

FILE

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Rockies Express Pipeline LLC)

Docket No. CP07-208-000

06-1142-6A-BIN

**MOTION TO INTERVENE OUT OF TIME
OF RICHARD & SANDY PETTY**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("the Commission") rules of practice and procedures (18 C.F.R. § 385.212 and 214), Richard and Sandy Petty (the "Petty's"), owners of real property within the project boundaries of the Rockies Express Pipeline Project, respectfully request to intervene and file their comments in the above-captioned proceeding.

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I. COMMUNICATIONS AND SERVICE

Richard and Sandy Petty request that all communications and papers related to this proceeding be directed to the following:

Christopher L. McCloskey
Bricker & Eckler, LLP
100 South Third Street
Columbus, Ohio 43215
Phone: 614.227.2385
Fax: 614.227.2390
Email: CMcCloskey@Bricker.com

II. INTEREST OF MOVANT

This proceeding addresses a request by Rockies Express Pipeline for authorization to construct the eastern segment of its system. The eastern segment of the system involves the construction and operation of facilities by Rockies Express Pipeline, LLC ("Rockies Express") in Missouri, Illinois, Indiana, and Ohio. Richard and Sandy Petty

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are interested in these proceedings as they own property located at 14573 Ringgold Northern Road in Ashville, Ohio, and the Rockies Express pipeline will cross directly through their property.

The Pettys' predicament meets each of the factors to be considered in a grant of late intervention. 18 C.F.R. § 385.214(d). First, Mr. and Mrs. Petty have good cause for failing to file the motion to intervene within the time proscribed by the Commission's May 14, 2007 notice requesting comments, motions to intervene, and protests in the above-captioned proceedings. Mr. and Mrs. Petty are private landowners, and they were unaware that Rockies had filed the Application for Certificate of Public Convenience and Necessity for the section of the pipeline affecting their property. Once the Pettys discovered that the application was filed, and determined that there was a need to intervene in the above-captioned proceedings to protect their legal rights, however, they filed this motion as soon as practicable. Accordingly, good cause exists to waive the time limitation pursuant to 18 C.F.R. § 385.214.

Second, because this proceeding has not advanced beyond its initial stages, the filing of the comments out of time will not disrupt the proceedings or prejudice any party. Mr. and Mrs. Petty will accept the record in this proceeding as it stands at the time of their intervention. Therefore, there will be no prejudice or additional burden upon other parties from permitting Mr. and Mrs. Pettys' intervention.

Third, as landowners, Mr. and Mrs. Petty will be directly affected by the outcome of this proceeding, and no other party can adequately represent their interests in this proceeding. Finally, because the Pettys are landowners directly affected by this proceeding, granting this motion for leave to intervene out of time would be in the public

interest. 18 C.F.R. § 385.214. Given that each factor required for late intervention under 18 C.F.R. § 385.214(d) is met, the Pettys respectfully request that their motion to intervene out of time be granted.

III. CONCLUSION

WHEREFORE, Mr. and Mrs. Petty respectfully request that the Commission grant their motion to intervene out of time as a party herein with full rights to participate in all further proceedings.

Respectfully submitted,

/s/ Christopher L. McCloskey
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Columbus, Ohio 43215
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CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I hereby certify that on January 14, 2008, the foregoing document was served upon each person designated on the official service list in these proceedings.

/s/ Christopher L. McCloskey
Christopher L. McCloskey

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