

Decision No. R14-0224-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1337T

IN THE MATTER OF THE APPLICATION OF SAGE TELECOM COMMUNICATIONS, LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF COLORADO FOR THE PURPOSE OF OFFERING WIRELESS LIFELINE SERVICE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
PERMITTING APPEARANCE *PRO HAC VICE* AND
WITHDRAWAL OF TONY LEE AS COUNSEL**

Mailed Date: February 28, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On December 18, 2013, Sage Telecom Communications LLC (Applicant) filed an Application for Designation as an Eligible Telecommunications Carrier in the State of Colorado for the Limited Purpose of Offering Wireless Lifeline Service (Application). The Application was submitted by counsel for Applicant, Mr. Tony S. Lee with Fletcher, Heald & Hildreth, PLC, a law firm based out of Arlington, Virginia.

2. On December 31, 2013, Applicant amended its Application to exclude service for tribal areas pursuant to the Federal Communications Commission Rule 47 *Code of Federal Regulations* § 54.403(a)(2). This filing was also submitted by counsel for Applicant, Mr. Tony S. Lee.

3. By Decision No. R14-0149-I issued February 7, 2014, the Administrative Law Judge (ALJ) found, based upon the Application and the amendment thereto, that Mr. Lee is an

attorney practicing law in Virginia, and that no information submitted showed that Mr. Lee is licensed to practice law in the State of Colorado.

4. In accordance with Rule 1201(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, the ALJ ordered that, on or by 5:00 p.m. MST on February 21, 2014, Applicant must: (1) obtain counsel licensed to practice law in the State of Colorado and have counsel file an entry of appearance on its behalf with the Commission; *or* (2) have its out-of-state counsel file a verified motion for *pro hac vice* admission that complies with Colo.R.Civ.P. 221; *or*, (3) if its out-of-state counsel is licensed to practice law in the State of Colorado, counsel shall make a filing so stating, which shall include counsel's Colorado attorney registration number. Decision No. R14-0149-I.

5. The same Decision required that if Applicant's out-of-state counsel files a verified motion for *pro hac vice* admission, counsel must confer in good faith with all parties and include a statement regarding conferral in its motion.

6. On February 10, 2014, Applicant made multiple filings to comply with Decision No. R14-0149-I, including, "Verified Motion for *Pro Hac Vice* Admission of Lance J.M. Steinhart" (Verified Motion), and "Notice of Substitution of Counsel and Entry of Appearance" (Notice). The Notice serves to withdraw Mr. Tony Lee as counsel for Applicant and substitute Mr. Craig Joyce as counsel for Applicant. Mr. Joyce is an attorney licensed to practice law before the Colorado Supreme Court.

7. The Verified Motion requests that Mr. Lance J.M. Steinhart be permitted to appear *pro hac vice* before the Commission.

8. On February 19, 2014, the Commission received "Proof of *Pro Hac Vice* Registration of Lance J.M. Steinhart- 10PHV2805" (Proof of Registration) from the Colorado

Attorney Registration Office. The Proof of Registration indicates that Mr. Steinhart has filed a copy of his Verified Motion, paid the filing fee required by Colo.R.Civ.P. 221(1)(iii) and (iv), and that Mr. Steinhart's disciplinary record reveals no adverse information.

A. *Pro Hac Vice* Admission of Mr. Steinhart

9. In violation of Decision No. R14-0149-I, the Verified Motion does not indicate that Applicant conferred with the parties regarding their position on the Verified Motion.

10. However, the time to object to the Verified Motion has elapsed, and no party has objected to it or otherwise responded. Rule 1400(b), 4 CCR 723-1.

11. Because no party has filed a response objecting to the Verified Motion, the ALJ will deem the Verified Motion confessed. Rule 1400(d), 4 CCR 723-1.

12. The ALJ has reviewed the Verified Motion, the Proof of Registration and the Notice. The ALJ finds that Mr. Steinhart has complied with Rule 1201(a), 4 CCR 723-1 and Colo.R.Civ.P. 221.1, that the Verified Motion provides good cause, and that no party will be prejudiced if the Verified Motion is granted. By this Interim Decision, the ALJ will grant the Verified Motion and will admit Mr. Steinhart *pro hac vice* to represent Applicant in this proceeding.

B. Withdrawal of Mr. Lee as Counsel for Applicant

13. The Notice acts to withdraw Mr. Tony Lee as counsel in this matter. However, the Notice fails to comply with Rule 1201(d), 4 CCR 723-1. Nevertheless, since the time has elapsed to object to the Notice and no party has done so, and since Applicant has both local counsel and counsel admitted *pro hac vice*, the ALJ finds that no party is prejudiced by Mr. Lee's withdrawal. The ALJ will order that Mr. Lee is withdrawn as counsel for Applicant.

II. ORDER

A. It Is Ordered That:

1. The “Verified Motion for *Pro Hac Vice* Admission of Lance J.M. Steinhart” is granted. Mr. Lance J.M. Steinhart is admitted *pro hac vice* as counsel for Sage Telecommunications LLC (Applicant) in this proceeding.

2. The “Notice of Substitution of Counsel and Entry of Appearance” is acknowledged, and Mr. Tony S. Lee is withdrawn as counsel for Applicant.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director