

7831.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Attorney fees.** "Attorney fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an attorney in a proceeding before the commission. The costs for services of the attorney are reasonable when computed at the rate normally charged by that attorney for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an attorney of comparable training and experience, whichever rate is lower.

Subp. 3. **Attorney general.** "Attorney general" means the Minnesota Residential and Small Business Utilities Division of the Office of the Attorney General.

Subp. 4. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 5. **Compensation.** "Compensation" means reimbursement or payment to an eligible intervenor for all or part of the intervenor costs, as determined by the commission under this chapter, for participation in a proceeding.

Subp. 6. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 7. **Expert witness fees.** "Expert witness fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an expert witness in a proceeding before the commission. The costs for services of the expert witness are reasonable when computed at the rate normally charged by that witness for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an expert witness of comparable training and experience, whichever rate is lower.

Subp. 8. **Final determination.** "Final determination" has the meaning given it in Minnesota Statutes, section 237.075, subdivision 2, paragraph (c).

Subp. 9. **Insufficient financial resources.** "Insufficient financial resources" means that but for the reimbursement of all or part of its intervenor costs, the intervenor is financially unable to afford intervenor costs incurred to participate effectively in the proceeding as determined by the commission under part 7831.0800, subpart 3.

Subp. 10. **Intervenor.** "Intervenor" means a person who is entitled or permitted by law, or permitted under rule of the commission or by order of the presiding officer, to intervene in a proceeding. For purposes of awarding compensation for intervenor costs under this chapter, intervenor does not include (1) a provider of telephone services of any kind, or its representative, agent, or affiliate, nor (2) an agency, representative, employee,

authority, or political subdivision of a federal, state, county, home rule charter or statutory city, or town government or combination of them.

Subp. 11. **Intervenor costs.** "Intervenor costs" means attorney fees, expert witness fees, and other reasonable costs incurred in a proceeding. Intervenor costs do not include costs, fees, or charges incurred for judicial appeal or judicial review.

Subp. 12. **Issue.** "Issue" means a question, dispute, or controversy to be resolved in a proceeding held under Minnesota Statutes, section 237.075.

Subp. 13. **Materially assisted.** "Materially assisted" means that the intervenor's participation and presentation was useful and seriously considered, or otherwise substantially contributed to the commission's deliberations in the proceeding, following consideration by the commission of the factors listed in part 7831.0800, subpart 2.

Subp. 14. **Other reasonable costs.** "Other reasonable costs" means reasonable fees and charges actually incurred by an intervenor in a proceeding before the commission, such as the costs for:

A. the services of a consultant or an employee of the intervenor computed at the rate normally charged by that person for comparable services, or at the prevailing market rate or fair market value to obtain comparable, available services of persons of comparable training and experience, whichever is lower; and

B. out-of-pocket expenses directly related to and necessary for participation in the proceeding, for example, costs of filing, copying, travel, travel-related expenses, and preparation of studies, displays, or exhibits.

Subp. 15. **Position.** "Position" means a factual contention, legal contention, or specific policy or procedural recommendation made by an intervenor relating to an issue addressed and decided in a proceeding.

Subp. 16. **Proceeding.** "Proceeding" means a general rate case conducted under Minnesota Statutes, section 237.075. For purposes of this chapter, a procedural or supplemental matter is considered part of the main proceeding under Minnesota Statutes, section 237.075, if it is decided or conducted by the commission or an administrative law judge on an issue or position considered in, related to, or supplemental to the main proceeding, or on the issue of intervenor compensation awarded. Procedural or supplemental matters include, for example: motions; orders; settlements; stipulations; prehearing conferences, determinations, or procedures; contested case hearings; reconsiderations or rehearings; and remanded hearings. Proceeding does not include matters considered during judicial appeal or review.

Subp. 17. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, sections 237.01, subdivision 3, if the company is subject to general

rate regulation by the commission; 237.01, subdivision 7; and 237.075, subdivision 9, if the company has made the election provided in that subdivision.

Subp. 18. [Repealed, 33 SR 712]

Statutory Authority: *MS s 14.388; 237.075; Laws 2007 c 57 art 3 s 40*

History: *15 SR 1599; L 2001 1Sp4 art 6 s 1; 33 SR 712*

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