



## **Filing Receipt**

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**Item Number - 197**

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

<b>JOINT APPLICATION OF THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD (CPS ENERGY), AND SOUTH TEXAS ELECTRIC COOPERATIVE, INC. (STEC) TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE PROPOSED HOWARD ROAD-TO-SAN MIGUEL 345-KV TRANSMISSION LINE IN BEXAR AND ATASCOSA COUNTIES</b>	§ § § § § § § § § § § §	<b>STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**CPS ENERGY AND SOUTH TEXAS ELECTRIC COOPERATIVE’S OBJECTION  
TO LATE-FILED REQUEST TO INTERVENE BY THE GILBERT AND MARGARET  
MULHOLLAND REVOCABLE TRUST**

COMES NOW, the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and South Texas Electric Cooperative, Inc. (STEC) (Joint Applicants) and files this Objection to the Late-Filed Intervention Request of the Gilbert and Margaret Mulholland Revocable Trust, filed by its representative, Matt Spahn (Interchange Item No. 192).

**I. BACKGROUND**

On October 4, 2024, Joint Applicants filed their application in this proceeding. On October 8, 2024, the State Office of Administrative Hearings (SOAH) Administrative Law Judges (ALJs) filed SOAH Order No. 1, establishing an intervention deadline of November 3, 2024. However, because November 3, 2024 was a Sunday, the SOAH ALJs subsequently corrected the intervention deadline to November 4, 2024 in SOAH Order No. 2.<sup>1</sup> The Gilbert and Margaret Mulholland Revocable Trust filed its intervention request on November 20, 2024.

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<sup>1</sup> SOAH Order No. 2 at 2 (Oct. 25, 2024).

Pursuant to 16 Texas Administrative Code (TAC) § 22.78(a), responsive pleadings shall be filed within five (5) business days of receipt of the pleading to which the response is made. Therefore, this response is timely filed.

## **II. OBJECTION**

Joint Applicants request the ALJs deny the request to intervene filed by the Gilbert and Margaret Mulholland Revocable Trust because it is untimely and because the Gilbert and Margaret Mulholland Revocable Trust has not shown good cause for its failure to timely intervene.

This intervention request was filed on November 20, 2024, sixteen days after the passing of the November 4, 2024 intervention deadline established in SOAH Order No. 2. Though an untimely request to intervene may be granted under the Commission's procedural rules, the ALJs are required to "consider whether the movant had good cause for failing to file the motion within the time prescribed."<sup>2</sup>

The Gilbert and Margaret Mulholland Revocable Trust has not met this burden and has not asserted or demonstrated that good cause existed with respect to the filing of its request to intervene sixteen days after the intervention deadline established in this proceeding. No reasons have been provided as to why its intervention request was untimely filed. Furthermore, the Gilbert and Margaret Mulholland Revocable Trust did not file testimony or a statement of position by the November 12, 2024 deadline established in SOAH Order No. 2. Accordingly, even if it is granted intervenor status, the Gilbert and Margaret Mulholland Revocable Trust should be dismissed as a party from this proceeding in accordance with 16 TAC § 22.124(a) and SOAH Order No. 1.<sup>3</sup>

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<sup>2</sup> 16 TAC § 22.104(d)(1)(B).

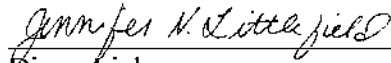
<sup>3</sup> SOAH Order No. 1 at 6 (Oct. 8, 2024) ("Failure to timely file either written testimony or a position statement will result in dismissal as a party from this proceeding and prohibition from participating in the hearing on the merits and briefing, in accordance with [16 TAC §§] 22.124 and 22.161.").

In addition, the application filed by the Joint Applicants is subject to expedited review before the Commission. If the Gilbert and Margaret Mulholland Revocable Trust is allowed to intervene and file direct testimony at a later date, Commission Staff, Joint Applicants, and other intervenors will be unable to respond to the late-filed testimony without an adjustment to the procedural schedule. Accordingly, Joint Applicants respectfully request that this intervention request be denied.

### **III. CONCLUSION**

For the reasons stated above, Joint Applicants respectfully requests that the ALJs deny the untimely intervention request of the Gilbert and Margaret Mulholland Revocable Trust.

Respectfully submitted,



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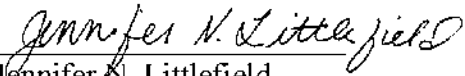
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### **CERTIFICATE OF SERVICE**

In accordance with the Commission's Second Order Suspending Rules in Docket No. 50664, I hereby certify that on the 21<sup>st</sup> day of November 2024, this pleading has been filed on the PUC Interchange and a copy of this pleading has been provided to all applicable parties.

  
Jennifer N. Littlefield

4894-2850-6110