

## **HOW TO BE AN INTERVENOR FOR LANDOWNERS**

**DISCLAIMER:** *This is NOT meant to be all-inclusive list of how-to's. This is NOT meant to be a substitute for securing legal services from an attorney or consultant. But it is an attempt to help EVERYONE begin to understand the process, and to share with others. All our information plus much more that we cannot reproduce efficiently comes from the websites of ERCOT, PUC, LCRA, ONCORE and CPE-Energy. This is only intended to help citizens move forward in their search for information.*

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**Motion to Intervene** - This is the written request someone must file to become an intervenor. In this motion, they must explain why they have a legal interest in the proceedings. **Intervenors** are people directly affected by a particular issue or action and are full and active participants in a proceeding at the PUC. Landowners are directly affected. Intervenors can make legal arguments, conduct discovery, file testimony, and cross-examine witnesses. If you file testimony, you may be cross-examined by the other parties or their attorneys in the case.

The Public Utility Commission of Texas (PUC or PUCT) does not have a single universal "**Direct Testimony Form**" because testimony formats depend on the type of case (such as transmission line routing, rate cases, or rulemaking). However, **direct testimony** generally follows a standard structure which is laid out below.

### **A. Sample Outline of Intervenor Direct Testimony:**

#### **1. Heading & Identification**

- PUC Docket Number (This is the Docket Number assigned to the section of the Transmission Line impacting your property. These are assigned when the letters are sent to Landowners.)
- Style of Case (e.g., "Application of [Insert Transmission Company Name] Electric Delivery Company LLC for a Certificate of Convenience and Necessity for the Transmission Line")
- Party Name (Intervenor)
- Witness Name

#### **2. Statement of Qualifications**

- Name, occupation, and relevant experience.
- Connection to the affected area (landowner, resident, business, etc.).

#### **3. Purpose of Testimony**

- Why you are providing testimony (e.g., impacts on property, environment, reliability, cost, etc.).

#### **4. Description of Affected Property or Interest**

- How the proposed project directly affects you.
- Attach maps and property descriptions as needed.
- 5. **Impacts & Concerns**
  - Environmental, economic, safety, or reliability concerns. Include research and evidence.
  - Alternatives or route suggestions (if applicable).
- 6. **Conclusion & Recommendation**
  - A clear statement of what you are asking the PUC to do.
- 7. **Signature & Notarization** (if required)

B. **Intervenor Statement of Position** – This simpler than Direct Testimony. It does **not** require expert credentials or detailed legal arguments - just a clear explanation of your position.

1. **PUC Docket No.:**
2. **Style of Case:** Application of [Insert Transmission Company Name] for a Certificate of Convenience and Necessity
3. **Intervenor Name:** Full name or organization
4. **Mailing Address:**
5. **Phone Number:**
6. **Email Address:**
7. **Statement of Position** - I oppose (or support) the proposed transmission line route as filed by because:
  - Describe how the route affects your property, home, farm, ranch, business, or environmental features. Describe how the route affects your property, home, farm, ranch, business, or environmental features. Describe how the route affects your property, home, farm, ranch, business, or environmental features.
  - List any safety, environmental, property value, or routing concerns. List any safety, environmental, property value, or routing concerns. List any safety, environmental, property value, or routing concerns.
  - If applicable, state your preferred route or modifications. If applicable, state your preferred route or modifications. If applicable, state your preferred route or modifications.
8. **Closing Salutation:** I respectfully request that the Public Utility Commission of Texas consider my concerns when making its routing decision.
9. **Signature:** \_\_\_\_\_
10. **Date:** \_\_\_\_\_

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**Next**, as a cover to one of these two methods to request the opportunity to formally **intervene** in a proceeding before the Public Utility Commission of Texas (PUCT), you will need to complete and attach the official “**Request to Intervene in PUC Docket No.**” form. Access the form on the PUC website, fill it out and attach it to the front of your Direct testimony or your Statement of Position.

### **How to Access the Form**

The official PDF form titled “**Request to Intervene in PUC Docket No.**” is available on the PUCT Interchange site. <https://ftp.puc.texas.gov/public/puct-info/industry/electric/forms/ccn/Intervene.pdf>

You'll need to provide information such as:

- Your identity
- Your interest or stake in the proceeding
- Acknowledgment that, as an intervenor, you'll participate fully (e.g., respond to discovery, file testimony)

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### **Filing Instructions**

Once your official PDF form is ready, and you have completed either an Intervenor Direct Testimony, or Intervenor Statement of Position described above you are ready to file:

- **Submit digitally via the PUCT’s Interchange Filer** (online system) at <https://interchange.puc.texas.gov/filer> , OR
- **Mail:** Send the completed form along with **10 copies** to PUCT Central Records:  
Public Utility Commission of Texas  
Attn: Filing Clerk, P.O. Box 13326, Austin, TX 78711 - 3326
- See this link for more info.

<https://www.puc.texas.gov/agency/rulesnlaws/participate/>

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### **Quick Checklist**

- Complete the official **Request to Intervene in PUC Docket No.** PDF
  - Have your **Intervenor Direct Testimony** OR **Intervenor Statement of Position** described above ready for upload,
  - Use the **Interchange Filer** as noted in hyperlink above or **mail** hard copies (plus 10) to the address listed above.
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### **What to Know About Being an Intervenor**

- You'll be a **full party to the docket**, meaning you must respond to discovery, file testimony if needed, and attend hearings.
  - **No attorney is required** if you wish to appear as a pro se intervenor—but most participants who represent organizations or groups choose to engage counsel.
  - The **deadline to intervene** will typically be stated in your notice of the proceeding should you receive one. Otherwise, please constantly check the PUC website for information regarding deadlines. It is coming quickly. Get prepared now.
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## **HOW TO BE AN INTERVENOR FOR NON-LANDOWNERS**

***DISCLAIMER:*** *This is NOT meant to be all-inclusive list of how-to's. This is NOT meant to be a substitute for securing legal services from an attorney or consultant. But it is an attempt to help EVERYONE begin to understand the process, and also to share with others. All our information plus much more that we cannot reproduce efficiently comes from the websites of ERCOT, PUC, LCRA, ONCORE and CPE-Energy. This is only intended to help citizens move forward in their search for information.*

**No, you do not always have to be an “affected party”** in the strictest sense to be an intervenor in a transmission case with a Public Utility Commission (PUC). But there are some nuances:

1. **Intervention in PUC cases** generally allows a person or entity to participate formally in a docket. As an intervenor, you can:
  - Receive all filings and notices.

- Submit comments, testimony, and evidence.
- Cross-examine witnesses at hearings.

## 2. **Requirements for intervention:**

- In Texas, the PUC generally requires that an intervenor show a **“justiciable interest”** in the proceeding. This means you are **affected in some real way** by the proposed project, either directly (e.g., property owner near a transmission line) or through economic, environmental, or legal impacts (non-landowners).
- Sometimes, organizations or advocacy groups can intervene **on behalf of broader public interests**, even if they are not directly “affected” like a landowner would be. They still need to show that their participation will help the PUC make an informed decision.

## 3. **Filing to intervene:**

- You file a **petition to intervene** with the docket number of the transmission case.
- You must explain your interest or stake in the case.
- The PUC may grant or deny your request, sometimes requiring a more detailed justification if your interest is more general than direct (like a landowner).

**Key point:** You don’t always have to live next to a line or own affected land, but you do need a legitimate interest recognized by the PUC. “General public curiosity” is usually **not enough**.

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Here’s a clear step-by-step strategy for **securing intervenor status in a Texas transmission case** with the PUC, even if you aren’t a direct landowner:

### 1. **Understand the Docket**

- **Find the case:** Identify the specific transmission case on the PUC’s eDocket system.

- **Read filings:** Review the application, environmental reports, route maps, and any filed testimony.
- **Identify impact points:** Look for areas where the project could affect ratepayers, the environment, public safety, or other interests you represent.

## **2. Define Your Interest**

- PUC requires a **“justiciable interest”** - something concrete showing you’re affected or have a stake.
- Examples for non-landowners:
  - **Environmental groups:** Potential impact on sensitive habitats, wildlife, or watersheds.
  - **Consumer advocates:** Transmission costs will raise rates.
  - **Community organizations:** Noise, visual impact, interference with local infrastructure such as parks, schools, historical sights, etc. .
- Be **specific and factual**—cite locations, projected line paths, and any studies.

## **3. Draft Your Petition to Intervene**

- Include:
  1. **PUC Docket number and case name**
  2. **Your identity** (individual or organization)
  3. **Your interest in the case** (why PUC should let you intervene)
  4. **Statement of intent** (e.g., you want to submit testimony, cross-examine witnesses, or participate in settlement discussions)
- **Attach supporting evidence** if possible (maps, reports, photos, data).

## **4. File on Time**

- Check the **PUC’s deadline for intervention**, usually listed in the notice or in the application filing.
- File through **PUC Interchange Filer** (see link here) or by mail, following the exact procedural rules. <https://interchange.puc.texas.gov/filer>

## **5. Prepare for Possible Challenges**

- Transmission companies sometimes object if your interest seems “too general.”
- If challenged, be ready to:
  - Show concrete, specific potential impacts.
  - Cite PUC rules allowing public or organizational intervention for matters beyond direct property ownership.

## **6. Engage Strategically**

- Once granted intervenor status:
  - Attend hearings or provide written comments.
  - Submit expert testimony or data supporting your position.
  - Participate in settlement discussions if applicable.

### **Tips for Success:**

- Use **maps and technical data** to make your interest tangible.
- Frame your argument in terms of **PUC’s statutory duties which are reliability, cost, environmental protection, and public interest.**
- Align your participation with **specific PUC criteria**; don’t rely on general opposition.

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**Here’s a model Petition to Intervene** tailored for a **non-landowner individual or organization** in a Texas transmission case. You can adapt the specifics (names, docket number, organization) to your situation:

### **BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

**Docket No.:** [Insert Docket Number]

**Style of case:** Application of [insert Transmission Company Name] for a Certificate of Convenience and Necessity (CCN) for a Transmission Line

### **PETITION TO INTERVENE OF [YOUR NAME OR ORGANIZATION]**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

**1. Identity of Intervenor**

[Your Name / Organization Name] (“Petitioner”) respectfully requests leave to intervene in the above-captioned proceeding.

**2. Petitioner’s principal address:** [Address]

**3. Contact Info:** [Phone, Email]

**4. Justiciable Interest:**

Petitioner has a justiciable interest in this proceeding because the proposed transmission project may directly or indirectly impact [describe your interest, e.g., local environment, public safety, electricity rates, or community resources, etc.]. Specifically:

- [Example: The proposed route passes near sensitive environmental areas, including [name specific areas, rivers, or wildlife habitats].]
- [Example: The project has potential economic impacts on residential and commercial electricity rates in [county/region].]
- [Example: Petitioner’s mission includes advocating for sustainable and cost-effective energy development in Texas.]

Petitioners’ participation will assist the Commission in fully considering the public interest, environmental concerns, and cost implications associated with this project.

**5. Relief Sought:**

Petitioner requests the Commission to grant leave to intervene and:

- Receive all notices and filings in this proceeding.
- Participate in hearings, submit evidence and testimony, and cross-examine witnesses as appropriate.
- Participate in settlement discussions or other proceedings related to this case.

**6. Conclusion and Closing Salutation:**

For the foregoing reasons, Petitioner respectfully requests that the Commission grant this Petition to Intervene and recognize Petitioner as a full party to the proceeding.

Respectfully submitted,

[Signature]

[Name of Petitioner / Representative]

[Title, if representing an organization]



[Address]

[Phone / Email]

**7. Date:** [Insert Date]

**Tips for Customization:**

1. Be **specific** about locations, maps, or populations affected.
  2. Include **supporting evidence** (attachments, studies, photos) if possible.
  3. Ensure you **file before the intervention deadline** on the PUC eDocket system.
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Here's a stronger, **public-interest/environment-focused version** of the Petition to Intervene, designed for a non-landowner group or individual advocating environmental or community concerns in a Texas transmission case:

**BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

**Docket No.:** [Insert Docket Number]

**Style of Case:** Application of [Transmission Company Name] for a Certificate of Convenience and Necessity (CCN) for a Transmission Line

**PETITION TO INTERVENE OF [YOUR NAME OR ORGANIZATION]**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

**1. Intervenor Name:** [Your Name / Organization Name] ("Petitioner") respectfully petitions to intervene in this proceeding.

**2. Petitioner's Mailing Address:**

**3. Petitioners Contact Info:** Phone and Email.

**4. Justiciable Interest**

Petitioner has a direct and substantial interest in this proceeding due to the potential impacts of the proposed transmission project on environmental resources, public welfare, and community well-being. Specifically:

- **Environmental Concerns:** The proposed transmission route may traverse or impact sensitive ecosystems, including [insert rivers, wetlands, wildlife habitats, or other environmental features]. Petitioner is actively involved in protecting these resources and promoting sustainable energy development practices.
- **Community and Public Interest:** The project may affect local communities through visual impacts, potential safety concerns, and implications for regional energy costs. Petitioner represents the interests of [community residents / local stakeholders / ratepayers] and seeks to ensure that the Commission considers the broader public interest.
- **Expertise and Advocacy:** Petitioner possesses expertise in environmental and energy policy, and participation in this case will provide the Commission with valuable information to fully evaluate alternative routes, environmental mitigation measures, and cost-effective solutions.

Petitioners' participation will assist the Commission in making an informed decision consistent with its statutory mandate to protect the public interest, ensure reliable service, and minimize adverse environmental impacts.

## 5. Relief Sought

Petitioner respectfully requests that the Commission:

1. Grant this Petition to Intervene;
2. Recognize Petitioner as a party with full rights to participate in the proceeding; and
3. Allow Petitioner to:
  - Receive all filings and notices;
  - Submit testimony, evidence, and recommendations;
  - Cross-examine witnesses; and
  - Participate in settlement discussions and other procedural matters.

## 6. Conclusion and Closing Salutation:

For the foregoing reasons, Petitioner respectfully requests that the Commission grant this Petition to Intervene and recognize Petitioner as a full participant in this proceeding.

Respectfully submitted,

[Signature]

[Name of Petitioner / Representative]

[Title, if representing an organization]

[Address]

[Phone / Email]

**7. Date:** [Insert Date]

**Here's a model "Justification Appendix"** you can attach to the petition. This strengthens your argument by citing specific environmental and public-interest concerns without requiring you to own property near the line:

## **JUSTIFICATION FOR INTERVENTION**

Petitioner provides the following supporting information to demonstrate a justiciable interest and the relevance of participation in this docket:

### **1. Environmental Impacts**

- The proposed transmission line route, as filed by [Transmission Company Name], crosses or is adjacent to environmentally sensitive areas including:
  - [Name of river, wetland, or watershed]
  - [Name of wildlife habitat or conservation area]
  - [Other sensitive environmental features]
- Peer-reviewed studies and state environmental assessments indicate that transmission corridors through these areas can affect water quality, wildlife migration, and vegetation. Petitioners seeks to provide additional expertise and evidence to ensure mitigation measures are fully considered.

### **2. Community and Public Interest Impacts**

- Transmission infrastructure may have visual, noise, or safety impacts on nearby communities, even when not directly on private property.
- Projected costs for this transmission line may affect regional electricity rates, influencing residential and commercial ratepayers. Petitioners represent the interests of these stakeholders and can provide analysis relevant to public cost and benefit.

### **3. Expertise and Advocacy**

- Petitioners have experience in [environmental law, energy policy, land conservation, or related fields] and can provide technical analysis, research, and policy input to assist the Commission.
- Participation will ensure that the Commission has access to comprehensive information regarding alternative routes, mitigation strategies, and public-interest considerations.

#### **4. Precedent for Intervention**

- The PUC has historically granted intervenor status to parties with organizational or public-interest representation, even when they do not own land directly affected by the project, provided they demonstrate a justiciable interest in environmental protection, public welfare, or consumer advocacy.

#### **5. Conclusion**

Petitioner's participation will provide relevant expertise, highlight public and environmental interests, and contribute to a fully informed decision by the Commission. Therefore, Petitioner respectfully requests that the Commission grant intervention status in this proceeding.