



Ernie Fletcher
Governor

Mark David Goss
Chairman

Teresa J. Hill, Secretary
Environmental and Public
Protection Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

John W. Clay
Commissioner

Timothy J. LeDonne
Commissioner
Department of Public Protection

February 1, 2007

Ted Hampton
General Manager
Cumberland Valley Electric, Inc.
Highway 25E
P.O. Box 440
Gray, KY. 40734

RE: Case No. 2006-00477
Pass-Through Application

Dear Mr. Hampton:

The Commission has received Cumberland Valley Electric, Inc.'s application for pass-through rates in relation to the application for a wholesale rate adjustment by East Kentucky Power Company in Case No. 2006-00472. Kentucky law requires that those representing the interests of corporations before the Commission must be attorneys licensed to practice in the Commonwealth of Kentucky. The Commission has previously ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to present a client or employer before this Commission, must engage a member of the Kentucky Bar Association.

Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. P.S.C. June 15, 1981) at 2.

Although you are Cumberland Valley Electric, Inc.'s representative, the Commission has not found any information indicating that you are an attorney licensed to practice law in Kentucky. Kentucky's Supreme Court has stated that no person may engage in the practice of law without first obtaining a license. SCR 2.100. The practice of law is defined as follows:

[A]ny service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.

SCR 3.020. In Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W. 2d 727 (Ky., 1967), the Supreme Court held that the representation of a corporation before a state agency qualifies as participating in the practice of law.

All documents filed with the Commission on behalf of a corporation must be signed by its attorney and must provide the address for that attorney. Please refer to 807 KAR 5:001 (12) and (15) for additional information on this requirement.

Before the Commission can allow Cumberland Valley Electric, Inc. to proceed with its application, the corporation must provide documentation demonstrating that it is being represented by a licensed member of the Kentucky Bar Association.

As it stands today Cumberland Valley Electric, Inc.'s application fails to comply with Kentucky law and must be amended before it can be accepted for filing. Please mail this response to Michael F. Burford, Director of Filings Division, Public Service Commission, 211 Sower Blvd., Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

Michael F. Burford
Director
Division of Filings

Enclosure
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