

Jeremy C. Reutzel (10692)
Ryan M. Merriman (14720)
BENNETT TUELLER JOHNSON & DEERE
3165 East Millrock Drive, Suite 500
Salt Lake City, Utah 84121-5027
Telephone: (801) 438-2000
Facsimile: (801) 438-2050
Email: jreutzel@btjd.com, rmerriman@btjd.com

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.

**INTERVENORS' STATEMENT OF
DISCOVERY ISSUES**

**(RE: INTERVENORS' FIRST SET OF
DISCOVERY REQUESTS TO
PETITIONER ROCKY MOUNTAIN
POWER)**

Docket No. 16-035-09

RELIEF SOUGHT AND GROUNDS FOR RELIEF

Intervenors, through counsel and pursuant to rule 37 of the Utah Rules of Civil Procedure, submit this Statement of Discovery Issues to compel responses from Rocky Mountain Power ("**RMP**") to Intervenors' discovery requests. On March 31, 2016, Intervenors served RMP discovery requests regarding whether RMP's proposed location for the upgraded transmission line is necessary under Utah Code section 54-14-301(1)(d). RMP responded on April 7, 2016, refusing to provide any documents or answers to Intervenors' written interrogatories and requests

for admissions. RMP maintains that the discovery sought was overbroad, irrelevant, and unnecessary in light of the written testimony RMP intends to file on April 8. *See* RMP's Disq. Resp., attached hereto as Exhibit 1. RMP has also asserted that discovery is unnecessary and improper in this proceeding.

Discovery is, however, clearly proper under the governing statutes and the Board's scheduling order. After RMP filed its Petition for Review in this matter, both Wasatch County and RMP requested that the Board conduct a formal adjudicative proceeding as allowed by Utah Code section 54-14-303(2)(a). In particular, RMP stated that "[d]ue to the complicated nature of the issues involved in this matter, [RMP] believes that the Board and the parties involved will benefit from the processes afforded by Utah Code Ann. § 63G-4-205 & 206." *See* RMP's Req. Formal Adj. Proceeding, (Mar. 16, 2016). Those processes include provisions expressly allowing discovery:

In formal adjudicative proceedings, the agency may, by rule, prescribe means of discovery adequate to permit the parties to obtain all relevant information necessary to support their claims or defenses. If the agency does not enact rules under this section, the parties may conduct discovery according to the Utah Rules of Civil Procedure.

Utah Code Ann. § 63G-4-205(1) (emphasis added).

In a scheduling order entered March 24, 2016, the Board agreed "that this matter should be conducted as a formal adjudicative proceeding." *See* Scheduling Order, at 1. And it further ordered the parties to "respond to requests for data or discovery within 5 business days of receipt." *Id.* at 5. Accordingly, the Board has ordered the parties to conduct discovery under the Utah Rules of Civil Procedure while imposing a shorter time frame for responses given the expedited nature of this proceeding.

Not only is discovery proper in this proceeding, but Intervenor's requests are relevant and not overbroad. The narrow question presented to the Board is whether RMP's proposed location for the upgraded transmission line is "needed to provide safe, reliable, adequate, and efficient service to" RMP's customers. *See* Utah Code Ann. § 54-14-303(1)(d). Intervenor's position is that RMP has every right to build the upgraded transmission line on the easement it has owned for a century (and where the current transmission line is located) in Summit County. For that reason, the proposed relocation of the transmission line is not "needed to provide safe, reliable, adequate, and efficient service." *See id.* Intervenor also intend to demonstrate that the relocated route that RMP has proposed is less safe, reliable, and efficient than RMP's existing route. To make this showing, Intervenor need to conduct discovery.

Intervenor accordingly requested (1) copies of the easements RMP owns for the current transmission line and the proposed upgraded transmission line; (2) documents RMP has submitted to other municipalities or counties regarding the proposed transmission line; (3) copies of studies and analyses of the relative costs, safety, and efficiency of service associated with constructing the upgraded transmission line where the line currently lies or the new location near Intervenor's property; and (4) correspondence with landowners within the proposed corridor for the upgraded transmission line regarding the scope of RMP's easement. *See* Intervenor's Discovery Requests, attached hereto as Exhibit 2. Intervenor also propounded written interrogatories and requests for admission seeking the same information or the identity of individuals who possess that information. *See id.*

These requests are relevant and not overbroad. Complete responses will allow Intervenor to ascertain whether there is any reason why the upgraded transmission line cannot

be constructed along the same easement RMP has used for the past 100 years. Indeed, intervenors believe complete responses to these requests will show that RMP has taken the position before other counties and in correspondence with Promontory Investments, LLC, that the easement it now utilizes for the transmission line is perfectly suitable for the construction of an upgraded line. The requests are therefore not overbroad, and they are directly relevant to the question of whether the proposed relocation of the transmission line is actually “needed” for RMP to provide safe, reliable, adequate, and efficient service to its customers. *See* Utah Code Ann. § 54-14-303(1)(d).

RMP also refused to answer the requests “on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent.” *See* Ex. 1, RMP’s Disc. Resp., at 4–13. This is not a proper objection. Pursuant to this Board’s order entered April 1, 2016, Intervenors are parties to this proceeding, and absent further action by this Board to disturb its prior order, RMP has an obligation to comply with discovery requests under UAPA, the Utah Rules of Civil Procedure, and this Board’s scheduling order.

CERTIFICATION OF GOOD FAITH ATTEMPTS TO CONFER

Intervenors hereby certify that they have, through their counsel, attempted in good faith to resolve this discovery dispute. Intervenors’ counsel has spoken with RMP’s counsel over the phone and corresponded via email in a good faith attempt to resolve this discovery dispute.

PROPORTIONALITY UNDER RULE 26(b)(2)

Intervenors’ request is proportional taking into account the nature of this proceeding. The Board’s decision could have irreversible impacts on the value, marketability, and future

development of Intervenor's property. And given the expedited time frame imposed by statute, it is imperative that parties have access to relevant evidence quickly in order to have sufficient time to prepare their case-in-chief. Further, the information regarding the suitability of RMP's original easement for construction of the upgraded line is the pivotal issue in this proceeding, and resolving that issue hinges largely on information in RMP's exclusive possession. Thus, any burden on RMP in responding to the requests is outweighed by the benefit such information will have in supporting Intervenor's position in this proceeding.

RMP claims the requests are not proportional in light of the written direct testimony each party is required to submit. While the written materials will allow Intervenor access to documents supporting RMP's position, RMP has no obligation to submit material or testimony from witnesses that is unfavorable to its position. The very purpose of discovery is to "permit[] parties to find witnesses, documents, and other evidentiary materials that are harmful, rather than helpful, to the opponent's case." *See* Utah R. Civ. P. 26(c) Advisory Committee Notes. The requests are therefore proportional, notwithstanding the written testimony RMP will submit.

DATED this 8th day of April 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Jeremy C. Reutzl
Jeremy C. Reutzl
Ryan M. Merriman
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I CERTIFY that on April 8, 2016, a true and correct copy of the foregoing document was served upon 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

Mark O. Morris (mmorris@swlaw.com)
Jordan Lee (jmlee@swlaw.com)
Snell & Wilmer
Promontory

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 Hand Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor

Salt Lake City, Utah 84111
Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

/s/ Eliza Bower

EXHIBIT 1

D. Matthew Moscon (#6947)
Richard R. Hall (#9856)
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 328-3131

R. Jeff Richards (#7294)
Heidi Gordon (#11655)
ROCKY MOUNTAIN POWER
1407 W. North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone: (801) 220-4734

*Attorneys for Petitioner
Rocky Mountain Power*

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INC.; BLACK ROCK RIDGE TOWNHOME
OWNERS ASSOCIATION, INC.; BLACK
ROCK RIDGE CONDOMINIUM
ASSOCIATION, INC.,

Intervenors.

**PETITIONER'S RESPONSE TO
INTERVENORS' FIRST SET OF
DISCOVERY REQUESTS**

Docket No. 16-035-09

Petitioner, Rocky Mountain Power (the “Company”), hereby responds to Intervenors Mark 25, LLC (“Mark”), Black Rock Ridge Master Homeowners Association, Inc. (“Master Association”), Black Rock Ridge Townhome Owners Association, Inc. (“Townhome Association”), and Black Rock Ridge Condominium Association, Inc.’s (“Condo Association”) (collectively “Intervenors”) First Set of Discovery Requests to Petitioner (the “Requests”) as follows:

PRELIMINARY STATEMENT

The following responses to the Requests are based upon the facts, documents, and information presently known and available to the Company. The Company’s discovery, investigation, research, and analysis are ongoing in this case and may reveal the existence of additional facts or documents. Without obligating itself to do so, the Company reserves the right to change or supplement these responses as additional facts or documents are discovered and as further analysis and research disclose additional facts, contentions, or legal theories that may apply. Moreover, if any information has been inadvertently omitted from these responses, the Company reserves the right to change or supplement these responses.

Furthermore, the Intervenor’s discovery requests are the subject of a separate Motion for Protective Order, the terms and substance of which are expressly incorporated herein and any argument made in that motion is incorporated as an additional objection to each and every discovery request propounded by the Intervenors. Rocky Mountain Power will not respond to these discovery requests until its Motion for Protective Order is ruled upon, but preserves all objections and its ability to deny requests for admission until such time. No request is deemed admitted based on any answer or non-answer provided herein.

GENERAL OBJECTIONS AND QUALIFICATIONS

The Company objects to the Requests on each of the following grounds:

1. The Company objects to each and every request to the extent any seeks information prepared in anticipation of litigation and/or protected by the attorney-client privilege, the work product doctrine, the joint defense privilege, or any other applicable privilege, doctrine, or immunity. To the extent that an individual request may be construed as seeking privileged information, the Company claims such privilege and invokes such protection. The fact that the Company does not specifically object to an individual request on the ground that it seeks privileged information shall not be deemed a waiver of the applicable privilege, doctrine, or immunity.
2. The Company objects to each and every request to the extent any seeks discovery regarding matters that are not relevant to the subject matter of the pending action or that are not reasonably calculated to lead to the discovery of admissible evidence.
3. The Company objects to each and every request to the extent any purport to impose a burden of disclosing information not readily available to the Company and/or equally available to the County. The Company further objects to each and every request to the extent they purport to impose a burden of identifying documents that are not in the Company's possession, custody, or control or that cannot be found in the course of a reasonable search.
4. The Company incorporates, by this reference, each of these general objections and qualifications into its specific responses as if set forth at length therein.

INTERROGATORIES

1. Identify the individuals representing Promontory with whom RMP negotiated the New Easement.
2. Response:
3. The Company objects to this interrogatory on grounds of relevance. The request is also vague and ambiguous and not limited by time or scope. The Company also objects on grounds that Black Rock should not be allowed to propound discovery if it is not ultimately allowed to intervene as a party opponent.
4. Identify all individuals representing RMP who were involved in the decision to move the Transmission Line from the Original Easement.

Resp The Company objects to this interrogatory on grounds of relevance. It is also vague and ambiguous and assumes facts not in evidence— such as but not limited to the fact that the “decision” was an isolated or singular event. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent.
5. Identify the individuals at RMP who negotiated with Promontory to acquire the New Easement.

Resp The Company objects to this interrogatory on grounds of relevance. The request is also unduly broad, vague and not limited by time frame and assumes that there was one negotiation. It would also be unduly burdensome to respond to in this format. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent.

6. State the basis of your claim in your Petition for Review that the Upgraded Transmission Line must be constructed in Wasatch County (rather than on the Original Easement) in order for RMP to provide safe, reliable, adequate, and efficient service to its customers.

Resp The Company objects to this interrogatory on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this interrogatory is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response to the question as drafted. It also assumes facts not in evidence, such as that there is only one possible route that could be utilized and is vague and fails to allow for the possibility that some routes may be, for example, just as safe, but less efficient. The request is impossible to respond to in this format and as drafted. The question also seeks legal conclusions pertaining to Rocky Mountain Power's rights as they pertain to the 'Original Easement.'

7. Identify all information regarding any safety risks associated with constructing the Upgraded Transmission Line on the Original Easement and/or the New Easement.

Resp The Company objects to this interrogatory on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this interrogatory is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. As drafted the request could be so broad as to require recitation of the entirety of

applicable NESC or other code safety requirements and explanations for why such codes exists. The request is impossible to respond to in this format, as drafted.

8. Identify all information regarding any adverse effects to the reliability, adequacy, and efficiency of service to RMP's customers if the Upgraded Transmission Line were constructed on the Original Easement and/or the New Easement.

Resp The Company objects to this interrogatory on grounds of relevance. The Company objects to this interrogatory on grounds that it assumes facts not in evidence, including but not limited to the fact that the Upgraded Transmission Line could be built in the existing "original easement." The question is an incomplete hypothetical and fails to specify whether Rocky Mountain Power should assume that it would or would not be required to pay for a different easement, whether it would be forced to litigate with Promontory over the matter, and the like. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this interrogatory is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question as drafted.

9. Identify all information regarding the "standard cost" (as defined in Utah Code section 54-14-103(9)(a)) of constructing the Upgraded Transmission Line on (a) the Original Easement and (b) the New Easement, and provide a description of your calculations for both figures.

Resp The Company objects to this interrogatory on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound

discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this interrogatory is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. The Company further objects to this interrogatory on grounds that the statutory definition of the term “standard cost” necessarily does not include the easement that Intervenors refer to as the “Original Easement,” making this interrogatory impossible to respond to. Moreover, the interrogatory asks in part for information that is not in the Company’s possession and would be impossible to respond to. Finally, the request seeks legal conclusions and is an incomplete hypothetical for failing to identify all assumptions the Company must make in calculating costs to construct a line— such as whether it would or would not be required to purchase additional land, etc.

10. Identify the landowners within the proposed corridor of the proposed Upgraded Transmission Line who have not granted RMP a new, updated, or revised easement in connection with the Upgraded Transmission Line.

Resp The Company objects to this interrogatory on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this interrogatory is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. The Company further objects on the grounds that the interrogatory is vague and does not clarify whether it seeks information related solely to the Wasatch Segment or the entire Transmission Line.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all Documents containing agreements or communications between RMP and Promontory regarding the Transmission Line and/or the Upgraded Transmission Line.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. The Company further objects on the grounds that the interrogatory is vague and does not clarify whether it seeks information related solely to the Wasatch Segment or the entire Transmission Line. Moreover, the request seeks information at least in part that is not in the Company's possession and would be impossible to respond to at this time. Furthermore the Request as drafted may seek production of documents which may contain confidential and/or proprietary information.

2. Produce all Documents RMP has provided to any other county or municipality in Utah regarding the Transmission Line or the Upgraded Transmission Line.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Furthermore the Request as drafted may seek production of documents which may contain confidential and/or

proprietary information. Finally the request is vague as it fails to clarify whether it refers only to the Wasatch Segment or the entire transmission project.

3. Produce a copy of the Original Easement.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. Furthermore the Request as drafted may seek production of documents which may contain confidential and/or proprietary information.

4. Produce all Documents RMP has provided to any other county or municipality in Utah regarding the Transmission Line or the Upgraded Transmission Line.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The request is vague and fails to specify whether it refers to the entire project or only the Wasatch Segment.

5. Produce a copy of the New Easement.

Resp The Company objects to this request on grounds of relevance. The request may seek confidential information. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent.

6. Produce all Documents containing any studies, evaluations, analyses, or reports RMP has either conducted or hired another entity or person to conduct regarding the safety, reliability, adequacy, or efficiency of service associated with the Upgraded Transmission

line on the Original Easement, the New Easement, and/or any other location on Promontory's property.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Furthermore the request as drafted may seek production of documents which may contain confidential and/or proprietary information. Moreover, the interrogatory seeks information that is not in the Company's possession and would be impossible to respond to at this time. Moreover it seeks expert testimony that will be provided only in response to filing deadlines established by the Board.

7. Produce all correspondence RMP has had with landowners within the proposed corridor of the proposed Upgraded Transmission Line who have not granted RMP a new, updated, or revised easement in connection with the Upgraded Transmission Line.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Furthermore the request as drafted may seek production of documents which may contain confidential and/or proprietary information. Moreover, the interrogatory seeks in part information that is not

in the Company's possession and would be impossible to respond to at this time. Finally the request fails to specify whether it pertains to the entire project or only the Wasatch Segment.

REQUESTS FOR ADMISSIONS

8. Admit that RMP still owns the Original Easement.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Furthermore the request as drafted may seek production of documents which may contain confidential and/or proprietary information. Moreover, the interrogatory seeks in part information that is not in the Company's possession and would be impossible to respond to at this time. Finally the request seeks legal conclusions. According the Company cannot respond to this request.

9. Admit that RMP could construct the Upgraded Transmission Line on the Original Easement.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Furthermore the request

as drafted may seek production of documents which may contain confidential and/or proprietary information. Moreover, the interrogatory seeks in part information that is not in the Company's possession and would be impossible to respond to at this time. As drafted the request seeks legal conclusions and is an incomplete hypothetical.

Accordingly the Company cannot respond to this request.

10. Admit that if the Upgraded Transmission Line is constructed on the Original Easement, the route will be longer than if the Upgraded Transmission Line is constructed on the Original Easement.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question as drafted. Moreover, the interrogatory seeks information that in part is not in the Company's possession and would be impossible to respond to at this time. Accordingly the Company cannot respond to this request.

11. Admit that constructing the Upgraded Transmission Line on the Original Easement will be less expensive than constructing the Upgraded Transmission Line on the New Easement.

Resp The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenors should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. The Company further objects

that this request is overly broad and states that it would be unduly burdensome and/or impossible to provide a full response as the question is drafted. Moreover, the interrogatory seeks information in part that is not in the Company's possession and therefore would be impossible to respond to at this time. The request seeks legal conclusions and contains an incomplete hypothetical. Accordingly the Company cannot respond to this request.

12. Admit that RMP does not have a sufficient easement for the Option 2 described in its conditional use application to Wasatch County.

Resp The Company objects to this interrogatory on grounds it calls for a legal conclusion. The Company objects to this request on grounds of relevance. The Company also objects on grounds that Intervenor should not be allowed to propound discovery if they are not ultimately allowed to intervene as a party opponent. Accordingly the Company cannot respond to this request.

DATED: April 7, 2016.

STOEL RIVES LLP

/s/ D. Matthew Moscon

D. Matthew Moscon

Richard R. Hall

Attorneys for Petitioner

D. Matthew Moscon (#6947)
Richard R. Hall (#9856)
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 328-3131

R. Jeff Richards (#7294)
Heidi Gordon (#11655)
ROCKY MOUNTAIN POWER
1407 W. North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone: (801) 220-4734

*Attorneys for Petitioner
Rocky Mountain Power*

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ASSOCIATION, INC.,

Intervenors.

**CERTIFICATE OF SERVICE RE
PETITIONER'S RESPONSE TO
INTERVENORS' FIRST SET OF
DISCOVERY REQUESTS**

Docket No. 16-035-09

I hereby certify that on the 7th day of April, 2016, a true and correct copy of

PETITIONER'S RESPONSE TO INTERVENORS' FIRST SET OF DISCOVERY

REQUESTS was served upon the following as indicated below:

By Electronic-Mail:

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

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

Heidi Gordon (heidi.gordon@pacificorp.com)
R. Jeff Richards (robert.richards@pacificorp.com)
Rocky Mountain Power

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

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

Jeremy C. Reutzel (jreutzel@btjd.com)
Bennett Tueller Johnson & Deere
Attorneys for Mark 25 LLC and Black Rock Ridge Entities

By U.S. Mail:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

/s/ D. Matthew Moscon _____

EXHIBIT 2

Jeremy C. Reutzel (10692)
Ryan M. Merriman (14720)
BENNETT TUELLER JOHNSON & DEERE
3165 East Millrock Drive, Suite 500
Salt Lake City, Utah 84121-5027
Telephone: (801) 438-2000
Facsimile: (801) 438-2050
Email: jreutzel@btjd.com

Attorneys for Intervenors

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**INTERVENORS' FIRST SET OF
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PETITIONER ROCKY MOUNTAIN
POWER**

Docket No. 16-035-09

Pursuant to Rules 33, 34, and 36 of the Utah Rules of Civil Procedure, Utah Code section 63G-4-205(1)–(2), and the Board’s Scheduling Order entered March 24, 2016, Intervenors Mark 25, LLC (“**Mark**”); Black Rock Ridge Master Homeowners Association, Inc. (“**Master Association**”); Black Rock Ridge Townhome Owners Association, Inc. (“**Townhome**

Association"); and Black Rock Ridge Condominium Association, Inc. ("*Condo Association*"), by and through counsel of record, hereby submit their first set of discovery requests to Petitioner Rocky Mountain Power ("*RMP*"). The Master Association, Townhome Association, Condo Association, and Mark are collectively referred to as the "*Intevenors*" herein.

You are required within five (5) business days of service hereof to respond, under oath and in writing, to each of the following interrogatories, and to produce for inspection and copying at the offices of Bennett Tueller Johnson & Deere, 3165 East Millrock Drive, Suite 500, Salt Lake City, Utah 84121, the documents and things described in the following requests for production of documents and things.

Please take notice that, pursuant to Rule 36 of the Utah Rules of Civil Procedure, the matters in the requests for admissions shall be deemed admitted unless said requests for admissions are responded to within 5 business days after service of these Requests or within such shorter or longer time as the Board may allow.

INSTRUCTIONS

You are required to answer these Requests to the extent of all information that is available or may be available to you or any person, firm, corporation, or other entity acting on your behalf and not merely information within your personal knowledge. If any information called for by any of these Requests is not available in the full detail requested, such Request shall be deemed to require you to set forth the information related to the subject matter of the Request in such detail as is available, including and describing the method by which any estimate is made.

2. If you believe that all or any part of these Requests invade any privilege which you desire to assert, you shall nonetheless respond to each part of the Request that does not invade the asserted privilege. As to each part for which any privilege is claimed, state the basis for the assertion of the privilege and sufficient information to apprise the parties of the nature and extent of the privilege asserted.

3. If you attempt to answer any interrogatory by production of documents, designate which documents are responsive to which interrogatory, including the subsection thereof, as required by Rule 33(d) of the Utah Rules of Civil Procedure.

4. The conjunctives “and” and “or” as used in these Requests shall be construed both conjunctively and disjunctively and shall include the other.

5. Every word written in the singular shall be construed as plural and every word written in the plural shall be construed as singular where necessary to facilitate complete answers to these Requests.

6. If a privilege is claimed as to any document, provide the information necessary to identify the document and state separately for each document claimed to be privileged the reason for the claim of the privilege.

7. These Requests are deemed continuing, and should additional information come to light to be developed by you as to the questions propounded or documents requested to be identified, the same shall promptly be supplied as a supplement to the answers requested to be submitted hereunder and/or documents to be identified.

8. The answers to these Requests or objections made thereto by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, and the attorney's address shall also be stated.

DEFINITIONS

1. The term "RMP," "you," or "your" shall refer to Rocky Mountain Power, its employees, agents, attorneys, consultants, investigators, beneficiaries, trustees, parent companies, subsidiaries, or other representatives, and all other persons acting on its behalf.

2. The term "Promontory" shall refer to Promontory Investments, LLC, an Arizona company, its employees, agents, attorneys, consultants, investigators, beneficiaries, trustees, or other representatives, and all other persons acting on its behalf.

3. The term "Transmission Line" shall refer to the segment of the existing RMP 46 kV power transmission line running from the Coalville Substation to the Silver Creek Substation that is currently situated in Summit County, Utah across land owned by Promontory.

4. The term "Upgraded Transmission Line" shall refer to the proposed 138 kV power transmission line that RMP seeks to construct.

5. The term "Original Easement" shall refer to the right-of-way RMP owns or has owned in Summit County and/or Wasatch County across Promontory's property where the Transmission Line is currently located.

6. The term "New Easement" shall refer to any right-of-way RMP has acquired to construct and operate the Upgraded Transmission Line on Promontory's property in Wasatch County and/or Summit County.

7. The term “Document(s)” is intended to be comprehensive and to include, without limitation, all forms of electronic and digital information, schedules, letters, reports, memoranda, records, studies, notices, recordings, photographs, papers, charts, analyses, graphs, indices, data sheets, notes, notebooks, diaries, forms, manuals, brochures, lists, publications, drafts, minutes, credits, debits, claim sheets, accounting records, accounting worksheets, telegrams, stenographic notes, policy statements, sound recordings or transcripts of those recordings, telephone diaries, microfilm, microfiche, video tape, litigation proceedings in progress, computer runs and printouts, or any documents necessary to the comprehension or understanding of any computer runs, such as a code for computer runs or a printed or recorded matter of any kind. This definition applies without regard to whether the document is in your custody or possession or under your control.

8. To “identify a document” means to state with respect thereto:
- a. the title of the document;
 - b. the date appearing thereon and the date of the document’s preparation;
 - c. the name and title of the document’s author(s) and signer(s);
 - d. the name(s) and address(es) of the person(s) to whom the document was addressed and distributed;
 - e. the substance of the document in sufficient detail to enable it to be identified;

- f. the physical location of the original document (and of any copies which you have knowledge of) and the name(s) and address(es) of the custodian(s) thereof; and
- g. whether the document voluntarily will be made available by you for inspection or copying.

In lieu of the foregoing subparagraphs (a) through (g), you may append to your answers a copy of each and every document so identified, with clear indication which Request is responded to by each such document.

If any document of which identification is sought has been lost or destroyed, state, in addition to the information required above, whether such document was (a) lost or (b) destroyed, and if lost, state the circumstances under which the document was lost and, if destroyed, state the circumstances under which such document was destroyed and identify each person responsible for or participating in such document's loss or destruction.

9. To "identify a person" who is an individual means to state his/her full name, his/her present business and residential address (or if unknown, the last known business and/or residential address), his/her business affiliations, positions, and business address at all relevant times.

10. To "identify all information" of a particular kind means to state with particularity each and every item of pertinent information which you possess, including personal opinions and conclusions, and to state with respect to each such item of information as much of the following as is known to you:

- a. the date(s) on which you received or derived such information;

- b. the identity (as set forth above) of each and every person from or through whom you receive or derived such information;
- c. the identity (as set forth above) of each and every document through which you received or derived such information;
- d. the identity of each and every oral communication through which you received or derived such information; and
- e. the personal observations and/or experience on which any personal opinion or conclusion is based.

11. To “state the basis” of a claim, allegation, statement, denial, or defense means to provide a detailed summary of the facts, information, and matters which you believe support the claim, allegation, statement, denial, or defense, including, but not limited to, that same information called for in the foregoing definition of “identify all information,” as set forth above.

INTERROGATORIES

INTERROGATORY NO. 1. Identify the individuals representing Promontory with whom RMP negotiated the New Easement.

INTERROGATORY NO. 2. Identify all individuals representing RMP who were involved in the decision to move the Transmission Line from the Original Easement.

INTERROGATORY NO. 3. Identify the individuals at RMP who negotiated with Promontory to acquire the New Easement.

INTERROGATORY NO. 4. State the basis of your claim in your Petition for Review that the Upgraded Transmission Line must be constructed in Wasatch County (rather than on the

Original Easement) in order for RMP to provide safe, reliable, adequate, and efficient service to its customers.

INTEROGATORY NO. 5. Identify all information regarding any safety risks associated with constructing the Upgraded Transmission Line on the Original Easement and/or the New Easement.

INTEROGATORY NO. 6. Identify all information regarding any adverse effects to the reliability, adequacy, and efficiency of service to RMP's customers if the Upgraded Transmission Line were constructed on the Original Easement and/or the New Easement.

INTEROGATORY NO. 7. Identify all information regarding the "standard cost" (as defined in Utah Code section 54-14-103(9)(a)) of constructing the Upgraded Transmission Line on (a) the Original Easement and (b) the New Easement, and provide a description of your calculations for both figures.

INTEROGATORY NO. 8. Identify the landowners within the proposed corridor of the proposed Upgraded Transmission Line who have not granted RMP a new, updated, or revised easement in connection with the Upgraded Transmission Line.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1. Produce all Documents containing agreements or communications between RMP and Promontory regarding the Transmission Line and/or the Upgraded Transmission Line.

REQUEST NO. 2. Produce all Documents RMP has provided to any other county or municipality in Utah regarding the Transmission Line or the Upgraded Transmission Line.

REQUEST NO. 3. Produce a copy of the Original Easement.

REQUEST NO. 4. Produce a copy of the New Easement.

REQUEST NO. 5. Produce all Documents containing any studies, evaluations, analyses, or reports RMP has either conducted or hired another entity or person to conduct regarding the safety, reliability, adequacy, or efficiency of service associated with the Upgraded Transmission line on the Original Easement, the New Easement, and/or any other location on Promontory's property.

REQUEST NO. 6. Produce all correspondence RMP has had with landowners within the proposed corridor of the proposed Upgraded Transmission Line who have not granted RMP a new, updated, or revised easement in connection with the Upgraded Transmission Line.

REQUESTS FOR ADMISSIONS

REQUEST NO. 1. Admit that RMP still owns the Original Easement.

REQUEST NO. 2. Admit that RMP could construct the Upgraded Transmission Line on the Original Easement.

REQUEST NO. 3. Admit that if the Upgraded Transmission Line is constructed on the Original Easement, the route will be longer than if the Upgraded Transmission Line is constructed on the Original Easement.

REQUEST NO. 4. Admit that constructing the Upgraded Transmission Line on the Original Easement will be less expensive than constructing the Upgraded Transmission Line on the New Easement.

REQUEST NO. 5. Admit that RMP does not have a sufficient easement for the Option 2 described in its conditional use application to Wasatch County.

DATED the 31st day of March 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Jeremy C. Reutzel

Jeremy C. Reutzel

Ryan M. Merriman

Attorneys for Intervenors

Jeremy C. Reutzel (10692)
Ryan M. Merriman (14720)
BENNETT TUELLER JOHNSON & DEERE
3165 East Millrock Drive, Suite 500
Salt Lake City, Utah 84121-5027
Telephone: (801) 438-2000
Facsimile: (801) 438-2050
Email: jreutzel@btjd.com

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.

CERTIFICATE OF SERVICE

**(INTERVENORS' FIRST SET OF
DISCOVERY REQUESTS TO
PETITIONER ROCKY MOUNTAIN
POWER)**

Docket No. 16-035-09

I certify that on the 31st day of March, 2016, I caused a true and correct copy of

**INTERVENORS' FIRST SET OF DISCOVERY REQUESTS TO PETITIONER ROCKY
MOUNTAIN POWER** along with a copy of this **CERTIFICATE OF SERVICE**, to be served
via electronic mail upon the following:

Heidi Gordon (heidi.gordon@pacificorp.com)
R. Jeff Richards (Robert.richards@pacificorp.com)
ROCKY MOUNTAIN POWER

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

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

DATED this 31st day of March, 2016.

BENNETT TUELLER JOHNSON & DEERE

_____/s/ Jeremy C. Reutzel
Jeremy C. Reutzel
Ryan M. Merriman
Attorneys for Plaintiff