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*Attorneys for Petitioner Rocky Mountain Power*

**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>REBUTTAL TESTIMONY OF BENJAMIN CLEGG</b></p> <p style="text-align: center;">Docket No. 20-035-03</p>
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1 **Q: Have you had an opportunity to review the Direct Testimony of Mr. Jerry R.**  
2 **Webber?**

3 A: Yes, I reviewed Mr. Webber's Testimony including the calculations Mr. Webber relied  
4 upon in rendering his opinions.

5  
6 **Q: Were there errors in Mr. Webber's mathematical calculations?**

7 A: Yes, the summary calculation has a mathematical error. This calculation includes a  
8 purported value impact in dollars as well as percentage. Line item 82 has a mathematical  
9 error. The Decrease Value and Decrease Percentage do not correlate with the Appraisal  
10 and Impacted Appraisal numbers.

11  
12 **Q: Were there other errors or oversights in Mr. Webber's Testimony?**

13 A: Yes. Mr. Webber's calculations include a total of 72 properties that do not have direct  
14 impact as part of this project. Mr. Webber also appears to include the same property,  
15 identified as 10 and 82 in his calculations, twice. Mr. Webber has included two (2)  
16 properties that are outside of Midway City. (Although those two (2) parcels outside of  
17 Midway will require an additional 2' – 3' of width as part of this upsize project, they are  
18 not part of this action before the Board.)

19 Finally, Mr. Webber appears to have not considered that the baseline for any impact is  
20 the current condition of an existing 46kV transmission line. In other words, if Mr.  
21 Webber's opinion is that proximity to the transmission line will reduce the value of the  
22 underlying property, then the existing transmission line would already bear this same  
23 impact.

24

25 **Q: Are there any properties in Midway City that are directly affected by the proposed**  
26 **overhead transmission line that will require additional easement width?**

27 A: Yes. Within Midway City there are a total of ten (10) parcels which would need an  
28 additional 2' – 3' of easement restrictions to the underlying properties. Using the maps  
29 and property numbers from Mr. Webber's Testimony these are:

- 30 1. Map Property #9  
31 2. Map Property #10

- 1           3. Map Property #11 – 955 Stringtown Road
- 2           4. Map Property #12 – 945 Stringtown Road
- 3           5. Map Property #13 – 923 Stringtown Road
- 4           6. Map Property #14 – 905 Stringtown Road
- 5           7. Map Property #15 – 845 Stringtown Road
- 6           8. Map Property #19
- 7           9. Map Property #69 – 880 Stringtown Road
- 8           10. Map Property #76 – 30 W 970 S
- 9

10 **Q: If the project is ultimately constructed overhead, will any additional easements be**  
11 **needed in Midway City other than those mentioned?**

12 A: Possibly. This depends on the ultimate actions taken by Midway City.  
13 The Decision contains a condition that, if the transmission line is ultimately constructed  
14 above-ground, Rocky Mountain Power and Heber Light & Power are required to work  
15 with the Midway City Engineer to place the poles in a way that would accommodate  
16 Midway City’s future planned roadway expansions. If this design revision would cause  
17 the transmission line to be moved from the historic location, additional easements would  
18 likely be required. Since that change would be made at the City’s request, the City would  
19 be responsible for paying for any additional easement costs; therefore, those easement  
20 costs are excluded from Rocky Mountain Power’s calculation for standard cost overhead  
21 cost.

22  
23 **Q: The line appears to run between the roadway and homes on a handful of properties**  
24 **not included in your list of properties that would require additional overhead**  
25 **easement width, could you explain why those are not included?**

26 A: Yes, in those areas the 2’ – 3’ of additional width that is needed falls within common  
27 areas with easements for public utilities and does not actually cross any of the private  
28 parcels.

29

1 Attached to this Rebuttal Testimony as Exhibit BC-1 are clarifications to Mr. Webber's  
2 calculations, noting each property and its relation to the proposed the above-ground  
3 transmission line project.

4

5 **Q: Does this conclude your rebuttal testimony?**

6 A: Yes.

7

Mr. Webber's Testimony Calculations						Mr. Clegg's Notes		
Property #	Address	Appraisal	Impacted Appraisal	Decrease Value	Decrease Percentage	Property Relation to Line	Additional Easement Needed	Notes
1						Across Street	No	
2						Across Street	No	
3						Across Street	No	
4	115 W 970 S					Across Street	No	
5	131 W 970 S					Across Street	No	
6	171 W 970 S					Across Street	No	
7	Property #7 on Map					Across Street	No	
8	Property #8 on Map					Across Street	No	
9	Property #9 on Map	\$ 1,110,000.00	\$ 1,054,500.00	\$ 55,500.00	5.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades. Additional easement may be required due to City's overhead condition to accommodate future roadway expansion.
10	Property #10 on Map	\$ 1,272,800.00	\$ 1,196,432.00	\$ 76,368.00	6.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades. Additional easement may be required due to City's overhead condition to accommodate future roadway expansion.
11	955 Stringtown Road	\$ 251,000.00	\$ 200,800.00	\$ 50,200.00	20.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
12	945 Stringtown Road	\$ 465,000.00	\$ 395,250.00	\$ 69,750.00	15.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
13	923 Stringtown Road	\$ 675,000.00	\$ 573,750.00	\$ 101,250.00	15.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
14	905 Stringtown Road	\$ 1,100,000.00	\$ 990,000.00	\$ 110,000.00	10.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
15	845 Stringtown Road					Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
16	858 Stringtown Road	\$ 500,000.00	\$ 400,000.00	\$ 100,000.00	20.0%	Across Street	No	
17	840 Stringtown Rd					No Overhang, Not Adjacent, Not Across Street	No	
18	Property #18 on Map					No Overhang, Not Adjacent, Not Across Street	No	
19	Property #19 on Map	\$ 1,879,600.00	\$ 1,766,824.00	\$ 112,776.00	6.0%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades. Additional easement may be required due to City's overhead condition to accommodate future roadway expansion.

Mr. Webber's Testimony Calculations						Mr. Clegg's Notes		
Property #	Address	Appraisal	Impacted Appraisal	Decrease Value	Decrease Percentage	Property Relation to Line	Additional Easement Needed	Notes
20	526 W Cascade Meadows Loop					Across Street	No	
21						No Overhang, Not Adjacent, Not Across Street	No	
22						No Overhang, Not Adjacent, Not Across Street	No	
23						No Overhang, Not Adjacent, Not Across Street	No	
24	536 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
25	538 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
26						No Overhang, Not Adjacent, Not Across Street	No	
27	542 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
28	544 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
29	548 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
30	550 W Cascade Meadows Loop					No Overhang, Not Adjacent, Not Across Street	No	
31	870 W Cascade Way	\$ 275,000.00	\$ 254,375.00	\$ 20,625.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
32	580 W Cascade Meadows Loop	\$ 1,090,000.00	\$ 1,062,750.00	\$ 27,250.00	2.5%	No Overhang, Not Adjacent, Not Across Street	No	
33						No Overhang, Not Adjacent, Not Across Street	No	
34						No Overhang, Not Adjacent, Not Across Street	No	Line is Across Street from Common Area
35						No Overhang, Not Adjacent, Not Across Street	No	
36						No Overhang, Not Adjacent, Not Across Street	No	Line is Across Street from Common Area
37	Property # 37 on Map					Across Street	No	
38	696 W Ward Ln					Across Street	No	Not in Midway.
39	Property #39 on Map					Direct Overhang	Yes	Not in Midway. Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
40						Direct Overhang	Yes	Not in Midway. Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades.
41	870 Cascade Cove					No Overhang, Not Adjacent, Not Across Street	No	

Mr. Webber's Testimony Calculations						Mr. Clegg's Notes		
Property #	Address	Appraisal	Impacted Appraisal	Decrease Value	Decrease Percentage	Property Relation to Line	Additional Easement Needed	Notes
42	902 Farrell Farm Circle	\$ 1,200,000.00	\$ 1,080,000.00	\$ 120,000.00	10.0%	No Overhang, Not Adjacent, Not Across Street	No	
43	About 900 S Farrell Farm Circle	\$ 265,000.00	\$ 238,500.00	\$ 26,500.00	10.0%	No Overhang, Not Adjacent, Not Across Street	No	
44	905 Farrell Farm Circle	\$ 1,250,000.00	\$ 1,125,000.00	\$ 125,000.00	10.0%	No Overhang, Not Adjacent, Not Across Street	No	
45	908 Cascade Court	\$ 2,000,000.00	\$ 1,800,000.00	\$ 200,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
46	920 Cascade Court	\$ 1,160,000.00	\$ 1,073,000.00	\$ 87,000.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
47	About 901 S Cascade Court	\$ 268,000.00	\$ 241,200.00	\$ 26,800.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
48	925 Cascade Court	\$ 1,125,000.00	\$ 1,040,625.00	\$ 84,375.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
49	888 Whitewater Way	\$ 1,225,000.00	\$ 1,102,500.00	\$ 122,500.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
50	924 S Whitewater Way	\$ 265,000.00	\$ 251,750.00	\$ 13,250.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
51	885 S Whitewater Way	\$ 1,060,000.00	\$ 954,000.00	\$ 106,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
52	915 Whitewater Way	\$ 265,000.00	\$ 245,125.00	\$ 19,875.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
53	644 Cascade Parkway	\$ 255,000.00	\$ 242,250.00	\$ 12,750.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
54	906 Coldwater Way	\$ 965,000.00	\$ 892,625.00	\$ 72,375.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
55	904 Coldwater Way	\$ 950,000.00	\$ 855,000.00	\$ 95,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
56	901 Coldwater Way	\$ 975,000.00	\$ 877,500.00	\$ 97,500.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
57	905 Coldwater Way	\$ 260,000.00	\$ 234,000.00	\$ 26,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
58	909 Coldwater Way	\$ 255,000.00	\$ 235,875.00	\$ 19,125.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
59	925 Coldwater Way	\$ 960,000.00	\$ 912,000.00	\$ 48,000.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
60	930 Price Farm Court	\$ 665,000.00	\$ 631,750.00	\$ 33,250.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
61	910 Price Farm Court	\$ 1,050,000.00	\$ 971,250.00	\$ 78,750.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
62	904 Price Farm Court	\$ 950,000.00	\$ 855,000.00	\$ 95,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
63	900 Price Farm Court	\$ 1,040,000.00	\$ 936,000.00	\$ 104,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area
64	901 Price Farm Court	\$ 940,000.00	\$ 846,000.00	\$ 94,000.00	10.0%	Adjacent, No Overhang Required	No	Line Overhangs Dedicated Common Area

Mr. Webber's Testimony Calculations						Mr. Clegg's Notes		
Property #	Address	Appraisal	Impacted Appraisal	Decrease Value	Decrease Percentage	Property Relation to Line	Additional Easement Needed	Notes
65	905 Price Farm Court	\$ 940,000.00	\$ 869,500.00	\$ 70,500.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
66	920 Coldwater Way	\$ 1,100,000.00	\$ 1,045,000.00	\$ 55,000.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
67	921 Price Farm Court	\$ 975,000.00	\$ 901,875.00	\$ 73,125.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
68	500 Cascade Pkwy					No Overhang, Not Adjacent, Not Across Street	No	
69	880 Stringtown Road	\$ 575,500.00	\$ 460,000.00	\$ 115,500.00	20.1%	Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades. Poles and corner overhang removed as part of this project.
70	936 Stringtown Road	\$ 597,000.00	\$ 507,450.00	\$ 89,550.00	15.0%	Across Street	No	Distribution in front yard is buried as part of project.
71	956 Stringtown Road	\$ 250,000.00	\$ 212,500.00	\$ 37,500.00	15.0%	Across Street	No	Distribution in front yard is buried as part of project.
72	474 W 970 S	\$ 829,000.00	\$ 766,825.00	\$ 62,175.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
73						Across Street	No	Distribution in front yard is buried as part of project.
74						No Overhang, Not Adjacent, Not Across Street	No	Distribution in front yard is buried as part of project.
75	Property #75 on Map	\$ 4,798,500.00	\$ 4,558,575.00	\$ 239,925.00	5.0%	Common Area Overhang on Parcel Shown	No	Line Overhangs Dedicated Common Area
76	30 W 970 S					Direct Overhang	Yes	Overhang easement needed to upsize from 46kV to 138kV; around 2' - 3'. Line and poles for 46kV have been there for decades. Additional easement may be required due to City's overhead condition to accommodate future roadway expansion.
77						No Overhang, Not Adjacent, Not Across Street	No	Distribution in front yard is buried as part of project.
78	906 Whitewater Way	\$ 265,000.00	\$ 245,125.00	\$ 19,875.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
79	867 West Cascade Cove	\$ 280,000.00	\$ 273,000.00	\$ 7,000.00	2.5%	No Overhang, Not Adjacent, Not Across Street	No	
80	915 South Farrell Farm Circle	\$ 265,000.00	\$ 251,750.00	\$ 13,250.00	5.0%	No Overhang, Not Adjacent, Not Across Street	No	
81	829 Cascade Cove	\$ 265,000.00	\$ 258,375.00	\$ 6,625.00	2.5%	No Overhang, Not Adjacent, Not Across Street	No	
82	822 W Cascade Cove	\$ 1,115,000.00	\$ 1,092,500.00	\$ 22,500.00	2.0%	No Overhang, Not Adjacent, Not Across Street	No	Appears to be an error in Mr. Webber's calculations. This is restated assuming the Appraisal and Impacted Appraisal values he used in his analysis.
83	845 Cascade Cove	\$ 1,175,000.00	\$ 1,145,625.00	\$ 29,375.00	2.5%	No Overhang, Not Adjacent, Not Across Street	No	
84	989 Stringtown Road	\$ 1,272,800.00	\$ 1,196,432.00	\$ 76,368.00	6.0%	N/A	N/A	Appears to be the same parcel as "10".



Mr. Webber's Testimony Calculations						Mr. Clegg's Notes		
Property #	Address	Appraisal	Impacted Appraisal	Decrease Value	Decrease Percentage	Property Relation to Line	Additional Easement Needed	Notes
85	999 Stringtown Road	\$ 815,000.00	\$ 753,875.00	\$ 61,125.00	7.5%	No Overhang, Not Adjacent, Not Across Street	No	
		\$ 43,484,200.00		\$ 3,410,162.00				