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**SOAH DOCKET NO. 473-24-12812
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APPLICATION OF AEP TEXAS INC. FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**AEP TEXAS INC.’S MOTION TO STRIKE THE INTERVENTION
OF ANTONIO CABALLERO**

AEP Texas Inc. moves to strike the intervention of Antonio Caballero because, aside from filing a letter entitled “comment and intervention,” Mr. Caballero has not participated in this proceeding, filed direct testimony, or filed a statement of position. An intervening party’s failure to timely file a statement of position may result in sanctions, including dismissal as a party from the proceeding and prohibition from participating in the hearing on the merits and briefing.¹ In support of its motion, AEP Texas states the following:

I. Motion to Strike

On February 29, 2024, AEP Texas Inc. filed an application with the Public Utility Commission of Texas (Commission) requesting authority to change rates, which was referred to the State Office of Administrative Hearings (SOAH) on March 1, 2024. On April 2, 2024, Antonio Caballero filed a letter opposing AEP Texas’ requests in this docket, which was treated as a request to intervene and which was granted in SOAH Order No. 3 filed on April 17, 2024.²

Under the procedural schedule for this proceeding, the deadline for intervenor direct testimony was May 16, 2024. Mr. Caballero did not submit direct testimony.

Under 16 Tex. Admin. Code § 22.124(a), a party who has not prefiled written testimony is required to file a statement of position no later than three working days before the start of a hearing,

¹ 16 Tex. Admin. Code §§ 22.124 (a) and 22.161(b), (c) and (d).

² Request to Intervene of Antonio Caballero (Apr. 2, 2024) (Interchange Item No. 65).

though the ALJs may set a different deadline. The purpose of this requirement is to ensure that the positions of all interested parties are known and can be considered in the parties' negotiations and for parties' preparation for the hearing on the merits.³ In SOAH Order No. 9, the ALJs set a deadline for parties who did not file direct testimony to file a statement of position no later than June 20, 2024.⁴ Mr. Caballero did not file a statement of position.

Because Mr. Caballero has failed to file direct testimony or a statement of position or otherwise participate in this proceeding, AEP Texas requests that Mr. Caballero's intervention be stricken and that he be dismissed as a party.

II. Conclusion

For the reasons set forth above, AEP Texas respectfully requests the ALJs strike the intervention of Mr. Caballero and dismiss him as a party. AEP Texas requests any such other relief to which it is justly entitled.

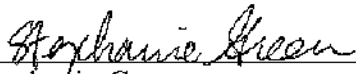
Respectfully submitted,

Melissa Gage
State Bar No. 24063949
Email: magage@aep.com
Leila Melhem
State Bar No. 24083492
Email: lmelhem@aep.com
Service: aepaustintx@aep.com
400 West 15th Street, Suite 1520
Austin, Texas 78701
Telephone: (512) 481-3320
Facsimile: (512) 481-4591
**AMERICAN ELECTRIC POWER SERVICE
CORPORATION**

³ SOAH Order No. 9 at 5 (Jun. 17, 2024).

⁴ *Id.*

William Coe
State Bar No. 00790477
Email: wcoe@dwmrlaw.com
Kerry McGrath
State Bar No. 13652200
Email: kmcgrath@dwmrlaw.com
Patrick Pearsall
State Bar No. 24047492
Email: ppersall@dwmrlaw.com
Stephanie Green
State Bar No. 24089784
Email: sgreen@dwmrlaw.com
P.O. Box 1149
Austin, Texas 78767
Telephone: (512) 744-9300
Facsimile: (512) 744-9399
DUGGINS WREN MANN & ROMERO, LLP

By: 
Stephanie Green

ATTORNEYS FOR AEP TEXAS INC.

CERTIFICATE OF SERVICE

I certify that on June 26, 2024, a true and correct copy of this document was served on all parties of record by electronic service in accordance with the Commission's Second Order Suspending Rules issued on July 16, 2020 in Project No. 50664.


Stephanie Green