

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY)	
NETWORK LLC FOR THE ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT A TOWER)	2013-00369
IN HARLAN COUNTY, KENTUCKY)	

ORDER

On December 2, 2013, Lynn Haney, on behalf of East Kentucky Network, LLC ("East Kentucky") tendered for filing an application for the issuance of a certificate of public convenience and necessity to construct a tower in Harlan County, Kentucky. On information and belief, Ms. Haney 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.

The practice of law is any 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, 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.

¹ Kentucky Supreme Court Rule 3.020.

[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.²

Commission regulations incorporate, at least in part, these sentiments. 807 KAR 5:001, Section 4(4), states in part: “A person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).”

Based on the above, the Commission finds that East Kentucky's application fails to comply with Kentucky law and cannot be accepted for filing. We further find that East Kentucky should be granted ten days from the date of this Order to have an attorney file an entry of appearance in this case. East Kentucky's failure to have an attorney file a timely entry of appearance will result in this case being dismissed without prejudice.

IT IS THEREFORE ORDERED that:

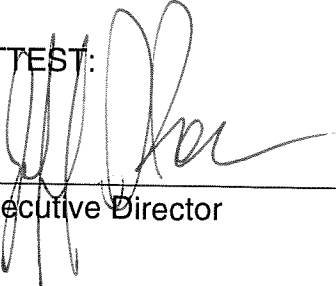
1. The application of East Kentucky is rejected for filing.
2. Within ten days of the date of this Order, East Kentucky shall have an attorney file an entry of appearance. Failure to have an attorney file a timely entry of appearance will result in this case being dismissed without prejudice and removed from the Commission's docket without further Order.

² Administrative Case No. 249, *Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky* (Ky. PSC June 15, 1981) at 2.

By the Commission

ENTERED ⁴⁰
DEC 13 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00369

Lynn Haney
Staff Accountant
East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY 41642