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**BEFORE THE UTAH UTILITY FACILITY REVIEW BOARD**

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In the Matter of the Rocky Mountain Power's  
Petition for Review and Midway City's  
Counter Petition to Review.

**DIRECT TESTIMONY OF RON  
LOWREY IN ANTICIPATION OF  
APRIL 20, 2020 HEARING**

Docket No. 20-035-03

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1       **Q.     Please state your name.**

2       A.     Ron Lowrey.

3       **Q.     Are you familiar with the City of Midway, Utah?**

4       A.     Yes, I lived there from 2014 until 2019. In 2014 I built a home there.

5       **Q.     Why did you chose to live in Midway?**

6       A.     It is beautiful there. It is a scenic, private, and very rural area that allowed me to  
7       be close to nature in an uncrowded setting.

8       **Q.     Who lived in the home with you?**

9       A.     My wife and I lived there.

10      **Q.     What was the address of your home there?**

11      A.     I had a home at 885 South Whitewater way in Midway.

12      **Q.     How large was the parcel you built your home on?**

13      A.     I had a single family home there on a little more than half an acre. My home was  
14      approximately 6,246 square feet in size.

15      **Q.     If you had known in 2013 that these giant towers were going to come into  
16      your neighborhood, would you have bought the lot and built the home that  
17      you did?**

18      A.     Absolutely not. We bought the lot in 2013, and I barely noticed the existing  
19      power lines.

20      **Q.     Why wouldn't you have built your home?**

21      A.     It would have defeated the whole purpose. I wanted to be close to nature, in a  
22      setting that didn't remind me of an industrial park.

23      **Q.     Are you familiar with an organization by the name of Valley-Wide  
24      Opposition to Large Transmission Lines, otherwise known as V.O.L.T.?**

25      A.     Yes.

26      **Q.     How did you come to be familiar with it?**

27      A.     I was the President of our HOA, and at a meeting of the Board in around May of  
28      2017, one of the Board members said she had heard a rumor about big power lines  
29      coming through our neighborhood. Later that year, after asking the Mayor what

30 she knew, I attended a meeting where RMP and HLP people presented the  
31 project. I was shocked.

32 **Q. Have you ever been a member of V.O.L.T.?**

33 A. Yes.

34 **Q. Why did you want to be a member of V.O.L.T.?**

35 A. I learned that Rocky Mountain Power and Heber Light & Power had entered into  
36 some sort of agreement that proposed to increase the size, the number of lines,  
37 and the voltage of the power lines that ran near my property. When I looked into  
38 it further, I saw that there was going to be large pole near my property, and even  
39 larger poles nearby. When I learned about the size of the poles, and traveled to  
40 parts of the County where those sort of lines existed, I was appalled to think that  
41 they would become my new neighbors. In discussions with a number of my other  
42 neighbors, basically all of them, we all agreed that the prospect of having  
43 overhead power lines like these running through our very serene and picturesque  
44 neighborhood was something we wouldn't sit still for. We agreed that we should  
45 form an organization to represent our interests and do everything we could to  
46 have this line go somewhere else, or, worst case scenario, go underground.

47 **Q. Why does going underground make a difference to you?**

48 A. It's obvious. The lines that were there when we built were okay, but putting in  
49 the sort of enormous towers that I saw over on Highway 40 would completely  
50 destroy the aesthetic of the neighborhood, not to mention the impact we all feared  
51 it was going to have on the value of our properties. Having the lines underground  
52 would leave the picturesque and scenic quality of the area intact.

53 **Q. Did you have a formal position in V.O.L.T.?**

54 A. Yes, I was the President.

55 **Q. Did you contribute personal resources to fund V.O.L.T. and enable it to  
56 retain counsel to represent its interests in trying to persuade Rocky  
57 Mountain and Heber Light & Power to relocate or go underground?**

58 A. Yes. I personally contributed \$1000.00 to V.O.L.T. for the effort, and probably  
59 hundreds of hours on top of that.

60 **Q. To your knowledge, did other members of V.O.L.T. also contribute**  
61 **thousands of dollars to this effort?**

62 A. Yes, they did.

63 **Q. In addition to the financial contributions you made to V.O.L.T., while you**  
64 **owned your home in Midway were you willing to contribute anything else to**  
65 **the cause of having the line relocated or taken underground?**

66 A. Yes. It was my understanding that the new line would require an easement from  
67 the HOA to which I and my neighbors belonged, which I believe would have  
68 required Rocky Mountain or Heber Light Power to pay the HOA not only for the  
69 additional square footage of the easement necessary to accommodate these larger  
70 poles and lines, but that it would be entitled to compensation in connection with  
71 severance damages on my and the HOA's property. In other words, loss of value.

72 **Q. And were you willing to forego your entitlement to those additional monies as**  
73 **a member of the HOA if the line were relocated or buried?**

74 A. Yes, I was willing to agree to and vote in favor of the HOA granting an express  
75 easement to accommodate any underground line that would avoid the necessity of  
76 increasing the size of the overhead lines. The HOA would have charged no  
77 money for this.

78 **Q. You mention an express easement. Why do you say that?**

79 A. I don't think there is a written easement near my property giving Heber Light and  
80 Power a right to have lines near or across my property. I think it's a prescriptive  
81 easement, that can be only as big as is required for the current use. Not any  
82 bigger future use.

83 **Q. By the way, did anyone from Rocky Mountain Power or Heber Light &**  
84 **Power ever approach you, at any time, to discuss whether you or the HOA**  
85 **would be willing to provide an easement to accommodate these giant**  
86 **overhead lines and poles?**

87 A. No one ever did.

88 **Q. Do you understand that the ultimate determination of the amount of**  
89 **compensation you and the HOA would need as property owners there would**

90 **either have to be something you agreed to with Rocky Mountain Power, or**  
91 **would have to go to court and fight in a condemnation proceeding if Rocky**  
92 **Mountain Power did not want to give you or the HOA the money that you**  
93 **thought you were entitled to?**

94 A. Yes, that was my understanding, although I had hoped we would never have to go  
95 to court and fight about it. By offering to give an easement, rather than fight  
96 about it, I thought I was offering Rocky Mountain Power an opportunity to do the  
97 right thing and actually save some money by lowering costs.

98 **Q. Did there come a time when you wanted to sell your property?**

99 A. Yes.

100 **Q. Why?**

101 A. There were many reasons. I thought my property had appreciated greatly since I  
102 built it, and I was hoping to use the equity from that sale of my home to buy a  
103 small farm in Missouri where I could be near one of my children.

104 **Q. Did you get a formal appraisal of your property prior to putting it up for**  
105 **sale?**

106 A. No. But when I retained a real estate broker, that person provided me with a lot  
107 of information regarding comparable sales and advised me that I should ask for  
108 \$1.3 million for my home.

109 **Q. Did you eventually list your home for sale?**

110 A. Yes, in the latter part of April, 2018.

111 **Q. Was there any interest in your home?**

112 A. Yes, I think we had 35 different showings of the property over time.

113 **Q. Do you recall when you first learned about Rocky Mountain Power's plans to**  
114 **build a line near your home?**

115 A. I think it was May of 2017.

116 **Q. In connection with your efforts to sell your home, did the topic of Rocky**  
117 **Mountain Power's plans to build these giant towers and lines in your**  
118 **neighborhood come up?**

119 A. Yes, many times. My realtor told me that people she talked to would often just  
120 stop talking once they learned of the power lines.

121 **Q. Did the prospect of having these big lines and towers built in your**  
122 **neighborhood increase interest among the prospective buyers you were**  
123 **speaking with?**

124 A. Quite the opposite.

125 **Q. Can you give me an example?**

126 A. Well, I believe that in January 2019, my realtor received an offer to buy my home  
127 for \$950,000.

128 **Q. Who was your realtor?**

129 A. Tina Hackwell.

130 **Q. Did you receive any formal offers for your home before that offer?**

131 A. All the discussions about offering price were in the \$800,000 range. My realtor  
132 told me that the prospect of the power line was hurting her ability to effectively  
133 market my home.

134 **Q. Did there come a time when you finally got an offer?**

135 A. Yes, I got an offer to sell my home for \$950,000 that was withdrawn when the  
136 buyer heard about the giant lines and towers that may be coming to the  
137 neighborhood.

138 **Q. Did you ever speak to that person?**

139 A. Yes, at a City Council meeting where I was telling the Midway City Council of  
140 my grave concerns about this coming overhead transmission line, an individual  
141 approached me to tell me that he was the one who withdrew the offer because of  
142 the power lines.

143 **Q. Did you ever reconnect with that person?**

144 A. Yes, I told that person about our efforts to have the line go elsewhere, or  
145 underground, and he ultimately came back and reinstated his offer to pay  
146 \$950,000.

147 **Q. Were you happy about that sale price?**

148 A. Of course not.

149           **Q.    Are you aware of any appraisals of your home that have been done since you**  
150           **sold it last year for \$950,000?**

151           A.    Yes, Jerry Webber performed an appraisal and valued my home, without the  
152           overhead transmission lines, at \$1,060,000.

153           **Q.    And did Mr. Webber also provide an opinion as to what our home would be**  
154           **worth if these overhead lines and giant towers ultimately come into your**  
155           **scenic neighborhood?**

156           A.    Yes. He estimated that the impact on the value of my property would be reduced  
157           by approximately \$106,000 (or down to \$965,000).

158           **Q.    Have you seen any estimations of cost for the overhead transmission lines**  
159           **that RMP has put forward either to Midway City or to anyone else that**  
160           **included a payment to you or any other landowners in an amount even close**  
161           **to the reduction in value Mr. Webber told you you would suffer?**

162           A.    No.

163           **Q.    Is there anything else that you want this Board to know?**

164           A.    This whole thing soured my wife and me on living in Midway. That's all.