

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Petition) Docket No.
of Anderson Geneva, LLC, Ice) 11-888-01
Castle Retirement Fund, L.L.C.,)
and Anderson Geneva Development,)
Inc. for Relief Against Utah)
Department of Transportation)
(UDOT))

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: September 28, 2011

TIME: 9:04 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

DAVID CLARK, Hearing Officer

-oOo-

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-oOo-

1 SEPTEMBER 28, 2011

9:04 A.M.

2 P R O C E E D I N G S

3 HEARING OFFICER: My name is David Clark.
4 This is the time and place for a status conference in
5 Docket No. 11-888-01, which is: The Matter of the
6 Petition of Anderson Geneva, LLC, Ice Castle
7 Retirement Fund, LLC, and Anderson Geneva Development,
8 Inc. for Relief Against the Utah Department of
9 Transportation.

10 And as I mentioned off the record, I've been
11 designated as the presiding officer for this
12 proceeding today. The Administrative Law Judge Ruben
13 Arredondo, who had been presiding in this matter, has
14 taken employment in a different organization. So
15 that's the reason that I'm with you.

16 Let's begin with appearances from each of the
17 parties. Begin with you, please.

18 MR. ASTILL: Dennis Astill. I'm representing
19 Anderson Geneva Development, Inc., and Anderson
20 Geneva, LLC, and Ice Castle Retirement Fund, LLC.

21 HEARING OFFICER: Thank you Mr. Astill.

22 MS. SPOONER: Renee Spooner. I represent
23 UDOT.

24 HEARING OFFICER: Thank you Ms. Spooner.

25 MR. HUGHES: Rob Hughes. I represent Utah

1 Transit Authority.

2 HEARING OFFICER: Thank you. So our -- at
3 least our first agenda item today is to -- for you to
4 inform me of the status of your settlement
5 discussions. Have you determined which of you is
6 going to address that? Is that you, Mr. Astill, or?

7 MR. ASTILL: If it's okay with the others --

8 MR. HUGHES: Be great.

9 MR. ASTILL: -- I'll go ahead.

10 HEARING OFFICER: Thank you.

11 MR. ASTILL: We've had, you know, since we
12 talked and set aside that earlier conference and
13 hearing we have met with UTA. And we think we've come
14 up with a formula and an agreement that will work for
15 us to -- and we're in the process of putting that into
16 writing and getting agreement of the parties. And if
17 we're successful in that we should be able to avoid
18 proceeding with our petition and -- on all matters.

19 And as we understand it now, the petition we
20 had originally -- Judge Arredondo had originally
21 bifurcated hearings to move forward on one -- on the
22 one hand to see if UDOT had violated its early order.
23 And in the second place to see whether UDOT had not
24 properly conducted its surveillance in moving to the
25 next step.

1 So we think we'll resolve all of those issues
2 if this settlement can come to a conclusion. My
3 suggestion to Counsel and to you, Judge Clark, would
4 be to set aside this matter for another status
5 conference in 60 days and see if we can finalize that.
6 And if we can, then we think that will take care of
7 the matter and we won't have to proceed with either --
8 with any part of our petition.

9 Fair statement, Rob?

10 MR. HUGHES: That's exactly right.

11 HEARING OFFICER: Anything to add,
12 Ms. Spooner, or Mr. Hughes?

13 MS. SPOONER: No. The negotiations are
14 really occurring between UTA and Anderson Geneva.

15 HEARING OFFICER: Okay. Thank you, that's
16 helpful. Have you considered a date that you'd like
17 to reconvene? Or would you like me to suggest one?

18 MR. ASTILL: Yeah, if you could just, you
19 know. We haven't talked about a date yet but, you
20 know, if we just look forward 60 days I think that
21 should give us time --

22 HEARING OFFICER: Uh-huh.

23 MR. ASTILL: -- to put something in writing
24 that we can -- we'll either agree or not agree.

25 HEARING OFFICER: Why don't you all consult

1 your calendars. I think there shouldn't be much of a
2 constraint going out that far for the Commission, so.

3 MR. ASTILL: That -- 60 days from today would
4 be, I don't know, two months. I guess that would be
5 the 28th, that's a Monday.

6 MR. HUGHES: It's wide open for me.

7 MR. ASTILL: It's wide open for me.

8 MR. HUGHES: It is, I think, the Monday after
9 Thanksgiving. I don't know if people are traveling.

10 HEARING OFFICER: Why don't we say Wednesday
11 of that week. Would that -- just in the event that
12 someone gets caught in a snowstorm in Maine or
13 something like that.

14 MR. ASTILL: Yeah. That day's wide open for
15 me, so.

16 MR. HUGHES: My calendar says I have a
17 condemnation trial in Brigham City. Now, I don't
18 think I do. I hope I don't.

19 MR. ASTILL: You haven't heard about it yet.

20 MR. HUGHES: But both Tuesday and Wednesday
21 of that week. Why don't we say Wednesday, subject to
22 me making sure that I'm not holding someone else's
23 phone.

24 HEARING OFFICER: Okay. And that would be
25 the 30th; is that right?

1 MR. ASTILL: Correct.

2 MR. HUGHES: Yeah.

3 HEARING OFFICER: Wednesday, November 30th.

4 Does 9 a.m. work for each of the parties?

5 MR. HUGHES: It does.

6 MS. SPOONER: Yes, it does.

7 MR. ASTILL: It does.

8 HEARING OFFICER: Okay. Thank you. Is there
9 anything else that any of the parties believes we need
10 to accomplish today?

11 MS. SPOONER: No.

12 MR. HUGHES: Not for me.

13 MR. ASTILL: Not for me, thanks.

14 (A discussion was held off the record.)

15 (The hearing was concluded at 9:10 a.m.)

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C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 7, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS **11th** DAY OF **October**, **2011**.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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