**Section 288.20 Definitions**

"Act" means the Illinois Public Utilities Act [220 ILCS 5].

"Flat fee contract" means a contract between a utility and outside counsel or an outside technical expert by which the utility pays an agreed upon amount, regardless of hours worked or billed.

"Hourly rate contract" means a contract under which a utility agrees to compensate outside counsel or an outside technical expert based on hourly rates multiplied by hours billed.

"Miscellaneous expenses" means expenses billed by an outside counsel, outside technical expert, utility affiliate counsel, or utility affiliate technical expert for costs including, but not limited to, photocopying, travel, travel-related meals and lodging, if evidence establishes that those costs were excluded from the agreement with the utility as compensation for the rate case at issue.

"Not-to-exceed contract" means a contract between a utility and outside counsel or an outside technical expert by which the utility agrees to compensate the outside counsel or outside technical expert at an hourly rate for work billed, if there is a cap on the maximum amount that may be paid out under the contract.

"Outside counsel" means an attorney that is not employed by the utility or any of its affiliates who is retained to prepare and litigate a rate case filing subject to this Part on behalf of the utility.

"Outside counsel and outside technical expert compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the utility seeks recovery as part of rate case expense in a rate case filing:

Outside counsel (attorney) fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed contract, or some other arrangement for compensation; including non-attorney support staff fees and reimbursement of miscellaneous incidental expenses.

Outside technical expert fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed provision, or some other arrangement for compensation; support staff fees; and reimbursement of miscellaneous expenses.

"Outside technical expert" means a consultant or other professional who is not employed by the utility or any of its affiliates that is retained to testify as an expert witness on behalf of the utility and/or otherwise assist the utility with the preparation and/or litigation of a rate case filing.

"Support staff" means personnel performing functions under the direction and supervision of outside counsel, outside technical experts, utility affiliate counsel or utility affiliate technical experts in connection with a rate case filing subject to this Part, such as paralegals, legal assistants or other non-attorney/non-technical expert staff whose time is billed to the utility in connection with a rate case filing.

"Time entry" means a contemporaneously generated document that states the hours performed on a particular task, specifying the task performed and:

the applicable hourly rate, in the case of hourly rate billing or a contract with a not-to-exceed clause; or

the applicable estimated hourly rate, in the case of a flat fee contract.

"Utility affiliate counsel" means an attorney employed by a utility affiliate who prepares and litigates a rate case filing subject to this Part on behalf of the utility.

"Utility affiliate counsel and support staff and utility affiliate technical experts and support staff compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the utility seeks recovery as part of rate case expense in a rate filing:

Expenses for utility affiliate counsel and related support staff for services rendered on a rate case, pursuant to an affiliate agreement, provided that the recovery of incentive compensation costs shall be excluded from rate case expense;

Expenses for utility affiliate technical experts and related support staff for services rendered on the rate case, pursuant to an affiliate agreement, provided that the recovery of incentive compensation costs shall be excluded from rate case expense.

"Utility affiliate technical expert" means a professional employed by a utility affiliate that is:

retained to testify as an expert witness on behalf of the utility and/or otherwise assist the utility with the preparation and/or litigation of a rate case filing; and

who is not a utility affiliate counsel as that term is defined.