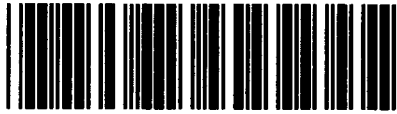




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**SOAH DOCKET NO. 473-10-4790
PUC DOCKET NO. 38290**

APPLICATION OF SHARYLAND UTILITIES, L.P. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE HEREFORD TO WHITE DEER 345-KV CREZ TRANSMISSION LINE (FORMERLY PANHANDLE AB TO PANHANDLE BA) IN ARMSTRONG, CARSON, DEAF SMITH, OLDHAM, POTTER AND RANDALL COUNTIES	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**MOTION TO INTERVENE OF
PROTECT NORTH PALO DURO CANYON**

Pursuant to Public Utility Commission Procedural Rules 22.103 and 22.104, Protect North Palo Duro Canyon (“PNPDC”), files this Motion to Intervene in the above-referenced proceeding, and in support hereof respectfully shows the following:

1. PNPDC is a coalition formed to protect the beautiful, unique and historic portion of Palo Duro Canyon lying north of the Palo Duro Canyon State Park in Randall County, Texas, from the 345kV transmission line proposed by Sharyland Utilities, L.P. (“Sharyland”) that is the subject of this proceeding.

2. Palo Duro Canyon, located just south of Amarillo in the Texas Panhandle, is a uniquely beautiful canyon full of rich colors and scenic views. Often referred to as the “Grand Canyon of Texas,” it is the second largest canyon in the United States, second only to the Grand Canyon, and is, without question, one of the most striking landscapes in the country. The northern portion of Palo Duro Canyon in Randall County, Texas, is a deep and narrow portion of the Palo Duro Canyon, lying adjacent to and just north of the Palo Duro Canyon State Park. It is an extremely unique and scenic 8-mile stretch of privately owned canyon, and is home to a diversity of wildlife, including threatened and protected species such as the Golden Eagle and the Bald Eagle, the Texas Horned Lizard and the Palo Duro Mouse. This 8-mile stretch of canyon

✓ 1

also has a rich history. A transmission line such as that proposed by Sharyland would destroy the canyon terrain, the historical and the scenic value of the canyon, and would also put the wildlife and vegetation at risk from fires in the canyon which cannot be extinguished or contained.

3. In order to have a justiciable interest in this proceeding, the parties must have an interest which is peculiar to that individual, and not merely an interest as a member of the general public.¹ Furthermore, the potential injury conferring standing does not have to affect a property right; rather, the harm may be economic or recreational as well.² A group has standing to sue on behalf of its members if the members have standing to sue in their own right.³ Finally, this requirement is satisfied if at least one of the group's members would have standing individually.⁴ PNPDC was formed by individuals who use and enjoy the North Palo Duro Canyon in its natural state. PNPDC members thus have a "justiciable interest which may be adversely affected by the outcome of the proceeding" as provided in P.U.C. PROC. R. 22.103.

4. Because many of the members of PNPDC are directly affected individuals who would have standing individually, PNPDC has a justiciable interest that may be adversely affected by the outcome of this proceeding and on that basis seeks to intervene. For example, many of the individual members of the group will be directly affected by these lines crossing their property. PNPDC members David Currie, Bob Currie, Susan Rogers, Dan Rogers, Jim Currie, Dr. Hugh Bob Currie, Tully Currie, and Ginger Green all have an interest in land that will be crossed by the proposed line. Another group member, the Elkins Ranch, will be

¹ *Hunt v. Bass*, 664 S.W.2d 323, 324 (Tex. 1984).

² *City of Bells v. Greater Texoma Utility Authority*, 790 S.E.2d 6, 11 (Tex. App. —Dallas 1990, writ denied).

³ *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333 (1977).

⁴ *Save Our Springs Alliance, Inc. v. City of Dripping Springs*, 304 S.W.3d 871, 878 (Tex. App.—Austin 2010, no pet. h.).

economically harmed by the construction of a line across the Palo Duro Canyon because some of the amenities offered to the guests at the Elkins Ranch include cowboy breakfasts and jeep rides in the canyon. The construction of these lines over and through the canyon and the marring of the views of the canyon will substantially diminish the value of these activities conducted at Elkins Ranch, thereby economically harming the Elkins Ranch. Additionally, there are numerous other group members with an interest in properties adjacent to Palo Duro Canyon as well as members who frequently use the Palo Duro Canyon for recreational purposes. The visual obstruction caused by the proposed segments will substantially diminish their frequent use and enjoyment of the northern portion of the Palo Duro Canyon. The potential adverse effects on the members of PNPDC are distinct from that of the general public; therefore, PNPDC's Motion to Intervene should be granted.

4. The authorized representative for PNPDC is the following:

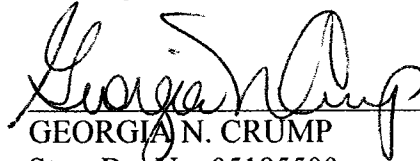
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Lloyd Gosselink Rochelle & Townsend, P.C.
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gcrump@lglawfirm.com

5. PNPDC requests that all pleadings, orders, correspondence and filings in this proceeding be served on its legal representative. Because counsel for PNPDC represents parties in this proceeding aligned as the Currie Family Interests, counsel agrees to forego additional service of documents on behalf of PNPDC if such documents are also being provided to the Currie Family Interests.

WHEREFORE, PREMISES CONSIDERED, PNPDC respectfully requests that this Motion to Intervene be granted, that it be allowed to participate as a party to this proceeding, and for such further relief to which it may be entitled.

Respectfully submitted,

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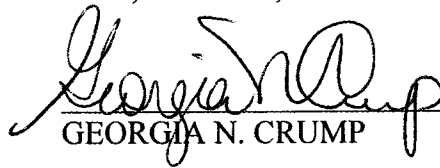
GEORGIA N. CRUMP
State Bar No. 05185500

MELISSA A. LONG
State Bar No. 24063949

ATTORNEYS FOR PROTECT NORTH PALO
DURO CANYON

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2010, a true and correct copy of the foregoing document is being served via facsimile, U.S. mail, and/or hand delivery to all parties of record.



GEORGIA N. CRUMP