

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In Re:

Petition of Tennessee American Water
Company to Change and Increase
Certain Rates and Charges so as to
Permit it to Earn a Fair and Adequate
Rate of Return on Its Property Used
and Useful in Furnishing Water
Service to Its Customers

Docket No. 10-00189

MOTION TO EXCUSE LOCAL COUNSEL

Pursuant to T.C.A. § 23-3-103(a), Tenn. Comp. R. & Regs. R. 1220-1-2-.04, and Rule 19 of the Tennessee Supreme Court, The Utility Workers Union of America, AFL-CIO and UWUA Local 121 ("Local 121") (collectively "UWUA"), hereby move to excuse local counsel Mark Brooks from attendance at the February 28, 2011 hearing scheduled in the above-captioned proceeding.

By Order dated November 12, 2010, the Authority granted the motion of Scott H. Strauss and Katharine M. Mapes for admission *pro hac vice* in the above-captioned proceeding in association with Mark Brooks, Esq., a practicing member of the Tennessee Bar. Rule 19 of the Tennessee Supreme Court, which pursuant to Tenn. Comp. R. & Regs. R. 1220-1-2-.04(7) governs practice before the Commission, states:

(g) A motion for admission *pro hac vice* under this Rule shall not be granted unless the lawyer is associated in the proceeding with a lawyer licensed to practice law in Tennessee, in good standing, admitted to practice before the Supreme Court of Tennessee, and who resides in and maintains an office in Tennessee. Both the Tennessee lawyer and the lawyer appearing *pro hac vice* shall sign all pleadings, motions, and other papers filed or served in the proceeding; the Tennessee lawyer, or another Tennessee lawyer

acting on behalf of the first Tennessee lawyer at his or her request, shall personally appear for all court proceedings, including all proceedings conducted pursuant to the authority of the court, *unless excused by the court.*

Emphasis added. Due to the press of other business, Mr. Brooks is unable to attend the upcoming February 28th hearing in this proceeding. UWUA respectfully requests that Mr. Brooks be excused. Should the request be granted, Mr. Strauss and Ms. Mapes will attend in his stead, consistent with the Authority's grant of their *pro hac vice* status.

Respectfully submitted,

/s/ Mark Brooks

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/s/ Scott H. Strauss

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February 14, 2011

CERTIFICATE OF SERVICE

I, Scott H. Strauss, counsel for UWUA Intervenors, hereby certify that on the 14th day of February, 2011, caused a true and correct copy of the foregoing Notice to be served upon all parties of record via U.S. mail or facsimile.

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/s/ Scott H. Strauss

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