



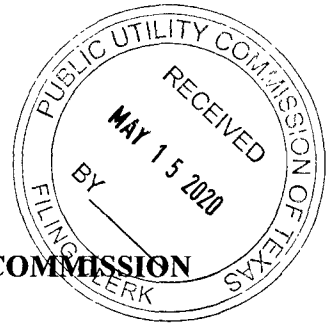
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DOCKET NO. 50669



**APPLICATION OF SOUTHWESTERN § PUBLIC UTILITY COMMISSION
ELECTRIC POWER COMPANY TO §
AMEND ITS CERTIFICATE OF § OF TEXAS
CONVENIENCE AND NECESSITY §
FOR THE SWEPCO MORTON CUT-IN §
TO THE WOOD COUNTY ELECTRIC §
COOPERATIVE E. BURGESS CUT-IN §
138-KV TRANSMISSION LINE IN VAN §
ZANDT COUNTY §**

**EAST TEXAS ELECTRIC COOPERATIVE, INC.'S AND
WOOD COUNTY ELECTRIC COOPERATIVE, INC.'S
MOTION TO INTERVENE**

NOW COMES East Texas Electric Cooperative, Inc. ("ETEC") and Wood County Electric Cooperative, Inc. ("WCEC") and files this Motion to Intervene in the above-referenced docket and in support thereof would show the following:

I. Background

On March 31, 2020, Southwestern Electric Power Company ("SWEPCO") filed an application to amend its certificate of convenience and necessity ("CCN") for a proposed 138-kV transmission line in Van Zandt County, Texas. Order No. 1 established an intervention deadline of May 15, 2020. Accordingly, this motion to intervene is timely filed.

II. East Texas Electric Cooperative and Wood County Electric Cooperative

ETEC is a generation and transmission ("G&T") cooperative headquartered in Nacogdoches, Texas. ETEC generates and transmits wholesale electric power from various sources. ETEC resells that power to its member cooperatives, including a G&T

cooperative and ultimately ten member distribution cooperatives, which provide retail electric service to their members. Those ten member distribution cooperatives serve approximately 340,000 retail member-customers in portions of over 40 east Texas counties, including within SPP and areas adjoining and overlapping portions of the service area of SWEPCO. In fact, both ETEC and WCEC received direct mail notice of this proceeding because each is a utility located within five miles of the proposed line.¹ Because both ETEC and WCEC are neighboring utilities, the effect of the CCN amendment on each is a required consideration in this CCN case.²

WCEC is a distribution cooperative headquartered in Quitman, Texas. WCEC serves parts of nine East Texas counties including Camp, Franklin, Hopkins, Smith, Rains, Titus, Upshur, Van Zandt, and Wood. As further discussed below, ETEC and WCEC each have a justiciable interest that may be adversely affected by the outcome of this proceeding and each is entitled to party status.

III. Cooperatives' Representatives

The name, address, and telephone number of ETEC's representative is as follows:

AJ Goff, Interim General Manager
East Texas Electric Cooperative, Inc.
P.O. Box 631623
Nacogdoches, TX 75963-1623
(936) 560-9532
(936) 560-9215 FAX

¹ Proof of Notice and Publication at 28 (Apr. 15, 2020).

² See PURA §37.056(c) ("The commission shall grant each certificate on a nondiscriminatory basis after considering: [. . .] the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area.").

The name, address, and telephone number of WCEC's representative is as follows:

Cliff H. Campbell P.E., Chief Operating Officer
Wood County Electric Cooperative, Inc.
P.O. Box 1827
Quitman, TX 75783
903-763-6578
903-763-5693 FAX

IV. Legal Representatives

The name, address and telephone number of ETEC's and WCEC's legal authorized representatives are as follows:

Mark C. Davis
Adrianne M. Waddell
Jacob J. Lawler
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ETEC requests that the Commission and all parties to this proceeding serve copies of all notices, correspondence, pleadings, briefs, requests for information, and other documents upon said legal representatives.

V. ETEC and WCEC Have Standing to Intervene

ETEC and WCEC each has standing to intervene in this proceeding as each is an affected person under the Public Utility Regulatory Act (PURA), Texas Utilities Code §§ 11.001 et seq. and 16 Texas Administrative Code (TAC) § 22.103(b)(2). ETEC and WCEC each has a justiciable interest that may be adversely affected by the outcome of this proceeding. Both ETEC and WCEC received notice of the application as electric utilities located within five miles of the proposed transmission line.³ PURA requires consideration of the effect of granting the CCN amendment on neighboring utilities such as ETEC and WCEC.⁴ In this case, the application states “[t]he new transmission line will restore the looped transmission service to SWEPCO’s customer load and improve the transmission service for WCEC [members] in this area.”⁵ As such, ETEC and WCEC will be directly affected by the outcome of this proceeding and are therefore affected persons with a justiciable interest herein. Accordingly, ETEC and WCEC are entitled to party status.

VI. Conclusion and Prayer

Under PURA §§ 11.001 et seq. and 16 TAC §§ 22.102, 22.103(b) and 22.104, ETEC and WCEC respectfully submit that each has standing to intervene for the reasons

³ Proof of Notice and Publication at 28 (Apr. 15, 2020).

⁴ See PURA §37.056(c) (“The commission shall grant each certificate on a nondiscriminatory basis after considering: [. . .] the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area.”).

⁵ Application at Bates 9, Question No. 14 (Mar. 31, 2020).

stated above.

WHEREFORE, PREMISES CONSIDERED, ETEC and WCEC respectfully move to intervene in this docket, as parties with all rights thereof. ETEC and WCEC also request all relief to which they may be entitled.

Respectfully submitted,

/s/ Jacob Lawler

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**ATTORNEYS FOR EAST TEXAS ELECTRIC COOPERATIVE, INC.
AND
NORTHEAST TEXAS ELECTRIC COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, mailed, or emailed this 15th day of May, 2020 by First Class, U.S. Mail, postage pre-paid to all parties of record.

/s/ Jacob Lawler
Jacob J. Lawler