

Control Number: 50200



Item Number: 1948

Addendum StartPage: 0



SOAH DOCKET NO. 473-20-3110.WS
PUC DOCKET NO. 50200

APPLICATION OF UNDINE TEXAS, § BEFORE THE STATE OFFICE
LLC AND UNDINE TEXAS § OF
ENVIRONMENTAL, LLC FOR §
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

UNDINE TEXAS, LLC AND UNDINE TEXAS ENVIRONMENTAL, LLC'S
OBJECTIONS TO HOMEOWNERS ASSOCIATION OF TEJAS LAKES'
MOTION TO INTERVENE

Undine Texas, LLC and Undine Texas Environmental, LLC (Undine) files these Objections to Homeowners Association of Tejas Lakes' (Tejas Lakes HOA) Motion to Intervene,¹ and would respectfully show as follows:

I. PROCEDURAL HISTORY

The Commission referred this case to the State Office of Administrative Hearings (SOAH) on March 19, 2020, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. Due to concerns regarding the coronavirus, the SOAH ALJs departed from the normal practice for Class B applications, as specified in SOAH Order No. 1.² Pursuant to SOAH Order No. 1, all requests for intervention were required to be filed by April 21, 2020, and there will not be a separate opportunity to intervene in person at the prehearing conference.³

Further, pursuant to the procedural schedule in SOAH Order No. 1, all objections to motions to intervene are required to be filed by April 27, 2020.⁴ Therefore, these objections are timely filed.

¹ Homeowners Association of Tejas Lakes Motion to Intervene (Apr. 20, 2020). (Tejas Lakes HOA's Motion to Intervene).

² SOAH Order No. 1 at 2-3 (Mar. 26, 2020).

³ SOAH Order No. 1 at 3.

⁴ SOAH Order No. 1 at 4.

1948

II. OBJECTIONS

Undine objects to Tejas Lakes HOA's Motion to Intervene because it does not comply with the Commission's rules, as shown below:

A. Failure to provide proof of authority to appear on behalf of another person.

Under 16 Texas Administrative Code (TAC) § 22.101(a), "[t]he presiding officer may require a representative to submit proof of his or her authority to appear on behalf of another person."⁵ In its Motion to Intervene, Tejas Lakes HOA describes how it is a Texas Non-Profit Corporation, "...formed to manage the common affairs of members in Tejas Lakes, a subdivision in Fort Bend County, Texas."⁶ Tejas Lakes states that it "consists of 99 Lots with approximately 350 members."⁷

Undine objects to Tejas Lakes HOA's Motion to Intervene because Tejas Lakes HOA failed to provide proof that it has the authority to appear in this proceeding on behalf of everyone it claims are members of the association, as is required by 16 TAC § 22.101(a). Tejas Lakes HOA has not provided any documentation of its authority to intervene in this proceeding on behalf of its members, the lot owners, or any other individuals who may be affected by a decision in this proceeding. Accordingly, Undine requests the ALJs deny Tejas Lakes HOA's Motion to Intervene.

B. Failure to specify the particular persons or classes of persons the represented in this proceeding.

Under 16 TAC § 22.101(a), "[t]he authorized representative of a party shall specify the particular persons or classes of persons the representative is representing in the proceeding."⁸

⁵ See *Application of Sw. Pub. Serv. Co. for Auth. to Reconcile Fuel & Purchased Power Costs*, 473-19-1644, 2019 WL 919616, at *1 (Tex. S.O.A.H. Feb. 19, 2019) (Motion of individual to intervene was denied because: (1) he failed to "specify the particular persons or classes of persons" he was representing; (2) he submitted no proof of his authority to appear on behalf of all citizens of Texas; and (3) the claimed representation is too broad to encompass only persons with a justiciable interest in this case).

⁶ Tejas Lakes HOA's Motion to Intervene at 1.

⁷ *Id.* at 1.

⁸ *Sw. Pub. Serv. Co.*, *supra* footnote 5, at *1; See also *Formal Complaint of Ker-Seva Ltd., Adc W. Ridge, L.P., & Ctr. for Hous. Res., Inc. Against the City of Frisco*, 4, 2016 WL 6566222, at *1-*2 (Tex. S.O.A.H. Sept. 9,

Tejas Lakes HOA asserts that it “consists of 99 Lots with approximately 350 members,” without specifying particular persons within the Tejas Lakes subdivision the HOA claims to represent in this proceeding.⁹

Undine objects to Tejas Lakes HOA’s Motion to Intervene because Tejas Lakes HOA failed to specify the particular persons it represents in this proceeding, as is required by TAC § 22.101(a). Accordingly, Undine requests the ALJs deny Tejas Lakes HOA’s Motion to Intervene.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Undine requests the ALJs sustain Undine’s objections and deny Tejas Lakes HOA’s Motion to Intervene. Undine also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

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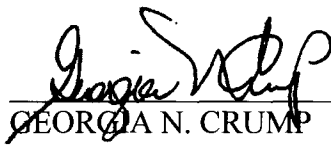
**ATTORNEYS FOR UNDINE TEXAS, LLC
AND UNDINE TEXAS ENVIRONMENTAL,
LLC**

2016) (Motion to intervene was denied, partially because no list of individuals seeking intervention was given).

⁹ Tejas Lakes HOA’s Motion to Intervene at 1.

CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on April 27, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



GEORGIA N. CRUMP