

Chapter PSC 3

INTERVENOR COMPENSATION

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PSC 3.01 Purpose. The purpose of this chapter is to set forth rules governing compensation of intervenors who participate in public service commission proceedings.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

PSC 3.02 Type of proceeding. Compensation for the cost of intervenor participation in commission proceedings is available through the public service commission for participation in formal proceedings in which the applicant participates as a full party.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

PSC 3.03 Eligibility. Persons eligible for compensation under this chapter must meet the criteria of subs. (1) to (4) below:

(1) (a) Customers of the utility which is the subject of the proceeding;
or

(b) Persons whose substantial interests may be affected by the outcome of the proceeding.

(2) Persons who would find full intervention in the proceeding to be significant financial hardship without compensation from the public service commission.

(3) Persons who represent an interest material to the proceeding, which but for an award of compensation would not be adequately represented.

(4) Persons, representation of whose interests is necessary for a fair determination in the proceeding.

(5) In determining whether an applicant for compensation meets the criteria of subs. (3) and (4), the public service commission shall consider the information to be presented by its own staff and by other persons who indicate they will be presenting information in the proceeding.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

PSC 3.04 Applications for compensation. (1) Not more than 15 days after notice of hearing, any person may apply to the public service commission for intervenor compensation under this chapter.

(2) The application for compensation may be on a form supplied by the public service commission on request and shall contain the following information:

(a) The applicant's name and address. In the case of an organization, the names, addresses, and titles of the members of its governing body,

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and a description of the organization's general purposes, size and structure.

(b) The proceeding for which the compensation is requested.

(c) The issues the applicant plans to address and how they affect the applicant's interest in the proceeding. The discussion shall explain which ideas or viewpoints the applicant believes are substantive, novel or significant and why their presentation would contribute to a full and fair determination of the issues involved in the proceeding.

(d) A statement of the amount of funds requested, including an itemized statement of the services and expenses to be covered by the requested funds.

(e) Financial status of the applicant, including:

1. A listing of annual gross income for the current and prior year.
2. A listing of current assets and liabilities or balance sheet.
3. An explanation of why the applicant cannot use the excess of assets over liabilities, if any, to cover the costs of participating in the proceeding.
4. If the applicant is other than an individual, the applicant's official budget for the current fiscal year, and a statement of revenues and expenses for the previous fiscal year.
5. A list of all proceedings before the public service commission in which the applicant has received compensation during the preceding 12 months, including the interest represented, the presentation made, and the amount of compensation received.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; reprinted to correct error in (1), Register, March, 1983, No. 327.

PSC 3.05 Compensable costs. (1) Compensation shall be limited to the actual and reasonable expenses authorized by the commission and incurred as a result of the applicant's participation.

(2) Expenses compensable under this chapter include but are not limited to:

- (a) Reasonable attorney fees
- (b) Expert witness fees
- (c) Cost of clerical services
- (d) Preparation of studies, displays, and exhibits
- (e) Travel and subsistence costs
- (f) Other reasonable costs associated with the participation and actually incurred

(3) Compensation paid to the staff of a group or organization shall be limited to the rate of reimbursement normally paid by the applicant for comparable staff services, and shall not exceed the rates authorized for employes of the public service commission. Compensation of an appli-