

Yukon Utilities Board

October 4, 2023

Lane Tredger
MLA for Whitehorse Centre
Yukon NDP Caucus
Box 2703
Whitehorse, Yukon Y1A 2C6

Dear MLA Tredger:

**Re ATCO Electric Yukon (AEY) 2023-24 General Rate Application (GRA)
proceeding Yukon NDP Caucus Information Requests**

On September 6, 2023, the Yukon NDP Caucus, an intervener in the AEY 2023-24 GRA proceeding (Application), filed Information Requests (IRs). The Yukon Utilities Board (Board) notes that the Yukon NDP Caucus addressed one question to the Board. The Board has instructed me to inform you that no response will be forthcoming to the IR for the following reasons.

First and foremost, the Board is a quasi-judicial tribunal that makes decisions on applications. Proceedings before the Board are governed by the principles of natural justice and procedural fairness which are the basis for the Board's *Rules of Practice* (Rules). Accordingly, the Board makes impartial decisions on the evidence brought forward by the parties to the proceedings. As such, the Board cannot be both a decision maker and a party to a proceeding; it is contrary to these principles.

In addition, the Rules make clear that the Board is not a party to a proceeding. The Rules define "party" as either an applicant or an intervener. Section 13 of the Rules which govern the filing of IRs by a party to another party to a proceeding, states:

13. (1) A party may request another party, within the time limit set out in the process schedule, to provide information necessary:
 - a) to clarify any documentary evidence filed by the other party,
 - b) to simplify the issues,
 - c) to permit a full and satisfactory understanding of the matters to be considered, or
 - d) to expedite the proceeding.

The IR to the Board is not in keeping with section 13 of the Rules in that it does not pertain to the Application and it is not seeking clarification of the documentary evidence filed by the applicant in this case. It bears repeating that the Board is not the applicant or an intervener in this proceeding.

.../2

Finally, the Board speaks through its decisions and makes decisions in the public interest. It does not engage in discussions with a party or provide interpretations of the public interest or its legislation by way of IRs. To do so would be contrary to the principles of natural justice and procedural fairness.

Given the above, the specific question to the Board which was included in the Yukon NDP Caucus IRs to the applicant is an improper one and it would be highly inappropriate for the Board to respond to it. As such, no response will be forthcoming.

Sincerely,

A handwritten signature in black ink that reads "Giuseppa Bentivegna". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Giuseppa Bentivegna
Board Counsel

c. All Parties, AEY 2023-24 GRA proceeding