

UTILITIES CONSUMERS' GROUP
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June 17, 2008

Yukon Utilities Board
Box 31728
Whitehorse, Yukon
Y1A 6L3

Attention: Wendy Shanks, Chair

Re: Notice of Motion Yukon Electrical Co. Ltd. Rate Application

Dear Ms. Shanks:

It is now past 10:00 PM and the UCG has not received any comment, from the applicant nor any interested party, on our June 5 Notice of Motion. Since I will not be in Whitehorse for the next couple of days, I was hoping to respond to any comments made on this motion this evening. Without this opportunity, UCG can only respond to the Pre-Hearing transcript comments made by the YECL and YEC lawyers.

Mr. Keogh states that the Motion is not in the proper formal format and Mr. Landry concurs. Of course, these legals do not have any desire for a non-professional meddling in their business and this is a sad attempt to use these legal formalities to dodge the issue. There is no particular format nor directions in the Public Utilities Act nor in the Board's rules of practice on how to properly file a motion. The UCG nor other interveners that have filed prior Motions have never been told by this Board that there is a proper process in filing such or it will be dismissed. Each motion has been taken on its merits.

The Board's Rules of Practice in #19 gives an outline of the necessary information needed to make a Motion. UCG submits we have met all these conditions.

It is important to note that both these utilities have a history of not conforming to recommendations made by their regulator. YECL does not want to do this necessary very important homework, nor will the YEC accommodate these issues in their application if this Board's recommendations fall by the wayside in this application. If the Board is serious about the recommendations they make, then Yukon electrical ratepayers would expect the YUB to be proactive and order these two utilities to follow the Board's directions.

There is another important issue which was brought forward by these legals, for which I would like to comment on now as it has implications on this motion; i.e. that UCG be not considered as an intervener if they do not participate in the pre nor hearing process. If the utilities are successful in further marginalizing our organization, this motion would have no intervener and

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therefore go away.

UCG notes that there is nothing in the Act nor in the Board's Rules of Practice which states that an Intervener must actively appear at the hearing or pre-hearing. It states in 24 (b) that a written request to intervene "states clearly the **interveners intention** to appear at the public hearing and to participate in the filing and the testing of evidence. " There is not even an implication in this rule that would disallow an interverer for the simple fact that they do not wish to appear or do not appear at the public hearing. It simply asks the **intention** to do so or, for that fact, not do so.

UCG gave our intention right from the onset, in our intervention registration, that it was our intention to opt out of these particular portions of the process. UCG will file our IRs and make argument on the basis of the responses and the transcripts of the hearing. We therefore request that written final arguments be accomodated by the Board rather than oral.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

Roger Rondeau
President, Utilities Consumers' Group

C.c. All interested parties