

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 Service Board (also known as “intervening” in a case). This form is for use in any type of Board 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 Board, 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 Board case (also known as “intervention as of right”)
- Anyone who has no legal right to intervene, but who wants to ask the Board for permission to be a party and participate in the case (also known as “permissive intervention”)

However, if you fit into one of the following categories, you can become a party in a Board case without completing and filing this form:

- Regional and Municipal Planning Commissions (for Section 248 cases and net-metering cases)
- Municipal Legislative Bodies (for Section 248 cases and net-metering cases)
- Adjoining landowners (net-metering cases only)
- Electric utilities and certain state agencies (net-metering cases only)

If you fit into one of these categories, you can simply file a “Notice of Intervention” form, which is available at www.psb.vermont.gov or by contacting the Clerk of the Board at psb.clerk@vermont.gov.

When should I file this form?

This form must be filed in a “timely manner.” You can file your completed form with the Board 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.

¹ 30 V.S.A. §§ 248 and 248a.

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 Board at (802) 828-2358.

Where do I send this form?

You must mail the original of the completed form to the Vermont Public Service Board at 112 State Street, Montpelier, VT 05620-2701. Copies of the completed form must be mailed to all parties in the case. You can obtain a list of names and addresses of the parties in the case by contacting the Clerk of the Board at psb.clerk@vermont.gov. Alternatively, if the case is being processed in ePSB (the Board's online filing and case management system), you can use ePSB to both file this form and send it to the parties in the case. More information about how to file using ePSB is available at www.psb.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. Next, your request (and any responses) will be reviewed under the standards of Board 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 this case is being processed using paper, you will receive paper copies of all filings in this case. If this case is being processed using ePSB, then you can choose to receive either paper or electronic copies of filings in the case. If your intervention request is denied, your name will not be added to the service list. However, you can still follow the case by receiving notices of any hearings and rulings. For more information about this option and any other questions you may have, please visit www.psb.vermont.gov or contact the Clerk of the Board at (802) 828-2358.

Text of Board Rule 2.209**2.209 Intervention**

(A) Intervention as of right. Upon timely application, a person shall be permitted to intervene in any proceeding (1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or (3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive

means by which the applicant can protect that interest, and where the applicant's interest is not adequately represented by existing parties.

(B) Permissive intervention. Upon timely application, a person may, in the discretion of the Board, be permitted to intervene in any proceeding when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding. In exercising its discretion in this paragraph, the Board shall consider (1) whether the applicant's interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) 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 Board may restrict such party's participation to only those issues in which the party has demonstrated an interest, may require such party to join with other parties with respect to appearance by counsel, presentation of evidence or other matters, or may otherwise limit such party's participation, all as the interests of justice and economy of adjudication require.

(D) Procedure. An application to intervene shall be by motion made in accordance with these rules. The motion shall be made within a reasonable time after the right to intervene first accrues and shall specifically state the manner in which the condition of this rule are satisfied.

State of Vermont Public Service Board

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</u> (this is uncommon, leave blank if not applicable to your situation)</p> <p>Please identify any statute, legal rule, or Board order that you think gives you a legal right to be a party in the case. If this right is conditional, please describe how you satisfy these conditions.</p> | |
| <p><u>Permissive Intervention</u></p> <p>Please describe all the interests you have that you think will be adversely affected by the outcome of the case. Please be as specific as possible. Attach additional sheets if necessary.</p> | |

Please state whether there are other ways to protect your interest(s) besides as a party participating in this proceeding. If there is no other way for you to protect your interests, please state this fact. Please also explain whether there is already a party in the case who has the same or similar interest(s) to be protected in the case.

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 ePSB, the Board's online document management system, which is accessible at <http://epsb.vermont.gov>