



B R O W N L E E
L L P
B a r r i s t e r s & S o l i c i t o r s

Refer to: T.D. Marriott
Direct Line: (780) 497-4868
E-mail: tmarriott@brownleelaw.com
Your File#:
Our File#: 71310-0012

June 22, 2009

Yukon Utilities Board
Box 31728
Whitehorse, Yukon, Canada
Y1A 6L3

Attention: Shay Smart
Executive Secretary

Dear Sir/Madam:

Re: YECL Compliance Filing to Order 2009-2, Cost Claim of the City of Whitehorse

This is the letter of justification for the applied-for costs of the intervention of the City of Whitehorse in the above cited proceeding. The City of Whitehorse comprises 70% of the population of the Yukon and the City's residential and commercial customers account for the vast majority of the sales of Yukon Electrical Company Limited. Therefore, it was important that the City of Whitehorse represent its citizens and businesses in this compliance filing process. The City of Whitehorse was represented in these proceedings by its regulatory counsel, Brownlee LLP (Brownlee) and its technical and regulatory analyst, Garbutt Consulting Inc. (GCI) for the purpose of undertaking all necessary examination and analyses of the application, and preparation of all required regulatory submissions.

Brownlee has a considerable background and knowledge with respect to utility regulation in general, and has represented numerous utilities, consumer groups and municipalities in regulated matters and general rate applications. GCI has extensive experience in regulated industries, representing both utilities and customers as well as acting as Board Staff. The City of Whitehorse submits that Brownlee and GCI have the relevant knowledge and expertise necessary to effectively and efficiently represent the interests of the City of Whitehorse in this general rate application.

In Schedule 1 of the Board's Rules of Practice (Scale of Costs), the Board states:

“Before exercising its statutory discretion to award costs, the Board will consider such questions as the effectiveness of the party's participation, its relevancy to the issues, and whether the costs were reasonably and prudently incurred, and whether the party has been diligent in the efficient presentation of its position.”

The City of Whitehorse addresses these matters in detail below.

Effectiveness of City of Whitehorse's Participation

The City of Whitehorse submits that its participation in YECL's compliance filing to Order 2009-2 was effective. In Order 2009-5 at page 2 of 2, paragraph G states:

“The Board notes that none of the Intervenors have objected to the compliance filing, and is of the opinion that any concerns raised by Intervenors were addressed in YECL's reply.”

Although the City raised no formal objection to the compliance filing, the City considers that it raised legitimate concerns with the filing that were resolved by the Board in Order 2009-5 or by YECL in its reply. The City submits that its participation in the process was effective and helpful to both the Board and to YECL in ensuring compliance with Order 2009-2.

Relevancy to the Issues

In a compliance filing, there is one generic issue, which is whether the utility has incorporated appropriately the Board's directions and conclusions into its filing. The City of Whitehorse submits that its participation was fair, relevant to this issue and was not obstructive. As noted above, the City's participation raised only legitimate concerns that YECL was able to efficiently resolve. This led to a timely decision which allowed YECL to begin recovering its allowed revenue requirement on a timely basis and to minimize the level of rate riders required to recover deficiencies.

In its submission, the City analyzed YECL's response to the Board's Directive 11 and concluded that YECL had calculated correctly the amount of negative net salvage to remove from its depreciation rates but had omitted a complete response to Directive 11. In its reply, YECL provided a continuity schedule for its salvage and stated that, “commencing January 1, 2009 GAAP has changed requiring the breakout of net negative salvage. YECL will thus have net negative salvage detail in its 2009 Financial Statements.”

The City also noted a concern that "The 2010 rate schedule for Rider R should state that the Rider will be terminated upon the introduction of new base rates." The Board, in Order 2009-5 agreed, providing the following approval:

- "C. Re-introduce Rider R set to 10.526%, as the rate adjustment rider effective January 1, 2010, in lieu of redesigning the base rates. This rate will remain in effect until such time as one of the following occurs:
- i) Base rates are changed; or
 - ii) An application is approved by this Board to reset Rider R; or
 - iii) December 31, 2010;
- whichever comes first."

On both these concerns, the City submits that it raised legitimate concerns and that the Board and YECL responded to these concerns.

The City of Whitehorse's Costs Were Reasonably and Prudently Incurred

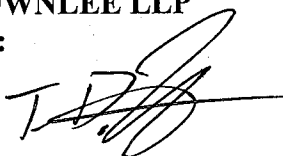
The City of Whitehorse incurred costs only as required to properly examine the Application, develop and file the submission. Prior to making its submission, the City of Whitehorse's representatives consulted with representatives of YECL concerning the calculation of Riders R and G and on the matter of the change in forecast wholesale purchases from YEC as a result of the increase in forecast sales arising from Board Directions 1, 2 and 3. The City submits that the consultations and co-operation removed these matters from issue and provided an efficient process.

The City of Whitehorse submits that the effort it expended in these proceedings was the minimum necessary to properly represent its interests. The City of Whitehorse believes the costs it incurred in this compliance filing process were both appropriate and reasonable.

Yours truly,

BROWNLEE LLP

PER:



THOMAS D. MARRIOTT
/rd

AFFIDAVIT OF FEES AND DISBURSEMENTS

AFFIDAVIT

Yukon Utilities Board (the "Board") Box 31728, Whitehorse, Yukon, Y1A 6L3

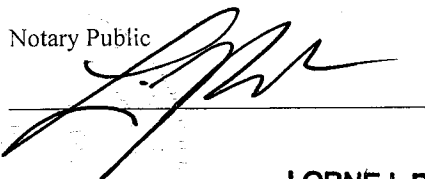
AFFIDAVIT OF FEES AND DISBURSEMENTS CLAIMED IN THE MATTER OF A CLAIM FOR COSTS MADE BY THE CITY OF WHITEHORSE IN A PROCEEDING BEFORE THE YUKON UTILITIES BOARD

I, **THOMAS D. MARRIOTT**, of the City of Edmonton and the Province of Alberta, MAKE OATH AND SAY THAT:

- 1) I am the Solicitor of the cost claimant the City of Whitehorse (the "Claimants") and as such have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated, I do verily believe to be true.
- 2) The Claimants were interveners in a proceeding (the "Proceeding") before the Board with respect to the above application(s).
- 3) The Claimants incurred fees and disbursements (exclusive of GST) in the amount of \$1,604.44 as a result of its participation in the Proceeding. Additionally, the Claimant incurred GST on the above fees and disbursements in the amount of \$80.22.
- 4) I have personally reviewed the accounts of the Claimant's lawyer(s) and consultant (s) including the supporting documentation as required by the *Scale of Costs*, and confirm that these accounts represent work performed at the specific request of the Claimant.
- 5) I have personally reviewed all receipts, invoices, or accounts for transcripts, airfare, or accommodation and confirm that they represent disbursements incurred at the specific request of the Claimant.
- 6) I confirm that the fees and disbursements claimed on behalf of the Claimant's lawyer(s) and consultant are reasonable and in accordance with the Yukon Utilities Board Rules of Practice and Intervenor Costs Award Policy.
- 7) To the best of my knowledge and belief, the fees and disbursements claimed by the Claimants represent fees and disbursements incurred necessarily and reasonably for the purpose of the Proceeding.

SWORN before me at the City of Edmonton, in the Province of Alberta, on the 22nd day of June 2009.

Notary Public



LORNE I. RANDA
BARRISTER & SOLICITOR

Signature of Affiant



THOMAS D. MARRIOTT

Summary of Total Costs Claimed
Form U1 - Page 1 of 1

Date June 22, 2009

Firm/Company Name	Total Fees	Total Disbursements	GST		Total Fees, Disbursements, & GST
			Total GST on Fees & Disbursements		
BROWNLEE LLP	\$200.00	\$4.44	\$10.22		\$214.66
GARBUTT CONSULTING INC.	\$1,400.00		\$70.00		\$1,470.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
Firm/Company Name					\$0.00
TOTAL COSTS CLAIMED	\$1,600.00	\$4.44	\$80.22		\$1,684.66

Claimant City of Whitehorse

Agent/Representative Brownlee LLP

Address 2200, 10155 - 102 Street, Edmonton, AB T5J 4G8

Phone 780-497-4868 Fax 780-424-3254

E-mail tmarrlott@brownleeelaw.com

Applicant(s) YECL

Application(s) No.

Hearing YECL 2008-2009 GRA Compliance Filing

Summary of Professional Fees Claimed
Form U2 - Page 1 of 2

Date	June 22, 2009	PROFESSIONAL FEES												Total			
		Years of Experience	Hourly Wage		Preparation		Attendance		Argument & Reply		Total Fees		GST Professional Fees		Fees & GST		
			Hours	Fees	Hours	Fees	Hours	Fees	Hours	Fees	Hours	Fees					
		FIRM/COMPANY NAME BROWNLEE LLP															
Individual Name																	
Thomas Marriott	>20	\$250.00	0.80	\$200.00		\$0.00		\$0.00		\$0.00	0.80	\$200.00	\$10.00		\$210.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00			\$0.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00			\$0.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00			\$0.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00			\$0.00		
Total This Company			0.80	\$200.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.80	\$200.00	\$10.00		\$210.00		

FIRM/COMPANY NAME GARBUTT CONSULTING INC.																	
Individual Name																	
Greg Garbutt	>15	\$250.00	4.75	\$1,187.50		\$0.00		\$0.00		\$0.00		\$1,187.50	\$59.38		\$1,246.88		
Individual Name																	
Keith Dannacker	>15	\$250.00	0.85	\$212.50		\$0.00		\$0.00		\$0.00		\$212.50	\$10.62		\$223.12		
Individual Name																	
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00			\$0.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00			\$0.00		
Individual Name				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00			\$0.00		
Total This Company			5.60	\$1,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$1,400.00	\$70.00		\$1,470.00		

Claimant CITY OF WHITEHORSE
Hearing YECL 2008-2009 GRA Compliance Filing

Applicant(s) YECL
Application(s) No.

YUKON UTILITIES BOARD

Summary of Disbursements Claimed

Date June 22, 2009

Disbursements Claimed (exclusive of GST)	Explanatory Notes	Number of Hours (where applicable) Number of Hours - Break down hours for Preparation for Hearing, Attendance at Hearing and Argument and Reply	Name of Claimant	Name of Claimant	Name of Claimant	Name of Claimant	Total Disbursements
Legal Fees	Maximum \$225/hr. including meals - Break down hours by firm/company and individual performing work		Brownlee LLP				\$0.00
Consultant Fees	Maximum \$225/hr. including meals						\$0.00
Airfare	At economy or less fare, to and from hearing, only when attendance is required						
Accommodation	During hearing days only						
Mileage	(\$0.61/km for road travel for Yukoners not residing in hearing location						\$0.00
Taxi	Only to and from airports, when attending a hearing						\$0.00
Parking	Only for travel while attending a hearing						\$0.00
Transcripts	Actual costs						\$0.00
Postage	Actual costs		\$0.54				\$0.54
Courier	Actual costs						\$0.00
Computer Access	Only when computer access is required, external to the applicant's operations						\$0.00
Long distance telephone and fax	Actual costs						\$0.00
Internal photocopying	At claimant's costs or \$0.10/copy, whichever is less		\$3.90				\$3.90
External printing	Actual costs						\$0.00
Other - Copying Application and IR's to disc	Please attach details and receipts						\$0.00
Other - meals	Please attach details and receipts						\$0.00
Other	Please attach details and receipts						\$0.00
Other	Please attach details and receipts		\$4.44	\$0.00	\$0.00	\$0.00	\$4.44
TOTAL DISBURSEMENTS			\$0.22				\$0.22
Total GST on Disbursements							

Claimant City of Whitehorse

Applicant(s) YECL 2008-2009 GRA Compliance Filing



B R O W N L E E
E L P
Barristers & Solicitors

City of Whitehorse
2121 - 2nd Avenue
Whitehorse, YT Y1A 1C2
Canada

June 15, 2009
Invoice No.: 330934
Our File Number: 71310-0012/TDM
Your Reference:
Email: tmarriott@brownleelaw.com
Direct Line: (780) 497-4868

RE: YECL Compliance Filing

FOR PROFESSIONAL SERVICES RENDERED THROUGH June 15, 2009

<u>Date</u>	<u>Description</u>	<u>Tkpr</u>	<u>Hours</u>	<u>Value</u>
04/30/09	Receipt and initial review of file; conducting and review of conflict searches	TDM	0.25	62.50
04/30/09	Telephone call from Greg Garbutt;	TDM	0.15	37.50
05/01/09	Review of draft submission on compliance filing and edit same;	TDM	0.15	37.50
05/01/09	Receipt and review of letter from Bennett Jones Re: YECL compliance filing;	TDM	0.15	37.50
05/08/09	Receipt and review of YECL reply;	TDM	0.10	25.00
	Total Hours		0.80	
Total Services				\$200.00
Plus 5% Goods & Service Tax				10.00
TOTAL FEES FOR PROFESSIONAL SERVICES:				\$210.00

Summary of Services

	<u>Timekeeper</u>	
TDM	Marriott, Thomas D.	<u>0.80</u>
	Total Services	0.80

DISBURSEMENTS AND OTHER CHARGES:

City of Whitehorse
71310-0012

Invoice No. 330934
June 15, 2009

OTHER CHARGES:

Laser - Printing Letter paper	\$3.90	
Postage	0.54	
Total Other Charges:	<u>4.44</u>	
Plus 5% Goods & Service Tax	0.22	
TOTAL: (INCL Goods & Service Tax)		<u>\$4.66</u>

TOTAL FEES & DISBURSEMENTS	\$204.44
TAX	\$10.22
TOTAL DUE THIS MATTER	\$214.66

This is our account herein

BROWNLEE LLP

PER: _____
Thomas D. Marriott

This file is Taxable for purposes of Goods & Service Tax.

INTEREST ON ACCOUNTS OUTSTANDING IN EXCESS OF 30 DAYS

WILL BE CHARGED at 0.00% PER ANNUM.

G.S.T. NUMBER: R119412096

E&OE

Garbutt Consulting Inc.

11527-13 Avenue, Edmonton, AB, T6J 7A3
Telephone: (780) 965-7283
Fax (780) 437-7292
E-mail: ggarbutt@telus.net

June 16, 2009

Invoice No.: 2009-09
YECL Compliance Filing
2008-09 GRA

Brownlee LLP
2200 Commerce Place
10155-102 Street
Edmonton, Alberta T5J 4G8

c/o Mr. Thomas D. Marriott

**In Account With
Garbutt Consulting Inc.**

For consulting services rendered by Garbutt Consulting Inc. (GCI) through Mr. Greg Garbutt and Mr. Keith Dannacker for the period ending May 1, 2009 on behalf of the City of Whitehorse pertaining to the Compliance Filing by the Yukon Electrical Company Ltd. dated April 6, 2009, in particular:

- Reviewing and analyzing application;
- Taking part in two separate information gathering telephone discussions with YECL staff;
- Drafting a letter to the Yukon Utilities Board providing the comments of the City of Whitehorse regarding the issues of the termination dates of rate riders and the FRSR continuity schedule.

(Total 5.60 hours - details of hours included on attached worksheet)

Fees (5.60 @ \$250/hr.)	\$ 1,400.00
<u>Disbursements</u>	<u>\$ 0.00</u>
Total Fees and Disbursements	\$ 1,400.00

<u>GST on Fees and Disbursements GST # 842336471RT0001</u>	<u>\$ 70.00</u>
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Total this Invoice	\$ 1,470.00
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We trust the above is acceptable.

Sincerely,
GARBUTT CONSULTING INC.

(original signed by writer)

Greg Garbutt

**Yukon Electrical Company Ltd. 2008/2009 GRA Phase I Compliance Filing
 Analysis of Hours - Greg Garbutt and Keith Dannacker**

April	1	Wednesday	
April	2	Thursday	
April	3	Friday	
April	4	Saturday	
April	5	Sunday	
April	6	Monday	
April	7	Tuesday	
April	8	Wednesday	
April	9	Thursday	
April	10	Friday	
April	11	Saturday	
April	12	Sunday	
April	13	Monday	
April	14	Tuesday	
April	15	Wednesday	
April	16	Thursday	
April	17	Friday	
April	18	Saturday	
April	19	Sunday	
April	20	Monday	
April	21	Tuesday	2.50 Review of compliance filing - determine issues outstanding Initial draft of letter - Riders and FRSR Issues, discussion between Keith 2.25 Dannacker and Craig Steinbach re Riders
April	22	Wednesday	
April	23	Thursday	
April	24	Friday	
April	25	Saturday	
April	26	Sunday	
April	27	Monday	
April	28	Tuesday	
April	29	Wednesday	
April	30	Thursday	

Subtotal 4.75

**Yukon Electrical Company Ltd. 2008/2009 GRA Phase I Compliance Filing
 Analysis of Hours - Greg Garbutt and Keith Dannacker**

Discussion between Greg Garbutt and Craig Steinbach re calculation of YECL Purchases from YEC (0.5)
 0.85 and final editing of letter (0.35)

May	1	Friday
May	2	Saturday
May	3	Sunday
May	4	Monday
May	5	Tuesday
May	6	Wednesday
May	7	Thursday
May	8	Friday
May	9	Saturday
May	10	Sunday
May	11	Monday
May	12	Tuesday
May	13	Wednesday
May	14	Thursday
May	15	Friday
May	16	Saturday
May	17	Sunday
May	18	Monday
May	19	Tuesday
May	20	Wednesday
May	21	Thursday
May	22	Friday
May	23	Saturday
May	24	Sunday
May	25	Monday
May	26	Tuesday
May	27	Wednesday
May	28	Thursday
May	29	Friday
May	30	Saturday
May	31	Sunday

0.85

Subtotal

Yukon Electrical Company Ltd. 2008/2009 General Rate Phase I Application
Summary of Hours - Greg Garbutt and Keith Dannacker

Preparation	5.60
Hearing	0.00
Argument and Reply	<u>0.00</u>
Total	5.60