

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1734

In the Matter of

PACIFICORP, dba PACIFIC POWER,
Application to Reduce the Qualifying Facility
Contract Term and Lower the Qualifying
Facility Standard Contract Eligibility Cap

MOTION BY SIERRA CLUB FOR
GLORIA D. SMITH TO APPEAR
PRO HAC VICE

In accordance with OAR 860-001-0320 and UTCR 3.170(1), Sierra Club hereby moves the Public Utility Commission of Oregon to admit Gloria D. Smith to appear *pro hac vice* on behalf of intervenor Sierra Club in the above captioned proceeding.¹ Ms. Smith has associated with Joshua Smith, an attorney licensed to practice law and in good standing in the State of Oregon (Oregon Bar No. 071757) as co-counsel for this proceeding.

Attached hereto is the certificate of compliance for *pro hac vice* admission for Ms. Smith and the certificate of the clerk of the Supreme Court of California indicating that Ms. Smith is admitted to practice law in California and is in good standing.

Ms. Smith is a full time employee of the Sierra Club, which is a non-profit corporation. UTCR 3.170(1) therefore does not require counsel to provide a certificate of professional liability insurance for admission *pro hac vice* because she will not be engaged in the private practice of law. UTCR 3.170(1)(e) ("If the attorney will engage in the private practice of law in this state provide a certificate of insurance covering the attorney's activities in this state and

¹ Sierra Club will separately move to admit Travis Ritchie to appear *pro hac vice*. Due to clerical error, the certificate of compliance for Travis Ritchie is still being processed by the Oregon State Bar.

In re: Gloria D. Smith
Name of Out-of-State Attorney

Certificate of Compliance
For Pro Hac Vice Admission

I, Gloria D. Smith (print name), am an attorney in the State of California 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: PACIFICORP, dba PACIFIC POWER, Application to Reduce the Qualifying Facility Contract Term and Lower the Qualifying Facility Standard Contract Eligibility Cap

Court: Public Utility Commission of Oregon Case No.: UM 1734

I certify that (check all that apply):

- I am an attorney in good standing in the State of California, 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 Joshua Douglas Smith, OSB No. 071757, 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 3rd day of September, 20 15.

X 
(Applicant Signature)

CA District 1 Bar No.: 200824
(Home Jurisdiction)

Mailing Address: Gloria Smith, Sierra Club Environmental Law Program
85 Second Street, 2nd Floor
San Francisco, CA 94105

Phone: 415-977-5532
FAX: 415-977-5793
Email: gloria.smith@sierraclub.org

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 8th day of September, 20 15.

SEE MATERIALS ATTACHED:


Regulatory Services Counsel

Addendum to Certificate of Compliance for Admission *Pro Hac Vice*

Gloria D. Smith is a full time employee of the Sierra Club, which is a non-profit corporation and the entity Ms. Smith is seeking to represent *pro hac vice* in Oregon Public Utilities Commission Docket No. UM 1734. Ms. Smith therefore does not include a certificate of professional liability insurance with this application because she will not be engaged in the private practice of law. UTCR 3.170(1)(e) ("If the attorney will engage in the private practice of law in this state provide a certificate of insurance covering the attorney's activities in this state and providing professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan."); ORS 9.080(2)(b) ("For purposes of paragraph (a) [establishing authority to require professional liability insurance], an attorney is not engaged in the private practice of law if the attorney is a full-time employee of a corporation...").



Supreme Court of California

FRANK A. McGUIRE

Court Administrator and Clerk of the Supreme Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

GLORIA DIANTHA SMITH

I, FRANK A. McGUIRE, Clerk of the Supreme Court of the State of California, do hereby certify that GLORIA DIANTHA SMITH, #200824, was on the 2nd day of June, 1999, duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court
on the 2nd day of September, 2015.*

FRANK A. McGUIRE
Clerk of the Supreme Court

By: _____


J. Nakamura, Deputy Clerk