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APPLICATION OF THE CITY OF	§	
SAN ANTONIO, ACTING BY AND	§	
THROUGH THE CITY PUBLIC	§	
SERVICE BOARD (CPS ENERGY) TO	§	BEFORE THE STATE OFFICE
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	OF
FOR THE PROPOSED SCENIC LOOP	§	
138-KV TRANSMISSION LINE	§	
PROJECT IN BEXAR COUNTY,	§	ADMINISTRATIVE HEARINGS
TEXAS	§	

**MOTION IN SUPPORT OF THE MOTION FOR REFERRAL OF CERTIFIED  
ISSUES FILED BY STEVE CICHOWSKI  
ON BEHALF OF INTERVENORS THE SAN ANTONIO ROSE PALACE, INC.  
AND STRAIT PROMOTIONS, INC.**

The San Antonio Rose Palace, Inc. and Strait Promotions, Inc., (collectively, “**Rose Palace**”) file this motion in support of the Motion for Referral of Certified Issues filed by Steve Cichowski as Filing No. 624 (the “**Motion for Referral**”).

Rose Palace expresses its support for the Motion for Referral and further expresses its support for the motion in support of the Motion for Referral filed by Brad Jauer and BCJ Properties, LLC as Filing no. 649.

In general, parties should be free to enter a settlement agreement with the public utility, as Toutant Ranch has done here. Under that settlement agreement, Toutant Ranch is obligated to comply with the terms thereof *if a route is chosen that uses one of the segments subject to the settlement agreement*. However, the Motion for Referral raises a concern that, prior to a route being chosen, Toutant Ranch is prohibited from expressing its support, or negotiating over similar agreements, regarding other segments or routes not subject to the settlement agreement. With the preferred-route language removed from the Public Utility Regulatory Act, a settlement agreement with the public utility should not tie a party’s hands in this way.

WSD

Respectfully submitted,

BARTON BENSON JONES PLLC

/s/ Luke E. Kraus

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ATTORNEYS FOR THE SAN ANTONIO  
ROSE PALACE, INC.

AND STRAIT PROMOTIONS, INC.

**Certificate of Service**

I hereby certify that on this 17<sup>th</sup> day of March, 2021, notice of the filing of this document was provided to all parties of record via the PUC Interchange in accordance with SOAH Order No. 3.

/s/ Luke E. Kraus

Luke E. Kraus