

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|--------------------------------------|---|----------------|
| Timothy Guiner and Valerie Patterson | : | C-2024-3050663 |
| Jesse Darlington | : | C-2024-3050779 |
| Matthew Rooke | : | C-2024-3050912 |
| Heather Sekiguchi | : | C-2024-3050923 |
| Marc Blucas | : | C-2024-3050949 |
| Kathleen Ronning | : | C-2024-3050975 |
| Charles Brickman | : | C-2024-3050976 |
| Erin Durnin | : | C-2024-3050979 |
| Carol Spiewak | : | C-2024-3050985 |
| Matthew and Elizabeth Kurteson | : | C-2024-3051002 |
| | : | |
| | : | |
| v. | : | |
| | : | |
| PECO Energy Company | : | |

**ORDER DENYING MOTION FOR ADMISSION *PRO HAC VICE* AND
MOTION FOR PARTICIPATION**

The above-captioned proceedings all concern Complainants who filed Formal Complaints against PECO Energy Company (PECO) concerning the reliability of their electric service. Formal Complaints were filed at each of the above-captioned proceedings on the following dates: August 12, 2024 for C-2024-3050663; August 16, 2024 for C-2024-3050779; August 26, 2024 for C-2024-3050912; August 27, 2024 for C-2024-3050923; August 28, 2024 for C-2024-3050949; August 30, 2024 for C-2024-3050975; August 29, 2024 for C-2024-3050976; August 30, 2024 for C-2024-3050979; August 30, 2024 for C-2024-3050985; and August 29, 2024 for C-2024-3051002.

PECO filed an answer and new matter, as well as preliminary objections, at each of the above-captioned proceedings on the following dates: August 30, 2024 for C-2024-3050663; September 6, 2024 for C-2024-3050779; September 16, 2024 for C-2024-3050912; September 16, 2024 for C-2024-3050923; September 18, 2024 for C-2024-3050949; September 23, 2024 for C-2024-3050975; September 23, 2024 for C-2024-3050976;

September 23, 2024 for C-2024-3050979; September 23, 2024 for C-2024-3050985; and September 24, 2024 for C-2024-3051002. No replies to PECO's new matters or preliminary objections were received.

On October 9, 2024, the Commission issued a motion judge assignment notice, assigning the matter at C-2024-3050663 to me to resolve any issues which may arise during the preliminary phase of this proceeding.

On October 22, 2024, PECO filed at each above-captioned docket a motion to consolidate all of the above-captioned proceedings. No replies to PECO's motion to consolidate were received.

On November 5, 2024, I issued an order, granting PECO's preliminary objections at C-2024-3050663, and referring the proceeding at C-2024-3050663 to mediation.

On November 13, 2024, the Commission issued a motion judge assignment notice, assigning the matters at C-2024-3050779, C-2024-3050912, C-2024-3050923, C-2024-3050949, C-2024-3050975, C-2024-3050976, C-2024-3050979, C-2024-3050985, and C-2024-3051002 to me to resolve any issues which may arise during the preliminary phase of those proceedings.

On November 19, 2024, I issued an order consolidating the above-captioned proceedings, granting PECO's preliminary objections, and referring the consolidated proceeding to mediation.

On January 21, 2025, Timothy Omarzu, who identified himself as a paralegal of Barnes Law, LLP, filed an Entry of Appearance in the above-captioned proceedings (Entry of Appearance).¹

¹ I was not served the Entry of Appearance and only became aware of the Entry of Appearance on April 28, 2025.

On April 30, 2025, I issued an order striking the Entry of Appearance of Timothy Omarzu.

On May 8, 2025, Bradford L. Geyer, Esquire, a member of the Bar of the Supreme Court of Pennsylvania (Attorney ID No. 62998), filed a Motion For Admission *Pro Hac Vice* (*Pro Hac Vice* Motion), requesting that Robert E. Barnes, Esquire, Barnes Law, 700 South Flower Street, be permitted to appear on behalf of several plaintiffs in this proceeding. The *Pro Hac Vice* Motion avers that Mr. Barnes is admitted to practice law in various jurisdictions in the United States, but not in Pennsylvania. On May 13, 2025, Robert E. Barnes, Esquire, filed a Motion to Consider Whether Attorney Robert E. Barnes Can Participate in PUC Proceedings, Including May 15, 2025, Virtual Mediation Damages Session (Motion for Participation),

A party has 20 days from the date of service of the motion within which to answer or object to the motion. 52 Pa. Code § 5.103. On May 29, 2025, counsel for PECO filed an objection to the *Pro Hac Vice* Motion. PECO's objection avers that the *Pro Hac Vice* Motion fails to identify who Mr. Barnes purports to represent; Mr. Geyer did not enter an appearance in the proceeding pursuant to 231 Pa. Code § 1012.1(d)(1); none of the Complainants have identified Mr. Barnes as their counsel; the *Pro Hac Vice* Motion fails to identify the bar license number for admission to the Northern District of Florida; and the *Pro Hac Vice* Motion does not set forth the information required by 231 Pa. Code §§ 1012.1(c)(2) and 1012.1(d)(2).²

For the following reasons, the *Pro Hac Vice* Motion and Motion for Participation are denied.

² On June 5, 2025, Robert Barnes filed a response to PECO's objection. Commission regulations do not allow for responses to responses to motions. 52 Pa. Code § 5.103. Additionally, pleadings should only be submitted by the *pro hac vice* sponsor, not the *pro hac vice* candidate, once *pro hac vice* status is granted. See 231 Pa. Code §§ 1012.1(d)(1). Therefore, this filing was not taken into consideration in issuing this Order. However, it is notable that this filing averred Mr. Barnes represented Marc Blucas, Valerie Patterson and Timothy Guiner, and on June 6, 2025, I received an e-mail from Mr. Blucas, stating that he is in the process of terminating his retainer agreement with Mr. Barnes. I forwarded the e-mail from Mr. Blucas to all parties.

Pro Hac Vice Motion

An attorney not licensed to practice law in the Commonwealth of Pennsylvania may appear before the Pennsylvania Public Utility Commission in accordance with the Pennsylvania Bar Admission Rules. 52 Pa. Code § 1.22(b). Pennsylvania Bar Admission Rules allow an attorney qualified to practice in the courts of another state special admission to the Commonwealth bar for purposes limited to a particular case. Pa. B.A.R. 301(a). To be admitted *pro hac vice*, applicants must satisfy several requirements Pa. B.A.R. 301(b).

The first requirement is that an applicant seeking *pro hac vice* admission shall provide information and pay such fee as is required by Pennsylvania Interest on Lawyer Trust Account (IOLTA) Board regulations. Pa. B.A.R. 301(b)(1). Upon compliance with this first requirement, a member of the Commonwealth bar shall make a motion as a sponsor of the applicant's candidacy for *pro hac vice* admission in accordance with the Pennsylvania Rules of Civil Procedure at 231 Pa. Code § 1012.1. Pa. B.A.R. 301(b)(2)(i).³ Among other things, the Pennsylvania Rules of Civil Procedure require that: the motion aver that the information required by Section 81.504 of the IOLTA regulations has been provided to the IOLTA Board, and either aver that the fee required by IOLTA regulations has been paid or that such fee is not required per IOLTA regulations; the *pro hac vice* candidate set forth the number of pending actions in all courts of record in Pennsylvania in which he has applied for admission *pro hac vice*, and the number of actions in which the motion has been denied, with accompanying explanation; the sponsor enter an appearance as attorney of record in the action on behalf of the party whom the candidate seeks to represent; and the sponsoring attorney include a verified statement. 231 Pa. Code §§ 1012.1(b)(1), 1012.1(c)(2), 1012.1(d)(1), 1012.1(d)(2).

The *Pro Hac Vice* Motion fails to comply with the above requirements. First, the motion fails to aver either whether information required by IOLTA board regulations has been provided, or the fee required by IOLTA board regulations has been paid or is not required. Second, Mr. Barnes' verified statement fails to set forth the number of pending actions in all

³ Pa. B.A.R.(b)(2) includes two additional requirements not relevant to this discussion.

courts of record in Pennsylvania in which he has applied for admission *pro hac vice*, and the number of actions in which the motion has been denied, with accompanying explanation. Third, Mr. Geyer did not enter his appearance in this proceeding. Fourth, the *Pro Hac Vice* Motion does not include a verified statement by Mr. Geyer including the information required at 231 Pa. Code § 1012.1(d)(2).

Pennsylvania Rules of Civil Procedures require the court shall grant a motion for admission *pro hac vice* unless the court, in its discretion, finds good cause for denial. 231 Pa. Code § 1012.1(e). Among other things, good cause includes failure to comply the Pennsylvania Rules of Civil Procedures governing *pro hac vice* admission. 231 Pa. Code § 1012.1 (Official Note). I find good cause exists to deny the *Pro Hac Vice* Motion. For the reasons outlined above, the *Pro Hac Vice* Motion does not comply with Pennsylvania Rules of Civil Procedure because it omits the above required information. This information is essential to evaluation of Mr. Geyer's ability to act as a sponsor and Mr. Barnes' fitness to serve as counsel *pro hac vice*. The importance of this information is illustrated by the following additional grounds serving as good cause to deny a motion for *pro hac vice* admission:

Good cause may include one or more of the following grounds:

- (1) the admission may be detrimental to the prompt, fair and efficient administration of justice,
- (2) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client whom the candidate proposes to represent,
- (3) the client who the candidate proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk,
- (4) the candidate is not competent or ethically fit to practice law,
- (5) the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania

courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors,

(6) the number of cases in all courts of record in this Commonwealth in which the Pennsylvania attorney is acting as the sponsor prohibits the adequate supervision of the candidate,

(7) failure to comply with this rule, or

(8) any other reason the court, in its discretion, deems appropriate.

231 Pa. Code § 1012.1 (Official Note).

The missing information outlined above is necessary to evaluate Mr. Geyer's ability to sponsor Mr. Barnes and the extent and nature of Mr. Barnes' practice of law in Pennsylvania. Without the omitted information outlined above, the motion fails to comply with the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Civil Procedure governing *pro hac vice* admission.

Additionally, the *Pro Hac Vice* Motion is not clear who Mr. Barnes is claiming to represent. As is stated above, this is a consolidated proceeding concerning 10 separate sets of Complainants. The motion for *pro hac vice* admission should specifically identify which Complainants Mr. Barnes is claiming to represent. Relatedly, per the Certificate of Service, the *Pro Hac Vice* Motion was only served on counsel for PECO and Commission Mediator Teri-Lee Rhoades. Commission regulations require that pleadings shall be served upon parties in the proceeding and upon the presiding officer. The *Pro Hac Vice* Motion should have been served to all parties to this proceeding as well as the undersigned. Finally, Commission regulations require motions be accompanied with a notice to plead. 52 Pa. Code § 5.103(b). The *Pro Hac Vice* Motion does not include a notice to plead. These issues serve as additional grounds to deny the motion.

Motion for Participation

Mr. Barnes' Motion for Participation, filed on May 13, 2025, again requests Mr. Barnes be allowed to participate in the above-captioned proceedings and appear on behalf of Complainants in these matters. The Motion for Participation is in essence a second motion for *pro hac vice* admission, and should have been submitted by the *pro hac vice* sponsor, not the *pro hac vice* candidate. 231 Pa. Code §§ 1012.1(b)(1). Similar to the discussion above regarding the *Pro Hac Vice* Motion, the Motion for Participation fails to comply with the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Civil Procedure governing *pro hac vice* admission. Finally, the Motion for Participation does not clearly state which Complainants Mr. Barnes is claiming to represent, was not served on all parties to this proceeding, and does not include a notice to plead. Therefore, the Motion for Participation is denied.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion For Admission *Pro Hac Vice* of Robert E. Barnes, is denied.
2. That the Motion to Consider Whether Attorney Robert E. Barnes Can Participate in PUC Proceedings, Including May 15, 2025, Virtual Mediation Damages Session, is denied.

Date: June 10, 2025

/s/
John M. Coogan
Administrative Law Judge

C-2024-3050663, C-2024-3050779, C-2024-3050912, C-2024-3050923, C-2024-3050949, C-2024-3050976, C-2024-3050975, C-2024-3050985, C-2024-3050979, C-2024-3051002 - IN RE: COMPLAINTS AGAINST PECO ENERGY: COMPANY'S RELIABILITY IN SOLEBURY: TOWNSHIP

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