

DOCKETED

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Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
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Document Title:	Letter Regarding Out of State Attorney
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October 6, 2017

VIA ELECTRONIC MAIL

Chair Robert B. Weisenmiller, Ph.D.
California Energy Commission
1516 Ninth Street, MS-33
Sacramento, CA 95814

Re: In the Matter of Appeal by LADWP re RPS Certification or Eligibility
Docket No. 16-RPS-02

Dear Chair Weisenmiller:

Thank you for allowing the Department of Water and Power additional time hearing in the above matter, scheduled for a hearing before the Energy Commission on **October 11, 2017 at 10:00 a.m.** Given the additional time allotted, we write to inform the Energy Commission that Todd J. Guerrero, an attorney in good standing in Minnesota but not licensed in California, intends to appear on behalf of DWP at the hearing along with other DWP representatives.

Energy Commission's rules of practice and procedure state "[a]ny person may designate any other person, to represent him or her for any purpose." Cal. Code Regs., tit. 20, § 1206. California Energy Commission, CEC-140-2017-002, page 7. We interpret this rule of practice and procedure to mean that Mr. Guerrero need not be a lawyer nor a lawyer licensed in California to appear before the Energy Commission on behalf of DWP.

We recently raised the issue of an out-of-state lawyer appearing before the Energy Commission to your Chief Counsel and while she did conclude one way or the other, she referenced Rule 9.47 of the California Rules of Court. That rule addresses out-of-state lawyers "practicing law" temporarily in California as part of a matter in litigation. Given this matter is before the Energy Commission and not in court, we believe the Energy Commission's rules of practice and procedure take precedence over the State's court rules and thus Rule 9.47 is inapplicable. To the extent the Energy Commission disagrees, however, we enclose an application

Chair Weisenmiller and Commissioners

Page 2

October 6, 2017

for permission for Mr. Guerrero to appear before the Energy Commission. The application is submitted by the undersigned, a California-licensed lawyer and partner in Kutak Rock's Irvine, California office. The application is accompanied by an affidavit of Mr. Guerrero in conformance with rule 9.47 of the California Rules of Court to the extent the Energy Commission deems this formality necessary and appropriate.

Please let us know if you have any questions or concerns about Mr. Guerrero's appearance. Thank you.

Very truly yours,

/s/ Antoinette Hewitt

Antoinette Hewitt

c: Catherine Cross (via email Catherine.Cross@energy.ca.gov)

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:

Docket No. 16-RPS-02

Appeal by LADWP re
RPS Certification or Eligibility

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APPLICATION FOR ADMISSION OF OUT-OF-STATE ATTORNEY

The undersigned, Antoinette P. Hewitt, an active member in good standing of the bar of the State of California, based on the attached Affidavit, moves that the California Energy Commission allow Todd J. Guerrero, an attorney admitted to practice in the courts of Minnesota, but not admitted to the bar of California, appear on behalf of the Los Angeles Department of Water and Power in this matter. The undersigned agrees to act as Mr. Guerrero's supervisor in this particular matter.

Dated: October 6, 2017

By: /s/ Antoinette P. Hewitt

ANTOINETTE P. HEWITT

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STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I am currently admitted to practice and in good standing in the courts of the following jurisdiction(s), but not admitted to the bar of California:

State	License #	Status	Admission Date
Minnesota	0238478	Active/Good	October 1993

- i. The name of the administrative agency before which the Affiant desires to appear as counsel is the California Energy Commission;
- ii. The full name, residence address, office address, voice and facsimile telephone numbers, and e-mail address of Affiant is:

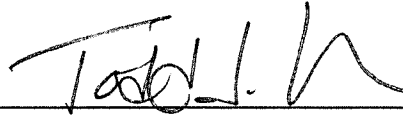
Todd J. Guerrero (#0238478)
KUTAK ROCK LLP
60 South Sixth Street, Suite 3400
Minneapolis, MN 55402
Tel: (612) 334-5000
todd.guerrero@kutakrock.com

- iii. Each jurisdiction in which the Affiant has been admitted and the date of admission is Minnesota, October 1993;
- iv. That Affiant: (a) does not maintain an office within this state, but Affiant is a member of a firm which maintains an office or offices within California which are staffed, full time, by an attorney or attorneys who are licensed to practice in California and (b) has not engaged in the general practice of law in California without being properly admitted and licensed to practice law in California;
- v. That Affiant is currently licensed in good standing to practice law in each jurisdiction in which the Affiant has been admitted;

- vi. That Affiant is not currently suspended or disbarred by any jurisdiction in which the Affiant has been admitted;
- vii. That Affiant has not been the subject of disciplinary action by the bar or courts of any jurisdiction during the preceding five (5) (or any) years;
- viii. That Affiant is of good moral character and familiar with the ethics, principles, practices, customs, and usages of the legal profession in California;
- ix. That Affiant has not appeared as counsel within California within the immediately preceding 12 months or before the California Energy Commission in Docket No. 16-RPS-02;
- x. The name and office address of the member or members in good standing of the California Bar whom Affiant has associated in the particular cause is:

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Dated: October 6, 2017



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Subscribed and sworn to before me this

6th day of October, 2016.


NOTARY PUBLIC