

1979 WL 42708 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1979

**\*1 RE: No. 200**

Honorable John W. Lindsay  
Chief Insurance Commissioner  
S.C. Department of Insurance  
P. O. Box 4067  
Columbia, SC 29240

Dear Commissioner Lindsay:

Your letter of July 9, 1979, to the Attorney General regarding participation by a member of the General Assembly in an insurance rate hearing has been forwarded to me for reply. The request to participate is dated July 5, 1979, and was received by your office July 6, 1979. The rate hearing in question is scheduled to begin on July 31, 1979.

It is settled that an agency may impose reasonable conditions upon intervention. 22 Am.Jur.2d, Administrative Law, § 369. In the Notice of Public Hearing, the Department indicated that requests to intervene should be made by July 10, 1979. Therefore, it appears that the request to intervene was timely made.

However, the request does not indicate any legally cognizable basis upon which to permit intervention. Ordinarily, a request should have a statement of the interest constituting a ground for intervention. Id. request does not indicate any facts upon which standing to participate may be predicated. While rules of standing before administrative bodies are not as restrictive as those for standing before a court of law, some legal interest in the outcome should be demonstrated in order for an administrative body to determine on what basis it should exercise its discretion whether or not to grant standing and leave to participate. Such factors could include the representation of policy holders as legal counsel, personally holding such a policy or statutorily conferred standing. See, [Black River Electric Coop., Inc. vs. Public Service Commission](#), 238 S.C. 282, 120 S.E.2d 6, (S.C. 1961). No such factors are indicated in the request to intervene. Therefore, the party seeking to intervene has no right to participate in the proceeding before the Commission.

Since the party has no right to intervene in the proceedings, the Department must determine whether, in the exercise of its discretion, it will permit such intervention. If the Department feels that the public interest is adequately represented at the hearing and that an orderly hearing will be facilitated by denying the request, such factors would constitute a reasonable basis for the exercise of the Department's discretion.

I hope this has been of some assistance to you. If you have any further questions, please do not hesitate to contact me.  
Very truly yours,

Katherine W. Hill  
Assistant Attorney General

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