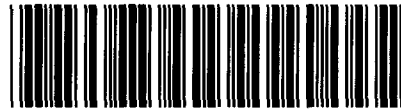




Control Number: 50200



Item Number: 1952

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 DEMI-JOHN COMMUNITY RESIDENTS'
REQUEST TO INTERVENE

Undine Texas, LLC and Undine Texas Environmental, LLC (Undine) files these Objections to Demi-John Community Residents' (Demi-John Residents) Request 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, this filing is timely.

¹ Demi-John Community Residents Request to Intervene (Apr. 20, 2020). (Demi-John Residents' 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.

1952

II. OBJECTIONS

Undine objects to Demi-John Residents' 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 The two individuals that signed the Motion to Intervene assert that they are “each a resident of the Demi-John community in Freeport, Brazoria, Texas, which includes approximately 200 properties on the Undine water system.” They claim that “[c]ollectively we hold proxies to represent a vast number of other homeowners in our community in this matter before the Public Utility Commission of Texas.”⁶

Undine objects to the intervention of anyone other than the two signatories—Richard Elliott and Diane Rinn—because they have failed to provide proof that they have the authority to appear in this proceeding on behalf of everyone other than themselves, as required by 16 TAC § 22.101(a). The signatories have not provided any documentation that the Demi-John Community has collectively authorized these individuals to speak on behalf of the “community” or of any individual residing in such community. Accordingly, Undine requests the ALJs deny the intervention of the “Demi-John community” or any individuals other than Mr. Elliott and Ms. Rinn.

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 Demi-John Residents' Motion to Intervene at 2.

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.”⁷ Mr. Elliott and Ms. Rinn claim in their Motion that they “[c]ollectively... hold proxies to represent a vast number of other homeowners in our community in this matter before the Public Utility Commission of Texas.”⁸ This statement is inadequate to identify the persons claimed to be represented, nor does it provide any proof of authorization by any specific person for the signatories to speak on their behalf. Accordingly, Undine requests the ALJs deny Demi-John’s Motion to Intervene.

III. PRAYER

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

⁷ *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, 2016) (Motion to intervene was denied, partially because no list of individuals seeking intervention was given).

⁸ Demi-John Residents’ Motion to Intervene at 2.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

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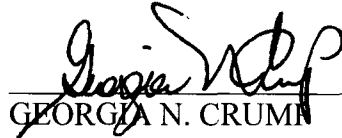
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LLC**

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