

1 **Q. Please state your name and business address for the record.**

2 A. Gary L. Luebbbers, City Manager, City of West Jordan, 8000 South Redwood
3 Road, West Jordan, Utah 84088.

4 **Q. By whom are you employed and for whom are you appearing?**

5 A. City of West Jordan.

6 **Q. How long have you been employed by the City of West Jordan City and what
7 positions have you held?**

8 A. I have been employed as the City Manager of the City of West Jordan for
9 approximately five years.

10 **Q. What are your responsibilities at the City?**

11 A. The City Manager manages the Executive and Administrative activities of the
12 City. As such, the Manager is responsible to see that these activities fulfill the
13 City Council's legislative policy and budget objectives.

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15 In his management capacity, the Manager has administrative responsibility to hire
16 and fire Department heads; supervise all operational functions of the City, within
17 budget appropriations; prepare budgets for Council adoption; supervise financial
18 audits; and is accountable for all tax and other revenue received and expended in
19 the provisions of municipal services to the residents of the City, which functions
20 range from "animal control" to "zoning."

21 **Q. What is the purpose of your testimony?**

22 A. The purpose of my testimony is to rebut some of the testimony filed by the
23 witnesses for PacifiCorp, particularly that filed by Ms. Carol Hunter.

24 **Q. Did you and other City officials meet with Ms. Hunter to discuss the site of**
25 **the proposed substation?**

26 A. Yes, several times.

27 **Q. Did the City tell Ms. Hunter that there are no acceptable sites for the**
28 **substation in West Jordan as she has testified?**

29 A. No. If that were true we would not have suggested the sites on 2700 West and at
30 Jordan Landing. In addition, the City is willing to accept the alternatives
31 proposed by Mr. Beste in this proceeding.

32 **Q. What happened with respect to the sites on 2700 West and at Jordan**
33 **Landing?**

34 A. PacifiCorp almost immediately rejected out of hand Jordan Landing as a possible
35 site. The 2700 West site was initially suggested based on its proximity to major
36 distribution lines. Upon further evaluation, it became apparent it would require
37 the acquisition through condemnation and demolition of three homes, which
38 PacifiCorp did not want to do. In addition, there was a significant amount of
39 public opposition to the 2700 West site.

40 **Q. What is the City's position with respect to PacifiCorp's proposed site at 7000**
41 **South and 3200 West?**

42 A. The City Council denied PacifiCorp's request for a conditional use permit
43 because PacifiCorp's application failed to adequately address the conditional use
44 permit criteria under the City's ordinance, and the Council determined that the
45 site was not compatible for that use and the sufficient adverse impacts at that
46 location could not be adequately mitigated.

47 **Q. By denying the conditional use permit, did West Jordan City intend to**
48 **prevent PacifiCorp from building another substation to serve West Jordan**
49 **residents?**

50 A. No, but the City wants the substation to be built in an industrial or commercial
51 area.

52 **Q. Are there other potential sites that would be acceptable to the City?**

53 A. Yes. Mr. Beste will present several sites that the City would be willing to
54 approve, all of which are technically feasible according to Mr. Beste's testimony.

55 **Q. In their testimony, both Ms. Hunter and Mr. Gerrard refer to 17 sites of**
56 **interest in the City that PacifiCorp identified for the substation. Mr.**
57 **Gerrard stated that PacifiCorp pared the 17 from 100 sites originally. Did**
58 **PacifiCorp consult with the City about any of the 100 sites?**

59 A. No. We had no idea that PacifiCorp had identified 100 sites in West Jordan.

60 **Q. Did PacifiCorp ask the City about the 17 sites?**

61 A. No. We may have been told about the sites, but PacifiCorp never gave us a map
62 of the sites. PacifiCorp did not ask for the City's input on the 17 sites.

63 **Q. Ms. Hunter indicated that PacifiCorp had sought the City's input from the**
64 **beginning of the process. Is that accurate?**

65 A. As I have testified, to the best of my knowledge, no one at the City was aware of
66 the 100 sites PacifiCorp identified in the City or the more narrow group of 17
67 sites.

68 **Q. Was the only site PacifiCorp presented to the City PacifiCorp's preferred**
69 **site at 7000 South 3200 West?**

70 A. Yes. PacifiCorp had selected the site before it consulted anyone at the City.
71 When ultimately presented to the City Council, the Council concluded that site
72 does not meet the criteria for approval of a conditional use permit. Mr. Beste's
73 testimony illustrates that there are other sites within the City that the City would
74 be willing to accept and that are technically feasible.

75 **Q. Is West Jordan trying to force PacifiCorp to relinquish its ability to design its**
76 **system?**

77 A. No. The City is simply trying to find an acceptable site for both parties. We have
78 no interest in jeopardizing service to our residents, but we are asking that
79 PacifiCorp respect the City's land use authority and comply with the conditional
80 use permit criteria in the City's ordinance. We do not believe that these
81 competing interests and goals are inconsistent.

82 **Q. Does this conclude your testimony?**

83 A. Yes.

Certificate of Service

I certify that on October 24, 2005, I caused to be emailed or mailed postage the Testimony of Joseph E. Beste in Docket No. 05-999-08 to the following:

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