

113 FERC ¶ 61,066
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Columbia Gas Transmission Corporation

Docket No. CP04-34-001

ORDER DENYING MOTION FOR LEAVE TO INTERVENE OUT OF TIME
AND DISMISSING REQUEST FOR REHEARING

(Issued October 20, 2005)

1. On June 20, 2005, we issued an order¹ granting Columbia Gas Transmission Corporation (Columbia) a certificate of public convenience and necessity authorizing it to construct and operate replacement natural gas facilities and approving its request to abandon the deteriorated facilities being replaced.²
2. On July 20, 2005, Karl K. and Rosella Kachline, Robert L. and Kristine Paula Kachline (the Kachlines) filed a motion for leave to intervene out of time and a request for rehearing of the June 20 Order.
3. Because the Kachlines provided no good cause to accept their motion to intervene filed after issuance of the final order in this proceeding, we are denying the motion to intervene out of time and dismissing the request for rehearing.
4. In support of their motion to intervene, the Kachlines assert that even though they received a letter notice of Columbia's proposal in this proceeding on December 30, 2003, and attended a meeting during which these plans were discussed on March 16, 2004, they were unaware until September of 2004 that Columbia planned to remove bearing cherry trees planted in Columbia's easement on their land. Even with this knowledge, the Kachlines waited ten more months to request intervention in this proceeding and did so only after we issued the order authorizing Columbia's project.

¹ *Columbia Gas Transmission Corp.*, 111 FERC 61,431 (2005).

² These facilities are located in Northampton, Monroe and Pike Counties, Pennsylvania.

5. In ruling on a motion to intervene out of time, we apply the criteria set forth in Rule 214(d),³ and consider, *inter alia*, whether the movant had good cause for failing to file the motion within the time prescribed. Late intervention at the early stages of a proceeding generally does not disrupt the proceeding or prejudice the interest of any party. We are therefore more liberal in granting late intervention at the early stages of a proceeding, but are more restrictive as the proceeding nears its end. A petitioner for late intervention bears a higher burden to show good cause for late intervention after issuance of a final order in a proceeding and generally it is Commission policy to deny late intervention at the rehearing stage, even when the movant claims that the decision establishes a broad policy of general application.⁴

6. In view of the above, we deny the Kachlines' motion for leave to intervene. We will also dismiss the Kachlines' request for rehearing. Under Rule 713(b) of our regulations⁵ only a party to a proceeding is entitled to request rehearing of a Commission decision. Because the Kachlines are not parties here, they have no standing to seek rehearing of our order.

The Commission orders:

- (A) The Kachlines' motion to intervene out of time is denied.
- (B) The Kachlines' request for rehearing is dismissed.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

³ 18 CFR §385.214(d) (2005).

⁴ *See, e.g., Cameron LNG, L.L.C.*, 112 FERC ¶61,146 at P 6 (2005).

⁵ 18 CFR §713(b) (2005).