COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WQXX RADIO, MERV LAWSON	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2013-00342
WINDSTREAM KENTUCKY EAST	)	
	)	
DEFENDANT	)	

ORDER

On September 16, 2013, Merville Lawson, on behalf of WQXX Radio Tower Circuit ("WQXX"), filed a formal complaint with the Commission against Windstream Kentucky East ("Windstream"). On information and belief, Mr. Lawson is not an attorney licensed to practice law in Kentucky. No attorney's signature appears on the complaint.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. 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.[1]

It includes the representation of a corporation before a state administrative agency.[2]

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[1] Kentucky Supreme Court Rule 3.020.

[2] *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others 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.[3]

Commission regulations concerning formal complaints incorporate this requirement. 807 KAR 5:001, Section 19(2), states in part: "a complaint by a corporation, association, or another organization with the right to file a complaint, shall be signed by the entity's attorney." 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 WQXX's complaint fails to comply with Kentucky law and should not be accepted for filing.

IT IS THEREFORE ORDERED that:

1.   WQXX shall be permitted to submit a complaint signed by an attorney licensed to practice in the Commonwealth of Kentucky in compliance with 807 KAR 5:001 within 14 days of the date of this Order.

2.   If WQXX fails to submit a timely amended complaint that complies with 807 KAR 5:001, Section 19, such failure will result in the dismissal of this case without further Order and the case shall be removed from the Commission's docket.

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[3] Administrative Case No. 249, *Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky* (Ky. PSC June 15, 1981) at 2. *See also,* Case No. 2004-00348, *Howard Keen v. Carroll County Water District # 1* (Ky. PSC Oct. 15, 2004).

By the Commission

ATTEST:

Aaron D. Brunwald for
Executive Director

Case No. 2013-00342

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