



Control Number: 41606



Item Number: 1282

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**PUC DOCKET NO. 41606  
SOAH DOCKET NO. 473-13-5207**

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PUBLIC UTILITY COMMISSION  
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<b>JOINT APPLICATION OF ELECTRIC TRANSMISSION TEXAS, LLC AND SHARYLAND UTILITIES, L.P. TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE PROPOSED NORTH EDINBURG TO LOMA ALTA DOUBLE-CIRCUIT 345 KV TRANSMISSION LINE IN HIDALGO AND CAMERON COUNTIES, TEXAS</b>	§ § § § § § § § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**JOINT APPLICANTS' RESPONSE TO  
COMMENTS FILED BY LANDOWNERS**

On March 17, 2014, intervenor Jose C. Rodriguez<sup>1</sup> and non-intervening landowner Gustavo F. Stern<sup>2</sup> filed statements concerning the Commission's selection of a route in this proceeding and, among other things, allege a lack of notice (of either individual filings or the proceeding itself). Joint Applicants respectfully submit the following information to ensure the completeness of the record on these issues and to assist the Commission in making its final decision in this proceeding.

**I. STATEMENT TO THE COMMISSION FROM JOSE C. RODRIGUEZ**

Mr. Rodriguez claims that (1) he was not given written notice as to which route was the "Agreed Route" and only learned of it by telephone and from briefs he received by traditional service;<sup>3</sup> (2) he was not made aware of the ALJ's Proposal for Decision (PFD) until March 6 (at the open meeting); and (3) the PFD wrongly states that Link 362 had the consent of the adjoining landowners directly affected by it because he was not informed of Link 362 until March 6 (at the open meeting).

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<sup>1</sup> Jose C. Rodriguez's Statement to the Commission (Mar. 17, 2014).

<sup>2</sup> Comments of Gustavo F. Stern (Mar. 17, 2014).

<sup>3</sup> Order No. 4 suspended traditional service for this proceeding, SOAH Order No. 4 at 5-6 (Sept. 9, 2013), but the ALJ granted Mr. Rodriguez's motion to receive traditional service and all parties were directed to provide any filing to Mr. Rodriguez by mail, SOAH Order No. 5 at 4 (Sept. 25, 2013).

With regard to his first claim, modifications were being proposed by intervenors several days before the hearing on the merits and, in the case of what led to Link 362, on the day before the hearing itself. In particular, on December 2, 2013, the “Agreed Parties”<sup>4</sup> filed a “Joint Stipulation of Agreed and Supporting Parties,” which included modifications to Route 3S that used filed links that would impact Mr. Rodriguez’s property (later referred to as the “Agreed Route”). While Joint Applicants were not a party to the Joint Stipulation and are sympathetic to Mr. Rodriguez’s concerns, Joint Applicants spoke with Mr. Rodriguez by telephone later in the day on December 2 to inform him that his property could be affected by the route ultimately selected by the ALJ, including a potential settlement route that had been filed by several intervening parties that would impact his property. Although Mr. Rodriguez did not attend the hearing on the merits beginning on December 3,<sup>5</sup> where the alternative routes were discussed, the ALJ considered his opposition to any route using Links 278 and 279 and rejected those arguments.<sup>6</sup>

With regard to his second claim, Joint Applicants cannot speak to whether Mr. Rodriguez was sent notice of the PFD, though Joint Applicants can attest that they properly served Mr. Rodriguez via first-class mail for all their filings, and Joint Applicants spoke with Mr. Rodriguez after the PFD was issued and encouraged him to attend the March 6 Open Meeting. Mr. Rodriguez also requested and was granted the opportunity to present oral argument on March 6.

With regard to his third claim, although Link 362 is immediately adjacent to property owned by Mr. Rodriguez, Link 362 does not cross Mr. Rodriguez’s property or come within 500 feet of any habitable structure owned by him.<sup>7</sup> As stated in the PFD, Link 362 “is a small link connecting two noticed links that is located on and impacts only property owned by two of the Agreed Parties.”<sup>8</sup> Mr. Rodriguez was not directly impacted by the modification to incorporate

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<sup>4</sup> The “Agreed Parties” included many, but not all, of the intervenors located along Route 3S and was later referred to as the Agreed Route. PFD at 2 (Jan. 30, 2014). A complete list of the Agreed Parties is included as Attachment A to the PFD.

<sup>5</sup> The December 3-4 hearing on the merits was scheduled by Order No. 6, on October 21, 2013. *See* SOAH Order No. 6 at 26 (Oct. 21, 2013).

<sup>6</sup> PFD at 29 (Jan. 30, 2014). *See* Jose C. Rodriguez’s Intervenor’s Statement of Position (Oct. 24, 2013) and Brief of Jose C. Rodriguez (Dec. 27, 2013) (both opposing use of Links 278 and 279).

<sup>7</sup> *See* Joint Applicants Ex. 24.

<sup>8</sup> PFD at 73, 76 (FoF 18, 48) (Jan. 30, 2014). Link 362 traverses property owned by intervenors Cardenas Realty/R.E.C.L., Inc. (Property ID 195558) and Resaca Del Monte, Ltd (Property ID 195501).

Link 362 and his consent was not required. However, using Link 362 (and the Agreed Route) results in a modification to Route 3S that includes not only Link 362, but also Links 278 and 279 (both filed with the Application), which do directly impact Mr. Rodriguez's property.<sup>9</sup>

## **II. COMMENTS OF GUSTAVO F. STERN**

Dr. Stern's comments claim that he did not receive notice of the proposed transmission line. However, according to the Cameron County tax rolls, the property identified by Dr. Stern is owned by GFS Holding, LLC at 235 Calle Jacaranda.<sup>10</sup> GFS Holdings, Ltd. is the Texas entity most closely matching that description (including a mailing address of 235 Calle Jacaranda), and its registered agent with both the Texas Secretary of State and the Texas Office of the Comptroller is "Gustavo F. Stern." Additionally, GFS Holding, Ltd.'s registered address (235 Calle Jacaranda) is the same address to which notice was sent<sup>11</sup> and the same address Dr. Stern provided on his comment form.<sup>12</sup> An affidavit attesting that notice was sent to all parties listed in Joint Applicants Ex. 1, Attachment 10g (including "GFS Holding" at 235 Calle Jacaranda) was filed with the proof of notice,<sup>13</sup> and was admitted in the record. The Texas Secretary of State and Comptroller documents for GFS Holdings, Ltd. are attached as Attachment A.

## **III. CONCLUSION**

Joint Applicants respectfully request that the Commission consider the above information in its resolution of the issues raised by Mr. Rodriguez and Dr. Stern. Joint Applicants will be available at the March 27, 2014 Open Meeting to answer any questions you may have.

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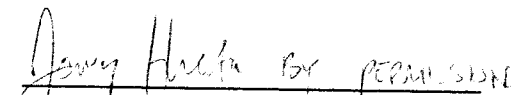
<sup>9</sup> See Joint Applicants Ex. 20; Joint Applicants Ex. 24; McNair (Cardenas Realty) Ex. 2.

<sup>10</sup> Compare Comments of Gustavo F. Stern at 2 (Mar. 17, 2014) (depicting his property) and Joint Applicants Ex. 1, Attachment 9b at Sheet 37 (showing his property as Property IDs 195412, 195413, 195461, and 195472), with Joint Applicants Ex. 1, Attachment 9e at 88 (listing GFS Holding, LLC as the owner of Property IDs 195412, 195413, 195461, and 195472).

<sup>11</sup> Joint Applicants Ex. 1, Attachment 10g at 210 (listing GFS Holding at 235 Calle Jacaranda in Brownsville and GFS Holding, LLC at 235 Calle Jacaranda in Brownsville).

<sup>12</sup> Comments of Gustavo F. Stern (Mar. 17, 2014) (listing 235 Calle Jacaranda in Brownsville).

<sup>13</sup> See Joint Applicants Ex. 15 at 4 (affidavit stating that notices were sent to all parties in "Attachment 10g – Corrected"); see also *id.* at 323, Attachment 2g (listing GFS Holding and GFS Holding, LLC as parties to whom notices were sent). In addition, the U.S. Postal Service confirmed that Dr. Stern's notice letter was delivered to 235 Calle Jacaranda, Brownsville, Texas 78520 on July 5, 2013.




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March 19, 2014


Respectfully submitted

  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all parties of record this 19<sup>th</sup> day of March, 2014 via the Commission's filing interchange, e-mail, or first-class mail in accordance with Orders No. 4 and 5.



Sarah Merrick

## **ATTACHMENT A**

**TEXAS SECRETARY of STATE**  
**NANDITA BERRY**[UCC](#) | [Business Organizations](#) | [Trademarks](#) | [Notary](#) | [Account](#) | [Help/Fees](#) | [Briefcase](#) | [Logout](#)**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 800157470      **Entity Type:** Domestic Limited Partnership (LP)  
**Original Date of Filing:** December 27, 2002      **Entity Status:** In existence  
**Formation Date:** N/A  
**Tax ID:** 32035820623      **FEIN:**  
**Duration:** Non-Perpetual      **Expiration Period:**

**Name:** GFS HOLDINGS, LTD.  
**Address:** 235 Calle Jacaranda  
Brownsville, TX 78520 USA

<u>REGISTERED</u> <u>AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED</u> <u>ENTITIES</u>
<b>Name</b> Gustavo F. Stern	<b>Address</b> 235 Calle Jacaranda Brownsville, TX 78520 USA	<b>Inactive Date</b>			

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## Franchise Tax Account Status

As of: 03/19/2014 10:05:24 AM

**This Page is Not Sufficient for Filings with the Secretary of State**

<b>GFS HOLDINGS, LTD.</b>	
<b>Texas Taxpayer Number</b>	32035820623
<b>Mailing Address</b>	235 CALLE JACARANDA BROWNSVILLE, TX 78520-7413
<b>Right to Transact Business in Texas</b>	ACTIVE
<b>State of Formation</b>	TX
<b>Effective SOS Registration Date</b>	12/30/2002
<b>Texas SOS File Number</b>	0800157470
<b>Registered Agent Name</b>	GUSTAVO F. STERN
<b>Registered Office Street Address</b>	235 CALLE JACARANDA BROWNSVILLE, TX 78520