

Control Number: 41606



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See-Color Copy of Blk79 on map 2012. Tax Statement. BugarCane growing on block

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

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 JUDITH BOSHELL'S REQUEST TO INTERVENE

On August 2, 2013, Judith Boshell filed a Request to Intervene in this docket. Under Order No. 2, the deadline for filing an objection is August 7, 2013. Accordingly, this Objection is timely filed.

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. "Such an interest may be a legal right, namely a property right, belonging to the plaintiff or intervenor." "To allow any person who is merely interested in a CCN application to intervene would be an untenable standard[.]" Instead, the intervenor must demonstrate actual or probable harm. Ms. Boshell's claimed basis for intervention is that her property is crossed by the proposed line. As set forth below, Joint Applicants do not believe that Ms. Boshell's property is crossed by the proposed line, and therefore she has not demonstrated a justiciable interest in this proceeding.

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¹ 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).

² Id.

³ Id. at 3.

See id.

⁵ Judith Boshell's Request to Intervene (Aug. 2, 2013).

In accordance with P.U.C. PROC. R. 22.52, Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) (collectively, Joint Applicants) used current county tax rolls for 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. Boshell owns property that may be affected by any of the proposed routes and, therefore, Joint Applicants did not provide direct mail notice to Ms. Boshell.

Joint Applicants have discussed this matter with Ms. Boshell. According to Ms. Boshell, Mr. Jimmie Steidinger, a relative who manages her property in Hidalgo County (and who is also an intervenor), sent her a copy of a notice letter he received on the belief that the proposed transmission project crossed her land. Based on a review of the tax records, however, Joint Applicants believe that Ms. Boshell's property likely is not directly affected by the transmission project in this proceeding.

According to the County Appraisal District, Ms. Boshell does own two properties in Hidalgo County: ID 1928716 and ID 207029 (see Attachment A at 1). Though Joint Applicants cannot confirm the precise location of ID 207029 because it is not shown on the Appraisal District Maps, Joint Applicants' records indicate that one or more of the alternative routes for the transmission line crosses property ID 207030, a 21-acre citrus orchard owned by Paramount Citrus II, LLC (formerly owned by Healds Valley Farms Inc) (see Attachment A at 2-4). Based on a comparison of the legal descriptions, this citrus orchard may be near property ID 207029, 17.7 acres of farm land owned by Ms. Boshell (see Attachment A at 5-7). A comparison of these two tax records show that while these properties were once under common ownership by Ms. Boshell's family, these two properties now have different legal descriptions, acreages, values, reported uses, and chains of ownership (compare Attachment A at 2-4 with Attachment A at 5-7). Finally, an Appraisal District map of the properties adjacent to the citrus orchard (property ID 207030) does not show Ms. Boshell's farm land (property ID 207029), and thus Joint Applicants cannot confirm that it is crossed by the proposed project (see Attachment A at 8). Absent additional evidence from Ms. Boshell, she does not appear to have standing to intervene in this proceeding.

⁶ Property ID 192871 is located approximately two miles from the nearest proposed link and is not at issue in Ms. Boshell's request to intervene.

Joint Applicants are still working with Ms. Boshell and Mr. Steidinger to confirm these facts. But based on this information, as of the deadline to object to her intervention, Joint Applicants believe that Ms. Boshell has not demonstrated a justiciable interest and standing to intervene in this docket. Joint Applicants therefore respectfully request that their Objection to Judith Boshell's Request to Intervene be granted and for such other and further relief as they might show themselves to be justly entitled.

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Attorneys for

Electric Transmission Texas, LLC

August 7, 2013

Respectfully submitted

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Sharyland Utilities, L.P.

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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 7th day of August, 2013 by first-class mail or facsimile.

Sarah Merrick

2012 CONSOLIDATED PROPERTY TAX STATEMENT



TAXES ARE DUE UPON RECEIPT. TAXES WILL BECOME DELINQUENT ON FEBRUARY 1, 2013
PENALTY AND INTEREST WILL BE ADDED MONTHLY BEGINNING FEBRUARY 1, 2013

The jurisdictions listed below have consolidated their tax collections for 2012. Please refer questions to the Hidalgo County Tax Office by telephone at (956) 318-2157 or by mail at PO Box 178, Edinburg, Texas 78540-0178

Armando Barrera Jr., RTA, Tax Assessor/Collector, Hidalgo County, Texas ACCOUNT NUMBER: L0450-00-079-0000-00



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HIDALGO COUNTY TEXAS PO BOX 178 EDINBURG TX 78540-0178

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