

YUKON UTILITIES BOARD HEARING COST PROCESS

For distribution at Pre-Hearing Conference

YUKON UTILITIES BOARD		
EXHIBIT		A-15
DAY	ENTERED BY	DATE
	YUB	Aug 30/06

Process for reviewing cost applications

Within 30 days following the release of the Yukon Utilities Board's (YUB) report on the 20-Year Resource Plan, parties are to file their cost applications in accordance with the Board's Intervenor Costs Award Policy. The process to be followed for the review of parties' costs is:

- 1. Intervenor Costs**
 - Yukon Energy Corporation (YEC), as the party who will be asked to pay Intervenor costs, will be provided the opportunity to review and comment on Intervenor's cost applications.
- 2. YEC Costs**
 - All parties will be provided the opportunity to comment on YEC's costs.
- 3. Schedule**
 - Cost applications are due within 30 days following the release of the YUB's Report. Cost applications are to be served on all parties.
 - Comments from YEC or Intervenor are due within 10 working days of the Board's receipt of the cost applications.

Requirements for Cost Applications

Schedule 1 of the Board's Rules of Practice (Scale of Costs) states that "Before exercising its statutory discretion to award costs, the Board will consider such questions as the effectiveness of the party's participation, its relevancy to the issues, and whether the costs were reasonably and prudently incurred, and whether the party has been diligent in the efficient presentation of its position."

The Intervenor Costs Award Policy states that cost applications "should be supported by a statement of costs with the appropriate receipts, vouchers and copies of fee billings together with an affidavit in support of the claim for the award of costs."

To assist the Board in its review of cost applications, where parties are claiming professional fees, parties are requested to break down costs by the firm/company and individual performing the work, and include a breakdown of hours and fees for preparation for the hearing, for attendance at the hearing, and for argument and reply.

The YUB has prepared the attached forms that the Applicant and Intervenors are to complete when filing their cost applications.

Scale of Costs

Schedule 1 of the Board's Rules of Practice outlines the general principles, fees and charges that apply to cost awards. The Board does not intend to allow parties higher amounts than those identified in the scale of costs. However, as stated in the Intervenor Costs Award Policy, if a party is able to advance persuasive argument that the scale of costs is inadequate given the complexity of the case, the Board may adjust the scale of costs. The Board reminds parties that it will only be in exceptional circumstances that the Board would grant an amount higher than the scale of costs. If a party intends to claim an amount higher than the scale of costs, it must include appropriate justification for this in its cost application. Further, the Board also reminds parties that it is within the discretion of the Board to award less than the scale of costs in appropriate circumstances.

Sole Business Interest

If the Board considers that a party is intervening for its sole business interest, it may deny the cost application of that party. The Board has previously stated (in Board Order 2005-16) that the costs of a utility intervening in another utility's proceeding would not normally be recoverable as this would represent an intervention for the purpose of protecting the company's sole business interest. If such a party is able to satisfy the Board that the purpose of its intervention is not for its sole business interest and has a benefit to ratepayers, it may allow all or part of the cost application. However, the Board reminds parties that it is within the Board's discretion to determine what constitutes a ratepayer benefit rather than a shareholder benefit. Parties who may be ineligible for costs on the basis of a sole business interest, should address this issue in their cost application should they chose to make such an application.