

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0408E

IN THE MATTER OF PROPOSED RULES IMPLEMENTING SENATE BILL 19-236
REGARDING INTEGRATED OR ELECTRIC RESOURCE PLANS FOR WHOLESALE
ELECTRIC COOPERTIVES.

**INTERIM DECISION GRANTING
PETER W. HERZOG III *PRO HAC VICE* ADMISSION**

Mailed Date: September 24, 2019
Adopted Date: September 18, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 10, 2019, Peter W. Herzog III filed a verified motion to appear *pro hac vice* in this proceeding on behalf of United Power, Inc.

2. An attorney who is not licensed to practice law in Colorado must be granted permission to appear *pro hac vice* in Commission proceedings. Rule 1201(a) of the Commission's *Rules of Practice and Procedure* 4 *Code of Colorado Regulations* 723-1, govern the admission of out-of-state attorneys. Rule 1201(a) requires compliance with Colorado Rule of Civil Procedure (CRCP) 205.4, which itself expressly incorporates CRCP 205.3.

3. As pertinent here, CRCP 205.3(2)(a) details what an out-of-state attorney must do to be permitted to appear *pro hac vice* and includes these requirements:

- (a) File a verified motion with the administrative agency requesting permission to appear;
- (b) Designate an associate attorney who is admitted and licensed to practice law in Colorado;

(c) File a copy of the verified motion with the Clerk of the Supreme Court Office of Attorney Regulation at the same time the verified motion is filed with the administrative agency;

(d) Pay the required fee to the Clerk of the Supreme Court collected by the Office of Attorney Regulation; and

(e) Obtain permission from the administrative agency for such appearance.

4. In his Motion, Mr. Herzog attested to the requirements above and proof of *pro hac vice* registration was subsequently filed September 11, 2019.

5. Mr. Herzog meets the requirements of CRCP 205.4. We therefore grant Mr. Herzog's request to appear *pro hac vice*.

II. ORDER

A. It Is Ordered That:

1. Out of State Counsel's Verified Motion Requesting *Pro Hac Vice* Admission filed by Peter W. Herzog II on September 10, 2019, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 18, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.