



Control Number: 35665



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PUC DOCKET NO. 35665

COMMISSION STAFF'S PETITION  
FOR THE SELECTION OF ENTITIES  
RESPONSIBLE FOR TRANSMISSION  
IMPROVEMENTS NECESSARY TO  
DELIVER RENEWABLE ENERGY  
FROM COMPETITIVE RENEWABLE  
ENERGY ZONES

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

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PUBLIC UTILITY COMMISSION  
FILING CLERK

CAP ROCK ENERGY CORPORATION'S MOTION TO INTERVENE

Pursuant to Public Utility Commission of Texas (PUC) PROC. R. 22.103 and 22.104, Cap Rock Energy Corporation (Cap Rock) files this late-filed Motion to Intervene in the above-referenced proceeding, and in support thereof, respectfully shows the following:

1.

For purposes of this proceeding, Cap Rock's designated legal representative is:

Ronald W. Lyon  
General Counsel  
Cap Rock Energy Corporation  
115 S. Travis Street  
Sherman, Texas 75090  
(903) 813-0377  
(903) 868-2492 (fax)

Cap Rock requests that the Commission and all parties to this proceeding serve copies of all notices, correspondence, pleadings, briefs, and other documents upon the above-designated authorized representative.

2.

Cap Rock is engaged in the distribution and retail sale of electricity in various noncontiguous areas in Texas. As of December 21, 2007, Cap Rock served approximately 36,000 meters in 28 counties in Texas. Approximately 75 percent of Cap Rock's load is located in the Southwest Power Pool, and the remaining 25 percent is located within the Electric Reliability Council of Texas power region. Cap Rock does not own any generation assets; it meets its customers' power needs through purchased power agreements with wholesale power suppliers.

Cap Rock has a justiciable interest in this proceeding because one or more of the proposed transmission lines will traverse Cap Rock's service territory. In addition, Cap Rock's wholly-owned transmission subsidiary (NewCorp Resources Electric Cooperative, Inc.) provides transmission service in the area affected by this proceeding. Cap Rock will be directly affected by the outcome of this proceeding, and its interests are distinct from any other party. For these reasons, no other party can adequately represent Cap Rock's interests in this proceeding.

3.

Cap Rock requests that this late-filed Motion to Intervene be granted, pursuant to P.U.C. PROC. R. 22.104(d). In Order No. 1, the Administrative Law Judge (ALJ) noted that Commission Staff proposed an intervention deadline of June 27, 2008, yet Order No. 1 did not clearly state whether Staff's proposed intervention deadline was approved. In Order No. 22, the ALJ ordered an intervention deadline of August 8, 2008.

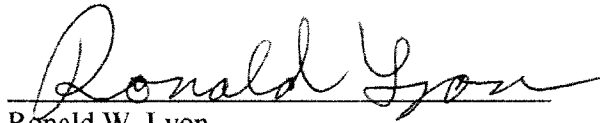
Cap Rock has good cause for not filing its Motion to Intervene by the deadline. Cap Rock did not intervene by June 27, 2008 because it was involved in a major proceeding (Docket No. 35460, *Petition of PNM Resources, Inc. and Cap Rock Energy Corporation Regarding Proposed Merger and Acquisition of Stock*) and was not in a position to participate at that time. Cap Rock did not intervene by August 8, 2008 because it did not learn of Order No. 22 setting such deadline until August 11, 2008.

Granting Cap Rock's late-filed Motion to Intervene will not prejudice, or cause additional burdens upon, the parties to this proceeding. Cap Rock's motion is filed two business dates after the intervention deadline and will not delay the filing of the CREZ Transmission Plan (CTP) proposals, the filing of testimony, discovery, or the hearing on the merits. Cap Rock agrees to accept the procedural schedule and the record of this proceeding as it exists at the time of filing this Motion to Intervene. The public interest will also be served by granting Cap Rock's Motion to Intervene because it will allow for a more robust debate among parties with different and diverse interests.

WHEREFORE, for the foregoing reasons, Cap Rock respectfully requests that the Commission grant this late-filed Motion to Intervene as a party and grant Cap Rock such other and further relief to which it may show itself entitled.

Respectfully submitted,

CAP ROCK ENERGY CORPORATION  
115 S. Travis Street  
Sherman, Texas 75090  
(903) 813-0377  
(903) 868-2492 (fax)

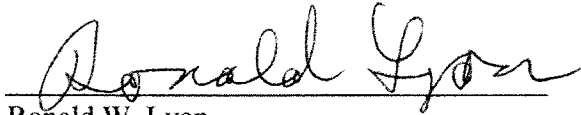


Ronald W. Lyon  
State Bar No. 12739950

**ATTORNEY FOR CAP ROCK ENERGY  
CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding by U.S. mail, postage prepaid, facsimile, email or hand delivery this 12<sup>th</sup> day of August 2008.



Ronald W. Lyon