

UTAH UTILITY FACILITY REVIEW BOARD

Docket No. 20-035-03

PUBLIC HEARING

February 25, 2020

ADVANCED REPORTING SOLUTIONS

801-746-5080 | office@advancedrep.com | advancedrep.com

SALT LAKE | 159 West Broadway, Broadway Lofts, Suite 100 | Salt Lake City, Utah 84101

PROVO | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

ST. GEORGE | 20 North Main Street, Suite 301 | St. George, Utah 84770



Public Hearing
February 25, 2020

1 UTAH UTILITY FACILITY REVIEW BOARD

2 -o0o-

3 Rocky Mountain Power's)
4 Petition for Review to the)
5 Utah Utility Facility Review) Docket No. 20-035-03
6 Board)
_____)

7
8
9 PUBLIC HEARING

10 Held on February 25, 2020

11 at 1:00 p.m.

12
13
14
15
16
17
18 UTAH UTILITY FACILITY REVIEW BOARD
19 160 East 300 South, 4th Floor
20 Salt Lake City, Utah 84111

21
22
23
24 Reported by: Michelle Mallonee, RPR, CSR
25

APPEARANCES

Thad LeVar, Chair

David R. Clark, Board Member

Troy Fitzgerald, Board Member

Glenn Wright, Board Member

For Rocky Mountain Power:

BRET W. REICH, ESQ.
PacifiCorp
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
(801) 220-4337
bret.reich@pacificorp.com

HEIDI GORDON, ESQ.
FABIAN VANCOTT
215 South State Street, Suite 1200
Salt Lake City, Utah 84111
(801) 323-2255
hgordon@fabianvancott.com

For Midway City:

CORBIN B. GORDON, ESQ.
JOSHUA JEWKES, ESQ.
GORDON LAW GROUP
322 East Gateway Drive, Suite 201
Heber City, Utah 84032
(435) 657-0984
cgordon@utglg.com
jjewkes@utglg.com

* * *

1 P R O C E E D I N G S

2 -o0o-

3 CHAIRMAN LEVAR: Okay. Good afternoon. We are
4 here for the Utah Utility Facility Review Board. Four of
5 the members of the board are present here. David Clark
6 and I are here as members of the Public Service
7 Commission. Jordan White is also a member of the Public
8 Service Commission, but he's not in attendance today at
9 this initial hearing. We also have Glenn Wright and Troy
10 Fitzgerald, who are members of the Board. This is the
11 first board meeting since they have both been appointed
12 to this Board, so we welcome both of you here today.

13 And we will jump right into what we have in
14 front of us. We have a petition for review filed by
15 Rocky Mountain Power involving a dispute between Rocky
16 Mountain Power and Midway City.

17 This is the initial hearing, and our statutory
18 responsibility today is to set a schedule for the
19 hearing -- for this -- a schedule for the proceeding,
20 designate it as either formal or informal under the
21 Administrative Proceedings Act, and -- well, that and the
22 schedule.

23 So there are -- we've had some filings this
24 morning with some disputed issues that go to the schedule
25 and to the formal or informal designation.

1 So since Rocky Mountain Power is the applicant
2 who filed the petition, why don't I let you speak to
3 those a little bit. And then we'll go to Midway City.
4 And then we'll see how we need to progress this hearing
5 forward in terms of finding a path to decision points on
6 these issues.

7 Why don't we start with -- I didn't do
8 appearances. Why don't we start with appearances?

9 MR. REICH: Sure. Bret Reich with Rocky
10 Mountain Power.

11 MS. GORDON: Heidi Gordon with Fabian VanCott
12 for Rocky Mountain Power.

13 MR. GORDON: Corbin Gordon for Midway City.

14 MR. JEWKES: Joshua Jewkes for Midway City.

15 CHAIRMAN LEVAR: Okay. Thank you. So why don't
16 you go ahead and just speak to these issues generally.

17 MR. REICH: Sure. We appreciate you putting
18 together the facility review board in response to the
19 petition that we filed. I believe I read the
20 submission --

21 CHAIRMAN LEVAR: I think your microphone is not
22 on. We are streaming this proceeding on our YouTube
23 channel and maintaining a record of this proceeding. I
24 didn't mention that. I'm sorry.

25 MR. REICH: Okay. Is that better? Thanks.

1 CHAIRMAN LEVAR: Yeah.

2 MR. REICH: So we -- I've reviewed the
3 submission by Midway City requesting a formal hearing.
4 Rocky Mountain Power is in agreement with that, with a
5 formal hearing.

6 We do, however, believe that the formal hearing
7 should consist -- not be limited to just the record that
8 was before Midway City during the conditional use permit
9 application. The reason for that is that the Utah
10 Facility Review Board Act contemplates -- it doesn't
11 contemplate that the record be restricted to what is just
12 before the -- before Midway City at the time of the
13 conditional use permit granting. In fact, many of the
14 issues -- and I think the primary issue involved in this
15 dispute has to do with excess costs. And so we believe
16 there's going to be a significant amount of evidence
17 regarding excess costs that will be applicable to this
18 proceeding.

19 One of those, for example, is the City has
20 requested Rocky Mountain Power prepare or obtain bids for
21 undergrounding this section of the line that goes through
22 Midway City. We are in the process of obtaining those
23 bids. We'll have those by this Friday. And once those
24 are reviewed, we will give those to the City. So there's
25 a perfect example of something that falls outside of the

1 scope of the record that was created in front of Midway
2 City during the conditional use permit.

3 So that's our request is that we have a formal
4 hearing and it's not limited.

5 CHAIRMAN LEVAR: Okay. Thank you.

6 Do any of the board members want to ask
7 Mr. Reich any questions at this point before --

8 MR. WRIGHT: Yeah, one quick -- is this on?

9 CHAIRMAN LEVAR: It's on.

10 MR. WRIGHT: Okay. How long will it take you to
11 review those bids and get them to Midway?

12 MR. REICH: Our intention is to take by the end
13 of the following week.

14 MR. CLARK: I have a question, too.

15 To what extent was the issue of excess costs
16 presented to the City and considered by Midway City?

17 MR. REICH: Yeah. That was at the forefront
18 when the City expressed their desire to underground the
19 line. We presented estimates of undergrounding the line,
20 so it was -- it was extensive. There were extensive
21 discussions about that with the City, and we provided
22 those estimates to them.

23 MR. CLARK: But bid information was not
24 provided?

25 MR. REICH: No. No, because the project that we

1 proposed was an overhead power line. So we had not gone
2 out and obtained bids. It wasn't until the City passed
3 in their conditional use permit as one of the conditions
4 that we wanted to explore this option to see if they
5 could raise the funds necessary to pay for undergrounding
6 the line. And then at that time, according to the
7 statute, it says that the City can either rely on our
8 estimates, or they can request bids.

9 The City requested the bids. And so we've been
10 in the process. I believe we have approximately a
11 50-page document that we put together to go out to our
12 potential bidders to have them prepare their bids. This
13 is, you know, not something that the power company does.
14 It's a little bit of an anomaly. We don't underground a
15 lot of transmission lines, so it's taken a significant
16 amount of work to put together that information to obtain
17 the bids.

18 MR. CLARK: Thank you for that background.

19 MR. REICH: Sure.

20 MR. CLARK: That's my only question.

21 CHAIRMAN LEVAR: Mr. Fitzgerald, do you have any
22 other questions?

23 MR. FITZGERALD: No questions.

24 CHAIRMAN LEVAR: I don't have any other at this
25 time.

1 Why don't we go to Midway City.

2 MR. GORDON: Certainly. We appreciate being
3 able to come and appear before you this afternoon.

4 Midway City has some deep concerns about due
5 process that we want to talk through and make sure that
6 we're covering the bases and protecting Midway City's
7 interests. In order to set that up, I need to give you
8 just a little bit of background on why this is a unique
9 application. I know that this Board has only been
10 adjourned three or four times, so everything is unique,
11 probably, in front of this Board.

12 But this is unique because we have two parties
13 who are applying for this transmission line through our
14 valley, Heber Light & Power as well as Rocky Mountain
15 Power. Heber Light & Power will have distribution that
16 will be served off of this on the valley floor; Rocky
17 Mountain Power will not.

18 It's important to understand that because the
19 different parties have different interests in this line
20 as it goes through the valley.

21 This line is extremely controversial to Midway
22 City residents because the portion that goes through our
23 city is right in people's front yards. It's only .8 of a
24 mile, but it has significant impact on the homeowners
25 there. And the City is doing everything it possibly can

1 to see if there's a possibility to bury this line.

2 I wanted to point out that only one of those
3 parties on the application has actually appealed before
4 you, and that's Rocky Mountain Power. Heber Light &
5 Power has not appealed the conditional use permit that we
6 issued to Midway City. In doing so, they've put
7 themselves before this Board and are going to need to
8 meet the statutory requirements and the evidentiary
9 requirements for you to make a decision. I'm going to
10 walk through those and discuss some of the concerns that
11 we have.

12 As the application process went forward before
13 Midway City, the primary person that was taking care of
14 it was Heber Light & Power. And there was evidence that
15 we received from them, but really little to no evidence
16 from Rocky Mountain Power regarding the need for this
17 line, and little evidence demonstrating that -- their
18 insistence that we have to have this line installed by
19 the end of 2020, right? We have no evidence on the
20 record that shows why that is or what will happen. They
21 claim that there will be severe outcomes, but there's
22 nothing that's been presented to us.

23 Because of that, there is an expectation that
24 there's going to be extensive evidence that you're going
25 to have to consider. And under the statute, it says that

1 we have to hold a hearing within 60 days, which Midway
2 City feels is completely unfair because it will not give
3 us the opportunity to look at and prepare for the expert
4 testimony that they're going to be putting on.

5 I want to emphasize that there's three things
6 primarily that this Board can decide. And I want to
7 clarify one thing in the record, that we have filed a
8 counterpetition. So there was a petition filed by Rocky
9 Mountain Power. We do have a counterpetition pending
10 before this Board.

11 The three things that this Board can decide --
12 and I'm going to outline these so that we can talk about
13 the necessary evidentiary standards. No. 1, and this is
14 under 54-14-305: Do the conditions imposed by Midway
15 City impair the ability of Rocky Mountain Power to
16 provide safe, reliable, and adequate service to its
17 customers? And I'll walk through what we're going to
18 need there.

19 You can resolve disputes between the standard
20 cost of going above ground and the excess cost of burying
21 the line, which will also require expert testimony.

22 And you can also decide the date construction
23 should commence and avoid -- to avoid impairing Rocky
24 Mountain Power's capacity to service its customers, which
25 will also require extensive evidentiary evidence coming

1 into the record.

2 So I want to walk through what I perceive to be
3 the evidentiary -- the evidence needed to show these
4 things so we can decide on what's going to be a fair way
5 to proceed to protect everybody's interests here.

6 First, do the conditions imposed by Midway City
7 impair the ability of Rocky Mountain Power to provide
8 safe, reliable, and adequate service to its customers?
9 During the application process, Rocky Mountain Power
10 provided no evidence or little evidence that this line is
11 actually necessary to its customers to provide safe and
12 reliable service.

13 We've been told numerous times that the line
14 must be finished by the end of 2020. Rocky Mountain
15 Power has provided no evidence as to why the line has to
16 be finished in this time frame. Rocky Mountain Power
17 claims that failure to finish the line in these time
18 frames will result in blackouts to their customers.
19 Midway City does not believe these claims and has no
20 evidence that they are true.

21 In order to meet its burden of showing a delay
22 of time will impair its ability to provide safe and
23 reliable service, Rocky Mountain Power will be required
24 to present extensive expert testimony before this Board.

25 Midway City refuses to waive its right to due

1 process regarding the evidence that Rocky Mountain Power
2 will be required to present to prove its claims.

3 Under the rules of civil procedure the normal
4 process in expert discovery would take around 246 days,
5 much longer than the 60 days that we're supposed to have
6 this initial hearing. And this would involve the
7 disclosure of their expert testimony so that we have time
8 to review it, prepare for cross-examination, and then
9 prepare our own experts to counter what they're saying.

10 So there's really two ways that we've proposed
11 in our motion to deal with this in a fair way. One would
12 be that we limit the record to what was actually
13 presented to Midway City in the application process,
14 which is the foundation for why we issued the decision
15 that we issued, right? And I think that that would be
16 fair based on we're looking at the same things that
17 Midway City, and this is called a "review" under the
18 statute.

19 The second way that we can deal with this is
20 establish a discovery schedule, as outlined in the
21 administrative code, that allows adequate time for Midway
22 City to receive all of the expert testimony -- and we've
23 already heard that Rocky Mountain Power is going to have
24 extensive testimony from their experts -- so that we have
25 full opportunity to review it and prepare and bring our

1 own experts. I don't see any other way that we can do
2 this that would be fair and protect, procedurally, Midway
3 City's rights.

4 And so that's really the biggest issue that
5 we've got right now is due process and thinking that
6 we're going to come back here in 60 days, and that we'll
7 be in any way, shape, or form prepared to challenge what
8 are fundamental issues here. So as we walk through -- so
9 those are our primary arguments.

10 If you look at the other two things that they
11 need to prove, resolving the disputes between the
12 standard cost of going above ground and excess costs of
13 burying the line, once again, you're going to need expert
14 testimony to come in. We have not received the bids.
15 And we're going to need to prepare and possibly look at
16 those, and we have the opportunity to bring our own
17 witnesses in.

18 And then the date -- and this is the big one.
19 And I want to kind of emphasize this. Really, I think
20 the core of what we're arguing about here is Midway City
21 is trying to get the money to put this line underground.
22 And we're receiving extreme pressure from Rocky Mountain
23 Power saying, We have to have this line in by 2020. We
24 have no evidence in the record, none, that says it has to
25 go in by 2020. We have no evidence in the record that

1 says, as they claim, that there will be rolling blackouts
2 because we don't get this line in.

3 I don't believe it. I don't think that there
4 will be any problem to any of their end users if we don't
5 get this line in by 2020.

6 So the question is: Should Midway City be
7 allowed the opportunity to pursue the money necessary to
8 bury it? And they're currently doing that. But what we
9 kind of see is this is kind of an end run around our
10 opportunity to raise that money. We need additional
11 time. And what I'm asking the Board and what we will be
12 arguing is unless they can prove an absolute need under
13 the statute, which is what the standard requires, why
14 wouldn't you give us an opportunity and the time
15 necessary to raise the money so we can bury it?

16 And once again, our portion of the line is
17 different than the rest of the line that comes through
18 our valley. Ours is the only portion that goes through
19 front yards of our citizens. And we've done a formal
20 study, and our citizens have voted that -- 70 percent of
21 them have said we're willing to pay to bury the line.

22 As you know, raising the amount of money that
23 we're talking about here, \$5 million, those types of
24 things, is not something you just snap your fingers and
25 have happen overnight.

1 So based on that and the date of construction,
2 primary to what you're trying to decide here is what
3 would be the appropriate date that construction needs to
4 start so that it doesn't impact their capacity to provide
5 reliable power to their people, right? And they're going
6 to have to put on a bunch of evidence to prove that to
7 you. And at the end of the day, you're going to get to
8 decide, We don't believe that you have to put this in by
9 the end of 2020. And I think, ultimately, that's what
10 the evidence is going to show, and that we can get
11 another three or four or five months here to raise the
12 money necessary to bury this line. So that's really at
13 the core of what we're talking about here.

14 And as counsel for Midway City, we just simply
15 refuse to waive our due process rights to challenge their
16 experts because the core of this is whether they
17 absolutely have to have this line in by the end of 2020.
18 And we should have every opportunity to challenge that
19 with our own experts and prepare to cross-examine theirs.
20 Does that make sense?

21 CHAIRMAN LEVAR: Yes. I just have a couple
22 questions before I go to the other Board members.

23 First, on a legal issue. Presume as a starting
24 point that we, as an executive board, do not have
25 jurisdiction to rule that the 60-day time frame in our

1 statute violates due process. Presume that that's an
2 issue for the courts, not for an agency to decide.

3 Is there any other jurisdiction that you can
4 point to that would give us the ability to do anything
5 with that statutory --

6 MR. GORDON: With our request? A couple of
7 things.

8 No. 1, we did raise in our brief -- I mean, we
9 are concerned about the constitutionality of this process
10 that would potentially deny us a fair opportunity to
11 appear in appellate court, right? If you limit us to the
12 record that we're going to be tied to in 60 days, and
13 then we go up to the appellate court and all they can do
14 is look at that record, we never had our day in court,
15 right? It wasn't fair. And so we're concerned about
16 that.

17 The other part of this that you could
18 potentially think about is the statute requires you to
19 hold the -- what's the name of the hearing? -- the
20 hearing on the merits within 60 days, but it does not say
21 you have to conclude it within 60 days. It says you have
22 to hold one.

23 And we could begin this process, but also you
24 have full power as the Chair under the Administrative
25 Code to assure that all parties have a fair opportunity

1 to present their sides of the case. And that's one of
2 the obligations that, you know, is posed on you. And I
3 think it's well within your purview to say, Well, we may
4 need to come back a couple of times as we fully develop
5 the record on this to make a decision.

6 It doesn't -- in my mind, I don't believe it
7 says anything in the record or in the statute that says
8 you have to issue a decision within a particular period
9 of time, if I remember correctly. And I may be wrong on
10 that.

11 CHAIRMAN LEVAR: I think the statute says we
12 have to issue our decision within 75 days of today.

13 MR. GORDON: Within 75 days of today. That
14 makes it -- that makes it pretty difficult, then, if
15 that's --

16 CHAIRMAN LEVAR: The following section, if
17 today's the initial hearing.

18 MR. GORDON: So if that's the case, then, you
19 know, we can maybe buy a little bit of time. But it's a
20 very difficult thing. And we're deeply concerned, and
21 you understand why we're concerned. There's no way we're
22 going to cover this ground in 60 days fairly, guys. I
23 just don't see it. And so that raises some deep
24 questions about the fairness of this process.

25 CHAIRMAN LEVAR: I just want to drill on a

1 couple more issues, then.

2 On relevance, do you dispute that the bid
3 results that Rocky Mountain Power has stated they'll
4 receive in a few days would be relevant to this
5 proceeding and are not part of the record that's at
6 Midway City so far?

7 MR. GORDON: Certainly, I believe that that
8 would -- yeah, I mean, it's going to be helpful as far --
9 we cannot get the loan. I mean, one of the things we're
10 looking at is getting a loan from Heber Light & Power to
11 cover the difference. And we can't get a loan until we
12 know what those actual costs are. And that's why those
13 bids are so important. So yes, we certainly -- those
14 would be helpful in what we're trying to accomplish here.

15 CHAIRMAN LEVAR: Sure. And then just so I
16 understand, as I read your filing this morning, you kind
17 of presented three different options to weave between
18 those your position on formal versus informal.

19 Is it correct to say your preference is for a
20 formal proceeding, but if this Board were to schedule a
21 hearing within the 60 days, your request would be that it
22 would be informal if it's held within that time frame?
23 Your first request is to limit it to what's already in
24 the record, but your request is for that to be formal,
25 correct?

1 MR. GORDON: Yes, that is correct.

2 CHAIRMAN LEVAR: So explain to me what your
3 option is for informal. I just want to make sure I have
4 everyone's positions on formal versus informal.

5 MR. GORDON: Yeah, we didn't propose, really, an
6 informal option. Expectation was we were going to have
7 to cross-examine expert witnesses, and so we need a
8 formal process. So we didn't really present an informal
9 way to deal with this.

10 I'm just trying to think through here how we
11 could possibly do that. If we limit it to the record
12 presented before Midway City, it may be that there
13 wouldn't be any witnesses, and we could potentially
14 explore an informal possibility there. But I'd have to
15 think that one through.

16 CHAIRMAN LEVAR: And, of course, that has
17 consequences on the appellate posture, also.

18 MR. GORDON: Yes. Yes. So I'd have to think
19 that -- I wouldn't stipulate to that, but, I mean, we'd
20 be willing to think about it at least.

21 CHAIRMAN LEVAR: Okay. Before I go to the other
22 board members, when we're finished with this, I want to
23 come back to -- I'm sure you're going to have a little
24 bit more to add. But I'd like your position on whether
25 the issue -- on the issue of the need for the line to be

1 in by 2020, whether there is -- whether your view is
2 there's already evidence that was put before Midway City,
3 or whether your view is that you would need to present
4 evidence to this Board that wasn't yet in front of Midway
5 City.

6 But before we get to that question, I'll go to
7 board members for Midway.

8 Mr. Fitzgerald, do you have any questions?

9 MR. FITZGERALD: I do have a couple.

10 I haven't had the opportunity to see or view the
11 counterpetition, so some of this may be in there. But it
12 was my understanding from some of the initial pleadings
13 that there's a current line in that location already; is
14 that correct?

15 MR. GORDON: That is correct. There is an
16 above-ground line that is in this corridor, yes.

17 MR. FITZGERALD: And then for my benefit, can
18 you explain your relationship to Heber Light & Power and
19 whether or not they should be involved in these
20 proceedings --

21 MR. GORDON: Certainly. So Heber Light & Power
22 is owned by Heber City, Midway City, and Charleston, I
23 believe. And so our mayor sits on the board of Heber
24 Light & Power, along with the mayor of Heber City.

25 So expectations would be that we wouldn't

1 probably be suing ourselves. And that's why Heber Light
2 & Power is not the one that's filing this, would be my
3 guess.

4 MR. FITZGERALD: Okay. So who owns the line
5 right now, or is it a mix?

6 MR. GORDON: Heber Light & Power owns that line.

7 MR. FITZGERALD: The line and the easements?

8 MR. GORDON: Yes.

9 MR. FITZGERALD: Okay. And then you mentioned
10 in your remarks there a discovery schedule and made a
11 reference to the Administrative Code.

12 Is that specifically in reference to the
13 statutory authority for this, or something different, or
14 do you have a citation to what you're referencing?

15 MR. GORDON: Certainly. Let me give you that.
16 So under 63G-4-205, it gives power under formal
17 adjudicative proceedings for the agency. They can
18 prescribe means of discovery adequate to permit the
19 parties to obtain all relevant information necessary to
20 support their claims or defenses. If the Agency does not
21 enact rules under this section, the parties may conduct
22 discovery according to the Utah Rules of Civil Procedure.
23 Then it talks about subpoenas and all that.

24 So you as a Board under this Act, you do have
25 power to establish what discovery is going to look like

1 in this process.

2 MR. FITZGERALD: Okay. Thank you.

3 CHAIRMAN LEVAR: And just to clarify, that
4 citation was to the Utah Administrative Procedures Act,
5 correct?

6 MR. GORDON: That is correct, yes. And it's
7 63G-4-205.

8 MR. FITZGERALD: That's it. Thank you.

9 CHAIRMAN LEVAR: Mr. Clark?

10 MR. CLARK: No questions.

11 CHAIRMAN LEVAR: Mr. Wright, any questions?

12 MR. WRIGHT: I guess one more question.

13 If you receive the bid -- you know, the current
14 bids that Rocky Mountain Power is anticipating by the end
15 of the week or the week after that, how long would it
16 take you to get a loan approval or timing from Heber
17 Light & Power?

18 MR. GORDON: We're in the process of doing that.
19 I believe the next meeting is in March on that where it
20 is on the agenda to be discussed. So they could
21 potentially take action then. But I don't know what the
22 requirements are going to be. That would be the fastest
23 it could occur would be in March.

24 MR. WRIGHT: Okay. So that at least addresses
25 one of your three issues?

1 MR. GORDON: Yes.

2 MR. WRIGHT: The other two issues, is it needed
3 and is it needed by the end of the year will require some
4 discussion.

5 How long do you -- you know -- you know, I'm a
6 rookie on this Board. But how long will Rocky Mountain
7 Power take to make your case and provide it to Midway so
8 they can have their expert witnesses look at it?

9 MR. REICH: I'm not sure exactly what -- could
10 you clarify your question? By make our case, do you mean
11 file our testimony?

12 MR. WRIGHT: Make your case in terms of the need
13 and the timing for when the construction needs to be
14 completed.

15 Are you prepared to provide documents to them
16 fairly quickly so they can obtain expert witnesses to
17 start investigating?

18 MR. REICH: Well, and we can talk a little bit
19 more about that. Let me answer it this way.

20 First, let me get back to his initial point that
21 Rocky Mountain Power doesn't serve anyone in this Heber
22 Valley. I think that's an incorrect statement that I'd
23 like to clarify. As we filed in our petition, I'm just
24 going to refer to that on the second page, it says:

25 "Rocky Mountain Power is the wholesale

1 provider of electrical services to HLP
2 through HLP's membership in the Utah
3 Associated Municipal Power Systems and is
4 the certificated retail provider for the
5 unincorporated portions of Wasatch County,
6 Utah. Due to the explosive growth within
7 Wasatch County, the project is urgently
8 needed to provide safe, reliable, adequate,
9 and efficient service to both companies'
10 customers."

11 So I think it's -- anybody that's been up to the
12 Heber Valley has -- can see there's explosive growth.
13 There's a huge need for electricity and electricity
14 services.

15 This project will allow the transmission system
16 in the region to be operated in the looped configuration
17 if any one of the regional transmission lines goes out of
18 service, thereby reducing the risk of widespread,
19 prolonged outages.

20 In addition, this project will provide a second
21 point of transmission interconnection to Heber Light &
22 Power, allowing it to provide needed redundancy and
23 capacity to benefit its customers. So that has been the
24 focus, I think, before the -- Midway City to the extent
25 of our evidence about need.

1 If you look at the Utah statutes, you know, the
2 difficult thing that we face as we go to get these
3 conditional use permits is cities sometimes want to
4 exceed their authority. And I think need is one of those
5 things that really is not within their purview to
6 determine. Whether or not -- does Rocky Mountain Power
7 need to work with Heber Light & Power in this project?
8 Is there really a need? Well, I don't think Midway City
9 is really situated to address that issue.

10 The Utah statute that talks about what's within
11 the municipality's authority says a municipality may
12 adopt a land use ordinance that includes conditional uses
13 and provisions for conditional uses that require
14 compliance with standards set forth in an applicable
15 ordinance.

16 So our focus in front of the -- in front of the
17 Midway City Planning Commission first, which is where we
18 went and got approval from them, and then it went in
19 front of the Heber City Council -- or, sorry, Midway City
20 Council, was to focus on did it meet with the applicable
21 standards in their ordinance? Need is not one of those.

22 So we are prepared to present evidence about
23 need. Nobody has said that we're going to require lots
24 of experts and tons of testimony. But we certainly can
25 address it, and we certainly will.

1 And, you know, getting back to the statute, the
2 statute that is before us said that the hearing shall
3 be -- you know, you have 60 days after the initial
4 hearing. And this statute has never been declared
5 unconstitutional. Nobody is asking Midway City to waive
6 their due process rights. Sixty days is enough for due
7 process. We have the same issue. We have to get ready
8 within 60 days, and we're asking the Facility Review
9 Board to enforce the statute as it's written.

10 CHAIRMAN LEVAR: Yeah, I have a couple follow-up
11 questions. I'd just like to get some sense, then -- I
12 mean, we're being asked by Midway City to limit our
13 consideration of what was presented before City. You've
14 given us a couple of examples of things that would fall
15 beyond that, bids that are coming in. You've explained
16 why the case before Midway City didn't involve your case
17 on need for the line by the end of 2020.

18 What other evidentiary issues -- I mean, I know
19 this is preliminary to ask you this question, but do you
20 have any other high-level issues that you would feel a
21 need to provide evidence to that was not -- not in the
22 record at Midway City so far? Just -- I mean, I'm just
23 trying to get a high-level sense of the dispute that
24 we're faced with.

25 MR. REICH: Sure. For example, one of the

1 issues that Midway City put in their conditional use
2 permit, one of the conditions is that we need to
3 underground the line when it's within three miles within
4 their city limits -- one mile, sorry. And then they want
5 us to take the line above ground over in Wasatch County,
6 which isn't within city limits.

7 Well, we already have a conditional use permit
8 from Wasatch County that doesn't authorize that, okay.
9 So they imposed a condition on a sister jurisdiction they
10 don't have any jurisdiction over and basically said, Hey,
11 we don't want the line above ground, but you can have it
12 come above ground over in the sister jurisdiction.

13 So I think to some extent we would have to
14 discuss our conditional use permit that we have from
15 Wasatch County that doesn't give us the authority to do
16 that. So that's just one thing that comes to mind in
17 addition to the bids.

18 You know, we see this as a -- as a process to
19 discuss the excess costs. That was our concern with the
20 conditional use permit conditions. That's why we
21 requested the assistance of the facility review board, is
22 to -- Rocky Mountain Power is neutral whether it's an
23 above-ground or below-ground line. We just need and want
24 for the ratepayers' sake to be compensated if Midway City
25 decides to put it underground.

1 As you already noted, there's an existing
2 above-ground facility there already. So it creates a
3 myriad of issues that we think can be dealt with
4 properly. And yes, it will take a lot of work in the
5 next two months, but we think that we can meet the
6 statutory deadlines. And we want to meet the statutory
7 deadlines because, as we put in our submission, the --
8 some of the first meetings on this occurred back in 2017.
9 This isn't a new project that we just came up with.

10 So when we initially met with Midway City, they
11 didn't even have an ordinance about conditional use
12 permits. And the initial meeting was, yeah, you know,
13 just go ahead and start your project. We started working
14 on conditional use permits with Wasatch County. Then
15 Midway City came up and drafted a conditional use permit.
16 Out of respect and out of being cooperative, we then
17 applied for it.

18 So this has been a very long process. We've
19 been in discussions with Midway City for several years on
20 this. So I think it's interesting now that they're
21 saying, Oh, my gosh. We need more time. We need more
22 time to talk about that.

23 The point of this proceeding is to focus on the
24 excess costs and whether or not those excess costs are
25 going to be paid for by Midway City, or are they -- and

1 that's the point of our petition.

2 CHAIRMAN LEVAR: Okay. Any other questions for
3 Rocky Mountain Power?

4 Mr. Fitzgerald?

5 MR. FITZGERALD: No.

6 CHAIRMAN LEVAR: Mr. Clark?

7 MR. CLARK: No.

8 CHAIRMAN LEVAR: Mr. Wright?

9 MR. WRIGHT: No.

10 CHAIRMAN LEVAR: I think we'll shortly move to
11 Board discussion, I think, of the issue in front of us.
12 But I think it would be fair to come back if you want to
13 make any surrebuttal comments.

14 MR. GORDON: Sure.

15 CHAIRMAN LEVAR: And we may have more back and
16 forth as we move to Board discussion.

17 MR. GORDON: Certainly.

18 CHAIRMAN LEVAR: But I'll ask you to --

19 MR. GORDON: Yeah, let me just respond just
20 briefly.

21 Let's go back to the touchstone of what it is
22 you guys are here to decide. No. 1: Do the conditions
23 imposed by Midway City impair the ability of Rocky
24 Mountain to provide safe, reliable, and adequate service
25 to its customers? That's primary No. 1. And that's

1 their burden, and they are going to have to prove it,
2 that this line is needed and that this line is needed in
3 the time frames that they're saying. That's what you're
4 here to decide. I'm not sure what Rocky Mountain Power
5 expected coming over here, but that's what's in front of
6 you.

7 No. 2, to resolve the disputes between the
8 above -- the standard costs and the excess costs. And
9 those are going to require bids that we don't even have
10 yet, and that's going to require expert testimony to
11 establish that.

12 And then No. 3, the date the construction should
13 commence to avoid impairing Rocky Mountain Power.

14 You can't make those decisions, you can't make
15 findings, you can't submit findings of fact or
16 conclusions of law without a bunch of evidence that's
17 going to have to come into this record. And we're going
18 to have to think through how we deal with this. But I
19 still think that the 60 days is completely unfair given
20 that this is -- I mean, we're going to have to analyze
21 the entirety of Rocky Mountain Power's system and
22 determine if what they're actually telling us is true or
23 not. And we should have full opportunity to bring our
24 own experts to counter if we disagree with what it is
25 they're saying.

1 So based on that, I would just come back to
2 let's not get lost on what's happened in the past. We're
3 here before you, and those are the questions that you
4 have to decide. And we want to make sure that Midway
5 City's rights are protected and that we've given the full
6 opportunity to present our side of the case.

7 CHAIRMAN LEVAR: Okay. Thank you.

8 Any other questions for Midway City,
9 Mr. Fitzgerald?

10 MR. FITZGERALD: Yeah. Just -- I mean, my
11 understanding from your opening remarks would be that
12 we're here to decide whether a formal or informal process
13 is occurring. Both of you seem to have said we need a
14 formal process. And whether evidence would be limited to
15 the record or not limited -- and I'm hearing from both of
16 you that it should not be limited unless I'm
17 misunderstanding something.

18 MR. GORDON: Well, our position would be if
19 you're going to proceed forward in 60 days, limit it to
20 what's already been presented to the City. That's the
21 only fair way, and I think that we could probably proceed
22 through it and we would be able to present our case.

23 If we're going to open it to the type of
24 evidence that I've outlined you need, it's going to take
25 a long time.

1 MR. FITZGERALD: And then the last question I
2 have is the 60 days seems to be statutory, and we don't
3 have much of a way to change that sitting up here that I
4 am aware of. You indicated a constitutional argument to
5 get around that. We don't have any other statutory or
6 administrative code.

7 Any other arguments to make on that?

8 MR. GORDON: No. We've set the arguments forth
9 that we have.

10 MR. FITZGERALD: Thank you.

11 CHAIRMAN LEVAR: Mr. Clark, do you have any
12 questions?

13 MR. CLARK: I'm also -- sorry. I'm used to
14 having my own microphone and getting to operate it
15 myself.

16 CHAIRMAN LEVAR: We don't share well.

17 MR. CLARK: I'm interested if you have anything
18 further to say on the duty, and maybe you disagree with
19 the premise that we have a responsibility to adopt a
20 statewide perspective and to examine the impacts of the
21 decision we make relative to reliability and adequacy of
22 service independent of whatever may have happened in
23 front of Midway City. So I'm interested in do you have
24 anything further to say to us --

25 MR. GORDON: Certainly.

1 MR. CLARK: -- to reconcile that duty to your --
2 with your request that we limit the information that we
3 would receive?

4 MR. GORDON: Certainly. So let's talk through
5 kind of what your duty is here.

6 You're sitting as a judge, and your duty is to
7 consider the evidence that is presented to you. That's
8 not a greater duty beyond: They have to come in. If
9 they want to come to this Board, you're here to resolve
10 the three things that I've talked about. And you have to
11 determine if the conditions that we've put on them impair
12 their capacity to provide safe, reliable, and adequate
13 service. That's what we're here to decide.

14 And they're the ones that have to prove that.
15 They're insistent that this has to go in by 2020 and that
16 we shouldn't have the time to raise money to bury it.
17 And in order for you to make a decision to say, Well, is
18 this going to impair them or not, they're going to have
19 to come in with that evidence.

20 So I don't think that there's, you know, a
21 contradiction in anything that you're saying. Your duty
22 is to listen to the evidence that they have. And if they
23 can prove that they're going to have rolling blackouts,
24 well, then, you can make the decision. But if that's
25 hyperbole, if that's just something that they're saying

1 and there's no evidence for it and we can get additional
2 time and no one is going to get hurt by it, then that's
3 part of your duty as well, to decide what time should
4 this project start, when it -- you know, how long do we
5 have before it actually does start to actually impair
6 them? And you can't make those decisions without the
7 evidence that they need to provide to you.

8 Does that make sense?

9 I guess swinging back around to if we limit the
10 record, I will be honest with you that they did not focus
11 on any of this in front of Midway City, which means
12 they're not going to have the evidence necessary to show
13 that this is a line that is needed. And they're not
14 going to have evidence necessary to show that this line
15 has to be put in by 2020. It's just not going to happen.
16 It's not there. They never addressed it.

17 And so it was their application. They could do
18 what they want with it. And it may be that they have to
19 live with what it is that they presented before Midway
20 City. I don't see another fair way to do it.

21 MR. CLARK: Thank you. I understand.

22 MR. GORDON: Thank you.

23 CHAIRMAN LEVAR: Mr. Wright, any other
24 questions?

25 MR. WRIGHT: Yeah. I'm still questioning the

1 using the existing record versus bringing in new facts.
2 And it seems to me that if you use the existing record,
3 you're still looking for additional facts as to why, or
4 you're going to provide your own, you know, opposing
5 testimony as to why the statements they made as to the
6 need and the timing that they did make in front of you
7 were unsubstantiated.

8 MR. GORDON: I mean, we would just argue based
9 on the record that there were statements that did not
10 have any factual basis to them. And so you would be
11 sitting as a Board going, We can't rely on that because
12 there's no factual basis to -- I mean, anybody can say
13 anything. But you've got to have actual evidence to
14 support that. And so you would be stuck with a situation
15 where you cannot make a finding based on the record.

16 MR. WRIGHT: That seems to be an argument that
17 relying on the existing record is not a way to go.

18 MR. GORDON: Well, it's difficult because if you
19 want to come in -- you're in a very unique situation
20 because normally you would have one applicant, and one
21 applicant would have come in and presented a lot of this
22 on the record already, and we would have had an
23 opportunity to look at it here.

24 Here, you had Heber Light & Power and Rocky
25 Mountain Power. Heber Light & Power kind of focused on

1 their side of it, Rocky Mountain Power just kind of came
2 along on their coat tails. They were working with them,
3 but they did not submit the evidence necessary to
4 establish the need for their line. And now, if we have
5 to come in in 60 days, they're going to have to do a lot
6 of work, and we're not going to be able to cover that in
7 60 days. I'm just telling you, it's not going to be a
8 fair process.

9 MR. WRIGHT: But you're telling me that the
10 existing record is not something we can work with, even
11 though you were asking that --

12 MR. GORDON: Oh, we can work with it.

13 MR. WRIGHT: -- we work with the existing
14 record.

15 MR. GORDON: No, we can work with it. What I'm
16 saying is if we go on the existing record, Midway City
17 will win because there's simply not evidence in that
18 record to show that this line is needed or that it has to
19 go in by the end of 2020. And so we're okay with that,
20 too.

21 MR. REICH: Could I just follow up with ...?

22 CHAIRMAN LEVAR: I'd like to ask one more
23 question of Midway City before you follow up, if that's
24 okay.

25 Let me make sure I have my question phrased

1 right.

2 What's your view of just general due process and
3 fairness on the issue of whether Rocky Mountain Power
4 would have had any notice that they needed to present to
5 Midway City all evidence that they might in a future
6 proceeding need to present to this Board? Would they
7 have had any way to anticipate a need? Maybe discuss the
8 different -- your view. We've already heard Rocky
9 Mountain Power's view and the different standards that
10 Midway City looks at versus this Board. But maybe add to
11 that your view of that.

12 MR. GORDON: Well, I mean, they have the
13 necessity under the statute that we're talking about.
14 The touchstone here is that they have to demonstrate if
15 they have any power come through a jurisdiction, they've
16 got to show that there's a need. If you want to come in
17 front of this Board, you've got to show that there's an
18 actual need, right? So they can't just come in and
19 willy-nilly say, Well, this is a good idea, we kind of
20 like it, or, It sure would be nice because these lines
21 are huge and they're ugly and they have an impact. And
22 we all understand that, right? So it's very strict on
23 their side and what it is that they can and can't do.
24 And they know this. I mean, we're a municipality. This
25 is their profession. This is what they do. They get

1 transmission lines through things.

2 And so I can't apologize for what they've put on
3 the record and what they haven't put on the record. All
4 I can tell you is they didn't put on what they needed to
5 put on in front of us.

6 CHAIRMAN LEVAR: Okay. Thank you. I think
7 we've worked through the issues pretty well. I think
8 it's probably appropriate to give both Rocky Mountain
9 Power and Midway City one more chance for some brief wrap
10 up or any points that you -- that the questions have
11 raised. And then I think at that point, we'll move to
12 Board discussion.

13 I'll mention to our two new Board members since
14 we haven't really communicated yet, it's my view -- at
15 least I'm not aware of anything that gives us legal
16 authority to deliberate in any other way other than this
17 public meeting. So at least that was our practice in the
18 last case we had, was that all of our Board discussions
19 and deliberations were done in open meeting. I'm not
20 aware of anything that gives us authority otherwise. I'm
21 open to being convinced otherwise, because the Public
22 Service Commission operates differently.

23 MR. WRIGHT: The Open Meetings Act applies.

24 CHAIRMAN LEVAR: Yes. So that's where we are, I
25 think. So we'll go to any final wrap-up comments and

1 then back to the Board if there's no objection to that,
2 going forward that way.

3 MR. FITZGERALD: That's fine.

4 CHAIRMAN LEVAR: Okay.

5 MR. REICH: Okay. Let me just first -- I just
6 wanted to refer to the approved, the conditional use
7 permit approval by Midway City. And in their conditional
8 use permit, they said, "We accept the following
9 findings." And it says that the proposal will create a
10 second point of power access that will benefit residents
11 of the entire valley. The proposal will allow more power
12 into the valley that will benefit the entire valley and
13 meet present and future community needs.

14 So I think the actual permit that they issued
15 acknowledges that there is, in fact, a need, that we did
16 discuss it in front of them, and they agreed with that,
17 that there is a need to receive power in the valley.

18 The other thing I wanted to get back to is the
19 purpose of this Board. And Rocky Mountain Power doesn't
20 build transmission lines for fun. Obviously, we have a
21 duty to provide reliable service to our customers. And
22 as you well know better than I do, we have to then
23 justify those costs and expenses to be reimbursed by the
24 Commission. So certainly, in a proper forum, we have a
25 responsibility to prove that our costs are necessary for

1 providing reliable electric service.

2 This very Act says in Section 54-14-102(1)(c),
3 "Excess costs imposed by requirements of a local
4 government," which is what we have here, "for the
5 construction of facilities may affect either the rates
6 and charges of the public utility to customers, other
7 than customers within the jurisdiction of the local
8 government, or the financial viability of the public
9 utility unless the local government pays for those excess
10 costs."

11 So I think the statute, the legislative finding
12 in the statute gives you the express purpose of why this
13 Utah -- why the Utility Facility Review Board was
14 created.

15 And then finally, in Section 54-14-301, it says
16 the creation, purposes, and composition of the Board, the
17 Utility Facility Review Board, is created to resolve
18 disputes between local governments and public utilities
19 regarding the siting and construction of facilities as
20 provided in this part.

21 So the dispute is more general, and it's not
22 limited to a conditional use permit. But the very issue
23 in this case is going to be the excess costs, which is
24 outside of what was, you know, as we've already
25 discussed, specifically presented to Heber City.

1 So for that reason, you know, I just wanted to
2 provide those additional points.

3 CHAIRMAN LEVAR: Okay. Thank you.

4 Any final comments from --

5 MR. GORDON: Just the last thing.

6 In our report of action, when the city council
7 indicated that this would benefit its citizens, nobody
8 argues that it wouldn't benefit them. That's not the
9 standard. We did not submit any finding that said that
10 this line is needed, and there was no evidence presented
11 to us that it was an actual need. And that's the
12 standard you've got to determine.

13 Based on that, I would submit.

14 CHAIRMAN LEVAR: Okay. I'll open it to Board
15 discussion.

16 And again, the issues we have in front of us are
17 designating the proceeding as formal versus informal, and
18 then setting the schedule, which, in my mind, starts with
19 a hearing date, and then we need to do some things going
20 backwards from that.

21 Anyone feel a desire to speak first?

22 MR. WRIGHT: I guess I'll start.

23 CHAIRMAN LEVAR: Sure.

24 MR. WRIGHT: I think the general agreement is we
25 go formal proceeding and, given the concerns of Midway,

1 stretch it out as late in the 60-day period is as
2 reasonable for our five schedules. That's it.

3 CHAIRMAN LEVAR: I'll go ahead.

4 You go ahead.

5 No, I mean my personal view is I think we have a
6 very clear statute here. I understand the concerns on
7 due process. I don't view that as our jurisdiction to
8 decide. So I -- I'm personally in favor of what you
9 described, designating it as formal and then moving on to
10 setting a hearing date and a process from that.

11 I believe the policy decision on the speed of
12 this process has been made above my pay grade. And I
13 just don't see us as having any legal path to anything
14 other than that.

15 MR. CLARK: And I agree that it's appropriate to
16 conduct the proceeding formally. And I also agree with
17 the expressions of my colleagues up to this point that
18 the statute -- statutory requirements are clear for us.
19 Our responsibilities are clear. And I hope we can set a
20 schedule that will create as much opportunity to have the
21 kind of record we'll need. But we have to do that within
22 the time frame that the statute requires, which calls for
23 hearings within 60 days and an order within 75 days under
24 Subsection 305. So that's my view.

25 MR. FITZGERALD: I've watched city councils

1 operate for a lot of years now. I know how exciting it
2 is to really have -- it doesn't matter what I say because
3 all three -- I can say whatever I want.

4 But actually, I agree with what's been said
5 here. I think it should be formal. And let's get this
6 scheduled and hear what we need to hear.

7 CHAIRMAN LEVAR: So I think I will restate
8 Mr. Wright's comments as a motion to the Board to say
9 that -- a motion that we designate this proceeding as a
10 formal proceeding under Utah Administrative Proceedings
11 Act, with the intention to then take our next action to
12 schedule a hearing date within 60 days from today.

13 It that the common understanding of the motion
14 in front of us?

15 MR. WRIGHT: Yes.

16 MR. FITZGERALD: Yes.

17 MR. CLARK: I second it.

18 CHAIRMAN LEVAR: And I think we typically have
19 voted in alphabetical order.

20 So, Mr. Clark?

21 MR. CLARK: I vote yea.

22 CHAIRMAN LEVAR: Mr. Fitzgerald?

23 MR. FITZGERALD: Yes.

24 CHAIRMAN LEVAR: I vote yes.

25 Mr. Wright?

1 MR. WRIGHT: Yes.

2 CHAIRMAN LEVAR: Do we need a few minutes to
3 look at calendars? My understanding is our 60-day
4 deadline is April 24th and then -- to come to a hearing
5 date. And then obviously from that -- I haven't asked
6 the parties if their intention is to provide written
7 testimony or other kind of briefing prior to a hearing
8 date, if we need motion deadlines and discovery deadlines
9 and issues like that.

10 Do we need a few minutes off the record to
11 discuss, or should we just move forward and start picking
12 dates? Would a short recess be helpful or not?

13 MR. GORDON: I don't know that I'm as concerned
14 about the date. We'd like the ultimate hearing to be 60
15 days out. But I'm more concerned about the deadlines
16 leading up to it as far as having access to what they're
17 going to be presenting so we have time to prepare.

18 CHAIRMAN LEVAR: Okay. Should we go ahead and
19 move --

20 MR. GORDON: Sure.

21 CHAIRMAN LEVAR: -- for a date at this point?

22 MR. FITZGERALD: Do we have any idea how long
23 the hearing might last?

24 CHAIRMAN LEVAR: Oh, yeah. That's an important
25 question.

1 Why don't we start with Rocky Mountain Power.

2 MR. REICH: With respect to how long we think
3 the hearing is going to last, I think if we submit
4 written testimony and then the hearing is limited to just
5 cross-examination. I'm assuming that's the -- if that's
6 acceptable to Midway City, then I think we could get it
7 done in a day, maybe a day and a half.

8 CHAIRMAN LEVAR: Okay.

9 Midway City?

10 MR. GORDON: That might be a little bit
11 optimistic, and then I'm not sure how many experts we
12 would have on our side. I would probably say three to
13 four just to be safe. If they've got to go through -- I
14 don't know how many experts they're going to call. I
15 mean, I really -- normally, these things are set out long
16 before we're -- I mean, this is going to be an
17 interesting process here.

18 But I would say that we would probably have an
19 expert to oppose every one of theirs, potentially. And
20 so whatever time they need to present their
21 case-in-chief, we would need to present ours as well. So
22 probably three to four days.

23 CHAIRMAN LEVAR: Okay. Considering that, I
24 mean, it looks like the latest we would want to begin the
25 hearing would probably be Monday, April 20th. And I have

1 the Public Service Commission calendar in front of me.

2 Rocky Mountain Power has a hearing on the 21st
3 that I don't know -- I doubt would involve either of you
4 two, and I don't think it would -- it's being conducted
5 by our administrative law judge. So I think that the
6 Board members wouldn't be involved in that.

7 We have one Board member with a tentative
8 conflict, the 22nd and 23rd, but I think that's movable
9 also, from what I'm seeing on the calendar.

10 So let me ask the other Board members or other
11 parties: Does the week of April 20th -- and I'm
12 recognizing that pushing it that late in terms of
13 drafting and issuing a written order does put us under
14 the gun. There is a process to getting something written
15 and then getting it approved by all five Board members.
16 So we're assuming -- it's a difficult task that sometimes
17 communication back and forth is difficult.

18 But so I'm asking anybody in the room, parties
19 or the other board members, does that week look possible,
20 or do we need to go earlier?

21 MR. WRIGHT: I would say for my schedule, it's
22 possible but I've got some conflicts in there.

23 Do we have to go -- say if we're going to go
24 four days, can we go Monday, Tuesday, Thursday, Friday?
25 Because I have a standard council meeting on -- county

1 council meeting on Wednesdays. And how many -- from what
2 time to what time? I have, you know, some morning and
3 some evening meetings I should attend I can probably
4 avoid. But I could make it to both all the better on
5 those other days. So I don't know what your normal
6 scheduling is.

7 CHAIRMAN LEVAR: Well, considering that this
8 Board has done two prior hearings, I don't know if there
9 is a normal scheduling, but at least the Public Service
10 Commission would typically run hearings 9 to 5, 9 a.m. to
11 5 p.m. roughly.

12 So you said the week of the 20th isn't ideal for
13 you?

14 MR. WRIGHT: Well, every week has a Wednesday
15 council meeting for me, so the 20th is as good as any.

16 CHAIRMAN LEVAR: If we do it Monday, Tuesday,
17 Thursday, Friday?

18 MR. WRIGHT: Yes.

19 CHAIRMAN LEVAR: Okay.

20 Mr. Fitzgerald?

21 MR. FITZGERALD: I have a conference that week,
22 but right now I can schedule out of that if it's
23 convenient for everybody else.

24 CHAIRMAN LEVAR: Well, let me go to Rocky
25 Mountain Power and Midway City, then.

1 MR. REICH: Yeah, we're available that week.

2 MR. GORDON: We're fine with April 20th through
3 the 24th as well.

4 CHAIRMAN LEVAR: I didn't go to you,
5 Commissioner Clark.

6 MR. CLARK: That's all right. That week works.
7 I think it's -- it really presents a significant
8 challenge for us to contemplate producing a written order
9 that we all concur in or that may have even dissents
10 associated with it in two weeks.

11 My only point in saying that is that I think
12 that burden is appropriate under the circumstances, and
13 that we should do that in order to accommodate the
14 fullest evidentiary process that we can.

15 CHAIRMAN LEVAR: And Mr. Fitzgerald, you're sure
16 you're comfortable with making that adjustment to your
17 schedule?

18 MR. FITZGERALD: Yeah, I looked deeper into the
19 week. I am not available on the 24th, but I can make the
20 other days of the week work.

21 CHAIRMAN LEVAR: Well, are three days enough?
22 You had some concern that you might need a fourth.

23 MR. GORDON: It's almost impossible to tell
24 until we see what they've got. If we could say the first
25 three days and then reserve the 25th, if needed, then I

1 think that that would probably be pretty safe. I
2 think --

3 CHAIRMAN LEVAR: By the 24th?

4 MR. GORDON: -- get it done. Is it -- the 24th
5 is a Friday? Is that okay?

6 (Multiple people speaking at once.)

7 MR. GORDON: Yeah.

8 CHAIRMAN LEVAR: Okay. And of course, the
9 hearing can proceed with a quorum of the Board, but
10 that's not ideal because if we're making evidentiary
11 decisions, it's not ideal --

12 MR. FITZGERALD: Sure.

13 CHAIRMAN LEVAR: -- to go that way.

14 Are you comfortable with scheduling it that way,
15 with the understanding there might be a need for a fourth
16 day?

17 MR. FITZGERALD: Well, are we saying -- I mean,
18 are we doing Monday through Thursday because that is four
19 days? Are we going to take the Wednesday off, or what's
20 the thought process there?

21 CHAIRMAN LEVAR: Does your council meeting allow
22 for a partial --

23 MR. WRIGHT: Yes, it does, particularly -- you
24 know, I may be able to cut down my agenda -- the agenda
25 that day. I may be able to get to this -- you know, a

1 Board meeting here and have partial attendance at the
2 council meeting. So I can probably -- if I give enough
3 notice to my council mates, the agenda scheduler can
4 probably cut me some slack.

5 MR. FITZGERALD: My Friday is a wedding that my
6 wife may not be too happy if I'm not present at.

7 How late do you think this --

8 MR. WRIGHT: I'll deal with Monday through
9 Thursday if that's what's going to work best for
10 everybody.

11 CHAIRMAN LEVAR: Should we schedule Wednesday to
12 be a shorter day, or should we schedule it for a normal
13 day?

14 MR. WRIGHT: If you can schedule Wednesday as
15 shorter day, that would help.

16 CHAIRMAN LEVAR: How much shorter do you think?

17 MR. FITZGERALD: When does your meeting start?

18 MR. WRIGHT: Our meetings can start anywhere
19 from 11 o'clock in the morning and run until 10 o'clock
20 at night, or they can run from 2 o'clock in the afternoon
21 to 6 o'clock. They always have to run until at least
22 6 o'clock because that's when we have public comment.

23 But there's not always issues that we have to
24 vote on at every meeting that are vital for my presence.
25 So I can -- this far in advance, I think I can -- I'll

1 make some accommodations so that I'm not a vital
2 participant in the county council that day.

3 CHAIRMAN LEVAR: Okay. Well, it seems like it
4 makes sense, then, to schedule this hearing beginning on
5 April 20th and reserving through April 23rd. We might
6 put some caveat language that on the 22nd, depending how
7 things develop, we might end early that day, might not.
8 But we'll put that into the scheduling order.

9 If there's no objection to this, I think we'll
10 also put it in the scheduling order the Public Service
11 Commission filing requirements, which are just electronic
12 filing. If you have materials to file that are not
13 confidential, it's simply an email to our email address.
14 If you have confidential materials, it's a little bit
15 more of a process. But it's fairly straightforward.

16 With that hearing date, do we need some time to
17 discuss building up to that hearing date, or should we
18 recess for a few minutes, or should we just plow through
19 it in an open meeting at this point?

20 MR. REICH: I have a question for clarification.
21 You said that we're going to do a formal process and in
22 the two months. You did not clarify whether or not it's
23 going to be limited to the record or not.

24 CHAIRMAN LEVAR: We did not rule on -- you know,
25 we didn't rule on that motion from Heber City.

1 Board discussion to that issue, or a motion from
2 a Board member?

3 MR. CLARK: I'll speak to it first. I don't see
4 how we can faithfully carry out the responsibilities we
5 have under the Act without allowing the utility to
6 present and -- all parties to present the information
7 that they think we need to make to -- or the information
8 they think we need to make the judgments that we need to
9 under the Act.

10 So my vote would be to receive whatever
11 information that is relevant that the parties present and
12 not to limit it to the record that was made before Midway
13 City, who had different sets of responsibilities and
14 different sets of issues to examine than ours are, in my
15 view.

16 MR. WRIGHT: I agree with that.

17 CHAIRMAN LEVAR: Any further discussion?
18 Do you want to make that as a motion?

19 MR. CLARK: So my motion is that we not limit
20 the information, the evidence that comes before us, to
21 the record that was made before Midway City in their
22 proceeding.

23 MR. WRIGHT: Second it.

24 CHAIRMAN LEVAR: Mr. Clark, how do you vote on
25 the motion?

1 MR. CLARK: I vote yes.

2 CHAIRMAN LEVAR: Mr. Fitzgerald?

3 MR. FITZGERALD: Yes.

4 CHAIRMAN LEVAR: I vote yes.

5 MR. WRIGHT: Yes.

6 CHAIRMAN LEVAR: So that motion passes.

7 So then moving on to schedule in terms of
8 discovery schedule, testimony schedule.

9 Did you indicate that it's your intention to
10 file written testimony for Rocky Mountain Power?

11 MR. REICH: That is our proposal, yes.

12 CHAIRMAN LEVAR: Okay. And again, that's
13 mandatory for Midway City to do that also, but it's
14 certainly your option to do that.

15 MR. GORDON: We don't have an objection to that.
16 That's just fine. Normally, in this process what would
17 happen is Rocky Mountain Power would disclose to us what
18 their witness list is going to be by a particular date.
19 We would have an opportunity to review that.

20 And then we would have an opportunity to
21 disclose who our witness list is going to be with an
22 outline of what each witness is supposedly going to say,
23 and then a deadline as well on disclosures from their
24 experts.

25 So we receive those, and then we also have an

1 opportunity, then, to review those and then submit back
2 our expert testimony, whatever that's going to be, prior
3 to trial.

4 So we would like to have those deadlines. I
5 think those are the primary ones we're concerned about.
6 If we can establish that, it would be fantastic. And
7 then we'll all know what we need to do to proceed.

8 CHAIRMAN LEVAR: Okay. And two ways to move
9 forward. Some of those issues are disclosed as they file
10 their written testimony. So depending on how much time
11 there is between their written testimony and your time to
12 respond, or whether there is a need to have some of that
13 material sooner than their written testimony is filed.
14 Let me just see if you have any comments on either --

15 MR. REICH: Yeah, our preference is to file a
16 written a testimony and not -- I think what he's
17 referring to are the Rules of Civil Procedure. And I
18 don't know that that is necessary or required in this
19 proceeding. So I think he's referring to initial
20 disclosures, all that.

21 I mean, we would propose filing a response to
22 his counterpetition and then filing our written
23 testimony. They can file their written testimony. And
24 if we have any intervenors, we can set a hearing to
25 determine whether or not that's appropriate. So I think

1 that is the schedule that we would propose.

2 CHAIRMAN LEVAR: And how much time would you
3 request to file your written testimony? I think I'd like
4 to know that before we decide whether any preliminary
5 disclosures are appropriate.

6 MR. REICH: Yeah, I would say the -- let me just
7 pull this up. March 20th.

8 CHAIRMAN LEVAR: Mr. Gordon, if their written
9 testimony were filed on March 20th, would you ask for any
10 disclosures prior to that date of witnesses? Because
11 their testimony would essentially be their witness list
12 and their expert statements of their case.

13 MR. GORDON: Really the only thing that I'm
14 thinking through here is normally in initial disclosures,
15 you have an opportunity to kind of see generally what
16 their case is going to be and the types of experts that
17 they will be calling, which gives us an opportunity to
18 start to look at who we also need to respond. And so if
19 we don't do that and wait until we actually get their
20 stuff in, then that's going to chop off two, three weeks.

21 I think that it's well within their capacity to
22 tell us who they think they're going to put on within a
23 couple of weeks here so that we have time to go and look
24 at that and determine who we need to gather up. It's
25 going to be hard for us to get responsive experts with 30

1 days remaining before the hearing.

2 CHAIRMAN LEVAR: That doesn't seem to me to be
3 an unrealistic request, considering the short time frame.

4 Is some kind of preliminary disclosure of what
5 you intend to present in your testimony a week or two
6 before reasonable?

7 MR. REICH: A week or two before March 20th, is
8 that what you're saying?

9 CHAIRMAN LEVAR: I think -- I think that's what
10 we're talking about, right?

11 MR. GORDON: I would say within a couple of
12 weeks of, like, this hearing. I mean, if they get a
13 couple weeks, put it together, and then give us a
14 deadline to disclose back to them, that way we kind of --
15 we're all proceeding forward and know kind of where we're
16 headed here.

17 CHAIRMAN LEVAR: Right. And we're roughly -- I
18 mean between today and March 20th, we're less than four
19 weeks. So yeah, one or two weeks either way, either
20 direction is about where we are.

21 MR. REICH: Yeah, we can do that.

22 CHAIRMAN LEVAR: Okay. So should we --
23 March 20th is a Friday.

24 What about March 10th or 11th as the preliminary
25 disclosure deadline? The 10th is two weeks from today.

1 Is that --

2 MR. GORDON: Yeah, that's fine with us.

3 MR. REICH: So that's our initial disclosures
4 are due on the 10th or the 11th?

5 CHAIRMAN LEVAR: Yeah. I think we'll go with
6 10th.

7 MR. REICH: Okay.

8 CHAIRMAN LEVAR: And then are you seeking any
9 disclosures from Midway City --

10 MR. REICH: Sure.

11 CHAIRMAN LEVAR: -- prior to their testimony?

12 MR. REICH: Sure.

13 CHAIRMAN LEVAR: So let's go to the next -- what
14 should be our next deadline, then?

15 So we have preliminary disclosures by Rocky
16 Mountain Power on the 10th. Their written testimony on
17 the 20th.

18 MR. GORDON: I would propose another two weeks
19 we would have it back over to them, so whatever that is.

20 MR. CLARK: The 24th.

21 MR. GORDON: 24th would be fine.

22 CHAIRMAN LEVAR: No, wait. Two weeks after
23 March

24 MR. GORDON: Ten.

25 CHAIRMAN LEVAR: After March 10th.

1 MR. GORDON: Yes.

2 CHAIRMAN LEVAR: Okay. Okay. Yeah.

3 And then the testimony date -- is it your
4 intention to file written testimony?

5 MR. GORDON: I think that that would probably be
6 our intention, yes. So if we could get theirs and
7 then -- maybe 30 days out get theirs, and then give us
8 two weeks to get ours back to them.

9 CHAIRMAN LEVAR: Well, if theirs is filed on
10 March 20th, that's about a month from hearing. And then
11 do we need a -- we'll need a rebuttal testimony date
12 for --

13 MR. REICH: Correct.

14 CHAIRMAN LEVAR: Well, for both sides. Rebuttal
15 on one date for both sides. I don't know that our
16 schedule is going to allow for written surrebuttal.

17 MR. GORDON: So if we have experts on our
18 side -- I mean, oh, boy. Two weeks is going to be really
19 tight to try to cover and get written testimony back from
20 our experts. But, I mean, I would maybe say three weeks,
21 if they have them a week before. I mean, these time
22 frames are just really brutal.

23 But we would ask for as much time as we could
24 get. So probably three weeks out from their deadline,
25 and that would give us one week before the hearing.

1 CHAIRMAN LEVAR: Yeah, that puts us to April
2 3rd, which is a little more than -- which is two weeks
3 before the Friday, and then two more weeks before the
4 hearing.

5 If we set their -- so this will be written
6 direct testimony from Heber City. If that is on the 3rd,
7 does that give everyone time for both sides to have any
8 rebuttal testimony, you know, the 14th or the 15th? It's
9 about a week and a half later, getting to us a couple of
10 days before the hearing.

11 MR. GORDON: We'll have to do it, I think.

12 CHAIRMAN LEVAR: Okay. So I'm not hearing any
13 objection to April 3rd as a direct testimony for Midway
14 City.

15 MR. GORDON: That's fine.

16 CHAIRMAN LEVAR: And then rebuttal from both
17 sides on April 14th?

18 MR. REICH: That's fine.

19 MR. GORDON: That's fine, your Honor.

20 CHAIRMAN LEVAR: Okay. Do we need any discovery
21 deadlines or dispositive motion deadlines? We're in a
22 pretty tight time frame. So, I mean, discovery usually
23 needs to be best efforts to respond to discovery when
24 we're in this short of time frame.

25 Any dispositive motion needs to be filed pretty

1 darn fast. So I don't know if we need -- if any party
2 desires some deadlines on either of those things, we're
3 happy to accommodate that if you think it's necessary.
4 And, of course, you know, all legal motions and
5 objections are still all, you know, tight.

6 MR. GORDON: What I'd maybe propose on that is
7 if something comes up where a party feels like they need
8 to file something, I think we could work together to
9 stipulate to a briefing time frame on that.

10 CHAIRMAN LEVAR: Okay. And the common
11 understanding that discovery will just happen and best
12 efforts to respond to discovery?

13 MR. REICH: That's fine with us.

14 CHAIRMAN LEVAR: Any objections from the rest of
15 the Board to the scheduled plan?

16 MR. FITZGERALD: No objection. Is there going
17 to be a requirement to release those bids so both parties
18 can review them?

19 CHAIRMAN LEVAR: Oh. Will that -- with Rocky
20 Mountain Power's March 10th preliminary disclosure date,
21 is that appropriate for -- I mean, that will -- I assume
22 that will be a discovery issue. Then it's up to Rocky
23 Mountain Power to decide what of that to present to us in
24 their testimony on the 20th.

25 So in terms of discovery, is there any concern

1 about that will be provided to Midway City as soon as
2 they're available? Is that your question?

3 MR. FITZGERALD: Yeah, basically. I mean,
4 that's the thing that potentially can resolve this, too,
5 right, is what those costs are?

6 MR. REICH: Yeah. Let me say, it's in our best
7 interest to get those to Midway City as soon as we get
8 those, so that is certainty what we're going to do. And
9 we're certainly going to make every effort to resolve
10 this without the assistance of the Board. And I think
11 Midway City feels the same.

12 I mean, we filed this just to -- because we had
13 to under the statutory deadline. So, hopefully we won't
14 be back. So, yes. We're going to provide those bids as
15 soon as we get them, review them, make sure they're
16 adequate for our purposes. We'll get them to Midway
17 City.

18 MR. FITZGERALD: Thank you.

19 CHAIRMAN LEVAR: Any party see a need for us to
20 address that in our scheduling order, or is that ...?

21 MR. GORDON: I think we're fine.

22 CHAIRMAN LEVAR: Okay.

23 MR. GORDON: Could I ask one just procedural
24 question?

25 Given the time frames that we're dealing with

1 here and the counterpetition, is there -- I mean, the
2 counterpetition deals with the -- pretty much the same
3 factual aspects of what we're dealing with here. But our
4 counterpetition was filed more recently, which could
5 potentially give us additional time. And so I raise that
6 question as far as has the Board ever dealt with that,
7 and how have you dealt with petitions and
8 counterpetitions and the timing under the statute?

9 CHAIRMAN LEVAR: The answer to your first
10 question is no.

11 If you don't mind, I can give -- I've given some
12 thought to this today, too. I think you have a legal --
13 you know, as I look at the statute, either the utility or
14 the municipality has a right to ask this Board to resolve
15 disputes. So Midway City has a right to ask this Board,
16 separate and apart from Rocky Mountain Power's petition,
17 to resolve any dispute between Rocky Mountain Power and
18 Midway City.

19 I personally, speaking for myself, I don't think
20 it makes sense to exclude your counterclaims from the
21 case that we're setting up right here. But if you want
22 to proceed in a separate Board proceeding on a separate
23 schedule to pursue those, I would suggest a petition
24 clarifying that intent to the Board so that we can move
25 forward that way. I mean, I think I see that as really

1 your right to do so.

2 MR. GORDON: Okay.

3 CHAIRMAN LEVAR: Unless anyone on the Board or
4 anyone else in the room wants to comment differently.

5 MR. CLARK: I don't feel differently. I'd just
6 say that, in my view, your petition doesn't relieve us of
7 the time constraints with respect to the initial
8 petition.

9 MR. GORDON: Absolutely.

10 MR. CLARK: So we don't have a way of gaining
11 more overall time to address the fundamental issues by --

12 MR. GORDON: That makes sense. And we want to
13 be very respectful of your time as well and not have to
14 put evidence on twice. So let's think about that, I'll
15 get guidance from my client. And if we need to proceed,
16 we'll let you know.

17 CHAIRMAN LEVAR: Is anyone aware of anything
18 else we need to handle today?

19 MR. GORDON: I don't think so.

20 CHAIRMAN LEVAR: Thank you. Thank you for --
21 oh --

22 MR. REICH: Sorry. Did we set a date for an
23 intervention deadline for any intervenors that want to
24 intervene in the proceeding?

25 CHAIRMAN LEVAR: We did not.

1 MR. REICH: Should we do that?

2 CHAIRMAN LEVAR: Typically, that's -- well, with
3 this schedule, I would think probably a little bit of
4 time after your direct testimony so parties would have
5 the benefit of that direct testimony before deciding
6 whether to intervene. At least that's how the Public
7 Service Commission generally does it. But this is a
8 pretty tight time frame.

9 Is there any objection to setting that a few
10 days after your March 20th direct?

11 MR. REICH: I'd prefer we set it earlier, but, I
12 mean, maybe once our initial disclosures are submitted.

13 CHAIRMAN LEVAR: Midway, any objection to maybe
14 in the neighborhood of March 15th, then? If their
15 initial disclosures are on the 10th, which is a
16 Wednesday, the following Monday, the 16th, for
17 intervention?

18 MR. GORDON: I don't have any -- no, I mean, I
19 don't have any objection to that.

20 CHAIRMAN LEVAR: Is that soon enough,
21 March 16th?

22 MR. REICH: Well, I prefer tomorrow, but.

23 CHAIRMAN LEVAR: Sure. As we learned in the
24 last case, the intervention issues can be tricky here.

25 MR. REICH: Sure. That will be fine.

1 CHAIRMAN LEVAR: I think we -- at least we can
2 give the benefit of some -- I mean, we have your petition
3 that gives some information. But if we're going to set a
4 deadline, probably after the March 10th filing.

5 Why don't -- Friday, March 13th, any objection
6 to Friday, March 13th as an intervention deadline?
7 That's three business days after their preliminary
8 disclosures. Any concern with that?

9 MR. REICH: And then if there is an intervenor,
10 they'll be subject to this other -- the same deadlines
11 that we all have?

12 CHAIRMAN LEVAR: You know, anyone who petitions
13 to intervene can petition for whatever they want to
14 petition for. I don't know that it would be appropriate
15 to say any more than that at this time. But I think we
16 will issue a written scheduling order this week before
17 the end of the week outlining all of this, so.

18 MR. REICH: Okay.

19 MR. GORDON: Thank you so much.

20 CHAIRMAN LEVAR: Thank you. We're adjourned.

21 (The matter concluded at 2:14 p.m.)
22
23
24
25

CERTIFICATE

1
2
3 State of Utah)
 ss.
4 County of Salt Lake)

5 I, Michelle Mallonee, a Registered
6 Professional Reporter in and for the State of Utah, do
hereby certify:

7 That the proceedings of said matter was
8 reported by me in stenotype and thereafter transcribed
into typewritten form;

9 That the same constitutes a true and correct
10 transcription of said proceedings so taken and
transcribed;

11 I further certify that I am not of kin or
12 otherwise associated with any of the parties of said
cause of action, and that I am not interested in the
13 event thereof.

14 WITNESS MY HAND at Salt Lake City, Utah,
this 6th day of March, 2020.

15
16 

17 _____
18 Michelle Mallonee, RPR, CSR
19 Utah CSR #267114-7801
20 Expires May 31, 2020
21
22
23
24
25

<hr/>	246 12:4	<hr/>
\$	24th 44:4 48:3,19 49:3,4 57:20,21	8
\$5 14:23	25th 48:25	8 8:23
<hr/>	2:14 65:21	<hr/>
-	<hr/>	9
<hr/>	3	<hr/>
-o0o- 3:2	3 30:12	9 47:10
<hr/>	30 55:25 58:7	<hr/>
1	305 42:24	A
1 10:13 16:8 29:22,25	3rd 59:2,6,13	a.m. 47:10
10 50:19	<hr/>	ability 10:15 11:7,22 16:4 29:23
10th 56:24,25 57:4,6,16, 25 60:20 64:15 65:4	5	above-ground 20:16 27:23 28:2
11 50:19	<hr/>	absolute 14:12
11th 56:24 57:4	5 47:10,11	absolutely 15:17 63:9
13th 65:5,6	50-page 7:11	accept 39:8
14th 59:8,17	54-14-102(1)(c) 40:2	acceptable 45:6
15th 59:8 64:14	54-14-301 40:15	access 39:10 44:16
16th 64:16,21	54-14-305 10:14	accommodate 48:13 60:3
<hr/>	<hr/>	accommodations 51:1
2	6	accomplish 18:14
2 30:7 50:20	6 50:21,22	acknowledges 39:15
2017 28:8	60 10:1 12:5 13:6 16:12, 20,21 17:22 18:21 26:3,8 30:19 31:19 32:2 36:5,7 42:23 43:12 44:14	Act 3:21 5:10 21:24 22:4 38:23 40:2 43:11 52:5,9
2020 9:19 11:14 13:23,25 14:5 15:9,17 20:1 26:17 33:15 34:15 36:19	60-day 15:25 42:1 44:3	action 22:21 41:6 43:11
20th 45:25 46:11 47:12, 15 48:2 51:5 55:7,9 56:7, 18,23 57:17 58:10 60:24 64:10	63G-4-205 21:16 22:7	actual 18:12 35:13 37:18 39:14 41:11
21st 46:2	<hr/>	add 19:24 37:10
22nd 46:8 51:6	7	addition 24:20 27:17
23rd 46:8 51:5	70 14:20	additional 14:10 34:1 35:3 41:2 62:5
	75 17:12,13 42:23	

address 25:9,25 51:13
61:20 63:11
addressed 34:16
addresses 22:24
adequacy 32:21
adequate 10:16 11:8
12:21 21:18 24:8 29:24
33:12 61:16
adjourned 8:10 65:20
adjudicative 21:17
adjustment 48:16
administrative 3:21
12:21 16:24 21:11 22:4
32:6 43:10 46:5
adopt 25:12 32:19
advance 50:25
affect 40:5
afternoon 3:3 8:3 50:20
agency 16:2 21:17,20
agenda 22:20 49:24 50:3
agree 42:15,16 43:4
52:16
agreed 39:16
agreement 5:4 41:24
ahead 4:16 28:13 42:3,4
44:18
allowed 14:7
allowing 24:22 52:5
alphabetical 43:19
amount 5:16 7:16 14:22
analyze 30:20
anomaly 7:14
anticipate 37:7

anticipating 22:14
apologize 38:2
appealed 9:3,5
appearances 4:8
appellate 16:11,13 19:17
applicable 5:17 25:14,20
applicant 4:1 35:20,21
application 5:9 8:9 9:3,
12 11:9 12:13 34:17
applied 28:17
applies 38:23
applying 8:13
appointed 3:11
approval 22:16 25:18
39:7
approved 39:6 46:15
approximately 7:10
April 44:4 45:25 46:11
48:2 51:5 59:1,13,17
argue 35:8
argues 41:8
arguing 13:20 14:12
argument 32:4 35:16
arguments 13:9 32:7,8
aspects 62:3
assistance 27:21 61:10
assume 60:21
assuming 45:5 46:16
assure 16:25
attend 47:3
attendance 3:8 50:1
authority 21:13 25:4,11

27:15 38:16,20
authorize 27:8
avoid 10:23 30:13 47:4
aware 32:4 38:15,20
63:17

B

back 13:6 17:4 19:23
23:20 26:1 28:8 29:12,
15,21 31:1 34:9 39:1,18
46:17 54:1 56:14 57:19
58:8,19 61:14
background 7:18 8:8
backwards 41:20
based 12:16 15:1 31:1
35:8,15 41:13
bases 8:6
basically 27:10 61:3
basis 35:10,12
begin 16:23 45:24
beginning 51:4
below-ground 27:23
benefit 20:17 24:23
39:10,12 41:7,8 64:5
65:2
bid 6:23 18:2 22:13
bidders 7:12
bids 5:20,23 6:11 7:2,8,9,
12,17 13:14 18:13 22:14
26:15 27:17 30:9 60:17
61:14
big 13:18
biggest 13:4
bit 4:3 7:14 8:8 17:19
19:24 23:18 45:10 51:14

64:3
blackouts 11:18 14:1
33:23
board 3:4,5,10,11,12
4:18 5:10 6:6 8:9,11 9:7
10:6,10,11 11:24 14:11
15:22,24 18:20 19:22
20:4,7,23 21:24 23:6
26:9 27:21 29:11,16 33:9
35:11 37:6,10,17 38:12,
13,18 39:1,19 40:13,16,
17 41:14 43:8 46:6,7,10,
15,19 47:8 49:9 50:1
52:1,2 60:15 61:10 62:6,
14,15,22,24 63:3
boy 58:18
Bret 4:9
briefing 44:7 60:9
briefly 29:20
bring 12:25 13:16 30:23
bringing 35:1
brutal 58:22
build 39:20
building 51:17
bunch 15:6 30:16
burden 11:21 30:1 48:12
bury 9:1 14:8,15,21
15:12 33:16
burying 10:20 13:13
business 65:7
buy 17:19

C

calendar 46:1,9
calendars 44:3

call 45:14
called 12:17
calling 55:17
calls 42:22
capacity 10:24 15:4
24:23 33:12 55:21
care 9:13
carry 52:4
case 17:1,18 23:7,10,12
26:16 31:6,22 38:18
40:23 55:12,16 62:21
64:24
case-in-chief 45:21
caveat 51:6
certainty 61:8
certificated 24:4
Chair 16:24
CHAIRMAN 3:3 4:15,21
5:1 6:5,9 7:21,24 15:21
17:11,16,25 18:15 19:2,
16,21 22:3,9,11 26:10
29:2,6,8,10,15,18 31:7
32:11,16 34:23 36:22
38:6,24 39:4 41:3,14,23
42:3 43:7,18,22,24 44:2,
18,21,24 45:8,23 47:7,
16,19,24 48:4,15,21
49:3,8,13,21 50:11,16
51:3,24 52:17,24 53:2,4,
6,12 54:8 55:2,8 56:2,9,
17,22 57:5,8,11,13,22,25
58:2,9,14 59:1,12,16,20
60:10,14,19 61:19,22
62:9 63:3,17,20,25 64:2,
13,20,23 65:1,12,20
challenge 13:7 15:15,18
48:8

chance 38:9
change 32:3
channel 4:23
charges 40:6
Charleston 20:22
chop 55:20
circumstances 48:12
citation 21:14 22:4
cities 25:3
citizens 14:19,20 41:7
city 3:16 4:3,13,14 5:3,8,
12,19,22,24 6:2,16,18,21
7:2,7,9 8:1,4,22,23,25
9:6,13 10:2,15 11:6,19,
25 12:13,17,22 13:20
14:6 15:14 18:6 19:12
20:2,5,22,24 24:24 25:8,
17,19 26:5,12,13,16,22
27:1,4,6,24 28:10,15,19,
25 29:23 31:8,20 32:23
34:11,20 36:16,23 37:5,
10 38:9 39:7 40:25 41:6
42:25 45:6,9 47:25 51:25
52:13,21 53:13 57:9
59:6,14 61:1,7,11,17
62:15,18
City's 8:6 13:3 31:5
civil 12:3 21:22 54:17
claim 9:21 14:1
claims 11:17,19 12:2
21:20
clarification 51:20
clarify 10:7 22:3 23:10,
23 51:22
clarifying 62:24
Clark 3:5 6:14,23 7:18,20

22:9,10 29:6,7 32:11,13,
17 33:1 34:21 42:15
43:17,20,21 48:5,6 52:3,
19,24 53:1 57:20 63:5,10
clear 42:6,18,19
client 63:15
coat 36:2
code 12:21 16:25 21:11
32:6
colleagues 42:17
comfortable 48:16 49:14
commence 10:23 30:13
comment 50:22 63:4
comments 29:13 38:25
41:4 43:8 54:14
Commission 3:7,8 25:17
38:22 39:24 46:1 47:10
51:11 64:7
Commissioner 48:5
common 43:13 60:10
communicated 38:14
communication 46:17
community 39:13
companies' 24:9
company 7:13
compensated 27:24
completed 23:14
completely 10:2 30:19
compliance 25:14
composition 40:16
concern 27:19 48:22
60:25 65:8
concerned 16:9,15
17:20,21 44:13,15 54:5

concerns 8:4 9:10 41:25
42:6
conclude 16:21
concluded 65:21
conclusions 30:16
concur 48:9
condition 27:9
conditional 5:8,13 6:2
7:3 9:5 25:3,12,13 27:1,
7,14,20 28:11,14,15
39:6,7 40:22
conditions 7:3 10:14
11:6 27:2,20 29:22 33:11
conduct 21:21 42:16
conducted 46:4
conference 47:21
confidential 51:13,14
configuration 24:16
conflict 46:8
conflicts 46:22
consequences 19:17
consideration 26:13
considered 6:16
consist 5:7
constitutional 32:4
constitutionality 16:9
constraints 63:7
construction 10:22 15:1,
3 23:13 30:12 40:5,19
contemplate 5:11 48:8
contemplates 5:10
contradiction 33:21
controversial 8:21

convenient 47:23
convinced 38:21
cooperative 28:16
Corbin 4:13
core 13:20 15:13,16
correct 18:19,25 19:1
20:14,15 22:5,6 58:13
correctly 17:9
corridor 20:16
cost 10:20 13:12
costs 5:15,17 6:15 13:12
18:12 27:19 28:24 30:8
39:23,25 40:3,10,23 61:5
council 25:19,20 41:6
46:25 47:1,15 49:21
50:2,3 51:2
councils 42:25
counsel 15:14
counter 12:9 30:24
counterclaims 62:20
counterpetition 10:8,9
20:11 54:22 62:1,2,4
counterpetitions 62:8
county 24:5,7 27:5,8,15
28:14 46:25 51:2
couple 15:21 16:6 17:4
18:1 20:9 26:10,14 55:23
56:11,13 59:9
court 16:11,13,14
courts 16:2
cover 17:22 18:11 36:6
58:19
covering 8:6
create 39:9 42:20

created 6:1 40:14,17

creates 28:2

creation 40:16

cross-examination 12:8
45:5

cross-examine 15:19
19:7

current 20:13 22:13

customers 10:17,24
11:8,11,18 24:10,23
29:25 39:21 40:6,7

cut 49:24 50:4

D

darn 60:1

date 10:22 13:18 15:1,3
30:12 41:19 42:10 43:12
44:5,8,14,21 51:16,17
53:18 55:10 58:3,11,15
60:20 63:22

dates 44:12

David 3:5

day 15:7 16:14 45:7
49:16,25 50:12,13,15
51:2,7

days 10:1 12:4,5 13:6
16:12,20,21 17:12,13,22
18:4,21 26:3,6,8 30:19
31:19 32:2 36:5,7 42:23
43:12 44:15 45:22 46:24
47:5 48:20,21,25 49:19
56:1 58:7 59:10 64:10
65:7

deadline 44:4 53:23
56:14,25 57:14 58:24
61:13 63:23 65:4,6

deadlines 28:6,7 44:8,15
54:4 59:21 60:2 65:10

deal 12:11,19 19:9 30:18
50:8

dealing 61:25 62:3

deals 62:2

dealt 28:3 62:6,7

decide 10:6,11,22 11:4
15:2,8 16:2 29:22 30:4
31:4,12 33:13 34:3 42:8
55:4 60:23

decides 27:25

deciding 64:5

decision 4:5 9:9 12:14
17:5,8,12 32:21 33:17,24
42:11

decisions 30:14 34:6
49:11

declared 26:4

deep 8:4 17:23

deeper 48:18

deeply 17:20

defenses 21:20

delay 11:21

deliberate 38:16

deliberations 38:19

demonstrate 37:14

demonstrating 9:17

deny 16:10

depending 51:6 54:10

designate 3:20 43:9

designating 41:17 42:9

designation 3:25

desire 6:18 41:21

desires 60:2

determine 25:6 30:22
33:11 41:12 54:25 55:24

develop 17:4 51:7

difference 18:11

differently 38:22 63:4,5

difficult 17:14,20 25:2
35:18 46:16,17

direct 59:6,13 64:4,5,10

direction 56:20

disagree 30:24 32:18

disclose 53:17,21 56:14

disclosed 54:9

disclosure 12:7 56:4,25
60:20

disclosures 53:23 54:20
55:5,10,14 57:3,9,15
64:12,15 65:8

discovery 12:4,20 21:10,
18,22,25 44:8 53:8
59:20,22,23 60:11,12,22,
25

discuss 9:10 27:14,19
37:7 39:16 44:11 51:17

discussed 22:20 40:25

discussion 23:4 29:11,
16 38:12 41:15 52:1,17

discussions 6:21 28:19
38:18

dispositive 59:21,25

dispute 3:15 5:15 18:2
26:23 40:21 62:17

disputed 3:24

disputes 10:19 13:11
30:7 40:18 62:15

dissents 48:9

distribution 8:15

document 7:11

documents 23:15

doubt 46:3

down 49:24

drafted 28:15

drafting 46:13

drill 17:25

due 8:4 11:25 13:5 15:15
16:1 24:6 26:6 37:2 42:7
57:4

duty 32:18 33:1,5,6,8,21
34:3 39:21

E

earlier 46:20 64:11

early 51:7

easements 21:7

efficient 24:9

effort 61:9

efforts 59:23 60:12

electric 40:1

electrical 24:1

electricity 24:13

electronic 51:11

email 51:13

emphasize 10:5 13:19

enact 21:21

end 6:12 9:19 11:14 14:4,
9 15:7,9,17 22:14 23:3

26:17 36:19 51:7 65:17

enforce 26:9

entire 39:11,12

entirety 30:21

essentially 55:11

establish 12:20 21:25
30:11 36:4 54:6

estimates 6:19,22 7:8

evening 47:3

everybody's 11:5

everyone's 19:4

evidence 5:16 9:14,15,
17,19,24 10:25 11:3,10,
15,20 12:1 13:24,25
15:6,10 20:2,4 24:25
25:22 26:21 30:16 31:14,
24 33:7,19,22 34:1,7,12,
14 35:13 36:3,17 37:5
41:10 52:20 63:14

evidentiary 9:8 10:13,25
11:3 26:18 48:14 49:10

examine 32:20 52:14

examples 26:14

exceed 25:4

excess 5:15,17 6:15
10:20 13:12 27:19 28:24
30:8 40:3,9,23

exciting 43:1

exclude 62:20

executive 15:24

existing 28:1 35:1,2,17
36:10,13,16

expectation 9:23 19:6

expectations 20:25

expected 30:5

expenses 39:23

expert 10:3,21 11:24
12:4,7,22 13:13 19:7
23:8,16 30:10 45:19 54:2
55:12

experts 12:9,24 13:1
15:16,19 25:24 30:24
45:11,14 53:24 55:16,25
58:17,20

explain 19:2 20:18

explained 26:15

explore 7:4 19:14

explosive 24:6,12

express 40:12

expressed 6:18

expressions 42:17

extensive 6:20 9:24
10:25 11:24 12:24

extent 6:15 24:24 27:13

extreme 13:22

extremely 8:21

F

Fabian 4:11

face 25:2

faced 26:24

facilities 40:5,19

facility 3:4 4:18 5:10 26:8
27:21 28:2 40:13,17

fact 5:13 30:15 39:15

facts 35:1,3

factual 35:10,12 62:3

failure 11:17
fair 11:4 12:11,16 13:2
16:10,15,25 29:12 31:21
34:20 36:8
fairly 17:22 23:16 51:15
fairness 17:24 37:3
faithfully 52:4
fall 26:14
falls 5:25
fantastic 54:6
fast 60:1
fastest 22:22
favor 42:8
feel 26:20 41:21 63:5
feels 10:2 60:7 61:11
file 23:11 51:12 53:10
54:9,15,23 55:3 58:4
60:8
filed 3:14 4:2,19 10:7,8
23:23 54:13 55:9 58:9
59:25 61:12 62:4
filing 18:16 21:2 51:11,
12 54:21,22 65:4
filings 3:23
final 38:25 41:4
finally 40:15
financial 40:8
finding 4:5 35:15 40:11
41:9
findings 30:15 39:9
fine 39:3 48:2 53:16 57:2,
21 59:15,18,19 60:13
61:21 64:25
fingers 14:24

finish 11:17
finished 11:14,16 19:22
Fitzgerald 3:10 7:21,23
20:8,9,17 21:4,7,9 22:2,8
29:4,5 31:9,10 32:1,10
39:3 42:25 43:16,22,23
44:22 47:20,21 48:15,18
49:12,17 50:5,17 53:2,3
60:16 61:3,18
floor 8:16
focus 24:24 25:16,20
28:23 34:10
focused 35:25
follow 36:21,23
follow-up 26:10
forefront 6:17
form 13:7
formal 3:20,25 5:3,5,6
6:3 14:19 18:18,20,24
19:4,8 21:16 31:12,14
41:17,25 42:9 43:5,10
51:21
formally 42:16
forum 39:24
forward 4:5 9:12 31:19
39:2 44:11 54:9 56:15
62:25
foundation 12:14
fourth 48:22 49:15
frame 11:16 15:25 18:22
42:22 56:3 59:22,24 60:9
64:8
frames 11:18 30:3 58:22
61:25
Friday 5:23 46:24 47:17
49:5 50:5 56:23 59:3

65:5,6
front 3:14 6:1 8:11,23
14:19 20:4 25:16,19
29:11 30:5 32:23 34:11
35:6 37:17 38:5 39:16
41:16 43:14 46:1
full 12:25 16:24 30:23
31:5
fullest 48:14
fully 17:4
fun 39:20
fundamental 13:8 63:11
funds 7:5
future 37:5 39:13

G

gaining 63:10
gather 55:24
general 37:2 40:21 41:24
generally 4:16 55:15
64:7
give 5:24 8:7 10:2 14:14
16:4 21:15 27:15 38:8
50:2 56:13 58:7,25 59:7
62:5,11 65:2
Glenn 3:9
good 3:3 37:19 47:15
Gordon 4:11,13 8:2 16:6
17:13,18 18:7 19:1,5,18
20:15,21 21:6,8,15 22:6,
18 23:1 29:14,17,19
31:18 32:8,25 33:4 34:22
35:8,18 36:12,15 37:12
41:5 44:13,20 45:10
48:2,23 49:4,7 53:15
55:8,13 56:11 57:2,18,

21,24 58:1,5,17 59:11,
15,19 60:6 61:21,23
63:2,9,12,19 64:18 65:19

gosh 28:21

government 40:4,8,9

governments 40:18

grade 42:12

granting 5:13

greater 33:8

ground 10:20 13:12
17:22 27:5,11,12

growth 24:6,12

guess 21:3 22:12 34:9
41:22

guidance 63:15

gun 46:14

guys 17:22 29:22

H

half 45:7 59:9

handle 63:18

happen 9:20 14:25 34:15
53:17 60:11

happened 31:2 32:22

happy 50:6 60:3

hard 55:25

headed 56:16

hear 43:6

heard 12:23 37:8

hearing 3:9,17,19 4:4
5:3,5,6 6:4 10:1 12:6
16:19,20 17:17 18:21
26:2,4 31:15 41:19 42:10
43:12 44:4,7,14,23 45:3,

4,25 46:2 49:9 51:4,16,
17 54:24 56:1,12 58:10,
25 59:4,10,12

hearings 42:23 47:8,10

Heber 8:14,15 9:4,14
18:10 20:18,21,22,23,24
21:1,6 22:16 23:21
24:12,21 25:7,19 35:24,
25 40:25 51:25 59:6

Heidi 4:11

held 18:22

helpful 18:8,14 44:12

Hey 27:10

high-level 26:20,23

HLP 24:1

HLP's 24:2

hold 10:1 16:19,22

homeowners 8:24

honest 34:10

Honor 59:19

hope 42:19

huge 24:13 37:21

hurt 34:2

hyperbole 33:25

I

idea 37:19 44:22

ideal 47:12 49:10,11

impact 8:24 15:4 37:21

impacts 32:20

impair 10:15 11:7,22
29:23 33:11,18 34:5

impairing 10:23 30:13

important 8:18 18:13
44:24

imposed 10:14 11:6 27:9
29:23 40:3

impossible 48:23

includes 25:12

incorrect 23:22

independent 32:22

informal 3:20,25 18:18,
22 19:3,4,6,8,14 31:12
41:17

information 6:23 7:16
21:19 33:2 52:6,7,11,20
65:3

initial 3:9,17 12:6 17:17
20:12 23:20 26:3 28:12
54:19 55:14 57:3 63:7
64:12,15

initially 28:10

insistence 9:18

insistent 33:15

installed 9:18

intend 56:5

intent 62:24

intention 6:12 43:11 44:6
53:9 58:4,6

interconnection 24:21

interest 61:7

interested 32:17,23

interesting 28:20 45:17

interests 8:7,19 11:5

intervene 63:24 64:6
65:13

intervenor 65:9

intervenors 54:24 63:23

intervention 63:23
64:17,24 65:6

investigating 23:17

involve 12:6 26:16 46:3

involved 5:14 20:19 46:6

involving 3:15

issue 5:14 6:15 13:4
15:23 16:2 17:8,12 19:25
25:9 26:7 29:11 37:3
40:22 52:1 60:22 65:16

issued 9:6 12:14,15
39:14

issues 3:24 4:6,16 5:14
13:8 18:1 22:25 23:2
26:18,20 27:1 28:3 38:7
41:16 44:9 50:23 52:14
54:9 63:11 64:24

issuing 46:13

J

Jewkes 4:14

Jordan 3:7

Joshua 4:14

judge 33:6 46:5

judgments 52:8

jump 3:13

jurisdiction 15:25 16:3
27:9,10,12 37:15 40:7
42:7

justify 39:23

K

kind 13:19 14:9 18:16
33:5 35:25 36:1 37:19

42:21 44:7 55:15 56:4,
14,15

L

land 25:12

language 51:6

late 42:1 46:12 50:7

latest 45:24

law 30:16 46:5

leading 44:16

learned 64:23

legal 15:23 38:15 42:13
60:4 62:12

legislative 40:11

LEVAR 3:3 4:15,21 5:1
6:5,9 7:21,24 15:21
17:11,16,25 18:15 19:2,
16,21 22:3,9,11 26:10
29:2,6,8,10,15,18 31:7
32:11,16 34:23 36:22
38:6,24 39:4 41:3,14,23
42:3 43:7,18,22,24 44:2,
18,21,24 45:8,23 47:7,
16,19,24 48:4,15,21
49:3,8,13,21 50:11,16
51:3,24 52:17,24 53:2,4,
6,12 54:8 55:2,8 56:2,9,
17,22 57:5,8,11,13,22,25
58:2,9,14 59:1,12,16,20
60:10,14,19 61:19,22
62:9 63:3,17,20,25 64:2,
13,20,23 65:1,12,20

Light 8:14,15 9:4,14
18:10 20:18,21,24 21:1,6
22:17 24:21 25:7 35:24,
25

limit 12:12 16:11 18:23
19:11 26:12 31:19 33:2

34:9 52:12,19

limited 5:7 6:4 31:14,15,
16 40:22 45:4 51:23

limits 27:4,6

lines 7:15 24:17 37:20
38:1 39:20

list 53:18,21 55:11

listen 33:22

live 34:19

loan 18:9,10,11 22:16

local 40:3,7,9,18

location 20:13

long 6:10 22:15 23:5,6
28:18 31:25 34:4 44:22
45:2,15

longer 12:5

looked 48:18

looped 24:16

lost 31:2

lot 7:15 28:4 35:21 36:5
43:1

lots 25:23

M

made 21:10 35:5 42:12
52:12,21

maintaining 4:23

make 8:5 9:9 15:20 17:5
19:3 23:7,10,12 29:13
30:14 31:4 32:7,21
33:17,24 34:6,8 35:6,15
36:25 47:4 48:19 51:1
52:7,8,18 61:9,15

makes 17:14 51:4 62:20
63:12

making 48:16 49:10
mandatory 53:13
March 22:19,23 55:7,9
56:7,18,23,24 57:23,25
58:10 60:20 64:10,14,21
65:4,5,6
material 54:13
materials 51:12,14
mates 50:3
matter 43:2 65:21
mayor 20:23,24
means 21:18 34:11
meet 9:8 11:21 25:20
28:5,6 39:13
meeting 3:11 22:19
28:12 38:17,19 46:25
47:1,15 49:21 50:1,2,17,
24 51:19
meetings 28:8 38:23
47:3 50:18
member 3:7 46:7 52:2
members 3:5,6,10 6:6
15:22 19:22 20:7 38:13
46:6,10,15,19
membership 24:2
mention 4:24 38:13
mentioned 21:9
merits 16:20
met 28:10
microphone 4:21 32:14
Midway 3:16 4:3,13,14
5:3,8,12,22 6:1,11,16
8:1,4,6,21 9:6,13 10:1,14
11:6,19,25 12:13,17,21
13:2,20 14:6 15:14 18:6
19:12 20:2,4,7,22 23:7

24:24 25:8,17,19 26:5,
12,16,22 27:1,24 28:10,
15,19,25 29:23 31:4,8
32:23 34:11,19 36:16,23
37:5,10 38:9 39:7 41:25
45:6,9 47:25 52:12,21
53:13 57:9 59:13 61:1,7,
11,16 62:15,18 64:13
mile 8:24 27:4
miles 27:3
million 14:23
mind 17:6 27:16 41:18
62:11
minutes 44:2,10 51:18
misunderstanding 31:17
mix 21:5
Monday 45:25 46:24
47:16 49:18 50:8 64:16
money 13:21 14:7,10,15,
22 15:12 33:16
month 58:10
months 15:11 28:5 51:22
morning 3:24 18:16 47:2
50:19
motion 12:11 43:8,9,13
44:8 51:25 52:1,18,19,25
53:6 59:21,25
motions 60:4
Mountain 3:15,16 4:1,10,
12 5:4,20 8:14,17 9:4,16
10:9,15,24 11:7,9,14,16,
23 12:1,23 13:22 18:3
22:14 23:6,21,25 25:6
27:22 29:3,24 30:4,13,21
35:25 36:1 37:3,9 38:8
39:19 45:1 46:2 47:25
53:10,17 57:16 60:20,23
62:16,17

movable 46:8
move 29:10,16 38:11
44:11,19 54:8 62:24
moving 42:9 53:7
multiple 49:6
Municipal 24:3
municipality 25:11 37:24
62:14
municipality's 25:11
myriad 28:3

N

necessity 37:13
needed 11:3 23:2,3 24:8,
22 30:2 34:13 36:18 37:4
38:4 41:10 48:25
neighborhood 64:14
neutral 27:22
nice 37:20
night 50:20
normal 12:3 47:5,9 50:12
noted 28:1
notice 37:4 50:3
numerous 11:13

O

objection 39:1 51:9
53:15 59:13 60:16 64:9,
13,19 65:5
objections 60:5,14
obligations 17:2
obtain 5:20 7:16 21:19
23:16

obtained 7:2
obtaining 5:22
occur 22:23
occurred 28:8
occurring 31:13
open 31:23 38:19,21,23
41:14 51:19
opening 31:11
operate 32:14 43:1
operated 24:16
operates 38:22
opportunity 10:3 12:25
13:16 14:7,10,14 15:18
16:10,25 20:10 30:23
31:6 35:23 42:20 53:19,
20 54:1 55:15,17
oppose 45:19
opposing 35:4
optimistic 45:11
option 7:4 19:3,6 53:14
options 18:17
order 8:7 11:21 33:17
42:23 43:19 46:13 48:8,
13 51:8,10 61:20 65:16
ordinance 25:12,15,21
28:11
outages 24:19
outcomes 9:21
outline 10:12 53:22
outlined 12:20 31:24
outlining 65:17
overhead 7:1
overnight 14:25

owned 20:22
owns 21:4,6

P

p.m. 47:11 65:21
paid 28:25
part 16:17 18:5 34:3
40:20
partial 49:22 50:1
participant 51:2
parties 8:12,19 9:3 16:25
21:19,21 44:6 46:11,18
52:6,11 60:17 64:4
party 60:1,7 61:19
passed 7:2
passes 53:6
past 31:2
path 4:5 42:13
pay 7:5 14:21 42:12
pays 40:9
pending 10:9
people 15:5 49:6
people's 8:23
perceive 11:2
percent 14:20
perfect 5:25
period 17:8 42:1
permit 5:8,13 6:2 7:3 9:5
21:18 27:2,7,14,20 28:15
39:7,8,14 40:22
permits 25:3 28:12,14
person 9:13

personal 42:5
personally 42:8 62:19
perspective 32:20
petition 3:14 4:2,19 10:8
23:23 29:1 62:16,23
63:6,8 65:2,13,14
petitions 62:7 65:12
phrased 36:25
picking 44:11
plan 60:15
Planning 25:17
pleadings 20:12
plow 51:18
point 6:7 9:2 15:24 16:4
23:20 24:21 28:23 29:1
38:11 39:10 42:17 44:21
48:11 51:19
points 4:5 38:10 41:2
policy 42:11
portion 8:22 14:16,18
portions 24:5
posed 17:2
position 18:18 19:24
31:18
positions 19:4
possibility 9:1 19:14
possibly 8:25 13:15
19:11
posture 19:17
potential 7:12
potentially 16:10,18
19:13 22:21 45:19 61:4
62:5
power 3:15,16 4:1,10,12

5:4,20 7:1,13 8:14,15,17
9:4,5,14,16 10:9,15 11:7,
9,15,16,23 12:1,23 13:23
15:5 16:24 18:3,10
20:18,21,24 21:2,6,16,25
22:14,17 23:7,21,25
24:3,22 25:6,7 27:22
29:3 30:4,13 35:24,25
36:1 37:3,15 38:9 39:10,
11,17,19 45:1 46:2 47:25
53:10,17 57:16 60:23
62:17

Power's 10:24 30:21
37:9 60:20 62:16

practice 38:17

prefer 64:11,22

preference 18:19 54:15

preliminary 26:19 55:4
56:4,24 57:15 60:20 65:7

premise 32:19

prepare 5:20 7:12 10:3
12:8,9,25 13:15 15:19
44:17

prepared 13:7 23:15
25:22

prescribe 21:18

presence 50:24

present 3:5 11:24 12:2
17:1 19:8 20:3 25:22
31:6,22 37:4,6 39:13
45:20,21 50:6 52:6,11
56:5 60:23

presented 6:16,19 9:22
12:13 18:17 19:12 26:13
31:20 33:7 34:19 35:21
40:25 41:10

presenting 44:17

presents 48:7

pressure 13:22

Presume 15:23 16:1

pretty 17:14 38:7 49:1
59:22,25 62:2 64:8

primarily 10:6

primary 5:14 9:13 13:9
15:2 29:25 54:5

prior 44:7 47:8 54:2
55:10 57:11

problem 14:4

procedural 61:23

procedurally 13:2

procedure 12:3 21:22
54:17

Procedures 22:4

proceed 11:5 31:19,21
49:9 54:7 62:22 63:15

proceeding 3:19 4:22,23
5:18 18:5,20 28:23 37:6
41:17,25 42:16 43:9,10
52:22 54:19 56:15 62:22
63:24

proceedings 3:21 20:20
21:17 43:10

process 5:22 7:10 8:5
9:12 11:9 12:1,4,13 13:5
15:15 16:1,9,23 17:24
19:8 22:1,18 26:6,7
27:18 28:18 31:12,14
36:8 37:2 42:7,10,12
45:17 46:14 48:14 49:20
51:15,21 53:16

producing 48:8

profession 37:25

progress 4:4

project 6:25 24:7,15,20
25:7 28:9,13 34:4

prolonged 24:19

proper 39:24

properly 28:4

proposal 39:9,11 53:11

propose 19:5 54:21 55:1
57:18 60:6

proposed 7:1 12:10

protect 11:5 13:2

protected 31:5

protecting 8:6

prove 12:2 13:11 14:12
15:6 30:1 33:14,23 39:25

provide 10:16 11:7,11,22
15:4 23:7,15 24:8,20,22
26:21 29:24 33:12 34:7
35:4 39:21 41:2 44:6
61:14

provided 6:21,24 11:10,
15 40:20 61:1

provider 24:1,4

providing 40:1

provisions 25:13

public 3:6,7 38:17,21
40:6,8,18 46:1 47:9
50:22 51:10 64:6

pull 55:7

purpose 39:19 40:12

purposes 40:16 61:16

pursue 14:7 62:23

purview 17:3 25:5

pushing 46:12

put 7:11,16 9:6 13:21
15:6,8 20:2 27:1,25 28:7

33:11 34:15 38:2,3,4,5
46:13 51:6,8,10 55:22
56:13 63:14

puts 59:1

putting 4:17 10:4

Q

question 6:14 7:20 14:6
20:6 22:12 23:10 26:19
32:1 36:23,25 44:25
51:20 61:2,24 62:6,10

questioning 34:25

questions 6:7 7:22,23
15:22 17:24 20:8 22:10,
11 26:11 29:2 31:3,8
32:12 34:24 38:10

quick 6:8

quickly 23:16

quorum 49:9

R

raise 7:5 14:10,15 15:11
16:8 33:16 62:5

raised 38:11

raises 17:23

raising 14:22

ratepayers' 27:24

rates 40:5

read 4:19 18:16

ready 26:7

reason 5:9 41:1

reasonable 42:2 56:6

rebuttal 58:11,14 59:8,16

receive 12:22 18:4 22:13
33:3 39:17 52:10 53:25

received 9:15 13:14

receiving 13:22

recently 62:4

recess 44:12 51:18

recognizing 46:12

reconcile 33:1

record 4:23 5:7,11 6:1
9:20 10:7 11:1 12:12
13:24,25 16:12,14 17:5,7
18:5,24 19:11 26:22
30:17 31:15 34:10 35:1,
2,9,15,17,22 36:10,14,
16,18 38:3 42:21 44:10
51:23 52:12,21

reducing 24:18

redundancy 24:22

refer 23:24 39:6

reference 21:11,12

referencing 21:14

referring 54:17,19

refuse 15:15

refuses 11:25

region 24:16

regional 24:17

Reich 4:9,17,25 5:2 6:7,
12,17,25 7:19 23:9,18
26:25 36:21 39:5 45:2
48:1 51:20 53:11 54:15
55:6 56:7,21 57:3,7,10,
12 58:13 59:18 60:13
61:6 63:22 64:1,11,22,25
65:9,18

reimbursed 39:23

relationship 20:18

relative 32:21

release 60:17

relevance 18:2

relevant 18:4 21:19
52:11

reliability 32:21

reliable 10:16 11:8,12,23
15:5 24:8 29:24 33:12
39:21 40:1

relieve 63:6

rely 7:7 35:11

relying 35:17

remaining 56:1

remarks 21:10 31:11

remember 17:9

report 41:6

request 6:3 7:8 16:6
18:21,23,24 33:2 55:3
56:3

requested 5:20 7:9 27:21

requesting 5:3

require 10:21,25 23:3
25:13,23 30:9,10

required 11:23 12:2
54:18

requirement 60:17

requirements 9:8,9
22:22 40:3 42:18 51:11

requires 14:13 16:18
42:22

reserve 48:25

reserving 51:5

residents 8:22 39:10

resolve 10:19 30:7 33:9
40:17 61:4,9 62:14,17
resolving 13:11
respect 28:16 45:2 63:7
respectful 63:13
respond 29:19 54:12
55:18 59:23 60:12
response 4:18 54:21
responsibilities 42:19
52:4,13
responsibility 3:18 32:19
39:25
responsive 55:25
rest 14:17 60:14
restate 43:7
restricted 5:11
result 11:18
results 18:3
retail 24:4
review 3:4,14 4:18 5:10
6:11 12:8,17,25 26:8
27:21 40:13,17 53:19
54:1 60:18 61:15
reviewed 5:2,24
rights 13:3 15:15 26:6
31:5
risk 24:18
Rocky 3:15 4:1,9,12 5:4,
20 8:14,16 9:4,16 10:8,
15,23 11:7,9,14,16,23
12:1,23 13:22 18:3 22:14
23:6,21,25 25:6 27:22
29:3,23 30:4,13,21 35:24
36:1 37:3,8 38:8 39:19
45:1 46:2 47:24 53:10,17
57:15 60:19,22 62:16,17

rolling 14:1 33:23
rookie 23:6
room 46:18 63:4
roughly 47:11 56:17
rule 15:25 51:24,25
rules 12:3 21:21,22
54:17
run 14:9 47:10 50:19,20,
21

S

safe 10:16 11:8,11,22
24:8 29:24 33:12 45:13
49:1
sake 27:24
schedule 3:18,19,22,24
12:20 18:20 21:10 41:18
42:20 43:12 46:21 47:22
48:17 50:11,12,14 51:4
53:7,8 55:1 58:16 62:23
64:3
scheduled 43:6 60:15
scheduler 50:3
schedules 42:2
scheduling 47:6,9 49:14
51:8,10 61:20 65:16
scope 6:1
section 5:21 17:16 21:21
40:2,15
seeking 57:8
sense 15:20 26:11,23
34:8 51:4 62:20 63:12
separate 62:16,22
serve 23:21

served 8:16
service 3:6,8 10:16,24
11:8,12,23 24:9,18 29:24
32:22 33:13 38:22 39:21
40:1 46:1 47:9 51:10
64:7
services 24:1,14
set 3:18 8:7 25:14 32:8
42:19 45:15 54:24 59:5
63:22 64:11 65:3
sets 52:13,14
setting 41:18 42:10
62:21 64:9
severe 9:21
shape 13:7
share 32:16
short 44:12 56:3 59:24
shorter 50:12,15,16
shortly 29:10
show 11:3 15:10 34:12,
14 36:18 37:16,17
showing 11:21
shows 9:20
side 31:6 36:1 37:23
45:12 58:18
sides 17:1 58:14,15 59:7,
17
significant 5:16 7:15
8:24 48:7
simply 15:14 36:17 51:13
sister 27:9,12
siting 40:19
sits 20:23
sitting 32:3 33:6 35:11

situated 25:9
situation 35:14,19
Sixty 26:6
slack 50:4
snap 14:24
sooner 54:13
speak 4:2,16 41:21 52:3
speaking 49:6 62:19
specifically 21:12 40:25
speed 42:11
standard 10:19 13:12
14:13 30:8 41:9,12 46:25
standards 10:13 25:14,
21 37:9
start 4:7,8 15:4 23:17
28:13 34:4,5 41:22 44:11
45:1 50:17,18 55:18
started 28:13
starting 15:23
starts 41:18
stated 18:3
statement 23:22
statements 35:5,9 55:12
statewide 32:20
statute 7:7 9:25 12:18
14:13 16:1,18 17:7,11
25:10 26:1,2,4,9 37:13
40:11,12 42:6,18,22
62:8,13
statutes 25:1
statutory 3:17 9:8 16:5
21:13 28:6 32:2,5 42:18
61:13
stipulate 19:19 60:9

straightforward 51:15
streaming 4:22
stretch 42:1
strict 37:22
stuck 35:14
study 14:20
stuff 55:20
subject 65:10
submission 4:20 5:3
28:7
submit 30:15 36:3 41:9,
13 45:3 54:1
submitted 64:12
subpoenas 21:23
Subsection 42:24
suggest 62:23
suing 21:1
support 21:20 35:14
supposed 12:5
supposedly 53:22
surrebuttal 29:13 58:16
swinging 34:9
system 24:15 30:21
Systems 24:3

T

tails 36:2
taking 9:13
talk 8:5 10:12 23:18
28:22 33:4
talked 33:10
talking 14:23 15:13

37:13 56:10
talks 21:23 25:10
task 46:16
telling 30:22 36:7,9
Ten 57:24
tentative 46:7
terms 4:5 23:12 46:12
53:7 60:25
testimony 10:4,21 11:24
12:7,22,24 13:14 23:11
25:24 30:10 35:5 44:7
45:4 53:8,10 54:2,10,11,
13,16,23 55:3,9,11 56:5
57:11,16 58:3,4,11,19
59:6,8,13 60:24 64:4,5
thing 10:7 17:20 25:2
27:16 39:18 41:5 55:13
61:4
things 10:5,11 11:4
12:16 13:10 14:24 16:7
18:9 25:5 26:14 33:10
38:1 41:19 45:15 51:7
60:2
thinking 13:5 55:14
thought 49:20 62:12
Thursday 46:24 47:17
49:18 50:9
tied 16:12
tight 58:19 59:22 60:5
64:8
time 5:12 7:6,25 11:16,
17,22 12:7,21 14:11,14
15:25 17:9,19 18:22
28:21,22 30:3 31:25
33:16 34:2,3 42:22 44:17
45:20 47:2 51:16 54:10,
11 55:2,23 56:3 58:21,23
59:7,22,24 60:9 61:25

62:5 63:7,11,13 64:4,8
65:15
times 8:10 11:13 17:4
timing 22:16 23:13 35:6
62:8
today 3:8,12,18 17:12,13
43:12 56:18,25 62:12
63:18
today's 17:17
told 11:13
tomorrow 64:22
tons 25:24
touchstone 29:21 37:14
transmission 7:15 8:13
24:15,17,21 38:1 39:20
trial 54:3
tricky 64:24
Troy 3:9
true 11:20 30:22
Tuesday 46:24 47:16
type 31:23
types 14:23 55:16
typically 43:18 47:10
64:2

U

ugly 37:21
ultimate 44:14
ultimately 15:9
unconstitutional 26:5
underground 6:18 7:14
13:21 27:3,25
undergrounding 5:21

6:19 7:5
understand 8:18 17:21
18:16 34:21 37:22 42:6
understanding 20:12
31:11 43:13 44:3 49:15
60:11
unfair 10:2 30:19
unincorporated 24:5
unique 8:8,10,12 35:19
unrealistic 56:3
unsubstantiated 35:7
up 8:7 16:13 24:11 28:9,
15 32:3 36:21,23 38:10
42:17 44:16 51:17 55:7,
24 60:7,22 62:21

urgently 24:7
users 14:4
Utah 3:4 5:9 21:22 22:4
24:2,6 25:1,10 40:13
43:10
utilities 40:18
utility 3:4 40:6,9,13,17
52:5 62:13

V

valley 8:14,16,20 14:18
23:22 24:12 39:11,12,17
Vancott 4:11
versus 18:18 19:4 35:1
37:10 41:17
viability 40:8
view 20:1,3,10 37:2,8,9,
11 38:14 42:5,7,24 52:15
63:6
violates 16:1

vital 50:24 51:1
vote 43:21,24 50:24
52:10,24 53:1,4
voted 14:20 43:19

W

wait 55:19 57:22
waive 11:25 15:15 26:5
walk 9:10 10:17 11:2
13:8
wanted 7:4 9:2 39:6,18
41:1
Wasatch 24:5,7 27:5,8,
15 28:14
watched 42:25
ways 12:10 54:8
weave 18:17
wedding 50:5
Wednesday 47:14 49:19
50:11,14 64:16
Wednesdays 47:1
week 6:13 22:15 46:11,
19 47:12,14,21 48:1,6,
19,20 56:5,7 58:21,25
59:9 65:16,17
weeks 48:10 55:20,23
56:12,13,19,25 57:18,22
58:8,18,20,24 59:2,3
White 3:7
wholesale 23:25
widespread 24:18
wife 50:6
willy-nilly 37:19
win 36:17

witnesses 13:17 19:7,13
23:8,16 55:10

work 7:16 25:7 28:4 36:6,
10,12,13,15 48:20 50:9
60:8

worked 38:7

working 28:13 36:2

works 48:6

wrap 38:9

wrap-up 38:25

Wright 3:9 6:8,10 22:11,
12,24 23:2,12 29:8,9
34:23,25 35:16 36:9,13
38:23 41:22,24 43:15,25
44:1 46:21 47:14,18
49:23 50:8,14,18 52:16,
23 53:5

Wright's 43:8

written 26:9 44:6 45:4
46:13,14 48:8 53:10
54:10,11,13,16,22,23
55:3,8 57:16 58:4,16,19
59:5 65:16

wrong 17:9

Y

yards 8:23 14:19

yea 43:21

year 23:3

years 28:19 43:1

Youtube 4:22