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David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

January 23, 2012

Mr. Jim Carr  
Mr. John Clark  
Madison County Utilities District  
Post Office 670  
Richmond, Kentucky 40476

Re: Case No. 2012-00020  
Madison County Utilities District

Gentlemen:

The Public Service Commission is in receipt of the application of Madison County Utilities District for a Certificate of Public Convenience and Necessity to replace and enlarge certain water mains and for authorization to enter a loan agreement with the Kentucky Infrastructure Authority.

Because an attorney has not signed the application, the Commission may not accept Madison District's application for filing. 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.<sup>1</sup>

It includes the representation of a corporation before a state administrative agency.<sup>2</sup>

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:

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<sup>1</sup> Kentucky Supreme Court Rule 3.020.

<sup>2</sup> *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

Mr. Jim Carr  
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January 23, 2012  
Page 2

[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.<sup>3</sup>

The Commission respectfully recommends that Madison District retain an attorney and submit the application (without exhibits) within the next 15 days. The Commission will retain all documents previously tendered and will accept them for filing when an application signed by an attorney is submitted.

Please direct any questions regarding this letter to Gerald Wuetcher, Executive Advisor/Attorney at (502) 564-3940, Extension 259.

Sincerely,



Jeff Derouen  
Executive Director

gw

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<sup>3</sup> 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. See also Case No. 2004-00348, *Howard Keen v. Carroll County Water District # 1* (Ky. PSC Oct. 15, 2004).