

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------|---|------------|
| IPGREALKY, LLC |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| V. |) | CASE NO. |
| |) | 2010-00451 |
| KENTUCKY-AMERICAN WATER COMPANY |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

IPGREALKY, LLC (“IPGREALKY”) has filed a formal complaint with the Commission against Kentucky-American Water Company (“Kentucky-American”). According to the records of the Kentucky Secretary of State, IPGREALKY appears to be a Kentucky limited liability corporation. The complaint is signed by Mr. David R. McCulloch on behalf of IPGREALKY. On information and belief, Mr. McCulloch is not an attorney licensed to practice law in Kentucky.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice.¹ The practice of law is:

[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.²

¹ SCR 2.100.

² SCR 3.020.

It includes, as Kentucky's highest court held in Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967), the representation of a corporation before a state administrative agency.

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others before us be licensed attorneys. In a previous case, the Commission ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission must engage a member of the Kentucky Bar Association. It logically follows that if an unlicensed attorney may not represent a client before this Commission, neither may a layman.³

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. 807 KAR 5:001, Section 12(2), states in part: "Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address." The regulation requires that a corporation or other organization, from the outset of a complaint proceeding, be represented by an attorney.

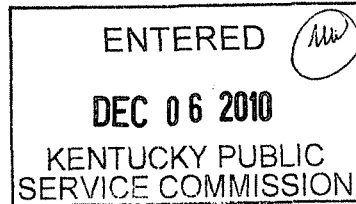
Based on the above, the Commission finds that IPGREALKY's complaint fails to comply with Kentucky law and should not be accepted for filing. The Commission further finds that IPGREALKY shall be afforded the opportunity to file a complaint signed by an attorney licensed to practice law in Kentucky.

³ Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky, at 2 (Ky. PSC June 15, 1981).

IT IS THEREFORE ORDERED that:

1. The complaint is rejected for filing.
2. IPGREALKY shall be permitted to file a complaint submitted by an attorney licensed to practice in Kentucky within 20 days of the date of this Order.

By the Commission



ATTEST:



Executive Director

David R McCulloch
IPGREALKY, LLC
P.O. Box 54671
Lexington, KY 40555-467

Nick O Rowe
President
Kentucky-American Water Company aka Kentucky
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