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YUKON UTILITIES BOARD

YEC 2012/2013 GENERAL RATE APPLICATION

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P R O C E E D I N G S

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Volume 1  
November 12, 2012  
Whitehorse, Yukon

1 Proceedings taken at High Country Inn, at 4051 - 4th Avenue,  
2 Whitehorse, Yukon.

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4 Volume 1

5 November 12, 2012

|    |                       |                                |
|----|-----------------------|--------------------------------|
| 6  | Mr. B. McLennan       | Chair                          |
| 7  | Mr. N. Prasad         | Board Member                   |
|    | Mr. R. Laking         | Board Member                   |
| 8  | Mr. A. Fortin         | Board Member                   |
| 9  | Ms. G. Bentivegna     | Board Counsel                  |
|    | Ms. D. Lemke          | Board Staff                    |
| 10 | Mr. B. Clarke         | Board Staff                    |
|    | Mr. C. Pham           | Board Staff                    |
| 11 | Mr. D. Ward           | Board Staff                    |
| 12 | Mr. J. Landry         | Yukon Energy Corporation       |
| 13 | Mr. T. D. Marriott    | City of Whitehorse             |
| 14 | Mr. A. Sears          | Yukon Electric Company Limited |
| 15 | Mr. M. Janigan        | Utilities Consumers' Group     |
| 16 | Mr. J. Maissan        | Leading Edge Projects          |
| 17 | Ms. A. Middler        | Yukon Conservation Society     |
| 18 | A. Jones, CSR(A)      | Official Court Reporters       |
|    | M. Allred, CSR(A) RPR |                                |
| 19 | _____                 |                                |

20 THE CHAIR: Please be seated. Good  
21 morning, everybody. We're just getting settled here for a  
22 second.

23 Good morning. My name is Bruce McLennan, and  
24 I'm Chair of the Yukon Utilities Board, and I'm presiding at  
25 today's hearing. The other members of the Board on the Panel

09:03

1 are on my immediate right is Bob Laking who is the Vice  
2 Chair. On my far right is Naresh Prasad who is a Board  
3 member, and to my immediate left is Andre Fortin, Board  
4 member.

5 The Board has before it the Yukon Energy  
6 Corporation's 2012/2013 general rate application, which was  
7 filed on April 27th, 2012. The Board established a process  
8 schedule for this application including scheduling of a  
9 public hearing for today's date. The hearing is now open.

10 Assisting the Board today are Board counsel,  
11 Giuseppe Bentivegna, Board staff, Dwayne Ward, Bob Clarke,  
12 and Cuong Pham, and the court reporters are from the  
13 reporting group of Amicus Reporting. If any party wants to  
14 order copies of the transcripts of this hearing they should  
15 deal directly with Amicus. For your information the Board  
16 will be uploading the full transcripts to its website the day  
17 after each hearing.

09:04

18 The Board's executive secretary is Deana  
19 Lemke, and if anyone has any questions with respect to the  
20 process or procedural matters, generally they should speak to  
21 Ms. Lemke.

09:05

22 In its 2012/2013 GRA YEC is seeking approval  
23 for a revenue requirement from Table 3.1 of its application  
24 of \$39,857,000 for 2012 and a revenue requirement of a  
25 \$45,641,000 for 2013. YEC is also requesting approval to

1 implement required changes to recover costs for growing  
2 diesel generation requirements on the integrated grid  
3 including changes to update and reactivate the diesel  
4 contingency fund, otherwise known as a DCF, as of  
5 January 1st, 2012, and to provide related adjustments  
6 required to Rate Schedule 42 and to implement the overall  
7 rate adjustments through use of riders J and R, which are  
8 applicable to both retail and industrial customers, in order  
9 to it recover the revenue shortfalls in each of the test  
10 years.

09:06

11 Further details of the requested rate  
12 adjustments are outlined in pages 5 through 8 of the YEC  
13 2012/2013 general rate application. In addition, YEC  
14 requested 2012 interim refundable rates effective July 1st,  
15 2012.

16 The Board dealt with this matter through Board  
17 Order 2012-05 of the order through Board order it 2012-05.  
18 On October 11th, 2012, YEC requested 2013 interim refundable  
19 rates to be effective January 1st, 2013. The Board dealt  
20 with this matter through Board Order 2012-10.

09:07

21 With respect to this application, a notice was  
22 issued with Board Order 2012-03 dated May 4, 2012. Within  
23 Order 2012-03 the Board ordered YEC to publish a display ad  
24 format a notice of application and prehearing conference no  
25 later than May 9th, 2012, in such appropriate local news

1 publications in YEC's service area.

2 YEC was also ordered to make the application  
3 and supporting materials available for inspection at its  
4 Whitehorse office at Number 2 Miles Canyon Road in  
5 Whitehorse.

6 By way of letter dated May 22, 2012, the  
7 Minister of Justice authorized the Board to incur the  
8 necessary expenses to hold a public hearing in relation to  
9 YEC's application pursuant to Section 50 of the *Public*  
10 *Utilities Act*. A process schedule for this application was  
11 proposed with Board Order 2012-03 and subsequently amended  
12 through Board Orders 2012-06, 2012-07 and 2012-08.

09:08

13 The Board will follow the following schedule  
14 for this hearing. The Board will sit from 9 a.m. to 5 p.m.  
15 each day. A 15-minute morning break will occur at  
16 approximately 10:30 a.m. each morning. Lunch is planned for  
17 12 noon until 1:30 p.m. each day, and an afternoon break will  
18 occur at about 3:30 p.m.

19 Please ensure that your cell phones are turned  
20 off during the hearing. To facilitate the marking of  
21 exhibits Ms. Lemke has circulated a list of exhibits to date.

09:09

22 As was determined in the process schedule  
23 simultaneous written argument is to be received by the Board  
24 by November 28th, 2012, and simultaneous reply to be received  
25 by December 12th, 2012. Written argument and reply is to

1 follow the outline contained in the GRA application.

2 I will now ask for interested parties to  
3 register. The order for parties for cross-examination will  
4 be the order of the registration.

5 Ms. Bentivegna, can you now please call the  
6 parties registering to participate in the hearing today?

7 Thank you.

8 MS. BENTIVEGNA: Yes, Mr. Chairman. We'll begin  
9 with the City of Whitehorse.

10 MR. MARRIOTT: Good morning, sir. My name is  
11 Marriott, initials T.D. I represent the City of Whitehorse.

09:10

12 MS. BENTIVEGNA: Yukon Electrical Company  
13 Limited.

14 MS. SEARS: Morning, Mr. Chairman and Panel  
15 members. The last name is Sears, initials A.M. appearing on  
16 behalf of YECL.

17 MS. BENTIVEGNA: Utilities Consumers' Group.

18 MR. JANIGAN: My name is Michael Janigan.  
19 I'm appearing on behalf of the Utilities Consumers' Group.

20 MS. BENTIVEGNA: Mr. John Maissan.

09:11

21 MR. MAISSAN: Good morning. My name is John  
22 Maissan. I'll be representing myself.

23 MS. BENTIVEGNA: Yukon Conservation Society.

24 MS. MIDDLEL: Good morning. My name is Anne  
25 Middler, and I'm representing the Yukon Conversation Society.

1 MS. BENTIVEGNA: Is there any other intervenor  
2 in the room that wants to participate in this hearing?

3 Seeing none, who represents the Yukon Energy  
4 Corporation?

5 MR. LANDRY: Thank you, Mr. Chairman. My  
6 name is John Landry, and I represent Yukon Energy.

7 MS. BENTIVEGNA: Those are all the parties,  
8 Mr. Chairman.

9 THE CHAIR: Thank you, Ms. Bentivegna.  
10 So at this stage I will turn it over to  
11 Mr. Landry.

09:12

12 MR. LANDRY: Thank you. Mr. Chairman.  
13 As you know from the filings, sir, that Yukon  
14 Energy will be having one panel of witnesses. It will be a  
15 three-person panel. The CVs for the witnesses on the panel  
16 are actually included on the record at Exhibit B-15, and it's  
17 attachment 1.

18 I don't intend to go through the CVs. They're  
19 filed for the record. The Board is familiar with all three  
20 of the witnesses that are appearing on behalf of Yukon  
21 Energy.

09:12

22 Now, I'd like to introduce the panel to you  
23 and, then after that, we'll have them sworn. But, first of  
24 all, I would like to put in place a couple of filings for  
25 you, Mr. Chairman, both of which have consent from the

1 parties yesterday, and copies have been distributed.

2                   The first one is, in the normal course,  
3 there's going to be an opening statement by the panel. And I  
4 would ask that that opening statement, which is also in  
5 writing and distributed, be marked as I believe it's B-16,  
6 Ms. Lemke.

7                   **EXHIBIT B-16 - OPENING STATEMENT OF**  
8                   **YUKON ENERGY**

9 MR. LANDRY:                   And then, in addition to that,  
10 there were a couple of corrections that were made to the  
11 application. Again, that document was distributed to the  
12 parties yesterday, and Mr. Osler will speak to it after the  
13 opening statement. But I would ask that that be marked as  
14 Exhibit B-17.

09:13

15                   **EXHIBIT B-17 - AMENDED APPLICATION**

16 MR. LANDRY:                   So, sir, with that, I'd like to  
17 introduce the panel for the record to you, sir, and the panel  
18 members. First of all, on your immediate right is Mr. Ed  
19 Mollard who is the CFO of Yukon Energy. To his right is  
20 David Morrison who is the president and CEO of Yukon Energy.  
21 And to Mr. Morrison's right is Cam Osler who is a principal  
22 with InterGroup out of Winnipeg and a long-time regulatory  
23 consultant to Yukon Energy.

09:14

24                   So with those introductions, sir, I'd ask that  
25 the panel be sworn.



**C. OSLER, D. MORRISON, E. MOLLARD**

Examined by Mr. Landry

1 THE CHAIR: Yes, please proceed. I believe  
2 the reporters are going to do the swearing.

3

4 **C. OSLER, D. MORRISON, E. MOLLARD** (For Yukon Energy  
5 Corporation), sworn

6 **MR. LANDRY EXAMINES THE PANEL:**

7 MR. LANDRY: Thank you, Madam Reporter.

8 Mr. Chairman, I just have one question to  
9 begin the panel, and then we'll go to the opening statement.

10 Q. MR. LANDRY: So, Mr. Morrison, you, on  
11 behalf of Yukon Energy, accept the application and all of the  
12 subsequent filings by Yukon Energy as Yukon Energy's evidence  
13 in this application?

09:15

14 A. MR. MORRISON: I do.

15 Q. I understand you have an opening statement?

16 A. MR. MORRISON: I do.

17 MR. LANDRY: Mr. Chair?

18 THE CHAIR: Yes. Proceed, Mr. Morrison.

19 A. MR. MORRISON: Good morning, Mr. Chair and  
20 members of the Panel and intervenors and the audience.

09:15

21 Mr. Chair and members of the Panel, Yukon  
22 Energy is pleased to be here today in front of the Yukon  
23 Utilities Board with our 2012/2013 general rate application  
24 to continue development of Yukon's capability to meet ongoing  
25 growth with reliable, affordable, and environmentally

1 responsible power that is flexible to changing loads and  
2 conditions.

3 Due to past legacy hydro and transmission  
4 developments to meet earlier growth, Yukon continues today to  
5 offer the lowest electrical rates in Northern Canada. Yukon  
6 Energy is working to keep this advantage while meeting  
7 current and future growth needs.

8 In my opening statement in 2005, I said that  
9 Yukon Energy was committed to working with the Board to find  
10 a mechanism to ensure that we were before you on a regular  
11 basis. This is our seventh appearance in a public hearing  
12 before this Board since spring 2005.

09:16

13 Yukon Energy's ability to greatly expand its  
14 transmission and generating capabilities over the past seven  
15 years while reducing rates is a testimony to the work of many  
16 parties since 2005, including the Board's timely hearings to  
17 review purchase power agreements from Minto and Alexco and  
18 Part III Energy Certificate applications for the  
19 Carmacks-Stewart Transmission Project and the Mayo B Hydro  
20 Project.

09:17

21 Yukon Energy submitted its current application  
22 on April 27th, 2012, requesting approval to recover forecast  
23 costs to supply customers in 2012 and 2013, including  
24 approval for the first increase in Yukon Energy's firm retail  
25 rates to be approved by the Board for non-industrial

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 customers since 1988/1989 -- sorry, '99, sorry. '98/'99.

2 The application also seeks approval of  
3 specific additional proposals including proposals for  
4 enhanced rate stability related to planning study costs  
5 required to minimize future high cost diesel requirements and  
6 related to diesel generating costs that can fluctuate from  
7 year to year in response to fluctuations in annual hydro  
8 generation.

9 Yukon Energy is a young company run by  
10 Yukoners who continue to be focused on the future. And this  
11 application is another important step in addressing key  
12 regulatory issues and development challenges to meet future  
13 needs of Yukon ratepayers.

09:18

14 In addition to the continuing ratepayer  
15 savings from legacy hydro and transmission developed many  
16 decades ago, Yukon ratepayers today also secure savings from  
17 more recent initiatives undertaken by Yukon Energy over the  
18 last ten years.

19 Despite continuing cost pressures from many  
20 sources over the last several years, Yukon Energy has  
21 successfully implemented various measures to avoid the need  
22 for rate increases and ensure that costly diesel generation  
23 is minimized as the load grows.

09:18

24 For example, measures successfully implemented  
25 since the 2008-2009 GRA have resulted in material reductions

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 today in our applied-for GRA revenue requirements of \$6.8  
2 million in 2012, and \$6.5 million in 2013. These are made up  
3 of ratepayer savings of \$3 million in 2012 and \$2.6 million  
4 in 2013 arising from the reduction in diesel generation  
5 requirements following the completion of three major legacy  
6 projects: The Carmacks-Stewart Transmission Project, the  
7 Mayo B Project, and the Aishihik Third Turbine Project;  
8 ratepayer savings of \$1.5 million annually in the test years  
9 from the refinancing of Yukon Energy's long-term debt at the  
10 end of 2010; ratepayer savings of \$2.3 million in 2012, and  
11 another 2.4 million in 2013, arising from reductions  
12 requested today in the depreciation rates of key generation  
13 and transmission assets.

09:19

14 Additional savings flow from measures taken  
15 before the 2008-2009 GRA which reduced the applied-for  
16 revenue requirement at that time by more than \$6 million, and  
17 which, in many cases, continue to provide ongoing cost  
18 savings to ratepayers. These successful earlier measures  
19 include the completion of the Mayo-Dawson transmission line  
20 in 2003 resulting in ongoing displacement of diesel  
21 generation at Dawson and Stewart Crossing, net cost savings  
22 in 2008 of \$2.5 million; the 2008 completion of the  
23 Carmacks-Stewart Transmission Project Stage 1 resulting in  
24 ongoing diesel displacement at the Minto Mine and Pelly  
25 Crossing and net revenue benefit for Yukon ratepayers of an

09:20

1 overall saving in 2009 exceeding \$1.5 million; material  
2 secondary sales revenues that helped to reduce the rates  
3 needed for firm sales of half a million dollars a year in  
4 2009; debt refinancing in 2003 that materially reduced  
5 ongoing interest costs with a savings of \$700,000 per year;  
6 and depreciation studies changes in 2005 that materially  
7 reduced ongoing depreciation expenses by \$1.2 million per  
8 year.

9 All of these measures demonstrate very clearly  
10 Yukon Energy's commitment to keep rates as low as possible  
11 while addressing significant growth in the Yukon. 09:21

12 The 2008-2009 GRA indicated that the WAF  
13 system, the Whitehorse/Aishihik/Faro system, was reaching a  
14 point where the material surplus hydro generation available  
15 since the closure of the Faro mine was becoming greatly  
16 diminished.

17 Further, with ongoing nonindustrial load  
18 growth and expressed interest from potential industrial  
19 customers, it was anticipated that the then existing hydro  
20 generation would likely be fully utilized within a few years  
21 highlighting the need to look ahead to developing the next  
22 era of affordable and environmentally responsible projects to  
23 meet this load forecast. 09:22

24 Current application confirms that continued  
25 nonindustrial and industrial load growth has outstripped the

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 available surplus hydro generation notwithstanding the  
2 additional hydro capacity which new legacy projects have  
3 brought to the system since 2009 to the point that diesel  
4 generation is once again required to supply growth.

5 Nonindustrial grid load growth has been higher  
6 than the 2006 resource plan forecast of 1.85 percent a year  
7 and the 2011 resource plan forecast of 2.26 percent per year.  
8 By the end of 2013, nonindustrial grid load growth, as  
9 projected in the GRA, is expected to grow by approximately 35  
10 gigawatt hours over the 2009 approved forecast.

09:23

11 More recent internal forecast updates indicate  
12 nonindustrial grid load is expected to increase GRA forecast  
13 in 2013 by more than 7 gigawatt hours.

14 Industrial growth by the end of 2013, as  
15 projected in the GRA, is expected to increase by  
16 approximately 33 gigawatt hours over the 2009 forecast.

17 Our experience in 2012 with the Minto mine, in  
18 particular, shows materially lower growth than expected and  
19 Minto's latest updated forecast show industrial grid load  
20 growth in 2013 at almost 16 gigawatt hours below the GRA  
21 forecast.

09:23

22 A notable share of the added growth today must  
23 be met with diesel generation, and absent new initiatives, as  
24 the load continues to grow the share of growth served by  
25 diesel generation will continue to become more and more

1 significant.

2 For example, with the 2011 load of  
3 401 gigawatt hours, diesel generation would on average supply  
4 30 percent of the next 5 megawatt hours of growth above 401  
5 gigawatt hours.

6 With the 2012 GRA forecast of  
7 416 gigawatt hours, diesel generation would, on average,  
8 supply 49 percent of the next 5 megawatt hours of growth  
9 above 416 gigawatt hours.

10 With the 2013 GRA forecast load of 430  
11 gigawatt hours, diesel generation would, on average, supply  
12 59 percent of the next 5 megawatt hours of growth.

09:24

13 This fundamental change on the system that is  
14 forecast to occur during the test years means that absent  
15 bringing on new, lower cost sources of generation, an  
16 increasing portion of new load on the system must be supplied  
17 using costly diesel generation. To demonstrate the impact  
18 this is having on Yukon Energy's costs, the GRA forecast  
19 diesel fuel costs in 2013, assuming long-term average hydro,  
20 at over \$4.7 million more than the diesel generation cost  
21 approved for the 2009 revenue requirement.

09:25

22 The GRA mitigates this cost increase by  
23 proposing as a transition measure to include only 59 percent  
24 of the long-term average diesel generation fuel costs in the  
25 requested revenue requirements for 2013 and 66 percent for

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Examined by Mr. Landry

1 2012.

2 As reviewed in response to YUB-YEC-12, the  
3 2009 approved diesel fuel costs recovered only 32 percent of  
4 the long-term average diesel generation costs. Accordingly,  
5 the current application moves a good portion of the distance  
6 towards full recovery of long-term average costs. And as  
7 noted in response to YUB-YEC-1-3, without this transition  
8 measure, an additional cumulative rate increase of  
9 3.59 percent would be needed by 2013 to cover 100 percent of  
10 long-term average diesel generation cost.

09:26

11 However, even with this transition proposal,  
12 diesel fuel costs in 2013 are still forecast to be more than  
13 \$2.6 million higher than the diesel fuel costs approved for  
14 2009.

15 In addition to increasing costs of diesel  
16 generation ongoing load growth is leading to leading to  
17 substantial increase in capital expenditures, the size of  
18 Yukon Energy and planning costs. In terms of capital  
19 expenditures, overall by 2013 an approximate \$213 million  
20 increase is forecast in gross assets since 2009.

09:27

21 The capital additions include completion of  
22 three major legacy asset investment opportunities,  
23 refurbishment of old assets and projects to enhance grid  
24 reliability including major investments in the Mayo Hydro  
25 substation of \$10 million and in the Aishihik Generating



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Examined by Mr. Landry

1 Station redundancy projection of 6.4 million.

2 Overall midyear net rate base growth over this  
3 near of 93.7 million excludes approximately \$119.69 million  
4 in new net contributions.

5 Keeping in mind that the impact on ratepayers  
6 of this unprecedented level of capital expenditures has been  
7 greatly moderated by approximately \$20 million of no cost  
8 contributions, the overall impacts on revenue requirement  
9 forecast for 2013 compared to 2009 approved forecast costs  
10 are an increase in depreciation and amortization expenses of  
11 \$3.1 million and, despite lower average cost of capital, an  
12 increase in return on rate base expense of approximately  
13 \$3.6 million.

09:28

14 YEC's average forecast cost of capital in 2013  
15 is 5.85 percent, which is well below the 7.09 percent  
16 forecast cost approved for 2009.

17 The significant overall forecast growth in  
18 assets since 2009 is also expected to require material  
19 increase in the size of Yukon Energy increasing both labour  
20 expense and non-labour expense. Forecast labour expense by  
21 the end of 2013 is \$2.5 million higher than in 2009 approved  
22 costs reflecting a forecast increase in 12.26 full-time  
23 positions. Non-fuel and non-labour O&M is forecast to  
24 increase by \$2.7 million over 2009 approved costs.

09:28

25 As anticipated in the 2008/2009 GRA, Yukon

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 Energy has carried out extensive feasibility planning studies  
2 since 2009 to assess potential options for reducing diesel  
3 generation, and deferred costs for these planning studies  
4 have remained in work in progress for consideration at this  
5 GRA. This includes forecast spending to the end of 2013 of  
6 \$4.8 million for planning related to Marsh Lake storage,  
7 \$3 million for demand side management, \$2.2 million for Atlin  
8 storage, \$4.4 million for Gladstone Diversion, \$1.7 million  
9 for LNG, \$2.6 million for geothermal studies, \$2.1 million  
10 for Mayo Lake storage enhancement, and \$1.6 million for waste 09:29  
11 to energy.

12                   Given the unprecedented levels of planning  
13 costs incurred since 2009, an updated planning cost  
14 accounting policy is included in the application to ensure  
15 that these costs are addressed in a manner that helps to  
16 moderate risks, that recognized the need for near term and  
17 learning term rate stability, and does not result in undue  
18 rate impacts.

19                   As can be seen by reviewing Yukon Energy's  
20 results over the last several years, Yukon Energy has been 09:30  
21 experiencing these wide ranging cost pressures for some time.  
22 Since 2008/2009 GRA there have been significant shortfalls  
23 from the 8.49 percent approved YUB return on equity: 7.92  
24 percent in 2009 actual, 7.45 percent in 2010, and  
25 6.59 percent in 2011.

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Examined by Mr. Landry

1           Absent new rate increase, forecast return on  
2 equity at existing rates without the application falls to  
3 4.38 percent in 2012 and a negative .97 percent in 2012. In  
4 short, ongoing cost pressures as reviewed in the application  
5 have become simply too material to continue without a  
6 reasonable rate increase at this time.

7           The transition measures proposed for moving to  
8 full long-term average diesel generation cost recover have  
9 capped the current rate increase at 6.40 percent in 2012 and  
10 6.50 percent in 2013. As a result, diesel generation  
11 included in the proposed revenue requirement equals  
12 65.6 percent of long-term average in 2012 and 59 percent in  
13 2013.

09:31

14           The requirement for material non-peaking  
15 diesel generation in the revenue requirement even at less  
16 than 100 percent of long-term average brings the diesel  
17 contingency fund back into play. The application's forecast  
18 diesel generation reinstates the need for DCF measures to  
19 enable rates to recover diesel fuel and O&M costs based on  
20 long-term average hydro generation rather than forecast  
21 actual diesel generation.

09:32

22           The application also includes proposed  
23 measures to update and permanently trigger the DCF as of  
24 January 1st, 2012, measures to have future secondary sales  
25 net revenues go to the benefit of ratepayers through funding

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 of the DCF, and measures to adjust the wholesale rate  
2 Schedule 42 energy reconciliation adjustment, ERA, to reflect  
3 the DCF updates.

4 The increased need for baseload diesel  
5 generation signals increased ratepayer risk related to low  
6 water or drought conditions when costly requirements for  
7 diesel generation can greatly exceed 100 percent long-term  
8 average generation costs.

9 Other rate stability measures proposed in the  
10 application include the new planning cost accounting policy,  
11 a new demand side management accounting policy, and the  
12 Mayo B flexible debt provision.

09:33

13 I want to end my opening comments by  
14 highlighting some of the significant opportunities and  
15 challenges Yukon faces in planning for the anticipated future  
16 load growth on the integrated grid. Yukon Energy's 2008/2009  
17 GRA reviewed the ongoing need to undertake significant  
18 planning activities to ensure the next generation of load  
19 costs supply resource is available to meet the continued  
20 growth on the integrated grid and to displace diesel  
21 requirements.

09:33

22 In Board Order 2009-08, the Board addressed  
23 these activities and stated as follows:

24 "It understand that YEC does not have  
25 the luxury of waiting for those loads

1 to, with full certainty, materialize  
2 before taking any action."

3 And further that:

4 "YEC's obligation to serve does require  
5 it to plan the system to meet these  
6 expected loads and any other  
7 requirements that may arise."

8 As in the past, major new loads on the Yukon system create  
9 opportunities to develop new non-diesel supply options.  
10 Yukon Energy's ongoing resource planning process continues to  
11 update forecast nonindustrial and industrial grid load  
12 scenarios and related default diesel grid generation through  
13 to 2030.

09:34

14 During 2011, we updated the 2006 20-year  
15 resource plan as part of an extensive public engagement  
16 process that commenced with our March 2011 energy planning  
17 charrette. In June 2012, we updated the 2011 20-year  
18 resource plan and grid load forecast. And in November, we  
19 have once again updated these forecasts to reflect evolving  
20 conditions.

09:34

21 The fundamental realities faced by the Yukon  
22 system make planning for future load growth a challenging  
23 exercise.

24 The Yukon system is an isolated system with no  
25 outlet to external markets to secure or sell electricity in

1 response to conditions on the Yukon grid. The Yukon system  
2 also has a relatively small customer base over which the cost  
3 of investment and new assets must be spread.

4 And the Yukon system is also a winter peaking  
5 hydro grid with limited water storage capability and  
6 considerable seasonal and annual variability in hydro  
7 generation supply. These challenges emphasize the importance  
8 of having affordable, flexible, and reliable non-hydro power  
9 supply capability able to deal with these conditions.

10 Yukon Energy also faces substantial challenges 09:35  
11 in forecasting and planning for major loads, mines, or new  
12 subdivisions. These potential load changes have material  
13 impacts in Yukon compared to larger and nonisolated  
14 provincial grids.

15 Investments and assets to serve new large  
16 loads are expensive on the Yukon system and can have material  
17 hangover effects if the load disappears.

18 These realities also emphasize the importance  
19 of having flexible supply capability ready to serve such  
20 loads while managing the rate impact risks related to the 09:36  
21 hangover effect.

22 Yukon Energy has been actively and  
23 continuously engaged since 2005 in identifying and assessing  
24 a range of new resource supply options to meet these  
25 challenges.

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1                   Attention initially focused on enhancement of  
2 our existing hydro and other infrastructures. In recent  
3 years, however, the range of our assessment has expanded as  
4 we approached the time when resource development must move  
5 beyond enhancement of what was previously developed.

6                   Today we are truly on the cusp of needing to  
7 move forward with major new measures to displace the need to  
8 otherwise rely on diesel generation as the default supply  
9 option to meet Yukon's growing generation requirements.

10                  In conclusion, as can be seen from the  
11 extensive material filed in our application and the extensive  
12 questioning we have received on that application, the last  
13 several years have been incredibly challenging for Yukon  
14 Energy and its staff. We have completed the largest capital  
15 expansion program in YEC's history, while, at the same time,  
16 undertaking an unprecedented level of planning activities to  
17 prepare for the major load growth that is forecasted to occur  
18 in the next few years.

09:37

19                  This public hearing is an opportunity not only  
20 to test our application; it is also an opportunity to discuss  
21 and debate the challenges facing Yukon Energy and its  
22 stakeholders in this new era of significant growth in loads  
23 and power supply capability.

09:37

24                                   Thank, Mr. Chairman.

25 THE CHAIR:                                   Thank you, Mr. Morrison.

C. OSLER, D. MORRISON, E. MOLLARD

Examined by Mr. Landry

1 MR. LANDRY: Mr. Chair, before we turn over  
2 the panel to cross-examination, I just wanted to, for the  
3 record, go through the correction that was filed yesterday.

4 THE CHAIR: Yes, please proceed.

5 MR. LANDRY: Mr. Osler, do you have Exhibit  
6 B-17 in front of you?

7 A. MR. OSLER: I do.

8 Q. Could you, for the record, just explain quickly what  
9 that document is?

10 A. MR. OSLER: This document contains two  
11 corrections to the record. On the first page is one  
12 correction and the other two pages is a second correction.

09:38

13 The first correction deals with the  
14 calculations done in the section of Appendix 3-2, I believe,  
15 to the application where the tables that are at the back of  
16 that appendix are used to determine the diesel pursuant to  
17 the new DCF depending on the load on the system.

18 The correction goes to the point that for some  
19 reason going through a number of examples in the record, the  
20 table was read one row too low in terms of how to do the  
21 calculations.

09:39

22 So the example that is in the text at Example  
23 3.2-1 which uses Table 3.2-1 is revised in this correction to  
24 get it correct. And the number of different IRs and  
25 references are noted where this correction would apply.



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Cross-examined by Mr. Marriott

1                   In overall magnitude, it's not a big deal as  
2 it's noted. Overall, with the correction, the differences  
3 are pretty minimal, but it's just something we want to make  
4 sure is right for the record because this process will be  
5 used on an ongoing basis to determine the actual diesel  
6 charges each year.

7                   The second matter on the second two pages, in  
8 preparing for the hearing and everything else, we've noticed  
9 that, due to a particular counting gap, a set -- one set of  
10 numbers was excluded from what YUB, YEC 1-8 has revised. So  
11 the number of consultants involved -- everything else was  
12 correct, but the dollars for this particular one example were  
13 excluded. So the record is corrected by this filing.

14 MR. LANDRY:                   Mr. Chairman, with that final  
15 question, the panel is available for cross-examination.

16 THE CHAIR:                   Thank you, Mr. Landry. I'll  
17 turn it over to City of Whitehorse.

18                   Mr. Marriott, if you'd like to proceed when  
19 you're ready.

20 **MR. MARRIOTT CROSS-EXAMINES THE PANEL:**

21 MR. MARRIOTT:                 Thank you, Mr. Chairman.

22 Q. Good morning, panel. I'm not planning to ask a lot of  
23 questions about the opening statement. I did see it last  
24 night. I went through it. But the one thing I noticed that  
25 I'll start off with, I guess, is that at page 8 you make

09:40

09:41

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Marriott

1 mention of the actual return on equity for 2011. And, as I  
2 would expect, I took it from that that the YEC 2011 financial  
3 results are available at this point. Is that true?

4 A. MR. MOLLARD: That's correct.

5 Q. I'm not sure if your microphone picked up --

6 A. MR. MOLLARD: That is correct.

7 Q. I wonder if you would undertake to provide your  
8 regulatory financial schedules updated to show the 2011  
9 actuals.

10 A. MR. MOLLARD: Yes, we can do that.

09:43

11 Q. Thank you.

12 UNDERTAKING - TO PROVIDE THE REGULATORY  
13 FINANCIAL SCHEDULES UPDATED TO SHOW THE  
14 2011 ACTUALS AND A BRIEF DESCRIPTION

15 Q. MR. MARRIOTT: With respect to the 2012  
16 actuals, would the third quarter financial results be  
17 available?

18 A. MR. MOLLARD: Yes, we have those.

19 Q. And I wonder if you would undertake to provide those  
20 results as well.

09:43

21 A. MR. MOLLARD: Yes, we can provide those.

22 Q. Thank you.

23 UNDERTAKING - TO PROVIDE THE THIRD  
24 QUARTER FINANCIAL RESULTS WITH RESPECT  
25 TO THE 2012 ACTUAL AND A BRIEF

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Marriott

1                   **DESCRIPTION**

2   MR. LANDRY:                                   Mr. Chairman, just as a point.

3   I don't want to interrupt Mr. Marriott, but, of course, the  
4   whole issue of actuals -- we'll take that undertaking. But  
5   the whole issue of actual versus forecast is very much a live  
6   issue so, and whether or not actuals and what their relevance  
7   is to this proceeding. And I just wanted to make that point  
8   on the record for now.

9   THE CHAIR:                                   Thank you.

10   Q.   MR. MARRIOTT:                        And now, panel, I'd like to  
11   turn to the demand side management discussion. And I'd ask  
12   you to turn up page 3-12 of the application. And starting at  
13   line 22 on that page, there's a description of a new  
14   administrative account called DSM administration, and we were  
15   told that forecast expenditures include expenditures of  
16   several types that are not directly attributed to a specific  
17   DSM program.

09:44

18                   And the types of expenditures I'm referring to  
19   are administration and other general overhead expenditures --  
20   staff training, specific expenditures related to information  
21   programs and advertising.

09:45

22                   So what I would like to ask is what are the  
23   actual DSM expenses not directly attributable to a specific  
24   DSM program that have been incurred in 2012 so far in each of  
25   those categories?

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Cross-examined by Mr. Marriott

1 A. MR. MOLLARD: I couldn't say with certainly  
2 without checking every category of items, but I know that  
3 account would be picking up items such as rent expense on the  
4 DSM office, for example, and costs associated with the  
5 running of that office - supplies, general office supplies,  
6 phone bills, that sort of thing that wouldn't be directly  
7 attributable to the programs.

8 Q. And I wonder if you might be able to just undertake to  
9 provide the expenses so far incurred under those categories  
10 that I mentioned for 2012.

09:46

11 A. MR. MOLLARD: We can do that.

12 UNDERTAKING - TO PROVIDE THE EXPENSES  
13 SO FAR INCURRED UNDER THE FOLLOWING  
14 CATEGORIES FOR 2012: ADMINISTRATION  
15 AND OTHER GENERAL OVERHEAD  
16 EXPENDITURES, STAFF TRAINING,  
17 INFORMATION PROGRAMS AND ADVERTISING,  
18 AND A BRIEF DESCRIPTION

19 Q. Thank you. Now, similarly, for 2013 -- obviously we're  
20 into forecast now, but are you able to break down that  
21 forecast by those categories? So you've got a global amount  
22 of \$49,000, but I'm wondering how much of that do you expect  
23 to be, you know, on staff training or the other categories of  
24 expenditures that we've talked about?

09:46

25 A. MR. MOLLARD: Yes. We would have a breakdown

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Cross-examined by Mr. Marriott

1 of that.

2 Q. And is that something that you could provide as well?

3 A. MR. MOLLARD: Yes.

4 Q. Thank you. I take it you don't have that at your  
5 fingertips?

6 A. MR. MOLLARD: No.

7 Q. I'll accept that as an undertaking, then.

8 UNDERTAKING - TO BREAK DOWN THE 2013

9 FORECAST BY THE CATEGORIES:

10 ADMINISTRATION AND OTHER GENERAL

11 OVERHEAD EXPENDITURES, STAFF TRAINING,

12 INFORMATION PROGRAMS AND ADVERTISING,

13 AND A BRIEF DESCRIPTION

14 Q. MR. MARRIOTT: Now, that will give us some  
15 numbers, but if you know any of the detail around what you  
16 expect to be incurred in those various categories, I'd like  
17 to just probe that now. So, for example, is there some staff  
18 training that you anticipate for 2013 would fall into this  
19 account?

20 A. MR. MOLLARD: I really wouldn't want to  
21 speculate without actually having looked at the numbers, sir.

22 Q. Okay. And would the same hold true then for the  
23 information programs and advertising in other categories?

24 A. MR. MOLLARD: Yes.

25 Q. So perhaps if I could just ask you when you're providing

09:48

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1 the numbers in the undertaking you already gave, just a brief  
2 description of what you expect would be included in those  
3 numbers, that type of thing.

4 **A. MR. MOLLARD:** Yes.

5 Q. Thank you.

6 **THE CHAIR:** Sorry, I just want to clarify,  
7 that won't be an additional undertaking. You'll just include  
8 that in the first four undertakings?

9 **A. MR. MOLLARD:** Yes, Mr. Chair. I'll attach  
10 it.

09:48

11 **MR. MARRIOTT:** Thank you, sir.

12 Q. **MR. MARRIOTT:** Now, if I could get you to turn  
13 to page 5-39 of the application, please. So starting I think  
14 on that page and then going forward, there is a description  
15 of DSM projects, and I actually want to turn you to page 5-41  
16 going forward a couple of pages and starting at line 5 on  
17 that page.

18 YEC describes a program of internal DSM within  
19 YEC, and it appears from what we're told there that that  
20 program was completed in 2011; is that correct?

09:50

21 **A. MR. MOLLARD:** Yes.

22 Q. And do you see the statement on line 12 and 13 about  
23 achieving targeted savings?

24 **A. MR. MOLLARD:** Yes.

25 Q. And can you tell us what were the targeted savings for

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Cross-examined by Mr. Marriott

1 that internal DSM project?

2 A. MR. MOLLARD: I don't have those with me.

3 Sorry, sir.

4 Q. Okay. Well, we're curious about that. Maybe I could  
5 ask for an undertaking on that as well. So we were wondering  
6 what were the targeted savings. Were those targets achieved,  
7 and if they were achieved, how were those savings accounted  
8 for in the application? Is that something you could provide  
9 to us, sir?

10 A. MR. MOLLARD: Yes.

09:51

11 Q. Thank you.

12 UNDERTAKING - TO DETERMINE WHAT WERE  
13 THE TARGETED SAVINGS MENTIONED ON LINE  
14 12 AND 13, WHETHER THOSE TARGETS WERE  
15 ACHIEVED, AND IF SO HOW WERE THE  
16 SAVINGS ACCOUNTED FOR IN THE  
17 APPLICATION

18 Q. MR. MARRIOTT: Now, just moving to kind of a  
19 general discussion about DSM projects, would you agree that  
20 when those types of projects result in tangible energy  
21 savings, the DSM project could be regarded as a substitute  
22 for new generation facilities?

09:51

23 A. MR. MORRISON: I would agree with that.

24 Q. And so there can be tangible benefits of DSM associated  
25 with constructing new generation projects?

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1 A. MR. MORRISON: I would agree with that, and I  
2 would just add that one of the primary purposes of initiating  
3 a demand side management program, as mentioned earlier in the  
4 opening we've got substantial growth on the system. Until we  
5 find a new source of supply and even if we find a -- when we  
6 find a new source of supply, demand side management or  
7 reduction in consumption can play a major role in our efforts  
8 to reduce diesel on the margins or even diesel as a base  
9 generation operation option. So yes, I would agree with  
10 that.

09:53

11 Q. Thank you. Now, I've already asked about the internal  
12 DSM activities, but apart from that, was there any reduction  
13 in load arising from DSM projects or activities built into  
14 the forecasts for the application?

15 A. MR. MORRISON: Not in the test years. The  
16 ability to get DSM projects into place and see the reduction  
17 in actual terms certainly we have forecasts going forward  
18 when we look at the DSM program. But those reductions in  
19 consumption usually take several years to materialize, and I  
20 don't have anything in the forecast years for that.

09:53

21 Q. Has YEC done or filed -- I don't think they filed any  
22 cost benefit analysis to show energy savings on the DSM  
23 projects described in the application and to show that they  
24 would more than make up for the costs of those projects?

25 A. MR. MORRISON: Mr. Chair, we haven't filed our



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1 DSM plan, and we certainly are -- recognize that we have a  
2 commitment to do that with the Board. We have been working  
3 feverishly over the last year with both the Yukon government  
4 and Yukon Electrical to make sure we could get a  
5 comprehensive plan in front of the Board.

6 And in that plan, which we should be able to  
7 file very shortly, sometime in the next few months I would  
8 hope, all of the programs that are listed in that have a  
9 series of its cost benefit tests, and there are four -- I have  
10 to admit that I can't remember the exact names of them, but 09:55  
11 that each program that's looked at under the demand side  
12 management program will be subject to, and all of that  
13 material will be part of the plan when we file it.

14 Q. Thank you. I'd like to turn now to in the application  
15 it's Tab 5.2, Appendix 5.2 of the DSM policy, and there's  
16 really just one page there, 5.2-1. And there's a description  
17 on that page of the policy about deferring and amortizing  
18 specific DSM projects, and the conditions that are attached  
19 to deferral show up under 2.1(a), 1, 2, and 3 on that page.

20 And it struck us that they appear quite 09:56  
21 similar to the reasonable assurance test in Appendix 5.1, and  
22 we just wondered if you consider them to be similar.

23 A. MR. MOLLARD: Mr. Chair, it wasn't our  
24 intention that they would be similar. The work that we did  
25 to set the DSM accounting policy, this is -- this is not new

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Cross-examined by Mr. Marriott

1 policy. This is done in many jurisdictions in Canada  
2 already.

3 We did a review of certain other  
4 jurisdictions, certainly B.C. and Manitoba, and reviewed what  
5 their criteria were and adopted those not specifically  
6 intending that they be the same as the previous policy  
7 referenced.

8 Q. Just following up on that, would you see any significant  
9 differences between the policy -- planning policy in 5.1 and  
10 the DSM policy in 5.2 in terms of the criteria for deferral?  
11 And I guess when we look at the DSM policy we're focusing on  
12 2.1, as I mentioned on page 5.2-1, and when we look at the  
13 planning policy and the criteria for deferral we're looking  
14 at 2.2 on page 5.1-1. So I guess comparing those, are there  
15 significant differences?

09:57

16 A. MR. MOLLARD: Well, I think, Mr. Chair, on  
17 a principal basis what we're trying to establish with those  
18 criteria is that there is an enduring benefit from the study  
19 expenditure, and therefore it's warranted that they be  
20 deferred and amortized.

09:59

21 As I said, it wasn't intended that they be the  
22 same, but on that principal basis at a high level, the test  
23 is to say, well, is the expenditure going to generate  
24 benefits to Yukon over a number of years? If so, then, yes,  
25 defer and amortize. So, I guess, on that basis, I would say

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1 they are similar.

2 Q. Just going back to the DSM policy and the criteria for  
3 deferral listed at Section 2.1(a) 1-3 or 1, 2, 3, are there  
4 currently any DSM projects that YEC believes meet those  
5 criteria?

6 A. MR. MOLLARD: Yes.

7 Q. Can you tell us what they are?

8 A. MR. MOLLARD: Well, again, these are detailed  
9 in the plan that's in progress right now. So I couldn't go  
10 into specific details of which ones they are.

10:00

11 Q. And on page 5.2-1 in section 2.2, there's also a  
12 discussion of projects that are expensed and that criteria  
13 for those projects. How does YEC evaluate the benefit of  
14 such projects and -- well, let me just leave it at that.

15 A. MR. MOLLARD: Mr. Chair, I think there may be  
16 some confusion. The costs that are referred to in 2.2,  
17 expensed as incurred, would be reference to the cost that  
18 we've reported in tab 3 as DSM administration expenses. So  
19 they're not projects per se; they're just the overhead  
20 expenses associated with running the program that aren't  
21 directly attributable to a DSM project.

10:01

22 Q. Thank you for that. And just let's go back, if we could  
23 now to look at that other policy, Appendix 5.1, the planning  
24 policy, and section 2.1 of Appendix 5.1, what criteria does  
25 YEC use to undertake a research project of the type covered

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1 by section 2.1?

2 A. MR. MOLLARD: Well, as I think as we reported  
3 in the interrogatory responses, we have not, in our recent  
4 history anyways, conducted anything of a pure research  
5 nature, but it would be something that was perhaps, as an  
6 example, a brand-new technology that may be applicable to or  
7 useful to the company but has not yet been proven. That  
8 would be one example, I would think, of a research type  
9 project.

10 Q. And 2.1 talks about those types of projects being  
11 recorded as an expense. Do I understand you to be saying  
12 then that there were no such studies expensed in 2012?

10:03

13 A. MR. MOLLARD: That is correct.

14 Q. Thank you. I'd like to turn now to some questions about  
15 capital spending for major projects, and I'd ask you to turn  
16 to the application page 5-51 or 51. And on that page we have  
17 table 5.2. And the first line of the table indicates that  
18 \$7,226,000 was forecast to be spent on Mayo B in 2012. And  
19 can you just outline in general terms what was covered by  
20 that expenditure, what types of activities?

10:04

21 A. MR. MOLLARD: Certainly. Mr. Chair, as we  
22 reported I think in the application and interrogatories, the  
23 Mayo B project entered service quite late in 2011 in  
24 December. The \$7 million spending in 2012 was various  
25 cleanup activities. We had to go through all our

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1 deficiencies outstanding, minor things that didn't  
2 necessarily affect the running of the plant but had to be  
3 completed in accordance with the contracts. We had some  
4 civil work that required earth moving and things of that  
5 nature that needed to be done before we could say the project  
6 was complete.

7 Q. And is there a date that you could provide when all the  
8 testing was completed, the asset was fully commissioned and  
9 operational at full capacity?

10 A. MR. MOLLARD: I believe the plant has been  
11 operational at full capacity since the in-service date in  
12 December; however, the final walk-through of the project was  
13 done last week. I have not received a report on that yet.

10:05

14 Q. Thank you. And do you have an expectation of when  
15 you'll see the report?

16 A. MR. MOLLARD: I do not at this time.

17 Q. And if you go in that same table 5.2 down two lines to  
18 the Aishihik Third Turbine, there's a \$5 million figure for  
19 2011 and it's a forecast in this table. Do you know what the  
20 actual year-end expenditures were on that project in 2011?

10:06

21 A. MR. MOLLARD: I do not have that at this  
22 time, sir.

23 Q. Is that a number you could provide by way of  
24 undertaking, sir?

25 A. MR. MOLLARD: Yes.

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1 Q. Thank you.

2 **UNDERTAKING - TO PROVIDE THE ACTUAL**  
3 **YEAR-END EXPENDITURES ON THE AISHIHIK**  
4 **THIRD TURBINE PROJECT IN 2011**

5 Q. MR. MARRIOTT: And do you know if there was  
6 any spending on the Aishihik Third Turbine Project in 2012?

7 A. MR. MOLLARD: Yes, I believe there was some  
8 spending.

9 Q. And do you know what the nature of that would be?

10 A. MR. MOLLARD: There was, again, a number of  
11 deficiencies that were required to be corrected in 2012 that  
12 we were working on.

10:07

13 Q. And still in table 5.2, if we go down two more lines to  
14 the Mayo Hydro Substation Enhancement, was this project in  
15 rate base or in CWIP at year end 2011?

16 A. MR. MOLLARD: It was in work in process at  
17 the end of 2011.

18 Q. Thank you. For the reporter I should probably say  
19 that's construction work in progress.

20 Do you expect that the Mayo Hydro Substation  
21 Enhancement Project will be fished in 2012 or will there be  
22 expenditures in 2013?

10:08

23 A. MR. MOLLARD: We are expecting at this time  
24 that it will be fully in service this year.

25 Q. So just to be clear, are you saying you don't expect any

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1 expenditures on the project in 2013?

2 A. MR. MOLLARD: Yes, sir. That is correct.

3 Q. Okay. And then two more lines down, there is a project  
4 Aishihik Generation Station Redundancy. And there's a  
5 \$257,000 forecast for 2012. And could you just tell me the  
6 nature of those expenditures, please?

7 A. MR. MOLLARD: Again -- Mr. Chair, maybe I  
8 should be clear. I think there's the two Aishihik Third  
9 Turbine construction and Aishihik Generation Station  
10 Redundancy are being executed coincidentally. So the crews  
11 are out there working on both at the same time. The \$257,000  
12 in 2012 would be a similarly deficiency correction,  
13 commissioning activities, that sort of thing.

10:09

14 Q. Thank you. If I could turn you now to page 7-5. So  
15 this is the regulatory Schedule 3, Continuity Schedule of  
16 Property Plant and Equipment. The column for 2011 is a  
17 preliminary forecast, and now that I look at this question, I  
18 think you've already undertaken to update this to 2011  
19 actuals. So we'll get that -- I don't have to add anything  
20 new there.

10:10

21 But I would ask, given that we're now 11  
22 months into 2012, if you would be able to revise your 2012  
23 and 2013 forecast for Schedule 3, according to your best  
24 estimate as to when these projects will be completed and  
25 transferred from construction work in progress to rate base

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1 with some detail around which specific projects will be  
2 completed in each year?

3 A. MR. MOLLARD: So, sorry. Just to be clear,  
4 you're asking for a schedule of projects in WIP at that year  
5 end, '12?

6 Q. Yes.

7 A. MR. MOLLARD: I believe we have that material  
8 up to quarter three.

9 Q. Well, we'd be happy to take what you have, sir.

10 A. MR. OSLER: Maybe we could discuss at the 10:12  
11 break to make sure that we know exactly what it is you're  
12 asking for because it's one thing to say we know we have a  
13 report at the end of the third quarter. I'm sure how much  
14 detail you're after, but I thought your original question was  
15 to give an update as to what would be in WIP at the end of  
16 the year.

17 Q. Right. It was a forecast?

18 A. MR. OSLER: It was a forecast. So you  
19 don't really want -- you don't need to have the information  
20 by the third quarter. What you need to know is whether we 10:12  
21 have materially -- whether we've changed our expectations as  
22 to what would be in WIP at the end of the year versus not.

23 Are you also trying to get an updated forecast  
24 for the end of the year by -- overall as to how much we have  
25 in WIP in total?



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1 Q. What you expect in terms of these projects.

2 A. MR. OSLER: It might be easiest to discuss  
3 off the record because I just don't want to do something that  
4 isn't useful to you. At the same time I wasn't very clear  
5 what it is we were undertaking to do.

6 Q. Good. Let's have you speak to Mr. Dannacker and maybe  
7 the two of you can figure out what it is he's after. I think  
8 you're right now just listening back to what you said and  
9 what was said earlier. I think we're really looking for  
10 those third quarter results, but let's see what you and  
11 Mr. Dannacker can come up with and put that on the record  
12 perhaps after the break.

10:13

13 A. MR. OSLER: Acceptable.

14 Q. Thank you.

15 **UNDERTAKING - TO PROVIDE A SCHEDULE OF**  
16 **PROJECTS IN WIP AT YEAR END 2012**

17 Q. MR. MARRIOTT: For now let's move to the DCF  
18 or diesel contingency fund, and I'd just like to, first of  
19 all, have you turn up page 3.2-2 and starting at line 27.

20 YEC makes comment about the YECL Fish Lake  
21 hydro facility, and at the end of that paragraph, which is  
22 over onto page 3.2-3, this passage appears. I'll just quote  
23 it: (as read)

10:14

24 "Subsequent to Order 2009-2, Unit  
25 Number 1 at Fish Lake has been shut

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Cross-examined by Mr. Marriott

1 down and is not currently expected to  
2 be replaced until January 2013.  
3 Changes in Fish Lake average hydro are  
4 beyond Yukon Energy's scope.  
5 Accordingly, any updates to DCF rules  
6 related to YECL's Fish Lake plant are  
7 not addressed by Yukon Energy in this  
8 attachment."

9 So just so that we're clear, does the forecast of hydro  
10 generation availability in the DCF include hydro from Fish  
11 Lake? 10:15

12 **A. MR. OSLER:** No, it doesn't. And for sake  
13 of people that are confused, there two sets of pages 3-2.  
14 It's the first set in the book for those who are looking for  
15 it.

16 But no, the DCF that we're dealing with here  
17 affects the income statement for YEC. It doesn't have any  
18 impact on YECL's statement. The Fish Lake exercise would  
19 only relate between YECL's income statement and an  
20 application of a DCF to their operations. 10:16

21 Q. Okay. And just to be clear, the page I was referring to  
22 is in Appendix 3.2.

23 When Fish Lake hydro does become available,  
24 unless YEC diesel generation is needed, what will be the  
25 effect on the DCF?

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1 A. MR. OSLER: Just to be clear on the record,  
2 Fish Lake hydro is there right now. It's one unit that's  
3 been out of commission. This GRA assumes that that unit will  
4 be back in running as of January 1, 2013. I think more  
5 recent information indicates that it may be delayed a bit.

6 And I think the impact of that, if it is  
7 delayed, would be in the order of magnitude of  
8 1 gigawatt hour. The effect of changes in Fish Lake hydro is  
9 to decrease the amount of wholesales that YEC -- if Fish Lake  
10 hydro is there operating fully, then there is less wholesales 10:17  
11 from YEC to YECL accordingly because they generate the power  
12 themselves.

13 The effect -- that changes the load that YEC  
14 is supplying, and the calculations in this appendix would  
15 accordingly look at the YEC load that results and make a  
16 calculation as to the long-term average diesel that would be  
17 appropriate, and then take the percentage of that that's in  
18 GRA for the test -- each test year to calculate how much  
19 diesel YEC is expensing that year.

20 So the effect of Fish Lake is the same as the 10:18  
21 effect of any change in load for any other reason that YEC  
22 has and flows through. As to the impact on payments in and  
23 out of the DCF, they're really separate determined depending  
24 on what the water conditions are as to how much actual diesel  
25 occurs to serve whatever load it is that's being supplied

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1 relative to what the long-term average requirements are.

2 So it's really a separate determination as to  
3 how much money goes in or out of the DCF. It depends on the  
4 water level and the capability of the facilities relative to  
5 long-term average hydro capability.

6 Q. Thank you, sir. I want to talk now a little bit about  
7 secondary sales, and I'd ask that you turn up the response to  
8 CW-YEC-1-2 B through E.

9 CW-YEC-1-2 B through E, and they're answered  
10 collectively.

10:19

11 Now, in 2009 and 2010 secondary sales exceeded  
12 the forecast, and the utilities bottom line benefitted as a  
13 result; right?

14 A. MR. MOLLARD: That's correct.

15 Q. And in 2011 secondary sales were less than expected and  
16 the utilities bottom line suffered as a result; is that  
17 correct?

18 A. MR. MOLLARD: That's correct.

19 Q. And as a response to this IR, CW-1-2-B through E points  
20 out, this is an example of the utility being at risk for its  
21 forecast. If YEC's proposal to credit the DCF for any  
22 secondary sales is approved, will YEC bear any risk for its  
23 forecast?

10:20

24 A. MR. MOLLARD: Not with respect to  
25 secondary sales.

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1 Q. Thank you.

2 A. MR. OSLER: And just to be clear, in the  
3 test years there is no forecast for secondary sales in the  
4 revenue requirement for that very reason, so that it has no  
5 impact on the revenue requirement as requested. Whether it  
6 occurs or not will therefore have no impact -- there's no  
7 risk to the revenue requirement. It all goes to the -- if  
8 the proposal is accepted, any revenue would go to augment the  
9 DCF, which is really meaning it's going to the benefit of  
10 ratepayers in the future to cover off the risks of low water. 10:21

11 Q. Just in terms of risk, I just want you to confirm  
12 something else. As I understand it, Rider F would protect  
13 YEC from risk arising from the variability in the price of  
14 fuel; is that right?

15 A. MR. OSLER: That is correct. And that's  
16 all it does.

17 Q. Thank you. I'd like to ask you now to turn up the  
18 response to YECL-YEC1-14-A. And just looking if you're there  
19 at the response and lines 35 and 36. There's a reference  
20 there to changes in diesel volume driven by the retail and 10:23  
21 industrial customer load variations. Does that refer to the  
22 combined retail and industrial customers of YEC and YECL?

23 A. MR. OSLER: Just let me take one second and  
24 make sure I've read it.

25 To the extent that it flows through to YEC

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1 supplying the power, yes. But it would not, of course, in  
2 this particular situation have anything to do with YEC's  
3 sales customers that are not connected to the grid such as  
4 Watson Lake or small diesel --

5 Q. Sure.

6 A. MR. OSLER: -- or Old Crow.

7 Q. Okay. Thank you. I'd like you to turn up CW-YEC-1-6-B.  
8 And so I just want to talk about wholesale sales -- sorry,  
9 retail sales forecast. And in 1-6A, YEC was asked about  
10 YECL's actual retail sales forecast and the adjustments that 10:25  
11 YEC applied to that forecast to develop the wholesale sales  
12 forecast contained in this application.

13 And then in B the question was asked: Did YEC  
14 consult with YECL concerning these adjustments? And the  
15 answer to B on the next page was, yes, in general terms.

16 And then in the C part of the response YEC  
17 says: YEC is not aware of the methods used by YECL to  
18 prepare its load forecast for 2012 and 2013. YEC is only  
19 provided with the end result of the forecast.

20 And I wanted to just ask you if there was some 10:26  
21 reason for not getting more detail or not investigating more  
22 fully YECL's sales forecasts or, you know, sitting down with  
23 YECL and trying to minimize the forecasting risk here.

24 Just from the answers, it looks like there was  
25 very little detail discussed or provided. So I just wondered

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1 if you could comment on that.

2 A. MR. MOLLARD: Mr. Chair, when we prepare our  
3 load forecast for wholesale sales, the starting point for  
4 that process we send a request to YECL for their estimate of  
5 wholesale sales. The estimate, the numbers that we get back  
6 are prepared on a monthly basis in whole. There is no  
7 breakdown by customer class information. It's in total.

8 We do test that based on what we know of the  
9 system. Fish Lake, as an example, we knew was down for a  
10 period of time, so we requested an update on the status of  
11 that repair so that we could make sure our forecasts were  
12 accurate.

10:28

13 I would refer the Board to YECL-YEC-2-2  
14 wherein we document the numbers that were provided by YECL  
15 between 2009 and 2013 and what our subsequent adjustments  
16 were to that. Generally, as history shows, we tend to push  
17 those forecasts up a little bit from what they provide.

18 There is a -- you know, I don't want to imply  
19 that we just take those numbers and do whatever we like and  
20 change them. There is a fair bit of back and forth with  
21 local staff and our staff as far as how those numbers are  
22 arrived at. But as far as the detail goes, all we're  
23 provided from YECL is the monthly breakdown and what they  
24 expect to buy from us in total.

10:28

25 Q. So it sounds like, from what you're saying, that on the

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1 local level at least, there's maybe more discussion than I  
2 would have gleaned from that answer.

3 A. MR. MOLLARD: Absolutely yes. We show them  
4 what we adjust to and we explain why we're adjusting and  
5 there's a fair bit of discussion back and forth between the  
6 parties.

7 Q. And the question in the B part asked to document the  
8 consultations and nothing was provided. Is there nothing on  
9 paper?

10 A. MR. MOLLARD: Not really, no. It's by phone, 10:29  
11 by email, sometimes in person, but not formally documented.

12 Q. Now, I want to continue to talk a little bit about the  
13 DCF. And I'd like to turn you to what is called in the  
14 application attachment 3.2 which is found together with  
15 Appendix 3.2, but the two things are separately paged, if you  
16 get my meaning.

17 So in attachment 3.2 at page 3.2-5 is where  
18 I'd like to take you.

19 And, Mr. Chairman, I see we're practically at  
20 10:30. Maybe this would be a good time to break. 10:31

21 THE CHAIR: If this works for you, that's  
22 fine. We can take a 15-minute break.

23 MR. MARRIOTT: Thank you, sir.

24 THE CHAIR: It's 10:31 now. So we'll  
25 return at 10:46. Thank you.



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1 (ADJOURNMENT)

2 THE CHAIR: Please be seated.

3 I assume there's no preliminary matters or  
4 undertakings to return at this stage?

5 MR. LANDRY: No.

6 THE CHAIR: If not, I'll turn it over back  
7 to Mr. Marriott.

8 MR. MARRIOTT: Thank you.

9 Q. MR. MARRIOTT: So just before the break, I had  
10 asked you to turn up in attachment 3.2, which is found after 10:49  
11 Appendix 3.2, page 3.2-5. And just before I start the  
12 discussion here, you'll note the first line on that page  
13 talks about the initial fund. And just so everyone  
14 understands, the fund we're talking about is the diesel  
15 contingency fund on that page; right?

16 A. MR. OSLER: Right.

17 Q. And in that passage, particularly at lines 10 to 13 and  
18 16 to 22, the YEC seems to be listing some concerns that the  
19 current cap for that fund may not continue to be appropriate.  
20 Would that be fair? 10:50

21 A. MR. OSLER: Yes.

22 Q. And then YEC states though at the end of that page given  
23 that the fund is ultimately in place to provide rate  
24 stability for ratepayers, Yukon Energy has not developed a  
25 specific recommendation at this time to modify the current

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1 quantum and cap for the fund. And that's the end of the  
2 quotation.

3 And just to put this further in context in the  
4 UCG 1-44 D YEC was asked: Please confirm that the cap for  
5 the DCF will remain at \$4.04 million and the YEC confirmed  
6 those limits.

7 But what I'd like to know is what is causing  
8 YEC concern that those limits might not be appropriate for  
9 the updated DCF?

10 A. MR. OSLER: Essentially, the information  
11 that YEC has is as to how much the cost of diesel could vary  
12 depending on water availability. That is the thing that is  
13 leading to concerns that are expressed here.

10:51

14 The example I would give you is on page 3.2-4  
15 before the attachment in the appendix. And the example  
16 starting at line 3 makes the point that hydro generation in  
17 any one year can vary a great deal from the long term average  
18 estimated by the process we're talking about for the DCF.

19 An example is given at grid load's forecast  
20 for the year 2013. The GRA is forecasting a load of 430  
21 gigawatt hours. And based on the water records and the  
22 models that YEC uses, the type of variability that could  
23 occur, based on the historical record of 28 years, ranges  
24 from the long term average of all these circumstances which  
25 is 18.2 gigawatt hours.

10:52

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1                   And just for the sake of the record, in this  
2 GRA we're talking about taking 59 percent of that and putting  
3 it in the revenue requirement, just so everyone can keep  
4 track of this. But ignoring the transition measures and just  
5 looking at the long term average, it would be 18 gigawatt  
6 hours.

7                   If we had extreme high water year, we might  
8 lead to almost no need for diesel. In extreme low water  
9 year, which is what we're worried about, based on the record,  
10 probably the late '90s, you could require diesel exceeding  
11 100 gigawatt hours. At 28, 30 cents a kilowatt hour, that's  
12 a lot of money. I think we say in the record it could be  
13 upwards of \$20 million in a single year.

10:53

14                  And as we've learned in other jurisdictions  
15 with hydro, such as Manitoba, it's not just the single year  
16 that you think about; it's usually droughts have a tendency  
17 to be over several years in a row.

18                  Manitoba Hydro will plan its system based on  
19 three or four years, the late 40s, I believe of what it calls  
20 low water conditions. I think when we look at the situation  
21 for other reasons, we might have the same approach in Yukon  
22 of looking at a string of conditions.

10:53

23                  So it doesn't take much to say when you look  
24 at those types of models over and over again that a \$4  
25 million cap doesn't really do it in terms of planning for the

1 future.

2 Now, what are the options to deal with that?  
3 Do you have to look at things beyond the DCF and things like  
4 that? Those are questions that any utility would take  
5 seriously, and that's part of the reason for not focusing  
6 immediately on just saying, what do you do with the cap?

7 The second thing I'd observe is we are trying  
8 to get the recovery through rates moving from the situation  
9 of a surplus hydro towards a situation where we're back to  
10 long term average like we used to have. And it took an  
11 evolution to get that in the early '90s. It didn't happen  
12 automatically; it took several years of thinking about it to  
13 get there.

10:54

14 But since we're only at 59 percent of  
15 long-term average in the application for 2013, there isn't  
16 really any basis for suggesting that we could do anything  
17 more than we're doing to help fill up the fund right now.  
18 It's a matter for -- in practical ratemaking sense, it's a  
19 matter for future GRAs to think about it, but we didn't want  
20 to flag it as an issue.

10:55

21 But even at today's loads, has the  
22 implications I just went through -- and, by the way, from the  
23 point of view of a chief financial officer for this outfit,  
24 he doesn't get to tell the supplier of diesel that he's only  
25 going to pay him 59 percent.

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1           So if the drought occurs, somebody has to  
2 actually pay out the cash, even if ratepayers aren't seeing  
3 it in rates, and then we'd have to come and deal with it in a  
4 ratemaking context.

5           So that's the basis for the concern. There  
6 are ways to tackle it in terms of financing and stuff, which  
7 we could talk about. But in terms of the DCF process, that's  
8 the fundamentals that are there.

9 Q. Thank you. Now, if going forward, YEC gets some  
10 experience with this updated DCF and decides that the  
11 tolerance limits need to be changed or some other aspects  
12 need to be changed, would YEC understand that it could deal  
13 with that with an application other than a GRA, just an  
14 application to deal with the DCF?

10:56

15 A. MR. OSLER: Yes. I think as with any other  
16 condition that requires regulatory approval, I think dealing  
17 with the DCF is a regulated fund. It's not something that  
18 YEC does on its own. If there was a need to deal with it  
19 separately, in principle I think we agree could be dealt with  
20 separately.

10:57

21           And certainly, you know, we've done that  
22 historically in various ways when we had to deal with, you  
23 know, new events such as the Faro mine closing. So the other  
24 thing about the drought, unlike a mine closure, you just  
25 don't get a note in the mail, and it can happen a few days

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1 later. It tends to develop. So you may not know it's going  
2 to happen, but you can begin to see the signs of it.

3 At the moment when we filed this application  
4 we were not in that type of a condition, and that was  
5 important to our thinking as to what we could do in this  
6 application to mitigate rates but start dealing with the DCF.

7 Q. And if you did feel the need to file an application of  
8 that type, of course YEC would expect that the process would  
9 provide opportunities for intervenors to address or raise any  
10 concerns and the Board to do the same, of course?

10:58

11 A. MR. MORRISON: That's correct, Mr. Chair.

12 Q. Thank you. I want to talk about the DCF pro forma  
13 report, and it was discussed or actually we asked in  
14 CW-YEC-1-24-B for you to provide a pro forma monthly report  
15 as described.

16 Now, we said at page 3.2-3, but really that  
17 was an error. I don't think it tripped you up, but the  
18 reference should have been to Appendix 3.2 and page 3.2-2.  
19 But in any event, I'd ask you to turn up the IR response,  
20 CW-YEC-1-24 -- and again that other reference, just in case  
21 you want to look at the passage, is in Appendix 3.2, page  
22 3.2-2.

10:59

23 So kind of with a finger on each if necessary  
24 I'd just like to ask you a couple of questions. So in the  
25 response, the response was: (as read)

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1 "Please see Table 1 below for a  
2 pro forma DCF monthly report. The  
3 table indicates a hypothetical snapshot  
4 of the DCF status as of October 2013  
5 projecting an annual transfer totalling  
6 \$0.24 million. A similarly analysis  
7 would be rerun each month to update the  
8 projected annual transfer and how it  
9 has changed based on each new month of  
10 data. A final true-up will be done at  
11 the end of the calendar year."

11:00

12 So the first question is, from that report how do we  
13 determine what is the balance of the DCF in any one month and  
14 whether the current limits on the fund are appropriate.

15 **A. MR. OSLER:** Well, the example as provided  
16 didn't do a calculation by month. I think in a circumstance  
17 where somebody was trying to read the package, I think  
18 probably there's two ways you can do it. You're trying to  
19 get at the monthly reading of it and trying to understand  
20 whether we're getting into a difficulty or not, and there's  
21 two ways you can do it.

11:01

22 You can do it as it's here, which really means  
23 I've got actuals for so many months. Then I've got  
24 forecasts, and what's it looking like my year end bottom line  
25 is going to be, right. Because I don't really have a

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1 forecast going forward. I have to use a forecast after my  
2 actuals, and that would be fine if you were starting to get  
3 into poor water conditions and you were interested in the  
4 question you're asking.

5 Then your hydro based staff would alert the  
6 finance department of their forward-looking forecasts month  
7 by month, forward generation based on the water supply and  
8 their forecasts of future water. And as long as the hydro  
9 people talk to the finance people and gave them that  
10 forecast, then the forecast going forward could be reflecting 11:02  
11 the generation forecast, the short-term, and you would begin  
12 to see the picture emerge in the bottom line. That 240 that  
13 you're seeing at the final number would change accordingly  
14 using all the procedures in this particular sheet.

15 It would simply require the -- obviously the  
16 generation group inside a utility does regular updates for  
17 the purposes of planning the use and facilities and storage  
18 of water and everything else, and you'd have to incorporate  
19 that information into the forecasts for the months going  
20 forward. 11:02

21 So you wouldn't have to actually show a number  
22 month by month. You could just use that process to keep  
23 seeing what's my year end looking like going forward.

24 Q. And in that passage I read, the last sentence was, "A  
25 final true-up will be done at the end of the calendar year."



1 A. MR. OSLER: Right.

2 Q. How would that true-up be reported on this report?

3 A. MR. OSLER: Well, I think the way --  
4 there's different ways it can be done, and this doesn't tell  
5 us which one would occur. But if it was being done the way I  
6 just described it, each month you'd be doing a true-up based  
7 on the most recent information you had in your forward going  
8 forecast.

9 So the report you issued for the year end  
10 would be the actual for the year. It doesn't have to have a  
11 separate true-up exercise. It just becomes the December  
12 report. That would probably be the way I would do it. I'm  
13 not suggesting that anyone's got that determinative yet.

11:03

14 The point we're trying to make about the  
15 true-up was that we're not thinking it's reliable to do it  
16 month by month given the database for the overall models.  
17 You have to say the actual number that counts is the final  
18 year-end number.

19 Q. And would it be intended that there would be a narrative  
20 accompanying the monthly activity numbers that you show in  
21 Table 1?

11:04

22 A. MR. OSLER: I don't know. I mean, I think  
23 if -- I don't know the context of this. This would be an  
24 internal report, if I understood the question. It's not a  
25 report being filed with anybody externally.

1 A. MR. MOLLARD: We wouldn't normally prepare a  
2 narrative.

3 Q. Okay. Now, there would be an annual filing, would there  
4 not?

5 A. MR. MOLLARD: There would be an annual filing  
6 to the YUB. Yes.

7 A. MR. OSLER: That is a requirement right  
8 now, I believe, and it would certainly be intended to be an  
9 ongoing requirement to make sure everybody knows where this  
10 is at.

11:05

11 Q. And at what time during the year will YEC file that  
12 report?

13 A. MR. MOLLARD: It would usually be done after  
14 our final results were prepared and audited.

15 Q. So after the final results for any calendar year. Is  
16 that what you mean?

17 A. MR. MOLLARD: Yeah. Typically our board of  
18 directors approves our financial results at our May board  
19 meeting each year.

20 Q. And is April the end of the season for high diesel  
21 usage?

11:05

22 A. MR. MOLLARD: I'm not sure what you mean by  
23 "end of the season."

24 Q. Well, diesel, I presume, spikes up at certain months of  
25 the year, and I guess what is the pattern of that year to

1 year?

2 A. MR. MOLLARD: Yeah. By then we hope to be  
3 warm enough that we're not into diesel then in any given  
4 year.

5 A. MR. MORRISON: It depends on loads and  
6 weather.

7 A. MR. OSLER: If you look in the resource  
8 plan material, you'll see graphs of what it looks like on  
9 average month by month, and it will tell you where the break  
10 point is. But again that's an average. If you're in a  
11 drought situation, it will be different.

11:06

12 And just for record because it will flow, when  
13 I'm looking at Figure 5-3 in the overview report, which was  
14 filed in this proceeding, it looks like on average -- it  
15 looks like more like the end of the may than end of April  
16 that diesel in the Yukon would taper out to not being too  
17 significant at all on average.

18 Q. Just say that again. More at the end of?

19 A. MR. OSLER: May than at the end of the  
20 April.

11:07

21 Q. So that would --

22 A. MR. OSLER: I know that if you look in  
23 Yukon in the Whitehorse area, it's more like early June when  
24 we were looking at it more recently, but it's not the same as  
25 some other jurisdictions is all I'm warning you.

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1 Q. Thank you. So I'd like to ask you to turn up YECL-YEC

2 1-3 B. So in YECL-YEC 1-3 B, the question was: (as read)

3 "Footnote 7, page 2-4 of the

4 application indicates that unit number

5 1, Fish Lake, failed in March 2010 and

6 is expected back in service 2013.

7 Please explain how Fish Lake Number 1

8 impacts the wholesale forecast. In

9 particular, please explain why the

10 annual load growth rate applied to the

11:09

11 2011 wholesale load forecast is net of

12 Fish Lake supply."

13 And in the response it included this statement: (as read)

14 "YEC's understanding is that when the

15 hydro generation is not available from

16 YECL's Fish Lake hydro plant, YECL's

17 power purchase increases to cover that

18 unavailable generation. This was

19 demonstrated when Fish Lake generation

20 decreased in 2010 and 2011."

11:10

21 And just picking up on that wording, "YEC's understanding,"

22 when you say that this is YEC's understanding, does that mean

23 that YEC is not certain whether Fish Lake is in YECL's

24 forecast? Let me repeat that.

25 When you say that you understand how YECL

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1 incorporates Fish Lake into its forecast, does that mean that  
2 YEC is not really sure whether Fish Lake is in YECL's  
3 forecast?

4 A. MR. MOLLARD: We understand that the forecast  
5 they provide us is the gross purchases from YEC.

6 A. MR. MORRISON: And, again, I'm not exactly  
7 sure, Mr. Chair, what we're looking at here, but we get a  
8 forecast. If YECL understand that they have a unit down,  
9 then obviously in that forecast they won't provide for that  
10 unit generating kilowatt hours and they will have that out of 11:11  
11 the forecast. If during the year -- and I think that's more  
12 where we're talking about here -- if during a period of time  
13 YECL has a unit, as which happened at Fish Lake -- they had,  
14 you know, a unit go down, not a planned outage but a unit go  
15 down, lost that generation which is to their benefit, they've  
16 obviously got -- they then turn around and buy more power  
17 from us depending on whether the load at that time requires  
18 that purchase.

19 So I think that's all we're trying to say  
20 there. 11:12

21 A. MR. MOLLARD: I guess if I could talk a bit  
22 about the process, Mr. Chair. When we're developing the  
23 wholesale forecast, we develop what we believe to be the  
24 total sales or the total sales of YECL to get to what we will  
25 then sell them. We back out what we believe to be the

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1 generation coming from Fish Lake, 4.3 megawatt hours for that  
2 unit 1 in this case -- or gigawatt hours, sorry.

3 Q. Now, earlier there was a little bit of discussion about  
4 this unit in Fish Lake, and I understood that the in-service  
5 date might be pushed back, but I don't know. Have you been  
6 given a new expected in-service date?

7 A. MR. MORRISON: Not a definitive one,  
8 Mr. Chair. YECL is doing the best to get the unit back into  
9 service, but we've been advised on an informal basis it may  
10 drag past the end of the year.

11:13

11 Q. I would ask that you -- probably don't need to turn this  
12 up until I get to the end of this because we start with one  
13 IR response and kind of jump to another. So let me just get  
14 the whole question out first.

15 So if we look at CW-YEC 1-6 A, YEC was asked,  
16 quote: "Please provide in detail YECL's actual retail sales  
17 forecast for each test year and the adjustments YEC applied  
18 to YECL's forecast to develop the wholesale sales forecast  
19 contained in this application."

20 And then the response directed the city to  
21 YECL-YEC 13 and YECL-YEC 1-15. And it's there I'd like to  
22 turn you to. If you could go to that attachment, to YECL-YEC  
23 1-15. And if we can start there at the bottom, the 2012 and  
24 2013 wholesale forecast numbers of 296 gigawatt hours and  
25 298.2 gigawatt hours for 2012 and 2013 respectively. Those

11:14

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1 are the numbers that appear as your proposed wholesale sales  
2 forecast on page 2-17 of the application; right?

3 **A. MR. MOLLARD: That is correct.**

4 Q. Thank you. And just if we could go back to CW-YEC 1-6,  
5 but this time look at the D part of the response. So there  
6 the question was: "Has the YUB approved the use of 10-year  
7 average heating degree days as a method of normalizing  
8 temperature sensitive sales?" And the YEC response was that  
9 it was not aware of any Yukon Utility Board order approving  
10 the use of 10-year average heating degree days as a method of 11:16  
11 normalizing temperature sensitive sales.

12 In its previous GRA, did YEC use weather  
13 normalization to prepare its wholesale sales forecast?

14 **A. MR. MOLLARD: I don't believe we did, no.**

15 Q. And could we turn now to YECL-YEC 1-3 A attachment and  
16 page 1 of 2. So that is a graph of energy versus monthly  
17 heating degree days. And can you please tell me what is the  
18 correlation of these two variables?

19 **A. MR. MOLLARD: I'll do my best. I'm not a  
20 modelling guy, but I'll try. And I believe the actual  
21 description --**

22 Q. I think in the top right doesn't it show?

23 **A. MR. MOLLARD: Yeah, the figure you want to be  
24 aware of is the Y equals 15.399 which is effectively saying  
25 that for every change in a degree day, it generates a certain**

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1 number of megawatt hours change. For the purpose of this  
2 analysis, when you go into Table 1 following that 15399 is  
3 adjusted for line losses of 8.7 percent which brings it to I  
4 believe 14.2 in Column E of that following table.

5 A. MR. OSLER: I think the correlation you're  
6 asking for, if I'm not mistaken, is the R squared which is in  
7 the table at 94 percent.

8 Q. 94.09 percent; right?

9 A. MR. OSLER: Yeah.

10 Q. So that means that 6 percent of the variation is  
11 unexplained?

11:19

12 A. MR. OSLER: That's what the R squared tells  
13 you, yeah.

14 Q. Are you aware of any other electric utilities that  
15 employ weather normalization to forecast demand?

16 A. MR. MOLLARD: I am not.

17 Q. But would it be fair to say that you're aware of gas  
18 utilities that employ weather normalization to forecast  
19 demand?

20 A. MR. MOLLARD: Personally, I have no knowledge  
21 of that, sir.

11:19

22 Q. Anybody?

23 A. MR. OSLER: I'm aware that various  
24 utilities use various methods and some of them use weather  
25 normalization, yes.



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1 Q. And I don't want to press you further than you're  
2 comfortable, but if you can answer this: Is the 94 percent  
3 correlation common with gas utilities that employ weather  
4 normalization?

5 A. MR. OSLER: I don't think there's anybody  
6 on this panel that can answer that question.

7 Q. Okay. Can we please turn up YECL-YEC 1-3 A attachment,  
8 page 2 of 2. Just the next page, which is the numerical  
9 representation of that graph we just looked at at page 1 of  
10 2. And under the column "monthly generation," do you see the 11:20  
11 total generation of the years set out as 400,766 gigawatt  
12 hours?

13 A. MR. MORRISON: Megawatt hours, not gigawatt  
14 hours.

15 Q. I'm sorry, yes. Megawatt hours, pardon me.

16 A. MR. OSLER: Yes.

17 Q. And if I could turn up application Table 2.2 at  
18 page 2-18 so at line 4 under preliminary 2011, is that the  
19 same number, 400,766 megawatt hours?

20 A. MR. OSLER: Yes. 11:22

21 Q. So just going back to YECL-YEC-1-3-A can we conclude  
22 that you're not there determining the weather correction for  
23 just your wholesale sales but the weather correction for  
24 YEC's total sales?

25 A. MR. OSLER: Looking at the chart, that's

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1 what it would tell you. Yeah. That's -- you're correct in  
2 terms of the numbers. I can't say more than that without  
3 going over the whole IR, but that's the data source that  
4 they're giving in the table. It is the total generation, not  
5 just the wholesales.

6 Q. Okay. Thank you. Now, I want to move into a discussion  
7 about brushing, transition and distribution brushing, and I'd  
8 ask you to firstly go to CW-YEC-1-18-B in Table 1 so if  
9 you're there, that Table 1 is showing us that YEC's  
10 transmission brushing costs are increasing on a per-kilometre 11:24  
11 basis from \$460 per kilometre in 2011 to \$540 per kilometre  
12 in 2012 and \$680 kilometres per kilometre in 2013; right?

13 A. MR. MOLLARD: That's correct.

14 Q. And if we could now turn to YUB-YEC-1-18 -- pardon me.  
15 I should have referred you to A, not B. But there in the  
16 response to says, quote: (as read)

17 "Third party costs in 2012 relate to  
18 the forecast expense for herbicide  
19 selection and test plotting (between  
20 \$0.030 million and \$0.100 million) for 11:26  
21 the brushing studies and field  
22 selection."

23 So are there also study costs related to brushing in 2013?

24 A. MR. MOLLARD: There are no study costs in  
25 2013.

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1 Q. Okay. Thank you. And if we go to the IR response just  
2 before that one, YUB-YEC-1-17, and the B part of the response  
3 on page 2 of 2 it states: (as read)

4 "The results of this work will form  
5 part of the brushing policy to be  
6 developed in 2013."

7 So I'm just trying to understand. Did YEC have to do a  
8 forecast of its brushing costs without knowing what the  
9 applicable brushing policy was going to be?

10 A. MR. MOLLARD: Well, to be clear, we have to 11:27  
11 brush every year. We have areas that we've been told are as  
12 a result of our studies that are critical to being brushed  
13 over the next couple of years, and we're addressing those.

14 This study made recommendations on a number of  
15 areas within our brushing plan. We're going through those  
16 recommendations. We're assessing the trouble spots, and  
17 we're assessing what they've recommended as an approach to a  
18 policy for us in 2013.

19 We're going to try some different methods to  
20 see if they work for our particular jurisdiction, but there's 11:28  
21 no -- we don't have additional study costs in 2013 to do  
22 that.

23 A. MR. MORRISON: Mr. Chair, just to help clarify  
24 a little bit. I think this answer -- these questions relate  
25 to the fact that the YUB asked us to do a full brushing study

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1 and report back. We previously have brushing policies. We  
2 do an annual forecast and a budget to determine what our  
3 brushing for the coming year is going to be.

4 I think in everybody's understanding or  
5 everybody will understand that one of the things that's  
6 happened over the last number of years is that our brushing  
7 costs have gone up, primarily because we find in some cases  
8 and depends on where it is that we're brushing more often  
9 because there's more precipitation. We've got more growth.

10 So I think from the last hearing we agreed to  
11 undertake a study. That's what this study is. And we still  
12 had to continue to do brushing in the subsequent years  
13 towards getting this material in front of the Boards.

11:29

14 A. MR. OSLER: And just for the record, the  
15 directive of the Board was from Board Order 2009-8, and it's  
16 addressed in this submission at page 6-8.

17 Q. And if I could just go back to that CW-YEC-1-18-B,  
18 Table 1, and I'll just ask the question as you turn it up.

19 Can you explain why the transmission  
20 non-labour costs are forecast to decrease in 2012 and '13?

11:30

21 A. MR. MOLLARD: I don't think there's a -- I  
22 couldn't point to a specific reason. You know, I would note  
23 that the variances that you're seeing between 2009 and 2013  
24 is some years higher, some years lower, depending on what's  
25 going on. More of the crew may be allocated to capital

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1 projects in that year would be a likely scenario that would  
2 result in that.

3 Q. And can we look at the distribution brushing costs, and  
4 I'd turn you to CW-YEC-1-19-B. So do you see from that Table  
5 1 that YEC's distribution brushing costs were \$17,000 in  
6 2009, \$16,000 in 2010, \$68,000 in 2011, and are forecast to  
7 increase to \$93,000 in 2012 and \$113,000 in 2013? Did I get  
8 all that right?

9 A. MR. MORRISON: Yes.

10 Q. And can you tell us what the actual distribution cost  
11 was -- distribution brushing cost in 2011? 11:31

12 A. MR. MOLLARD: I don't have that right handy.  
13 No.

14 Q. Is that something that you could provide, sir, by way of  
15 undertaking?

16 A. MR. MOLLARD: Sure, yes.

17 UNDERTAKING - TO PROVIDE THE ACTUAL  
18 DISTRIBUTION BRUSHING COST IN 2011

19 Q. MR. MARRIOTT: Thank you. I'd like to go --  
20 if you're in a hard copy you might want to keep a bookmark or 11:32  
21 something on that IR that we were just at, but I want to go  
22 away from it for a moment and then come back to it.

23 I'd like to go to YECL-YEC-1-28-A. And the  
24 question is: (as read)

25 "Please provide a breakdown of YEC's

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1 brushing costs per kilometre."

2 And the response is: (as read)

3 "For 2009 and 2010 distribution  
4 brushing was managed by district and  
5 line crew staff using hand slashing  
6 techniques. YEC estimates about 5 to 7  
7 kilometres were brushed in each of  
8 these years. In 2011 an external  
9 contractor was hired to brush about 20  
10 kilometres in Dawson as well as a  
11 number of critical sites in Mayo. For  
12 2012 and 2013 YEC intends to continue  
13 this approach and would expect to  
14 achieve similar results."

15 So the question would be: If we can expect similar results  
16 from the contractor in 2012 and 2013 as we experienced in  
17 2011, how do we go from a 2011 forecast of \$68,000 to the  
18 \$93,000 in 2012 and \$113,000 in 2013?

19 **A. MR. MOLLARD:** It's the same contractor, it's  
20 the same approach. It would be just a different volume of  
21 brushing that we would be doing.

22 **A. MR. MORRISON:** Brushing is not a  
23 black-and-white concept. Brushing from one year to the next  
24 is very different based on the trees in the area, how much  
25 they've grown, the cycle of when we've been back there last.

11:33

11:34

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1 One area of one community can be much different than another  
2 area of that one community. So there's no -- there's no  
3 formulaic approach that it costs this much, and it's this  
4 much per kilometre every place you go all the time. It's  
5 just not that precise.

6 Q. So just to follow up on that, do I understand, then,  
7 it's the same contractor, and they're charging at the same  
8 rate, but that just the volume is the number change in our  
9 forecast basis?

10 A. MR. MOLLARD: Within reason, yeah. We  
11 wouldn't expect their rates to change much. It would be the  
12 volume of ground covered, and again, as Mr. Morrison's point,  
13 depending on the particular terrain that we're in, if it's  
14 thicker brush or uneven terrain, the costs are going to be  
15 higher.

11:35

16 Q. And then again going back to those numbers in Table 1 of  
17 CW-YEC-1-19-B and if YEC intends to continue to contract out  
18 its distribution brushing, why is the YEC distribution labour  
19 cost increasing from \$473,000 in 2011 to \$579,000 in 2012 and  
20 \$592,000 in 2013?

11:36

21 A. MR. MOLLARD: The labour component of this  
22 budget, Mr. Chair, is not generally related to brushing  
23 per se. That's the distribution maintenance -- or the  
24 maintenance of our distribution system; fuses, transformers,  
25 insulators, that sort of thing. The brushing component is

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1 largely contracted out. Again, it's going to depend,  
2 allocations estimated at the time of budget setting, whether  
3 those distribution technicians are going to be doing more  
4 capital work or forecast more or less capital work will  
5 affect that allocation to this budget.

6 Q. And do you have any specific explanation for why other  
7 non-labour costs are forecast to decrease from \$116,000 in  
8 2011 to \$108,000 in 2012 and then rise to \$113,000 in 2013?

9 A. MR. MOLLARD: Nothing specific, no.

10 Q. Okay. Did you have anything else?

11:37

11 I wanted to talk about regulatory costs, and  
12 to start this discussion up I'd ask you to turn to  
13 CW-YEC-1-21-B. So the B part of that question asked:  
14 (as read)

15 "What is the basis for YEC's forecast  
16 of regulatory costs for 2012 and 2013?"

17 And on the next page as part of the response, the first  
18 bullet point on page 2 of 2, it says: (as read)

19 "\$1.1 million for 2012/2013 GRA Phase I  
20 review, this is a placeholder forecast  
21 cost of preparing and filing a  
22 2012/2013 Phase I GRA as well as a full  
23 regulatory review and all required  
24 payments to the Board and intervenors,  
25 all of which is ultimately subject to

11:38



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1 the Yukon Utilities Board's decisions."

2 When you say "placeholder forecast cost" do you mean that the  
3 revenue requirement will be adjusted to the actual rate case  
4 costs once the Board has issued its cost order related to  
5 this GRA?

6 **A. MR. MOLLARD:** That has been past practice,  
7 **yes.**

8 Q. And do you have a breakdown of the forecast of rate case  
9 costs into the components that were listed in that first  
10 bullet point?

11:39

11 **A. MR. MOLLARD:** No, that placeholder is based  
12 on the cost of the last proceeding, so there is not a  
13 breakdown for this proceeding.

14 Q. And you may know that it may be filed somewhere that I  
15 don't know at this point, but do you have that number in mind  
16 from last time?

17 **A. MR. OSLER:** Me notes suggest I should look  
18 carefully for UCG 2-4 at this point, but I haven't got there  
19 yet.

20 Q. Okay. There's my number. Thank you, sir.

11:40

21 Now, in the application could we go to table  
22 5.6 at page 5-60. And just looking at some of the projects  
23 that are listed there under the heading Rate Case. If we go  
24 to the amount for the 2008/2009 GRA Phase II of \$312,537, is  
25 that just YEC's portion of the costs awarded in YUB Order

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1 2011-08?

2 A. MR. MOLLARD: Yes.

3 Q. And the date of Order 2011-08 is June 28, 2011, and was  
4 there any amortization of those costs in 2011?

5 A. MR. MOLLARD: There was not.

6 Q. And can you tell us: How do you go from the costs  
7 awarded from Order 2011-08 to get to the balance of \$312,537?

8 A. MR. MOLLARD: I'm sorry. In the absence of  
9 having the order in my hand, I'm not sure how I can respond  
10 to that.

11:43

11 Q. Just give me a moment here. I thought I had a piece of  
12 paper on that, sir, but I haven't.

13 A. MR. MOLLARD: Sorry, I don't have that.

14 Q. Okay. I may be able to come back to add a little more  
15 information later.

16 A. MR. MOLLARD: Sure.

17 Q. Just looking at that table 5.6, there's, just up one  
18 line from where we were just looking at the 2008/2009 GRA  
19 Phase II, there's an entry for reserve for injuries and  
20 damages study. And would that be the three studies filed as  
21 appendices 12.3, 12.4 and 12.5 of the application?

11:44

22 A. MR. MOLLARD: Subject to check, yes, that's  
23 correct.

24 Q. And has there been a Board order approving the costs  
25 shown as of December 31, 2011?

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1 A. MR. MOLLARD: No.

2 Q. And if we go down a couple of lines to the entry called  
3 brushing and right-of-way vegetation management, is that the  
4 two studies filed as appendices 12.1 and 12.2 of the  
5 application?

6 A. MR. MOLLARD: Yes, that's correct.

7 Q. Has there been a Board order approving the costs shown  
8 as of December 31, 2011?

9 A. MR. MOLLARD: No.

10 Q. And one down from that, Alexco PPA regulatory costs,  
11 would those be the costs awarded in YUB Order 2011-09?

11:45

12 A. MR. MOLLARD: I don't have that order, sir.  
13 I can't say. Subject to check.

14 Q. Okay. Thank you. Do you know if there were -- do you  
15 know if there was any amortization of those costs for the  
16 Alexco PPA regulatory costs in 2011?

17 A. MR. MOLLARD: There were not.

18 Q. Thank you. And then there is in this table as well --  
19 so in that schedule as well there's on the left-hand side  
20 rate Schedule 39, inflation update. Do you see that? It's  
21 about three down from where we were at Alexco PPA, three or  
22 four down.

11:46

23 A. MR. MOLLARD: Yes.

24 Q. And subject to check, would those be the costs awarded  
25 in YUB Order 2011-07?

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1 A. MR. MOLLARD: Subject to check.

2 Q. Thank you. And was there any amortization of those  
3 costs in 2011?

4 A. MR. MOLLARD: There was not.

5 Q. And then below that Rider F policy review. Subject to  
6 check, would those be the costs awarded in YUB Order 2012-01?

7 A. MR. MOLLARD: Yes.

8 Q. And so in -- and it's not a big number, I guess,  
9 difference, but we just were curious about it. In the YUB  
10 Order 2012-01 for this Rider F policy review we were trying  
11 to reconcile the numbers that we see in that order with what  
12 is shown in this table and couldn't do it.

11:48

13 So we wonder if you might just take a look at  
14 that and tell us if it's just an error or if there's some  
15 reason that you don't just add up the numbers that appear to  
16 be attributable to YEC and get the number shown in the table.

17 A. MR. MOLLARD: Sorry, and what order was that?

18 Q. It is 2012-01. It was just a matter of we took half the  
19 intervenor costs and added them to the costs awarded to YEC.  
20 We got a somewhat different number than what is shown.

11:50

21 A. MR. MOLLARD: I'll have a look at it.

22 UNDERTAKING - TO DETERMINE IF IT IS AN  
23 ERROR OR IF THERE IS A REASON THAT YEC  
24 DID NOT ADD UP THE NUMBERS THAT APPEAR  
25 TO BE ATTRIBUTABLE TO YEC AND GET THE

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1                   **NUMBER SHOWN IN THE TABLE**

2    Q.    MR. MARRIOTT:                    Thank you.  And if we go down  
3    one line to the resource plan update just below Rider F  
4    policy review there, what is that about?

5    A.    MR. MOLLARD:                    So we did our -- well, in  
6    recent history our last update to the resource plan was done  
7    in 2006.  Coming out of that proceeding the YUB, in its  
8    report to the Minister, recommended that an update be done in  
9    five years' time.

10                   So from our perspective, we're accumulating  
11    the costs of that update, and such time as the process is  
12    done we will amortize that into rates over a five-year  
13    period, so it's the cost of doing an update to the resource  
14    plan from 2006.

11:50

15    Q.    So we went through some of these orders.  I appreciate  
16    you don't have the orders in front of you.  But just in terms  
17    of the policy, it appears that you don't amortize these  
18    regulatory costs necessarily in the year that the order comes  
19    out, and maybe you could talk about that and why that is.

20    A.    MR. MOLLARD:                    Well, Mr. Chair, at a very  
21    basic level, when the costs that are accumulated in these  
22    projects within what we call rate case are projects that are  
23    undertaken at the direction of the regulator.  They're not  
24    numbers that we've budgeted or forecasted in our numbers, so  
25    from our perspective, we park them in an account and hold

11:51

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1 them there until such time as we're allowed to apply to  
2 recover them in rates. It's really as simple as that.

3 Q. And I think you alluded to past practice. Is that in  
4 accordance with the past practice that YEC has followed over  
5 the years?

6 A. MR. MOLLARD: In my time, yes.

7 Q. And in this application, does your proposed amortization  
8 rate in period leave any regulatory balances to be amortized  
9 in 2014?

10 A. MR. MOLLARD: Certainly in the resource plan  
11 as a five-year amortization would carry forward into future  
12 years beyond 2013.

11:52

13 Q. And other than that?

14 A. MR. MOLLARD: Anything that's not two years,  
15 five years, ten years would carry on.

16 Q. I might come back to that, but I want to talk to  
17 Mr. Dannacker before I do.

18 Let's just turn to a different topic that  
19 would take us to lunchtime I would think. It is not very  
20 long. If I could get you to turn up CW-YEC-17-A. We're  
21 talking now about O&M expenses and the employee complement  
22 for CW and CW-YEC-1-17-A asked with respect to Table 3.4:  
23 (as read)

11:54

24 "Please provide a detailed explanation  
25 of the FTE additions or decreases to

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1 each department by year and why the  
2 additions were necessary."

3 And then you responded: (as read)

4 "Please refer to Section 3.3.5 of the  
5 application for a detailed explanation  
6 and justification of the FTE changes."

7 But with respect to the complement of employees in the  
8 president's office, we could not find where the difference  
9 between the FTE employees forecast for 2009, 2.5 FTEs and the  
10 actual, which was 4.5 in 2009, was discussed.

11:55

11 And I wonder if you could tell us what the  
12 reason was for that increase in the actual for 2009, and then  
13 further increase of 1 in 2011.

14 **A. MR. MOLLARD:** Certainly. Mr. Chair, in  
15 respect of the president's department and employee  
16 complement, the additional two positions were positions that  
17 were transferred from another department, and the  
18 administrative assistant/receptionist and records management  
19 analyst were transferred to the president's control from the  
20 HR department.

11:56

21 Q. So that was the 2009 transfer. And in 2011 there was no  
22 FTE added, and what was that for, or why was that?

23 **A. MR. MOLLARD:** I'll have to check that, sir.  
24 I'm not sure why that went down by one. I suspect it was  
25 another transfer, but I would want to confirm exactly what

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1 happened there.

2 Q. Okay. And in the HR department I see that in 2009 we  
3 see those two employees, where they were expected to be in HR  
4 but ended up in the president's office, and that tracks. But  
5 then in 2011 we're back up to seven, and I wonder if you  
6 could just provide an explanation for that.

7 A. MR. MORRISON: Perhaps just to be helpful,  
8 Mr. Chair, perhaps we could continue, and we'll have a look  
9 here, and we'll see if we can come back to that for  
10 Mr. Marriott.

11:59

11 Q. MR. MARRIOTT: Ok. Maybe what we can do is  
12 roll this into an undertaking. I think Mr. Mollard had  
13 already said he was going to look at one of those numbers.  
14 So he was going to look at the additional increase of 1 FT in  
15 the president's office for 2010, and then the question I just  
16 had had to do with why the human resources FTE -- we see how,  
17 you know, the two employees were switched into the  
18 president's office in 2009, but then by 2011 were back up to  
19 the same complement of FTEs in the human resources  
20 department. So that would be the other thing that we'd like  
21 to just get an explanation of.

12:00

22 And then the last thing -- and I'll just leave  
23 this with you, and we can take our lunch break -- is there's  
24 a decrease in the president's office from the forecast for  
25 2011 to the forecast for 2012, and if you could just explain



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1 that. Maybe you know that one right now.

2 A. MR. MOLLARD: I want to confirm that with my  
3 records before I say for sure.

4 Q. Okay. So I'll leave all of that with you and maybe come  
5 back to after lunch, if that's acceptable to Mr. Chairman.

6 THE CHAIR: Thanks, Mr. Marriott. That's  
7 fine.

8 So it's now 12:00. So if we can return around  
9 1:30, that would be wonderful. Thank you.

10

11 PROCEEDINGS ADJOURNED TO 1:30 P.M.

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1 Volume 1

2 November 12, 2012

3 P.M. Session

4

5 THE CHAIR: Please be seated.

6 Mr. Landry, are there any preliminary matters  
7 you want to deal with?

8 MR. LANDRY: Yes, Mr. Chairman, we do have a  
9 couple of undertakings we can put on to the record. After we  
10 get the transcript tonight, we can do it by numbers, but for 13:30  
11 now, we'll just refer to the undertakings that my friend had  
12 asked for this morning.

13 So, Mr. Mollard, do you have some undertakings  
14 that you can provide to Mr. Marriott?

15 A. MR. MOLLARD: Yes, thank you. Mr. Chair, we  
16 have two handouts. One is the 2011 annual filing filed with  
17 the Board June 29th, 2012. The second one is a spreadsheet  
18 analysis of the demand side management costs for -- actually  
19 provides '12 and '13 by component.

20 I didn't put a description. I think it's 13:31  
21 fairly self-explanatory. It goes through the various pieces  
22 of that budget.

23 A couple of other items I'll just respond to  
24 respond to verbally.

25 THE CHAIR: Excuse me. Did you have

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1 exhibit numbers for those?

2 MR. LANDRY: We can put some exhibit numbers  
3 for those if I can get a copy myself. So maybe we'll just  
4 hang on for Mr. Mollard, and we'll get the exhibit numbers  
5 and the documents.

6 Mr. Chairman, I now have the first one is the  
7 June 29th, 2012, filing to the Board, Yukon Utilities Board,  
8 by Yukon Energy, so we could mark that one as the next  
9 exhibit, which I believe to be B-18.

10 THE CHAIR: Just to confirm, this is B-18? 13:32

11 MR. LANDRY: Yes. It's got the 2011  
12 financials.

13 **EXHIBIT B-18 - JUNE 29TH, 2012, FILING**  
14 **TO THE YUKON UTILITIES BOARD BY YUKON**  
15 **ENERGY**

16 MR. LANDRY: And then the next one is a  
17 one-page document at the top titled Corporate Communications  
18 Cost Centre Budget Forecast 2012/2013 O&M Other Costs. So  
19 we'll mark that as B-19.

20 THE CHAIR: So can I just confirm that with 13:32  
21 Ms. Lemke? Yes, thank you.

22 **EXHIBIT B-19 - CORPORATE COMMUNICATIONS**  
23 **COST CENTRE BUDGET FORECAST 2012/2013**  
24 **O&M OTHER COSTS**

25 MR. LANDRY: And it's being circulated

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1 throughout the room.

2 Mr. Mollard, you can continue.

3 A. MR. MOLLARD: Thank you. With respect to the  
4 request for 2011 actual distribution costs, that was answered  
5 in an IR, UCG to YEC-1-31. Regards to the request for  
6 reconciliation of Phase II costs to the order, in the  
7 application page 7, Footnote 6, there's a description of how  
8 that number is arrived at.

9 With respect to Rider F, reconciliation to  
10 order, the application was prepared prior to the final order  
11 coming out from the regulator, so it was an estimate in the  
12 application. The difference is less than \$1,000 in that  
13 case.

13:33

14 With respect to AH3 costs in 2012, I confirmed  
15 with our director of engineering that the cost is  
16 approximately \$250,000 in 2012.

17 And regards to when we -- just before we  
18 retired for lunch, the employee complement questions, with  
19 regards to the president's employee complement, the  
20 complement goes up by one position -- I'll go back to the  
21 beginning. It goes up by two positions for the transfers  
22 from HR in 2009.

13:34

23 In 2010 there was a addition of one position,  
24 director of major projects. In 2012 that position was  
25 reclassified as manager resource planning and transferred to

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1 resource planning and environment.

2 With respect to human resources and  
3 information management 2011, during that year we employed two  
4 database analysts or, sorry, two database administrators.  
5 Mr. Chair, one employee was retiring at the end of that year,  
6 so we hired a second DBA just to cross-train for the purpose  
7 of the year.

8 And I believe the last item I have regards  
9 2012 construction work and progress forecast. As previously  
10 mentioned, we filed our 2011 final numbers. We don't have a  
11 forecast of the 2012 work in process, but we can confirm that  
12 there is no major changes in any of our estimated project  
13 in-service dates as of today.

14 MR. LANDRY: Thank you. And I believe  
15 that's all, Mr. Chairman.

16 THE CHAIR: Do you know if that covers all  
17 the undertakings, or there's still outstanding ones?

18 MR. LANDRY: There's still a few  
19 outstanding, but once we have start with the transcript and  
20 have numbers for the undertakings, what we will do is we'll  
21 try to file it so we can show which ones are complete, which  
22 ones are still outstanding for the morning.

23 THE CHAIR: Thank you very much.

24 Q. MR. MARRIOTT: Mr. Mollard, I was trying to  
25 follow all that, and one I'd like to go back to and just go

13:35

13:36

1 over a bit more slowly -- I think you referred to Footnote 6.  
2 I thought you said a page number that had a 7 in it, but I  
3 didn't catch the rest of that one. Maybe go over that one a  
4 bit more slowly.

5 **A. MR. MOLLARD:** **Sorry, yes. Application**  
6 **page 7.**

7 **Q.** Okay. Now --

8 **A. MR. MOLLARD:** **Very front, very front, before**  
9 **Tab 1.**

10 **Q.** So I'm looking at application page 7 in that Footnote 6,  
11 and I think that helps me understand how these costs are  
12 handled. So if I understand correctly, what happens is, for  
13 example, on this GRA you've got a forecast for the regulatory  
14 costs associated with that, and it's in the application. And  
15 obviously from what I can see you don't have a hearing cost  
16 reserve account as such; right?

13:37

17 **A. MR. MOLLARD:** **Yes.**

18 **Q.** And we're going to get a compliance filing that will  
19 come out probably before the cost order comes out. Would  
20 that be fair?

13:38

21 **A. MR. MOLLARD:** **Correct.**

22 **Q.** So what happens is if there's a discrepancy between your  
23 forecast and the actual number coming out of the cost order  
24 you keep track of that and reconcile that later somehow, or  
25 how does that work?

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1     **A. MR. MOLLARD:**                    When we get the final order on  
2     costs, to the extent -- I have to think about this carefully  
3     now. The compliance filing is prepared based on our best  
4     estimate of what the costs are going to be. We get the cost  
5     order, and we adjust our numbers to what the Board directs,  
6     and we go forward from there.

7                                    We don't do any subsequent true-ups or  
8     adjustments to the account. We don't defer any additional  
9     amounts or anything like that. We just adjust to whatever  
10    the award is from the Board and move forward.

13:39

11    **Q.** I'm just trying to understand that adjustment because  
12    you've got a rate that's going to be set based on the Board's  
13    decision, and the forecast to the extent that we don't know  
14    the actual regulatory costs are built into the rates, and so  
15    they're not really trued-up.

16    **A. MR. MOLLARD:**                    I guess I take your point. I  
17    guess the application is all forecast though really. To the  
18    extent there's going to be some differences between what  
19    actually happens and the forecast, that's at our risk.

20    **Q.** Right. And so if you remember how this discussion came  
21    up, I was kind of taking up your wording from the answer to  
22    CW-YEC-1-21 about the forecast for the regulatory costs for  
23    2012 and 2012, and your answer included the words, "This is a  
24    placeholder forecast cost.

13:40

25                                    And when I asked you about that, you said

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1 yeah, we do adjust the revenue requirement for the actual at  
2 some point. I'm not so sure that that's true.

3 A. MR. MOLLARD: I would want to check the  
4 record because my recollection -- and perhaps my colleagues  
5 would recall -- in 2009 I thought we did update the  
6 forecasted costs prior to the compliance filing based on our  
7 best estimates at the time.

8 A. MR. OSLER: Let's check it.

9 A. MR. MOLLARD: We'll undertake to check that  
10 for you.

13:41

11 Q. Okay.

12 UNDERTAKING - TO ADVISE WHETHER IN 2009  
13 THE FORECASTED COSTS WERE UPDATED PRIOR  
14 TO THE COMPLIANCE FILING BASED ON THE  
15 BEST ESTIMATES AT THE TIME

16 Q. MR. MARRIOTT: I guess what you're saying is  
17 you update your forecast then. You don't actually update to  
18 an actual?

19 A. MR. MOLLARD: No, we do not.

20 Q. Okay. I think I understand you now.

13:41

21 A. MR. MOLLARD: Okay.

22 Q. Okay. And you've been through the explanations for  
23 CW-YEC-17-A, and I'll look at the transcript and follow that  
24 because you were going pretty quickly, but I wanted to go  
25 back.



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1                   You were going to take a look at that about  
2 Board Order 2012-01. I don't know if you had a chance to do  
3 that. It's just that cost order and figure out if it there  
4 was some reason why that number of --

5 **A. MR. MOLLARD:**                   **The Rider F one? Is that --**

6 **Q.** Did you mention that one?

7 **A. MR. MOLLARD:**                   **I did, yes. It is in the**  
8 **transcript. It was -- the application was prepared based on**  
9 **a forecast because the cost order was not out at the time we**  
10 **prepared the application.**

13:42

11 **Q.** Okay. And so we noticed a similar discrepancy with  
12 respect to the Board Order 2011-08 in that we took the  
13 one-half of the costs awarded to the City of Whitehorse,  
14 Utilities Consumers' Group, John Maissan, and then all of the  
15 costs for YEC and half of the Board costs, and we came up to  
16 a number that was again -- the difference wasn't large, but  
17 it was a different number. Would that be the result of the  
18 same type of thing?

19 **A. MR. MOLLARD:**                   **I'm sorry. I thought that**  
20 **footnote reconciled that number for you. In the application**  
21 **Footnote 6, application page 7, it should explain --**

13:43

22 **Q.** Oh, yes.

23 **A. MR. MOLLARD:**                   **-- the actual awarded costs**  
24 **and how we arrived at the amount we've included in our**  
25 **revenue requirement.**

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1 Q. Okay. Well, it's a little bit of rounding in that  
2 footnote, but, you know, I'm not going to belabour it for the  
3 sake of a thousand dollars or whatever.

4 Let's move to CW-YEC-1-33 and the D and E part  
5 of that response. And, again, we may be reading something  
6 into the answer, but question D asked: Have all the studies  
7 in tables 5.1 to 5.7 passed the reasonable assurance test?  
8 If not, which studies have not?

9 And then E was: Which studies in tables 5.1  
10 to 5.7 are associated with projects that are feasible and  
11 will provide service to customers at a future date? And the  
12 answer to both D and E combined says: The feasibility  
13 studies shown in tables 5.3 to 5.7 have generally not passed  
14 the reasonable assurance test nor become a capital project.

13:45

15 So have generally not passed. And we wondered  
16 why that wording was used. I mean, is there any intention  
17 for any of those projects to become capital projects? I'm  
18 just wondering that word "generally" -- was there some kind  
19 of qualification intended by that?

20 A. MR. MOLLARD: No, I don't believe there is.  
21 The reasonable assurance is that as a pass fail thing, it's  
22 either it is or it isn't.

13:46

23 Q. Well, these ones have not passed.

24 A. MR. MOLLARD: Have not.

25 Q. 5.3 to 5.7.

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1     **A. MR. MOLLARD:**                     **Just to be clear, I think you**  
2     **mentioned 5.1 which is our core capital projects and they're**  
3     **not subject to reasonable assurance tests. It's only the**  
4     **feasibility planning studies that are subject to that test.**

5     **Q.**     So the ones that you said did not pass were table 5.3 to  
6     5.7. I understand that.

7     **A. MR. MOLLARD:**                     **Okay.**

8     **Q.**     Now, I've got a question about insurance costs, and I'd  
9     like you to turn up CW YEC 1-20 B. So B asked to provide the  
10    invoice for insurance for 2012 and then there was an  
11    attachment provided in the answer to B. Now, that attachment  
12    is the actual invoice for insurance, on its face, anyway, for  
13    the period from June 1, 2012 to June 1, 2013, and it's in the  
14    amount of \$674,763. So I take it we're looking for -- or  
15    what we're looking at in this attachment is what I just said,  
16    it's the costs for that period June 1, 2012 to June 1, 2013.

13:47

17    **A. MR. MOLLARD:**                     **That's correct.**

18    **Q.**     And then if we go to page 3-17 of the application, we  
19    see a forecast for insurance costs for 2011 in table 3.10  
20    with number \$774,000.

13:48

21                     So I don't know if you know this sitting  
22    there, but do you know if that forecast matched the actual?

23    **A. MR. MOLLARD:**                     **Yes, I believe it did.**

24    **Q.**     Okay. And if \$774,000 is the right number and we take  
25    half of that number and half of the other invoice number for

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1 the calendar year 2012, we get the number of \$724,382. And  
2 the forecast for 2012 I think from page 3-17 is \$835,000. So  
3 do you have any explanation for the discrepancy or the  
4 overforecast?

5 A. MR. MOLLARD: There's a couple of things that  
6 you need to be aware of, Mr. Chair, in regards to this  
7 question.

8 My understanding this question was -- this  
9 invoice is only referring to our property program. So  
10 there's additional insurance programs that apply to our  
11 general liability program is one complication. So there's  
12 additional charges for that. As well, insurance -- this is  
13 only going to effectively cover the -- we account for our  
14 insurance costs on a prepaid basis. So this you've  
15 effectively got half of 2012 costs for property in here. The  
16 other half would be carried forward into '13 to reflect that.

17 Q. So we asked for the invoice for insurance for 2012. And  
18 we got an invoice that covers a period for part of 2012 and  
19 part of 2013. So I'm trying to get to an answer to our  
20 question which was what was the invoice for insurance or the  
21 cost for insurance for 2012?

22 A. MR. MOLLARD: I understand the question now.  
23 I think if I could be helpful. We have a spreadsheet that  
24 shows the analysis of the insurance by the various programs  
25 and the costs assigned to the year that will reconcile that

13:50

13:50

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1 2011 number for you. If I could be given some time to go get  
2 that, I could provide that as an undertaking.

3 Q. So just to be clear, what we're looking for is something  
4 that demonstrates what the actual insurance costs were for  
5 2012.

6 A. MR. MOLLARD: Correct.

7 Q. And that's what you're going to provide?

8 A. MR. MOLLARD: Correct.

9 Q. Thank you. Now, just with respect to the reserve for  
10 injuries and damages, I'd like to turn up or have you turn up 13:52  
11 CW YEC 1-23 D. And the question was: Does YEC propose  
12 charging all of the loss exceeding \$10,000 to the reserve for  
13 injuries and damages, or will YEC expense the portion below  
14 \$10,000? And the response was: YEC will charge the full  
15 value of the loss to the reserve. And would you agree that  
16 the effect of that policy is that the utility will bear the  
17 cost of all losses below \$10,000 whereas the customer will  
18 bear all the costs of losses above \$10,000?

19 A. MR. MOLLARD: Yes.

20 Q. And do you know the rationale for why YEC is not 13:53  
21 responsible for the first \$10,000 of any loss, like in the  
22 sense of for every loss of this goes in here, they would take  
23 the first \$10,000 to YEC?

24 A. MR. MOLLARD: Not particularly -- there's no  
25 particular reason why. In the discussions we had with our

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1 consultant on it, that seemed to be consistent with the way  
2 these were treated in other areas.

3 Q. Okay. Well, I'm not going to put you on the spot here,  
4 but I can tell you we're going to take a position in argument  
5 you may want to look at in this area and respond to, just in  
6 terms of having a deductible if you will. I'll just flag  
7 that for you.

8 Let's move to cost of debt and CW YEC 1-38.

9 And in terms of the question A and B, YEC was asked: Have  
10 YDC loans Number 12 through Number 18, lines 8 to 15, been  
11 merged into one loan, line 3, by the YEC. If yes, what is  
12 the rate of the consolidated loan? If not, please redo  
13 Schedule 11 showing each debt issued separately with its  
14 corresponding year end balance and yearly cost of interest.  
15 And the B was:

16 "Has the Canada flexible term note,  
17 line 1, been merged into the YEC loan,  
18 line 3, for 2012 and beyond? And if  
19 yes, please explain."

20 So then the answer to A and B together talks about  
21 refinancing a number of loans through YEC's 81.891 million  
22 new long-term debt at 4.5 percent, and as part of the  
23 response you provided Table 1 with revised Schedule 11.

24 So that's a long preamble. But the question  
25 is, if we look in 2011 the number of 81.891 million doesn't

13:55

13:55

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1 appear, and I wonder if you can reconcile the amount of that  
2 issue with the amounts that do appear on that Table 1?

3 A. MR. MOLLARD: Certainly, yes. If you're  
4 looking at, Mr. Chair, the table that's appended in the  
5 answer to A and B, the 81.891 -- and I'm referring to the  
6 line numbers in the table. If you add up line 1 and line 8  
7 through 15, that will come to 81,891,000.

8 So that was renegotiated January 1, 2011, in  
9 accordance with the terms of the note that we signed with YDC  
10 in December of 2011. We were required to make a \$3 million  
11 principal payment, so that takes the number down to  
12 78,891,000, which is the preliminary actual 2011 under  
13 line 3.

13:57

14 Q. Okay. Thank you. Now, if we go to CW-YEC-2-3, so this  
15 is in the second round, and it's the response to A on page 2  
16 of 2, lines 5 and 4, 5 and 6, I guess. It says: (as read)

17 "In 2010 YDC went to market for new  
18 long-term debt \$100 million bond with a  
19 30 year term and secured interest rate  
20 of 5 percent."

13:58

21 And just to be clear, that's a different issue than the one  
22 we were just talking about for 2011, the \$81.891 million;  
23 right?

24 A. MR. MOLLARD: Yes, that's correct.

25 Q. And that \$100 million bond that's referred to there, did

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1 some of that go to YEC, some of that money that was raised?

2 A. MR. MOLLARD: I'm sorry. Some of that go to  
3 YEC?

4 Q. Yes.

5 A. Yes. It all went to YEC.

6 Q. It all went to YEC. And does that then show up on that  
7 Schedule 11 we were looking at from the other responses?

8 A. MR. MOLLARD: Not all of it. Some of it was  
9 given as assistance to construct Mayo B and Carmacks-Stewart,  
10 so it would show up as contributions in native construction 13:59  
11 in the fixed assets schedule. Some of it does appear as  
12 long-term debt on that schedule.

13 Q. Okay. So if we could just go back there I think I might  
14 know which one that is then. So CW-YEC-1-38 again. So in  
15 that 2011 column there's I think on line 5, new YDC loan.  
16 And I guess -- well, why don't you tell me. You've already  
17 explained on line 3 that's the one that started out at 81.891  
18 million; right?

19 A. MR. MOLLARD: Mm-hm.

20 Q. Line 5 says new YDC loan. Is that what remains of that 14:00  
21 hundred million dollars?

22 A. MR. MOLLARD: Yes. That would be a portion  
23 of that. Yes.

24 Q. Okay. So now, sorry, back to that CW-YEC-2-3.

25 A. MR. OSLER: We were just getting -- you



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1 were asking about where the hundred million dollars went, and  
2 there was an answer, and I gave it to Mr. Mollard just so  
3 there's on the record where it went. Do you have it there?

4 A. MR. MOLLARD: I do, yes. So the hundred  
5 million dollars was accounted for as follows: YDC provided  
6 \$52.5 million as a no-cost contribution for Mayo B and  
7 Carmacks-Stewart stage 2, 36 and a half million as debt and  
8 equity financing for Mayo B. And the remaining \$11 million  
9 was provided for financing of other projects, and that's in  
10 YCS-YEC-2-2.

14:02

11 Q. So back to that CW-YEC-2-3-F, so again, the question:  
12 (as read)

13 "Please provide a detailed description  
14 of the process employed by YDC and YEC  
15 to determine its forecast cost of debt  
16 for the test years."

17 And so on. And the response related to the debt beginning at  
18 line 35 of page 1 is as follows: (as read)

19 "New YEC debt required at the end of  
20 each fiscal year has typically been  
21 provided by YDC. Since the early 1990s  
22 interest rates on such new YEC debt  
23 have been set each year based on a  
24 proxy for market conditions. (That is  
25 long term Canada bond rates plus 120

14:03

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1 basis points to reflect the estimated  
2 spread for YEC debt guaranteed by Yukon  
3 Government.)"

4 And that's the end of the passage. And then you go on to say  
5 what we talked about before: (as read)

6 "In 2010 YEC went to market for new  
7 long-term debt, the \$100 million  
8 bond..."

9 And so on. You say at the end of that: (as read)

10 "When preparing the current GRA  
11 forecasts in late 2011, YEC used this  
12 5 percent most recent market based,  
13 long-term interest rate for the new  
14 long-term debt forecast for the test  
15 years. No other forecasts or analysis  
16 were employed."

17 So it seems that there was a different methodology taken in  
18 this application than as had been taken in the past as you  
19 explained in that answer, so I'm just wondering the rationale  
20 for that.

21 **A. MR. MOLLARD:** Well, in the case of in  
22 application, Mr. Chair, this was the first time where we had  
23 actually been to market for debt based on our operations, so  
24 we felt in preparing the application that the 5 percent where  
25 we had actually gone out and secured debt was the best

14:03

14:04

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1 information available at that time to represent what cost of  
2 debt should be for the company.

3 Q. And I just want to refer you to something that was said  
4 in CW-YEC-1-38-E, and you don't necessarily have to turn this  
5 up if you just listen to the question.

6 It's at page 404 on lines 15 to 17, but the  
7 response that I'd like to -- part of the response I'd like to  
8 draw your attention states: (as read)

9 "It is important to note that while the  
10 new debt is titled as YDC loan, YDC  
11 finances YEC's new long-term debt only  
12 if such funds are available from YDC.  
13 If no such funds are available from YDC  
14 to finance 2012 and 2013 forecast  
15 long-term debts, then YEC will seek  
16 funding through the financial markets."

17 And so my question is, will YEC be going to the commercial  
18 market in 2012 or 2013 to finance YEC 1992.

19 A. MR. MORRISON: Mr. Chairman, we're not certain  
20 yet.

21 Q. Not certain yet?

22 A. MR. MORRISON: Not certain yet, yes.

23 Q. And has there been any indication from YDC that funds  
24 would not be available?

25 A. MR. MORRISON: Again, we're having discussions

14:05

14:05

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1 with YDC, but we haven't sorted any of those issues out, so  
2 not as yet.

3 Q. Right. And can you tell us what long-term Canada rate  
4 YEC used as a market proxy in the past? Was it ten-year long  
5 Canada?

6 A. MR. MOLLARD: Sorry. I'm sorry, I'm trying  
7 to recall. It's a particular description off of the Bank of  
8 Canada web page, and I believe it's just called long-term  
9 Canada bond.

10 A. MR. OSLER: I think it is the benchmark 30  
11 year or long term. It's not the ten year.

14:06

12 A. MR. MOLLARD: It's not the ten year.

13 Q. Not the ten year. Do you know what the most recent  
14 consensus forecast for the long-term Canada bonds for 2013,  
15 same type that you just mentioned, is?

16 A. MR. MOLLARD: I believe it's just over  
17 4 percent.

18 Q. Can I get you to just check and give us the precise  
19 number? Would you be willing to do that, sir?

20 A. MR. MOLLARD: Yes.

14:07

21 **UNDERTAKING - TO DETERMINE THE MOST**  
22 **RECENT CONSENSUS FORECAST FOR THE**  
23 **LONG-TERM CANADA BONDS FOR 2013**

24 Q. Thank you. So I'd like to look at return on equity and  
25 have you turn to CW YEC 1-39, and start with the D part of

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1 the response, and your response to the question. Sorry, page  
2 2 of 2, and that response -- sorry, on line 21 there's a  
3 quote from the 2005 GRA. And you say: (as read)

4 "The establishment of an appropriate  
5 mix of debt and equity for Yukon Energy  
6 is based on a past assessment, a 1990  
7 RBC Dominion securities review that  
8 indicated the utility can maintain no  
9 lower than 40 percent equity to  
10 maintain what would be viewed by the  
11 markets as an investment grade rating.  
12 Any increase in equity ratio for Yukon  
13 Energy has routinely been viewed by the  
14 company intervenors and the YUB as  
15 resulting in a higher overall revenue  
16 requirement."

14:09

17 So my first question following up on that is,  
18 has YEC done any reassessments of an appropriate capital  
19 structure since 1990?

20 **A. MR. MOLLARD:** No, we have not.

14:10

21 **Q.** And does YEC's system in 2012 still resemble the 1990  
22 system?

23 **A. MR. MORRISON:** Mr. Chair, maybe we could get  
24 some clarity around that. On a technical level, no, it  
25 doesn't, but I'm not sure if that's the question our friend

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1 was asking.

2 Q. For one thing, you have more generating stations now?

3 A. MR. MORRISON: Certainly, yeah. And I say if  
4 you're talking about lines and transmission lines and  
5 generating stations, absolutely. I just want to make sure  
6 that's the question I'm answering.

7 Q. And more integrated grid?

8 A. MR. MORRISON: Yes, we do have an integrated  
9 grid. On the side of pluses, we have a lot more generating  
10 assets and transmission assets, but we lost a major customer  
11 in 1998, the Faro mine. So it looks different for a whole  
12 lot of reasons.

14:11

13 Q. Now, in this application, has YEC changed its method of  
14 determining an appropriate return on equity for the current  
15 test years from the BCUC generic ROE to the AUC generic ROE?

16 A. MR. OSLER: That is the change that's been  
17 made in order to get a more recent ROE. I think we take the  
18 position that we're maintaining the same basic approach. We  
19 just couldn't go to BCUC for a recent benchmark.

20 Q. And if I can -- I think we had turned up CW YEC 1-39.

14:12

21 If we look to the part A, there YEC was asked: Please  
22 provide supporting materials or precedence for YEC's  
23 submission that Yukon Energy, as a generation utility, would  
24 typically be understood to face considerably higher risk  
25 levels than Yukon Electrical with its focus on distribution.

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1                   And the response which covers the questions A  
2 through C says: (as read)

3                   "YEC's method for developing a proposed  
4 ROE has been designed to minimize the  
5 regulatory burden and expense for Yukon  
6 ratepayers associated with preparing  
7 and testing ROE evidence at each rate  
8 hearing. YEC is a vertically  
9 integrated utility with generation,  
10 transmission, and distribution  
11 functions. As a result, YEC has a  
12 wider range of operating risks than a  
13 utility that provides primarily  
14 distribution-related functions."

14:13

15 That was your support for your comparison of the riskiness,  
16 relatively speaking, of Yukon Energy and Yukon Electrical.  
17 Is that fair?

18 **A. MR. OSLER:**                   That's fair. There isn't  
19 anything -- I think the emphasis has been made on keeping it  
20 simple.

14:13

21                   In previous hearings since the early '90s,  
22 this subject has gone from in-depth expert evidence to use of  
23 -- since the '98 period -- use of readily available  
24 information and working under certain premises.

25                   What you see here is a premise that's been out

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1 there for a long time and nobody's provided you, I  
2 acknowledge, anything more substantive than the statements  
3 you see here on the premise.

4           Going way back to when Ms. McShane was up here  
5 in the early '90s working for both utilities, I can recall  
6 the subject being addressed at a much more substantive level.

7           I think one of the points that was made in the  
8 Board's ruling was that although YEC as a generating, as well  
9 as other utility with a big customer such as the mine as a  
10 risk, although it had these extra risks, it had mitigation  
11 measures available to it such as coming back to the Board  
12 quickly if the mine was to stop being a consumer. And, of  
13 course, YEC relied on that direction from the Board to come  
14 back quickly each time the mine closed.

14:14

15           So there's ways of looking at it and there's  
16 ways of mitigating it. And we discussed a lot of that in the  
17 early '90s, but we haven't really gone through technical  
18 evidence on it since then.

19 Q. You can rest assured we're not going to be arguing that  
20 we need to see Kathleen McShane here every time. But I want  
21 to explore the use of capital structure sort of using B.C.  
22 rules, and then return on equity using Alberta rules.

14:15

23           So if we go to CW YEC 1-41 Table 2, first of  
24 all, what do you understand that table to be showing us?

25 A. MR. OSLER:                   Well, as the text says, I mean,



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1 we were asked to compare adjustment mechanisms relating to  
2 the determination of an ROE in different jurisdictions. So  
3 the table was prepared in attempt to summarize that.

4 Q. Thank you. And if we look to the comments about the  
5 adjustment mechanisms then for Alberta, sort of the top of  
6 Table 2 --

7 A. MR. OSLER: Right.

8 Q. -- do you see there the last sentence in that box says:  
9 (as read)

10 "Adjustments are made to capital  
11 structures to account for differences  
12 in risk among individual utilities?"

14:16

13 And then it says see Table 1.

14 And then if we go to Table 1, can you tell me  
15 what the range of equity ratios awarded for TFOs in Table 1  
16 is?

17 A. MR. OSLER: You used the term -- a term  
18 for --

19 Q. Well, when I say TFO, transition facility owner --

20 A. MR. OSLER: Okay.

14:17

21 Q. -- but in the chart itself, it uses that TFO  
22 designation. I know it's kind of squinty, but it's there. I  
23 was going to bring a magnifying glass but I forgot.

24 A. MR. OSLER: Okay. In terms of my eyesight  
25 capability, we're looking at the Alberta Utilities Commission

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1 portion of this, or are you asking me to go beyond that?

2 Q. Just the Alberta one.

3 A. **MR. OSLER:** **Right.**

4 Q. I think I had asked for the AUC's -- maybe I didn't ask  
5 that. That's what I should have asked, but, in any case,  
6 just look in the Alberta one and maybe we can simplify that  
7 and say, subject to check, would that range be 36 to 37  
8 percent?

9 A. **MR. OSLER:** **Yeah, that's what I would say**  
10 **subject to check.**

14:18

11 Q. Subject to check, would the range of equity ratios  
12 awarded for DISCOS or distribution companies be 39 to  
13 41 percent?

14 A. **MR. OSLER:** **Subject to check, yes.**

15 Q. Would you have an understanding of why there are no  
16 Alberta generation utilities in the list in Table 2?

17 A. **MR. OSLER:** **Not at the moment I don't.**

18 Q. Are you aware that there's a competitive market for  
19 electricity in Alberta?

20 A. **MR. OSLER:** **Yes.**

14:19

21 Q. And do you know if utilities from outside Alberta can  
22 sell power into that competitive market?

23 A. **MR. OSLER:** **I assume that they can, but I**  
24 **haven't got any personal knowledge of it.**

25 Q. And are there interconnections between the grids in

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1 Alberta and adjacent provinces and soon adjacent states, or  
2 is that going beyond your --

3 A. MR. OSLER: Well, I'm aware of the  
4 interconnections that exist in the southern areas and Alberta  
5 has got its share of interconnections with their strengths  
6 and weaknesses like everybody else does.

7 Q. Are there any interconnections between the Yukon grid  
8 and any adjacent province or territory?

9 A. MR. OSLER: No. It's one of the key  
10 distinguishing features about the situation here.

14:19

11 Q. And then finally in that Table 1, it shows that the AUC  
12 has set a generic ROE of 8.75 percent for 2013. Can you tell  
13 me if that is a final rate or a placeholder?

14 A. MR. OSLER: I understand from the evidence  
15 that it's a placeholder for 2013. It was used -- it was set  
16 as of the end of '11 and used for '12. It is not the final  
17 number as I understand it for '13.

18 MR. LANDRY: Thank you. Thank you, panel.  
19 Subject to further answers on two undertakings, Mr. Chairman,  
20 those are my questions.

14:20

21 THE CHAIR: Thank you very much. So my  
22 listing has YECL up next; is that correct? Yes.

23 People want to stretch for two minutes while  
24 Ms. Sears takes her place, that's fine with me because I need  
25 to.

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1 (ADJOURNMENT)

2 THE CHAIR: So, Ms. Sears, whenever you're  
3 ready to go please proceed.

4 MS. SEARS: Thank you, Mr. Chairman and  
5 Panel members.

6 **MS. SEARS CROSS-EXAMINES THE PANEL:**

7 Q. Good afternoon, gentlemen. My name is Allison Sears,  
8 and I'll be asking you some questions on behalf of the Yukon  
9 Electrical Company Limited.

10 Mr. Morrison, the first one is for you, and I  
11 wonder, sir, if we could agree at least as a matter of  
12 geography that Whitehorse Copper Tailings is a consumer that  
13 is located within YECL's service territory?

14:23

14 A. MR. MORRISON: I will agree that  
15 geographically Whitehorse Copper is a customer that is  
16 located within the City of Whitehorse.

17 Q. And that Whitehorse, the City of Whitehorse, would be  
18 part of the service territory of YECL; correct?

19 A. MR. MORRISON: Correct.

20 Q. Okay. Thank you. We're off to a good start.

14:24

21 A. MR. MORRISON: Okay.

22 Q. And, sir, I think you'll agree with me that YECL had  
23 communicated its intention to serve Whitehorse Copper  
24 Tailings to YEC; correct?

25 A. MR. MORRISON: I would agree with you that we

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1 mutually communicated that to each other.

2 Q. Fair enough. And, sir, in fact YECL confirmed in  
3 writing to you in a letter dated October 12, 2012, a copy of  
4 which you subsequently provided to this Board by way of  
5 letter dated November 6, 2012, which I think has been entered  
6 as Exhibit B or a part of Exhibit B-15 that it was their  
7 intention to serve Whitehorse Copper Tailings; correct?

8 A. MR. MORRISON: That's correct. That letter  
9 came about after several discussions regarding the servicing  
10 of Whitehorse Copper by the utilities, not all of which  
11 discussions I was part of, but the part of the discussions I  
12 was involved in went generally this way.

14:25

13 There is a customer who is an industrial  
14 customer. YECL's position would be that -- sorry, YEC's  
15 position would be that industrial customers are the -- are  
16 customers of the generating utility. That has been a  
17 practice at least in our system since we have gone forward  
18 after the repatriation of NCPC back into the territory.

19 We had some very lengthy discussions, and  
20 pointed out to our colleagues of YECL that we had a major  
21 concern with them servicing Whitehorse Copper in that the  
22 utility -- basically utilities would not be any -- either  
23 utility would be equally served from a financial perspective  
24 by serving the customer, but ratepayers would be in a  
25 negative position -- a substantive negative position if

14:26

1 those -- if the customer Whitehorse Copper, the potential  
2 customer Whitehorse Copper was served by YECL.

3 We pointed out to -- I pointed out to my  
4 colleagues at YECL that I could not explain the details of  
5 that, but I arranged a discussion between YECL and -- YEC  
6 financial managers so that they could -- we could explain to  
7 YECL how we felt that this was a negative impact on  
8 customers, on ratepayers, and subsequent to that we received  
9 this letter.

10 Q. Thank you, sir. I'll certainly give you an opportunity  
11 to talk about those details in further detail in a bit here.

14:27

12 A. MR. MORRISON: Okay.

13 Q. But I'm not sure if you remember the question. It was  
14 simply whether you had received a letter dated October 12th  
15 stating that YEC intended to serve Whitehorse Copper  
16 Tailings. It was a yes/no questions, sir.

17 A. MR. MORRISON: My apologies, Mr. Chairman. I  
18 thought I did answer that at the beginning. If I didn't,  
19 yes, I did certainly received the letter.

20 Q. And, sir, do you have a copy of that letter in front of  
21 you?

14:28

22 A. MR. MORRISON: Give me a minute. Yes, I do.

23 Q. So in addition to advising that YECL intended to serve  
24 that customer, in that letter YECL also requested that YEC  
25 amend all necessary schedules in the GRA to remove YEC's

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1 forecast associated with serving Whitehorse Copper and to  
2 reflect that it would be YECL and not YEC that would be  
3 serving the customer; correct?

4 A. MR. MORRISON: Yes.

5 Q. And fair to say that you've not done that?

6 A. MR. MORRISON: No. We haven't amended our  
7 application. We haven't changed forecasts, and we haven't  
8 amended it. The only thing we've done is corrected the  
9 application, so this is not something we would normally do  
10 this close to a hearing.

14:29

11 Q. Okay. And so your decision not to amend it, that is  
12 notwithstanding that you had previously communicated to YECL  
13 that you would be okay with them serving the customer and  
14 that you did not view it as a matter worth fighting over. Is  
15 that fair?

16 A. MR. MORRISON: I clearly indicated to YECL  
17 that I didn't want to fight over this customer. I clearly  
18 indicated that I was concerned that YECL serving the customer  
19 was going to be a negative impact to ratepayers and cost  
20 ratepayers significant money and that subject to sorting that  
21 issue out then we could have a further discussion.

14:29

22 You will note that this letter from YECL was  
23 sent to the Board as part of these proceedings by us, by YEC,  
24 after we got the letter and which, you know, we did not  
25 understand we were receiving a written letter. I thought we

1 were still discussing the issue, but here it is.

2 Q. Right. And so you have indicated some of these concerns  
3 that you were just speaking of a minute ago in your reply  
4 letter to YECL that would be the November 1st letter that you  
5 also provided as part of Exhibit B-15?

6 A. MR. MORRISON: Correct.

7 Q. And that letter was enclosed with the November 6th  
8 letter. That one was signed by Mr. Mollard, and do you have  
9 a copy of the November 6th letter there in front of you?

10 A. MR. MORRISON: I do.

14:30

11 Q. And I just have a couple questions to help me make sure  
12 that I understand YEC's position as to why it should be  
13 permitted to serve Whitehorse Copper Tailings.

14 So in the first full paragraph on the second  
15 page of the November 6th letter you indicate that YEC  
16 providing service to Whitehorse Copper Tailings provides for  
17 continued, consistency for how industrial customers are  
18 served in Yukon. And what do you mean by that?

19 A. MR. MORRISON: That industrial customers have  
20 traditionally been served and are served currently by YEC.

14:31

21 Q. Okay. And if I look at your Footnote 1, you seem to  
22 indicate that because Whitehorse Copper will be a "major  
23 industrial customer as defined in OIC 1995-90" --

24 A. MR. MORRISON: Yes.

25 Q. And therefore an industrial customer served under Rate



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1 Schedule 39 that YEC is therefore entitled to serve  
2 Whitehorse Copper. Have I got that right?

3 A. MR. MORRISON: That's right. And I would  
4 point out that in that footnote, it talks about since the  
5 transfer of NCPC in 1987. And I would use by an example the  
6 only -- subject to the Faro mine closing, the latest  
7 industrial customer that was connected to the grid after that  
8 period -- or excuse me, other than the Faro mine, in recent  
9 times we've connected them into a mine, the electrical mine,  
10 and those are the only real industrial customers in this era. 14:32

11 But I would take you back to past the 1997  
12 NCPC transfer date. And the only other industrial customer  
13 that I can remember and we can recall is that the Yukon  
14 Energy served the Whitehorse hospital under an industrial  
15 rate, and we provided secondary sales directly to them in  
16 1991.

17 So I think we're trying to apply this  
18 consistently going forward.

19 Q. Right. And so help me understand then, though. Since  
20 1987, since the transfer in 1987, you say Yukon has supplied 14:33  
21 all major industrial customers. Those are just the two that  
22 you've mentioned; is that correct?

23 A. MR. MORRISON: Three - Minto, Alexco and the  
24 Whitehorse hospital. And sorry, Faro off and on that I  
25 mentioned.

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1 Q. Right. Okay. So you're not suggesting, though, that  
2 OIC 1995-90 states that all industrial customers will be  
3 served by YEC, are you?

4 A. MR. MORRISON: I'm not suggesting that the  
5 OIC -- well, first of all, I shouldn't be giving an opinion  
6 on an order in council because I'm not a lawyer --

7 Q. Well, I didn't ask you for an opinion.

8 A. MR. MORRISON: -- and I don't want to debate  
9 with you, but I would say to you in general terms we believe  
10 that industrial customers are customers of the generating  
11 utility, Yukon Energy. 14:34

12 Q. Can you point me to something that helps you to arrive  
13 at what you believe?

14 A. MR. MORRISON: Well, I don't think that I can  
15 point you to something in this specific.

16 Q. I don't think you can either, sir.

17 A. MR. MORRISON: So fair enough.

18 Q. And if you have a copy of it in front of you, I think  
19 you included it as part of your -- I think it was Appendix  
20 11. We can at least see at page 11-7, we can see Schedule A  
21 which is the rate schedule 39? 14:34

22 A. MR. MORRISON: I don't have -- sorry, where?

23 Q. It's at your page -- attachment --

24 A. MR. MORRISON: In the application, is it?

25 Q. Yeah, in your application, sorry. 11-7 is the page

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1 number.

2 A. MR. MORRISON: Sorry, 11 dash --

3 Q. 7.

4 A. MR. MORRISON: 7? I have that.

5 Q. Okay. And, sir, the first heading there under the word  
6 "available" I guess you can confirm for me that it says that  
7 rate schedule 39 is available throughout the service areas of  
8 Yukon Energy Corporation and the Yukon Electrical Company  
9 Limited served by the Whitehorse, Aishihik, Faro, and  
10 Mayo-Dawson systems. Do you see that, sir?

14:36

11 A. MR. MORRISON: I do.

12 Q. Thank you. And, sir, I'm not -- you've added the  
13 hospital to me. So I wasn't aware of the hospital situation  
14 you were referring to before. But as far as the other two  
15 industrial customers you were referring to, I guess three  
16 when you talked about Faro mines as well, but those three,  
17 sir, we could at least agree that none of those customers are  
18 actually located within YECL's service territory. Fair?

19 A. MR. MORRISON: No, they're located in  
20 different communities, yes.

14:36

21 Q. Yes. Thank you. And, sir, would be aware that  
22 Whitehorse Copper Tailings was previously served by YECL from  
23 the late 1960s to the mid 1980s?

24 A. MR. MORRISON: Yes.

25 Q. And you would agree also that there are existing

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1 facilities approximate to the Whitehorse Copper Tailings site  
2 and that those existing facilities are owned and operated by  
3 YECL?

4 A. MR. MORRISON: If you mean that there is a  
5 power line up there, yes.

6 Q. Yes, I do.

7 A. MR. MORRISON: Yeah.

8 Q. Thank you. And yet instead of having YECL serve this  
9 consumer that's located within its service area with its  
10 existing facilities, you're proposing that YEC should serve  
11 this consumer by wheeling power over YEC's facilities; is  
12 that correct?

14:37

13 A. MR. MORRISON: That's correct. Just as I  
14 mentioned earlier, we served the hospital in 1991 and forward  
15 with secondary power wheeled over YECL's lines. I don't  
16 think the wheeling of power over distribution lines is a big  
17 issue between utilities. And, as I mentioned earlier, we're  
18 looking at the cost to ratepayers here, and the cost to  
19 ratepayers will be several hundred thousand dollars higher if  
20 the consumer is served by YECL.

14:37

21 Q. And we can get to that in a second here. But you're  
22 saying you don't view it as being a problem to wheel power  
23 over someone else's system?

24 A. MR. MORRISON: No, I don't.

25 Q. Can we at least agree as a general proposition that

1 wheeling power over another party's facilities can introduce  
2 some inefficiencies?

3 **A. MR. MORRISON:** I think certainly in the  
4 concept of wheeling power in general, but this is a very  
5 short distance and I don't see any big issues here in terms  
6 of inefficiencies.

7 Q. For example, if there was an outage, both parties would  
8 have to go to the site to address the problem. Isn't that  
9 fair?

10 **A. MR. MORRISON:** Well, depending on the kind of  
11 outage and no, not necessarily.

14:38

12 Q. But it could be the case, couldn't it?

13 **A. MR. MORRISON:** I don't know why we would have  
14 to go out to redo the line if it was Yukon Electric's line,  
15 no.

16 Q. You wouldn't have to go check your consumer's facilities  
17 to see if it was on their end?

18 **A. MR. MORRISON:** Depending on whether or not  
19 there was a substation out there, we may go look at the  
20 substation.

14:38

21 Q. So you may have to look --

22 **A. MR. MORRISON:** But within the City of  
23 Whitehorse and we both have people here and I don't see it as  
24 a big inefficiency.

25 Q. What about the additional administrative burden of YECL

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1 billing YEC and then YEC having to then take that and bill  
2 the customer?

3 A. MR. MORRISON: Fair enough, but it's one  
4 consumer. And, you know, we do have fairly efficient systems  
5 seeing as we get our bills from YECL now. I don't, again,  
6 see that as a large administrative burden.

7 Q. Okay. Okay. If I could ask you now to -- we'll go  
8 through some of those rate impacts that you've suggested in  
9 your letter that would be set out in the November 1st letter.

10 A. MR. MORRISON: Sure.

14:39

11 Q. Do you have a copy of that in front of you?

12 A. MR. MORRISON: Yes, we do.

13 Q. And if you'd take a look at the third paragraph of that  
14 letter, you state that in this case YEC serving Whitehorse  
15 Copper Tailings will save ratepayers approximately \$210,000  
16 in 2013 based on Whitehorse Copper's current forecast and  
17 potentially higher amounts in years after 2013. And then you  
18 provide an explanation of how you've derived this \$210,000  
19 savings. And I just want to make sure I understand how you  
20 came to that number.

14:40

21 Based on your Whitehorse Copper forecast,  
22 you've calculated that there would be approximately \$610,000  
23 in revenue that would reduce the required rate increases  
24 whereas if YECL was to serve Whitehorse Copper, you say there  
25 would only be 400,000 in wholesale revenue basically leaving

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1 that delta of \$210,000 which you say is a cost savings to  
2 ratepayers if you serve Whitehorse Copper. Have I got that  
3 right?

4 A. MR. MORRISON: Yes.

5 Q. Yes? Okay. And I assume that you reached those numbers  
6 based on currently approved rates; is that correct?

7 A. MR. MORRISON: Yes.

8 Q. Okay. And so your suggestion that there would be  
9 \$210,000 of cost savings to ratepayers in 2013 if YEC serves  
10 Whitehorse Copper, that assumes that YECL is not going to  
11 file a general application for 2013, doesn't it?

14:41

12 A. MR. MORRISON: Yes.

13 Q. Yes. And would you agree with me, then, that if YECL  
14 files a GRA in 2013 that Whitehorse Copper volumes would be  
15 forecast by YECL and would form part of its revenue  
16 requirement such that the full cost savings, as you've  
17 characterized it, that arises from Whitehorse Copper volumes  
18 would accrue to all Yukon ratepayers?

19 A. MR. MORRISON: Yes.

20 Q. Okay. And, sir, the same goes for the benefits that  
21 you've described for 2014; isn't that right? And what I mean  
22 by that is if YECL files a GRA covering 2014, it will have  
23 forecast Whitehorse Copper volumes such that the 360,000 in  
24 ERA charges you've referred to would not arise; right?

14:42

25 A. MR. OSLER: That would depend on how YECL

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1 did its forecast. If it built into its forecast that it was  
2 going to have to pay that amount and all that type of stuff,  
3 then fine. On the other hand, really what YECL does not  
4 effect an ERA charge; it's more dependent on what YEC is  
5 doing.

6 Q. Right.

7 A. MR. MORRISON: Based on YEC's having a GRA  
8 right now and assuming that it doesn't change its rates again  
9 in the time period we're talking about, there would be an ERA  
10 charge materialized under the assumptions that are here.

14:43

11 And as we understand the ERA the way that YECL  
12 has asked the Board to implement it, which is unusual, but I  
13 think the Board has agreed to it, is that it would be  
14 translated into a direct charge to ratepayers through a  
15 Rider D that would be charged to all the people in the  
16 territory.

17 So in that context, that is our understanding  
18 of how the world would unfold. It really has nothing much to  
19 do with YECL's deciding to have a rate hearing or not unless  
20 they build the numbers specifically into their application.

14:43

21 Q. Right. But it would be reasonable for the utility to  
22 forecast ERA charges so that it can recover reasonably.  
23 Isn't that fair?

24 A. MR. OSLER: No, not necessarily because the  
25 ERA makes them absolutely safe. They don't have to worry



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1 about the charge. It's going to go directly to the  
2 ratepayers in the end. I don't know what they would do. I  
3 have no history with it.

4 Q. Why don't we leave it at this. I think we can agree  
5 that if they do forecast the RA charges, then this benefit,  
6 as you characterized it, would not be present. Fair?

7 A. MR. OSLER: I agree that if YECL was to  
8 commit to doing all the things you're talking about, then  
9 they could take actions to protect the ratepayers against  
10 this issues we're talking about. That's about as far as I  
11 can go. 14:44

12 Q. Thank you. I think that's far enough. And if I was to  
13 tell you, sir, that YECL intends to file a 2013/2014 GRA,  
14 would that change your view of the benefits of YEC serving  
15 Whitehorse Copper that are described in this November 1st  
16 letter, Mr. Morrison?

17 MR. LANDRY: Well, Mr. Chairman, I'm going  
18 to interrupt there and object. If my friend -- there is no  
19 evidence that YECL has put before this Board. She is  
20 implicit -- not implicitly, explicitly putting an assumption  
21 which assumes a piece of evidence before the Board. That's  
22 an inappropriate question. 14:45

23 MS. SEARS: Sir, I don't see it as  
24 inappropriate. There are hypothetical questions that are  
25 placed before these panels all the time. And it's premised

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1 on an "if."

2 MS. BENTIVEGNA: Mr. Chairman, just to assist  
3 the Panel, the issue is assuming a fact. The fact is not --  
4 there is no indication -- it's a hypothetical but based on a  
5 condition framed as if it's going to happen, so it really I  
6 would suggest asking this panel to answer that puts them in a  
7 difficult position.

8 THE CHAIR: Puts them in a difficult  
9 position? So you would recommend?

10 MS. BENTIVEGNA: Sorry, Mr. Chair. I would  
11 recommend that the panel not be asked to answer that  
12 question.

14:46

13 THE CHAIR: I think that's reasonable not  
14 to request the panel to answer that question.

15 MR. LANDRY: Thank you, sir.

16 Q. MS. SEARS: Okay. I think I'll move on to  
17 a discussion in respect of the energy reconciliation  
18 adjustment. And just to begin the questions to get a sense,  
19 first of all, confirm to make sure that YECL is properly  
20 understanding how that mechanism is going to work.

14:47

21 And so would it be fair to summarize the ERA  
22 in this manner, that is, that there will be an ERA charge to  
23 YECL when there is a positive load growth variance and a  
24 positive wholesale variance between actuals and YEC's GRA  
25 forecast, and there will be an ERA credit if there is a load

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1 reduction variance and there is a negative wholesale variance  
2 between actuals and YEC's GRA forecast? Did I get that  
3 right?

4 A. MR. OSLER: You've got the question right,  
5 and the answer to the question is yes.

6 Q. Okay. Thank you. And we can agree that the ERA charge  
7 or credit is to be based on YEC's forecast of YECL's  
8 wholesale sales for 2013. Is that fair?

9 A. MR. OSLER: The process is based on the  
10 forecasts as approved by the Board at the end of this  
11 proceeding both with regard to YEC's overall load forecast  
12 and with respect to the wholesale sales forecasts.

14:48

13 Q. Okay. And you haven't included any secondary sales in  
14 your forecast; correct? I think you confirmed that earlier.

15 A. MR. OSLER: Correct. And to be clear, in  
16 one of the answers we also don't include in that thought  
17 process any sales that are wheeled through YECL's system to  
18 YEC such as at Johnsons Crossing, or if there was a  
19 Whitehorse Copper sales they would be excluded too.

20 In other words, the whole point of the  
21 wholesale element is power that goes to YECL for the service  
22 of their customers, not power that goes through YECL's system  
23 to serve YEC and its customers, which there are two or three  
24 different instances including the Whitehorse area such as  
25 Marsh Lake.

14:49

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1 Q. So if there are secondary sales, how would that impact  
2 the ERA calculations, or would it?

3 A. MR. OSLER: Our understanding is that it  
4 would be treated the same way. It's not part of the process  
5 of calculating it. In other words, it's not part of -- we're  
6 not forecasting secondary sales, and we're not going to be  
7 treating secondary sales as anything that would generate  
8 diesel by definition. Otherwise I don't know why the heck  
9 we'd be selling them.

10 So I don't see secondary sales being part of  
11 and parcel of the calculation, which I think I just said a  
12 few minutes ago.

14:50

13 Q. I guess I'm just trying to understand that. If you  
14 haven't included them and then there are a bunch of secondary  
15 sales and YECL is purchasing a bunch more power, does that  
16 not potentially show up as growth inadvertently?

17 A. MR. OSLER: Well, would it -- is it  
18 possible that between YEC and YECL it could show up  
19 inadvertently and somebody didn't check it? I'm not going to  
20 comment on that.

14:50

21 I'm giving you the principle that the  
22 secondary sales are not covered any more than power that's  
23 wheeled through YECL to YEC or its customers would not be  
24 included.

25 Q. But if we have secondary sales, our sales go up.

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1 Doesn't that trigger an ERA charge? Because they haven't  
2 been forecast, right, so we're going up.

3 A. MR. OSLER: Yeah, but it's humanly -- I'm  
4 not going to comment on somebody not doing the calculations  
5 and working it out. But in principle, the concept of the ERA  
6 is only relevant when we're trying to deal with diesel.

7 In other words, we haven't had an ERA  
8 operative for date in recent memory because we didn't have  
9 diesel on the margin, using the old language, which may be  
10 mysterious to you, but other people in the room will get it.

14:51

11 Effectively we are saying as of January 1 of  
12 this year, diesel is now operative. It's part of our costs  
13 for serving firm customers. If your load goes up, long-term  
14 average basis we have to use more diesel. If your load goes  
15 down on a long-term average basis we use less diesel.

16 Secondary sales we should not be selling you.  
17 We should not be selling anyone if diesel is at that moment  
18 in time operative on the margin. That's part of the rules  
19 under which we operate. We're not supposed to be selling  
20 secondary power if we're going to be burning diesel. It has  
21 to be in a time period, a month or a time period where  
22 there's surplus hydro.

14:52

23 So essentially in principle the ERA should not  
24 operate if to the extent that your wholesale increases to do  
25 the secondary sales, it should not -- if we're serving

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1 Whitehorse Copper Tailings, and they go up in their sales in  
2 2014, we should not be hitting you with an ERA for that  
3 because it's going through to our customer. Any more than if  
4 Johnsons Crossing suddenly had a boom, should we do the same  
5 thing there.

6 And I think I'm just trying to cover off the  
7 principals. It's up to the two parties to make sure they do  
8 this, but I think between them they've got enough  
9 sophistication to work it out.

10 Q. That's helpful. Thank you, sir. And are we correct in  
11 our understanding of the ERA as you've designed it that it  
12 doesn't take system growth into consideration on a go-forward  
13 basis?

14:53

14 A. MR. MORRISON: Sorry, could you repeat that  
15 again? I stopped at the part where you said as we designed  
16 it, and that leads to some questions, but go ahead.

17 Q. Okay. Well, your proposed ERA in this application.

18 A. MR. OSLER: Yeah.

19 Q. Leave it at that. From our review, it doesn't appear to  
20 take system growth into consideration. Is that fair? In  
21 other words, it seems to be based on a 2013 forecast and to  
22 move forward nevertheless.

14:53

23 A. MR. OSLER: It's based on what it's based  
24 on. It's based on the forecast that the Board last approves  
25 and sets a bunch of rates based on that. It doesn't do -- in

1 the history of the ERA going back it doesn't deal with  
2 anything differently in that sense than it did back in the  
3 '90s. It's based on a forecast as approved by the Board and  
4 the extent to which sales are different than that.

5 Q. Right. But it's a forecast for 2013; correct?

6 A. MR. OSLER: That's the forecast upon which  
7 the last rates that were approved by the Board were set, and  
8 that's sort of been the premise going way back.

9 Q. Right. So under normal growth conditions wouldn't it be  
10 fair to expect that YECL will invariably received ERA charges  
11 in the years beyond 2013 unless there's a mechanism to keep  
12 updating it with new forecasts?

14:54

13 A. MR. OSLER: It's fair to say that if  
14 there's growth, YEC would incur increasing costs for diesel  
15 on a long-term basis, and absent some mechanism such as this,  
16 which is what the parties derived way back, YEC would be  
17 stuck with some costs that it can't recover. That's why the  
18 ERA was put in place back in the '90s.

19 Q. And I mentioned this in our discussion a little bit  
20 earlier. But just to cover this, it's YEC's view or at least  
21 YEC agrees that YECL will be entitled to recover ERA charges  
22 under its Rider D, which would apply to all Yukon ratepayers;  
23 correct?

14:55

24 A. MR. OSLER: Our understanding of the ruling  
25 that the Board has given in response to YECL's requests is as

1 you've just stated.

2 Q. But you don't quarrel with that? I just want to be  
3 clear on what YEC's position is.

4 A. MR. OSLER: I'm not quarrelling with that.  
5 It's the understanding, but I don't think YEC -- YEC  
6 historically was on the record as thinking this wasn't  
7 necessarily a good thing overall. But I don't want to get  
8 into that. The point is that's what the Board has determined  
9 in our understanding.

10 Q. Okay. Thank you. So now just backing up a little bit. 14:56  
11 The intent of the ERA is to ensure that YECL receives a full  
12 flow-through of the incremental costs of the diesel  
13 generation driven by increases in the volume of wholesale  
14 sales and also to ensure that YEC is able to recover its  
15 costs when diesel is on the margin. Is that a fair summary?

16 A. MR. OSLER: Yes.

17 Q. Can we agree that the same goal could have been achieved  
18 through a deferral account and been charged to all customers  
19 in the Yukon?

20 A. MR. OSLER: Are you asking me if YEC was to 14:57  
21 set up a deferral account, could it achieve -- could a  
22 deferral account achieve the same objective? Is that the  
23 question?

24 Q. Yes.

25 A. Mathematically could be done. That wasn't the way the



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1 utilities decided to do it back in the '90s.

2 Q. Okay.

3 A. MR. OSLER: And the fundamental point being  
4 that when the utilities first did it in the 90s, there was no  
5 thought that it would be recovered from all ratepayers in the  
6 Yukon. It was simply between the two utilities.

7 And you've heard my summary of the YEC view.  
8 So YEC's never taken the position that it would want to  
9 charge all the customers in Yukon for a cost like that.  
10 That's fundamentally the problem.

14:58

11 Q. I don't know that I need to get into a debate with you  
12 over whether a utility is entitled to recover reasonable  
13 costs. I think that's where that's heading.

14 So can we agree that YEC did not consult with  
15 YECL in respect of the ERA that's proposed in this  
16 application?

17 A. MR. OSLER: I'm not aware of any  
18 consultation.

19 Q. When putting together the ERA that's been put forward  
20 here, did YEC consider whether the ERA charges may have a  
21 material impact on YECL and its customers?

14:58

22 A. MR. OSLER: No. The mechanism that's here  
23 is more moderate than the one that was in place in the '90s  
24 in the sense that it's only going to be affected by the  
25 extent to which diesel is related to growth.

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1                   And, secondly, because of the mitigating  
2 measures in this application, even the long-term average is  
3 discounted by 59 percent by 2013.

4                   And, thirdly, the proposal that's before the  
5 Board wouldn't charge YECL in all the circumstances when  
6 their load grows. It would only charge them if the overall  
7 system load grows at the same time.

8                   So, if anything, compared to what we were  
9 faced with in the '90s, this is not something I would see as  
10 having anything like the impacts of some of the discussions  
11 we had in the '90s.

14:59

12 Q.   So putting aside the discussions of the '90s that I  
13 clearly wasn't around for, I thought I understood from your  
14 opening statement this morning, Mr. Morrison, that we were  
15 anticipating greater and greater incremental use of diesel.  
16 Is that not fair?

17 A.   MR. MORRISON:                   That's fair.

18 Q.   Okay. And so wouldn't you agree that there is a  
19 potential for the ERA to have material impacts to YECL and  
20 its customers? It doesn't seem an unreasonable proposition.  
21 I guess I'm just struggling to try and understand why we're  
22 quarrelling over that.

15:00

23 A.   MR. OSLER:                    I don't know why -- I don't  
24 know what material means in the context we're talking about.  
25 I was relating it to what we had experiences of back when

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1 diesel was 100 percent on the margin.

2 So the costs of diesel are what they are and  
3 the customers ultimately bear them. So the whole point of  
4 the submission is, to the extent that we rely on diesel and  
5 we have growth, there will be cost applications for customers  
6 in Yukon, yes.

7 Q. And they will be material.

8 A. MR. OSLER: If we are not able to have  
9 other sources of fuel than diesel, yes, they will be  
10 material.

15:01

11 Q. Thank you. Just getting back to the issue of  
12 consultation. I think you agreed that there was no  
13 consultation with YECL in designing the ERA. So, for  
14 example, then, in your forecast for the ERA, would you have  
15 assumed that both Fish Lake units were fully operational for  
16 all of 2013?

17 A. MR. OSLER: The forecasts in this  
18 application do assume that, yes.

19 Q. And so, as I think you're aware, and you were mentioning  
20 earlier this morning, YECL's latest forecasts are actually  
21 that Fish Lake Unit 1 may not be back in service until --  
22 well, I'll put it to you that it's in quarter three of 2013.  
23 You may or may not have knowledge of that. But how would  
24 that difference impact the ERA?

15:01

25 A. MR. OSLER: Subject to there being an

1 overall growth in YEC's load compared to the forecasts that  
2 are currently in the application, it would go towards an  
3 increase in YECL's wholesales that would be subject to  
4 potential ERA determinations. But in order for the ERA to  
5 work, YEC's overall load would have to have grown compared to  
6 the forecast in the GRA in which case, you know, given some  
7 of the discussion we just had about the Minto mine, I'm not  
8 sure that that would be the case.

9 Q. I'd just like to move now to have a bit of a  
10 conversation in respect of the diesel contingency fund. And 15:03  
11 I don't mean to go over anything that Mr. Marriott already  
12 covered, but we do still have a few questions to ask you  
13 about that.

14 So the DCF is intended to stabilize the diesel  
15 costs related to water flow variations; correct?

16 A. MR. OSLER: Yes.

17 Q. And the components of the current DCF, those were  
18 initially devised as part of a negotiated settlement that was  
19 approved back in Order 1996-07; correct?

20 A. MR. OSLER: The terminology in some of the 15:03  
21 elements, yes, there were some similar mechanisms before  
22 then.

23 So I think from the point of view of the  
24 record, though, it's good to say that settlement in that time  
25 period.

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1 Q. Okay. And we can agree that YECL's Fish Lake facility  
2 and YEC's wind generation have historically been included in  
3 the forecast of long-term average generation; correct?

4 A. MR. OSLER: Yes, although they were  
5 separate but wind -- anything that was YEC's generation was  
6 treated as a package for YEC and the YECL was treated as a  
7 separate DCF account for YECL.

8 Q. And you confirmed for Mr. Marriott this morning that  
9 YECL's Fish Lake facility and wind generation are not  
10 included in the currently proposed DCF, but I'm not sure that 15:04  
11 I quite followed why it was that YEC has removed these  
12 facilities from the DCF. Could you clarify that for us?

13 A. MR. OSLER: I think all it states in the  
14 appendix is that that's a YECL matter, and it would be -- and  
15 YEC didn't --

16 In the day when this was a settlement  
17 agreement, the two utilities jointly filed applications. I  
18 haven't seen them do that recently, so it's not up to YEC to  
19 deal with something that pertains to YECL's regulated  
20 activities. I don't think the statements in the GRA said 15:05  
21 anything much more than that.

22 Q. Okay. So you weren't suggesting that there should be a  
23 whole separate DCF for YECL, were you?

24 A. MR. OSLER: We didn't put our minds on that  
25 at all one way or the other. I mean, YECL may or may not

1 think the DCF is relevant still to their operations. There  
2 may be different considerations that flow when somebody sits  
3 down to think it through. We didn't think about it. It  
4 wasn't something we had any control over and didn't think  
5 about it.

6 Q. But, historically, it would have been administered as  
7 one fund; correct?

8 A. MR. OSLER: I don't know. I don't know  
9 whether YEC maintained in its trust accounts YECL's money or  
10 how it was dealt with. I mean, I'm sure both utilities kept 15:06  
11 track of their own separate elements and from time to time  
12 there's some potential for disagreement. So I'm not aware  
13 that we thought about it --

14 Q. Okay. Anyone else on the panel have any recollection --

15 A. MR. MORRISON: No, no.

16 Q. -- of how it has historically been administered?

17 A. MR. MORRISON: No.

18 Q. Okay. Does the fact that you have not included Fish  
19 Lake in the DCF have implications for the calculations of ERA  
20 charges to YECL? 15:06

21 A. MR. OSLER: I hadn't thought about it, but  
22 I guess it could potentially. I mean the point would be that  
23 if you had a mechanism that stabilized the output at Fish  
24 Lake, regardless of the water flow, in terms of charges,  
25 would that have an implication for how the ERA mechanism

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1 would work? It's possible. The problem is essentially the  
2 wholesale variance still occurs. And I think some people  
3 might argue that maybe the Fish Lake DCF mechanism is past  
4 its prime. I don't know.

5 Effectively the issue that YEC and the  
6 ratepayers face is that the fluctuations do flow through to  
7 diesel, and the diesel occurs on the YEC system. All that  
8 happens with YECL is essentially a question of whether they  
9 incur more wholesale costs or not. It's not like an overall  
10 system issue the same as increased diesel use is so...

15:08

11 Q. Right. And I guess I'm just trying to understand the  
12 ERA charges are of course based on your forecasts for  
13 wholesale sales, and to the extent that they may be  
14 understated by the inclusion or not inclusion of certain  
15 things in certain aspects of the application, I think what  
16 we're trying to understand is how our wholesale sales may end  
17 up appearing perhaps greater than they might otherwise be.

18 And this was perhaps one area where we thought  
19 there might be a potential for the wholesale sales to come  
20 out looking like we were purchasing more but simply by virtue  
21 of it not having factored in Fish Lake into the DCF. Is that  
22 possible?

15:09

23 A. MR. OSLER: I don't think so. I think when  
24 we're doing forecasting, the experience the past few years  
25 has demonstrated that we have to be aware of even more than

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1 historically about what's happening at Fish Lake because you  
2 had a unit out.

3 And when we were doing long-run forecasting,  
4 the techniques we've used have been to put Fish Lake back in  
5 and take a trend line in the overall activity of the YECL  
6 rather than getting Fish Lake into the complication and then  
7 be specific about the assumptions that be being used for Fish  
8 Lake.

9 But when we're looking at the DCF and the ERA  
10 and everything else you're asking the questions about, the  
11 fundamental things we're grappling with is the reality of the  
12 Yukon grid needing to burn diesel for whatever reason, and if  
13 you have a wholesale problem because your Fish Lake plant is  
14 down or hasn't got any water, it's almost immaterial to the  
15 fact that if it causes the requirement for more diesel to be  
16 run, then these costs are incurred.

15:09

17 And what we're trying to do is sort out a fair  
18 way of making sure it's dealt with between the two utilities.  
19 So I don't think -- I think the DCF is dealing with one  
20 reality. The ERA and other things that YECL may or may not  
21 want to do with its Fish Lake operations deal with other  
22 things which are really more to do with the financial affairs  
23 between the two utilities perhaps than they are to do with  
24 the reality of burning diesel or not burning diesel.

15:10

25 The DCF is really trying to root itself in



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1 fact in its name, diesel contingency fund. What is the risk  
2 of running diesel and how we manage it.

3 Q. Right.

4 A. MR. OSLER: And YEC is the one that will  
5 run the diesel in the end.

6 Q. Okay. I think you sort of -- you said we haven't  
7 included Fish Lake. It's not our issue. It's YECL's issue.  
8 It's for YECL to address. Is that the rationale for then why  
9 YEC decided not to consult with YECL in respect of the DCF  
10 that's before the Board here?

15:11

11 A. MR. OSLER: YEC and YECL consult on all  
12 sorts of things. This is a mechanism that flows from  
13 historically established structure. We knew we'd be  
14 exchanging views in front of the Board. I don't think there  
15 was any particular depth to why one didn't consult on it.  
16 One had to finish an application to get it done.

17 Q. And historically it did factor in both utilities though,  
18 didn't it?

19 A. MR. OSLER: Sorry?

20 Q. Historically -- you referenced history. Historically  
21 the DCF had the facilities for both utilities in it, didn't  
22 it?

15:11

23 A. MR. OSLER: You mean Fish Lake? Is that  
24 what you're asking me?

25 Q. Yes.

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1 A. MR. OSLER: Yeah, but how that fits into  
2 the new future would be a YECL application, not a YEC  
3 application.

4 Q. That's based on a choice by YEC to not have consulted  
5 with YECL to determine if they could have been addressed  
6 together, isn't it?

7 A. MR. OSLER: I mean, at the moment the YEC's  
8 understanding is that the past is gone, that each utility now  
9 has to deal with its applications on its own, so YEC simply  
10 dealt with the matters under YEC's control in its  
11 application. That's -- I think I've said that several  
12 different times, but that's all it comes down to.

15:12

13 Q. I just want to move on to another issue of concern to  
14 YECL and its customers, which would be the use of diesel  
15 units for grid support, and this came up in YECL-YEC-1-24.  
16 Just a couple questions on this point, gentlemen.

17 In the event that YEC's grid connected -- let  
18 me just let you get to it. You may not need to refer to it,  
19 but I'll let you get to it, and then I'll move into the  
20 question.

15:13

21 A. MR. MORRISON: I think we're there, Mr. Chair.

22 Q. In the event that YEC's grid connected diesel standby  
23 plants are called upon for peak supply, how does YEC recover  
24 those costs?

25 A. MR. MORRISON: Sorry, Mr. Chair. Could you

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1 maybe just say that again. I want to make sure I get the  
2 YECs and the YECLs right.

3 Q. Sure. They were both YECs. I'll do it again though.

4 A. MORRISON: Sorry.

5 Q. So in the event that your grid connected diesel standby  
6 plants are called upon for peak supply, how does YEC -- how  
7 do you guys recover those costs?

8 A. MR. OSLER: In the same way they recover  
9 the costs for any other activity. It's either in the  
10 forecasts and part of the rates, or it isn't. I mean, if  
11 there's a forecast of the use, then it's built into the  
12 rates.

15:14

13 What actually happens, there's no particular  
14 mechanism for YEC to recover a peaking cost. If it's due to  
15 a lack of water, then the DCF will address it, that type of  
16 thing. I don't know where you're going.

17 Q. That's what I was trying to understand if that would go  
18 into the DCF.

19 A. MR. OSLER: Well, only if it could be shown  
20 that it was due to a lack of water. If it was due to because  
21 it was very cold for a very long time period or a line was  
22 down or any other reason, there is a whole bunch of things  
23 that could lead someone to have to run the diesel unit that  
24 you describe.

15:15

25 Q. Okay.

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1     **A.   MR. OSLER:**                    Only in the case of being able  
2     to go through the DCF mechanisms and calculate out a  
3     water-based issue led to the running of diesel would YEC have  
4     any ability to recover it from the DCF so to speak as  
5     distinct from just having it as part of its cost insured  
6     relative to forecast.

7     **Q.**    Right. And so in the other example you gave then in the  
8     long cold weather scenario, then that would just be a matter  
9     of forecasting?

10    **A.   MR. OSLER:**                    Right. And the utility is  
11    fully at risk for its forecast in that context as each other  
12    utility is here.

15:16

13    **Q.**    So then similarly if YECL's diesel standby plants are  
14    called upon for peak supply and it's related to a low water  
15    issue, would its costs be recovered through the DCF as well?

16    **A.   MR. OSLER:**                    YECL -- I can't imagine how  
17    YECL's diesel units would be called upon to do that given  
18    what the units that YEC has, and historically we never  
19    discussed that as a possibility.

20    **Q.**    Well, YECL's units have historically been called upon  
21    for peak supply, haven't they?

15:16

22    **A.   MR. OSLER:**                    But not due to lack of water.

23    **Q.**    Not due to lack of water?

24    **A.   MR. OSLER:**                    Not that I'm aware of, no.

25    **Q.**    Okay.

1 A. MR. OSLER: Given their locations and  
2 everything else, it's usually due to a problem in the area or  
3 an overall issue in the grid, security. It's not usually  
4 water related. YEC has got lots of engines to run if it's  
5 dealing with a water issue.

6 Q. And so if it's called upon and it's not a water issue,  
7 then how are those additional diesel costs addressed?

8 A. MR. OSLER: They're part of -- in the way  
9 that the utilities operate as I understand it these days,  
10 it's part of YECL's cost structure. It's part of YECL's cost 15:17  
11 structure. It goes to this Board, gets forecasts, gets  
12 rates, and takes its risks like YEC does.

13 Q. And just moving into the last area that we wanted to  
14 touch upon, it's in respect of the Pelly diesel and the  
15 temporary bypass substation costs that were incurred in  
16 respect of YEC's Aishihik and CSTP capital project, so if  
17 you'd like to have them in front of you I'll be I guess just  
18 addressing the issues that were touched upon in YECL-YEC-1-27  
19 as well YECL-YEC-2-3.

20 And so let me wait for you to get them. 15:18

21 A. MR. OSLER: We'll get them both.

22 Q. And so, gentlemen, in your response to YECL-YEC-1-27,  
23 you confirm that when diesel generation is required as part  
24 of a capital project, that you include YEC's diesel costs as  
25 part of the capital project. You capitalize them; is that

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1 correct?

2 **A. MR. MORRISON:** That's correct.

3 Q. And we can agree I think also that during YEC's Aishihik  
4 and CSTP capital projects that YECL burned additional diesel  
5 in Pelly to avoid an outage during construction of the CSTP  
6 and also constructed a temporary bypass substation to avoid  
7 burning diesel throughout peak summer holidays. Is that  
8 fair?

9 **A. MR. MOLLARD:** That's correct.

10 Q. And before those capital projects began, YECL  
11 communicated to YEC that it thought its costs for diesel in  
12 Pelly and also the temporary bypass substation costs should  
13 be capitalized to YEC's Aishihik and CSTP capital projects  
14 respectively; correct?

15:20

15 **A. MR. MOLLARD:** Yes. And I would like to also  
16 add, Mr. Chair, that at those meetings, our director of  
17 engineering in meeting with YECL communicated to them that it  
18 was the opinion of YEC that those costs were the  
19 responsibility of YECL and they should be bringing them to  
20 this Board for review and approval. It's not a cost of YEC.

15:20

21 Q. Was that during the initial meetings or did that come  
22 later in the game? I thought initially it was raised with  
23 YEC and there was some suggestion that that would be taken  
24 back and considered internally?

25 **A. MR. MOLLARD:** In my understanding from my

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1 discussions with our director of engineering is when it was  
2 raised, he indicated to them that he did not feel that was a  
3 cost of YEC's.

4 Q. Okay. And I provided a couple documents to your counsel  
5 yesterday. I think I'll pass them out first. I don't know  
6 whether my friend is going to take issue with them.

7 MR. LANDRY: Well, Mr. Chairman, please pass  
8 them out because it's always hard to talk about something ---

9 Q. Exactly.

10 MR. LANDRY: -- without it in front of you. 15:21

11 And I don't want to stop my friend from asking questions that  
12 you consider relevant, but perhaps one of the easiest ways to  
13 start would be to explain why these letters are relevant and  
14 just so that my friend has a bit of an idea of my concern  
15 here. These relate to the very issue that --

16 THE CHAIR: Can we wait until we see the  
17 letters?

18 MR. LANDRY: Sure.

19 THE CHAIR: If you don't mind.

20 So do you want to speak to this first before 15:22  
21 we talk about whether it's an exhibit?

22 MR. LANDRY: I would prefer we do that. I  
23 suspect we're going to mark it as an exhibit, but just so  
24 that my friend -- so that we have a bit of a basis upon which  
25 to -- I wanted to make sure you had it in front of you.

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1 MS. SEARS: I'm happy to sort of just chat  
2 about them a bit first as long as everybody reminds me to  
3 mark them at the end unless we go down a route that leads to  
4 objections, feverish objections to their inclusion,  
5 Mr. Chair.

6 So I guess just for background so that we  
7 understand where the questions come from and how they relate  
8 to the record in this. In the response to YECL-YEC 1-27 is  
9 it -- and I'll sort of address that in a bit, but there's  
10 reference to two particular invoices, and these are those two 15:23  
11 particular invoices that have been referred to in that  
12 response. And so just with that sort of opening.

13 Q. MS. SEARS: Gentlemen, you should have two  
14 letters in front of you.

15 MR. LANDRY: If I can, Ms. Sears, just for a  
16 moment. As I was going to say when I first -- I don't want  
17 to stop my friend, and I really appreciate her sending -- as  
18 with the other parties here -- sending these documents prior  
19 to so that we could have a chance to look at them and discuss  
20 them with our client and I really do appreciate that. 15:24

21 My concern is not necessarily that she  
22 shouldn't be able to ask the question. My concern is really  
23 on the question of relevance. I'm not sure what these  
24 letters and the invoices that are attached have to do with  
25 YEC's revenue requirement application.



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1                   And so I guess my question is to my friend to  
2 perhaps inform the Board why they're relevant and then we can  
3 decide whether or not I'll make an objection to them.

4 THE CHAIR:                   So, Ms. Sears, can you respond  
5 to that?

6 MS. SEARS:                   Yes. So, first of all, they're  
7 relevant because they come directly out of a response to an  
8 IR filed in this proceeding. And for completeness of the  
9 record, I'd like to pursue the question in a little more  
10 detail, and I'm not sure there's any much more to it than  
11 that. I think we're simply just looking for a better  
12 understanding of YEC's rationale for why it views something  
13 as not being their cost versus being their cost.

15:25

14 THE CHAIR:                   Because it was part of an IR  
15 originally, I'm going to allow you to proceed.

16 MS. SEARS:                   Thank you.

17 Q.   MS. SEARS:               So you should have two letters  
18 in front of you. The first one is dated --

19 THE CHAIR:                   Just before we do that, we  
20 better mark these as exhibits.

15:25

21 MS. SEARS:                   Let's do it now? Okay.

22 THE CHAIR:                   According to my helpful  
23 vice-chair, we believe that they're C-19 and C-1-10.

24 MR. LANDRY:                  Just for the record, the C-19  
25 would be which date, sir?

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1 THE CHAIR: December 14.

2 MR. LANDRY: Okay.

3 THE CHAIR: Thank you. Proceed.

4 MS. SEARS: So we said C-19 and C-20, or  
5 did we mark them as one? Thank you. Sorry, I'm just trying  
6 to --

7 THE CHAIR: December 14th is C-19 and  
8 December 20th is C-1-10.

9 MS. SEARS: Okay.

10 EXHIBIT C-19 - DECEMBER 14, 2011,

15:26

11 LETTER FROM YECL TO YEC

12 Q. MR. MARRIOTT: Mr. Chairman, it doesn't appear  
13 that we have enough copies for everybody in the room.

14 MS. SEARS: There should be some over  
15 there.

16 Again, for the record, they were stolen from  
17 me by the secretary and she absconded with them and then I  
18 took a lot of heat for it. I'm just doing my best, sir.

19 MR. MARRIOTT: All I was going to suggest -- I  
20 understand that these were circulated. I understand they  
21 were circulated to counsel for YEC, that's fine. Perhaps it  
22 would just be simple to circulate them again now that we've  
23 got them as an exhibit.

15:27

24 MS. SEARS: I'll circulate them again.  
25 That's not a problem. I've provided them to counsel.

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1 MR. MARRIOTT: Thank you very much.

2 MS. SEARS: Goodness gracious.

3 Q. MS. SEARS: So we have two letters C-19  
4 dated December 14th. Just simply looking for your  
5 confirmation, sir, that that was the invoice forwarded to YEC  
6 by YECL. And that was in respect of costs for diesel burned  
7 at Pelly.

8 Can you confirm that this was an invoice that  
9 you've received and reviewed?

10 A. MR. MORRISON: Yes.

15:28

11 Q. And we can agree that in this letter YECL communicated  
12 its views to YEC that, in its view, these extra diesel  
13 generation costs should be -- were incurred as a result of a  
14 capital project and should be capitalized to that project.  
15 Is that fair?

16 A. MR. MORRISON: That's correct.

17 A. MR. MOLLARD: Yes.

18 Q. Okay. And this invoice was in the amount of \$59,232.49?

19 A. MR. MOLLARD: That's correct.

20 Q. Okay. And we can agree that YEC has not forwarded  
21 payment in respect of that invoice. And I take it it's for  
22 the reasons we were just discussing. In your view, it's not  
23 a cost of YEC. Is that fair?

15:28

24 A. MR. MOLLARD: That is correct.

25 Q. Okay. Thank you. And then in respect of Exhibit C-20,

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1 that's the letter dated December 20th.

2 THE CHAIR: Just for clarification, that's  
3 actually Exhibit C-1-10 for the record. The December 20th  
4 letter.

5 MS. SEARS: Okay.

6 THE CHAIR: Just so the reporters have the  
7 right information.

8 MS. SEARS: C-19 and then C-1-10.

9 THE CHAIR: That's correct.

10 MS. SEARS: Gotcha. I thought it was C-19  
11 and C-20.

15:29

12 THE CHAIR: That could have been my fault.

13 MS. SEARS: No, I thought you said it  
14 wrong, but I didn't want to correct you because you're the  
15 Chairman.

16 THE CHAIR: That's right.

17 MS. SEARS: But then it turned out I was  
18 wrong which is much better for everyone.

19 THE CHAIR: Bonus point.

20 **EXHIBIT C-1-10 - LETTER DATED DECEMBER**

15:30

21 **20, 2011, FROM YECL TO YEC**

22 Q. MS. SEARS: So C-1-10 is a letter dated  
23 December 20th. Have I got that right? And it is in respect  
24 of costs incurred at the Haines Junction due to YEC's  
25 Aishihik third turbine capital project. And that was a

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1 letter forwarded to YEC by YECL in respect of an invoice for  
2 costs totalling \$124,574.68. Can you confirm that that is  
3 something that you've received and reviewed?

4 **A. MR. MOLLARD:** Yes.

5 Q. And it would be fair to say that similarly this is an  
6 invoice that you have not paid and it's for that same reason  
7 that in YEC's view, those are costs that are not YEC's costs  
8 to be capitalized to the project?

9 **A. MR. MOLLARD:** That's correct.

10 Q. Okay. And so based on your response to YECL-YEC 1-27,  
11 am I correct that your rationale for refusing to pay the  
12 invoices and to capitalize those costs, is it simply because  
13 you didn't receive a formal written request for compensation  
14 prior to commencement of the projects?

15:31

15 **A. MR. MOLLARD:** I think that was part of it,  
16 Mr. Chair. I mean, you know, any time a supplier sends me a  
17 bill six months after the fact, I'm not very happy about that  
18 for a variety of business reasons.

19 But I think the primary reason why we don't  
20 accept that is for what we stated previously. YECL's a  
21 regulated utility. The test for prudence of their costs is  
22 for when they file with this tribunal and they can justify  
23 those costs at that time. It's not appropriate for YEC to  
24 try and explain why those costs are prudent.

15:32

25 Q. Okay. I expect though that we can agree that YECL has

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1 no control over YEC's capital projects, what specific work is  
2 going to be done, and how long YEC may take to complete its  
3 capital projects. Is that fair?

4 A. MR. MORRISON: Well, that's a fair comment,  
5 Mr. Chair, but neither does it have control over whether or  
6 not there's an outage, and we have to run diesel in YECL's  
7 served communities during the period of that outage. So  
8 these are forecasts that could be included and should be  
9 rightly included in YECL's revenue requirements.

10 A. MR. MOLLARD: It's not really a question of  
11 control. It's a question of the company forecasting  
12 reasonable costs and bringing them before the tribunal and  
13 justifying them in front of the tribunal to be in their  
14 revenue requirement.

15:33

15 Q. And how does YECL go about forecasting the cost that it  
16 has no control over because those are your projects?

17 A. MR. MOLLARD: To Mr. Morrison's point  
18 earlier, it's really no different than forecasting for  
19 outages. In the event that both utilities have the ability  
20 if they have a cost that they feel they've incurred that's  
21 rightly a ratepayer cost that they couldn't control and it's  
22 material, they can bring it in front of the tribunal after  
23 the fact and claim it in rates.

15:33

24 A. MR. OSLER: Mr. Chairman, to be fair we not  
25 only made it clear from the get-go that these costs were not

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1 our costs, and we weren't prepared to entertain this invoice.  
2 If we had have been prepared to entertain this invoice, we  
3 would have issued a purchase order or contract or some  
4 documentation.

5 We weren't clear -- we weren't in agreement  
6 with this approach. We do try our best to sit down with YECL  
7 as they do try their best to sit down with us when they're  
8 doing work or we're doing work that's going to impact each  
9 other's systems.

10 So we certainly sat down. We were very clear 15:34  
11 about this. It was a long, long, long planning process  
12 particularly around the Haines Junction piece. There was a  
13 number of different options looked at. We're really happy  
14 with the cooperation that we get from YECL in terms of trying  
15 to look at those things.

16 These are not costs that we incur on our  
17 system, and we didn't think -- we don't believe they're  
18 appropriate. We were clear about that from the beginning.  
19 Obviously there seems to be some kind of a dispute on that.  
20 I'm not sure how it impacts this rate application because 15:35  
21 these costs aren't in there.

22 If we're looking to add costs to the  
23 application and put the rates up higher, I don't think  
24 anybody wants to do that. So I'm not sure how much clearer  
25 we can be.

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1 Q. And that's fine, sir. I think we were just looking for  
2 YEC's views as to, you know, it's able to forecast its diesel  
3 costs associated with its capital projects, and I'm wondering  
4 if it's not better position given that it controls those  
5 projects to also forecast the costs of YECL's diesel that  
6 will be burned as a result of those projects and why they  
7 wouldn't be treated the same.

8 A. MR. MORRISON: Well, the only thing I can say  
9 is, for want of repeating myself, is we certainly would have  
10 expected that YECL would have included those costs in their  
11 forecasts knowing that this work was going to go on.

15:36

12 The question is, you know, when in a year or  
13 when in a rate process do you get that information, and how  
14 do you get it included? So we're not objecting to the fact  
15 that the YECL incurred these costs. We're only concerned  
16 about the fact that they're being asked to be paid for by  
17 YEC, you know, legitimate costs on YECL's behalf, and they  
18 include them in a proceeding. We're not going to put up our  
19 hand and say we object.

20 Q. Thank you. That's helpful.

15:36

21 MS. SEARS: And, Mr. Chairman, those are  
22 all my questions, and I think it's right around break time.

23 THE CHAIR: So we'll break for 15 minutes  
24 and return I think with UCG is up next. Thank you very much.

25 MS. SEARS: Thank you.



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1 (ADJOURNMENT)

2 THE CHAIR: Mr. Janigan, you can proceed  
3 any time you like.

4 MR. JANIGAN: Thank you, Mr. Chairman.

5 THE CHAIR: Just before -- are there any  
6 preliminary matters?

7 MR. LANDRY: Nothing. Thanks, Mr. Chair.

8 **MR. JANIGAN CROSS-EXAMINES THE PANEL:**

9 Q. Thank you. Panel, my name is Michael Janigan. I'm  
10 counsel with UCG. And I may say that I'm very impressed with 15:54  
11 the ability of one panel to be able to deal with all aspects  
12 of a general rate application. And I hope you will be able  
13 to have the patience to put up with my questions from someone  
14 who is essentially the oldest rookie in this league.

15 My first area of questioning deals with  
16 recovery of revenue requirements, and I'm going to be  
17 referring to the materials that we circulated earlier that  
18 had also been marked with the tab. That's a book of  
19 cross-examination materials from the Utilities Consumer  
20 Group. I wonder if everyone has a copy of that. 15:55

21 Do you have a copy of that?

22 THE CHAIR: Is that information marked as  
23 exhibits already?

24 MR. JANIGAN: According to the Board  
25 secretary, it wasn't to be marked as an exhibit, and that's

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1 why we didn't furnish a copy of it or perhaps we were  
2 mistaken.

3 THE CHAIR: I don't believe the Board has  
4 copies of those documentation.

5 MS. BENTIVEGNA: Mr. Chair --

6 THE CHAIR: Yes.

7 MS. BENTIVEGNA: -- generally, the practice has  
8 been, with aids to cross, is that they're sent to counsel for  
9 the panel that's going to be crossed so that they're aware of  
10 it so that the hearing can be more efficient. Counsel may  
11 decide to use them and may or may not decide to use them.

15:55

12 So when they're marked is when the -- at the  
13 time the question is going to be asked, if there's no  
14 objection and/or if there is an objection and it's ruled upon  
15 in favour of filing the exhibit, then they're marked.

16 So they're not generally marked when they're  
17 circulated.

18 THE CHAIR: Right. So they should be  
19 brought in as exhibits at this point in time if you're going  
20 to introduce them.

15:56

21 MS. BENTIVEGNA: At the time the questions are  
22 asked of each document as opposed to amass the whole thing.

23 THE CHAIR: Right. So are you in a  
24 position to do that, Mr. Janigan?

25 MR. JANIGAN: Well, we would have to -- we

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1 don't have additional copies with us available. We would  
2 have to have them reproduced. We have circulated the digital  
3 version to everyone else unfortunately except for the panel  
4 to whom it means the most.

5 MR. LANDRY: Maybe I can help, Mr. Chair.

6 THE CHAIR: Yes.

7 MR. LANDRY: I see the panel has digital  
8 computers. The panel actually has a copy. Mr. Janigan was  
9 kind enough to send them to us, so we do have -- we have  
10 copies. I guess it's really the panel that's put into the  
11 situation. So I don't know whether or not --

15:57

12 THE CHAIR: What you're suggesting is if we  
13 can get one sent electronically to us here, then we may be  
14 able to --

15 MR. LANDRY: I'm fine with that on the  
16 assumption that we go -- subject to your counsel's but I'm  
17 fine with that on the assumption that we go through as  
18 Ms. Bentivegna said, that each document we deal with, if  
19 there are issues we'll deal with it as we go along. So I  
20 mean -- I sort of leave it in the hands -- it's a bit more of  
21 a logistic issue than it is a legal issue I guess is my  
22 point.

15:57

23 THE CHAIR: Can you just give us a second,  
24 figure out where we are.

25 So I believe what Ms. Lemke is doing, she's

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1 going to put it on a thumb drive for us. And then, Mr  
2 Janigan, as you introduce these items, we'll just take a  
3 couple of seconds and give it an exhibit number if you  
4 wouldn't mind.

5 MR. JANIGAN: Thank you, Mr. Chair. I  
6 apologize for the inconvenience.

7 THE CHAIR: Just for information, are you  
8 going to be introducing everything that you sent to the other  
9 parties as an exhibit, or will you be only introducing select  
10 items from the package? I haven't seen the package so I  
11 don't know what's in it. 15:58

12 MR. JANIGAN: The current plan is to  
13 introduce all of them.

14 THE CHAIR: So would it be fair, then, to  
15 give it all one exhibit number?

16 MS. BENTIVEGNA: Mr. Chair, I think it would be  
17 easier for the process if as the questions are asked, then  
18 counsel, Mr. Janigan, will indicate if he wants to file it as  
19 an exhibit, and then anyone else who may --

20 THE CHAIR: That works. I was just trying 15:59  
21 to simplify things, but we'll just do it.

22 Just bear with us for a couple of minutes.

23 MR. JANIGAN: Sure.

24 THE CHAIR: So, Mr. Janigan, just so you  
25 know, all your exhibits will -- do you have an exhibits list?

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1 MR. JANIGAN: Yes.

2 THE CHAIR: Okay.

3 MR. LANDRY: Mr. Chairman, while you're  
4 attempting to get that loaded up, I was just speaking to your  
5 counsel. I'm just trying to make it a little bit easier for  
6 everybody.

7 What I would suggest is that we mark it as an  
8 exhibit so that my friend doesn't have to continually mark  
9 things as an exhibit. It has tabs in it. That's the way I  
10 believe he's done it. I don't have tabs, but there is a tab 16:03  
11 number. If I object to any document -- I'm not sure there is  
12 a lot of documents or are a lot of documents I will be  
13 objecting to -- then it can be removed at that time which is  
14 something we -- I've done that many times in the past.

15 It just make makes it a little bit easier of a  
16 process. If my friend would like to mark this as one  
17 exhibit, then he can refer to it in tabs, it might help the  
18 process go a little quicker.

19 THE CHAIR: Is that acceptable?

20 MS. BENTIVEGNA: Yes, Mr. Chair. Mr. Landry was 16:04  
21 just mentioning that to me, and I said whatever is easier for  
22 the parties, that's what is acceptable. As long as everybody  
23 agrees, then it's fair.

24 THE CHAIR: We're almost ready, I think.

25 We're fine up here now. We have the documents on the

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1 computer, so when you make reference to them and if you want  
2 to -- when you're ready to enter them as an exhibit, then  
3 that's fine as well.

4 MR. JANIGAN: Sure. That would be -- I would  
5 assume it's C3-23 would be the exhibit number. Am I correct  
6 on that?

7 THE CHAIR: So is that the cover letter?  
8 And the C3-24 would be the actual --

9 MR. JANIGAN: Okay. So I'll be referring to  
10 C3-24 with the tabs when we get to the appropriate part of my  
11 examination. 16:05

12 Q. MR. JANIGAN: Panel, and you may not  
13 necessarily have to turn this up, but in response to an  
14 UCG-YEC-1-1-A, YEC stated that its application requests  
15 approval of a revenue requirement and a revenue requirement  
16 shortfall for the calendar year 2012; is that correct?

17 A. MR. MORRISON: Yes, that's correct.

18 Q. Okay. And in response to UCG-YEC-1-2-C, YEC states that  
19 its board of directors approved the filing of GRA in February  
20 of 2012 and that the GRA documentation was completed  
21 following this approval; is that correct? 16:06

22 A. MR. MORRISON: That's correct.

23 Q. Thank you. We have some questions arising out of the  
24 timing and development of this application. In that you  
25 didn't submit your application to the YUB until April 27,

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1 2012, when did you first undertake the budgeting process for  
2 the 2012 and 2013?

3 **A. MR. MORRISON:** I'm sorry. I missed a word  
4 that you said.

5 Q. When did you undertake the budgeting process for the  
6 2012 and 2013?

7 **A. MR. MORRISON:** The normal budgeting cycle that  
8 we utilized in this case and others in past years is we start  
9 the budgeting cycle in the summer of the year before.

10 Q. Is that what you did this time?

16:07

11 **A. MR. MORRISON:** That's correct.

12 Q. When did you know that there would be a revenue  
13 deficiency in 2012?

14 **A. MR. MORRISON:** Well, we wouldn't -- we  
15 wouldn't know particularly until after the completion of the  
16 Board's review and approval of budgets which would have been  
17 early in 2013 -- sorry, 2012.

18 Q. '12?

19 **A. MR. MORRISON:** That's correct.

20 Q. Were there any changes to the revenue requirement  
21 following the February 2012 board of directors meeting?

16:07

22 **A. MR. MORRISON:** No. The -- you're taxing my  
23 memory. But the approval by the Board, there may have been a  
24 few minor adjustments but some puts and takes but nothing of  
25 major import.

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1 Q. Okay. And, panel, I've put before you three decisions  
2 under Tab 1, 2 and 3 of my book of materials, and they are  
3 decisions of the Ontario Energy Board. And I want to go  
4 through them with you, and they relate to the late submission  
5 of applications.

6 The first decision if you could see under  
7 Tab 1, is a decision that is -- involves the Peterborough  
8 Distribution Inc., and it's a rates application that was  
9 before the Board in 2009. And a decision with respect to the  
10 issues that we'll be dealing with was rendered on June 1st,  
11 2009. Do you have that before you? 16:09

12 A. MR. MORRISON: Yes, we do. Thank you.

13 Q. And I want to draw your attention to the paragraph that  
14 starts with PDI's application. (as read)

15 "PDI's application was for the new  
16 rates to be effective May 1st, 2009.  
17 The Board had declared rates interim  
18 effective May 1st, 2009. PDI filed its  
19 application almost two months after the  
20 Board's established filing date of 16:09  
21 August 15, 2008. Given the date of  
22 this decision, instituting a May 1,  
23 2009, effective date would cause rate  
24 retroactivity, which would be  
25 particularly problematic in this case



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1           when there was a harmonization of rates  
2           resulting in additional rate impacts  
3           for some customers. Therefore, the  
4           Board finds that the new rates shall be  
5           effective the same date as the  
6           implementation date. Given that there  
7           would be some time for the rate order  
8           to be finalized, the Board finds an  
9           effective date of July 1st, 2009. For  
10          additional clarity, there will be no  
11          recovery of any foregone distribution  
12          revenue from May 1st, 2009, to July  
13          1st, 2009."

16:10

14        And I want -- before I think I'll ask a series of questions,  
15        I want to take you to the next two decisions. The next  
16        decision is also from the Ontario Energy Board involving the  
17        Tillsonburg Hydro Inc., and I note that all of these  
18        distribution utilities are all fairly small distribution  
19        utilities.

20                        And its decision of July 10th, 2009, which was  
21        also involved a situation where an application was late, and  
22        the Board had declared rates interim. Now, I want to refer  
23        you to the part of the decision that begins with -- on the  
24        second page on page 48 of the decision, that: (as read)  
25                        "As the Board has made the rates

16:10

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1 interim as of May 1st, 2009, there are  
2 no legal impediments for the Board to  
3 find an effective rate of May 1st,  
4 2009. However, this would constitute  
5 retroactivity. As the Board stated on  
6 many occasions, even if there are no  
7 legal impediments, the Board does not  
8 condone retroactivity. While there may  
9 be some legitimacy for the causes of  
10 delay in this case, THI should not be  
11 totally absolved of the adverse  
12 consequences caused by retroactivity.  
13 It is not reasonable to expect  
14 customers to be burdened with  
15 retroactivity no matter how the  
16 retroactivity is morphed into rates or  
17 bills. The Board finds on balance an  
18 effective date of June 15th, 2009, is  
19 reasonable in the circumstances. The  
20 reason for the delay in completing this  
21 proceeding primarily lie with THI.  
22 Therefore, the Board finds that the new  
23 rate shall be effective June 15th,  
24 2009. For additional clarity, there  
25 will be no recovery of any foregone

16:11

16:12

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1 distribution revenue from May 1st,  
2 2009, to June 14th, 2009."

3 And finally under Tab 3 a decision involving the Middlesex  
4 Power Distribution Corporation of the Ontario Energy Board of  
5 January 25th, 2010, and I would point out the section of the  
6 decision that begins under implementation: (as read)

7 "The applicants' original application  
8 was filed on June 11th, 2009, and  
9 requested rates effective October 1st,  
10 2009. It is not procedurally feasible  
11 to process a rate application in 112  
12 days, even a straightforward,  
13 well-documented application. In this  
14 particular case, processing and review  
15 was delayed until the late filing of  
16 interrogatory responses and the  
17 complication of dealing procedurally  
18 with the matter of charging  
19 non-approved Board rates. Given the  
20 date of this decision, instituting an  
21 October the 1st, 2009, effective date  
22 would cause rate retroactivity. The  
23 Board has stated on many occasions that  
24 it does not endorse rate retroactivity.  
25 Therefore, as has often been the case

16:13

16:13

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1 for other distributors, the Board finds  
2 that the new rate shall be effective on  
3 the same date as the implementation  
4 date. Given that there will be some  
5 time required for the rate order to be  
6 finalized, the Board approves an  
7 effective date of March 1st, 2010. For  
8 additional clarity, the foregone  
9 revenue from October 1st, 2009, to  
10 February 28th, 2010, is not  
11 recoverable."

16:14

12 Now, as you can see in the context of these decisions from  
13 the Ontario Energy Board, which of course are not binding on  
14 this Board but have perhaps some persuasive value, that this  
15 Board felt that -- the Ontario Energy Board felt that  
16 retroactivity was to be avoided even in circumstances where  
17 not all the fault would lay in the utility.

18 Can you suggest any reason why the Board would  
19 not apply the similar reasoning to this particular set of  
20 circumstances?

16:14

21 MR. LANDRY: Mr. Chairman, maybe I could  
22 just pipe in here for a moment. It's always problematic when  
23 decisions from other jurisdictions are thrown into the mix,  
24 especially when there's only a very small extract. As you  
25 can see, these decisions presumably are quite a bit longer

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1 than what you're seeing here.

2 No doubt from what I'm hearing from  
3 Mr. Janigan, looking at this that the argument Mr. Janigan in  
4 argument will make presumably the argument that there is some  
5 sort of retroactivity in the case here. That is a legal  
6 issue. That's not something that this panel should be  
7 dealing with.

8 And not to cause any more difficulty than  
9 necessary, sir, this issue and whether or not one can collect  
10 revenue pre the filing of an application in a certain 16:15  
11 financial year, I mean has been dealt with numerous times  
12 before this Board, and we'll deal with that in argument. But  
13 it's not appropriate to be dealing with legal issues,  
14 extracts like this to this panel. We'll deal with it in  
15 argument. And if Mr. Janigan believes you don't have the  
16 capability to do it, I'm sure we'll hear it.

17 The argument has been made many times and  
18 there's section 29 under the Yukon legislation that gets  
19 around the difficulty we're talking about.

20 So I would object and say that this is not the 16:16  
21 type of appropriate questioning for a panel. These are legal  
22 issues.

23 MR. JANIGAN: Mr. Chair, perhaps I can  
24 rephrase the question.

25 I wonder if I could ask the panel on what

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1 facts they would rely in support of a position that what they  
2 were asking the Board to do is not retroactive ratemaking.

3 MR. LANDRY: Again, Mr. Chairman, this is a  
4 legal issue. It's been taught many times before this Board  
5 and it's not retroactive. My friend will hear in argument  
6 it's not retroactive ratemaking under our legislation. It's  
7 not for this panel to be dealing with legal issues.

8 MR. JANIGAN: I'm not asking them for a legal  
9 interpretation; I'm asking them on what facts the Board may  
10 rely upon in relation to adjudicating the issue of rate  
11 retroactivity. And that's certainly something within their  
12 knowledge.

16:16

13 THE CHAIR: Can we ask our legal counsel  
14 for her views?

15 MS. BENTIVEGNA: Mr. Chairman, the issue of  
16 whether a rate is retroactive or not is a legal issue.  
17 Asking the panel about in their view what facts would lead to  
18 rate retroactivity results in a legal opinion. One can't  
19 separate the two. And so I mean if Mr. Janigan wants to ask  
20 some questions about what led to, as he started, what led to  
21 the filing and the dates and all that, that's quite different  
22 than saying, is your situation YEC, how is it different from  
23 these documents that I'm showing you and what the OEB  
24 decided?

16:17

25 THE CHAIR: So, Mr. Janigan, can you direct

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1 your questions in such a way that you avoid the legal issues,  
2 the legal arguments that we're hearing some concerns about?

3 MR. JANIGAN: I will try, Mr. Chair.

4 THE CHAIR: And we'll make a judgment here.

5 I guess if counsel still object to your questioning, we'll  
6 have to deal with it.

7 MR. JANIGAN: Okay.

8 Q. MR. JANIGAN: Panel, what were the reasons  
9 for the filing on the date that you filed rather than earlier  
10 to avoid a situation of attempting to recover revenue for a  
11 previous period? 16:18

12 MR. LANDRY: Mr. Chairman --

13 Q. MR. JANIGAN: No --

14 MR. LANDRY: Let me finish and you can  
15 respond -- a prior period. If my friend wants to go further,  
16 explain what he means by a prior period, this is not a prior  
17 period. So if he wants to explain what he means by prior  
18 period, I'll consider my position in terms of an injunction.  
19 I don't know what he means by "prior period."

20 MR. JANIGAN: I think we established earlier 16:19  
21 that they were asking for a recovery for a requirement  
22 shortfall for the calendar year of 2012, some of which  
23 occurred following the filing of the application -- before  
24 the filing of the application. It's a prior period. I don't  
25 know how you can parse it any different.

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1 THE CHAIR: So I think that question is  
2 acceptable now the way he's rephrased it or clarified.

3 MR. LANDRY: To move the process along, I'll  
4 allow the question to be asked. It's a legal question, but  
5 we'll be here arguing this until the cows come home, so I'll  
6 let the panel answer that.

7 A. MR. OSLER: The filing reflects two sets of  
8 facts. One, the set of facts that Mr. Morrison described  
9 leading to the ability to file in this particular instance  
10 when the Board of directors was able to deal with it and  
11 subsequent finalizing it and all the things that had to take  
12 place.

16:20

13 The second set of facts that were taken into  
14 consideration were the precedents of how this has been dealt  
15 with in Yukon as recently as the previous GRA which, similar  
16 to the applications in this instance, involved in the year  
17 2008 two filings - one by Yukon Electrical in April, if I'm  
18 not mistaken, and one by YEC in I think October.

19 In each instance, the filings were for the  
20 full calendar year. And as they have been in my recollection  
21 ever since I've been in Yukon over the years, this has never  
22 been an issue.

16:20

23 So when we discussed it, the key requirement,  
24 given the history of how this matter's been handled by the  
25 two utilities in the past, the key retirement is to make sure



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1 that you can get an application pulled together that's  
2 adequate and useful for the applicants and the respondents,  
3 and that it gets filed sometime during the calendar year that  
4 you want to have an effect on rates.

5 Q. I wonder if I could go back through that answer,  
6 Mr. Osler. I think you indicated there are two sets of  
7 facts. One was that you commenced the work on the  
8 application in the summer of 2011, I would assume.

9 A. MR. MORRISON: We commence work on the budget  
10 process at YEC in the summer of 2011.

16:21

11 Q. And the date that you commenced that work, would that  
12 have been early enough to ensure that an application could  
13 have been made prior to the 2012 year?

14 A. MR. MORRISON: Absolutely not.

15 Q. Okay. So I would take it that it's the second set of  
16 facts that Mr. Osler stated which was the determinative set  
17 of facts in terms of the filing that you relied on previous  
18 precedent to guide you to when was the appropriate time for  
19 submitting the application?

20 A. MR. MORRISON: We are guided by, you know,  
21 clearly the process internally yourself. And, as I  
22 indicated, we start a budgeting process in August. This is a  
23 long process that takes department managers and the senior  
24 management team and the finance team several months to get to  
25 a point where in discussion with the Board and its audit

16:22

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1 committee that we have a budget that everyone is prepared to  
2 acknowledge and support through its final stages.

3 By the time we -- as I indicated earlier, by  
4 the time we get that budget done, it is at least year end and  
5 if not early into the new year where it might be getting a  
6 few tweaks because we don't really finalize -- we don't  
7 really have a Board meeting until mid-December of any given  
8 year that allows us to put the final stamp of approval on it.  
9 In some years, depending on the situation, we run into the  
10 next year a little bit which we did this time.

16:23

11 Then we had an approval. As you indicated, we  
12 had approval in 2011 -- excuse me -- 2012 for the rate  
13 application. There's an enormous amount of work has to go  
14 into making sure that all of that is put together properly.  
15 And, really, the filing date comes out of when we have  
16 everything put together and we can file the document.

17 Q. Why don't you start it earlier?

18 A. MR. MORRISON: Why don't we start it earlier?  
19 Because the information you have earlier than that is not  
20 detailed enough or -- the due diligence hasn't been done. It  
21 takes managers -- we come out of a busy winter and start  
22 again in the spring with managers trying to look at these  
23 things. But compiling the information they need in order to  
24 put into a budget is not possible to start it earlier in the  
25 process. We don't have the staff to do it and we have not

16:24

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1 got the luxury of doing those kinds of things in the system  
2 we live with.

3 Q. So you're saying that as a result of staffing problems  
4 and the fact that information is not available to you?

5 A. MR. MORRISON: No, I didn't say that we had  
6 any staffing problems. I said we don't have the size of an  
7 organization that would allow us the luxuries of starting  
8 this process earlier. We've got people who have -- as part  
9 of their job, they're doing other things until we get to the  
10 summer.

16:25

11 The summer period gives us an opportunity to  
12 be able to have done some research, start looking at the  
13 requests from individual areas of the company as to what's  
14 needed to do assessments on equipment and facilities, to  
15 figure out whether or not we've got larger, smaller  
16 operations and maintenance budgets, whether we've got larger  
17 or smaller capital budgets, none of which we have the ability  
18 to complete until the end of that fiscal year.

19 A. MR. MOLLARD: To be fair to our managers as  
20 well, we're starting to ask them about the following year in  
21 July and August. To move that further up is not going to get  
22 you better information because they haven't even completed  
23 the work in that year to know what they need to do next year.  
24 So they -- even giving them more time, they're not going to  
25 be able to answer the question.

16:25

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1 A. MR. OSLER: If I could just add because  
2 there is different companies have filed at different times in  
3 different years. I don't think anybody can start the process  
4 much earlier in a useful sense. The questions that surface  
5 from time to time are what else is happening in that year?

6 In this particular year 2011, as I think the  
7 opening statements made clear and experience has shown,  
8 there's an awful lot of things going on including  
9 commissioning of Mayo B and a bunch of other things. Those  
10 affect the ability of senior manager to draw rings and put 16:26  
11 things together. They affect the timing of Boards and  
12 everything else.

13 Why does it vary from year to year? My  
14 experience would be simply not because people started at  
15 different times. It's because of what else was going on when  
16 they were trying to finish it and how many issues were  
17 surfacing that had to be dealt with to make it a useful  
18 filing.

19 I know certainly in this instance people  
20 wanted to make sure they had closure on the Mayo B item and 16:27  
21 the digestion of a few of those things before they completed  
22 their filings. And there are other things.

23 So I don't think you should read what's being  
24 said as saying we always have to file the same date, April,  
25 or something. It can be different, different years as the

1 history has shown.

2 Q. Are you saying that it would be impossible for you to  
3 file a rates application that contemplated no portion of the  
4 revenue requirement that predated the application?

5 A. MR. OSLER: No. To answer your question,  
6 we're not saying it's impossible as a generic point. It's  
7 been done in Yukon by both utilities in the history. I think  
8 YEC may as well have done it in the 2005 application, if my  
9 memory is correct. I think we managed to file it in December  
10 of the year before. And I think we held our workshop in  
11 January if I remember. It was quite cold.

16:28

12 So I think it's been done. The question is,  
13 you know, could it have been done in this particular case,  
14 and from my experience listening to what was going on, no.  
15 It could not have been done in this particular instance given  
16 the types of things that were going on late last year,  
17 earlier this year.

18 Q. So there was difficulty in getting a meeting of the  
19 board of directors?

20 A. MR. MORRISON: No, I did not say that.

16:28

21 Q. No? What did you say in relation to the board of  
22 directors? I believe you indicated there was some difficulty  
23 associated with getting a meeting.

24 A. MR. MORRISON: No. I did not say that. We  
25 have a board meeting scheduled a year ahead. We have a board

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1 meeting in mid December every year.

2 Q. This was February that took place.

3 A. MR. MORRISON: We had another board meeting in  
4 February. But I'm just telling you that we took this -- you  
5 asked me a question, and I explained to you that we get our  
6 budget is finalized by our board of directors every year in  
7 December.

8 Q. How much of the proposed 2012 revenue requirement is  
9 associated with the first four months of the year?

10 A. MR. MORRISON: I'm not -- I don't know how to  
11 answer that question, Mr. Chair.

16:29

12 Q. Well, is there any reason to believe that the first four  
13 months of the year differs substantially in relation to the  
14 revenue requirement than the final eight months of the year?

15 A. MR. MORRISON: Well, the revenue requirement  
16 is an annual revenue requirement, not a monthly revenue  
17 requirement. And but there is certainly no harm in thinking  
18 that, you know, the costs that we incur for purchase of  
19 diesel are higher in the winter than they are in the summer.

20 We do more of our capital work in the summer  
21 than we do in the winter, so, you know, every quarter is  
22 different. Whether one's higher than the other I haven't  
23 done an analysis, but, you know, we do different work at  
24 different points of the year, but we're always busy.

16:30

25 Q. Would it be an exercise that would be relatively easily

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1 done to calculate what the revenue requirement in the first  
2 four months of the year would be?

3 **A. MR. MORRISON: No.**

4 Q. Would it be unfair to assume that the first four months  
5 of the year on the revenue requirement is substantially  
6 similar to the last eight months of the year?

7 **A. MR. MORRISON: You're making assumptions that  
8 I can't help you with, sir.**

9 Q. All I'm saying is that this Board decided to take a tack  
10 in which they said there would be no rate retroactivity, and 16:31  
11 they denied you four months of recovery of that revenue  
12 requirement. Would it be unfair to use the full year as the  
13 basis for the calculation?

14 **A. MR. MORRISON: I would say to you, sir,  
15 Mr. Chair, that if we're denied revenue for a four-month  
16 period, that would be very significant, and it would impair  
17 the financial stability of the company.**

18 Q. That's not my question, sir.

19 **A. MR. MORRISON: The only -- that's the only way  
20 I can answer it. I don't know how to answer it another way.** 16:31

21 Q. No. The question related to if the Board determined  
22 that when they made that calibration would it be unfair to  
23 YEC to make that calculation on the basis of the full year or  
24 on the basis of the specific facts associated with the four  
25 months?

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1 A. MR. MOLLARD: We've never had to deal with  
2 that question in that form. I think to Mr. Morrison's point,  
3 it's unfair to ask us that without a very detailed analysis  
4 of the numbers.

5 A. MR. OSLER: Well, and I would -- going back  
6 to the year of curves and everything, we strongly resisted  
7 being asked by certain people to break things into portions  
8 of years for the reasons of just how much the capital  
9 structure is there and everything else.

10 The bottom line is the application says the  
11 company, in order to make a fair return, needs such and such  
12 for the year in question. To get into what we're talking  
13 about would amount to saying for the first time in Yukon's  
14 history that somebody should arbitrarily take off a certain  
15 portion of that and call it whatever you want to call it.

16:32

16 I think that would be a fairly major  
17 discussion, and professionally I would say it would have a  
18 great deal of difficulty doing an analysis that somebody  
19 might call fair.

20 Q. I wonder if you could look at YECL-YEC-1-1. YEC states  
21 that: (as read)

16:32

22 "The direction in Order 2010-13 to  
23 produce a joint YEC/YECL cost of  
24 service studies within six months of  
25 the expiry of Order in Council 2008-139



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1 is extended by one year to June 30th,

2 2013."

3 Do you see that?

4 A. MR. OSLER: That's the bottom lines of the  
5 page 1.

6 Q. I believe.

7 A. MR. OSLER: Yes, we have it.

8 Q. Okay. And would you please confirm that the cost of  
9 service study filed in June 2014 would be based on the  
10 revenue requirement approved in 2013?

16:33

11 A. MR. OSLER: I can't confirm that.

12 Q. Okay. Why can't you confirm that?

13 A. MR. OSLER: Because my expectation would be  
14 the complete opposite, that in order to file a cost of  
15 service study, it would have to have some joint basis between  
16 the two companies, and there would have to be discussion as  
17 to whether that was going to be a joint filing for 2013 or  
18 2014.

19 So I don't have any -- the key requirement in  
20 Yukon is to get the two companies to come together in a  
21 filing that has a revenue requirement, first of all, that the  
22 Board is addressing that is reasonably coterminous for each  
23 of the two companies in order to provide the basis for what  
24 has come to be called Phase II, namely a cost of service  
25 analysis.

16:34

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1 Q. So it's unlikely that the 2013 revenue requirement would  
2 be the principal driver. It would be effectively the  
3 information exchanged between the two companies?

4 A. MR. OSLER: I don't rule it out, but I  
5 would have expected more likely to be 2014 basis.

6 Q. Okay. Now, I wonder if you could turn up UCG-YEC-1-2,  
7 and YEC states that it did not conduct stakeholder  
8 consultations on the contents of the GRA prior to filing. Is  
9 that correct?

10 A. MR. MORRISON: Well, I would say subject to  
11 accepting the fact that we did do a workshop. Other than  
12 that, no. We did not do consultation. It's not a practice  
13 that we have been accustomed to and not something that I'm  
14 aware of anybody has done certainly in recent years.

16:35

15 Q. So apart from the workshop, that includes no  
16 consultation with intervenors as well as YECL, the  
17 municipalities, and First Nations?

18 A. MR. MORRISON: On the content of the GRA  
19 itself?

20 Q. Yes.

16:36

21 A. MR. MORRISON: Yeah, that's correct.

22 Q. Did the YEC consider consulting at least with respect to  
23 the planned cost accounting and DSM accounting?

24 A. MR. MORRISON: No, sir. It's not been  
25 practice here for either utility to do consultation prior to

1 filing GRA applications.

2 Q. Okay. Now, YEC states in its backgrounder that it needs  
3 a rate increase in part because of the increased power  
4 requirements from all sectors. That's mine, residential,  
5 business, and government that have strained the power grid.  
6 Have I got that correct?

7 A. MR. MORRISON: Essentially, yes.

8 Q. Okay. Now, has YEC provided evidence in this proceeding  
9 that shows the changes in the power requirements by sector  
10 and illustrates how each sector is straining the power grid? 16:36

11 A. MR. MORRISON: Yeah. We have a number of  
12 documents, and maybe Mr. Osler will refer you to one but  
13 certainly the resource plan that's part of this proceeding.  
14 And it's the system, you know -- from my perspective at least  
15 I'd like to look at it as system growth rather than  
16 requirements that are straining the system.

17 We've experienced, I think as everybody knows,  
18 an unprecedented amount of growth in the territory in the  
19 past few years, and our forecast for the continued growth --  
20 and we talked about that in the opening statement -- is very 16:37  
21 significant going forward.

22 Q. And has that been broken down to sort of demands in each  
23 of the sectors?

24 A. MR. MORRISON: We certainly have it as the  
25 sectors, and we certainly talked this morning about the

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1 industrial demand and the residential, which we probably, to  
2 be clear, have grouped together with commercial customers.

3 A. MR. OSLER: Let's just avoid one set of  
4 confusions. YEC -- 90 percent of what YEC sells goes to  
5 wholesaler or major industrials. It's a small portion of its  
6 sales is retail, so we don't really have the database to  
7 discuss, as you would in a cost of service, with the combined  
8 two utilities we're talking about.

9 So the presentations typically discuss  
10 non-industrial, which is an amalgam of any wholesale and any 16:38  
11 retail that we do, which is understandable as a group, versus  
12 industrial, which means major industrial as defined in the  
13 Order in Council.

14 And Mr. Morrison, in his opening remarks,  
15 summarized that saying between 2009 and 2013 the GRA shows  
16 that the growth in gigawatt hours for the nonindustrial  
17 approximates in the forecast 35 gigawatt hours of growth and  
18 in the industrial, major industrial, same time period, the  
19 forecast is about 33.

20 He went on to say, if I remember correctly, 16:39  
21 that more recent information that isn't being used to change  
22 the GRA indicates that the nonindustrial group is growing  
23 faster than the forecast by about 7 gigawatt hours over that  
24 same time period, and the industrial group largely because of  
25 the Minto corrections to what they gave YEC is about

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1 16 gigawatt hours less than the numbers I just gave you.

2 So in that sense we have collectively  
3 information as to industrial versus nonindustrial and the  
4 changes since the last time we had a GRA in terms of what  
5 three forecasts are showing, sir.

6 Q. Okay. YEC states in its background that without the  
7 construction of the Carmacks-Stewart Transmission line stage  
8 1, it would have had an additional 1.2 million in costs per  
9 year and would have required a rate increase of 3.2 percent  
10 in 2009.

16:40

11 YEC also states that without connecting its  
12 two grids and without Mayo B and the Aishihik Third Turbine,  
13 it would have incurred additional diesel costs of 7.6 million  
14 in 2012 and 8.2 million in 2013. Am I correct on that?

15 A. MR. OSLER: Yes. And the source -- I mean  
16 the background is a summary, but the source for that  
17 information is in the filing in tab 1 in the areas from page  
18 1-3 to page 1-5 which sort of gives the information base  
19 behind that summary.

20 Q. Okay. Could YEC confirm that these additional costs  
21 were actually resulting from the addition of mining loads  
22 that are being served off the grid instead of through onsite  
23 generation?

16:40

24 A. MR. MORRISON: Sorry. I just want to make  
25 sure that I heard this question correctly. Did you say

**C. OSLER, D. MORRISON, E. MOLLARD****Cross-Examined by Mr. Janigan**

1 **mining loads are being serviced off the grid?**

2 Q. That's correct.

3 **A. MR. MORRISON: This doesn't have anything to**  
4 **do with mining loads that are being served off the grid.**

5 **A. MR. OSLER: So can't confirm.**

6 **A. MR. MORRISON: So I can't confirm.**

7 Q. Okay. I wonder if you could turn up UCG YEC 1-3 B.

8 **THE CHAIR: Could you just repeat that**  
9 **reference, please?**

10 **MR. JANIGAN: Sure.**

16:41

11 Q. **MR. JANIGAN: It's UCG YEC 1-3 B.**

12 **THE CHAIR: Thank you.**

13 Q. **MR. JANIGAN: And in that YEC stated that**  
14 **Order in Council 2012-68 is a specific direction of the Yukon**  
15 **Government and UCG's question regarding YEC's participation**  
16 **in its development was out of scope of the current**  
17 **proceeding.**

18 **In its order, 2012-08, the YUB indicated that**  
19 **any further clarification of YEC's response can be addressed**  
20 **at the oral hearing.**

16:42

21 **So my question is was YEC consulted and/or**  
22 **provided information to the Yukon Government during**  
23 **development of the Order in Council 2012-68 which was**  
24 **introduced the day before YEC submitted its application?**

25 **A. MR. MORRISON: Mr. Chair, it would be helpful**

## C. OSLER, D. MORRISON, E. MOLLARD

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1 -- my memory is not as good as it should be probably, but I  
2 don't have a copy of that order in front of me. So I'd like  
3 to -- if I can take a minute, we can just see if we can get  
4 clear about what it is.

5 THE CHAIR: Mr. Morrison, it might be in  
6 one of the tabs.

7 A. MR. MORRISON: I just want to --

8 THE CHAIR: Please do.

9 A. MR. MORRISON: -- take a second.

10 Mr. Chair, nothing more than to provide some  
11 history and background on the existing orders in council that  
12 predate this in the same subject.

16:43

13 Q. MR. JANIGAN: Thank you, Mr. Morrison.

14 Did YEC delay its GRA application in order for  
15 Order in Council 2012-68 to be enacted in advance?

16 A. MR. MORRISON: No, we didn't delay it for that  
17 purpose, no.

18 Q. Okay. With respect to UCG YEC-1-45-D, YEC stated that  
19 in July, they were not able to calculate the percentage rate  
20 increase required in 2012 for all rate classes assuming  
21 industrial rates were increased at the same level and  
22 assuming that YEC is only allowed to recover the proposed  
23 incremental 2012 revenue requirement for eight months instead  
24 of 12 months because the monthly breakdown of the proposed  
25 2012 revenue requirement had not yet been developed.

16:44

## C. OSLER, D. MORRISON, E. MOLLARD

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1 I take it from your answers today that you  
2 would still be unable to provide that information.

3 A. MR. MORRISON: First, Mr. Chair, can we get  
4 the reference again? Is it 1-44?

5 Q. 1-45 D.

6 A. MR. MORRISON: If we can just take a second.  
7 We were looking at 1-44.

8 THE CHAIR: Mr. Janigan, can you just  
9 confirm that it's -- did you say B or G?

10 MR. JANIGAN: I said D as in dog. 16:45

11 THE CHAIR: D as in dog. Okay.

12 A. MR. OSLER: Okay. We're back to trying to  
13 break the revenue requirement into time periods which we've  
14 already answered.

15 Q. So the answer would still be that you couldn't do it at  
16 this juncture either?

17 A. MR. OSLER: It's not so much at this  
18 juncture; it's at this time could be deleted.

19 Q. You don't want to do it, and you can't do it; right?

20 A. MR. OSLER: Certainly not that I can think 16:45  
21 of at the moment. I certainly don't want to do it. I can  
22 make sure. That's a truthful answer if ever there was one.

23 Q. Let me then turn to the area of load forecast. In the  
24 joint agreement on outstanding matters from the 2008-2009 GRA  
25 Phase II, which is Exhibit B-9 Appendix A, YEC and YECL



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1 proposed to reevaluate the cost allocation to various rate  
2 classes to ensure that the results are consistent with load  
3 characteristics in Yukon.

4 Among other things, the YUB 2010-13 order  
5 directed YEC and YECL to collaborate to identify and select  
6 appropriate cost effective measures that will effectively  
7 measure actual Yukon specific customer loads -- they have a  
8 proxy study -- so that the ATCO Alberta models can be  
9 calibrated to provide reliable Yukon specific load  
10 information and to implement these measures prior to the next 16:47  
11 Phase II application. Do you see that?

12 A. MR. MORRISON: Well, I don't. I don't have  
13 the exhibit in front of me, but I was paying particularly  
14 close attention. And, Mr. Chair, it's not something we've  
15 done.

16 Q. Okay. And the reason that hasn't been done is?

17 A. MR. MORRISON: Well, I can think of all kinds  
18 of excuses, but I'm not sure I could think of a reason. So  
19 it's just not a matter that we've addressed ourselves to.

20 Q. Because of time or because of -- 16:47

21 A. MR. MORRISON: I would imagine because of all  
22 of those - time and staff and our ability to be dealing with  
23 this rate application, and a whole list of things.

24 A. MR. OSLER: Essentially, I assume the  
25 utilities, because it's a joint direction, would put their

1 minds to when -- put their minds to it when they're looking  
2 at getting the cost of service pulled together. And with the  
3 order in council you read out, that has been deferred for at  
4 least another year.

5 So in practical terms with busy people, they  
6 tend to get their minds focused on doing those things when  
7 they see that they're actually putting together a package six  
8 or 12 months away.

9 Q. All I'm noting is that this order is two years old. Is  
10 there any indication when this sort of information can be  
11 developed? 16:48

12 A. MR. MORRISON: Sorry, Mr. Chair. I think  
13 Mr. Osler's answer was fairly precise in that regard. It's  
14 something that we would see us doing together with our  
15 colleagues from Yukon Electric when we look at the cost of  
16 service study.

17 Q. Do you have it in your business plan?

18 A. MR. MORRISON: I don't know what to answer,  
19 Mr. Chair. I just answered the question.

20 Q. No, you didn't. You hope to do it in the future, but -- 16:49

21 A. MR. MORRISON: I said when we sit down to do  
22 the cost of service study, we would do this work.

23 Q. Okay. And have you put that in your business plan? I  
24 assume you have a business plan.

25 A. MR. MORRISON: We have a business plan. We

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1 are duly noted that this work will be done when we do our  
2 cost of service study.

3 Q. Now, in response to UCG YEC-1-10, YEC refers to reports  
4 on their website to explain their statement that ongoing  
5 nonindustrial growth reflects overall Yukon economic  
6 expansion plus other factors such as an apparent increase in  
7 reliance on electric heat. Do you see that?

8 A. MR. MORRISON: Yes, I see that.

9 Q. Okay. And I wonder if you can turn up Tab 4 of  
10 Exhibit C-3-24.

16:50

11 A. MR. MORRISON: Okay.

12 Q. And I wonder, this is the Yukon Electricity Conservation  
13 and Demand Potential Review that was submitted by the  
14 consultants ICF Marbek to the Yukon Energy Yukon Electrical  
15 Company, Government of Yukon on the 9th of January, 2012.

16 A. MR. MORRISON: It's a few pages from that  
17 study.

18 Q. It's a few pages.

19 A. MR. MORRISON: Yeah.

20 Q. You're correct, Mr. Morrison?

16:51

21 A. MR. MORRISON: Yeah.

22 Q. And I wonder if you could look on page 92, and about  
23 halfway down the page it says: (as read)

24 "The initial discussion focused on  
25 existing single detached homes on the

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Cross-Examined by Mr. Janigan

1 hydro grid. Participants believed  
2 participation would be somehow lower in  
3 attached homes. The measure does not  
4 apply off the hydro grid because  
5 electric heating is negligible there."

6 And then if you turn over to page 93, and it has: (as read)

7 "The initial discussion focused on  
8 existing single detached homes on the  
9 hydro grid. Participants did not note  
10 any likely differences in the adoption  
11 rate for detached homes or government  
12 homes. The measure does not apply in  
13 the diesel grid communities because of  
14 the lack of electric heat in those  
15 communities."

16:52

16 And my question is: Where exactly is the increase in  
17 electric heating supposed to occur? Is it only in YECL  
18 service communities, and what is it based on?

19 **A. MR. MORRISON:** Well, the question is -- you're  
20 right, it's primarily in YECL service communities because  
21 they service the largest community in the territory,  
22 Whitehorse, and the greatest amount of electric heat being  
23 utilized across the territory is being utilized in  
24 Whitehorse.

16:52

25 I think the two statements -- at least the

C. OSLER, D. MORRISON, E. MOLLARD

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1 last one -- refers to diesel communities where theoretically  
2 customers are not permitted to be using electric heat in  
3 those communities.

4 Now, having said that a number -- the size of  
5 that community basket that used to exist is much smaller  
6 these days because we now have Dawson and Mayo and Pelly and  
7 others on the grid. So obviously that prescription that they  
8 couldn't use electric heat has gone away. But certainly by  
9 far the vast majority of the electric heating customers in  
10 this territory are in YECL's served areas. But having said  
11 that YECL buys its power from us, and so therefore it's our  
12 generation load that's being driven by the increasing  
13 consumption all around.

16:53

14 Q. Thank you. I wonder if you could turn up  
15 UCG-YEC-1-19-C.

16 A. MR. MORRISON: I think we have it.

17 Q. Okay. And YEC indicates there that in the fall of the  
18 preceding year YECL typically provides YEC with a business  
19 plan load forecast for the purchase of power for the upcoming  
20 year. And my first question is: Has YECL provided its  
21 forecast for purchased power for 2013?

16:54

22 A. MR. MOLLARD: Yes, we have it.

23 Q. And how does YECL's forecast compare to YEC forecast  
24 within the application?

25 A. MR. MORRISON: Well, according to the table,

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1 it's about another six gig -- can you just give us...

2 Q. Sure.

3 A. MR. OSLER: Just to be clear, what  
4 you're -- it's late in the day. Looking at the table, that's  
5 on the page that's comparisons relating to the GRA as filed,  
6 I believe. YEC has received, as part of its annual process,  
7 an exchange of information on the next year, and that leads  
8 to YEC's business planning purposes for the next year.

9 And overall -- I can get more detail, but when  
10 we said 7 gigawatt hours nonindustrial growth over and above  
11 what was in the GRA I was referring to that source as  
12 provided to us by the YEC side.

16:56

13 I'm not saying YECL necessarily went as high  
14 as that, but putting together YECL's information, YEC's  
15 information, I'm informed that's the business plan update.  
16 And that would all be in the year -- well, a lot of it would  
17 be for 2013. It might be before that, too. It may have been  
18 a bit more in 2012 as well.

19 Q. Is it possible to get just a brief update with the  
20 comparison contained therein between YECL's forecasts and  
21 what you have in the application?

16:56

22 A. MR. MORRISON: I just want to talk to my  
23 colleague.

24 A. MR. MOLLARD: I can give you what was  
25 provided to us from YECL as an initial round for the sales

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1 forecast for 2013, but we haven't finished going back and  
2 forth on what that final number will be, so it will only be  
3 the one number.

4 A. MR. MORRISON: And we haven't updated that  
5 number for the purposes of this GRA.

6 Q. Okay. Well, I'll take what you've got.

7 UNDERTAKING - TO PROVIDE A BRIEF UPDATE  
8 WITH THE COMPARISON CONTAINED THEREIN  
9 BETWEEN YECL'S FORECASTS AND WHAT IS IN  
10 THE APPLICATION

16:57

11 THE CHAIR: Mr. Janigan, I notice by 4:57.  
12 You're welcome to continue for a little longer if you're in  
13 the middle, but I'll leave it up to you to decide on the best  
14 point to break.

15 MR. JANIGAN: I'll ask one more question.

16 THE CHAIR: Certainly.

17 MR. JANIGAN: Then we'll pack it in.

18 Q. MR. JANIGAN: In relation to UCG-YEC-1-20,  
19 YEC provides actual sales -- sorry, I'll slow it down there.

20 UCG-YEC-1-20: (as read)

16:58

21 "YEC provides actual sales measured and  
22 bill demand for three industrial  
23 customers for January to May 2012."

24 What were the measured demands for the Minto and Alexco mines  
25 in June to October?

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1 A. MR. OSLER: You're asking for what is not  
2 in these tables; correct? You're asking for the next  
3 quarter.

4 Q. That's correct.

5 A. MR. OSLER: Well, there's nobody on the  
6 panel that, of course, has that information at their  
7 fingertips.

8 Q. Is it possible to obtain it from the...

9 A. MR. OSLER: If you wanted -- you're looking  
10 at, by-month numbers, etcetera. I mean, I think if you  
11 looked at the annual number updated, if that's what you're  
12 asking.

13 Q. Mm-hm.

14 A. MR. OSLER: As distinct from all the detail  
15 that's here, we could look at whether or not we could get it  
16 to you for the different mines. What's our best estimate --  
17 I said it to you earlier the Minto number has gone way down,  
18 and I presume YEC has information for other customers, and we  
19 could summarize it, but not by month, please.

20 Q. Okay. Well, whatever you can do we'd be appreciative  
21 of.

22 A. MR. OSLER: Thank you.

23 UNDERTAKING - TO DETERMINE WHAT THE  
24 MEASURED DEMANDS WERE FOR THE MINTO AND  
25 ALEXCO MINES IN JUNE TO OCTOBER

16:59

16:59



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Cross-Examined by Mr. Janigan

1 Q. MR. JANIGAN: What's the power factor for  
2 these loads?

3 A. MR. OSLER: Off the top of our heads, we  
4 wouldn't know. We often talk about a 90 percent power factor  
5 in discussions, but I don't know what in fact the power  
6 factor is. I'd have to get it -- I'm not even sure.

7 Do we know? I guess we should know.

8 Q. If you could obtain that information.

9 A. MR. OSLER: We will inquire if the  
10 information is available.

17:00

11 Q. Thank you.

12 UNDERTAKING - TO PROVIDE THE POWER  
13 FACTOR FOR THE LOADS FOR THE MINTO AND  
14 ALEXCO MINES IN JUNE TO OCTOBER

15 A. MR. OSLER: And if it is available and we  
16 can get it quickly to you, we will.

17 Q. MR. JANIGAN: And does YEC have any other  
18 customers with a peak demand that hits one megawatt in any  
19 month?

20 A. MR. MORRISON: Other than these customers?

17:00

21 Q. Yes.

22 A. MR. MORRISON: And sorry, again. Did you say  
23 YEC?

24 Q. Yes.

25 A. MR. OSLER: Other than our wholesale

1 consumer, I don't believe so, no.

2 Q. Okay.

3 MR. JANIGAN: All right. I think that I can  
4 stop there, and we can start again tomorrow morning.

5 THE CHAIR: Okay. Thank you very much. So  
6 we'll resume again tomorrow at 9 a.m., and I'll just remind  
7 you you're still on the panel.

8 A. MR. MORRISON: Yes.

9

10 PROCEEDINGS ADJOURNED TO TUESDAY, NOVEMBER 13, 2012, 9 A.M.

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1 Certificate of Transcript

2

3 We, the undersigned, hereby certify that the foregoing pages  
4 1 to 195 are a complete and accurate transcript of the  
5 proceedings taken down by us in shorthand and transcribed  
6 from our shorthand notes to the best of our skill and  
7 ability.

8 Dated at the City of Whitehorse, Territory of  
9 Yukon, on November 12, 2012.

10

11

12

\_\_\_\_\_ "A. Jones"

13

A. Jones, CSR(A)

14

Official Court Reporter

15

16

\_\_\_\_\_ "M. Allred"

17

M. Allred, CSR(A) RPR

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Official Court Reporter

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(For Yukon Energy Corporation)

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