

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HYPERACTION CONNECTION, INC.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2003-00073
)	
ALLTEL COMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

HyperAction Connection, Inc. (HyperAction) has filed a formal complaint with the Commission against ALLTEL Communications, Inc. (ALLTEL). Stephen Price, President of HyperAction, filed the complaint on behalf of HyperAction. The complaint form contains a space in which a Complainant lists the name and address of its attorney. In this space, Mr. Price has written nothing. On information and belief, Mr. Price 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. SCR 2.100.

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.

Kentucky Supreme Court Rule 3.020.

This Commission has adopted a position similar to that in Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967), 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.

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.

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.

Therefore, the Commission finds that the complaint fails to comply with Kentucky law and should not be accepted for filing. We further find that HyperAction should be permitted to file a complaint that complies with 807 KAR 5:001 within 10 days of the date of this Order. If HyperAction fails to submit a timely amended complaint that complies with this administrative regulation, this case will be dismissed.

IT IS THEREFORE ORDERED that:

1. The complaint is rejected.
2. Within 10 days of the date of this Order, HyperAction may submit a complaint that complies with 807 KAR 5:001. Failure to submit a timely complaint that complies with this administrative regulation will result in the dismissal of this case without further Order of the Commission.

Done at Frankfort, Kentucky, this 5th day of May 2003.

By the Commission

ATTEST:


Executive Director