



Control Number: 45866.



Item Number: 1445

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SOAH DOCKET NO. 473-16-4342
PUC DOCKET NO. 45866

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APPLICATION OF LCRA §
TRANSMISSION SERVICES §
CORPORATION TO AMEND A §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY FOR THE ROUND ROCK- §
LEANDER 138-KV TRANSMISSION §
LINE IN WILLIAMSON COUNTY §

BEFORE THE STAFF OFFICE
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OF
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SOAH ORDER NO. 15
GRANTING BURLESON RANCH'S MOTION TO STRIKE

On November 2, 2016, Mary Frances Burleson Roberts, Burleson Ranches, LTD, MFBRGP LLC, John W. Roberts, Frank B. Roberts, Mary Roberts Ortiz, Russell Austin Burleson, and Markus Lagmanson ("Burleson Ranch and Lagmanson" or "Burleson Ranch") filed Objections to and Motion to Strike the Rebuttal Testimony of Mr. Skyler Williams filed on behalf of Land and Home Owners of CR 175 (LHO of CR 175). Specifically, Burleson Ranch objects to and moves to strike Exhibits SW-2 (the video script) and SW-3 (the video) to Mr. Williams' rebuttal testimony and the associated testimony referencing or relying on the video and related exhibits. Burleson Ranch objects to the exhibits and related testimony of the bases that the video is not proper rebuttal evidence; the exhibits violated SOAH Order No. 2; the exhibits violated the Commission's rules because it is not written; the video will be burdensome at the hearing; the video was not timely served; the video is prejudicial and discriminatory; and the video has not been authenticated.

In Order No. 12, the ALJs ordered LHO of CR 175 to file an expedited response by 12:00 p.m., noon, November 4, 2016, and to email a copy of that response to the ALJs' administrative assistant. No response was filed by LHO of CR 175 or emailed to Ms. Ethridge. As stated in Order No. 2, traditional service has been suspended. All parties must use the PUC Interchange to review filings. The parties may request notice of filings by email from the PUC and/or SOAH. However, requesting email notification does not relieve the parties of their responsibility to check the PUC Interchange.


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Based on the pleadings, Burleson Ranch's objections are granted and its motion to strike is granted as indicated below. The following rebuttal testimony and exhibits offered by Mr. Williams will be stricken:

Portion to Strike	Located at:	Through
All text	Page 7, line 1	Line 21
All text	Page 8, line 16	Line 17
Beginning with the word "and" ¹	Page 8, line 18	Page 9, line 13 ²
All	Exhibit SW-2	
All	Exhibit SW-3	

LHO of CR 175 shall cross out the portions struck prior to offering the testimony at the hearing, and all copies of the testimony must be identical. This includes the copies for the ALJs, court reporter, appeals copies, and the copies for the other parties.

SIGNED November 4, 2016.


WENDY K.L. HARVEL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


BETH BIERMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ The ALJs interpret this to refer to the first "and" on that line.

² Burleson Ranch objected to page 8, lines 14 through 19. There is no basis for striking that testimony as it is not related to the objectionable video.