

**IN THE MATTER OF the Public Utilities Act
Revised Statutes of Yukon, 2002, c. 186, as amended**

and

**An Application by Yukon Electrical Company Limited
for Approval of Revenue Requirements for 2008 and 2009**

BEFORE: R. Laking, Vice-Chair) July 22, 2008
 R. Hancock)
 J. Woodland)

BOARD ORDER 2008-7

WHEREAS:

- A. On April 30, 2008, Yukon Electrical Company Limited (YECL) filed with the Yukon Utilities Board (Board) an Application, pursuant to the *Public Utilities Act (Act)* and *Order-in-Council 1995/90*, for approval of its forecast revenue requirements for the 2008 and 2009 test years and approval of certain deferral accounts (General Rate Application or Application).
- B. On June 20, 2008, the Board issued Order 2008-5 which, among other matters, established a proceeding schedule for the Application, including a deadline for YECL to submit its responses to Information Requests (IR Responses) by August 4, 2008.
- C. By way of a letter dated July 17, 2008, YECL requested that the Board extend the date by which YECL must file IR Responses to August 19, 2008, and to adjust the balance of the proceeding schedule, other than the commencement of the hearing (Extension Request).
- D. By way of a memorandum dated July 17, 2008, the Board invited parties to comment on the Extension Request by close of business on July 21, 2008.
- E. The Board received comments from the City of Whitehorse (Whitehorse), John Maissan, the Utilities Consumer Group (UCG) and Yukon Energy Corporation (YEC) and reply comments from YECL, all proposing slightly different schedule adjustments.
- F. The Board is persuaded that YECL requires additional time to file IR Responses and for the proceeding schedule to be adjusted accordingly.

NOW THEREFORE, the Board orders as follows, with Reasons attached in Appendix A:

1. The Proceeding Schedule is revised as follows:

Action	Original Date (2008) (per Order 2008-5)	Revised Date (2008)
YECL to file additional information as per Order 2008-5	July 4	July 4
Information Requests to YECL	July 16	July 16
Information Responses from YECL	August 4	<i>August 19</i>
Intervenor Evidence	August 19	<i>September 2</i>
Information Requests to Intervenors	September 2	<i>September 10</i>
Information Responses from Intervenors	September 15	<i>September 24, by 9:00 a.m.</i>
YECL Rebuttal Evidence (if necessary)	September 22	<i>September 30</i>
Hearing	October 7-9 inclusive	October 7-9, inclusive
Argument and Reply	To Be Determined at Pre-Hearing Conference	To Be Determined at end of Public Hearing

2. YECL shall file with the Board all IR Responses that YECL can reasonably complete by the original deadline of August 4, 2008. YECL shall file all remaining IR Responses, including any amendments to previously filed IR Responses, by August 19, 2008.
3. When responding to an Information Request by referring to the response to another Information Request, all parties shall, in addition to identifying the other IR Response, quote the relevant portion of the Response being referred to.

DATED at the City of Whitehorse, in the Yukon Territory, the 23rd day of July 2008.

BY ORDER



Robert Laking
Vice-Chair

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Reasons for Decision

Owing to the volume of Information Requests it received, YECL requested an extension of the deadline to file IR Responses from August 4, 2008, to August 19, 2008, and proposed some adjustments to the balance of the proceeding schedule, other than the hearing date (Extension Request). The effect of these adjustments shortened both the time for Intervenors to respond to Information Requests and the time between the filing of YECL's Rebuttal Evidence and the commencement of the hearing.

Mr. Maissan and UCG did not object to the Extension Request but requested that YECL provide its IR responses as they become available.

The City of Whitehorse objected to the Extension Request because it unreasonably shortened the time for Intervenors to file IR Responses and the time between the filing of Rebuttal Evidence and the commencement of the hearing. The City of Whitehorse proposed an alternative revised proceeding schedule, including an extension of YECL's time to file IR Responses to August 11, 2008, but also maintained the hearing date.

YEC generally agreed with the City of Whitehorse and supported its proposed schedule. YEC also supported the views of Mr. Maissan and UCG that YECL be required to file as many IR Responses as possible by the original filing deadline of August 4, 2008.

In reply, YECL emphasized that August 19, 2008, is the earliest date by which YECL can file IR Responses and was deliberately selected for that reason. YECL also objected to the suggestion that it provide IR Responses as they become available because the extent of their interrelationship requires that they be finalized at the same time. However, YECL agreed to a slight adjustment to its originally proposed schedule to provide more time for Intervenors to file their IR Responses as follows (*italics added by Board*):

YECL Proposed Date Per July 17, 2008		YECL Proposed Date Per July 21, 2008	
Activity	Date	Activity	Date
Information Responses from YECL	August 19	Information Responses from YECL	August 19
Intervenor Evidence	September 2	Intervenor Evidence	September 2
IRs to Intervenors	September 15	IRs to Intervenors	September 12
Information Responses from Intervenors	September 24	Information Responses from Intervenors	September 24
YECL Rebuttal Evidence (if necessary)	October 2	YECL Rebuttal Evidence (if necessary)	October 2
Hearing	October 7-9 inclusive (tentative)	Hearing	October 7-9 inclusive (tentative)

All parties agree that YECL should be given more time to file its IR Responses. The Board also agrees and is persuaded by YECL that August 19, 2008, is the earliest date by which it can reasonably complete the filing of its Responses.

The Board recognizes that extending the IR Response deadline to August 19 — the date previously set for the filing of Intervenor Evidence — puts pressure on the balance of the already tight proceeding schedule if the October 7 hearing date is to be maintained. Compression of the times between the remaining steps is unavoidable, but the Board does wish to ensure that Intervenors not only have a reasonable opportunity to review YECL's IR Responses in order to file their own evidence, but to respond to any Information Requests. The Board is less concerned about the compression of the time between the filing of Rebuttal Evidence and the commencement of the hearing, but considers that adjusting the required date for receipt of Rebuttal Evidence to September 30 is reasonable.

In order to maintain fairness of process, the Board also considers it reasonable to adjust the date for Information Requests to Intervenors to September 10. For the same reason, the Board has adjusted the timing for receipt of IR Responses from Intervenors to require that they be received by 9:00 a.m. on September 24.

Also recognizing that many Information Requests are interrelated, the Board nevertheless considers that maintaining the tight schedule requires every effort by YECL to complete and file as many IR Responses as possible by the original deadline of August 4, 2008, with the balance to be filed by August 19, 2008. This will maximize the short time allowed to Intervenors to prepare evidence and respond to Information Requests.

Finally, it is often difficult for the Board and parties to navigate through a large volume of IR Responses when the response simply directs the reader to another IR Response, which may or may not be within the same set of IR Responses. To assist the Board and parties, when YECL is responding to an Information Request by referring to the response to another Information Request, YECL shall, in addition to identifying the other IR Response, quote the relevant portion of the response being referred to. All parties must follow this convention in their IR Responses.

For these reasons, the Board has revised the Proceeding Schedule as indicated in Board Order 2008-7.