

2005-9

**IN THE MATTER OF the Public Utilities Act
Revised Statutes of Yukon, 2002, c. 186, as amended**

and

**An Application by Yukon Energy Corporation
for Approval of 2005 Revenue Requirements**

BEFORE: B. Morris, Chair) April 15, 2005
 W. Shanks)
 R. Hancock)
 M. Phillips)

YUKON UTILITIES BOARD		
EXHIBIT A-33		
DAY	ENTERED BY <i>Shenke</i>	DATE <i>April 15/05</i>

BOARD ORDER 2005-9

WHEREAS:

- A. On December 13, 2004, Yukon Energy Corporation ("YEC", "the Company") filed with the Yukon Utilities Board ("the Board"), pursuant to the *Public Utilities Act* ("the Act"), and *Order-In-Council 1995/90*, an Application requesting an Order granting new rates for Secondary (interruptible) Energy and the Faro Mine site, on an interim refundable basis, effective with consumption January 1, 2005 ("the Application"); and

- B. The Application proposes the creation of a new Income Stabilization Trust and does not request any increase in firm rates charged to residential and commercial customers in 2005; and

- C. The Application proposes for Secondary (interruptible) Energy, a new quarterly rate-setting mechanism to maintain the retail rate at 70 percent of the customers' avoided cost of fuel oil. This will result in a retail rate of 5.5 cents per kW.h. as of January 1, 2005; and

- D. The Application also proposes for the Faro mine site, to change the current rate schedule to the normal General Service - Government rate; and

- E. By Order 2004-1, the Board approved an interim refundable increase in rates to Secondary (interruptible) Energy customers and to the Faro mine site as requested in the Application. Board Order 2004-1 further scheduled a Workshop into the Application for

January 13, 2005, and a Pre-hearing Conference for January 14, 2005; and

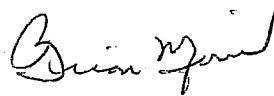
- F. By Order 2005-2, the Board scheduled an oral public hearing into the YEC Application for April 18, 2005, in Whitehorse, Yukon and issued a regulatory timetable and a final issues list; and
- G. On March 18, 2005, the Utilities Consumers' Group ("UCG") filed a letter requesting that certain witnesses be summonsed to appear before the Board at the hearing; and
- H. On March 22, 2005, the Board sought clarification of the UCG request for summonses; and
- I. On March 24, 2005, the UCG responded to the Board's March 22, 2005, letter and asked that summonses be issued to a further three individuals; and
- J. On April 8, 2005, the Board issued the summonses requested by UCG. The summonses issued had three pages, the last two of which refer to the Board's authority to issue summonses and the rights of the individuals receiving the summonses; and
- K. On April 12, 2005, YEC filed a Notice of Motion ("the Motion") requesting an order setting aside the summonses issued by the Board on April 8, 2005; and
- L. On April 14, 2005, Mr. McMahon, an Intervenor, filed his comments on the Motion; and
- M. On April 13, 2005, the Board wrote to UCG requesting its written comments with respect to letters received from John Maissan and Lorne Austrang; and
- N. On April 14, 2005, the UCG filed its response to the Motion; and
- O. On April 15, 2005, YEC submitted its reply; and
- P. The Board has reviewed the Motion and the related submissions.

NOW THEREFORE the Board orders with oral Reasons for Decision to follow on Monday, April 18, 2005 that:

The Motion is granted and the summonses issued by the Board on April 8, 2005 are set aside.

DATED at the City of Whitehorse, in the Yukon Territory, this 15th day of April 2005.

BY ORDER

A handwritten signature in cursive script, appearing to read "Brian Morris".

Brian Morris
Chair