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1 **1. Opening Statement by Board Chair**

2 MS SHANKS: I'd like to call the meeting  
3 to order. I would like to first introduce the  
4 Board members. On my right is Michael Phillips;  
5 on my far right is Richard Hancock; and on my  
6 left is Brian Morris.

7 I would also like to  
8 introduce, at this time, Board counsel, Renee  
9 Marx; Board staff, Pat Wickel and Dwayne Ward;  
10 and the court reporter, Doug Ayers. If any  
11 party wishes a copy of the transcript of this  
12 pre-hearing conference, they should deal  
13 directly with Mr. Ayers in that regard.

14 The Board's Executive  
15 Secretary is Deana Lemke; and if anybody has any  
16 questions with respect to the process or  
17 procedural matters generally, they should speak  
18 with Ms Lemke.

19 On June 1<sup>st</sup>, 2006, Yukon

1 Energy Corporation filed, with the Yukon  
2 Utilities Board, YEC's 20 Year Resource Plan for  
3 the years 2006 to 2025. In a letter dated June  
4 5<sup>th</sup>, 2006, the Minister of Justice directed the  
5 Yukon Utilities Board to carry out a review and  
6 hold a hearing on the Plan.

7 The Plan contains the  
8 following: Resource Planning for Yukon Power  
9 Systems; Proposed New Capacity Planning  
10 Criteria; Proposed Near Term Actions as well as  
11 Proposed Actions Relating to Industrial  
12 Development Scenarios and Opportunities.

13 Within the Plan, YEC has  
14 "committed to seek YUB review, prior to  
15 construction, of any new capital project costing  
16 \$3 million or more." Furthermore, the December,  
17 2004 application to the YUB by YEC, regarding  
18 2005 Required Revenues and Related Matters,  
19 committed YEC to bring before the Yukon  
20 Utilities Board new or revised capacity planning  
21 criteria. This requirement is to be in advance  
22 of any capital investment in new generation for  
23 capacity reasons.

24 Within this application, YEC  
25 seeks Board review of its 20 Year Plan,  
26 including use of its new capacity planning

1 criteria, the planning process, and the criteria  
2 for longer term development opportunities, and  
3 the four near term projects identified as: the  
4 Aishihik Third Turbine Project, the Marsh Lake  
5 Fall/Winter Storage Licence Revision, the  
6 Carmacks-Stewart Transmission Project, and the  
7 Mirrlees Life Extension Project.

8 In the June 5<sup>th</sup>, 2006 letter  
9 from the Minister of Justice, the Minister  
10 requested: 1) The Yukon Utilities Board review  
11 YEC's Plan with emphasis on: a) those projects  
12 related to the 20 Year Resource Plan which  
13 require commitments by Yukon Energy Corporation  
14 before the year 2009 for major investments with  
15 anticipated costs of \$3 million or more for  
16 feasibility assessment and engineering,  
17 environmental licensing, or construction; and,  
18 b) planning activities related to the 20 Year  
19 Resource Plan which Yukon Energy may be required  
20 to carry out in order to commence construction  
21 on other projects before the year 2016 to meet  
22 the needs of potential major industrial  
23 customers or other potential developments in  
24 Yukon.

25 Item 2): The YUB review is to  
26 consider: a) significant utility spending

1 commitments related to the generation and  
2 transmission of power in the Yukon that would  
3 affect long term utility costs and rates; b) the  
4 effect of the proposed spending commitments on  
5 electricity rates to be charged to Yukon  
6 consumers; c) with regard to generation or  
7 transmission projects, the necessity for the  
8 proposed spending commitments and, to the extent  
9 currently known, their physical and engineering  
10 characteristics and their economic consequences  
11 with emphasis on: (i) effects relating to  
12 electrical load forecast requirements, including  
13 requirements related to potential new major  
14 industrial customers or other major potential  
15 developments in Yukon, and the need for spending  
16 commitments to meet such load forecast  
17 requirements; (ii) the capability of existing  
18 generation and transmission facilities to  
19 provide reliable electrical power generation to  
20 meet the load forecast requirements in (i),  
21 taking into consideration capacity planning  
22 criteria appropriate and adequate to establish  
23 requirements for such electrical power  
24 generation capacity in accordance with  
25 principles established in Canada by regulatory  
26 authorities of the Government of Canada or of a

1 province or of a territory regulating hydro and  
2 non-hydro electric utilities; (iii) evidence  
3 that all reasonable alternative options have  
4 been considered and that the proposed spending  
5 commitments have been selected on reasonable  
6 grounds, i.e. technical feasibility, cost  
7 efficiency, and reliability; and (iv) the  
8 analysis by Yukon Energy Corporation of  
9 potential risks from all causes, including but  
10 not limited to economic and financial risks, and  
11 including possible modifications to design or  
12 schedule resulting from environmental review and  
13 related regulatory approvals.

14 The letter went on to say:  
15 The Board shall hear submissions from any  
16 persons or groups or classes of person who, in  
17 the opinion of the Board, have an interest in  
18 the matter. As well, the letter said: The Board  
19 is to forward its report on its findings to the  
20 Commissioner in Executive Council, and make it  
21 public, not later than October 31<sup>st</sup>, 2006.

22 On June 15<sup>th</sup>, 2006, Yukon  
23 Utilities Board, through Board Order 2006-5,  
24 ordered a public workshop be held on July 25<sup>th</sup>,  
25 2006; a pre-hearing conference was tentatively  
26 scheduled for August 4<sup>th</sup>, 2006; and a hearing

1 tentatively scheduled for October the 2<sup>nd</sup>, 2006;  
2 with a report to the Yukon Government by October  
3 31<sup>st</sup>, 2006.

4 Discussions at the public  
5 workshop resulted in a revised date for the pre-  
6 hearing conference. In Board Order 2006-6, the  
7 Board issued a revised schedule for the  
8 proceeding based on the agreed-upon change to  
9 the pre-hearing conference date, and based on an  
10 extension of the deadline, for the Board's  
11 report to the Yukon Government, to January the  
12 15<sup>th</sup>, 2007. As a result, the Board determined  
13 that a hearing for this matter will begin  
14 November the 20<sup>th</sup>, 2006, at 9:00 a.m. at the Gold  
15 Rush Inn. Parties should refer to Board Order  
16 2006-6 for specific process steps and deadlines.

17 The purpose of this pre-  
18 hearing conference is to clarify and resolve any  
19 outstanding issues with respect to procedural  
20 matters that pertain to the actual hearing, and  
21 to facilitate the hearing process.

22 On August the 25<sup>th</sup>, 2006, the  
23 Board circulated an agenda for today's pre-  
24 hearing conference. The matters at hand will  
25 include, but not be limited to, the following  
26 items: the identification of the parties

1 participating in today's pre-hearing conference;  
2 any jurisdictional issues; comments on principal  
3 issues to be dealt with at the hearing; comments  
4 on intervenor status; confirmation of the Board  
5 process with respect to cost recovery; and other  
6 matters that will assist in the orderly review  
7 of the application.

8 Subsequent to this pre-  
9 hearing conference, on September the 8<sup>th</sup>, the  
10 Board will issue its decision on any matters  
11 arising today that require a Board decision.  
12 For example, the Issues List for the proceeding  
13 and the intervenor status.

14 **2. Identification of Parties Participating in the**  
15 **Pre-Hearing Conference**

16 At this time, for the record,  
17 the Board asks all parties here today, who will  
18 be participating in the pre-hearing conference,  
19 to be identified. We also ask that parties  
20 identify what interest they represent. And I  
21 would ask Ms Marx to facilitate this process at  
22 this time.

23 MS MARX: Thank you, Madam Chair. I  
24 will call for introductions now, beginning first  
25 with Yukon Energy Corporation.

26 MR. LANDRY: Good morning, Madam Chair and

1 panel members. My name is John Landry, that's  
2 L-A-N-D-R-Y, and I represent Yukon Energy  
3 Corporation. With me at this table is Dave  
4 Morrison, the President of Yukon Energy; and Cam  
5 Osler, with Intergroup.

6 MS MARX: Yukon Electrical Company.

7 MR. KEOUGH: Thank you, Madam Chair.  
8 Loyola Keough for Yukon Electrical Company  
9 Limited. With me are Mr. Doug Tenney and Mr.  
10 James Grattan. Thank you.

11 MS MARX: The City of Whitehorse.

12 MR. TUCK: Thank you. It's Wayne Tuck,  
13 I'm Manager of Engineering Environmental  
14 Services with the City of Whitehorse.

15 MS MARX: The Utilities Consumers'  
16 Group.

17 MR. RONDEAU: Good morning, Panel. My name  
18 is Roger Rondeau, I'm representing the Utilities  
19 Consumers' Group. Our major representation is  
20 for residential consumers and small business.

21 MS MARX: Yukon Conservation Society.

22 MS WRIGHT: Good morning. My name is  
23 Sally Wright, W-R-I-G-H-T. I'm the President of  
24 Yukon Conservation Society.

25 MS MARX: The Marsh Lake Local Advisory  
26 Council. I don't see anybody here from Marsh

1 Lake. Peter Percival.

2 MR. PERCIVAL: That's me. I'm representing  
3 myself. I have an interest, a broad interest,  
4 in the regulatory process. Peter Percival.

5 MS MARX: Gary McRobb. Also not  
6 responding. Is there anybody else, who I  
7 haven't called, who intends to participate in  
8 today's pre-hearing conference? Seeing none,  
9 Madam Chair -- oh, pardon me.

10 MR. MAISSAN: My name is John Maissan, and  
11 I had wanted to participate in this entire  
12 process as interested observer, or personal  
13 interest purposes, so I don't know whether I  
14 need to be registered. I'm not an intervenor,  
15 but just in case... thanks.

16 MS MARX: Mr. Maissan, did you intend  
17 to just observe today, or were you going to be  
18 speaking to items on the agenda today?

19 MR. MAISSAN: I had not intended to speak  
20 but, if something comes up that I would like to  
21 speak to, then I would like the opportunity to  
22 do so.

23 **3. Any Preliminary Jurisdictional Issues**

24 MS MARX: Madam Chair, I didn't have a  
25 chance to canvass all the parties prior to the  
26 start of the pre-hearing conference, as to

1           whether there's any preliminary jurisdictional  
2           issues that parties wish to raise, so perhaps I  
3           can just ask now, if there are any parties  
4           wishing to raise such issues, to come forward at  
5           this time. Luckily, I see none.

6       **4.    Issues List**

7       MS SHANKS:                    Thank you, Ms Marx. In that  
8           regard, I'd like to move to item 4 on the  
9           agenda.       The following parties submitted  
10          comments, on August the 23<sup>rd</sup>, on the Draft Issues  
11          List: YEC, YECL, Utilities Consumers' Group and  
12          the Yukon Conservation Society. Now that all  
13          parties have had a chance to review the  
14          submissions, the Board will give parties the  
15          opportunity to make any additional comments on  
16          the Draft Issues List in response to submissions  
17          received on August the 23<sup>rd</sup>. The Board asks  
18          parties to limit their comments to responding to  
19          the August 23<sup>rd</sup> submissions.

20                                    However, there are two  
21          additional issues on which the Board would like  
22          comments from parties. First, yesterday  
23          afternoon, August the 29<sup>th</sup>, the Board received a  
24          letter from the Minister of Justice, advising  
25          that it is the Minister's intention that  
26          significant energy projects would require YUB

1 review under Part 3 of the *Public Utilities Act*.  
2 A copy of this letter is available on the table  
3 at the side of the room. The Board is  
4 interested in parties' comments on this issue as  
5 well.

6 Secondly, the Board is  
7 interested in parties' views on whether the  
8 review provided by the Yukon Environmental and  
9 Socio-Economic Assessment Board (YESA Board)  
10 precludes the Yukon Utilities Board from  
11 considering environmental, social and economic  
12 issues in this proceeding. In light of the  
13 substantive nature of this issue, and that  
14 parties were not advised in advance of the  
15 issue, the Board will set out a short written  
16 process, following today's pre-hearing  
17 conference, for submissions on this issue.

18 So, for the purpose of  
19 today's discussion, the Board is seeking  
20 comments on the August 23<sup>rd</sup> submissions; and the  
21 applicability of Part 3, under the *Public*  
22 *Utility Act*, in reference to the Minister's  
23 letter of August 29<sup>th</sup>. And I would ask Ms Marx  
24 to please facilitate this process.

25 MS MARX: Thank you. For this and the  
26 subsequent agenda items, I will invite parties,

1 in the order that I have called them up  
2 previously, to speak to these issues, with YEC  
3 having a right of reply. So we would begin with  
4 YEC.

5 MR. LANDRY: Thank you, Madam Chair. I  
6 guess the only comments we would have relate to  
7 the Draft Issues List that was provided by Mr.  
8 Rondeau on behalf of the UCG. We have, in our  
9 letter of comments, and I won't go through them,  
10 indicated that, obviously, from Yukon Energy's  
11 perspective, this is quite a broad review,  
12 defined, obviously, by the June 5<sup>th</sup>, 2006 letter.  
13 There are a couple of matters that we indicated  
14 we felt were not in scope, and we provided our  
15 comments, in that respect, in our letter (I  
16 won't go through that.) Obviously, in those  
17 areas, any of the questions that Mr. Rondeau has  
18 outlined in his draft hearings list would  
19 obviously, accordingly, be out of scope, from  
20 Yukon Energy's perspective, so I don't want to  
21 go into that level of detail.

22 Just in terms of the Issues  
23 List, generally, from Yukon Energy's  
24 perspective, the way in which it was approached  
25 by Board's staff, having broad issue lists,  
26 first of all, is something that I'm familiar

1 with in other jurisdictions and I think it works  
2 well. I think, with respect to Mr. Rondeau's  
3 approach to it, what it appears to be, under  
4 each of the hearings lists, is effectively, from  
5 my perspective, IRs. They're questions under  
6 the hearings list; not necessarily a listing of  
7 specific issues.

8 Obviously, in the IR process,  
9 if those questions are asked, they'll be  
10 responded to, assuming they're within scope per  
11 my earlier comments, but Yukon Energy did not  
12 attempt to do an exhaustive list of all  
13 questions that could be asked under the specific  
14 issue that was raised. From our perspective, we  
15 don't think that's the appropriate way to put an  
16 Issues List together. You can put a broad  
17 general issue, as has been done on the Issues  
18 List that was provided by Board staff, and then  
19 obviously the process will go through and those  
20 issues will be dealt with in the IR and at the  
21 hearing. If one was to take the approach of  
22 outlining all questions that could be asked  
23 under a specific hearing list, it would be an  
24 enormous exercise and not something that Yukon  
25 Energy has gone through.

26 So, we would advocate keeping

1 the hearings list as it is; the Board can rule  
2 on the issues of what is in scope and not in  
3 scope apropos the comments that Yukon Energy has  
4 made in its August 23<sup>rd</sup> letter, but not list, in  
5 our view, the specific questions that could be  
6 asked under each hearing list.

7 So, at a general level, those  
8 are my comments on the list.

9 In relation to the August 29<sup>th</sup>  
10 letter, first of all, the first that Yukon  
11 Energy saw of this was this morning. We're not  
12 aware of this. As I'm sure you can appreciate,  
13 given the comments at page 3 of our August 23<sup>rd</sup>  
14 submission, this is a complete surprise. Having  
15 said that, as I informed Ms Marx, I would --  
16 well, we can't comment on it now. We'll have to  
17 consider our position in this respect. I think  
18 a considered answer would be best for the Board,  
19 as opposed to me trying to respond now on this  
20 issue. And I've suggested to Ms Marx that what  
21 we will do is, we will consider this letter and  
22 provide a written comment to the Board, if  
23 that's appropriate, Madam Chair.

24 I think we need a little bit  
25 of time, and I was suggesting to Ms Marx perhaps  
26 by the end of next week, on this letter. But I

1           don't think that we're in a position, right now,  
2           to comment on it.

3           MS MARX:                               Yukon Electrical Company.

4           MR. KEOUGH:                            Thank you, Madam Chair.

5           Yukon Electrical also was planning on raising an  
6           issue with respect to issue 1.2, which is the  
7           application of Part 3 to these proceedings; and  
8           it, also, I think is influenced by the letter  
9           that we also became aware of this morning. I'm  
10          not sure that we are going to be able to make  
11          definitive comments, given that we don't know  
12          YEC's position at this point in time. So, if  
13          there is going to be a written process to  
14          examine that matter, I think it's probably best  
15          that we hold our final comments on that until  
16          that process is established.

17    To assist my friend in terms  
18          of other issues he may want to consider when  
19          making his submissions, we were a little unsure  
20          of what, exactly, YEC was expecting from these  
21          proceedings. As we appreciated, there will be  
22          a report that will go to the Minister; was it  
23          their expectation that, as part of that report,  
24          this Board would make a decision on "need", in  
25          the sense of approving that there is "need".

26    The application says that

1           they're going to seek Board review, but it's not  
2           clear on what they want from you. Do they want  
3           a determination of need; do they want to say  
4           that is the only determination of need that YEC  
5           will ever need, so to speak? We weren't clear  
6           on what they expect to get from this process.  
7           And the reason it's important as a preliminary  
8           matter is, it goes to whether or not YECL and,  
9           I guess, other intervenors in this proceeding  
10          need to be testing the need and the forecasts;  
11          or, if that's going to be considered as part of  
12          a specific application under Part 3, based on a  
13          designation by the Minister, then we're  
14          certainly not advocating that there be two  
15          duplicate processes. So, if that's the case,  
16          then I think we would not waste the Board's  
17          time, energy and money, to test these in the  
18          context of these proceedings.

19                                So, it goes to the heart of  
20          what we would do in the context of these  
21          proceedings. If there is going to be a separate  
22          process in the future, where each of these  
23          applications can be considered, based on the  
24          then existing forecasts and that information, I  
25          really don't think it's productive to look at  
26          those issues right now, once, and then look at

1           it again later. I don't think we're advocating  
2           duplicate proceedings.

3                         So, to some extent, we're  
4           trying to find out from YEC what they expect,  
5           because it will gauge the manner in which I  
6           would suspect most parties will participate in  
7           these proceedings. So maybe my friend can sort  
8           of take those thoughts into account, if there is  
9           going to be this process. But in terms of  
10          addressing the impact of the Minister's letter,  
11          clearly that goes to the heart of one of the  
12          issues that we were trying to understand, which  
13          is, will there be a subsequent proceeding under  
14          Part 3 to consider these various near-term  
15          facilities.

16                        So I think it's probably  
17          better to hold off on that, Madam Chair, if that  
18          fits with the Board's views. Thank you.

19   MS MARX:                         City of Whitehorse.

20   MR. TUCK:                        I'm not really sure whether I  
21          have any additional comments from what I've  
22          already given to the Board before, and whether  
23          it's addressed here, now, or later. From the  
24          City's perspective, the Resource Plan needs to  
25          more adequately address the green power issues,  
26          and consider that within the 20 year program.

1           And the concern of how the operation of diesel  
2           generators within the City of Whitehorse, to  
3           service outlying and industrial customers, will  
4           have a significant impact. And if those short-  
5           term projects will come back as under the Part  
6           3, then the City will probably have comments at  
7           that time. But as for any additional... we  
8           don't have any to offer at this time.

9           MS MARX:                            Utilities Consumers' Group.

10          MR. RONDEAU:                    I'd like to make a general  
11          comment first. UCG was under the impression  
12          that we would be going through the Issues List  
13          item by item. It's very important that the  
14          scope be set out in this process. What is  
15          happening right now, we see, is that there will  
16          be no debate at all; it's just going to fly  
17          through with what we have on board.

18    With regard to Mr. Landry's  
19          preliminary comment on the UCG Issues List, we  
20          argue and we see that discussion, at this point  
21          of time, should be on the types of questions  
22          that the Board will be considering in the  
23          process. That's why we initiated this process  
24          in our updated Issues List, so that everyone  
25          would have an idea of what is actually going to  
26          take place at the hearing.

1                   As far as the purpose of the  
2                   review, it is my understanding that this is a  
3                   public review; therefore, UCG argues that the  
4                   scope of this capital hearing should be on  
5                   anything that the public wishes to discuss.

6                   Secondly, it is UCG's  
7                   perspective that the Board's responsibility in  
8                   this proceeding is to set a framework within  
9                   which Yukon Energy can proceed with the capital  
10                  programs.

11                  Now, I have gone through this  
12                  issue by issue, as has been identified by the  
13                  Board's staff. I would like to go through this,  
14                  issue by issue.

15                  MS SHANKS:                   Mr.       Rondeau,       are you  
16                  proposing to do that now?

17                  MR. RONDEAU:                   Well,       however       the Board  
18                  wishes to do it; either we can do it later, or  
19                  I can --

20                  MS SHANKS:                   Because       that       wouldn't be  
21                  something that we're intending to do at this  
22                  moment, if that's what you're proposing to do.

23                  MR. RONDEAU:                   Okay.       When       will       you be  
24                  proposing to do this?

25                  MS SHANKS:                   There has been a process put  
26                  in place, the Issues List has been distributed,

1           and, at this point on the agenda, we're  
2           considering comments to submissions that were  
3           made on August the 23<sup>rd</sup>.

4   MR. RONDEAU:                   Okay, then I will go point by  
5           point, and make my comments.

6   MS SHANKS:                    Thank you very much.

7   MR. RONDEAU:                   My first comment, of course,  
8           was on 1.2. Now we have this letter in front of  
9           us, and I'm unsure of what the process is;  
10          should I make my arguments now, when I don't  
11          know where Yukon Energy stands, or should I wait  
12          until the Board sets a process for written  
13          arguments later? I need to know what direction  
14          to go in, in this particular issue.

15                                 So, can the Board give me  
16          some direction; are we going to have a  
17          presentation by Yukon Energy today, that we can  
18          argue; or are we going to have a process, later  
19          on, to debate?

20   MS SHANKS:                    The Board will be outlining a  
21          process.

22   MR. RONDEAU:                   Pardon me?

23   MS SHANKS:                    The Board will be outlining a  
24          process for that. At this time, we're hearing  
25          submissions on the August 23<sup>rd</sup> -- your comments  
26          on the August 23<sup>rd</sup> submissions.

1 MR. RONDEAU: I'm not quite sure where to  
2 stand on that, but I'll reserve my comments on  
3 Part 3 until I hear further from the Board.

4 Number 2, 3 and 4, Yukon  
5 Energy agrees, so there really is not a debate,  
6 with the exception of a discussion on the types  
7 of questions that the Board could be considering  
8 at this time.

9 Number 5, "Demand Side  
10 Management": Yukon Energy has made only a brief  
11 mention of DSM, and this concerns our  
12 organization, as it would appear that they are  
13 attempting to ignore the use of DSM options  
14 which cost far less than conventional supply  
15 options. Also, it is more environmentally  
16 friendly. So, we feel that this should be given  
17 much more merit in the hearing, and debated  
18 fully.

19 "Environmental Issues",  
20 number 6: Any environmental studies, regulatory  
21 reviews, impacts, will result in a cost to the  
22 ratepayer; therefore, it's important to our  
23 organization, and necessary for the Board to  
24 review in this process.

25 Now, I understand, from your  
26 preliminary comments, that the YESAB will have

1           some type of side written comments as well, so  
2           perhaps this is already taken care of.

3                                 Now, back to environmental  
4           issues. YEC argues that these matters are in  
5           the scope, in the extent they address a broad  
6           selection of options or basic risks, as noted in  
7           the Minister's letter. However, YEC argues that  
8           the Minister's letter does not contemplate a  
9           detailed review of the specific environmental  
10          effects on any individual process; nor does the  
11          YUB have the jurisdiction.

12                                YEC argues that the third  
13          turbine already has environmental permits. The  
14          point raised under issue 9.2 is whether the old  
15          permits stand up to the current level of  
16          environmental standards.

17                                YEC also admits that it has  
18          not yet conducted the detailed reviews necessary  
19          to allow that level of assessment to occur. So,  
20          how does the Board conduct any type of due  
21          diligence, to review these proposed projects, if  
22          it's only been given general comparative  
23          information on these environmental impacts.

24                                YEC also argues that this  
25          review does not contemplate a review of the  
26          generation planning in YECL diesel-served non-

1 grid communities that would be not affected by  
2 any transmission developments proposed by the  
3 YEC. Again, how can the Board make isolated  
4 decisions regarding YEC, when it must consider  
5 what is best for the whole of the Yukon?

6 Now, most of the  
7 environmental issues it would appear YEC has  
8 agreed with. Some exceptions are 6.5, green  
9 power. Now, I would like to argue that green  
10 power and green power rates definitely be part  
11 of this future planning by the YEC. Also, we  
12 feel it's necessary for the Board to make a  
13 clear objective for independent power producers  
14 to have access to the grid or any new  
15 transmission lines.

16 Number 7, as well, on  
17 secondary power users... these power users must  
18 be identified, and they must know where they  
19 stand in the future load growth picture.

20 Number 8, "Short-Term  
21 Supply", "Alternative sources"... YEC basically  
22 agrees, but it seems that they totally ignored  
23 demand side management as an alternative.

24 Number 9 we think is very,  
25 very important for the Board to give clear  
26 direction. And that's the \$3 million threshold

1 figure. Now, we believe this \$3 million figure  
2 was arbitrarily set by Yukon Energy; not the  
3 Minister. There was no input, whatsoever, from  
4 the public. There was no consultative process.  
5 So this figure was unilaterally decided by Yukon  
6 Energy. And we believe that it's clearly within  
7 the mandate of the Board to set such a threshold  
8 at this time.

9 The small footnote at the  
10 bottom of page 3 of YEC's August 23<sup>rd</sup> submissions  
11 (we're still speaking on the \$3 million spending  
12 threshold) seems to conflict with their  
13 acceptance note in 9.1. YEC sees the \$3 million  
14 spending threshold as being directed by the  
15 Minister's letter; and, therefore, not an issue.

16 We see this \$3 million  
17 threshold issue being about two things. First  
18 of all, is the \$3 million appropriate, or should  
19 it be lower? There are some examples in other  
20 jurisdictions, for example Ontario, where  
21 projects over \$500,000 are scrupulously  
22 regulated. In the Yukon, with our low number of  
23 ratepayers, \$500,000 can have a severe impact on  
24 the ratepayers. So we believe the Board should  
25 have a closer look at this threshold.

26 The second part on this issue

1           can be tied to issue 1.2, and that is Part 3 of  
2           the Act. In projects of this size, or smaller,  
3           in the Yukon, should they be considered as  
4           regulated projects, and therefore subjected to  
5           Part 3 of the Act?

6                           Bear with me, we're getting  
7           there.

8                           The next section is cost  
9           awards. I know this will come up later, so I  
10          will keep my arguments very brief here. UCG  
11          agrees with Yukon Energy, that this portion  
12          should be part of this pre-hearing, and  
13          decisions made beforehand, so that all  
14          intervenors and interested parties know where  
15          they stand.

16                          I do have one question. I  
17          have not seen any retainer letters from any  
18          other interested parties, including the  
19          applicant, so I think it's very important that  
20          there's a level playing field and everybody has  
21          the same rules.

22                          Also, the moratorium on  
23          spending, which is another part of the cost  
24          awards... I believe that this should be decided  
25          in this pre-hearing. Basically, it stands to  
26          reason, if dollars are spent, they may be just

1           wasted if the Board makes decisions contrary to  
2           what YEC is now spending money on.

3                         Now, we believe the Board has  
4           an obligation to understand the importance of  
5           controlling how and when the public utility  
6           spends ratepayers' money; and how and when these  
7           costs are rolled into the rates.

8                         The other issues basically  
9           are on government policies. UCG believes that  
10          government policies, including the rate  
11          policies, must be part of this agenda. If these  
12          policies are not in line with the goals of the  
13          outcome of this hearing, then we are simply  
14          involved in a facade in this process.

15                        These government policies  
16          also affect the long-term planning and the  
17          outcome on rates charged to the various rate  
18          groups. For example, what is the government  
19          policy on IPPs? Or should it be the Board  
20          that's setting these policies? What is the  
21          government policy on energy versus the  
22          environment; or should it be the Board that  
23          decides these policies? What is the  
24          government's policies on climate change versus  
25          energy? Where is the Yukon's alternative energy  
26          strategy? Where is the Yukon strategy for

1 providing energy to future mines, and their  
2 uncertainties and market risks that come with  
3 it? Future pipelines... where are the  
4 strategies? Does this government have energy-  
5 efficient standards?

6 Now, we feel that rate  
7 policies must be in line with the Board's cost  
8 of service balancing with the various rate  
9 groups. Some rate groups, residential for  
10 example, are not paying what is considered full  
11 cost of service. The Board has directed the  
12 Corporation to get these in line. So we have no  
13 idea whether any of these projects will help  
14 with this, or will they affect rate  
15 stabilization? Rate policies must be discussed.

16 Also, does this Resource  
17 Plan, or the government policies, encourage some  
18 type of alternative in the diesel communities  
19 which are off the grid? How can the Board  
20 decide on costs of any project if we do not have  
21 an updated cost of service allocation, and rate  
22 design not yet presented? This is a very  
23 important issue to our organization.

24 With regard to Yukon Energy  
25 policies for management and contracting  
26 procedures for various projects, it would seem

1           that YEC believes this is not part of the  
2           mandate or the issues for this hearing. UCG  
3           certainly knows that the bottom line is  
4           affected. The Mayo-Dawson line should have  
5           taught us some very important things to bypass  
6           in the future.

7                           If the Board is to make any  
8           decision on cost feasibilities, we must know  
9           that Yukon Energy is cost-efficient in its  
10          contracting, in its management skills, in all  
11          aspects, for each project or proposal, including  
12          the construction.

13                           My last comment is, the  
14          Auditor General has warned us, in his report,  
15          that inadequate management and contracting  
16          skills cost ratepayers. We believe the Board  
17          has the right and the obligation to know exactly  
18          what will be done; and that you will put  
19          ratepayer safeguards until YEC can improve their  
20          track record. That's all for right now, thank  
21          you.

22          MS MARX:                           Yukon Conservation Society.

23          MS WRIGHT:                        The Yukon Conservation  
24          Society is concerned with all the environmental  
25          matters that are being brought up in the Issues  
26          List; like the Marsh Lake wetlands, greenhouse

1 gas emissions, and renewable energy issues. We  
2 are unsure how YESAB, and how all this, fits  
3 together. It's a new process. We've watched it  
4 in a few other cases, we don't really know how  
5 it meshes, and I think we're all wondering how  
6 it's going to fit together.

7 I'm not sure what the point  
8 is of reviewing these large projects at the YUB,  
9 when they need to be reviewed -- I don't know  
10 what is the point of talking about these  
11 environmental issues with the YUB, and maybe  
12 it's when they have to go through an  
13 environmental review on top of that. And I  
14 guess I've never been involved with a YUB review  
15 of a resource plan, and I actually wonder if the  
16 YUB has ever reviewed a resource plan before.  
17 Can anybody --

18 MS SHANKS: In 1992, the last capital  
19 hearing.

20 MS WRIGHT: Okay. And that was a capital  
21 resource plan, and that was -- how many years  
22 was --

23 MS SHANKS: That was in 1992, it was a  
24 similar type of plan.

25 MS WRIGHT: So it was a 20 year plan?  
26 Okay. And, actually, I wouldn't mind having a

1           look at that, I guess.    Is that available  
2           somewhere?

3    MS SHANKS:                   Well,       it's certainly  
4           available at our office, and Deana will get that  
5           to you.

6    MS WRIGHT:                  Okay.    That would be great.  
7           Because I'm unsure about how it works, in a way;  
8           I'm not really quite sure about that.

9                                 What was the other thing that  
10          you guys were asking me?  Oh, and the letter of  
11          today... that's all new information, we need to  
12          absorb that.

13                                There's a lot of really good  
14          things in this Resource Plan, that we really  
15          support, and we think it's really important that  
16          you look forward to -- we're happy to see YEC  
17          looking to a 20 year plan, but we think there's  
18          some -- it would be hard for us to imagine  
19          looking that far ahead, and not address more  
20          things like energy conservation.  And, actually,  
21          in 20 years' time, you know, diesel is going to  
22          be a very hot commodity, and that the changing  
23          over into alternatives -- the changes that I see  
24          ahead, that YEC can't look towards the big  
25          changes that are coming down the pipe -- it's  
26          hard to look in the crystal ball, but I think

1 energy conservation is going to become very  
2 critical in the future, and that YEC has not  
3 really addressed that in this, is of great  
4 concern to us.

5 I think that's about it.

6 MS MARX: Mr. Percival.

7 MR. PERCIVAL: Good morning. I'd like to  
8 address some comments on this letter of August  
9 the 29<sup>th</sup>, from the Minister, and the  
10 applicability of Part 3 of the Act. I would  
11 suggest to the Board, and to everybody who is  
12 participating here, that we should, as much as  
13 possible, avoid needless and expensive  
14 duplication of a hearing process. And, in that  
15 light, because time is of an essence with  
16 regards to the Carmacks to Stewart powerline  
17 construction, and this is probably the largest  
18 investment in the Resource Plan, and it's the  
19 most likely to occur in the immediate future,  
20 that, to assist all of us, it would be advisable  
21 if the Board could approach the Government,  
22 through appropriate channels, and suggest that  
23 at least this particular project be considered  
24 as an energy project requiring a certificate;  
25 and that the Board would, within the report that  
26 it is submitting to the Minister as they have

1           been required or asked to do by the Minister  
2           originally,       prepare       statements       and  
3           recommendations as if this particular project,  
4           Stewart to Carmacks, or Carmacks to Stewart  
5           line, is an energy project requiring a  
6           certificate, so that the Minister could issue a  
7           certificate as soon as it's required, because I  
8           think that is the project that is most  
9           important.

10                               With regard to whether or not  
11           this Board should leave all of the environmental  
12           issues to the Yukon Environmental and Socio-  
13           Economic Assessment Board, there will always be  
14           some overlap. When presenters start arguing  
15           about the merits of a project, on its  
16           environmental impacts alone, I don't think the  
17           Board should necessarily go out in that  
18           direction, and should redirect them to what  
19           those costs will be; rather than to argue all of  
20           the biological and sociological impacts of a  
21           project.

22                               Those are my comments.

23       MS MARX:                       Yukon Energy?

24       MR. LANDRY:                    Madam Chair, what I'd like to  
25           do is just quickly run through a couple of  
26           comments that I have in response to Mr. Rondeau,

1 primarily just to reference where, in our  
2 comments, these issues have been dealt with, and  
3 I won't add a lot more to that.

4 The first one relates to this  
5 whole issue of what level of an environmental  
6 review, if any at all, is dealt with by this  
7 Board, as opposed to the YESA Board, and we will  
8 respond more fully as part of the process that  
9 you will be setting up. But, just for your  
10 edification and reference, that was dealt with  
11 on page 4 of our letter, including, and this is  
12 the point I wanted to make, the footnote number  
13 3, where the environmental issues -- and,  
14 effectively, that responds to what Mr. Rondeau  
15 has said.

16 Mr. Rondeau made a suggestion  
17 of a moratorium on spending, and I've seen this,  
18 obviously, in some of the other correspondence  
19 from him. I guess what I would say to the Board  
20 is, obviously, YEC is to manage its business;  
21 it's not the Board to manage YEC's business (the  
22 YUB is the regulator). YEC must manage the  
23 business prudently. Part of that process is a  
24 proper planning process put in place by  
25 management.

26 If, at the end of the day,

1           the Board does not feel that the costs that are  
2           incurred as part of that planning process, which  
3           is really intended to be for the benefit of all  
4           ratepayers, that they aren't prudently incurred,  
5           then those costs will not, obviously, be  
6           included in the rates. And that's how the  
7           process works.

8                                 So it's not in a situation,  
9           now, where the Board could put a moratorium on  
10          spending by Yukon Energy management, but  
11          effectively the control on the prudence issue is  
12          at the end of the day, when costs go into rates.

13                                Mr. Rondeau, once again, as  
14          he did in his letter, raises the whole -- and he  
15          did in the workshop -- raised the whole issue of  
16          government policy. Government policies are not  
17          on review here. The review that is to be  
18          undertaken by the Board is specifically defined  
19          in the June 5<sup>th</sup>, 2006 letter, and it's not, under  
20          any reasonable interpretation of that, a review  
21          of government policy. Our position on  
22          government policy and issues relating to  
23          government policy are more fully set out at page  
24          5 of our August 23<sup>rd</sup> letter.

25                                Now I'd like to comment a  
26          little bit about the comments made by Mr. Keough

1           on behalf of Yukon Electrical. Realizing, at  
2           the moment, that what we're dealing with here,  
3           including today, notwithstanding the August 29<sup>th</sup>  
4           letter, is a review that was effectively  
5           directed by the Minister in his June 5<sup>th</sup> letter,  
6           under section 18 of the Act.

7                                 Now, we will comment, and we  
8           will have to comment, and we believe it's  
9           necessary to comment, on what has transpired as  
10          a result of the August 20 letter, but Yukon  
11          Energy has been very clear what the Board has  
12          been requested to do; and that is under the  
13          directions that have been provided, and the  
14          scope that's been provided, under the June 5<sup>th</sup>  
15          ministerial letter. If we just look at  
16          something which I know is of interest to the  
17          Board, and probably all parties, including -- we  
18          heard the comments of Mr. Percival -- if we look  
19          at the issue of the matter of significant YEC  
20          generation at transmission projects before 2009.  
21          Mr. Percival has mentioned the Carmacks-Stewart  
22          Project. But in the letter, itself, it's the  
23          Minister which defined the \$3 million threshold.  
24          And that includes not only the Carmacks-Stewart  
25          Project; it also includes the Aishihik Third  
26          Turbine, and, perhaps the most important of all,

1 the Mirrlees Life Extension Project that's  
2 outlined in the application.

3 The Minister has specifically  
4 asked for the report from the Board, and if you  
5 look more specifically, and again in response to  
6 the comments of Mr. Keough, talking about some  
7 confusion as to what this review is about, the  
8 Minister specifically talks, at page 2 in his  
9 letter, under item c), about need; he also talks  
10 about the effects of the various spending  
11 commitments that are outlined in the  
12 application.

13 I guess, in short, with  
14 respect to both Carmacks-Stewart and, in fact,  
15 all of the list of projects that I was just  
16 speaking of, it is our understanding and our  
17 view that the Minister's June 5<sup>th</sup> letter asks the  
18 YUB to provide recommendations on all matters  
19 that you would be asked to review if this went  
20 through a Part 3 process. Which, of course, the  
21 confusion lies -- and we'll comment further on  
22 this -- is that the Minister's letter is  
23 suggesting that perhaps, using Carmacks-Stewart  
24 as an example, there will be a Part 3 process.

25 Well, there is obvious  
26 duplication there. It would be another review,

1           doing, effectively, what we say is the exact  
2           same thing that the Minister has asked to do in  
3           the June 5<sup>th</sup> letter. It would be duplication.  
4           And that's the issue that troubles us most, and  
5           why Yukon Energy needs to consider what this  
6           letter does mean.

7                           I might add, if you look at  
8           the letter that was written by Yukon Energy,  
9           specifically dealing with this point, which is  
10          at page 3 Madam Chair -- and I'll read for the  
11          record from footnote 2. It says: "As regards  
12          1.2 on the applicability of Part 3 of the *Public*  
13          *Utilities Act*, the Minister's letter again  
14          establishes the scope of this review without  
15          reference to Part 3 (which would also require a  
16          direction from the Minister); furthermore,  
17          neither YEC nor YECL to date has ever elected to  
18          seek a proceeding under Part 3, and YEC will not  
19          be making any such future application under Part  
20          3 with regard to the near-term projects included  
21          in the current review."

22                           It's pretty clear from that,  
23          that Yukon Energy did not anticipate this  
24          letter; or that there would be a Part 3 process  
25          relating to any of these applications. We'll  
26          have more to say about that, Madam Chair, when

1           we respond in writing.

2       MS SHANKS:                   Thank you, Mr. Landry. Well,  
3           we had anticipated having a break at 10:15, and  
4           I see that we're there, so we'll have a short  
5           recess... 20 minutes.

6           (Proceedings adjourned at 10:10 a.m.)

7       MS SHANKS:                   I'd like to call the meeting  
8           back to order. With regards to submissions on  
9           the agenda item number 4, the Board has  
10          established a schedule for submissions on the  
11          two issues discussed this morning, on agenda  
12          item number 4: number one, whether the YESAB  
13          legislation precludes the Yukon Utilities Board  
14          from considering environmental and socio-  
15          economic issues; and number two, the  
16          applicability of Part 3 of the *Public Utilities*  
17          *Act*, and the Minister's letter of August 29<sup>th</sup>.  
18          Submissions from YEC are due on Friday,  
19          September the 8<sup>th</sup>; submissions from other parties  
20          are due Friday, September the 15<sup>th</sup>.

21                                   As a result, the Board will  
22          not be able to finalize the Issues List in its  
23          September 8<sup>th</sup> decision from the pre-hearing  
24          conference, and will do that subsequent to the  
25          receipt of submissions on these two above  
26          issues. The Board recognizes that this may



1 information filed by parties in advance of the  
2 pre-hearing conference regarding intervenor  
3 status. Parties had been requested to file  
4 retainer letters for professionals they are  
5 hiring. The Scale of Costs states that retainer  
6 letters are to be provided at, or within one  
7 month of, the pre-hearing conference. If  
8 parties know they are hiring professionals and  
9 have not yet filed their retainer letters, the  
10 Board encourages them to file these as soon as  
11 possible following the pre-hearing conference.

12 With respect to the issue of  
13 professional versus non-professional status, in  
14 Board Order 2006-16, the YUB established a rate  
15 of \$35 an hour for non-professional fees. The  
16 Board will make its determinations on intervenor  
17 status, including professional versus non-  
18 professional status, in its September 8<sup>th</sup>  
19 decision on the pre-hearing conference.  
20 However, the Board is interested in any comments  
21 parties have to make in this regard.

22 Also, for those parties that  
23 represent organizations, the Board would ask  
24 that you provide information regarding your  
25 organization's membership, including the number  
26 of members and how many members are actually



1                   If one looks at Schedule 1,  
2                   you'll see that there are three different parts.  
3                   Part 1 is professional fees, which really  
4                   relates to legal and consulting fees for those  
5                   persons that are hired by parties in a  
6                   proceeding, and it provides guidelines in  
7                   respect of that. Part 2 is the disbursements.  
8                   Part 3 relates to intervenors. In relation to  
9                   intervenors, there is a specific item at the  
10                  end, which says that there will be no attendance  
11                  allowance for intervenors.

12                  Now, having said that,  
13                  starting in, my recollection is, the early  
14                  1990s, the Board established what is now called  
15                  a non-professional status, and allowed  
16                  intervenors to claim at an hourly rate, at that  
17                  time of \$25, since then changed to \$35. That  
18                  precedent, set then, has been used consistently,  
19                  at least in all of the applications that I have  
20                  been involved in over the last 10 years or so.

21                  Now, what appears to be what  
22                  UCG has filed, in relation to this, is material  
23                  indicating, I guess, what it intends to do in  
24                  order to prepare for this proceeding. And, as  
25                  in every case, what UCG is ultimately entitled  
26                  to at the end of the day, if it brings forward

1 a cost application, will depend on what happens  
2 throughout the proceeding, and how UCG has or  
3 has not met the criteria set under Schedule 1  
4 and previous Board Orders.

5 But, to be fair to UCG, Yukon  
6 Energy believes, in the circumstances,  
7 especially given the Board's desire to rule on  
8 the professional versus non-professional status,  
9 that we would provide what we believe would be  
10 our comments to claims that would be made under  
11 the material filed by UCG now. What I mean by  
12 that is, more particularly, the comments on the  
13 consulting services agreement for Mr. Rondeau,  
14 and also for Mr. Pat McMahon. I will also  
15 provide a few comments, generally, in terms of  
16 whether or not there are precedents in other  
17 jurisdictions for the type of thing that we're  
18 looking at under the material filed by UCG.

19 Now, in respect of Mr.  
20 Rondeau, Mr. Rondeau has consistently been the  
21 face of UCG before this Board. He is the  
22 President of UCG, as we know. In that role,  
23 before the Board on previous applications, he  
24 has done the very type of things that are  
25 outlined in the unsigned consulting services  
26 agreement that he has provided in this material.

1                   The Board, itself, is very  
2 familiar with UCG, and Mr. Rondeau as the face  
3 of UCG. They have, on numerous occasions in the  
4 past, dealt with this issue of professional  
5 versus non-professional, and have effectively  
6 concluded, determined, that Mr. Rondeau fits  
7 into the non-professional status that I talked  
8 about earlier, and effectively put the hourly  
9 rate, that he was entitled to claim at, at the  
10 \$25 and then, most recently, \$35 level.

11                   Having said that, Mr. Rondeau  
12 has consistently, to my recollection at least,  
13 I know for sure in the most recent hearing,  
14 applied for an hourly rate in excess of that.  
15 In the most recent hearing, he applied for a  
16 rate, the maximum consulting fee rate, of \$225  
17 an hour. The only other example that I could  
18 get my hands on quickly relates to a cost award  
19 that was made in 1996, and it's Board Order  
20 1996-10, and, again, I believe what was made  
21 there was a full claim for hourly rates, but the  
22 Board, once again, classified Mr. Rondeau as a  
23 non-professional, in a non-professional status,  
24 and allowed him to claim on the basis of \$25 an  
25 hour, which was the fee set at that time.

26                   Just to bring back to the

1 Board what was on the record in the previous  
2 proceeding, and I'm thinking about the revenue  
3 requirement proceeding that was held in 2005,  
4 the claim that was filed was a very detailed  
5 claim by UCG. It included invoices, purported  
6 to be invoices, unclear, by the material filed,  
7 whether they were actually ever paid by UCG, but  
8 the invoices were from Rondeau Regulatory  
9 Consulting Group (Mr. Rondeau), for  
10 approximately \$70,000, at a rate of \$250 an  
11 hour. And the Board, as I mentioned,  
12 determined, once again, that Mr. Rondeau fits  
13 into the non-professional fee category, and  
14 awarded the hourly fee rate of the increased \$35  
15 an hour.

16 I would reference recital J.,  
17 in Board Order 2005-16, which states, and I'll  
18 quote for the record: While the Board has  
19 previously allowed awards of \$25 per hour for  
20 non-professional fees, the Board established a  
21 new rate of \$35 an hour for non-professional  
22 fees for the purposes of this hearing. The  
23 Board determines that the UCG, AGB, McMahon, YCS  
24 and Percival fall into this category. The Board  
25 has adjusted the applications of those parties  
26 to reflect the new rate in its evaluation of

1           their applications.

2                               So, effectively, the Board  
3           has already made the determination, in our  
4           submission, on Mr. Rondeau's status before this  
5           Board, and nothing has changed from the most  
6           recent application. Just because there is a  
7           consulting services agreement does not change  
8           what Mr. Rondeau is doing or going to do; nor  
9           does it change the fact that, obviously, he is  
10          still the president of UCG.

11                              So, for the purposes of your  
12          deliberations on the issue of Mr. Rondeau's  
13          status, from YEC's perspective, we think the  
14          record is clear, and that determination of his  
15          status has already been made, and that it is the  
16          status of non-professional.

17                              In relation to Mr. McMahon...  
18          once again, Mr. McMahon has a history of being  
19          before the YUB. As the Board is aware, he  
20          appeared before the YUB as a representative of  
21          the YTG back several hearings ago, and that  
22          related, I believe, to the closure of the Faro  
23          Mine. And, obviously, most recently, he  
24          appeared as an intervenor in the 2005 revenue  
25          requirements proceeding.

26                              Again, with respect to Mr.

1           McMahon, he specifically applied to the Board  
2           with a very extensive cost application. In that  
3           cost application, Mr. McMahon outlined his  
4           qualifications in detail, providing a cv, and  
5           explaining what his expertise was; and claimed,  
6           at that time, for a rate of \$150 an hour,  
7           comparing it to, effectively, the rates that  
8           were set out in Part 2 of Schedule 1, for  
9           consultants. The Board ruled, again, as I  
10          indicated earlier, in Board Order 2005-16, that  
11          he would be in the non-professional category  
12          and, therefore, his hourly claim was adjusted to  
13          \$35 an hour, and then his claim, even at that  
14          level, was adjusted significantly downward.

15                        So, from YEC's perspective,  
16          again, the record is clear, that Mr. McMahon's  
17          status has already been determined to be a non-  
18          professional status, and the existence, again,  
19          of a consulting services agreement doesn't  
20          change the issue.

21                        I would only say, Madam  
22          Chair, that what's somewhat disconcerting about  
23          what has happened here is that Mr. McMahon  
24          applied for intervention status before this  
25          Board; he then was refused intervention status;  
26          and now, purportedly under a consulting services

1 agreement, which is not signed, he is coming  
2 back as a consultant to UCG, notwithstanding the  
3 fact that his cv clearly shows that he is an  
4 employee of Union Gas in Ontario.

5 I say all these comments  
6 keeping in mind that Yukon Energy has always  
7 supported the concept of UCG obtaining expert  
8 advice, both on the legal side and on the  
9 consulting side. Yukon Energy still promotes  
10 that concept. But this is not the proper way to  
11 do it, if that's what is intending to be done.

12 I'd only say one final  
13 comment in relation to Mr. McMahon, is that,  
14 even the services that are outlined in the  
15 consulting services agreement seem to be  
16 duplicative of the very things that Mr. Rondeau  
17 is used to doing before the Board in the various  
18 applications.

19 So, finally, in relation to  
20 Mr. McMahon, he can't come through the back  
21 door, what he can't get through the front door,  
22 in my submission.

23 The final comment that I  
24 would make is that, if one looks at this issue  
25 generally, what the Yukon does, in terms of the  
26 non-professional status, is an anomaly, in my

1 view, in terms of other regulatory bodies. Most  
2 regulatory bodies will not pay intervenors an  
3 attendance allowance or any specific rate. I  
4 know, in British Columbia, that an intervenor  
5 can apply to get a certain amount of money if  
6 they appear at a hearing, but they basically  
7 have to show that they have lost wages or  
8 salary, and it's to a maximum of \$175 a day.  
9 But I'm not aware of any other jurisdiction that  
10 effectively provides an hourly rate, like the  
11 Yukon does, for intervenors. That's not to be  
12 critical or make any statement, other than  
13 except to say that there is no precedent, to my  
14 knowledge, in other regulatory jurisdictions,  
15 that would allow the Board to go beyond that.

16 So, those are all the  
17 comments I have, Madam Chair.

18 MS MARX: Yukon Electrical.

19 MR. KEOUGH: Thank you. We have no  
20 specific comments to make on this issue. I will  
21 be addressing the cost issue under the next  
22 item.

23 The only observation I would  
24 make at this point is that, and the Board  
25 recognizes this, is that this whole process is  
26 assisted by having participation by a variety of

1 groups representing a variety of interests, and  
2 I think that's something this board and other  
3 boards recognize, and you would hate to be in  
4 a situation where that participation is hampered  
5 because of financial concerns. Thank you.

6 MS MARX City of Whitehorse.

7 MR. TUCK: The City has no comments.

8 MS MARX: No comments from the City of  
9 Whitehorse. Utilities Consumers' Group.

10 MR. RONDEAU: Yes, I feel that I have to  
11 respond to the comments by Mr. Landry.

12 In the first place, the Board  
13 has no definition of who is a professional, who  
14 is not. It's arbitrary. You decide without any  
15 set policy.

16 Why is Mr. Rondeau designated  
17 as a non-professional? Why is Mr. McMahon  
18 designated as a non-professional? Why is Mr.  
19 Landry designated as a professional? The Board  
20 has never provided any reason, in their Reasons,  
21 of why any intervenor -- last time, there were  
22 five, Mr. Percival, Mr. Rondeau and three  
23 others, were given non-professional status,  
24 without any reason. There was absolutely no  
25 reason given by this board.

26 It seems to be Mr. Landry's

1 argument that, "Oh, in the past, it's been done  
2 this way, so it has to stay this way." I argue,  
3 no, it shouldn't stay this way; it's an unfair  
4 process that's happening and it's time we  
5 straightened it out. And it's time this board  
6 straightens it out, so that intervenors know  
7 exactly where we stand.

8 Why can these guys have  
9 professionals paid for by the ratepayers, when  
10 the ratepayers, themselves, cannot have  
11 professionals; or they're not paid as  
12 professionals?

13 With all due respect to the  
14 Board, the last hearing was a terrible example  
15 of what can take place. Reasons were not given  
16 why intervenors were not given professional  
17 status. Reasons were not even given why  
18 different intervenors weren't deducted 85% of  
19 what their costs were.

20 There need to be some set  
21 policies. It needs to be up front, where  
22 everybody knows where they stand.

23 On behalf of myself, I've  
24 been intervening for 15 years, not only with the  
25 Utilities Board, but on behalf of ratepayers for  
26 telephone rates in the Yukon. I've gone to

1 Ottawa to represent the Yukon. I've gone to  
2 every hearing that has been here. The Utilities  
3 Consumers' Group was probably, in most cases,  
4 the only representative of the Yukon, besides  
5 the Government itself. We were instrumental in  
6 getting a low cost serving area to the Yukon,  
7 the Northwest Territories and Nunavut, so that  
8 people in under-served areas could have  
9 telephones in their homes.

10 I've been doing this 15  
11 years. I have a degree in Political Science and  
12 Economics. How can this guy stand here and tell  
13 me, how can you stand there and tell me, I'm not  
14 a professional?

15 Besides, if I'm not a  
16 professional, when I make my arguments to you,  
17 do you take my arguments as a grain of salt  
18 because, "Oh, he's not a professional, we don't  
19 have to listen to him. But we'll listen to  
20 these outsiders that come in here; they've got  
21 a law degree, they've got a consultant agency"?

22 I don't know if you wish me  
23 to speak on behalf of whether interim funding  
24 should take place now, or if that comes later.

25 MS SHANKS: We'll deal with that in the  
26 next item on the agenda.

1 MR. RONDEAU: Okay, thank you. In regards  
2 to Mr. Landry's comment about the hiring of Mr.  
3 McMahan, I think that he has no business telling  
4 UCG, or any other ratepayer group, who they can  
5 and can't hire. Mr. McMahan has a history of  
6 regulatory process, just as much as these  
7 gentlemen do over here. The reason we chose him  
8 is because he has intervened here before, he  
9 knows the Yukon. And I guess what was his bad  
10 luck, of not being accepted as an intervenor by  
11 the Board, is our good luck, as having him as  
12 our consultant. As far as overlapping, there  
13 needs to be somebody here to coordinate; there  
14 needs to be somebody here to argue. We will  
15 save money this way. Mr. McMahan will not have  
16 to fly here every time there are hearings like  
17 this. It will save money for the ratepayer.

18 Now, Mr. Landry states,  
19 again, past process, past process. He says he  
20 agrees with professional help for ratepayers,  
21 but then he slams us in the back with a knife,  
22 saying that we do backdoor things. He says  
23 there's a proper way to do it, but I didn't hear  
24 him offer any proper way to do it.

25 That's all of my comments on  
26 this issue right now.

1 MS MARX: Yukon Conservation Society.

2 MS WRIGHT: Well, I guess I do this  
3 because I care and I have passion for this  
4 subject. I feel that to participate in these  
5 sort of things, it's not a subject that very  
6 many people understand the language. And, sure,  
7 yeah, I'm a non-professional, I don't do this  
8 for a living, but there's not very many people  
9 in this territory who do this for a living. I'm  
10 not a lawyer, but I understand all the language  
11 that is being -- that's a skill.

12 I'm not upset about the rate,  
13 but I think you should look at the value that  
14 we, as intervenors, bring. I can't speak like  
15 a lawyer, and it takes me a while to put my  
16 words together, but I think it brings  
17 importance. And even following the incredible  
18 amount of reading that happens, I mean, you know  
19 there's binders and binders of things that go on  
20 here, and understanding who the players are.  
21 And I think the more intervenors, the more  
22 people who are included in this process, the  
23 more Yukoners have a feeling for what happens  
24 here, the better.

25 Maybe I'm a professional  
26 volunteer. I represent 400 people out there,

1 from the Conservation Society, that care about  
2 these issues but don't have the knowledge to  
3 come here and talk to you about how they care  
4 about this, so I represent them. So that's what  
5 I have to say.

6 I agree with Roger on one  
7 way. I mean, do I have to get a lawyer to  
8 really have my say mean anything here? I don't  
9 think it's right that Pat shouldn't -- you know,  
10 the UCG should be able to hire whoever they  
11 want, and I think Pat brought a lot of great  
12 issues in the last -- he brought a lot of really  
13 interesting information to the last hearing --  
14 or -- it was a rate hearing, right?

15 So I don't think that's  
16 right, that YEC can say who UCG can hire or not.  
17 And it's not \$225 an hour, either. He's asking  
18 \$110, which... boy, I wish I could get a job  
19 like that, but... I mean, still -- you should be  
20 paid for what you think you're worth. I think  
21 that's important. Thanks.

22 MS MARX: Mr. Percival.

23 MR. PERCIVAL: I am local, and I am a  
24 professional. I am a professional engineer  
25 registered in the Yukon. I work as a sub-  
26 consultant and a contract employee for Yukon

1           Engineering Services.           Yukon Engineering  
2           Services' charge-out rate for me, for my  
3           services to its clients, is at approximately  
4           \$125 to \$150 per hour. I'm reimbursed by YES  
5           for all expenses and costs, at cost, and I'm  
6           paid a fee for services at the rate of between  
7           \$80 and \$100 an hour. I believe I have  
8           contributed in the past to the Yukon Utilities  
9           Board hearings and hearing processes, and I  
10          should be able to continue to contribute in a  
11          similar fashion for at least a few more years.

12                            If anything, it might be  
13          something for the Board to consider, is reducing  
14          the fees for professionals, rather than not  
15          upping the fees for those of us who are here.  
16          And I am a professional. So I think my time is  
17          worth something, and I think I can provide good  
18          information to the Board, even good ideas to the  
19          utilities, and I think I should be compensated  
20          in that fashion.

21                           The other thing I think the  
22          Board might consider is that, right now, you're  
23          not compensated for the hours of attendance at  
24          the hearings, and I think you should be  
25          compensated for the hours that you spend at the  
26          hearing, particularly if you participate. Not

1 if you just sit around, but to participate.

2 Thank you.

3 MS MARX: Yukon Energy.

4 MR. LANDRY: I have no further comments  
5 except for a clarification in case my comments  
6 were taken wrong. YEC is not taking the  
7 position that they can tell anybody who they  
8 want to hire. The issue that was asked for, and  
9 that we were commenting on, is what comments  
10 would be made by YEC, at the end of the day, on  
11 cost applications, and whether or not they'd be  
12 entitled to reimbursement or recovery.

13 Those are my comments.

14 MS SHANKS: Thank you. Mr. Rondeau, for  
15 the Board, I asked all parties, actually, this  
16 would be the Yukon Conservation Society as well  
17 as UCG, if you could please give the Board an  
18 idea of how many members you would have or  
19 represent; and if they're paying members or not.  
20 I would ask the Marsh Lake Society to do that as  
21 well, but they're not present today.

22 MR. RONDEAU: I'm not absolutely sure, that  
23 is not my ball of wax, it's the secretary's, but  
24 I can give you a rough estimate of what it is.  
25 We have two separate types of membership: we  
26 have paying members; and non-paying members that

1           have signed on to support the group. The last  
2           time I saw the paid membership was at our last  
3           AGM, and we had 25 paying members. Non-paying  
4           members... we have well over 200 people that  
5           have signed support for our organization; we  
6           have two communities and two First Nations, as  
7           well, that have signed support.

8   MS SHANKS:                   Excuse me, what type of  
9           communication is there between your membership  
10          and the organization? Do you have lines of  
11          communication; newsletters or internet sites --

12   MR. RONDEAU:                 We have regular monthly  
13          meetings every second Tuesday of the month. We  
14          also have a website.

15   MR. MORRIS:                 Mr. Rondeau....

16   MS SHANKS:                   Oh, excuse me, Mr. Rondeau.

17   MR. RONDEAU:                 Yes?

18   MR. MORRIS:                 Mr. Rondeau, have you  
19          considered assessing your members to hire  
20          counsel?

21   MR. RONDEAU:                 We have talked about that  
22          several times, every time there's some type of  
23          rate hearing or telephone hearing. We do not  
24          have the finances to do so.

25   MR. MORRIS:                 No, but have you considered  
26          assessing a fee to your membership for that

1           purpose?

2       MR. RONDEAU:                    It's difficult enough to get  
3           members from the Yukon public, besides charging  
4           them lawyer's fees, Mr. Morris.

5       MR. MORRIS:                    Thank you.

6       MS SHANKS:                    Further to that, in your  
7           August 23<sup>rd</sup> submission, you've alluded to the  
8           inability to retain a lawyer at that time. I  
9           wonder if any progress has been made on that  
10          end.

11      MR. RONDEAU:                   I have not heard from the  
12          Public Interest Advocacy Centre for some time.  
13          I e-mailed them again, to get a response. It  
14          seems that their legal expertise are going to be  
15          busy at the time of the hearing. So I have put  
16          out some ears to hit.

17                                    It's almost impossible, I've  
18          asked at least half a dozen lawyers in  
19          Whitehorse, and nobody wants to touch it.  
20          Either they don't have the regulatory  
21          experience, or, the way I perceive it, they're  
22          a bit afraid of taking on the task here, in the  
23          Yukon. As you know, we're a small jurisdiction,  
24          and if you stick your neck out in one area, you  
25          may lose contracts in another; i.e. government.

26      MS WRIGHT:                    The        Yukon Conservation

1 Society has just over 400 members, and they're  
2 all paying members. We have four newsletters a  
3 year. We have board meetings first Tuesday of  
4 every month. And we have an Energy Committee  
5 that I consult with on these issues. We sit  
6 down, there are five on our Energy Committee,  
7 that discusses these issues in more detail.

8 MS SHANKS: Thank you. I guess that  
9 takes us to item 6 on the agenda.

10 **6. Cost Process**

11 MS SHANKS: The Board has prepared a  
12 document entitled "Cost Process for Distribution  
13 at Pre-Hearing Conference", and copies are  
14 available in this room, from Ms Lemke. I assume  
15 everybody has a copy of that at this point. If  
16 not -- no, actually, Deana, it looks like a few  
17 people need some copies.

18 I will give people a few  
19 minutes to look at it. It was my understanding  
20 that people, that have had that document, have  
21 had a look at it by now.

22 I'll proceed, if that's okay  
23 with everybody in this room.

24 The Board has prepared this  
25 document, entitled "Cost Process for  
26 Distribution at the Pre-Hearing Conference".

1           The intent of this document is to outline the  
2           process the Board will be following with respect  
3           to the review of the cost applications for this  
4           proceeding, so as to provide some greater  
5           clarity to all parties.       Filing of cost  
6           applications is due within 30 days following the  
7           close of the proceeding, after which there will  
8           be an opportunity for YEC to comment on the cost  
9           claims from intervenors, and for intervenors to  
10          comment on YEC's cost claim.   Parties will have  
11          10 working days to make those comments,  
12          following which the Board will review and make  
13          its determinations on the cost applications.

14                           In the document, the Board  
15          has also commented on the applicability of the  
16          Scale of Costs and the application of the Sole  
17          Business Interest test.   I understand that the  
18          issue of interim funding came up at the public  
19          workshop held July the 25<sup>th</sup>, 2006.

20                           In Board Order 2005-3, the  
21          Yukon Utilities Board considered a motion by the  
22          UCG to award interim funding.   In that Order,  
23          the YUB determined that it does not have the  
24          jurisdiction under the *Public Utilities Act* to  
25          award interim funding.   The Board remains of  
26          this view and will not be granting interim

1 funding to any intervenors in this proceeding.

2 I understand YECL has some  
3 comments on this document. Is that true, Mr.  
4 Keough?

5 MR. KEOUGH: That's correct.

6 MS SHANKS: Okay. Then I'll ask Ms Marx  
7 to facilitate the process for comments from all  
8 parties at this time.

9 MS MARX: Sure. Yukon Energy.

10 MR. LANDRY: We have no comments.

11 MS MARX: Yukon Electrical.

12 MR. KEOUGH: That was quick, Madam Chair.

13 I have a couple of comments. We have looked at  
14 documentation issued by the Board, and what I  
15 will call the "rebuttable presumption", I guess,  
16 dealing with one utility intervening in another  
17 utility's proceedings, and there being an  
18 ability for that party to, I guess, persuade the  
19 Board that the reason that the utility is here  
20 is not in its sole business interest. I think  
21 it would be certainly helpful to Yukon  
22 Electrical if we had some understanding from the  
23 Board in the context of this specific  
24 proceeding.

25 I appreciate it's a case-by-  
26 case, circumstance-by-circumstance

1           determination, and I'm not asking for a  
2           determination of the Board that intervenor costs  
3           will be awarded to Yukon Electrical at this  
4           point. Obviously, you would apply the criteria  
5           outlined in the Rules, following the proceeding,  
6           and judge the effectiveness of the  
7           participation. But I think, in fairness to my  
8           client, they're probably entitled to some  
9           understanding from the Board, at this point, as  
10          to whether or not the Board considers  
11          participation in this proceeding, given the  
12          issues that are the subject matter of this  
13          proceeding, whether Yukon Electrical is  
14          appearing, or whether the Board perceives it's  
15          appearing, in its own business interest, or on  
16          behalf of its customers.

17                   Yukon Electrical certainly  
18          thinks that, in the context of a proceeding such  
19          as this, it is here on behalf of its customers.  
20          We can appreciate that, in other proceedings,  
21          other circumstances, the Board may consider that  
22          there is some issues where it is pursuing a  
23          business interest that is for the company, as  
24          opposed to for the ratepayers it has.

25                   As has been noted on the  
26          record previously, approximately 89% of the

1 costs flow through to customers of Yukon  
2 Electrical, and I think it is those costs, that  
3 would be flowed through, that Yukon Electrical  
4 is here to test and insure are reasonable. As  
5 well, other issues touch upon things such as the  
6 joint planning process, if you will, between YEC  
7 and YECL; well, obviously, that's something that  
8 affects YECL as a utility but, again, I would  
9 submit to you it's in the context of YECL's  
10 representation of its customers.

11 I guess the bottom line, that  
12 I'm trying to put before the Board, is that we  
13 would like some indication, out of this pre-  
14 hearing conference, whether or not the Board  
15 thinks the participation in this specific  
16 proceeding, given the issues that you have, is  
17 viewed by the Board as "sole business interest",  
18 or whether it's on behalf of customers. And  
19 that is not judging the quantum of costs that  
20 would ultimately be approved based upon your  
21 factors or considerations in the Rules. I think  
22 it's more saying, do you recognize the  
23 participation here as being legitimately on  
24 behalf of customers? Which we certainly submit  
25 to you it is, in the context of this proceeding  
26 where we're not trying to make a general

1           determination.

2                           So I think what we're trying  
3           to do is ask the Board, in your ruling on the  
4           pre-hearing conference, to give some indication  
5           of what your thinking is on that, given the, as  
6           I say, rebuttable presumption that appears to be  
7           adopted by the Board. So that's one request we  
8           have.

9                           The second request is more of  
10          a generic one, I suppose, but we are struggling  
11          with the Board's views on whether or not your  
12          Scale of Costs is applicable to intervenors and  
13          applicants, or just intervenors. So, if we  
14          could get some clarification on that, that would  
15          be useful as well. Thank you, Madam Chair.

16   MS MARX:                   City of Whitehorse? No  
17          comment. The Utilities Consumers' Group.

18   MR. RONDEAU:               UCG is very pleased that the  
19          Board has realized that intervenors and other  
20          interested parties should have an equal stake at  
21          providing comments on Yukon Energy's application  
22          for costs; not just the one-sided process that  
23          took place for the last number of years, where  
24          only they could make comments. We, however,  
25          feel that there needs to be a much stronger  
26          review than what this two-pager states here.

1           This still does not give us any real clear  
2           direction.

3                           I'd advise the Board to have  
4           a look at other jurisdictions. For example, the  
5           way that the CRTC does this is entirely  
6           different, and it's very plain, right from the  
7           get-go, where you stand. How they decide  
8           whether you're professional or non-professional  
9           is on the number of years experience that you  
10          have in that field. They have plain and simple  
11          amounts, whether you're an in-house consultant  
12          or a hired consultant. The same thing with a  
13          lawyer; if you're an in-house lawyer, there is  
14          a different rate scale. It's set, and it does  
15          not get tinkered with.

16                          Also, the CRTC, the  
17          Commission itself, do not decide cost awards.  
18          It is the legal team that decides. The  
19          intervenor applies directly to the legal team.  
20          For one thing, it would relieve you for one  
21          other thing that you don't have to worry about;  
22          and, for another thing, I think it makes the  
23          process more fair.

24                          As YECL stated, I think all  
25          intervenors should have some type of level of  
26          comfort of where we stand. Right now, nobody

1 knows.

2 I listened to your comments  
3 on interim funding. I have one thing to comment  
4 on that, and a question to ask. On page 2 of  
5 your Scale of Costs, this is your own board, you  
6 state: In the case where a party can advance a  
7 persuasive argument that the level of consumer  
8 contribution is inadequate, given the complexity  
9 of the case, the Board may adjust the scale to  
10 meet unique circumstances.

11 If the Board has no  
12 jurisdiction, why is this clause here? It  
13 doesn't make any sense. They contradict one  
14 another.

15 An example of why we need  
16 legal expertise is exactly what's happening in  
17 this Part 3. The way I interpret it is not a  
18 legal mind. I have my own interpretation. I  
19 think it's set, very clear, that these guys  
20 should, must, they're obligated, to put in Part  
21 3 for any project. Now, they've bypassed this  
22 once already, and the Board let them get away  
23 with it. There will be legal consequences next  
24 time, both for the Board and for the utility.  
25 We need legal advice; we need help. And the  
26 Board is the only one that can do that for us.

1 MS MARX: Yukon Conservation Society.

2 MS WRIGHT: No comment.

3 MS MARX: No comment from YCS. Mr.  
4 Percival.

5 MR. PERCIVAL: I have already made my  
6 comment, thank you.

7 MS MARX: Yukon Energy.

8 MR. LANDRY: Madam Chair, the only comment  
9 I have is in response to Mr. Keough's comments,  
10 simply to say that it appears that the -- or, I  
11 should say that the document that you referenced  
12 is very clear, in relation to the issue of what  
13 is entitled "Sole Business Interest", and, like  
14 all intervenors, it seems only right to wait  
15 until the end of the intervention to determine  
16 whether or not YECL can rebut the presumption  
17 that has been put up.

18 On the basis of Mr. Keough's  
19 comments, we're not really able to say, one way  
20 or the other, whether or not, at the end of the  
21 day, their intervention will be able to rebut  
22 that presumption. So, in my submission, it's  
23 premature.

24 MS SHANKS: Move on to the completion of  
25 the agenda here.

26 **7. The Hearing Process**

1 MS SHANKS: To assist with the orderly  
2 review of the application, the Board will set  
3 out the process to be followed for the filing of  
4 any motions. If parties have any motions to  
5 file during the proceeding, the Board will  
6 follow its usual process. In accordance with  
7 section 19 of the Rules of Practice, all motions  
8 must be in writing and served on all parties.  
9 Parties will have five days to respond, with the  
10 mover having two days to reply.

11 The YUB now has a new website  
12 up and running, and it's  
13 [www.yukonutilitiesboard.yk.ca](http://www.yukonutilitiesboard.yk.ca), and all of our  
14 Orders, I'm sure back to 1980, are on there,  
15 policy documents, Rules of Practice, as well as,  
16 I'm told, everything up to all submissions with  
17 this hearing received, except for the August 29<sup>th</sup>  
18 letter of yesterday. I'm sure that will help.

19 For the filing of all  
20 materials for this proceeding, in our Order that  
21 comes out September 8<sup>th</sup>, we'll talk about the  
22 filing system that we will be using; it will be  
23 the same as we used in last year's hearing, but  
24 we'll review it at that time.

25 I'm going to ask Ms Marx, at  
26 this time, just to go through the steps to be

1 followed during the proceeding, just for any new  
2 intervenors.

3 MS MARX: Thank you. So, following the  
4 Board's decision on matters arising from today's  
5 pre-hearing conference and the additional  
6 submissions that the Board has asked for, the  
7 next step following that is the Information  
8 Requests to Yukon Energy. So any intervenors,  
9 who have questions for Yukon Energy on their  
10 Plan, that would be the time to ask those  
11 questions. Currently, the date for that is set  
12 at September 20<sup>th</sup>. Again, the Board recognizes  
13 that some of these dates may need to change but,  
14 at this time, these dates stand as is.

15 So, following that, Yukon  
16 Energy will respond to those Information  
17 Requests on October 6<sup>th</sup>. Then, on October 20<sup>th</sup>,  
18 intervenors will have a chance to file any  
19 evidence that they wish to present in this  
20 hearing for the Board's consideration. On  
21 October 27<sup>th</sup>, intervenors will be asked  
22 Information Requests on any evidence that was  
23 filed; and then their responses are due on  
24 November 8<sup>th</sup> and, of course, the hearing  
25 commences on November 20<sup>th</sup>.

26 I understand that there is

1           one other matter that Yukon Energy wishes to  
2           raise today, regarding witness scheduling for  
3           the hearing, so I'll just ask Mr. Landry to  
4           speak to that now.

5           MS SHANKS:                           Mr. Landry.

6           MR. LANDRY:                           Madam Chair, we do have an  
7           issue that I would like to bring to the  
8           attention of the Board, and it relates to one of  
9           the key witnesses that will be testifying at the  
10          hearing, Mr. Bowman, who will be testifying on  
11          a number of issues but primarily in relation to  
12          the capacity of planning criteria.

13    I just recently found out Mr.  
14          Bowman's wife is pregnant, and she's due around  
15          that time, the November 20<sup>th</sup> time, and there are  
16          medical issues that are involved. Therefore, we  
17          are requesting, if at all possible, that the  
18          hearing be moved up a week, to November 13<sup>th</sup>.

19          MS SHANKS:                           Can we hear some submissions  
20          from other parties on that date? This is the  
21          first we've heard of that date, actually, as of  
22          now. Ms Marx, can I ask you to facilitate that  
23          process?

24          MS MARX:                            Yes. I'll call upon Yukon  
25          Electrical first.

26          MR. KEOUGH:                         Thank you, Madam Chair. We

1           have no difficulty with the Board revising the  
2           schedule accordingly. I'm not sure if any of  
3           the intervening dates would have to be altered  
4           a little bit in order to accommodate that, I  
5           just didn't get a chance to look at the  
6           schedule, but we have no problem with the  
7           request.

8       MS MARX:                        Just thinking about this  
9           possibility of a change in date, given that  
10          there's also the possibility that the dates  
11          could change as a result of the additional  
12          submissions that the Board is requesting, I  
13          wonder whether it would be helpful to get  
14          comment as well, and perhaps I can start with  
15          YEC again, as to perhaps moving the hearing  
16          back, later, one week, starting the week  
17          following November the 20<sup>th</sup>, just to get a better  
18          sense of timing.

19       MR. LANDRY:                    Unfortunately, that probably  
20          makes it worse, to go the other way, for the  
21          same reason. So, obviously, in these type of  
22          things, you don't know for sure, but at least in  
23          relation to the problem that has been  
24          identified, it probably makes it worse, is what  
25          I meant.

26                                        Just to comment, though,

1           because Mr. Keough is correct, to look at the  
2           schedule that we presently have, and moving it  
3           forward a week, it doesn't, in my submission,  
4           affect any of the time lines, because there was  
5           two weeks from the final answers to the IRs, to  
6           the date of the hearing; it would just mean  
7           there would only be a week to the date of the  
8           hearing. From my experience in these matters,  
9           I don't think a week or two weeks makes a big  
10          difference, from the date of the last IRs being  
11          in.

12       MS MARX:                                Mr. Keough, did you have any  
13    additional comments?

14       MR. KEOUGH:                            While I was listening to Mr.  
15    Landry, I got to the same point he did by taking  
16    a look at the schedule; I think you can move it  
17    back a week and not affect any of the other  
18    dates.

19       MS MARX:                                City of Whitehorse.

20       MR. TUCK:                               I don't have any comments.

21       MS MARX:                                No     comments.     Utilities  
22    Consumers' Group.

23       MR. RONDEAU:                           I do not perceive, at this  
24    time, any problems with moving the hearing one  
25    week in advance. I gather that -- that's what  
26    I understood; is that correct? Yeah, I don't

1           see a problem.

2       MS MARX:                   Yukon Conservation Society.

3       MS WRIGHT:                The sooner the better.

4       MS MARX:                   Mr. Percival.

5       MR. PERCIVAL:             I don't care.

6       MS SHANKS:                All the credit to Mr. Landry,  
7           if he can figure out when a baby is coming. And  
8           if you can even hang your hat on a date after  
9           that, that's even much more admirable.

10                                The Board will hold off  
11           making a decision on the hearing date at this  
12           moment, but, in our pre-hearing decision, we  
13           obviously will address that, because we know we  
14           have a few scheduling issues.

15                                If there are no other matters  
16           before us, that people would like to bring up --  
17           Mr. Rondeau.

18       MR. RONDEAU:             I just have one question;  
19           will the transcripts from this pre-hearing, and  
20           the following hearing, be on the website for the  
21           Board, or YEC's website?

22       MS SHANKS:                That's a good question. I'm  
23           hearing from our Executive Secretary, Deana  
24           Lemke, that the transcripts will be available on  
25           our website.

26       MR. RONDEAU:             And the time line for

1           after... do you have a bit of an estimate?

2   MS SHANKS:                   Mr. Ayers, do you have an  
3           idea of when the transcripts might be available?

4   MR. AYERS:                   Either Friday, or early next  
5           week.

6   MR. RONDEAU:                 Okay, thank you.

7   **7.   Closing Comments**

8   MS SHANKS:                   If there are no other matters  
9           before the hearing today, I adjourn this  
10          hearing.

11          (Proceedings adjourned at 11:45 a.m.)