



STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BLVD.  
CANNON BUILDING, SUITE 100  
DOVER, DELAWARE 19904

September 9, 2021

**Re: Delaware Supreme Court Rule 72 – Appearance Before Delaware Public Service Commission**

To: All Delaware Public Service Commission Regulated Utilities

Please be advised that the Delaware Public Service Commission (“Commission”) was directed to advise all utility companies that Delaware Supreme Court Rule 72 (“Rule 72”) requires that utilities appearing before the Commission be represented by a member of the Delaware Bar or an attorney who is in good standing of the Bar of another state and admitted *pro hac vice*. Rule 72 ensures uniform compliance from out-of-state attorneys practicing before the Commission in accordance with the rules and expectations of the Delaware Supreme Court, which has exclusive authority to regulate the practice of law in Delaware courts, state boards, administrative agencies, and political subdivisions.

Please be advised every utility company appearing before the Commission must have legal counsel present – meaning a member of the Delaware Bar or an attorney admitted *pro hac vice*. The Delaware Supreme Court defines legal counsel as an individual who “is deemed to be practicing law” by “furnish[ing] to another advice or service under circumstances which imply the possession and use of legal knowledge and skill.” *Delaware State Bar Association v. Alexander*, 386 A.2d 652, 661 (Del. 1978). Further, the Commission’s Deputy Attorneys General are obligated to inform the Commission of any appearance of non-compliance with the foregoing.

I thank you in advance for your anticipated compliance in this regard.

Sincerely,

/s/ *Matthew Hartigan*

Matthew Hartigan  
Executive Director

cc: William F. O’Brien, Esq. (via email)  
Thomas D. Walsh, Esq. (via email)