

October 10, 2023

Yukon Utilities Board
BOX 31728
Whitehorse, YT Y1A 6L3

Attention: Mr. Richard Buchan
Chair

**Re: ATCO Electric Yukon (AEY)
2023-2024 General Rate Application
Information Request (IR) Responses
AEY Response to Motions by Nathaniel Yee and Yukon Utilities Consumers'
Group (UCG)**

1. AEY is in receipt of the Motions filed on October 5, 2023, by the UCG (UCG Motion) and Nathaniel Yee (Yee Motion). AEY provides the following submissions in reply to the Motions in accordance with the process set out in the Board's correspondence dated October 6, 2023.
2. The Motions purport to seek further information with respect to specified IRs submitted by the UCG and Mr. Yee, to which AEY responded in its IR responses filed on September 28 and 29, 2023. AEY submits that the Motions do not provide adequate reasons to support the relief requested, and that they should be dismissed where AEY provided comprehensive and appropriately detailed responses to all relevant and reasonable IRs received from the UCG and from Mr. Yee. These submissions are discussed in further detail below and in relation to specific IRs in Appendix "A" for the UCG Motion and Appendix "B" for the Yee Motion.
3. The Board's Rules of Practice¹ (Rules) set out processes for parties' submissions of and responses to IRs, and allow parties to seek relief from the Board in the event the party is unsatisfied with the response or with the reasons for which a response has not been provided.² Importantly, the purposes of IRs are to clarify the documentary evidence

¹ https://yukonutilitiesboard.yk.ca/pdf/Rules%20of%20Practice%20and%20Policy/1516_YUB%20Rules%20of%20Practice%20-%20FINAL.pdf/.

² Rules 13-14.

filed by another party, simplify issues, permit a full and satisfactory understanding of the matters to be considered, or to expedite the proceeding.³ The Rules also set out the Board's requirements for the submission of motions, including that motions must contain a clear and concise statement of the facts, the decision sought, and the reasons for the decision.⁴

4. In AEY's submission, neither of the Motions are compliant with Rule 19(2), as the UCG and Mr. Yee have not provided clear supporting reasons for the relief requested in their respective Motions. The UCG Motion is simply labelled "Motion to Receive Response".⁵ It includes sections which appear to request that portions of AEY's application be struck, without providing any credible explanation or justification as to why parts of AEY's Application could or should be struck from the record. The Yee Motion requests that the Board direct AEY to provide a "just" response to certain IRs,⁶ but fails to provide any explanation as to how AEY's initial responses were unjust. Of most concern is that neither Intervener provides reasons to demonstrate that its requests are consistent with the purpose of IRs or discusses how the further information sought would assist the Board in its evaluation of the Application.

5. AEY has provided considerable detail and support for its Application in the Application itself and in response to the various IRs submitted by the Board and Interveners. Respectfully, AEY has adequately addressed the IRs subject to the Motions where they properly relate to the matters to be considered in this Proceeding. Other IRs seek information which is not reasonably required for the Board's assessment of AEY's Application, or for Interveners to test the same, as discussed in the Appendices. Accordingly, it is unnecessary and would not be in the interest of regulatory efficiency to direct AEY to file additional information in response to the Motions.

6. AEY has fully and appropriately responded to relevant and reasonable IRs, and

³ Rule 13(1).

⁴ Rule 19(2).

⁵ UCG Motion, PDF p. 1.

⁶ Yee Motion, PDF p. 1.

has responded to each Motion in detail in the Appendices to this letter. For the reasons set out herein, including the specific reasons discussed in Appendices "A" and "B", AEY respectfully requests that the Motions be denied and that AEY not be compelled to provide any further information in respect of the disputed IRs.

7. Should you have any questions, please do not hesitate to contact the undersigned at Elizabeth.Rogers@atco.com.

Yours truly,

Beth Rogers, CPA CMA
Director, Regulatory