

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HARRY CLINTON FENTRESS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00117
)	
AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, LLC)	
)	
DEFENDANT)	

O R D E R

On March 13, 2006, Harry Clinton Fentress filed a formal complaint against AT&T Communications of the South Central States, LLC (“AT&T”). On April 3, 2006, AT&T notified the Commission that a refund had been issued to Mr. Fentress as satisfaction of the complaint. This notification was signed by Sonia Daniels, Regulatory Docket Manager for AT&T. By Order issued April 19, 2006, Mr. Fentress was given 10 days in which to notify the Commission of his acceptance or rejection of the offer of satisfaction. On April 26, 2006, Mr. Fentress submitted copies of the disputed billing records and notified the Commission that he did not accept AT&T’s offer of satisfaction.

Upon review of the billing records, it has been determined that the account is in the name of Fentress Marine, Inc., which is a for-profit Kentucky corporation (Organization No. 0436148), authorized by the Office of the Secretary of State to do business in Kentucky since 1997. Mr. Fentress 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 “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.” Kentucky Supreme Court Rule 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, 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.

Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC 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 an attorney represent a corporation or other organization from the outset of a complaint proceeding.¹

Based on the above, the Commission finds that Mr. Fentress's complaint fails to comply with Kentucky law and should not be accepted for filing. We further find that Mr.

¹ See Charles B. Looney v. Harrison County Water Association, Case No. 1999-00284 (Ky. PSC Aug. 11, 1999); Robert Hatfield v. Bath County Water District, Case No. 1999-00436 (Ky. PSC Dec. 6, 1999).

Fentress, by and through an attorney licensed to practice law in the State of Kentucky, should be permitted to file a complaint that complies with 807 KAR 5:001 within 20 days of the date of this Order. If Mr. Fentress fails to submit a timely amended complaint that complies with this administrative regulation, this case will be dismissed. Additionally, any submissions made by AT&T should be filed by an attorney licensed to practice law in Kentucky.

IT IS THEREFORE ORDERED that:

1. The complaint of Mr. Fentress is rejected.
2. Within 20 days of the date of this Order, Mr. Fentress may submit a complaint that complies with 807 KAR 5:001. Failure to submit a timely complaint that complies with this administrative regulation shall result in the dismissal of this case without prejudice.
3. Any submission made by AT&T shall be filed by and through an attorney licensed to practice law in Kentucky.

Done at Frankfort, Kentucky, this 12th day of May, 2006.

By the Commission

ATTEST:



Executive Director