

# JOE F. CHILDERS & ASSOCIATES

ATTORNEYS AT LAW  
THE LEXINGTON BUILDING

201 West Short Street, Suite 300  
Lexington, Kentucky 40507

Telephone: (859) 253-9824  
Facsimile: (859) 258-9288

Joe F. Childers, Esquire  
joe@jchilderslaw.com

May 23, 2013

RECEIVED

Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

MAY 24 2013  
PUBLIC SERVICE  
COMMISSION

RE: In the Matter of: MOTION FOR ADMISSION *PRO HAC VICE*  
APPLICATION OF BIG RIVERS ELECTRIC CORPORATION, INC.  
Case No. 2012-00535

Dear Mr. Derouen:

Please find enclosed for filing the original and eleven (11) copies of the Applicant's Motion for Admission *Pro Hac Vice* in the above referenced case.

At your earliest convenience, please file the Motion with the Commission and return a stamped copy in the enclosed self-addressed envelope.

Thank you for your attention to this matter.

Yours truly,



Joe F. Childers

JFC/sh

RECEIVED

MAY 24 2013

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: )  
)  
APPLICATION OF BIG RIVERS )  
ELECTRIC CORPORATION, INC. )  
FOR AN ADJUSTMENT OF RATES )

CASE NO. 2012-00535

MOTION FOR ADMISSION PRO HAC VICE

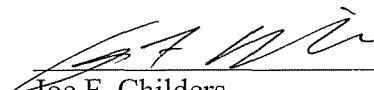
COME the Intervenors Ben Taylor and Sierra Club (collectively "Intervenors"), by and through counsel, and hereby move for the admission *pro hac vice* of Thomas J. Cmar as counsel for said Intervenors. Mr. Cmar's business address is 5042 North Leavitt Street, Suite 1, Chicago, Illinois 60625.

Attached hereto as Exhibit A is the Kentucky Bar Association out-of-state certification form certifying that Mr. Cmar has paid the fee for admission required by SCR 3.030(2). Mr. Cmar is a member in good standing of the State Bar of New York (NY Bar No. 4289443) and the State Bar of Illinois (IL Bar No. 6298307), and is not under suspension or disbarment from any bar. Mr. Cmar has not previously been admitted to practice before this Commission.

WHEREFORE, the Commission is hereby requested to enter an Order permitting Mr. Cmar to appear *pro hac vice* in this case.

Dated: May 23, 2013

Respectfully submitted,

  
\_\_\_\_\_  
Joe F. Childers  
JOE F. CHILDERS & ASSOCIATES  
300 Lexington Building  
201 West Short Street  
Lexington, Kentucky 40507  
P: 859-253-9824  
F: 859-258-9288  
[childerslaw81@gmail.com](mailto:childerslaw81@gmail.com)

**CERTIFICATE OF SERVICE**

I certify that I mailed a copy of the foregoing Motion for Admission Pro Hac Vice and Proposed Order by US Mail on May 23, 2013 to the following:

Mark A Bailey  
President CEO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

Burns E Mercer  
Manager  
Meade County R.E.C.C.  
P. O. Box 489  
Brandenburg, KY 40108-0489

Honorable Thomas C Brite  
Attorney At Law  
Brite & Hopkins, PLLC  
83 Ballpark Road  
P.O. Box 309  
Hardinsburg, KENTUCKY 40143

Honorable James M Miller  
Attorney at Law  
Sullivan, Mountjoy, Stainback & Miller,  
PSC  
100 St. Ann Street  
P.O. Box 727  
Owensboro, KENTUCKY 42302-0727

David Brown  
Stites & Harbison, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KENTUCKY 40202

G. Kelly Nuckols  
President & Ceo  
Jackson Purchase Energy Corporation  
2900 Irvin Cobb Drive  
P. O. Box 4030  
Paducah, KY 42002-4030

Jennifer B Hans  
Assistant Attorney General's Office  
1024 Capital Center Drive, Ste 200  
Frankfort, KENTUCKY 40601-8204

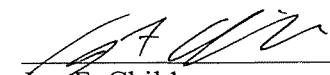
Billie J Richert  
Vice President Accounting, Rates & CFO  
Big Rivers Electric Corporation  
201 Third Street  
Henderson, KY 42419-0024

J. Christopher Hopgood  
Dorsey, King, Gray, Norment & Hopgood  
318 Second Street  
Henderson, KENTUCKY 42420

Donald P Seberger  
Rio Tinto Alcan  
8770 West Bryn Mawr Avenue  
Chicago, ILLINOIS 60631

Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

Melissa D Yates  
Attorney  
Denton & Keuler, LLP  
555 Jefferson Street  
P. O. Box 929  
Paducah, KENTUCKY 42002-0929

  
\_\_\_\_\_  
Joe F. Childers

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: )  
)  
APPLICATION OF BIG RIVERS )  
ELECTRIC CORPORATION, INC. )  
FOR AN ADJUSTMENT OF RATES )

CASE NO. 2012-00535

**ORDER**

On May 24, 2013, Joe F. Childers, an attorney licensed to practice law in the Commonwealth of Kentucky, who is representing Intervenor Sierra Club, moved the Commission to admit *pro hac vice* Thomas J. Cmar, an attorney whose office is in the state of Illinois, to practice law before the Commission in this case on behalf of Intervenor Ben Taylor and Sierra Club. In support of the request, Mr. Cmar has shown that he is a member in good standing of another state bar and has been certified to practice before the Commission in this case by the Kentucky Bar Association under Supreme Court Rule 3.030(2). In addition, Mr. Fisk has agreed to be subject to the jurisdiction and rules of the Commission and the Kentucky Bar Association.

IT IS THEREFORE ORDERED that Thomas Cmar is admitted *pro hac vice* for the purpose of representing Intervenor Ben Taylor and Sierra Club in the above-styled proceeding provided that Joe F. Childers of Joe F. Childers & Associates, 300 Lexington Building, 201 West Short Street, Lexington, KY 40507, or another member of the Kentucky Bar Association, acts as co-counsel and is present at any and all proceedings before this Commission.

By the Commission

ATTEST:

\_\_\_\_\_  
Executive Director

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

[www.kybar.org](http://www.kybar.org)

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## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

COURT Public Service Commission

CASE NO. 2012-00535

### SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$270.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Thomas Joseph Cmar has paid the per case fee of \$270.00 in the above referenced case as required in SCR 3.030(2).

A handwritten signature in cursive script that reads 'Michele M. Pogrotzky'. The signature is written in black ink and is positioned above a horizontal line.

Michele M. Pogrotzky, Deputy Registrar



KENTUCKY BAR ASSOCIATION
OUT-OF-STATE CERTIFICATION REQUEST FORM

RECEIVED

MAY 22 2013

ACCOUNTING DEPT.

CL#001937
\$270

PLEASE PROVIDE THIS OFFICE WITH THE FOLLOWING INFORMATION:

NAME: Thomas Joseph Cmar (PLEASE PRINT)

DATE OF BIRTH: 10/21/1978

ADDRESS TO BE USED FOR KBA RECORDS:
5042 N. Leavitt St., Ste. 1
Chicago, IL 60625

Please Note: All Out of State Certification Receipts will be sent to Out of State Attorney unless stated otherwise. Please Indicate If a copy is needed by fax or email by providing a cover sheet.

TELEPHONE NUMBER: (312) 257-9338
Home Business
FAX NUMBER: (212) 918-1556
E-MAIL ADDRESS: tcmar@earthjustice.org

STATE BARS OF WHICH YOU ARE A MEMBER IN GOOD STANDING: State Bar of New York (No. 4289443), State Bar of Illinois (No. 6298307)

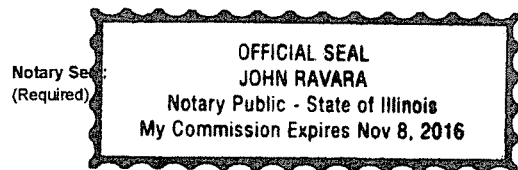
KY COURT for which you seek Certification: Public Service Commission
CASE NUMBER for which you seek Certification: 2012-00535

KENTUCKY CO-COUNSEL / BAR #: Joe F. Childers, 11850
(REQUIRED) 10/05/1981

Since January 1, 2005, have you practiced a case in Kentucky under SCR 3.030? YES NO

SCR 3.030 Membership, practice by nonmembers and classes of membership
(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$270.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

I have read and agree to comply with the requirements set forth in SCR 3.030(2), including submitting to the Rules of Professional Conduct of The Kentucky Supreme Court.
I certify by signing this form that I am a member in good standing in my state(s) of licensure, and that the information provided by me on this form is true and correct.



SIGNATURE

STATE OF Illinois COUNTY OF Cook

Acknowledged, subscribed & sworn to by Thomas Joseph Cmar
who personally appeared before me on the 20th day of May, 2013

NOTARY PUBLIC
My Commission expires: Nov 8, 2016

RETURN ORIGINAL FORM TO:
KENTUCKY BAR ASSOCIATION
ATTN: MEMBERSHIP DEPARTMENT
514 W MAIN ST
FRANKFORT KY 40601-1812
Phone (502)564-3795