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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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| Formal Complaint of Joseph Ybarra against<br>Rocky Mountain Power | DOCKET NO. 25-035-53<br><br>ANSWER AND MOTION TO DISMISS |
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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 Joseph Ybarra (“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.

Communications regarding this Docket should be addressed to:

By e-mail (preferred):

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825 NE Multnomah St., Suite 2000  
Portland, OR 97232

Max Backlund  
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1407 W North Temple, Suite 330  
Salt Lake City, UT 84116  
Telephone: (801) 220-3121

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

1. Complainant is a resident of the Salem Park neighborhood in Salem Utah, which is not located within Rocky Mountain Power’s service territory. Complainant submitted a formal complaint regarding the Company’s Spanish Fork to Mercer transmission project on September 11, 2025 (“Complaint”).

2. The Company’s Spanish Fork to Mercer transmission project is a new 45-mile long 345-kilovolt transmission line from the existing Spanish Fork substation in Mapleton, Utah, to the existing Mercer substation in Eagle Mountain, Utah. The proposed transmission line will provide additional capacity to help in serving load growth in Utah while increasing overall system reliability. The Company’s current transmission lines in the area are nearing maximum capacity.

3. The Company began the design and engineering phase in February 2023 and is currently in the planning and design phase. Construction on the project is expected to begin June 2026 and be completed February 2028. The Company began public outreach efforts in 2024 and completed the following local engagement efforts in accordance with the noticing requirements of U.C.A. § 54-18-301.

4. On or around April 29, 2024, the Company submitted its 90-day notice, via certified mail, for the Spanish Fork to Mercer line. Under U.C.A. § 54-18-301(2), the Company is required to notify Land Use Authorities no later than 90 days before the permitting process begins.

5. Beginning on or around May 17, 2024, the Company ran a series of public notices through local newspapers one time per week for a two-week cycle. On or around May 31, 2024, the Company notified landowners. Under U.C.A. § 54-18-301(3), the utility is required to notify landowners no later than 60 days prior to beginning the permitting process, with a required component for Public Open House meetings. Each notification needs to include contact information, a map that shows the target study area along the route corridor, the purpose and need of the project, timing of events, a website, the Right of Way (“ROW”) width, and an explanation of the rights of the landowner and how landowners can participate in the land use application process.

6. The Company hosted the following Public Open Houses:

- a. On July 18, 2024, in Goshen, UT;
- b. On July 19, 2024, in Salem, UT;
- c. On Jul 20, 2024, in Spanish Fork, UT;
- d. On June 25, 2024, as a virtual open house on zoom.
- e. On July 15, 2024, in Genola, UT.

7. Although the Company already began the state code noticing process, as the project progressed, it became clearer to the Company that a federal permit might be necessary. On or around March 7, 2024, the Company met with the Bureau of Land Management (“BLM”) to introduce the Spanish Fork to Mercer transmission line project. At this meeting BLM noted they would review the project and schedule another meeting.

8. On or around May 15, 2024, the Company met with the BLM again and discussed the potential need for a federal permitting requirement for this project. At this time, BLM noted it would need to go through the National Environmental Policy Act (“NEPA”) process and draft a memorandum of understanding.

9. On or around September 19, 2024, submitted an SF299, which is an application with the BLM for a right of way permit.

10. On or around November 13, 2024, the BLM confirmed to the Company that the NEPA process would begin.<sup>1</sup>

11. On or around August 14, 2025, Complainant filed an informal complaint with the Division of Public Utilities (“DPU”), expressing concern that community members did not receive notice from Rocky Mountain Power for a public open meeting regarding installation of the Spanish Fork to Mercer transmission line, as well as concern with the potential impact on wetlands, wildlife, wildfires, property values, and health of the community.

12. On or around August 19, 2025, the Company responded to Complainant’s concerns via letter, where the Company explained its previous efforts to work through Utah Code 54-18, Siting of High Voltage Power Line Act.

13. On or around September 11, 2025, Complainant filed a formal complaint. In the formal complaint, the Complainant allege: (1) the Company’s 60-day notice failed to include a contact address and corridor map; (2) dozens of home owners in the Salem Park neighborhood did not receive a valid 60-day notice; (3) the Company’s newspaper publications for public open house did not occur; (4) the Company failed to supply project-specific analyses needed for land-use

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<sup>1</sup> If Complainant or other local residents are curious about what the NEPA process involves, a general overview can be found here: [Public Involvement | Bureau of Land Management](#).

approvals; and (5) the Company's claims regarding underground costs are unsupported by engineering/cost studies.

14. Complainant requests the Commission to: (1) open or direct an investigation to require the Company to re-notice this project, to include a true corridor map and a project contact address, with a newspaper publication; (2) require the Company to file project specific technical studies before further approvals proceed; and (3) direct the Company to produce engineering/cost analysis supporting any claims that underground or residential setbacks are infeasible.

### **ANSWER AND MOTION TO DISMISS**

15. 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.

16. As noted above, the Company filed for federal permitting for this project with the BLM. Through the NEPA process, BLM oversees the public outreach for these projects.

17. The state code on noticing requirements must be fulfilled if there is no federal permitting on the project. Under U.C.A § 54-18-201(3), a transmission line that is subject to federal permitting is not subject to the provisions of this chapter. The Company determined this project requires federal permitting, which triggers federal permitting requirements. The NEPA process involves the BLM ensuring that project scoping, outreach and public meetings meet BLM requirements and will coordinate preparation and issue notices for publication. Because the Company filed an SF299, and the BLM confirmed the NEPA process would begin, the BLM began efforts to oversee the public outreach, and the Company's state noticing requirements became null, under U.C.A. § 54-18-201(3). Therefore, the Company believes this Complaint should be

dismissed because the Company is adhering to the federal permitting requirements, not the state noticing requirements for which Complainant rely on in the Complaint.

18. Going forward, BLM will be overseeing the public outreach for this project. Although Complainant relies on legal authority throughout the Complaint that is no longer applicable to this segment of the Spanish Fork to Mercer project, the Company responds to Complainant's concerns as follows:

19. The Company disagrees with Complainant that the 60-day notice did not include a corridor map or its address.<sup>2</sup> A corridor map was included in the letter that noted the preferred route, as well as an alternative route.<sup>3</sup> The address was included on the envelope used to send the notice.

20. The Company disagrees with Complainant's assertion that the Company failed to provide notice to dozens of homeowners in the Salem Park neighborhood. Even if Utah State Code was applicable here, under U.C.A § 54-18-301(3)(c), "at least 60 days before filing a conditional use permit application with local land use authority, the public utility shall send notice to... an affected landowner." Those "directly affected" landowners are those whom the Company will seek easements or property rights from based on the project alignment. The Company's current alignment does not require easements from residents of Salem Park neighborhood. Therefore, because the residents of Salem Park neighborhood are not "directly affected" by the project, the Company did not provide them notice.

21. Regarding the Complainant's claims that the newspaper publication of the 14-day notice, the Company confirms that the 14-day notice of the public open house through newspaper

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<sup>2</sup> U.C.A § 54-18-301(4)(b).

<sup>3</sup> Attachment A

publications was never published due to an unfortunate miscommunication between the Company's vendor and local newspapers.<sup>4</sup> As previously noted, the Company is adhering to federal permitting and BLM is overseeing public outreach for this project, as of November 13, 2024. State noticing requirements no longer apply to this segment of the project. Nevertheless, in the interest of ensuring local community members have multiple opportunities to attend a public open house, the Company will hold an additional public open house on November 10, 2025. The Company has arranged public notices to be published in local newspapers on October 27, 2025, and November 3, 2025, for this public open house.

22. The Company disagrees with the Complainant's claim that the Company did not supply project-specific analysis. The Company invited a managing scientist to participate in a series of open house events. This scientist provided information about noise, migrating birds, and EMF and health and safety regarding transmission lines. The Company also had a managing scientist attend the Utah County Planning Commission public hearing, held on August 19, 2025.<sup>5</sup> Therefore, Complainant's assertion that the Company has not provided project specific analysis is incorrect.

23. Regarding the Complainant's request with respect to undergrounding, the Company responds that undergrounding transmission lines presents technical and electrical system design challenges and comes with significantly higher installation, maintenance, and repair costs. Additionally, underground installations for transmission lines compromises reliability. For these

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<sup>4</sup> Under U.C.A. § 54-18-302(2), "after a public utility files the notice of intent... and before it filed a land use application, the public utility shall... shall provide notice of the public workshops at least 14 days before a public workshop to: (a) a newspaper of general circulation in the target study area; (b) radio stations in the target study area; and (c) an affected entity."

<sup>5</sup> If Complainant or the Commission is interested in viewing this open house presentation, parties can access the open house, as well as the project overview, timeline, and map here: [Spanish Fork to Mercer Transmission Project](#).

reasons, the Company has not prepared the Complainant's requested engineering cost study as it would not be prudent to expend resources on preparing engineering studies for underground installation of this project.

24. As previously stated, the legal authority for which Complainant relies on is no longer applicable here. Going forward, the Company will be adhering to the federal noticing requirements, which includes public outreach overseen by the BLM.

25. The Complaint should be dismissed because remedies Complainant seek have either already been fulfilled by the Company, are unwarranted, or are considered public outreach that the BLM will initiate and conduct going forward.

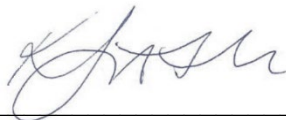
26. The Company requests the Commission dismiss the Complaint with prejudice because the Company has not violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

### **CONCLUSION**

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

Dated this 15<sup>th</sup> day of October 2025,

ROCKY MOUNTAIN POWER



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Katherine Smith (18823)  
1407 West North Temple, Suite 320  
Salt Lake City, Utah 84116  
Telephone No. (435) 776-6980

*Attorney for Rocky Mountain Power*



## **CERTIFICATE OF SERVICE**

Docket No. 25-035-53

I hereby certify that on October 15, 2025, a true and correct copy of the foregoing was served by electronic mail to the following:

### **Utah Office of Consumer Services**

Michele Beck [mbeck@utah.gov](mailto:mbeck@utah.gov)  
[ocs@utah.gov](mailto:ocs@utah.gov)

### **Division of Public Utilities**

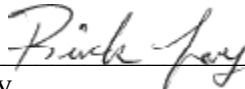
[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)

### **Assistant Attorney General**

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### **Rocky Mountain Power**

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Rick Loy  
Coordinator, Regulatory Operations

## **Attachment A**

May 31, 2024

Central Utah Water Conservancy District (CUWCD)  
1426 E 750 N Ste 400  
Orem, UT 84097

RE: Property Owner Notification of Local Land Use Applications for an Electric Power Transmission Line

Dear Property Owner:

Rocky Mountain Power (Company) proposes to permit, construct, operate and maintain a new transmission line in southern Utah Valley between its existing Spanish Fork Substation and Mercer Substation near Eagle Mountain. The proposed Spanish Fork to Mercer Transmission Line Project (Project) will improve transmission-system reliability for customers and meet increased electrical demand. The Project will be approximately 45 miles of new 345-kilovolt, single-circuit transmission line requiring a 125-foot-wide right-of-way.

The Company has conducted a study to develop and evaluate alternative routing options to identify a route for the transmission line that has the least impact on communities, land uses, and the environment while also meeting engineering and safety standards. The affected entities in the Spanish Fork to Mercer Transmission Line Project area include Utah County, Eagle Mountain, Genola, Goshen, Mapleton, Payson, Salem, Santaquin, and Spanish Fork. Attachment A to this notice is a map that depicts the Project area and alternative routes.

The Company is beginning the process of permitting the Project. This letter is to inform you that a Conditional Use Permit application and any other required land use permits will be filed with your local land use authority. Pursuant to Utah Code Chapter 54-18-301 Siting of High Voltage Power Line Act, regarding regulatory and community engagement processes, we are sending this notice.

As we begin the permitting process, the Company will host four public open house meetings—three in-person meetings and one live virtual meeting online—for the public to review the alternative routes and provide input on a route to be carried forward into the permitting process.

***Please join us at our public open house meetings!***

***June 18, 2024  
5:30 p.m. to 7:30 p.m.  
Goshen Senior Center  
79 S Center St.  
Goshen, UT***

***June 20, 2024  
5:30 p.m. to 7:30 p.m.  
Spanish Fork Fairgrounds  
High Chaparral Room  
475 S Main Street  
Spanish Fork, UT***

***June 19, 2024  
5:30 p.m. to 7:30 p.m.  
Salem Junior High School Cafeteria  
598 N Main Street  
Salem, UT***

***June 25, 2024  
5:30 p.m. to 6:30 p.m.  
<https://us06web.zoom.us/j/87308050815?pwd=b6m0tLs6DbQ9nDgoIDTNZXzVEVv0We.I>  
Passcode: 638010***

The land use approval process involves a Conditional Use Application or other required land use permit to be filed with your local land use authority (Agency). This application is subject to review and approval by the Agency and will be reviewed by the Agency's Planning Commission. The Agency will conduct a public hearing to review the application and accept public comments. Notice will be provided to potentially affected residents and landowners by the Agency pursuant to the provisions of the Agency's code procedures. You also may be receiving letters from your local Agency about applications filed, upcoming public hearing dates and locations, and how to provide comments on the application.

During the land use approval process for the Project, you may be contacted by a representative of the Company to request entry onto your property to conduct certain land and environmental surveys to help inform the process. If studies are desired on your property, you will receive a separate letter explaining the request with contact information.

Finally, receiving this letter does not necessarily mean the Project will be sited on or across your property. If it is determined a right of way is needed on your property for the transmission line, you will be contacted by a representative of the Company to meet on your property, discuss the Project in detail and negotiate for the purchase of a right-of-way easement. The Company prefers—and makes every effort to—acquire right-of-way easements for its transmission lines through voluntary good faith negotiations without using the power of eminent domain granted to it by the State of Utah. The vast majority of easements acquired by the Company are through voluntary means. However, Utah Code requires Rocky Mountain Power to notify an affected landowner of the rights they have under Title 78B, Chapter 6, Part 5, Eminent Domain, as follows:

- You are entitled to receive just compensation for your property.
- You are entitled to an opportunity to negotiate with Rocky Mountain Power over the amount of just compensation.
  - You are entitled to an explanation of how the compensation offered for your property was calculated.
  - If an appraiser is asked to value your property, you are entitled to accompany the appraiser during an inspection of the property.
- You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at (801) 530-6391, or at Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah, 84111.
- The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights.
- If you have a dispute with Rocky Mountain Power over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.
- Oral representations or promises made during the negotiation process are not binding upon the entity seeking to acquire the property by eminent domain.

Requests for information may be directed to Delynn Rodeback at (801) 597-4465 or [Delynn.Rodeback@pacificorp.com](mailto:Delynn.Rodeback@pacificorp.com) or Dan Forbes at 801-220-2248 or [Daniel.Forbes@PacifiCorp.com](mailto:Daniel.Forbes@PacifiCorp.com).

A website has been established that provides a description of the Project, the need for the Project and the anticipated Project timeline. This website will be updated with information throughout the Project. The website may be accessed at:

<https://www.pacificorp.com/transmission/transmission-projects/spanish-fork-to-mercer.html>

Thank you for your time and consideration. If you have any questions about the Project, please contact us.

Sincerely,



Brandon Smith  
Director of Project Delivery, PacifiCorp VP Transmission and Delivery PacifiCorp

Enclosure: Map

Cc: Todd Jensen, VP Transmission and Delivery, PacifiCorp  
Richard Bardauskas, Project Manager, PacifiCorp  
Tami Moody, Regulatory Permitting Project Manager, PacifiCorp



