

TOOELE COUNTY ATTORNEY'S OFFICE



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RECEIVED  
October 13, 2009

Utah Public Service Commission  
Ted Boyer, Chairman  
Ric Campbell, Commissioner  
Ron Allen, Commissioner  
Heber M. Wells Building, 4th Floor  
160 East 300 South  
Salt Lake City, UT 84114

RE: Docket No. 09-035-54

Dear Commission:

Tooele County Corporation (the "County") has been informed that important meetings and hearings before the Utah Public Service Commission (the "Commission") in the matter of Docket No. 09-035-54 are imminent. The Tooele County Commission has authorized me to submit this letter on behalf of the County to the Commission in order to provide input into the process.

The County has reviewed the letter from Tooele City dated October 9, 2009. The County is in complete agreement with the position of Tooele City and incorporates by reference the City's complaints. The County has consistently and unequivocally opposed the east-bench route of the Mona-Oquirrh transmission line due to its adverse impacts upon the County and City. Through enormous effort, the Tooele Stakeholders have reached consensus on the route outlined in the "consensus letter" dated September 2, 2009 (attached to the City's letter). The County has no intention of supporting any permit or approval that would allow Rocky Mountain Power's proposed east bench route.

The County encourages the Commission to review carefully the complaints of the County, Tooele City and the citizen groups in opposition to the east-bench route of the Mona-Oquirrh transmission line. If you have any questions, please call me.

Sincerely,

DOUG HOGAN  
Tooele County Attorney

cc: R. Jeff Richards, Attorney for Rocky Mountain Power  
Ted D. Smith, Attorney for Rocky Mountain Power



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October 9, 2009

Utah Public Service Commission  
Ted Boyer, Chairman  
Ric Campbell, Commissioner  
Ron Allen, Commissioner  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Dear Commission:

It has come to the attention of Tooele City Corporation (the "City") that important meetings and hearings before the Utah Public Service Commission (the "Commission") in the matter of Docket No. 09-035-54 are imminent, and that input to the Commission by way of a letter from the City's attorney on City letterhead is an appropriate mechanism for providing input into the process that will be recognized and considered by the Commission. Mayor Patrick Dunlavy has authorized me to do so on behalf of the City. Please forgive me if this vehicle is somewhat unorthodox but, after all, Rocky Mountain Power has also admitted pursuing a course before the Commission that is "somewhat unusual" and "out of the ordinary" (Rocky Mountain Power's Notice of Intent to File Application for Certificate of Public Convenience and Necessity, dated June 30, 2009 (the "Notice"), at 3 and 5, attached hereto as Exhibit A).

Tooele City, together with all organized Tooele valley stakeholders ("Tooele Stakeholders"), has consistently and unequivocally opposed the east-bench route of the Mona-Oquirrh transmission line (the "Project") due to its adverse impacts upon the City. (See Public Comment Form and attached materials attached hereto as Exhibit B.) These adverse impacts will exist, in perpetuity, if any portion of the Project is permitted to be located on the hillside and mountainous lands immediately south and east of the City, whether or not located within the City's actual corporate boundary.

Through enormous effort, the Tooele Stakeholders have reached consensus on a route (the "Consensus Route") that they believe will be less expensive, less difficult, less environmentally damaging, less adversely impacting, and less community intrusive than Rocky Mountain Power's preferred route. (See Tooele Stakeholder consensus letter dated September 2, 2009, and map attached hereto as Exhibit C.) The Consensus Route would do nothing to diminish Rocky Mountain Power's stated objectives to "improve its transmission capacity to serve customers" and "to provide current and future service in an efficient and reliable manner to customers" (Notice, at 4 and 7.) Rather, the Consensus Route would eliminate adverse impacts to the City, the Tooele Stakeholders, and to Tooele

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valley communities without adversely affecting Rocky Mountain Power's ability to achieve its corporate objectives.

Despite the efforts of the Tooele Stakeholders to achieve the Consensus Route, Rocky Mountain Power has announced, prior to the completion of the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS), its rejection of the Consensus Route and its intention to pursue a route that it appears to have preferred since the Project's inception. (See *Tooele Transcript-Bulletin* Article dated October 1, 2009, entitled "Power Company Won't Budge on East Bench Route" and other media items attached hereto as Exhibit D.)

Rocky Mountain Power acknowledges that the "purpose of the federal permitting process is to ensure the Project and its route is consistent with state and local governmental actions and authorities" (Notice, at 3). The City believes that Rocky Mountain Power has not acted consistently with this purpose. Rocky Mountain Power further acknowledges that the "EIS process will identify significant environmental impacts and shall inform local decision makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality" (*id.*). The City believes that Rocky Mountain Power has acted inconsistently with this statement, has done little to consider reasonable alternative routes, and has done little to minimize adverse impacts to the Tooele Stakeholders and Tooele valley communities.

The Commission has stated that although "we have ruled that issues of the location and routing of a transmission line were beyond the scope of a CPCN proceeding . . . [Rocky Mountain Power] must file with us evidence that it has received or is in the process of obtaining the 'required consent, franchise, or permit' of the property authorities" (Report and Order: Docket No. 09-035-54, dated July 22, 2009, at 1, attached hereto as Exhibit E). Despite the Commission's limited role in the location and routing of transmission lines, the City nevertheless petitions the Commission to consider the City's concerns throughout the CPCN and other Commission processes with respect to the Project. Know also that the City has no intention of granting or supporting any permit or approval that would allow Rocky Mountain Power's proposed east-bench route.

Sincerely,

Roger Baker  
Tooele City Attorney

cc: R. Jeff Richards, Attorney for Rocky Mountain Power  
Ted D. Smith, Attorney for Rocky Mountain Power

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