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Yukon Utilities Board

Yukon Electrical Company Limited
2013-2015 General Rate Application

P R O C E E D I N G S

Volume 2
November 5, 2013
Whitehorse, Yukon

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

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4 Volume 2

5 November 5, 2013

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Mr. N. Prasad	Board Member
Mr. A. Fortin	Board Member
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Mr. B. Clarke	Board Staff

12 Ms. A.M. Sears	Yukon Electrical Company Ltd.
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13 Mr. J. Maissan	Leading Edge Projects Inc.
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14 Mr. M. Janigan	Utilities Consumers' Group
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16 Ms. K. Kellgren	City of Whitehorse
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17 Adele Jones, CSR(A)	Official Court Reporter
18 S.J. Lea Dormer, CSR(A)	Official Court Reporter

19

20

21 (Proceedings reconvened at 9:00 a.m.)

22 THE CHAIR: Please be seated. So good
23 morning, everyone, and thanks very much for coming back.

24 Are there any preliminary matters that we need
25 to deal with at this time?

J. MASSIE, J. GRATTAN, D. REDDEN, K. KOENIG

Cross-examined by Mr. Janigan

1 MS. SEARS: No, I think we may have some
2 undertaking responses after the lunch hour but not at this
3 time.

4 THE CHAIR: I'll check after lunch then.

5 So I'll turn it back over to Mr. Janigan to
6 continue his questioning of the witnesses.

7

8 J. MASSIE, J. GRATTAN, D. REDDEN, K. KOENIG (For YECL),
9 previously sworn

10 MR. JANIGAN CROSS-EXAMINES THE PANEL:

11 Q. I'd like to do a little bit of cleanup on some of the
12 matters from yesterday, and in particular, first of all, was
13 my question: Could YECL confirm that it anticipates spending
14 approximately 138,000 on IFRS transition-related work during
15 the 2013-to-2015 period, was the source of that.

16 That arises in response to YECL's response to
17 UCG-YECL 7(b). And if you have it there, the line I'm
18 referring to: (as read)

19 "As a result for 2013, 2014 and 2015,
20 the approximate cost of the time spent
21 on IFRS is 44,500, 46,000, and 47,500
22 respectively."

23 A. MR. GRATTAN: So I believe your question
24 yesterday -- and I'm not sure whether it's changed -- was
25 please confirm for the 2013-14 and '15 time period that the

1 total IFRS -- work related to IFRS transition was the number
2 of a hundred and some thousand dollars?

3 Q. 138,000.

4 A. MR. GRATTAN: \$138,000. I have to say not
5 confirmed because Yukon Electrical has already gone through
6 the IFRS transition that occurred back in 2010 and 2011. So
7 as explained yesterday, Yukon Electrical, in conjunction with
8 its parent, transitioned to IFRS January 1, 2011 with
9 comparatives going back to 2010. And since that point in
10 time, Yukon Electrical, as well as its parent, have been, for
11 financial statement purposes, issuing financial statements
12 and obtaining an audited opinion on its financial statements
13 based on International Financial Reporting Standards.

14 So your question I can't confirm. I can say
15 on a go-forward basis, compared to last time that we were
16 before that Board, because we are now effectively maintaining
17 two sets of books, we do have additional tasks to maintain
18 two sets of books, and all of those tasks were detailed in
19 the application. I believe they are detailed in Section 1,
20 Attachment 2, and we detail a table of significant items and
21 comparison of treatment under IFRS financial versus
22 regulatory.

23 So our financial folks since 2011 have been
24 having to maintain two separate sets of books time,
25 additional time and effort associated with that, and we

1 **quantified that additional time and effort in UCG 7.**

2 Q. Effectively what you're doing is parsing the meaning of
3 138,000. It's not transition-related work so much as work
4 that's associated with IFRS done after the transition. Is
5 that a fair --

6 A. **MR. GRATTAN:** **I think that's fair.**

7 Q. Okay.

8 A. **MR. GRATTAN:** **It relates to the realities of**
9 **the ongoing work going forward as compared to the situation**
10 **in 2008-2009 when we were on Generally Accepted Accounting**
11 **Principles for financial statement purposes.**

12 Q. With respect to my question yesterday concerning the
13 updated industrial revenue forecast, yes, but the only
14 concern was the one new industrial customer of Whitehorse
15 Copper.

16 Are you able to respond to that question given
17 the delay in Whitehorse Copper coming on stream? Should I
18 repeat the question as well?

19 A. **MR. GRATTAN:** **Yes, please.**

20 Q. Can YECL provide an updated industrial revenue forecast
21 taking into account Riders J, R and R1 that came into effect
22 on July 1st, 2013?

23 A. **MR. KOENIG:** **Yes, we can.**

24 Q. Okay. Thank you.

25 THE CHAIR: So just to confirm, that's an

1 undertaking?

2 MR. JANIGAN: Yes, please, Mr. Chair.

3 **UNDERTAKING - TO PROVIDE AN UPDATED**
4 **INDUSTRIAL REVENUE FORECAST TAKING INTO**
5 **ACCOUNT RIDERS J, R AND R1 THAT CAME**
6 **INTO EFFECT ON JULY 1ST, 2013**

7 Q. MR. JANIGAN: UCG-YECL 10 addresses the
8 proposed deferral account related to Whitehorse Copper sales
9 uncertainty, and in response to UCG-YECL 10(a), YECL refers
10 to a deferral account related to Rate Schedule 34.

11 Could YECL confirm that Rate Schedule 34 was
12 associated with the provision of site maintenance energy when
13 Rate Schedule 39 was not in effect and no mining or milling
14 activities were taking place?

15 A. MR. GRATTAN: **Could you repeat what you want**
16 **me to confirm, please?**

17 Q. Could you confirm that Rate Schedule 34 was associated
18 with the provision of site maintenance energy when Rate
19 Schedule 39 was not in effect and no mining or milling
20 activities were taking place?

21 A. MR. GRATTAN: **I can confirm that. And just**
22 **to provide a little bit of context, that related to a**
23 **situation where, back in 1998, there was uncertainty as to**
24 **the quantum of energy that would be required for site**
25 **maintenance energy at the Faro mine. So in order to address**

1 that issue, a deferral account was set up.

2 So in substance, it would be Yukon
3 Electrical's position that the deferral is consistent. It's
4 dealing with the same issue of a mine, that there was
5 uncertainty with respect to the energy that would be consumed
6 by that mine. It was a slightly different rate, a site
7 maintenance rate as opposed to the industrial rate, but the
8 issue is exactly the same.

9 Q. Was Rate Schedule 34 ever used and were any amounts ever
10 cleared from the deferral account?

11 A. MR. GRATTAN: Yes, assuming my memory serves
12 me correctly, and I'll do this subject to check, there was
13 dollars put into that deferral account. There was site
14 maintenance energy sold to the Faro mine back in the 1990s
15 and, yes, that deferral account was cleared at a subsequent
16 Yukon Energy proceeding.

17 Q. Thank you. Does YECL agree that using deferral and
18 variance accounts that are subject to true-up and future
19 recovery lessen the risks that are faced by a utility?

20 A. MR. GRATTAN: I can agree that deferral
21 accounts lessen the risks of both utility and customer for
22 forecasts that are higher or lower than what actually occurs.

23 Q. Okay. Why is YECL proposing that the net revenue
24 calculations used for the proposed deferral account be based
25 on Rate Schedule 39 effective January 1st, 2013, instead of

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Cross-examined by Mr. Janigan

1 all revenues recovered from Rate Schedule 39 customers as
2 billed?

3 A. MR. GRATTAN: Could you repeat that question
4 again, sir?

5 Q. Sure. Why is YECL proposing that the net revenue
6 calculations used for the proposed deferral account be based
7 on Rate Schedule 39 effective January 1st, 2013, instead of
8 all revenues recovered from Rate Schedule 39 customers as
9 billed?

10 A. MR. GRATTAN: Okay. I'll try to answer that
11 question as best as possible.

12 The amount that we forecasted for our
13 industrial customer is based on the Rate Schedule 39 in
14 effect as of January 1st, 2013, and the deferral will simply
15 address what is actually collected from that customer based
16 on whatever rate schedule is approved.

17 So price times rate will equal dollars.
18 Whatever the delta is between price times rate and the
19 forecast versus price times rate in actuals, that will result
20 in a number. We will offset that number by the delta in
21 purchase power because we will be buying electricity from
22 Yukon Energy. And the net basis, whether we are higher on an
23 actual basis or lower on an actual basis, that would be the
24 number that we would seek to address as part of a future
25 deferral true-up.

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Cross-examined by Mr. Janigan

1 Q. Okay. Thank you. I'd like to return to a question that
2 yesterday concerning the size of the bill increases. And I
3 may have led you astray in terms of the referral to an
4 attachment yesterday.

5 The attachment is Attachment No. 5, or
6 UCG-YECL 5(b), and it was with the last volume of materials
7 that were circulated by the company.

8 A. MR. KOENIG: Yes, I have that.

9 Q. And if you look at the column -- looking at Whitehorse
10 residential monthly bill calculations, under January 1st
11 2013, you'll see the amount of 10.9 percent that I cited, and
12 under January 1st -- 2014, you'll see the 12 percent that I
13 cited.

14 A. MR. KOENIG: Yes, I see that.

15 Q. Okay. This would appear to be a size that would trigger
16 concern on the part of YECL and potential mitigation, would
17 it not?

18 A. MR. KOENIG: These rate impacts that you're
19 quoting are year-over-year rate impacts?

20 Q. Yes.

21 A. MR. KOENIG: The 10 percent threshold that
22 we've mentioned to trigger any kind of rate mitigation
23 measures would apply to instantaneous exchanges in rate, so
24 if a rate changed.

25 For example, July 1st, if a rate was going to

1 result in -- if a rate change was going to result in a rate
2 impact greater than 10 percent compared to the current rates,
3 then that's when rate mitigation measures would be
4 considered.

5 Q. Well, how often do you change rates? On a monthly
6 basis?

7 A. MR. KOENIG: No.

8 Q. On a yearly basis?

9 A. MR. KOENIG: We could have a rate change
10 July 1st of this year.

11 Q. Okay.

12 A. MR. KOENIG: And I believe...

13 Q. We can parse it any way you want, but it looks like
14 there's an annual rate change affecting customers of 10.9
15 percent and 12 percent. Would you not agree with me?

16 A. MR. GRATTAN: That's correct, yeah.

17 A. MR. KOENIG: Comparing year over year, yes.

18 Q. And then just referring to the evidence yesterday that,
19 effectively, the 10 percent is the -- seems to be the
20 threshold, and currently no mitigation measures were being
21 contemplated. Was this something that would cause YECL to go
22 back and change their position?

23 A. MR. GRATTAN: One moment. We're just going
24 to pull up some information.

25 Q. Sure.

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1 A. MR. KOENIG: I apologize for the delay. I'm
2 having a computer issue at the moment.

3 My computer is kind of frozen. Sorry. Oh, it
4 just popped up to life.

5 Anyway, so the 10 percent threshold that we
6 were talking about result from instantaneous changes in
7 rates. So we've had -- we had a rate change due do YEC,
8 Yukon Energy, we had a rate change as of January 1st of 2013.
9 We had rate changes -- we had a rate change for YEC's
10 shortfall rider of 3.75 percent January 1st of 2013. Then
11 July 1st of 2013, we had some further changes to YEC's Riders
12 J and R1 of 11 percent and 3.6 percent respectively. And in
13 addition, we had our own rider, our own shortfall rider come
14 into place January 1st of -- July 1st of 2013. The overall
15 rate impact was 9.8 percent.

16 That's the only two rate changes that occurred
17 in 2013.

18 Q. If YECL's application is successful, 2013 will be
19 subject to another rate increase, will it not?

20 A. MR. KOENIG: Yes. We are forecasting that
21 if we get a decision early 2014, by July 1st of 2014, we'll
22 have a further rate change resulting in about a 5 percent --
23 5.2 percent rate impact.

24 Q. For 2013?

25 A. MR. KOENIG: 2014. July 1st, 2014.

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1 Q. I'm looking at these numbers down here, and it looks
2 like that customer bills and the changes year over year, and
3 it shows 10.9 percent for 2013, 12 percent for 2014, and
4 8. -- oh, brother, 8.4 percent for January 1st, 2015.

5 I mean, you can select and parse little
6 elements of the year and find, you know, changes that are
7 under 10 percent, but it looks to me that, you know, you're
8 looking at about 30 percent increases over a period of three
9 years.

10 Wouldn't that give rise to a concern that
11 mitigation efforts are needed?

12 A. MR. KOENIG: Well, the rate impacts that are
13 quoted also include changes from -- as a result of
14 Yukon Energy's GRA.

15 Q. Mm-hm.

16 A. MR. KOENIG: So our -- the effective Yukon
17 Electrical's GRA are a subset of that. I do not have the
18 specific rate impacts quoted.

19 A. MR. GRATTAN: And I think -- and just further
20 to what Mr. Koenig is saying, and we talked about this -- the
21 graph. If I could take everybody back to UCG-YECL 5(d), and
22 one of our undertakings yesterday was to provide the detailed
23 Excel spreadsheet that supports the rate increases that are
24 behind this graph.

25 It is important to understand that this is

1 what instantaneously has happened to ratepayers, residential
2 ratepayers, since January of 1995 through to a forecast of
3 January 2015. And as of July 2013, that's the 9.8 percent
4 increase that customers saw on June 1st, 2013.

5 And if Yukon Electrical's general rate
6 application should be approved as filed, along with what we
7 know as to how the Yukon Energy riders will play themselves
8 out over the next year relating to their 2012-2013 GRA,
9 customers are going to see a further 5 percent increase on
10 their bill effective July 1st, 2014. They will see a further
11 it looks like about a 2 percent rate increase effective
12 January 1st, 2015.

13 Then when a number of these riders disappear
14 July 1st, 2015, there will be approximately a 5 percent
15 decrease in rates effective July 1st, 2015.

16 So with respect, if we're looking forward and
17 everything is approved, we do not see rate shock in these
18 numbers.

19 Q. And the reason for that is effectively that the rates --
20 that the increases have been spread out throughout the years.
21 Is that effectively what's happened here?

22 A. MR. GRATTAN: I think that's a more or less
23 fair comment. The customers are already seeing the rate
24 increases that have occurred through to July 1st, 2013, and
25 looking forward, the numbers are as I've just described.

1 Q. But for someone who does an annual -- the consumer who
2 does an annual budget and was looking at the figures that
3 you've set out here for January 1st, '13, '14 and '15, they
4 would see the increases that are set out therein?

5 **A. MR. GRATTAN: The numbers on an annual basis**
6 **are as we've discussed and -- yes.**

7 Q. Okay. I'd like to turn to a question, I guess, which
8 probably may have been answered in relation to your answer
9 related to Phase 2 and the Phase 2 application, but I'll put
10 it to you and see if I'm correct on that point.

11 Among other things, YUB Order 2010-13 directed
12 YEC and YECL to collaborate to identify and select
13 appropriate effective measures that will effectively measure
14 actual Yukon-specific customer loads so that ATCO Alberta
15 models can be calibrated to provide reliable Yukon-specific
16 load information and to implement these measures prior to the
17 next Phase 2 application.

18 What work has YECL done in this regard?

19 **A. MR. GRATTAN: I'm unable to speak on that as**
20 **of right now. That would be part of the pending Phase 2**
21 **regulatory application that will be filed by Yukon Electrical**
22 **and Yukon Energy, and I have no information to be able to**
23 **provide. With respect, it's not relevant to the Phase 1**
24 **application that we're here today discussing.**

25 Q. So you don't know whether or not any work has been done

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1 because you're not part of that?

2 A. MR. GRATTAN: I think that's a fair comment.

3 I am not aware of what work has -- what would work has or has
4 not been done yet by Yukon Electrical and Yukon Energy on
5 that specific direction from the Board.

6 Q. In response to UCG-YECL 11, YECL provides details of the
7 incremental purchase power costs incurred when Fish Lake was
8 out of service filing the March 2010 failure. YECL notes
9 that its proposal to capitalize the incremental purchase
10 power costs incurred when Fish Lake Unit No. 1 was out of
11 service is consistent with the YUB's direction to capitalize
12 the incremental purchase power costs incurred due to Fish
13 Lake's rebuilds in 2008 and 2009.

14 And I wonder if you could turn up in my book
15 of materials, page 17, which in the electronic version -- Tab
16 4 of the electronic version and page 9 on the page.

17 Can you confirm that the Yukon Utilities Board
18 noted in its Order 2009-2 reasons for decision that it
19 allowed the amortization of capital costs associated with the
20 incremental purchase power costs because they were related to
21 the rebuild which would have enduring benefits?

22 And that would be found on page 10, if you
23 flip over the page, or page 18 in my version under the
24 paragraph, "Views of the Board."

25 A. MR. GRATTAN: So can you repeat your

1 question? I think I'm going to be confirm, but I just want
2 to make sure I understand what I'm confirming.

3 Q. Okay. Could you confirm that the YUB allowed the
4 amortization of capital costs associated with the incremental
5 purchase power costs because they were related to the rebuild
6 which would have enduring benefit?

7 A. MR. GRATTAN: I believe that's fair.

8 Q. Does YECL know of any other instances where incremental
9 purchase power costs resulting from unavailable generation
10 due to planned or unplanned outage has been capitalized?

11 A. MR. GRATTAN: I think this exact issue came
12 up as part of the recent Yukon Energy rate application where
13 there was purchase -- there were generation costs associated
14 with the Carmacks-Stewart transmission line being incurred by
15 Yukon Electrical and whether those additional costs should be
16 capitalized as part of the Yukon Energy project.

17 And the conclusion was that those costs should
18 be forecasted and included in the capital cost of the
19 project. So yes, we are aware, and it's an example relative
20 to this jurisdiction.

21 Q. Can you explain how incremental power costs incurred
22 when Fish Lake Unit No. 1 went out of service would have
23 enduring benefits for ratepayers?

24 A. MR. GRATTAN: The rebuild of Fish Lake after
25 its failure, as has been stated on many occasions during this

1 proceeding, are significant and important to Yukon
2 ratepayers, both today's ratepayers and obviously tomorrow's
3 ratepayers.

4 The capitalization of additional purchase
5 power cost is just one additional element that goes into the
6 total work -- the total costs that have been incurred by
7 Yukon Electrical to rebuild Fish Lake 1.

8 So whether it's a slab of concrete, whether
9 it's the labour to install that slab of concrete, putting up
10 the walls, the capitalization of purchase power is just
11 another input that is part of that overall cost to get Fish
12 Lake up and running, and vis-à-vis that, it is part of the
13 enduring benefits that will be available to Yukoners for many
14 years to come.

15 Q. But in this case, the purchase power had nothing to do
16 with the actual rebuild. It was a replacement of the power
17 that had been generated by Fish Lake.

18 A. MR. GRATTAN: I think it has everything to do
19 with the rebuild, and it's entirely consistent with -- the
20 approach is entirely consistent with what the Board ordered
21 when, back in 2008 when we had to take the unit down for
22 refurbishment, Yukon Electrical was going to insure
23 additional purchase power. The Board ruled that that
24 purchase power should be capitalized.

25 This situation is no different for 2010 when

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1 the failure occurred, and Yukon Electrical has, once again,
2 consistently applied the methodology that was previously
3 approved by the Board.

4 Q. Okay. Thank you.

5 In response to UCG-YECL 2013(a)?

6 THE CHAIR: Mr. Janigan, I just want to
7 confirm that this item, whether you want it included as an
8 exhibit number?

9 MR. JANIGAN: Yes, please.

10 THE CHAIR: So subject to check, I think
11 this item that you -- page 17 and 18 and 19 that you provided
12 in these copies -- I believe that would be C-3-9, if I'm
13 correct.

14 MR. JANIGAN: Yes, it starts at 15.

15 THE CHAIR: Sorry?

16 MR. JANIGAN: It starts at page 15.

17 THE CHAIR: Okay. Page 15. Thank you.

18 MR. JANIGAN: It's just an excerpt from
19 Appendix 8 of Board Order 2009-2.

20 THE CHAIR: Ms. Henry, can you just confirm
21 that?

22 MS. HENRY: Yes.

23 THE CHAIR: So marked.

24 MS. SEARS: It was C-3 --

25 THE CHAIR: I think it will be C-3-9.

1 MS. SEARS: 9. Thank you, sir

2 EXHIBIT C-3-9 - EXCERPT FROM APPENDIX 8

3 OF BOARD ORDER 2009-2.

4 THE CHAIR: Sorry for that interruption.

5 MR. JANIGAN: No, that's fine.

6 Q. MR. JANIGAN: In response to UCG-YECL 13(a),
7 YECL provides a simple calculation of the five-year average
8 of line losses.

9 Can you provide additional details of the line
10 loss analyses that confirms the annual line losses since
11 2008? In other words, how they're eventuating, what's the
12 reasons for them, and what's being done to deal with them?

13 A. MR. MASSIE: Okay. Maybe I can help you out
14 with that, Mr. Janigan.

15 The 6.2 is basically a pretty simple
16 calculation for the five-year average of actual line losses
17 that we have had throughout our system. It's also consistent
18 with our ten-year average of 6.2 percent for line losses.

19 Q. Two questions: Number one, have you identified
20 effectively the major causes of line losses? And number two,
21 how does that figure benchmark against other utilities of
22 similar size?

23 A. MR. MASSIE: So, sorry. The first question
24 was?

25 Q. The reasons for the line losses?

1 A. MR. MASSIE: Mm-hm. So line losses really
2 are an inherent characteristic of a distribution system, you
3 know, with the conductors, transformers. Every part of the
4 distribution system has a component of line losses to it. So
5 each one of those has a component of the line losses in its
6 system, I guess.

7 Q. And do you benchmark that percentage against other
8 utilities?

9 A. MR. GRATTAN: No, there would be no benchmark
10 to other utilities, because I don't think it would be fair
11 and reasonable to be able to compare if Yukon Electrical's
12 system of Whitehorse, the Southern Lakes, etcetera.

13 It is a unique system up here, and I don't
14 believe it would be reasonable or appropriate to attempt some
15 sort of benchmarking against other utilities.

16 And then, secondly, I think, as Mr. Massie
17 just pointed out, there has been a relative -- well, flatness
18 of line losses over the years with regards to Yukon
19 Electrical. And as Yukon Electrical's load has grown over
20 the years, you would actually expect line losses to be
21 increasing, never mind staying constant.

22 So I think, as detailed in UCG-YECL 13(b), the
23 fact that we've been able to keep line losses flat rather
24 than increasing is testament to the efforts that we've done
25 to try to do all that we can do to keep line losses as low as

1 possible.

2 Q. Push ahead. Could you confirm that the proposed fuel
3 price flow-through deferral account is only needed if the
4 Board approves recovery of the costs of the proposed supply
5 of liquid natural gas for the Watson Lake power plant?

6 A. MR. GRATTAN: No, I can't confirm that.

7 Q. What leads you to being unable to confirm that?

8 A. MR. GRATTAN: I think the question that you
9 asked me was is that if the LNG project is -- is --

10 Q. Not approved?

11 A. MR. GRATTAN: -- not approved, that the
12 deferral account is no longer required. And the answer is
13 no, it would be business as usual for Yukon Electrical. We
14 would still continue to require the fuel price deferral
15 account regardless of whether the LNG project is approved or
16 not.

17 Q. Okay. Are any of the generation -- generators at Watson
18 Lake currently operational as bi-fuel units?

19 A. MR. REDDEN: Mr. Janigan, no, they're not.

20 Q. Has YECL started purchasing liquid natural gas for the
21 Watson Lake power plant?

22 A. MR. REDDEN: No, they have not.

23 Q. Okay. In response to UCG-YECL 16(c), YECL states that
24 it is not aware of a legislative requirement to have the
25 Watson Lake bi-fuel project reviewed pursuant to Section 3 of

1 the *Public Utilities Act*.

2 A. MR. GRATTAN: Correct.

3 Q. Can YECL confirm that, given the smaller rate base in
4 the Yukon compared to many Canadian utilities, and given the
5 relatively small number of ratepayers in the Yukon, the YUB
6 determined in its January 2007 report to Commissioner in
7 Executive Council re: YEC'S 20-year resource plan, that a
8 \$1 million threshold would be appropriate for capital
9 expenditures to be reviewed by the Board.

10 Please don't ask me to read that again.

11 A. MR. GRATTAN: That was a recommendation
12 relating to Yukon Energy's 20-year plan.

13 And yes, I believe what you've just read is an
14 accurate representation of that record.

15 Q. Thank you. Now, in response to UCG-YECL 19(b), YECL
16 states that it is premature at this time to make application
17 to the YUB regarding changing the fuel adjustment rider and
18 deferral price variants policy for the inclusion of LNG; is
19 that correct?

20 A. MR. GRATTAN: I'm just pulling it up. One
21 moment, please. Sorry. Okay, can you repeat the question,
22 please?

23 Q. Let me see. Can you explain -- sorry, in response to
24 UCG-YECL 19(b), YECL states that: (as read)

25 "It is premature at this time to make

1 application to the YUB regarding
2 changing the fuel adjustment rider and
3 deferral price variance policy for the
4 inclusion of LNG."

5 **A. MR. GRATTAN: Correct.**

6 Q. Okay. Can you explain how the YUB can approve the
7 proposed fuel price flow-through deferral account and the
8 proposed methodology for calculating the deferral for fuel
9 used in Watson Lake without changing the fuel adjustment
10 rider and deferral price variance policy and without having
11 Section 8 of the Rate Policy Directive Order in Council
12 1995-90 changed to account for LNG.

13 **A. MR. GRATTAN: Okay. So there were two parts**
14 **to that question, and I'll try to deal with them as best as**
15 **possible.**

16 Going back to the rate directive, that rate
17 directive just deals with the Yukon Electrical and
18 Yukon Energy have the right -- I'm not sure that's the right
19 word -- but have the right to flow through changes in the
20 price of diesel as part of that particular Order in Council.
21 So that's one issue.

22 So there's no need to change anything with
23 regards to that OIC, to be very clear. There is no issue
24 with regards to LNG and what we're asking for as part of this
25 application with respect to that OIC.

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1 The second thing that she talked about was the
2 deferral. So we are before this Board seeking the deferral,
3 just as Yukon Electrical has sought that deferral in many GRA
4 applications prior to this one. The only tweak to the
5 deferral is that because of the introduction of liquid
6 natural gas and diesel -- or natural gas and diesel into the
7 fuel mix, we don't know the exact fuel efficiency that will
8 occur once we start introducing gas at 50 percent of the mix
9 or 70 percent of the mix or 20 percent of the mix. That fuel
10 efficiency will vary.

11 So in the old world, prior to the Watson Lake
12 bi-fuel project, we had a very constant fuel efficiency. We
13 have a very constant fuel efficiency for the generators in
14 Watson Lake. We were able to forecast that, and that fuel
15 efficiency was used for the purposes of determining the fuel
16 variance. On a go-forward basis, because of the Watson Lake
17 bi-fuel project, we are seeking to use the actual fuel
18 efficiency in the calculation.

19 So we believe -- Yukon Electrical believes
20 that that relatively simple and straightforward tweak to the
21 deferral, which is, from our perspective, under the complete
22 jurisdiction of this Board, should be reviewed and approved
23 as part of this general rate application.

24 Q. And doesn't conflict with Section 8 of the rate policy
25 directive order/.

1 **A. MR. GRATTAN:** That is correct. And that was
2 why I started with that, but from our perspective, that rate
3 policy directive does not cause any concern with regards to
4 what we're proposing.

5 **Q.** In response to UCG-YECL 19(d), YECL speaks of an
6 industry standard regarding conversion of litres of liquefied
7 natural gas to diesel litres equivalent. Do you have that
8 before you?

9 **A. MR. REDDEN:** Yeah, I'm got that,
10 Mr. Janigan.

11 **Q.** Can you provide documentation where a regulator has
12 accepted YECL's proposed formula as an industry standard?

13 **A. MR. REDDEN:** So this conversion standard
14 which, as you said, industry utilizes it and it's an accepted
15 basis of calculation to look at the litres of natural gas
16 that will be consumed by the bi-fuel project and then taking
17 the ratio of the energy content within the LNG over the
18 energy content per litre of diesel is the accepted practice
19 to come up with the litres diesel equivalent.

20 And just by way of background, in general,
21 that calculation will typically be approximately one litre of
22 LNG equivalent to about -- have the similar energy content as
23 58 percent of litre of diesel.

24 So that's just a standard industry conversion
25 method, and that's what's being proposed for the bi-fuel

1 project.

2 Q. Do you have any instances where -- sorry?

3 A. MR. GRATTAN: Sorry, Mr. Janigan.

4 Q. Sorry, I should have paused.

5 Do you have any instances where a regulator
6 has accepted that standard?

7 A. MR. REDDEN: I was just checking that,
8 Mr. Janigan, with our panel, and we don't have a reference
9 available for that standard.

10 Q. The link that was provided to the U.S. Department of
11 Energy, Centre for Transportation Analysis, in response to
12 UCG-YECL 19(d) doesn't seem to work. Can YECL provide a copy
13 of the referenced information?

14 A. MR. REDDEN: Yes, Mr. Janigan, we noticed
15 that that link has changed from when this material was
16 presented.

17 Q. So can the referenced information be provided? Do you
18 have it in hard copy?

19 A. MR. REDDEN: Yeah, as part of the response
20 of the hyperlinks, we have provided to the Board, in
21 Attachment 6, the link that has the basic properties of LNG.

22 Q. Okay. And is that the paper for the international
23 group, or is that the U.S. Department of Energy paper?

24 A. MR. REDDEN: Yeah, that one is from the
25 international group of energy importers.

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1 Q. That link didn't work either.

2 A. MR. REDDEN: That one is contained in
3 Attachment 6 of the --

4 Q. Okay.

5 A. MR. REDDEN: -- hyperlinks file.

6 A. MR. GRATTAN: Maybe we can get some help with
7 which exhibit number the hyperlinks was filed under.

8 Q. The link to the U.S. Department of Energy was under
9 UCG-YECL 19(d).

10 MS. SEARS: Sorry, just for the purposes of
11 the record to help out, I think what Mr. Grattan was
12 referring to is Yukon Electrical's response to procedural
13 direction to provide the documents where they were hyperlinks
14 which was Exhibit B-10. Is that what you're referring to
15 Mr. Grattan?

16 THE CHAIR: Sorry, could you repeat that
17 exhibit?

18 MS. SEARS: It was Exhibit B-10.

19 THE CHAIR: Thank you.

20 MS. SEARS: And it was filed on October
21 31st.

22 A. MR. GRATTAN: So just to be helpful here, all
23 of the -- as far as I understand the hyperlinks, as requested
24 by the Board, were filed in Exhibit B-10. So they are now on
25 the record.

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1 Q. MR. JANIGAN: Okay. And they're working?

2 THE CHAIR: Well, they were issued as pdf's
3 hard copies, so if you go to those documents, you should be
4 able to find the document, assuming what Mr. Grattan has said
5 is correct.

6 A. MR. REDDEN: Yeah. If I could just step in
7 here. It would be worth us double-checking on that link,
8 Mr. Janigan, just to make sure that that one was included in
9 the hyperlinks.

10 Q. MR. JANIGAN: Okay. Thank you.

11 THE CHAIR: So can I just take that as a
12 quick undertaking that just to confirm that?

13 A. MR. REDDEN: Yes, Mr. Chairman.

14 UNDERTAKING - TO PROVIDE A COPY OF THE
15 U.S. DEPARTMENT OF ENERGY, CENTRE FOR
16 TRANSPORTATION ANALYSIS THAT WAS
17 REFERENCED IN THE RESPONSE TO UCG-YECL
18 19(D)

19 A. MR. REDDEN: Well, Mr. Janigan, we just
20 wanted to clarify on your question regarding other utilities
21 or other uses of LNG in other jurisdictions. Did we address
22 that, or could you clarify what that question was?

23 Q. MR. JANIGAN: I think the acceptance of the
24 standard in other jurisdictions and particularly by a
25 regulator.

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1 A. MR. REDDEN: Okay. I think we've dealt with
2 that then.

3 A. MR. GRATTAN: Yeah, just to confirm, I think
4 what -- in chatting with Mr. Redden, that we're not aware of
5 any other examples where a utility has proposed a fuel
6 bi-fuel mix that includes diesel and natural gas. So
7 *vis-à-vis* that, we're not aware of any regulatory decisions
8 where a conversion -- conversion factor has been approved.

9 A. MR. REDDEN: Maybe too clarify on that, that
10 there certainly is utilization of bi-fuel kits on many
11 generating units of prime movers, for example, or emergency
12 backup generating units, but not per se specifically to what
13 you're referring to, Mr. Janigan, on a utility application.

14 Q. Thank you for that. In response to UCG-YECL 120(c),
15 YECL provides a table showing how the average O&M cost per
16 customer is increasing steadily. Do you have that?

17 A. MR. MASSIE: 120(c)?

18 Q. Yes.

19 A. MR. REDDEN: Mr. Janigan, from 120(c), we've
20 got a response that -- regarding Yukon Electrical's
21 confidence in the forecast capital cost of projects.

22 Q. This maybe 20(c). If I made a mistake on that, we can
23 come back to that after the break.

24 A. MR. REDDEN: Mr. Janigan, if you said 20(c)

25 --

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1 Q. Yes.

2 A. MR. REDDEN: -- yeah, we've got that.

3 A. MR. MASSIE: And that looks like the correct
4 one.

5 Q. Okay. And this is a table showing how the average O&M
6 cost per customer is increasing, is it not?

7 A. MR. MASSIE: That's correct.

8 Q. Okay. Can YECL provide an update to the table by adding
9 a column for 2009 allowed and adding a row showing the
10 percentages increase in non-fuel operating and maintenance
11 costs per customer versus 2009 allowed for 2009 actual
12 through -- or 2009 actual through to 2015 forecast? Is that
13 possible?

14 A. MR. MASSIE: Okay. Can you confirm that --
15 an undertaking there, but -- so the 2009.

16 Q. Allowed and you add a row showing a percentage increase
17 in non-fuel operating and maintenance costs per customer
18 versus 2009 allowed for the 2009 through 2015 forecast.

19 A. MR. MASSIE: Yeah, we'll be able to
20 undertake to provide that.

21 Q. Thanks very much.

22 UNDERTAKING - TO PROVIDE AN UPDATE TO
23 THE TABLE BY ADDING A COLUMN FOR 2009
24 ALLOWED AND ADDING A ROW SHOWING THE
25 PERCENTAGES INCREASE IN NON-FUEL

1 **OPERATING AND MAINTENANCE COSTS PER**
2 **CUSTOMER VERSUS 2009 ACTUAL THROUGH TO**
3 **2015 FORECAST (SEE RESPONSE TO UCG-YECL**
4 **120(C))**

5 Q. MR. JANIGAN: With respect to labour costs
6 allocated to capital and deferred costs, how did YECL arrive
7 at the 33 to 34 percent level proposed for 2013 through 2015
8 shown in Attachment 1 to the response UCG-YECL 20(d)?

9 A. MR. MASSIE: So to be clear, we're talking
10 the forecast 2013, 2014 and 2015 years; is that correct?

11 Q. That's correct.

12 A. MR. MASSIE: So we sit down on an annual
13 basis and go position by position to the company with a
14 labour allocation, and we divide up each position, what
15 they'll be working on in regards to O&M and what they'll be
16 working on for capital. And that gives us our overall
17 percentage for the entire company.

18 Q. Thank you. With respect to labour costs allocated and
19 deferred costs, does YECL benchmark their level of labour
20 costs against other utilities?

21 A. MR. REDDEN: Yes, we do.

22 Q. And do you have any documentation associated with those
23 benchmarks?

24 A. MR. REDDEN: Yeah, Mr. Janigan, can you
25 clarify, please, what specifically it was on labour costs

1 with respect to deferrals?

2 Q. With respect to labour costs allocated to capital and
3 deferred costs. And I'm looking at do you benchmark this
4 against other utilities? And you do.

5 A. MR. REDDEN: We certainly benchmark our
6 labour costs in a -- in conjunction with our market within
7 the Yukon and within competing markets for our labour costs.
8 That's comprised of a review of collective agreements and
9 other rates related to compensation to -- that we utilize for
10 our calculation of the compensation.

11 I'm not sure if that answers your question.

12 Q. So it would be -- you probably don't do a comprehensive
13 benchmarking exercise, but you look at the individual
14 components. Is that what you do? Like collective agreements
15 and things like that?

16 A. MR. GRATTAN: Okay. So I just want to make
17 sure we're not going down a path that we misunderstood the
18 question.

19 When you talking about benchmarking allocated
20 capital and deferred costs, are you asking us whether we've
21 benchmarked, for example, that 36.3 percent of our labour
22 costs are -- in 2012 are capital or deferral related? Is
23 that what your question was?

24 Q. Well, why don't I simplify it? Do you have any evidence
25 that your 33 to 34 percent level that's proposed for 2013 to

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1 2015 is comparable to other utilities?

2 A. MR. GRATTAN: So yeah, I think we
3 misunderstood the question.

4 Q. Okay.

5 A. MR. GRATTAN: So that -- the response to that
6 question is, no, we don't have comparability or benchmarking
7 to other utilities, nor would it be fair and reasonable for
8 us to be doing that.

9 Once again, we're a unique utility here in the
10 north. The capital work and the operation and maintenance
11 work is a function of what we do.

12 As you can see with regards to what has
13 actually happened in the years 2008 through 2012 where it's
14 varied between 27.7 percent to capital and deferred all the
15 way up to 36.3 percent, as you'll note, our forecast of 32,
16 33 and 34 fall within that range.

17 So from our perspective, the forecast is fair
18 and reasonable given our experience.

19 And, as Mr. Massie has correctly pointed out,
20 we do a detailed analysis on a position-by-position basis as
21 to what we are forecasting that those people will be doing in
22 the forecast period.

23 Q. Okay. On page 14 of Attachment 4 to the response
24 UCG-YECL 21(g), YECL indicates that: (as read)

25 "The estimated cost of the services

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1 provided by ATCO Electric to YECL for
2 2012 was \$569,000."

3 Do you have that?

4 A. MR. GRATTAN: I'm just trying to pull up the
5 UCG -- what was it, UCG --

6 Q. YECL 21(g).

7 A. MR. GRATTAN: Attachment?

8 Q. 4, page 14.

9 A. MR. GRATTAN: Got it. Thank you. I do have
10 that.

11 Q. And the estimated cost of the services provided by ATCO
12 Electric to YECL for 2012 was \$569,000.

13 A. MR. GRATTAN: Correct.

14 Q. Now, on page 20 of Attachment 5 to the response to
15 UCG-YECL 21(g) -- I'll try to turn that up.

16 It's almost like coordinates for artillery.

17 A. MR. GRATTAN: Sorry, can you give me the
18 coordinates again?

19 Q. It's at page 20 of Attachment 5 to the response to
20 UCG-YECL 21(g).

21 A. MR. GRATTAN: I'm there. Thank you.

22 Q. YECL indicates that the estimated cost of the services
23 provided by ATCO Electric to YECL for 2013 was \$936,200. And
24 the question that arises from that: Why were actual
25 affiliate charges from ATCO Electric, \$683,000 in 2012 and

1 estimated to be \$951,000 in 2013, per application Schedule
2 5.3?

3 A. MR. GRATTAN: So I think you're asking me
4 whether there's a slight difference between --

5 Q. Yes.

6 A. MR. GRATTAN: -- what was forecasted as of
7 March 1st, 2013 versus what we included in the filing? And
8 the actuals --

9 A. MR. GRATTAN: Sorry, the actuals?

10 Q. The actuals from 2012 versus --

11 A. MR. GRATTAN: Okay.

12 Q. One was 683,000 versus 569,000 and the other is 951,000
13 versus 936,000.

14 A. MR. GRATTAN: Okay. So I think the best way
15 of -- I won't be able to give you the exact reasons as to why
16 we were higher in 2012 versus what was forecasted, but I can
17 undertake to provide that to you.

18 Q. That would be fine. In general terms, what was the
19 reason for the increase in the cost of services in those two
20 years?

21 A. MR. GRATTAN: I think I'd have to wait 'til I
22 see the numbers, sir.

23 Q. Okay. If you could add that to the undertaking, that
24 would be good.

25 MS. SEARS: Do we have a clear statement of

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1 the undertaking on the record?

2 A. MR. GRATTAN: So as I understand it, I am
3 going to provide a comparison of the forecasted services from
4 ATCO Electric as detailed in UCG-YECL 21(g), Attachment 4,
5 page 14 and 15 which I think totals \$569,000, and what
6 actually happened in 2000 --

7 Q. MR. JANIGAN: 12 and the reason for the
8 difference in 2013.

9 A. MR. GRATTAN: And the reason for the
10 difference in 2013, which was per the affiliate agreement. I
11 think we were \$936,000.

12 Q. The estimated -- 951,000 actual.

13 A. MR. GRATTAN: And just to be clear when you
14 say actual, it's all forecasted for 2013.

15 Q. Okay.

16 A. MR. GRATTAN: So I think the forecast -- to
17 be clear, the forecast changed from 936,000 to 951,000, so a
18 difference of, if my math is correct, \$15,000. Correct?

19 Q. And the other part of that is: What was the reason for
20 the large increase in the cost of these services between 2012
21 and 2013?

22 A. MR. GRATTAN: Got it.

23 UNDERTAKING - TO PROVIDE A COMPARISON
24 OF THE FORECASTED SERVICES FROM ATCO
25 ELECTRIC AS DETAILED IN UCG-YECL 21(G),

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1 ATTACHMENT 4, PAGE 14 AND 15, AND WHAT
2 ACTUALLY HAPPENED IN 2012; AND FURTHER,
3 TO ADVISE AS TO THE REASON FOR THE
4 LARGE INCREASE IN THE COST OF THESE
5 SERVICES BETWEEN 2012 AND 2013

6 Q. MR. JANIGAN: All right. Starting on page
7 183 of Attachment 12 to the response to UCG-YECL 21(g) is the
8 fee schedule, Schedule C, to the customer care and billing
9 master services agreement dated effective January 1st, 2010
10 between ATCO iTech Business Services Limited and ATCO
11 Electric Limited. It lists core services fees and monthly
12 maintenance fees.

13 Can YECL provide a more detailed breakdown of
14 the amounts charged by ATCO iTech to YECL in 2009 through
15 2015 as listed in Schedule 5-3 in the application in
16 accordance with this fee schedule?

17 A. MR. GRATTAN: One moment, please. If I could
18 ask you -- or if I could turn you to YUB-YECL 6(g),
19 Attachment 1, page 1 of 1, and I'll just let people get
20 there.

21 THE CHAIR: Mr. Grattan, could you repeat
22 those coordinates, please/.

23 A. MR. GRATTAN: Sure, YUB-YECL 6(g), Attachment
24 1.

25 THE CHAIR: Thank you.

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1 A. MR. GRATTAN: Page 1 of 1. And Yukon
2 Electrical, in response to that Board request, provided the
3 actual volumes and the rates for 2012 through 2015 as part of
4 that response.

5 So is that sufficient for your purposes, sir?

6 Q. MR. JANIGAN: I believe it is. Thank you.

7 A. MR. GRATTAN: Thank you.

8 MR. JANIGAN: Mr. Chairman, I'm entering into
9 the next area, which is cost of capital, which is always
10 engrossing. I was wondering if it might be a good time to
11 take a break.

12 THE CHAIR: Certainly, this would be a good
13 time to take a break. So it's just a little bit after 10:15,
14 so if people can schedule back in about 15 minutes. We'll
15 take a break now. Thank you.

16 (ADJOURNMENT).

17 THE CHAIR: Mr. Janigan, you can proceed
18 any time you're ready.

19 MR. JANIGAN: Thank you very much,
20 Mr. Chairman.

21 Q. MR. JANIGAN: I'd like to start with -- in
22 cost of capital in establishing a few facts about where you
23 are now in terms of cost of capital and what you're seeking.

24 Right now, as I understand it, your capital
25 structure provides for 40 percent equity?

1 A. MR. GRATTAN: Correct.

2 Q. Pardon me? Sorry.

3 A. MR. GRATTAN: Correct.

4 Q. And you have a return on equity of 9.08 percent. Am I
5 correct on that?

6 A. MR. GRATTAN: Just bear with me for one
7 second. I'm just double-checking your second number.

8 Q. Sure.

9 A. MR. GRATTAN: Yeah, your second number -- if
10 you go back to page 8-2 of our application --

11 Q. Mm-hm. Okay.

12 A. MR. GRATTAN: -- Board Order 2009-5
13 addressing YECL's 2008-2009 compliance filing, the Board
14 approved ROEs, returns on equity, for Yukon Electrical of
15 9.08 which was based on the generic cost of capital in
16 British Columbia at that point in time of 8.262 percent plus
17 an ROE premium of 46 basis points. So that was for 2008.

18 And then at that point in time, the generic --
19 at the time of that decision, the generic cost of capital ROE
20 in B.C. was 8.47 percent -- 8.47 percent and a 46-basis-point
21 ROE premium was applied to come up with a total return on
22 equity for Yukon Electrical for 2009 of 8.93 percent. So
23 that is -- that is the correct answer as opposed to the
24 numbers you gave me.

25 Q. Okay. And that is including what is termed a risk

1 premium of 46 basis points?

2 **A. MR. GRATTAN: Correct.**

3 Q. And in this proceeding, you are seeking a capital
4 structure that has 44 percent equity, a rate of return of
5 9.21 return on equity which includes the 46 percent rate
6 premium -- risk premium?

7 **A. MR. GRATTAN: That is correct.**

8 Q. You are asking for the importation of the annual
9 adjustment mechanism from BCUC for that number on an annual
10 basis starting January of 2014?

11 **A. MR. GRATTAN: Substantially -- substantively
12 that is correct, yes.**

13 Q. And you are also requesting a deferral account for
14 regulatory or governmental measures that impact on the
15 operation or on the revenues of the company?

16 **A. MR. GRATTAN: That is correct.**

17 Q. Okay. Now, in terms of what -- how you structured or
18 how you developed your application, can you tell me whether
19 or not you used the BCUC generic approach as the template for
20 developing your cost of capital or whether or not it was just
21 another input of a number of inputs?

22 **A. MR. GRATTAN: It was the jumping-off point
23 for the purpose of our regulatory application.**

24 Q. Okay. Well, let's see what they determined in their
25 decision of April this year. They were determining the

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1 capital structure and return on equity of a lower -- of what
2 they've termed the low-risk utility, and I believe Terasen
3 Gas is their choice of low-risk utility; correct?

4 **A. MR. GRATTAN:** That is correct.

5 Q. And in terms of what they decided, they decided on a
6 capital structure of 38.5 percent equity and an ROE of 8.75
7 percent; is that correct?

8 **A. MR. GRATTAN:** Correct.

9 Q. Okay. Now, I note that you said that you used the BCUC
10 example as a jumping-off point, but your jumping-off point
11 here is at a 44 percent equity level -- or I guess your
12 finishing point is at a 44 percent equity level rather than
13 the 38.5 percent equity level, and incorporates the 46 basis
14 points risk premium from the previous BCUC decision. Am I
15 correct on that?

16 **A. MR. GRATTAN:** Correct.

17 Q. Okay. I guess I have to ask you: Why did you not
18 incorporate the 38.5 percent equity structure in your
19 jumping-off point if you also used a risk premium of 46 basis
20 points?

21 **A. MR. GRATTAN:** Sure, I can quickly explain
22 that, and it was included in our application.

23 So at the time of the last regulatory decision
24 for Yukon Electrical, the capital infrastructure for the
25 low-risk utility in British Columbia -- Terasen Gas that

1 we're referencing -- was at 35 percent, 35 percent versus our
2 40. So there was a 5 percent delta between what their
3 approved capital structure was at that point in time versus
4 Yukon Electrical's approved capital structure at that point
5 in time.

6 The ROE, or return on equity, at that point in
7 time in British Columbia was 8.62 percent. The Board here
8 approved a return on equity of 9.08 percent so a delta of .46
9 percent, an increase on return on equity of .46 percent.

10 So when you look in the totality of the world
11 then, as compared to the world now, there was a 5 percent
12 delta on equity thickness, and there was a .46 percent
13 difference in return on equity. That is the simple reality
14 of what we were looking at back then and forms an important
15 basis as to why we are seeking what we are seeking now.

16 Q. Can you tell me when the BCUC set their benchmark for
17 capital structure at 40 percent?

18 A. MR. GRATTAN: Yes, I can. Just one moment,
19 please.

20 That change, that increase in their capital
21 structure, took place effective January 1st, 2010, and that's
22 detailed on page 8-3 of our application. So just to
23 summarize --

24 Q. When was it ordered, though?

25 A. MR. GRATTAN: When was it ordered? Oh, okay

1 it. That's also detailed in -- on 2000 -- sorry on page 8-3
2 of our application. So I'll let people turn that up. And
3 you'll note on line 4 we state: (as read)

4 "In December of 2009, the British
5 Columbia Utilities Commission issued
6 Order G 158-09 impacting the British
7 Columbia Utility Commission's generic
8 cost of capital benchmark ROE in equity
9 ratio as follows."

10 So at that point in time, they ordered, number one, the
11 benchmark ROE to be set at 9.5 percent as opposed to the 8.62
12 that we were just talking about. So it went up approximately
13 90 basis points. And that was effective July 1st, 2009.

14 And two, the benchmark equity ratio which was
15 at 35.01 percent was increased to 40 percent. So for lack of
16 a better number, it went up 5 percent effective January 1st,
17 2010.

18 Q. Okay. So effectively at the time that the BCUC
19 instituted their new GCOC proceeding, their structure for
20 lowest utility was 40 percent equity and a benchmark ROE of
21 9.5 percent?

22 A. MR. GRATTAN: That is correct, yeah. And
23 that was a change from what was in place when we were last
24 before the Board.

25 Q. When you were last before the Board, you offered

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1 evidence on behalf of or on behalf of YECL that was prepared
2 by a business risk specialist, Kathleen McShane, did you not?

3 **A. MR. GRATTAN:** Yes, we did.

4 **Q.** And as a result of that evidence, the Board determined
5 that the business risk of YECL was somewhat more risky than
6 the low-risk utility of -- that was being considered by the
7 BCUC in their generic case.

8 **A. MR. GRATTAN:** I would agree with you, yes,
9 that's what they did.

10 **Q.** And to compensate for that, they gave you a risk premium
11 of 46 basis points.

12 **A. MR. GRATTAN:** And an equity thickness delta
13 of 5 percent, the difference between the 35.01 percent and
14 the 40 percent that they awarded.

15 **Q.** Okay. Now, when BCUC came to consider this in April of
16 this year, they set an equity measure of -- an equity formula
17 of 40 percent, and then -- sorry, 38.5 percent reducing the
18 risk, and, as well, set an ROE of 8.75 percent.

19 **A. MR. GRATTAN:** That is correct. As we've been
20 talking, they went from just on the equity thickness side,
21 they went from 35 percent up to 40 percent effective January
22 1st, 2010, and then effective January 1st, 2013, they dropped
23 it down to 38.5 percent. And the ROE has been changed from,
24 as we've discussed, from the 8.62 that we were just talking
25 about up to the 9.5 effective July 1, 2009 and now down to

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1 8.75 effective January 1st, 2013.

2 Q. Now, if, in fact, you wish to use the BCUC as a
3 template, would it not be reasonable to suggest that the
4 capital structure of YECL should be 40 percent equity and
5 your return on equity plus the 46 basis points, if you
6 believe the risk premium is still in place?

7 A. MR. GRATTAN: No. I don't -- I don't agree
8 with that. As we've just been discussing, the -- -- if we're
9 comparing truly an apples-to-apples situation of what the
10 B.C. capital structure and ROEs were in 2009 at the time of
11 Decision 2009-02, Yukon Electrical's equity thickness should
12 increase by 3.5 percent compared to where it was.

13 So that net Delta, 35 to 40 down to 38.5, the
14 net change as of today is an increase in equity thickness of
15 3.5 percent.

16 So if we were going to use the
17 apples-to-apples comparison of the world then versus the
18 world now, Yukon Electrical would be seeking, just in the
19 BCUC situation, an equity thickness of 43.5 percent.

20 Now, we have asked for 44 percent and that is
21 largely driven by the capital structure that was approved in
22 our sister companies in the Northwest Territories as we've
23 explained in the application and a number of IRs.

24 Q. Now, as I understand it, the BCUC GCOC benchmark that
25 was set effective -- effectively 38.5 percent as of January

1 1st, 2013 is subject to a second procedure wherein they
2 adjust for the risk of different utilities.

3 **A. MR. GRATTAN:** Yes. Most definitely, that's
4 exactly what's going on.

5 Q. And in the last generic proceeding, what kind of
6 measures were put in place with respect to the higher risk
7 utilities in B.C.?

8 **A. MR. GRATTAN:** One moment, please.

9 I would need to undertake to -- I'm not sure
10 there was a Phase 2 process for the smaller utilities in
11 British Columbia in 2010.

12 Q. Mm-hm.

13 **A. MR. GRATTAN:** But I would need to undertake
14 to confirm that.

15 Q. I guess my question is, you've started off taking the
16 template from the generic hearing in BCUC as your jumping-off
17 point, but all of the adjustments that you have made are not
18 adjustments that BCUC have made for high risk utilities;
19 they're adjustments that you've extrapolated that you believe
20 should be in place based upon your view of the historic
21 record. Is that not correct?

22 **A. MR. GRATTAN:** I can agree with you that what
23 I've said with regards to the situation in 2009, the delta,
24 that 5 percent delta in equity thickness that was in place.

25 I can also point out that, directionally --

1 and this is in YUB-YECL 33 -- so I'll let people turn that
2 up.

3 Directionally, what Yukon Electrical has
4 applied for, based on the relatively simple and
5 straightforward approach that we've taken, we're
6 directionally consistent with what's going on, not only in
7 the British Columbia jurisdiction as part of their Stage 2 of
8 generic cost of capital -- and what I'll do is I'll point out
9 a couple of numbers.

10 So with regards to Fortis Energy Whistler,
11 they've asked for -- requested 45 percent.

12 With regards to Fortis Energy Vancouver
13 Island, they've requested 43.5 percent.

14 With respect to Pacific Northern Gas Limited,
15 they've asked for 50 percent.

16 Pacific Northern Gas Northeast Limited has
17 asked for 45 percent. And as I've previously discussed, our
18 two Northland sister companies dating back to decisions in
19 late 2009 were awarded equity thicknesses of 43.5 percent for
20 Northland Utilities Yellowknife and 44 percent for Northland
21 Utilities NWT.

22 So those are the facts.

23 Q. Well --

24 A. MR. GRATTAN: Directionally, what we've asked
25 for is consistent with all of those facts.

1 Q. My problem is that, of course, if you've used a
2 particular framework in order to develop your recommendation,
3 you have then decided to go in -- to cherry pick other kinds
4 of numbers to apply to that framework to get to the result
5 that you believe is appropriate.

6 So in the case of the BCUC formula decision
7 with respect to low risk utilities, it indicates that there
8 is a certain framework that applies to them.

9 You have then decided that you will use a host
10 of other numbers developed elsewhere in order to attempt to
11 modify that framework in a way which comes up with a
12 recommendation that you like.

13 A. MR. GRATTAN: I -- I disagree with you. I
14 don't think we cherry picked at all. The logic -- the
15 approach that we've taken, in our opinion, is solid and does
16 not reflect any cherry picking at all. It reflects what was
17 the situation in British Columbia when we were, as part of
18 Decision 2009, effectively ordered to benchmark ourselves
19 against. We're consistent with what we've asked for in 2013,
20 14 and 15.

21 There's -- there is no cherry picking. There
22 is no inconsistency.

23 Q. In terms of the business risk of YECL, has there been
24 any change in the business risk from the time of the setting
25 of the last cost of capital decision?

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1 **A. MR. GRATTAN:** **One moment, please.**

2 **THE CHAIR:** While Mr. Grattan is looking
3 for that information, can you just confirm whether or not you
4 agreed to do that last undertaking? I take it not?

5 **MS. SEARS:** I don't think --

6 **THE CHAIR:** I don't think it was
7 actually --

8 **MS. SEARS:** -- Mr. Janigan wanted it.

9 **MR. JANIGAN:** What was it?

10 **MS. SEARS:** It was back some time ago.

11 Mr. Grattan was going to check what had taken in Phase 2 in
12 2010 with BCUC, and I think you moved on saying --

13 **MR. JANIGAN:** I think I can access that
14 information myself. Thank you, Mr. Chair.

15 **A. MR. GRATTAN:** **So we were asked this question**
16 **as to whether our business risk has changed, and just --**
17 **before I answer this question, our request for increased**
18 **equity thickness from 40 percent up to 44 is premised on the**
19 **world changing around us, primarily with regards to the**
20 **jurisdiction that we've been directed to use as our benchmark**
21 **since 2009.**

22 But, while that is the case, we have -- we are
23 on the record, as part of this proceeding, stating that our
24 business risks have increased modestly since 2009-02, that
25 the details associated with that modest increase in business

1 risk are detailed in YUB-YECL 31. And I'm not going to
2 propose to get into the details, but we talked about
3 changes -- the impact of changes in market demands, the
4 resurgence of electric space heating in the Yukon, the onset
5 of pulling together a demand side management plan and the
6 risk of that being more successful than what we've
7 forecasted. If it's more successful than what we've
8 forecasted, that will result in lower sales than what we
9 forecasted.

10 We've talked about operational risks with
11 regards to Yukon Electrical, and it's very important for
12 everybody to recognize that we are more than just your
13 neighbourhood little distribution utility. Yukon Electrical
14 is a distribution utility as well as a generation utility.
15 And as we detailed in YUB-YECL 31, the generation mix has --
16 sorry, the asset mix between generation and distribution and
17 other assets has moved towards us actually having more
18 generation assets than -- as a relative percentage to our
19 total assets.

20 So it's important to recognize that as a
21 distribution and generation company, we are actually skewing
22 a little towards being a generation company.

23 We talked about the operation at Fish Lake and
24 the new regime with regards to our water license.

25 So to sum up: Has our business risk

1 increased? Yes. Dramatically? No. Modestly, yes.

2 Q. But unlike in the previous proceeding, you're not
3 offering any business risk testimony, are you? You're not a
4 business risk expert, I take it, Mr. Grattan?

5 A. MR. GRATTAN: So we are relying on what Kathy
6 McShane put forth last time. What we've done is we've
7 updated what she put forth on the record last time around,
8 just to ensure that everybody appreciates and understands,
9 because it would be a logical question to ask and it has been
10 asked, what's changed since 2008-2009 and we've detailed
11 that.

12 Q. What you've described, in terms of a distribution and
13 generation utility, that also corresponds to the Yukon Energy
14 Corporation, does it not?

15 A. MR. GRATTAN: They are mostly a generation
16 and transmission company.

17 Q. And is your understanding the fact -- is your
18 understanding that those utilities that engage in generation
19 are generally riskier than those that engage in distribution?

20 A. MR. GRATTAN: Yes.

21 Q. Okay.

22 A. MR. GRATTAN: But --

23 Q. And -- go ahead.

24 A. MR. GRATTAN: -- but Yukon Energy is a
25 generation and transmission company, and it's recognized that

1 transmission is lower risk than both distribution and --
2 sorry, transmission is lower risk than both generation and
3 distribution.

4 Q. Thank you. How much of your electricity is generated by
5 Yukon Energy Corporation?

6 A. MR. GRATTAN: One moment, please.

7 Q. Roughly.

8 A. MR. GRATTAN: So if I take you to Schedule
9 3.2 of our application, and you're going to see the
10 generation mix for Yukon Electrical and the purchase mix.

11 So our needs -- let's just pick a year. Let's
12 pick a year where Fish Lake is going to be up and running --
13 fully up and running with both Units 1 and 2. So we'll go to
14 2014, and there is approximately 350 gigawatt hours of total
15 sources of electricity that we require. So that's line 11 of
16 test period 2014. And of that, approximately 30 gigawatt
17 hours relates to Yukon Electrical.

18 So that would be our hydro as well as our
19 diesel generation. So I don't have -- so 30 out of 350 is
20 whatever it is on a percentage term, but that would be --

21 Q. About 10 percent or so?

22 A. MR. GRATTAN: It's slightly less than 10
23 percent.

24 Q. So the rest of the generation comes from Yukon Energy,
25 and obviously, as we've discussed, generation is a riskier

1 kind of service to be providing.

2 Can you tell me what is the equity structure
3 of the Yukon Energy determined by the Board this year?

4 A. MR. GRATTAN: I believe Yukon Energy applied
5 for a similar equity thickness that has been in place since
6 the 1990s -- early 1990s, and that was -- they applied for a
7 40 percent equity thickness, and that was what the Board
8 approved.

9 Q. And what is their ROE?

10 A. MR. GRATTAN: Their ROE was 8.75 percent, and
11 then the rate directive from the Yukon government reduces
12 that ROE by 50 basis points. So included in their revenue
13 requirement would have been an ROE of 8.75 less 50 basis
14 points or 8.52 percent.

15 It's important to recognize that that Order in
16 Council that came from the government many, many years
17 doing -- I think it's -- anyway it's mid 1909s, and that
18 applies to Yukon Energy and not Yukon Electrical.

19 Q. Well, let's leave aside that Order in Council. Is there
20 some reason why this Board should award YECL, which is a
21 company of less risk than Yukon Energy Corporation, a capital
22 structure that is more generous than was awarded this year to
23 the Yukon Energy Corporation?

24 A. MR. GRATTAN: It would be Yukon Electrical's
25 position that the Board is tasked with giving Yukon

1 Electrical an opportunity to earn a fair and reasonable
2 return on its assets, and Yukon Electrical has put forth
3 evidence, as part of this application, to support its
4 requested capital structure.

5 And if I may, the reality with regards to what
6 happened with Yukon Energy was that it was a file-flash copy
7 from what has been in place for their capital structure since
8 the early 1990s.

9 So to be fair and reasonable, I think this
10 Board has to look at the evidence that Yukon Electrical has
11 put on the record and test what Yukon Electrical has
12 requested with respect to giving us an opportunity to -- as I
13 just previously stated, an opportunity to earn a fair and
14 reasonable return.

15 Q. Now, I wonder if you could, in my cross-examination book
16 of materials, turn up page 27, which in my electronic version
17 is Tab 6 Ontario Energy Board report cost of capital for
18 Ontario's regulated utilities.

19 And this was a report generated on December
20 the 11th, 2009 by the Board, and it dealt with, among other
21 things, the return on equity for Ontario utilities.

22 And in the -- on page 50 of the report and
23 page 27 of my paginated book of materials, the Board
24 indicated here that: (as read)

25 "For electricity" --

1 in the second bullet point on the top of the page: (as read)

2 "For electricity transmitters,
3 generators and gas utilities, the
4 deemed capital structure is determined
5 on a case-by-case basis.

6 The Board's draft guidelines assumed
7 that the base capital structure will
8 remain relatively constant over time,
9 and that a full assessment of the gas
10 utility's capital structure will only
11 be undertaken in the event of
12 significant changes in the company's
13 business and/or financial risk."

14 Is it fair to say that when a capital structure has been
15 established, that only changes in business or financial risk
16 should provoke a change in that capital structure.

17 **A. MR. GRATTAN:** No. I think the -- what we're
18 dealing with here is a situation where Yukon Electrical has
19 been directed to previously benchmark itself against the
20 British Columbia Utilities Commission.

21 As we've gone through already, the British
22 Columbia Utilities Commission has gone from a 35 percent
23 equity thickness up to a 40 percent equity thickness and down
24 to a 38.5 equity thickness.

25 So, clearly, the world is changing around

1 Yukon Electrical when it comes to equity thicknesses with
2 respect to the jurisdiction that we have been tasked, and if
3 I may, for good reason, for regulatory efficiency that we
4 don't have to be having expensive capital structure debates
5 up here with expert evidence, duelling experts.

6 So the world has changed around Yukon
7 Electrical, and all we're doing is requesting that its
8 capital structure be changed along with that.

9 Now, one other point that I want to make here
10 is, is that one of the things that was dealt with in British
11 Columbia was something called the stand-alone principle. And
12 the stand-alone principle encompasses the notion that the
13 cost of capital incurred by Yukon Electrical should be
14 equivalent to that which would be phased if it was raising
15 capital in the public market on the strength of its own
16 business and financial parameters. In other words, as if it
17 was operating as an independent utility -- independent
18 entity.

19 The cost of capital for the company should
20 neither reflect subsidiaries given to nor taken from other
21 activities of ATCO. Respect for the stand-alone principle is
22 intended to promote an efficient allocation of capital
23 resources among the various activities of the firm.

24 Now, I just read that from Ms. McShane's
25 evidence that was detailed in YUB-YECL 33(b).

1 And the reason I bring that up is that on page
2 100 of the BCUC, British Columbia Utilities Commission GCOC
3 decision, their panel reaffirms the long history importance
4 of the stand-alone principle in Canadian utility regulation.
5 Determinations on the benchmark of ROE and capital structure
6 are based on this principle. This is their words, not mine.
7 (as read)

8 "The Panel explicitly states that there
9 is no reason to deviate from this
10 principle, even in the case of small
11 utilities or projects, whether or not
12 they are part of a larger utility."

13 So respect for that stand-alone principle obviously is
14 driving what they're doing on Phase 2 of the generic cost of
15 capital proceedings in British Columbia where the smaller
16 utilities, regardless of whether they're a subsidiary of a
17 large utility or not, are requesting capital structures based
18 on their rate base, their operations, etcetera.

19 So, once again, regardless of whether Yukon
20 Electrical's business risk has changed a little bit or
21 moderately, as we've put on the record, the world around
22 Yukon Electrical has changed, and that is why we are seeking
23 what we are seeking.

24 Q. In fact, the world around Yukon Electrical has changed
25 insofar as the BCUC recognized that the business risk of

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1 utilities has gone down and reduced, in their framework
2 analysis, the capital structure of 40 percent to 38.5
3 percent?

4 **A. MR. GRATTAN:** Agreed. And they recognized
5 that vis-à-vis the capital structure that they approved in
6 2010 -- effective January 1, 2010.

7 **Q.** Yeah, but you can't mix and match, Mr. Grattan.

8 You've responded to the world changing around
9 you by increasing the equity from 40 to 44 percent. BCUC,
10 which is supposedly your template, reduces the equity measure
11 from 40 percent to 38.5 percent.

12 **A. MR. GRATTAN:** I'm not going to -- I don't
13 propose to debate some more on it. The rate was 35 percent
14 when we were last before the Board. We were awarded 40
15 percent. So there was a 5 percent delta the last time that
16 the Board awarded our equity structure at 40 percent.

17 **THE CHAIR:** Just a piece of housekeeping,
18 Mr. Janigan. If you're moving on from that, could I mark
19 this exhibit?

20 **MR. JANIGAN:** Please, Mr. Chairman.

21 **THE CHAIR:** My records would show that this
22 would be Exhibit C-3-10, which is report of the Board on the
23 cost of capital for Ontario Regulator Utilities.

24 **A. MR. GRATTAN:** Yeah, and since we're going to
25 mark this as an exhibit -- and I was not involved with this

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1 proceeding obviously, nor do I have any background on it, but
2 I do note that the Board has determined that a split of 60
3 percent debt and 40 percent equity is appropriate for all
4 electricity distributors.

5 So as we've already explained, we've got a
6 significant amount of generation, from an asset point of
7 view, relating to Yukon Electrical.

8 So we're not a pure distribution utility. I
9 just want to make sure that that's clear.

10 Q. MR. JANIGAN: And neither is Yukon Energy
11 Corporation; you would agreed with me, Mr. Grattan?

12 A. MR. GRATTAN: What are they not?

13 Q. They're not a pure distribution utility?

14 A. MR. GRATTAN: As I mentioned earlier, they're
15 a transmission and generation utility primarily.

16 THE CHAIR: I'd like to confirm that. So
17 marked?

18 MR. JANIGAN: Thank you, Mr. Chairman.

19 THE CHAIR: Thank you.

20 EXHIBIT C-3-10 - REPORT OF THE BOARD ON
21 THE COST OF CAPITAL FOR ONTARIO
22 REGULATOR UTILITIES

23 Q. MR. JANIGAN: If we look at UCG-YECL 30(h),
24 YECL lists returns on equity actually achieved by YECL. Do
25 you have that before you, Mr. Grattan?

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1 A. MR. GRATTAN: Yes, I do.

2 Q. Okay. And would you agree that the actual returns
3 listed here for 2009 through 2012 are all above the 8.93
4 percent return on equity allowed for 2009?

5 A. MR. GRATTAN: Sorry, can you repeat that
6 again?

7 Q. Would you agree that the actual returns listed here for
8 2009 through 2012 are all above the 8.93 percent return on
9 equity allowed for 2009?

10 A. MR. GRATTAN: Yes, I can agree to that.

11 Q. Okay. Now, generally, the ability to earn your rate of
12 return is indicative of a lower risk company. Would you not
13 agree?

14 A. MR. GRATTAN: The opportunity to earn a rate
15 of return is based on many things.

16 Q. No, no, consistently earning a rate of return associated
17 with a lower risk company, is it not?

18 A. MR. GRATTAN: Not necessarily because the
19 numbers you've just given me are 2000 --

20 Q. 2009?

21 A. MR. GRATTAN: 2009, '10, '11 and '12. You
22 interestingly omitted 2008. I don't know why you didn't
23 mention that 2008 we earned a 7.03 percent. So I don't --

24 Q. Whether normalized, did you earn your rate of return on
25 that year? No?

1 A. MR. GRATTAN: I'm just hearing somebody
2 mention something in the audience which I was trying to
3 ignore.

4 On a normalized basis, we would not have
5 earned our return --

6 Q. Okay.

7 A. MR. GRATTAN: -- in 2008. The 7.03 on a
8 non-normalized basis, whether it was normalized or
9 non-normalized, we wouldn't have earned the return.

10 And this is -- yeah, so I'll leave it at that.

11 Q. Okay. With respect to -- turning to your raising of
12 debt, has YECL ever been shut out of the market in relation
13 to its ability to raise capital for -- raise money for its
14 capital investment?

15 A. MR. GRATTAN: I believe we're on the records.
16 Due to the good fortune of being affiliated with Canadian
17 Utilities Inc., the answer to that would be "no," and that
18 ties to the discussion I just had on the stand-alone
19 principle.

20 So we do have the benefit -- we do enjoy the
21 benefit of being able to raise capital from an A-rated
22 utility and pass those benefits on to Yukoners.

23 Q. And, of course, as you've just stated, that the ability
24 and terms upon which you obtain debt -- or are able to obtain
25 financing is dependant upon your credit rating. Is it not?

1 **A. MR. GRATTAN:** **It's dependant on Canadian**
2 **Utilities' credit rating.**

3 **Q. Yeah. And is it a fact that of the three -- of the**
4 **three credit rating agencies, two of them rely upon the**
5 **parent company in relation to making their decisions**
6 **involving credit?**

7 **A. MR. GRATTAN:** **Yes, I would agree that**
8 **decisions relating to credit are all based on Canadian**
9 **Utilities Inc.**

10 **Q. And as a matter of fact, in many circumstances, the**
11 **smaller affiliate or the smaller utility has had a better**
12 **credit rating than their parent and is affected by the**
13 **parent's involvement in a number of business activities.**
14 **This particularly occurs in circumstances where you have**
15 **large parent United States companies that are involved in all**
16 **kinds of things and their credit rating reflects on the**
17 **smaller utility, does it not?**

18 **A. MR. GRATTAN:** **I can't -- I don't want to --**

19 **Q. Get involved?**

20 **A. MR. GRATTAN:** **-- mince words or, sorry, get**
21 **into parsing your statement, but I just want to be clear that**
22 **Yukon Electrical does not have a credit rating. We don't**
23 **access the markets. We are part of CU Inc. which has the A**
24 **credit rating. So I just want to be accurate that Yukon**
25 **Electrical does not have a credit rating.**

1 But this goes back to the stand-alone
2 principle. If we were truly on our own, we would not have a
3 credit -- we would not have access to debt that is based on
4 an A credit rating.

5 Q. Well, how do you know that, sir? Have you ever
6 approached a credit rating agency in order to make that
7 determination? Do you have any expert assessment of the
8 credit rating on a stand-alone basis?

9 A. MR. GRATTAN: No, I'm not an expert with
10 regards to any of that, but it would be my opinion, for what
11 it's worth, that Yukon Electrical would not have an A credit
12 rating.

13 Q. Thank you. Now, in relation to the debt, my friend from
14 the City of Whitehorse took you yesterday to an
15 interrogatory. I'll see if I can bring that up. It was the
16 City of Whitehorse 11(b) and (c).

17 A. MR. GRATTAN: Just bear with me for a moment.
18 Please. Okay. I'm there.

19 Q. And I believe in (b), it showed the forecast rates for
20 the issuance of debt that was reflected in your previous rate
21 application, and (c) showed the actual amounts upon which
22 debt was issued. Am I correct on that?

23 A. MR. GRATTAN: That's fair.

24 Q. Okay. And to whom did the benefit of the lower rates
25 accrue? Was it to the ratepayers or the shareholders?

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1 **A. MR. GRATTAN:** So, just to put this into
2 context, Yukon Electrical in 2008 had an approved debt rate
3 of 5.623 percent, and the actual debt rate, which was
4 actually used by the Board in Decision 2009-02, was the 5.623
5 percent. So there was no difference in the actual versus
6 approved debt rate for 2008.

7 In 2009, the Board approved a debt rate of
8 6.60 percent, and Yukon Electrical's actual debt -- there
9 were would issues in 2009, one at 6.55 percent versus the
10 6.60 and the other one was at 6.28 percent, both slightly
11 lower than what was approved.

12 And to answer your question, for that
13 particular test period on a mid-year basis, that benefit of
14 the lower -- slightly lower than actual -- slightly lower
15 than forecasted rates would accrue to the share owner, just
16 as if we got it the other way, where the actual debt rate was
17 higher than what we forecasted, as what has happened in 2013,
18 would be to the benefit of customers because in 2013, as I
19 said yesterday, the actual debt rate has come in higher than
20 what we forecasted.

21 **Q.** Okay. Now, as I understand it, your estimates for the
22 Canada long-term rates were derived from conversations that
23 you had with ATCO's treasury department and financial
24 institutions; is that correct?

25 **A. MR. GRATTAN:** Yes.

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1 Q. I mean, not to denigrate either source, but it's not
2 necessarily a professional panelist's estimate of where
3 Canada long-term rates are going to be in those years, is it?

4 A. MR. GRATTAN: No. Actually, I think ATCO, as
5 I just explained with regards to what actually happened in
6 2009, we were very, very close to what actually happened.
7 And what ATCO uses -- it doesn't dream up these numbers.
8 It's based on numbers coming from financial institutions.

9 So it is actually as scientific as you can be
10 when it comes to forecasting long-term debt rates on a -- for
11 purposes of a regulatory application. So I do disagree with
12 you that --

13 Q. So you believe in your forecast -- however, the forecast
14 as we've seen in this particular exhibit seem to be subject,
15 of course, to the changes in the market that may take place,
16 an anticipated unanticipated --

17 A. MR. GRATTAN: Yeah.

18 Q. -- result in either surpluses or deficits?

19 A. MR. GRATTAN: Yeah. And I can agree with you
20 that in the intervening years where Yukon Electrical has not
21 been before the Board -- so the years 2010, 2011, and 2012 --
22 yeah, some of the forecasts that ATCO Electrical and ATCO
23 were involved with were a little bit higher than what
24 actually occurred. That was explained in the City of
25 Whitehorse YECL 11(c).

1 But as I pointed out already with regards to
2 2013, it's gone in the other direction for purposes of Yukon
3 Electrical's 2013 application.

4 Q. Do you use a formulaic approach, such as the Yukon
5 Energy Corporation uses, of 120 basis points plus issuing
6 costs above long Canadas?

7 A. MR. GRATTAN: No, we do not.

8 Q. You do not use that spread?

9 A. MR. GRATTAN: No, we do not.

10 Q. What spread do you use?

11 A. MR. GRATTAN: Yukon Electrical uses a credit
12 spread of -- let me just find the IR that details this,
13 please.

14 So if I could take you to Watson Lake-YECL
15 18(c), which is page 2 of 3, I'll let you pull that up. And
16 to answer your question, the credit spread that is used for
17 the purposes of forecasting, not only ATCO's but Yukon
18 Electrical's long-term debt, is between 1.45 and 1.65
19 percent. So we'll say an average of 1.55 percent.

20 And that is what in fact happened on September
21 9th when ATCO issued its 2013 long-term debt where the Canada
22 long-term bond rate as of September 9th was 3.172 percent.
23 The credit spread was 1.55 percent resulting in a CU Inc.
24 debenture rate of 4.722 percent, and then we add about 40
25 basis -- or 4 basis points for purposes of Yukon Electrical,

1 and that's consistent with the past for issuing costs. So
2 Yukon Electrical's 2013 debenture rate issued on September
3 9th is 4.761 percent.

4 Q. What accounts for the difference between the spreads
5 that are mandated for the Yukon Energy Corporation and the
6 spreads that you reflect?

7 A. MR. GRATTAN: What accounts for the
8 difference? Well, the market. So ATCO -- sorry, CU Inc. is
9 rated A -- an A credit rating, and that affords it an
10 opportunity to have as low as possible a credit spread.

11 But for the purposes of at least 2013, the
12 real number is 1.55 percent. The market is determining that.
13 If we were a lower-rated utility -- CU Inc. was lower than
14 that, obviously the credit spread would be -- would be
15 higher.

16 And that 1.45 to 1.65 credit spread is based
17 on what has actually happened with CU Inc. over the last
18 number of years, is typically what is going on with regards
19 to the market pricing CU Inc.'s paper.

20 Q. YEC is lower is that because of sovereign debt or --

21 A. MR. GRATTAN: YEC doesn't go to the market,
22 so I can't profess to know the background as to why that
23 number exists, but the reality is that Yukon Energy does not
24 go to market.

25 Q. Now, in relation to forecasting the cost of debt, I

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1 think we've gone through the figures from the past, and it
2 shows that in some cases the spreads that are actually used
3 come to the benefit of the shareholder; sometimes they come
4 to the benefit of the ratepayer.

5 I guess, in this circumstance where there's
6 little control over what the spread is going to be in the
7 market when you come to issue debt, I wonder why this matter
8 is not dealt with by way of a deferral account.

9 **A. MR. GRATTAN:** The simple answer is that is
10 based on Yukon Electrical's track record, the long-term debt
11 is forecastable, and we've demonstrated that with regards to
12 what happened in 2008-2009.

13 And even though we were off with regards to
14 2013 a little bit, the impact is small. So the error -- if
15 there is a difference between actual and forecast for the
16 purposes of Yukon Electrical, it's not -- it's not material.

17 **Q.** But I mean, Mr. Grattan, you must concede that across
18 the whole range of utilities that attempt to forecast debt,
19 when you look at the final results, they don't always line up
20 with what the forecast is.

21 And in circumstances where you have little
22 control over what the final number would be, that seems like
23 the ideal circumstance for a deferral account which would
24 either -- which would ensure that the risk is lower for the
25 utility and that neither ratepayers or shareholders are --

1 have to absorb a difference in the process. Would you not
2 agree?

3 A. MR. GRATTAN: So, no. The -- as I already
4 mentioned, we've historically demonstrated the ability to
5 forecast it in the Yukon. And even when we're off with
6 regards to forecasting, it's not a material difference.

7 Q. You believe in your forecasts; right?

8 A. MR. GRATTAN: That is correct.

9 Q. Okay. Let me turn to another element of your request,
10 and that is the automatic adjustment mechanism. And I
11 thought that the summary in the evidence that you gave was a
12 little bit off the final result of the automatic adjustment
13 mechanism.

14 But as I understand it, it has a 3.8 percent
15 floor that's associated with long term Canada's, but the
16 adjustment mechanism itself is 50 percent developed on the
17 basis of long Canada's and 50 percent on utility bond
18 spreads. Am I correct on that?

19 A. MR. GRATTAN: Yes.

20 Q. And what is the long Canada upon which the BCUC template
21 is derived?

22 A. MR. GRATTAN: The floor is 3.8, 3.8 percent.

23 Q. Okay. And was that the component that was built into
24 the 8.75 percent ROE?

25 A. MR. GRATTAN: I have no idea.

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Cross-examined by Mr. Janigan

1 Q. Okay. I'm just wondering, because your evidence seems
2 to contemplate only adjustment upwards if the long-term
3 Canada's that were projected were above 3.8, then obviously
4 there can be an adjustment downwards.

5 A. MR. GRATTAN: So was there a question there?

6 Q. Well, I guess that's the -- that's the importance of
7 knowing that particular number, I guess, is whether or not,
8 on an adjustment basis, whether or not the number can go down
9 as well as up; right?

10 A. MR. GRATTAN: The automatic adjustment
11 mechanism that we've sought as part of this regulatory
12 application is, for lack of better words, a file/copy of
13 whatever the British Columbia Utilities Commission is going
14 to derive as a return on equity for 2014 and 2015.

15 So if Canada long terms exceeds 3.8 percent in
16 2014, they're going to crunch some numbers, and they're going
17 to come out with a new benchmark ROE that will be different
18 -- that will be an increase from the 8.75 percent as
19 currently determined by the BCUC.

20 If 2015 comes along and the Canada long term
21 has dropped from the 2014 number, I would expect the generic
22 cost of -- sorry, the generic ROE will drop at that point in
23 time.

24 So we are putting our hands into whatever the
25 BCUC is going to crunch with regards to the automatic

1 adjustment mechanism and mirror it through to Yukon
2 Electrical, to be consistent with what's going on down there.

3 So I think I heard the words "cherry picking"
4 earlier which I took some difference to. We are once, again,
5 grabbing what has -- what has taken place in British Columbia
6 and employing it here in the Yukon.

7 Q. Finally, I'd like to -- in this area I'd like to deal
8 with your -- for lack of a better term, your regulatory risk
9 deferral account. Is that an appropriate characterization?

10 A. MR. GRATTAN: I don't have -- I don't think
11 we've requested a regulatory risk deferral account.

12 Q. Well, the way you have termed it is effectively the --
13 if developments in the governmental and regulatory sector
14 affect your utility revenues and expenses, that you can
15 attribute or put the effects of those additional revenues and
16 expenses in a deferral account to be presumably cleared by
17 the Board at the next GRA. Am I correct on the way that's
18 supposed to operate?

19 A. MR. GRATTAN: I think substantively, that's
20 fair. We've asked for the -- a deferral related to
21 Board Orders or legislative provisions resulting in change in
22 the rules or parameters Yukon Electrical operates under that
23 bear on the nature and extent of Yukon Electrical's
24 operations.

25 And I gave a couple of examples yesterday as

1 to why we are seeking that, and how it would work if changes
2 occurred that either resulted in increased cost to Yukon
3 Electrical or going in the other direction, reduced cost to
4 Yukon Electrical.

5 Q. Okay. Now, obviously having a deferral account like
6 this reduces YECL's risk in the circumstances, does it not?

7 A. As I think I agreed to previously, it reduces both
8 customer and utility risk with regards to these types of
9 events occurring.

10 Q. How does it reduce customer risk?

11 A. MR. GRATTAN: Because if we forecasted too
12 high of a number on a particular area and something changes,
13 from a legislated or a Board's ordered parameter changing on
14 us, we would be giving money back to customers.

15 Q. How would that happen?

16 A. MR. GRATTAN: I used that example yesterday
17 that we were talking about changing meter reading practices.
18 If we've gone off and forecasted meter reading being done on
19 a monthly basis and somebody was to tell us in the next three
20 years, "You know what, that's an inappropriate timeline. We
21 think you should be reading them once a quarter or once every
22 two months," that would be a change in the parameters that we
23 operator under. And based on this deferral that we have
24 sought as part of this application, we would be determining
25 the impact of that change and refunding money to customers.

1 Q. Is this confined to governments, or does it extend out
2 to developments in the market?

3 A. MR. GRATTAN: No, we've -- we've said two
4 things: Board Orders or legislative provisions.

5 Q. Okay. Now, have you made any adjustment to your return
6 on equity based on the reduction of risk?

7 A. MR. GRATTAN: No.

8 Q. Why not?

9 A. MR. GRATTAN: Largely because, at this point
10 in time, we have -- and as I said to -- in the discussion
11 yesterday, we haven't experienced anything on this area in
12 the past here in the Yukon while we have experienced this
13 particular issue on a -- on our Northland companies.

14 So to be fair, we have not experienced a
15 significant risk in this area in the past in the Yukon.
16 We've requested it based on what happened in the NWT. I'm
17 hopeful that nothing wild and crazy is going to happen in
18 2013, '14 and '15, but we have, as part of this application,
19 gone for a three-year test period which is quite different
20 than what we asked for last time around, which was only a
21 two-year test period.

22 So we've increased our forecast risk by going
23 for a three-year. Does this mitigate that increased forecast
24 risk a little bit? I would agree. But in the grand scheme
25 of things, this particular deferral would not be materially

1 changing our risk one way or the other.

2 Q. Now, in relation to the automatic adjustment mechanism,
3 is that the first time -- if the Board grants your request,
4 is that the first time they've grand a request for an
5 automatic adjustment mechanism?

6 A. Yes, I think that would be a fair comment that I'm not
7 aware in the history of the Yukon regulatory -- Yukon
8 regulatory precedents that an automatic adjustment mechanism
9 was -- has been granted.

10 Q. Okay. And would you agree that having one in place also
11 lowers the risk of YECL?

12 A. MR. GRATTAN: As I just mentioned, one of the
13 things that has allowed us to extend our test period to three
14 years as opposed to two years was this automatic adjustment
15 mechanism to give us an opportunity, should the world change
16 around us in 2015, which is our third test period, to be able
17 to reflect that in our capital structure.

18 So once again, we've gone out an extra year,
19 which we think is the right thing to do from a regulatory
20 efficiency point of view. That increases our risk somewhat.
21 Conversely, by having the automatic adjustment mechanism in
22 place, that reduces our risk.

23 So I don't think we've changed a heck of a lot
24 once the dust settles on all of that. So to answer your
25 question, no, I don't believe it has reduced our risk.

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Cross-examined by Mr. Janigan

1 Q. Okay. I think that concludes my questions on cost of
2 capital. I'd like to move to rate base. And the first
3 question on that is: Does YECL have an asset management plan
4 from which it plans its capital expenditures several years in
5 advance?

6 A. MR. MASSIE: Do you have a reference of some
7 sort, like an IR?

8 Q. Now, I don't. It's sort of a general question whether
9 or not an asset management plan exists.

10 A. MR. MASSIE: Okay.

11 A. MR. GRATTAN: Can you repeat the question?

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

15 A. MR. MASSIE: Yes, we have a plan. We sit
16 down with our engineering department, and we plan out the
17 coming years, including these test years of 2013, '14 and
18 '15, for the capital in each of the appropriations.

19 Q. Is that filed anywhere in the context of this rate
20 proceeding?

21 MR. MASSIE: Well, I would say that the
22 capital plan is mapped out fairly well in Section 9 of our
23 application. It has all our costs per project, broken down
24 by project and appropriation.

25 Q. Okay. And in terms of the timing as well, does it have

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1 that sort of information with it as well, when they're
2 supposed to come on stream, when they start, that sort of
3 thing?

4 A. MR. MASSIE: In Section 9, yes, it's broken
5 down by year, each of the test years in each project that
6 will brought in. And also, if you look at YUB-YECL 61,
7 Attachment 1, there's a list broken down again by
8 appropriation and by year of each of the projects that are
9 coming. And that one shows back from 2008 to 2015.

10 Q. Thank you. Now, in response to UCG-YECL 34(c) -- and I
11 wonder if you could turn that up.

12 A. MR. MASSIE: Sorry, just one second. Yes,
13 we're there.

14 Q. YECL states that it only records approved costs into its
15 rate case reserve. How does YECL explain that the balance in
16 the rate case cost deferral account being in a credit
17 position -- and I would take it that means that there's an
18 over collection of costs -- the end of every year since 2008
19 and YECL having already recovered the costs that it forecasts
20 will incurred in the current general rate application
21 proceeding as well as in the Phase 2 proceeding anticipated
22 to be conducted in 2014?

23 A. MR. GRATTAN: I can take a shot at that. One
24 moment, please.

25 Okay. So what I'd like to do is take you to

1 Schedule 8.8, line 24. And as part of Decision 2009-02, the
2 Board approved Yukon Electrical to include in its revenue
3 requirement \$150,000 per year as a placeholder for
4 regulatory -- approved regulatory costs. So for every year
5 since 2008, Yukon Electrical has recorded \$150,000 into
6 the -- into the rate case reserve.

7 What actually has happened, obviously, because
8 we've been out for a number of years -- we were not before
9 the Board in 2010 and '11 and 2012, at least from a Phase 1
10 perspective -- we haven't had actual costs averaging \$150,000
11 per year.

12 So our rates including 150 K per year. We
13 record that, and our actual costs, as detailed on line 23, in
14 2008 were \$274,000, 2009, another 101,000, and you go all the
15 way to 2011 which was the Phase 2 proceeding.

16 So we have, as a result of what was approved,
17 collected \$150,000 per year, and we have not incurred all of
18 that. So that is available to be used on a go-forward basis
19 to the benefit of ratepayers.

20 Q. Okay. Do you include deferred study costs in rate
21 base -- or have you done so -- for 2009 through 2015?

22 A. MR. GRATTAN: So all that we've got in our --
23 so it's the same schedule that we were just looking at, and
24 deferred study costs, there was \$20,000 relating to the
25 Kluane wind study that we are seeking recovery for as part of

1 this application. That's way down on line -- the category is
2 on line 66 and the costs are on line 68, starting in 2013 for
3 \$20,000. So the answer to your question yes, Kluane wind
4 study, \$20,000.

5 Q. According to the *Public Utilities Act*, the Board
6 determines a rate base for the public utility, and
7 effectively it involves the property of the public utility
8 that is used or required to be used to provide service to the
9 public.

10 I guess, I'm confused as to how a deferred
11 study cost can be put under rate base as used or required to
12 be used and allow YECL to earn a return on the costs when
13 they're never been included in a capital project.

14 A. MR. GRATTAN: So the Kluane wind study we
15 believe has got enduring benefits to Yukon ratepayers. That
16 is why we've sought to recover the \$20,000 of costs relating
17 to it.

18 Q. What kind of interim benefits would you suggest?

19 A. MR. REDDEN: Maybe I can add to that.

20 The results of that study, then, are useful to
21 go forward on an evaluation, then, with respect to energy
22 alternatives then to be implemented in the Yukon. So not
23 that that study is done -- and we'll probably talk later in
24 this proceeding about other interests in wind/diesel systems,
25 how those projects and the related costs then can guide what

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1 other alternatives for energy should be looked at.

2 Q. Well, almost any study that you can come up with can
3 have that same effect without having a -- putting in place
4 something in rate base that is used and useful. Wouldn't you
5 agree?

6 A. MR. REDDEN: Well, until you go through that
7 study process on the specifics of what going into it you look
8 at as turning into a realized project -- that's the only way
9 to do it, is to get into the evaluation, go through it. If
10 it's not the appropriate time doesn't mean it couldn't be
11 used again in the future or used somewhere else. So it still
12 is relevant.

13 Q. I'm not suggesting that the study costs could never be
14 close to rate base. My suggestion is is that until it
15 results in a capital project, that's something that's used
16 and useful, it shouldn't be put into rate base, and YECL
17 shouldn't be earning a rate of return on this.

18 A. MR. REDDEN: Well, in that particular case,
19 Mr. Janigan, that one is being amortized over a three-year
20 period, and we do consider that a very important piece of
21 work in our whole capital plan.

22 Q. I don't doubt it might be an important piece of work,
23 but it has to be associated with something like a capital
24 project, I would suggest. Wouldn't you agree?

25 A. MR. GRATTAN: No.

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1 Q. Thank you, Mr. Grattan.

2 All right. Let me move on to something else
3 here.

4 In response to UCG-YECL 35, YECL states that
5 it is providing the YUB and interveners an opportunity to
6 test the prudence of study costs related to the Watson Lake
7 bi-fuel project prior to having them recovered in rates as
8 part of this proceeding.

9 Have you found that reference?

10 A. MR. GRATTAN: Yes, I've got it.

11 Q. Does the 222,000 project cost listed in the response to
12 this interrogatory UCG-YECL 35 include all study costs
13 expected to be incurred for the Watson Lake bi-fuel project?

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

15 Q. Okay. And who conducted the site survey for \$6,800?

16 A. MR. REDDEN: That was carried out by a local
17 survey company.

18 Q. Was it a fixed price contract or awarded through a
19 request for proposals?

20 A. MR. REDDEN: Yeah, that one is a survey
21 company that we work with on a regular basis and have rates
22 set on an annual basis. So it would have been done on a
23 per-unit rate basis.

24 Q. And who conducted the third-party feasibility
25 engineering study in 2012 and 2013 for a total of \$52,500?

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1 **A. MR. REDDEN:** **The feasibility inputs are with**
2 **assistance from Jenmar Engineering.**

3 **Q. Okay. And was it awarded through a request for**
4 **proposals process?**

5 **A. MR. REDDEN:** **Yeah. That study was**
6 **commissioned through our affiliate ATCO Gas and they went**
7 **through a selection process in the determination of the**
8 **selection of Jenmar.**

9 **Q. And who provided the third-party permits and regulations**
10 **assistance in 2012 and 2013 for a total of \$108,000?**

11 **A. MR. REDDEN:** **That one, the permits and**
12 **regulation assistance, there was a few parties involved,**
13 **including JENMAR and -- yeah, a local consultant, Yukon**
14 **Consulting.**

15 **Q. And once again, by an RFP?**

16 **A. MR. REDDEN:** **The local consultant is one**
17 **that we've worked with previously, so similar -- similar to**
18 **the arrangement with our survey company, and the same**
19 **selection process through ATCO Gas who has taken the lead**
20 **with respect to permitting and regulations with respect to**
21 **the project.**

22 **Q. And who carried out the education and outreach in 2012**
23 **and 2013 for a total of \$30,000?**

24 **A. MR. REDDEN:** **That's led by Yukon Electrical**
25 **and included the information and public sessions that we've**

1 done down in Watson Lake.

2 Q. Okay. I wonder if you could provide any relevant backup
3 that would be necessary to test the prudence of study costs?

4 A. MR. REDDEN: Well, we might take a look in
5 UCG-YECL 35.

6 Q. Mm-hm.

7 A. MR. REDDEN: So on page 2 of 3, there's a
8 detailing of the scope of areas, then, that were looked at
9 within that \$223,000 study --

10 Q. Mm-hm.

11 A. MR. REDDEN: -- just to quickly go through
12 areas of project management, so reviewing the budgets with
13 respect to the project, understanding the requirements with
14 respect to all involved, including regulator and local
15 stakeholders, some legal aspects with respect to the
16 procurement packages and the financial aspects that all went
17 into the economic parameters with respect to securing an
18 option on an LNG supply, the LNG facility, the equipment to
19 retrofit the existing diesel units, as well as all of the
20 procurement requirements to the other third parties.

21 There was initial design work to look at the
22 specifics for the equipment, doing the siting study that you
23 mentioned to make sure that we've got adequate real estate on
24 site, that it fits with the existing facility, looking at a
25 view on the missions requirements then and the verification

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1 of those with respect to the introduction of natural gas into
2 the facility.

3 And those are some of the main areas and quite
4 a wide scope of investigation that was completed, then, to
5 determine the study outcome to proceed with the project.

6 THE CHAIR: Mr. Janigan, I notice it's a
7 little after 12. You can continue on for a little bit if
8 you'd like, or is this an appropriate place for a break?

9 MR. JANIGAN: It's fine for a break at this
10 point in time, Mr. Chair.

11 THE CHAIR: So we'll break and return at
12 1:30. Thank you.

13 (Proceedings adjourned at 12:04 p.m.)

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16 PROCEEDINGS ADJOURNED TO 1:30 P.M.

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Cross-examined by Mr. Janigan

1 Volume 2

2 November 5, 2013

3 P.M. Session

4 (Proceedings recommenced at 1:30 p.m.)

5

6 THE CHAIR: Please be seated.

7 So are there any preliminary matters? I
8 understand from this morning, Ms. Sears, you mentioned that
9 there may be some undertakings coming back?

10 MS. SEARS: Yes, sir, I'm trying to run a
11 pretty tight ship so we do have some responses to
12 undertakings ready to go with. I did provide copies to the
13 Board secretary to pass them out to you.

14 THE CHAIR: All right.

15 MS. SEARS: So if we could do that right
16 now.

17 THE CHAIR: Perfect.

18 MS. SEARS: I've also made copies available
19 at the back of the room for everybody, and I'll wait 'til
20 everybody has them. But once the witnesses have taken you
21 through, I'll be asking that each of them be given an exhibit
22 number as well.

23 THE CHAIR: All right. It looks like all
24 the copies are distributed so I'll turn it back to you,
25 Ms. Sears.

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Undertaking Responses

1 MS. SEARS: Thank you. I'm going to pass
2 it over to Mr. Grattan first to address the first
3 undertaking.

4 **UNDERTAKING RESPONSES:**

5 A. MR. GRATTAN: Thank you, Ms. Sears. So the
6 first undertaking was by me to Mr. Janigan, page 35, lines 21
7 to 24:

8 "To provide the dollar amount of the
9 percentage increase of 4.7 percent that
10 the depreciation proposal will add to a
11 residential customer bill."

12 And the answer to that question is: The dollar impact is
13 \$5.93 to a typical residential customer.

14 If you turn over to the other side of the hard
15 copy, you will note that -- go right to the bottom -- that
16 including the 6.6 percent rate impact, the average
17 residential customer will pay \$129.58, reducing that rate
18 increase to 1.9 percent, or the 4.7 percent delta, brings the
19 average bill to the customer to \$123.65 or a difference of
20 the \$5.93 that I just mentioned. Thank you.

21 Q. Thank you, Mr. Grattan.

22 MS. SEARS: So, Mr. Chairman, I'd propose
23 to enter that one. I believe we're at Exhibit B-12.

24 THE CHAIR: That's what I would record.

25 And Ms. Henry, does that accord with your recordkeeping?

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1 MS. HENRY: Yes.

2 THE CHAIR: So marked.

3 EXHIBIT B-12 - RESPONSE TO UNDERTAKING
4 GIVEN AT TRANSCRIPT PAGE 35, LINES 21
5 TO 24

6 MS. SEARS: Thank you, sir.

7 The second response that we're in a position
8 to provide is to undertaking number 5, and I'll turn it over
9 to Mr. Massie for that one.

10 A. MR. MASSIE: Yes. Thank you. My
11 undertaking was by Ms. Kellgren, page 103, lines 24, 25 and
12 page 104, line 1, and it was to provide a copy of the lease
13 between YECL and the Yukon government.

14 Yukon Electrical response: Please refer to
15 Attachment 1 for a copy of the lease between the Yukon
16 Electrical Company Limited and the government dated April 1,
17 2010 which terminated March 31st of 2012, and also please
18 refer to Attachment 2 for a letter dated February 6th, 2011
19 which outlines the Yukon government's intention to continue
20 leasing the space on a month-to-month basis after expiration
21 of the lease agreement.

22 The Yukon government leased the space on a
23 month-to-month basis from April 1st, 2012 until the space was
24 vacated on August 31 of 2013.

25 Q. Thank you, Mr. Massie.

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1 MS. SEARS: Sir, I'd propose to mark that
2 as B-13.

3 THE CHAIR: So marked.

4 EXHIBIT B-13 - RESPONSE TO UNDERTAKING
5 GIVEN AT TRANSCRIPT PAGE 103, LINES 24,
6 25 TO PAGE 104, LINE 1

7 MS. SEARS: And the third response we have
8 is to undertaking number 10. I will pass it over to
9 Mr. Koenig for that one.

10 A. MR. KOENIG: Yes, that was an undertaking by
11 Mr. Janigan. It's noted on page 181, lines 14 to 16 that he
12 requested to provide the bills used to create the graphs in
13 Attachment 1 of UCG 5(d).

14 So I've included -- I've provided the Excel
15 spreadsheet which will be mailed out -- emailed out later
16 this afternoon. There is a printed version of it attached to
17 this undertaking.

18 Q. Thank you, Mr. Koenig.

19 MS. SEARS: And that one would be Exhibit
20 B-14, sir. And just as Mr. Koenig mentioned, a couple of
21 these contemplate Excel spreadsheets. So I will undertake to
22 file both the responses as well as the Excel format by email
23 to the Board secretary this afternoon.

24 THE CHAIR: Thank you very much.

25 So yes, that undertaking is marked as Exhibit

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1 B-14.

2 MS. SEARS: Thank you.

3 EXHIBIT B-14 - RESPONSE TO UNDERTAKING
4 GIVEN AT TRANSCRIPT AGE 181, LINES 14
5 TO 16

6 THE CHAIR: Are there any other
7 preliminary matters?

8 MS. SEARS: Yeah. We do have one
9 undertaking from this morning that Mr. Redden was going to
10 speak to.

11 A. MR. REDDEN: Thank you, Ms. Sears.

12 This was an undertaking from Mr. Janigan
13 related to UCG 19(d), which contains a hyperlink to a
14 document from the U.S. Department of Energy, "Centre For
15 Transportation Analysis, Biomass Energy Data Book: Edition
16 4," Appendix A, which contains conversion factors for lower
17 and higher heating values of gas, liquid and solid fuels
18 which was retrieved May 15th of 2013. So that relevant link
19 has moved. However, the page from that document, which was
20 relevant to our filing, is contained within our application
21 in Section 4, Attachment 1.

22 So just for clarification, Mr. Janigan, that
23 document, we've got a pdf version of it which is a little
24 over 250 pages long, and we could distribute that via email
25 to participants or I guess we could go a hard copy route,

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1 which would be a significant amount of paperwork.

2 Q. MR. JANIGAN: That would be preferable.

3 MS. SEARS: And, sorry, I think you were
4 going to clarify whether it's actually the whole document
5 that you need or whether that page that's actually on the
6 record is adequate for your purposes.

7 Did you want to maybe take that off line and
8 we could confirm it?

9 MR. JANIGAN: Yes, please.

10 MS. SEARS: Okay. Thank you.

11 THE CHAIR: Thank you.

12 MS. SEARS: And then, finally, sir, we did
13 have one other matter. I'm advised by Mr. Grattan that he
14 had a clarification he wanted to make.

15 THE CHAIR: Go ahead.

16 A. MR. GRATTAN: Thank you, Ms. Sears.

17 It's actually a correction to the record.

18 This morning when Mr. Janigan asked me whether I was aware of
19 the automatic adjustment mechanism being used in the Yukon, I
20 said "no," and I should have said "yes."

21 And the reason why I should have said "yes"
22 was that back in 2009, as part of Decision 2009-02, the Board
23 directed Yukon Electrical to use the BCUC benchmark of 8.62
24 percent in 2008, and then it said for 2009 Yukon Electrical
25 should use a risk premium of 46 basis points above the 2009

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1 BCUC benchmark ROE. And as we were discussing earlier this
2 morning, that benchmark had changed as a result of the
3 automatic adjustment mechanisms going on in British Columbia
4 where the benchmark ROE changed from 8.62 percent in 2008
5 down to 8.47 percent in 2009. So that's what we used as part
6 of our compliance filing at that point in time. We added the
7 46 basis points risk premium which brought us up to the 8.93
8 percent for 2009 as compared to the 9.08 percent in 2008.

9 THE CHAIR: Okay.

10 A. MR. GRATTAN: Thank you.

11 THE CHAIR: So is there anything further
12 before I turn it over to Mr. Janigan?

13 MS. SEARS: No, that's it, sir. Thank you.

14 THE CHAIR: So, Mr. Janigan, I'll let you
15 pick up where you left off before lunch.

16 MR. JANIGAN: Thank you very much,
17 Mr. Chairman.

18 **MR. JANIGAN CROSS-EXAMINES THE PANEL (CONTINUED):**

19 Q. MR. JANIGAN: In response to UCG-YECL 36,
20 YECL provides a calculation of the \$32,963 in net incremental
21 costs to YECL associated with the delay of Pelly Crossing to
22 the grid.

23 The question is, do you have detailed
24 schedules or meter readings showing how the actual use of
25 diesel fuel in litres at Pelly Crossing was determined

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1 between November 1st, 2008 and November 27th, 2008?

2 A. MR. MASSIE: So what we have isn't really a
3 fuel meter, but our operators dip the tank and record
4 those -- those measurements, and then it's reconciled. So
5 for the standard 50,000 litre fuel tank that is on site in
6 Pelly, for every millimetre of fuel on that stick, there's a
7 calculation of how much fuel that is in litres.

8 Q. Do you have a summary of those measurements?

9 A. MR. MASSIE: Yes.

10 Q. Would you undertake to provide those?

11 A. MR. MASSIE: So the undertaking is to
12 provide them in relation to?

13 Q. November 1st, 2008 to November 27, 2008.

14 A. MR. MASSIE: Yes, I'll undertake to provide
15 that.

16 **UNDERTAKING - TO PROVIDE A SUMMARY OF**
17 **THE MEASUREMENTS SHOWING HOW THE ACTUAL**
18 **USE OF DIESEL FUEL IN LITRES AT PELLY**
19 **CROSSING WAS DETERMINED BETWEEN**
20 **NOVEMBER 1ST, 2008 AND NOVEMBER 27TH,**
21 **2008**

22 Q. MR. JANIGAN: What was the actual diesel rate
23 for generation in Pelly Crossing between November 1st, 2008
24 and November 27th, 2008 versus the forecast of 89.33 cents
25 per litre?

1 **A. MR. MASSIE:** **Sorry, Mr. Janigan, we don't**
2 **have that information in front of us at the moment.**

3 **Q. Okay. Could you provide -- undertake to provide that,**
4 **together with the actual heat rate for diesel fuel used for**
5 **generation between the same period?**

6 **A. MR. MASSIE:** **For Pelly Crossing.**

7 **Q. Yes.**

8 **A. MR. GRATTAN:** **Mr. Massie, let me just -- if**
9 **you give me a moment I might be able to answer your question,**
10 **but I'm just going to check, please.**

11 **Q. Okay.**

12 **A. MR. GRATTAN:** **No, I don't have that. We're**
13 **going to have to undertake.**

14 **Q. And actually, there are three items associated with this**
15 **that if we could obtain the information concerning these**
16 **items, it would be advantageous. First is the actual heat**
17 **rate, second is the actual purchase power rate, and third was**
18 **the actual diesel rate. If you can combine that all in one**
19 **undertaking, that would be good.**

20 **A. MR. REDDEN:** **Is that the diesel rate for**
21 **fuel purchase?**

22 **Q. For generation in Pelly Crossing. And once again, the**
23 **same time period, November 1st, 2008 to November 27, 2008**
24 **versus the forecast of 89.33 cents per litre. Is that**
25 **satisfactory?**

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1 A. MR. MASSIE: Sorry?

2 Q. Is that satisfactory?

3 A. MR. MASSIE: Yes, absolutely.

4 Q. Thank you very much.

5 UNDERTAKING - TO PROVIDE THE ACTUAL
6 HEAT RATE, ACTUAL PURCHASE POWER RATE,
7 AND THE ACTUAL DIESEL RATE FOR
8 GENERATION AT PELLY CROSSING FOR THE
9 PERIOD NOVEMBER 1ST, 2008 TO NOVEMBER
10 27, 2008

11 Q. MR. JANIGAN: Why is YECL requesting recovery
12 of the deferred costs over three years instead of a longer
13 period?

14 A. MR. GRATTAN: I'll take a crack at that one.
15 Just a second.

16 Well, sorry, I'm just trying to pull something
17 up.

18 Q. That's all right.

19 A. MR. GRATTAN: So we're talking \$33,000 here,
20 and Yukon Electrical, consistent with the wind study that has
21 \$20,000 in it, we've proposed to amortize these costs over
22 the three-year test period which is '13 through '15, so that
23 by the time we get out of this test period, we would no
24 longer have those deferrals.

25 Yeah, that's about the gist of it. It's not

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1 anything more rocket scientist-related other than that.

2 Q. Okay. In response to UCG-YECL 37, YECL states that it
3 is providing the YUB and interveners an opportunity to test
4 the prudence of the study costs related to the feasibility of
5 using wind to generate power in the Burwash and Destruction
6 Bay area prior to having them recovered in rates as part of
7 this proceeding.

8 The question is: Can you provide a copy of
9 the completed study?

10 A. MR. REDDEN: Yes, Mr. Janigan, that
11 feasibility study work, to provide a copy of that we'll just
12 confirm with the participants that we can submit that.

13 Q. Sure.

14 UNDERTAKING - WITH RESPECT TO THE
15 FEASIBILITY STUDY REFERRED TO IN
16 UCG-YECL 37, TO CONFIRM WITH THE
17 PARTICIPANTS OF THE STUDY THAT YECL CAN
18 PRODUCE THE STUDY AND, IF SO, TO
19 PRODUCE SAME

20 Q. MR. JANIGAN: Now, I'm going to be asking a
21 number of questions about contracts this afternoon, and I was
22 attempting to come up with a way to shorten the time it's
23 going to take me to do it by sort of suggesting that in most
24 of these cases what we're going to be requesting is what I
25 would term the standard info on contracts. And what I mean

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1 by that is what we would like is the contracting party,
2 whether or not it was a fixed price or RFP, some relevant
3 backup which would be the RFP and/or a copy of the contract,
4 and finally, the details of costs incurred to date.

5 So as I go through this, if I can come to a
6 contract and ask if I can obtain the standard info on the
7 contracts, that's the material that I would be requesting.
8 So to save time and rather than going through all these
9 questions, I'd simply ask if I could undertake to receive
10 that standard info.

11 **A. MR. GRATTAN:** I'm -- this sounds big, and I
12 am wanting to make sure that I understand before we get into
13 what might be perceived as an auditing exercise. We're not
14 afraid of being audited. I'm just wondering from a
15 regulatory perspective what you're attempting to get before
16 this Board as sufficient and appropriate evidence to ensure
17 that what we are seeking to recover here is reasonable and
18 prudent.

19 **Q.** Well, I think -- I mean, I don't suggest it's anywhere
20 near the scope of an audit, but I think it involves your
21 standard inquiries as to value for ratepayer dollar to the
22 extent that the information required or requested is not more
23 onerous than the impact of the contract itself.

24 **MS. SEARS:** Mr. Chairman, I'm just going to
25 interject here. Perhaps we can sort of start heading down

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1 the line of questioning to see where it goes and I take it
2 from there.

3 I guess I'd like to express at this point,
4 though, a little bit of concern of what increasingly appears
5 to be the nature of Mr. Janigan's questions. We seem to be
6 going through each one of the IRs one at a time, confirming
7 what they say and asking for more information. And, you
8 know, in my submission, that's really in the nature of
9 discovery as opposed to a cross-examination at a hearing.

10 And, I guess, I'm a little concerned that, you
11 know, if there wasn't adequate information provided, there
12 was an opportunity to request further or to bring a motion,
13 and that wasn't done, and now here we are eating through a
14 lot of hearing time going one by one through IRs, and I'd
15 just like to express a bit of concern at this point.

16 THE CHAIR: Mr. Janigan, do you want to
17 respond to that.

18 MR. JANIGAN: Well, I think we have made
19 extensive use of the IR process to get information. Some
20 information we've received, some information we haven't.

21 The information that we have requested is
22 important in relation to any -- any submission that we would
23 make with respect to the propriety of the expenses that have
24 been set forth in the application in terms of prudence.

25 Now, there's a limit, I think, to the extent

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1 you can engage the interrogatory process to obtain precisely
2 the information we're seeking today. We don't mean to unduly
3 extend the processes in what amounts to an
4 information-finding mission, but the information itself
5 that's been sought I think is relevant to the determination
6 of the Board of whether or not, you know, the contracts and
7 the expenditures themselves have been prudent and have been
8 carried out in an efficient manner.

9 **A. MR. REDDEN:** Mr. Janigan, I wonder if it
10 would be of assistance to give some insight then into our
11 practices and policy with respect to purchasing and
12 contracting that we could provide to show how we go about
13 executing and securing these projects.

14 **THE CHAIR:** So just before we go there, if
15 that's what Mr. Janigan agrees to, I do want to note that I
16 do note those concerns that you've put on the record and
17 Mr. Janigan's response to those concerns.

18 You know, I'm prepared to continue and see
19 where this goes in terms of the questioning, but I -- there
20 was, as Ms. Sears pointed out, an IR process where it's
21 intended to shorten this process in terms of the oral
22 hearing. So we'll just leave it at that for now and see
23 where you take this, and, you know, the length of
24 requirements that you are seeking of YECL. So with that,
25 I'll turn it back to you, and if you want to respond to

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1 Mr. Redden, that would be appropriate.

2 Q. MR. JANIGAN: That might be helpful. It may
3 also be helpful if offline we took a look at some of the
4 areas where we would like the information, whether or not
5 that may be just done in one swell swoop as it were.

6 Would that be appropriate?

7 A. MR. REDDEN: That sounds like a good
8 approach.

9 MR. JANIGAN: Thank you. Why don't we do it
10 that way, and I will -- in relation to those areas where I'm
11 looking at obtaining what I call the standard info on
12 contracts, I'll postpone dealing with those until we -- until
13 I have an opportunity to speak to you on this matter.

14 I'd like to deal with UCG-YECL 38, and YECL
15 states that: (as read)

16 "A review of each component of working
17 capital was conducted, and it was
18 determined that there were no material
19 changes in the types of revenues and
20 expenses and payment terms other than a
21 change in the timing of payroll
22 processing."

23 And as I understand you did a lead/lag study associated with
24 that.

25 A. MR. GRATTAN: That one component.

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1 Q. Okay. In Ontario for small electric utilities -- I
2 think I've provided you with a copy of the letter from the
3 Ontario Energy Board that provides the options, and perhaps I
4 should circulate this as well.

5 In relations to electric distribution
6 utilities, of which there are 76, then in relation to working
7 capital that they have an option of either taking the 13
8 percent of effectively the sum of the costs of power and
9 controllable expenses or doing a lead/lag study.

10 I wonder if it's possible, in terms of a check
11 against the reasonableness the amount of working capital
12 that's been provided to YECL for you to do a calculation of
13 the percentage that your working capital represents of the
14 sum of the cost of power and the controllable expenses which
15 are listed a page 2, being the operations, maintenance,
16 billing and collecting, community relations, administration
17 and general.

18 Is that a difficult exercise for you to do?

19 A. MR. GRATTAN: Well, the question I think more
20 appropriately is it an exercise that has any bearing
21 whatsoever on the comparability of Yukon Electrical's working
22 capital compared to a WCA study filed with -- based on the
23 results of WCA studies filed with the Board in Ontario for 76
24 distribution utilities. I think that's what you said.

25 Q. Yes.

1 **A. MR. GRATTAN:** So even if we were to do the
2 **comparison, what relevance does it have to do with Yukon**
3 **Electrical's operations?**

4 **Q.** Well, certainly it provides a check on whether or not
5 the working capital allowance that has been derived for YECL
6 is in the same ballpark as the figure that's been arrived at
7 through a study in another jurisdiction.

8 And notwithstanding the fact that Ontario is
9 much different than the Yukon, there are quite a few small
10 electric distribution utilities with a host of problems that
11 line up in many respects with that of YECL.

12 **A. MR. GRATTAN:** See, I can't agree or disagree
13 with you because I have absolutely no knowledge of what you
14 just said.

15 **Q.** Okay. I guess what I'm getting at -- let me ask you the
16 first question. Is this a difficult calculation for YECL to
17 make?

18 **A. MR. GRATTAN:** And I'm going to go back to --
19 it's not a difficult --

20 **MS. SEARS:** Mr. Chairman, I'm going to
21 interject there. I guess the comment I would make at this
22 point is that if the UCG wished to present evidence to
23 suggest that this was an appropriate rate and that for some
24 reason these distribution companies were comparable, it had
25 an opportunity to file evidence to that effect, and we could

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1 have responded in an appropriate fashion. And now we're just
2 engaging in a bunch of make-work projects, in my submission,
3 sir.

4 MR. JANIGAN: With respect, Mr. Chair, that
5 postulates a theory about the regulatory process as being
6 entirely oppositional. It is not entirely oppositional; it
7 is one which is investigatory and one where we're attempting
8 to discover the truth without necessarily having to provide
9 opposing evidence every time we wish to go into an inquiry
10 concerning this.

11 This is a reasonable treatment or reasonable
12 check on working capital that's been derived in another
13 jurisdiction.

14 MS. SEARS: In your submission. Not based
15 on evidence. That's the point I'm making, sir.

16 THE CHAIR: So Mr. Janigan, is there a way
17 that you can ask or pose your questions to the panel in --
18 I'm assuming you're familiar with this, and they can answer
19 to you in terms of how they deal with certain things in terms
20 of their calculation of working capital? Because, again,
21 this appears to me that maybe it should have been something
22 that should have been brought into evidence if you wanted to
23 compare and contrast as opposed to --

24 So I would ask you maybe if you're -- if you
25 could pursue it in, you know, using this model or this

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1 information to get the answers to your questions you need to
2 find out in terms of working capital?

3 MR. JANIGAN: Actually I really only have one
4 question, is what percentage of controllable expenses and the
5 cost of power does YECL's working capital represent?

6 A. MR. GRATTAN: And what I'm saying is is
7 regardless of whatever that spits out, whether it's 13
8 percent or 15 percent or 10 percent, it's going to be
9 irrelevant with regards to being useful for purposes of this
10 proceeding because we have no idea what -- whether Yukon
11 Electrical is or is not comparable to the operations of
12 distribution utilities in the province of Ontario with --

13 Q. Well, that's your argument at the end of the day.
14 Obviously, there's a lot of evidence produced in the context
15 through proceeding, and we can argue about what impact it has
16 on how the Board chooses to view that evidence and what it
17 does in the long run.

18 But all I'm asking is as a check on the
19 reasonableness of the working capital figure that you've
20 provided, to do a calculation of what percentage that
21 represents of the cost of power and controllable expenses.

22 I understand that you don't think it's a
23 valuable figure, but, you know, I disagree.

24 A. MR. GRATTAN: Okay. So I'm going to -- in
25 order to move on here, I'll agree to undertake to do that,

1 but be very clear, whatever it kicks out from our perspective
2 is -- is what it is.

3 Q. Thank you.

4 MS. SEARS: So do we have a clear statement
5 on the record what that undertaking is? To provide --

6 Q. MR. JANIGAN: To provide the percentage that
7 YECL's working capital represents of the sum of the cost of
8 power and controllable expenses as defined in the Ontario
9 Energy Board correspondence of April 12, 2012.

10 I guess, an exhibit number might be helpful?

11 THE CHAIR: Yes.

12 MR. JANIGAN: Mr. Chairman.

13 THE CHAIR: My number, if you want some
14 assistance is C-3-11 subject to check. Thank you, yes. So
15 marked.

16 MR. JANIGAN: Thanks very much.

17 **EXHIBIT C-3-11 - LETTER FROM OEB DATED**
18 **APRIL 12, 2013 RE UPDATE TO CHAPTER 2**
19 **OF THE FILING REQUIREMENTS FOR**
20 **TRANSMISSION AND DISTRIBUTION**
21 **APPLICATIONS - ALLOWANCE FOR WORKING**
22 **CAPITAL**

23 Q. MR. JANIGAN: In terms of capital additions,
24 when YECL submits its capital expenditures and capital
25 project budgets to the YUB for approval on a general rates

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1 application, to what confidence level are the cost estimates?

2 A. MR. MASSIE: So for -- in regards to the
3 test years 2013, '14 and '15, we are confident in our
4 forecast of what we were going to be part of our capital
5 program.

6 Q. Is there a confidence level? Is that 100 percent
7 confidence?

8 A. MR. MASSIE: Yes.

9 Q. Now, does YECL typically include a contingency amount
10 within the project budgets submitted to the YUB for approval?

11 A. MR. MASSIE: So in each one of our capital
12 projects, there is a contingency factor. And, depending on
13 the appropriation, what the capital project is, the
14 contingency could be different.

15 On a large distribution project where we're
16 digging through a long line, different digging conditions,
17 contingency could be a lot greater than, of course, buying a
18 truck which the contingency is not there.

19 Q. Is there any -- is there a percentage associated with
20 that and the individual dollar level -- at an individual
21 dollar level? For example, project is over \$100,000,
22 250,000, 500,000?

23 A. MR. MASSIE: It would be more based on the
24 type of project, the appropriation that it's in and the
25 varying factors.

1 So there's different contingencies for each --
2 or a number of contingencies anyway.

3 Q. In response to UCG-YECL 40(b), YECL states that it does
4 not track system performance on an individual capital project
5 basis.

6 YECL also states that it believes the
7 distribution improvement projects it has undertaken have been
8 successful in preventing the level of losses from increasing
9 as load has grown from 2008 to 2012.

10 My question is, over the last decade or so,
11 has YECL ever included improved system performance as a
12 benefit within the business case of a capital project?

13 A. MR. MASSIE: Well, I would take you to
14 Section 9 of our application in 9-2 where we break the
15 distribution of improvement projects down into four different
16 categories, and one of them is system performance projects.

17 And let me quote it: (as read)

18 "So the system performance projects are
19 required to maintain system performance
20 and acceptable level, and these include
21 system protection voltage, current and
22 line clearance projects."

23 So yes, the answer would be it is included in some of our
24 distribution improvement projects.

25 Q. And how do you measure -- how do you track those

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1 benefits?

2 A. MR. MASSIE: Of improved system performance?

3 Q. Yes.

4 A. MR. MASSIE: Sorry, I'm just bringing up my
5 reference.

6 Q. No problem.

7 A. MR. MASSIE: So we further go on to say in
8 that section, just -- (as read)

9 "We review -- Yukon Electrical reviews
10 unplanned outages that may be
11 attributed to system deficiencies."

12 So I wouldn't say that we necessarily track each project and
13 how it has benefitted the system in the system performance
14 projects. They really are -- they really are or can be
15 reactive.

16 So when we review these unplanned outages and
17 poorly performing feeders, we identify the issue out there,
18 and that's when we look at a distribution system improvement
19 project for what deficiency we find out there.

20 Q. Thank you. Does YECL have any unmetered loads on its
21 system for street and security lighting?

22 A. MR. MASSIE: Yes. Streetlights, as a whole,
23 are not metered.

24 Q. What size of load is unmetered?

25 A. MR. KOENIG: I can help you with that. In

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1 2013, we have streetlights amounting to 3,725 megawatt hours
2 of sales that is unmetered. And then, in addition, there's
3 private lights of 554 megawatt hours. That's taken from
4 Schedule 2.1 of our filing.

5 Q. Thank you. Thank you. Can the stable level of losses
6 between 2008 and 2012 also be related to a lower level of
7 power thefts and fewer billing system account setup errors?

8 A. MR. MASSIE: I'm not sure I understand the
9 second part of that question. The fuel billing system
10 account setup errors where presumably in the -- when a
11 account is set up, it records information that does not
12 adequately capture either the usage or the appropriate person
13 to bill, I would assume?

14 A. MR. MASSIE: Sorry, for when we set up an
15 account for a service, it is tied to -- it's tied to a
16 premise or a meter, and that meter registration everything
17 that it's using. I'm not sure if I understand that.

18 Q. So well, let me say this: It's unlikely that the stable
19 level of losses is due to fewer billing system account setup
20 errors by the sounds of what you're describing to me as your
21 system?

22 A. MR. MASSIE: Yeah. Again, I'm not sure I'm
23 completely understanding the question, but the level of loss
24 is -- the 6.2 percent really is a simple calculation from the
25 wholesale sales and minusing the Fish Lake and then coming up

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1 with the unbilled amount of kilowatt hours out there that
2 really turn into the 6.2 percent of line losses.

3 Q. Okay. Let's leave that.

4 I'd like to ask, in response to UCG-YECL
5 40(b), YECL states that the total value of distribution
6 improvement projects completed from 2008 to 2012 was \$15,493;
7 is that correct?

8 A. MR. MASSIE: No, it's not. I actually saw
9 that, too. We're missing -- take your pick -- three zeros
10 zeros or a K in there. So the actual number is 15,493,000,
11 and that's been reconciled to the YUB 61, Attachment 1 for
12 the distribution improvement projects.

13 Q. Thanks. Now, in response to -- in that same
14 interrogatory, UCG-YECL 40(b), YECL states that the
15 distribution improvement projects completed from 2008 to 2012
16 have impacted the return on rate base depreciation and income
17 taxes included in revenue requirement for 2013 and 2015.

18 The question is: What's the dollar impact of
19 these revenue requirement components bu 2008-2012
20 distribution improvement projects within the test year?

21 A. MR. GRATTAN: I'll jump in there.

22 So all you're doing is you're asking a
23 question, I think, of the growth in rate base, which the
24 standard cost-of-service regulatory model multiplies your
25 rate base by your cost of capital. So that is detailed in

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1 Schedule 8.1. So I'll just give you an example.

2 In 2012, the actual midyear rate base for
3 Yukon Electrical down on line 25 -- on Schedule 8.1, line 25,
4 the midyear rate base calculation results in a figure of
5 \$60,033,000. So buried in that number are distribution
6 improvements, new extensions, generation improvements,
7 etcetera.

8 So for every dollar that has been added to
9 rate base, you multiply it by the midyear cost rates of 7.73
10 percent, and that is the impact of Yukon Electrical's capital
11 additions as they are a part of midyear rate base.

12 Q. Does that also capture the effect of on expenses of O&M
13 or purchase power?

14 A. MR. GRATTAN: O&M and purchase power are cost
15 recoveries that do not factor into the calculation of rate
16 base.

17 Q. Okay. But in terms of the dollar impact from the
18 distribution improvement projects, there would be a dollar
19 impact associated with O&M and purchase power, would there
20 not?

21 A. MR. GRATTAN: Yes, certainly as our system
22 has grown, the amount of O&M that needs to be done on it has
23 increased. I think that's one of our drivers that we've
24 identified as part of this application.

25 With regards to purchase power, as Mr. Massie

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1 was mentioning earlier, our line losses remains relatively
2 constant, in the 6.2 percent range over the years. So all
3 things being equally, as we mentioned, that line loss should
4 be increasing because of increased load on the system. The
5 various mitigation efforts that Yukon Electrical would have
6 been involved with over the years in the past are obviously
7 helping to keep that line loss in and around that 6.2
8 percent.

9 Q. Okay. Can you confirm that pages 3 and a 4 of
10 Attachment 1 to the response on UCG-YECL 40(a) refer to
11 YECL's 2010 and 2011 reliability performance statistics?

12 A. MR. MASSIE: Page 4 -- page 3 is 2010 and
13 page 4 of 5 is 2011.

14 Q. Okay. The paragraph above the statistics refers to the
15 2009 results. Obviously that includes both the 2010 and
16 2011?

17 A. MR. MASSIE: Yes, absolutely. I think when
18 we -- our -- my response has the correction in the top right
19 on our response or our attachment. I'm not sure if it is
20 just mine or not.

21 Q. The reliability indices are provided in Attachment No. 1
22 to UCG-YECL 40(a). Looking at the reliability performance
23 indices, excluding loss of supply from Yukon Energy, which I
24 believe are the columns on the right, can you consider that
25 SAIFI, SAIDI, and CAIDI increased each year between 2010 and

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1 2012?

2 A. MR. MASSIE: I can confirm that.

3 Q. Okay. How do you explain the steady increases in these
4 indices despite ongoing capital and O&M expenditures to
5 increase the reliability of your systems?

6 A. MR. REDDEN: Can you clarify, are you,
7 Mr. Janigan, talking about 2010, '11 and 2012?

8 Q. That's correct.

9 A. MR. MASSIE: So in regard to the increases
10 that we see here in '10, '11 and '12, you know, I think we
11 have to keep in mind that this is system-wide stats. So
12 we're talking about not just Whitehorse and area but Watson
13 Lake, Beaver Creek, Old Crow, to Ross River.

14 So this is a snapshot of the entire system.
15 So I can't point to one specific cause or instance which is
16 affecting these numbers, no.

17 Q. It just seems counterintuitive in relation to the
18 expenditures that you are making to increase system
19 reliability.

20 A. MR. REDDEN: Perhaps we could take a look at
21 some of the statistical data that's provided as part of
22 YUB-YECL 46, Attachment 1, that shows some of the summary
23 plots then versus time with respect to these reliability
24 metrics for SAIFI and SAIDI and CAIDI.

25 A. MR. REDDEN: They go back to periods from

1 2003 to 2012. And within there, there is different metrics
2 including Carcross, Tagish, Haines Junction, which this IR
3 response was specifically looking at, but it also contains a
4 company total plot. And I think what you'll notice is that
5 it is variable. It, say, had trended in an upward general
6 direction from 2003 through 2008 when it started to then
7 decline in 2009, went significantly down in 2010 and then
8 bumped up a bit in 2011 and '12.

9 So from a system perspective, it just shows
10 the amount of variability. From a long timeframe
11 perspective, it did show an increase over the years 2003
12 through 2008, but then a general trending down. But to zero
13 in on that specific time period, it does show that those
14 three years had an upward trend

15 Q. I guess, the question that arises is: Is YECL concerned
16 about this, and if they are, what are they going to do?

17 A. MR. MASSIE: So I would also look back at,
18 since we're looking at that attachment, the 2008 and 9 SAIFI
19 and SADIE numbers that are before us there, and they were
20 higher so we dropped them significantly from the 8, 9 levels
21 down to 10.

22 So, you know, this really does speak to those
23 projects that we do put forward as system improvement
24 projects and the need for them. So is it -- it's fairly, I
25 guess, variable throughout the years. It did -- we did bring

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1 it back -- we did bring it back down in 2010, and it's risen
2 up again and, absolutely, it is a concern for us.

3 Q. Okay. Now, what caused the dramatic decrease in the
4 average number of interruptions from customers served per
5 year for SAIFI between 2009 of 8.00 and 2010 of 3.98?

6 A. MR. MASSIE: Sorry, could you give me that
7 one more time?

8 Q. Sure. I'm looking at SAIFI, it's a decrease in the
9 average number of interruptions between 2009 and 2010. 8.00
10 was the number in 2009, and 3.98 the number in 2010.

11 A. MR. MASSIE: So we're looking at the column
12 that includes Yukon Energy now. Is that the one we're
13 looking at?

14 Q. In YECL 40(a), UCG?

15 A. MR. MASSIE: Yeah, the 2009 number, I just
16 see the SAIFI at 8.0

17 Q. Yes.

18 A. MR. MASSIE: That's including loss of supply
19 from Yukon Energy.

20 Q. Okay.

21 A. MR. REDDEN: But we might take a look at --
22 for that period if it's 2009-2010, 2009 had a total of 66
23 interruptions due to adverse weather that then declined in
24 2010 to 24 interruptions.

25 Q. Okay. So it's weather-related?

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1 **A. MR. REDDEN:** **Yes.**

2 **Q.** Okay. What caused the average number of interruptions
3 for customers served per year to bounce back up to 6.15 in
4 2011 and then down again to 2.60 in 2012? Would that be
5 weather-related as well?

6 **A. MR. MASSIE:** **So again, these are including**
7 **loss of supply from Yukon Energy. And, you know, we can**
8 **definitely talk to the right column, that is excluding**
9 **there -- and that is all our outages, but the outages, the**
10 **differences between the column on the left and the column on**
11 **the right, we can't speak to Yukon Energy's causes at all.**

12 **Q.** So it's very difficult to necessarily isolate causes in
13 relation to these variations.

14 **A. MR. MASSIE:** **Well, you know, when I look at**
15 **the SAIFI numbers for 2009 including Yukon Energy, we're at**
16 **8, and excluding it's 2.43.**

17 **So yeah, I would say there's a fairly big**
18 **difference between the two.**

19 **Q.** Okay. I wonder if you could turn up in my book of
20 cross-examination materials from pages 29 through to --
21 through to 52 which include the reports -- the YECL 2010 --
22 the 2010 key performance indicators, 2011 key performance
23 indicators, and 2012 key performance indicators.

24 **A. MR. MASSIE:** **So in the electronic form we**
25 **are...**

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1 Q. You're in Tab 7 --

2 A. MR. MASSIE: Tab 7.

3 Q. -- 8 and 9.

4 A. MR. MASSIE: Thank you. I am there.

5 Q. Okay. And these performance indicators address line
6 losses on the schedules of energy balances and losses on page
7 3 of the 2010 and 2011 reports and on the schedule of energy
8 losses in 2012 report.

9 There is also a Schedule 3.2 in the current
10 application that shows historicals as well as test year loss
11 levels.

12 Now, in your 2008-2009 GRA, you forecast
13 losses of 6.2 percent for both 2008 and 2009. The actual
14 loss levels reported for 2008 and 2009 were also 6.2 percent.
15 Now, is that a coincidence, or are forecast losses reported
16 as actual?

17 A. MR. GRATTAN: Actual -- the 6.2 is the actual
18 line losses. So it is -- the forecast was accurate.

19 Q. Okay.

20 A. MR. GRATTAN: If that is what you're getting
21 at.

22 Q. That's another way to put it.

23 What is being done between 2012 and 2013 to
24 result in a drop in losses from 6.4 percent to 6.2 percent?

25 A. MR. MASSIE: I'm sorry, in which year are we

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1 looking at -- or which tab, I guess, it was on 7.

2 Q. It would be -- this is an overall question in terms of
3 what's being done to --

4 A. MR. MASSIE: Okay.

5 Q. -- between 2012 and 2013 to result in a drop in losses
6 from 6.4 percent to 6.2 percent.

7 A. MR. GRATTAN: I'll take a stab at that. I
8 don't think --

9 Q. What was being done?

10 A. MR. GRATTAN: -- we would ever be able to
11 explicitly draw a straight line between projects, A, B, C, D
12 all the way to ZZ as to how it's impacting line losses in a
13 given year.

14 All that we've said for a number of occasions
15 here is is that over the medium term, as well as the long
16 term, losses have stayed very, very close to that 6.2
17 percent, slightly higher some years and slightly lower other
18 years.

19 A. MR. MASSIE: Yeah. Absolutely. And if I
20 could add, if we turn to UCG-13(b). In point form there,
21 just some of the projects and things we do to reduce the
22 losses on the system are detailed there: The maximum size
23 conductors based on our engineering standards; we're
24 converting various sections of the distribution system to
25 higher voltages. That decreases our losses. Our selection

1 of our transformers, match transformers into our big
2 substations reduces the internal losses. The revenue meters,
3 electronic meters have less internal losses than the old
4 mechanical meters. And, of course, evaluating starting in
5 '14 and going forward is our DSM program.

6 But the ones I listed before that, those are
7 just some of the projects or some of the things we're doing
8 on the system that really is keeping those line losses flat
9 for the last ten years.

10 Q. Now, in response to UCG-YECL 41(a) --

11 THE CHAIR: Mr. Janigan, did you want to
12 give a number to this exhibit?

13 Q. MR. JANIGAN: Oh, yes, I did. Sorry. Can I
14 give one number to all three?

15 THE CHAIR: Oh, you're referring to --

16 MR. JANIGAN: The key performance indicators.
17 I've got 2010, 2011, 2012.

18 THE CHAIR: Yes, we can number all three of
19 those.

20 So my numbering, subject to -- just to
21 verification, is C-3-12; is that correct?

22 MS. HENRY: That is correct.

23 THE CHAIR: So that's been verified and so
24 marked.

25

1 **EXHIBIT C-3-12 - 2010, 2011, 2012 KEY**

2 **PERFORMANCE INDICATORS**

3 THE CHAIR: Thank you. Sorry to interrupt
4 you.

5 MR. JANIGAN: No, that's fine.

6 Q. MR. JANIGAN: In response to UCG-YECL 41(a),
7 YECL confirms that it considers major capital projects to
8 only be those projects costing 500,000 or greater?

9 A. MR. GRATTAN: **Correct.**

10 Q. What percentage of YECL's capital expenditures between
11 2009 and 2012 were related to these major capital projects?

12 A. MR. GRATTAN: One moment, please. So if I
13 could get you to turn up YUB-YECL 61 page 2 of 2, and to
14 answer -- well, basically that details the capital that Yukon
15 Electrical incurred and is forecasting to incur between 2008
16 and 2015 --

17 Q. Okay.

18 A. MR. GRATTAN: -- and the breakdown of where
19 that capital has been described or detailed, either as a
20 business case and an extended write-up, a project description
21 write-up simply listed, or other small projects.

22 Q. Thank you. Thank you for that.

23 Can I ask you to turn to UCG-YECL 42. UCG
24 requested details of capital expenditures and business cases
25 for a number of large capital projects. And in response,

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1 YECL provided references to other IR responses, and on page 1
2 of the attachment to the response of YUB-YECL 61, YECL shows
3 a dramatic increase in the expenditures listed as
4 miscellaneous OH services in various subdivisions of
5 16,386,000.

6 Does YECL have an explanation as to why there
7 was forecast to be such a dramatic increase in these
8 expenditures?

9 A. MR. MASSIE: Sorry, Mr. Janigan. So I was
10 just chatting about the fact that that's very similar to an
11 undertaking we received yesterday in regard to miscellaneous
12 overhead services, and though we're not finished that
13 undertaking to give it to the Board, we can say there are
14 multiple of the -- in 2008, '9, '10, '11 and '12, some of the
15 projects that are below in that table that we're talking
16 underneath of the overhead services really belonged in that
17 category from the beginning, except we've broken them into a
18 separate project with a separate title.

19 So there's costs that really should be in the
20 miscellaneous overhead services, part of this line item, for
21 8 to 12 that are identified below, but again, we're not quite
22 done that undertaking for it.

23 Q. In general terms, are you saying that this is simply a
24 matter of a different method of accounting, or is there some
25 other reason for the increase in the expenditures?

1 A. MR. MASSIE: Well, this project,
2 miscellaneous overhead services, is part of the new extension
3 category, and as a whole, it's very -- though we do quite a
4 bit of consultation, we chat with the government and the City
5 of Whitehorse and try and forecast subdivisions that will be
6 coming online, lots available, customer adds that are coming,
7 it's very difficult to forecast, and we've have very -- even
8 though with all that consultation, we have very little
9 control over this, the new extensions appropriation.

10 It really is at the whim of customers or
11 developers that walk in the door. It's definitely not a
12 choice of ours. We cannot -- we have no choice but to serve
13 these customers. They're coming in our door, and we're going
14 to get their projects done for them, even though three months
15 before that we didn't know that.

16 So I just want to point that out for new
17 extensions, it really -- as best as we can forecast, it
18 really isn't up to us.

19 A. MR. GRATTAN: And maybe just to add onto
20 Mr. Massie's comments there and maybe to be helpful here,
21 because we ran into this problem yesterday when we're diving
22 into the trees on a particular line item of new extensions.

23 So maybe if I could take you to Schedule 9.1
24 in the application. I'll let people pull that up. So I'll
25 wait until you get there, sorry.

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1 MR. JANIGAN: Okay.

2 A. MR. GRATTAN: So when you look at, for lack
3 of a better description, the forest as opposed to the trees
4 for new extensions, which is line 10, you'll see over the
5 last couple of years we have incurred new extensions
6 totalling \$6,078,000 in '11, 4.9 million in 2012, and then
7 we're forecasting out from there at 5.1, 5.4 and 5.6 million
8 dollars.

9 So as Mr. Massie has pointed out, we do do a
10 bottom-up forecast on a project-by-project basis as best we
11 can, but we are also trying to do a reasonableness test of:
12 Okay. What have we been experienced as of late and what
13 would be reasonable for us to be forecasting going forward?

14 So while new overhead extensions is a sub-line
15 of new extensions, you also have to, in the grand scheme of
16 things, just take a step back and look at the overall
17 reasonableness of that particular category in comparison to
18 what Yukon Electrical has been experiencing.

19 Q. Would the same kind of explanation apply to the increase
20 in miscellaneous new services?

21 A. MR. MASSIE: Yes, absolutely. It's a subset
22 of that new extensions that Mr. Grattan has pointed out on
23 line 10.

24 Q. Now, sir, I think you answered this question yesterday,
25 but how much of these expenditures are offset by customer

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1 contributions?

2 A. MR. MASSIE: Well, it really all depends on
3 what it takes to hook that customer up to the distribution
4 system. A house here in town -- for either underground and
5 overhead services, a house here in town, where we've just got
6 to run a wire from an existing poll to the house, is fairly
7 straightforward and rather cost effective whereas if we're in
8 the country residential subdivision, like my lot, for
9 example, was \$7,000 to run two poles in to serve just me.
10 So, I guess, it varies completely on the location and the
11 what the customer needs.

12 Q. And --

13 MS. SEARS: Just a sec.

14 MR. JANIGAN: Sorry.

15 A. MR. MASSIE: Sorry, were you looking for the
16 percentage, I guess, because we had answered it in an IR,
17 sorry, that 75 to 80 percent on average that we've looked at
18 are -- the customer has contributed to these projects.

19 Q. MR. JANIGAN: Thank you. I'd like to deal
20 with Fish Lake Unit 1, and according to Attachment 2 to the
21 response to YUB-YECL, there are 4,564,000 in capital projects
22 associated with Fish Lake Unit 1 that have been completed or
23 are forecast to be completed after the March 2010
24 catastrophic failure of the Fish Lake Unit 1 plant.

25 A. MR. REDDEN: Mr. Janigan, could you repeat

1 the reference number?

2 THE CHAIR: You didn't give the page
3 number.

4 MR. JANIGAN: I'm sorry, Attachment 2 to the
5 response of YUB-YECL 61, Attachment 2.

6 THE CHAIR: Thank you.

7 Q. MR. JANIGAN: And listed there are a number
8 of different projects - the turbine and building replacement,
9 the spillway, the tailrace reconstruction, replacement wheel,
10 spillway diversion structure.

11 And while YECL has provided a business case
12 for the turbine and building replacement project, why has
13 nothing been provided to justify the other four projects that
14 appear to be related to getting Unit Number 1 operational
15 again?

16 A. MR. MASSIE: Sorry, just give me a second.
17 I'll still struggling to find your spot. Sorry, can you
18 redirect me, and I'll help you out as best I can once I'm
19 there?

20 Q. Okay. It's Attachment 2, and it's your response to
21 YUB-YECL 61?

22 A. MR. MASSIE: Sorry, the page?

23 Q. I don't have that directly in front of me. I just have
24 my notes -- oh --

25 A. MR. MASSIE: Sorry.

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1 Q. This is page -- it's the Attachment number 2, and it's
2 part of the -- it was submitted August 29th.

3 A. MR. MASSIE: Yeah, I'm sorry, it's just
4 eight pages and I'm scrolling through. I'm trying to find
5 it.

6 A. MR. GRATTAN: Sorry, sir. We're at the
7 YUB-YECL Attachment 2.

8 Q. Yes.

9 A. MR. GRATTAN: So that's a one-pager.

10 Q. Yes.

11 A. MR. GRATTAN: Then you made reference with
12 regards to four other --

13 Q. No. What it lists there is that there are 4,564,000 in
14 capital projects --

15 A. MR. GRATTAN: Okay. Just hang on. I just
16 want to make sure the 4 million...

17 A. MR. MASSIE: Was that a bundling of costs
18 that you put together, Mr. Janigan?

19 Q. That's correct.

20 A. MR. MASSIE: In the bundling of costs. So I
21 see the Fish Lake Unit 1 turbine and building replacement on
22 page 1. Are there...

23 Q. What I'm asking is is that a business case was only
24 prepared for turbine and building replacement and nothing for
25 the other four projects?

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1 **A. MR. MASSIE:** **So those other four projects is**
2 **what I'm struggling to understand.**

3 **Q.** For the spillway at 238,000 in 2010; the tailrace
4 reconstruction of 173,000 in 2011; the replacement wheel of
5 125,000 in 2010, and the spillway diversion structure of
6 120,000 in 2014.

7 **A. MR. GRATTAN:** **And that goes back to my**
8 **original comments that we included in YUB-YECL 61 that the**
9 **evidence put on the record as part of this proceeding had**
10 **business cases for everything greater than \$500,000 and**
11 **write-ups for projects greater than \$100,000.**

12 **So we do have a write-up on every single one**
13 **of those but not a formal business case.**

14 **Q.** Okay. Now, in relation to the meters project and that
15 reference would be UCG-YECL 46(d) where YECL states that the
16 average annual capital expenditures for meters over the
17 five-year period of 2003 to 2007 were \$42,000.

18 And if we look at YUB-YECL 61, that appears to
19 be sort of a lumpy distribution of expenditures of \$31,000 in
20 2008, nothing spent in 2009, escalates to 460,000 in 2010,
21 slides back to 199,000 in 2011 and 283,000 in 2012, and jumps
22 to 600,000 before falling off to 50,000 in 2014, 2015.

23 Now, did YECL provide a business case for this
24 project?

25 **A. MR. MASSIE:** **No, no, we have not.**

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1 Q. Okay. That doesn't -- I mean, as I listen to
2 Mr. Grattan, I understand that the business case is only
3 provided for the major capital projects, but this one appears
4 to be a major capital project, would it not be?

5 A. MR. GRATTAN: Replacement of meters on an
6 ongoing basis?

7 Q. Yes.

8 A. MR. MASSIE: So it's very similar to our
9 answer for the right-of-way widening capital brushing program
10 whereas this is an ongoing expense -- or capital program year
11 after year that did not exceed the \$500,000 limit. So that
12 really was the reason why we haven't written up a business
13 case for it.

14 Q. Okay. And I take it that would also apply to
15 transportation equipment in looking at WL-YECL 21(k). The
16 total amount of 3,094,000, but the amounts that were spent in
17 2008 to 2012 all fell below the definition of a capital major
18 project.

19 A. MR. MASSIE: So for the transportation
20 equipment that we included in our application in Section 9
21 for the different years throughout, we provided in -- I point
22 you to YUB-YECL 72, and Attachment 1 through 19 has 19
23 separate business cases for the transportation equipment.

24 Q. I'm sorry, would you just repeat the last part of your
25 answer?

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1 **A. MR. MASSIE:** So YUB-YECL 72(b), Attachment 1
2 through 19. And there's the 19 business -- there are 19
3 business cases there for various units in the transportation
4 appropriation.

5 Q. Thank you.

6 **MR. JANIGAN:** This may be an appropriate time
7 to take the afternoon break.

8 **THE CHAIR:** Sure. If that works for you,
9 it can work for us. Thanks very much.

10 So we'll break -- it's now just about 3 so
11 we'll break until 3:30.

12 (ADJOURNMENT)

13 **THE CHAIR:** Thank you. So you can
14 continue, Mr. Janigan.

15 **MR. JANIGAN:** Yes, thanks very much,
16 Mr. Chairman.

17 Q. We had a discussion offline concerning some of my
18 questions that were associated with the contracts for various
19 capital expenditures, and it's set out in Section 9 of the
20 application. And I think we've come to agreement with
21 respect to the provision of the policy that YECL follows with
22 respect to contracting for such expenditures and as well to
23 indicate any contracts for expenditures that have not been in
24 accordance with the policy. Would that be correct summation?

25 **A. MR. GRATTAN:** Yes, Mr. Janigan, that's

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1 correct.

2 THE CHAIR: So I can record that as an
3 undertaking?

4 MR. JANIGAN: Please.

5 THE CHAIR: Thank you.

6 **UNDERTAKING - TO PRODUCE THE POLICY**
7 **THAT YECL FOLLOWS WITH RESPECT TO**
8 **CONTRACTING FOR THE EXPENDITURES SET**
9 **OUT IN SECTION 9 OF THE APPLICATION AND**
10 **TO INDICATE ANY CONTRACTS FOR**
11 **EXPENDITURES THAT HAVE NOT BEEN IN**
12 **ACCORDANCE WITH THE POLICY**

13 MS. SEARS: There was one other thing that
14 we managed to cover off over the break. I think we reached
15 the conclusion that the undertaking that Mr. Redden gave this
16 morning in respect of the issue of the policy relating to --
17 or, sorry, the paper --

18 **A. MR. REDDEN: The feasibility study on the**
19 **wind diesel system.**

20 MS. SEARS: No, sorry, the document in
21 respect of heat rates that forms part of the record already
22 at Section 4, Attachment 1 -- it was a one-pager, an extract
23 from a larger paper -- and I believe Mr. Janigan confirmed
24 that that is adequate for his purpose so he doesn't need the
25 full document.

1 THE CHAIR: Okay.

2 A. MR. REDDEN: And if I could just on the
3 wind/diesel feasibility study, we discussed that also on the
4 break with the study participants, and we are able to provide
5 that study.

6 Q. Thank you. Panel, I'd like to deal with the Carcross
7 second MVA generation standby unit, and in its 2008-2009
8 general rate application, YECL included a \$2 million
9 1.5-megawatt standby power plant in its proposed 2009 capital
10 expenditures.

11 On page 923 of that application, YECL stated
12 that: (as read)

13 "It has been determined that
14 communities over one megawatt should
15 have local generation to serve them if
16 the grid should stopping serving the
17 community in accordance with the YUB
18 approved Yukon Energy 20 year resource
19 plan. Carcross and Tagish are fed off
20 the same 25 kilowatt substation. The
21 peak load in the 2007 winter was close
22 to the 1 megawatt threshold. Yukon
23 Electrical plans to install a generator
24 in or near the Carcross substation.
25 The generator would be 1.5 megawatt or

1 larger due to the fact that this size
2 is similar to other communities'
3 generators and it could act as a spare
4 if Yukon Electrical would lose a
5 significant part of their largest
6 isolated community, Watson Lake. The
7 self contained generator and breaker in
8 the step-up transformer would be
9 mounted on skids so they could be
10 easily moved as part of a contingency."

11 Now, what's expected load level in Carcross in 2013 through
12 2015?

13 **A. MR. REDDEN:** Yes, it's anticipated that the
14 load in Carcross-Tagish area in that time frame will vary
15 between 1 megawatt to 1.3 megawatt on average.

16 Q. Now, in its Order 2009 regarding YECL's 2008-2009 GRA,
17 the Board did not approve the proposed standby generator for
18 Carcross because the YUB was not convinced that the proposed
19 generator was the best option at that time to mitigate
20 outages in the Carcross-Tagish area.

21 My question is: Have any conditions changed
22 regarding the need for the standby generator in Carcross once
23 the YUB's Order 2009-02 is issued in 2009?

24 **A. MR. REDDEN:** What would have changed in that
25 area, in addition to additional customers and businesses that

1 have appeared in the area, there's been an increase in
2 tourism and just general economic activity. So that has
3 changed since our previous application for the standby
4 generator unit. Our efforts continue on brushing and a good
5 distribution system management.

6 However, the situation remains that should
7 there be a loss of electricity supply from the Yukon
8 Interconnected System on this single-feed radial line to
9 those communities, then those communities are without power.

10 Q. Now, are there transmission lines currently providing
11 electricity to Carcross?

12 A. MR. REDDEN: There is a distribution line
13 that currently services those communities.

14 Q. And that's one down Carcross road and the other down the
15 Tagish road?

16 A. MR. REDDEN: If you'd like to take a look,
17 there's a diagram or a schematic of the distribution system
18 shown as part of interrogatory response YUB-YECL 46,
19 Attachment 1, and that's YUB-YECL 46(d)(i) page 3 of 5.

20 Q. Thank you.

21 A. MR. REDDEN: And once you're there, that
22 then shows the feeds from Whitehorse, and you'll see that
23 single line that heads down towards the bottom of the page
24 towards the community of Carcross, and then once through
25 Carcross, up in a northeastern direction towards Tagish --

1 Q. Thank you.

2 A. MR. REDDEN: -- which is the end of the
3 line.

4 Q. Now, if Carcross is about 75 kilometres from Whitehorse,
5 couldn't the diesel generators in Whitehorse adequately
6 supply standby power to Carcross?

7 A. MR. REDDEN: Are you referring to the diesel
8 units that are at the Whitehorse hydro facility, those energy
9 units?

10 Q. I believe so, yes.

11 A. MR. REDDEN: They can provide backup power
12 should there be a loss elsewhere of generation on the system
13 provided that that radial or single-feed line to the
14 communities is still in service. Should there be a loss of
15 generation and insufficient amount for the Yukon
16 Interconnected System or a disruption to the distribution
17 line that services those communities, then they would be
18 without power.

19 Q. Can the SCADA system do anything to ensure that supply
20 is provided in the event of an emergency?

21 A. MR. REDDEN: The overall Yukon
22 Interconnected System SCADA system has that visibility then
23 into what the situation is with respect to load in the
24 various areas, communities on each line and what the
25 generation units are doing and what they're capable of doing.

1 So there is that visibility for the system operator.

2 So should there be an interruption or an
3 incident of some sort on the system, that SCADA system then
4 can give the information necessary to accommodate either
5 other units picking up or if there was an alternate feed
6 routing, then that could be brought into play. However, the
7 situation with those communities is that they're on a
8 single-feed line. So if there is a disruption there, then
9 the SCADA system is not able to respond to that.

10 Q. Now, the proponents in the Carcross area are apparently
11 the Carcross Area Property Owners Association. We're given
12 to understand that they submitted a signed petition to YECL
13 and the Yukon Legislative Assembly?

14 A. MR. REDDEN: As part of Business Case 12,
15 there is an attachment of the petition that was submitted to
16 the Yukon legislature, not to Yukon Electrical.

17 Q. That's an attachment to Business Case 12 in this
18 proceeding?

19 A. MR. REDDEN: That's correct.

20 Q. Now, they have indicated that their belief is that
21 standby power infrastructure is essential to the success of
22 the area's tourism initiatives. Have they provided you with
23 any evidence to support that claim?

24 A. MR. REDDEN: We are aware that tourism -- as
25 I mentioned, the economic activity has been increasing within

1 the areas.

2 Q. Mm-hm.

3 A. MR. REDDEN: And that was one of the factors
4 that they had mentioned in addition to their emergency
5 response capabilities with respect to fire and medical EMS
6 services that are crucial for them to maintain on an ongoing
7 basis.

8 Q. Is there any stand-alone standby power that currently
9 exists in Carcross?

10 A. MR. REDDEN: Yukon Electrical does not have
11 any standby power generation of our own.

12 Q. Do other entities in Carcross have that standby power?

13 A. MR. REDDEN: There could be individual
14 entities, but I don't know.

15 Q. Did YECL consider stand-alone standby power as an
16 alternative to this \$3 million project?

17 A. MR. REDDEN: Excuse me, Mr. Janigan. Did we
18 consider standby?

19 Q. Yes, stand-alone standby power as an alternative?

20 A. MR. REDDEN: Can you clarify what that is?

21 Q. Presumably it would be power that would be located
22 within Carcross on a stand-alone basis that would provide
23 power in an emergency circumstance.

24 A. MR. REDDEN: That's what we are proposing in
25 Business Case 12 is a dedicated unit stationed in those

1 communities to provide standby power.

2 Q. In their attachment to the letters of comment, the
3 Carcross area property owners claim that the area is served
4 by aging transmission line with power outages occurring quite
5 frequently and that the power outages in Carcross are
6 frequent and long.

7 Does YECL have any evidence to support that
8 claim?

9 A. MR. REDDEN: We've provided statistical
10 information as part of this filing that was requested by the
11 Board at our last application for the standby generating
12 unit, and we filed that within YUB-YECL 46(d)(i) and page 1,
13 page 2. Pages 5 through 5 indicate the various liability
14 metrics.

15 Q. Okay. And can you summarize what those results are?

16 A. MR. REDDEN: Probably the best reference, if
17 you'd like to look at it graphically, I would recommend of
18 that Attachment 1, page 1 of 5 which shows the indicators
19 SAIFI and SAIDI.

20 So SAIFI is an indication of the total number
21 of customer interruptions, that frequency index divided by
22 the number of customers served. So that gives an indication
23 of the frequency of interruptions to a customer.

24 And SAIDI provides a sum of all the customer
25 interruption durations over the number of customers served.

1 So the SAIDI, for example, if you look at that
2 bottom graph through the periods 2003 and 2012, you can see
3 what SAIDI has done on an individual feeder basis for
4 Carcross, for community of Tagish, also a comparison with
5 Haines Junction and then a company total.

6 Q. Okay.

7 A. MR. REDDEN: If you look at those metrics,
8 specifically for Carcross and Tagish with respect to the
9 average for the company total, then you'll notice that the
10 metrics for those are typically higher than the data for the
11 company total.

12 Q. Now, in their letter of support, the Carcross area
13 property owners association submits that most Yukon
14 communities have enjoyed standby power for many years and
15 ratepayers in the Carcross to Tagish area contributed to
16 their service.

17 What other Yukon communities currently have
18 standby generation?

19 A. MR. MASSIE: Yeah, I can help you with that.
20 There's six other communities, and they would be Teslin,
21 Haines Junction, Ross River, Carmacks, Stewart Crossing and
22 Pelly Crossing.

23 Q. Thank you. And how is the cost of the standby
24 generation currently recovered from ratepayers?

25 A. MR. GRATTAN: It's part of the overall

1 revenue requirement.

2 Q. And how will the cost of the proposed Carcross standby
3 generation be recovered from ratepayers?

4 A. MR. GRATTAN: Same response, part of the
5 overall revenue requirement.

6 Q. Now, finally, in their letter of comment, the South
7 Klondike Local Advisory Council submits that standby power is
8 needed to ensure the success of infrastructure investments
9 made by the governments of Canada, the Yukon, and the
10 Carcross Tagish First Nation.

11 Does YECL have any evidence to support this
12 claim?

13 A. MR. REDDEN: No, we have just received their
14 letter.

15 Q. Okay. All right. I'd like to deal with right-of-way
16 widening. And according to page 2 of Attachment 1 to the
17 response of WL-YECL-21(k), that's WL-YECL 21(k): (as read)

18 "The YUB originally approved
19 expenditures of 110,000 on this project
20 for 2008 and there was no budget
21 included in the 2009 GRA.

22 YECL notes in 2008, the scope
23 increased on the basis of line patrols
24 as Yukon Electrical focused on
25 completing brushing of our mountaintop

1 distribution lines in Whitehorse and
2 Stewart Crossing.

3 In 2009, the right-of-way brushing
4 program continued."

5 Was the change of approach to the brushing program discussed
6 at the 2008 GRA?

7 A. MR. GRATTAN: So given I was the only one on
8 the panel for 2008-2009, I will say, subject to check, there
9 was no discussion of any changes to what was being forecasted
10 for right-of-way capital other than what was forecasted as
11 part of the general rate application.

12 Q. And were all of the \$148,000 in cost overruns due to
13 YECL changing the brushing program originally approved by the
14 YUB?

15 A. MR. GRATTAN: Okay. So I just want to
16 characterize -- I don't think it's fair to say that the YUB
17 approved a specific dollar amount for a specific project.

18 There's always going to be instances where we
19 are higher or lower than what was forecasted. That's the
20 nature of forecasting in a cost-of-service environment.

21 So Yukon Electrical has to, as Mr. Massie has
22 pointed out, that it's got to be given the opportunity to
23 veer a little bit left or veer a little bit right as
24 circumstances dictate in a year.

25 And, once again, if we want to maybe avoid

1 just for a second, getting lost in the trees and take a step
2 back. If we go to UCG-YECL 39(b), and I'll let people pull
3 that up, that was an IR with regards to, you know, where did
4 our rate base come in in 2008-2009 as compared to forecast?
5 And the differences between what was forecast and what was --
6 actually occurred are very small.

7 So to wrap this up, there will always be
8 instances where we're amending what we actually do versus
9 what we forecast. That's part of what we have to do as
10 management, and this would be one example.

11 Q. Well, let's say regardless of whether or not the
12 appropriate tack was taken, I take it it was the change in
13 the brushing program that resulted in the 148,000 cost
14 overrun?

15 A. MR. MASSIE: I wouldn't say it would be, you
16 know, a change in any way we run it or anything like that,
17 but the scope was -- would have been narrowed.

18 Q. And was there a business case provided to justifying
19 the change in scope or the changing of approach?

20 A. MR. MASSIE: No, not specific business case
21 presented for right-of-way widening at all, but I guess we
22 do -- just that it's a year over year. Again, this is one of
23 those ongoing distribution improvement projects that any
24 given year is under that \$500,000 threshold. So we haven't
25 provided a business case for it, no; just the detailed

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1 write-up.

2 Q. What was included in rate base used to set rates in 2008
3 and 2009 for this project?

4 A. MR. GRATTAN: Can you just repeat the
5 question, please?

6 Q. What was included in rate base used to set rates in 2008
7 and 2009 for this project?

8 A. MR. GRATTAN: I'll just help Mr. Massie here
9 because I'm the bean counter. So if we go to Watson Lake
10 YECL 21(k), Attachment 1, there will be a line obviously with
11 regards to right-of-way widening. We had \$110,000 included
12 in our revenue requirement. As you're pointing out, the
13 actual amount was \$268,000. So to answer your first
14 question, we had \$110,000 included in our revenue
15 requirement.

16 In 2009 we did not forecast any right-of-way
17 widening, so there was zero dollars included in our revenue
18 requirement, but a decision was made at that point in time to
19 incur \$240,000 of right-of-way widening-related expenditures,
20 and I'll let Mr. Massie explain why.

21 A. MR. MASSIE: Yeah. I think we'd already
22 gone through. You had reiterated the paragraph on the right
23 to explain why.

24 Q. Mm-hm. And both of those -- what was rolled into rate
25 base?

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1 A. MR. GRATTAN: The actual -- the actual.

2 Q. The actual?

3 A. MR. GRATTAN: Yeah.

4 Q. I'd like to look at the CIS billing system conversion.

5 First of all, there were 856,000 in contract services in this

6 project. What were the \$75,000 in other expenses?

7 A. MR. GRATTAN: Do you have a reference, sir?

8 Q. This is YUB-YECL 61, and page 2 of Attachment 2.

9 A. MR. MASSIE: No, specifically for the other
10 one there. We can't -- we don't know at this -- we'll have
11 to undertake to provide that.

12 Q. Yeah okay. That would be fine. Let me mark that as an
13 undertaking.

14 UNDERTAKING - WITH RESPECT TO THE CIS
15 BILLING SYSTEM CONVERSION, TO ADVISE
16 WHAT THE \$75,000 IN OTHER EXPENSES
17 RELATED TO

18 Q. MR. JANIGAN: The business case provided as
19 Attachment 1 to the response to UCG-YECL 48(c) provides
20 details of the costs associated with the new system but
21 nothing regarding cost savings.

22 Has there been quantifiable cost savings to
23 ratepayers as a result of this new system?

24 A. MR. MASSIE: Sorry, can you -- again, the
25 reference?

1 Q. Reference?

2 A. MR. MASSIE: Yeah.

3 Q. It is UCG-YECL 48(c), Attachment 1.

4 A. MR. GRATTAN: And sorry, what was your
5 question again, sir?

6 Q. I think I've forgotten it myself. Had there been any
7 quantifiable cost savings to ratepayers as a result of this
8 new system?

9 A. MR. GRATTAN: I'll take a shot at that
10 because I was the person on the stand with regards to
11 defending the need and the prudence of this billing
12 conversation.

13 So as part of the last general rate
14 application, Yukon Electrical brought forth a recommendation
15 as a result of end-of-life of the legacy billing system to
16 convert to ATCO CIS, and that was the next generation billing
17 system used by our parent. And we went through a detailed
18 business case and analysis associated with the various
19 options that were available to Yukon Electrical, including
20 going on a stand-alone basis.

21 That business case was tested as part of that
22 regulatory application as well as obviously the conclusions
23 and recommendations reached by Yukon Electrical, and the
24 Board, as part of Decision 2009-02, agreed with the
25 recommendation to proceed with the conversion to ATCO CIS as

1 proposed by Yukon Electrical.

2 So to answer your question, when it comes to
3 demonstrable cost savings, we did that all as part of the
4 business case last time around, and obviously did not choose
5 to go down another path. So we came in on time and on budget
6 with regards to the ATCO CIS. So all that we can say is it's
7 turned out exactly as we would have forecast.

8 Q. And it's realized the demonstrable cost savings that you
9 showed in that application. Is that what you're saying?

10 A. MR. GRATTAN: We've come in -- the cost that
11 we've been incurring, both on a capital basis as well as an
12 operation and maintenance basis, i.e. the billing charges
13 have occurred exactly as forecast.

14 Q. Okay. The expenses have been exactly as forecast and
15 the benefits have been exactly as forecast?

16 A. MR. GRATTAN: I think that's a fair -- fair
17 conclusion, yes.

18 Q. Okay. With respect to Fish Lake Unit 2 penstock
19 replacement and look at YUB-YECL 61, page 3 of Attachment 2,
20 there were \$520,000 in contract services included in the cost
21 of this project, and noted that this project was added to
22 rate base in 2010, but there was another \$70,000 spent in
23 2011.

24 What were the 2011 expenditures on this
25 project?

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1 **A. MR. MASSIE:** So the Fish Lake penstock, the
2 majority of the work was completed in the year of 2010, and
3 there was some leftover work to be done to finalize the
4 grading. It was done -- it was finished a little late in the
5 year, in the fall, and grading the frozen ground to the right
6 appropriate grade just didn't work. So we had to finish some
7 grading over top of the penstock as well as we added -- there
8 was a valve that needed to be -- to be reworked, I guess. It
9 wasn't working as we had hoped it would when we installed it.

10 **Q.** Okay. The Hamilton Boulevard extension, the 476,000,
11 according to page -- according to WL-YECL 21(k), page 1 of
12 Attachment 1, the YUB originally approved expenditures of
13 \$300,000 on this project. The question is, where were the
14 176,000 in cost overruns incurred?

15 **A. MR. MASSIE:** It's the Hamilton Boulevard
16 main extension?

17 **Q.** Yes.

18 **A. MR. MASSIE:** I just want to make sure I'm
19 looking at the right one.

20 **A. MR. GRATTAN:** So sorry, just to confirm we're
21 all looking at the right thing, Hamilton Boulevard, main
22 extension GRA forecast of \$300,000? Is that correct?

23 **Q.** It was originally approved for 300,000, yes. And there
24 was 476,000 apparently spent. If you look at YUB-YECL 61,
25 Attachment 2, page 3.

1 A. MR. MASSIE: Sorry, in the YUB attachment,
2 which page was it?

3 Q. Page 3.

4 A. MR. MASSIE: 3?

5 Q. Attachment 2.

6 A. MR. MASSIE: So I'm just struggling to bring
7 it up. Oh, here we are.

8 So the one -- I would say this is -- we're
9 looking at two different items here. I'd have to confirm,
10 but so the Hamilton Boulevard extension that we're looking at
11 in the YUB-YECL 61 Attachment 2 is a streetlight
12 appropriation. So that really -- that was the Hamilton
13 Boulevard extension, and that was strictly to install the
14 streetlights along that extension.

15 Q. That was the 366,000, was that? I've got two myself
16 here, one for 476,000 and the other one for 366,000?

17 A. MR. MASSIE: Yeah, 476,000 project total was
18 for streetlights on Hamilton Boulevard extension.

19 Q. Okay.

20 A. MR. MASSIE: Per the YUB 61 attachment. So
21 in the other costs that I see, or the other project that you
22 refer to in Watson Lake-YECL 21(k), Hamilton Boulevard main
23 infrastructure extension could be the main -- the main high
24 voltage power line extension part of that project.

25 So it's broken into two -- just as

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1 streetlights have their own appropriation, so that project is
2 broken into the streetlights.

3 Q. Well, did the streetlights overrun the original 300,000
4 in costs?

5 A. MR. MASSIE: Again, I think that \$300,000 in
6 costs, it has an actual of 266 beside it on Watson Lake
7 21(k). That would have been the high voltage project to get
8 power into that area.

9 So the streetlights were really -- are a
10 different appropriation, and they came out at 476, and I just
11 don't see a forecast here.

12 Again, those would be part of the new
13 extension of streetlights where the developer comes in and
14 wants -- well, there was quite a few streetlights out there.
15 I'm not sure of the number and we install them, so that's
16 fully contributed except for our company investments per
17 light.

18 Q. Okay. Was there a business case provided for that?

19 A. MR. MASSIE: To install streetlights for the
20 Hamilton Boulevard extension?

21 Q. I believe so. That's the 476,000.

22 A. MR. MASSIE: No. Again, we -- the developer
23 comes in to us and wants streetlights built to, really, their
24 standard or the standard of the road. They're contributing
25 again. Historically, it's -- I guess, not in the

1 streetlights, but they contribute the majority of the cost
2 except for our investment per streetlights. So we didn't do
3 a business case for their project, no.

4 Q. Okay.

5 A. MR. GRATTAN: And just to follow up with
6 Mr. Massie, that particular project, because it was less than
7 \$500,000, would have been written up as a description in our
8 original application for the year that it occurred.

9 Q. Okay. If we can look at the upgraded distribution lines
10 between 1st and 6th Avenue, Whitehorse for \$439,000.

11 According to page 3 of Attachment 2 -- sorry,
12 according to YUB-YECL 61, page 3 of Attachment 2, there were
13 \$201,000 in contract services included in the cost of this
14 project. And according to page 2 of Attachment 1, the YUB
15 originally approved expenditures of 400,000 on that project.
16 So there were cost overruns of 39,000?

17 A. MR. MASSIE: So I see the actual cost at
18 439, and your other attachment for --

19 Q. I'm sorry. It was page -- it was WL-YECL 21(k).

20 A. MR. MASSIE: Okay.

21 Q. Page 2 of Attachment 1.

22 A. MR. MASSIE: Sorry, just flipping back and
23 forth through these attachments gets you a little
24 disoriented -- or me, anyway.

25 Yes, okay. So the question was the cost

1 overrun of \$39,000?

2 Q. Yes.

3 A. MR. MASSIE: Yes. I see that now.

4 Q. And the reason for those cost overruns?

5 A. MR. MASSIE: I wouldn't know the specific
6 reasons, but I see it's, you know, a total of 9 percent of
7 the overall project total that we were over.

8 Q. So it's not material?

9 A. MR. MASSIE: No, and I think that's why we
10 haven't provided a description to the right in that column on
11 that attachment.

12 Q. Okay. The Pelly Crossing into the Yukon Interconnected
13 System, this was a \$435,000 contract. And according to page
14 2 --

15 A. MR. MASSIE: Sorry.

16 THE CHAIR: When there's a little bit of a
17 lull here while they're checking something out, I just wanted
18 to check the time in terms of how much longer you think you
19 might need, Mr. Janigan.

20 I'm just trying to see, frankly, whether we
21 need to maybe extend the session tonight a little bit and/or
22 start earlier tomorrow morning.

23 I don't want to rush you. I just want to get
24 a sense if you have a sense of the timing that you'll
25 require.

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1 MR. JANIGAN: I feel like an old fire horse
2 and I see the fire station in front of me here, Mr. Chair.
3 I'm determined to try and finish this today if I could.

4 THE CHAIR: Okay.

5 MR. JANIGAN: It might mean a couple minutes
6 over, but I don't think it will be too significant.

7 THE CHAIR: What I'd like to do if there's
8 no objection, if we run past the 5:00 that we go as late as
9 6:00 tonight? Would that be acceptable?

10 If you're finished, then we'll stop there, but
11 if we need to go, we'll go to 6:00 and we'll take a
12 five-minute environmental break at 5:00 just so people can
13 make arrangements or make calls or whatever they have to do.
14 Is that acceptable to the other people? Hearing no
15 objection, that's what I would plan that we would do.

16 So, sorry, I didn't mean to interrupt, but I
17 thought it was a good time to ask that question. So proceed.

18 Q. MR. JANIGAN: Where was I now?

19 A. MR. MASSIE: I heard Pelly Crossing.

20 Q. Pelly Crossing? Okay. That the -- according to
21 WL-YECL 21(k), page 2 of attachment 1, the YUB originally
22 approved expenditures of 140,000 on this project. And YECL
23 notes that the original scope and budget was to build
24 infrastructure to connect to YEC substation. YEC did not
25 build the substation as planned and temporarily energized the

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1 new 138 kilovolt line at 25 kilovolts from to the Minto
2 substation to supply Pelly Crossing from the YIS. Yukon
3 Electrical build a mini substation for required site
4 preparation including a ground grid, a regulator bank,
5 metering equipment and temporary underground line to connect
6 to YEC supply on the 138 kilowatt pole.

7 The question is; why did YEC not build the
8 required infrastructure?

9 A. MR. MASSIE: Sorry, which infrastructure are
10 you referring to?

11 Q. To connect the YEC substation.

12 A. MR. MASSIE: So as mentioned in your
13 preamble there, the original plan for the transmission line
14 that was extended from Carmacks to Minto and eventually tied
15 into the northern grid, that stage of the project was
16 originally planned, and I really don't want to speak too much
17 for Yukon Energy, but this was their transmission line, and
18 the plan was to install a substation outside of Pelly
19 Crossing to bring the voltage down to a level that we can
20 take it into -- hook Pelly Crossing into the grid and shut
21 the diesel off. As they've gone through in their rate
22 application, and described and discussed there, that didn't
23 happen.

24 So our original budget here to hook into that
25 substation, well, the plan changed, the scope changed. All

1 of a sudden there was not a substation there, and we had
2 to -- they ended up energizing from Minto substation all the
3 way to Pelly at 25,000 volts. So we had to do a lot
4 different project than what we planned to.

5 Q. Were all the \$295,000 cost overruns due to the YEC not
6 building the required infrastructure?

7 A. MR. GRATTAN: When you say cost overruns,
8 it's a totally different project, so I don't think that's a
9 fair characterization that --

10 Q. How about "increase in costs"?

11 A. MR. MASSIE: I would say that the project
12 that we ended up doing really -- it went off as we had
13 planned it to do in an unplanned situation after things
14 turned out. So it definitely was -- the increase in costs
15 really were to get the Pelly town hooked into the grid as it
16 was -- ended up being, anyway.

17 Q. Hmm, hmm. And did YECL receive any capital
18 contributions to offset the cost of this project?

19 A. MR. GRATTAN: No.

20 Q. Okay. In the Ketsa Quartz live front transformers
21 replacement project of the \$346,000, according to YUB-YECL
22 61, page 4 of attachment 2, there were \$148,000 in contract
23 services included in this, costs of this project. And
24 according to page 2 of attachment 1 to the response in
25 WL-YECL 21(k), page 2 of attachment 1, the YUB originally

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1 approved expenditures of \$175,000 on this project. And YECL
2 notes that original scope and estimate was for two
3 transformers and underground cable, increased scope to
4 complete all five transformers in the complex and associated
5 underground infrastructure. Were all of the \$171,000
6 increase in costs due to YECL expanding the
7 originally-approved project?

8 A. MR. MASSIE: Yes, the -- the 171 increase
9 was completely due to the project scope growing from two
10 transformers and some underground cable to five transformers
11 and the entire complex.

12 Q. Okay. And did -- sorry, go ahead.

13 A. MR. MASSIE: Sorry. And it was just pointed
14 out, one of the things that should be trying to do here as we
15 go, just these variance explanations as we do -- important to
16 note that in our internal project process when we have, we
17 forecast a cost for a project, the project comes in, the
18 actual costs get finalized with the project. Any of these --
19 any projects that are over a certain threshold and variance,
20 we do a variance analysis.

21 So as earlier with the 1st and 6th Avenue wire
22 upgrade, you know, not that I -- I cannot recall off the top
23 of my head the \$39,000 increase of that \$400,000 project,
24 there is a variance analysis written up for this. This one
25 here, the \$171,000, the scope of increase in this project

1 really was due to, you know, we started with changing out and
2 removing two failing fairly poor-shaped transformers in this
3 complex, and as we got into the project we soon noticed the
4 rest of the electrical infrastructure in the ground was in
5 pretty poor shape, so that was the determination to increase
6 that project and complete all five transformers.

7 Q. And did you prepare a business case when you expanded
8 the project?

9 A. MR. MASSIE: No, we didn't. Again, the --
10 this final cost of \$346,000 did not -- we did not write up a
11 business case, but the project lead absolutely, there was a
12 meeting within the engineering department to look at this
13 scope change. As any significant scope change, we do look at
14 with our projects, it was walked through, discussed, and then
15 we decided to move forward.

16 Q. Thank you. And did you advise the YUB of any changes as
17 to how the project was being approached?

18 A. MR. MASSIE: No, I wouldn't say that we
19 advise the YUB on each and every one of our projects and the
20 scope changes that happen for each one of them. We do
21 expect, though, to be sitting in a forum just like this to
22 explain those scope changes.

23 Q. Okay. And what was included in rate base used to set
24 rates in 2008 and 2009 for this project?

25 A. MR. MASSIE: That would be the actual costs.

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1 **346 I see.**

2 Q. Next project is the Mountain Air subdivision. And
3 YUB-YECL 61, page 4 of attachment 2 indicates that the total
4 cost was \$317,000?

5 A. **MR. MASSIE:** **The 2008 actuals? Yes.**

6 Q. Yes.

7 A. **MR. MASSIE:** **I see that.**

8 Q. And according to WL-YECL 21(k), page 1 of attachment 1,
9 the YUB originally approved expenditures of 382,160 on this
10 project.

11 A. **MR. MASSIE:** **Yes, I see that.**

12 Q. Now, what was included in rate base used to set rates in
13 2008 and 2009 on this project?

14 A. **MR. MASSIE:** **The actual of 317,000.**

15 A. **MR. GRATTAN:** **No, to set rates would have
16 been the forecast.**

17 A. **MR. MASSIE:** **Actually, and for the fact that
18 I'm -- now that I recall, this one is a new extension.**

19 A. **MR. GRATTAN:** **Okay. What was the -- what was
20 the -- let's just confirm the question again. You asked for
21 what was -- what was used to determine rates?**

22 Q. Rate base, yes. What was included in rate base to set
23 rates in 2008?

24 A. **MR. GRATTAN:** **So on a forecast basis, it
25 would have been the forecast that was included in the**

1 2008-2009 GRA.

2 Q. Okay. And once again, was there a business case for
3 this project?

4 A. MR. MASSIE: And just to clarify again, the
5 Mountain Air subdivision, that was a new extension project,
6 so a customer-driven project for the -- built for the
7 developer.

8 Q. Okay.

9 A. MR. MASSIE: All right? So customer
10 contributions were apart of that project.

11 Q. The Squanga Road rebuild of \$290,000. If you look at
12 YUB-YECL 61, total amount on page 5 of Attachment 2 at
13 290,000. And according to page 2 of Attachment 1 -- sorry,
14 WL-YECL 21(k), page 2 of Attachment 1, the YUB originally
15 approved expenditures of 140,000 on this project.

16 And YECL notes that: (as read)
17 "The original scope and estimate of the
18 project was to rebuild the power line
19 in an overhead configuration. Due to
20 location of existing waterlines being
21 different from the original plan, a new
22 route was needed.

23 Due to conflicts with property lines,
24 existing vegetation, and water lines
25 and the existing power line, the new

1 power line was built with underground
2 infrastructure."

3 My question is, were all the \$150,000 of cost increases due
4 to YECL expanding the originally-approved project?

5 **A. MR. MASSIE:** So for that one would be a
6 combination of -- I guess, the project in the area that got
7 rebuilt really wasn't expanded. It was how it was done.

8 So the original scope was to replace some old
9 end-of-life overhead infrastructure with overhead power
10 lines. However, for the reasons you note there, the project
11 had to be completed with partly overhead and partly
12 underground. And the underground part of that project is the
13 increase in costs.

14 **Q.** Now, didn't YECL already scope out the location of the
15 power line prior to submitting the budget to the YUB for
16 approval?

17 **A. MR. MASSIE:** Yes, we did a preliminary scope
18 on the project, for sure.

19 **Q.** Okay. Did YECL prepare a business case to justify a
20 change in the project?

21 **A. MR. MASSIE:** No, no specific business case
22 was -- it was a detailed write-up --

23 **Q.** Okay.

24 **A. MR. MASSIE:** -- that was done.

25 **Q.** What was included in rate base used to set rates in 2008

1 and 2009 for this project?

2 A. MR. GRATTAN: That would have been the
3 forecasted amount, sir.

4 Q. Okay.

5 A. MR. GRATTAN: And, you know, we've got a bit
6 of a theme going here with regards to projects being a little
7 bit left or a little bit right on a number of instances here.
8 So I just want to remind everyone that that is a fact of life
9 with regards to when you get into detailed engineering,
10 detailed survey, etcetera.

11 And, as Mr. Massie has pointed out, Yukon
12 Electrical has to manage its way through those changes and
13 attempts to, as Mr. Massie has pointed out, address them as
14 they come, make a decision as to whether the scope needs to
15 be changed, does so, documents that scope change, and moves
16 forward with approvals.

17 Q. Okay. Yukon Government Whitehorse Copper Phase 2,
18 262,000. According to WL-YECL 21(k), the Board originally
19 approved expenditures of 225,000 on the project, cost overrun
20 of 42,000. Where were these cost overruns incurred?

21 A. MR. MASSIE: The project again?

22 Q. Yukon Government Whitehorse Copper Phase 2.

23 A. MR. MASSIE: I think what would help me
24 immensely is in regards to the last project, if you could
25 tell me the next spot and then I would be able to catch up

1 with you so much quicker.

2 Q. All right.

3 A. MR. MASSIE: So we just -- in regard to
4 that, we were looking at 21 -- Watson Lake-YECL 21(k),
5 Attachment 1 and we were at the Squanga Lake -- or Squanga
6 project.

7 Q. Yes.

8 A. MR. MASSIE: And just in relation to that --

9 Q. No, this is an entirely new topic.

10 A. MR. MASSIE: Yeah, I just mean if it's on
11 that --

12 Q. Yes, it --

13 A. MR. MASSIE: -- same document.

14 Q. -- should be on the YUB-YECL 61 page 5, Attachment 2 --
15 to Attachment 2.

16 A. MR. MASSIE: So Yukon Government Whitehorse
17 Copper Phase 2; is that correct?

18 Q. That's correct.

19 A. MR. MASSIE: All right. So once I'm there,
20 could you reiterate the question?

21 Q. And the original approval of expenditures was 225,000,
22 cost overrun of 37,000. Sorry, cost overrun -- the
23 original -- the original cost of the contract, what it was
24 actually expended was 262,000.

25 A. MR. MASSIE: Okay.

J. MASSIE, J. GRATTAN, D. REDDEN, K. KOENIG

Cross-examined by Mr. Janigan

1 Q. And what was the reason for the cost overruns?

2 A. MR. MASSIE: Well, this is a subdivision,
3 again, a new extension built for the developer, in this
4 instance, the Yukon government. And as we went through this
5 particular one, there's -- we definitely worked with each
6 developer, including the government, and when they change
7 their scope of the project, we change with them. And that
8 would have been really what happened in this -- in this
9 subdivision.

10 A. MR. GRATTAN: And our investment is always
11 limited to the investment levels per the terms and
12 conditions. So if you're allowed to invest a dollar on a \$10
13 project, if the project goes up to \$12, Yukon Electrical will
14 continue just to invest a dollar, and the customer will
15 contribute \$11.

16 Q. Okay. With respect to the Stan McCowan subdivision in
17 YUB-YECL 61, according to page 7 of Attachment 2, was 126,000
18 spent on this project?

19 A. MR. MASSIE: That's what I see for 2008 in
20 that attachment YUB 61.

21 Q. And if we look at WL-YECL 21(k), the YUB originally
22 approved expenditures of 214,925 on this project; is that
23 correct?

24 A. MR. MASSIE: Okay. Oh, there it is.
25 214,925?

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1 Q. That is correct.

2 A. MR. MASSIE: Yes.

3 Q. And what was included in rate base used to set rates in
4 2008-2009 for this project?

5 A. MR. GRATTAN: The forecasted amount, sir.

6 Q. Okay. Deal with -- on page 1 of Attachment 1 -- sorry,
7 with respect to WL-YECL 21(k), page 1 of Attachment 1 to the
8 response, YECL indicates that its 2008 GRA identified 677,500
9 in other projects but only 56,000 was spent under "other"
10 because other projects were forecasted based on historical
11 capital costs and does not relate to one specific project.

12 Do you see that?

13 A. MR. MASSIE: Sorry. You're on the
14 Attachment 1?

15 Q. Attachment -- page 1 of Attachment 1 of WL-YECL 21(k).
16 And, sorry, the quote is from?

17 Q. On page 1 of Attachment 1.

18 A. MR. MASSIE: Yes, at 21(k), Attachment 1,
19 page 1. I'm at that.

20 Q. And YECL indicates that its 2008 GRA identified 677,500
21 in other projects, but only 56,000 was spent under other,
22 because other projects were forecast based at least on
23 historical capital costs and does not relate to one specific
24 project. Do you see that?

25 A. MR. MASSIE: Yes, I do.

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1 Q. Now, was the variance of 621,500 actually spent under
2 specific projects?

3 A. MR. MASSIE: Yes.

4 A. MR. GRATTAN: So well, actually --

5 A. MR. MASSIE: Sorry.

6 A. MR. GRATTAN: -- I'll jump from there. I'm
7 always going to be the guy trying to get out of the weeds a
8 little bit here and back to a higher level. But if you go to
9 schedule -- so if I'm correct in your references, sir, we're
10 talking about generation; is that correct, generation
11 appropriation?

12 Q. I have it listed only by the page and attachment and the
13 interrogatory, and it was under -- identified in the GRA as
14 677,500 on other projects.

15 A. MR. GRATTAN: Just a second, I think I've got
16 it figured out.

17 So on -- if you go down to a subtotal, there's
18 a 2008 GRA subtotal of \$1,083,000.

19 Q. Hmm, hmm.

20 A. MR. GRATTAN: For the 2008 GRA.

21 Q. Mm-hm.

22 A. MR. GRATTAN: Do you see that? Okay. So
23 that is all the details associated with the generation
24 appropriation, and I'm going to take you back to Schedule
25 9.1. And now we're at a higher level, so in 2008 Yukon

1 Electrical forecasted \$1,083,000 of capital expenditures.
2 Under the generation appropriation, Yukon Electrical came in
3 at 853,000. In the 2009, we came in at -- or we forecasted
4 1,193,000, we came in at 779, so we were a little bit lower
5 than forecast with each one of those years for generation.

6 When you take a look at the overall capital
7 expenditures for the two years, if you go down to total
8 capital expenditures -- this is what I've been commenting on
9 for a bit here is, is that total capital expenditures were
10 forecasted at 9.9 million for 2008, so we came in at 9.3.
11 Conversely, in 2009, we forecasted 2.6 million, and we came
12 in at 7.7.

13 So there are puts and takes, as I have
14 mentioned and Mr. Massie has mentioned, but I just wanted to
15 bring you back to a higher level that provides some
16 perspective on what happened in the test years.

17 Q. Okay. Well, now that we have the perspective, back to
18 my question in relation to the variance between other
19 projects that are set out in the attachment 1 of WL-YECL
20 21(k). Was the variance of 621,500 actually spent under
21 specific projects?

22 A. MR. MASSIE: So I would point to the bottom
23 total, really, for that -- that really was an appropriation,
24 the generation appropriation for 2008, the 677,500.

25 Q. Okay.

J. MASSIE, J. GRATTAN, D. REDDEN, K. KOENIG

Cross-examined by Mr. Janigan

1 A. MR. MASSIE: So that was under generation.

2 Now, the totals for generation --

3 Q. It says on other projects. Does that --

4 A. MR. MASSIE: Yeah, other 2008. But I'm
5 just -- in that, those -- like, you look above that,
6 Haines Junction, Pelly, Fish Lake, all those are generation
7 projects. That's the section we're in. I keep mentioning
8 appropriation, but generation is what we're talking about
9 there.

10 Q. Okay.

11 A. MR. MASSIE: So the overall generation
12 budget, you look below the GRA-approved number was 1,083,000,
13 and the actual is 853,000. So part of that variance of 621
14 actually went to other projects, as I look the two right
15 below that that weren't part of the GRA forecast, but were
16 done that year.

17 Q. And similarly, this occurred in 2009 as well with
18 590,000 in other projects, but only 69,000 was spent under
19 other?

20 A. MR. MASSIE: Yeah. And, really, those
21 are -- roll up under Other just is they're smaller projects
22 that we don't break into specific project names as we have on
23 the left-hand side. So again, for the 2009, the GRA total
24 number for generation appropriation was 1,193,000, and it was
25 actually 779,000, for a variance of 345.

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1 Q. I guess it brings up the point that attachment 1
2 possibly is inaccurate showing a favourable variance.
3 Wouldn't you agree?

4 A. MR. MASSIE: I'm sorry, you'll have to --

5 Q. Attachment 1 to WL-YECL 21(k). Wouldn't you say it's
6 inaccurate to be showing such a favourable variance where
7 obviously there's been other money spent in specific
8 project -- generation projects?

9 A. MR. MASSIE: Well, again, just under that
10 Other heading, they were smaller projects that, really, only
11 69,000 in -- when I'm looking at 2009, only 69,000 of them
12 were done and not broken into the other separate projects.

13 Q. Okay. I'm going to move to another topic, which is cost
14 of service and disallowed cost recoveries. Over the last few
15 years, the YUB has disallowed the YECL from recovering
16 \$171,546 in costs it has claimed from various regulatory
17 proceedings.

18 A. MR. GRATTAN: Where have you got that
19 reference, sir?

20 Q. That would be reference YUB Order 2011-08, June 28th,
21 2011, where the Board disallowed \$86,068.45 in legal costs,
22 affiliated service costs and disbursements claimed by YECL
23 related to the review of the YECL-YEC joint Phase 2 rate
24 application.

25 And the other reference is YUB Order 2009-06,

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1 on May 28, 2009. The Board disallowed \$85,477.71 in legal
2 costs, consultation fees, affiliated services costs and
3 disbursements claimed by YECL related to the review of the
4 YECL 2008-2009 revenue requirements application.

5 My question is; where in the schedules of the
6 application has YECL accounted for these disallowances?

7 A. MR. GRATTAN: Just one moment.

8 MS. SEARS: Mr. Grattan, do you have copies
9 of the document that were referenced?

10 A. MR. GRATTAN: I do not.

11 MS. SEARS: Would you like to have those in
12 front of you?

13 A. MR. GRATTAN: I think I'm okay.

14 MS. SEARS: Okay.

15 A. MR. GRATTAN: In the interests of time, I'd
16 like to -- I've got that. I can't put my finger on it right
17 now, so I'll just undertake to find that. Maybe after we
18 take the break I'll be able to quickly find that.

19 Q. MR. JANIGAN: Okay.

20 UNDERTAKING - TO ADVISE AS TO WHERE IN
21 THE SCHEDULES OF THE APPLICATION YECL
22 HAS ACCOUNTED FOR DISALLOWANCES OF
23 \$85,477.71 IN LEGAL COSTS, CONSULTATION
24 FEES, AFFILIATED SERVICES COSTS AND
25 DISBURSEMENTS CLAIMED BY YECL RELATED

1 TO THE REVIEW OF THE YECL 2008-2009

2 REVENUE REQUIREMENTS APPLICATION

3 Q. MR. JANIGAN: Can you confirm that the hourly
4 rates claimed through the YUB cost claim process for the last
5 few years for legal counsel and outside consultants were the
6 actual rates charged and paid to the YECL utility for these
7 proceedings?

8 A. MR. GRATTAN: Can you repeat that? I just
9 want to make sure I understood the question.

10 Q. Can you confirm that the hourly rates claimed through
11 the YUB cost claim process for the last few years for legal
12 counsel and outside consultants were the actual rates charged
13 and paid by the YECL utility for these proceedings?

14 A. MR. GRATTAN: No, I cannot confirm that.

15 Q. Okay. And why not?

16 A. MR. GRATTAN: Because what Yukon Electrical
17 paid was higher than the awarded costs as part of the
18 regulatory proceedings.

19 Q. But those additional amounts were not included in the
20 utility cost of service, were they?

21 A. MR. GRATTAN: They were not included in the
22 regulatory cost or regulatory reserve; that is correct, but
23 they were still expensed by Yukon Electrical. That was, I
24 think, your question that we started off with where
25 disallowed costs have been accounted for.

1 Q. But disallowed costs have never shown up in rates, have
2 they?

3 A. MR. GRATTAN: That is correct.

4 Q. Okay. I'd like to turn to another topic, and,
5 fortunately, the final one, involves performance-based
6 regulation. And I wonder if you could turn up in my
7 cross-examination book of materials electronic number 10,
8 page 50 of the YUB report to the Commissioner and the
9 Executive Council on the application by YEC for review of its
10 20-year resource plan 2006-2005 dated January 15th, 2007.
11 And that is to be found at page 54, I believe, of my
12 cross-examination materials.

13 In the Board's recommendation on the 20-year
14 resource plan of January 15th of 2007 at page 50 of that
15 particular plan, the Board states: (as read)

16 "Now is the appropriate time for YEC
17 and YECL to have a complete review of
18 all GRA Phase 1 and Phase 2 matters.
19 The Board recommends that YEC and YECL
20 file a full GRA application before
21 October 31st, 2007. The application
22 should include a full cost of service
23 rate design and update on the electric
24 service regulations.

25 The Board also suggestions that YEC

1 and YECL consider a performance-based
2 regulation mechanism.

3 As well, the Board recommends that
4 the evidence be provided as to what
5 other utilities provide for maximum
6 company investments and model theirs
7 accordingly."

8 Now, that was almost seven years ago.

9 My question is, has YECL assessed PBR in the
10 almost seven years since the YUB made a suggestion to YEC and
11 YECL?

12 A. MR. GRATTAN: Yukon Electrical, as well as
13 Yukon Energy -- and I think this matter came up as part of
14 Yukon Energy's proceeding as well -- have not done -- sorry,
15 Yukon Electrical has not done a detailed assessment of
16 performance-based regulation in the Yukon territory.

17 It's Yukon Energy's position, as they detailed
18 in their 2012-2013 GRA, that PBR is not possible under
19 current legislation.

20 Now, I'll be clear that Yukon Electrical has
21 not completed a review of the legislation, so it would not be
22 appropriate for me to get into any legal arguments associated
23 with that.

24 Yukon Electrical's view consideration of PBR
25 is a policy issue of the Yukon government as well as -- yes,

1 it is a policy issue with respect to the Yukon government.

2 So to answer your question, no, Yukon
3 Electrical has not done a detailed assessment of
4 performance-based regulation in the Yukon territory.

5 Q. Just with respect to your answer, you kind of walked
6 between the raindrops on the issue of whether or not PBR was
7 contrary to the provisions of the *Public Utilities Act* or
8 not.

9 Is the position of YECL that the *Public*
10 *Utilities Act* prevents the implementation of a PBR mechanism?

11 A. MR. GRATTAN: I think I was pretty clear that
12 Yukon Electrical has not undertaken a detailed review of the
13 legislation, so we -- Yukon Electrical does not have a
14 position with regards to the *Public Utilities Act* allowing or
15 not allowing PBR.

16 Now, that being said, if, for instance, it was
17 all very possible for PBR to be achievable under the current
18 legislation or if the current legislation needed to be
19 tweaked left or right, in order to facilitate that, I think I
20 do think it is appropriate for me to briefly comment on the
21 current situation in the Yukon when it comes to cost of
22 service regulation.

23 And since 1996 and '97, about when I arrived
24 in the Yukon, Yukon Electrical has only come before this
25 Board seeking rate increases as part of a general rate

1 application twice, twice - this application for 2013, '14,
2 and '15, and the 2008-2009 GRA. And Yukon Energy has a very
3 similar history under the cost-of-service regulation
4 approach.

5 So put another way, Yukon Electrical has only
6 had four test years - 1996, 1997, 2008, 2009 since 1996. For
7 the remaining 13 nontest years through to 2012, Yukon
8 Electrical has been able to manage its general costs under
9 existing rates. Now, that excludes, obviously, the
10 flow-through of purchase power changes from Yukon Energy and
11 flowing through changes in fuel rates that are part of the
12 fuel deferral.

13 Now, given that the people that are sitting
14 before you have played a role in that, it's something that
15 Yukon Electrical has been quite proud of in achieving this.
16 We have not had to go before this Board on a regular basis.

17 As part of this general rate application,
18 Yukon Electrical has requested a three-year test period.
19 Alberta, for example, has PBR that covers five years.

20 So we're not that far off with regards to
21 performance-based regulation, at least with regards to a test
22 period.

23 So while I can't comment explicitly on the
24 legalities of whether we can or cannot do PBR, the conclusion
25 of Yukon Electrical, which is obviously under cost-of-service

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1 regulation and continues to be under cost-of-service
2 regulation as part of this regulatory application is that
3 it's been working well, and performance-based regulation to
4 Yukon Electrical appears to be some sort of solution looking
5 for a problem here in the Yukon.

6 And based on the history that I've just laid
7 out for you, Yukon Electrical does not believe
8 cost-of-service regulation is doing anything other than
9 working in the Yukon.

10 Q. You're aware of the fact that Alberta Utilities
11 Commission has approved a switch to performance-based
12 regulation for electric and gas utility distributors
13 effective January 1st, 2013 including your parent companies
14 at ATCO?

15 A. MR. GRATTAN: I'm aware that that initiative
16 started in 2010 and we're still working through it as we
17 speak.

18 Q. Okay. And at Tab 11 of my electronic cost of -- my
19 cross-examination materials on page 55 --

20 THE CHAIR: Mr. Janigan, just before you
21 move to that, can we mark this exhibit just for the record?

22 MR. JANIGAN: Certainly.

23 THE CHAIR: And I have a record of -- would
24 be C-3-13 if that's correct. Yes. So marked, please.

25 EXHIBIT C-3-13 - UCG AID TO CROSS

1 **EXAMINATION – YUB REPORT TO**
2 **COMMISSIONER IN EXECUTIVE COUNCIL RE**
3 **YEC 20 YEAR RESOURCE PLAN - JAN. 15/07**

4 THE CHAIR: Sorry to interrupt you.

5 MR. JANIGAN: No, no, that's fine.

6 Q. MR. JANIGAN: At page 55 of my
7 cross-examination brief, it contains an excerpt from the
8 Alberta Utilities Commission decision of September 12th, 2012
9 setting up the performance-based regulation initiative in
10 Alberta. Would you agree?

11 A. MR. GRATTAN: Yes.

12 Q. Okay. And I note that you placed a fair amount of
13 stress on the fact that YECL was not coming before the
14 Commission on an annual basis with cost-of-service reviews or
15 even on a semi-annual basis.

16 You would agree with me that there are more
17 objectives for PBR than simply elimination of the number of
18 cost-of-service reviews, would you not?

19 A. MR. GRATTAN: I would agree with you that PBR
20 attempts to create incentives for companies to improve their
21 efficiency, and, as a result of that, be able to retain
22 increased profits generated by those cost efficiencies.

23 So I would also point out that the track
24 record of Yukon Electrical since at least 1996, '97 would be
25 mirroring that environment very closely given the fact that

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1 we've not been before this Board except for twice.

2 Q. Well, you're saying you're maxed out on efficiencies; is
3 that what you're saying?

4 A. MR. GRATTAN: Well, obviously the fact that
5 we're here before this Commission as part of this regulatory
6 application, we have had to come before the Board, but with
7 hopefully continued good management we'll be able to stay out
8 for a number of years to come.

9 Q. Okay. Subject to any answers or any questions arising
10 on the undertakings, those are my questions for in this
11 panel. Thank you, panel for your patience.

12 And thank you, Mr. Chairman and board members
13 for your patience.

14 THE CHAIR: Thank you, Mr. Janigan. And
15 just one last piece of housekeeping if we can just give this
16 last exhibit a number, which would be C-3-14 by my record.
17 And that's been confirmed, so we'll record that as so marked.

18 **EXHIBIT C-3-14 - UCG AID TO CROSS**
19 **EXAMINATION - AUC RATE REGULATION**
20 **INITIATIVE DISTRIBUTION**
21 **PERFORMANCE-BASED REGULATION SEPTEMBER**
22 **12, 2012**

23 THE CHAIR: Can I just take two minutes
24 just to confer with my legal counsel? I just want to see
25 whether -- well, basically, I want to see whether we should

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Cross-examined by Mr. Janigan

1 continue on today for another little bit or whether or not we
2 think, you know, tomorrow if we will have sufficient time to
3 get through all the other interveners.

4 Do you have a sense of that, Ms. Bentivegna?

5 MS. BENTIVEGNA: Mr. Chairman, I don't know what
6 time estimates Mr. Maissan or Ms. Middler have, so I can't
7 answer that question.

8 THE CHAIR: Sorry to put you -- well, I'm
9 just -- would it be all right -- I think Mr. Maissan is up
10 next.

11 Would you be able comfortable, Mr. Maissan, if
12 we went 'til 5:30 today and then started again with you
13 tomorrow morning? I'm just a little worried that we only
14 have one day left, and there's still -- but one day left in
15 terms of the general rate application. And I just want to
16 make sure we're not sitting tomorrow night until 9 or 10:00.

17 MR. MAISSAN: I would estimate I would have
18 no more than an hour. And if I'm going to start, I'd just as
19 soon go through and finish to be honest.

20 THE CHAIR: All right.

21 Ms. Middler, do you -- I don't want to put
22 anybody in a difficult position here in terms of trying to
23 make an estimate because I don't want you to lengthen or
24 shorten your questions based on my trying to get fit it in a
25 time commitment, but do you have a sense of how long it

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1 might --

2 MS. MIDDLEL: It's hard to say, but it
3 probably wouldn't go much longer than two hours. But it's
4 hard to say.

5 THE CHAIR: So with that information,
6 Ms. Bentivegna, do you think just leaving things today and
7 starting tomorrow we'll be okay?

8 MS. BENTIVEGNA: I believe so, Mr. Chairman.

9 THE CHAIR: We'll make an assessment
10 tomorrow. So if we need to shorten the lunch break tomorrow
11 or go a little longer tomorrow, then people should just plan
12 for that.

13 A. MR. GRATTAN: Mr. Chairman sorry -- I have --
14 if in fact we have going to wrap up, I did find that
15 reference --

16 THE CHAIR: Perfect.

17 A. -- MR. GRATTAN: -- that I was looking for,
18 Mr. Janigan, with regards to disallowed regulatory costs. So
19 I just wanted if possible to wrap that up so we didn't have
20 to go back to that discussion.

21 THE CHAIR: Yeah. No, that's perfect,
22 Mr. Grattan. So proceed.

23 A. MR. GRATTAN: Okay. So if I could get you to
24 turn up CW-YECL 10(d) as in David. And what we do, for
25 example, regulatory costs; if the scale of costs has a \$225

1 or whatever the amount happens to be for legal services for
2 an hour and we pay \$300 or 325, that additional amount goes
3 into account 722, regulatory expenses. And you'll see that
4 on that table on page 2 of 2 where in 2009 we incurred
5 \$120,000 in regulatory expenses that were not forecast,
6 another \$142,000 of regulatory costs in 2010 that were not
7 forecast or included in rates. And obviously, the same thing
8 happened in 2012 where we got \$103,000 there that was in
9 excess of what we recovered as part of regulatory
10 proceedings.

11 And then going forward for 2013, '14 and '15,
12 obviously we haven't forecasted any of that for purposes of
13 revenue requirement.

14 THE CHAIR: Okay. Unless there's any
15 further questions, we will adjourn 'til tomorrow at 9 a.m.
16 thank you very much.

17 (Proceedings adjourned at 4:54 p.m.)

18 _____
19 PROCEEDINGS ADJOURNED TO NOVEMBER 6, 2013, AT 9:00 A.M.
20 _____

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1 Certificate of Transcript

2

3 We, the undersigned, hereby certify that the foregoing pages
4 191 to 367 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, Yukon, on
9 November 5, 2013.

10

11

12

"Adele Jones"

13

Adele Jones, CSR(A)

14

Official Court Reporter

15

16

"S.J. Lea Dormer"

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S.J. Lea Dormer, CSR(A)

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Official Court Reporter

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- I N D E X -

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VOLUME 2J. MASSIE, J. GRATTAN, D. REDDEN, K. KOENIG

(For YECL)

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