How to Intervene in Commission Proceedings

Motions to Intervene

Individuals have the option to intervene in Commission proceedings. Intervenors become participants in a proceeding and have the right to request rehearing of Commission orders and seek relief of final agency actions in the U.S. Circuit Court of Appeals. All motions to intervene should be submitted to the Commission pursuant to 18 C.F.R. § 385.214. The Commission expects parties to intervene in a timely manner based on the reasonably foreseeable issues arising from the applicant's filing and the Commission's notice of filing.

Motions to intervene must be served on the applicant. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

Intervention is not applicable in two instances:

- Intervention is not permitted during Pre-Filing Activity (PF and PT Dockets) because there is no application officially before the Commission. Comments may be filed during the Pre-Filing phase.

- Intervention is not necessary for persons submitting comments in a rulemaking, administrative, or policy proceeding (RM, AD, and PL Dockets). Commenters in these dockets are considered parties with the same rights as intervenors in application-related dockets. There are no service requirements for comments filed in RM, AD, or PL dockets.

Motion to Intervene Out of Time

A key purpose of the intervention deadline is to determine, early on, who the interested parties are and what information and arguments they can bring to bear. Interested parties are not entitled to hold back awaiting the outcome of the proceeding, or to intervene when events take a turn not to their liking.

The Commission's regulations dealing with motions for late intervention state that, in acting on such a motion, the decisional authority may consider:

- Whether the movants had good cause for not filing timely;
- Any disruption of the proceeding that might result from permitting intervention;
- Whether the movant's interest is adequately represented by other parties; and
- Whether any prejudice to, or additional burden on, existing parties might result from permitting intervention.

Late intervention at the early stages of a proceeding generally does not disrupt the proceeding or prejudice the interest of any party. The Commission is therefore more liberal in granting late intervention at the early stages of a proceeding. A petitioner for late intervention, however, bears a higher burden to show good cause for late intervention after the issuance of a final order in a proceeding and generally it is Commission policy to deny late intervention at the rehearing stage, even when the movant claims that the decision established a broad policy of general application.

How to file for intervener status

The Commission encourages electronic submission of motions to intervene via the eFiling link on the Commission's website. There are document attachment and document-less options for both timely and out-of-time motions to intervene. All contacts that are to How to be added to the Service List for the applicable docket must have a validated eRegistration account and their email addresses must be added online in order for their contact information to appear on the service list The contact's email address will be included as part of the service list information to facilitate electronic service by parties and the Commission.

Persons unable to file electronically should send an original and three copies of the motion to intervene by overnight services to:

> **Kimberly D. Bose, Secretary**
> **Nathaniel J. Davis, Sr., Deputy Secretary**
> **Federal Energy Regulatory Commission**
> **888 First Street, N.E.**
> **Washington, DC 20426**

Receipt of mail sent via the US Postal Service may be subject to irradiation and significant delays.

Source: http://www.ferc.gov/help/how-to/intervene.asp