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

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PUBLIC UTILITY COMMISSION
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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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

PM TEXAS LLC AND VALLEY RACE PARK LLC'S MOTION TO INTERVENE

PM Texas LLC and Valley Race Park LLC (collectively, Valley Race Park or VRP) file this motion to intervene pursuant to the Public Utility Regulatory Act (PURA), and P.U.C. Proc. R. 22.102, 22.103, and 22.104. VRP respectfully shows as follows:

1. The names, and contact information for VRP's authorized representatives are:

Mr. Phillip G. Oldham
Ms. Katherine L. Coleman
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All pleadings and other documents should be served upon VRP's authorized representatives.

2. On July 3, 2013, Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) (together, Joint Applicants) filed their Joint Application to amend their Certificates of Convenience and Necessity (CCNs) to construct a 345-kV line in Hidalgo and Cameron counties.

3. VRP's property is located in Cameron County, and features a 91,000 square foot entertainment facility that hosts live greyhound racing and year-round simulcasts of both horse and dog racing. VRP is identified as a directly affected landowner in the Application.

Specifically, VRP's property is in the right of way for link 259 (Property ID 191319), and is affected by five of the 32 proposed routes. VRP is owned by PM Texas LLC.

4. Pursuant to P.U.C. Proc. R. 22.103(b), a party has standing to intervene if it has a "justiciable interest" that may be adversely affected by the outcome of the proceeding. Because VRP is a directly affected landowner on several proposed routes in the Application, VRP will be adversely impacted if the Commission selects one of these route options. VRP therefore has a justiciable interest and standing to intervene in this proceeding.

5. SOAH Order. No. 2 established an intervention deadline of August 19, 2013. Pursuant to P.U.C. Proc. R. § 22.104(d), the ALJs may grant a late-filed motion to intervene after considering the following:

- (a) any objections that are filed;
- (b) whether the movant had good cause for failing to file the motion within the time prescribed;
- (c) whether any prejudice to, or additional burdens upon, the existing parties might result from permitting the late intervention;
- (d) whether any disruption of the proceeding might result from permitting late intervention; and
- (e) whether the public interest is likely to be served by allowing the intervention.

These factors support granting VRP's intervention.

6. The notice to VRP was mailed to Sam Houston Race Park in Houston. VRP was formerly owned by Sam Houston Race Park; however, VRP and Sam Houston Race Park are now affiliates that are commonly owned by PM Texas LLC. Due to complications with rerouting the notice to VRP, the appropriate personnel did not receive or review the notice until after the intervention deadline had passed. VRP therefore has good cause for this late filing.

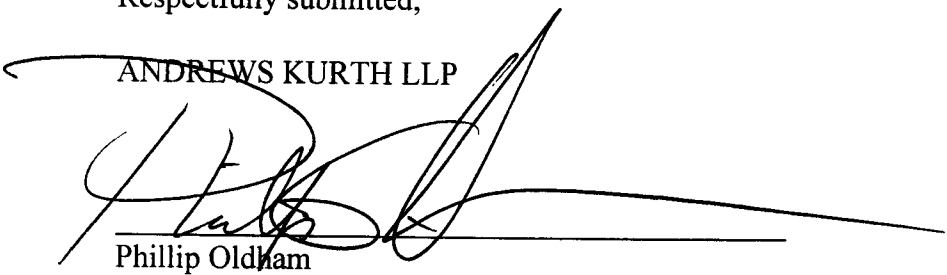
7. Only four days have passed since the intervention deadline. Intervenors have not yet submitted testimony, so no other party has been deprived of any opportunity to identify VRP's position, propound discovery on VRP, or cross-examine VRP witnesses. At this very early stage of the proceeding, no disruption will occur and no prejudice will result to any other party. Finally, granting VRP's late intervention is in the public interest. Given the lack of prejudice or disruption and the short time since the intervention deadline, providing a party that is directly impacted by the proposed line with an opportunity to fully participate in this case and

protect its rights is in the interest of justice, and will help provide a fully developed record for the ALJs and the Commission to consider in selecting a route for the proposed line.

8. For the above-stated reasons, VRP respectfully requests that the Commission grant this Motion to Intervene and admit VRP as an intervenor in this proceeding for all purposes. VRP also requests any other relief to which it is entitled.

Respectfully submitted,

ANDREWS KURTH LLP

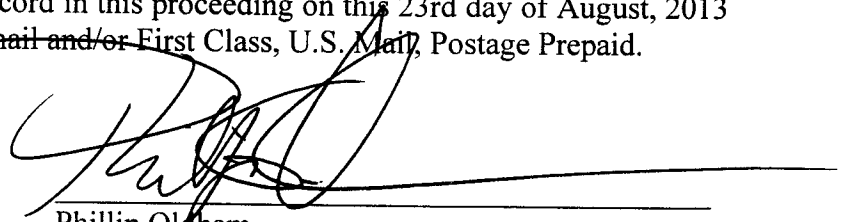


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ATTORNEYS FOR VALLEY RACE PARK

CERTIFICATE OF SERVICE

I, Phillip Oldham, Attorney for VRP, hereby certify that a copy of VRP's Motion to Intervene was served on all parties of record in this proceeding on this 23rd day of August, 2013 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.



Phillip Oldham