

Corbin B. Gordon, #9194
Joshua D. Jewkes, #15497
GORDON LAW GROUP, P.C.
322 East Gateway Dr., Suite 201
Heber City, UT 84032
Phone: 435-657-0984
Fax: 435-657-0984
cgordon@gordonlawgroup.utah.com
jjewkes@gordonlawgroup.utah.com

Counsel for Respondent Midway City

BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD

ROCKY MOUNTAIN POWER Petitioner vs. MIDWAY CITY Respondent	RULE 26(a) INITIAL DISCLOSURES BY RESPONDENT MIDWAY CITY Docket Number 20-035-03
--	--

Respondent Midway City, (“Respondent”), by and through the above counsel, hereby makes these Initial Disclosures pursuant to Rule 26(a) of the Utah Rules of Civil Procedure. Respondent provides the following information to comply with the Rules as fully as possible at this early discovery stage of the litigation.

The disclosures set forth herein are based upon knowledge, information and documents within the possession or control of Respondent at this time. To the extent that Respondent later learns of relevant information, witnesses, and/or documents, Respondent expressly reserves their right to amend and/or supplement the disclosures herein. In making these disclosures, Respondent does not admit that any testimony, information, document, or other tangible thing

disclosed is relevant, proportional or admissible in this action. In addition, Respondent expressly reserve the right to object to any testimony, information, document, or other tangible thing on the basis of (i) relevance, proportionality and admissibility; (ii) any applicable privilege or immunity; and (iii) any other valid objection under applicable state, federal, or local rules.

I. RULE 26(a)(1)(A)(i) and (ii): “[T]he name and, if known, the address and telephone number of: ... each individual likely to have discoverable information supporting its claims or defenses, unless solely for impeachment, identifying the subjects of the information[.]”

Respondent is presently aware of the following persons who are likely to have discoverable information supporting its claims or defenses, or who may be called as a witness in its case-in-chief:

1. Jason Norlen [c/o HEBER LIGHT & POWER, 31 S 100 W, Heber City, UT 84032, Tel: (435) 654-1581]: Jason Norlen is the General Manager of Heber Light and Power. He has knowledge regarding the operation of Heber Light and Power’s system, the need for the transmission line, impacts to the system if the line is not installed by the end of 2020, the realistic risk to the system if the transmission line is not installed until spring of 2021, and whether the line is necessary for the safe, reliable, adequate and efficient service to its customers. He also has knowledge regarding the historical use of the existing transmission line in the area of Midway City and needed expansion of the easement needed to install the new transmission line.
2. Harold Wilson [c/o HEBER LIGHT & POWER, 31 S 100 W, Heber City, UT 84032, Tel: (435) 654-1581]: Harold Wilson is the operations manager for Heber Light and Power. He has knowledge regarding the operation of Heber Light and Power’s system, the need for the transmission line, impacts to the system if the line is not installed by the end of 2020, the realistic risk to the system if the transmission line is not installed until spring of 2021, and whether the line is necessary for the safe, reliable, adequate and efficient service to its customers. He also has knowledge regarding the historical use of the existing transmission line in the area of Midway City and needed expansion of the easement needed to install the new transmission line.
3. Carson Bates and/or Clifton Oertli [c/o NEI Electric Power Engineering, Inc., P.O. Box 1265, Arvada, CO 80001, (303) 431-7895]. Carson Bates and/or Clifton Oertli both

performed an Underground Transmission Cost/Feasibility Study for Heber Light & Power in 2018. They have general knowledge regarding the costs to bury the transmission line through Midway City, and are expected to testify to their conclusions on what it would cost to bury the line, whether the bids obtained by Rocky Mountain Power are legitimate, in accordance with industry standards, and an accurate estimate of what it will actually cost to bury the line.

4. Kevin Feusi [c/o GRIDSME, Inc., 145 Parkshore Dr. Ste 140, Folsom, CA 95630, Tel. (916) 800-4545]. For the past 15 years, Kevin has been focused on power system modeling and is proficient in power flow, post-transient governor-power flow, voltage stability, and transient stability analysis techniques. He is knowledgeable in the regulatory standards adopted by NERC, WECC, system operators and utilities. He has performed studies for system operators, utilities, and transmission developers throughout the western USA. Studies performed range from WECC three phase rating process studies to system impact studies. Furthermore, he has helped generation developers analyze interconnection locations, develop interconnection application requests, and address various needs throughout interconnection process. Kevin is expected to testify to the need of the Rocky Mountain Power interconnect, the claims that failure to install the line by the end of 2020 will result in damage/loss of power to HL&P's or Rocky Mountain Power's system, and general analysis of the accuracy of claims made by Rocky Mountain Power.
5. Celeste Johnson [c/o GORDON LAW GROUP, P.C., 322 E Gateway Drive, Suite 201, Heber City, Utah 84032, Tel. 435-657-0984]: Celeste Johnson is the Mayor of Midway City, and is expected to testify to the impact the line will have on Midway City, the options available to raise the money to bury the line, the steps taken by the Municipality to obtain the funds needed to bury the line, and the Conditional Use Permit process.
6. Brad Wilson [c/o GORDON LAW GROUP, P.C., 322 E Gateway Drive, Suite 201, Heber City, Utah 84032, Tel. 435-657-0984]: Brad Wilson is the Midway City Recorder and has access to all documents submitted in relation to the Conditional Use Permit by Heber Light & Power and Rocky Mountain Power, and all public meetings held addressing the Conditional Use Permit.
7. Michael Henke [c/o GORDON LAW GROUP, P.C., 322 E Gateway Drive, Suite 201, Heber City, Utah 84032, Tel. 435-657-0984]: Michael Henke is the Planner for Midway City. Michael has access to all documents submitted in relation to the Conditional Use

Permit by Heber Light & Power and Rocky Mountain Power, and all public meetings held addressing the Conditional Use Permit.

8. Wes Johnson [c/o GORDON LAW GROUP, P.C., 322 E Gateway Drive, Suite 201, Heber City, Utah 84032, Tel. 435-657-0984]: Wes Johnson is Midway City's Engineer. Wes has information regarding the design of the proposed transmission line, the visual impact of the line, the location of the poles, the impact on trees in the area, and general engineering issues regarding the proposed transmission line.
9. Jerry Webber [c/o Snell and Wilmer, 15 W. South Temple, Suite 1200, Salt Lake City, UT 84101, Tel. 801-257-1900]: Mr. Webber is a licensed appraiser and is expected to testify regarding a study he performed for VOLT regarding severance damages to the properties effected by the transmission line.
10. John Nelson [c/o GORDON LAW GROUP, P.C., 322 E. Gateway Drive, Suite 201, Heber City, UT 84032, Tel. 435-657-0984]: John Nelson is the retired founder of NEI and now works as a consultant in the electric and transmission industry. He is expected to testify to the actual need of the proposed Transmission Line for both HL&P and Rocky Mountain Power, the claimed consequences to HL&P and RMP's system should the line not be completed by the end of 2020, and the validity of the bids submitted by RMP.
11. All individuals Petitioner, Respondent and any other party may identify in their pleadings as likely to have discoverable information and/or as potential fact witnesses.

Respondent reserves the right (but not the obligation) to amend and/or supplement the above disclosures in the event that additional or different information becomes available.

II. RULE 26(A)(1)(B): “[A] copy of all documents, data compilations, electronically stored information, and tangible things in the possession or control of the party that the party may offer in its case-in-chief, except charts, summaries and demonstrative exhibits that have not yet been prepared and must be disclosed in accordance with paragraph (a)(5).”

Respondent may offer in its case-in-chief every document, data compilation, item of electronically stored information, and tangible thing disclosed or produced by any party to this case. A copy of the Conditional Use Permit granted by Midway City is attached. Beyond those

items, Respondent is not currently aware of any documents in its possession that it may offer in its case-in-chief. Respondent may, however, offer in its case-in-chief an affidavit of attorney's fees and costs with supporting documentation (to be provided at time of trial or arbitration) and any document filed or served in this matter by Petitioner, Respondent or any other party.

Respondent reserves the right (but not the obligation) to amend and/or supplement the above disclosures in the event that additional or different information becomes available.

III. RULE 26(A)(1)(D): “[A] copy of any agreement under which any person may be liable to satisfy part or all of a judgment or to indemnify or reimburse for payments made to satisfy the judgment[.]”

Respondent is not currently aware of any agreement under which any person may be liable to satisfy part or all of a judgment in this case or to indemnify or reimburse for payments made to satisfy the judgment. Respondent reserves the right (but not the obligation) to amend and/or supplement the above disclosures in the event that additional or different information becomes available.

IV. RULE 26(A)(1)(E): “[A] copy of all documents to which a party refers in its pleadings.”

Any documents referred to by Respondent in its pleadings are either already in the possession or control of Petitioner, provided in connection with these Initial Disclosures, or part of the public record that can be obtained on Midway City's website. Respondent reserves the right (but not the obligation) to amend and/or supplement the above disclosures in the event that additional or different information becomes available.

DATED this 24th day of March 2020.

/s/ Corbin B. Gordon
Corbin B. Gordon
Attorney for Respondent Midway City

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March 2020, I filed a copy of the above-captioned document with the Clerk of Public Service Commission via email system, which delivered an electronic copy to the following:

Counsel for Rocky Mountain Power
Heidi K. Gordon hgordon@fabianvancott.com
Bret Reich bret.reich@pacificorp.com

Council for Wasatch County
Scott Sweat ssweat@wasatch.utah.gov
Jon Woodward JWoodard@wasatch.utah.gov

Counsel for Heber Light & Power
Adam Long along@shutah.law

Assistant Utah Attorneys General
Patricia Schmid pschmid@agutah.gov
Justin Jetter jjetter@agutah.gov
Robert Moore rmoore@agutah.gov
Victor Copeland vcopeland@agutah.gov

Division of Public Utilities
Madison Galt mgalt@utah.gov

Officer of Consumer Services
Cheryl Murray cmurray@utah.gov

/s/ Corbin B. Gordon
Attorney for Midway City