



# AFSCME Council 62

gjs

American Federation of State, County and Municipal Employees, AFL-CIO

2004 250

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July 13, 2004

Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602

To the Commission:

Enclosed an amended complaint, as you requested, in the attached letter of July 9, 2004.

Sincerely,

Roger Poer  
Controller

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PSC Consumer Services

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PUBLIC SERVICE  
COMMISSION

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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AMERICAN FEDERATION OF STATE, )  
COUNTY, MUNICIPAL EMPLOYEES )  
COUNCIL 62 (AFSME COUNCIL 62) )

JUL 15 2004

PUBLIC SERVICE  
COMMISSION

COMPLAINANT )

v. )

CASE NO. 2004-00250

AT&T COMMUNICATIONS OF THE )  
SOUTH CENTRAL STATES, LLC )

DEFENDANT )

O R D E R

The American Federation of State, County, Municipal Employees Council 62 ("AFSME Council") has filed a formal complaint with the Commission against AT&T Communications of the South Central States, LLC ("AT&T"). Roger Poer, the controller of AFSME Council, filed the complaint on behalf of AFSME Council. The complaint form contains a space for the Complainant to list its attorney's name and address. In this space, AFSME Council listed Susan Crouch of Mooresville, Indiana. On information and belief, Ms. Crouch 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. 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. The practice of law 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" (emphasis added). 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 AFSME Council's complaint fails to comply with Kentucky law and should not be accepted for filing.

IT IS THEREFORE ORDERED that:

1. AFSME Council should be permitted to file a complaint that complies with 807 KAR 5:001 within 10 days of the date of this Order.

2. If AFSME Council fails to submit a timely amended complaint that complies with this administrative regulation, such failure will result in the dismissal of this case without further Order.

Done at Frankfort, Kentucky, this 9th day of July, 2004.

By the Commission

ATTEST:

  
Deputy Executive Director

Case No. 2004-00250

AMENDED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

American Federation of State, County, Municipal Employees  
Council 62 ( AFSME Council 62)

\_\_\_\_\_  
(Your Full Name)

COMPLAINANT

VS. AT & T

\_\_\_\_\_  
(Name of Utility)

DEFENDANT

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JUL 15 2004

PUBLIC SERVICE  
COMMISSION

COMPLAINT

The complaint of AFSCME Council 62 respectfully shows:

(Your Full Name)

(a)

Roger E. Poer, Controller

\_\_\_\_\_  
(Your Full Name)

1424 N. Pennsylvania St., Indianapolis, IN 46202

\_\_\_\_\_  
(Your Address)

(b)

At & T

\_\_\_\_\_  
(Name of Utility)

P.O. Box 9001310, Louisville, KY 40290-1310

\_\_\_\_\_  
(Address of Utility)

(c)

That: Apon changing physical locations in the city of Louisville, in September 2003

(Describe here, attaching additional sheets if necessary,

our phone number was changed. Our local phone service provider, Bell South, obtained a new

the specific act, fully and clearly, or facts that are the reason

number and new service with At&T. However beginning September, At&T began billing at , \$0.99 p

and basis for the complaint.)

minute, instead of the previous rate of \$0.09 per minute. In Feb. 2004 rate was increased to \$4.49

minute. March 2004 the AT & T long distance service was cancelled.

Continued on Next Page

**Formal Complaint**

AFSCME Council 62 vs. AT & T

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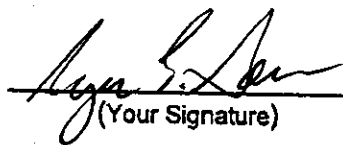
Repeated attempts in March and April 2004, to correct the billing were denied, with the exception  
of one month, which was credited to to the \$0.09 level.

Wherefore, complainant asks Refund of estimated overbilling \$7,396.89. (See attached)  
(Specifically state the relief desired.)

This would represent the rollback of the charges to our previous rate of \$0.09 per minute from \$0.99 and  
\$4.49 charged to our account, that have been previously paid. The billing detail is not disputed, only  
rate per call.

Dated at Louisville, Kentucky, this 7<sup>th</sup> day  
(Your City)

of May, 2004, 1904.  
(Month)

  
(Your Signature) *AFSCME COUNCIL 62*  
*Controller*

John F. Stewart, 325 W. Main St., Louisville, KY 40202-4251  
(Name and address of attorney, if any)

AFSSCME Council 62  
 AT & T Louisville Office  
 Over-Billed

Account # 057-090-1698-001  
 Phone # 502-363-4074

Bill Close Date	Amount	Cents Per Minute	Status of Bill	Est. Should Have Paid	Remarks
3/22/2004	(921.62)	NA	Un-paid	N/A	
2/22/2004	3,084.78	\$4.49 & .99	Un-paid	150.00	Credit for 12/22/2003 Bill (.99 to .09)
1/22/2004	1,235.40	0.99	Paid	123.54	Estimate @ .09
12/22/2003	1,298.31	0.99	Paid	129.83	Estimate @ .09
11/22/2003	2,209.28	0.99	Paid	220.93	Estimate @ .09
10/22/2003	2,443.34	0.99	Paid	244.33	Estimate @ .09
9/22/2003	1,272.79	0.99	Paid	127.28	Estimate @ .09

Totals 10,622.28

Paid 1,062.23 9,560.05 Over billed  
 Due AFSSCME 7,396.89