

Ernie Fletcher
Governor

LaJuana S. Wilcher, Secretary
Environmental and Public
Protection Cabinet

Christopher L. Lilly
Commissioner
Department of Public Protection



Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Mark David Goss
Chairman

Teresa J. Hill
Vice Chairman

Gregory Coker
Commissioner

Sylvia Anderson
AT&T Communications of the South Central States
1200 Peachtree St., N.E.
Suite 8100
Atlanta, GA 30309

February 24, 2006

RE: Case No. 2006-00011

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/jc
Enclosure

Sylvia Anderson
AT&T Communications of the South
Central States
1200 Peachtree St., N.E.
Suite 8100
Atlanta, GA 30309



Thomas M. Hertz, Jr.
Lynn Imaging
328 Old East Vine Street
Lexington, KY 40507



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LYNN IMAGING)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2006-00011
)	
AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
DEFENDANT)	

O R D E R

Thomas M. Hurtz, Jr., on behalf of Lynn Imaging, has filed a formal complaint against AT&T Communications of the South Central States. Lynn Imaging is an assumed-name corporation; its parent corporation being Lynn Blueprint and Supply Co., a Kentucky corporation. On information and belief, Mr. Hurtz 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 Lynn Imaging's complaint fails to comply with Kentucky law and should not be accepted for filing. We further find that Lynn Imaging should be permitted to file a complaint that complies with 807 KAR 5:001 within 10 days of the date of this Order. If Lynn Imaging fails to submit a timely amended complaint that complies with this administrative regulation, such failure will result in the dismissal of this case.

IT IS THEREFORE ORDERED that:

1. The complaint of Lynn Imaging is rejected.

2. Within 10 days of the date of this Order, Lynn Imaging may submit a complaint that complies with 807 KAR 5:001. Failure to submit a timely complaint that complies with this administrative regulation will result in the dismissal of this case without further Order of the Commission.

Done at Frankfort, Kentucky, this 24th day of February, 2006.

By the Commission

ATTEST:



Executive Director