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**SOAH DOCKET NO. 473-23-21216
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APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RAMHORN HILL – DUNHAM 345 KV TRANSMISSION LINE IN DENTON AND WISE COUNTIES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**LA ESTANCIA INVESTMENTS, L.P.’S RESPONSE TO OBJECTIONS
AND MOTION TO STRIKE TESTIMONY**

La Estancia Investments, L.P. (“La Estancia”) responds to the purported “objections” to cross-rebuttal testimony filed on August 16, 2023 by Seth DeLeon and Jeremy and Katie Young.¹ La Estancia also moves to strike those parties’ August 16, 2023 filings because they are untimely and improper cross-rebuttal testimony, not objections.

RESPONSE TO OBJECTIONS AND MOTION TO STRIKE

On August 16, 2023, Mr. DeLeon filed what he labeled as “Objections to Intervenor Cross-Rebuttal Testimony of Seth DeLeon.” In that pleading, Mr. DeLeon stated that the purpose of his testimony was to “respond to the Intervenor witness’ recommendation regarding the route for the Oncor transmission line.”² In response to a question regarding how the Intervenor recommendations would affect Mr. DeLeon’s property, Mr. DeLeon stated that he intended to “address the cross-rebuttal testimony of Finley Ewing on behalf of La Estancia Investments, L.P.”³

¹ Under SOAH Order No. 2, the deadline for responses to objections to cross-rebuttal testimony is August 21, 2023. Therefore, this response is timely filed.

² Docket No. 55067, Item No. 1657, Objections to Intervenor Cross-Rebuttal Testimony of Seth DeLeon at 3 (Aug. 16, 2023). Mr. DeLeon also filed “objections” to another party’s testimony. That appears as Item No. 1656 on the Interchange.

³ *Id.*

Mr. DeLeon further explained that he “disagrees” with Mr. Ewing’s cross-rebuttal testimony and set forth the reasons for the disagreement.⁴

Also on August 16, 2023, the Youngs filed what they labeled as “Objections to Intervenor and Cross-Rebuttal Testimony.”⁵ Like Mr. DeLeon, the Youngs set forth their preferred route, and then explained why they disagreed with Mr. Ewing’s cross-rebuttal testimony.⁶

La Estancia requests that the Administrative Law Judges (“ALJs”) overrule the objections of Mr. DeLeon and the Youngs to Mr. Ewing’s cross-rebuttal testimony. Neither party has alleged that Mr. Ewing’s testimony was untimely or inadmissible; instead, they merely set forth their reasons for disagreeing with the substance of that testimony. Therefore, they have not stated any valid objections to Mr. Ewing’s testimony.

La Estancia further requests that the ALJs enter an order striking the August 16, 2023 pleadings by Mr. DeLeon and the Youngs. The procedural schedule adopted in this case required that parties file cross-rebuttal testimony by August 14, 2023, and neither Mr. DeLeon nor the Youngs filed their cross-rebuttal testimony by that date. Moreover, the procedural schedule makes no provision for intervening parties to respond to cross-rebuttal testimony. By waiting until after the deadline in the procedural schedule for filing cross-rebuttal testimony, Mr. DeLeon and the Youngs were able to review other parties’ cross-rebuttal testimony and to respond to that cross-rebuttal testimony, which confers an unfair advantage on them. Accordingly, La Estancia requests that the ALJs enter an order striking Mr. DeLeon’s and the Youngs’ August 16, 2023 pleadings.

⁴ *Id.* at 3-4.

⁵ Docket No. 55067, Item No. 1655, Objections to Intervenor Cross-Rebuttal Testimony Jeremy and Katie Young at 3 (Aug. 16, 2023).

⁶ *Id.* at 3-4.

PRAYER

For the reasons set forth in this pleading, La Estancia prays that the ALJs overrule the objections of Mr. DeLeon and the Youngs to Mr. Ewing's cross-rebuttal testimony. La Estancia further prays that the ALJs strike the improper cross-rebuttal testimony of Mr. DeLeon and the Youngs. La Estancia prays for any other relief to which it may be entitled.

Respectfully submitted,

WINSTEAD PC

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ATTORNEYS FOR LA ESTANCIA

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has been served by email on all parties of record who have provided an email address on this the 18th day of August, 2023, in accordance with the Order Suspending Rules in Project No. 50664.

By: /s/ Ron H. Moss