

Control Number: 45624



Item Number: 463

Addendum StartPage: 0

ROBERT A. RIMA
ATTORNEY AND COUNSELOR

RECEIVED

2017 JUN 16 PM 2:37
PUBLIC UTILITY COMMISSION
FILING CLERK

6207 SHADOW MOUNTAIN DRIVE
AUSTIN, TEXAS 78731
OFFICE (512) 349-9449
FAX (512) 343-9339
CELL (512) 413-5473
bob.rima@rimalaw.com

June 16, 2017

BY HAND DELIVERY

Commissioner Kenneth W. Anderson, Jr.
Commissioner Brandy Marty Marquez
Public Utility Commission of Texas
1701 N. Congress Ave.
Austin, Texas 78701

RE: Docket No. 45624; *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*

Dear Commissioners,

This letter is to inform you that Southern Cross Transmission LLC (SCT), as a precautionary measure, is today amending its appeals in state and federal court to preserve its rights to challenge the Commission's March 14, 2017 Order on Rehearing in the event that order is determined to be the final order in Docket No. 45624.

On May 4, 2017, within the 55-day period following March 14, 2017, the Commission signed an order extending the time to act on the motion for rehearing "until May 18, 2017." The May 18, 2017 deadline established by the Commission's May 4 order constitutes a fixed date which, if not met, would mean that any pending motion for rehearing was denied by operation of law. On May 18, 2017, the Commission conducted an open meeting at which it voted to approve an order as revised in a memorandum that Commissioner Anderson filed on May 16, 2017 and as further revised pursuant to the open meeting discussion of the matter. Thereafter, on May 23, 2017, the Commission executed a written Order on Rehearing reflecting its May 18, 2017 revisions to the March 14, 2017 Order on Rehearing.

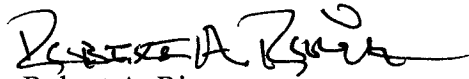
Section 2001.146(c) of the Texas Administrative Procedure Act has not yet been subject to extensive judicial analysis regarding the meaning of the term "act", resulting in some uncertainty about the Commission's ability to execute an order beyond the extended deadline. While SCT believes that the Commission acted on May 18, SCT is amending its appeals to guard against the risk that the Commission's May 23, 2017 Order on Rehearing was not effective because it was executed beyond the period of the extension.

SCT has made it clear in both the state and federal amended suits that they are being amended at this time solely as protective measures. Please understand that SCT has taken these actions only to avoid a procedural risk that could jeopardize SCT's rights and not to detract from

Commissioner Kenneth W. Anderson, Jr.
Commissioner Brandy Marty Marquez
June 16, 2017
Page 2

the Commission's continuing evaluation of the issues most recently addressed in SCT's June 12, 2017 Motion for Rehearing.

Very Truly Yours,




Robert A. Rima

Attorney for Southern Cross Transmission LLC

cc: Central Records

CERTIFICATE OF SERVICE

I certify that on June 16, 2017, a true and correct copy of this document was served on all parties via the Public Utility Commission of Texas Interchange website.


Robert A. Rima