

# Yukon Utilities Board

October 11, 2013

Roger Rondeau  
President, Utilities Consumers' Group  
Box 9300  
29 Wann Road  
Whitehorse, Yukon Y1A 5L7

Dear Mr. Rondeau:

**Re                    Letters of comment in public proceedings**

The Yukon Utilities Board (Board) is in receipt of the Utilities Consumers' Group October 1, 2013 e-mail concerning a September 17, 2013 submission from the Carcross Area Property Owners Association. The September 17, 2013 submission was uploaded to the Yukon Electrical Company Limited (YECL) 2013-15 General Rate Application (GRA).

The October 1, 2013 e-mail also comments on the Board's *Rules of Practice* for participation in Board proceedings and the information to be considered to ensure fairness and natural justice.

On October 17, 2012, the Board updated its *Rules of Practice* in accordance with section 10 of the *Public Utilities Act*, RSY 2002, c. 186, including the amendments reflected in Rule 25, after a public consultation process was completed. The Board's *Rules of Practice* allow for participation of the applicant and interveners as parties to the proceeding. For persons who wish to submit comment on a proceeding but do not wish to participate further as an intervener, the Board established an avenue for participation in such a circumstance under Rule 25. Rule 25 of the *Rules of Practice* states:

25. (1) Where a notice of a public hearing has been published, any interested persons or organizations who do not wish to intervene in respect of the proceeding but who wish to make their views regarding the application known to the Board may provide their views in writing to the Board in advance of the public hearing.

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(2) The Board, at its discretion, may schedule a portion of the public hearing for the public to present its views on the application before the Board

The *Rules of Practice* recognize the different levels of participation that are required from the applicant, interveners, and other persons wishing to comment on an application before the Board. For example, Rule 24 sets out the participation of interveners in Board proceedings. Rule 25 expressly provides that an interested person or organization can provide their views in writing in advance of a public hearing without the interested person or organization participating fully as a party to a proceeding.

The Board does not consider that the rules of natural justice or procedural fairness are breached by the inclusion of the September 17, 2013 submission on the record of the YECL 2013-15 GRA. The Board also considers that the submission of documents in any proceeding is considered on an individual basis. The September 17, 2013 submission from Carcross Area Property Owners Association was provided to the Board well before the November 4, 2013 hearing on the YECL 2013-15 GRA. The Board determined that the September 17, 2013 submission could be uploaded to the proceeding because it presented views on the YECL 2013-15 GRA. Parties to the proceeding have the opportunity to review the documentation in advance of the November 4, 2013 hearing date on the GRA.

Sincerely,



Bruce McLennan  
Chair

c. YECL 2013-15 GRA Parties