

August 29, 2024

Ms. Lesley McCullough, Acting Chair
Yukon Utilities Board
Box 31728, Whitehorse, YT Y1A 6L3

Dear Ms. McCullough:

**Re: Yukon Energy Corporation 2023-2024 General Rate Application – Nathaniel Yee
Cost Claim**

The Yukon Utilities Board has invited participants to file comments on the cost claims of the other participants in this proceeding by August 29, 2024.

Although it has been YEC's usual practice in recent GRA proceedings generally not to comment on intervenors' cost claims, YEC believes that it is necessary and appropriate for it to comment briefly on Nathaniel Yee's cost claim given the nature and approach of his intervention.

The Board's authority to award an intervenor's cost claim is discretionary.

When exercising that discretion, and determining the amount of costs (if any) to be awarded to a participant, the Board may consider the factors enumerated in section 6 of Schedule 1 to the Board's Rules of Practice including consideration of whether the participant "acted responsibly in the proceeding" (s. 6.1(b)), as well as whether the participant:

- submitted evidence and argument on issues that were not relevant (s. 6.2(f)); or
- engaged in conduct that unnecessarily lengthened the duration of the hearing or other proceeding or resulted in unnecessary costs to other participants (s. 6.2(h)).

Mr. Yee did both of these things. His overall approach to the proceeding also crossed the line of a participant acting "responsibly". In many instances it was irresponsible, inappropriate and disrespectful to the process.

It was, of course, Mr. Yee's right as an intervenor to express his disagreement with any evidence or submissions provided by YEC in this proceeding, and to present any relevant intervenor evidence or make any relevant arguments in response that he wished the Board to consider.

However, as outlined previously in YEC's February 8, 2024 Rebuttal Evidence¹ YEC's Opening Statement,² in Mr. Landry's comments at the hearing³ and in YEC's Final Argument,⁴ it was wholly inappropriate for Mr. Yee to level and pursue unsupported allegations of fraud against YEC – including reputable and hard-working YEC employees who were individually named in his materials – in the context of this regulatory proceeding before the Board. Those allegations were entirely without merit, and served only to distract from the relevant issues that were properly before the Board in this proceeding.

During the hearing, the Board Chair specifically recognized the inappropriateness of Mr. Yee's attempts to advance allegations of this nature in a GRA.⁵

In addition, many of the issues raised by Mr. Yee were irrelevant to the questions properly before the Board, involving matters outside the Board's jurisdiction. They also represented an attempt by Mr. Yee to revisit matters that the Board had already ruled on in the 2021 GRA.⁶

Mr. Yee's persistence in pursuing his fraud allegations and his other irrelevant lines of argument (that were for other regulators to deal with) made it necessary for YEC to respond and to incur unnecessary expense, as well as unnecessarily lengthening the duration of the hearing.

When assessing Mr. Yee's cost claim, the Board should consider the need to deter such conduct in future proceedings before the Board.

Yours truly,



Jason Epp
Vice President, Finance and CFO

¹ Exhibit 9, PDF p. 2.

² Exhibit 10, PDF p. 7.

³ March 5, 2024 Transcript, page 247, line 21 - page 248, line 8.

⁴ YEC Final Argument, section 4.3 (p. 63).

⁵ March 5, 2024 Transcript, page 248, line 18 - page 249, line 25.

⁶ YEC Final Argument, section 4.3 (p. 63); YEC Reply Argument, section 2.2.3 (p. 19).