

**YUKON UTILITIES BOARD**  
**Box 31728**  
**Whitehorse, Yukon Y1A 6L3**  
**Phone (867) 667-5058**  
**Fax: (867) 667-5059**

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October 9, 2007

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

Dear Mr. Rondeau:

**Re UGC Correspondence to the Board**

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The Yukon Utilities Board (Board) is in receipt of two emails, dated September 27 and October 3, 2007, from the Utilities Consumer Group (UCG) which were received by the Board's executive secretary and forwarded on to the Board. In future, the UCG is reminded to direct all correspondence to the Board to the attention of the Chair at:

Yukon Utilities Board  
Box 31728  
Whitehorse, Yukon Y1A 6L3  
[yub@northwestel.net](mailto:yub@northwestel.net)

The UCG emails of September 27 and October 3 seek further explanation from the Board regarding the Board's determination of costs awarded in Board Orders 2007-07, and 2007-08. Subsequent to the receipt of these emails, the Board released Board Order 2007-09 which amended 2007-07.

The Board considers that these Orders speak for themselves.

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Should the UCG wish to file an application requesting that the Board review, change, or cancel any of these orders pursuant to Section 62 of the *Public Utilities Act*, the Board directs the UCG to follow the guidelines that are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Shanks', with a long horizontal flourish extending to the right.

Wendy Shanks  
Chair

Encl. (1)  
c. All Parties

## Yukon Utilities Board Section 62 Review Guidelines

### **A. Grounds for Review**

The board will consider the following as grounds for review under Section 62 of the Act:

- a. the Board has made an error in jurisdiction;
- b. the Board has made an error in fact or law;
- c. there has been a fundamental change in circumstances or facts since the decision or order;
- d. a basic principle has not been raised in the original proceedings;
- e. a new principle has arisen as a result of the decision nor order;
- f. such other grounds as the Board determines require a review.

### **B. Content of the Application for Review**

The application for review should as a minimum set forth the following:

- a. the grounds upon which the application is based;
- b. a brief statement of facts supporting the alleged ground(s) for review;
- c. if new evidence is sought to be filed, a statement of the nature and purpose of the evidence;
- d. any further matter that the applicant believes will assist the Board in reaching a decision to grant a review.

### **C. Procedure**

The board will use a two-phase system for applications for review. Such a process is attractive as it enables certain applications to be dealt with expeditiously and economically. An application for review will be subject to an initial screening phase where the applicant must establish a prima facie case sufficient to warrant full consideration by the Utilities Board. In the first phase, the Board will assess an application having regard to some or all of the following questions:

- Should there be a review by the Board?
- If there is to be a review, should the Board hear new evidence and should the parties be given the opportunity to present evidence?
- If there is to be review, should it focus on the items from the application for review, a subset of those items or additional items?

Upon receipt of an application for review, the Board will issue an order inviting registered Intervenor and interested parties to comment on the application for review by addressing those questions set out in the order and further specifying a process to be followed which is either by written submissions with reply by the applicant or by written submissions and oral argument. In the case of an alleged

error, in order to advance to the second phase of the process, the application must show that:

- A. The claim of error is substantiated on a prima facie basis; and
- B. The error has significant material implications.

If there is a second phase, then the Board will hear full arguments on the merits of the application.