



Control Number: 51023



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SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023



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 §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

TOUTANT RANCH, LTD. AND ASR PARKS, LLC'S
SUPPLEMENTAL MOTION TO INTERVENE

I. INTRODUCTION

Toutant Ranch, Ltd. and ASR Parks, LLC (“Toutant Ranch and ASR Parks”) intervened in this matter on August 6, 2020. On Friday, October 30, CPS Energy (“CPS”) circulated a draft intervenor map and posted it to the project website. Upon reviewing that map, Toutant Ranch and ASR Parks realized that the extent of property they or their parent company own or control in the study area was not appropriately reflected. The purpose of this motion is to add two additional entities—Pinson Interests LTD LLP¹ (“Pinson Interests”) and Crighton Development Co.² (“Crighton Development”)—to Toutant Ranch and ASR Parks’ existing intervention. Correcting the inadvertent omission of tracts that are listed under Pinson Interests and Crighton Development on the tax rolls will allow Toutant Ranch, ASR Parks, Pinson Interests, and Crighton Development to fully represent their collective interests in this proceeding. Fixing this error is in the public interest and will not prejudice any party to this proceeding. Further, given that the hearing in this case is not set until the end of March, there is no chance that granting this motion will disrupt the proceeding. Accordingly, this supplemental motion to intervene should be granted.

¹ Pinson Interests (listed on the tax rolls as either “Pinson Interests LTD LLP” or “Pinson Interests LLP”) owns the following tracts that are potentially impacted by the proposed transmission line routes in PUC Docket No. 51023: A-086, B-004, B-007, B-009, B-011, F-029, and G-001.

² Crighton Development owns the following tracts that are potentially impacted by the proposed transmission line routes in PUC Docket No. 51023: A-158, A-164, A-166, and B-005.

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II. ARGUMENT AND AUTHORITIES

A. Legal Authority

The Commission may grant a late-filed intervention under PUC Procedural Rule 22.104(d)(1) after considering:

- (A) any objections that are filed;
- (B) whether the movant had good cause for failing to file the motion within the time prescribed;
- (C) whether any prejudice to, or additional burdens upon, the existing parties might result from permitting the late intervention;
- (D) whether any disruption of the proceeding might result from permitting late intervention; and
- (E) whether the public interest is likely to be served by allowing the intervention.

B. The Commission should add Pinson Interests and Crighton Development to Toutant Ranch and ASR Parks' existing intervention.

Toutant Ranch and ASR Parks intended their initial intervention to represent properties that are listed on the tax rolls under their business partners' entities, Pinson Interests and Crighton Development, and the omission of those tracts was inadvertent. It is in the public interest for the Commission to grant this supplemental motion to intervene so Toutant Ranch, ASR Parks, Pinson Interests, and Crighton Development may fully represent their collective interests in this proceeding.

Toutant Ranch, ASR Parks, Pinson Interests, and Crighton Development work together closely to develop unimproved property into residential communities in the study area. The various properties owned by these entities form a contiguous whole that (along with completed developments Pecan Springs Ranch and Anaqua Springs) used to be a single ranch. Toutant Ranch, ASR Parks, and their parent company, Dreico Management, LLC, have a longstanding, ongoing relationship with Pinson Interests whereby they systematically acquire ranch property from Pinson Interests for the purpose of developing residential communities in coordination with

Crighton Development.³ This partnership results in regular shifts in which entity is listed on the tax rolls for particular tracts, which led to confusion in this instance. Before intervening in this proceeding, Toutant Ranch and ASR Parks acquired oral authority to act on Pinson Interests and Crighton Development's behalf with respect to this transmission line project,⁴ and the owners of Toutant Ranch and ASR Parks believed that their original intervention listed the appropriate corporate entities to represent all of their (and Pinson/Crighton's) interests with respect to this transmission line project along Segments 36, 40, 42, 46, 48, and 49.⁵ The omission of tracts along those links that are listed on the tax rolls under Pinson Interests and Crighton Development was inadvertent. This is evidenced in Toutant Ranch and ASR Parks' original intervention, which listed Segments 46 and 48 as impacting Toutant Ranch.⁶ The draft intervenor map revealed that Toutant Ranch is not directly impacted by those segments. Nevertheless, the intent to intervene along those segments is apparent. The purpose of circulating a draft intervenor map was to correct exactly this type of error, and the Commission should allow an amended intervention in this instance.

Granting this supplemental motion to intervene will not prejudice or burden any other party.⁷ Over two months remain until intervenor testimony is due, so parties will have ample time to consider any changes in their position that may result from granting this motion. Additionally, given that the hearing in this matter is not scheduled to begin until late March, no disruption of this proceeding will result from granting this motion.⁸

III. CONCLUSION

Toutant Ranch, ASR Parks, Pinson Interests, and Crighton Development respectfully request that the Commission grant this Supplemental Motion to Intervene and add Pinson

³ See Attachment A.

⁴ See *id.*

⁵ See Toutant Ranch, LTD. and ASR Parks, LLC's Motion to Intervene at 2 (Aug. 6, 2020).

⁶ See Toutant Ranch, LTD. and ASR Parks, LLC's Motion to Intervene at 2 (Aug. 6, 2020).

⁷ 16 TAC § 22.104(d)(1)(C).

⁸ 16 TAC § 22.104(d)(1)(D).

Interests and Crighton Development to Toutant Ranch and ASR Parks' existing intervention. Granting this motion will not prejudice any party's rights or disrupt this proceeding in any way. Additionally, as noted above, it is in the public interest to allow Toutant Ranch, ASR Parks, Pinson Interests, and Crighton Development to correct an inadvertent error and fully represent their interests in this proceeding. Accordingly, the Commission should grant this motion.

Respectfully submitted,

THOMPSON & KNIGHT LLP

/s/ Michael McMillin

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ATTORNEYS FOR
TOUTANT RANCH, LTD. AND
ASR PARKS, LLC

CERTIFICATE OF SERVICE

I, Michael McMillin, Attorney for Toutant Ranch, Ltd. and ASR Parks, LLC, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 9th day of November, 2020 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Michael McMillin

Michael McMillin

November 3, 2020

Tom and Taylor Dreiss
Dreico Management LLC; ASR Parks, LLC;
and Toutant Ranch, Ltd.
325 E. Sonterra Blvd., #110
San Antonio, TX 78258


RE: Formal Grant of Authority to Represent the Interests of Pinson Interests LTD LLP and Crighton Development Co. in Texas Public Utility Commission Docket No. 51023 (PUC Docket No. 51023), *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*

Mr. Dreiss:

As you are aware, Pinson Interests LTD LLP (Pinson Interests) and Crighton Development Co. (Crighton Development) have a longstanding relationship with you and your companies through which you regularly acquire real estate that is owned by Pinson Interests for the purpose of developing residential communities in coordination with Crighton Development, thereby maximizing the value of those properties for everyone involved. As a part of that relationship, Pinson Interests and Crighton Development have previously represented to you that you have authority to act on their behalf in matters related to the installation of electric lines across property held by Pinson Interests and Crighton Development, including in PUC Docket No. 51023.¹

It is my understanding that two of your companies—ASR Parks, LLC and Toutant Ranch, Ltd.—have intervened in PUC Docket No. 51023. As a reflection of our unwritten agreement prior to this date, I hereby formally grant ASR Parks, LLC and Toutant Ranch, Ltd. authority to act on Pinson Interests' and Crighton Development's behalf in PUC Docket No. 51023, including authority to enter into transmission line route modification agreements with CPS Energy and/or other parties to that docket. Additionally, for administrative convenience, I grant you authority to add Pinson Interests and Crighton Development to your companies' existing intervention in PUC Docket No. 51023.

Sincerely,



John Jeffers
General Counsel
Pinson Interests LTD LLP
Crighton Development Co.

¹ Pinson Interests (listed on the tax rolls as either "Pinson Interests LTD LLP" or "Pinson Interests LLP") owns the following tracts that are potentially impacted by the proposed transmission line routes in PUC Docket No. 51023: A-086, B-004, B-007, B-009, B-011, F-029, and G-001.

Crighton Development owns the following tracts that are potentially impacted by the proposed transmission line routes in PUC Docket No. 51023: A-158, A-164, A-166, and B-005.