

UTILITIES CONSUMERS' GROUP
Box 9300
29 Wann Road
Whitehorse, Yukon Y1A 4A2
email: rondeau@northwestel.net

September 28, 2017

Yukon Utilities Board
Box 31728
Whitehorse, Yukon Y1A 6L3

Attention: Mr. Robert Laking, Chair

Re: Request for Comments on Court of Appeal of Yukon Judgement re Board Order 2015-06

Dear Mr. Laking:

The Utilities Consumers' Group (UCG) is in receipt of the Yukon Utilities Board's September 22, 2017 request for comments on the Court of Appeal of Yukon judgement to set aside the parts of Board Order 2015-06 related to the issues of the Diesel Contingency Fund (DCF) and the wholesale rates provision in Section 7 of Rate Policy Directive, OIC 1995/090.

UCG submits that the review process would be made easier for all parties if YEC was directed to submit either a stand-alone application that reflects the impact of the Court of Appeal judgement which includes changes that must be made to the compliance filing originally submitted and approved in 2013 and what impact this will have on ratepayers going forward, or submits updated evidence in the current 2017-2018 GRA application to reflect the Court of Appeal decision.

UCG submits that a stand-alone application would allow other parties be more efficient and focussed with their participation if the impacts of this Court of Appeal judgement were the only issue that would need to be addressed. However, it may be more practical for the YUB and its resources to address the impacts as part of the current proceeding as long as the updated evidence is thorough and complete.

If the YUB decides that a stand-alone application is warranted, UCG requests that YUB allow for parties to submit cost claims for any work undertaken with respect to the review of this application.

If the YUB decides that the Court of Appeal will be addressed within the review of the current Yukon Energy Corporation 2017-2018 General Rate Application:

- (1) YEC should be directed to provide updated evidence with respect to the Diesel Contingency Fund, the Energy Reconciliation Adjustment mechanisms and their opinion on the use of long-term averages for forecasting hydro generation; and
- (2) if YEC files amendments to the current GRA application, UCG submits that YEC be given a restricted time to submit the new evidence, allow parties to submit information requests on the new evidence as required, allow YEC time to respond to these information requests and then proceed to the oral hearing.

UCG believes that the original hearing dates cannot be maintained but there is a possibility that the evidentiary portion of this proceeding could be completed by year end. One potential area to save procedural time could be intervenor evidence. If the YUB canvasses parties, it could determine whether any party intends to submit intervenor evidence and whether the currently allotted procedural

time for intervenor evidence is required. If no intervenor evidence is forthcoming, UCG submits that the following procedural schedule would be appropriate for us (subject to the YUB's decision on UCG's motion filed earlier today regarding the need for more complete IR responses from YEC):

October 3	YEC comments on UCG motion for more complete IR responses from YEC
October 10	UCG may reply to YEC comments
October 13	YUB decision on UCG motion for more complete IR responses
October 20	Supplemental IR responses from YEC
November 3	YEC supplemental evidence regarding Court of Appeal judgement
November 17	Information requests on supplemental evidence
December 1	Responses to IRs on supplemental evidence
December 6-8	Oral Hearing
December 15	Final argument submissions
December 29	Reply argument submissions

Yours truly,

Roger Rondeau
Utilities Consumers' Group