

Intervenor Compensation Grants Request for Applications



Proposals Due: August 14, 2020 by 4:00 pm CDT
Date of Issue: July 29, 2020

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1.0 GENERAL INFORMATION

1.1 Introduction and Background

The Public Service Commission of Wisconsin is seeking applications for Intervenor Compensation Grants. The Commission may award one or more grants that, in the aggregate, do not exceed an annual total of \$300,000 to one or more nonstock, nonprofit corporations, as described under section 501 (c) (3) of the Internal Revenue Code and that have a history of advocating at the Commission on behalf of Wisconsin utility ratepayers. Successful applicants will show that they will be dedicated and committed advocates of Wisconsin utility ratepayers at Commission proceedings on water, electric, gas and telecommunications services. Grant funding is to be used to offset the general expenses of the corporation, such as salary, fringe benefits, rent, and utility expenses.

The purpose of this document is to provide interested parties with information to enable them to prepare and submit an application for an Intervenor Compensation Grant authorized under Wis. Stat. § 196.31(2m).

1.2 Scope of the Program

1.2.1 Program Objectives

- a. Offset general expenses of a nonstock, nonprofit corporation, including salary, fringe benefits, rent, and utility expenses, that advocates, with commitment and dedication, on behalf of Wisconsin utility ratepayers in Commission proceedings on water, gas, electric, and telecommunications services.
- b. Ensure expenses offset with grant funds are usual and customary for an organization whose mission is to advocate on behalf of Wisconsin ratepayers.
- c. Further representation of Wisconsin ratepayers in Commission proceedings by awarding funds to a corporation with a history of advocating at the Commission on behalf of Wisconsin utility ratepayers.

1.2.2 Eligible Applicants

Nonstock, nonprofit corporations, as described under section 501 (c) (3) of the Internal Revenue Code, who have a history of advocating at the Commission on behalf of Wisconsin utility ratepayers, may apply for a grant of up to \$300,000 for the purpose of offsetting the general expenses of the corporation, such as salary, fringe benefits, rent, and utility expenses.

1.3 Definitions

The following definitions are used through the application.

Applicant means an individual or organization submitting an application in response to this request for applications.

Awardee means applicant awarded the grant.

Commission means the Public Service Commission of Wisconsin.

State means State of Wisconsin.

1.4 Questions and Clarifications

For the purpose of this request for applications, **all questions must be submitted in writing via email on or before August 7, 2020** to:

Email address:
pscfsfiscalmail@wisconsin.gov

Subject line:
Intervenor Grant Application Question

If an Applicant discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this application, the Applicant should notify the Commission immediately by emailing psciscmail@wisconsin.gov. The Applicant should describe the error and request modification or clarification of the application.

In the event that it becomes necessary to provide additional clarifying information, or to revise any part of this request for applications, revisions/amendments and/or supplements will be posted in a Frequently Asked Questions or errata document on the Commission’s Electronic Records Filing (ERF) system.

Any contact with state employees concerning this request for applications is prohibited, except as authorized by the application manager (Jenna Schmidt, Chief Financial Officer, Division of Business Operations and Office Management), during the period from the issuance of the request for applications to the service date of the Commission Order.

1.5 Subscription for Automatic Updates

Applicants are encouraged to subscribe to Docket # 1-IC-2021 for automatic updates to the Commission’s ERF system. Click the “e-subscribe” icon on the Commission homepage (<https://psc.wi.gov>).

1.6 Awarding Agency

This request for applications is issued by the Commission, which is the sole point of contact for the State during the selection process. The person responsible for managing the grant process is Jenna Schmidt.

The grant award agreement resulting from this request for applications will be administered by the Commission. The grant award agreement administrator will be Jenna Schmidt.

1.7 Schedule of Events

Listed below are the anticipated dates and times of actions related to this request for applications. In the event that the Commission finds it necessary to change any of the dates and times listed below, it will do so by issuing a supplement to this request for applications.

DATE	EVENT
July 29, 2020	Request for Applications Issued
August 7, 2020	Deadline for submitting questions and requests for clarification
August 14, 2020	Applications due by 4:00 pm CDT
August (TBD)	Screening Committee Evaluation
September (TBD)	Intervenor Compensation Grant Award Determination

1.8 Reasonable Accommodations

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any individual with a disability who needs accommodations to participate in this application process or who needs to obtain this document in a different format should contact the Commission at (608) 267-7709 or psciscmail@wisconsin.gov.

1.9 Grant Term

The grant shall be effective for the period of October 1, 2020 through September 30, 2021.

2.0 PREPARING AND SUBMITTING AN APPLICATION

2.1 Application Organization and Format

Applications should be typed. Handwritten applications will not be accepted. The application should be in a profile format on an 8.5 x 11 inch paper size and submitted in an electronic PDF format. Applications must be organized with the following headings:

- Organization General Information and Structure (Sections 3.1.1 a., b. and c.)
- Organization Purpose and Mission (Sections 3.1.1 d., e. and f.)
- Financial Status (Section 3.1.1 g.)
- Itemized Statement of Funding Request (Section 3.1.1 h.)
- Improved Representation of Wisconsin Utility Ratepayers (Section 3.1.1 i.)
- References (Section 3.1.1 j.)

Each heading should be separated by tabs or otherwise clearly marked.

Elaborate applications (e.g., expensive artwork), beyond that sufficient to present a complete and effective application, are not necessary or desired.

2.2 Submitting the Application

The Applicant should convert the entire application to PDF format and file the application using the Commission's ERF system.

Applications are public unless otherwise specified. All applications will be posted on the Commission's ERF system under the Docket # 1-IC-2021 and will be available for public inspection shortly after upon filing.

Late applications will be rejected. **Applications MUST be date and time stamped by the Commission's ERF system on or before 4:00 pm CDT on August 14, 2020.** Applications date and time stamped in another office or submitted in another format will be rejected.

Unless at the request of the Commission, Applicants may not submit supplemental information after the deadline.

2.3 Designation of Confidential and Proprietary Information

If the Applicant desires confidential handling of portions of its application, it must complete the form in Appendix A, "Designation of Confidential and Proprietary Information," and include the completed form with its application. The filing must comply with the Commission's confidential handling requirements specified in Wis. Admin. Code § PSC 2.12.

Applicants should refrain from requesting confidential status of the entire application or appendix thereto. Where only a portion of the information is confidential, confidential status shall only be requested for that portion and not the entire document. The Applicant must then upload both a confidential version and a redacted public version of the application in accordance with the ERF system procedure for submitting a confidential document.

Execution of Section 3 of the confidential upload process satisfies the affidavit requirement under Wis. Admin. Code § PSC 2.12, so that no traditional affidavit need be created, uploaded, or retained. If a notary is not available to execute Section 3, then the filing must include an affidavit attached to the beginning of the

confidential version of the document that is the subject of the request. For any questions regarding confidential filing requirements, contact the Commission using the procedure in Section 1.4.

In addition, the Applicant is hereby notified that confidential handling of information in portions of its application is not a determination of confidential treatment by the Commission for purposes of Wisconsin's Open Records Law, Wis. Stat. §§ 19.31 to 19.39.

2.4 Withdrawal of Applications

An Applicant may withdraw an application in writing at any time up to the application closing date and time. To accomplish this, the Applicant must submit a written request to withdraw the application, and the request must be signed by an authorized representative of the Applicant and uploaded using the Commission's ERF system. If a previously submitted application is withdrawn before the due date and time, the Applicant may submit another application at any time up to the application closing date and time.

2.5 Incurring Costs

Neither the Commission nor the State is liable for any cost incurred by Applicant in preparing this application.

3.0 GENERAL APPLICATION REQUIREMENTS

3.1 Mandatory Requirements

The following requirements are mandatory and the applicant must satisfy them.

3.1.1 An Applicant must include the following information in its application to be eligible for this grant.

- a. Applicant's name and address
- b. A description of the Applicant's organizational size and structure, including the Internal Revenue Code section under which the organization is structured
- c. Names, addresses and titles of the members of the Applicant's governing body, if the Applicant has a governing body
- d. A description of the Applicant's general purpose and mission
- e. A description of the Applicant's history advocating on behalf of Wisconsin utility ratepayers
- f. A demonstration that the Applicant has the ability to represent the interests it espouses
- g. Applicant's financial status, including, but not limited to, all of the following:
 - A revenue and expense summary by program activity, including fundraising, education, research, and lobbying, for the previous and current fiscal year.
 - A list of current assets and liabilities, including any uncommitted funds.
 - The Applicant's official budget for the current period including salary, fringe benefits, rent and office expenses.
 - The estimated dollar value of non-cash contributions, if any, made by the Applicant to further the goals of the organization.
 - A description of duties of paid and unpaid staff in relation to the Applicant's program activities.
- h. A statement of the amount of funds requested, including:
 - An itemized statement of the services and expenses to be covered by the requested funds.
 - A proposed revenue and expense summary showing a separate listing of itemized expenses to be covered by each revenue source, including grant funds.
 - If requested funds include staff costs, a description of the classification(s) of each staff proposed to be covered with grant funds and the amount of requested funds for each staff.

- If requested funds include staff costs, an itemized statement of staff hours funded by the grant award, including both regulatory and non-regulatory activities. Hours associated with regulatory activities must be itemized by docket.
 - If requested funds do not include funding in-house attorney costs, and the applicant does not already have in-house legal staff, a statement and discussion of the viability of using grant funds to establish in-house legal staff.
- i. A description of how the funds requested will further representation of Wisconsin utility ratepayers in Commission proceedings on water, electric, gas and telecommunications services.
 - j. Three references with whom the Applicant has interacted with as part of its efforts to further representation of Wisconsin ratepayers in Commission proceedings on water, electric, gas and telecommunications services within the last fiscal year.
 - For each client/buyer/organization, the Applicant must include the name, title, address, and telephone number of a contact person along with a brief description of the project or assignment which was the basis for the relationship. Note: The Commission will determine which, if any, references to contact to assess the quality of work performed and personnel assigned to the project. The results of any references will be provided to the evaluation committee and used in scoring the application.

3.1.2 An Applicant's response must show that:

- An Applicant is a non-stock, nonprofit corporation, as described under section 501 (c) (3) of the Internal Revenue Code.
- The requested funding will used only for the purpose of offsetting the general expenses of the corporation, such as salary, fringe benefits, rent, and utility expenses.

3.1.3 An Applicant's response must include an established and verifiable history of advocating on behalf of Wisconsin utility ratepayers.

4.0 APPLICATION SELECTION AND AWARD PROCESS

4.1 Preliminary Evaluation

The applications will be reviewed initially to determine if mandatory requirements are met. Failure to meet mandatory requirements will result in rejection of the application. In the event that all Applicants do not meet one or more of the mandatory requirements, the Commission reserves the right to continue the evaluation of applications and to award a grant to the Applicant whose application most closely meets the mandatory requirements.

4.2 Application Scoring

Accepted applications (applications that meet the mandatory requirements) will be reviewed by an evaluation committee and scored against the stated criteria. An Applicant may not contact any member of the evaluation committee except at the Commission's direction. The Commission may contact an Applicant's references and provide the results to the evaluation committee for use in determining the extent to which an Applicant meets the mandatory requirements.

The evaluation committee's scoring will be tabulated and applications ranked based on the scores received. The Commission will consider the applications and committee evaluation for the final award determination at one of its regularly scheduled open meetings. Commission staff expects the evaluation committee and award determination processes to conclude in September 2020.

4.3 Evaluation Criteria

4.3.1 Applications will be rated using the Applicant's response to the requirements in Section 3.0.

- 4.3.2 Mandatory information, as outlined in Section 3.0, must be included in an Applicant's response to this request for applications. An Applicant must submit a response to each subsection 3.1.1 a. through j. An incomplete application will be rejected.
- 4.3.3 An Applicant must include information in its response that demonstrates and verifies it meets the conditions in Sections 3.1.2 and 3.1.3. An Applicant that does not meet the criteria in Sections 3.1.2 and 3.1.3 will be rejected.
- 4.3.4 The evaluation committee will score the Applicant's responses to determine the extent to which an award to its organization advances representation of Wisconsin utility ratepayers in Commission proceedings on water, electricity, gas and telecommunications services and is most cost effective.

4.4 Right to Reject Applications and Negotiate Grant Terms

The Commission reserves the right to reject any application as filed and negotiate the terms of the grant award, including the award amount, with any selected Applicant. If negotiations cannot be concluded successfully with an Applicant, as determined solely by the Commission, the Commission may withdraw its award offer.

4.5 Notification of Award Decision

All organizations who respond to this request for applications will be notified in writing of the Commission's award decision. See Section 5.1.

4.6 Appeal Process

The Applicant may have general remedies under other provisions of Wis. Stat. chs. 196 and 227 if the Applicant believes it is aggrieved by any final award determination. This provision is for information purposes only and is not a determination by the Commission that the Applicant has any protest or appeal rights with respect to the Commission's decision.

5.0 SPECIAL GRANT AGREEMENT TERMS AND CONDITIONS

5.1 Order Awarding Grants

The Commission will determine in writing which Applicant(s) will receive an Intervenor Compensation Grant by issuing an Order. Pursuant to Wis. Stat. § 196.31(2m), the Commission may impose conditions on the grants and may revoke a grant if the Commission finds that such condition is not being met. The Order will require that each Awardee sign a grant award agreement. The Order and grant award agreement will specify certain terms and conditions that the Commission finds appropriate and necessary. Failure of an Awardee to comply with the Order, including any terms and conditions specified or incorporated in the Order or grant award agreement, may result in cancellation of an award.

In the event of a grant award, the Order and grant award agreement will constitute the entire agreement of the parties and will supersede any representations, commitments, conditions, or agreements made orally or in writing prior to execution of the grant award.

5.2 Grant Performance Period and Funding

The grant shall be effective for the time period of October 1, 2020 through September 30, 2021. Grant funds are issued in a single payment within thirty (30) days after a grant award agreement is fully executed.

5.3 Quarterly Reporting Requirements

Awardees will be required to provide a quarterly reports to the Commission.

Quarterly reports will be due the last business day of the full month after the end of the quarter. For example, for a grant award period of October 1, 2020 through September 30, 2021, the Awardee would be required to provide quarterly cost reports to the Commission by January 29, 2021 for Quarter 1: October 1 – December 31, 2020; April 30, 2021 for Quarter 2: January 1 – March 31, 2021; July 30, 2021 for Quarter 3: April 1– June 30, 2021; and October 29, 2021 for Quarter 4: July 1 – September 30, 2021.

A quarterly report must include, but is not limited to:

- Quarterly and cumulative costs covered by grant funds for:
 - Salaries,
 - Fringe benefits,
 - Rent costs,
 - Utility expenses, and
 - Non-salary expenses itemized for education activities, research activities, lobbying activities, travel, equipment and general office expenses.
- Quarterly and cumulative costs covered by non-grant funds (monies), in-kind and/or other non-money contributions for:
 - Salaries,
 - Fringe benefits,
 - Rent costs,
 - Utility expenses, and
 - Non-salary expenses itemized for education activities, research activities, lobbying activities, travel, equipment and general office expenses.
- Quarterly and cumulative revenue itemized by source
- Quarterly and cumulative staff hours spent on regulatory work, itemized by docket number

5.4 Grant Award Agreement Compliance

The Commission reserves the right to incorporate State contract provisions into any grant award agreement negotiated with an Awardee. Failure of the Awardee to accept the obligations in a grant award agreement will result in cancellation of the award.

5.5 Termination of Grant Award

The Commission may terminate a grant award for any reason at any time at its sole discretion by delivering ten (10) days written notice to the Awardee. Upon termination, the Commission's liability will be limited to the pro rata cost of the services performed as of the date of termination, plus expenses incurred with the prior written approval of the Commission. All other grant proceeds must be returned. In no event will the Commission's liability exceed the total amount of the grant awarded to the Awardee. In the event that the Awardee terminates the grant award, for any reason whatsoever, such termination will require written notice to that effect and shall be filed by the Awardee on the Commission's ERF system not less than ten (10) days prior to said termination. If termination is delivered by the Awardee, grant proceeds must be returned and all costs and expenses incurred by the Awardee will not be reimbursed.

APPENDIX A

Designation of Confidential and Proprietary Information

The attached material submitted as an application to the Intervenor Compensation Grant Program includes proprietary and confidential information which qualifies as a trade secret, as provided in s. 19.36(5), Wis. Stats., or is otherwise material that can be kept confidential under the Wisconsin Open Records Law. As such, we ask that certain pages, as indicated below, of this application be treated as confidential material and not be released without our written approval.

Prices always become public information when bids/proposals are opened, and therefore cannot be kept confidential.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in s. 134.90(1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

We request that the following pages not be released. Please state the reasons.

Section	Page #	Topic

IN THE EVENT THE DESIGNATION OF CONFIDENTIALITY OF THIS INFORMATION IS CHALLENGED, THE UNDERSIGNED HEREBY AGREES TO PROVIDE LEGAL COUNSEL OR OTHER NECESSARY ASSISTANCE TO DEFEND THE DESIGNATION OF CONFIDENTIALITY AND AGREES TO HOLD THE STATE HARMLESS FOR ANY COSTS OR DAMAGES ARISING OUT OF THE STATE'S AGREEING TO WITHHOLD THE MATERIALS.

Failure to include this form in the bid/proposal/application response may mean that all information provided as part of the bid/proposal/application response will be open to examination and copying. The state considers other markings of confidential in the bid/proposal/application document to be insufficient. The undersigned agrees to hold the state harmless for any damages arising out of the release of any materials unless they are specifically identified above.

Company Name _____

Authorized Representative _____
Signature

Authorized Representative _____
Type or Print

Date _____

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