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October 23, 2018

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

Re: Nancy Colbert v. PECO Energy Company
Docket No. C-2016-2561993

Dear Secretary Chiavetta:

Attached for filing is PECO's *Motion to Admit Counsel Pro Hac Vice*, Thomas Carl Watson, in the above referenced case.

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

NANCY COLBERT :
 Complainant :
 v. : **DOCKET NO. C-2016-2561993**
 : :
PECO ENERGY COMPANY :
 Respondent :

NOTICE TO PLEAD

To: Nancy Colbert

Pursuant to 52 Pa. Code §1.22 and 5.61 you may file an Answer to this Motion. Said Answer is due within 20 calendar days of service of this Motion (In this case, by Monday, November 2, 2018), unless the Presiding Officer sets a different time for your reply.

If you do not file an Answer, this Motion may be granted without further input from you.

You must provide a full copy of any Answer to counsel for PECO, the Commission, and the Presiding Officer.

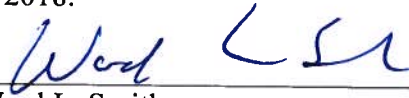
File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:

Administrative Law Judge Darlene Heep
Suite 4063
801 Market Street
Philadelphia, PA 19107

Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, October 23, 2018.



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nancy Colbert	:	
	:	
v.	:	C-2016-2561993
	:	
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)
- *Alexia and Lawrence McKnight v PECO*, C-2017-2621057 (admission granted over objection)
- *Patti Lynn Caesar v PECO*, C-2015-2475355 (admission granted over objection)
- *James and Teresa Mendez-Quigley v PECO*, C-2017-2617558 (admission granted over objection)
- *Ryan Ingham v PECO*, C-2016-2579564 (admission granted without objection)

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

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.

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).

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.*

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: 

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nancy Colbert :
Complainant :
v. : DOCKET NO. C-2016-2561993
:
PECO ENERGY COMPANY :
Respondent :

CERTIFICATE OF SERVICE

I, Ward Smith, hereby certify that I have this day served a copy of PECO Energy Company's Motion to Admit Counsel Pro Hac Vice in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Nancy Colbert
142 Pennsylvania Avenue
Phoenixville, PA 19460

Dated at Philadelphia, Pennsylvania, October 23, 2018.



Ward Smith
Assistant General Counsel
PECO Energy Company
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Philadelphia, PA 19101-8699
Tel: (215) 841-6863