**Section 288.100 Required Support for Compensation Costs**

a) A public utility subject to this Part shall, upon request during discovery, make information available to parties of record to assist them in developing a recommended amount of rate case expense and to assist the Commission in assessing the justness and reasonableness of amounts paid to compensate all persons covered by Section 288.10. This information shall include, but not be limited to, the following:

1) Facts and documentation describing the terms of the engagement between the public utility and outside counsel/support staff and the public utility and outside technical experts/support staff that include the nature of the services to be provided, by whom the services would be provided, and the hourly rates to be charged. In a flat fee contract, this documentation shall include the estimated hourly rate charged for work of similar nature or some other unit of time measurement.

2) For services provided, including, but not limited to, under an hourly rate contract, a flat fee contract, or a contract with a not-to-exceed provision, invoices disclosing time entries for each outside counsel/support staff that clearly indicate:

A) a description of the services provided;

B) by whom the services were provided;

C) the time spent providing the services on a daily basis;

D) the applicable hourly rate, or some other unit of time measurement, charged by the persons providing the services; and

E) For outside counsel and their support staff, the applicable codes from the American Bar Association's Uniform Task-Based Management System Litigation Code Set or a similar standardized billing system, if and to the extent that the outside counsel/support staff use that coding system in their billing invoices.

3) For services provided under an hourly rate contract, including, but not limited to, a contract with a not-to-exceed provision, invoices or other documents disclosing time entries for each outside technical expert/support staff that clearly indicates:

A) a description of the services provided;

B) by whom the services were provided;

C) the time spent providing the services on a daily basis;

D) the hourly rate charged, or some other unit of time measurement.

4) For services provided under a flat fee contract, all invoices provided by the outside counsel/support staff or outside technical expert/support staff to the public utility that are performed under the contract, as well as any existing invoices or documentation disclosing time entries and summaries of any proposals reviewed before the selection for service.

5) For a flat fee contract, documents created or reviewed by the public utility in considering the reasonableness of the contracted fee, including any fee-related calculations that the public utility performed or reviewed before executing the contract. This includes the estimated hourly rate that would be charged in an hourly rate contract and the presumed or estimated number of hours to be worked.

6) For services provided by utility affiliate counsel/support staff and utility affiliate technical experts/support staff, documentation that clearly indicates:

A) a description of the services provided;

B) the name and title of the persons providing the services;

C) the time spent providing the services on a daily basis; and

D) the amounts and rates charged, excluding incentive compensation costs.

b) In addition to the information required in subsection (a), the public utility shall provide the following information at the time of filing its direct case:

1) All information required by 83 Ill. Adm. Code 285.3085 (Schedule C-10) and 285.3090 (Schedule C-10.1).

2) Invoices or documentation from the counsel and expert witnesses that specify the work performed, by whom the work was performed, and the charges for the services.

3) An explanation of the processes, procedures, and controls the public utility has in place to ensure that the work performed by all persons covered by Section 288.10 does not duplicate work performed by a public utility employee.

4) An explanation of the process, procedures, and controls the public utility has in place to ensure that the bills from all persons covered by Section 288.10 are accurate, reasonable, and not redundant before payment is made to those vendors.

5) An explanation of the reasonableness of the fees to be paid to all persons covered by Section 288.10 with consideration of the factors enumerated in Section 288.110.

6) An explanation of the public utility's rationale for the proposed amortization period of total rate case expense that approximates the time between rate cases.

c) At the time of filing its direct or rebuttal case and, if applicable, its surrebuttal case, and as otherwise directed by the Administrative Law Judge, the public utility shall file a summary schedule of the compensation costs for which rate recovery is sought that includes, for all persons covered by Section 288.10, the following:

1) Identification of the outside counsel/support staff, outside technical experts/support staff, utility affiliate counsel/support staff, and utility affiliate technical experts/support staff;

2) Total projected expense update, if the projection is the basis for the total requested rate case expense;

3) Actual expense incurred to date, with supporting invoices made available upon request;

4) Remaining costs projected to be incurred, if any; and

5) Total rate case expense that was approved by the Commission in the utility's previous rate case for the work performed by all persons covered by Section 288.10.

d) Inclusion of overhead expenses for all persons covered by Section 288.10 (e.g., photocopying, binding) shall be accompanied by evidence that the rates charged to the public utility by the attorney or expert specifically exclude those overhead expenses from the rates charged to the public utility.

e) Not later than five business days before the start of evidentiary hearings in the rate case, the public utility shall file an affidavit signed by a public utility representative with authority to make affirmations on behalf of the public utility that, to the best of the public utility representative's knowledge, information, and belief:

1) The compensation paid or to be paid to all persons covered by Section 288.10 that the public utility is seeking to recover as rate case expense in the instant rate case is supported by billings or other documentation that:

A) Are true and accurate;

B) Support costs that were reasonable to prepare and litigate the rate case;

C) Were reviewed and approved by public utility management before payment; and

D) Are not duplicative;

2) The public utility paid or will pay the billed amounts requested to be recovered as rate case expense;

3) Additional compensation, if any, to be paid to all persons covered by Section 288.10 that are not yet billed to the public utility, or not yet performed, will be made in accordance with the affirmations required in this subsection (e); and

4) The filing of the public utility representative affidavit is informational in nature and shall not be binding on the Commission in its assessment of the justness and reasonableness of the amount of rate case expense requested by the public utility.

f) All updates and supporting documentation of the rate case expense amounts requested by the utility for recovery in rates shall be submitted for inclusion in the evidentiary record of the rate case.

(Source: Former Section 288.30 renumbered to 288.100 and amended at 47 Ill. Reg. 5619, effective April 7, 2023)