

Bylaw Amendment for Alternative Dispute Resolution

NEW : Article XIII – Dispute Resolution

ARTICLE XIII – Dispute Resolution

If a dispute, controversy, or claim arises out of, or relates to, the Cooperative's governing documents or policies on the Cooperative's provision of Cooperative services, the parties must first attempt to settle the dispute through negotiation.

The parties shall engage in good-faith negotiation for a period of up to thirty (30) days after written notice of the dispute is provided by the disputing party to the other. If the dispute is not settled by negotiation within thirty (30) days of the written notice, then, upon written request by the Cooperative or the member, the Cooperative and member will try in good faith to settle the dispute through mediation conducted by a professional neutral third person acceptable to both parties. Mediation shall occur within one-hundred twenty (120) days of either party requesting mediation, or such longer time as is reasonably necessary to schedule the mediation with the mediator. The mediator shall have no power to impose a decision if all the parties do not agree to settle the dispute.

If such a dispute, controversy, or claim is not fully settled after mediation then any remaining controversy or claim between the Cooperative and member shall be settled or resolved through binding arbitration administered pursuant to Chapter 788, Wis. Stats., or such other policies and procedures which may be established by the Board of Directors from time to time, and the judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction.

Disputes, controversies, and claims must be resolved through individual arbitration, and not through collective or class action arbitration. The parties shall share equally any arbitrators' fees and administrative fees but shall otherwise bear their own expenses, including attorneys' fees.

Notwithstanding the foregoing, Article XIII does not apply to matters which qualify for the jurisdiction of small claims court pursuant to the Wisconsin Statutes or to controversies over the acquisition of rights-of-way or the right of the Cooperative to construct, operate, inspect, repair, maintain, relocate, improve, reconstruct, or replace its facilities within any of its rights-of-way.