

### **13B.060 Petition for intervention.**

- (1) The hearing officer shall grant a petition for intervention if:
  - (a) The petitioner has a statutory right to initiate the proceeding in which he wishes to intervene; or
  - (b) The petitioner has an interest which is or may be adversely affected by the outcome of the proceeding.
- (2) The hearing officer may grant intervention after consideration of the following factors and a determination that intervention is in the interests of justice:
  - (a) The nature of the issues;
  - (b) The adequacy of representation of the petitioner's interest which is provided by the existing parties to the proceeding;
  - (c) The ability of the petitioner to present relevant evidence and argument; and
  - (d) The effect of intervention on the agency's ability to implement its statutory mandate.
- (3) Unless otherwise required by federal law, a petition for intervention shall be filed and copies mailed to all parties named in the notice of the hearing, at least fourteen (14) days before the hearing. The parties to the hearing shall have seven (7) days within which to file any response they may have to the petition to intervene. If a petitioner qualifies for intervention under subsection (2) of this section, the hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:
  - (a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
  - (b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
  - (c) Requiring two (2) or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.
- (4) The hearing officer, at least three (3) days before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The hearing officer shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 6, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 382, sec. 6, effective July 15, 1996.