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PROCEEDING FOR ELIGIBLE ENTITIES TO FILE AN OPT OUT PURSUANT TO PURA § 39.653(d) AND FOR LOAD-SERVING ENTITIES TO FILE DOCUMENTATION OF EXPOSURE TO COSTS PURSUANT TO THE DEBT OBLIGATION ORDER IN DOCKET NO. 52322 § § § § § § § § § § **PUBLIC UTILITY COMMISSION OF TEXAS**

BRYAN TEXAS UTILITIES’ MOTION TO INTERVENE

Pursuant to 16 Tex. Admin. Code (TAC) §§ 22.103 and 22.104, the City of Bryan, operating its municipally-owned utility, Bryan Texas Utilities (“BTU”), files this Motion to Intervene in the above-captioned proceeding, and in support shows as follows:

I. IDENTITY OF INTERVENOR

BTU is a “municipally owned utility” as defined in Section 11.003(11) of the Public Utility Regulatory Act (“PURA”)¹ with a mailing address at P.O. Box 1000, Bryan, Texas 77805. BTU is owned by the City of Bryan, Texas, a municipal corporation incorporated under Texas law. BTU is a person within the meaning of 16 Tex. Admin. Code (TAC) §§ 22.2(31) and 22.103. BTU is also a load serving entity (LSE) and a qualified scheduling entity (QSE) in the Electric Reliability Council of Texas market.

II. LEGAL REPRESENTATIVES

The names, addresses, and telephone numbers of BTU’s authorized legal representatives for this proceeding are:

Carl R. Galant
Travis Vickery
McGinnis Lochridge LLP
1111 W. 6th Street, Suite 400
Austin, Texas 78703
Telephone: 512/495-6083
Fax: 512/505-6383
cgalant@mcginnislaw.com
tvickery@mcginnislaw.com

¹ TEX. UTIL. CODE §§ 11.001–66.016.

BTU requests that all correspondence, pleadings, requests for information, responses to requests for information, and other documents in this proceeding be served upon Carl R. Galant, the first identified legal representative above.

III. JUSTICIABLE INTEREST

On July 28, 2021, the Public Utility Commission of Texas (“PUC” or “Commission”) Staff opened this docket in which eligible entities may file an opt out of uplift financing and uplift charges pursuant PURA § 39.653(d) and in which load serving entities may file documentation of exposure to costs pursuant to the Debt Obligation Order in Docket No. 52322.

BTU has standing to intervene in this proceeding because it is an “affected person” within the meaning of PURA § 11.003, and an “intervenor” within the meaning of 16 TAC §§ 22.2(25) and 22.103. Rule 22.103 provides that a person has standing to intervene in a Commission proceeding if that person has or represents persons with a justiciable interest that may be adversely affected by the outcome of the proceeding.

As an LSE and municipally-owned utility, BTU is an entity that may be eligible to recover or to opt out of certain uplift charges under PURA § 39.653(d). Consequently, BTU has a justiciable interest in this proceeding and will be directly affected by the Commission’s decision in this proceeding. No other entity can adequately represent BTU’s interests.

IV. CONCLUSION

BTU respectfully requests that this Motion to Intervene be granted, that BTU be admitted as a party in this proceeding for all purposes, and that it have such other and further relief to which it may show itself entitled.

Respectfully submitted,



Carl R. Galant
State Bar No. 24050633
Travis Vickery
State Bar No. 00794790
MCGINNIS LOCHRIDGE LLP
1111 W. 6th Street, Suite 400
Austin, Texas 78703
cgalant@mcginnislaw.com
(512) 495-6083
(512) 505-6383 FAX

ATTORNEYS FOR BRYAN TEXAS UTILITIES

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on all parties of record by email on October 6, 2021, in accordance with the Commission's Second Order Suspending Rules in Project No. 50664.



Carl R. Galant