**Section 288.20 Definitions**

"Act" means the Illinois Public Utilities Act [220 ILCS 5].

"Administrator" means the *person or entity* independent of the Commission and *chosen* by the Commission *through a competitive bid process* who is *responsible* *for the prudent management of the Consumer Intervenor Compensation Fund and for recommendations for the award of consumer intervenor compensation from the Fund*. [220 ILCS 5/9-229(b)(7)(A)]

"Commission" means the Illinois Commerce Commission.

"Consumer interest representative" or "CIR" means:

*a residential utility customer or group of residential utility customers represented by a not-for-profit group or organization registered with the Illinois Attorney General under the Solicitation of Charity Act*;

*representatives of not-for-profit groups or organizations whose membership is limited to residential utility customers; or*

*representatives of not-for-profit groups or organizations whose membership includes Illinois residents and that address the community, economic, environmental, or social welfare of Illinois residents, except government agencies or intervenors specifically authorized by Illinois law to participate in Commission proceedings on behalf of Illinois consumers.* [220 ILCS 5/9-229(b)(2)]

"Eligible costs" means costs incurred by a consumer interest representative to represent residential consumer interests in a proceeding before the Commission, including reasonable attorney's or advocate's fees, reasonable expert witness fees, and other reasonable costs of preparation for and participation in a hearing or proceeding, including reasonable compensation for each advocate's, attorney's, or lay or expert witness's hours expended, and other eligible costs for reimbursement, but specifically excluding expenses related to travel or meals.

"Flat fee contract" means a contract between a public utility and outside counsel or an outside technical expert by which the public utility pays an agreed-upon amount, regardless of hours worked or billed.

"Fund" means the Consumer Intervenor Compensation Fund created pursuant to Section 9-229(b) of the Act.

"Hourly rate contract" means a contract under which a public utility agrees to compensate outside counsel or an outside technical expert based on hourly rates multiplied by hours billed.

"Material recommendation" means any recommendation advanced by a consumer interest representative for Commission action in testimony, briefing, the presentation of facts in the evidentiary record, and evidence and recommendations concerning expenses, investments, rate design, rate impact, or other matters affecting the programs, plans, tariffs, policies, pricing, rates, costs, charges, or other offerings associated with utility service, relating to a significant issue in the docket as defined in this Section.

"Miscellaneous expenses" means expenses billed by an outside counsel, outside technical expert, public utility affiliate counsel, or public utility affiliate technical expert for costs including, but not limited to, photocopying, travel, travel-related meals, and lodging, if the evidence establishes that those costs were excluded from the agreement with the public utility as compensation for the rate case at issue.

"Not-to-exceed contract" means a contract between a public utility and outside counsel or an outside technical expert by which the public utility agrees to compensate the outside counsel or outside technical expert at an hourly rate for work billed, if there is a cap on the maximum amount that may be paid out under the contract.

"Outside counsel" means an attorney that is not employed by the public utility or any of its affiliates who is retained to prepare and litigate a rate case filing subject to this Part on behalf of the public utility.

"Outside counsel and outside technical expert compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the public utility seeks recovery as part of rate case expense in a rate case filing:

Outside counsel (attorney) fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed contract, or some other arrangement for compensation, including non-attorney support staff fees and reimbursement of miscellaneous incidental expenses.

Outside technical expert fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed provision, or some other arrangement for compensation, support staff fees, and reimbursement of miscellaneous expenses.

"Outside technical expert" means a consultant or other professional who is not employed by the public utility or any of its affiliates that is retained to testify as an expert witness on behalf of the public utility or otherwise assist the public utility with the preparation or litigation of a rate case filing.

"Significant financial hardship" means that a consumer intervenor has incurred or will incur eligible costs as defined in this Section and will be either unable or not reasonably able, without an award of intervenor compensation, to participate in a Commission proceeding by offering lay or expert testimony or legal briefing and argument concerning the expenses, investments, rate design, rate impact, or other matters affecting the pricing, rates, costs, or other charges associated with utility service.

"Significant issue in the docket" means an issue raised in a docket which affects the expenses, investments, rate design, rate impact, or other matters affecting the programs, plans, tariffs, policies, pricing, rates, costs, charges, or other offerings associated with utility service.

"Support staff" means personnel performing functions under the direction and supervision of outside counsel, outside technical experts, public utility affiliate counsel, or public utility affiliate technical experts in connection with a rate case filing subject to this Part, such as paralegals, legal assistants or other non-attorney/non-technical expert staff whose time is billed to the public utility in connection with a rate case filing.

"Time entry" means a contemporaneously generated document that states the hours performed on a particular task, specifying the task performed and:

the applicable hourly rate, in the case of hourly rate billing or a contract with a not-to-exceed clause; or

the applicable estimated hourly rate, in the case of a flat fee contract.

"Utility affiliate counsel" means an attorney employed by a public utility affiliate who prepares and litigates a rate case filing subject to this Part on behalf of the public utility.

"Utility affiliate counsel and support staff and utility affiliate technical experts and support staff compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the public utility seeks recovery as part of rate case expense in a rate filing:

Expenses for utility affiliate counsel and related support staff for services provided on a rate case pursuant to an affiliate agreement, if the recovery of incentive compensation costs is excluded from rate case expense;

Expenses for utility affiliate technical experts and related support staff for services provided on the rate case pursuant to an affiliate agreement, if the recovery of incentive compensation costs is excluded from rate case expense.

"Utility affiliate technical expert" means a professional employed by a public utility affiliate that is:

retained to testify as an expert witness on behalf of the public utility or otherwise assist the public utility with the preparation or litigation of a rate case filing; and

who is not a utility affiliate counsel as that term is defined.

(Source: Amended at 47 Ill. Reg. 5619, effective April 7, 2023)