

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Investigation )  
into RPA Energy, Inc.'s Compliance with the ) Case No. 22-441-GE-COI  
Ohio Administrative Code and Potential )  
Remedial Actions for Non-Compliance. )

**MOTION FOR PERMISSION FOR SCOTT ELMER  
TO APPEAR PRO HAC VICE**

Pursuant to Gov.Bar R. XII(2), Scott Elmer (PHV-26337-2022), attorney for Whitt Sturtevant, LLP, hereby moves for permission to appear pro hac vice and participate as co-counsel on behalf of RPA Energy, Inc. d/b/a Green Choice Energy, in the above-captioned proceeding.

1. Scott Elmer has been licensed to practice law in Illinois. His Bar No. is 6312743 and he was admitted on 10/13/2003. He is not, and has never been, licensed in any other state. No disciplinary action has been taken against Mr. Elmer at any time.

2. Mr. Elmer's residential address, office address and name and address of employer are as follows:

<b>Residential Address</b>	<b>Office Address</b>	<b>Employer Name and Addresses</b>
1112 Paulina St. Oak Park IL 60302	180 N. LaSalle Street, Suite 2020 Chicago, IL 60601-2606	Whitt Sturtevant, LLP 88 E. Broad St., Suite 1590 Columbus, OH 43215

3. Mr. Elmer satisfies the requirements in Section 2(A)(1) and (2) of Gov.Bar R. XII. He neither resides in nor is regularly employed at an office in Ohio. He has not taken and failed the Ohio bar examination, been denied admission without examination, or had an application for admission in this state denied on character and fitness grounds pursuant to Gov. Bar R. I within the last five years.

4. Mr. Elmer will comply with the applicable statutes, law and procedural rules of Ohio and the rules, policies, and procedures of the tribunal before which he seeks to practice, and will be familiar with and comply with the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar.

5. Mr. Elmer has not been granted permission to appear *pro hac vice* in more than three proceedings before Ohio tribunals in the current calendar year in accordance with Gov. Bar Rule XII(2)(A)(5). Under that Rule, participation in a Supreme Court of Ohio proceeding.

6. Mark A. Whitt (#0067996), an attorney licensed to practice in the State of Ohio in good standing, has agreed to associate with Mr. Elmer in this proceeding.

7. Attached are a copy of the certificate of *pro hac vice* registration for Mr. Elmer furnished by the Supreme Court of Ohio Office of Attorney Services, a copy of the affidavit required by Gov. Bar R. XII(2)(A)(6), and a certificate indicating service of this Motion on all known parties and attorneys of record.

8. Mr. Elmer understands that, if this Motion is granted, he must file a Notice of Permission to Appear *Pro Hac Vice* and a copy of the Order granting permission with the Office of Attorney Services within thirty days of the Order.

WHEREFORE, Scott Elmer respectfully requests permission to appear *pro hac vice* before the Commission in this proceeding.

Dated: October 26, 2022

Respectfully submitted,

/s/ Mark A. Whitt  
Mark A. Whitt (0067996)  
WHITT STURTEVANT LLP  
The KeyBank Building, Suite 1590  
88 East Broad Street  
Columbus, Ohio 43215  
Telephone: (614) 224-3912  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)

Scott Elmer  
(PHV-26337-2022)  
*(pro hac vice pending)*  
180 N. LaSalle Street Suite 2020  
Chicago, IL 60601-2606  
Telephone: (312) 270-2543  
[elmer@whitt-sturtevant.com](mailto:elmer@whitt-sturtevant.com)

*Attorneys for RPA Energy, Inc.  
d/b/a Green Choice Energy*

## **CERTIFICATE OF SERVICE**

I hereby certify that a courtesy copy of the foregoing pleading was served by electronic mail this 26th day of October, 2022, to the following:

[angela.obrien@occ.ohio.gov](mailto:angela.obrien@occ.ohio.gov)  
[ambrosia.wilson@occ.ohio.gov](mailto:ambrosia.wilson@occ.ohio.gov)  
[Robert.Eubanks@OhioAGO.gov](mailto:Robert.Eubanks@OhioAGO.gov)  
[Rhiannon.Plant@OhioAGO.gov](mailto:Rhiannon.Plant@OhioAGO.gov)

Attorney Examiners:  
[Jesse.davis@puco.ohio.gov](mailto:Jesse.davis@puco.ohio.gov)

/s/ Mark A. Whitt  
One of the Attorneys for RPA Energy, Inc.

# THE SUPREME COURT *of* OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

**Scott Elmer**

FOR PRO HAC VICE REGISTRATION

per Gov. Bar R. XII, Section 2(A)(3)

**Scott Elmer**

Certificate of  
PRO HAC VICE  
REGISTRATION

2022

Registration Number:  
PHV- 26337-2022

\_\_\_\_\_, having met the requirements of, and found to be in full compliance with, Section 2(A)(3) of Rule XII of the Rules for the Government of the Bar of Ohio, is hereby issued this certificate of pro hac vice registration in the state of Ohio.

To receive permission to appear pro hac vice in an Ohio proceeding, a motion requesting such permission must be filed with the tribunal in accordance with Section 2(A)(6) of Rule XII of the Rules for the Government of the Bar of Ohio.



Gina White Palmer  
Director, Attorney Services

**Expires December 31, 2022**

# THE SUPREME COURT of OHIO

## OFFICE OF ATTORNEY SERVICES

### IN THE MATTER OF THE APPLICATION OF

Scott Elmer

**AFFIDAVIT OF APPLICANT**  
Gov. Bar R. XII, Section 2(A)(3)

### FOR PRO HAC VICE REGISTRATION

Scott Elmer, being first duly cautioned, swears or affirms as follows:

- a. I have never been disbarred from the practice of law.
- b. I have been admitted to the practice of law in the following jurisdictions (attach additional page if necessary):

Illinois (6312743)

- c. Choose one:

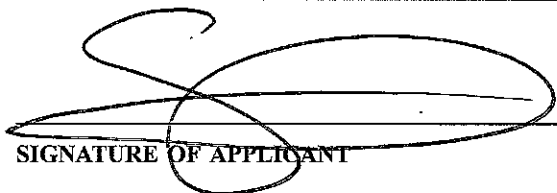
- ☒ I am not currently suspended from the practice of law in any jurisdiction where I have been admitted to practice.
- ☐ I am currently suspended from the practice of law in the following jurisdictions:

- d. Choose one:

- ☒ I have not resigned from the practice of law with discipline pending in any jurisdiction where I have been admitted to practice.
- ☐ I have resigned from the practice of law with discipline pending in the following jurisdiction(s):




**VALERIE CAHILL**  
Notary Public, State of Ohio  
My Commission Expires 08-23-2026

  
SIGNATURE OF APPLICANT

Sworn to or affirmed before me and subscribed in my presence the 26 day of October,

20 22, in the state of Ohio and county of Franklin.

\*Notary public's stamp/seal  
and commission expiration  
date are required.

  
SIGNATURE OF NOTARY PUBLIC\*

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**10/26/2022 8:03:00 AM**

**in**

**Case No(s). 22-0441-GE-COI**

Summary: Motion For Permission For Scott Elmer to Appear Pro Hac Vice  
electronically filed by Ms. Valerie A. Cahill on behalf of RPA Energy Inc., d/b/a  
Green Choice Energy