

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATIONS OF BIG RIVERS)	
ELECTRIC CORPORATION FOR:)	
(I) APPROVAL OF WHOLESALE TARIFF)	
ADDITIONS FOR BIG RIVERS ELECTRIC)	
CORPORATION, (II) APPROVAL OF)	
TRANSACTIONS, (III) APPROVAL TO ISSUE)	CASE NO. 2007-00455
EVIDENCES OF INDEBTEDNESS, AND)	
(IV) APPROVAL OF AMENDMENTS TO)	
CONTRACTS; AND OF E.ON U.S., LLC,)	
WESTERN KENTUCKY ENERGY CORP.,)	
AND LG&E ENERGY MARKETING, INC.)	
FOR APPROVAL OF TRANSACTIONS)	

O R D E R

On February 15, 2008, the International Brotherhood of Electrical Workers, Local Union 1701 (“IBEW”), filed a motion for full intervention. The motion is titled, “IBEW Pro Se Motion to Intervene,” and was signed by Gary Osborne, IBEW President. According to the Website maintained by the Kentucky Secretary of State, the IBEW is organized as a Kentucky corporation. According to the attorney directory listed on the Website maintained by the Kentucky Bar Association, Gary Osborne is not licensed to practice law in Kentucky.¹

No person may engage in the practice of law in Kentucky unless that person has a license to practice law. The Kentucky Supreme Court has defined the practice of law to include:

¹ See <http://www.kybar.org/Default.aspx?tabid=26>.

[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.²

Kentucky's highest Court has held that the practice of law includes the representation of a corporation before a state administrative agency.³ That Court has also held that, "Only persons who meet the educational and character requirements of this Court and who, by virtue of admission to the Bar, are officers of the Court and subject to discipline thereby, may practice law. The sole exception is the person acting in his own behalf."⁴

Based on these legal precedents, the Commission finds that the IBEW motion to intervene cannot be accepted for filing until a Kentucky licensed attorney files a notice of appearance on behalf of the IBEW.

IT IS THEREFORE ORDERED that the IBEW motion for full intervention is rejected for filing until such time as a Kentucky licensed attorney files an entry of appearance on behalf of the IBEW.

² Kentucky Supreme Court Rule 3.020.

³ Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967).


⁴ Frazer v. Citizens Fidelity Bank & Trust Co., 393 S.W. 2d 778 (Ky. 1964), cited in May v. Coleman, 945 S.W.2d 426, 428 (Ky. 1997).

Done at Frankfort, Kentucky, this 27th day of February, 2008.

By the Commission

Commissioner Clark Abstains.

ATTEST:



Executive Director