

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EDGAR ALAN PEARSON	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2006-00183
	)	
GARRARD COUNTY WATER	)	
ASSOCIATION, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On May 3, 2006, Edgar Alan Pearson filed a formal complaint against Garrard County Water Association, Inc. ("Garrard County"). On May 9, 2006, the Commission ordered Garrard County to satisfy the matters complained of or file a written answer to the complaint within 10 days. On May 15, 2006, Garrard County filed its answer to the complaint. Harold C. Ward, President of Garrard County, signed the answer on behalf of Garrard County. On information and belief, Mr. Ward 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. 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.

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.

Based on the above, the Commission finds that Garrard County's answer fails to comply with Kentucky law and should not be accepted for filing. We further find that Garrard County should be permitted to file an answer that complies with 807 KAR 5:001 within 10 days of the date of this Order. The Defendant's failure to submit a timely answer that complies with this administrative regulation will be considered as an

admission of all allegations contained in the complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

IT IS THEREFORE ORDERED that:

1. The answer of Garrard County is rejected.
2. Within 10 days of the date of this Order, Garrard County shall submit an answer that complies with 807 KAR 5:001. Failure to submit a timely answer that complies with this administrative regulation will be considered as an admission of all allegations contained in the complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 25<sup>th</sup> day of May, 2006.

By the Commission

ATTEST:



Executive Director

Case No. 2006-00183