



Control Number: 39467



Item Number: 12

Addendum StartPage: 0

HAPPY HORIZONS GROUP  
JULY 21, 2011

PUC DOCKET NO. 39467

APPLICATION OF SOUTHWESTERN  
PUBLIC SERVICE COMPANY TO  
AMEND A CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
FOR A PROPOSED 115kV  
TRANSMISSION LINE WITHIN  
POTTER COUNTY

§  
§  
§  
§  
§  
§  
§

BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

**ATTEBURY ELEVATORS, LLC, RAMPA, INC.,  
HAPPY AGAIN L.P., AND HAPPY HORIZONS PROPERTIES L.P.  
MOTION TO INTERVENE**

NOW COME Attebury Elevators, LLC., Rampa, Inc., Happy Again L.P., and Happy Horizons Properties L.P. ("Happy Horizons Group") and, pursuant to P.U.C. PROC. R. §§22.103 and 22.104, file this Motion to Intervene in the above-referenced proceeding and in support thereof would respectfully show as follows:

**I. IDENTITY OF INTERVENOR**

Attebury Elevators, LLC  
Rampa, Inc.<sup>1</sup>  
Happy Again L.P.<sup>2</sup>  
Happy Horizons Properties L.P.<sup>3</sup>  
3905 South Bell Street, Suite B  
Amarillo, Texas 79109

**II. LEGAL REPRESENTATIVES**

<sup>1</sup> Rampa, Inc. is wholly-owned by Happy Horizons Properties L.P., whose general partner is Happy Horizons, Inc.

<sup>2</sup> Happy Again L.P.'s general partner is Happy Horizons, Inc.

<sup>3</sup> Happy Horizons Properties L.P., whose general partner is Happy Horizons, Inc., is the successor-in-interest to Sam L. Attebury.

The names, mailing address, telephone number, and email addresses of the Movant's authorized representatives are:

Bradford W. Bayliff  
Susan C. Gentz  
Casey, Gentz & Bayliff, L.L.P.  
98 San Jacinto Boulevard, Suite 1400  
Austin, Texas 78701  
(512) 480-9900  
(512) 480-9200  
[bbayliff@reglawfirm.com](mailto:bbayliff@reglawfirm.com)  
[sgentz@reglawfirm.com](mailto:sgentz@reglawfirm.com)

The Happy Horizons Group requests that all pleadings, orders, correspondence, and filings be served on their legal representatives in Austin. For purposes of service, a single service copy may be sent to the Happy Horizons Group in care of Mr. Bayliff and Ms. Gentz.

### **III. BASIS FOR INTERVENTION**

The Happy Horizons Group companies have property located in Potter County, Texas, and they are included on the Landowner Mailing List included as part of in the application filed by Southwestern Public Service Company.<sup>4</sup> The Happy Horizon Group companies own property that may be directly affected, as that term is defined in P.U.C. PROC. R. §22.52(a)(3), by the proposed transmission line that is the subject of this docket. Particularly, in its application Southwestern Public Service Company identified property that is owned by Happy Again L.P. as the location of the proposed ten-acre Rolling Hills Substation for which it apparently intends to use imminent domain powers to condemn the land for the proposed substation. The Happy Horizons Group companies therefore have justiciable interests that may be adversely affected by the outcome of this docket and on that basis they seek to intervene. The Happy Horizon Group's interests are physically and legally distinct from any other party and no other party to this

---

<sup>4</sup> Rampa, Inc. is identified as the owner of tracts 2 and 75. Happy Again L.P. is identified as the owner of tracts 1, 26, 27, 28, and 76. Happy Horizons Properties L.P. is the successor-in-interest to Sam L. Attebury, who was identified as the owner of tract 77.

proceeding can adequately represent the Happy Horizon Group's interests. The Happy Horizon Group requests that this Motion to Intervene be granted and that Attebury Elevators, LLC, Rampa, Inc., Happy Again L.P., and Happy Horizons Properties L.P. be recognized as parties.

#### **IV. ACKNOWLEDGEMENTS**

The Happy Horizon Group companies acknowledge: (1) they will be parties to the case; (2) they will be required to respond to all discovery requests from other parties in the case; (3) if the Happy Horizon Group files testimony, other parties may cross-examine the Happy Horizon Group's witness(es) at the hearing; (4) if the Happy Horizon Group files any documents in this case, copies of those documents must be provided to every other party in this case; and (5) The Happy Horizon Group is bound by the Procedural Rules of the Public Utility Commission of Texas and the State Office of Administrative Hearings.

#### **V. CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Attebury Elevators, LLC, Rampa, Inc., Happy Again L.P., and Happy Horizons Properties L.P. respectfully request that this Motion to Intervene be granted, that Attebury and Rockrose be allowed to participate as parties to this proceeding, and for such further relief to which they may be entitled.

Respectfully submitted,  
**CASEY, GENTZ & BAYLIFF, LLP**  
98 San Jacinto Boulevard, Suite 1400  
Austin, Texas 78701  
(512) 480-9900  
(512) 480-9200 (facsimile)

By: 

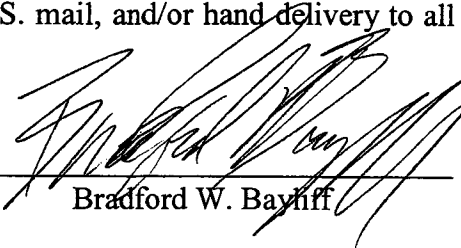
Bradford W. Bayliff  
State Bar No. 24012260  
[bbayliff@reglawfirm.com](mailto:bbayliff@reglawfirm.com)

Susan C. Gentz  
State Bar No. 07803500  
Email: [sgentz@reglawfirm.com](mailto:sgentz@reglawfirm.com)

**ATTORNEYS FOR ATTEBURY  
ELEVATORS, LLC, RAMPA, INC,  
HAPPY AGAIN L.P., AND HAPPY  
HORIZONS PROPERTIES L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of July, 2011, 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.

  
\_\_\_\_\_  
Bradford W. Bayliff