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BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD

ROCKY MOUNTAIN POWER, Petitioner, vs. WASATCH COUNTY, Respondent. MARK 25, LLC; BLACK ROCK RIDGE MASTER HOMEOWNERS ASSOCIATION, INC.; BLACK ROCK RIDGE TOWNHOME OWNERS ASSOCIATION, INC.; BLACK ROCK RIDGE CONDOMINIUM ASSOCIATION, INC., Intervenors.	**MOTION TO STAY** **Docket No. 16-035-09**

Intervenors, through counsel and pursuant to Utah Code sections 54-14-307(2) and 63G-4-405, hereby move the Board to temporarily stay these proceedings until the Utah Court of Appeals has resolved Intervenors' Petition for Review.

STATEMENT OF RELIEF REQUESTED

Intervenors filed a Petition for Review with the Utah Court of Appeals on May 4, 2016, asking the court to review this Board's April 21, 2016 Order, which granted Rocky Mountain Power's motion to reconsider (and subsequently denied) Intervenors' motion to intervene. A

true and correct copy of the Petition for Review is attached hereto as Exhibit A. Under the Facility Review Board Act, a "petition for judicial review does not stay or suspend the effectiveness of a written decision of the board." *See* Utah Code Ann. § 54-14-307(1). But the Act authorizes a party seeking a stay to do so under the Utah Administrative Procedure Act ("***UAPA***"). *See id.* § 54-14-307(2). UAPA provides that an "agency may grant a stay of its order or other temporary remedy during the pendency of judicial review, according to the agency's rules." *Id.* § 63G-4-405(1).

The Board has not enacted any regulations to govern when a stay is warranted, nor have Utah courts outlined precisely what factors an agency should consider when evaluating whether to stay administrative proceedings. But the Utah Court of Appeals has observed that federal courts generally consider four factors when deciding whether to grant a stay pending appeal:

> (a) the applicant make a strong showing that he is likely to succeed on the merits of the appeal; (b) the applicant establish that unless a stay is granted he will suffer irreparable injury; (c) no substantial harm will come to other interested parties; and (d) a stay would do no harm to the public interest.

Jensen v. Schwendiman, 744 P.2d 1027, 1027 (Utah Ct. App. 1987 (citing Wright & Miller, *Federal Practice & Procedure* § 2904). These factors mirror those an appellate court analyzes under UAPA when deciding whether to impose a stay notwithstanding an agency's initial denial of such a motion. *See* Utah Code Ann. § 63G-4-405(4)(b). As demonstrated below, Intervenors meet each of these factors.

I. Intervenors are likely to prevail on the merits of their Petition for Review.

Intervenors are likely to persuade the Utah Court of Appeals that the Board's order relies on a misreading of the intervention provisions set forth in the Facility Review Board Act (the "***Act***") and UAPA. The Board concluded in its Order that the Act "does not contemplate the

existence of any" right to intervene beyond the right provided to "potentially affected landowners" in section 54-18-303(2)(b). *See* Order, attached hereto as Exhibit B. Unlike the federal courts, Utah courts do not accord agency interpretations of statutory terms any deference. *See Hughes Gen. Contractors, Inc. v. Utah Labor Comm'n*, 2014 UT 3, ¶ 25, 322 P.3d 712 ("[W]e have retained for the courts the de novo prerogative of interpreting the law, unencumbered by any standard of agency deference."). When interpreting a statute, Utah courts accord each term its plain and ordinary meaning, reading the terms as a whole and attempting to harmonize "statutes in the same chapter and related chapters." *See Dahl v. Dahl*, 2015 UT 79, ¶ 159, ---P.3d---. Further, courts avoid interpretations that "render[] portions of the statute superfluous." *State v. Watkins*, 2013 UT 28, ¶ 18, 309 P.3d 209. Reading UAPA and the Act as a whole, and attempting to harmonize their related provisions, the court of appeals is likely to conclude that the general intervention right provided under UAPA applies to Facility Review Board proceedings.

First, the provisions of UAPA "apply to every agency of the state." Utah Code Ann. § 63G-4-102(1). That means that absent more specific (and clearly conflicting) provisions in the Act, UAPA broadly "govern[s]" any "state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license." *Id.* UAPA lists a number of exceptions for certain administrative proceedings, but Facility Review Board proceedings are not among them. *Id.* § 63G-4-102(2). Nor are there any provisions within the Act itself that explicitly make UAPA inapplicable.

Second, the intervention right provided in 54-14-308(2) does not foreclose the generally applicable intervention right provided under UAPA. It is true that section 308(2) grants an automatic right of intervention to any "affected landowner" in a proceeding initiated by a local government. But there is nothing inconsistent with this mandatory right of intervention in proceedings initiated by a local government and the *conditional* right of intervention provided under UAPA in other circumstances. Moreover, if the legislature intended to modify that intervention right in proceedings before this Board, it would have done so expressly. Indeed, the legislature routinely exempts state agencies from particular provisions of UAPA, but it decided not to do so anywhere in the Act. *See*, *e.g.*, Utah Code Ann. § 63G-2-104 (providing that UAPA "does not apply" to proceedings under the Government Records Access and Management Act); Utah Code Ann. § 59-12-209 (modifying the right of counties and cities to participate in administrative proceedings to enforce local sales and use taxes); Utah Code Ann. § 57-21-10(3) (eliminating the right of judicial review for certain agency decisions that would otherwise be reviewable under UAPA).

Third, holding otherwise would lead to absurd results. Intervenors believe the plain, unambiguous reading of both statutes shows that UAPA's general intervention right is applicable to Facility Review Board proceedings. But even if there are "two" reasonable "alternative readings" of the operative provisions, a reviewing court will "choose the reading that avoids absurd consequences." *See Utley v. Mill Man Steel, Inc.*, 2015 UT 75, ¶ 46, 357 P.3d 992 (Durrant, C.J., concurring in part). Here, the mandatory intervention right the Board identifies in its order gives a "potentially affected landowner"—defined as an owner who will have a transmission line built on its property—a mandatory right of intervention only if the "action is

filed by a local government." *See* Utah Code Ann. § 54-14-303(2). By reading UAPA and the Act to foreclose UAPA's generally applicable intervention right, affected landowners are stripped of any right to intervene the moment a public utility (as opposed to the county) files a petition for review. This asymmetrical protection of affected landowners' rights makes no sense, and the legislature could not have intended to create such an absurdity. Consequently, to the extent the pertinent statutes are ambiguous regarding the applicability of UAPA's general intervention right, a reviewing court will likely conclude that UAPA applies.

Fourth, for the reasons outlined in Intervenors' opposition to Rocky Mountain Power's motion to reconsider, intervention is proper under UAPA. Under UAPA, a petition to intervene "shall" be granted if (1) "the petitioner's legal interests may be substantially affected by the formal adjudicative proceeding" and (2) "the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing intervention." *Id.* § 63G-4-207(2). The Utah Court of Appeals has interpreted the term "legal interests" broadly to encompass the same kind of particularized injury sufficient to confer standing to sue; they have not tethered the right of intervention to an intervenor's ability to directly vindicate that interest from the agency. *See, e.g.*, *Sevier Citizens v. Dep't of Envtl. Quality*, 2014 UT App 257, ¶ 10, 338 P.3d 831 (noting that injuries to "livelihood, health, and property values" are sufficient to warrant intervention). Intervenors must therefore simply show that the outcome of the Board's decision will have an effect on their legal interests—in this case the safety and value of their property. *See id.* That standard is satisfied here. In this proceeding, the Board is charged with deciding whether a sufficient necessity allows Rocky Mountain Power

to override Wasatch County's ordinances and build a large transmission line directly parallel to Intervenors' residential development.

Finally, the interests of justice also favor intervention. To determine whether intervention serves "the interests of justice" under section 63G-4-207(2)(b), the Utah Supreme Court considers a number of factors: (1) the timeliness of the intervention; (2) the extent to which intervention will increase the time and expense of the proceedings; (3) whether the party seeking to intervene participated in administrative hearings prior to the petition for review; (4) whether the intervenors' interests are adequately represented by one of the parties; and (5) whether the agency can devise procedures to minimize the effects of any complications imposed by intervention. *See In re Questar Gas Co.*, 2007 UT 79, ¶¶ 33–37, 175 P.3d 545; *Millard County v. Utah State Tax Comm'n*, 823 P.2d 459, 463 (Utah 1991). Here, Intervenors filed a petition to intervene at the beginning of these proceedings. They complied with the Board's schedule and fully participated in all proceedings before Wasatch County. They have interests distinct from Wasatch County, and the Board is free to impose limits on discovery or devise other procedures to minimize any increased administrative burdens. For all these reasons, Intervenors are likely to prevail on the merits of their Petition for Review.

II. Intervenors will suffer irreparable harm absent a stay.

Turning to the second factor, Intervenors will suffer irreparable harm if the Board does not impose a stay. The right to intervene under UAPA entitles Intervenors to fully participate in this proceeding by conducting discovery, making legal arguments, presenting witness testimony, and cross-examining Rocky Mountain Power's witnesses. This important right allows Intervenors to protect their legal interests by assuring that the Board's decision is made after

considering all the relevant evidence and applicable legal principles. If the Board does not stay these proceedings, Intervenors will necessarily be deprived of this important opportunity in light of the expedited nature of this proceeding. There is no chance Intervenors' Petition for Review will be resolved before the Board has made a ruling on the merits. And although Intervenors may still make public comments, participating in that fashion differs dramatically from the rights Intervenors would have under UAPA and the applicable rules of civil procedure. The Board should accordingly impose a stay to avoid this irreparable harm to Intervenors' rights under UAPA and the Act.

III. A stay will not cause substantial harm to interested parties.

Turning to the third factor, a stay will not cause harm to other interested parties. Building a transmission line is a time-consuming undertaking. This particular line has been in the works for more than seven years. Even now, according to publicly available documents from the Summit County Planning Commission, Rocky Mountain Power has not received approval to construct this section of the transmission line through Summit County. Rocky Mountain Power has appealed the Planning Commission's initial decision, and it is unclear what Summit County will decide. Further, delaying the proceedings before this Board will preserve the status quo without imposing any substantial burden on any of the interested parties. The transmission line has been located on Promontory's property for 100 years, so delaying a decision potentially allowing the line to be relocated does not impose any additional burden on Promontory.

IV. A Stay will not harm the public interest.

Finally, imposition of a stay will not harm the public interest. As noted above, installing the upgraded transmission line may be important, but imposing another minor delay will not put

the public health, safety, or welfare at risk. Rocky Mountain Power is still in the process of securing approval from Summit County and negotiating with affected property owners in the Summit County portion of the transmission line. Staying these proceedings pending the outcome of Intervenors' Petition for Review will accordingly not materially alter the timeframe in which Rocky Mountain Power is able to construct the upgraded transmission line. To the contrary, making sure that the Board has correctly interpreted the Act and UAPA before going forward will insulate its ultimate decision from subsequent challenges, which would only result in additional delays.

CONCLUSION

The Board should impose a stay on these proceedings pending the resolution of Intervenors' Petition for Review. Such a stay would protect Intervenors' rights to fully participate in this proceeding without imposing substantial hardships on any of the other interested parties. It would also further the public interest by assuring that the Board has correctly interpreted the governing legal provisions before moving forward. For these reasons, Intervenors request that the Board impose a stay as authorized by the Act and UAPA.

DATED this 5th day of May 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Jeremy C. Reutzel
Jeremy C. Reutzel
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I CERTIFY that on May 5, 2016, a true and correct copy of the foregoing document was served upon the following as indicated below:

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/s/ Chalise Walsh

EXHIBIT A

INTERVENORS' PETITION FOR REVIEW

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IN THE UTAH COURT OF APPEALS

MARK 25, LLC; BLACK ROCK RIDGE MASTER HOMEOWNERS ASSOCIATION, INC.; BLACK ROCK RIDGE TOWNHOME OWNERS ASSOCIATION, INC.; BLACK ROCK RIDGE CONDOMINIUM ASSOCIATION, INC., Petitioners, vs. UTAH FACILITY REVIEW BOARD, Respondent.	**PETITION FOR REVIEW** **No. _______________** **Docket No. 16-035-09**

Notice is hereby given that Petitioners Mark 25, LLC; Black Rock Ridge Master Homeowners Association, Inc.; Black Rock Ridge Townhome Owners Association, Inc.; and Black Rock Ridge Condominium Association, Inc. petition the Utah Court of Appeals to review the Order of respondent Utah Utility Facility Review Board issued on April 21, 2016 (attached hereto as Exhibit A). This Petition seeks review of the entire order.

Petitioner requests the court to direct respondent Utah Facility Review Board to prepare and certify to the court its entire record regarding Petitioners' efforts to intervene in the proceedings below.

DATED this 4th day of May 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Jeremy C. Reutzel
Jeremy C. Reutzel
Ryan M. Merriman
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of April, 2016, a true and correct copy of this **Petition for Review** was served via U.S. Mail, postage-prepaid, upon the following:

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/s/ Chalise Walsh

EXHIBIT B

UTAH FACILITY REVIEW BOARD ORDER
ENTERED APRIL 21, 2006
DENYING INTERVENTION

- BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD -

In the Matter of Rocky Mountain Power's Petition for Review to the Utah Utility Facility Review Board	DOCKET NO. 16-035-09 ORDER GRANTING PETITIONER'S MOTION FOR RECONSIDERATION OR CLARIFICATION WITH RESPECT TO THE BOARD'S DECISION ON INTERVENOR'S MOTION TO INTERVENE

ISSUED: April 21, 2016

BACKGROUND

1. On March 28, 2016, the Utah Utility Facility Review Board (Board) issued a bench ruling granting Mark 25, LLC, Black Rock Ridge Master Homeowners Association, Inc., Black Rock Ridge Townhome Owners Association, Inc., and Black Rock Ridge Condominium Association, Inc. (collectively, Black Rock) intervenor status in this docket.[1] The Board later memorialized its ruling in an order on April 1, 2016.[2]

2. On March 30, 2016, Rocky Mountain Power (RMP) filed a motion for reconsideration or clarification concerning the Board's decision to grant Black Rock intervenor status (RMP's Motion for Reconsideration).[3]

3. On April 4, 2016, Promontory Development, LLC and Promontory Investment, LLC (collectively, Promontory) filed a petition to intervene, which was conditioned upon the

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[1] *See* Transcript of Hearing, March 28, 2016, available at: http://www.psc.utah.gov/utilities/electric/elecindx/2016/1603509indx.html.
[2] *See* Order Confirming Bench Ruling Granting Black Rock's Intervention, issued April 1, 2016, available at: http://www.psc.utah.gov/utilities/electric/elecindx/2016/1603509indx.html.
[3] *See* Petitioner's Motion for Reconsideration or Clarification with Respect to the Board's Decision on Intervenors' Motion to Intervene, filed March 30, 2016.

Board allowing other parties (i.e., Black Rock) to intervene in this docket (Provisional Motion to Intervene).[4]

4. On April 8, 2016, Black Rock filed an opposition to RMP's Motion for Reconsideration.[5]

5. On April 11, 2016, RMP filed a motion for protective order concerning discovery requested by Black Rock (RMP's Motion for Protective Order),[6] and Black Rock filed a statement of its discovery issues.[7]

6. On April 11, 2016, Promontory joined RMP's Motion for Protective Order.[8]

7. On April 13, 2016, Black Rock filed an opposition to RMP's Motion for Protective Order.[9]

8. On April 14, 2016, the Board held a hearing to address and deliberate on RMP's Motion for Reconsideration.[10]

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[4] *See* Promontory Development, LLC and Promontory Investments, LLC's Conditional Petition to Intervene and Request for Adjudicative Proceedings, filed April 4, 2016.

[5] *See* Opposition to Petitioner's Motion for Reconsideration or Clarification with Respect to the Board's Decision on Intervenor's Motion to Intervene, filed April 8, 2016.

[6] *See* Motion for Protective Order Pertaining to Discovery Propounded by Black Rock Intervention Group, filed April 11, 2016.

[7] *See* Intervenors' Statement of Discovery Issues (Re: Intervenors' First Set of Discovery Requests to Petitioner Rocky Mountain Power), filed April 11, 2016.

[8] *See* Promontory Development, LLC's and Promontory Investments, LLC's Joinder in Motion for Protective Order Pertaining to Discovery Propounded by Black Rock Intervention Group, filed April 11, 2016.

[9] *See* Memorandum in Opposition to Motion for Protective Order Pertaining to Discovery Propounded by Black Rock Intervention Group, filed April 13, 2016.

[10] *See* Second Amended Notice of Hearing to Address and Deliberate on Rocky Mountain Power's Motion for Reconsideration or Clarification, issued April 12, 2016, available at: http://www.psc.utah.gov/utilities/electric/elecindx/2016/documents/2733171603509sanohtaadormpmfroc.pdf.

9. Counsel for RMP, Promontory, and Black Rock argued their respective positions at the hearing and responded to questions from the Board. Counsel for Wasatch County stated that it did not object to intervention by either Black Rock or Promontory.

10. The Board then deliberated and voted to grant RMP's Motion for Reconsideration and deny Black Rock intervenor status.[11] After the Board voted, Promontory withdrew its Provisional Motion to Intervene.

11. This written order memorializes the Board's decision.

ORDER

We note at the outset of this order that we have scheduled a public witness hearing on May 2, 2016, in Wasatch County, at which the Board will receive testimony and comments from the public regarding the proposed facility.[12] Nothing in this order diminishes Black Rock's opportunity to present its positions on the facility in that forum.[13] At issue here is whether Black Rock may intervene as a party to this proceeding with the attendant rights to discovery, cross-examination and the presentation of evidence.

Under the Utility Facility Review Board Act (Act),[14] this Board exists solely to resolve specified types of disputes between two classes of parties: local governments and public utilities.[15] This dispute arises under Utah Code Ann. § 54-14-303(1)(d) because a local government (namely, Wasatch County) has denied RMP's request for a conditional use permit to

[11] Four board members voted in favor, one board member voted against.
[12] *See* Amended Notice of Public Witness Hearing, issued April 13, 2016.
[13] *See id. See also* Utah Code Ann. § 54-14-103(5)(a) (defining "facility" as "a transmission line" among other things).
[14] *See* Utah Code Ann. § 54-14-101 *et seq.*
[15] *See, generally, id.* § 54-14-303.

construct and operate a quarter-mile long section of a 74-mile long 138 kilovolt transmission line.[16] The single question for the Board, as dictated by the Act, is whether the proposed facility "is needed to provide safe, reliable, adequate, and efficient service to the customers of the public utility."[17] The section of the facility in question is located entirely on land owned by Promontory Investments, LLC, which does not object to the construction and operation of the facility on its property.[18] Black Rock owns land near the land on which RMP seeks to locate the section in question.[19]

Although the Act empowers the Board to address only disputes between local governments and public utilities, the Act affords a right to intervene as a party in the proceeding to "[a] potentially affected landowner, as defined in Section 54-18-102."[20] Section 54-18-102 defines an "affected landowner" as "an owner of a property interest . . . whose property is located within a proposed corridor."[21] We find that Black Rock does not meet the definition of an "affected landowner" under the Act, because its property is not located within the proposed transmission corridor. Therefore, we conclude Black Rock does not have a right to intervene in this docket. Moreover, given the explicit limitations on the Board's authority, we conclude that

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[16] *See* Petition for Review at 1, filed February 19, 2016.
[17] Utah Code Ann. § 54-14-303(1)(d). *See also id.* § 54-14-102(1)(b) (legislative finding concerning "safety, reliability, adequacy, and efficiency of service to customers in areas within the jurisdiction of more than a single local government").
[18] *See* Opposition to Petition to Intervene at 6, filed March 21, 2016; Promontory Development, LLC and Promontory Investments, LLC's Conditional Petition to Intervene and Request for Adjudicative Proceedings at 3, filed April 4, 2016; *and* Affidavit of Cody Nunley, filed March 21, 2016.
[19] *See* Affidavit of Cody Nunley at Exhibits 1 and 2, filed March 21, 2016.
[20] Utah Code Ann. § 54-14-303(2)(b).
[21] *Id.* § 54-18-102(2).

the Act does not contemplate the existence of any additional right to intervene. Rather, it provides the exclusive right.

Black Rock relies on the broader intervention provision of the Utah Administrative Procedures Act[22] and asserts the proposed facility: "will obstruct ridge-line views, violate county ordinances, create noise and safety issues, and harm the marketability, value, and future development of [Black Rock's] property."[23]

As already noted, the Act confines this Board's authority in this matter to review of whether the proposed facility "is needed to provide safe, reliable, adequate, and efficient service" to RMP's customers.[24] It also requires the Board to issue a final written decision within a maximum of 125 days from the date review is initiated.[25] Given these statutory constraints, we do not believe the Act allows the Board to confer "party" status where the interests asserted relate essentially to the value and use of property outside of the proposed corridor. This conclusion is consistent with the Board's order in the most recent prior proceeding before it, in which we stated:

> This Board, created by the Legislature, has only the authority clearly delegated by the Legislature and must exercise that authority within the parameters and upon the criteria set by the Legislature. 'It needs no citation of authorities that where a specific power is conferred by statute upon a tribunal, board, or commission with limited powers, the powers are limited to such as are specifically mentioned.' Bamberger E. R. Co. v. Public Utils. Comm'n, 204 P. 314, 320 (Utah 1922); see also Cf. Hi-Country

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[22] *See id.* § 63G-4-207(2).

[23] Opposition to Petitioner's Motion for Reconsideration or Clarification with Respect to the Board's Decision on Intervenors' Motion to Intervene at 8 (footnote omitted), filed April 8, 2016.

[24] *See infra* at 3-4 and n.17.

[25] *See* Utah Code Ann. § 54-14-304(1) (requiring "initial hearing within 50 days after the date review is initiated"). *See also id.* § 54-14-305(1) (requiring "a written decision . . . not later than 75 days following the initial hearing").

> Estates Homeowners Ass'n v. Bagley and Co., 901 P.2d 1017 (Utah 1995) (holding that the Public Service Commission has no 'inherent regulatory powers and can only assert those which are expressly granted or clearly implied as necessary to the discharge of the duties and responsibilities imposed upon it . . . [and] any reasonable doubt of the existence of any power must be resolved against the exercise thereof'). Therefore, the Board cannot consider such issues as property values, viewshed, and the cultural significance of man-made landmarks, as it makes a decision, as important as those issues might be to the County or local citizens. Rather, the scope of Board authority is to determine if a local government has prohibited construction of a facility needed to provide safe, reliable, adequate, and efficient services to utility customers, and if so, that it should be constructed.[26]

Consistent with that reasoning, and for the reasons enumerated above, it would serve no purpose to recognize the property value, viewshed and related impacts Black Rock asserts as sufficient to justify intervention and then to ignore those impacts, as we are required to do, in resolving the dispute before us. Indeed, doing so would be contrary to the orderly and prompt conduct of these proceedings.[27]

Accordingly, based on the arguments of RMP and Promontory, summarized above, the Board grants RMP's Motion for Reconsideration and denies Black Rock intervention.

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[26] Order at 9, issued June 21, 2010 (In the Matter of the Petition for Review between Rocky Mountain Power and Tooele County for Consideration by the Utility Facility Review Board; Docket No. 10-035-39), available at: http://www.psc.utah.gov/utilities/electric/elecindx/2010/1003539indx.html.

[27] *See* Utah Code Ann. § 63G-4-207(2)(b). Similarly, it would be contrary to the orderly and prompt conduct of Board proceedings for any public interest in the enforcement of local ordinances and the safe operation of proposed facilities to be represented by individuals in addition to the local government.

DATED at Salt Lake City, Utah, April 21, 2016.

Thad LeVar, Chair	Nay
/s/ David R. Clark, Board Member	Yea
/s/ Beth Holbrook, Board Member	Yea
/s/ David Wilson, Board Member	Yea
/s/ Jordan A. White, Board Member	Yea

Attest:

/s/ Gary L. Widerburg
Board Secretary
dw#275402

Notice of Opportunity for Agency Review

Pursuant to Utah Code Ann. § 63G-4-302, a party may seek agency review of this order by filing a request for review with the Board within 20 days after the issuance of the order. If the Board fails to grant a request for review within 20 days after the filing of a request, the request is deemed denied. Pursuant to Utah Code Ann. § 54-14-308, judicial review of the Board's final agency action may be obtained by filing a Petition for Review with the Utah Court of Appeals. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on April 21, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

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