

Yukon Utilities Board

IN THE MATTER OF the *Public Utilities Act*

and

Yukon Energy Corporation General Rate Application Dated November 20, 2020


October 19, 2021

MEMORANDUM OF DECISION

1. On October 15, 2021, the Yukon Utilities Board (“the Board”) received a notice of motion from Mr. Nathaniel Yee, an intervener in this proceeding, asking the Board to admit updated evidence from the ongoing Yukon Environmental and Socio-economic Assessment Board (“YESAB”) assessment regarding the Faro rental diesel generating units. For the reasons that follow, the Board denies Mr. Yee’s application.
2. The evidence at issue consists of Yukon Energy Corporation (“YEC”) Information Request (IR) responses to YESAB IRs. The Board acknowledges that the proposed evidence has some relevance to the matter of rental diesel generating units, which is an issue being assessed in the current Application. In addition, the Board finds that the evidence, comprising two documents dated October 4, 2021, and October 12, 2021, could not have been filed during the evidentiary portion of the oral hearing which concluded on September 29, 2021. However, these factors are outweighed by the considerations that follow.
3. First, Board Order 2021-11 established the dates for filing intervener evidence as September 10, 2021; for the oral hearing as September 27-29, 2021; for filing final argument as October 12, 2021; and for reply argument as October 19, 2021. Accordingly, the evidentiary record of this proceeding has closed and all reply arguments are due no later than today.
4. Granting Mr. Yee’s motion would require the Board to open the evidentiary record of the proceeding after argument has been filed. Moreover, it would significantly interrupt the proceeding because admitting new evidence so late in the process would require reopening the hearing to allow YEC an opportunity to respond, which could include rebuttal evidence, supplemental argument, and reply argument steps. The Board finds that the evidence presented does not warrant reopening this proceeding after argument has been filed. Further, granting the application would entail additional delay and potentially significant cost to the other participants in this proceeding, all of which would be inconsistent with the objective of efficient processing of the Application.

5. Second, the Board considers that the process for the YEC 2021 GRA afforded Mr. Yee sufficient opportunity to participate in this proceeding on relevant issues. Mr. Yee had the opportunity to file IRs and evidence, cross-examine YEC witnesses at the hearing, and file argument on the issue of past and ongoing YESAB assessments for the Faro rental diesel generators and he did so.
6. Third, the Board considers the evidence at issue unnecessary to enable the Board to make a fair and informed determination of the issues raised by Mr. Yee, because there is sufficient information on the record on those issues. Additional information is not required to complete the record of this proceeding.
7. Accordingly, Mr. Yee's motion to adduce further evidence following completion of the hearing is denied.

YUKON UTILITIES BOARD



Richard Buchan, Chair