

7831.0800 AWARD OF COMPENSATION.

Subpart 1. **Decision.** Within 120 days of the filing of a claim or amended claim for an award of compensation for intervenor costs, or within 45 days of the filing of an audit or additional information, whichever is later, the commission shall issue a decision awarding or denying compensation.

Subp. 2. **Materially assisted.** To be granted an award of compensation, in whole or in part, for intervenor costs, the intervenor must have materially assisted the commission in its deliberations. The commission shall consider the following factors, no single one of which is dispositive, in making its decision awarding or denying compensation:

A. whether the intervenor represented an interest that would not otherwise have been adequately represented in the proceeding;

B. whether the intervenor's position or presentation on an issue was relevant or important for a fair decision in the proceeding;

C. the intervenor's ability to clarify complex information, to simplify complex issues, to make timely and appropriate procedural recommendations, or to otherwise contribute to the efficiency or progress of the proceeding;

D. whether the intervenor's position or presentation promoted a public purpose or policy;

E. whether the intervenor raised new or different arguments in support of a position, provided materially useful information not of common knowledge, raised a different issue, presented or elicited new or different facts or evidence, or took a different position from that of another party; and

F. whether the commission adopted, in whole or in part, a position advocated by the intervenor.

Subp. 3. **Insufficient financial resources.** To be granted an award of compensation for intervenor costs, the intervenor must show that it has insufficient financial resources, but for the award, to afford all or part of its intervenor costs necessarily incurred to participate effectively in a proceeding. The commission shall consider the following factors, as applicable, in making its decision awarding or denying compensation, in whole or in part, for intervenor costs:

A. whether the intervenor's financial status, following examination of the financial information provided in the intervenor's request and claim, and additional financial information requested or obtained through audit, if any, indicate the intervenor can afford, in whole or in part, its intervenor costs;

B. whether the intervenor made use of common legal representation, or otherwise consolidated positions or presentations, when appropriate;

C. whether the intervenor costs alleged in the intervenor's claim reflect reasonable attorney fees, expert witness fees, and other reasonable costs, as defined in part 7831.0100; and

D. whether a partial award of compensation may be appropriate.

Subp. 4. **Bases for commission decision.** For each issue addressed by the intervenor and decided in the proceeding:

A. On finding that an intervenor materially assisted the commission and has insufficient financial resources to afford its intervenor costs, the commission shall issue its decision awarding compensation. The decision must describe the bases for assistance found and for the amount of compensation awarded.

B. On finding that an intervenor either did not materially assist the commission or has sufficient financial resources to afford all of its intervenor costs, the commission shall issue its decision denying compensation. The decision must describe the bases for denying compensation.

Subp. 5. **Maximum amount awarded.** The total amount of the award for a proceeding may be all or part of the amount claimed, but must not exceed the maximum allowed under Minnesota Statutes, section 237.075, subdivision 10.

Subp. 6. **Payment.** The telephone company that was the subject of the proceeding shall pay the award of compensation to the intervenor within 30 days after the commission issues its decision awarding compensation. The telephone company shall file with the commission proof that it paid the amount of compensation awarded to the intervenor.

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

History: *15 SR 1599; 33 SR 712*

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