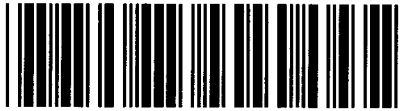


Control Number: 43041



Item Number: 52

Addendum StartPage: 0

RECEIVED
2016 JUN 24 AM 9:31

APPLICATION OF THE CITY OF
DORCHESTER TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN GRAYSON
COUNTY (37917-C)

§
§
§
§
§

PUBLIC UTILITY COMMISSION
BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**CITY OF HOWE, TEXAS' RESPONSE IN OPPOSITION TO
WALTON TEXAS, LP'S MOTION TO INTERVENE**

COMES NOW, the City of Howe, Texas' (City) Response in Opposition to Walton
Texas, LP's Motion to Intervene and respectfully shows the following:

Background

The City of Howe, Texas, requested a public hearing back on January 11, 2016
to seek clarification of CCN mapping submitted by the City of Dorchester, Texas
(Dorchester) showing an overlap of CCN in an area near Highway 902, which is in the
upper portion of the mapping submitted by Dorchester. The City of Howe seeks to
preserve and protect its CCN which was preexisting.

Walton Intervention Should Be Denied

Walton Texas, LP's (Walton) request for intervention should be denied.

Walton's request for intervention does not follow proper procedural rules for a
motion. TAC 155.305.

Further, the request and motion to intervene is late and untimely. TAC 22.104.
Walton has failed to intervene before now and this late request should be denied.

52

In addition, Walton has not demonstrated it is an affected person and the fact that these proceedings have been occurring without prior intervention weigh against a claim at this late date of a necessary party interest. TAC 22.104.

Related, Walton's motion for intervention does not show good cause to allow late intervention.

Finally, it is noteworthy that the attorney filing the motion to intervene on behalf of Walton was previously receiving service and participating in these proceedings on behalf of the City of Dorchester before the PUC and SOAH. (See SOAH fax of Order No. 3 and Order No. 2, including Angela Stepherson on service list.) (See Certificate of Service on City of Howe's Request for Public Hearing dated January 11, 2016, serving Angela Stepherson as attorney for the City of Dorchester.)

Conclusion

Howe prays that Walton's Motion to Intervene be denied

Respectfully submitted,

CITY OF HOWE, TEXAS

By: 

Joe Shephard
City Administrator

City of Howe, Texas
P.O. Box 518
Howe, Texas 75459

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing City of Howe, Texas' Response in Opposition to Walton Texas, LP's Motion to Intervene was served on the 23rd day of June 2016, on the following:

Certified Mail RRR #7015 3430 0000 8824 2360

Public Utility Commission of Texas

Margaret Uhlig Pemberton

Division Director

Legal Division

Stephen Mack

Managing Attorney

Legal Division

Douglas M. Brown

Attorney – Legal Division

1701 N. Congress Avenue

P.O. Box 13326

Austin, TX 78711-3326

Certified Mail RRR #7015 3430 0000 8824 2377

City of Dorchester

c/o

Emily Willms Rogers

Bickerstaff Heath Delgado Acosta LLP

3711 S. Mo-Pac

Building One | Suite 300

Austin, TX 78746

Certified Mail RRR #7015 3430 0000 8824 2384

Walton Texas, LP

c/o

Angela M. Stepherson

Coats/Rose

Two Lincoln Centre

5420 LBJ Freeway, Suite 600

Dallas, TX 75240

Certified Mail RRR #7015 3430 0000 8824 2391

City of Dorchester

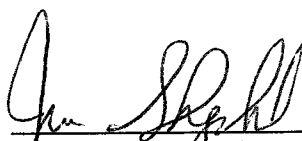
c/o

Eddy Daniel PE

Daniel & Brown Inc.

P.O. Box 606

Farmersville, TX 75442

A handwritten signature in black ink, appearing to read "Joe Shephard", is written over a horizontal line.

Joe Shephard, City Administrator
City of Howe, Texas