

ATTACHMENT 10

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November 13, 2019

Corbin B. Gordon
City Attorney
Midway City
345 West 600 South, Suite 108
Heber City, UT 84032
cgordon@gordonlawgroup Utah.com

Re: Pending CUP Application for Overhead Transmission Lines

Dear Corbin:

Although you have refused to respond to my prior correspondence, I write again to make a very clear record of our inquiries and positions, and to again give you an opportunity to respond to the citizens of Midway whose taxes go towards your compensation, and whose interests as citizens you are obligated to protect. As you know I represent the Valley-Wide Opposition to Large Transmission Lines (“VOLT”). To date, I have not received any response to my previous correspondence dated August 13, 2019, and October 15, 2019. Those letters, and this letter, repeat VOLT’s concerns regarding easement acquisition costs and property value impacts of overhead transmission line siting costs presented to the City Council in the matter of the Conditional Use Permit (“CUP”) application submitted Heber Light & Power (“HLP”) and Rocky Mountain Power (“RMP”). This letter also repeats my request for information regarding the scope of your engagement as an attorney advising HLP and whether or not that engagement is ongoing. We will reasonably infer from your refusal to respond that you continue to have an attorney-client relationship with HLP.

VOLT disputes Planning Commission Staff’s report citing easement acquisition costs prepared by RMP and HLP that are estimated to be between \$22,595 and \$25,743. Enclosed as Attachment 1, please find a report prepared by VOLT that puts these costs at \$2,546,975. VOLT’s report is based on certified appraisals of more than eighty properties along the overhead transmission line route.

The City Council cannot approve the CUP application based on the record before it. Easement costs cited in the Staff report do not include square footage required for wider easements. Further, Staff report costs do not consider severance damages. VOLT’s appraisals consider the size of easement expansion, market value of the property and severance damages that are owed to

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Corbin B. Gordon

November 13, 2019

Page 2

private property owners under Utah law. The City Council should also be aware that estimated easement costs included in the Staff Report for underground transmission line siting do not consider or take into account property owners' offers to grant express easements to PacifiCorp at no cost, if all transmission facilities are sited underground. To that end, I am submitting a draft letter of intent that we anticipate will be signed by these property owners memorializing their offer.

On behalf of VOLT, I urge you to carefully consider the report prepared by VOLT that identifies actual overhead line construction costs. The City Council must consider and address this information as part of the record before it. The City Council's failure to address actual easement costs of overhead construction submitted by VOLT will render any CUP decision "arbitrary and capricious" and subject to a challenge in court. We trust you know this and will advise the City Council and Mayor of these facts and law.

Sincerely yours,

Snell & Wilmer



Mark O. Morris

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