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Attorneys for Intervenors

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.

SUBPOENA

Docket No. 16-035-09

TO: Promontory Investments, LLC and Promontory Development, LLC
c/o CT Corporation System
1108 E. South Union Ave.
Midvale, Utah 84047

You are commanded to appear at the offices of BENNETT TUELLER JOHNSON & DEERE, 3165 East Millrock Dr., Suite 500, Salt Lake City, Utah 84121 on **Tuesday, April 26, 2016**, at 10:00 a.m. in connection with the above-entitled action pending before the Utah Facility Review Board to testify at a deposition. This deposition will be taken upon oral examination, before a duly authorized court reporter, pursuant to Rules 26 and 30 of the Utah Rules of Civil Procedure.

In accordance with Rule 30(b)(6) of the Utah Rules of Civil Procedure, Promontory Investments, LLC and Promontory Development, LLC (collectively, "**Promontory**") shall designate one or more officers, directors, managing agents, or other persons who consent to testify on their behalf and may set forth, for each person designated, the matters on which the person will testify. Promontory's deposition shall be on the following particular matters:

1. The location and scope of the easement across Promontory's property in Summit County, Utah where Rocky Mountain Power's presently existing 46 kV transmission line is located (the "**Original Easement**");
2. The location and scope of the new easement Promontory has granted Rocky Mountain Power for the relocation of the transmission line to another portion of its property near the border of Wasatch County and Summit County (the "**New Easement**");
3. Any agreements Promontory has reached with Rocky Mountain Power regarding the relocation of the transmission line, including the negotiations which preceded any agreement;
4. Communications between Promontory and Rocky Mountain Power regarding the Original Easement and the New Easement; and
5. Promontory's development of its property within the Original Easement.

You must also copy the following documents and mail or deliver the copies to the offices of **BENNETT TUELLER JOHNSON & DEERE, c/o Jeremy C. Reutzel, 3165 East Millrock Dr., Suite 500, Salt Lake City, Utah 84121**:

1. Any agreements entered into between Rocky Mountain Power and Promontory (or any of Promontory's agents, affiliates, or representatives) regarding easements and/or transmission lines on Promontory's property located in Wasatch County and Summit County, Utah.
2. Any written or electronic communications Promontory has had with Rocky Mountain Power regarding the easements and transmission lines referenced in the previous paragraph.
3. Any written or electronic communications with Summit County regarding the development plans related to the real property subject to the "old easement" described in your Conditional Petition to Intervene filed in the above-referenced matter.

You must deliver copies of these documents no later than: **Thursday, April 21, 2016**.

Notice to Persons Served with a Subpoena must be served with this Subpoena. The Notice explains your rights and obligations. If you are commanded to appear at a trial, hearing or deposition, a one-day witness fee must be served with this Subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

You may object to this Subpoena for any of the reasons listed in paragraph 6 of the Notice by serving a written objection upon the attorney listed at the top of this Subpoena. You must comply with any part of the Subpoena to which you do not object.

DATED this 7th day of April, 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Jeremy C. Reutzel
Attorneys for Intervenors

Notice to Persons Served with a Subpoena

(1) Rights and responsibilities in general. A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(2) Subpoena to copy and mail documents. If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

(3) Subpoena to appear. If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- (A) If you are a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you reside;
- in which you are employed;
- in which you transact business in person; or
- in which the court orders.

- (B) If you are not a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you are served with the subpoena; or
- in which the court orders.

(4) Subpoena to permit inspection of premises. If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.

(5) Subpoena to produce documents or tangible things. If the subpoena commands you to produce documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You must produce with the documents or tangible things a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

(6) Objection to a subpoena. You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:

- (A) fails to allow you a reasonable time for compliance (If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance.);
- (B) requires you, as a resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county in which you do not reside, are not employed, or do not transact business in person, unless the judge orders otherwise;
- (C) requires you, as a non-resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise;
- (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
- (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
- (F) subjects you to an undue burden; or
- (G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(7) How to object. To object to the subpoena, serve the Objection to Subpoena on the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. An Objection to Subpoena form is part of this Notice; you may need to modify it to fit your

circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

(8) Motion to compel. After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You have the right to be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

(9) Organizations. An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. URCP 30(b)(6).

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April, 2016, I caused a true and correct copy of the foregoing **SUBPOENA** to be served upon each of the following as indicated below:

By Electronic-Mail:

Beth Holbrook (bholbrookinc@gmail.com)
Utah League of Cities and Towns

David Wilson (dwilson@co.weber.ut.us)
Utah Association of Counties

Data Request Response Center (datarequest@pacificorp.com)
PacifiCorp

Robert C. Lively (bob.lively@pacificorp.com)
Yvonne Hogle (yvonne.hogle@pacificorp.com)
Daniel Solander (daniel.solander@pacificorp.com)
Rocky Mountain Power

Scott Sweat (ssweat@wasatch.utah.gov)
Tyler Berg (tberg@wasatch.utah.gov)
Wasatch County

D. Matthew Moscon (matt.moscon@stoel.com)
Richard R. Hall (richard.hall@stoel.com)
STOEL RIVES LLP

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Rex Olsen (rolsen@utah.gov)
Robert Moore (rmoore@utah.gov)
Assistant Utah Attorneys General

By U.S. Mail:

Promontory Development, LLC and
Promontory Investments, LLC
c/o Mark O. Morris
Snell & Wilmer LLP
15 West South Temple, Suite 1200
Salt Lake City, UT 84101

