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Date: 8-25
Time: 225
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**IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH**

Moon Lake ELECTRIC ASSOCIATION,
INC.,

Plaintiff,

vs.

BRIGHTON FARMS, LC,

Defendant.

**SUBPOENA TO PRODUCE
DOCUMENTS AND
ELECTRONICALLY STORED
INFORMATION
(Public Service Commission of Utah)**

Case No. 250800057

Judge Samuel P. Chiara

**TO: Public Service Commission Utah
c/o Jerry Fenn
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111**

1. You must copy the following documents identified in **Exhibit A** and mail or deliver the copies to Robert E. Mansfield, Megan E. Garrett, and Michael W. Combs of Mitchell Barlow & Mansfield, P.C., 9 Exchange Place, Suite 600, Salt Lake City, UT 84111. You must comply no later than fourteen days after the date this Subpoena is served upon you.

2. A Notice to Persons Served with a Subpoena must be served with this Subpoena and is attached. The Notice explains your rights and obligations. If you are commanded to appear

at a trial, hearing, or deposition, a one-day witness fee must be served with this Subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

3. You may object to this Subpoena for any of the reasons listed in Paragraph 6 of the Notice by serving a written objection upon Robert E. Mansfield, Megan E. Garrett, and Michael W. Combs of Mitchell Barlow & Mansfield, P.C., Boston Building, Nine Exchange Place, Suite 600, Salt Lake City, Utah 84111. You must comply with any part of the Subpoena to which you do not object.

DATED this 25th day of August, 2026.

MITCHELL BARLOW & MANSFIELD, P.C.

/s/ Robert E. Mansfield

Robert E. Mansfield

Megan E. Garrett

Michael W. Combs

Attorneys for Defendant

EXHIBIT A

INSTRUCTIONS AND DEFINITIONS

1. Public Service Commission of Utah ("PSC") must respond fully and separately to each document request.
2. The documents requested include documents actually in the possession, custody, or control of PSC; documents within the possession, custody, or control of PSC's agents or attorneys; documents that PSC has a legal right to obtain or to which PSC has a right to have access; and documents that PSC has placed in the temporary custody, possession, or control of any third party.
3. PSC shall produce for inspection all documents in their original condition as kept by PSC (*i.e.*, in the original order, file folder, *etc.*). All electronically stored information shall be produced in its native format in the manner in which it is ordinarily maintained. If production in native format is not reasonably usable, electronically stored information shall be produced in single document .pdf files with all associated metadata and the native format of such documents shall be made available upon request.
4. The term "communication" is defined to mean and refer to any transfer, transmission, or exchange of information of any kind, either directly or indirectly, whether sent and/or received electronically, in printed form, handwritten, or otherwise including, without limitation, email messages (including any and all attachments), text messages, instant messages, facsimile transmissions, written correspondence, telephone calls, notes, oral discussions (whether face-to-face or otherwise), and any writing that memorializes, records, or relates to an oral exchange of information.
5. The terms "Person" or "Persons" mean natural persons, governmental agencies

and entities, corporations, limited liability companies, sole proprietorships, firms, unions, associations, partnerships, or federations or any other entity or group.

6. The term “date” means the exact day, month, and year, if known or ascertainable. If the exact day, month, and year are not known or ascertainable, “date” means your best approximation of the day, month, and year, including the date’s relationship to known or ascertainable events.

7. The term “document” means anything within the scope of Utah Rule of Civil Procedure 34 or Utah Rule of Evidence 1001, including without limitation, electronically stored information, the original, drafts, revisions, nonidentical copies of any statements, letters, correspondence, telegrams, memoranda, notes, records, reports, interoffice communications, emails, data cards, disks, data tapes, calendar and diary entries, microfilm, bulletins, circulars, pamphlets, messages, invoices, maps, charts, tabulations, summaries or abstracts, tape recordings, video recordings, audio recordings, work sheets, any notes or writings pertaining to any meeting, emails, text messages, oral or telephone communication, surveys, graphs, statistics, tables, any computer printouts, computer software, or code, whether in machine or human readable form on any medium, computer backups, photographs, rules, regulations, opinions, orders, interpretations, guidelines, and all other documentary material including nonidentical copies.

8. The term “relating to” means refer to, discuss, describe, reflect, identify, deal with, consist of, explain, implement, compromise, or in any way pertain in whole or in part directly or indirectly, to the subject.

9. The terms “any” and “all” should be understood in either their most or least inclusive sense as will bring within the scope of these discovery requests all responses that might otherwise be construed to be out of their scope.

10. The terms “and” and “or” shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests information that would otherwise not be brought within their scope.

11. The use of the singular form of any word includes the plural and vice-versa.

12. The term “Lawsuit” or “Litigation” means any and all claims, defenses, or causes of action filed by any party in the above captioned case.

13. The term “Moon Lake” means collectively Moon Lake Electric Association, Inc.; all agents, attorneys, employees, experts, or representatives of Moon Lake Electric Association, Inc.; all other persons acting at the direction, under the control, or on behalf of Moon Lake Electric Association, Inc.; and Moon Lake Electric Association, Inc.’s predecessors, successors, and privies.

14. The term “Landowner” means Brighton Farms, LC; all agents, attorneys, employees, experts, or representatives of Brighton Farms, LC; all other persons acting at the direction, under the control, or on behalf of Brighton Farms, LC; and all or any one of Brighton Farms, LC’s predecessors, successors, and privies.

15. “Complaint” means the complaint filed by Moon Lake on December 16, 2025 in the Eighth District Court in and for Duchesne County, State of Utah, Case No. 250800057.

16. The term “Project” refers to the 138 kV transmission line known as the Pole Line Substation to Cove Tap Project, for which Moon Lake claims to be acquiring easements to use Landowner’s property.

17. The term “Proposed Easement” refers to the easement Moon Lake seeks to condemn in these proceedings, as described more fully in the Complaint.

18. The term “Subject Property” refers to the entire contiguous parcels of property in Duchesne County, Utah owned by Landowner, including, but not limited to, Parcel Nos. 00-0005-8622 and 00-0005-8630, from which the Proposed Easement is sought.

19. The term “Taking” means the portion of the Landowner’s property or interests that are proposed to be taken, as described in the Complaint.

20. All other words herein shall have their meaning in the ordinary English usage.

DOCUMENTS REQUESTED

1. All documents and communications relating to the Project, Proposed Easement, Subject Property, Taking, or Landowner since January 1, 2020.

2. All documents and communications relating to any Certificate of Public Convenience and Necessity (“CPCN”), permit, license, approval, rate schedule, or other action or approval requested or received for the Project, including, but not limited to, applications, submissions, hearings, filings, dockets, communications, or other documents relating to any of the foregoing.

3. All studies, communications, assessments, documents, or analyses or other information provided to, reviewed by, or used by you in considering whether to issue a CPCN, permit, license, approval, rate schedule, or other action or approval and what limitations or conditions to place on the Project.

4. All documents, communications, emails, text messages, or other electronically stored information relating to any analyses, studies, examinations, evaluations, or other assessments relating to the Project, any construction or other activities relating to the Project,

Proposed Easement, Subject Property, Taking, or Landowner.

5. All documents exchanged with Moon Lake relating to the Project, Proposed Easement, Subject Property, Taking, or Landowner since January 1, 2020.

6. All documents exchanged with any other person relating to the Project, Proposed Easement, Subject Property, Taking, or Landowner since January 1, 2020.

7. All communications or documents exchanged with or relating to persons owning land over which a right of way or other interest was sought for purposes of the Project.

8. All documents and communications relating to considerations for routes or siting for the Project including, but not limited to, documents and communications relating to, discussing, concerning, or about the potential routes for the Project.

Notice to Persons Served with a Subpoena

A subpoena may require you to copy and mail documents, produce documents or tangible things, appear at a hearing, trial, or deposition, or allow inspection of a location.

A subpoena can be issued by the court clerk or by a licensed attorney. You must do what it says or file an objection. If you don't comply, you can be fined or go to jail.

You can find more information about subpoenas and forms you may need at:
www.utcourts.gov/resources/forms/subpoena/

1. If the subpoena requires you to **appear to at a trial, hearing, deposition, or for inspection of a place**, you must appear at the date, time, and place designated in the subpoena. You will be required to either answer questions under oath or allow inspection of a place.

For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- If you are a resident of Utah:
 - where you reside;
 - where you are employed;
 - where you transact business in person; or
 - where the court orders.
- If you are not a resident of Utah:
 - where you are served with the subpoena; or
 - where the court orders.

2. If the subpoena requires you to **copy documents or electronically stored information**, you must:
 - organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
 - mail or deliver the copies and the Declaration of Compliance with the Subpoena to the attorney or party requesting the documents. You may need to modify the Declaration to fit your circumstances.

The party who requested the documents must pay the reasonable cost of copying the documents.

3. If the subpoena requires you to **produce documents or tangible things**, you must appear in person with the documents or tangible things so that they may be tested, copied, sampled, or inspected. You must:

- produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
- mail or deliver the Declaration of Compliance with the Subpoena to the requesting attorney or party.

The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney.

The subpoena must be served on you at least 14 days before the date designated for compliance.

The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things.

4. **Witness fee.** If the subpoena requires you to appear, a one-day witness fee must be served with the subpoena. A one-day witness fee is \$18.50 plus mileage. The witness fee for each subsequent day is \$49.00 plus mileage. Mileage is \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

A subpoena issued on behalf of the United States or Utah does not have to include a witness fee and mileage.

5. **Objection to a subpoena.** You may object to all or part of the subpoena if :
 - it does not give you a reasonable amount of time to comply.
 - it creates an undue burden for you.
 - it requires you to disclose privileged or other protected matter and no exception or waiver applies.
 - it requires you to disclose a trade secret or other confidential research, development, or commercial information.
 - it requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.
 - you are a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county:
 - in which you do not reside,
 - are not employed, or
 - do not transact business in person,
 unless the judge orders otherwise.
 - you are not a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit

inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise.

You must comply with those parts of the subpoena to which you do not object.

6. **How to object.** To object to the subpoena, complete and serve the Objection to Subpoena on the party or attorney issuing the subpoena before the compliance date.

Once you have filed the objection, you do not have to comply with the subpoena unless ordered to do so by the court.

7. **Motion to compel.** If you serve an Objection to Subpoena on the party or attorney issuing the subpoena, they may file a motion asking the court to make you comply with the subpoena. They may also ask for a hearing on the motion.

If you do not agree with the motion, you can file a Memorandum Opposing the Motion. See the court's Motions web page for information and forms: www.utcourts.gov/howto/filing/motions/.

It is possible to ask the judge to order conditions for complying with the subpoena. Consider talking to an attorney to go over your options. See the Finding Legal Help web page for information about free and low cost ways to get legal help: www.utcourts.gov/howto/legalassist/.

8. **Organizations.** If the subpoena orders a corporation, partnership, association or governmental agency that is not a party to the suit to appear at a deposition, they must designate one or more persons to answer questions on their behalf. (Utah Rule of Civil Procedure 30).

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Objection to Subpoena

(Utah Rule of Civil Procedure 45(e)(3)-(4))

Case Number

Judge

Commissioner (domestic cases)

I have been served with a subpoena in this case, and I object because the subpoena:

1. [] Does not give me a reasonable amount of time to comply (Explain).

2. [] Creates an undue burden for me (Explain. Attach additional pages if needed).

3. ☐ Requires me to disclose privileged or other protected matter and no exception or waiver applies. (Describe the document or thing. Be specific.)

4. ☐ Requires me to disclose a trade secret or other confidential research, development, or commercial information. (Describe the document or thing. Be specific.)

5. ☐ Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

6. ☐ Requires me, a resident of Utah, to:

- ☐ appear at a deposition;
- ☐ produce documents, electronic records or tangible things; or
- ☐ permit inspection of a premises

in a county in which I do not reside, am not employed, and do not transact business in person.

7. ☐ Requires me, a non-resident of Utah, to:

- ☐ appear at a deposition;
- ☐ produce documents, electronic records or tangible things; or
- ☐ permit inspection of a premises

in a county other than the county in which I was served.

8. ☐ Other.

Person subject to subpoena

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Objection to Subpoena on the following people.

Person's Name	Service Method	Service Address	Service Date
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		

Date _____

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

_____ Plaintiff/Petitioner v. _____ Defendant/Respondent	Declaration of Compliance with Subpoena (Utah Rule of Civil Procedure 45(f)) _____ Case Number _____ Judge _____ Commissioner (domestic cases)
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1. I am the recipient of the subpoena. I have knowledge of the facts in this declaration.
2. The documents or tangible things copied or produced are a full and complete response to the subpoena.
3. The documents or tangible things are:
☐ the originals.
☐ true copies of the originals.
4. The reasonable cost of copying or producing the documents or tangible things is \$ _____. Here is how I calculated the cost:

Custodian of the records

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Declaration of Compliance with Subpoena on the following people.

Person's Name	Service Method	Service Address	Service Date
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		
	☐ Mail ☐ Hand Delivery ☐ E-filed ☐ Email ☐ Left at business (With person in charge or in receptacle for deliveries.) ☐ Left at home (With person of suitable age and discretion residing there.)		

Date _____

Signature ► _____

Printed Name _____