

JAMES & TERESA MENDEZ-QUIGLEY
401 Longfield Road, Erdenheim, PA 19038

July 24, 2018

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

Re. James Quigley and Teresa Méndez-Quigley v. PECO Energy Company
Docket No. C-2017-2617558

Dear Secretary Chiavetta:

We, the complainants, have received PECO's Motion to Admit Counsel Pro Hac Vice on July 17, 2018. As the record indicates, we are non-lawyers and working on this without the assistance of an attorney due to financial inability to hire legal representation. As such, we are not familiar with the legal practices used by the PUC or any other Court.

Ward Smith, PECO legal counsel, knows this and yet continues to obfuscate the rules so that it makes it more challenging to us. With an eight (8) year old child we are raising and work responsibilities, we do not have the time and/or the means to address or research the legal wrangling. We ask that the PUC – with emphasis on "Public" – make this process accessible to those who are in similar circumstances.

Attached is our Answer to this Motion.

Very truly yours,


James Quigley


Teresa Méndez-Quigley

cc: Honorable Darlene D. Heep, Administrative Law Judge
Ward L. Smith, PECO Counsel

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PA PUC
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**BEFORE THE
PA PUBLIC UTILITY COMMISSION**

James Quigley & Teresa Méndez-Quigley

v.

Docket No. C-2017-2617558

PECO Energy Company

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Quigley's Answer To PECO's Motion To Admit Counsel Pro Hac Vice

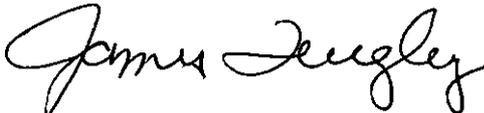
James Quigley and Teresa Méndez-Quigley respectfully ask the PUC Court, and Administrative Law Judge, the Honorable Darlene Heep, to deny PECO's Motion to Admit Tom Watson, pro hac vice nunc pro tunc in our matter. In support of this request, we respond as follows:

1. While the PUC's procedural rules allow an "attorney not licensed in the Commonwealth" to appear before the PUC, neither Ward Smith nor Tom Watson have complied with the PA Bar Admission Rules, to which PECO refers in its Motion.
2. PECO cites the PA Bar Admission Rules for pro hac vice admission, which require Attorney Tom Watson to be admitted at least 3 days before our hearing, yet PECO's counsel, Ward Smith, is obfuscating said Rules.
3. PECO's verified statements clearly show that a personal and fiduciary relationship exist between PECO's counsel and Tom Watson, to which the complainants are placed in a disadvantage and which is not equably applied.
4. Tom Watson has appeared before the PUC on numerous occasions since 2016, as admitted by Ward Smith in his motion to admit Watson yet another time, even after the hearing was over and the record was closed. PECO and Ward Smith continue to circumvent the requirement to practice with a PA license in Pennsylvania and pay said dues to the Commonwealth. PECO's counsel admits that Mr. Watson has had ample time to obtain a PA license to practice law in Pennsylvania but relies on pro hac vice to circumvent this requirement.
5. PECO's counsel lists the times that the PUC has admitted Watson pro hac vice but does not indicate the timing of this and how it was slipped in to deny due process to the complainants, many whom are pro se. Previous case law cited by PECO in pro hac vice nunc pro tunc has no bearing on this case because that case is different and distinguishable from the Complainants. That case involved a settlement agreement with utilities about rate making. It did not involve a hearing and health issues of a customer. And there is no reason that if that nunc pro tunc pro hac vice was granted (that PECO should be able to cite this as precedent in our formal complaint. PECO cites absolutely no PA court case law admitting an out of state lawyer pro hac vice nunc pro tunc in a case where the hearing has been concluded. We believe PECO did not cite any PA court case for a pro hac vice nunc pro tunc being granted because none exists.
6. PECO counsel says that Ward Smith is not currently acting as the sponsor for any pro hac vice candidates in any proceeding in Pennsylvania; however, he does not clarify that other PECO counsel are sponsoring Mr. Watson's partner, Renner, in other proceedings in PA. and Ward Smith did not act as a sponsor for Watson in our hearing because he could not have; he never filed a pro hac vice motion for him to act as a sponsor for Watson in our hearing until months after the hearing was held.

7. The PUC should not allow blanket pro hac vice in all complaints for the same out of state DC lawyers Watson and Renner. Further, the PUC certainly should not allow pro hac vice motions to be granted after a hearing has taken place and the record has been closed for months. At the Initial Hearing, PECO argued that the complainants had ample time to prepare for the Initial Hearing and that the Initial Hearing must take place as scheduled (April 17 & 18, 2018). We counter at this time, that PECO counsel had ample time and resources to submit a pro hac vice prior to or at the Initial Hearing.
8. PECO counsel admits that "through inadvertence and oversight, PECO counsel did not file a pro hac vice Motion in the instant case" despite having numerous resources, staffing, and legal training. PECO counsel fiercely opposed delaying our Initial Hearing when it became evident to the Honorable Judge Heep that the complainants were not in a position to proceed with it. PECO's negligence to file early in the proceedings, in respect of the law, should not be cause for admitting this Motion after the hearing has taken place.
9. The Hearing has been held and the exhibits were presented in April. To request and receive the pro hac vice more than three (3) months after the Initial Hearing is another way in which PECO counsel is attempting to circumvent the rules, especially when complainants are pro se. The Brief was due in July (complainants asked for an extension only due to being away for a family wedding), the Motion for pro hac vice should be inadmissible and must be denied.
10. The PUC should not admit Watson pro hac vice because the Initial Hearing has ended and Teresa's health is at stake. It would be inequitable to the complainants to admit Watson pro hac vice in this case at this time especially. This is against the PA rules for admitting an out of state lawyer pro hac vice. The Honorable Judge Heep heard at the Initial Hearing the testimony of complainants and PECO months ago. PECO should not be able to reopen the record, which goes against PA law, for Watson to be admitted pro hac vice nunc pro tunc.
11. PECO counsel does not show good cause to reopen the record.
12. Further, to admit pro hac vice at this late stage goes against the PA statutes.

The Quigley's therefore respectfully request that the pro hac vice nunc pro tunc Motion be disallowed to ensure fairness to the complainants.

Respectfully submitted,


James Quigley


Teresa Méndez-Quigley

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PA PUBLIC UTILITY COMMISSION**

James Quigley & Teresa Mendez-Quigley

v.

Docket No. C-2017-2617558

PECO Energy Company

CERTIFICATE OF SERVICE

We, James Quigley and Teresa Méndez-Quigley, hereby certify that we have this day served a copy of evidence via US mail to:

Ward L. Smith, Esquire
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699

Dated at Philadelphia, PA, July 24, 2018



James Quigley



Teresa Méndez-Quigley

401 Longfield Road
Erdenheim, PA 19038

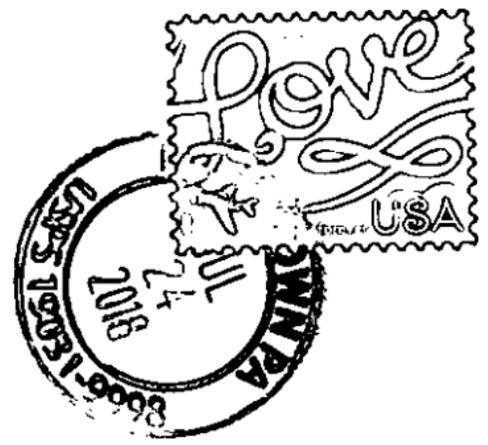
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