

**Green Tier Advisors**  
**September 8, 2008**

**Funding Support for Stakeholder Participation 1.0**

**ISSUE SUMMARY:** The Green Tier law, Ch 299.83, WI Stats, describes a process for interested persons to participate in negotiations concerning a participation contract; this process begins within 30 days after the public notice of a letter of intent to participate in Green Tier has been received by the department. The law requires the department to determine whether a person may participate in negotiations based on whether the person has demonstrated sufficient interest in the issues raised by the letter of intent to warrant that participation. The Advisors and the department have expressed interest in strengthening public and stakeholder participation in Green Tier local contracts and charters. One aspect of this issue is the availability of funding for participation by non-government organizations (NGO).

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**BACKGROUND:** The original legislation proposing Green Tier included funding for stakeholder participation. But the legislation passed providing no funding for department staff, nor resources for stakeholder participation.

A similar concept is funding for “Intervenor Compensation” and is authorized under s. 196.31 Wis Stats, to the Public Service Commission, and administered through Chapter PSC 3, Wis Adm Code. This funding is for persons seeking compensation in order to intervene in a commission proceeding. Under this program, compensable costs include: attorney fees, expert witness fees, cost of clerical services, preparation of studies, displays and exhibits, travel, and other costs associated with the intervention.

**DISCUSSION:** The purpose of this Issue Paper is to present information for the Advisors to discuss whether they want to develop recommendations on the structure and vehicle for developing a program to fund stakeholder participation in Green Tier Charters and local Contracts, and possibly also statewide policy regarding Green Tier.

Whereas the participation in negotiating a Green Tier Contract or Charter is not comparable to PSC proceedings, the spirit and intent is to facilitate participation by external parties.

For an NGO to participate in Green Tier negotiations, the organization usually is stressed to provide adequate staff and financial resources above and beyond its normal operations.

The Advisors’ discussion should address:

1. Whether to recommend the department pursue a mechanism for funding participation by interested persons.
2. What if any participation should be funded.
3. What if any structure would be most feasible for managing a fund.