



Control Number: 42852



Item Number: 44

Addendum StartPage: 0

SOAH DOCKET NO. 473-15-0422.WS
PUC DOCKET NO. 42852

APPLICATION FROM THE CITY OF
SPLENDORA TO AMEND CCN
NO. 11727 IN MONTGOMERY AND
LIBERTY COUNTIES

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

FILED FEB 27 11:10:44
FILING CLERK

SOAH ORDER NO. 5
SETTING PREHEARING CONFERENCE AND
GRANTING MOTION TO INTERVENE

Pursuant to State Office of Administrative Hearings (SOAH) Order No. 4, staff (Staff) of the Public Utility Commission of Texas (Commission) filed a Status Report stating that the parties have not been able to reach a resolution on disputed issues and requesting that a prehearing conference be scheduled and that the Administrative Law Judge (ALJ) rule on the outstanding motion to intervene.

Prehearing Conference

A prehearing conference will be convened at **10:00 a.m., Tuesday, March 10, 2015, at the SOAH hearing facilities located at the William P. Clements Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas.** This prehearing conference will address, among other topics, establishing a procedural schedule. The ALJ directs all parties to confer about the procedural schedule prior to the prehearing conference.

Motion to Intervene

Counsel for Mark and Stacey Martin (Martin) moved to intervene in this matter during the first prehearing conference. The Applicant opposes the motion to intervene because Martin did not timely file a request for a contested case hearing. Martin argues that they did not have standing to request a contested case hearing during the relevant time period, but that they purchased the property within the area of the application last July such that there is now good cause for them to be admitted as parties.

Pursuant to P.U.C. Subst. R. 22.104(d)(1), a motion to intervene that was not timely filed may be granted. The ALJ believes Martin had good cause for their late motion to intervene because they did not own the affected property during the time period by which motions to intervene were required to be filed. In addition, no procedural schedule has been set such that the proceeding will not be disrupted, and the ALJ believes that the public interest will be served and little additional burden or prejudice to other parties will result if the motion is granted. **THEREFORE**, Martin's motion to intervene is **GRANTED**.

SIGNED February 26, 2015.

Holly Vandrovec

**HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**