



PRACTICE AND PROCEDURE BEFORE THE PUBLIC SERVICE COMMISSION OF WISCONSIN



Intervenor Compensation

Sarah Klein

Division Administrator

Division of Administrative Services

Intervenor Compensation

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- In 1983, the Legislature created the Intervenor Compensation program to provide financial assistance for organizations and individuals who choose to become an intervenor for a Commission proceeding.
- Wis. Stat. § 196.31
 - ✦ Compensation for Specific Commission Proceedings
 - ✦ Grants to offset general expenses (salary, benefits, rent) to one or more non-stock, nonprofit organizations that have history of advocating at the Commission on behalf of ratepayers of this state

Intervenor Compensation

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- Wis. Admin. Code ch. PSC 3
 - Eligibility – PSC 3.02
 - Application Criteria – PSC 3.03
 - Compensable Costs – PSC 3.04
 - Process and Payments – PSC 3.05 to 3.08
- Docket specific IC for “proceedings” Wis. Stat. § 196.31(1); Wis. Admin. Code § 3.02
 - Contested cases or any docket that includes a hearing Wis. Admin Code. § 2.02(13)

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- Since the start of the Intervenor Compensation program in 1983, the Commission has reviewed and considered 511 cases – 396 original and 112 supplemental requests.
 - The amounts requested in the original and supplemental requests total \$20,525,476 of which the Commission approved \$10,944,787.
- Each year, the Commission awards a number of different organizations and individuals with finances to help them participate in cases.
 - 2012 stats
 - ✦ 25 requests in FY12 (5 of these requests were moved to FY13 and included in FY13 totals)
 - ✦ Total amount requested in FY12: \$1,212,849 with \$588,211 awarded
 - ✦ \$154,290 was carried over from FY12 to FY13
- Award of IC within the discretion of the Commission and Wis. Admin. Code ch. 3 does not create any right or cause of action under state law. Wis. Admin. Code § 3.09

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- **How to Apply**
 - Intervenor Compensation Application available on the PSC website at: <http://psc.wi.gov/consumerInfo/intervenor.htm>
- **When to Apply – Sooner rather than later**
 - *After* Commission issues Notice and not more than 15 days after prehearing conference (or if none at least 30 days prior to hearing)

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- Eligibility Criteria – Who May Request IC?
 - Customer of utility that is subject of proceeding,
 - Someone granted party status and will participate
 - ✦ Substantial interests may be affected by the Commission's action/inaction (PSC 2.21(1))
- OR
- ✦ Promote proper disposition of the issues and will not impede timely completion of the docket (PSC 2.21(2))

Intervenor Status

A person granted party status is responsible for pre-filing testimony and exhibits according to the schedule set by the ALJ. They are also required to provide copies of these documents to all persons on the case's service list and to the Commission. During the proceeding, parties receive copies of testimony and supporting documentation from the other parties. All prefiled testimony is subject to rebuttal by other parties of the case.



Intervenors must appear at the technical hearings and be available for cross-examination by the other parties. They are also allowed to ask other parties questions at the technical hearings and reply to rebuttal aimed at their testimony.

All public testimony and testimony provided by parties at the technical hearings is given full consideration and becomes part of the record that the Commission reviews when making a decision.

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- Eligibility Criteria – Who May Request IC?

Intervenor Compensation Application

State of Wisconsin, Public Service Commission, PO Box 7854, Madison WI 53707-7854

**Intervenor Compensation is governed under Wis. Stat. § 196.31 and Wis. Admin. Code ch. PSC 3.
Applicants must complete this form to be considered for compensation.**

Check One: Original Request Supplemental

General Applicant Information Required				
Name of Applicant / Organization				
Street Address		City	State	Zip Code
Telephone Number		Email Address		
Primary Contact Name		Primary Contact Title		
Case Number (Docket #)	Are you a party in the case? Indicate one below.			
	Yes <input type="checkbox"/> No <input type="checkbox"/>			
	If no, have you applied for party status? Yes <input type="checkbox"/> No <input type="checkbox"/>			date: <input type="text"/>

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- Eligibility Criteria – Who May Request IC?

- Without IC, an interest material to the proceeding would not be adequately represented
- Interest must be represented for fair determination

2. Please explain how your proposed participation in this case will adequately present a significant position for the proceeding's record. In your answer, list the issues in the case (docket) that you plan to address; explain why your input, ideas and viewpoints on these issues are significant to this proceeding.
 - a. Also describe, to the best of your ability, how your position and information you will present may be different than positions or information that may be presented by Commission staff in the proceeding.

4. Please explain why an adequate presentation of your position would not occur without a grant of compensation. Describe why you would not be able to participate, or why presentation of your position would be inadequate, without compensation. Describe the specific financial barriers to participating, barriers to you or your staff's participation, barriers to adequate legal representation, and barriers to obtaining expert testimony.

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- Eligibility Criteria – Who May Request IC?

- Intervention would cause significant financial hardship without grant of IC (page 4 of IC application)
- The more detailed your budget, the better ...

6. Please explain whether, without compensation, the cost of intervention would cause significant financial hardship. In your answer, please provide the following information if you are an organizational applicant:

- a. A detailed statement of revenues and expenses by program activity including fund-raising, education, research, and lobbying for the previous and current fiscal years.
- b. A detailed list of current assets and liabilities (balance sheet) including all uncommitted funds.
- c. The organization's official budget for the current fiscal year. Identify the parts of the budget that will be used to contribute to the intervention (as detailed above in item number five).
- d. For organizations with gross annual revenues in excess of \$30,000, a description of job duties of paid and unpaid staff.

Provide the following information if you are an individual applicant:

- a. An annual, revenue (income) statement and statement of expenses for the current and prior calendar year.
- b. A budget for the current calendar year, showing any funding that will be used to support participation in the proceeding.
- c. Total assets and liabilities, or a balance sheet, that includes liabilities such as loans and other debt; costs such as food, taxes, utilities; assets such as house and/or car equity, savings bonds, investments and mortgages; and income.

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- What Can I get Compensation for?
 - Attorney fees
 - Expert Witness fees
 - Clerical services
 - Studies, displays, exhibits
 - Travel and subsistence

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- What Can I get Compensation for?
 - Actual and Reasonable Costs

3. Please describe specific educational and/or professional qualifications supporting your ability to represent your interest and position in the case.
 - a. If you are an organizational applicant, provide the educational and professional qualifications of your staff involved in the intervention.
 - b. If you plan to use an outside consultant or expert witness to address issues in the case, please describe why an outside consultant or expert witness is needed to address the proposed issues and why you, or your organization's staff, are not able to adequately address these issues.
 - c. For each attorney you propose to use in your intervention, and who are not employed by your organization, please provide a resume. For all consultants, including but not limited to expert witnesses, provide resumes or Curriculum Vitae (CV).

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- What Can I get Compensation for?
 - Past Reasonableness Findings
 - ✦ Inside vs. Outside Counsel
 - ✦ Experts
 - ✦ Examples of costs excluded

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- **Filing Tips**
 - Be specific and detailed in your application
 - ✦ Good Examples?
 - ✦ Bad Examples?
 - Docketing

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- **Review Process**
 - Reviewed by Docket Coordinators and DAS and submitted to Commission
 - Commission considers information from staff and others (PSC 3.02(2))
 - Commission reviews all information submitted and makes decision at open meeting
 - ✦ Can grant, deny in whole or in part

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- Post Award
 - If Commission modifies the request, re-adjust and re-submit your budget with the approved figures before commencing work
 - Keep detailed billing records (which must be retained for 3 years after receipt of payment)
 - Submit claim for payment no later than 90 days after completion of participation
 - ✦ Partial Payments can be claimed

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- Post-Award: Supplemental Requests
 - Wis. Admin. Code § PSC 3.06
 - ✦ Valid reason for underestimating costs
 - OR
 - ✦ Additional funds would substantially improve recipients ability to contribute to proceeding
- Supplemental filings in exceptional circumstances

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- **Post-Award: Supplemental Requests**
 - Use same form, just check ✓ supplemental
 - Make sure that you're the budget submitted with the supplemental request shows what has been expended already on the original award

Intervenor Compensation Application

State of Wisconsin, Public Service Commission, PO Box 7854, Madison WI 53707-7854

Intervenor Compensation is governed under Wis. Stat. § 196.31 and Wis. Admin. Code ch. PSC 3.

Applicants must complete this form to be considered for compensation.

Check One: Original Request Supplemental

General Applicant Information Required

Name of Applicant / Organization

Street Address

City

State

Zip Code

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- **Post Award**
 - Request for payment must be supported by affidavit attesting to correctness
 - Payment can be denied and is subject to refund if recipient does not provide the representation of interests for which its application is approved

The end.

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**QUESTIONS? COMMENTS?
UP NEXT, USING ERF...**

THANK YOU!



PRACTICE AND PROCEDURE BEFORE THE PUBLIC SERVICE COMMISSION OF WISCONSIN



Using the Electronic Filing System

Teresa Weidemann
Records Management Supervisor

Procedures for Electronic Regulatory Filing (ERF)

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- Allows electronic document submissions
 - Instant online access to documents including formal cases before the Commission
 - PSC staff receive, circulate, process and publish a monthly average of 1,100 thousand electronically filed documents
 - Reduces time needed to make decisions on proposed actions
 - Provides easy access to participate in the PSC's formal case process.

The screenshot displays the Wisconsin Public Service Commission (PSC) website. At the top left is the PSC logo with the text "PSC Home PUBLIC SERVICE COMMISSION OF WISCONSIN". To the right are five navigation icons: Electric (light bulb), Natural Gas (flame), Telecom (hand holding a phone), Water (water splash), and Consumers (globe). Below these are links for "About Us", "Library", "In the News", "Renewables", and "File With Us". A search bar with "Google Custom Search" is visible. On the left side, there is a vertical menu with buttons for "ERF - Electronic Regulatory Filing", "Public Comments", "Case Management", "File a Complaint", "Event Calendar", and "PSC Live Broadcast". Below this menu is a "follow us on twitter" button. The main content area features a "Hot Topics" section with several links: "The Public Service Commission of Wisconsin released Wisconsin's Playbook for Broadband Progress on March 20, 2013...", "Participate in: Fix a Leak Week.", "Register Now: Practice and Procedure before the PSC.", "Coming Soon: Broadband Symposium. Register here.", "For Your Information: Reporting Electrical Outages in a Snowstorm.", and "Now Available: Energy 2018: Strategic Energy Assessment for 2013." Below the hot topics is a "Link Directly to a Case" section with instructions on how to search for documents by case number and document type. At the bottom of this section is a search form with input fields and a "GO" button.

<http://psc.wi.gov>

ERF Features



- Account creation
- Authentication/ Identification of users
- Check document status
- Subscribe/Search
- Quick Search
- Detailed Search
- Password reminder
- Uploading Documents

ERF - Electronic Regulatory Filing System



Welcome!
 The Electronic Regulatory Filing (ERF) System provides for the electronic submission of filed documents and online process and publish thousands of electronically filed documents. ERF reduces the time necessary to make decisions and other parties to participate in the Commission's formal case process.

Unless otherwise noted, documents are available in Portable Document Format (PDF). The Commission recommends the most current version.

Using ERF is easy.
 The [Quick Reference Sheet](#) contains basic instructions on using the system for individuals and small companies and utilities. Steps include The [ERF User Manual](#) outlines general guidelines to submit public and confidential documents for existing or new dockets (cases) and provide

ERF is a repository of documents. Additional docket information is available on our [Case Management System](#).

Assistance

- For assistance with Orders, please contact Gail Fralick by email at Gail.Fralick@wisconsin.gov or by phone at (608) 266-3375.
- For assistance with Notices and general ERF questions, please contact Becky Yoh by e-mail at Rebecca.Yoh@wisconsin.gov or by

Note to Telecommunications Providers:
 If you are filing tariff changes; this not the right place!
 For telecommunications providers, the PSC has implemented a new [tariff filing process](#).

ERF: Top Eight Q&As

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1. My logon ID or passcode doesn't work ...
 - Call (608) 261-8521 for PSC staff assistance
 - If using another's ID, set up your own individual account
2. What file formats cannot be submitted?
 - Video/audio formats
 - .DOC or .DOCx
 - Scanned documents
3. What file formats can be submitted?
 - Adobe Acrobat PDF
 - Excel spreadsheets for data to be manipulated by PSC staff

ERF: Top Eight Q&As *continued*

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4. Any case information available in addition to ERF?
- Case Management Systems (CMS) provides extras – case events and service lists, hearing reports and PSC staff involved

The screenshot displays the Case Management System interface for the Wisconsin Public Service Commission. At the top, there is a navigation bar with the PSC logo and icons for Electricity, Natural Gas, Telecom, Water, and Consumers. Below this is a menu with options: About Us, Library, In the News, Renewables, and File With Us. The main content area is titled "Case Management System" and features a search form on the left and search tips on the right.

Case Management System

Search

Case# (Full or Partial)

Case Type

Service Type

Utility Name

word or phrase in the docket title

Status

Search Tips

- After inputting your search criteria, click on Search.
- To clear the search criteria previously input, click Clear; this will erase the previous search data.
- There are numerous search options available including Docket ID.
- A docket is comprised of three parts: the utility id, case type, and sequence number.
- Use **Utility Name** when looking for cases initiated by a specific utility.
- Search the docket title field is **wildcard searchable**, the inquiry doesn't need to be an exact match of our information.

Related Links

- [New Applications, Petitions and Other Requested](#)
- Major Cases: [Electric](#), [Natural Gas](#), [Telecommunications](#)
- [Public Comments](#)

ERF: Top Eight Q&As *continued*

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5. Should I file a paper copy?

- NO!
- One exception: Exhibits

6. What if I mislabel or wrongly categorize my filing?

- Accurate labeling and categorizing of submissions streamlines searching capabilities and assembly of the record
- If unsure of filing or if you have questions, contact Records Management Staff at (608) 261-8521 to save time and filing correctly the first time

ERF: Top Eight Q&As *continued*

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7. Do I file document parts separately or combined?
 - Always combine documents
 - One exception: Pre-filed testimony and exhibits. Each person's testimony and each exhibit needs to be filed separately on ERF
8. Is there a user manual for ERF?
 - Yes, visit <http://psc.wi.gov>
 - The Quick Reference Guide had basic information for small utilities or for more simple filings
 - The ERF User Manual has more detailed information on more complex filing procedures for dockets

Recap

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- **What is ERF?**
 - Instant online access to documents
 - Easy access to participate in the Commission's formal case process
 - Goal: File documents according to a consistent filing plan
- **ERF help is ALWAYS available**
 - Contact Records Management Staff at (608) 261-8521
 - Use resources on the PSC website at <http://psc.wi.gov>
- **Records Management Staff**
 - Teresa Weidemann, 267-2897, Teresa.Weidemann@wisconsin.gov
 - Gail Fralick, 266-3375, Gail.Fralick@wisconsin.gov
 - Rebecca Yoh, 261-8521, Rebecca.Yoh@wisconsin.gov

The end.



QUESTIONS? COMMENTS?
THANK YOU!