

BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON

UM 1610

PHASE II

In the Matter of)

PUBLIC UTILITY COMMISSION OF OREGON,)

Investigation into Qualifying Facility Contracting)
and Pricing)

) **MOTION TO APPEAR PRO HAC**
) **VICE OF THOMAS MCCANN**
) **MULLOOLY ON BEHALF OF**
) **GARDNER CAPITAL SOLAR**
) **DEVELOPMENT, LLC**

In accordance with OAR 860-001-0320 and UTCR 3.170, the undersigned attorney, a member in good standing with the Wisconsin Bar, files this Motion to Appear Pro Hac Vice in the above-referenced proceeding. In support of this motion, the undersigned attorney states as follows:

The undersigned requests permission to appear pro hac vice in this proceeding to represent Gardner Capital Solar Development, LLC, which is filing Opening Testimony on this date in this proceeding. In compliance with OAR 860-001-0320(2), the undersigned provides the following information:

1. A certificate of compliance for pro hac vice admission (Attachment A)
2. A certificate of good standing from the Wisconsin Supreme Court (Attachment B)
3. Because the undersigned attorney's appearance before the Commission constitutes the "private practice of law," a certificate of insurance covering the attorney's activities in this State and providing professional liability insurance (Attachment C)

In compliance with OAR 860-001-0320(3), the undersigned has associated with a member in good standing of the Oregon State Bar who is a partner and colleague at the same law

firm and intends to participate meaningfully in this matter. The member in good standing of the Oregon State Bar is:

Ms. Shao-Ying Mautner
Foley & Lardner LLP
Suite 2201, Jin Mao Tower
88 Century Boulevard
Shanghai 200121
China
+86 216 100-8900
smautner@foley.com

***Oregon Bar Number 935284 (admitted November 11, 1993)**

In accordance with UTC 3.170(1)(b), the undersigned certifies that he is not subject to pending disciplinary proceedings in any other jurisdiction. In accordance with UTCR 3.170(1)(d), the undersigned certifies that he will: comply with applicable statutes, laws, and procedural rules of the state of Oregon; be familiar with and comply with the disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and the Oregon State Bar with respect to acts and omissions occurring during the undersigned attorney's admission under this rule.

Finally, in accordance with UTCR 3.170(1)(f), the undersigned agrees to notify this Commission promptly of any changes in the undersigned's insurance or status.

Based on the foregoing, the undersigned respectfully request that the Commission grant this Motion to Appear Pro Hac Vice in this proceeding.

Public Utility Commission of Oregon
Gardner Capital Solar Development, LLC – Motion to Appear Pro Hac Vice
Docket UM 1610, Phase II
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FOLEY & LARDNER LLP

By /s/ Thomas McCann Mullooly
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee WI 53202
(414) 297-5566
tmullooly@foley.com

Dated May 22, 2015.

Attorney for Gardner Capital Solar Development, LLC

ATTACHMENT A

In re: Thomas McCann Mullooly
Name of Out-of-State Attorney

Certificate of Compliance
For Pro Hac Vice Admission

I, Thomas McCann Mullooly (print name), am an attorney in the State of Wisconsin
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: In the Matter of Public Utility Commission of Oregon, Investigation into Qualifying Facility Contracting and Pricing

Court: Public Utility Commission of Oregon Case No.: UM 1610, Phase II

I certify that (check all that apply):

- I am an attorney in good standing in the State of Wisconsin, 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 Ms. Shao-Ying Mautner, OSB No. 935284, 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 \$500 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 \$500 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 22nd day of May, 20 15.

X 
(Applicant Signature)

Wisconsin Bar No.: 1031475
(Home Jurisdiction)

Mailing Address: FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

Phone: (414) 297-5566
FAX: (414) 297-4900
Email: tmullooly@foley.com

Acknowledgment of Receipt

As Regulatory Services Counsel of the Oregon State Bar, I acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$500 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:

Regulatory Services Counsel

ATTACHMENT B



Diane M. Fremgen
Clerk

**WISCONSIN SUPREME COURT
OFFICE OF THE CLERK**

110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

CERTIFICATE OF GOOD STANDING

I, Diane M. Fremgen, Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:

THOMAS MCCANN MULLOOLY

was admitted to practice as an attorney within this state on March 17, 1998 and is presently in good standing in this court.

Dated: May 7, 2015


DIANE M. FREMGEN
Clerk of Supreme Court

ATTACHMENT C



ALAS
Attorneys'
Liability
Assurance
Society, Inc.

May 6, 2015

Oregon State Bar
Regulatory Services
P.O. Box 231935
Tigard, OR 97281-1935

To Whom It May Concern:

CONFIRMATION OF INSURANCE

We hereby confirm that Foley & Lardner LLP, Kurt Rempe, Thomas Mullooly, David Zoppo and Shao-Ying Mautner have Professional Liability Coverage under Policy ALA#1017 with limits of liability in excess of the Oregon State Bar Professional Liability Fund Plan.

The Policy effective date is from January 1, 2015 to January 1, 2016.

The Policy covers professional services rendered in the state of Oregon.

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

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

By: *Nancy Montroy*
Nancy J. Montroy
Vice President – Director of Underwriting

Date: 5/6/2015