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**SOAH DOCKET NO. 473-23-21216
PUC DOCKET NO. 55067**

APPLICATION OF ONCOR	§	BEFORE THE
ELECTRIC DELIVERY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	PUBLIC UTILITY COMMISSION
FOR THE RAMHORN	§	
HILL – DUNHAM 345 KV	§	
TRANSMISSION LINE IN DENTON	§	OF TEXAS
AND WISE COUNTIES	§	

**CITY OF RHOME’S RESPONSE TO SOAH ORDER NO. 9 AND ALTERNATIVE
MOTION FOR LEAVE**

COMES NOW the City of Rhome (“Rhome”) and files this Response to SOAH Order No. 9 and Alternative Motion for Leave, and respectfully shows as follows:

**1.
BACKGROUND**

1.01. On July 24, 2023, the City of Rhome filed its Motion to Intervene¹ and Amended Motion to Intervene². Also filed on July 24, 2023, was a Joint Resolution of the City Councils of the City of New Fairview, City of Rhome, and City of Justin³ (“Joint Resolution”), stating the cities’ joint position in regards to the proposed locations of Oncor’s transmission line.

1.02. On August 4, 2023, Edgar Brent Watkins And Mary Ann Livengood filed their First Set of Requests for Information on Rhome.⁴ Rhome filed its response to Edgar Brent Watkins and Mary Ann Livengood’s First Set of Requests for Information on August 9, 2023, whereby

¹ Docket No.55067, Item No. 1139.

² Docket No. 55067, Item No. 1171.

³ Docket No. 55067, Item No. 1105.

⁴ Docket No. 55067, Item No. 1571.

Rhome supplemented the filed Joint Resolution of the City of Rhome, City of Justin, and City of New Fairview by providing the omitted exhibit showing the cities' preferred routes.⁵

1.03. On August 16, 2023, SOAH Order No. 9 was filed, dismissing Rhome for failure to file a statement of position or sworn testimony in this proceeding by July 31, 2023.⁶

2. RESPONSE ORDER NO. 9.

2.01. Rhome asserts that the filed Joint Resolution, filed on July 24, 2023, constitutes Rhome's statement of position which was timely filed in this proceeding. Further, Rhome has engaged in this proceeding by responding to another party's request for information, further supplementing the Joint Resolution, detailing Rhome's preference in the location of the proposed transmission line.

2.02. Therefore, Rhome was improperly dismissed as a party from this proceeding and should be reinstated.

3. MOTION FOR LEAVE TO FILE STATEMENT OF POSITION

3.01. In the alternative, should SOAH deem the Joint Resolution insufficient to stand as Rhome's statement of position, Rhome moves that it be readmitted as a party to this proceeding and be given leave to file a statement of position by August 23, 2023. A good cause exemption is warranted in this case as Rhome believed that it had in fact complied with procedural schedule requirements of having a statement of position on file by July 31, 2023, by having the Joint Resolution filed on July 24, 2023. Rhome has demonstrated that it is participating in the proceeding by responding to other filings in this proceeding and should not be denied participation for its mistaken belief in the sufficiency of the Joint Resolution being its statement of position.

⁵ Docket No. 55067, Item No. 1611.

⁶ Docket No. 55067, Item No. 1652.

WHEREFORE, PREMISES CONSIDERED, the City of Rhome respectfully requests that it be reinstated as a party in this proceeding with the filed Joint Resolution of the City Councils of the City of New Fairview, City of Rhome, and City of Justin standing as Rhome's statement of position, or, alternatively, be reinstated as a party and be given leave to file a statement of position.

Respectfully submitted,

/s/ James Donovan

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**ATTORNEYS FOR
CITY OF RHOME, TEXAS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on all parties or other person(s) requesting notice and service of pleadings, by filing same through the PUC Interchange Filer System on this 18th day of August, 2023.

/s/ James Donovan

JAMES DONOVAN