

Second, NextEra asks the Court to prevent SPS, and the other presumptive Intervenors, from participating in the preliminary injunction hearing. ECF No. 70 at 3-4. Whether SPS can participate in the hearing, however, should not be addressed as a condition of its intervention in this proceeding. Instead, the Court should evaluate whether participation from SPS at the preliminary injunction hearing will assist its decision-making, after the Court has had the opportunity to review the parties' briefing on NextEra's motion for preliminary injunction. The Court can make a reasoned decision, in light of that briefing, regarding how best to structure the hearing.

Third, NextEra asks the Court to require that the three utility Intervenors submit joint briefing, claiming that the Intervenors' interests are "similar, if not identical," and that Intervenors' respective "unique" interests "do not justify separate briefing." ECF No. 70 at 4-5. The Court should reject this request. Although the three utility Intervenors certainly all agree that NextEra's Complaint should be dismissed, they may have different views, or choose to emphasize different arguments, as to *why* dismissal is appropriate. Moreover, each has distinct interests in the proceeding, as set forth in their respective motions. For example, Entergy highlighted its unique interest the Hartburg-Sabine line. ECF No. 50 at 1, 7-8. SPS, meanwhile, is governed by its own region-specific federal transmission tariff, ECF No. 54 at 9, and has never had any transmission-only utility in its service territory.

SPS intends to confer with the other utility Intervenors to avoid unnecessarily duplicative briefing. However, with only limited time remaining between now and the August 23, 2019 deadline for answers and motions to dismiss, it may be challenging for the utility Intervenors to agree to a single brief. In any event, this District's relatively short page limit for dispositive motions and supporting memoranda, *compare* Local Court R. CV-7(d)(3) (20 pages), *with* N.D.

Tex. Local R. 7.2(c) (25 pages); E.D. Tex. Local R. CV-7(a)(1) (30 pages); D.D.C. Local Civil R. 7(e) (45 pages), will ensure that, even if each utility Intervenor files its own 20-page brief, the Court will not be overwhelmed with paper.

CONCLUSION

For the foregoing reasons, SPS respectfully requests that the Court grant its motion to intervene without the conditions sought by NextEra.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and mailed the foregoing by United States Postal Service to the following non-CM/ECF participants:

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