



HOW TO PARTICIPATE IN CASES BEFORE THE PUC

One way to get involved in PUC decisions is to participate in rate cases, rulemakings, and other proceedings conducted by the Commission. However, the PUC has special rules that must be followed carefully in order for anyone to formally take part in a case.

After reading this information, you will know under what conditions you may intervene in PUC cases, the necessary steps to follow, and the responsibilities you must bear if you choose to do so.

BASIC INFORMATION

There are two ways to participate in proceedings pending before the Commission – as an interested person or as a formal "intervenor."

Interested persons may submit written testimony or oral comments at public hearings on formal proceedings. They may also submit written comments to the Commissioners or Administrative Law Judge in charge of the case. Those comments will be considered by the Commission in making its final decision.

Intervenors in rate proceedings may file testimony, cross-examine witnesses, and be cross-examined themselves. Because formal participation is more demanding, that level of involvement is normally used by organizations with resources to hire attorneys, or by individuals who are very familiar with utility matters. Intervenor status **must be granted** by the Commission.

TYPES OF INTERVENTIONS

Intervention in PUC cases is possible by one of two methods – by right or by permission. Individuals or companies that have a legally protected right in the subject matter that may be affected by the proceeding can intervene as a matter of right. For example, in a transportation case, if a company files an application to offer a service already being provided by another carrier, the second carrier has a right to intervene. (See below, **Intervening By Right In Transportation Applications**).

The other method of intervention – by Commission permission – is more common, and is used in most cases involving electric, gas or telephone utilities. Anyone who has a financial or other tangible interest in the subject matter of a proceeding may file a **petition for leave to intervene**.

To reach PUC Consumer Affairs:

1560 Broadway, Suite 250, Denver, CO 80202
303-894-2070 (local); 1-800-456-0858 (toll-free)
dora_puc_complaints@state.co.us

Subjective interest in a docket is not considered a sufficient basis to intervene. The Commission will then either grant or deny the petition.

FILLING OUT A PETITION TO INTERVENE

The Commission has established rules for the form and content of a petition to intervene. If they are not followed, it could result in the petition's dismissal. Use the following steps as a guide in filling out the petition form attached to this publication.

The petition should be typed on 8" by 11" paper, one side only. If you cannot have it typed, please use legible handwriting.

STEP 1: In the first box, you must identify the proceeding by its caption, such as, "IN THE MATTER OF PROPOSED RULES REGARDING BASIC TELEPHONE SERVICE." Also fill in the docket number assigned to the case. You can obtain the caption and docket number of an application by contacting the PUC Information Center, 303-894-2040.

STEP 2: Fill in your name and address if you're intervening as an individual, or company/organization name and address if you're intervening on behalf of a business or group.

STEP 3: State the reason or grounds for your intervention. PUC rules require that, in order to intervene as an individual or group, you must have "pecuniary or other tangible interests" that are not represented by other parties in the case. **Subjective interest in a docket is not a sufficient basis to intervene.**

STEP 4: If you know what kind of evidence (written testimony, oral testimony, cross-examination, etc.) and how much you will present in the case, enter it here. This will help the Commission in scheduling the proper amount of time for hearings in the case.

STEP 5: Fill in the date and sign the petition. If the petition is signed by an attorney, the attorney should fill in his/her name, address, telephone number and registration number.

SUBMITTING YOUR PETITION

A person normally has 30 days after notice of a proceeding is given in which to file a petition to intervene. An original and seven copies must be filed with the Commission. Also, copies must be delivered to the applicant and all other parties of record. Names and addresses of all parties to a proceeding can be obtained at the PUC. When submitting your petition to the Commission, you must include a "certificate of service" (See below, **Obtaining A Sample Form**) that indicates you have provided all parties with a copy of the petition.

The Commission will not make a final decision in any proceeding until the time for filing petitions to intervene has expired. If a late filing for intervention is made, the petitioner must state good reason for the delay. The Commission may or may not allow late intervention.

After the petition has been filed, the Commission will rule on whether to grant or deny the intervention. If granted, the intervenor becomes a party to the proceeding and is entitled to all rights and privileges of that status.

INTERVENING BY RIGHT IN TRANSPORTATION APPLICATIONS

To intervene as a matter of right in a pending transportation utility application, you must file an "entry of appearance and notice of intervention" within 30 days after the date of publication of notice of the filing of the application.

An entry of appearance and notice of intervention of right must include a copy of the motor vehicle carrier's letter of authority, must show that the motor vehicle carrier's authority is in good standing, must identify the specific parts of that authority that are in conflict with the application, and must explain the consequences to the motor vehicle carrier and the public interest if the application is granted

A notice of intervention by right or a motion to permissively intervene in an application for **temporary authority** must, if applicable, include a description of the services the intervenor is ready, willing and able to provide, or has provided, to the persons or class of persons supporting the application.

Intervention in a temporary authority application does not constitute intervention in a corresponding permanent authority application, unless the temporary authority intervention clearly states that it is also an intervention in the corresponding permanent authority application.

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