

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

and

**an Application by Yukon Energy Corporation for an Energy Project
Certificate and an Energy Operation Certificate regarding the
Proposed Mayo Hydro Enhancement Project (Mayo B)**

BEFORE: B. McLennan, Chair) February 24, 2010
 R. Hancock)
 R. Laking)
 K. Avery)

BOARD ORDER 2010-04

WHEREAS:

- A. On December 18, 2009, the Minister of Justice required that the Yukon Utilities Board (YUB or the Board) carry out a review and hold a public hearing on Yukon Energy Corporation's (YEC) Mayo Hydro Enhancement Project (Mayo B) per Part 3 of the *Public Utilities Act* (Energy Project Certificate and Energy Operation Certificate Application). The Minister of Justice's letter is in relation to an application submitted by YEC on December 11, 2009 under Part 3 of the *Public Utilities Act* for an energy project certificate and an energy operation certificate regarding Mayo B.
- B. Mayo B has been referred to the Yukon Environmental and Socio-Economic Assessment Board (YESAB) in a proposal submitted in February of 2009 under the *Yukon Environmental and Socio-economic Assessment Act* (Canada).
- C. Mayo B has been designated, in OIC 2009/220, as a regulated project under Part 3 of the *Public Utilities Act* pursuant to Section 36 of that *Act*.
- D. On December 18, 2009, the Minister of Justice of the Government of Yukon directed the Board to review the application for the certificates and conduct an oral hearing as part of the review. The Board is to provide a report and recommendations on the potential benefits, costs, risks and customer impacts that influence whether Mayo B should proceed as proposed by YEC. Specific items the Board is to report on are contained in the December 18, 2009 letter from the Minister of Justice.
- E. The Board is directed to submit its report and recommendations to the Minister of Justice no later than March 31, 2010. The Board shall provide a recommendation on whether YEC should be granted an energy project certificate and an energy operation certificate for Mayo B and whether the certificates should be subject to any terms and conditions and what these terms and conditions should be, and the Board may make any other recommendations or provide any other information that it considers advisable in the circumstances.

- F. On January 25, 2010, the Board issued Board Order 2010-01 in which it gave notice of the Energy Project Certificate and Energy Operation Certificate Application and that a hearing would be held into the Application in Whitehorse, Yukon at a time, date and location to be determined. Also, persons seeking intervenor status were to apply by February 8, 2010.
- G. On February 11, 2010, the Board issued Board Order 2010-02 in which it granted intervenor status and observer status to the persons named in the Order and stated that the Proceeding Schedule was amended to include Information Requests to YEC February 26, 2010 and Information Responses from YEC March 8, 2010. The Board stated that the remaining schedule for the proceeding will be issued at a later date.
- H. On February 17, 2010, the Board issued Board Order 2010-03 in which it granted Mr. Peter Percival's late application for intervenor status, having canvassed the parties for comments and received no objections. Board Order 2010-03 also amended the Proceeding Schedule to include Intervenor Evidence by March 16, Information Requests on Intervenor Evidence by March 23, Information Responses by Intervenor by March 30, and Oral Public Hearings on April 6-9, 2010.
- I. The Board received a late application for intervenor status from the Utilities Consumers' Group and asked the parties for comments. No person objected to the Utilities Consumers' Group application.

NOW THEREFORE, the Board orders as follows:

Intervenor status is granted to the Utilities Consumers' Group.

DATED at the City of Whitehorse, in the Yukon Territory, this 24th day of February, 2010.

BY ORDER



Bruce McLennan
Chair