

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEXTERA ENERGY CAPITAL
HOLDINGS, INC.,
NEXTERA ENERGY TRANSMISSION, LLC,
NEXTERA ENERGY TRANSMISSION
MIDWEST, LLC,
LONE STAR TRANSMISSION, LLC, and
NEXTERA ENERGY TRANSMISSION
SOUTHWEST, LLC,

Civil No. 1:19-cv-00626-LY

Plaintiffs,

v.

**ENERGY TEXAS, INC.’S REPLY
IN SUPPORT OF ITS OPPOSED
MOTION TO INTERVENE**

KEN PAXTON, Attorney General of
the State of Texas, DEANN T. WALKER,
Chairman, Public Utility Commission of Texas
ARTHUR C. D’ANDREA, Commissioner,
Public Utility Commission of Texas, and
SHELLY BOTKIN, Commissioner, Public
Utility Commission of Texas, each in his or her
official capacity,

Defendants.

Entergy Texas, Inc. (“Entergy”) hereby submits this Reply in support of its Motion to Intervene (ECF No. 50), in response to Plaintiffs’ (collectively “NextEra”) Omnibus Opposition to Entergy’s, Oncor Electric Delivery Company LLC’s, and Southwestern Public Service Company’s Motions to Intervene (ECF No. 70).

NextEra’s Response lacks any substantive objection to Entergy’s motion to intervene as of right, and for good reason. NextEra’s suit is an attempt to strip Entergy of its current right under Texas law to build the Hartburg-Sabine line. Entergy thus has a substantial interest in this lawsuit that will not be adequately represented by any other party, including the other movant-utilities.

NextEra's attempt to hamstring Entergy's defense should be rejected for the reasons set forth in SPS's Reply (ECF No. 74), which Entergy will not restate here. Entergy would note that NextEra's purported interest in judicial efficiency is undercut by its attempt to impose conditions on intervening Defendants, while placing none on LSP Transmission, who seeks to intervene on NextEra's side as a Plaintiff. Any risk of "excessive briefing" in this case has resulted only from NextEra's meritless opposition to intervention. Entergy has already agreed to abide by the Court's briefing and hearing schedule and will endeavor to limit duplicative presentation of arguments.

Conclusion and Prayer

For the foregoing reasons, Entergy moves to intervene as of right, or alternatively, should be permitted to intervene, without the conditions prayed for by Plaintiffs. Entergy also prays for any other relief to which it is entitled.

Dated: August 16, 2019

Respectfully submitted,

/s/ Lino Mendiola III

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ATTORNEYS FOR ENTERGY TEXAS, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that on August 16, 2019, the foregoing instrument was filed with the Clerk of Court and served on all parties via the Court's CM/ECF system.

/s/ Michael Boldt

Michael Boldt