

Protesting/Formally Intervening in OP-003

*****The Deadline to file a Formal Intervention in OP-003 is MARCH 22, 2017*****

Pursuant to Nebraska Law and Commission Rules, **persons with a substantial legal interest in a proceeding** before the Commission may file a petition seeking to protest or formally intervene in the proceeding. 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. Most Intervenors are represented by an attorney, however, an individual may file pro se, or on their own behalf, and participate without an attorney. Only authorized members of the Nebraska bar may represent and speak on behalf of others before the Commission. Therefore, an individual not accepted to practice law is not allowed to appear on behalf of a business, family farm/corporation, or group.

The Hearing Officer assigned to the proceeding will issue an order granting or denying each petition received.

Required Information

The petition to intervene/protest must include:

- Caption/Docket Number of the proceeding in which the petitioner is seeking intervention
- Petitioner Name
- Petitioner Address
- Petitioner Email
- Petitioner Phone number
- Statement demonstrating why the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding
- Signature of the petitioner or their attorney

Protest vs. Formal Intervention

There is no substantive difference between a protestant and a formal intervenor. An individual/company can be in favor of or opposed to an application and formally intervene. The term "protest" is usually reserved for those individuals/companies that are opposed to an application. However, there is no difference in the legal rights, remedies, participation, or obligations between the terms. The status of a formal intervenor or formal protestant in a proceeding in front of the Commission is the same.

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.

Currently the only official party to the proceeding is TransCanada, so copies of any filings must be sent to:

James G. Powers
Patrick D. Pepper
MCGRATH NORTH MULLIN & KRATZ, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102

An Official Service List will be maintained and available on the Commission's website.

Deadline to Intervene/Protest

Pursuant to Commission rules, the deadline to intervene/protest is 30 days after notice of the application is published. The date will be posted on the Commission's website.

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