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1 **1. Opening Statement by Board Chair**

2 MS SHANKS: I'd like to call the meeting
3 to order. I would like to first introduce the
4 Board members. On my right is Michael Phillips;
5 on my far right is Richard Hancock; and on my
6 left is Brian Morris.

7 I would also like to
8 introduce, at this time, Board counsel, Renee
9 Marx; Board staff, Pat Wickel and Dwayne Ward;
10 and the court reporter, Doug Ayers. If any
11 party wishes a copy of the transcript of this
12 pre-hearing conference, they should deal
13 directly with Mr. Ayers in that regard.

14 The Board's Executive
15 Secretary is Deana Lemke; and if anybody has any
16 questions with respect to the process or
17 procedural matters generally, they should speak
18 with Ms Lemke.

19 On June 1st, 2006, Yukon

1 Energy Corporation filed, with the Yukon
2 Utilities Board, YEC's 20 Year Resource Plan for
3 the years 2006 to 2025. In a letter dated June
4 5th, 2006, the Minister of Justice directed the
5 Yukon Utilities Board to carry out a review and
6 hold a hearing on the Plan.

7 The Plan contains the
8 following: Resource Planning for Yukon Power
9 Systems; Proposed New Capacity Planning
10 Criteria; Proposed Near Term Actions as well as
11 Proposed Actions Relating to Industrial
12 Development Scenarios and Opportunities.

13 Within the Plan, YEC has
14 "committed to seek YUB review, prior to
15 construction, of any new capital project costing
16 \$3 million or more." Furthermore, the December,
17 2004 application to the YUB by YEC, regarding
18 2005 Required Revenues and Related Matters,
19 committed YEC to bring before the Yukon
20 Utilities Board new or revised capacity planning
21 criteria. This requirement is to be in advance
22 of any capital investment in new generation for
23 capacity reasons.

24 Within this application, YEC
25 seeks Board review of its 20 Year Plan,
26 including use of its new capacity planning

1 criteria, the planning process, and the criteria
2 for longer term development opportunities, and
3 the four near term projects identified as: the
4 Aishihik Third Turbine Project, the Marsh Lake
5 Fall/Winter Storage Licence Revision, the
6 Carmacks-Stewart Transmission Project, and the
7 Mirrlees Life Extension Project.

8 In the June 5th, 2006 letter
9 from the Minister of Justice, the Minister
10 requested: 1) The Yukon Utilities Board review
11 YEC's Plan with emphasis on: a) those projects
12 related to the 20 Year Resource Plan which
13 require commitments by Yukon Energy Corporation
14 before the year 2009 for major investments with
15 anticipated costs of \$3 million or more for
16 feasibility assessment and engineering,
17 environmental licensing, or construction; and,
18 b) planning activities related to the 20 Year
19 Resource Plan which Yukon Energy may be required
20 to carry out in order to commence construction
21 on other projects before the year 2016 to meet
22 the needs of potential major industrial
23 customers or other potential developments in
24 Yukon.

25 Item 2): The YUB review is to
26 consider: a) significant utility spending

1 commitments related to the generation and
2 transmission of power in the Yukon that would
3 affect long term utility costs and rates; b) the
4 effect of the proposed spending commitments on
5 electricity rates to be charged to Yukon
6 consumers; c) with regard to generation or
7 transmission projects, the necessity for the
8 proposed spending commitments and, to the extent
9 currently known, their physical and engineering
10 characteristics and their economic consequences
11 with emphasis on: (i) effects relating to
12 electrical load forecast requirements, including
13 requirements related to potential new major
14 industrial customers or other major potential
15 developments in Yukon, and the need for spending
16 commitments to meet such load forecast
17 requirements; (ii) the capability of existing
18 generation and transmission facilities to
19 provide reliable electrical power generation to
20 meet the load forecast requirements in (i),
21 taking into consideration capacity planning
22 criteria appropriate and adequate to establish
23 requirements for such electrical power
24 generation capacity in accordance with
25 principles established in Canada by regulatory
26 authorities of the Government of Canada or of a

1 province or of a territory regulating hydro and
2 non-hydro electric utilities; (iii) evidence
3 that all reasonable alternative options have
4 been considered and that the proposed spending
5 commitments have been selected on reasonable
6 grounds, i.e. technical feasibility, cost
7 efficiency, and reliability; and (iv) the
8 analysis by Yukon Energy Corporation of
9 potential risks from all causes, including but
10 not limited to economic and financial risks, and
11 including possible modifications to design or
12 schedule resulting from environmental review and
13 related regulatory approvals.

14 The letter went on to say:
15 The Board shall hear submissions from any
16 persons or groups or classes of person who, in
17 the opinion of the Board, have an interest in
18 the matter. As well, the letter said: The Board
19 is to forward its report on its findings to the
20 Commissioner in Executive Council, and make it
21 public, not later than October 31st, 2006.

22 On June 15th, 2006, Yukon
23 Utilities Board, through Board Order 2006-5,
24 ordered a public workshop be held on July 25th,
25 2006; a pre-hearing conference was tentatively
26 scheduled for August 4th, 2006; and a hearing

1 tentatively scheduled for October the 2nd, 2006;
2 with a report to the Yukon Government by October
3 31st, 2006.

4 Discussions at the public
5 workshop resulted in a revised date for the pre-
6 hearing conference. In Board Order 2006-6, the
7 Board issued a revised schedule for the
8 proceeding based on the agreed-upon change to
9 the pre-hearing conference date, and based on an
10 extension of the deadline, for the Board's
11 report to the Yukon Government, to January the
12 15th, 2007. As a result, the Board determined
13 that a hearing for this matter will begin
14 November the 20th, 2006, at 9:00 a.m. at the Gold
15 Rush Inn. Parties should refer to Board Order
16 2006-6 for specific process steps and deadlines.

17 The purpose of this pre-
18 hearing conference is to clarify and resolve any
19 outstanding issues with respect to procedural
20 matters that pertain to the actual hearing, and
21 to facilitate the hearing process.

22 On August the 25th, 2006, the
23 Board circulated an agenda for today's pre-
24 hearing conference. The matters at hand will
25 include, but not be limited to, the following
26 items: the identification of the parties

1 participating in today's pre-hearing conference;
2 any jurisdictional issues; comments on principal
3 issues to be dealt with at the hearing; comments
4 on intervenor status; confirmation of the Board
5 process with respect to cost recovery; and other
6 matters that will assist in the orderly review
7 of the application.

8 Subsequent to this pre-
9 hearing conference, on September the 8th, the
10 Board will issue its decision on any matters
11 arising today that require a Board decision.
12 For example, the Issues List for the proceeding
13 and the intervenor status.

14 **2. Identification of Parties Participating in the**
15 **Pre-Hearing Conference**

16 At this time, for the record,
17 the Board asks all parties here today, who will
18 be participating in the pre-hearing conference,
19 to be identified. We also ask that parties
20 identify what interest they represent. And I
21 would ask Ms Marx to facilitate this process at
22 this time.

23 MS MARX: Thank you, Madam Chair. I
24 will call for introductions now, beginning first
25 with Yukon Energy Corporation.

26 MR. LANDRY: Good morning, Madam Chair and

1 panel members. My name is John Landry, that's
2 L-A-N-D-R-Y, and I represent Yukon Energy
3 Corporation. With me at this table is Dave
4 Morrison, the President of Yukon Energy; and Cam
5 Osler, with Intergroup.

6 MS MARX: Yukon Electrical Company.

7 MR. KEOUGH: Thank you, Madam Chair.
8 Loyola Keough for Yukon Electrical Company
9 Limited. With me are Mr. Doug Tenney and Mr.
10 James Grattan. Thank you.

11 MS MARX: The City of Whitehorse.

12 MR. TUCK: Thank you. It's Wayne Tuck,
13 I'm Manager of Engineering Environmental
14 Services with the City of Whitehorse.

15 MS MARX: The Utilities Consumers'
16 Group.

17 MR. RONDEAU: Good morning, Panel. My name
18 is Roger Rondeau, I'm representing the Utilities
19 Consumers' Group. Our major representation is
20 for residential consumers and small business.

21 MS MARX: Yukon Conservation Society.

22 MS WRIGHT: Good morning. My name is
23 Sally Wright, W-R-I-G-H-T. I'm the President of
24 Yukon Conservation Society.

25 MS MARX: The Marsh Lake Local Advisory
26 Council. I don't see anybody here from Marsh

1 Lake. Peter Percival.

2 MR. PERCIVAL: That's me. I'm representing
3 myself. I have an interest, a broad interest,
4 in the regulatory process. Peter Percival.

5 MS MARX: Gary McRobb. Also not
6 responding. Is there anybody else, who I
7 haven't called, who intends to participate in
8 today's pre-hearing conference? Seeing none,
9 Madam Chair -- oh, pardon me.

10 MR. MAISSAN: My name is John Maissan, and
11 I had wanted to participate in this entire
12 process as interested observer, or personal
13 interest purposes, so I don't know whether I
14 need to be registered. I'm not an intervenor,
15 but just in case... thanks.

16 MS MARX: Mr. Maissan, did you intend
17 to just observe today, or were you going to be
18 speaking to items on the agenda today?

19 MR. MAISSAN: I had not intended to speak
20 but, if something comes up that I would like to
21 speak to, then I would like the opportunity to
22 do so.

23 **3. Any Preliminary Jurisdictional Issues**

24 MS MARX: Madam Chair, I didn't have a
25 chance to canvass all the parties prior to the
26 start of the pre-hearing conference, as to

1 whether there's any preliminary jurisdictional
2 issues that parties wish to raise, so perhaps I
3 can just ask now, if there are any parties
4 wishing to raise such issues, to come forward at
5 this time. Luckily, I see none.

6 **4. Issues List**

7 MS SHANKS: Thank you, Ms Marx. In that
8 regard, I'd like to move to item 4 on the
9 agenda. The following parties submitted
10 comments, on August the 23rd, on the Draft Issues
11 List: YEC, YECL, Utilities Consumers' Group and
12 the Yukon Conservation Society. Now that all
13 parties have had a chance to review the
14 submissions, the Board will give parties the
15 opportunity to make any additional comments on
16 the Draft Issues List in response to submissions
17 received on August the 23rd. The Board asks
18 parties to limit their comments to responding to
19 the August 23rd submissions.

20 However, there are two
21 additional issues on which the Board would like
22 comments from parties. First, yesterday
23 afternoon, August the 29th, the Board received a
24 letter from the Minister of Justice, advising
25 that it is the Minister's intention that
26 significant energy projects would require YUB

1 review under Part 3 of the *Public Utilities Act*.
2 A copy of this letter is available on the table
3 at the side of the room. The Board is
4 interested in parties' comments on this issue as
5 well.

6 Secondly, the Board is
7 interested in parties' views on whether the
8 review provided by the Yukon Environmental and
9 Socio-Economic Assessment Board (YESA Board)
10 precludes the Yukon Utilities Board from
11 considering environmental, social and economic
12 issues in this proceeding. In light of the
13 substantive nature of this issue, and that
14 parties were not advised in advance of the
15 issue, the Board will set out a short written
16 process, following today's pre-hearing
17 conference, for submissions on this issue.

18 So, for the purpose of
19 today's discussion, the Board is seeking
20 comments on the August 23rd submissions; and the
21 applicability of Part 3, under the *Public*
22 *Utility Act*, in reference to the Minister's
23 letter of August 29th. And I would ask Ms Marx
24 to please facilitate this process.

25 MS MARX: Thank you. For this and the
26 subsequent agenda items, I will invite parties,

1 in the order that I have called them up
2 previously, to speak to these issues, with YEC
3 having a right of reply. So we would begin with
4 YEC.

5 MR. LANDRY: Thank you, Madam Chair. I
6 guess the only comments we would have relate to
7 the Draft Issues List that was provided by Mr.
8 Rondeau on behalf of the UCG. We have, in our
9 letter of comments, and I won't go through them,
10 indicated that, obviously, from Yukon Energy's
11 perspective, this is quite a broad review,
12 defined, obviously, by the June 5th, 2006 letter.
13 There are a couple of matters that we indicated
14 we felt were not in scope, and we provided our
15 comments, in that respect, in our letter (I
16 won't go through that.) Obviously, in those
17 areas, any of the questions that Mr. Rondeau has
18 outlined in his draft hearings list would
19 obviously, accordingly, be out of scope, from
20 Yukon Energy's perspective, so I don't want to
21 go into that level of detail.

22 Just in terms of the Issues
23 List, generally, from Yukon Energy's
24 perspective, the way in which it was approached
25 by Board's staff, having broad issue lists,
26 first of all, is something that I'm familiar

1 with in other jurisdictions and I think it works
2 well. I think, with respect to Mr. Rondeau's
3 approach to it, what it appears to be, under
4 each of the hearings lists, is effectively, from
5 my perspective, IRs. They're questions under
6 the hearings list; not necessarily a listing of
7 specific issues.

8 Obviously, in the IR process,
9 if those questions are asked, they'll be
10 responded to, assuming they're within scope per
11 my earlier comments, but Yukon Energy did not
12 attempt to do an exhaustive list of all
13 questions that could be asked under the specific
14 issue that was raised. From our perspective, we
15 don't think that's the appropriate way to put an
16 Issues List together. You can put a broad
17 general issue, as has been done on the Issues
18 List that was provided by Board staff, and then
19 obviously the process will go through and those
20 issues will be dealt with in the IR and at the
21 hearing. If one was to take the approach of
22 outlining all questions that could be asked
23 under a specific hearing list, it would be an
24 enormous exercise and not something that Yukon
25 Energy has gone through.

26 So, we would advocate keeping

1 the hearings list as it is; the Board can rule
2 on the issues of what is in scope and not in
3 scope apropos the comments that Yukon Energy has
4 made in its August 23rd letter, but not list, in
5 our view, the specific questions that could be
6 asked under each hearing list.

7 So, at a general level, those
8 are my comments on the list.

9 In relation to the August 29th
10 letter, first of all, the first that Yukon
11 Energy saw of this was this morning. We're not
12 aware of this. As I'm sure you can appreciate,
13 given the comments at page 3 of our August 23rd
14 submission, this is a complete surprise. Having
15 said that, as I informed Ms Marx, I would --
16 well, we can't comment on it now. We'll have to
17 consider our position in this respect. I think
18 a considered answer would be best for the Board,
19 as opposed to me trying to respond now on this
20 issue. And I've suggested to Ms Marx that what
21 we will do is, we will consider this letter and
22 provide a written comment to the Board, if
23 that's appropriate, Madam Chair.

24 I think we need a little bit
25 of time, and I was suggesting to Ms Marx perhaps
26 by the end of next week, on this letter. But I

1 don't think that we're in a position, right now,
2 to comment on it.

3 MS MARX: Yukon Electrical Company.

4 MR. KEOUGH: Thank you, Madam Chair.

5 Yukon Electrical also was planning on raising an
6 issue with respect to issue 1.2, which is the
7 application of Part 3 to these proceedings; and
8 it, also, I think is influenced by the letter
9 that we also became aware of this morning. I'm
10 not sure that we are going to be able to make
11 definitive comments, given that we don't know
12 YEC's position at this point in time. So, if
13 there is going to be a written process to
14 examine that matter, I think it's probably best
15 that we hold our final comments on that until
16 that process is established.

17 To assist my friend in terms
18 of other issues he may want to consider when
19 making his submissions, we were a little unsure
20 of what, exactly, YEC was expecting from these
21 proceedings. As we appreciated, there will be
22 a report that will go to the Minister; was it
23 their expectation that, as part of that report,
24 this Board would make a decision on "need", in
25 the sense of approving that there is "need".

26 The application says that

1 they're going to seek Board review, but it's not
2 clear on what they want from you. Do they want
3 a determination of need; do they want to say
4 that is the only determination of need that YEC
5 will ever need, so to speak? We weren't clear
6 on what they expect to get from this process.
7 And the reason it's important as a preliminary
8 matter is, it goes to whether or not YECL and,
9 I guess, other intervenors in this proceeding
10 need to be testing the need and the forecasts;
11 or, if that's going to be considered as part of
12 a specific application under Part 3, based on a
13 designation by the Minister, then we're
14 certainly not advocating that there be two
15 duplicate processes. So, if that's the case,
16 then I think we would not waste the Board's
17 time, energy and money, to test these in the
18 context of these proceedings.

19 So, it goes to the heart of
20 what we would do in the context of these
21 proceedings. If there is going to be a separate
22 process in the future, where each of these
23 applications can be considered, based on the
24 then existing forecasts and that information, I
25 really don't think it's productive to look at
26 those issues right now, once, and then look at

1 it again later. I don't think we're advocating
2 duplicate proceedings.

3 So, to some extent, we're
4 trying to find out from YEC what they expect,
5 because it will gauge the manner in which I
6 would suspect most parties will participate in
7 these proceedings. So maybe my friend can sort
8 of take those thoughts into account, if there is
9 going to be this process. But in terms of
10 addressing the impact of the Minister's letter,
11 clearly that goes to the heart of one of the
12 issues that we were trying to understand, which
13 is, will there be a subsequent proceeding under
14 Part 3 to consider these various near-term
15 facilities.

16 So I think it's probably
17 better to hold off on that, Madam Chair, if that
18 fits with the Board's views. Thank you.

19 MS MARX: City of Whitehorse.

20 MR. TUCK: I'm not really sure whether I
21 have any additional comments from what I've
22 already given to the Board before, and whether
23 it's addressed here, now, or later. From the
24 City's perspective, the Resource Plan needs to
25 more adequately address the green power issues,
26 and consider that within the 20 year program.

1 And the concern of how the operation of diesel
2 generators within the City of Whitehorse, to
3 service outlying and industrial customers, will
4 have a significant impact. And if those short-
5 term projects will come back as under the Part
6 3, then the City will probably have comments at
7 that time. But as for any additional... we
8 don't have any to offer at this time.

9 MS MARX: Utilities Consumers' Group.

10 MR. RONDEAU: I'd like to make a general
11 comment first. UCG was under the impression
12 that we would be going through the Issues List
13 item by item. It's very important that the
14 scope be set out in this process. What is
15 happening right now, we see, is that there will
16 be no debate at all; it's just going to fly
17 through with what we have on board.

18 With regard to Mr. Landry's
19 preliminary comment on the UCG Issues List, we
20 argue and we see that discussion, at this point
21 of time, should be on the types of questions
22 that the Board will be considering in the
23 process. That's why we initiated this process
24 in our updated Issues List, so that everyone
25 would have an idea of what is actually going to
26 take place at the hearing.

1 As far as the purpose of the
2 review, it is my understanding that this is a
3 public review; therefore, UCG argues that the
4 scope of this capital hearing should be on
5 anything that the public wishes to discuss.

6 Secondly, it is UCG's
7 perspective that the Board's responsibility in
8 this proceeding is to set a framework within
9 which Yukon Energy can proceed with the capital
10 programs.

11 Now, I have gone through this
12 issue by issue, as has been identified by the
13 Board's staff. I would like to go through this,
14 issue by issue.

15 MS SHANKS: Mr. Rondeau, are you
16 proposing to do that now?

17 MR. RONDEAU: Well, however the Board
18 wishes to do it; either we can do it later, or
19 I can --

20 MS SHANKS: Because that wouldn't be
21 something that we're intending to do at this
22 moment, if that's what you're proposing to do.

23 MR. RONDEAU: Okay. When will you be
24 proposing to do this?

25 MS SHANKS: There has been a process put
26 in place, the Issues List has been distributed,

1 and, at this point on the agenda, we're
2 considering comments to submissions that were
3 made on August the 23rd.

4 MR. RONDEAU: Okay, then I will go point by
5 point, and make my comments.

6 MS SHANKS: Thank you very much.

7 MR. RONDEAU: My first comment, of course,
8 was on 1.2. Now we have this letter in front of
9 us, and I'm unsure of what the process is;
10 should I make my arguments now, when I don't
11 know where Yukon Energy stands, or should I wait
12 until the Board sets a process for written
13 arguments later? I need to know what direction
14 to go in, in this particular issue.

15 So, can the Board give me
16 some direction; are we going to have a
17 presentation by Yukon Energy today, that we can
18 argue; or are we going to have a process, later
19 on, to debate?

20 MS SHANKS: The Board will be outlining a
21 process.

22 MR. RONDEAU: Pardon me?

23 MS SHANKS: The Board will be outlining a
24 process for that. At this time, we're hearing
25 submissions on the August 23rd -- your comments
26 on the August 23rd submissions.

1 MR. RONDEAU: I'm not quite sure where to
2 stand on that, but I'll reserve my comments on
3 Part 3 until I hear further from the Board.

4 Number 2, 3 and 4, Yukon
5 Energy agrees, so there really is not a debate,
6 with the exception of a discussion on the types
7 of questions that the Board could be considering
8 at this time.

9 Number 5, "Demand Side
10 Management": Yukon Energy has made only a brief
11 mention of DSM, and this concerns our
12 organization, as it would appear that they are
13 attempting to ignore the use of DSM options
14 which cost far less than conventional supply
15 options. Also, it is more environmentally
16 friendly. So, we feel that this should be given
17 much more merit in the hearing, and debated
18 fully.

19 "Environmental Issues",
20 number 6: Any environmental studies, regulatory
21 reviews, impacts, will result in a cost to the
22 ratepayer; therefore, it's important to our
23 organization, and necessary for the Board to
24 review in this process.

25 Now, I understand, from your
26 preliminary comments, that the YESAB will have

1 some type of side written comments as well, so
2 perhaps this is already taken care of.

3 Now, back to environmental
4 issues. YEC argues that these matters are in
5 the scope, in the extent they address a broad
6 selection of options or basic risks, as noted in
7 the Minister's letter. However, YEC argues that
8 the Minister's letter does not contemplate a
9 detailed review of the specific environmental
10 effects on any individual process; nor does the
11 YUB have the jurisdiction.

12 YEC argues that the third
13 turbine already has environmental permits. The
14 point raised under issue 9.2 is whether the old
15 permits stand up to the current level of
16 environmental standards.

17 YEC also admits that it has
18 not yet conducted the detailed reviews necessary
19 to allow that level of assessment to occur. So,
20 how does the Board conduct any type of due
21 diligence, to review these proposed projects, if
22 it's only been given general comparative
23 information on these environmental impacts.

24 YEC also argues that this
25 review does not contemplate a review of the
26 generation planning in YECL diesel-served non-

1 grid communities that would be not affected by
2 any transmission developments proposed by the
3 YEC. Again, how can the Board make isolated
4 decisions regarding YEC, when it must consider
5 what is best for the whole of the Yukon?

6 Now, most of the
7 environmental issues it would appear YEC has
8 agreed with. Some exceptions are 6.5, green
9 power. Now, I would like to argue that green
10 power and green power rates definitely be part
11 of this future planning by the YEC. Also, we
12 feel it's necessary for the Board to make a
13 clear objective for independent power producers
14 to have access to the grid or any new
15 transmission lines.

16 Number 7, as well, on
17 secondary power users... these power users must
18 be identified, and they must know where they
19 stand in the future load growth picture.

20 Number 8, "Short-Term
21 Supply", "Alternative sources"... YEC basically
22 agrees, but it seems that they totally ignored
23 demand side management as an alternative.

24 Number 9 we think is very,
25 very important for the Board to give clear
26 direction. And that's the \$3 million threshold

1 figure. Now, we believe this \$3 million figure
2 was arbitrarily set by Yukon Energy; not the
3 Minister. There was no input, whatsoever, from
4 the public. There was no consultative process.
5 So this figure was unilaterally decided by Yukon
6 Energy. And we believe that it's clearly within
7 the mandate of the Board to set such a threshold
8 at this time.

9 The small footnote at the
10 bottom of page 3 of YEC's August 23rd submissions
11 (we're still speaking on the \$3 million spending
12 threshold) seems to conflict with their
13 acceptance note in 9.1. YEC sees the \$3 million
14 spending threshold as being directed by the
15 Minister's letter; and, therefore, not an issue.

16 We see this \$3 million
17 threshold issue being about two things. First
18 of all, is the \$3 million appropriate, or should
19 it be lower? There are some examples in other
20 jurisdictions, for example Ontario, where
21 projects over \$500,000 are scrupulously
22 regulated. In the Yukon, with our low number of
23 ratepayers, \$500,000 can have a severe impact on
24 the ratepayers. So we believe the Board should
25 have a closer look at this threshold.

26 The second part on this issue

1 can be tied to issue 1.2, and that is Part 3 of
2 the Act. In projects of this size, or smaller,
3 in the Yukon, should they be considered as
4 regulated projects, and therefore subjected to
5 Part 3 of the Act?

6 Bear with me, we're getting
7 there.

8 The next section is cost
9 awards. I know this will come up later, so I
10 will keep my arguments very brief here. UCG
11 agrees with Yukon Energy, that this portion
12 should be part of this pre-hearing, and
13 decisions made beforehand, so that all
14 intervenors and interested parties know where
15 they stand.

16 I do have one question. I
17 have not seen any retainer letters from any
18 other interested parties, including the
19 applicant, so I think it's very important that
20 there's a level playing field and everybody has
21 the same rules.

22 Also, the moratorium on
23 spending, which is another part of the cost
24 awards... I believe that this should be decided
25 in this pre-hearing. Basically, it stands to
26 reason, if dollars are spent, they may be just

1 wasted if the Board makes decisions contrary to
2 what YEC is now spending money on.

3 Now, we believe the Board has
4 an obligation to understand the importance of
5 controlling how and when the public utility
6 spends ratepayers' money; and how and when these
7 costs are rolled into the rates.

8 The other issues basically
9 are on government policies. UCG believes that
10 government policies, including the rate
11 policies, must be part of this agenda. If these
12 policies are not in line with the goals of the
13 outcome of this hearing, then we are simply
14 involved in a facade in this process.

15 These government policies
16 also affect the long-term planning and the
17 outcome on rates charged to the various rate
18 groups. For example, what is the government
19 policy on IPPs? Or should it be the Board
20 that's setting these policies? What is the
21 government policy on energy versus the
22 environment; or should it be the Board that
23 decides these policies? What is the
24 government's policies on climate change versus
25 energy? Where is the Yukon's alternative energy
26 strategy? Where is the Yukon strategy for

1 providing energy to future mines, and their
2 uncertainties and market risks that come with
3 it? Future pipelines... where are the
4 strategies? Does this government have energy-
5 efficient standards?

6 Now, we feel that rate
7 policies must be in line with the Board's cost
8 of service balancing with the various rate
9 groups. Some rate groups, residential for
10 example, are not paying what is considered full
11 cost of service. The Board has directed the
12 Corporation to get these in line. So we have no
13 idea whether any of these projects will help
14 with this, or will they affect rate
15 stabilization? Rate policies must be discussed.

16 Also, does this Resource
17 Plan, or the government policies, encourage some
18 type of alternative in the diesel communities
19 which are off the grid? How can the Board
20 decide on costs of any project if we do not have
21 an updated cost of service allocation, and rate
22 design not yet presented? This is a very
23 important issue to our organization.

24 With regard to Yukon Energy
25 policies for management and contracting
26 procedures for various projects, it would seem

1 that YEC believes this is not part of the
2 mandate or the issues for this hearing. UCG
3 certainly knows that the bottom line is
4 affected. The Mayo-Dawson line should have
5 taught us some very important things to bypass
6 in the future.

7 If the Board is to make any
8 decision on cost feasibilities, we must know
9 that Yukon Energy is cost-efficient in its
10 contracting, in its management skills, in all
11 aspects, for each project or proposal, including
12 the construction.

13 My last comment is, the
14 Auditor General has warned us, in his report,
15 that inadequate management and contracting
16 skills cost ratepayers. We believe the Board
17 has the right and the obligation to know exactly
18 what will be done; and that you will put
19 ratepayer safeguards until YEC can improve their
20 track record. That's all for right now, thank
21 you.

22 MS MARX: Yukon Conservation Society.

23 MS WRIGHT: The Yukon Conservation
24 Society is concerned with all the environmental
25 matters that are being brought up in the Issues
26 List; like the Marsh Lake wetlands, greenhouse

1 gas emissions, and renewable energy issues. We
2 are unsure how YESAB, and how all this, fits
3 together. It's a new process. We've watched it
4 in a few other cases, we don't really know how
5 it meshes, and I think we're all wondering how
6 it's going to fit together.

7 I'm not sure what the point
8 is of reviewing these large projects at the YUB,
9 when they need to be reviewed -- I don't know
10 what is the point of talking about these
11 environmental issues with the YUB, and maybe
12 it's when they have to go through an
13 environmental review on top of that. And I
14 guess I've never been involved with a YUB review
15 of a resource plan, and I actually wonder if the
16 YUB has ever reviewed a resource plan before.
17 Can anybody --

18 MS SHANKS: In 1992, the last capital
19 hearing.

20 MS WRIGHT: Okay. And that was a capital
21 resource plan, and that was -- how many years
22 was --

23 MS SHANKS: That was in 1992, it was a
24 similar type of plan.

25 MS WRIGHT: So it was a 20 year plan?
26 Okay. And, actually, I wouldn't mind having a

1 look at that, I guess. Is that available
2 somewhere?

3 MS SHANKS: Well, it's certainly
4 available at our office, and Deana will get that
5 to you.

6 MS WRIGHT: Okay. That would be great.
7 Because I'm unsure about how it works, in a way;
8 I'm not really quite sure about that.

9 What was the other thing that
10 you guys were asking me? Oh, and the letter of
11 today... that's all new information, we need to
12 absorb that.

13 There's a lot of really good
14 things in this Resource Plan, that we really
15 support, and we think it's really important that
16 you look forward to -- we're happy to see YEC
17 looking to a 20 year plan, but we think there's
18 some -- it would be hard for us to imagine
19 looking that far ahead, and not address more
20 things like energy conservation. And, actually,
21 in 20 years' time, you know, diesel is going to
22 be a very hot commodity, and that the changing
23 over into alternatives -- the changes that I see
24 ahead, that YEC can't look towards the big
25 changes that are coming down the pipe -- it's
26 hard to look in the crystal ball, but I think

1 energy conservation is going to become very
2 critical in the future, and that YEC has not
3 really addressed that in this, is of great
4 concern to us.

5 I think that's about it.

6 MS MARX: Mr. Percival.

7 MR. PERCIVAL: Good morning. I'd like to
8 address some comments on this letter of August
9 the 29th, from the Minister, and the
10 applicability of Part 3 of the Act. I would
11 suggest to the Board, and to everybody who is
12 participating here, that we should, as much as
13 possible, avoid needless and expensive
14 duplication of a hearing process. And, in that
15 light, because time is of an essence with
16 regards to the Carmacks to Stewart powerline
17 construction, and this is probably the largest
18 investment in the Resource Plan, and it's the
19 most likely to occur in the immediate future,
20 that, to assist all of us, it would be advisable
21 if the Board could approach the Government,
22 through appropriate channels, and suggest that
23 at least this particular project be considered
24 as an energy project requiring a certificate;
25 and that the Board would, within the report that
26 it is submitting to the Minister as they have

1 been required or asked to do by the Minister
2 originally, prepare statements and
3 recommendations as if this particular project,
4 Stewart to Carmacks, or Carmacks to Stewart
5 line, is an energy project requiring a
6 certificate, so that the Minister could issue a
7 certificate as soon as it's required, because I
8 think that is the project that is most
9 important.

10 With regard to whether or not
11 this Board should leave all of the environmental
12 issues to the Yukon Environmental and Socio-
13 Economic Assessment Board, there will always be
14 some overlap. When presenters start arguing
15 about the merits of a project, on its
16 environmental impacts alone, I don't think the
17 Board should necessarily go out in that
18 direction, and should redirect them to what
19 those costs will be; rather than to argue all of
20 the biological and sociological impacts of a
21 project.

22 Those are my comments.

23 MS MARX: Yukon Energy?

24 MR. LANDRY: Madam Chair, what I'd like to
25 do is just quickly run through a couple of
26 comments that I have in response to Mr. Rondeau,

1 primarily just to reference where, in our
2 comments, these issues have been dealt with, and
3 I won't add a lot more to that.

4 The first one relates to this
5 whole issue of what level of an environmental
6 review, if any at all, is dealt with by this
7 Board, as opposed to the YESA Board, and we will
8 respond more fully as part of the process that
9 you will be setting up. But, just for your
10 edification and reference, that was dealt with
11 on page 4 of our letter, including, and this is
12 the point I wanted to make, the footnote number
13 3, where the environmental issues -- and,
14 effectively, that responds to what Mr. Rondeau
15 has said.

16 Mr. Rondeau made a suggestion
17 of a moratorium on spending, and I've seen this,
18 obviously, in some of the other correspondence
19 from him. I guess what I would say to the Board
20 is, obviously, YEC is to manage its business;
21 it's not the Board to manage YEC's business (the
22 YUB is the regulator). YEC must manage the
23 business prudently. Part of that process is a
24 proper planning process put in place by
25 management.

26 If, at the end of the day,

1 the Board does not feel that the costs that are
2 incurred as part of that planning process, which
3 is really intended to be for the benefit of all
4 ratepayers, that they aren't prudently incurred,
5 then those costs will not, obviously, be
6 included in the rates. And that's how the
7 process works.

8 So it's not in a situation,
9 now, where the Board could put a moratorium on
10 spending by Yukon Energy management, but
11 effectively the control on the prudence issue is
12 at the end of the day, when costs go into rates.

13 Mr. Rondeau, once again, as
14 he did in his letter, raises the whole -- and he
15 did in the workshop -- raised the whole issue of
16 government policy. Government policies are not
17 on review here. The review that is to be
18 undertaken by the Board is specifically defined
19 in the June 5th, 2006 letter, and it's not, under
20 any reasonable interpretation of that, a review
21 of government policy. Our position on
22 government policy and issues relating to
23 government policy are more fully set out at page
24 5 of our August 23rd letter.

25 Now I'd like to comment a
26 little bit about the comments made by Mr. Keough

1 on behalf of Yukon Electrical. Realizing, at
2 the moment, that what we're dealing with here,
3 including today, notwithstanding the August 29th
4 letter, is a review that was effectively
5 directed by the Minister in his June 5th letter,
6 under section 18 of the Act.

7 Now, we will comment, and we
8 will have to comment, and we believe it's
9 necessary to comment, on what has transpired as
10 a result of the August 20 letter, but Yukon
11 Energy has been very clear what the Board has
12 been requested to do; and that is under the
13 directions that have been provided, and the
14 scope that's been provided, under the June 5th
15 ministerial letter. If we just look at
16 something which I know is of interest to the
17 Board, and probably all parties, including -- we
18 heard the comments of Mr. Percival -- if we look
19 at the issue of the matter of significant YEC
20 generation at transmission projects before 2009.
21 Mr. Percival has mentioned the Carmacks-Stewart
22 Project. But in the letter, itself, it's the
23 Minister which defined the \$3 million threshold.
24 And that includes not only the Carmacks-Stewart
25 Project; it also includes the Aishihik Third
26 Turbine, and, perhaps the most important of all,

1 the Mirrlees Life Extension Project that's
2 outlined in the application.

3 The Minister has specifically
4 asked for the report from the Board, and if you
5 look more specifically, and again in response to
6 the comments of Mr. Keough, talking about some
7 confusion as to what this review is about, the
8 Minister specifically talks, at page 2 in his
9 letter, under item c), about need; he also talks
10 about the effects of the various spending
11 commitments that are outlined in the
12 application.

13 I guess, in short, with
14 respect to both Carmacks-Stewart and, in fact,
15 all of the list of projects that I was just
16 speaking of, it is our understanding and our
17 view that the Minister's June 5th letter asks the
18 YUB to provide recommendations on all matters
19 that you would be asked to review if this went
20 through a Part 3 process. Which, of course, the
21 confusion lies -- and we'll comment further on
22 this -- is that the Minister's letter is
23 suggesting that perhaps, using Carmacks-Stewart
24 as an example, there will be a Part 3 process.

25 Well, there is obvious
26 duplication there. It would be another review,

1 doing, effectively, what we say is the exact
2 same thing that the Minister has asked to do in
3 the June 5th letter. It would be duplication.
4 And that's the issue that troubles us most, and
5 why Yukon Energy needs to consider what this
6 letter does mean.

7 I might add, if you look at
8 the letter that was written by Yukon Energy,
9 specifically dealing with this point, which is
10 at page 3 Madam Chair -- and I'll read for the
11 record from footnote 2. It says: "As regards
12 1.2 on the applicability of Part 3 of the *Public*
13 *Utilities Act*, the Minister's letter again
14 establishes the scope of this review without
15 reference to Part 3 (which would also require a
16 direction from the Minister); furthermore,
17 neither YEC nor YECL to date has ever elected to
18 seek a proceeding under Part 3, and YEC will not
19 be making any such future application under Part
20 3 with regard to the near-term projects included
21 in the current review."

22 It's pretty clear from that,
23 that Yukon Energy did not anticipate this
24 letter; or that there would be a Part 3 process
25 relating to any of these applications. We'll
26 have more to say about that, Madam Chair, when

1 we respond in writing.

2 MS SHANKS: Thank you, Mr. Landry. Well,
3 we had anticipated having a break at 10:15, and
4 I see that we're there, so we'll have a short
5 recess... 20 minutes.

6 (Proceedings adjourned at 10:10 a.m.)

7 MS SHANKS: I'd like to call the meeting
8 back to order. With regards to submissions on
9 the agenda item number 4, the Board has
10 established a schedule for submissions on the
11 two issues discussed this morning, on agenda
12 item number 4: number one, whether the YESAB
13 legislation precludes the Yukon Utilities Board
14 from considering environmental and socio-
15 economic issues; and number two, the
16 applicability of Part 3 of the *Public Utilities*
17 *Act*, and the Minister's letter of August 29th.
18 Submissions from YEC are due on Friday,
19 September the 8th; submissions from other parties
20 are due Friday, September the 15th.

21 As a result, the Board will
22 not be able to finalize the Issues List in its
23 September 8th decision from the pre-hearing
24 conference, and will do that subsequent to the
25 receipt of submissions on these two above
26 issues. The Board recognizes that this may

1 impact the schedule leading up to the hearing,
2 and the Board will revise the schedule, if
3 necessary, at that time.

4 Mr. Landry?

5 MR. LANDRY: Madam Chair, in your schedule
6 of September 8th/September 15th, I wonder whether
7 or not there should be a time for a quick reply,
8 by Yukon Energy, to the comments made by the
9 other parties. The 15th, I assume, is a
10 Friday... perhaps the Monday or Tuesday of the
11 next week.

12 MS SHANKS: Yes, the Board will allow a
13 quick reply. What do you think would be a
14 timeframe you'd like to have?

15 MR. LANDRY: I don't have a calendar here,
16 but presumably the 15th is a Friday... perhaps,
17 keeping in mind the other issues that have to be
18 dealt with, perhaps by the end of the day, on
19 the Tuesday, which would be the 19th.

20 MS SHANKS: Well, then, YEC would have
21 right of reply, with deadlines to be Tuesday,
22 September the 19th.

23 MR. LANDRY: Thank you.

24 **5. Intervenor Status**

25 MS SHANKS: Moving on to agenda item
26 number 5. The Board appreciates the additional

1 information filed by parties in advance of the
2 pre-hearing conference regarding intervenor
3 status. Parties had been requested to file
4 retainer letters for professionals they are
5 hiring. The Scale of Costs states that retainer
6 letters are to be provided at, or within one
7 month of, the pre-hearing conference. If
8 parties know they are hiring professionals and
9 have not yet filed their retainer letters, the
10 Board encourages them to file these as soon as
11 possible following the pre-hearing conference.

12 With respect to the issue of
13 professional versus non-professional status, in
14 Board Order 2006-16, the YUB established a rate
15 of \$35 an hour for non-professional fees. The
16 Board will make its determinations on intervenor
17 status, including professional versus non-
18 professional status, in its September 8th
19 decision on the pre-hearing conference.
20 However, the Board is interested in any comments
21 parties have to make in this regard.

22 Also, for those parties that
23 represent organizations, the Board would ask
24 that you provide information regarding your
25 organization's membership, including the number
26 of members and how many members are actually

1 paid members.

2 Now I'll ask Ms Marx to
3 facilitate this process.

4 MS MARX: Thank you. Yukon Energy.

5 MR. LANDRY: Madam Chair, we do not have
6 any comments in terms of the intervenor status
7 requests that have been made by the various
8 parties. We do have a few comments, as
9 requested, on the issue of professional versus
10 non-professional status, and, given your
11 comments, it sounds like the Board would like to
12 make a determination on that prior to the
13 proceeding.

14 I guess, really as a starting
15 point, the Board's discretion, vis-a-vis
16 awarding costs, comes from section 56 of the
17 *Public Utilities Act*, and pursuant to their
18 other regulatory capabilities. There's Board
19 Order 1995-2, which sets in place the Rules of
20 Practice, and, in Rule 33 is where it states
21 that the Board has a discretion to award costs
22 in accordance with what is Schedule 1. And, of
23 course, Schedule 1 is the schedule that is used
24 by the various parties when bringing forward
25 cost applications; those being the guidelines
26 that have been set by the Board.

1 If one looks at Schedule 1,
2 you'll see that there are three different parts.
3 Part 1 is professional fees, which really
4 relates to legal and consulting fees for those
5 persons that are hired by parties in a
6 proceeding, and it provides guidelines in
7 respect of that. Part 2 is the disbursements.
8 Part 3 relates to intervenors. In relation to
9 intervenors, there is a specific item at the
10 end, which says that there will be no attendance
11 allowance for intervenors.

12 Now, having said that,
13 starting in, my recollection is, the early
14 1990s, the Board established what is now called
15 a non-professional status, and allowed
16 intervenors to claim at an hourly rate, at that
17 time of \$25, since then changed to \$35. That
18 precedent, set then, has been used consistently,
19 at least in all of the applications that I have
20 been involved in over the last 10 years or so.

21 Now, what appears to be what
22 UCG has filed, in relation to this, is material
23 indicating, I guess, what it intends to do in
24 order to prepare for this proceeding. And, as
25 in every case, what UCG is ultimately entitled
26 to at the end of the day, if it brings forward

1 a cost application, will depend on what happens
2 throughout the proceeding, and how UCG has or
3 has not met the criteria set under Schedule 1
4 and previous Board Orders.

5 But, to be fair to UCG, Yukon
6 Energy believes, in the circumstances,
7 especially given the Board's desire to rule on
8 the professional versus non-professional status,
9 that we would provide what we believe would be
10 our comments to claims that would be made under
11 the material filed by UCG now. What I mean by
12 that is, more particularly, the comments on the
13 consulting services agreement for Mr. Rondeau,
14 and also for Mr. Pat McMahon. I will also
15 provide a few comments, generally, in terms of
16 whether or not there are precedents in other
17 jurisdictions for the type of thing that we're
18 looking at under the material filed by UCG.

19 Now, in respect of Mr.
20 Rondeau, Mr. Rondeau has consistently been the
21 face of UCG before this Board. He is the
22 President of UCG, as we know. In that role,
23 before the Board on previous applications, he
24 has done the very type of things that are
25 outlined in the unsigned consulting services
26 agreement that he has provided in this material.

1 The Board, itself, is very
2 familiar with UCG, and Mr. Rondeau as the face
3 of UCG. They have, on numerous occasions in the
4 past, dealt with this issue of professional
5 versus non-professional, and have effectively
6 concluded, determined, that Mr. Rondeau fits
7 into the non-professional status that I talked
8 about earlier, and effectively put the hourly
9 rate, that he was entitled to claim at, at the
10 \$25 and then, most recently, \$35 level.

11 Having said that, Mr. Rondeau
12 has consistently, to my recollection at least,
13 I know for sure in the most recent hearing,
14 applied for an hourly rate in excess of that.
15 In the most recent hearing, he applied for a
16 rate, the maximum consulting fee rate, of \$225
17 an hour. The only other example that I could
18 get my hands on quickly relates to a cost award
19 that was made in 1996, and it's Board Order
20 1996-10, and, again, I believe what was made
21 there was a full claim for hourly rates, but the
22 Board, once again, classified Mr. Rondeau as a
23 non-professional, in a non-professional status,
24 and allowed him to claim on the basis of \$25 an
25 hour, which was the fee set at that time.

26 Just to bring back to the

1 Board what was on the record in the previous
2 proceeding, and I'm thinking about the revenue
3 requirement proceeding that was held in 2005,
4 the claim that was filed was a very detailed
5 claim by UCG. It included invoices, purported
6 to be invoices, unclear, by the material filed,
7 whether they were actually ever paid by UCG, but
8 the invoices were from Rondeau Regulatory
9 Consulting Group (Mr. Rondeau), for
10 approximately \$70,000, at a rate of \$250 an
11 hour. And the Board, as I mentioned,
12 determined, once again, that Mr. Rondeau fits
13 into the non-professional fee category, and
14 awarded the hourly fee rate of the increased \$35
15 an hour.

16 I would reference recital J.,
17 in Board Order 2005-16, which states, and I'll
18 quote for the record: While the Board has
19 previously allowed awards of \$25 per hour for
20 non-professional fees, the Board established a
21 new rate of \$35 an hour for non-professional
22 fees for the purposes of this hearing. The
23 Board determines that the UCG, AGB, McMahon, YCS
24 and Percival fall into this category. The Board
25 has adjusted the applications of those parties
26 to reflect the new rate in its evaluation of

1 their applications.

2 So, effectively, the Board
3 has already made the determination, in our
4 submission, on Mr. Rondeau's status before this
5 Board, and nothing has changed from the most
6 recent application. Just because there is a
7 consulting services agreement does not change
8 what Mr. Rondeau is doing or going to do; nor
9 does it change the fact that, obviously, he is
10 still the president of UCG.

11 So, for the purposes of your
12 deliberations on the issue of Mr. Rondeau's
13 status, from YEC's perspective, we think the
14 record is clear, and that determination of his
15 status has already been made, and that it is the
16 status of non-professional.

17 In relation to Mr. McMahon...
18 once again, Mr. McMahon has a history of being
19 before the YUB. As the Board is aware, he
20 appeared before the YUB as a representative of
21 the YTG back several hearings ago, and that
22 related, I believe, to the closure of the Faro
23 Mine. And, obviously, most recently, he
24 appeared as an intervenor in the 2005 revenue
25 requirements proceeding.

26 Again, with respect to Mr.

1 McMahon, he specifically applied to the Board
2 with a very extensive cost application. In that
3 cost application, Mr. McMahon outlined his
4 qualifications in detail, providing a cv, and
5 explaining what his expertise was; and claimed,
6 at that time, for a rate of \$150 an hour,
7 comparing it to, effectively, the rates that
8 were set out in Part 2 of Schedule 1, for
9 consultants. The Board ruled, again, as I
10 indicated earlier, in Board Order 2005-16, that
11 he would be in the non-professional category
12 and, therefore, his hourly claim was adjusted to
13 \$35 an hour, and then his claim, even at that
14 level, was adjusted significantly downward.

15 So, from YEC's perspective,
16 again, the record is clear, that Mr. McMahon's
17 status has already been determined to be a non-
18 professional status, and the existence, again,
19 of a consulting services agreement doesn't
20 change the issue.

21 I would only say, Madam
22 Chair, that what's somewhat disconcerting about
23 what has happened here is that Mr. McMahon
24 applied for intervention status before this
25 Board; he then was refused intervention status;
26 and now, purportedly under a consulting services

1 agreement, which is not signed, he is coming
2 back as a consultant to UCG, notwithstanding the
3 fact that his cv clearly shows that he is an
4 employee of Union Gas in Ontario.

5 I say all these comments
6 keeping in mind that Yukon Energy has always
7 supported the concept of UCG obtaining expert
8 advice, both on the legal side and on the
9 consulting side. Yukon Energy still promotes
10 that concept. But this is not the proper way to
11 do it, if that's what is intending to be done.

12 I'd only say one final
13 comment in relation to Mr. McMahon, is that,
14 even the services that are outlined in the
15 consulting services agreement seem to be
16 duplicative of the very things that Mr. Rondeau
17 is used to doing before the Board in the various
18 applications.

19 So, finally, in relation to
20 Mr. McMahon, he can't come through the back
21 door, what he can't get through the front door,
22 in my submission.

23 The final comment that I
24 would make is that, if one looks at this issue
25 generally, what the Yukon does, in terms of the
26 non-professional status, is an anomaly, in my

1 view, in terms of other regulatory bodies. Most
2 regulatory bodies will not pay intervenors an
3 attendance allowance or any specific rate. I
4 know, in British Columbia, that an intervenor
5 can apply to get a certain amount of money if
6 they appear at a hearing, but they basically
7 have to show that they have lost wages or
8 salary, and it's to a maximum of \$175 a day.
9 But I'm not aware of any other jurisdiction that
10 effectively provides an hourly rate, like the
11 Yukon does, for intervenors. That's not to be
12 critical or make any statement, other than
13 except to say that there is no precedent, to my
14 knowledge, in other regulatory jurisdictions,
15 that would allow the Board to go beyond that.

16 So, those are all the
17 comments I have, Madam Chair.

18 MS MARX: Yukon Electrical.

19 MR. KEOUGH: Thank you. We have no
20 specific comments to make on this issue. I will
21 be addressing the cost issue under the next
22 item.

23 The only observation I would
24 make at this point is that, and the Board
25 recognizes this, is that this whole process is
26 assisted by having participation by a variety of

1 groups representing a variety of interests, and
2 I think that's something this board and other
3 boards recognize, and you would hate to be in
4 a situation where that participation is hampered
5 because of financial concerns. Thank you.

6 MS MARX City of Whitehorse.

7 MR. TUCK: The City has no comments.

8 MS MARX: No comments from the City of
9 Whitehorse. Utilities Consumers' Group.

10 MR. RONDEAU: Yes, I feel that I have to
11 respond to the comments by Mr. Landry.

12 In the first place, the Board
13 has no definition of who is a professional, who
14 is not. It's arbitrary. You decide without any
15 set policy.

16 Why is Mr. Rondeau designated
17 as a non-professional? Why is Mr. McMahon
18 designated as a non-professional? Why is Mr.
19 Landry designated as a professional? The Board
20 has never provided any reason, in their Reasons,
21 of why any intervenor -- last time, there were
22 five, Mr. Percival, Mr. Rondeau and three
23 others, were given non-professional status,
24 without any reason. There was absolutely no
25 reason given by this board.

26 It seems to be Mr. Landry's

1 argument that, "Oh, in the past, it's been done
2 this way, so it has to stay this way." I argue,
3 no, it shouldn't stay this way; it's an unfair
4 process that's happening and it's time we
5 straightened it out. And it's time this board
6 straightens it out, so that intervenors know
7 exactly where we stand.

8 Why can these guys have
9 professionals paid for by the ratepayers, when
10 the ratepayers, themselves, cannot have
11 professionals; or they're not paid as
12 professionals?

13 With all due respect to the
14 Board, the last hearing was a terrible example
15 of what can take place. Reasons were not given
16 why intervenors were not given professional
17 status. Reasons were not even given why
18 different intervenors weren't deducted 85% of
19 what their costs were.

20 There need to be some set
21 policies. It needs to be up front, where
22 everybody knows where they stand.

23 On behalf of myself, I've
24 been intervening for 15 years, not only with the
25 Utilities Board, but on behalf of ratepayers for
26 telephone rates in the Yukon. I've gone to

1 Ottawa to represent the Yukon. I've gone to
2 every hearing that has been here. The Utilities
3 Consumers' Group was probably, in most cases,
4 the only representative of the Yukon, besides
5 the Government itself. We were instrumental in
6 getting a low cost serving area to the Yukon,
7 the Northwest Territories and Nunavut, so that
8 people in under-served areas could have
9 telephones in their homes.

10 I've been doing this 15
11 years. I have a degree in Political Science and
12 Economics. How can this guy stand here and tell
13 me, how can you stand there and tell me, I'm not
14 a professional?

15 Besides, if I'm not a
16 professional, when I make my arguments to you,
17 do you take my arguments as a grain of salt
18 because, "Oh, he's not a professional, we don't
19 have to listen to him. But we'll listen to
20 these outsiders that come in here; they've got
21 a law degree, they've got a consultant agency"?

22 I don't know if you wish me
23 to speak on behalf of whether interim funding
24 should take place now, or if that comes later.

25 MS SHANKS: We'll deal with that in the
26 next item on the agenda.

1 MR. RONDEAU: Okay, thank you. In regards
2 to Mr. Landry's comment about the hiring of Mr.
3 McMahan, I think that he has no business telling
4 UCG, or any other ratepayer group, who they can
5 and can't hire. Mr. McMahan has a history of
6 regulatory process, just as much as these
7 gentlemen do over here. The reason we chose him
8 is because he has intervened here before, he
9 knows the Yukon. And I guess what was his bad
10 luck, of not being accepted as an intervenor by
11 the Board, is our good luck, as having him as
12 our consultant. As far as overlapping, there
13 needs to be somebody here to coordinate; there
14 needs to be somebody here to argue. We will
15 save money this way. Mr. McMahan will not have
16 to fly here every time there are hearings like
17 this. It will save money for the ratepayer.

18 Now, Mr. Landry states,
19 again, past process, past process. He says he
20 agrees with professional help for ratepayers,
21 but then he slams us in the back with a knife,
22 saying that we do backdoor things. He says
23 there's a proper way to do it, but I didn't hear
24 him offer any proper way to do it.

25 That's all of my comments on
26 this issue right now.

1 MS MARX: Yukon Conservation Society.

2 MS WRIGHT: Well, I guess I do this
3 because I care and I have passion for this
4 subject. I feel that to participate in these
5 sort of things, it's not a subject that very
6 many people understand the language. And, sure,
7 yeah, I'm a non-professional, I don't do this
8 for a living, but there's not very many people
9 in this territory who do this for a living. I'm
10 not a lawyer, but I understand all the language
11 that is being -- that's a skill.

12 I'm not upset about the rate,
13 but I think you should look at the value that
14 we, as intervenors, bring. I can't speak like
15 a lawyer, and it takes me a while to put my
16 words together, but I think it brings
17 importance. And even following the incredible
18 amount of reading that happens, I mean, you know
19 there's binders and binders of things that go on
20 here, and understanding who the players are.
21 And I think the more intervenors, the more
22 people who are included in this process, the
23 more Yukoners have a feeling for what happens
24 here, the better.

25 Maybe I'm a professional
26 volunteer. I represent 400 people out there,

1 from the Conservation Society, that care about
2 these issues but don't have the knowledge to
3 come here and talk to you about how they care
4 about this, so I represent them. So that's what
5 I have to say.

6 I agree with Roger on one
7 way. I mean, do I have to get a lawyer to
8 really have my say mean anything here? I don't
9 think it's right that Pat shouldn't -- you know,
10 the UCG should be able to hire whoever they
11 want, and I think Pat brought a lot of great
12 issues in the last -- he brought a lot of really
13 interesting information to the last hearing --
14 or -- it was a rate hearing, right?

15 So I don't think that's
16 right, that YEC can say who UCG can hire or not.
17 And it's not \$225 an hour, either. He's asking
18 \$110, which... boy, I wish I could get a job
19 like that, but... I mean, still -- you should be
20 paid for what you think you're worth. I think
21 that's important. Thanks.

22 MS MARX: Mr. Percival.

23 MR. PERCIVAL: I am local, and I am a
24 professional. I am a professional engineer
25 registered in the Yukon. I work as a sub-
26 consultant and a contract employee for Yukon

1 Engineering Services. Yukon Engineering
2 Services' charge-out rate for me, for my
3 services to its clients, is at approximately
4 \$125 to \$150 per hour. I'm reimbursed by YES
5 for all expenses and costs, at cost, and I'm
6 paid a fee for services at the rate of between
7 \$80 and \$100 an hour. I believe I have
8 contributed in the past to the Yukon Utilities
9 Board hearings and hearing processes, and I
10 should be able to continue to contribute in a
11 similar fashion for at least a few more years.

12 If anything, it might be
13 something for the Board to consider, is reducing
14 the fees for professionals, rather than not
15 upping the fees for those of us who are here.
16 And I am a professional. So I think my time is
17 worth something, and I think I can provide good
18 information to the Board, even good ideas to the
19 utilities, and I think I should be compensated
20 in that fashion.

21 The other thing I think the
22 Board might consider is that, right now, you're
23 not compensated for the hours of attendance at
24 the hearings, and I think you should be
25 compensated for the hours that you spend at the
26 hearing, particularly if you participate. Not

1 if you just sit around, but to participate.

2 Thank you.

3 MS MARX: Yukon Energy.

4 MR. LANDRY: I have no further comments
5 except for a clarification in case my comments
6 were taken wrong. YEC is not taking the
7 position that they can tell anybody who they
8 want to hire. The issue that was asked for, and
9 that we were commenting on, is what comments
10 would be made by YEC, at the end of the day, on
11 cost applications, and whether or not they'd be
12 entitled to reimbursement or recovery.

13 Those are my comments.

14 MS SHANKS: Thank you. Mr. Rondeau, for
15 the Board, I asked all parties, actually, this
16 would be the Yukon Conservation Society as well
17 as UCG, if you could please give the Board an
18 idea of how many members you would have or
19 represent; and if they're paying members or not.
20 I would ask the Marsh Lake Society to do that as
21 well, but they're not present today.

22 MR. RONDEAU: I'm not absolutely sure, that
23 is not my ball of wax, it's the secretary's, but
24 I can give you a rough estimate of what it is.
25 We have two separate types of membership: we
26 have paying members; and non-paying members that

1 have signed on to support the group. The last
2 time I saw the paid membership was at our last
3 AGM, and we had 25 paying members. Non-paying
4 members... we have well over 200 people that
5 have signed support for our organization; we
6 have two communities and two First Nations, as
7 well, that have signed support.

8 MS SHANKS: Excuse me, what type of
9 communication is there between your membership
10 and the organization? Do you have lines of
11 communication; newsletters or internet sites --

12 MR. RONDEAU: We have regular monthly
13 meetings every second Tuesday of the month. We
14 also have a website.

15 MR. MORRIS: Mr. Rondeau....

16 MS SHANKS: Oh, excuse me, Mr. Rondeau.

17 MR. RONDEAU: Yes?

18 MR. MORRIS: Mr. Rondeau, have you
19 considered assessing your members to hire
20 counsel?

21 MR. RONDEAU: We have talked about that
22 several times, every time there's some type of
23 rate hearing or telephone hearing. We do not
24 have the finances to do so.

25 MR. MORRIS: No, but have you considered
26 assessing a fee to your membership for that

1 purpose?

2 MR. RONDEAU: It's difficult enough to get
3 members from the Yukon public, besides charging
4 them lawyer's fees, Mr. Morris.

5 MR. MORRIS: Thank you.

6 MS SHANKS: Further to that, in your
7 August 23rd submission, you've alluded to the
8 inability to retain a lawyer at that time. I
9 wonder if any progress has been made on that
10 end.

11 MR. RONDEAU: I have not heard from the
12 Public Interest Advocacy Centre for some time.
13 I e-mailed them again, to get a response. It
14 seems that their legal expertise are going to be
15 busy at the time of the hearing. So I have put
16 out some ears to hit.

17 It's almost impossible, I've
18 asked at least half a dozen lawyers in
19 Whitehorse, and nobody wants to touch it.
20 Either they don't have the regulatory
21 experience, or, the way I perceive it, they're
22 a bit afraid of taking on the task here, in the
23 Yukon. As you know, we're a small jurisdiction,
24 and if you stick your neck out in one area, you
25 may lose contracts in another; i.e. government.

26 MS WRIGHT: The Yukon Conservation

1 Society has just over 400 members, and they're
2 all paying members. We have four newsletters a
3 year. We have board meetings first Tuesday of
4 every month. And we have an Energy Committee
5 that I consult with on these issues. We sit
6 down, there are five on our Energy Committee,
7 that discusses these issues in more detail.

8 MS SHANKS: Thank you. I guess that
9 takes us to item 6 on the agenda.

10 **6. Cost Process**

11 MS SHANKS: The Board has prepared a
12 document entitled "Cost Process for Distribution
13 at Pre-Hearing Conference", and copies are
14 available in this room, from Ms Lemke. I assume
15 everybody has a copy of that at this point. If
16 not -- no, actually, Deana, it looks like a few
17 people need some copies.

18 I will give people a few
19 minutes to look at it. It was my understanding
20 that people, that have had that document, have
21 had a look at it by now.

22 I'll proceed, if that's okay
23 with everybody in this room.

24 The Board has prepared this
25 document, entitled "Cost Process for
26 Distribution at the Pre-Hearing Conference".

1 The intent of this document is to outline the
2 process the Board will be following with respect
3 to the review of the cost applications for this
4 proceeding, so as to provide some greater
5 clarity to all parties. Filing of cost
6 applications is due within 30 days following the
7 close of the proceeding, after which there will
8 be an opportunity for YEC to comment on the cost
9 claims from intervenors, and for intervenors to
10 comment on YEC's cost claim. Parties will have
11 10 working days to make those comments,
12 following which the Board will review and make
13 its determinations on the cost applications.

14 In the document, the Board
15 has also commented on the applicability of the
16 Scale of Costs and the application of the Sole
17 Business Interest test. I understand that the
18 issue of interim funding came up at the public
19 workshop held July the 25th, 2006.

20 In Board Order 2005-3, the
21 Yukon Utilities Board considered a motion by the
22 UCG to award interim funding. In that Order,
23 the YUB determined that it does not have the
24 jurisdiction under the *Public Utilities Act* to
25 award interim funding. The Board remains of
26 this view and will not be granting interim

1 funding to any intervenors in this proceeding.

2 I understand YECL has some
3 comments on this document. Is that true, Mr.
4 Keough?

5 MR. KEOUGH: That's correct.

6 MS SHANKS: Okay. Then I'll ask Ms Marx
7 to facilitate the process for comments from all
8 parties at this time.

9 MS MARX: Sure. Yukon Energy.

10 MR. LANDRY: We have no comments.

11 MS MARX: Yukon Electrical.

12 MR. KEOUGH: That was quick, Madam Chair.

13 I have a couple of comments. We have looked at
14 documentation issued by the Board, and what I
15 will call the "rebuttable presumption", I guess,
16 dealing with one utility intervening in another
17 utility's proceedings, and there being an
18 ability for that party to, I guess, persuade the
19 Board that the reason that the utility is here
20 is not in its sole business interest. I think
21 it would be certainly helpful to Yukon
22 Electrical if we had some understanding from the
23 Board in the context of this specific
24 proceeding.

25 I appreciate it's a case-by-
26 case, circumstance-by-circumstance

1 determination, and I'm not asking for a
2 determination of the Board that intervenor costs
3 will be awarded to Yukon Electrical at this
4 point. Obviously, you would apply the criteria
5 outlined in the Rules, following the proceeding,
6 and judge the effectiveness of the
7 participation. But I think, in fairness to my
8 client, they're probably entitled to some
9 understanding from the Board, at this point, as
10 to whether or not the Board considers
11 participation in this proceeding, given the
12 issues that are the subject matter of this
13 proceeding, whether Yukon Electrical is
14 appearing, or whether the Board perceives it's
15 appearing, in its own business interest, or on
16 behalf of its customers.

17 Yukon Electrical certainly
18 thinks that, in the context of a proceeding such
19 as this, it is here on behalf of its customers.
20 We can appreciate that, in other proceedings,
21 other circumstances, the Board may consider that
22 there is some issues where it is pursuing a
23 business interest that is for the company, as
24 opposed to for the ratepayers it has.

25 As has been noted on the
26 record previously, approximately 89% of the

1 costs flow through to customers of Yukon
2 Electrical, and I think it is those costs, that
3 would be flowed through, that Yukon Electrical
4 is here to test and insure are reasonable. As
5 well, other issues touch upon things such as the
6 joint planning process, if you will, between YEC
7 and YECL; well, obviously, that's something that
8 affects YECL as a utility but, again, I would
9 submit to you it's in the context of YECL's
10 representation of its customers.

11 I guess the bottom line, that
12 I'm trying to put before the Board, is that we
13 would like some indication, out of this pre-
14 hearing conference, whether or not the Board
15 thinks the participation in this specific
16 proceeding, given the issues that you have, is
17 viewed by the Board as "sole business interest",
18 or whether it's on behalf of customers. And
19 that is not judging the quantum of costs that
20 would ultimately be approved based upon your
21 factors or considerations in the Rules. I think
22 it's more saying, do you recognize the
23 participation here as being legitimately on
24 behalf of customers? Which we certainly submit
25 to you it is, in the context of this proceeding
26 where we're not trying to make a general

1 determination.

2 So I think what we're trying
3 to do is ask the Board, in your ruling on the
4 pre-hearing conference, to give some indication
5 of what your thinking is on that, given the, as
6 I say, rebuttable presumption that appears to be
7 adopted by the Board. So that's one request we
8 have.

9 The second request is more of
10 a generic one, I suppose, but we are struggling
11 with the Board's views on whether or not your
12 Scale of Costs is applicable to intervenors and
13 applicants, or just intervenors. So, if we
14 could get some clarification on that, that would
15 be useful as well. Thank you, Madam Chair.

16 MS MARX: City of Whitehorse? No
17 comment. The Utilities Consumers' Group.

18 MR. RONDEAU: UCG is very pleased that the
19 Board has realized that intervenors and other
20 interested parties should have an equal stake at
21 providing comments on Yukon Energy's application
22 for costs; not just the one-sided process that
23 took place for the last number of years, where
24 only they could make comments. We, however,
25 feel that there needs to be a much stronger
26 review than what this two-pager states here.

1 This still does not give us any real clear
2 direction.

3 I'd advise the Board to have
4 a look at other jurisdictions. For example, the
5 way that the CRTC does this is entirely
6 different, and it's very plain, right from the
7 get-go, where you stand. How they decide
8 whether you're professional or non-professional
9 is on the number of years experience that you
10 have in that field. They have plain and simple
11 amounts, whether you're an in-house consultant
12 or a hired consultant. The same thing with a
13 lawyer; if you're an in-house lawyer, there is
14 a different rate scale. It's set, and it does
15 not get tinkered with.

16 Also, the CRTC, the
17 Commission itself, do not decide cost awards.
18 It is the legal team that decides. The
19 intervenor applies directly to the legal team.
20 For one thing, it would relieve you for one
21 other thing that you don't have to worry about;
22 and, for another thing, I think it makes the
23 process more fair.

24 As YECL stated, I think all
25 intervenors should have some type of level of
26 comfort of where we stand. Right now, nobody

1 knows.

2 I listened to your comments
3 on interim funding. I have one thing to comment
4 on that, and a question to ask. On page 2 of
5 your Scale of Costs, this is your own board, you
6 state: In the case where a party can advance a
7 persuasive argument that the level of consumer
8 contribution is inadequate, given the complexity
9 of the case, the Board may adjust the scale to
10 meet unique circumstances.

11 If the Board has no
12 jurisdiction, why is this clause here? It
13 doesn't make any sense. They contradict one
14 another.

15 An example of why we need
16 legal expertise is exactly what's happening in
17 this Part 3. The way I interpret it is not a
18 legal mind. I have my own interpretation. I
19 think it's set, very clear, that these guys
20 should, must, they're obligated, to put in Part
21 3 for any project. Now, they've bypassed this
22 once already, and the Board let them get away
23 with it. There will be legal consequences next
24 time, both for the Board and for the utility.
25 We need legal advice; we need help. And the
26 Board is the only one that can do that for us.

1 MS MARX: Yukon Conservation Society.

2 MS WRIGHT: No comment.

3 MS MARX: No comment from YCS. Mr.
4 Percival.

5 MR. PERCIVAL: I have already made my
6 comment, thank you.

7 MS MARX: Yukon Energy.

8 MR. LANDRY: Madam Chair, the only comment
9 I have is in response to Mr. Keough's comments,
10 simply to say that it appears that the -- or, I
11 should say that the document that you referenced
12 is very clear, in relation to the issue of what
13 is entitled "Sole Business Interest", and, like
14 all intervenors, it seems only right to wait
15 until the end of the intervention to determine
16 whether or not YECL can rebut the presumption
17 that has been put up.

18 On the basis of Mr. Keough's
19 comments, we're not really able to say, one way
20 or the other, whether or not, at the end of the
21 day, their intervention will be able to rebut
22 that presumption. So, in my submission, it's
23 premature.

24 MS SHANKS: Move on to the completion of
25 the agenda here.

26 **7. The Hearing Process**

1 MS SHANKS: To assist with the orderly
2 review of the application, the Board will set
3 out the process to be followed for the filing of
4 any motions. If parties have any motions to
5 file during the proceeding, the Board will
6 follow its usual process. In accordance with
7 section 19 of the Rules of Practice, all motions
8 must be in writing and served on all parties.
9 Parties will have five days to respond, with the
10 mover having two days to reply.

11 The YUB now has a new website
12 up and running, and it's
13 www.yukonutilitiesboard.yk.ca, and all of our
14 Orders, I'm sure back to 1980, are on there,
15 policy documents, Rules of Practice, as well as,
16 I'm told, everything up to all submissions with
17 this hearing received, except for the August 29th
18 letter of yesterday. I'm sure that will help.

19 For the filing of all
20 materials for this proceeding, in our Order that
21 comes out September 8th, we'll talk about the
22 filing system that we will be using; it will be
23 the same as we used in last year's hearing, but
24 we'll review it at that time.

25 I'm going to ask Ms Marx, at
26 this time, just to go through the steps to be

1 followed during the proceeding, just for any new
2 intervenors.

3 MS MARX: Thank you. So, following the
4 Board's decision on matters arising from today's
5 pre-hearing conference and the additional
6 submissions that the Board has asked for, the
7 next step following that is the Information
8 Requests to Yukon Energy. So any intervenors,
9 who have questions for Yukon Energy on their
10 Plan, that would be the time to ask those
11 questions. Currently, the date for that is set
12 at September 20th. Again, the Board recognizes
13 that some of these dates may need to change but,
14 at this time, these dates stand as is.

15 So, following that, Yukon
16 Energy will respond to those Information
17 Requests on October 6th. Then, on October 20th,
18 intervenors will have a chance to file any
19 evidence that they wish to present in this
20 hearing for the Board's consideration. On
21 October 27th, intervenors will be asked
22 Information Requests on any evidence that was
23 filed; and then their responses are due on
24 November 8th and, of course, the hearing
25 commences on November 20th.

26 I understand that there is

1 one other matter that Yukon Energy wishes to
2 raise today, regarding witness scheduling for
3 the hearing, so I'll just ask Mr. Landry to
4 speak to that now.

5 MS SHANKS: Mr. Landry.

6 MR. LANDRY: Madam Chair, we do have an
7 issue that I would like to bring to the
8 attention of the Board, and it relates to one of
9 the key witnesses that will be testifying at the
10 hearing, Mr. Bowman, who will be testifying on
11 a number of issues but primarily in relation to
12 the capacity of planning criteria.

13 I just recently found out Mr.
14 Bowman's wife is pregnant, and she's due around
15 that time, the November 20th time, and there are
16 medical issues that are involved. Therefore, we
17 are requesting, if at all possible, that the
18 hearing be moved up a week, to November 13th.

19 MS SHANKS: Can we hear some submissions
20 from other parties on that date? This is the
21 first we've heard of that date, actually, as of
22 now. Ms Marx, can I ask you to facilitate that
23 process?

24 MS MARX: Yes. I'll call upon Yukon
25 Electrical first.

26 MR. KEOUGH: Thank you, Madam Chair. We

1 have no difficulty with the Board revising the
2 schedule accordingly. I'm not sure if any of
3 the intervening dates would have to be altered
4 a little bit in order to accommodate that, I
5 just didn't get a chance to look at the
6 schedule, but we have no problem with the
7 request.

8 MS MARX: Just thinking about this
9 possibility of a change in date, given that
10 there's also the possibility that the dates
11 could change as a result of the additional
12 submissions that the Board is requesting, I
13 wonder whether it would be helpful to get
14 comment as well, and perhaps I can start with
15 YEC again, as to perhaps moving the hearing
16 back, later, one week, starting the week
17 following November the 20th, just to get a better
18 sense of timing.

19 MR. LANDRY: Unfortunately, that probably
20 makes it worse, to go the other way, for the
21 same reason. So, obviously, in these type of
22 things, you don't know for sure, but at least in
23 relation to the problem that has been
24 identified, it probably makes it worse, is what
25 I meant.

26 Just to comment, though,

1 because Mr. Keough is correct, to look at the
2 schedule that we presently have, and moving it
3 forward a week, it doesn't, in my submission,
4 affect any of the time lines, because there was
5 two weeks from the final answers to the IRs, to
6 the date of the hearing; it would just mean
7 there would only be a week to the date of the
8 hearing. From my experience in these matters,
9 I don't think a week or two weeks makes a big
10 difference, from the date of the last IRs being
11 in.

12 MS MARX: Mr. Keough, did you have any
13 additional comments?

14 MR. KEOUGH: While I was listening to Mr.
15 Landry, I got to the same point he did by taking
16 a look at the schedule; I think you can move it
17 back a week and not affect any of the other
18 dates.

19 MS MARX: City of Whitehorse.

20 MR. TUCK: I don't have any comments.

21 MS MARX: No comments. Utilities
22 Consumers' Group.

23 MR. RONDEAU: I do not perceive, at this
24 time, any problems with moving the hearing one
25 week in advance. I gather that -- that's what
26 I understood; is that correct? Yeah, I don't

1 see a problem.

2 MS MARX: Yukon Conservation Society.

3 MS WRIGHT: The sooner the better.

4 MS MARX: Mr. Percival.

5 MR. PERCIVAL: I don't care.

6 MS SHANKS: All the credit to Mr. Landry,
7 if he can figure out when a baby is coming. And
8 if you can even hang your hat on a date after
9 that, that's even much more admirable.

10 The Board will hold off
11 making a decision on the hearing date at this
12 moment, but, in our pre-hearing decision, we
13 obviously will address that, because we know we
14 have a few scheduling issues.

15 If there are no other matters
16 before us, that people would like to bring up --
17 Mr. Rondeau.

18 MR. RONDEAU: I just have one question;
19 will the transcripts from this pre-hearing, and
20 the following hearing, be on the website for the
21 Board, or YEC's website?

22 MS SHANKS: That's a good question. I'm
23 hearing from our Executive Secretary, Deana
24 Lemke, that the transcripts will be available on
25 our website.

26 MR. RONDEAU: And the time line for

1 after... do you have a bit of an estimate?

2 MS SHANKS: Mr. Ayers, do you have an
3 idea of when the transcripts might be available?

4 MR. AYERS: Either Friday, or early next
5 week.

6 MR. RONDEAU: Okay, thank you.

7 **7. Closing Comments**

8 MS SHANKS: If there are no other matters
9 before the hearing today, I adjourn this
10 hearing.

11 (Proceedings adjourned at 11:45 a.m.)