

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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April 26, 2010

T.R.A. DOCKET ROOM

IN RE: )  
)  
PETITION OF CHATTANOOGA GAS )  
FOR GENERAL RATE INCREASE, ) Docket No. 09-00183  
IMPLEMENTATION OF THE )  
ENERGYSMART CONSERVATION )  
PROGRAMS, AND IMPLEMENTATION OF )  
A REVENUE DECOUPLING MECHANISM )  
)

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AFFIDAVIT OF KENNETH T. MALONEY IN SUPPORT OF  
APPLICATION TO APPEAR PRO HAC VICE

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STATE OF TENNESSEE )  
)  
COUNTY OF DAVIDSON )

Before me, the undersigned, personally appeared Kenneth T. Maloney who after being duly sworn makes oath and states as follows:

(1) My full name is: Kenneth T. Maloney

My residence address is: 12801 Misty Creek Lane, Fairfax, Virginia 22033.

My firm name is: Cullen and Dykman, LLP.

My office address is: 1101 14<sup>th</sup> Street, NW, Suite 550, Washington, DC 20005-5633.

My email address is: KMaloney@CullenandDykman.com.

My telephone number is: (202) 223-8890.

Other jurisdictions licensed & registration/identifying numbers are:

New York - Bar Number 366655  
New Jersey - Bar Number 21509  
District of Columbia – Bar Number 412999

Full name or style of case in which I seek to appear: *Petition of Chattanooga Gas for General Rate Increase, Implementation of the Energysmart Conservation Programs, and Implementation of a Revenue Decoupling Mechanism*; Tennessee Regulatory Authority Docket No. 09-00183.

Name of the client or clients I seek to represent: Chattanooga Gas Company.

(2) The jurisdictions in which licensed to practice law, with dates of admission:

New Jersey – 1986  
District of Columbia – 1988  
New York – 1989

Any other courts in which admitted to practice, with dates of admission:

U.S. Court of Appeals, 5<sup>th</sup> Circuit – 1988  
U.S. Court of Appeals, D.C. Circuit – 1989

Statement of good standing in all other jurisdictions in which applicant is licensed to practice law:

I am in good standing in all jurisdictions in which I am licensed to practice law. Attached to this Affidavit as Exhibit A is a true and correct copy of a Certificate of Good Standing from the D. C. Court of Appeals.

(3) Full name or style of each case in which applicant was previously admitted or sought to be admitted *pro hac vice* in any trial or appellate court of Tennessee within the preceding three years, date of any such admission or the date of any such motion that was filed but not granted, and the status of any such case in which not admitted:

None.

(4) Statement concerning whether the applicant lawyer has previously been denied admission *pro hac vice* or has had an admission *pro hac vice* revoked by any court in any jurisdiction and, if so, a full description of the circumstances, including the full name or style of the case:

I have never been denied admission *pro hac vice* or had any admission *pro hac vice* revoked.

- (5) Statement concerning whether the applicant lawyer has ever been disciplined or sanctioned by the Board of Professional Responsibility of the Supreme Court of Tennessee, by any similar lawyer disciplinary agency in any jurisdiction, or by any similar lawyer disciplinary authority and, if so, a full description of the circumstances, including the full name or style of the matter:

I have never been disciplined or sanctioned by any lawyer disciplinary agency or authority.

- (6) Statement concerning whether any disciplinary action or investigation concerning the applicant lawyer's conduct is pending before the Board of Professional Responsibility of the Supreme Court of Tennessee, before any similar lawyer disciplinary agency in any jurisdiction, or before any similar lawyer disciplinary authority and, if so, a full description of the circumstances, including the full name or style of the matter:

No disciplinary action or investigation into my conduct is pending before any lawyer disciplinary agency.

- (7) Statement that the applicant lawyer is familiar with the Tennessee Rules of Professional Conduct and the rules governing the proceedings of the court before which the lawyer seeks to practice:

I am familiar with the Tennessee Rules of Professional Conduct and the rules governing proceedings in the Tennessee Regulatory Authority.

- (8) Statement that the applicant lawyer consents to the disciplinary jurisdiction of the Board of Professional Responsibility of the Supreme Court of Tennessee and the courts of Tennessee in any matter arising out of the lawyer's conduct in the proceeding and that the lawyer agrees to be bound by the Tennessee Rules of Professional Conduct and any other rules of conduct applicable to lawyers generally admitted in Tennessee:

I consent to the disciplinary jurisdiction of the Board of Professional Responsibility of the Supreme Court of Tennessee and the courts of Tennessee in any matter arising out of my conduct in the proceedings and I agree to be bound by the Tennessee Rules of Professional Conduct and any other rules of conduct applicable to lawyers generally admitted in Tennessee.

- (9) Tennessee lawyer with whom the applicant lawyer is associated:

Name: J. W. Luna

Address: Luna Law Group, PLLC; 333 Union Street, Suite 300; Nashville, TN 37201

Telephone No.: (615) 254-9146 TN BPR No.: 5780.

- (10) Statement that the applicant lawyer has paid all fees required by this Rule in connection with the motion for admission:

I have paid all fees required by this Rule in connection with the motion for admission.

- (11) At the option of the applicant lawyer, any other information supporting the lawyer's admission:

None.

- (12) Statement indicating service of the *pro hac vice* motion and all associated papers upon all counsel of record in the proceeding and upon the Board of Professional Responsibility of the Supreme Court of Tennessee:


I have served this *pro hac vice* motion and all associated papers upon counsel of record in TRA Docket No. 09-00183 and upon the Board of Professional Responsibility of the Supreme Court of Tennessee.

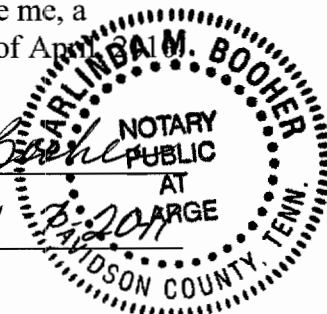
- (13) A certificate of good standing from the court of last resort of the licensing jurisdiction in which the applicant principally practices, or resides, is attached as an Exhibit to this affidavit and incorporated herein.

I declare under penalty of perjury that the foregoing is true and correct.

  
KENNETH T. MALONEY

Sworn to and subscribed before me, a  
Notary Public, this 26<sup>th</sup> day of April

  
Notary Public  
My Commission Expires: 11-3-2011





District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

KENNETH T. MALONEY

was on the 2<sup>ND</sup> day of MARCH, 1988

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on April  
26, 2010.

GARLAND PINKSTON, JR., CLERK

By: *G. Charles*  
Deputy Clerk