

1996-10

YUKON UTILITIES BOARD

DECISION 1996 - 10

November 25, 1996

RE:

**YEC/YECL 1996/97 GRA
INTERVENOR COSTS**

**AN ORDER IN THE MATTER of the *Public Utilities Act*
Revised Statutes, 1986, c. 143, as amended**

and

**A Joint Application by Yukon Energy Corporation and
The Yukon Electrical Company Limited**

BEFORE: B. Morris, Chair; and)
 G. Duncan, Acting Vice-Chair) November 25, 1996

ORDER 1996 - 10

WHEREAS:

- A. On November 17, 1995 Yukon Energy Corporation and Yukon Electrical Company Limited ("YEC/YECL, the Companies") filed with the Board, pursuant to the *Public Utilities Act* ("the Act") and Order-In-Council 1995/90, an Application requesting an Order granting new rates, effective with consumption January 1, 1996 with a further increase on January 1, 1997.
- B. The Board caused a Notice of Hearing to be published on December 15, 1996 requesting interested parties to register their intent to intervene at a public hearing scheduled for March 18 and 19, 1996.
- C. The following intervenors registered and were recognized by the Board:
- Anvil Range Mining Corporation
 - Association of Yukon Communities
 - City of Whitehorse
 - New Era Electric Corporation
 - United Keno Hill Mines Ltd.
 - Utilities Consumers' Group
 - Yukon Conservation Society
 - Peter Percival
 - Shakir Alwarid
- D. Pursuant to Section 56 of the *Public Utilities Act* (Chapter 143), the Board requested applications for interim costs.

E. Applications for approval of costs were received from:

- YEC/YECL
- Anvil Range Mining Corporation
- Association of Yukon Communities
- City of Whitehorse
- New Era Electric Corporation
- Utilities Consumers' Group

F. The Board also received submissions from various parties in relation to applications for costs. The Board welcomes and relies upon informed and effective intervention. As set out in the Board's Rules, intervenors will have any claims for costs assessed on their own merits.

G. The Board reviewed all applications for costs based on the Rules, the criteria used in previous costs decisions, together with all submissions with respect to costs.

H. The Board determined that disbursements made by all parties to the GRA were reasonable and useful to the GRA hearing process. The fees that were claimed by all parties were divided into three equal portions of i) prehearing preparation; ii) cooperative involvement in the negotiated settlement process; and iii) hearing participation.

A partial Negotiated Settlement was reached through a private process that precluded the Board having any knowledge of levels or quality of participation by any of the parties. As a result, the Board awarded one third of all fees applied for with respect to the settlement process. The remaining two thirds of the fees were evaluated on the criteria used in previous costs decisions. Those criteria are effective and useful interventions; relevance of issues raised; significant and sole interest; cooperation of intervenors; financial need; shared costs and alternate funding; and reasonably incurred costs.

COST AWARDS

1. The Yukon Energy Corporation (YEC) and the Yukon Electrical Company Limited (YECL) have not provided actual hearing costs. Allowed hearing costs will be decided once actual hearing costs are determined.

2. Anvil Range Mining Corporation (ARM) was represented by the consultants Rik Visagie and Ralph Sultan. A claim for intervenor hearing costs was submitted for fees and disbursements that totaled \$36,298.68 in fees and \$2,950.00 in disbursements.

Fees Claimed	\$36,298.68
Disbursements Claimed	<u>2,950.00</u>
	\$39,248.68

The Board directs an award of costs to ARM in the amount of \$22,914.27, inclusive of GST.

55% of Fees Claimed	\$19,964.27
100% of Disbursements Claimed	<u>2,950.00</u>
	\$22,914.27

3. The Association of Yukon Communities (AYC) submitted a claim for intervenor hearing costs that totaled \$963.00 in fees for Barry Ravenhill and \$903.29 in disbursements.

Fees Claimed	\$963.00
Disbursements Claimed	<u>903.29</u>
	\$1,866.29

The Board directs an award of costs to AYC in the amount of \$1,224.29, inclusive of GST.

33.3% of Fees Claimed	\$321.00
100% of Disbursements Claimed	<u>903.29</u>
	\$1,224.29

4. The City of Whitehorse (COW) was represented by the legal firm of Brownlee Fryett, in consultation with Matthew Craig Davies and JBS Energy Inc. A claim for intervenor hearing costs was submitted for fees and disbursements that totaled \$57,619.74 in fees and \$11,013.57 in disbursements.

Fees Claimed	\$57,619.74
Disbursements Claimed	<u>11,013.57</u>
	\$68,633.31

The Board directs that \$55,585.84 be allowed as regulatory hearing costs, inclusive of GST.

Allowed Percentage of Fees Claimed	
0% of City of Whitehorse Fees	\$0.00
80% of Craig Davies Collins Fees	24,449.50
80% of Brownlee Fryett Fees	18,042.77
80% of JBS Energy Fees	2,080.00
100% of Disbursements Claimed	<u>11,013.57</u>
	\$55,585.84

5. New Era Electric Corporation was represented by R. Clarkson and P. Percival. A claim for intervenor hearing costs was submitted for fees and disbursements that totaled \$4,867.50 in fees and \$377.61 in disbursements.

Fees Claimed	\$4,867.50
Disbursements Claimed	<u>377.61</u>
	\$5,245.11

The Board directs that \$5,245.11 be allowed as regulatory hearing costs, inclusive of GST.

Allowed Percentage of Fees Claimed	
100% of R. Clarkson Fees	\$4,250.00
100% of P. Percival Fees	617.50
100% of Disbursements Claimed	<u>377.61</u>
	\$5,245.11

6. The Utilities Consumers' Group was represented by members of the Group and submitted a claim for fees and disbursements totaling \$56,500 in fees and \$2,609.89 in disbursements.

Fees Claimed	\$56,500.00
Disbursements Claimed	<u>2,609.89</u>
	\$59,109.89

The Board established a maximum of \$25.00 per hour for non-professional fees.

After a review of the hours submitted, the Board determined that 50% of all hours claimed by UCG were allowed.

Board Adjusted Claim	
One members time	\$14,062.50
Two members time	4,625.00
100% of Disbursements Claimed	<u>2,609.89</u>
	\$21,297.39

The Board directs that \$19,428.64 be allowed as regulatory hearing costs, inclusive of GST.

Allowed Percentage of Adjusted Claim	
90% of one members time	\$12,656.25
90% of two members time	4,162.50
100% of Disbursements Claimed	<u>2,609.89</u>
	\$19,428.64

7. The Yukon Utilities Board, pursuant to Section 50 of the *Public Utilities Act* received approval from the Executive Council Member for the necessary expenses to conduct the General Rate Application process. The Board was represented by the law firms of Preston, Willis, Lackowicz and Boughton, Peterson, Yang and Anderson and received financial and technical advice from the British Columbia Utilities Commission.

Fees Claimed	\$93,914.27
Disbursements Claimed	<u>23,717.52</u>
	\$117,631.79

The Yukon Utilities Board's costs with respect to the General Rate Application are costs that more properly belong to the Companies, and ultimately the utility rate payer than to the Yukon tax payer. Therefore all GRA related costs of the Board are allowed as utility regulatory costs.

ORDER:

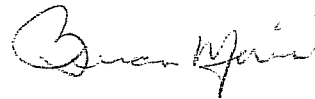
THEREFORE IT IS ORDERED THAT:

The Yukon Electrical Company Limited and the Yukon Energy Corporation shall pay the following amounts to the following parties and that such payment shall be forthcoming within 30 days of the issuance of this Order:

Anvil Range Mining Corporation	\$22,914.27
Association of Yukon Communities	\$1,224.29
The City of Whitehorse	\$55,585.84
New Ere Electric Corporation	\$5,245.11
Utilities Consumers' Group	\$19,428.64
Government of Yukon	\$117,631.79

DATED at the City of Whitehorse, in the Yukon Territory, this 25 day of November, 1996.

BY ORDER



Brian Morris
Chair

YUKON UTILITIES BOARD

P.O. Box 6070, 19 - 1114 First Avenue,

Whitehorse, Yukon Y1A 5L7

Telephone (403) 667-5058, Fax (403) 667-5059

November 26, 1996

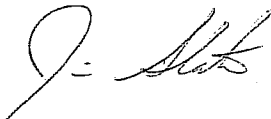
By fax and mail

H. Kerslake	Yukon Electrical Company Ltd.	668 3965
R. McWilliam	Yukon Energy Corporation	393 6327
K. Forgaard	Anvil Range Mining Corporation	668 6518
B. Ravenhill	Association of Yukon Communities	(403) 536 7622
L. Bagnell	Association of Yukon Communities	668 7574
D. Raines	City of Whitehorse	668 8639
R. Clarkson	New Era Electric Corporation	668 3978
R. Rondeau	Utilities Consumers' Group	633 6361
J. Ellis	Yukon Conservation Society	668 6637
N. Poushinsky	United Keno Hill Mines Ltd.	668 6743
S. Alwarid		667 4073
P. Percival		667 2647
G. McRobb	Friends of Aishihik	633 6361
L. Brassard	Whitehorse Chamber of Commerce	667 4507

Re: YEC/YECL 1996/97 GRA Intervenor Costs Decision

The attached Board Order, #1996 - 10 awards hearing costs to all participants to the 1996/97 GRA, except YEC and YECL. The Companies' hearing costs will be the subject of a future Order.

Yours truly,



Jim Slater

Attachment