

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF NEW TALK, INC. TO CANCEL     )  
ITS DESIGNATION AS AN ELIGIBLE         )    CASE NO.  
TELECOMMUNICATIONS CARRIER         )    2014-00293

ORDER

On August 21, 2014, Brian Young, on behalf of New Talk, Inc. (“New Talk”) tendered for filing a petition to relinquish the Eligible Telecommunications Carrier status of New Talk, as well as to discontinue service. On information and belief, Mr. Young 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.<sup>1</sup>

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.

[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

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

unlicensed attorney may not represent a client before this Commission, neither may a layman.<sup>2</sup>

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 New Talk's petition fails to comply with Kentucky law and cannot be accepted for filing. We further find that New Talk should be granted ten days from the date of this Order to have an attorney licensed to practice law in Kentucky to file an entry of appearance in this case. New Talk's failure to have an attorney file a timely entry of appearance in this case will result in its being dismissed without prejudice.

IT IS THEREFORE ORDERED that:

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

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<sup>2</sup> 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  
SEP 03 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2014-00293

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