



Control Number: 41606



Item Number: 853

Addendum StartPage: 0

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

RECEIVED
2013 AUG 22 PM 2:57
PUBLIC UTILITIES COMMISSION
CLERK

JOINT APPLICATION OF ELECTRIC § BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC AND §
SHARYLAND UTILITIES, L.P. TO §
AMEND THEIR CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
FOR THE PROPOSED NORTH § OF
EDINBURG TO LOMA ALTA §
DOUBLE-CIRCUIT 345 KV §
TRANSMISSION LINE IN HIDALGO §
AND CAMERON COUNTIES, TEXAS § ADMINISTRATIVE HEARINGS

**JOINT APPLICANTS' OBJECTION TO SEVERAL PARTIES'
REQUESTS TO INTERVENE AND MOTION TO ALIGN**

On August 19, 2013, several hundred parties requested to intervene. Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) (collectively, Joint Applicants) object to many of these requests. To reduce the number of responsive pleadings and make these objections more manageable, Joint Applicants include all their objections in this one pleading. Under Order No. 2, the deadline for filing a responsive pleading to the interventions filed on August 19 is August 22, 2013. Accordingly, this objection and motion to align is timely filed.

Objection to Several Parties' Requests to Intervene

Joint Applicants object to the requests to intervene filed by the following parties, with the Commission interchange item number of their requests in parentheses:

Betty J. Grubbs (Item 467)	Garry Richardson (Item 651)
Leo Martinez (Item 488)	Maurine Smith (Item 652)
Ruben Ochoa (Item 550)	Alphonse & Paulette Briand (Items 653 & 654)
Francisco Leos (Item 566)	Kenneth Teichmeir (Item 675)
Maria Leos (Item 567)	Judy & Paul Egan (Item 676)
Rosalinda Reyes (Item 568)	Charleen Josifek (Item 677)
Marlene Iverson (Item 635)	Jesus Gutierrez (Item 758)
Robert McLean (Item 648)	Ludy Iturubiate (Item 762)
Randy Rawlings (Item 649)	Yolanda & Thomas Gesswein (Item 793)
James Searl (Item 650)	

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.¹ “Such an interest may be a legal right, namely a property right, belonging to the plaintiff or intervenor.”² “To allow any person who is merely interested in a CCN application to intervene would be an untenable standard[.]”³ Instead, the intervenor must demonstrate actual or probable harm.⁴

The claimed basis for intervention of the parties listed above is that they own property that would be affected by one of the proposed routes. As set forth below, these parties have not demonstrated a justiciable interest in this proceeding.

In accordance with P.U.C. PROC. R. 22.52, 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 these parties own property that may be affected by any of the proposed routes and, therefore, Joint Applicants were not required to provide and did not provide them with direct mail notice.

Joint Applicants have diligently attempted to locate the property owned by these parties. Though Joint Applicants have found many properties owned by these parties, none of them are within 500 feet of any proposed link. Joint Applicants have attempted to contact these parties regarding the location of their property, but as of the deadline to file an objection, have not received information sufficient to determine that their property is in fact affected.

Absent additional information, Joint Applicants believe that these parties have not demonstrated a justiciable interest and standing to intervene in this docket. Joint Applicants therefore respectfully request that their Objection to these parties’ Requests to Intervene be granted.

Motion to Align Intervenors

Joint Applicants respectfully request that the ALJ align the following intervenors:

Noel D. Gutierrez (Item 440)
Sonya Gutierrez (Item 441)
Bianca Gutierrez (Item 442)

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.*

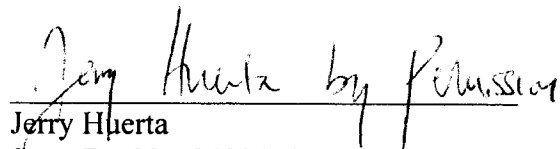
³ *Id.* at 3.

⁴ *See id.*

Nadine Gutierrez (Item 465)
Noelia V. Gutierrez (Item 466)

These intervenors did not receive notice and do not appear to own any affected property. However, because they share an address with a party that did receive notice and does have affected property (Dagoberto Gutierrez), Joint Applicants do not believe it is necessary to object to this intervention. But in the absence of additional information, Joint Applicants respectfully request that these parties be aligned in this proceeding. P.U.C. PROC. R. 22.105 allows parties to be aligned if they have the same positions on issues of fact or law. Here, these parties appear to have even more than that in common—the same property—and so should be aligned.

Respectfully submitted,




Jerry Huerta

State Bar No. 24004709
AMERICAN ELECTRIC POWER SERVICE
CORPORATION
400 West 15th 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
600 Congress Avenue, Suite 1900
Austin, Texas 78701-3902
(512) 774-9300 (Telephone)
(512) 744-9399 (Facsimile)

Attorneys for
Electric Transmission Texas, LLC

August 22, 2013




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 copy of the foregoing document was served on all parties of record this 22nd day of August, 2013 by first-class mail or e-mail.



Sarah Merrick