

Alan L. Sullivan (3152)
Troy L. Booher (9419)
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Beneficial Tower
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800
Email: asullivan@swlaw.com
Email: tbooher@swlaw.com

Attorneys for Tooele County

BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD

In the Matter of the Petition for Review of
Rocky Mountain Power and Tooele County
for Considerations by the Utility Facility
Review Board

ROCKY MOUNTAIN POWER,

Petitioner,

v.

TOOELE COUNTY,

Respondent.

Docket No. 10-035-39

**TOOELE COUNTY'S MOTION FOR
PARTIAL STAY OF ORDER**

Pursuant to Utah Code sections 54-14-307(2) and 63G-4-405, Respondent Tooele County (the "County") moves the Board for an order, effective during the pendency of the County's appeal to the Utah Court of Appeals, staying the effective date of the Board's Order dated June 21, 2010 (the "Order") insofar as the Order requires the County to issue a conditional use permit for that portion of petitioner Rocky Mountain Power's (the "Company") transmission line from the proposed Limber substation to the Oquirrh substation. The County does not seek a stay of the Board's Order as it relates to the remaining portions of the Company's proposed transmission line. In the alternative, the County moves for a more limited stay until the Utah

Court of Appeals rules on the County's motion for a stay, which the County may not file with the appellate court until the Board rules on this motion.

In support of this motion, the County respectfully submits:

1. The Board's Order requires the County to issue a conditional use permit for all portions of the Company's proposed transmission line in Tooele County, and to do so within 60 days of the Order, or by August 20, 2010.

2. Today the County filed a petition to the Utah Court of Appeals for judicial review of the portion of the Order requiring the issuance of a conditional use permit for the southern arm of the Company's proposed transmission line, defined as that portion of the line running from the proposed Limber substation to the Company's Oquirrh substation in South Jordan.

3. The County is informed and believes that the Company will begin construction of the southern arm of its proposed transmission line as soon as it may lawfully do so after issuance of the County's conditional use permit and, in any event, during the pendency of the County's appeal to the Utah Court of Appeals.

4. The Company's construction of the southern arm will cause irreparable injury to the County and its residents in two respects.

a. Construction of the southern arm will result in immediate and irreversible injury to environmental, aesthetic, and recreational values protected by the County's ordinances and Utah law, to the permanent detriment of the County's residents.

b. Construction of the southern arm would render the County's appeal to the Utah Court of Appeals moot.

5. The Company will not be materially disadvantaged by a stay because it may lawfully proceed with construction of all elements of the proposed transmission line other than the southern arm. Further, the County will cooperate with the Company in expediting the appeal of the Board's Order.

6. The County is informed and believes that the alleged urgency in construction of the proposed transmission line has dramatically diminished as the result of the dramatic decline in residential construction and industrial and commercial growth along the Wasatch Front, as the result of the recent recession. The County is informed and believes that, as consequence of reduced growth projections, the Company may safely wait to begin construction of the southern arm until the County's appeal has been resolved.

7. In the event the Board declines to stay effectiveness of the Order as requested above, the County respectfully requests that the Board stay effectiveness of the Order until the Utah Court of Appeals decides the County's motion for a stay, which will be filed pursuant to Rule 17, Utah Rules of Appellate Procedure, if the Board denies this motion.

In further support of this motion, the County respectfully submits the memorandum of points and authorities filed and served herewith.

DATED this 20th day of July, 2010.

Snell & Wilmer L.L.P.

Alan L. Sullivan
Troy L. Booher
Attorneys for Tooele County

CERTIFICATE OF SERVICE

I certify that on the 20th day of July, 2010, a true and correct copy of the **Tooele County's Motion for Partial Stay of Order** has been served on the following by U. S. Mail:

D. Matthew Moscon
STOEL RIVES, LLP
201 South Main Street, Suite 1100
Salt Lake City, UT 84111

R. Jeff Richards
ROCKY MOUNTAIN POWER
201 South Main Street, Suite 2200
Salt Lake City, UT 84111
