

Public Testimony & Public Comments in Lieu of Testimony

For many matters before the Public Service Commission, the Commission holds a hearing to obtain public testimony. When the Commission issues a Notice of Hearing to obtain public testimony, the Commission often provides an opportunity for the public to submit written comments on the matter in lieu of testifying at the public hearing. The requirements for submitting testimony at a public hearing or written comments in lieu of testimony are set forth below. Written filings submitted through this process that do not satisfy these requirements may be rejected by the Commission. Written filings received as provided in the Notice of Hearing that satisfy these requirements will be made part of the official record.

Expert Testimony

Note that public testimony, and public comments in lieu thereof, is different than “expert testimony.” Expert testimony is scientific, technical or other specialized knowledge that is presented during the technical hearing portion of a contested case by a witness who is qualified as an expert by knowledge, skill, training, experience or education. If you wish to provide expert testimony, you must do so at a technical hearing, and you will be subject to cross-examination. Only a party to a case may provide expert testimony. Any person or organization whose substantial interests may be affected by the Commission’s decisions or those who will promote the proper disposition of the issues in the case can request to intervene in a case as a party. To intervene in a matter before the Commission, submit a written request to the Commission’s Administrative Law Judge.

Requirements for Public Testimony & Public Comments in Lieu of Testimony

- 1. A person’s testimony or written comment in lieu of testimony may consist of the person’s personal knowledge or personal opinions only. A reference document, article or other attachment not written by the person commenting is not considered a public comment or part of the person’s testimony, but may be referenced in a person’s comment or testimony.**
- 2. At a public hearing, a person may provide in-person oral or written testimony. For written comments submitted in lieu of testifying at a public hearing, only one comment may be submitted per person per comment period.**
- 3. For written comments in lieu of testimony, comments submitted via email or fax will not be accepted.**
- 4. For written comments in lieu of testimony, comments received before an official comment period opens or after the official comment deadline has passed will not be accepted.**

The Commission encourages members of the public to submit their opinions and draw attention to reference materials in an organized manner using these requirements for submitting written comments in lieu of testifying at a public hearing. The above requirements for written comments help Commission staff and the Commissioners identify and analyze the comments of members of the public that are submitted on a particular matter. These requirements do not prevent any relevant information from being evaluated by Commission staff or the Commissioners. The requirements are discussed in more detail below.

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The purpose of soliciting public testimony or written comments in lieu of testimony is to obtain opinions and local information or knowledge from members of the public about a specific matter before the Commission. In soliciting such input, unless specifically requested, the Commission does not seek to obtain newspaper articles, white papers, studies, professional journal articles, or any other form of publication or third-party writing. Copies of publications or third-party writings provided at a public hearing will not be incorporated into the record as part of the person’s testimony. Similarly, copies of publications or third-party

writings filed in a docket will not be incorporated into the record as part of a person's written comment in lieu of testimony. Such documents may, however, be properly cited as reference materials in support of an opinion held by the person testifying or submitting the written comment. Commenters may cite reference materials and include a list of reference materials cited in their comments or testimony when applicable.

2. At a public hearing, a person may provide in-person oral or written testimony. For written comments submitted in lieu of testifying at a public hearing, only one comment may be submitted per person per comment period.

A member of the public has an opportunity to testify at a public hearing when one is held. However, this opportunity does not permit a person to testify multiple times at a hearing or at multiple hearings on the same topic if multiple hearing dates and locations are scheduled on a given matter. At a public hearing, a person has the option of either providing in-person oral or written testimony.

Every member of the public also has an opportunity to file a written comment in lieu of testifying at a public hearing. However, this opportunity is not intended to permit a person to submit multiple comments at multiple times. Only the first written comment a person submits to the Commission in lieu of testifying at a public hearing will be accepted.

3. For written comments in lieu of testimony, comments submitted via email or fax will not be accepted.

The Commission accepts comments received through its Electronic Regulatory Filing (ERF) System and comments received through the U.S. mail. Because the Commission will only accept one written comment per person per comment period, the Commission will not accept emailed or faxed comments. These two methods of communication are redundant to other available comment methods. Any person with a disability who needs accommodations to participate should contact the docket coordinator.

Persons seeking information about a docket application or the Commission's review process may contact Commission staff at any time by using the e-mail addresses or phone numbers provided in docket notices and notifications.

4. For written comments in lieu of testimony, comments received before an official comment period opens or after the official comment deadline has passed will not be accepted.

The Commission clearly identifies the applicable time period for submitting written comments in lieu of testimony and communicates these time periods to the public in the Notice of Hearing. Written comments in lieu of testimony are not accepted before a comment period opens, because comments filed outside of the official comment period do not become part of the record in a docket. Comment deadlines are enforced and late comments will not be accepted to avoid delay in processing a case.

Comments to Commission Staff

Commission staff from time to time also solicits comments from the public to aid in identifying issues and concerns for development of an environmental assessment or environmental impact statement (EIS). Public comments are also solicited by Commission staff after it issues a preliminary determination on the need to prepare an EIS, and on a draft EIS if one is prepared. These public comments are used by Commission staff but are not made part of the official record in a docket. Notifications are mailed out by Commission staff when public comments are needed and when such comments are being accepted. There are no formal requirements for submitting these types of comments to Commission staff.

A person who submits comments to Commission staff during the environmental review process may also testify at the public hearing or file a comment in lieu of testimony.

More information

If you have questions regarding how to submit testimony or file a written comment in a Commission docket, please contact the docket coordinator. If you do not know the docket coordinator for the docket on which you wish to comment, please call (608) 266-5481 or (800) 225-7729. Hearing or speech-impaired individuals may also use the Commission's TTY number; if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479. Any person with a disability who needs accommodations to participate should contact the docket coordinator. Please also see below for suggestions regarding how to prepare an effective public comment.

How to Prepare Effective Public Testimony or Public Comment

The following are suggestions for preparing effective public testimony or a written public comment in a Commission case.

1. Identify yourself and your relation to the docket.

- Are you a customer of the affected utility?
- Do you live in the project area?
- Do you operate a business that will be affected by the case?

2. Be specific about your concern.

- If you are concerned about effects on wildlife, what form of wildlife, and what are you concerned may happen?
- If you are concerned about effects on your quality of life, what parts of your life will be impacted?
- If you are concerned about environmental effects, who or what would be harmed if the environmental effects occur, and in what way?
- If you are concerned about a financial impact, how will the financial impact affect you? What will you need to change about your life if the impact occurs?

3. Explain the basis for your opinion and knowledge.

- Have you consulted similarly-situated members of the public?
- Have you done research, and if so, what did you research?
- Do you know of a similar outcome in a comparable situation?
- Do you have education or training in the subject on which you are commenting?
- Have you consulted experts on the subject?

4. Propose an alternative.

- If you do not like a planned construction site, propose a modification to the planned site that would reduce or eliminate the impact you are concerned about.
- If you do not like a perceived environmental impact, propose a way to reduce or eliminate the impact you are concerned about.
- If you do not like a perceived effect on your quality of life, propose a way to reduce or eliminate the effect on your quality of life.