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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

**APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY
LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR THE RAMHORN HILL TO DUNHAM 345 KV
TRANSMISSION LINE IN DENTON AND WISE COUNTIES**

SOAH ORDER NO. 11
**ORDER DENYING WITHOUT PREJUDICE MOTION TO ADMIT
EVIDENCE AND DENYING REQUEST TO INTERVENE**

After the close of the hearing, two requests were filed: (1) Denton County Land & Cattle LP and Denton County Land & Cattle 2's (DCLC) Motion to Admit Evidence and (2) Joshua Bosler's Request to Intervene.

I. DCLC'S MOTION TO ADMIT EVIDENCE

DCLC filed a motion to admit the evidence of affidavit of BNSF Railway Company (BNSF) consenting to DCLC's proposed modifications to certain links as issue in this proceeding. No responses were filed to DCLC's motion. However,

in review of the proposed affidavit, the ALJ **DENY the motion without prejudice to refile proof of written consent.**

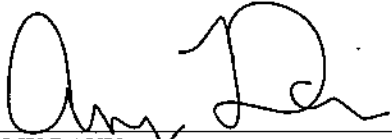
The affiant fails to establish their authority to provide consent on behalf of BNSF outside a conclusory statement that it is true and correct and based on personal knowledge. The affidavit does not demonstrate that the affiant is employed by BNSF or in which capacity in a way sufficient to demonstrate authority to consent to the modifications. Furthermore, the affidavit's consent paragraph no. 6 indicates only that BNSF proposes modifications to Links M1, M3, and M5 and not that it is consenting to the modifications proposed at the hearing on the merits by DCLC. From the affidavit provided, the ALJs cannot conclude that BNSF has provided written consent to the DCLC modifications at issue in Links M1, M3, and M5. Therefore, it does not form competent evidence and is not admitted at this time. This is without prejudice for DCLC to refile an affidavit or other appropriate form of BNSF's written consent to the DCLC's modifications.

II. JOSHUA BOSLER REQUEST TO INTERVENE

On November 2, 2023, Joshua Bosler filed a request to intervene. Having considered the request and applicable law,¹ the request to intervene is **DENIED**.

¹ See, e.g., 16 Tex. Admin. Code § 22.104(d)(1).

Signed November 10, 2023



AMY DAVIS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



BRENT MCCABE,
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS