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APPLICATION OF THE CITY OF §
GARLAND TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE RUSK TO §
PANOLA DOUBLE-CIRCUIT 345-KV §
TRANSMISSION LINE IN RUSK AND §
PANOLA COUNTIES §

BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**THE CITY OF GARLAND'S OBJECTIONS TO THE INTERVENTIONS OF
SHERRI WATERS, JASON SPILLER, LARRY FIELDS, AND JOHNNY HOLMES**

The City of Garland (Garland) files these objections to certain movants' respective motions to intervene. Pursuant to 16 Tex. Admin. Code (TAC) § 22.78(a), these objections are timely filed.

I. Introduction

Sherri Waters filed her motion to intervene on March 28, 2016. Jason Spiller filed his motion to intervene on March 30, 2016 (after the intervention deadline). Larry Fields filed his motion to intervene on March 30, 2016 (after the intervention deadline). Johnny Holmes filed his motion to intervene on March 30, 2016 (after the intervention deadline). Garland objects to the aforementioned motions on the basis that the movants have not established that they are directly affected landowners within the meaning of the Commission's rules.

II. Discussion

A. Legal Standard

Pursuant to 16 TAC § 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. Pursuant to 16 TAC § 22.52(a)(3) and 16 TAC § 25.101(b)(3)(B), land is directly affected by this 345-kV transmission line project if an

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easement or other property interest would be obtained over all or any portion of the land, or if the land contains a habitable structure within 500 feet of the centerline of one of the proposed routes.

B. Sherri Waters

Ms. Sherri Waters states that she owns property with a habitable structure located near one or more of Garland's proposed routes for a transmission line, and one or more of Garland's proposed routes would cross her property.¹ In accordance with 16 TAC § 22.52, Garland used current county tax rolls for Rusk and Panola counties to identify landowners that are potentially directly affected by the proposed transmission line project. Garland's research indicates that, based on the Commission's rules and a review of the property tax records, Ms. Waters is not a directly affected landowner. Garland representatives contacted Ms. Waters, who indicated that she is the sister of Ms. Sylvia Ann Hunt (an affected landowner), and stated that they co-own their property and she is getting documentation to corroborate her claim as an affected landowner. Garland will continue to investigate and work with Ms. Waters to determine whether she may be an affected landowner. This investigation should be completed within a few days, and Garland will inform the Administrative Law Judge (ALJ) and withdraw its objection if Ms. Waters is determined to be an affected landowner. However, as of the deadline to file an objection, Garland has not received any information to verify that she is an affected landowner. Absent additional evidence from Ms. Waters, Garland believes that she has not demonstrated a justiciable interest and does not appear to have standing to intervene in this proceeding. Accordingly, her intervention should be denied.

¹ Sherri Waters' Request to Intervene (Mar. 30, 2016).

C. Jason Spiller

Mr. Jason Spiller states that one or more of Garland's proposed routes would cross his property.² In accordance with 16 TAC § 22.52, Garland used current county tax rolls for Rusk and Panola counties to identify landowners that are potentially directly affected by the proposed transmission line project. Garland's research indicates that, based on the Commission's rules and a review of the property tax records, Mr. Spiller is not a directly affected landowner. Garland representatives have attempted to contact Mr. Spiller on at least two occasions, but have not been able to reach him. Garland will continue to investigate and work with Mr. Spiller to determine whether he may be a successor to an affected landowner reflected in the property tax records. This investigation should be completed within a few days, and Garland will inform the ALJ and withdraw its objection if Mr. Spiller is determined to be a successor to an affected landowner. However, as of the deadline to file an objection, Garland has not received any information to corroborate Mr. Spiller's status as an affected landowner. Absent additional evidence from Mr. Spiller, Garland believes that he has not demonstrated a justiciable interest and does not appear to have standing to intervene in this proceeding. Accordingly, his intervention should be denied.

D. Larry Fields

Mr. Larry Fields states that one or more of Garland's proposed routes would cross his property.³ In accordance with 16 TAC § 22.52, Garland used current county tax rolls for Rusk and Panola counties to identify landowners that are potentially directly affected by the proposed transmission line project. Garland's research indicates that, based on the Commission's rules and a review of the property tax records, Mr. Fields is not a directly affected landowner. Garland representatives have attempted to contact Mr. Fields on multiple occasions, but have been unable

² Jason Spiller Request to Intervene (Mar. 30, 2016).

³ Larry Fields' Request to Intervene (Mar. 30, 2016).

to reach him. Garland will continue to investigate and work with Mr. Fields to determine whether he may be a successor to an affected landowner reflected in the property tax records. This investigation should be completed within a few days, and Garland will inform the ALJ and withdraw its objection if Mr. Fields is determined to be a successor to an affected landowner. However, as of the deadline to file an objection, Garland has not received any information on the precise location of his property. Absent additional evidence from Mr. Fields, Garland believes that he has not demonstrated a justiciable interest and does not appear to have standing to intervene in this proceeding. Accordingly, his intervention should be denied.

E. Johnny Holmes

Mr. Johnny Homes states that he owns property with a habitable structure located near one or more of Garland's proposed routes for a transmission line, and one or more of Garland's proposed routes would cross his property.⁴ In accordance with 16 TAC § 22.52, Garland used current county tax rolls for Rusk and Panola counties to identify landowners that are potentially directly affected by the proposed transmission line project. Garland's research indicates that, based on the Commission's rules and a review of the property tax records, Mr. Holmes is not a directly affected landowner. Garland representatives contacted Mr. Holmes, who indicated that he is the brother of Ms. Mary Lillibridge; however, Ms. Lillibridge has already intervened in this proceeding for her property.⁵ Mr. Holmes referred to Ms. Lillibridge's property as family property. Mr. Holmes may have an interest in the property; however, he has not provided any documentation to reflect his legal interest in the property. Garland will continue to investigate and work with Mr. Holmes to determine whether he is an affected landowner. This investigation should be completed within a few days, and Garland will inform the ALJ and withdraw its

⁴ Johnny Holmes' Request to Intervene (Mar. 30, 2016).

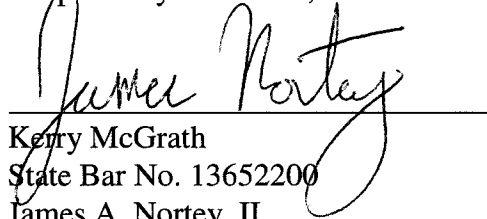
⁵ Mary Lillibridge's Request to Intervene (Mar. 28, 2016).

objection if Mr. Holmes is determined to be an affected landowner. Absent additional evidence from Mr. Holmes, Garland believes that he has not demonstrated a justiciable interest and does not appear to have standing to intervene in this proceeding. Accordingly, his intervention should be denied.

III. Conclusion

For the abovementioned reasons, Garland respectfully requests that the ALJ deny the aforementioned motions to intervene and grant such further relief to which Garland may be entitled.

Respectfully submitted,



Kerry McGrath
State Bar No. 13652200
James A. Nortey, II
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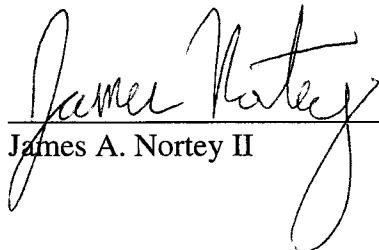
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ATTORNEYS FOR THE CITY OF GARLAND

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served by electronic mail, facsimile, hand-delivery, overnight delivery, or First Class U.S. Mail on all parties of record in this proceeding on April 4, 2016.



James A. Nortey II