

**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) March 23, 2010
 R. Hancock)
 R. Laking)
 K. Avery)
 J. Woodland)

BOARD ORDER 2010-05

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).
- B. Mayo B has been designated by way of OIC 2009/220 as a regulated project under Part 3 of the *Public Utilities Act* pursuant to Section 36 of that *Act*.
- C. 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.
- D. Furthermore, 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. Also, the Board may make any other recommendations or provide any other information that it considers advisable in the circumstances.
- E. On January 25, 2010 parties wishing to seek intervenor status were ordered to provide such information as required in Board Order 2010-1 by February 5, 2010 and that the Board would notify said parties of their status in this proceeding by February 12, 2010.

- F. 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 included the Proceeding Schedule for Information Requests and Information Responses. On February 17, 2010 the Board issued Board Order 2010-04 which granted further intervenor status and amended the Proceeding Schedule to provide the dates for the remaining steps in the process.
- G. On March 15, 2010 the Board received a Notice of Motion from the Utilities Consumers' Group (UCG) requesting the Board issue an Order to YEC requiring further and complete responses to the Information Requests listed in the UCG's letter.
- H. The Board issued a letter on March 17, 2010 asking YEC to respond to the UCG correspondence by March 18, 2010 and allowing the UCG to reply to that response by March 19, 2010.
- I. The Board has reviewed the submissions and made a determination on the request by UCG.

NOW THEREFORE, the Board orders as follows:

1. YEC shall provide further and better Information Responses in accordance with the Reasons attached in Appendix A to this Order by March 29, 2010.

DATED at the City of Whitehorse, in the Yukon Territory, this 23rd day of March, 2010.

BY ORDER



Bruce McLennan
Chair

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Reasons for Decision

UCG Motion

UCG-YEC-1-1: The Board considers that this information request has now been fully answered by YEC. No further response is required.

UCG-YEC-1-3: The Board finds that this information request has now been fully answered by YEC. No further response is required.

UCG-YEC-1-5: The Board directs YEC to provide aggregate energy and demand totals by rate class to respond to the (b) part of the question, as this information is relevant. However, the Board is of the view that no further response by YEC is required.

UCG-YEC-1-6: As parts of this question refer to risks faced by YEC and Yukon ratepayers, the Board directs YEC to respond to part (c) by providing the original estimated cost and the final costs for the past 10 years. YEC is to respond to part (d) by showing the cost-benefit analysis for those projects greater than \$1 million for the past 10 years. However, the Board does not consider the information requested in part (e) relevant to this proceeding.

UCG-YEC-1-10: The Board accepts the response by YEC with respect to relevancy. No further response is required.

UCG-YEC-1-18: In the Board's view, YEC has responded adequately to this IR and no further response is required.

UCG-YEC-1-22: In the Board's view, YEC has responded adequately to this IR and no further response is required.

UCG-YEC-1-23: In the Board's view, YEC has responded adequately to this IR and no further response is required.

UCG-YEC-1-24: In the Board's view, YEC has responded adequately to this IR and no further response is required.

UCG-YEC-1-27: In the Board's view, YEC has responded adequately to this IR and no further response is required.