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SOAH DOCKET NO. 473-20-4709.WS
PUC DOCKET NO. 50944

APPLICATION OF MONARCH § BEFORE THE STATE OFFICE OF
UTILITIES I L.P. FOR AUTHORITY §
TO CHANGE RATES § ADMINISTRATIVE HEARINGS

**MONARCH UTILITIES I L.P.'S RESPONSE TO KATHY NIELSEN'S OBJECTION TO
MONARCH'S MOTION TO STRIKE INTERVENORS**

Monarch Utilities I L.P. (Monarch) files this response to intervenor Kathy Nielsen's Objection to Monarch's Motion to Strike Intervenors in this docket and in support respectfully shows the following:

I. BACKGROUND

On October 19, 2020, the Administrative Law Judges (ALJs) for the State Office of Administrative Hearings (SOAH) issued SOAH Order No. 4, granting the late-filed motions to intervene of Stephanie Klieber, Cheryl Gardner, and Kelley Meza, as well as acknowledging that Tina Millard's request to retain her party status was granted at the October 15, 2020 show-cause hearing.¹ Monarch had no objections to these rulings, but noted along with Staff for the Public Utility Commission (Commission Staff) that the hopeful intervenors would still be subject to all the requirements of the established procedural schedule.² The Order explicitly confirms this, stating that each of these intervenors are subject to "the requirements and deadlines in the previously adopted procedural schedule, including the filing of a statement of position or direct testimony by October 20, 2020."³ This October 20, 2020 deadline came and went without testimony or a statement of position from any of these intervenors. Accordingly, Monarch moved

¹ SOAH Order No. 4 Ruling on Motion to Dismiss Intervenors, Granting Late-Filed Motions to Intervene (Oct. 19, 2020)

² *Id.*

³ *Id.* at 1-2.

to dismiss pursuant to SOAH Order No. 4,⁴ and Ms. Nielsen has objected on the basis that these intervenors likely just did not know what to do.⁵

II. RESPONSE TO MS. NIELSEN'S OBJECTION

Monarch has not moved to dismiss Ms. Nielsen from this proceeding and there is no evidence to suggest that Ms. Nielsen has the authority to speak or act on behalf of the intervenors at issue. Monarch's motion complies with the Commission's procedures and is simply acting in accordance with the orders issued in this docket to date. The purpose of these procedures, and Monarch's motion, is to ensure judicial efficiency and allow for a more streamlined processing of this docket, including and any potential settlement negotiations. As Ms. Nielsen indicates in her objection, there has been a large number of filings in this docket, and without procedures to effectively manage how intervenors involve themselves in the process, it would quickly become infeasible to resolve Monarch's application within the statutorily prescribed timeframe or any reasonable period thereafter.

Monarch would also like to note that it has not been served with a copy of Ms. Nielsen's objection, or any of her other filings in this case, including her requests for information, despite the instructions within Order No. 1 requiring parties to provide notice via email. Monarch has treated these filings as if properly served, but asks that the ALJs again remind the intervenors that they are subject to "the requirements and deadlines in the previously adopted procedural schedule," in order to avoid any future issues.

⁴ Monarch's Motion to Strike Intervenors (Oct. 21, 2020).

⁵ Intervenor Kathy Nielsen's Objection to Monarch's Request to Strike 4 Intervenors (Oct 26, 2020)

III. CONCLUSION AND PRAYER

Monarch respectfully requests that the ALJs overrule the objection of Ms. Nielsen, grant Monarch's motion to dismiss all remaining intervenors who did not file the requisite testimony or statement of position, and grant any further relief to which Monarch shows itself justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ William A. Faulk, III

WILLIAM A. FAULK, III