

YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

and

General Rate Application by Yukon Energy Corporation for Approval of Revenue Requirements for 2021 Costs Awards

BEFORE: R. Buchan, Chair) January 19, 2023
B. King, Vice-Chair)
A. Fortin)
L. McCullough)

BOARD ORDER 2023-02

[*Erratum noted at the end of this Order.]

WHEREAS:

- A. Pursuant to Section 56 of the *Public Utilities Act* (Act), the Yukon Utilities Board (Board) may “order to whom or by whom any costs incidental to any proceeding before the Board are to be paid, and may set the costs to be paid”;
- B. On November 20, 2020, Yukon Energy Corporation (YEC) filed an application with the Yukon Utilities Board (Board), pursuant to the *Public Utilities Act* and Order-in-Council 1995/90, requesting an order approving a forecast revenue requirement for 2021 (Application). In addition, in the Application, YEC sought approval of an interim refundable rate rider (Rider J) for 2021 for retail and industrial firm rates, effective July 1, 2021;
- C. The Board issued Board Order 2020-04 on December 14, 2020 in which the Board set out a process schedule pending ministerial approval which was received on December 23, 2020. The schedule stipulated that interested persons had until December 30, 2020 to register for this proceeding;

- D. The Board reviewed requests for intervener and presenter status and granted intervener status to ATCO Electric Yukon, City of Whitehorse, Utilities Consumers' Group and Nathaniel Yee. Presenter status was granted to John Maissan and Florian Boulais;
- E. The Board process for the Application included two rounds of Information Requests to YEC, intervener evidence, information requests on intervener evidence, rebuttal evidence from YEC, a virtual oral hearing, and simultaneous written final argument and written reply argument from all parties;
- F. The record for the GRA proceeding was closed on October 5, 2021;
- G. In Board Order 2022-03 issued on March 16, 2022, the Board made its findings on YEC's proposed revenue requirement;
- H. The Board received costs claims from:
 - 1. City of Whitehorse;
 - 2. UCG;
 - 3. Nathaniel Yee; and
 - 4. YEC;
- I. The Board received comments from UCG on YEC's costs claim on May 3, 2022;
- J. Costs claimed by the parties are subject to stringent scrutiny by the Board as costs awarded are charged to the customers through the utility's rates; and
- K. After careful consideration, the Board has exercised its discretion and made the adjustments set out below based on the criteria set out in the Scale of Costs, Schedule 1 to the Board's Rules of Practice, as well as the principles relating to cost awards set out in previous Board Orders — in particular, Appendix A to Board Order 2007-06 and Board Orders 2005-16, 2005-17, 2007-07, 2007-08, 2007-09, 2009-6, 2009-11, 2010-09, 2011-08, 2013-08, 2014-11, 2014-12, 2017-07, 2018-08, 2018-09, 2019-03, 2020-01, 2020-02 and 2021-13.

NOW THEREFORE, based on the reasons set out in Appendix A to this Board Order, the Board approves total costs of \$903,487.96, which is comprised of the following costs:

1. The City of Whitehorse's costs of \$55,579.18.
2. The Utilities Consumers' Group's costs of \$18,271.48.
3. Nathaniel Yee's costs of \$6,152.00.
4. Yukon Energy Corporation's costs of \$413,750.72.
5. Government of Yukon's hearing-related costs of the Yukon Utilities Board of 409,734.58.

DATED at the City of Whitehorse, Yukon, this 19th day of January 2023.

BY ORDER

A handwritten signature in blue ink, appearing to read 'Richard Buchan', is written over a light blue rectangular background.

Richard Buchan
Chair

*[*Erratum: The original version of this Board Order mistakenly included Board member Anne Middler's name as part of the panel deciding the costs order. However, Ms. Middler's term on the Board expired November 6, 2023, and while she was a member of the Board panel hearing the GRA proceedings, she did not take part in the Board's deliberations on costs following the expiry of her term. Apart from the removal of Ms. Middler's name from the panel deciding the Order, no other changes have been made to the body of the Order itself.]*