**Section 288.230 Request for Consumer Intervenor Compensation Before the Conclusion of the Proceeding**

a) To receive compensation from the Fund before the conclusion of a proceeding, a Consumer Interest Representative shall submit to the Administrator a verified request for compensation before the Commission enters its final order after denial or decision on rehearing in the proceeding. The CIR shall serve copies of this verified request on all parties to the proceeding. In such cases, the CIR shall include in its verified request:

1) The name of the CIR requesting compensation;

2) The full name, mailing address, telephone number, and e-mail address of the CIR or its representative filing the request;

3) The mailing address to which payments should be sent;

4) A completed Form W-9 containing the CIR's taxpayer identification number;

5) Information demonstrating that the CIR meets the definition of a Consumer Interest Representative;

6) An itemized request for compensation including, but not limited to the applicable Commission docket number and the following information for each advocate, attorney, or lay or expert witness:

A) name;

B) work title;

C) fee rate per hour;

D) firm or business name;

E) number of hours expended;

F) specific tasks performed in the applicable Commission docket;

G) the specific issue each task addressed; and

H) other eligible costs for reimbursement, excluding expenses related to travel or meals. Costs should be supported by invoices where practicable;

7) Information demonstrating that the tasks identified in subsection (a)(6) address expenses, investments, rate design, rate impact, or other matters affecting the pricing, rates, costs or other charges associated with utility service and relate to a material recommendation made by the CIR or adopts a settlement or stipulation agreement in which a material recommendation of the CIR is resolved related to a significant issue in the Commission docket identified in subsection (a)(6);

8) Information demonstrating that costs the CIR incurred from participation in the identified ICC dockets in subsection (a)(6) will cause a significant financial hardship for the CIR including, but not limited to, a budget summary containing information concerning the CIR's financial capabilities and resources including but not limited to annual budget, cash on hand, and revenue information supporting the claim of financial hardship;

9) Information demonstrating that the compensation sought is fair, just and reasonable and consistent with the market rate paid to persons of comparable training and experience who offer similar services and that the rates do not exceed the comparable market rate for services paid by the public utility as part of its rate case expense;

10) The CIR's status as a tax-exempt organization registered with the IRS (e.g., 501(c)(3) or 501(c)(4) status);

11) A certification that the CIR did not receive directly or indirectly any compensation, funding, or donations from parties that have a financial interest in the outcome of the proceeding for which the CIR seeks compensation;

12) A certification that the CIR understands and accepts that the receipt of funds is subject to the availability of monies in the Fund and that in no event will compensation be paid if funds are insufficient;

13) A certification that the CIR will, for any compensation received from the Fund that exceeds the award of compensation determined following the Commission's final order after denial or decision on rehearing in the proceeding, return the excess compensation to the Fund within 30 days after a final award determination or the award becoming final pursuant to operation of law by submitting a check with the memo "Consumer Intervenor Compensation Fund" sent to:

Illinois Commerce Commission

Financial Information Section

527 East Capitol Avenue

Springfield, IL 62701;

and

14) Any other information from the CIR the Administrator considers necessary to make a recommendation regarding compensation before the Commission's final order after denial or decision on rehearing in the proceeding.

b) Information disclosed by the CIR in support of compensation costs for all persons covered by this Section shall be given the same protections for privileged, confidential and proprietary information that exist under the Commission's Rules of Practice (83 Ill. Adm. Code 200), the Illinois Code of Civil Procedure [735 ILCS 5], the Illinois Rules of Evidence, and other applicable Illinois law. If a verified request for reimbursement from the Fund contains information the CIR considers confidential, proprietary or a trade secret, the CIR must clearly identify that information.

c) A CIR that receives compensation from the Consumer Intervenor Fund before the entry of the Commission's final order after denial or decision on rehearing in the proceeding must submit a verified request for funding following the Commission's final order after denial or decision on rehearing in the proceeding pursuant to Section 288.220.

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