

**in that proceeding** without being in association with an active member of the state bar of Wisconsin. (Emphasis added)

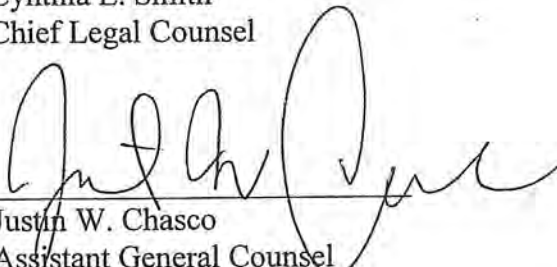
Supreme Court Rule 10.03(4)(d) does not require association with a licensed attorney. Nor does it provide for *pro hac vice* admission to carry forth to circuit courts. *Id.* Petitioners cite no case nor provide any support for their contention that these two distinct rules can be combined. On the other hand, at least one circuit court has found that permission to practice before a state agency is not sufficient to entitle a nonresident lawyer to practice before a circuit court. *SOAR v. DNR*, No. 11-CV-0833 (Wis. Cir. Ct. Marathon County October 10, 2011) (courtesy copy attached).

For all of these reasons, the Commission respectfully requests that the Commission's Motion to Strike the Petition for Judicial Review be granted.

Dated this 17<sup>th</sup> day of September, 2012.

Respectfully submitted,

Cynthia E. Smith  
Chief Legal Counsel



Justin W. Chasco  
Assistant General Counsel  
State Bar No. 1062709

PUBLIC SERVICE COMMISSION  
OF WISCONSIN  
610 North Whitney Way (53705-2729)  
P.O. Box 7854  
Madison, WI 53707-7854  
Tel. No.: (608) 266-3708  
Fax. No.: (608) 266-3957  
E-mail: [justin.chasco@wisconsin.gov](mailto:justin.chasco@wisconsin.gov)

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 5

MARATHON COUNTY

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SAVE OUR AIR RESOURCES,  
PAUL SCHWANTES and  
ROBERT HUGHES,

Petitioners,

v.

Case No. 11-CV-0833

WISCONSIN DEPARTMENT  
OF NATURAL RESOURCES,

Respondent,

and

WISCONSIN ELECTRIC POWER COMPANY  
DOMTAR PAPER COMPANY, LLC, and  
LIGNOTECH USA, INC.,

Intervenors.

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ORDER OF DISMISSAL

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Petitioners brought this action seeking judicial review of a decision by the Department of Natural Resources not to act on petitioners' request to the Division of Hearings and Appeals for a contested case hearing on an air permit for a renewable energy cogeneration project in Rothschild. Respondent Department of Natural Resources moved to dismiss the petition because the Petition was untimely and it was not signed by an attorney licensed to practice in Wisconsin. The court heard the motion on September 29, 2011.