

IN THE INDIANA COURT OF APPEALS

CAUSE NO. 20A-EX-01404

INDIANA OFFICE OF UTILITY CONSUMER
COUNSELOR, et al.

Appellant

v.

DUKE ENERGY INDIANA, LLC, et al.

Appellee (Petitioner Below)

Appeal from the Indiana Utility Regulatory
Commission

IURC Cause No. 45253

The Honorable David E. Veleta.
Senior Administrative Law Judge
The Honorable James F. Huston, Chairman
The Honorable Sarah E. Freeman, Commissioner

The Honorable Stefanie Krevda, Commissioner
The Honorable David Ober, Commissioner
The Honorable David E. Ziegner, Commissioner

VERIFIED PETITION FOR TEMPORARY ADMISSION OF MEGAN WACHSPRESS

Pursuant to Indiana Rules of Court, Rules for Admission to the Bar and the Discipline of Attorneys Rule 3, Sierra Club respectfully petitions this Court for temporary admission of Megan Wachspress to appear before the Indiana Court of Appeals and participate as an attorney of law in the above-captioned docket on behalf of Intervenor Sierra Club. In support of this petition, Megan Wachspress states as follows:

1. My residential address is 1707 Grant St., Berkeley, CA, 94703. My office address is Sierra Club, 2101 Webster Street, Suite 1300, Oakland CA, 94612. My office phone number is (415) 977-5635 and my email address is megan.wachspress@sierraclub.org. Due to shelter-in-place orders currently in effect in California and Sierra Club's office being closed, I respectfully ask that communications be directed to me via telephone or electronic mail at this time, if possible.

2. I am a licensed attorney in the state of California, my bar number is 310558, and my date of admission was July 20, 2016.

3. I am currently a member of good standing in all of the jurisdictions in which I am licensed to practice.

4. I have never been suspended, disbarred, or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction.

5. No disciplinary proceeding is pending against me in any jurisdiction.

6. The following is a list of proceedings/cases in which I or other members of my firm have appeared by temporary admission in the last five years. I have appeared in these Indiana proceedings:

- i. *In re: Duke Energy Indiana, LLC* [], Cause No. 38707-FAC123 and S1 (IURC) (docket opened on 1/31/2020).
- ii. *In re: Duke Energy Indiana, LLC* [], Cause No. 38707-FAC124 (IURC) (docket opened on 4/30/2020)

Kristin Henry¹, a member of my firm (Sierra Club, Environmental Law Program), has appeared by temporary admission in the following Indiana proceedings:

¹ Kristin Henry did not file an appearance *in re: Indianapolis Power & Light Company*, Cause No. 44794 (IURC); however I will note that she was included on the service list in this case.

- i. *In re: Indiana Michigan Power Company* [], Cause No. 44871 (IURC) (docket opened on 10/21/2016);
- ii. *In re: Duke Energy Indiana, LLC* [], Cause No. 45253 (IURC) (docket opened on 7/2/2019).

Casey Roberts, a member of my firm (Sierra Club, Environmental Law Program), has appeared by temporary admission in the following Indiana proceedings:

- i. *In re: Indiana Michigan Power Company* [], Cause No. 44967 (IURC) (docket opened on 7/26/2017); and
- ii. *In re: Northern Indiana Public Service Company* [], Cause No. 45159 (IURC) (docket opened on 10/31/2018).

Nathaniel Shoaff, a member of my firm (Sierra Club, Environmental Law Program), has appeared by temporary admission in the following Indiana matter:

- i. *Sierra Club and Hoosier Environmental Council v. Indiana Department of Environmental Management and Liberty Mine, LLC*, Indiana Office of Environmental Adjudication, Cause No. 15-W- J-4850 (2016).

Tony Mendoza, a member of my firm (Sierra Club, Environmental Law Program), has appeared by temporary admission in the following Indiana proceedings:

- i. *In re: Northern Indiana Public Service Company* [],² Cause No. 44872 (IURC) (docket opened on 11/1/2016);
- ii. *In re: Northern Indiana Public Service Company* [], Cause No. 45159 (IURC) (docket opened on 10/31/2018);
- iii. *In re: Duke Energy Indiana, LLC* [], Cause No. 45253 (IURC) (docket opened on 7/2/2019); and
- iv. *In re: Duke Energy Indiana, LLC* [], Cause No. 38707-FAC123 and S1 (IURC) (docket opened on 1/31/2020).

Joshua Smith, a member of my firm (Sierra Club, Environmental Law Program), has appeared by temporary admission in the following Indiana matter:

- i. *In re: Duke Energy Indiana, LLC* [], Cause No. 45253 (IURC) (docket opened on 7/2/2019).

To the best of my knowledge, and after thorough review, no other member of Sierra Club's

² The full docket caption names for IURC proceedings tend to be quite long, and so I have omitted the full names of these dockets for efficiency.

Environmental Law Program, my law firm, has appeared by temporary admission in any court or administrative agency in Indiana during the last five years.

7. Good cause exists for my temporary admission because, as a Sierra Club Associate Attorney, I have experience in the field of public utilities law relating to this case, as well as familiarity with utilities' resource planning.

8. I have read and agree to be bound by the Rules of Professional Conduct adopted by the Indiana Supreme Court, and I consent to the jurisdiction of the state of Indiana, the Indiana Supreme Court, and the Indiana Court of Disciplinary Commission to resolve any disciplinary matter that might arise as a result of the representation.

9. I have paid the annual registration fee set forth in Admission and Discipline Rule 2(b) in the amount of \$180.00 to the Clerk of the Supreme Court in accordance with Admission and Discipline Rule 3.

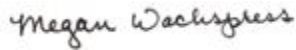
10. In accordance with Admission and Discipline Rule 3, Section 2(a)(4), I will file a copy of the payment receipt and temporary admission number issued by the Clerk of the Supreme Court once it is received.

11. I have obtained local counsel, co-signed below, to assist in this case before the Indiana Court of Appeals.

12. I am not a resident of the State of Indiana, am not regularly employed in the State of Indiana, and do not regularly engage in business or professional activities in the State of Indiana.

WHEREFORE, Petitioner, by counsel, respectfully requests that the Indiana Court of Appeals admit Megan Wachspress to appear *pro hac vice* in order to represent Intervenor Sierra Club in the above-captioned case.

Dated: October 22, 2020.



Megan Wachspress
Associate Attorney, Sierra Club
2101 Webster St., 13th Floor
Oakland, CA 94612
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(415) 977-5635

As co-counsel for Petitioners in the above matter, I have read and reviewed the above petition for temporary admission by counsel Megan Wachspress. I affirm, under the penalties for perjury, that the foregoing representations are true.

Respectfully submitted,



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(317) 396-2602

*Counsel for Petitioner Megan Wachspress and
Intervenor Sierra Club*

**STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION**

**PETITION OF DUKE ENERGY)
INDIANA, LLC PURSUANT TO IND.)
CODE §§ 8-1-2-42.7 AND 8-1-2-61, FOR)
(1) AUTHORITY TO MODIFY ITS)
RATES AND CHARGES FOR)
ELECTRIC UTILITY SERVICE)
THROUGH A STEP-IN OF NEW)
RATES AND CHARGES USING A)
FORECASTED TEST PERIOD; (2))
APPROVAL OF NEW SCHEDULES OF)
RATES AND CHARGES, GENERAL)
RULES AND REGULATIONS, AND)
RIDERS; (3) APPROVAL OF A)
FEDERAL MANDATE CERTIFICATE)
UNDER IND. CODE § 8-1-8.4-1; (4))
APPROVAL OF REVISED ELECTRIC)
DEPRECIATION RATES APPLICABLE)
TO ITS ELECTRIC PLANT IN)
SERVICE; (5) APPROVAL OF)
NECESSARY AND APPROPRIATE)
ACCOUNTING DEFERRAL RELIEF;)
AND (6) APPROVAL OF A REVENUE)
DECOUPLING MECHANISM FOR)
CERTAIN CUSTOMER CLASSES)**

CAUSE NO. 45253

AFFIDAVIT OF MEGAN WACHSPRESS

State of)
California)

Megan Wachspress, being first duly sworn, states that, to the best of her knowledge, the statements made in the Verified Petition for Temporary Admission of Megan Wachspress are true and correct.

Megan Wachspress

Megan Wachspress

SUBSCRIBED AND SWORN to me before this 22nd day of October 2020.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2020, the foregoing was served upon the following persons, by the Indiana Filing System or by electronic mail:

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Indiana Utility Regulatory Commission

Hon. David E. Veleta
Hon. James F. Huston
Hon. Sarah E. Freeman
Lynda Ruble, Court Reporter
Amy Tokash, Court Reporter
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Temporary Admission Receipt

Megan Wachspress (7299-95-TA)

Firm: Sierra Club

Phone: (415) 977-5635

Status Date: 02/13/2020

Business Address:

Mobile:

2101 Webster Street
Suite 1300
Oakland, California 94612

Fax:

Amount Paid: \$180.00

Date Paid: 02/13/2020

For Year: 2020

Case Number	Start Date	Notice Return Date	End Date
38707 FAC 123	02/13/2020	03/12/2020	
38707 FAC 124	05/15/2020	06/04/2020	
20A-EX-01404	10/15/2020		



The State Bar
of California

180 Howard Street, San Francisco, CA 94105

OFFICE OF ATTORNEY REGULATION
& CONSUMER RESOURCES

888-800-3400

AttorneyRegulation@calbar.ca.gov

CERTIFICATE OF STANDING

August 19, 2020

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MEGAN CLAIRE WACHSPRESS, #310558 was admitted to the practice of law in this state by the Supreme Court of California on July 20, 2016 and has been since that date, and is at date hereof, an ACTIVE licensee of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in blue ink, reading "J. Robert McPhail".

J. Robert McPhail
Custodian of Records