

NextGen Communications, Inc. )  
 )  
Application for a certificate of local )  
and interexchange authority to )  
operate as a facilities-based carrier )  
of telecommunications services )  
throughout the State of Illinois )

**Docket No: 09-0242**

**MOTION TO APPEAR PRO HAC VICE**

H. Russell Frisby, Jr., pursuant to §200.90 of the Illinois Commerce Commission's ("Commission") Rules of Practice (see Ill. Adm Code Title 83, §200.90) hereby moves for permission to represent NextGen Communications, Inc. ("NextGen") in the above captioned proceeding upon special leave of the Hearing Examiner. In support thereof states:

1. I, H. Russell Frisby, Jr. am an attorney in good standing and admitted to practice in Maryland and the District of Columbia. Both Maryland and the District of Columbia permit attorneys from other states including Illinois, to appear *pro hac vice*.

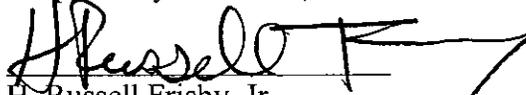
2. Good cause exists for my admission *pro hac vice*, in that I represent NextGen and its affiliates. I am familiar with NextGen's business plans and operations and am representing NextGen in similar matters offer in other states.

ILLINOIS  
COMMERCE COMMISSION  
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CHIEF CLERK'S OFFICE

3. I agree to abide by all of the rules of the Commission and an Illinois court rules that may apply to this proceeding. I also agree to notify the Commission immediately of any matter that would affect my standing at the bar of any court.

WHEREFORE, in view of the foregoing, I respectfully request permission to represent NextGen before this Commission in the above-captioned docket.

Respectfully submitted,



H. Russell Frisby, Jr.

Fleischman and Harding LLP

1255 23rd Street, N.W., Eighth Floor

Washington, D.C. 20037

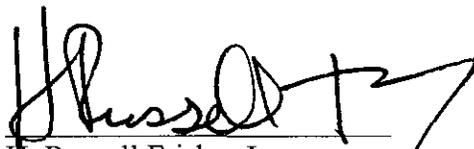
(202) 939-7980

Dated: 20th of June, 2009

District of Columbia \_\_\_\_\_

**VERIFICATION**

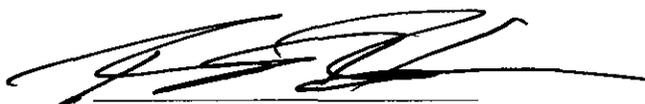
I, H. Russell Frisby, Jr. being first duly sworn, depose and state that I am an attorney for NextGen Communications, Inc., that I have read the foregoing Motion to Appear *Pro Hac Vice* and know the contents thereof, and that the statements therein contained are true to the best of my knowledge, information and belief.



H. Russell Frisby, Jr.  
Fleischman and Harding LLP  
1255 23rd Street, N.W., Eighth Floor  
Washington, D.C. 20037  
(202) 939-7980

Dated 26<sup>th</sup> of June, 2009

Subscribed and Sworn to before me this 26<sup>th</sup> day of June, 2009.



Notary Public Signature

Print Name **ROBERT J. BIBER**  
**NOTARY PUBLIC**  
**DISTRICT OF COLUMBIA**  
**MY COMMISSION EXPIRES**  
**JANUARY 1, 2013**

My Commission expires: \_\_\_\_\_

**SERVICE LIST**

Docket No. 09-0242

Lisa M. Tapia,  
Administrative Law Judge  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
E-mail: ltapia@icc.illinois.gov

Marci Schroll  
Case Manager  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
E-mail: mscroll@icc.illinois.gov

Matthew L. Harvey & Megan McNeil  
Office of Counsel  
Illinois Commerce Commission  
160 N. LaSalle Street  
Suite C-800  
Chicago, IL 60601-3104  
E-mail: mharvey@icc.illinois.gov  
E-mail: mmcneill@icc.illinois.gov