IN THE MATTER OF the *Public Utilities Act*
Revised Statutes of Yukon, 2002, c. 186, as amended

and

General Rate Application for 2008-09 by
Yukon Energy Corporation

BEFORE: R. Laking, Vice-Chair)
K. Avery)
J. Woodland)

April 7, 2009

YUKON UTILITIES BOARD
EXHIBIT A-15
DAY | ENTERED BY YUB | DATE Apr 7/09

BOARD ORDER 2009-4

WHEREAS:

A. On October 6, 2008, Yukon Energy Corporation (YEC) filed with the Yukon Utilities Board (Board) an Application, pursuant to the *Public Utilities Act* and Order-In-Council 1995/90, requesting an Order approving forecast revenue requirements for the 2008 and 2009 test years of $29.217 million for 2008 and $31.599 million for 2009 (General Rate Application or Application).

B. The Board issued Board Order 2008-15 setting out the proposed process schedule for the Application, which was confirmed in Board Order 2009-1.

C. Information Requests (IRs) were submitted to YEC by the Board, Yukon Electrical Company Limited (YECL), the City of Whitehorse (CW), the Utilities Consumers' Group (UCG), Leading Edge Projects Inc. (LE) and the Hamlet of Mount Lorne.

D. Pursuant to a request by YEC, on February 20, 2009, the Board issued Board Order 2009-3 extending the time for YEC to file responses to those IRs (IR Responses) not completed by February 27, 2009.

E. YEC filed IR Responses on February 27, 2009, March 6, 2009, and updates on April 1, 2009 and April 2, 2009.

F. On March 19, 2009, YECL filed a motion pursuant to Section 13(3) of the Board's Rules of Practice for an order of the Board directing YEC to provide further and better responses to several IRs. UCG submitted a similar motion on March 24, 2009. In addition, UCG requested on March 24, 2009, that YEC provide an indication of when its 2008 update will occur and based on that update revise the responses to several IRs.

G. By way of a memorandum dated March 25, 2009, the Board invited comments on the motions filed pursuant to Section 13(3) of the Board's Rules of Practice from Intervenors by March 30, 2009, and a reply from YEC by April 1, 2009.

H. CW responded on March 27, 2009, stating that the requests by YECL and UCG appear to be reasonable and added that two of its IRs were not responded to in a complete manner.

I. By way of a memorandum dated March 27, 2009, the Board invited comments from Intervenors on the CW request by Tuesday, March 31, 2009, and reply from YEC and other Intervenors by Thursday, April 2, 2009.

J. By way of letter dated April 1, 2009, YEC responded to the YECL and UCG motions and to the UCG and CW requests.

K. The Board has considered the motions and requests, YEC's response, and the comments from other parties, and has determined that YEC is to provide better responses to some, but not all, of the IRs for which better responses have been requested by UCG, YECL and CW.

NOW THEREFORE, the Board orders as follows with Reasons attached as Appendix A:

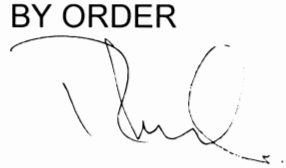
1. YEC shall provide further and better IR Responses in accordance with the Reasons attached in Appendix A to this Order by April 14, 2009.

2. The Board accepts the date of April 24, 2009 (April Update) for YEC to file its 2008 update as a separate tab (Tab 7) in its Application and to update its responses to IRs. The Board directs that in the April Update YEC is to provide a full explanation for all variances of 10-percent or greater between the 2008 actual amounts and the initial 2008 forecast amounts.

3. The Board directs that YEC provide a revised electronic copy, incorporating all the updates, of the single text-searchable document from Board Order 2009-3, which contains all the responses to the interrogatories, with hyperlinks where possible, on April 28, 2009.

DATED at the City of Whitehorse, in the Yukon Territory, the 7th day of April, 2009.

BY ORDER



R. Laking
Vice-Chair

IN THE MATTER OF the *Public Utilities Act* Revised Statutes of Yukon, 2002, c. 186, as amended

and

General Rate Application for 2008 and 2009 by Yukon Energy Corporation

Reasons for Decision

The Board has considered the requests of YECL, UCG, and CW for further and better IR Responses. The Board reviewed the IRs in question and the responses provided to date by YEC and the submissions of the parties relating to the IRs. The Board also considered the proposed filing date of YEC's 2008 update.

As the filing date of the 2008 update relates to the IRs, the Board considered this matter at the outset. The Board accepts the date of April 24, 2009 (April Update) for YEC to file its 2008 update as a separate tab (Tab 7) in its Application and to update its responses to IRs, as the interveners will have an opportunity to review the information filed and prepare for the hearing. In addition, to ensure an efficient hearing, the Board directs that in the April update YEC provide a full explanation for all variances of 10 percent or greater between the 2008 actual amounts and the initial 2008 forecast amounts.

1.0 YECL Motion

YECL-YEC-1-2(a): The Board considers that YEC has responded to this IR and supported that position in its April 1, 2009 Response (YEC Response). Therefore, YEC is not required to file a further response in this regard, with the exception of the 2008 actual results for diesel generation to be filed on April 24, 2009 in the format requested by YECL.

YECL-YEC-1-5(b): The Board directs YEC to respond to the questions of the risk for the project, the risks of not proceeding with the project, the alternatives to this project which were considered and the potential benefits to customers. As this is a study, the Board will not direct YEC to provide a net present value analysis.

YECL-YEC-1-8(b): The Board directs YEC to provide a similar qualitative analysis as directed in YECL-YEC-1-5(b).

YECL-YEC-1-11(a): In the Board's view, based on the YEC Response, YEC has responded adequately to this IR and no further response is required.

YECL-YEC-1-11(d): In the Board's view, YEC must provide the portions of the 20-Year Resource Plan it considers relevant to answer this information request.

YECL-YEC-1-19(d): In the Board's view YEC has not responded adequately to this information request. The Board directs YEC to respond to what it believes are the underlying drivers to its wholesale sales forecast.

YECL-YEC-1-28(a) & (b): The Board does not believe that this information request was fully answered and therefore directs YEC to respond in terms of total costs and the portion it expects to occur due to the use of its own consultants.

YECL-YEC-1-35(d): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly.

YECL-YEC-1-38(e): The Board is of the view that this information request was not adequately responded to and directs YEC to either submit the report or file a motion of confidentiality.

YECL-YEC-1-43(a): The Board is of the view that this information request has been adequately responded to.

2.0 UCG Motions

YEC has responded as to when the April Update will be available. As noted above, the Board is satisfied that the April Update will fully respond to the UCG concern about when the information will be made available and that the information requests listed by UCG in its March 24, 2009 correspondence will be fully responded to in the April Update. With respect to the UCG motion of March 24, 2009, the Board has the following comments:

UCG-YEC-1-3(d): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-4(c): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-5(c): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-7(a) & (b): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-15(b): The Board accepts the response of YEC that it does not have the information and cannot readily obtain the information to respond any further to this information request.

UCG-YEC-1-17(b): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly.

UCG-YEC-1-21(b): The Board directs that YEC is to update this information request when the April Update is provided.

UCG-YEC-1-22(b) (c) & (d): The Board accepts the reasons given by YEC in its April 1, 2009 response and requires no further action on this information request.

UCG-YEC-1-25(d): The Board agrees with YEC that the original information request was fully responded to and no further response is required to the IR.

UCG-YEC-1-31(c): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-35(b): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly. The Board notes that the legislation that governs a public body such as YEC is the Access to Information and Protection of Privacy Act. Under section 25(3)(e) of this Act, disclosure of the information requested is permitted. Therefore, the Board does not accept the reason provided for not responding.

UCG-YEC-1-35(c): The Board agrees with YEC that the original information request was fully responded to and no further response is required to the IR.

UCG-YEC-1-38(b) & (c): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly. The Board is of the view that the Access to Information and Protection of Privacy Act allows for the disclosure of the information requested. Therefore, the Board does not accept the reason provided for not responding.

UCG-YEC-1-39(a): The Board directs that YEC is to update this information request when the April Update is provided.

UCG-YEC-1-46(e): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-49(a): The Board directs that YEC is to update this information request when the April Update is provided.

UCG-YEC-1-50(b & c): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly.

UCG-YEC-71(a): The Board accepts the response of YEC that it does not have the information and cannot readily obtain the information to respond any further to this information request and that information based on the few communities served by YEC is of limited value.

UCG-YEC-1-78(a): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-81(a): The Board directs that YEC is to update this information request when the April Update is provided.

UCG-YEC-1-94(c): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-96(b): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

UCG-YEC-1-98(b): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

3.0 CW Request

CW-YEC-1-2(a): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly.

CW-YEC-1-27(b) & (c): The Board is of the view that between the information response and YEC's April 1, 2009 comments that this information request has been fully responded to and no further response is required.

4.0 YUB Information Requests

YUB-YEC-1-4(a) and (b): The Board is of the view that this information request was not adequately responded to and directs YEC to respond accordingly. The Board notes that a list of those individuals or contractors where the payments exceed $100,000 per year instead of $50,000 may be filed by YEC in its response. The Board expects to see the response presented in the excel format requested and not to be simply referenced to other information responses.