



ADMINISTRATIVE RULES OF MONTANA



38.2.2407 INTERVENTION

- (1) The Commission may establish a deadline for intervention in commission proceedings.
- (2) The Montana Consumer Counsel (MCC) is a party to any proceeding upon filing a notice of intervention before the intervention deadline. After the deadline for intervention, the MCC may intervene by filing a late motion as described in (6).
- (3) Except as provided in (2), any person seeking to intervene in a commission proceeding must file a motion to intervene. Motions must state:
 - (a) the movant's name and contact information, including telephone number, physical address, and electronic mail address;
 - (b) the name and contact information of the movant's attorney or authorized representative, including telephone number, physical address, and electronic mail address;
 - (c) if the movant is an organization, the approximate number of members in and the purpose of the organization;
 - (d) the nature and extent of the movant's interest in the proceedings;
 - (e) to the extent known, the position taken by the movant and any issues the movant intends to raise in the proceedings; and
 - (f) any special knowledge or expertise of the movant that would assist the Commission in resolving the issues in the proceedings.
- (4) Objections to any intervention must be filed within seven days of a motion for intervention. Objections must be in the form of a brief and contain a short and plain statement of the reasons why intervention should be denied or conditioned. Movants may file a response brief to an objection within seven days of the filing of an objection. No additional briefing is permitted without prior Commission approval. The Commission will render a decision on the motion and briefing.
- (5) Timely motions for intervention will be deemed granted if no timely objection is filed and the Commission does not otherwise act on a motion within seven days of its filing.
- (6) If a motion is filed after the deadline for intervention, any person seeking intervention must demonstrate why late intervention should be granted. When ruling on a motion for late intervention, the Commission or hearing examiner may consider whether:
 - (a) the movant had good cause for the failure to file a timely motion;
 - (b) any delay might result from granting intervention;

- (c) the movant's interest is not adequately expressed by other parties in the proceeding;
 - (d) granting intervention might result in prejudice to or undue burden upon existing parties; and
 - (e) the motion conforms to the requirements of (3).
- (7) If it appears, after consideration, that a motion to intervene discloses a substantial interest in the subject matter of the proceeding, that participation of the movant will be in the public interest, or that the granting of the motion would not unduly broaden the issues in the proceeding, the Commission may grant the motion. Except in extraordinary circumstances, an untimely intervention will not be permitted to delay or defer any procedural schedule established before a party's late intervention.
- (8) Any movant granted intervention under these rules shall be known as an "intervenor" and have the same rights and responsibilities as other parties to the proceeding.
- (9) When necessary to avoid delay, unreasonable duplication of positions, prejudice to other parties, or upon a finding of good cause, the Commission or hearing examiner may impose appropriate conditions upon any intervenor's participation in the proceedings. The Commission or hearing examiner must provide notice and a reasonable opportunity to be heard.

Authorizing statute(s): 69-1-110, 69-2-101, 69-3-103, 69-12-201, MCA

Implementing statute(s): 69-2-101, MCA

History: NEW, 2023 MAR p. 362. Eff. 4/15/23.