

# YUKON UTILITIES BOARD

## IN THE MATTER OF the Public Utilities Act

and

### Reconsideration of Forecast Costs of Rental Diesel Units Without Air Emission Permits in Yukon Energy Corporation 2023-2024 General Rate Application

**BEFORE:** L. McCullough, Chair ) March 4, 2026  
M. Johnson, Vice-Chair )  
B. King )  
R. Hancock )  
A. Woroniuk )

#### BOARD ORDER 2026-06

#### WHEREAS:

- A. On July 12, 2024, the Yukon Utilities Board (Board) issued Board Order 2024-05 on Yukon Energy Corporation (YEC) 2023-2024 General Rate Application and Appendix A: Reasons for Decision. In this Board Order, the Board approved the forecast costs for diesel rental units as part of YEC’s revenue requirement for the years 2023 and 2024, some of which were not permitted under the *Environment Act*;
- B. Mr. Nathaniel Yee, an intervener in the YEC 2023-2024 General Rate Application, sought and obtained leave from the Yukon Court of Appeal to appeal Board Order 2024-05 on the issue of whether the Yukon Utilities Board erred in law “by allowing Yukon Energy Corporation to claim and receive payments from customers based on forecasts that factor in the cost of rental diesel units for diesel capacity that exceeds the limits Environment Yukon has permitted it to generate”;
- C. On January 19, 2026, the Yukon Court of Appeal issued *Yee v. Yukon Energy Corporation*, 2026 YKCA 1 (Yee) in which it granted the appeal because “the Board erred in law in approving the rental charges in Issue”. The Court further stated “[i]t will be for the Board to reconsider the 2023/24 GRA in light of our legal conclusion on this appeal and to order whatever rate modifications and consequential relief are appropriate in the exercise of its public interest mandate.” Therefore, the Court remitted “Board Order 2024-05 to the Board for reconsideration” in accordance with its reasons;
- D. On February 19, 2026, the Board issued Board Order 2026-05 stating it is holding a written hearing to reconsider the issue of the costs of the diesel rental units which were not permitted under the *Environment Act*, but which costs the Board approved

as part of YEC's forecast revenue requirement for the years 2023 and 2024 and ordering:

1. The evidence on the record of the YEC 2023-24 GRA relating to the forecast costs of the rental diesel units which were not permitted under the *Environment Act* forms part of the record for this Reconsideration proceeding.
  2. The parties to the Reconsideration proceeding are those that participated in the YEC 2023/24 GRA.
  3. Subject to Ministerial approval, the Board established the process schedule for this hearing;
- E. On February 26, 2026, YEC filed a request for an extension of the March 6, 2026 deadline for filing additional information on the issue in this proceeding. It submitted that it needed sufficient time to file additional relevant evidence in this proceeding that was not previously before the Board at the hearing of the 2023/24 GRA and that did not form part of the record before the Court of Appeal. It added that such additional evidence was to assist the Board in its analysis of how the legal principles set out by the Yukon Court of Appeal in *Yee* should be applied having regard to all relevant factual circumstances. The extension requested was to March 16, 2026.

**NOW THEREFORE**, considering YEC requires additional time to prepare additional evidence, the short extension requested, and that no other party is prejudiced by the delay, to ensure a fair proceeding the Board grants YEC the extension to file its additional evidence and amends the proceeding schedule as follows:

Action	Date
Filing of any additional evidence from YEC on the issue in this proceeding	March 16, 2026
Information requests to YEC on additional evidence	March 30, 2026
YEC information responses	April 13, 2026
Filing of any additional evidence by interveners on the issue in this proceeding	April 27, 2026
Information requests to interveners	May 11, 2026
Information responses by interveners	May 25, 2026
Rebuttal evidence from YEC	June 8, 2026
Final written argument	June 22, 2026
Final reply argument	July 6, 2026

**DATED** at the City of Whitehorse, Yukon, this 4th day of March 2026.

BY ORDER

  
Lesley McCullough,  
Chair