

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

IURC RM #11-08

LSA #11-590(F)

Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings.

Upon prior publication of notice and a public hearing held on April 23, 2012, at 1:00 p.m. Eastern Time, at the PNC Center, 101 West Washington Street, IURC Conference Center, Judicial Courtroom 222, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on June 6, 2012, at 2:00 p.m. Eastern Daylight Time in Judicial Courtroom 224, PNC Center, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

The Secretary is hereby directed to submit the aforesaid rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.



James D. Atterholt, Chairman



Kari E. A. Bennett, Commissioner

ABSENT

Larry S. Landis, Commissioner



Carolene Mays, Commissioner



David E. Ziegner, Commissioner

ATTEST:



Brenda A. Howe, Secretary to the Commission

Date: JUN 06 2012

# Rule Signature Page

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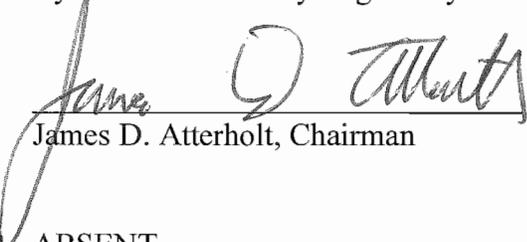
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Rule #: LSA #11-590(F)  
Agency: Indiana Utility Regulatory Commission  
Subject: Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings.

## ADOPTED:

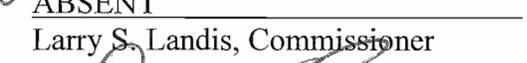
By the Indiana Utility Regulatory Commission

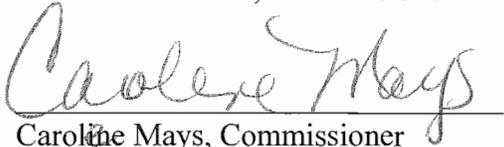
Date: JUN 06 2012

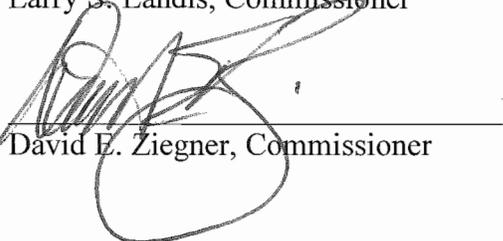
  
James D. Atterholt, Chairman

  
Kari A. E. Bennett, Commissioner

ABSENT

  
Larry S. Landis, Commissioner

  
Carolene Mays, Commissioner

  
David E. Ziegner, Commissioner

## APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gregory F. Zoeller  
Attorney General, State of Indiana

## APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mitchell E. Daniels, Jr.  
Governor, State of Indiana

## ACCEPTED FOR FILING:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Indiana Register  
Legislative Services Agency

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule  
LSA Document #11-590

DIGEST

Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings. Effective 30 days after filing with the Publisher.

170 IAC 1-1.1-7

SECTION 1. 170 IAC 1-1.1-7 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 1-1.1-7 Attorneys; representation; withdrawal of appearance**

**Authority:** IC 8-1-1-3; IC 8-1-2-47

**Affected:** IC 8-1-1-5; IC 8-1-1.1-5.1

Sec. 7. (a) Any person filing an appearance pro se to represent his or her own interest is required to:

- (1) sign and verify any pleadings or documents in accordance with section 8(d) of this rule; and
- (2) comply with all rules applicable to commission proceedings.

(b) The interest of another person or entity may only be represented by an attorney admitted to practice before the ~~supreme court of Indiana~~ **supreme court** in good standing.

(c) An attorney **that is not** admitted to practice before the ~~supreme court of Indiana~~ **supreme court** in good standing, but admitted to practice before the Supreme Court of the United States, or the highest court of any other **is a member of the bar of another** state or territory of the United States in good standing, may appear at the discretion of the presiding officer before the commission upon filing a verified petition for limited admission to practice before the commission that meets the requirements of **or the District of Columbia must apply for and receive temporary admission through** the Indiana Rules for Admission to the Bar and the Discipline of Attorneys Rule 3, Section 2(a). **2 prior to practicing law before the commission.** Upon being granted limited admission to practice before the commission, an attorney must do the following:

(1) **File the following with the commission prior to appearing in a cause:**

(A) **An appearance in the cause.**

(B) **A copy of the notice of temporary admission filed with the clerk of the Indiana supreme court.**

(2) **Appear with co-counsel admitted to practice in Indiana at any hearing, Pending approval of the petition, such an attorney may be permitted to appear, at unless authorized by the discretion of a presiding officer, at any hearing. Officers to appear at the hearing without the presence of co-counsel.** Local counsel shall:

- (1) **(A) sign all briefs, papers, and pleadings in such cause; and**
- (2) **(B) be jointly responsible therefore.**

(d) Any withdrawal of appearance by an attorney on behalf of any party must:

- (1) comply with the Indiana Rules of Professional Conduct;
- (2) be in writing; and
- (3) be granted by leave of the presiding officer.

(e) Except for good cause shown, a request for withdrawal of appearance by an attorney must be filed with the commission at least ten (10) days prior to the next scheduled hearing date. (*Indiana Utility Regulatory Commission; 170 IAC 1-1.1-7; filed Oct 30, 2000, 2:10 p.m.: 24 IR 656; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670; filed May 21, 2008, 9:29 a.m.: 20080618-IR-170070514FRA*)