

# Yukon Utilities Board

March 10, 2021

Hon. Tracy-Anne McPhee  
Minister of Justice  
Government of Yukon  
Box 2703  
Whitehorse, Yukon Y1A 2C6

Dear Hon. Ms. McPhee:

**Re Battery Energy Storage System (BESS) project  
Part 3, *Public Utilities Act* (“the Act”)**

I write further to your letter of February 2, 2021, addressed to Bonnie King, Vice-Chair of the Yukon Utilities Board (“the Board”) in connection with the above-noted BESS project. In that letter, you issued a direction to the Board, requiring it to report back to you no later than May 17, 2021, with recommendations outlined in the terms of reference for that project.

My purpose in writing to you is to request, pursuant to section 17(3)(b) of the Act, that you reconsider and vary the May 17, 2021 deadline to enable the Board to fulfill the mandate within a feasible timeframe. Briefly, the reasons underlying this request include the following:

- The Board was not consulted by the applicant Yukon Energy Corporation (“YEC”) or anyone else about the feasibility of it being able to produce a thorough and meaningful report to you by May 17, 2021.
- To conduct a review under Part 3 of the Act requires the Board to observe due process, which includes reasonable timelines for each of the procedural steps leading up to a public hearing, Board deliberations, and it subsequently issuing its final report.
- The Board did not receive referral of YEC’s application until February 2, 2021, following which the Board met with its legal and technical team as soon as practicable to assess a reasonable timeframe within which to conduct the public hearing process and to prepare its recommendations to you.
- Subject to the contingencies of the process, the Board considers it more feasible to be able to produce its report by the end of July.

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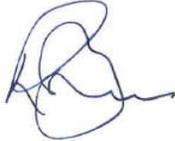
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For your information, I enclose Board Order 2021-03, which provides the Board's partial timeline for assessing and reporting on the BESS project. Once we determine more clearly the extent of the participants' evidence, submissions, and rebuttals, the Board will be better able to determine more precisely a feasible reporting date.

The Board would welcome officials from the Department of Justice contacting it to discuss practical considerations in connection with reporting on the project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Buchan', with a stylized flourish at the end.

Richard Buchan  
Chair

Attach (1)

- c. John Phelps, Deputy Minister of Justice  
Michele McDonnell, Director of Regulatory Services, Department of Justice