

BEFORE THE UTILITY FACILITY REVIEW BOARD

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|----------------------------------|---|-----------------|
| In the Matter of the Petition | } | Docket No. |
| For Review Between Rocky | | 10-035-39 |
| Mountain Power and Tooele County | | |
| for Consideration By the Utility | | |
| Facility Review Board. |) | Volume II of II |

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
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Salt Lake City, Utah

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REPORTED BY: Kelly L. Wilburn, CSR, RPR

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1 MAY 12, 2010

9:11 A.M.

2 P R O C E E D I N G S

3 CHAIRMAN BOYER: We're back in session, we'll
4 go back on the record now. We apologize to those in
5 the audience waiting. We had some procedural issues
6 to talk about with counsel, but we're ready to go.

7 And the procedure this morning is gonna be
8 slightly different than what we announced on Monday.
9 We were going to hear just legal arguments this
10 morning, but as a result of the public hearing last
11 night in Tooele the Board members had a number of
12 questions that they wanted to ask the expert
13 witnesses.

14 Rocky Mountain Power wanted to recall and
15 clarify some points in their testimony. We want to
16 have as complete a record as possible. So what we're
17 going to do this morning is we will hear from
18 Messrs. Gerrard and Smith again.

19 The County will have an opportunity to cross
20 examine them. The Board members will ask questions of
21 them. And once we've completed that phase of the, of
22 the hearing this morning we will hear the legal
23 arguments from counsel for both, for both parties.

24 So with that, let's begin. Mr. Moscon?

25 MR. MOSCON: Thank you. Rocky Mountain Power

1 will recall Mr. Darrell Gerrard.

2 CHAIRMAN BOYER: Mr. Gerrard, you're still
3 sworn from yesterday, so you may be seated.

4 THE WITNESS: Thank you.

5 DARRELL GERRARD,

6 called as a witness, having been duly sworn,

7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MOSCON:

10 Q. Good morning, Darrell.

11 A. Good morning.

12 Q. Darrell, after your cross examination and
13 after hearing from the public comment portion of these
14 proceedings I'd like to direct your attention to a few
15 specific topics to have you clarify some points for
16 the Board.

17 So rather than going through a chronological
18 outline of your testimony we're just gonna kind of
19 move from topic to topic. The first thing I'd like to
20 draw your attention to, Darrell, is timing. And by
21 "timing" I mean the in-service timing of the project.

22 On Monday you provided some testimony about a
23 June 2013 date for when the system needs to be
24 operational. And a question I want to ask first to
25 lay foundation of where I'm headed is not what is the

1 date when the Company wants this system online. Not
2 when the Company thinks it's desirable or would be the
3 best bet.

4 But if you were asked, When does this system
5 absolutely need to be operational, what is that date?

6 A. That date is June 2013. And I think on
7 Monday I was able to demonstrate that currently our
8 company cannot serve all of our customer demand in the
9 critical load area with parts of our system out of
10 service currently. And by 2013 we'll be unable to
11 serve our customers with all of our system in service.

12 Q. Okay. So Darrell, specifically, who is at
13 risk? If this new transmission line coming up from
14 Mona does not connect to Oquirrh by June 2013, who is
15 at risk, and of what?

16 A. Well, I think the risk really falls in the
17 critical load area that I described on Monday. And
18 our inability to maintain service to existing
19 customers and any future customers, including those of
20 Tooele.

21 I think it also puts at risk our existing
22 generation fleet in the Southern part of state. We
23 won't be able to utilize it.

24 Q. And so again to clarify, what does that mean?
25 You say it puts their service at risk. What happens?

1 A. We would have to -- as I showed on the graphs
2 the other day, we would end up curtailing customer
3 demand -- in other words, turning off customers during
4 certain hours, especially during peak times -- with
5 all of our system in service in 2013.

6 Q. All right. Darrell, I now want to direct
7 your attention to the standards by which you must
8 design and plan a transmission line system such as
9 this. There was an implication during some of your
10 cross examination that the, the BLM receives the
11 system requirements from you, from the Company.

12 And so one way the Company might gain the
13 system, if you will, is to simply tell the BLM, Well,
14 we need to have at least 1,500 feet for our system.
15 And therefore the BLM, out of hand, will reject any
16 northern corridor that doesn't provide that much
17 distance.

18 Based on that, would you please describe for
19 the Board the actual standards, codes, whatever the
20 standards are, that you must plan to when designing a
21 system like this?

22 A. Yes, certainly. I'd like to start with,
23 first I would put an exhibit up here if I can get this
24 to move forward. Thank you.

25 First of all, the -- this project that's in

1 discussion today, and the Energy Gateway Project, is
2 built to follow National Electric Safety Codes. And I
3 have a copy of that here on the desk in front of me.
4 That's the basic minimum requirements for the safety
5 of electric supply systems.

6 And the code is passed into laws in all the
7 states that Pacifi Corp serves, including Utah, either
8 through legislative process or through some statutes.
9 So as I talk about these standards going forward I'd
10 make the point to the Board that these are not
11 discretionary standards.

12 As a utility planner I don't get to pick and
13 choose when, and where, and how I implement these.
14 These are either State Law or Federal Law that I'm
15 compelled to comply with.

16 So the code energy -- National Electric
17 Safety Code is the first code. And I've highlighted
18 on the screen here a passage out of paragraph 10 that
19 I think is very important. The NESC goes on to state
20 that:

21 "This code is not intended as a
22 design specification or instruction
23 manual; therefore, adherence to this
24 code does not establish or guarantee
25 adequate reliability or service --

1 Levels of performance for electric
2 transmission. "

3 So the code does not tell me what kind of
4 reliability. This is a safety code to protect the
5 public and our workers. That, that basic code has to
6 be met.

7 So on the next slide. So as a utility
8 planner, the NESC also recognizes that it's not an
9 all-encompassing standard, all-encompassing code. And
10 so I've pointed out here that it says in here:

11 "For all particulars not specified, "
12 so this is more about what's not covered
13 in these rules for the construction,
14 maintenance, "it should be done in
15 accordance with accepted good practice
16 for the given local conditions known at
17 the time by those responsible for the
18 construction or maintenance of these
19 communications and supply lines. "

20 "Known at the time by those responsible. "
21 That's me and my company. This clearly places the
22 burden of performance and reliability on the shoulders
23 of our company. This requires Rocky Mountain Pow --
24 Rocky Mountain Power to follow other industry
25 standards, or requirements, or guidelines.

1 And also to use our company experience when
2 planning and building an efficient, reliable
3 transmission center. So I share this with the Board
4 that a lot of this falls on the shoulder -- shoulders
5 of the Company.

6 The next set of standards that I'd like to
7 talk about, I mentioned these briefly on Monday, there
8 are five -- there are a number, but I've listed five
9 out of my testimony on page 15 and 16. These are the
10 new, as of 2007, National Reliability Standards For
11 Bulk Transmission they've passed into law in the
12 Federal Register, and we must comply with these
13 standards.

14 The first standard is system performance
15 under normal conditions. I showed you an energy
16 triangle map on Monday. With all elements in service
17 we have parameters we have to follow, and the
18 performances specified.

19 Our second standard for performance is loss
20 of a single -- the BES, sorry for the abbreviation.
21 That's Bulk Electric System Element. So loss of a
22 single element. In the case here today in front of
23 us, that's the transmission circuit.

24 The third standard that I'm compelled to
25 comply with is system performance following the loss

1 of two or more bulk electric system elements. In this
2 case that would be two or more transmission circuits.

3 The fourth standard is a wide and
4 all-encompassing one, is system performance following
5 an extreme bulk electric system event. In this case
6 for this, for this proceeding that's loss of multiple
7 lines -- more than two -- and loss of entire utility
8 transmission line corridors.

9 I have to comply with all those. The fifth
10 one that you see up there is a regional criteria
11 standard set by the Western Electric Coordinating
12 Council, and it talks about line separation.

13 Q. Thanks. Darrell, could you call back up the
14 graph that you had that showed the schematic for this
15 particular system, the triangle-within-the-triangle
16 slide? And describe for the Board then how those,
17 those standards that you just described relate to your
18 location of what were Line Segments 2 and 3 in that
19 graph?

20 A. Yes, certainly. I've provided that drawing
21 here again. The Board saw this on Monday as part of
22 my testimony. And again, I'm pointing back to
23 Segments 2 and 3 here. And this is the reliability
24 triangle that I talked about for our Energy Gateway
25 project, and the local reliability triangle that we're

1 using for the Mona-Oquirrh project.

2 In this configuration, again, the
3 requirements for Energy Gateway energy triangle were
4 large hubs, resource and load hubs, connected by
5 high-capacity, high-reliability transmission lines --
6 at least three of those lines for redundancy -- on
7 widely-geographically-dispersed line routes.

8 This meets all of those requirements and
9 allows me to meet TPL-001, All systems in service,
10 TPL-002, One circuit out of service, and TPL-003, Two
11 circuits out of service. And I'd remind the Board
12 that each one of these lines here, 2 and 3, have two
13 circuits on them.

14 So we're talking a total of four transmission
15 circuits here. Two lines, four circuits. In this
16 configuration it meets my Energy Gateway requirements,
17 and it meets all of these reliability standards.

18 Q. Darrell, if -- notwithstanding everything
19 that you've said, if the Company were forced to put
20 Segments 2 and 3 in the same corridor -- which would
21 amount to what's been called the Grantsville route or
22 the northern route.

23 If the Company were forced to do that and,
24 you know, you talked on Monday about the things that
25 can happen. The floods, plane crash, fire, whatever?

1 A. Yes, I do.

2 Q. If that happened, if you had 2 and 3 in the
3 same corridor, besides the fact that you wouldn't meet
4 these standards, what's the practical reality of what
5 would happen to the system in that event?

6 A. Well, if we were to co-locate these -- which
7 we do not want to do -- we increase the chances that
8 there are multiple circuit outages. Significantly
9 increase the risk. And as I re -- remember telling
10 the Board on Monday, each of these lines can carry up
11 to 1,500 megawatts each. That's what they're planned
12 to do in the future.

13 With those co-located, that's 3,000 megawatts
14 of capability in these, in these two circuits. By
15 co-locating these I cannot meet TPL Standard 4 without
16 significant amount of risk, and TPL-003 without a
17 significant amount of risk.

18 Should these two lines become interrupted --
19 remember, there's four circuits here. Should these
20 become interrupted, I have 3,000 megawatts flowing
21 across these lines, that has to go somewhere. And
22 where it will flow is on the existing system that's
23 there today.

24 And it cannot handle that. It will overload
25 and disconnect.

1 Q. Give the Board some context then. Three
2 thousand megawatts sounds like a high number, but in
3 context. So for instance, compared to the entire Salt
4 Lake Valley or even the critical load area, how much
5 of a, of an impact is that?

6 A. Yeah. You may recall on Monday, the critical
7 load area demand -- the customer demand in the
8 critical load area was in excess of 4,400 megawatts in
9 2007. So with this carrying 3,000, and if you use
10 2007 as your reference, that's roughly two-thirds of
11 the entire load in the critical load area.

12 Another way to size that maybe to help,
13 3,000 megawatts is about six -- approximately six of
14 our Lakeside Power Plants located down just south of
15 Camp Williams there in Lehi.

16 Q. And that's the amount of power that would be
17 interrupted if those two lines had a common outage?

18 A. When they're in their fully-loaded state and
19 the project is fully utilized, that's correct.

20 Q. All right. And again, on Monday during your
21 cross examination and even in your direct testimony
22 there was some discussion about impact of if, if
23 Line 2 went up around here it added length to the line
24 and, and decreased efficiency. You discussed that.

25 Could you describe for the Board then, fine,

1 it decreases efficiency, but again, what is the
2 practical reality? What would that mean to customers
3 across the state?

4 A. Yes, certainly, certainly. In the design
5 of -- if the Mona-Oquirrh project, the ideal situation
6 would be, in an ideal world, would to have Line
7 Segment 2 between Limber and Oquirrh zero length. The
8 shorter the length, the better.

9 In the case here, if we took -- and the
10 reason that that's, that's important is that if you
11 make Line Segment 2 here short, it looks like the same
12 electrical resistance between Mona and Oquirrh as this
13 path here.

14 So what we're trying to do by making
15 Segment 2 short -- I'm shaking a little bit here.
16 Make it short is we want to match the same electrical
17 characteristics that exist here. So if we could make
18 those the same length I get the most utilization and
19 the most efficiency out of my system.

20 So contrary to that, by taking the route
21 that's been suggested or proposed and taking Segment 2
22 and running it up along the I-80 Corridor, as it's
23 been coined, and back around and down to Oquirrh,
24 Mr. Brandon Smith tells me that's about 60 percent --
25 approximately 60 percent more line length.

1 Sixty percent more line length trans --
2 trans -- transfers to 60 percent more line losses.
3 Because you've got 60 percent more line miles. Line
4 losses are a function of energy transfer over the
5 power line. And that's just heat radiated out into
6 the air.

7 So we have a, from a, from a green power line
8 standpoint, if you will, it's 60 percent less
9 efficient in radiating energy to the air over the life
10 of the project. That never goes away.

11 Q. So what does that mean to a, to a ratepayer?
12 What -- again, if we accept, Fine, your system's less
13 efficient, what's the result?

14 A. Well, that means we have to generate
15 60 percent more electricity to push over this line,
16 and it goes out in the air as heat, so our ratepayers
17 will pay for that for the life of the project. So
18 making Segment 2 as short as possible mitigates that
19 problem or reduces that problem.

20 Q. All right, Darrell --

21 A. There is, there is a second efficiency that I
22 would like to talk about --

23 Q. Okay, please. Yes.

24 A. -- that I think is maybe more important. And
25 I did touch on this a little bit on Monday. By adding

1 60 percent more line length and 60 percent more
2 electrical resistance to this path, when I try and
3 push electricity or power flow up around Segment 1 --
4 remember, our goal is to get it to Oquirrh -- I have
5 60 percent more impedance, or 60 percent more
6 resistance to flow. It doesn't want to go there as
7 easy as it does with this segment being short.

8 The result of that is the energy flow will
9 move around on this path, because it's lower
10 resistance. Now remember, that path's already
11 overloaded. That's why we're building Mona-Oquirrh.
12 The upshot of all that is 60 percent more line
13 resistance does not let me load this brand new asset
14 to its capability.

15 So as a utility planner, the way I, the way I
16 could fix that is to make this line look shorter. By
17 making Segment 2 look shorter I would be forced to
18 build a third 345 transmission line from Limber to
19 Oquirrh.

20 When I do that, I put those two parallel. So
21 now I'd have a third line. That resistance or that
22 60 percent goes in half. That's how it would load up
23 the project. So from an energy efficiency, radiating
24 heat into the air that the customers never use but pay
25 for, it's inefficient.

1 Also, from a utilization of a new asset and
2 existing asset, making that line longer makes it less
3 efficient and less utilization. That's very
4 important.

5 Q. And would require a third line to be built?

6 A. That's, that's the way you would make the
7 energy flow from Limber to Oquirrh.

8 Q. Okay. One question that Tooele has asked me
9 to clarify -- which is a good question -- is you're
10 talking about, you know, the dangers of making this
11 line longer if you wrap it around up north.

12 Are you necessarily talking about going all
13 the way around Point of the Mountain and coming back?
14 Or are you talking about coming up to the I-80
15 Corridor and then cutting back across and still up
16 Pat's Canyon (phonetic)?

17 A. Both of those are both inefficient. Both of
18 those are longer line routes, one is a little longer
19 than the other, but both are inefficient. As I
20 understand the line routes.

21 Q. Okay. And we can ask Brandon about miles.
22 Darrell, on Monday there was a number that was going
23 around of 1,500 feet of separation. You were asked,
24 you know, repeatedly about this. And I want to kind
25 of understand if this is a magic number or where it

1 comes from.

2 Can you clarify for the Board what that
3 number means, that 1,500 feet of separation, and how
4 it applies specifically to this system?

5 A. Yeah, certainly. The last standard that I
6 put up on the Board there I mentioned was a WECC
7 regional criteria. And that criteria has a separation
8 criteria in it.

9 And basically what it says is if two lines --
10 two circuits, excuse me. Two circuits are located
11 closer together than the largest span length, or
12 500 feet, then as a utility planner I need to
13 make -- I need to, I need to take that into account
14 and provide redundancy. Because those circuits are
15 close together and they have a chance of having a
16 common outage caused.

17 The 1,500 feet comes from a standard span
18 length of a 500-kV transmission line, which is about
19 1,500 feet. So that's where the number came from.
20 What that standard doesn't say, though, is what you do
21 when you have more than two circuits.

22 That's where TPL-004 comes in and tells me as
23 a planner to look at loss of all lines, or all lines
24 in a corridor. So I don't want, I don't want the
25 Board to get fixated on a 1,500-foot separation. That

1 only appl -- that's only one of the criteria that we
2 have to meet. We have to meet all five of those
3 criteria.

4 Q. Maybe this is the way to just put a point on
5 it. If there was a way for Brandon to engineer and
6 construct a system along any of the various
7 configurations for a northern route in which he was
8 able to find a way to, you know, thread the needle, so
9 to speak, and keep both of those lines 1,501 feet
10 apart -- so at no point do they come closer than
11 1,500 feet -- would that then satisfy your system
12 needs?

13 A. No, it does not. And for the same reasons I
14 mentioned on Monday. Our Energy Gateway reliability
15 triangle design criteria is widely-dispersed lines
16 separated by at least a mile. Up to five miles if we
17 can get it.

18 I know five miles is not practical here. But
19 it does not meet that, that fundamental requirement.
20 And makes it impossible, really, for me to meet all
21 five of those standards I just went through.

22 Q. Darrell, maybe as a concluding question to
23 drive this home then for the Board. If,
24 notwithstanding everything that, that you've said,
25 that Brandon has said, if the Board were to pick and

1 select and say it thinks the best route is one of
2 these northern routes and that's the corridor the line
3 should be built in, would the Company build that
4 route?

5 A. No, I don't believe we would. And we've
6 talked about that a lot as a company. And Mr. Smith,
7 my colleague, we've talked about that with the highest
8 levels at Rocky Mountain Power. And they're in
9 agreement with, with my assessment.

10 MR. MOSCON: I have no additional questions.
11 I'll -- however the Chair wants to proceed.

12 CHAIRMAN BOYER: Okay. Well, thank you,
13 Mr. Moscon.

14 We'll ask Counselor Hogan here if he has any
15 cross examination.

16 MR. HOGAN: I do.

17 CHAIRMAN BOYER: Okay. Please proceed.

18 CROSS EXAMINATION

19 BY MR. HOGAN:

20 Q. Mr. Gerrard, the segment on this, on this
21 slide that's labelled as Segment 1, the 500, where
22 it's actually gonna be 500 kV, is there a, is there a
23 system-wide benefit if the 500 kV actually gets
24 further north?

25 And in fact would there be a system-wide

1 benefit if the 500 kV made it all the way to the Salt
2 Lake Valley?

3 A. No, I don't see any benefit to that.

4 Q. No, no benefit whatsoever?

5 A. No. I actually see that as a detriment
6 because we would have to build additional substations,
7 I believe.

8 Q. So cost?

9 A. Additional --

10 Q. Cost is the detriment? That's what you just
11 said.

12 A. Additional substations mean additional cost.
13 There's additional losses. Every time you build a
14 substation you have energy losses with those, so.

15 Q. Okay. Well, I'm struggling. Let me tell you
16 where I'm struggling. I'm struggling with the idea
17 that in order to improve the system you've said we
18 need a 500-kV triangle. And then we want to have
19 these other regional triangles that are smaller.

20 But in this case now you're saying that it's
21 not really a benefit, it's a detriment if we actually
22 complete the 500-kV triangle. Which is it?

23 A. I didn't say it was a detriment to
24 decrease to not complete a 500-kV triangle. I didn't
25 say that, I don't believe.

1 Q. You just said it would increase cost. It
2 wouldn't help the system. There would be no
3 system-wide benefit to doing it. It would increase
4 the cost and it would not be better.

5 A. Well, I, I'm not following your, I guess your
6 design of where you're, where you're moving the 500-kV
7 line. Maybe you could clarify that for me.

8 Q. Sure. Ignore, ignore Segments 2 and 3 for
9 right now. We can make the second triangle later.
10 But the big triangle we're talking about in this, when
11 you showed the big regional map, this was one of three
12 legs of the triangle.

13 If this third leg went all the way to your,
14 to your big grid in Salt Lake, wouldn't that be
15 better?

16 A. No, it is not. It doesn't get me what I need
17 at Oquirrh.

18 Q. Okay.

19 A. Because, again, in that case --

20 Q. I'm not saying Terminal. I'm not saying
21 where you connect in. If you need it at Oquirrh
22 wouldn't it be better, then, if the 500 kV got all the
23 way to Oquirrh?

24 A. No, that's not, that's not, that's not a
25 beneficial configuration.

1 Q. So, so we need big triangles, except for when
2 you say we don't need big triangles?

3 A. No. What I'm saying is the most efficient
4 way to get energy into Oquirrh and Terminal is with
5 the line design and the substation design that you see
6 on the Board here.

7 Q. Okay. Let's talk about the small triangle,
8 because I don't think we're getting anywhere with the
9 big triangle.

10 A. Okay.

11 Q. You've said that on the small triangle, the
12 Segment No. 2, shorter is better; is that correct?

13 A. In service to Oquirrh, that is correct.

14 Q. Okay. Are you gonna change your mind on
15 that? If I ask another question are you gonna change
16 your mind about whether shorter is better on No. 2?

17 A. I'll let you ask your question first.

18 Q. Okay. Would shorter be better for No. 3?

19 A. Shorter is better for No. 3 as well.

20 Q. It is?

21 A. For, for benefits to Terminal.

22 Q. Okay. Just making sure. Shorter is better
23 on No. 2, and shorter is better on No. 3. You're
24 sure?

25 A. Yes.

1 Q. Okay. If this big circle right here were
2 exactly where the circle on No. 3 is, and if I put my
3 pen right here, what shape does that make between 3
4 and this triangle and this triangle? What shape am I
5 making?

6 A. I guess that's a triangle, if I see your pen
7 correctly.

8 Q. You're, you're sure this is a triangle?

9 MR. MOSCON: Can we ask for a little less
10 editorializing in the questions to the witness?

11 CHAIRMAN BOYER: Yeah --

12 MR. HOGAN: I'll try to not to be
13 argumentative. I've had difficulty getting straight
14 answers. I'll try not to be argumentative.

15 Q. (By Mr. Hogan) On the record this is a
16 triangle. This is a shorter segment here, which
17 you've said is better. This is a shorter segment
18 here, which you've said is better. So for the system,
19 what I've just proposed is better in all facets; is
20 that correct?

21 A. That is incorrect.

22 Q. Why is that?

23 A. Because Limber Substation is -- you didn't
24 mention where that is located.

25 Q. Right here. Right here where the circle is.

1 A. So you've just made our 500-kV line,
2 Segment 1, X-number of miles longer?

3 Q. Right. And I've shortened both your 345s.

4 A. But the distance is the same to Oquirrh. How
5 did you shorten it?

6 Q. It's not the same. It's the three -- this
7 isn't to geographic scale. We'll get to that with
8 Mr. Smith when we get to his --

9 A. Okay, let's, let's talk about Mr. Smith.

10 Q. But assume for the sake of argument that I've
11 shortened this segment and this segment. Which you've
12 said both of which are better. And this -- and the
13 Limber Substation has moved up here. This appears to
14 be a superior design.

15 I mean, I'm not an electrical engineer. But
16 based on the criteria you've laid out, this appears to
17 be a better design; would you agree?

18 A. Well, I don't, because you're arbitrarily
19 placing things on a map. I don't have distances to
20 work with. Shorter is better --

21 Q. Well --

22 A. -- I would agree to that.

23 Q. We're, we're -- I thought your testimony was
24 theoretical at this point. That it was conceptual.
25 This is big-picture design. And that's all I'm asking

1 you to say, is big-picture design. I'll get to the
2 specifics with Mr. Smith.

3 In big-picture design -- because obviously
4 this isn't to scale. This isn't a straight shot from
5 here. You've represented it as such, but this isn't a
6 straight shot. This line goes and makes all sorts of
7 bends to get over here.

8 A. But that has specific line miles assigned to
9 it. We know how long that is.

10 Q. Okay.

11 A. I don't know how long the lines are that
12 you're just arbitrarily putting on the map.

13 Q. Okay. Assume this is Lake Point. I mean,
14 you don't have to do that, I'll do that with
15 Mr. Smith. This is roughly the Lake Point area. If
16 we made this triangle. We've got, we've got -- we've
17 accomplished your big triangle.

18 In fact, we've made your big triangle better.
19 If your big triangle actually gets 500 kV closer to
20 the Wasatch Front. And now we've shortened Segment
21 No. 3, we've shortened Segment No. 2. Would you agree
22 that's a superior design, aside from the criteria that
23 actually exists on the land? Just conceptually, would
24 that be superior?

25 A. I don't believe it is, no.

1 Q. Could you explain why not?

2 A. Because I think it doesn't, it doesn't
3 provide the service to Tooele. And it makes our
4 500-kV line the same distance as --

5 Q. How --

6 A. You're not taking line miles out --

7 Q. Hold on, hold on.

8 A. -- you're just moving a substation.

9 Q. Hold on. How does that not provide service
10 to Tooele?

11 A. Well, the Limber Substation has been sited in
12 the best geo -- geographic location, I believe, to
13 serve Tooele and to optimize the length of Line 2 and
14 3. That's why we put it where we put it, was to
15 optimize the utilization of those circuits.

16 Q. If we find an equally-acceptable site for
17 Limber Substation up where I -- this general area
18 where the No. 3 is and we shorten both these other
19 lines, how does Tooele not get service?

20 A. I believe Tooele would get service, I just
21 don't think it's as efficient as what I've put up
22 here.

23 Q. And how, how is that? We've shortened
24 Segment No. 2. You said that's better. We've
25 shortened Segment No. 3. You said that's better.

1 What is different with -- substation's gonna exist one
2 place or the other. What is different?

3 A. You haven't talked about what happens to
4 Segment No. 1.

5 Q. It's longer. Clearly it's longer.

6 A. That's correct.

7 Q. You said that's better. That's your big
8 triangle. We're getting the 500 kV a little bit
9 further north, and in fact even further east.

10 A. It's still more line miles than, it's still
11 more line miles than what was proposed here.

12 Q. Total line miles?

13 A. Well, I don't know. I -- you -- we have not
14 talked about Segment 1, and you're asking me to
15 speculate --

16 Q. It's, it's clearly more line miles for
17 Segment 1, but it's -- I think the Board can
18 acknowledge and recognize it's clearly less line miles
19 for Segments 2 and 3. So you're acquiring
20 right-of-way in one place instead of two. That's got
21 to be cheaper. You're building less line in total.
22 That's got to be cheaper.

23 I heard yesterday -- I don't know if it was
24 you or Mr. Smith -- or Monday, one of you testified
25 that it's cheaper to build 500 kV than it is to build

1 the 345. Is that, is that true?

2 A. I disagree with your statement there's less
3 line miles.

4 Q. I guess we'll have to divert to Mr. Smith for
5 that question because you said you don't, you don't
6 know how many miles it is.

7 A. I don't, I don't know which line route and
8 which miles you're talking about.

9 Q. Okay.

10 A. You just put a pen up there between two
11 points. I, I really don't know --

12 Q. I'm just -- was it a triangle?

13 A. On that map -- on that screen it was a
14 triangle, yes.

15 Q. Okay.

16 A. Electrically, I --

17 Q. Thank you.

18 A. I'm not sure what you're proposing.

19 Q. Thank you.

20 MR. MOSCON: Can we have some redirect, your
21 Honor? Or Mr. Chairman?

22 CHAIRMAN BOYER: We're gonna ask some
23 questions first --

24 MR. MOSCON: Okay.

25 CHAIRMAN BOYER: -- and then you can do your

1 redi rect.

2 Anything further, Mr. Hogan?

3 MR. HOGAN: Not, not at this point.

4 CHAIRMAN BOYER: All right. We're gonna see
5 if the Board members have any questions for
6 Mr. Gerrard first, and then we'll allow redi rect. And
7 we'll start to my left, with Mayor Johnson.

8 MAYOR JOHNSON: Thank you. I have -- I do
9 have a question or two. One is, Mr. Gerrard, if we,
10 if we take the line as suggested and move the Limber
11 Substation up to approximately that 3 area. Last
12 night we had a lot of discussion about the Superfund
13 site.

14 So I guess my question is, if we turn it and
15 go up over the mountain from somewhere, you know,
16 wherever that 3 goes, is that gonna end up going back
17 over the Superfund site regardless? Whether we go on
18 the No. 2 line, or whether we come and go further
19 north and then come back over the top?

20 Does that make sense? Because the Superfund
21 site seemed to be of some concern/cost that hasn't
22 really been looked at. So I'd like to -- because I'm
23 not sure what happens if we, if we change the site, go
24 from where it currently is up to No. 3, does that do
25 anything with the Superfund site?

1 THE WITNESS: Yeah, and I guess what I'd like
2 to do there, if I may, is let my colleague, Brandon
3 Smith, and his maps cover that, because we can see
4 exactly where it is.

5 MAYOR JOHNSON: Okay. Could you answer
6 another question? On the -- if we extend the
7 500-k (sic) line longer, make that longer as we've
8 said, does that, does -- do we lose efficiency? Is
9 that what you're saying? Or do we lose, you know, do
10 we lose heat?

11 Help me understand -- I'm not quite sure what
12 happens if we extend that longer.

13 A. Well, anytime we make a line longer, of
14 course, we have more line miles and more losses. The
15 difference -- the only difference between the
16 345-kV lines in Segments 2 and 3 is really the voltage
17 that we're operating at.

18 And it is true that a 500-kV system has less
19 energy losses radiating out into the atmosphere for
20 the same megawatt of transfer capability. That is
21 true. That's why we --

22 MAYOR JOHNSON: So you would lose some, is
23 that what you're saying?

24 THE WITNESS: Absolutely we would lose some,
25 that's correct.

1 MAYOR JOHNSON: Okay. The other day in your
2 testimony, I think, and last night there was some
3 discussion about if we move the substation further to
4 the north and northwest there was some question about
5 the soil -- and maybe that's gonna go to another one.
6 But the soil wasn't good to put it there.

7 Last night we heard that the soil could be
8 good enough to put it there, just put it in a
9 different spot. Has that been looked at? Do, do we
10 know if that's?

11 THE WITNESS: Yeah, I think, I think
12 Mr. Smith can --

13 MAYOR JOHNSON: Okay.

14 THE WITNESS: -- address the soil conditions
15 and the design that's been looked at there on the
16 project.

17 MAYOR JOHNSON: Chairman, I think I'll defer.

18 CHAIRMAN BOYER: Okay. Thank you, Mayor.
19 Commissioner Allen?

20 COMMISSIONER ALLEN: Thank you, Mr. Chair.

21 And I may have some of the same problems with
22 getting to the right witness here, because I think
23 both of you have some expertise that may cross a line.

24 THE WITNESS: I'll do the best I can.

25 COMMISSIONER ALLEN: Let's see where I'm at.

1 Some of these questions come from public testimony,
2 especially the sworn testimony. I want to make sure I
3 have clarity here from your position.

4 The -- in designing these lines and
5 developing a need for these lines, when you look at
6 things like Superfund sites, and specifically the
7 Superfund site -- and this may be Mr. Smith's question
8 too -- but do you anticipate that you can often cross
9 those without setting paths into them?

10 Did you have that discussion at a high level
11 how you could get through there or over it?

12 THE WITNESS: I'm aware the project teams
13 talked about that. I think Brandon can, can cover
14 that as well.

15 COMMISSIONER ALLEN: Oh, okay.

16 THE WITNESS: I know, I know we discussed it.

17 COMMISSIONER ALLEN: I know that we also have
18 some sworn testimony that -- and I've seen it in some
19 of the emails from the public that there are a number
20 of people who are convinced that there's an energy
21 corridor that's still coming in from the west along
22 I-80.

23 And, you know, we get access to some of these
24 maps. There's something from the DOE and from the
25 NERC. Are you aware of anything that shows

1 specifically? I know you've already testified that --
2 but have you had a chance to go back and clarify
3 what -- where this information may be coming from?

4 THE WITNESS: As far as you're referring to
5 another transmission line coming from the west; is
6 that the question?

7 COMMISSIONER ALLEN: Yeah, traversing Nevada,
8 across I-80.

9 THE WITNESS: I'm -- the only project I'm
10 aware of that's currently in play, and I'm involved in
11 some of the analysis, is the SWIP Corridor. Which is
12 a line from midpoint Idaho down through to Nevada.
13 That's the closest project.

14 Matter of fact, our Gateway project that
15 we're currently working on for Gateway West, we
16 modeled that -- we're modeling that transmission line
17 as part of the west-wide grid. There are no, there
18 are no projects that I'm aware of in WECC or on the
19 regional planning criteria that show that coming west
20 into Limber, or even Mona for that matter. I'm not
21 aware of any project.

22 COMMISSIONER ALLEN: Sometimes in attending
23 energy planning meetings we get what we call
24 "conceptual maps," where they'll draw big lines across
25 states and boundaries.

1 Have you ever had people confuse a conceptual
2 map, where -- you're talking about energy needs to
3 move from east to west or north to south, and have you
4 had conceptual maps confused for siting maps before?
5 I'm not trying to make their case, I'm just -- I'm
6 really curious.

7 THE WITNESS: Yeah, certainly. There's,
8 there's a number of Power Point -- I call them "Power
9 Point projects" out there with lines drawn on a map
10 that just draw straight lines across, across the
11 system.

12 There are a number of maps out there. I
13 think there's this -- don't quote me on this exact. I
14 think there's 13 projects in the northwest that are in
15 conceptual planning right now through regional
16 planning.

17 COMMISSIONER ALLEN: But they're not siting
18 maps, they're conceptual?

19 THE WITNESS: They're straight lines -- even
20 the ones from Wyoming that are competing I guess with
21 our Gateway project, you'll see they're straight lines
22 on a map between somewhere in Wyoming and Las Vegas.
23 They may take a jog here and there, but they're not
24 siting maps.

25 COMMISSIONER ALLEN: Okay. That might be

1 helpful. Thanks. Okay, let's see. What else do I
2 have here?

3 In developing the overall project, and as
4 alternatives were presented to you from citizens'
5 groups and from the City and County it occurs to me
6 that there were -- we don't have, we don't have cost
7 spreadsheets.

8 Is there a reason why the Company decided not
9 to at least give us a few scenarios and give us some
10 math as to why more specifically they wouldn't have
11 cost more or less to move them, or? Is the Company
12 just convinced that you've got such a, an apparent
13 line here? I'm just curious about the lack of
14 accounting support.

15 THE WITNESS: Are you referring to
16 alternatives to Routes 2 and 3 when you say that? Is
17 that --

18 COMMISSIONER ALLEN: Two and three, or moving
19 the Limber Station. We're dealing with a lack of
20 financial data here, it seems. Do you understand what
21 kind of decision went into that, or is it an
22 oversight, or?

23 THE WITNESS: No. I think as we, as we
24 looked at our -- the routes that we had, we used
25 conceptual estimates, and I mentioned some of those on

1 Monday, with certain amount of dollars per line mile,
2 certain amount of dollars per substation.

3 And at a high level that's what we used to
4 determine, you know, what might be the, the best
5 alternatives at that point in time. So we do have
6 some internal information that we use as block
7 estimates.

8 For example, my planners, take a 500-kV
9 transmission line, might use 2 million to 5 million
10 dollars a mile as they're doing alternative looks at
11 that at the high level. Once we figure out what the
12 best solution is, then we would do a more-detailed
13 estimate on that.

14 But we do have some estimates we've used
15 internally. We call them "block estimates."

16 COMMISSIONER ALLEN: You just decided not to
17 use them publicly, or --

18 THE WITNESS: And I would, I would, I would
19 give you one other piece of information there, for
20 example. The reason I placed Limber out here as a
21 500-to-345 substation was to keep from building two
22 500-kV substations, one at Terminal and one at
23 Oquirrh.

24 So should we bring 500 kV up to Terminal, I
25 still need to get some transmission down into Oquirrh.

1 So I didn't have to do a lot of estimating to know if
2 I built one station instead of three, that's a better
3 design. So some of the decisions are quite that
4 simple.

5 COMMISSIONER ALLEN: Now, you're, you're
6 fairly familiar with the system throughout Utah and
7 the Western U.S., I imagine, where your main lines are
8 at. I'm gonna ask a question and see if you can help
9 me out with, with the ac -- with the -- how close it
10 is to the Tooele "T," the high school logo on the side
11 of the mountain.

12 Do we have -- there are a lot of high schools
13 along the Wasatch Front. Do we have other areas where
14 these lines cross these type of areas, these type of
15 sites, that you are aware of?

16 THE WITNESS: You're referring to schools
17 specifically?

18 COMMISSIONER ALLEN: Yes, schools and where
19 they put their, they put their logo or their letter up
20 on the mountain. And they have -- sometimes they have
21 these fences we have -- we'd had testimony.

22 THE WITNESS: I can't think -- currently I
23 can't think of where there's one that has a school
24 symbol or a school emblem. I know we do have power
25 lines in and around schools. Power lines themselves.

1 But I can't think of, offhand, where we've
2 got a power line that crosses a symbol that would be
3 up on a mountain. I may think of one here in a
4 minute, but I can't tell you.

5 COMMISSIONER ALLEN: Okay. As far as you can
6 remember it hasn't come up before when you're sitting
7 one?

8 THE WITNESS: I don't recall discussing that
9 in my career, no.

10 COMMISSIONER ALLEN: Okay. Just give me a
11 second.

12 THE WITNESS: If I have, I've forgotten.

13 COMMISSIONER ALLEN: I had one more, but it
14 looks like it's disappeared here. Oh, you talked
15 about energy losses.

16 THE WITNESS: Yes.

17 COMMISSIONER ALLEN: You said a line that's
18 60 percent longer is 60 percent greater. Having sat
19 in a number of hearings myself where we have to
20 discuss energy losses and how they're gonna be applied
21 it's my understanding that line losses can range
22 anywhere from 2 to 6 percent, depending on site,
23 temperatures.

24 So am I clear that when you say you're gonna
25 have 60 percent more line losses you're not gonna lose

1 60 percent of the energy, you're gonna have 60 percent
2 greater. If it's 2, 3, 4 percent, then it's
3 60 percent greater than that?

4 THE WITNESS: Yes, that is correct.

5 COMMISSIONER ALLEN: Okay. Just wanted to
6 make sure I was correct.

7 THE WITNESS: Absolutely correct.

8 COMMISSIONER ALLEN: Thank you.

9 CHAIRMAN BOYER: Ms. Hurtado, do you have any
10 questions for the witness?

11 MS. HURTADO: I don't have any.

12 CHAIRMAN BOYER: Commissioner Campbell?

13 COMMISSIONER CAMPBELL: I guess I'm gonna
14 reveal that both Commissioner Allen and I have
15 accounting backgrounds because I'm troubled, too,
16 about the lack of financial data. How do you, how do
17 you define "efficiency"?

18 As we look at the statute -- and maybe this
19 is a legal conclusion -- but do you completely exclude
20 cost in the, in the definition of efficiency?

21 THE WITNESS: Absolutely not. And again, on
22 the reliability side, our company is not about
23 reliability at any cost either. So, but I would
24 answer that, Commissioner, with -- from, from an
25 engineering standpoint, efficiency for us is how much

1 energy loss the system has that the customers can't
2 use. That's one measure.

3 And we deal with that in a number of ways.
4 By conductor sizing. By transformer design. We
5 actually account for, in our designs, how many -- how
6 much energy loss is gonna occur on these new segments.
7 And by example on that, on Segment 1 here, in the
8 testimony we filed with FERC we picked a certain
9 conductor and a certain conductor configuration that
10 was a low-loss design.

11 We did that to try and reduce the energy
12 losses on this segment as it goes into service. So
13 that's one way of efficiency. On transformers, for
14 example, we will order transformers and have
15 manufacturers build transformers based on -- based
16 partially on how much energy and how much heat they
17 produce.

18 So we have, we have some standards we use for
19 how efficient a transformer is. The other measure of
20 efficiency for, for my engineering here, is the
21 ability to utilize the full capability of the line.
22 For example, my planning criteria for Segment 1 is
23 1,500 megawatts. And if I can't fully utilize that,
24 that asset is less efficient than if I can fully
25 utilize that.

1 So it's a, it's a matter of capacity usage.
2 Those all come with cost, and we look at cost when we
3 put those together. And --

4 COMMISSIONER CAMPBELL: Well, let's talk
5 about cost a little more. Have you -- has the Company
6 ever built a transmission over existing Superfund
7 sites before?

8 THE WITNESS: To my knowledge, we have not.

9 COMMISSIONER CAMPBELL: So you don't have
10 experience with, with what that would cost if there
11 would be -- if the Company would be subject to
12 significant remediation costs as it relates to
13 building on a Superfund site?

14 THE WITNESS: I'm not aware that we've built
15 on a Superfund site, and I would not know what the
16 costs are to do that. I can't think that -- I can't
17 think of a place where we've done that.

18 COMMISSIONER CAMPBELL: Well, perhaps you can
19 respond then to the observation made and given to us
20 last night that -- or let's just assume, for example,
21 that there were significant costs to construct on a
22 Superfund site because you're putting things into the
23 atmosphere.

24 And we received in the record last night
25 information as it relates to the type of remediation

1 that would take place on that Superfund site through
2 the Tooele County Health Department, I believe, or.

3 And as you look at efficiency, I guess this
4 Board -- I struggle trying to decide whether this is
5 the most efficient route if there's \$50 million
6 related to building on that Superfund site versus
7 another route.

8 How are we to make that decision with no cost
9 information on this record?

10 THE WITNESS: Well, I would, I guess for the
11 work that the siting group has done -- and Brandon
12 Smith may be able to address. I know he's had some
13 conversations about the feasibility of that in talking
14 to the Superfund site owners.

15 So they've done some work on that. I'd have
16 to defer to Brandon, unfortunately, for the detail.
17 But to answer your question, I'm not aware that we've
18 built over a Superfund site.

19 COMMISSIONER CAMPBELL: Let me ask you a
20 question as it relates to timing and -- you talk about
21 the need to get this additional power into the
22 critical load area because the existing route is
23 overloaded.

24 Is it, is it Oquirrh specific? Or is it
25 possible for the Company to, maybe not to the same

1 extent, but to meet your absolute 2013 deadline of
2 redundancy by building Line Segment 3 first and
3 giving, and giving more time to look at the issues as
4 it relates to Line Segment 2?

5 THE WITNESS: No, that's really not an option
6 for me. And the reason I say that is the, the busy
7 scatter diagrams I provided on Monday and the limit
8 lines, I showed you two slides with limit lines. One
9 slide with all of our system in service. The final
10 slide was with one line out of service.

11 And this segment right here is the cause.
12 That's our, that's our weak link. And by building up
13 to Terminal up here, it doesn't give me support on
14 this line right here. And again, because this
15 distance up here, the power has to go all the way up
16 to Terminal and back down to here before I can serve
17 my load.

18 So that the energy tries to flow up this way,
19 and it further overloads this segment right here. So
20 the reason for the date and those limits is this is
21 our weak link right here. We have another weak link
22 over here, as I -- I think I mentioned this on Monday,
23 but I'll cover it again.

24 Between Camp Williams and our 90th South,
25 which is our other big load hub, we have the same

1 configuration as this one right here. And we're
2 building a second line, which will be completed this
3 year, over to 90th South.

4 So that, that weak link will be fixed by the
5 end of the year. Again, this, this is the, this is
6 the culprit. So building 3 to Terminal does not solve
7 that problem.

8 COMMISSIONER CAMPBELL: Let me ask you a
9 question to follow up on Mr. Hogan's line of
10 questioning. And that is when you talk about
11 distance, and impedance, and the way power flows, if
12 the 500-kV substation were at Circle No. 3?

13 And then you draw your, your Line 2 down to
14 Oquirrh. Is the, is the distance -- I mean, what
15 would that do to -- I mean, clearly it's a longer
16 distance. Is there compensation for the 500 kV going
17 further north with a shorter 345, as it relates to the
18 other route that's already in existence?

19 THE WITNESS: The -- I let me answer that in
20 two parts. The Segment 1 that we're building for
21 Mona-Oquirrh is gonna be operated at 345 until around
22 2019. We don't, we don't need the 500 kV, so it will
23 be operated at 345 till about 2019.

24 So in that case, Commissioner, the distance
25 is the same. If you move Limber up here you just

1 extend Segment 1 to 3, and then you build back here to
2 2. So --

3 COMMISSIONER CAMPBELL: Which is a 345?

4 THE WITNESS: Which is a 345. Okay. The
5 second part of the answer, to be fully correct. When
6 we convert this to 500 kV in and around 2019, when
7 Gateway South that I showed you ties into Mona, we
8 will convert this to 500 kV.

9 At that point you do gain some, some,
10 although it's small, some efficiencies by going to the
11 higher voltages. You have less losses. And power
12 flows a little easier.

13 The other reason we picked 500 kV, just to
14 close all this, is that it's -- the 500-kV system is
15 much more resilient to overloads. And the voltages,
16 the voltages stay better because of the high voltage,
17 so.

18 But we don't need to do the conversion for
19 ten years. It saves, it saves our customers money.
20 We don't need to do that.

21 COMMISSIONER CAMPBELL: As far, as far as the
22 1,500-foot separation issue, how does that affect your
23 proposed Line 3? I mean, are you shooting yourself in
24 the foot ten years from now by all this the record
25 we're creating now that -- will you be able to have

1 the appropriate separation when you build Line 3?

2 Or will people come in and use this testimony
3 saying, Well, you don't have the separation?

4 THE WITNESS: I'm, I'm not following your
5 question exactly. Maybe I missed it. Line, Line 3,
6 the way it's proposed here, we would, we would have --
7 there's no other lines to conflict with on the route
8 that we've picked, I think.

9 COMMISSIONER CAMPBELL: So you do have a
10 route that doesn't use the current corridor or the
11 current lines running down --

12 THE WITNESS: Yeah.

13 COMMISSIONER CAMPBELL: -- I-80?

14 THE WITNESS: Brandon has the map, he can
15 show that route. That, that's the Company's proposed
16 route and the BLM's preferred route.

17 COMMISSIONER CAMPBELL: We had some testimony
18 last night that someone wanted to make sure that you
19 were staying with your route through Rush Valley that
20 conforms with the EIS and that you're not following
21 the SITLA proposal. Is that true?

22 THE WITNESS: I'll let Brandon answer that
23 question. Yes.

24 COMMISSIONER CAMPBELL: Would the question
25 related to transmission lines and the watershed also

1 go Mr. Smith?

2 THE WITNESS: That would be correct.

3 COMMISSIONER CAMPBELL: And access roads,
4 those would go to Mr. Smith?

5 THE WITNESS: Correct.

6 COMMISSIONER CAMPBELL: Okay. All right, I'm
7 finished. Thank you.

8 CHAIRMAN BOYER: Just a couple of questions.
9 I want to, I want to follow up and make sure that
10 we're clear. And this is a follow up to Commissioner
11 Allen's question on line losses.

12 And I was a little confused as well, because
13 at one point in your testimony this morning I think
14 you said that because of the increased length of the
15 line and the increased resistance or impedance --

16 THE WITNESS: Uh-huh.

17 CHAIRMAN BOYER: -- loss lines -- loss --
18 line losses would increase by 60 percent and you'd
19 have to push 60 percent more energy through the lines.

20 That's, that's not actually correct, if I
21 understood what you said. It's the resistance would
22 increase by 60 percent. So if it's 1 percent line
23 loss, the increased resistance would increase it to
24 1.6 percent --

25 THE WITNESS: One point six, that's correct.

1 CHAIRMAN BOYER: -- is that correct?

2 THE WITNESS: That's correct. Yeah, I did
3 misspeak there. I apologize for that. Thank you for
4 the correction.

5 CHAIRMAN BOYER: A question now arising out
6 of Mr. Hogan's suggestion of moving the Limber
7 Substation further North, maybe North and East, where
8 it is shown on this map. So the 500-kV line would be
9 longer. There would be more resistance because it's
10 longer, I suppose?

11 THE WITNESS: Yes.

12 CHAIRMAN BOYER: Would that then affect the
13 problem that you detailed earlier in forcing the
14 electrons, which take the course of least resistance,
15 would that exacerbate that problem? Would that -- if
16 the -- if Segment 1 is longer, would that force more
17 energy through the existing lines which are already
18 overloaded?

19 THE WITNESS: That's correct, it does. It
20 would, it would force more flow this way by making
21 that line longer.

22 CHAIRMAN BOYER: And, well, give us some idea
23 of the context of that kind of a problem. How big of
24 a problem is that? What would that do? Would it
25 trigger breakers?

1 THE WITNESS: Well --

2 CHAIRMAN BOYER: Would transformers go out?
3 What would happen?

4 THE WITNESS: No, the standards make me take
5 action before that happens. So I have to be
6 preventative so that we don't take the system out of
7 service. So what it -- what happens is when power
8 doesn't want to flow this way, it flows this way.
9 Okay? As I mentioned before.

10 And in doing that I will have to limit how
11 much power I can flow up these lines right here. In
12 other words, what doesn't flow over here has to flow
13 over here. That will overload these lines. And so as
14 a total -- again, I have to look at the sum of the
15 parts.

16 As a total, this will become my limit. And I
17 will not be able to fully utilize this segment over
18 here, because this is limiting how much power flow
19 actually goes across the entire path. Remember also
20 that I'm putting Segment 1 in to backup segment --
21 this segment here.

22 This segment here also backs up that segment.
23 So if I lose Segment 1, this has to perform. So this
24 become -- this becomes my limit. I won't be able to
25 fully utilize Segment 1.

1 CHAIRMAN BOYER: Okay, thank you. Now, I
2 have another question which is probably a question for
3 Mr. Smith, but I'd like to get your take on it as well
4 because of your vast experience and 30 years in this
5 business. Are 500-kV lines ever undergrounded? Large
6 metropolitan areas, for example?

7 THE WITNESS: Not -- they are not. I'm aware
8 of some 500 kV underground in Commonwealth Edison
9 System in New York. I believe, I believe APS has one
10 segment, one small segment. They're typically not,
11 due to the cost of doing so.

12 CHAIRMAN BOYER: And the cost is involved in
13 the excavation and then also cooling?

14 THE WITNESS: Yeah.

15 CHAIRMAN BOYER: You testified that would be
16 a problem for Mr. Smith?

17 THE WITNESS: Cooling. Those are usually
18 either nitrogen-cooled or oil-cooled cables, with
19 large pumping systems and very-sophisticated cooling
20 systems.

21 CHAIRMAN BOYER: But they might be
22 undergrounded in, for example Manhattan, because of
23 the population density? It's totally developed --

24 THE WITNESS: Correct. That's where, that's
25 where the appli -- the alternatives in that case are

1 very expensive, so they make some sense there.

2 CHAIRMAN BOYER: Now, I live, I live in
3 Cottonwood Heights. And Rocky Mountain Power's
4 building a substation near the Old Mill facility and
5 then will run 138-kV lines down 70th South, which is
6 about three blocks from my house.

7 Cottonwood Heights asked Rocky Mountain Power
8 how much it would cost to underground them -- those
9 cables. And we were told at that time it would be a
10 factor of seven. Seven times more expensive than
11 overhead.

12 And -- but what we've been hearing around
13 here is as high as ten percent -- ten times.

14 THE WITNESS: Yeah, I've used in my career
15 7 to 10, 10X, 10 times.

16 CHAIRMAN BOYER: Seven to ten?

17 THE WITNESS: That's, that's a very-well
18 accepted number in the industry.

19 CHAIRMAN BOYER: And the rule, the rule of
20 thumb that you use is that overhead, in green field,
21 2 to 5 million dollars a mile for overhead?

22 THE WITNESS: For 500 kV that's about right,
23 yeah. And terrain has a big, a big variable, but
24 that's correct.

25 CHAIRMAN BOYER: Okay.

1 COMMISSIONER ALLEN: Can I --

2 MAYOR JOHNSON: Chairman Boyer, can I ask one
3 other question?

4 CHAIRMAN BOYER: Yes, certainly. You can
5 play through, Mayor Johnson.

6 MAYOR JOHNSON: Thank you.

7 If I can, going back, Darrell, to the
8 Superfund site. You say you don't have any experience
9 about lines going over. But in fact when I went up
10 there a week or so ago to look at this project --
11 unless I'm mistaken. I'm prob -- I probably am. I'm
12 no expert on lines.

13 But there are already two lines there, aren't
14 there? Or there are at least one, I think. I'm not
15 sure. But don't we have some lines -- don't you
16 already have some lines -- at least as I stopped there
17 and looked I thought there were lines going across. I
18 mean, there's a power line underneath the "B" right
19 now.

20 It's not the ones we're talking about.
21 There's some lines -- or underneath the "T." The "B"
22 is from Bountiful. The "T." It goes across, it went
23 across, I thought, the Superfund site and I haven't
24 followed it beyond that. Is that, is that not
25 correct?

1 THE WITNESS: Yeah, those -- there are some
2 lines up there. And I think Brandon can show those on
3 the map or better describe them. When I answered my
4 question I was answering from the standpoint of --
5 those are low-voltage 138 lines --

6 MAYOR JOHNSON: Right, they are 138's.

7 THE WITNESS: Relatively little poles in the
8 ground.

9 MAYOR JOHNSON: Right.

10 THE WITNESS: And you're, you're absolutely
11 correct. As I answered my question I was thinking
12 about --

13 MAYOR JOHNSON: The larger --

14 THE WITNESS: -- massive towers, caissons.

15 MAYOR JOHNSON: Yeah.

16 THE WITNESS: These foundations are 28,
17 30 feet deep, and this wide across.

18 MAYOR JOHNSON: I just wanted to clarify.

19 THE WITNESS: On that I'm not aware we have.

20 MAYOR JOHNSON: Okay.

21 THE WITNESS: So. But you're correct in the
22 smaller lines, we have those.

23 MAYOR JOHNSON: Thank you.

24 CHAIRMAN BOYER: Commissioner Allen has a
25 question, and then Commissioner Campbell.

1 COMMISSIONER ALLEN: Questions help
2 facilitate new questions.

3 THE WITNESS: Yes.

4 COMMISSIONER ALLEN: When speaking about the
5 potential of buried line I think you may have some
6 experience or knowledge in your field. If you were
7 to, if you were to do something that sounds a little
8 bit unusual and say bury a segment of the line because
9 of viewscape or other things that we're dealing with
10 here, would that, would that area where the line is
11 buried, would that be accessible? Would people be
12 allowed to walk over that, or would it create some
13 sort of barrier? Would it create fences there?

14 THE WITNESS: No, in my experience it would
15 not. Usually the ground would be reclaimed, and.
16 We -- I'm not aware of anywhere that we've put
17 barriers. Now, we do put signage and stuff up because
18 people with backhoes and things like to dig us up.
19 But I'm not aware of any barriers that would be put
20 up, and I don't know why they would do that.

21 COMMISSIONER ALLEN: Okay. So hikers could
22 still use the area and it would just be marked?

23 THE WITNESS: Certainly.

24 COMMISSIONER ALLEN: Thank you.

25 THE WITNESS: They have to for, for

1 excavation, yes.

2 CHAIRMAN BOYER: Commissioner Campbell?

3 COMMISSIONER CAMPBELL: Yeah, I too saw the
4 138-kV lines. They were at the Superfund site. I
5 guess my question was in context of once a site -- and
6 I don't know when those went in.

7 THE WITNESS: Yeah.

8 COMMISSIONER CAMPBELL: I mean, potentially
9 they went in before the site was a Superfund site.

10 THE WITNESS: Correct.

11 COMMISSIONER CAMPBELL: And so you -- so your
12 understanding to my question was is subsequent to a
13 site being a Superfund site, have you built on that.
14 And was that -- your answer was based on that context?

15 THE WITNESS: Yes, that's correct. Yes. And
16 I did, I did go up there and look at the sites. And
17 I've been up there with Brandon. I was thinking of
18 the larger-voltage lines.

19 COMMISSIONER CAMPBELL: Can you, can you
20 refer me -- and this question was kind of for Brandon.
21 But what is the difference in the tower height between
22 the 138s that we saw, so that we can make comparisons
23 in our mind, versus the 345 or the 500 towers that
24 you're gonna put there?

25 THE WITNESS: Let me recall. I think Brandon

1 has those in his testimony there. I'd rather have him
2 give you the actual footage than me just speculate. I
3 want to keep those consistent with what we have in our
4 EIS application, so I will defer to Brandon on that.

5 CHAIRMAN BOYER: Okay. I see no further
6 questions from the Board members.

7 Mr. Hogan, cross?

8 MR. HOGAN: I have one question I neglected
9 to ask Mr. Gerrard.

10 CHAIRMAN BOYER: Mr. Gerrard? Well, we were
11 gonna do redirect, but if you have one more question.
12 We want to do a complete record, yeah.

13 MR. HOGAN: That may help us be faster in the
14 long run.

15 CHAIRMAN BOYER: Yes.

16 FURTHER CROSS EXAMINATION

17 BY MR. HOGAN:

18 Q. I didn't talk to you about -- you talked
19 about co-location and common corridor? The, the
20 scenario that I proposed to you eliminated the need
21 for co-location and common corridors. If we, if we
22 assume the Limber Station's up here where No. 3 we
23 don't, we don't have that. We don't have co-location,
24 we don't have common corridors.

25 The other scenario that's been proposed is

1 that -- and that's been suggested by residents and
2 local jurisdictions is that Limber Substation end up
3 somewhere roughly out in this area. And that that
4 would require some common corridor.

5 You, you mentioned that they -- you have
6 guidelines and regulations. Some, some ordinances
7 that you, you try to have to -- you have to
8 accommodate for and you have to make sure your
9 system's gonna work.

10 Could you define, what is a common corridor?
11 How close is common corridor? What's, what's the
12 definition of "common corridor"?

13 A. In the, in the WECC criteria a common --
14 adjacent circuits are considered in common corridor if
15 they're closer than a span length apart, or 500 feet.

16 Q. So if we put the substation out here, where
17 it's been suggested. If we get beyond the number of
18 feet -- how many feet again?

19 A. It's the maximum span length of two adjacent
20 circuits, whatever that might be.

21 Q. Okay. Do you know what they would be for
22 this?

23 A. Not for that design, no. I know what they
24 are for the preferred route, but not for that design.
25 Because I haven't seen, I haven't seen a line route.

1 Q. Okay.

2 A. And the reason I'm saying that is, span
3 length is dictated by where towers are placed and
4 where they're built. So it could be -- it could vary
5 depending on the terrain.

6 Q. So that, if I'm understanding you correctly,
7 the closer the towers are together, the closer we can
8 have them together? Or -- and the further the towers
9 are apart, the further we need to keep the lines
10 apart? Is that, is that correct?

11 A. That's what the criteria would say.

12 Q. Okay. So if the scenario is the Limber
13 Substation out here, and if we can get further apart,
14 then that -- the span length meets the critical span
15 length, and come -- and, and what would be a parallel
16 corridor but meeting that requirement, and when we get
17 to about the No. 3 we achieve the exact same
18 separation that your current plan is going to achieve,
19 is that not a viable option?

20 A. It's really not. That doesn't meet the
21 design criteria that I laid out for Energy Gateway,
22 where we want diversely-routed high-capacity lines.
23 And you're just fixating on one aspect of line
24 separation, I also have to meet all those other
25 requirements that I mentioned.

1 Q. And --

2 A. Loss of more than one. You got four circuits
3 here.

4 Q. And how, and how do you meet those other
5 criteria?

6 A. I meet those criteria by having wide
7 separation, and separating those lines, so they can't
8 be affected by a common event.

9 Q. Who determines that, who figures out how to
10 meet that criteria?

11 A. That's my responsibility with my design.

12 Q. Okay. And who passes that information about
13 meeting that design criteria to the BLM? Is that you?

14 A. I pass it to the -- I pass my requirements to
15 the project team.

16 Q. Okay.

17 A. And they do the permitting process.

18 Q. The Company determines -- in other words, the
19 Company determines how to meet the criteria?

20 A. I think I showed a moment ago, with the codes
21 that I quoted, the responsibility to make this
22 reliable lies with our company.

23 Q. I don't, I don't dispute that that criteria
24 exists.

25 A. All right.

1 Q. I'm talking about how to achieve what that
2 criteria lays out. I believe you just said the
3 Company determines how to achieve that; is that
4 correct?

5 A. In, in accordance with the guidelines that
6 I'm given in these standards it's up to the Company to
7 make sure that the reliability is there, that's
8 correct.

9 Q. Okay. You also mentioned with, Segment
10 No. 1, that to lengthen Segment No. 1 is problematic
11 because of the resistance the Chairman spoke to you
12 about; is that correct?

13 A. Yeah, it's resistance to the circuit, that's
14 correct.

15 Q. Okay. And this might be a brand new
16 question, tell me if it is. Do you know how many
17 miles west you go from Mona on this line to ultimately
18 end up in the North-South corridor that you're in? Do
19 you know how many mile -- miles west you go?

20 A. I could -- I'll have Brandon answer that. He
21 has the exact number on the -- it's on the map, so.

22 Q. Assume --

23 A. I don't have those committed to memory, but.

24 Q. Assume it's ten, or more than ten. Does it
25 seem odd to you that you're perfectly okay to get a

1 great number of miles west to accommodate these other
2 criteria, but once we get to this point, by god, we
3 can't get another few feet.

4 We can't get another mile. We can't, we
5 can't squeeze out a couple more miles on this end, but
6 we can get many, many miles west down at this end.

7 Does that, does that seem odd?

8 A. It doesn't to me.

9 Q. Okay.

10 A. From some --

11 MR. HOGAN: That, that's all I need. That's
12 all I need. Thank you.

13 CHAIRMAN BOYER: Okay, thank you.

14 Mr. Moscon, redirect?

15 MR. MOSCON: Thank you. The Board actually
16 did a good chunk of my redirect, so I appreciate the
17 Chair's recommendation I wait and go at the end.

18 REDI RECT EXAMI NATION

19 BY MR. MOSCON:

20 Q. Darrell, I want to talk to you first to
21 clarify what I think's now kind of become a little bit
22 of a confused issue on the line length. You were
23 asked repeatedly about moving the substation up here
24 to No. 3 and then connecting a triangle down here.
25 And the supposition is we make that one leg longer and

1 then we have a smaller triangle there.

2 I don't know off the top of my head what
3 these lines are, but just assume for purposes of this
4 that this is 100 miles and each of those is 50 miles.
5 Because, as a lawyer, I can only deal in round numbers
6 anyway.

7 If you moved this up here, lengthening this
8 to say 125 miles, it would in fact shorten that to
9 let's say 25. And isn't it correct though that you
10 would then equally lengthen that span so at the end of
11 the day the system is still just as many miles? Am I
12 understanding that correctly?

13 A. Yes. And I think I answered the gentleman's
14 question. I didn't see as what he was proposing
15 shortened the line miles at all. I didn't see how
16 that was being accomplished.

17 Q. All right. One of the questions that you
18 were asked had to do with, again, maybe there's some
19 kind of energy corridor here and, you know, we heard
20 the concerns that what's really going on is Limber's
21 gonna be used to connect in to Nevada. And if that's
22 the case, let's put it up here by I-80 and not have
23 those lines coming across.

24 Can you describe generally, what, what's the
25 purpose of a transmission line? It connects what to

1 what?

2 A. Well, our -- for purposes here, it connects
3 large resource centers with large load centers.

4 Q. Okay. And so you've, you've looked at the
5 Western system. Are there large resources available
6 out here in Nevada to import in?

7 A. The close -- the closest resources are in
8 Nevada, in Las Vegas.

9 Q. And assuming for argument's sake that
10 Las Vegas actually had excess resource. Again, you've
11 got a lot of experience in this system. Do you think
12 they'd be sending that up to our critical load area,
13 or where would they be sending that resource?

14 A. I think Nevada is sending their resources to
15 their loads, as they're building their resources near
16 their loads. I have a 10-year and a 20-year
17 Integrated Resource Plan from our company generation
18 business unit that shows the energy to serve Utah
19 specifically does not come from the West.

20 It comes from the Southern part of the state
21 down here, either through purchases at Nevada -- at
22 Four Corners, or purchases at Harry Allen Substation.
23 Or, after 2017, there's more resources coming out of
24 Wyoming.

25 There's no, no there's no plan for Nevada.

1 Q. Okay. Just hypothetically, just make believe
2 that there are excess resources out here in Nevada
3 just waiting to come onto our system. Or vice versa,
4 you had excess generation that you wanted to ship off
5 to Nevada.

6 You mentioned on Monday that Mona is a hub,
7 whereas Limber is a substation. Can you just remind
8 the Board what, what implication that has on where any
9 interconnection would be?

10 A. I think the difference here is Limber is
11 really a load hub. In other words, that's where we'll
12 have large amounts of load going forward. Mona is --
13 there isn't a lot of -- if you've been to Mona, there
14 isn't a lot of load around Mona.

15 It's a resource hub, where a lot of
16 generation comes into play. So those two are very
17 different in that way. If I was a merchant generation
18 developer on the West side I would be wanting to go to
19 Mona so I can get to L.A. through the DC line.

20 Or I can get to the Desert Southwest, where
21 the highest-priced energy -- where the people are
22 willing to pay higher prices for energy. As a
23 merchant that's where I would look, is at Mona.

24 MR. MOSCON: Okay. Thank you, Darrell.

25 CHAIRMAN BOYER: Thank you, Mr. Gerrard. You

1 may step down.

2 I think before we hear from Mr. Smith again
3 we'll take a ten-minute recess and rest ourselves.

4 Thank you.

5 (A recess was taken from 10:22 to 10:40 a.m.)

6 CHAIRMAN BOYER: Let's go back on the record
7 and hear now from Mr. Smith again. Mr. Moscon, you're
8 up.

9 MR. MOSCON: Thank you.

10 BRANDON SMITH,

11 called as a witness, having been duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MOSCON:

15 Q. Brandon, welcome back. You recall you're
16 still under oath. As you heard with Darrell, Brandon,
17 the purpose of today is to clarify some testimony
18 that's previously been given or answer any questions
19 that have come up.

20 So I'm going to direct your attention to
21 certain specific categories of topics for you to
22 answer, rather than chronologically going through your
23 testimony again.

24 The first thing I want to ask is, there were
25 some questions that came up during Mr. Gerrard's

1 testimony about cost information, and whether the
2 Company has provided the Board with the costs for all
3 of the different alternative routes.

4 Do you know whether that information has been
5 provided to the Board?

6 A. Yes, I believe so. In -- on page 4-91 in the
7 Final Environmental Impact Statement there are costs
8 associated with each of the alternatives that we have
9 developed, based on the line routes that they
10 represent.

11 Q. And separately -- so obviously the Company
12 gave that information to the BLM for it to appear in
13 the FEIS?

14 A. Correct.

15 Q. Did the Company separately ever provide
16 alternative cost data to Tooele?

17 A. Yes, we did. When we were working through
18 the routing scenarios for going -- moving Limber up
19 North around the Grantsville area we had put together
20 cost estimates for Limber Substation and both of the
21 locations that I discussed yesterday.

22 Those costs included both substation and
23 transmission line costs associated with those
24 reroutes.

25 Q. Okay. Brandon, I want to talk to you about

1 what we've called the Northern route. So the
2 Grantsville routes, whatever you want to call them.
3 Moving both the lines into a common corridor up in the
4 I-80 Corridor, okay?

5 Now Brandon, we all just heard Darrell's
6 testimony about, from his point of view as a system
7 planner why, you know, from his electrical engineering
8 background why he would not design a route with two
9 lines up there.

10 I want to clarify what I'm gonna ask you does
11 not rely or depend on Darrell's information. I want
12 you to focus from your standpoint. You're a civil
13 engineer, environmental engineering background, you're
14 going to oversee construction.

15 Can you describe for the Board the concerns
16 that you would have to engineer or construct a route
17 in that Northern corridor, where you've got both lines
18 co-located in the Northern corridor. What obstacles
19 would you have to overcome?

20 A. Okay. Like we've discussed, we've spent the
21 past three years reviewing alternatives to get from
22 Mona up to Tooele Valley, and ultimately over to
23 Oquirrh and Terminal. Evaluating a large number of
24 criteria, including Darrell's criteria for the
25 planning purposes, environmental impacts, and other

1 hazards and criteria.

2 The issue -- issues we deal with outside of
3 Darrell's criteria up around the Northern edge are,
4 you know, we have, we have several. We have the
5 airport in that area. Siting one line through there
6 is, is not as big of a challenge as siting two.

7 I mean, it is -- there's a 20,000-foot radius
8 around the airport where you have to evaluate your
9 situation and ensure that you're gonna meet the FAA's
10 guidelines to go through there. Running two lines
11 through there creates just another, another obstacle
12 to go around.

13 We also have the soils that we've talked
14 about. Placing a substation in a -- in soils like
15 that is not a prudent thing to do as far as the
16 ability to construct it, perhaps operation and
17 maintenance of the facility, and the impact to the,
18 the structure and safety of going through those areas.

19 Those soils apply to both the substation and
20 the transmission lines themselves. We do build
21 through areas like that periodically. However,
22 putting two lines in a location up there increases the
23 impacts on the project by twice as much.

24 We've also got -- looking at line routing
25 through there, we talked about impacts to communities.

1 There are at least 11 to 15 homes along Bermister Road
2 alone that would be within a quarter mile of a route
3 going through there, as was suggested by Mr. Hogan
4 yesterday.

5 We also have another large development, a
6 community, Stansbury Park, where there's a large
7 number of homes that would be impacted. Possibly
8 between 170 to 200 homes would be within a quarter
9 mile of the second line. Compared to the 13 we have
10 now in the Final Environmental Impact Statement on the
11 proposed route.

12 We have, we have access. We talked yesterday
13 about the differences in access between the mountain
14 areas and along I-80. It appears that access would be
15 more suitable through there; however, we are going
16 through a large area of wetlands. And we, we will not
17 be allowed, the Company, to maintain permanent access
18 roads to each one of our facilities through the
19 wetland areas.

20 So we discussed fire, if a fire was to occur
21 out there, difficulty getting to those areas may be as
22 difficult as getting to the areas up in the mountain
23 ranges. There are no access roads out through the
24 wetlands. So those are some issues.

25 We also have timing. We've spent a

1 considerable amount of time on this, evaluating every
2 alternative that was presented and analyzed in the
3 EIS. To go back through that is -- the timing is just
4 not there to make a change and meet what we need to.

5 Q. On that, on that point, Brandon, assume that,
6 notwithstanding everything you and Darrell have told
7 the Board, that again ultimately they came back and
8 said, Yes, sorry Rocky Mountain Power, we, we want you
9 to build that, that line up there. Put your line in
10 that corridor.

11 Can you describe the steps that the Company
12 would have to go through in order to permit and build
13 any of those other routes?

14 A. Yes. Like I said, we've been through three
15 years of analysis on these, on these routes. The --
16 to make a significant change like this. To have to go
17 through a supplemental EIS, where you go back and
18 perform the same type of analysis on this second route
19 as you did on the first ones, there's a significant
20 delay in that.

21 This change would have to go through the
22 North Oquirrh Management Area, as we've shown on the
23 map in this area. That does affect BLM on this
24 change. We also have significant reviews that have to
25 go on by multiple parties who have already given

1 approval and accepted these.

2 We have PLPCO, the Public Lands Policy
3 Coordination Office. We have the Governor's review
4 that we have to go through. SITLA, the reroute would
5 impact the State Institutional Trust Lands property.
6 We would have another review by them.

7 We have submitted FAA applications for our
8 proposed route to ensure that we meet the minimum
9 guidelines to go through there. Those would have to
10 be resubmitted.

11 We have been working with the property
12 owners, the EPA, and the Division of Wildlife
13 Resources for the Carr Fork Superfund site. We have
14 established a proposed alternative through there.
15 Those negotiations would have to fall back and
16 restart.

17 The alternate to move Limber up North would
18 still impact Carr Fork, going through this area right
19 here. It's just a, it's a point that Carr Fork takes
20 up that entire area. We have the North Oquirrh
21 Management Area where we have to pass below. So that
22 alternative also does impact the Carr Fork area.

23 I need to add one another thing that -- aside
24 that is included in the EIS process but under separate
25 jurisdiction is Section 106, called Consultation For

1 Cultural Resources.

2 That involves the State Historic Preservation
3 Office, who we -- the BLM will go out and conduct
4 these cultural resource surveys. The BLM then reviews
5 the results. It goes to the State Historic
6 Preservation Office before we can identify any impacts
7 to cultural resources.

8 Q. And Brandon, you may have said this already.
9 You mentioned earlier, you were talking about access.
10 That because there's all the wetlands and marshes in
11 this area you talked about the limitation for access.

12 Is there an additional review or permitting
13 process that you would have to go through to construct
14 those routes as well?

15 A. Correct. We have also submitted applications
16 to the Army Corps of Engineers for a nationwide permit
17 as far as the Section 404 requirements for wetlands.
18 That would have to be revisited, re-analyzed,
19 reviewed, and resubmitted to the Army Corps of
20 Engineers.

21 So that is, again, another process that we
22 would have to go through that's already been
23 conducted.

24 Q. Now Brandon, you've been involved in this
25 process. You've worked through the EIS with the BLM.

1 Based upon your experience and background, is there
2 any reasonable or feasible hope that the Company could
3 do all of those things that you just said -- the
4 wetlands permit, the FAA review, all the things you
5 did -- then permit and build that route in time to
6 meet Darrell's June 2013 deadline?

7 A. Based on, based on what we've gone through to
8 this point as far as the analysis and the EIS. The
9 EIS includes multiple agencies. Multiple entities. A
10 large amount of people who reviewed this, provide
11 comments, give impact -- input.

12 Ultimately a preferred route is chosen by the
13 BLM and, and the proponent, the Company in my
14 situation. It takes a significant amount of time and
15 effort to do this.

16 I don't, I don't, I don't see how going back
17 through this process again, and obtaining the
18 approvals reviews, and determining if it is in fact
19 less impactful -- which we don't think it is -- I
20 don't see how we can make that date by having to do
21 all that.

22 Q. Since there's already been an EIS issued, the
23 Final Environmental Impact Statement has come out, why
24 would you need to do that, why would you need to do
25 that again? Why is there further review if you were

1 to build the Northern lines?

2 A. Well, the, the Environmental Impact Statement
3 process, NEPA process, applies to both public and
4 private lands, no matter where the project is. So
5 when you change a route you, you determine the impact
6 of the variance to the EIS. And you have to review
7 those impacts.

8 This would be considered a significant
9 impact. It does impact BLM property in an area that
10 has not been analyzed before. So a supplemental EIS
11 type of situation is highly likely.

12 Q. All right. Brandon, I'm trying to think of
13 how to ask this. You know, human engineering, the
14 Egyptians built the pyramids, Romans built aqueducts.

15 Are you telling the Board that there is no
16 way that you could engineer and construct a route with
17 two sets of power lines running through that corridor?
18 That that's simply an impossibility?

19 A. No, no, that's not what I'm saying. You
20 know, we -- there's, there's no doubt that we can
21 build two lines through there. I mean, there is room
22 to put lines next to each other to get through that
23 area.

24 Engineering, engineering-wise, it is
25 possible. However, it will not meet Mr. Gerrard's

1 purpose for the project. And the other obstacles are
2 just an addition to the challenges to get through
3 there.

4 Q. And again, even assuming that you could do it
5 somehow to meet the design needs of Mr. Gerrard's
6 project, with the steps you've outlined is there any
7 way you could design and do that and have it
8 operational before Mr. Gerrard's cutoff?

9 A. No, I don't, I don't see how we can make
10 that.

11 Q. All right. I want to change your focus now
12 to additional costs. In your, in your cross
13 examination on Monday you referenced that moving the
14 Limber Substation up into this location in here was
15 going to, you know, have this huge incremental cost.
16 If I recall, the number was around 40 million-ish.

17 And I think there was some surprise about how
18 could it possibly cost 40 million extra just to move a
19 substation up into that area. Or -- and again, you
20 know, at the public hearing there was some suggestion,
21 Well fine, scoot it back a little bit and then you'll
22 save that extra 40 million.

23 Could you describe for the Board -- maybe the
24 way to start is, how much does it cost to build the
25 substation down here where you want to build it, and

1 then from there explain the incremental costs to them.

2 A. We have currently estimated ultimate
3 construction for Limber Substation -- that is the 500,
4 the 345, and 138 yards -- to be just over
5 \$220 million. We're talking, again, 150 acres of a
6 site that has to be developed.

7 You have to establish a good base for the
8 substations. There are over 200 foundations in one of
9 these substations. So it is, it is an extraordinary
10 effort to build one of these substations.

11 To, to say that it's an additional 40 million
12 to build Limber Substation up in north of Grantsville,
13 compared to the overall cost of, you know, it's --
14 that's about 18 percent increase, I guess, for that
15 substation in that location.

16 So based on the overall cost, it is an
17 impact. However, it's only 18 percent. But we're
18 building a substation that's in an unsuitable area.

19 Q. And I know you touched on this on Monday, but
20 again, I think this was raised in the public comments
21 and I think some of the Commissioners had questions.
22 You know, you're saying that the soils are bad there.
23 Can you scoot that thing over just a little bit and
24 avoid all of that problem?

25 A. Well, like, like we discussed, it's 150 acres

1 we're looking at. All the soils in this area are
2 similar soils. Surface -- on the surface, some may
3 look better than others. But, but in the end, it's
4 all lake-bottom soils.

5 It's the same, same situation wherever you
6 go. So shifting it just, you know, a few hundred
7 yards isn't going to do the substation justice as far
8 as building in a good location.

9 Q. Okay. You recall your testimony on Monday
10 you talked about, Okay, instead of building the
11 substation up here in the bad-soils area let's go
12 ahead and take a look at what it would be if we
13 dropped the substation down here.

14 And this is by, I think you called it the
15 Wal-Mart site; is that right?

16 A. Correct.

17 Q. If I recall your testimony, this is where you
18 said that you have to have a moat because of drainage.
19 The question that I have that I'd like you to clarify
20 for the Board is, if you did that, if you moved the
21 substation down here to get off the bad soils, would
22 you still have that same 40 million, you know, extra
23 cost? You know, because you're down here on good
24 soils now, aren't you?

25 A. No, we would not have those significant

1 increases in cost. I mean, it's an area that has
2 significant more slope on the area that we would have
3 to deal with, and drainage issues. But construction
4 costs as far as a substation goes up there would not
5 be as significant as down below. Somewhat comparable
6 to where we have Limber proposed right now.

7 Q. If you did that, though, what would the cost
8 be to the amount of line you would need to run from
9 there to there? So the line-length difference, what
10 would that do to cost?

11 A. Yeah, the additional cost for this site was
12 around 30, 35 million dollars additional cost.
13 Thirty-five or 36. And the reason is is for the
14 additional miles.

15 You, you can see by the map that we do have
16 to, in this situation and the ones up here, we have to
17 loop around this entire valley -- Grantsville,
18 Stansbury, Tooele City, Army Depot -- to come back
19 down to this area. That's where the additional line
20 miles come into play.

21 Q. Brandon, you actually kind of raised a point
22 I wanted to get to later, but let's do it now. You
23 recall the cross examination of Darrell a minute ago
24 and there was some suggestion about, Gee, shorter is
25 better. Let's just put a substation here, and draw a

1 straight line here and a straight line there.

2 So from here why don't you do it straight
3 across there? What would you run into?

4 A. I guess if you could clarify, straight across
5 where? I wasn't.

6 Q. What would prevent you from taking a line and
7 going straight right through there. I'm sorry, my
8 light's shaking. I'm trying to go straight across
9 there.

10 A. I thought I was nervous.

11 Q. Fair enough. I'll use this hand, how's that?

12 A. We have -- we discussed earlier all the
13 impacts going through this area. I mean, we have, we
14 have Grantsville City right now where we're outside
15 the city limits. We go through here. We have
16 residences.

17 We have the airport. We can't go through
18 this area right here due to the airport. And we have
19 Stansbury out here, which is a huge development.
20 There's just a lot more impacts through this area
21 right here than there are on our and BLM's proposed
22 route.

23 Q. If you drop the substation up here, wherever
24 Point No. 3 was on Darrell's drawing, to just draw a
25 straight triangle why can't you just go straight --

1 you know, put the substation there, go straight there
2 and straight there?

3 A. To say -- it's hard to say -- the exact
4 location wasn't given, so we say an area around here.
5 You still have to go down through this, this area of
6 development. We have Stansbury here. We have impacts
7 all along Highway 136 through this area that we have
8 to go through.

9 And you have large developments that are,
10 that are planned. I mean, Tooele City to a point
11 somewhat would be involved. And we still have this,
12 this area down here we have large lots that people are
13 developing.

14 Q. And one of the things you mentioned was an
15 obstacle, the airport? Can you highlight for the
16 Board where the airport is?

17 A. The airport's right here. This, this is,
18 this is the air strip that you can see that I'm
19 pointing to.

20 Q. And how far -- remind us, how far out from
21 the landing strip do you have to keep your towers?

22 A. The area you're required to analyze is an
23 area that's 20,000 feet from this point out this way.
24 So the actual 20,000-foot area extends out to about
25 like what I'm doing with my highlighter.

1 Now, the requirements that you're -- one of
2 the issues you're supposed to look at is glide slope
3 ratio. So for every foot -- every 100 feet you extend
4 beyond the airport you can have a structure that's a
5 foot tall.

6 Our structures right here have been minimized
7 as low as they can go in order to meet the guidelines
8 for FAA in that location.

9 Q. Okay. So again, Brandon, forget about
10 whether Darrell says it meets his system need. Just
11 from an engineer dealing with the realities of FAA,
12 whatever. The cultural resource centers, the
13 wetlands. Could you get a line straight through there
14 if the substation were dropped off up above?

15 A. Again, you can, you can possibly get a line.
16 However, the impacts would be greater. And the
17 ability for Limber to be functional, as it is proposed
18 to be down here, is questionable.

19 Q. All right. I want to draw your attention now
20 to a different topic. I want to talk about community
21 outreach. First, one of the criticisms, if I might,
22 that I've noticed levied at you during the public
23 comments and implied during your cross examination is,
24 You're kind of a tricky guy and you don't put these
25 substations where we're telling you. It's kind of

1 implied that, you know, you're trying to put them in
2 the worst-possible place.

3 At any time during this process did Tooele
4 ever come forward and give you a map and say, Put your
5 substation here, and put a place where they wanted it?

6 A. No. No, I never received anything like that.

7 Q. So when they say, You didn't put it where we
8 wanted, what, what did they tell you?

9 A. They had suggested moving Limber somewhere to
10 the Northwest area. Up around the Grantsville area.
11 Initial, initial indications from, from the group was
12 to move it somewhere up in this area.

13 The, you know, as it was provided it was
14 suggested put it in this area right here. And come
15 somewhere over here around Adobe Rock area, and come
16 down this area, and tie it back into your, your route.
17 That -- those are the general parameters that we were
18 given for an alternate.

19 Q. All right. On that front, talking about how
20 you interacted with the community, you'll recall from
21 your cross examination the line of questioning that
22 said, You're just like the guy that I had that bid
23 \$79,000 to do a bathroom. You just didn't want to do
24 it. On paper you gave us something, but you didn't
25 want to do it.

1 Can you describe for the Board the steps that
2 the Company went through to try and reach a consensus
3 on where this line would go?

4 A. Well, I mean, I'll move to the next --
5 where's it at?

6 This area right here. This, this, this
7 outlines the, the involvement that the public and
8 other agencies are involved in during the development
9 of the EIS.

10 On the left-hand side you can see the BLM's
11 typical approach for involving folks during the
12 Environmental Impact Statement. You know, we had
13 discussed when the BLM had approached other agencies
14 to be cooperating agencies. They introduced the
15 projects to different agencies along the project.

16 We had the scoping period. Release of the
17 Draft Environmental Impact Statement. A comment
18 period, which was 90 days, on the Draft EIS. Then the
19 Final EIS, and eventually comments on that. These are
20 the areas where the public and agencies are involved
21 in the process through here.

22 So you can see the public is really involved
23 during the initial scoping period when the project is
24 initiated. Then again at the release of the Draft
25 EIS. And again at the release of the Final

1 Environmental Impact Statement.

2 On the right-hand side you can see what Rocky
3 Mountain Power has done in addition to those efforts
4 of the BLM on the Environmental Impact Statement. We
5 start out identifying and updating all of the
6 communities -- leaders in the communities of the
7 project that we've got proposed.

8 We move down, we form a community working
9 group. So just, just as an explanation on the
10 community working group. We invite large stakeholders
11 in that will be affected by the project to participate
12 in it to give them periodic updates on the project.

13 Members of the community working group
14 included Tooele City, Tooele County, Salt Lake City,
15 Salt Lake County, West Jordan City, South Jordan City.
16 We have Kennecott Copper, Kennecott Lands. Those
17 folks were included in the community working group.

18 An invitation was extended to Grantsville at
19 the time, but they had declined to participate in the
20 community working group. We had a series of those
21 meetings, four to be exact, to keep those members
22 apprised of what the project is going through.

23 Potential substation sites and locations were
24 presented to those folks to get some impact --
25 feedback. But none of the -- they weren't the

1 decision-making group; however, it was an opportunity
2 to obtain information and take that back to the BLM,
3 who was also present at all four of those meetings.
4 So comments addressed during those meetings are
5 included in the EIS process.

6 Additional efforts, we talked about landowner
7 meetings. We sent out over 10,000 letters to affected
8 parties within a two-mile-wide corridor. We held
9 landowner meetings, in addition to the scoping
10 meetings that the BLM conducted, to address concerns
11 of the public.

12 We also established, as we talked about, the
13 conflict resolution meetings, where we had three of
14 those. To give an idea of the conflict resolution
15 meetings, you know, for instance on August 24th -- we,
16 we included, as was discussed Monday and yesterday,
17 the group was asked to provide representatives from
18 their different areas.

19 We had a group of concerned citizens from
20 Tooele that participated. We had Tooele City, Tooele
21 County, Grantsville representatives, citizens from
22 Grantsville participated. We also had entities such
23 as Utah Industrial Depot, Tooele Army Depot, Utah
24 State University, and, and a few others maybe.

25 But the idea was to get together to try to

1 find some sort of a resolution consensus route to get
2 through these, these areas. And, you know, we
3 discussed yesterday the conflict resolution of the
4 routes that were looked at.

5 So if I, if I go back to this map here. All
6 of these routes in the con -- the Silcox Canyon route
7 was addressed early on, before the establishment of
8 the conflict resolution meetings. This was a route
9 that was proposed, proposed to us by some concerned
10 citizens and the County to look at.

11 We evaluated that. Did an analysis. Came
12 back with the -- what I had discussed on Monday about
13 it not being a suitable route for the Company or the
14 BLM.

15 The other routes that you can see on here are
16 the railroad routes and the Army Depot routes. These
17 are all alternatives that were discussed during the
18 conflict resolution meetings. The idea of using a
19 Railroad route to get up to the city and over back
20 towards the east side of town to get back to our
21 proposed route.

22 These were alternatives that were discussed.
23 They're not, by any means, preferred, after being
24 reviewed in the EIS, as far as the Railroad route was
25 concerned. But we did make an extended effort to find

1 a route through there that we would be willing to
2 build.

3 And, and we discussed all these orange
4 routes. Came back to present what we had found. We
5 had, like I had identified before, we had identified a
6 church that would basically be on our doorstep. We
7 have a junior high school. We have a helipad. We
8 have the FAA requirements.

9 Issues that, that we brought up to the
10 conflict resolution folks. And the same issue with
11 the Army Depot route this way. We, we discussed with
12 Army Depot to go into their property to minimize
13 impact to the residences in Grantsville again to get
14 to Grantsville City.

15 These are routes that we looked at in detail
16 that we were -- the full intention was to find a route
17 that we would be willing to build. We analyzed this
18 route in the EIS, to build up the Railroad route.
19 That was one that was analyzed. And, and we had
20 seriously considered that. We, we approached the
21 conflict resolution teams to discuss these.

22 And when I go back to the slide it was, it
23 was on this conflict resolution number -- meeting
24 number three where we had accumulated all that
25 information on those routes through the Tooele City

1 area.

2 And when we got through there we had almost
3 gotten done when it was indicated to us that we would
4 not be able to obtain a Conditional Use Permit through
5 Tooele City limits for any routes through the city
6 limits.

7 So at this time we had gone through the
8 extended effort to try to find a route that would
9 appease the concerned folks, and what the Company's
10 purpose and need would be, and the BLM's impact on the
11 environment.

12 And at that time, when we say we're not gonna
13 get a permit, we had ceased and quit the analysis to
14 those areas which we were told we weren't gonna need a
15 permit for.

16 Q. Brandon, let me toggle back to that picture
17 with the map. I just want to clarify what you were
18 just telling us. Back at the time that you were in
19 the middle of that -- you said meeting number three.

20 If back then if the City and the County came
21 to you and said, Okay, we choose this route. We'll
22 give you a permit for a Railroad route. In fact,
23 specifically come up here and, like that lower line,
24 take that route.

25 If back then the City had given you that,

1 would the Company have been willing to build that
2 route?

3 A. Right. We were, we were specific on that we
4 had been -- we had a narrow window of opportunity to
5 find some way to get around the conflict area that
6 we're discussing down here. This, this three miles.

7 We had identified the impacts to that route.
8 And, you know, we -- given the time frame, if, if it
9 was an early enough decision, we were. But we were
10 denied that opportunity.

11 Q. Again, I -- just to clarify, I want to make
12 sure I understand what you're saying. You say you
13 were, but you were denied. So back at the time this
14 was proposed, if back then they had said, Yes, we'll
15 give it to you, yes or no would the Company have built
16 that route?

17 A. Yes. We took that analysis very seriously
18 through there. If we were able to make the time
19 frame.

20 Q. Brandon, one of the things that's come up,
21 come up today, it came up yesterday -- or excuse me,
22 Monday, was this topic of undergrounding.

23 Actually, you know what? One thing. I
24 apologize. Go back to your -- the bubble chart. I
25 just thought of one thing I want to clarify for myself

1 and for the Board.

2 On the left, this chart? This is stuff that
3 the BLM heads up, right?

4 A. Correct.

5 Q. This is stuff that the Company did in
6 addition to what the BLM did?

7 A. Correct.

8 Q. Is the Company required to do this? Does the
9 BLM or does any of those other groups that you went
10 through that, you know, you have your checklist, do
11 they require you to do this?

12 A. No, they do not. This is, this is a
13 significant effort of -- one of the largest efforts
14 the Company has gone through as far as involving the
15 public in this project.

16 Q. All right, thanks. Now Brandon, as I started
17 saying, I want to talk about undergrounding for a
18 minute. There have been some questions about whether
19 or not maybe undergrounding is a way to relieve
20 concerns about impacts to view, or add some line
21 separation.

22 First, can you clarify for the Board whether
23 the Final Environmental Impact Statement addresses
24 undergrounding?

25 A. Yes, it does.

1 Q. And just so they have it in their notes, can
2 you tell the Board where? Where in the FEIS will they
3 find the discussion of undergrounding?

4 A. On -- in Section 2, page 2-24, it discusses
5 the underground as an option to the project for
6 construction purposes.

7 Q. And what did the BLM conclude about
8 undergrounding in the FEIS?

9 A. The BLM had concluded that undergrounding
10 these areas would be a larger impact to the
11 environment. There's operation and maintenance
12 concerns, and the additional costs that would be
13 associated with undergrounding the lines.

14 Q. Ultimately did the BLM conclude that
15 undergrounding was viable or not viable?

16 A. They concluded it was not a viable option.

17 Q. Assume that, notwithstanding the BLM's view
18 of things, assume that the Board were to say, Hey,
19 that's fine, the BLM can think that. We want you to
20 underground anyway.

21 And I -- let's now talk specifically about
22 the section on the bench behind Tooele, although it
23 would apply anywhere. Can you describe for the Board
24 the process? What would happen, what the impacts
25 would be, if the Company were to try and underground

1 that section there on the bench behind Tooele?

2 A. The disturbance for undergrounding is, is
3 quite extensive for a line this size. Up on the
4 screen I've got a cross-section diagram that was
5 produced as part of a requirement of Salt Lake County.

6 They require, as part of their ordinance, to
7 provide them an option for undergrounding. Which
8 would give a brief explanation of, of the process and
9 what undergrounding consists of, as long as a -- as
10 well as a cost estimate.

11 As you can see on the screen, this represents
12 both circuits of the double-circuit tower -- or line
13 that we are proposing. This is one circuit, this is
14 another circuit. It's hard to see the numbers on
15 here, but this, this construction, the undergrounding
16 would require about 72-foot-wide width of clearing to
17 get these duct banks in the ground.

18 You would have to go approximately six feet
19 deep in order to get these duct banks in the ground.
20 You can see that there's a series of conduits at the
21 very bottom of here. These conduits are what the
22 electrical wire runs through. So we have a series of
23 those.

24 There are, there are -- there's a set of
25 con -- conductors for each phase to get through that

1 area. So there's, there's several conductors that
2 have to go through there.

3 In addition, as far as reclamation goes,
4 this, this -- you would not be able to allow the, the
5 higher-growing vegetation, the trees or shrubs, to
6 grow in this area as far as re-vegetation. It's
7 limited to a grass vegetation to minimize the impact
8 of those vegetation getting down into that area.

9 So it's about a 72-foot-wide swath we would
10 have to take.

11 Q. So Brandon, what has the greater impact on
12 the environment, or even the greater visual impact: A
13 transmission line, with its needed access, or
14 undergrounding? Again, assuming after you've, you
15 know, reburied and re-vegetated. What would have the
16 greater impact?

17 A. Undergrounding would, by far, have a greater
18 impact. It's similar to a pipeline-type of
19 construction. And this is an example of that type of
20 construction. This is, this is approximately 70-feet
21 wide to get through this area.

22 And in order to do this you have to clear all
23 vegetation, whereas on an over -- overhead line the
24 vegetation management is selective through the area.
25 So the overall visual impact is much greater with

1 undergrounding.

2 Q. You -- when you had the slide up showing the
3 trenches and the boxing? Is that cement that lines
4 those, or what are those boxes made out of?

5 A. Right. This is a, this is a concrete duct
6 bank for protection of the, of the conductor. And you
7 need to put special fill material around the outside
8 to allow the heat dissipation off the conductors.

9 Q. And so I take it that means you would have to
10 be able to get cement trucks, and pump trucks, and all
11 that stuff up into the mountain range in order to do
12 that?

13 A. Correct. There's also a series of vaults.
14 You can't just run a three-mile stretch of underground
15 wire without having to have periodic sections of
16 vaults where you have to splice your conductor
17 together, and to provide access to those areas.

18 If you have a, if you have a section of
19 conductor in undergrounding that goes out, the ability
20 to go find that fault is much more difficult with
21 undergrounding. And once you do find that area you
22 have to get down in there and repair it, so you have
23 to have a series of vaults to provide access into
24 those areas.

25 Q. All right. You -- when I asked you, you

1 know, which would have the greater impact to the
2 terrain, transmission line and its access or this, you
3 said, Oh, definitely this. This is like an
4 underground pipeline. Implying it's much worse.

5 Why? Why -- assume, again -- think out two,
6 three, four years, whatever -- things have been
7 re-vegetated. Why would this scar look worse than
8 anything that's gonna happen with the transmission
9 lines? Why would you say that that pipeline-type scar
10 is worse than transmission lines?

11 A. In order for this type of construction you
12 have to clear all vegetation in the area to get down
13 to a point where you can install the system.
14 Installing an overhead transmission line system,
15 that's not a requirement.

16 We do not require the removal of all
17 vegetation for the entire width of the transmission
18 line. Easement will be obtained.

19 Q. Will the Company allow shrubs and whatnot to
20 regrow underneath the transmission lines?

21 A. Yes, yes. We do have a vegetation management
22 plan, and allow certain types of shrubs to grow in the
23 area. We're more focussed on the higher-growing trees
24 and whatnot.

25 Q. Contrast that to a pipeline situation. What

1 kind of vegetation is allowed to regrow on top of a
2 pipeline scar?

3 A. You're, you're, you're restricted to grasses
4 to go back on there. You don't want to have
5 deep-rooting vegetation on top of there impacting the
6 stability and infrastructure that you've put in for
7 the undergrounding system.

8 Q. All right. Now, Brandon, on Monday you were
9 asked by some of the Board to estimate costs. I know
10 Darrell was also asked today of estimating rough
11 numbers of costs for undergrounding.

12 You indicated that as part of Salt Lake's
13 analysis of this specific project they asked the
14 Company for some information. Did the Company provide
15 any actual cost data to Salt Lake County to
16 underground this line that we're talking about?

17 A. The estimate that we've put together, it has
18 not been submitted to Salt Lake County as of yet.
19 We're in the processes of finalizing it. You can see
20 the date on the map was a few months ago. So we're
21 working through it. But the estimate is complete.

22 Again, an estimate like this is, you know,
23 we, we hold back to about a plus-or-minus 30 percent,
24 based on the assumptions that have to be made. So in
25 a, in a very good, straightforward environment, in

1 good terrain, the estimate for undergrounding this
2 type of a line, a double-circuit 345, is around \$4,500
3 per foot.

4 Q. And so on the bench we've talked about
5 there's this three-mile stretch that's controversial.
6 Again, assuming -- with all the variables you've
7 talked about, but assuming that same cost analysis,
8 how much would it cost to underground this line just
9 in that three-mile corridor?

10 A. For three miles and just over \$4,500 a foot
11 it comes out to be approximately \$72 million.

12 Q. All right. Brandon, another topic that's
13 come up today, it came up with the public hearing, was
14 the issue of the Superfund. The Superfund site. So
15 I'd like to draw your attention to that topic. Was
16 the issue of -- let me back up.

17 We -- the Company's proposed route was the
18 BLM's preferred route; is that right?

19 A. That's correct.

20 Q. So did the BLM address in the Final
21 Environmental Impact Statement, did they acknowledge
22 that you're crossing the Superfund site?

23 A. Yes, it is acknowledged in the FEIS that we
24 cross the Superfund site.

25 Q. What did the BLM conclude about that in their

1 analysis and coming up with the determination that
2 somehow this was still the environmentally-preferred
3 route?

4 A. Well, the BLM concluded in the EIS that we
5 were to comply with all of the regulations that were
6 applicable to running a line through such a site.

7 Q. Is there a difference at a Superfund, if I
8 use the term "capped" area versus "not capped," does
9 that distinction mean anything to you?

10 A. Yes, it does.

11 Q. Okay. And is it correct that the capped area
12 is where the more highly concentrated -- the larger
13 concern is the capped area?

14 A. Yes, it is. On a, on a Superfund site when
15 you identify contamination on an area there, there's,
16 there's two reasons to cap it. You either cap
17 contamination in place that -- it seems more
18 reasonable and feasible to leave it in place, cap it,
19 and control the impacts on that area.

20 And that, that was, that was explained good
21 yesterday in the public meeting. So the capped areas
22 are areas of higher concentration. And they are
23 capped with an impermeable layer most of the time, or
24 some sort of a clay layer to minimize infiltration
25 through those areas.

1 Q. Okay. My question then is, does the
2 Company's proposed route take anything through the
3 capped area of the Superfund site?

4 A. No, it does not. We, we have worked with the
5 landowner, with the engineering company who manages
6 the facility, along with the Division of Wildlife
7 Resources and the EPA, to make certain that we are not
8 placing any structures in the capped areas.

9 And we have developed access road plans to
10 minimize going through that area to not impact the
11 capped areas.

12 Q. Can you -- you indicated you worked with the
13 property owner, the EPA, I think you said DWR, someone
14 else. Can you describe for the Board some of the
15 specific requirements for work on this site that has
16 come out of those meetings?

17 In other words, I assume the EPA and the
18 owner have given you some guidelines and said, We'll
19 let you put the towers through here if you do one,
20 two, three. Can you describe for the Board what those
21 one, two, three things are that the Company's agreed
22 to do?

23 A. In discussions with those, with those parties
24 we have, we have identified the, the capped areas. We
25 have looked at alternatives as far as going through

1 the Superfund site. We looked at alternatives that
2 moved it further to the South, farther up on the
3 hillside, to avoid it.

4 It would require steeper cuts into the
5 hillside, which would be more visible. We looked at
6 alternatives. We got notification back from the
7 landowner that they would prefer our alignment to
8 follow our existing lines that go through the
9 property.

10 So we, we have, we've discussed access road
11 plans. The access road plan that is in the
12 Conditional Use Permit is being modified by RMP, in
13 talking with those landowners, to help minimize
14 impact.

15 So that the extent of the access roads will
16 not be as great as what was shown in the Conditional
17 Use Permit application. So we are working through
18 that.

19 We've also identified that going through the
20 area we'll initially go through and do an
21 environmental sampling procedure. Where we go sample
22 where the access roads would go and where each
23 structure would go to identify the level of
24 contamination that are out there, if there are any.

25 Again, when you say it's a Superfund site,

1 the extent of contamination is not consistent through
2 the entire site. This area is what has been
3 identified as "residual." It did not require cleanup.
4 They left it in place.

5 And anytime you disturb it you need to sample
6 it and decide what to do with that. If it is required
7 that we need to remove soil, there is an on-site
8 depository that's been identified by the landowners
9 and the EPA. It's a depository that was used during
10 the cleanup process. And the soils will be hauled to
11 that location and covered and capped, as the ones that
12 are there now. So that has been worked out.

13 We've also identified some training. All the
14 training requirements that would be required for the
15 workers that go through this site. Again, we have
16 approximately 11 structures that will be going to this
17 site. So those workers that will be working through
18 there will be trained to work on a Superfund site.

19 And in addition to that, we do have wildlife
20 restrictions as -- seasonal restrictions as far as
21 construction in the Environmental Impact Statement.
22 So the impact on the wildlife is mitigated, through
23 the EIS, by enforcing those seasonal restrictions as
24 far as construction goes.

25 Q. Did you look at alternatives to crossing the

1 Superfund site?

2 A. Yes, we did. We looked at, we looked at
3 options of moving further to the south, away from the
4 line. There is a -- I may be able to go back. It's
5 difficult to see, I apologize.

6 In this area right here, this is the Carr
7 Fork area. It extends all the way down in towards
8 Tooele City, and along each hillside. We tried to
9 look at an alternative that spanned across a certain
10 portion along the hillside up here.

11 It would require more extensive access roads
12 to do that, which we figured would be more visible
13 from a distance away going up there. And the effort
14 we have gone through to minimize the disturbance right
15 now, the alignment right now was preferred as
16 proposed.

17 Q. If, again notwithstanding all of the
18 protestations of the Company to the contrary, and
19 notwithstanding Darrell's opinion the Company probably
20 wouldn't build it anyway. If the Board said, Take the
21 Northern routes. We don't like some of the concerns,
22 including the Superfund site. Would taking the
23 Northern routes still impact the Superfund site?

24 A. Yes, it would. We would still have to come
25 down toward -- along the East side of the valley here

1 to get back down to the BLM and Company's proposed
2 route. The Carr Fork area is just here south of the
3 North Oquirrh Management Area, so it would impact that
4 site.

5 Q. So no matter what -- whether you build North
6 or keep your alignment, you're gonna cross the
7 Superfund site either way?

8 A. Correct.

9 Q. All right. Brandon, I want to draw your
10 attention now to the topic of the watershed. There
11 was some questions raised about the water. Can you
12 describe for the Board how this route was engineered
13 to minimize impacts to Tooele's watershed?

14 A. I can. The Environmental Impact Statement
15 included the review of wells and springs within
16 600 feet of the line. That is addressed in the EIS.
17 In addition to that, the Company went forth on their
18 own and did an investigation and review of wells and
19 springs that are located throughout that entire area.

20 This is information that's available through
21 the USGS. The Department of Environmental Quality
22 reviewed those areas, and the proposed location for
23 the line minimizes impact to those. We are, we are
24 below several of the stream -- all of the springs that
25 have been identified that we would be impacting.

1 The transmission line is below those, which
2 minimizes impact. If we were higher than those then
3 there would be more concern as far as impacting the
4 springs.

5 Q. So before you move on, I just want to
6 clarify. So if you were to actually draw the line
7 farther up in here, like this route, that actually
8 makes the impact worse on the watershed?

9 A. Yeah, you're, you're moving the line higher
10 up into the watershed area.

11 Q. Let me just -- maybe this is the way to put a
12 fine point on it. Are transmission lines considered a
13 toxin for a watershed?

14 A. No. Utah Rule 309 establishes the, the
15 protection, the protection zones for drinking water
16 wells. And the transmission lines and access roads
17 are not considered a point source of contamination as
18 far as the standards go.

19 So no, there, there's nothing as far as
20 construction of the transmission line that can't be
21 mitigated as far as impacts to water sources.

22 Q. Has the Company developed any plan to deal
23 with storm water, spills, other things besides the
24 towers that could somehow get into the watershed?

25 A. Right. The Environmental Impact Statement,

1 we have a -- there's a re-vegetation program -- or
2 sorry, a re-vegetation plan included in the EIS that
3 accounts for how to re-vegetate to minimize erosion of
4 soils after construction.

5 During construction the contractor and the
6 Company are required to obtain a storm water pollution
7 prevention plan from the Department of Environmental
8 Quality. That is a requirement for all construction
9 projects impacting over an acre of disturbance.

10 There will be one of those in place at all
11 times that will minimize erosion, keep drainage under
12 control, and minimize impacts to any water sources
13 around.

14 I heard a concern about the spill of fuel
15 during construction. In construction the contractors
16 also are required to have a spill prevention plan in
17 place that minimizes the possibility of having such
18 spills as far as containment of their storage. Fuel
19 storage. Having materials on their equipment and able
20 to clean up if there is a spill. And establishing
21 distances away from wells and springs that are safe as
22 far as fuel goes.

23 Q. What about vegetation killers, herbicides? I
24 recall some public comment or concern about, Okay,
25 it's not gonna be your lines, it's not gonna be your

1 trucks. But you guys are gonna need to clear out the
2 brush, and that's gonna poison the wells and ruin the
3 watershed. Has the Company addressed that in its
4 plans?

5 A. The Company has, as well as the BLM and the
6 EIS. The BLM has recognized the use of herbicides as
7 an important role in operating and maintaining a line.
8 The Company does use herbicides. It's -- we use a
9 selective use on herbicides to target specific
10 species. Like I mentioned earlier, the higher
11 growing. And we, we are cautious of wells and springs
12 as far as the use of herbicides.

13 Q. Brandon, I want to draw your attention now to
14 the topic of, you know, recreation. And whether
15 allowing the Company to go forward with this project
16 is going to limit or unduly burden the residents'
17 ability to, you know, get out, and enjoy, and recreate
18 in the foothills.

19 Are recreational uses compatible with these
20 overhead transmission lines?

21 A. Yes, they are. The Company gets approached
22 quite often by entities or jurisdictions that we place
23 transmission lines through to find out what type of
24 uses are acceptable. For instance, trailheads. There
25 are, there are parks that are constructed near and

1 under power lines for the sidewalk use.

2 There are acceptable uses that we work with
3 the communities so that area is useable. It -- the
4 idea that the area underneath these lines is unusable
5 is, it's, I guess it's farfetched. We -- you can
6 still utilize that area underneath the transmission
7 lines.

8 Q. One of the comments I recall hearing is, Hey,
9 this is gonna be so bad, you know. Students are all
10 gonna have to take safety seminars and wear, you know,
11 protective clothing whenever they go up to the "T."
12 Whatever.

13 Can you speak to that topic of, you know --
14 or is that -- is it really gonna come to that? Are
15 the students gonna have to be drilled in safety in
16 order to get up to the "T"?

17 A. No. The idea of a safety presentation was
18 offered up by Rocky Mountain Power during the
19 Conditional Use Permit process. We, we offered to
20 come provide seminars for those who wanted knowledge
21 of the impacts of the transmission line, concerns, the
22 hazards associated with it.

23 So it wasn't a mandatory, it was an offering
24 on the part of Rocky Mountain Power. There are no
25 concerns with folks going underneath the line to get

1 up to the "T."

2 The towers that we're talking about are
3 designed to be unclimbable. I mean, even if a crew
4 member was to go out and work on that line, they would
5 not be able to climb that tower without a specific
6 ladder fixture that they have to carry on their trucks
7 that they have to hook on there to climb up to it.

8 So there -- that is taken into consideration
9 during the design of the towers.

10 Q. Brandon, not in Tooele but on this side of
11 the Oquirrns, in the Salt Lake Valley, are there these
12 kinds of transmission lines now that are currently
13 running in, around, or over parks, or golf courses, or
14 other recreation areas?

15 A. Yes, there, there are several areas where
16 that happens. In fact, we're constructing one right
17 now that's going over a golf course.

18 Q. Do you have trails underneath those lines and
19 allow citizens in those communities to walk and do
20 things under those lines?

21 A. Yes. Yes, we do.

22 Q. Brandon, last night there was a very
23 concerned father who I believe very sincerely
24 described to the Board his concerns about his
25 daughter. She has a pacemaker and, you know, these

1 lines are gonna pose a serious risk to her.

2 He claimed that he submitted comments to the
3 BLM and the EIS, and that his comments were ignored.
4 First, do you know, does the Final Environmental
5 Impact Statement actually address those specific
6 concerns that that father raised?

7 A. Yes, they do. The final EIS addresses those
8 concerns in Section 4, pages 89 and 90.

9 Q. And can you describe for the Board, what
10 lengths did the BLM go to to ascertain whether or not
11 this was a risk?

12 A. The Company actually pursued the manufacturer
13 of the pacemaker, who provided us with the minimum
14 requirements as far as impact on the pacemakers from
15 the -- from EMF. And after reviewing that data it was
16 determined that the levels underneath the line above
17 the family's home are not above the minimum limits as
18 far as impacts on the pacemaker.

19 Q. Did the EIS -- or did the BLM in the EIS
20 address whether the levels of EMF even directly
21 underneath the conductors would be at a level that
22 would pose a risk to this little girl?

23 A. They addressed it, and considered the levels
24 acceptable. They would not be an impact to the
25 pacemaker.

1 Q. And they received that information from the
2 actual manufacturer of her pacemaker or just from some
3 manufacturer; do you know?

4 A. From the actual manufacturer of the
5 pacemaker.

6 Q. One of the Board members earlier today raised
7 a question with Darrell talking about other areas
8 where we have lines like this. And the "T" I think
9 was the question.

10 Do you know the answer to that? Are there --
11 can you give examples? Does the Company have these
12 kinds of lines by, you know, some other school's
13 letter or, you know, in a similar setting?

14 A. Yeah, we, we have, we have a few areas that
15 I'm aware of, that I've been told about. We have down
16 in Nephi there's the letter "J" for Juab County. We
17 have a line that's -- I don't know the exact distance,
18 but it is similar to the situation we have here.

19 Recently there's a line being constructed up
20 in Box Elder County. There's a "BR" up in the
21 Tremonton area, we have a line that is below that.
22 I'm not certain of the distance on that.

23 And there, there's some other ones,
24 lower-voltage lines we -- that -- beneath the "U" up
25 near the University of Utah we have a 138 line that is

1 a filament galvanized structure, so. Those are visible.
2 So we do have areas where we have situations where we
3 have lines below those areas.

4 MR. MOSCON: Thank you, Brandon.

5 We're happy to turn the witness over to the
6 Board, or to Tooele for cross examination.

7 CHAIRMAN BOYER: Okay, thank you. I think
8 we'll proceed in the same manner. We'll --

9 How do you expect to proceed, Mr. Hogan? How
10 much cross examination do you have?

11 MR. HOGAN: If you'll allow me a
12 thirty-second bathroom break, I will promise to be
13 done before noon.

14 CHAIRMAN BOYER: That's a deal.

15 (A recess was taken from 11:43 to 11:48 a.m.)

16 CHAIRMAN BOYER: Okay, we are back on the
17 record.

18 Mr. Hogan, cross examination?

19 MR. HOGAN: Okay.

20 CROSS EXAMINATION

21 BY MR. HOGAN:

22 Q. Brandon, I'm gonna, I'm gonna talk about, as
23 we go through the line of questioning I would like to
24 pursue, two different scenarios: One is a single line
25 in the I-80 Corridor, one is a dual line in the I-80

1 Corridor. Okay?

2 So as I ask questions if I, if I don't
3 clarify or if you're uncertain, please make sure in
4 your answers that either you alert me to the fact of
5 what you're giving, single line or dual line. Or you
6 make me ask the question again, I'm happy to do that.

7 A. Okay.

8 Q. Okay? If we look at the -- I'd like to draw
9 your attention to the map, the slide you've got up
10 now, where you've got the black substation. That's
11 the furthest-north location for the proposed Limber,
12 correct?

13 If you go due west from that location, and
14 even north -- as far north as the blue line or the
15 aqua-colored line, the highest, the highest line you
16 have drawn on there as a proposed transmission line,
17 do the soil conditions change?

18 A. I'll use my pointer.

19 Q. Yes.

20 A. So are you talking up in this area?

21 Q. Yes. Straight, straight west of the black
22 substation, and then you can increase the latitude and
23 go north as far as you'd like. Do the soil conditions
24 change when you go west and north?

25 A. I'll use Highway 138 as the boundary, because

1 everything, everything this side of Highway 138, north
2 and east, are similar soils through here. They're all
3 lake-bottom soils, similar.

4 If you go on the west side of Highway 138 it
5 increases in elevation and the soils do change up in
6 that area.

7 Q. With the increased elevation would that
8 provide favorable soil conditions for constructing a
9 substation?

10 A. Um.

11 Q. Or -- let me, let me rephrase that. Would
12 the soil conditions be similar to the, to the
13 aqua-colored substation, to the yellow substation, to
14 the green substation?

15 A. They would be similar to the substations over
16 here on the west side. This color. It is a rock,
17 more of a rock material up in that area.

18 Q. Okay.

19 A. Compared to the sandy down there by the Great
20 Salt Lake.

21 Q. Okay. Now, if we assume a substation in that
22 location. Find a location that's got suitable soil.
23 So west of 138, if that's the delineation line. We're
24 west of there and we've got a suitable substation
25 location.

1 Now, if we think about a single line. We go
2 from, we go from that point, no substation -- well,
3 actually in this scenario we don't even need to assume
4 there's a substation. In the single-line scenario I'm
5 gonna give you we don't worry about a substation over
6 here. That's, that's if the Company wanted to do it.

7 A single line. If we came all the way along
8 the I-80 Corridor -- in fact, following the
9 environmentally-preferred route identified by the BLM
10 for your Limber-to-Terminal route.

11 If we follow that line with a single line do
12 we have any of the complications that Mr. Gerrard
13 worried about with the corridors too close together,
14 or not being able to co-locate anything? If we have a
15 single line?

16 A. You have increased line miles, which is a
17 concern with Mr. Gerrard's testimony.

18 Q. Right. We've increased 500-kV line miles; is
19 that right? Or potential 500, because he also said
20 that they're only gonna energize it to 345. So we've
21 increased that line if we don't have a substation over
22 there and we've got a single line?

23 A. If you're assuming the substation will be up
24 here you have increased mileage for the 500 line, yes.

25 Q. Okay. Or even without a substation. Let's

1 put the substation -- I'll show you.

2 Anywhere in this vicinity. If we put the
3 substation anywhere in that general vicinity we've
4 increased the 500-kV mileage, correct? Line miles of
5 500 kV is greater, right?

6 A. Assuming that's where the substation location
7 is, yes.

8 Q. Right. And we've reduced, we've reduced the
9 line miles of the 345; is that correct?

10 MR. MOSCON: Can we clarify, are you talking
11 about for just going to Terminal, or going down to
12 Oquirrh?

13 MR. HOGAN: Both.

14 Q. (By Mr. Hogan) Is it a shorter line from
15 Lake Point to Terminal and Oquirrh than it is from
16 directly north of Grantsville?

17 A. Yes, it is.

18 Q. Okay, thank you. The, the loss, the line
19 loss that occurs when you lengthen the 500-kV line, is
20 that -- when you compare that to the increased
21 efficiencies of shorter 345-kV lines, does that -- is
22 that a wash, or is it a net gain for the system?

23 A. I, I can't speak to the efficiencies. That's
24 Mr. Gerrard's testimony and his expertise. I can
25 speak to the difference in miles of the different

1 scenarios that we've discussed.

2 Q. Okay. How, how much, how much shorter are
3 the 345-kV lines if they start in Lake Point and going
4 to -- in this case -- because you've only applied for
5 the one line.

6 If we go from Lake Point to Oquirrh, rather
7 than from any of your proposed substations -- you can
8 specify the one if you want to get the exact
9 difference. But how much shorter is it from Lake
10 Point to Oquirrh than any of the other three
11 substations?

12 A. I don't know the distance from this point to
13 Oquirrh. In fact, we just found out about this this
14 morning.

15 Q. Do you know the width of the Valley?

16 A. Do I know the width of the Valley?

17 Q. Yeah. I mean, that looks like --

18 A. I don't know the entire width of the valley.

19 Q. Well, rough width of the valley, from
20 Grantsville to Lake Point?

21 A. I know it is approximately 31 miles from this
22 substation to this substation.

23 Q. Okay. Do you know how far it is from
24 Grantsville to Tooele?

25 A. I would say five miles.

1 Q. Okay. And would you agree that, just for the
2 sake of talking about this, that it would be
3 approximately at least five miles shorter?

4 A. I, I can't, I can't estimate the miles on
5 here just looking at a map on the screen. I mean,
6 there, there are other things you need to look at
7 besides running a straight line from here to here.
8 There are obstacles along this way. It's not just a
9 straight line. So, so.

10 Q. Let's, let's talk about some of those
11 obstacles. You mentioned that the straight line, I
12 believe the straight line that's drawn right now would
13 still get into the EPA Superfund site; is that
14 correct?

15 A. That is correct.

16 Q. Is it possible to modify that line and take
17 it out of the EPA Superfund area?

18 A. That would require the line to go either
19 through Tooele City limits or --

20 Q. Certainly we wouldn't propose that.

21 A. Or, or through the North Oquirrh Management
22 Area.

23 Q. And what's sacred about NOMA? Why would we
24 not consider having that line cross over the edge of
25 the North Oquirrh Management Area?

1 A. The EIS explains the reasoning for -- as we
2 talked about before, the BLM, their preferred
3 alternative goes this way. Our initial proposed
4 alternative went through the NOMA. It addresses the
5 concerns.

6 Q. So that it's actually the Company's
7 preference to go through NOMA, but the author of the
8 EIS preferred that you did not; is that correct?

9 A. Yeah. The -- correct. The BLM, their
10 environmentally-preferred route went south of the
11 NOMA. The Company's proposed route went through the
12 NOMA.

13 Q. And the BLM is responsible for managing NOMA;
14 is that correct?

15 A. That's correct.

16 Q. Do you think it's accurate to describe their,
17 their zeal and zest for managing the NOMA area as, as
18 to a very high degree, or is it a very low degree?

19 A. I don't think that I should comment on that.

20 Q. Okay.

21 A. They're, they're the professionals for
22 managing their own property.

23 Q. Okay. You made a statement earlier about the
24 northern routes, just speaking generally. Regardless
25 of whether we're talking about a single line or a dual

1 line. And your statement was thus: That it was
2 completely possible to engineer even a dual line in
3 the I-80 Corridor, except for the fact that it didn't
4 meet Mr. Gerrard's criteria; is that correct?

5 A. Correct. It also encountered additional
6 impacts to the environment.

7 Q. Okay. And I, and I believe when you
8 described the engineering challenge -- now, correct me
9 if I'm wrong, because that, you know, I don't want to
10 misconstrue the way that you characterized the
11 challenges that would be encountered.

12 I, I get great pleasure out of watching a
13 program I see on TV -- I don't know if it's on History
14 or National Geographic -- it's called Modern Marvels.
15 They do a lot of engineering stuff. You probably and
16 Mr. Gerrard probably would like this program, because
17 they take big projects that are very challenging and
18 they go through and explain the hurdles that have to
19 be overcome.

20 Would you -- I mean, examples of things I've
21 seen on there are the Chunnel, the Supercollider.
22 Some incredible construction. But roads in, in Alaska
23 where it's frozen all the time. Things of that
24 nature.

25 Would you, would you think that they would be

1 interested in doing a program on the challenges that
2 Rocky Mountain Power would have in getting these
3 lines --

4 MR. MOSCON: I thought we had a moratorium on
5 the kind of badgering-type questions.

6 CHAIRMAN BOYER: Well, he's not badgering,
7 but I think he's asking something that probably
8 Mr. Smith can't answer. I mean, you're asking what
9 would the BLM --

10 MR. HOGAN: No. I mean, I'm asking from an
11 engineer's standpoint does he think that the
12 challenges that would be encountered in trying to run
13 these lines along the I-80 Corridor, is that something
14 so challenging that other engineers would be
15 interested in watching how that actually happened.

16 They would actually tune in to a TV show to
17 see how in the world Rocky Mountain was able to
18 overcome that challenge.

19 MR. MOSCON: And I guess my point is, he's
20 asking Mr. Smith do the producers of a TV show want to
21 watch that. And how does he know that?

22 CHAIRMAN BOYER: Well, let's do this. Let's
23 ask Mr. Smith if he knows first. And then if he
24 knows, he can answer it.

25 THE WITNESS: I do not know the interests of

1 folks comparing a television show and permitting and
2 constructing a line through this situation.

3 Q. (By Mr. Hogan) Okay. Do you think, in
4 your -- from an engineer's standpoint, is it a bigger
5 deal to impact the Superfund site, or to, or to get on
6 the edge of NOMA? Which is a bigger deal from an
7 engineering standpoint?

8 A. Considerations have been taken into both as
9 far as the EIS is concerned.

10 Q. I'm asking your opinion.

11 A. You have terrain on one side. And as far as
12 constructability through the Superfund site,
13 constructability has no issues right now.

14 Q. So it's your opinion that it's a less big
15 deal to go into the Superfund site than it would be to
16 get on the edge of NOMA?

17 A. I didn't say it was a less big deal. I said
18 constructability-wise it is less of a big deal through
19 the Superfund site. I didn't say that it's -- I guess
20 I'm not clear on your question.

21 Q. Which is a bigger deal, as an engineer, going
22 through the Superfund site or impacting NOMA?

23 A. There are --

24 MR. MOSCON: And I guess what he's saying
25 is -- the question is not clear to me. From a

1 constructability standpoint, or an environmental
2 standpoint, or impact-to-the-system standpoint?

3 Q. (By Mr. Hogan) Take all three in order.

4 A. You have to take all three of those and
5 analyze them in detail. You don't just -- you have to
6 take a summary of all the risks, and alternatives, and
7 impacts before you choose which one is better than the
8 other.

9 Q. Would the scope of the present EIS account
10 for single-line construction along the I-80 Corridor
11 right now? If we were to move forward with the
12 permit -- if this Board were to order the Company to
13 do a single line along the Interstate 80 Corridor
14 would the scope of the EIS that's presently been done
15 account for that?

16 A. The EIS that has been done includes one
17 single line along the I-80 Corridor and one single
18 line along the Southeast Bench. It is a connected
19 action as far as the Environmental Impact Statement is
20 concerned.

21 Q. Okay. So I guess the answer is yes. If this
22 Board said, We're not gonna have you build two
23 lines -- we're not gonna -- first off, we're not gonna
24 have you do the Southeast Bench route.

25 And we're gonna have you do just a single

1 line along I-80 to about Lake Point, put a substation
2 there, and then draw a much-smaller triangle -- one of
3 these magic triangles, it's gonna be much smaller --
4 would the present EIS account for that scheme?

5 A. No, it would not.

6 Q. Why wouldn't, why wouldn't it?

7 A. Because that is not, that is not the -- that
8 is not what the EIS is establishing. It's
9 establishing the project as a whole. A line from Mona
10 to Limber, Limber to Oquirrh, Limber to Terminal, as a
11 connected action. It has only been analyzed to have
12 one route go to the north of Grantsville, not both.

13 Q. So the paradigm, the information, the project
14 scope that, that Mr. Gerrard and your company gave to
15 the BLM is the only paradigm that BLM has analyzed; is
16 that correct?

17 A. We have given them what the Company needs as
18 far as the Mona-to-Oquirrh project.

19 Q. Okay. So the, the EIS was limited by the
20 information provided by the Company to the BLM?

21 A. The information provided by the Company is a
22 piece of the information in the Environmental Impact
23 Statement.

24 Q. Okay.

25 A. It's a large -- larger view than that.

1 Q. Okay.

2 MR. HOGAN: I have no, I have no further
3 questions at this time for Mr. Smith.

4 CHAIRMAN BOYER: Okay. Thank you, Mr. Hogan.

5 Let's see if the Board has -- I'm trying to
6 figure out a logical time to break because there will
7 be, I assume, some redirect, Mr. Moscon?

8 MR. MOSCON: Again, depending on what the
9 Board does. You took most of my redirect from me
10 before, so I, I don't anticipate a lengthy redirect.

11 CHAIRMAN BOYER: All right. Well, let's hear
12 from the Board members first. And then perhaps we can
13 excuse this witness, break for lunch, and then come
14 back and hear the oral arguments.

15 Let's begin with Mayor Johnson, any questions
16 for this witness?

17 MAYOR JOHNSON: I just have one, please.

18 Just for clarification -- and I -- maybe I'm
19 missing a little bit here. But if we take the line
20 different than what we have. I was interested that
21 Grantsville didn't come to -- or refused to come to
22 one of the meetings or something. I don't know what
23 that was about.

24 But I'm surprised, because what we're talking
25 about -- and I'm talking now as a City official,

1 understanding problems through cities and counties
2 than I am the three Commissioners. But I'm a little
3 concerned about -- or help me understand. Are we not
4 impacting more going to the northwest and around and
5 then back over, versus coming on the proposed route?

6 Now, I guess that's what I'm asking. I'm
7 having a little bit of -- we're turning the line, or
8 we're proposing -- or you're proposing to turn the
9 line to go another direction because we're trying to
10 minimize the homes on the southeast side of Tooele.
11 That's what I think I'm understanding in this process.

12 Yet when we turn the line it seems we impact
13 Grantsville -- again, I'm not that overly familiar
14 with these communities. Grantsville, and Erda, and
15 Lake Point, and Stansbury. I think those are the
16 towns that I'm thinking about.

17 So can somebody help me, are we impacting
18 more there than we are the other route? I guess
19 that's my question really, Brandon. I don't -- is
20 that true or not?

21 THE WITNESS: As far as the impacts and
22 review of the alternatives, in order to meet
23 Mr. Gerrard's requirements for the efficiency and
24 adequacy of the system there will be a larger impact
25 to run both lines in this area. A larger impact to

1 homes, larger impact to wetlands.

2 You do have folks in the Stansbury area, the
3 Erda area who have not been formally addressed in the
4 EIS, as an alternative was not proposed. So as far as
5 the overall impact, those are the impacts we see that
6 are greater up North compared to this three-mile
7 section we have right here that we're discussing.

8 MAYOR JOHNSON: And am I to understand --
9 just thank you for that. The last question is, is it
10 true that Tooele City absolutely would not give a
11 Conditional Use Permit through their city, period?
12 That was eliminated?

13 THE WITNESS: That's what, that's what we
14 were told in the third conflict resolution meeting
15 that we conducted.

16 MAYOR JOHNSON: Okay.

17 MR. HOGAN: If I may, to help clarify?

18 Did the, did the Company ever formally apply
19 for a permit through Tooele City, or is the permit
20 we're here on today the only permit that the Company
21 actually applied for?

22 THE WITNESS: We did not apply for a
23 Conditional Use Permit through Tooele City. However,
24 during the conflict resolution meetings when we
25 presented the alternatives through that area we were

1 told that it didn't matter, because we would not get a
2 line permitted through Tooele City limits.

3 MAYOR JOHNSON: Thank you.

4 CHAIRMAN BOYER: Commissioner Allen?

5 COMMISSIONER ALLEN: Thank you. Just a
6 couple quick questions.

7 You know, I've read the EIS and I've read all
8 the testimony, but -- I know I've come across this,
9 but I've got a couple thousand pages of data bouncing
10 around in my head right now.

11 So just to be clear, going back to the "T,"
12 how -- what's the closest point where the lines will
13 come to the "T"? How close -- how far away will they
14 actually be? Couple hundred feet, couple thousand
15 feet?

16 THE WITNESS: Right now we are 600 feet away
17 from the "T," at a minimum.

18 COMMISSIONER ALLEN: And how far above the
19 ground are the lines at the closest point?

20 THE WITNESS: The, the base of our proposed
21 structure, the closest structure, is 300 feet in
22 elevation below the bottom point of the "T."

23 COMMISSIONER ALLEN: Okay. And how far
24 above, in altitude, are the lines above the ground? I
25 know I've read this one.

1 THE WITNESS: Through that area,
2 approxi matel y 150 feet.

3 COMMI SSI ONER ALLEN: Thank you.

4 CHAI RMAN BOYER: Ms. Hurtado?

5 MS. HURTADO: I have no questi ons.

6 CHAI RMAN BOYER: Commi ssi oner Campbel l ?

7 COMMI SSI ONER CAMPBELL: Looki ng at the cost
8 estimates on 4-91? Di d the BLM modi fy your cost
9 estimates at all , or are these preci sel y as you
10 submi tted them?

11 THE WITNESS: From what I understand, those
12 are the cost estimates that we gave the BLM.

13 COMMI SSI ONER CAMPBELL: So they di dn' t adjust
14 these at all ? Di d you, di d you, when you crossed the
15 Superfund si te, do you have your standard mi les -- or
16 doll ars per mi le? Or di d you have any sort of adder
17 that -- for any remedi ati on that mi ght have to take
18 place on that si te?

19 THE WITNESS: I don' t, I don' t have a
20 speci fi c number as far as what it woul d requi re to go
21 through the Superfund si te incurri ng any cleanup
22 costs. But the costs that are i ncl uded i n the EIS do,
23 do i ncl ude our abi li ty to mi ni mi ze the i mpact to the
24 si te.

25 I, I have an envi ronmental engi neeri ng

1 background. I've worked on three Superfund sites
2 cleaning these sites up. It will not be a site
3 cleanup, as was indicated yesterday. There are areas
4 out there that will be sampled. There is no specific
5 indication of what every square inch the contamination
6 is.

7 We are minimizing it by minimizing access
8 roads to go through that area. We've minimized it by
9 producing -- putting as minimal amount of structures
10 as we can in that area to minimize cost. So the costs
11 include our ability to minimize impacts to that area.

12 COMMISSIONER CAMPBELL: My final question is,
13 you rely quite heavily on the EIS and this third-party
14 review. Yet it appears in this three-mile stretch
15 that is under dispute is the area where you actually
16 leave the BLM's preferred route and don't follow it.

17 Could you explain why that is? It's kind of
18 the Section 198, where they go -- it looks like they
19 go a lot further south, further away from the
20 reservoir and so forth. It looks like further away
21 from where the homes are and everything.

22 THE WITNESS: In the Draft Environmental
23 Impact Statement the environmentally-preferred,
24 BLM-preferred, and the -- our proposed route were the
25 same. Going through the public comment period and the

1 Conditional Use Permit process, concerns were raised
2 about Settlement Canyon Reservoir and the line
3 crossing over the top of it.

4 As part of the Conditional Use Permit the
5 Company shifted the line to the south to get off of
6 the reservoir, and that was about 400 feet, and
7 another thousand feet behind the homes up on the ridge
8 we moved the line to the south.

9 At the release of the Final Environmental
10 Impact Statement the BLM had, as one of their
11 suggested mitigations, would be to shift the line
12 further to the south. This again is a, is an example
13 where we had made an adjustment based on the feedback
14 that we had gotten, but we were not aware of the
15 environmentally-preferred route before it came out in
16 the final EIS.

17 So they have suggested as a mitigation to
18 move it further to the south along Settlement Canyon,
19 however that we would still daylight in the same area
20 up just south of the homes.

21 COMMISSIONER CAMPBELL: And is the Company
22 considering following that preferred route in the
23 final EIS?

24 THE WITNESS: We had identified, as part of
25 the Conditional Use Permit process, to mitigate around

1 Settlement Canyon. We had, we had raised issues about
2 a scout camp that is further to the south. There's a
3 picnic area. And raised those concerns, and suggested
4 that we would work with the County to find an
5 alignment through there.

6 We just wanted to make sure everyone was
7 aware of those impacts. So shifting the line in that
8 area we do take into consideration those impacts,
9 including impacts to additional property owners that
10 aren't impacted right now.

11 MS. HURTADO: I do have a question.

12 CHAIRMAN BOYER: Ms. Hurtado has a question.

13 MS. HURTADO: When you did your application
14 to the Planning Commission did you say that it would
15 be based on the final determinations of the EIS?

16 THE WITNESS: We, we -- if I recall, one of
17 the conditions was that upon the release of the Final
18 EIS that the Company would work with the County to, to
19 mitigate that difference in a route in that situation.

20 MS. HURTADO: Thanks.

21 COMMISSIONER CAMPBELL: I'm asking a question
22 in an area I'm not familiar with. But it's, it's my
23 understanding that you were asked to mitigate in a
24 certain number of areas. And I think in your reply
25 response you list how, how you would mitigate a number

1 of areas of concern.

2 At the hearing last night I think a member of
3 the Planning and Zoning Commission was unconvinced
4 that that would mitigate. How does that ever get
5 resolved? I mean, is this, is this all before the
6 fact?

7 Obviously you don't mitigate until you start
8 construction. So you say, Well, this is what we're
9 gonna do, it'll mitigate it.

10 And they say, Well, we don't think it will.
11 How does that ever get resolved?

12 THE WITNESS: It is a point where, you know,
13 a County or City who implements conditions on a
14 permit, from my understanding those conditions need to
15 be reasonable and, and not produce any situation where
16 it cannot be mitigated. Ask for something that cannot
17 be mitigated.

18 Those situations need to be reasonable. The
19 Company will look at those. And the mitigations and
20 those conditions need to be met before the
21 construction starts.

22 Now, we, we recently had a C.U.P. where we
23 had 31 conditions. And we've met all 31 of those for
24 that project, so. But it is a situation where you
25 need to mitigate those conditions, before construction

1 begins, in a reasonable fashion.

2 COMMISSIONER CAMPBELL: So if you propose a
3 certain method to mitigate, the County doesn't agree
4 with that, does that end up in court? Whether those
5 are reasonable or whether your, your approach is a
6 reasonable mitigation?

7 THE WITNESS: I would defer that to the legal
8 folks as far as where that would go. I shouldn't
9 answer that.

10 COMMISSIONER CAMPBELL: That's fair.

11 CHAIRMAN BOYER: I just have one, one line of
12 questioning. And hopefully you'll be able to answer
13 this, even though you're not an electrical engineer.
14 Neither am I.

15 But you referred several times to the
16 requirements set by Mr. Gerrard in terms of operation
17 of the system. And you will probably recall him
18 testifying that one of the concerns with moving the
19 substation north would be the increased length of the
20 500-kV line, thereby creating more resistance or
21 impedance and increasing line losses by 60 percent.

22 Can't those line losses be minimized by --
23 either technologically or by using a different size
24 conductor? The bigger the wire, the less resistance?

25 THE WITNESS: You are correct, that's beyond

1 my ability. What I do want to make clear, if I can,
2 the additional mileage is a -- is based on the -- the
3 ability to get to Oquirrh from this location -- this
4 route right here -- compared to moving it up into this
5 area and getting to Oquirrh this way is an additional
6 16 miles.

7 That's, that's where the 60 percent is coming
8 from. It's roughly 60 percent of the distance to get
9 from here. So moving Limber up there and still
10 getting to Oquirrh still adds 16 miles on to the
11 alignment to actually get to Oquirrh Substation.

12 CHAIRMAN BOYER: Okay, thank you.

13 Redirect, Mr. Moscon?

14 MR. MOSCON: No further questions.

15 CHAIRMAN BOYER: Okay. Then what we would
16 envision doing, we're gonna take a lunch break now.
17 But what we -- and we'll take an hour and-a-half
18 break.

19 We would envision then hearing legal
20 arguments from both sides. And just to alert you, I
21 have a commitment. I've been summoned up to meet with
22 the Lieutenant Governor this afternoon, so we probably
23 need to wrap it up around 3:00 or so if we could.

24 So if we take an hour and-a-half now we'll be
25 back here at quarter to 2, would that be correct?

1 It's 1:15, quarter to 2. And that will give an hour
2 something-plus for legal arguments. That should be
3 sufficient, shouldn't it?

4 MR. MOSCON: So it's 50 minutes for me, 10
5 minutes for Doug?

6 CHAIRMAN BOYER: Something like that, yeah.
7 Or maybe something more like half and half.

8 MR. MOSCON: Yeah.

9 MR. HOGAN: Thank you.

10 CHAIRMAN BOYER: All right. We'll be in
11 recess, then, until that time, quarter to two. Thank
12 you.

13 (A luncheon recess was taken from
14 12:16 to 1:50 p.m.)

15 CHAIRMAN BOYER: We are back on the record.
16 What we'd like to do at this point is hear legal
17 arguments from the attorneys for the parties. And if
18 it's agreeable to you, we thought we'd give each of
19 you 30 minutes. If you want to take less, we will not
20 be offended in the least.

21 The moving party, if you wish to split yours
22 20/10, 15/15, or 25/5, whatever you want to do, we'll
23 cede to your request on that. So we'll begin,
24 Mr. Moscon, with you.

25 Oh, by the way, we were talking about the

1 timing of the issuance of our order?

2 MR. MOSCON: Yes. Mr. Chairman, we, you
3 know, we both discussed some potential ambiguities in
4 the statute and timing. Whatever the number of days
5 is or whenever it would start, the parties have
6 stipulated that the Board should be allowed to have
7 through June 21st to conduct its review and issue its
8 decision, whatever number of days that is.

9 That's agreeable to both parties. And Doug
10 can confirm if that's correct.

11 MR. HOGAN: That's correct.

12 CHAIRMAN BOYER: Okay, thank you. We've
13 chatted about that as well. And accommodating, you
14 know, the other things that we've got going on in the
15 other hearings and cases that we have, and then the
16 Mayor and Ms. Hurtado have scheduled as well, we can
17 work within that time frame. So we will issue the
18 order by the 21st, if not before that. So thank you
19 for that.

20 Mr. Moscon?

21 MR. MOSCON: Thank you. And I would like to
22 reserve just a couple of minutes to respond to any
23 comments or questions that may come up following the
24 closing of Tooele.

25 Mr. Chairman and members of the Board, first

1 let me thank you for your time. We are very mindful
2 of the fact that you each have day jobs. We're
3 mindful of the vast amount of information that's been
4 provided.

5 And we recognize that when Doug and I finish
6 here now, your work is really just beginning. And we
7 thank you in advance for the just tremendous effort
8 that you've all shown in this matter. Your questions
9 show that you've been prepared and attentive, and I
10 thank you for that.

11 As I begin I'd like to remind the Board that
12 this process of siting this line started for my client
13 back in 2005. This project represents a vital link in
14 the Energy Gateway architecture, which is the backbone
15 of the Company's entire power system.

16 It's a huge investment of my client's
17 ratepayers. It's a \$400 million project. The Company
18 has spent \$14 million to plan and prepare for the
19 project up to this point in time. They have tried
20 very, very hard to design this system in the way that
21 it would best serve its customers across this State,
22 and in fact across the Region.

23 When completed the project will consist of
24 approximately 146 miles of line. A hundred and
25 forty-three miles of line are uncontroversial. The

1 local concerns about the views of approximately
2 3 miles of line is now risking this entire project,
3 which is desperately needed for electric consumers
4 across the State and for the economic development of
5 Tooele itself.

6 Nevertheless, my client became aware of the
7 concerns of this group. It did not, as suggested by
8 Tooele, simply ignore these concerns and proceed ahead
9 with the predetermined route. I'd like to remind the
10 Board of this chart that Mr. Smith went through in his
11 testimony which shows the many, many meetings that my
12 client held.

13 And again, the bubble on the left are the
14 meetings that are required. And the bubble on the
15 right are meetings that are not required, but
16 represent an extra effort by my client to try and
17 reach a consensus with the different concerned citizen
18 groups in the Tooele Valley.

19 We also saw the many different routes that
20 were analyzed crisscrossing the Valley to try and
21 connect the points. And in each time, as my client
22 through its witnesses discussed, it was open to these
23 things. It would have been open, had time permitted,
24 to do the Railroad route or the Army Depot route.

25 There were some routes that it simply said,

1 We can't do that, for engineering reasons. But even
2 though that's not our preferred route, we will do it.
3 And the reason that's important for the Board to
4 remember is, notwithstanding arguments you may have
5 heard from some upset citizens, this is not a case of
6 Rocky Mountain Power simply saying, We are unwilling
7 to compromise.

8 The record is in fact, as we've said, that
9 they compromised for more than half of the line. For
10 80 miles of this 140-something-mile line they have
11 already adjusted that line. So my client has been
12 very conscientious about trying to work with the
13 citizens of Tooele.

14 Obviously, because we're here,
15 notwithstanding the efforts of my client, there are
16 still some concerns. And I'd like the Board to focus
17 on that for a minute. Tooele has always relied on
18 other communities to deal with the impact of
19 transmission lines.

20 Tooele has grown. If you recall the first
21 slide that Mr. Gerrard had, it had the red bubble of
22 the critical load area. Showed all the transmission
23 line corridors. Tooele is the only part of that map
24 that does not have transmission lines in it now.

25 It's part of the critical load area, but it's

1 the only part of the critical load area that does not
2 already have transmission line corridors in its
3 boundaries. So this is the first time that Tooele's
4 had to ever deal with this, so we understand they've
5 got concerns and questions.

6 The nature of transmission lines is that they
7 run to population centers. That's what they do.
8 Their purpose is to bring energy from remote resource
9 centers and bring it in to population centers.
10 There's a lot of questions about what people would
11 have done if this was a county seat in a big
12 population center.

13 And the point made is correct, Tooele has
14 become a population center. And the fact remains that
15 in this day and age you cannot live in a major
16 population center without being impacted and without
17 seeing transmission lines. That's a part of modern
18 life.

19 There is no place these lines can be put that
20 would have no impact. Someone would object to these
21 lines wherever they got put. What that means is the
22 Company had the obligation of finding the best route
23 for these lines.

24 And that's the same obligation that the Board
25 has now. There is no magic route that this Board can

1 pick and select and have happy people across the
2 board. Some group, people in Grantsville, Erda,
3 Tooele, Stansbury, someone will be impacted and
4 someone will be upset.

5 What that means is the Board can't base its
6 decision by trying to look at the popularity, or who
7 speaks the loudest, or who objects the loudest. The
8 Board has to focus on what is the best route for the
9 State as a whole.

10 One of the points that Mayor Johnson made
11 today I think is important. And that is that,
12 although there were public meetings held around the
13 Conditional Use Permit that my client applied for that
14 talked about this South Bench route, there were not
15 these public hearings about routing this line around
16 Grantsville, or if they were to cut across Stansbury,
17 or to go through Erda.

18 What about the citizens of those towns? What
19 about the people that live on Bermister Road or Sheep
20 Lane? The point is, there may be hundreds and
21 hundreds of people that are opposed to this route.
22 And taking our lumps we have to concede, that's a
23 mighty big handful.

24 But there are 58,000 residents of Tooele
25 County. And how many of those 58,000 would be opposed

1 to the Northern route around Grantsville, or be
2 opposed to the Army Depot route, or opposed to the
3 routes running through Downtown Tooele along the
4 railroad corridors? I would suggest to you probably
5 just as many.

6 Again, the Board cannot base its decision on
7 the popularity or the lack of popularity, or by
8 concerns expressed by those nearest to the lines. The
9 mandate of the Act that created this Board tells this
10 Board that it has to look at the best interests of the
11 Utility as a whole.

12 And "best interest" is defined for the Board.
13 The best route is the route that provides the most
14 reliable, safe, adequate, and efficient supply of
15 electricity to customers across the State. Now,
16 that's important because the Act's told this Board
17 that it has to focus on the State.

18 Not for Tooele City, not Tooele County, not
19 even just the critical load area. But this body, this
20 Board was created by the State Legislature. And in
21 the enabling Act it says this is a matter of statewide
22 concern. And we can't have what one local government
23 does having an adverse impact on the rest of the
24 State.

25 There's been a lot of misinformation about

1 this project. And I don't believe that it's been
2 malicious or intentional, but it's nevertheless
3 misinformation. And the Board has to be careful now
4 to stop and make sure it's considering the actual
5 facts. Not something that a concerned citizen has
6 heard but is not true, but actual evidence.

7 So let's consider the evidence the Board has
8 heard. The first witness that Rocky Mountain Power
9 called was Mr. Gerrard. Mr. Gerrard told this Board
10 that Energy Gateway is the Company's comprehensive
11 transmission plan. That it's absolutely needed. That
12 it will provide an additional 1,500 megawatts of
13 incremental capacity into the critical load area, and
14 reduce transmission constraints.

15 He described how this Energy Gateway is
16 designed around what he called the "triangle of
17 reliability." That it's based on the idea of diverse
18 line routing. That that is a fundamental principle
19 for the design of the larger project.

20 He told you that the Mona-to-Oquirrh project,
21 the smaller piece of Gateway, is also designed on this
22 triangle of reliability. And that if you remove that
23 triangle, if you remove that reliability, it defeats
24 the purpose of the entire design.

25 The current transmission system in Utah has

1 limited capability, and is incapable of delivering
2 more power into the critical load area. We know that
3 by 2013 the Company will be unable to serve its
4 existing customers within the critical load area.

5 The load in the critical load area is
6 expected to double in the next 25 years. In designing
7 Mona to Oquirrh it was critical to create a diverse
8 transmission line route between Moca -- between Mona
9 and that critical load area in order to improve the
10 reliability of the State's overall transmission
11 system.

12 Mr. Gerrard told you that he needs at least
13 1 to 5 miles of separation between all segments of
14 this route, except for the very first few lengths of
15 line coming in and out of the substation or hub.
16 Failure to maintain that separation between lengths
17 can result in a common-mode or multiple-line failures,
18 and the Company has indeed experienced these in the
19 past.

20 It's important to note, this isn't just
21 hypothetical talk. We saw the pictures of the lines
22 down with the frozen lake. We saw the pictures of
23 where a plane crashes into the lines. We saw the
24 pictures of the mudslide that would take out two
25 lines. We saw the pictures of the fires that would

1 take out multiple lines.

2 The important point is, this is not just a
3 hypothetical risk. His testimony that's been
4 previously submitted included examples of eight such
5 incidents that Rocky Mountain Power has experienced
6 here in Utah of these dual-line, common-corridor
7 collapses. It is something that does happen. And it
8 is something that cannot be ignored in the design of
9 this system.

10 The Northern route proposed by Tooele County
11 will not provide for adequate separation and does not
12 meet the Company's system and siting criteria.
13 Mr. Gerrard told you there are five criteria he must
14 plan to, and the Northern route does not meet any of
15 those criteria.

16 He further told the Board today that he
17 cannot fully utilize the existing system if he has to
18 compromise it in that Northern route. He talked about
19 these inefficiencies. And that's important because
20 what that means is, he told you, if he had to build
21 the line the way that Tooele wants it? The only way
22 to fix the system or to optimize the abilities of the
23 system is to get another line.

24 We've all seen how difficult it is for a
25 community to have transmission lines introduced. What

1 he's telling you is, if you take what Tooele is asking
2 you to do now, the Company will be right back here in
3 the very near future saying, Well, now we need another
4 line crisscrossing in a diverse path somewhere else in
5 the Valley.

6 We heard from Brandon Smith. Brandon
7 discussed at length the process of siting this. The
8 feasibility studies, the Environmental Impact
9 Statement. How the BLM was design -- designated the
10 lead agency.

11 It was interesting to me that -- how he
12 described that the BLM invited Tooele County to
13 participate in the EIS process, but Tooele declined
14 that invitation.

15 Upon completion of these initial studies the
16 BLM identified a preferred route on Federal lands and
17 an environmentally-preferred route on private lands.
18 The Company's proposed route follows the BLM's route.

19 I will note in the final issue of the EIS,
20 the Final EIS that came out in the midst of these
21 proceedings only a couple of weeks ago, there's one
22 slight adjustment that the Company is willing to make.
23 So I, I now say it follows 99 percent of the, of the
24 line, and it's an adjustment the Company is willing to
25 make. That happened just, again, within the last

1 couple of weeks.

2 But the company adopted the BLM's preferred
3 route as its proposed route, and that is the route we
4 had asked Tooele County to permit. Both the BLM and
5 the Company agreed, after extensive independent
6 analysis, that the proposed route is the best
7 transmission alignment for this system.

8 It's best for the environment, it's best for
9 human life, it's best for system engineering, it's
10 best for reliability, and it's best for efficiency.
11 There is not any of the criteria in which the routes
12 that Tooele County is asking you to consider are
13 better.

14 They imply that it's better for impacts to
15 the environment. They imply and say it's gonna ruin
16 the mountainside to go on the Southeast Bench. But
17 the BLM, who studied the environment, said no, the
18 route the Company wants is actually better and has
19 fewer impacts to the environment than the route that
20 Tooele is now suggesting that you adopt.

21 Brandon went through and described all the
22 efforts the Company went through to try and gain
23 consensus. How we had meeting, after meeting, after
24 meeting. And this was not something that the Company
25 simply was going to force through no matter what the

1 citizens wanted.

2 And again, he described all of the efforts
3 the Company went through, all the permitting. And
4 importantly, he told you that the Company would be
5 unable to repeat that process in time to get this
6 system operational by 2013 if the Company had to go
7 somewhere else.

8 So with all those impacts, and all the FAA,
9 and wetlands, and other permits the Company would have
10 to go through it would not be able to have this system
11 operational by 2013. If this Board believes
12 Mr. Gerrard's uncontroverted testimony that the system
13 needs to be operational by 2013, then that alone
14 should dictate the outcome of this case.

15 In my opening statement I reminded the Board
16 that there was also testimony from the BLM in the form
17 of the Final Environmental Impact Statement. And that
18 that testimony was also critical. But what has it
19 told you? It told you that the BLM analyzed not one
20 but 14 routes. Routes on Federal land and private
21 land.

22 It solicited, received, and considered public
23 input. It considered impacts to the watershed, to the
24 environment, to the viewshed, to wildlife, to cultural
25 impacts, to impacts to human life. All of the things

1 that the concerned citizens told you that they were
2 worried about are things that, as you read that in
3 your deliberations, you'll see the BLM addressed.

4 And it considered claims about EMF, impacts
5 to pacemakers, all of these things it addressed. It
6 told you it spent three years independently evaluating
7 this project. And it did so not based on what the
8 Applicant said was desirable, but at what it
9 independently concluded was the most reasonable,
10 feasible, and practical.

11 Most importantly it told you that,
12 notwithstanding the Parade of Horribles that Tooele
13 claims would follow this project, this project is
14 actually the preferred alignment that would have the
15 least impacts on all environments, including human
16 environment.

17 In summary, the engineers from Rocky Mountain
18 Power have given this Board uncontradicted testimony
19 that its route provides the best system from an
20 engineering standpoint. It provides the best
21 reliability. The best efficiency.

22 The BLM has given this Board uncontradicted
23 testimony that that route would be the best for the
24 environment. It would have the fewest environmental
25 impacts. This testimony is uncontroverted.

1 Now let's compare that to the evidence
2 adduced by Tooele. As the Board knows, there was
3 none. Tooele could have called an engineer to try and
4 argue that Mr. Gerrard's analysis for the need of the
5 system was wrong, or that line separation is not
6 important, but they didn't.

7 They could have called an engineer to tell
8 you that Brandon's analysis of obstacles of building
9 the Northern route was wrong, but they didn't. They
10 could have put a witness on to tell you that we don't
11 need the system by 2013, but they didn't.

12 But why? I'll suggest to the Board it's
13 because Tooele can't meaningfully argue that this
14 system isn't needed, or that these obstacles don't
15 exist, or that the Northern route isn't inferior.

16 Furthermore, to do so would have required
17 Tooele to officially pick a route. You will notice at
18 no time in these proceedings has Tooele ever put a
19 line on the map and said, We condition the C.U.P. on
20 you building -- on the Company building their line
21 here.

22 You would think that if Tooele really thought
23 their watersheds and wildlife would be decimated by
24 this proposed route they would have done so. What
25 this suggests is that Tooele County is actually not

1 concerned so much with engineering as they are
2 politics.

3 And when I say that I don't mean to be
4 speaking in a derogatory fashion. I recognize that as
5 elected officials they didn't go looking for this
6 project, this project came to them. And I recognize
7 they had hundreds of very vocal, angry citizens
8 telling them that they could not accept this route.

9 I understand the dilemma that that put the
10 elected officials in. So I understand from the point
11 of view why they would want to punt this decision and
12 not pick a route. There's a saying among litigators
13 that the Supreme Court is not last because they're
14 right, they're right because they're last. What that
15 means is The Buck Stops There. And that's the view I
16 have of this Board now.

17 Tooele County's political body had the
18 opportunity to push off to this Board this very tough
19 decision. But this Board now does not have that
20 luxury. It has to make the decision. It has to. It
21 has to ask itself what evidence it has heard to
22 support the decision that Tooele wants it to make.

23 The evidence put on by Mr. Smith is that in
24 fact the Northern routes would impact 10 times more
25 residences. Mr. Gerrard told you it would be

1 60 percent less efficient. We heard that the cost,
2 depending on where you put the line, would be between
3 40 to 60 million dollars more, for an inferior route
4 that has greater environmental impacts and impacts on
5 more residents.

6 The Board has also heard public comment. The
7 Board saw there's a lot of emotion. But what facts
8 did the Board hear from the residents that contradict
9 what the Company's engineers said? What facts did the
10 Board hear that would call into question the
11 independence of the BLM's EIS? And I would indicate
12 none.

13 So now in this situation what is the Board to
14 do? There are a few statutes. I'm gonna have written
15 copies provided to the Board as well, and I'll have
16 them on the projector.

17 The, the Board has a very difficult decision
18 to make. I'd like to look and -- look at just a few
19 of the statutes applicable to this Board. By the way,
20 I hope the Board will all take the time to read the
21 Facility Review Board Act.

22 It's only a few pages. And notwithstanding
23 the fact that there are mis -- you know, mistyped
24 citations therein, I think it does make clear the
25 overall purpose of this Board. And the purpose of

1 this Board is to not allow a decision by a local
2 government, for a local benefit, to impact the greater
3 good of the State or the system as a whole.

4 Let's look at the options this statute gives
5 us. This Section 54-14-201 says that:

6 "A local government may require or
7 condition the construction of a facility
8 in any manner if:

9 "Number 1, the requirements or
10 conditions do not impair the ability of
11 the public utility to provide safe,
12 reliable, and adequate service to its
13 customers."

14 Now that's very important, because what it
15 tells you right here is Tooele can only come forward
16 to this Board and tell this Board it wants the Utility
17 to do something differently if the local government
18 can first prove that what it wants the Utility to do
19 does not impair reliability.

20 Now, we have had uncontroverted testimony, by
21 two engineers, telling this Board that building any of
22 the Northern routes are going to impair severely the
23 reliability of the system. To the point that
24 Mr. Gerrard said that he cannot recommend that the
25 Company even build the system.

1 The statute says right there that this Board
2 can only entertain a local government changing a
3 utility's facility if, first, they can prove that
4 their requirements or conditions don't impair
5 reliability.

6 What evidence has been put on by Tooele that
7 the Northern route that they want to condition the
8 Power Company on will not impair reliability? There
9 has been none.

10 By the way, one of the questions brought up
11 was cost. As you can see, the statute goes on to say
12 that the local government, if it doesn't change
13 reliability, can go ahead and make the system cost
14 more. But if they do, either they have to pay for it
15 themselves or it's gonna go to the public utility.
16 And we see down here, if it goes to the public
17 utility, it goes to the ratepayers.

18 And that's really what Tooele is betting on.
19 They're saying, Look, give them the Northern route.
20 It's gonna cost 40 to 60 million dollars more. We
21 don't have the money to pay for that. Put that on the
22 ratepayers.

23 The Board needs to ask itself, What benefit
24 will a small business in Cedar City, or a family in
25 Tremonton, or someone else across the State, what

1 benefit would they gain from this system the way
2 Tooele wants it to be?

3 We already know it's a less reliable system.
4 We know it's a less efficient system. We know that
5 there's gonna be more power dissipated. What benefit
6 will they get? Absolutely none. If you read the Act
7 it is very clear that if the only benefit is local,
8 that the cost cannot be passed on to the ratepayers.
9 It has to be borne by the local government.

10 Tooele has already told you in their papers
11 that they can't pay for this. They have no intention
12 of paying for this. The Act goes on to state that in
13 that case, if the local government won't pay, that
14 their conditions are waived.

15 Let's talk quickly about your requirement.
16 This Board must issue a written decision. We've
17 talked about the fact that it has all the way until
18 June 21st to do so. Which is not a lot of time.

19 One of the things that the Board must do in
20 this written decision is, if the Board determines that
21 a facility that a local government has been prohibited
22 should be constructed -- so in other words if you just
23 say, Okay, we need this project. Let's forget about
24 the fact of where it goes, but we need this. We need
25 Mona to Oquirrh.

1 Once you make that determination this Board
2 shall -- so it's not optional -- shall issue a written
3 decision that must specify any general parameters
4 required to provide safe, reliable, adequate, and
5 efficient service to the customers of the public
6 utility.

7 Now, what that means is basically that the
8 decision is going to almost have to engineer or to
9 guarantee reliability, safety, efficiency, so on, and
10 so forth. The decision must, it shall, it's
11 mandatory, it's affirmative language, specify those
12 parameters required to provide all those things.

13 The Board has heard testimony from engineers
14 saying, If you send this up north, it won't work. If
15 you send it through Silcox, it won't work. If you
16 send it through these other places, it won't work. On
17 what evidence or testimony would the Board be able to
18 issue a decision that puts in all the parameters that
19 would be necessary to ensure safety, reliability,
20 adequacy, and efficiency, and reliability for the
21 ratepayers across the State?

22 There is none. There has been no such
23 evidence put forward. The only evidence put on to
24 this Board has been that of the engineers of the
25 Company, stating that their route is the only route

1 that will provide all of those things.

2 By the way, Subsection 5 is also important
3 because it specifies that what gets left to the local
4 government are those issues that don't affect safe,
5 reliable, adequate, or efficient service. So again,
6 it's not like they can't do anything, or they can't
7 impact reliability.

8 CHAIRMAN BOYER: You've got a couple of
9 minutes total, so if you want to reserve some you
10 better wind her up.

11 MR. MOSCON: I'll end with this slide right
12 here, and then I'll reserve my one minute. If the
13 Board decides that a facility should be built it shall
14 order the local government to issue the permit. The
15 Board should not hesitate to require Tooele to issue
16 the permit.

17 It's not equivocal. It's something that the
18 Board must and should do. Thank you for your time,
19 and I'll reserve my last minute, or half, or two
20 minutes. Thank you.

21 CHAIRMAN BOYER: Thank you, Mr. Moscon.
22 Mr. Hogan?

23 MR. HOGAN: Thank you, Chairman. I, I, I like
24 Mr. Moscon and Rocky Mountain Power, Tooele County,
25 through me and on behalf of all of its residents,

1 appreciate the time you're taking to consider this
2 issue and to study it out. It's greatly appreciated.

3 There are several things that Tooele County
4 agrees with Rocky Mountain Power about. And I'm gonna
5 talk about those right at the front so we don't waste
6 any time in deliberations considering those issues.

7 Tooele County agrees that there's a need for
8 the project. Tooele County agrees that the corridor
9 should be in Tooele County. Tooele County agrees that
10 the number of customers in the critical need area, as
11 defined by Rocky Mountain Power, has increased. And
12 that Tooele is part of that critical need area.

13 Tooele County also agrees that Rocky Mountain
14 Power's customers within that area are consuming more
15 and more power. We absolutely agree that we need more
16 power. We love it. We love our air conditioners in
17 the summer. We love our computers. We love all of
18 our special electronic devices.

19 We love all of those things. And we want, we
20 want them to work. We want them to -- we don't want
21 brownouts. We want things to work reliably and
22 efficiently. And we want to pay very little for our
23 electrical bill. We agree on all those things.

24 The dispute in this matter relies entirely
25 with how to get the -- how to get more power to the

1 people who need it. How does Rocky Mountain Power
2 solve this problem? What exactly is Tooele County's
3 role in determining the placement of this line?

4 Let's take a closer look to see what Rocky
5 Mountain Power has done to solve this problem, and
6 what actions have been taken by Tooele County. You
7 heard Mr. Gerrard talk about high-level planning
8 that's been done to address the complete architectural
9 needs of the delivery system for all Rocky Mountain
10 Power's customers.

11 In this case the focus is on getting more
12 power to the critical load area. And getting from a
13 remote location, which is Mona. The Board heard
14 testimony from Mr. Gerrard about triangles. And the
15 Board clearly understands that he likes his triangles
16 better than my triangles. Okay?

17 Mr. Gerrard testified that the
18 Mona-to-Oquirrh line is a critical part of a 500-kV
19 triangle that's needed for the Company for all of its
20 customers. The Mona-to-Oquirrh line is just one side
21 of the 500-kV triangle that's needed to provide safe,
22 adequate, reliable, and efficient power delivery.

23 Although, interestingly, Mr. Gerrard
24 testified -- and I'm sure this Board noted -- that the
25 particular triangle that he's drawn isn't really a

1 triangle at all. It's an almost-500-kV triangle. In
2 fact, it's really close to being a 500-kV triangle,
3 but just not quite.

4 And he, and he doesn't like the suggestion
5 that we should make it more like a 500-kV triangle.
6 And although he testified that's what they need,
7 that's not what they intend to build. Rocky Mountain
8 Power has actually proposed building the almost-500-kV
9 triangle, and then having a local 345-kV triangle.
10 And the 345-kV triangle isn't really a triangle
11 either.

12 I mean, I put a proposal on the, on the slide
13 that showed you how you could do one, but that's not
14 what's been applied for right now. All they've
15 applied for is one leg of that line.

16 And in fact I specifically asked Mr. Gerrard
17 about the long-term plans. He had a slide. The very
18 first, the very first label on his slide said
19 "Long-Term, greater than ten years." I pointed out
20 the fact that the Terminal line did not exist on that
21 slide. Why is that? Was that a mistake? Do I not
22 understand your slide? What's going on?

23 He said, No, it's not a mistake. It's not
24 in, it's not in the long-term plan.

25 Well, if they need the triangle I would think

1 it's in the long-term plan. They're asking us to
2 plan. They're asking for the most controversial
3 segment of that triangle first. And then, if we need
4 it, sometime beyond their long-term plan, we'll
5 complete the triangle.

6 Does that make sense? Tooele County lacks
7 the ability to shift that paradigm with the Company.
8 That's part of the reason we're here.

9 If the Limber-to-Terminal line is not going
10 to be built within, within what Rocky Mountain Power
11 has defined as its long-term plan, which is greater
12 than ten years, the problem of co-locating
13 transmission lines along the I-80 Corridor does not
14 exist. There's not a co-location problem.

15 We're not even talking about minimum
16 separation of lines at this point because we don't
17 really have the 345-kV triangle in play. The only
18 thing that Rocky Mountain Power has testified that
19 they plan to build in their short-term or long-term
20 plan is the almost-500-kV triangle and the partial,
21 the partial 345-kV triangle.

22 If you remember, when I -- there was some
23 controversy, it didn't make Mr. Gerrard very happy
24 when I tried to make my triangle on the slide. If you
25 remember, if you remember that triangle and that route

1 that we've talked about?

2 If that substation were moved to where the
3 No. 3 was and we shortened the 345-kV line? I'm
4 telling this Board right now on the record, right now
5 as of today, the County would issue a permit for that
6 plan. But that's not what's been asked for.

7 Rocky Mountain Power knew almost a year ago
8 that the Southeast Bench route would be very
9 controversial. In fact, you heard testimony on this
10 from their own consultant yesterday, Mr. Lee Brown.
11 He testified that he told his client that they were
12 gonna get substantial push back on this route.

13 Rocky Mountain Power has always known it's
14 the most controversial route, but they pressed forward
15 with what I can only describe as supreme confidence in
16 their engineering and design.

17 You heard testimony from Mr. Smith, who
18 stated that Rocky Mountain Power attended many
19 meetings. And I don't dispute that. He said he
20 attended meetings to try to resolve siting concerns
21 for this project.

22 And he indicated that Rocky Mountain Power
23 reviewed numerous suggested alternatives. However --
24 and this is very important -- Mr. Smith stated that
25 Rocky Mountain Power was very confident that they were

1 correct on this route.

2 I'm telling you, that confidence came through
3 in every one of those meetings. How much change do
4 you think is really possible, regardless of the number
5 of conflict resolution meetings that are held, if
6 Rocky Mountain Power has supreme confidence that the
7 route they've chosen is the best? I'm telling you
8 there's very little change that's gonna happen.

9 That's why this Board heard testimony from
10 Mayor Dunlavy, Councilman Wardle, Brad Pratt, and
11 others that each, each of them individually perceived
12 very early on that there would be no, no change
13 whatsoever in terms of route by Rocky Mountain Power.

14 I want to be, I want to be clear on, on this
15 point as well. I do believe that they came to those
16 meetings and they wanted to talk. I believe that they
17 engaged in discussions about the suggestions that were
18 put forward. I believe they actually went back and
19 did additional engineering on certain suggestions.

20 I believe they did all that. But they were
21 very confident that they were right. And I, I hinted
22 at this -- and Matt picked up on this earlier -- I
23 hinted that there was maybe some, some gaming going
24 on. That's exactly what the people of Tooele County
25 feel like.

1 They feel like that they, they pacified
2 residents and their concerns by acting like they were
3 being reviewed, knowing full well that it wasn't as
4 good as what they've already thought of. They were
5 not gonna take constructive criticism on the plan. On
6 what Mr. Gerrard had decided was correct.

7 And the County does not employ any electrical
8 transmission engineers. We have none. It's not what
9 we do. We review the Conditional Use Permit. That
10 doesn't generally require, in any other situation,
11 that we have those type of expertise. We lack those.

12 We acknowledge that in our pleadings. We
13 acknowledge that we lack the expertise to site this
14 route. We can make suggestions. We did that to the
15 point that we probably bothered them greatly with our
16 suggestions. But we're not capable of following
17 through on those and doing what it is they would like
18 us to do.

19 Ultimately, Rocky Mountain Power moved
20 forward and applied for the Conditional Use Permit for
21 the Southeast Bench route. This required the public
22 be given notice of the route applied for, and a public
23 hearing be held on the C.U.P.

24 It's during this stage of the proceedings
25 that Rocky Mountain Power is critical of the action

1 taken by Tooele County. More specifically, the lack
2 of action taken by Tooele County. Particularly our
3 Planning and Zoning Commission. Rocky Mountain Power
4 contends that the Tooele County Planning and Zoning
5 Commission, if unwilling to approve the
6 Southeast Bench route that was applied for, should
7 have approved an alternative route.

8 The County Planning and Zoning Commission did
9 not have unbridled discretion in its consideration of
10 the C.U.P. The Planning and Zoning Commission could
11 approve the permit as requested, they can approve it
12 with conditions, or they can deny it.

13 Rocky Mountain Power would have this Board
14 believe that the Planning and Zoning Commission could
15 have approved an entirely different alternate route if
16 it chose to do so. They could not. The Planning and
17 Zoning Commission could require minor alterations to
18 the route. The types of alterations that the Company
19 has been willing to make in certain instances, and in
20 fact in many instances.

21 But the Planning Commission recognized that
22 the approval of alternate routes was completely beyond
23 its authority. Anything beyond a minor alteration,
24 one or two poles here and there, would create notice
25 and due process issues for property owners that would

1 be impacted by the approval of, of an, a route that
2 was anything but the Southeast Bench route.

3 Imagine the outrage of property owners who
4 find out simultaneously that a transmission line is
5 gonna be on their property, and the County has already
6 issued the permit. Legally this could not be done.
7 Approval of an alternate route that the public had not
8 been given notice of and the public had not been given
9 an opportunity to address in a public hearing would
10 have violated the due process rights of every citizen
11 impacted by that route.

12 This argument is really an attempt to shift
13 the siting burden from Rocky Mountain Power to Tooele
14 County. Our role in this process is to review the
15 C.U.P., it's not to site their route.

16 Rocky Mountain Power has now attempted to
17 bolster the selection of the Southeast Bench route
18 with the BLM's FEIS by claiming that it is, in fact,
19 an independent review by skilled environmental
20 professionals who have selected the Southeast Bench
21 route as the preferred route for the project.

22 This Board has received testimony from Rocky
23 Mountain Power, both Mr. Gerrard and Mr. Smith, that
24 should cause the Board to completely discount any
25 notion that the FEIS is an independent validation of

1 the Southeast Bench route. It is not.

2 Rocky Mountain Power, through Mr. Gerrard and
3 Mr. Smith, testified that they provided the BLM with
4 all the technical requirements of the project. The
5 scope and purpose of the project. Those technical
6 aspects were provided by the Company to the BLM.

7 The BLM does not have electrical transmission
8 engineers that work for it. They accept, face value,
9 the technical requirements of the project as provided
10 by Mr. Gerrard. You heard him say that. And he
11 determined, he determined the scope and purpose of the
12 project.

13 He determined that it would be the
14 belt-and-suspenders approach that I referred to
15 before. That minimum separation wasn't good enough.
16 That in certain instances that they were going to
17 achieve maximum separation, maximum protection,
18 maximum risk aversion.

19 I asked him and he answered that this system
20 is not foolproof. It's not designed to prevent power
21 outages anytime, anywhere, under any condition.
22 Failure is a part of the system. Deciding how much
23 failure is worth the risk of failure, and deciding how
24 much risk we're gonna tolerate is within Mr. Gerrard's
25 purview.

1 There are, there are codes, and they've cited
2 them, he's presented them today, that help guide
3 company decisions in this respect. But he testified
4 that it's up to him to figure out how to meet those
5 guidelines. And that's what he's done. And he has
6 not budged. He's not wavered one bit.

7 It was interesting when this Commission asked
8 Mr. Gerrard about other lines that were co-located in
9 other locations. Do you recall his answer on that?
10 On why the Company did that in other locations, on
11 other projects, but was unwilling to do it here? His
12 response was, I wasn't with the Company then.

13 If Mr. Gerrard has a different standard and a
14 different way to meet criteria than his predecessor,
15 it seems like that's a moving target. What will the
16 standard be when Mr. Gerrard is no longer with the
17 Company? Would Tooele County's request be approved if
18 it was someone other than Mr. Gerrard in his position?

19 For this project Rocky Mountain Power
20 determined that they would, they would achieve maximum
21 risk aversion on the co-location issue and on
22 common-cause outages. Rocky Mountain Power provided
23 all the specs for the project, and then the BLM
24 prepared the EIS.

25 I don't fault the BLM for what they did.

1 They were given, they were given certain criteria, and
2 they analyzed it based upon that criteria. They were
3 not allowed to change the paradigm. And important to
4 note in this respect, they weren't asked to compare
5 the Southeast Bench to the I-80 Corridor. There was
6 no comparison back and forth between the two.

7 They were asked for both. The Company asked
8 for both, and they looked at routes for both, with the
9 presumption being that both routes were going to be
10 utilized at some point in time. And they found that,
11 yeah, there is a way to go by the I-80 Corridor. That
12 EIS points out that you can use the I-80 Corridor.

13 As I said in my opening statement, an EIS is
14 not the multi-million-dollar document that tells the
15 project proponent the project cannot be built. An EIS
16 is the multi-million-dollar document that tells the
17 project proponent what's gonna be required to get it
18 built the way you want it.

19 That's what we got in this EIS. We've got
20 the instructions on how to build this project the way
21 Rocky Mountain Power wants to build it.

22 I think there are many people involved in
23 this issue that don't have a completely good
24 understanding of elect -- electrical transmission
25 system engineering. Certainly not to the level that

1 Mr. Gerrard does. So I'm gonna talk about this in
2 terms that I understand, and I think that most of the
3 people in my county understand.

4 I'm gonna talk about this, I'm gonna use a
5 sports analogy. If you'll bear with me on this. I
6 want to be Greg Miller today, and I want to own the
7 Jazz. And I was at the last -- I was at that last
8 playoff game, and I think we've got some needs.

9 There's somebody that I want to sign. I'm
10 looking for a free agent for next year. And I'm gonna
11 talk to Kevin O'Connor right here and I'm gonna give
12 him the criteria. He's like the BLM. I'm like Rocky
13 Mountain Power. I'm gonna give him the criteria of
14 the guy that I'm looking for that I think is gonna
15 make my team better. And I'm gonna, I'm gonna win.
16 I'm gonna get a championship.

17 I want, I want Kevin, I want you to go find a
18 free agent that's gonna be a free agent this next
19 year. So there's one constraint, his contract's gotta
20 be up. I need somebody that's a free agent. I want
21 him to be six-foot-eight. I want him to be
22 250 pounds. I want him to be able to play any
23 position on the floor. I want him to be incredibly
24 athletic. In fact, I want him to have the nickname
25 "The King," okay?

1 And I'll go further. In fact, I want his
2 first name to be LeBron. I don't care what his last
3 name is. Surprise me. Go out Kevin, see what you can
4 find. You take that criteria I've given you, and
5 we're gonna meet back in a week and I want you to give
6 me a list of every possible free agent that meets that
7 description that I've just given you.

8 Who's he gonna come back with? That meets
9 all that criteria? There's one person. It's LeBron
10 James. I know that when I give him the criteria. I'm
11 not implying that there's gaming going on here with
12 the, with the EIS, I'm flat out stating it. I believe
13 that.

14 Under the criteria, with the constraints
15 provided by Mr. Gerrard, there is no other route that
16 works. It's as simple as that. And if this Board
17 accepts the paradigm that he's presented that that is
18 the best way to go, and that is the appropriate way to
19 go, you're gonna order Tooele County to build the
20 Southeast Bench route.

21 Tooele County completely lacks the financial
22 resources and ability to compete, expert to expert,
23 with Rocky Mountain Power. We can't do that. I don't
24 believe the statute contemplates that we have an
25 obligation to do that. This statute covers any local

1 entity, from as large as Salt Lake County down to as
2 small as Ophir, Utah, if a permit were to be required.

3 I don't think this Board would expect Ophir,
4 or Vernon, or Daggett County -- and in this case I'm
5 saying Tooele County, we're somewhere in that
6 continuum -- to be able to come here and go toe to
7 toe, expert for expert, punch for punch, and jab for
8 jab with Rocky Mountain Power on this issue.

9 We lack that ability. We're not gonna
10 convince them to change their paradigm. We could not
11 change the criteria they gave the BLM. And now
12 they're wanting to use the BLM's documents to say
13 that, See, we're right. Is that fair? Do you, do you
14 think that's, do you think that's a good system?

15 Let me, let me use a math analogy to make
16 sure I'm completely, completely clear, because there
17 may be some people that don't follow my LeBron
18 analogy.

19 If the BLM was given a math equation, 5 plus
20 X equals 10, now go solve for X. Tell us what the
21 route is. There's no opportunity for them to say,
22 Well, how about 2X? How about .5X? It's 5 plus X
23 equals 10.

24 If they give them the criteria, if, if the
25 Power Company controls the parameters and the

1 criteria, they can dictate the outcome. The only
2 answer to that equation is 5. There is no other
3 answer that the BLM can come up with.

4 And they're gonna tell them how to build the
5 route in location 5, and what they're gonna need to do
6 to mitigate the impacts. That's what they'll do. And
7 I believe they did a good job with that. I don't
8 fault them.

9 If we change that formula, which we've been
10 unable to do, there is a different outcome. I'm
11 gonna, for the purpose of argument and for the sake of
12 argument -- which is exactly what I'm doing, I'm
13 trying to convince this Board -- I, I want to change,
14 I want to change some of the criteria.

15 Let's compare the Southeast Bench to I-80.
16 Steepness of terrain. You'd have to put a checkmark
17 under the Southeast Bench for that. Elevation,
18 difficulties associated with elevation. Southeast
19 Bench is more difficult in that area.

20 Difficult construction of access roads.
21 Impact to wildlife and vegetation because of access
22 roads. I would think that there are higher impacts
23 with the, with the Southeast Bench route on that one.

24 More wildlife, more vegetation, more people,
25 more viewshed, more recreation. The ones I just

1 listed, the, the final EIS actually outlines all of
2 those as having long-term significant impacts for the
3 Southeast Bench route. Those same things are not
4 noted about the I-80 Corridor when they analyze the
5 Limber-to-Terminal route.

6 That's evidence this Board has before it.
7 That's not controverted. The cultural significance of
8 the route, aesthetic impact, fire hazard. This Board
9 has evidence from local, local fire -- assistant fire
10 chief. I believe your, your Board has a member that
11 has extensive firefighting experience.

12 Although Mr. Smith was unwilling to say where
13 he thought it would be more difficult to fight a fire,
14 I think this Board has a good idea where it's more
15 difficult. Where, where's the fuel at? Where's the
16 wildfire gonna actually go? Where do we have historic
17 wildfires every year? Not along I-80.

18 The only factor that I can come up with that
19 actually, when you compare the two routes -- which I
20 remind you again, the EIS did not compare Southeast
21 Bench versus I-80. It compared them independently and
22 came up with a good route for both.

23 The only factor that weighs in favor of the
24 Southeast Bench is construction cost. That's it. The
25 criteria this Board is supposed to look at is not cost

1 only. There are the four factors that Rocky
2 Mountain's talked about.

3 And I'll reference another statute, that
4 Rocky Mountain Power did in talking about their duty
5 and purpose. And that is Rocky Mountain Power has a
6 duty -- an affirmative duty to furnish, provide, and
7 maintain services, instrumentalities, equipment, and
8 facilities as will promote the safety, health,
9 comfort, and convenience of its patrons, employees,
10 and the public, and as will be in all respects
11 adequate, efficient, just, and reasonable.

12 Thinking about the criteria that I've just
13 laid out, thinking about what you've heard from the
14 public about the Southeast Bench route and their
15 opposition to it, what is just and reasonable about
16 forcing the Southeast Bench route on Tooele when
17 compared to the I-80 route?

18 What is just and reasonable about that? And
19 it isn't simply just about local benefit. That's like
20 saying that Zions Canyon only has local benefit to the
21 people that live in Southern Utah.

22 To say that Middle Canyon and the benefits of
23 Middle Canyon and Quarter Canyon only accrue to Tooele
24 City and its residents is no different than saying
25 that all of the other great canyons in this State have

1 no benefit other than to the closest municipality
2 located to that, to that particular feature.

3 That's not, that's not accurate. There are
4 benefits that accrue to all the ratepayers. All the
5 ratepayers with Rocky Mountain Power.

6 I had a statistics class at the University of
7 Utah. I don't remember anything about the formulas I
8 was taught in that class, but I remember something
9 that the instructor said day one when it comes to
10 looking at data, when it comes to looking at numbers,
11 and in particular when it comes to looking at costs
12 and statistics. Which Rocky Mountain Power has
13 presented a lot of those.

14 This instructor -- and I'm gonna apologize if
15 anyone thinks this is crude. I'm gonna apologize in
16 advance, but I think it's important. She said
17 statistics are like a bikini. Stats and numbers are
18 like a bikini because what they reveal is very
19 interesting, but it's what they conceal that's
20 essential.

21 That's what I'm arguing now today. The
22 numbers have been skewed. I don't believe
23 intentionally. I really believe Rocky Mountain Power
24 is trying to get the lowest-cost route. But from a
25 public policy standpoint this Board is the arbiter of

1 routes that are in dispute.

2 If you allow them to come in with the
3 lowest-cost route, all of the other factors be damned,
4 you're never gonna see a route built in this State
5 other than the lowest-cost route. Local jurisdictions
6 do not have the money.

7 Let's talk about cost. The statute is very
8 clear. And there's a reason while Tooele County
9 didn't draw a line. There's a reason why Grantsville
10 didn't intervene. There's a reason why Tooele City
11 hasn't intervened in this process. They're petrified
12 of the cost factor.

13 Had we, had we early on approved a route
14 different than what the Company had asked for, this
15 Board would be absolutely proper in, in coming back to
16 the County and saying, You're responsible for the
17 excess cost. You've required this.

18 That's why we haven't drawn a route and
19 required it. We've suggested it till we're blue in
20 the face, hoping that they would see the merits and
21 the benefits of our suggestions. But the Company is
22 absolutely right, we didn't do it because we don't
23 have the money. We're not gonna have the money. We
24 wished we did. We wished we did.

25 If we had the money, if Mr. Brad Pratt, who

1 was identified initially at the hearing last night as
2 Mr., as Mr. Brad Pitt, if he was in fact Brad Pitt I'm
3 sure that he would have, he would have offered to buy
4 Rocky Mountain Power a right-of-way in Skull Valley.
5 He'd pay for it himself. Tweak the numbers such that
6 the Company could not, could not walk away from that
7 route.

8 He's not Brad, he's not Brad Pitt. He's Brad
9 Pratt. All of Tooele County, we wish we had the money
10 to do that. We don't. We're asking this Board to
11 look at all of the criteria, to balance it in a way
12 that they think is just and appropriate, and to make a
13 decision.

14 And we thank you for your time and your
15 consideration. And we, and we appreciate the effort
16 you'll put into this decision. Thank you.

17 CHAIRMAN BOYER: Thank you, Mr. Hogan.

18 Mr. Moscon?

19 MR. MOSCON: What I've handed, what I've
20 handed the Board is the list of conditions that the
21 Tooele County Planner recommended to the Planning
22 Commission be adopted to go along with the Conditional
23 Use Permit. It is those standards that you've been
24 told Rocky Mountain Power said, We voluntarily agree
25 we will abide by those conditions.

1 You've been told you have to issue an order
2 protecting Tooele and protecting the reliability of
3 this system. What evidence have you been given?
4 Issue an order granting Rocky Mountain Power the
5 corridor it has asked for.

6 And put in the order that, not voluntarily,
7 but it will be mandatory that they follow those
8 conditions. Not that they came up with, but that
9 Tooele County's own planner came up with. And that
10 will satisfy the obligations of the Board on both
11 sides of the line.

12 In essence what the Board has just been told
13 is, We haven't hired an expert. We haven't hired an
14 engineer. We don't know as much as Mr. Gerrard knows.
15 We don't know as much as Mr. Smith knows. But the
16 fact that they still think they're right today and
17 they didn't compromise and accept our line makes us
18 suspicious of them, because they didn't change their
19 mind after we talked to them.

20 I know that as attorneys neither Doug or I
21 understand -- or at least I didn't before I got
22 involved in this -- that a double-circuit 345 has
23 equivalent output as a single-circuit 500. So he
24 might ask questions to Darrell, not realizing that
25 there's a reason behind this design.

1 And even though Darrell I doesn't back off of
2 that design doesn't just mean Darrell's stubborn, it
3 might mean Darrell's right. And we don't understand
4 it. And they admit they don't understand it. And
5 they admit they don't have any evidence to the
6 contrary.

7 Tooele County just read you a statute and
8 said Rocky Mountain Power has all these obligations,
9 the bottom line of which was to be reasonable. Is it
10 reasonable for Rocky Mountain Power to pay, or have
11 its ratepayers pay, 40 to 60 million dollars for a
12 route that every engineer, and the BLM, and everyone
13 else that's analyzed this route says would be
14 inferior, to the extent Mr. Gerrard says it wouldn't
15 even work?

16 Is that reasonable? Of course it's not. The
17 standard he's given you is right. Do what is
18 reasonable. What is reasonable is to have Tooele
19 recognize it has grown. It is a population center
20 now. And as such, it has to understand and have the
21 impacts the other population centers in the State have
22 had.

23 It can't go on in life without being able to
24 see a transmission line. And we recognize that is an
25 impact. We've done it in a way that is gonna provide

1 the least impacts. The BLM backs us up and supports
2 that.

3 And even though some in Tooele are suspicious
4 and skeptical of that, again, there's been no evidence
5 put on by anyone that says that they're wrong. That
6 says how there's more impact anywhere else. It's
7 simply been, we don't understand the numbers and
8 they're not changing their mind, therefore we're
9 suspicious of them.

10 But that is not enough evidence to give this
11 Board -- for this Board to rule otherwise. My client
12 can't get it either way. You just heard a complaint
13 that we went to all these meetings and we wouldn't
14 change our mind. We stuck with our plan. And we're
15 trying to shift the burden to them for them to pick
16 the route. We're getting in trouble either way, for
17 asking them to pick the route or for sticking to our
18 guns.

19 Going back to the Jazz analogy, and the pick,
20 and the, you know, we want LeBron and that's all.
21 That would have meant something if my client had not
22 gone to those meetings and said, Fine, we'll give you
23 the Railroad route, we'll give you the Army Depot
24 route. And they got shot down. Nope, not gonna give
25 you that route. Nope, not gonna give you that route.

1 So if my client has to fight for a route --
2 it doesn't want to. But if it has to, what route is
3 it gonna fight for? The route that it knows is best.
4 If it could avoid being here, it would do so. It
5 doesn't want to be in this situation.

6 But it's been forced. And if it has to fight
7 it needs to ask you to give it the route that is best
8 for all ratepayers across the State, including the
9 ratepayers in Tooele County. Thank you very much for
10 your time.

11 CHAIRMAN BOYER: Thank you, Mr. Moscon.

12 And may I compliment all counsel here for the
13 professional manner in which you've conducted
14 yourself.

15 We appreciate the participation of members
16 from the public. We hope that the public hearing last
17 evening was appreciated. It was certainly useful for
18 us.

19 We will now conclude this hearing. And we
20 will issue our order by June 21st, if not sooner. We
21 will work with all dispatch on it. Thank you all very
22 much.

23 (The hearing was concluded at 2:48 p.m.)

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