



Control Number: 37448



Item Number: 874

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SOAH DOCKET NO. 473-10-1097

PUC DOCKET NO. 37448

MOTION TO LATE FILE STATEMENT OF POSITION OF

JOHN A & SUSAN B COLVIN

John A Colvin Jr. and Susan B. Colvin, Intervenor, request that the State Office of Administrative Hearings permits their Statement of Position, filed today under oath to be permitted to be late filed, and would show the Honorable Administrative Law Judge:

I.

By Order No. 11 it was ordered that Intervenor who did not file either a statement of position or prefiled testimony would be removed from the service list and may attend but not participate in the hearing on the merits.

II.

Intervenor, John A & Susan B. Colvin have filed a response to PUC RFI and LCRA RFI, both under oath.

III.

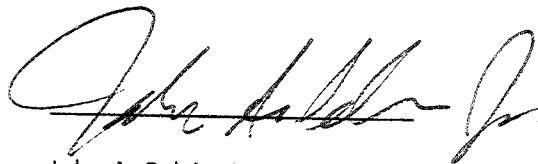
Current with filing this Motion to Late File Statement of Position, John A. & Susan B. Colvin have filed a Statement of Position, under oath.

IV.

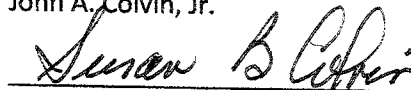
LCRA has listed John A. & Susan B. Colvin on their Joint Response of Staff and LCRA TSC Providing List of Intervenor who did not file Testimony or Statements of Position and Who Should be Removed from the Service List.

V.

John A. & Susan B. Colvin, request that the State Office of Administrative Hearings permit the Statement of John A. & Susan B. Colvin to be late filed, and not remove them from the Service List. The PUC RFI under oath removes again damage to the position of PUC and LCRA, and the failure to timely file a statement of position was a result of excusable neglect, since the Intervenor failed to note and in fact had no knowledge of the deadline for filing a statement of position.



John A. Colvin, Jr.



Susan B. Colvin

8901 CR 108

P.O. Box 1338

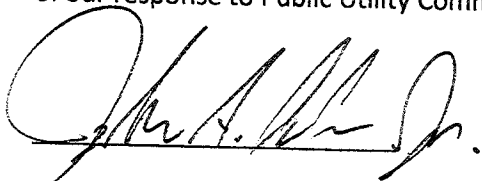
Burnet, TX 78611

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FAX 512-715-8834

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this response by e-mail to, counsel of PUC, at Scottie.colvin@puc.state.tx.us and counsel of LCRA at colvin@lcra.org and have mailed 10 copies of our response to Public Utility Commission on this 26th day of January 2010.



John A. Colvin, Jr.



Susan. B. Colvin