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BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**APPLICATION OF SOUTH TEXAS ELECTRIC
COOPERATIVE, INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR THE SAN MIGUELTO-
CRUCE DOUBLE CIRCUIT 345-KV TRANSMISSION LINE IN
ATASCOSA, MCMULLEN, DUVAL, AND JIM HOGG
COUNTIES**

**CORRECTED SOAH ORDER No. 4¹
RULING ON MOTIONS TO INTERVENE; DISMISSING CERTAIN
INTERVENORS; CANCELING HEARING AND PROCEDURAL SCHEDULE;
ADMITTING EVIDENCE; AND REMANDING PROCEEDING**

I. RULING ON MOTIONS TO INTERVENE

The individuals and entities listed below filed timely motions to intervene, there were no objections to those motions, and they filed direct testimony or a

¹ The previously issued version of SOAH No. 4 erroneously included Albert and Patricia Ramirez among the list of admitted intervenors.

statement of position before the June 26, 2023 deadline.² Accordingly, the following intervenors are **ADMITTED** as parties:

- Claude Franklin Ranch, Ltd., Muleshoe Y Properties, LLC, Walter and Mary Franklin, Craig and Suzanne Franklin, Peggy Franklin Steinle, and Kathleen Franklin Smith, Individually and as Independent Executor of the Estate of Elaine Franklin, Deceased
- High Drive, LLC
- Primitive Ranches, LLC
- Rancho Nueces Vista, LLC
- Eshleman Ranches Partnership
- Corpus Christi Brine Services, L.P.
- Las Hermanitas Properties LLC
- Leon Gentry
- Steven Conrad Weil 1989 Trust
- Frankie Dicke
- Hill Creek Ranch
- Frio 5 Hills Ranch LP
- Cheyenne Petroleum Company
- Ida Kaiser
- David and Michelle Herrington
- Linda Herrington
- The Mary Ann Wheeler Family Limited Partnership
- Wright Materials, Inc and W. T. Mining Company, Inc.
- Barfield Ranch, LLC

² State Office of Administrative Hearings (SOAH) Order No. 2 issued in this case states: “Any intervenor who does not file either written testimony or a position statement by June 26, 2023, will be dismissed from this case and prohibited from further participation. *See* 16 Texas Administrative Code §§ 22.124 and 22.161.”

- Ruiz Cattle Company, LLC
- Blackstone Dilworth; Estate of Frances D. Dilworth, Deceased; Golondrina Ranch Company, Ltd.; and Hermanitas Ranch Company, Ltd.
- H-Star, LC/Jon Hundley
- Ben G. Whipple
- Garza J6 Ranch, Ltd.
- La Campana Ranch, LTD, TJ Martin III, and Angela Kay Martin
- John Luby (Luby Chapote Ranch and Luby Revocable Trust)³
- Donald Haynes, Jr.
- Linda Lee Henry
- Pete and Elta Grace Pennington
- Martin and Casey Soward
- Zimmerman Ranch LLC
- Crestonio Properties, L.P.
- Highway 16 Ranch, LLC
- Pat Schuchart

The following individuals and entities filed motions to intervene after the July 16, 2023 deadline set out in SOAH Order No. 2. South Texas Electric Cooperative, Inc. (STEC) filed objections to their motions, and no response was filed. Accordingly, the following motions to intervene are **DENIED**:

- Francisco Moreno
- Jason Ferguson

³ Jason Ferguson and John Luby, individually, and on behalf of Luby Chapote Ranch, LLC, and the Luby Revocable Trust, filed a motion to allow late-filed statements of position. The motion is GRANTED with respect to Mr. Luby, Luby Chapote Ranch, LLC, and the Luby Revocable Trust. As noted below, Mr. Ferguson's late-filed motion to intervene is denied.

- Lester Schubert
- Henry Novak (H. Novak LP)
- Rolando Lopez
- Evangelina H. and Mauro Ruben Perez
- Randy and Ada Watt
- Navy Region Southwest
- National Guard Bureau

Late-filed motions to intervene may be granted where the movant “had good cause for failing to file the motion within the time prescribed.”⁴ Luis B. Talamante filed a motion to intervene on June 22, 2023. STEC objected to the motion as untimely. Mr. Talamante filed a response showing good cause for the late filing. Accordingly, Mr. Talamante’s motion is **GRANTED**, and he is **ADMITTED** as a party.

Jimmy L. Thompson filed a motion to intervene on June 23, 2023. The motion stated good cause for the late filing. No objection was filed. Accordingly, Mr. Thompson’s motion is **GRANTED**, and he is **ADMITTED** as a party.

Movses Mazmanyanyan filed a motion to intervene at 6:01 p.m., after the Commission’s Central Records closed at 5:00 p.m., and after the Commission’s 3:00 p.m. filing deadline. STEC objected to the motion as untimely. Mr. Mazmanyanyan

⁴ 16 Tex. Admin. Code § 22.104(d)(1)(B).

filed a response asserting good cause for the late filing.⁵ Accordingly, Mr. Mazmanyany's motion is **GRANTED**, and he is **ADMITTED** as a party.

II. DISMISSING INTERVENORS

As noted above, SOAH Order No. 2 issued in this case states: "Any intervenor who does not file either written testimony or a position statement by June 26, 2023, will be dismissed from this case and prohibited from further participation. *See* 16 Texas Administrative Code §§ 22.124 and 22.161." The following intervenors did not file either direct testimony or a statement of position, and they are dismissed from this case:

- 3M Marshall Grasp Ltd.
- Albert and Patricia Ramirez
- Alejandro Lopez, Jr.
- Amel T. Sahadi
- Arturo and Delia Ramirez
- Atilano Chapa
- Bette Allen
- Cira Agueda M. Olivars
- Corene Ludwina Paton
- Corene Paton, Independent Executrix of The Estate of Joseph R. Paton
- Corene W. Paton
- Daniel O. and Dolores Rios
- David Nicolardi

⁵ The response was erroneously filed as confidential.

- Eduardo Saldana
- Emeteria M. Rodriguez
- Frijolillo Ranch
- James Naylor
- Jason D. Lester and Allison N. Lester
- Juan Alfonso Montez
- Juan Hernandez
- Linda McKamie
- Manuel Ruiz
- Mary R. Dorris
- McTee L7 Ranch, Ltd
- Michael Nathan Benavides
- Mike Kruger
- Neva Marshall
- Olivares, Cira Agueda M. Etal, Montez, Juan Alfonso, Rodriguez, Emeteria M.
- Paul Eschete
- Rhonda Coffin
- Roger Paton
- Rolando Valdez
- Saenz Ranch
- Thomas Morris
- Atilano Chapa
- Jesus Ruiz
- Kurt Paton

III. STATEMENTS OF POSITION FILED BY NON-PARTIES

Under 16 Texas Administrative Code § 22.103(b), a person seeking to intervene in a proceeding “must file a motion to intervene and be recognized as a party under § 22.104 of this title (relating to Motions to Intervene) in order to participate as a party in a proceeding.” The following parties filed statements of position without having moved to intervene:

- Pertle Creek Ranch L.P.
- Brockton V. Schupp and Charlotte K. Schupp
- Randy Foster
- Barbara Ann Potts

The above-listed parties’ statements of position will be considered as protestor comments.

IV. CANCELING HEARING AND PROCEDURAL SCHEDULE; ADMITTING EVIDENCE; AND REMANDING PROCEEDING

On July 14, 2023, STEC filed an Unopposed Stipulation and Settlement Agreement (Stipulation) and Motion to Cancel Hearing and Procedural Schedule, Dismiss Intervenors Who Did Not File Testimony or a Statement of Position, Admit Evidence, and Remand Proceeding to the Commission (Motion).

The following intervening landowners (the Signatories) are signatories to the Stipulation:

- Northwest Landowners (Jimmy L. Thompson, Pat Schuchart, Ida Henry Kaiser, and Frankie Dickie)
- La Barronena Ranch East Partners, L.P.
- Thomas C. Musgrave & La Barronena Ranch, Ltd.
- High Drive, L.L.C.
- Sweden Ranch, L.P.
- Crestonio Properties, L.P.
- Corpus Christ Brine Services, L.P.
- Steven Weil
- Steven Conrad Weil 1989 Trust
- BHW L.P.
- Las Hermanitas Properties, L.L.C.
- Leon Gentry
- Jason Ferguson
- Luby (John Luby, Luby Chapote Ranch, LLC, Elizabeth Luby, and the Luby Revocable Trust)
- Juan Roberto Sanchez
- FW Ranches, Ltd.
- Wyatt Ranches of Texas, L.L.C.
- Franklin Family (Walter and Mary Franklin, Claude Franklin Ranch, Ltd., Muleshoe Y Properties, LLC, Craig and Suzanne Franklin, Peggy Franklin Steinle, Kathleen Franklin Smith, Individually and as Independent Executor of the Estate of Elain Franklin, Deceased)
- Linda Lee Henry
- Elta Grace Pennington and James C. “Pete” Pennington
- Donald Haynes, Jr.
- Martin and Casey Soward
- KWL Ranches

- Hill Creek Ranch (Dr. Peter Swenson, Anne Swenson, and the Swenson Children's Trust)
- La Campana Ranch, Ltd.
- TJ Martin, III
- Angela Kay Martin
- Northeast McMullen Alliance (Leo Quintanilla, Paloma Cattle Company, Tyler Ranch Partners, Ltd., Seventy-Four Ranch, Inc., 74 Ranch, Ltd., Anderson Robinson, Inc., Herrington Ranch, LLC, Cenizo Arroyo Operations, Ltd., Linda Herrington, David Herrington, and Michelle Herrington)
- BFG Land and Cattle, Ltd.
- Script Ranch, L.L.C.
- SOJ Investments, L.L.C.
- Clay and Julie Edwards
- Primitive Ranches, L.L.C.
- Rancho Nueces Vista, L.L.C.
- Donnell Lands, L.P.
- Ben G. Whipple
- Frio 5 Hills Ranch, L.P.
- Cheyenne Petroleum Company
- Y Bar Ranch, Ltd.
- Bishop Cattle Company
- Killam Ranch Properties, Ltd.
- Mary Ann Wheeler Family Limited Partnership
- Wright Materials, Inc.
- W.T. Mining Company, Inc.
- Blackstone Dilworth
- Estate of Frances Dilworth

- Golondrina Ranch Company, Ltd.
- Hermanitas Ranch Company, Ltd.
- Silverhorn Ranch, Ltd.
- Highway 16 Ranch, L.L.C.
- Barfield Ranch, L.L.C.
- Ruiz Cattle Company, L.L.C.
- Rancho Loma Alta, Inc.
- Walden Shelton, Jr.
- Sean Hoffmann
- H-Star, L.C. (Jon and Wendi Hundley)
- Roel Elizondo

Commission Staff is not a signatory to the Stipulation but is unopposed to it.

Additionally, the following intervening landowners (together with Staff, the Unopposed Parties) are unopposed to the Stipulation:

- Zimmerman Ranch, L.L.C. (David Zimmerman)
- Garza J6 Ranch (Jose M. Garza)
- Movses (Moses) Mazmanyanyan

The Motion states that all intervening parties that filed testimony or statements of position in this proceeding are included in either the Signatories or the Unopposed Parties, and that no parties that filed testimony or statements of position in this proceeding oppose the Stipulation.

The Motion states that, if approved by the Commission, the Stipulation will resolve all issues in this proceeding, and requests that the ALJs:

1. cancel the hearing on the merits scheduled for July 28 and 31, 2023 and all other remaining deadlines set out in the procedural schedule adopted in SOAH Order No. 2;
2. dismiss all intervenors who did not file testimony or a statement of position, as identified in STEC's Revised Response to SOAH Order No. 1, filed July 14, 2023;
3. enter specified pre-filed testimony and other material into evidence; and
4. remand this case to the Commission for consideration of the Stipulation.

The Motion is **GRANTED**. The following exhibits are **ADMITTED** into evidence:

1. STEC's Application and all attachments to the Application, filed May 2, 2023 (Interchange Item No. 2);
2. Direct Testimony of Paul G. Person, filed May 2, 2023 (Interchange Item No. 3);
3. Direct Testimony of Nathaniel R. Schrein, filed May 2, 2023 (Interchange Item No. 4);
4. Direct Testimony of Lisa B. Meaux, filed May 2, 2023 (Interchange Item No. 5);
5. STEC's Response to Order No. 1, filed May 16, 2023 (Interchange Item No. 41);
6. STEC's Proof of Notice and Publication, filed May 22, 2023 (Interchange Item No. 51);
7. Commission Staff's Comments on STEC's Responses to Questions and Recommendation on Administrative Completeness, filed May 30, 2023 (Interchange Item No. 72);

8. STEC's Intervenor Map, filed June 21, 2023 (Interchange Item No. 230);
9. Direct Testimony of Matt Nuernberg, filed June 23, 2023 (Interchange Item No. 238);
10. Direct Testimony of Matt Nuernberg, filed June 23, 2023 (Interchange Item No. 241);
11. Direct Testimony of Matt Nuernberg, filed June 23, 2023 (Interchange Item No. 242);
12. Direct Testimony of Matt Nuernberg, filed June 23, 2023 (Interchange Item No. 244);
13. Direct Testimony of Edward C. Lasater, filed June 26, 2023 (Interchange Item No. 246);
14. Direct Testimony of James Y. Anderson, filed June 26, 2023 (Interchange Item No. 248);
15. Direct Testimony of Steven Weil, filed June 26, 2023 (Interchange Item No. 249);
16. Direct Testimony of William H. Riley, filed June 26, 2023 (Interchange Item No. 250);
17. Direct Testimony of Leon Gentry, filed June 26, 2023 (Interchange Item No. 251);
18. Direct Testimony of Matt Nuernberg, filed June 26, 2023 (Interchange Item No. 252);
19. Direct Testimony of Steve Hill, filed June 26, 2023 (Interchange Item No. 253);
20. Direct Testimony of Emmett Shelton, filed June 26, 2023 (Interchange Item No. 254);
21. Direct Testimony of Ben Eshleman, filed June 26, 2023 (Interchange Item No. 255);
22. Direct Testimony of John Ramming, filed June 26, 2023 (Interchange Item No. 256);
23. Direct Testimony of Jamie Donnell, filed June 26, 2023 (Interchange Item No. 257);

24. Direct Testimony of Sheriff Jose Eduardo “Eddie” Guerra, filed June 26, 2023 (Interchange Item No. 261);
25. Direct Testimony of Jose Rene Martinez, filed June 26, 2023 (Interchange Item No. 262);
26. Direct Testimony of Sheriff Romeo R. Ramirez, filed June 26, 2023 (Interchange Item No. 264);
27. Direct Testimony of Clay Edwards, filed June 26, 2023 (Interchange Item No. 266);
28. Direct Testimony of Baldemar F. Gutierrez, filed June 26, 2023 (Interchange Item No. 267);
29. Direct Testimony of Mark D. Anderson, filed June 26, 2023 (Interchange Item No. 269);
30. Direct Testimony of Terry Allen, filed June 26, 2023 (Interchange Item No. 270);
31. Direct Testimony of Julie Edwards, filed June 26, 2023 (Interchange Item No. 271);
32. Direct Testimony of David Philips, filed June 26, 2023 (Interchange Item No. 272);
33. Direct Testimony of Damon Perrin, filed June 26, 2023 (Interchange Item No. 273);
34. Direct Testimony of Charles Wheeler, filed June 26, 2023 (Interchange Item No. 276);
35. Confidential Direct Testimony filed on behalf of FW Ranches, filed June 26, 2023 (Interchange Item No. 280);
36. Direct Testimony of Macy Ledbetter, filed June 26, 2023 (Interchange Item No. 274);
37. Direct Testimony of Macy Ledbetter, filed June 26, 2023 (Interchange Item No. 278);
38. Direct Testimony of Christopher Jones, filed June 26, 2023 (Interchange Item No. 282);
39. Direct Testimony of Kristopher Lindsey, filed June 26, 2023 (Interchange Item No. 284);

40. Direct Testimony of Macy Ledbetter, filed June 26, 2023 (Interchange Item No. 286);
41. Direct Testimony of TJ Martin, III, filed June 26, 2023 (Interchange Item No. 287);
42. Direct Testimony of Macy Ledbetter, filed June 26, 2023 (Interchange Item No. 289);
43. Direct Testimony of Roel Elizondo, filed June 26, 2023 (Interchange Item No. 291);
44. Direct Testimony of Connor Quintanilla, filed June 26, 2023 (Interchange Item No. 293);
45. Direct Testimony of Leo Quintanilla, filed June 26, 2023 (Interchange Item No. 295);
46. Direct Testimony of Macy Ledbetter, filed June 26, 2023 (Interchange Item No. 296);
47. Direct Testimony of Trent Whitis, filed June 26, 2023 (Interchange Item No. 297);
48. Direct Testimony of Mike Herrington, filed June 26, 2023 (Interchange Item No. 298);
49. Direct Testimony of Thomas C. Musgrave, IV, filed June 26, 2023 (Interchange Item No. 299);
50. Direct Testimony of Harold L. Hughes Jr., P.E., filed June 26, 2023 (Interchange Item No. 301);
51. Direct Testimony of Tom Jambers, filed June 26, 2023 (Interchange Item No. 302);
52. Direct Testimony of Cody Zabransky, filed June 26, 2023 (Interchange Item No. 303);
53. Direct Testimony of Tracy Wright, filed June 26, 2023 (Interchange Item No. 304);
54. Direct Testimony of Martin R. Harris, Jr., filed June 26, 2023 (Interchange Item No. 305);
55. Direct Testimony of Linda D. Herrington, filed June 26, 2023 (Interchange Item No. 306);

56. Direct Testimony of Sean Hoffmann, filed June 26, 2023 (Interchange Item No. 307);
57. Direct Testimony of Daniel B. Porter, filed June 26, 2023 (Interchange Item No. 308);
58. Direct Testimony of David Herrington, filed June 26, 2023 (Interchange Item No. 309);
59. Direct Testimony of Michelle Herrington, filed June 26, 2023 (Interchange Item No. 310);
60. Direct Testimony of John “LJ” Anderson, filed June 26, 2023 (Interchange Item No. 311);
61. Direct Testimony of Danny French, filed June 26, 2023 (Interchange Item No. 312);
62. Direct Testimony of Ben Schmidtke, filed June 26, 2023 (Interchange Item No. 313);
63. Direct Testimony of Trent Leon, filed June 26, 2023 (Interchange Item No. 314);
64. Direct Testimony of Jason E. Buntz, filed June 26, 2023 (Interchange Item No. 315);
65. Direct Testimony of Peter Swenson, filed June 26, 2023 (Interchange Item No. 316);
66. Direct Testimony of Robert Kerr, filed June 26, 2023 (Interchange Item No. 317);
67. Direct Testimony of David Hewett, Ph.D., filed June 26, 2023 (Interchange Item No. 318);
68. Direct Testimony of Leon Motal, filed June 26, 2023 (Interchange Item No. 319);
69. Direct Testimony of Michael D. Noonan, filed June 26, 2023 (Interchange Item No. 320);
70. Direct Testimony of Michael D. Noonan, filed June 26, 2023 (Interchange Item No. 321);
71. Direct Testimony of Wesley Langley, filed June 26, 2023 (Interchange Item No. 322);

72. Direct Testimony of Bradford A. Wyatt, filed June 26, 2023 (Interchange Item No. 323);
73. Direct Testimony of Ida Henry Kaiser, filed June 26, 2023 (Interchange Item No. 326);
74. Direct Testimony of Jimmy L. Thompson, filed June 26, 2023 (Interchange Item No. 327);
75. Direct Testimony of Pat Schuchart, filed June 26, 2023 (Interchange Item No. 328);
76. Direct Testimony of Emmett Shelton, filed June 26, 2023 (Interchange Item No. 329);
77. Direct Testimony of David Kitner, filed June 26, 2023 (Interchange Item No. 332);
78. Direct Testimony of David Kitner, filed June 26, 2023 (Interchange Item No. 333);
79. Direct Testimony of Elta Grace Pennington, filed June 26, 2023 (Interchange Item No. 334);
80. Direct Testimony of Walter Franklin, filed June 26, 2023 (Interchange Item No. 336);
81. Direct Testimony of Walden E. Shelton, Jr., filed June 26, 2023 (Interchange Item No. 338);
82. Direct Testimony of William C. Barfield, filed June 26, 2023 (Interchange Item No. 339);
83. Direct Testimony of Sandalio Ruiz, filed June 26, 2023 (Interchange Item No. 340);
84. Direct Testimony of Linda Lee Henry, filed June 26, 2023 (Interchange Item No. 342);
85. Direct Testimony of David Zimmerman, filed June 26, 2023 (Interchange Item No. 343);
86. Direct Testimony of Frankie Dicke, filed June 26, 2023 (Interchange Item No. 346);

87. STEC's Response to SOAH Order No. 1 Regarding Intervenors Who Did Not File Testimony or Statement of Position, filed July 6, 2023 (Interchange Item No. 438);
88. Cross-Rebuttal Testimony of Ryan C. O'Connor, filed July 7, 2023 (Interchange Item No. 458);
89. Cross-Rebuttal Testimony of Mohammed Ally, P.E., filed July 7, 2023 (Interchange Item No. 460);
90. Direct Testimony of Sherryhan Ghanem, filed July 7, 2023 (Interchange Item No. 463);
91. Cross-Rebuttal of Mark D. Anderson, filed July 7, 2023 (Interchange Item No. 466);
92. Cross-Rebuttal of Mark Turnbough, Ph.D., filed July 7, 2023 (Interchange Item No. 471);
93. Cross-Rebuttal of Christopher Jones, filed July 7, 2023 (Interchange Item No. 472);
94. Cross-Rebuttal of Baldemar F. Gutierrez, filed July 7, 2023 (Interchange Item No. 476);
95. Exhibit to the Direct Testimony of Thomas C. Musgrave, IV, filed July 11, 2023 (Interchange Item No. 488);
96. STEC's Notice of Agreement In Principle, filed July 11, 2023 (Interchange Item No. 489);
97. Errata to the Cross-Rebuttal Testimony of Mohammed Ally, P.E., filed on July 12, 2023 (Interchange Item No. 490);
98. STEC's Revised Response to SOAH Order No. 1 Regarding Intervenors Who Did Not File Testimony or Statement of Position, filed July 14, 2023 (Interchange Item No. 491);
99. Supplemental Direct Testimony of Paul G. Person, filed on July 14, 2023 (Interchange Item No. 495);
100. Supplemental Direct Testimony of Nathaniel R. Schrein, filed on July 14, 2023 (Interchange Item No. 494); and

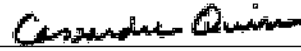
101. Unopposed Stipulation and Settlement Agreement, filed on July 14, 2023 as Exhibit A to the Motion (Interchange Item No. 497).⁶

The hearing on the merits set for July 28 and 31, 2023, and all other remaining deadlines set out in the procedural schedule adopted in SOAH Order No. 2 are **CANCELED**.⁷ This case is **REMANDED** to the Commission for consideration of the Stipulation and **DISMISSED** from SOAH's docket.

Signed July 19, 2023.



Daniel Wiseman,
Administrative Law Judge



Cassandra Quinn,
Administrative Law Judge

⁶ Although the parties did not request admission of the Stipulation into the evidentiary record, the ALJs admit it to ensure that the record is complete.

⁷ Walden Shelton, Jr. filed a motion to continue the hearing on the merits in this matter. Because the hearing is canceled, Mr. Shelton's motion is dismissed as moot.