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



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

**UNDINE TEXAS, LLC AND UNDINE TEXAS ENVIRONMENTAL, LLC'S
OBJECTIONS TO COUNTRY VISTA HOMEOWNERS COMMITTEE'S
REVISED REQUEST TO INTERVENE**

Undine Texas, LLC and Undine Texas Environmental, LLC (Undine) files these Objections to Country Vista Homeowners Committee's (CVHC) Revised 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 Country Vista Homeowners Committee Revised Request to Intervene (Apr. 15, 2020) (CVHC's Revised 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.

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II. OBJECTIONS

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

A. Failure to provide proof of authority as proxy.

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 CVHC's Revised Motion to Intervene, in addition to the four individuals that comprise the CVHC, the signatories claim "[c]ollectively we hold proxies to represent the remaining homeowners in the Country Vista Estates subdivision in this matter before the Public Utility Commission of Texas."⁶

Undine objects to CVHC's Revised Motion to Intervene because CVHC failed to provide proof that it has the authority to appear in this proceeding on behalf of everyone for whom it claims it holds proxies, as required by 16 TAC § 22.101(a). Accordingly, Undine requests the ALJs deny CVHC's Revised Motion to Intervene. Undine does not object to the intervention of the named individuals, as Undine has verified that these four individuals are its customers and thus have standing to participate.

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 CVHC has simply alleged "[c]ollectively we hold proxies to represent the remaining

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 CVHC's Revised Motion to Intervene at 2.

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).

homeowners in the Country Vista Estates subdivision in this matter before the Public Utility Commission of Texas,”⁸ which does not adequately specify the persons represented in this proceeding.

Undine objects to CVHC’s Revised Motion to Intervene because CVHC failed to specify the particular persons it represents in this proceeding, as is required by 16 Texas Administrative Code (TAC) § 22.101(a). Accordingly, Undine requests the ALJs deny CVHC’s Revised Motion to Intervene.

III. PRAYER

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

Respectfully submitted,

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LLC**

⁸ CVHC’s Revised Motion to Intervene at 2.

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