

Eastern Environmental Law Centers

Citizen's Guide to Intervening in FERC Process

Anyone can participate in the FERC review of an application for a Certificate of Public Convenience and Necessity. In order to participate, you must file a motion intervene in the FERC process. However, the motion is simple and can be done without a lawyer's assistance.

Contents of the Motion

Any motion to intervene must state, to the extent known, the position taken by the person seeking intervention and the basis in fact and law for that position. The requirements are laid out in the Natural Gas Act regulations and can be found at 18 C.F.R. §§ 157.10 and 385.214. Your interest in the proceeding should be stated in enough detail as to demonstrate one of three situations.

1. You have a right to participate which is expressly conferred by statute or by Commission rule, order, or other action; or
2. You have or represent an interest which may be directly affected by the outcome of the proceeding, including any interest as consumers, customer, competitor, or security holder of a party; or
3. Your participation is in the public interest.

You can find an example of a motion to Intervene in a FERC Pipeline Approval process here
<http://bit.ly/NoGasPipelineSpectraMotionToIntervene>

Uploading documents to FERC's Docket

Documents can be electronically uploaded to FERC's webpage. On FERC's webpage there is a dropdown menu for Documents & Filings. Choose the eFiling option. If you have never filed something with FERC before, you will have to Register by providing your name and email address and creating a password.

Once you are logged in, you can select that you are making a general filing in the first column. In the next column, select "Intervention." And finally select either you are making your motion within the allotted time and whether you have documents to upload. Click the Next button.

On the next screen you need to enter the docket number of the matter for which you are seeking intervention. Click Search. Once you have found the appropriate docket, select it by clicking on the plus symbol to the right of the docket number and description. Click the Next button.

On the next screen you can upload document to the page. Select the file that you want to upload and give a brief description of the document. Click Upload.

If you are 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

Document-less Intervention

FERC also provides an option to Intervene without preparing and uploading any separate papers. After logging onto the FERC eFiling page, and selecting “general” and “intervention” in the first and second columns, you can select “(doc-less) motion to intervene”. In the text box, you can type or copy and paste in your basis for intervention. You must also provide information regarding the filing parties and to whom communications should be addressed. After you have added all contact information, follow the remaining screens. You must click on “Submit” on the last screen to confirm that you want to make the filing.

You can find FERC’s guide to document-less intervention on FERC’s webpage
<http://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>

Timing of Intervention

A motion for intervention must be made in a timely fashion. After an Application is submitted to FERC, FERC will issue a Notice of Intent to prepare either an Environmental Assessment or an Environmental Impact Statement. This Notice will include a “comment period.” All motions to intervene must be made before 5pm EST on the date the Notice says the comment period ends. Failure to timely file your motion to intervene will constitute grounds for denial of participation in the absence of extraordinary circumstances or good cause.

You can find more information about the intervention process on FERC’s webpage.
<http://www.ferc.gov/help/how-to/intervene.asp>