

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

**An Application by Yukon Electrical Company Limited and Yukon  
Energy for a 2009 Joint Phase II Rate Application**

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**P R O C E E D I N G S**

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October 6, 2010

Volume 2C

5:15 P.M. Session

**S. DUNCAN, N. PALLADINO, B. DESJARLAIS**

Exam in chief by Mr. Keough

1 Proceedings taken at Hearing, The Yukon Utilities Board, held  
 2 at The Yukon College, Whitehorse, Yukon.

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4 Volume 2C

5 October 6, 2010

6	B. McLennan	Chair
	R. Hancock	Member
7	R. Laking	Member
	J. Woodland	Member

8	G. Bentivegna, Ms.	Board Counsel
9	S. Smart, Ms.	Executive Secretary
	R. Clarke, Esq.)	Board Staff
10	D. Ward, Esq. )	

11	L.G. Keough, Esq.	For The Yukon Electrical Company Ltd.
12	J. Landry, Esq.	For The Yukon Energy Corporation
13	M. Buonaguro, Esq.	For the Utilities Consumers' Group
14	K. Kellgren, Ms.	For the City of Whitehorse
	J. Maissan, Esq.	For Leading Edge Projects Ltd.
15	S.J. Lea Dormer, CSR(A)	Court Reporter
16	D.J. Harmata, CSR(A)	

17 THE CHAIR: I guess it's not good  
 18 afternoon, it's good evening. So I'll turn it over to you,  
 19 Mr. Keough, to introduce the panel again, and if you have any  
 20 introductory remarks.

21 **S. DUNCAN, N. PALLADINO, B. DESJARLAIS**(For PECL), previously  
 22 sworn, examination in chief by Mr. Keough:

23 **MR. KEOUGH:** Yes. Thank you, Mr. Chairman.  
 24 The panel is the same panel that appeared before you as a  
 25 component of the joint panel, so I do not think they need to

18:30

1 be re-sworn. Everybody is still sworn. The purpose of the  
2 sole panel here is to speak to essentially the Tab 4 YECL and  
3 related information requests; i.e. the matters not dealt with  
4 when they were on the joint panel. And we do have a couple  
5 of orders of business. The first is I think Mr. Palladino  
6 has copies of -- or responses to a couple of the undertakings  
7 they gave with the joint panel, so we may as well get those  
8 out of the way first. Then he has an opening statement, a  
9 brief one, that was circulated earlier.

10 THE CHAIR: Yes. That would be perfect,  
11 thanks.

18:31

12 A. MR. PALLADINO: Great. Thank you, Mr. Keough.  
13 Thank you, Mr. Chairman. We have two undertakings here that  
14 we have completed, and I believe we have one outstanding that  
15 we'll try to get to the panel tomorrow and any interested  
16 parties. We have one undertaking here by Ms. Kellgren to  
17 Mr. Palladino, undertaking to provide the 2011 and 2012 rate  
18 impacts at 1,500 for the residential rate class. I don't  
19 have an exhibit number though. This is on page 47 of 48,  
20 Volume 1A, Undertaking No. 1.

18:31

21 MR. KEOUGH: This will be a written  
22 undertaking, so we'll need an exhibit number.

23 MS. SMART: I'm sorry, is that the one that  
24 you just provided?

25 MR. KEOUGH: No. That will be the next one.

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1 MS. SMART: It will be B-18.

2 EXHIBIT NO. B-18 - RESPONSE TO  
3 UNDERTAKING NO. 1 GIVEN AT TRANSCRIPT  
4 VOLUME 1A

5 A. MR. PALLADINO: Thank you. Our second  
6 undertaking that we have completed is from Volume 1B,  
7 Undertaking No. 2, from Mr. Buonaguro to Mr. Palladino, page  
8 135 and 136. Undertaking to provide a copy of the study in  
9 Alberta that is referred to in UCG No. 18(b), and attached to  
10 this undertaking is a copy of the maximum investment level  
11 study that was completed by FortisAlberta in conjunction with  
12 interested parties. Unfortunately, I only have is a limited  
13 number of copies here, but we will e-mail a copy of the  
14 undertaking to Ms. Smart.

18:33

15 MR. KEOUGH: And Ms. Smart has indicated  
16 that she can help us get copies once we e-mail it to her, but  
17 we had limited resources here today.

18 THE CHAIR: So that will be Exhibit B-19?

19 MS. SMART: Yes. I have one copy.

20 EXHIBIT NO. B-19 - RESPONSE TO  
21 UNDERTAKING NO. 2 GIVEN AT TRANSCRIPT  
22 VOLUME 1B

18:34

23 MR. KEOUGH: With that, Mr. Chairman, I  
24 think, as Mr. Palladino noted, we have one more outstanding  
25 undertaking. We will endeavour to get it by tomorrow, and

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1 with that, I think Mr. Palladino is ready to proceed with the  
2 opening statement.

3 THE CHAIR: Okay.

4 A. MR. PALLADINO: Thank you.

5 THE CHAIR: Proceed.

6 A. MR. PALLADINO: Mr. Chairman and Panel members,  
7 YECL appreciates the opportunity to sit as a separate panel  
8 to discuss certain issues that are important to YECL relating  
9 to matters that the companies were not able to come to a  
10 joint agreement. As noted in the joint Phase II application,  
11 the companies have worked diligently in an effort to present  
12 a uniform and consistent approach throughout all areas of  
13 this Phase II to the extent possible. However, this was not  
14 always achieved.

18:35

15 The differences have been noted throughout the  
16 application, including the information requests and  
17 subsequent responses. This opening statement is intended to  
18 provide a brief summary of YECL's position regarding the  
19 following areas: One, rate design. To help re-establish  
20 efficiency-based price signals to customers, YECL's rate  
21 design proposal seeks to reflect the degree to which the  
22 optimal level of current incremental costs of diesel should  
23 be reflected in the base rates at this time. The logic  
24 behind YECL's proposed rate design is based on taking a  
25 prudent, balanced approach between sending customers an

18:35

1 effective price signal that tells them that costs increase as  
2 consumption increases and the economic considerations  
3 regarding the price of diesel generation today.

4 This is done while ensuring that customers do  
5 not unnecessarily and unexpectedly see material rate shock  
6 impacts while allowing customers the opportunity and time to  
7 get the right information for making better resource  
8 allocation decisions for their electric consumption needs  
9 today for the time when expensive diesel generation is  
10 forecasted to be more predominant on the system.

18:36

11 YECL requests that the Board approve YECL's  
12 Option B rate design as filed.

13 Two, diesel generation energy cost recovery  
14 Rider D. The energy reconciliation adjustment, ERA, as part  
15 of Rate Schedule 42 was designed to provide a more stable  
16 balance of costs and revenues between YEC and YECL in the  
17 event that YEC power sales to YECL varied from forecasts,  
18 plus or minus. This was predicated on a strong link between  
19 rate design and the incremental cost of diesel. With  
20 inclining rate structure proposed for the Yukon, incremental  
21 diesel costs are not offset sufficiently by incremental rate  
22 revenue.

18:37

23 In Board Order 2009-2 regarding YECL's  
24 2008-2009 general rate application, on page 11 of 49, the  
25 Board approved YECL's deferral account to deal with variances

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1 between the actual and forecast cost of purchase power for  
2 the hydro zone during the period when diesel is on the  
3 margin. Subsequent charges to Yukon Electrical when the ERA  
4 from Rate Schedule 42 is invoked is collected in a deferral  
5 account relating to either the increases or decreases to the  
6 cost of purchase power.

7 In order to deal with balances collected in  
8 the Board-approved deferral account, YECL has proposed a  
9 mechanism called "Rider D" to ensure that unforecasted diesel  
10 costs incurred by Yukon Energy that has flowed through to  
11 Yukon Electrical via the ERA in Rate Schedule 42 are flowed  
12 through to Yukon customers.

18:38

13 Rider D provides a degree of protection to  
14 both YECL and customers from circumstances beyond YECL's  
15 control. YECL requests that the Board approve YECL's  
16 proposed Rider D as a mechanism to dispense of balances  
17 accumulated in the board-approved purchase power deferral  
18 account. Thank you.

19 MR. KEOUGH: Thank you, Mr. Chairman. One  
20 comment I would make is that the opening statement for YEC  
21 covered a number of extensive areas within Tab 4 where there  
22 was agreement between the parties on rate design, and we  
23 certainly endorse those views as well. So even though the  
24 panels are separate, there were lots of areas of commonality.  
25 We did not feel the need to repeat them, because they have

18:38

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 been identified by YEC, but we certainly agree that there  
2 were a lot of areas of commonality. And with that, I think  
3 the panel is available for questioning.

4 THE CHAIR: Okay. I'll turn it over to the  
5 City of Whitehorse.

6 MS. KELLGREN: Thank you, Mr. Chair.

7 MS. KELLGREN CROSS-EXAMINES THE PANEL:

8 Q. MS. KELLGREN: So there are quite a few  
9 difference -- substantial differences between Option A and  
10 Option B, not quite as many between Option B and Option C,  
11 but we've gotten what we believe to be on the record YECL's  
12 position with respect to Option A through information  
13 requests. So most of this is really going to concern YECL's  
14 position on Option C. And I take it from your opening  
15 statement that -- and the fact that YEC was not able to  
16 indicate to us that YECL is on board with this Option C, that  
17 that's in fact the case? YECL continues to prefer Option B  
18 to any other option proposed? Is that correct?

18:39

19 A. MR. PALLADINO: That is correct. We did, as my  
20 colleagues at -- with YEC suggested, that during the last  
21 three or four weeks, we have gone through extensive  
22 discussions regarding the various options, but we still  
23 believe that the -- although we have made considerable  
24 progress towards achieving a rate design that I think we can  
25 both agree to, we were still -- YECL was still uncomfortable

18:40



## Cross-Exam by Ms. Kellgren

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1 with the proposed approach, as set out with YEC's Option C,  
2 that's correct.

3 Q. Thank you. Now, does YECL also propose that we need to  
4 move towards recovering 100 percent of incremental diesel  
5 generation costs? Not in this application, but as you've  
6 heard YEC state, that's the goal. Is that also YECL's goal?

7 A. MR. PALLADINO: I think that's fair to say  
8 that. We recognize the benefits of sending the proper price  
9 signals to customers. I think the part that we struggle  
10 with, and I'm sure this will come out during our discussions 18:42  
11 here this afternoon, is how best to reflect the 100 percent  
12 incremental cost of diesel. Now, we talked about the runoff  
13 rate as being one approach, and I think we're comfortable  
14 with that approach. But at this point in time, just based on  
15 the price signals that we are seeing on the cost side, we  
16 don't believe moving to 100 percent at this time is the right  
17 thing to do, but that's not to suggest that over time we  
18 won't get there.

19 Q. Thank you. In the part of the application that was  
20 attributed to YECL, and the reference for that is page 4,  
21 YECL-14, YECL states:

22 Proposing significant changes to the  
23 current residential blocking structure  
24 without assessing residential price  
25 elasticities throughout customer

1 consumption levels to predict energy  
2 and revenue impact to Yukon Electrical  
3 would not be prudent in a cost  
4 environment when surplus hydro  
5 generation serves the vast majority of  
6 customers' base load.

7 Correct?

8 **A. MR. PALLADINO: That's correct.**

9 Q. My understanding is that Option C proposes a blocking  
10 structure identical to YECL's proposed Option B, correct?

18:43

11 **A. MR. PALLADINO: The blocking structure is the  
12 same, that's correct.**

13 Q. Thank you. And we've heard YEC state that no elasticity  
14 has been done in the Yukon, and I believe the indication was  
15 that no elasticity study would be done in the Yukon. Cost  
16 prohibitive was -- sounded like one of the main concerns  
17 there. Does YECL have a different position on that? Is the  
18 thought that a elasticity study of some nature that's  
19 tailored to the Yukon territory needs to be performed before  
20 we can make these more drastic movements before YECL would be  
21 prepared to make movements towards the 100 percent diesel  
22 recovery?

18:44

23 **A. MR. PALLADINO: I think in part I do agree with  
24 YEC that undertaking a comprehensive elasticity study may not  
25 necessarily be practical for Yukon. There are many studies**

1 out there that talk about elasticities in other jurisdictions  
2 that we may be able to draw comparisons to, but I think in  
3 terms of how customers respond, certainly by implementing an  
4 incline rate structure mechanism, as we have in this  
5 application here, we'll get some sense as to how customers  
6 will respond to these price signals over time.

7 But I'm not sure how practical it would be to  
8 undertake an elasticity study, as they are quite  
9 comprehensive in nature, and I just -- I'm not sure how  
10 practical that would be.

18:45

11 Q. Thank you. So would you agree with me that while the  
12 blocking structure remains the same between Option C and  
13 Option B, that the rates differential -- the rates proposed  
14 between 1, 2, and 3 -- and when I say "3," that's the runoff  
15 block -- are more extreme than Option B? Would you agree  
16 with that?

17 A. MR. PALLADINO: If we are comparing Option C  
18 versus Option B?

19 Q. Yes.

20 A. MR. PALLADINO: Well, they're not as extreme as  
21 they were with Option A, of course. We have made progress  
22 towards, I guess, our preference with Option B. I guess in  
23 terms of using language "extreme," I'm not sure how best to  
24 measure that, whether or not we would be considering rate  
25 shock impact as an indicator to suggest that the rate levels

18:45

1 are extreme.

2 In our mind, they are excessive for what we  
3 are seeing here today in Yukon, and I'm not sure if it's the  
4 appropriate thing to be doing, given the current costing  
5 environment, if I could use those words, with what we're  
6 seeing here in the Yukon.

7 We did have some concern with general service  
8 in terms of -- I guess there were a couple of issues that we  
9 had with general service that would lead us to believe that  
10 the rate levels are considered to be excessive at this point  
11 in time. 18:47

12 Q. Can you maybe just very briefly summarize those  
13 concerns?

14 A. MR. PALLADINO: Well, I guess for residential,  
15 we'll start off with that, the -- I guess, let's start off  
16 with the -- there's several issues here that we'll eventually  
17 get to, but I'll touch on them a little bit.

18 First of all, when we look at residential, one  
19 of the issues that we had with Option B -- sorry, Option A  
20 and including Leading Edge's proposal was rate shock and rate  
21 impact to customers. 18:47

22 Now, we are looking at customers in Option C  
23 above 3,000 kilowatt hours that will see in excess of  
24 10 percent, and in fact, if we look at a customer of 3,000  
25 kilowatt hours, they're looking at rate impacts of

1 12.5 percent; and customers at 5,000 kilowatt hours are  
2 looking at rate impacts of 30 percent. Now, I agree there  
3 aren't very many customers in that category, but it is  
4 excessive.

5 So YECL -- and I'll use this once and then I'm  
6 not going to touch on it again, because it tends to get  
7 people upset when I talk about this. But we do serve  
8 90 percent of the customers. It's fact. It's reality. It's  
9 on the record. We're going to ultimately be responding to  
10 those customers that are in that range.

18:48

11 Some of these customers, I agree, maybe not  
12 all of them, by no fault of their own, have electric heating  
13 as a means to heat their homes. Through programs that were  
14 done back in the '70s, I understand that incited customers  
15 to install electric heating. So for us to be sending these  
16 excessive price signals at this point in time without telling  
17 the customer: Mr. Customer -- Mr. or Mrs. Customer, we are  
18 going to see high costs of electricity on this system at some  
19 point in time. Now, is it fair to be doing that at this  
20 juncture? And I don't think so.

18:49

21 Now, on the flip side of that, we look at  
22 customers that are in the low consuming range, let's say  
23 700 kilowatt hours, that are seeing a rate reduction. From a  
24 price signal point of view, I struggle with that in that we  
25 are telling the customers at the high end, you're going to

1 see a significant price signal, but on the low end, we're  
2 going to tell customers, by the way, your rates are going  
3 down.

4 So I don't see -- the dichotomy in that is  
5 somewhat inconsistent in my mind. What price signals are we  
6 trying to achieve here across all range of customers, whether  
7 the customer's at 700 kilowatt hours or a customer's at  
8 5,000 kilowatt hours.

9 So that's one issue that we have. And on top  
10 of that, and I'm sure we'll get into this later on, the  
11 revenue of cost ratio for residential -- and it's outlined in  
12 the application -- is sitting at about 80 percent. So not  
13 only are we providing a rate reduction with Option C and  
14 Leading Edge preferred option on the low end, the  
15 revenue-cost ratios are below unity. So it sends, in my  
16 mind, an inconsistent price signal right across the board.

18:50

17 Now, with general service, we have similar  
18 issues with general service in that we have customers in the  
19 low range, between 2000 and 10,000 kilowatt hours, that will  
20 see a rate reduction; and then customers, general service  
21 customers, in the 20,000 kilowatt hour range will see rate  
22 increase of about 13.4 percent. Again, it's consistent in  
23 that we struggle with the fact that we're sending these price  
24 signals at a time when we believe it's not necessary.

18:51

25 One other issue that we had with Option A that

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 would be -- would also occur with Option C is the revenue  
2 variability that we see with the different step changes. So  
3 if we were to go to Table 1 of -- I believe this is the  
4 letter that was submitted by YEC on October 1st, 2010. I  
5 apologize, I don't have the exhibit number. But this one  
6 here details YEC's Option C.

7 MS. SMART: B-11.

8 A. MR. PALLADINO: Sorry?

9 MS. SMART: B-11.

10 A. MR. PALLADINO: On Table 1, for general service 18:52  
11 you will see that between Energy 1 and Energy 2, there is  
12 approximately a 37 percent change between the two levels. So  
13 we're going from 9.41 cents per kilowatt hour to 9 cents per  
14 kilowatt hour on Energy 2; and then from 2 to 3 or Block 2 to  
15 3, there's approximately 55 percent change between those two  
16 energy rates. So we have similar issues with general service  
17 under this option than we had with the revenue variability  
18 issue under Option A.

19 Q. Thank you. So what does Option B accomplish? And maybe 18:54  
20 just to preface that, I think you've probably heard our  
21 cross-examination of the YEC panel, and we suggested why now  
22 when there are constraints imposed by the OICs. And I know  
23 YEC stated just because there are expiry on some OICs doesn't  
24 necessarily mean they will expire, but why, with the  
25 constraints of the OICs and with the expectation we've been

1 given that they will expire in 2012, why make any change at  
2 all?

3 A. MR. PALLADINO: I guess to a certain -- to an  
4 element, I would have to agree with my friends at YEC in that  
5 a step change is required. The rate design is predicated on  
6 economy and efficiency in Yukon. It's been done that way in  
7 the past, although I'm not sure. I've yet to find a  
8 definition of what economy and efficiency really means now  
9 today. I understand that it was tied to the incremental cost  
10 of diesel in the past, but today I still don't have the  
11 definition for economy and efficiency. I have the definition  
12 in my mind what economy and efficiency means, but that being  
13 said, I think we need to make a step in that direction for  
14 that time when this expensive diesel generation won't become  
15 predominant on the system.

18:55

16 So there are certain issues that we looked at  
17 with our rate design proposal being rate shock, avoidance of  
18 undue discrimination, if possible, to the extent possible,  
19 limits related to interclass rebalancing. We recognize that  
20 there are some restrictions in terms of how we can evolve  
21 rate design going forward. But also recognizing that there  
22 will be a time when we're going to have to move towards  
23 sending more accurate signals to customers.

18:56

24 So it was just a matter of taking a prudent  
25 staged approach in this application and saying: Look, we



1 recognize that this time will come. Let's take a small  
2 approach, recognizing that it's not going to impact customers  
3 materially with our rate design proposal, but let's get  
4 customers aware of the circumstances that will arise when  
5 expensive generation does become more predominant. We'd  
6 rather take that approach than take an approach where all of  
7 a sudden we're seeing these material rate increases to  
8 customers unnecessarily. Again, these customers may not have  
9 the means to reduce or change the consumption patterns, but I  
10 think it's incumbent on us to ensure that customers are aware  
11 that it will come sooner rather than later. So I think our  
12 proposal gets us in that direction.

18:57

13 Q. Thank you. And I'm going to ask of YEC the same thing I  
14 asked -- YECL, pardon me, the same thing I asked of YEC,  
15 which is -- and perhaps it's more appropriate to YECL: Why  
16 the three blocks? I don't see a significant change between  
17 Block 1 and Block 2. In fact, as you've noted, it's quite  
18 moderate. It's quite a moderate change.

19 A. MR. PALLADINO: I agree.

20 Q. Why the three blocks? Why not simply keep the two-block  
21 structure for now?

18:58

22 A. MR. PALLADINO: I think when we looked at it,  
23 it was more of a transitional rate design, recognizing that  
24 -- it's safe to say that we will move towards a three-block  
25 structure in the future. In my mind, when we've looked at it

1 from a rate design point of view, if we're attempting to send  
2 a signal -- some signal on the run-out rate, that it's  
3 probably easier to facilitate that process with a three-block  
4 structure.

5 We also looked at the other jurisdictions to  
6 see if inclining rate structures are similar in nature, and  
7 it is -- it is a -- you'll have various types of inclining  
8 rate structures, but three-block rate changes are common.  
9 Now, whether they're a successful strategy for encouraging  
10 energy efficiency will remain to be seen, I guess, but I  
11 think it was -- it was more of a transitional rate design, in  
12 our mind, that will eventually lead us in that direction  
13 where we're going to be sending price signals, depending on  
14 the block of consumption that a customer takes. And I just  
15 want to be clear that when we're saying "price signals under  
16 YECL's approach," is that I'm still uncomfortable sending a  
17 price signal customers, only customers in that tail block or  
18 that run-out rate. In my mind, I think we need to find a way  
19 to send appropriate price signals to all customers, whether  
20 the customer is 500 kilowatt hour on average per month or  
21 whether the customer is consuming 5,000 kilowatt hours per  
22 month. So I think we need to just make sure that we're aware  
23 of that, at least from my point of view anyways, that moving  
24 forward, that we somehow reflect that in rate design, in some  
25 fashion.

18:59

19:00

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 Q. Thank you. I did have some questions with respect to  
2 whether YECL thought that Option C and Leading Edge's  
3 proposed rate structure were rate shock, but I believe I've  
4 heard you answer that and question is yes -- or the answer is  
5 yes?

6 A. MR. PALLADINO: That's correct.

7 Q. Thank you. Does YECL's first block rate not also go  
8 down, albeit in a smaller percentage, a smaller regard than  
9 either of YEC's proposed options?

10 A. MR. PALLADINO: It does. I believe there is a  
11 small reduction in the first block, which we struggled with a  
12 bit when we did our proposed design, for the same reasons  
13 that I just alluded to you before around accepting fair price  
14 signals to customers. We struggle with the fact that we're  
15 sending an excessive price signal to customers on the high  
16 end when they may be energy efficient. They may have taken  
17 the necessary actions to install energy-efficient lighting,  
18 energy-efficient appliances, but just by the sheer size of  
19 the family, let's use that as an example, that cannot reduce  
20 their consumption, but they are energy efficient.

21 So we are sending them a price signal on the  
22 high end, where on the low end where you have a customer that  
23 is consuming less than a thousand kilowatt hours who is not  
24 energy efficient, but yet we're sending a price reduction.  
25 So, in our mind, it goes back to what we mentioned a couple

19:01

19:03

1 of minutes ago around sending fair price signals across all  
2 customers.

3 So we struggled with that when we looked at  
4 the rate-design approach, but we felt it was a reasonable  
5 compromise, given that the rate change is -- we're not seeing  
6 a significant reduction. It's, I believe, less than  
7 1 percent. I'd have to look at it, but...

8 Q. Thank you. My understanding, from YECL's responses to  
9 our information requests was that there was some concern from  
10 Yukon Electrical with respect to revenue stability as a  
11 result of Option C. And I think what we've heard in  
12 testimony from YEC is that there's no material changes in  
13 consumption expected on either end; namely, no reaction from  
14 Block 1, based on the reduction, and little -- in the short  
15 term in any event, and little reaction from the high blocks  
16 or the runoff block, little decrease. So I guess, first off,  
17 does YECL agree with that characterization with respect to  
18 Option C in that -- is there any expectation that these  
19 changes in late structure will affect any difference in  
20 customer consumption behaviour in the next two to three  
21 years?

22 A. MR. PALLADINO: From a customer-consumption  
23 behaviour point of view, I'm not sure that that would be the  
24 case -- or sorry, I would have to agree that customers in the  
25 short term may not respond to the price signals that we're

19:04

19:05

1 seeing. But that being said, there are some  
2 revenue-stability issues on both ends, not just the low end,  
3 but also the high end as well, too, that we are exposed to  
4 situations, like warmer weather during the winter, where all  
5 of a sudden we're going to see customers that are consuming  
6 less drop-off into that first or second block. So from that  
7 point of view, there is some revenue-stability concerns. And  
8 again, it goes on the high end as well, too, so customers are  
9 consuming more. I'm not sure if air-conditioning load in the  
10 Yukon is a factor, but let's say it is, that drives  
11 consumption, that problem occurs on both sides.

19:06

12 There is issues around -- I believe we had  
13 indicated that in one of our responses, I believe YUB No. 24,  
14 where depending on the time of the year, there are some  
15 months due to long weekends, statutory holidays, Christmas,  
16 where you're going to get consumption that carries on for  
17 more than 29, 30 days. So that alone there would introduce a  
18 level of revenue variability for Yukon.

19 So I think it's an issue that we need to be  
20 cognizant of, certainly from YECL's point of view, that I --  
21 it wouldn't be prudent if we did not address it.

19:07

22 Q. And perhaps in a fashion that's not foreseen by YEC at  
23 this juncture, if in fact there is an issue with utilities  
24 recovering their revenue requirement because of various  
25 customer responses to this different rate design, I'm

1 assuming that the utilities would bring an application, then,  
2 to increase -- increase rates across the board or something  
3 to that effect?

4 A. MR. PALLADINO: I think if -- well, from YECL's  
5 point of view, which is different than YEC's point of view,  
6 in my mind, you're looking at a utility company that has a  
7 high fixed cost -- the nature of their business is highly  
8 fixed cost. To the extent that we're going to see customers  
9 shifting or reducing consumption, will have material impact  
10 to YECL in terms of recovering their fixed costs. So at some 19:08  
11 point in time, and think we'll have to address that in the  
12 future in terms of how we're going to reflect those cost  
13 signals in rate design, but certainly from YECL's point of  
14 view, there is an issue there that we would have to address,  
15 whether it's through a Phase I revenue requirement  
16 application or a subsequent Phase II application in terms of  
17 somehow balancing rate design with the cost nature of the  
18 business, being a highly fixed cost business. And I think,  
19 now that we're on that topic, it's one of the issues that we  
20 did note, and I apologize for deviating here a little bit, 19:09  
21 but when we look at the run-out rate under Option B -- and  
22 Option C as well, more in Option C than B -- we are  
23 recovering a portion of our fixed costs in that third block.  
24 In our mind, from YECL's point of view, it's not an effective  
25 rate design.

1                   Generally, in terms of revenue stability, from  
2 YECL's point of view, your fixed costs are generally  
3 recovered in that first or second block -- at the most the  
4 second block. So to the extent that Option C recovers a  
5 larger portion of our fixed costs in that third block, there  
6 is an issue there for YECL in terms of revenue stability of  
7 not recovering necessarily prudent costs from a fixed-cost  
8 point of view. So I think we're going to have to address  
9 that in our rate design.

10 Q. And conversely, if the effect of this rate design is to  
11 over-recover the revenue requirement, how would YECL seek to  
12 address that, if at all?

19:10

13 A. MR. PALLADINO:                   I think it would have to go  
14 both ways. I think if we're beginning to see that we're  
15 unnecessarily, you know, collecting additional revenue  
16 because customers have failed to respond to these price  
17 signals or it's leading to some, you know, material change in  
18 the amount of revenue that YECL is recovering, I think it  
19 would -- the pressure would be on us to ensure that we  
20 reflect that prudently in our rate design to ensure that we  
21 sending the right signals to customers encompassing all of  
22 the challenges that we are facing with rate design, as we  
23 just spoke about.

19:11

24 Q. Thank you. And just to clarify, when you're speaking of  
25 a "price signal" or "appropriate price signal," what have

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 you, are you discussing a price signal that reflects the cost  
2 of diesel generation, or is it the cost of diesel generation  
3 on the margin?

4 **A. MR. PALLADINO:** I'll speak, and I'll signal my  
5 college to jump in if I say something that's incorrect. In  
6 this case here, this rate design is designed to reflect  
7 diesel on the margin, but again, we go back to the discussion  
8 we had a couple of minutes ago around if diesel generation  
9 becomes more predominant on the system and it is forecasted  
10 in our Phase 1 or general rate application to meet some of  
11 our production requirement for base load, I think that  
12 component will be reflected in rate design in a different  
13 fashion, where we're sending that price signal across all  
14 customers.

19:12

15 But for the discussion of what we're having  
16 here today, we're talking about the incremental cost of  
17 diesel.

18 Q. Okay. Thank you. Sorry, did you have anything to add?

19 **A. MR. DESJARLAIS:** No.

20 Q. My thought is that you've very nearly answered this  
21 question in your discussion of the fact that you're not sure  
22 what economy and efficiency -- what that directive means in  
23 today's world. But is your thought that reflecting the  
24 incremental costs of diesel is the only way of fulfilling  
25 that directive or the way of fulfilling the directive?

19:13



1 A. MR. PALLADINO: I think the incremental cost of  
2 diesel is one component of many that is used to address the  
3 economy and efficiency principle. There are other issues  
4 from YECL's point of view around the cross-subsidization that  
5 we're seeing with some of our -- with rate design.

6 In my mind, when I think of economic theory,  
7 economy and efficiency is achieved when costs and benefits  
8 are aligned. Now, to the extent that we see some level of  
9 cross-subsidization occurs, and we just look at the revenue  
10 to cost ratios that we see in the application, in my mind,  
11 that's economic inefficiency that we have to address in our  
12 rate design at some point in time.

19:14

13 Now, my experience with utility commissions  
14 and boards in other jurisdictions is that to the extent  
15 possible, given the circumstances of the day in the  
16 jurisdiction, that cross-subsidization is -- the desire is to  
17 eliminate cross-subsidization to the extent possible. So  
18 given that we have some of the challenges that we have with  
19 our current OICs in place that prevents us from rebalancing  
20 rates, I think our rate design, you know, recognizes those  
21 challenges, but when we talk about economy and efficiency,  
22 incremental price of diesel is just one component of many. I  
23 think we have to ensure that we get the proper price signals  
24 to customers that recognizes both the production but also the  
25 cost of serving the customer from a -- from that point of

19:15

## Cross-Exam by Ms. Kellgren

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1 view.

2 Q. I don't want to categorize it as a general dislike, but  
3 your, perhaps, discomfort with the cross-subsidization, would  
4 that extend to the cross-subsidization that we're seeing?  
5 And I'm bearing Mr. Osler's warning in mind, referring to  
6 subsidization. But would that also apply to the  
7 cross-subsidization we're seeing in a given rate class, such  
8 as, as we noted in -- or as YEC noted in the testimony, the  
9 majority of general service and residential customers reside  
10 in a hydro area, and as a result, my understanding is they're 19:16  
11 not incurring for the substantial majority of the time any  
12 incremental costs of diesel. However, places like the large  
13 diesel, the small diesel, they're in fact benefitting from  
14 those lower costs. I'm not sure if you're following this  
15 analysis, and I think YEC kind of summarized it quite well,  
16 but would your analysis that we're kind of -- the hope would  
17 be to move away from that, would that extend to the  
18 cross-subsidization we see within a given rate class as well?

19 A. MR. PALLADINO: I think if we limit my  
20 comparison here -- or my discussion is really related to 19:17  
21 talking about a rate class within a certain community. I'm  
22 not suggesting that, you know, we move towards, you know, a  
23 level of community-based rates, that gets away with some of  
24 the social objectives that the government has in place with  
25 some of the community-based rates in Yukon.

1                   But within the rate design, so if we're just  
2 speaking of Whitehorse, for example, there is a level of  
3 cross-subsidization I think that is -- that exists within the  
4 rate class within Whitehorse that I think we need to address  
5 at some point in time, otherwise we get into a rate design  
6 where we're beginning to challenge objectives around economy  
7 and efficiency and what we're trying to achieve from a  
8 -- when we look at our overall rate-design principles. So I  
9 think I agree with you, but I'm not sure if I extend it out  
10 towards, you know, encompassing rate classes from other  
11 communities. When I'm thinking of a rate class, I'm  
12 referring to just a community itself. I'm not talking about  
13 extending the cross-subsidization across other communities.

14 Q. Thank you.

15 A. MR. DESJARLAIS:                   Ms. Kellgren --

16 Q. Yes.

17 A. MR. DESJARLAIS:                   -- if you look just  
18 fundamentally in terms of the charges, regardless of  
19 community talk, community rates, if you just look  
20 fundamentally at the charges and what they're recovering, in  
21 most jurisdictions you'll always see the argument between  
22 fixed charges and variable charges, and in this case, as in  
23 many other jurisdictions, you have a situation where the  
24 fixed charge is under collecting its cost, and that's  
25 predominant in most jurisdictions. So there is that

19:19

19:19

1 interclass subsidization as well. To that degree, it exists  
2 in all jurisdictions.

3 Q. But would you accept that in most Canadian jurisdictions  
4 they're moving towards collecting 100 percent fixed costs  
5 versus...?

6 A. MR. PALLADINO: Well, we try. I think I can  
7 speak from ATCO's Electric point of view. I think we  
8 certainly attempt to move in that direction, but there are  
9 some pressures that are against us in terms of, you know,  
10 moving towards that goal, but certainly that is a desire in  
11 our mind. 19:20

12 Q. Thank you. So what harm is there by maintaining the  
13 current rate structure? My understanding from this recent  
14 discussion -- again, I'm going to preface this -- is that the  
15 OICs, which are instructions given by the government, prevent  
16 a lot of the -- prevent achieving many of the other ways  
17 you'd like to progress towards to achieve a common  
18 efficiency, as you've defined it. So why -- I guess why this  
19 one and why now?

20 A. MR. PALLADINO: I guess my fear is that if we  
21 don't do anything now, we're going to be faced with a larger  
22 problem in the future, addressing some of the concerns that  
23 we have. The OICs, they are set to expire -- which one is  
24 set the expire -- 2008-149 is set to expire in December of  
25 2010, but I would have to agree with Mr. Osler in that date 19:21

1 may change. And it's no different than the IER that's  
2 currently in place for residential customers.

3 So I think the approach that we have taken  
4 here was a -- was a directional approach that -- recognizing  
5 some of the challenges that we have today. In our mind, if  
6 we didn't move in some direction towards sending some signals  
7 to customers today, that we would be facing a larger problem,  
8 whether it's rate shock, revenue variability issues. That  
9 would be larger in scope and difficult to address at some  
10 point in time in the future if we don't take a staged  
11 approach at this time. So by introducing that third block,  
12 in our mind, helped us achieve that balance between what  
13 we're seeing today and what we might see in the future.

19:23

14 Q. So the current runoff rate, because there is a runoff  
15 rate in the current structure, doesn't send the price signal?  
16 Is that what you're saying?

17 A. MR. PALLADINO: No. We're not suggesting that.  
18 We are suggesting that the third block or the run-out rate  
19 does send a price signal. We --

20 Q. Sorry. I meant the runoff rates in the current rate.  
21 The current rate structure.

19:23

22 A. MR. PALLADINO: The current rate structure.

23 Q. Does that not send a price signal?

24 A. MR. DESJARLAIS: The way the current rates are  
25 set up, it does send a price signal, but in our discussions

1 with YEC, like Mr. Palladino has said here, is that this is  
2 -- we are viewing this as a staged approach. Let's get the  
3 corner blocks in place. Let's get the tools in place for the  
4 companies to adjust as the future comes on. Mr. Osler  
5 mentioned, you know, before about predictability and looking  
6 at diesel. Have diesel costs levelled out. Are they going  
7 to increase? Well, if they're going to increase, we have to  
8 have this tool in place to mitigate rate shock but also to  
9 send the proper signal as well. And if we don't do it now,  
10 sometimes your hands are tied.

19:24

11 As you can see, it's been 12 years since we  
12 both jointly got in here to discuss this. So for us to, you  
13 know, be like an ostrich and your head in the sand and refuse  
14 to address some of these issues now and put structures in  
15 place and have ideas how costs can relate to the rate design  
16 and -- you know, it would be very tough to do it again  
17 because we could be in here in two years from now, five  
18 years, eight years. Things could change in that time, but at  
19 least we have an understanding of how things are set up. We  
20 have more -- I guess more tools in the rate design box to  
21 help deal with some of these challenges or unforeseen  
22 challenges that may come in the future.

19:25

23 Q. So the mechanism that you're referring to is instituting  
24 this additional block?

25 A. MR. DESJARLAIS: Correct.

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 Q. Thank you. I'm nearly finished. I just would also like  
2 to get YECL's thoughts on seasonal rates. Perhaps you can  
3 indicate to us whether -- I'm not sure if you heard the  
4 testimony this morning by YEC. If you did, perhaps it would  
5 be sufficient just to say whether you agree with  
6 Yukon Energy's characterization of the reasons why the  
7 utilities agreed that this isn't the preferred approach, or  
8 if not, perhaps you can explain why YECL agreed that this  
9 wasn't the preferred approach.

10 A. MR. PALLADINO: We had some very good  
11 discussion with YEC regarding seasonal rates, DSM, those  
12 types of initiatives. Time-of-use rates as well, too. In  
13 principle, we would agree with YEC's comments regarding these  
14 matters. It's something that -- I'm not sure if Yukon is  
15 ready for seasonal rates, for many reasons, but they've been  
16 spoken to in length by YEC that fundamentally we would have  
17 to agree with.

19:27

18 Q. Thank you.

19 That concludes my questions, Mr. Chair.

20 THE CHAIR: All right. Thank you very  
21 much. Just before we continue, I just want counsel just to  
22 check something with -- well, maybe I can just ask, can I? I  
23 want to just -- I was thinking maybe recessing now before we  
24 get into another session and then beginning tomorrow at 8:30.  
25 Would that work for people, or is that -- or would you rather

19:27

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 go the next half hour?

2 MR. KEOUGH: It would certainly work for us,  
3 Mr. Chairman. The only thing I was going to ask is do the  
4 remaining cross-examiners have an estimate of how long  
5 they're going to take? I mean, I know that that's a rough  
6 estimate --

7 THE CHAIR: Right.

8 MR. KEOUGH: -- but if people say ten hours,  
9 then we've got a different issue than if --

10 THE CHAIR: Yes.

19:28

11 MR. KEOUGH: -- they say two.

12 THE CHAIR: So is that possible to get a  
13 sense, or do people feel comfortable...?

14 MR. BUONAGURO: Right now I'm thinking it will  
15 be between 15 minutes and half an hour.

16 THE CHAIR: Okay.

17 MR. BUONAGURO: For this panel.

18 MR. MAISSAN: Can I just shout out?

19 THE CHAIR: Yes.

20 MR. MAISSAN: I don't think I'd be more than  
21 half an hour.

19:28

22 THE CHAIR: Okay. So we've got an hour or  
23 so.

24 MS. BENTIVEGNA: An hour.

25 THE CHAIR: Okay.



## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 MR. LANDRY: I'll have a few questions on  
2 Rider D, and I won't be anymore than 15 minutes to a half an  
3 hour.

4 THE CHAIR: So probably, from what I'm  
5 hearing, unless -- I mean, we're scheduled for all day  
6 tomorrow, but we can just go ahead and start at 9 o'clock.  
7 It sounds like people will be finished by around noon or...?

8 MR. KEOUGH: 8:30 would still be better.

9 THE CHAIR: Do you have a plane or --

10 MR. KEOUGH: Yes.

19:29

11 THE CHAIR: Okay.

12 MR. KEOUGH: We have a plane.

13 THE CHAIR: Okay. Well, if everybody else  
14 is in agreement with that, and if it's all right with the  
15 court reporters, then we'll recommence at 8:30, and I think  
16 we'll still be okay. Will that still work for you?

17 MR. KEOUGH: That will be great,  
18 Mr. Chairman. We hate to impose on the good graces of the  
19 Board too often, and we feel like we've done it a few times,  
20 and we appreciate that, but 8:30 will be wonderful.

19:29

21 THE CHAIR: Okay. Before we adjourn then,  
22 are there any other housekeeping matters we need to deal with  
23 before we adjourn?

24 MR. KEOUGH: Mr. Chairman, Mr. Landry  
25 reminded me, there is the outstanding question regarding the

## Cross-Exam by Ms. Kellgren

Exam in chief by Mr. Keough

1 indemnity provision and the terms and conditions to Board  
2 counsel. I think the way we better approach that is to give  
3 a written responses. It's not something we want to try to do  
4 on the fly. So we'd prefer to treat it as an undertaking and  
5 file whatever our response is in writing after we've had a  
6 chance to discuss it with YEC.

7 THE CHAIR: Okay. All right. With that,  
8 we'll adjourn till tomorrow at 8:30.

9 -----

10 PROCEEDINGS ADJOURNED TO OCTOBER 7, 2010 AT 8:30 P.M.

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