

PAINTER LAW FIRM, PLLC

13017 DUNHILL DRIVE
FAIRFAX, VIRGINIA 22030

MICHELLE PAINTER
ATTORNEY AT LAW

703.201.8378
FAX 703.968.5938
E-mail: painterlawfirm@verizon.net

January 5, 2010

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

*Re: Cheryl Zack v. AT&T Communications of Pennsylvania, LLC,
Docket Number C-2009-2127566*

Dear Mr. McNulty:

Please find enclosed an original and three (3) copies of the Amended Motion for Admission *Pro Hac Vice* of Philip S. Shapiro in the above-referenced case, as well as attached Verifications of Mr. Shapiro and Michelle Painter.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,



Michelle Painter

Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


Cheryl Zack	}	
	}	
Complainant,	}	
	}	Docket No. C-2009-2127566
	}	
v.	}	
	}	
	}	
AT&T Communications of Pennsylvania, LLC,	}	
Respondent	}	

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of January 2010 caused a true copy of AT&T's Amended Motion for Admission *Pro Hac Vice* to be served upon the party of record in the above-referenced docket, in accordance with the requirements of 52 Pa. Code §1.54 in the manner and upon the party listed below:

Via Overnight Delivery:

Cheryl Zack
825 Tilghman St
Allentown PA 18102



Michelle Painter

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL ZACK,	:	
Complainant	:	Complaint Docket
	:	No. C-2009-2127566
v.	:	
	:	
AT&T COMMUNICATIONS OF	:	
PENNSYLVANIA, LLC,	:	
Respondent	:	

NOTICE TO PLEAD

To: Cheryl Zack
825 Tilghman St
Allentown PA 18102

You are hereby notified that AT&T Communications of Pennsylvania, LLC (“AT&T”) has filed a Motion for Admission *Pro Hac Vice* to which you must file an answer within twenty (20) days pursuant to 52 Pa. Code § 5.103(c). This Motion is to permit an attorney to represent AT&T in Pennsylvania for this case. Your failure to answer will allow the presiding officer to rule on the items without a response from you, thereby requiring no other proof. All pleadings must be filed with the Secretary of the Public Utility Commission, with a copy served on the undersigned counsel for AT&T.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle Painter". The signature is written in black ink and is positioned above the typed name and contact information.

Michelle Painter, Esquire
Painter Law Firm, PLLC
13017 Dunhill Drive
Fairfax VA 22030
(703) 201-8378 – telephone
(703) 968-5936 – facsimile

Dated: January 5, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL ZACK,	:	
Complainant	:	Complaint Docket
	:	No. C-2009-2127566
v.	:	
	:	
AT&T COMMUNICATIONS OF	:	
PENNSYLVANIA, LLC,	:	
Respondent	:	

**AMENDED MOTION FOR ADMISSION PRO HAC VICE OF
PHILIP S. SHAPIRO**

Pursuant to 52 Pa. Code §§1.22(b) and 5.103 and Pa. B.A.R. 301 and Pa. R.C.P. Rule 1012.1, Michelle Painter, a member of the bar of the Commonwealth of Pennsylvania, respectfully moves for the admission of the following individual to appear as an attorney on behalf of AT&T Communications of Pennsylvania, LLC, (“AT&T”) in the above-referenced proceeding:

Philip S. Shapiro
AT&T Inc., Law Department
3033 Chain Bridge Road, Second Floor
Oakton, Virginia 22185
(703) 272-1478
psshapiro@att.com

In support of this Amended Motion, the movant states:

1. I am an active member of the Pennsylvania Bar (Attorney ID No. 91760) and the Virginia Bar. I am in private practice, representing clients in telecommunications and public utility regulatory and legal matters in Pennsylvania and Virginia.

2. Mr. Shapiro is a member in good standing of the bars of Virginia, Maryland, New York, California, Florida, and the District of Columbia, having been admitted first in Maryland in 1976.

3. Mr. Shapiro has been actively involved in numerous regulatory proceedings on behalf of AT&T and its affiliates operating in a number of jurisdictions.

4. I previously filed a Motion for Admission *Pro Hac Vice* in this matter. The Motion was the exact same as one that has been filed by several parties, including myself, and that was granted, in two different cases at the Pennsylvania Public Utility Commission.¹

However, it was denied by Order dated December 9, 2009 due to deficiencies in compliance with Rule 1012.1(e) of the Pennsylvania Rules of Civil Procedure. The Movant apologizes for the deficiencies in the prior Motion, and has corrected those deficiencies in this Motion and the attached verifications thereto.

5. Attached hereto, pursuant to 52 Pa. Code. §1.36 and Pa. R.C.P. Rule 1012.1, are the verifications of myself and Mr. Shapiro.

¹ On October 28, 2009, ALJ Angela Jones granted a Motion I filed to request the admission *pro hac vice* of Ms. Kara K. Gibney and Mr. Theodore A. Livingston in *Core Communications, Inc. v AT&T Communications of Pennsylvania, LLC et. al.* at Docket Nos. C-2009-2108186 and C-2009-2108239. On October 21, 2009, ALJ Kandace F. Melillo granted a Motion I filed to request the admission *pro hac vice* of Demetrios G. Metropoulos in *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund et. al.*, Docket Nos. I-00040105 and C-2009-2098380 *et. al.* The Motion filed in both cases was identical to the one denied in this matter.

WHEREFORE, I move that Philip S. Shapiro be admitted to practice *Pro Hac Vice* on behalf of AT&T in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle Painter". The signature is written in black ink and is positioned above a solid horizontal line.

Michelle Painter
Painter Law Firm, PLLC
13017 Dunhill Drive
Fairfax, VA 22030
Phone – (703) 201-8378
E-mail – painterlawfirm@verizon.net

Counsel for AT&T

Date: January 5, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL ZACK,	:	
Complainant	:	Complaint Docket
	:	No. C-2009-2127566
v.	:	
	:	
AT&T COMMUNICATIONS OF	:	
PENNSYLVANIA, LLC,	:	
Respondent	:	

**VERIFIED STATEMENT OF MICHELLE PAINTER,
SPONSOR OF PHILIP S. SHAPIRO FOR ADMISSION *PRO HAC VICE***

Pursuant to 52 Pa. Code §§1.22(b) and 5.103 and Pa. B.A.R. 301 and Pa. R.C.P. Rule 1012.1, Michelle Painter, Esq., a member of the bar of the Commonwealth of Pennsylvania (Attorney ID No. 91760), is moving for the admission *pro hac vice* of Philip S. Shapiro in the above-captioned proceeding. In support of the Amended Motion, I, the sponsor, submit this verified statement, pursuant to Pa. R.C.P. Rule 1012.1:

1. I have worked with Mr. Shapiro for over three years with Mr. Shapiro as in-house counsel to AT&T. I have had sufficient opportunity during that time to conduct a reasonable investigation regarding Mr. Shapiro and can state that Mr. Shapiro is a reputable and competent attorney.

2. I am the sponsor for three other attorneys in all cases before any states or the Pennsylvania Public Utility Commission. On October 28, 2009, ALJ Angela Jones granted a Motion I filed to request the admission *pro hac vice* of Ms. Kara K. Gibney and Mr. Theodore A.

Livingston in *Core Communications, Inc. v AT&T Communications of Pennsylvania, LLC et. al.* at Docket Nos. C-2009-2108186 and C-2009-2108239. On October 21, 2009, ALJ Kandace F. Melillo granted a Motion I filed to request the admission *pro hac vice* of Demetrios G. Metropoulos in Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund *et. al.*, Docket Nos. I-00040105 and C-2009-2098380 *et. al.*

3. Any proceeds from the settlement of a cause of action in which the candidate is granted admission *pro hac vice* shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

4. I shall remain the attorney of record for this case, as required by the Rules of Civil Procedure.

5. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information and belief, and that I would be able to prove the same if a hearing were

held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. §4904 (relating to falsifications to authorities).

Michelle Painter

Michelle Painter
PA Bar No. 91760
Painter Law Firm, PLLC
13017 Dunhill Dr
Fairfax, VA 22030
703-201-8378
painterlawfirm@verizon.net

COMMONWEALTH OF VIRGINIA:

COUNTY OF Fairfax : ss.
:

Sworn to before me this 5th day of January 2010.

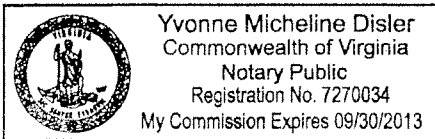
SEAL

Yvonne M Disler
Notary Public of the Commonwealth of Virginia

Printed Name: YVONNE M. DISLER

Registration No. 7270034

My Commission Expires: 09/30/2013



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL ZACK,	:	
Complainant	:	Complaint Docket
	:	No. C-2009-2127566
v.	:	
	:	
AT&T COMMUNICATIONS OF	:	
PENNSYLVANIA, LLC,	:	
Respondent	:	

VERIFIED STATEMENT OF PHILIP S. SHAPIRO,
CANDIDATE FOR ADMISSION *PRO HAC VICE*

Pursuant to 52 Pa. Code §§1.22(b) and 5.103 and Pa. B.A.R. 301 and 1012.1, Michelle Painter, Esq., a member of the bar of the Commonwealth of Pennsylvania (Attorney ID No. 91760), is moving for my admission *pro hac vice* in the above-captioned proceeding. In support of said sponsor’s motion, I, the candidate, Philip S. Shapiro, submit this verified statement, pursuant to Rule 1012.1:

1. I am admitted to practice in and am a member in good standing of the bars of Virginia (Virginia State Bar No. 66139), Maryland,¹ New York,² California (State Bar of California No. 78119), Florida (Florida Bar No. 227536), and the District of Columbia (District of Columbia Bar No. 933689). With respect to each of these jurisdictions, I have never been

¹ Maryland attorneys are not assigned bar numbers.

² The highest court in New York is the New York Court of Appeals. Attorneys admitted to practice law in New York and before all New York State courts are admitted to practice by a Department of the Appellate Division of the New York State Supreme Court. I was admitted to practice by the Third Department of the Appellate Division of the New York State Supreme Court. New York attorneys are not assigned bar numbers. However, I am a member of the New York State Bar Association (“NYSBA”). My NYSBA membership number is 41747.

suspended, disbarred, or otherwise disciplined nor am I currently the subject of any disciplinary proceeding.

2. I currently am not admitted *pro hac vice* in any pending action in any court of record in Pennsylvania or in any pending administrative proceeding in Pennsylvania. A motion for admission *pro hac vice* in this proceeding was denied in the above-captioned proceeding, to wit, *Zack v. AT&T Communications of Pennsylvania, LLC*, Pennsylvania Public Utility Commission Complaint Docket No. C-2009-2127566 (“*Zack v. AT&T Communications of Pennsylvania*”). The denial was based upon a failure to include in the motion papers certain information and a notice to respond, as required by Rule 1021.1 of the Pennsylvania rules of Civil Procedure. (*Zack v. AT&T Communications of Pennsylvania, Order Denying Admission Pro Hac Vice*, dated December 9, 2009, at 2). No other motion of the candidate for admission *pro hac vice* has ever been denied.

3. I shall comply with and be bound by the applicable statutes, case law, and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

4. I shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission *pro hac vice* is being sought.

5. I do consent to the appointment of the sponsoring attorney, Michelle Painter, Esq., as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.

6. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information and belief, and that I would be able to prove the same if a hearing were held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. §4904 (relating to falsifications to authorities).

Philip S. Shapiro

Philip S. Shapiro
General Attorney
AT&T Inc., Legal Department
3033 Chain Bridge Road, Second Floor
Oakton, Virginia 22185
(703) 272-1478
psshapiro@att.com

COMMONWEALTH OF VIRGINIA:

COUNTY OF FAIRFAX : ss.
:

Sworn to before me this 4th day of January 2010.

Yvonne M. Disler
Notary Public of the Commonwealth of Virginia

Printed Name: YVONNE M. DISLER

Registration No. 7270034

My Commission Expires: September 30, 2013

SEAL

