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**BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD**

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<p>PACIFICORP, doing business as ROCKY MOUNTAIN POWER,</p> <p style="text-align: right;">Petitioner</p> <p style="text-align: center;">vs.</p> <p>MIDWAY CITY,</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;"><b>DIRECT TESTIMONY OF BENJAMIN CLEGG</b></p> <p style="text-align: center;">Docket No. 20-035-03</p>
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1 **BACKGROUND OF WITNESS**

2 **Q: Please state your name, business address and present position.**

3 A: My name is Benjamin Clegg. My business address is 14416 S. Russian Frost Drive,  
4 Herriman, UT 84096. I am the Operations Manager and Principal Project Manager of  
5 Sigma Utility Solutions, LLC, which is a contract project management firm. I have held  
6 that position since 2014.

7  
8 **Q: Please describe your education and business experience.**

9 A: I have a Bachelor's degree in Construction Management from Weber State University  
10 and a Master's degree in Business Administration from the University of Utah. I hold the  
11 Project Management Professional (PMP) certification from Project Management  
12 Institute. I have sixteen (16) years' professional experience in construction projects,  
13 eleven (11) of which relate directly to electric utility facilities.

14  
15 **Q: What is your role with regard to the Jordanelle to Midway project?**

16 A: I was retained by Rocky Mountain Power to be the lead project manager for the  
17 Jordanelle to Midway project from 2015 until December 2019, and I continue to serve as  
18 a consulting project manager. In my role as lead project manager, I had overall  
19 responsibility for the project including permitting, schedule, cost, right of way,  
20 entitlements, design, material and equipment procurement, and construction of the  
21 transmission line.

22  
23 **PURPOSE OF TESTIMONY**

24 **Q: What is the purpose of your testimony?**

25 A: The purpose of my testimony is to describe the Project, Rocky Mountain Power's  
26 communications with Midway City about the Project, and permitting efforts with  
27 Midway City.

28  
29 **DESCRIPTION OF THE PROJECT**

30 **Q: Please describe the Jordanelle to Midway project.**

1 A: The Jordanelle to Midway line project (the “Project”) is to construct new and reconstruct  
2 portions of an existing transmission line to be operated at 138 kilovolt (kV) nominal  
3 between Jordanelle and Midway substations starting at Rocky Mountain Power’s  
4 Jordanelle Substation in Wasatch County, Utah, and ending at Rocky Mountain Power’s  
5 Midway Substation, also in Wasatch County, Utah. It will also include installing fiber  
6 optic communication lines on the transmission structures between the Jordanelle and  
7 Midway substations as well as between Jordanelle Substation and the Silvercreek  
8 Substation in Summit County, Utah, and between Midway Substation to the Hale  
9 Substation in Utah County, Utah, and tying in the Wallsburg Substation, in Wasatch  
10 County, Utah. The new and rebuilt 138kV transmission lines are located in Heber City,  
11 Midway City, and unincorporated Wasatch County, Utah. The Project involves  
12 approximately ten (10) miles of transmission line.

13  
14 Approximately eight (8) miles of 138 kV transmission line is a jointly sited and funded  
15 project between Rocky Mountain Power and Heber Light & Power, with both companies’  
16 facilities occupying the same set of poles and rights of way. In March and April 2017, the  
17 final agreement between Rocky Mountain Power and Heber Light & Power was  
18 executed.

19  
20 The Project is designed to meet the National Electric Safety Code.

21  
22 **Q: What are the design differences between a 46 kV line and a 138 kV line, per today’s**  
23 **standards?**

24 A: Due to various changes in technology, standards, and best practices the physical  
25 difference between a 46 kV transmission facility and a 138kV transmission facility built  
26 to the current standard is nominal.

27  
28 **Q: Please describe the portion of the Project that is located in Midway City.**

29 A: The Midway portion of the Project is a one-mile subsegment that replaces an existing  
30 single line of poles that historically have housed a 46 kV transmission circuit, a 12.5 kV  
31 distribution circuit, communications circuits, and associated guy wires and anchors

1 owned by Heber Light & Power and other joint users. The Project replaces this single line  
2 of transmission poles with another single line of poles with two (2) 138 kV capable  
3 circuits (one circuit will be operated by Heber Light & Power at 46 kV for the immediate  
4 future and the other one will be operated by Rocky Mountain Power at 138 kV), with no  
5 distribution or guy wires and anchors.  
6

7 **Q: What is the purpose of the Project?**

8 A: To provide needed capacity and increased reliability based on current system needs and  
9 limitations in Wasatch County and surrounding areas. Rocky Mountain Power's 138 kV  
10 transmission line will provide regional transmission service to customers in Wasatch  
11 County and surrounding areas, including Heber Light & Power and its customers.  
12

13 **Q: Why are Rocky Mountain Power and Heber Light & Power doing this project  
14 jointly?**

15 A: Rocky Mountain Power and Heber Light & Power have been working on transmission  
16 projects in the region for over a decade. Rocky Mountain Power and Heber Light &  
17 Power ultimately agreed to work together on the siting and construction of these needed  
18 facilities for a variety of reasons, including to reduce costs to each party's customers and  
19 to reduce impacts to the surrounding areas by sharing existing transmission line siting  
20 where available and installing both parties' facilities on the same line of poles.  
21

22 Heber Light & Power, via its membership in UAMPS, utilizes Rocky Mountain Power's  
23 transmission system to wheel electricity from power producers to Wasatch County in  
24 order to serve its retail load, including the retail load in Midway. Heber Light & Power  
25 does have a limited amount of generation in the Heber Valley; however, this generation is  
26 not sufficient to carry all the retail load they serve. This Project will provide Heber Light  
27 & Power, via UAMPS, with a second point of transmission interconnection. The second  
28 point of transmission interconnection that will serve Heber Light & Power's retail load,  
29 including Midway, is not possible without this transmission project. Without Heber Light  
30 & Power, via UAMPS, directly and continuously using Rocky Mountain Power  
31 transmission facilities, Heber Light & Power would not be able to serve all its retail load.

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**Q: What did Rocky Mountain Power and Heber Light & Power do after the joint Project agreement was executed?**

A: The execution of the final agreement kicked off the land use permitting process and final siting for the Project. The general corridors for the line siting were established in the agreement, and final siting within those corridors was to be coordinated with local land use authorities to allow for adjustments for future roadway expansions and the location of Heber Light & Power’s substation.

**Q: What is the current status of the Project?**

A: Approximately two (2) miles of 138 kV construction is complete. One mile was completed by Heber Light & Power in or around 2014 and another mile was completed by Heber Light & Power in or around 2018. Also, the fiber optic communication lines between Silvercreek and Jordanelle substations was completed in or around 2017 and the fiber optic communication lines between Hale, Wallsburg, and Midway substations were completed in or around 2018. The remaining eight (8) miles of transmission was scheduled and budgeted to be complete in 2020.

**LOCAL PERMITTING PROCESS**

**Q: As the project manager, did you evaluate whether a permit would be required for the Project in Midway City?**

A: Yes. In April and May of 2017, I reviewed Midway City’s land use ordinances and concluded no permit was required. In an effort to coordinate on the line siting in Midway and to confirm Midway didn’t have a different interpretation of their ordinance, Heber Light & Power and Rocky Mountain Power jointly requested a meeting with Midway City planning staff and the Mayor.

**Q: When did that meeting take place, and what occurred during the meeting?**

A: We held a meeting on June 13, 2017, with Michael Henke (Midway City Planner), Colleen Bonner (Midway City Mayor), Bob Kowalis (Charleston Town Mayor), Jason Norlen (Heber Light & Power), Harold Wilson (Heber Light & Power), and myself. We

1 discussed the Midway City ordinances and specific siting coordination. The City's  
2 roadway expansion plans for 970 South and Stringtown Road, and how they might be  
3 impacted by the Project, were also discussed. In the meeting, the Midway City  
4 representatives confirmed their ordinance didn't require a permit for the Project.  
5

6 **Q: What other permitting efforts did you undertake with other jurisdictions?**

7 A: Representatives from Heber Light & Power and I met with representatives from Wasatch  
8 County and Heber City, and determined that a conditional use permit would be required  
9 from the County and a variance would be required from Heber City. The companies filed  
10 an application for conditional use permit with Wasatch County on October 31, 2017, and  
11 an application for a variance with Heber City on November 2, 2017. Subsequent to the  
12 company's filing an application for a variance, Heber City approved a code text  
13 amendment that required transmission facilities obtain a conditional use permit. Heber  
14 City allowed Rocky Mountain Power and Heber Light & Power the choice of following  
15 either the old or new code requirements because the application was submitted under the  
16 old code. Ultimately a conditional use permit was granted from Heber City and Wasatch  
17 County for the Project.  
18

19 **Q: Was any other Project information submitted to Midway City at that time?**

20 A: Yes, around the same time the Project team prepared and submitted applications for  
21 permits from Heber City and Wasatch County, a packet of information describing the  
22 planned facilities within Midway City was provided in hard copy to the City. The  
23 information included substantially the same information as was submitted to Heber City  
24 and Wasatch County and is similar to the information Rocky Mountain Provides typically  
25 provides to local governments when applying for conditional use permits, including plan  
26 view maps of the planned line location and pole standard drawings.  
27

28 **Q: Was Midway City aware that other permit applications had been filed?**

29 A: Yes. In addition to city staff and the Mayor being informed about the Project, as part of  
30 the County permitting process some of the residents who live in Midway City were also  
31 notified. Many Midway City residents attended the public meetings held by Wasatch

1 County. In fact, the Mayor-elect of Midway City, Celeste Johnson, addressed the  
2 Wasatch County Planning Commission during a public hearing of Rocky Mountain  
3 Power's and Heber Light & Power's application on December 14, 2017. Mayor-elect  
4 Johnson asked the County to delay its approval of the County's conditional use permit  
5 until she took office and could assess Midway City's position on the Project.  
6

7 **Q: Why wasn't any kind of land use application filed with Midway City in 2017?**

8 A: We had been told by the City that no permit or approvals were required for the Project. In  
9 early 2018, the Midway City Council discussed its desire to amend its City Code to add  
10 an ordinance requiring an approval process for electric transmission lines. The City cited  
11 the Project as the reason the City wanted to adopt a permit process, and specifically asked  
12 Heber Light & Power and Rocky Mountain Power to not proceed on the Project until an  
13 ordinance concerning transmission lines could be adopted.  
14

15 **Q: Did the City ultimately adopt a permitting process for transmission lines?**

16 A: Yes, in January 2019 the City made transmission lines a conditional use, and adopted a  
17 two-step process requiring an applicant to first get a recommendation from the Midway  
18 City Planning Commission and then go to the City Council for final action on the permit.  
19

20 **Q: Did the companies file an application for a conditional use permit with Midway  
21 City?**

22 A: Yes, even though Rocky Mountain Power did not agree that the new ordinance should  
23 apply to the Project, a joint conditional use permit application was filed on April 2, 2019,  
24 by Rocky Mountain Power and Heber Light & Power.  
25

26 **Q: Why did Rocky Mountain Power apply for a permit that it didn't think was legally  
27 required?**

28 A: The company concluded it would be preferable to allow Midway an opportunity to place  
29 reasonable conditions on the Project that wouldn't impair the company's obligation to  
30 provide safe, reliable, adequate and efficient service to its customers, rather than fight the  
31 legality or applicability of the new ordinance.

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**Q: What action did the Midway City Planning Commission take on the application?**

A: On May 14, 2019, the Midway City Planning Commission held a public hearing on the application for conditional use permit. The Planning Commission asked for an estimate of what the easement costs would be to acquire additional overhead easements and to provide a drawing showing the impact on easements of the new line for shorter spans, longer spans, and a possible underground line. The hearing was continued so the companies could provide that information.

The requested information was developed and assembled by the companies, and provided to Midway City in July of 2019. The companies also requested that the application be heard again on the next available Planning Commission meeting.

On August 13, 2019, the Planning Commission again heard the application and reviewed the supplemental information provided by the Project team. At this hearing, the Planning Commission voted to recommend approval of the conditional use permit for the overhead transmission line to the City Council subject to some conditions relating to aesthetics of the line.

**Q: What action did the Midway City Council take on the application?**

A: On October 15, 2019, the Midway City Council heard the application. Rocky Mountain Power and Heber Light & Power presented details of the project including the purpose and need, mitigation of real and perceived impacts, and schedule for the Project. The City Council took public comment but did not vote at that meeting.

On November 14, 2019, and November 16, 2019, Midway City held public open houses for the stated purpose of allowing its citizens to speak about the Project. I was aware of the open houses but did not attend. The open houses were not requested at the October 15, 2019, hearing and are not otherwise part of the conditional use process prescribed by the City Code. As an outcome of these open houses, the City began work to obtain a



1 public opinion survey to ascertain whether city residents would be willing to pay  
2 additional costs to bury the transmission line in Midway City.

3  
4 The next public City Council hearing on the application was held on November 19, 2019.  
5 When the permit came up on the agenda, Midway City's Mayor immediately asked for  
6 public comment; the public hearing was closed without the applicants being given an  
7 opportunity to speak. After a short recess, the Council reconvened and discussed the  
8 application. Council Member Van Wagoner made statements regarding the City's  
9 knowledge of the Project since at least 2014 and the efforts Rocky Mountain Power and  
10 Heber Light & Power had taken to reasonably work with the City regarding the code text  
11 amendments and to mitigate the impacts of the Project. The City Council discussed the  
12 resident survey, and eventually voted to continue the application to December 3, 2019.

13  
14 On December 3, 2019, the hearing was reconvened. The hearing was limited to Council  
15 discussion and the applicants responding to specific questions from Council. There was  
16 some discussion about Midway conditioning the permit on specific facilities being placed  
17 in unincorporated Wasatch County, outside Midway City's jurisdiction. At that meeting, I  
18 publicly stated that Rocky Mountain Power would not agree to reopen any granted  
19 permits in other jurisdictions. In this meeting the Council, and I, discussed that Midway  
20 City could approve the application and fund the initial underground design efforts in  
21 parallel with the standard overhead design in the application, to ensure the project could  
22 be completed by the planned schedule of November 2020. I also walked through several  
23 design and manufacturing tasks required to proceed to make the November 2020 date.  
24 Ultimately the Council decided it would wait until the results of the resident survey were  
25 in hand and the hearing was continued to December 17, 2019.

26  
27 On December 17, 2019, the hearing was again reconvened. The hearing was limited to  
28 Council discussion, following which the Council approved the Decision that is at issue  
29 before this Board.

1 **Q: In your experience as a professional project manager, does it appear likely that the**  
2 **Project will be completed in 2020?**

3 A: No, the completion date of 2020 is likely not possible due to the permitting delays with  
4 Midway City.

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**SUMMARY OF TESTIMONY**

7 **Q: Please summarize your testimony.**

8 A: The issue before the Board is for a needed transmission project that has been in various  
9 forms of planning for over a decade. Rocky Mountain Power has made reasonable and  
10 good faith efforts to limit the physical impact of the facilities as well as the cost to both  
11 parties' ratepayers. Rocky Mountain Power, and its partner on this project, Heber Light &  
12 Power, have worked for several years to coordinate the permitting and final siting of  
13 these facilities within the designated corridors.

14

15 Rocky Mountain Power has given Midway City every reasonable opportunity to provide  
16 specific actionable direction related to facilities within the City. Midway City claims they  
17 have had insufficient time to appropriately act, however, since my first meeting with  
18 Midway City discussing the specific siting in the City, let alone the project conceptually,  
19 over 30 months have passed. Midway City in the eleventh hour amended their city  
20 ordinances related to the facilities on an open, apparent, and publicly announced project.  
21 After this code text amendment, Rocky Mountain Power, in good faith, provided Midway  
22 the opportunity to produce reasonable conditions and clear direction and funding for the  
23 transmission line to be constructed underground. Instead, after many years of knowing  
24 about the Project, including one year that was spent on enacting a conditional use permit  
25 ordinance, Midway City then used another nine-months to produce a decision on the  
26 conditional use permit application that provides no clear direction or funding, and even  
27 includes specific requirements for facilities to be constructed outside the City's  
28 jurisdiction.

29

30 Before the Project can move forward, Rocky Mountain Power needs a clear decision and  
31 up-front payment for any excess costs.

1

2 **Q: Does this conclude your direct testimony?**

3 **A: Yes.**

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