

1 Yukon Utilities Board

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YUKON ELECTRIC COMPANY LIMITED

8

2017/2018 GENERAL RATE APPLICATION

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P R O C E E D I N G S

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Volume 1

19

June 26, 2018

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Whitehorse, Yukon

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1 Proceedings taken at the Coast High Country Inn, at
 2 4051-4th Avenue, Whitehorse, Yukon.

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4 Volume 1

5 June 26, 2018

6

7 Mr. R. Laking

Chair

8 Mr. A. Fortin

Board Member

9 Ms. B. King

Board Member/Vice Chair

10 Ms. M. Hannam

Board Member

11 Mr. P. Fitzgerald

Board Member

12

13 Ms. G. Bentivegna

Board Counsel

14

15 Mr. D. Ward

Board Staff

16

17 Ms. C. Henry

Board Staff

18 Ms. L. Mullen

Board Staff

19

20 Mr. S. Sharma

Board Staff

21

22 Mr. C. Arnott

Board Staff

23

24 Mr. J. Landry

For the Yukon Energy
Corporation

25

Mr. D. King

For the City of Whitehorse

1

2 Mr. R. Rondeau

For the Utilities Consumers'
Group

3

4 Mr. J. Maissan

In his own stead

5

6 Ms. D. DiPoalo, CSR(A)

Official Court Reporters

7

8 Ms. A. Jones, CSR(A)

9

10

11 (PROCEEDINGS COMMENCED AT 9:05 A.M.)

12

13 THE CHAIR:

Please sit down. Good morning,

14

15 everyone.

16

17 My name is a Bob Laking, I will be chairing this

18

19 oral hearing on the application from the Yukon Energy

20

1 Corporation requesting approval of its 2017/2018
2 General Rate Application.

3 On the Panel with me today are seated to my far
4 left, Mr. Philip Fitzgerald; to my immediate left,
5 Ms. Meagan Hannam; to my far right, Mr. Andre Fortin;
6 and on my immediate right, Ms. Bonnie King, who is also
7 Vice-Chair of the Board.

8 On June 23rd, 2017, Yukon Energy Corporation, or
9 YEC, filed an application requesting an order approving
10 its 2017/2018 General Rate Application in which it is
11 seeking approval of revenue requirements of
12 \$48.544 million for 2017 and \$49.864 million for 2018.

13 In addition, YEC is seeking other approvals,
14 including approval of its fuel and purchase power
15 costs, forecast of 2.38 million and 2.407 million in
16 2017 and 2018 respectively, and to adjust diesel prices
17 in delivered LNG price use in setting average fuel
18 costs per kilowatt hour to be 26.33 cents per kilowatt
19 hour for diesel and 14.67 cents per kilowatt hour for
20 LNG to reflect market conditions; approval to revise
21 Rider F to include pricing related to the delivered
22 cost of LNG effective January 1st, 2017, as indicated
23 in the application, and to make adjustments to the
24 Rider F policy to incorporate reference to LNG pricing
25 in the diesel contingency fund; approvals of its

1 revised DCF term sheet provided in attachment 3.4-1 of
2 Appendix 3.4 for the application regarding
3 determination of annual expected long-term average
4 thermal generation requirements and fuel costs, and
5 proposed updates to the DCF as set out in the
6 application; approval of its non-fuel operating and
7 maintenance costs forecast of 22.06 million and 22.016
8 million in 2017 and 2018, respectively; and approval of
9 an increase of the annual appropriation to the reserve
10 for injuries and damages to .267 million from the
11 current .190 million level starting in 2017, and
12 approval to amortize the remaining balance of 1.05
13 million over a five-year period; approval of
14 depreciation in amortization expenses forecast of
15 10.814 million for 2017, and 11.094 million for 2018.
16 Also, approval of midyear forecast rate base costs of
17 \$274.459 million and \$291.627 million for 2017 and 2018
18 respectively, including costs for capital works
19 projects brought into service or forecast to be brought
20 into service since the 2012/2013 General Rate
21 Application, as well as deferred costs, including major
22 capital projects spending on ten major capital projects
23 which are those with total costs over a million dollars
24 forecast to be in service in the test years with a
25 total net rate base cost of 60.4 million after

1 offsetting third party contributions of \$18.3 million,
2 and approval of a return on rate base of
3 \$13.289 million in 2017 and \$14.38 -- .348 million in
4 2018, including an allowed rate of return on equity of
5 8.82 percent for both 2017 and 2018.

6 I would like to briefly outline some key process
7 steps of this proceeding. On July 4th, 2017, the Board
8 issued Board Order 2017-04 giving notice of the
9 application. In the order, the Board directed YEC to
10 publish the notice of application in local newspapers
11 in YEC service area no later than July 10th, 2017. YEC
12 was also ordered to make the application and supporting
13 materials available on its website, as well as in hard
14 copy upon request to YEC. A process schedule for this
15 application pending ministerial approval was included
16 in Board Order 2017-04.

17 The Minister of Justice in a letter dated August
18 22nd, 2017, authorized the Board to incur expenses
19 necessary to conduct a public hearing into the
20 application pursuant to section 50 of the *Public*
21 *Utilities Act*.

22 In Board Order 2017-06 issued in August 21, 2017,
23 the Board authorized the collection of interim rates in
24 the interim refundable rider, Rider J. On August 25th,
25 2017, an initial round of information requests were

1 submitted to YEC. YEC responded to the round-one
2 information requests on September 22nd, 2017. A motion
3 was filed by the UCG for further and better information
4 responses from YEC on September 28th, 2017.

5 John Maissan filed a similar motion on October 3rd,
6 2017.

7 Following submissions from the parties, the Board
8 ruled on the Maissan and UCG motions through Board
9 Order 2017-09 issued on November 15th, 2017. YEC
10 provided further information responses on
11 November 30th, 2017.

12 On September 12th, 2017, the Court of Appeal of
13 Yukon issued a judgment on an appeal by YEC related to
14 certain aspects of Board Order 2015-06. That judgment
15 set aside the order of the Board related to the issues
16 of the diesel contingency fund and the wholesale rates
17 provision in Section 7 of rate policy directive
18 Order-in-Council 1995/90. The court remitted the
19 matter back to the Board with directions to set a
20 wholesale rate that enables Yukon Energy to cover all
21 of its diesel generation costs which costs include any
22 net payment made by Yukon Energy attributable to
23 Yukon Electrical's above forecast wholesale purchases
24 of the electricity.

25 On September 22nd, 2017, the Board sought comments

1 on what process should be established to address the
2 court's judgment and the scope of the issues that
3 needed to be addressed. With respect to giving effect
4 to the court's directions to the Board, the Board also
5 sought comments from parties on specific issues with
6 respect to the 2017/2018 YEC General Rate Application
7 that was filed with the Board in relation to the DCF
8 mechanism contained in the current GRA and the energy
9 reconciliation adjustment mechanism.

10 As well, the Board sought comments about the
11 manner in which the Board should proceed with respect
12 to the GRA regarding the impact of the judgment on the
13 use of long-term averages for forecasting
14 hydrogeneration.

15 On October 19th, 2017, after considering the
16 comments received, the Board issued errata Board Order
17 2017-18. The order directed YEC to file correspondence
18 with the Board within 30 days of issuance of the Yukon
19 Court of Appeal order as to when it expected to file a
20 revised application to address the 2012 ERA issue and
21 file a separate two-part application regarding certain
22 ERA matters as indicated in the Board Order. The Board
23 added that it would issue a revised process schedule
24 for the 2017/18 GRA after the two-part application was
25 filed. In response to Board Order 2017-08, YEC

1 submitted its two-part ERA application on December 6th,
2 2017, and then provided its alternative forecast GRA
3 application on December 18, 2017. The Board sought
4 comments from the parties on the YEC two party ERA
5 application and issued Board Order 2018-01, setting out
6 a written process for the Part One ERA application and
7 Board Order 2018-02, in which it decided to consider
8 the Part Two ERA application as part of the 2017/2018
9 GRA proceeding and provided a revised process schedule
10 for this proceeding.

11 In accordance with Board Order 2018-02, the Board
12 and interveners submitted a second round of information
13 request to YEC. YEC provided responses to these
14 information requests on April 6th, 2018. Subsequently,
15 a change in the hearing date was requested and the
16 Board issued Board Order 2018-03. The City of
17 Whitehorse submitted intervener evidence on April 20th,
18 2018. Information requests on the intervener evidence
19 were filed on May 4th, 2018. The City of Whitehorse
20 responded to the information requests on May 18th,
21 2018. YEC submitted rebuttal evidence on June 1st,
22 2018, and the Board issued a letter on June 15th, 2018,
23 outlining procedures for this oral public hearing.

24 Assisting the Board throughout the hearing are
25 Board counsel Giuseppa Bentivegna, Board staff Dwayne

1 Ward, Laurie Mullen, Samir Sharma, and Chris Arnott,
2 and Colleen Henry, who will be assisting in an
3 administrative role. If anybody has any questions with
4 respect to the process or procedural matters during
5 this oral hearing, they should speak to Board staff or
6 counsel.

7 To facilitate the marking of exhibits, a list of
8 exhibits to date has already been circulated.

9 I would like to turn to the sitting hours for this
10 oral hearing and some housekeeping matters. As
11 previously advised, the hearing is scheduled from
12 today, June 26th, to Thursday, June 28th. The Board
13 has scheduled the hearing to commence at 9 a.m. and end
14 at 5 p.m. with two 15-minute breaks, for example, at
15 10:30 and 3:30, and a lunch break from noon to 1:30.
16 As usual, we will try to keep some flexibility around
17 break times to ensure flow of the proceeding.

18 The Board intends to hearing the application as
19 follows: The Board will first hear from witnesses for
20 YEC, then the intervener may cross-examine the YEC
21 witnesses in the order that the interveners are
22 registered. The Board staff and Panel will then ask
23 questions of the YEC witnesses. Then the City of
24 Whitehorse will seat its witness and YEC and the
25 interveners as well as Board staff and the Board may

1 cross-examine the witness. At the end of the
2 evidentiary portion of the hearing, the Board will
3 proceed to written argument and written reply argument
4 to be submitted respectively on July 12th, 2018, and
5 July 26th, 2018, as indicated in Board Order 2018-03.

6 Now, before we go on, I'd like to clarify a few
7 procedural matters, and that is the issue of aids to
8 cross in a hearing. The purpose of an aid to cross is
9 to assist the party questioning a witness about the
10 evidence of that witness. An aid to cross should only
11 be used if it assists in the questioning of a witness.
12 Questions that can be put to a witness directly should
13 be asked without the use of an aid to
14 cross-examination.

15 As mentioned previously, the party proposing to
16 question the witness should submit a copy of the aid to
17 cross to the witness's counsel at least 24 hours prior
18 to using the aid to cross. Providing the aid to cross
19 to the counsel before the witness testifies allows the
20 witness an opportunity to familiarize themselves with
21 the document and results in a more efficient hearing.
22 The party questioning a witness does not submit the aid
23 to cross-examination to the Board at the time it sends
24 it to the counsel for a witness. If a party brings
25 forward its aid to cross-examination during its

1 questioning of a witness, the party must distribute
2 sufficient hard copies to the Board and Board staff
3 immediately prior to asking questions in relation to
4 the aid to cross.

5 A party may request that the Board give the aid to
6 cross-examination an exhibit number. The Board will
7 then decide whether the aid to cross will be filed and
8 given an exhibit number. If the Board accepts the
9 filing of the document and gives it an exhibit number,
10 the party must provide to the Board executive secretary
11 an electronic copy of the document.

12 This hearing is being transcribed by a court
13 reporter. If any party requires a copy of the
14 transcript of this hearing, they should deal directly
15 with the reporter.

16 If any person has a cell phone, I would ask that
17 you turn it off during this hearing or put it on
18 vibrate.

19 And I would now ask Ms. Bentivegna, counsel for
20 the Board, to proceed to registered the parties.

21 MS. BENTIVEGNA: Thank you, Mr. Chair. Who's
22 representing YEC today?

23 MR. LANDRY: Mr. Chair, my name is John Landry,
24 L-A-N-D-R-Y, and I represent Yukon Energy Corporation.

25 MS. BENTIVEGNA: Is there counsel for ATCO Electric

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

1 Yukon? Who's representing the City of Whitehorse?

2 MR. KING: Good morning, Mr. Chair. My name
3 is Derek King, with Brownlee LLP. I will be
4 representing the City of Whitehorse.

5 MS. BENTIVEGNA: For Mr. John Maissan.

6 MR. MAISSAN: Thank you. Yes, my name is
7 John Maissan. I am here representing myself, and I
8 will conduct cross-examination, thank you.

9 MS. BENTIVEGNA: For Utilities Consumers' Group?

10 MR. RONDEAU: My name is Roger Rondeau, and I'll
11 be representing the Utilities Consumers' Group, and I
12 will also be cross-examining the panel.

13 MS. BENTIVEGNA: Thank you. And for Yukon
14 Conservation Society.

15 Are there any other persons who wish to register?

16 Those are the parties, Mr. Chair.

17 THE CHAIR: All right. So Mr. Landry, are you
18 ready to begin with your panel?

19 MR. LANDRY: We are, sir. I suppose the first
20 thing we should probably do is make sure that the panel
21 is sworn or affirmed.

22 THE CHAIR: Yes. Ms. Bentivegna, who's going
23 to do that?

24 MS. BENTIVEGNA: Our court reporter.

25

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC
2 (For Yukon Energy Corporation), sworn/affirmed.

3 MR. LANDRY EXAMINES THE PANEL:

4 THE CHAIR: We had a little problem with --
5 and we'll have to -- there's just one court reporter
6 because one of them was injured the other day, so we're
7 working with just the one, so there'll be a little
8 glitch every now and then. Thank you, so you can go
9 ahead.

10 MR. LANDRY: And Madam Court Reporter, if at
11 any time you need a break, please feel to, from my
12 perspective, at least, to cut in.

13 Mr. Chair, as you see, we have one panel today,
14 and there'll only be one panel for Yukon Energy's
15 application. The CVs for the individual panel members
16 were included in the recent correspondence which has
17 been marked as Exhibit B22, which also included the
18 opening statement. It's Attachment 2. And what I'd
19 like to do is introduce the panel to you, and then I'll
20 ask each of the panel members to give an overview of
21 their responsibilities in relation to the application
22 and at YEC, where applicable; and then after that, Mr.
23 Hall will have some introductory comments, and we also
24 have one correction that we will want to put on the
25 record.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 So if I may, sir, to your immediate right is
2 Mr. Andrew Hall, who is the present CEO of
3 Yukon Energy, and to his right is Mr. Ed Mollard, who
4 is the chief financial officer of Yukon Energy. And to
5 Mr. Mollard's right is Mr. Cameron Osler, who is a
6 consultant that the Board is familiar with that
7 consults with Yukon Energy on, amongst other things,
8 regulatory matters. And then to Mr. Osler's right is
9 Mr. Sreckovic, who is the director of resource planning
10 at Yukon Energy.

11 So that is the panel, and I'd just like to ask one
12 individual question for each of the panel members,
13 Mr. Chair.

14 Maybe starting with you, Mr. Hall, could you just
15 outline for the Panel for your responsibilities at
16 Yukon Energy and also the role that you had in relation
17 to this application.

18 **A. MR. HALL:** **Sure. So at Yukon Energy, as**
19 **president responsible for overall strategy,**
20 **interactions with our shareholder and with our major**
21 **stakeholders.**

22 **Q.** And Mr. Mollard.

23 **A. MR. MOLLARD:** **Yes, chief financial officer at**
24 **Yukon Energy responsible for all general accounting,**
25 **procurement, and fleet building maintenance oversight,**

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 and I directed the preparation of this application.

2 Q. Mr. Osler.

3 A. MR. OSLER: I'm a consultant with InterGroup
4 Consultants, principal in charge of our assistance to
5 Mr. Mollard in preparing the application and the
6 various responses to IRs.

7 Q. Mr. Sreckovic.

8 A. MR. SRECKOVIC: I am the director of resource
9 planning and regulatory affairs with Yukon Energy, and
10 my major responsibility is development of the resource
11 plan, and my major responsibility to this application
12 is the fact that I led the team to develop the 2016
13 resource plan.

14 Q. And, sir, Mr. Chairman, with that, I understand,
15 Mr. Hall, that you have some opening preliminary
16 comments, and if you may go ahead.

17 A. MR. HALL: Yes, thank you.

18 So as I said, my name is Andrew Hall. I've been
19 president and CEO of Yukon Energy since 2014. This is
20 my first appearance before the Yukon Utilities Board,
21 and I'm pleased to be here today and have an
22 opportunity not only to test our application, but also
23 to discuss and debate some of the opportunities and
24 challenges that we face as a corporation.

25 Over the past four years, I've come to appreciate

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 the unique nature of the system that we have up here in
2 the Yukon and the planning challenges that the system
3 presents. So some of those critical characteristics of
4 our system are, firstly, an isolated grid that is not
5 connected to the main North American electrical grid.
6 We have a small customer base, we have a winter peaking
7 system with high seasonal variability; and, finally,
8 you know, our system is sensitive to the connection of
9 larger industrial loads.

10 So these established realities really place an
11 emphasis and importance on having affordable, flexible,
12 and reliable supply sources that are ready to serve our
13 needs, but also mitigate and manage rate impacts to our
14 customers.

15 Looking forward, the Yukon economy shows to be
16 entering a strong period of growth, driven by a rebound
17 in the resource sector and the construction of various
18 infrastructure assets funded by federal infrastructure
19 funds. So, as such, we at Yukon Energy fully expect
20 that growth in our grid load will rebound driven by
21 both growth in wholesales and the connection of
22 prospective mine, namely the Eagle mine by Victoria
23 Gold.

24 While the GRA that we're -- the subject of this
25 hearing tends to be retrospective in its view of the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 utility, I think it's importance to recognize several
2 key challenges that we face going forward. The first
3 of these is to address a growing dependable capacity
4 shortfall. The second would be to maintain and upgrade
5 critical infrastructure and assets that were
6 constructed in the 1950s through the 1970s and are
7 approaching end of life; and, finally, to plan for the
8 next generation of renewable supply projects to meet
9 our growing expected load.

10 At the same time, there are a number of other
11 drivers that will impact the utility strategy and
12 decision-making going forward, the first being climate
13 change and the federal government's commitments under
14 the Pan-Canadian framework on clean growth and climate
15 change; and secondarily, the broad reconciliation
16 effort with Canada's indigenous peoples supported by
17 efforts of both the federal and territorial level.

18 So overall, our panel looks forward to your
19 questions, and in terms of fielding questions from the
20 interveners and the Board, you know, I'll act as chair
21 of the panel and answer questions from a corporate and
22 strategic perspective and then pass on more technical
23 and detailed questions to the other members of our
24 panel. Thank you.

MR. LANDRY:

Now, Mr. Chair, just in terms of

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Examined by Mr. Landry

1 for the purposes of cross-examination and trying to
2 organize, we have -- because there was a lot of
3 material, as you're aware -- we believe we have for the
4 most part any of the key documents and exhibits that
5 likely will be the subject matter of cross-examination.
6 We have copies that are available to be given to the
7 Board -- or to the Panel members. We also have a clean
8 computer that will have all of the exhibits that have
9 been identified, so if we have one that gets -- slips
10 through the cracks, we might have to go to the computer
11 for that help. And one of my colleagues is in the back
12 to hand p the documents when necessary.

13 So with that as our intro, the panel is available
14 for cross-examination.

15 Oh, sorry, I apologize, there was one further
16 point that I mentioned at the beginning. There is one
17 correction to the application that Mr. Mollard is going
18 to put onto the record.

19 Q. Mr. Mollard.

20 A. MR. MOLLARD: Thank you, Mr. Chair. The
21 correction we're proposing is with respect to one of
22 our major capital projects, the Aishihik elevator
23 structural steel refurbishment project. The
24 description of the project is in tab 5 at page 5-8, and
25 it's further referenced in IR JM-YEC-1-24. The

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 correction is with respect to the depreciation period
2 on that project. It was set up when it was closed out
3 at a 72-year life which corresponds to the approved
4 rate for height structures. Subsequent to the IR being
5 answered and in connection with doing our year-end
6 procedures, we reviewed that life cycle and reflecting
7 on what happened with the origin install in that it
8 lasted 40 years, we determined that that depreciation
9 period was probably not appropriate for that asset, so
10 we corrected that depreciation down to 40 years, and we
11 will reflect that correction in the compliance filing.

12 Thank you.

13 THE CHAIR: Which IR was that again, that
14 response?

15 A. MR. MOLLARD: JM-YEC-1-24.

16 THE CHAIR: Thank you.

17 MR. LANDRY: So the panel is available for
18 cross-examination, Mr. Chair.

19 THE CHAIR: Right.

20 Ms. Bentivegna, who are we going to call first?

21 MS. BENTIVEGNA: City of Whitehorse.

22 THE CHAIR: City of Whitehorse.

23 MR. KING CROSS-EXAMINES THE PANEL:

24 Q. Good morning. Thank you, Mr. Chair, Panel.

25 Once again, my name is Derek King with

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Brownlee LLP for the City of Whitehorse.

2 Good morning, panel. Mr. Hall, like you, this is
3 my first opportunity to appear before this Board, so
4 I'm looking forward to the opportunity. Hopefully my
5 questions will not too quickly give away my -- my
6 newness to this area, but I am pleased to be here
7 today.

8 So I have a number of areas I'd like to go through
9 with the panel. I don't anticipate that we will take a
10 substantial amount of time. So let's just jump right
11 in.

12 I'd like to first examine some of the information
13 that's been put forward by the corporation with respect
14 to capital expenditures and deferred costs. So
15 starting out, I'd like to refer you to the City of
16 Whitehorse's evidence. That should be Exhibit C3-10,
17 and, in particular, I'd like you to turn to page 3 and
18 the table at the top of that page. Do you have that
19 table before you?

20 A. MR. MOLLARD: Give us a second here. Can you
21 repeat that page number? I'm sorry, Mr. King.

22 Q. It's page 3 of the evidence of the City. You should
23 see that there's a table at the top of that page, which
24 Mr. Bell references as having been prepared as AN
25 analysis of the reasons for increased costs from tab 3

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 tables, and that tab 3 reference is to the GRA tab 3.

2 Do you have that before you now?

3 A. MR. MOLLARD: Yes.

4 Q. Excellent, thank you.

5 Now, in his evidence, Mr. Bell indicates that this
6 table has been created as a -- it's -- it's created to
7 provide a breakdown of the reasons set out in the GRA
8 for increased costs, and it's drawn from tabs 3 and tab
9 5 of YEC's GRA. Take a moment to review the categories
10 listed under Causes in the table, if you would.

11 And my question to you is, having reviewed the
12 table, does YEC agree that the majority of the GRA test
13 year costing increases are being driven by increased
14 capital expenditures and the amortization of deferred
15 charges?

16 A. MR. MOLLARD: Yes, I believe we -- Mr. Chair, we
17 referenced the effects of the increases in rate base in
18 our opening statement. It is a major driver of that
19 rate increase, yes.

20 Q. Thank you. Moving from there, I'd like you to refer to
21 YEC's rebuttal, pages 1 and 2, and I think that's
22 Exhibit B-21?

23 So under item 2.1 on page 1 --

24 A. MR. MOLLARD: Sorry, Mr. King, what was the page
25 reference again.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. The page reference is page 1 of the rebuttal evidence
2 of YEC.

3 A. MR. MOLLARD: Okay.

4 Q. Now, under item 2.1, YEC recaps the evidence of the
5 City of Whitehorse and quotes Mr. Bell from the
6 Whitehorse evidence as stating: (as read)

7 "Investments in utility assets commit
8 the utility and its customers to
9 increasing rates -- "

10 Let me restate that; I think I missed part of it. But
11 he quotes -- or he's quoted as stating: (as read)

12 "Investments in utility assets commits
13 the utility and its customers to
14 increasing rates almost to perpetuity."

15 And then in rebuttal at the top, top of page 2, under
16 item 2.2.1, this is where YEC provides its rebuttal. Do
17 you have that in front of you now?

18 A. MR. MOLLARD: Yes.

19 Q. So I'd like you to take a moment just to review YEC's
20 rebuttal under 2.2.1, and then I have a couple of
21 questions for you?

22 Does YEC agree that the rebuttal addresses or
23 discusses why capital cost increases are required?

24 A. MR. MOLLARD: Yes, that's a fair statement.

25 Q. And it also provides a summary of capital projects and

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 deferred charges reflected in the GRA capital plan?

2 A. MR. MOLLARD: Yeah, I think it was intended to
3 capture sort of the key projects that affected the rate
4 base.

5 Q. Great. But you would agree with me that the rebuttal
6 does not actually state that Mr. Bell's premise that
7 capital investments commit utility and its customers to
8 rate increases essentially in perpetuity is wrong, does
9 it?

10 A. MR. MOLLARD: Sorry, can you repeat that again.

11 Q. Sure, fair enough. What I'm doing is drawing the
12 rebuttal back to the statement as quoted from Mr. Bell,
13 where he states that investments in utility assets
14 commits the utility and its customers to increasing
15 rates almost in perpetuity, and what I'm asking YEC is
16 whether, in its rebuttal, it actually refutes that
17 statement?

18 A. MR. MOLLARD: Well, I think, Mr. Chair, the
19 evidence that we -- the rebuttal evidence that we put
20 in front of the -- that we filed, I mean it's a bit
21 difficult to respond to an in perpetuity statement.
22 I'm not sure I understand what that means. Our
23 objective in putting that rebuttal evidence in front of
24 the Board was just to explain the nature of the
25 projects that we were -- we were -- we've done, the

1 reasons why they were done. We weren't really trying
2 to comment on the -- on whether that necessarily would
3 lead to increases in rates forever.

4 Q. Fair enough. So well, let's get away from in
5 perpetuity, because you're right, that is a bit of an
6 imprecise and imperfect term to wrap our heads around.
7 Maybe I'll ask it this way: Would YEC agree that the
8 point is sound in principle that YEC investments in
9 utility assets drive a need for ongoing rate increases
10 into the future?

11 A. MR. MOLLARD: To the extent that we're replacing
12 assets that are existing, so assets that have been
13 built in the '50s, '60s, and '70s, replacing them, even
14 like for like with current dollars is going to increase
15 rate base, and any new assets that we have to build to
16 deal with growth, be it new distribution or new
17 generation, new transmission, is going to increase rate
18 base, which is going to lead to higher rates, all other
19 things being equal.

20 Q. Right, okay. So building on that, then, does YEC agree
21 that it's important, then, to ensure that cost
22 increases due to capital expenditures are due to
23 prudent and sound assessment of the future need of
24 those capital assets?

25 A. MR. MOLLARD: That is my understanding of the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 **Board's role in this process.**

2 Q. Okay, thank you for that. I'd like to now examine some
3 of the justifications that YEC has provided for capital
4 rate cost increases within the YEC rebuttal. Again
5 this is under 2.2.1 at Exhibit B-21. There's a number
6 of projects referenced there, and I just have some
7 questions about the nature of those projects, just to
8 provide clarification for Whitehorse.

9 You'll see that the first bullet under the
10 statement: "The following are noted in this regard,
11 see Attachment B for added information" is: (as read)

12 "A reference to a capital project PP&E
13 spending of \$35 million relating to two
14 capacity related projects completed in
15 2015."

16 Do you have that?

17 A. MR. MOLLARD: Yes.

18 Q. So can I ask you to explain to me how the capital
19 project spending that was completed in 2015, which I
20 understand is two years before the testers here, is
21 relevant to this GRA application?

22 A. MR. MOLLARD: With respect to this application,
23 those projects are being put into rate base and being
24 asked to be paid for by the utility in the rate
25 increases proposed.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. Okay.

2 A. MR. MOLLARD: Yes, the last proceeding was 1213,
3 so any spending on capital that we put into service
4 since that time is now part of this application to be
5 put into rates.

6 Q. Thank you. All right. And then moving onto the second
7 bullet, there's a further reference there to capital
8 expenditure of 25 million relating to eight sustaining
9 capital projects completed between 2015 and 2018. How
10 much of that 25 million would have been incurred prior
11 to 27-2018 (verbatim) test years?

12 A. MR. MOLLARD: I don't have that right at my
13 fingertips, sir, unless one of my colleagues...

14 A. MR. OSLER: It can be derived from the tables
15 in the report. If you really need it, we could get it
16 for you, but it's shown in the report in the tables at
17 the back of tab 5, the years for the spending of each
18 of the major projects. So you can see the years that
19 the spending occurred. It's Table 5.2, if I'm not
20 mistaken, Mr. Mollard.

21 A. MR. MOLLARD: Yeah, 5. --

22 A. MR. OSLER: I don't want to try and interpret
23 the small print table in the middle of a proceeding.
24 If you need it, I'll get you it. If you can just read
25 it and see the point you want, that would be fine too.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. Right. And just from my notes, that was Table 5.2?

2 A. MR. MOLLARD: 3.

3 Q. 5.3.

4 A. MR. OSLER: 5.3, sorry.

5 Q. No, that should be sufficient for us. Thank you.

6 I'd like to now move on to a discussion of what
7 Mr. Bell has referred to as disruptive technology.
8 Now, I'd like to refer you to information request
9 response YUB-CW-2 which I think is Exhibit 3-9.

10 MR. OSLER: What's YUB? It's YUB -- it's
11 YUB-CW.

12 Q. And just for reference, that is Mr. Bell's response to
13 information request from the Board. I have it down as
14 C 3-9.

15 A. MR. MOLLARD: C 3-9. Okay.

16 Q. You have that before you?

17 A. MR. MOLLARD: Yes.

18 Q. Okay. Now, in that, Mr. Bell was asked to define what
19 was meant or what he meant by "disruptive technology,"
20 and he stated as follows: (as read)

21 "It's technology that can significantly
22 affect the way businesses or entire
23 industries operate, forcing industry
24 players to alter their approach to their
25 business or risk, loosing market share

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 or becoming irrelevant or obsolete."

2 So what I want to do is just examine this as a general
3 principle for now without specific reference to the GRA
4 application before the Board. So my initial question
5 would be: Does YEC agree that, generally speaking,
6 utilities could be affected by disruptive technology as
7 defined by Mr. Bell if there are advances in, say, the
8 efficiency, accessibility, or availability of that type
9 of technology.

10 A. MR. HALL: Mr. Chair, yes. Yeah, we would
11 agree with that.

12 Q. Okay. And that's -- these affects could be both
13 positive and negative, I assume.

14 A. MR. HALL: Yes.

15 Q. So I guess the next question I would ask, then: Does
16 YEC accept the definition that Mr. Bell has provided
17 for "disruptive technology"?

18 A. MR. HALL: Mr. Chair, I'm sure there's many
19 definitions of "disruptive technology," but this one
20 seems reasonable.

21 Q. Okay. Thanks. So in looking more -- well, let me
22 restate that. Looking now to potential disruptive
23 technology that could affect YEC's business, does YEC
24 agree that, in the context of its electrical utilities,
25 potential disruptive technology could include things

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 like microgeneration such as solar and wind?

2 **A. MR. HALL:** **Mr. Chair, yes.**

3 **Q.** And, as well, microstorage technology?

4 **A. MR. HALL:** **Yes.**

5 **Q.** Even things like geothermal?

6 **A. MR. HALL:** **Yes.**

7 **Q.** Is YEC aware of the current state of microgeneration
8 microstorage technologies such --

9 **A. MR. HALL:** **Mr. Chair, yes, we are. And, in**
10 **fact, we -- we together with the other northern**
11 **utilities sponsor research at Yukon College into,**
12 **amongst others, a number of the technologies that the**
13 **question is referring to.**

14 **Q.** Thank you. Given its awareness, then, of the current
15 state of microgeneration microstorage technology, does
16 YEC agree that over the last 20 years or so, there's
17 been a fairly significant advance in the efficiency and
18 availability of things like solar and wind for
19 microgeneration?

20 **A. MR. HALL:** **Yes, I agree.**

21 **Q.** Would that be the same for microstorage? Do you agree
22 with that as well?

23 **A. MR. HALL:** **Yes. I believe I answered yes.**

24 **Q.** Yes, thank you. Does YEC agree that the introduction
25 or advancements in or increased availability of

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 disruptive technologies could affect total load or peak
2 loads increasingly over, say, the next 20 years?

3 A. MR. HALL: Yes.

4 Q. Would recognition of potential impacts of newer
5 advancing tech be the reason that, in the YEC 2016
6 resource plan, it specifically examined electrical
7 vehicles?

8 A. MR. HALL: Yes. Mr. Chair, if I might add
9 some colour to this, Mr. King referred to the resource
10 plan, and in our load forecast, that's one of the key
11 components of the resource plan where these types of
12 issues are addressed; and in the load forecasts, we did
13 take a fairly detailed view of projections as it
14 relates to both distributed generation -- namely,
15 rooftop solar -- and also electric vehicle penetration
16 and how those might affect both peak load and energy
17 requirements going forward.

18 Q. Thank you. So building on this, then, I guess, would
19 you agree that it's fair to say that YEC recognizes
20 that electric vehicles are a technology with future
21 potential to impact the Yukon gridline and energy
22 requirements? I think that's basically what you've
23 just said to me.

24 A. MR. HALL: Correct, it's one of the factors
25 that we did take a look at and account for.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. And then building on this then, is it correct to say --
2 or is it correct to conclude, I guess, that YEC has
3 undertaken that investigation and as a consequence of
4 the -- actually, let me restate that. I think I've
5 lost myself in my own question, so I don't expect the
6 Board to know what I'm asking.

7 Maybe make it simpler again. Is it correct to
8 conclude that YEC investigated the potential for
9 electric vehicles to impact grid load and energy needs
10 in the future because this could have a corresponding
11 impact on its operations and its requirements for
12 capital expenditures?

13 A. MR. HALL: Correct, I mean, those factors
14 were considered and incorporated into our long-term
15 load forecast, yes.

16 Q. Now, beyond electric vehicles, did YEC examine any
17 other disruptive technology with a future potential to
18 affect loads or peak loads over, say, the next 20 to
19 40 years when preparing the resource plan?

20 A. MR. HALL: Mr. Chair, we did look at the
21 penetration of rooftop solar and what that might --
22 might do to electrical loads.

23 Q. Just for my reference, where in the resource plan would
24 I find that?

25 A. MR. HALL: Mr. Sreckovic, you can speak to

1 in terms of how we built up our load forecasts and
2 incorporated that.

3 A. MR. SRECKOVIC: Yes, Mr. Chair, the load forecast
4 is mainly driven by economic development of the
5 territory and reconnect economic development of the
6 territory to electricity needs of the territory. And
7 since we were aware of potential penetration of an
8 existing technology and electric vehicles at an
9 existing proven technology, we commissioned a study to
10 forecast the penetration of electric vehicles over
11 the -- over the next 20 years. And we concluded that
12 certain -- certain load would come from -- from the
13 electric vehicles. We also included microgeneration
14 from a rooftop solar panels into the load forecast.

15 As far as the other future technologies, we
16 decided not to include technologies that are currently
17 not commercially available because we consider that
18 prudent planning should include only commercially
19 available -- available technologies. And since we
20 follow up with all the developments of potential
21 technologies that could influence our business, we
22 revise our load forecast every two to three years. And
23 the resource plan -- we revise the resource plan
24 every -- every five years, which is accepted
25 methodology by bigger utilities too.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. Thank you. And forgive my ignorance, but just so that
2 I understand, when you examined microgeneration, when
3 you considered it, was it from the perspective of its
4 use by YEC or its use by YEC customers?

5 A. MR. SRECKOVIC: Mr. Chair, it was used by
6 customers.

7 Q. Thank you. Okay. Well, moving on, I'd like now to
8 refer you to Tables 8.2 and 8.3 in the YEC rebuttal
9 Attachment A, and that's Exhibit B-21.

10 A. MR. MOLLARD: Sorry, Mr. King, the page number
11 again.

12 Q. That would be page A-2 of Attachment A to the rebuttal.
13 You see Table 8 -- and I think I said 8.2 and 8.3, but
14 I'm just referring to Table 8-2. But you have that in
15 front of you, you said?

16 A. MR. MOLLARD: Yes.

17 Q. Can I ask you to examine, on the far right-hand side,
18 the portion of the table dealing with actual load
19 versus 2011 resource plan estimates July 2012. Just
20 take a quick moment to refer to that and refresh
21 yourself on that information.

22 A. MR. MOLLARD: Okay.

23 Q. Would YEC agree that in examining the information set
24 out under actual versus 2011 resource plan load as of
25 July 2012, from 2013 onwards, there's a consistent

1 increasing divergence between the estimate and the
2 actual load?

3 A. MR. MOLLARD: I'm not sure about expanding
4 divergence; there is a pattern of divergence for sure.

5 Q. Fair enough, but you agree there is a pattern of
6 divergence?

7 A. MR. MOLLARD: There is a pattern.

8 Q. And then between 2014 and 2016, would you agree, then,
9 that that divergence is approximately nine to ten
10 percent?

11 A. MR. MOLLARD: According to these figures, yes.

12 Q. Okay. And that -- sorry, and I just going to restate
13 this because I'm not sure if I actually asked this
14 portion of it, but that's an overestimate of nine to
15 ten percent; correct?

16 A. MR. MOLLARD: The estimate in the resource plan
17 was roughly nine to ten percent over what was actually
18 incurred, yes.

19 Q. Now, turning to the same numbers as of November 2012,
20 which is just below that in the same table, would you
21 agree that we're seeing the same degree of the
22 divergence between the estimate and the actual loads in
23 that chart, as well?

24 A. MR. MOLLARD: Roughly speaking, yeah, they're
25 similar.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. So again, in a range of an overestimate of
2 approximately nine to ten percent?

3 A. MR. MOLLARD: Yes.

4 Q. Thank you. Now, in that same table, if we examine only
5 the estimate to actual for load for industrial
6 consumers, does YEC agree that for each of 2014, 2015,
7 and 2016, there was an overestimate of capacity ranging
8 between 40 and 49 percent?

9 A. MR. MOLLARD: Just to be clear, those are energy
10 numbers, not capacity.

11 Q. Ah.

12 A. MR. MOLLARD: So it's with respect to energy's
13 the question?

14 Q. I probably just didn't use the correct term, and again,
15 it's my first rodeo. So the table refers to loads.

16 A. MR. MOLLARD: Yes.

17 Q. And my question basically is was there an overestimate
18 of load ranging between 40 and 49 percent for those
19 years? And that's, of course, just industrial.

20 A. MR. MOLLARD: Yes, Mr. Chair, that -- I mean,
21 that is what the numbers represent. I think it's
22 important to talk a little bit about industrial
23 customers in Yukon and how it works here. They're
24 very -- they're very discrete, they're individual
25 customers, and they're very difficult to plan for.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 They'll come talk to us early on in their process about
2 coming on our system, as we'd like them to do because
3 we want to know that, but they have their own
4 regulatory hurdles, so there's often much uncertainty
5 in some of these forecasts in terms of looking down the
6 road about who in the industrial world is actually
7 going to make it to the finish line and connect to the
8 grid. So it's a bit of an inherent issue -- within --
9 within our system here.

10 A. MR. OSLER: Just to be helpful, effectively,
11 the Alexco mine went off the grid in the late 2013, and
12 that's what those numbers are showing, effectively.
13 That's the significance of one mine. Buried in the
14 wholesale numbers was a forecast that ATCO would be
15 surveying Whitehorse Copper tailings; they never did,
16 but the wholesale load was still the same or better
17 than forecast for 2013, but as we said in the opening
18 statement and the evidence and review, the period after
19 2013 saw both the Alexco mine off the grid and it also
20 saw warmer temperature, which reduced the actual
21 wholesale load below the forecast. And you saw a
22 rebound in the last year when temperatures came back
23 much closer back to the normal, so that in 2017 the
24 actual load was very markedly close for reasons that I
25 would never take any forecasting pleasure in trying to

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 endorse, but very close to what you saw from forecasts
2 that were given to this Board in the LNG hearing in
3 2014. So there were a lot of things happening during
4 this time period, but if you want to cut to the chase,
5 a major mine went off, and there was some warm
6 temperature that affected the wholesale loads under the
7 non industrial category.

8 Q. Thank you. With respect to the resource plan, I'm
9 correct in understanding that that's a long-term plan;
10 correct?

11 A. MR. HALL: It -- correct.

12 Q. Then does YEC agree that, for the purpose of sound
13 decision-making regarding capital asset investment,
14 there needs to be some correlation between the resource
15 plan and the GRA load forecasts?

16 A. MR. HALL: Mr. Chair, I think it's important
17 to note that the budget nature of the resource plan is
18 a long-term plan, so the models used to forecast load
19 are long-term in nature, and they -- they don't
20 necessarily line up a hundred percent with the
21 short-term models that we would use to forecast in the
22 short term, one to two years out.

23 Q. So just so make sure I understand the answer to my
24 question, were you saying, then, that YEC does not
25 agree that there should be some correlation between the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 resource --

2 A. MR. HALL: There's certainly some
3 correlation, yes.

4 Q. There should be some correlation between the resource
5 plan and the GRA load forecast?

6 A. MR. HALL: Yes.

7 A. MR. MOLLARD: On the assumption that the timing
8 is same or similar. Different point in time will get
9 you a different result.

10 A. MR. OSLER: And again, to be try to be
11 helpful, if you looked at the tables you're looking at
12 here, a resource plan of 2011 was prepared, and then it
13 was updated for this Board during a hearing in November
14 of 2012. The update included some information from a
15 study that had been completed on conservation, DSM, and
16 it affected some of the numbers. It didn't, obviously,
17 change the industrial numbers to the same extent. But
18 every time a new forecast is issued, the latest
19 information is in particular paid attention to, and
20 that can change dramatically in a matter of a
21 month's -- and the example we gave in filing this
22 General Rate Application was in the initial working on
23 this application in early 2017, the understanding was
24 the Minto mine would be off the grid by the end of
25 2017. By the time we actually filed the application by

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 June, we had had some good news that the Minto mine
2 would be operating through 2018 and perhaps some time
3 beyond it. So effectively, the world can change that
4 quickly, and an update has to take that into account if
5 you're filing after you got the news. Doesn't matter
6 what the resource plan or something else said before
7 you got the news.

8 So I think that's the biggest factor from history
9 in -- in the territory as to why we talk the way we do.
10 You do a forecast every five years, but you update it
11 for every filing you make, be it a GRA or a Part Three
12 filing or whatever you're doing for this Board to help
13 the Board with the latest information.

14 Q. Okay, thank you. So would the resource plan load
15 forecast provide an indication of when -- sorry, let me
16 restate that. Does YEC agree with the principle that
17 the resource plan load forecast provides an indication
18 of when new assets would be required?

19 A. MR. HALL: Certainly, Mr. Chair, certainly in
20 terms of new generation assets, sustaining capital,
21 namely the refurbishment of existing assets, goes
22 through a different planning process outside of the
23 resource plan.

24 Q. And then so YEC would agree that in turn that
25 information impacts investment decisions for

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 construction of assets associated with meeting that
2 future load or peak demand expectation?

3 A. MR. HALL: Yes.

4 Q. So does it follow, then, that if the resource plan as a
5 long-term plan does not at some level reflect actual
6 load or peak demand experienced or short-term
7 forecasts, then in basic capital investments even in
8 part on the resource plan could result in a suboptimal
9 capital investments?

10 A. MR. MOLLARD: Well, I think, Mr. Chair, it's
11 important to note that the resource plan will give us
12 an indication of where we have a need, whether it be
13 for energy or capacity, and it will indicate potential
14 solutions. But as we move those projects forward,
15 we're continuously updating what we think is going to
16 happen with respect to load, and we're continuously
17 educating ourselves on the supply options, so that
18 there's a process, though, even though the resource
19 plan has identified a need, we're continuously updating
20 the requirement as we move the project forward through
21 stage gates to make sure that we end up with the best
22 project. Is it may be what the resource plan
23 suggested, it may not. It just depends on what that
24 work results in.

25 Q. Thank you. I'd like the panel to now refer in the same

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 rebuttal evidence, YEC rebuttal evidence, to
2 Attachment B, specifically page B-3. Again we're
3 referring to Exhibit B-21. And this is under the
4 heading "Spending on Sustaining Capacity" -- or,
5 sorry -- "Sustaining Capital," it should say.

6 **A. MR. MOLLARD:** **Oh, is this B-2.**

7 **Q.** Oh, I'm sorry, yes --

8 **A. MR. MOLLARD:** **Okay.**

9 **Q.** -- it starts on B-2 --

10 **A. MR. MOLLARD:** **Okay. No, we're there.**

11 **Q.** -- carries over with the substantial portion falling
12 under B-3.

13 **A. MR. MOLLARD:** **Understood. We're there.**

14 **Q.** Okay. So the City just is -- I have some questions
15 just to help the City clarify the information that
16 we're seeing here. And so first I'd like to ask you a
17 question, and I apologize in advance for probably doing
18 a terrible job of this name, Aishihik?

19 **A. MR. MOLLARD:** **Aishihik.**

20 **Q.** Aishihik. That's a lot simpler than it looks. So I'd
21 like to refer you to the reference to Aishihik
22 relicensing. And here, as I read this, YEC is
23 forecasting WIP costs of 2.899 million by the end of
24 2018; correct?

25 **A. MR. MOLLARD:** **Correct.**

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. Is it fair to say that these costs would go into the
2 rate base for 2019?

3 A. MR. MOLLARD: Yes, the water license expires at
4 the end of 2019, so on the presumption that we get the
5 renewal done by then, it will be part of capital --
6 capitalization in 2019.

7 Q. So given that answer, does YEC agree that these costs
8 would drive a rate increase in 2019 when added to the
9 rate base?

10 A. MR. MOLLARD: All other things be equal, yes,
11 they will affect rates.

12 Q. Okay. So with respect to the rest of the capital
13 projects referenced on page B-3, that's, for example,
14 the bottom project at 8.856 million expected completion
15 of 2019, and the thermal pan project, for example, at
16 4.2 million with expected completion of 2020, etcetera.
17 These are all -- these all represent deferred costs;
18 correct?

19 A. MR. MOLLARD: Yes, under our stage gate process,
20 those are still planning projects, so they're included
21 in our deferred numbers.

22 Q. So am I correct in my understanding, then, that YEC, of
23 course, is not collecting any return on these listed
24 projects currently? These are just planning.

25 A. MR. MOLLARD: That is correct.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. Okay. So am I also correct, then, in my understanding
2 that when each of these is completed, each of those
3 projects or the WIP associated with those projects
4 would then go into the rate base for that completion
5 year?

6 A. MR. MOLLARD: Yes, once they're deemed used and
7 useful, they will add them to rate base and apply to
8 the Board for inclusion in rates --

9 Q. Okay.

10 A. -- in the next GRA, to be clear.

11 Q. Right. So then YEC agree that each is added to the
12 rate base, each of these projects could drive higher
13 costs to its customers for those years?

14 A. MR. MOLLARD: Yeah, again, all things being
15 equal, it will be an increased to rate base and,
16 therefore, an increase to rate.

17 Q. Okay. I'd like now just to briefly talk about the
18 diesel contingency fund, and I'd like just to ask the
19 panel, just to make sure we're all on the same page
20 here, what at its most basic level does the panel
21 understand to be the purpose of the diesel contingency
22 fund?

23 A. MR. MOLLARD: It's to manage water-related risks
24 with respect to a hydro-based utility.

25 Q. Now, Mr. Bell has stated in the evidence of the City of

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Whitehorse -- and I'm quoting him here that: (as read)
2 "Permitted reasons for the use of the
3 DCF should be restricted to things that
4 cause the use of diesel generation that
5 are beyond the control of management."

6 Does YEC agree with that statement as to the DCF
7 purpose?

8 A. MR. MOLLARD: Yes.

9 Q. So those would be costs that are not reasonably
10 foreseeable but which would have a material impact on
11 the corporation's finances?

12 A. MR. MOLLARD: Yes.

13 Q. But, again, things outside of management control.

14 A. MR. MOLLARD: Sorry.

15 Q. But, again, that would be things, significant costs
16 that are --

17 A. MR. MOLLARD: That are beyond --

18 Q. -- that are beyond --

19 A. MR. MOLLARD: That are beyond management
20 control.

21 Q. Thank you. So does YEC agree, then that a deferral
22 account such as the DCF is not for the purpose of
23 protecting the corporation from any management
24 decisions?

25 A. MR. MOLLARD: That's not its purpose.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. I'd like you to turn to your information response,
2 CW-YEC-2-3, and I apologize, I wasn't able to track
3 down the specific exhibit number, but I think it's part
4 of the combined responses at B-4. You have that before
5 you?

6 A. MR. MOLLARD: Yes.

7 Q. Excellent. I'd like to just turn to page 4 of 4 in
8 that document, and there's a statement there, and I
9 just want to -- I'll read that statement to you, and
10 then I just have some questions just to make sure I
11 understand what YEC is actually stating here. So on
12 page 4 of 4 starting at line 3, YEC states: (as read)

13 "Although payments into and out of the
14 DCF fund in any year can potentially be
15 affected by items other than changes in
16 forecast water levels (including
17 activities such as enhancing winter
18 storage and changes due to actual system
19 operations), such items do not affect
20 the final LTA diesel generation amount
21 for the year."

22 And then YEC then states that: (as read)

23 "As a result, these items do not affect
24 YEC's earnings."

25 So can you explain to me what YEC means by "items other

1 than changes in forecast water levels"?

2 A. MR. OSLER: Okay. This particular point is
3 part of a dialogue on the issue of water level
4 change -- factors that effect water level, and there
5 could be activities pursuant to some other questions
6 that we were asked such as enhancing water winter
7 storage and changes to the actual systems operations
8 which occur in practice and are not reflected in models
9 that the company is using to using to forecast
10 long-term average. That's the context for that
11 discussion. And that is the nature of the type of
12 examples that are being talked about in that sentence,
13 changes in forecast water levels, that are outside of
14 the type of things that are covered in the models, the
15 XM models.

16 The point of the sentence is that, once you've
17 made this long-term average forecast, it's what
18 sets the cost for the company for the load that the
19 company actually had in the year. The actual
20 operations of the company have no affect on that
21 long-term average number, you read the table that's
22 been approved by the Board, you look at the actual
23 load, and you know what the long-term average is, and
24 that becomes the cost to the company for that year for
25 the thermal operations. The amount of money paid into

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 or out of the fund will be the gap between that
2 long-term average and the actual diesel and LNG
3 operations of the company. So the amount paid into or
4 out of the fund can be affected by the operations of
5 the company and the year, but the actual total final
6 cost to the company is based on the long-term average
7 and is not, Mr. Chairman, affected by the operations of
8 the company in the year; that's the point.

9 And the point of the diagram was a little bit
10 different. It was to make the point that this applies
11 regardless of the water levels. In other words, you
12 could have a drought or you could have an abundance of
13 water; you're going to pay the same long-term average,
14 one way or the other. It just affects what goes into
15 or out of the DCF fund at the end of the year, the
16 abundance of water that you had that year, or its
17 scarcity.

18 Q. Thank you. Let's move on now to just a brief
19 discussion on the vegetation management plan. This is
20 at Appendix 3.1 of the application, and so I'll just
21 get you to refer to that, if you could. You have that?

22 A. MR. MOLLARD: Yes.

23 Q. So if I'm reading this, it states that this was created
24 in May of 2017; correct?

25 A. MR. MOLLARD: I believe it is updated in May of

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 '17 last, yeah.

2 Q. Updated in May of 2017?

3 A. MR. MOLLARD: Oh, no, sorry, you're correct,
4 that was created in May of '17.

5 Q. So this is the this is YEC's first vegetation
6 management policy, then?

7 A. MR. MOLLARD: That is correct.

8 Q. Now, if I could refer you to the IR response,
9 CW-YEC-1-29. Again I don't have an exhibit number; I
10 apologize for that.

11 MR. KING: Mr. Chair, just for your
12 reference, I have about three questions left.

13 THE CHAIR: That's fine. Can you just tell us
14 what page on Appendix 3.1 we're looking to, please?

15 MR. KING: At this point, I'm just referring
16 to the document as a whole for now, just to make sure
17 that we're speaking about the right policy, and
18 specifically I'm asking them to turn to CW-YEC-1-29.

19 Q. You have that response before you?

20 A. MR. MOLLARD: Yes.

21 Q. Excellent. So in that, the response to the questions
22 from the City on the development of the vegetation
23 management policy, YEC states the policy was developed
24 internally. That's correct?

25 A. MR. MOLLARD: Yes.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 Q. And in that same response, YEC states that it conducted
2 only a cursory review of other utilities' approaches to
3 brushing. Also correct?

4 A. MR. MOLLARD: Yes, although I would like to
5 offer a clarification, Mr. Chair, that we didn't do a
6 review of other utilities at the time we drafted the
7 policy this spring. The work reviewing what other
8 utilities' approach to brushing was conducted as part
9 of the '12/'13 GRA. We had a report prepared by a
10 consultant that looked at what techniques were commonly
11 used in North America, and we put that on the record of
12 the '12/'13 proceeding, but we didn't update that
13 review as part of this policy preparation.

14 A. MR. OSLER: And just for the record, it was
15 attached in the rebuttal as attachment C to Exhibit
16 B-21.

17 Q. So just building on that, then, just frankly because I
18 was not entirely clear from my review of -- of -- of
19 the footnotes at page 6 under Item 4.2 of YEC's
20 rebuttal, whether there was two investigations done,
21 two reports done, or one?

22 A. MR. MOLLARD: Yes. So just to be clear, as part
23 of that '12/'13 proceeding, we did two reports: One of
24 them was a review of accepted brushing practices in
25 North America, and then there was a separate study done

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 of the condition of our existing rights-of-way.

2 Q. Right. Okay, and I did appreciate that, so I'll just
3 sort of rephrase. Well, maybe I'll just get you to
4 turn to the rebuttal, then. And this is page 6 under
5 Item 4.2 of YEC's rebuttal.

6 THE CHAIR: Can you give us that exhibit
7 number?

8 MR. KING: That's exhibit --

9 A. MR. OSLER: B-21.

10 Q. B-21, thanks. You have that before you?

11 A. MR. MOLLARD: Yes.

12 Q. Now, on page 6 under 4.2, YEC gives evidence that it
13 was ordered by the Board to develop a comprehensive
14 brushing policy, and I think there's a reference to a
15 Board Order of 2008, '09. Is the May 2017 policy the
16 fulfillment of that Board direction?

17 A. Yes.

18 Q. Okay. Now, so going back to my question on the
19 reports, at footnote 11 on that same page, the footnote
20 purports to provide clarification regarding YEC's
21 development of its policy, and it states that -- and
22 I'm assuming this is around 2012 -- YEC undertook a
23 brushing survey of North American utilities' best
24 practices. Is that a reference to the confidential
25 CEATI study or a separate study?

1 **A. MR. MOLLARD:** I believe that was a reference to
2 the CEATI study.

3 **Q.** CEATI, okay. So the CEATI study was a separate
4 multi-utility study of best practices in vegetation
5 management; correct?

6 **A. MR. MOLLARD:** Correct.

7 **Q.** So that was conducted in 2012. Going back to the IR
8 response, CW-YEC-1-29, YEC states that: (as read)

9 "The cursory reviews of other
10 utilities' practices was not used in
11 any substantive way in the development
12 of the vegetation management policy."

13 Is that still the corporation's evidence?

14 **A. MR. MOLLARD:** Yeah. Just as I stated
15 previously, Mr. Chair, we didn't update the review of
16 other utilities when we did the policy this year. We
17 relied on the previous study work that had been done in
18 2012.

19 **Q.** So then it is your evidence that the 2012 work was used
20 in the development of this policy.

21 **A. MR. MOLLARD:** Yes.

22 **Q.** There just wasn't any other update?

23 **A. MR. MOLLARD:** There was no additional work done
24 from that report.

25 **Q.** Okay, thanks. I think that clarifies things for us.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. King

1 MR. KING: Mr. Chair, thank you, those are my
2 questions for this panel.

3 THE CHAIR: Thank you: Seeing's it's 20 after
4 ten, would this be a good time to take the break and
5 then come back with a new --

6 MS. BENTIVEGNA: Yes, Mr. Chair, and then it would
7 be Mr. Maissan who would be up to ask questions.

8 THE CHAIR: So we'll take the break first and
9 then come back, so we'll come back in 15, at 10:35.

10 Thank you.

11 (ADJOURNMENT)

12 THE CHAIR: Be seated, please. So just a
13 small matter. We had a little problem following along
14 this morning with the references to -- to the exhibits
15 being referred to. So if parties would bear with us a
16 little bit, what we would like to do is, if when
17 you're -- referring us or the Panel to something, if
18 you gave the exhibit number and the PDF page number --
19 you can give the description of the question or the IR
20 or the response, whatever, but if you give the PDF page
21 number, then we'll be able to find it a lot quicker. I
22 think this'll help everyone. Now, if you don't have
23 that, then we'll just take the time before the question
24 gets asked to get everybody on the same page. If that
25 works for everyone, we can do that.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Okay. If we're ready to go, Mr. Rondeau, would
2 you like to begin?

3 **MR. RONDEAU CROSS-EXAMINES THE PANEL:**

4 MR. RONDEAU: Yes, good morning. My name is
5 Roger Rondeau. I'm the energy committee chair for the
6 Utilities Consumer's Group, and I have a few hours of
7 questions, so I hope you bear with me.

8 I may need a break to go to the washroom because,
9 being an elder now, my bladder doesn't operate as
10 efficiently as it used to, so if you bear with me
11 there. Otherwise, I'm ready to begin.

12 Q. Now, seeing the panel in front of us, Yukon Energy
13 senior regulatory analyst is conspicuously absent yet
14 you have with you, the self-important consultant from
15 outside. At the last YEC rate hearing when you were
16 crossed by the Board legal, you stated that it is much
17 more cost-effective to fill positions to increase the
18 employee complement by one person, rather than
19 outsourcing to a third party consultant in the \$250 per
20 hour plus range for the \$150,000 per year fees. Plus
21 these outside consultants have to travel and be
22 accommodated. This all costs ratepayers a tremendous
23 amount of money. It went on to add that not only when
24 you have it in-house, you have it much more
25 advantageous for the corporation to staff and keep the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 corporate memory in-house, knowledge and skill,
2 especially if the job requirement is going to be
3 ongoing, which regulatory processes are.

4 Mr. Osler, unless you are specifically asked a
5 question by me, I would prefer if you do not respond.

6 Mr. Hall, why has this not been realized in the
7 regulatory field for your corporation? Why are you not
8 relying on your own in-house instead of outsourcing?

9 A. MR. HALL: Mr. Chair, if I could speak to the
10 issue at a high level, and then Mr. Mollard will fill
11 in with some detail.

12 So when I joined the organization four years ago,
13 one of the things InterGroup I did speak to Mr. Mollard
14 about was bringing in-house more of our modelling and
15 regulatory support functions. So if I was to look at
16 the way InterGroup the current GRA materials were
17 prepared, I can say InterGroup we did do a lot more
18 work internally, particularly, for example, around
19 internal regulatory modelling. So that's a key part is
20 all of the forecasting of the numbers that you see in
21 all the exhibits, where previously that work would have
22 been done by InterGroup, that work now has largely been
23 done internally by Mr. Mollard's staff.

24 And, likewise, when I -- when I look at the way
25 we -- and the approach that we've taken to load

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 forecasting and resource planning, Mr. Sreckovic's team
2 was largely responsible for all of that work. So I
3 think it's, certainly from my perspective, the case
4 that we have brought in-house significant part of the
5 work, however, we do rely on specialized expertise that
6 InterGroup brings to the table, and I'm very
7 comfortable with the role that they've played in the
8 preparation of this GRA.

9 A. MR. MOLLARD: And just to expand on that a bit,
10 we do -- we did put on the record last proceeding our
11 consultant's cost. We weren't asked in IRs for that
12 information at this time, but we do have it. We do
13 have a number of positions that, if they were not -- if
14 they were not doing the work internally, it would have
15 been consulting dollars that was spent.

16 But just a little bit about our environment. Yes,
17 regulatory proceedings are ongoing, but you can
18 appreciate that when you get into this level of a
19 proceeding, the workload increases exponentially, and I
20 can't have that many staff on staff for five years when
21 they're only really that busy for one year. So you're
22 always going to have to bring in a little extra help
23 when you're getting into the peak times.

24 And, frankly, it can be challenging in the North
25 to find people with the unique experience of having

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 gone through a regulatory process. It's not a
2 discipline that people naturally get regardless of,
3 really, what their profession is. So InterGroup brings
4 to the table that experience, and Mr. Osler personally
5 has been participating in these proceedings since the
6 late '80s, so he brings a depth of experience that's
7 difficult to get anywhere else.

8 Q. So, Mr. Hall, is your regulatory analyst fully engaged,
9 then?

10 A. MR. HALL: Yes.

11 Q. Is he not paid more than 100,000 K per year for this
12 position to do the regulatory job?

13 A. MR. MOLLARD: I can't tell you what his salary
14 is off the top of my head -- is part of that -- is
15 regulatory support is his role? Not exclusively, but
16 he does have regulatory support functions, yes.

17 Q. Mr. Hall or Mr. Mollard, does Yukon Energy pay an
18 outside consultant or his firm -- I'm referring to
19 Mr. Osler and InterGroup -- more than \$250 an hour or
20 more than 150,000 per year?

21 A. MR. MOLLARD: Sorry, the hourly rate of 250
22 or --

23 Q. Yes.

24 A. MR. MOLLARD: -- I didn't catch the last part.

25 Q. Per hour.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: Yes.

2 Q. Or 150,000 a year.

3 A. MR. MOLLARD: I believe his current rate is
4 roughly \$250 an hour.

5 Q. Roughly.

6 A. MR. MOLLARD: Roughly.

7 Q. What is the retainer fee for InterGroup or
8 Mr. Sreckovic --

9 A. MR. MOLLARD: There is no retainer fee.

10 Q. So it's basically an open contract. It's --

11 A. MR. MOLLARD: No, that's not what I said.
12 Mr. Osler is paid for services provided after they've
13 been provided. He provides an accounting of his time
14 put in, and he's paid that. For the purposes of
15 managing his time, he produces a budget for whatever
16 activity he's being asked to perform on, and we monitor
17 him against that budget.

18 Q. Does he have to bid on -- on the job, or is it
19 sole-sourced?

20 A. MR. MOLLARD: Depends on the proceeding.
21 Some -- some have been sole-sourced. With respect to
22 this proceeding in this GRA process, as I said, his
23 experience is second to none, and his rates are very
24 favourable, so we -- we do sole source him for this
25 work. For others he's had -- they've had to bid on as

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 other parties do.

2 Q. So if they are sole-sourced, how are you making certain
3 to your ratepayers that we're getting the best bang for
4 our buck if it doesn't go out into a contract field?

5 A. MR. MOLLARD: Mr. Chair, we know in this space
6 in Canada, generally the other businesses that we're
7 familiar with that provide regulatory support tend to
8 be the large accounting firms, and I can say quite
9 unequivocally that their rates are materially higher
10 than InterGroup's. Mr. Osler would be a partner level
11 at a firm, and their rates are typically in the 4 to
12 \$500 an hour range.

13 Q. Yes, but he has all his staff, and he has his --

14 A. MR. MOLLARD: As do the firms --

15 Q. -- his associate that comes with him wherever he goes,
16 who basically fills the chair, and the consumer's
17 paying for this over and over again.

18 A. MR. MOLLARD: Mr. Chair, I'm not sure what the
19 question is there.

20 Q. The question is: Why is this happening? Why is -- why
21 is this still happening after 1984, whatever? Why is
22 this continuing?

23 A. MR. MOLLARD: Well, Mr. Chair, we -- we've used
24 this approach before, we have -- we don't hide anything
25 in our costs. We've been up front with any questions

1 we've been asked. The last couple of proceedings we've
2 provided details on all of our consulting costs, and
3 we've taken steps to reduce that burden, as Mr. Hall
4 mentioned, where it makes sense. We stand behind our
5 numbers. We believe this is the best approach to -- to
6 providing the service.

7 Q. But do you not use the system? You know full well that
8 Mr. Osler is going to apply for cost claim charges, so
9 why should we do the work in-house, we can -- we can
10 stay around here and do what we're doing, and we'll pay
11 this guy, and then we will do a cost claim, and the
12 ratepayer will pay. It's a form of corporate welfare,
13 would you not think?

14 A. MR. MOLLARD: Well, no, I don't agree with that,
15 Mr. Chair. Yes, we include the consulting costs as
16 part of our cost claim. The Board subjects that to a
17 review of prudence, and they make a decision on whether
18 those are prudently incurred costs or not, so it works
19 within the system.

20 Q. If you wouldn't have that particular way to retrieve
21 your cost claim, would you maybe do the work in-house?

22 A. MR. MOLLARD: Well, yes. I mean, it can only be
23 one or the other. We either have to do it in-house, or
24 we have to do it through consultants. If we do it
25 in-house, then my labour component goes up, and revenue

1 requirement goes up that way. You know, this isn't a
2 black-and-white area where I can say it's clearly one
3 way or the other. We make the assessment based on the
4 level of work that's required under internal resources
5 and decide based on that whether to go outside for help
6 or not.

7 Q. Or your shareholder pays. You know, where does that
8 come in?

9 A. MR. MOLLARD: Shareholders don't fund
10 operational expenses.

11 Q. Unfortunately. Okay. So we have in front of us right
12 now this particular rate application PPAs, DCF, ERA,
13 and the earlier GRA. You told me that there was no
14 tender process, yet Mr. Osler's firm was front and
15 centre in all of these applications. Again, were all
16 of these contracts or sole-sourced?

17 A. MR. MOLLARD: I'm sorry, what was the list of
18 proceedings.

19 Q. Okay. The list of proceedings is the cost application
20 in front of us, the PPAs, the DCF ERA hearing and --
21 and from my understanding, the resource plan.

22 A. MR. MOLLARD: Sorry, the last one.

23 Q. Resource plan.

24 A. MR. MOLLARD: Well, I guess just off the top,
25 they were not part of the resource plan proceeding

1 directly. And our purchase agreement costs were paid
2 for by Victoria Gold, so we're not asking ratepayers
3 for those costs either.

4 Q. This is -- that's not the fact. There's -- there is a
5 cost claim going out that's already gone out;
6 ratepayers will be paying for it.

7 A. MR. MOLLARD: The proceeding.

8 Q. Yes.

9 A. MR. MOLLARD: Versus the preparation costs.

10 Q. Okay. Understand.

11 A. MR. HALL: And, Mr. Chair, just to clarify,
12 the resource plan, that work was done internally.
13 There were individual reports and pieces of work that
14 were done by a range of consultants, and those were
15 competitively tendered.

16 Q. Okay, thank you. I'll get back to the resource plan a
17 little later.

18 Now, in the Yukon Energy web, under Purchasing and
19 Tenders, you state: (as read)

20 "Yukon Energy promotes ethical,
21 transparent and accountable practices
22 and strives to obtain the most economic
23 benefit in procurement of goods and
24 services for the corporation," and for
25 the consumer supposedly.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 "Competitive bidding practices are
2 promoted to ensure that vendors are
3 provided equal opportunity to offer
4 goods and services."

5 Why do you not follow this particular practice and
6 policy that is your own when -- when it comes to
7 regulatory proceedings?

8 A. MR. HALL: Mr. Chair, I think some -- some
9 context is important here. So Yukon Energy has a
10 procurement policy that is broadly in line with Yukon
11 government's procurement policy, and as part of that
12 policy, we have various A thresholds and dollar value
13 thresholds where different procurement practices have
14 to be followed, including competitive processes, but
15 both in our case and the case of the Yukon government,
16 non competitive tenders are allowed and are used in
17 specific cases, and -- and those have to be provided a
18 justification, so there's a specific process that we go
19 through whenever it's a non-competitive process, and
20 those are signed off by the appropriate level within
21 management, up to and including myself on competitive
22 tenders above \$50,000 and non-competitive above
23 \$50,000. So there is scrutiny that is -- that we
24 follow.

25 And B, as part of that scrutiny, we do benchmark

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the, for example, the labour rates that would apply.
2 So when a non-competitive tender is brought forward and
3 a particular hourly rate is included, the onus is, and
4 what I look for and what's required, is to benchmark at
5 that point against what the market rate might be.
6 That's non-competitive tenders are allowed, both in our
7 process and Yukon government's process.

8 Q. Mr. Hall, did Yukon Energy not just celebrate its 35th
9 anniversary, 35 years of being a corporation?

10 A. MR. HALL: We did celebrate our anniversary
11 this year, yes.

12 Q. So when can your ratepayers and consumers believe that
13 you are going to grow up enough to do your own work
14 that you are paid for without going into this continual
15 outsourcing of your work? When will this happen?

16 A. MR. HALL: As part -- Mr. Chair, as part of
17 any business process that we undertake, there's always
18 an evaluation of whether we should complete work
19 internally versus externally, and I think we've
20 reviewed in some detail the rationale for using
21 external consultants for certain scope within this GRA
22 proceeding, but as I outlined earlier quite clearly,
23 there was substantial pieces of work that were done
24 internally. And that is a management decision that
25 would apply in any process, whether it be an

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 engineering project that we do or a regulatory
2 proceeding.

3 Q. Mr. Hall, in your -- do you know if InterGroup firm has
4 any ties in the Yukon? Do they have an office here, in
5 other words? Do they have any ties in Yukon?

6 A. MR. HALL: Mr. Chair, to my knowledge, I
7 don't believe they have an office here but they've done
8 work for several clients, as far as I understand,
9 within the Yukon, it's not just Yukon Energy.

10 Q. And Mr. Mollard, does this consultant firm pay any
11 taxes in the Yukon --

12 A. MR. MOLLARD: I have no knowledge --

13 Q. -- as far as you know?

14 A. MR. MOLLARD: I have no knowledge of their tax
15 situation.

16 Q. So you don't take any taxes off your -- when you pay
17 them?

18 A. MR. MOLLARD: I pay GST on their bills.

19 Q. Solely, just GST?

20 A. MR. MOLLARD: Yes.

21 Q. Mr. Mollard, again, does Yukon Energy pay the legal,
22 Mr. Landry or his firm, Davis & Company, now DLP Piper,
23 which is a large international firm, more than \$350 per
24 hour?

25 A. MR. MOLLARD: With respect to this proceeding.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Just generally, anything?

2 A. MR. MOLLARD: So you're asking if his rate is
3 higher than \$350.

4 Q. Yes.

5 A. MR. MOLLARD: Yes, I believe it is.

6 Q. And can you tell us how much higher?

7 A. MR. MOLLARD: I don't have that number off the
8 top of my head.

9 Q. But the ratepayer's paying for all of this, one way or
10 the other.

11 A. MR. MOLLARD: No, that's not true. The Board
12 has established limits on the hourly rates that lawyers
13 can be paid, so I can only claim what that provision
14 allows for.

15 Q. Which Board?

16 A. MR. MOLLARD: The Utilities Board.

17 Q. Yes, they -- they do in returning the claimed money,
18 but what -- where is the other money? I mean if he
19 charges \$450 an hour plus, that money comes from
20 ratepayers somewhere; you're putting that into your --
21 into your numbers.

22 A. MR. MOLLARD: Mr. Chair, that's not true. We
23 get the cost award from the Board, and any amounts that
24 are disallowed are written off to income to the
25 shareholders' account. Ratepayers are not charged for

1 those amounts.

2 Q. So he's not paid any more?

3 A. MR. MOLLARD: I did not say that.

4 Q. Well, that's what -- my question was where is he being
5 paid from? If the Board says he can only have \$350 an
6 hour and he's charging 450, where's this extra hundred
7 bucks coming from?

8 A. MR. MOLLARD: As I explained, we pay it, we
9 write it off against income, so it goes to the
10 shareholders' account, not ratepayers.

11 Q. You pay -- not the disallowed money. I'm not talking
12 about the disallowed money, I'm talking about any money
13 that he charges over and above \$350 an hour.

14 A. MR. MOLLARD: That's what I'm referring to.

15 Q. So the ratepayers never pays for that; it doesn't go
16 into your accounting numbers somewhere?

17 A. MR. MOLLARD: Does not. Well, it goes into our
18 accounting numbers as part of my annual expenses, as I
19 said, written off as against income.

20 Q. Is there a way that we can see this?

21 A. MR. MOLLARD: If you would like to ask for
22 evidence from a particular write-off proceeding, I can
23 provide that, but you have to tell me which one you
24 want to see.

25 Q. I'm not asking for the write-off on the claims, because

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 we've gone through that over and over again. I'm
2 asking for the extra amount of money that you are
3 paying the legal.

4 A. MR. MOLLARD: Mr. Chair, I'm trying to
5 accommodate here, but I'm not really understanding
6 where Mr. Rondeau is going with this.

7 Q. Okay, that's fine, let's just leave that.

8 Has -- has Mr. Landry's firm, any of these jobs
9 that he's taken, is there a contract negotiation or is
10 it sole-sourced?

11 A. MR. MOLLARD: Mr. Landry's services are provided
12 on a sole-source basis. And just to be clear, we do --
13 we do annually do a review of -- of legal fees, what
14 Mr. Landry's firm charges us relative to a publication
15 from the Canadian Law Association that gives us
16 benchmark rates, and we make sure that we're within
17 reasonable range of those numbers.

18 Q. Okay, could you please turn to UCG127 -- or pardon me,
19 122. It's regarding the regulatory -- or pardon me,
20 the contract dispute that you have with one of your --
21 your --

22 A. MR. MOLLARD: Sorry, what was the reference.

23 Q. UCG122.

24 A. MR. MOLLARD: That's a different question, I
25 think, Mr. Rondeau. Whistle Bend supplied Takhini

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 upgrade.

2 Q. Okay, I have the wrong one. Regardless, we know there
3 was a contract dispute, and this was taken to court.
4 Correct?

5 MS. BENTIVEGNA: Sorry, Mr. Rondeau, just so that
6 the Panel has, where -- which question are you
7 referring to? Is it Exhibit B-10? Is it question
8 that -- the response to the question that UCG asked?

9 MR. RONDEAU: It is, but I have the wrong
10 number, obviously.

11 MS. BENTIVEGNA: Oh, okay.

12 MR. RONDEAU: So I'm just going to go -- I
13 mean, I can do it generally. They -- they know that
14 there was a contract dispute. Actually, 113, I do have
15 it in my file here. That's the one.

16 THE CHAIR: Okay. So just for clarity, so
17 which exhibit is this? And it's UC -- it's the answer
18 to UCG-1-13? Is that what you're --

19 MR. RONDEAU: Correct, Mr. Chair.

20 MS. BENTIVEGNA: I believe, Mr. Chair, it's
21 Exhibit B-10, which has the questions and responses, so
22 it's YEC responses to UCG IRs, September 22nd, 2017,
23 B-10.

24 A. MR. MOLLARD: Okay.

25 MR. RONDEAU: It just breaks out the fees.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. MR. RONDEAU: So in here, it states a legal
2 firm. Can you tell us who the legal firm
3 representative was?

4 A. MR. MOLLARD: It was DLA Piper.

5 Q. Was this put out in a request for a proposal or tender
6 process?

7 A. MR. MOLLARD: No, it was not.

8 Q. Sole-sourced.

9 A. MR. MOLLARD: Correct.

10 Q. Has the YEC placed its nearly \$1 million on the revenue
11 requirement for this particular test years?

12 A. MR. MOLLARD: No.

13 Q. It's in a deferral, in a WIP, or where is --

14 A. MR. MOLLARD: The legal expenses were written
15 off in accordance with our auditor's directions.

16 Q. Again, I would request some real information in front
17 of us on this to show us that this is being done.

18 A. MR. MOLLARD: Mr. Chair, I don't know how to
19 respond to "real information."

20 Q. Well --

21 A. MR. MOLLARD: I'm not sure what he's asking for
22 evidence.

23 Q. Demonstrating that it's been written off.

24 A. MR. MOLLARD: So you would like to see the
25 transactions writing off the legal expenses.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Exactly. Now, we also --

2 THE CHAIR: Just hang on a second.

3 MR. RONDEAU: Yes.

4 THE CHAIR: Did you want to add something,
5 Mr. Mollard?

6 A. MR. MOLLARD: Yes, just to be -- just to --
7 Mr. Osler reminds me that we have written off that
8 money in accordance with our auditors' directions, and
9 we haven't put anything into rate based because the
10 proceeding is not complete. We were successful on our
11 appeal, but we still have to get to settlement. At
12 that point when we get to settlement, it is the
13 intention of Yukon Energy to come back and ask for
14 recovery of all those costs presuming our success in
15 that regard. I just want to be clear for the record on
16 that.

17 THE CHAIR: Does that answer your question?

18 MR. RONDEAU: Not completely.

19 Q. MR. RONDEAU: Obviously, Mr. Landry has been
20 paid for this. He's not going to wait until this is
21 settled. So where's this money come from.

22 A. MR. MOLLARD: At the current time, the
23 shareholders are funding it.

24 Q. Now, we also have the Court of Appeal on the ERA. Was
25 this also sole-sourced to Mr. Landry's firm?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: Yes, it was, and it made sense
2 that this was a -- this came out of the last GRA
3 proceeding in which Mr. Landry was representing us, so
4 it made sense to keep the same representation right
5 through the process.

6 Q. And where are these costs documented in your
7 accounting, and who paid or will pay for this -- these
8 costs?

9 A. MR. MOLLARD: Subject to check, I believe the
10 ERA costs were charged through to the hearing reserve
11 account.

12 Q. Okay. So let me get this straight. You used -- you
13 use ratepayer money to hire legal to take ratepayers to
14 court to -- to fill a ghost reserve DCF. It doesn't
15 make logical sense to me, sir, that you are doing this
16 type of thing to your ratepayers.

17 A. MR. MOLLARD: Again, Mr. Chair, I'm struggling a
18 bit with the question. To the extent that we incur
19 these costs and put them into the hearing reserve
20 account, we're required to bring the account before
21 this Board for review. So at that point, the Board
22 makes the assessment on whether it's prudent or not and
23 makes their decisions. So we -- I don't want to imply
24 that we're arbitrarily charging ratepayers for
25 anything. The Board has jurisdiction over those

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 charges.

2 Q. Is it not obvious to you, Mr. Hall, that you have these
3 two clients that have been here for years and years
4 making millions and millions of dollars off Yukon
5 ratepayers, they continually swamp the YUB process with
6 multitudes of paper and filibuster posturing, making
7 the process and the evidence so convoluted that no one
8 can even determine the facts unless you'd be a forensic
9 auditor, and then you'd probably have trouble. Would
10 you agree with this statement?

11 A. MR. HALL: Mr. Chair, no. Maybe I'll start
12 at the high level. You know, we're running a fairly
13 complex business here, and the regulatory proceedings
14 are complex. But I would contend that the -- the
15 quality of the materials prepared is high, and we need
16 to bring in the appropriate level of expertise to
17 prepare those materials. We -- we review those costs,
18 and in our view, determine what an appropriate level of
19 how expenditure is.

20 I'll also make the comment that, Mr. Rondeau, you
21 asked several times whether we put various bits and
22 pieces of legal work out to tender, and I think any of
23 us in this room who have run a business know that when
24 it comes to legal services, the continuity with which
25 those services are provided is important. You can't

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 swap and change lawyers out, you know, from day to day
2 or month to month. There is value in continuity.

3 And so Mr. Mollard, our client -- the way we deal
4 with that and make sure the hourly rates charged are
5 reasonable is by doing the benchmarking with cost
6 information provided by the Canadian Law Society. So,
7 in my view, the continuity of legal services is
8 important and ultimately valuable -- of value to
9 anyone.

10 Q. Is Mr. Landry on a retainer fee?

11 A. MR. MOLLARD: No, he's not.

12 Q. Now, the Yukon Energy has various tools for
13 forecasting. You've got regulatory tools, simulation
14 models for capacity planning, resource planning models,
15 water and power benefit models, water management tools,
16 now the EXSIM for the LTA. Could you please tell us if
17 I missed any of this modelling capability?

18 A. MR. MOLLARD: Yeah, I have no idea where to even
19 start with that, I'm sorry. That wasn't very specific.

20 Q. Do you want me to go through the some of the models you
21 have?

22 A. MR. MOLLARD: Well, I guess I'm struggling,
23 Mr. Chair, with what we're trying to get to here.
24 You --

25 Q. Costs, sir. Costs.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: Costs.

2 Q. These cost the ratepayer mega dollars.

3 A. MR. MOLLARD: So you want to know how much the
4 models cost.

5 Q. Not necessarily. I'm just asking a general question
6 about how many of these models do you have to have?

7 A. MR. MOLLARD: Again, Mr. Chair, I'm trying to be
8 helpful here. We -- depending on what function you're
9 talking about with respect to operations, we have to
10 have models that tell us when and where our water is
11 coming in so we know how to dispatch our hydro units
12 and our thermal units. We have to have long-term
13 planning models because we are the sole -- primary
14 generator in Yukon, so we have to have those models to
15 help us predict where we need to be in the future. We
16 have to have short-term models because we have to know
17 where we're going to be next week. So we develop
18 models and bring them in wherever we see a purpose that
19 needs to be met.

20 Q. That's why, when you see numbers, they're all over the
21 place. Every model spits out a different number, and
22 it's really difficult for, I'm sure, the Board
23 themselves to follow your numbers. Would you agree?

24 A. MR. HALL: Mr. Chair, I don't think we can
25 speculate on how the Board would view any of our

1 **numbers.**

2 Q. Do all of these models that you have, are they in your
3 corporate resources in your offices or are they housed
4 in your consultant's office?

5 A. MR. HALL: Well, the models that we have are
6 within our premises, with the exception of one
7 electrical planning model which at this point resides
8 in a contractor's office.

9 Q. Do you have the in-house specialists that can impute
10 the necessary data and analyze the results from this
11 data for all these tools that are being used?

12 A. MR. HALL: Yes.

13 Q. You have that?

14 A. MR. HALL: Yes.

15 Q. So why do you need a consultant?

16 A. MR. HALL: Mr. Chair, I think I explained
17 this earlier in my opening remarks on this topic that
18 one of these functions that we did bring in-house over
19 the last four years, it was the modelling work, so I
20 think I was pretty clear on that point.

21 Q. You didn't answer me why you need a consultant. If
22 your in-house analyst can handle all of this and
23 analyze it, why do you need to pay a consultant extra
24 costs?

25 A. MR. HALL: Mr. Chair, I think everyone would

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 **appreciate that the preparation of a General Rate**
2 **Application involves more than just modelling.**

3 **Q. I have just one more question on -- on this particular**
4 **part, and it would be when does Yukon Energy plan on**
5 **moving your head office from Winnipeg, Manitoba?**

6 **A. MR. MOLLARD: Our head office is not in**
7 **Winnipeg, Manitoba.**

8 **Q. Ownership. Mr. Hall, can you give us a brief**
9 **description on your perspective of who owns**
10 **Yukon Energy?**

11 **A. MR. HALL: Mr. Chair, our shareholder is**
12 **Yukon Development Corporation.**

13 **Q. So Yukon Development Corporation owns --**

14 **A. Owns the equity of the company, yes.**

15 **Q. And the debt?**

16 **A. Not all of the debt, as far as I believe.**

17 **Q. So if this is the case, would you say that YDC Board of**
18 **directors are de facto shareholders?**

19 **A. MR. HALL: Mr. Chair, the Yukon Development**
20 **Board of directors are not the shareholders, no,**
21 **they're the Board of the organization.**

22 **Q. De facto. If YDC -- they make all the decisions;**
23 **correct?**

24 **A. MR. HALL: No, and that's not correct. I**
25 **mean, we have -- Yukon Energy has its own Board, and**

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the Yukon Development Corporation has a Board, so we
2 have a governance framework in place in terms of who
3 makes what decisions.

4 Q. Yes. I guess my question would be the same about the
5 YEC Board of directors: Are they not a de facto
6 shareholder? I'm not --

7 A. MR. HALL: Mr. Chair, I last did Latin in
8 grade eight, so I'm not --

9 Q. "De facto" is a tough one?

10 A. MR. HALL: "De facto" is very tough, yes. In
11 seriousness, we have a Board of directors; they are not
12 the shareholder. They perform the functions of a Board
13 which are to approve various decisions of management
14 and provide oversight for management, as is specified
15 under the statute.

16 Q. Sole-source contracts, and now Mr. Osler, I'm going to
17 ask you questions directly. Do you or your firm get
18 performance bonuses from Yukon Energy?

19 A. MR. OSLER: No.

20 Q. Have you or your firm ever received a performance bonus
21 from YEC?

22 A. MR. OSLER: No.

23 Q. Now, it's our understanding -- and this goes back from
24 the LNG hearing -- that Yukon Energy separated the
25 director of resource planning and regulatory affairs

1 with the focus on the planning for the expansion of
2 generation using LNG. Is that a --

3 A. MR. MOLLARD: I'm sorry, I don't -- I don't get
4 -- were you referring specifically to some evidence in
5 the proceeding? Can we -- can we have that reference?

6 Q. It comes from the LNG hearing. I don't have the
7 specific -- I thought I did.

8 A. MR. MOLLARD: Can you rephrase the question,
9 please.

10 Q. Okay, what I asked for, at that time we were told that
11 the director of resource planning and regulatory
12 affairs was formed or -- or -- or separated, with the
13 focus on planning for the expansion of generation using
14 LNG.

15 A. MR. MOLLARD: I'm sorry, Mr. Chair, I don't know
16 that reference, and I -- I really wouldn't be
17 comfortable answering that without understanding the
18 context.

19 Q. Okay.

20 THE CHAIR: So I understand that we changed
21 the order of the interveners and you moved up one
22 because Mr. Maissan was still doing some prep. If you
23 need time to find that, we could let you ask that
24 question.

25 MR. RONDEAU: No, that's fine, that's not a

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 problem. It isn't that -- that critical.

2 Q. MR. RONDEAU: I guess I would just ask, then, is
3 the director of resource planning position filled
4 today?

5 A. MR. HALL: Yes, Mr. Chair, and he's with us
6 today.

7 Q. Okay, good. I will research that, and I will get back
8 in argument.

9 Now I'll turn to the timing of this application by
10 Yukon Energy. And, Mr. Landry, I'll try not to get in
11 any entanglement of retroactivity with you, because I
12 know you'll be on it.

13 So Mr. Hall, could you please point out to us the
14 legislation in the Act where late applications are
15 acceptable and explain it to us.

16 MR. LANDRY: Well, Mr. Chair, before Mr. Hall
17 answers that, I think if we're going to get into a
18 discussion of legislation, I think maybe we want to be
19 a little more careful than where late applications
20 brought forward. What specifically -- perhaps,
21 Mr. Rondeau, if there's a specific question there
22 that's not a legal question of Mr. Hall, I'm quite
23 willing to allow it to be asked.

24 Q. MR. RONDEAU: Well, maybe you can just do an
25 undertaking, showing us where in the Act it is

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 allowable, and then you can consult with your team.

2 MR. LANDRY: I don't know what you're asking.

3 Q. MR. RONDEAU: I'm asking where in the Act does
4 it allow for late applications? How do you justify
5 filing late applications?

6 MR. LANDRY: Maybe you could define "late" for
7 me.

8 Q. MR. RONDEAU: Well, halfway through a test year,
9 for example. And now halfway through the second test
10 year. That's pretty damn late.

11 MR. LANDRY: Mr. Chair, I'll try to deal with
12 Mr. Rondeau off the record on this and see if I can get
13 a reference to it, to the appropriate provision within
14 the statute that allows an application to be brought
15 during the test year. But if it's okay, Mr. Rondeau,
16 I'll see if I can sort that out so we don't have to
17 deal with this on the record, if that's makes some
18 sense?

19 MR. RONDEAU: That's fine, Mr. Chair.

20 THE CHAIR: Okay, and then you can maybe let
21 us know the outcome of that discussion.

22 MR. LANDRY: I will.

23 Q. MR. RONDEAU: Just one more thing on this,
24 Mr. Hall. Could you explain to us, give us your
25 reasons why you applied halfway through the test year,

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the 2017 test year. By the time the application came
2 in, it was half year -- halfway through 2017. Brief
3 explanation of why.

4 A. MR. MOLLARD: Year and a half now. I'm sorry,
5 my memory is -- is a bit weak on this front. We had
6 prepared our business plan in accordance with our
7 normal process. It typically runs through the fall
8 period.

9 When we got to the business plan approval, we
10 recognized that there would be the requirement for an
11 increase in rates at the business plan stage. That
12 would have been in about December of '16. We then
13 started the process of preparing the document. As you
14 can appreciate, it's a 400-odd-page document. It takes
15 some time to pull together. I can't think of a
16 specific reason other than that it was just prep time
17 to get it done and get it through the appropriate
18 approvals to get it filed.

19 Q. So I guess my question from that is, why didn't you
20 start earlier?

21 A. MR. MOLLARD: Well, as I said, we didn't -- we
22 didn't know we had that big of a problem until we did
23 the business plan process in the fall of '16.

24 Q. Okay. All we know -- we know that other jurisdictions
25 point out specifically that retroactivity issues are to

1 be avoided at all times because it leads to what is
2 known as intergenerational inequities. Yet it appears
3 that the two utilities in the Yukon continually use
4 this route, in other words, applying halfway through
5 test years. Why is this?

6 A. MR. HALL: Well, Mr. Chair, I think
7 Mr. Mollard just explained the specific rationale for
8 when we filed. I don't think that it gets any more
9 complicated than that.

10 Q. Mr. Hall, would you agree, then, that intergenerational
11 issues are more likely to appear or occur with
12 applications that are filled halfway through a test
13 year? In other words, you're going to be charging
14 people rates who never really incurred those -- those
15 charges.

16 A. MR. MOLLARD: Mr. Chair, if I could, I think the
17 intergenerational equity is a -- is a concept that we
18 bring to the table each and every time, it seems, and
19 there's always a balancing between trying to be fair to
20 ratepayers over time and intergenerational equity.

21 The DCF is a good example of that -- that process
22 where we build a regulatory concept to smooth impacts
23 to customers over time. You don't want to send them
24 the pricing of a drought in the drought because they
25 can't do anything about it. So -- and that's an

1 example of where you choose smoothness over
2 intergenerational equity. It's -- it's never
3 completely one or the other. There's always a
4 balancing act involved.

5 Q. Okay. Good, I'll get back to that when I deal with the
6 DCF.

7 We also know that, in most other jurisdictions in
8 Canada -- and as far as that goes, in the world
9 nowadays -- that everyone in the energy field providing
10 of electricity has gotten away from this old
11 cost-of-service rate-base regulation. And they've
12 moved on to a modern incentive-based performance
13 regulation, which is far less complex and much less
14 expensive to manage. Because you can -- you can set
15 rates for several years putting in cost factors, and
16 you can set rates, and you don't have to continue. It
17 would be a hell of a -- excuse my language -- much
18 easier for you guys to regulate.

19 A. MR. HALL: Mr. Chair, I'm not sure what the
20 question is.

21 Q. The question is: Why haven't you gotten away -- why
22 are you not doing something to move away from this old
23 outdated model of cost of service and rate base?

24 A. MR. HALL: Well, Mr. Chair, I think quite
25 simply, I think it's appropriate for the utility to

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 opine on its regulatory framework. We're subject to
2 regulation. But for us to have an opinion on
3 regulatory change or try and affect that, that's the
4 purview of government, clearly.

5 Q. Well, sir, if we deal with the government, they tell us
6 it's you or it's with the Board, and you guys tell us
7 it's -- it's with the government. So it's -- we're in
8 a hole here. And this has been -- we've been fighting
9 this issue for -- since 1997, basically, and we're
10 still in the same old outdated regulation.

11 MR. LANDRY: Mr. Chair, I think we can -- I
12 think I'd say that Mr. Hall has answered the question.
13 Mr. Rondeau has a relevant question to this GRA, and he
14 can bring it forward. Discussing the policy of
15 government I don't think is an appropriate time -- use
16 of time.

17 THE CHAIR: Yes. Do you have a question?

18 MR. RONDEAU: I have some more questions, yes.

19 Q. MR. RONDEAU: That particular issue I'll leave
20 set.

21 Now, Yukon Energy always preaches necessity to
22 conform with regulatory principles. Mr. Hall, in your
23 opinion, do principles, values, attributes allow for
24 more discretion to be used on the part of managers and
25 regulatory consultants?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 **A. MR. HALL:** Mr. Chair, it's a very open-ended
2 question. I need a bit more specificity on what
3 exactly is being asked.

4 **Q.** Well, it gives you more latitude. Well, this is --
5 this is a regulatory principle, so it gives you more
6 latitude to use your legal and your consultants to make
7 your way around decisions. What I'm asking you is --
8 is your opinion on whether or not this gives you more
9 discretion.

10 **A. MR. HALL:** Mr. Chair, frankly, I don't know
11 what that question is, what it's getting at.

12 **Q.** I guess you should take more philosophy courses. Are
13 -- are --

14 **THE CHAIR:** Yeah, I think we can do without
15 the asides.

16 **MR. RONDEAU:** Yes, sir, I agree.

17 **Q. MR. RONDEAU:** Are not principles a form of
18 self-regulation. For example, it allows a sector, no
19 matter what it is -- in this case, the electrical
20 sector -- what standards are acceptable or
21 unacceptable, and it also permits over-zealous
22 legislation that comes from the government. So my
23 question is -- are principles not a form of
24 self-regulation.

25 **A. MR. HALL:** Mr. Chair, again, I'm not sure how

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 this is relevant to this proceeding or the matter in
2 front of the Board, and I'm really struggling with it.

3 Q. Okay. One more thing on this --

4 THE CHAIR: Just a second.

5 Yeah, I think if you want to be asking a question
6 about that, you need to be more specific, and rather
7 than -- rather than be expressing things that might
8 better be left for argument, you can do that there, but
9 ask these gentlemen questions about this application.

10 Q. MR. RONDEAU: Just one more thing on principles
11 before I leave it alone. Mr. Hall, would you consider
12 regulatory principles or principles used by the utility
13 are no more important than the principle of public
14 interest?

15 A. MR. MOLLARD: Mr. Chair, I think we have to be a
16 bit careful there. The use of regulatory normal
17 regulatory principles in Canada is enshrined in the OIC
18 that governs how we do business. Public interest is
19 not part of that mandate.

20 Q. Yes. The YECSIM -- Mr. Hall, it's our understanding
21 that the YECSIM was and is used to determine long-term
22 average forecasts for rate applications, including this
23 current one, the prior test period, 2012/2013 GRA, as
24 well as the tool that you used to drive the DCF. Is
25 this accurate?

1 A. MR. HALL: Yes.

2 Q. Has this always been the case?

3 A. MR. HALL: I'll allow for my panel members to
4 outline the history of what models have been used
5 because it's well before my time.

6 A. MR. MOLLARD: Yeah, I mean, we've always used
7 models for various forecasting purposes going back to
8 the early '80s when we -- when this Board did have us
9 approved for a short-term model that we used for a
10 time. We've used various models throughout the --
11 throughout the time period to get to those numbers.

12 Q. Mr. Hall, I want you to be clear here: Has the YECSIM
13 ever been tested for verified?

14 A. MR. MOLLARD: Mr. Chair, this is -- this is
15 going to the crux of what we've been wrestling with for
16 the last couple of years in terms of the model and
17 these types of models and how different jurisdictions
18 deal with them.

19 Based on what we know of this type of models,
20 they're not -- they do not lend themselves to
21 retrospective verification, as I believe Mr. Rondeau is
22 referencing. We've provided the manual which describes
23 how the model works, we've been very clear about what
24 the inputs are into the model that end up producing the
25 long-term average number, and that's what we feel is

1 the proper approach to be looking at that model and how
2 to test it.

3 Q. I'll get back to the inputs a little further here.

4 Mr. Hall, are you an expert on the methodology,
5 the mechanics, and the fundamentals of the YECSIM?

6 A. MR. HALL: No, I'm not an expert.

7 Q. Why, in your opinion, does YEC need the YECSIM?

8 A. MR. HALL: Mr. Chair, I think the high level
9 picture is important. You know, we run a complex
10 system in, you know, in connected grid with various
11 supply sources, various hydro dams, a little bit of
12 wind, and we need a way to model the behaviour of that
13 system. You can't go out and, you know, play around
14 and do experiments that might result in the lights
15 going out, so we need a mathematical representation of
16 the grid and the system in order to do various
17 forecasting activities.

18 So, you know, the -- I think we're very -- you
19 know, personally very comfortable with the concept of
20 using a model. It's a standard practice for utilities.
21 We don't go out and experience realtime in our grid,
22 and therefore a model is your next best alternative for
23 really making predictions of system performance.

24 A. MR. MOLLARD: And it's also a very important
25 tool for planning purposes when you're in an industry

1 that relies heavily on long-lived fixed cost assets,
2 you need to be able to do that long-term planning to
3 make sure that the two are matching up in terms of the
4 benefit from the asset to the load.

5 Q. Okay, now, you told us that this was basically a new
6 simulation model, or newer. Why were -- why were the
7 old ones no longer working?

8 A. MR. MOLLARD: Well, it's a question of
9 continuous improvement. As we learn about our system,
10 every model has its limitations. You tend to start out
11 these things with a more simple program. As you learn
12 more about your system, you tend to have to develop
13 more sophisticated models that take into account
14 additional variables. That can be around the time
15 stamp that the model runs on. I'm not going to profess
16 to be an expert on it, but generally we look at it from
17 a continuous improvement perspective, and if we think
18 investment in an advanced model can help us, we will
19 try it out.

20 Q. Mr. Hall, could you tell us why the YEC chose this
21 YECSIM model and how this decision was made?

22 A. MR. HALL: Well, Mr. Chair, that goes well
23 before my time, so I don't know if any of the other
24 panel members can speak to that. Mr. Osler?

25 A. MR. MOLLARD: Can you speak to that?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: No.

2 A. MR. HALL: Well --

3 A. MR. OSLER: There were models done in the '90s
4 that looked at long-term average at that time, and they
5 were examined by the Board or used, at least, in the
6 hearing by the Board that reviewed the resource plan in
7 the 19 -- early 1990s.

8 The Faro mine closed and the issue on the system
9 for awhile was nothing to do with planning for
10 long-term average matters because there was a surplus
11 of hydro, which was written up in the 2005 resource
12 plan of the company. And at that time, it was
13 projected that that surplus would probably be around
14 until about 2020, absent any new major loads coming on
15 the system.

16 Around that same time period, the company and the
17 government and other parties started looking at some
18 major expansions to do with the Carmax Stewart project
19 and the connection with the Minto mine. The connection
20 of the two grids by itself required some changes to
21 modelling, but during that time period, I believe --
22 after 2005 and before we came forward with applications
23 on the Part Three for Mayo -- the YECSIM model was
24 developed. I believe it shows it in the appendix that
25 it was around 2008. I do not take part in corporate

1 management discussions or decisions; I don't know how
2 the process was carried out at that time or why they
3 picked that particular model, but they absolutely
4 needed a model at that time to deal with the fact that
5 the system now was starting to have planning issues for
6 major new investments such as the Mayo B project, and
7 they accordingly developed it and have been in the
8 process of continuously improving it since then.

9 That's the best I can do to assist you in
10 understanding the context for the emergence of
11 something called the YECSIM.

12 Q. Okay, that explains a bit. Was the YEC Board of
13 directors included in this -- the decision-making of
14 acquiring a new model or --

15 A. MR. MOLLARD: So are you asking if the Board
16 approved the cost --

17 Q. Yes.

18 A. MR. MOLLARD: -- of the model development.

19 Q. And the particular group that were chosen.

20 A. MR. MOLLARD: Well, the -- to the clear,
21 Mr. Chair, the development of the model would have been
22 part of our normal business planning process that the
23 Board looks at every year; they get a detailed list of
24 all the projects that we're working on, so they would
25 have had opportunity to -- to take that, to review that

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 and ask management questions on it.

2 As far as the delivery goes, the Board doesn't
3 often get into that level of a project as to how we
4 necessarily execute it. We just deal with the
5 objectives of the model and of the project and the
6 costs with the Board.

7 Q. How and why was the KGS group chosen?

8 A. MR. MOLLARD: Based on their experience in hydro
9 based systems. They're Manitoba based. They're --
10 many of them are former Manitoba Hydro employees, so
11 they're familiar with hydro based systems, they have
12 expertise in the area, and they have -- they have the
13 expertise in model development.

14 Q. Was there a request for proposal put out or a --

15 A. MR. MOLLARD: Mr. Chair, that was a dozen years
16 ago. I honestly can't remember if that was tendered or
17 not.

18 Q. AEY-2-4F gives you -- gives us a preliminary amount of
19 the costs for the KGS group.

20 MS. BENTIVEGNA: Mr. Chair, the exhibit is B-19, I
21 believe.

22 Q. MR. RONDEAU: You have the preliminary costs in
23 front of you?

24 A. MR. MOLLARD: Yes.

25 Q. Okay.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 THE CHAIR: Just give us a second, please.

2 MR. RONDEAU: Yes.

3 THE CHAIR: Okay. Go ahead.

4 Q. MR. RONDEAU: Okay. This gives us the
5 preliminary cost, basically, in 2007 and 2008
6 respectively, and then it goes on to say that KGS has
7 been consultant on specific issues in the models
8 between '09 and now. So what I would like is an update
9 on the total costs of the KGS contract two.

10 A. MR. MOLLARD: Mr. Chair, I want to be careful to
11 what I commit to. The development of the model was a
12 specific piece of work under a single contract. I
13 don't believe we held that contract open in -- for any
14 future updates.

15 Typically, we -- if we have an issue on our system
16 where we find something that's not being captured by
17 the model, we call up KGS and say we need some
18 programming help on the model, they would come in and
19 help. But it's typically a one-off type of activities
20 in small dollars, so I'm not sure I can necessarily
21 commit to getting exactly what that amount was. I can
22 check, I guess, if that's acceptable to the Board.

23 Q. Yes?

24 THE CHAIR: If that would be acceptable.

25 UNDERTAKING - TO PROVIDE AN UPDATE ON

1 **THE TOTAL COSTS OF THE KGS CONTRACT TWO**

2 MR. RONDEAU: Is that an undertaking that will
3 happen, then, Mr. Chair?

4 **A. MR. MOLLARD: That's an undertaking.**

5 THE CHAIR: Yes, we will make a note of that.

6 MR. RONDEAU: Thank you.

7 Q. MR. RONDEAU: Now, it's our understanding that
8 Mr. Osler's firm still had -- also had a hand in this
9 particular undertaking of getting a new YECSIM model.
10 How much did this cost for the middleman?

11 **A. MR. MOLLARD: Again, Mr. Chair, this is cost**
12 **that we would have incurred ten years ago. It's not**
13 **part of this proceeding, it's not in this revenue**
14 **requirement, and I'm -- I don't have that information,**
15 **I'm sorry.**

16 Q. So you're telling me that there are no costs whatsoever
17 for the YECSIM that will go on the test year revenue
18 requirement?

19 **A. MR. MOLLARD: Mr. Chair, if I understood the**
20 **question, he asked me if InterGroup was involved in the**
21 **development of the model which was done in 2007-'08,**
22 **and I'm saying I don't have that information, and it's**
23 **not part of this application.**

24 Q. That's fine. But my next question was: Has any money
25 for the YECSIM model -- is any of the money spent on

1 this particular model in our revenue requirement for
2 these two test years; and how much, if there is?

3 A. MR. MOLLARD: Well, we use the model actively
4 now, so to the extent that I pay my staff to do model
5 runs, that's included in our base labour. I'm not sure
6 what other cost you're looking for.

7 Q. The development of this particular program.

8 A. The model's been developed since 2008, so there's no
9 development costs in this application.

10 Q. Mr. Osler, are you an expert on the methodologies,
11 mechanics, and the fundamentals of the YECSIM?

12 A. MR. OSLER: No, and we had nothing to do with
13 the development of the model or worked involving KGS
14 with the model. All we have done is the same type of
15 thing that YEC staff do, which is understand the model
16 and use it as required.

17 Q. Did you not make some changes --

18 A. MR. OSLER: No, sir.

19 Q. -- in how the methodology was used?

20 A. MR. OSLER: No. If -- we may have asked
21 questions that led to changes, but we don't do
22 hydroelectric models at the level of anybody, let alone
23 the level KGS can do.

24 A. MR. MOLLARD: Yeah, we need to be clear on this,
25 Mr. Chair. That's our model, and YEC owns that.

1 Q. Right.

2 A. MR. MOLLARD: Only we can make changes, or our
3 consultants, KGS, make changes to the models.

4 Q. Again, Mr. Osler, is the YECSIM an exact science?
5 Maybe I shouldn't be asking you this now. Maybe I
6 should be going to the -- would you consider the YECSIM
7 an exact science -- I will ask you that -- or is there
8 a probability that using this model in long-range
9 forecasting may or may not be accurate? There's -- is
10 there a probability?

11 A. MR. OSLER: Mr. Chairman, I have worked in
12 hearings in Manitoba where people equivalent to KGS --
13 and some of them involve KGS, but they also involve
14 Manitoba Hydro system planning people and others -- had
15 the same issues that we're discussing here in
16 explaining to an environmental hearing the model called
17 Splash that Manitoba Hydro uses for long-term planning
18 and long-term average and discussing the long-term
19 implications of a new project such as the one that they
20 were dealing with in that context before that
21 regulatory body.

22 So I have listened as an economist -- not an
23 engineer -- to the same discussion and the frustration
24 of people trying to understand a non-verifiable,
25 non-testable long-term planning model that is typically

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 used by major hydroelectric utilities in Canada to do
2 proper long-term planning. And the ultimate result, to
3 try and help everybody, was the external group of peers
4 was commissioned after that particular clean
5 environment commission hearing to simply review the
6 model and give everybody comfort that this type of
7 thing was indeed common standard practice in Canada for
8 planning of major hydroelectric utilities, and it
9 wasn't -- it was following best practice at that time.
10 And all the experts who were part of the peer group
11 review from government and universities and others,
12 including Mr. Carson from KGS -- this was indeed an
13 intelligent, credible, appropriate best practice for
14 planning.

15 Q. Enough spin. Thank you.

16 A. MR. OSLER: Excuse me, I haven't quite
17 finished.

18 THE CHAIR: Yeah, I think that we'll let the
19 panel answer the question.

20 A. MR. OSLER: Thank you Mr. Chairman.

21 Q. MR. RONDEAU: It makes it --

22 A. MR. OSLER: In that context, for what its
23 worth, I'm personally satisfied that YECSIM is
24 consistent with Splash and the model we're talking
25 about there as a reasonable approach developed by

1 people that know what the heck they're talking about.
2 It's certainly not my circus. I don't have much to do
3 with those type of monkeys. But effectively, it is
4 something that I feel quite confident helping YEC
5 assist others in using this for planning purposes.

6 Does that mean it's verifiable science? Does it
7 mean it could be wrong? All those things we all know
8 in this room come with this type of situation. It can
9 be wrong, and the job of everybody is to review it and
10 find out whether the inputs are appropriate, whether
11 the assumptions have got problems. Is it getting
12 up-to-date water information? Is it keeping track of
13 where the system is at today? Those are all verifiable
14 things that a Board or the corporation or an outside
15 consultant can ask and insist get answered. But that's
16 the way in way you would test this type of a model.
17 Thank you.

18 Q. Does this model incorporate best practices for cost
19 efficiencies of the corporation? Is it intuitive?

20 A. MR. OSLER: Who's that directed to.

21 Q. To you.

22 A. MR. OSLER: I have no knowledge that it
23 doesn't, but if this Board was concerned, it would do
24 the same thing, in my opinion, that the Clean
25 Environment Commission did in Manitoba; if you're

1 worried, have a peer group review it. But I have no
2 reason to believe it doesn't follow reasonably good
3 practices, but whether it's best in the world right
4 now, I don't know. It's not my expertise to evaluate
5 those types of models, but I'm not aware of any
6 particular reason why you should be seriously concerned
7 about it.

8 Q. Well, you agree with me that the YECSIM requires input
9 data, it requires human to put the data into this
10 model?

11 A. MR. MOLLARD: As do all models.

12 A. MR. OSLER: And the user manual that was
13 provided was intended to help see what those inputs are
14 and what they were way back in the time period the
15 manual was written. The inputs have -- as we said in
16 the workshop that was held, the inputs have advanced
17 since the time of the user manual, but hopefully the
18 user manual helps all of us understand the range of
19 inputs that are incorporated in a model like this.

20 Q. So not only -- not only the algorithms have a margin of
21 error, which you can't argue about, also there's the
22 human error added to it. The person who inputs the
23 information can make error.

24 A. MR. HALL: Mr. Chair, I think there's human
25 error in everything we do for all of us, and it's the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 job of management to have the business processes and
2 management processes to manage that, to have the
3 appropriate checks and balances in place, but that's --
4 that's something that impacts every single thing that
5 we do, all of us in this room.

6 Q. I guess I had this question for Mr. Osler, so I'll keep
7 it there. Please look at Appendix 2.4 of the
8 application, the user manual, page A-2, 4-3.

9 A. MR. OSLER: Sorry --

10 Q. December 6th, 2017 -- sorry?

11 A. MR. OSLER: Just to be clear, before we even
12 get to the exhibit numbers for everybody else,
13 Appendix 2.4 of what was filed by Yukon Energy in
14 December 6, I believe --

15 Q. December 6, correct.

16 A. MR. OSLER: So that's exhibit number --
17 somebody can help? D-14, I'm told from behind, so
18 we're talking about Appendix 2.4 of B-14, I believe,
19 and it is the user manual that was attached, right,
20 Mr. Rondeau?

21 Q. Yes.

22 A. MR. OSLER: Okay. So pause. Everybody got
23 this?

24 Q. Just the first page is what I'm -- I'm not going to go
25 into the actual --

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: You're looking at just the text in
2 the -- in the appendix, not before we actually get to
3 the manual?

4 Q. It's -- it just is the front page.

5 A. MR. OSLER: Yeah, just a sec.

6 Q. Has the Yukon Energy logo and then User Manual for --

7 A. MR. OSLER: Has it got the A2.4-1 at the
8 bottom of the page, the page number?

9 Q. Yes, it does, dash 3.

10 A. Okay. So this is the text page before we actually get
11 to the model, page A-2.4-1.

12 Q. Three.

13 A. MR. MOLLARD: Three.

14 A. MR. OSLER: Three.

15 A. MR. MOLLARD: No, it's not that page.

16 A. MR. OSLER: No?

17 A. MR. MOLLARD: No. Keep going. This one.
18 A-2.4-3, the title page of the user manual.

19 Q. That's correct.

20 A. MR. OSLER: Okay, sorry.

21 Q. The disclaimer is what I --

22 A. MR. OSLER: Okay.

23 Q. -- want you to look at.

24 A. MR. OSLER: What's the question?

25 Q. I'll read the disclaimer out first. It says: (as

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 read)

2 "This software has been developed
3 methodologically and checked as
4 thoroughly as practical; however, KGS
5 Group provides no assurance that every
6 conceivable aspect of the model has
7 been verified under all possible
8 applications."

9 Again, I believe you answered this already, but I'll
10 ask, Mr. Osler: Has your firm or Yukon Energy, as far
11 as you know, changed any of the applications to this
12 model?

13 A. MR. OSLER: Well, our -- our firm doesn't do
14 that type of thing, doesn't change models, but I think
15 Mr. Mollard has already told you that this model was
16 developed for them but is now owned by them, and they
17 have certainly gone through evolutions of the model at
18 both the data level and at the algorithm level,
19 sometimes with, I would assume, assistance from KGS and
20 probably sometimes developed by their own internal
21 people, and certainly has evolved since time the
22 model -- since the time that page was written in that
23 document.

24 A. MR. MOLLARD: Yeah, Mr. Chair, I can confirm
25 that. We did -- we did, I believe, disclose if not in

1 the applications, in IRs, we had situations where we
2 became aware of a restriction at our Mayo hydro plant,
3 so we had to update the model for that restriction. So
4 those are the types of things, activities that we would
5 normally update. And as Mr. Osler mentions, we have
6 expertise in-house that can do most of those changes,
7 but we do on occasion require KGS's assistance.

8 Q. Mr. Mollard, then maybe you can answer this: Has this
9 YECSIM model ever been tested for its performance of
10 all the algorithms which used several other systems,
11 example systems?

12 A. MR. MOLLARD: Well, again to my earlier point,
13 this is not a model that you can test, per se. We run
14 the model continuously; it's not just for proceedings.
15 We're planning constantly, we're running different
16 scenarios. The way we test the model is we test the
17 result. So the planning group owns the model, they run
18 the model, the results are disseminated to various
19 parties within the company and questions are asked and
20 you challenge them and you say, Why is this like this,
21 and that's the way we verify that the model is doing
22 its job correctly.

23 Q. Does this model take into account operational decisions
24 and efficiencies or inefficiencies of the corporation?

25 A. MR. MOLLARD: Can you give me an example?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Well, do you your people who work at the plant, do they
2 need this model to make operational decisions?

3 A. MR. MOLLARD: Well, to be clear, the YECSIM is a
4 long-term model, so it doesn't affect operational
5 decisions day to day.

6 A. MR. OSLER: In effect -- just to try and
7 help -- if you read through the manual, you'll see that
8 rule curves and other decision rules that guide
9 hydroelectric plant and system management are
10 incorporated in the model, and they can be updated if
11 somebody changes the rules or runs into a new
12 constraint. The way in which an operator would hear
13 your question would be does that model tell me what I
14 did last week in reacting to this particular situation,
15 and the answer is, of course, the model doesn't know
16 what you did last week. It didn't -- it isn't designed
17 to try and predict human behaviour at that level.

18 Q. Or going forward.

19 A. MR. OSLER: No, the authors of these types of
20 models believe that they serve a very useful function,
21 focusing on the long-term averaging that people need
22 for guidance in making major investment decisions, but
23 they do not purport that it has much use in helping
24 somebody decide what to do next week on the Aishihik
25 facility or the Mayo facility or some other facility in

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Manitoba Hydro. And they don't claim that, and they
2 would strongly recommend that you don't try and use --
3 misuse a model that's meant for the long run to help
4 you make an operational decision in the short term.

5 Q. Or the DCF. So it simply responds to whoever inputs
6 the data and the assessments and conditions. It needs
7 somebody to provide the information.

8 A. MR. HALL: Correct.

9 A. MR. OSLER: Yes, definitely.

10 Q. And who determines these data inputs?

11 A. MR. HALL: Mr. Chair, that's typically the
12 responsibility of our planning group. So Mr. Sreckovic
13 and his team run the model, they maintain the input
14 data. And they're professionals who are good at their
15 job. And as I went through before, you know, we have
16 management checks and balances that review outputs and
17 tests them.

18 Q. Now, as I said and you agreed, through the years,
19 there's been various models and various changes and
20 updates to the models. Were not all of these models
21 suspended in -- in the late 1990s?

22 A. MR. MOLLARD: Well --

23 Q. At least the YECSIM in the late 1990s until 2012?

24 A. MR. OSLER: Let's just help with the record
25 here. I think I went through earlier that the YECSIM

1 didn't exist in that year, but other models had existed
2 in the '90s when the Faro mine operation required
3 similar planning assessments, and we -- and the Board
4 and other parties relied on it for long-term averages
5 in that context. But it wasn't the YECSIM, it
6 didn't -- the YECSIM did not exist until the KGS Group
7 developed it in the time period we talked about
8 earlier, which is after the mid-2005 time period.

9 And, yes, I said earlier that there wasn't much
10 need for these types of assessments after the Faro mine
11 had shut down permanently in early 1998 because people
12 were focused on a lot of other issues pretty
13 intensively for some time.

14 Q. And there's never been any modifications to the YECSIM
15 except the one for Mayo. Is that the only one?

16 A. MR. OSLER: I think I covered it by saying
17 there's probably been lots of modifications. The most
18 obvious one that's relevant to this hearing from the
19 last hearing we were here is going from 28 to 35 water
20 years and taking into account the constrictions at the
21 Mayo outlet channel as well as the downstream protocol
22 agreements. But I'm sure there have been other
23 changes, aside from water additions, and I wouldn't
24 have a clue, and I don't know of anybody here who would
25 because it would happen historically as to what all

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 **those changes were from 2008.**

2 THE CHAIR: Mr. Rondeau, could I ask you where
3 you are in your questions? Is this a good time for
4 lunch, is what I'm asking you.

5 MR. RONDEAU: I can -- I think I have just a
6 couple more on this issue, and then we could break if
7 that would be okay.

8 THE CHAIR: Wrap up this particular issue
9 then?

10 MR. RONDEAU: Yeah.

11 THE CHAIR: Sure, go ahead.

12 Q. MR. RONDEAU: Now, we have a few areas where
13 the YECSIM has problems, and one of this was in a
14 response to UCG 2-6, April 6th, 2016.

15 A. MR. OSLER: B-19?

16 Q. 2-9.

17 A. MR. OSLER: Mr. Rondeau, this one refers us
18 over to UCG 2-6.

19 Q. Okay. It's pretty simple. If I could just read it if
20 that doesn't provide a problem. It states that YECSIM
21 does not provide a split between diesel and LNG.

22 A. MR. OSLER: Oh, yeah. It does, yes, it says
23 that.

24 Q. Okay. So my question is there's a -- there's a little
25 glitch there, and can you confirm that this split is

1 available since YEC separates diesel from LNG to alter
2 the model output?

3 A. MR. OSLER: At the moment, the model does not
4 purport to do that and doesn't do it. The user manual
5 talked about the possibility that doing it, and perhaps
6 you'd like to comment as to where we are, if anywhere,
7 in looking at trying to do that, whether it's remotely
8 possible or not.

9 A. MR. SRECKOVIC: Mr. Chair, at this moment in time,
10 the model does not split between LNG and diesel. The
11 model's main objective is to figure out how much diesel
12 we have to burn -- how much terminal we have to burn
13 long term. Once we get gigawatt hours that we have to
14 burn long term, we post process those outputs and split
15 diesel and LNG based on a long-term split between
16 diesel and LNG. So for that reason, there is no need
17 for the model to do that.

18 There is a possibility to include that into the
19 model in the future, and we might consider that. At
20 this point in time, the split is performed outside of
21 the model.

22 Q. Can you possibly provide us with an update on the
23 actual split between diesel and LNG for 2017 and the
24 forecasted split for 2018 or maybe even what has
25 happened so far in the 2018 year?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: I think we're getting beyond the
2 YECSIM. So maybe we could think about what you're
3 asking and talk about it over lunch or something and
4 then find out how we could help you.

5 Q. Well --

6 A. MR. OSLER: There's a bunch of information,
7 but we'd like to know what it is exactly you need.

8 Q. I think it's pretty clear. I just want what the split
9 was. I mean, obviously you must know what the split
10 was for 2018.

11 A. MR. MOLLARD: Mr. Chair --

12 Q. -- 17.

13 A. MR. MOLLARD: -- the actual split for fuel
14 burned in 2017 was 64-36, 64 LNG 36 --

15 A. MR. OSLER: And it's -- actually, it's shown
16 in the DCF annual report, which I can get an exhibit
17 number after lunch, but it's in the record.

18 Q. 64 LNG and?

19 A. MR. MOLLARD: 36.

20 Q. So it's not your 90-10 forecast.

21 A. MR. MOLLARD: They're not related.

22 A. MR. OSLER: It's a broader subject than
23 YECSIM, but we can talk about it. I think people might
24 want to have lunch first. It's a case much broader
25 subject than YECSIM.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Okay. That's fine. I just -- I've got one more thing
2 basically. It really may not be YECSIM either, but
3 it's long-term average forecasting.

4 Now, every year, YEC has an updated water
5 conditions from hydrology engineers. Is this correct?

6 A. MR. HALL: Yes.

7 Q. So would you not consider this more important and
8 accurate than looking back ten years or more?

9 A. MR. HALL: Mr. Chair, I'm not quite sure what
10 the comparison refers to.

11 Q. The water.

12 A. MR. HALL: We plan -- we plan short term.

13 Q. Yes.

14 A. MR. HALL: And we -- you know, long-term
15 forecasting going forward is a different matter.

16 A. MR. OSLER: And to be really -- again, trying
17 to be helpful, one thing Manitoba Hydro or Yukon Energy
18 both have demonstrated is that the forecast that their
19 team can do for the next six to twelve months, or at
20 most 18 months, is of absolutely no use whatsoever is
21 trying to do long-term forecasting for the purpose of
22 making capital decisions. The forecast has so limited
23 relevance, historically proven over and over again
24 beyond a short-term time period. You have to go to
25 some form of reasonably credible long-term averaging if

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 you want to be able to have a credible basis for
2 long-term decision-making. And the exhibit to do with
3 the DCF annual report is an exhibit B-20, which was
4 part of the answer to UCG-YEC-2-30, revised. In fact,
5 it might be -- yes, it's 20, because it was a revision
6 and it has the data up to 2017 in its entirety by
7 month, by the different thermal elements.

8 Q. And one more thing regarding short- and long-term.
9 UCG-2-3-B and C.

10 MS. BENTIVEGNA: That would be the consolidated
11 responses for round two. B-19 is the exhibit.

12 THE CHAIR: Yeah, I think we have it at page
13 57 of the PDF.

14 Q. MR. RONDEAU: Everybody there? It responds to
15 the difference between short- and long-term generation
16 forecasts. Can you confirm that the forecast revenue
17 shortfalls would have been reduced by 2.03 million in
18 '17 and 0.7 million in '18 respectively as a result of
19 using short-term hydro generation forecasts?

20 A. MR. MOLLARD: A couple things here, Mr. Chair.
21 Just to be clear, we're not -- we're not proposing to
22 adopt that, so that's not in our revenue requirement
23 ask in this application. Subject to check, that was
24 the -- I believe, the numbers that we generated for the
25 purposes of the direction of the Board to provide an

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 **alternative short-term forecast.**

2 Q. Okay, I'd like a confirmation on that too, please, as
3 an undertaking, that those are correct numbers.

4 A. MR. MOLLARD: **Okay.**

5 THE CHAIR: Okay, so I think we'll break there
6 for lunch. So we've gone a little bit over, it's 20
7 after 12, so we'll start at -- in 90 minutes, at 10 to
8 2. Thank you.

9 (PROCEEDINGS ADJOURNED AT 12:32 P.M.)

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11 PROCEEDINGS ADJOURNED TO 1:30 P.M.

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A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Volume 1

2 June 26, 2018

3 P.M. Session

4

5 (PROCEEDINGS RESUMED AT 1:50 P.M.)

6 THE CHAIR: Please be seated.

7 Before we begin, are there any preliminary
8 matters? I had a note that there's one undertaking, I
9 think.

10 MR. LANDRY: Mr. Chair, just in terms of the I
11 guess my undertaking that I would chat with
12 Mr. Rondeau, the section of the -- I did, and the
13 section of the Act that -- which gives the Board
14 authority to approve a revenue requirement for the
15 whole year in which a proceeding was initiated is
16 actually section 29. And I've mentioned that to my
17 friend, and he's now aware of that section, so that was
18 one thing as a preliminary matter.

19 The other thing, sir, is we received an aid to
20 cross-examination from Board counsel. I've had a
21 chance to take a quick look at it, but I requested of
22 her, and she was agreeable that, of course, even though
23 the panel, being cross-examination, that I could
24 discuss it with -- the aid with the -- with the panel.
25 There are a number of things that aren't actually on

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the record at this point in time. So I just wanted
2 some time to be able to talk to them, which, as you
3 know, is a bit abnormal when a panel's in
4 cross-examination, and Board counsel agreed, and I just
5 wanted to put that onto the record.

6 THE CHAIR: All right. And I think there was
7 an undertaking about total cost of YECSIM.

8 A. MR. MOLLARD: Yeah, we're still working on that.

9 THE CHAIR: Okay.

10 A. MR. MOLLARD: We'll bring that back as soon as
11 we have it.

12 MR. LANDRY: There's one correction, I believe,
13 I'm just told, that we should probably put that on the
14 record, and I don't know who is going to be doing that.
15 Mr. Mollard?

16 A. MR. MOLLARD: Yes. So this morning, Mr. Rondeau
17 was asking for information on the split of the diesel
18 and LNG, and I misspoke. To the reference is
19 Exhibit B-20 UCG-2-39 Revised. It's the 2017 DCF
20 filing Table 1, line 17-B. And on that line, it gives
21 you the actual kilowatt hours of diesel and LNG
22 generated in 2017, and the ratio works out to 73
23 percent LNG and 27 percent diesel, as opposed to the
24 64-36 that I previously stated. My apologies.

25 THE CHAIR: Okay. So that 73-27 is substitute

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 for 64-36.

2 A. MR. MOLLARD: That's correct.

3 THE CHAIR: All right.

4 MR. LANDRY: That's all I have, sir.

5 THE CHAIR: Anyone else have any other
6 preliminary matters? If not, we will return to
7 Mr. Rondeau's questioning.

8 Go ahead whenever you're ready.

9 Q. MR. RONDEAU: 73 LNG 27 diesel?

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

11 Q. DCF. Mr. Hall, can you please tell me approximately
12 when the DCF was established and whose idea this was?

13 A. MR. HALL: I'll refer to my colleagues.

14 A. MR. MOLLARD: I'll give it a shot, and then I'll
15 rely on Mr. Osler to fill in any of the blanks. So as
16 we stated this morning, we've had a fund looking at the
17 stabilization of fuel costs since the early '80s, we
18 had a short-term model in the early '80s. In '89, the
19 Board made the decision to establish a long-term
20 average based fund called the Low Water Reserve
21 Account, I believe. That was in place until the 1990s,
22 I think it was in '96, '97 negotiated settlement where
23 the Diesel Contingency Fund was formally established.

24 Q. Basically just a name change. Is that correct?

25 A. MR. OSLER: I think, yes, a name change that

1 was instituted by the Utilities Consumers' Group in the
2 negotiated settlement.

3 Q. One of the things we actually won. At the time, at
4 that time or even when it -- after the negotiated
5 settlement, was the DCF just a simple formulaic
6 approach?

7 A. MR. MOLLARD: It was a binary model, if I could
8 say it that way in that version of the model. It
9 was -- we had the concept of diesel on the margin, and
10 the theory was that at a certain point each additional
11 kilowatt hour that you generate is going to be from
12 thermal. So it was just a simple 01 in the spreadsheet
13 that said diesel was on the margin or not on the
14 margin, and it worked in that scenario because when
15 Faro was on the system, we were either -- Faro was on
16 the system when we were running every engine we had, so
17 it was very obviously diesel was on the margin or Faro
18 would drop off, representing 40 percent of our load and
19 we would have tons of water, we wouldn't need to run
20 thermal at all. So it worked in that situation. We
21 found when we developed the YECSIM model is when we
22 chewed up all of that extra energy that we had on the
23 system from Faro just on growth of native loads, we
24 started to get to a tipping point where we recognized
25 that some thermal was on the margin but not all thermal

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 on the margin. So as your load grows, a higher
2 percentage of that additional kilowatt hour has to come
3 from thermal, but that was when we recognized a need
4 for a more sophisticated model to measure that.

5 Q. There was no forecasting -- long-term average
6 forecasting model used; am I correct?

7 A. MR. OSLER: The actual averages used came from
8 the models that people had at that time, but they were
9 not discussed much with this -- at this level. They
10 were discussed at some other levels, in terms of how
11 the load variation could lead to small variations in
12 the level of hydro used to displace thermal. But for
13 the purposes of utility Board hearings throughout the
14 early '90s, people came to the hearings and they said
15 we get this much, on average, from Aishihik, from
16 Whitehorse, and that's of course the only system that
17 we were using it on, the Whitehorse-Aishihik-Faro
18 system, because Mayo had a surplus as the United
19 Keno Hill mine had closed, and it wasn't connected to
20 this grid. So in the background, there were models
21 that evolved. By the time we got to '95, '96, people
22 had some things in the background, and they got more
23 sophisticated as they went forward into the hearings
24 for the renewal of the licenses at Aishihik and things,
25 but at this level in these proceedings, all that people

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 saw was a single number for the long-term average, not
2 one that varied depending on the load.

3 Q. And was there revision to this DCF model as a result of
4 the 2012/'13 YEC application, Yukon Energy GRA?

5 A. MR. OSLER: Well, the DCF by itself is a
6 contingency fund mechanism, and the 2012/'13 proceeding
7 reactivated the DCF that had existed and been approved
8 in '96. It also included changes that were identified,
9 in part to introduce YECSIM and the degree to which the
10 long-term average would vary, depending on the load, on
11 the grid. I think it probably introduced other changes
12 which are in the record, and we could dig it up, in
13 terms of some of the answers to IRs, but that was the
14 big one, plus the integration of the two grids, of
15 course. It was now dealing with not just
16 Whitehorse-Aishihik-Faro but the Yukon integrated
17 system where there used to be two grids. And by the
18 time we finished with Board orders, the Fish Lake and
19 wind were integral parts of the discussion.

20 Q. Was there a formula change?

21 A. MR. OSLER: I will have to ask you what you're
22 getting at when you say, Was there a formula change?
23 What do you mean?

24 Q. Well, from the original DCF formula. You told me that
25 there was.

1 A. MR. OSLER: It varied depend -- a table was
2 approved as part of the new term sheet that laid out
3 for the forecast year the level of long-term average
4 hydro and therefore the level of long-term average
5 thermal that would be applicable to that particular
6 load, and it was over a range of 50 to 100 gigawatt
7 hours of load on the grid. That type of a table had
8 never seen the light of day in previous Board reviews
9 of the DCF. That was the first time that type of table
10 surfaced. If that's what you mean by a formula, that
11 was the change.

12 Q. No methodology changed?

13 A. It's a very broad question. I've just described
14 various types of methods that changed in the background
15 to it, including the introduction of YECSIM, so -- but
16 the concepts and principles that were approved in the
17 settlement agreement and that had been approved before
18 that in the Low Water Reserve Fund, in my opinion, were
19 retained. So there wasn't a change in fundamental
20 principles; there were changes in tools and mechanics
21 of implementing those principles, given that
22 circumstances had changed.

23 Q. Mr. Mollard, the DCF money doesn't just appear out of
24 nowhere; right? Is it -- is it come from
25 forecasting -- incorrect forecasting? Does it come

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 from rates of return or retained earnings? Where does
2 it come from, this money?

3 A. MR. MOLLARD: The money placed into the DCF
4 fund.

5 Q. Exactly.

6 A. MR. MOLLARD: I want to be careful how I
7 describe -- say this correctly. Ultimately, the Board
8 approves the DCF and the impact of the DCF on revenue
9 requirement. So to the extent that I am allowed to
10 collect money at long-term average and I don't use it
11 burn fuel, I put that into an account to the benefit of
12 ratepayers. So it's a trust account of ratepayers'
13 monies.

14 Q. And it doesn't go into account 'til the Board tells you
15 X number of dollars has to go?

16 A. Well, in any given year, we apply the rules as the
17 Board approves, so the Board sets the rules, and then
18 each year when I have my actual load, I go to the
19 approved term sheet and it tells me what my long-term
20 average is, I adjust that for actual consumption and
21 that's my transfer. I don't have a specific approval
22 at that time. We do file the annual report, but I'm
23 sorry, Mr. Chair, I'm drawing a blank if that's
24 actually approved by the Board or -- it does have to --
25 my apologies; there is an annual report that goes to

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the Board for approval, utilities Board.

2 Q. So it actually comes out of -- out of revenue
3 requirement.

4 A. MR. MOLLARD: I would -- I would say it comes
5 out of rates would be --

6 Q. Out of rates.

7 A. MR. OSLER: And just for the record,
8 Mr. Rondeau, the ongoing fund is financed, gets its
9 income, gets the amounts going into the fund from an
10 approved set of rates based on a forecast approach,
11 long-term or short-term, depending on the history, but
12 in DCF it's always been long-term, and to the extent
13 that there are long-term average thermal requirements
14 that are exceed the actual thermal in the year, money
15 goes into the fund. If it was the other way around,
16 money would come out of the fund.

17 Historically, for the record, some of the money
18 that went into the Low Water Reserve Fund came from
19 initial contingency fund of YEC at the time of
20 formation, some of it came later on from Faro mine
21 coming back on the system. That fund, a bunch of extra
22 money that was held in the deferral account, was moved
23 into the DCF. So there is a history that from time to
24 time varied from the rules I just gave, both in terms
25 of where the money came and sometimes what the Board

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 approved for the use of the money. The current rules
2 say the Board -- Board is directed that it will only be
3 used for the type of purposes I just described.

4 Q. Okay, would it be safe to say that the DCF is basically
5 an overpayment by ratepayers from each year revenue
6 requirement forecast?

7 A. MR. MOLLARD: No, I wouldn't describe it that
8 way. I tend to think of it more as an insurance pool.
9 5 you look at our water history over 35 odd years,
10 30 years we generally have pretty good water and
11 5 years it's really kind of bad. So the idea behind
12 the DCF is that we're, to use Mr. Rondeau's word,
13 over-collecting from ratepayers putting that money
14 aside, so that when the drought comes we've got a
15 reserve fund to deal with those extra fuel costs
16 without having to go about to ratepayers for more
17 money.

18 Q. But that's what you're doing. You're taking the money
19 from an overpayment from ratepayers to date.

20 A. MR. MOLLARD: No, I don't agree with that
21 statement.

22 Q. Well, tell me where it comes from, then. You haven't
23 really told me where it comes from. It doesn't
24 magically appear. It either has to come from your
25 retained earnings or it comes from the ratepayer.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: Mr. Chair, I believe I indicated
2 that the ratepayers fund the account.

3 THE CHAIR: Yeah, I think it's clear what he
4 said where that comes from.

5 MR. RONDEAU: Really.

6 THE CHAIR: Do you not?

7 MR. RONDEAU: No, I certainly don't think it's
8 clear at all.

9 THE CHAIR: Do you want to try one more time,
10 maybe?

11 A. MR. MOLLARD: Yeah, and I'll weigh in with my
12 colleagues to help me out here if they can. When we
13 put a rate application in front of the Board, we set
14 our fuel expense based on long-term average. In any
15 given year where we have average water, we won't burn
16 that much, so I'm allowed to use a portion of that to
17 cover what fuel is burned. I take that money that's --
18 the money that I didn't use, and I set it aside in the
19 DCF.

20 Ultimately, that money comes from ratepayers, and
21 I hold that money until such time as I have that
22 drought condition or otherwise exceed the cap and have
23 to refund it, but it's ratepayer money that I hold
24 until that drought event.

25 Q. You've told me basically it's from over-forecasting

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 diesel.

2 A. MR. OSLER: Let me -- let me attempt to...

3 Q. That's what I'm after.

4 A. MR. OSLER: You're asking a question --

5 Q. I don't need -- I don't need any more, thank you. I've
6 got enough information.

7 THE CHAIR: I think we'll let that answer --
8 him answer this because there seems to be some
9 confusion, so we're going to see if we can get to the
10 bottom of it.

11 MR. RONDEAU: I'm not confused any longer.

12 THE CHAIR: Okay.

13 MR. RONDEAU: I've been answered --

14 THE CHAIR: Then we'll --

15 MR. RONDEAU: -- and you said you knew --

16 THE CHAIR: We'll let him answer.

17 Go ahead.

18 A. MR. OSLER: Thanks, Mr. Chairman.

19 I think it's clear mathematically that the money
20 comes from ratepayers, and it's also clear that it
21 comes with the authority of the Board, and it comes for
22 the purpose that Mr. Mollard laid out.

23 The only problem we're having in the cross-examine
24 is getting us to agree that it's an overpayment or it's
25 a poor forecast or words like that. It's done with the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 authority of the Board for the purposes that were
2 agreed to, including in the negotiated settlement that
3 UCG was a member of way back in the '90s, and it has
4 nothing to do with poor forecasting. That's all I
5 wanted to make clear on the record.

6 THE CHAIR: Okay. So let's move on to the
7 next question.

8 Q. MR. RONDEAU: If you didn't have the DCF going
9 forward, where would this extra money go?

10 A. MR. OSLER: If we didn't have the DCF, there
11 would be no authority to collect the money for the
12 purposes that I've just described. Therefore, we would
13 never get approval, in my opinion, to base rates on
14 long-term average because somebody's got to agree that
15 the money that's collected in that manner or that is
16 required to make that long-term average work has to
17 come from a reserve that has been authorized by this
18 Board for the purposes we described.

19 If that reserve isn't authorized and isn't
20 established, in my opinion, there's no basis for
21 setting rates in a manner that would lead to that type
22 of funds being collected, because there's no place to
23 put them. They're not going to go to the shareholder,
24 and they have to go somewhere.

25 If we went to some other forecasting method which

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 didn't involve long-term average, which we did have
2 historically, in my opinion we would still have -- in
3 the submissions that this company has made to this
4 proceeding, historically and in this proceeding today,
5 we would still need some form of contingency fund to
6 deal with the issue of variability in thermal costs
7 arising solely from water availability.

8 Q. Why?

9 A. MR. OSLER: Because that has, from the
10 instance of the first hearing of this company before
11 this Board, been recognized as a principle for
12 assignment of responsibility and risk with respect to
13 one set of costs.

14 Q. Do you use that in Manitoba right now?

15 A. MR. OSLER: There is an answer to a
16 question -- in a broad sense, yes, if you understand
17 the Manitoba system.

18 Q. There's no fund for -- for low water.

19 A. MR. OSLER: Correct. And Manitoba Hydro is
20 not regulated the same way as this company is on a
21 rate-based basis, but it has something called retained
22 earnings, which in that case are treated as a reserve
23 for the protection of the company and the ratepayers in
24 the event of drought and other risks. And that amount
25 moves up and down independent on where the risks are at

1 this point in time and everything else. And it has
2 been a matter of a recent hearing before the Manitoba
3 Public Utilities Board for review of the basic
4 principles underlying that type of issue.

5 Q. Thank you.

6 A. MR. OSLER: But the fundamental thing that
7 we've answered a question on from the Board is that,
8 although the mechanics of these contingency measures
9 vary greatly, depending on which jurisdiction you're
10 in, the principle that something beyond the management
11 control of the company -- particularly, water
12 availability -- the principle of that is a ratepayer
13 risk rather than a utility owner risk seems to be
14 fairly universal. The methods of dealing with that
15 risk are not.

16 Q. Does the DCF have a -- have an economic efficiency
17 criteria or principle? In other words, the efficiency
18 of the corporation, is it included in your magic little
19 YECSIM model?

20 A. MR. OSLER: We -- as I described earlier, the
21 YECSIM model does an assessment of long-term average,
22 as does every model do some assessment based on some
23 set of principles and rules. It does not deal with the
24 issue of day-to-day operating efficiency, and it
25 doesn't provide for that at all.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Is the ERA the only way that wholesale customer pays
2 into the DCF?

3 A. MR. OSLER: The wholesale customer in paying
4 the ERA has no effect on the DCF, has nothing to do
5 with payment into or out of the DCF.

6 The only reason why we talk about the DCF being
7 linked to the ERA is because of the cost to YEC in
8 meeting its obligations in funding the DCF. And in
9 some instances, the DCF will raise money through YEC
10 payments, and if those payments add up to costs that
11 YEC didn't have already provided for in the rates, the
12 ERA is there to implement the Order-in-Council
13 direction that YEC has to be kept whole through the
14 charges to the wholesaler. In other situations, if we
15 had a drought, the situation would be somewhat
16 different. It would project certain people from being
17 hit with charges because there was a drought going on.

18 The origins of the ERA pre -- came before the
19 origins of the DCF. They came in the early '90s, and
20 ironically, they came from an appeal from what -- the
21 wholesale company to YEC to please establish a
22 mechanism that could allow them to get access to some
23 funds. In the situation where their loads had gone
24 down, their revenue losses were greater than their cost
25 savings and they wanted to be kept whole, and we agreed

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 to examine and eventually establish the ERA with a
2 quid pro quo that, if the situation went the other way,
3 YEC would be kept whole pursuant to the
4 Order-in-Council.

5 Q. It was simply a flow show -- a flow-through, though, in
6 those days.

7 A. MR. OSLER: It still in a broad sense is a
8 flow-through mechanism to make sure that YEC is kept
9 whole and that, to the extent it is not recovering its
10 costs through the charges that have been approved and
11 that they were dealing with the wholesaler, that in
12 accordance with the Order-in-Council, this mechanism
13 keeps YEC whole. And it works in reverse if the
14 situation was reversed. It also --

15 Q. Do the mine's -- do the mine's industrial and retail
16 customers pay into the DCF, and how do they do it?

17 A. MR. OSLER: All of the retail customers of the
18 company pay into or -- they pay in through their rates
19 as approved by the Board. The only person who actually
20 pays into the DCF is YEC; and the only person who
21 receives money directly from the DCF is probably YEC.
22 There can be rebates or charges to customers from when
23 a rider applies because of a cap; but otherwise, the
24 customer doesn't...

25 Q. So those customers pay through the rates, just like --

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: They pay through the rates, yeah.
2 And the industrial customers pays like everybody else.
3 There was a question in an IR somewhere that, How does
4 YEC get kept whole if the industrial customer load
5 grows more than had been forecast? And since we were
6 thinking of the DCF, when we answered the question we
7 said it doesn't get affected by the DCF, which is
8 accurate. But in this jurisdiction in rate schedule
9 39, we established the two-part rate way back at the
10 era of the Faro mine in the early '90s, and the purpose
11 of that two-part rate, which is in the schedule as
12 approved by the Board, is that if the diesel is really
13 on a margin to a significant extent, that the large
14 industrial customer will pay for their extra load based
15 on the cost of thermal. That was the principle that we
16 got the Faro mine to agree to and we implemented in the
17 early '90s through agreement with them and approved for
18 the Board.

19 Q. Just for the record, UCG never did agree with the DCF.
20 We were part of it, but we did not agree with it, if
21 you want to research back.

22 Now, let's look at this scenario, Mr. Mollard:
23 You have a customer that pays into the DCF for years
24 and years through their rates, which you've said they
25 do; then all of a sudden, there's a quantum limit, the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 \$8 million right now. It's reached, and the money in
2 excess of that has to be refunded out of the DCF. At
3 the same time and following years, you have new people
4 coming online, receiving the benefits of the DCF. Is
5 this a fair system or is it intergenerational
6 inequities?

7 A. MR. MOLLARD: I think I tried to touch on this a
8 little bit this morning, Mr. Chair, just in terms of
9 balancing out risks to ratepayers. You know,
10 Mr. Rondeau, on one level, is correct: If somebody new
11 comes on at some point after that fund has been
12 populated, they could very well get a benefit from it.
13 But if you look at the other side, and there is no
14 fund, somebody's going to have to pay excessive amounts
15 in one year and they really don't have an option to
16 plan for it. So they can't -- the drought happens. I
17 haven't got time to do an insulation retrofit so my
18 house is more energy efficient, or get a new fridge or
19 new stove; the drought's already here, I have to pay
20 for it. So we don't view as a very fair trade-off
21 either. Can the situation arise that Mr. Rondeau talks
22 about? Absolutely, but again, it's a balancing of the
23 risks, and we believe that that insurance pool approach
24 is the fairest to all ratepayers.

25 Q. Are you certain that your ratepayers agree with this

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 type of idea? Have you done a survey or actually gone
2 out to the people and -- and made sure that they want
3 this? Maybe people just want to pay the rates that
4 they're supposed to pay at the time and if, so be it,
5 there is a shortage of water, then we pay or, like
6 quite often happens in cases like this, the government
7 comes in and helps out.

8 A. MR. MOLLARD: Well-

9 Q. Have you asked the customers, the ratepayers?

10 A. MR. MOLLARD: No, and I can't -- I can't use a
11 survey to change rates. The proper forum is in front
12 of this Panel to change rates, so this is where we
13 bring our proposals and the Board makes the decision
14 that they feel is the most balanced for the utility and
15 the ratepayers.

16 Q. And that's why I'm asking these questions; do we need
17 it?

18 Would these same customers who just come online
19 and all of a sudden there's a water shortage, would
20 they not receive the same benefits as all other
21 customers who paid into this for years and years of
22 paying this -- this Water Reserve to Yukon Energy for
23 low water conditions? Intergenerational equity again,
24 sir.

25 A. MR. MOLLARD: So okay, I just want to make sure

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 I understand the question you're saying. So the
2 customer comes on the system in the year we have a
3 drought and they get the benefit of --

4 Q. Exactly.

5 A. MR. MOLLARD: -- the monies.

6 Q. Yes. The same benefits as every other ratepayer.

7 A. MR. MOLLARD: Yes; the DCF is set to protect all
8 ratepayers.

9 Q. Thank you.

10 A. MR. OSLER: And essentially if we were having
11 a successful DCF and the DCF cap isn't rebating money
12 sometimes and charging extra money other times, then
13 all of the different people who use those hydro
14 resources over all of the generations, so to speak,
15 will be paying the long-term average, and that is
16 viewed in the construct of the DCF as leading to the
17 fair treatment intergenerationally.

18 Q. This is just another filibuster. You know, that's not
19 needed, sir.

20 Now, you have a large --

21 THE CHAIR: Hang on a second right there. I
22 think we can just stop. I've given you some leeway on
23 this area because I understand that you're passionate
24 about this, but I think that we don't need the
25 descriptive adjectives --

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Mr. Rondeau; If I don't want to hear him, I'm
2 the one cross-examining, I should have the right --

3 THE CHAIR: And I'll be the one that stops you
4 from being out of line, so --

5 MR. RONDEAU: I'm not out of line, sir.

6 THE CHAIR: Let's just move on. Everyone is
7 here and deserves to be treated with respect. We're
8 respecting you; speak in that manner.

9 MR. RONDEAU: No, they are not, and neither are
10 you, sir. Respect is earned. I'll go on with my
11 questions.

12 Q. MR. RONDEAU: Now, Mr. Mollard, you have a large
13 industrial customer that comes on the system during the
14 quantum, okay? He has -- when the quantum is set.

15 A. MR. MOLLARD: The cap.

16 Q. They have not paid anything into this fund; correct?
17 And yet when they come on, all of a sudden if they come
18 on and there's a quantum set there, they're going to
19 receive the benefit of the DCF. Is that correct?

20 A. MR. MOLLARD: I'm just -- I'm trying to
21 understand what you're saying; quantum? I don't know
22 what you mean when you mean the quantum is set.

23 Q. The \$8 million.

24 A. MR. MOLLARD: The cap on the fund.

25 Q. Yes.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: So the fund is at the cap and an
2 industrial comes on.

3 Q. Yes.

4 A. MR. MOLLARD: And.

5 Q. They are going to receive the same benefits as every
6 other customer; correct?

7 A. MR. MOLLARD: As all customers are treated
8 equally.

9 Q. And does the DCF work on the -- the load that you have,
10 the amount of kilowatt hours that you use?

11 A. MR. MOLLARD: In terms of the rebate or --

12 Q. Yes.

13 A. MR. MOLLARD: Well, the rebate is -- is just a
14 calculation of the amount we're over the cap. The
15 Board -- we bring forward a proposal to the Board to
16 refund it over a set period of time; it's not tied to
17 energy.

18 Q. But how is it -- sorry.

19 A. MR. MOLLARD: It's not tied to the energy.

20 Q. How is it refunded?

21 A. MR. MOLLARD: It's based on a forecast of
22 sales -- it's a percentages of the sales over the
23 coming year, I think, is typically how we refund it.

24 Q. No, you're not understanding what my question is. How
25 is it refunded to the ratepayer? Is it per kilowatt,

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 per the amount used, or how do you make a decision on
2 how much this customer gets from the DCF? It must be
3 on -- it must be on the amount of usage they have.

4 A. MR. MOLLARD: Ultimately. Mr. Chair, what we do
5 is when we're doing the annual report, we calculate
6 where we think the fund is going; and if the fund is
7 going over the \$8 million cap, we take the amount that
8 it's over the cap, essentially divide it by what the
9 forecast retail sales are for the coming year, and that
10 comes up with a percentage that's then applied to
11 customer bills over the course of that year, and that,
12 in theory, if we get close to that sales number, we'll
13 rebate the correct amount. And then we do it all again
14 the next year, calculate it again, see where we are
15 against the cap.

16 Q. So everybody gets the same amount?

17 A. MR. MOLLARD: Percentage-wise -- or, sorry, per
18 kilowatt hour.

19 Q. Okay, now you've answered me; it happens on how much
20 you use. That's what I'm after, thank you.

21 Now, this industrial customer has a humongous
22 load; right? All of a sudden, he comes on the line,
23 he's never paid a cent in here, all of a sudden he's
24 got a windfall: Whoa, I got DCF money coming in here.
25 Is this fair?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: I think I've tried to answer this,
2 Mr. Chair. We don't -- we don't set rates based on the
3 individual circumstances of customers; we have to look
4 at all ratepayers in the system as a whole, so I'm not
5 sure what we could do differently with respect to that.

6 Q. This Board has to set fair rates, that's right in their
7 direction. This is not fair -- fair way to -- to
8 distribute this money.

9 A. MR. MOLLARD: Yeah. I mean, I think, Mr. Chair,
10 if I could just add the point that they're -- you know,
11 the fund is set to work in a certain way. Realities
12 are that we have to have a cap of some kind. We did a
13 significant increase to the cap last time. We've put
14 some evidence on the -- on the record this time that
15 perhaps it would be beneficial to have a higher cap.

16 But again, the Board has to balance out, you know,
17 how much money they want us to have in an insurance
18 fund versus what that's going to do to ratepayers. So
19 you end up in a situation where, if you've gone a long
20 period without a drought, you're going to have these
21 collect-refund cycles. It's just the nature of the
22 calculation. I'm not sure how you could do that
23 differently.

24 Q. Okay. I understand that, but I don't understand the
25 unfairness. This industrial customer's also -- also

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 comes online, let's say, when there's a drought. And
2 this industrial customer receives a per-kilowatt-hour
3 amount of -- I mean, they're not receiving a refund,
4 but they're receiving the same benefits from the fund,
5 the \$8 million fund as every other customer, even
6 though they've never paid into it.

7 A. MR. MOLLARD: They don't get the benefit from
8 the fund. It protects the utility. They get -- you
9 know, if there's a drought, I draw on the fund, but
10 there's no direct benefit to that individual --

11 Q. The money doesn't come from the utility, sir.

12 Now, this same industrial customer is driving the
13 use of diesel, LNG with their large loads because
14 there's simply not enough water or hydro in the system
15 to supply this large load. So do they not only drive
16 the costs to other customers, but they also receive a
17 real meal deal from the DCF.

18 A. MR. MOLLARD: Are they getting a special deal?
19 Is that the question --

20 Q. No, I'm just saying that they've never paid a dime into
21 it, but they're getting the same as all these firm
22 ratepayers in the Yukon that have been paying this
23 since it started.

24 A. MR. MOLLARD: As is the case for all new
25 customers coming on the system now.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Is this not intergenerational inequity? Yes or no,
2 sir.

3 A. MR. MOLLARD: I believe I've answered that,
4 Mr. Chair.

5 Q. Could I have a yes or no?

6 MR. LANDRY: Mr. Chair, I think it's about time
7 for me to make a little point here.

8 Mr. Rondeau, who I know quite well -- I've dealt
9 with him over the years -- you know, there's a certain
10 amount of respect that the system should have, and I
11 think he's crossing the line. And I do think that
12 Mr. Rondeau should focus his questions. Many were
13 objectionable -- many -- starting from the very first
14 one. And I had not said anything. But there comes a
15 point. The system is very important for this
16 territory. This -- what you do, what we do, what
17 everybody does here, including Mr. Rondeau is
18 important. But there has to be a bit of respect in the
19 system, and it's not showing at this point in time from
20 Mr. Rondeau.

21 So the question's been asked about 17 different
22 ways, when he's got an answer. He just doesn't know
23 how to articulate it the exact same way each time.

24 So from now on, Mr. Rondeau will have to ask the
25 question properly in a way that's understandable to me

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 before my clients answer the question.

2 THE CHAIR: I was kind of waiting for you to
3 say something at the beginning. I may have been a
4 little bit lax. It did start at the very first
5 question. There was use of adjectives that were
6 unnecessary in characterizing things in certain ways
7 which is unnecessary and is unhelpful. And so the
8 question --

9 MR. RONDEAU: It's the only way you can --

10 THE CHAIR: This question has been asked and
11 answered, and that's not the way to do it.

12 Also, if you want to make statements or argument,
13 there's a place for that, and this isn't it. So you
14 can get answers from this panel, phrase your questions
15 in such a way that they will give you the answer. If
16 you want to argue about what that means, there's a
17 place for that. And so Mr. Landry has made it clear
18 what he wants to do, and this Panel will expect those
19 kinds of questions from you going forward.

20 MR. RONDEAU: Truth matters, sir.

21 Q. MR. RONDEAU: Mr. Mollard, can you please look
22 at YEC application 3.5-4 and 5.

23 A. MR. MOLLARD: The appendices.

24 Q. App 3.5, page 4 and 5. It's the DCF money update,
25 2016.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 MS. BENTIVEGNA: Mr. Rondeau, is that the 2017/2018
2 YEC GRA? So that would be Exhibit B-1? Is that what
3 you're referring to, and then attachments to it or...?

4 MR. RONDEAU: Is it the June 2017, page 3, 5.5.
5 It's a continuity schedule for the DCF from 2012 to
6 '16. Oh, I'm sorry, this comes from the annual report.

7 A. MR. OSLER: Which one? 2016?

8 Q. MR. RONDEAU: The 2016 annual report. Basically
9 what I'm trying to get to is I want to see exactly
10 where you can identify to us in 2012 that the \$501,000
11 from the ERA money was injected into the DCF. I want
12 to see that particular amount.

13 A. MR. MOLLARD: It -- you can't see it in the
14 amount. I think Mr. Osler referenced this in this
15 morning's testimony. The way the math works, the ERA
16 is buried in the long-term average. So I figure out my
17 long-term average based on my load, my model tells me
18 what I should be burning for thermal. I reduce that by
19 the amount of thermal I actually burn, and that's the
20 transfer to the DCF.

21 The ERA is inherent in the long-term average, so
22 that amount of long-term average thermal that's caused
23 by my wholesale customer taking more power than he said
24 he was going to, it's in there. So it's not
25 identifiable within the DCF transfer. The long-term

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 average informs what it is, but it's part of the
2 transfer into the fund. I can't point to it in a line,
3 but it's part of that.

4 A. MR. OSLER: The ERA flows from the long-term
5 average. It does not flow from looking at the annual
6 of the DCF.

7 Q. But it was put into the DCF.

8 A. MR. OSLER: No, we've answered that, and the
9 answer still is no. The amount of money that is paid
10 in the ERA is paid to YEC in terms of the 2012 amount
11 approved, and it doesn't go into the DCF.

12 Q. Where did it go?

13 A. MR. OSLER: It goes to YEC, because it's --
14 it's allowing them to recover and be held whole for
15 costs that they incurred both in buying fuel and in
16 paying monies into the DCF in 2012. So to the extent
17 that you want to examine the year 2012 and amounts of
18 money and stuff in the DCF, etcetera, you can see what
19 went on in that year, but the calculation of the ERA in
20 the submission that the Board has approved in the
21 separate ERA hearing for 2012 essentially relied upon
22 long-term average costs, the load change that occurred
23 from the GRA forecast for wholesale and the whole
24 system, and revenues that YEC earned and costs that YEC
25 incurred relating to that extra amount of wholesale

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 above the forecast that had been approved.

2 There's a whole bunch of things I just went
3 through, and none of them have anything -- you can't
4 find any of them by looking at the 2012 accounts from
5 the DCF.

6 Q. Okay. Please refer CW-YEC-2-4, April 6th, 2018.

7 A. MR. OSLER: That will be B-19?

8 Q. Okay. YEC states that: (as read)

9 "No specific analysis or additional
10 research has been undertaken to support
11 the YEC position that there is
12 considerable separate risk related to
13 water conditions outside the analysis
14 and assessments including in 2'17/'18
15 GRA."

16 Is this still true?

17 A. MR. MOLLARD: Yes.

18 Q. 2-8, CW, same thing, April 6th, 2018. Speaking about
19 the rented diesels, okay, basically stating that
20 there's been no hydro generation used by these rental
21 units in late 2017 to the end of February 2018, other
22 than a monthly tune-up or whatever, maintenance. Is
23 that -- is that correct?

24 A. MR. MOLLARD: Sorry, I just want to be clear: I
25 thought I heard hydro generation. Are you saying we

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 only ran the units for maintenance run-ups.

2 A. MR. HALL: Yeah, that's correct.

3 Q. And is this the same today?

4 A. MR. HALL: Are you referring to the rental
5 units?

6 Q. Yes, it's never been --

7 A. MR. HALL: Well, we don't have the rental
8 units yet today.

9 Q. So since February there's been no use?

10 A. MR. HALL: They were used for runups.

11 Q. Okay. Energy reconciliation. Now, you've already told
12 me that the ERA is not really hooked into the DCF. I
13 understand that. I think I had it confused; it's the
14 other way around, right? You use the DCF long-term to
15 determine the ERA. Is that correct?

16 A. MR. MOLLARD: Long-term.

17 A. MR. OSLER: Yes, and there's a diagram in the
18 Figure 2 in the application we filed December 6th,
19 which I've forgotten the number, but Figure 2 in that
20 application shows the sequence of GRA determining
21 whether we're using long-term or short-term and a DC --
22 and a contingency fund to deal with the issues we've
23 talked about, and then the ERA would flow, or any other
24 mechanism similar to it would flow from those two first
25 steps.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Okay. Can you tell us briefly why YCL or AEY and
2 Yukon Energy can never reach any agreement on the
3 development of this wholesale power variance from
4 forecast to actual?

5 A. MR. MOLLARD: Sorry, the wholesale variance for
6 who?

7 Q. The wholesale variance of determining the ERA.

8 A. MR. MOLLARD: Well, the -- hmm. The ERA is
9 derived from the YECSIM model, which is approved by
10 this Board. ATCO's forecasting doesn't really enter
11 into the calculation at all. So I'm not -- I'm not
12 sure what there is to reconcile between the parties,
13 unless I'm misunderstanding the question.

14 Q. Well, I'm asking you why doesn't AEY matter? I mean,
15 they're the ones that are -- that are getting charged
16 the -- the extra amount for the ERA.

17 A. MR. MOLLARD: Correct.

18 Q. Now applying for us to pay for it.

19 A. MR. MOLLARD: But to the extent that we have to
20 charge them an ERA, it's not about them, it's about
21 keep YEC whole. That's the way the ERA was designed.

22 Q. By whom?

23 A. MR. MOLLARD: This Board.

24 Q. This Board?

25 A. MR. MOLLARD: Approved the ERA and the mechanics

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 of it.

2 A. MR. OSLER: And the original ERA was designed
3 by the two companies that came to the Board and got
4 approval, so the concept, as I said originally, came
5 from discussion initiated by Yukon Electrical Company
6 Limited.

7 The issues of why people cannot agree on something
8 going forward at different times is another matter
9 entirely, but now there has been approval for all the
10 outstanding matters prior to 2017, so hopefully we can
11 -- we can move forward.

12 Q. So let me get this -- ask this, then: Was the ERA
13 developed exclusively by Yukon Energy?

14 A. MR. MOLLARD: No, I think what the panel has
15 testified to is that it was jointly developed by both
16 utilities in whatever year --

17 A. MR. OSLER: Early '90s.

18 A. MR. MOLLARD: Early '90s, thank you.

19 Q. For the flow-through, not this new YECSIM
20 interpretation of it.

21 A. MR. OSLER: YECSIM really is a confusing
22 distraction when we get to the ERA. The only thing
23 that really matters is whether Yukon Energy incurs a
24 cost or indeed whether or not a problem arises with
25 ATCO with respect to something that the ERA governs.

1 Through the DCF, YEC is insured, as it is committed, is
2 required to pay for long-term average thermal costs for
3 any load that it serves in a given -- in a given fiscal
4 year.

5 If YEC incurs those costs through that mechanism
6 today versus the mechanism that existed when the Faro
7 mine existed where we just paid for the extra diesel
8 because it was a hundred percent of the extra load,
9 once that cost is incurred by Yukon Energy, the
10 principles pertaining to the ERA kick in.

11 Q. Is it based on -- on forecasts or is it based on
12 actuals?

13 A. MR. OSLER: It is based entirely on the actual
14 loads that are incurred in that year relative to the
15 forecast that's approved by this Board in the last GRA,
16 because that is what leads to a gap in the income of
17 either one of the two parties to the ERA; either ATCO
18 or Yukon Energy.

19 Q. How does YEC recover or rebate incremental costs or
20 savings of diesel generation attributed to higher or
21 lower than forecast YEC retail or industrial customers?

22 A. MR. OSLER: In principle, I think in answer to
23 one of the IRs, YEC gets charged the costs for the
24 long-term average, and it has no mechanism to charge
25 extra or rebate amounts to any other customer than the

1 wholesale customer, and the only reasons why it can
2 deal with the wholesale customer that way stem from an
3 Order-in-Council in past agreements between the two
4 parties.

5 But what I said earlier about the Faro mine -- if
6 in the time of the Faro mine we kicked in the amended
7 rate schedule 39 with the ability to charge a run-out
8 rate for the top 10 percent of the use by that mine of
9 its forecast load. And that run-out rate, as was the
10 run-out rate for all retail customers in the hydro zone
11 at that time, reflected the cost of diesel.

12 So if somebody -- anybody, retail customer or the
13 Faro mine increased their load above what had been
14 forecast, they would be paying for that load based on
15 the cost of diesel at that time with losses and
16 everything else built in so that the utility was kept
17 whole and the customer was paying for the extra cost.

18 So it wasn't as diametrically different from the
19 issue with the wholesale as it might appear today where
20 the run-out rates don't reflect necessarily the
21 incremental cost to the company of the thermal energy.
22 But we do have that provision in the approved rate
23 schedule 39 that could be adopted at such time as the
24 incremental costs for thermal relating to incremental
25 growth are at a stage where it makes sense to do that.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 It would simply require the approval of the Board to
2 implement that part of the rate.

3 So we could deal with the large industrials fairly
4 straightforwardly. We would have to change other
5 people's rates in order to deal with everybody else.

6 Q. And are you going to apply for that to happen, then,
7 when we get another industrial customer on the line?

8 A. MR. OSLER: My advice would be that the
9 company would review the matter when it got a large
10 industrial customer on the load, given where the loads
11 are today, and I presume the Board also independently
12 would want to review it. It has the authority to do
13 that.

14 Q. It has to be initiated somewhere, though. It doesn't
15 just magically come before the Board.

16 A. MR. OSLER: Everybody, whether it's the Board
17 or the company, has the incentive to try and do
18 something that makes sense, in my opinion, and people
19 would act accordingly, I would assume.

20 Q. Okay. Mr. Mollard, the cost of the original DCF ERA
21 proceeding was well over \$200,000. Nothing was really
22 resolved from this because we're still going round and
23 round on the DCF and the ERA. Does this not tell you
24 that there's a major problem with the mechanism used to
25 determine these contingencies?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: I mean, I would say, Mr. Chair,
2 it's a challenge. These are extremely complicated
3 concepts for everybody. For us dealing with them every
4 day we struggle with how to deal with this. I -- I
5 believe we've made progress in this -- in this
6 proceeding and how I think people are more
7 understanding of where things are now than they were.
8 So I think it was -- it was money that needed to be
9 spent to get us all to the same spot. Unhappy about
10 having to spend that much money on it, but it was
11 necessary to get people there.

12 Q. Certainly we could have a much simpler way of doing
13 this; right?

14 A. MR. MOLLARD: I have yet to see it, and simple
15 sometimes creates other problems.

16 Q. For this same hearing, YEC costs were \$117,000, while
17 YECL costs were \$22,000 for the same process and
18 responsibilities. Why would YEC -- why would it cost
19 ratepayers so much more for YEC to go through this
20 process? I mean, how many times is that? Five times
21 more.

22 A. MR. MOLLARD: Well, Mr. Chair, they don't -- we
23 didn't really have the same responsibilities that the
24 DCF or -- the DCF account is there to protect the
25 generator, which is us. We did the heavy lifting on

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the modelling and the interrogatories and the
2 application preparation. ATCO -- if you forgive the
3 expression -- didn't have nay skin in that game, so
4 they really didn't have to invest that much in it.

5 Q. Mr. Hall, is the proposed ERA a charge to AEY initiated
6 when there is a positive load growth variance?

7 A. MR. HALL: Yes, if there's a difference
8 between actual and their forecasts, yes.

9 Q. So it's a positive wholesale variance between the
10 actual and the YEC's forecasts.

11 A. MR. MOLLARD: Last approved GRA forecast, yes.

12 Q. Last GRA forecasts. And this is determined with the
13 YECSIM.

14 A. MR. MOLLARD: Sorry, I think I'm getting myself
15 confused. The YECSIM informs the long-term average
16 which develops a thermal number based on a given load.
17 The ERA is specific to the wholesale load. So, yes --
18 sorry -- the YECSIM is part of that math. So it's --
19 we -- we have our actual load that generates a
20 long-term average number. To do the ERA we have to
21 figure out, to the extent ATCO took more power than we
22 had forecasted they would, the long-term average impact
23 from that overage.

24 A. MR. OSLER: But in short, it comes from a
25 table in a DCF term sheet that's approved by the Board.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Nobody reruns YECSIM for the purposes of an ERA. It
2 comes from the term sheet. The DCF term sheet is last
3 approved by the Board, and there is an operative
4 example in Exhibit B-20, UCG-YEC-2-39, the revised
5 filing for the DCF for the year 2017 which includes the
6 ERA review as is required, and shows how it was
7 analyzed for that year where they had a load growth
8 above our forecast in this GRA as revised, and there's
9 still -- after all the calculations, there was in that
10 instance no ERA payable.

11 Q. This can result in a credit, as well as a debit. Am I
12 correct here?

13 A. MR. OSLER: If the situation -- as it did
14 originally when it was created.

15 Q. Only originally. Not now.

16 A. MR. OSLER: No, if ATCO had a reduction in
17 load relative to a GRA forecast last approved by the
18 Board, and they suffered from it through charges from
19 YEC that were not reduced as much as their costs are,
20 that type of thing, they could get a rebate using the
21 same rules from YEC.

22 Q. Okay. And how do you handle a load growth for
23 industrials, retail, or even secondary into this model,
24 into this ERA? If -- you told me before that it
25 depends on the load growth. So if the mine comes on,

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 you automatically got an increased load growth. Some
2 major retail customers come on, same thing, and even
3 secondary energy usage.

4 A. MR. MOLLARD: There is no similar provision for
5 those customer classes, retail customer classes.

6 A. MR. OSLER: But in terms of -- I want to make
7 sure we're not having a confusion. The ERA as such
8 pertains entirely to the change in load for the
9 wholesale customer relative to a GRA forecast.

10 Q. I understand.

11 A. MR. OSLER: It has nothing to do with anybody
12 else's changes in loads.

13 Q. What I'm saying is -- well, what I'm asking is how --
14 how do you handle these other loads?

15 A. MR. OSLER: Yeah.

16 Q. How does YEC remain whole from these other loads?

17 A. MR. OSLER: Okay. So now we're focused on the
18 other loads for certain. That's good.

19 And what I said earlier, Mr. Chairman, was that
20 using the example of the 1990s, rate schedule 39 has
21 provision in it for us to go to a two-part rate at such
22 time as it makes sense to do that in order to protect
23 YEC and the customer for the same things we're talking
24 about here. Extra load leads to extra thermal costs.
25 Let's make sure the customer's keeping us whole.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 If they reduce their load, we save some money.
2 Let's make the customer and use being treating each
3 other fairly. So we have a mechanism in place to do
4 that. We haven't implemented it -- the company has not
5 implemented it to date. The industrial loads and the
6 loads in general aren't at that level. But with the
7 Victoria Gold coming on stream, it would certainly
8 merit review.

9 In terms of the rest of the customers supplied by
10 ATCO or supplied by Yukon Energy, ATCO's customers,
11 YEC's kept whole through the ERA mechanism, so that
12 leaves the customers that YEC serves directly that are
13 not industrials.

14 Q. I understand.

15 A. MR. OSLER: And receive firm energy, not
16 secondly. And we would have dealt with that in the
17 '90s by having a run-out rate for those customers that
18 reflected the cost of diesel. At the moment the rates
19 aren't necessarily designed that way and perhaps the
20 parties would want to review that in the future. With
21 LNG in the situation, the run-out rate would be
22 considerably lower than just a pure diesel rate, so
23 that might help people think through that issue. But
24 that's how it was dealt with in the 1990s, when you had
25 Faro on the system and everybody, if we put on a light

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 bulb or turned off a light bulb, it affected diesel
2 generation. And all customers, in the end, eventually
3 were being treated, in the end, the same way. So we
4 could look at that in -- the parties here could look at
5 that in the future as sort of the objectives of how
6 you'd move, where you'd be moving to.

7 Q. I agree there should be some movement.

8 Now, secondary sales, most of them are wheeled
9 through Yukon Electric, right, or AEY?

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

11 Q. So if there's a major load growth variance in the
12 secondary sales, is the ERA affected?

13 A. MR. MOLLARD: Well, no, because by definition,
14 we wouldn't have secondary sales when we're burning
15 thermal, so it doesn't affect that.

16 A. MR. OSLER: Everything we've been talking
17 about, Mr. Rondeau, relates to trying to make sure
18 people are kept whole when we have a thermal cost,
19 whether it's due to a charge to the DCF or otherwise.
20 Secondary sales are not supposed to be made if we don't
21 have surplus hydro at the time they've been made, so
22 there should be no incremental cost to the company from
23 supplying the secondary sales.

24 Q. But there's a load growth. There can be a load growth.
25 So is this model on load growth or is it not?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: Secondary sales are treated
2 outside of the discussion on firm load growth. So when
3 we talk long-term average -- and it's useful to make
4 sure we're being clear, because this is not the
5 simplest subject -- when we talk about load growth and
6 the long-term average for thermal, we always take
7 secondary sales out of those -- that load. It's not
8 part of the discussion.

9 Q. Okay. At the last DCF -- at the DCF ERA hearings in
10 2011, we heard from the Board that it's up to these two
11 utilities to cover off the principals and make sure to
12 work this out. Has this ever been accomplished?

13 A. MR. MOLLARD: We -- we did take that direction,
14 and the utilities did go away at that time and attempt
15 to find common ground with respect to this issue. My
16 recollection goes back a bit, was that we were not able
17 to get to common ground. We essentially put two
18 different proposals, ATCO had theirs and we had ours
19 and we put it in front of the Board that way, and it
20 was left to the Board to decide.

21 Q. So the board's recommendations weren't adhered to.

22 A. MR. MOLLARD: We did our best.

23 Q. Okay. The ERA is operating on the Board approved YEC
24 forecasts; right?

25 A. MR. MOLLARD: Correct.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. On a go-forward basis, how does this -- what happens in
2 the test years -- or non test years, sorry?

3 A. MR. MOLLARD: So we'll have an order coming out
4 of this proceeding which in part will approve our
5 forecast in each subsequent test -- or each year
6 subsequent to the test year, we will -- we will do the
7 -- run the calculation based on the actual load versus
8 that approved forecast, to generate an ER payment if
9 one is warranted.

10 Q. The last -- the last forecast of 2018?

11 A. MR. MOLLARD: That's correct.

12 Q. Can you give us a little bit of a rundown how rider D
13 operates?

14 A. MR. MOLLARD: That's ATCO's rider? I -- I'm not
15 familiar with that rider.

16 Q. Okay, fair enough.

17 A. MR. OSLER: At a very, very high level, it's
18 like the Rider J that applies to YEC; it gets charged
19 to retail customers throughout Yukon at a very high
20 level, and it's approved by the Board to recover costs
21 for ATCO.

22 Q. So that's what they'll be after us for, through that,
23 okay.

24 Just one thing from the ERA: Did YEC factor in
25 incremental revenues that both utilities would have

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 benefitted from due to increased load which would
2 offset costs to make sure this new change -- or charge
3 to ratepayers were not recovered through these
4 incremental revenues?

5 **A. MR. OSLER:** In the context of Yukon Energy's
6 **ERA application is approved, all of the incremental**
7 **revenues that Yukon Energy received from the extra**
8 **wholesales, including the Direct Energy charge for the**
9 **wholesale and also including the Rider J revenues from**
10 **the extra sales made to ATCO customers in the hydro**
11 **zone, all of those revenues were estimated and included**
12 **as offsets when calculating the amount that would be**
13 **charged to ATCO in 2012, and that same principle would**
14 **apply to any future ERA calculation.**

15 Yukon Energy does not have any responsibility for
16 doing the same thing with respect to the extra revenues
17 or the loss of revenues that ATCO has with respect to
18 the same sales, so it does not take that into account
19 in calculating any ERA.

20 **Q.** Forecasting in general, can you give us an approximate
21 number of forecasting models that have been developed
22 and implemented since the 1990s?

23 **A. MR. MOLLARD:** No.

24 **Q.** Not even a baseball park?

25 **A. MR. MOLLARD:** I'm not sure how that would be

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 helpful, Mr. Chair.

2 Q. Well, the cost of all of these and who benefits -- who
3 benefitted from these -- all these contracts to -- to
4 continually put in new models of forecasting?

5 A. MR. MOLLARD: Mr. Chair, we build out the models
6 as we believe we need to. The costs of those projects
7 are brought forward, for prudency tests by the Board.
8 I'm not sure what else to say on the matter. We're
9 not -- it's not like we hide these things from anybody;
10 the costs are included and we bring them forward for
11 review.

12 A. MR. OSLER: And just for the record, there
13 weren't any remotely sophisticated models used for
14 forecasting, in my memory, in the 1990s, and ATCO would
15 have been doing them because they were managing the
16 utility. There were just repetitions of the standard
17 approaches that had been used before for forecasting
18 going forward, and I don't recall us, in any of the
19 resource plans that we did in the '90s or 2005 or 2011,
20 really doing anything more sophisticated than what had
21 been done before in terms of forecasting of loads. I
22 think there has been a major improvement in the 2016
23 resource plan, which my colleague could discuss, but in
24 terms of getting at trying to analyze this in more
25 depth, but I don't think you need to worry about

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 material costs or modelling issues in the period before
2 that, and I think there's a benefit to what you're
3 seeing in the models that have been recently developed.

4 Q. Benefit to who? To the consultant who developed them?

5 A. MR. OSLER: I had nothing to do with them, so
6 I can speak absolutely independently. I think it's in
7 everybody's interest to find the best way to analyze
8 something, and the amount of money that's involved in
9 those types of models and that type of analysis is
10 relatively small compared to all the other things that
11 people spend money on. So to focus on whether the
12 methods or anybody else's forecasting is close to being
13 accurate or whatever or whether we all have to keep
14 learning that we're wrong half the time or something
15 else, but I don't think the money issue in this case is
16 something that historically has been a big deal, or I
17 would think is that big a deal at the moment.

18 Q. Okay, I think we dealt with this question a little bit
19 before, but you have all these sophisticated models for
20 forecasting, etcetera. None of this helps your control
21 room operators who receive and assess operations based
22 on the loads that they have at the time and the system
23 conditions. So what I'm asking is do we need all these
24 models?

25 A. MR. HALL: Mr. Chair, I think the -- it's an

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 important differentiation, I mean, if you look at
2 what's the purpose of a resource plan. So that's --
3 that's the key document where we do the long-term
4 forecast of load. So why do we do that? Well, it's to
5 make sure we don't run out of energy and the lights go
6 out. So it's really driving capital investment
7 decisions.

8 So, yes, I agree that it's not helping the control
9 room operator day to day, but it's hugely material to
10 the major dollars that this company needs to invest in
11 future generation. That's why we do forecasting, it's
12 for our capital asset program.

13 Q. Is this -- is demand response -- is this demand
14 response factored into your forecasting models?

15 A. MR. HALL: So demand response, Mr. Chair, is
16 a form of -- it's a technique used and what we call
17 Demand Side Management or energy efficiency programs.
18 So it's a specific type of DSM program that we may
19 implement going forward. You may, through your review
20 of the resource plan, may have noticed that, the DSM,
21 Demand Side Management, was identified as an economic
22 way to offset future growth. So we view it as a supply
23 option, in a sense, and demand response would be an
24 example.

25 We have not specifically selected which DSM

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 programs we will bring forward to the Board for review
2 going forward, but it is an example of something we
3 might bring forward.

4 Q. A few more things on this. Mr. Hall, is not all
5 forecasting based on assumptions?

6 A. MR. HALL: Of course.

7 Q. Are assumptions facts?

8 A. MR. HALL: Assumptions are best...

9 Q. Yes or no. Are they facts?

10 A. MR. HALL: Are they facts? No.

11 Q. Is the Yukon Utilities Board a quasi-judicial body?

12 A. MR. HALL: As far as I understand, yes.

13 Q. Thank you. The cost of service rate base model.
14 Mr. Hall, can you just give us a brief summary of
15 regulatory rate making based on this particular model?

16 A. MR. HALL: No.

17 Q. Can someone give me a very brief...

18 A. MR. OSLER: Okay. I need clarity on the
19 question, please. You said cost of service rate-based
20 model, you want to get a summary of what that is. Is
21 that what I heard?

22 Q. That's right. What your -- what's your perception of
23 this.

24 A. MR. OSLER: My cost of service, you're
25 thinking of the type of thing we would do and what

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 they've called a Phase 2 proceeding?

2 Q. No, I'm thinking of what we're doing right now.

3 A. MR. OSLER: Okay. That's -- I'm glad we
4 clarified.

5 Q. The way -- the way the Board's regulating you guys
6 right now.

7 A. MR. OSLER: Okay. So I'm interpreting -- and
8 I want you to clarify this -- I'm not supposed to ask
9 you questions, but -- so you're saying: Explain the
10 basic premise of approach that we take here where we
11 become before the Board and we ask to have our costs
12 recovered through rates. Is that --

13 Q. Fair enough.

14 A. MR. OSLER: Okay.

15 Q. Okay.

16 A. MR. OSLER: So in a very simple level, as per
17 other jurisdictions, the concept that we're doing is
18 we're coming before the Utility Board with our
19 forecasts of all the costs that it takes to meet the
20 loads that we forecast for the two test years. So it's
21 allegedly a forwarded-looking exercise, even though
22 we're now in 2018 for one of the two years. And we
23 look at all those costs. Many of them are pretty
24 straightforward in the sense of costs have been
25 incurred. But some of them involve capital spending

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 and, therefore, they get into depreciation,
2 amortization, and something called "return," meaning
3 recovery of interest and equity as approved by this
4 Board on the assets, that rate base that we end up
5 having to cover the costs of, which means after
6 contributions from government, after contributions from
7 customers and all that type of stuff -- and we add up
8 all those costs, we see how much we would get from the
9 forecast sales through the existing rates that already
10 exist. If we have a gap, we ask for rate approvals to
11 incur extra revenues to cover that what we call a
12 revenue shortfall.

13 And that's how we end up coming before the Board
14 asking for approval of what we call a revenue
15 requirement and new rates.

16 Q. Okay. Is it safe to say, then, that that premise of
17 this type of rate making is to provide a framework for
18 the utility, and it provides the framework and the
19 rationale for ratepayer investment into the bulk power
20 systems of the corporation?

21 A. MR. OSLER: I would think it would be, in this
22 jurisdiction, a -- way to describe it to someone who
23 isn't too interested in the legal distinctions, -- in
24 other words, the ratepayers are ultimately providing
25 through their rates the monies needed to cover all the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 costs of the utility, including recovery of its
2 investment, including paying its interest, and
3 including paying its return to its shareholder.

4 So from a customer point of view, it's the one
5 who, from this point of view --

6 Q. Pays for it all.

7 A. MR. OSLER: -- is paying for it all. Now,
8 legally...

9 Q. That's good enough --

10 A. MR. OSLER: -- this is a rate-based utility,
11 and it's owned by somebody else. If I was in Manitoba,
12 we'd talk about it, it would be more like a cooperative
13 approach because of the way it's done. So I'm avoiding
14 all that legalese and saying, if I described it that
15 way, I could go along with what you're saying.

16 Q. So, basically, really, when it all comes down to it,
17 it's the ratepayers that are -- that are absorbing all
18 the investment risk.

19 A. MR. OSLER: I'm going to let my colleagues
20 discuss this, but the ultimate point is not
21 necessarily -- if an imprudent investment is made, they
22 won't recover it because the Board won't let them. If
23 they take on risks that they can't find a way to
24 recover through coming to this Board to get approval,
25 they won't recover them. So the owner of the utility

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 in the end takes on risks that the customers don't take
2 on, and the issue of how we assign those risks is what
3 we spend a lot of time and effort on in proceedings
4 like this.

5 Q. I will come back to that statement when I do capital
6 costs, because there are an awful lot of sunk costs and
7 nonused and useful capital costs that are going on
8 our -- on our rate base in this particular hearing.

9 THE CHAIR: Maybe we could just leave those
10 comments, and you could ask questions to see if those
11 are true facts.

12 MR. RONDEAU: Fair enough.

13 THE CHAIR: And make those comments in your
14 argument later. Would that be fair?

15 MR. RONDEAU: I'm just giving him a heads-up,
16 sir.

17 THE CHAIR: I don't think they need that.

18 Q. MR. RONDEAU: Mr. Hall, as a public utility, is
19 it your mandate to function for the maximization of
20 your net revenues or for the efficient minimized cost
21 for your ratepayers?

22 A. MR. HALL: I think my function is to provide
23 an adequate supply of power for the territory.

24 Q. At any cost?

25 A. MR. HALL: No, at costs that are approved by

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 **this Board.**

2 Q. One of the major drivers of this application is these
3 capital-intensive investments that you -- most of them
4 occurred in the past. Do you not think that these
5 decisions made by YEC administration for this vast
6 amounts of capital spending simply increases the burden
7 on the domestic ratepayers due to increased interest
8 costs, as well as depreciation in the future years?

9 A. MR. HALL: Mr. Chair, the investments were
10 made for specific reasons. In broad terms, the -- you
11 know, if you look at our capital, physical capital
12 investments, they're either for -- to meet new growth
13 in -- in load or what we call sustaining capital, which
14 is to refurbish assets that have reached end of life.
15 So that's the justification that is reviewed on a
16 case-by-case basis when we bring those investment
17 decisions forward for our internal review.

18 Q. Now, we have a whole whack of what it can be referred
19 to as heritage resources: Our Whitehorse facilities,
20 Mayo, Aishihik, hydro, the integrated transmission
21 grid, and even Mayo B to an extent. Would you agree
22 that these are assets that have been paid off in the
23 past by YEC ratepayers? Heritage.

24 A. MR. MOLLARD: Yeah, I agree with the principle
25 that these were assets that were built many years ago

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 and the original costs have been well -- well paid for.
2 But they are old plants that require continuous
3 investment. So we can't just build it and leave it.
4 We're almost constantly going back into even the new
5 plants where we have to go in and do work, so there's
6 continual reinvestment to keep the -- make sure the
7 plant will continue to produce reliable power.

8 Q. Understandable. I know this may not be answered, but
9 I'm going to ask it anyway. We have all these new
10 industrial customers requiring grid connection who have
11 never paid anything into these heritage assets. Do
12 you, Mr. Hall, consider this fair and reasonable that a
13 new mine should share in these assets that they've
14 never paid into?

15 A. MR. HALL: Well, Mr. Chair, I do believe
16 there's a regulatory principle that all load is new
17 load, and therefore you don't differentiate between
18 customers, you know, on that basis, whether they've
19 been on the system for years or a new customers.

20 Q. Fairness doesn't matter?

21 A. MR. HALL: I'm just -- I'm just stating my
22 understanding of the regulatory principle.

23 Q. Mr. Hall or Mr. Mollard, can you please give us a
24 roundabout idea of what YEC's ongoing cost control
25 measures are?

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: In what respect?

2 Q. In your operation and maintenance, basically.

3 A. MR. MOLLARD: Okay, I'll have it -- I'll have a
4 go at that. So yeah, we run a pretty standard finance
5 shop. We have an electronic financial system that we
6 use that has certain access controls built into it that
7 make sure that people are following the rules around
8 where they spend their accounts. We have policies
9 around signing authorities that govern how -- how much
10 people can spend without approvals. We have separation
11 of duties within our finance group to make sure that
12 people can't do anything with the payment processes,
13 etcetera, collection policies around revenue; basically
14 standard business internal controls that are reviewed
15 by our auditors each and every year.

16 Q. Same thing with administration costs --

17 A. MR. MOLLARD: Yeah --

18 Q. -- efficiencies?

19 A. MR. MOLLARD: -- all costs subject to the same
20 controls.

21 THE CHAIR: Would this be a good place to stop
22 for our afternoon break?

23 MR. RONDEAU: It's just as good as any.

24 THE CHAIR: All right. So it's 20 after
25 three, so we'll come back at 25 to four.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 (ADJOURNMENT)

2 THE CHAIR: Please be seated. Do we have any
3 preliminary matters before the Board?

4 All right, then, we can pick up where we left off.

5 Q. MR. RONDEAU: Mr. Hall, would you agree that the
6 present rate making regulation that we use in the Yukon
7 relies on forecasts?

8 A. MR. HALL: Yes.

9 Q. And would you agree that the Order-in-Council states
10 that Yukon Energy is obligated to regulatory principles
11 consistent with other jurisdictions in Canada?

12 A. MR. HALL: Mr. Chair, I'm not sure which
13 Order-in-Council Mr. Rondeau is referring to.

14 Q. Mr. Mollard?

15 A. MR. MOLLARD: If you're referring to '95-90,
16 there is a principle in there that the normal utility
17 principles in Canada apply. To the Board, yes. That's
18 the OIC to the Utilities Board, to be clear.

19 Q. Now, can you tell us if you know of any other
20 jurisdictions in Canada that still relies on this type
21 of rate making?

22 A. MR. MOLLARD: I -- it's been a long time. I did
23 work for a time in the NWT, and at that time, they did
24 use a rate base type system for developing rates.

25 Q. Perhaps Mr. Osler, you could tell me: Do most other

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 jurisdictions in Canada rely on actual costs, IFFs?

2 A. MR. OSLER: As distinct from forecast costs?

3 Q. Exactly.

4 A. MR. OSLER: Most of the experience I've seen
5 or heard about, people are looking at -- for what they
6 call forecast rate setting. There has been some
7 history in some instances, I think, of doing it the
8 other way, but in the Northern utilities,
9 Manitoba Hydro, etcetera, people are talking about
10 forecasts as the core to test your approach.

11 Q. Do you know if Manitoba Hydro is regulated on the base
12 of actual costs?

13 A. MR. OSLER: Manitoba Hydro uses a forecast
14 approach for forward-looking test years. Sometimes the
15 hearings get to be slow enough that they may be
16 happening after the event, as is happening here, but
17 people don't go back and necessarily change the numbers
18 to reflect the actuals. That's a debate that may or
19 may not occur at any given hearing, but forward-looking
20 test years with forecasts seems to be, from my
21 experience, pretty broadly based.

22 Q. Are you certain that Manitoba Hydro -- my research
23 tells me differently.

24 A. MR. OSLER: Well, it may be -- we may have to
25 get into what specifically somebody thinks leads them

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 to that conclusion versus mine, but I'm not sure a lot
2 turns on it. I mean, they just had a hearing where
3 they were dealing with forward-looking forecasts, so I
4 don't know what -- there are always some actual costs
5 involved in such exercises, so somebody may be focusing
6 on some element of the exercise that I'm not thinking
7 about.

8 Q. No performance-base regulation?

9 A. MR. OSLER: Manitoba Hydro is not into that
10 type of a regulation, no. The general experience with
11 performance based is distribution utilities of where
12 there's lots of them is one instance where it can make
13 a lot of sense, and that happens in Ontario. The
14 advice I've received and have given is that it's not as
15 useful when there is only a few utilities and it's not
16 very useful when it's a generation utility. So
17 Manitoba Hydro is not a performance-based regulated
18 company.

19 Q. I'd ask you why, but that is another debate.

20 In the opening statement, Mr. Hall, YEC states on
21 page 2: (as read)

22 "Due to our past legacy hydro and
23 transmission developments --" which I
24 talked about earlier -- "to meet the
25 earlier growth, Yukon continues today

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 to offer the lowest electrical rates in
2 Northern Canada. We are working to
3 keep this advantage while meeting
4 current and future needs."

5 Then on Table 4.2, A-1 of the -- I believe it's from the
6 application. Yes, page 4.2-2, sorry. Appendix 4.2,
7 bill impacts on residential rates, Table 4.2, A-1.

8 MS. BENTIVEGNA: So I just -- for the panel, the
9 opening statement is Exhibit B-22, and then the
10 application, of course, is B-1, and it would be, in the
11 application, PDF 164, the table that Mr. Rondeau is
12 referring to.

13 A. MR. OSLER: We have the table.

14 Q. MR. RONDEAU: Okay, on the opening statement
15 remark, just the lowest electrical rates in Northern
16 Canada, now, by this, you mean -- you mean Nunavut and
17 NWT; am I correct?

18 A. MR. HALL: Correct.

19 Q. Are these two utilities -- do they use the percentage
20 or close to the same percentage of hydro power that
21 Yukon Energy does?

22 A. MR. HALL: No, they have a different level of
23 hydro than we do.

24 Q. Much lower; am I correct?

25 A. MR. HALL: Correct.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: Yellowknife would not be using
2 very much thermal, but the other ones in the list there
3 are thermal zone communities, which means they're
4 running entirely on diesel.

5 Q. So Yellowknife regulated separately?

6 A. MR. OSLER: It -- they have a hydro zone
7 regulation in the Northwest Territories, and therefore
8 it's got a rate setting process that's different than
9 the thermal zone, and then the government subsidizes
10 the difference between the bill for residential
11 customer in Yellowknife versus the bill for somebody in
12 a thermal zone community. That's done by government
13 subsidy in that territory.

14 Q. Now, the table gives you a breakdown of various cities,
15 and the Yukon is included because we're on a -- the
16 same base everywhere in the Yukon. Now, Mr. Hall, you
17 are a member of the Board of directors of the Canadian
18 Electrical Association; am I correct?

19 A. MR. HALL: Correct.

20 Q. Okay, can you please tell us what the residential cost
21 per kilowatt hour is in the Yukon is presently?

22 A. MR. MOLLARD: Are you talking about the stepped
23 rate or what rate.

24 Q. I'm talking about just the basic rate without --
25 without rate -- the rate rebate or anything like that.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. MOLLARD: Well, it's -- but it's -- sorry, I
2 just want to be clear, Mr. Rondeau: Are you asking for
3 bills or are you asking for factors.

4 Q. I'm asking for the kilowatt/hour cost, the amount of
5 cents it costs to --

6 A. MR. MOLLARD: Well, it's stated in the rate
7 schedule.

8 A. MR. OSLER: Just to be clear, are we talking
9 about the cost to the customer or the cost to the
10 utility?

11 Q. What we're charged.

12 A. MR. OSLER: Okay. So if you go to page 4.2-7
13 in the same appendix, it spells out the bill
14 calculations for the Yukon, so you can see what the
15 charge is for the first hundred -- 1,000 kilowatt hours
16 a month versus other levels.

17 Q. Can you tell us what it is per kilowatt hour for a
18 residential Yukoner?

19 A. MR. OSLER: Proposed rate versus January 2017
20 rate before any change, for the first block energy was
21 12 cents -- 12.14 cents per kilowatt hour for the first
22 thousand kilowatt hours, and there was also a customer
23 charge of \$14.65 per customer per month. The
24 proposal -- you don't see the -- yeah, on top of that
25 get charged a Rider J, which at that time in January

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 2017 was 11.01 percent and came to a combined charge on
2 those two things, the customer charge and the 1,000
3 kilowatt hour charge, of \$14.90 cents. The customer
4 also gets charged an AEY rider, which we assumed in
5 this exhibit at 11 percent, but we later on reflected
6 the actual Board decision, which was a lower number,
7 something like nine percent or something, and you can
8 see the effect of that. So all of those things go
9 together to affect how much you are effectively charged
10 for the first thousand kilowatt hours per month.

11 Q. Okay, too much information again, sorry, but what I'm
12 after is a simple average cost, and I've seen somewhere
13 in the range of 14.7 cents in -- in either your -- your
14 yearly -- I should have that right in front of me.

15 A. MR. OSLER: Your 14.65 is what I said would be
16 the base charge, but if I was answering your question
17 properly --

18 Q. That's what I'm after, just the base charge.

19 A. MR. OSLER: Okay. But that base charge gets
20 riders charged to it is all I'm saying.

21 Q. That's fine.

22 A. MR. OSLER: Okay.

23 Q. I understand that.

24 Back to you, Mr. Hall. So we're paying 14.7 cents
25 here in the Yukon. Can you tell us what the CEA

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 average cost per kilowatt hour is, the average
2 membership of Canadian Electricity Association?

3 A. MR. HALL: No, I can't do the mental math,
4 sorry.

5 Q. Do you want me to tell you?

6 A. MR. HALL: Sure.

7 Q. It is 10.5 cents per kilowatt hour. So why -- my
8 question from this is coming, why are you bragging and
9 hyping up that you are one of the most efficient and
10 lowest-cost facilities in Canada when, actually, you
11 are not?

12 A. MR. HALL: Well, Mr. Chair, I disagree with
13 the statement because we're not bragging anywhere that
14 we're the lowest cost in Canada. We were talking
15 northern Canada, and I believe that the data in the
16 table is quite clear on that fact. If you compare it
17 to -- and I think you yourself clarified that when
18 we're talking about northern Canada, we're referring to
19 the territories. So if you look at the territorial
20 cities, yes, we have the lowest cost compared to --

21 Q. But that's apples to oranges too, because, like I said,
22 the hydro.

23 A. MR. HALL: But apples and oranges is
24 irrelevant. It's a statement of what the cost is
25 compared to those cities.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. I think it's improper, personally, to hype this type of
2 thing in your -- in your revenue requirement
3 application. Anyway, I'll move on. Again, I shouldn't
4 say anything, but -- I'm sorry for saying that.

5 Now, I'll move to revenue requirement. Now, as I
6 said before, every time the utilities file some type of
7 schedule in their forecasting modelling, there's
8 different numbers all over the map. Would you not
9 think this is confusing in obfuscating numbers, not
10 only given to stakeholders but regulators?

11 A. MR. MOLLARD: Mr. Chair, I'm not sure how we can
12 respond to that without specific references to where
13 the inconsistencies are.

14 MR. LANDRY: You know, this is a good example
15 of the impreciseness of the question. And may I just
16 say this. I understand the difficulty that Mr. Rondeau
17 has, and I'm not trying to make it more difficult for
18 him. But at the end of the day, the evidence that goes
19 on the record is what is there to help the Board.

20 So if you could be a little bit more specific,
21 Mr. Rondeau, on a specific example of what you're
22 talking about, I think, Mr. Chair, it would be more
23 helpful.

24 THE CHAIR: Yes.

25 Q. MR. RONDEAU: Well, I do have some -- and it's

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC**Cross-examined by Mr. Rondeau**

1 basically ATCO compliance filing numbers and -- and
2 Yukon Energy's application filings, for one.

3 THE CHAIR: Are those numbers on the record
4 someplace, Mr. Rondeau?

5 MR. RONDEAU: Yes.

6 THE CHAIR: So can you give us the
7 references --

8 MR. RONDEAU: Well, the --

9 THE CHAIR: -- and then perhaps you can ask
10 them a question about comparing those and --

11 MR. RONDEAU: I can ask them -- perhaps they
12 can review this, and I can -- we can talk about it
13 tomorrow, if that would be better.

14 THE CHAIR: Does that work for everyone?

15 MR. LANDRY: Well, before we go, what's the
16 reference?

17 MR. RONDEAU: What's the information?

18 MR. LANDRY: Yeah.

19 MR. RONDEAU: Okay. The ATCO compliance revenue
20 requirement, they're on the Board --

21 MR. LANDRY: Okay.

22 MR. RONDEAU: -- numbers. Then --

23 MR. LANDRY: Quick question I just have --

24 MR. RONDEAU: Yes.

25 MR. LANDRY: -- Mr. Rondeau. Is that document

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 that you're referring to -- because we have to keep
2 track here. Is that document you're referring to on
3 the record of this proceeding, do you know?

4 MR. RONDEAU: Well, it's on the record of the
5 AEY compliance filing. It's on -- it's on the Utility
6 Board's records, it's on --

7 THE CHAIR: But it's not an exhibit here. Is
8 that what you're saying.

9 MR. RONDEAU: Not that I'm aware of.

10 THE CHAIR: Okay. Carry on. Let us have the
11 list.

12 MR. RONDEAU: Okay, the other one basic -- I
13 have -- I have gone through many different ones, and I
14 should have kept a little better track and have them
15 specifically. But the other one I want you to look at
16 is the application, Yukon Energy rate application,
17 where it breaks down the summary of customers, energy
18 sales, and revenues.

19 THE CHAIR: Is that document on the record of
20 this proceeding?

21 MR. RONDEAU: It is. Tab 7, page 7-13 of the
22 GRA, of the application. And it is here where I got
23 the 14.7 cents per kilowatt hour, as well. Table 3, 2,
24 3, 1, page 3-2 of the General Rate Application.

25 THE CHAIR: So this is another one that is

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 part of this --

2 MR. RONDEAU: It's another one showing

3 different -- what I'm saying is different --

4 THE CHAIR: Okay, I get it.

5 MR. RONDEAU: -- different numbers.

6 THE CHAIR: Okay.

7 A. MR. MOLLARD: I just want to be clear,

8 Mr. Chairman, just different -- so are we being asked

9 to compare AEY numbers to our numbers.

10 MR. LANDRY: I think let's wait. We're not

11 being asked to do anything. I'm trying to get a list

12 of what it is that Mr. Rondeau's going to refer to, and

13 then we'll see where we --

14 A. MR. MOLLARD: -- to figure out the question.

15 MR. LANDRY: -- go from there.

16 Q. MR. RONDEAU: What I'm trying to do is to

17 demonstrate that YEC had a compliance filing that they

18 had these numbers by the Board, and they are not the

19 same as what -- in those particular instances. But in

20 some of your own filings, especially when you do the

21 rate application and when you do the resource plan,

22 things like that, there's different numbers. But I

23 will rest that on...

24 THE CHAIR: Okay. So I think there's a -- we

25 have three.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 MR. LANDRY: I have three: The ATCO compliance
2 filing -- I didn't get a reference. Maybe Mr. Rondeau
3 can give me that. Then I had the application, I got
4 tab -- I think I've got tab page 7-13. So that's this
5 application. And then table 2.31, page 3-2 --

6 Q. Table 3.1.

7 MR. LANDRY: Table 3.1.

8 MR. RONDEAU: Table 3.1.

9 MR. LANDRY: Okay. Thank you.

10 MR. RONDEAU: It's just a breakdown. And the
11 ATCO compliance one is schedule 1-1, page 1 of 1 of
12 their compliance filing.

13 MR. LANDRY: Schedule again? Sorry.

14 MR. RONDEAU: Schedule 1 one.

15 MR. LANDRY: 1.1 or 11?

16 MR. RONDEAU: 1.1.

17 THE CHAIR: And so then with those three
18 documents, then, once the panel has those, then you
19 want to ask some question about that?

20 MR. RONDEAU: Yeah.

21 THE CHAIR: And you'll speak to Mr. Landry
22 about the nature of that prior?

23 MR. RONDEAU: Maybe tomorrow I'll have some
24 questions. Maybe not. If he makes...

25 THE CHAIR: And then as far as that first

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 document which isn't on the record of this proceeding,
2 we'll figure out a way that you can maybe --

3 MR. LANDRY: What I'll do, to try to help out
4 here, is we'll get -- I'll get a copy, see what it is.
5 I'm -- would it be appropriate, Mr. Chair, if I could
6 at least speak to the panel a little bit about it?
7 It's a document that's not on the record obviously, so.

8 MR. RONDEAU: Sure, tomorrow's fine. You can
9 let me know tomorrow --

10 MR. LANDRY: I'll take a look at those three
11 references. And do I understand the question is going
12 to be that there's something different between the
13 three?

14 MR. RONDEAU: Yeah, there's different numbers,
15 is what I'm trying to say, which makes it very
16 difficult for stakeholders and, I would perceive, the
17 Board to -- to actually iron out the -- the real
18 numbers or the proper numbers.

19 THE CHAIR: Well, fair enough. We can ask the
20 question about that. So if you and Mr. Landry work out
21 and how you can talk about that other document, whether
22 you use it as an aid to cross or whatever, and we can
23 deal with that in the morning.

24 MR. LANDRY: And I'll be speaking to the panel
25 specifically about these three, just so that I can see

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 where we go from there.

2 THE CHAIR: That should expedite through this.

3 MR. RONDEAU: That's fine.

4 THE CHAIR: Okay. Thank you.

5 Q. MR. RONDEAU: In the opening statement again,
6 YEC states on page 4 that YEC's actual 2013 ROE was
7 only 7.4 -- excuse me, about .75 million below the
8 approved 8.25 ROE. What I'm wondering, Mr. Mollard, is
9 why you -- or why there hasn't been anything mentioned
10 on the other non test years where you over earned.

11 A. MR. MOLLARD: I'm sorry, why we didn't mention
12 it in the opening statement.

13 Q. Exactly; why you put this particular statement in
14 there.

15 A. MR. MOLLARD: It -- there was no intent. We've
16 disclosed all those interim rates of return in the
17 application, so it's on the record, just didn't put it
18 in the statement. I don't have a specific reason why I
19 excluded those.

20 Q. So you agree that in at least some of the non test
21 years, Yukon Energy over earned?

22 A. MR. OSLER: We have the evidence in Table 1.1
23 of page 1-2 of the original filing, and it shows what
24 it shows, which is the first reason was to compare the
25 test year with what actually happened. And then

1 there's 2014 and '15, and '16 actuals, which were
2 ranging between 8.10 percent return on equity to 8.69
3 percent. There's also notes explaining that the reason
4 those numbers were that high in 2015 and '16 was
5 because of the debt refinancing done by YDC. And the
6 numbers would have been 6.45 percent and 7.18 percent
7 in those two years without that refinancing. So your
8 information that we're talking about is all in that
9 area.

10 Q. But they over earned in, when it all comes down, in
11 '16.

12 A. MR. OSLER: I think if you're talking about a
13 shareholder, the people at the shareholder level would
14 look at this, saying we refinanced a bunch of debt and
15 we got some extra money and overall our overall return,
16 keeping all that in mind, wasn't all that great, but I
17 don't think we get anywhere by that conversation, so
18 the facts are at least disclosed.

19 Q. The facts are there. Opening statement page 8: (as
20 read)

21 "Overall, this Application update for
22 the approved 2017 wholesale forecast
23 indicates a revised forecast revenue
24 shortfall ... at 6.571 million (versus
25 6.585 in the original Application) --"

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 which is an actual small drop -- "and a
2 total cumulative 2017 and 2018 ... over
3 existing rates at 9.19 (versus 9.08 in
4 the original ...)"

5 So you had a -- you had a decrease in your -- in your
6 forecast revenue shortfall, but you want a larger
7 return.

8 A. MR. MOLLARD: Yeah, Mr. Chair, this -- this
9 relates to the update that was directed by the Board
10 with respect to the AEY compliance filing, and I'll
11 defer to Mr. Osler to do the actual math, but the
12 reason that rate goes up is related to the impact of
13 the Board's decision on ATCO's revenue requirement and
14 how it affected the consolidated revenue requirement
15 which we're required to use to calculate that rate, so
16 it was just a math effect from the ATCO ruling.

17 Q. Okay, that extra little bit is from the ERA.

18 A. MR. MOLLARD: No, it's what their Rider R -- we
19 had in our -- when we did the application, we had a
20 make an assumption around what their Rider R was going
21 to be awarded at. It turned out to be different, so it
22 affects the calculation of the rate increase.

23 Q. Okay, the application Table 3.1, page 3-2, which gives
24 breakdown of the revenue requirement for the test
25 years. Table 3.1, page 3-2.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: Mr. Rondeau, just for the record,
2 that question and the numbers were all in the answer --
3 the one you were just asking and the explanation is all
4 in the response to YUB first round number 3.

5 Q. About the extra costs?

6 A. MR. OSLER: Yeah, it's all done in detail
7 there; it's just summarized in the opening statement.

8 Q. Well, I think you've given me a pretty good answer for
9 the reason why.

10 A. MR. OSLER: It's all there. Sorry, you're on
11 Table 3?

12 Q. We're on Table 3 now.

13 THE CHAIR: Page 3-2?

14 Q. MR. RONDEAU: Page 3-2, and it's basically I
15 just want confirmation from -- that -- from the panel
16 that there has been no changes in the revenue
17 requirement, which is 48.544 million in 2017 and
18 49.684 million in 2018. Does that still remain the
19 same?

20 A. MR. OSLER: They remain the same subject to
21 the change that he was just describing in the opening
22 statement and is in that answer to CW -- sorry -- YUB
23 round one, Number 3, where we, in compliance with the
24 Board's question, revised the application to take
25 account of the compliance filing wholesale numbers from

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 2017 for AEY, and they slightly changed the numbers.

2 Q. And that's '17 or both years?

3 A. MR. OSLER: It was changed for both years, but
4 the basic basis for the change was to bring it up to
5 the number that was given in 2017 for the wholesale and
6 the compliance filing, and then adapt the 2018 number
7 by the same amount.

8 Q. But minimal; right?

9 A. MR. OSLER: Well, it was what it was asked
10 for; it was to bring it into consistency with the
11 compliance filing of the Board with respect to ATCO for
12 2017.

13 Q. But we're not talking millions.

14 A. MR. OSLER: Not talking which?

15 Q. Millions.

16 A. MR. OSLER: No, no, it was small numbers --

17 Q. Minimum.

18 A. MR. OSLER: -- it was a small change, but it's
19 all there, without me trying to give it on the record.
20 And so that is the one change that the company revised
21 its application to deal with.

22 A. MR. MOLLARD: And it will also have to be
23 updated for the correction to the depreciation rate for
24 Aishihik structural steel.

25 Q. Okay. Mr. Mollard, could you please tell us what your

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 actual revenues were in 2017?

2 A. MR. MOLLARD: So I'm referring to CW-2-1, which
3 is Exhibit --

4 A. MR. OSLER: B-19.

5 A. MR. MOLLARD: -- B-19, and there's a table in
6 that response which shows the preliminary actual sales
7 421567 kilowatt hours.

8 Q. The revenue, sir. Not interested in the other stuff.
9 Maybe I can -- maybe I can help you.

10 A. MR. MOLLARD: Oh, UCG-2-18. Okay. Total sales
11 revenue for 2017, 43,543,000 -- sorry, apologies.
12 Can't get the whole schedule on the screen here.
13 Preliminary actual 2017, 47,071,000.

14 Q. Rate of return, and then I will let Mr. Maissan take
15 over, and I'll do some more tomorrow. We've talked to
16 the secretary, and that seems okay with them.
17 Mr. Landry?

18 MR. LANDRY: I'm willing to accommodate
19 whatever you like, Mr. Chair. It would be, I think,
20 helpful to know how much longer Mr. Rondeau might be,
21 but I can speak to Mr. Rondeau off the record.

22 MR. RONDEAU: Well, I have --

23 THE CHAIR: -- ask his question, and then
24 we'll deal with the rollover here after that. Okay?

25 MR. RONDEAU: Okay.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. MR. RONDEAU: From tab 8 of the application --
2 I'm on return on equity -- you are requesting the BCU
3 benchmark of 8.75 plus the risk premium of 575 basis
4 points, resulting in a return of 9.325. Then you
5 deduct the IC 95-9,500 basis points, giving you an R of
6 8.82. Is this accurate?

7 A. MR. MOLLARD: So -- yes, the BCUC rate plus.

8 Q. 575 base points.

9 A. MR. MOLLARD: 57.5 basis points to get to 9.325,
10 and then the OIC reduction of 50 points to get to
11 8.825.

12 Q. Okay. So you agree.

13 A. MR. MOLLARD: Yes.

14 Q. Could you please tell us what the because approved
15 equity level is?

16 A. MR. MOLLARD: Well, we've -- we've applied for
17 the same ratio that we've always had since the early
18 '90s, the 60 percent debt, 40 percent equity.

19 Q. I understand that, but the thing is you want to rely on
20 BCUC benchmark, but you do not have the same equity
21 level as -- as what the -- this approved number comes
22 from.

23 A. MR. MOLLARD: I'm sorry, I don't know what you
24 refer to "that number comes from." What...

25 Q. The equity level because approved, they have a level

1 that they set in determining this -- this benchmark
2 number that you say.

3 **A. MR. MOLLARD:** I -- I'm not sure how to respond
4 to that, Mr. Chair. This is -- this is the approach
5 that we adopted going back to 2005. We used it again
6 in '08/09. We weren't able to use it in '12/13,
7 because there was no BCUC rate, but it's the same --
8 it's the same an approach that we've used in the last
9 number of proceedings that this Board has approved,
10 so --

11 **Q.** I under -- I understand that.

12 Could I have an undertaking, then, for you guys to
13 find out what the BCUC approved equity level is?

14 **A. MR. MOLLARD:** We can try. I'm not -- I'm not
15 sure that they actually approve a capital structure,
16 but I'll look it up and bring back whatever I can find.

17 **MR. LANDRY:** Yeah, I'm not sure that's what
18 they do do, but if the Board finds it helpful, we'll
19 try to figure that one out and come back to you. Not
20 sure it's going to be quick, though, but.

21 **MR. RONDEAU:** According to my research, they do
22 have an average, or I wouldn't be asking this.

23 Is the -- is the debt-to-equity level of
24 Fortis Energy and PNG West which you guys are basing
25 your place makers for the increase for the risk premium

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 the same equity the same equity level as what you have?

2 A. MR. MOLLARD: I can't answer that. That's --
3 that wasn't part of our analysis. That wasn't the
4 approach that we'd been previously approved at.

5 Q. This is absolute... Okay. I would like that
6 undertaking, as well.

7 THE CHAIR: So I understood the first
8 undertaking was for the panel to find out what the
9 debt/equity ratio that BCUC applied to that
10 benchmark --

11 MR. RONDEAU: The average one.
12 **UNDERTAKING - TO ADVISE AS TO WHAT THE**
13 **DEBT/EQUITY RATIO THAT BCUC APPLIED TO**
14 **THE BENCHMARK**

15 THE CHAIR: And what's the second thing that
16 you're asking for?

17 MR. RONDEAU: The second one is what the
18 debt-to-level is for Fortis and PNG West, which are the
19 two placeholders that -- that YEC is proposing to use
20 for their risk premium.

21 MR. LANDRY: Well, the answer is they don't
22 know what that is, so that's the answer. And just
23 to -- just to try to move this thing along, I'll
24 consider Mr. Rondeau's request and get back to you,
25 Mr. Chair.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 A. MR. OSLER: And we'll also check whether such
2 a thing is relevant to the BCUC framework for setting
3 risk, so we'll check that, because that's the -- we
4 don't have the facts, but the question is whether it
5 affects their determination of the benchmark versus
6 these other two utilities, but we'll check that.

7 UNDERTAKING - TO ADVISE AS TO WHAT THE
8 DEBT-TO-LEVEL IS FOR FORTIS AND
9 PNG WEST

10 Q. MR. RONDEAU: Mr. Hall, you have various
11 performance indicators that you file with your regular
12 body. Is that correct?

13 A. MR. HALL: Correct.

14 Q. KPIs --

15 A. MR. HALL: Can you give us a reference?

16 Q. Do you utilize these indicators in your forecasting
17 models for revenue requirement?

18 A. MR. MOLLARD: Well, I mean, the KPIs list our
19 sales, so obviously we forecast our sales as a normal
20 part of our business planning, we'll forecast the
21 generation dispatch; where's the power going to come
22 from, in terms of the hydro versus thermal versus other
23 sources. Is that what you were referring to, or...

24 Q. Yes. Basically, I just want to have some idea whether
25 you're actually using these, not just putting them out

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 and doing nothing about it.

2 A. MR. HALL: I mean, these KPIs are used for
3 various purposes, including performance of the
4 business. It's not all about forecasting.

5 Q. I understand that. That's what I'm getting at is
6 performance.

7 A. MR. OSLER: While there's a break here, I've
8 just been advised that the answer to the question we're
9 been talking about is in Table 8.1, page 8.8 of the
10 application. It shows the debt/equity of each of these
11 utilities for the dates that the information was
12 available. So it's 60/40 for YEC in 2016; it's 60/40
13 percent for FortisBC Electric; it's 53.5 equity, debt
14 46.5 for PNG West in 2016; it's 59 percent debt,
15 41 percent equity for PNG North -- Northeast
16 Fort St. John, so.

17 Q. Could you give me the other ones on PNG --

18 A. MR. OSLER: We will --

19 Q. -- the PNG West?

20 A. MR. OSLER: We'll check to see -- PNG West
21 2016 was 53.5 percent debt, 46.5 percent equity, and it
22 shows in each instance how the benchmark was used and
23 the risk adders to made. So the risk adders were made
24 with the knowledge by BCUC that those were the
25 debt/equity ratios.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. Okay. I still would like the average, BCU.

2 A. MR. OSLER: The which?

3 Q. Debt-to-equity.

4 MR. LANDRY: Sorry, I'm going to have to ask
5 for clarification, Mr. Rondeau. What are you asking
6 for?

7 Q. MR. RONDEAU: I'm asking you for the approved
8 equity level that BCUC have in determining this the
9 8.75 percent benchmark rate.

10 A. MR. OSLER: And I think I just gave it to you.

11 Q. You just gave you PNG, and you gave me two --

12 A. MR. OSLER: No, FortisBC Electric, 60/40,
13 8.75. The actual benchmark number, I don't have that,
14 but I do have the ones that were applied to the
15 utilities in the electrical field that we were talking
16 about.

17 Q. Are they both using the benchmark?

18 A. MR. OSLER: Yeah --

19 Q. -- from BCUC?

20 A. MR. OSLER: -- it says -- in the table it
21 shows in ROE benchmark, and then it shows the adder,
22 and then the fair ROE that resulted from the decision
23 of the BCUC.

24 Q. Okay. Please give me the --

25 A. MR. OSLER: Table 8.1 in tab 8 of the

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 application as filed page 8.8.

2 THE CHAIR: Sorry, that reference again, the
3 page?

4 A. MR. MOLLARD: Page 8.8 of tab 8.

5 A. MR. OSLER: B-1. Yeah, Exhibit B-1. I don't
6 have the PDF number. PDF 301, I'm told.

7 Q. MR. RONDEAU: Okay. Just a couple more --

8 MR. LANDRY: May I just stop there. I
9 apologize, Mr. Rondeau, for interrupting. I'm going to
10 assume that there's no further undertakings on that
11 one. We've given a reference to Mr. Rondeau. If he's
12 got a further question that he needs as a result of
13 that, I'm sure he'll ask it tomorrow.

14 MR. RONDEAU: That's fair.

15 THE CHAIR: Yeah, because I just made some
16 notes here, and I'm looking. So I think that might
17 answer both of those other undertakings we were talking
18 about.

19 MR. RONDEAU: Yeah, well, except the --

20 THE CHAIR: You can look and see if it does.

21 MR. RONDEAU: -- the average. I'll find where I
22 got that information from. I should have written it
23 down.

24 THE CHAIR: Okay.

25 Q. MR. RONDEAU: Two more, and I'll leave it to

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Mr. Maissan for the rest of the day. Risk premium,
2 does your -- your Board, the YEC Board, have a
3 committee that oversees management assessments for
4 mitigation of risks associated with the corporation.

5 **A. MR. HALL:** The Board does -- Mr. Chair, the
6 Board does review our enterprise risk management
7 framework and its results and recommendations, yes.
8 They do that on an annual basis.

9 Q. The risks --

10 **A. MR. HALL:** Yeah.

11 Q. -- associated.

12 **A. MR. HALL:** And the mitigation plans that we
13 -- we implement.

14 Q. Okay. And finally, does YEC have a number of deferral
15 accounts and contingency reserves which are used and
16 have been used and paid for through rates?

17 **A. MR. MOLLARD:** We have a number of deferral --
18 deferred accounts that have been approved by in prior
19 proceedings in front of this Board.

20 Q. And contingency reserves; DCF for one?

21 **A. MR. MOLLARD:** Oh, yeah. I'm grouping them all
22 as reserves: DCF and RFID and RFSR and etcetera,
23 etcetera.

24 Q. You have several of them.

25 **A. MR. MOLLARD:** We have several of them.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Rondeau

1 Q. And they are being paid for through rates; right?

2 A. MR. MOLLARD: I'll maybe nuance it a bit
3 because, for example, the reserve for site restoration
4 is -- is no longer funded through rates. The Board
5 terminated that appropriation, I think in 2005, but to
6 the extent that there's an appropriation approved and
7 revenue requirement, that will have a rate impact.

8 MR. RONDEAU: That's it for today.

9 THE CHAIR: Thank you.

10 MR. LANDRY: Mr. Chair, since we're going to
11 interrupt Mr. Rondeau's cross, I wonder if we could
12 have some idea from Mr. Rondeau how much longer he'll
13 be?

14 MR. RONDEAU: Well, this hearing covers a lot of
15 things, so I would say I have capital projects to do, I
16 have the 20-year resource plan -- I mean, you put all
17 of this on us.

18 MR. LANDRY: I was just asking a question.

19 MR. RONDEAU: Okay. Now you're getting feisty.
20 I will probably be about be three hours.

21 THE CHAIR: So my understanding is that --
22 that Mr. Rondeau will come back tomorrow, and in the
23 interval, we'll continue with Mr. Maissan this
24 afternoon, and then in the morning, we'll work out who
25 will go first, and then we'll carry on. We'll see

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 where Mr. Maissan is.

2 MR. RONDEAU: It'll probably be --

3 THE CHAIR: I understand there were some
4 discussions around this during the break.

5 MR. RONDEAU: It will probably be Mr. Maissan to
6 allow for a little more continuity. That's fine with
7 me.

8 THE CHAIR: Okay, well, we'll work that out in
9 the morning, and I'll let you guys talk it out. Rather
10 than take a break, I think we'll just let you switch,
11 if you're ready to go now.

12

13 **MR. MAISSAN CROSS-EXAMINES THE PANEL:**

14 MR. MAISSAN: Thank you, Mr. Chair. I'm ready
15 to start.

16 Q. MR. MAISSAN: First question I have is a
17 follow-up from cross from Mr. Rondeau. It was in
18 regards to the effect of the forecast by ATCO and on
19 the ERA, and I was a little uncertain as to whether it
20 was ATCO's last approved wholesale sales that carried
21 forward. For instance, if my understanding is correct,
22 ATCO Electric has approved forecasts for 2016 and 2017,
23 and 2018 is thus far not a test year, and so is it
24 Yukon Energy's forecast for wholesale sales or is it
25 ATCO's 2017 forecast for wholesale sales that is used

1 in determining the ERA?

2 A. MR. OSLER: In the...

3 Q. For 2018.

4 A. MR. OSLER: For 2018 or '17?

5 Q. '18.

6 A. MR. OSLER: Oh, '18 will be whatever this
7 Board approves in the sense of what the final approved
8 YEC forecast for 2018 for wholesales is will be the
9 basis for the decision for an ERA in 2018. The
10 calculation is done in the filing that the company has
11 done for 2017, for the final DCF for 2017 and included
12 as attachment for the ERA. I believe that it was
13 probably using the forecast as per the original
14 application, rather than the revised forecast that the
15 Board approved and we put into YUB-1-3. It's a small
16 difference, and I don't -- since there was no ERA
17 payable based on the original YEC filing and the new
18 number was a slightly higher forecast, there would be
19 no ERA payable with a revised number either, so it
20 won't change the outcome for 2017.

21 Q. Yeah, so what interests me here is that if what I hear
22 is correct, ATCO Electric is off the hook for potential
23 errors in their forecast for, well, 2018 they don't
24 have an approved forecast because they don't -- it's
25 not a test year, but it is Yukon Energy's forecast for

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 wholesale sales on which the ERA is based. So in some
2 sense it feels to me like they're off the hook for
3 forecasting.

4 **A. MR. OSLER:** I won't get into the off the hook,
5 but the facts are that YEC has agreed after the Board's
6 direction in that question I referenced to changes 2017
7 forecast to be consistent with the board's final
8 decision for ATCO, and then collectively, we can all
9 take the fact that none of us were very close to what
10 actually happened in 2017, it was an actual wholesales
11 were much bigger than anybody had been debating.

12 **Q.** Right. So but for 2018, it's Yukon Energy's wholesale
13 forecast that would be used for --

14 **A. MR. OSLER:** Forecast, as approved by the
15 Board.

16 **Q.** As approved by the Board.

17 **A. MR. OSLER:** And that wholesale forecast, it
18 will be as revised in response to YUB 1-3 which at
19 least takes into account the change in the compliance
20 filing of ATCO, but doesn't reflect what happened in
21 actual fact in 2017.

22 **Q.** Okay, thank you.

23 **A. MR. OSLER:** And what will happen in the end
24 will be whatever this Board approves for the forecast
25 for the GRA for 2018; for YEC, which may be different

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 than the numbers that we're talking about.

2 Q. Well, curious then, on a go-forward basis, if 2019 is
3 not a test year from you for Yukon Energy nor for ATCO,
4 how is any ERA calculation determined?

5 A. MR. OSLER: As stated, it would be determined
6 based on the last GRA approved forecast, which would be
7 the forecast for 2018.

8 Q. For Yukon Energy.

9 A. MR. OSLER: Yeah. Unless YEC comes in with a
10 new application for 2019 and gets it approved,
11 etcetera. I mean, in that sense it's quite simple.

12 Q. All right. Thank you. My first area of questioning
13 involves what I call cleanup questions; a number of
14 smaller questions that I'd like to deal with before
15 going on to other matters, and I took advantage of the
16 lunch break to find the correct exhibit numbers and
17 hopefully the correct PDF numbers so that it will
18 facilitate people finding the right pages.

19 So my first reference -- my first question is in
20 reference to Exhibit B-9, page PDF 25 out of 198, and
21 it's IR JM-YEC-1-9, and my particular reference is
22 on -- that I want to ask about is on page 2 of 2. So
23 it's probably PDF 26. At the very last line on that
24 page, in the answer to C, the last sentence says: (as
25 read)

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 "This limits the total flow through the
2 water conveyance of 25 cubic metres a
3 second, which represents about 11.5
4 megawatts."

5 And I just wanted confirmation that, although the
6 installed capacity of Mayo, Mayo A + Mayo B is
7 15 megawatts, effectively the production capacity limit
8 is 11.5 megawatts. Am I reading that correctly?

9 A. MR. HALL: Yes.

10 Q. Thank you. The second question I have relates to the
11 same exhibit, but an earlier IR. It's PDF page 17,
12 JN-YEC-1-6, the response to it. I want to understand a
13 little bit better secondary sales. We've used the
14 term -- both terms "spilled hydro" and "surplus hydro"
15 at different times, and I just want to understand that
16 secondary sales is -- I thought I heard the reference
17 to surplus hydro, and is that separate from spilled
18 hydro; i.e., is secondary sales that would otherwise
19 end up as spilled hydro?

20 A. MR. MOLLARD: Yes, secondary sales is surplus
21 hydro.

22 Q. Okay. And would -- is that or is that not different
23 from energy that would become spilled hydro, or is it
24 not possible to say?

25 A. MR. MOLLARD: Well, I'll let Mr. Sreckovic jump

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 in on this one if he wants to, but I understand that
2 they're the same.

3 Q. Okay. In this IR on page 2 of 3, there is Table 1
4 called Hydro Energy Long-Term Average, and a table in
5 answer to Part B below that, which is Forecast
6 Secondary Sales By Month. So the long-term average is
7 forecast presumably by YECSIM. It forecast for both
8 test years no spilled hydro from December through April
9 and small amounts in November and May. And the
10 forecast secondary sales by month below that in Table 2
11 totals in round numbers about a gigawatt hour for each
12 of those months. Now, I appreciate that secondary
13 sales is probably based on a short-term forecast, and
14 the other is based on a long-term average, which is
15 YECSIM, so I was wondering if you could provide any
16 clarification as to how these numbers originate.

17 Well --

18 A. MR. OSLER: He will give you some, I hope --
19 no? No. So effectively your question isn't that easy
20 to answer. The obligation on the company is to make
21 sure if they're making secondary sales, they're not in
22 some way or other incurring a thermal cost that they
23 are aware of, okay? So however they determine that
24 using data that they have -- it may not be this type of
25 data, it may be a different type of data -- it's very

1 short term, right? It could be the evening right now,
2 nighttime for -- for SCADA controlled secondary sales
3 where you know you can control it and everything else
4 and it's just that time period. So I've been told
5 that's what it is in June at the moment. But -- and
6 the long-term average is a totally separate exercise,
7 as you know, for a different purpose, so it probably
8 has no great bearing to making a decision in the short
9 term whether you have water available that won't become
10 something you have to burn some thermal for. The catch
11 would be understanding the extent to which your
12 short-term decision might have long-term implications,
13 and I don't think anybody here wants to touch that, in
14 the sense that I don't think anybody has put their
15 thought as to how you would discuss that and work your
16 way through it. And we know it's an issue, and if
17 secondary sales are going to be discussed on an ongoing
18 basis when we have larger loads, I'm sure people will
19 put the intellectual energy into answering that, but I
20 think you've got as far as we can help you with today.

21 Q. Okay. Yes, my -- I guess my questioning was leading to
22 can there be situations in which reservoirs are drawn
23 down for the purpose of secondary sales that would, you
24 know, may not have resulted in any spilled water or may
25 not in the long term turned out to be surplus hydro?

1 A. MR. OSLER: And the answer, as you know, would
2 be yes, and the question is how do you know the
3 difference between that situation and another one? And
4 again, there's no one here at the moment who can give
5 you a useful addition to what I've just said, I don't
6 think, otherwise they'd volunteer and get me off having
7 to answer the question.

8 Q. So the operators -- the system control operators when
9 they switch on SCADA customers or switch them off,
10 presumably they're getting some guidance from somebody
11 as to -- as to when it's appropriate to do so and when
12 not; is that correct?

13 A. MR. HALL: Yes, and actually we've done some
14 additional thinking and developed some -- some early
15 policy on this to give our operators a bit more
16 sophisticated guidance as to when to make secondary
17 sales available, and it's more sophisticated than
18 whether the thermal's on or not.

19 Q. Sure.

20 A. MR. OSLER: And just because it was in the
21 opening statement, but it would be nice to have it on
22 the record right here: Secondary sales were terminated
23 late November, early December of last year because of
24 issues to do with water availability, partly to do with
25 Mayo, and at the moment they've just recently been

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 opened and but only for SCADA customers and I think
2 only in the evening. So it's highly controlled, and
3 nobody knows for sure, until they see the water
4 conditions for the summer, whether there will be
5 anything more than that available going forward. So
6 that's the record that we have as of today.

7 Q. Right. So in effect, that Table 2, although it's
8 forecast secondary sales, it's subject to judgment of
9 availability on a day by day or week by week basis.

10 A. MR. HALL: Correct, yes.

11 A. MR. OSLER: And also subject to change if you
12 have low water at Mayo, for example. This is a nice
13 forecast, but it's not relevant now in 2018.

14 Q. Thank you. Sorry, just to go back to that once more,
15 can you tell me what forecast was used for -- for
16 preparing that Table 2 in that exhibit? Was there
17 actually a forecast used or was it judgment call, that
18 Table 2 in --

19 A. MR. MOLLARD: I believe that was based on our
20 short-term forecast, remembering that it's for two
21 years but the model only works for one year because of
22 the inherent problems with forecasting actual water
23 levels out past 18 months.

24 Q. Right.

25 A. MR. MOLLARD: So it was on the short-term, basis

1 using water levels as of the fall of '16.

2 Q. Yeah, when you prepared your forecast, it was based on
3 a short-term forecast --

4 A. MR. MOLLARD: That's correct.

5 Q. -- but subject to change at any time.

6 A. MR. MOLLARD: Yes, yes. It assumes average
7 inflows, etcetera. If those change, the availability
8 changes.

9 Q. Yeah, thank you. My next question is the same -- same
10 exhibit, PDF page 41. The IR response is JM-YEC-1-11.
11 And that answer contains a table, it provides total
12 generation for 2017 and 2018, the long-term average
13 hydro generation, and then what would happen in the
14 driest year.

15 The one thing I'm not sure about is the driest
16 year number, the gigawatt hours, whether that would
17 include any forecast for what water may be available
18 from storage to -- to mitigate low inflows, or whether
19 that's simply based on the inflows for -- for those
20 particular years?

21 A. MR. OSLER: Subject to check, I'm assuming
22 that it was run -- run's done with the YECSIM model,
23 and it was simply taken out of the run, the 35 water
24 years, the lowest water year. If I'm correct, it takes
25 into account reservoir conditions through the various

1 sequences it has examined. Do you follow me?

2 Q. Yeah.

3 A. MR. OSLER: It's not just -- it's running a
4 model, and you see 35 water years, and one of them's
5 the driest year, and what was the water flow? I'm
6 saying all that's subject to checking with people that
7 know what in fact this represents. But reading it, I
8 would assume that, and I will get back to you if I'm
9 wrong.

10 Q. Okay, thank you. So is that an undertaking, you'll get
11 back if --

12 A. MR. OSLER: I will get back to you if I'm
13 wrong. If you don't hear from me and I'm still in the
14 Yukon --

15 Q. It's as it is. Thank you.

16 A. MR. OSLER: And the people who know I would be
17 wrong are probably in the room, so they'll tell me.

18 Q. My next question is the same -- sorry, no, it's a
19 different exhibit. It's Exhibit B-19, PDF page 42 of
20 478, and the IR response is JM-YEC-2-2, and in
21 particular, I'm looking at page 2 of 3 of that IR
22 response.

23 In this response, Yukon Energy has a comparison in
24 Table 2. There's a comparison of actual and long-term
25 hydro generation through the winter of 2017/'18, which

1 is the November through March period. The actual hydro
2 generation at Whitehorse is slightly below the
3 long-term average. Aishihik is substantially above,
4 and Mayo is substantially below because of the, I
5 guess, publicized low water availability. Question 1
6 is, in the table above it, comparison of actual and
7 long-term average flows, the actual average flows for
8 Whitehorse is listed as 155.14 cubic metres per second,
9 and the long-term average is 137.15. So it would
10 appear that the actual flows through the winter were
11 quite a bit higher than long-term average. Yet in the
12 first line of the last paragraph on that page, there's
13 a comment that Marsh Lake levels at the start of the
14 winter were lower than long-term average. And I'm
15 wondering if someone can explain the lower the
16 long-term average level and yet higher than average
17 flows?

18 Would it be -- if the answer can't be provided,
19 maybe is this something you could take back and check
20 and get back to me on?

21 A. MR. OSLER: I had a question when I was
22 reviewing it whether there's some also mislabeling
23 here, so we'll -- let us check it and see if we can
24 give you anything more useful than we don't know.

25 Q. Sure. And if the information is different, you'll file

1 it?

2 **A. MR. OSLER:** Oh, yeah.

3 **Q.** Thank you.

4 **A. MR. OSLER:** Yes, we will.

5 **Q. MR. MAISSAN:** My last question in this section
6 is the same exhibit, B-19, page -- PDF page 50, and the
7 IR reference is JM-YEC-2-6. There's also a UCG IR that
8 is relevant to this question, but I don't think I need
9 to reference that specifically, unless you wish to have
10 it.

11 And I was wondering, when we're speaking of models
12 to assess intermittent or -- or resources with diurnal
13 patterns, whether YEC has at this point evaluated or
14 selected or considered a model other than YECSIM to --
15 to evaluate those options?

16 **A. MR. SRECKOVIC:** I can take this one. Mr. Chair,
17 Yukon Energy's always on the lookout for improving our
18 modelling capabilities, and we started assessing a new
19 model that would be able to take into account
20 intermittent resources that have daily variations. And
21 we're still assessing that model because we would like
22 to make sure that the output of the models are accurate
23 enough. A decision hasn't been made yet when -- when
24 that model will -- will be introduced into production,
25 but we're certainly working on the -- on the model.

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC

Cross-examined by Mr. Maissan

1 Q. So you have another model in mind that needs some
2 further evaluation for -- for that?

3 A. MR. SRECKOVIC: Mr. Chair, yes.

4 MR. MAISSAN: Thank you. That's the end of my
5 questions on this section, Mr. Chair. Noting it's
6 about five to, would you wish to continue at this point
7 or break at this point?

8 THE CHAIR: This is probably an appropriate
9 time to break for the day, unless -- does anybody have
10 any other matters they want to clear up right now?
11 We've got a couple of undertakings. You're going to --
12 Mr. Landry, you're going to speak to Mr. Rondeau in the
13 morning or you've already organized something about
14 those other --

15 MR. LANDRY: I'll speak to Mr. Rondeau about
16 those three documents, I think is what you're referring
17 to, Mr. Chair.

18 THE CHAIR: Right. Okay, then, so we'll
19 adjourn for the day, and we'll see you here tomorrow
20 morning at 9 a.m.

21 (PROCEEDINGS ADJOURNED AT 4:53 P.M.)

22

23 PROCEEDINGS ADJOURNED TO 9:00 A.M. JUNE 27, 2018

24

25

1 Certificate of Transcript

2
3 We, the undersigned, hereby certify that the foregoing
4 pages 1 to 213 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 Whitehorse, Province of Alberta, on
9 June 26, 2018.

10
11
12 "D. DiPaolo"

13 D. DiPaolo, CSR(A)

14 Official Court Reporter

15
16 "A. Jones"

17 A. Jones, CSR(A)

18 Official Court Reporter
19
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- I N D E X -

VOLUME 1

A. HALL, E. MOLLARD, C. OSLER, G. SRECKOVIC (For Yukon Energy Corporation)	
MR. LANDRY EXAMINES THE PANEL	13
MR. KING CROSS-EXAMINES THE PANEL	19
MR. RONDEAU CROSS-EXAMINES THE PANEL	53
MR. MAISSAN CROSS-EXAMINES THE PANEL	199

UNDERTAKINGS GIVEN

UNDERTAKING - TO PROVIDE AN UPDATE ON THE TOTAL COSTS OF THE KGS CONTRACT TWO	93
UNDERTAKING - TO ADVISE AS TO WHAT THE DEBT/EQUITY RATIO THAT BCUC APPLIED TO THE BENCHMARK	192
UNDERTAKING - TO ADVISE AS TO WHAT THE DEBT-TO-LEVEL IS FOR FORTIS AND PNG West	193

YEC 2017-18 GRA, Volume 1, June 26, 2018

\$ \$117,000 [1] - 150:16 \$13,289 [1] - 5:3 \$14.38 [1] - 5:3 \$14.65 [1] - 175:23 \$14.90 [1] - 176:3 \$150,000 [1] - 53:20 \$200,000 [1] - 149:21 \$22,000 [1] - 150:17 \$250 [3] - 53:19, 56:19, 57:4 \$274.459 [1] - 4:17 \$291.627 [1] - 4:17 \$35 [1] - 25:13 \$350 [4] - 64:23, 65:3, 66:5, 66:13 \$450 [1] - 65:19 \$48.544 [1] - 3:12 \$49.864 [1] - 3:12 \$50,000 [2] - 62:22, 62:23 \$500 [1] - 58:12 \$501,000 [1] - 141:10	10.5 [1] - 177:7 10.814 [1] - 4:15 100 [1] - 119:6 100,000 [1] - 56:11 10:30 [1] - 9:15 10:35 [1] - 52:9 10th [1] - 5:11 11 [3] - 50:19, 176:5, 182:15 11.01 [1] - 176:1 11.094 [1] - 4:15 11.5 [2] - 203:3, 203:8 113 [1] - 68:14 12 [2] - 112:7, 175:21 12.14 [1] - 175:21 1213 [1] - 26:2 122 [1] - 67:19 12:32 [1] - 112:9 12th [2] - 6:12, 10:4 13 [1] - 214:8 137.15 [1] - 210:9 14.65 [1] - 176:15 14.67 [1] - 3:19 14.7 [3] - 176:13, 176:24, 180:23 15 [2] - 52:9, 203:7 15-minute [1] - 9:14 150,000 [2] - 56:20, 57:2 155.14 [1] - 210:8 15th [2] - 6:9, 8:22 164 [1] - 173:11 17 [3] - 109:12, 139:21, 203:11 17-B [1] - 114:20 18 [3] - 8:3, 110:20, 207:23 18.3 [1] - 5:1 18th [1] - 8:20 19 [2] - 90:7, 214:9 190 [1] - 4:11 192 [1] - 214:18 193 [1] - 214:21 1950s [1] - 17:6 1970s [1] - 17:6 198 [1] - 202:20 1984 [1] - 58:21 199 [1] - 214:11 1990s [8] - 90:7, 105:21, 105:23, 115:21, 153:20, 154:24, 158:22, 159:14 1995/90 [1] - 6:18 1997 [1] - 84:9 1998 [1] - 106:11 19th [1] - 7:15 1:30 [2] - 9:15, 112:11 1:50 [1] - 113:5 1st [2] - 3:22, 8:21	2.2.1 [3] - 22:16, 22:20, 25:5 2.31 [1] - 182:5 2.38 [1] - 3:15 2.4 [3] - 100:7, 100:13, 100:18 2.407 [1] - 3:15 2.899 [1] - 41:23 20 [8] - 29:16, 30:2, 31:18, 32:11, 52:3, 111:5, 112:6, 169:24 20-year [1] - 198:16 2005 [5] - 90:11, 90:22, 159:19, 191:5, 198:5 2007 [1] - 93:5 2007-08 [1] - 94:21 2008 [5] - 50:15, 90:25, 93:5, 95:8, 107:1 2011 [5] - 33:19, 33:24, 38:12, 156:10, 159:19 2012 [18] - 7:20, 33:19, 33:25, 34:19, 38:14, 50:22, 51:7, 51:18, 51:19, 105:23, 141:5, 141:10, 142:10, 142:16, 142:17, 142:21, 143:4, 158:13 2012/13 [2] - 118:4, 118:6 2012/2013 [2] - 4:20, 86:23 2013 [5] - 33:25, 36:11, 36:17, 36:19, 184:6 2014 [5] - 15:19, 34:8, 35:6, 37:3, 185:1 2015 [5] - 25:15, 25:19, 26:9, 35:6, 185:4 2015-06 [1] - 6:14 2016 [13] - 15:12, 30:5, 34:8, 35:7, 107:14, 140:25, 141:7, 141:8, 159:22, 194:12, 194:14, 194:21, 199:22 2017 [64] - 3:8, 3:12, 3:16, 3:22, 4:8, 4:11, 4:15, 4:17, 5:3, 5:5, 5:7, 5:11, 5:18, 5:22, 5:25, 6:2, 6:4, 6:6, 6:9, 6:11, 6:12, 6:25, 7:15, 8:2, 8:3, 36:23, 38:23, 38:25, 47:24, 48:2, 50:15, 68:22, 81:1, 81:2, 100:10, 108:23, 109:14, 111:6, 114:19, 114:22, 141:4, 143:21, 146:10, 152:5, 175:19, 176:1, 185:22, 186:2, 187:17, 188:1, 188:5, 188:12, 189:1, 189:11, 189:13, 199:22, 199:25, 200:11, 200:20, 201:6, 201:10, 201:21, 208:12 2017-04 [2] - 5:8, 5:16 2017-06 [1] - 5:22 2017-08 [1] - 7:25 2017-09 [1] - 6:9 2	2017/18 [1] - 209:25 2017/18 [1] - 7:24 2017/2018 [6] - 1:8, 3:1, 3:10, 7:6, 8:8, 141:1 2018 [44] - 1:19, 2:5, 3:12, 3:16, 4:8, 4:15, 4:17, 5:4, 5:5, 8:14, 8:18, 8:19, 8:21, 8:22, 10:4, 10:5, 26:9, 39:2, 41:24, 108:24, 108:25, 109:10, 113:2, 143:6, 143:18, 143:21, 157:10, 163:22, 186:2, 187:18, 188:6, 199:23, 200:3, 200:4, 200:8, 200:9, 200:23, 201:12, 201:25, 202:7, 207:13, 208:12, 213:9 2018-01 [1] - 8:5 2018-02 [2] - 8:7, 8:11 2018-03 [2] - 8:16, 10:5 2019 [7] - 42:2, 42:4, 42:6, 42:8, 42:15, 202:2, 202:10 2020 [2] - 42:16, 90:14 20th [1] - 8:17 21 [1] - 5:22 213 [1] - 213:4 22.016 [1] - 4:7 22.06 [1] - 4:7 22nd [4] - 5:18, 6:2, 6:25, 68:22 23rd [1] - 3:8 24 [1] - 10:17 25 [5] - 26:8, 26:10, 169:25, 202:20, 203:2 250 [1] - 56:21 25th [1] - 5:24 26 [5] - 1:19, 2:5, 113:2, 202:23, 213:9 26.33 [1] - 3:18 267 [1] - 4:10 26th [2] - 9:12, 10:5 27 [2] - 114:23, 115:9 27-2018 [1] - 26:11 28 [1] - 106:19 28th [2] - 6:4, 9:12 29 [1] - 113:16	348 [1] - 5:3 35 [5] - 63:9, 106:19, 122:9, 208:23, 209:4 35th [1] - 63:8 36 [2] - 109:14, 109:19 39 [4] - 130:9, 148:7, 148:23, 153:20 3:30 [1] - 9:15 3rd [1] - 6:5
'08/09 [1] - 191:6 '09 [2] - 50:15, 93:8 '12/'13 [3] - 49:9, 49:12, 49:23 '12/13 [1] - 191:6 '15 [1] - 185:1 '16 [7] - 81:12, 81:23, 141:6, 185:1, 185:4, 185:11, 208:1 '17 [5] - 48:1, 48:4, 111:18, 188:2, 200:4 '18 [3] - 111:18, 200:5, 200:6 '50s [1] - 24:13 '60s [1] - 24:13 '70s [1] - 24:13 '80s [4] - 56:6, 87:8, 115:17, 115:18 '89 [1] - 115:18 '90s [12] - 90:3, 106:2, 117:14, 125:3, 128:19, 130:10, 130:17, 146:17, 146:18, 154:17, 159:19, 190:18 '95 [1] - 117:21 '95-90 [1] - 170:15 '96 [3] - 115:22, 117:21, 118:8 '97 [1] - 115:22	10.5 [1] - 177:7 10.814 [1] - 4:15 100 [1] - 119:6 100,000 [1] - 56:11 10:30 [1] - 9:15 10:35 [1] - 52:9 10th [1] - 5:11 11 [3] - 50:19, 176:5, 182:15 11.01 [1] - 176:1 11.094 [1] - 4:15 11.5 [2] - 203:3, 203:8 113 [1] - 68:14 12 [2] - 112:7, 175:21 12.14 [1] - 175:21 1213 [1] - 26:2 122 [1] - 67:19 12:32 [1] - 112:9 12th [2] - 6:12, 10:4 13 [1] - 214:8 137.15 [1] - 210:9 14.65 [1] - 176:15 14.67 [1] - 3:19 14.7 [3] - 176:13, 176:24, 180:23 15 [2] - 52:9, 203:7 15-minute [1] - 9:14 150,000 [2] - 56:20, 57:2 155.14 [1] - 210:8 15th [2] - 6:9, 8:22 164 [1] - 173:11 17 [3] - 109:12, 139:21, 203:11 17-B [1] - 114:20 18 [3] - 8:3, 110:20, 207:23 18.3 [1] - 5:1 18th [1] - 8:20 19 [2] - 90:7, 214:9 190 [1] - 4:11 192 [1] - 214:18 193 [1] - 214:21 1950s [1] - 17:6 1970s [1] - 17:6 198 [1] - 202:20 1984 [1] - 58:21 199 [1] - 214:11 1990s [8] - 90:7, 105:21, 105:23, 115:21, 153:20, 154:24, 158:22, 159:14 1995/90 [1] - 6:18 1997 [1] - 84:9 1998 [1] - 106:11 19th [1] - 7:15 1:30 [2] - 9:15, 112:11 1:50 [1] - 113:5 1st [2] - 3:22, 8:21	2.2.1 [3] - 22:16, 22:20, 25:5 2.31 [1] - 182:5 2.38 [1] - 3:15 2.4 [3] - 100:7, 100:13, 100:18 2.407 [1] - 3:15 2.899 [1] - 41:23 20 [8] - 29:16, 30:2, 31:18, 32:11, 52:3, 111:5, 112:6, 169:24 20-year [1] - 198:16 2005 [5] - 90:11, 90:22, 159:19, 191:5, 198:5 2007 [1] - 93:5 2007-08 [1] - 94:21 2008 [5] - 50:15, 90:25, 93:5, 95:8, 107:1 2011 [5] - 33:19, 33:24, 38:12, 156:10, 159:19 2012 [18] - 7:20, 33:19, 33:25, 34:19, 38:14, 50:22, 51:7, 51:18, 51:19, 105:23, 141:5, 141:10, 142:10, 142:16, 142:17, 142:21, 143:4, 158:13 2012/13 [2] - 118:4, 118:6 2012/2013 [2] - 4:20, 86:23 2013 [5] - 33:25, 36:11, 36:17, 36:19, 184:6 2014 [5] - 15:19, 34:8, 35:6, 37:3, 185:1 2015 [5] - 25:15, 25:19, 26:9, 35:6, 185:4 2015-06 [1] - 6:14 2016 [13] - 15:12, 30:5, 34:8, 35:7, 107:14, 140:25, 141:7, 141:8, 159:22, 194:12, 194:14, 194:21, 199:22 2017 [64] - 3:8, 3:12, 3:16, 3:22, 4:8, 4:11, 4:15, 4:17, 5:3, 5:5, 5:7, 5:11, 5:18, 5:22, 5:25, 6:2, 6:4, 6:6, 6:9, 6:11, 6:12, 6:25, 7:15, 8:2, 8:3, 36:23, 38:23, 38:25, 47:24, 48:2, 50:15, 68:22, 81:1, 81:2, 100:10, 108:23, 109:14, 111:6, 114:19, 114:22, 141:4, 143:21, 146:10, 152:5, 175:19, 176:1, 185:22, 186:2, 187:17, 188:1, 188:5, 188:12, 189:1, 189:11, 189:13, 199:22, 199:25, 200:11, 200:20, 201:6, 201:10, 201:21, 208:12 2017-04 [2] - 5:8, 5:16 2017-06 [1] - 5:22 2017-08 [1] - 7:25 2017-09 [1] - 6:9 2	2017/18 [1] - 209:25 2017/18 [1] - 7:24 2017/2018 [6] - 1:8, 3:1, 3:10, 7:6, 8:8, 141:1 2018 [44] - 1:19, 2:5, 3:12, 3:16, 4:8, 4:15, 4:17, 5:4, 5:5, 8:14, 8:18, 8:19, 8:21, 8:22, 10:4, 10:5, 26:9, 39:2, 41:24, 108:24, 108:25, 109:10, 113:2, 143:6, 143:18, 143:21, 157:10, 163:22, 186:2, 187:18, 188:6, 199:23, 200:3, 200:4, 200:8, 200:9, 200:23, 201:12, 201:25, 202:7, 207:13, 208:12, 213:9 2018-01 [1] - 8:5 2018-02 [2] - 8:7, 8:11 2018-03 [2] - 8:16, 10:5 2019 [7] - 42:2, 42:4, 42:6, 42:8, 42:15, 202:2, 202:10 2020 [2] - 42:16, 90:14 20th [1] - 8:17 21 [1] - 5:22 213 [1] - 213:4 22.016 [1] - 4:7 22.06 [1] - 4:7 22nd [4] - 5:18, 6:2, 6:25, 68:22 23rd [1] - 3:8 24 [1] - 10:17 25 [5] - 26:8, 26:10, 169:25, 202:20, 203:2 250 [1] - 56:21 25th [1] - 5:24 26 [5] - 1:19, 2:5, 113:2, 202:23, 213:9 26.33 [1] - 3:18 267 [1] - 4:10 26th [2] - 9:12, 10:5 27 [2] - 114:23, 115:9 27-2018 [1] - 26:11 28 [1] - 106:19 28th [2] - 6:4, 9:12 29 [1] - 113:16	348 [1] - 5:3 35 [5] - 63:9, 106:19, 122:9, 208:23, 209:4 35th [1] - 63:8 36 [2] - 109:14, 109:19 39 [4] - 130:9, 148:7, 148:23, 153:20 3:30 [1] - 9:15 3rd [1] - 6:5
'08/09 [1] - 191:6 '09 [2] - 50:15, 93:8 '12/'13 [3] - 49:9, 49:12, 49:23 '12/13 [1] - 191:6 '15 [1] - 185:1 '16 [7] - 81:12, 81:23, 141:6, 185:1, 185:4, 185:11, 208:1 '17 [5] - 48:1, 48:4, 111:18, 188:2, 200:4 '18 [3] - 111:18, 200:5, 200:6 '50s [1] - 24:13 '60s [1] - 24:13 '70s [1] - 24:13 '80s [4] - 56:6, 87:8, 115:17, 115:18 '89 [1] - 115:18 '90s [12] - 90:3, 106:2, 117:14, 125:3, 128:19, 130:10, 130:17, 146:17, 146:18, 154:17, 159:19, 190:18 '95 [1] - 117:21 '95-90 [1] - 170:15 '96 [3] - 115:22, 117:21, 118:8 '97 [1] - 115:22	10.5 [1] - 177:7 10.814 [1] - 4:15 100 [1] - 119:6 100,000 [1] - 56:11 10:30 [1] - 9:15 10:35 [1] - 52:9 10th [1] - 5:11 11 [3] - 50:19, 176:5, 182:15 11.01 [1] - 176:1 11.094 [1] - 4:15 11.5 [2] - 203:3, 203:8 113 [1] - 68:14 12 [2] - 112:7, 175:21 12.14 [1] - 175:21 1213 [1] - 26:2 122 [1] - 67:19 12:32 [1] - 112:9 12th [2] - 6:12, 10:4 13 [1] - 214:8 137.15 [1] - 210:9 14.65 [1] - 176:15 14.67 [1] - 3:19 14.7 [3] - 176:13, 176:24, 180:23 15 [2] - 52:9, 203:7 15-minute [1] - 9:14 150,000 [2] - 56:20, 57:2 155.14 [1] - 210:8 15th [2] - 6:9, 8:22 164 [1] - 173:11 17 [3] - 109:12, 139:21, 203:11 17-B [1] - 114:20 18 [3] - 8:3, 110:20, 207:23 18.3 [1] - 5:1 18th [1] - 8:20 19 [2] - 90:7, 214:9 190 [1] - 4:11 192 [1] - 214:18 193 [1] - 214:21 1950s [1] - 17:6 1970s [1] - 17:6 198 [1] - 202:20 1984 [1] - 58:21 199 [1] - 214:11 1990s [8] - 90:7, 105:21, 105:23, 115:21, 153:20, 154:24, 158:22, 159:14 1995/90 [1] - 6:18 1997 [1] - 84:9 1998 [1] - 106:11 19th [1] - 7:15 1:30 [2] - 9:15, 112:11 1:50 [1] - 113:5 1st [2] - 3:22, 8:21	2.2.1 [3] - 22:16, 22:20, 25:5 2.31 [1] - 182:5 2.38 [1] - 3:15 2.4 [3] - 100:7, 100:13, 100:18 2.407 [1] - 3:15 2.899 [1] - 41:23 20 [8] - 29:16, 30:2, 31:18, 32:11, 52:3, 111:5, 112:6, 169:24 20-year [1] - 198:16 2005 [5] - 90:11, 90:22, 159:19, 191:5, 198:5 2007 [1] - 93:5 2007-08 [1] - 94:21 2008 [5] - 50:15, 90:25, 93:5, 95:8, 107:1 2011 [5] - 33:19, 33:24, 38:12, 156:10, 159:19 2012 [18] - 7:20, 33:19, 33:25, 34:19, 38:14, 50:22, 51:7, 51:18, 51:19, 105:23, 141:5, 141:10, 142:10, 142:16, 142:17, 142:21, 143:4, 158:13 2012/13 [2] - 118:4, 118:6 2012/2013 [2] - 4:20, 86:23 2013 [5] - 33:25, 36:11, 36:17, 36:19, 184:6 2014 [5] - 15:19, 34:8, 35:6, 37:3, 185:1 2015 [5] - 25:15, 25:19, 26:9, 35:6, 185:4 		

YEC 2017-18 GRA, Volume 1, June 26, 2018

6th [7] - 8:1, 8:14, 100:10, 107:14, 143:6, 143:18, 144:18 7 7 [2] - 6:17, 180:21 7-13 [2] - 180:21, 182:4 7.18 [1] - 185:6 7.4 [1] - 184:7 72-year [1] - 19:3 73 [2] - 114:22, 115:9 73-27 [1] - 114:25 75 [1] - 184:7 8 8 [9] - 33:13, 131:1, 134:23, 136:7, 138:5, 185:19, 190:1, 195:25, 196:4 8-2 [1] - 33:14 8.1 [2] - 194:9, 195:25 8.10 [1] - 185:2 8.2 [2] - 33:8, 33:13 8.25 [1] - 184:8 8.3 [2] - 33:8, 33:13 8.69 [1] - 185:2 8.75 [3] - 190:3, 195:9, 195:13 8.8 [3] - 194:9, 196:1, 196:4 8.82 [2] - 5:5, 190:6 8.825 [1] - 190:11 8.856 [1] - 42:14 9 9 [2] - 9:13, 212:20 9.08 [1] - 186:3 9.19 [1] - 186:3 9.325 [2] - 190:4, 190:9 90 [1] - 112:7 90-10 [1] - 109:20 93 [1] - 214:15 95-9,500 [1] - 190:5 9:05 [1] - 2:21 A A-1 [2] - 173:5, 173:7 A-2 [2] - 33:12, 100:8 A-2.4-1 [1] - 101:11 A-2.4-3 [1] - 101:18 a.m [2] - 9:13, 212:20 A.M [1] - 2:21 A2.4-1 [1] - 101:7 ability [2] - 148:7, 213:7 able [8] - 45:2, 52:21, 89:2, 111:1, 114:2, 156:16, 191:6, 211:19 abnormal [1] - 114:3 absent [2] - 53:13, 90:14 absolute.. [1] - 192:5 absolutely [4] - 91:3, 110:20, 131:22, 160:6 absorbing [1] - 165:17 abundance [2] - 47:12, 47:16 accept [1] - 28:16 acceptable [4] - 79:15, 85:20, 93:22, 93:24 accepted [2] - 32:24,	49:24 accepts [1] - 11:8 access [2] - 128:22, 169:6 accessibility [1] - 28:8 accommodate [2] - 67:5, 189:18 accommodated [1] - 53:22 accomplished [1] - 156:12 accordance [5] - 8:11, 69:15, 70:8, 81:6, 129:12 according [2] - 34:11, 191:21 accordingly [2] - 91:7, 149:19 account [22] - 30:25, 39:4, 44:22, 65:25, 66:10, 71:11, 71:20, 89:13, 103:23, 106:20, 120:11, 120:12, 120:14, 121:22, 123:2, 150:24, 158:18, 187:25, 201:19, 208:25, 211:19 Account [1] - 115:21 accountable [1] - 61:21 accounting [6] - 14:24, 57:13, 58:8, 66:16, 66:18, 71:7 accounts [4] - 143:4, 169:8, 197:15, 197:18 accurate [8] - 86:25, 96:9, 110:8, 130:8, 160:13, 190:6, 211:22, 213:4 acquiring [1] - 91:14 Act [5] - 5:21, 79:14, 79:25, 80:3, 113:13 act [3] - 17:20, 83:4, 149:19 actively [1] - 95:3 activities [5] - 45:17, 46:5, 88:17, 93:19, 103:4 activity [1] - 57:16 actual [47] - 33:18, 33:24, 34:2, 34:22, 35:5, 36:20, 36:24, 40:5, 45:18, 46:7, 46:19, 46:22, 47:2, 47:5, 100:25, 108:23, 109:13, 114:21, 117:7, 120:18, 120:20, 121:14, 145:4, 147:13, 151:8, 151:10, 151:19, 157:7, 171:1, 171:12, 172:4, 176:6, 184:6, 186:1, 186:11, 189:1, 189:6, 189:13, 195:13, 201:10, 201:21, 207:22, 209:24, 210:1, 210:6, 210:7, 210:10 actuals [3] - 147:12, 171:18, 185:1 adapt [1] - 188:6 add [7] - 30:8, 43:7, 53:23, 70:4, 128:10, 137:10, 164:7 added [5] - 7:23, 25:11, 42:8, 43:11, 99:22 adder [1] - 195:21	adders [2] - 194:23 addition [2] - 3:13, 206:5 additional [6] - 51:23, 89:14, 116:10, 117:2, 143:9, 206:14 additions [1] - 106:23 address [3] - 7:1, 7:20, 17:3 addressed [2] - 7:3, 30:12 addresses [1] - 22:22 adequate [1] - 166:23 adhered [1] - 156:21 adjectives [2] - 133:25, 140:5 adjourn [1] - 212:19 ADJOURNED [3] - 112:9, 112:11, 212:21 ADJOURNMENT [2] - 52:11, 170:1 adjust [2] - 3:16, 120:20 adjustment [1] - 7:9 adjustments [1] - 3:23 administration [2] - 167:5, 169:16 administrative [1] - 9:3 adopt [1] - 111:22 adopted [2] - 148:23, 191:5 advance [2] - 29:17, 41:17 advanced [2] - 89:18, 99:16 advancements [1] - 29:25 advances [1] - 28:7 advancing [1] - 30:5 advantage [2] - 173:3, 202:15 advantageous [1] - 53:25 advice [2] - 149:8, 172:14 ADVISE [4] - 192:12, 193:7, 214:18, 214:21 advised [2] - 9:11, 194:8 AEY [9] - 145:1, 145:14, 151:5, 155:9, 176:4, 180:5, 181:9, 186:10, 188:1 AEY-2-4F [1] - 92:18 affairs [3] - 15:9, 77:25, 78:12 affect [13] - 27:22, 28:23, 30:1, 30:16, 31:18, 42:11, 45:19, 45:23, 46:20, 84:3, 104:4, 155:15, 176:9 affected [11] - 23:3, 28:6, 37:6, 38:16, 45:15, 47:4, 47:7, 130:7, 155:1, 155:12, 186:14 affects [4] - 28:12, 47:14, 186:22, 193:5 affirmed [1] - 12:21 affordable [1] - 16:11 afternoon [2] - 169:22, 198:24 ago [4] - 54:12, 92	agree [48] - 21:12, 22:22, 23:5, 24:7, 24:20, 28:5, 28:11, 28:24, 29:16, 29:20, 29:21, 29:24, 30:19, 33:23, 34:5, 34:8, 34:21, 35:6, 37:12, 37:25, 39:16, 39:24, 42:7, 43:11, 44:6, 44:21, 59:14, 72:10, 74:23, 82:10, 85:16, 99:8, 122:20, 124:24, 125:14, 130:16, 130:19, 130:20, 131:25, 146:7, 155:7, 161:8, 167:21, 167:24, 170:5, 170:9, 184:20, 190:12 agreeable [1] - 113:22 agreed [5] - 105:18, 114:4, 125:2, 128:25, 201:5 agreement [4] - 61:1, 119:17, 130:17, 145:2 agreements [2] - 106:22, 148:3 ahead [6] - 13:9, 15:16, 93:3, 107:11, 115:8, 124:17 aid [14] - 10:8, 10:10, 10:13, 10:16, 10:18, 10:22, 10:25, 11:4, 11:5, 11:7, 113:19, 113:24, 183:22 aids [1] - 10:7 Aishihik [13] - 18:22, 41:18, 41:19, 41:20, 41:21, 104:24, 117:15, 117:17, 117:24, 118:16, 167:20, 188:24, 210:3 Alberta [1] - 213:8 Alexco [2] - 36:11, 36:19 algorithm [1] - 102:18 algorithms [2] - 99:20, 103:10 allegedly [1] - 163:21 allow [6] - 79:23, 80:4, 84:23, 87:3, 128:22, 199:6 allowable [1] - 80:1 allowed [5] - 5:4, 62:16, 63:6, 120:9, 123:16 allowing [1] - 142:14 allows [4] - 10:19, 65:14, 80:14, 85:18 almost [3] - 22:14, 23:15, 168:4 alone [2] - 86:11, 95:22 alter [2] - 27:24, 108:1 alternative [3] - 8:2, 88:22, 112:1 amended [1] - 148:6 America [2] - 49:11, 49:25 American [2] - 16:5, 50:23 amortization [3] - 4:14, 21:14, 164:2 amortize [1] - 4:12 amount [30] - 20:10, 45:20, 46:25, 47:3, 53:23, 67:2, 92:18,	93:21, 126:24, 135:10, 135:14, 136:1, 136:3, 136:7, 136:13, 136:16, 138:3, 139:10, 141:12, 141:14, 141:19, 141:22, 142:9, 142:10, 142:25, 145:16, 158:12, 160:8, 175:4, 188:7 amounts [8] - 65:23, 66:1, 121:9, 131:14, 142:17, 147:25, 167:6, 204:9 AN [3] - 20:24, 93:25, 214:15 analysis [5] - 20:25, 143:9, 143:13, 160:9, 192:3 analyst [3] - 53:13, 56:8, 75:22 analyze [4] - 75:10, 75:23, 159:24, 160:7 analyzed [1] - 152:7 AND [2] - 193:8, 214:22 Andre [1] - 3:5 Andrew [2] - 14:2, 15:18 anniversary [2] - 63:9, 63:10 annual [12] - 4:3, 4:9, 66:18, 109:16, 111:3, 120:22, 120:25, 136:5, 141:6, 141:8, 142:5, 197:8 annually [1] - 67:13 answer [35] - 17:21, 37:23, 42:7, 68:17, 70:17, 75:21, 97:19, 103:8, 104:15, 111:4, 124:7, 124:8, 124:16, 126:15, 137:1, 139:22, 140:1, 140:15, 142:9, 147:22, 187:2, 187:8, 187:22, 192:2, 192:21, 192:22, 194:8, 196:17, 202:24, 204:5, 204:20, 206:1, 206:7, 208:11, 210:18 answered [13] - 19:5, 29:23, 84:12, 98:15, 102:9, 124:13, 127:7, 130:6, 136:19, 139:3, 140:11, 142:8, 168:8 answering [3] - 78:17, 176:16, 205:19 answers [3] - 79:17, 118:13, 140:14 anticipate [1] - 20:9 anyway [2] - 168:9, 178:3 apologies [3] - 114:24, 120:25, 189:11 apologize [5] - 18:15, 41:17, 45:2, 48:10, 196:9 app [1] - 140:24 Appeal [3] - 6:12, 7:19, 70:24 appeal [3] - 6:13, 70:11, 128:20 appear [6] - 20:3, 82:11, 119:23, 122:24, 148:19, 210:10
--	---	---	---	---

appearance [1] - 15:20
appendices [1] - 140:23
appendix [3] - 90:24, 101:2, 175:13
Appendix [7] - 4:2, 47:20, 48:14, 100:7, 100:13, 100:18, 173:6
apples [2] - 177:21, 177:23
applicable [2] - 13:22, 119:5
APPLICATION [1] - 1:8
application [73] - 2:25, 3:9, 3:23, 4:2, 4:6, 5:9, 5:10, 5:12, 5:15, 5:20, 7:20, 7:21, 7:24, 8:1, 8:3, 8:5, 8:6, 8:8, 9:18, 13:15, 13:21, 14:17, 15:1, 15:5, 15:11, 15:22, 18:17, 25:21, 25:22, 26:4, 28:4, 38:23, 38:25, 47:20, 60:12, 60:19, 79:9, 80:14, 81:1, 86:9, 94:23, 95:9, 100:8, 111:23, 118:4, 123:13, 140:22, 144:18, 144:20, 151:2, 158:6, 167:2, 173:6, 173:10, 173:11, 178:3, 179:2, 180:16, 180:22, 181:21, 182:3, 182:5, 184:17, 186:19, 186:23, 187:24, 188:21, 190:1, 194:10, 196:1, 200:14, 202:10
Application [9] - 3:2, 3:10, 4:21, 7:6, 38:22, 76:2, 180:24, 185:21, 185:25
applications [11] - 60:15, 79:14, 79:19, 80:4, 80:5, 82:12, 86:22, 90:22, 102:8, 102:11, 103:1
APPLIED [2] - 192:13, 214:19
applied [5] - 80:25, 136:10, 190:16, 192:9, 195:14
applies [3] - 47:10, 129:23, 157:18
apply [8] - 43:7, 59:8, 63:1, 63:25, 120:16, 149:6, 158:14, 170:17
applying [2] - 82:4, 145:18
appreciate [6] - 15:25, 50:2, 55:18, 76:1, 81:14, 204:12
approach [17] - 27:24, 49:8, 54:25, 58:24, 59:5, 88:1, 97:25, 116:6, 121:10, 131:23, 163:10, 165:13, 171:10, 171:14, 191:4, 191:8, 192:4
approaches [2] - 49:2, 159:17
approaching [1] - 17:7
appropriate [14] - 19:9, 62:20, 72:16,

72:18, 80:13, 81:17, 83:25, 84:15, 97:13, 98:10, 100:3, 183:5, 206:11, 212:8
appropriation [3] - 4:9, 198:5, 198:6
approval [20] - 3:1, 3:11, 3:14, 3:20, 4:6, 4:8, 4:12, 4:13, 4:16, 5:2, 5:15, 81:9, 120:21, 121:1, 125:13, 146:4, 146:9, 149:1, 164:14, 165:24
approvals [5] - 3:13, 3:25, 81:18, 164:10, 169:10
approve [4] - 77:13, 113:14, 157:4, 191:15
approved [53] - 19:3, 46:22, 87:9, 91:16, 118:7, 119:2, 119:16, 119:17, 120:19, 120:24, 121:10, 122:1, 129:10, 129:19, 130:12, 130:17, 142:11, 142:20, 143:1, 145:9, 145:25, 147:15, 148:22, 151:11, 151:25, 152:3, 152:17, 156:23, 157:8, 157:20, 158:6, 164:3, 166:25, 184:8, 185:22, 190:14, 190:21, 190:25, 191:9, 191:13, 192:4, 195:7, 197:18, 198:6, 199:20, 199:22, 200:7, 200:15, 200:24, 201:14, 201:16, 202:6, 202:10
approves [4] - 120:8, 120:17, 200:7, 201:24
approving [1] - 3:9
approximate [1] - 158:20
April [6] - 8:14, 8:17, 107:14, 143:6, 143:18, 204:8
arbitrarily [1] - 71:24
area [7] - 5:11, 20:6, 60:2, 92:12, 133:23, 185:9, 202:12
areas [2] - 20:8, 107:12
argue [2] - 99:21, 140:16
argument [6] - 10:3, 79:8, 86:8, 140:12, 166:14
arise [1] - 131:21
arises [1] - 146:24
arising [1] - 126:7
Arnott [2] - 2:12, 9:1
articulate [1] - 139:23
AS [4] - 192:12, 193:7, 214:18, 214:21
aside [4] - 6:15, 106:23, 122:14, 123:18
asides [1] - 85:15
aspect [1] - 102:6
aspects [1] - 6:14
assess [2] - 160:21, 211:12
assessing [2] - 211:18, 211:21
assessment [5] - 24:23, 60:3, 71:22,

127:21, 127:22
assessments [5] - 105:6, 106:3, 106:10, 143:14, 197:3
asset [4] - 19:9, 37:13, 89:4, 161:12
assets [21] - 16:18, 17:5, 22:7, 22:12, 23:13, 24:9, 24:12, 24:15, 24:24, 39:18, 39:20, 39:21, 40:1, 89:1, 164:4, 167:14, 167:22, 167:25, 168:11, 168:13
assign [1] - 166:2
assignment [1] - 126:12
assist [3] - 10:9, 91:9, 98:5
assistance [3] - 15:4, 102:19, 103:7
assisting [2] - 8:24, 9:2
assists [1] - 10:11
associate [1] - 58:15
associated [4] - 40:1, 43:3, 197:4, 197:11
Association [3] - 67:15, 174:18, 177:2
assume [5] - 28:13, 102:19, 149:19, 196:10, 209:8
assumed [1] - 176:4
assumes [1] - 208:6
assuming [2] - 50:22, 208:21
assumption [2] - 38:7, 186:20
assumptions [4] - 98:11, 162:5, 162:7, 162:8
assurance [1] - 102:5
AT [4] - 2:21, 112:9, 113:5, 212:21
ATCO [26] - 11:25, 36:14, 146:25, 147:17, 151:2, 151:21, 152:16, 154:10, 156:18, 157:21, 158:10, 158:13, 158:17, 159:14, 179:1, 179:19, 182:1, 182:11, 186:16, 188:11, 199:18, 199:22, 200:22, 201:8, 201:20, 202:3
ATCO's [6] - 145:10, 154:10, 157:14, 186:13, 199:20, 199:25
attached [2] - 49:15, 100:19
attachment [3] - 4:1, 49:15, 200:12
Attachment [5] - 13:18, 25:11, 33:9, 33:12, 41:2
attachments [1] - 141:3
attempt [2] - 124:2, 156:14
attention [1] - 38:19
attributable [1] - 6:22
attributed [1] - 147:20
a

auditor [1] - 72:9
auditor's [1] - 69:15
auditors [1] - 169:15
auditors' [1] - 70:8
August [3] - 5:17, 5:22, 5:24
authorities [1] - 169:9
authority [5] - 113:14, 124:21, 125:1, 125:11, 149:12
authorized [4] - 5:18, 5:23, 125:17, 125:19
authors [1] - 104:19
automatically [1] - 153:1
availability [9] - 28:8, 29:18, 29:25, 126:7, 127:12, 206:24, 207:9, 208:7, 210:5
available [13] - 5:13, 18:6, 18:13, 19:17, 32:17, 32:19, 108:1, 194:12, 205:9, 206:17, 207:5, 208:17
Avenue [1] - 2:2
average [66] - 3:17, 4:3, 46:10, 46:17, 46:21, 46:23, 47:2, 47:6, 47:13, 86:22, 87:25, 90:4, 90:10, 96:18, 110:3, 115:20, 117:5, 117:15, 118:1, 118:10, 119:3, 119:4, 120:10, 120:20, 121:13, 123:14, 123:15, 125:14, 125:16, 126:1, 127:21, 133:15, 141:16, 141:17, 141:21, 141:22, 142:1, 142:5, 142:22, 147:2, 147:24, 151:15, 151:20, 151:22, 156:3, 156:6, 176:12, 177:1, 191:22, 192:11, 195:1, 196:21, 204:6, 204:14, 205:6, 208:6, 208:12, 210:3, 210:7, 210:9, 210:11, 210:14, 210:16
Average [1] - 204:4
averages [3] - 7:13, 106:4, 117:7
averaging [2] - 104:21, 110:25
avoided [1] - 82:1
avoiding [1] - 165:13
awarded [1] - 65:23
awarded [1] - 186:21
aware [8] - 18:3, 29:7, 32:7, 99:5, 103:2, 113:17, 180:9, 204:23
awareness [1] - 29:14
awful [1] - 166:6
awhile [1] - 90:9

B

B-1 [4] - 141:2, 173:10, 196:5
B-10 [3] - 68:7, 68:21, 68:23
B-14 [1] - 100:18
B-19 [8] - 92:20, 107:15, 111:11,

143:7, 189:4, 189:5, 209:19, 211:6
B-2 [2] - 41:6, 41:9
B-20 [3] - 111:3, 114:19, 152:4
B-21 [7] - 21:22, 25:5, 33:9, 41:3, 49:16, 50:9, 50:10
B-22 [1] - 173:9
B-3 [3] - 41:2, 41:12, 42:13
B-4 [1] - 45:4
B-9 [1] - 202:20
B22 [1] - 13:17
background [3] - 117:20, 117:22, 119:14
bad [1] - 122:11
balance [2] - 4:12, 137:16
balanced [1] - 132:14
balances [2] - 100:3, 105:16
balancing [4] - 82:19, 83:4, 131:9, 131:22
bang [1] - 58:3
base [30] - 4:16, 4:25, 5:2, 16:6, 21:17, 23:4, 24:15, 24:18, 25:23, 42:2, 42:9, 43:4, 43:7, 43:12, 43:15, 83:11, 83:23, 95:5, 125:13, 162:13, 164:4, 166:8, 170:24, 171:11, 172:8, 174:16, 176:16, 176:18, 176:19, 190:8
baseball [1] - 158:24
based [43] - 43:24, 47:6, 60:3, 60:5, 70:9, 83:12, 87:19, 92:8, 92:9, 92:11, 108:15, 115:20, 121:10, 123:14, 126:21, 127:22, 130:14, 135:21, 137:2, 141:17, 147:11, 147:13, 148:14, 151:16, 157:7, 160:21, 162:5, 162:15, 162:19, 165:10, 171:21, 172:11, 172:17, 200:17, 201:1, 202:6, 204:13, 204:14, 207:19, 208:2, 208:19
basic [7] - 40:7, 43:20, 127:3, 163:10, 174:24, 180:12, 188:4
basing [1] - 191:24
basis [17] - 67:12, 111:1, 125:20, 126:21, 157:1, 167:16, 168:18, 188:4, 190:3, 190:5, 190:9, 197:8, 200:9, 202:2, 205:18, 207:9, 207:25
BCU [2] - 190:2, 195:1
BCUC [12] - 190:7, 190:20, 191:7, 191:13, 192:9, 192:13, 193:2, 194:24, 195:8, 195:19, 195:23, 214:19
bear [3] - 52:15,

53:7, 53:10
bearing [1] - 205:8
became [1] - 103:2
become [3] - 163:11, 203:23, 205:9
becomes [1] - 46:24
becoming [1] - 28:1
begin [4] - 12:18, 53:2, 53:11, 113:7
beginning [2] - 18:16, 140:3
behaviour [2] - 88:12, 104:17
behind [3] - 59:4, 100:17, 122:11
bell [9] - 20:24, 21:5, 22:5, 23:12, 27:7, 27:18, 28:7, 28:16, 43:25
Bell's [2] - 23:6, 27:12
below [7] - 34:20, 36:21, 184:7, 204:5, 204:10, 210:2, 210:4
benchmark [13] - 62:25, 63:4, 67:16, 190:3, 190:20, 191:1, 192:10, 193:5, 194:22, 195:9, 195:13, 195:17, 195:21
BENCHMARK [2] - 192:14, 214:19
benchmarking [1] - 73:5
Bend [1] - 67:25
beneficial [1] - 137:15
benefit [11] - 61:23, 73:15, 89:4, 120:11, 131:12, 133:3, 134:19, 138:7, 138:10, 160:2, 160:4
benefits [6] - 131:4, 132:20, 133:6, 135:5, 138:4, 159:2
benefitted [2] - 158:1, 159:3
BENTIVEGNA [15] - 11:21, 11:25, 12:5, 12:9, 12:13, 12:24, 19:21, 52:6, 68:5, 68:11, 68:20, 92:20, 111:10, 141:1, 173:8
Bentivegna [5] - 2:9, 8:25, 11:19, 12:22, 19:20
best [14] - 40:21, 50:23, 51:4, 58:3, 59:5, 88:22, 91:9, 97:9, 97:13, 98:18, 99:3, 156:22, 160:7, 213:6
best.. [1] - 162:8
better [6] - 6:3, 36:16, 86:8, 179:13, 180:14, 203:13
between [26] - 26:9, 34:1, 34:8, 34:22, 35:8, 35:18, 37:14, 37:25, 38:4, 47:1, 82:19, 93:8, 107:21, 108:10, 108:15, 108:23, 111:15, 145:12, 148:3, 151:8, 151:9, 168:17, 174:10, 183:12, 185:2, 206:3
beyond [9] - 31:16, 39:3, 44:5, 44:17,

44:18, 44:19, 109:1, 110:24, 127:10
bid [2] - 57:18, 57:25
bidding [1] - 62:1
big [4] - 81:22, 118:14, 160:16, 160:17
bigger [2] - 32:25, 201:11
biggest [1] - 39:8
bill [4] - 173:7, 174:10, 174:11, 175:13
bills [3] - 64:18, 136:11, 175:3
binary [1] - 116:7
bit [29] - 23:20, 24:5, 35:22, 36:8, 47:9, 52:16, 55:9, 55:16, 71:18, 81:5, 85:2, 86:16, 88:11, 91:12, 112:6, 114:3, 131:8, 139:18, 140:4, 156:16, 157:12, 160:18, 178:20, 183:6, 186:17, 198:2, 203:13, 206:15, 210:11
bits [1] - 72:21
black [1] - 60:2
black-and-white [1] - 60:2
bladder [1] - 53:9
blank [1] - 120:23
blanks [1] - 115:15
block [1] - 175:20
Board [20] - 1:1, 2:7, 2:7, 2:8, 2:8, 2:9, 2:10, 2:11, 2:11, 2:12, 2:12, 3:7, 5:7, 5:8, 5:9, 5:16, 5:18, 5:22, 5:23, 6:7, 6:8, 6:14, 6:15, 6:19, 6:25, 7:4, 7:7, 7:10, 7:11, 7:16, 7:18, 7:22, 7:25, 8:3, 8:5, 8:7, 8:11, 8:16, 8:22, 8:24, 8:25, 9:5, 9:12, 9:18, 9:19, 9:22, 9:25, 10:2, 10:5, 10:23, 11:2, 11:5, 11:6, 11:8, 11:10, 11:20, 14:6, 15:20, 17:20, 18:7, 20:3, 23:24, 27:13, 28:4, 31:6, 37:2, 38:13, 39:12, 39:13, 43:8, 46:22, 50:13, 50:15, 50:16, 53:16, 59:16, 65:11, 65:15, 65:16, 65:23, 66:5, 71:21, 71:25, 74:22, 74:25, 76:17, 76:20, 76:21, 76:25, 77:1, 77:5, 77:11, 77:12, 84:6, 86:2, 87:8, 90:5, 90:6, 91:12, 91:15, 91:23, 92:2, 92:6, 93:22, 98:14, 98:23, 106:3, 111:25, 113:13, 113:20, 114:4, 115:19, 117:13, 118:18, 119:8, 120:7, 120:14, 120:17, 120:24, 121:1, 121:25, 122:2, 123:13, 124:21, 125:1, 125:18, 126:11, 127:3, 127:7, 129:19, 130:12, 130:18, 132:13,

135:15, 137:6, 137:16, 142:20, 145:10, 145:23, 145:24, 146:3, 147:15, 149:1, 149:11, 149:15, 149:16, 151:25, 152:3, 152:18, 156:10, 156:19, 156:20, 156:23, 157:20, 159:7, 162:1, 162:11, 163:11, 163:18, 164:4, 164:13, 165:22, 165:24, 167:1, 170:3, 170:17, 170:18, 174:17, 176:6, 178:19, 179:20, 181:18, 183:17, 186:9, 188:11, 191:9, 191:18, 197:2, 197:5, 197:6, 197:19, 198:4, 200:7, 200:15, 201:15, 201:16, 201:24
Board's [2] - 156:21, 201:7
Board's [6] - 25:1, 163:5, 180:6, 186:13, 187:24, 201:5
Bob [1] - 2:24
body [3] - 96:21, 162:11, 193:12
Bonnie [1] - 3:6
bonus [1] - 77:20
bonuses [1] - 77:18
bottom [3] - 42:14, 101:8, 124:10
bragging [2] - 177:8, 177:13
break [15] - 9:15, 9:17, 13:11, 52:4, 52:8, 53:8, 107:6, 112:5, 169:22, 194:7, 199:4, 199:10, 202:16, 212:7, 212:9
breakdown [4] - 21:7, 174:14, 182:10, 186:24
breaks [3] - 9:14, 68:25, 180:17
brief [4] - 47:18, 76:8, 81:2, 162:14
brief.. [1] - 162:17
briefly [3] - 5:6, 43:17, 145:1
bring [17] - 55:22, 71:20, 72:16, 74:18, 75:18, 82:18, 84:14, 114:10, 132:13, 135:15, 159:10, 162:1, 162:3, 167:16, 188:4, 188:10, 191:16
bringing [1] - 54:14
brings [4] - 10:24, 55:6, 56:3, 56:6
broad [5] - 17:15, 119:13, 126:16, 129:7, 167:10
broader [2] - 109:22, 109:24
broadly [2] - 62:10, 171:21
brought [7] - 4:19, 55:4, 63:2, 79:20, 80:14, 159:7
Brownlee [2] - 12:3, 20:1
brushing [5] - 49:3, 49

50:23
buck [1] - 58:4
bucks [1] - 66:7
budget [3] - 37:17, 57:15, 57:17
build [4] - 24:15, 82:22, 159:5, 168:3
building [5] - 14:25, 24:20, 30:18, 31:1, 49:17
built [5] - 24:13, 32:1, 148:16, 167:25, 169:6
bulb [2] - 155:1
bulk [1] - 164:19
bullet [2] - 25:9, 26:7
bunch [4] - 109:6, 121:21, 143:2, 185:14
burden [2] - 59:3, 167:6
buried [2] - 36:13, 141:16
burn [7] - 108:12, 108:14, 120:11, 123:15, 141:19, 205:10
burned [2] - 109:14, 123:17
burning [2] - 141:18, 155:14
business [16] - 27:25, 28:23, 32:21, 63:17, 72:13, 72:23, 81:6, 81:9, 81:11, 81:23, 86:18, 91:22, 100:1, 169:14, 193:20, 194:4
businesses [2] - 27:22, 58:6
busy [1] - 55:21
buying [1] - 142:15

C

C3-10 [1] - 20:16
calculate [3] - 136:5, 136:14, 186:15
calculating [2] - 158:12, 158:19
calculation [9] - 135:14, 137:22, 142:19, 145:11, 157:7, 158:14, 186:22, 200:10, 202:4
calculations [2] - 152:9, 175:14
Cameron [1] - 14:5
Canada [15] - 58:6, 83:8, 86:17, 97:1, 97:7, 170:11, 170:17, 170:20, 171:1, 173:2, 173:16, 177:10, 177:14, 177:15, 177:18
Canada's [1] - 17:16
Canadian [5] - 17:14, 67:15, 73:6, 174:17, 177:2
cannot [1] - 146:7
cap [13] - 123:22, 129:23, 133:11, 134:15, 134:24, 135:1, 135:14, 136:7, 136:8, 136:15, 137:12, 137:13, 137:15
capabilities [1] - 211:18
capability [1] - 73:17
capacity [8] - 17:3,

25:14, 35:7, 35:10, 40:13, 73:14, 203:6, 203:7
Capacity [1] - 41:4
capital [38] - 4:18, 4:22, 18:22, 20:14, 21:14, 22:23, 22:25, 23:1, 23:7, 24:22, 24:24, 25:3, 25:12, 25:18, 26:3, 26:7, 26:9, 31:12, 37:13, 39:20, 40:7, 40:9, 42:5, 42:12, 110:22, 161:6, 161:12, 163:25, 166:5, 166:7, 167:3, 167:6, 167:11, 167:13, 191:15, 198:15
Capital [1] - 41:5
capital-intensive [1] - 167:3
capitalization [1] - 42:6
capture [1] - 23:3
captured [1] - 93:16
careful [4] - 79:19, 86:16, 93:10, 120:6
Carmax [1] - 90:18
carried [2] - 91:2, 199:20
carries [1] - 41:11
carry [2] - 180:10, 198:25
Carson [1] - 97:12
case [12] - 55:3, 62:15, 76:17, 85:19, 87:2, 109:24, 126:22, 138:24, 160:15, 167:16
case-by-case [1] - 167:16
cases [2] - 62:17, 132:6
catch [2] - 56:24, 205:10
categories [1] - 21:9
category [1] - 37:7
caused [1] - 141:22
Causes [1] - 21:10
CEA [1] - 176:25
CEATI [4] - 50:25, 51:2, 51:3
celebrate [2] - 63:8, 63:10
cell [1] - 11:16
cent [1] - 136:23
centre [1] - 60:15
cents [10] - 3:18, 3:19, 175:5, 175:21, 176:3, 176:13, 176:24, 177:7, 180:23
CEO [2] - 14:2, 15:19
certain [15] - 6:14, 7:21, 32:12, 58:2, 63:21, 116:10, 128:16, 131:25, 137:11, 139:9, 140:6, 153:18, 169:6, 171:22
certainly [11] - 38:2, 39:19, 55:3, 98:2, 102:17, 102:21, 123:7, 150:12, 154:7, 211:25
Certificate [1] - 213:1
certify [1] - 213:3
Chair [10] - 2:6, 2:7, 3:7, 79:16, 86:15, 95:25, 108:9, 159:1, 167:9, 212:3

chair [114] - 11:21, 11:23, 12:2, 12:16, 13:13, 14:13, 17:20, 17:25, 18:20, 19:18, 19:24, 21:16, 23:18, 28:10, 28:18, 29:2, 29:9, 30:8, 31:20, 32:3, 33:5, 35:20, 37:16, 39:19, 40:10, 48:11, 49:5, 51:15, 52:1, 52:6, 53:5, 54:9, 58:5, 58:16, 58:18, 58:23, 59:15, 61:11, 62:8, 63:16, 64:6, 65:22, 67:4, 68:19, 68:20, 69:18, 71:17, 72:11, 73:23, 74:7, 74:24, 75:16, 75:25, 76:11, 76:19, 77:7, 78:15, 79:5, 80:11, 80:19, 82:6, 82:16, 83:19, 83:24, 84:11, 85:1, 85:10, 85:25, 87:14, 88:8, 89:22, 91:21, 92:15, 92:20, 93:10, 94:3, 94:11, 94:19, 99:24, 102:24, 105:11, 109:11, 110:9, 111:20, 113:10, 120:23, 123:1, 131:8, 136:4, 137:2, 137:9, 139:4, 139:6, 150:1, 150:22, 159:5, 160:25, 161:15, 168:15, 170:12, 177:12, 178:11, 178:22, 183:5, 186:8, 189:19, 191:4, 192:25, 197:5, 198:10, 199:14, 211:16, 212:5, 212:17
CHAIR [89] - 2:22, 12:17, 12:22, 13:4, 19:13, 19:16, 19:19, 19:22, 48:13, 50:6, 52:3, 52:8, 52:12, 68:16, 70:2, 70:4, 70:17, 78:20, 80:20, 84:17, 85:14, 86:4, 93:1, 93:3, 93:24, 94:5, 97:18, 107:2, 107:8, 107:11, 111:12, 112:5, 113:6, 114:6, 114:9, 114:25, 115:3, 115:5, 123:3, 123:6, 123:9, 124:7, 124:12, 124:14, 124:16, 125:6, 133:21, 134:3, 134:6, 140:2, 140:10, 166:9, 166:13, 166:17, 169:21, 169:24, 170:2, 178:24, 179:3, 179:6, 179:9, 179:14, 180:7, 180:10, 180:19, 180:25, 181:4, 181:6, 181:24, 182:17, 182:21, 182:25, 183:19, 184:2, 184:4, 187:13, 189:23, 192:7, 192:15, 196:2, 196:15, 196:20, 196:24, 198:9, 198:21, 199:3, 199:8, 212:8, 212:18
chairing [1] - 2:24
chairman [7] - 15:14, 47:7, 96:11, 97:20, 124:18, 153:19, 181:8

challenge [2] - 103:20, 150:2
challenges [3] - 15:24, 16:2, 17:2
challenging [1] - 55:24
chance [1] - 113:21
change [33] - 8:15, 17:13, 17:15, 38:17, 38:20, 39:3, 46:4, 73:1, 84:3, 102:14, 115:24, 115:25, 118:20, 118:22, 119:11, 119:19, 132:11, 132:12, 142:22, 149:4, 153:8, 158:2, 171:17, 175:20, 187:21, 188:4, 188:18, 188:20, 200:20, 201:19, 207:11, 208:5, 208:7
changed [7] - 78:20, 102:11, 119:12, 119:14, 119:22, 188:1, 188:3
changes [22] - 45:15, 45:18, 46:1, 46:7, 46:13, 90:20, 95:17, 95:21, 96:2, 96:3, 103:6, 104:11, 105:19, 106:23, 107:1, 118:8, 118:11, 119:20, 153:12, 187:16, 201:6, 208:8
channel [1] - 106:21
characteristics [1] - 16:3
characterizing [1] - 140:6
charge [16] - 15:4, 145:20, 147:24, 148:7, 151:5, 155:19, 158:2, 158:8, 175:15, 175:23, 176:1, 176:2, 176:3, 176:16, 176:18, 176:19
charged [12] - 65:25, 71:10, 73:4, 145:15, 147:23, 157:18, 158:13, 175:11, 175:25, 176:4, 176:9, 176:20
charges [13] - 21:15, 23:1, 59:8, 65:19, 66:13, 67:14, 72:1, 82:15, 128:14, 128:17, 129:10, 129:22, 152:18
charging [4] - 66:6, 71:24, 82:13, 133:12
chart [1] - 34:23
chase [1] - 37:4
chat [1] - 113:11
check [10] - 71:9, 93:22, 111:23, 193:1, 193:3, 193:6, 194:20, 208:21, 210:19, 210:23
checked [1] - 102:3
checking [1] - 209:6
checks [2] - 100:3, 105:16
chewed [1] - 116:22
chief [2] - 14:4, 14:23
choose [1] - 83:1
chose [1] - 89:20
chosen [2] - 91:19, 92:7

Chris [1] - 9:1
circulated [1] - 9:8
circumstances [2] - 119:22, 137:3
circus [1] - 98:2
cities [3] - 174:14, 177:20, 177:25
city [2] - 19:21, 19:22
City [15] - 2:15, 8:16, 8:19, 9:23, 12:1, 12:4, 20:1, 20:15, 20:22, 22:5, 41:14, 41:15, 43:25, 48:22, 213:8
claim [7] - 59:8, 59:11, 59:16, 59:21, 61:5, 65:13, 105:1
claimed [1] - 65:17
claims [1] - 66:25
clarification [5] - 25:8, 49:5, 50:20, 195:5, 204:16
clarified [2] - 163:4, 177:17
clarifies [1] - 51:25
clarify [4] - 10:6, 41:15, 61:11, 163:8
clarity [2] - 68:16, 162:18
classes [2] - 153:5
Clean [1] - 98:24
clean [3] - 17:14, 18:7, 97:4
cleanup [1] - 202:13
clear [29] - 35:9, 43:10, 49:18, 49:22, 67:12, 70:15, 75:20, 87:12, 87:23, 91:20, 95:24, 100:11, 104:3, 109:8, 111:21, 123:3, 123:8, 124:19, 124:20, 125:5, 140:17, 143:24, 156:4, 170:18, 175:2, 175:8, 177:16, 181:7, 212:10
clearly [3] - 60:2, 63:22, 84:4
client [1] - 73:3
clients [3] - 64:8, 72:3, 140:1
climate [2] - 17:12, 17:14
close [6] - 36:24, 37:1, 136:12, 160:12, 173:20, 201:9
closed [3] - 19:2, 90:8, 117:19
closer [1] - 36:23
clue [1] - 106:24
Coast [1] - 2:1
colleague [1] - 159:23
colleagues [4] - 18:11, 115:13, 123:12, 165:19
colleagues.. [1] - 26:13
collect [3] - 120:10, 125:11, 137:21
collect-refund [1] - 137:21
collected [2] - 125:15, 125:22
collecting [2] - 42:23, 122:13
collection [2] - 5:23, 169:13
collectively [1] - 201:8
C

College [1] - 29:11
colour [1] - 30:9
combined [2] - 45:4, 176:1
comfort [1] - 97:6
comfortable [3] - 55:7, 78:17, 88:19
coming [16] - 36:2, 66:7, 74:11, 90:14, 121:21, 131:4, 135:23, 136:9, 136:24, 138:25, 154:7, 157:3, 163:18, 164:13, 165:24, 177:8
commence [1] - 9:13
COMMENCED [1] - 2:21
comment [4] - 24:2, 72:20, 108:6, 210:13
comments [9] - 6:25, 7:5, 7:10, 7:16, 8:4, 13:23, 15:16, 166:10, 166:13
commercially [2] - 32:17, 32:18
commission [1] - 97:5
Commission [1] - 98:25
commissioned [2] - 32:9, 97:4
commit [4] - 22:7, 23:7, 93:11, 93:21
commitments [1] - 17:13
commits [2] - 22:12, 23:14
committed [1] - 147:1
committee [2] - 53:5, 197:3
common [3] - 97:7, 156:15, 156:17
commonly [1] - 49:10
communities [1] - 174:3
community [1] - 174:12
companies [1] - 146:3
COMPANY [1] - 1:7
Company [2] - 64:22, 146:5
company [30] - 46:9, 46:18, 46:19, 46:20, 46:24, 47:3, 47:5, 47:6, 47:8, 76:14, 90:12, 90:16, 103:19, 126:3, 126:10, 126:20, 126:23, 127:11, 128:21, 129:18, 148:21, 149:9, 149:17, 154:4, 155:22, 161:10, 172:18, 188:20, 200:10, 204:20
compare [3] - 177:16, 181:9, 184:24
compared [3] - 160:10, 177:20, 177:25
comparing [1] - 179:10
comparison [4] - 110:10, 209:23, 209:24, 210:6
Competitive [1] - 62:1
competitive [7] -

62:14, 62:16, 62:19, 62:21, 62:22, 63:2, 63:6
competitively [1] - 61:15
complement [1] - 53:18
complete [3] - 63:18, 70:10, 213:4
completed [5] - 25:14, 25:19, 26:9, 38:15, 43:2
completely [2] - 70:18, 83:3
completion [3] - 42:14, 42:16, 43:4
complex [4] - 72:13, 72:14, 83:13, 88:9
compliance [14] - 19:11, 179:1, 179:19, 180:5, 181:17, 182:1, 182:11, 182:12, 186:10, 187:23, 187:25, 188:6, 188:11, 201:19
complicated [2] - 82:9, 150:2
component [1] - 59:25
components [1] - 30:11
comprehensive [1] - 50:13
computer [2] - 18:8, 18:10
conceivable [1] - 102:6
concept [6] - 82:17, 82:22, 88:19, 116:9, 146:4, 163:17
concepts [2] - 119:16, 150:3
concerned [2] - 98:23, 99:6
conclude [2] - 31:2, 31:8
concluded [1] - 32:11
conclusion [1] - 172:1
condition [2] - 50:1, 123:22
conditions [8] - 3:20, 105:6, 110:5, 132:23, 143:13, 160:23, 207:4, 208:25
conduct [2] - 5:19, 12:8
conducted [3] - 49:1, 49:8, 51:7
confident [1] - 98:4
confidential [1] - 50:24
confirm [3] - 102:24, 107:25, 111:16
confirmation [3] - 112:2, 187:15, 203:5
conform [1] - 84:22
confused [3] - 124:11, 144:13, 151:15
confusing [2] - 146:21, 178:9
confusion [2] - 124:9, 153:7
connect [1] - 36:7
connected [3] - 16:5, 88:10, 117:19
connection [6] - 16:8, 16:21, 19:5,

90:19, 168:10
consequence [1] - 31:3
Conservation [1] - 12:14
conservation [1] - 38:15
consider [8] - 8:7, 32:17, 86:11, 96:6, 108:19, 110:7, 168:12, 192:24
considerable [1] - 143:12
considerably [1] - 154:22
considered [3] - 31:14, 33:3, 211:14
considering [1] - 7:15
consistency [1] - 188:10
consistent [4] - 33:25, 97:24, 170:11, 201:7
consolidated [2] - 111:10, 186:14
conspicuously [1] - 53:13
constantly [2] - 103:15, 168:4
constraint [1] - 104:12
constrictions [1] - 106:20
construct [1] - 133:16
constructed [1] - 17:6
construction [2] - 16:17, 40:1
consult [1] - 80:1
consultant [13] - 14:6, 15:3, 49:10, 53:14, 53:19, 56:18, 64:10, 75:15, 75:21, 75:23, 93:7, 98:15, 160:4
consultant's [2] - 55:11, 75:4
consultants [7] - 53:21, 59:24, 61:14, 63:21, 84:25, 85:6, 96:3
Consultants [1] - 15:4
consulting [3] - 55:15, 59:2, 59:15
consults [1] - 14:7
consumer [1] - 61:25
consumer's [1] - 58:16
Consumer's [1] - 53:6
consumers [2] - 35:6, 63:12
Consumers' [4] - 2:16, 12:9, 12:11, 116:1
consumption [1] - 120:20
contained [1] - 7:8
contains [1] - 208:11
contend [1] - 72:14
context [9] - 28:24, 46:10, 62:9, 78:18, 91:10, 96:20, 97:22, 106:5, 158:5
contingence [1] - 3:25
contingencies [1] -

149:25
contingency [10] - 6:16, 43:18, 43:21, 118:6, 121:19, 126:5, 127:8, 144:22, 197:15, 197:20
Contingency [1] - 115:23
continual [2] - 63:14, 168:6
continually [3] - 72:5, 82:3, 159:4
continue [4] - 83:16, 168:7, 198:23, 212:6
continues [1] - 172:25
continuing [1] - 58:22
continuity [5] - 72:24, 73:2, 73:7, 141:5, 199:6
continuous [3] - 89:9, 89:17, 168:2
continuously [5] - 40:15, 40:16, 40:19, 91:8, 103:14
contract [9] - 57:10, 58:4, 67:9, 67:20, 68:3, 68:14, 93:9, 93:12, 93:13
CONTRACT [2] - 94:1, 214:16
contractor's [1] - 75:8
contracts [3] - 60:16, 77:16, 159:3
contributions [3] - 5:1, 164:6
control [9] - 44:5, 44:13, 44:20, 127:11, 160:20, 161:8, 168:24, 205:3, 206:8
controlled [2] - 205:2, 207:2
controls [3] - 169:6, 169:14, 169:20
conversation [1] - 185:17
conveyance [1] - 203:2
convoluted [1] - 72:7
cooperative [1] - 165:12
copies [2] - 11:2, 18:6
Copper [1] - 36:15
copy [5] - 5:14, 10:16, 11:11, 11:13, 183:4
core [1] - 171:10
corporate [5] - 17:21, 54:1, 59:12, 75:3, 90:25
Corporation [9] - 2:14, 3:1, 3:8, 11:24, 13:2, 76:12, 76:13, 77:1, 214:7
corporation [13] - 15:24, 20:13, 44:23, 53:25, 54:7, 61:24, 63:9, 98:14, 98:19, 103:24, 127:18, 164:20, 197:4
corporation's [2] - 44:11, 51:13
correct [67] - 30:24, 31:1, 31:2, 31:7, 31:13, 34:15, 35:14, 37:9, 37:10, 37:11, 41:24, 41:25, 42:18,

42:22, 42:25, 43:1, 47:24, 48:3, 48:7, 48:24, 49:3, 51:5, 51:6, 68:4, 68:19, 69:9, 76:23, 76:24, 100:15, 101:19, 105:8, 110:5, 112:3, 115:2, 115:10, 115:24, 117:6, 126:19, 131:10, 134:16, 134:19, 135:6, 136:13, 143:23, 144:2, 144:15, 145:17, 152:12, 155:10, 156:25, 157:11, 173:17, 173:18, 173:24, 173:25, 174:18, 174:19, 193:12, 193:13, 199:21, 200:22, 202:16, 202:17, 206:12, 207:10, 208:4, 208:24
corrected [1] - 19:10
correction [7] - 13:24, 18:17, 18:21, 19:1, 19:11, 114:12, 188:23
correctly [3] - 103:22, 120:7, 203:8
correlation [4] - 37:14, 37:25, 38:3, 38:4
correspondence [2] - 7:17, 13:16
corresponding [1] - 31:10
corresponds [1] - 19:3
cost [63] - 3:22, 4:25, 22:23, 24:21, 25:4, 46:18, 46:24, 47:6, 53:17, 55:11, 59:8, 59:11, 59:16, 59:21, 60:19, 61:5, 65:23, 73:5, 74:2, 74:4, 83:11, 83:15, 83:23, 89:1, 91:16, 93:5, 94:10, 94:11, 95:6, 98:18, 114:7, 128:7, 128:24, 130:15, 146:24, 147:9, 148:11, 148:15, 148:17, 148:21, 149:20, 150:18, 154:18, 155:18, 155:22, 159:2, 162:13, 162:19, 162:24, 166:20, 166:24, 168:24, 174:20, 175:4, 175:9, 176:12, 177:1, 177:10, 177:14, 177:20, 177:24, 204:22
cost-effective [1] - 53:17
cost-of-service [1] - 83:11
costing [1] - 21:13
COSTS [2] - 94:1, 214:16
costs [89] - 3:15, 3:18, 4:4, 4:7, 4:16, 4:18, 4:21, 4:23, 6:21, 20:14, 20:25, 21:8, 41:23, 42:1, 42:7, 42:17, 43:13, 44:9, 44

59:2, 59:15, 59:18, 61:1, 61:3, 61:9, 70:14, 71:6, 71:8, 71:10, 71:19, 72:17, 73:25, 74:1, 75:24, 92:6, 92:19, 92:22, 93:9, 94:16, 95:9, 115:17, 122:15, 126:6, 126:13, 128:10, 129:10, 138:16, 142:15, 142:22, 142:24, 147:2, 147:5, 147:19, 147:23, 148:24, 150:16, 150:17, 152:19, 153:24, 157:20, 158:2, 159:6, 159:10, 160:1, 163:11, 163:19, 163:23, 163:24, 164:5, 164:8, 165:1, 166:6, 166:7, 166:25, 167:8, 168:1, 169:16, 169:19, 171:1, 171:2, 171:12, 172:4, 175:5, 187:5
Council [7] - 6:18, 128:12, 129:4, 129:12, 148:3, 170:9, 170:13
counsel [9] - 8:25, 9:6, 10:17, 10:19, 10:24, 11:19, 11:25, 113:20, 114:4
Counsel [1] - 2:9
Country [1] - 2:1
couple [7] - 22:20, 59:1, 87:16, 107:6, 111:20, 196:7, 212:11
course [9] - 35:19, 42:23, 104:15, 113:22, 117:16, 118:15, 136:11, 162:6, 173:10
courses [1] - 85:12
Court [7] - 2:18, 6:12, 7:19, 13:10, 70:24, 213:14, 213:18
court [6] - 6:18, 11:12, 12:24, 13:5, 68:3, 71:14
court's [2] - 7:2, 7:4
cover [6] - 6:20, 123:17, 156:11, 164:5, 164:11, 164:25
covered [2] - 46:14, 106:16
covers [1] - 198:14
cracks [1] - 18:10
created [5] - 21:6, 47:23, 48:4, 152:14
creates [1] - 150:15
credible [3] - 97:13, 110:25, 111:1
credit [1] - 152:11
criteria [1] - 127:17
critical [3] - 16:3, 17:5, 79:1
CROSS [6] - 19:23, 53:3, 199:13, 214:9, 214:10, 214:11
cross [28] - 9:20, 10:1, 10:8, 10:10, 10:14, 10:17, 10:18, 10:23, 10:25, 11:4, 11:6, 11:7, 12:8, 12:12, 18:1, 18:5, 18:14, 19:18, 113:20, 113:23, 114:4, 124:23, 134:2,

183:22, 198:11, 199:17
cross-examination [12] - 10:14, 10:23, 10:25, 11:6, 12:8, 18:1, 18:5, 18:14, 19:18, 113:20, 113:23, 114:4
cross-examine [3] - 9:20, 10:1, 124:23
CROSS-EXAMINES [6] - 19:23, 53:3, 199:13, 214:9, 214:10, 214:11
cross-examining [2] - 12:12, 134:2
crossed [1] - 53:16
crossing [1] - 139:11
crux [1] - 87:15
CSR(A) [4] - 2:18, 2:19, 213:13, 213:17
cubic [2] - 203:2, 210:8
cumulative [1] - 186:2
curious [1] - 202:2
current [11] - 4:11, 7:8, 24:14, 29:7, 29:14, 54:16, 57:3, 70:22, 86:23, 122:1, 173:4
currency [2] - 49:2, 51:9
curves [1] - 104:8
customer [36] - 16:6, 128:1, 128:3, 129:24, 130:4, 130:14, 130:23, 133:2, 134:13, 135:6, 136:2, 136:11, 136:21, 138:2, 138:5, 138:12, 141:23, 147:25, 148:1, 148:2, 148:12, 148:17, 149:7, 149:10, 153:5, 153:9, 153:23, 154:2, 165:4, 174:11, 175:9, 175:22, 175:23, 176:2, 176:3
customer's [2] - 137:25, 153:25
customers [41] - 16:14, 22:8, 22:13, 23:7, 23:14, 33:4, 33:6, 35:23, 35:25, 43:13, 82:23, 129:16, 129:17, 129:22, 129:25, 130:2, 132:9, 132:18, 132:21, 135:7, 137:3, 138:16, 138:25, 147:21, 148:10, 153:2, 154:9, 154:10, 154:12, 154:17, 155:2, 157:19, 158:10, 164:7, 166:1, 168:10, 168:18, 168:19, 180:17, 206:9, 207:1
cut [2] - 13:12, 37:4
CVs [1] - 13:15
CW [3] - 27:11, 143:18, 187:22
CW-2-1 [1] - 189:2
CW-YEC-1-29 [3] - 48:9, 48:18, 51:8
CW-YEC-2-3 [1] - 45:2
CW-YEC-2-4 [1] - 143:6
cycle [1] - 19:6

cycles [1] - 137:21	dealt [4] - 139:8, 154:16, 154:24, 160:18	demonstrated [1] - 110:18	diametrically [1] - 148:18	disclosed [2] - 184:16, 185:18
D	debate [3] - 15:23, 171:18, 172:19	demonstrating [1] - 69:23	diesel [35] - 3:16, 3:19, 3:25, 6:16, 6:21, 43:18, 43:21, 44:4, 45:20, 47:2, 107:21, 108:1, 108:10, 108:11, 108:15, 108:16, 108:23, 114:17, 114:21, 114:23, 115:9, 116:9, 116:13, 116:17, 124:1, 130:12, 138:13, 147:7, 147:20, 148:11, 148:15, 154:18, 154:22, 155:1, 174:4	discrete [1] - 35:24
D-14 [1] - 100:17	debating [1] - 201:11	dependable [1] - 17:3	diesels [1] - 115:23	discretion [2] - 84:24, 85:9
daily [1] - 211:20	debit [1] - 152:11	depreciation [7] - 4:14, 19:1, 19:8, 19:10, 164:1, 167:8, 188:23	difference [5] - 111:15, 151:7, 174:10, 200:16, 206:3	discuss [5] - 15:23, 113:24, 159:23, 165:20, 205:15
damages [1] - 4:10	DEBT [2] - 193:8, 214:22	depth [2] - 56:6, 159:25	different [36] - 38:8, 38:9, 39:22, 47:10, 62:13, 67:24, 74:21, 87:17, 103:15, 110:15, 111:7, 128:16, 133:13, 139:21, 146:8, 148:18, 156:18, 173:22, 174:8, 178:8, 180:13, 181:3, 181:5, 181:8, 181:22, 183:12, 183:14, 186:21, 201:25, 203:15, 203:22, 204:25, 205:7, 209:19, 210:25	discussed [3] - 117:9, 117:10, 205:17
damn [1] - 80:10	debt-to-equity [2] - 191:23, 195:3	Derek [2] - 12:3, 19:25	difficult [6] - 23:21, 35:25, 56:7, 74:22, 178:17, 183:16	discusses [1] - 22:23
dams [1] - 88:11	debt-to-level [1] - 192:18	derived [2] - 26:14, 145:9	difficultly [3] - 137:5, 137:23, 171:23	discussing [3] - 84:14, 96:15, 96:18
dash [1] - 101:9	DEBT-TO-LEVEL [2] - 193:8, 214:22	describe [3] - 120:7, 122:7, 164:22	diffuse [1] - 117:12	dispute [3] - 67:20, 68:3, 68:14
data [13] - 75:10, 75:11, 99:9, 102:18, 105:6, 105:10, 105:14, 111:6, 177:15, 204:24, 204:25	debt/equity [3] - 192:9, 194:10, 194:25	described [6] - 119:13, 122:3, 125:12, 125:18, 127:20, 165:14	disruptive [9] - 27:7, 27:19, 28:6, 28:17, 28:19, 28:22, 28:25, 30:1, 31:17	disseminated [1] - 103:18
date [5] - 8:15, 9:8, 98:12, 122:19, 154:5	DEBT/EQUITY [2] - 192:13, 214:18	describes [1] - 87:22	dissemination [1] - 103:18	distinct [1] - 171:2
Dated [1] - 213:8	December [9] - 8:1, 8:3, 81:12, 100:10, 100:14, 100:15, 144:18, 204:8, 206:23	describing [1] - 187:21	distinctions [1] - 164:23	distraction [1] - 146:22
dated [1] - 5:17	decide [4] - 11:7, 60:5, 104:24, 156:20	description [3] - 18:24, 52:19, 76:9	distribute [2] - 11:1, 137:8	distributed [1] - 30:14
dates [1] - 194:11	decided [2] - 8:7, 32:16	descriptive [1] - 133:25	difficultly [3] - 137:5, 137:23, 171:23	distribution [2] - 24:16, 172:11
Davis [1] - 64:22	decision [20] - 17:12, 37:13, 59:17, 63:24, 89:21, 91:13, 104:8, 105:4, 111:2, 115:19, 132:13, 136:1, 176:6, 186:13, 195:22, 200:9, 201:8, 205:8, 205:12, 211:23	deserves [1] - 134:7	difficult [6] - 23:21, 35:25, 56:7, 74:22, 178:17, 183:16	diurnal [1] - 211:12
day-to-day [1] - 127:24	decision-making [4] - 17:12, 37:13, 91:13, 111:2	designed [4] - 104:16, 145:21, 146:2, 154:19	difficulty [1] - 178:16	divergence [6] - 34:1, 34:4, 34:6, 34:9, 34:22
days [2] - 7:18, 129:6	decisions [16] - 39:25, 44:24, 71:23, 76:22, 77:3, 77:13, 85:7, 91:1, 103:23, 104:2, 104:5, 104:22, 110:22, 161:7, 167:5, 167:17	detail [3] - 54:11, 63:20, 187:6	dig [1] - 118:12	divide [1] - 136:8
DC [1] - 144:21	decrease [1] - 186:5	detailed [3] - 17:23, 30:13, 91:23	dime [1] - 138:20	DLA [1] - 69:4
DCF [90] - 4:1, 4:5, 7:7, 44:3, 44:6, 44:22, 45:14, 47:15, 60:12, 60:20, 71:14, 82:21, 83:6, 86:24, 105:5, 109:16, 111:3, 114:19, 115:11, 115:12, 116:5, 118:3, 118:5, 118:7, 118:24, 119:9, 119:23, 120:3, 120:8, 121:12, 121:23, 122:4, 122:12, 123:19, 125:8, 125:10, 127:16, 128:2, 128:4, 128:5, 128:6, 128:8, 128:9, 128:19, 129:16, 129:20, 129:21, 130:6, 130:7, 130:19, 130:23, 131:2, 131:4, 133:7, 133:11, 133:16, 134:19, 135:9, 136:2, 136:24, 138:17, 140:24, 141:5, 141:11, 141:20, 141:25, 142:6, 142:7, 142:11, 142:16, 142:18, 143:5, 144:12, 144:14, 147:1, 149:20, 149:23, 150:24, 151:25, 152:2, 152:5, 155:19, 156:9, 197:20, 197:22, 200:11	decision-making [4] - 17:12, 37:13, 91:13, 111:2	details [1] - 59:2	DiPaolo [2] - 213:12, 213:13	document [15] - 10:21, 11:9, 11:11, 45:8, 48:16, 81:13, 81:14, 102:23, 161:3, 179:25, 180:2, 180:19, 183:1, 183:7, 183:21
de [5] - 76:18, 76:22, 77:5, 77:9, 77:10	decide [4] - 11:7, 60:5, 104:24, 156:20	determination [2] - 4:3, 193:5	DiPaolo [1] - 2:18	documented [1] - 71:6
deal [26] - 11:14, 24:16, 73:3, 80:11, 80:17, 83:5, 84:5, 87:18, 91:4, 92:4, 122:15, 126:6, 127:23, 138:17, 138:18, 144:22, 148:2, 149:3, 149:5, 150:4, 160:16, 160:17, 183:23, 188:21, 189:24, 202:14	deduct [1] - 190:5	determine [6] - 72:8, 72:18, 86:21, 144:15, 149:25, 204:23	direct [1] - 138:10	documents [4] - 18:4, 18:12, 182:18, 212:16
dealing [7] - 33:18, 96:20, 118:15, 127:14, 129:11, 150:3, 172:3	deemed [1] - 43:6	determined [4] - 19:8, 151:12, 202:4, 202:5	directed [6] - 5:9, 7:17, 15:1, 98:20, 122:2, 186:9	doesn't.. [1] - 129:24
	defer [1] - 186:11	determines [1] - 105:10	direction [6] - 50:16, 111:25, 128:13, 137:7, 156:13, 201:6	dollar [1] - 62:12
	deferral [5] - 44:21, 69:13, 121:22, 197:14, 197:17	determining [5] - 144:20, 145:7, 191:1, 195:8, 200:1	directions [4] - 6:19, 7:4, 69:15, 70:8	dollars [8] - 4:23, 24:14, 55:15, 72:4, 74:2, 93:20, 120:15, 161:10
	deferred [7] - 4:21, 20:14, 21:14, 23:1, 42:17, 42:21, 197:18	develop [4] - 15:12, 50:13, 74:17, 89:12	directive [1] - 6:17	domestic [1] - 167:7
	define [2] - 27:18, 80:6	developed [16] - 48:23, 90:24, 91:7, 95:8, 97:25, 102:2, 102:16, 102:20, 106:7, 116:21, 146:13, 146:15, 158:21, 160:3, 160:4, 206:14	directly [6] - 10:12, 11:14, 61:1, 77:17, 129:21, 154:12	done [30] - 23:25, 24:1, 42:5, 49:20, 49:21, 49:25, 51:17, 51:23, 54:22, 54:23, 61:12, 61:14, 63:23, 64:7, 69:17, 81:17, 90:3, 94:21, 95:14, 124:25, 132:1, 159:21, 165:13, 174:12, 185:5, 187:6, 200:10, 200:11,
	defined [1] - 28:7	developing [1] - 170:24	director [5] - 14:9, 15:8, 77:25, 78:11, 79:3	
	definitely [1] - 105:9	Development [4] - 76:12, 76:13, 76:19, 77:1	directors [6] - 76:18, 76:20, 77:5, 77:11, 91:13, 174:17	
	definition [2] - 28:16, 155:13	development [16] - 15:10, 32:4, 32:5, 48:22, 50:21, 51:11, 51:20, 91:18, 91:21, 92:13, 93:11, 94:21, 95:7, 95:9, 95:13, 145:3	disagree [1] - 177:12	
	definitions [1] - 28:19	developments [2] - 32:20, 172:23	disallowed [3] - 65:24, 66:11, 66:12	
	degree [2] - 34:21, 118:9	develops [1] - 151:16	discipline [1] - 56:2	
	delivered [2] - 3:17, 3:21	diagram [2] - 47:9, 144:17	disclaimer [2] - 101:21, 101:25	
	delivery [1] - 92:2	d	disclose [1] - 102:25	
	Demand [2] - 161:17, 161:21			
	demand [6] - 40:2, 40:6, 161:13, 161:15, 161:23			
	demonstrate [1] - 181:17			

206:13, 208:22
down [14] - 2:22,
 19:10, 27:13, 36:5,
 45:3, 106:11, 126:25,
 128:24, 165:16,
 180:17, 185:10,
 196:23, 205:23, 213:5
downstream [1] -
 106:21
dozen [1] - 92:15
drafted [1] - 49:6
dramatically [1] -
 38:20
draw [1] - 138:9
drawing [2] - 23:11,
 120:23
drawn [2] - 21:8,
 205:22
driest [3] - 208:14,
 208:15, 209:5
drive [5] - 24:9, 42:8,
 43:12, 86:24, 138:15
driven [4] - 16:16,
 16:20, 21:13, 32:4
driver [1] - 21:18
drivers [2] - 17:11,
 167:2
driving [2] - 138:12,
 161:6
drop [2] - 116:18,
 186:1
drought [14] - 47:12,
 82:24, 122:14,
 123:22, 123:24,
 126:24, 128:15,
 128:17, 131:16,
 133:3, 137:20, 138:1,
 138:9
drought's [1] -
 131:19
DSM [4] - 38:15,
 161:18, 161:20,
 161:25
due [7] - 24:22,
 45:18, 155:19, 158:1,
 167:7, 172:22
during [9] - 9:4,
 10:25, 11:17, 37:3,
 38:13, 80:15, 90:21,
 134:13, 199:4
duties [1] - 169:11
Dwayne [1] - 8:25

E

Eagle [1] - 16:22
early [16] - 36:1,
 38:23, 87:8, 90:7,
 106:11, 115:17,
 115:18, 117:14,
 128:19, 130:10,
 130:17, 146:17,
 146:18, 190:17,
 206:14, 206:23
earned [5] - 134:10,
 142:24, 184:10,
 184:21, 185:10
earnings [4] - 45:24,
 120:1, 122:25, 126:22
easier [1] - 83:18
easy [1] - 204:19
economic [5] - 32:4,
 32:5, 61:22, 127:16,
 161:21
economist [1] -
 96:22
economy [1] - 16:15
Ed [1] - 14:3
educating [1] - 40:17
effect [8] - 7:3, 46:4,

104:6, 128:4, 176:8,
 186:16, 199:18, 207:7
effective [2] - 3:22,
 53:17
effectively [7] -
 36:10, 36:12, 39:3,
 98:3, 176:9, 203:7,
 204:19
effects [1] - 21:17
efficiencies [3] -
 98:19, 103:24, 169:18
efficiency [6] - 28:8,
 29:17, 127:16,
 127:17, 127:24,
 161:17
efficient [4] - 10:21,
 131:18, 166:20, 177:9
efficiently [1] - 53:10
effort [2] - 17:16,
 166:3
efforts [1] - 17:17
eight [2] - 26:8, 77:8
either [1] - 59:23,
 61:3, 110:2, 116:15,
 122:24, 131:21,
 147:17, 167:12,
 176:13, 200:19
elder [1] - 53:9
ELECTRIC [1] - 1:7
electric [7] - 30:15,
 30:20, 31:9, 31:16,
 32:8, 32:10, 32:13
Electric [6] - 11:25,
 155:9, 194:13,
 195:12, 199:22,
 200:22
Electrical [2] - 146:5,
 174:18
electrical [9] - 16:5,
 28:24, 30:6, 31:22,
 75:7, 85:19, 173:1,
 173:15, 195:15
Electrical's [1] - 6:23
Electricity [1] - 177:2
electricity [3] - 6:24,
 32:6, 83:10
electronic [2] -
 11:11, 169:5
element [1] - 172:6
elements [1] - 111:7
elevator [1] - 18:22
emergence [1] -
 91:10
emphasis [1] - 16:11
employee [1] - 53:18
employees [1] -
 92:10
enables [1] - 6:20
end [22] - 9:13, 10:1,
 17:7, 19:5, 38:24,
 40:21, 41:23, 42:4,
 47:15, 87:24, 137:19,
 143:21, 155:2, 155:3,
 164:4, 164:13, 166:1,
 167:14, 178:18,
 201:23, 203:19, 212:4
ended [1] - 85:1
endorse [1] - 37:1
Energy [59] - 2:13,
 2:25, 3:8, 6:20, 6:22,
 11:24, 13:2, 14:3,
 14:4, 14:7, 14:10,
 14:16, 14:18, 14:24,
 15:9, 15:19, 16:19,
 53:12, 56:17, 61:18,
 61:20, 62:9, 63:8,
 64:9, 64:21, 70:13,
 73:12, 76:4, 76:10,
 76:25, 77:18, 77:24,
 79:10, 84:21, 100:13,

101:6, 102:10,
 110:17, 118:4,
 132:22, 145:2,
 146:13, 146:23,
 147:9, 147:18,
 154:10, 158:7, 158:8,
 158:15, 170:10,
 173:21, 180:16,
 184:21, 191:24,
 202:3, 202:8, 204:4,
 209:23, 214:7
energy [22] - 7:8,
 30:16, 30:21, 31:9,
 35:9, 40:13, 53:5,
 83:9, 116:22, 131:18,
 135:17, 135:19,
 144:11, 148:21,
 153:3, 154:15, 161:5,
 161:17, 175:20,
 180:17, 203:23,
 205:19
Energy's [7] - 13:14,
 158:5, 179:2, 199:24,
 200:25, 201:12,
 211:17
energy's [1] - 35:12
engaged [1] - 56:8
engine [1] - 116:16
engineer [1] - 96:23
engineering [1] -
 64:1
engineers [1] - 110:5
enhancing [2] -
 45:17, 46:6
enshrined [1] - 86:17
ensure [3] - 9:17,
 24:21, 62:2
entanglement [1] -
 79:11
enter [1] - 145:10
entering [1] - 16:16
enterprise [1] -
 197:6
entire [1] - 27:22
entirely [5] - 49:18,
 146:9, 147:13, 153:8,
 174:4
entirety [1] - 111:6
Environment [1] -
 98:25
environment [2] -
 55:16, 97:5
environmental [1] -
 96:16
equal [4] - 24:19,
 42:10, 43:15, 62:3
equally [1] - 135:8
equity [22] - 5:4,
 76:14, 82:17, 82:20,
 83:2, 132:23, 164:3,
 185:2, 190:2, 190:15,
 190:18, 190:20,
 190:25, 191:13,
 191:23, 192:1,
 194:13, 194:15,
 194:21, 195:3, 195:8
equivalent [1] -
 96:12
ER [1] - 157:8
era [1] - 130:10
ERA [65] - 7:20, 7:22,
 8:1, 8:4, 8:6, 8:8,
 60:12, 60:20, 70:24,
 71:10, 128:1, 128:4,
 128:7, 128:12,
 128:18, 129:1,
 141:11, 141:15,
 141:21, 142:4,
 142:10, 142:19,
 14

144:15, 144:23,
 145:7, 145:8, 145:16,
 145:20, 145:21,
 145:25, 146:2,
 146:12, 146:22,
 146:25, 147:10,
 147:17, 149:20,
 149:23, 151:5,
 151:17, 151:20,
 152:1, 152:6, 152:10,
 152:24, 153:7,
 154:11, 155:12,
 156:9, 156:23,
 157:24, 158:6,
 158:14, 158:19,
 186:17, 199:19,
 200:1, 200:9, 200:12,
 200:16, 200:19,
 201:1, 202:4
errata [1] - 7:16
error [4] - 99:21,
 99:22, 99:23, 99:25
errors [1] - 200:23
especially [2] - 54:2,
 181:20
essentially [5] -
 23:8, 133:10, 136:8,
 142:21, 156:17
establish [3] -
 115:19, 128:21, 129:1
established [7] - 7:1,
 16:10, 65:12, 115:12,
 115:23, 125:20, 130:9
estimate [4] - 34:1,
 34:16, 34:22, 35:5
estimated [1] -
 158:11
estimates [1] - 33:19
etcetera [9] - 42:16,
 142:18, 160:20,
 169:13, 171:9,
 197:22, 197:23,
 202:11, 208:7
ethical [1] - 61:20
evaluate [2] - 99:4,
 211:15
evaluated [1] -
 211:13
evaluation [2] -
 63:18, 212:2
evening [2] - 205:1,
 207:2
event [3] - 123:24,
 126:24, 171:16
eventually [2] -
 129:1, 155:2
everywhere [1] -
 174:16
evidence [27] - 8:17,
 8:18, 8:21, 10:10,
 20:16, 20:22, 21:5,
 22:1, 22:4, 22:6,
 23:19, 23:23, 36:18,
 41:1, 43:25, 50:12,
 51:13, 51:19, 66:22,
 69:22, 72:7, 78:4,
 137:14, 178:18,
 184:22
evidentiary [1] - 10:2
evolutions [1] -
 102:17
evolved [2] - 102:21,
 117:21
exact [3] - 96:4, 96:7,
 139:23
exactly [9] - 70:1,
 85:3, 93:21, 109:7,
 120:5, 133:4, 141:9,
 171:3, 184:13
examination [12] -

10:14, 10:23, 10:25,
 11:6, 12:8, 18:1, 18:5,
 18:14, 19:18, 113:20,
 113:23, 114:4
examine [11] - 9:20,
 10:1, 20:12, 25:2,
 28:2, 31:16, 33:17,
 35:4, 124:23, 129:1,
 142:17
examined [4] - 30:6,
 33:2, 90:5, 209:1
EXAMINES [8] -
 13:3, 19:23, 53:3,
 199:13, 214:8, 214:9,
 214:10, 214:11
examining [3] -
 12:12, 33:23, 134:2
example [20] - 9:14,
 38:21, 42:13, 42:15,
 54:18, 63:1, 80:9,
 82:21, 83:1, 85:18,
 103:11, 103:25,
 152:4, 153:20,
 161:24, 162:2,
 178:14, 178:21,
 198:3, 207:12
examples [1] - 46:12
exceed [2] - 121:14,
 123:22
excellent [3] - 21:4,
 45:7, 48:21
except [2] - 106:15,
 196:19
exception [1] - 75:6
excess [1] - 131:2
excessive [1] -
 131:14
excluded [1] -
 184:19
exclusively [2] -
 56:15, 146:13
excuse [3] - 83:17,
 97:16, 184:7
execute [1] - 92:4
executive [1] - 11:10
exercise [3] -
 163:21, 172:6, 205:6
exercises [1] - 172:5
Exhibit [18] - 13:17,
 20:16, 21:22, 25:5,
 27:9, 33:9, 41:3,
 49:15, 68:7, 68:21,
 114:19, 141:2, 152:4,
 173:9, 189:3, 196:5,
 202:20, 209:19
exhibit [24] - 11:6,
 11:8, 11:9, 45:3, 48:9,
 50:6, 50:8, 52:18,
 68:17, 92:20, 100:12,
 100:16, 109:16,
 111:2, 111:3, 111:11,
 176:5, 180:7, 202:16,
 203:11, 207:16,
 208:10, 209:19, 211:6
exhibits [6] - 9:7,
 9:8, 18:4, 18:8, 52:14,
 54:21
exist [3] - 106:1,
 106:6, 164:10
existed [4] - 106:1,
 118:7, 147:6, 147:7
existing [7] - 24:12,
 32:8, 32:9, 39:21,
 50:1, 164:9, 186:3
expand [1] - 55:9
expanding [1] - 34:3
expansion [2] - 78:1,
 78:13
expansions [1] -
 90:18

expect [3] - 16:19, 31:5, 140:18
expectation [1] - 40:2
expected [5] - 4:3, 7:19, 17:9, 42:14, 42:16
expedite [1] - 184:2
expenditure [2] - 26:8, 72:19
expenditures [4] - 20:14, 21:14, 24:22, 31:12
expense [1] - 123:14
expenses [6] - 4:14, 5:18, 60:10, 66:18, 69:14, 69:25
expensive [1] - 83:14
experience [9] - 55:25, 56:4, 56:6, 57:23, 88:21, 92:8, 171:4, 171:21, 172:10
experienced [1] - 40:6
experiments [1] - 88:14
expert [4] - 88:4, 88:6, 89:16, 95:10
expertise [6] - 55:5, 72:16, 92:12, 92:13, 99:4, 103:6
experts [1] - 97:10
expires [1] - 42:3
explain [7] - 23:24, 25:18, 45:25, 79:15, 80:24, 163:9, 210:15
explained [3] - 66:8, 75:16, 82:7
explaining [2] - 96:16, 185:3
explains [1] - 91:12
explanation [2] - 81:3, 187:3
exponentially [1] - 55:19
expressing [1] - 86:7
expression [1] - 151:3
EXSIM [1] - 73:16
extent [14] - 24:11, 38:17, 71:18, 95:4, 120:9, 121:12, 129:9, 130:13, 142:16, 145:19, 151:21, 167:21, 198:6, 205:11
external [2] - 63:21, 97:3
externally [1] - 63:19
extra [25] - 55:22, 66:6, 67:2, 75:23, 116:22, 121:21, 122:15, 125:9, 130:14, 133:12, 142:25, 145:16, 147:7, 147:8, 147:25, 148:17, 153:24, 158:7, 158:10, 158:16, 164:11, 185:15, 186:17, 187:5
extremely [1] - 150:2

F

face [2] - 15:24, 17:2
facilitate [2] - 9:7, 202:18
facilities [2] - 167:19, 177:10
facility [3] - 104:25

fact [9] - 15:12, 29:10, 61:4, 91:4, 111:4, 177:16, 201:9, 201:21, 209:7
facto [5] - 76:18, 76:22, 77:5, 77:9, 77:10
factor [2] - 39:8, 157:24
factored [1] - 161:14
factors [5] - 30:24, 31:13, 46:4, 83:15, 175:3
facts [9] - 72:8, 162:7, 162:9, 162:10, 166:11, 185:18, 185:19, 193:4, 201:5
fair [22] - 22:24, 23:11, 24:4, 30:19, 34:5, 42:1, 82:19, 131:5, 131:20, 133:17, 136:25, 137:6, 137:7, 157:16, 163:13, 166:12, 166:14, 168:12, 183:19, 195:22, 196:14
fairest [1] - 131:24
fairly [6] - 29:17, 30:13, 72:12, 127:14, 149:3, 154:3
fairness [1] - 168:20
fall [3] - 81:7, 81:23, 208:1
falling [1] - 41:11
familiar [4] - 14:6, 58:7, 92:11, 157:15
familiarize [1] - 10:20
far [16] - 3:3, 3:5, 32:15, 33:17, 64:8, 64:13, 76:16, 83:8, 83:13, 92:2, 102:10, 108:25, 162:12, 182:25, 199:23, 205:20
Faro [17] - 90:8, 106:2, 106:10, 116:15, 116:17, 116:23, 117:17, 118:16, 121:20, 130:10, 130:16, 147:6, 148:5, 148:6, 148:13, 154:25
favourable [1] - 57:24
February [2] - 143:21, 144:9
federal [3] - 16:18, 17:13, 17:17
fee [3] - 57:7, 57:9, 73:10
fees [3] - 53:20, 67:13, 68:25
feisty [1] - 198:19
few [5] - 10:6, 53:6, 107:12, 162:4, 172:15
field [4] - 54:7, 58:4, 83:9, 195:15
fielding [1] - 17:19
fighting [1] - 84:8
figure [6] - 108:11, 141:16, 151:21, 181:14, 183:2, 191:19
Figure [2] - 144:18, 144:19
figures [1] - 34:11
file [8] - 7:17, 7:19, 7:21, 68:15, 120:22, 178:6, 193:11, 210:25

filed [14] - 3:9, 6:3, 6:5, 7:7, 7:25, 8:19, 11:7, 23:20, 38:25, 81:18, 82:8, 100:13, 144:18, 196:1
filibuster [2] - 72:6, 133:18
filings [22] - 11:9, 19:11, 38:21, 39:5, 39:11, 39:12, 80:5, 114:20, 152:5, 179:1, 180:5, 181:17, 182:2, 182:12, 184:23, 186:10, 187:25, 188:6, 188:11, 200:10, 200:17, 201:20
filings [2] - 179:2, 181:20
fill [4] - 53:17, 54:10, 71:14, 115:15
filled [2] - 79:3, 82:12
fills [1] - 58:16
final [5] - 45:20, 47:5, 200:7, 200:11, 201:7
finally [3] - 16:7, 17:7, 197:14
finance [2] - 169:4, 169:11
financed [1] - 121:8
finances [1] - 44:11
financial [3] - 14:4, 14:23, 169:5
fine [11] - 26:25, 48:13, 67:7, 78:25, 80:19, 94:24, 110:1, 176:21, 183:8, 184:3, 199:6
fingerprints [1] - 26:13
finish [1] - 36:7
finished [2] - 97:17, 118:18
firm [20] - 56:18, 58:11, 60:14, 64:3, 64:10, 64:22, 64:23, 67:8, 67:14, 69:2, 70:25, 77:17, 77:20, 94:8, 102:10, 102:13, 138:21, 154:15, 156:2
firms [2] - 58:8, 58:14
first [35] - 9:19, 12:19, 15:20, 17:2, 17:12, 19:20, 20:3, 20:12, 25:9, 35:15, 41:16, 48:5, 52:8, 100:24, 101:25, 109:24, 119:9, 126:10, 139:13, 140:4, 144:24, 175:15, 175:20, 175:21, 176:10, 182:25, 184:24, 187:4, 192:7, 198:25, 199:16, 202:12, 202:19, 210:12
firstly [1] - 16:4
fiscal [1] - 147:3
Fish [1] - 118:18
Fitzgerald [2] - 2:8, 3:4
five [6] - 4:13, 32:24, 39:10, 55:20, 150:20, 212:6
five-year [1] - 4:13
fixed [1] - 89:1
fleet [1] - 14:25
fl

flexible [1] - 16:11
flow [10] - 9:17, 129:5, 129:8, 142:5, 144:23, 144:24, 146:19, 203:1, 209:5
flow-through [3] - 129:5, 129:8, 146:19
flows [5] - 142:4, 210:7, 210:10, 210:17
focus [4] - 78:1, 78:13, 139:12, 160:11
focused [2] - 106:12, 153:17
focusing [2] - 104:21, 172:5
follow [8] - 32:20, 40:4, 62:5, 62:24, 74:23, 99:2, 199:17, 209:1
follow-up [1] - 199:17
followed [1] - 62:14
following [6] - 6:7, 25:10, 52:13, 97:9, 131:3, 169:7
follows [2] - 9:19, 27:20
footnote [2] - 50:19
footnotes [1] - 49:19
FOR [2] - 193:8, 214:22
forcing [1] - 27:23
forecast [95] - 3:15, 4:7, 4:14, 4:16, 4:19, 4:24, 6:23, 8:2, 30:10, 31:15, 32:3, 32:10, 32:14, 32:22, 36:14, 36:17, 36:21, 37:18, 37:21, 38:5, 38:18, 39:10, 39:15, 39:17, 45:16, 46:1, 46:9, 46:13, 46:17, 109:20, 110:18, 110:22, 111:16, 112:1, 119:3, 121:10, 122:6, 124:25, 130:5, 135:21, 136:9, 142:23, 143:1, 145:4, 147:15, 147:21, 148:9, 148:14, 151:11, 152:8, 152:17, 153:9, 157:5, 157:8, 157:10, 161:4, 163:20, 164:9, 171:2, 171:6, 171:13, 185:22, 185:23, 186:6, 193:19, 193:20, 199:18, 199:24, 199:25, 200:8, 200:13, 200:14, 200:18, 200:23, 200:24, 200:25, 201:7, 201:13, 201:14, 201:17, 201:24, 202:6, 202:7, 204:7, 204:10, 204:13, 207:8, 207:13, 207:15, 207:17, 207:20, 208:2, 208:3, 208:17
Forecast [1] - 204:5
forecasted [2] - 108:24, 151:22
forecasting [36] - 7:13, 36:25, 41:23, 54:20, 55:1, 73:13, 87:7, 88:17, 96:9, 110:3, 110:15, 110:21, 117:5, 117:6,

119:25, 123:25, 125:4, 125:25, 145:10, 158:20, 158:21, 159:4, 159:14, 159:17, 159:21, 160:12, 160:20, 161:11, 161:14, 162:5, 178:7, 193:16, 194:4, 201:3, 207:22
forecasts [20] - 30:12, 32:1, 36:5, 37:1, 37:15, 40:7, 86:22, 111:16, 111:19, 147:11, 151:8, 151:10, 151:12, 156:24, 163:19, 170:7, 171:10, 171:20, 172:3, 199:22
foregoing [1] - 213:3
forensic [1] - 72:8
foreseeable [1] - 44:10
forever [1] - 24:3
forgive [2] - 33:1, 151:2
forgotten [1] - 144:19
form [6] - 59:12, 85:17, 85:23, 110:25, 126:5, 161:16
formally [1] - 115:23
formation [1] - 121:20
formed [1] - 78:12
former [1] - 92:10
formula [4] - 118:20, 118:22, 118:24, 119:10
formulaic [1] - 116:5
Fort [1] - 194:16
Fortin [2] - 2:7, 3:5
Fortis [2] - 191:24, 192:18
FORTIS [2] - 193:8, 214:22
FortisBC [2] - 194:13, 195:12
forum [1] - 132:11
forward [37] - 10:25, 16:15, 17:2, 17:12, 17:18, 20:4, 20:13, 30:17, 40:14, 40:20, 63:2, 79:20, 84:14, 90:22, 104:18, 110:15, 117:23, 125:9, 135:15, 140:19, 146:8, 146:11, 157:1, 159:7, 159:10, 159:18, 161:19, 162:1, 162:2, 162:3, 167:17, 171:14, 171:19, 172:3, 199:21, 202:2, 207:5
forward-looking [3] - 171:14, 171:19, 172:3
forwarded [1] - 163:21
forwarded-looking [1] - 163:21
four [4] - 15:25, 54:12, 75:19, 169:25
framework [7] - 17:14, 77:2, 84:1, 164:17, 164:18, 193:2, 197:7
frankly [3] - 49:17, 55:24, 85:10

fridge [1] - 131:18
friend [1] - 113:17
front [19] - 22:17,
 23:20, 23:23, 33:15,
 53:12, 58:25, 60:11,
 60:14, 60:20, 69:16,
 81:5, 86:2, 92:23,
 101:4, 123:13,
 132:11, 156:19,
 176:14, 197:19
frustration [1] -
 96:23
fuel [11] - 3:14, 3:17,
 4:4, 4:6, 109:13,
 115:17, 120:11,
 122:15, 123:14,
 123:17, 142:15
fulfillment [1] - 50:16
full [1] - 59:7
fully [2] - 16:19, 56:8
function [4] - 74:8,
 104:20, 166:19,
 166:22
functions [4] - 54:15,
 56:16, 75:18, 77:12
Fund [3] - 115:23,
 119:18, 121:18
fund [38] - 3:25,
 6:16, 43:18, 43:22,
 45:14, 47:1, 47:4,
 47:15, 60:9, 115:16,
 115:20, 118:6, 120:4,
 121:8, 121:9, 121:15,
 121:16, 121:19,
 121:21, 122:15,
 123:2, 126:5, 126:18,
 131:11, 131:14,
 134:16, 134:24,
 135:1, 136:6, 137:11,
 137:18, 138:4, 138:5,
 138:8, 138:9, 142:2,
 144:22
fundamental [2] -
 119:19, 127:6
fundamentals [2] -
 88:5, 95:11
funded [2] - 16:18,
 198:4
funding [2] - 70:23,
 128:8
funds [3] - 16:19,
 125:22, 128:23
future [17] - 24:10,
 24:23, 30:20, 31:10,
 31:17, 32:15, 40:2,
 74:15, 93:14, 108:19,
 154:20, 155:5,
 158:14, 161:11,
 161:22, 167:8, 173:4

G

game [1] - 151:3
gap [3] - 47:1,
 147:16, 164:10
gate [1] - 42:19
gates [1] - 40:21
GENERAL [1] - 1:8
general [6] - 14:24,
 28:2, 74:5, 154:6,
 158:20, 172:10
General [7] - 3:2,
 3:10, 4:20, 7:6, 38:22,
 76:1, 180:24
generally [6] - 28:5,
 58:6, 65:1, 68:13,
 89:16, 122:10
generate [2] -
 116:11, 157:8
generated [2] -

111:24, 114:22
generates [1] -
 151:19
generation [23] - 4:4,
 6:21, 17:8, 24:17,
 30:14, 39:20, 44:4,
 45:20, 78:2, 78:13,
 111:15, 111:19,
 143:20, 143:25,
 147:20, 155:2,
 161:11, 172:16,
 193:21, 208:12,
 208:13, 209:25, 210:2
generations [1] -
 133:14
generator [2] -
 74:14, 150:25
gentlemen [1] - 86:9
geothermal [1] -
 29:5
ghost [1] - 71:14
gigawatt [4] -
 108:13, 119:6,
 204:11, 208:16
Giuseppa [1] - 8:25
GIVEN [1] - 214:13
given [19] - 11:8,
 18:6, 29:14, 37:2,
 42:7, 119:21, 120:16,
 123:15, 133:22,
 147:3, 149:10,
 151:16, 171:19,
 172:14, 178:10,
 187:8, 188:5, 196:11
glad [1] - 163:3
glitch [2] - 13:8,
 107:25
go-forward [2] -
 157:1, 202:2
Gold [3] - 16:23,
 61:2, 154:7
goods [2] - 61:23,
 62:4
govern [1] - 169:9
governance [1] -
 77:2
government [12] -
 62:15, 84:4, 84:5,
 84:7, 84:15, 85:22,
 90:17, 97:11, 132:6,
 164:6, 174:9, 174:12
government's [3] -
 17:13, 62:11, 63:7
governs [2] - 86:18,
 146:25
GRA [40] - 7:8, 7:12,
 7:24, 8:2, 8:9, 16:24,
 21:1, 21:7, 21:9,
 21:12, 23:1, 25:21,
 28:3, 37:15, 38:5,
 39:11, 43:10, 49:9,
 54:16, 55:8, 57:22,
 60:13, 63:21, 71:2,
 84:13, 86:23, 118:4,
 141:2, 142:23,
 143:15, 144:20,
 147:15, 151:11,
 151:12, 152:8,
 152:17, 153:9,
 180:22, 201:25, 202:6
grade [1] - 77:8
great [3] - 23:5,
 185:16, 205:8
greater [1] - 128:24
greatly [1] - 127:9
grid [16] - 16:4, 16:5,
 16:20, 31:9, 36:8,
 36:11, 36:19, 38:24,
 88:10, 88:16, 88:21,
 117:20, 118:11,

119:7, 167:21, 168:10
gridline [1] - 30:21
grids [3] - 90:20,
 118:14, 118:17
ground [2] - 156:15,
 156:17
Group [7] - 2:16,
 12:9, 12:11, 53:6,
 102:5, 106:6, 116:1
group [9] - 91:19,
 92:7, 92:19, 97:3,
 97:10, 99:1, 103:17,
 105:12, 169:11
grouping [1] -
 197:21
grow [1] - 63:13
growing [2] - 17:3,
 17:9
grows [2] - 117:1,
 130:5
growth [21] - 16:16,
 16:20, 16:21, 17:14,
 24:16, 116:23,
 148:25, 151:6, 152:7,
 152:22, 152:25,
 153:1, 155:11,
 155:24, 155:25,
 156:2, 156:5, 161:22,
 167:12, 172:25
GST [2] - 64:18,
 64:19
guess [14] - 28:15,
 30:18, 31:2, 60:24,
 73:22, 77:4, 79:2,
 81:19, 85:12, 93:22,
 100:6, 113:11,
 205:21, 210:5
guidance [3] -
 104:22, 206:10,
 206:16
guide [1] - 104:8
guy [1] - 59:11
guys [6] - 83:18,
 84:6, 163:5, 191:12,
 191:24, 199:9

H

half [3] - 81:2, 81:4,
 160:14
halfway [6] - 80:8,
 80:9, 80:25, 81:2,
 82:4, 82:12
Hall [5] - 13:23, 14:2,
 15:18, 20:2, 79:16
HALL [101] - 13:1,
 14:18, 15:17, 28:10,
 28:14, 28:18, 29:2,
 29:4, 29:6, 29:9,
 29:20, 29:23, 30:3,
 30:8, 30:24, 31:13,
 31:20, 31:25, 37:11,
 37:16, 38:2, 38:6,
 39:19, 40:3, 54:9,
 56:10, 61:11, 62:8,
 63:10, 63:16, 64:6,
 72:11, 74:24, 75:5,
 75:12, 75:14, 75:16,
 75:25, 76:11, 76:19,
 76:24, 77:7, 77:10,
 79:5, 82:6, 83:19,
 83:24, 85:1, 85:10,
 85:25, 87:1, 87:3,
 88:6, 88:8, 89:22,
 90:2, 99:24, 105:8,
 105:11, 110:6, 110:9,
 110:12, 110:14,
 115:13, 144:2, 144:4,
 144:7, 144:10, 151:7,
 16

162:6, 162:8, 162:10,
 162:12, 162:16,
 166:22, 166:25,
 167:9, 168:15,
 168:21, 170:8,
 170:12, 173:18,
 173:22, 173:25,
 174:19, 177:3, 177:6,
 177:12, 177:23,
 193:13, 193:15,
 194:2, 197:5, 197:10,
 197:12, 203:9,
 206:13, 207:10, 214:6
hall [33] - 14:14,
 15:15, 54:6, 56:8,
 56:17, 59:3, 63:8,
 64:3, 72:2, 76:8,
 79:13, 79:22, 80:24,
 82:10, 84:12, 84:22,
 86:11, 86:20, 87:12,
 88:4, 89:20, 115:11,
 151:5, 162:4, 162:14,
 166:18, 168:12,
 168:23, 170:5,
 172:20, 174:16,
 176:24, 193:10
hand [3] - 18:12,
 33:17, 94:8
handle [3] - 75:22,
 152:22, 153:14
Hang [1] - 133:21
hang [1] - 70:2
Hannam [2] - 2:8, 3:5
hard [2] - 5:13, 11:2
head [4] - 56:14,
 65:8, 76:5, 76:6
heading [1] - 41:4
heads [2] - 24:6,
 166:15
heads-up [1] -
 166:15
hear [5] - 9:19,
 104:12, 134:1,
 200:21, 209:13
heard [5] - 143:25,
 156:10, 162:21,
 171:5, 203:16
hearing [38] [24] - 2:25,
 5:19, 8:15, 8:23, 8:24,
 9:5, 9:10, 9:11, 9:13,
 9:18, 10:2, 10:8,
 10:21, 11:12, 11:14,
 11:17, 16:25, 37:2,
 38:13, 53:15, 60:20,
 71:10, 71:19, 77:24,
 78:6, 90:6, 96:16,
 97:5, 106:18, 106:19,
 126:10, 127:2,
 142:21, 150:16,
 166:8, 171:19, 172:2,
 198:14
hearings [6] - 96:12,
 117:13, 117:14,
 117:23, 156:9, 171:15
heavily [1] - 89:1
heavy [1] - 150:25
heck [1] - 98:1
height [1] - 19:4
held [4] - 93:13,
 99:16, 121:22, 142:14
hell [1] - 83:17
help [23] - 18:11,
 39:12, 41:15, 52:22,
 55:22, 60:5, 74:15,
 89:18, 93:18, 93:19,
 97:3, 99:13, 100:17,
 104:7, 105:3, 105:24,
 109:4, 123:12,
 154:23, 178:19,
 183:3, 189:9, 205:20

helpful [8] - 36:10,
 38:11, 74:8, 110:17,
 159:1, 178:23,
 189:20, 191:18
helping [3] - 98:4,
 104:23, 161:8
helps [3] - 99:18,
 132:7, 160:20
Henry [2] - 2:11, 9:2
hereby [1] - 213:3
heritage [3] - 167:19,
 167:23, 168:11
hide [2] - 58:24,
 159:9
high [8] - 16:7,
 54:10, 72:12, 72:15,
 88:8, 157:17, 157:19,
 185:4
High [1] - 2:1
higher [11] - 24:18,
 43:12, 58:9, 65:3,
 65:6, 117:1, 137:15,
 147:20, 200:18,
 210:11, 210:16
highly [1] - 207:2
Hill [1] - 117:19
hire [1] - 71:13
historically [6] -
 106:25, 110:23,
 121:17, 126:2, 126:4,
 160:16
history [6] - 39:8,
 87:4, 121:11, 121:23,
 122:9, 171:7
hit [1] - 128:17
hmm [1] - 145:8
hold [2] - 123:21,
 123:23
hole [1] - 84:8
honestly [1] - 92:16
hook [3] - 200:22,
 201:2, 201:4
hooked [1] - 144:12
hope [2] - 53:7,
 204:18
hopefully [4] - 20:4,
 99:17, 146:10, 202:17
hour [24] - 3:18,
 3:19, 53:20, 56:19,
 56:25, 57:4, 58:12,
 64:24, 65:19, 66:6,
 66:13, 116:11, 117:2,
 136:18, 138:2,
 174:21, 175:17,
 175:21, 176:3, 177:1,
 177:7, 180:23, 204:11
hourly [4] - 56:21,
 63:3, 65:12, 73:4
hours [13] - 9:9,
 10:17, 53:6, 108:13,
 114:21, 119:7,
 135:10, 175:15,
 175:22, 176:10,
 189:7, 198:20, 208:16
house [14] - 53:24,
 54:1, 54:8, 54:14,
 55:4, 59:9, 59:21,
 59:23, 59:25, 75:9,
 75:18, 75:22, 103:6,
 131:18
housed [1] - 75:3
housekeeping [1] -
 9:10
hugely [1] - 161:9
human [4] - 99:9,
 99:22, 99:24, 104:17
humongous [1] -
 136:21
hundred [4] - 37:20,
 66:6, 147:8, 175:15

hurdles [1] - 36:4
Hydro [13] - 92:10,
 96:14, 96:17, 105:1,
 110:17, 126:19,
 171:9, 171:11,
 171:13, 171:22,
 172:9, 172:17, 204:4
hydro [36] - 43:24,
 74:11, 88:11, 90:11,
 92:8, 92:11, 103:2,
 111:19, 117:12,
 119:4, 133:13,
 138:14, 143:20,
 143:25, 148:10,
 155:21, 158:10,
 167:20, 172:22,
 173:20, 173:23,
 174:6, 177:22,
 193:22, 203:14,
 203:17, 203:18,
 203:19, 203:21,
 203:23, 204:8,
 205:25, 208:13,
 209:25, 210:1
hydro-based [1] -
 43:24
hydroelectric [4] -
 95:22, 97:1, 97:8,
 104:9
hydrogeneration [1]
 - 7:14
hydrology [1] - 110:5
hype [1] - 178:1
hyping [1] - 177:9

I

i.e [1] - 203:18
IC [1] - 190:5
idea [7] - 73:18,
 115:12, 122:11,
 132:1, 168:24,
 193:24, 198:12
identifiable [1] -
 141:25
identified [4] - 18:9,
 40:19, 118:8, 161:21
identify [1] - 141:10
IFFs [1] - 171:1
ignorance [1] - 33:1
immediate [3] - 3:4,
 3:6, 14:1
immediately [1] -
 11:3
impact [10] - 7:12,
 17:11, 30:21, 31:9,
 31:11, 44:10, 120:8,
 151:22, 186:12, 198:7
impacts [6] - 16:13,
 30:4, 39:25, 82:22,
 100:4, 173:7
imperfect [1] - 24:6
implement [4] -
 128:12, 149:2,
 161:19, 197:13
implemented [4] -
 130:16, 154:4, 154:5,
 158:22
implementing [1] -
 119:21
implications [2] -
 96:19, 205:12
imply [1] - 71:23
importance [2] -
 16:11, 17:1
important [15] -
 24:21, 35:22, 37:16,
 40:11, 53:14, 62:9,
 72:25, 73:8, 86:13,
 88:9, 88:24, 110:7,

139:15, 139:18, 161:1
imprecise [1] - 24:6
impreciseness [1] -
 178:15
improper [1] - 178:1
improvement [3] -
 89:9, 89:17, 159:22
improving [2] - 91:8,
 211:17
imprudent [1] -
 165:21
impute [1] - 75:9
in-house [13] -
 53:24, 54:1, 54:8,
 54:14, 55:4, 59:9,
 59:21, 59:23, 59:25,
 75:9, 75:18, 75:22,
 103:6
incentive [2] - 83:12,
 149:17
incentive-based [1] -
 83:12
include [8] - 3:21,
 6:21, 28:25, 32:16,
 32:18, 59:15, 108:18,
 208:17
included [15] - 5:15,
 13:16, 13:17, 32:13,
 38:14, 42:20, 63:3,
 91:13, 95:5, 118:8,
 127:18, 158:11,
 159:10, 174:15,
 200:11
includes [1] - 152:5
including [19] - 3:14,
 4:18, 4:21, 5:4, 45:16,
 62:14, 62:21, 86:22,
 97:12, 119:15, 125:2,
 139:17, 143:14,
 158:8, 158:9, 165:1,
 165:2, 165:3, 194:3
inclusion [1] - 43:8
income [5] - 65:24,
 66:9, 66:19, 121:9,
 147:16
inconsistencies [1] -
 178:13
incorporate [2] -
 3:24, 98:18
incorporated [4] -
 31:14, 32:2, 99:19,
 104:10
incorrect [1] -
 119:25
increase [11] - 4:9,
 21:19, 24:14, 24:17,
 42:8, 43:16, 53:17,
 81:11, 137:13,
 186:22, 191:25
increased [9] -
 20:25, 21:8, 21:13,
 29:25, 43:15, 148:13,
 153:1, 158:1, 167:7
increases [11] -
 21:13, 21:17, 22:23,
 23:8, 24:3, 24:9,
 24:22, 25:4, 25:25,
 55:19, 167:6
increasing [4] - 22:9,
 22:14, 23:14, 34:1
increasingly [1] -
 30:2
incremental [8] -
 147:19, 148:21,
 148:24, 155:22,
 157:25, 158:4, 158:6
incur [3] - 5:18,
 71:18, 164:11
incurred [10] - 26:10,
 34:18, 59:18, 82:14,

94:12, 142:15,
 142:25, 147:9,
 147:14, 163:25
incurring [1] -
 204:22
incurs [2] - 146:23,
 147:5
indeed [3] - 97:7,
 97:12, 146:24
independent [1] -
 126:25
independently [2] -
 149:11, 160:6
indicate [1] - 40:13
indicated [4] - 3:22,
 7:22, 10:5, 123:1
indicates [2] - 21:5,
 185:23
indication [3] -
 39:15, 39:17, 40:12
indicators [2] -
 193:11, 193:16
indigenous [1] -
 17:16
individual [6] -
 13:15, 14:12, 35:24,
 61:13, 137:3, 138:10
industrial [22] - 16:9,
 35:5, 35:19, 35:22,
 36:6, 37:7, 38:17,
 129:15, 130:2, 130:4,
 130:14, 134:13,
 135:2, 136:21,
 137:25, 138:2,
 138:12, 147:21,
 149:7, 149:10, 154:5,
 168:10
industrials [3] -
 149:3, 152:23, 154:13
industries [1] - 27:23
industry [2] - 27:23,
 88:25
inefficiencies [1] -
 103:24
inequities [2] - 82:2,
 131:6
inequity [1] - 139:1
inflows [3] - 208:7,
 208:18, 208:19
influence [1] - 32:21
information [38] -
 5:25, 6:2, 6:3, 6:10,
 8:12, 8:14, 8:18, 8:20,
 20:12, 25:11, 27:8,
 27:13, 33:21, 33:23,
 38:14, 38:19, 39:13,
 39:25, 41:15, 45:1,
 55:12, 69:16, 69:19,
 73:6, 94:14, 94:22,
 98:12, 99:23, 105:7,
 109:6, 114:17, 124:6,
 176:11, 179:17,
 185:8, 194:11,
 196:22, 210:25
informs [2] - 142:1,
 151:15
infrastructure [3] -
 16:18, 17:5
inherent [3] - 36:8,
 141:21, 207:22
initial [4] - 5:25,
 28:4, 38:22, 121:19
initiated [4] - 113:15,
 146:5, 149:14, 151:5
injected [1] - 141:11
injured [1] - 13:6
injuries [1] - 4:10
inn [1] - 2:1
input [2] - 99:8,
 10

inputs [10] - 87:24,
 88:3, 98:10, 99:13,
 99:15, 99:16, 99:19,
 99:22, 105:5, 105:10
insist [1] - 98:15
install [1] - 19:7
installed [1] - 203:6
instance [5] -
 126:10, 152:10,
 172:12, 194:22,
 199:21
instances [3] -
 128:9, 171:7, 181:19
instead [1] - 54:8
instituted [1] - 116:1
insulation [1] -
 131:17
insurance [3] -
 122:8, 131:23, 137:17
insured [1] - 147:1
integral [1] - 118:19
integrated [2] -
 118:16, 167:20
integration [1] -
 118:14
intellectual [1] -
 205:19
intelligent [1] - 97:13
intended [2] - 23:2,
 99:13
intends [1] - 9:18
intensive [1] - 167:3
intensively [1] -
 106:13
intent [1] - 184:15
intention [1] - 70:13
interactions [1] -
 14:20
interest [6] - 86:14,
 86:18, 160:7, 164:3,
 165:2, 167:7
interested [2] -
 164:23, 189:8
interests [1] - 200:21
intergenerational [8]
 - 82:2, 82:10, 82:17,
 82:20, 83:2, 131:5,
 132:23, 139:1
intergenerationally
 [1] - 133:17
InterGroup [11] -
 15:3, 54:13, 54:16,
 54:17, 54:22, 55:6,
 56:3, 56:19, 57:7,
 64:3, 94:20
InterGroup's [1] -
 58:10
interim [3] - 5:23,
 5:24, 184:16
intermittent [2] -
 211:12, 211:20
internal [5] - 54:19,
 60:4, 102:20, 167:17,
 169:14
internally [7] - 48:24,
 54:18, 54:23, 55:14,
 61:12, 63:19, 63:24
international [1] -
 64:23
interpret [1] - 26:22
interpretation [1] -
 146:20
interpreting [1] -
 163:7
interrogatories [1] -
 151:1
interrupt [1] - 198:11
interrupting [1] -
 196:9
interval [1] - 198:23

intervener [3] - 8:17,
 8:18, 9:20
interveners [5] -
 8:12, 9:21, 9:25,
 17:20, 78:21
intro [1] - 18:13
introduce [2] -
 13:19, 118:9
introduced [2] -
 118:11, 211:24
introduction [2] -
 29:24, 119:15
introductory [1] -
 13:23
intuitive [1] - 98:19
invest [2] - 151:4,
 161:10
investigated [1] -
 31:8
investigation [1] -
 31:3
investigations [1] -
 49:20
investment [11] -
 37:13, 39:25, 89:18,
 104:22, 161:6,
 164:19, 165:2,
 165:18, 165:21,
 167:16, 168:3
Investments [1] -
 22:7
investments [10] -
 22:12, 23:7, 23:13,
 24:8, 40:7, 40:9, 91:6,
 167:3, 167:9, 167:12
involve [4] - 96:13,
 126:1, 163:25
involved [4] - 83:4,
 94:20, 160:8, 172:5
involves [2] - 76:2,
 202:13
involving [1] - 95:13
IR [15] - 18:25, 19:4,
 19:13, 48:8, 51:7,
 52:19, 130:3, 202:21,
 203:11, 204:3,
 208:10, 209:20,
 209:21, 211:7
iron [1] - 183:17
ironically [1] -
 128:20
irrelevant [2] - 28:1,
 177:24
IRs [6] - 15:6, 55:11,
 68:22, 103:1, 118:13,
 147:23
IS [2] - 193:8, 214:22
isolated [1] - 16:4
issuance [1] - 7:18
issue [21] - 7:20,
 7:23, 10:7, 36:8, 46:3,
 54:10, 84:9, 84:19,
 90:8, 93:15, 107:6,
 107:8, 126:6, 127:4,
 127:24, 148:19,
 154:23, 156:15,
 160:15, 166:2, 205:16
issued [9] - 5:8,
 5:22, 6:9, 6:13, 7:16,
 8:5, 8:16, 8:22, 38:18
issues [14] - 6:15,
 7:2, 7:5, 30:12, 81:25,
 82:11, 91:5, 93:7,
 96:15, 106:12,
 144:22, 146:7, 160:1,
 206:24
it'll [1] - 199:2
item [3] - 21:23,
 22:4, 22:16
Item [2] - 49:19, 50:5

YEC 2017-18 GRA, Volume 1, June 26, 2018

items [4] - 45:15, 45:19, 45:23, 45:25 itself [2] - 90:20, 118:5	95:23, 96:3, 96:12, 96:13, 97:12, 102:4, 102:19, 106:6, 214:16 KGS's [1] - 103:7 kick [1] - 147:10 kicked [1] - 148:6 kilowatt [21] - 3:18, 3:19, 114:21, 116:11, 117:2, 135:10, 135:25, 136:18, 138:2, 174:21, 175:15, 175:17, 175:21, 175:22, 176:3, 176:10, 177:1, 177:7, 180:23, 189:7 kilowatt/hour [1] - 175:4 kind [3] - 122:11, 137:12, 140:2 kinds [1] - 140:19 King [9] - 2:7, 2:15, 3:6, 12:3, 19:25, 20:21, 21:24, 30:9, 33:10 KING [7] - 12:2, 19:23, 48:11, 48:15, 50:8, 52:1, 214:9 knowledge [6] - 54:1, 64:6, 64:12, 64:14, 98:22, 194:24 known [1] - 82:2 knows [1] - 207:3 KPIs [3] - 193:14, 193:18, 194:2	last [33] - 26:2, 29:16, 36:22, 48:1, 53:15, 55:10, 56:24, 59:1, 60:22, 71:2, 75:19, 77:7, 87:16, 104:14, 104:16, 106:19, 137:13, 147:15, 151:11, 151:12, 152:2, 152:17, 156:9, 157:10, 191:8, 199:20, 202:6, 202:23, 202:24, 206:23, 210:12, 211:5 lasted [1] - 19:8 late [12] - 36:11, 56:6, 79:14, 79:19, 80:4, 80:5, 80:6, 80:10, 105:21, 105:23, 143:21, 206:23 latest [2] - 38:18, 39:13 Latin [1] - 77:7 latitude [2] - 85:4, 85:6 Laurie [1] - 9:1 Law [2] - 67:15, 73:6 lawyers [2] - 65:12, 73:1 lax [1] - 140:4 lead [4] - 24:3, 24:18, 117:11, 125:21 leading [2] - 133:16, 205:21 leads [4] - 82:1, 147:16, 153:24, 171:25 learn [2] - 89:9, 89:11 learning [1] - 160:14 least [8] - 10:17, 13:12, 90:5, 105:23, 183:6, 184:20, 185:18, 201:19 leave [6] - 67:7, 84:19, 86:11, 166:9, 168:3, 196:25 leaves [1] - 154:12 led [2] - 15:12, 95:21 leeway [1] - 133:22 left [6] - 3:4, 48:12, 86:8, 156:20, 170:4 legacy [1] - 172:22 legal [15] - 53:16, 64:21, 67:3, 67:13, 69:1, 69:2, 69:14, 69:25, 71:13, 72:22, 72:24, 73:7, 79:22, 85:6, 164:23 legalese [1] - 165:14 legally.. [1] - 165:8 legislation [3] - 79:14, 79:18, 85:22 lend [1] - 87:20 less [2] - 83:13 letter [2] - 5:17, 8:22 level [43] - 4:11, 17:17, 40:5, 43:20, 46:3, 46:4, 54:10, 55:18, 58:10, 60:4, 62:20, 72:12, 72:16, 72:18, 88:8, 92:3, 95:22, 95:23, 102:18, 104:17, 117:9, 117:12, 117:25, 119:3, 119:4, 131:10, 154:6, 157:17, 157:20, 163:16, 17	190:15, 190:21, 190:25, 191:13, 191:23, 192:1, 192:18, 195:8, 210:16 LEVEL [2] - 193:8, 214:22 levels [9] - 45:16, 46:1, 46:13, 47:11, 117:10, 175:16, 207:23, 208:1, 210:13 license [1] - 42:3 licenses [1] - 117:24 life [4] - 17:7, 19:3, 19:6, 167:14 lifting [1] - 150:25 light [3] - 119:8, 154:25, 155:1 lights [2] - 88:14, 161:5 likely [2] - 18:5, 82:11 likewise [1] - 54:24 limit [2] - 130:25, 203:7 limitations [1] - 89:10 LIMITED [1] - 1:7 Limited [1] - 146:6 limited [1] - 110:22 limits [2] - 65:12, 203:1 line [14] - 36:7, 37:20, 45:12, 62:10, 114:20, 134:4, 134:5, 136:22, 139:11, 142:2, 149:7, 202:23, 210:12 linked [1] - 128:7 list [8] - 9:7, 60:17, 60:19, 91:23, 174:2, 180:11, 181:11, 193:18 listed [3] - 21:10, 42:23, 210:8 listened [1] - 96:22 lived [1] - 89:1 LLP [2] - 12:3, 20:1 LNG [24] - 3:17, 3:20, 3:22, 3:24, 37:2, 47:2, 77:24, 78:2, 78:6, 78:14, 107:21, 108:1, 108:10, 108:15, 108:16, 108:23, 109:14, 109:18, 114:18, 114:21, 114:23, 115:9, 138:13, 154:21 load [79] - 16:20, 17:9, 30:1, 30:10, 30:12, 30:16, 31:9, 31:15, 32:1, 32:3, 32:12, 32:14, 32:22, 33:18, 33:24, 34:2, 35:5, 35:18, 36:16, 36:21, 36:24, 37:15, 37:18, 38:5, 39:14, 39:17, 40:2, 40:6, 40:16, 46:18, 46:23, 54:25, 89:4, 116:18, 117:1, 117:11, 118:2, 118:10, 119:6, 119:7, 120:18, 130:4, 130:14, 135:9, 136:22, 138:15, 141:17, 142:22, 147:3, 147:8, 148:9, 148:13, 148:14, 149:10, 151:6, 151:16, 151:17, 151:19, 152:7,	152:17, 152:22, 152:25, 153:1, 153:8, 153:24, 154:1, 155:11, 155:24, 155:25, 156:2, 156:5, 156:7, 157:7, 158:1, 161:4, 167:13, 168:16, 168:17 loads [24] - 16:9, 30:2, 31:18, 31:22, 34:22, 35:15, 37:6, 90:14, 116:23, 128:23, 138:13, 147:14, 149:10, 153:12, 153:14, 153:16, 153:18, 154:5, 154:6, 159:21, 160:22, 163:20, 205:18 local [1] - 5:10 logical [1] - 71:15 logo [1] - 101:6 long-lived [1] - 89:1 long-range [1] - 96:8 long-term [83] - 4:3, 7:13, 31:14, 37:9, 37:18, 37:19, 40:5, 46:10, 46:17, 46:21, 46:23, 47:2, 47:6, 47:13, 74:12, 86:21, 87:25, 89:2, 90:4, 90:10, 96:17, 96:18, 96:25, 97:2, 104:4, 104:21, 106:4, 108:15, 110:3, 110:14, 110:21, 110:25, 111:2, 111:8, 111:15, 115:19, 117:5, 118:1, 118:10, 119:3, 119:4, 120:10, 120:19, 121:11, 121:12, 121:13, 123:14, 125:14, 125:16, 126:1, 127:21, 133:15, 141:16, 141:17, 141:21, 141:22, 141:25, 142:4, 142:22, 144:14, 144:16, 144:21, 147:2, 147:24, 151:15, 151:20, 151:22, 156:3, 156:6, 161:3, 204:6, 204:14, 205:6, 205:12, 208:12, 209:24, 210:3, 210:7, 210:9, 210:11, 210:14, 210:16 Long-Term [1] - 204:4 look [26] - 30:25, 31:20, 46:22, 54:15, 54:24, 63:4, 89:16, 100:7, 101:23, 113:21, 122:9, 130:22, 131:13, 137:3, 140:21, 155:4, 161:1, 163:23, 167:11, 177:19, 180:15, 183:10, 185:14, 191:16, 196:20 looked [3] - 38:11, 49:10, 90:4 looking [23] - 16:15, 20:4, 28:21, 28:22, 36:5, 38:11, 48:14, 88:1, 90:17, 95:6, 101:1, 108:7, 110:8,
keep [10] - 9:16, 53:25, 71:4, 100:6, 101:17, 145:21, 160:13, 168:6, 173:3, 180:1 keeping [3] - 98:12, 153:25, 185:16 keeps [1] - 129:13 Keno [1] - 117:19 kept [9] - 128:13, 128:25, 129:3, 129:8, 130:4, 148:16, 154:11, 155:18, 180:14 key [7] - 5:6, 17:2, 18:4, 23:3, 30:10, 54:19, 161:3 KGS [16] - 92:7, 92:19, 93:6, 93:9, 93:17, 94:1, 95:13,	195:4, 196:8, 198:10, 198:18, 212:15, 214:8 Landry [13] - 2:13, 11:23, 12:17, 64:22, 70:19, 71:3, 73:10, 79:10, 140:17, 182:21, 183:20, 189:17, 212:12 Landry's [4] - 67:8, 67:11, 67:14, 70:25 language [1] - 83:17 large [9] - 58:8, 64:23, 130:13, 133:20, 134:12, 138:13, 138:15, 149:3, 149:9 largely [2] - 54:22, 55:2 larger [3] - 16:9, 186:6, 205:18			

115:16, 142:5, 143:4,
163:21, 171:5,
171:14, 171:19,
172:3, 196:16, 209:21
lookout [1] - 211:17
looks [3] - 17:18,
41:20, 91:23
loosing [1] - 27:25
loss [1] - 158:17
losses [2] - 128:24,
148:15
lost [1] - 31:5
Low [3] - 115:20,
119:18, 121:18
low [5] - 126:18,
132:23, 207:12,
208:18, 210:5
lower [6] - 147:21,
154:22, 173:24,
176:6, 210:14, 210:15
lowest [6] - 173:1,
173:15, 177:10,
177:14, 177:20,
208:24
lowest-cost [1] -
177:10
LTA [2] - 45:20,
73:16
lunch [7] - 9:15,
107:4, 109:3, 109:17,
109:24, 112:6, 202:16

M

Madam [1] - 13:10
magic [1] - 127:18
magically [2] -
122:24, 149:15
main [2] - 16:5,
108:11
maintain [2] - 17:4,
105:13
maintenance [5] -
4:7, 14:25, 143:22,
144:1, 169:2
Maissan [12] - 2:17,
6:5, 6:8, 12:5, 12:7,
52:7, 78:22, 189:14,
197:1, 198:23, 199:1,
199:5
MAISSAN [7] - 12:6,
199:13, 199:14,
199:16, 211:5, 212:4,
214:11
major [21] - 4:21,
4:22, 14:20, 15:10,
15:11, 18:22, 21:18,
26:18, 37:5, 90:14,
90:18, 91:6, 97:1,
97:8, 104:22, 149:24,
153:2, 155:11,
159:22, 161:10, 167:2
majority [1] - 21:12
makers [1] - 191:25
makes.. [1] - 182:24
manage [4] - 16:13,
43:23, 83:14, 100:2
management [23] -
44:5, 44:13, 44:19,
44:23, 47:19, 48:6,
48:23, 51:5, 51:12,
62:21, 63:24, 73:15,
77:13, 77:14, 91:1,
92:1, 100:1, 100:2,
104:9, 105:16,
127:10, 197:3, 197:6
Management [2] -
161:17, 161:21
managers [1] - 84:24
managing [2] -

57:15, 159:15
mandate [2] - 86:19,
166:19
Manitoba [21] - 76:5,
76:7, 92:9, 92:10,
96:12, 96:14, 96:17,
98:25, 105:1, 110:17,
126:14, 126:17,
126:19, 127:2,
165:11, 171:9,
171:11, 171:13,
171:22, 172:9, 172:17
manner [4] - 7:11,
125:15, 125:21, 134:8
Manual [1] - 101:6
manual [11] - 87:22,
99:12, 99:15, 99:17,
99:18, 100:8, 100:19,
101:3, 101:18, 104:7,
108:4
map [1] - 178:8
March [1] - 210:1
margin [8] - 99:20,
116:9, 116:13,
116:14, 116:17,
116:25, 117:1, 130:13
marked [1] - 13:17
markedly [1] - 36:24
market [3] - 3:20,
27:25, 63:5
marking [1] - 9:7
Marsh [1] - 210:13
matching [1] - 89:3
material [4] - 18:3,
44:10, 160:1, 161:9
materially [1] - 58:9
materials [4] - 5:13,
54:16, 72:15, 72:17
math [5] - 141:15,
151:18, 177:3,
186:11, 186:16
mathematical [1] -
88:15
mathematically [1] -
124:19
matter [15] - 6:19,
18:5, 38:20, 39:5,
52:13, 85:19, 86:1,
110:15, 113:18,
127:2, 145:14, 146:8,
149:9, 159:8, 168:20
matters [13] - 7:22,
9:4, 9:10, 10:7, 14:8,
90:10, 113:8, 115:6,
140:20, 146:10,
146:23, 170:3, 202:15
mattes [1] - 212:10
maximization [1] -
166:19
Mayo [15] - 90:23,
91:6, 103:2, 104:25,
106:15, 106:21,
117:18, 167:20,
167:21, 203:6,
206:25, 207:12, 210:4
Meagan [1] - 3:5
meal [1] - 138:17
mean [28] - 23:20,
31:13, 35:20, 59:22,
65:18, 68:13, 76:25,
87:6, 98:6, 98:7,
109:9, 118:23,
119:10, 134:22,
137:9, 138:3, 145:14,
150:1, 150:20, 161:1,
172:2, 173:16,
193:18, 194:2,
198:16, 202:11
meaning [1] - 164:2
means [5] - 23:22,

45:25, 140:16, 164:5,
174:3
meant [3] - 27:19,
105:3
measure [1] - 117:4
measures [2] -
127:8, 168:25
mechanics [5] -
88:5, 95:11, 119:20,
127:8, 145:25
mechanism [13] -
7:8, 7:9, 118:6,
128:22, 129:8,
129:12, 144:24,
147:5, 147:6, 147:24,
149:24, 154:3, 154:11
meet [4] - 17:8,
163:19, 167:12,
172:24
meeting [3] - 40:1,
128:8, 173:3
mega [1] - 74:2
megawatts [3] -
203:4, 203:7, 203:8
Member [3] - 2:7,
2:8, 2:8
member [2] - 125:3,
174:17
Member/Vice [1] -
2:7
members [7] - 13:15,
13:20, 14:12, 17:23,
18:7, 87:3, 89:24
membership [1] -
177:2
memory [3] - 54:1,
81:5, 159:14
mental [1] - 177:3
mention [1] - 184:11
mentioned [5] -
10:15, 18:16, 59:4,
113:16, 184:9
mentions [1] - 103:5
merit [1] - 154:8
met [1] - 74:19
method [1] - 125:25
methodologically
[1] - 102:3
methodologies [1] -
95:10
methodology [4] -
32:25, 88:4, 95:19,
119:12
methods [3] -
119:14, 127:14,
160:12
metres [2] - 203:2,
210:8
microgeneration [6] -
29:1, 29:7, 29:15,
29:19, 32:13, 33:2
microstorage [4] -
29:3, 29:8, 29:15,
29:21
mid-2005 [1] - 106:8
middle [1] - 26:23
middleman [1] -
94:10
midyear [1] - 4:16
might [17] - 18:10,
30:8, 30:16, 31:21,
31:22, 63:5, 86:7,
88:14, 108:19,
109:23, 111:5,
148:19, 154:23,
162:3, 189:20,
196:16, 205:12
million [35] - 3:12,
3:15, 4:7, 4:8, 4:10,
4:1

4:23, 4:25, 5:1, 5:3,
25:13, 26:8, 26:10,
41:23, 42:14, 42:16,
69:10, 111:17,
111:18, 131:1,
134:23, 136:7, 138:5,
184:7, 185:24,
187:17, 187:18
millions [4] - 72:4,
188:13, 188:15
mind [2] - 185:16,
212:1
mine [24] - 16:22,
36:11, 36:13, 36:19,
37:5, 38:24, 39:1,
90:8, 90:19, 106:2,
106:10, 117:19,
121:20, 130:10,
130:16, 147:7, 148:5,
148:6, 148:8, 148:13,
152:25, 168:13, 172:1
mine's [2] - 129:15
minimal [1] - 188:8
minimized [1] -
166:20
minimum [1] -
188:17
Minister [1] - 5:17
ministerial [1] - 5:15
Minto [3] - 38:24,
39:1, 90:19
minutes [1] - 112:7
mislabeling [1] -
210:22
missed [2] - 22:10,
73:17
misspoke [1] -
114:18
mistaken [1] - 26:20
misunderstanding
[1] - 145:13
misuse [1] - 105:3
mitigate [2] - 16:13,
208:18
mitigation [2] -
197:4, 197:12
model [100] - 74:21,
75:7, 83:23, 87:9,
87:16, 87:23, 87:24,
88:1, 88:12, 88:20,
88:22, 89:6, 89:10,
89:15, 89:18, 89:21,
90:23, 91:3, 91:4,
91:14, 91:18, 91:21,
92:5, 92:13, 93:11,
93:17, 93:18, 94:9,
94:21, 94:25, 95:1,
95:3, 95:4, 95:13,
95:14, 95:15, 95:25,
96:8, 96:16, 96:25,
97:6, 97:24, 98:16,
98:18, 99:10, 99:19,
101:11, 102:6,
102:12, 102:15,
102:17, 102:22,
103:3, 103:9, 103:13,
103:14, 103:16,
103:17, 103:18,
103:21, 103:23,
104:2, 104:4, 104:10,
104:13, 104:15,
105:3, 105:13, 108:2,
108:3, 108:10,
108:17, 108:19,
108:21, 115:18,
116:7, 116:8, 116:21,
117:4, 117:6, 118:3,
127:19, 127:21,
127:22, 141:17,
145:9, 152:23,

155:25, 162:13,
162:15, 162:20,
207:21, 208:22,
209:4, 211:14,
211:19, 211:21,
211:24, 211:25, 212:1
model's [2] - 95:8,
108:11
modelling [10] -
54:14, 54:19, 73:17,
75:19, 76:2, 90:21,
151:1, 160:1, 178:7,
211:18
models [50] - 37:18,
37:21, 46:8, 46:14,
46:15, 73:14, 73:15,
73:20, 74:4, 74:6,
74:10, 74:13, 74:14,
74:16, 74:18, 75:2,
75:5, 87:4, 87:7,
87:10, 87:17, 87:19,
89:13, 90:3, 93:7,
95:22, 96:3, 99:5,
99:11, 102:14,
104:20, 105:19,
105:20, 106:1, 117:8,
117:20, 158:21,
159:4, 159:5, 159:13,
160:3, 160:9, 160:19,
160:24, 161:14,
193:17, 211:11,
211:22
modern [1] - 83:12
modifications [2] -
106:14, 106:17
Mollard [27] - 14:3,
14:22, 15:5, 18:17,
18:19, 26:20, 54:10,
54:13, 56:17, 64:10,
64:21, 70:5, 73:3,
82:7, 102:15, 103:8,
114:15, 119:23,
124:22, 130:22,
134:12, 140:21,
149:20, 168:23,
170:14, 184:8, 188:25
MOLLARD [286] -
13:1, 14:23, 18:20,
19:15, 20:20, 21:3,
21:16, 21:24, 22:3,
22:18, 22:24, 23:2,
23:10, 23:18, 24:11,
24:25, 25:17, 25:22,
26:2, 26:12, 26:21,
27:2, 27:15, 27:17,
33:10, 33:16, 33:22,
34:3, 34:7, 34:11,
34:16, 34:24, 35:3,
35:9, 35:12, 35:16,
35:20, 38:7, 40:10,
41:6, 41:8, 41:10,
41:13, 41:19, 41:25,
42:3, 42:10, 42:19,
42:25, 43:6, 43:14,
43:23, 44:8, 44:12,
44:14, 44:17, 44:19,
44:25, 45:6, 47:22,
47:25, 48:3, 48:7,
48:20, 48:25, 49:4,
49:22, 50:11, 51:1,
51:6, 51:14, 51:21,
51:23, 55:9, 56:13,
56:21, 56:24, 57:1,
57:3, 57:6, 57:9,
57:11, 57:20, 58:5,
58:14, 58:18, 58:23,
59:14, 59:22, 60:9,
60:17, 60:22, 60:24,
61:7, 61:9, 64:12,
64:14, 64:18, 64:20,

YEC 2017-18 GRA, Volume 1, June 26, 2018

64:25, 65:2, 65:5, 65:7, 65:11, 65:16, 65:22, 66:3, 66:8, 66:14, 66:17, 66:21, 67:4, 67:11, 67:22, 67:24, 68:24, 69:4, 69:7, 69:9, 69:12, 69:14, 69:18, 69:21, 69:24, 70:6, 70:22, 71:1, 71:9, 71:17, 73:11, 73:18, 73:22, 74:1, 74:3, 74:7, 76:6, 78:3, 78:8, 78:15, 81:4, 81:21, 82:16, 86:15, 87:6, 87:14, 88:24, 89:8, 89:25, 91:15, 91:18, 91:20, 92:8, 92:15, 92:24, 93:10, 94:4, 94:11, 94:19, 95:3, 95:24, 96:2, 99:11, 101:13, 101:15, 101:17, 102:24, 103:12, 103:25, 104:3, 105:22, 109:11, 109:13, 109:19, 109:21, 111:20, 112:4, 114:8, 114:10, 114:16, 115:2, 115:10, 115:14, 116:7, 120:3, 120:6, 121:4, 122:7, 122:20, 123:1, 123:11, 131:7, 132:8, 132:10, 132:25, 133:5, 133:7, 134:15, 134:20, 134:24, 135:1, 135:4, 135:7, 135:11, 135:13, 135:19, 135:21, 136:4, 136:17, 137:1, 137:9, 138:7, 138:18, 138:24, 139:3, 140:23, 141:13, 143:17, 143:24, 144:16, 145:5, 145:8, 145:17, 145:19, 145:23, 145:25, 146:14, 146:18, 150:1, 150:14, 150:22, 151:11, 151:14, 153:4, 155:10, 155:13, 156:13, 156:22, 156:25, 157:3, 157:11, 157:14, 158:23, 158:25, 159:5, 167:24, 169:1, 169:3, 169:17, 169:19, 170:15, 170:22, 174:22, 175:1, 175:6, 178:11, 181:7, 181:14, 184:11, 184:15, 186:8, 186:18, 188:22, 189:2, 189:5, 189:10, 190:7, 190:9, 190:13, 190:16, 190:23, 191:3, 191:14, 192:2, 193:18, 196:4, 197:17, 197:21, 197:25, 198:2, 203:20, 203:25, 207:19, 207:25, 208:4, 208:6, 214:6 Mollard's [2] - 14:5, 54:23 moment [10] - 21:9, 22:19, 33:20, 108:3,	108:9, 154:18, 160:17, 205:5, 206:4, 206:25 money [56] - 46:25, 53:23, 65:17, 65:18, 65:19, 66:11, 66:12, 67:2, 70:8, 70:21, 71:13, 94:24, 94:25, 119:23, 120:2, 120:3, 120:10, 121:14, 121:16, 121:17, 121:22, 121:25, 122:1, 122:13, 122:17, 122:18, 123:17, 123:18, 123:20, 123:21, 123:23, 124:19, 125:9, 125:11, 125:15, 128:9, 129:21, 131:1, 133:11, 133:12, 136:24, 137:8, 137:17, 138:11, 140:24, 141:11, 142:9, 142:18, 150:8, 150:10, 154:1, 160:8, 160:11, 160:15, 185:15 monies [4] - 120:13, 133:5, 142:16, 164:25 monitor [1] - 57:16 monkeys [1] - 98:3 Month [1] - 204:6 month [7] - 73:2, 111:7, 175:16, 175:23, 176:10, 204:10 month's [1] - 38:21 monthly [1] - 143:22 months [4] - 110:19, 110:20, 204:12, 207:23 morning [14] - 2:22, 12:2, 19:24, 20:2, 52:14, 53:4, 114:16, 115:16, 131:8, 183:23, 198:24, 199:9, 212:13, 212:20 morning's [1] - 141:15 most [13] - 18:4, 43:20, 61:22, 83:7, 103:6, 106:17, 110:20, 132:14, 155:8, 167:3, 170:25, 171:4, 177:9 motion [2] - 6:2, 6:5 motions [1] - 6:8 move [12] - 27:6, 40:14, 40:20, 47:18, 83:22, 125:6, 134:6, 146:11, 155:6, 178:3, 178:5, 192:23 moved [3] - 78:21, 83:12, 121:22 movement [1] - 155:7 moves [1] - 126:25 moving [5] - 21:20, 26:6, 33:7, 76:5, 155:6 MR [709] - 11:23, 12:2, 12:6, 12:10, 12:19, 13:3, 13:10, 14:18, 14:23, 15:3, 15:8, 15:17, 17:25, 18:20, 19:15, 19:17, 19:23, 20:20, 21:3, 21:16, 21:24, 22:3, 22:18, 22:24, 23:2,	23:10, 23:18, 24:11, 24:25, 25:17, 25:22, 26:2, 26:12, 26:14, 26:21, 26:22, 27:2, 27:4, 27:10, 27:15, 27:17, 28:10, 28:14, 28:18, 29:2, 29:4, 29:6, 29:9, 29:20, 29:23, 30:3, 30:8, 30:24, 31:13, 31:20, 31:25, 32:3, 33:5, 33:10, 33:16, 33:22, 34:3, 34:7, 34:11, 34:16, 34:24, 35:3, 35:9, 35:12, 35:16, 35:20, 36:10, 37:11, 37:16, 38:2, 38:6, 38:7, 38:10, 39:19, 40:3, 40:10, 41:6, 41:8, 41:10, 41:13, 41:19, 41:25, 42:3, 42:10, 42:19, 42:25, 43:6, 43:14, 43:23, 44:8, 44:12, 44:14, 44:17, 44:19, 44:25, 45:6, 46:2, 47:22, 47:25, 48:3, 48:7, 48:11, 48:15, 48:20, 48:25, 49:4, 49:14, 49:22, 50:8, 50:9, 50:11, 51:1, 51:6, 51:14, 51:21, 51:23, 52:1, 53:3, 53:4, 54:9, 55:9, 56:10, 56:13, 56:21, 56:24, 57:1, 57:3, 57:6, 57:9, 57:11, 57:20, 58:5, 58:14, 58:18, 58:23, 59:14, 59:22, 60:9, 60:17, 60:22, 60:24, 61:7, 61:9, 61:11, 62:8, 63:10, 63:16, 64:6, 64:12, 64:14, 64:18, 64:20, 64:25, 65:2, 65:5, 65:7, 65:11, 65:16, 65:22, 66:3, 66:8, 66:14, 66:17, 66:21, 67:4, 67:11, 67:22, 67:24, 68:9, 68:12, 68:19, 68:24, 68:25, 69:1, 69:4, 69:7, 69:9, 69:12, 69:14, 69:18, 69:20, 69:24, 70:3, 70:6, 70:18, 70:19, 70:22, 71:1, 71:9, 71:17, 72:11, 73:11, 73:18, 73:22, 74:1, 74:3, 74:7, 74:24, 75:5, 75:12, 75:14, 75:16, 75:25, 76:6, 76:11, 76:19, 76:24, 77:7, 77:10, 77:19, 77:22, 78:3, 78:8, 78:15, 78:25, 79:2, 79:5, 79:16, 79:24, 80:2, 80:3, 80:6, 80:8, 80:11, 80:19, 80:22, 80:23, 81:4, 81:21, 82:6, 82:16, 83:19, 83:24, 84:11, 84:18, 84:19, 85:1, 85:10, 85:16, 85:17, 85:25, 86:10, 86:15, 87:1, 87:3, 87:6, 87:14, 88:6, 88:8, 88:24, 89:8, 89:22, 89:25, 90:1, 90:2, 90:3, 91:15, 91:18, 91:20, 92	92:24, 93:2, 93:4, 93:10, 94:2, 94:4, 94:6, 94:7, 94:11, 94:19, 95:3, 95:12, 95:18, 95:20, 95:24, 96:2, 96:11, 97:16, 97:20, 97:21, 97:22, 98:20, 98:22, 99:11, 99:12, 99:24, 100:9, 100:11, 100:16, 100:22, 101:1, 101:5, 101:7, 101:13, 101:14, 101:15, 101:16, 101:17, 101:20, 101:22, 101:24, 102:13, 102:24, 103:12, 103:25, 104:3, 104:6, 104:19, 105:8, 105:9, 105:11, 105:22, 105:24, 106:16, 107:5, 107:10, 107:12, 107:15, 107:17, 107:22, 108:3, 108:9, 109:1, 109:6, 109:11, 109:13, 109:15, 109:19, 109:21, 109:22, 110:6, 110:9, 110:12, 110:14, 110:16, 111:14, 111:20, 112:4, 113:10, 114:8, 114:10, 114:12, 114:16, 115:2, 115:4, 115:9, 115:10, 115:13, 115:14, 115:25, 116:7, 117:7, 118:5, 118:21, 119:1, 120:3, 120:6, 121:4, 121:7, 122:7, 122:20, 123:1, 123:5, 123:7, 123:11, 124:2, 124:4, 124:11, 124:13, 124:15, 124:18, 125:8, 125:10, 126:9, 126:15, 126:19, 127:6, 127:20, 128:3, 129:7, 129:17, 130:1, 131:7, 132:8, 132:10, 132:25, 133:5, 133:7, 133:10, 134:5, 134:9, 134:12, 134:15, 134:20, 134:24, 135:1, 135:4, 135:7, 135:11, 135:13, 135:19, 135:21, 136:4, 136:17, 137:1, 137:9, 138:7, 138:18, 138:24, 139:3, 139:6, 140:9, 140:20, 140:21, 140:23, 141:4, 141:7, 141:8, 141:13, 142:4, 142:8, 142:13, 143:7, 143:17, 143:24, 144:2, 144:4, 144:7, 144:10, 144:16, 144:17, 145:5, 145:8, 145:17, 145:19, 145:23, 145:25, 146:2, 146:14, 146:17, 146:18, 146:21, 147:13, 147:22, 149:8, 149:16, 150:1, 150:14, 150:22, 151:7, 151:11, 151:14, 151:24, 152:13, 152:16,	153:4, 153:6, 153:11, 153:15, 153:17, 154:15, 155:10, 155:13, 155:16, 156:1, 156:13, 156:22, 156:25, 157:3, 157:11, 157:14, 157:17, 158:5, 158:23, 158:25, 159:5, 159:12, 160:5, 160:25, 161:15, 162:6, 162:8, 162:10, 162:12, 162:16, 162:18, 162:24, 163:3, 163:7, 163:14, 163:16, 164:21, 165:7, 165:10, 165:19, 166:12, 166:15, 166:18, 166:22, 166:25, 167:9, 167:24, 168:15, 168:21, 169:1, 169:3, 169:17, 169:19, 169:23, 170:5, 170:8, 170:12, 170:15, 170:22, 171:2, 171:4, 171:13, 171:24, 172:9, 173:13, 173:14, 173:18, 173:22, 173:25, 174:1, 174:6, 174:19, 174:22, 175:1, 175:6, 175:8, 175:12, 175:19, 176:15, 176:19, 176:22, 177:3, 177:6, 177:12, 177:23, 178:11, 178:14, 178:25, 179:5, 179:8, 179:11, 179:15, 179:17, 179:18, 179:19, 179:21, 179:22, 179:23, 179:24, 179:25, 180:4, 180:9, 180:12, 180:21, 181:2, 181:5, 181:7, 181:10, 181:14, 181:15, 181:16, 182:1, 182:7, 182:8, 182:9, 182:10, 182:13, 182:14, 182:15, 182:16, 182:20, 182:23, 183:3, 183:8, 183:10, 183:14, 183:24, 184:3, 184:5, 184:11, 184:15, 184:22, 185:12, 186:8, 186:18, 187:1, 187:6, 187:10, 187:14, 187:20, 188:3, 188:9, 188:14, 188:16, 188:18, 188:22, 189:2, 189:4, 189:5, 189:10, 189:18, 189:22, 189:25, 190:1, 190:7, 190:9, 190:13, 190:16, 190:23, 191:3, 191:14, 191:17, 191:21, 192:2, 192:11, 192:17, 192:21, 193:1, 193:10, 193:13, 193:15, 193:18, 194:2, 194:7, 194:18, 194:20, 195:2, 195:4, 195:7, 195:10, 195:12, 195:18,
---	---	---	---	---

195:20, 195:25,
196:4, 196:5, 196:7,
196:8, 196:14,
196:19, 196:21,
196:25, 197:5,
197:10, 197:12,
197:17, 197:21,
197:25, 198:2, 198:8,
198:10, 198:14,
198:18, 198:19,
199:2, 199:5, 199:13,
199:14, 199:16,
200:2, 200:4, 200:6,
201:4, 201:14,
201:17, 201:23,
202:5, 202:9, 203:9,
203:20, 203:25,
204:18, 206:1,
206:13, 206:20,
207:10, 207:11,
207:19, 207:25,
208:4, 208:6, 208:21,
209:3, 209:12,
209:16, 210:21,
211:2, 211:4, 211:5,
211:16, 212:3, 212:4,
212:15, 214:8, 214:9,
214:10, 214:11
MS [15] - 11:21,
11:25, 12:5, 12:9,
12:13, 12:24, 19:21,
52:6, 68:5, 68:11,
68:20, 92:20, 111:10,
141:1, 173:8
Mullen [2] - 2:11, 9:1
multi [1] - 51:4
multi-utility [1] -
51:4
multitudes [1] - 72:6
must [5] - 11:1,
11:10, 109:9, 136:2,
136:3

N

name [11] - 2:24,
11:23, 12:2, 12:6,
12:10, 15:18, 19:25,
41:18, 53:4, 115:24,
115:25
namely [3] - 16:22,
30:14, 39:21
native [1] - 116:23
naturally [1] - 56:2
nature [8] - 16:1,
23:24, 25:7, 37:17,
37:19, 46:11, 137:21,
182:22
nay [1] - 151:3
nearly [1] - 69:10
necessarily [9] -
24:2, 37:20, 74:5,
92:4, 93:20, 148:20,
154:19, 165:21,
171:17
necessary [4] - 5:19,
18:12, 75:10, 150:11
necessity [1] - 84:21
need [40] - 13:11,
24:9, 24:23, 26:15,
26:24, 40:12, 40:19,
53:8, 72:15, 74:15,
75:15, 75:21, 75:23,
78:23, 85:2, 86:6,
88:7, 88:12, 88:15,
89:2, 93:17, 95:24,
104:2, 104:21,
106:10, 108:16,
109:7, 116:19, 117:3,
124:5, 126:5, 132:16,

133:24, 159:6,
159:25, 160:23,
162:18, 166:17, 211:8
needed [5] - 7:3,
91:4, 133:19, 150:8,
164:25
needs [10] - 16:13,
31:9, 32:6, 37:14,
74:19, 105:6, 161:10,
173:4, 196:12, 212:1
negative [1] - 28:13
negotiated [4] -
115:22, 116:2, 116:4,
125:2
negotiation [1] -
67:9
net [3] - 4:25, 6:22,
166:20
never [16] - 36:15,
36:25, 66:15, 82:14,
83:2, 106:14, 119:8,
125:13, 130:19,
136:23, 138:6,
138:20, 144:6, 145:2,
168:11, 168:14
new [34] - 24:15,
24:16, 24:17, 38:18,
39:18, 39:20, 52:5,
89:5, 90:14, 91:6,
91:14, 94:9, 96:19,
104:11, 119:2, 131:3,
131:10, 131:18,
131:19, 138:24,
146:19, 158:2, 159:4,
164:15, 167:12,
168:4, 168:9, 168:13,
168:16, 168:19,
200:17, 202:10,
211:18
newer [2] - 30:4,
89:6
newness [1] - 20:6
news [3] - 39:1, 39:5,
39:7
newspapers [1] -
5:10
next [15] - 17:8,
28:15, 30:2, 31:18,
32:11, 43:10, 74:17,
88:22, 94:24, 104:24,
110:19, 125:7,
136:14, 208:9, 209:18
nice [2] - 206:21,
207:12
nighttime [1] - 205:2
nine [5] - 34:9,
34:14, 34:17, 35:2,
176:7
nobody [2] - 152:1,
207:3
non [12] - 4:6, 37:7,
62:16, 62:19, 62:22,
63:2, 63:6, 96:24,
96:25, 157:2, 184:10,
184:20
non-competitive [4]
- 62:19, 62:22, 63:2,
63:6
non-fuel [1] - 4:6
non-testable [1] -
96:25
non-verifiable [1] -
96:24
none [4] - 57:23,
143:3, 160:20, 201:9
nonused [1] - 166:7
noon [1] - 9:15
normal [6] - 36:23,
81:7, 86:16, 91:22,
170:16, 193:19

normally [1] - 103:5
North [6] - 16:5,
49:11, 49:25, 50:23,
55:24, 194:15
Northeast [1] -
194:15
Northern [3] - 171:8,
173:2, 173:15
northern [3] - 29:10,
177:15, 177:18
Northwest [1] -
174:7
note [4] - 37:17,
40:11, 94:5, 113:8
noted [1] - 25:10
notes [4] - 27:1,
185:3, 196:16, 213:6
nothing [8] - 90:9,
95:12, 125:4, 128:4,
149:21, 153:11,
160:5, 194:1
notice [2] - 5:8, 5:10
noticed [1] - 161:20
noting [1] - 212:5
November [7] - 6:9,
6:11, 34:19, 38:13,
204:9, 206:23, 210:1
nowadays [1] - 83:9
nowhere [1] - 119:24
nuance [1] - 198:2
Number [1] - 187:23
number [48] - 11:6,
11:8, 11:9, 17:10,
20:8, 20:21, 25:5,
29:12, 33:10, 45:3,
46:21, 48:9, 50:7,
52:18, 52:21, 55:13,
65:7, 68:10, 74:21,
87:25, 100:16, 101:8,
109:17, 113:25,
118:1, 120:15,
136:12, 144:19,
151:16, 151:20,
158:21, 176:6, 187:4,
188:5, 188:6, 190:21,
190:24, 191:2, 191:9,
195:13, 196:6,
197:14, 197:17,
200:18, 200:19,
202:13, 208:16
numbers [46] -
34:19, 35:10, 35:21,
36:12, 36:14, 38:16,
38:17, 42:21, 54:20,
59:5, 65:21, 66:16,
66:18, 67:17, 74:20,
74:23, 75:1, 87:11,
100:12, 111:24,
112:3, 171:17, 178:8,
178:9, 179:1, 179:3,
179:22, 181:5, 181:9,
181:18, 181:22,
183:14, 183:18,
185:4, 185:6, 187:2,
187:25, 188:1,
188:16, 202:1,
202:16, 202:17,
204:11, 204:16
Nunavut [1] - 173:16
NWT [2] - 170:23,
173:17

O

obfuscating [1] -
178:9
objectionable [1] -
139:13
objective [2] - 23:23,
10

objectives [2] - 92:5,
155:5
obligated [1] -
170:10
obligation [1] -
204:20
obligations [1] -
128:8
obsolete [1] - 28:1
obtain [1] - 61:22
obvious [2] - 72:2,
106:18
obviously [7] -
38:16, 68:10, 70:19,
109:9, 116:17, 183:7,
193:19
occasion [1] - 103:7
occur [3] - 46:8,
82:11, 171:19
occurred [3] - 26:19,
142:22, 167:4
October [2] - 6:5,
7:15
odd [1] - 122:9
OF [2] - 94:1, 214:16
offer [3] - 49:5, 62:3,
173:1
office [6] - 64:4,
64:7, 75:4, 75:8, 76:5,
76:6
officer [2] - 14:4,
14:23
offices [1] - 75:3
Official [3] - 2:18,
213:14, 213:18
offset [2] - 158:2,
161:22
offsets [1] - 158:12
offsetting [1] - 5:1
often [3] - 36:4, 92:3,
132:6
OIC [3] - 86:17,
170:18, 190:10
old [5] - 83:10,
83:22, 84:10, 89:7,
168:2
ON [2] - 93:25,
214:15
on.. [1] - 181:23
once [7] - 19:25,
43:6, 46:16, 108:13,
147:9, 182:18, 207:14
One [1] - 8:6
one [100] - 6:1, 13:5,
13:6, 13:7, 13:13,
13:14, 13:24, 14:11,
18:9, 18:11, 18:15,
18:16, 18:21, 26:13,
28:19, 30:10, 30:24,
36:13, 37:22, 47:14,
49:21, 49:23, 53:18,
54:13, 55:21, 59:23,
60:2, 60:22, 65:9,
66:23, 67:20, 68:2,
68:15, 72:7, 75:6,
75:18, 76:3, 77:9,
78:21, 80:23, 83:3,
86:3, 86:10, 86:23,
93:19, 96:19, 101:17,
106:15, 106:18,
107:13, 107:17,
110:1, 110:17, 111:8,
113:8, 113:18,
114:12, 116:3, 118:2,
118:14, 123:9,
126:13, 131:10,
131:15, 134:2, 134:3,
139:14, 141:7,
147:17, 147:23,
157:9, 157:24,

163:22, 165:4, 167:2,
172:12, 177:9, 179:2,
180:12, 180:15,
180:25, 181:2,
182:11, 182:14,
187:3, 187:23,
188:20, 191:19,
192:11, 192:17,
196:11, 197:20,
204:1, 206:3, 206:4,
207:21, 208:15,
209:4, 211:16
one-off [1] - 93:19
ones [6] - 89:7,
145:15, 174:2,
180:13, 194:17,
195:14
ongoing [6] - 24:9,
54:3, 55:17, 121:8,
168:24, 205:17
online [3] - 131:4,
132:18, 138:1
Ontario [1] - 172:13
onus [1] - 63:3
onwards [1] - 33:25
open [3] - 57:10,
85:1, 93:13
open-ended [1] -
85:1
opened [1] - 207:1
opening [14] - 13:18,
15:15, 21:18, 36:17,
75:17, 172:20, 173:9,
173:14, 184:5,
184:12, 185:19,
187:7, 187:21, 206:21
operate [2] - 27:23,
53:9
operates [1] - 157:13
operating [4] - 4:6,
39:2, 127:24, 156:23
operation [2] -
106:2, 169:2
operational [5] -
60:10, 103:23, 104:2,
104:4, 105:4
operations [10] -
31:11, 45:19, 46:7,
46:20, 46:25, 47:3,
47:4, 47:7, 74:9,
160:21
operative [1] - 152:3
operator [2] -
104:12, 161:9
operators [4] -
160:21, 206:8, 206:15
opine [1] - 84:1
opinion [10] - 84:2,
84:23, 85:8, 88:7,
98:24, 119:18,
125:13, 125:20,
126:2, 149:18
opportunities [1] -
15:23
opportunity [6] -
10:20, 15:22, 20:3,
20:4, 62:3, 91:25
opposed [1] - 114:23
option [2] - 131:15,
161:23
options [2] - 40:17,
211:15
or.. [2] - 141:3,
193:23
oral [4] - 2:25, 8:23,
9:5, 9:10
oranges [2] - 177:21,
177:23
Order [21] - 5:8,
5:16, 5:22, 6:9, 6:14,

6:18, 7:16, 7:22, 7:25, 8:5, 8:7, 8:11, 8:16, 10:5, 50:15, 128:12, 129:4, 129:12, 148:3, 170:9, 170:13
order [11] - 3:9, 5:9, 6:15, 7:17, 7:19, 9:21, 78:21, 88:16, 149:5, 153:22, 157:3
Order-in-Council [7] - 6:18, 128:12, 129:4, 129:12, 148:3, 170:9, 170:13
ordered [2] - 5:12, 50:13
orders [1] - 118:18
organization [2] - 54:12, 76:21
organize [1] - 18:2
organized [1] - 212:13
origin [1] - 19:7
original [9] - 118:24, 146:2, 149:20, 168:1, 184:23, 185:25, 186:4, 200:13, 200:17
originally [3] - 146:4, 152:14, 152:15
originate [1] - 204:16
origins [2] - 128:18, 128:19
OSLER [167] - 13:1, 15:3, 26:14, 26:22, 27:4, 27:10, 36:10, 38:10, 46:2, 49:14, 50:9, 77:19, 77:22, 90:1, 90:3, 95:12, 95:18, 95:20, 96:11, 97:16, 97:20, 97:22, 98:20, 98:22, 99:12, 100:9, 100:11, 100:16, 100:22, 101:1, 101:5, 101:7, 101:14, 101:16, 101:20, 101:22, 101:24, 102:13, 104:6, 104:19, 105:9, 105:24, 106:16, 107:15, 107:17, 107:22, 108:3, 109:1, 109:6, 109:15, 109:22, 110:16, 115:25, 117:7, 118:5, 118:21, 119:1, 121:7, 124:2, 124:4, 124:18, 125:10, 126:9, 126:15, 126:19, 127:6, 127:20, 128:3, 129:7, 129:17, 130:1, 133:10, 141:7, 142:4, 142:8, 142:13, 143:7, 144:17, 146:2, 146:17, 146:21, 147:13, 147:22, 149:8, 149:16, 151:24, 152:13, 152:16, 153:6, 153:11, 153:15, 153:17, 154:15, 155:16, 156:1, 157:17, 158:5, 159:12, 160:5, 162:18, 162:24, 163:3, 163:7, 163:14, 163:16, 164:21, 165:7, 165:10, 165:19, 171:2, 171:4, 171:13, 171:24, 172:9, 173:13, 174:1, 174:6, 175:8, 175:12,

175:19, 176:15, 176:19, 176:22, 184:22, 185:12, 187:1, 187:6, 187:10, 187:20, 188:3, 188:9, 188:14, 188:16, 188:18, 189:4, 193:1, 194:7, 194:18, 194:20, 195:2, 195:10, 195:12, 195:18, 195:20, 195:25, 196:5, 200:2, 200:4, 200:6, 201:4, 201:14, 201:17, 201:23, 202:5, 202:9, 204:18, 206:1, 206:20, 207:11, 208:21, 209:3, 209:12, 209:16, 210:21, 211:2, 211:4, 214:6
Osler [20] - 14:5, 15:2, 54:4, 56:4, 56:19, 57:12, 58:10, 59:8, 70:7, 77:16, 89:24, 95:10, 96:4, 100:6, 102:10, 103:5, 115:15, 141:14, 170:25, 186:11
Osler's [3] - 14:8, 60:14, 94:8
otherwise [6] - 53:11, 123:22, 129:23, 155:19, 203:18, 206:6
ourselves [1] - 40:17
outcome [2] - 80:21, 200:20
outdated [2] - 83:23, 84:10
outlet [1] - 106:21
outline [3] - 5:6, 14:15, 87:4
outlined [1] - 63:22
outlining [1] - 8:23
output [2] - 108:2, 211:22
outputs [2] - 105:16, 108:14
outside [11] - 39:22, 44:13, 46:13, 53:15, 53:21, 56:18, 60:5, 98:14, 108:20, 143:13, 156:2
outsourcing [3] - 53:19, 54:8, 63:15
outstanding [1] - 146:10
over-collecting [1] - 122:13
over-forecasting [1] - 123:25
over-zealous [1] - 85:21
overage [1] - 151:23
overall [5] - 14:19, 17:18, 185:15, 185:21
overestimate [4] - 34:14, 35:1, 35:7, 35:17
overpayment [3] - 122:5, 122:19, 124:24
oversees [1] - 197:3
oversight [2] - 14:25, 77:14
overview [1] - 13:20
own [9] - 2:17, 31:5, 36:3, 54:8, 62:6, 63:13, 76:25, 102:20, 181:20

owned [2] - 102:16, 165:11
owner [2] - 127:13, 165:25
ownership [1] - 76:8
owns [5] - 76:9, 76:13, 76:14, 95:25, 103:17

P

p.m [1] - 9:14
P.M [5] - 112:9, 112:11, 113:3, 113:5, 212:21
page [69] - 18:24, 20:17, 20:18, 20:21, 20:22, 20:23, 21:23, 21:24, 22:1, 22:15, 33:10, 33:12, 41:2, 42:13, 43:19, 45:7, 45:12, 48:14, 49:19, 50:4, 50:12, 50:19, 52:18, 52:20, 52:24, 100:8, 100:24, 101:4, 101:8, 101:10, 101:11, 101:15, 101:18, 102:22, 111:12, 140:24, 141:4, 172:21, 173:6, 175:12, 180:21, 180:24, 182:4, 182:5, 182:11, 184:6, 184:23, 185:19, 186:23, 186:25, 187:13, 187:14, 194:9, 196:1, 196:3, 196:4, 202:20, 202:22, 202:24, 203:11, 204:3, 208:10, 209:19, 209:21, 210:12, 211:6
pages [3] - 21:21, 202:18, 213:4
paid [28] - 25:24, 38:19, 46:25, 47:3, 56:11, 57:12, 57:14, 61:1, 63:14, 65:13, 66:2, 66:5, 70:20, 71:7, 132:21, 134:16, 136:23, 138:6, 138:20, 142:9, 142:10, 147:7, 167:22, 168:1, 168:11, 168:14, 197:16, 198:1
Pan [1] - 17:14
pan [1] - 42:15
Pan-Canadian [1] - 17:14
Panel [9] - 3:3, 9:22, 14:15, 18:7, 19:24, 52:17, 68:6, 132:12, 140:18
panel [35] - 12:12, 12:18, 12:20, 13:13, 13:14, 13:15, 13:19, 13:20, 14:11, 14:12, 17:18, 17:21, 17:24, 18:13, 19:17, 20:2, 20:9, 40:25, 43:19, 43:20, 52:2, 53:12, 87:3, 89:24, 97:19, 113:23, 113:24, 140:14, 146:14, 173:8, 182:18, 183:6, 183:24, 187:15, 192:8
PANEL [8] - 13:3, 19:23, 53:3, 199:13, 21:

214:11
panel's [1] - 114:3
panels [1] - 32:14
paper [1] - 72:6
paragraph [1] - 210:12
pardon [2] - 67:18, 67:19
park [1] - 158:24
part [49] - 7:21, 7:24, 8:1, 8:8, 18:4, 22:10, 26:4, 40:8, 42:5, 45:3, 46:3, 49:8, 49:13, 49:22, 54:19, 55:4, 56:14, 56:24, 59:16, 60:25, 62:11, 62:25, 63:16, 66:18, 76:4, 84:24, 86:19, 90:25, 91:22, 94:13, 94:23, 97:10, 111:4, 118:9, 119:2, 130:9, 130:11, 130:20, 142:1, 142:3, 149:2, 151:18, 153:21, 156:8, 157:4, 181:1, 192:3, 193:20
Part [5] - 8:6, 8:8, 39:11, 90:23, 204:5
participating [1] - 56:5
particular [29] - 20:17, 38:19, 46:2, 59:20, 60:12, 62:5, 63:3, 66:22, 69:11, 76:3, 84:19, 91:3, 91:19, 94:9, 95:1, 95:7, 97:4, 99:6, 104:14, 107:8, 119:5, 141:12, 162:15, 166:8, 181:19, 184:13, 202:21, 208:20, 209:21
particularly [2] - 54:18, 127:11
parties [15] - 6:7, 7:5, 8:4, 11:20, 12:16, 52:15, 58:1, 90:17, 103:19, 106:4, 145:12, 147:17, 148:4, 154:20, 155:4
partly [1] - 206:24
partner [1] - 58:10
parts [1] - 118:19
party [11] - 5:1, 8:4, 10:9, 10:15, 10:22, 10:24, 11:1, 11:5, 11:10, 11:13, 53:19
pass [1] - 17:22
passionate [1] - 133:23
past [6] - 15:25, 148:3, 167:4, 167:23, 172:22, 207:23
pattern [3] - 34:4, 34:5, 34:7
patterns [1] - 211:13
pause [1] - 100:22
pay [26] - 47:13, 56:17, 59:10, 59:12, 64:10, 64:16, 64:18, 64:21, 66:8, 66:11, 71:7, 75:23, 95:4, 129:16, 129:18, 129:25, 130:1, 130:14, 131:14, 131:19, 132:3, 132:4, 132:5, 145:18, 147:2
payable [3] - 152:10, 200:17, 200:19
paying [15] - 58:17, 61:6, 65:9, 67:3,

128:3, 132:22, 133:15, 138:22, 142:16, 148:14, 148:17, 165:2, 165:3, 165:7, 176:24
payment [4] - 6:22, 128:5, 157:8, 169:12
payments [3] - 45:13, 128:10
pays [7] - 60:7, 66:15, 128:1, 129:20, 130:2, 130:23, 165:6
PDF [13] - 52:18, 52:20, 111:13, 173:11, 196:6, 202:17, 202:20, 202:23, 203:11, 208:10, 209:19, 211:6
peak [6] - 30:1, 30:16, 31:18, 40:2, 40:6, 55:23
peaking [1] - 16:6
peer [2] - 97:10, 99:1
peers [1] - 97:3
pending [1] - 5:15
penetration [4] - 30:15, 31:21, 32:7, 32:10
people [39] - 55:25, 56:2, 82:14, 96:12, 96:14, 96:24, 98:1, 102:21, 104:1, 104:21, 106:11, 109:23, 117:8, 117:14, 117:21, 117:25, 128:16, 131:3, 132:2, 132:3, 133:13, 146:7, 149:18, 150:6, 150:11, 154:23, 155:18, 160:11, 169:7, 169:10, 169:12, 171:5, 171:9, 171:17, 185:13, 202:18, 205:18, 209:6, 209:16
people's [1] - 149:5
peoples [1] - 17:16
per [26] - 3:18, 3:19, 53:19, 53:20, 56:11, 56:20, 56:25, 64:23, 103:13, 135:25, 136:1, 136:17, 138:2, 163:16, 174:21, 175:17, 175:21, 175:23, 176:10, 177:1, 177:7, 180:23, 200:13, 210:8
per-kilowatt-hour [1] - 138:2
perceive [1] - 183:16
percent [28] - 5:5, 34:10, 34:15, 34:17, 35:2, 35:8, 35:18, 37:20, 114:23, 116:18, 147:8, 148:8, 176:1, 176:5, 176:7, 185:2, 185:3, 185:6, 190:18, 194:13, 194:14, 194:15, 194:21, 195:9
percentage [5] - 117:2, 136:10, 136:17, 173:19, 173:20
percentage-wise [1] - 136:17
percentages [1] - 135:22
perception [1] -

162:22
perform [2] - 57:16, 77:12
performance [11] - 77:18, 77:20, 83:12, 88:23, 103:9, 172:8, 172:11, 172:17, 193:11, 194:3, 194:6
performance-base [1] - 172:8
performance-based [1] - 172:17
performed [1] - 108:20
perhaps [8] - 39:2, 79:20, 108:5, 137:15, 154:19, 170:25, 179:9, 179:11
period [20] - 4:13, 16:16, 19:1, 19:9, 36:18, 37:4, 81:8, 86:23, 87:11, 90:16, 90:21, 99:14, 106:7, 106:8, 110:24, 135:16, 137:20, 160:1, 205:4, 210:1
permanently [1] - 106:11
permits [1] - 85:21
permitted [1] - 44:2
perpetuity [5] - 22:14, 23:8, 23:15, 23:21, 24:5
person [5] - 11:16, 53:18, 99:22, 129:19, 129:20
personally [4] - 56:4, 88:19, 97:23, 178:1
persons [1] - 12:15
perspective [6] - 13:12, 17:22, 33:3, 55:3, 76:9, 89:17
pertaining [1] - 147:10
pertains [1] - 153:8
Phase [1] - 163:1
Philip [1] - 3:4
philosophy [1] - 85:12
phone [1] - 11:16
phrase [1] - 140:14
physical [1] - 167:11
pick [1] - 170:4
picked [1] - 91:3
picture [1] - 88:9
piece [1] - 93:12
pieces [3] - 61:13, 63:23, 72:22
Piper [2] - 64:22, 69:4
place [11] - 16:10, 74:21, 77:2, 100:3, 115:21, 125:22, 140:13, 140:17, 154:3, 169:21, 191:25
placed [2] - 69:10, 120:3
placeholders [1] - 192:19
plan [53] - 15:11, 15:13, 17:7, 23:1, 30:6, 30:10, 30:11, 31:19, 31:23, 32:23, 33:19, 33:24, 34:16, 35:25, 37:8, 37:9, 37:15, 37:17, 37:18, 38:5, 38:12, 39:6, 39:14, 39:17, 39:23, 40:4, 40:5, 40:8, 40:11, 40:19, 40:22,

47:19, 60:21, 60:23, 60:25, 61:12, 61:16, 76:4, 81:6, 81:9, 81:11, 81:23, 90:6, 90:12, 110:12, 131:16, 159:23, 161:2, 161:20, 181:21, 198:16
planning [34] - 14:9, 15:9, 16:2, 32:18, 39:22, 42:20, 42:24, 55:1, 73:14, 74:13, 75:7, 77:25, 78:1, 78:11, 78:13, 79:3, 88:25, 89:2, 90:9, 91:5, 91:22, 96:14, 96:17, 96:25, 97:2, 97:8, 97:14, 98:5, 103:15, 103:17, 105:12, 106:3, 193:20
plans [2] - 159:19, 197:12
plant [4] - 103:2, 104:1, 104:9, 168:7
plants [2] - 168:2, 168:5
play [1] - 88:13
played [1] - 55:7
players [1] - 27:24
pleased [2] - 15:21, 20:6
pleasure [1] - 36:25
plus [6] - 53:20, 65:19, 118:14, 190:3, 190:7
PNG [10] - 191:24, 192:18, 193:9, 194:14, 194:15, 194:17, 194:19, 194:20, 195:11, 214:22
point [35] - 18:16, 24:8, 26:25, 38:8, 46:2, 46:16, 47:8, 47:9, 47:10, 48:15, 63:5, 70:12, 71:21, 75:7, 75:20, 79:13, 81:25, 103:12, 108:20, 114:1, 116:10, 116:24, 127:1, 131:11, 137:10, 139:7, 139:15, 139:19, 142:2, 165:4, 165:5, 165:20, 211:13, 212:6, 212:7
points [5] - 190:4, 190:5, 190:8, 190:9, 190:10
policies [2] - 169:8, 169:13
policy [20] - 3:24, 6:17, 48:6, 48:17, 48:23, 49:7, 49:13, 50:14, 50:15, 50:21, 51:12, 51:16, 51:20, 62:6, 62:10, 62:11, 62:12, 84:14, 206:15
pool [2] - 122:8, 131:23
poor [2] - 124:25, 125:4
populated [1] - 131:12
portion [5] - 10:2, 33:18, 34:14, 41:11, 123:16
position [3] - 56:12, 79:3, 143:11
positions [2] - 53:17,

55:13
positive [3] - 28:13, 151:6, 151:9
possibility [2] - 108:5, 108:18
possible [3] - 102:7, 108:8, 203:24
possibly [1] - 108:22
post [1] - 108:14
posturing [1] - 72:6
potential [10] - 28:22, 28:25, 30:4, 30:21, 31:8, 31:17, 32:7, 32:20, 40:13, 200:22
potentially [1] - 45:14
power [10] - 3:14, 73:15, 141:23, 145:3, 151:21, 164:19, 166:23, 168:7, 173:20, 193:21
PP&E [1] - 25:12
PPAs [2] - 60:12, 60:20
practical [1] - 102:4
practice [6] - 46:8, 62:5, 88:20, 97:7, 97:9, 97:13
practices [9] - 49:24, 50:24, 51:4, 51:10, 61:21, 62:1, 62:13, 98:18, 99:3
pre [1] - 128:18
preaches [1] - 84:21
predict [2] - 74:15, 104:17
predictions [1] - 88:23
prefer [1] - 54:5
preliminary [10] - 15:15, 92:18, 92:22, 93:5, 113:7, 113:18, 115:6, 170:3, 189:6, 189:13
premise [3] - 23:6, 163:10, 164:16
premises [1] - 75:6
premium [4] - 190:3, 191:25, 192:20, 197:1
prep [2] - 78:22, 81:16
preparation [6] - 15:1, 49:13, 55:8, 61:9, 76:1, 151:2
prepare [1] - 72:17
prepared [7] - 20:24, 38:12, 49:9, 54:17, 72:15, 81:6, 208:2
preparing [4] - 15:5, 31:19, 81:13, 207:16
present [2] - 14:2, 170:6
presently [1] - 174:21
presents [1] - 16:3
president [2] - 14:19, 15:19
presumably [2] - 204:7, 206:10
presume [1] - 149:11
presuming [1] - 70:14
presumption [1] - 42:4
pretty [10] - 75:20, 80:10, 106:12, 107:19, 109:8, 122:10, 163:23, 16

previous [2] - 51:17, 119:8
previously [6] - 9:11, 10:15, 51:15, 54:21, 114:24, 192:4
price [1] - 3:17
prices [1] - 3:16
pricing [3] - 3:21, 3:24, 82:24
primary [1] - 74:13
principal [1] - 15:4
principals [1] - 156:11
principle [16] - 24:8, 28:3, 39:16, 85:5, 86:13, 126:11, 127:10, 127:12, 127:17, 130:15, 147:22, 158:13, 167:24, 168:16, 168:22, 170:16
principles [16] - 84:22, 84:23, 85:17, 85:23, 86:10, 86:12, 86:17, 119:16, 119:20, 119:21, 127:4, 127:23, 147:10, 170:10, 170:17
print [1] - 26:23
pro [1] - 129:2
probability [2] - 96:8, 96:10
problem [8] - 13:4, 52:13, 79:1, 81:22, 107:20, 124:23, 146:24, 149:24
problems [4] - 98:11, 107:13, 150:15, 207:22
procedural [2] - 9:4, 10:7
procedures [2] - 8:23, 19:6
proceed [3] - 7:11, 10:3, 11:20
proceeding [34] - 5:7, 8:9, 8:10, 9:17, 26:2, 26:23, 49:12, 49:23, 55:10, 55:19, 57:20, 57:22, 60:25, 61:7, 63:22, 64:2, 64:25, 66:22, 70:10, 71:3, 78:5, 86:1, 94:13, 113:15, 118:6, 126:4, 149:21, 150:6, 157:4, 163:1, 180:3, 180:20, 183:1
Proceedings [1] - 2:1
proceedings [13] - 55:17, 56:5, 59:1, 60:18, 60:19, 62:7, 72:13, 103:14, 117:25, 166:3, 191:9, 197:19, 213:5
PROCEEDINGS [5] - 2:21, 112:9, 112:11, 113:5, 212:21
process [36] - 5:6, 5:14, 7:1, 7:23, 8:6, 8:9, 9:4, 25:1, 36:1, 39:22, 40:18, 42:19, 56:1, 57:22, 60:14, 62:18, 62:19, 63:7, 63:17, 63:25, 69:6, 71:5, 72:5, 72:7, 81:7, 81:13, 81:23, 82:21, 91:2, 91:8, 91:22, 108:14, 150:17,

150:20, 174:8
processes [5] - 54:3, 62:14, 100:1, 100:2, 169:12
procurement [5] - 14:25, 61:23, 62:10, 62:11, 62:13
produce [1] - 168:7
produces [1] - 57:15
producing [1] - 87:24
production [2] - 203:7, 211:24
profess [1] - 89:15
profession [1] - 56:3
professionals [1] - 105:14
program [4] - 89:11, 95:7, 161:12, 161:18
programming [1] - 93:18
programs [2] - 161:17, 162:1
progress [1] - 150:5
project [16] - 18:23, 18:24, 19:2, 25:12, 25:19, 40:20, 40:22, 42:14, 42:15, 64:1, 90:18, 91:6, 92:3, 92:5, 96:19, 128:16
projected [1] - 90:13
projections [1] - 30:13
projects [24] - 4:19, 4:22, 17:8, 18:22, 22:25, 23:3, 23:25, 25:6, 25:7, 25:14, 25:23, 26:9, 26:18, 40:14, 42:13, 42:20, 42:24, 43:3, 43:12, 91:24, 159:6, 198:15
promoted [1] - 62:2
promotes [1] - 61:20
proper [4] - 88:1, 97:2, 132:11, 183:18
properly [2] - 139:25, 176:17
proposal [4] - 69:5, 92:14, 135:15, 175:24
proposals [2] - 132:13, 156:18
proposed [4] - 4:5, 25:25, 151:5, 175:19
proposing [4] - 10:15, 18:21, 111:21, 192:19
prospective [1] - 16:22
protect [3] - 133:7, 150:24, 153:22
protecting [1] - 44:23
protection [1] - 126:23
protects [1] - 138:8
protocol [1] - 106:21
proven [2] - 32:9, 110:23
provide [17] - 11:10, 21:7, 25:8, 39:15, 50:20, 58:7, 66:23, 77:14, 105:7, 107:20, 107:21, 108:22, 111:25, 127:25, 164:17, 166:22, 204:15
PROVIDE [2] - 93:25, 214:15
provided [19] - 4:1, 6:10, 8:2, 8:9, 8:13,

YEC 2017-18 GRA, Volume 1, June 26, 2018

25:3, 28:16, 57:12, 57:13, 59:2, 62:3, 62:17, 67:11, 72:25, 73:6, 87:22, 99:13, 128:11, 210:18
provides [7] - 22:16, 22:25, 39:17, 57:13, 102:5, 164:18, 208:11
providing [4] - 10:18, 59:6, 83:9, 164:24
Province [1] - 213:8
provision [6] - 6:17, 65:13, 80:13, 148:22, 153:4, 153:21
prudence [2] - 59:17, 159:7
prudent [3] - 24:23, 32:18, 71:22
prudently [1] - 59:18
public [5] - 5:19, 8:23, 86:13, 86:18, 166:18
Public [2] - 5:20, 127:3
publication [1] - 67:14
publicized [1] - 210:5
publish [1] - 5:10
pull [1] - 81:15
purchase [2] - 3:14, 61:1
purchases [1] - 6:23
Purchasing [1] - 61:18
pure [1] - 154:22
purport [2] - 104:23, 108:4
purports [1] - 50:20
purpose [13] - 10:8, 37:12, 43:21, 44:7, 44:22, 44:25, 74:18, 110:21, 124:22, 130:10, 161:2, 205:7, 205:23
purposes [13] - 18:1, 57:14, 87:7, 88:25, 98:5, 111:25, 117:13, 122:3, 125:1, 125:12, 125:18, 152:1, 194:3
pursuant [3] - 5:20, 46:5, 129:3
purview [1] - 84:4
put [35] - 10:12, 11:17, 13:24, 18:18, 20:13, 23:19, 25:23, 26:3, 26:5, 49:11, 55:10, 57:14, 69:5, 70:9, 71:19, 72:21, 92:14, 99:9, 114:5, 114:13, 120:11, 123:13, 125:23, 137:13, 142:7, 154:25, 156:17, 156:19, 159:4, 184:13, 184:17, 198:16, 200:15, 205:14, 205:19
putting [5] - 23:23, 65:20, 83:15, 122:13, 193:25

Q

quality [1] - 72:15
quantum [6] - 130:25, 134:14, 134:18, 134:21, 134:22

quasi [1] - 162:11
quasi-judicial [1] - 162:11
question's [1] - 139:21
questioning [7] - 10:9, 10:11, 10:22, 11:1, 115:7, 202:12, 205:21
questions [39] - 9:3, 9:23, 10:12, 11:3, 17:19, 17:21, 17:23, 20:5, 22:21, 25:7, 41:14, 45:10, 46:5, 48:12, 48:21, 52:2, 52:7, 53:7, 58:25, 68:21, 77:17, 84:18, 86:9, 92:1, 95:21, 103:19, 107:3, 132:16, 134:11, 139:12, 140:14, 140:19, 163:9, 166:10, 182:24, 202:13, 202:14, 212:5
quick [4] - 33:20, 113:21, 179:23, 191:20
quicker [1] - 52:21
quickly [2] - 20:5, 39:4
quid [1] - 129:2
quite [12] - 58:8, 63:22, 79:22, 83:24, 97:16, 98:4, 110:9, 132:6, 139:8, 177:16, 202:11, 210:11
quo [1] - 129:2
quoted [2] - 22:11, 23:12
quotes [2] - 22:5, 22:11
quoting [1] - 44:1

R

raise [1] - 128:9
ran [1] - 144:1
range [9] - 35:1, 53:20, 58:12, 61:14, 67:17, 96:8, 99:18, 119:6, 176:13
ranging [3] - 35:7, 35:18, 185:2
rate [85] - 4:16, 4:25, 5:2, 5:4, 6:17, 6:20, 16:13, 19:4, 21:17, 21:19, 23:3, 23:8, 24:9, 24:15, 24:17, 25:4, 25:23, 25:24, 42:2, 42:8, 42:9, 43:4, 43:7, 43:12, 43:15, 43:16, 53:15, 56:21, 57:3, 60:12, 63:3, 63:5, 65:2, 70:9, 83:11, 83:23, 86:22, 123:13, 126:21, 130:8, 130:9, 130:11, 148:7, 148:8, 148:9, 148:10, 148:22, 149:2, 153:20, 153:21, 154:17, 154:21, 154:22, 162:13, 162:15, 162:19, 164:4, 164:10, 164:17, 165:10, 166:8, 170:6, 170:21, 170:24, 171:6, 174:8, 174:23, 174:24, 174:25, 175:6, 175:19,

175:20, 180:16, 181:21, 186:12, 186:15, 186:22, 188:23, 189:14, 190:7, 191:7, 195:9, 198:7
Rate [7] - 3:2, 3:10, 4:20, 7:6, 38:22, 76:1, 180:24
RATE [1] - 1:8
rate-base [1] - 83:11
rate-based [3] - 126:21, 162:19, 165:10
ratepayer [9] - 59:12, 71:13, 74:2, 122:25, 123:23, 127:12, 133:6, 135:25, 164:19
ratepayer's [1] - 65:9
ratepayers [39] - 53:22, 58:3, 61:2, 61:6, 63:12, 65:20, 65:25, 66:10, 66:15, 71:13, 71:16, 71:24, 72:5, 82:20, 120:12, 122:5, 122:13, 122:16, 122:19, 123:2, 123:20, 124:20, 126:23, 131:9, 131:24, 131:25, 132:9, 132:15, 133:8, 137:4, 137:18, 138:22, 150:19, 158:3, 164:24, 165:17, 166:21, 167:7, 167:23
ratepayers' [1] - 120:12
rates [53] - 5:23, 6:16, 22:9, 22:14, 23:15, 24:3, 24:18, 26:5, 42:11, 43:8, 57:23, 58:9, 58:11, 63:1, 65:12, 67:16, 73:4, 81:11, 82:14, 83:15, 83:16, 120:1, 121:5, 121:6, 121:10, 125:13, 125:21, 128:11, 129:18, 129:25, 130:1, 130:24, 132:3, 132:11, 132:12, 137:2, 137:6, 148:20, 149:5, 154:18, 163:12, 164:9, 164:15, 164:25, 170:24, 173:1, 173:7, 173:15, 184:16, 186:3, 197:16, 198:1, 198:4
rather [6] - 53:18, 86:6, 86:7, 127:13, 199:9, 200:14
ratio [3] - 114:22, 190:17, 192:9
RATIO [2] - 192:13, 214:19
rationale [3] - 63:20, 82:7, 164:19
ratios [1] - 194:25
reach [1] - 145:2
reached [2] - 131:1, 167:14
reacting [1] - 104:14
reactivated [1] - 118:7
read [21] - 22:6, 22:11, 25:11, 26:24, 27:20, 41:22, 44:1, 45

46:21, 51:8, 61:19, 101:25, 102:1, 104:7, 107:19, 143:8, 172:21, 185:20, 202:25
reading [3] - 47:23, 203:8, 209:7
ready [7] - 12:18, 16:12, 53:1, 53:11, 115:8, 199:11, 199:14
real [4] - 69:16, 69:19, 138:17, 183:17
realities [2] - 16:10, 137:11
realized [1] - 54:6
really [28] - 16:10, 24:1, 26:15, 55:21, 56:3, 67:5, 74:22, 78:16, 82:14, 86:2, 88:23, 110:2, 110:16, 122:11, 122:23, 123:5, 130:12, 131:15, 144:12, 145:10, 146:21, 146:23, 149:21, 150:23, 151:4, 159:20, 161:6, 165:16
realtime [1] - 88:21
reason [11] - 30:5, 81:16, 99:2, 99:6, 108:16, 128:6, 184:18, 184:24, 185:3, 186:12, 187:9
reasonable [5] - 28:20, 67:17, 73:5, 97:25, 168:12
reasonably [3] - 44:9, 99:2, 110:25
reasons [8] - 20:25, 21:7, 24:1, 36:24, 44:2, 80:25, 148:1, 167:10
rebate [7] - 135:11, 135:13, 136:13, 147:19, 147:25, 152:20, 174:25
rebates [1] - 129:22
rebating [1] - 133:11
rebound [3] - 16:16, 16:20, 36:22
rebuttal [21] - 8:21, 21:21, 22:1, 22:15, 22:16, 22:20, 22:22, 23:5, 23:12, 23:16, 23:19, 23:23, 25:4, 33:8, 33:12, 41:1, 49:15, 49:20, 50:4, 50:5
recaps [1] - 22:4
receive [6] - 132:20, 134:19, 135:5, 138:16, 154:15, 160:21
received [5] - 7:16, 77:20, 113:19, 158:7, 172:14
receives [2] - 129:21, 138:2
receiving [3] - 131:4, 138:3, 138:4
recent [2] - 13:16, 127:2
recently [2] - 160:3, 206:25
recognition [1] - 30:4
recognize [1] - 17:1
recognized [4] - 81:10, 116:24, 117:3, 126:11

recognizes [1] - 30:19
recollection [1] - 156:16
recommend [1] - 105:2
recommendations [2] - 156:21, 197:7
reconcile [1] - 145:12
reconciliation [3] - 7:9, 17:15, 144:11
reconnect [1] - 32:5
record [33] - 13:25, 18:18, 49:11, 49:14, 55:10, 70:15, 80:12, 80:17, 105:24, 109:17, 114:1, 114:5, 114:14, 118:12, 121:7, 121:17, 125:5, 130:19, 137:14, 159:12, 178:19, 179:3, 180:3, 180:4, 180:19, 183:1, 183:7, 184:17, 187:1, 188:19, 189:21, 206:22, 207:6
records [1] - 180:6
recover [6] - 142:14, 147:19, 157:20, 165:22, 165:24, 165:25
recovered [2] - 158:3, 163:12
recovering [1] - 129:9
recovery [3] - 70:14, 164:3, 165:1
reduce [3] - 59:3, 141:18, 154:1
reduced [3] - 36:20, 111:17, 152:19
reduction [2] - 152:16, 190:10
refer [13] - 20:15, 21:20, 27:8, 33:8, 33:20, 40:25, 41:21, 47:21, 48:8, 115:13, 143:6, 181:12, 190:24
reference [30] - 2:24, 21:1, 21:25, 22:1, 25:12, 26:7, 27:12, 28:3, 31:23, 41:21, 48:12, 50:14, 50:24, 51:1, 67:22, 78:5, 78:16, 80:13, 114:18, 179:16, 182:2, 193:15, 196:2, 196:11, 202:19, 202:20, 202:21, 203:16, 211:7, 211:9
referenced [6] - 18:25, 21:17, 25:6, 42:13, 141:14, 201:6
references [5] - 20:24, 52:14, 178:12, 179:7, 183:11
referencing [1] - 87:22
referred [4] - 27:7, 30:9, 52:15, 167:18
referring [20] - 29:13, 33:14, 41:3, 48:15, 52:17, 56:18, 66:14, 68:7, 78:4, 141:3, 144:4, 170:13, 170:15, 173:12, 177:18, 180:1, 180:2, 189:2, 193:23, 212:16
refers [3] - 35:15,

107:17, 110:10
refinanced [1] - 185:14
refinancing [2] - 185:5, 185:7
reflect [6] - 3:20, 19:11, 40:5, 148:20, 171:18, 201:20
reflected [5] - 23:1, 46:8, 148:11, 154:18, 176:5
reflecting [1] - 19:6
refresh [1] - 33:20
refund [5] - 123:23, 135:16, 135:23, 137:21, 138:3
refundable [1] - 5:24
refunded [3] - 131:2, 135:20, 135:25
refurbish [1] - 167:14
refurbishment [2] - 18:23, 39:21
refutes [1] - 23:16
regard [2] - 25:10, 70:15
regarding [7] - 4:2, 7:12, 7:21, 37:13, 50:20, 67:19, 111:8
regardless [3] - 47:11, 56:2, 68:2
regards [1] - 199:18
register [1] - 12:15
registered [2] - 9:22, 11:20
regular [1] - 193:11
regulate [1] - 83:18
regulated [4] - 126:20, 171:11, 172:17, 174:5
regulating [1] - 163:5
regulation [10] - 83:11, 83:13, 84:2, 84:10, 85:18, 85:24, 170:6, 172:8, 172:10, 174:7
regulators [1] - 178:10
regulatory [36] - 14:8, 15:9, 36:4, 53:13, 54:3, 54:7, 54:15, 54:19, 55:17, 56:1, 56:8, 56:12, 56:15, 56:16, 58:7, 62:7, 64:1, 67:19, 72:13, 73:13, 77:25, 78:11, 82:22, 84:1, 84:3, 84:22, 84:25, 85:5, 86:12, 86:16, 86:17, 96:21, 162:15, 168:16, 168:22, 170:10
reinvestment [1] - 168:6
related [8] - 3:21, 6:13, 6:15, 25:14, 43:23, 109:21, 143:12, 186:12
relates [4] - 30:14, 155:17, 186:9, 203:10
relating [4] - 25:13, 26:8, 142:25, 148:24
relation [4] - 7:7, 11:3, 13:21, 14:16
relative [4] - 67:14, 147:14, 152:17, 153:9
relatively [1] - 160:10
relevance [1] -

110:23
relevant [7] - 25:21, 84:13, 86:1, 106:18, 193:2, 207:13, 211:8
reliable [2] - 16:12, 168:7
relicensing [1] - 41:22
relied [3] - 51:17, 106:4, 142:21
relies [3] - 89:1, 170:7, 170:20
rely [4] - 55:5, 115:15, 171:1, 190:19
relying [1] - 54:8
remain [3] - 153:16, 187:18, 187:20
remaining [1] - 4:12
remark [1] - 173:15
remarks [1] - 75:17
remember [1] - 92:16
remembering [1] - 207:20
reminds [1] - 70:7
remitted [1] - 6:18
remotely [2] - 108:7, 159:13
renewable [1] - 17:8
renewal [2] - 42:5, 117:24
rental [3] - 143:20, 144:4, 144:7
rented [1] - 143:19
repeat [2] - 20:21, 23:10
repetitions [1] - 159:16
rephrase [2] - 50:3, 78:8
replacing [2] - 24:11, 24:13
reply [1] - 10:3
report [11] - 26:15, 26:16, 49:9, 51:24, 109:16, 111:3, 120:22, 120:25, 136:5, 141:6, 141:8
reporter [4] - 11:13, 11:15, 12:24, 13:5
Reporter [3] - 13:10, 213:14, 213:18
Reporters [1] - 2:18
reports [4] - 49:21, 49:23, 50:19, 61:13
represent [3] - 11:24, 35:21, 42:17
representation [2] - 71:4, 88:15
representative [1] - 69:3
representing [7] - 11:22, 12:1, 12:4, 12:7, 12:11, 71:3, 116:18
represents [2] - 203:3, 209:7
request [9] - 5:14, 8:13, 11:5, 27:8, 27:13, 69:5, 69:16, 92:14, 192:24
requested [2] - 8:15, 113:21
requesting [3] - 3:1, 3:9, 190:2
requests [5] - 5:25, 6:2, 8:14, 8:18, 8:20
require [3] - 103:7, 149:1, 168:2
required [12] - 22:23, 39:18, 60:4, 63:4,

71:20, 90:20, 95:16, 106:2, 125:16, 147:2, 152:6, 186:15
requirement [23] - 40:20, 54:2, 60:1, 69:11, 81:10, 94:14, 94:18, 95:1, 111:22, 113:14, 120:9, 121:3, 122:6, 164:15, 178:2, 178:5, 179:20, 186:13, 186:14, 186:24, 187:17, 193:17, 198:7
requirements [6] - 3:11, 4:4, 30:17, 30:22, 31:11, 121:13
requires [3] - 11:13, 99:8, 99:9
requiring [1] - 168:10
reruns [1] - 152:1
research [6] - 29:11, 79:7, 130:21, 143:10, 171:22, 191:21
Reserve [4] - 115:20, 119:18, 121:18, 132:22
reserve [9] - 4:9, 71:10, 71:14, 71:19, 122:15, 125:17, 125:19, 126:22, 198:3
reserves [3] - 197:15, 197:20, 197:22
reservoir [1] - 208:25
reservoirs [1] - 205:22
residential [4] - 173:7, 174:10, 174:20, 175:18
resides [1] - 75:7
resolved [1] - 149:22
resource [48] - 14:9, 15:8, 15:10, 15:13, 16:17, 30:6, 30:9, 30:11, 31:19, 31:23, 32:23, 33:19, 33:24, 34:16, 37:8, 37:14, 37:17, 38:1, 38:4, 38:12, 39:6, 39:14, 39:17, 39:23, 40:4, 40:8, 40:11, 40:18, 40:22, 55:1, 60:21, 60:23, 60:25, 61:12, 61:16, 73:14, 77:25, 78:11, 79:3, 90:6, 90:11, 159:19, 159:23, 161:2, 161:20, 181:21, 198:16
resources [6] - 60:4, 75:3, 133:14, 167:19, 211:12, 211:20
respect [29] - 7:3, 7:6, 7:11, 9:4, 18:21, 19:1, 20:13, 25:22, 35:12, 37:8, 40:16, 42:12, 43:24, 57:21, 64:25, 74:9, 126:12, 134:7, 134:10, 137:5, 139:10, 139:18, 146:25, 156:15, 158:16, 158:17, 169:1, 186:10, 188:11
respecting [1] - 134:8
respectively [6] - 3:16, 4:8, 4:18, 10:4, 93:6, 111:18
 ri

54:5, 69:19, 178:12, 191:3
responded [2] - 6:1, 8:20
responds [2] - 105:5, 111:14
response [25] - 7:25, 19:14, 27:9, 27:12, 45:1, 48:8, 48:19, 48:21, 49:1, 51:8, 52:20, 68:8, 107:14, 161:13, 161:14, 161:15, 161:23, 187:4, 189:6, 201:18, 203:12, 208:10, 209:20, 209:22, 209:23
responses [8] - 6:4, 6:10, 8:13, 15:6, 45:4, 68:21, 68:22, 111:11
responsibilities [4] - 13:21, 14:15, 150:18, 150:23
responsibility [5] - 15:10, 15:11, 105:12, 126:12, 158:15
responsible [3] - 14:19, 14:24, 55:2
rest [4] - 42:12, 154:9, 181:23, 197:1
restate [5] - 22:10, 28:22, 31:4, 34:12, 39:16
restoration [1] - 198:3
restricted [1] - 44:3
restriction [2] - 103:2, 103:3
result [10] - 38:9, 40:8, 45:23, 88:14, 97:2, 103:17, 111:18, 118:3, 152:11, 196:12
resulted [2] - 195:22, 205:24
resulting [1] - 190:4
results [5] - 10:21, 40:24, 75:10, 103:18, 197:7
RESUMED [1] - 113:5
retail [10] - 129:15, 129:17, 136:9, 147:21, 148:10, 148:12, 152:23, 153:2, 153:5, 157:19
retained [4] - 119:19, 120:1, 122:25, 126:21
retainer [3] - 57:7, 57:9, 73:10
retrieve [1] - 59:20
retroactivity [2] - 79:11, 81:25
retrofit [1] - 131:17
retrospective [2] - 16:25, 87:21
return [14] - 5:2, 5:4, 42:23, 115:6, 120:1, 164:2, 165:3, 184:16, 185:2, 185:15, 186:7, 189:14, 190:2, 190:4
returning [1] - 65:17
revenue [29] - 3:11, 59:25, 69:10, 94:13, 94:17, 95:1, 111:16, 111:22, 113:14, 120:8, 121:2, 122:5, 128:24, 164:12, 164:14, 169:13, 178:2, 178:5, 179:19, 185:23, 186:6,

186:13, 186:14, 186:24, 187:16, 189:8, 189:11, 193:17, 198:7
revenues [12] - 142:24, 157:25, 158:4, 158:7, 158:9, 158:11, 158:16, 158:17, 164:11, 166:20, 180:18, 189:1
reverse [1] - 129:13
reversed [1] - 129:14
review [31] - 21:9, 22:19, 36:18, 49:2, 49:6, 49:13, 49:18, 49:24, 51:15, 59:17, 67:13, 71:21, 72:17, 91:25, 97:5, 97:11, 98:9, 99:1, 105:16, 127:3, 149:9, 149:12, 152:6, 154:8, 154:20, 159:11, 161:19, 162:1, 167:17, 179:12, 197:6
reviewed [6] - 19:6, 21:11, 63:20, 90:6, 167:15, 169:14
reviewing [2] - 49:7, 210:22
reviews [2] - 51:9, 119:8
revise [3] - 3:20, 32:22, 32:23
Revised [1] - 114:19
revised [13] - 4:1, 7:20, 7:23, 8:9, 111:4, 152:4, 152:8, 185:23, 187:24, 188:20, 200:14, 200:19, 201:18
revision [2] - 111:5, 118:3
RFID [1] - 197:22
RFSR [1] - 197:22
rider [6] - 5:24, 129:23, 157:12, 157:14, 157:15, 176:4
Rider [8] - 3:21, 3:24, 5:24, 157:18, 158:9, 175:25, 186:18, 186:20
riders [1] - 176:20
right-hand [1] - 33:17
rights [1] - 50:1
rights-of-way [1] - 50:1
risk [15] - 27:25, 126:12, 127:13, 127:15, 143:12, 165:18, 190:3, 191:25, 192:20, 193:3, 194:23, 197:1, 197:6
risks [10] - 43:23, 126:24, 126:25, 131:9, 131:23, 165:23, 166:1, 166:2, 197:4, 197:9
road [1] - 36:6
rodeo [1] - 35:15
ROE [4] - 184:6, 184:8, 195:21, 195:22
Roger [2] - 12:10, 53:5
role [5] - 9:3, 14:16, 25:1, 55:7, 56:15
rollover [1] - 189:24
Rondeau [47] - 2:16, 12:10, 53:1, 53:5,

67:6, 67:25, 68:5,
72:20, 79:21, 80:12,
80:15, 84:13, 87:21,
100:20, 107:2,
107:17, 113:12,
114:16, 121:8,
131:10, 131:21,
134:1, 139:8, 139:12,
139:17, 139:20,
139:24, 141:1,
155:17, 170:13,
173:11, 178:16,
178:21, 179:4,
179:25, 182:2, 187:1,
189:20, 189:21,
195:5, 196:9, 196:11,
198:12, 198:22,
199:17, 212:12,
212:15
rondeau [1] - 175:2
RONDEAU [100] -
12:10, 53:3, 53:4,
68:9, 68:12, 68:19,
68:25, 69:1, 70:3,
70:18, 70:19, 78:25,
79:2, 79:24, 80:3,
80:8, 80:19, 80:23,
84:18, 84:19, 85:16,
85:17, 86:10, 92:22,
93:2, 93:4, 94:2, 94:6,
94:7, 97:21, 107:5,
107:10, 107:12,
111:14, 115:9, 123:5,
123:7, 124:11,
124:13, 124:15,
125:8, 134:5, 134:9,
134:12, 140:9,
140:20, 140:21,
141:4, 141:8, 166:12,
166:15, 166:18,
169:23, 170:5,
173:14, 178:25,
179:5, 179:8, 179:11,
179:17, 179:19,
179:22, 179:24,
180:4, 180:9, 180:12,
180:21, 181:2, 181:5,
181:16, 182:8,
182:10, 182:14,
182:16, 182:20,
182:23, 183:8,
183:14, 184:3, 184:5,
187:14, 189:22,
189:25, 190:1,
191:21, 192:11,
192:17, 193:10,
195:7, 196:7, 196:14,
196:19, 196:21,
196:25, 198:8,
198:14, 198:19,
199:2, 199:5, 214:10
Rondeau's [5] -
115:7, 122:12,
181:12, 192:24,
198:11
roof [3] - 30:15,
31:21, 32:14
room [6] - 72:23,
98:8, 100:5, 160:21,
161:9, 209:17
roughly [5] - 34:17,
34:24, 57:4, 57:5,
57:6
round [9] - 5:25, 6:1,
8:12, 111:11, 149:22,
149:23, 187:4,
187:23, 204:11
round-one [1] - 6:1
roundabout [1] -
168:24

route [1] - 82:4
rule [1] - 104:8
ruled [1] - 6:8
rules [9] - 104:8,
104:11, 120:16,
120:17, 121:24,
122:1, 127:23,
152:21, 169:7
ruling [1] - 186:16
run [19] - 72:23,
88:9, 103:13, 103:17,
105:3, 105:13,
116:19, 144:1, 148:7,
148:9, 148:10,
148:20, 154:17,
154:21, 157:7, 161:5,
169:4, 208:22, 208:23
run's [1] - 208:22
run-out [6] - 148:7,
148:9, 148:10,
148:20, 154:17,
154:21
run-ups [1] - 144:1
rundown [1] - 157:12
running [5] - 72:12,
103:15, 116:16,
174:4, 209:3
runs [4] - 81:7,
89:15, 95:5, 104:11
runups [1] - 144:10

S

safe [2] - 122:4,
164:16
salary [1] - 56:13
Sales [1] - 204:6
sales [36] - 135:22,
136:9, 136:12, 155:8,
155:12, 155:14,
155:20, 155:23,
156:1, 156:7, 158:10,
158:18, 164:9,
180:18, 189:6,
189:10, 193:19,
199:20, 199:24,
199:25, 201:1,
203:13, 203:16,
203:18, 203:20,
204:10, 204:13,
204:21, 205:2,
205:17, 205:23,
206:17, 206:22, 207:8
Samir [1] - 9:1
satisfied [1] - 97:23
save [1] - 154:1
savings [2] - 128:25,
147:20
saw [5] - 36:19,
36:20, 36:21, 37:1,
118:1
SCADA [3] - 205:2,
206:9, 207:1
scarcity [1] - 47:17
scenario [2] -
116:14, 130:22
scenarios [1] -
103:16
schedule [14] - 5:14,
7:23, 8:9, 130:8,
130:11, 141:5, 148:7,
148:23, 153:20,
175:7, 178:7, 182:11,
182:13, 189:12
Schedule [1] -
182:14
scheduled [2] - 9:11,
9:13
science [3] - 96:4,
96:7, 98:6

scope [2] - 7:2,
63:21
screen [1] - 189:12
scrutiny [2] - 62:23,
62:25
se [1] - 103:13
seasonal [1] - 16:7
seat [1] - 9:24
seated [4] - 3:3,
52:12, 113:6, 170:2
sec [1] - 101:5
second [15] - 8:12,
17:4, 20:20, 26:6,
57:23, 70:2, 80:9,
86:4, 93:1, 133:21,
192:15, 192:17,
203:3, 203:10, 210:8
secondarily [1] -
17:15
Secondary [1] -
204:6
secondary [22] -
152:23, 153:3, 155:8,
155:12, 155:14,
155:20, 155:23,
156:1, 156:7, 203:13,
203:16, 203:18,
203:20, 204:10,
204:12, 204:21,
205:2, 205:17,
205:23, 206:16,
206:22, 207:8
secondly [1] -
154:16
secretary [2] - 11:10,
189:16
Section [1] - 6:17
section [7] - 5:20,
113:12, 113:13,
113:16, 113:17,
211:5, 212:5
sector [3] - 16:17,
85:18, 85:20
see [39] - 13:13,
20:23, 25:9, 25:11,
26:18, 26:25, 33:13,
54:20, 66:20, 66:24,
69:24, 74:18, 74:20,
80:12, 80:16, 99:13,
104:7, 124:9, 136:14,
141:9, 141:12,
141:13, 142:18,
150:14, 164:8,
166:10, 175:14,
175:24, 176:8,
181:13, 183:4,
183:25, 194:20,
196:20, 198:25,
207:3, 209:4, 210:23,
212:19
seeing [4] - 34:21,
41:16, 53:12, 160:3
seeing's [1] - 52:3
seeking [2] - 3:11,
3:13
selected [2] -
161:25, 211:14
self [3] - 53:14,
85:18, 85:24
self-important [1] -
53:14
self-regulation [2] -
85:18, 85:24
send [1] - 82:23
sends [1] - 10:23
senior [1] - 53:13
sense [17] - 59:4,
71:1, 71:4, 71:15,
80:18, 126:16, 129:7,
14

153:22, 161:23,
163:24, 172:13,
200:7, 201:2, 202:11,
205:14
sensitive [1] - 16:8
sentence [3] - 46:12,
46:16, 202:24
separate [8] - 7:21,
49:25, 50:25, 51:3,
142:21, 143:12,
203:17, 205:6
separated [2] -
77:24, 78:12
separately [1] -
174:5
separates [1] - 108:1
separation [1] -
169:10
September [5] - 6:2,
6:4, 6:12, 6:25, 68:22
sequence [1] -
144:20
sequences [1] -
209:1
seriously [1] - 99:6
seriousness [1] -
77:11
serve [2] - 16:12,
104:20
serves [2] - 147:3,
154:12
service [11] - 4:19,
4:20, 4:24, 5:11, 26:3,
59:6, 83:11, 83:23,
162:13, 162:19,
162:24
services [7] - 57:12,
61:24, 62:4, 67:11,
72:24, 72:25, 73:7
Session [1] - 113:3
set [23] - 4:5, 6:15,
6:19, 19:2, 21:7,
33:23, 83:14, 83:16,
84:20, 121:10,
123:13, 123:18,
126:13, 127:23,
133:7, 134:14,
134:18, 134:22,
135:16, 137:2, 137:6,
137:11, 191:1
sets [2] - 46:18,
120:17
setting [6] - 3:17,
8:5, 125:21, 171:6,
174:8, 193:2
settled [1] - 70:21
settlement [7] -
70:11, 70:12, 115:22,
116:2, 116:5, 119:17,
125:2
several [7] - 17:1,
64:8, 72:21, 83:15,
103:10, 197:24,
197:25
share [2] - 27:25,
168:13
shareholder [9] -
14:20, 60:7, 76:11,
77:6, 77:12, 125:23,
165:3, 185:13
shareholders [4] -
60:9, 70:23, 76:18,
76:20
shareholders' [2] -
65:25, 66:10
Sharma [2] - 2:12,
9:1
sheet [6] - 4:1,
119:2, 120:19,
151:25, 152:2

shop [1] - 169:5
short [23] - 37:21,
37:22, 40:6, 74:16,
87:9, 105:4, 110:12,
110:24, 111:8,
111:15, 111:19,
112:1, 115:18,
121:11, 144:21,
151:24, 204:13,
205:1, 205:8, 205:12,
207:20, 207:25, 208:3
short-term [15] -
37:21, 40:6, 74:16,
87:9, 110:24, 111:19,
112:1, 115:18,
121:11, 144:21,
204:13, 205:12,
207:20, 207:25, 208:3
shortage [2] - 132:5,
132:19
shortfall [4] - 17:4,
164:12, 185:24, 186:6
shortfalls [1] -
111:17
shorthand [2] -
213:5, 213:6
shot [1] - 115:14
show [2] - 69:17,
129:5
showing [4] - 36:12,
79:25, 139:19, 181:2
shown [2] - 26:16,
109:15
shows [11] - 16:15,
90:24, 144:20, 152:6,
184:23, 184:24,
189:6, 194:10,
194:22, 195:21
shut [1] - 106:11
Side [2] - 161:17,
161:21
side [2] - 33:17,
131:13
signed [1] - 62:20
significance [1] -
36:13
significant [5] -
29:17, 44:15, 55:4,
130:13, 137:13
significantly [1] -
27:21
signing [1] - 169:9
similar [6] - 6:5,
34:25, 38:8, 106:3,
144:24, 153:4
simple [8] - 89:11,
107:19, 116:5,
116:12, 150:14,
163:16, 176:12,
202:11
simpler [3] - 31:7,
41:20, 150:12
simplest [1] - 156:5
simply [9] - 83:25,
97:5, 105:5, 129:5,
138:14, 149:1, 167:6,
208:19, 208:23
simulation [2] -
73:13, 89:6
single [3] - 93:12,
100:4, 118:1
sit [1] - 2:22
site [1] - 198:3
sitting [1] - 9:9
situation [13] -
64:15, 98:8, 104:14,
116:20, 128:15,
128:23, 129:2,
129:14, 131:21,
137:19, 152:13,

154:21, 206:3
situations [3] -
 103:1, 128:14, 205:22
six [1] - 110:19
skill [2] - 54:1, 213:7
skin [1] - 151:3
slightly [3] - 188:1,
 200:18, 210:2
slips [1] - 18:9
slow [1] - 171:15
small [11] - 16:6,
 26:23, 52:13, 93:20,
 117:11, 160:10,
 186:1, 188:16,
 188:18, 200:15, 204:9
smaller [1] - 202:14
smooth [1] - 82:22
smoothness [1] -
 83:1
Society [2] - 12:14,
 73:6
software [1] - 102:2
solar [5] - 29:1,
 29:18, 30:15, 31:21,
 32:14
sole [11] - 57:19,
 57:21, 57:24, 58:2,
 60:16, 67:10, 67:12,
 69:8, 70:25, 74:13,
 77:16
sole-source [2] -
 67:12, 77:16
sole-sourced [7] -
 57:19, 57:21, 58:2,
 60:16, 67:10, 69:8,
 70:25
solely [2] - 64:19,
 126:7
solutions [1] - 40:14
someone [3] -
 162:17, 164:22,
 210:15
someplace [1] -
 179:4
sometimes [6] -
 102:19, 102:20,
 121:25, 133:12,
 150:15, 171:14
somewhat [1] -
 128:15
somewhere [6] -
 65:20, 66:16, 125:24,
 130:3, 149:14, 176:12
soon [1] - 114:10
sophisticated [8] -
 89:13, 117:4, 117:23,
 159:13, 159:20,
 160:19, 206:16,
 206:17
sorry [49] - 18:15,
 20:21, 21:24, 23:10,
 27:4, 33:10, 34:12,
 39:15, 41:5, 41:7,
 44:14, 48:3, 56:21,
 60:17, 60:22, 67:22,
 68:5, 73:19, 78:3,
 78:15, 81:4, 94:15,
 100:9, 100:10,
 101:20, 120:23,
 135:18, 136:17,
 141:6, 143:24, 145:5,
 151:14, 151:18,
 157:2, 173:6, 175:1,
 176:11, 177:4, 178:4,
 182:13, 184:11,
 187:10, 187:22,
 189:11, 190:23,
 195:4, 196:2, 207:14,
 209:18
sort [4] - 23:3, 50:3,

80:16, 155:5
sought [4] - 6:25,
 7:5, 7:10, 8:3
sound [3] - 24:8,
 24:23, 37:12
source [3] - 57:24,
 67:12, 77:16
sourced [7] - 57:19,
 57:21, 58:2, 60:16,
 67:10, 69:8, 70:25
sources [3] - 16:12,
 88:11, 193:23
space [1] - 58:5
speaking [6] - 28:5,
 34:24, 48:17, 143:18,
 183:24, 211:11
special [1] - 138:18
specialists [1] - 75:9
specialized [1] - 55:5
specific [22] - 7:5,
 28:3, 45:3, 62:17,
 62:18, 73:19, 78:7,
 79:21, 81:16, 82:7,
 86:6, 93:7, 93:12,
 120:21, 143:9,
 151:17, 161:18,
 167:10, 178:12,
 178:20, 178:21,
 184:18
specifically [12] -
 30:6, 41:2, 48:18,
 54:4, 78:4, 79:20,
 81:25, 161:25,
 171:25, 180:15,
 183:25, 211:9
specificity [1] - 85:2
specified [1] - 77:14
speculate [1] - 74:25
spells [1] - 175:13
spend [5] - 150:10,
 160:11, 166:3, 169:8,
 169:10
spending [8] - 4:22,
 25:13, 25:19, 26:3,
 26:17, 26:19, 163:25,
 167:6
Spending [1] - 41:4
spent [3] - 55:15,
 94:25, 150:9
spilled [6] - 203:14,
 203:17, 203:19,
 203:23, 204:8, 205:24
spin [1] - 97:15
spits [1] - 74:21
Splash [2] - 96:17,
 97:24
split [12] - 107:21,
 107:25, 108:10,
 108:14, 108:15,
 108:20, 108:23,
 108:24, 109:8, 109:9,
 109:13, 114:17
sponsor [1] - 29:11
spot [1] - 150:9
spreadsheet [1] -
 116:12
spring [1] - 49:7
SRECKOVIC [8] -
 13:1, 15:8, 32:3, 33:5,
 108:9, 211:16, 212:3,
 214:6
Sreckovic [6] - 14:9,
 15:7, 31:25, 57:8,
 105:12, 203:25
Sreckovic's [1] -
 55:1
St [1] - 194:16
stabilization [1] -
 115:17
staff [12] - 8:25, 9:5,

9:22, 9:25, 11:2,
 53:25, 54:23, 55:20,
 58:13, 95:4, 95:15
Staff [5] - 2:10, 2:11,
 2:11, 2:12, 2:12
stage [4] - 40:21,
 42:19, 81:11, 148:25
stakeholders [3] -
 14:21, 178:10, 183:16
stamp [1] - 89:15
stand [1] - 59:4
standard [5] - 88:20,
 97:7, 159:16, 169:4,
 169:14
standards [1] - 85:20
start [8] - 72:11,
 73:19, 81:20, 89:10,
 112:7, 140:4, 199:15,
 210:13
started [5] - 81:13,
 90:17, 116:24,
 138:23, 211:18
starting [6] - 4:11,
 14:14, 20:15, 45:12,
 91:5, 139:13
starts [1] - 41:9
state [4] - 23:6, 29:7,
 29:15, 61:19
statement [27] -
 13:18, 21:18, 22:24,
 23:12, 23:17, 23:21,
 25:10, 36:18, 44:6,
 45:8, 45:9, 72:10,
 122:21, 166:5,
 172:20, 173:9,
 173:14, 177:13,
 177:24, 184:5,
 184:12, 184:13,
 184:18, 185:19,
 187:7, 187:22, 206:21
statements [1] -
 140:12
states [14] - 23:13,
 45:12, 45:22, 47:23,
 48:23, 49:1, 50:21,
 51:8, 69:1, 107:20,
 143:8, 170:9, 172:20,
 184:6
stating [5] - 22:6,
 22:11, 45:11, 143:19,
 168:21
statute [2] - 77:15,
 80:14
stay [1] - 59:10
stead [1] - 2:17
steel [2] - 18:23,
 188:24
stem [1] - 148:2
stepped [1] - 174:22
steps [3] - 5:7, 59:3,
 144:25
Stewart [1] - 90:18
still [2] - 36:16,
 42:20, 51:13, 58:21,
 70:11, 78:22, 84:10,
 94:8, 114:8, 126:2,
 126:5, 129:7, 142:9,
 143:16, 149:22,
 152:9, 170:20,
 187:18, 195:1,
 209:13, 211:21
stop [3] - 133:22,
 169:21, 196:8
stops [1] - 134:3
storage [3] - 45:18,
 46:7, 208:18
stove [1] - 131:19
straight [1] - 71:12
straightforward [1] -
 16

straightforwardly [1] -
 149:4
strategic [1] - 17:22
strategy [2] - 14:19,
 17:11
stream [1] - 154:7
strives [1] - 61:22
strong [1] - 16:16
strongly [1] - 105:2
structural [2] -
 18:23, 188:24
structure [1] -
 191:15
structures [1] - 19:4
struggle [1] - 150:4
struggling [3] -
 71:17, 73:22, 86:2
study [9] - 32:9,
 38:15, 49:25, 50:25,
 51:2, 51:3, 51:4,
 51:17
stuff [3] - 142:18,
 164:7, 189:8
subject [15] - 16:24,
 18:5, 71:9, 84:1,
 109:22, 109:25,
 111:23, 156:5,
 169:19, 187:20,
 207:8, 207:11, 208:5,
 208:21, 209:6
subjects [1] - 59:16
submission [1] -
 142:20
submissions [2] -
 6:7, 126:3
submit [2] - 10:16,
 10:22
submitted [6] - 6:1,
 8:1, 8:12, 8:17, 8:21,
 10:4
suboptimal [1] - 40:8
subsequent [3] -
 19:4, 157:5, 157:6
subsequently [1] -
 8:14
subsidizes [1] -
 174:9
subsidy [1] - 174:13
substantial [3] -
 20:10, 41:11, 63:23
substantially [2] -
 210:3, 210:4
substantive [1] -
 51:11
substitute [1] -
 114:25
success [1] - 70:14
successful [2] -
 70:10, 133:11
sudden [5] - 130:25,
 132:19, 134:17,
 136:22, 136:23
suffered [1] - 152:18
sufficient [2] - 11:2,
 27:5
suggested [1] -
 40:23
summarized [1] -
 187:7
summary [4] - 22:25,
 162:14, 162:20,
 180:17
summer [1] - 207:4
sunk [1] - 166:6
supplied [3] - 67:25,
 154:9, 154:10
supply [7] - 16:12,
 17:8, 40:17, 88:11,
 138:15, 161:22,
 166:23

supplying [1] -
 155:23
support [5] - 54:15,
 56:15, 56:16, 58:7,
 143:10
supported [1] -
 17:16
supporting [1] - 5:12
suppose [1] - 12:19
supposed [3] -
 132:4, 155:20, 163:8
supposedly [1] -
 61:25
surfaced [1] - 119:10
surplus [8] - 90:10,
 90:13, 117:18,
 155:21, 203:14,
 203:17, 203:20,
 205:25
survey [3] - 50:23,
 132:1, 132:11
surveying [1] - 36:15
suspended [1] -
 105:21
Sustaining [2] -
 41:4, 41:5
sustaining [3] - 26:8,
 39:20, 167:13
swamp [1] - 72:5
swap [1] - 73:1
switch [3] - 199:10,
 206:9
sworn [1] - 12:21
sworn/affirmed [1] -
 13:2
system [47] - 16:1,
 16:2, 16:4, 16:7, 16:8,
 36:2, 36:9, 45:18,
 59:7, 59:19, 88:10,
 88:13, 88:16, 88:23,
 89:9, 89:12, 90:8,
 90:15, 91:5, 93:15,
 96:14, 98:13, 104:9,
 116:15, 116:16,
 116:23, 117:16,
 117:18, 118:17,
 121:21, 126:17,
 131:5, 133:2, 134:13,
 137:4, 138:14,
 138:25, 139:10,
 139:15, 139:19,
 142:24, 154:25,
 160:22, 168:19,
 169:5, 170:24, 206:8
systems [6] - 46:7,
 92:9, 92:11, 103:10,
 103:11, 164:20

T

tab [12] - 18:24,
 20:25, 21:1, 21:8,
 26:17, 180:21, 182:4,
 190:1, 195:25, 196:4
table [29] - 20:18,
 20:19, 20:23, 21:6,
 21:10, 21:12, 26:23,
 33:18, 34:20, 35:4,
 35:15, 46:21, 55:6,
 56:4, 82:18, 119:1,
 119:7, 119:9, 151:25,
 173:11, 173:13,
 174:14, 177:16,
 182:5, 189:5, 195:20,
 204:4, 208:11, 210:6
Table [24] - 26:19,
 27:1, 33:13, 33:14,
 114:20, 173:5, 173:7,
 180:23, 182:6, 182:7,
 182:8, 184:22,

186:23, 186:25,
187:11, 187:12,
194:9, 195:25, 204:3,
204:10, 207:7,
207:16, 207:18,
209:24
tables [4] - 21:1,
26:14, 26:16, 38:11
Tables [1] - 33:8
tabs [1] - 21:8
tailings [1] - 36:15
Takhini [1] - 67:25
talks [1] - 131:21
tax [1] - 64:14
taxes [2] - 64:11,
64:16
team [5] - 15:12,
55:1, 80:1, 105:13,
110:19
tech [1] - 30:5
technical [1] - 17:22
technique [1] -
161:16
techniques [1] -
49:10
technologies [7] -
29:8, 29:12, 30:1,
32:15, 32:16, 32:19,
32:21
technology [15] -
27:7, 27:19, 27:21,
28:6, 28:9, 28:17,
28:19, 28:23, 28:25,
29:3, 29:15, 30:20,
31:17, 32:8, 32:9
temperature [2] -
36:20, 37:6
temperatures [1] -
36:22
ten [8] - 4:22, 34:9,
34:15, 34:17, 35:2,
52:4, 94:12, 110:8
tend [4] - 58:7,
89:10, 89:12, 122:8
tender [4] - 60:14,
63:2, 69:5, 72:22
tendered [2] - 61:15,
92:16
tenders [3] - 62:16,
62:22, 63:6
Tenders [1] - 61:19
tends [1] - 16:25
Term [1] - 204:4
term [115] - 4:1, 4:3,
7:13, 24:6, 31:14,
35:14, 37:9, 37:18,
37:19, 37:21, 37:22,
40:5, 40:6, 46:10,
46:17, 46:21, 46:23,
47:2, 47:6, 47:13,
74:12, 74:16, 86:21,
87:9, 87:25, 89:2,
90:4, 90:10, 96:17,
96:18, 96:25, 97:2,
104:4, 104:21, 105:4,
106:4, 108:13,
108:14, 108:15,
110:3, 110:12,
110:14, 110:21,
110:24, 110:25,
111:2, 111:8, 111:15,
111:19, 112:1,
115:18, 115:19,
117:5, 118:1, 118:10,
119:2, 119:3, 119:4,
120:10, 120:19,
121:11, 121:12,
121:13, 123:14,
125:14, 125:16,
126:1, 127:21,

133:15, 141:16,
141:17, 141:21,
141:22, 141:25,
142:4, 142:22,
144:14, 144:16,
144:21, 147:2,
147:24, 151:15,
151:20, 151:22,
151:25, 152:2, 156:3,
156:6, 161:3, 203:14,
204:6, 204:13,
204:14, 205:1, 205:6,
205:9, 205:12,
205:25, 207:20,
207:25, 208:3,
208:12, 209:24,
210:3, 210:7, 210:9,
210:11, 210:14,
210:16
terminal [1] - 108:12
terminated [2] -
198:5, 206:22
terms [22] - 17:19,
17:25, 32:1, 36:5,
39:20, 77:2, 87:16,
89:3, 113:10, 117:10,
118:13, 121:24,
131:8, 135:11,
142:10, 153:6, 154:9,
159:21, 159:24,
167:10, 193:22,
203:14
terrible [1] - 41:18
territorial [2] - 17:17,
177:19
Territories [1] -
174:7
territories [1] -
177:19
territory [7] - 32:5,
32:6, 39:9, 139:16,
166:23, 174:13
test [36] - 4:24,
15:22, 21:12, 26:11,
69:11, 80:8, 80:9,
80:15, 80:25, 81:1,
82:5, 82:12, 86:23,
88:2, 94:17, 95:2,
98:16, 103:13,
103:16, 157:2, 157:5,
157:6, 163:20,
171:10, 171:14,
171:20, 184:10,
184:20, 184:25,
186:24, 199:23,
200:25, 202:3, 204:8
testable [1] - 96:25
tested [2] - 87:13,
103:9
testers [1] - 25:20
testified [1] - 146:15
testifies [1] - 10:19
testimony [1] -
141:15
tests [2] - 105:17,
159:7
text [2] - 101:1,
101:10
THAT [2] - 192:13,
214:19
THE [107] - 2:22,
12:17, 12:22, 13:3,
13:4, 19:13, 19:16,
19:19, 19:22, 19:23,
48:13, 50:6, 52:3,
52:8, 52:12, 53:3,
68:16, 70:2, 70:4,
70:17, 78:20, 80:20,
84:17, 85:14, 86:4,
93:1, 93:3, 93:24,

94:1, 94:5, 97:18,
107:2, 107:8, 107:11,
111:12, 112:5, 113:6,
114:6, 114:9, 114:25,
115:3, 115:5, 123:3,
123:6, 123:9, 124:7,
124:12, 124:14,
124:16, 125:6,
133:21, 134:3, 134:6,
140:2, 140:10, 166:9,
166:13, 166:17,
169:21, 169:24,
170:2, 178:24, 179:3,
179:6, 179:9, 179:14,
180:7, 180:10,
180:19, 180:25,
181:4, 181:6, 181:24,
182:17, 182:21,
182:25, 183:19,
184:2, 184:4, 187:13,
189:23, 192:7,
192:12, 192:14,
192:15, 193:7, 196:2,
196:15, 196:20,
196:24, 198:9,
198:21, 199:3, 199:8,
199:13, 212:8,
212:18, 214:8, 214:9,
214:10, 214:11,
214:15, 214:16,
214:18, 214:19,
214:21
the.. [1] - 200:2
theirs [1] - 156:18
them's [1] - 209:4
themselves [3] -
10:20, 74:23, 87:20
theory [2] - 116:10,
136:12
there'll [2] - 13:7,
13:14
therefore [7] - 43:16,
88:22, 119:4, 125:12,
164:1, 168:17, 174:7
thermal [34] - 4:4,
42:15, 46:25, 74:12,
111:7, 116:12,
116:20, 116:25,
117:3, 117:12, 119:5,
121:13, 121:14,
126:6, 130:15,
141:18, 141:19,
141:22, 147:2,
148:21, 148:24,
151:16, 153:24,
155:15, 155:18,
156:6, 174:2, 174:3,
174:9, 174:12,
193:22, 204:22,
205:10
thermal's [1] -
206:18
they've [12] - 55:7,
57:12, 57:25, 64:7,
83:11, 138:6, 138:20,
155:21, 163:1,
168:13, 168:18,
206:25
thinking [5] - 130:6,
162:25, 163:2, 172:6,
206:14
thinks [1] - 171:25
third [2] - 5:1, 53:19
this'll [1] - 52:22
thoroughly [1] -
102:4
thousand [2] -
175:22, 176:10
Three [2] - 39:11,
90

three [14] - 32:22,
48:12, 101:12,
101:13, 101:14,
169:25, 181:25,
182:1, 182:17,
183:10, 183:13,
183:25, 198:20,
212:16
thresholds [2] -
62:12, 62:13
throughout [5] -
8:24, 87:10, 87:11,
117:13, 157:19
Thursday [1] - 9:12
tied [2] - 135:16,
135:19
ties [2] - 64:4, 64:5
timing [2] - 38:7,
79:9
tippling [1] - 116:24
title [1] - 101:18
TO [15] - 93:25,
112:11, 192:12,
192:13, 193:7, 193:8,
214:15, 214:18,
214:19, 214:21,
214:22
to.. [1] - 124:2
today [19] - 3:3, 9:12,
11:22, 13:13, 15:21,
20:7, 79:4, 79:6,
98:13, 126:4, 144:3,
144:8, 147:6, 148:19,
149:11, 172:25,
198:8, 205:20, 207:6
together [3] - 29:10,
81:15, 176:9
tomorrow [7] -
179:13, 182:23,
183:9, 189:15,
196:13, 198:22,
212:19
tomorrow's [1] -
183:8
tons [1] - 116:19
took [2] - 151:21,
202:15
tool [2] - 86:24,
88:25
tools [5] - 73:12,
73:13, 73:15, 75:11,
119:20
top [9] - 20:18,
20:23, 22:15, 56:14,
60:24, 65:8, 148:8,
175:24
topic [1] - 75:17
TOTAL [2] - 94:1,
214:15
total [10] - 4:23, 4:25,
30:1, 47:5, 93:9,
114:7, 186:2, 189:10,
203:1, 208:11
totally [1] - 205:6
totals [1] - 204:11
touch [2] - 131:7,
205:13
tough [2] - 77:9,
77:10
track [4] - 45:2,
98:12, 180:2, 180:14
trade [1] - 131:20
trade-off [1] - 131:20
transactions [1] -
69:25
transcribed [2] -
11:12, 213:6
Transcript [1] -
213:1
transcript [2] -

11:14, 213:4
transfer [4] - 120:21,
141:20, 141:25, 142:2
transmission [3] -
24:17, 167:20, 172:23
transparent [1] -
61:21
travel [1] - 53:21
treated [5] - 126:22,
134:7, 135:7, 155:3,
156:1
treating [1] - 154:2
treatment [1] -
133:17
tremendous [1] -
53:22
tried [2] - 131:7,
137:1
trouble [1] - 72:9
true [4] - 65:11,
65:22, 143:16, 166:11
trust [1] - 120:12
truth [1] - 140:20
try [17] - 9:16, 26:22,
38:10, 79:10, 80:11,
84:3, 89:19, 97:3,
104:6, 104:17, 105:2,
123:9, 149:17, 183:3,
191:14, 191:19,
192:23
trying [20] - 18:1,
24:1, 36:25, 67:4,
73:23, 74:7, 82:19,
96:24, 108:7, 110:16,
110:21, 134:20,
141:9, 155:17,
159:24, 178:17,
181:11, 181:16,
183:15, 188:19
tune [1] - 143:22
tune-up [1] - 143:22
turn [10] - 9:9, 11:17,
20:17, 39:24, 45:1,
45:7, 48:18, 50:4,
67:18, 79:9
turned [3] - 155:1,
186:21, 205:25
turning [1] - 34:19
turns [1] - 172:2
twelve [1] - 110:19
two [40] - 7:21, 7:24,
8:1, 8:4, 9:14, 25:13,
25:20, 32:22, 37:22,
49:20, 49:21, 49:23,
72:3, 82:3, 89:3,
90:20, 93:9, 95:2,
111:11, 118:14,
118:17, 130:9,
130:11, 144:24,
146:3, 147:17, 148:3,
153:21, 156:10,
156:17, 163:20,
163:22, 173:19,
176:2, 185:7, 192:19,
193:6, 195:11,
196:25, 207:20
Two [1] - 8:8
TWO [2] - 94:1,
214:16
two-part [6] - 7:21,
7:24, 8:1, 130:9,
130:11, 153:21
type [31] - 28:8,
46:11, 46:14, 71:16,
87:19, 93:19, 95:14,
97:6, 98:3, 98:8,
98:16, 102:14, 119:7,
119:9, 122:3, 125:21,
127:4, 132:1, 152:20,
160:9, 161:18,

162:25, 164:7,
164:17, 170:20,
170:24, 172:10,
178:1, 178:6, 204:24,
204:25
types [8] - 30:11,
87:17, 99:5, 103:4,
104:19, 106:10,
119:14, 160:9
typically [7] - 58:11,
81:7, 93:15, 93:19,
96:25, 105:11, 135:23

U

UC [1] - 68:17
UCG [9] - 6:3, 6:8,
68:8, 68:22, 107:14,
107:18, 125:3,
130:19, 211:7
UCG-1-13 [1] - 68:18
UCG-2-18 [1] -
189:10
UCG-2-3-B [1] -
111:9
UCG-2-39 [1] -
114:19
UCG-YEC-2-30 [1] -
111:4
UCG-YEC-2-39 [1] -
152:4
UCG122 [1] - 67:23
UCG127 [1] - 67:18
ultimate [2] - 97:2,
164:20
ultimately [5] - 73:8,
120:7, 123:20, 136:4,
164:24
unacceptable [1] -
85:21
uncertain [1] -
199:19
uncertainty [1] -
36:4
under [22] - 17:13,
21:10, 21:23, 22:4,
22:15, 22:20, 25:5,
25:9, 33:24, 37:6,
41:3, 41:12, 42:19,
49:19, 50:4, 50:12,
60:4, 61:18, 77:15,
93:12, 102:7, 191:11
underlying [1] -
127:4
undersigned [1] -
213:3
understandable [2] -
139:25, 168:8
understood [3] -
41:13, 94:19, 192:7
undertake [1] - 63:17
undertaken [2] -
31:3, 143:10
undertaking [12] -
79:25, 94:2, 94:4,
94:9, 112:3, 113:8,
113:11, 114:7,
191:12, 192:6, 192:8,
209:10
UNDERTAKING [6] -
93:25, 192:12, 193:7,
214:15, 214:18,
214:21
UNDERTAKINGS [1]
- 214:13
undertakings [3] -
196:10, 196:17,
212:11
undertook [1] -
50:22

unequivocally [1] -
58:9
unfairness [1] -
137:25
unfortunately [1] -
60:11
unhappy [1] - 150:9
unhelpful [1] - 140:7
unique [2] - 16:1,
55:25
United [1] - 117:18
units [6] - 74:11,
74:12, 143:21, 144:1,
144:5, 144:8
universal [1] -
127:14
universities [1] -
97:11
unless [7] - 26:13,
54:4, 72:8, 145:13,
202:9, 211:9, 212:9
unnecessary [2] -
140:6, 140:7
up [40] - 16:1, 19:2,
32:1, 32:20, 37:20,
40:21, 52:7, 58:25,
59:25, 60:1, 62:21,
63:13, 78:21, 87:24,
89:3, 90:11, 93:17,
98:12, 107:8, 111:6,
116:22, 118:12,
126:25, 128:10,
136:10, 137:19,
143:22, 156:10,
164:4, 164:7, 164:13,
166:15, 170:4, 177:9,
186:12, 188:4,
191:16, 199:17,
203:19, 212:10
up-to-date [1] -
98:12
update [13] - 38:14,
39:4, 39:10, 49:12,
51:15, 51:22, 93:8,
103:3, 103:5, 108:22,
140:24, 185:21, 186:9
UPDATE [2] - 93:25,
214:15
updated [6] - 38:13,
47:25, 48:2, 104:10,
110:4, 188:23
updates [3] - 4:5,
93:14, 105:20
updating [2] - 40:15,
40:19
upgrade [2] - 17:4,
68:1
ups [1] - 144:1
usage [2] - 136:3,
153:3
useful [8] - 43:7,
104:20, 156:3, 166:7,
172:15, 172:16,
206:5, 210:24
User [1] - 101:6
user [7] - 99:12,
99:17, 99:18, 100:8,
100:19, 101:18, 108:4
uses [2] - 96:17,
171:13
usual [1] - 9:16
utilities [23] - 28:6,
28:24, 29:11, 32:25,
49:6, 51:16, 82:3,
88:20, 97:1, 97:8,
121:1, 146:16,
156:11, 156:14,
157:25, 171:8,
172:11, 172:15,
173:19, 178:6, 193:6,

194:11, 195:15
Utilities [12] - 1:1,
2:16, 5:21, 12:9,
12:11, 15:20, 53:6,
65:16, 116:1, 127:3,
162:11, 170:18
utilities' [4] - 49:2,
49:8, 50:23, 51:10
Utility [2] - 163:18,
180:5
utility [30] - 17:1,
17:11, 22:7, 22:8,
22:12, 22:13, 23:7,
23:13, 23:14, 24:9,
25:24, 43:24, 51:4,
83:25, 86:12, 117:13,
127:13, 132:14,
138:8, 138:11,
148:16, 159:16,
164:18, 165:1,
165:10, 165:25,
166:18, 170:16,
172:16, 175:10
utilize [1] - 193:16

V

valuable [1] - 73:8
value [3] - 62:12,
73:2, 73:8
values [1] - 84:23
variability [2] - 16:7,
126:6
variables [1] - 89:14
variance [6] - 145:3,
145:5, 145:7, 151:6,
151:9, 155:11
variation [1] - 117:11
variations [2] -
117:11, 211:20
varied [3] - 118:2,
119:1, 121:24
various [19] - 15:6,
16:17, 62:12, 72:21,
73:12, 77:13, 87:7,
87:10, 88:10, 88:11,
88:16, 103:18,
105:19, 119:14,
174:14, 193:10,
194:3, 208:25
vary [2] - 118:10,
127:9
vast [1] - 167:5
vegetation [5] -
47:19, 48:5, 48:22,
51:4, 51:12
vehicle [1] - 30:15
vehicles [7] - 30:7,
30:20, 31:9, 31:16,
32:8, 32:10, 32:13
vendors [1] - 62:2
verbatim [1] - 26:11
verifiable [3] - 96:24,
98:6, 98:13
verification [1] -
87:21
verified [2] - 87:13,
102:7
verify [1] - 103:21
version [1] - 116:8
versus [16] - 33:19,
33:24, 61:9, 63:19,
137:18, 147:6, 157:7,
172:1, 174:11,
175:16, 175:19,
185:24, 186:3, 193:5,
193:22
vibrate [1] - 11:18
Vice [1] - 3:7
V

Victoria [3] - 16:22,
61:2, 154:7
view [9] - 16:25,
30:13, 72:18, 73:7,
74:25, 131:20,
161:22, 165:4, 165:5
viewed [1] - 133:16
Volume [3] - 1:18,
2:4, 113:1
VOLUME [1] - 214:3
volunteer [1] - 206:6

W

wait [2] - 70:20,
181:10
waiting [1] - 140:2
wants [3] - 140:18,
204:1, 205:13
Ward [2] - 2:10, 9:1
warm [1] - 37:5
warmer [1] - 36:20
warranted [1] - 157:9
washroom [1] - 53:8
water [45] - 42:3,
43:23, 45:16, 46:1,
46:3, 46:4, 46:6,
46:13, 47:11, 47:13,
47:16, 73:15, 74:10,
98:12, 106:19,
106:23, 110:4,
110:11, 116:19,
122:9, 122:10,
123:15, 126:7,
126:18, 127:11,
132:5, 132:19,
132:23, 138:14,
143:13, 203:2, 205:9,
205:24, 206:24,
207:3, 207:12,
207:22, 208:1,
208:17, 208:23,
208:24, 209:4, 209:5,
210:5
Water [4] - 115:20,
119:18, 121:18,
132:22
water-related [1] -
43:23
ways [2] - 139:22,
140:6
weak [1] - 81:5
web [1] - 61:18
website [1] - 5:13
week [6] - 74:17,
104:14, 104:16,
104:24, 207:9
weigh [1] - 123:11
welfare [1] - 59:12
West [6] - 191:24,
192:18, 194:14,
194:19, 194:20,
214:22
WEST [1] - 193:9
whack [1] - 167:18
WHAT [4] - 192:12,
193:7, 214:18, 214:21
what.. [1] - 190:24
whatsoever [2] -
94:16, 110:20
wheeled [1] - 155:8
Whistle [1] - 67:25
white [1] - 60:2
Whitehorse [23] -
1:20, 2:2, 2:15, 8:17,
8:19, 9:24, 12:1, 12:4,
19:21, 19:22, 20:1,
22:5, 22:6, 25:8,
36:15, 44:1, 117:16,
117:17, 118:16,

167:19, 210:2, 210:8,
213:8
Whitehorse's [1] -
20:16
Whitehorse-
Aishihik-Faro [2] -
117:17, 118:16
whoa [1] - 136:24
whole [20] - 48:16,
113:15, 128:13,
128:25, 129:3, 129:9,
129:13, 130:4, 137:4,
142:14, 142:23,
143:2, 145:21,
148:17, 153:16,
153:25, 154:11,
155:18, 167:18,
189:12
wholesale [32] -
6:16, 6:20, 6:23,
36:14, 36:16, 36:21,
37:6, 128:1, 128:3,
128:21, 141:23,
142:23, 142:25,
145:3, 145:5, 145:7,
148:1, 148:2, 148:19,
151:9, 151:17, 153:9,
158:9, 185:22,
187:25, 188:5,
199:20, 199:24,
199:25, 201:1,
201:12, 201:17
wholesaler [2] -
128:14, 129:11
wholesales [4] -
16:21, 158:8, 200:8,
201:10
willing [2] - 79:23,
189:18
wind [4] - 29:1,
29:18, 88:12, 118:19
windfall [1] - 136:24
Winnipeg [2] - 76:5,
76:7
winter [6] - 16:6,
45:17, 46:6, 209:25,
210:10, 210:14
WIP [3] - 41:23, 43:3,
69:13
wise [1] - 136:17
wish [3] - 12:15,
211:9, 212:6
witness [12] - 9:24,
10:1, 10:9, 10:10,
10:11, 10:12, 10:16,
10:19, 10:20, 10:22,
10:24, 11:1
witness's [1] - 10:17
witnesses [3] - 9:19,
9:21, 9:23
won [1] - 116:3
wonder [1] - 198:11
wondering [4] -
184:8, 204:15,
210:15, 211:11
word [1] - 122:12
words [7] - 47:11,
64:5, 82:4, 82:13,
124:25, 127:17,
164:24
workload [1] - 55:19
works [9] - 4:18,
35:23, 52:25, 59:18,
87:23, 114:22,
129:13, 141:15,
207:21
workshop [1] - 99:16
world [4] - 36:6,
39:3, 83:8, 99:3
worried [1] - 99:1

YEC 2017-18 GRA, Volume 1, June 26, 2018

worry ^[1] - 159:25 worth ^[1] - 97:23 wrap ^[2] - 24:6, 107:8 wrestling ^[1] - 87:15 write ^[3] - 66:9, 66:22, 66:25 write-off ^[2] - 66:22, 66:25 writing ^[1] - 69:25 written ^[12] - 8:6, 10:3, 65:24, 66:19, 69:14, 69:23, 70:7, 90:11, 99:15, 102:22, 196:22	8:21, 9:20, 9:23, 9:24, 11:22, 13:22, 21:12, 22:2, 22:4, 22:16, 22:22, 23:15, 24:7, 24:8, 24:20, 25:3, 25:4, 28:5, 28:16, 28:23, 29:7, 29:16, 29:24, 30:5, 30:19, 31:2, 31:8, 31:16, 33:4, 33:8, 33:23, 35:6, 37:12, 37:24, 39:16, 39:24, 41:1, 41:22, 42:7, 42:22, 43:11, 44:6, 44:21, 45:11, 45:12, 45:22, 45:25, 48:23, 49:1, 50:12, 50:22, 51:8, 53:15, 68:22, 69:10, 77:5, 77:21, 88:7, 89:20, 91:12, 95:15, 95:25, 98:4, 108:1, 110:4, 118:4, 121:19, 128:7, 128:9, 128:11, 128:13, 128:21, 129:3, 129:8, 129:13, 129:20, 129:21, 130:4, 140:22, 141:2, 142:10, 142:13, 142:24, 143:8, 143:11, 145:21, 147:1, 147:5, 147:19, 147:21, 147:23, 150:16, 150:18, 150:19, 152:19, 152:21, 153:16, 153:23, 154:12, 156:23, 157:18, 157:24, 167:5, 167:23, 172:20, 181:17, 184:6, 192:19, 194:12, 197:2, 197:14, 200:8, 200:17, 201:5, 201:25, 202:9, 211:13 YEC's ^[13] - 21:9, 21:21, 22:19, 28:23, 45:24, 48:5, 49:19, 50:5, 50:20, 151:10, 154:11, 168:24, 184:6 YECL ^[1] - 150:17 YECSIM ^[46] - 86:20, 86:21, 87:12, 88:5, 88:7, 89:21, 90:23, 91:11, 94:9, 94:17, 94:25, 95:11, 96:4, 96:6, 97:23, 99:8, 103:9, 104:3, 105:23, 105:25, 106:5, 106:6, 106:14, 107:13, 107:20, 109:2, 109:23, 109:25, 110:2, 114:7, 116:21, 118:9, 119:15, 127:19, 127:21, 145:9, 146:19, 146:21, 151:13, 151:15, 151:18, 152:1, 204:7, 204:15, 208:22, 211:14 Yellowknife ^[3] - 174:1, 174:5, 174:11 yourself ^[2] - 33:21, 177:17 YUB ^[7] - 27:10, 27:11, 72:5, 187:4, 187:22, 201:18 YUB-1-3 ^[1] - 200:15 YUB-CW ^[1] - 27:11 YUB-CW-2 ^[1] - 27:9 Yukon ^[105] - 1:1,	1:20, 2:2, 2:13, 2:25, 3:8, 6:13, 6:20, 6:22, 6:23, 7:18, 11:24, 12:1, 12:13, 13:2, 13:14, 14:3, 14:4, 14:7, 14:10, 14:16, 14:18, 14:24, 15:9, 15:19, 15:20, 16:2, 16:15, 16:19, 29:11, 30:21, 35:23, 53:12, 56:17, 61:18, 61:20, 62:9, 62:10, 62:15, 63:7, 63:8, 64:4, 64:5, 64:9, 64:11, 64:21, 70:13, 72:4, 73:12, 74:14, 76:4, 76:10, 76:12, 76:13, 76:19, 76:25, 77:1, 77:18, 77:24, 79:10, 82:3, 84:21, 100:13, 101:6, 102:10, 110:17, 118:4, 118:16, 132:22, 138:22, 145:2, 146:5, 146:13, 146:23, 147:9, 147:18, 154:10, 155:9, 157:19, 158:5, 158:7, 158:15, 162:11, 170:6, 170:10, 172:25, 173:21, 174:15, 174:16, 174:21, 175:14, 176:25, 179:2, 180:16, 184:21, 199:24, 200:25, 201:12, 202:3, 202:8, 209:14, 209:23, 211:17, 214:7 YUKON ^[1] - 1:7 Yukoner ^[1] - 175:18
X		
XM ^[1] - 46:15		
Y		
YCL ^[1] - 145:1 YDC ^[3] - 76:17, 76:22, 185:5 year ^[66] - 4:13, 19:5, 21:13, 36:22, 43:5, 45:14, 45:21, 46:19, 46:24, 47:5, 47:8, 47:15, 47:16, 51:16, 53:20, 55:21, 56:11, 56:20, 57:2, 63:11, 80:8, 80:10, 80:15, 80:25, 81:1, 81:2, 81:4, 82:13, 91:23, 94:17, 106:1, 108:25, 110:4, 113:15, 119:3, 120:16, 120:18, 121:14, 122:5, 123:15, 131:15, 133:2, 135:23, 136:9, 136:11, 136:14, 142:17, 142:19, 146:16, 147:4, 147:14, 152:5, 152:7, 157:5, 157:6, 169:15, 184:25, 199:23, 200:25, 202:3, 206:23, 207:21, 208:14, 208:16, 208:24, 209:5 year-end ^[1] - 19:5 yearly ^[1] - 176:14 years ^[63] - 4:24, 15:25, 19:8, 19:10, 25:20, 26:11, 26:17, 26:18, 29:16, 30:2, 31:19, 32:11, 32:22, 32:24, 35:19, 37:22, 39:10, 43:13, 54:12, 55:20, 63:9, 69:11, 72:3, 75:19, 82:5, 83:15, 87:16, 92:15, 94:12, 95:2, 105:18, 106:20, 110:8, 122:9, 122:10, 122:11, 130:23, 130:24, 131:3, 132:21, 139:9, 157:2, 163:20, 163:22, 167:8, 167:25, 168:19, 171:14, 171:20, 184:10, 184:21, 185:7, 186:25, 188:2, 188:3, 204:8, 207:21, 208:20, 208:24, 209:4 YEC ^[137] - 3:9, 3:13, 5:9, 5:11, 5:14, 6:1, 6:4, 6:9, 6:13, 7:6, 7:17, 7:25, 8:4, 8:13,		
		zealous ^[1] - 85:21 zone ^[6] - 148:10, 158:11, 174:3, 174:6, 174:9, 174:12
		Z