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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1551**

In the Matter of

YOURTEL AMERICA INC.

Petition for Limited Designation as an
Eligible Telecommunications Carrier and
for Waiver of Certain Requirements in
Appendix A of Commission Order No.
06-292 in Docket No. UM 1217

**MOTION TO ALLOW
ARTHUR A. BUTLER TO APPEAR
PRO HAC VICE**

12 YourTel America Inc. ("YourTel") respectfully moves to allow Arthur A. Butler to
13 appear *Pro Hac Vice* on behalf of YourTel.

14 This motion is supported by a Certificate of Compliance for *Pro Hac Vice* Admission, a
15 Certificate of Good Standing (Status Certificate) from the Washington State Bar Association and
16 a Confirmation of Insurance, attached as Exhibits A, B, and C.

17 Respectfully submitted this 29th day of August, 2011.

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ATER WYNNE LLP

By: 

Joel R. Paisner, OSB No. 100580

E-mail: jrp@aterwynne.com

Of Attorneys for YourTel America Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of August, 2011, served the foregoing along with the correct number of copies, of the foregoing **MOTION TO ALLOW ARTHUR A. BUTLER TO APPEAR PRO HAC VICE** in docket UM 1551 upon each party listed in the UM 1551 PUC Service List by email and, where paper service is not waived (**W**), by U.S. mail, postage prepaid, and upon the Commission by email and by sending 2 copies by U.S. mail, postage prepaid to the Commission's Salem offices at:

Filing Center
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148
puc.filingcenter@state.or.us

PUC Case Manager Kathryn M. Marinos
Case Manager
Oregon Public Utility Commission
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W

John Sturm
Staff Attorney
Citizens' Utility Board of Oregon
Suite 400
610 SW Broadway
Portland OR 97205
john@oregoncub.org

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 29th day of August, 2011, at Seattle, Washington



Exhibit A

In re: Arthur A. Butler
Name of Out-of-State Attorney

**Certificate of Compliance
For *Pro Hac Vice* Admission**

I, Arthur A. Butler (print name), am an attorney in the State of Washington and I intend to seek *pro hac vice* admission in accordance with ORS 9.241 and UTCR 3.170 in the following Oregon court action or proceeding:


Case Name: YOURTEL AMERICA INC. Petition for Limited Designation as an Eligible Telecommunications Carrier

Court: Public Utility Commission of Oregon **Case No.:** UM-1551

I certify that (check all that apply):

- ☒ I am an attorney in good standing in the State of Washington, as evidenced by the attached good standing certificate issued by the licensing authority in that state.
- ☒ I am not subject to any pending disciplinary proceedings in any jurisdiction; **or**
- ☐ I am subject to pending disciplinary proceedings in another jurisdiction, the nature and status of which are described in an attachment to this certificate.
- ☒ I intend to associate in the above-referenced action or proceeding with Joel R. Paisner, OSB No. 100580, an active member in good standing of the Oregon State Bar, who will participate meaningfully in the matter.
- ☒ I will comply with applicable statutes, laws, and procedural rules of the State of Oregon; be familiar with and comply with disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and Oregon State Bar with respect to acts and omissions occurring during my *pro hac vice* admission.
- ☒ My private law practice activities in Oregon are covered by professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan, as evidenced by the attached certificate of insurance coverage.
- ☒ I agree, as a continuing obligation of *pro hac vice* admission, to notify the trial court promptly of any changes in my insurance coverage, or my admission or disciplinary status in any other jurisdiction.
- ☒ I will provide to the Oregon State Bar a copy of the order admitting me *pro hac vice* in the above-referenced matter when such an order is granted. In the event *pro hac vice* admission is revoked for any reason, I will promptly notify the Oregon State Bar.
- ☒ I submit \$250 to the Oregon State Bar as payment of the *pro hac vice* fee established by ORS 9.241 and the rules of the Oregon Supreme Court. I acknowledge that this fee is for a period of twelve months from the date of the Acknowledgment of Receipt issued below, and that an additional fee of \$250 will be required in order for me to continue my *pro hac vice* admission in the matter for every twelve-month period thereafter.

Dated this 26th day of August, 2011.

X 
(Applicant Signature)

Mailing Address: 601 Union Street, Suite 1501
Seattle, WA 98101-3981

Washington State Bar No.: 4678

(Home Jurisdiction)

Phone: 206.623.4711

FAX: 206.467.8406

Email: aab@aterwynne.com

Acknowledgment of Receipt

I, Jeffrey D. Sapiro, Regulatory Services Counsel of the Oregon State Bar, acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$250 fee for pro hac vice appearance in the above-referenced Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.

Dated this _____ day of _____, 20____.

☐ **SEE MATERIALS ATTACHED:**

Jeffrey D. Sapiro, Regulatory Services Counsel

Exhibit B

CERTIFICATION OF CURRENT STATUS

June 28, 2011

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the Washington State Bar Association, **Arthur Allan Butler**, WSBA ID# **4678** was admitted to the practice of law in this state by the Supreme Court of Washington on **October 25 1972**, and is, as of today's date, an Active member of the Washington State Bar Association, **Eligible** to practice law in this state.

This certificate reflects the member's status as of the date stated. Historical information about status, including periods on inactive status, administrative and disciplinary suspensions, disbarments, resignations, etc., are not reflected in this information, but are available through a Certification of Status History. Complete discipline information, including confidential and public information about grievances and disciplinary proceedings, is available with written authorization signed by the member, through a Discipline History Certificate.



Paula C. Littlewood
Executive Director

Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle, WA 98101-2539
206-443-WSBA

Exhibit C

ALAS



ATTORNEYS' LIABILITY ASSURANCE SOCIETY, INC.,
A RISK RETENTION GROUP

May 7, 2010

Ater Wynne LLP
Lovejoy Building
1331 NW Lovejoy Street, Suite 900
Portland, OR 97209-2785

To Whom It May Concern:

CONFIRMATION OF INSURANCE

We hereby confirm that Ater Wynne LLP and Arthur A. Butler have Professional Liability Coverage under Policy ALA#1555 with an annual limit of \$10,000,000 per claim and \$20,000,000 in the aggregate with the right, under stated conditions, to purchase extended reporting rights upon termination of such Policy by ALAS.

The self-insured retention under such Policy is \$500,000 each claim up to an aggregate of \$1,000,000 and \$100,000 each claim thereafter.

The Policy effective date is from January 1, 2010 to January 1, 2011.

Such Policy is subject to the terms, conditions, limitations and exclusions stated therein.

ATTORNEYS' LIABILITY ASSURANCE SOCIETY, INC.
A RISK RETENTION GROUP

By: Anne M. Mahoney
Anne M. Mahoney
Assistant Director of Underwriting

Date: 5/7/10

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EXHIBIT

C

311 South Wacker Drive, Suite 5700
Chicago, IL 60606-6629

August 29, 2011

Filing Center
Oregon Public Utility Commission
PO Box 2148
Salem OR 97308-2148

Re: UM 1551 – Cbeyond's Motion to Allow Arthur A. Butler to Appear *Pro Hac Vice*

Enclosed are the original and 2 copies of Cbeyond's Motion to Allow Arthur A. Butler to Appear *Pro Hac Vice*. This document was e-filed today with the Commission. Please let me know if you have any questions.

Sincerely,

ATER WYNNE LLP



Susan Carpenter
Assistant to Arthur A. Butler

Enclosures

cc: Service List