



Phillips Lytle LLP

VIA ELECTRONIC FILING

August 18, 2020

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

Re: Docket C-2020-3020973, Michael Zimmerman v. SFE Energy Pennsylvania, Inc.

Dear Secretary Chiavetta,

Enclosed please find the Motion of SFE Energy Pennsylvania, Inc. ("SFE" or "Company") for Admission *Pro Hac Vice* for Thomas F. Puchner in the above-referenced proceeding. Copies have been provided to those indicated on the Certificate of Service.

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson

Enclosure

cc: Certificate of Service

ATTORNEYS AT LAW

GREGORY L. PETERSON, PARTNER DIRECT 716 483 5172 GPETERSON@PHILLIPSLYTLLE.COM

201 WEST THIRD STREET, SUITE 205 JAMESTOWN, NY 14701-4907 PHONE 716 664 3906 FAX 716 664 4230

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLLE.COM

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant, :	
	:	
v.	:	Docket No. C-2020-3020973
	:	
SFE Energy Pennsylvania, Inc.	:	
	:	
	Respondent. :	

MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and Rule 301(b) of the Pennsylvania Bar Admission Rules, I, Gregory L. Peterson, as counsel to SFE Energy Pennsylvania, Inc. (“SFE” or “Company”), hereby move that Thomas F. Puchner be admitted to appear and practice before the Pennsylvania Public Utility Commission *pro hac vice* as counsel to SFE, for all purposes related to the above-referenced proceeding (“Motion”). In support thereof, I, Gregory L. Peterson, hereby state as follows:

1. Pursuant to Section 1.24(b)(1) of the Commission’s regulations, 52 Pa. Code § 1.24(b)(1), I have entered my appearance as counsel for SFE in this proceeding, am an active member of the Bar of the Commonwealth of Pennsylvania (Pa. I.D. No. 23976), and am a Partner of Phillips Lytle LLP, with my principal office located in Jamestown, New York.

2. Thomas F. Puchner is a Partner of Phillips Lytle LLP, whose principal office is located at 30 South Peal Street, Albany NY 12207.

3. Thomas F. Puchner is a 2004 graduate of Vermont Law School. He is a member in good standing of the New York Bar since 2005. Thomas F. Puchner has never been suspended, disbarred, or been the subject of disciplinary proceedings in any state.

4. Thomas F. Puchner has experience and expertise in various aspects of regulatory and energy law, including issues related to utility rate proceedings and retail electric and gas matters, and has appeared in proceedings before state utility commissions and the Federal Energy Regulatory Commission.

5. Wherefore, I, Gregory L. Peterson, respectfully move for admission of Thomas F. Puchner, *pro hac vice*, on behalf of SFE for all permissible purposes related to the above-referenced proceeding.

August 18, 2020

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson
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gpeterson@phillipslytle.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant, :	
	:	
v.	:	Docket No. C-2020-3020973
	:	
SFE Energy Pennsylvania, Inc.	:	
	:	
	Respondent. :	

**VERIFIED STATEMENT OF GREGORY L. PETERSON, SPONSOR OF
THOMAS F. PUCHNER, FOR ADMISSION *PRO HAC VICE***

Pursuant to 52. Pa. Code §§ 1.22(b) and 5.103 and Pa. B.A.R. 301 and Pa. R.C.P. 1012.1, Gregory L. Peterson, a member of the Bar of the Commonwealth of Pennsylvania (Pa. I.D. No. 23976), is moving for the admission *pro hac vice* of Thomas F. Puchner, Esq. in the above-referenced proceeding. In support of the Motion, I, Gregory L. Peterson, submit this verified statement pursuant to Pa. R.C.P. 1012.1:

1. I have had sufficient opportunity to conduct a reasonable investigation regarding Thomas F. Puchner and can state that he is a reputable and competent attorney.

2. I am presently acting as the sponsor for admission *pro hac vice* in nine other cases in this Commonwealth. Five of these are unconsolidated matters involving the same transaction and involve the same court of record. All of the referenced *pro hac*

vice applications were approved. Only three of these matters involve proceedings before the Commission.

3. Any proceeds from the settlement of a cause of action in which the candidate is granted admission *pro hac vice* shall be received, held, distributed, and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

4. I aver 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. Puchner to appear *pro hac vice* in the above-referenced proceeding. See 204 Pa. Code § 81.505(c).

5. I shall remain the attorney of record in this case, as required by the Pennsylvania Rules of Civil Procedure.

6. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information, and belief, and that I would be able to prove the same if a hearing were held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to falsifications to authorities).

August 18, 2020

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson
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Attorney for *SFE Energy Pennsylvania, Inc.*

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant,	:
	:	
v.	:	Docket No. C-2020-3020973
	:	
SFE Energy Pennsylvania, Inc.	:	
	:	
	Respondent.	:

**VERIFIED STATEMENT OF THOMAS F. PUCHNER
FOR ADMISSION *PRO HAC VICE***

Pursuant to 52. Pa. Code §§ 1.22(b) and 5.103 and Pa. B.A.R. 301 and Pa. R.C.P. 1012.1, Gregory L. Peterson, a member of the Bar of the Commonwealth of Pennsylvania (Pa. I.D. No. 23976), is moving for my admission *pro hac vice* in the above-referenced proceeding. In support of the Motion, I submit this verified statement pursuant to Pa. R.C.P. 1012.1:

1. I am admitted to practice in and am a member of good standing in the Bar of New York, having been admitted in 2005. My New York attorney identification number is 4287983.
2. I have never been suspended, disbarred, or otherwise disciplined nor am I currently the subject of any disciplinary proceeding in any state.
3. I have previously applied for admission *pro hac vice* in three other matters before the Commission, all of which were granted and remain in effect and in good

standing. I have not previously applied for admission *pro hac vice* before any court of record Pennsylvania.

4. 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 my appearance in the matter for which *pro hac vice* is being sought.

6. I consent to the appointment of the sponsoring attorney, Gregory L. Peterson, 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.

7. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information, and belief, and that I would be able to prove the same if a hearing were held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to falsifications to authorities).

August 18, 2020

Respectfully submitted,

Phillips Lytle LLP

By *Thomas F. Puchner*

Thomas F. Puchner
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30 South Pearl Street
Albany, NY 12207-1537
Phone: (518) 618-1214
tpuchner@phillipslytle.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

Michael Zimmerman
3812 Howley Street
Pittsburgh, PA 15201
Michael.zimmerman222@gmail.com

August 18, 2020

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

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	:	
	Respondent. :	

NOTICE TO PLEAD

You are hereby notified that a responsive pleading to the enclosed Motion for *Pro Hac Vice* must be filed within twenty (20) days of the date of service. All responsive pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for SFE Energy Pennsylvania, Inc.

File with:

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

With a copy to:

Gregory L. Peterson
PA I.D. No. 23976
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
gpeterson@phillipslytle.com

Due to the COVID-19 pandemic, the Pennsylvania Public Utility Commission is encouraging individuals to eFile documents. Information regarding eFiling with the Commission is available at <https://www.puc.pa.gov/efiling/default.aspx>.

Date: August 18, 2020

Gregory L. Peterson

Gregory L. Peterson
Attorney for *SFE Energy Pennsylvania, Inc.*