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PUBLIC UTILITY COMMISSION OF TEXAS

In re Application of the City of San Antonio, Acting By and Through the City Public Service Board (CPS Energy) To Amend its Certificate of Convenience and Necessity for the Proposed Scenic Loop 138-kV Transmission Line Project in Bexar County, Texas

Docket Number: 51023

PATRICK CLEVELAND’S MOTION IN OPPOSITION TO BEXAR RANCH, LLP’S “MOTION FOR CLARIFICATION OF INTERVENOR STANDING AND TO SHOW CAUSE”

I, Patrick Cleveland, respectfully submit this Motion in Opposition requesting that Bexar Ranch, LLP’s Motion for Clarification of Intervenor Standing and to Show Cause, be dismissed (except with regard to Villareal and ASR HOA) for the following reasons:

- 1) I am an intervenor in the above captioned case.
- 2) Bexar Ranch, LLP (hereinafter, Bexar Ranch) alleges it is unclear whether a group of intervenors has standing because they have “seemingly identical filings with the ‘same attachment’” and they “are not identified as affected landowners on Attachment 8 of Applicant’s Application.” Bexar Ranch’s Motion for Clarification of Intervenor Standing and to Show Cause, filed August 26, 2020.
- 3) Standing to intervene in an Application for Certificate of Convenience and Necessity is not dependent on the Applicant’s requirement to give notice to directly affected landowners and the list of landowners provided in Attachment 8 of Applicant’s Application.

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- 1 4) A person has standing to intervene if that person “has a right to participate which is  
2 expressly conferred by statute, commission rule or order or other law . . .” 16 Tex.  
3 Admin. Code § 22.103.
- 4  
5 5) The right to intervene in Applications for Certificates of Convenience and Necessity  
6 is expressly governed by statute, which states, “[a] person or electric cooperative  
7 interested in the application may intervene at the hearing.” Tex. Util. Code Ann. §  
8 37.054.
- 9  
10 6) 40 of the 42 requested intervenors referenced in Bexar Ranch’s motion (hereinafter  
11 Requested Intervenors) have properly completed the official form provided by the  
12 Commission. (It is unknown if ASR HOA and Villareal completed the forms).
- 13  
14 7) 21 Requested Intervenors checked the “Other” box and attached identical statements,  
15 which among other things, state, “[r]oute Z . . . directly affects Anaqua Springs  
16 Ranch . . . .”
- 17  
18 8) 18 Requested Intervenors checked Box 1, which states, “I own property with a  
19 habitable structure located near one or more of the proposed routes for a transmission  
20 line” (many of whom also attached the identical statements referenced in the  
21 preceding paragraph).
- 22  
23 9) Route Z includes proposed transmission line #36, which crosses property owned by  
24 ASR Parks LLC (ASR presumably stands for Anaqua Springs Ranch), and #42 which  
25 is adjacent to the Anaqua Springs Ranch development per CPS’s Application and  
26 Bexar County Tax Records.
- 27  
28 10) All of the Requested Intervenors except Kupferschmid (address provided is not in  
Anaqua Springs Ranch), Villareal and Middleton (no identifiable address ) and

1 Hibberd (address not in Anaqua Springs Ranch) have provided addresses that appear  
2 to be located within the Anaqua Springs Ranch development based on a Google Maps  
3 search.

4  
5 11) One Requested Intervenor (Hibberd) checked Box 2 which states, “[o]ne or more of  
6 the utility’s proposed routes would cross my property.” His attached comments  
7 indicate that he is an owner of 3 ½ lots at High Country Ranch and that proposed  
8 transmission line #46 goes directly through his property, clearly establishing standing  
9 regarding different proposed lines than the other Requested Intervenors.

10  
11 12) The forms and statements completed by all of the Requested Intervenors clearly  
12 establish standing pursuant to Tex. Util. Code Ann. § 37.054 and 16 Tex. Admin.  
13 Code § 22.103, except Villareal and ASR HOA (because there is no indication which  
14 box was checked, if any, on the forms).

15  
16 13) Ordinarily, a movant has the burden of proof when filing motions, but Bexar Ranch  
17 has offered no evidence that the Requested Intervenors lack standing.

18  
19 14) In effect, granting Bexar Ranch’s motion would require the pro-se, Requested  
20 Intervenors to request to intervene twice, which is contrary to law.

21  
22 PRAYER FOR RELIEF

23 WHEREFORE, for the above reasons, I, Patrick Cleveland, respectfully request that  
24 Bexar Ranch, LLP’s Motion for Clarification of Intervenor Standing and to Show Cause be  
25 dismissed with respect to all of the Requested Intervenors except for Villareal and ASR HOA.

1 Dated this 28<sup>th</sup> day of August, 2020.  
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4  
5  
6

7 /Patrick Cleveland/  
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9 \_\_\_\_\_  
10 Patrick Cleveland  
11 State Bar #24101630  
12 Co-owner High Country Ranch  
13 26332 Willoughby Way  
14 Boerne, TX 78006  
15 T. 908-644-8372  
16 Email: pjb主@gvtc.com

17 CERTIFICATE OF SERVICE

18 I certify that I have provided email notice of this motion to all parties and pending parties listed  
19 at the PUC interchange website, except for Alrafati, Villareal and Middleton (no info provided)  
20 and Espinoza (file would not open) as of this date on August 28<sup>th</sup>, 2020.  
21

22 /Patrick Cleveland/  
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25 Patrick Cleveland  
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