Yukon Utilities Board

Board Order 2026-11

Appendix A: Reasons for Decision

July 17, 2026

1. Introduction

1. On December 20, 2024, ATCO Electric Yukon (AEY) and Yukon Energy Corporation (YEC) (jointly the Utilities) filed an Application with the Yukon Utilities Board (the Board), pursuant to the Public Utilities Act (the Act) and Order-in-Council 1995/90, requesting an order approving certain updates to the Terms and Conditions of Service (T&Cs). The Application sought approval of:

    - Updates focused on modernization of the T&Cs;
    - Updated Maximum Investment Levels (MIL) based on an MIL Cost Study and an inflation mechanism for future years; and
    - Updated Fees and Service Charges to reflect changes in operations and an inflation mechanism for future years.

2. The Board issued Board Order 2025-01 on January 13, 2025, in which the Board set out a process schedule in which the deadline for intervener registrations was set for February 3, 2025.

3. The Board received approval from the Minister of Justice for this proceeding on January 14, 2025.

4. On January 31, 2025, the Board received correspondence from the Utilities requesting a revision to the proceeding schedule. The Utilities stated that, due to pre-existing scheduled proceedings, the current public oral hearing dates created scheduling conflicts with key representatives from both companies. The Utilities suggested a full written process including a second round of information requests in lieu of the oral public hearing. However, if the Board were to proceed with a public oral hearing, the Utilities suggested a two-day hearing be set for June 16 to 17, 2025.

5. On February 6, 2025, the Board issued Board Order 2025-02 granting intervener status to John Maissan, Elena Ross, UCG, Nathaniel Yee, and Max Fraser. In that order, the Board asked for comments from interveners regarding the request from the Utilities for changes to the proceeding schedule. More specifically, it asked for intervener comments on an oral public hearing versus a fully written process with two rounds of information requests. It further requested comments on the proposed hearing dates if an intervener preferred an oral public hearing. It also asked for comments on any other changes to the proceeding schedule such as later dates for the first round of information requests and potential dates for a second round of information requests if a fully written process was held.

6. On February 10, 2025, the Board received a request from Bipin Kothyari on behalf of the Tr'ondëk Hwëch'in Government for intervener status.

7. The Board received submissions from three interveners in response to Board Order 2025-02 before the February 12, 2025 deadline. Mr. Maissan preferred a fully written process schedule that would be completed before July 1, 2025. The UCG accepted the Utilities request for a fully written process and accepted the timelines proposed by the Utilities. Mr. Yee supported the full process as outlined in Board Order 2025-01.

8. The Utilities provided their reply to the intervener comments on February 14, 2025. In their reply, the Utilities stated new information since the original filing and directions from Board Order 2025-01 drove the need to revisit the process schedule. New information such as:

    1. Number of interested parties granted intervener status.
    2. The scheduling conflicts for the hearing dates.
    3. Support for a written process that includes two rounds of IRs from two of the three parties providing process comments.

    The Utilities added that the written process provides a fulsome process, achieves cost efficiencies, and promotes a fair, expeditious and efficient determination of the issues. In response to Mr. Yee's submission, the Utilities stated that Mr. Yee did not provide any reason as to why an oral hearing is required nor did Mr. Yee's submission establish that any party would be prejudiced by the Utilities' proposal for a fully written process.

9. In Board Order 2025-03, dated February 18, 2025, the Board decided to hold a written hearing after consideration of comments of the interveners and reply comments of the Utilities. A revised process schedule was provided to parties which included two rounds of information requests and responses, the submission of intervener evidence followed by a round of information requests and responses related to same, rebuttal evidence and simultaneous written final argument, followed by simultaneous written reply argument. In this Board Order, the Board also granted intervener status to the Tr'ondëk Hwëch'in Government.

10. In accordance with the schedule for this proceeding, the record for the proceeding closed June 24, 2025.

11. The Board issued Board Order 2025-13 and Appendix A: Reasons for Decision on the Application on September 8, 2025.

12. UCG, Nathaniel Yee, and AEY filed costs claims for participation in the proceeding within the timelines specified in Section 3.1 of the Scale of Costs, Schedule 1 to the Board's Rules of Practice (Scale of Costs). Mr. Maissan informed the Board that he would not be filing a costs claim. On November 4, 2025, the Board provided the parties an opportunity to comment on the costs claims received. No comments were filed by the parties.

13. Costs claimed by the parties are subject to stringent scrutiny by the Board as costs awarded are charged to customers through the utility's rates. In making its costs award, the Board considered the provisions of the Scale of Costs. More specifically the Board noted the following provisions:

> 3.1 A participant may apply in writing to the Board within 30 days after the issuance of a Board decision in a proceeding for an award of costs incurred in that proceeding by filing a costs claim which explains:
>
> (i) what interests they represent,
>
> (ii) what tasks they have undertaken,
>
> (iii) why they appeared before the Board,
>
> (iv) what efforts were expended to avoid duplication as between participants or as between counsel, experts, and consultants, and
>
> (v) why the costs submitted are reasonable.
>
> ...
>
> 3.3 The onus is on the applicant or intervener to provide sufficient information for the Board to effectively assess its claim and must address the specifics of the proceeding.
>
> ...
>
> 4. Allowable Fees and Expenses
>
> A participant may only claim the following costs at the rates equal to or lesser than those set out below:
>
> 4.1 Professional fees
>
> This scale of costs provides a sliding scale for professional fees; as the professional's experience increases, so will his or her value and wage. The Board emphasizes that the maximum allowable hourly rates will not be awarded as a matter of course. Rather, the Board will assess each

claim upon its individual merits and will only approve the maximum fee when it has been demonstrated that such a charge is warranted by the work performed.

...

6.1 In exercising its discretion to award costs, the Board may award costs, in accordance with the Scale of Costs, to a participant if the Board is of the opinion that:

(a) the costs are reasonable, prudent, and directly and necessarily related to the proceeding, and

(b) the participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Board.

6.2 In determining the amount of costs to be awarded to a participant, the Board may consider whether the participant did one or more of the following: ...

(f) submitted evidence and argument on issues that were not relevant;

...

(h) engaged in conduct that unnecessarily lengthened the duration of the hearing or other proceeding or resulted in unnecessary costs to other participants; ...

14. After careful consideration, the Board has exercised its discretion and made the adjustments set out below based on the criteria set out in the Scale of Costs. In addition, the Board has considered all relevant materials comprising the record of this proceeding, including the evidence and argument provided by each party.

2 Intervener costs

15. As noted above, UCG and Nathaniel Yee submitted costs claims.

2.1 UCG

16. UCG claimed costs for a regulatory consultant, Mr. Roger Rondeau on Form 2 as follows:

Roger Rondeau- Hourly rate $270.00

Hours of Preparation 45

Argument and Reply 29

Total Fees claimed: 74 hours x $270.00 = $19,980.00

Disbursements claimed $ 35.00

Total UCG claim: $20,015.00

17. In its costs claim, UCG stated that UCG indicated its intent to retain Mr. Roger Rondeau as regulatory consultant for this proceeding in a letter dated January 2, 2025. It added that Mr. Rondeau provided consulting services to support the intervention of UCG and filed retainer of services agreement which is not signed by either party. UCG submitted that Mr. Rondeau delivered his services consistent with the requirements of the proceeding and assisted in developing interrogatories and submissions from a residential and small business ratepayer perspective. UCG noted it prepared two rounds of information requests and filed final and reply arguments.

18. UCG added that Mr. Rondeau has represented UCG in various Yukon Energy Corporation and ATCO Electric Yukon/Yukon Electrical Corporation proceedings since 1993. In addition, the hourly rate of $270.00 claimed for Mr. Rondeau is the standard rate for consultants with his number of years of experience under the Scale of Costs. It concluded that the incurred costs were reasonable and necessary for effective participation in this proceeding, Further, UCG aimed to contribute to the Board's understanding of relevant issues, and the submissions contributed to the overall discussion. It added that UCG was mentioned several times in the Board's decision on this application.

Costs awarded

19. The Board notes that UCG retained the services of Mr. Rondeau as a regulatory consultant to represent it in the proceeding. In past cost awards on previous proceedings, the Board has considered UCG as an unrepresented intervener and awarded costs under section 4.3 of the Scale of Costs. However, given that UCG retained the services of Mr. Rondeau and submitted a services agreement and a description of the activity undertaken for UCG in relation to the proceeding and the date the activity was undertaken, the Board has assessed UCG's costs claim under section 4.1 of the Scale of Costs.

20. Regarding the hourly rate claimed for Mr. Rondeau of $270.00, the Board notes that in the past few costs claims, UCG has claimed an hourly rate of $100.00 for Mr. Rondeau. The reason offered for the claimed rate is that such a rate is that it is allowed under the Scale of Costs for a person with his experience. However, as noted above, the Board has discretion when determining an hourly rate for a consultant and

will not award the rate claimed as a matter of course. Rather, the Board will assess each claim upon its individual merits and will only approve the maximum fee when it has been demonstrated that such a charge is warranted by the work performed. Given that Mr. Rondeau's hourly rate was $100.00 for the AEY 2023-24 General Rate Application proceeding and the YEC 2023-24 General Rate Application proceeding, the Board considers that the additional experience gained by Mr. Rondeau in utility proceedings since UCG's last cost claim does not warrant the requested hourly rate. Further, the Board is not persuaded by the UCG submission that such a significant increase, i.e. almost triple Mr. Rondeau's previous hourly rate, is warranted in the short time period since the previous proceedings and this one. As a result, the Board grants the hourly rate for Mr. Rondeau's consulting services service of $125.00.

21. Mr. Rondeau, on behalf of UCG, participated in the proceeding by reviewing of the Application, preparing two rounds of IRs, reviewing information responses, and preparing final argument and reply argument. Mr. Rondeau also claimed for preparation of the UCG cost claim. As previously determined, the Board does not award costs for the preparation of costs claims as this task is not assistance to the Board in its determination on the issues in the proceeding. Therefore, the Board deducts 8 hours from the hours claimed.

22. After analyzing the services provided and hours claimed, the Board considers Mr. Rondeau's contribution on behalf of UCG was for the most part of assistance and contributed to a better understanding of some of the issues before the Board. However, the Board found the costs claimed for the discussions with UCG throughout the proceeding, and references to identifying evidence for further investigation or research without any explanation in the cost claim as to how this investigation and research pertained to the proceeding, were not reasonable, as these tasks did not assist the Board in a better understanding of the application. Accordingly, pursuant to Section 6.1(b) of the Scale of Costs, as noted above, the Board has reduced the 74 hours claimed by 8 hours for the preparation of the costs application which results in a claim for 66 hours. These 66 hours are reduced by 10 % and the Board awards 59.4 hours at a rate of $125.00 for a total of $7,42.00 for consulting fees.

23. UCG claimed $35.00 in disbursements for photocopying and the fee for swearing of affidavit for its costs claim. The Board awards $ 35.00 in disbursements as claimed.

24. In summary, the Board awards costs to UCG as follows:

Consultant Fees	
Roger Rondeau	$ 7,425.00
Disbursements	$ 35.00

Total costs awarded	**$ 7,460.00**

2.2 Nathaniel Yee

25. Nathaniel Yee filed a costs claim for the proceeding. He claimed 25 hours in total, comprised of 19 hours for preparation and 6 hours for argument and reply, at $ 55.00 an hour, for a total claim of $1,375.00. Mr. Yee submitted that this was his sixth appearance before the Board and that he has been "persistent about bill presentation issues and getting actual rates displayed on billing statements". He added that "the Board did not agree with my suggestion of penalizing the Utilities for successive failure to read meters". He concluded by stating that "I believe my ideas, approach and attention to detail added value to the process, and I appreciate the opportunity to work towards improving the customer experience."

Costs awarded

26. Mr. Yee's costs claimed are subject to Section 4.3 of the Scale of Costs for his participation as an unrepresented intervener in this proceeding. Mr. Yee participated in this proceeding by filing two rounds of information requests and argument.

27. The Board finds that the hours claimed by Mr. Yee for the tasks performed in this proceeding are reasonable. Regarding the hourly fee claimed, the Board notes that Mr. Yee claimed an hourly rate of $45.00 for the AEY 2023-24 General Rate Application proceeding and the YEC 2023-24 General Rate Application proceeding. Given that the hourly rate requested for participating in this proceeding represents a small increase from the previous hourly rate requested and that Mr. Yee has gained in additional experience, the Board exercises its discretion and awards the requested hourly rate of $55.00. Accordingly, the Board awards Mr. Yee $1,375.00 in costs.

28. In summary, the Board awards costs to Nathaniel Yee as follows:

Fees	$1,375.00
Total costs awarded	**$1,375.00**

3. Applicant Costs Claim – AEY

3.1. AEY Costs Claim

37. AEY claimed the following costs:

Bennett Jones (Professional Fees)	$22,232.00
AEY Disbursements	$2,280.75

Total Cost Claim	$24,512.75

38. AEY states that the costs claimed were incurred for:

    - Preparation of the Application;
    - Responding to Information Requests;
    - Preparation of Final Argument and Reply Argument; and
    - Legal support and guidance throughout the proceeding.

39. AEY added that the costs in its claim are based on the recovery rate per hour for legal fees was based on the number of years at the bar in accordance with the Scale of Costs and the advertising costs to provide notification to public of the Application and proceeding. AEY submitted that the evidence was prepared in an efficient and professional manner. The costs incurred in relation to the Application were necessary to fulfill its role as the Applicant. AEY was of the view that the costs incurred are reasonable, in line with the scope, nature, and complexity of the proceeding. AEY further submitted that it has made every effort to conduct itself in the most cost-effective manner possible.

40. AEY retained Bennett Jones LLP as legal counsel, with Tim Myers and Erin Allison providing the legal services required. AEY claimed legal fees for Mr. Myers at the hourly rate of $320.00, as he has 12 years of experience, and for Ms. Allison at the hourly rate of $240.00 as she has 3 years of experience. The total hours claimed are 50.70 hours for preparation and 31.30 hours for argument and reply argument. Detailed invoices from Bennett Jones LLP were submitted as part of the costs claim. The total fees claimed for legal services are $ 22, 232.00.

41. AEY claimed $2,280.75 in disbursements for advertising the application and process schedule.

Costs Awarded

42. Regarding the legal fees claimed for Bennett Jones LLP, the fees are in accordance with the Scale of Costs. The Board notes that junior counsel provided a large portion of the legal services which reduced the costs claimed for legal services in the proceeding. The Board finds that the legal costs claimed are reasonable for the tasks undertaken by legal counsel in this proceeding. Accordingly, the Board awards $22,232.00 for legal fees claimed for Bennett Jones LLP.

43. The disbursements for advertising of the Application and process schedule are in accordance with invoices submitted in support of these costs. The Board awards the disbursements as claimed.

44. Therefore, the Board awards AEY the following costs:

Bennett Jones LLP	
Fees	$ 22,232.00
AEY Disbursements	$ 2,280.75
Total	**$ 24,512.75**

4. Government of Yukon costs – Yukon Utilities Board

65. The Board costs with respect to the Application proceeding are costs that more appropriately belong to the utility and ultimately the utility ratepayers rather than to the Yukon taxpayers. Therefore, all hearing-related costs of the Board are allowed as utility regulatory costs. As there is an outstanding implementation issue in this proceeding, the Board will issue two costs orders for the costs incurred by the Board in this proceeding. In this costs order, the Board directs an award of costs for Board costs from the beginning of the proceeding to March 31, 2026, to Government of Yukon in the amount of $ 155,611.35.

5. Total costs awarded

66. For the reasons set out above, the total costs awarded the parties are $188,959.10 as follows:

UCG	**$ 7,460.00**
Mr. Yee	**$1,375.00**
AEY	**$ 24,512.75**
Government of Yukon	**$ 155,611.35**

(For Board costs from the beginning of the proceeding to March 31, 2026)