



Filing Receipt

Filing Date - 2023-06-28 02:26:37 PM

Control Number - 54936

Item Number - 369

**SOAH DOCKET NO. 473-23-18893
PUC DOCKET NO. 54936**

APPLICATION OF SOUTH TEXAS	§	BEFORE THE STATE OFFICE
ELECTRIC COOPERATIVE, INC. TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF
THE SAN MIGUEL-TO-CRUCE DOUBLE	§	
CIRCUIT 345-KV TRANSMISSION LINE	§	
IN ATASCOSA, MCMULLEN, DUVAL AND	§	
JIM HOGG COUNTIES	§	ADMINISTRATIVE HEARINGS

MOTION TO ALLOW LATE-FILED STATEMENTS OF POSITION

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

NOW COMES Jason Ferguson and John Luby, individually, and on behalf of Mayvic Luby and Debra Luby (Luby Chapote Ranch, LLC), Elizabeth Luby, and the Luby Revocable Trust (collectively, “Intervenors”) and files this Motion to Allow Late-Filed Statements of Position in the above-captioned docket. In support thereof, Intervenors respectfully show the following:

1. On May 2, 2023, South Texas Electric Cooperative, Inc. (“STEC”), filed its Application to Amend Its Certificate of Convenience and Necessity for the San Miguel-to-Cruce Double Circuit 345-KV Transmission Line in Atascosa, McMullen, Duval, and Jim Hogg Counties. STEC filed with its application a list of landowners that could be directly affected by one or more of the proposed segments. STEC’s list included Intervenors as the owners of properties in Duval County, Texas.

2. Intervenors previously filed timely requests to intervene in this docket (Docket Item Nos. 212 and 176).

3. Intervenors, due to a misunderstanding of the applicable dates, filed statements of position on June 28, 2023, two days late (Docket Item Nos. 361 and 363).

4. Attorneys Tyler Topper and Christian Stewart, pursuant to P.U.C. PROC. R. 22.101(a), hereby notice their appearance as counsel on behalf of Intervenors. Intervenors desire to have their late-filed statements of position allowed, remain parties to the above-styled and docketed proceeding and have input in the routing process.

5. This motion is not brought to cause delay and is unlikely to disrupt the proceeding in any way. Allowing Intervenor's late-filed statements of position to be recognized would not be prejudicial to or an additional burden upon the legal rights of any existing party because the statements of position cannot be admitted into the evidentiary record and merely operate to allow Intervenor to continue as parties in the case. Additionally, the statements of position were filed within a mere two days of the deadline and the public interest will be served by the continued participation of directly affected landowners such as Intervenor. For these reasons, good cause exists to grant Intervenor's Motion to Allow Late-Filed Statements of Position.

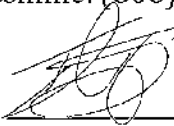
6. Intervenor requests that all parties to this proceeding serve copies of all notices, correspondence, pleadings, discovery, and other documents upon its counsel as follows:

Tyler Topper
Texas Bar No. 24059263
ttopper@mw-law.com
Christian Stewart
Texas Bar No. 24013569
cstewart@mw-law.com
MORGAN WILLIAMSON LLP
701 South Taylor, Suite 440
Amarillo, Texas 79101
Telephone: (806) 358-8116
Facsimile: (806) 350-7642

WHEREFORE, PREMISES CONSIDERED, Intervenor respectfully requests that this Motion to Allow Late-Filed Statements of Position be granted and that Intervenor's Statements of Position be recognized and allowed, and for such further relief to which Intervenor may be entitled.

Respectfully Submitted,

MORGAN WILLIAMSON LLP
701 South Taylor, Suite 440
Amarillo, Texas 79101
Telephone: (806) 358-8116
Facsimile: (806) 350-7642

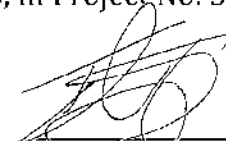
By: 

Tyler Topper
Texas Bar No. 24059263
ttopper@mw-law.com
Christian Stewart
Texas Bar No. 24013569
cstewart@mw-law.com

ATTORNEYS FOR INTERVENOR

CERTIFICATE OF SERVICE

I certify a copy of this document is being filed in the Public Utility Commission's Interchange System and served on all parties of record as required by orders in this docket, the Commission's rules, and the Commission's First and Second Orders Suspending Rules issued on March 16, 2020 and July 16, 2020, in Project No. 50664.


Tyler Topper