

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TAMMY ROGERS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2008-00513
)	
NORTHEAST WOODFORD COUNTY)	
WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On December 10, 2008, Tammy Rogers filed a formal complaint against Northeast Woodford County Water District ("Northeast Woodford"). On December 29, 2008, the Commission ordered Northeast Woodford to satisfy the matters complained of or file a written answer to the complaint within 10 days. On January 9, 2009, Northeast Woodford filed its answer to the complaint. John Davis, Chairman of Northeast Woodford, signed the answer on behalf of the utility. On information and belief, Mr. Davis 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.¹

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

¹ Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2.

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

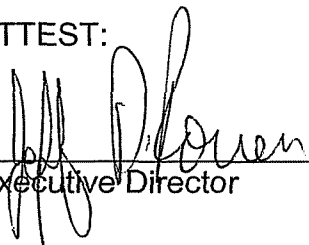
IT IS THEREFORE ORDERED that:

1. The answer of Northeast Woodford is rejected.
2. Within 10 days of the date of this Order, Northeast Woodford 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 6th day of February, 2009.

By the Commission

ATTEST:



Executive Director

Steele Davis
Chairman
Northeast Woodford County Water District
225A South Main Street
Versailles, KY 40383

Tammy Rogers
114 Chestnut Lane
Versailles, KY 40383