

Information about this Motion to Intervene Form

What is this form?

You can use this form to request party status in a case at the Vermont Public Utility Commission (also known as “intervening” in a case). This form is for use in any type of Commission case, including rate cases, Section 248 and 248a¹ cases related to siting utility infrastructure such as cell towers, solar and wind facilities, and electric transmission lines (Section 248 cases), and the review of net-metering applications. Please note that the form does not become effective until you (or your duly authorized representative) complete, sign, and file the form with the Commission, with copies to those who are entitled to receive a copy.

Who can use this form?

- Anyone who has a legal right to intervene in a Commission case (also known as “intervention as of right”)
- Anyone without a legal right to intervene, but who wants to ask the Commission for permission to be a party and participate in the case (also known as “permissive intervention”)

However, for cases that deal with siting utility infrastructure such as cell towers, solar and wind facilities, net-metering facilities, and electric and gas transmission (Section 248 and 248a cases) and with the review of net-metering applications, if you fit into one of the following categories, you can become a party in a Commission case by filing a “Notice of Intervention” form, rather than completing and filing this form:

- The planning commissions of the region and municipality that will host the facility
- The legislative body of the municipality that will host the facility
- The planning commissions of any adjacent region and municipality, if the distance of the facility’s nearest component to the boundary of that adjacent planning commission is 500 feet or 10 times the height of the facility’s tallest component, whichever is greater
- The legislative body of an adjacent municipality, if the distance of the facility’s nearest component to the boundary of that adjacent municipality is 500 feet or 10 times the height of the facility’s tallest component, whichever is greater
- In the case of a wind generation project, all municipal planning commissions, municipal governments, and regional planning commissions for all towns wholly or partially within a radius of a minimum of 10 miles of each proposed turbine who wish to intervene only on one or more of the following Section 248 criteria: (b)(1) orderly development; (b)(4) economic benefit, or (b)(5) aesthetics, transportation, historic sites, or public investments (Section 248 and 248(j) cases only)

¹ 30 V.S.A. §§ 248 and 248a.

- Adjoining landowners (Section 248, 248(j), and net-metering cases only)
- Host landowner (Section 248 and 248(j) cases only)
- Interconnecting utilities and certain state agencies (Section 248, 248(j), and net-metering cases only)

The “Notice of Intervention” form, is available at www.puc.vermont.gov or by contacting the Clerk of the Commission at puc.clerk@vermont.gov.

When should I file this form?

This form must be filed “as early as possible or by the date allowed under a scheduling order issued in the case in which you want to intervene.”² You can file your completed form with the Commission after the case has started. It is best to file your form as soon as you know that you want to participate in the case. Early on in almost all cases, a deadline is set by order for filing intervention requests. If you file your form after the intervention deadline, it is possible that your request will be denied because it is considered untimely under the circumstances of the case. If the intervention deadline has passed before you realize that you need or want to participate in the case, you can still file this form. Your intervention request may still be granted, provided you can show that no party objects to your late filing, or that it would not be unfair or cause undue delay to let you participate in the case.

What if I need more space to complete this form?

You can attach additional sheets of paper if your responses do not fit in the fields provided on this form. If you have any questions, please contact the Clerk of the Commission at (802) 828-2358.

Where do I send this form?

You must use ePUC (the Commission’s online filing and case management system) to file this form unless one of the exceptions stated in [Commission Rule 2.110](#) applies. ePUC will then send an email notice to the parties in the case that you filed this form. More information about how to file using ePUC is available at www.puc.vermont.gov.

To request a waiver under Commission Rule 2.110(B) of the requirement to use ePUC, you can file the

² [Commission Rule 2.209\(D\)](#).

“Request for Waiver of Requirement to Use ePUC and Notice of Appearance” form that is available on the Commission’s website and from the Clerk of the Commission at 802-828-2358 or puc.clerk@vermont.gov

What happens after this form is filed?

First, the parties in the case will be given an opportunity to respond to your intervention request. Second, if any party has opposed your intervention request, you will be given an opportunity to file a reply. Next, your request (and any responses and any reply) will be reviewed under the standards of Commission Rule 2.209. (The text of this rule is reproduced below for your convenience.) An order will then be issued that states whether your request has been granted or denied.

If your intervention request is granted, your name will be added to the list of parties in the case (also known as the “service list”). If you file this form in ePUC, you will receive email notice of filings in the case. If you request a waiver of the requirement to use ePUC and the Commission grants that request, you will receive paper copies of filings in the case and must provide the Commission and all other parties in the case with paper copies of filings that you make. If your intervention request is denied, your name will not be added to the service list. However, you can still follow the case by “subscribing” to the case in ePUC. Subscribers receive email notice of filings and documents issued by the Commission in the case and can access them by clicking on the links in the email notices. For more information about this option and any other questions you may have, please visit www.puc.vermont.gov or contact the Clerk of the Commission at (802) 828-2358.

Text of Commission Rule 2.209

2.209 Intervention

(A) Intervention as of right. Upon timely application, anyone will be permitted to intervene in any proceeding (1) when a statute or Commission rule confers an unconditional right to intervene; or (2) when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.

(B) Permissive intervention. Upon timely application, a person may be permitted to intervene in any proceeding (1) when a statute or Commission rule confers a conditional right to intervene, or (2) when an applicant’s claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding. In exercising its discretion, the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

(C) Conditions. Where a party has been granted intervention, the Commission may restrict that party's participation, may require that party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters, and may otherwise limit that party's participation, all as the interests of justice and economy of adjudication require. The Commission has discretion in determining when to order joint representation, but may not require a State agency to be represented jointly with any other party.

(D) Procedure. An application to intervene must be made by notice (if notice is allowed by statute or Commission rule) or by motion made in accordance with these rules. The motion must be made as early as possible or by the date allowed under a scheduling order.

State of Vermont Public Utility Commission

Motion to Intervene Form

Intervenor and Case Information	
Case Number	
Name	
Mailing Address	Street and # Town State and Zip
Daytime Phone	
E-mail Address	
Name of Legal Counsel (if any)	
Mailing Address of Legal Counsel (if any)	Street and # Town State and Zip
E-mail Address of Legal Counsel (if any)	
<u>The Rule 2.209 Criteria</u>	
<p><u>Intervention as of Right by Statute or Commission Rule</u> (This is uncommon; leave blank if not applicable to your situation.)</p> <p>Please identify any statute or Commission rule that you think gives you a legal right to be a party in the case.</p>	
<p><u>Intervention as of Right without Statute or Commission Rule</u></p> <p>Please identify the interest you have that must be decided in this proceeding and explain (a) why a decision in this proceeding will impair your ability to protect that interest, and (b) why another existing party to the case does not adequately represent that interest.</p>	

Permissive Intervention by Statute or Commission Rule

Please identify any statute or Commission rule that you believe gives you a conditional right to intervene in this proceeding, and explain why you believe the conditions have been met. Please also explain why your participation as a party will not unnecessarily delay this proceeding or otherwise unduly prejudice the interests of existing parties.

Permissive Intervention without Statute or Commission Rule

Please identify the interest you have that must be decided in this proceeding and explain why your participation as a party will not unnecessarily delay this proceeding or otherwise unduly prejudice the interests of existing parties.

Certification This section may be completed by the intervenor or a duly authorized representative.

I certify that the information provided on this form is true and accurate to the best of my knowledge.

Print Name _____

Signature _____ Date _____

Note: A signature is not required if this form is filed using ePUC, the Commission's online document management system, which is accessible at <https://epuc.vermont.gov>