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Mr. Richard Buchan, Chair  
Yukon Utilities Board  
Box 31728  
Whitehorse, Yukon Y1A 6L3

Re: YEC 2021 General Rate Application – Round 2 Motion for Further Disclosure- NY Reply

I am disappointed that YEC, through their legal representation, has declined to answer my motion for further disclosure. Stating that “The answers by YEC are more than sufficient...” seems insufficient as a reply.

I believe my questions are legitimate and relevant, and I request that YEC be directed to provide responses, and that I be given the opportunity to reply to whatever new information is provided. A letter declining to reply to a motion should not be allowed to compromise or delay a legitimate process.

A clear example of an insufficient response comes in YEC’s answer to **NY-YEC-2-3 (b) and (e)** where YEC was questioned about their decision to install six rental diesels (16MW cumulative station capacity) in Faro, despite the regulator rejecting their initial application to install 16MW cumulative station capacity, and eventually only allowing 10.6MW.

The approval that YEC received from the regulator stated that “*YEC has authorization to reinstall previously relocated/de-rated capacity of up to 10.6MW, cumulative station capacity...*”

YEC’s initial response to the IR included the following: (YEC’s emphasis)

*"In her correspondence, the Yukon government representative was “rejecting” the allowance to **operate** any capacity beyond the existing permit threshold without further YESAA assessment, not rejecting the **installation** at the facility."*

My motion for further disclosure asked where YEC was given authority to install a cumulative station capacity (production capacity) of greater than 10.6MW, and noting that “operating capacity” was not mentioned in any correspondence with the regulator.

Confirming the validity of my questioning of YEC's use of "operating capacity" instead of "cumulative station capacity" and "production capacity," YESAB has recently issued an information request to YEC as part of the YESAB assessment (2021-0115) for the Faro generating station expansion project that notes the following: (YESAB's emphasis)

*"...the assessment of an expansion of a hydroelectric generating station, or a fossil fuel-fired electrical generating station is based on the **production capacity** of said generating station, and makes no mention of the **operational capacity**."*

YESAB then asks YEC to *"Please provide a description of all equipment (current and proposed) used for the purpose of generating electricity at the Faro Generating Station and their total combined **production capacity**."*

If YEC cannot confirm legal authority to install more than 10.6KW cumulative station capacity, this leads to further questions, such as **NY-YEC-2-2(a)** where YEC is asked how N-1 is met if cumulative station capacity is 10.6MW, rather than the 14.8MW attributed to the Faro facility in the GRA.

The Faro rentals and associated infrastructure are a significant contribution to the revenue shortfall in the GRA, and my motion asks questions on this topic that YEC has failed to answer.

If YEC's failure to answer the motion and the specific questions presented in the IR process is to be interpreted as Yukon Energy's admission that they knowingly disregarded the regulator and YESAA and lacked legal authority to install the rental generators in Faro, then the letter from their legal representative is sufficient. If YEC does not accept the above interpretation, YEC should provide accurate and relevant responses to all questions in the motion, as originally directed by the Board on September 8, 2021. If YEC chooses to answer, it is hoped that the answers can be provided in a timely manner and the delay caused by YEC's non-response will not jeopardize the current process schedule.