

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

August 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

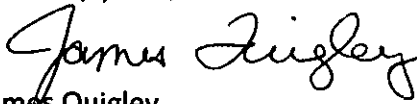
Dear Secretary Chiavetta:

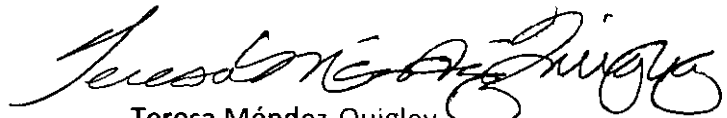
We, the complainants, have received the Order on the motion to admit counsel pro hac vice, dated August 17, 2018.

We, the complainants, submit this motion and application for leave to bring an interlocutory appeal of the PUC's order dated August 17, 2018.

Attached is our Motion.

Sincerely yours,


James Quigley


Teresa Méndez-Quigley

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

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**BEFORE THE
PA PUBLIC UTILITY COMMISSION**

James Quigley & Teresa Méndez-Quigley

v.

Docket No. C-2017-2617558

PECO Energy Company

**MOTION AND APPLICATION FOR LEAVE TO BRING AN INTERLOCUTORY APPEAL
OF THIS COURT'S ORDER DATED AUGUST 17, 2018**

Complainants James Quigley and Teresa Méndez-Quigley, pursuant to this Court's order dated August 17, 2018, ask this Court for leave to file an interlocutory appeal of the Court's August 17, 2018 order.

The Complainants respectfully ask the PUC Court to admit this motion and application for leave to bring an interlocutory appeal.

Administrative Law Judge, the Honorable Darlene Heep, granted PECO's Motion to Admit Tom Watson, Pro Hac Vice Nunc Pro Tunc on August 17, 2018. The Complainants affirm that they agree in part and disagree in part and affirm that the whole cannot stand.

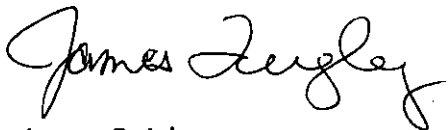
1. In her decision, ALJ Heep references PA Rules of Civil Procedure §1012.1 and 204 Pa. Code § 81.501 et seq, wherein it states that (if) the court finds good cause for denial. "(e)(1) the admission may be detrimental to the prompt, fair and efficient administration of justice." The Complainants disagree because their case and this decision are not "prompt, fair and efficient" given the delay by PECO counsel in filing the Pro Hac Vice.
2. Judge Heep states that the record has not yet closed in this matter. The Complainants disagree because, for all intents and purposes, it has indeed been closed since the Briefs have been filed and there will not be a further trial.
3. Judge Heep further found that "the Complainants are correct – the motion was filed after the hearing was held and not three days prior to the hear as indicated in 204 Pa. Code Rule 301." The Complainants agree with Judge Heep in that they are correct, and therefore move for this order to admit Watson more than three months after the Initial Hearing to be overturned.
4. Judge Heep points out that Watson has been involved with at least 8 cases brought before the PUC court. The Complainants agree that Watson was not the lead counsel; however, the Complainants note that he has appeared in court, presented expert witnesses and questioned these witnesses since 2016. The Complainants disagree that Watson should be admitted in this case. Watson has had sufficient time to procure and secure a PA license to practice law in this state.

5. Judge Heep adds that "The failure to file the Pro Hac Vice Motion prior to the hearing appears to be an oversight rather than a deliberate act." The Complainants disagree given that this is not the only case in which PECO counsels have failed to promptly file a Pro Hac Vice. It is disingenuous for PECO counsel to say that it was an oversight when Ward has "over 30 years" experience as an attorney and has repeatedly failed to expeditiously file said motion prior to any Initial Hearing addressing objections to the installation of Smart Meters. Further, the Complainants opine that the very fact that these oversights have happened on several occasions is evident that even with the benefit of good intentions, PECO Counsel is incapable of proper oversight of Watson, an ability that is required for the Pro Hac Vice to be accepted.
6. Additionally, Judge Heep states that "There are no substantive rights of the parties at risk here." The Complainants disagree in that the Complainants bare all the risk and at jeopardy is the right to protect their health and the right to ask for the Court to be fair in this matter, especially as pro se complainants.
7. Judge Heep states that "the error here is a formal, curable one...refrain from elevating form over substance." The Complainants agree that there should not be form over substance. The Complainants, however, feel that the Court is heavily weighted on the side of the electric distribution companies and are fraught with technicalities (form) that are burdensome to pro se complainants.
8. Judge Heep concludes that "there is nothing prejudicial to the Complainants in granting admission Pro Hac Vice Nunc Pro Tunc", yet 8 previous cases before this Court, when complainants have filed objections to this admission, have been granted.

The Complainants want the Nunc Pro Tunc decision overturned as a whole because it is itself in actuality form over substance, the exact opposite of what it purports to be.

The Complainants therefore respectfully request that the Pro Hac Vice Nunc Pro Tunc Order to Admit Watson be Overturned.

Respectfully submitted,



James Quigley



Teresa Méndez-Quigley

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PA PUBLIC UTILITY COMMISSION**

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v.

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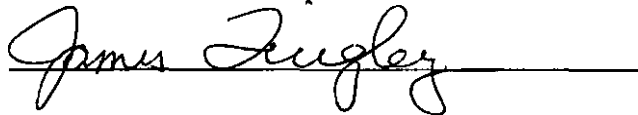
PECO Energy Company

CERTIFICATE OF SERVICE

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

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

Dated at Philadelphia, PA, August 24, 2018

A handwritten signature in cursive script, reading "James Quigley", written over a solid horizontal line.

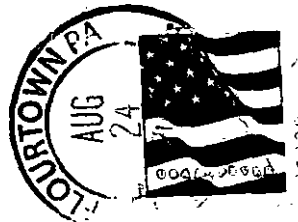
James Quigley

A handwritten signature in cursive script, reading "Teresa Méndez-Quigley", written over a solid horizontal line.

Teresa Méndez-Quigley

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