

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HARDIN COUNTY	)	
WATER DISTRICT NO. 1 FOR A	)	CASE NO.
DEVIATION FROM 807 KAR 5:071,	)	2018-00166
SECTION 7(4)	)	

ORDER

On May 29, 2018, Mr. Jim Bruce, on behalf of Hardin County Water District No. 1 (Hardin District No. 1), tendered for filing a request for deviation from 807 KAR 5:071, Section 7(4). On information and belief, Mr. Bruce 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 business 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

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

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.<sup>2</sup>

Commission regulations incorporate 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 Hardin District No. 1’s request fails to comply with Kentucky law and cannot be accepted for filing. We further find that Hardin District No. 1 should be granted ten days from the date of this Order to have an attorney licensed to practice law in Kentucky file an application requesting the deviation in this case. Hardin District No.1’s failure to have an attorney file a timely application in this case will result in dismissal without prejudice of the request for administrative regulation deviation.

IT IS THEREFORE ORDERED that:

1. The Request filed by Hardin District No. 1 is rejected for filing.
2. Within ten days of the date of this Order, Hardin District No. 1 shall have an attorney licensed to practice law in Kentucky file an application. Failure to have an attorney file an application in this case will result in dismissal without prejudice of the application and its removal 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  
JUL 24 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2018-00166

\*Jim Bruce  
General Manager  
Hardin County Water District #1  
1400 Rogersville Road  
Radcliff, KY 40159-0489

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