

CR 83-123

1-AC-30

83-123

CERTIFICATE

**RECEIVED**

STATE OF WISCONSIN )  
 ) ss.  
PUBLIC SERVICE COMMISSION )

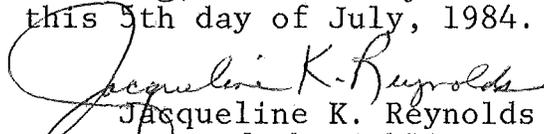
JUL 11 1984  
9:30 am  
Revisor of Statutes  
Bureau

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jacqueline K. Reynolds, Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed order amending Wis. Adm. Code section PSC 3.06(4), 3.06(6) and 3.08; to repeal and recreate ss. 3.04(1) and 3.06(1); to crease s. PSC 3.04(3) was duly approved and adopted by this commission on July 5, 1984.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the commission at the Hill Farms State Office Building, in the City of Madison this 5th day of July, 1984.

  
Jacqueline K. Reynolds  
Secretary of the Public Service  
Commission of Wisconsin

9-1-84

DATE MAILED  
JUL 9 1984

COMPARED WITH AND CERTIFIED BY ME  
TO BE A FULL, TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE IN MY OFFICE  
  
JUL 5 1984  
*Jacqueline K. Reynolds*  
Secretary to the Commission  
Public Service Commission of Wisconsin

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation by the Commission into )  
Rules Regarding Compensation of ) 1-AC-30  
Consumer Interests in Utility Proceedings ) 83-123



ORDER OF THE  
PUBLIC SERVICE COMMISSION  
ADOPTING RULES

Relating to adoption of rules in Chapter PSC 3, Wis. Adm. Code, governing compensation of consumer interests in utility proceedings. To amend ss. PSC 3.06(4), 3.06(6) and 3.08; to repeal and recreate ss. 3.04(1) and 3.06(1); to create s. PSC 3.04(3).

ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

On December 9, 1982, the Public Service Commission approved Ch. PSC 3: Intervenor Compensation. The rules govern the granting of compensation to intervenors who participate in PSC proceedings, including qualifying criteria and the application process.

The first few months of operation have shown the need for some fine tuning of the rules to make the process of awarding compensation more efficient. The commission is proposing the following changes:

- (1) The rules presently provide for a deadline for applications of 15 days from issuance of the notice of hearing.

In order to expedite the process, the deadline will be moved up to 15 days from notice of prehearing conference, if one is scheduled, with the possibility of an extension for good cause shown. The new deadline represents a compromise between a date which will encourage applications and yet not unduly delay a proceeding.

Under present rules, any extension must be approved by the commission. Under this amendment, the examiner will also be able to grant extensions.

(2) The rules presently are silent as to the number of copies of an application which must be filed. The proposed rules provide for an original and five copies to be filed with the commission, with service on the utility involved in the proceeding.

(3) Under present rules the hearing examiner who processes an application must make a recommendation to the commission within 15 days of receipt. The rule is being amended to clarify that the 15-day limit is a guideline and to provide that instead of making a recommendation, the examiner might directly forward the application materials to the commission for its decision.

(4) Authority is expanded so the commission may allow partial payment as an applicant's work progresses.

#### STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service Commission by sec. 196.31, the commission adopts rules as follows:

SECTION 1: Sec. PSC 3.04(1) is repealed and recreated

to read:

(1) Not more than 15 days after notice of prehearing conference or not more than 15 days after notice of hearing, whichever occurs first, any person may apply to the public service commission for intervenor compensation under this chapter. The 15 day period may be extended by the commission or by the person processing the application for good cause shown.

SECTION 2: Sec. PSC 3.04(3) is created to

read:

(3) An original and five copies of the application shall be filed with the public service commission, and one copy shall be served on each utility involved in the proceeding.

SECTION 3: Sec. PSC 3.06(1) is repealed and

recreated to read:

(4) Within 15 days of submission, if possible, the hearing examiner or other employee assigned to process the application shall submit the application and other relevant material to the public service commission. The examiner or other employee may include a recommendation as to whether and to what extent the applicant should be compensated.

SECTION 4: Sec. PSC 3.06(4) is amended to

read:

(4) The hearing examiner or other assigned employee ~~shall~~ may prepare a written recommendation that compensation should be granted in a given amount or denied. (See sub. (3).) The recommendation shall be forwarded to the public service commission for its approval or modification; and the The public service commission's decision shall be mailed to the applicant and to the utility, and one copy shall be placed in the commission's file.

SECTION 5: Sec. PSC 3.06(6) is amended to

read:

(6) Upon request and ~~where applicable~~ for good cause shown the public service commission may extend the filing period for applicants or reschedule hearing in order to allow applicants to prepare their applications for compensation.

SECTION 6: Sec. PSC 3.08 is amended to read:

PSC 3.08 PAYMENTS TO APPLICANTS. (1) An applicant shall submit a claim for approved costs to the public service commission within 90 days of the applicant's completion of participation in the proceeding. The claim shall be certified as correct by the applicant and shall include bills, receipts or itemized statements of expenses incurred for each item of expense exceeding \$10. The commission shall attempt to authorize payment within 30 days of receipt of the claim. ~~For good cause shown; partial~~ Partial payments may be made as an applicant's work progresses.

There will be no fiscal impact of the proposed rule changes on the state or municipalities. The rules have been sent to the legislature for review, pursuant to sec. 227.018, Stats. They will take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in sec. 227.026, Stats.

This action is classified as a Type III action according to PSC 2.90(3), Wis. Adm. Code. No unusual circumstances have come to the attention of the commission that would require further environmental review. It consequently requires neither an environmental impact statement under s. 1.11, Wis. Stats., nor an environmental assessment.

Dated at Madison, Wisconsin,

July 5, 1984

By the Commission.

Jacqueline K. Reynolds  
Jacqueline K. Reynolds  
Secretary to the Commission



State of Wisconsin \ PUBLIC SERVICE COMMISSION

July 9, 1984

NESS FLORES, CHAIRMAN  
STANLEY YORK, COMMISSIONER  
BRANKO TERZIC, COMMISSIONER  
4802 SHEBOYGAN AVENUE  
P.O. BOX 7854  
MADISON, WISCONSIN 53707

Mr. Gary Poulson  
Assistant Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

File No.  
1-AC-30  
83-123

Re: Investigation by the Commission into  
Rules Regarding Compensation of  
Consumer Interests in Utility Proceedings

Dear Mr. Poulson:

Enclosed please find two copies (one certified) of an order of the Public Service Commission adopting rules in the above-entitled matter.

The rules have been seen by legislative committees (sent February 29, 1984).

Sincerely,

Steven Levine  
Assistant Chief Counsel

SL:se

Enc.