

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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SEP 11 2013

PUBLIC SERVICE
COMMISSION

In the Matter of:)

APPLICATION OF BIG RIVERS ELECTRIC)
CORPORATION, INC. FOR AN)
ADJUSTMENT OF RATES)

CASE NO. 2013-00199

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 previously been admitted to practice before this Commission in Case No. 2012-00535.

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

Dated: September 10, 2013

Respectfully submitted,



Joe Childers, Esq.

Joe F. Childers & Associates

300 Lexington Building

201 West Short Street

Lexington, Kentucky 40507

P: 859-253-9824

F: 859-258-9288

**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. 2013-00199

ORDER

On September 10, 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. Cmar 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

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 September 10, 2013 to the following:

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

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

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

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

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

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

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


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

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

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

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

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



Joe Childers, Esq.

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org

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KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

COURT Public Service Commission

CASE NO. 2013-00199

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 black ink, reading "Michele M. Pogrotsky", is written over a horizontal line.

Michele M. Pogrotsky, Deputy Registrar



KENTUCKY BAR ASSOCIATION
OUT-OF-STATE CERTIFICATION REQUEST FORM

RECEIVED

SEP - 3 2013

ACCOUNTING DEPT.
CK 001986 \$270/yr

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: (212) 845-7387
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: 2013-00199

KENTUCKY CO-COUNSEL / BAR #: Joe F. Childers 10/5/1981, 11850 (REQUIRED)

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.



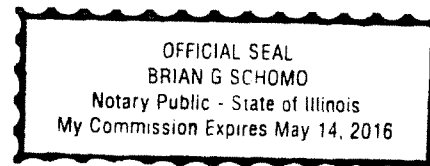
I have read and agree to comply with the requirements set forth in SCR 3.030(2), including submitting to the Rules of Professional Conduct of The Kentucky Supreme Court.



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.

Notary Seal: (Required)

SIGNATURE



STATE OF ILLINOIS COUNTY OF COOK

Acknowledged, subscribed & sworn to by Thomas Joseph Cmar (Attorney's Name)

who personally appeared before me on the 29th day of August, 2013.

Notary Public signature and My Commission expires: 5/14/2016

RETURN ORIGINAL FORM TO: KENTUCKY BAR ASSOCIATION ATTN: MEMBERSHIP DEPARTMENT 514 W MAIN ST FRANKFORT KY 40601-1812 Phone (602)564-3795

Revised 03/01/2012



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

RECEIVED

August 29, 2013

SEP - 3 2013

ACCOUNTING DEPT.

Kentucky Bar Association
ATTN: Membership Department
514 W. Main St.
Frankfort, KY 40601-1812

By First Class Mail

Re: Out-of-State Certification Request Form

Dear Sir or Madam,

Please find enclosed my Out-Of-State Certification Request Form for Public Service Commission case number 2013-00199. A check for \$270 for my *pro hac vice* admission fee was submitted separately (by letter dated August 13, 2013) via First Class Mail.

My complete contact information is below. If you have any questions, please do not hesitate to contact me.

Sincerely,

Thomas Cmar
Earthjustice
5042 N. Leavitt St., Ste. 1
Chicago, IL 60625
(212) 845-7387
tcmar@earthjustice.org

Enclosure

5042 N. LEAVITT ST., SUITE 1 CHICAGO, IL 60625

T: 212.845.7387 F: 212.918.1556 TCMAR@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

August 13, 2013

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AUG 19 2013

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CR# 001986
\$ 270 of 540

Kentucky Bar Association
ATTN: Membership Department
514 W. Main St.
Frankfort, KY 40601-1812

Re: Pro Hac Vice Admission Fee

Dear Sir or Madam,

Please find enclosed a check for \$270 for my pro hac vice admission fee in Public Service Commission case number 2012-00221. My Out-Of-State Certification Request Form has been submitted separately via First Class Mail.

My complete contact information is below. If you have any questions, please do not hesitate to contact me.

Sincerely,

Thomas Cmar
Earthjustice
5042 N. Leavitt St., Ste. 1
Chicago, IL 60625
(212) 845-7387
tcmar@earthjustice.org

Enclosure