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BEFORE THE ELECTRICAL FACILITIES REVIEW BOARD

PACIFICORP, an Oregon corporation,

Petitioner,

vs.

THE CITY OF WEST JORDAN,

Respondent.

**PRE-FILED TESTIMONY OF
CAROL HUNTER**

1 **Q: Ms. Hunter, what is your position within PacifiCorp?**

2 A: I am the Vice President of External Affairs for Utah and Idaho.

3 **Q: As Vice President of External Affairs for Utah and Idaho, what role do you or your**
4 **employees perform in the siting of generation, transmission and distribution**
5 **facilities?**

6 A: Community Services is one of three areas for which I am responsible. Community
7 Services' primary function is to resolve issues that arise between PacifiCorp (the
8 "Company") and the communities we serve in Utah and Idaho. As a result, Community
9 Services' staff works with cities and counties in identifying sites and permitting
10 generation, transmission and distribution facilities. This includes conducting public
11 meetings and participating in public hearings.

12 **Q: What is the purpose of your testimony?**

13 A: My testimony will demonstrate that through its refusal to identify or approve an
14 acceptable location to site a substation, West Jordan has prohibited PacifiCorp's ability to
15 construct a facility needed to provide safe, reliable, adequate, and efficient service to its
16 customers.

17 **Q: Please describe PacifiCorp's duty with respect to service to its customers.**

18 A: PacifiCorp is a public utility company regulated by the Public Service Commission of the
19 state of Utah ("PSC"). Under Utah Code Annotated § 54-3-1, PacifiCorp has an
20 affirmative legal duty to design, construct, and maintain facilities sufficient to provide
21 safe, reliable, adequate, and efficient electric service to its customers.

22 To meet this duty, PacifiCorp's electrical system must be capable of not only satisfying
23 its customers' general use of electricity but must also be able to provide continuous

1 service during periods of peak demand, which occur during the summer when air
2 conditioning units place the greatest demand on the system. Accordingly, PacifiCorp
3 must plan ahead to insure that capacity, whether at the generation, transmission,
4 substation, or distribution level, is available to satisfy customers' demand for electricity
5 when and in the amounts requested.

6 **Q: How many substations have been sited since 2002 when PacifiCorp identified the**
7 **need to construct an additional substation in West Jordan?**

8 A: In Utah alone, PacifiCorp has sited 22 new substations since 2002. While siting new
9 facilities and/or expanding existing facilities is seldom without issue, PacifiCorp has
10 worked closely with the communities to respond to any issue. To the degree required by
11 law, PacifiCorp mitigates the impact of its facilities through landscaping and the
12 construction of the substation enclosure. In each of these other cases, PacifiCorp has
13 been successful in obtaining permits from municipalities allowing it to site and construct
14 these substations in an expeditious manner that has allowed PacifiCorp to meet the
15 demand of its customers.

16 **Q: Under the Electrical Facility Review Board Act, communities may be required to**
17 **pay the incremental excess costs of building a facility that result from a**
18 **municipality's decision to impose local requirements or conditions on that facility.**
19 **Have there been cases where a community has reimbursed PacifiCorp for excess**
20 **costs?**

21 A: Yes. Most recently, Sandy City compensated PacifiCorp to underground a 138 kV
22 transmission line from PacifiCorp's Dimple Dell substation to PacifiCorp's 90th South
23 Quarry 138 kV line.

1 **Q: When was the need for a new substation explained to West Jordan?**

2 A: I participated in a meeting on October 22, 2002 with Mayor Brian Holladay, Gary
3 Luebbers (City Manager), and Wayne Harper (Economic Development) from West
4 Jordan City. During the meeting we discussed the impending need for two additional
5 substations within West Jordan to meet the growth in demand created by new and
6 existing customers. Exhibit CH-1 is a copy of the presentation shared with West Jordan.

7 **Q: What is the status of the construction of these two substations?**

8 A: After approximately eight months of working with the City, PacifiCorp obtained a permit
9 for the construction of the Jordan Park substation at 1099 West 7055 South. PacifiCorp
10 however has been denied approval for a conditional use permit from the City of West
11 Jordan for the construction of the second substation. In light of the difficulties in siting
12 the second substation, and faced with likelihood of service interruptions, PacifiCorp was
13 forced to seek a permit for the construction of a temporary substation at 7077 South and
14 2700 West to meet the needs of its customers during the summer of 2005.

15 **Q: Please describe the area where the Company has identified the need for this second**
16 **permanent substation.**

17 A: The Company identified the area between 2700 West and 4000 West, and 6200 South
18 and 9000 South, as the “critical load area” for the new substation. Within this area, the
19 Company identified a “target area” for the substation between approximately 2700 West
20 to 3300 West and 6900 South and 7200 South. Mr. Gerrard will discuss the critical load
21 area and target area with respect to the Company’s ability to provide safe, reliable,
22 adequate, and efficient service to our customers.

1 **Q: Once the target area for the substation was identified, what steps were taken to**
2 **identify possible sites?**

3 A: As is typical with a project of this nature, once the target area for the substation is
4 identified , PacifiCorp’s real estate department identifies available property within or
5 within proximity of the target area that meets the general requirements of the substation.
6 The identified sites are then reviewed under PacifiCorp’s siting criteria.

7 **Q: How many sites were identified?**

8 A: PacifiCorp’s real estate department identified 17 sites of interest. As Mr. Gerrard
9 testifies, from those 17 sites a site on the southeast corner of 3200 West and 7000 South
10 was determined to be the preferred site (the “3200 West Site”).

11 **Q: Was the City of West Jordan consulted during the siting process?**

12 A: Yes it was. Between July 18 and August 26, 2003, the site was reviewed with Mr. Gary
13 Luebbers, City Manager; Mr. Tom Burdett, Community Development Director; Mayor
14 Bryan Holladay, and council members Argyle and Richardson. During this same period,
15 West Jordan staff indicated—incorrectly—that the property at 7000 South and 3200 West
16 would need to be rezoned. In response to the staff’s direction, a letter was sent to Mr.
17 Burdett on September 16, 2003, requesting a General Plan change and zone change to
18 support the construction of the substation. Between September 16, 2003, and March 30,
19 2004, PacifiCorp pursued the zone change based on the requirements of the West Jordan
20 staff. On November 12, 2003, the City’s Land Use Committee voted to forward a
21 positive recommendation to the Planning and Zoning Commission. However, on
22 December 10, 2003, the Planning and Zoning Commission voted to forward a negative

1 recommendation for the land use and zone change to the City Council. Finally, on March
2 30, 2004, the City Council denied PacifiCorp's request for a land use and zone change.

3 **Q: What issues were raised by the City Council?**

4 A: During its February 3, 2004 meeting, the Council voted to defer its decision regarding
5 PacifiCorp's request for a land use and zone change and requested that the Company:
6 1) consider locating the project at Jordan Landing; 2) provide a rough estimate of the
7 cost of undergrounding the transmission lines along 7000 South between 2700 West and
8 3200 West; 3) perform a real estate evaluation on the potential impacts on adjacent
9 residential properties; 4) provide an estimate of the property taxes the city would receive
10 from PacifiCorp; and 5) provide projected EMF readings at the perimeter of the
11 substation, i.e. sidewalk.

12 **Q: Did PacifiCorp respond to these issues?**

13 A: PacifiCorp responded to the City Council's request by letter on March 25, 2004. (Exhibit
14 CH-2.)

15 **Q: Was a potential site identified in Jordan Landing?**

16 A: Yes. An undeveloped parcel of ground adequate to construct a substation was located
17 within the professional office zone of Jordan Landing near 7000 South. But, as
18 PacifiCorp told the City, "this site is clearly located in an area that diminishes operational
19 effectiveness and reliability" and therefore a cost estimate was not provided (Exhibit
20 CH-2, at 2.)

1 **Q: Is this the same site at the southwest area of Jordan Landing that the City suggested**
2 **PacifiCorp review?**

3 A: No. The location at the southwest area of Jordan Landing was reviewed at a later date
4 based on a second suggestion by the City.

5 **Q: Was the cost to bury the transmission along 7000 South between 2700 West and**
6 **3200 West provided?**

7 A: Yes. In our March 25, 2004 letter, an estimated excess cost of \$996,000 to underground
8 the transmission line was provided to the City. (Exhibit CH-2, at 2.) PacifiCorp
9 indicated a willingness to bury the transmission line provided that the City paid the
10 excess cost pursuant to the Electrical Facility Review Board Act, Utah Code Ann. § 54-
11 14-201. (*Id.* at 3.) PacifiCorp also indicated that the City would be responsible for other
12 “perceived betterments such as the city requiring that the substation be relocated to a
13 more costly location.” (*Id.*)

14 **Q: Based on your recent experience in undergrounding distribution circuits on 7000**
15 **South between 2700 West and 3200 West, are your estimates still applicable?**

16 A: No. Due to the underground congestion created by other facilities, PacifiCorp believes
17 that two separate trenches would be required to accommodate the double circuit 138 kV
18 transmission line to comply with the required standards. This was not known at the time
19 and, therefore, were not reflected in the March 25, 2004 cost estimate provided to the
20 City.

21
22

1 **Q: With this data, did the City Council accept PacifiCorp’s request for land use and**
2 **zone change?**

3 A: No. On March 30, 2004, the West Jordan City Council rejected PacifiCorp’s request for
4 a zone and land use change.

5 **Q: What was PacifiCorp’s response to the City Council decision?**

6 A: On May 14, 2004, Curtis Mansfield, Managing Director for Construction, and I sent a
7 letter to Gary Luebbers, copying Mayor Holladay, Linda Dalley (Planning and Zoning
8 Commission Chair), Wayne Harper, Tom Burdett and Lowell Alt (Director Public
9 Utilities). The letter outlined the necessity for the substation and potential issues that
10 might arise during the summer of 2005 as a result of the denial. We further requested the
11 City’s “assistance in identifying a substation location and obtaining the necessary
12 approvals and permits in a manner that is: 1) amenable to the City, and 2) meets Utah
13 Power’s standards and requirements.” (Exhibit CH-3.) In support of this request,
14 PacifiCorp asked to consult with City officials regarding potential sites.

15 **Q: What was the result of your discussion with the City officials?**

16 A: During meetings conducted with Mayor Holladay, Gary Luebbers and council members
17 Rolf, Hilton and Bennett between May 19 and June 9, 2004, an alternative site on the
18 southeast corner of 7000 South and 2700 West was discussed (the “2700 West Site”). On
19 June 10, 2005, staff from West Jordan provided PacifiCorp with a letter confirming that
20 substations are accessory structures to transmission line facilities and therefore are
21 permitted in all zones, without a land use or zoning change. (Exhibit CH-4.)

22

23

1 **Q: What was the importance of this later finding?**

2 A: Previously, and at the direction of the City, PacifiCorp had filed for a land use change.
3 PacifiCorp spent approximately six and half months attempting to change land use and
4 zoning, an effort that was later proved to be unnecessary. As outlined in PacifiCorp's
5 May 14, 2004 letter, without the construction of a substation, PacifiCorp was in jeopardy
6 of failing to meet the demands of its customers during the summer of 2005. Clearly, if
7 PacifiCorp would have been required to spend another six and half months seeking a
8 change to land use and zoning on the 2700 West site, plus another 60 to 90 days
9 acquiring a conditional use permit, the substation would not have been in service to meet
10 customer demand during the summer of 2005.

11 **Q: Was the site at 2700 West Site technically acceptable to PacifiCorp?**

12 A: Yes. The 2700 West Site was technically acceptable as communicated verbally to City
13 officials prior to August 19, 2004 and later to the City in my letter dated September 3,
14 2004. (Exhibit CH-5.)

15 **Q: Why didn't PacifiCorp pursue the 2700 West Site?**

16 A: PacifiCorp did in fact pursue the 2700 West Site after it was proposed by Councilman
17 Rolfe.

18 **Q: What action did PacifiCorp take?**

19 A: PacifiCorp performed preliminary engineering studies and contacted the property owners
20 to determine if they were willing to sell at market price. The information was then shared
21 with the City staff and elected officials. Based on what was viewed as support from the
22 City and the expressed willingness of the property owners, PacifiCorp conducted an open
23 house on August 19, 2004, to discuss the merits of the site with interested parties.

1 Approximately 400 local residents and interested parties were invited, of which
2 approximately 70 people attended . The concerns expressed by the attendees appeared to
3 center on the proximity of the site to residences; a perceived marginal ability to visually
4 buffer the site; the need to rebuild distribution lines on 7000 South; and a general
5 preference for the original 3200 West Site.

6 **Q: Why didn't PacifiCorp file for a conditional use permit at 7000 South and 2700**
7 **West?**

8 A: After the open house, City officials withdrew their support of the 2700 West site.

9 **Q: How did PacifiCorp react to the withdrawal of the City's support?**

10 A: In my September 3, 2004 letter, I stressed again the immediate need for a substation and
11 requested a meeting to discuss the next steps in identifying a site. In the letter, I advised
12 the City that:

13 because of the critical need to get a substation on line to reliably serve
14 customers in West Jordan, PacifiCorp no longer has the ability to engage
15 in a lengthy permitting process that might lead to an unfavorable result.
16 Consequently, prior to submitting a request for a conditional use permit
17 for property located at 2700 West and 7000 South *we are once again*
18 *seeking guidance from the city on your view of the options.*

19
20 (Exhibit CH-5, at 2.) I restated that both the 2700 West Site and the 3200 West Site were
21 “equally acceptable from an electrical system operation standpoint” and that PacifiCorp
22 was “willing to consider other similarly situated locations in the target area that meet
23 Utah Power’s criteria” and the needs of the City. (*Id.*)

1 **Q: Did the City propose any additional sites for consideration?**

2 A: No. Instead, in its September 7, 2004 meeting, the Council directed the city planning
3 staff to work with PacifiCorp to select “a proposed site for the substation that is in a
4 commercial area, at least 500 ft. from the nearest residence.”

5 **Q: What action did PacifiCorp take in response to the City Council’s action?**

6 A: On September 16, 2004, after meeting with City staff on September 13th, I sent a letter
7 clarifying our discussions regarding the role of the substation in meeting the load growth
8 of the area. (Exhibit CH-6.) Further I agreed to the following actions:

- 9 a) to prepare a simplified map showing PacifiCorp’s transmission facilities,
10 distribution interconnection points, and the geographic area that will primarily be
11 served by the proposed substation;
- 12 b) to provide a simplified map that illustrated the transmission and distribution
13 facilities required if the substation is located at Jordan landing (for comparative
14 purposes, we indicated that we would be preparing similar maps for the 2700
15 West Site and the 3200 West Site;)
- 16 c) to provide illustrations clearly depicting applicable transmission and distribution
17 structures.

18 (*Id.*) It was in this letter that I officially notified the City that, due to fact that a
19 permanent substation could not be completed prior to the summer of 2005, a temporary
20 substation adjacent to the transmission line on 2700 West between 7200 South and
21 approximately 6600 South would be needed to meet the needs of the customers in the
22 area during the summer of 2005. (*Id.* at 1-2.)

1 **Q: What prompted you to once again clarify the role of the substation in meeting the**
2 **load growth of the area?**

3 A: During the September 7th City Council meeting, Council members incorrectly concluded
4 that commercial development at Jordan Landing was driving the need for the substation,
5 stating that “if commercial development at Jordan landing was driving the demand for
6 power, then the substation should be located there.” As stated in my September 16th
7 letter, less than one third of the initial capacity of the new substation would feed directly
8 into Jordan Landing. (Exhibit CH-6, at 1.) The remainder of the capacity was needed to
9 serve adjacent residential areas and to relieve other surrounding substations so they could
10 serve the areas to the south and west. (*Id.*)

11 **Q: You stated that you agreed to provide additional information regarding the siting**
12 **the substation in Jordan Landing. Did you provide the agreed upon information?**

13 A: Yes. The information was provided in meetings conducted between September 28, 2004
14 and October 1, 2004 with Mayor Holladay, Mr. Luebbers, Mr. Burdett, and Council
15 members, Richardson, Summers, Rolfe, Bennett, and Kellermeyer. In addition, a letter
16 formalizing our findings was sent to the City on November 30, 2004. (Exhibit CH-7.)

17 **Q: What was PacifiCorp’s conclusion about siting a substation at Jordan Landing?**

18 A: PacifiCorp concluded that siting a substation at Jordan Landing—if a site were ever
19 available—would not be prudent. As described by Mr. Gerrard, the substation did not
20 satisfy the electrical, safety, operational, and reliability criteria as well as the 3200 West
21 Site. In addition, the incremental costs of siting a substation at Jordan Landing above the
22 cost of siting a substation at the 3200 West Site (“excess costs”) would be unreasonably
23 high and not in the interest of our other customers. (*See* Exhibit DG-14.) As the

1 Legislature expressly found when enacting the Electric Facility Review Board Act,
2 “excess costs imposed by requirements of a local government for the construction of
3 facilities may affect either the rates and charges of the public utility to customers other
4 than customers within the jurisdiction of the local government or the financial viability of
5 the public utility, unless the local government pays for those excess costs.” Utah Code
6 Ann. § 54-14-102. On this point, the elected officials of West Jordan have not indicated
7 a willingness to pay the estimated excess costs for a site in Jordan Landing. Thus, a
8 requirement by West Jordan to locate the substation at Jordan Landing and/or to
9 underground transmission facilities would increase costs to customers throughout the
10 Company’s Utah service area in the absence of a reimburse by the City.

11 **Q: In your November 30, 2004 letter, did you express the urgency and need to build a**
12 **new substation?**

13 **A:** Yes. In this letter I once again expressed the urgency of obtaining permitted sites for the
14 temporary substation and a permanent substation, stating that PacifiCorp has a
15 “regulatory duty to provide safe, reliable power to its customers” and that we can not
16 “meet this obligation without the necessary infrastructure.” (Exhibit CH-7, at 2.) I
17 requested the support of and approval by the City for the installation of the temporary
18 substation and the final permitting for a permanent substation at the 3200 West Site and
19 further indicated that PacifiCorp would, to the extent required by law, mitigate all
20 reasonably anticipated detrimental effects of the proposed substation at the 3200 West
21 Site in accordance with West Jordan’s ordinances and regulations.

22 **Q: Did you receive the requested support from the City?**

1 A: On December 16, 2004, PacifiCorp submitted requests for conditional use permits for
2 both the temporary and permanent substations. In preparation for the Planning and
3 Zoning Commission hearing, the City Planning Staff prepared a Report. (Exhibit CH-8.)
4 In that Report, and after considering the six criteria outlined in West Jordan City
5 Municipal Code § 89-5-404(e) relating to conditional use permits, the Staff determined
6 that PacifiCorp's application for the permanent substation met the requisite criteria for
7 conditional use. The Staff then recommended that the Planning Commission approve
8 PacifiCorp's applications for the permanent substation. (*Id.* at 6.)

9 **Q: Was the Planning and Zoning Commission's decisions regarding the conditional use**
10 **permit consistent with the City staff recommendations?**

11 A: On February 2, 2005, the Planning and Zoning Commission issued a conditional use
12 permit for the permanent substation at 3200 West, and denied the request for a
13 conditional use permit for the temporary substation. In order to grant a conditional use
14 permit for the permanent substation, the Planning Commission had to consider the six
15 criteria established by the City for the issuance of a conditional use permit. These six
16 criteria, found under § 89-5-404(e) of the WJCMC, are:

- 17 (1) The proposed use is consistent with the intent of the goals and policies, of the
18 West Jordan General Plan and the purpose of the zone district in which the site is
19 located.
- 20
21 (2) The proposed use will not be materially detrimental to the health, safety, or general
22 welfare of persons residing or working in the neighborhoods of the proposed use
23 or have an adverse effect on the property, adjacent properties, the surrounding
24 neighborhood, or the City as a whole as a result of the type of use or hours of
25 operation.
- 26
27 (3) The proposed site is adequate in size and shape to accommodate the intended use
28 and that all requirements for the zone district, including but not limited to setbacks,
29 walls, landscaping, and buffer yards are met.

1
2 (4) The proposed use will provide for adequate screening, landscaping, parking,
3 utilities, and traffic circulation. The Planning Commission may require an
4 applicant to provide an analysis of any impacts (traffic, environmental, utilities,
5 public safety, and infrastructure) affecting the health, safety, or general welfare of
6 persons residing or working within the neighborhood of the proposed use.
7

8 (5) The proposed use will ensure compatibility with surrounding uses and will use
9 building materials that are in harmony with the area.
10

11 (6) Adequate conditions or stipulations have been incorporated into the approval of
12 the Conditional Use Permit to ensure that any anticipated detrimental effects can
13 be mitigated.
14

15 **Q: How are these criteria established?**

16 A: As previously noted, the conditional use criteria set forth under § 89-4-404(e) of West
17 Jordan's zoning code were adopted by the City itself to evaluate conditional uses. These
18 criteria are not statutory. In other words, state law does not dictate that municipalities
19 have such criteria or the content of such criteria.

20 **Q: Was the decision by the Planning and Zoning Commission to grant PacifiCorp a**
21 **conditional use permit appealed?**

22 A: Yes. On February 11, 2005, Rick Brown, a West Jordan resident, appealed the Planning
23 and Zoning Commission's decision to approve PacifiCorp's conditional use permit to the
24 West Jordan City Council.

25 **Q: How did the West Jordan City Council rule on the appeal?**

26 A: At its February 22, 2005 meeting, and after a failed vote to affirm the appeal and a failed
27 vote to deny the appeal, the City Council ultimately voted to refer the issue back to the
28 Planning Commission to conduct an additional study to determine whether alternative
29 locations for a substation within the target area might be available and the costs
30 associated with each such alternative site. The Council directed that one-half of the study

1 be funded by PacifiCorp. After the meeting, and in response to the City Council's
2 decision, I indicated that PacifiCorp had, since the beginning of the process, sought the
3 City's input into potential sites in the target area and would continue to work with the
4 City. PacifiCorp, however, would not be acting prudently if it relinquished its ability to
5 design and operate its system to a third party. In addition, I requested to have additional
6 meetings with council members Summers and Hilton to address issues raised during the
7 February 2nd council meeting.

8 **Q: What was the purpose of the additional meetings?**

9 A: During the City Council meeting on February 22, 2004, council member Hilton indicated
10 that PacifiCorp had not demonstrated that the substation was needed to serve existing, as
11 well as new customers and questioned why a new substation was needed. Council
12 member Summers appeared to share council member Hilton's concerns. Consequently
13 on March 10, 2004, Ken Shortt and I met with council member Hilton. In that meeting
14 we shared an air conditioning saturation study prepared by PacifiCorp's demand side
15 management and asset management groups that clearly demonstrated that existing
16 customers had increased their demand on the system. (Exhibit CH-9.) Mr. Shortt
17 explained that load density and distance to other substations were major drivers to siting
18 substations and that, given the changes in load density experienced in West Jordan and
19 the distance to PacifiCorp's other substations in the area, a substation was needed in the
20 target area. A similar meeting was held with Mr. Summers on February 25, 2005, where
21 the drivers to siting substations were discussed.

22 **Q: Did the council members appear satisfied with the information?**

23 A: Yes. Both council members indicated that the information was satisfactory.

1 **Q: Was the study contemplated in the Council’s February 22, 2005 meeting ever**
2 **completed?**

3 A: No. On March 15, 2005, the City Council rescinded its motion to conduct further study
4 and again addressed PacifiCorp’s application for a conditional use permit. Prior to any
5 substantive discussion of the six criteria set out in WJCMC § 89-5-404(e),
6 Councilmember Rolfe moved to approve the citizen appeal and reverse the decision of
7 the Planning Commission. On a 4-3 vote, but without providing any reasoning or
8 rationale, or identifying any specific criterion, the City Council found that “the proposed
9 substation does not meet the six criteria for approval of a conditional use permit.”

10 **Q: What action did PacifiCorp take with respect to the Council’s decision?**

11 A: Given that PacifiCorp had been granted a conditional use permit by the City Council for
12 the temporary substation, PacifiCorp proceeded with the construction of that substation.

13 **Q: What other actions did the Company take in response to the City Council’s**
14 **decision?**

15 A: PacifiCorp filed an action in Utah State District Court challenging the City Council’s
16 decision to overturn the Planning and Zoning Commission approval of the conditional
17 use permit for the permanent substation. Specifically, PacifiCorp argued that the City
18 Council’s decision was arbitrary, capricious, and illegal under Utah Code Ann. § 10-9-
19 1001(3)(b) because it was not supported by substantial evidence and was based on factors
20 outside of § 89-5-404(e) of the WJCMC. The District Court ruled in the City’s favor.
21 PacifiCorp has since filed an appeal of the District Court’s opinion. Although it is
22 helpful for this Board to know that these legal proceedings have occurred to understand
23 the full context of the parties’ interaction, the issues before the District Court—i.e.,

1 whether the City Council's decision was arbitrary, capricious, or illegal under Utah Code
2 Ann. § 10-9-1001(3)(b)—are not before this Board.

3 **Q: Have you had any further conversations with West Jordan after the City Council**
4 **reversed the Planning Commission's approval of the conditional use permit?**

5 A: Yes, I have had numerous conversations with City officials. For example, prior to filing
6 the District Court action or requesting that this Board be constituted, I requested a
7 meeting with City officials. During that meeting, Jeff Richards, an in-house attorney for
8 PacifiCorp, and I indicated that PacifiCorp was interested in resolving the issue if the
9 City could direct PacifiCorp to a suitable site for this substation. Mayor Holladay and
10 Tom Steel, Assistant City Manager, indicated that it appeared the City Council would not
11 approve any site within West Jordan.

12 **Q: Is this currently the City's position?**

13 A: Yes. During a meeting with Mayor Holladay, Mr. Luebbers and Council Chair
14 Richardson in mid-August 2005, the City reaffirmed its position that there are no
15 acceptable sites for this substation within the City to Mr. Walje, Mr. Gerrard and me.

16 **Q: Please summarize your testimony.**

17 A: PacifiCorp has been trying to work with the City of West Jordan since 2002 to site a
18 substation needed to provide safe, reliable, adequate, and efficient service to PacifiCorp's
19 customers within the City. During that period of time PacifiCorp has identified two
20 technically acceptable sites for the substation, one at 3200 West and 7000 South and a
21 second at 2700 West and 7000 South. West Jordan, through its conditional use permit
22 process has denied PacifiCorp the ability to construct the substation putting at risk the
23 Company's ability to serve its customers. Based on recent conversations, it appears that

- 1 the Company will be unable to obtain a conditional use permit and the associated
- 2 approval of a final site plan at any site within the City.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September, 2005, I caused to be sent by hand delivery a true and correct copy of the foregoing **PRE-FILED TESTIMONY OF CAROL HUNTER** to the following:

Jody K. Burnett
Williams & Hunt
257 East 200 South # 500
Salt Lake City, Utah 84111


