



The Public Service Commission

Public Participation Informational Meeting

What you need to know to participate in PSC Proceedings

Madison, Wisconsin

November 7, 2018

Cynthia Smith

Chief Legal Counsel

Public Service Commission of Wisconsin

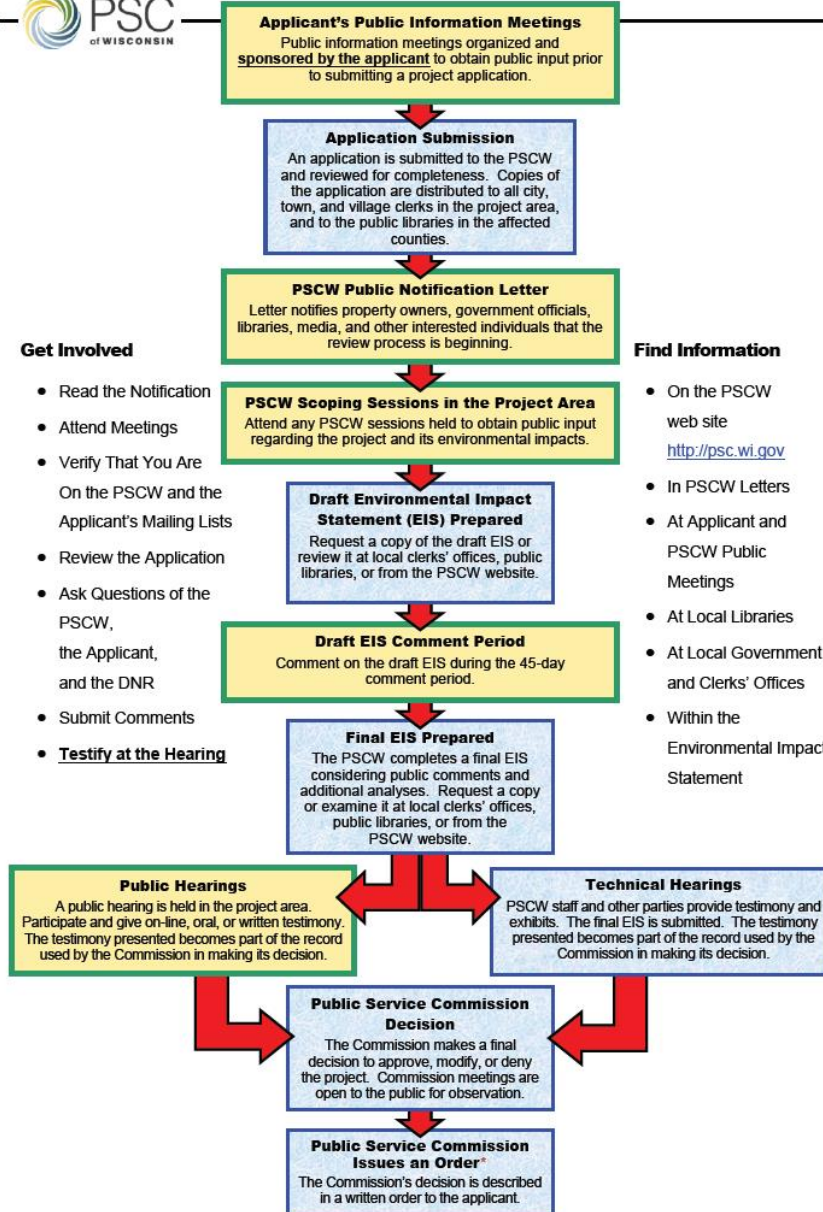
Objective and Ground Rules

- Learn the general process by which the PSC makes its decisions in contested cases (e.g., construction cases and how you can participate throughout that process)
- Ground Rule #1: The presentation will address process only and there will be no discussion of the specifics or merits of any pending cases before the Commission. References made to past cases are for illustration purposes only.
- Ground Rule #2: Always read the rules and orders applicable to specific proceedings
- Ground Rule #3: The samples are just suggestions, not requirements

Agenda

- Some Basics
 - An Overview of Wisconsin's Administrative Procedures Act, Wis. Stat. ch. 227, Wis. Admin. Code ch. PSC 2 and PSC Guidelines for Contested Case Proceedings
- Review of the PSC's website and Electronic Records Filing (ERF) System
- Participation as Party vs. Member of Public
- Intervenor Compensation
- Our Sample Case for Illustration – Application for construction of high-voltage transmission line

PUBLIC SERVICE COMMISSION Application Review Process



* The applicant must obtain federal and state permits prior to beginning construction of any project approved by the Commission.

Some Basics

Administrative Agencies

- Administrative Agencies only have those powers which the Legislature grants or which can be implied by the statutes (enabling statutes) under which it operates
- Enabling statutes are strictly construed

Some Basics

Wisconsin's Administrative Procedures Act

- Wis. Stat. ch. 227
 - Rulemaking Process, Wis. Stats. §§ 227.17 -227.30
 - Declaratory Judgment Proceedings, Wis. Stats. §§ 227.40 – 227.41
- Contested Cases, Wis. Stats. §§ 227.44 – 227.60

Some Basics - Contested Cases

- What is a contested case?
 - Defined in Wis. Stat. § 227.01(3) as:

“an agency proceeding in which the assertion by one party of any substantial interest is denied or controverted by another party and in which, after a hearing required by law, a substantial interest of a party is determined or adversely affected by a decision or order.”
- There are 3 classes of contested cases

Some Basics - Contested Cases

- Class 1 proceeding
 - a proceeding in which an agency acts under standards conferring substantial discretionary authority upon it
- Class 2 proceeding
 - a proceeding in which an agency determines whether to impose a sanction or penalty against a party (e.g. suspension, revocation, refusal to issue license)
- Class 3 proceeding
 - not either a Class 1 or Class 2

Some Basics - Contested Cases

- Hearings
 - Conducted by agency or hearing examiner
 - Prehearing conference, Wis. Stat. § 227.44(4)(a)
 - Prehearing conference memorandum, Wis. Stat. § 227.44(4)(b)
 - Transcript of hearings required, Wis. Stat. § 227.44(8)
- Evidentiary record
 - Factual basis of decision must be based solely on the evidence and matters officially noticed.
Wis. Stat. § 227.44(9)

Some Basics - Contested Cases

- Prohibitions on Ex Parte Communications, Wis. Stat. § 227.50
 - Type of communications precluded: relative to the merits, threat, offer of reward
 - Timing: Before decision is rendered and until the time period for filing an appeal has passed
 - Persons prohibited from receiving an ex parte communication:
 - The hearing examiner
 - Any official or employee of the agency who is involved in the decision-making process.
 - Persons prohibited from making an ex parte communication:
 - Agency official
 - Other public employee “engaged in the prosecution or advocacy in connection with the matter under consideration or a factually related matter”
 - A party or its agent to the contested case proceeding
 - A person or their agent who directly or indirectly would have a substantial interest in the proposed agency action

Some Basics - Contested Cases

- Decisions, Wis. Stat. § 227.47
 - In writing
 - Statement of Facts
 - Conclusions of Law
 - Identification of the Parties and persons who appeared before the agency
- Signed, filed and served, Wis. Stat. § 227.48
 - Wis. Stat. § 196.40 allows PSC to serve via email

Some Basics – PSC’s compliance with ch. 227

- Docket – Wis. Admin. Code § PSC 2.02(7)
- Investigation, Proceeding or other matter opened by vote of the Commission
 - Proceeding: A contested case or other docket that has a hearing. Wis. Stat. § 227.01(3) and Wis. Admin. Code § PSC 2.02(13)

Some Basics – PSC compliance with ch. 227

- Ex Parte
 - Timing: The filing of the Notice of Proceeding for a contested case triggers ex parte, but PSC in practice starts this process sooner in most cases (minimum of 90 days before application is filed with the PSC)
 - Persons prohibited from receiving an ex parte communication: Commissioners and hearing examiner only (2013 Wisconsin Act 28)
 - Persons prohibited from making ex parte communications: all parties, any other interested person. Excludes PSC staff who are advisory only.

Some Basics – PSC application of ch. 227

- [Wis. Admin. Code ch. PSC 2 – Procedure and Practice](#)
- [Guidelines for Contested Case Proceedings](#)
 - Case specific!! Incorporated as part of prehearing conference memorandum or scheduling order. ALWAYS read the guidelines established for that particular proceeding. All parties to proceeding must comply with these guidelines.

PSC Website and Electronic Records Filing (ERF) System

- Tracking and/or Subscribing to Proceedings
- Resources
- Submitting Public Comments
- Filing Testimony and Exhibits
- www.psc.wi.gov

Tracking Cases

- At the beginning of a case, our records management assigns a case number, or “docket number.”
- There are 3 parts to a docket number
- XXXX-XX-XXX
- First number is the Utility Identification number, assigned alphabetically to each utility. Eg. ATC (137), NSPW (4220), More than one Utility (5)

Tracking Cases

- XXXX-XX-XXX
- Second number is the docket type, a two letter designation to identify the type of docket. Commonly used include: FR (fuel rates); UR (utility rates); WR (water rates); CE (construction-electric); SB (stocks/bonds); GF (other case/general)
- Third number is a sequential designation, by utility and docket type that starts at 100. For certain dockets that are opened on annual basis, last number may denote year (xxxx-xx-2018)

Tracking Cases

- ERF allows easy computer access to information about pending dockets and ability to subscribe to cases to receive automatic updates anytime something is filed in case and to subscribe to the calendar to receive calendar invites to activities in the case
- Go to psc.wi.gov and click on the E-Services portal on the top of the homepage

E - Services

[ABOUT PSCW](#)[FOR CONSUMERS](#)[REGULATION](#)[PROGRAMS](#)[E-SERVICES](#)[NEWS & EVENTS](#)

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

New Broadband Grants



Tools you can use



e-Subscribe



Welcome to the E-Services Portal of the Public Service Commission and Office of Commissioner of Railroads.
Here you can access our database applications from one central interface.

File With Us

[ERF Upload Documents](#)[File a Complaint](#)[File a Comment](#)[Annual Reports \(file or view\)](#)[More . . .](#)

Quick Single Docket Search

[Docket Info](#)[Documents](#)

Information

[Case Management System](#)[Electronic Records Filing System](#)[Universal Name File](#)[Tariffs](#)[More . . .](#)

PSC Events, Hearings, Meetings, and News Releases

[Event Calendar](#)[Live Broadcast](#)[News Releases](#)

ERF Electronic Records Filing System

Quick Single Docket Search


Case
Information


Documents

[Don't know the utility ID?](#)
[View Documents Filed in the Last 2 Days](#)
PSC REF#:



ERF - EZ Subscriptions

To receive e-mail notifications when new documents are filed in a docket, simply enter the docket (case) number, your e-mail address and click the Subscribe button. You can unsubscribe any time by clicking the link in the e-mail notification.

Docket ID:

Email Address:


Advanced Search


Upload
Document


Subscription



Account
Management





Confidential
Determination


Help

21

Resources








[ABOUT PSC](#)
[FOR CONSUMERS](#)
[REGULATION](#)
[PROGRAMS](#)
[E-SERVICES](#)
[NEWS & EVENTS](#)

[Process & Procedure](#)
[Energy](#)
[Water](#)
[Telecom](#)

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.




Effective April 23, 2018 the Public Service Commission consolidated its operations and services into the Hill Farms State Office Building. The new street address:

4822 Madison Yards Way
Madison, WI 53705-9100


Please See: [Visitor's Page](#) for more information.

New Broadband Grants




Governor Walker announced a new round of Fiscal Year 2018 Broadband Expansion Grants. Click [here](#) to learn more and apply!

Tools you can use




Quick access to annual reports, dockets, case information ... housed in our new, one-stop e-Services portal!


e-Subscribe




e-Subscribe and keep up-to-date on issues important to you.




File a Comment




ERF Upload




Live Broadcast



e-Subscribe



Latest News




Docket Search

Contact Information

North Tower, 6th Floor
Hill Farms State Office Building
4822 Madison Yards Way
Madison, WI 53705
[\(608\) 266-3481](tel:6082663481)

Other Resources

[Public Records Request](#)
[Terms and Conditions](#)



Resources

Regulation

Guide to PSC Proceedings

Reference Center

Reports

Public Intervenor

Application Review Process

Regulatory Processes

Since 1907, the Public Service Commission (PSC) has been responsible for the regulation of Wisconsin public utilities, including those that are municipally owned.

Who we regulate

Types of utilities regulated include electric, natural gas, water, combined water and sewer utilities and certain aspects of local telephone service. More than 1,100 utilities are under the agency's jurisdiction. Most of these must obtain PSC approval before:

- Setting new rates
- Issuing stocks or bonds
- Undertaking major construction projects such as power plants, water wells, and transmission lines.

What we do

The PSC works to ensure that, in the absence of competition, adequate and reasonably priced service is provided to utility customers. PSC approval is required before utilities can change rates or build large power plant and major transmission lines. The PSC has specific rules it must follow prior to making decisions during the [Application Review Process](#).

How we are structured

The PSC is composed of three full-time Commissioners that have oversight of all PSC staff related activities.

PSC staff consists of auditors, accountants, engineers, rate analysts, attorneys, planners, research analysts, economists, consumer analysts, consumer specialists, court reporters and paraprofessional and administrative support personnel. These experts work in an advisory role to the Commissioners.

Our federal counterparts

The PSC has sole jurisdiction for utility regulation on the state level, but several agencies on the federal level perform parallel regulatory functions. These include the Federal Communications Commission, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and the Department of Energy.

All divisions represent the PSC on state and national committees requiring staff expertise on utility matters.

Resources

Project Specific Pages

- Example of project page
 - One stop for all case related info
 - Key project documents
 - Opportunities for public participation
 - Interactive Project Maps

Resources

Docket Calendar



E-Services Portal



Welcome to the E-Services Portal of the Public Service Commission and Office of Commissioner of Railroads.
Here you can access our database applications from one central interface.

File With Us

ERF Upload Documents

File a Complaint

File a Comment

Annual Reports (file or view)

More . . .

Quick Single Docket Search



Docket Info



Documents

Information

Case Management System

Electronic Records Filing System

Universal Name File

Tariffs

More . . .

PSC Events, Hearings, Meetings, and News Releases



Event Calendar



Live Broadcast



News Releases



Docket Calendar

Resources

Docket Calendar

Docket Calendar

Calendar  Event Schedule  Subscribe 

Welcome!

The Docket Calendar provides online access to the schedule of events in formal cases before the Commission. Unless ordered in a particular docket, this calendar is for public convenience only and provides no official notice of a docket schedule. Not all dockets may appear on this calendar. For the official schedule in a particular docket, check the notices and orders filed in that docket in the Electronic Records Filing System at <https://apps.psc.wi.gov/pages/ERFHome.htm>

Filter By:

Docket:

Type:

To add, an individual event to your personal calendar:

- Select the event on the Docket Calendar, then select **Export to Calendar** button, and follow further instructions.

To receive invitations by email of all pending events in a docket, and subsequent modifications to a docket schedule, either:

- Select "Subscribe" on the menu above, and follow further instructions; or
- Select any event in the docket on the Docket Calendar, then select **Subscribe to the Docket Calendar** button, and follow further instructions.

Oct		November 2018					Dec
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
28	29	30	31	1	2	3	
				6680-CE-181 Hearing: Public and Party Sessions 5820-UR-115 Brief: Reply Brief	200-WR-102 Hearing: Public and Party Sessions 4510-CW-103 Transcript: Draft Transcript		
4	5	6	7	8	9	10	
	3270-UR-122 Brief: Reply Brief 6680-CE-181 Transcript: Draft Transcript	6680-TE-103 Offered Evidence Other: Reply Comments 6680-TG-108 Offered Evidence Other: Reply Comments	4510-CW-103 Transcript: Proposed Corrections to Draft Transcript 4510-CW-103 Brief: Initial Brief 6680-TE-103 Offered Evidence Other: Errata 6680-TG-108 Offered Evidence Other: Errata 3320-TE-105 Hearing: Public and Party Sessions	6680-TE-103 Hearing: Public and Party Sessions 6680-TG-108 Hearing: Public and Party Sessions 6680-CE-181 Transcript: Proposed Corrections to Draft Transcript 6680-CE-181 Brief: Initial Brief	9696-CE-100 Hearing: Prehearing Conference 9696-CE-101 Hearing: Prehearing Conference 4510-CW-103 Transcript: Objections to Proposed Corrections to Draft Transcript 9697-CE-100 Hearing: Prehearing Conference 9697-CE-101 Hearing: Prehearing Conference		

A Case: Start to Finish

- Sample case – transmission line requiring a Certificate of Public Convenience and Necessity (CPCN)
- How to Participate
 - As member of the public
 - As a party
- Available Funding for Party Participation

The Application

- Application filing requirements vary depending on the type of a case. Can be as simple as a letter sent requesting that a docket be opened and giving a proposed docket title.
- Usually contains all the information the utility believes supports its request
- Certain applications, such as for construction of a high-voltage transmission line, require pre-application steps be taken. *See Wis. Admin. Code § PSC 111.51(2)*

The Application

- Public Notification of Commencement of PSC Review
 - Notifies government officials and libraries in project area of filing of application and copy of same
 - [Example](#)
- Completeness Determination
 - Starts time period for review, 180 days with extension up to an additional 180 days
 - [Example](#)

Environmental Review

- Public Notification of Scoping Sessions
 - Sent to property owners and public officials along the proposed routes
 - Overview of project, jurisdiction, type of environmental review
 - Open house meeting(s) in project area to explain project, review process, and solicit input from the public to help the PSC and DNR determine the scope of the environmental review
- [Example](#)

Environmental Review

- Public Participation
 - Scoping letter gives direction how/when to participate
 - Initial comments on scope of the review/things that should be considered
 - Comments at one of the open house meeting sessions
 - Written comments
 - By Mail
 - [Via the PSC's website](#)

Environmental Review

- Draft Environmental Impact Statement (EIS)
- Available for 45 day public comment period
 - [Example Notification Letter](#)
 - Both parties and members of the public may comment on the Draft EIS
- Final EIS admitted to the record

Filing a Public Comment

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

New Broadband Grants



Governor Walker announced a new round of Fiscal Year 2018 Broadband Expansion Grants. [Click here](#) to learn more and apply!

Tools you can use



Quick access to [annual reports](#), dockets, case information ... housed in our new, one-stop [e-Services portal](#)!

e-Subscribe



[e-Subscribe](#) and keep up-to-date on issues important to you.



File a Comment



ERF Upload



Live Broadcast



e-Subscribe



Latest News



Docket Search

Public Participation

Case Management System :: Public Comments

To comment on a case listed below, please click on the file comment hyperlink associated with the case. All comments will be posted to the PSC's [Electronic Records Filing System \(ERF\)](#).

Comments received during the comment period will be part of the official record. The use of profane, obscene or inappropriate language may result in your comment being redacted or not placed in the official record.

If you have a question about a case, or wish to comment on a case or issue that is not listed below, please contact the case coordinator or call the PSC's general information line at (608) 266-5481 or toll free at (888) 816-3831.

Additional Information

- [Requirements for public comments](#)
- [Suggestions for creating an effective comment](#)

Case	Comment Period	Case Summary	Case Documents	Case Contact
Alma Municipal Water Utility for Authority to Revise Water Rates File a comment	07/13/2017 - 12/31/2017	80-WR-103	ERF	David Prochaska
American Transmission Company (ATC)-Riverside Interconnection Project File a comment	08/30/2017 - 10/19/2017	137-CE-186	ERF	Jeff Kitsembe
Belleville Municipal Water and Sewer Utility Utility for Authority to Adjust Water Rates File a comment	08/23/2017 - 06/30/2018	420-WR-106	ERF	Alex Hanna

Public Participation

[ERF Home](#) | [Public Comment](#)

To file comments in this case fill out the information below and click on the *File Comments* button.

A comment may consist of the writer's personal knowledge or personal opinions only. A reference document, newspaper article, professional journal article, white paper, study or any other prepared material not written by the person commenting is not considered a public comment, but may be referenced in a person's comment.

80-WR-103

Application of the City of Alma, as a Water Public Utility, Buffalo County, Wisconsin, for Authority to Adjust Water Rates

Public Comment Open Period:
07/13/2017 - 12/31/2017

Commentor Information:

Name:

Address:

City: State: Zip:

Comments:

Notice of Proceeding

- After the application is filed and deemed complete a Notice of Proceeding is approved by the Commission
 - Brief description of application
 - How to obtain information about proceeding
 - How to participate in proceeding
 - Intervention
 - WEPA
 - Assessment notice
 - Commission contact person
- [Example](#)

Becoming a Party


- Intervention by Right: Wis. Admin. Code § PSC 2.21(1). “A person whose substantial interest may be affected by the commission’s action or inaction in a proceeding shall be admitted as an intervenor.”
- Permissive Intervention: Wis. Admin. Code § PSC 2.21(2). “A person not satisfying the criteria of sub. (1) may nevertheless intervene in a proceeding or docket if the person's participation likely will promote the proper disposition of the issues to be determined in the proceeding or docket and if the person's participation will not impede the timely completion of the proceeding or docket.”
- Intervenor Compensation - Wis. Stat. § 196.31 and Wis. Admin. Code ch. PSC 3

Becoming a Party

- How to Intervene, Wis. Admin. Code § PSC 2.21(3) – file a request on ERF
 - Clearly articulate interest in project and how PSC action on the project will impact that interest
 - Indicate how your participation will promote the proper disposition of the issues to be determined in the proceeding
- Examples of Intervenors for construction cases: CUB; WIEG; Sierra Club; Clean Wisconsin; municipalities; local landowner groups
 - [Organization](#)
 - [Municipality](#)
 - [Landowner Group](#)
 - [Individual/Business](#)

Becoming a Party

- Parties are required to use ERF system



ERF
Electronic Records Filing System

[Home](#) | [ERF Home](#)

Welcome!

The Electronic Records Filing (ERF) System provides for the electronic submission of filed documents and online access of these documents including those submitted in formal cases before the Commission. With ERF Commission staff receive, circulate, process and publish thousands of electronically filed documents. ERF reduces the time necessary to make decisions on proposed actions, increases public access to case information, and provides an easy, convenient way for utilities, applicants, and other parties to participate in the Commission's formal process.

Quick Single Docket Search


Case Information

Documents

[Don't know the utility ID?](#)


[View Documents Filed in the Last 2 Days](#)

PSC REF#:


 **ERF - EZ Subscription**

To receive e-mail notifications when new documents are entered, enter the docket (case) number, your e-mail address and a link. Within seconds you will receive an email with a five digit One-Time Code box and the Subscribe button. You will click the link in the e-mail notification.


Docket ID:
Email Address:
One-Time Code: [Send Code Now](#)




Advance Search




Upload Document




Subscription



Account Management



Confidential Determination



Help

39

Becoming a Party



ERF Electronic Records Filing System

[ERF Home](#) | [ERF - How To / Help](#)

How to use ERF

- [What's New in ERF 2.0](#)
- [Quick Reference Sheet](#) (new)
- [Quick Reference Sheet](#)
- [ERF Filing Procedure](#)
- [ERF - User Manual](#)
- [Creating an Account](#)
- [Subscribing to Documents](#)
- [Filing an Excel spreadsheet](#)
- [ERF Corporate Account Maintenance](#)

Need Help?

- [Document Type Definitions](#)
- [Frequently Asked Questions](#)
- [How to File Electronically - User Manual](#)

Assistance

- For assistance with Orders and Notices, please contact Teresa Weidemann by e-mail at Teresa.Weidemann@wisconsin.gov or by phone at (608) 267-2897.
- For assistance with general questions, please contact Becky Yoh by e-mail at Rebecca.Yoh@wisconsin.gov or by phone at (608) 261-8521.

Becoming a Party

Create an ERF Account and Update Utility Addresses (update 4/4/17)

If you are unsure if you have an ERF account, please check with Records Management. We can retrieve account information.

Create a Logon ID

1. Start at our apps page, <http://apps.psc.wi.gov/>
2. Click on **Electronic Records Filing System** on the right.
3. Select **Account Management** at the bottom of the page.
4. Select **Create New Individual Account** link under the Logon ID and Password boxes.
5. Complete the form. Please include a phone number.
6. After submitting you will have a new Logon ID immediately.
Keep this information handy for future use.
7. You can click on the **Back to Login** button to upload or update your account.

Becoming a Party



E-Services Portal



Welcome to the E-Services Portal of the Public Service Commission and Office of Commissioner of Railroads.
Here you can access our database applications from one central interface.

File With Us

ERF Upload Documents

File a Complaint

File a Comment

Annual Reports (file or view)

More . . .

Quick Single Docket Search



Docket Info



Documents

Information

Case Management System

Electronic Records Filing System

Universal Name File

Tariffs

More . . .

PSC Events, Hearings, Meetings, and News Releases



Event Calendar



Live Broadcast



News Releases



Docket Calendar



Welcome Cynthia Smith... You are logged on with your PSC staff user ID: SMITHC

Monday, November 05, 2018 12:41:16 PM

UPLOAD NOTES:

- User may upload up to 10 files. The MAXIMUM file size per file is 20mb (20,000kb).
- Click the **Browse** button to select the document you would like to upload.
- If the document type is not specified, the document will not upload.
- If the document name or description is empty, the document will not upload.
- **(NEW)** When uploading a confidential document, the redacted copy must be uploaded at the same time.
- The system will only accept PDF and certain Excel file formats (.PDF, .XLS, and .XLSX).

Additional Policies for Filing ERF document

Pending

Accepted

Rejected

USER MAINTENANCE

Modify Profile

Change Password

SUBSCRIPTION

Subscription Profile

Document Activity Status

Accepted 76

Rejected 1

My Subscription List: 7

Applications

Briefs/Reply briefs

Comments

Correspondence

EIS

Order

Petitions/Motions

Becoming a Party, or Not?

- Parties must comply with all procedural and filing requirements, including but not limited to Guidelines for Contested Case Proceedings
- Parties are subject to discovery
- Any witnesses offered by parties are subject to cross-examination
- Parties are eligible for intervenor compensation

Becoming a Party, or Not?

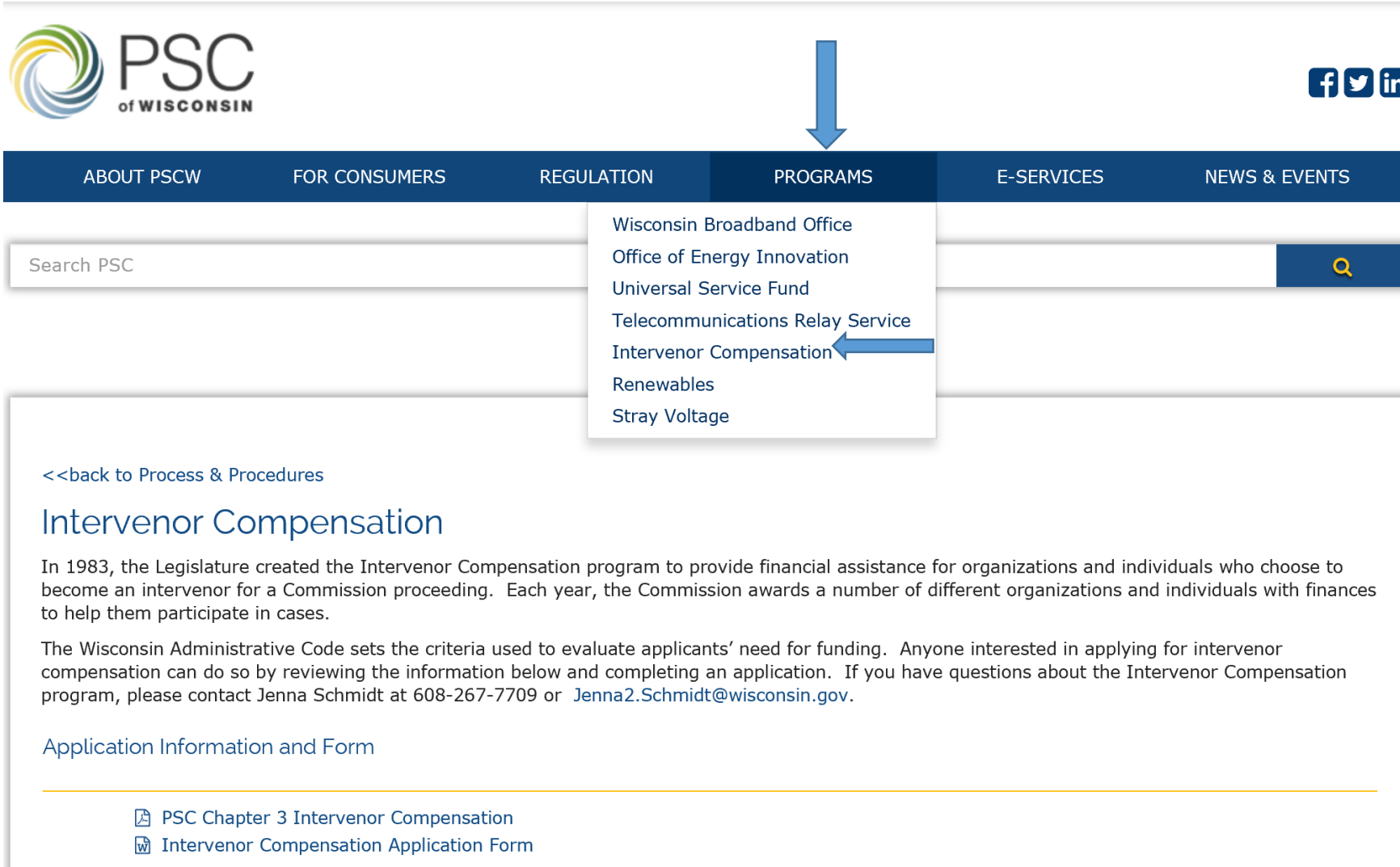
- Members of the public can participate without becoming a party
 - Mailing written comments
 - Testifying at hearing or submitting written comment at hearing
 - Making comment through PSC's website
 - PSC staff not a party but actively participates
- Wis. Admin. Code § PSC 2.03, Role of commission staff “(1) Except as provided in sub. (2), members of commission staff appear neither in support of nor in opposition to any cause, but solely to discover and present, if necessary, information pertinent to the docket”


Becoming a Party, or Not?

Balance between Party Testimony and Public Comments

A person shall limit a public comment to non-technical personal knowledge or personal opinion. A person may include references to other materials in a comment, but may not include as part of a comment, any document not written or substantially modified by that person. The Commission shall only accept documents that a person offers to supplement a comment for the purpose of showing the basis of an opinion, not for proof of the matter asserted. Parties may object to the receipt of a public comment.

Intervenor Compensation



 PSC of WISCONSIN

ABOUT PSCW FOR CONSUMERS REGULATION **PROGRAMS** E-SERVICES NEWS & EVENTS

Search PSC

- Wisconsin Broadband Office
- Office of Energy Innovation
- Universal Service Fund
- Telecommunications Relay Service
- Intervenor Compensation**
- Renewables
- Stray Voltage



[<<back to Process & Procedures](#)

Intervenor Compensation

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. Each year, the Commission awards a number of different organizations and individuals with finances to help them participate in cases.

The Wisconsin Administrative Code sets the criteria used to evaluate applicants' need for funding. Anyone interested in applying for intervenor compensation can do so by reviewing the information below and completing an application. If you have questions about the Intervenor Compensation program, please contact Jenna Schmidt at 608-267-7709 or Jenna2.Schmidt@wisconsin.gov.

Application Information and Form

-  [PSC Chapter 3 Intervenor Compensation](#)
-  [Intervenor Compensation Application Form](#)

Intervenor Compensation

- Wis. Stat. § 196.31(1)
 - In any proceeding before the commission, the commission shall compensate any participant in the proceeding who is not a public utility, for some or all of the reasonable costs of participation in the proceeding if the commission finds that:
 - (a) The participation is necessary to provide for the record an adequate presentation of a significant position in which the participant has a substantial interest, and that an adequate presentation would not occur without a grant of compensation; or
 - (b) The participation has provided a significant contribution to the record and has caused a significant financial hardship to the participant.
- Wis. Admin. Code ch. PSC 3

Intervenor Compensation

- Eligibility – PSC 3.02
 - A customer of the utility which is the subject of the proceeding; or someone who may be materially affected by the outcome of the proceeding.
 - Someone for whom intervention in the proceeding would cause significant financial hardship without compensation.
 - Someone who represents an interest material to the proceeding which but for an award of compensation would not be adequately represented.
 - Someone whose interest must be represented for a fair determination in the proceeding.
 - Someone who has been granted party status and who will participate in the proceeding as a party.

Intervenor Compensation

- Compensable Costs – PSC 3.04
 - Attorney Fees
 - Expert Witness Fees
 - Cost of clerical services
 - Preparation of studies, displays, exhibits
 - Travel expenses

Intervenor Compensation

- When and How to Apply
 - After intervention and then as soon as possible, not more than 15 days following prehearing conference (Wis. Admin. Code § PSC 3.03(1))
- Use [Application](#) available on-line
- Tips – Be as specific and as detailed as possible
- Example
 - [Request](#)

Intervenor Compensation

- Review Process
 - Reviewed by Docket Coordinators and DBPM 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
 - Discretionary

Intervenor Compensation

- Post Award
 - If PSC 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 (quarterly)
 - Request for payment must be supported by detailed invoices, budgets to actuals summary and an 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

Pre-Hearing Process

- Prehearing Conference before ALJ
 - Sets schedule and identifies issues
 - Example – [Notice of Prehearing Conference](#)
 - Example – [Prehearing Conference Memorandum/Scheduling Order](#)
- Parties may make Discovery/Data Requests to each other, Wis. Admin. Code § PSC 2.24
 - Review Guidelines for Contested Case Proceedings for timing and procedures

Pre-Hearing Process

- Pre-Filed Testimony/Exhibits
 - Direct, rebuttal, surrebutal—review Guidelines for naming conventions
 - [Example](#)
 - Each round of testimony narrows the issue for the hearing
- Confidentiality, PSC 2.12
 - Must file public and redacted versions

The Hearing

- General Process
 - [Notice of Hearing](#) issued
 - Hearing conducted by administrative law judge
 - Recorded by court reporter
 - Commissioners may attend
- Technical/Party Hearing Session
 - Trial-type hearing, with testimony and cross-examination
 - Generally public but could be closed session in camera
- Public Hearing Session(s) in project area
 - Members of the public may provide input electronically on ERF or by testifying at public hearing

The Hearing

- Introduction of pre-filed testimony and exhibits
- Cross Examination
- Public Testimony
- Live broadcasts of hearings held in Madison

The Hearing

[WISCONSIN.GOV](#)[Agency Directory](#) [Online Services](#)[ABOUT PSCW](#)[FOR CONSUMERS](#)[REGULATION](#)[PROGRAMS](#)[E-SERVICES](#)[NEWS & EVENTS](#)[Events Calendar](#)
[Press Releases](#)
[Live Broadcasts](#)

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

New Broadband Grants



Governor Walker announced a new round of Fiscal Year 2018 Broadband Expansion Grants. [Click here to learn more and apply!](#)

Tools you can use



Quick access to [annual reports](#), dockets, case information ... housed in our new, one-stop [e-Services portal!](#)

e-Subscribe



[e-Subscribe](#) and keep up-to-date on issues important to you.

The Hearing



E-Services Portal

PSC Live Broadcast

PSC Broadcast Schedule for today: **Thursday, September 21, 2017**

[PSC Event Calendar](#)

● No Open Meeting Scheduled for today.

● Hearing Live Broadcast

Start Time: 10:00 a.m.

6610-ER-105 - Application of the City of Wisconsin Dells, Columbia, Sauk and Adams Counties, Wisconsin, as an Electric Public Utility, for Authority to Adjust Electric Rates

Start Time: 11:00 a.m.

4910-WR-100 - Application of the Village of Radisson, Sawyer County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates



Click Here to receive the **LIVE** broadcast of the Commission's Hearing

Post Hearing

- Briefs
 - Cannot present new evidence
- Decision Matrix prepared
 - Summary of issues, party positions and record citations
 - Draft, Insertion of Party Positions, Final
 - Guide for Commissioners, non-binding
 - [Example](#)
- Commissioners receive briefings from Commission staff
- Open Meeting Discussion(s)

Open Meetings

[ABOUT PSCW](#)[FOR CONSUMERS](#)[REGULATION](#)[PROGRAMS](#)[E-SERVICES](#)[NEWS & EVENTS](#)[Events Calendar](#)
[Press Releases](#)
[Live Broadcasts](#)

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

New Broadband Grants



Tools you can use



e-Subscribe



Public E-Agenda



E-Services Portal

PSC Event Calendar

September 2017						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31	1 Hearing(s)	2
3	4 OFFICES CLOSED	5	6	7 Open Meeting	8 Hearing(s)	9
10	11	12 Hearing(s)	13 Hearing(s)	14 Hearing(s)	15 Open Meeting E-Agenda	16
17	18	19 Hearing(s)	20 Hearing(s)	21 Hearing(s)	22	23
24	25	26	27	28	29	30

Color Key: ● Public Hearing ● Open Meeting ● Other Meeting

Disclaimer

Proposed Schedule & Agendas

This is a tentative schedule for planning purposes only and is subject to change. Persons wishing to verify the times of an event should contact *Sandy Paske* at (608)266-1265.

Current Agenda - Live Broadcast

While the PSC attempts to publish the open meeting agendas on this web site at least 24 hours prior to an open meeting, it is not the official posting place for such items and may not contain an agenda until close to the time the meeting convenes. If you are attempting to locate an agenda that has not yet been published on our web site, please contact *Sandy Paske* at (608)266-1265.

[Commission's Open Meeting Minutes](#)

3 Most Recent Minutes

[Thursday, September 07 2017](#)

[Thursday, August 31 2017](#)

[Thursday, August 17 2017](#)

Open Meeting Handout

[Commissioner Robert's Anaerobic Digester System Handout.pdf](#)

(Commissioner Roberts Anaerobic Digester System Han) **Issued by** Lon Roberts (9/15/2017)

Final Decision

- At the open meeting, Commissioners discuss record and reach decision
 - Oral discussion is not the ruling of the Commission, the final decision is the written Order/Final Decision
- [Example](#)

More Detailed Information

[ABOUT PSCW](#)[FOR CONSUMERS](#)[REGULATION](#)[PROGRAMS](#)[E-SERVICES](#)[NEWS & EVENTS](#)[History and Mission](#)[Commissioners](#)[Organization](#)[Employment](#)[Reference Center](#)[Contact Us](#)

[PSC](#) > [Reference Center](#)

[<<back to Process & Procedures](#)

Reference Center

The Public Service Commission's main statute related to the regulation of public utilities is [Chapter 196](#). The PSC's appropriations are housed in [Chapter 20.155](#). The Legislative Reference Bureau maintains the electronic versions of these statutes.

[Wisconsin State Statutes](#)

Summary

- **Stay Informed**
 - Subscribe to docket
 - Subscribe to docket calendar
- **Attend environmental scoping meetings**
- **File comments**
 - Scope of environmental review, draft EIS, final EIS, on the issues
- **Attend/Participate in Hearings**

Questions?