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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 2  
November 13, 2012  
Whitehorse, Yukon

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

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5 November 13, 2012

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20

THE CHAIR: Be seated.

21

22

23

24

25

Good morning, everybody. Just for your information, I understand the transcripts from yesterday are available on the YUB website if anybody needs to make reference to them.

Then the other thing, I guess, just ask if

09:02

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

## Undertaking Responses

1 there are any preliminary matters. Mr. Landry.

2 MR. LANDRY: Yes, sir. Excuse me. We do  
3 have one response to an undertaking, and I should point out  
4 for the record that the court reporters have put at the back  
5 a list of undertakings on the transcript, and so we'll try  
6 to, from now on, refer to that list of undertakings. And I  
7 think at one point in time when it's appropriate, we'll give  
8 a list of those undertakings we think we have responded to or  
9 we believe we have responded to so that people have a record  
10 of that.

09:03

11 THE CHAIR: Thank you.

12

13 C. OSLER, D. MORRISON, E. MOLLARD (For Yukon Energy  
14 Corporation), previously sworn

15 UNDERTAKING RESPONSES:

16 MR. LANDRY: Mr. Mollard, you have an  
17 undertaking response?

18 A. MR. MOLLARD: Yes. Mr. Chair, I'm referring  
19 to undertaking described on page 199 of the transcript, lines  
20 6 through 8, and it's cross-referenced to page 100 of the  
21 transcript. It reads, "To determine the most recent  
22 consensus forecast for the long-term Canada Bonds 2013."

09:03

23 At the time of our filing when we were  
24 preparing the application between a period February to April,  
25 the rates were 2.57 to 2.77 percent. In the most recent Bank

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1 of Canada published rates, November 2nd to 8th, the rate  
2 varied between 2.31 and 2.38.

3 MR. LANDRY: Thank you.

4 That's all of the preliminary matters I have,  
5 sir.

6 THE CHAIR: Okay. Thank you very much.

7 So I'll turn it back over to UCG and Mr.  
8 Janigan. You can begin where you left off yesterday.

9 MR. JANIGAN: Thank you very much, Mr. Chair.

10 **MR. JANIGAN CROSS-EXAMINES THE PANEL:**

09:04

11 Q. Good morning, panel. I'd just like to revisit a  
12 question which I think I may have misphrased yesterday  
13 dealing with mining being served off the grid, and that was  
14 down at the bottom of the transcript at page 181 and the top  
15 of 182.

16 And if I could phrase the question this way,  
17 which I think makes it clear that I'm not referring to mining  
18 loads that are not served with power from the grid. Could  
19 YEC confirm that these additional costs were actually  
20 resulting from the addition of mining loads that are being  
21 served power from the grid instead of through on-site  
22 generation?

09:05

23 A. MR. MORRISON: Could you -- can we have the  
24 whole question?

25 A. MR. OSLER: Yeah, what was it leading into

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1 in terms of context?

2 Q. We were talking about in the section concerning the --  
3 from what was in the background and, in particular, the  
4 construction of the Carmacks-to-Stewart line and the saving  
5 of costs; and we went from that to the question which I  
6 misphrased yesterday.

7 Could YEC confirm that these additional costs  
8 were actually resulting from the addition of mining loads  
9 that are being served power from the grid instead of through  
10 on-site generation?

09:06

11 A. MR. OSLER: I guess the problem I'm still  
12 having is I'm not sure what the phrase "these additional  
13 costs" means.

14 Q. If you look in the backgrounder or in the transcript  
15 itself, I suppose, that -- I'll read the whole preamble  
16 rather than paraphrasing it.

17 A. MR. OSLER: Right.

18 Q. (as read)

19 "YEC states in its backgrounder that  
20 without the construction of the  
21 Carmacks-to-Stewart line, stage 1, it  
22 would have had an additional 1.2  
23 million in costs per year and would  
24 have required a rate increase of 3.2  
25 percent in 2009. YEC also states that

09:06

C. OSLER, D. MORRISON, E. MOLLARD

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1 without connecting its two grids and  
2 without Mayo B and its Aishihik third  
3 turbine, it would have incurred  
4 additional diesel costs of 7.6 million  
5 in 2012 and 8.2 million in 2013."

6 A. MR. OSLER: Okay. It is not a simple  
7 question. The first part of what that paper reads out deals  
8 with evidence from the last GRA, and the statement that the  
9 spending of the monies to hook up the Minto mine led to a  
10 decrease in rates, essentially.

09:07

11 And so the analysis that was done at that time  
12 said, if you didn't spend that money, we would have had to  
13 have had higher rates, okay? So you can't say the mine  
14 caused higher rates. It did the exact opposite.

15 If you fast forward to the reality that the  
16 system keeps growing, mines and otherwise, we have to parse  
17 out how much one segment versus the other segment causes  
18 ongoing growth.

19 And I think the thrust of our submissions is  
20 that that isn't a fruitful exercise, that growth is growth,  
21 and we have to deal with it. And it's happening all over the  
22 place. It's not just happening in one sector or the other  
23 sector.

09:08

24 So I can't give you an answer going forward,  
25 either, that's very helpful to you in terms of yes or no.

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 Q. Okay. Now, I don't want to revisit what my friend was  
2 asking you about concerning the Whitehorse Copper Tailings  
3 situation, with the exception of a couple things.

4 Is it possible that YEC could provide a copy  
5 of the documents relating to the deemed franchises granted to  
6 its predecessor and YECL pursuant to the Public Utilities Act  
7 that spell out service territories?

8 A. MR. MORRISON: Mr. Chair, if I understand the  
9 question correctly, I think Mr. Janigan is asking for an NCPC  
10 franchise. I don't have a document as such, and I don't have  
11 anything relating to YECL. That would be -- you know, you'd  
12 have to get that from YECL.

09:09

13 Q. Okay. Any -- I would assume that probably it would  
14 relate to an information request to the Yukon government  
15 where those documents could be obtained?

16 A. MR. MORRISON: Well, I have no idea whether  
17 the Yukon government would have a federal government  
18 document.

19 Q. Okay.

20 A. MR. MORRISON: NCPC document -- I don't know  
21 where we would get one.

09:09

22 A. MR. OSLER: Sir, I'm not sure from memory  
23 that there ever was -- I've never seen such a document for  
24 NCPC, YECL or YEC. Just -- it may exist, but I've never seen  
25 it.

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1                    Secondly, NCPC was a federal company, federal  
2 Crown, and I'm not sure it needed anything more than the  
3 government of Canada saying it's off and running. The  
4 context of the transfer, if you check the Act and some other  
5 materials, you'll see what was enacted at the time, 1987,  
6 that YEC came into existence and the provisions that were  
7 made by statutes and otherwise for it to have authority to  
8 act in areas in Yukon.

9                    So I can give you those references.

10 Q.    Thank you. And the only other question I have in this  
11 area is just to confirm from yesterday's that, in fact, it's  
12 YECL that owns the power line to Whitehorse Copper?

09:10

13 A.    MR. MORRISON:                    YECL has a line to Whitehorse  
14 Copper, yes.

15 Q.    All right. I'd like to start on another area involving  
16 rate base and capital expenditures. And I wonder if you  
17 could turn up Table 5.1 of your evidence on page 5-50.

18                    And if you have that, I believe it notes that  
19 the total capital expenditures for 2012 and 2013 are proposed  
20 to be 23.921 million and 23.713 million; is that correct?

09:11

21 A.    MR. MOLLARD:                    Just to be clear, Mr. Chair,  
22 those would be the value of projects added into rate base for  
23 the year, not necessarily the expenditures for the year.

24 Q.    So those were simply the total capital expenditures for  
25 projects, not for the total amount of capital expenditures;



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Cross-examined by Mr. Janigan

1 is that correct?

2 A. MR. MOLLARD: Yes.

3 Q. Okay. And how much of this 47.634 million is expected  
4 to be added to rate base during the test years?

5 A. MR. MOLLARD: I believe that is just below on  
6 the table 25,613 in 2012 and 10,114 in 2013. So about  
7 35,700,000 thereabouts.

8 Q. And what benefits or savings are being provided to  
9 ratepayers to offset this additional revenue requirement?

10 A. MR. MORRISON: Doesn't -- first of all, let me 09:13  
11 just -- can I borrow that page for a minute? Actually, I'll  
12 borrow this one because his is printed too small. I can't  
13 read it. What are we talking about here?

14 The benefit -- there's two issues, I think,  
15 wrapped up in the question. One is that a number of these  
16 projects are replacements of capital assets that have existed  
17 for a number of years. So there's an upgrading of the  
18 capital plant.

19 And the benefit to ratepayers is clearly in  
20 reliability. You know, if generating assets or transmission 09:13  
21 assets aren't upgraded or maintained, they're going to fail  
22 over a period of time.

23 So within this same group, there will be work  
24 done to look at -- and part of this, as an example, I would  
25 say is the Mayo substation.

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Cross-examined by Mr. Janigan

1 Mayo substation is 50 years old. You know, we  
2 had some outside consultants come in and look at it. They  
3 told us it needed replacement. We are replacing it. Part of  
4 it -- work done at Aishihik. Part of this capital plant  
5 could be Mayo B work that was done previous years.

6 So the Mayo B Aishihik Mayo substation plus  
7 the upgrades of various capital assets in the system all  
8 provide benefit. Don't necessarily provide, you know, a  
9 number that I can point to with each project because some  
10 projects don't have a savings in the sense the savings is  
11 that we don't have outages and we don't run diesel.

09:14

12 Q. Does YEC have an asset management plan from which it  
13 plans its capital expenditures several years in advance?

14 A. MR. MORRISON: Yes. We have a five-year  
15 capital plan.

16 Q. And how much of the proposed rate increases for 2012 and  
17 2013 are driven by the capital expenditures that are being  
18 added to rate base in 2009 through 2013?

19 A. MR. OSLER: If you -- in terms of --  
20 there's no simple number that leaps out, but the Table 3.1 of  
21 the submission at page 3-2 summarizes the changes under  
22 several key headings. One of them is return on rate base.  
23 Another one is depreciation and amortization.

09:15

24 And one can look at those and get a feel as to  
25 how much the revenue requirement is going up. The increase

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Cross-examined by Mr. Janigan

1 in the revenue requirement is due to those factors. Those  
2 factors being driven by increments to the capital rate base  
3 that's being brought in.

4 I'm just trying to check. We summarized some  
5 of this when we did the workshop -- and I don't have the  
6 exhibit number from the workshop PowerPoint. But in summary,  
7 the increase between 2009 and 2013 in the revenue requirement  
8 number is 14.6 million dollars or 47 percent increase. The  
9 return on rate base increases 3.6 million or 35 percent and  
10 constitutes 31 percent of the total increase. The increase  
11 in depreciation and amortization increased by 3.1 million and  
12 46 percent increase compared to 2009 approved and constituted  
13 21.9 percent of the overall 14.6 million dollar revenue  
14 requirement increase.

09:17

15 So that gives you a flavor, sir, at the level  
16 of -- -you know, relatively high level without trying to dive  
17 down.

18 I think Mr. Morrison said in his opening that  
19 if you're looking at return on rate base, it would be  
20 affected by two things. He didn't say -- he didn't get into  
21 this detail, but one of them is the question you're asking,  
22 how much of it has increased? The other one would be the  
23 extent to which the return for debt in equity applied to the  
24 rate base has changed. And the evidence is it's gone down.

09:18

25 So the degree to which return on rate base is

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Cross-examined by Mr. Janigan

1 growing is bigger than what I'm indicating here because the  
2 return on rate base is not at the same average cost of  
3 capital. It went down from somewhere around 7 percent to  
4 somewhere above 5 percent. But it's in Mr. Morrison's  
5 presentation.

6 So if you take all that, you get the point  
7 that it's fairly important. It's constituting a material  
8 part of the growth in revenue requirement. And it's very  
9 important to keep in mind.

10 Q. Thank you. And am I correct that the -- given the  
11 requirement to fund capital expenditures through debt and  
12 equity, that the YEC borrowings -- plan borrowings that are  
13 set out on 3-27 represent what you intend to -- how you  
14 intend to finance these capital expenditures in 2012 and  
15 2013?

09:18

16 A. MR. MORRISON: Sir, you are referring to page  
17 3-27, which is referring to the summary of the borrowings?  
18 Is that --

19 Q. Yes.

20 A. MR. MORRISON: Thank you.

09:19

21 Q. And those are the borrowings that are associated with  
22 the borrowings for the capital expenditures?

23 Sorry, go ahead.

24 A. MR. OSLER: I'm just letting Mr. Mollard  
25 look at it. You're okay with it?

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 A. MR. MOLLARD: Yes.

2 Q. And how much of the capital expenditures in 2012 and  
3 2013 relate to projects that were included in the resource  
4 plan submitted to the YUB in 2006?

5 A. MR. OSLER: How much of the capital  
6 expenditures in 2012 and 2013? That was the first part of  
7 that?

8 Q. Yes.

9 A. MR. OSLER: I -- in terms of the chapter 4  
10 of the resource plan submitted in 2006 which was near-term  
11 projects, I wouldn't think there's very much of it overall.  
12 I mean, some parts of -- you're in 2012, so it's the tail end  
13 of -- we didn't even have Mayo B in the list -- the short  
14 list.

09:20

15 So Aishihik Third Turbine would be the only  
16 one on the list. So whatever costs are trailing over into  
17 2012 from Aishihik Third Turbine. Marsh Lake was mentioned  
18 but withdrawn.

19 So I don't think there's much, sir, is my  
20 summary.

09:20

21 Q. Okay. And in response to UCG-YEC-1-47-A, YEC indicated  
22 that the tests it uses to justify the feasibility of a  
23 proposed capital project are that, (a) the project is  
24 required to maintain service levels and as a reinvestment in  
25 assets. And I believe that's what Mr. Morrison dealt with

**C. OSLER, D. MORRISON, E. MOLLARD****Cross-examined by Mr. Janigan**

1 earlier. Or (b) the project will help to reduce rates as  
2 compared to other alternatives.

3 Let me ask you, first of all, with respect to  
4 B. It indicates the project will help reduce rates. Are  
5 those rates for those ratepayers that will be served by the  
6 project or rates across the board for all YEC customers?

7 **A. MR. OSLER:** They would be rates for all YEC  
8 customers.

9 Q. Okay.

10 **A. MR. OSLER:** And frankly, given the way  
11 things work in Yukon for all Yukon customers, because rates  
12 are integrated between the two utilities, so it's whether  
13 you're served in Watson Lake by YEC or you're served in  
14 Whitehorse by YECL but using YEC power, the rates are the  
15 same.

16 Q. Thank you.

17 **A. MR. OSLER:** Essentially. I mean, in terms  
18 of...

19 Q. And is it fair to say that all projects are undertaken  
20 if they have an NPV of 1?

21 **A. MR. OSLER:** No.

22 Q. No? Will they sometimes have less?

23 **A. MR. OSLER:** Well, sometimes they wouldn't  
24 have an NPV because you're -- I mean, let's translate here,  
25 because -- and net present value is what you mean by NPV?

09:22

09:22

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 Q. Yes.

2 A. MR. OSLER: When you say 1, you're assuming  
3 a cost benefit ratio?

4 Q. Yes, that's what I said --

5 A. MR. OSLER: -- of some type? There's a lot  
6 of things in the question --

7 Q. Yes.

8 A. MR. OSLER: -- for people to understand it.  
9 So in order for there to be an NPV at all of a cost benefit  
10 ratio type, we'd have to have a comparison of costs and  
11 benefits. And if we're looking at some projects, you would  
12 understand that -- Mr. Morrison has already said -- they  
13 don't have that type of a calculus to them. They're done  
14 because they have to be done to fix the system. And the  
15 question is: Have we found the -- has YEC found the most  
16 efficient, effective way to do that? But there isn't a cost  
17 benefit ratio calculation.

18 In the ones that I think you were asking about  
19 where we're -- where the rationale for the project is to  
20 produce savings, there would be an assessment, okay, of --  
21 okay, how much diesel is saved versus what's the cost? And  
22 then I still would say no. It has to have at least one,  
23 would be the argument. But generally speaking, prudence  
24 would suggest that you'd like to have it a bit higher than  
25 that to cover off risks and everything else.

09:23

09:23

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1                   So it isn't just a simple: Is it 1 or better?

2 You've got to go and look at all the factors and, indeed, YEC

3 does.

4 Q. Yeah, I meant to exclude the replacement -- the

5 existing --

6 A. MR. OSLER:                   I'm just trying to make sure

7 the --

8 Q. Okay.

9 A. MR. OSLER:                   -- record is clear, sir.

10 Q. Okay. So for the others, then, you would have to be at 09:24

11 least 1 before you'd undertake the project.

12 A. MR. OSLER:                   For the cases where you're

13 alleging you're saving money while, you want to make sure

14 your savings exceed your costs, which is what being greater

15 than 1 means.

16 Q. Okay.

17 A. MR. OSLER:                   Over the life of the project.

18 That's why you do present value.

19 Q. And for the major capital projects listed on Table 5.2,

20 I was going to go through this, but I think it would be 09:24

21 better off of an undertaking to save some time. Can you

22 identify which of these two tests allowed expenditures on

23 each of those projects to proceed?

24 A. MR. MORRISON:               The printing is so small I

25 can't see it even with a magnifying glass.



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

Cross-examined by Mr. Janigan

1 Q. I feel your pain, brother.

2 A. MR. OSLER: Are you talking -- Table 5.2  
3 has a listing -- are you talking about the major projects?

4 Q. Yes.

5 A. MR. OSLER: So the top group.

6 Q. Yes.

7 A. MR. OSLER: It might --

8 A. MR. MORRISON: Let's go through Mayo B --  
9 we're talking about the net present value --

10 A. MR. OSLER: Which ones are cost savings  
11 versus which ones are done --

12 A. MR. MORRISON: Well, the cost savings would be  
13 the Carmacks-Stewart transmission line, Mayo B, Aishihik  
14 third turbine -- well, may have been -- LNG, but it's...

15 A. MR. OSLER: If it's done, it will be --

16 A. MR. MORRISON: If it's done, it would be for  
17 cost savings. And the rest of those are, either haven't been  
18 done or are replacement, as I spoke about, like, similar to  
19 the Mayo A substation replacement or customer connections,  
20 which they pay for, but we haven't done any of those.

21 Q. Okay. In response to interrogatory UCG-YEC-1-48-A, if  
22 you can turn that up. YEC could not confirm the final cost  
23 of the Carmacks-Stewart Transmission Project, stage 2, that  
24 was energized in June 2011, nor would YEC confirm that no  
25 matter what the final capital cost is for this project, YEC

09:25

09:26

**C. OSLER, D. MORRISON, E. MOLLARD****Cross-examined by Mr. Janigan**

1 would be provided contributions to offset all capital costs.

2 Have I summarized your answer correctly?

3 **A. MR. MOLLARD: Yes.**

4 **Q. Okay. Do you now know the final costs of this project?**

5 **A. MR. MOLLARD: No.**

6 **Q. And how much of the total costs will be covered by**  
7 **contributions from the federal and Yukon governments?**

8 **A. MR. MOLLARD: 41.9 million.**

9 **Q. And I wonder if you could turn up UCG-YEC-1-49-A. YEC**  
10 **could not confirm the final cost of the Mayo Hydro**  
11 **Enhancement Project that was commissioned in December 2011,**  
12 **nor would YEC confirm that, no matter what the final capital**  
13 **cost is for this project, the net rate base addition will be**  
14 **no more than 35 million.**

09:27

15 **Did I summarize the answer correctly?**

16 **A. MR. MOLLARD: Yes.**

17 **Q. First of all, do you now know the final costs of this**  
18 **project?**

19 **A. MR. MOLLARD: No.**

20 **Q. And secondly, what is the rate base impact of this**  
21 **project?**

09:28

22 **A. MR. MOLLARD: In the application, it's 35**  
23 **million.**

24 **Q. Okay. There's no information that you have now to**  
25 **depart from that figure.**

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 A. MR. MOLLARD: I do not.

2 Q. Okay. In response to UCG-YEC-1-50-A, YEC stated that  
3 any project review pursuant to Part 3 of the Public Utilities  
4 Act requires an Order-in-Council designating a project as a  
5 regulated project under the Public Utilities Act. Do you  
6 have that before you?

7 A. MR. OSLER: That's true.

8 Q. And what would the process be to inform the minister  
9 responsible when a major capital project is being  
10 contemplated and should be considered for review under Part 3  
11 of the Public Utilities Act? 09:28

12 A. MR. MORRISON: Well, Mr. Chair, we do a fairly  
13 regular and formal update to the minister on what our  
14 activities are. We write the minister a quarterly report on  
15 what our activities are, so the minister would be well aware  
16 of major projects going forward from our board of directors.

17 The process for a Part 3 is entirely a  
18 government process. It's a decision that government makes.  
19 I'm sure the minister, in conjunction with his colleagues, is  
20 not a process that YEC is party to until and as such time as  
21 there has been a Part 3 process -- or a project has been  
22 established as a regulated process and a process or a part 3  
23 hearing established. 09:29

24 Q. Does YEC make recommendations to the minister regarding  
25 which projects should be reviewed?

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 A. MR. MORRISON: No, we don't, sir.

2 Q. Okay. But I assume that it's on the basis of the  
3 information that you provided the minister that the minister  
4 makes his determination?

5 A. MR. MORRISON: I would think that's a fair  
6 assumption, but...

7 Q. Okay. I wonder if I could turn to UCG-YEC-2-9. And YEC  
8 declined to provide any correspondence or letters of concern  
9 from any interested party regarding the Gladstone diversion  
10 project, the Atlin Lake storage project, the Marsh Lake  
11 storage project, nor the Mayo Lake enhanced storage project.  
12 Am I correct in summarizing that response?

09:30

13 A. MR. MORRISON: Well, I think the answer said  
14 that it was an overly broad question, and it didn't have a  
15 specific request related to -- you know, these projects are  
16 very large, and that's what the answer said. I'm not sure it  
17 was quite how you depicted it.

18 Q. Let me see if I can repair that.

19 A. MR. MORRISON: Okay.

20 Q. Did YEC receive any correspondence or letters of concern  
21 on these projects?

09:31

22 A. MR. MORRISON: We received some on Atlin. I  
23 can't recall we received any on Gladstone.

24 Q. Okay. Or on Marsh Lake or Mayo?

25 A. MR. MORRISON: Letters on Marsh Lake. You're

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 stretching my memory. I certainly know there's -- let me be  
2 clear, Mr. Chair. I don't remember a letter on Gladstone of  
3 concern, but we certainly have had public meetings and had  
4 people raise concerns.

5 No, no, I'm starting at Gladstone -- we did  
6 get a few on Atlin, and I think they're in -- certainly  
7 there's some issues here in aids to cross. We can talk about  
8 those. Don't -- I have to think about Marsh Lake. We may  
9 have a letter, but most of it was more public or verbal, you  
10 know, meetings we've had with people and -- who have raised  
11 issues with the projects. 09:32

12 But people raise issues with every project, so  
13 I don't think that's a surprise.

14 Q. Did you receive any correspondence from First Nations or  
15 other government bodies on these projects?

16 A. MR. MORRISON: Sure. We have lots of First  
17 Nations correspondence, but again, not necessarily issues of  
18 concern. I guess when I look at the broad question of  
19 concern, our process makes sure that we're fully engaged with  
20 First Nations particularly and other stakeholders right from  
21 the start of the project. So we wouldn't enter into a  
22 project. 09:33

23 I'll use Gladstone as an example. You can  
24 pick others if you want. Atlin would be the same. We would  
25 not start a project without a full engagement at the Chief

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1 and Council level of the First Nations.

2 So we went to Champagne Aishihik Chief and  
3 Council. We made a presentation that we had an idea about a  
4 Gladstone project. We asked -- we requested from the First  
5 Nation for them to tell us whether or not they were prepared  
6 to not give us their support on the project because at the  
7 very beginning, we wouldn't know ourselves whether there was  
8 a project that was supportable. We would have -- we would  
9 ask them to support or give us their permission to go ahead  
10 with work that was required in their traditional areas or  
11 even on -- in some cases on specific category A or B lands.  
12 We would work with the First Nations through those processes.

09:33

13 So Gladstone, we had agreements with both  
14 Kluane and Champagne Aishihik First Nations. We had people  
15 from those First Nations participate on the study teams. We  
16 had people from those First Nations help us develop the work  
17 plan for the environmental baseline and the engineering  
18 studies.

19 We reported back to each of the First Nations  
20 on any -- once we had results of any and all work. We kept  
21 getting either the green light to keep going on the studies  
22 or we stopped. And that was always the agreement we had.

09:34

23 We did the same in Atlin. We had an MOU with  
24 the Taku River Tlingit First Nation. We had agreements, as I  
25 said, with the First Nations on the -- both First Nations on

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1 the Gladstone project.

2 We reported -- as I said, we provided  
3 documentation of anything we had gained on those projects.  
4 We took elders out to see the projects where that -- as an  
5 example, in Gladstone we took community people out. Those --  
6 so when we get areas of concern, sure.

7 We had exchanges with staff from First Nations  
8 and particularly on questions of what was going on with this  
9 or here was an issue they'd like to get addressed, but  
10 nothing specific saying stop the project.

09:35

11 In Atlin certainly we had a community group  
12 that came along and said "we don't want you to do this," but,  
13 quite frankly, it was a -- and, you know, they're public  
14 documents as far as I'm aware. But it was a community group  
15 that didn't want us to do anything, whereas we had a  
16 memorandum of understanding with Taku River Tlingit First  
17 Nation to do work.

18 And, really, the community group in Atlin just  
19 didn't want us to do anything on Atlin Lake. It's their  
20 lake. Didn't matter whether it was a good project, a bad  
21 project; didn't want to hear about it.

09:35

22 We do not have any project that I can ever  
23 remember that we have not had someone say "we don't like this  
24 project." It's impossible to do. And, quite frankly, it's  
25 getting to a point where we don't have any project that

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1 anybody wants us to do. You know, where it's not in my  
2 backyard syndrome writ large.

3 The best example I think of a community that  
4 we've been able to work with is the people at Marsh Lake, you  
5 know, told us at one point they didn't want us to do this.  
6 We've worked through numerous issues with that community.

7 I'm not saying they agree to the project at  
8 Marsh Lake, but we have a pretty cooperative working  
9 relationship with them. They help inform the work we do.  
10 They help us monitor lake levels and they bring issues to our  
11 attention. At least they're prepared to listen to the  
12 science and look at the engineering and the facts before they  
13 make decisions. And in some cases, that's true and, in some  
14 cases, that's not the situation.

09:36

15 Letters of concern, pretty broad based, but I  
16 don't recall any specifically from -- and I may be wrong.  
17 I'm just saying I don't recall it.

18 Q. I wonder if I could ask you to cull down the materials  
19 that you received to simply perhaps letters of concern from  
20 First Nations or government bodies or any MOUs that you  
21 entered into with respect to those projects. Would that  
22 reduce the volume substantially?

09:37

23 A. MR. MORRISON: So I just want to make sure  
24 that I'm clear what you're looking for. So a letter of  
25 concern from a First Nation or a government body?



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1 Q. That's correct. MOUs would be particularly helpful too.

2 A. MR. MORRISON: Yeah, it's --

3 MR. LANDRY: If I can, Mr. Morrison.

4 This was a request that was made some time  
5 ago, Mr. Chair, by an IR. We have a process here before your  
6 Board. If people are unhappy with the response, they can  
7 come before the Board. The Board will deal with it.

8 This was a response that was made. It's an  
9 appropriate response in these types of circumstances.

10 These are very difficult applications to put  
11 together. They take a lot of time and a lot of effort. And  
12 you can see from the Volume of the IRs and the materials  
13 that's filed, it's a very difficult thing to do.

09:38

14 And we put on the record very clearly that we  
15 felt this was an overly broad request. It's still an overly  
16 broad request, and I think it's inappropriate in the context  
17 of this type of an application that we're now here dealing  
18 with, again, a search that's going to take a considerable  
19 amount of time to put together the type of material that my  
20 friend is talking about.

09:38

21 So I would object to that request, and I leave  
22 it in your hands.

23 MR. JANIGAN: Mr. Chair, I'm going to say,  
24 first of all, it's not our intention to have to subject the  
25 utility to an incredible fishing exercise with respect to

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1 that. And they did object initially to the provision of  
2 correspondence in a general term, and I think we understand  
3 today what the nature of that objection is effectively is  
4 they receive all kinds of different letters of concern, and  
5 they did not wish to go on that sort of exercise.

6 Today we've tried to narrow it down to what we  
7 think is a doable exercise, and it seems to me that that's  
8 certainly germane to the understanding the -- this particular  
9 project and the actions of the utility in the project.

10 And we apologize if we had not ascertained  
11 that we could possibly get this information through the IR  
12 process further down the line, but similarly, the same  
13 circumstance exists for intervenors as utilities. There's a  
14 great deal of information to go through in order to be able  
15 to be able to reflect appropriately the consumer position  
16 with respect to the issues involved.

09:39

17 And so I suggest that what we're asking here  
18 is not -- is not too onerous an exercise.

19 THE CHAIR: Board counsel, did you want to  
20 add anything?

09:40

21 MS. BENTIVEGNA: Yes, Mr. Chair. I think it  
22 comes down to Mr. Janigan can certainly ask the panel the  
23 question, and he's asked the question, but I think if it  
24 requires a lot of additional work and the relevance of the  
25 question in relation to what's before the Board is what

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1 matters, and it -- there was the IR process, and it wasn't  
2 followed up as far as documents go, certainly Mr. Janigan can  
3 follow up with the panel about what they know about the issue  
4 of the First Nations concerns, and that -- that's  
5 appropriate.

6 But as far as any additional information which  
7 doesn't necessarily arise from the matters that have to be  
8 tested, which is whether the costs are reasonable, the  
9 forecast costs are prudent if they've already been expended.

10 So that would be my advice to the Board.

09:41

11 THE CHAIR: Thank you, Ms. Bentivegna.

12 So, Mr. Janigan, is that an option for you to  
13 follow up through your questioning in pursuing the specifics  
14 of what you're looking for in those letters and MOUs and get  
15 the panel response and then assess the relevance to the  
16 hearing?

17 MR. JANIGAN: I think possibly, or I think I  
18 can simply cull it down to the MOUs that are in existence, if  
19 that exercise would reduce that even further.

20 THE CHAIR: Request the MOUs --

09:42

21 MR. JANIGAN: Yes.

22 THE CHAIR: -- be provided as an  
23 undertaking.

24 MR. JANIGAN: Yes, instead of a more broad  
25 brush approach.

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1 THE CHAIR: So could you -- sorry,  
2 Mr. Landry.

3 MR. LANDRY: I'll let my panel deal with the  
4 question of the MOUs, but, as with any request, just so that  
5 everybody is clear, when there's a document request, one has  
6 to look through it for privacy concerns, confidentiality  
7 privilege and all those things.

8 So any documents -- and I'm going to leave it  
9 over to Mr. Morrison to respond -- any document that is  
10 requested and this Board would like to have put before it has 09:42  
11 to go through those protections.

12 So I'll leave it to Mr. Morrison to respond  
13 about the specific MOUs that we're talking about and then we  
14 can go from there.

15 THE CHAIR: Thank you. And I recognize  
16 that. And that's sort of why I was -- so maybe, Mr. Janigan,  
17 pursue it with the Board -- or sorry, with the panel and see  
18 where that takes it from there, please.

19 MR. JANIGAN: Okay.

20 Q. Panel, with respect to the MOUs that you did receive, 09:43  
21 can you tell me who they were with and what project they  
22 involved?

23 A. MR. MORRISON: Well, I can certainly tell you  
24 we have one with Taku River Tlingit First Nation. We have a  
25 number of -- whether they're an MOU or, you know, an exchange

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1 of agreements to work together, I'm not sure exact form.

2 And I will say that in terms of my ability to  
3 produce documents, I am not in control of that. If we do  
4 have an MOU, the party with whom we have the MOU with may not  
5 want it disclosed. And we've certainly had that experience  
6 on a number of occasions with agreements with First Nations  
7 who are reluctant or have been reluctant in the past to  
8 produce these documents.

9 So, you know, I'll have a look at them, but I  
10 have no ability to guarantee I can produce anything.

09:44

11 Q. Going forward, are there any of these MOUs still  
12 operational?

13 A. MR. MORRISON: I can't tell you. I'd have to  
14 check.

15 Q. Okay. Now, have there been any -- have there been any  
16 parties to agreements or understandings that have ceased to  
17 -- have effectively resiled from their position in the MOUs  
18 or the understanding?

19 A. MR. MORRISON: We don't have any -- the only  
20 one I can think of, if I'm getting the question correct, is  
21 Atlin.

09:44

22 We stopped work at Atlin, so we have no -- we  
23 have not done any further work since the project was stopped.  
24 And -- I'm just -- so we stopped Atlin. So that's one that  
25 has ceased.

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1                   We still are working on Gladstone. We're  
2 working with the Champagne Aishihik First Nation to determine  
3 next steps and whether they're prepared to support the  
4 ongoing project going into the next level, but certainly had  
5 no issues up until that point with them.

6                   We're still working on Marsh Lake. We don't  
7 have any MOUs there, but we work both with the Kwanlin Dun  
8 First Nation and the community at Marsh Lake. We're still  
9 looking at a number of other projects, and where we engage  
10 First Nations at Mayo at the Mayo Lake project, we have an  
11 ongoing and very much alive process and exchange between the  
12 Nacho Nyak Dun First Nation and Yukon Energy.

09:46

13                   I'm not -- I think that's it.

14 Q. Let me turn to another area. And this is -- involves  
15 the expenditure associated with the JDE Enterprise Business  
16 System. And I take it from the answer given in YUB-YEC-1-37  
17 that is our reference book at Tab 5.

18 A. MR. MORRISON:                   Yes, we've got it.

19 Q. That thia system was developed in order to correct the  
20 deficiencies that were identified.

09:47

21 THE CHAIR:                   Could you repeat the exhibit  
22 number.

23 Q. Certainly. It's YUB-YEC-1-37 in Tab 5 of our reference  
24 book?

25 THE CHAIR:                   Thank you.

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1 MR. JANIGAN: B-24.

2 A. MR. MOLLARD: Could you repeat the question,  
3 please?

4 Q. I take it the JDE Enterprise Business System was put in  
5 place to correct these deficiencies.

6 A. MR. MOLLARD: Sorry, JDE was the system that  
7 was replaced.

8 Q. Oh, was replaced. I'm sorry. And the system  
9 replacement, I take it, was to correct these deficiencies  
10 that are outlined therein.

09:48

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

12 Q. Okay. Was there ever any project detail or cost benefit  
13 analysis done on this project, or was it simply a matter of  
14 that these things had to be done?

15 A. MR. MOLLARD: No, not cost benefit done per  
16 se. We had a review done in I believe it was 2006 that was  
17 tabled as part of our last application where the consultant  
18 advised that the system was beyond repair and needed  
19 replacement.

20 Q. Have you identified any savings that have accrued as a  
21 result of the institution of this sytem?

09:48

22 A. MR. MOLLARD: Generically, yes. Not so much  
23 in a dollar sense. We've automated certain processes that  
24 are now more efficient in the past, but we've not assigned a  
25 dollar savings to those processes.

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1 Q. Okay. Now, back to your Table 5.1 on page 5-50. That  
2 indicates that your total capital expenditures through 2009  
3 through 2011 were just over 201 million with nearly half of  
4 that expected to be spent in 2011. Do you see that?

5 A. MR. MOLLARD: I'm sorry. Which line are you  
6 referring to?

7 Q. The total capital expenditures from 2009 through 2011?

8 A. MR. MORRISON: We're adding them up. So  
9 subject to check, yes. I haven't done the math, but --

10 Q. Okay.

11 A. MR. MORRISON: -- I presume you have.

12 Q. And Table 5.2 indicates that 165 million of this amount  
13 was spent on three major projects, and that's Mayo B  
14 construction Carmacks-Stewart transmission line stage 2 and  
15 Aishihik third turbine construction. Am I correct on that?

16 A. MR. MOLLARD: Subject to check.

17 Q. Do you have the final cost breakdown on sources of  
18 funding for these three major projects and how they compare  
19 with the original budgets?

20 A. MR. MOLLARD: Are you referring to the  
21 contributions received against those projects?

22 Q. No, it would be the -- first of all, the cost of the  
23 project itself, the sources of funding, which would include  
24 contributions; and second of all, comparison with the  
25 original budgets. Would you have that information?

09:49

09:50



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1 A. MR. MOLLARD: I believe we just covered the  
2 Carmacks-Stewart and Mayo B, as far as final costs, are not  
3 final.

4 Q. Okay.

5 A. MR. MOLLARD: And as well, I believe in our  
6 testimony yesterday with the City of Whitehorse, we covered  
7 Aishihik is still in some deficiency corrections, so costs  
8 are not final there.

9 As far as contributions go, I just have to do  
10 my little math here, because I think I have the numbers off  
11 the top of my head. Aishihik, I know we received  
12 contributions in the amount of \$5 million from the federal  
13 government.

09:51

14 So just for the benefit of simplicity,  
15 combined Mayo B and Carmacks-Stewart we received 52.5 million  
16 from Yukon government and 71 million from the green  
17 infrastructure federal program.

18 A. MR. OSLER: And so in the end, if you take  
19 the projects that were subject to the federal funding, which  
20 is the Mayo B and the Carmacks-Stewart stage 2, which were  
21 budgeted at \$160 million, 120 plus 40, the final numbers in  
22 the application that you talked about earlier with  
23 Mr. Mollard were 35 million for Mayo B and zero in rate base  
24 for Carmacks-Stewart out of that \$160 million budget.

09:52

25 And he told you earlier that although they're

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1 not final, those are the numbers that the forecasts for rate  
2 base for those projects have in the application.

3 And there are information responses that go  
4 into detail about what we were just talking about in terms of  
5 comparing it to budgets and the costs, et cetera, so if you  
6 want, we can dig them out. They're available to you.

7 In terms of Aishihik, there is the same type  
8 of analysis with respect to the costs that the project had in  
9 the end for the third turbine net of the 5 million  
10 contribution and how it compares to earlier budget estimates,  
11 and again, that can be dug out and gone through. 09:53

12 So bottom line overall, the 165 million you're  
13 referring to, which is truly way outside the experience realm  
14 of past capital projects since Yukon Energy has come into  
15 existence, have come in at a slightly lower rate base than we  
16 talked about when the projects were discussed a few years  
17 ago, in terms of -- particularly in terms of the Mayo B and  
18 Carmacks-Stewart. I think we had a net rate base expectation  
19 of 36 and a half million. I think it's now 35.

20 And in fairness, we had Mayo Lake enhancement 09:54  
21 in the original numbers, so that's why we've come back from  
22 36 and a half to 35. So I would say, to caution my own  
23 statement, we are exactly where we forecast we would be,  
24 bottom line, for what's been done to date.

25 Q. Okay. We can perhaps take it offline in terms of

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1 getting the IR -- matching up the IRs with --

2 **A. MR. OSLER:** We can certainly get you that,  
3 **sir, in terms of the references offline.**

4 **Q.** Under Mayo B, are the other projects identified in 5.2  
5 as Mayo hydro substation enhancements, Mayo head gate,  
6 Wareham intake rock scaling, Wareham spillway upgrades, Mayo  
7 Lake project, Mayo Lake control structure, Wareham bridge,  
8 Wareham dam, core raise and improvements all related to or  
9 required due to the Mayo B project?

10 **A. MR. MORRISON:** No, sir.

09:55

11 **Q.** No? Which ones are -- which ones, if any, are  
12 associated with them?

13 **A. MR. MORRISON:** The Mayo Lake project.

14 **Q.** Yes?

15 **A. MR. MORRISON:** The Mayo Lake storage project.

16 **Q.** With the Mayo B project.

17 **A. MR. MORRISON:** That's correct, sir.

18 **Q.** Okay. That's it.

19 **A. MR. MORRISON:** That's it.

20 **Q.** Those other ones are not.

09:55

21 **A. MR. MORRISON:** That's correct.

22 **Q.** Okay. And would these additional Mayo projects -- is  
23 there somewhere in the evidence project detail or cost  
24 benefit analysis for these?

25 **A. MR. MORRISON:** My colleagues might -- while

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1 I'm starting the answer to the question, they may look and  
2 see if there is in the evidence some part of that, but  
3 there's no cost benefit analysis to any of them.

4 The dam raise project was a requirement of a  
5 dam safety inspection that we had. The standards for the  
6 one-in-a-hundred-year flood had risen significantly over a  
7 period of a number of years, and we were required by the  
8 safety standards in place to raise the core of the dam at  
9 Mayo a couple of metres, and that had to be done, and it had  
10 to be done as an urgent project. It just happened to happen,  
11 you know, in a time period related to the Mayo B. 09:56

12 And in fact, because of that, it probably cost  
13 us a lot less because we were able to engage -- key with the  
14 contractor there to do this. And they already had equipment  
15 mob'ed. And it's a gravel core so it was a gravel job to  
16 raise the core. The rock scaling project was again -- we  
17 took advantage of having Kiewit there.

18 If you had been to the site at Mayo and seen  
19 the fissures that had happened over a fairly short period of  
20 time, a couple of years prior to that, and we had been  
21 struggling with this project or this problem, the rock  
22 immediately above the intake gate and the intake house had --  
23 these great huge fissures had appeared, these cracks, from  
24 top to bottom. We were very, very concerned that they were  
25 going to fall in the head gate and block the intake to Mayo A 09:57

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1 and B, which is the same intake.

2 So, again, while we were -- these were  
3 projects that we had on our list of necessary things to do,  
4 and we had it done at the same time because we had equipment  
5 there.

6 Q. So, Mr. Morrison, really they fall within the type A  
7 kind of projects for replacements or maintaining self in  
8 service?

9 A. MR. MORRISON: That's correct.

10 Q. And were there any -- did any of the industrial  
11 customers make any capital contributions for any of these  
12 costs?

09:58

13 A. MR. MORRISON: No, sir. They're projects that  
14 would be required as part of our ongoing capital in the  
15 ongoing operation of the system. They're not related to  
16 serving specific industrial customers.

17 Q. Were there any compatibility issues that needed to be  
18 addressed when connecting the Mayo grid with the Whitehorse  
19 grid, and how were these overcome and at what cost?

20 A. MR. MORRISON: I'm not certain. In reference  
21 to compatibility, the grids had to be connected. They have  
22 substations that were designed to deal with that connection.

09:58

23 Compatibility. The Whitehorse grid is a  
24 one -- was a 138-kV grid. I can't think -- and I'm not an  
25 engineer, so don't quote me that there weren't technical

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1 issues, but those were all part of the design and the  
2 construction of both the lines and the substations.

3 So I can't tell you that there are  
4 compatibility issues.

5 Q. Could any compatibility issues have been avoided by  
6 building a high voltage line from Mayo to Stewart?

7 A. MR. MORRISON: Well, you know, hindsight is  
8 always 20/20, and, you know, if everybody could go back now  
9 and think about the Mayo Dawson line, we may well have wanted  
10 to build that at a higher voltage. But, you know, we have a  
11 connection.

09:59

12 The load on that portion of line at the moment  
13 is not a burden in terms of the compatibility. Could it be  
14 in the future? It might be, but, you know, that line existed  
15 prior to us going forward with the Carmacks-Stewart line, and  
16 there's certainly no issues from an operations point of view  
17 of connecting the two.

18 Q. Okay. Turn to the Aishihik Third Turbine construction.  
19 And on Table 5.1 there's total capital expenditures from 2009  
20 through 2011 identified as 13.816 million. And I apologize  
21 if I've asked this question before. Is this the total final  
22 cost of this project?

10:00

23 A. MR. MORRISON: Well, I think what Mr. Mollard  
24 is trying to do when he's answered it before and said no is  
25 to make sure that it isn't -- we're still looking at

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1 deficiencies. So if there's a minor cost here -- we keep  
2 getting reference to the final number, and I think we're just  
3 trying to be prudent and careful that there isn't something  
4 else here. But that's what we believe is our best estimate  
5 of the final cost, but there may be other things.

6 Q. And in YEC's 20-year resource plan from January 2006 --

7 A. MR. MORRISON: Yes.

8 Q. I believe that this project was identified as costing  
9 7.577 million?

10 A. MR. MORRISON: That is correct in that  
11 document, yes.

10:01

12 Q. Now, was this simply inadequate project costing by AECOM  
13 that resulted in the doubling of the project cost?

14 A. MR. MORRISON: That was certainly a majority  
15 of it. Obviously, we did an update from 2006 when we  
16 contracted with AECOM to manage the project, to do the design  
17 and management of the project. They did update some numbers,  
18 so the costs did go up a bit over the period of a few years.  
19 Costs increased. But a majority of that number Mr. Janigan  
20 is referring to was the fact that AECOM made an error in  
21 their cost estimating of the installation of the turbine  
22 equipment, and it was a significant error.

10:02

23 Q. Now, AECOM had engaged in a tendering process and had  
24 signed a contract with YEC, I assume.

25 A. MR. MORRISON: AECOM did, in fact, do that,

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1 yes.

2 Q. Now, did provisions of the contract provide for any  
3 penalty to AECOM by way of significant underestimating of  
4 costs?

5 A. MR. MORRISON: No, sir. And there's a couple  
6 of issues, just to think about this for a minute, and not  
7 that I am any happier about it than I think Mr. Janigan is  
8 trying to get to. Why couldn't we do something about this?

9 Well, first in their contract -- and we have  
10 this issue not just with AECOM but engineering firms in  
11 general. They will only agree to liability in the amount of  
12 their contracts, and that was about a million dollars.

10:03

13 But the problem here is not that we could, you  
14 know, go after them for the million dollars. The problem is  
15 that the bids that we got, in fact, indicated that the real  
16 cost of doing the job was what the costs, in fact, turned out  
17 to be.

18 So whether their estimate was underestimated  
19 or not, you know, the question is what would we suffer as a  
20 result of there being an underestimate. We didn't suffer  
21 anything because in the three bids that we got, they were all  
22 very closely grouped at this higher cost, 7 or 8 million  
23 dollars, where we thought it was 3 or 4 million dollars.

10:04

24 And then what we did, in fact, was because the  
25 bids were higher than our contract value, we cancelled the



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1 tendering process so that we could, in fact, go out and get  
2 another firm to come in and test whether these three firms  
3 that we had already had bid at the higher rate were, you  
4 know, were just some, you know, act of coincidence and they  
5 were all just too high.

6 In fact, so what we did was we asked Peter  
7 Kiewit, the company that was building the Mayo project, to  
8 come in and do an analysis, go to the project site, look at  
9 the tender documents and the specs, and give us a price, and  
10 they were even higher yet. So they were a couple million  
11 dollars higher than the lowest bid that we had out of the  
12 three.

10:05

13 So, in reality, we're not really -- you know,  
14 you can't go back and say, "Well, what did we suffer as a  
15 result?" Well, we didn't suffer anything because the price  
16 was in the end what the price from the tendered companies  
17 proved to be.

18 So, you know, yes, their estimate was wrong,  
19 but that was always going to be the number. And that's where  
20 the difficulty lies, sir.

10:05

21 Q. So you're saying that whatever AECOM did, you didn't  
22 have to go out and recontract for the same services all over  
23 again?

24 A. MR. MORRISON: I'm not sure I understand that.

25 Q. Well, AECOM's contract -- the only part that was

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1 problematic was its estimate of the cost. The services that  
2 they rendered under that contract you didn't have to  
3 reduplicate by going out and contracting with another  
4 provider, did you?

5 A. MR. MORRISON: Well, okay. I'm not sure --  
6 let me try this. I'm not exactly sure I understand the  
7 question.

8 We contracted with AECOM to do the design.  
9 They did the tender documents. They were the project  
10 managers. And when we had this issue with the underestimate 10:06  
11 of the construction of the turbines, we terminated their  
12 contract as project managers, and we replaced them with  
13 someone else.

14 Q. Was there any additional expense that was incurred by  
15 YEC as a result of the mistake made by AECOM?

16 A. MR. MORRISON: I don't know the numbers  
17 exactly on what was left of the contract price, but I can  
18 tell you that when we ran out of project management money, we  
19 let the other company go. So we had a budget for project  
20 management. When we got to the end of that budget, we let 10:07  
21 the other company go and we did it ourselves in order to save  
22 funds going forward.

23 Q. So in the end, there was no loss suffered by YEC in your  
24 opinion as a result of the mistake made by AECOM?

25 A. MR. MORRISON: Well, there was a lot of --

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1 there was a lot of loss suffered. We suffered a huge  
2 reputation hit. And I can tell you that none of us were very  
3 happy about being in a situation where we had gone out and  
4 hired a very, very large engineering company with a great  
5 deal of expertise and, you know, we did our best.

6 We'd been through a rigorous review of our  
7 project management practices. We -- you know, we were in the  
8 middle of Carmacks-Stewart and Mayo B and both projects going  
9 very, very well, all according -- following the practices  
10 that we had in place, and, you know, AECOM comes along and  
11 gives us this underestimate of pricing.

10:08

12 In the end, you know, would we have done the  
13 project anyway? I think we've answered that in both our  
14 application and interrogatories. It's still a very, very  
15 cheap project but we suffered some reputational loss.

16 But, you know, is there a way to get some  
17 money back on that? I say, you know, throwing good money  
18 after bad is not a prudent decision at this point in time.

19 Q. And so it was a loss of face, not a loss of finances.  
20 Is that what you're saying?

10:08

21 A. MR. MORRISON: Well, you know, I think in the  
22 end, that was a bigger part of the problem.

23 Q. Okay. On projects identified in Table 5.2 and I wonder  
24 all of these projects that are preceded with Aishihik --

25 A. MR. MORRISON: Aishihik.

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1 Q. Is that how you pronounce it? Aishihik?

2 A. MR. MORRISON: Yes.

3 Q. Aishihik generation station redundancy, Aishihik River  
4 icing study, elevator modernization, et cetera, et cetera,  
5 are they related to or required due to the Aishihik Third  
6 Turbine project?

7 A. MR. MORRISON: No, they're not, sir.

8 Q. Is this a similar circumstance to --

9 A. MR. MORRISON: That's correct.

10 Q. -- to Mayo?

10:09

11 A. MR. MORRISON: I can go through the list, but  
12 the elevator wasn't safe and needed to be replaced. It was  
13 no -- you know, for those of you who aren't familiar with  
14 Aishihik, the power plant is down 400 feet from ground level  
15 so the access down through this elevator is a daily  
16 occurrence from our staff, and it wasn't working correctly,  
17 and it had been to be replaced.

18 And redundancy project, I don't think I have  
19 to remind everybody that we had a major outage a few years  
20 ago, and this redundancy project was to repair that situation  
21 where we had redundancy in the cables coming out of the  
22 Aishihik plant floor up to the substation. And they're very,  
23 very necessary.

10:10

24 Q. Okay. And when the Aishihik related -- or when the  
25 Aishihik project included and the -- I've already dealt with

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1 this question. Sorry.

2 I'd like to deal with the Whistle Bend  
3 subdivision supply matter.

4 **A. MR. MORRISON:** Sure.

5 Q. And in Table 5.1 on page 5.50, the total capital  
6 expenditures for Whistle Bend from 2011 through 2013 are  
7 identified as 5.23 million.

8 And in the application on page 5.18, YEC  
9 estimates that the total cost of the project will be a  
10 minimum of 12 million with a refinement of project cost  
11 planning plan for 2012.

10:11

12 Did I summarize that correctly?

13 **A. MR. MORRISON:** I think so. I think,  
14 Mr. Chair, it needs some clarity.

15 The one -- the 12 million number is talking  
16 about two projects, and the first number that was referred to  
17 is strictly the Whistle Bend substation project.

18 Q. And has YEC completed the refinement of project costs  
19 including developer contributions?

20 **A. MR. MORRISON:** No, we have not, sir.

10:11

21 Q. Okay. Can you confirm that none of the costs associated  
22 with the Whistle Bend project will be included in rate base  
23 in 2013?

24 **A. MR. MORRISON:** That's correct.

25 Q. And to avoid adverse impacts on system peak and cost of

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1 generation, is YEC ensuring that DSM measures are built into  
2 the development plans and no electric space heating will be  
3 installed in the subdivision?

4 A. MR. MORRISON: Well, if I could wave my magic  
5 wand and make that happen, sir, I'd be happy to, but we have  
6 no ability to prevent electric space heating happening  
7 anywhere other than in diesel off-grid communities that we  
8 serve, and that's a regulation. And even there we may not  
9 always know whether somebody has electric space heating,  
10 depending on the load. But have I no ability to do that. 10:12

11 Demand side management -- we are doing our  
12 best to work with folks throughout the territory on that  
13 issue. And certainly with Whistle Bend, we are not certain  
14 whether or not Whistle Bend is going to be able to get a  
15 district heating system. There have been discussions on and  
16 off about it. You know, they've been -- I thought they were  
17 off, but they're back on again. But we're not the developer,  
18 and we do not have control of electric space heating in that  
19 community.

20 Q. And there's no way that you can impose any conditions 10:13  
21 upon the developer with respect to that?

22 A. MR. MORRISON: Not any way that I'm aware of,  
23 sir.

24 Q. Okay. I wonder if I could deal with the Whitehorse  
25 spillway improvements.

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1 A. MR. MORRISON:

2 Q. The total capital expenditures for Whitehorse spillway  
3 2011/2013 are identified at 1.2 46 million.

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

5 Q. And can you confirm that the budget approval for this  
6 project that's identified in the application on page 5.17 is  
7 simply an internal approval and not an approval by the YUB?

8 A. MR. MORRISON: Yes, that's correct.

9 Q. Okay. And were any Whitehorse spillway-related projects  
10 included in the resource plan submitted to the YUB in 2006?

10:14

11 A. MR. MORRISON: No, sir. I would put to you  
12 that's also in that category of issues that we've had that  
13 have come up. You know, we -- yeah. We -- part of the  
14 process that we follow, and it informs, you know, a number of  
15 our capital plans going forward, is we do an -- internally --  
16 or within YEC we do an annual dam safety inspection, and on a  
17 five-year basis we bring in an external consultant and do a  
18 dam safety inspection, and we work through those issues.

19 This issue with the Whitehorse spillway that  
20 was identified, staff noticed there was -- or had some  
21 concerns. We brought in an external reviewer to look at the  
22 spillway, and they identified some significant problems that  
23 had to get fixed pretty quickly. Both the head gates we've  
24 been having troubles with and the spillway. These are  
25 significant safety concerns and operational concerns, and we

10:15

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1 didn't feel like we could wait very much longer than we did  
2 to get them into place.

3 Q. Okay. I want to deal with the Marsh Lake deferral  
4 expenditures. And according to the application on page 5.28,  
5 spending to the end of 2011 was 3.23 million with forecast  
6 spending in 2012 of .8 million. YEC is proposing that  
7 amounts deferred to the end of 2012 be closed and amortized  
8 over ten years, starting in 2013, and spending in 2013 to go  
9 into rate base as forecast at .8 million. Did I summarize  
10 correct?

10:16

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

12 Q. And was this Marsh Lake project included in the resource  
13 plan submitted to the YUB in 2006?

14 A. MR. MORRISON: My memory is that it was.  
15 We've had a couple of different looks at Marsh Lake, and I  
16 think there's a good example of where we, you know, the  
17 long-term benefits of projects whether they're executed in,  
18 you know, in a current year or available to be looked at down  
19 the road. Marsh Lake is a natural storage -- or is the  
20 natural storage for the Whitehorse hydro plant.

10:16

21 So unlike dams that have actually man-created  
22 or manmade storage facilities, we use the natural storage of  
23 the lake system here. And we are -- have always been  
24 confident that there's a very good project there that would  
25 enhance the output of the Whitehorse hydro plant during



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1 winter months, and that's the project.

2 A. MR. OSLER: It was included, and then it  
3 was removed in the 2006. It was in the original plan, and  
4 during the process of the getting ready for the hearing there  
5 were some meetings held -- I wasn't there, but Mr. Morrison  
6 was -- at Marsh Lake.

7 There were concerns raised, and the company  
8 decided that it was premature, and it withdrew the project  
9 formally before we got to the hearing, from the list, and the  
10 Board's recommendations were that the company was urged to  
11 continue looking at it if it could be developed down the  
12 road.

10:17

13 And in summary, that is what has happened, and  
14 you can take the story from there.

15 Q. Okay. So that prior to the -- prior to the resource  
16 plan being submitted in 2006, then it was taken out due to --

17 A. MR. MORRISON: Yeah, we had -- you know,  
18 residents of Marsh Lake raised a number of concerns. We  
19 thought we would pull it back and, you know, look at it  
20 another day.

10:18

21 We were at a hearing shortly after that on the  
22 resource plan. The Board at that time, the Utility Board  
23 recommended to us that we do not remove it from the plan and  
24 that we put it back in.

25 Q. Okay. And eventually this -- well, let me ask straight

1 up. What are the details related to the work completed at  
2 the cost of over 4 million?

3 A. MR. MORRISON: Yeah, the work that's been done  
4 at Marsh Lake has primarily been an environmental baseline  
5 that we would need to have -- well, a number of things.

6 A, that we need to have to be able to answer  
7 the questions to residents of Marsh Lake on the issues from  
8 hydrology, to shoreline erosion, to aquatic issues, to  
9 waterfowl. A significant amount of the money has been spent  
10 on consultation with the residents of Marsh and Tagish lakes. 10:19

11 We have spent -- we've had numerous public  
12 meetings in those two communities talking about the project  
13 following the same principles that I was talking about  
14 earlier.

15 Engaged in a project, we are engaged in the  
16 community right from the beginning from concept stage through  
17 all the work we do. So at each stage that we have received  
18 experts' reports or consultants' reports on any of the issues  
19 at different stages in their reporting to us, we -- excuse  
20 me -- we have taken that information back out to those 10:20  
21 communities, provided copies of the documents, shown --  
22 conducted workshops with the residents of those communities.  
23 And we're happy to do the consultation, but the consultation  
24 does add costs, significant costs, to projects going forward.

25 The whole problem or the whole issue around

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1 the development of a project is we can have an idea about --  
2 let's use Marsh Lake as an example -- that it could be a good  
3 storage facility for us, and we could get some more water out  
4 of it.

5 But the requirements that we have in terms of  
6 going forward to YESAB or the Water Board are very, very  
7 detailed. And if we don't have full environmental baseline,  
8 and not just one season of environmental baseline but several  
9 seasons of environmental baseline, that this information --  
10 we wouldn't be able to pass the test in terms of presenting  
11 these projects on a go-forward basis. 10:21

12 The same thing happens with the residents in  
13 the area. We get a question that says: Well, what are the  
14 impacts going to be on the fish? Well, we can't tell anybody  
15 until we've done the studies, and nobody will support a  
16 project until we have the answers.

17 So the big issues, you know, at Marsh Lake are  
18 not so much waterfowl and aquatic issues. They're erosion  
19 issues. And the same issues are writ large at Tagish as  
20 well. So environmental baseline studies, some preliminary  
21 engineering, some preliminary looks at erosion, and the  
22 development of some mitigation options to deal with shoreline  
23 erosion problems in those areas. 10:21

24 Now, both those areas have significant  
25 shoreline erosion problems now, but our proposal to hold the

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1 water higher into the winter will exacerbate that. There's  
2 no doubt about that. And we spend -- have spent a fair  
3 amount of time, both consultants, engineers, consultants --  
4 environmental consultants hired to work on these projects,  
5 and internal staff. I've been spending a lot of time in the  
6 communities, you know, talking to residents as well.

7 And, you know, there's some big issues. Not  
8 that we can't solve them, but we've got to have information  
9 and data in order to figure out what the solutions are.

10 A. MR. OSLER: Just for the record, I note for 10:22  
11 you, sir, that the YUB second round question to YEC 2-7 did  
12 address the sort of heads-up. This was what was said back in  
13 2006 and here's where you are today. What are all the  
14 things?

15 So there's numbers in there and there's  
16 write-ups and there's a review of the cost benefit basis for  
17 the project, even with the much higher cost today of 10  
18 million plus compared to 1 million back in 2006. So that  
19 might be of assistance to you.

20 Q. And that provides an estimate of what capital cost will 10:23  
21 take to proceed with the project?

22 A. MR. OSLER: Yes, sir. And also an estimate  
23 of -- the estimates that are in the GRA but it also goes  
24 through the Marsh Lake -- why it's still attractive with  
25 these higher costs and comes in a levelized cost of energy in

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1 2010 dollars at the sort of base case load forecast that  
2 resource plans looking at with DSM. It comes in at 12.1  
3 cents. So that essentially that's a test of 10 and a half  
4 million dollars worth of 2010 costs.

5 This project still comes in, even with very  
6 low loads, at base case loads without having to rely upon big  
7 new mine loads to make it work because it's a small project  
8 with small benefits in terms of gigawatt hours. It still  
9 looks very attractive. Thus the company keeps slugging away  
10 at it to see what does it take to get it through a regulatory  
11 process? 10:24

12 Q. And in terms of the costs of 4.8 million to date, this  
13 includes money that was spent on the proposal prior to the  
14 resource plan, I take it, was it not?

15 A. MR. MORRISON: Well, prior to the resource  
16 plan, we didn't spend very much money. I couldn't tell you  
17 that that's in there, but it would be a negligible amount of  
18 money.

19 Q. Has AECOM been hired with respect to this project?

20 A. MR. MORRISON: AECOM was hired -- let me back  
21 up for a second. The firm that was hired was Gartner Lee who  
22 was subsequently bought up by AECOM. We have tried very hard  
23 to make sure that when we're doing a project -- a renewable  
24 project or a project that is -- that has the -- let me back  
25 up a sec. 10:25

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1                   We try to hire local firms where we can. We  
2   tendered the Marsh Lake and the renewable energy portfolio  
3   project locally. Gartner Lee won it. They did have in-house  
4   a lot of the resources that are required. But, obviously,  
5   nobody has everything, so they were able to pull from a  
6   larger cadre of expertise in their other offices.

7                   Right at the time we were concluding the  
8   contract with them, they were bought up by AECOM, a large  
9   engineering conglomerate, but a lot of the work and the work  
10  to do with the project was led by the Whitehorse office.

10:26

11                  The work on Aishihik was not centered in  
12  Whitehorse. It was centered in Vancouver, I believe.

13  Q.   And on Marsh Lake, that was -- was that the same -- was  
14  Mr. Pearson from AECOM the same one that did the background  
15  paper at the energy charrette? Was he the one that was  
16  engaged in Marsh Lake?

17  A.   MR. MORRISON:                   He is one of the team that is  
18  engaged in Marsh Lake.

19  Q.   I'd like to move on to the Gladstone Diversion deferral  
20  project. According to the application on page 528, spending  
21  to the end of 2011 was 3.69 million with forecast spending in  
22  2012 of .2 million.

10:26

23                  And you are proposing that amounts deferred to  
24  the end of 2012 be closed and amortized over ten years  
25  starting in 2013?

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1 A. MR. MORRISON: That's correct.

2 Q. And spending in 2013 to go into rate base at forecast to  
3 be .5 million?

4 A. MR. MORRISON: Correct.

5 Q. Now, was this Gladstone Diversion project included in  
6 the resource plan submitted to the YUB in 2006?

7 A. MR. OSLER: Not in terms of any type of a  
8 near term project. It was probably listed in -- it was  
9 listed in the list of potential projects, but it wasn't being  
10 recommended for action at that time.

10:27

11 Q. And is the Gladstone Diversion in a different watershed  
12 than the Aishihik facility?

13 A. MR. MORRISON: By definition I -- yes, it is.  
14 Well, me -- yes, it is.

15 Q. And have the Champagne Aishihik First Nations ever been  
16 in agreement with this proposed project?

17 A. MR. MORRISON: No, sir, but neither have they  
18 told us to stop, that they were not going to agree with it  
19 either.

20 Q. Okay. That's I suppose -- what do you take from that  
21 situation?

10:28

22 A. MR. MORRISON: Well, I mean, I can go back.  
23 I'll go back and remind you of what I was talking about a  
24 little bit earlier.

25 My staff and I, when we had the thought that

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1 this Gladstone project might be something worthwhile  
2 pursuing, we went out. We met with chief and council by  
3 Champagne Aishihik. Other staff went out to Kluane First  
4 Nation.

5 We were party to a chief and council meeting  
6 where we gave a briefing on what we thought the project was.  
7 We received from chief and council their go-ahead to go and  
8 do some work. Nobody said to us in the First Nation  
9 government "Stop doing work. We don't want this project to  
10 go ahead." Nobody ever said that to us.

10:29

11 So each time that we had information, we went  
12 out and did -- that gave us the acknowledgment that we could  
13 work with staff at the First Nations. We worked with -- we  
14 were engaged on numerous occasions meeting with staff,  
15 developing the work plans, hiring people to assist the field  
16 staff.

17 We reported each field season with  
18 documentation that went to -- obviously, it went to staff.  
19 We went back to chief and council and had meetings and  
20 explained to them where we're at and asked if we were still  
21 welcome to continue our work. They indicated that we were  
22 welcome to continue our work.

10:29

23 In some cases, depending on what work we're  
24 doing in First Nations areas, we have to get permits from the  
25 First Nation if we're on category -- on settlement lands.



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1                   In this case, I can't recall that we did  
2 because I don't believe we were on settlement land, but we  
3 have not ever had a First Nation government tell us to stop  
4 doing the Gladstone project. And it goes back to the  
5 question you were raising before about concerns.

6                   Sir, we have concerns about every project.  
7 Somebody brings to our attention a concern they have and we  
8 address the concern.

9                   So there's two sides to getting concerns.  
10 There's the issue being raised and our response to it.

10:30

11                   Again, it's a similar thing. We can't answer  
12 questions about, you know, whether there's problems with fish  
13 or whether there's problems with the hydrology or what  
14 impacts the project is going to have until we do the work.  
15 And it's a real catch-22. So we have to spend some money, do  
16 the work, and then determine whether or not the project is  
17 feasible.

18                   But when you look at the Gladstone project, it  
19 potentially has one of the greatest benefits of a hydro  
20 project that we have in our inventory. It's a terrific  
21 project.

10:31

22 A. MR. OSLER:                   Again, sir, just to help. The  
23 YUB in the second round asked a question, YUB-YEC-2-8, and  
24 that goes through sort of the follow-up types of questions  
25 about concerns raised by -- asked about concerns with respect

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1 to both the Department of Fisheries and Oceans and First  
2 Nations and what's the status of those.

3 But the key point Mr. Morrison is making about  
4 this is a project that estimated cost of 40 million dollars,  
5 2010 dollars, with a lifetime cost of energy present value  
6 over 65 years, and probably be longer, at 5.7 cents per  
7 kilowatt hour if fully utilized. And this is diversion of  
8 water into existing reservoir and power structure with the  
9 ability to focus the energy in the wintertime.

10 So this project, again, looks very attractive  
11 if you can find a way to work with the First Nation and work  
12 with the regulators to come up with an approach. And that's  
13 what people are trying to do is see if they can capture that  
14 benefit for the ratepayers.

10:32

15 Q. So, effectively, it's the risk of the initial work  
16 versus the payback of when the project is completed?

17 A. MR. MORRISON: Sure. And that's the challenge  
18 that we face in each and every project. In order to  
19 determine whether or not these projects in the end can be  
20 feasible and cost effective, we have to do a fair amount of  
21 work, and more work these days than perhaps people might have  
22 done a number of years ago. But the reality is this work  
23 needs to get done at some point and we have to try to  
24 mitigate that.

10:32

25 And believe you me, if we ever had a stop sign

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1 on any project, we take those things seriously. We don't --  
2 we look at this -- any project, every year and throughout the  
3 year to double-check to make sure that we're not spending  
4 money when we are clearly not going to be able to make any  
5 progress.

6 So without some understanding and some clarity  
7 around the fact that we think that we can still make  
8 progress, we don't spend money.

9 MR. JANIGAN: Mr. Chair, if you wish to take  
10 a break now, that's --

10:33

11 THE CHAIR: I was just going to ask you.  
12 Yes. We will take a short recess here and come back in about  
13 15 minutes. Thanks.

14 (ADJOURNMENT)

15 THE CHAIR: Mr. Janigan, you can proceed  
16 any time you're ready. Thanks very much.

17 MR. JANIGAN: Thank you, Mr. Chair.

18 Q. Panel, I wonder if I could turn your attention to, in  
19 the application, page 5.22 where YEC states that the costs  
20 related to the Western Copper Grid Connection project will be  
21 fully recovered from Western Copper.

10:53

22 And in response to UCG-YEC-1-58-B and C, YEC  
23 indicates that a power purchase agreement had not yet been  
24 concluded, and a component breakdown of the project's costs  
25 was not available at that time.

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1                   Have you since that answer -- have you  
2 concluded a power purchase agreement for submission to the  
3 YUB for approval?

4   **A. MR. MORRISON:**                   **Mr. Chair, not only have we not**  
5 **concluded one, we haven't started one.**

6   **Q.**   Okay. And are you able to provide a component breakdown  
7 of the project's costs?

8   **A. MR. MORRISON:**                   **I have no idea.**

9   **Q.**   Two for two. Okay.

10 **A. MR. MORRISON:**                   **We haven't talked to them about** 10:54  
11 **it. I don't know what their requirements are.**

12 **Q.**   All right. Why isn't Western Copper being directly  
13 charged the \$30,233 in deferred costs related to the aerial  
14 photo mapping and route selection related to the transmission  
15 line to Western Copper?

16 **A. MR. MORRISON:**                   **I'm not sure what you're**  
17 **referring to, sir.**

18 **Q.**   Well, I understand that there's some deferred costs  
19 associated with aerial photo mapping and route selection in  
20 the amount of \$30,233 that's in the application. 10:55

21 **A. MR. MORRISON:**                   **Perhaps you could point us to**  
22 **it?**

23 **Q.**   Okay. Is it at 5.22? Let's leave that. We'll come  
24 back to it when we find the reference.

25                   I'd like to turn to the rate base item

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1 involving the Atlin Lake storage project. And you have  
2 before you a reference book of -- in our cross-examination  
3 materials Exhibit C-3-24, a number of different tabs setting  
4 out some materials that are associated with this project.

5 And I believe at Tab 6 there is a chronology  
6 of events. Now, my intention is not to visit every one of  
7 these particular events, but to attempt to get some key dates  
8 established.

9 MR. LANDRY: Mr. Chair, before we go much  
10 further than this, I'm not familiar with this chronology of  
11 events. I'm not sure where it is located. It is on the  
12 record?

10:56

13 MR. JANIGAN: It's Tab 6.

14 MR. LANDRY: I understand that. But the  
15 chronology of events the actual document that's been prepared  
16 here, is that on the record besides this?

17 MR. JANIGAN: No, it would only exist in the  
18 record. If you want me to go through each event and  
19 establish it, I can do that, but it's only for the purpose of  
20 looking at certain key dates in the sequence.

10:57

21 MR. LANDRY: To move this thing along,  
22 Mr. Chairman, I'm quite willing to leave it, but leave it  
23 with this proviso. We have not reviewed this chronology in  
24 any detail. We didn't know where it came from, and we don't  
25 necessarily agree with its content. So on that proviso,

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1 that's fine.

2 My friend has got a significant amount of  
3 information in here on the Atlin project, and no doubt he  
4 will go through whatever he feels is relevant.

5 **THE CHAIR:** So the panel, I assume, can  
6 address any disagreements they have in terms of the  
7 chronology as the questions are asked?

8 **MR. LANDRY:** I agree.

9 **Q. MR. JANIGAN:** Perhaps for comfort's sake,  
10 looking at the chronology of events, in 2009 it indicates  
11 that a tender process was undertaken to engage a third party  
12 consultant and to provide project management services  
13 integrated engineering, environmental, socio and economic and  
14 related technical consulting for all three Southern Lakes  
15 project; is that correct, in terms of the chronology?

10:57

16 **A. MR. MORRISON:** To the best of my knowledge,  
17 that's correct.

18 **Q.** Okay. And feasibility studies took place between 2009  
19 and 2011?

20 **A. MR. MORRISON:** Again, to the best of my  
21 knowledge, that's correct.

10:58

22 **Q.** And on June the 1st, 2010, an open meeting took place at  
23 Atlin. And were you present at that time, Mr. Morrison?

24 **A. MR. MORRISON:** I can't -- I don't know whether  
25 I was at this meeting or -- so subject to check, but, you

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1 know, I was at several meetings in Atlin. I don't know if  
2 this is one of them.

3 Q. Okay. And were you aware at that time that there was  
4 some opposition to the proposed project expressed to the  
5 Yukon Energy representatives?

6 A. MR. MORRISON: Sure. Yeah, I was aware there  
7 were people in Atlin who were opposed to the project, yes.

8 Q. Okay. And there was an organization formed, the name of  
9 PALS, Protect Atlin Lake Society, that was formed to oppose  
10 the project?

10:59

11 A. MR. MORRISON: That's correct.

12 Q. And on August 30th, 2010, PALS wrote you to express  
13 concerns about the project?

14 A. MR. MORRISON: Yes.

15 Q. Okay. And in November of 2010, the Ministry of the  
16 Environment, BC's Ministry of Environment wrote a letter to  
17 PALS to confirm that Atlin Park was a class A park within  
18 which water was considered a natural resource and that YEC  
19 had not yet submitted an application for a park use permit,  
20 which would be required since it appears that a natural  
21 resource and a class A park will be disturbed or exploited.

10:59

22 A. MR. MORRISON: I'm aware of that, yes.

23 Q. Okay. And they subsequently wrote you. PALS wrote you,  
24 said they received a letter from the BC Ministry of the  
25 Environment; is that correct?

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1 A. MR. MORRISON: I'm just trying to -- yes. I  
2 want to go back on the dates. You know, I'll accept that  
3 Mr. Janigan has got these dates correct. I haven't checked  
4 them.

5 But we did get a letter -- so let me back up  
6 first of all. Back in 2009 when we started this project,  
7 Premier Fenty got a letter from Premier -- I forget his  
8 name -- Campbell at the time, indicating the BC government's  
9 initial support for the project.

10 The project does not qualify to -- does not  
11 require, according to the rules under the BC environmental  
12 regulations -- it does not qualify to require a permit to  
13 proceed. Okay? So it doesn't meet the thresholds. It's  
14 lower than the thresholds. So within the BC regulatory  
15 process the project did not require a permit.

11:00

16 Now, there was a thought that in CEEA process  
17 we may have to do something, and so we may do two -- a joint  
18 project.

19 Back in August when PALS wrote and said that  
20 they had raised this Park Act -- and I want to be clear that  
21 the project that we were contemplating was not in the park.  
22 Okay? It was on the Atlin River, and the Atlin River is not  
23 covered by the Park Act.

11:01

24 So when we got the letter from PALS, what we  
25 did was we went and got a legal opinion. You know, we didn't



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1 dismiss the letter from PALS. We looked at it very  
2 seriously, and as I said previously, if we had thought there  
3 were impediments to us going forward that were significant  
4 and we couldn't overcome, we wouldn't be working on a  
5 project.

6 So we had a legal opinion that the Parks Act  
7 permit question did not apply to us and that we weren't -- we  
8 didn't necessarily require a permit to proceed with the work  
9 that we were doing.

10 And we had that in hand. We had a copy of a  
11 letter from a minister who thought there that there was a  
12 park permit required, but I don't know whether he got a legal  
13 opinion because we had a different legal opinion, if he did  
14 and. Minister's letters -- you know, we had a previous  
15 minister, the premier telling us that the project was -- from  
16 their perspective, they were prepared to support it.

11:02

17 By the time we got this letter in November we  
18 had virtually finished spending on the project in any  
19 substantive way. In addition to this minister's letter, we  
20 were participating in a BC land use planning process for the  
21 Atlin area. And not only were we unaware of any issues  
22 within that process, we had participated at meetings with the  
23 land use planning group on several occasions and some  
24 briefings with them.

11:02

25 They had indicated to us, and I'm thinking

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1 early in 2011, that there was nothing in their draft report  
2 which would encumber our project going forward.

3 Q. So in terms of the chronology, you were first aware of  
4 opposition in June to the project. Would that be  
5 appropriate?

6 A. MR. MORRISON: Sure. As I said earlier, not  
7 only -- we always have somebody saying they oppose the  
8 project. We have people that tell us that they were fine  
9 with the project.

10 In addition to that, we concluded a memorandum 11:04  
11 of understanding with the Taku River Tlingit First Nation to  
12 advance the work that we were doing, to have them participate  
13 as part of these studies, and we did not have any indication  
14 from the First Nation that they wanted us to stop work on the  
15 project.

16 Q. And this was in relation -- the MOU was in relation to  
17 the Atlin Lake storage project?

18 A. MR. MORRISON: To the Atlin -- yes, the  
19 project on the Atlin River, the control structure on the  
20 Atlin River. 11:04

21 Q. Okay. And in August 30th you received a letter  
22 confirming the opposition and the existence of a group that's  
23 been organized to oppose it?

24 A. MR. MORRISON: Yes, we did.

25 Q. And in November you received word, secondhand I guess,

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1 through the PALS of the opinion of the Minister of the  
2 Environment in British Columbia that a permit under the *Park*  
3 *Act* was required?

4 A. MR. MORRISON: Well, yes, we did. Again, as I  
5 said, at that time we had a legal opinion that was contrary  
6 to that. And even getting a permit under the *Park Act* did  
7 not say that we couldn't proceed with the project. We could  
8 still have applied for a permit.

9 Q. Did you file -- or is that -- is there a copy of the  
10 legal opinion in the application?

11:05

11 A. MR. MORRISON: We're not filing a copy of a  
12 legal opinion.

13 Q. If YEC knew that the resistance by Atlin residents was  
14 so high, why were they working so diligently toward --  
15 against the YEC's proposed project?

16 A. MR. MORRISON: You want me to explain to you  
17 why Atlin was against the project?

18 Q. No. Why push ahead if there seemed to be significant  
19 resistance from --

20 A. MR. MORRISON: Well, again, there are risks  
21 with any project. We have people who oppose and people who  
22 support them. There was no risk identified in terms of  
23 environmental baseline analysis that told us there were  
24 problems on a technical basis. This project -- and this was  
25 confirmed by the land use planning group -- would, in fact --

11:05

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1 there was both potential to solve some existing problems with  
2 the lake because -- and the river because of the control  
3 structure on the river.

4 So this project was only holding the water in  
5 Atlin Lake higher for a few more months similar to Marsh  
6 Lake. It doesn't -- it didn't raise water. It did put a  
7 control structure on the river.

8 The data that we collected through our  
9 environmental baseline and engineering work showed no  
10 technical issues. There were no environmental issues that  
11 were past or beyond normal mitigation.

11:06

12 The project itself has -- every test we gave  
13 it had a green light. The opposition in Atlin was strictly  
14 that they didn't care what it was. They didn't want anything  
15 to be put on the river. And, you know, we tried and tried  
16 and tried and were successful in many cases, in engaging  
17 people to talk about the facts, the science, the information.

18 Certainly that was the case with Taku River  
19 Tlingit First Nation. But the community itself -- there was  
20 a group of people within the community that didn't want the  
21 project to proceed.

11:07

22 But if every time we had someone opposes on  
23 just because they didn't like a project, not on the facts --  
24 if there were facts in this case where there were  
25 environmental issues or technical engineering issues that

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1 were going to stop the project, if there was damage to be  
2 done by this project, obviously we wouldn't proceed.

3 But we can't -- we can't -- we won't do  
4 anything if every time somebody just doesn't like something  
5 we do, we don't do it.

6 This is a very -- again, another project in  
7 the realm of what Mr. Osler was talking about before. It's  
8 storage. It enhances the Whitehorse hydro system. It gives  
9 us winter energy that we could badly use. It didn't have a  
10 high cost. And, you know, my memory is in the 10, 12 million 11:08  
11 dollar range for a control structure on the river.

12 We did not see any issues that we could not  
13 address, so we kept on going. Yes, there were people who  
14 opposed us but not for any specific scientific reason or  
15 natural resource reason that I could understand.

16 Q. So the level of opposition, in your opinion, wasn't  
17 unusual given your experience with the projects pursued by  
18 YEC?

19 A. MR. MORRISON: The level of opposition was not  
20 unusual. 11:08

21 Q. Okay. Did YEC spend any additional money on the Atlin  
22 Lake storage project after the July 2011 release of the Atlin  
23 Taku land use plan?

24 A. MR. MORRISON: Nothing, sir.

25 Q. Okay. And -- of the 2.23 million expense by the

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1 contractor that's set out in YUB-YEC-1-44, is it possible to  
2 get a detailed breakdown of when those costs were incurred?

3 A. MR. MORRISON: Well, all of them were incurred  
4 with the exception of a couple hundred thousand dollars by  
5 the end of 2010.

6 Q. Okay. Will this project be pursued during the test  
7 years?

8 A. MR. MORRISON: No, it will not, sir.

9 Q. And are there any savings or financial benefits to  
10 ratepayers during the test years as a result of the costs  
11 incurred for this project? 11:09

12 A. MR. MORRISON: Mr. Chair, I'm not quite  
13 certain how to answer that, you know, because I think we've  
14 been pretty clear that the project had to get stopped. And I  
15 don't -- I don't know how to consider a question that says is  
16 there a benefit to a project that isn't going forward. Of  
17 course there isn't.

18 Why would we pursue the Atlin project? I  
19 think we had very good reasons to pursue the Atlin project.  
20 It's a storage project. It's part of a lake system. 11:10

21 Forty percent of the water in the Whitehorse  
22 Aishihik -- sorry, the Whitehorse southern lakes watershed  
23 comes from Atlin Lake. It's a huge lake. It's got natural  
24 storage abilities.

25 All we're trying to do is enhance the

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1 Whitehorse hydro project. It wouldn't -- it would see very  
2 insignificant environmental impacts, and we pursued that to  
3 the best of our abilities until what I would consider someone  
4 pulled the rug out from under us with a change in the draft  
5 land use plan.

6 We know what the draft land use plan said. A  
7 few weeks later it said something different.

8 Now, I don't understand the BC process. But  
9 if we had a thought that in the land use process we weren't  
10 going to get a chance to do this, they were going to  
11 eliminate this or put regulations around the use of the river  
12 that would stop us from following this project, we would have  
13 stopped, but we didn't.

11:11

14 A. MR. OSLER: Just two things. There's an  
15 answer to YUB-YEC-2-6 which specifically is addressing Yukon  
16 Energy was notified on July 15th, 2011, of the park  
17 designation, that approximately \$5,100 was further costs were  
18 incurred after that date.

19 Secondly, just so that it's here in the middle  
20 of the transcript, the application page 5-36 makes the point  
21 that the project cost was estimated at 30 million dollars in  
22 2010 dollars and a levelized cost of energy over the 65-year  
23 life was 10.5 cents per kilowatt hour if this project was  
24 fully utilized.

11:12

25 And, again, it's the type of project where

1 it's channelling water to be used during the peak periods in  
2 an existing facility.

3 So, again, a little bit higher than Gladstone  
4 in terms of levelized cost, but in the lexicon of all the  
5 projects that people are looking at to try and displace  
6 diesel, this is a low-cost project in terms of delivering  
7 secure benefits if you can get through the licensing process.

8 And this particular case, at this particular  
9 time period, it doesn't go any further. 10, 15, 20 years  
10 from now, who knows?

11:13

11 Q. Was the Atlin Lake storage project included in the  
12 resource plan submitted to the YUB in 2006?

13 A. MR. MORRISON: I can't recall.

14 Q. And did the YEC --

15 A. MR. MORRISON: Sorry, somebody is telling me  
16 yes, but I just can't recall off the top of my head.

17 A. MR. OSLER: It wasn't in the short list in  
18 chapter 4. It may well have been referenced in the longer  
19 list. It was, though, identified in the part 3 hearing in  
20 the last -- at least in the part 3 hearing. I'm not sure  
21 about the last GRA -- as a short list of projects that had  
22 been examined before this decision was made to pursue Mayo B.

11:13

23 And at that time the point was made Atlin,  
24 Marsh Lake, Gladstone were all attractive projects, but they  
25 had some licensing risks whereas Mayo B could be securely



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1 developed within a tight time period. And as we sit here  
2 today, that seems to have been a good conclusion.

3 Q. Did YEC hire a consultant to provide project management  
4 and engineering or other technical advice for the project?

5 A. MR. MORRISON: Well, it's in the first  
6 paragraph of your timeline here.

7 Q. And who was that?

8 A. MR. MORRISON: AECOM.

9 Q. AECOM. Okay.

10 Now, in relation to a deferred study cost, YEC 11:14  
11 has included 25 million in deferred study cost in rate base  
12 for 2012 and 27 million in 2013 rate base. If you look in  
13 application -- your application Tab 7, Schedule 3.

14 A. MR. MOLLARD: Sorry, can you repeat the  
15 question, please?

16 Q. Sure. You've included 25 million in deferred study  
17 costs in rate base for 2012 and 27 million in 2013 rate base.

18 A. MR. MOLLARD: If I'm looking at the same  
19 schedule here, I think you're -- you have existing and  
20 proposed '13 -- proposed '12 is 27 million. Proposed '13 is 11:16  
21 27 million.

22 Q. Oh, okay. '12 is 27 million as well?

23 A. MR. MOLLARD: Yes.

24 Q. Okay. Sorry. Maybe I netted out the number.

25 A. MR. OSLER: No, it's just in the table

1 there's a column for existing, and there's a column for  
2 proposed.

3 Q. Okay.

4 A. MR. OSLER: You just want to look -- for  
5 '12, 2012 and 2013, you want to look under the column for  
6 proposed.

7 Q. Okay. And is Atlin among those deferred study costs?

8 A. MR. MOLLARD: Yes.

9 Q. And it's being close to rate base, and I believe I heard  
10 Mr. Morrison say a few minutes ago that in fact there are no  
11 benefits that are accruing to ratepayers as a result of the  
12 expense. How can we justify having this amount in rate base?

11:17

13 A. MR. MORRISON: Well, you know, let's go back  
14 to the discussion we were having earlier. The project is a  
15 project that we started on with not only good intentions,  
16 good faith; it was a realistic project. The risk to  
17 ratepayers of any project being started and stopped exists.  
18 We can't undertake anything without some risk. There's a  
19 risk in every project we do. There's a risk that load would  
20 change. There's all kinds of risks.

11:18

21 And we did nothing -- we followed our process  
22 on the Atlin Lake and storage enhancement project as well as  
23 we could follow it. The project itself may not  
24 necessarily -- also may not necessarily be done today, but it  
25 does not mean that we shouldn't look at it as things change

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1 going into the future.

2 Without a library or an inventory of projects  
3 that can go forward at some point in the future, we can't  
4 address the issues of growth in loads and changes in the  
5 situations within the territory's electrical requirements.

6 So no benefit in the sense that we can't point  
7 to a benefit today, but the benefit of that material and that  
8 information still exists. And we did follow the process.  
9 Again without taking some risk, we can't do any projects, and  
10 we wouldn't start any projects.

11:19

11 A. MR. MOLLARD: And just, Mr. Chair, if can I  
12 could add to that, both the Mayo-Dawson and Carmacks-Stewart  
13 power line projects had previously had work done to them  
14 looking at their feasibility, and were shelved at one point  
15 and then brought back later and built.

16 A. MR. OSLER: I guess just to add to the  
17 point, the whole focus of Yukon Energy in the last decade has  
18 been to find ways to move forward to deal with some material  
19 changes to what otherwise would occur in running of diesel,  
20 and the Mayo-Dawson is the first example. And there was lots  
21 of public controversy about that, but the derived benefit of  
22 the project has been very large.

11:19

23 If the requirement was to -- let me put it  
24 this way. If you're investing your own money, the safest bet  
25 is to run diesel. It just has to be rough on ratepayers, but

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1 it's the easiest thing to regulate, and it's the easiest  
2 thing to go ahead and do.

3 As soon as you stick your neck out and start  
4 trying to displace diesel with projects, you take on a risk.  
5 And if somebody said the only person who's going to eat that  
6 risk every time one of the projects doesn't go forward is the  
7 utility, I suspect that that would require a radical revision  
8 of strategy in terms of prudent management of money.

9 Q. Panel, I want you to distinguish between the test for  
10 prudence for recovering of your expenses and the test for  
11 putting items into rate base.

11:20

12 On the one hand, you're entitled to recover  
13 all expenses that have been prudently made, but only things  
14 go into rate base that are used or useful. Isn't that  
15 correct?

16 A. MR. OSLER: It is correct in terms of  
17 capital projects that are constructed. It's a test that,  
18 when I first came to Yukon, I spent a lot of time and  
19 attention on it in respect to Whitehorse Number 4.

20 Q. And --

11:21

21 A. MR. OSLER: It's a different -- we're  
22 talking about here deferred project costs for items which  
23 have not got to the stage of being a constructed project.

24 Q. No. And they're not -- they're not as they are now  
25 in -- or should they be put in rate base because they're not,

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1 as they are now, used and useful for the ratepayers of YEC.  
2 I'm not fighting with you the idea that you may have done  
3 this prudently or it might have been a risk worth taking.  
4 But that doesn't mean that these expenses will go into rate  
5 base.

6 A. MR. MORRISON: Well, it doesn't mean they will  
7 go into rate base because that's subject to the decision of  
8 the Public Utilities Board we're hear in front of, but  
9 without the ability to do this kind of work going forward, we  
10 will only be building diesel -- or we will only be burning  
11 diesel. So therefore there is a great deal of benefit for  
12 ratepayers. That benefit may be into the future, and used  
13 and useful in those terms is, I think, you know, a pretty  
14 narrow interpretation of the benefit and the terminology.

15 Used and useful is an asset. Can we use it?  
16 Is it going ahead? But we know that we have to do a planning  
17 and study work, and there is the question going forward if  
18 that -- if your premise is correct, sir, we will do no  
19 planning and no study work because we won't be able to take  
20 any risks.

21 And that goes back to Mr. Osler's point about  
22 just burning diesel. So the preparation for the future is  
23 probably one of the most important things that we do. Being  
24 ready to meet growing loads within the system, whether  
25 they're new subdivisions within Whitehorse or Dawson or Mayo

11:22

11:22

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1 or industrial customers, if we have -- if our hands are tied  
2 and we have no ability to spend money to look at potential  
3 projects, to examine those projects, to advance them from  
4 their environmental baseline and their preliminary  
5 engineering, we will be able to do absolutely nothing.

6 A. MR. MOLLARD: And, Mr. Chairman, if I could  
7 just add to that. This goes in part to the planning cost  
8 accounting policy that we are proposing to be adopted in this  
9 application. You know, when we were preparing this  
10 application, and coming out of the 2009 proceeding when this 11:23  
11 Board told us that we should be planning for the future, we  
12 recognized that we were going to have to spend significant  
13 amounts of money.

14 The easy projects that we've done -- Aishihik,  
15 Carmacks-Stewart, Mayo B -- they had already had some  
16 preliminary work done on them. We've done all those. We're  
17 now effectively starting at ground zero on a bunch of these  
18 projects. So the planning horizon is long and very  
19 expensive. We are aware of other jurisdictions that are  
20 having issues with planning costs. There was recently a BC 11:24  
21 auditor general's report on BC Hydro with the billions of  
22 dollars that they have sitting on their balance sheet and no  
23 way of recovering that.

24 We didn't want to find ourselves in a position  
25 where we were coming back to this Board at some point with

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1 even larger numbers sitting on our balance sheet and being  
2 asked to pay for them, so we have put this policy in place as  
3 a way of managing that risk.

4 Q. Panel, if you had decided to, for example, put this in a  
5 variance account and recover it over a ten-year period,  
6 presumably the amount charged to ratepayers for recovery will  
7 be a lot less than you putting in rate base and recovering it  
8 on the basis of your return on equity.

9 A. MR. MOLLARD: I'm not clear what you mean.

10 Q. Well, YEC collects a return on equity for everything in  
11 rate base, on everything in rate base. 11:25

12 A. MR. MOLLARD: Correct.

13 Q. Okay? And you receive an 8.77 percent return on equity  
14 on everything in rate base. If you decided -- and everything  
15 in rate base going forward collects that amount year by year  
16 by year -- if you decided simply to have the YEC ratepayers  
17 collect this expense by way of either amortizing it over a  
18 period of a year or even within a year it would cost a lot  
19 less for ratepayers to do so.

20 A. MR. OSLER: It is being amortized over a  
21 long time period as a transition measure is part of the  
22 policy that Mr. Mollard discussed. So that's the first step.  
23 And it is done that way for the ten-year type of numbers as a  
24 special measures to, in fact, assist how much is being  
25 charged to ratepayers. So, in practice, what we're talking 11:25

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1 about is -- if I heard your question right, is: Is there a  
2 capital cost associated with this, yes or no.

3 And of course there's a capital cost.  
4 Somebody has to put up the debt and the equity to fund it.  
5 But that's all we're talking about. It is being amortized  
6 over ten years. It's not all being hit in one big slug. And  
7 the policy experience from 2009 to today is to not just deal  
8 with this project but to deal with a package so Yukon can  
9 manage this risk.

10 But historically the discussion we're having  
11 right now did not apply to similar projects in the past  
12 including, if I'm not mistaken, the Mayo-Dawson expenditures  
13 made in the '90s. Nobody came along and said, because you  
14 tried Surprise Lake or because you tried to do Mayo-Dawson  
15 earlier, you couldn't recover your costs.

11:26

16 Because if that policy had been established  
17 back there by this Board, the decisions made by the current  
18 people in YEC would be quite different.

19 Q. And when were those costs close to rate base, sir?

20 A. MR. OSLER: They were all part of hearings  
21 in the early '90s, sir.

11:27

22 Q. Yeah, I know, but were they close to rate base when the  
23 project came on stream?

24 A. MR. OSLER: Those projects haven't come on  
25 stream. In the sense that the costs to those things were



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1 amortized, if I'm not mistaken, over five years back then,

2 so --

3 Q. Are they in rate base, sir?

4 A. MR. OSLER: Today they probably aren't, but  
5 they were back then because they've been amortized out by  
6 now.

7 A. MR. MOLLARD: They were studies that were  
8 completed, add into rate base and amortized into rates over  
9 five years.

10 Q. And when did this occur?

11:27

11 A. MR. OSLER: Early '90s.

12 A. MR. MOLLARD: I don't know the specifics.  
13 Yeah.

14 A. MR. OSLER: Probably been an '83 hearing.

15 Q. Do you know of any Board that closes capital studies on  
16 capital expenses to rate base before the project comes on  
17 stream?

18 A. MR. OSLER: Yes.

19 Q. Who?

20 A. MR. OSLER: Historically in Manitoba,  
21 studies that were done back in the '90s by the Manitoba Hydro  
22 were amortized studies whether the project came on or not.

11:28

23 Q. Let's separate the two issues. One is recovery of your  
24 costs. Let's say -- let's put aside any dispute about  
25 whether or not your costs should be recovered. Let's assume

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1 that you've been prudent in pursuing these matters. Your  
2 costs should be recovered.

3 The second part of that is should these costs  
4 be moved into rate base so you can earn a rate of return year  
5 after year after year while these projects are not on stream.  
6 That's the second part of this test?

7 A. MR. OSLER: I think I said that, sir. We  
8 seem to be talking the same language, that these costs,  
9 assuming they're prudently incurred, are not being hit all at  
10 once in terms of recovery; they're being spread over a  
11 reasonable period of time, such as ten years.

11:29

12 And the only thing that you seem to be asking  
13 is should the cost of borrowing money and using money for  
14 those be recognized or not? That seems to be the only thing,  
15 if I understand you correctly, you're recognizing -- - you're  
16 questioning. And I'm just saying those are real costs.

17 The whole point of rate regulation is not to  
18 say they're fictional. The only reason they're charged to  
19 ratepayers is because the cost of borrowing and the cost of  
20 using equity are real costs. And to say they're not real  
21 costs because the project did not go forward versus they are  
22 would introduce level of fiction that I don't think is good  
23 ratemaking.

11:29

24 Q. But, unfortunately, sir when those costs are recovered  
25 and the financing of those costs are approached by utility

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1 tribunals, they don't use the return on equity as the basis  
2 for the recovery of the costs. They use something quite  
3 different.

4 Are you aware of the approach of other Boards  
5 in relation to financing of things in deferral accounts,  
6 taking figures like 1.9 percent and applying to them?

7 A. MR. OSLER: I'm not familiar with all the  
8 various practices that you could be referring to, sir. And  
9 the one I gave in Manitoba they don't do rate base return  
10 regulation; they do other things. But they don't ignore the  
11 costs of the company in terms of the total financial  
12 structure to carry what we could call here rate base. It's  
13 not ignored from the point of view of ratemaking.

11:30

14 Q. But the problem of putting in rate base is to get over  
15 the hurdle that utility regulation across the board only puts  
16 items in rate base that are used and useful. And whatever  
17 the prospect of these studies assisting you in the future in  
18 capital projects, they're not used and useful now.

19 A. MR. OSLER: Sir, I think the only thing I  
20 can say there is that I didn't get into studying this  
21 particular issue for this hearing because in the past, these  
22 projects that have been stopped have gone into deferral  
23 accounts and been called part of rate base and they're Yukon  
24 practice. So if we're talking about something brand new,  
25 then we'll have to research it.

11:30

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1 Q. It's not new.

2 A. MR. MOLLARD: It is not the practice in Yukon  
3 today, though, sir.

4 Q. But all of you are old enough to remember the debates in  
5 the last 10 or -- in the last 15 years ago about stranded  
6 assets where, in fact, utilities had prudently engaged costs  
7 and obtained -- purchased facilities that, by virtue of the  
8 developments in the market, had become stranded. They were  
9 stranded assets. They could not recover from them. They had  
10 to be removed from rate base.

11:31

11 A. MR. OSLER: I'm not sure there's a question  
12 here.

13 MR. JANIGAN: We'll continue the rest of this  
14 in argument, Mr. Chair.

15 A. MR. OSLER: In the context of the Yukon,  
16 sir, we had an asset called the Whitehorse 4. There is a  
17 precedent setting going back to the National Energy Board,  
18 and some of the people in this room were there at the time.

19 And, yes, an asset that's been built that cost 60 million  
20 dollars and needs to be managed in terms of whether it's used  
21 or useful, I think we all have experience with that, sir.

11:32

22 That is not what we're talking about in terms of the deferred  
23 study costs here.

24 MR. LANDRY: So, Mr. Chair, just going to  
25 ask my friend for a finish there. I didn't want to interrupt

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1 him in his cross-examination on this point.

2 Are you finished that point?

3 MR. JANIGAN: Yes.

4 MR. LANDRY: I would just like to make a  
5 note for the record. There was a lot of debate there about  
6 principles and legal issues and I didn't stop it, but you can  
7 be rest assured I'm not sure what my friend is speaking  
8 about.

9 I do know what the practice is in Yukon and do  
10 know what this Board has done before. And there is precedent 11:32  
11 and there's legal issues that are involved there, and I just  
12 wanted to make that noted to the Board. And I guess we're  
13 going to hear about both sides in legal argument.

14 THE CHAIR: I'm sure you will.

15 Q. MR. JANIGAN: I wonder if you could turn in  
16 the book of cross-examination materials on Tab 17. It has  
17 the YEC backgrounder GRA 2012. And it states in the  
18 backgrounder that depreciation rate changes in 2005 allows  
19 assets to depreciate over longer periods of time and thereby  
20 reduce operating costs by 1.2 million per year. Is that 11:33  
21 correct?

22 A. MR. MORRISON: That's correct.

23 Q. And is it the depreciation expense itself that is  
24 causing that reduction of 1.2 million a year?

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

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1 Q. And this is also the net impact on overall revenue  
2 requirement due to the 2005 change in depreciation rates?

3 A. MR. MORRISON: If you just give us a minute,  
4 we're just checking something.

5 MR. LANDRY: What page?

6 MR. JANIGAN: Page 17, Tab 17, sorry.

7 A. MR. MORRISON: It says aids to cross.

8 A. MR. OSLER: Sorry, sir, could you ask the  
9 question again?

10 Q. Sure. Let me put it -- what has been the net impact on  
11 overall revenue requirement due to the 2005 change in  
12 depreciation rates?

11:35

13 A. MR. OSLER: I don't think we have that  
14 number in the sense that it would be a combined effect of  
15 lower depreciation numbers and the extent to which the rate  
16 base is a little bit higher than it would have been  
17 otherwise.

18 Q. Okay. And in its current application, you have asked  
19 for updates in the depreciation rates which would reduce  
20 depreciation expense further 2.4 million in 2012 and 2013?

11:35

21 A. MR. OSLER: Correct.

22 Q. And if you turn up UCG-YEC-136, if you have that, YEC  
23 states that the proposed changes in depreciation rates  
24 decrease the 2012/2013 revenue requirement by 2.3 million and  
25 2.4 million respectively since lower depreciation expenses

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1 offset by higher return on a higher rate base - .066 million  
2 higher return in 2012 and .205 million higher return in 2013.

3 Why is the impact on the 2013 revenue  
4 requirement equal to the reduction and depreciation expense  
5 when the return is increasing by over \$200,000?

6 **A. MR. MOLLARD: I'm sorry, I don't see that.**  
7 **The savings on depreciation in 2013 is 2.4 million and the**  
8 **rate base is .205 million.**

9 Q. Yes. But it says previously that the reduction would be  
10 2.4 million in 2012 and 2013, and in 2013 the higher return  
11 of .205 would seem to reduce that, would it not? 11:37

12 **A. MR. MOLLARD: On a net basis, yes.**

13 Q. Okay. That's fine. I wonder if you could look at  
14 UCG-YEC interrogatory 1-36-C. I wonder if you could just  
15 briefly explain how vehicle depreciation is actually handled?

16 **A. MR. MOLLARD: It's depreciated in accordance**  
17 **with our established rates into income.**

18 Q. And what -- is it through GAPP practices?

19 **A. MR. MOLLARD: Yes.**

20 Q. In response to UCG-YEC-138-B, YEC indicated that  
21 comparable companies were selected on the basis of owning and  
22 operating the same hydro and electric generation and  
23 transmission assets as YEC. Sorry, 1-38-B. 11:38

24 **A. MR. MOLLARD: Yes. We're there.**

25 Q. Is this a typical comparator when conducting a

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1 depreciation study and identifying similar utilities?

2 A. MR. MOLLARD: My understanding from the  
3 discussions we had with our depreciation consultants is that  
4 that is a normal practice. I rely on their statement in that  
5 regard.

6 Q. Okay. And YEC believes that the utilities used in the  
7 comparison can be identified as similar to YEC?

8 A. MR. MOLLARD: Yes.

9 Q. Now, I'd like to turn to the area of return on equity.  
10 And as I understand it, the YEC has proposed to use the base 11:39  
11 return arrived at by the Alberta Utility Board in 2011 to add  
12 the 52 basis point premium that had been -- that's been  
13 previously arrived at by the Yukon Utility Board as  
14 representing the special risks associated with YEC and then  
15 deducting the 50 basis point reduction from the  
16 Order-in-Council.

17 A. MR. MORRISON: Correct.

18 Q. Okay. In terms of the Alberta decision of 2011, my  
19 understanding is that it had two components, one looking at  
20 the return on equity and the other one looking at the size of 11:40  
21 the common equity ratio. Would you agree with that?

22 A. MR. OSLER: Yes.

23 Q. And in relation to the latter, the Board -- Alberta  
24 Utilities Board determined the common equity ratio by the  
25 business risk of each of the component utilities it was



1 determining and as well their ability to access the market.  
2 Would you agree with that?

3 A. MR. OSLER: I would agree that this would  
4 be an understanding I would share with you, but I'm not  
5 purporting to be an expert on the matter of how Alberta does  
6 it. I think the bottom line that YEC has used is that  
7 there's a risk-free -- there's a need for a risk-free equity  
8 return determination that's reasonably current. BCUC's was  
9 not available, so they went to the Alberta case.

10 But we were still doing the adjustment for the 11:41  
11 risks in the capital situation for this utility using the  
12 methods we've used and the Board has approved in the past.  
13 We recognize that in the Alberta cases they don't do it that  
14 way. They don't add, like BC did, 52 basis points to the  
15 risk-free amount. They adjust the capital structure.

16 We have had a long tradition of not adjusting  
17 the capital structure, and nobody wanted to touch that. So  
18 it's an amalgam as I described, and I'm not purporting to  
19 have a great deal of expertise on how one would do it under  
20 the Alberta basis because we didn't carry it all the way 11:42  
21 through that way.

22 Q. I guess the point I'm making is that the second -- what  
23 you're using is the Alberta Utility Board decision, which has  
24 two components, one of which seems to recognize the same kind  
25 of adjustment that was made by way of the 52 basis point risk

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1 premium.

2 In other words, I'm saying that if you were to  
3 use the Alberta -- the Alberta judgment report and use their  
4 figure, you also have to take a look at whether or not the  
5 equity risk premium that you were already receiving lines up  
6 with the risk associated with those utilities that were rated  
7 at the same common equity ratio.

8 In other words, you've got a situation where  
9 you've got apples and oranges in relation to the ROE.

10 **A. MR. OSLER:** You're asking me if I agree  
11 with you?

11:43

12 **Q.** Yes.

13 **A. MR. OSLER:** No. At the level of -- if it  
14 was really apples and oranges, then we shouldn't do it. I  
15 think it's fair to say that the BC approach and the Alberta  
16 approach are different in the area that you're describing.  
17 The assumption that we're putting forward for the sake of  
18 expediency if you like in the sense of trying to getting an  
19 answer that is reasonably cost effective and useful for this  
20 Board.

11:44

21 We're saying we didn't think that the BCUC's  
22 most recently available, from 2009 I believe, benchmark  
23 number, well over 9 percent, was current or reflected the  
24 situation that we would recommend for the Board. We don't  
25 have anything else from BC. We don't have anything else from

1 a comparable regulator who is taking a risk-free benchmark  
2 and adding to the interest rate as BC did.

3 We went to Alberta who uses a different  
4 approach, adjust the equity -- as you say it's an apples and  
5 oranges variation -- and thought that their risk-free  
6 benchmark could be utilized in the way we have suggested and  
7 we could get a quick determination of something that was fair  
8 and reasonable for all parties.

9 We have no interest in trying to get into the  
10 complexities of adjusting the equity base in Yukon Energy or  
11 getting expertise to try and do that. We think the approach  
12 that's been going on since the company was formed to try and  
13 keep it at 40 percent equity has met the test of time and  
14 various different people in government and everything else,  
15 and we would very much like to keep that as a firm rock upon  
16 which we can build other things.

11:45

17 I think that's about as blunt as I could be,  
18 sir, in terms of what we're doing. And if somebody has a  
19 better option, we were sure they would come forward with  
20 evidence in this hearing and offer it.

11:45

21 Q. I'm suggesting, sir, in using the Alberta approach you  
22 also have to look at how they adjusted for risk, and my  
23 suggestion is that the 40 percent that you currently have is  
24 such that it would ordinarily qualify for the simple  
25 application of their formula without the addition of the 52

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1 basis point premium, which as you say is from another era.

2 A. MR. OSLER: Well, sir, this Board heard in  
3 2009 from the other utility who is much more experienced than  
4 I am by a country mile on what happens in Alberta, and they  
5 were arguing that they should increase their equity  
6 considerably above the 40 percent range to reflect the type  
7 of risks that a small utility in Yukon faces.

8 I don't have opinions on that. I think that  
9 we went the other way into that hearing and kept to the BC  
10 approach.

11:46

11 So I think YEC is not a large utility. It's  
12 an integrated utility with generation risks that we discussed  
13 separately. I don't think it would match the risk profile of  
14 the utilities I'm looking at, the answer to CW-1-41. So but  
15 that's -- we're relying on the approach we've taken before.  
16 We've laid it out. I don't think I can give you much more  
17 help than that.

18 Q. It's certainly a mix. You have transmission,  
19 distribution, and generation all in one utility.

20 Transmission being you consider the lowest risk, generation  
21 being the highest risk, and distribution being somewhere in  
22 between.

11:47

23 If you unpack your return that you suggested  
24 looking at the long-term Canada risk-free rate you're getting  
25 a 2.3 percent is the current long-term Canada rate. You're

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1 requesting 8.77.

2           You have to have a market risk premium for the  
3 market as a whole to be fairly substantial and substantially  
4 above most estimates to end up with any sort of reduction for  
5 risk in an 8.77 situation. Do you not agree?

6 **A. MR. OSLER:**                   **No. I think that effectively**  
7 **8.75 percent is a lot lower than the current benchmark being**  
8 **used in BC, which was the framework that this Board has**  
9 **accepted before. So I don't have any intuitive rationale for**  
10 **suggesting that unpacking it or otherwise twirling it around** 11:48  
11 **would show to me that it's inherently inapplicable or**  
12 **inappropriate.**

13           I think that our application also references  
14 certain decisions made for Alberta based utilities working  
15 the Northwest Territories that are comparable in the range of  
16 what we're coming to here. So I'm reasonably confident from  
17 that angle as well that the numbers are in the correct  
18 ballpark, and people can argue about the detail. But it's  
19 not out to lunch, and it's not out to left field or anything  
20 else. It's an appropriate type of number for a simple 11:49  
21 approach that doesn't require having to bring in all sorts of  
22 experts.

23 **Q.** I wonder if you can turn up Tab 18, which is Table 2.2,  
24 from YEC 2008/2009 GRA and utility income statement from the  
25 June 2010 annual filing -- Tab 18. I'm sorry.

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1    **A.    MR. MORRISON:**                    **We're there, sir.**

2    Q.    All right.  And I wonder if you can confirm that the  
3    forecasted total sales revenue were 23.109 million for 2008  
4    and 26.134 million in 2009.

5    **A.    MR. OSLER:**                    **Correct.**

6    Q.    And the actual sales revenue were 5.784 million higher  
7    than the forecast of 2008 and 5.037 million higher than the  
8    forecast --

9    **A.    MR. OSLER:**                    **Sorry --**

10   Q.    Sorry, go ahead.

11:50

11   **A.    MR. OSLER:**                    **Are we on the same page?**

12   Q.    I believe we are.  Actuals and forecast.

13   **A.    MR. OSLER:**                    **Oh, I see.  You've got it**  
14   **actual 2006, actual 2007.  Then you've got forecast in 2008**  
15   **and 2009, so I assumed you were leaping somewhere else.**

16   Q.    I'm afraid this -- our reproduction or collation has  
17   been deficient in this.  I'm looking at that to be a  
18   comparison to the current filing.

19                    Why don't we leave that.  I'll come up with  
20   the appropriate materials after lunch.

11:51

21                    In the next part I would like to deal with the  
22   diesel contingency fund.  And in your application you're  
23   proposing to update the method of operation of the DCF due to  
24   the connection of the Whitehorse Aishihik Faro and  
25   Mayo-Dawson grids and commencing the new hydro facilities

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1 Mayo B and the Aishihik Third Turbine. Am I correct?

2 A. MR. OSLER: We are proposing, sir, to  
3 update it and reinstate it, but it isn't necessarily just  
4 because of those things. It's because of the diesel has  
5 become relevant again and we need to have a method to  
6 stabilize the costs that are put into rates despite the  
7 fluctuations that occur with water.

8 Q. With respect to the proposal to place secondary sales  
9 revenues directly into the DCF, I believe that or recall from  
10 examination yesterday that this will be something that will  
11 lower the risk of YEC; is that correct? It will protect --

11:52

12 A. MR. OSLER: I think it's in the context of  
13 what we discussed yesterday. If secondary sales were to be  
14 forecast, which they are not, then YEC runs a risk that the  
15 forecast won't materialize. But in a situation where we  
16 would not forecast secondary sales, the situation actually  
17 goes the other way around. If the water came, YEC would make  
18 a bunch of money. If the water doesn't come or it's below  
19 average, then YEC isn't hurt.

20 In that situation, it seems that there isn't a  
21 risk that YEC incurs. There's perhaps a potential benefit.  
22 And the proposal essentially assigns all of that benefit  
23 without any risk to the ratepayers through the DCF.

11:53

24 Q. Okay. And what mechanism exists for YEC to come back  
25 and recover more from ratepayers when it incurs additional

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1 costs if the DCF balance is zero?

2 A. MR. OSLER: Simply the making of an  
3 application, sir.

4 Q. Okay.

5 A. MR. MORRISON: But to be clear, the idea  
6 behind a DCF is to smooth that happening in one lump. If we  
7 have a drought year or a drought couple of years, the whole  
8 idea of this in following regulatory practice with a number  
9 of different accounts is to smooth the impact on ratepayers  
10 over time so that if there's funds in the DCF and we have a  
11 serious drought, those funds would offset, you know, any  
12 major bulk hit to ratepayers at that one time.

11:54

13 A. MR. OSLER: And I think any -- we haven't  
14 had this experience -- thank goodness -- to date. The  
15 closure of the Faro mine did one thing. It happened at the  
16 same time that we had a serious shortage, the analysis shows  
17 in terms of water, which means we would have been hit pretty  
18 hard.

19 But I think the same intent would be there if  
20 there was a shortfall, the approach the utility would be  
21 looking for would be one to smooth out the impact over a long  
22 time period between talking to its bankers and talking to its  
23 regulator.

11:54

24 Q. Where would the costs associated with providing  
25 secondary sales be recorded?



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1 A. MR. MORRISON: Well, sir, the only reason we  
2 have secondary sales is when we have surplus energy. And I  
3 think just in relation to the discussion around diesel  
4 contingency fund, one of the reasons that we're talking about  
5 it is we no longer have surplus energy on the system. So  
6 past years we've had surpluses. Those have dwindled away  
7 with the addition of new customers.

8 So the cost of secondary sales is, you know,  
9 basically almost a zero cost in the sense that if we're  
10 producing the energy and we have no place to sell it or we're 11:55  
11 using -- or we're releasing water and we're not running it  
12 through the turbines because we have surplus, it's a very  
13 insignificant amount of money.

14 Q. So the costs are still negligible and need not be  
15 recorded somewhere; is that --

16 A. MR. MORRISON: We don't record them  
17 separately. We produce energy as a bulk.

18 Q. Was this proposal discussed at the proceeding that  
19 resulted in the YUB approving the new rider F policy this  
20 year? 11:56

21 A. MR. OSLER: This -- no. The specific  
22 proposal wasn't developed at that time, and there were a lot  
23 of questions, if I recall correctly, during that proceeding  
24 which was a paper proceeding on the DCF historically. But  
25 there wasn't a proposal that YEC had prepared at that time,

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1 so it wasn't part of the discussion.

2 Q. If you turn of UCG-YEC-1-21 and UCG-YEC-1-22, YEC  
3 indicated that it could not provide a table showing revenue  
4 requirement per residential or general service customers as  
5 this requires a cost of service study. Am I correct in  
6 summarizing that?

7 A. MR. MORRISON: Yes.

8 Q. For what year was the last cost of service study  
9 conducted?

10 A. MR. OSLER: The two utilities served was  
11 2009.

11:57

12 Q. In this last cost of service study, what percentage of  
13 the revenue requirement was allocated to the residential  
14 class?

15 A. MR. OSLER: I can't recall that, sir. It's  
16 a matter of record. Isn't the percentage -- are you asking  
17 the percentage of the overall revenue requirement that  
18 actually was assigned to the class, or are you asking what  
19 did the class pay relative to its allocated cost of service?

20 Q. I think the former rather than the latter?

11:57

21 A. MR. OSLER: I don't have either.

22 Q. Is it possible to obtain that?

23 A. MR. OSLER: Yes, it's possible.

24 Q. Okay. I wonder if you could --

25 A. MR. OSLER: But --

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1 Q. You're saying it's contained within that cost of service  
2 study filed in that --

3 A. MR. OSLER: Yes. There's a Board report.  
4 The Board didn't approve the cost of service, sir. So it's  
5 simply a question of looking at the compliance filings and  
6 stuff like that. But I'm not sure --

7 Q. It's on the record somewhere.

8 A. MR. OSLER: It's all on the record, yeah.

9 Q. And, similarly, look at the last cost of service study,  
10 you wouldn't know off the top of your head what percentage  
11 was allocated to the general service class? 11:58

12 A. MR. OSLER: You're correct, sir. I  
13 wouldn't remember off the top of my head.

14 Q. All right.

15 MR. JANIGAN: Would this be an appropriate  
16 time for a break, Mr. Chair?

17 THE CHAIR: Yes, it would be. Thank you.  
18 So we'll recess for about an hour and a half. So around 1:30  
19 we'll return. Thanks.

20 \_\_\_\_\_ 11:58

21 PROCEEDINGS ADJOURNED TO 1:30 P.M.

22 \_\_\_\_\_

23

24

25

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 Volume 2

2 November 13, 2012

3 P.M. Session

4

5 THE CHAIR: Welcome back. Is there any  
6 preliminary matters before we get back to Mr. Janigan?

7 MR. LANDRY: Excuse me, sir. I mentioned to  
8 Mr. Janigan we have a few undertakings we can put on the  
9 record now. So I'll start with Mr. Osler and we'll move  
10 along the line here.

13:32

11 THE CHAIR: Okay.

12 A. MR. OSLER: Okay. Dealing with  
13 undertakings at the end of yesterday, pages 191, 192, and  
14 193. The first one -- they're all to Mr. Janigan.

15 First one, Mr. Mollard was discussing  
16 wholesale, and we went -- wholesale forecasting went back and  
17 forth, and he said he can give what he could from YECL for  
18 2013 that we've gotten. So we checked.

19 And the wholesale number updates that we have  
20 are in 2012, the application is 296 gigawatt hours for --  
21 based on the first nine months. And just carrying forward,  
22 the GRA for the balance of the months the number is 301.9  
23 gigawatt hours or 5.9 higher.

13:33

24 For 2013 in September we got a forecast from  
25 YECL, the first one of a series. It was 301.3 gigawatt hours

1 versus the GRA is 298.2.

2 As Mr. Mollard said yesterday, that's not a  
3 number that is filed by any means, being that parties are  
4 talking about it. Our people are looking at it. I don't  
5 think it includes Whitehorse Copper Tailings but it is 3  
6 gigawatt hours higher than what's in the GRA. So that's the  
7 first undertaking.

8 The second undertaking, page 192, followed  
9 some discussion about mines. We were going to get you some  
10 information updates similar that we had available to us on  
11 mine numbers. I think it followed from UCG-YEC-1-20.

13:34

12 So Alexco and Minto 2012, again based on sort  
13 of year to date and updated forecasts now for the balance of  
14 the year for information provided by each mine.

15 Alexco GRA says 13.1 gigawatt hours for 2012  
16 and the update would be 12.5 or a decline of .5 gigawatt  
17 hours.

18 For Minto in 2012, the GRA says 39.3 gigawatt  
19 hours of sales. The update provided by Minto -- their  
20 correction is 29.4 for a decline of 9.9.

13:35

21 For 2013 from the same sources, GRA forecast  
22 is 14.6 for Alexco and the update is 15.8 for Alexco, all in  
23 gigawatt hours, for an increase of 1.2.

24 For Minto, GRA has 43.0 gigawatt hours. The  
25 update, which reflects all these changes, is 26.0 gigawatt

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1 hours or a decline of 17 gigawatt hours.

2 The final undertaking is on page 193 and was a  
3 discussion about power factors. And we undertook to find out  
4 if we had information on power factors for the loads from  
5 Minto and Alexco.

6 The answer in short is YEC does not have  
7 information automatically at all on the power factors that  
8 actually apply at any one time period for these mines. The  
9 only information that people gave me is that there was, as  
10 part of the DSM program, there was audit work done at Alexco  
11 and, they among other things, uncovered that there was a  
12 power factor at the time they were doing it of around .80,  
13 and people were taking steps to improve that. But other than  
14 that, we don't have any information to give you beyond what  
15 I'm just telling you.

13:36

16 A. MR. MOLLARD: The last item we have to update  
17 today, this reference is to page 93 of the transcript, lines  
18 1 and 2. Mr. Marriott was inquiring about 2012 forecast  
19 insurance expense.

20 I have an update on that. There's three  
21 components to the insurance item. Property insurance is  
22 \$645,000; liability insurance \$132,000; and annual brokerage  
23 fee of \$57,000 for a total of \$834,000.

13:36

24 MR. LANDRY: Those are all the undertakings,  
25 sir.

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1 THE CHAIR: Thank you. I'll turn it back  
2 to Mr. Janigan again, please.

3 MR. JANIGAN: Thank you very much, Mr. Chair.

4 Q. Panel, you'll be ecstatic to note that I actually found  
5 the document for 2008 and 2009 actuals that I could go back  
6 to that question.

7 And it starts with a reference in the book of  
8 cross-examination materials Tab 18 and which is Table 2.2  
9 from the GRA in 2008/2009.

10 THE CHAIR: Excuse me, Mr. Janigan. This 13:37  
11 item that's on our table is the --

12 MR. JANIGAN: It's the second half, yes, of  
13 the comparison. It was missing the first half.

14 THE CHAIR: So does it need its own exhibit  
15 number since it's a new --

16 MR. JANIGAN: It will, yes.

17 THE CHAIR: Can you, when you're ready, put  
18 it into an exhibit?

19 MR. JANIGAN: Sure. That's the UCG-3-25.

20 THE CHAIR: So its exhibit number is 13:38  
21 C-3-25.

22 EXHIBIT C-3-25 - YEC UTILITY INCOME  
23 RATE OF RETURN FOR THE YEAR END  
24 DECEMBER 31

25 Q. MR. JANIGAN: Thanks very much.

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1                   And, panel, do you have the new exhibit in  
2 front of you?

3   **A. MR. OSLER:**                   **Yes.**

4   **A. MR. MORRISON:**               **Yes.**

5   **Q.** And it indicates that the forecast of total sales  
6 revenues were -- I'm dealing with the document from the 2008  
7 GRA. The total sales revenues were 23.109 million in 2008  
8 and 26.134 million in 2009.

9                   And the June 30th regulatory -- 2010  
10 regulatory filing shows that the actual sales revenues were  
11 5.784 million higher than forecast in 2008 and 5.037 million  
12 higher than forecast in 2009.

13:39

13   **A. MR. MORRISON:**               **Correct.**

14   **A. MR. OSLER:**                   **That's what they show, but I'm**  
15 **puzzled by something, so just give me one minute.**

16   **Q.** Okay.

17   **A. MR. OSLER:**                   **We're -- the numbers you've**  
18 **given us in Exhibit C-3-25 are what they are. And what I was**  
19 **puzzled about is in our application, Table 2.1 has a 2009**  
20 **actual for sales revenues, and it's a 26.7 million in round**  
21 **numbers. So I'm wanting to find out why the two numbers are**  
22 **different.**

13:41

23   **Q.** Perhaps you could take an undertaking for you to look  
24 into the matter and report back?

25   **A. MR. OSLER:**                   **Yes.**



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1 Q. Okay.

2 **UNDERTAKING - TO DETERMINE WHY THE TWO**  
3 **NUMBERS ARE DIFFERENT IN TABLE 2.1 OF**  
4 **THE APPLICATION TABLE 2.1 AND EXHIBIT**  
5 **C-3-25**

6 Q. MR. JANIGAN: Thanks. If I could turn now to  
7 the matter of diesel fuel costs and I wonder if you could  
8 turn up UCG-YEC-1-24. And YEC provided details of actual  
9 prices paid for diesel fuel. And for 2009, the  
10 Board-approved price for Whitehorse was .96 cents per litre, 13:41  
11 and the average price actually paid was only .7603 per litre.  
12 The difference of 20 cents per litre equates to approximately  
13 \$97,000 over 485,693 litres.

14 In 2009 rates, what was the Board-approved  
15 level of diesel fuel consumption for Whitehorse, Faro,  
16 Dawson, and Mayo?

17 A. MR. MOLLARD: Sorry, were you asking for  
18 dollars or volume?

19 Q. Well, I suppose the litres would be the most important  
20 component and then we'll use the price in order to come to 13:42  
21 arrive at the total amount.

22 A. MR. OSLER: Yeah. We're trying to get a --  
23 we're using the approved 2009 fuel price; right?

24 Q. Yes.

25 A. MR. OSLER: And you want to know how much

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1 the actual diesel consumption that occurred is at that price?

2 Q. Yes.

3 A. MR. OSLER: And do you care about the  
4 location or just the total?

5 Q. I think just the total would be fine.

6 A. MR. OSLER: All right. Thank you.

7 Q. And what essentially it boils down to is I'm looking to  
8 see that in 2009 rates over recovered for allowed diesel fuel  
9 costs and what the amount of that over recovery was.

10 A. MR. OSLER: Right.

13:43

11 Q. I can take an undertaking if --

12 A. MR. OSLER: I'm just going to make a -- the  
13 filing gives you the dollars actually incurred for fuel in  
14 2009, which would be, unless I'm missing something, the  
15 volume times the approved price, and that was \$622,000 in  
16 Table 3.2 in page 3-4.

17 So I'm just -- as a first blush, somebody  
18 could go through and take these numbers and calculate that,  
19 but that would be what I would assume. Unless there's  
20 something like maintenance that I'm not aware of in that  
21 total.

13:44

22 Q. So --

23 A. MR. OSLER: Subject to check, if I can to  
24 keep it moving, that seem to me to be the type of number it  
25 should come to.

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1 Q. Okay. It's just arithmetic from that table.

2 A. MR. OSLER: Right.

3 Q. Okay. Is it fair to say that the Board-approved level  
4 of diesel fuel consumption and prices for 2009 were the  
5 levels that were approved for recovery and rate charged in  
6 2010 and 2011 as well?

7 A. MR. OSLER: It is true that that price  
8 doesn't change until you get to another GRA.

9 Q. Okay.

10 A. MR. OSLER: The rates are the rates. They  
11 are the final rates approved from that process. They don't  
12 change either.

13:45

13 But the company -- the company's use of diesel  
14 fuel for its expenses is charged at that approved price. It  
15 doesn't change until the next GRA.

16 Q. Okay. With Rider F in place, the fuel adjustment rider,  
17 what is the incentive for YEC to curb diesel fuel expense?

18 A. MR. MOLLARD: Well, to the extent that the  
19 forecast risk is all ours at the GRA price, if we're over our  
20 forecast, that goes to our bottom line at the GRA price.

13:45

21 Q. Yes. In terms of amounts. But in terms of dollars,  
22 though, that's not true, is it?

23 A. MR. MORRISON: Yeah. Absolutely it's true.

24 A. MR. MOLLARD: If I burn 1 litre of fuel more  
25 than my GRA -- more than my forecast, I eat that at the GRA

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1 price per litre.

2 Q. No, but I mean if 1 litre -- if you buy 1 litre at --  
3 only use 1 litre at 10 cents more, the 10 cents more goes to  
4 the customer; right?

5 A. MR. OSLER: Your question goes to: What is  
6 the incentive for the company to negotiate a better fuel  
7 price?

8 Q. That's correct.

9 A. MR. OSLER: Okay. Not the volume.

10 A. MR. MOLLARD: Okay. I misunderstood. 13:46

11 A. MR. OSLER: And you know, that's the --  
12 that question arises with any Rider F type of a situation for  
13 any of the utilities, right, but there is an incentive on  
14 behalf of the customers they work for to do their best to do  
15 that. There is not a financial incentive that puts money  
16 into their pocket. That's true.

17 A. MR. MOLLARD: And I do believe we answered in  
18 an IR that we do competitively bid our diesel fuel contracts  
19 every year.

20 Q. Okay. Was YECL consulted with respect to this proposal? 13:46

21 A. MR. MORRISON: Which proposal, sir?

22 Q. The Rider F.

23 A. MR. MORRISON: I think we talked -- we  
24 answered that earlier when we said that we didn't consult  
25 YECL about our application.

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1 Q. Oh, I'm sorry. Thank you.

2 A. MR. MORRISON: But I think Mr. Osler is going  
3 to talk about the Rider F.

4 A. MR. OSLER: I'm not sure what you're  
5 thinking of, sir. Rider F has been around since the  
6 beginning of time. So the mechanisms of Rider F, they just  
7 had a hearing on it. The two companies worked together to  
8 respond to it. So in this case this is a price forecast for  
9 YEC. It doesn't affect YECL. So -- and all we did was take,  
10 if I'm not mistaken, the time that was actually on the -- we  
11 recorded at the time we filed it. So I don't think there  
12 would be much to consult them about that I can think of.

13:47

13 Q. What about the proposal not to have Rider F affected by  
14 variations on the ongoing quarterly adjustments to prices of  
15 secondary sales?

16 A. MR. OSLER: That doesn't affect YECL.  
17 That's simply between YEC and its customers.

18 Q. Okay. I wonder if I could deal with O&M expense and, in  
19 particular, the expense associated with consultants. And I  
20 wonder if you could turn up YUB-YEC-1-8. And in the  
21 interrogatory response, one of the consultants that assists  
22 YEC in regulatory proceedings, InterGroup Consultants  
23 Limited, is identified as follows. With 2009 expenses,  
24 capital and deferred, of 1,237,000, administration at 43,000,  
25 regulatory O&M at 3,000; in 2010, capital and deferred at

13:48

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1 1,120,000, administration at 77,000, regulatory O&M at  
2 36,000; 2011 capital and deferred at 1,049,000,  
3 administration of 148,000, and regulatory O&M at 32,000. So  
4 for a total of \$3,745,000. Have I got that correct?

5 **A. MR. MOLLARD: Subject to check, yes.**

6 Q. Okay. And YEC has identified that 983,000 of these  
7 payments to InterGroup over these three years relate to  
8 support for financial and regulatory and regulatory  
9 consulting services and resource planning oversight services.

10 **A. MR. MOLLARD: Subject to check, yes.**

13:49

11 Q. Okay. Now, this question coming from counsel who  
12 resides 4,000 miles away, so you may take it with a grain of  
13 salt, but why doesn't YEC hire and train the expertise as  
14 part of staff instead of asking ratepayers to pay this size  
15 of consulting fees?

16 **A. MR. MORRISON: Well, we certainly have thought**  
17 **that process through on a number of occasions. We've**  
18 **discussed that at previous hearings I believe as well. The**  
19 **difficulty is securing the breadth of expertise required to**  
20 **answer -- to, A, file applications of this volume in terms of**  
21 **size and to answer all these questions is not something that**  
22 **we're confident that we could do on an ongoing basis.**

13:50

23 We haven't had the experience in the last  
24 several years of trying to do this, but we have experience in  
25 trying to recruit specific expertise into different

1 departments, and we have some great difficulty competing with  
2 southern markets for that expertise.

3 We also have consulted on a couple of  
4 occasions with our friends at Northwest Territories Power  
5 Corp. who have tried to do this, have not been very  
6 successful. You know, a number of years ago they had one  
7 person in a regulatory department, still didn't prevent them  
8 having to hire external consultants or an external firm.  
9 It's just not something that we believe that we can do and  
10 still get the same value for the dollars that we spend.

13:51

11 Q. So it's essentially a problem of your location more than  
12 anything else. Is that --

13 A. MR. MORRISON: I think it's a problem of, A,  
14 our location and our size. I don't think we can afford to  
15 hire on an ongoing basis, you know, a group of people large  
16 enough to cover the different disciplines.

17 You know, we have been in front of the  
18 regulator, as I pointed out in my opening, several times in  
19 the last few years. But prior to that, we weren't in front  
20 of the regulator for ten years. So then what do we do with  
21 people when we're not in front of the regulator? You know,  
22 do we pay people to do regulatory work when we don't need  
23 them? It's not something that we can dismiss them and hire  
24 them back and dismiss them and hire them back.

13:51

25 So I think our experience on the regulatory

1 front, although a difficult one in terms of the fact that we  
2 have to hire external expertise, it's not the only area of  
3 the corporation that we have to do that. We certainly have  
4 great difficulty hiring electrical engineers who want to stay  
5 in a small company and in this location.

6 Part of the problem is, you know, there's not  
7 a lot of movement within Yukon Energy. There's only so many  
8 jobs. You got a larger company like, you know, BC Hydro or  
9 Yukon Electric's ATCO parent. There's a lot of movement, and  
10 there's a lot of growth, and people have aspirations to grow,  
11 you know, in their careers. And that is also a big factor in  
12 us not being able to get people.

13:52

13 A. MR. MOLLARD: If I could, Mr. Chair, we have  
14 taken some positive steps, although fairly recently, we have  
15 hired -- and it's in the application -- our resource planning  
16 engineer who, although not directly related to the regulatory  
17 field, does have fairly strong modelling skills that will be  
18 transferable to some of the things we're doing in the  
19 resource planning and regulatory area.

20 And as well, one of our recent hires in the  
21 finance department is a gentleman who's shown quite a strong  
22 aptitude in analytics, and we're hoping that they can pick up  
23 some of that regulatory stuff that we've previously consulted  
24 out. Again, not to say that it's paying dividends yet, but  
25 we are hopeful that that will help us out in the future.

13:53



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1 Q. Okay. Does YEC own all of the data related to YEC  
2 initiatives that are stored at InterGroup's offices?

3 A. MR. MORRISON: We own all of the data that is  
4 prepared for us by any external consultant.

5 Q. Thank you. And do the costs identified in YUB-YEC-1.8  
6 related to regulatory proceedings reflect only the costs  
7 allowed by the YUB and the cost award decisions, or are these  
8 as-billed costs?

9 A. MR. MOLLARD: Well, if I understand the  
10 question correctly, Mr. Chair, the allowed costs would be  
11 included in the -- oh, sorry, I should correct that.

13:54

12 The way the analysis was prepared was a query  
13 from our financial system by the account code. When we get  
14 the order from the Board, the write-off comes off the bottom.  
15 So while the costs here may say -- may be part of the phase  
16 1, there's been a subsequent adjustment to write those  
17 expenses off.

18 So I guess you could say the classification  
19 may be a bit misleading in the sense that while this group is  
20 capital and deferred, which rate case is part of, we would  
21 have done a subsequent write-off to administration to reflect  
22 the order of the Board for the costs that were disallowed.

13:54

23 Q. So what's identified here is simply --

24 A. MR. MORRISON: The total.

25 Q. It would be total. Okay. In response to UCG-YEC-1-25,

1 YEC identifies labour costs that were actually charged to  
2 capital and deferred projects and other parties in 2009,  
3 2010, and 2011. Do you have that in front of you?

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

5 Q. Why is the labour expense forecast for 2013 only 2  
6 percent higher than 2012, yet 2012 is 10 percent higher than  
7 2011?

8 **A. MR. MOLLARD: 2013 is simply the 2012 labour  
9 plus the collective agreement increment.**

10 Q. So the collective agreement was signed in 2012. Is that 13:56  
11 what happened? Or some were affected for 2012?

12 **A. MR. MOLLARD: No. Subject to check, the  
13 agreement, I believe, expires at the end of '13. So it's the  
14 2.25 percent is the agreed -- is the contractual increment.**

15 Q. What explains the 10 percent increase from 2011 to 2012?

16 **A. MR. MOLLARD: That would include staffing  
17 increases.**

18 Q. That were driven by your projects?

19 **A. MR. MOLLARD: The hirings could be  
20 administrative or it could be project related.** 13:56

21 Q. Why is the percentage of total labour charged to capital  
22 and deferred projects forecast to decline from 2010 and 2011  
23 levels?

24 **A. MR. MOLLARD: Sorry, sir. I think I misspoke  
25 in that previous response. I thought you were talking about**

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1 total labour, and I understand you're talking about  
2 specifically in capital.

3 The actual numbers are where people charge  
4 their dollars to.

5 For the purposes of budgeting, Mr. Chair, what  
6 our budget managers do for each position that reports to  
7 them, they have to estimate the percentage that person will  
8 spend on their maintenance activities versus their capital  
9 project activities.

10 It's a difficult -- it's a difficult exercise,  
11 especially for our operational personnel to know exactly how  
12 long they're going to be maintaining equipment versus doing  
13 capital work. So they do their best, but there's always  
14 going to be some variance between what they estimate in any  
15 given year and where those people actually work.

13:57

16 Particularly in 2010 and '11 when we were  
17 doing the very large Aishihik project, Mayo B,  
18 Carmacks-Stewart, we had a fair number of personnel get  
19 pulled off of their regular duties and have to work in the  
20 capital areas to help with commissioning and such things. So  
21 you'll see that coming through as larger charges in 2011 for  
22 those people.

13:57

23 Q. If you could turn up UCG-YEC-1-25-C, YEC provides  
24 average OM&A cost per customer which is described as a figure  
25 of limited value.

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1           As you may know in jurisdiction where I  
2 generate from in Ontario with 76 distribution -- municipal  
3 distribution utilities, that particular number is of quite a  
4 bit of significance when we look across the board and attempt  
5 to adjudicate on these applications.

6           Can YEC provide an average OM&A cost per  
7 customer using a weighting factor which allows us to  
8 segregate out the costs associated with the wholesale  
9 customer?

10   A.   MR. MORRISON:           I don't believe we can, sir.   13:59

11   A.   MR. MOLLARD:           I'm not sure that would be  
12 particularly meaningful. I think, you know, as we put in our  
13 application, Mr. Chair, the -- it's not the growth in the  
14 customers that is really driving our costs.

15           As we've said, we've doubled our assets in the  
16 four years since 2009. We have huge increase in load.

17           Those are the items that are driving the  
18 costs. It's not necessarily the customer count that's doing  
19 it. So I would suggest that it's not the right correlation,  
20 or it's not a correlation that's meaningful in this case, to  
21 be fair.   13:59

22   Q.   Would OM&A per class of customer be a more meaningful  
23 calculation?

24   A.   MR. MORRISON:           I don't think it's any more  
25 meaningful. We have a -- two mining customers. So you've

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1 got industrial customers and their load is a certain volume.  
2 Then you have -- you know, we have a whole 1700 or so retail  
3 customers. Then we have one wholesale customer.

4 So I don't know how it becomes a meaningful  
5 number.

6 Q. In your application -- in your application on page 3-8  
7 of Table 3.4, YEC indicates that its employee level increased  
8 from 79, which was the 2009 allowed, to 92, which was the  
9 2011 forecast in 2012 proposed.

10 A. MR. MORRISON: Correct.

14:00

11 Q. Can you provide a revised table that shows the employee  
12 complement prior to any allocations to the Yukon Development  
13 Corporation?

14 A. MR. MORRISON: That's -- that is -- just hang  
15 on a minute.

16 A. MR. MOLLARD: If you just give us a second, I  
17 think we answered that question in an IR.

18 Q. Sure.

19 A. MR. MOLLARD: Subject to check, I believe the  
20 position count was a .71 allocation to YDC. So, effectively,  
21 92 would become 92.71.

14:01

22 Q. Okay. Is it fair to say that this application request  
23 approval from the YUB for the additional 13 positions over  
24 the 2009 allowed?

25 A. MR. MORRISON: It's the 12 point -- 12.26

1 positions, yes.

2 Q. And this application requests approval for that?

3 A. MR. MORRISON: It's part of the revenue  
4 requirement for that, yes.

5 Q. In response to a UCG-YEC-1-26-A, YEC notes at the bottom  
6 of the table provided that there are no profit sharing or  
7 incentive plans in the GRA revenue requirement.

8 A. MR. MORRISON: That's correct.

9 Q. Does YEC have a profit sharing or incentive plan?

10 A. MR. MORRISON: No.

14:03

11 Q. In the same interrogatory or part B, YEC provides  
12 details of compensation to its Board of directors?

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

14 Q. Why did the Chair's compensation increase so  
15 dramatically starting in 2010?

16 A. MR. MORRISON: Well, a function of two things.  
17 First of all, the Chair gets paid for work that the Chair  
18 does, not for -- it's not a salary. And so the amount of  
19 work that the Chair has been required to do has been  
20 increased significantly, and that's the only reason that the  
21 numbers go up.

14:03

22 Q. Why has the Chair's work increased so significantly?

23 A. MR. MORRISON: Well, because we've had several  
24 large projects that have been going on through that period of  
25 time. There's a large number of requirements for the Chair

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1 to become involved in discussions as projects go forward and  
2 make sure that the Board is satisfied in terms of its  
3 requirements of reporting, the preparation of Board  
4 materials. And we have a new government in place since then  
5 and that takes more briefings.

6 Q. So is he paid on -- I'm sorry. I don't know whether  
7 it's a he or a she. Is the Chair paid on a per diem basis?  
8 Is that effectively what it is, or is it simply set in  
9 advance?

10 A. MR. MORRISON: So the Board Chair is paid the  
11 same per diem for meetings that he's paid to do this same  
12 work, yes.

14:04

13 Q. And those figures reflect per diems?

14 A. MR. MORRISON: Yes. X dollars a day for a  
15 number of days put into work.

16 And I would suggest to you, sir, that doesn't  
17 nearly reflect the number of days he really puts in.

18 Q. Are there members sitting on the Boards of both YEC and  
19 the Yukon Development Corporation?

20 A. MR. MORRISON: As -- I'm not sure what the  
21 relevance is, but there have been in the past and I think  
22 there still might be one or two, but I'm not sure what the  
23 point of that is.

14:05

24 Q. For rate setting and financial reporting purposes, what  
25 did YEC assume was the revenue requirement for the years 2010

1 and 2011?

2 **A. MR. MOLLARD:** There was no revenue  
3 requirement for '10 and '11. They weren't test years.

4 **Q.** So, effectively, the 2009 revenue requirement continued  
5 in relation to the rates?

6 **A. MR. MOLLARD:** Our rates reflected the revenue  
7 requirement from 2009, yes.

8 **Q.** Okay. And I'm sorry. I listened to your answer  
9 yesterday concerning the -- what happens with respect to  
10 disallowances from recoveries that the Board orders and how  
11 you deal with it. Unfortunately, I didn't understand it and  
12 haven't been able to figure it out.

14:06

13 But over the last three years the YUB has  
14 disallowed YEC from recovering \$455,096.32 in costs that it  
15 claimed in the various regulatory proceedings, and only the  
16 \$224,000 disallowance from Order 2009-11 is specifically  
17 identified in YEC's revenue requirement schedules, and that's  
18 a reference application Tab 7, Schedule 5, line 3 -- line 13.

19 **A. MR. MOLLARD:** Could I have that reference  
20 again, please?

14:07

21 **Q.** Sure. It's application Tab 7, Schedule 5, line 13. And  
22 other disallowances are supposedly included under the  
23 miscellaneous line in YEC's statement of earnings, and that's  
24 application Tab 7, Schedule 6, line 13.

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



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1 Q. That is correct? Can you provide a breakdown of the  
2 miscellaneous amounts shown in line 13 of Tab 7, Schedule 6.

3 A. MR. MORRISON: For which years?

4 Q. It would be for -- it starts with 2009 and goes to 2012.  
5 So it would be 2009, '10, '11, '12.

6 A. MR. MOLLARD: Just to be clear, we don't  
7 forecast regulatory loss, so there would be none for 2012.

8 Q. Correct.

9 A. MR. MOLLARD: So '9, '10, and '11, then, sir?

10 Q. Please.

14:08

11 A. MR. MOLLARD: Okay.

12 UNDERTAKING - TO PROVIDE A BREAKDOWN OF  
13 THE MISCELLANEOUS AMOUNTS SHOWN IN LINE  
14 13 OF TAB 7, SCHEDULE 6 OF THE  
15 APPLICATION

16 Q. MR. JANIGAN: And as I recall from our  
17 discussion earlier the hourly rates claimed through YUB cost  
18 claim process, what happens is, is that the total amount is  
19 recorded in the revenue requirement, and the disallowance is  
20 written off. Am I correct on that? If I'm not correct,  
21 please correct me.

14:09

22 A. MR. MOLLARD: Well, I think as I explained we  
23 don't go to that level when we're forecasting cost of the  
24 proceeding. For this GRA we used what was an estimate from  
25 the last proceeding, but it didn't go down to the consultant

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1 level and their hourly rate and number of hours to put on the  
2 file.

3 So it's not relevant to the forecast for  
4 that -- for this proceeding.

5 Q. Okay. But the disallowed amounts find their way back  
6 into some kind of reduction of the revenue requirement -- the  
7 rates.

8 A. MR. MORRISON: Well, maybe I can talk a little  
9 bit about our process, and that may help. We don't -- as I  
10 said, we don't forecast regulatory loss in our revenue  
11 requirement. So, in practice, when we have a proceeding like  
12 this or a part 3 or whatever, a PPA, our practice is to book  
13 the costs into the project. Prior to the filing for the  
14 costs we go through the charges and adjust them down to the  
15 allowed rates and write that off to miscellaneous expense.

14:10

16 We then apply for the costs. The Board issues  
17 it's order, and if there's a further reduction of hours, then  
18 we have a second write-off for that amount, if that's  
19 helpful.

20 Q. Yes, I think so. I wonder if I can turn to another area  
21 in cost of service in terms of bill impacts.

14:10

22 And I'm looking at Tab 17 of the book of  
23 cross-examination materials, Exhibit C-3-24.

24 A. MR. MORRISON: You mean the backgrounder, sir.

25 Q. Yes. The backgrounder. And YEC states in its

C. OSLER, D. MORRISON, E. MOLLARD

Cross-examined by Mr. Janigan

1 backgrounder that: (as read)

2 "Apart from industrial customers, this  
3 is the first time YEC asks for rate  
4 increases since 1999."

5 **A. MR. MORRISON:** For a generate increase, yes.

6 **Q.** Okay. Now, in relation to your response to  
7 interrogatory UCG-YEC-1-3-D, YEC confirmed that riders are  
8 considered rates as defined within the Public Utilities Act.

9 **A. MR. MORRISON:** I don't have it in front of me.  
10 It may be so, but that's certainly not what I was referring  
11 to. What I meant was a general over all generate increase,  
12 and I think that was -- hopefully that was clear.

14:11

13 **Q.** Okay. Because there have been rate increases, but there  
14 has not been a generate increase. Is that --

15 **A. MR. MORRISON:** Related to riders.

16 **Q.** Yes.

17 **A. MR. MORRISON:** And just to be clear, I did  
18 mean a general rate increase approved by the Utility Board  
19 and, you know, in that context. We haven't had anything like  
20 that.

14:12

21 **Q.** Okay. In response to UCG-YEC-1-3-E, YEC states that:  
22 (as read)

23 "In the 2008/2009 GRA, YEC applied for  
24 rates to be implemented in a manner  
25 that was not across the board,

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1 reflecting updated information on costs  
2 related to the various rate components  
3 while still reflecting the limitations  
4 on inter-class rebalancing contained in  
5 Order-in-Council 2008 -- 149. YEC  
6 states that the Board instead concluded  
7 that across-the-board rate adjustments  
8 were appropriate."

9 Can YEC identify -- and perhaps I can take an undertaking on  
10 this -- is where in the YUB's decision in the 2008/2009 GRA  
11 the Board concluded that across-the-board rate adjustments  
12 were appropriate?

14:13

13 A. MR. OSLER: The decision essentially said  
14 they don't deal with that except in a cost of service  
15 hearing. I mean, that was the essence of the point. And  
16 they were quite emphatic about it. The cost of service  
17 hearing followed, and they then discussed how to deal with  
18 rates in the context of a cost -- you know, joint YEC/YECL  
19 cost of service and rate design hearing.

20 The question that this was responding to was  
21 the question that you're asking us, why we proposed  
22 across-the-board rates, and we're trying to tell you that we  
23 did it because we're following the direction of the Board at  
24 the previous hearing. And there's no cost of service and  
25 rate design hearing. We got the message last time.

14:13

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1 Q. It's more a matter of what the hearing is rather than  
2 any prohibition of across-the-board adjustments.

3 A. MR. OSLER: Yes, in the -- I think you  
4 meant say any prohibition of not having across-the-board  
5 adjustments.

6 Q. Yes.

7 A. MR. OSLER: But no, legally we're not  
8 saying they can't do it. But --

9 Q. Okay.

10 A. MR. OSLER: -- we are saying that they have 14:14  
11 suggested strongly that they don't want to do it except in  
12 the context of a cost of service and rate design hearing.

13 Q. Now, if you can turn UCG-YEC-1-5 which contains bills  
14 for 1,000 kilowatt hours before the tax rebate RSF, IER, and  
15 GST have increased from 110.50 in 1997 to 156.08 proposed for  
16 2013.

17 A. MR. OSLER: Sir, could you just tell us  
18 which customer group you're talking about and which  
19 particular --

20 Q. Residential. 14:15

21 A. MR. OSLER: Residential. And 1,000  
22 kilowatt hours a month?

23 Q. That's correct.

24 A. MR. OSLER: Okay. And the numbers you gave  
25 again? Sorry.

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1 Q. Were 110.50, in 1997 to 156.08 --

2 A. MR. MORRISON: Sorry, sir. I just want to  
3 make sure we're on the same page.

4 Q. Okay.

5 A. MR. MORRISON: I'm not certain we're on the  
6 same page.

7 Q. We're on the revised one.

8 A. MR. OSLER: Okay. Sorry.

9 THE CHAIR: So, Mr. Janigan, because we  
10 don't have it up here either, can you just give us the new  
11 number, the revised number, please?

14:15

12 MR. JANIGAN: The number of the revised  
13 interrogatory or the number --

14 THE CHAIR: Whatever you're referring to.

15 MR. JANIGAN: Okay. It's UCG-YEC-1-5  
16 revised.

17 THE CHAIR: Where does it say revised?

18 MR. JANIGAN: Just put some brackets after  
19 it.

20 A. MR. OSLER: We're having trouble finding  
21 it. We acknowledge that there's supposed to be a revised  
22 one, but I don't seem to have it.

14:16

23 THE CHAIR: We just have UCG-YEC-1-5. I  
24 don't see anything with an R on it.

25 MR. JANIGAN: All right.

C. OSLER, D. MORRISON, E. MOLLARD

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1 A. MR. OSLER: We, sir, are in the same  
2 predicament. Can you just give us -- yeah.

3 MR. JANIGAN: If we have an opportunity to  
4 return to it, we will, but probably it's self-explanatory  
5 material in any event.

6 Q. Obviously increases in rates may bring about hardship  
7 for low income residents of the Yukon. Does the YEC have any  
8 suggestion on how families -- and if you look in Tab 19 we  
9 have excerpts from the Yukon Department of Health report that  
10 shows that 360 Yukon families are living below the low income  
11 cutoff -- how these families should address the proposed  
12 higher depends on their limited disposable income?

14:16

13 A. MR. MORRISON: No, we don't, sir. The issue  
14 in front of us is we don't have tiered rates. We have rates  
15 that apply across the territory on a postage stamp basis.  
16 The issue is a difficult one for everyone. We don't like  
17 rates going up any more than anybody else does.

18 And I would -- I can only suggest that that is  
19 an area of purview of the Yukon government.

20 Q. Has YEC in the past addressed issues like bill payment,  
21 arrears, collections, cutoff programs that are in place in  
22 many utilities across Canada now, to assist?

14:17

23 A. MR. MORRISON: I'm not sure what you mean by  
24 the question "addressed."

25 Q. Well, have they looked into, for example, setting up

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Cross-examined by Mr. Janigan

1 bill payment programs that allow customers in arrears to be  
2 able to pay it off in accordance with their income or some  
3 level -- some level of intervention when it comes to being  
4 cut off from the network?

5 A. MR. MOLLARD: Well, a couple comments,  
6 Mr. Chair. I think it's important to remember that YEC only  
7 serves about 2,000 customers directly. The vast majority of  
8 Yukoners are served by YECL.

9 We do have customer collections policies that  
10 deal with customers in arrears. It's not been a big problem  
11 for us, but we do -- we do accommodate people when they  
12 are -- when they are in distress and we have the ability to  
13 set up payment plans to allow them to get their financial  
14 house in order.

14:18

15 Q. And do you advertise this kind of service?

16 A. MR. MOLLARD: Not per se, no.

17 Q. With respect to programs like DSM, does YEC feel that it  
18 should be responsible for social inclusion?

19 A. MR. MORRISON: I'm not sure what you mean by  
20 that.

14:19

21 Q. Everybody can participate.

22 A. MR. MORRISON: Pardon me?

23 Q. Everybody can participate.

24 A. MR. MORRISON: Well, we hope everybody can  
25 participate. And we hope to be able to address programs --



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1 as part of the program design, be able to help people put  
2 some of these initiatives into effect in their own homes or  
3 businesses. We're hoping most people can participate.

4 Q. Does YEC feel that the YUB has a mandate to direct YEC  
5 to ensure that the barriers to participation in DSM programs  
6 should be removed?

7 A. MR. MORRISON: I'm not going to speak for the  
8 YUB, sir.

9 Q. Does YEC consider that the programs offered by the  
10 energy solutions centre open to all electricity consumers are 14:20  
11 open to all electricity consumers or are these programs  
12 currently only available to those who can afford the required  
13 investments?

14 A. MR. MORRISON: I'm not an expert on their  
15 program, sir, and I wouldn't like to comment.

16 Q. Okay. Does YEC currently work with any social agencies  
17 to address the needs of low income Yukoners?

18 A. MR. MORRISON: Not directly. We certainly  
19 work with a number of social agencies and have consulted with  
20 them in terms of demand side management initiatives and 14:20  
21 things like that, but we don't address low income Yukoners  
22 issues. That's a government department question I think.

23 Q. Is YEC aware of any low income assistance programs that  
24 exist in other jurisdictions which are maintained by  
25 utilities?

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1 A. MR. MORRISON: I am not, sir.

2 Q. Okay. Would you agree that affordability was one of the  
3 key principles that was reinforced during the energy  
4 charrette hosted by YEC in March 2011?

5 A. MR. MORRISON: I certainly think affordability  
6 is a big question when we look at the entire package of  
7 things that most utilities do, and in addition to that, the  
8 costs of living that are spread amongst other goods and  
9 services.

10 So I think it's a big issue. You know, it's  
11 not much of a panacea if you are not, you know, a middle or  
12 high income earner, but we do have the lowest rates in  
13 northern Canada and we certainly make every effort to keep  
14 things that way.

14:21

15 So we strive at all turns to make sure that  
16 our rates are as low as possible.

17 Q. Given the proposed 13 percent bill increase over the  
18 test years and the lack of any associated rate mitigation  
19 proposals, at what level of increase would YEC believe that  
20 bill mitigation measures are warranted for various classes of  
21 customers?

14:22

22 A. MR. MORRISON: I'm not -- I don't have an  
23 answer for that, sir.

24 Q. Okay. I wonder if you could turn up Tab 21, which is  
25 page 9 from YUB Order 2009-08 dated September the 8th, 2009.

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1     **A.   MR. MORRISON:**                   **I think I have it.**

2     **Q.**   And in its order 2009-08, the YUB directed YEC as  
3 follows, and it starts with number 40, paragraph number 40 I  
4 believe: (as read)

5             "The Board directs YEC in conjunction  
6 with YECL to consult with stakeholders  
7 and develop a policy paper with respect  
8 to DSM initiatives. YEC and YECL are  
9 to jointly lead this process and submit  
10 a policy paper in the next GRA.

14:23

11            Further, the utilities are to be  
12 cognizant of and work with ESC where  
13 necessary so as to not duplicate  
14 efforts. The plan should include  
15 initiatives developed through  
16 negotiations with intervener groups and  
17 communities in the Yukon. The plan  
18 should provide a wide range of energy  
19 efficiency in conservation measures  
20 that will assist ratepayers in dealing  
21 with the high cost of energy in the  
22 Yukon and also provide support for  
23 local initiatives identified through  
24 community interveners who plan  
25 initiatives.

14:23

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1           The Board finds that UCG and LE  
2           proposals for deferral accounts in  
3           support of the DSM initiative is  
4           acceptable and both YEC and YECL can  
5           propose appropriate treatment of these  
6           accounts at the time of the next GRA."

7           Has that policy paper with respect to DSM  
8           initiatives been produced?

9           **A. MR. MORRISON:**           Mr. Chair, as we answered  
10          yesterday in questions by the city, we've been diligently  
11          working with both Yukon Electrical and Yukon Government, both  
12          the Department of Energy Mines and Resources and the Energy  
13          Solution Centre to pull a DSM program and a plan together.

14:24

14                           Unfortunately, with all the other things we've  
15          been doing as well, we have not got it ready. It's pretty  
16          close to being ready. There is a draft that needs to get  
17          through at least the Yukon Energy Board and, I'm sure,  
18          through some approval processes on the Yukon electric side.

19                           We hope to get that to the Board, you know,  
20          very shortly.

14:25

21          **Q.** Can you possibly expand on the meaning of "very  
22          shortly," Mr. Morrison?

23          **A. MR. MORRISON:**           I don't want to be pinned to a  
24          date but, hopefully, in the next couple of months.

25          **Q.** Given the Board's previous direction, does YEC assume

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1 that the Board would be looking at approving a policy  
2 regarding DSM initiatives before money was spent that YEC  
3 proposes to recover from ratepayers?

4 **A. MR. MORRISON:** No, I don't, sir. I think we  
5 -- we obviously can't do a policy and a plan and develop  
6 programs without spending money. So we certainly hope that  
7 the Board will review the plan and approve, you know, the  
8 initiatives going forward, but there certainly has to be --  
9 has to have been an expenditure upfront, just like planning,  
10 in order to get the material together to provide to the  
11 Board.

14:26

12 **Q.** In the application on page 315, YEC indicates that an  
13 energy conservation department was created in 2011 to work  
14 with stakeholders on Yukon-wide energy conservation programs  
15 and also focus on YEC DSM programs. YEC indicates that this  
16 required two new staff positions to be filled.

17 My question is, because energy conservation is  
18 an important element in helping YEC meet the Yukon's growing  
19 energy demands, why wasn't YEC more heavily invested in DSM  
20 initiatives prior to this?

14:26

21 **A. MR. MORRISON:** Well, we can certainly, you  
22 know, be chastised for not getting to it quite as quickly as  
23 we did, but prior to this we had a surplus of hydro. And  
24 with a surplus of hydro in our inventory, it was very  
25 difficult for us to wrap our heads around coming to the Board

1 and asking for dollars to be put into DSM plans and programs  
2 when we had surplus energy at our disposal.

3 Q. And why could this work not be completed by existing  
4 staff?

5 A. MR. MORRISON: Well, because existing staff  
6 wouldn't be employed if they didn't have a very large job to  
7 do as is, and we did try that using existing staff.

8 We had a staff member work on some  
9 preliminary -- on the preliminary setup of the program and  
10 trying to pull the information together. It became very  
11 clear to us very quickly that not only was this not a job  
12 somebody could do off the side of their desk but, in fact,  
13 that we needed two people in order to deal with the various  
14 constituent groups and stakeholders, government  
15 organizations, do the research, deal with other utilities in  
16 terms of bringing in programs and initiatives that have  
17 already been developed.

14:27

18 And I would say to you, sir, that the two  
19 staff that we have in there work very long days and are very,  
20 very busy just trying to do the work that's in front of them.

14:28

21 Q. How much has been spent on consultants working on DSM  
22 initiatives since 2008?

23 A. MR. MORRISON: You know, I don't have the  
24 number at the tip of my fingertips, but I would say that in  
25 something I saw, there's a cost for Marbek for the

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1 conservation potential review.

2           The conservation potential review was done in  
3 order to develop a baseline so that we could be -- we could  
4 intelligently measure and be able to present to the utilities  
5 Board and customers what, in fact, achievements we have made  
6 in terms of reducing consumption and energy over time.

7           They certainly -- there is no expertise  
8 anywhere in the territory, never mind within Yukon Electrical  
9 or Yukon Energy to do this work so we tendered it. Marbek  
10 was brought in to do this. This was advice that we got very  
11 clearly from our utility colleagues that we shouldn't be  
12 embarking down a DSM road without doing this work because  
13 without the ability to measure the programs, really what we  
14 were doing was a bit of a pie in the sky.

14:29

15           I'm not certain of other consultants. We may  
16 have used one or two small ones, but I can't -- nothing comes  
17 to mind.

18 Q. How much savings and net benefits associated with DSM  
19 are reflected in the proposed revenue requirements for 2012?

20 A. MR. MORRISON:           Again, as I think I answered  
21 yesterday a couple of times, the plan has not been  
22 implemented. It will take a number of years or months at  
23 least in order to see the net benefits. We are targeting an  
24 8.8 gigawatt hour savings in demand side -- on the  
25 conservation side over the first I think it's three or four

14:29

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1 years of the plan.

2 So I think that's where we're at at the  
3 moment.

4 Q. In response to UCG-YEC-1-18, in the current proceeding  
5 YEC indicates that \$302,625 in net DSM expenditures incurred  
6 prior to 2012 will be amortized over ten years. That would  
7 work out to about \$30,262.50 per year.

8 YEC states that the cost to be amortized in  
9 2012 and 2013 are 46,000 and 45,000 respectively which  
10 includes a return on rate base and amortization.

14:31

11 So my question is are there any carrying costs  
12 already included in the \$302,625 amount?

13 A. MR. MORRISON: Sir, what you mean by carrying  
14 costs?

15 Q. Things like interest or other -- the effects of  
16 amortization over the ten-year period.

17 A. MR. MOLLARD: I'm sorry. I'm not following  
18 the question. Could you maybe rephrase that?

19 Q. Well, we have the 303,625 in net DSM expenditures. We  
20 then have the cost to be amortized at 46,000.

14:31

21 A. MR. MOLLARD: Sorry, sir, I don't think I'm  
22 in the right spot. What reference are you...

23 Q. Oh, it's a revised interrogatory again.

24 A. MR. MOLLARD: Sorry. I think we have the  
25 paper copy here.



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1 A. MR. OSLER: I would expect, subject to  
2 check, that the numbers you're looking at are exactly what  
3 they say they are. They're cost net of contributions.  
4 Without doing anything else to those costs yet, they get put  
5 into, as you were discussing with us earlier, into rate base,  
6 and then all the things happen after that point. But those  
7 are just the costs of the program net of the contributions as  
8 it's closed out in that case of the end of the 2011 and  
9 amortized, I believe, over ten years.

10 Q. What is the -- how do the operating expenses of the DSM  
11 meet the used or useful requirement for being put in rate  
12 base?

14:32

13 A. MR. MOLLARD: It's not quite that test. The  
14 research we did when we were setting up the accounting policy  
15 for just DSM, Mr. Chair, in other jurisdictions. It's very  
16 difficult to tie -- it's more a question of matching the cost  
17 to the benefits, and it's very difficult to tie it precisely  
18 to how long a behavioural program or a technology will  
19 benefit the system.

20 In the research that we did, it seemed  
21 relatively common that ten years was an accepted industry  
22 standard for matching the benefits from DSM to the costs  
23 incurred.

14:33

24 Q. So effectively because the project is in place and it's  
25 generating benefits, it's used and useful in that sense. Is

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1 that what you're saying?

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

3 Q. Thank you. Are you aware that other jurisdictions  
4 approve an interest rate for deferral and variance accounts  
5 equal to three months bankers' acceptance rate as published  
6 on the Bank of Canada's website?

7 A. MR. MOLLARD: I was not aware of that.

8 Q. Okay. UCG-YEC-1-21-C. YEC indicates that it does not  
9 have details regarding number of customers using electricity  
10 for space heating.

14:34

11 A. MR. MORRISON: That's correct.

12 Q. Does this mean that YEC would not be able to target any  
13 DSM programs to customers using electricity for space  
14 heating?

15 A. MR. MORRISON: Well, no. I don't think that  
16 means that at all.

17 Q. And why not?

18 A. MR. MORRISON: Well, because not knowing the  
19 number of customers is very different from targeting on a  
20 behaviour basis or on an incentivized basis people who are  
21 using electric heat.

14:34

22 In addition to that, majority -- as I  
23 mentioned earlier, the majority of electric heat customers  
24 are in the Whitehorse area. And Yukon Electric are our  
25 partners in this program, and they may well be able to,

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1 through some analytics, come up with that number. But  
2 together I'm sure we can target, incentivize people with  
3 electric heat --

4 Q. You're not going to --

5 A. MR. MORRISON: -- to reduce their consumption.

6 Q. I'm sorry. You're not going to do it in a general  
7 sense, obviously if you don't have the information that was  
8 used --

9 A. MR. MORRISON: That's correct.

10 Q. Okay. And as well, you don't have access to data that  
11 would allow you to determine the number of customers  
12 consuming ranges of kilowatt hours per month as I understand  
13 UCG-YEC-1-23.

14:35

14 A. MR. MORRISON: I'm sorry. I'll look at the  
15 question. But, sorry, did I hear you say ranges of kilowatt  
16 hours?

17 Q. That's correct.

18 A. MR. OSLER: Maybe I'll just have a quick  
19 look here.

20 Essentially what it's saying is that this type  
21 of information is billing statistics that pertain to -- you  
22 need to have the utilities that bill the customers pool of  
23 data. YEC on its own can't do that and doesn't get access to  
24 this type of information generally. It has had access to it  
25 from time to time but not on an ongoing basis.

14:35

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1 Q. In response to YUB-YEC-1-46-D, it notes that: (as read)  
2 "YEC states that a \$48,000 energy audit  
3 of Alexco's Bellekeno mine has been  
4 completed with a 50/50 cost sharing  
5 agreement and there is an agreement for  
6 an additional 25 percent contribution  
7 from YEC still pending."

8 A. MR. MORRISON: Yes.

9 Q. Can you advise us why YEC would effectively pick up 75  
10 percent of the costs of the audit?

14:36

11 A. MR. MORRISON: Well, the whole idea behind the  
12 audit and -- is to have the customer look at its operations  
13 and find ways to reduce consumption. Now, large industrial  
14 customers, you know -- and maybe in other jurisdictions  
15 Alexco isn't large, but it's large here -- such as Alexco --  
16 you know, there's some real potential benefit if we can get  
17 them to reduce energy, generally felt that there's some real  
18 potential -- there's some large kilowatt hours to be achieved  
19 here.

20 So we entered into an agreement -- and this is  
21 a practice as I understand it that is done in other  
22 jurisdictions where utilities use an incentive to get people  
23 to do energy audits, particularly commercial and large  
24 commercial and industrial customers.

14:37

25 So we entered into this agreement with Alexco.

1 We agreed to split the costs. The other 25 percent  
2 contribution by Yukon Energy is dependent on Alexco  
3 implementing a good number of the recommendations that are in  
4 the audit. And so I can tell you to date that just based on  
5 a forecast basis we've already seen them reduce consumption  
6 based on the implementation of a number of items in the  
7 energy audit.

8 We would like to see and tried very hard to  
9 get Minto to do the same. Minto's reductions are due to  
10 operating difficulties that they've had, not because they're  
11 trying to get their consumption down. 14:38

12 But if we could get Minto's consumption down  
13 10 or 15 percent or 5 percent, you know, that's a lot of  
14 kilowatt hours. And we think there's some real cost benefit  
15 in working with these mines to do this.

16 Q. Okay. In its May 17th, 2010, report to the Yukon  
17 Minister of Justice regarding YEC's application for an energy  
18 project certificate and energy operation certificate  
19 regarding the proposed Mayo B hydro enhancement project, the  
20 Board indicated the YEC should provide an update on its  
21 pursuit of marketing carbon credits in the next GRA. Do you  
22 recall that? 14:39

23 A. MR. MORRISON: Yes, I do.

24 Q. Where in this application is this issue addressed?

25 A. MR. MORRISON: We haven't, but I'll be happy

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1 to tell you that from our efforts and from the examination  
2 we've done in recent years, there is little to no market that  
3 I can find for carbon credits from the Yukon.

4 Q. Okay. Would it not be possible to provide that in an  
5 update fashion from this application?

6 A. MR. MORRISON: I thought I just did, but if  
7 you want us to do it in a formal way, I'm happy to give you  
8 the same answer.

9 Q. Well, I assume the Board wanted it in a formal way if  
10 they asked for it in a formal way.

14:39

11 A. MR. MORRISON: Well, the report that you refer  
12 to is recommendations to the government. We haven't been  
13 asked by anybody to give a report. But I'm happy to give you  
14 the report, but it won't be any more than what I've just  
15 given you.

16 Q. In response to UCG-YEC-1-61-C YEC indicates that DSM  
17 cost recovery by class will be pursuant to the approved cost  
18 of service. My question is: Is YEC proposing to use rate  
19 riders to recover revenue deficiencies in 2012 and 2013? How  
20 will DSM costs be collected equitably from those incurring  
21 the benefits?

14:40

22 A. MR. OSLER: Sorry, sir, there's a whole  
23 bunch of different statements there. I don't know -- I'm  
24 checking UCG number 61 to see what it says, but -- so leave  
25 that to one side. On the question of, does YEC propose to

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1 have rate riders? Yes, that's the method of collecting the  
2 revenues that's proposed in this application, Riders J and R.

3 And the third question you asked was what?

4 Q. How will DSM costs be collected equitably from those  
5 incurring the benefits?

6 A. MR. OSLER: It would be collected through  
7 the rate rider, sir.

8 Q. Okay. And that's across the board.

9 A. MR. OSLER: Right.

10 Q. Okay.

14:41

11 A. MR. OSLER: And the benefits can be viewed  
12 all sorts of ways, and that will be an interesting  
13 discussion, I'm sure, when people bring forth the DSM plan.

14 Q. In response to UCG-YEC-1-61-C, YEC indicates that all  
15 DSM programs have been developed to include administration.

16 My question is: Since the manager of energy  
17 conservation and the energy conservation administrator hired  
18 in 2011 are directly tied to the DSM program, is it fair to  
19 assume that the costs associated with these positions and the  
20 energy conservation department as a whole will be regarded as  
21 DSM program costs?

14:41

22 A. MR. MOLLARD: No.

23 Q. And the reason for that?

24 A. I believe we spoke to this yesterday, but we have a  
25 provision for office administration, et cetera, in our

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1 policy. Those costs are expensed in the year incurred. They  
2 are not part of the program costs deferred.

3 Q. Okay. In its application on page 7 -- and forgive me if  
4 this has been -- I believe this -- might have been ground  
5 that was plowed yesterday.

6 But it wants to establish a placeholder  
7 expense of 1.1 million related to the costs of the current  
8 GRA application anticipated to be incurred over 2012 and 2013  
9 for preparation and review of the application and  
10 reimbursement of intervener and YUB costs.

14:42

11 For YEC's 2000 and 2009 GRA, the decision on  
12 cost claims is not issued until 14 months after YEC submitted  
13 its application to the YUB. And if the review of cost claims  
14 associated with the current application is not completed by  
15 mid 2013, how can the costs determined by the YUB to be  
16 prudent be amortized retroactively?

17 A. MR. MORRISON: Well, Mr. Chair, the 1.1 or 1.2  
18 million dollars is just an estimate. So as we go forward, I  
19 am certain that the Board will not miss an opportunity to say  
20 to us that if our costs are lower -- if the total amount of  
21 cost, including intervener costs and the Board costs, are  
22 lower than that, that there will be a mechanism for us to  
23 reduce that, you know, in our revenue requirement. So --

14:43

24 A. MR. MOLLARD: And I think this is consistent  
25 with the rest of our application to the extent it is a



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1 forecast and if the actual costs are higher or lower,  
2 ultimately it goes to our account.

3 Q. In UCG-YEC-1-15 and UCG-YEC-1-16 in the current  
4 proceeding, YEC states that there is no basis to charge costs  
5 related to the rate Schedule 39 escalation proceeding and the  
6 Alexco Exploration's power purchase agreement solely to the  
7 industrial class.

8 Now, in its reasons for decision in order of  
9 2010-13 the YUB states that: (as read)

10 "Ideally a cost of service should be  
11 100 percent assigned costs as this  
12 would represent 100 percent cost  
13 responsibility and that the Board  
14 agrees that the cost to serve larger  
15 customers may be more identifiable for  
16 the purposes of being directly  
17 assigned."

14:44

18 My question is if the costs of regulatory  
19 proceedings that are directly identifiable as being related  
20 to industrial customers, why wouldn't these costs be  
21 recovered from the industrial class?

14:45

22 A. MR. OSLER: A lot of the costs that are  
23 involved in serving industrial customers are recovered  
24 directly from them through the purchase power -- power  
25 purchase agreements.

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1           The question of a regulatory proceeding -- who  
2 is benefitting from it is an interesting question. But I  
3 think that given the revenue impacts from the customers we're  
4 talking about helping to keep all the rates down, at least an  
5 argument could be made that the costs could be allocated the  
6 other way.

7           The bottom line is regulatory proceedings on  
8 such matters have not been assigned in this jurisdiction to  
9 any of the regulatory -- any of the industrial customers.  
10 That includes the various PPA proceedings part 3 proceedings  
11 or otherwise that might be argued to fall into that category.  
12 And this is a specific proceeding, if I'm not mistaken, to  
13 increase their rates. I don't think it's one that they asked  
14 for. It's just one that's directed that has to happen so  
15 that there's more revenue for the whole system.

14:46

16 Q. With respect to the YEC policy relation to charitable  
17 donations or corporate donations, can you confirm that YEC is  
18 proposing not to recover \$85,000 per year in charitable  
19 donations from Yukon ratepayers?

20 A. MR. MORRISON:                   That's correct.

14:47

21 Q. And what specifically will YEC be donating to in 2012  
22 and 2013?

23 A. MR. MORRISON:                   What specifically will we be  
24 donating to?

25 Q. Yes.

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1 A. MR. MORRISON: A range of community groups  
2 depending on the applications that we get from community  
3 groups both in Whitehorse and in the communities in the  
4 territory.

5 Q. Are there any tax savings implicit in the GRA related to  
6 these donations?

7 A. MR. MOLLARD: We don't pay tax, so there is  
8 no savings.

9 Q. In response to UCG-YEC-123, YEC indicates that it does  
10 not have access to data that would allow it to determine the  
11 number of residential customers consuming these ranges of  
12 kilowatt hours per month.

14:47

13 And we've dealt with this one before, but is  
14 there any way that this information may be available from the  
15 YEC communities themselves?

16 A. MR. OSLER: Sorry?

17 Q. The YEC served communities themselves?

18 A. MR. MORRISON: I'm a little unclear as to what  
19 we're trying to collect. We're trying to collect data by  
20 consumption?

14:48

21 Q. That's correct.

22 A. MR. OSLER: So the question by YEC served  
23 community you'd be thinking of Dawson, for example.

24 Q. Yes. See the problem is how do you determine the  
25 adequacy of rate design during a cost of service review if

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1 you don't have the data?

2 A. MR. MOLLARD: Just to be clear on one thing.  
3 We do have that data for our customers, but that's only 2000  
4 customers. What we're referencing that we don't have the  
5 access to is to YECL's customer data for those ranges.

6 Q. Okay.

7 A. MR. OSLER: In the cost of service hearing,  
8 sir, where the two companies work together, the issue of how  
9 much each class consumed in different use blocks, rate  
10 blocks, whatever, was extensively examined and so rate  
11 redesign was approved by this Board based on that analysis.

14:49

12 So if the companies worked together and pooled  
13 the data, as they did in that instance in the 2009 Phase 2  
14 hearing, the type of thing you're talking about has been and  
15 can be addressed.

16 Q. Okay. I want to deal briefly with the new planning cost  
17 accounting policy. We've already been through the principles  
18 associated with them. I would just like to know was the  
19 current policy formally approved by the YUB?

20 A. MR. MOLLARD: My understanding is that it was  
21 reviewed and approved in a proceeding in the early '90s.

14:49

22 Q. Would it be possible that you could provide me with the  
23 order number for that?

24 A. MR. MOLLARD: We'll try and find it for you.  
25 Sure.

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1 Q. Okay. Thanks.

2 **UNDERTAKING - TO PROVIDE THE ORDER**  
3 **NUMBER FOR THE PROCEEDING IN THE 1990S**  
4 **IN WHICH THE CURRENT POLICY WAS**  
5 **FORMALLY APPROVED BY THE YUB**

6 Q. MR. JANIGAN: With respect to page 5.2-1 of  
7 the proposed DSM accounting policy, YEC states that the DSM  
8 program expenditures will be deferred or a specific program  
9 as defined and is expected to proceed to the development  
10 stage and is expected to achieve net results.

14:50

11 My question is will the YEC establish some  
12 kind of a balance score card to establish savings and benefit  
13 targets for each of its DSM programs?

14 A. MR. MORRISON: Well, we don't have a balance  
15 score card for them, but we do have four measures, as I  
16 mentioned yesterday, of cost benefit analysis that each  
17 program is subject to and that certainly will be -- is the  
18 big part of the plan that we're being -- is being prepared at  
19 the moment.

20 Q. And I would assume that YEC will only apply for approval  
21 of DSM programs having a total resource cost ratio greater  
22 than 1?

14:51

23 A. MR. MORRISON: Well, that's certainly our  
24 objective.

25 Q. I'd like to deal with performance based regulation. And

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1 if you could turn up Tab 22 of Exhibit C-3-24, which has page  
2 50 from the YUB report to Commissioner in executive council  
3 on the application by YEC for review of its 20-year resource  
4 plan 2006-25 dated January the 15th, 2007.

5 THE CHAIR: Could we just get the tab  
6 number again, please?

7 MR. JANIGAN: Sure. That is Tab 22.

8 THE CHAIR: 22. Thank you.

9 Q. MR. JANIGAN: And in the Board's  
10 recommendations on the 20-year resource plan, at page 50 the  
11 Board states: (as read)

14:52

12 "Now is an appropriate time for YEC and  
13 YECL to have a complete review of all  
14 GRA Phase 1 and Phase II matters. The  
15 Board recommends that YEC and YECL file  
16 a full GRA application before October  
17 31st, 2007. The application should  
18 include a full cost of service rate  
19 design and an update of electric  
20 service regulations.

14:52

21 The Board also suggests that YECL  
22 consider a performance-based regulation  
23 mechanism.

24 As well, the Board recommends that  
25 evidence be provided as to what other

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1 utilities provide for maximum company  
2 investment and model theirs  
3 accordingly."

4 Now, that was six years ago.

5 And if you look at reference in our Tab 23 in  
6 that same exhibit response to UCG-YEC-119-C in YEC's  
7 2008/2009 general application in response to the -- in phase  
8 1 of the UCG-YEC-119, YEC stated that it had not assessed  
9 measures that the Yukon government might bring -- might adopt  
10 to bring in legislation or policy related to  
11 performance-based regulation and notes that: (as read)

14:53

12 "As noted in response UCG-YEC-1-32  
13 provided during the 2005 required  
14 revenues and related matters  
15 proceeding, a multi--year performance  
16 based regulatory framework is not in  
17 place in the Yukon. Implementing this  
18 form of regulation would likely require  
19 significant changes to the regulatory  
20 framework in the Yukon that have not  
21 been assessed. Yukon Energy has not  
22 assessed measures that the Yukon  
23 government might adopt to bring in  
24 legislation or policy related to  
25 performance-based regulation."

14:54

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1 And if you turn up reference on page Tab 24 in the  
2 cross-examination materials at transcript pages 317 and 318  
3 from the YEC 2008/2009 general rates application in response  
4 to Mr. Buongaro's questioning during Phase 1 of YEC's  
5 2008/2009 GRA, Mr. Morrison gave this response:

6 "Madam Chair, we were just talking  
7 about our impression within the EUB Act  
8 that this ability didn't exist, but  
9 whether or not is not -- we're just  
10 giving what we thought. Whether it is,  
11 we may be proven to be wrong, but..."

14:55

12 And so on.

13 Next reference is Tab 25 of the book of  
14 cross-examination materials response to the UCG-YEC-YECL-1-4  
15 in Phase II of the 2008/2009 general rate application YEC  
16 said that -- and this is at Tab 25 -- that: (as read)

17 "PBR is fundamentally a matter for  
18 revenue requirement reviews, not a  
19 Phase II application and that  
20 implementing this form of regulation  
21 would likely require significant  
22 changes to the regulatory framework in  
23 the Yukon that have not been assessed.  
24 YECL stated that the companies had not  
25 considered or addressed a performance

14:55



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1 based regulation in this application,  
2 and existing base rates have been  
3 sufficient to recover base revenue  
4 until the requirement of 2009 GRA."

5 Now, if you turn up UCG-YEC-1-17 in the current proceeding,  
6 YEC simply referred back to the response of UCG-YEC-1-19 in  
7 phase 1 of the 2008/2009 GRA review when asked for the  
8 details of YEC's efforts to date to consider a performance  
9 base rate application.

10 Can you explain why YEC has not assessed PBR  
11 in the nearly six years since the YUB made that suggestion to  
12 the YEC and YECL?

14:56

13 **A. MR. MORRISON:** Well, first, sir, I think we've  
14 answered this question in both 2008 and 2009, and the matter  
15 was addressed in front of the Board. And it is not within  
16 our capability to deal with the Public Utility Act or the  
17 regulations under that Act, and we don't believe we have the  
18 capacity to do it. I think that's clearly outlined in both  
19 Yukon Electric's response to the question and our response to  
20 the question.

14:57

21 **Q.** So until the legislation or regulations are amended, you  
22 contend that it's not your bailiwick to report on how a  
23 performance based regulation might work.

24 **A. MR. MORRISON:** It's not something that I -- we  
25 can find our heads around as to how we would deal with this

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1 under the current -- under the legislative structure.

2 Q. Okay. And just for the record, what is it in the Public  
3 Utilities Act that would prevent the YUB from implementing a  
4 PBR mechanism?

5 A. MR. MORRISON: Well, sir, I don't have the Act  
6 in front of me, and I'd have to -- you know, I'd have to go  
7 back and look at it, and we'd have to have our legal counsel  
8 look at it. So I can't tell you that answer here today.

9 Q. Can you undertake -- I mean, I don't mind if your legal  
10 counsel does that --

14:58

11 A. MR. MORRISON: No, sir, I can't do that in the  
12 time allotted for this hearing. I would want to do a full  
13 legal review as we've done in the past, and I don't think  
14 it's pertinent to the application in front of you for rates.

15 Q. So, in effect, in order to get your position with  
16 respect to the reason why you can't do the PBR effectively  
17 you would have to have the Board order that?

18 A. MR. MORRISON: I didn't say that. What I said  
19 was I don't think that's something that I can do in a fairly  
20 short period of time related to this hearing. I don't see  
21 the pertinence related to the application in front of you.

14:58

22 Q. Well, we have a record here of going back to January of  
23 2007 where the Board suggested that YEC and YECL considered  
24 performance based regulation. The impediment to considering  
25 that, which you put up, is effectively you don't think the

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1 legislation will allow it.

2 And I'm requesting an explanation of why you  
3 believe the legislation won't allow it. I mean, you've had  
4 six years to think about it. I would assume it's not  
5 something that would be inordinately difficult to prepare.

6 MR. LANDRY: Mr. Chairman, I think I've let  
7 this debate go on long enough. Performance based regulation  
8 is not before you today. We've allowed, in the past, UCG and  
9 their counsel to ask questions about it. I allowed it again  
10 today. It's not relevant to this proceeding.

14:59

11 If there's going to be an issue about  
12 performance based regulation, maybe you should try other  
13 avenues, but it's not before this Commission. It shouldn't  
14 be debated here today, and I object to that.

15 MR. JANIGAN: Well, Mr. Chair, I just pointed  
16 out that this was something that was requested of YEC to  
17 bring forward that performance based regulation and in the  
18 context of a GRA, I believe.

19 A. MR. MOLLARD: And, Mr. Chair, I would point  
20 to you just in relation to that that this was not an order of  
21 the Board. This was recommendation in a report to the  
22 minister. We've had no further discussions further to that.  
23 And I object as well. You know, I've already said, it's not  
24 pertinent. I don't want to deal with it.

15:00

25 THE CHAIR: Counsel for Board, do you want

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1 to speak to this?

2 MS. BENTIVEGNA: Yes, Mr. Chair. Just looking  
3 at the wording used by the Board and as Mr. Janigan has  
4 referred to, is it was a suggestion made by the Board. It  
5 wasn't a direction to investigate it. It is not before the  
6 Board in this application, and the issues of whether it's  
7 authorized by the Public Utilities Act or not are legal  
8 issues that can be debated in argument as opposed to an  
9 opinion from the panel.

10 MR. JANIGAN: That's fine, Mr. Chair. I'm  
11 happy to pursue the matter in argument.

15:01

12 THE CHAIR: Okay. That's fine. Thank you.

13 Q. MR. JANIGAN: Just a final question in one  
14 area. The international reporting standards. In response to  
15 UCG-YEC-1-46 YEC confirmed its willingness to defer adoption  
16 of international financial reporting standards until January  
17 the 1st, 2013, to allow issues associated with rate regulated  
18 accounting under IFERS to be resolved.

19 And my question is: In contrary to the  
20 statements made in its application on page 1-13, could YEC  
21 confirm it will not start reporting under IFERs until at  
22 least the year ended December 31st, 2013.

15:02

23 A. MR. MOLLARD: That is correct.

24 Q. Okay. And are there any impacts on the revenue  
25 requirements proposed for 2012 and 2013 year or more delay in

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1 IFRs implementation?

2 A. MR. MOLLARD: No.

3 MR. JANIGAN: And thankfully, Mr. Chair,  
4 those are all my questions for this panel. I thank the Board  
5 for its indulgence, and this panel.

6 A. MR. OSLER: Mr. Janigan, you had one  
7 question that surfaced that I was puzzled about, and I can  
8 give you an answer now to do with your exhibit that you gave  
9 us just when we came back, C-3-25.

10 Q. Okay.

15:03

11 A. MR. OSLER: You asked us about the  
12 difference between sales revenues, forecast versus actual for  
13 2008 and 2009, and we've discovered the right numbers. And  
14 we were wondering about -- I was wondering about why the  
15 numbers for actuals were so different from what we were  
16 showing up in Tab 2 of this application.

17 The answer is found in Tab 7 of our  
18 application Schedule 9, where we're reminded that the Tab 2  
19 numbers -- as it says in the footnote and people like me have  
20 forgotten so I'm not going to hold anybody else to it -- the  
21 revenues in Tab 2 exclude revenues from Rider J, Rider J  
22 being what gets implemented.

15:03

23 So you go to Schedule 9 of Tab 7. There will  
24 be provision in those columns for Rider J amounts. And in  
25 2009 is 4.5 million dollars. So there's no -- it's a very

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1 small difference between the forecast and the actual when you  
2 measure them using the same rates. But of course there was  
3 an award that gave extra monies and stuff like that, so you  
4 have to compare apples with apples. And this schedule you  
5 have to go to in order to sort it out.

6 MR. JANIGAN: Thank you very much.

7 THE CHAIR: Given the time, I think of  
8 suggesting that we -- oh, sorry, Mr. Landry.

9 MR. LANDRY: Sorry, Mr. Chairman, I thought  
10 since my friend was finished then we could finally deal with  
11 this exhibit that we dealt with and how we were working  
12 through this exhibit that my friend had used.

15:04

13 THE CHAIR: Sure, yes.

14 MR. LANDRY: Presumably he did not refer to  
15 all of the tabs in the document, and I just would put it on  
16 the record that obviously, as was said by Board counsel, if  
17 these matters have not been put to the parties, then they  
18 obviously don't form part of the evidentiary record. And so  
19 I'm not asking that we do that right now, but whatever was  
20 not referred to cannot be referred to in argument, and it's  
21 not part of the record of this proceeding. I mean, we've  
22 done this before. I assume that would be okay with  
23 everybody.

15:05

24 THE CHAIR: That's acceptable. Thank you.

25 So what I'm going to recommend given that it's

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1 while a little bit early for a break, but I'm thinking go to  
2 the break, let Mr. Maissan get set up and then return, say  
3 here at 20 after 3.

4 Go ahead, Mr. Maissan.

5 MR. MAISSAN: I've been approached by Anne  
6 Middler of the Conservation Society. She has some personal  
7 issues she needs to deal with and would like to go ahead of  
8 me, and I'm fine with that. So she will be going next in  
9 cross-examination if that's okay with the parties.

10 THE CHAIR: Okay. Is there any objection 15:06  
11 to that?

12 And is she all right if we do the break now  
13 and then -- that's fine? Okay. That's fine with the Board.  
14 Thank you.

15 So we'll recess and come back about 3:20.

16 Thanks.

17 (ADJOURNMENT)

18 THE CHAIR: Be seated, please.

19 We have new faces.

20 So I'll let you introduce yourself. It's Anne 15:24  
21 Middler with YCS.

22 MS. MIDDLEL: Yes, thank you. And thank you  
23 for the exception, John and the Board. My issue is child  
24 care, and I have it this afternoon, may not in the morning,  
25 so thanks for accommodating me.

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1                   Again, my name is Anne Middler, and I am  
2 representing the Yukon Conservation Society.

3 **MS. MIDDLEL CROSS-EXAMINES THE PANEL:**

4 Q. First YCS would like to take this opportunity to thank  
5 Yukon Energy Corporation for acknowledging the Information  
6 and Privacy Commissioner's decision that, according to the  
7 Yukon's Access to Information and Protection of Privacy Act  
8 YEC cannot refuse to disclose the wind assessment feasibility  
9 study report dated January 2009. And thank you for releasing  
10 it thereafter, albeit with some omissions to YCS. Thank you  
11 for also sharing it during this process on the public record  
12 in our information request YCS-YEC-1-1.

15:25

13                   We'll be spending a little bit of time with  
14 that, so if people want to head -on over there.

15                   Firstly, YCS would like to get a sense of your  
16 understanding of the report. Could you please summarize the  
17 findings to your best of your ability and recollection.

18 A. MR. MORRISON:                   Well, I'll give you a very high  
19 level summary because that's all I'm qualified to give you.

20                   It talks about potential wind project on Mount  
21 Sumanik. It indicates based on the time that it was done  
22 that we could technically feasibly build a wind project at  
23 Mount Sumanik. It did indicate that there was a significant  
24 amount of further work that had to get done in order to -- I  
25 guess it would finally prove up some of the monitoring data,

15:25



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1 and it needed a larger wind tower to do that.

2 The costs in the project I think at the time  
3 were about 77 or \$78 million. It didn't include storage.  
4 And we updated those costs I think a couple years later, so  
5 the numbers that are in there are out of date. And I think,  
6 as everybody would expect, the costs have gone up because  
7 everything goes up.

8 But that's a high level summary from my  
9 perspective, Mr. Chair.

10 Q. Thank you. If I could ask you to look at the Figure 1  
11 on page 3 of 74 entitled "WAF Load Patterns." Compared to  
12 Mount Sumanik wind energy, do the wind resources on Mount  
13 Sumanik match the electrical load?

15:26

14 A. MR. MORRISON: Well, I don't know how to  
15 answer that. You're asking the wrong guy. And we don't have  
16 anybody on this panel that has the experience or the  
17 expertise in order to answer that question.

18 But let me say this. Is the question: Do  
19 they match the electrical load in 2002/2003? I don't know,  
20 so I guess that's first my question is: What load do they  
21 match, and when?

15:27

22 Q. Okay. My question would be to see the graph on page 3  
23 of 74 --

24 A. MR. MORRISON: Sure.

25 Q. -- and to just read the graph.

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1 A. MR. MORRISON: Well, I don't have it in colour  
2 in front of me, and I don't know which line is which, but  
3 maybe if you help me if the smooth line is 1 -- we don't have  
4 another copy here.

5 Q. Okay.

6 A. MR. OSLER: If the question is asking, you  
7 know, looking at wind on Mount Sumanik or Fairy Hill, for  
8 that matter, does there tend to be more wind in the winter  
9 versus the summer? In that sense there, is a seasonal  
10 matching. If that's the essence of the question, I think the 15:28  
11 answer is the evidence is yes in wind conditions in Yukon.  
12 That's one of the benefits of wind.

13 Q. Thank you. From your recollection, do hydro resources  
14 and capacity match the electrical load in general?

15 A. MR. MORRISON: No, they don't.

16 Q. Thank you. When did Yukon Energy Corporation pay for  
17 this particular report?

18 A. MR. MORRISON: We would have paid for it  
19 shortly after it was completed.

20 Q. Okay. When did Yukon Energy Corporation receive the 15:29  
21 report entitled "Wind Assessment Feasibility Study Final  
22 Report January 2009"?

23 A. MR. MORRISON: I can't tell you exactly when  
24 we received it.

25 Q. Okay. Would it have been soon after it was -- could it

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1 have been potentially early February 2009 or --

2 A. MR. MORRISON: I can't recall, Mr. Chair. It  
3 would be -- you know, I'd be guessing.

4 Q. Okay.

5 A. MR. OSLER: There's a date. There's a date  
6 on the report on the first page, you know, but that's all the  
7 evidence we have. February 2nd, 2009.

8 Q. Okay. For the record, it -- the letter addressed to  
9 Mr. Hector Campbell was dated Monday, February 2nd, 2009.

10 A. MR. OSLER: Sure.

15:29

11 Q. Was the study or the wind assessment feasibility study  
12 final report presented to the YEC Board?

13 A. MR. MORRISON: No. It wouldn't be something  
14 that would be presented to the Board. They might get a  
15 synopsis of what the study said.

16 Q. Okay. Are you aware of whether they did receive a  
17 synopsis of the Sumanik report?

18 A. MR. MORRISON: I'm guessing they probably did.  
19 I just can't remember.

20 Q. So you wouldn't know when that might have happened?

15:30

21 A. MR. MORRISON: Well, no. It could have  
22 been -- it would have been several months after we got this  
23 report, because once we get a report from a consultant, in  
24 this case, or a contractor or an expert in something it goes  
25 through a very rigorous internal process that would -- it

1 would take at least a couple of months of work before I would  
2 even see it.

3 Q. Okay. How did the Mount Sumanik project compare to  
4 Mayo B in terms of energy production and costs?

5 A. MR. MORRISON: Well, the Mount Sumanik project  
6 in comparison to Mayo B, they're like comparing apples and  
7 oranges. First of all, the Mayo B project was a hydro  
8 project that that we had done some work on in past years, it  
9 was an enhancement of an existing project, so it didn't need  
10 a hydro dam to be built, and it didn't have to go through a  
11 long licensing process because of that.

15:31

12 Particularly in this case Mount Sumanik --  
13 we -- as the report -- as the report, as the executive  
14 summary and I think as I mentioned, indicated -- the  
15 consultants recommended that we do some further wind  
16 monitoring on Mount Sumanik.

17 At the time, once we decided -- or once we  
18 started looking at it and the wind monitoring here -- by that  
19 time we had also come up with another wind site that we liked  
20 as well, and we started doing some preliminary work on that.  
21 One of the issues with Mount Sumanik is there's no road  
22 there.

15:32

23 I'm not arguing and won't argue that as a wind  
24 project Mount Sumanik certainly has a technical feasibility.  
25 The question would be: What's the size of the load that you

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1 have to serve with this amount of -- sorry, the size of the  
2 project, and what is the cost, and how does it compare to all  
3 the other projects that you have in place at the time?

4 I've been through thia discussion several  
5 times in regards to: Could we have built Mount Sumanik  
6 versus could we have built Mayo B? And I can tell you  
7 unequivocally -- I can't even say it -- without a doubt there  
8 is no doubt in my mind that we could not have built Mount  
9 Sumanik when we received federal funding to supply -- to  
10 build Mayo B. We weren't ready. The project needed at least 15:32  
11 another year or more of monitoring. We had no design and no  
12 engineering.

13 The costs of the project had -- when we did  
14 review it in subsequent years and update it, the cost of the  
15 project had gone up significantly so it was in the \$100  
16 million range. Mayo B was \$120 million dollars.

17 But you want to compare apples and oranges.  
18 Mayo B is dispatchable, fully controllable by us in that  
19 sense. Mount Sumanik is not.

20 When there's wind, there's wind. We would 15:33  
21 have to match the load, and this is a very big load of wind  
22 intermittently coming on and off the system, which creates a  
23 whole bunch of issues around, you know, the technical -- the  
24 technical control of that wind and matching loads and it's a  
25 big hit. When it comes on, it comes on, and when it goes

1 off, it goes off. And that's proven to be some -- at least  
2 our experience has proven that that's a real difficulty.

3 So could we compare them? They're very  
4 different projects for very different purposes, and we were  
5 not ready to advance Mount Sumanik when federal funds were  
6 available.

7 Q. How long do you think it would take to build a wind  
8 project?

9 A. MR. MORRISON: A couple years.

10 Q. A news release for the green infrastructure fund being  
11 used towards Mayo B was announced in May 2009. I'm curious,  
12 when was the decision made to proceed with Mayo B for that  
13 federal green infrastructure fund money?

15:34

14 A. MR. MORRISON: I don't have the exact dates in  
15 front of me, but let me be very clear about something. When  
16 the green infrastructure money became available, the  
17 condition was do you have a project that is ready to be  
18 constructed? The answer with Mayo B was yes. The answer on  
19 Mount Sumanik was no. We still have to do further  
20 monitoring. So, ergo, we do not qualify for the money.

15:34

21 We put projects to the -- we looked at the  
22 projects. We looked at the qualifications. The money that  
23 was available to us under the green infrastructure fund was  
24 for Mayo B, not a wind project at that time.

25 Q. Okay. So the decision to proceed with Mayo B, was it

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1 made by people who were familiar with the study, the Sumanik  
2 study?

3 A. MR. MORRISON: The decision to proceed with  
4 Mayo B was made with full awareness by everyone involved of  
5 what options were available to Yukon Energy at that time,  
6 correct, the Board included and the government.

7 Q. Okay. How about the Yukon Utilities Board, I'm  
8 wondering why YEC did not present the Sumanik study to the  
9 Utilities Board during the Mayo B hearing when the Justice  
10 Minister directed the YUB to explore alternatives to the  
11 Mayo B project.

15:35

12 A. MR. MORRISON: I'm not certain what you're  
13 referring to.

14 Q. Was the wind study shared with the Yukon Utilities Board  
15 when they were contemplating alternatives to the Mayo B  
16 project?

17 A. MR. MORRISON: No. As I've indicated, the  
18 Sumanik project was not ready to advance. It wasn't a  
19 comparable project.

20 Q. Okay. So let's talk a bit about the further studies.  
21 The Sumanik study concluded that a wind project is economic  
22 -- more economic than base load diesel at a cost of 16 to 19  
23 cents a kilowatt hour. Why were the recommendations in the  
24 report, the further studies you say it required, why were  
25 they not followed up on and done?

15:36

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1 A. MR. MORRISON: What further recommendations  
2 and studies?

3 Q. That were recommended within --

4 A. MR. MORRISON: The monitoring?

5 Q. Yes.

6 A. MR. MORRISON: Oh, okay. Because at the time,  
7 as I just indicated, we had turned our heads to another site  
8 that we found that is, in our minds and based on discussions  
9 with wind consultants, was a more preferable site, and that's  
10 Tetcho or Fairy Hill. It's not as high as Sumanik. Doesn't  
11 have the same exposure to rime icing as Sumanik. Has a road  
12 to it already. It's close -- it's on the north end of the  
13 grid which is a real positive if you want to think about it  
14 that way.

15 So we turned our heads to that, and we put up  
16 a large wind tower there, a high 30 metre -- I can't remember  
17 the number, but the height of the wind tower recommended in  
18 the Sumanik report, and we turned our attention to Fairy  
19 Hill.

20 Q. Okay. I think you may have shared some of those  
21 reasons, but I'm still looking to understand why when this  
22 report came out that was so favourable for the Sumanik  
23 location, why the decision was made to switch the focus on  
24 wind study to Tetcho or Fairy Hill instead of Sumanik, which  
25 was a proven location?

15:37

15:37



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1 A. MR. MORRISON: I think I just answered it, but  
2 let me try again.

3 Even though the report said technically we  
4 could do it, there are some issues around using Mount  
5 Sumanik. I'll go through them. There's no road, and road  
6 construction would be very costly and it's quite -- it's  
7 quite a high hill. So even maintenance -- the maintenance  
8 challenges we have on our current site are exacerbated by the  
9 height of the mountain and the distance of the road.

10 Fairy Hill, when we looked at it with wind  
11 experts, looked like a much more favourable site for a wind  
12 project going forward.

15:38

13 Q. When was this decision made to shift the limited focus  
14 on -- and resources from wind from Sumanik to Fairy Hill?

15 A. MR. MORRISON: I think 2010.

16 Q. And by whom was the decision made?

17 A. MR. MORRISON: By our management team.

18 Q. Okay. You say that Fairy Hill is close to the load. I  
19 guess the anticipation of large industrial customers in the  
20 northern grid, but you also often talk about the increased  
21 residential load coming on line. Whistle Bend, for example,  
22 requiring 10 megawatts, not even including the likely space  
23 heating costs of electricity that would also be required at  
24 Whistle Bend close to Whitehorse.

15:39

25 A. MR. MORRISON: Sure.

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1 Q. Okay.

2 A. MR. MORRISON: I'm sorry. I wasn't trying to  
3 be clip there. I didn't get -- is there --

4 Q. No. Actually it wasn't really a question.

5 A. MR. MORRISON: Okay.

6 Q. But thank you for the "sure." Okay, so moving along.

7 The charrette process initiated in March 2011  
8 was meant to inform the five-year review of the resource  
9 plan.

10 A. MR. MORRISON: Correct.

15:40

11 Q. Why was the wind project on Mount Sumanik not offered as  
12 a near term energy supply option at the three-day charrette?

13 A. MR. MORRISON: Because we had a consultant  
14 review the two projects and we felt confident that the better  
15 project of the two at that point in time was Fairy Hill. So  
16 we were -- we have, you know, we've done more work on it.

17 We're still confident that it's a better  
18 project for a couple of different reasons, but we don't have  
19 the capacity in the system to take on two. So we're looking  
20 at one at a time, and Fairy Hill is the one that we've  
21 chosen.

15:40

22 Q. In the three-day charrette, the section on wind, why was  
23 the chosen wind presenter not aware of the Sumanik project or  
24 very knowledgeable about wind in the Yukon in general?

25 A. MR. MORRISON: I don't know that he wasn't

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1 aware of the wind project. He certainly was aware of it. He  
2 did -- my recollection is he worked on the Fairy Hill study.  
3 So I'm not sure where you get that impression.

4 Q. Okay. Since the charrette and the mini charrette  
5 process started in March 2011, why has Yukon Energy  
6 Corporation not hosted a mini charrette on wind energy?

7 A. MR. MORRISON: Well, as I've said a number of  
8 times, you know, we started out -- we looked at -- we've  
9 looked at waste which was, you know, a current project in  
10 front of us. We've done biomass. We've done demand side  
11 management. We've done LNG. And early in the new year, we  
12 hope to do one on wind, next in line.

15:41

13 Q. Okay. I'm wondering if we can now refer to  
14 YECL-YEC-1-18-A attachment, the 20-year resource plan  
15 overview.

16 A. MR. MORRISON: Okay. We have it.

17 Q. Page 54 of the overview itself or 57 of 58?

18 A. MR. MORRISON: 57?

19 Q. Yeah. 57 of 68 of the IR response.

20 So looking at a graph, a bubble graph type in  
21 the 20-year resource plan entitled "Near-Term Supply  
22 Options." A slightly more simplified version of this same  
23 graph appears in the public presentation and the summary  
24 report of the 20-year resource plan that was -- went around  
25 to communities in August of this year.

15:42

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1                   Why is it that the cost estimate of 40 cents a  
2 kilowatt hour was used for wind rather than the full  
3 utilization cost of 15 cents a kilowatt hour?

4    **A. MR. MORRISON:**                   Because I'm going to have  
5 Mr. Osler jump in on this, but if you look at the title of  
6 this graph -- sorry, I have to put my glasses back on -- near  
7 term supply options with scenario A.

8                   So this graph is a mere representation of a  
9 load scenario and full utilization is not possible in this  
10 load scenario.

15:43

11                   So all this is is a comparison of all the  
12 various options under scenario A which is a Victoria gold  
13 scenario on the grid. So it adds to the current load  
14 Victoria gold and it looks at the various costs.

15                   There is a graph in the resource plan, and  
16 Mr. Osler will get it -- I can refer you to it -- that looks  
17 at the full utilization cost of all of the options as well as  
18 three other load scenario options for each of the various  
19 options being considered in the plan.

20    **Q.** Okay. I think that my point here -- well, first of all,  
21 wind on this graph with your scenario A where you've got an  
22 industrial load, Victoria gold, that stops at 2020, that's  
23 sort of the only long-term energy source that's being  
24 compared to a -- for utilization with a short-term load. So  
25 it's a bit difficult to be comparing it in that sense.

15:44

1     **A.   MR. MORRISON:**                    **I'm not sure I understand what**  
2     **you're trying to tell me.**

3     **Q.   Well, maybe I'll just leave it.  It's been a long**  
4     **afternoon.**

5                            **I'll stay on this graph, though.  I think my**  
6     **point is, though, that you are offering info graphics to the**  
7     **public who are looking at illustrations of potential energy**  
8     **sources, and they're seeing on a picture that we've got wind**  
9     **that is way up in right field here.  It's way more than**  
10    **diesel.  It's, you know -- it just portrays it in an**     15:45  
11    **incredibly unfavourable light, considering the assumptions.**  
12    **And that's just for the public consumption of this particular**  
13    **graph.**

14    **A.   MR. MORRISON:**                    **Sure.  Mr. Osler does have**  
15    **something to add here.  But I think we have to be fair about**  
16    **what this graph is trying to do.  This graph is one of many,**  
17    **many graphs within the resource plan.  It's only one.**

18                            **And yes, we did use it, but we were very clear**  
19    **in using this graph what the assumptions were surrounding**  
20    **this.**     15:45

21                            **And we were also very clear that one of the**  
22    **issues that we have -- and it's one of the issues -- and one**  
23    **of the reasons none of us, including Yukon Energy, can take a**  
24    **report like the Sumanik report and say, well, this says that**  
25    **you can produce wind at 10 cents or 19 cents or 20 cents.**

1 That report and every other report that we have has to be run  
2 through this power benefits model where it looks at when and  
3 what you can use and how things -- everything fits into the  
4 system.

5 When I -- I'll go back for a minute to the  
6 opening where we talked about this isolated grid. We have an  
7 isolated grid, but we also have -- as Ms. Middler was  
8 pointing out in the beginning, we also have a disconnect  
9 between the load and our hydro resource, and we have the  
10 greatest amount of hydro resource in the summer when we have 15:46  
11 the least load and the greatest amount of load in the winter  
12 when we have the least hydro available. So everything has to  
13 fit into this model.

14 We're very, very, you know, cognizant of the  
15 fact that we have to be very careful. This -- and when we're  
16 in front of the Board demonstrating different options for  
17 projects and the comparators, we have to be consistent in  
18 terms of comparators.

19 We certainly have a comparator that shows wind  
20 at full utilization against LNG and biomass and everything 15:47  
21 else. That's one of the graphs on this.

22 You can't take pieces out of a report like the  
23 resource plan and just hang, you know, your hat on one piece  
24 of paper. You have to look at the whole resource plan and  
25 what the discussion is around each of these initiatives and

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1 all of the various load factors that we have and scenarios  
2 that are in here.

3 So yes, it's a fact, though, that under that  
4 load scenario that's what wind would look like. That's what  
5 LNG would look like. That's what biomass would look like. I  
6 a different load scenario -- and we have them -- it's a  
7 different number.

8 Q. Okay.

9 A. MR. OSLER: I think if you would go to the  
10 table just before the picture, Table 8-2 on 52 -- sorry, it's  
11 page 55 of 68 in the answer. It's 52 of the actual report.  
12 It's a table sideways, Table 8-2. Okay.

15:48

13 And it's a table, so it's boring, but it does  
14 have a lot of information that might be helpful. The 21  
15 megawatt wind is the third column from the right, and it's  
16 the Fairy Hill.

17 But just for the record, the background work  
18 done didn't ignore Mount Sumanik and all the rationales  
19 given. And this one, if anything, is a little bit better.  
20 So it's a good wind project, and it was taken very seriously,  
21 frankly, notwithstanding what everybody seems to keep talking  
22 about.

15:49

23 So it's a 21-megawatt facility. It can  
24 generate up to 56 kilowatt hours a year of energy because it  
25 matches the wind to the seasons, okay? And that's pretty

1 stable in terms of annual numbers. It's got all the issues  
2 that wind have about reliability in any given one day or  
3 hour.

4 That amount of energy brought in with a load  
5 that is active -- like the mine is actually up and running,  
6 and we're not worrying about shutdowns of mines, which would  
7 be the time period 2015 to 2019. The reason that time period  
8 is focused on is to see how well the options perform when  
9 there's lots of load around. Okay?

10 And during that time period the modelling  
11 indicates that we, on average, get to displace about 45  
12 gigawatt hours of diesel from that 56 gigawatt hours of  
13 generation under scenario A loads. That's with Victoria  
14 Gold. And if we had Carmacks Copper added on we could climb  
15 up to 51 out of 56. That's all nice long-term averages. But  
16 they're quite respectable numbers in terms of displacing  
17 diesel.

15:50

18 The cost of the project is about \$93 million.  
19 As you know from reading about it, that includes the costs of  
20 the project itself plus the costs of the diesel interruptible  
21 drops thing, which is therefore reliability when you get up  
22 to this scale of plant, whether it's at Mount Sumanik or  
23 whether it's at Fairy Hill to work on the system to give  
24 reliable energy.

15:50

25 And so all of those facts -- this is basically



1 a project that is capital intensive. So with that type of  
2 information you can start seeing what's the cost per kilowatt  
3 hour.

4 The first set of numbers under the heading  
5 2015 to 2019, where there is a pretty picture to show it,  
6 this is scenario A again with DSM, and that means, frankly,  
7 the load's been reduced because DSM is there. But in 2015 to  
8 2019 DSM hasn't had too big an impact yet.

9 We're getting 26 to 29 cents a kilowatt hour.  
10 Taking the costs, normal regulatory base analysis. Why is  
11 that so high compared to the life cycle? Because you're  
12 starting a capital intensive project, and all of us who have  
13 been through them with hydro projects or anything else they  
14 start at the high end, and they get slower as they go through  
15 their life, so it will be a much lower number when you've  
16 depreciated it halfway through a life and, et cetera, as long  
17 as you keep the load.

15:51

18 So that's the type of cost with a nice load  
19 near the first three or four or five years of operations.

20 If you go down and you look at -- at the issue  
21 of life cycle costs and the infamous 40 cents, you'll see it  
22 down below under life cycle cost of energy, scenario load  
23 with DSM, you see the 40 cents. And the way to read these  
24 four lines because, you know, when people say there isn't  
25 information available, there's a lot of information available

15:52

1 in these four lines.

2 The first one is if you have the mine load and  
3 you think it's going to vanish to the information base the  
4 company had at that time around 2020. As some other  
5 intervener has said, into that circumstance a capital  
6 intensive project makes no sense. 40 cents is another way of  
7 saying the same thing. So between him and this graph, we're  
8 communicating the truth.

9 A capital incentive project that has a 25-year  
10 life that can only really be useful for about five or six or  
11 seven years is not going to make a lot of sense. That's not  
12 a -- it's just a fact. 15:53

13 As you go down on a list, scenario B if you  
14 add a bit more load that is still subject to that loss of  
15 life of mines after 2020, you get a bit better picture, but  
16 it doesn't really change the picture. The problem is the  
17 life of the load for this type of a capital asset project.

18 The third line down there extends the scenario  
19 A load, the 2019 load when we got the mines all humming  
20 away -- extends it out to 2030. So, you know, people say:  
21 Well, what happens if? That's a "what happens if" statement.  
22 It would be very hard to come to this Board and recommend a  
23 project and be able to say, well, we're just sort of doing an  
24 "if." They'd ask us: Where is the evidence? 15:53

25 But if it happened, it would reduce it way

1 down from 40 cents to 21.3.

2 And essentially that's a life cycle cost,  
3 present value cost today beginning of the project per  
4 kilowatt hour of diesel displaced over the life. So it's  
5 comparable with diesel. Full utilization, the 14.8 -- the  
6 number that all the consultant reports love to put out --  
7 assumes we use every single kilowatt hour over the 25-year  
8 life of the project to displace diesel.

9 And even with the extension of all that mine  
10 load to 2030, we're still a good distance away from there  
11 because of the seasonality issues because of the loss of  
12 grid -- the no-grid issues, because of the hydro variability,  
13 all the factors in Yukon.

15:54

14 So all of this information and all of these  
15 scenarios are considered by the people that reviewed the  
16 report.

17 And the 2018 picture is the picture shown on  
18 Figure 8-3 at page 58 of 68, which is sort of saying, forget  
19 about the life cycle problem. When I've got load, how well  
20 do these various projects compare in terms of the first five  
21 years of costs? And that's not an irrelevant point to keep  
22 in mind.

15:55

23 So the compare -- all of this analysis is done  
24 the same way for each of the options on the page. It's not  
25 like one project is treated differently than the other ones.

1 They're all subject to the same thing.

2 And the questions that -- we don't have  
3 Victoria Gold today. We're talking about it, having to plan  
4 for it in the eventuality it's there. But just so everybody  
5 keeps in mind when we have all these different conversations,  
6 if I'm interested in a capital-intensive project of a  
7 renewable resource type -- hydro, wind, you name it -- it's  
8 very hard to see it without two things, enough load and the  
9 load being there long enough.

10 As I think somebody else said in one of their  
11 pieces of evidence, we've got some beautiful hydro projects  
12 in Yukon. They got 5 cents at full utilization, 6 cents, 10  
13 cents. But nobody in this room is silly enough to think that  
14 we should jump out and do them because we wouldn't have  
15 enough load for them, and it wouldn't be a load long enough  
16 for the 60-year life. So we need enough load wherever we get  
17 it and we need the load long enough to match the capital cost  
18 profile of the project. Otherwise, we are in trouble trying  
19 to advocate a project.

15:56

20 So that's what this shows. The previous page,  
21 Table 8-1, does have some of those hydro projects at the  
22 bottom. Page 54 of 68 you'll see projects 8.6 cents, 9.8  
23 cents, 9.4 cents, 9.6 cents full utilization. Same type of  
24 number as the 14, 15 cents for wind at full utilization.  
25 Q. Thank you. And I feel like you've done a good job of

15:56

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1 actually selling wind as a great option.

2 I still sort of have to take issue with the  
3 fact that in the public presentations you went with the 40  
4 cents because it seems quite simplistic to build this, you  
5 know, capital-intensive yet long-term project assuming that a  
6 load is going to be gone, vanish in five years after the  
7 project is built when you wouldn't necessarily have spent  
8 that time in the interim finding another source for that  
9 whether it be space heating or something else.

10 **A. MR. OSLER:** We used the same analysis when  
11 we came to the Board on Mayo B. We had to justify it based  
12 on the loads that we could talk about. Even then, had to  
13 deal with the contingency that Carmacks Copper might not  
14 happen.

15:57

15 So the analysis used here is exactly the same  
16 as the analysis used in Part 3 hearing in Mayo B.

17 Q. Well, I think that possibly my next question, moving  
18 along, which still is referring to the resource plan, which  
19 is still found YECL-YEC-1-18-A, the attachment, looking at  
20 two graphs, pretty pictures. One is called "Range of  
21 Resource Supply Options." Sorry, it's Figure 4.1, page 17 of  
22 68 in the IR or page 14 itself of the resource plan overview.

15:58

23 Are we there? It's got some pretty blue.

24 **A. MR. MORRISON:** We're there.

25 Q. And also there's one as well that I'd like to do a

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1 comparison and it is Figure 8.1 and it's on page 46 of the  
2 resource plan overview or page 49 of 68. And it's got  
3 colours, yellow, red and green.

4 **A. MR. MORRISON: We're there.**

5 Q. Okay. So to look at a comparison of this, I'd like to  
6 bring your attention to the near-term option of wind in 4.1  
7 under the principle or criterion of affordability in kilowatt  
8 hour. If fully utilized wind is graded as medium  
9 approximately 15 cents a kilowatt hour. Do you see that?

10 **A. MR. MORRISON: Yeah.**

15:59

11 Q. And then in sort of a similar -- if you compare this  
12 graph to a similar but simplified sort of subjective graph of  
13 8.1, you can see that under affordability, it also says  
14 potential life cycle costs for kilowatt hour if fully  
15 utilized. Wind is characterized as red or low affordability.

16 **A. MR. OSLER: Correct.**

17 Q. And just for the record, this Figure 8-1, the near-term  
18 resource supply options where I say that wind is  
19 characterized with a low affordability is also the graph that  
20 was used in the public presentations around the 20-year  
21 resource plan.

16:00

22 So, first, why was the discrepancy between  
23 these two graphs fully utilized and why is that the one that  
24 was shown to the public?

25 **A. MR. OSLER: Because it's an error. 8.1 is**

1 wrong. And none of us picked it up. You know, you can -- we  
2 picked up that graph and put it in here to help people  
3 understand it because this thing with the blue around it  
4 still is hard to read, but we didn't pick up the fact that  
5 there was an error in it. And it's nothing more and nothing  
6 less than that.

7 Q. Okay. I find that that's a regrettable error simply for  
8 the fact the public would have viewed this as wind getting a  
9 failing grade on reliability and flexibility and  
10 affordability in your opinion across the board and it just 16:01  
11 appearing to be the most unfavourable out of all of the  
12 options that are presented where we take issue with the other  
13 grades that it received on 8-1 as well, not just that one  
14 that you claimed -- stated is an error.

15 A. MR. MORRISON: We'll fix the error. The  
16 report is still not finalized and we're happy to fix it.

17 A. MR. OSLER: And that graph, by the way, the  
18 intent was -- and it was the beginning of the section 8, was  
19 to show these options on a comparable basis without getting  
20 into the complexities of actual loads. It was the full 16:01  
21 utilization graph.

22 So, in principle, even though errors occurred,  
23 that was going to be the lead-in to somebody reading the  
24 section before you got to all the complexities. So it would  
25 be nice if we got it right; I agree with you, but the intent

1 was to reveal the full utilization numbers first in the  
2 sequence of thinking.

3 Q. Right. And that's great for people who have the time to  
4 sort of study the complete reports, but for the public who is  
5 interested to go to a public meeting and just sort of have  
6 the ability to see a PowerPoint presentation that maybe has  
7 two or three graphs, then that's going to be their take-home  
8 message.

9 A. MR. OSLER: But to be blunt, the graph, the  
10 simple one you like that has the error in it, was put first  
11 in the sequence for that very reason, to show people the full  
12 utilization. So if it was right, it was correct. It would  
13 be dealing with the 15 cent number in the first sequence.

16:02

14 I think it was in the backgrounder in the  
15 public presentations as well as in Chapter 8.

16 So it's an error, but the first thing that  
17 people were supposed to be shown was the full utilization  
18 picture.

19 Q. Just for the record, I didn't say I liked it. I said it  
20 has colours because I also do take issue with the other  
21 grades that wind received on that.

16:02

22 So -- yeah. I also have some serious issues  
23 with the liquid natural gas grades that LNG received on that  
24 same graph where you stated that the wind affordability as  
25 low is an error.



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1 I'm wondering if the LNG affordability as  
2 medium high affordability is also an error. But we can maybe  
3 sit down with this graph and talk about it at some point  
4 again?

5 But I'd like to now move on to something else,  
6 and I have something to hand out. The Haeckel Hill numbers.

7 THE CHAIR: Ms. Middler, are those items  
8 that were mailed out last night as exhibits you might -- or  
9 aids that you might bring in for exhibits?

10 MS. MIDDLEL: Yes, exactly. This is the 16:04  
11 first attachment to that email and I've got copies here.  
12 They just got a bit complicated. It's all good. And there  
13 are supporting documents for this graph that I also attached  
14 to that email, but I have not printed those out because this  
15 is a summary of the data. And if you wanted to find the  
16 source material for that data, then those are attached to the  
17 email. I just had a hard time justifying lots of paper  
18 printing.

19 THE CHAIR: Did you want to bring those in  
20 as exhibits, name them as exhibits? 16:04

21 MS. MIDDLEL: Yes, I would.

22 THE CHAIR: So I don't know which ones will  
23 be which, but -- oh, here. They're already -- so it will be  
24 C-5-7, which will be the Haeckel Hill -- that's the only one  
25 we have right now. So the other one would be C-5-8.

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1 MR. LANDRY: Mr. Chairman, just so we have  
2 it for the record, the table which -- what exhibit number is  
3 that now?

4 THE CHAIR: That will be C-5-7.

5 **EXHIBIT C-5-7 - HAECKEL HILL WIND**

6 **ENERGY PRODUCTION OVER TIME**

7 MR. LANDRY: The question I was wondering is  
8 we were looking for the source data for this document. I'm  
9 not objecting to the exhibit to go in, and I'm not sure if I  
10 heard Ms. Middler right, but there is source data that was  
11 attached to this.

16:05

12 MS. MIDDLEL: Yeah. I didn't want to print  
13 it all off and make 20 copies of each. So I've printed out  
14 this graph. The source data comes -- there are four  
15 additional attachments -- there's six attachments in total.  
16 This is the first one. The following four are the sources of  
17 this information. So I hope that's okay. If anyone is  
18 interested to find out where these numbers came from, they  
19 came from four different sources all of which are attached to  
20 the email that I sent last night.

16:06

21 MR. LANDRY: Well, I guess the first  
22 question I have, just so we get a clean record here, are all  
23 of the source documents on the record? Do you know?

24 MS. MIDDLEL: Yes. Yes.

25 MR. LANDRY: Why don't we -- I don't have

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1 the source documents, so again -- but I'm fine to allow  
2 Ms. Middler to give it a go and see if we do have all the  
3 source documents on the record.

4 THE CHAIR: Can you name those source  
5 documents for the record, please?

6 MS. MIDDLEL: Yes, I can. Yes, I will. I  
7 will be one minute or less.

8 Okay. We've got the -- a paper called the  
9 "Wind Power Development"-- "Wind Power Development in  
10 Subarctic Conditions With Severe rime icing March 19 to 21,  
11 2001." That was obtained off of the Energy Solutions Centre  
12 website.

16:07

13 The next is the Yukon Energy Corporation 2005  
14 Revenue Requirement Review. Then the YEC 2008/2009 April 24,  
15 2009, update -- to the GRA update.

16 And the next is also a GRA document,  
17 2008/2009. Yukon Energy Corporation -- yeah. The 2008/2009  
18 general rate application.

19 THE CHAIR: So there's one other -- just  
20 looking at the screen. Thank you very much. We have a  
21 UETSERG. Is that a document as well that pops up?

16:08

22 MS. MIDDLEL: It's not a supporting document  
23 for this graph. It's just an additional aid to  
24 cross-examination that we may bring up a little bit later on.  
25 So it's not supporting of this graph.

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1 THE CHAIR: When you bring that up, we'll  
2 give it an exhibit number.

3 MS. MIDDLEL: I did have printouts of a  
4 portion of that, too. So when we get to that --

5 THE CHAIR: Mr. Landry, are those other  
6 four exhibits all right being considered as attachments, or  
7 do we want to name those individually as exhibits?

8 You haven't seen them yet, have you?

9 MR. LANDRY: No. I think if I heard  
10 Ms. Middler right, they were in the email that was sent out  
11 last night.

16:09

12 THE CHAIR: Yes. That's what we're  
13 referring to.

14 MR. LANDRY: The difficulty is -- again,  
15 just to have a clean record. The difficulty is that  
16 obviously those documents, if they're source documents, they  
17 should probably be put on the record.

18 Why don't we see how she makes out with this  
19 and then we can deal with that after.

20 MS. MIDDLEL: Thank you.

16:09

21 Q. Please describe the current performance of the two  
22 turbines on Haeckel Hill?

23 A. MR. MORRISON: Well, the two turbines on  
24 Haeckel Hill are having some great difficulty. The bonus  
25 turbine itself we're doing a life assessment review of should

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1 just about be finished. I think my note tells me that  
2 Siemens are going to finish it either this month or next  
3 month and we should have it in our hands certainly by the end  
4 of the year, early in the new year.

5 We've been having great difficulty. They seem  
6 to be at or near end of life. They need a fair bit of  
7 upgrade and we've been working with, you know, Siemens and  
8 Vestas to make sure that we can properly get the work done  
9 that needs to be done to make these two turbines produce at  
10 the level they could produce at.

16:10

11 Q. Okay. And that, I guess, brings me to the graph,  
12 Haeckel Hill wind energy production over time. Just if we  
13 could bring your attention to the energy -- the efficiency  
14 outputs over the years. Please explain the reasoning as to  
15 why the performance of the wind turbines on Haeckel Hill has  
16 drastically deteriorated most notably since 2003.

17 A. MR. MORRISON: I can't do that here today,  
18 sir.

19 Q. Okay. Has Yukon Energy Corporation considered selling,  
20 leasing, or offering out these wind turbines to a third party  
21 who may be willing and able to operate them more efficiently?

16:11

22 A. MR. MORRISON: No, we haven't, but it's an  
23 intriguing idea.

24 A. MR. MOLLARD: We have not to date received  
25 any proposals for it.

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1 MS. MIDDLEL: Okay. Now, this is sort of a  
2 question to Mr. Landry. Are we able to use UCG's aid to  
3 cross-examination, one of their tabs?

4 MR. LANDRY: Which one is it, Ms. Middler?

5 MS. MIDDLEL: It would be Tab 12. It's an  
6 article from the Whitehorse Star dated January 26, 2011,  
7 "Alternative Energy is High on YEC's Agenda."

8 MR. LANDRY: That would be one of the ones,  
9 Mr. Chair, that would have to be taken out of the book, but  
10 given where Ms. Middler is at -- I don't know how we do this. 16:12  
11 I'm trying to keep it all in my head. But we'd have to make  
12 this a separate exhibit, I guess, for YCS.

13 So maybe we can deal with a logistical issue.  
14 I'll work with Board counsel after. We'll all be able to get  
15 it up so we'll know it is, and it will eventually get  
16 assigned an exhibit number.

17 THE CHAIR: Yeah, I'd just want to make  
18 sure we have everything on the record at some point in time,  
19 so we'll have to --

20 MR. LANDRY: It is, if I understand it, it's 16:12  
21 Tab 12.

22 THE CHAIR: Yes.

23 MR. LANDRY: And it's the Whitehorse --

24 THE CHAIR: Alternative energy --

25 MR. LANDRY: -- Star, January 26, 2011.

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1 Is that right, Ms. Middler?

2 MS. MIDDLEL: Yeah, Whitehorse Star,  
3 "Alternative Energy is High on YEC's Agenda."

4 MR. LANDRY: Subject to the concerns that  
5 most boards have with having newspaper articles on the  
6 record, it can go in as an exhibit, from my perspective, but  
7 we can deal with the logistics after.

8 Q. MS. MIDDLEL: It's -- in this article it  
9 talks about Yukon Energy president David Morrison's address  
10 to the Whitehorse Chamber of Commerce luncheon talking about 16:13  
11 pursuing alternatives in light of the growing demand for  
12 energy in the domestic and industrial sectors, and just  
13 something interesting Mr. Morrison has said. He's  
14 paraphrased as saying that he: (as read)

15 "...invited anyone with a plan to  
16 generate surplus energy that could be  
17 plugged into the grid to step up even  
18 though YEC has not yet completed its  
19 policy to guide independent power  
20 producers." 16:13

21 And then he goes on to be quoted to say: (as read)

22 "'We do not need to build it ourselves  
23 if somebody has a prospective project  
24 out there,' he said, 'If independent  
25 power producers are out there on

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1 projects, we are not fussy about where  
2 we get this."

3 So my question is, is YEC willing to share the completed  
4 Sumanik wind assessment feasibility report with interested  
5 third parties like First Nation Development Corporation to  
6 enable this project to move forward or be moved forward, or  
7 has Yukon Energy already done this?

8 A. MR. MORRISON: We haven't done it on wind. We  
9 certainly have a partnership with Champagne Aishihik to  
10 examine a potential biomass pilot project, as I indicated  
11 yesterday. 16:14

12 I'm -- let me just -- my hesitation, my  
13 difficulty is this. Sharing reports in the spirit of  
14 sharing, we're certainly happy to share. If it's a report  
15 that the ratepayers paid for, we may have to recoup some  
16 funds for it. But we are not at all vexed about somebody  
17 else trying to build a wind project or working with a group  
18 or a First Nation or private group to advance a project if in  
19 fact -- I can only tell you that nobody other than Champagne  
20 on the biomass project has really come forward to suggest a  
21 project to us. 16:15

22 But are we open to it? We're certainly open  
23 to discussing that, yes.

24 MS. MIDDLEL: Okay. Now, at the risk of  
25 being irritating again, UCG has another aid to cross which I



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1 bet exists somewhere else, but it's Tab 17, which is the  
2 background on Yukon Energy's rate application.

3 MR. LANDRY: Ms. Middler, that's already an  
4 exhibit, so you can reference it --

5 MS. MIDDLEL: Okay, great.

6 MR. LANDRY: -- as Tab 17. I guess that's  
7 what it is.

8 MS. MIDDLEL: Super, thank you.

9 Q. MS. MIDDLEL: So page 2 is: (as read)

10 "Funding tomorrow's energy, finding  
11 sufficient clean, affordable and  
12 reliable energy requires years of  
13 public and stakeholder consultation,  
14 research, engineering and project  
15 approval. All this works comes with a  
16 price tag. In 2009 the YUB agreed that  
17 Yukon Energy does not have the luxury  
18 of waiting for new loads to materialize  
19 before taking action. It accepted our  
20 argument regarding the benefits of  
21 having shelf-ready projects that can  
22 proceed at some future date."

23 So the question is, can you explain how close Mount Sumanik  
24 project is to being shovel ready? Here we are at nearly four  
25 years after the favourable study was completed.

16:15

16:16

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1 A. MR. MORRISON: Sure. First of all, I think  
2 the term here is "shelf ready," but I'll assume that's what  
3 you mean.

4 Mount Sumanik is not, as I think I've been  
5 fairly clear about, is not the project that we have -- the  
6 wind project that we have furthest advanced. The project  
7 that we have advanced the furthest is the Fairy Hill project.  
8 I think I went over a number of the reasons for that.

9 The work on Sumanik was helpful in getting us  
10 thinking about larger wind turbine sites or larger sites for  
11 turbines. But Sumanik, I would say, would be at least  
12 several years away, because we'd have to go back and do the  
13 monitoring work, and if we were looking at advancing a wind  
14 project, it would be Fairy Hill.

16:16

15 Q. Okay. Thank you. So if I could bring people's  
16 attention to YCS-YEC-2-10, page 7 of 10, line 10.

17 And I guess I just want to bring forward the  
18 quote about liquified natural gas. The quote is: (as read)

19 "It's assumed that BC-based LNG supply  
20 is not limited."

16:17

21 And further --

22 A. MR. MOLLARD: Sorry, Ms. Middler. Can you  
23 repeat the reference? We're having a little trouble finding  
24 it.

25 Q. Okay. So it's YCS-YEC-2-10, page 7 of 10, line 10.

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1 And, "BC-based LNG supply is not limited."

2 A. MR. MORRISON: We see that.

3 Q. Okay. Now, if we can go to YUB-YEC-1-49-B page 2 of 7,  
4 line 27. That's YUB-YEC-1-49-B, page 2 of 7, line 27,  
5 talking about the cost of LNG fuel.

6 A. MR. MORRISON: Line 27?

7 Q. Line 27, yeah. Where it says: (as read)

8 "The cost of LNG fuel was assessed at  
9 assumed natural gas prices after  
10 inflation in BC at \$6.07 per MMBTu in  
11 2015, \$8.05 MMBTu in 2020, \$11.07 MMBTu  
12 in 2030."

16:19

13 A. MR. MORRISON: Correct. Yes, I see that.

14 Q. Okay. So the question that we have is if you could  
15 please explain where these cost estimates for this fossil  
16 fuel came from and whether Yukon Energy was in any way  
17 contemplated the economic risks that suppliers of this finite  
18 commodity might prefer to export this non-renewable resource  
19 to energy-hungry international markets that would therefore  
20 make competition for and costs of natural gas much higher.

16:19

21 A. MR. OSLER: So one question at a time.

22 The numbers given in the YUB answer are  
23 sourced back to the resource plan. There's a footnote  
24 somewhere in the resource plan that makes the point that they  
25 come from the time period when that was being worked on. I

1 think there was a BC Hydro forecast that's referenced. There  
2 were other forecasts available, but as a forecast for gas  
3 prices at that time.

4 So that's where that came from.

5 The prices of gas recently since that work was  
6 being done have tended to be a lot lower, but there is no  
7 question that when you're dealing with a fossil fuel in  
8 market conditions, there are issues relating to the risks of  
9 the market prices, and market condition can change, okay?

10 The second part of your question was to do  
11 with the risk that all of this gas would be marketed towards  
12 Asia, and that therefore wouldn't -- the market price would  
13 take off, if I read your -- did I hear you right? Is that  
14 the essence?

15 Q. Yes.

16 A. MR. OSLER: And frankly that particular  
17 thought process was intrinsically central to the issue when  
18 people first started looking at LNG as an option for  
19 Canadians as opposed to just Asians.

20 When we first started looking at it, the focal  
21 point for both Western Copper and Gold who were the original  
22 people who got us going on this for their casino project and  
23 us was Kitimat, BC, because of the export market  
24 opportunities and the apparent success that Kitimat LNG was  
25 having going through the NEB and was going to get started by,

16:20

16:21

1 I believe, the first quarter of this year in terms of  
2 construction because it had done -- got its licensing and  
3 everything else.

4 So the question was: Could we acquire gas  
5 from Kitimat, BC, or some other alternative, and the issue  
6 that people started to think about was what would be -- if  
7 they built these plants, why would they sell it to us or  
8 anybody else in Canada for less than they can get it in Asia?  
9 So start looking for some options. And that has led people  
10 to look seriously at other options that are inland from the  
11 coast. 16:22

12 At the moment Shell Canada has committed to  
13 putting up relatively big plant by our standards, very small  
14 plant by international standards, at Calgary called Jumping  
15 Pound to come on they say later this -- next year, early the  
16 year after, one of the two, for Canadians for local use.

17 The key question, sir, that could be accessed  
18 to LNG from a market that is not from a plant or facilities  
19 that are not focused exclusively on Asians.

20 But the fundamental point that the people made 16:23  
21 to us was way back a year and a half ago was this: One of  
22 two things can happen, assuming that people are finding gas  
23 as abundantly as they seem to be.

24 The market in Asia will occur, in which case  
25 people have got to invest billions of dollars on plants that

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1 they assume will work for 20 years or so. They're not going  
2 to invest that type of money in something that won't work for  
3 a long time period, or they won't happen because of the  
4 factors that can delay LNG plants internationally which are  
5 well known.

6 If they happen, the only way the investors in  
7 that facility can see a way to justify that investment is to  
8 have a contract that gives them a sale price in Asia that's  
9 markedly different than the going price for gas in Canada or  
10 the United States. If that differential shifts, their  
11 investment is screwed.

16:24

12 And so the argument was that whether or not  
13 they occur or not occur, the betting has to be that the gas  
14 price inside this market will continue to be markedly lower  
15 than would be the case in Asia, and there would have to be  
16 gas supplies available for people like the ones we're talking  
17 to for the next ten or 20 years.

18 So, yes, the issue of risk was very seriously  
19 put to us by people from various parts of North America who  
20 were thinking about this, and the time horizons that we  
21 thought about were in the 15, 20-year time horizons, the time  
22 we thought about it and we were looking at what other  
23 alternatives might be able to develop a renewable sense  
24 during that time period if loads continue to grow in Yukon.  
25 And there were some long life loads that would go for 20-plus

16:24

1 years such as the Casino Mine Project because that might give  
2 us the option to touch some of those hydro projects we were  
3 talking about, as well as wind.

4 So, yeah, the risks were thought about, and I  
5 just say today that nobody has yet actually made an  
6 announcement that they're building a Kitimat plant. More  
7 people have lined up talking about major plants, but at the  
8 moment, nobody has actually put a shovel in the ground to  
9 start building one of them.

10 So I'm not sure which way the future is going 16:25  
11 to go any more than the next guy. But an analysis was done  
12 looking at it from the point of view whichever way it goes is  
13 there a reasonable assurance, as reasonable as anybody can  
14 have prudently thinking about it, of gas availability at a  
15 reasonable price relative to oil for people in our part of  
16 the world, in this segment in North America.

17 Q. Still on YUB-YEC-149, page 3 of 7, line 25. Lower cost  
18 LNG fuel would affect the assessment of future resource  
19 choices.

20 Can you explain how lower cost LNG fuel would 16:26  
21 affect the assessment of future resource choices?

22 A. MR. OSLER: I think another intervener has  
23 made the argument that a lower cost alternative that  
24 displaces oil as the sort of default option that we all  
25 compare everything to will tend to, he argues, defer other

1 renewable projects.

2 I think that that's all that's been said is  
3 that if the bar is changed from 30 cents down to 15 cents or  
4 12 cents or whatever it comes down to, it will affect the  
5 evaluation of other alternatives. At the moment it's still  
6 just a hypothetical project.

7 But if there was LNG being delivered in Yukon,  
8 just like oil's being delivered today through diesel fuel, it  
9 would change the alternatives being assessed, how they were  
10 being assessed, against what. I think that's all it's  
11 saying.

16:27

12 Q. Okay. So how then is LNG promoted as a transitional  
13 plan? How do you see it being a transition from anything  
14 other than entrenching us into fossil fuel use?

15 A. MR. MORRISON: Well, there is a couple of  
16 thoughts around that that we've been wrestling with. I  
17 should say that, you know, we benchmark all of these things  
18 against each other so that we have the ability to look at the  
19 various options and see where they fit.

20 We have diesel generating units at our  
21 Whitehorse plant, several of which -- well, all of which  
22 actually by I think 2018, well, in that range are due for  
23 retirement. Some of them well overdue for retirement.

16:28

24 Now, we have to look at -- and we have two of  
25 them coming up in the next three years. So we have to look



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1 at the question of if LNG as a fuel is available in the range  
2 of costs that we think it is today, should we -- how  
3 responsible are we to just put diesel back in there because  
4 we know what it is. Shouldn't we look at whether or not the  
5 economics of a small scale haul of LNG and small scale  
6 storage would become a substitute fuel for diesel in our  
7 system?

8 Now, initially that's just Whitehorse, right.  
9 We haven't looked at whether replacing diesel units in Dawson  
10 or Mayo might be economic because there's additional hauling, 16:29  
11 but we're trying to solve several problems all at once.

12 In terms of a transition, we have a step one  
13 or a small scale that looks at replacing diesel units that we  
14 have to replace. We may be able to -- and depending on what  
15 the load comes forward -- one of the benefits of these  
16 diesel -- or, excuse me, these LNG units is they're in the  
17 same space we can get a large diesel unit we can get an LNG  
18 unit or gas-fired engine that's larger in capacity. So where  
19 we have a 5 megawatt Mirrlees, we can get, like, an 8 or 9  
20 megawatt gas unit. So we get some extra capacity as well. 16:30

21 And how do we fit that into the transition for  
22 the future? If we have enough of those, and depending on  
23 what the loads are like, that will -- the economics of that  
24 will have to be compared to what other options there are to  
25 supply loads going forward, whether mines materialize or not

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1 or whether we just see domestic growth in the residential and  
2 commercial areas.

3 There's another option that would take us into  
4 a large, you know, a free-standing option to supply a load  
5 that's apparent in the next few years absent wind. There  
6 isn't anything else that would -- we could build quick enough  
7 to get something in service to supply mines that are looking  
8 at being in service by about 2015.

9 The difference, though, is that with wind  
10 supplying those loads, we'd have to build something in  
11 addition to wind because the load at Victoria gold is, you  
12 know, 100 gigawatt hours or so a year. It might even be a  
13 little higher than that now. The wind project even at Fairy  
14 Hill or Sumanik may be 55, 56 gigawatt hours.

16:31

15 I mean, that's really the essence of the  
16 resource planning itself is looking at a series of options  
17 and where do they fit and what load do they fit and what  
18 economic bracket they fit.

19 When Mark Jaccard opened the charrette a year  
20 ago or year and a half ago, what he talked about was, you  
21 know, these are tradeoffs and the tradeoffs don't mean is  
22 this necessarily is this one better than that one in just one  
23 -- you know, looking at one set of factors.

16:31

24 We looked at them through all of these tests.  
25 Whether, you know, the affordability test is the capital --

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1 if it's capital intensive, does that expose us for a longer  
2 period of time? Is it cleaner environmentally? Does it have  
3 flexibility?

4 All of them -- that's all we're doing through  
5 the whole resource planning piece is looking at load  
6 scenarios and what options fit or don't fit and where they  
7 fit in those load scenarios.

8 You know, we understand that, you know,  
9 looking at rates going forward, it's been brought up here  
10 over the last couple of days that people are concerned about  
11 rate increases. Well, how do we do all these things and not  
12 experience increase in costs? Those are real challenges for  
13 us.

16:32

14 We've been able to get grants from the federal  
15 government or grants from the territorial government and keep  
16 the cost of capital projects down so that rates stay  
17 affordable. We still have to continue to find those options  
18 going forward. How are we going to implement whatever option  
19 it is, and the total cost package of serving loads has to be  
20 looked at.

16:33

21 That's a couple of steps in the scenario of  
22 transitioning.

23 Q. I might suspect that Mark Jaccard -- I think that's how  
24 it's said but not really said that way but spelled  
25 J-A-C-C-A-R-D, your keynote speaker at the charrette -- he

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1 might take issue with that being part of the sort of synergy  
2 to make LNG the only potential option when he said things  
3 like, you know, we need direct action to make the change  
4 required to address the climate change.

5 But aside, are you suggesting that Yukon  
6 Energy burn natural gas in Whitehorse to power Victoria  
7 Gold's load operations?

8 A. MR. MORRISON: I'm not saying to you that we  
9 have made any kind of a decision to do that today. No.

10 Q. Is that -- if LNG was chosen as the near-term supply  
11 option, would it be located in Whitehorse to service Victoria  
12 Gold? 16:34

13 A. MR. MORRISON: Well, if we -- if we choose LNG  
14 as an option going forward. The other thing that we have  
15 considered and we've looked -- or we've looked at on a very  
16 preliminary basis is that if we have loads of this magnitude,  
17 the other opportunity that an LNG plant gives us is waste  
18 heat.

19 And if we locate that plant in Mayo or Dawson  
20 or at Stewart Crossing, we lose that opportunity to use that  
21 waste heat because there's too much of it for the size of  
22 those communities. 16:34

23 So one of the consideration in looking at an  
24 LNG plant and where we would locate it is the consideration  
25 that the waste heat has some real value in both a district

1 heating sense available to heat buildings in the Whitehorse  
2 area, but also in the sense that it gets people off diesel  
3 fuel.

4 Q. For space heating. Okay. Well, that's good to be  
5 considering the waste heat. But one also might want to  
6 consider the line losses of the distance that those electrons  
7 would need to travel from Whitehorse to the central Yukon  
8 when it might make more sense, be more prudent for that LNG  
9 to be burned actually at the mine site where the mine itself  
10 could use the waste heat for its own operations.

16:35

11 A. MR. MORRISON: Well, you know, that's  
12 certainly a consideration. I -- you know, I don't know. Am  
13 I hearing it's all right to burn -- to use LNG to burn -- or  
14 to make electricity at the mine site? I'm not sure what  
15 you're suggesting -- that we should locate the plant up there  
16 versus here?

17 I think you'd really have to look at, you  
18 know, the true benefits of that, whether line loss is --  
19 certainly part of it would be part of any evaluation that we  
20 would have regarding LNG or anything else.

16:36

21 A. MR. OSLER: I think a couple of things,  
22 just to keep the conversation flowing.

23 The advantage of LNG, one of the things that  
24 people talked about seriously was the ability to use it at  
25 mine sites because if you are concerned with the environment,

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1 and we're looking at as many off-grid mines coming on, then  
2 it's worthwhile paying attention to power supply in Yukon not  
3 just on the grid but everywhere else. And that was one of  
4 the messages I got out of the charrette was, don't just focus  
5 on one element of this picture -- and it's a brand new game  
6 since I've been in Yukon -- to have so many off-grid mines  
7 seriously contemplated for the next five or ten years of  
8 potential startup.

9 And I think, secondly, before anybody made a  
10 decision on where to locate LNG, they would take account of  
11 all the things we're talking about to elicit waste heat,  
12 including line losses and including hauls distances, and  
13 would it be good to have some of it at the mine and some of  
14 it elsewhere?

16:37

15 You can -- believe me, nobody is going to make  
16 decisions like this without trying -- trying, at least -- to  
17 work their through all of these sort of options to get the  
18 best optimum.

19 But let me just make one thing clear. If you  
20 are interested in renewables that have capital intensive  
21 nature, you need load. If there's nothing else we've seen,  
22 you need load, and you need it for a length of time.

16:37

23 And, you know, if indeed the future unfolds so  
24 that LNG goes to all the mines and they don't hook up and  
25 they just got to the mine site because that turns out to be

1 the best option, then we're looking at base case load  
2 forecasts under the case, and we're not looking at investing  
3 in anything much beyond Marsh Lake or things like that.

4 So everything comes with the picture, and  
5 we're trying, believe it or not, to give this information  
6 accurately, but also trying to get it simply so that people  
7 can understand how the -- you know, in simple ways how these  
8 complicated things fit together.

9 If we don't have the load, we're not doing  
10 wind in the near future.

16:38

11 Q. Okay. But it seems like you equate load only with a  
12 mine or an industrial customer when it wouldn't take too much  
13 imagination to see load as being something else like fuel  
14 switching, space -- this big future space heating  
15 opportunity, things like that.

16 So it seems like in your resource plan you've  
17 simply equated load with a mine and left it at that. And  
18 also, I'm thinking also about in terms of an LNG plant on a  
19 mine site contemplating the obligation to serve or the  
20 perception of the obligation to serve, it might make more  
21 sense for the mine itself to own its own LNG infrastructure  
22 for generating its electricity and heat on site.

16:39

23 And I guess that's a discussion about whether  
24 it makes economic sense for Yukon Energy itself to be  
25 investing in that infrastructure to provide electricity to a

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1 mine or if it's something they ought to be doing themselves  
2 and carrying that risk.

3 A. MR. OSLER: Well, I mean, some of the  
4 mines we're talking to, the one that was leading the charge  
5 on this has no intention of hooking into the grid -- it's the  
6 casino mine -- and therefore they had an intense interest in  
7 trying to find a low-cost acceptable fuel option. Otherwise,  
8 they don't have a mine.

9 So if we connect to the grid, my understanding  
10 from the policies of this company and that have been endorsed  
11 by various authorities is that it will come with the mines  
12 having to pay for the connection. So that's a policy that's  
13 been in place for the last several years.

16:40

14 If they don't connect, if you're right that  
15 the cheapest option for them is to do it at the mine site,  
16 then they will own or they will have been somebody else  
17 contracted to own the power facilities. It will have no  
18 effect on ratepayers at all and won't have any effect on YEC.

19 Those are going to happen in Yukon because  
20 there are some mines too far away from the grid to  
21 contemplate being hooked up.

16:40

22 But I would say one thing. One is not just  
23 thinking about mines and thinking about them in terms of LNG.  
24 There's a section of the resource plan overview, section 7 --  
25 which doesn't seem to get much attention, for some reason --



1 on hydro.

2 And, you know, believe it or not, there's some  
3 passionately-held views that that type of options for  
4 renewables in Yukon -- and not displacing wind -- hydro  
5 doesn't have to displace wind. If we have enough of a market  
6 for the hydro to develop, we can certainly handle them.

7 But Yukon has some very good hydro resources.  
8 It's been historically the reason why the rates were lower  
9 here because somebody developed them 50 years ago.

10 And frankly, you know, is there a way that  
11 anybody can start talking today and doing the planning over  
12 the next five or ten years so that there's a real chance  
13 within a decade, a decade and a half of developing the next  
14 major hydro developments in Yukon?

16:41

15 And that is long-term planning. And it's not  
16 thinking about -- it's just using LNG as a transition to get  
17 to that point so that we're not trapped.

18 Because the prices of LNG in 20 years' time, I  
19 think somebody said they might get to be cheaper than wind in  
20 that time period. I don't think there's much doubt 20 years  
21 from now none of us will be sitting here -- at least I won't.  
22 But probably LNG will be pretty expensive at some point in  
23 the future. And secondly, it isn't a local supply source and  
24 all the other things.

16:42

25 So how do you plan and get people to commit to

1 plan so that the option starts to become whatever this phrase  
2 is, "shelf ready" or something.

3 And believe me, there's been some people  
4 who've tried to make that point in that section 7, and so  
5 far, their voice isn't being heard much.

6 Q. Well, I do know that currently our grid is incredibly  
7 hydro centric, and some might think that itself was a trap  
8 with the inherent risks and the fact that the load is not  
9 meeting the resources, et cetera. Right?

10 And, you know, if it's an LNG transition to  
11 more hydro, I mean, YCS is not against all hydro. We would  
12 like it to meet a number of criteria that do not harm the  
13 environment, which not all the hydro projects that are --  
14 have been added recently and as well as our legacy assets  
15 have not necessarily been favourable.

16:43

16 But now we do have them and they're  
17 contributing to our grid.

18 Okay. I will move on. We are still on the  
19 same YUB-YEC-1-49, page 6 of 7, line 20: (as read)

20 "LNG power generation at Whitehorse.

16:43

21 Yukon energy has engaged the Kwanlin  
22 Dun First Nation and the Ta'an Kwach'an  
23 First Nation in discussion of potential  
24 partnership arrangements with YEC  
25 regarding LNG facility development at

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1 Whitehorse."

2 YCS would like to know whether Yukon Energy has engaged  
3 Kwanlin Dun and Ta'an or Champagne Aishihik, for that matter,  
4 First Nations in discussion of potential partnership  
5 arrangements with YEC regarding wind facilities on First  
6 Nations traditional territories.

7 A. MR. MORRISON: No, we have -- we have not.

8 Should back up for just a minute. We have had  
9 a -- I think you used the word "discussions." We have had a  
10 very brief discussion with Champagne Aishihik about wind, but 16:44  
11 I think basically it's been us supplying them with some  
12 information, and I know they're looking at wind. But that  
13 would be the extent of it.

14 Q. Okay. Moving on to some hydro, Mayo B. Yesterday,  
15 Mr. Mollard, you were asked by the City of Whitehorse -- this  
16 is page 37, line 10 of yesterday's transcript -- about when  
17 Mayo B was fully commissioned and operational at full  
18 capacity. And you replied on page 37, line 10 of yesterday's  
19 transcript that you: (as read)

20 "...believe the plant has been 16:45  
21 operational at full capacity since the  
22 in-service date in December. However,  
23 the final walk-through of the project  
24 was done last week..."

25 And you have not received a report yet.

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1                   YCS wonders whether you received a verbal  
2 report of that walk-through.

3   **A. MR. MOLLARD:**                   **No, I have not. Sorry.**

4   **Q.**   Okay. Someone on the panel who might know, could you  
5 please describe how Mayo B is performing today?

6   **A. MR. MORRISON:**               **From all reports I've had,**  
7 **subject to a couple of little commissioning issues and things**  
8 **that had to get finished, Mayo B is performing quite well.**

9   **Q.**   How much is the actual energy output to date? Do you  
10 know?

16:46

11   **A. MR. MORRISON:**               **I don't have that with me, and**  
12 **it would depend on what we required on any given day on the**  
13 **grid.**

14   **Q.**   Do you have at your fingertips the total cost to date of  
15 the Mayo B project?

16   **A. MR. MORRISON:**               **Let me -- I think Mr. Mollard**  
17 **answered that. We don't have a final, final cost, but you**  
18 **know we're under budget. We're going to stay on or under**  
19 **budget. We don't have a final number, but there's plenty of**  
20 **room left in the budget to bring this project in on budget.**

16:46

21   **Q.**   And just to remind us what the subsidy amount was for  
22 the project?

23   **A. MR. MORRISON:**               **Well, between the two projects**  
24 **we got -- I think as Mr. Mollard answered earlier, we got 52**  
25 **and a half million dollars from the territorial government**

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1 and 71 million dollars from the federal government. And  
2 there is about -- between the two projects about 35 million  
3 dollars going into rate base for 160 million dollar project.

4 Q. Okay. Let's if we could assume for this question that a  
5 wind project of comparable size was fully -- to Mayo B was  
6 fully utilized and with the understanding that the cost of  
7 energy from Mayo B was brought down from well over 30 cents  
8 kilowatt hours to 10, how much would wind cost if it had  
9 received the same level of subsidy?

10 A. MR. MORRISON: Well, there's a couple of  
11 things. First off, it would be -- I think our current  
12 numbers on wind for 20 megawatts which is about 50 gigawatt  
13 hours is about 100 million dollars.

16:47

14 So what else we'd have to do in terms of  
15 substation work to accommodate the wind, transmission  
16 upgrades, I don't have that in front of me. So I think you  
17 can -- everybody can do the math from there. 120 versus 100.

18 Q. It's our understanding that the Sumanik project  
19 economics included things like roads and things. So perhaps  
20 it could be reduced from 19 cents a kilowatt hour, which was  
21 the maximum, to perhaps 6 and if it was fully utilized. So  
22 this is where I'm going with this to talk a little bit about  
23 the space heating market potential in the Yukon.

16:48

24 So can you describe what YEC's understanding  
25 is of the space heating market potential here?

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1 A. MR. MORRISON: There is -- I can't describe it  
2 to you. We are just in the final stages, as I think you  
3 know, of completing a district heating study for the  
4 Whitehorse area. The results of that study I don't have. I  
5 haven't seen a draft report, so I can't tell you more than  
6 that.

7 I'm not sure, you know, in terms of your point  
8 about the cost of wind. I did mention to you that we did  
9 upgrade -- update the Mount Sumanik costs several years after  
10 or a while after at least we got the report that you referred 16:49  
11 to. It was an additional cost. We've not looked at what the  
12 connections to the grid were.

13 And, as I mentioned I think clearly earlier,  
14 we were not able to build wind at the time we built Mayo B.  
15 Q. Okay. And just a point. There may be some costs that  
16 arise and there may be some costs that are decreasing as time  
17 goes on.

18 Okay. Not -- it wasn't really about district  
19 heat on waste heat from LNG. I was just mostly talking about  
20 the kilowatt hours in the Yukon that are currently for the 16:50  
21 annual heat in homes, for example, that's being used  
22 currently by oil heating on site.

23 A. MR. MORRISON: I -- are you asking me if I  
24 know that? I don't know.

25 Q. Do you think that maybe 300 megawatt hours a year might

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1 be an estimate? Did you know from your conservation  
2 potential review how much oil is being burned in homes for  
3 space heating?

4 A. MR. MORRISON: I don't have that with me, no.  
5 I'm not aware of what that number is.

6 Q. Would it be fair to say that tapping into this market  
7 would double or at least greatly increase energy -- Yukon  
8 Energy sales?

9 A. MR. MORRISON: You mean to sell electricity  
10 for space heating?

11 Q. Yeah.

12 A. MR. MORRISON: Well, the more electricity I  
13 would -- sure. The more electricity we sell, it will  
14 increase our sales.

15 Q. So if you could increase your renewable energy  
16 generation capacity to meet that market, would you say that  
17 would have economic benefits to Yukon Energy and the  
18 ratepayers?

19 A. MR. MORRISON: First off, one of the  
20 considerations, and it's part of the process we go through  
21 with secondary sales and why secondary sales on an individual  
22 household basis are difficult is us being in the business of  
23 selling electricity is space heat, we couldn't sell to  
24 anybody without them having a backup system, right, because  
25 if they have a power outage, there's no heat.

16:51

16:51

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1                   So it's a similar issue with secondary sales.  
2   No secondary sales customers we have -- in no instance do we  
3   connect a secondary sales customer until they demonstrate to  
4   us that they have dual heating systems in their buildings.

5                   I've not looked at the individual heating  
6   market if you're talking about individual homes with  
7   oil-fired generate -- burners. We have not looked at that as  
8   a market. We've only looked at, as I said, the district  
9   heating market.

10 Q.   You touched on it a little bit there, just the  
11   understanding of secondary sales where that -- how that came  
12   about and, you know, and your understanding of how it works,  
13   secondary sales.

16:52

14 A.   MR. MORRISON:                   How it came about? Well, how  
15   it came about is we had a surplus of hydro on the system and  
16   we were looking for ways to market that in order to maximize  
17   the benefit that ratepayers get from the assets that they are  
18   paying for and that are in place.

19                   So we came up with a commercial slash, I  
20   guess, institutional program where we offered secondary sales  
21   to customers who had or were prepared to install dual fuel  
22   systems in their buildings.

16:53

23                   This building right here would be one of them.  
24   It's an interruptible basis. The rate was approved by this  
25   board several years ago. We have interrupted it. I would



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1 say to you that some of the customers who put electric  
2 heating systems into their buildings did not realize the  
3 benefit of or even recoup their costs because it was a  
4 short-term program. And when there was no more surplus, we  
5 took the secondary sales away.

6 So for some, it was a good investment. For  
7 others it wasn't a good investment.

8 Q. We've already established earlier that you agree that  
9 wind energy is more abundant in the winter?

10 A. MR. MORRISON: Yes.

16:54

11 Q. When the grid load and also the heating load is highest?

12 A. MR. MORRISON: Yes.

13 Q. And that the wind resources on a seasonal basis follow  
14 that load. And would you agree that wind is intermittent?

15 A. MR. MORRISON: Oh, yes.

16 Q. And you agree that a requirement of secondary sales is  
17 that they are interruptible?

18 A. MR. MORRISON: Yes. I see the two as quite  
19 different but yes.

20 Q. Do you see any connection between wind energy and  
21 secondary sales?

16:54

22 A. MR. MORRISON: No. I see secondary sales as  
23 something where if we have a surplus of energy, we might be  
24 able to use from a renewable source but I don't -- I don't  
25 get the real connection. I think I see where you're going.

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1 If I had too much wind, could I not sell it for secondary  
2 sales? But I think you'd have to model the system to find  
3 out when and if you had too much wind.

4 Q. YCS is wondering how -- whether Yukon Energy is familiar  
5 with electrical thermal storage, ETS technology, space  
6 heaters that store electrical energy in the form of heat.

7 A. MR. MORRISON: I'm only familiar because I  
8 know that we have a paper here that you gave us and JP gave  
9 me the paper a few months ago, but I'm not -- no. I'm not  
10 familiar with any of the details.

16:55

11 Q. Okay. We would like to present this as an exhibit. It  
12 was -- it's the full report that was the final -- the sixth  
13 attachment to the email last night. We've got the first two  
14 pages of that report to present.

15 THE CHAIR: So that will be an exhibit  
16 number of C-5-8.

17 MS. MIDDLEL: Thank you.

18 EXHIBIT C-5-8 - REPORT ENTITLED  
19 "MEETING RESIDENTIAL SPACE HEATING  
20 DEMAND WITH WIND-GENERATED ELECTRICITY"  
21 BY LARRY HUGHES, ENERGY RESEARCH GROUP,  
22 DEPARTMENT OF ELECTRICAL AND COMPUTER  
23 ENGINEERING, DALHOUSIE UNIVERSITY,  
24 SEPTEMBER 2009

16:56

25 MS. MIDDLEL: The report is entitled "Meeting

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1 Residential Space Heating Demand With Wind-Generated  
2 Electricity" by Larry Hughes, Energy Research Group,  
3 Department of Electrical and Computer Engineering, Dalhousie  
4 University, September 2009.

5 Q. On page 2 of that report it talks about what the paper  
6 is examining: (as read)

7 "The potential of this approach meeting  
8 residential space heating demand by  
9 applying the output from a 5.15  
10 megawatt wind farm to the residential  
11 heating demands of detached households  
12 in the Canadian province of Prince  
13 Edward Island, the paper shows that for  
14 the heating season considered, up to  
15 500 households could have over 95  
16 percent of their space heating demand  
17 met from the wind farm."

16:57

18 YCS would like to know what work YCS has planned toward --  
19 YEC -- what work YEC, sorry, has done towards understanding  
20 this new -- this electrical thermal storage technology. And  
21 actually, for the record, it's not new.

16:57

22 A. MR. MORRISON: Well, we haven't done anything  
23 yet to understand this. I understand this is a paper, a  
24 research paper. I don't -- I don't know any more than that.

25 Q. Okay. It might be something that is contemplated in a

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1 DSM program in that it is a form of storage that a customer  
2 can invest in as opposed to Yukon Energy going out to finance  
3 their own storage infrastructure.

4 Back to -- would you agree that this kind of  
5 idea might make economic sense for Yukon Energy to pursue?

6 A. MR. MORRISON: No, I have no idea. I can't  
7 give you that response. I don't know -- I'm just not  
8 qualified to even read this paper, never mind respond to you  
9 like that.

10 Q. Okay. Then back to, would you agree that industrial  
11 customers, mines, are high risk due to the volatility of  
12 mineral prices?

16:58

13 A. MR. MORRISON: I would agree that serving  
14 industrial customers has a number of risks, and I would also  
15 agree, and I'm sure I'm clear on the record in a number of  
16 occasions indicating that that's the biggest -- one of the  
17 biggest parts of our job.

18 If we are going to serve industrial customers  
19 or any customer, but it's, I think, a much larger issue with  
20 industrial customers that take large loads, that a biggest  
21 part of our job is to try to mitigate those risks as best we  
22 can. Now, we'll never mitigate all those risks.

16:59

23 But I'll give you an example. When we  
24 connected Minto to the grid we did a significant amount of  
25 work to make sure that we were not exposing ratepayers to any

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1 degree of risk, and that was in a situation where we had a  
2 surplus of energy. So, you know, we got take-or-pay  
3 contracts, we got -- we got security. We registered that  
4 security, we made sure that security was something that we  
5 could realize on if we had to.

6 So those are just, you know, factors that we  
7 have to try to build in to power purchase agreements to make  
8 sure that it isn't, wherever possible, that we're not being  
9 stuck with a bill into the future for industrial customers.

10 So it's -- we'll never get rid of all the risk 17:00  
11 in anything, but we've got to do our job and make sure we get  
12 rid of as much as we can.

13 Q. Okay. Thank you.

14 THE CHAIR: I'm just mindful of the time  
15 here. I'm going to leave it up to you to sort of maybe  
16 select a time that's -- you know, you can go on a little bit  
17 longer, but just select a time that's appropriate for a  
18 break -- but not break to recess and just begin again  
19 tomorrow, if that works for you.

20 MS. MIDDLEL: Well, you know what? I think 17:01  
21 that we could probably wrap this up within five to ten  
22 minutes.

23 THE CHAIR: Sure.

24 MS. MIDDLEL: And that would be the end of  
25 our cross-examination.

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1 THE CHAIR: Because you can't come back  
2 tomorrow, can you? You're not --

3 MS. MIDDLEL: I may or may not, but it might  
4 just make sense to wrap it up now.

5 THE CHAIR: That's fine.

6 MS. MIDDLEL: If there's no objection.

7 THE CHAIR: And when I interrupted you, I'm  
8 just going to ask for one other clarification just on this  
9 exhibit you handed out. You handed out the two pages, but am  
10 I to assume you want the whole report in as an exhibit? We 17:01  
11 do have the electronic copy of the complete report, but I  
12 just wanted to clarify that it's these two pages or the whole  
13 report that you provided by email.

14 MS. MIDDLEL: Yes, please include the entire  
15 report. And also while we're talking about that, I wanted to  
16 clarify for the record. Electrical thermal storage, ETS  
17 technology, it sounds a bit complicated, but for the record,  
18 it's quite simply they are space heaters that store  
19 electrical energy in the form of heat.

20 THE CHAIR: Thank you. 17:02

21 Did you want to add something, Mr. Landry.

22 MR. LANDRY: Mr. Chairman, obviously we've  
23 had a question on one page of a research document, but given  
24 the circumstances, obviously that goes to weight.

25 But, you know, I've got no difficulty putting

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1 it in as an exhibit.

2 MS. MIDDLEL: Thank you. It's also sort of  
3 for your information in moving forward with resource  
4 planning.

5 Q. So back to my last question and talking about mitigating  
6 risks of industrial customers. It could be that we could  
7 lose a mine load sooner than we could -- or we would hope to  
8 pay off some of the infrastructure build to service them?

9 A. MR. MORRISON: Sure. And we, you know, no  
10 doubt there's some risks, and we've had this experience here 17:03  
11 in the Yukon and -- mines that we thought were never going to  
12 end, ended. And, you know, we've hopefully learned some  
13 lessons from that.

14 But I have to point out that one of the issues  
15 around that is when we look at the capital cost of projects  
16 going forward, the higher -- the more capital intensive a  
17 project is, the more risk there is in the early years because  
18 you're exposed to a higher cost in early years.

19 So one of the things we try to -- we're trying  
20 to do is find a way to balance the risk of growth in our 17:03  
21 domestic sectors, the risk of industrial growth, the high  
22 capital cost or lower capital cost versus high operating cost  
23 and lower operating costs.

24 All of those issues we tried to point out in  
25 the resource plan because at some point we are going to have

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1 to make a decision and say, now we know what this load is.

2 One of the reasons that we today don't have to  
3 make a decision is we don't know where the loads are going.  
4 We've got great growth in Whistle Bend and residential loads  
5 that we forecast are going to grow fairly significantly. We  
6 think we're going to get a Victoria Gold mine, but maybe a  
7 Brewery Creek. Maybe even a west Carmacks copper mine.

8 But I have nothing today that tells me that  
9 there's a certainty around any of that. And so that's the  
10 trick is trying to make sure that we don't overbuild too  
11 quickly and we don't underbuild.

17:04

12 Q. Okay. Would you agree that a space heating load or  
13 market is more stable -- it's a more stable long-term market  
14 for new energy infrastructure than industrial customers?

15 A. MR. MORRISON: Well, if you're asking me that  
16 if the residential space heating market is a steady load  
17 growth, if we were in that market, you know, if I was in the  
18 oil business I would say sure. It's a great steady market.

19 But it can fall -- you know, the economy can  
20 fall apart. We can lose residential and commercial customers  
21 to the extent we did when Faro closed down. So there's great  
22 risk with everything.

17:05

23 But we're not in the space heating business at  
24 the moment, and I sure don't want to be in the space heating  
25 business if I have to generate it by diesel. That's for



1     **sure.**

2     Q.    We also would not want to see you meeting space heating  
3     with -- by burning diesel anywhere.  And that was the point  
4     that maybe I was somewhat able to get across in that we could  
5     actually be able to utilizing wind energy for space heating.

6     MS. MIDDLEL:                             Thank you.  And also if you see  
7     me tomorrow -- I hope to be here tomorrow.  I don't know if I  
8     can, but I hope I can come and watch John Maissan's  
9     cross-examination, but I'm not sure.  So thanks for lending  
10    me the opportunity this afternoon.

17:06

11    THE CHAIR:                             Yes.  Thank you very much for  
12    joining us.

13                             So with that we'll recess until tomorrow at 9  
14    a.m.  Thanks very much.

15    \_\_\_\_\_  
16    PROCEEDINGS ADJOURNED TO WEDNESDAY, NOVEMBER 13, 2012, 9 P.M.

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1 Certificate of Transcript

2

3 We, the undersigned, hereby certify that the foregoing pages  
4 200 to 425 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 13, 2012.

10

11

12

\_\_\_\_\_ "A. Jones"

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A. Jones, CSR(A)

14

Official Court Reporter

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\_\_\_\_\_ "M. Allred"

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M. Allred, CSR(A) RPR

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Official Court Reporter

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## - I N D E X -

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VOLUME 2

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

7 (For Yukon Energy Corporation)

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18 PRODUCTION OVER TIME

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20 EXHIBIT C-5-8 - REPORT ENTITLED "MEETING 417

21 RESIDENTIAL SPACE HEATING DEMAND WITH

22 WIND-GENERATED ELECTRICITY" BY LARRY HUGHES,

23 ENERGY RESEARCH GROUP, DEPARTMENT OF ELECTRICAL

24 AND COMPUTER ENGINEERING, DALHOUSIE UNIVERSITY,

25 SEPTEMBER 2009

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UNDERTAKINGS GIVEN

UNDERTAKING - TO DETERMINE WHY THE TWO NUMBERS ARE 304  
DIFFERENT IN TABLE 2.1 OF THE APPLICATION TABLE  
2.1 AND EXHIBIT C-3-25

UNDERTAKING - TO PROVIDE A BREAKDOWN OF THE 320  
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