

Via e-filing

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

August 5, 2018

Re: Patti Lynn Caesar vs. Peco Energy Company
Docket No. C-2017-2605462

Dear Ms. Chiavetta,

Patti Lynn Caesar's Answer to PECO's Motion to Admit Counsel Pro Hac Vice, in the above matter, is attached for filing.

Sincerely,

A handwritten signature in cursive script that reads "Patti Lynn Caesar".

Patti Lynn Caesar, pro se
212 Williamsburg Road
Ardmore, PA 19003
610-809- 1079
passiflora225@gmail.com
PLC Enclosures

cc: Honorable Darlene D. Heep, ALJ
Attorney Ward L. Smith, Counsel for PECO Energy Company
Certificate of Service

Before the
Pennsylvania Public Utility Commission

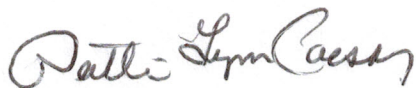
Patti Lynn Caesar, :
Complainant, :
v. : Docket No. C-2017-2605462
PECO Energy Company, :
Respondent :

CERTIFICATE OF SERVICE

I, Patti Lynn Caesar, pro se, hereby certify that on August 5, 2016, I served a copy of my answer to PECO Energy Company's Motion to Admit Counsel Pro Hac Vice, in the above matter, upon all interested parties via email and mail delivery to:

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

August 5, 2018


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212 Williamsburg Road
Ardmore, PA 19003
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Patti Lynn Caesar,	:	
Complainant,	:	
v.	:	Docket No. C-2017-2605462
 PECO Energy Company,	 :	
 Respondent	 :	

Patti Lynn Caesar’s Answer to PECO Energy Company’s

Motion to Admit Counsel Pro Hac Vice

On July 16, 2018, PECO made a motion, pursuant to 52 Pa. Code 1.22(b), to admit Thomas Carl Watson, Esquire to appear Pro Hac Vice in this matter. This Pa Code (1.22b) states: “An attorney not licensed in this Commonwealth may appear before the Commission in accordance with the Pennsylvania Bar Admission Rules.”

I, Patti Lynn Caesar, am asking the PUC Court, and Administrative

Law Judge, the Honorable Darlene Heep, to deny PECO’s Motion to Admit Tom Watson, pro hac vice nunc pro tunc in my matter. In support of this request, I am providing the following arguments:

Under 1, 2, 3, in their motion, PECO cites the rules in accordance with the Pennsylvania Bar Admission for Attorney Ward Smith to be the sponsor for Attorney Thomas Carl Watson.

- 1) PECO has been using the Washington DC law firm of Attorney Renner and Attorney Watson as tag teams for multiple PECO smart meter cases. Attorney Renner has been admitted Pro Hac Vice in multiple PPL cases and Attorney Watson has been admitted pro Hac Vice in multiple PUC cases as well.
- 2) I object to PECO's motion because under 301 Admission of Pro Hac Vice of PA Rules of Bar Examiners, (ii) "The motion for the applicant's candidacy for Pro Hac Vice admission shall be filed by the sponsor with the clerk of the court in which or with the magisterial district judge before which the case is pending at least three days prior to the appearance before the court or magisterial district judge by the attorney, barrister, or advocate seeking pro hac vice admission." My Evidentiary hearing was held on February 22, 2018 and Attorney Thomas Carl Watson was then admitted illegally to appear before the commission at my hearing because a Pro Hac Vice motion was not filed at that time. Attorney Ward Smith, the "sponsor," is attempting to introduce Attorney Watson to appear before the Commission in my case Five Months after my evidentiary hearing. This violates PA code and PA Bar admission rules.
 - a) Furthermore, PECO recently filed two other Pro Hac Vice motions retroactively (3 months after the hearing) in the pro se case of James Quigley and Teresa Méndez-Quigley v. PECO Energy Company Docket No. C-2017-2617558 (for attorney Watson) and in the pro se case of McKnight and McKnight v. PECO Energy Company Docket No. C-2017-2621057 (again -3 months after testimony and to admit Attorney Renner). Both of these complainants are asking the PUC to deny PECO's motion to admit Watson and Renner Pro Hac Vice.

b) There have been many Pro Hac Vice cases file with Attorneys Watson and Renner too numerous to mention. Some examples include

*Susan Kreider (now deceased) C-2015-2469655 P-2015-2495064 (Hearing Held 7/29/15 and Pro Hac Vice motion on 2/24/16). Opposition was made by Ms. Kreider.

* Maria Povacz C-2015-2475023 (Hearing held 9/14/16 and Pro Hac Vice Motion on 2/24/16)

* Laura Murphy C-2015-2475726 (Hearing held 12/5/16 and Pro Hac Vice Motion on 2/24/16)

* C. Frompovich C-2015-2474602 (Hearing held 11/2/16 and Pro Hac Vice 5/11/16)

* Cynthia Randall & Paul Albrecht C-2016-2537666 (Hearing held 9/26/16 And Pro Hac Vice 5/11/16)

* Mary Paul C-2015-2475355 (Hearing held 11/15/16 and Pro Hac Vice 5/11/16)

* Janette Bachman C-2017-2623504 (Hearing held 4-10-18) Pro Hac Vice For Attorney Renner and Watson were never filed but Watson and Renner Appeared in that case without PA admission. Just because the Bachmans Settled with PECO in June, 2018 does not expunge the actions of PECO and Renner and Watson for appearing as counsel without a PA admission.

3) Under #4 in PECO's motion to admit Attorney Watson Pro Hac Vice, Attorney Smith states that "Attorney Watson has appeared before the PA PUC on numerous occasions prior to 2007. Between 2007 and 2016, he did not appear pro hac vice before the PA PUC. Since

2016, he has been admitted and appeared pro hac vice in the matters listed in the accompanying Motion to Admit.” I argue that the more recent cases cited by Attorney Smith (I am not familiar with the 2007 cases) are all (except one) pro se cases of EHS customers (myself included) who are requesting medical accommodations to have analog meters (and not smart meters). Increasing legal representation by non PA practicing attorneys Watson and Renner is the equivalent of including attorneys who are practicing law without a PA license in these sensitive cases. Many of us representing ourselves have not been aware, until now, that PECO was stepping outside of legal boundaries to try to get our cases dismissed by introducing non-PA attorney’s who always presented the expert witnesses of Dr. Israel and Dr. Davis. Pro se complainants have, frankly, not been aware of their rights about opposing pro hac vice motions.

- 4) Under #9, Attorney Smith states in his motion that “Motions for admission pro hac vice are typically made during the early stages of a proceeding.” Actually, legally, this should be made 3 days before the hearing. Attorney Smith states that “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.” Do you call three cases of seeking motions 3-5 months after the evidentiary hearing “unopposed?” All three of these complainants (myself, McKnights, and Mendez-Quigley all cited above) are opposing this motion by PECO. Do you call the case of a deceased Complainant “unopposed” (of which the Kreider case was definitely opposed). In the Bachman case (as cited above), how can complainants oppose a pro hac vice motion that was never filed (and this happened prior to their settling their case with PECO). This statement by Attorney Smith is absolutely untrue and obfuscates the truth of these cases.
- 5) Under #10 in Attorney Smith’s motion, he states “Pennsylvania courts and the Commission have allowed pro hac vice admission to occur late in the litigation process...” However, I am

asking the PUC to deny Attorney Watson's admission pro hac vice based on the frequency of his work in Pennsylvania and the work of his tag team partner Attorney Renner. In Rule 1012.1

"the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors"
(<https://www.pacode.com/secure/data/231/chapter1000/s1012.1.html>) (e)
(5))(emphasis added)

"The Arkansas Supreme Court's overhaul of its rule governing pro hac vice admission creates a new bright-line test and increases scrutiny of non-resident lawyers. Courts shall deny a pro hac motion if the non-resident attorney has entered an appearance pro hac vice in three cases within the preceding 12 months. The rule includes new terms giving the trial court the right to examine the non-resident attorney, wherein the court may deny the pro hac motion for reasons including good cause." (New Pro Hac Vice Rule Increases Scrutiny of Non-Resident Lawyers Christina M. Jordan – July 25, 2017)

Also, in a 2014 case in Ohio (State ex rel. Hadley v. Pike), if a lawyer is not admitted pro hac vice, whatever the lawyer did gets thrown out, even if the lawyer is subsequently admitted pro hac vice.

6) Finally, I am asking the PUC to consider the following:

§ 5.431. Close of the record.

(a) The record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.

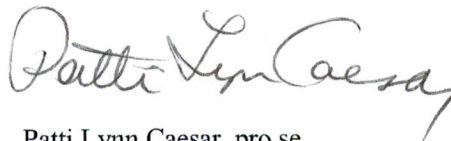
(b) After the record is closed, additional matter may not be relied upon or accepted into the record unless allowed for good cause shown by the presiding officer or the Commission upon motion.

The record should have been closed at the conclusion of my hearing. All the testimony and exhibits have been presented. The record is closed. A pro hac vice motion cannot be presented 5 months after my hearing has been closed. Courts have to do what is fair to the parties. It is NOT fair to you to allow peco to reopen the record to admit Watson pro hac vice in my case.

I, Patti Lynn Caesar, therefore respectfully request that you deny PECO's Motion to Admit Thomas Carl Watson to appear as counsel for PECO, pro hac vice.

Thank you for your consideration.

Respectfully submitted,



Patti Lynn Caesar, pro se

212 Williamsburg Road

Ardmore, PA 19003

Passiflora225@gmail.com

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