

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215-841-6863

February 24, 2016

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RE: Elmore Polite v. PECO Energy Company
PUC Docket No. : F-2015-2514570

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to Admit Counsel Pro Hac Vice* with regard to the matter referenced above.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Ward Smith
Counsel for PECO Energy Company

cc: (Cover Letter & Certificate of Service only) Administrative Law Judge Eranda
Vero

WS/ld

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ELMORE W. POLITE :
 Complainant :
 v. : **DOCKET NO. F-2015-2514570**
 :
PECO ENERGY COMPANY :
 Respondent :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.61 you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Ward Smith, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Ward Smith
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, February 24, 2016.



Ward Smith
Assistant General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
Tel: (215) 841-6863

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elmore Polite	:	
	:	
v.	:	C-2015-2514570
	:	
PECO Energy Company	:	

**PECO Energy Company's
Motion to Admit Counsel *Pro Hac Vice***

PECO makes this Motion, pursuant to 52 Pa. Code §1.22(b), to admit Thomas Carl Watson, Esquire to appear *pro hac vice* in this matter. In support of this Motion, PECO states as follows:

1. The Commission's procedural rules allow an "attorney not licensed in the Commonwealth" to appear before the Commission – sometimes known as *pro hac vice* representation -- "in accordance with the Pennsylvania Bar Admission Rules." 52 Pa. Code §1.22(b).

2. The Pennsylvania Bar Admission Rules for *pro hac vice* admission are found at Pennsylvania Rules of Civil Procedure §1012.1 and 204 Pa. Code § 81.501 *et seq.* In broad terms, these rules require that both the "Candidate" – in this case, Mr. Watson – and a "Sponsor" – in this case, Ward Smith, Esquire – to provide verified statements in support of a Motion for Admission *pro hac vice*.

3. The requisite verified statements are attached to this Motion.

4. As the Candidate, Mr. Watson's verified statement states that:
 - He is licensed to practice law in Washington D.C. (#180943), and that he has never been suspended, disbarred or otherwise disciplined by any jurisdiction in which he holds or has

held a license to practice law, and that he is not currently the subject of disciplinary proceedings in any such jurisdiction.

- He has appeared before the Pennsylvania Public Utility Commission on numerous occasions prior to 2007. He has not appeared *pro hac vice* before the Pennsylvania Public Utility Commission since 2007.
- He has never been denied permission to appear *pro hac vice* before the Pennsylvania Public Utility Commission or any Pennsylvania court.
- In his representation before the Pennsylvania Public Utility Commission, he 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.
- He 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 sought.
- He consents to the appointment of his sponsor (Ward Smith, 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.

5. As the Sponsor, Mr. Smith's verified statement states that:

- He is acting as sponsor for the *pro hac vice* admission of Thomas Carl Watson to appear before the Pennsylvania Public Utility Commission in this matter.
- He has known Mr. Watson personally and professionally for 30 years, and practiced law with him for seven years involving hundreds of individual matters. Mr. Smith states that he believes Mr. Watson to be a reputable and competent attorney, and that he is in a position to recommend Mr. Watson's admission *pro hac vice*. Mr. Watson has more than 40 years' experience with litigation involving claimed health effects of power frequency fields, and more than 20 years' experience with litigation involving claimed health effects of radio frequency fields.
- He is sponsoring Mr. Watson's admission *pro hac vice* in a series of ongoing cases at the Pennsylvania Public Utility Commission involving claimed health effects from radio frequency fields associated with Advanced Meter Infrastructure meters, as follows:

Susan Kreider v. PECO, C-2015-2469655

Laura Sunstein Murphy v. PECO, C-2015-2475726

Elmore Polite v. PECO, F-2015-2514570

Maria Povacz v. PECO, C-2015-2475053

Barbara and Charles Tucker v. PECO, C-2015-2515592

Other than the cases set forth above, Mr. Smith is not currently acting as the sponsor for any *pro hac vice* candidates in any proceeding in Pennsylvania.

- To the extent that the proceeds from any settlement in this matter is received by PECO, those proceeds will be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct.
6. PECO believes and therefore avers that *pro hac vice* appearance before the Pennsylvania Public Utility Commission is the equivalent to appearance before a special court, and that no fee paid to the IOLTA Board is therefore required for Mr. Watson to appear *pro hac vice* before the Commission. See 204 Pa. Code §81.505(c).
 7. Mr. Smith and Ms. Shawane Lee will remain PECO's attorneys of record in this matter. In his role as *pro hac vice* counsel, Mr. Watson will appear and participate at hearings and on any briefs, but will not act as attorney of record.
 8. The statements set forth above comprehensively comply with the Pennsylvania Bar Admission Rules for *pro hac vice* admission as set forth at Pennsylvania Rules of Civil Procedure §1012.1 and 204 Pa. Code § 81.501 *et seq.*

PECO therefore respectfully requests that its Motion to Admit Thomas Carl Watson to appear as counsel for PECO, *pro hac vice*, in this matter be granted.

Respectfully submitted,



Ward Smith
Assistant General Counsel
PECO Energy Company
215-841-6863
ward.smith@exeloncorp.com



Date:

Shawane Lee
Assistant General Counsel
PECO Energy Company
215-841-6841
shawane.lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

***PRO HAC VICE* ADMISSION OF THOMAS CARL WATSON**

VERIFIED STATEMENT OF THOMAS CARL WATSON (CANDIDATE)

1. My name is Thomas Carl Watson. I am licensed to practice law in the District of Columbia and my bar license number is 180943. (I am an inactive member of the Missouri Bar and my bar license number is 24332.) I have never been suspended, disbarred or otherwise disciplined by any jurisdiction in which I hold or have held a license to practice law, and I am not currently the subject of disciplinary proceedings in any such jurisdiction.
2. I have appeared before the Pennsylvania Public Utility Commission on several occasions prior to 2007. Since 2007 I have not appeared *pro hac vice* before the Pennsylvania Public Utility Commission.
3. I have never been denied permission to appear *pro hac vice* before the Pennsylvania Public Utility Commission or any Pennsylvania court.
4. In my representation before the Pennsylvania Public Utility Commission, 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.
5. 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 sought.
6. I consent to the appointment of my sponsor (Ward Smith, 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.

I, Thomas Carl Watson, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter if required to do so. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: February 24, 2016

Signature: 

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PRO HAC VICE ADMISSION OF THOMAS CARL WATSON
VERIFIED STATEMENT OF WARD L. SMITH (SPONSOR)**

1. I am acting as sponsor for the *pro hac vice* admission of Thomas Carl Watson to appear before the Pennsylvania Public Utility Commission in this matter.
2. I have known Mr. Watson personally and professionally for 30 years, and practiced law with him for seven years involving hundreds of individual matters. I believe him to be a reputable and competent attorney, and that I am in a position to recommend Mr. Watson's admission *pro hac vice*. Mr. Watson has more than 40 years' experience with litigation involving claimed health effects of power frequency fields, and more than 20 years' experience with litigation involving claimed health effects of radio frequency fields.
3. I am sponsoring Mr. Watson's admission *pro hac vice* in a series of ongoing cases at the Pennsylvania Public Utility Commission involving claimed health effects from radio frequency fields associated with Advanced Meter Infrastructure meters, as follows:

Susan Kreider v. PECO, C-2015-2469655
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Maria Povacz v. PECO, C-2015-2475053
Barbara and Charles Tucker v. PECO, C-2015-2515592

Other than the cases set forth above, I am not currently acting as the sponsor for any *pro hac vice* candidates in any proceeding in Pennsylvania.

4. To the extent that the proceeds from any settlement in this matter is received by PECO, those proceeds will be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct.

I, Ward Smith, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter if required to do so. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: Feb 24, 2016

Signature: Ward L. Smith

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ELMORE W. POLITE :
Complainant :
v. : DOCKET NO. F-2015-2514570
: :
PECO ENERGY COMPANY :
Respondent :

CERTIFICATE OF SERVICE

I, Ward Smith, hereby certify that I have this day served a copy of PECO Energy Company's Motion to Admit Counsel Pro Hac Vice in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Elmore W. Polite
3739 Fairmount Avenue
Philadelphia, PA 19104

Dated at Philadelphia, Pennsylvania, February 24, 2016.



Ward Smith
Assistant General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
Tel: (215) 841-6863