

How to Intervene on a Pipeline with FERC

When can it be done? Intervening is traditionally done once FERC receives the filed application from the requesting company. FERC prefers to receive motions to intervene within 21 days of that submission. In this case, Kinder Morgan/Tennessee Gas Pipeline filed with FERC on 11/20/15.

Who can do it? Anyone who meets the following criteria: you have the right to participate according to local statute or commission rule; your interests as an individual, organization or company will be directly affected by the outcome of the proceeding; or you are participating in the public interest.

What rights do you have? You will receive all documents from all parties in a case; you can present at a hearing and file a brief; you can appeal a FERC decision.

What are your responsibilities? You are required to give notice to all parties through service of all documents filed (easy now through email, FERC gives you the list); you must file within the required time period or are subject to further requirements when filing motion to intervene.

Pros? You can remark on the entire FERC process at once; if you fail to comment during the specified period, you still have a chance to participate in the case.

Cons? Requires you to know and understand legal concepts and definitions that may require research; the process can require additional procedural steps.

The following rules for submitting a motion to intervene come from the [Code of Federal Regulations United States Code, section 385.214 \(Rule 214\)](#) and are expanded at FERC's Website at <http://www.ferc.gov/help/how-to/intervene.asp>.

Filing a Motion to Intervene

Anyone who wants to intervene in a case must do one of the following:

- Comment on rulemaking or an administrative proceeding
- File a motion to intervene

What The Motion Must Include

1. Your position and the basis in fact and law for that position
2. Your interest in "sufficient factual detail" to demonstrate that:
3. You have a right to participate (found in statute or Commission rule),
4. Your interest will be directly affected by the outcome of the
5. proceeding, or
6. You are participating in the public interest. A direct interest can be
7. demonstrated if you are a consumer, customer, competitor, or
8. Security holder of a party.

Filing a Motion Online

To file electronically, you must use e-file on the Commission's website: <http://www.ferc.gov/docs-filing/efiling.asp>. In order to file using this service, you must have a validated eRegistration account and your email address must be added online in order for your contact information to appear on the service list. Filing must be done before 5:00 pm Eastern Standard Time on the date of filing. By filing electronically, additional notice does not need to be given to parties.

Step-by-step instructions:

1. Go to ferconline.ferc.gov
2. Click on the "eFiling" link
3. Enter the email address and password used to sign up for FERC's eSubscription
4. Click the "Log In" button

5. Click on "General" on the first column
6. Click on "Intervention" from the second column
7. Click on "(doc-less) Motion to Intervene"
8. Click the "Next" button
9. Enter the Docket Number (CP16-21)
10. Click the "Search" button
11. (removed, combined 9 & 10, repeated)
12. Read the description to check that this project is the one you want to comment on
13. Click the plus symbol to select the Docket Number
14. The project name will appear in the "Selected Dockets" list
15. Enter your basis for intervention or reason for why a late filing should be considered
16. Click the "Next" button
17. Click the appropriate button for who's name should appear on communication lists.
18. For joint filing, list out each party separately
19. Click for individual filing
20. Click the "Next" button
21. Enter your email address
22. Select "Add as Signer"
23. Make sure your email appears under "Signer"
24. Click the "Next" button
25. Ensure that the description fits your submission you want to make
26. Click the "Next" button
27. Double check your information
28. Click the "Submit" button

Filing a Motion By Mail

If filing a motion by mail, an intervener must send:

- An original copy of the motion to intervene
- Three copies of the motion to intervene

By overnight services to:

Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

What to Do Once You Have Filed the Motion

The motion to intervene must be sent to the applicant and to all parties in the proceeding. Contact for all parties can be found on the service list found at the Commission's website: <http://www.ferc.gov/docs-filing/eservice.asp>

Becoming a Party to the Proceedings

Two things can happen after an intervener files a motion:

1. No answer to motion is given by FERC within 25 days of filing, and an intervener automatically becomes a party
2. An answer in opposition is given by FERC within 15 days of filing the motion. An intervener is not a party until the motion is expressly granted

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