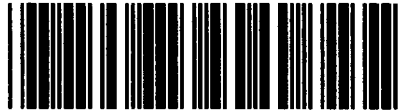




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SOAH DOCKET NO. 473-10-4788
PUC DOCKET NO. 38295

APPLICATION OF WIND ENERGY § BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC FOR A §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY FOR THE PANHANDLE A D § OF
to CENTRAL B (COTTONWOOD TO §
DERMOTT) 345-KV CREZ §
TRANSMISSION LINE DICKENS, KENT § ADMINISTRATIVE HEARINGS
and SCURRY COUNTIES §

FILED
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WIND ENERGY TRANSMISSION TEXAS, LLC's RESPONSE TO MOTION TO INTERVENE OF GOLDEN SPREAD ELECTRIC COOPERATIVE, INC., BIG COUNTRY ELECTRIC COOPERATIVE, INC., LIGHTHOUSE ELECTRIC COOPERATIVE, INC., LYNTGAR ELECTRIC COOPERATIVE, INC., AND SOUTH PLAINS ELECTRIC COOPERATIVE, INC.

Wind Energy Transmission Texas, LLC ("WETT") files this Response to the Motion to Intervene of Golden Spread Electric Cooperative, Inc., Big Country Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., Lyntegar Electric Cooperative, Inc., and South Plains Electric Cooperative, Inc. (collectively, the "Coop Intervenors") and respectfully states the following.

WETT received the intervention of the Coop Intervenors after 3:00 p.m. on July 16, 2010. Accordingly, this response is timely filed.

-I-

Response to the Intervention of the Affected Members

WETT agrees that to the extent that its project may cross the transmission or distribution lines of Big Country Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., Lyntegar Electric Cooperative, Inc., and South Plains Electric Cooperative, Inc. (the "Affected Members"), those coops have standing to intervene in this proceeding.

Golden Spread (and perhaps the Affected Members, as well), however, claims it has a justiciable interest in this proceeding based on its assertion that “the cost of the WETT facilities ultimately will be included in the ERCOT TCOS calculations and therefore will affect the cost of providing service to Golden Spread’s members.” The impact of the proposed line on rates – the ERCOT TCOS calculations, as stated in their motion – has been rejected many times by the Commission as a basis for intervening in the CREZ CCN proceedings.¹ It should be rejected as a basis for intervention in this docket as well.

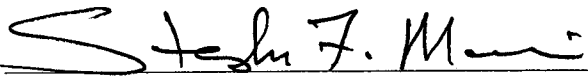
In that regard, it appears that Golden Spread Electric Cooperative, Inc.’s sole basis for its intervention is the impact of WETT’s project on transmission rates within ERCOT: “Since WETT’s proposed Project will directly affect the interests of Golden Spread as a transmission owner in ERCOT and the Affected Members as owners of distribution systems whose property may be crossed by the WETT line, Golden Spread and the Affected Members have a justiciable interest in this proceeding and will be directly affected by the Commission’s decision in this proceeding.” Accordingly, WETT requests that Golden Spread state with more particularity its basis for intervening in this proceeding, given that it has failed to state whether WETT’s proposed lines will cross or otherwise impact any lines of Golden Spread.

¹ *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*, Docket No. 37448, Order No. 2 at 5-6 (Nov. 20, 2009); *Application of Oncor Electric Delivery Company, LLC to Amend its Certificate of Convenience and Necessity for the Tonkawa – Sweetwater East – Central Bluff CREZ 345 kV Transmission Line in Scurry, Mitchell, Fisher, Noland, Taylor Counties, Texas*, Docket No. 37407, Order No. 8 at 5-6 (Nov. 17, 2009); and *Application of Oncor Electric Delivery Company, LLC to Amend its Certificate of Convenience and Necessity for the Newton – Killen 345-kV CREZ Transmission Line in Bell, Burnet, and Lampasas Counties, Texas*, Docket No. 37463, Order No. 3 at 2 (Nov. 23, 2009); see also *Application of Sharyland Utilities, L.P. to Amend its Certificate of Convenience and Necessity for the Proposed Hereford to White Deer 345 kV CREZ Transmission Line in Armstrong, Carson, Deaf Smith, Oldham, Potter, and Randall Counties, Texas*, Docket No. 38290, Commission Staff’s Response to the Motion to Intervene filed by Golden Spread Electric Cooperative, Inc. and other Electric Cooperatives at 2 (July 21, 2010) (“Staff therefore disagrees that the affect that the Sharyland transmission line would have on the Golden Spread members cost of providing service is a justiciable interest.”)

WHEREFORE, PREMISES CONSIDERED, WETT is (a) not opposed to the intervention of the Affected Members but disagrees that the impact on rates within ERCOT constitutes a justiciable interest as a basis for intervening in this docket and (b) requests that Golden Spread be directed to state with more particularity its justiciable interest in this proceeding.

Respectfully submitted,

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By 

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State Bar No. 24065923

ATTORNEYS FOR WIND ENERGY
TRANSMISSION TEXAS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Motion to Intervene was served on all parties of record in this proceeding in this the 22nd day of July, 2010, in the following manner: facsimile, email, and/or first class mail.


Stephen F. Morris