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DOCKET NO. 51870

**APPLICATION OF FOREST GLEN
UTILITY COMPANY TO AMEND ITS
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MEDINA COUNTY**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

FOREST GLEN UTILITY COMPANY'S RESPONSE TO JENNIFER RABIDOUX

COMES NOW, Forest Glen Utility Company ("Applicant" or "Forest Glen") and submits this Response to Jennifer Rabidoux in the above-docketed proceeding. In support thereof, Forest Glen would show the following:

I. BACKGROUND

1. On March 4, 2021, Forest Glen filed an Application to amend sewer certificate of convenience and necessity ("CCN") No. 21070 in Medina County.
2. On March 5, 2021, the Administrative Law Judge ("ALJ") of the Public Utility Commission of Texas ("Commission") issued Order No. 1 requiring Commission Staff to file its recommendation on administrative completeness which it did on April 5, 2021.
3. Order No. 2 issued April 6, 2021, found the application to be administratively complete and directed Applicant to provide notice in accordance with Commission Staff's recommendation.
4. Applicant published the notice provided by Commission Staff on April 22 and 29, 2021 and mailed notice on April 15, 2021.
5. On May 5, 2021, in addition to other residents, Potranco Ranch resident Jennifer Rabidoux filed a request to intervene in this docket.
6. On May 10, 2021, Forest Glen timely filed a Response to Motions to Intervene that had been filed by 81 individuals with the Commission from May 3 through May 10, 2021,

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including Ms. Rabidoux. Forest Glen filed a Supplemental Response to Motions to Intervene and Second Supplemental Response to Motions to Intervene and Requests for Referral and Opt-out on May 17 and 24 respectively.

7. On June 1, 2021, the Commission ALJ issued Order No. 3, denying intervention of all the requestors including Ms. Rabidoux.
8. On June 7, 2021, after the ALJ's denial, Ms. Rabidoux filed a letter re-asserting her request for hearing and intervention. Therefore this Response is timely filed.

II. ARGUMENT

The Commission ALJ is correct to deny all the requests to intervene, including Ms. Rabidoux's. As Attachments A to Forest Glen's May 10, 2021 Response to Motions to Intervene shows and Ms. Rabidoux admits, she is a current resident of Potranco Ranch Subdivision and does not reside within the 185 acres Forest Glen is requesting to add to its CCN area.¹ Pursuant to title 16 Texas Administrative Code ("TAC") § 24.3(2), she is not an affected person. Since she is not an affected person, she has no right to intervene in this CCN amendment case.² Even if Ms. Rabidoux's subsequent letter articulates concerns, even legitimate concerns relating to utility service within Potranco Ranch Subdivision, it does not rise to a justiciable interest stemming from a legal right, duty, privilege, power, or economic interest affected by the outcome of this hearing. As Forest Glen stated in its three previous Responses, many residents' claims do not fall within the jurisdiction of the Commission. Under the rules of the Commission, Ms. Rabidoux is simply not afforded intervention on the pending CCN amendment and there is no reason for the ALJ to set aside her previous denial of Ms. Rabidoux's requested intervention.

¹ See Attachment A, Intervenor Map and List designating Ms. Rabidoux's residence with a green dot as no. 5.

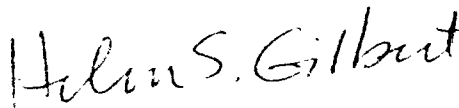
² 16 TAC § 22.103(b).

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Forest Glen Utility Company respectfully prays that the Commission ALJ continue to deny all Motions to Intervene and associated filings and remand the application to staff for issuance of the CCN.

Respectfully submitted,

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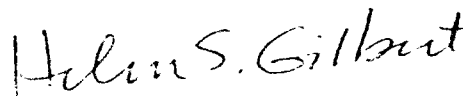
By: _____

Helen S. Gilbert

**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 7th of June 2021.



Helen S. Gilbert