

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, LLC FOR :  
APPROVAL OF A SOLAR SERVICES PROGRAM :  
TARIFF, RIDER NO. 26, AND APPROVAL OF : CAUSE NO. 45145  
ALTERNATIVE REGULATORY PLAN ("ARP") AND :  
DECLINATION OF JURISDICTION TO THE EXTENT :  
REQUIRED UNDER IND. CODE 8-1-2.5-1, *ET. SEQ.* :

**NOTICE OF ORDER GRANTING TEMPORARY ADMISSION**

Pursuant to 170 I.A.C. 1-1.1-7(c) and Rule 3, Section 2(a) of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys, Eric E. Kinder, co-counsel for Walmart Inc. ("Walmart"), an intervening party in this proceeding, hereby submits a copy of the *Order Granting Petition for Temporary Admission to Appear in Administrative Proceeding* issued by the Indiana Supreme Court for Barry A. Naum to appear as co-counsel for Walmart in this proceeding.

Respectfully submitted,

/s/ Eric E. Kinder

Eric E. Kinder (Indiana Bar No. 22646-02)  
SPILMAN THOMAS & BATTLE, PLLC  
300 Kanawha Boulevard, East  
P.O. Box 273  
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E-mail: [ekinder@spilmanlaw.com](mailto:ekinder@spilmanlaw.com)

COUNSEL FOR WALMART INC.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served by electronic mail, hard copies available upon request, this 28<sup>th</sup> day of January, 2019, upon the following counsel:

Randall Helmen  
Karol Krohn  
Office of Utility Consumer Counselor  
115 West Washington Street, Suite 1500S  
Indianapolis, IN 46204  
[rhelmen@oucc.in.gov](mailto:rhelmen@oucc.in.gov)  
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[beth.herriman@duke-energy.com](mailto:beth.herriman@duke-energy.com)

*/s/ Eric E. Kinder*

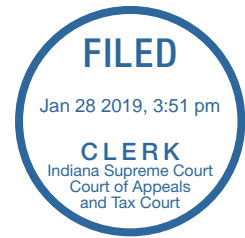
Eric E. Kinder

*Counsel for Walmart Inc.*

# In the Indiana Supreme Court

In the Matter of: Barry A. Naum,  
Petitioner

Supreme Court Case No.  
18S-MS-621



## Order

Attorney Eric E. Kinder petitions for the temporary admission of attorney Barry A. Naum, of Spilman Thomas & Battle, PLLC, before the Indiana Utility Regulatory Commission in *Petition of Duke Energy Indiana, LLC for Approval of a Solar Services Program Tariff, Rider No. 26, and Approval of Alternative Regulatory Plan ("ARP") and Declination of Jurisdiction to the Extent Required Under Ind. Code 8-1-2.5-1, et seq.* under Cause No. 45145. The petition states that Barry A. Naum is an attorney and a member in good standing of the bars of the states of Pennsylvania and West Virginia, and our records reflect that he has received temporary admission attorney number 4558-95-TA from the Clerk of this Court. The petition provides the information required by Admission and Discipline Rule 3, Section 2(a), and attorney Eric E. Kinder, Indiana bar number 22646-02, has agreed to act as co-counsel.

Being duly advised, the Court GRANTS temporary admission to Barry A. Naum, who is directed to comply with the requirements of Admission and Discipline Rule 3, Sections 2(b) and 2(c). **You must file a "Notice of Temporary Admission" with the Clerk of the Supreme Court within thirty days of this order. If you do not, you will be automatically excluded from the practice of law in this State and any further legal practice in any case in this State will constitute the unauthorized practice of law.** See Admis. Disc. R. 3, sec. 2(b), (e), and (f). The Notice of Temporary Admission should be sent to: Roll of Attorneys Administrator, c/o Clerk of the Supreme Court, 402 West Washington Street, Room W062, Indianapolis, Indiana 46204. **Together with your Notice of Temporary Admission, you must also file a copy of any order of the administrative body granting you leave to appear and of any formal notice of appearance you file, to the extent the body requires such leave or formal notice.** Co-counsel is directed to comply with Admission and Discipline Rule 3, Section 2(d), including the requirement that all documents filed in this case be signed by a member of the bar of the State of Indiana.

Done at Indianapolis, Indiana, on 1/28/2019.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush  
Chief Justice of Indiana

**STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION**



**PETITION OF DUKE ENERGY INDIANA, LLC FOR  
APPROVAL OF A SOLAR SERVICES PROGRAM  
TARIFF, RIDER NO. 26, AND APPROVAL OF  
ALTERNATIVE REGULATORY PLAN ("ARP") AND  
DECLINATION OF JURISDICTION TO THE EXTENT  
REQUIRED UNDER IND. CODE 8-1-2.5-1, *ET. SEQ.*** :

**CAUSE NO. 45145**

**AMENDED VERIFIED PETITION FOR TEMPORARY ADMISSION  
OF BARRY A. NAUM  
AS ATTORNEY FOR INTERVENOR, WALMART INC.**

Pursuant to the Order issued by the Indiana Supreme Court ("Supreme Court") in Case No. 18S-MS-621, Eric E. Kinder hereby files this Amended Petition for Temporary Admission of Barry A. Naum, as Attorney for Intervenor, Walmart, Inc.

Eric E. Kinder, an attorney in good standing, licensed to practice law in the State of Indiana, hereby petitions the Indiana Utility Regulatory Commission ("Commission") to permit Barry A. Naum to appear and participate as co-counsel for Intervenor, Walmart Inc. ("Walmart"), in the above-captioned Cause. In support of this Motion, the following is submitted:

1. The undersigned attorney has appeared and agrees to act as co-counsel with Barry A. Naum.
2. Mr. Barry A. Naum is not an Indiana resident, nor is he regularly employed or regularly engaged in business or professional activities in the state of Indiana, but is a licensed attorney in good standing in Pennsylvania and West Virginia.
3. Mr. Barry A. Naum has paid the registration fee of \$180 to the Clerk of the Supreme Court in compliance with section 2(a)(3) of Rule 3 of the Indiana Rules For Admission to the Bar and the Discipline of Attorneys. Attached please find a copy of the registration fee receipt and the temporary admission number issued by the Supreme Court to Mr. Barry A. Naum.

4. The following information is submitted in compliance with Section 2(a)(4) of Rule 3 of the Indiana Rules For Admission to the Bar and the Discipline of Attorneys:

(i) Residential Address: Barry A. Naum  
4 Weaverland Drive  
Fredericksburg, PA 17026

Business Address: Barry A. Naum  
SPILMAN THOMAS & BATTLE, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050

| (ii) | <u>Date of Admission</u> | <u>State</u>  | <u>Attorney Registration No.</u> |
|------|--------------------------|---------------|----------------------------------|
|      | 2007                     | Pennsylvania  | 204869                           |
|      | 2015                     | West Virginia | 12791                            |

(iii) Mr. Barry A. Naum is currently a member in good standing in the jurisdictions listed above.

(iv) Mr. Barry A. Naum has never been suspended, disbarred, or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction, nor are any such disciplinary proceedings pending.

(v) Mr. Barry A. Naum has appeared three times in an Indiana court in the past five (5) years. Mr. Barry A. Naum was granted temporary admission in the following proceedings before the Indiana Utility Regulatory Commission, In the Matter of the Commission's Investigation into the Implementation of Senate Enrolled Act 340 with Respect to the Opt Out of an Industrial Customer from a Regulated Electric Utility Energy Efficiency Program and Other Related Matters as Determined Necessary by the Commission. Respondents: Indiana Regulated Electric Utilities, Cause No. 44441 ("General Investigation into Large Customer Participation Proceeding"); Petition of Northern Indiana Public Service Company for Authority to Modify its Rates and Charges for Electric Utility Service and for

Approval of: (1) Changes to its Electric Service Tariff including a New Schedule of Rates and Charges and Changes to the General Rules and Regulations and Certain Riders; (2) Revised Depreciation Accrual Rates; (3) Inclusion in its Basic Rates and Charges of the Costs Associated with Certain Previously Approval Qualified Pollution Control Property, Clean Coal Technology, Clean Energy Projects and Federally Mandated Compliance Projects; and (4) Accounting Relief to Allow NIPSCo to Defer, as a Regulatory Asset or Liability, Certain Costs for Recovery in a Future Proceeding, Cause No. 44688 ("NIPSCo Rate Case"); and Petition of Indiana Michigan Power Company, an Indiana Corporation, for (1) Authority to Increase its Rates and Charges for Electric Utility Service Through a Phase In Rate Adjustment; (2) Approval of: Revised Depreciation Rates; Accounting Relief; Inclusion in Basic Rates and Charges of Qualified Pollution Control Property, Clean Energy Projects and Cost of Bringing I&M's System to its Present State of Efficiency; Rate Adjustment Mechanism Proposals; Cost Deferrals; Major Storm Damage Restoration Reserve and Distribution Vegetation Management Program Reserve; and Amortizations; and (3) For Approval of new Schedules of Rates, Rules and Regulations, Cause No. 44967 ("I&M Rate Case"); and Petition of Indianapolis Power & Light Company ("IPL") for (1) Authority to Increase Rates and Charges for Electric Utility Service, (2) Approval of Review Depreciation Rates, Accounting Relief, Including Update of the Major Storm Damage Restoration Reserve Account, Approval of a Vegetation Management Reserve Account, Inclusion in Basic Rates and Charges of the Costs of Certain Previously Approved Projects, Including the Eagle Valley Combined Cycle Gas Turbine, the National Pollution Discharge Elimination System and Coal Combustion Residuals Compliance Projects, Rate Adjustment Mechanism Proposals, Cost Deferrals, Amortizations, and (3) Approval of New Schedules of Rates, Rules and



Regulations for Service, Cause No. 45029 ("IPL Rate Case"). The General Investigation into Large Customer Participation Proceeding was decided on September 3, 2014, the NIPSCo Rate Case was decided on September 21, 2016, the I&M Rate Case was decided on May 30, 2018, and the IPL Rate Case was decided on October 31, 2018. Three other attorneys at Spilman Thomas & Battle, PLLC, Carrie M. Harris, Neva G. Lusk, and Matthew P. Heiskell, have been granted temporary admission in Indiana the past five years. Carrie M. Harris was granted temporary admission in the NIPSCo Rate Case. Neva G. Lusk, was granted temporary admission in the following proceeding before the Marion Superior Court Civil Division, Douglas Morrison, Plaintiff, v. Eli Lilly and Company; Takeda Pharmaceuticals America, Inc.; Takeda Pharmaceuticals Co. Lmtd.; and Takeda Global Research & Development Center, Inc., Defendants; Case No. 49D14-1204-CT-017129. Matthew P. Heiskel was granted temporary admission in the following proceeding before the Spencer Circuit Court, In the Matter of The Nile Richmond Trust A: William H. Deal, Petitioner, v. Brenda Sue Gittings, Respondent, Cause No. 74C01-1305-TR-000027.

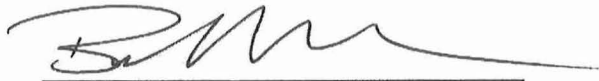
5. Attorneys from Spilman Thomas & Battle, PLLC, including Mr. Barry A. Naum, have a long-standing attorney-client relationship with Walmart in numerous states and jurisdictions, and Walmart has engaged Mr. Barry A. Naum to represent its interests in the above-captioned cause due to the complex nature of the proceeding and the subject matter expertise that Mr. Barry A. Naum and Spilman Thomas & Battle, PLLC provide.

6. Good cause exists for allowing Mr. Barry A. Naum to enter his appearance for, and to represent, Walmart in this proceeding. Mr. Barry A. Naum has special expertise in the field of Public Utility and Electricity Law and has a long-standing relationship representing Walmart in other jurisdictions with regard to these matters.

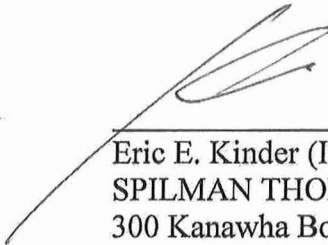
7. Mr. Barry A. Naum has read and will be bound by the Rules of Professional Conduct adopted by the Indiana Supreme Court.

8. If the Commission grants this Motion for Temporary Admission, Mr. Barry A. Naum will, within 30 days of such granting, file with Clerk of the Supreme Court a Notice of Temporary Admission and will file a copy of the same with the Commission.

**WHEREFORE**, the undersigned moves for the temporary admission of Mr. Barry A. Naum as attorney for Walmart Inc., in the above-captioned proceeding and for all other relief proper in the premises.



Barry A. Naum  
SPILMAN THOMAS & BATTLE, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
Telephone: (717) 795-2742  
Facsimile: (717) 795-2743  
E-mail: bnaum@spilmanlaw.com



Eric E. Kinder (Indiana Bar No. 22646-02)  
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Facsimile: (304) 340-3801  
E-mail: ekinder@spilmanlaw.com

COUNSEL FOR WALMART INC.



**VERIFICATION**

**STATE OF INDIANA**

**INDIANA UTILITY REGULATION COMMISSION**

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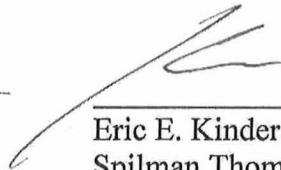
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**CAUSE NO. 45145**

Eric E. Kinder and Barry A. Naum affirm under penalties for perjury that the foregoing representations are true to the best of our knowledge, information, and belief.



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Spilman Thomas & Battle, PLLC  
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COUNSEL FOR WALMART INC.

# Temporary Admission Receipt

**Barry A. Naum (4558-95-TA)**

**Firm:** Spilman Thomas & Battle  
PLLC

**Phone:** (717) 795-2742

**Status Date:** 01/26/2016

**Mobile:**

**Business Address:**

**Fax:** (717) 795-2743

1100 Bent Creek Blvd.  
Ste. 101  
Mechanicsburh, Pennsylvania  
17050

**Amount Paid:** \$180.00

**Date Paid:** 01/23/2018

**For Year:** 2018

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| Case Number | Start Date | Notice Return Date | End Date   |
|-------------|------------|--------------------|------------|
| 44441       | 03/10/2014 | 04/02/2014         | 01/28/2015 |
| 44688       | 01/26/2016 | 02/26/2016         | 01/23/2018 |
| 44967       | 09/26/2017 | 12/11/2017         |            |
| 45029       | 07/09/2018 | 07/25/2018         |            |
| 45145       | 12/06/2018 |                    |            |



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***Barry Alan Naum, Esq.***

**DATE OF ADMISSION**

***May 7, 2007***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: January 28, 2019**

A handwritten signature in blue ink, reading "Elizabeth E. Zisk", written over a horizontal line.

Elizabeth E. Zisk  
Chief Clerk



**THE WEST VIRGINIA STATE BAR**

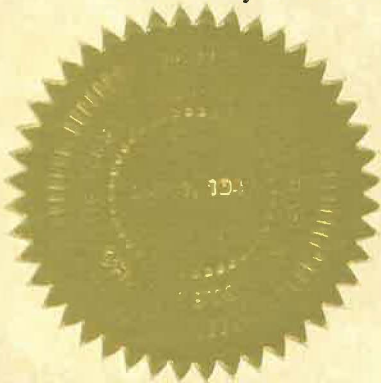
**Certificate of Good Standing**

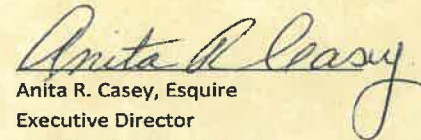
**Barry Alan Naum - WWSB ID# 12791**

This is to certify that, according to the records of the West Virginia State Bar, Barry Alan Naum, of Mechanicsburg, PA, was admitted to practice law by the West Virginia Supreme Court of Appeals on October 14, 2015, and was registered as a member of The West Virginia State Bar in October, 2015.

It is further certified that the said Barry Alan Naum, according to our membership records, is currently an Active member in good standing with The West Virginia State Bar.

Given over my hand and seal of The West Virginia State Bar this day, January 24, 2019.



  
Anita R. Casey, Esquire  
Executive Director  
The West Virginia State Bar