

220 CMR: DEPARTMENT OF PUBLIC UTILITIES

1.03: Appearances; Intervention and Participation: Parties

(1) Intervention.

- (a) Any person who desires to participate in a proceeding shall file a written petition for leave to intervene or to participate in the proceeding.
- (b) Form and Contents of Petition. The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner is substantially and specifically affected by the proceeding. It shall state the contention of the petitioner, the relief sought and the statutory or other authority therefor, and the nature of the evidence the petitioner will present if the petition is granted.
- (c) Filing and Service of Petition. Unless otherwise provided in the notice of hearing, the petition must be filed at least seven days prior to the date for hearing. No petition may be filed or will be acted upon during a hearing unless permitted by the Commission or the presiding officer after opportunity for all parties to object thereto. The petition must be served as required under 220 CMR 1.05(1).
- (d) Answers to Petitions. A party may file an answer to a petition no later than five days after the petition is filed.
- (e) Action on Petitions. The Commission, or the presiding officer, shall rule on all such petitions and may grant a person leave to intervene as a party in the whole or any portion of a proceeding or may allow a person who is not a party to make limited appearance by making an oral or written statement of his position on the issue, or by such other participation as the Commission or the presiding officer may determine. Such grant may be conditioned on such terms as the Commission or presiding officer may direct. No grant of such leave to intervene or participate shall be deemed to constitute an expression by the Department that the person allowed to participate is a party in interest, who may be aggrieved by any final decision, order or ruling, unless the grant explicitly so states.

(2) Parties. As used in 220 CMR 1.00, "party" means;

- (a) the specifically named persons whose legal rights, duties or privileges are being determined in an adjudicatory proceeding before the Department;
- (b) any other person who as a matter of constitutional right or by any provision of the Massachusetts General Laws is entitled to participate fully in such proceeding and who enters an appearance;
- (c) any other person allowed by the Department to intervene as a party.