



## **Filing Receipt**

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**Control Number - 57115**

**Item Number - 177**

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November 12, 2024

Central Records  
Public Utility Commission of Texas

Re: Request to Void Filing: Control No. 57115, Item No. 175, Tracking No.  
FVSXWVRT

Dear sir or madam:

I just filed a Motion for Late Intervention on behalf of JJJBK, LTD. in Docket No. 57115. It is Item Number 175 (Tracking No. FVSXWVRT). There is a typo of substance that I would like to correct and refile the Motion. Please accept this letter as a request to void the initial filing and allow the motion to be refiled. The revised Motion is uploaded as a separate PDF document.

Please contact me if there are any questions.

Respectfully submitted,

/ s / Rene D. Ruiz  
Rene D. Ruiz

**SOAH DOCKET NO. 473-25-02531  
DOCKET NO. 57115**

<b>JOINT APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>BEFORE</b>	<b>THE</b>	<b>STATE</b>	<b>OFFICE</b>
<b>SAN ANTONIO, ACTING BY AND</b>	<b>§</b>				
<b>THROUGH THE CITY PUBLIC SERVICE</b>	<b>§</b>				
<b>BOARD (CPS ENERGY), AND SOUTH</b>	<b>§</b>				
<b>TEXAS COOPERATIVE, INC.</b>	<b>§</b>				
<b>(STEC) TO AMEND THEIR CERTIFICATES</b>	<b>§</b>		<b>OF</b>		
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>				
<b>FOR THE PROPOSED HOWARD ROAD-</b>	<b>§</b>				
<b>TO SAN MIGUEL 345-KV TRANSMISSION</b>	<b>§</b>				
<b>LINE IN BEXAR AND ATASCOSA COUNTIES</b>	<b>§</b>			<b>ADMINISTRATIVE HEARINGS</b>	

**MOTION FOR LATE INTERVENTION OF JJJBK, LTD.**

NOW COMES JJJBK, LTD. and pursuant to P.U.C. Proc. R. 22.101, 22.103, and 22.104 and the applicable Order of Referral and Preliminary Order files this MOTION FOR LATE INTERVENTION, respectfully showing as follows:

1. P.U.C. Proc. R. 22.104(d) establishes the criteria for granting late intervention, stating:

“A motion to intervene may be granted by the presiding officer. In acting on a late filed motion to intervene, the presiding officer will consider:

- (A) any objections that are filed;
- (B) whether the Movant has good cause for failing to file the motion within the time prescribed;
- (C) whether any prejudice to, or additional burdens upon, the existing parties might result from permitting late intervention;
- (D) whether any disruption of the proceeding might result from permitting late intervention; and
- (E) whether the public interest is likely to be served by allowing the intervention.”

- a. **The Movant has good cause for failing to file the motion within the time prescribed.** The notice from CPS Energy and STEC is dated October 4, 2024, and was sent to the Movant’s office. The Movant was admitted to the hospital on September 9, 2024, and was discharged from the hospital on September 11, 2024. The Movant was readmitted to the hospital on September 25, 2024, and discharged on October 2, 2024. After being discharged from the hospital for the second time, the Movant went directly into therapy and is still in therapy, and has been in and out of doctor’s

office to receive additional medical care due to complications. Movant has not been to his office, where the CPS Energy and STEC notices were sent, for 12 weeks as of the date of this filing. The Movant received actual notice of this proceeding today, November 12, 2024, from a neighboring property owner. Therefore, there was no delay between the time the Movant learned of this proceeding and this filing.

- b. **There will not be any prejudice to, or additional burdens upon, the existing parties resulting from permitting late intervention, and there will be no disruption of the proceeding that might result from permitting late intervention.** According to the procedural scheduling order, November 4, 2024, was the intervention deadline. Therefore, the Movant is only 8 days late in filing this Motion. November 4 was also the deadline for filing a statement challenging route adequacy and a request for preliminary hearing on route adequacy; November 8 was the deadline for sending written discovery on the application and the applicant's direct testimony, for filing replies to statements on route adequacy, and for filing replies to objections to applicants' direct testimony. The Movant will waive the filings it could have made by November 4 and November 8 and will accept the procedural schedule and the record of the proceedings as it exists at the time of filing this Motion; *provided, however*, that the Movant is granted until **Friday, November 15, 2024**, to file its direct testimony. This extra time is needed because the Movant is still in rehab and available to counsel for only short periods of time each day, and counsel still needs to review the application and applicants' testimony. The Movant will support giving the applicants' and other parties a day-for-day extension of deadlines to object and respond to the Movant's direct testimony so that the applicants' and other parties are not prejudiced. Therefore, there will not be any prejudice to, or additional burdens upon, the existing parties resulting from permitting late intervention, and there will be no disruption of the proceeding that might result from permitting late intervention.
- c. **The public interest is likely to be served by allowing the intervention.** The Movant owns 3 separate parcels that may be directly affected by the

transmission line in this docket (Ledger #/Tract # A1293, A1294, A1295). The parcels are set to be developed by the Movant for housing. Due to the efforts of the Movant, a municipal utility district was created by the Texas legislature in 2023, the initial territory of which encompasses the Movant's 3 parcels and other surrounding lands to be developed. See Special District Local Laws Code, Ch. 7957A creating the Atascosa County Municipal Utility District No. 2. Denying the Movant from late intervention and having a say as to where any transmission lines may be located on its parcels could thwart the orderly, efficient, and economical development of the parcels for badly needed housing in the area. Therefore, the public interest is likely to be served by allowing the late intervention.

2. Applicants have identified JJBAK, Ltd. as owning property that may be affected by the outcome of this proceeding, and as such are directly affected by the outcome of this proceeding, and as such are directly affected landowners and have a justiciable interest. See P.U.C. PROC. R. 22.103(b)(2); P.U.C. PROC. R. 22.52(a)(3).
3. JJBAK, Ltd. acknowledges that if granted Intervenor status it (1) will be a direct party to this case; (2) will be required to respond to all discovery requests from other parties in this case; (3) may cross-examine other witnesses or be cross-examined at the hearing if they file direct testimony; (4) will serve every other party in this case, except where service is modified by alternative service procedures set out by order in these proceedings, if they file any document in these proceedings; and (5) are bound by the Procedural Rules of the Texas Public Utility Commission and the State Office of Administrative Hearings.
4. The Commission has jurisdiction over this case and JJBAK, Ltd. pursuant to PURA § 37.053.
5. The undersigned attorney, Rene D. Ruiz hereby makes his notice of appearance in this matter on behalf of JJBAK, Ltd.

#### **PRAYER**

WHEREFORE PREMISES CONSIDERED, and for the above-stated purposes, JJBAK, Ltd. respectfully requests that: this MOTION FOR LATE INTERVENTION be granted; it be ORDERED that the deadline for JJBAK, Ltd. to file its direct testimony is FRIDAY, NOVEMBER 15, 2024, and that the applicants' and

other parties shall have day-to-day extensions to object and respond to JJBAK Ltd.'s direct testimony; JJBAK, Ltd. may go henceforth and be permitted to fully participate in these proceedings; and for such other and further relief, both in law and in equity, to which it is justly entitled.

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By: /s/ RENE D. RUIZ

Rene D. Ruiz

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State Bar No. 24013431

**ATTORNEY FOR JJBAK, LTD.**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2024, a copy of this document is being filed in the Public Utility Commission Interchange System and thereby served on all parties of record as required by orders in this docket, the Commission rules, and the Commission's First and Second Orders Suspending Rules on March 16, 2020, and July 16, 2020, in Project No. 50664.