

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1415

In the Matter of the

PUBLIC UTILITY COMMISSION OF
OREGON

Staff Investigation into Cost Methods for
Use in Developing Electric Rate Spreads.

RULING

**DISPOSITION: KROGER ORDERED TO SUPPLEMENT ITS MOTION
FOR ADMISSION *PRO HAC VICE***

On November 9, 2009, the Fred Meyers Stores and Quality Food Centers, Divisions of Kroger Co. (Kroger) filed a Motion for Admission *Pro Hac Vice* of Michael L. Kurtz and Kurt J. Boehm (Motion).

Admission to practice before the Public Utility Commission of Oregon *pro hac vice* is governed by Uniform Trial Court Rules (UTCRC) 3.170.¹ UTCRC 3.170 requires an attorney seeking to participate in a proceeding *pro hac vice* before an administrative body to satisfy the following requirements:

- (a) Show that the attorney is an attorney in good standing in another state or country.
- (b) Certify that the attorney is not subject to pending disciplinary proceedings in any other jurisdiction or provide a description of the nature and status of any pending disciplinary proceedings.
- (c) Associate with an active member in good standing of the Oregon State Bar ('local attorney') who must participate meaningfully in the matter.
- (d) Certify that the attorney will: comply with applicable statutes, law, 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

¹ See http://egov.oregon.gov/PUC/admin_hearings/prohacvice.shtml.


(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.

(f) Agree, as a continuing obligation under this rule, to notify the trial court or administrative body promptly of any changes in the out-of-state attorney's insurance or status.

Kroger's Motion includes certificates of good standing and proof of insurance for the attorneys at issue, but fails to provide other certifications identified above. For example, although the Motion was filed by a member of the Oregon State Bar, there is no certification that the attorneys seeking *pro hac vice* status will associate with the local member, or that the local member will participate meaningfully in the matter. In fact, no contact information is provided for the local member that would allow her being included on the service list.

Consequently, Kroger is ordered to supplement its Motion for Admission *Pro Hac Vice* to include all of the requirements of UTCR 3.170.

Dated this 13th day of November, 2009, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge