

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF INTER-COUNTY ENERGY )  
COOPERATIVE CORPORATION, INC. FOR ) CASE NO.  
APPROVAL OF A PREPAY SERVICE TARIFF ) 2015-00311

ORDER

On September 21, 2015, James L. Jacobus, on behalf of Inter-County Energy Cooperative Corporation, Inc. ("Inter-County Energy"), filed an application for approval of a prepay service tariff. On information and belief, Mr. Jacobus 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 Inter-County Energy's application fails to comply with Kentucky law and should not be accepted for filing. We further find that Inter-County Energy 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. Inter-County Energy'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 application of Inter-County Energy is rejected for filing.
2. Within ten days of the date of this Order, Inter-County Energy 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 24 2015  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2015-00311

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