



Control Number: 38230



Item Number: 852

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4398
DOCKET NO. 38230

APPLICATION OF LONE §
STAR TRANSMISSION, LLC §
FOR A CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR THE CENTRAL A TO CENTRAL §
C TO SAM SWITCH/NAVARRO §
PROPOSED CREZ TRANSMISSION §
LINE §

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

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PUBLIC UTILITIES COMMISSION
FILING CLERK

**LONE STAR TRANSMISSION LLC'S REQUEST FOR CLARIFICATION
CONCERNING LATE MOTION TO INTERVENE BY HAROLD SLOAN**

TO THE HONORABLE LILO POMERLEAU AND PRATIBHA SHENOY,
ADMINISTRATIVE LAW JUDGES:

Lone Star Transmission, LLC ("Lone Star") files this Request for Clarification to the Motion to Intervene of Harold Sloan ("Intervenors"). Lone Star received this Motion on August 2, 2010. Since this Motion is being filed within three working days of that date, it is timely filed. Lone Star respectfully shows as follows:

On May 24, 2010, Lone Star filed its Application for a Certificate of Convenience and Necessity ("CCN Application") and served notice upon all directly affected landowners as stated in the current county tax rolls, pursuant to PUC PROC. R. 22.52 (a)(3). Lone Star's CCN Application listed the affected landowners in Attachment 8. Due to certain gaps in the tax roll information, Lone Star performed supplemental research, over and above the tax roll research that the Procedural Rule requires, after May 24th to find additional ownership information, and has provided notices to individuals whose ownership interests were discovered in this manner.¹

I. JUSTICIABLE INTEREST

Mr. Sloan's Motion does not appear to state a justiciable interest in this proceeding. He filed his Motion, using the standard intervention form contained in the Commission's standard brochure for landowners, and checked the box for "One or more

¹ Lone Star described this research in its Response to Order No. 1, filed June 2, 2010.

of the utility's proposed routes would cross my property.” Mr. Sloan’s Motion did not state the location of a parcel of property in which he has an ownership (or any other) interest affected by any of the transmission line routes proposed in Lone Star’s CCN Application. The relevant county tax roll(s) do not indicate that Mr. Sloan owns property affected by any of the proposed routes nor did Lone Star’s additional research identify Mr. Sloan as having such an interest.

Lone Star representatives have had communications with Mr. and Mrs. Sloan. The Sloans contend that they own Tract 3-408. The official county tax rolls show that those tracts are owned by Joe and Shirley Jackson. The Sloans contacted Lone Star representatives in early June, contending that they were affected by the proposed transmission project. Lone Star informed them that Lone Star’s research showed they were not directly affected landowners (because the official tax rolls do not confirm their ownership of directly affected property). Nonetheless, at the Sloans’ request, on June 11th Lone Star provided them a copy of the notice packet Lone Star mailed to directly affected landowners. This packet contained the Commission’s standard brochure for landowners, which gives instructions on how to intervene. The Sloans then sent Lone Star a letter on July 12th, copied to ALJ Pomerleau, which claimed that they had not received notice, and which represented that the official tax rolls are in error. This letter contained a portion of what they represented to be a tax invoice on which they handwrote “our place and pops place.” The invoice was not a receipt for taxes paid, did not contain Mr. or Mrs. Sloan’s name, did not appear to contain information linking the invoice to Tract 3-408, and did not include any portion that would enable one to identify it as coming from a taxing authority. The Sloans also submitted a map with hand drawing, but did not provide any documentation that they own the property in question, such as a copy of a deed. Nonetheless, in response to this letter, Lone Star on July 23rd again sent the notice packet to the Sloans.

Lone Star does not wish to prevent parties who possess a justiciable interest from intervening in this proceeding. Nevertheless, Lone Star would request the ALJs to direct Mr. Sloan to document his justiciable interest in an affected property so Lone Star and the Commission can ascertain whether Mr. Sloan possesses standing to participate as a party. At this point, Mr. Sloan’s Motion would not appear to have described a justiciable

interest sufficient to confer standing in this proceeding. The information the Sloans previously have submitted to Lone Star does not document their ownership, particularly in light of official records affirmatively indicating that they do not own the property in question. Pending clarification, Lone Star reserves its right to object to Mr. Sloan's Motion to Intervene should it appear that he lacks standing.

II. GROUNDS FOR LATE INTERVENTION

Additionally, Lone Star would request that the ALJ ask Mr. Sloan to provide information concerning his late filing. Mr. Sloan's Motion does not indicate why it was filed six weeks after the intervention deadline, nor does it affirm that Mr. Sloan will abide by the existing procedural schedule if granted leave to intervene. *See* PUC PROC. R. 22.104 (d)(1)(A)(a movant for late intervention shall show good cause for failing to file the motion within the time prescribed); (d)(3)(unless ordered otherwise, a late intervenor shall accept the procedural schedule and the record of the proceeding as it existed at the time of filing the motion to intervene). Lone Star understands that *pro se* intervenors may find it challenging to participate in Commission proceedings, and Lone Star does not wish to raise unnecessary procedural barriers to their participation. Given the record of communications between the Sloans and Lone Star, however, and to ensure that their late intervention does not impair the procedural schedule, Lone Star would ask the ALJs to require that Mr. Sloan provide information on these points.

III. CONCLUSION

Lone Star therefore requests that the ALJ grant this Request for Clarification and direct Mr. Sloan to provide additional information about the nature of his interest concerning this proceeding and about his intervention motion.

Respectfully Submitted,



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ATTORNEYS FOR LONE STAR
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CERTIFICATE OF SERVICE

It is hereby certified that notice of the filing of the foregoing has been sent to dkt38230@soah.state.tx.us on this 5th day of August, 2010, consistent with Order No. 5.



Chris Reeder