

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FARM FRESH FOODS, INC.)	
COMPLAINANT)	
VS.)	CASE NO. 10234
)	
GRAYSON RURAL ELECTRIC COOPERATIVE)	
CORPORATION)	
DEFENDANT)	

O R D E R

On April 21, 1988, Farm Fresh Foods, Inc., a Kentucky corporation, filed a formal complaint with this Commission alleging that it had been illegally denied electric service by Grayson Rural Electric Cooperative Corporation ("Grayson"). The complaint was signed by Mr. Walter Callihan, president and secretary of Farm Fresh Foods.

In its answer to the complaint, Grayson alleged, inter alia, that Mr. Callihan is not a licensed attorney in the Commonwealth of Kentucky. In response to Commission inquiries, the Clerk of the Kentucky Supreme Court has advised us that Mr. Callihan does not hold a license to practice law in this state. We have also been advised that Mr. Callihan is not a member of the Kentucky Bar Association.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. SCR 2.100. The practice of law, as defined by Kentucky Supreme Court Rule 3.020, is:

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

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,¹ this 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.

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. Commission Regulation 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. [Emphasis added]

The regulation requires that a corporation, from the outset of a complaint proceeding, be represented by an attorney.

¹ Administrative Case No. 249, Practice Before the Commission by Attorneys Nonlicensed in the Commonwealth of Kentucky, Order entered June 15, 1981.

Mr. Callihan knows of this Commission's policy. On at least one occasion,² we have warned him that "he cannot represent other entities before this Commission without an attorney."

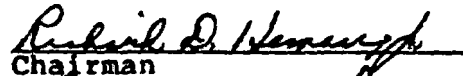
The Commission finds that the complaint of Fresh Farm Foods is not signed by an attorney and, therefore, is in violation of Commission Regulation 807 KAR 5:001, Section 12(2) and the Commission's Order in Administrative Case No. 249.

Wishing to afford Fresh Farm Foods every opportunity to present its complaint, the Commission will allow it 30 days within which its attorney may enter an appearance for the record. If no entry of appearance is made within 30 days of the date of this Order, then Fresh Farm Foods' complaint shall be dismissed.

BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 19th day of July, 1988.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director

² Case No. 8234, Little Sandy Packing Company and Walter Callihan, Inc. vs. General Telephone Company of Kentucky, Order entered July 22, 1981.