



Control Number: 37448



Item Number: 1110

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**SOAH DOCKET NO. 473-10-1097
PUC DOCKET NO. 37448**

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE GILLESPIE TO NEWTON 345-KV CREZ TRANSMISSION LINE IN GILLESPIE, LLANO, SAN SABA, BURNET, AND LAMPASAS COUNTIES	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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FILED
MAR 21 2010 PM 2:44
STATE OFFICE

**LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE
TO THE MOTION BY CJ RANCH AND J17 RANCH TO REOPEN
THE RECORD AND ADMIT OAKHURST DOCUMENTS**

TO THE HONORABLE WENDY K.L. HARVEL:

COMES NOW LCRA Transmission Services Corporation ("LCRA TSC") and files this, its Response to the Motion by CJ Ranch and J17 Ranch to Reopen the Record and Admit Oakhurst Documents (LCRA TSC Response), and in support thereof would respectfully show the following:

I. Introduction

On Friday, March 26, 2010 CJ Ranch and J17 Ranch filed their exceptions in this docket and included in those exceptions motions to reopen the record in this docket to include certain information attached to a pleading filed by Oakhurst Properties on March 12, 2010 (Motions to Reopen the Record).¹ The Motions to Reopen the Record were included in the respective parties' Exceptions, and were joined by two other parties, KDCB Garrett Ranch and Point Peak Mountain Resort. If the Motions to Reopen the Record are considered freestanding motions separate from the Exceptions, a response may be due today rather than Monday, April 5, 2010 when responses to exceptions are due. Therefore, out of an abundance of caution LCRA TSC files this LCRA TSC Response, in which case this pleading is timely filed.

¹ See, Oakhurst Properties' Reply of Oakhurst Properties, L.P. to the Responses of LCRA Transmission Services Corporation and Commission Staff, Interchange Item No. 1078, March 12, 2010.

II. Discussion

On Tuesday March 30, 2010, Landowners Preservation Group (LPG) filed a detailed Response to the Motion by CJ Ranch and J17 Ranch to Reopen the Record and Admit Oakhurst Documents (LPG Response). Rather than belabor the record in this respect, LCRA TSC respectfully urges the Commission to review LPG's Response, and for the reasons stated therein, to Deny the Motions to Reopen the Record filed by CJ Ranch and J17 Ranch, and subsequently joined in by KDCB Garrett Ranch and Point Peak Mountain Resort.

As LPG points out, these four parties – CJ Ranch, J17 Ranch, KDCB Garrett Ranch, and Point Peak Mountain Resort are, and have been aligned throughout this entire proceeding.² As such, they have attempted to create as much controversy and uncertainty as possible around any routes or route segments associated with routes that traverse west and north of Lake Buchanan and that affect their respective properties; the strategy being to convince the Commission to adopt routes that traverse south and east of Lake Buchanan instead. These latest pleadings are simply the latest salvo from this group.

LCRA TSC notes with interest that the Commission decided in Order No. 11 that KDCB Garrett Ranch (and presumably any other similarly situated party such as CJ Ranch, J17 Ranch, and Point Peak Mountain Resort) did not have standing to raise a notice argument affecting a non-party such as Oakhurst Properties. Specifically, the Commission held:

The Commission concludes that KDCB Garrett Ranch may not raise a failure of proper notice claim under P.U.C. PROC. R. 22.52(a)(3) on behalf of a non-intervenor such as Oakhurst Properties because KDCB Garrett Ranch lacks standing to raise that claim.³

That admonition was apparently not sufficient to dissuade these four parties from continuing to raise a notice issue that does not pertain to them at all since all four parties were properly noticed and appeared in this docket. Nonetheless, their continued attempts to create and leverage an issue that does not pertain to them dovetails perfectly with their strategy to inject as much controversy and uncertainty as possible with respect to any routes that affect them in the hope the Commission will simply choose other routes to

² LPG Response at 2.

³ Order Denying Appeal of Order No. 11, February 12, 2010, Interchange Item No. 997.

avoid the potential or threatened controversy. To be sure, there are perfectly good reasons to adopt *any* of the routes proposed by LCRA TSC in this docket, including the route recommended by the ALJ in this case, GN6. However, the reasons suggested by these four parties in the Motions to Reopen the Record, and to thereby avoid or complicate consideration of GN11, are not valid. Therefore, for the reasons more completely stated in the LPG Response referred to above, including the fact that the environmental information sought to be included pertains to matters deemed not relevant by the ALJ, LCRA TSC believes the Motions to Reopen the Record should be DENIED.

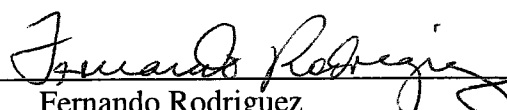
PRAYER

WHEREFORE, PREMISES CONSIDERED, LCRA TSC respectfully requests that the Motions to Reopen the Record filed by CJ Ranch and J17 Ranch, joined in by KDCB Garrett Ranch and Point Peak Mountain Resort, be DENIED. LCRA TSC respectfully requests that it be granted any other relief to which it may show itself entitled.

Respectfully submitted,

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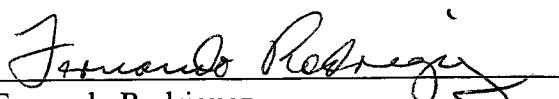
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ATTORNEYS FOR LCRA TRANSMISSION
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding on this the 31st day of March 2010, by facsimile, First-Class U.S. mail, or by hand delivery.


Fernando Rodriguez