

## Protesting/Formally Intervening in Commission Proceedings

Pursuant to Commission Rules of Procedure, 291 NAC 1, persons with an interest in a proceeding or docket before the Commission may file a protest or petition of formal intervention. The petition is considered a legal document. If a person is represented by an attorney, the attorney may file the petition on behalf of the individual/group/business/company. An individual may file on their own behalf and participate without an attorney, however, a person is not allowed to represent a business, family farm/corporation, or group. Only authorized members of the Nebraska bar may represent and speak on behalf of others before the Commission.

### **Required Information**

The petition to intervene/protest should include:

- Caption/Docket Number
- Person Name
- Person Address
- Person Email
- Person Phone
- Statement of why they are protesting the application and/or why they are requesting to be a formal intervenor

\*\*The Caption and Docket number for the TransCanada Pipeline application is:

Docket No. OP-002, *In the Matter of the Application of TransCanada Keystone Pipeline L.P., Houston, Texas, seeking approval of the Route of the Keystone XL Pipeline Project pursuant to the Major Oil Pipeline Siting Act.*

### **Protest vs. Formal Intervention**

Persons are welcome to file either a protest or a formal intervention; both result in being granted party status in the proceeding. The formal intervention is broader, you don't necessarily have to be opposed to the application to intervene, thus why both are available to potential parties. However, both protestants and intervenors are given the same status and have the same rights in the proceeding. There is no advantage or disadvantage to being one over the other.

### **Signature**

There is not an official form or format for a petition of formal intervention or protest, as long as the as required information outlined above is included. It does need to be signed pursuant to Commission rules and the signed original needs to be mailed to the Commission at the address below.

### **Where to File**

The petition needs to be addressed to Jeff Pursley, the Executive Director/Secretary of the Commission at:

Nebraska Public Service Commission  
Attn: Jeff Pursley, Executive Director  
PO Box 94927  
300 The Atrium Building  
1200 N Street  
Lincoln, Nebraska 68509  
Facsimile: 402-471-0254

### **Serving Notice on Other Parties**

The petition to intervene/protest must also be filed on the other parties to the proceeding, meaning they need to get a copy of what is filed with the Commission. If others file for party status, they will be included on the service list.

\*\*For the TransCanada application, the service list is available on the Commission's website.

### **Deadline to Intervene/Protest**

Pursuant to Commission rules, the deadline to intervention/protest 30 days after notice of the application is published.

\*\*The deadline for the TransCanada proceeding is November 8, 2015 which is a Sunday, so individuals will have until the close of business on **Monday, November 9, 2015.**