

Chapter WFSB 11

PETITION FOR ARBITRATION AND DETERMINATION OF BOARD PURSUANT TO S. 289.33 (10) (a), (b) and (c), STATS.

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WFSB 11.01 Petition. (1) WHO MAY SUBMIT. A petition for the initiation of arbitration may be submitted by an applicant or a local committee or as a joint petition.

(2) FORM, NUMBER OF COPIES, SUBMISSION. The petition shall be in writing and its caption shall be as follows:

STATE OF WISCONSIN
BEFORE THE WASTE FACILITY SITING BOARD

In the Matter of the (Joint) Petition
Requesting Initiation of Arbitration
Pursuant to Section 289.33 (10) (b),
Stats., Involving a Dispute Between
(Name of Petitioner)
and
(Name of Other Party or
Co-Petitioner)

The original of the petition shall be signed and the original and 9 copies of the petition shall be submitted to the board. The party submitting the petition shall, at the same time, submit a copy to the other party, or its designated representative, by certified mail or personal delivery.

(3) CONTENTS. The petition shall include the following:

(a) The caption in the form noted above.

(b) The name and address of the applicant involved, and the name and address and telephone number of its principal representative.

(c) The names and addresses of the members of the local committee involved, and the name and address and telephone number of its principal representative.

(d) A clear and concise statement of the position of the petitioner as to the reason for petitioning to initiate arbitration.

(e) A complete statement of the agreed facts constituting the basis upon which the board is to make its determination in the matter.

(4) A STATEMENT IN SUPPORT OF PETITION. The petitioner shall attach to the original and each copy of the petition a clear and concise statement of the facts and arguments relied upon by the petitioner in support of the position taken by the petitioner.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1999, No. 526.

WFSB 11.02 Statement in response to petition.

(1) WHO SHALL SUBMIT. The party other than the petitioner shall, within 14 days of the receipt of the petition, submit with the board a statement in response to the petition.

(2) FORM, NUMBER OF COPIES, SUBMISSION. The statement in response shall be in writing and shall include the caption of the case. The original and 9 copies thereof shall be submitted to the board. The party submitting the statement in response shall, at the same time, submit a copy to the petitioner by certified mail or personal delivery.

(3) CONTENTS. The statement in response shall include the following:

(a) A clear and concise statement of the position taken by the party as to whether or not it opposes initiation of arbitration as set forth by the petitioner.

(b) A clear and concise statement of the facts and arguments relied upon by such party in support of its petition with respect to the matter involved.

(c) Corrections, as may be deemed necessary, to the names, addresses, telephone numbers and representatives set forth in the petition.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.03 Withdrawal of petition. Any petition submitted under this chapter may be withdrawn at any time. If the petition is submitted by both parties, both must consent before withdrawal will be effectuated. If one party wishes to withdraw from a joint petition, it may do so and submit a statement in response to petition under the conditions prescribed in s. WFSB 11.02.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.04 Notice of status conference. Following the submission of a petition, if it appears to the board that further proceedings are warranted, the board may request a status conference between both parties and the examiner, at a fixed place or by conference call and, except in unusual circumstances, at a time not less than 7 days after the service of such notice.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.05 Status conferences. (1) WHO SHALL CONDUCT. Status conferences may be conducted by an examiner and, at any time, an examiner may be substituted for the examiner previously presiding.

(2) SCOPE OF STATUS CONFERENCE. The status conference shall be limited by the examiner to the discussion of genuine issues enumerated in the petitions concerning whether arbitration can be avoided by the negotiation of any remaining issues.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.06 Decision concerning arbitration. Within 15 days after submission of the petition, the board shall issue a decision concerning the petition and notify the applicant and local committee of that decision.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.07 Order to continue negotiation. The board may issue a decision ordering the applicant and the local committee to continue negotiating for a fixed time period of at least 30 days after the date of the notice if, in the judgment of the board, arbitration can be avoided by the negotiation of any remaining issues. If the board issues a decision ordering the applicant and the local committee to continue negotiation, the petition to initiate arbitration may be resubmitted after the extended period of negotiation.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.08 Considerations by board. In making its decision concerning the petition, the board may consider:

(1) Whether parties have utilized the services of a mediator or have considered making such utilization.

(2) Whether either party believes further negotiations will result in the settlement of any issues.

(3) Whether one party has refused to negotiate concerning any items not arbitrable but negotiable.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

WFSB 11.09 Decision to delay arbitration pending submittal of feasibility report. The board may issue a decision to delay the initiation of arbitration until the board is notified that the affected municipalities have received a feasibility report for the facility proposed by the applicant. The board may decide to delay the initiation of arbitration under this paragraph if the applicant has not made available information substantially equivalent to that in a feasibility report. The petition to initiate arbitration may be resubmitted after the feasibility report is submitted.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.