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NY IR number and particulars	YEC response	NY submissions	YEC response	NY reply	Board ruling
<p>NY-YEC-2-1(a-c) These numbers should be consistent and not arbitrarily chosen. Which is correct? Why were the two different numbers used?</p> <p>Please provide a history of capacity of the FD1 generator – from nameplate capacity of 5.15MW down to the 3.0MW or 2.4MW currently claimed.</p> <p>Please provide dated documentation used in support of each change in dependable capacity.</p>	<p>The dependable capacity for individual diesel units is subject to ongoing updates based on available information and assessments. Dependable capacity of diesel generators typically drops as the units age, and YEC’s practice is to complete periodic assessments to confirm the derated capacities of old diesel generators such as FD1. Updates are summarized when applicable in updated resource plans or GRAs. Beyond reporting on changes, there is no specific documentation that can be provided to support each such change.</p> <p>The Faro Diesel #1 unit with a nameplate installed capacity of 5.15 MW was recommissioned with 5 MW capacity in 2008, later was rated at 4.0 MW in the 2011 and 2016 YEC Resource Plans with expected retirement in 2021. This rating was reduced to 3.0 MW by the time 10-Year Electricity Resource Plan was prepared [the work for the plan was started in November 2019 after Yukon government released a draft of its Our Clean Future strategy]. The following additional information is provided on this unit:</p> <ul style="list-style-type: none"> • Faro unit #1 is the oldest unit in the fleet (built in late 60’s). 	<p>YEC continues to provide contradictory information about the capacity of FD1. Please clarify which is the correct capacity. 2.4MW is used in all regulatory documents and correspondence with the regulator, starting in September 2020 and continues through YESAB 2021-0115 in August 2021. 3.0MW is used later in the 10 Year Renewable Plan (December 2020) and this document is referenced as current in response to NY-YEC-1-5 and UCG-YEC-1-18 (March 2021) and UCG-YEC-1-18 – REVISED (August 2021) and 3.0MW is also cited in NY-YEC-1-6 - REVISED (August 2021). Again, which is correct? If in fact FD1 was further derated to 2.4MW in September of 2020 or before, why is outdated information appearing in later documents and in direct response to IRs on the topic?</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the issues raised) should more appropriately be dealt with at the oral hearing or in final argument.</p>	<p>Mr. Yee responded in part:</p> <p>If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC’s non-response will not jeopardize the current process schedule.</p>	<p>The Board finds YEC’s references to capacity issues pertaining to the FGS on the record to be, at times, inconsistent, and requires clarity on this issue. The Board finds the IR to be useful and of probative value. Therefore, the Board directs YEC to confirm the current rated capacity of FD1 as 2.4 MW. If YEC cannot confirm this then YEC is to provide the current rated capacity of FD1 and explain why that capacity differs from 2.4 MW.</p>

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	<ul style="list-style-type: none"> • It requires manual adjustment in order to run at its maximum output and YEC has not had qualified mechanical maintenance staff located in Faro for approximately 5 years (staff in Whitehorse have the expertise to perform this function but Faro is at least 4 hours drive so re-deploying forces would not meet the requirement of keeping the lights on during an emergency). • The unit has also experienced issues with its cooling system that restricts output. • Based on internal review by YEC Mechanical Maintenance, YEC concluded that the unit could be run up to 2.4 MW while in remote mode without risking over heating shutdown. <p>The 10-Year Electricity Resource Plan assumed the unit will retire in 2023. Please see revised response to UCG-YEC-1-18 that provides copy of Appendix A to the 10-Year Electricity Resource Plan with the list of existing hydro and thermal resources including dependable capacity assumed in the 2016 Resource Plan and updated dependable capacity and retirement assumptions for each unit.</p>				

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	<p>The dependable capacity analysis for the 2021 GRA is based on 10-Year Electricity Resource Plan, therefore it assumes 3.0 MW dependable capacity for Faro Diesel #1.</p> <p>More recent assessments [the Noise Impact Assessment at Faro Facility (February 2021) provided in NY-YEC-1-13(a) Attachment 1 and Air Dispersion Modelling Assessment for Faro Facility (December 2020) provided in NY-YEC-1-13(c) Attachment 1] show Faro Diesel #1 was derated from 3.0 MW to 2.4 MW, a reduction of 0.6 MW.</p> <p>As noted in GRA Tab 2, page 2-14, the forecast dependable capacity based on the singlecontingency (N-1) criterion is forecast for the YIS to be about 1.25 MW in excess of the forecast non-industrial winter peak for 2021. Therefore, the reduction of 0.6 MW in dependable capacity will not impact the 2021 GRA assessment that overall dependable capacity exists to meet the N-1 requirement.</p>				
<p>NY-YEC-2-2(a) Please explain how N-1 is affected with Faro capacity being limited to 8.15 or 10.6 MW, at least 4.2 MW less than the 14.8 MW cited on the GRA and 10-Year Renewable Plan?</p>	<p>The N-1 requirement set out in this application was, and continues to be, met by YEC installing the rented diesels at Faro. The volume of diesel rentals at this site were and are needed to address higher N-1 dependable capacity requirements</p>	<p>YEC does not answer the question. To rephrase:</p> <p>In the GRA, in order to meet N-1, YEC uses a total capacity of 14.8MW from the Faro diesel plant. However, YEC also claims that the Faro diesel plant is only</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall</p>	<p>Mr. Yee responded in part: If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and</p>	<p>The Board finds the IR to be useful and of probative value. The Board directs YEC to explain whether it has a capacity shortfall: (i) based on its permitted MW (10.6MW); or (ii) based on the total</p>

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	<p>demonstrated by the extraordinary cold spell in winter 2019/2020. In that regard -- the GRA N-1 requirement is not affected by the 10.6 MW cap.</p> <p>Further context is provided below.</p> <p>Prior to the 2020/21 winter YEC was renting eight diesel generators plus one spare (all in Whitehorse) to address the capacity shortfall under the N-1 criteria. However, the peak forecasted by Yukon Energy’s load forecasting model for the winter of 2019/2020 (which was used to determine the number of diesel rental units required) was lower than the actual peak demand experienced in January 2020 during an extraordinary cold snap. This meant that during that cold snap Yukon Energy did not have sufficient capacity to meet the N-1 criteria.</p> <p>Yukon Energy updated its non-industrial peak capacity demand forecasting model to account for that new peak. That update demonstrated a requirement for additional capacity to meet the N-1 capacity criterion.</p> <p>In order to address the capacity shortfall for winter 2020/21, Yukon Energy initiated rental diesel infrastructure enhancements increasing the total number of rented</p>	<p>permitted for a maximum of 10.6MW.</p> <p>How is the GRA N-1 requirement met when using the maximum legal output of 10.6MW from the Faro diesel plant? The claimed N-1 surplus of 1.25MW (GRA Pg 2-15) is actually a shortfall of 2.95MW if the generators are operated within legal and permitted limits. Is YEC suggesting ignoring legal and permitted limits, or does YEC have an N-1 shortfall? This answer also affects YUB-YEC-1-50(b).</p>	<p>intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the issues raised) should more appropriately be dealt with at the oral hearing or in final argument.</p>	<p>YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC’s non-response will not jeopardize the current process schedule.</p>	<p>capacity it is currently using (14.8MW installed capacity).</p> <p>In addition, the Board directs YEC to: (iii) confirm that it will comply with Yukon Energy’s air emissions permit regardless of the capacity installed at the FGS; and (iv) explain how the Board should consider the limitations of the current Faro emissions permit in the context of a GRA, assuming YEC’s application to YESAA to amend this permit is not approved prior to the close of record of this proceeding.</p>

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	<p>diesel generators from eight units in the winter of 2019/2020 to units [plus two spares], including six [plus one spare] in Faro. YEC was able to complete these changes in 2020 to ensure YEC had sufficient reserve to meet the N-1 criteria for the 2020/21 winter.</p> <p>Starting in 2020 -- Yukon Energy also began the process to amend the Faro emissions permit to take into account this added diesel generation capability. In October 2020 – as part of that process -- it was determined that the Faro air emissions permit needed to be amended and further that it would need to go through a YESAA assessment process. Appropriate consultations have been ongoing since that time (including with the RRDC) and a formal amendment application was recently filed with YESAB (see NY-YEC-2-6 for more details on engagement activities over this period). YEC expects that approval will be received before this upcoming winter.</p> <p>Because Yukon Energy believed that sufficient capacity was connected to prevent outages under the emergency circumstances (such as N-1 event) in winter 2020/21, no revisions are required to YUB-YEC-1-50(b).</p>				

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<p>NY-YEC-2-3 a) Were the 2008 and 2011 Decision Documents “still valid” in 2014 when a new permit was required to replace the expiring 2008 and 2011 permits? And, if they are “still valid” now, why were they not used for the 2014 permit?</p> <p>b) In giving this exception, Elizabeth Barker specifically states that YEC can reinstall 5.65MW for “up to 10.6MW, cumulative station capacity” and “any additional capacity increase that will bring the Faro station’s cumulative capacity above 10.6MW will need to proceed through the YESAA assessment process before being considered, and yet, YEC installed 6 generators at 1.8MW each, bringing cumulative capacity to 16 MW. This is of course exactly what Elizabeth Barker rejected in the email of 23-Sept. How does YEC justify this?</p> <p>c) Exactly how many rental generators has YEC installed in Faro? Physically, it seems to be seven – and the GRA uses the cost of installation and rental of 7 generators to justify a significant portion of the rate increase.</p>	<p>Part (a), (d) and (g) question whether the Decision Documents relied upon by the regulator in issuing the permit amendment were “still valid”; the social licence for asking a regulator to use decision documents for “expired permits” instead of current decision documents; and the “ethical and legal aspects of bypassing the clear intent of YESAA and the regulator.”</p> <p>The presumptions in these questions are not valid.</p> <p>The YESAA legislation is clear with respect to a Decision Body’s role in determining whether it needs a Decision Document (or a new Decision Document) in order to enable its regulatory agencies to issue project approvals.</p> <p>In this case, the Decision Body determined that a previous YESAA assessment and duly issued Decision Document were sufficient for its regulatory agency to authorize the reinstallation of previous site capacity under Yukon Energy’s existing air emissions permit as the proposed activity (previously assessed and recommended to proceed under YESAA) was not a material departure or substantive change from what was previously authorized at the FGS.</p>	<p>NY-YEC-2-3 (a), (d) and (g)</p> <p>YEC combined parts (a), (d) and (g) into one response that does not answer any of the questions sufficiently.</p> <p>It is understood that the regulator has allowed the use of 2008 and 2011 decision documents. My questions pertain to YECs actions and motives in asking the regulator to use 2008 and 2011 decision documents instead of the 2014 decision document.</p> <p>For clarity, please answer the questions separately.</p> <p>a) Were the 2008 and 2011 Decision Documents “still valid” in 2014 when a new permit was required to replace the expiring 2008 and 2011 permits? If so, why were they not used for the 2014 permit?</p> <p>d,g) YEC has answered that the regulator has allowed the use of older Decision Documents in place of newer/current Decision Documents. This is understood. My questions, however were asking for YEC’s explanation of how the use of older Decision Documents instead of more recent / current ones supports the social license and follows the intent of YESAA. This has not been answered.</p> <p>NY-YEC-2-3 (b) and (e)</p> <p>YEC’s reply says “In her correspondence, the Yukon government representative was “rejecting” the allowance to operate any</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the issues raised) should more appropriately be dealt with at the oral hearing or in final argument.</p>	<p>Mr. Yee responded in part: If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC’s non-response will not jeopardize the current process schedule.</p>	<p>Parts (a), (c), (d), and (g). The Board finds that YEC has adequately responded to the IR. No further response is required from YEC.</p> <p>Parts (b) and (e). The Board finds the IR to be useful and of probative value. YEC is to provide the basis and support for its utilization and the applicability of operating and installation capacity. YEC is to cite which regulations under YESAA allow for distinguishing operating versus installed capacity for the purposes used by YEC.</p>

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<p>However for purposes of the N-1 Capacity, 5 generators are listed as operational in Faro, and for the regulator, only 3 can actually be installed. So how many generators are there? How can using these different numbers be justified? Which one is real?</p> <p>d) What is the social license of asking the regulator to use documents created for expired permits instead current documents? Having submitted the YESAB documents in 2008, 2011 and 2014, Travis Ritchie must have known that the 2008 and 2011 permits had expired?</p> <p>e) The original (rejected) application of 10-Sept, 2020 is to “Reinstall relocated/derated capacity (aprx. 5.65 MW) & add 3 x1.8 MW emerg-only units.” This is rejected in Elizabeth Barker’s email of 23-Sept, and Travis alters the application and resubmits on 28-Sept, “removing reference to the 3 additional units (YM23-YM25).” So three of the six generators were removed from the application to get a pass from the regulator, but... then they were installed anyway, in direct contradiction of the regulator and the regulators</p>	<p>More specifically, the regulator confirmed in the October 13, 2020 correspondence [quoted above] from Elizabeth Barker, Environmental Protection Analyst, Department of Environment, Standards & Approvals Section, Yukon Government, as follows:</p> <p>“We have determined that the information provided in YEC’s previous Faro station assessments (2008-0230 and 2011-0246) is still valid for the proposed 2020 amendment of reinstalling capacity of approximately 5.65MW at the Faro generating station. YEC has authorization to reinstall previously relocated/de-rated capacity of up to 10.6MW, cumulative station capacity, without proceeding through the YESAA assessment process.”</p> <p>Therefore, in response to parts (a),(d) and (g), the regulator has determined that the information available from the prior assessments, including prior decision documents, is still valid and could be relied upon by the regulator for its determinations on reinstalling capacity of approximately 5.65 MW at the Faro generating station. Consequently, the intent of YESAA and the regulator were not bypassed.</p>	<p>capacity beyond the existing permit threshold without further YESAA assessment, not rejecting the installation at the facility.”</p> <p>This is untrue, as the Yukon government representative does not ever mention operating capacity and gives YEC authorization only to reinstall previously relocated/de-rated capacity – and specifically states that any cumulative capacity increase “will need to proceed through the YESAA assessment process before being considered.”</p> <p>From Elizabeth Barker’s reply to Travis Ritchie 13-Oct, 2020: (highlights added)</p> <p>“We have determined that the information provided in YEC’s previous Faro station YESAA assessments (2008-0230 and 2011-0246) is still valid for the proposed 2020 amendment of reinstalling capacity of approximately 5.65MW at the Faro generating station. YEC has authorization to reinstall previously relocated/de-rated capacity of up to 10.6MW, cumulative station capacity, without proceeding through the YESAA assessment process. As discussed, any additional capacity increase that will bring the Faro station’s cumulative capacity above 10.6MW will need to proceed through the YESAA assessment process before being considered.”</p>			

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<p>explanation of YESAA requirements. Please explain.</p> <p>f) I was under the impression that expired permits are no longer “still valid.” Are there other examples or instances where the limits from expired permits can take precedence over current limits? Most expired permits actually expire – ie the catch limits of a 2008 or 2011 fishing permit would not be suddenly “still valid” in 2021, but somehow limits on expired YEC pollution permits are “still valid.” What other expired permits are “still valid” after expiration? What precedent did YEC have for suggesting using expired documents in this way?</p> <p>g) Explain the ethical and legal aspects of bypassing the clear intent of YESAA and the regulator?</p>	<p>(b) and (e)</p> <p>The authority provided under the Air Emissions Regulation, and permits issued under that regulation, is focused on contaminant emissions to the atmosphere, i.e., air pollution is the target of the Regulations. As such, a proponent can have any number of emitting devices at a site, but can only operate such equipment in a manner that is compliant with the authority provided under their air emissions permit.</p> <p>In her correspondence, the Yukon government representative was “rejecting” the allowance to operate any capacity beyond the existing permit threshold without further YESAA assessment, not rejecting the installation at the facility.</p> <p>In this case, despite the total capacity of the generators on site at the Faro Generating Station that includes connection of six rented diesels [plus one spare] during the critical winter season, Yukon Energy is currently limited to operating only up to 10.6 MW of that capacity at any one time, using a combination of any units at site. Yukon Energy has not run more than 10.6 MW of diesel generation at this site over the past year.</p>	<p>How does the above authorize installing more than 10.6MW of cumulative capacity? Where does it address operating capacity, as claimed by YEC?</p> <p>NY-YEC-2-3 (c) and NY-YEC-1-6 Revised</p> <p>YEC’s reply references the stacking order provided in NY-YEC-1-6 Revised.</p> <p>The stacking order provided in NY-YEC-1-6 Revised appears not to be valid, as the supporting document for the Faro Generating Station Capacity Expansion Project (YESAB 2021-0115) shows actual run time / hours, and that FD7 was run for more hours than all of the other generators combined, despite being dead last in the stacking order. Please provide the actual stacking order. [Tables have been excluded from this reproduction]</p>			

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	<p>As reviewed in response to NY-YEC-2-2, notwithstanding the current permit limit of 10.6 MW Yukon Energy ensured in winter 2020/21 (and is ensuring again in winter 2021/22) that sufficient capacity is made available and connected at the Faro generating station to prevent outages under the emergency circumstances (such as N-1 event). In the event of an emergency (i.e., an N-1 event for which the back-up capacity was rented) YEC has retained the required N-1 dependable capacity capability and would plan if required to operate units as needed during the emergency.</p> <p>Yukon Energy is also proceeding with assessments and permitting reviews as required to authorize it to operate at any time in future installed capacity available at the FGS of up to 15.5 MW.</p> <p>(c)</p> <p>Seven (7) rental generators are installed at the FGS. Six units are required to address N-1 dependable capacity requirements and one unit is a spare.</p> <p>As mentioned in the response to NY-YEC-2-3(b) any number of units can be installed at a facility, but the facility must comply with the capacity thresholds for air emissions. YEC is currently authorized to operate</p>				

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	<p>10.6MW - and this could be provided with five rental units, as per the current stacking order for this site (see response to NY-YEC-1-6 Revised). Capacity installed at the FGS beyond the current operating/emitting threshold is intended to provide emergency back up as well as redundancy in case of unit failure or when required maintenance or repair schedules coincide with system demand that calls on that capacity to come online. As reviewed in response to “b and e” above, and in the current stacking order for this site (see response to NY-YEC-1-6 Revised), YEC plans if required to operate units as needed during an N-1 or other emergency.</p> <p>YEC is currently proceeding with assessments and permitting reviews as required to authorize it to operate at any time in future installed capacity available at the FGS of up to 15.5 MW.</p> <p>(f)</p> <p>The permit is not expired; YEC sought an approval, pursuant to its existing air emissions permit (i.e., Part 2, Clause 5), to install previously relocated and de-rated capacity based on available assessment materials. Yukon Energy accordingly did not suggest that expired permits should allow for reinstallation of previously assessed</p>				

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	<p>and permitted site capacity at the FGS.</p> <p>YEC suggested, and the Regulatory Authority agreed, that a previous Decision Document and its related assessment information was still valid for decision making with respect to Yukon Energy’s request for approval to reinstall generation capacity at the site up to the previously (and favorably) assessed and permitted capacity. See response to parts (a), (d) and (g).</p>				
<p>NY-YEC-2-4</p> <p>a) How did YEC come up with 15.5MW as a total? There is no combination of the installed generators and rentals that actually adds up to this total?</p> <p>b) The sound and air dispersion studies also note that given the capacities of the generators, there is no actual way for this to be the total, and therefore no way to model for it. The studies are based on 16MW (Derated FD1+FD7 + 6 Rentals) which is physically and mathematically possible. How/why does YEC propose a generating capacity of 15.5MW while the actual installed generation capacity will be 16MW (or 16.6MW if using</p>	<p>The proposed site capacity expansion was limited to 4.9 MW so as not to trigger an Executive Committee (EC) Screening, i.e., a 5 MW increase would trigger an EC Screening.</p> <p>All of Yukon Energy’s previous twelve (12) diesel generating station assessments have been conducted under YESAA at the Designated Office level. Based on Yukon Energy’s experience, a YESAA assessment at the Designated Office level can be completed on a more timely basis than an Executive Committee level review. This would allow for the assessment to be completed in order for the additional capacity to be available for the upcoming winter.</p>	<p>YEC responds that:</p> <p>The proposed site capacity expansion was limited to 4.9 MW so as not to trigger an Executive Committee (EC) Screening, i.e., a 5 MW increase would trigger an EC Screening.</p> <p>Please confirm my understanding that YEC has installed an additional 12.4MW (7 rental generators in 2020 (NY-YEC-2-3(c)) and is submitting a YESAB proposal in 2021 to allow operation of only an additional 4.9MW (2.722 rental generators) to avoid an EC screening.</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the issues raised) should more</p>	<p>Mr. Yee responded in part:</p> <p>If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC’s non-response will not</p>	<p>To reduce confusion for this issue, YEC is to confirm it has installed an additional 12.4MW [seven rental generators in 2020 and is submitting a YESAB proposal in 2021 to allow operation of only an additional 4.9MW (2.722 rental generators)] to avoid an EC screening.</p>

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<p>the 10-Year Renewable Plan for capacities)?</p> <p>c) Why claim the addition of only 4.9 MW, when the proposal is for 5.4 MW, the 3 rentals actually being installed?</p>	<p>(b)</p> <p>As noted in response to NY-YEC-2-1, operating capacity will be directed by the limits provided under Yukon Energy’s air emissions permit regardless of the capacity installed at the FGS. The 16 MW ceiling was chosen as the threshold for the air quality and noise impact assessments (and related modelling) as a measure to ensure conservative assessment results. The 15.5 MW threshold was selected for the purposes of assessment and permitting as described in the response to question NY-YEC-2-2(a), above.</p>		<p>appropriately be dealt with at the oral hearing or in final argument.</p>	<p>jeopardize the current process schedule.</p>	
<p>NY-YEC-2-5(a-e)</p> <p>a) Please explain the social license in using such terms as “Existing Permitted Emission Capacity,” “Existing capacity,” and “permanent generators” to refer to a capacity that has not existed or been permitted since 2014.</p> <p>b) Would you reasonably expect anyone to interpret “Existing Permitted Emission Capacity,” “Existing capacity,” “existing site” or “permanent generators” to mean FD1 + FD7 + 3 of the new rentals? Please explain how a member of the public would come to this correct interpretation.</p>	<p>Yukon Energy has communicated accurately the key information relevant to the current permit application at the Faro diesel generation site.</p>	<p>Clarifications on public communications concerning the Faro rental generators.</p> <p>YEC replies that “Capacity of the Faro Generating Station was last at 10.6 MW in 2011...”</p> <p>And yet the 10.6 MW capacity is referred to as “Existing capacity,” “Existing site” and “permanent generators” and similar in communications with the public in Faro.</p> <p>Is it reasonable to use such terms as “existing” and “permanent” for something that has not existed in 10 years? How would anyone in Faro understand that “existing” in this case</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the</p>	<p>Mr. Yee responded in part: If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused</p>	<p>The Board finds that YEC has provided an adequate response to the IR. No further response is required from YEC.</p>

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NY IR number and particulars	YEC response	NY submissions	YEC response	NY reply	Board ruling
<p>c) Would you reasonably expect anyone to interpret “the addition of the rentals” to mean only 3 of the 7 newly installed rentals? Please explain how a member of the public would come to understand this interpretation that YEC is using.</p> <p>d) Previous to the 2020 addition of the rental generators, when was the most recent date that the Faro facility had the physical installed capacity for generating 10.6MW?</p> <p>e) Discuss the role of a public company in misleading the public.</p>		<p>refers to something that has not actually existed in 10 years?</p> <p>Please answer these questions specifically.</p>	<p>issues raised) should more appropriately be dealt with at the oral hearing or in final argument.</p>	<p>by YEC’s non-response will not jeopardize the current process schedule.</p>	
<p>NY-YEC-2-6</p> <p>a) Did YEC consider sending three (unanswered, possibly not received) emails to be sufficient consultation and interaction with RRDC before proceeding to install the generators?</p> <p>b) Did YEC confirm the emails were received? Please provide confirmation if any exists.</p> <p>c) Why were no phone calls made to anyone at RRDC previous to installation of the generators?</p>	<p>Part (a), (b) and (c) question what YEC considered to be the appropriate level of engagement prior to proceeding with installation of diesel generators; and whether YEC was able to make contact with RRDC; and question the measures YEC undertook to share information with RRDC. As noted below – YEC proceeded with a level of engagement considered appropriate for the project activities it was undertaking at each stage; YEC has also continued to make efforts to engage with RRDC and share information regarding the project (as detailed in the table provided below).</p>	<p>The table/list of communications provided is not in agreement with any previous lists, and includes at least one error or fabrication. Please confirm.</p> <p>Provided by YEC in response to NY-YEC-2-6:</p> <p>[Not reproduced in this document]</p> <p>This meeting has not previously been mentioned, and has not been included in any previous requests on this topic.</p>	<p>Yukon Energy has reviewed the motion for further disclosure provided by Nathaniel Yee alongwith the answers provided. The answers by YEC are more than sufficient – especially given the approach Mr. Yee has adopted in asking his questions and the overall intent underlying the type of information requests allowed under the Board’s rules.</p> <p>It is evident that Mr. Yee has a position with respect to permitting of the Faro diesel units, and the approach that YEC has taken to the N-1 system requirements, that is different than</p>	<p>Mr. Yee responded in part: If YEC’s failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy’s admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC</p>	<p>In general, the Board finds that YEC provided an adequate response to the IR. However, the Board requires YEC to clarify its response regarding one of the RRDC meetings. The Board directs YEC to explain whether a meeting with RRDC took place on October 15, 2020. If YEC cannot provide confirmation then YEC is to explain why such a confirmation cannot take place.</p>

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<p>From the meeting handout: “We give thanks to the Ross River Dena Council for allowing our facilities and this project to take place on their Traditional Territory.”</p> <p>We give thanks, but can’t we also at least give them a call?.</p>	<p>Generally speaking, replacement of previously installed capacity (i.e., 3 of the rentals) is a basic operational activity. This type of activity does not typically require public engagement. With regard to expanded capacity at the site, consultation became appropriate once an assessment by YESAB was determined to be required for the expansion of the site air emissions permit. The project is required to be assessed at the Designated Office level of YESAB and Yukon Energy has proceeded with engagement activities taking this into consideration.</p> <p>The table below summarizes consultation activities with RRDC/the community of Faro after it was determined after winter 2019/20 that diesel rentals were needed at the Faro generating station. Yukon Energy notes this level of consultation took place under COVID 19 conditions, and exceeds the minimum required by YESAB for projects assessed at the Designated Office level.</p> <p>[The table referenced in NY-YEC-2-6, PDF page 44 has not been reproduced for purposes of this ruling]</p>	<p>From YEC’s meeting minutes from the 2-Dec, 2020 virtual/public meeting concerning the Faro generators:</p> <p>[Not reproduced in this document]</p> <p>And</p> <p>[Not reproduced in this document]</p> <p>It appears that RRDC and YEC were both unaware of the meeting they supposedly had on 15, Oct 2020.</p>	<p>YEC’s position. Any follow-up questions or points of disagreement Mr. Yee has with either YEC’s answers (or the approach YEC has taken to the issues raised) should more appropriately be dealt with at the oral hearing or in final argument.</p>	<p>chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC’s non-response will not jeopardize the current process schedule..</p>	