YUKON UTILITIES BOARD

IN THE MATTER OF the *Public Utilities Act*

and

ATCO Electric Yukon and Yukon Energy Corporation Terms and Conditions of Service Application

BEFORE:	L. McCullough, Chair	)	July 17, 2026
	M. Johnson, Vice-Chair	)	
	B. King	)	
	R. Hancock	)	
	A. Woroniuk	)	

BOARD ORDER 2026-11

WHEREAS:

A. Pursuant to Section 56 of the Public Utilities Act (Act), the Yukon Utilities Board (Board) may "order to whom or by whom any costs incidental to any proceeding before the Board are to be paid, and may set the costs to be paid";

B. 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 seeks approval of:

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

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

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

E. 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 create scheduling conflicts with key representatives from both companies. The Utilities suggested a full written process including a second round on 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 set for June16-17, 2025.

F. 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 scheduling request from the Utilities. 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. Comments from the interveners were due on February 12, 2025, and reply comments from the Utilities were due February 17, 2025.

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

H. The Board received submissions from three interveners in response to Board Order 2025-02 before the February 12, 2025 deadline. Of the responses, Mr. Maissan preferred a fully written process schedule that would be complete 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.

I. 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.

J. The Utilities further 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.

K. In Board Order 2025-03, dated February 18, 2025, the Board granted intervener status to the Tr'ondëk Hwëch'in Government. The Board also provided its decision 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.

L. The record for this proceeding closed June 24, 2025.

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

N. 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.

O. 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*.

P. After careful consideration, the Board has exercised its discretion and made the adjustments set out below to the costs claimed based on the criteria set out in the *Scale of Costs*, Schedule 1 to the Board's *Rules of Practice*, as well as the principles relating to cost awards set out in previous Board Orders.

Q. 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.

NOW THEREFORE, based on the reasons set out in Appendix A, the Board orders that:

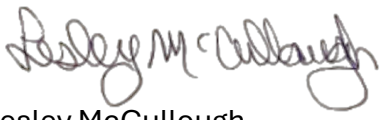
1. The total costs awarded are $188,959.10 as follows:

1. UCG	$ 7,460.00
2. Nathaniel Yee	$ 1,375.00
3. AEY	$ 24,512.75
4. Government of Yukon for Board costs from the beginning of the proceeding to March 31, 2026	$155,611.35
Total costs awarded:	**$188,959.10**

2. The Board finds that AEY and YEC shall each pay 50% of the costs awarded to the interveners and the Government of Yukon within 30 days of issuance of this Order.
3. The Board further finds that the costs awarded are hearing-related costs of the Application and shall be deemed utility regulatory costs and are to be added to the respective hearing cost reserve fund of AEY and YEC.

DATED at the City of Whitehorse, Yukon, this 17th day of July 2026.

BY ORDER



Lesley McCullough
Chair