

# LEGISLATIVE RETURN



SUBMITTED BY: Hon. Mr. Streicker, Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation

1. On [date], Currie Dixon, Member for Copperbelt North

- asked the following question during the Oral Question Period at page(s) [page numbers] of *Hansard*
- submitted the following written question – WQ No. #
- gave notice of the following motion for the production of papers – MPP No. #

RE: [subject]

OR

2. This legislative return relates to a matter outstanding from discussion with Currie Dixon, Member for Copperbelt North on November 17, 2022 related to:

Bill No. #

Second Reading  Third Reading

Committee of the Whole: ~~general debate~~

Motion No. #

RE: [subject] *Appearance of witnesses from the Yukon Development Corporation and the Yukon Energy Corporation*

at page(s) [page numbers] of *Hansard*.

*2790*

The response is as follows:

Question:

With the extension of the Condition Precedents [for the Atlin Hydro Project], what does this mean for the timing and term of the Agreement? Does the 40-year term start from when the project is completed, or is it a set date and the term is shorter?

Response:

The Term of the EPA is 40 years after the final commercial operation date (COD) for the Project (see Section 2.2 of the EPA).

*Please see two attached Purchase Agreement documents*

*23-Nov, 2022*

Date

Signature

September 30, 2022

Tlingit Homeland Energy Limited Partnership  
By Its General Partner  
Tlingit Homeland Energy Limited  
P.O. Box 408  
Atlin, BC, V0W 1A0

**Subject: Electricity Purchase Agreement Dated January 14, 2022 as amended and restated on April 12, 2022 (collectively, the "EPA") between Yukon Energy Corporation ("YEC") and Tlingit Homeland Energy Limited Partnership By Its General Partner Tlingit Homeland Energy Limited ("THELP")**

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Capitalized terms used and not defined in this letter have the meanings set out in the EPA.

The Parties hereby amend the EPA as follows:

1. In Section 4.3 May 1, 2024 is replaced by May 1, 2025 and June 1, 2024 is replaced by June 1, 2025.
2. In Section 8.5 Year 2024 is replaced by Year 2025.
3. In Section 1.71 (k)(ii) of Schedule A the words: "including without limitation, AEY" are added at the end.
4. In Section 1.71(k)(iii) of Schedule A the words:

"unless the act or omission is caused by an event or circumstance that would constitute Force Majeure if the Person described above was a party to this EPA in place of a Party invoking Force Majeure."

are moved to the end of Section 1.71(k) so that they modify each of Sections 1.71(k)(i), (ii), and (iii).

5. In Section 3.2 of Schedule A, Peter Kirby is replaced with Lee Francoeur, and [corporatetlingitpeter@gmail.com](mailto:corporatetlingitpeter@gmail.com) is replaced with [lee@eaglelaw.ca](mailto:lee@eaglelaw.ca).
6. In item 2 of Schedule B December 1, 2024 is replaced with October 1, 2025.
7. In item 3 of Schedule B August 1, 2024 is replaced with June 1, 2025.

Except as amended herein and by letters dated May 25, 2022, July 25, 2022, August 31, 2022 and September 30, 2022 extending Conditions Precedent the EPA remains in full force and effect and unamended.

This letter may be executed in any number of counterparts which together will form one document. This letter will be duly executed and delivered if executed by the Parties and signature pages exchanged by electronically.

Yukon Energy Corporation

Per:



Agreed on September 30, 2022

Tlingit Homeland Energy Limited Partnership  
By Its General Partner  
Tlingit Homeland Energy Limited

Per:





#2 Miles Canyon Road  
 Box 5920, Whitehorse  
 Yukon Y1A 6S7  
[yukonenergy.ca](http://yukonenergy.ca)

September 30, 2022

Tlingit Homeland Energy Limited Partnership  
 By Its General Partner  
 Tlingit Homeland Energy Limited  
 P.O. Box 408  
 Atlin, BC, V0W 1A0

**Re: Electricity Purchase Agreement Dated January 14, 2022 as amended and restated on April 12, 2022 (collectively, the "EPA") Between Yukon Energy Corporation ("YEC") and Tlingit Homeland Energy Limited Partnership By Its General Partner Tlingit Homeland Energy Limited ("THELP")**

YEC is writing to confirm its agreement with THELP that the dates contained in the EPA for satisfaction of the conditions precedent in Sections 2.1(d)(i),(ii),(iii),(vi),(vii),(viii) and (ix) are extended from their current dates until the dates set out below. Capitalized terms used and not defined in this letter have the meanings in the EPA.

	CONDITION	Updated Due Date
1	2.1(d)(i) Parties and AEY enter into an Interconnection Agreement	January 31, 2023
2	2.1(d)(ii) Parties and AEY agree on budgeted costs for AEY System Upgrades	January 31, 2023
3	2.1(d)(iii) for Seller to submit Funding Plan to Buyer	January 31, 2023
4	2.1(d)(iii) for Buyer to give Notice to Seller that Buyer is satisfied with Funding Plan	January 31, 2023
5	2.1(d)(vi) Seller will have sought and obtained approval of the EPA by the Taku River Tlingit First Nation by way of Clan Directive or a Joint Clan Meeting Mandate, on terms and conditions satisfactory to the Parties, acting reasonably	January 31, 2023
6	2.1(d)(v) Buyer receives approvals of the EPA from Governmental Authorities on Terms & Conditions satisfactory to the Parties, acting reasonably	January 31, 2023
7	2.1(d)(vii) Seller will have sought and obtained such consents as may be required from each of BC Hydro and The Canada Life Assurance Company of Canada to enter into the EPA, such consents to be on terms and conditions satisfactory to each of the Parties, acting reasonably;	January 31, 2023
8	2.1(d)(viii) Parties will have agreed, acting reasonably, upon an allocation of the Environmental Attributes under this EPA based upon the requirements of the funding contributed to Seller's Plant by the governments of the Yukon Territory, British Columbia, and Canada	January 31, 2023
9	2.1(d)(ix) YEC will have entered into an implementation agreement with AEY for implementation of the EPA	January 31, 2023

Except for this letter and the previous conditions precedent extension on May 25, 2022, July 25, 2022, and August 31, 2022 the EPA remains in full force and effect, unamended.

Yukon Energy Corporation

Per:

Agreed on September 30, 2022

Tlingit Homeland Energy Limited Partnership  
 By Its General Partner  
 Tlingit Homeland Energy Limited

Per:

the power of yukon

