

Dennis M. Astill  
DENNIS M. ASTILL, PC  
9533 South 700 East, Suite 103  
Sandy, Utah 84070  
Telephone: (801) 990-4930  
Facsimile: (801) 990-4931  
*Attorneys for Anderson Entities*

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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -  
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In the Matter of Union Pacific Railroad's  
Petition for Relief against the Utah  
Department of Transportation

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)  
) **ANDERSON ENTITIES' RESPONSE**  
) **TO UNION PACIFIC'S**  
) **DISCOVERY REQUESTS, SET TWO**

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)  
) DOCKET NO. 09-888-01  
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Anderson Geneva, LLC, Ice Castle Retirement Fund L.L.C., and Anderson Geneva  
Development, Inc. (collectively "Anderson entities"), by and through their legal counsel hereby  
respond to Union Pacific Railroad's ("UP") Discovery Requests, Set Two as follows:

### **INTERROGATORIES**

Interrogatory No. 1. Please identify any highway-rail grade crossing in Utah with respect to which you requested an upgrade of advance warning signs or improved striping on the roadway in the past 20 years.

Anderson entities has not requested upgrades of any crossings.

Interrogatory No. 2. Please identify any individual of whom you are aware who ever worked at the former Geneva Works site before plant closure. For each person, state whether he or she is currently involved in any way in the development of the former Geneva Works site.

Anderson entities objects to this interrogatory as it is overly broad, fails to identify a time period, and requests information not within the scope of knowledge of Anderson entities. There were literally thousands of employees at Geneva Works. Without waiving these objections, Anderson entities advises that Russell Christensen, Dan Seegmiller, and Jerry Grover presently work for Anderson entities and were formerly employees of Geneva Works.

Interrogatory No. 3. Was the Crossing at issue in this matter maintained with proper advance warning signs and pavement markings as required by UDOT at public highway-rail grade crossings.

As to the 400 North Crosssing, which is the subject of this matter, Union Pacific was responsible to maintain advance warning systems. Anderson entities objects that this interrogatory calls for legal conclusions as to the requirements or actions of UDOT. We are aware that the U.S.-DOT Crossing Inventory Information identifies the presence of advance warning devices since 1988. This is based on filings by Union Pacific and UDOT.

Interrogatory No. 4. If not, did UDOT ever take any action to enforce its requirements concerning advance warning signs and pavement markings? If so, please identify all enforcement efforts, including the date on which enforcement efforts were made and the entity or individual to whom enforcement efforts were directed. If not, please explain why UDOT did not make enforcement efforts.

Anderson entities is unaware of actions by UDOT to enforce its requirements, if any, concerning advance warning signs and pavement markings. However, Anderson entities assume any enforcement action would have been carried out with Union Pacific, or during periods of time outside the knowledge of Anderson entities.

### **PRODUCTION OF DOCUMENTS**

Request No. 1. Produce any aerial photographs taken of the former Geneva Works site when the plant was operational.

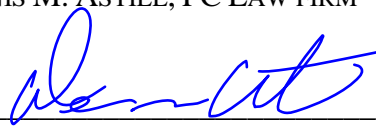
Anderson entities has an aerial photograph of the plant, mounted on foam board, in use at its Geneva offices, 99 N. Geneva Road, Vineyard, Utah. We are aware that Brigham Young University and Utah Valley University received some records of Geneva after it closed. Counsel may come to the Geneva offices upon request to view the 1996 aerial photo.

Request No. 2. Produce all documents constituting or reflecting any enforcement efforts described in your answer to Interrogatory No. 4.

We are unaware at the present time of any enforcement documents.

DATED this 21<sup>st</sup> day of April, 2010.

DENNIS M. ASTILL, PC LAW FIRM

By:   
Dennis M. Astill  
*Attorneys for Anderson Entities*

**Certificate of Service**

I hereby certify that on the 21<sup>st</sup> day of April, 2010, a true and correct copy of **ANDERSON ENTITIES' RESPONSE TO UNION PACIFIC'S DISCOVERY REQUESTS, SET TWO** was provided in electronic format to the Public Service Commission with hard copies served to the persons and in the manner below:

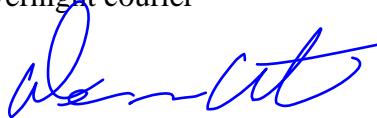
Michael Gisberg, Assistant Attorney General Division of Public Utilities Box 146751 Salt Lake City, Utah 84114-6751	(X) U.S. mail, first-class, postage prepaid ( ) Facsimile ( ) Hand Delivery ( ) Overnight courier
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Reha K. Deal Union Pacific Railroad 280 South 400 West, Suite 250 Salt Lake City, Utah 84101	(X) U.S. mail, first-class, postage prepaid ( ) Facsimile ( ) Hand Delivery ( ) Overnight courier
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Renee Spooner, Assistant Attorney General 4501 S 2700 West Box 148455 Salt Lake City, Utah 84114	(X) U.S. mail, first-class, postage prepaid ( ) Facsimile ( ) Hand Delivery ( ) Overnight courier
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Bruce Jones 3600 South 700 West Salt Lake City, Utah 84119-4122	(X) U.S. mail, first-class, postage prepaid ( ) Facsimile ( ) Hand Delivery ( ) Overnight courier
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David L. Church BLAISDELL & CHURCH 5995 South Redwood Road Salt Lake City, Utah 84123	(X) U.S. mail, first-class, postage prepaid ( ) Facsimile ( ) Hand Delivery ( ) Overnight courier
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