

YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

And

Yukon Energy Corporation Phase 2 of Review Application of Board Order 2022-03

under section 62 of the *Public Utilities Act*

Costs Awards

BEFORE: L. McCullough, Vice-Chair) July 26, 2024
B. King)
M. Johnson)

BOARD ORDER 2024-07

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 March 16, 2022, the Board issued Board Order 2022-03 in relation to Yukon Energy Corporation’s (YEC) 2021 General Rate Application (GRA). In Appendix A to Board Order 2022-03: Reasons for Decision, the Board made findings on the GRA;
- C. On April 14, 2022, Yukon Energy Corporation filed an Application for Review and Variance of Board Order 2022-03 (Review Application), pursuant to section 62 of the Act and section 31 of the Board’s *Rules of Practice* (Rules);
- D. In its Review Application, YEC stated that it disagreed with the reduction of 50 basis points to YEC’s risk premium, and with the disallowance of costs for the WH2 Uprate Project and for the WH4 Project. YEC alleged that the Board committed errors in fact, law or jurisdiction and that the process followed by the Board in making these findings was unfair to YEC;
- E. On August 26, 2022, the Board issued Board Order 2022-10 granting YEC’s Review Application in part on the initial screening phase. Accordingly, the Board directed that the Review Application proceed to Phase 2 on the limited issue of determining the amount of the risk premium reduction and whether the reduction

should be greater than zero but not more than 50 basis points. The Board dismissed the Review Application on the other grounds noted above;

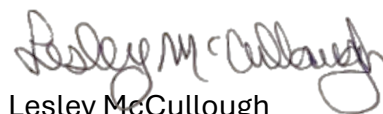
- F. The Board issued a process schedule for Phase 2 of the Review Application in Board Order 2022-12 on September 6, 2022;
- G. Interveners to the YEC 2021 GRA were given the opportunity to participate in Phase 2 of the Review Application proceeding without filing a request for intervener status. No interveners participated in this proceeding;
- H. The Board considered the record for this proceeding closed as of November 3, 2022;
- I. On January 9, 2023, the Board issued Board Order 2023-01 and Appendix A to this Order;
- J. The Board received a costs claim from YEC on February 8, 2023 and comments from Utilities Consumers' Group on February 9, 2023;
- K. 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
- L. After careful consideration, the Board has exercised its discretion based on the criteria set out in the Scale of Costs, Schedule 1 to the Rules.

NOW THEREFORE, based on the reasons set out in Appendix A to this Board Order, the Board approves total costs of \$132,875.13, which are comprised of the following costs:

- 1. Yukon Energy Corporation's costs of \$ 23,148.50.
- 2. Government of Yukon's hearing-related costs of the Yukon Utilities Board of \$109,726.63.

DATED at the City of Whitehorse, Yukon, this 26th day of July 2024.

BY ORDER



Lesley McCullough
Acting Chair