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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 (Renner)* 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 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


Ward L. Smith
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Phone: (215) 841-6863
Fax: 215.568.3389
Ward.Smith@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alexia and Lawrence McKnight

v.

PECO Energy Company

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C-2017-2621057

**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 Curtis S. Renner, 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. Renner – 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. Renner's verified statement states that:

- He is a member in good standing fo the Bar of the District of Columbia, and is admitted to practice before the District Courts in the District of Columbia and Maryland. He was admitted to the Massachusetts Bar in 1988 (currently inactive). 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 over the past 10 years, primarily in matters related to electric and/or magnetic fields and/or radiofrequency fields. prior to 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 Curtis S. Renner to appear before the Pennsylvania Public Utility Commission in this matter.
 - He has known Mr. Renner personally and professionally for more than 25 years, and practiced law with him for four years involving hundreds of individual matters. Mr. Smith states that he believes Mr. Renner to be a reputable and competent attorney, and that he is in a position to recommend Mr. Renner's admission *pro hac vice*. Mr. Renner has more than 25 years' experience with litigation involving claimed health effects of power frequency fields, and more than 15 years' experience with litigation involving claimed health effects of radio frequency fields.
 - 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. Renner 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. Renner 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, just before hearing in this matter Complainants expanded their witness list, requiring additional resources for the PECO litigation team. Mr. Renner filled that role and spoke briefly at the evidentiary hearing. 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 later 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).

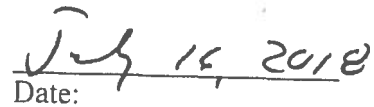
In a 2006 Duquesne Light base rate case, the Commission's granted all motions for *pro hac vice* admission *nunc pro tunc* in the Order accepting a settlement and closing the docket. *See PaPUC v Duquesne Light Company*, R-0061346 (December 1, 2006) (Ordering Paragraph 2: "That all motions *pro hac vice* are granted *nunc pro tunc*."

PECO therefore respectfully requests that its Motion to Admit Curtis S. Renner 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 CURTIS S. RENNER
VERIFIED STATEMENT OF WARD L. SMITH (SPONSOR)**

1. I am acting as sponsor for the *pro hac vice* admission of Curtis S. Renner to appear before the Pennsylvania Public Utility Commission in this matter.
2. I have known Mr. Renner personally and professionally for more than 25 years, and practiced law with him for four years involving hundreds of individual matters. Mr. Renner is a reputable and competent attorney, and I am in a position to recommend Mr. Renner's admission *pro hac vice*. Mr. Renner has more than 25 years' experience with litigation involving claimed health effects of power frequency fields, and more than 15 years' experience with litigation involving claimed health effects of radio frequency fields.
3. I am also a sponsor of Mr. Renner's law partner, Thomas Carl Watson, in a series of ongoing cases at the Pennsylvania Public Utility Commission.
4. Other than the *pro hac vice* admissions addressed above, I am not currently acting as the sponsor for any *pro hac vice* candidates in any proceeding in Pennsylvania.
5. 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 CURTIS S. RENNER
VERIFIED STATEMENT OF CURTIS S. RENNER (CANDIDATE)**

1. My name is Curtis S. Renner. I am licensed to practice law in the District of Columbia and my bar license number is 446187. I am also admitted to practice before the U.S. District Courts in the District of Columbia and Maryland. I was admitted to the Massachusetts Bar in 1988 (currently inactive). 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 a number of occasions over the past 10 years, including a recent series of cases representing Pennsylvania Power & Light related to radiofrequency fields from Advanced Meter installation meters.
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, Curtis S. Renner, 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: 7/16/18

Signature: 