

YUKON UTILITIES CONSUMERS' GROUP (UCG)

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July 2, 2022

Yukon Utilities Board

Box 31728

Whitehorse, Yukon Y1A 6L3

Attention: Deana Lemke and YUB Board Members

Re: Yukon Energy Corporation – YEC EPA

UCG Notice of Motion re: Postponement until all Information Available

Dear Ms. Lemke:

The Yukon Utilities Consumers' Group (UCG) hereby files the following notice of motion with reasons.

Notice of Motion: That the Yukon Utilities Board (YUB) consider postponing the hearing and arguments on the above Application.

Reasons:

*1.) The Minister's Terms of Reference states that **General purpose of the investigation** "is to obtain the YUB's report and recommendations on the potential benefits, costs, risks and customer impacts that influence whether the Agreement should proceed as proposed by YEC".¹*

2.) In response to a UCG interrogatory YEC responded:²

4. a)

In summary, the dates contained in the amended EPA for satisfaction of the conditions precedent in Section 2.1(d)(i) to (ix) have been extended from the dates included in the amended EPA. As such, the date for completing the conditions precedent for each of the items identified in the preamble above has not been met. The following is specifically noted regarding the conditions precedent specified in

¹ Minister's Letter of Referral to Board May 18, 2022

² UCG-YEC 2-4

the preamble above:

- *Interconnection Agreement [Section 2.1(d)(i)] – the date for satisfaction of this condition has been extended to July 29, 2022.*
- *Funding Plan [Section 2.1(d)(iii)] – the date for Seller to submit the Funding Plan has been extended to September 30, 2022, and the date for Buyer to give Notice to Seller that Buyer is satisfied with the Funding Plan has been extended to 30 October 31, 2022.*
- *Environmental Authorizations [Section 2.1(d)(iv)] – the date for satisfaction of this condition has been extended to March 31, 2023.*
- *TRTFN Approval [Section 2.1(d)(vi)] – the date for satisfaction of this condition has been extended to October 31, 2022.*
- *Yukon Government Approval [Section 2.1(d)(v)] – 1 the date for satisfaction of this condition is 215 days after April 12, 2022 (the date the Amended EPA was provided to the YUB), and is the same as provided in the Amended EPA.*

4 (b)

See response to part (a) above. The dates for satisfaction of the condition regarding the funding plan [Section 2.1(d)(iii)] have been extended to September 30, 2022 and October 31, 2022.

Please see response to YUB-YEC-2-8(b) and (c) which reviews current information regarding the sources of funding for the Atlin Hydro Expansion Project.

*Please see response to YUB-YEC-1-15 AMENDED which reviews information regarding the \$240 million estimate (2024\$) for Project capital costs including Buyer-AEY System Upgrade Costs. Yukon Energy understands that THELP is currently estimating total **Project cost at \$254 million, including \$35 million contingency.***

Given the above information, achieving the obligation of the Board to report and make recommendations on the costs, risks and customer impacts, UCG submits these cannot be fulfilled without these necessary conditions being met and made available to the public for scrutiny.

Therefore, UCG requests this date of postponement, at the earliest, be set October 31,

2022 when most of this information will be presented, with the exception of the YESAB report. UCG also questions why it has taken so long to receive environmental authorization?

As the Board has been given 180 days from the date of the final EPA submission, which identified these new condition dates, was delivered on June 27, 2022,³ this allows until mid-December for the Board report to be filed. If the Board does not consider this sufficient time to make its report, then an extension can be requested from the Minister.

Regards,

Roger Rondeau, UCG

³ YEC submission 2nd. IR responses, June 27,2022