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**SOAH DOCKET NO. 473-16-4619.WS
PUC DOCKET NO. 45870**

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**FORMAL COMPLAINT OF
KER-SEVA LTD., ADC WEST RIDGE,
L.P., AND CENTER FOR HOUSING
RESOURCES, INC. AGAINST THE
CITY OF FRISCO**

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BEFORE THE STATE OFFICE

OF

PUBLIC UTILITY COMMISSION
FILING CLERK

ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 4
DENYING MOTION TO INTERVENE**

On August 30, 2016, a motion to intervene was filed on behalf of the Winsor Meadows HOA (Winsor). Ker-Seva Ltd.; ADC West Ridge, L.P.; and Center for Housing Resources, Inc. (Complainants) oppose the motion. No other party timely replied to the motion.¹ The motion is denied.

No hearing is necessary before ruling on the motion. Intervention is governed by 16 Texas Administrative Code §§ 22.103 (standing to intervene) and 22.104 (motions to intervene). Additionally, 16 Texas Administrative Code § 22.101 allows a person to appear through an authorized representative. Even assuming, for the sake of argument, that everything alleged in the motion is true, the motion fails to comply with the requirements.

While not clarified in the motion, the Administrative Law Judges (ALJs) infer from the "HOA" used in the motion that Winsor is a homeowners association, and not a human being. Thus, Winsor can only act through a representative, yet the motion does not name one. The intervention form filed for Winsor includes a space for the signature of the person requesting intervention, but no one signed. Alternatively, it may be that a group of individuals wishes to intervene and collectively have referred to themselves as "Winsor Meadows HOA," but no list of individual seeking intervention is given.

¹ 16 Tex. Admin. Code § 22.78(a).

Additionally, the motion does not allege facts that, if true, would give Winsor, either as an entity or a collection of individuals, standing to intervene. Nothing in the motion indicates that it or they have a right to intervene expressly conferred by statute, rule, or law. Nor does the motion allege facts that would give it or them a justiciable interest in this proceeding.

In this case, the Complainants contend that they were improperly denied water service by the City of Frisco (Frisco). Winsor does not claim that it is directly or indirectly seeking or would directly or indirectly receive, pay for, or provide the service. In fact, the motion does not even allege that Winsor would be directly affected by either the granting or denial of the complaint. Instead, the motion concedes “the utilities do not impact [Winsor] directly.”

The motion includes many statements expressing concerns about possible future development of the property for which the Complainants seek service. These include concerns about potential impacts on traffic, drainage, flooding, student populations, property values, and social change in the surrounding community. These matters are not relevant to determining the requirements for obtaining service from Frisco, whether Frisco improperly denied service, or the proper terms of service should the Public Utility Commission of Texas (Commission) order Frisco to provide service.

Accordingly, the concerns identified in Winsor’s motion cannot be resolved in this case. Said another way, Winsor’s concerns, even if factual, are not justiciable in this case; hence, Winsor does not have a justiciable interest that may be adversely affected by the outcome of this proceeding.

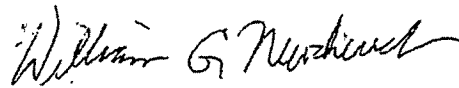
Because Winsor did not provide the name of its representative, its phone number, or its address in the motion, the ALJs have no clear way to directly send a copy of this order to Winsor. However, a Google search found what appears to be a website for Winsor and the

following address: The Reserve at Westridge Amenity Center, 10256 Millbend Dr., McKinney, TX 75070. A copy of this order is being sent to that address. Additionally, the ALJs asks Commission Staff to forward a copy of this order to Winsor if Staff has additional contact information.

SIGNED September 8, 2016.



MEITRA FARHADI
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS