

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

BlackRock, Inc.

Docket No. EC16-77-002

**Public Citizen Answer In Opposition to Late Intervention of the
States and Attorneys General**

Per 18 CFR § 385.214, Public Citizen answers in opposition to the States and Attorneys General late intervention. We request that the Commission deny the States and Attorneys General party status to this proceeding, and disallow its May 10 Motion as procedurally deficient.

The Commission noticed BlackRock's Section 203 application on February 18, 2022, and established an intervention deadline of March 11, 2022. Public Citizen timely intervened on February 28, 2022, and filed a timely protest on March 11, 2022.¹ The Commission issued an order approving BlackRock's application on April 19, 2022.

The Commission's assessment of the merits of a late intervention may include a determination of whether there is "good cause" for the late intervention, and whether the late intervention places "burdens" upon existing parties or otherwise causes a "disruption of the proceeding".²

The States and Attorneys General 14-month late intervention fails these tests. The States and Attorneys General provide no good cause for requesting intervention in a Section 203 proceeding 14 months late. The States and Attorneys General claim that their 14-month late intervention is justified because BlackRock has not "withdrawn" from its association with "CA100+ and NZAM", among other claims.³ But their tardy motion comes *after* the Commission issued an order more than a year ago approving BlackRock's Section 203 application. If the States and Attorneys General believe they

¹ www.citizen.org/article/challenge-to-blackrocks-waivers-to-control-up-to-20-of-utilities/

² 18 CFR § 385.214(d)(1).

³ *Motion*, at page 49.

have evidence that BlackRock is in violation of the Commission's rules, regulations or practices, then they can file a complaint under Section 206 of the Federal Power Act.⁴

Their untimely motion in a stale Section 203 proceeding is clearly disruptive, placing burdens upon Public Citizen. The States and Attorneys General raise new issues outside the scope of the Commission's March 11 order, that, if accepted, would require Public Citizen to expend staff resources to analyze and address. Again, the States and Attorneys General can seek their requested relief by filing a complaint under Section 206, rather than disrupting a stale 203 proceeding.

The Commission must reject the States and Attorneys General motion to intervene out of time, and disallow its motion as procedurally deficient.

Respectfully submitted,

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⁴ 16 USC § 824e.

Document Content(s)

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