



State of Utah

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Public Service Commission

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JOHN S. HARVEY, Ph.D.
Commissioner

September 8, 2026

Via Email

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Re: Objection to Subpoena Served on Utah Public Service Commission in *Moon Lake Electric Association, Inc. v. Brighton Farms, LC*, Case No. 250800057

Mr. Mansfield, Ms. Garrett, and Mr. Combs:

Pursuant to Rule 45 of the Utah Rules of Civil Procedure, the Utah Public Service Commission (PSC) objects to the Subpoena to Produce Documents and Electronically Stored Information ("Subpoena") that you served on August 25, 2026.

First, as a general matter, the Subpoena is overly broad, vague, and ambiguous, rendering the PSC's compliance unduly burdensome under Utah R. Civ. P. 45(e)(3)(F). The Subpoena directs the PSC, for example, to produce "[a]ll documents and communications relating to the Project, Proposed Easement, Subject Property, Taking, or Landowner since January 1, 2020." However, the Subpoena defines important terms exclusively by reference to the underlying proceedings. For example, the Subpoena states "'Taking' means the portion of the Landowner's property or interests that are proposed to be taken, as described in the Complaint[.]" and the Subpoena states "'Proposed Easement' refers to the easement Moon Lake seeks to condemn in these proceedings, as described more fully in the Complaint." As a non-party, the PSC has

no knowledge of the civil proceeding the Subpoena references or the content of any of its pleadings. Second, responding to the broad Subpoena and its ambiguously defined terms will subject the PSC to undue burden and cost because any responsive documents are generally and equally accessible to you.

Like all public utilities the PSC regulates, all of Moon Lake's filings or correspondences submitted to the PSC, except those that Moon Lake has expressly designated as confidential, and any orders or other official correspondence from the PSC to Moon Lake are publicly available on the PSC's website, psc.utah.gov, organized yearly by case title and docket number. The only exceptions concern documents that a party expressly designates as confidential when submitting them to the PSC. See Utah Admin. Code R746-1-601 through 602. Importantly, any documents a party designated as confidential when filing with the PSC are nevertheless identified under the corresponding docket along with the date of the submission, on the PSC's website. Unlike publicly available documents, however, the confidential documents do not contain a link to an electronic copy of the document.

The PSC must, of course, object to producing any documents disclosing confidential information in the absence of an identified waiver or other applicable exception consistent with Utah R. Civ. P. 45(e)(D).

Notwithstanding the PSC's objection to the Subpoena and in the hope of minimizing the cost and inconvenience to both parties, the PSC has conducted a limited review of the dockets to which Moon Lake has been a party since January 1, 2020. Based on the Subpoena's definition of "Project" as "the 138 kV transmission line known as the Pole Line Substation to Cove Tap Project," the PSC has identified one docket that appears to contain responsive documents, *Application of Moon Lake Electric Ass'n, Inc. for Authority to Issue Securities in the Form of a Loan Agreement and Secured Promissory Note*, Docket No. 22-030-01 (available at <https://psc.utah.gov/2022/04/06/docket-no-22-030-01/>).

Under Utah Code § 54-4-31, public utilities must obtain the PSC's approval before issuing certain securities, including entering loan agreements of a certain magnitude. In the referenced docket, Moon Lake sought the PSC's authorization to obtain financing for a "46 mile long, 138-kV transmission line to carry electricity from the Deseret Generation & Transmission Bonanza Power Plant ... to a [sic] Moon Lake's future Pole Line Substation." See Moon Lake's Application for Approval to Issue Securities at 3, filed April 6, 2022, available at <https://psc.utah.gov/2022/04/06/docket-no-22-030-01/>. All non-confidential filings and issuances in that docket are publicly available at the above-referenced link. As you can see on the website, the docket contains two exhibits (highlighted in yellow)

Objection to Subpoena
Case No. 250800057
Judge Samuel P. Chiara
September 8, 2026
Page 3

that Moon Lake identified as confidential: a loan agreement and a secured promissory note, both filed April 6, 2022, with Moon Lake's application.

We identified no docket wherein Moon Lake has sought a Certificate of Public Convenience and Necessity (CPCN) for any activity since January 1, 2020. Please note, however, public utilities need not seek nor obtain a CPCN from the PSC for all projects. See, e.g., Utah Code § 54-4-25(2) (specifying circumstances wherein a utility is not required to secure a CPCN to extend a line, route, or other plant).

The PSC, of course, does not adjudicate condemnation proceedings nor have authority to adjudicate real property rights. The siting of utility infrastructure is generally governed by appropriate local land use authorities consistent with Title 10 of the Utah Code and other applicable law. Consequently, the PSC identified no dockets relating to Moon Lake's siting or routing of the 138-kV transmission line to which the Subpoena refers, nor any easements or rights of way associated with it. The PSC believes the only pertinent docket is the aforementioned docket from 2020 related to Moon Lake's request for authorization to enter loan agreements to finance the project.

To the extent you require additional assistance, please let us know. If, for example, you identify any document or sets of documents on our website for which you require a physical, Bates numbered production, please contact us.

If you have any other questions or issues you would like to discuss, I am happy to schedule a call to discuss them.

Sincerely,

/s/ Michael J. Hammer
Administrative Law Judge
DW#347010