

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRISTOPHER SCOTT BURRELL	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2022-00324
	)	
FARMDALE WATER DISTRICT	)	
	)	
DEFENDANT	)	

ORDER

On December 13, 2022, the Commission ordered Farmdale Water District (Farmdale District) to satisfy or answer a formal complaint filed on September 19, 2022, by Christopher Scott Burrell. On December 14, 2022, Farmdale District filed a document, signed by acting Farmdale District Chairman, Scottie Woolridge, summarized its interactions with Mr. Burrell related to his complaint but did not specifically admit or deny the allegations or present defenses.

Commission regulation 807 KAR 5:001E, Section 20(4)(b) requires a “complaint be answered in writing within ten (10) days from the date of service of the order.” Commission regulation 807 KAR 5:001E, Section 20(6)(a) states “The answer shall contain a specific denial of the material allegations of the complaint as controverted by the defendant and also a statement of any new matters constituting a defense.” Farmdale District did not file a written answer containing denials and defenses within ten days. In addition, Farmdale District’s filing was not effectuated by an attorney licensed to practice

as is required for a corporate entity such as Farmdale District.<sup>1</sup> No person may engage in the practice of law in Kentucky without first obtaining a license to practice.

The practice of law is any 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.<sup>2</sup>

It includes, as Kentucky's highest court held in *Kentucky State Bar Association v. Henry Vogt Machine Co.*,<sup>3</sup> the representation of a business before a state administrative agency.

[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.<sup>4</sup>

It logically follows that if an unlicensed attorney may not represent a client before this Commission, neither may a layman. Commission regulations incorporate these sentiments. Commission regulation 807 KAR 5:001, Section 4(4), states in part: "A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)."

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<sup>1</sup> Water districts are corporate entities under KRS 74.070.

<sup>2</sup> Kentucky Supreme Court Rule 3.020.

<sup>3</sup> *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

<sup>4</sup> Administrative Case No. 249, *Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky* (Ky. PSC June 15, 1981) at 2.

IT IS HEREBY ORDERED that:

1. Pursuant to 807 KAR 5:001E, Section 20, Farmdale District is ordered to satisfy the matters complained of or file, via licensed attorney, a written answer to the complaint within ten days from the date of entry of this Order.

2. The Commission directs Farmdale District to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>5</sup> regarding filings with the Commission. In the Commission's March 16, 2020 Order in Case No. 2020-00085,<sup>6</sup> the Commission provides instructions for filings in non-electronic cases, insofar that parties of non-electronic cases may file one original document with no copies, or send an electronic mail message with an electronic copy of the document to the Commission and to parties to the matter. Any electronic email filed in this manner should be sent to PSCED@ky.gov, and each message should include the case number in the subject line of the message and a read receipt to ensure the Commission received the message and documents. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001E, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

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<sup>5</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission mandated the use of the electronic filing procedures found in 807 KAR 5:001, Section 8, except for pro se formal complaints filed against utilities).

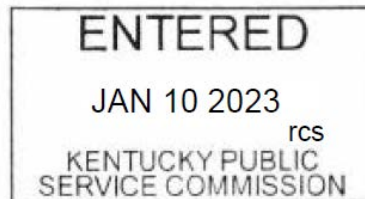
<sup>6</sup> Case No.2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6.

PUBLIC SERVICE COMMISSION

  
Chairman

\_\_\_\_\_  
Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

Christopher S. Burrell  
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Frankfort, KENTUCKY 40601

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