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March 1, 2019

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

Re: Theresa Gavin v. PECO Energy Company
Docket Nos. C-2017-2616249

Dear Secretary Chiavetta:

A copy of PECO's *Motion to Admit Counsel Pro Hac Vice* is attached for filing. A certificate of service evidencing that service 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

Theresa Gavin :
 :
 v. : Docket No. C-2017-2616249
 :
 PECO Energy Company :

NOTICE TO PLEAD

To: Theresa Gavin

If you wish to answer or object to this Motion then, pursuant to 52 Pa. Code §5.103, you must do so within twenty (20) days – in this case, by March 21, 2019. Please note that the Administrative Law Judge has the authority to set a different period to answer or object. If you do not file an answer or objection, this Motion may be decided without further input from you. Any answer or objection must be in writing and filed with:

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
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia, PA 19107
dheep@pa.gov

Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
ward.smith@exeloncorp.com

Dated at Philadelphia, PA, March 1, 2019



Ward L. Smith

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Theresa Gavin :
 :
 v. : Docket No. C-2017-2616249
 :
 PECO Energy Company :

CERTIFICATE OF SERVICE

I, Ward L. Smith hereby certify that on March 1, 2019, 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 overnight delivery to:

Theresa Gavin
8829 Winchester Avenue
Philadelphia, PA 19115

Dated: March 1, 2019



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**

Teresa Gavin	:	
	:	
v.	:	C-2017-2616249
	:	
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. PECO is contemporaneously filing a Petition to Remand for Limited Purposes. As discussed in that Petition, on February 28, 2019, the Commission issued an Order in *Branagh v PECO*, C-2016-2576738, in which it remanded that case for the limited purpose of considering *pro hac vice* admission of PECO’s outside counsel, Thomas Carl Watson.
2. 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).
3. 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*.

4. The requisite verified statements are attached to this Motion.
5. 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 this 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.
6. 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* to assist with the evidentiary hearings 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 on February 29, 2016)
- *Laura Sunstein Murphy v. PECO*, C-2015-2475726 (admission granted without objection on April 4, 2016)
- *Maria Povacz v. PECO*, C-2015-2475053 (admission granted without objection on April 6, 2016)
- *Mary Paul v. PECO*, C-2015-2475355 (admission granted without objection on June 21, 2016)
- *Cynthia Randall and Paul Albrecht v. PECO*, C-2016-2537666 (admission granted without objection on May 18, 2016)
- *Catherine Frompovich v. PECO*, C-2015-2474602 (admission granted without objection on June 21, 2016)
- *Alexia and Lawrence McKnight v PECO*, C-2017-2621057 (admission granted over objection on August 17, 2018)²
- *Patti Lynn Caesar v PECO*, C-2015-2475355 (admission granted over objection on August 15, 2018)
- *James and Teresa Mendez-Quigley v PECO*, C-2017-2617558 (admission granted over objection on August 17, 2018)
- *Janice Denito Branagh v PECO*, C-2016-2576738 (*pro hac vice* Motion filed on March 1, 2019)

¹ Mr. Watson was also admitted *pro hac vice*, without objection, in five other cases in which hearings did not occur and in which Mr. Watson thus 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; *Ryan Ingham v PECO*, C-2016-2579564; *Nancy and James Colbert v. PECO*, C-2016-2561993.

² Mr. Smith also sponsored Mr. Watson's partner, Mr. Curtis Renner, in the *McKnight* case.

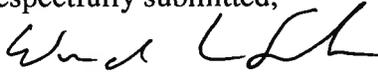
- *Nira and Robert Eckstein v PECO*, F-2017-2601990 (*pro hac vice* Motion filed March 1, 2019)
 - *Teresa Gavin v PECO*, C-2017-2616249 (*pro hac vice* Motion filed March 1, 2019)
 - Other than the cases set forth above, Mr. Smith is not currently acting as the sponsor for any *pro hac vice* candidates 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.
7. 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. Watson to appear *pro hac vice* before the Commission. *See* 204 Pa. Code §81.505(c).
 8. 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.
 9. 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.*
 10. Motions for admission *pro hac vice* are typically made during the early stages of a proceeding. However, as noted above, beginning in March 2017 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. Through inadvertence and oversight, PECO counsel thus did not file a *pro hac vice* Motion in the instant case. In late June 2018 PECO became aware of its oversight, but by that time the Initial Decision had been entered in this matter and the docket had been marked closed, so it could not put a

remediating *pro hac vice* motion before Your Honor. The Commission's *Branagh Order* now provides guidance on a method to make this remediating request.

11. Pennsylvania courts and the Commission have allowed *pro hac vice* admission to occur late 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*."
12. Your Honor has granted similar Motions to admit Mr. Watson *nunc pro tunc* in *Patti Lynn Caesar v PECO*, C-2015-2475355 (admission granted over objection on August 15, 2018); *Alexia and Lawrence McKnight v PECO*, C-2017-2621057 (admission granted over objection on August 17, 2018); and *James and Teresa Mendez-Quigley v PECO*, C-2017-2617558 (admission granted over objection August 17, 2018)

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 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 2007 I have 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 March 1, 2019

Signature: 

**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: March 1, 2019

Signature: Ward L. Smith