

# Yukon Utilities Board

November 7, 2023

## Memorandum

To: All Parties  
AEY 2023-24 General Rate Application (GRA) proceeding

From: Colleen Henry  
Executive Secretary

Re **ATCO Electric Yukon (AEY) 2023-24 GRA proceeding  
Protocol for in-person and virtual hearing**

The oral hearing for the AEY 2023-24 GRA proceeding is scheduled for November 27-30, 2023 at the following location:

**Sternwheeler Hotel and Conference Centre  
201 Wood Street, Whitehorse**

To ensure that the hearing proceeds in an orderly and efficient manner, the Board has directed me to communicate on the following procedural matters:

### Hearing Schedule

1. The hearing will commence on November 27, 2023, at 9:30 a.m. Yukon Time. The hearing will be conducted in-person and will also be available via the Zoom video-conferencing platform. There will be two 20-minute breaks, one during the morning session and one during the afternoon session, with a 1.5-hour lunch break between the morning and afternoon sessions. The hearing is expected to conclude at 4:30 p.m. each day unless otherwise directed by the Board Chair.

### Participation

2. AEY witnesses will attend the hearing in person. Registered interveners who will be participating virtually in the hearing must provide their registration details at the following link:

[https://us06web.zoom.us/meeting/register/tZUqf-GsrzsvGdec4FotRp\\_mGIXlp7HV1bld](https://us06web.zoom.us/meeting/register/tZUqf-GsrzsvGdec4FotRp_mGIXlp7HV1bld)

After registering, participants will receive a confirmation email containing information about joining the meeting.

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3. The open court principle applies to virtual hearings and members of the public are encouraged to observe the hearing. Members of the public may attend the hearing in person or virtually. Those members of the public who wish to observe virtually must provide registration information to receive the Zoom log-in details to connect to the hearing. Members of the public can register at the link identified in point 2 above.
4. Members of the public who have questions about the hearing or who require further details about where to find the application should contact Colleen Henry, Executive Secretary, by phone or text at 867-335-2839 or by email at [yub@utilitiesboard.yk.ca](mailto:yub@utilitiesboard.yk.ca). Ms. Henry will provide the relevant information or redirect inquiries to Board staff as appropriate.
5. Registration need only be done once for the entire hearing. The Zoom link provided to registrants will be the same for each day of the hearing and for the test session.

#### **Test Session and Technical Requirements**

6. A 30-minute test session is scheduled to begin on Sunday, November 26, at 3:00 p.m. Yukon Time. Registered interveners who will be participating in the hearing should attend this test session to ensure efficient connectivity. The hearing may not be delayed to accommodate persons experiencing connectivity issues.
7. Persons attending the hearing virtually are asked to conduct the test session in the same location and with the same equipment that they intend to use for the virtual hearing. The Board requests that these persons familiarize themselves with their video and audio equipment well in advance of the test session and virtual hearing to ensure that it is working properly.
8. The preference is for persons attending the hearing virtually to use a computer headset (microphone and headphones) and web camera that is directly attached to their computer. If there are issues with the quality of a participant's internet connection, the person can use a web camera for video and dial a teleconference number for audio.
9. An invitation to join the virtual hearing will be sent to each person registered for the virtual hearing via email. Invitations are unique to the intended registered person and should not be forwarded.
10. Persons attending the hearing virtually are expected to be proactive and inform the Board promptly if there are any technical or practical difficulties with participating in a virtual hearing.

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11. Persons attending the hearing virtually are expected to join the virtual hearing 30 minutes prior to the start of the hearing from a quiet, secure location with reliable connectivity. The hearing may not be delayed to accommodate persons experiencing connectivity issues.
12. Each intervener attending virtually should have their own web camera and ensure that they are positioned centrally on their screen with adequate lighting. Web cameras should be turned on during the introduction of the virtual hearing while interveners are being introduced; however, during the remainder of the hearing they will be asked to have microphones muted and web cameras turned off unless they are speaking.

**Electronic devices on silent**

13. All persons attending the hearing should ensure that their electronic devices are silent during the hearing.

**Hearing Procedures**

14. The Board Chair will open and close the hearing and direct the proceedings. All parties must be present at the commencement of the hearing. At the outset of the hearing, all participants will be asked to identify themselves orally to confirm their presence.
15. The court reporter will be attending the hearing remotely.
16. Affirmations will be administered remotely by the court reporter.
17. The court reporter will transcribe the hearing. The court reporter will have their web camera enabled throughout the hearing and may interject orally or notify the Board if they are having difficulty understanding what is being said. The court reporter may ask witnesses to identify who is speaking during the course of testimony if multiple witnesses are responding. For the purposes of obtaining an accurate transcript, witnesses and participants are requested to refrain from speaking at the same time or too quickly.
18. Parties are to provide opening statements in writing by 12:00 noon Friday, November 24, 2023 at the latest. These opening statements will be entered into the record of the hearing. Opening statements do not need to be read into the record at the oral hearing.

### **Evidence**

19. In accordance with section 15 and 16 of the Board's Rules of Practice, the Board may receive evidence by documents or reports filed with the Board, affidavit, oral testimony, or any other manner the Board considers appropriate. A party must file written evidence before a hearing in accordance with the process schedule issued by the Board for the proceeding. Pre-filed written evidence may be adopted as evidence at the hearing provided that the person who prepared the written evidence is available for cross-examination.
20. An aid to cross-examination is a document to be used to question a witness on a matter referred to or arising from the witness' evidence. An aid to cross-examination is not evidence because it was not filed in accordance with the Board's process schedule for the proceeding. The witness' response on the aid to cross-examination becomes evidence. A party must seek the Board's permission if they wish to file an aid to cross-examination on the record as an exhibit in the proceeding.
21. Aids to cross-examination shall be filed within a reasonable time in advance of their anticipated use and should be provided to counsel for the party under examination and Board counsel. Aids to cross-examination are required to be filed at least 24 hours prior to the expected use of the aid to cross-examination.
22. If filing an exhibit during the hearing, the party filing must supply sufficient copies for other parties and the Board.
23. The Board retains discretion to admit new evidence in accordance with the rules of fairness and natural justice.

### **Motions**

24. Procedural motions or objections shall be made in writing and delivered to the Board no later than 4:00 p.m. Friday, November 24, 2023. Other motions or immediate issues can be addressed during the hearing through the Board Chair. Parties may ask the Chair for permission to speak to a motion or immediate issue. Registered interveners attending virtually may raise their hand in the Zoom videoconferencing platform or interject at an appropriate time.
25. AEY or interveners can provide undertakings to questioning at the hearing. All undertakings are due by Monday, December 4, 2023. Undertakings are to be limited to direct responses to the information requested and they are not to provide argument to support a position.

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26. As stated in Board Order 2023-18, final written argument is due December 13, 2023, and written reply argument is due December 20, 2023.

**Media inquiries and recording prohibition**

27. Media inquiries are to be directed to Colleen Henry, Executive Secretary, at [yub@utilitiesboard.yk.ca](mailto:yub@utilitiesboard.yk.ca).

28. No recordings of the hearing by participants or observers will be permitted. The formal record of the hearing will be the transcript, which will be publicly available on the Yukon Utilities Board website:

<https://yukonutilitiesboard.yk.ca/proceedings/atco-electric-yukons-2023-2024-general-rate-application/>

**Troubleshooting**

29. If an intervener's audio or video connection to the virtual hearing fails, the intervener is directed to contact Colleen Henry, Executive Secretary, immediately by phone or text at 867-335-2839 or by email at [yub@utilitiesboard.yk.ca](mailto:yub@utilitiesboard.yk.ca). The Board Chair will be notified and will direct the other participants to remain silent to provide an opportunity for the intervener to restore their connection.

30. In the event of unforeseen and unavoidable technological issues, the Board may adjourn the virtual hearing to recommence later the same day or the next day or may decide to conduct the remainder of the hearing in person.

For questions on any of the above procedures please contact Colleen Henry, Executive Secretary.