
Formal Complaint of Joseph Ybarra
against Rocky Mountain Power

DOCKET NO. 25-035-53
ORDER DISMISSING COMPLAINT

ISSUED: January 20, 2026

1. Procedural History

On September 11, 2025, Joseph Ybarra (“Complainant”) filed a formal complaint with the Public Service Commission (PSC) against Rocky Mountain Power (RMP).¹ On September 15, 2025, the PSC issued a Notice of Filing and Comment Period, asking RMP to submit a response by October 15, 2025, and allowing Complainant to file a reply on or before October 30, 2025. On October 10, 2025, the Division of Public Utilities filed an Action Request Response, indicating it has no recommendation regarding this docket.

On October 15, 2025, RMP submitted its Answer and Motion to Dismiss (“Motion”).

On October 30, 2025, the PSC issued a Notice Extending Time for Complainant to Reply, observing that RMP had apparently failed to timely serve its Motion on Complainant and extending Complainant’s deadline to file a reply until November 14, 2025. Complainant filed a response to RMP’s Motion (“Response”) on November 14, 2025.

¹ On September 16, 2025, Complainant submitted additional attachments in support of his Complaint.

2. The Complaint

Broadly, Complainant alleges he is a homeowner that RMP's Spanish Fork to Mercer transmission project ("Project") will directly affect. The Complaint further alleges the following: (1) RMP's 60-day notice was defective under Utah Code §§ 54-18-301, -302; (2) RMP failed to publish certain required notices in local newspapers; (3) RMP has failed to provide project-specific analysis required for land-use approvals; and (4) RMP has made misleading claims about the feasibility of undergrounding the Project.

As remedy, Complainant requests the PSC: (1) direct RMP to send new notices that include a true corridor map, a project-specific contact address, and documented newspaper publications; (2) require RMP to file project-specific technical studies that include EMF/noise modeling and "wetlands/avian review" and "stormwater/traffic plans"; and (3) direct RMP to produce "engineering/cost analysis supporting any claims that undergrounding or residential setbacks are infeasible."

The Complaint represents the "Utah County Planning Commission has already withheld the [conditional use permit (CUP)] pending" RMP satisfying statutory notice requirements. Complainant urges, nevertheless, that "the PSC's oversight is needed to ensure utility-law compliance and accurate, non-misleading public outreach."

3. The Motion

RMP's Motion explains the Project is a new 45-mile, 345-kV transmission line that will run from the existing Spanish Fork substation to the existing Mercer substation. RMP represents it commenced the design and engineering phase of the Project in February of 2023 and that it is presently in the planning and design phase. RMP anticipates commencing work on the Project in June of 2026 and completing work in early 2028.

RMP alleges it began public outreach efforts in 2024 and enumerates its local engagement efforts to comply with Utah Code § 54-18-301, e.g. submitting the notice that Utah Code § 54-18-301(2) requires to local land use authorities and hosting a series of public open houses.

While RMP began the noticing process under Utah law, RMP alleges it later determined that a federal permit was necessary. Therefore, on or about March 7, 2024, RMP alleges it met with the federal Bureau of Land Management (BLM) to introduce the Project. RMP states it met with BLM again on May 15, 2024, and BLM notified RMP it "would need to go through the [federal] National Environmental Policy Act ('NEPA') process and draft a memorandum of understanding."²

² Motion at 4.

RMP states it submitted an application with the BLM for a right of way permit on September 19, 2024, and BLM notified RMP, on November 13, 2024, that “the NEPA process would begin.”³

RMP concedes that the 14-day notice Utah Code § 54-18-302 requires in advance of a public workshop was not published “due to an unfortunate miscommunication between [RMP’s] vendor and local newspapers.”⁴ However, RMP disputes Complainant’s characterization of himself and any homeowner in the Salem Park neighborhood as “directly affected” landowners, arguing directly affected landowners are those from whom RMP must seek easements or property rights based on the Project’s location. RMP further denies that it has failed to supply a project-specific analysis, emphasizing it invited a managing scientist to participate in the series of open house events and to attend a public hearing before the Utah County Planning Commission on August 19, 2025.

Regardless, RMP argues the PSC must dismiss the Complaint because the statutory state noticing requirements do not apply to the Project given that RMP is undergoing a federal permitting process.⁵

³ *Id.*

⁴ *Id.* at 7.

⁵ RMP cites Utah Code § 54-18-201(3), which provides: “A transmission line that is subject to federal permitting is not subject to the provisions of this chapter.”

4. Discussion, Findings, and Conclusions

As an initial matter, “[w]hile the PSC has relatively broad jurisdiction to supervise the business of public utilities, land use is generally a matter of local government regulation.”⁶ Further, Utah law allows local land use authorities to require or condition construction of transmission lines in any manner provided, among other things, “the local government pays for the actual excess cost resulting from the requirements or conditions.”⁷ Where disputes exist between local land use authorities and a utility concerning construction of a transmission line, jurisdiction does not fall to the PSC but to the Utility Facility Review Board (“Board”).⁸ Complainant should note, however, that only the local government (or pertinent utility) may seek review from the Board.

Indeed, Complainant’s numerous attachments to his Complaint and Response amply demonstrate he is aware of proceedings before the Utah County Planning Commission regarding the Project.

While the PSC is generally vested with the power to impose penalties on a utility for violations of Title 54,⁹ the Legislature grants an express remedy, exercisable at the discretion of local land use authorities, for failure to satisfy the notice

⁶ *Formal Complaint of Community Advocacy for Safety and Public Rights against RMP*, Docket No. 19-035-10, Order Dismissing Complaint issued May 10, 2019, at 2. See also Utah Code § 10-20-101, *et seq.*

⁷ Utah Code § 54-14-201.

⁸ See Utah Code § 54-14-303.

⁹ See Utah Code § 54-7-25.

requirements in Utah Code §§ 54-18-301, -302: “[A] land use authority may withhold a decision on a public utility’s land use permit until the public utility satisfies the notification and public workshop requirements.”¹⁰

Here, however, RMP has represented it is undertaking a federal permitting process. The law clearly states that these state noticing requirements do not apply when a transmission line is subject to federal permitting.¹¹ Even if they did, however, the local land use authority need not seek redress from the PSC for the violation because the statute expressly empowers the local land use authority to withhold a decision on a permit until the utility satisfies the requirements.

The PSC does not conclude that no circumstance could exist wherein violations of the notice requirements in Utah Code §§ 54-18-301, -302 would be subject to the PSC’s authority to penalize a utility for the violation. Here, while RMP’s failure to publish the 14-day notices is regrettable, RMP attributes it to a miscommunication between the publishers and its vendor. Furthermore, the Complaint emphasizes the Utah County Planning Commission “has already **withheld** the CUP pending proper notice.” (Emphasis in original.) Even if RMP were not seeking a federal permit such that the state notice requirements applied, the PSC would not be inclined to exercise its contempt power in a solely punitive capacity against RMP for an administrative

¹⁰ Utah Code § 54-18-304.

¹¹ Utah Code § 54-18-201(3).

error given that the local land use authority has already exercised its power under the statute to withhold RMP's permit.

The PSC appreciates Complainant's concerns and encourages him to continue to pursue his interests in the appropriate venue. The PSC finds, however, no allegation that RMP has violated a provision of law, rule, or order subject to the jurisdiction of the PSC.

5. Order

The Complaint is dismissed.

DATED at Salt Lake City, Utah, January 20, 2026.

/s/ Michael J. Hammer
Presiding Officer

Approved and Confirmed January 20, 2026, as the Order of the Public Service Commission of Utah.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#343442

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on January 20, 2026, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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