



Control Number: 45601



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SOAH DOCKET NO. 473-16-2983  
DOCKET NO. 45601

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2016 MAY 19 PM 2: 17

APPLICATION OF LCRA  
TRANSMISSION SERVICES  
CORPORATION TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR THE ZORN-  
MARION 345-KV TRANSMISSION  
LINE PROJECT IN GUADALUPE  
COUNTY

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PUBLIC UTILITY COMMISSION  
STATE OFFICE  
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**JOINT MOTION FOR EXPEDITED ORDER DISMISSING INTERVENORS THAT DID  
NOT FILE TESTIMONY OR STATEMENTS OF POSITION**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:**

COME NOW the Krackau Intervenor and the other signatories listed below and file this joint motion for an expedited order dismissing intervenors that did not file testimony or statements of position by May 3, 2016, pursuant to SOAH Order No. 2. In support of the motion, the movants would show the Administrative Law Judges ("ALJ") and/or the Commission the following:

On April 5, 2016, in SOAH Order No. 2 the ALJs warned that "Any intervenor who does not file with the Commission a statement of position or prefiled direct testimony by May 3, 2016, will be dismissed and not allowed to participate further." By May 3, 2016, (or thereabouts) a number of parties had submitted prefiled testimony and/or statements of positions. Many other intervenors, however, did not file testimony or statements of position on or by the May 3<sup>rd</sup> deadline or since.

On May 10, 2016, LCRA filed a letter identifying parties that did not file testimony or statements of position. In its letter, LCRA identified over 50 parties that did not file testimony or statements of position.

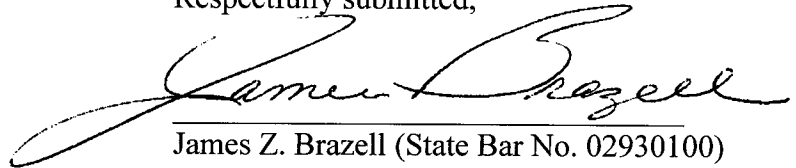
Pursuant to Order No. 2, it is appropriate for the ALJs to now dismiss the intervenors that did not file testimony and/or statements of position by the stated deadline as participants in this docket and to expressly prevent those parties from continued participation in this proceeding. There is good cause for the movants' request for an expedited order dismissing the listed intervenors:

1. It is possible that the remaining parties may be able to settle the application before the deadlines for cross rebuttal, objections to Staff testimony, applicant rebuttal, the conclusion of discovery, and/or the convening of the hearing, saving the parties, SOAH, and the Commission considerable expense. To reach a settlement the remaining active parties and those that may no longer participate must be clearly identified in order to limit the number of parties and positions that must be brought into accord to achieve settlement. Only those that complied with the requirements of SOAH Order No. 2 are proper parties to a stipulation; and

2. In SOAH Order Nos. 2 and 3, the ALJs directed the parties to confer and submit by June 17, 2016 agreements regarding the calling and presentation of witnesses and the order of cross. To comply with that order, the parties need a ruling that expressly identifies the parties that may no longer participate so the remaining active parties may make contact to seek to work out such an agreement regarding presentation of witnesses and cross examination.

WHEREFORE, PREMISES CONSIDERED, the Krackau Intervenors and the other signatories respectfully pray for the ALJs to issue an expedited order granting this motion and dismissing the intervenors listed in LCRA TSC's May 10, 2016, letter as active parties in this docket and ordering that the listed parties may no longer participate as parties in this matter.

Respectfully submitted,



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TRUST, CHARLES R. KRACKAU,  
TRUSTEE, AND THE ESTATE OF  
LORINE K. KRACKAU, CHARLES R.  
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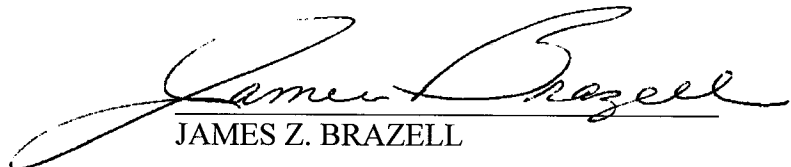
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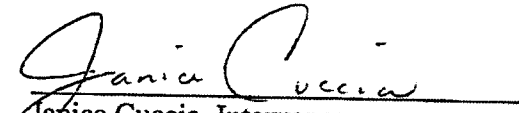
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 19<sup>th</sup> day of May 2016 a true and correct copy of the foregoing document was served upon all parties of record by First-class United States mail, postage paid, facsimile, personal service, e-mail, Interchange notice, and/or non-traditional service, as permitted by SOAH Order Nos. 2 and 3.

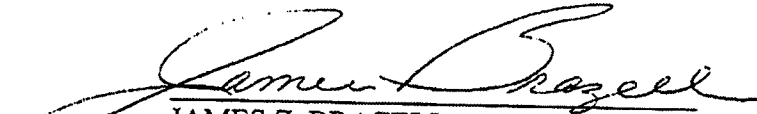
  

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JZP*



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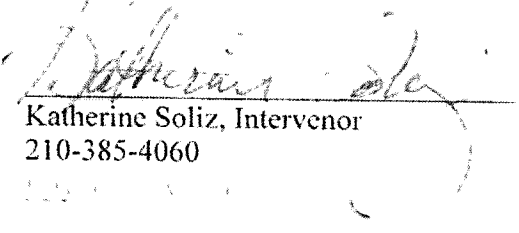
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