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July 16, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Alexia McKnight v. PECO Energy Company
Docket No. C-2017-2621057

Dear Secretary Chiavetta:

PECO's *Motion to Admit Counsel Pro Hac Vice (Watson)* is attached for filing.

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WS/adz
Enclosures

c: Honorable Darlene D. Heep, ALJ
Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALEXIA MCKNIGHT :
Complainant :
v. : DOCKET NO. C-2017-2621057
PECO ENERGY COMPANY :
Respondent :

NOTICE TO PLEAD

To: Alexia McKnight

Pursuant to 52 Pa. §§ 1.22 and 5.61, you may file an Answer to this Motion. If you do not file an Answer the Motion may be decided without further input from you. If you choose to file an Answer, you must serve a copy on PECO's counsel and file a copy with the Commission's Secretary. You must also provide a copy to the Administrative Law Judge.

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

With a copy of the certificate of service to:

Administrative Law Judge Darlene Heep
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia, PA 19107
dheep@pa.gov

Serve any objections and the discovery answers, along with the certificate of service, to

Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
ward.smith@exeloncorp.com

Dated at Philadelphia, PA, July 16, 2018.



Ward L. Smith
Assistant General Counsel
PECO Energy Company
2301 Market Street S23-1
Philadelphia, PA 19103

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|-----------------------|
| Alexia and Lawrence McKnight | : | |
| | : | |
| v. | : | C-2017-2621057 |
| | : | |
| 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. Between 2007 and 2016, he did not appear *pro hac vice* before the Pennsylvania Public Utility Commission. Since 2016, he has been admitted and appeared *pro hac vice* in the matters listed in the accompanying Motion to Admit.
- 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 more than 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.
- Mr. Smith previously sponsored 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. Mr. Watson appeared¹ as follows:

- *Susan Kreider v. PECO*, C-2015-2469655 (admission granted over objection)
- *Laura Sunstein Murphy v. PECO*, C-2015-2475726 (admission granted without objection)
- *Maria Povacz v. PECO*, C-2015-2475053 (admission granted without objection)
- *Mary Paul v. PECO*, C-2015-2475355 (admission granted without objection)
- *Cynthia Randall and Paul Albrecht v. PECO*, C-2016-2537666 (admission granted without objection)
- *Catherine Frompovich v. PECO*, C-2015-2474602 (admission granted without objection)
- *Mendez-Quigley v PECO*, C-2017-2617558 (request pending)
- *Caesar v PECO*, C-2015-2475355 (request pending)

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).

¹ Mr. Watson was also admitted, *pro hac vice* without objection, in three other cases in which hearings did not occur and thus Mr. Watson did not appear on behalf of PECO. *Barbara and Charles Tucker v. PECO*, C-2015-2515592; *Elmore Polite v. PECO*, F-2015-2514570; *Stephen and Diane Van Schoyck v. PECO*, C-2015-2478239.

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.*
9. Motions for admission *pro hac vice* are typically made during the early stages of a proceeding. However, as noted above, beginning in March 2017 Mr. Watson appeared on behalf of PECO in a series of AMI/health cases, in which the Motions to allow his *pro hac vice* appearance were unopposed. Through inadvertence and oversight, PECO counsel thus did not file a *pro hac vice* Motion in the instant case. However, the docket in this matter is still open, and PECO respectfully submits that it remains within the sound discretion of the presiding officer to grant the requested *pro hac vice* Motion.
10. Pennsylvania courts and the Commission have allowed *pro hac vice* admission to occur late in the litigation process, sometimes referring to this as admission on a *nunc pro tunc* basis. For example, the Philadelphia Court of Common Pleas has a standard form for filing *nunc pro tunc* motions; and a Motion *pro hac vice* is included on that form list as one of the motions that may be so filed.

See <https://www.courts.phila.gov/pdf/forms/civil/Motion-to-File-Nunc-Pro-Tunc.pdf>.

See also *Varner v Roberts*, 1988 Pa. Dist. & Cnty. Dec. LEXIS 274 (Complaint filed by out-of-state attorney who was not admitted *pro hac vice* was amendable by later filing).

In a 2006 Duquesne Light base rate case, the Commission's granted all motions for *pro hac vice* admission *nunc pro tunc* in the Order accepting a settlement and closing the

docket. See *PaPUC v Duquesne Light Company*, R-0061346 (December 1, 2006)

(Ordering Paragraph 2: “That all motions *pro hac vice* are granted *nunc pro tunc*.”)

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 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 more than 30 years, and practiced law with him for seven years involving hundreds of individual matters. Mr. Watson is a reputable and competent attorney, and 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 Mr. Watson's sponsor in a series of ongoing cases at the Pennsylvania Public Utility Commission, listed in the accompanying Motion to Admit Pro Hac Vice, each of which involves claimed health effects from radio frequency fields associated with Advanced Meter Infrastructure meters. Based on work together in those cases, I can further attest that Mr. Watson is a reputable and competent attorney.
4. I am also a sponsor of Mr. Watson's law partner, Curtis Renner, in one of the AMI cases listed in the accompanying Motion.
5. Other than the cases listed in the accompanying Motion, I am not currently acting as the sponsor for any *pro hac vice* candidates in any proceeding in Pennsylvania.
6. 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: July 16, 2018

Signature: Ward L Smith

**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 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 numerous occasions prior to 2007. Since 2016 I have been admitted to appear *pro hac vice* before the Commission in the cases listed in the accompanying Motion.
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: July 16, 2018

Signature: _____



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Alexia McKnight :
 :
 v. : Docket No. C-2017-2621057
 :
 PECO Energy Company :

CERTIFICATE OF SERVICE

I, Ward L. Smith hereby certify that I served a copy of PECO Energy Company's ***Motion to Admit Counsel Pro Hac Vice*** in the above matter, upon all interested parties via email and overnight delivery to:

Alexia McKnight
258 Heyburn Road
Chadds Ford, PA 19317
Alexia@mcknightinsight.com

Dated: July 16, 2018



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