

ORIGINAL

OPEN MEETING AGENDA ITEM



0000094628

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2009 MAR 17 P 1:47

MAR 17 2009

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

COMMISSIONERS

- KRISTIN K. MAYES, Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

IN THE MATTER OF

DOCKET NO. S-20655A-09-0071

WACHOVIA SECURITIES, LLC
One North Jefferson Avenue
St. Louis, Missouri 63103

WACHOVIA CAPITAL MARKETS, LLC
301 South College Street
Charlotte, North Carolina 28288-0601

RESPONDENTS.

PROCEDURAL ORDER
GRANTING TEMPORARY
ADMISSION PRO HAC VICE

BY THE COMMISSION:

On March 16, 2009, a Notice of Appearance was filed in this docket stating that Keith Beauchamp of the law firm Lewis and Roca LLP and Douglas L. Kelly of Wachovia Securities, LLC, will appear in this action as counsel of record for Respondents Wachovia Securities, LLC and Wachovia Capital Markets, LLC.

Also filed on March 16, 2009, was Mr. Beauchamp's Motion and Consent of Local Counsel for Temporary *Pro Hac Vice* Admission of Douglas L. Kelly. The Motion requested, pursuant to Arizona Supreme Court Rule 38, that Douglas L. Kelly be granted temporary admission *pro hac vice* in the above-captioned matter ("Motion"). Mr. Beauchamp agreed to serve as designated local counsel for the above-captioned matter.

According to the Motion, Mr. Kelly desires to appear on behalf of his clients, Wachovia Securities, LLC and Wachovia Capital Markets, LLC, at the Commission Open Meeting scheduled for Thursday, March 19, 2009. The Motion included a copy of Mr. Kelly's verified Application for Appearance *Pro Hac Vice* filed with the State Bar of Arizona; a copy of his certificate of good standing from the state in which he has been admitted to practice law; and indication that the application fee has been paid to the State Bar of Arizona.

1 On March 17, 2009, the Commission's Securities Division filed its Response to the Motion,
2 indicating that it has no objection to the Motion.

3 Accordingly, for good cause shown and pursuant to Rule 38(a)3, the request for temporary
4 admission *pro hac vice* admission is reasonable and should be granted, provided that the completion
5 of the application procedures occurs within 45 days of this procedural order.

6 IT IS THEREFORE ORDERED that the request for temporary admission *pro hac vice* of
7 Douglas L. Kelly to appear before the Commission is hereby granted.

8 IT IS FURTHER ORDERED that Douglas L. Kelly's address for service of papers and other
9 communication shall be:

10 Douglas L. Kelly
11 WACHOVIA SECURITIES
12 One North Jefferson Ave
13 St. Louis, MO 63103

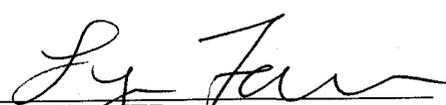
14 IT IS FURTHER ORDERED that the address for service of papers and other communication
15 for the Arizona-licensed attorney designated as local counsel, Keith Beauchamp, shall be:

16 Keith Beauchamp
17 LEWIS & ROCA, LLP
18 40 N. Central Avenue
19 Phoenix, AZ 85004

20 IT IS FURTHER ORDERED that Douglas L. Kelly shall complete the application procedures
21 within 45 days of the date of this procedural order.

22 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
23 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
24 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
25 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
26 matter is scheduled for discussion, unless counsel has previously been granted permission to
27 withdraw by the Administrative Law Judge.

28 DATED this 17th day of March, 2009.


LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 17th day of March, 2009 to:

3 Douglas L. Kelly
4 WACHOVIA SECURITIES
5 One North Jefferson Ave
6 St. Louis, MO 63103

7 Keith Beauchamp
8 LEWIS & ROCA, LLP
9 40 N. Central Avenue
10 Phoenix, AZ 85004

11 Matt Neubert, Director
12 Securities Division
13 ARIZONA CORPORATION COMMISSION
14 1300 West Washington Street
15 Phoenix, Arizona 85007

16
17
18
19
20
21
22
23
24
25
26
27
28
By: 
Debbi Person
Assistant to Lyn Farmer