

DENNIS L. JUDD, P.C.

Attorneys & Counselors at Law

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May 18, 2018

Utah Public Service Commission
160 East 300 South
Salt Lake City, UT 84111

To Whom It May Concern,

Please see the attached notice to Rocky Mountain Power.

The stately pine tree in question is located on private property at 572 East Canyon Rd., Payson, UT next to the old Payson Canyon Road. Rocky Mountain Power claims the right to destroy the tree based upon a 1948 pole line **easement** which the mapping expert who has been hired to locate the old easement has determined is completely outside of the subdivision plat and about 50 feet from the edge of the tree. Rocky Mountain Power has repeatedly been requested to show any other easement that may exist, since the easement it is claiming does not show up on the title report for this real property, and has been requested, if it believes it has an easement upon any part of the private property in question, to have that marked by a surveyor. Both requests have been refused. No evidence whatsoever has been provided by Rocky Mountain Power to show that it has any easement upon or across the lot of Andrew and Tara Judd upon which is located the large pine tree which Rocky Mountain Power insists it will cut down on May 23, 2018. Based upon the charting and diagram prepared by the expert hired to locate the only easement claimed by Rocky Mountain Power it appears likely that the power lines are in the wrong location and are outside of the 1948 described easement.

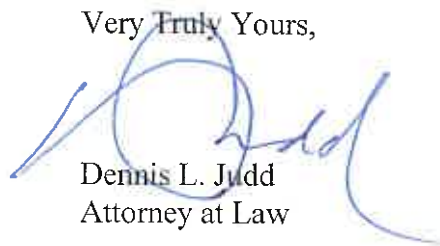
This healthy and beautiful tree is unquestionably located on private property and outside of any legally granted easement of the power company. It is firmly rooted in the ground and has not suddenly moved toward the powerline. Even though Utah law provides for triple damages for wrongfully destroying a tree, once the tree is cut down it is lost forever. Monster corporations must not be allowed to trample on private property rights and destroy beautiful trees that are clearly outside of any easement owned by the corporation. If necessary laws must be changed, or existing

laws enforced to prevent this type of abuse. Mr. and Mrs. Judd intend to do everything reasonably possible to prevent the unnecessary destruction of their tree and invasion of their property. Any help that you can provide will be appreciated.

Contact information for Andrew Judd:

Address:
572 East Canyon Road
Payson, Utah 84651
Phone: 801310-3579
Email: acjudd@gmail.com

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Dennis L. Judd", is written over the typed name and title.

Dennis L. Judd
Attorney at Law

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May 16, 2018

Rocky Mountain Power
Vegetation Management
70 N. 200 E.
American Fork, UT 84003

Rocky Mountain Power
1407 W North Temple
Salt Lake City, UT 84116

Berkshire Hathaway Energy
666 Grand Avenue
P.O. Box 657
Des Moines, IA 50306-0657

To Vegetation Management;

Your document entitled "Utah regulations regarding trees and vegetation" recently sent by certified mail to Dr. Andrew Judd, 572 E. Canyon Rd., Payson, UT 84657, has been forwarded to this office for review and response.

The document states "The Easement covering your property states:..." however no evidence has yet been provided to show that there is any easement in favor of Rocky Mountain Power on my client's real property. An easement for the purpose of installing 9 power poles with no guy anchors, in favor of Utah Power and Light Company dated November 24, 1948 was previously provided by you to my client as a purported easement on his real property. No evidence has yet been provided that any part of the line described on that pole line easement crosses or encumbers the real property of my client. The title report for the real property does not show any easement in favor of Utah Power and Light Company or Rocky Mountain Power nor does the recorded plat provide any evidence of such an easement. The document that was mailed is based upon an unproven and strongly disputed assertion that there is an easement encumbering the real property of my client.

In light of the lack of any evidence in the title report and plats that there is an easement

covering the real property and the vague description in the document you sent, it appears that it will be necessary to resolve that issue through a survey and/ or other legal proceedings prior to any trespass or encroachment on my client's real property. This serves as a barrment and no trespass notice as to the real property in question.

If it is determined that there is in fact a pole line easement that touches or encumbers my client's real property in favor of Rocky Mountain Power then it is anticipated that there should be realistic discussions regarding preservation, to the maximum extent possible, of the tree in question. This tree is extremely valuable and a beautiful and important part of the landscape and value of the real property upon which it is located. It is a beloved part of the yard enjoyed by my client and his wife and young children. The refusal of Rocky Mountain Power to consider any thing other than the total destruction of this beautiful heritage tree which not only provides many benefits to the owners and neighbors but to wildlife is particularly disturbing. This tree provides home and shelter to countless birds (42 species at last count). As soon as my client raised concern and requested information about trimming the tree the retribution commenced with the threat that the tree would be entirely destroyed. All efforts by my client to discuss some other resolution than the removal of the tree have been ignored and belittled. It is unclear whether this bullying technique represents the corporate attitude and culture of Rocky Mountain Power or is the product of a vengeful employee. (The websites of Rocky Mountain Power and its parent company Pacific Corp. and its parent company Berkshire Hathaway Energy all purport to be environmentally friendly and interested in the preservation of trees and wildlife habitat etc.) It is certainly curious that 70 years after a pole line easement purportedly somewhere in the vicinity of this tree was granted, by a party who we are uncertain ever had any ownership interest in the real property in question, suddenly this healthy, stately tree must be destroyed.

There has been no showing or evidence that this slow growing tree is diseased or weak or compromised in any way or that it interferes with any legitimate rights or interests of Rocky Mountain Power. This tree has coexisted for decades with the power line. A heritage tree such as this cannot be regrown within the lifetime of my clients or the other residents of Payson and it is troubling that Rocky Mountain Power utterly refuses to consider anything less drastic utter destruction. This attitude makes a mockery of Rocky Mountain Power and its parent companies attempts to portray themselves as environment friendly*. Actions speak louder than words.

My client in particular and the entire Payson community will be unnecessarily damaged by the threatened actions of Rocky Mountain Power. It is our hope that some resolution that will preserve this priceless stately tree can be reached without the necessity of litigation.

Until further notice, any further communications regarding this matter should be directed to my attention.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Dennis L. Judd", written over a light blue circular stamp.

Dennis L. Judd
Attorney at Law

CC
Payson City Mayor
Utah Pub. Serv. Comm'n
Governor's Office
State Legislators
News Media
Arbor Day Foundation
Utah Property Rights Ombudsman

*Our Environmental Commitment

Protecting and enhancing the environment is a core principle for Rocky Mountain Power. Our efforts are focused on conserving natural resources, developing innovative solutions, growing renewable resources, reducing emissions, protecting habitats and more.