

Yukon Utilities Board

April 27, 2021

To: All Parties
YEC BESS proceeding

From: Deana Lemke
Executive Secretary

Re Protocol for virtual hearing

The virtual hearing for the YEC BESS Project proceeding is scheduled for May 4-6, 2021. To ensure that the hearing proceeds in an orderly and efficient manner, the Board has directed the writer to outline the following procedural matters:

Hearing Schedule

1. The virtual hearing will commence on May 4, 2021 at 9:00 a.m. Yukon time. It will be conducted via the Zoom video-conferencing platform. There will be two 20-minute breaks in each of the morning and afternoon sessions, with a 1.5-hour lunch break.

Participation

2. The Applicant and Registered Intervenors who will be participating in the virtual hearing must provide their registration details at the following link: https://zoom.us/webinar/register/WN_8QdWIDpZQKmHQLERmxKdvg
3. Members of the public who wish to observe the hearing must provide registration information in order to be provided the Zoom log-in details to connect to the hearing. Register at the above-noted link.
4. The open court principle applies to virtual hearings and members of the public are encouraged to observe the hearing. Members of the public who have questions about the hearing or who require further details about where to find the application should contact Deana Lemke, Executive Secretary, by phone/text at 867-334-3400 or by email at yub@utilitiesboard.yk.ca. Ms. Lemke will provide the relevant information or redirect your inquiry to Board staff.
5. Registration need only be done once for the entire hearing. The Zoom link provided to registrants will be the same for each day of the hearing as well as the test session.

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Participant Test Session and Technical Requirements

6. The Board will hold a 30-minute test session scheduled to begin on Monday, May 3, at 3:00 p.m. Yukon time, prior to the hearing. The Applicant and Registered Interveners who will be participating in the hearing are strongly encouraged to attend this test session in order to ensure efficient connectivity.
7. Participants are asked to conduct the test session in the same location and with the same equipment that they intend to use for the virtual hearing. The Board requests that participants familiarize themselves with their video and audio equipment well in advance of the test session and virtual hearing to ensure that it is working properly.
8. The preference is for participants to use a computer headset (microphone and headphones) and web camera that is directly attached to their computer. If there are issues with the quality of a participant's internet connection, the participant can use a web camera for video and dial a teleconference number for audio.
9. An invitation to join the virtual hearing will be sent to each participant via email. Invitations are unique to the intended participant and should not be forwarded.
10. Participants are expected to be proactive and inform the Board promptly if there are any technical or practical difficulties with participating in a virtual hearing.
11. Participants are expected to join the virtual hearing 30 minutes prior to the start of the hearing, from a quiet, secure location with reliable connectivity. Participants who are in the same room should be socially distanced as directed by territorial or provincial health requirements. Each participant should have their own web camera and ensure that they are positioned centrally on their screen with adequate lighting. Participants should have their web cameras turned on during the introduction of the virtual hearing while they are being introduced; however, during the remainder of the hearing they will be asked to have microphones muted and web cameras turned off unless they are speaking. Participants should ensure that their electronic devices are silent during the virtual hearing. As participants will likely be in separate locations, discreet mobile phone and tablet usage will be permitted for communication, if necessary. YEC's witnesses giving testimony should refrain from using mobile devices, except for during appropriate breaks.

Hearing Procedures

12. The Board Chair will open and close the virtual hearing and direct the proceedings. All parties must be present at the commencement of the hearing. At the outset of the hearing and following breaks all participants will be asked to identify themselves orally to confirm their presence.
13. Affirmations will be administered remotely.
14. The court reporter will have their web camera enabled throughout the virtual hearing and may interject orally or notify the Board by email if they are having difficulty understanding what is being said. The court reporter will transcribe the virtual hearing. For the purposes of obtaining an accurate transcript, participants are requested to refrain from speaking at the same time or too quickly.
15. Parties are to provide opening statements in writing by 12:00 noon Friday, April 30, 2021, at the latest. These opening statements will be entered into the record of the hearing. Opening statements do not need to be read into the record at the oral hearing.
16. YEC shall ensure an expert witness is available for questions related to the Hatch report. YEC is to inform the Board by 10:00 a.m. Monday, May 3, 2021, on the composition of its witness panel, with the name, position and company included in the list of witnesses. Questioning of YEC's witness panel will proceed by each intervener, in alphabetical order, followed by Board Counsel and concluding with members of the Board.
17. Aids to questioning shall be filed within a reasonable time in advance of their anticipated use and should be provided to counsel for the party under examination and Board counsel at least one day prior to the expected use of the aid to questioning.
18. Motions or immediate issues can be addressed through the Board Chair either by raising your hand in the Zoom video-conferencing or by interjecting at an appropriate break in the testimony.
19. Outstanding undertakings from the oral hearing are to be filed by Tuesday, May 11, 2021.
20. Final written submissions will be in writing and due on Thursday, May 13, 2021.

Media inquiries and recording prohibition

21. Media inquiries are to be directed to Deana Lemke, Executive Secretary, at yub@utilitiesboard.yk.ca.
22. No recordings of the virtual hearing by participants or observers will be permitted. The formal record of the hearing will be the transcript, which will publicly available after the hearing on the Yukon Utility Board website: <https://yukonutilitiesboard.yk.ca>.

Troubleshooting

23. If a participant's audio or video connection to the virtual hearing fails, the participant is directed to contact Deana Lemke, Executive Secretary, immediately by phone/text at 867-334-3400 or by email at yub@utilitiesboard.yk.ca. The Board Chair will be notified and will direct participants to remain silent to provide an opportunity for the participant to restore their connection.
24. In the event of unforeseen and unavoidable technological issues, the Board may adjourn the virtual hearing to recommence the next day or may decide to conduct the remainder of the hearing in writing.

For clarification of any of the above procedures please contact Deana Lemke. Note that, as the Board and parties gain experience in a virtual hearing setting, the Board will continue to refine its process and approach for organizing and conducting them.