

September 12, 2025

Yukon Utilities Board  
Box 31728  
Whitehorse, YT Y1A 6L3

Attention: Colleen Henry  
Executive Secretary

**Re: Yukon Utilities Board  
Consultation on Revised Rules of Practice Consultation  
ATCO Electric Yukon (AEY) Comments on Draft Rules**

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On August 7, 2025, the Yukon Utilities Board (the Board) requested comments on its draft revisions to its *Rules of Practice (Rules)*.<sup>1</sup> The Board's request for feedback indicated that the Board is particularly interested in receiving feedback with respect to several key areas, including the filing and serving of documents, applications and the confidential filing of documents, evidence in hearings, the examination of witnesses, and other procedural matters related to both written and oral hearings. AEY appreciates the opportunity to provide feedback on these matters.

AEY notes that the Yukon Territorial Government (YTG) is currently reviewing the *Public Utilities Act (PUA)*, including consideration of changes to improve the efficiency and effectiveness of regulatory processes. In an effort to ensure alignment and avoid further revision to the *Rules* in the near term, it may be beneficial for any proposed changes to the *Rules* to be held in abeyance until the changes to the *PUA* are made to ensure any *PUA* amendments are fully captured by the revised *Rules*.

AEY is supportive of open, fair, and transparent regulatory processes that achieve regulatory efficiency for both customers, who bear the costs of the regulatory process, and utilities who seek prospective rate certainty. In general, and as discussed below, AEY considers that the proposed changes to the *Rules* will facilitate the achievement of these goals. However, AEY has identified aspects of the draft *Rules* that may be refined to provide additional clarification and guidance with respect to case management and Board

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<sup>1</sup> Board's Draft Rules of Practice, dated August 7, 2025.

processes. The following sections contain AEY's comments on each of the matters noted in the Board's August 7, 2025 letter: (1) the provisions of the draft *Rules*; (2) the appropriate Scale of Costs in the Yukon; (3) the impact of cost awards and the Scale of Costs on AEY's participation in proceedings; (4) other factors that influence AEY's participation in proceedings; and (5) other matters AEY considers that the *Rules* could address.

## **1. Comments on the Provisions of the Draft Rules**

### *Section 8: Pre Hearing Conference or Technical Meeting*

AEY proposes that further clarification is required in Section 8(1)(b) of the *Rules*, which indicates that the Board may convene a pre-hearing conference to consider the necessity or desirability for amendments to an application, for the purpose of clarification, amplification or limitation. However, even after an application has been filed, the applicant retains discretion as to whether to amend its application (subject to consideration of Board guidance and direction). The information request process exists so that other parties, including the Board, may seek further context, clarification, or expansion on the contents of the application. In comparison, pre-hearing conferences are typically held to address administrative matters such as the proceeding schedule. In AEY's view, the necessity or desirability of amending an application is properly addressed in other aspects of the Board's process and does not need to be included in Section 8(1).

Section 8(1)(e) indicates that the Board may convene a pre-hearing conference to consider the registration of intervenors, if possible. It is not clear how a pre-hearing conference may facilitate the registration of intervenors, in consideration of Section 22, which sets out a specific written process that must be followed in order to obtain intervenor status.

### *Section 11: Information Requests*

AEY respectfully proposes the following additions under Section 11, which promote an efficient and cost-effective regulatory process for all proceeding participants:

- Information Requests should be relevant to the issues within the scope of the application;
- Information Requests must reference the specific subject/issue included in the Application, including section or page numbers, that the question relates to; and
- The Board may limit the maximum number of Information Requests per party.

The above additions would promote assertive case management and provide the Board with additional tools to manage the written hearing process. Requirements with respect to consistent and clear formatting of preambles and application references in Information Requests would significantly assist participants in understanding the concerns raised by other parties or what clarity those parties are seeking.

#### Section 22: Intervention

AEY proposes that Section 22 specify that a written request to intervene in a proceeding identify the key areas and issues that the prospective intervenor intends to raise or participate in as well as whether they have relevant experience or expertise with respect to the identified areas or issues. This step, early in the process, would identify opportunities for collaboration and the avoidance of duplication among intervenors, and thereby improve resource planning for all proceeding participants. This requirement would also (i) inform the Board's assessment of whether to issue a direction under Section 4(4) for intervenors with similar interests to present a joint intervention, and (ii) allow the Board to prepare issues lists to better guide subsequent process steps such as the information request process.

AEY also proposes that Sections 22(2) and Section 22(3) be re-ordered so that the current Section 22(2) (allowing parties to file a motion objecting to an intervention) be listed before the current Section 22(3) (with respect to the Board's award of intervenor status). Section 22 could further clarify that, upon the Board's review of the request for intervention and any objections, the Board may grant full or limited standing or deny standing altogether.

Section 23: Letter of Comment

AEY proposes that clarity be added to the revised wording to Section 23 regarding the new definition of a 'letter of comment'. Specifically, AEY suggests the following changes:

"Where a notice of an application has been published, any persons who do not wish to intervene in respect of the proceeding but who wish to make their views known about the application may submit a **letter of comment** setting out their views on the application to the secretary by electronic filing."

Adding a specific reference to the new defined term 'letter of comment' would clarify that comments provided pursuant to Section 23 are unsworn and not to be included in evidence, as defined in Section 1.

Section 31: Review of Board Decisions:

Subsection 31(3)(c) indicates that an application for review of a Board decision shall include, if new evidence is sought to be filed, a statement of the nature and purpose of the evidence. In order to add clarity, and in consideration of criteria applicable to the review of decisions of public utility regulators in other jurisdictions,<sup>2</sup> this provision could be revised to refer to new evidence that was not available to the parties at the time of the original proceeding.

Other Considerations with respect to the Provisions of the Rules

*Provisions for Negotiated Settlements:* AEY proposes that specific provisions be added to the *Rules* with respect to negotiated settlements. Offering the ability for registered parties to negotiate a settlement of an application can reduce regulatory burden while ensuring an open and fair process that is subject to Board oversight. Typically, negotiated settlements reached between applicants and intervenors in rates proceedings are filed with the regulator for approval. At a minimum, the *Rules* could allow partial negotiated settlements, whereby the Board issues a direction dictating which issues may be

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<sup>2</sup> Alberta Utilities Commission, [Rule 016: Review of Commission Decisions](#), s 5(b); British Columbia Utilities Commission, [Rules of Practice and Procedure](#), s 31.05.

negotiated and which may not, which narrows the scope of the fully-litigated process and limits hearing costs.

*Materiality Thresholds:* proposes that the *Rules* set materiality thresholds with respect to the requirement to file business cases and justification of cost variances. The introduction of materiality thresholds would promote regulatory efficiency and facilitate a written and oral hearing process that is focused on material issues. AEY submits that materiality thresholds for capital business cases could be set as a percentage of rate base, and that materiality thresholds for operating expenditures could be set based on a combination of dollar and percentage change in year over year operating expenditures.

*Artificial Intelligence Provisions:* AEY notes that other jurisdictions are introducing requirements to disclose the use of artificial intelligence in the preparation of written materials.<sup>3</sup> This ensures that adopted evidence has been written by the individual attesting to the information.

## **2. Consideration of an Appropriate Scale of Costs**

As highlighted in the joint letter to the Board from Yukon Energy Corporation (YEC) and AEY dated April 11, 2024,<sup>4</sup> the gap between the Scale of Costs, established in 2012 in relation to the actual costs for participating in the regulatory process, has widened over the years, while the complexity of proceedings has increased.

AEY respectfully requests that the Board review and adjust the Scale of Costs in order to take into account inflationary or other factors the Board deems appropriate.

## **3. Implications of Cost Awards and the Scale of Costs**

Since AEY is a regulated utility, the fact that the Board considers and awards costs, in accordance with the criteria set out in the Scale of costs, does not materially impact AEY's decision to participate in a proceeding before the Board.

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<sup>3</sup> Refer to the Alberta Utilities Commission, [Rule 001: Rules of Practice](#), s 20.3.

<sup>4</sup> Letter submitted to the YUB, April 11, 2024 from YEC-AEY.

#### 4. Other Participation Factors

In consideration of frequency and timing of filing an application, the availability of staff and the volume of work required are important considerations. In AEY's experience, the regulatory burden in the Yukon is notably high, and is comparable to that of larger utilities, despite the smaller scale of operations. For example, the volume of Information Requests (IRs) received during recent proceedings provides an indication of the regulatory burden and the resulting necessary resources required to support that workload. As shown in the table below, ATCO Electric Yukon received over 800 IRs in its 2023–2024 GRA, which is similar to the volume seen in ATCO Electric Transmission's 2023–2024 GTA.

**Table 1: Historical IR Count per Past Proceedings**

Utility	Proceeding Description	Applied for Revenue Requirement*	IR Count
ATCO Electric Yukon	2013-2015 GRA	\$25 Million	1,111
ATCO Electric Yukon	2016-2017 GRA	\$25 Million	674
ATCO Electric Yukon	2023-2024 GRA	\$30 Million	803
Naka Power Utilities (NWT)	2014-2015 GRA	\$8 Million	388
Naka Power Utilities (NWT)	2023 GRA	\$7 Million	158
Naka Power Utilities (NWT)	2025 GRA	\$4 Million	183
Naka Power Utilities (Yellowknife)	2011-2013 GRA	\$10 Million	163
Naka Power Utilities (Yellowknife)	2024-2025 GRA	\$12 Million	105
ATCO Electric Transmission	2023-2025 GTA	\$682 Million	851
ATCO Pipelines	2024-2025 GRA	\$372 Million	388

\*Test Period average excluding fuel & supply purchases

AEY's recommendations in Section 1 aim to address the challenges of managing the required workloads associated with regulatory proceedings. AEY is committed to openness and transparency in its operations and fully supports regulatory process that reflects the same principles. In AEY's view the requirement for robust review should be balanced with regulatory efficiency and process that is proportionate to the scale and context of operations in the Yukon to support effective participation and lower the overall cost that customers ultimately bear.

## 5. Other Matters

As part of ongoing efforts to enhance regulatory efficiency and improve cybersecurity, AEY would welcome an opportunity to explore the potential benefits of an online filing system. In our experience, reliance on email for submitting large volumes of documents can introduce challenges, particularly when files are quarantined due to size or security filters. This can result in delays, missed communications, or additional effort to verify and release content safely. An online platform could help streamline submissions, improve transparency, and support measures to mitigate increasing cyber risks, while also reducing administrative burden for all parties.

AEY appreciates the opportunity to provide input into the draft *Rules* and values the role of the Board in fostering fair, inclusive and efficient proceedings. AEY remains committed to working collaboratively with the Board and other stakeholders to support continuous improvement in regulatory practices and welcomes further dialogue on any of the suggestions outlined in this submission.

Should you have any questions, please contact the undersigned at [Elizabeth.Rogers@atco.com](mailto:Elizabeth.Rogers@atco.com).

Yours truly,

Beth Rogers, CPA CMA  
Director, Regulatory