



CC: AV

March 14, 2023

Ms. Terri Bordelon  
Records  
Louisiana Public Service Commission  
602 North Street  
Galvez Building, 12<sup>th</sup> Floor  
Baton Rouge, LA 70802

2023 MAR 14 PM 12:35  
LA PUBLIC SERVICE  
COMMISSION

Re: Docket No. U-36669, *In re: Application of Southern Spirit Transmission LLC for Certification of the Southern Spirit Transmission Project in Accordance with the Commission's General Order Dated October 10, 2013.*

Dear Ms. Bordelon:

Bengy D. Harvey and the heirs of Harlan E. Harvey, Sr. file an original and three (3) copies of this Petition for Intervention and Request for Inclusion on Service List in the above-referenced docket. Upon acceptance, we request that the Records Division date stamp and return one copy of this filing to our courier. If you have any questions concerning this filing, please so notify me.

Sincerely,

Ezell Law Firm, LLC

Andrew B. Ezell

cc: Official Service List

2023 MAR 14 PM 12:35  
LA PUBLIC SERVICE  
COMMISSION

BEFORE THE  
LOUISIANA PUBLIC SERVICE COMMISSION

APPLICATION OF SOUTHERN SPIRIT  
TRANSMISSION LLC FOR CERTIFICATION  
OF THE SOUTHERN SPIRIT TRANSMISSION  
PROJECT IN ACCORDANCE WITH THE  
COMMISSION'S GENERAL ORDER DATED  
OCTOBER 10, 2013

DOCKET NO. U-36669

LOUISIANA PUBLIC SERVICE  
COMMISSION

PETITION FOR INTERVENTION  
AND REQUEST FOR INCLUSION ON SERVICE LIST

NOW INTO COURT, through undersigned counsel, come Bengy D. Harvey and the heirs of Harlan E. Harvey, Sr. (hereinafter referred to as "Intervenors"), all individuals of the full age of majority, who respectfully represent as follows:

1.

On February 14, 2023, Southern Spirit Transmission, LLC (hereinafter referred to as "Applicant" or "SST") filed an application for Certification of the Southern Spirit Transmission Project (hereinafter referred to as the "Application"), requesting that the Louisiana Public Service Commission (hereinafter referred to as the "Commission") (1) certify that the public convenience and necessity will be served through the certification and approval of the siting and construction of the Southern Spirit Transmission Project by the Applicant; (2) certify that the Applicant has fully complied with any and all of the requirements of the October 10, 2013 General Order; (3) determine the applicability of the October 10, 2013 General Order to the Southern Spirit Transmission Project and the extent of jurisdiction exercised by the Commission over the Applicant in relation to the Southern Spirit Transmission Project after it is in operation; and/or (4) in the alternative, determine that the Southern Spirit Transmission Project is exempt from the

application process provided for in the October 10, 2013 General Order and that the Applicant has met all LPSC regulatory requirements.

2.

Notice of this proceeding was published in Commission Bulletin Number 1291 on February 17, 2023, and interventions in this docket are due March 14, 2023, so Intervenors timely file this Petition for Intervention and Request for Inclusion on Service List and respectfully request that this matter be assigned to the contested docket.

3.

Pursuant to Article IV, Section 21 of the Louisiana Constitution of 1921, the Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law, and it shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law. Further, the Commission shall exercise all necessary power and authority over any street, railway, gas, electric light, heat, power, waterworks, or other local public utility for the purpose of fixing and regulating the rates charged or to be charged by and service furnished by such public utility, and the power, authority, and duties of the commission shall affect and include all matters and things connected with, concerning, and growing out of the service to be given or rendered by such public utility, except in the Parish of Orleans. La. R.S. 45:1163-1164.

4.

On October 10, 2013, the Commission issued a General Order in Docket No. R-26018, *In re: Determination As To Whether The Commission Should Issue A General Order Asserting Jurisdiction Over The Certification of Utility Transmission Projects and the Determination of Whether Those Projects Are In The Public Interest*, exercising its jurisdiction and requiring

Commission approval for the certification and siting of certain transmission facilities in Louisiana, as the exercise of jurisdiction over certification and siting of designated transmission facilities would protect the Commission's jurisdiction and would advance the Commission's ability to achieve the regulatory goal of promoting safe, reliable utility service at the lowest reasonable rates.

5.

Rule 10 of the Commission's Rules of Practice and Procedure provides that any party actually in interest may appear in any proceeding before the Louisiana Public Service Commission, and that all appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding.

6.

Intervenors own that certain real property located in the Parishes of Bienville and Jackson and more specifically described as follows:

JACKSON PARISH

A 11.50 acre tract of land partitioned from an 80.50 acre J.E. Harvey Estate tract and consisting of 5.53 acres in the SW 1/4 of NW 1/4, and 5.97 acres in the NW 1/4 of SW 1/4, Section 22, Township 15 North, Range 4 West, Jackson Parish, Louisiana and being more particularly described as follows:

Commencing at a 1-1/2" iron axle for the Northwest corner, Section 22, Township 15 North, Range 4 West, thence South along the West line of said section to a 5/8" iron rod for the Northwest corner, SW 1/4 of NW 1/4, thence continue South 100.00 feet to a 5/8" iron rod to the Northwest corner and POINT OF BEGINNING of said 11.50 acre tract, thence continue South 2556.26 feet to a 5/8" iron rod for the SW corner, thence South 89 degrees 58 minutes 30 seconds East 195.95 feet to a 5/8" iron rod for the Southeast corner, thence North 2556.26 feet to a 5/8" iron rod for the Northeast corner, thence North 89 degrees 58 minutes 30 seconds West 195.95 feet to a 5/8" iron rod for the Northwest corner and the POINT OF BEGINNING, together with all improvements thereon, appurtenances thereunto belonging and component parts.

BIENVILLE PARISH

A tract of land in the NE 1/4 of SE 1/4, Section 29, Township 15 North, Range 4 West, more particularly described to-wit:

BEGINNING at a point 88 yards South of the Northeast corner of said NE 1/4 of SE 1/4, Section 29, Township 15 North, Range 4 West, and from this point measure West 440 yards, thence South 176 yards, thence East 440 yards, thence North 176 yards to POINT OF BEGINNING, containing 16 acres, more or less, together with all improvements thereon, appurtenances thereunto belonging and component parts; and

The SE 1/4 of NE 1/4, NE 1/4 of SE 1/4 and 10 acres in SW corner of NE 1/4 of NE 1/4, Section 21, Township 15 North, Range 4 West, containing 90 acres, more or less, together with all improvements thereon, appurtenances thereunto belonging and component parts. (hereinafter referred to as the "Property").

7.

The Applicant's siting plan proposes that new transmission facilities traverse the Property in such a manner that it significantly diminishes the value of the Property and renders it unsuitable for its intended purpose as a homestead. Further, alternate siting proposed by Applicant, though less objectionable, nonetheless diminishes the value and utility of the Property.

8.

The Intervenors' ancestors have owned the Property, and used it as a homestead, for at least four (4) generations. It is the intent of the Intervenors that ownership of the Property remain in the Harvey family to be utilized as a homestead by current and future generations, as well as for family recreational activities, including hunting and fishing.

9.

Based upon the foregoing, Intervenors desire that the Commission not certify the siting of Applicant's new electric transmission facilities unless the proposed siting is rerouted to avoid Intervenors' Property in its entirety.

10.

The rerouting of the proposed transmission facilities will not materially increase the construction costs for the Southern Spirit Transmission Project or unduly delay construction, and

will, more importantly, preserve the Property for the full enjoyment by future generations of the Harvey family.

11.

This intervention will not prejudice any other party or unduly delay the proceedings with respect to the examination of the issues presented by the Application.

12.

Intervenors respectfully request that all notices, correspondence, pleadings and other communications in this docket be directed to the following persons, and that they be placed on the Official Service List for this docket and that the Commission permit the designation of more than one person to be placed on the Official Service List, as follows:

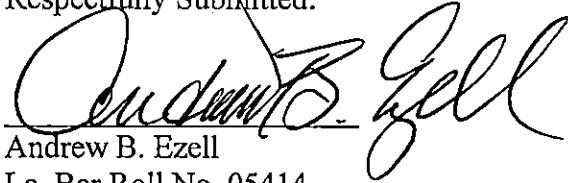
Andrew B. Ezell  
Ezell Law Firm, LLC  
10761 Perkins Road  
Suite A  
Baton Rouge, LA 70810  
Phone: (225) 763-2272  
Fax: (225) 763-2273  
[aezell@ezellfirm.com](mailto:aezell@ezellfirm.com)

Andrew K. Nicolas  
Ezell Law Firm, LLC  
10761 Perkins Road  
Suite A  
Baton Rouge, LA 70810  
Phone: (225) 763-2272  
Fax: (225) 763-2273  
[anicolas@ezellfirm.com](mailto:anicolas@ezellfirm.com)

**WHEREFORE**, Intervenors pray that this Petition for Intervention and Request for Inclusion on Service List be granted, and that they be made a full party intervenor in this proceeding, and further, that they be placed on the Official Service List and provided with copies

of all filings, notices, pleadings, comments and interventions filed, and prior notice of any and all hearings and proceedings which may be set in this matter.

Respectfully Submitted:

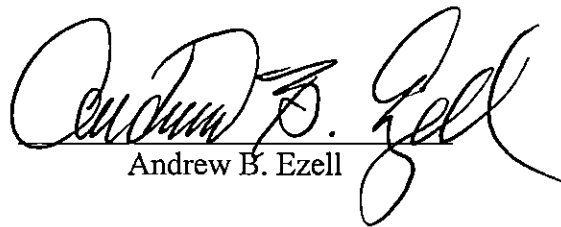


Andrew B. Ezell  
La. Bar Roll No. 05414  
Ezell Law Firm, LLC  
10761 Perkins Road, Suite A  
Baton Rouge, LA 70810  
Telephone: (225)763-2272  
Facsimile: (225)763-2273  
[aezell@ezellfirm.com](mailto:aezell@ezellfirm.com)  
*Attorney for Harlan Harvey*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading was served on all parties of record by depositing a copy of same in the U.S. Mail, postage prepaid and properly addressed, or through electronic delivery.

Baton Rouge, Louisiana this 14th day of March, 2023.



Andrew B. Ezell