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

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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

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**JOINT APPLICANTS' OBJECTION TO CARLA CANALES'**  
**REQUEST TO INTERVENE**

NOW COMES Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) (collectively, the Joint Applicants) and file this Objection to the Carla Canales' Request to Intervene and would show as follows:

On August 5, 2013, Carla Canales filed a Request to Intervene in this docket. The deadline for filing an objection, pursuant to Order No. 2, is August 8, 2013. Accordingly, this Objection is timely submitted.

Pursuant to P.U.C. PROC. R. 22.103(b), absent a right to participate expressly conferred by statute, a party must show that it has a "justiciable interest" which may be adversely affected by the outcome of the proceeding. A justiciable interest is "akin to standing to maintain suit," which consists of some interest peculiar to the person individually.<sup>1</sup> "Such an interest may be a legal right, namely a property right, belonging to the plaintiff or intervenor."<sup>2</sup> "To allow any person who is merely interested in a CCN application to intervene would be an untenable standard[.]"<sup>3</sup> Instead, the intervenor must demonstrate actual or probable harm.<sup>4</sup> Ms. Canales' claimed basis for intervention is that her property is crossed by the proposed line.<sup>5</sup> As set forth below, Joint Applicants are unable to determine that Ms. Canales' property is crossed by any of

<sup>1</sup> *Application of AEP Texas Central Company to Amend a Certificate of Convenience and Necessity for a 345-kV Double Circuit Transmission Line in Kenedy County, Texas*, Docket No. 34298, Order Denying Appeal of Order No. 5 at 2-3 (Oct. 29, 2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *See id.*

<sup>5</sup> Carla Canales' Request to Intervene (Aug. 5, 2013).

the proposed routes, and therefore she has not demonstrated a justiciable interest in this proceeding.

Ms. Canales provides in her Request to Intervene that one or more of the utility's proposed routes would cross her property. Ms. Canales does not provide any further detail to explain which proposed route or proposed routing link would cross her property or where her property is located. The Joint Applicants have attempted to contact Ms. Canales in an effort to determine the location of her property, but to date have been unsuccessful in reaching her prior to the filing of this Objection. Accordingly, the Joint Applicants file this Objection to preserve their rights under Order No. 2.

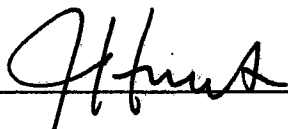
In accordance with the Public Utility Commission's Procedural Rule 22.52 regarding notice in licensing proceedings, the Joint Applicants utilized the current county tax rolls of Hidalgo and Cameron counties to identify landowners that are potentially directly affected by the proposed transmission line project. Those tax records do not indicate that Ms. Canales owns property that may be affected by any of the proposed routes and therefore the Joint Applicants did not provide direct mail notice to Ms. Canales as per the requirements of P.U.C. PROC. R. 22.52. A review of the Hidalgo and Cameron County tax records shows that Ms. Canales owns one property in Hidalgo County, but that property is not directly affected by any of the proposed routes. Further, Ms. Canales has not identified in her Request to Intervene the location of the property that she alleges is crossed by one or more of the Joint Applicants' proposed routes. Absent such information, the Joint Applicants are unable determine the property Ms. Canales states would be impacted by a proposed route or routes.

Joint Applicants are still attempting to confirm this information with Ms. Canales, but as of the deadline to object to her invention, Joint Applicants' believe that Ms. Canales has not demonstrated a justiciable interest and standing to intervene in this docket.

WHEREFORE, PREMISES CONSIDERED, the Joint Applicants respectfully request that their Objection to Carla Canales' Request to Intervene be granted and for such other and further relief as they might show themselves to be justly entitled.

Dated: August 8, 2013

Respectfully submitted,



Jerry Huerta  
State Bar No. 24004709  
AMERICAN ELECTRIC POWER SERVICE  
CORPORATION  
400 West 15<sup>th</sup> Street, Suite 1520  
Austin, Texas 78701  
(512) 481-3323 (Telephone)  
(512) 481-4591 (Facsimile)

Kerry McGrath  
State Bar No. 13652200  
Mark Held  
State Bar No. 09390300  
DUGGINS, WREN MANN & ROMERO, LLP  
P.O. Box 1149  
Austin, Texas 78767  
(512) 744-9300 (Telephone)  
(512) 744-9399 (Facsimile)

*Attorneys for Electric Transmission Texas, LLC*

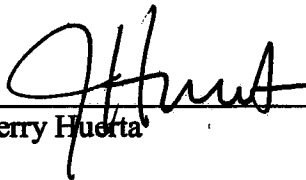


James E. Guy  
State Bar No. 24027061  
John Anastaplo Scharbach  
State Bar No. 24079774  
SUTHERLAND ASBILL & BRENNAN LLP  
600 Congress Avenue, Suite 2000  
Austin, Texas 78701-3238  
(512) 721-2700 (Telephone)  
(512) 721-2656 (Facsimile)

*Attorneys for Sharyland Utilities, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record this 8th day of August, 2013.



Jerry Huerta