

How lawyers can help elevate community voices

Intervention Considerations

1. Full Intervenor Status provides intervenors with the right to file evidence that will be part of the official record.

Pros	Cons
Greatest procedural leverage. Full intervenors can usually submit testimony, exhibits, expert reports, and other record evidence, which is critical in rate cases, certificate/CPCN proceedings, IRPs, siting cases, and environmental-impact-related disputes. Discovery rights. Ability to serve and respond to discovery allows the intervenor to test utility assumptions, obtain modeling inputs, probe cost estimates, assess need, evaluate alternatives, and develop environmental or infrastructure-related evidence. Cross-examination rights. Full intervenors typically may cross-examine utility, agency staff, and other party witnesses, subject to hearing officer limits. Stronger influence on outcome. Better ability to shape findings of fact, settlement terms, permit/certificate conditions, mitigation measures, rate design, or resource-planning outcomes. Better issue preservation and appellate posture. Participation as a full party intervenor can provide the clearest path to preserve issues for rehearing, judicial review, or appeal, though standing and preservation rules vary by state. Coalition value. Full party intervenors can coordinate with environmental groups, customer classes, municipalities, industrial users, landowners, labor, or developers to share experts, divide issues, and negotiate settlements.	Counsel is usually necessary. Even where not formally required for individuals, entities generally need counsel, and PUC practice is procedurally demanding. Energy and infrastructure cases often require regulatory counsel familiar with discovery, testimony, protective orders, hearing practice, rules of evidence, and strategies to preserve appellate rights after the decision is issued. Cost (time and money). Costs can include attorneys, expert witnesses, consultants, technical modeling review, discovery management, hearing preparation, transcript review, briefing, and settlement negotiations. Discovery burden runs both ways. Full intervenors may receive discovery, must comply with procedural schedules, and may need to produce documents or witnesses. This can be burdensome for smaller organizations or individuals. Strategic exposure. A full intervenor may be drawn into settlement pressure, confidentiality restrictions, procedural motions, and other complexities.

2. Participant/Amicus Status provides the right to file a brief only, with no right to present evidence or seek discovery

Pros	Cons
Lower cost. This tier is often suitable where the organization wants to express a policy, legal, community, environmental, customer, or market perspective without funding full litigation participation. Counsel may be less essential, but still useful. A brief-only role may be feasible with limited legal support, especially for policy-oriented submissions, though counsel remains valuable for jurisdictional arguments, issue framing, and preservation strategy. Useful for legal and policy framing. Amicus or participant briefing can highlight statutory mandates, environmental justice concerns, climate or reliability policy, land-use impacts, affordability issues, FERC/state jurisdictional boundaries, or consistency with state energy plans. Coalition-friendly. Brief-only participation can support a broader coalition by reinforcing key themes without duplicating expert testimony or complicating case management. Good where the record is already developed. In some proceedings, a brief-only participant can rely on the existing record to make legal or policy arguments where the record is already sufficiently developed.	No ability to build the evidentiary record. The participant cannot introduce testimony, exhibits, modeling, engineering analysis, environmental studies, or site-specific factual material unless another party has placed it in the record. No discovery rights. The participant usually cannot compel production of utility data, modeling inputs, or other testimony or evidence; however, it might still advocate for another party or PUC staff to do so. No or very limited cross-examination. Without party status, the participant generally cannot cross-examine witnesses, which reduces the ability to expose weaknesses in testimony or challenge technical assumptions or inputs. Less influence on outcome. Briefs can shape legal reasoning or policy emphasis, but commissions typically decide contested facts based on the evidentiary record. A brief-only participant has less leverage in settlement negotiations and might not be in the negotiating room when stipulations or settlements are negotiated. Weaker issue preservation and appellate posture. Depending on state law, participant or amicus status may not preserve issues for rehearing or appeal, and may not confer standing to seek judicial review of the PUC decision. Dependent on others. The participant's arguments are only as strong as the record developed by full parties. If no intervenor develops the environmental, infrastructure, ratepayer, landowner, or alternatives evidence, the brief-only participant may have little factual basis to work with.