

ADDENDUM TWO

PROCEDURES IN PROCEEDINGS FOR REVIEW OF ORDERS OF THE FEDERAL ENERGY REGULATORY COMMISSION

(a) Petition for Review. The petition for review shall specify as a part of its caption the number, date, and identification of the order to be reviewed and append the service list required by FRAP 15(c). The petition shall contain a Certificate of Interested Persons and Corporate Disclosure Statement as described in FRAP 26.1 and the accompanying circuit rules.

(b) Docketing. Petitions for review and other documents concerning commission orders in the same number series (i.e., 699, 699A 699B) shall be assigned to the same docket in this court.

(c) Intervention.

(1) Party. A party to a commission proceeding may intervene in a review of the same proceeding in this court by filing a notice of intervention in the docket assigned to the petition for review of any order entered in such proceeding. The notice shall state whether the intervenor is a petitioner who objects to the order or a respondent who supports the order. A notice of intervention shall confer petitioner or respondent status on the intervening party as to all proceedings in the docket.

(2) Nonparty. One not a party to a commission proceeding who desires to intervene in a review of that proceeding in this court shall file with the clerk and serve upon all parties to the proceeding a motion for leave to intervene. The motion shall contain a concise statement of the interest of the moving party, the grounds upon which intervention is sought, and a statement why the interest asserted is not adequately protected by existing parties. Any opposition to the motion shall be filed within 10 days of service.

(d) Docketing Statement. Within 30 days of the initial petition for review but not later than 10 days after the expiration of the period permitted for filing a petition for review, all parties filing petitions for review shall file a joint docketing statement that shall:

- (1) list each issue to be raised in the review;
- (2) list any other review proceeding pending as to the same order in any other court, and
- (3) append copies of the order to be reviewed.

A petitioner who files for review after a docketing statement has been filed shall specify in the petition for review any exceptions taken or additions to the issues listed in the docketing statement. A

party who intervenes after a docketing statement has been filed shall specify in the notice of intervention any exceptions taken to the issues listed in the docketing statement.

(e) Venue. Upon the filing with the judicial panel on multidistrict litigation of notice that petitions for review have been filed in more than one court, further proceedings in this court shall be governed by 28 U.S.C. §2112.

(f) Prehearing Conference. Ten days after the filing of a docketing statement or 10 days after entry of an order by the court deciding a venue issue, whichever is later, the clerk may notice a prehearing conference to:

- (1) simplify and define issues;
- (2) agree on an appendix and record;
- (3) assign joint briefing responsibilities and schedule briefs, and;
- (4) handle such other matters as may aid in disposing of the proceeding. Except for good cause shown a party who petitions for review or intervenes in a docket after prehearing conference has been held will be bound by the result of the prehearing conference.

(g) Severance. A petitioner or respondent may move to sever parties or issues on a showing of prejudice.

(For other provisions governing review of administrative agencies, boards, and commissions, see FRAP 15).