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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

Formal Complaint of Paul A. Prior and Prior Land LLC against Rocky Mountain Power	DOCKET NO. 25-035-12  <b>ANSWER AND MOTION TO DISMISS</b>
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Pursuant to Utah Code Ann. § 63G-4-204(1) and Utah Admin. Code §§ R746-1-206, and R746-1-301, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) answers the formal complaint (“Complaint”) filed by Paul A. Prior and Prior Land LLC (“Complainant”) with the Public Service Commission of Utah (“Commission”). The Company also moves to dismiss the Complaint with prejudice because Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

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## **BACKGROUND AND ANSWER TO COMPLAINANT’S ALLEGATIONS**

1. Complainant resides in Spanish Fork and is not a retail customer of Rocky Mountain Power.

2. The Company is constructing a new transmission line in southern Utah Valley between its existing Spanish Fork substation in Mapleton, Utah to the existing Mercer substation near Eagle Mountain, Utah (“Transmission Project”). The Transmission Project will be approximately 45 miles of 345-kilovolt, single circuit transmission line requiring a 125-foot-wide right-of-way.

3. The purpose of the Transmission Project is to enhance the reliability and efficiency of the electric grid in Utah, particularly in the Utah Valley region. The Transmission Project aims to address reliability issues caused by emergencies and alleviate strain on existing power lines. The installation and energization of the Transmission Project will enable an additional 2,950 megawatts of energy to connect to the grid, supporting the capacity and flexibility of the electric system.

4. On or around May 31, 2024, the Company notified Complainants of its intent to file a Conditional Use Permit and public workshops as required by the Siting of High Voltage Power Line Act.<sup>1</sup>

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<sup>1</sup> Utah Ann. Code § 54-18-303.

5. On or around February 11, 2025, the Company received Complainants' informal Complaint after Complainant contacted the Division of Public Utilities ("DPU") with concerns regarding the Company's installation of lines and power poles in southern Utah Valley, between Spanish Fork Substation and Mercer Substation, near Eagle Mountain.

6. On or around February 13, 2025, the Company sent the Complainant a letter providing contact information to the Company's project manager related to the transmission project in response to the informal complaint.

7. On or around February 28, 2025, Complainant filed the formal Complaint. In the Complaint, Complainant requested the Company relocate the lines and poles, arguing the current location is a poor location choice both aesthetically and monetarily.

### **MOTION TO DISMISS**

8. The Company requests the Commission dismiss the Complaint with prejudice under Utah Rule of Civil Procedure 12(b)(6) because Complainant has failed to allege or establish that the Company has violated any applicable law, Commission rule, or Company tariff for which relief can be sought.

9. Although the Commission has broad jurisdiction, granted to it by Utah Code Ann. § 54-4-1, "to supervise and regulate every public utility in this state and to supervise all of the business of every such public utility" the Utah Supreme Court has stated that the "primary purpose of the commission is to fix the rates that the public utility may charge its customers."<sup>2</sup> The test for whether a utility activity is Commission-jurisdictional is "whether the activity the Commission is attempting to regulate is closely connected to its supervision of the utility's rates and whether the

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<sup>2</sup> *Bear Hollow Restoration, LLC v. Pub. Serv. Comm'n of Utah*, 2012 UT 18 (Utah 2012), citing *Kearns-Tribune Corp. v. Pub. Serv. Comm's*, 682 P. 858, 859 (Utah 1984).

manner of the regulation is reasonably related to the legitimate legislative purpose of rate control for the protection of the consumer.”<sup>3</sup>

10. In this case, Complainant argues the poles’ and lines’ current location would ruin the high-end customer home development and championship golf course. Complainant does not argue Rocky Mountain Power’s activity, as they relate the location of the poles and lines, pertain to supervision of utility rates or rate control for the protection of the consumer.

11. The Company appreciates and understands Complainant’s concerns. However, the Commission has previously concluded that it is “not a forum for locally affected residents to challenge placement of utility infrastructure.”<sup>4</sup> Alternatively, the legislature created the Utah Facility Review Board for the express purpose of resolving these disputes.<sup>5</sup>

12. The Company requests the Commission dismiss the Complaint with prejudice because the Company has not violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

### CONCLUSION

13. For the foregoing reasons, the Company respectfully requests that the Commission dismiss the Complaint with prejudice.

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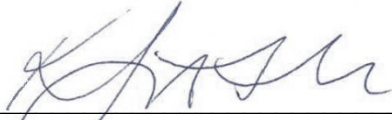
<sup>3</sup> *Id.* at 32.

<sup>4</sup> *Formal Complaint of Community Advocacy for Safety and Public rights against Rocky Moutnain Power*, Docket No. 19-035-10, Order Dismissing Complaint at 2-3 (May 10, 2019); See also *Formal Complaint of Poplar Grove Neighborhood Alliance against Rocky Mountain Power*, Docket No. 19-035-41, Order Dismissing Complaint at 2-3, (February 12, 2020).

<sup>5</sup> Utah Ann. Code § 54-14-101.

Dated this 7<sup>th</sup> day of April 2025,

ROCKY MOUNTAIN POWER

A handwritten signature in blue ink, appearing to read 'K. Smith', written over a horizontal line.

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## **CERTIFICATE OF SERVICE**

Docket No. 25-035-12

I hereby certify that on April 7, 2025, a true and correct copy of the foregoing was served by electronic mail to the following:

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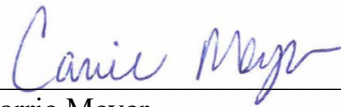
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