



Control Number: 37448



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

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**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, TEXAS**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**BOB KOEHLER'S
RESPONSE TO COMMISSION STAFF'S OBJECTION TO MOTION TO INTERVENE**

COMES NOW Mr. Bob Koehler and responds to Commission Staff's objection to his motion to intervene. Commission Staff filed its objection to Mr. Koehler's request to intervene on Wednesday, December 2.¹ This response is filed on Monday, December 7, 2009, or within three (3) working days of Commission Staff's objection. Thus, pursuant to the Administrative Law Judge's Order No. 1, this response is filed timely.

I. Bob Koehler's Property is Directly Affected by LCRA TSC Link C-31

Mr. Koehler's property is traversed by the proposed LCRA Transmission Services Corporation ("LCRA TSC") electric transmission line identified as link C-31. Link C-31 traverses the northeastern corner of LCRA TSC-labeled Tract No. C31-027 and the

¹ Commission Staff's Objection to Requests to Intervene Filed by Erin Howard Mitchell, Marianne Parker, Robert Thompson, David and Sally Thompson, Richard and Michelle Thompson, Mark Sutton, Jon Harris, Lindsey Harris Swenson, George Kane, III, Paul and Gracie Terrill (Dec. 2, 2009).

Commission Staff filed an amended objection on December 3, 2009. The amended objection modified the title of the pleading and withdrew certain objections. However, Commission Staff's argument against Mr. Koehler's motion to intervene remained unchanged. Commission Staff's Amended Objection to Requests to Intervene (Dec. 3, 2009).

northeastern section of said tract is owned by Mr. Koehler. Therefore, Link C-31 traverses the northeastern corner of Mr. Koehler's property.

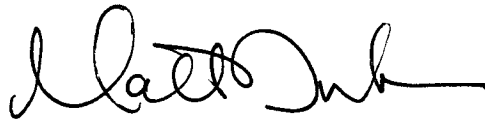
Commission Staff objects to Mr. Koehler's motion to intervene because Mr. Koehler does not appear on LCRA TSC's list of noticed landowners.² Mr. Koehler does not appear on LCRA TSC's list of noticed landowners because LCRA TSC failed to identify accurately the Koehler property. LCRA TSC noticed the wrong landowner with regard to the Koehler property and mislabeled the maps included in LCRA TSC's application for a certificate of convenience and necessity ("CCN"). Tract No. C31-027 is identified as the property of another landowner. However, as previously mentioned, the northeastern section of this tract is owned by Mr. Bob Koehler. Mr. Koehler will work with LCRA TSC to address this issue.

II. Conclusion

WHEREFORE, PREMISES CONSIDERED, the Koehler property, although not on LCRA TSC's list of noticed landowners, is traversed by Link C-31 as shown on both LCRA TSC's aerial maps and CCN application maps. Therefore, Mr. Koehler has a justiciable interest in the outcome of this proceeding and has demonstrated standing to intervene pursuant to P.U.C. PROC. R. § 22.103.

² Commission Staff's Objection at 2.

Respectfully submitted,



Shannon K. McClendon
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ATTORNEYS FOR MR. BOB KOEHLER

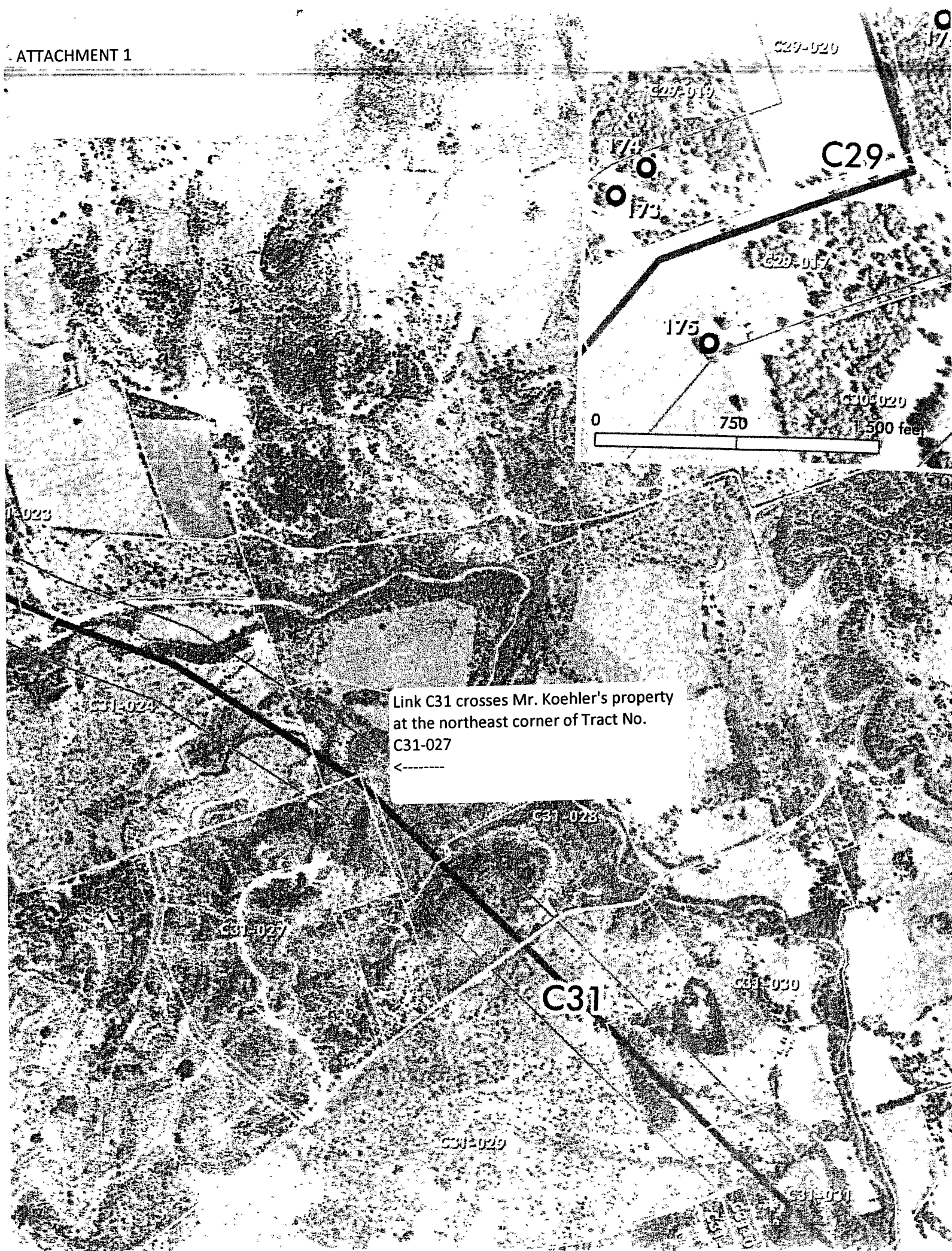
CERTIFICATE OF SERVICE

I certify that a copy of the above has been sent via electronic mail or via facsimile as designated by all parties of record in this proceeding on this 7th day of December, 2009.



Brett C. Nelson

ATTACHMENT 1



Link C31 crosses Mr. Koehler's property
at the northeast corner of Tract No.
C31-027

