neglected to put in the
7 very paragraph in the answer to the question that said
8 that YEC had assessed the 20-megawatt diesel plant?

9 A. **"Neglected." I take issue with your word. But it's**
10 **not there, and that is the reason.**

14:50

11 Q. Well, sir, I wonder if you could have -- do you have,
12 by the way, CW-2-6?

13 A. **I do. Bear with me while I bring it up.**
14 **I have it in front of me.**

15 Q. Just give some time to allow people to get that up,
16 Mr. Bell.

17 A. **And whereabouts in it are you taking me?**

18 Q. I'm taking you, sir, to the answer to sub (a), the
19 third paragraph.

20 A. **Sub (a), the third paragraph that starts: (as read)**
21 **"For specific business case comparisons**
22 **of rented...with owned..."?**

14:50

23 Q. No. We're on the wrong page here. So it's sub (a),
24 the answer to sub (a)? Do you have that --

25 A. **Yes.**

RUSSELL BELL**Cross-examined by Mr. Landry**

1 Q. The first paragraph is "Not confirmed."

2 A. Okay, yeah, I didn't count "not confirmed" as a
3 paragraph. So "The initial diesel rentals were
4 implemented," that paragraph?

5 Q. It says: (as read)

6 "The initial diesel rentals were
7 implemented...and YEC has carried out
8 assessments in the ongoing --

9 Sorry -- assessments --

10 MR. LANDRY: I apologize, Madam Reporter.

14:51

11 Q. (as read)

12 "...out ongoing assessments of options
13 to displace reliance on rented diesels,
14 including various YEC-owned diesel plant
15 options."

16 Do you see that?

17 A. Yes, I do.

18 Q. But what you fail to quote was the first bullet. Do
19 you agree with that?

20 A. I agree with that.

14:51

21 Q. Now, Mr. Bell, you postulate in your opinion that there
22 was adequate time, you say, I guess, from the
23 2017-2018 GRA to prepare a detailed business case and
24 implement a more cost effective solution. That's your
25 point?

RUSSELL BELL

Cross-examined by Mr. Landry

1 **A.** There was ample time to prepare an analysis that
2 compares the possibility of renting diesels to owning
3 diesel, or some mix thereof, that would demonstrate
4 that the least costs alternative over the life of the
5 assets was chosen.

6 **Q.** Sir, you know that this is a GRA that has one test year
7 and one test year only, 2021?

8 **A.** Absolutely, I'm aware of it. But the assets are
9 long-lived assets.

10 **Q.** And, Mr. Bell, are you familiar with the requirements
11 for permitting of a 12- or 20-megawatt diesel plant
12 greenfield?

14:52

13 **A.** Not in detail. I'm aware that in every jurisdiction,
14 there's requirements for licensing and permitting, yes.

15 **Q.** Yeah. And, sir, do you know the requirements under
16 YESAA?

17 **A.** Not -- no, I don't. But that doesn't impact the
18 recommendation that there should be a proper business
19 case in defence of the costs.

20 **Q.** I didn't ask you that, sir. I asked a very simple
21 question.

14:53

22 Are you aware of the provisions under YESAA?

23 **A.** No.

24 **Q.** And are you aware the extensive consultation
25 requirements of the provisions under YESAA?

RUSSELL BELL

Cross-examined by Mr. Landry

1 **A. I -- not under those provisions. I'm aware that every**
2 **jurisdiction has requirements for consultation, and**
3 **that wouldn't be something that would be out of the**
4 **norm.**

5 **Q. Do you understand that YESAA was put into legislation**
6 **as a result of land claim agreements with the**
7 **First Nations in the Yukon? Were you aware of that?**

8 **A. No.**

9 **Q. So you're not aware, then, I guess, of the consultation**
10 **requirements of YESAA in relation to First Nations?**

14:53

11 **A. No, I'm not, but I don't think it relates to**
12 **demonstrating the least cost alternative between a**
13 **rental and owners of a diesel facility.**

14 **Q. And, sir, I take it from that, then, you would not know**
15 **how long it would take if one decided to go ahead with**
16 **a 20-megawatt facility, you would not know how long it**
17 **would take to get through the planning, permitting and**
18 **construction process in the Yukon?**

19 **A. No, I would not. It would be years. I accept the**
20 **evidence of YEC that it would be years. It would be**
21 **years in any jurisdiction.**

14:54

22 **Q. Okay. Well, I'll take that as a thought. I'm talking**
23 **about the Yukon.**

24 **So I gather from what you're saying that, for the**
25 **Board to do an analysis of what could be available for**

RUSSELL BELL**Cross-examined by Mr. Landry**

1 2021 based on the permitting requirements, that it
2 would be somebody like Ms. Milojevic that would be
3 somebody that they should at least listen to as to what
4 experience they've had?

5 **A. No, I disagree. If one were to have a proper analysis**
6 **that demonstrated that the options had been examined,**
7 **and this was the least cost alternative, then it would**
8 **be something that should be in rates.**

9 **Q. My question is timing, sir, and I wasn't articulate.**

10 You have nothing that would suggest that the time
11 frame that both Mr. Hall and Ms. Milojevic had talked
12 about of at least four years to plan, permit and
13 construct a 20-megawatt plant is incorrect?

14:55

14 **A. No, I haven't. But if they had started it five years**
15 **ago, that four years would be done.**

16 **Q. Mr. Bell, I wonder if you could go to question 11 of**
17 **your evidence.**

18 **A. Bear with me. Yes.**

19 **Q. Before I ask any specific question on that, sir, would**
20 **you agree with me that you're not taking issue with the**
21 **fact that there is a capacity shortfall that YEC has to**
22 **make up in order to reliably supply its customers?**

14:55

23 **A. Absolutely correct. I am not taking issue with that.**

24 **Q. In other words, you take a pretty strong position that**
25 **if indeed that is required, that is something that they**

RUSSELL BELL

Cross-examined by Mr. Landry

1 are obligated to do?

2 **A. Absolutely. Any utility has a legal obligation to**
3 **provide safe and reliable service.**

4 Q. Right. But what you say in answer to question 11 in
5 relation to that is you said, and it's from the second
6 paragraph. And I quote: (as read)

7 "Absent a proper business case, I
8 recommend that the costs of diesel
9 rental not be allowed in revenue
10 requirement."

14:56

11 Do you see that?

12 **A. Yes.**

13 Q. And then you go on to say: (as read)

14 "I am recommending that the YUB not
15 include the rental costs and rates as
16 YEC has not provided adequate evidence
17 that it has selected the least cost
18 alternative."

19 Do you see that?

20 **A. Yes, I do.**

14:56

21 Q. And then it says: (as read)

22 "Should the YUB agree with me, that
23 would not relieve YEC from its
24 obligation to provide safe and reliable
25 service."

RUSSELL BELL**Cross-examined by Mr. Landry**

1 **A. Yes.**

2 **Q. So as I understand what you're saying, sir, is that**
3 notwithstanding that you accept the fact that they had
4 to have diesel -- let's put generation -- diesel
5 generation -- I'm sorry -- generation to make up the
6 shortfall, and that was an obligation that they had,
7 you say that they should not be compensated for that at
8 all?

9 **A. What I'm saying is it's the obligation of any utility**
10 to provide adequate evidence in support of its rate
11 application. If the regulator does not agree that
12 there is adequate evidence, the regulator has every
13 right to disallow costs from revenue requirement.

14:57

14 That does not mean the utility should not and must
15 not do what is required to provide safe and reliable
16 service. That is a risk any utility takes in filing an
17 application if it isn't able to convince the regulator
18 through the evidence in the proceeding that its costs
19 are reasonable and should be recovered in rates.

20 **Q. Mr. Bell, that wasn't my question. Let me try it**
21 again. I wasn't articulate.

14:57

22 You're saying that they had an obligation to
23 ensure that that shortfall was made up, but you say,
24 because they didn't do the business case the way you
25 say they do, they should not be compensated for making

RUSSELL BELL**Cross-examined by Mr. Landry**

1 sure that that shortfall was taken care of. Do you
2 agree with that statement?

3 **A. No, I would go back to what I said before. A utility**
4 **has an obligation to provide safe and reliable service,**
5 **absolutely. It also is responsible for providing**
6 **evidence in support of its application to justify the**
7 **costs it intends to recover in rates.**

8 If a regulator finds that the evidence is not
9 sufficient to justify inclusion of those cost in rates,
10 the regulator can and should, in fact, remove those
11 costs from forecast revenue requirement and customer
12 rates.

14:58

13 The fact that the utility has not adequately
14 defended or provided evidence in support of its
15 forecasts does not relieve the utility from incurring
16 the cost to provide safe and reliable service.

17 **Q. I accept that point that that's what you said, sir.**
18 But I take that to be is, notwithstanding that they put
19 in place generation necessary to cover the shortfall,
20 because you say they haven't put any evidence in, you
21 think they should not be given any compensation
22 whatsoever for that. Do you disagree with that?

14:59

23 **A. No, I do not disagree with that for the reasons I've**
24 **already stated.**

25 **Q. Thank you, Mr. Bell.**

RUSSELL BELL**Cross-examined by Mr. Rondeau**

1 MR. LANDRY: Mr. Chair, those are all the
2 questions that I have.

3 THE CHAIR: Thank you, Mr. Landry.

4 Mr. Rutherford -- Mr. Rondeau, you are --

5 MR. RONDEAU: Yes, I have a question that comes
6 up with listening to the debate that went on.

7 **MR. RONDEAU CROSS-EXAMINES THE WITNESS:**

8 Q. Would you say that bringing an integrated resource plan
9 for discussion before the Board on its own merits, not
10 during rate hearings, would remedy many of the problems
11 you have outlined and argued with the YEC counsel?

12 MR. LANDRY: Mr. Chairman, I would object to
13 that question. Number one, if Mr. Rondeau wanted to
14 ask a question -- that's why I suggested he go first,
15 he could do that.

16 Secondly, in my mind, sir, that doesn't relate at
17 all to the evidence that's been put forward by Mr. Bell
18 and will elicit some other opinion that I haven't even
19 heard yet.

20 THE CHAIR: Yes, you're quite right,
21 Mr. Landry.

22 Mr. Rondeau, you had your chance and you declined,
23 and now you're not in a position to start off on a
24 new -- essentially, some kind of new tangent that was
25 not part of what Mr. Bell's evidence was. So you're --

15:00

15:00

RUSSELL BELL**Cross-examined by Mr. Rondeau**

1 MR. RONDEAU: I would disagree that this is a
2 new tangent. An integrated --

3 THE CHAIR: Mr. Rondeau, your objection -- or
4 your wish to question Mr. Bell is denied. You had your
5 chance; it's gone.

6 So I'll refer to Mr. Rutherford, if he has
7 anything by way of redirect.

8 MR. RUTHERFORD: No redirect, sir.

9 THE CHAIR: Very well.

10 MS. GRAHAM: Mr. Chair, I had some questions as
11 well for the board. 15:01

12 THE CHAIR: Yes, of course. Go ahead.

13 MS. GRAHAM: I do note it's 3:00, and there's
14 usually a 20-minute break. Would you like me to
15 proceed or should we take a break?

16 THE CHAIR: No, I think it's probably a
17 convenient time to take a break and you can start fresh
18 upon our return.

19 MS. GRAHAM: Thank you. I'm hoping I'm doing
20 the math -- the time change correctly in my head, so I
21 think it's 3:00. 15:02

22 THE CHAIR: That's correct.

23 (ADJOURNMENT)

24 THE CHAIR: Okay. Now we're ready to proceed.
25 I apologize, Ms. Graham, earlier you were not up on the

RUSSELL BELL

Questioned by Ms. Graham

1 screen and, hence, out of sight, out of mind.

2 So now that I can see you, I can recognize you.

3 Please proceed.

4 MS. GRAHAM: No worries.

5 **MS. GRAHAM QUESTIONS THE WITNESS:**

6 Q. Mr. Bell, at your evidence at pdf page 3, answer 5, you
7 indicate that you focus on three areas in your
8 evidence?

9 A. Yes.

10 Q. One being diesel generation rentals, normalization of
11 sales, and brushing costs?

12 A. Yes.

13 Q. Can you just walk me through how you applied your
14 judgment in selecting these three areas of the
15 application to focus on?

16 A. Generally, what I try to do is ask a broad range of
17 IRs, and then based on the answers, focus on areas
18 where I think evidence might be required, and I would
19 want to then focus on that because if there are other
20 areas of the record is adequately developed that we
21 could in fact argue those points without evidence.

22 Q. And regarding business cases, would you agree that
23 business cases for capital projects generally include a
24 discussion of when timing to costs and create
25 rationales for the capital project including

15:21

15:21

RUSSELL BELL

Questioned by Ms. Graham

1 alternatives?

2 A. Among other things, yes.

3 Q. All right. And if you can turn to your answer 6, also
4 on diesel generation units.

5 A. Yes.

6 Q. Are you recommending that the Board disallow the
7 3.834 million, disallow only the incremental difference
8 of 2.768 million, or disallow another amount?

9 A. I'm suggesting that there isn't adequate analysis in
10 evidence to support the selection of rental versus
11 ownership, and so the utility has not met its burden of
12 evidence and so the whole amount should be disallowed.
13 If the Commission were to find something other than
14 that, that's within their purview.

15 Q. And turning to whether normalization, if you could open
16 your Answer 14 at pdf page 10.

17 A. Yes.

18 Q. And here you state: (as read)

19 "In deriving a normal use per customer
20 YEC would readily identify trends. This
21 would facilitate the review of use for
22 customer and sales and in fact reduce
23 the regulatory burden of a rate
24 application."

25 Does normalization for weather provide a more accurate

15:22

15:23

RUSSELL BELL

Questioned by Ms. Graham

1 sales forecast?

2 A. It provides -- in my experience, forecast of sales
3 should be based on normal weather. And so in having
4 normal use per customer and then mapping that trend to
5 in fact forecast normal sales -- forecast normal use is
6 the appropriate way to forecast sales.

7 Q. Weather is a bit interesting because you kind of think
8 of weather as being unpredictable, and I know there was
9 some discussion today about unique weather events. So,
10 like, is that a fair assumption or would you --

15:24

11 A. Yes.

12 Q. -- stick with the statement that sales are normalized
13 kind of due to weather and that there should be more
14 accuracy?

15 A. Well, not accuracy, no. You're not forecasting
16 weather. You're forecasting normal sales. There will
17 be variances, absolutely, as weather is the variable,
18 absolutely. But, in my opinion, the goal should be to
19 forecast what normal sales would be, not forecast next
20 year's weather.

15:24

21 Q. And YEC in its rebuttal evidence at pdf page 4 at the
22 end of Section 3.2.

23 A. Bear with me while I call it up. Okay, rebuttal
24 evidence. I'm sorry, and where?

25 Q. It's pdf page 4 or hard copy page 4, Section 3.2.

RUSSELL BELL**Questioned by Ms. Graham**

1 **A. Yes, I'm there.**

2 **Q. Third paragraph, midway through the paragraph. On the**
3 line that has a bracket, it says "residential,
4 commercial and streetlights."

5 **A. Yes, I have that.**

6 **Q. Continuing on, YEC says: (as read)**

7 "Sales forecasts are about 10 percent of
8 the total load forecasts and are divided
9 into seven different load centres or
10 communities."

15:25

11 And YEC goes on to state that sales categories are
12 fairly stable and within a 3 to 5 percent accuracy.

13 So do you consider a range of 3 to 5 percent, as
14 calculated, to be sufficiently accurate?

15 **A. Well, in my experience, weather can have large swings,**
16 and heating load is highly correlated with
17 temperatures. The colder it gets to a limit, the more
18 energy is used to heat homes and businesses.

19 And so, yeah, that is fairly accurate -- or a
20 fairly narrow window. I'm not convinced that doing a
21 simple regression -- not the multivariate regression
22 that YEC may use for wholesale or larger utilities use
23 for their cases, but a simple linear regression, at
24 least investigating it, wouldn't be worthwhile.

15:26

25 When I did this at Canadian Western Natural Gas,

RUSSELL BELL

Questioned by Ms. Graham

1 we did it on an Excel spreadsheet. It took a few hours
2 a year. So I don't see it as an onerous task to at
3 least investigate and see if doing some form of weather
4 normalization in fact would add value.

5 Q. And, in your view, if normalization of sales to weather
6 was employed, would that improve the accuracy level
7 from 3 to 5 percent to a lower or a tighter accuracy
8 band?

9 A. I don't know if it would. It would provide forecast
10 based on normal weather, which is what I think should
11 be used to forecast sales. I think the weather risk is
12 something that is usually either handled through
13 weather normalization account or at the risk of the
14 utility, depending on the jurisdiction.

15 Q. Thank you, those are my questions. Thank you,
16 Mr. Bell.

17 A. You're welcome.

18 THE CHAIR: Okay. Mr. Rutherford your turn.

19 MR. RUTHERFORD: I have no redirect, sir.

20 THE CHAIR: Thank you.

21 Now, the next intervener is Mr. Yee. Any
22 questions of Mr. Yee? Mr. Yee, do you have any
23 testimony to add to your written evidence?

24 MR. YEE: There we go. No. Am I on now?

25 THE CHAIR: Yes.

15:26

15:27

RUSSELL BELL

Questioned by Ms. Graham

1 MR. YEE: Okay. Okay. I don't think I do
2 for the most part. I will say -- they mentioned the
3 long permitting process that was required. I guess my
4 concern and why I brought any evidence of the first
5 one, that there is -- that the --

6 THE COURT REPORTER: Excuse me. Excuse me.

7 MR. YEE: -- the generator is used for N-1
8 and the rental diesels have not been properly --

9 THE CHAIR: Hang on. Mr. Yee, hang on.

10 Yes?

15:28

11 THE COURT REPORTER: Sorry. I'm just not sure if he's
12 giving evidence now; and if he is, would you like him
13 sworn in? I'm just not sure what's happening at the
14 moment.

15 THE CHAIR: Yeah. Mr. Yee, you're going to
16 give more evidence? Or are you just making a
17 commentary?

18 MR. YEE: I was just going to correct
19 something on one of mine.

20 THE CHAIR: All right. If it's a
21 correction...

15:29

22 MR. YEE: Should I go ahead?

23 THE CHAIR: Yeah, you're breaking up a bit.
24 You have something you wanted to correct?

25 MR. YEE: Actually, yes, I do. I'm going to

RUSSELL BELL

Questioned by Ms. Graham

1 have to shut off video at least receiving because I
2 think it's messing with the bandwidth here.

3 I guess on my third point, I realized right after
4 I sent it about the amortization, but I would still
5 question the amortization of putting in rental diesels
6 without permits that may never be permitted to be used
7 by the public is -- was a concern of how that should be
8 amortized is what I had meant to put in there.

9 THE CHAIR: Okay. Yeah. I mean, the point
10 is, if you've got --

15:30

11 MR. YEE: And I guess -- for the --

12 THE CHAIR: Mr. Yee, let me finish speaking.
13 If you've got a clarification or a correction on your
14 evidence that you've already given, then this is your
15 opportunity. This is not an opportunity for making
16 further submissions or anything of that nature.

17 MR. YEE: Correct, yes.

18 MS. GRAHAM: Mr. Chair, perhaps he can get
19 sworn in just because I think the practice with some of
20 the other witnesses was to have them sworn and they
21 made their corrections after that step.

15:31

22 THE CHAIR: Yes. Yeah, okay. So, Mr. Yee?

23 MR. YEE: Yes. I'm actually -- I don't need
24 to make this correction, as far as I know, if I'm not
25 being questioned on it.

RUSSELL BELL**Questioned by Ms. Graham**

1 THE CHAIR: Okay. So you have no further
2 evidence beyond your -- what you've given previously?

3 MR. YEE: No.

4 THE CHAIR: Okay. So, Mr. Landry, do you have
5 any questions for Mr. Yee?

6 MS. LEMKE: He has to be affirmed still.

7 THE CHAIR: Yes.

8 MS. LEMKE: The court reporter has to swear
9 him in.

10 THE CHAIR: Well, if he's not going to be
11 giving any evidence, he doesn't need to be sworn. So
12 the first question is, does anybody have questions for
13 Mr. Yee for his testimony?

15:31

14 MR. LANDRY: Maybe I could go first, Mr. Chair,
15 try to help a little bit. As you can imagine just by
16 the evidence on this issue and some of the things that
17 were said in rebuttal, I think Mr. Yee's point is very
18 much a legal issue. You heard from the witnesses from
19 YEC the position that YEC obviously clearly took
20 categorically pleading, and we will be providing some
21 legal context for that, as you imagine, and I don't
22 think it would be helpful for the Board to effectively
23 cross-examine on legal issues.

15:32

24 So for that reason, I don't have any questions.

25 THE CHAIR: Okay.

RUSSELL BELL**Questioned by Ms. Graham**

1 MR. YEE: I do have a response to that
2 non-question. That was actually similar to the
3 non-response I got from my IR 2 responses.

4 I believe that the legal issues should be at least
5 discussed or relevant to this because there is the
6 potential that these generators will not be permitted,
7 will not pass the YESAB, and will not be able to be
8 used by the public. And that, of course, brings up the
9 question of prudence of expenditures, given that there
10 is a risk taken in installing rental generators without
11 a permit. 15:33

12 THE CHAIR: Okay. Well at this point,
13 Mr. Yee, if you're not offering any more evidence,
14 anything further you have to say is going to be in the
15 form of submissions; is that correct?

16 MR. YEE: That is correct. I was just
17 answering that I believe that permit is relevant to
18 adding it to the rate base, where Mr. Landry does not.

19 THE CHAIR: Okay. All right. Well, you'll
20 have an opportunity to argue that point following the
21 hearing and, you know, when the opportunity for
22 submissions arises. 15:33

23 MR. YEE: Okay. Thank you.

24 MS. GRAHAM: Mr. Chair, perhaps if it's
25 helpful, so there's a few other parties.

1 UCG, would you have any questions for Mr. Yee
2 before we decide to swear or affirm him? Mr. Rondeau?

3 MR. RONDEAU: I'm afraid to put my hand up here
4 because I might get disciplined.

5 No, I do not have any questions.

6 MS. GRAHAM: Okay. City of Whitehorse?

7 MR. RUTHERFORD: I confirm I do not have any
8 questions.

9 MS. GRAHAM: And the Board staff also does not
10 have any questions.

15:34

11 THE CHAIR: Very well. Mr. Yee, you're off
12 the hot seat. So we don't need to swear you in or
13 affirm you.

14 MR. YEE: Okay. Thank you.

15 MS. GRAHAM: And, Mr. Chair, maybe just for the
16 record, you can confirm that Mr. Bell has been released
17 and we're not bringing him back further, so
18 Mr. Rutherford can talk to his client again.

19 THE CHAIR: Yes. Very well.

20 MR. RUTHERFORD: Thank you for that.

15:35

21 (WITNESS STANDS DOWN)

22 THE CHAIR: Very good. Okay.

23 MS. GRAHAM: So I think that may be the end of
24 the hearing, Mr. Chair, unless there's any other
25 housekeeping to address?

1 THE CHAIR: Yes, no, I was just in fact going
2 through my housekeeping list here.

3 So that being the end of the evidence,
4 we'll -- what's our timeline for written argument?
5 Well, we've got replies -- I don't have the schedule in
6 front of me.

7 MS. GRAHAM: If it helps, currently,
8 undertakings are due Tuesday, October 5th, and
9 then -- I'm just trying to pull up argument and reply.

10 Written argument is due October 12 and reply is
11 due October 19th.

15:36

12 THE CHAIR: Right. Okay. So those are the
13 deadlines, and once we have the benefit of argument and
14 reply, we will then proceed to deliberate on the
15 decision. No commitment at this point as to when that
16 would occur, but we try to be as timely as we can in
17 proceeding with that.

18 So thank you, everyone, for your thoughtful
19 submissions and a General Rate Application involves a
20 lot of information. If the volume of paper and digital
21 documentation, and so on, is any indication, it's --
22 there's a lot of work that has gone into this, and we
23 appreciate everyone's time and effort to put all of
24 this information in evidence before the Board and to
25 discuss it, and we look forward to your final

15:37

1 submissions and replies.

2 So we'll declare that the hearing at an end.

3 I would invite, however, we've mentioned this
4 before about the written submissions presented -- or
5 the presentations by Mr. Maissan and Mr. Boulais, if
6 the parties wish -- and these submissions or
7 presentations are not being received as evidence and,
8 hence, they're not really part of the GRA hearing
9 itself, but if the parties, interveners, wish to take
10 the opportunity to comment on what is contained in
11 either of those two presentations, because certainly
12 both Mr. Maissan and Mr. Boulais have put in effort
13 into putting forward their presentations, and as an
14 indication of the Board's willingness to engage in one
15 way or another, public input, even though some input
16 may not be specifically relevant to the issues in the
17 hearing, it's nonetheless an opportunity to attend to
18 what the presenters have to say and offer any
19 commentary if -- if you feel so inclined. And that may
20 help to fulfill a public education component if there's
21 a bit of dialogue around additional issues that members
22 of the public put forward relative to utilities in the
23 territory.

15:39

15:40

24 So there's certainly no obligation to comment, but
25 there is an opportunity and, as I say, those

1 presentations are on the website and available if the
2 parties wish to deal with them, so.

3 That said, thank you very much again, and we'll
4 close the hearing at this point.

5 MR. LANDRY: Thank you, Mr. Chair.

6 MR. RUTHERFORD: Thank you, sir.

7 (PROCEEDINGS ADJOURNED AT 3:41 P.M. PST)

8

9 PROCEEDINGS CONCLUDED

10

11

12

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1 Certificate of Transcript

2
3 We, the undersigned, hereby certify that the foregoing
4 pages 337 to 504 are a complete and accurate transcript of
5 the proceedings taken down by us in shorthand and
6 transcribed from our shorthand notes to the best of our
7 skill and ability.

8 Dated at the City of Calgary, Province of Alberta, on
9 September 29, 2021.

10
11
12 "Lorelee Vespa"

13 Lorelee Vespa, CSR(A) RPR CRR
14 Official Court Reporter

15
16 "Donna Gerbrandt"

17 Donna Gerbrandt, CSR(A)
18 Official Court Reporter
19
20
21
22
23
24
25

- I N D E X -

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EXHIBITS

(NO EXHIBITS WERE MARKED)

UNDERTAKINGS GIVEN

UNDERTAKING - FOR YEC TO PROVIDE A REFERENCE FROM 344
A BOARD DECISION PRIOR TO 2015, WHERE THE BOARD
STATES THE LWRP IS TO COVER THE VARIABILITY OF
HYDROGENERATION FROM LONG-TERM FORECASTS FOR THE
PORTION OF LOAD WHICH IS ABOVE FORECAST OR THE
LAST APPROVED FORECAST

UNDERTAKING - REFERRING TO THE REFERENCE PROVIDED 346
TO YEC COUNSEL, TO ASK ALLIANCE CONSULTING GROUP
TO PROVIDE, AS OF THE DATE OF THE DEPRECIATION
STUDY, THE CALCULATED ANNUAL ACCRUAL AND ACCRUED
DEPRECIATION AMOUNTS FOR EACH ACCOUNT THAT WILL
INCLUDE COLUMNS INDICATING THE YEAR THE ASSETS
WERE INSTALLED, THE ORIGINAL COST, THE CALCULATED
ANNUAL ACCRUAL AMOUNT, AND THE CALCULATED
ACCUMULATED DEPRECIATION AMOUNT; TO THE EXTENT
THERE IS ADDITIONAL DETAIL SUCH AS ANNUAL ACCRUAL
RATES OR DEPRECIATION FACTORS INCLUDED IN THAT
INFORMATION, FOR ALLIANCE TO PROVIDE THAT AS WELL

1 UNDERTAKING - REFERRING TO THE CAPITAL PROJECT 362
2 SECTION, PDF PAGE 133 STARTING AT LINE 6, TO
3 CONFIRM THE AMOUNT FOR THE 100,000 TO 1 MILLION IS
4 18.073 MILLION

5
6 UNDERTAKING - REFERRING TO PDF PAGES 158, 179 TO 364
7 84, AND 194 OF THE APPLICATION, TO CONFIRM THE
8 COSTS REMAINING IN WIP ARE STILL 35.955 MILLION
9 FOR CAPITAL PROJECTS OVER A MILLION,
10 28.573 MILLION FOR DEFERRED PROJECTS OVER A
11 MILLION, AND .4 MILLION FOR DEFERRED PROJECTS
12 BETWEEN 100,000 TO A MILLION

13
14 UNDERTAKING - REFERRING TO THE 2012 GRA 372
15 TRANSCRIPT, TO ADVISE HOW EFFICIENCY AT THE MAYO
16 TURBINES HAS IMPROVED SINCE THEY WERE INSTALLED,
17 IF ABLE TO PROVIDE EXPECTED VERSUS ACTUAL
18 EFFICIENCY

19
20 UNDERTAKING - TO PROVIDE A COPY OF THE DECISION OR 384
21 EXCERPT OF THE DECISION THAT DISCUSSES THE
22 14-MEGAWATT AIR EMISSIONS CAP AS DESCRIBED IN
23 MS. MILOJEVIC'S TESTIMONY

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2 BETWEEN THE APPEALS AND THE OTHER CATEGORIES OF
3 HEARING COSTS CHARGED TO THE HEARING COSTS RESERVE
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