

Introduction:

For over 20 years, Rocky Mountain Power (RMP) has allowed development and growth to occur near their power lines. Through their action of abandonment and extinguishment (as defined in Exhibit L) they have limited their pole-line easement, of which they claim they have unlimited width, become defined as a ten-foot centerline easement. Rocky Mountain Power (or its predecessors; Utah Power and Light) has approved plat maps and developments (Please refer to signature on Exhibit C by Utah Power & Light where the easement is clearly shown as a combined 20' width - which is the same as a ten-foot centerline). They do not have sufficient easement for safety reasons to proceed with their project. (See plat map Exhibits A,B,C & D)

RMP has stated they abide by National Electrical Safety Codes (NESC). Nowhere in these codes besides providing clearance distances, does it specify in detail why their clearance ensure safety to people, and from what dangers. What codes or standards is RMP held to, to protect the public from the dangers of their product? We have information from RMP as well as from other states and power companies (which also abide by NESC) that clearly require wider safety easements larger than the existing space they plan to utilize. This route is not a safe place for high voltage transmission lines especially over residential homes, over school playgrounds, and elderly populations.

In their own guidelines of best practices, RMP states the place to avoid transmission lines is in "residential neighborhoods, schools and elderly population" (See Exhibit E Section 5A). RMP is proceeding with this project directly through these three areas and in exact contradiction to their own guidelines. In the words of their own experts, "this is not an ideal location" (See Exhibit F of Lisa Romney, PacifiCorp Regional Manager video from 7/16/18). How can RMP expect cities to adopt this handbook, when they are not following their stated best practices?

When RMP was asked if they considered alternative solutions or options, they stated they did, but this Draper to South Jordan Upgrade path was selected because of "Cost Recovery" (See Exhibit I, Ben Clegg, RMP Project Manager). Why is the profitability for a private company who has monopolistic control considered a greater importance than safety? Do the alternative options pass within close proximity of homes, over school play yard, and near elderly communities? We request that PSC require RMP to provide their studies, research and comparisons of the alternative options. We also ask PSC to evaluate the alternative options based on safety. The communities in our state should not be risked with compromised safety, second to the profitability of the utility company. RMP has stated on record in two instance about alternative options in the 7/16/2018 public meeting (See Exhibit J), as well as referred to by Ben Clegg at the 8/7/2018 Working Meeting. (See Exhibit I)

We would also like to indicate that the government lending entities that dictate the guidelines for 97% of all mortgage lending including FHA, FNMA, FHLMC and FNMA also feel there is a

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safety and detrimental impact on homes and structures located in close proximity to high voltage power lines. We have found that with the easement enlargement and encroachment on homes, pools, and such structures, that many of the national lending companies will not lend on these homes. Why would this be a restriction, unless it is deemed a hazard, safety concern, or detrimental impact on the home? (See Exhibit M)

Lastly, Community Advocacy for Safety and Property Rights LLC (CASPR LLC) would like to request that projects of similar nature NOT be approved through the Conditional Use Permit process on a city level. This is NOT an adequate venue for this type of project. The reasons being: 1) The city does not have jurisdiction on easements, 2) The city does not have capacity to ensure safety regulations and standards are being met.

Utah should look into what other states are doing as means of ensuring public safety, siting Transmission lines (See Exhibit G). We place our lives in danger when we allow companies to determine their own standards without adequate checks and balances. (See Exhibit K). We therefore not only ask the Public Service Commission to determine a just, reasonable, safe, proper route for this high voltage line but also consider prescribing reasonable regulations on similar high voltage transmission line upgrade projects.

As indicated in our formal complaint, we have provided the same 12 questions presented to the PSC to consider in investigating the safety of this project with corresponding information relevant for review.

Questions presented with Formal Complaint with Exhibits:

1. Why is a 60-foot easement needed?
 - 1.1. RMP expert stating a 60' easement "That's to be SAFE."
 - 1.1.1. Exhibit 1.1.1 - RMP Expert - that's to be safe.mp4
 - 1.1.2. Link - <https://youtu.be/vcG9aQW5WyY?t=4309>
 - 1.2. Transource - power company who adheres to NESC standards has posted their safety easements for comparable transmission lines at 70-100'. See page 2.
 - 1.2.1. Exhibit 1.2.1 - EncroachmentOnROW.pdf
 - 1.3. RMP states in this presentation they build to NESC standards on pg 4, but on page 13 they state they have a 60' easement for the 138kV line. In Exhibit 1.2 a 138kV line would require a 70-100' easement.
 - 1.3.1. Exhibit 1.3.1 - SLCo_Siting_Transmission_Substatons(12-3-09).pdf
 - 1.4. Dominion Power - based out of Virginia provides very clear guidelines on Right-of-Way and Encroachment policies. Dominion Power provides on page 1 & 2 a list of items not allowed in Right-of-Way (ROW) included are homes, pools, play structures. See page 4 & 5 for information on fences and safe grounding requirements and distances for safety. See page 9 for distances required for sprinkler and irrigation systems to keep safe. There are irrigation pumps and lines running directly below the power line in the backyards of homes along Woodfield Road. How can this be safe according to RMP but not allowed according to Dominion?
 - 1.4.1. Exhibit 1.4.1 - All Dominion Handouts.pdf
 - 1.5. AEP Ohio - Another power company that abides by NESC codes provides this document for Encroachment of Right of Way. As stated on page two: "Encroachments: Buildings, building extensions and additions (homes, businesses, garages, barns), swimming pools, above ground fuel tanks, tall signs or billboards, tall trees, obstructions and mounding of soil in the right of way are encroachments that are prohibited." Likewise on page two is a list of easement widths and 138kV is listed as 70-100 feet.
 - 1.6. Increasing the existing medium voltage line to a high voltage line would require an increase in voltage. This document clearly shows the classification definitions.
 - 1.6.1. Exhibit 1.6.1 - American National Standard Institute scan.jpg
2. What are all the risks the 60-foot easement is keeping people safe from?
 - 2.1. When a 60-foot easement is created for safety, what are the potential hazards, dangers and risks that are mitigated with this clearance? With a tripling of voltage, some of these risks inherently increase as well. Some risks we have identified, but not limited to, are the following:

- 2.2. Sparking and arcing
 - 2.3. Fires
 - 2.4. Severe blow-outs
 - 2.5. Stray Voltage
 - 2.6. Increased electrification
 - 2.7. Increased electrocution
 - 2.8. Increased lightning strike possibility (raising some of the poles upto 40' taller)
 - 2.9. Increased micro-shocks and nuisance shocks
 - 2.10. Increased range of fall-zone for poles falling or collapsing
 - 2.10.1. Exhibit 2.10.1 - East Marginal Way re-opens after 26 power poles crash in south Seattle _ king5.com.pdf
 - 2.10.2. Link -
<https://www.king5.com/article/news/local/east-marginal-way-re-opens-after-26-power-poles-crash-in-south-seattle/281-994dee2a-2e5f-4a4a-a4b5-655f2dfb88da>
 - 2.11. Increased health issues (where higher EMF levels have shown impact on vulnerable populations such as pregnant women, children, older individuals and people with existing chronic illnesses or emotional issues).
3. How could RMP possibly mitigate safety concerns by building this line with homes inside this 60-foot easement?
- 3.1. Google Earth Images of Homes with the 60' easement going into their home
 - 3.1.1. Exhibit 3.1.1 - Nelson, Fullmer and Anderson Easements.m4v
 - 3.2. WAPA document stating how trees and objects become energized and can become dangerous. Are residents to expect this would not occur to metal carports, playgrounds, and homes well within 25 feet Safety Zone?
 - 3.2.1. Link -
<https://www.wapa.gov/newsroom/factsheets/pages/trees-powerlines.aspx>
 - 3.2.2. Exhibit 3.2.2 - Trees and Power Lines.pdf
 - 3.3. BPA - Document Its obvious with this power company that their approach on safety with proximity of trees but other physical structures can become energized and be fatal to persons at ground level.
 - 3.3.1. Exhibit 3.3.1 - lusi-Power-lines-and-crops-can-be-good-neighbors.pdf
 - 3.4. Texas Wildfire Mitigation talks about how power lines cause wildfires through the following ways: downed lines, vegetation contact, conductor slap due to wind, weather, ice build-up that can "cause high energy arcing and ejects hot metal particles capable of igniting ground-level combustion". When there are homes within this easement, this places a very high risk for fires.
 - 3.4.1. Link -
<https://wildfiremitigation.tees.tamus.edu/faqs/how-power-lines-cause-wildfires>

- 3.4.2. Exhibit 3.4.2 - How Do Power Lines Cause Wildfires__ Texas Wildfire Mitigation Project.pdf
- 3.5. Transource - (See Exhibit 1.2.1) States the following as encroachments on easement: "Buildings, building extensions and additions (homes, businesses, garages, barns), swimming pools, above ground fuel tanks, tall signs or billboards, tall trees, obstructions and mounding of soil in the right-of-way are encroachments that are prohibited".
- 3.6. Wasatch County Fire District recognized the inherent risks with placing High Power Transmission Lines near homes. RMP had proposed changing the route from an existing safer easement to a new one closer to homes and dwellings. The Fire Marshall wrote this letter in opposition to this route change.
 - 3.6.1. Link - <https://pscdocs.utah.gov/electric/16docs/1603509/273286ExJWattsTestExDTW10LtrfromWasatchCntyFireMarshall4-8-2016.pdf>
 - 3.6.2. Exhibit 3.6.2 - 273286ExJWattsTestExDTW10LtrfromWasatchCntyFireMarshall4-8-2016.pdf
- 3.7. Wisconsin's American Transmission Company website states: "While many land uses that do not interfere with transmission lines are allowed, including farming, grazing, gardening, hunting, biking, hiking, and snowmobiling, some uses are restricted. Structures and occupied dwellings are not permitted, nor are tall-growing trees and some other types of vegetation. Easement agreements allow ATC to trim and remove trees and vegetation from the easement area." This can be found at the following website: <https://www.atc-projects.com/learning-center/easements-and-right-of-way/> under the section: "Does a transmission line's presence impact the use of the property?". How can the RMP line be considered safe when the same power company who abides by NESC clearly does not allow homes within the easements?
4. What were the standards that RMP states they adhered to for building lines near schools? (See video link https://youtu.be/u_b9v80OxJM starting at time stamp 32:16).

RMP representative Lisa Romney states that they adhere to standards for when building near schools. What are they? Can they show these standards and how they are adhering to the standards for being near schools? South Jordan Elementary School has approximately 1000 students and is at capacity. Upon reorganizing the boundaries, it was identified that South Jordan Elementary would require expansion and one option would be the West side of the school - bringing the structures and children even closer to the power lines.

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- 4.1. The South Jordan Elementary School Community Council has signed the following letter stating opposition to upgrade.
 - 4.1.1. Exhibit 4.1.1 - South Jordan Elementary School Community Council Letter Signed.pdf
- 4.2. California Department of Education has easement standards limiting schools and their properties from being located near a power line easement.
 - 4.2.1. Link - <https://www.cde.ca.gov/ls/fa/sf/powerlinesetback.asp>
 - 4.2.2. Exhibit 4.2.2 - School Site Selection and Approval Guide - Facility Design (CA Dept of Education).pdf
 - 4.2.3. States that:

“Overhead transmission line easement setbacks
100 feet for 50-133kV line (interpreted by CDE up to <200kV)”
5. How can this plan be considered safe when children can easily play under these lines?
 - 5.1. Images of children playing under the line
 - 5.1.1. Exhibit 5.1.1 - Children playing under the line file11-2.jpeg
 - 5.1.2. Exhibit 5.1.2 - Children playing under the line file4-7.jpeg
 - 5.1.3. Exhibit 5.1.3 - Children playing under the line file14.jpeg
 - 5.1.4. Exhibit 5.1.4 - Children playing under the line file9-2.jpeg
 - 5.1.5. Exhibit 5.1.5 - Children playing under the line file1-12.jpeg
 - 5.1.6. Exhibit 5.1.6 - Children playing under the line file8-2.jpeg
 - 5.1.7. Exhibit 5.1.7 - Children playing under the line file7-3.jpeg
 - 5.1.8. Exhibit 5.1.8 - Children playing under the line file10-2.jpeg
 - 5.1.9. Exhibit 5.1.9 - Children playing under the line file6-3.jpeg
 - 5.1.10. Exhibit 5.1.10 - Children playing under the line file2-10.jpeg
 - 5.1.11. Exhibit 5.1.11 - Children playing under the line file5-7.jpeg
 - 5.1.12. Exhibit 5.1.12 - Children playing under the line file3-8.jpeg
 - 5.1.13. Exhibit 5.1.13 - Children playing under the line file-25.jpeg
 - 5.2. Source: <http://lohp.org/tailgate-training/>**Labor Occupational Health Program – University of California Berkeley**, Training Guide High Voltage Lines. Please note #2, when directing trained works, to keep 6 to 20 feet away from high voltage lines and “The higher the voltage, the farther electricity can jump. No part of your body should come within this minimum clearance distance”. Please note #6 in directing workers on conditions to avoid when working near lines. Children and soccer teams play directly under and near the lines in all types of weather and easily become sweaty, thus increasing dangers. It also states another danger is “working in contact with good conductors like metal pipes”. Students play with metal bats by the metal backstops.
 - 5.2.1. Link - <http://lohp.org/wp-content/uploads/2013/10/gHIGHVOL.pdf>
 - 5.2.2. Exhibit 5.2.2 - California Tailgate Training gHIGHVOL.pdf

6. How could this plan be considered safe when there are two metal backstops located within the safety easement?
 - 6.1. Images and video of backstops and their proximity to the power line
 - 6.1.1. Exhibit 6.1.1 - Proximity of backstop to line Exhibit IMG_9465.JPG
 - 6.1.2. Exhibit 6.1.2 - Proximity of backstop to line Exhibit IMG_9466.JPG
 - 6.1.3. Exhibit 6.1.3 - Proximity of backstop to line Exhibit IMG_9468.JPG
 - 6.1.4. Exhibit 6.1.4 - Proximity of backstop to line Exhibit IMG_9469.JPG
 - 6.1.5. Exhibit 6.1.5 - Proximity of backstop to line Exhibit IMG_9470.JPG
 - 6.1.6. Exhibit 6.1.6 - Proximity of backstop to line Exhibit IMG_9471.JPG
 - 6.1.7. Exhibit 6.1.7 - Proximity of backstop to line Exhibit IMG_9473.JPG
7. How could this plan be considered safe when there are swimming pools in plain sight, in an enlarged easement?
 - 7.1. Google image of Down's pool with easement,
 - 7.1.1. Exhibit 7.1.1 - Pool within Easement - CASPR LLC.png
 - 7.2. additional pool at the North end of Shelbrook - Northwest end of Saddlebrook Circle
 - 7.2.1. Exhibit 7.2.1 - Shellbrook Pool.png
8. How can this project be considered safe when the EMF readings would exceed the World Health Organization's standard, impacting homes, schools, and children within 230' of the line?
 - 8.1. EMF one sheet showing before and after readings of EMF.
 - 8.1.1. Exhibit 8.1.1 - Comparison of current EMF exposure to proposed EMF for Enlarged Power Lines.pdf
 - 8.2. RMP's FAQs page with the simulated readings
 - 8.3. In Rocky Mountain Power, Transmission Construction Standard, page 8 of 8, published date 30 Jul 15 "Longer than normal spans may require more ROW width. Other considerations may increase the ROW width, such as EMF, audible noises, etc...". When and where has RMP increased the ROW due to EMF? What were the readings of EMF and why did they feel it necessary to increase the distance of their lines and people because of EMF? What is the "etc..." referred to by RMP?
 - 8.4. Sussex county school closed due to EMF levels at 19mG.
 - 8.4.1. Link - https://www.nj.com/news/index.ssf/2009/09/sussex_county_school_to_close.html
 - 8.4.2. Exhibit 8.4.2 - Sussex County school to close due to unsafe power lines near playground - nj.com.pdf
9. How can this project be considered safe when it runs in close proximity to the Assisted Care Center on 11400 South?
 - 9.1. EMF interference with pacemakers
 - 9.1.1. Link - <https://ieeexplore.ieee.org/abstract/document/983460>

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10. How can the installation of this line be considered safe considering RMP's own documentation stating: "Never place the following items under or near a power line: houses, garages, sheds or barns, play equipment, pools, anything children or adults may climb." (RMP Rights of way: Application for proposed use)
 - 10.1. Exhibit 10.1 - Right_of_way_information_and_application_for_proposed_use.pdf

11. Considering all of the recent wildfires in California linked to High Voltage Lines, have the NESC standards been updated or changed to consider proximity to homes? How does RMP plan to accommodate any changes?
 - 11.1. <https://nypost.com/2018/11/13/woman-warned-about-sparks-from-power-lines-day-before-deadly-wildfire/>
 - 11.1.1. Exhibit 11.1.1 - Woman warned about 'sparks' from power lines day before deadly wildfire.pdf
 - 11.2. <https://usatodaypost.com/californias-largest-utility-pummeled-by-wildfire-dangers/>
 - 11.2.1. Exhibit 11.2.1 - California's Largest Utility Pummeled by Wildfire Dangers - usa today post.pdf
 - 11.3. <https://www.sfgate.com/bayarea/article/12-Northern-California-fires-caused-by-PG-E-power-12979955.php>
 - 11.3.1. Exhibit 11.3.1 - 12 Northern California wildfires sparked by PG&E power lines, investigators say - SFGate.pdf
 - 11.4. <https://www.azcentral.com/story/news/nation/2018/11/13/california-wildfires-could-cost-customers-pacific-gas-electric-other-utilities/1988437002/>
 - 11.4.1. Exhibit 11.4.1 - California wildfires could cost customers of PG&E and other utilities.pdf
 - 11.5. <http://www.latimes.com/local/lanow/la-me-pge-paradise-fire-destruction-20181114-story.html>
 - 11.5.1. Exhibit 11.5.1 - PG&E could face financial trouble if utility is found responsible for California's worst wildfire - Los Angeles Times.pdf
 - 11.6. <https://www.utilitydive.com/news/pge-lines-caused-2017-cascade-fire-that-killed-4-state-officials-say/539324/>
 - 11.6.1. Exhibit 11.6.1 - PG&E lines caused 2017 Cascade fire that killed 4, state officials say _ Utility Dive.pdf
 - 11.7. <https://www.ecmag.com/section/systems/calfire-concludes-pge-violations-caused-2017-wildfires>
 - 11.7.1. Exhibit 11.7.1 - CalFire Concludes PG&E Violations Caused 2017 Wildfires _ Electrical Contractor Magazine.pdf
 - 11.8. <http://www.latimes.com/local/lanow/la-me-ln-fire-investigations-20171118-htmlstory.html>
 - 11.8.1. Exhibit 11.8.1 - The mystery behind California's most destructive wildfires_ Who is to blame_ - Los Angeles Times.pdf

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- 11.9. <https://www.firerescue1.com/wildfire/articles/383463018-Cal-Fire-finds-PG-E-caused-multiple-wildfires-last-year/>
 - 11.9.1. Exhibit 11.9.1 - Cal Fire finds PG&E caused multiple wildfires last year.pdf
 - 11.10. <https://www.bizjournals.com/sanfrancisco/news/2018/10/09/sagging-pge-power-lines-caused-fatal-norcal-fire.html>
 - 11.10.1. Exhibit 11.10.1 - Sagging PG&E power lines caused.pdf
 - 11.11. <https://www.naturalgasintel.com/articles/116102-california-investigation-finds-2017-cascade-wildfire-caused-by-pge-power-lines>
 - 11.11.1. Exhibit 11.11.1 - California Investigation Finds 2017 Cascade Wildfire Caused by PG&E Power Lines _ 2018-10-12 _ Natural Gas Intelligence.pdf
 - 11.12. <https://firejustice.com/cal-fire-pge-equipment-caused-12-northern-california-fires-during-october-firestorm/>
 - 11.12.1. Exhibit 11.12.1 - Cal Fire_ PG&E equipment caused 12 Northern California fires during October firestorm – PGE Fire Justice.pdf
 - 11.13. <https://www.insurancejournal.com/news/west/2018/05/28/490427.htm>
 - 11.13.1. Exhibit 11.13.1 - Report Blames PG&E Power Lines for 4 of Northern California Wildfires.pdf
12. How can this project be constructed safely with their limited easement?
- 12.1. Fall Zone image from presentation
 - 12.1.1. “Docket 19-035-10 12.1.1 Presentation to the Planning Commission - Pole Installation Fall Risks - CASPR LLC.png”

Document and Exhibit List:

- Document A - Formal Complaint - CASPR LLC 3.12.19.docx sent 3.12.19 to psc@utah.gov
- Exhibit A - Plat Map ShelbrookePhase6(AmendingLot601_602).pdf
- Exhibit B - Plat map 11150 South.pdf
- Exhibit C - Plat Map Ivory Development Woodfield.pdf
- Exhibit D - SPRING_FLOWER Plat Map.tif
- Exhibit E - SLEP_Final.pdf
- Exhibit F - Lisa Romney - this would not be the easement that we would be picking.mp4
 - Link - <https://youtu.be/vcG9aQW5WyY?t=4527>
 - Timestamps - 1:15:27 to 1:15:40
- Exhibit G - American Transmission Co. projects– Routing new transmission lines.pdf
 - Wisconsin PSC and its involvement with American Transmission Company (ATC). The public is involved and ATC provides TWO ROUTES to Wisconsin PSC.
- Exhibit H - Man Claims Utility Is Responsible For Severe Shock At Willard Bay State Park.pdf
 - Spencer Hall from RMP states RMP “adhered to all the safety standards “ in a situation where a man was severely shocked by stray voltage in Willard Bay. This is an example where NESC “safety” standards do not provide safety for people.
- Exhibit I - Ben Clegg - Study Meeting with South Jordan City Council and RMP 8-7-2018.mp4
 - In this clip Mr. Clegg states that several options were considered but this route was selected due to cost recovery and that they would need compelling reasons to re-evaluate the route.
 - Link - <https://youtu.be/o9a52nz1vTA?t=880>
 - Timestamps - 52:50 to 56:30
- Exhibit J - RMP Expert Jeremy discussing alternate routes
 - Link - <https://youtu.be/vcG9aQW5WyY?t=3168>
 - Timestamps - 52:50 to 56:30
- Exhibit K - Boeing Had Too Much Sway in Vetting Own Jets, FAA Was Told - Bloomberg.pdf
- Exhibit L - Definitions of Easement abandonment and extinguishment
 - *Abandonment* - “An easement is abandoned where there is action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it.” Lunt v. Lance, 2008 UT App 192, ¶ 25, 186 P.3d 978, 986–87.
 - *Extinguishment* - “An easement is extinguished by prescription where use of the property violates a servitude burdening the property and the use is maintained adversely to a person entitled to enforce the servitude for the prescriptive period. In other words, adverse use by the servient estate holder . . . [the homeowners] . . . without objection by the dominant estate holder [RMP], is sufficient to

extinguish the easement. Lunt v. Lance, 2008 UT App 192, ¶ 28, 186 P.3d 978, 987 (emphasis added)

- Exhibit M - Government lending and easement encroachment.pdf
 - The follow document is an excerpt from the presentation given at South Jordan City Planning Commission Public Hearing (3/12/2019). It presented the findings of government lending entities and the impact it would have if the easement were increased beyond the 10 foot. Presented by Paula Gordon, mortgage underwriter for 20 plus years. It highlights the detrimental impact an increased easement would have financially on homeowners.

Service List

This list contains all that will be copied all documents and exhibits as per the CERTIFICATE OF SERVICE

Link -

<https://pscdocs.utah.gov/electric/19docs/1903510/3070421903510nofacp3-15-2019.pdf>

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Online Document Repository

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<https://psc.utah.gov/2019/03/15/docket-no-19-035-10/>

They are ALSO located here:

https://drive.google.com/open?id=109zyvAPjw6DHmloZok_2KtXUaxxkcqiP

Anyone with the link above will have read access to this files and its exhibits referenced within at the link above. Further updates to these files will be referenced in the link above as well.