

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF VIASAT CARRIER SERVICES, INC.)	
FOR DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER TO RECEIVE)	CASE NO.
CONNECT AMERICA FUND PHASE II AUCTION)	2018-00330
SUPPORT FOR VOICE AND BROADBAND)	
SERVICES)	

ORDER

On September 27, 2018, Viasat Carrier Services, Inc. (Viasat), filed an application (Application) requesting that the Commission designate it as an Eligible Telecommunications Carrier (ETC) in Kentucky. The Application was signed Robert Blair, President of Viasat Carrier Services, Inc., and submitted for filing by Michael P. Donahue of Marashlian & Donahue, PLLC. Records from the Kentucky Bar Association do not indicate that Mr. Blair or Mr. Donahue are licensed or otherwise authorized to practice law in the Commonwealth of Kentucky.

Pursuant to 807 KAR 5:001, Section 4(4), “[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).”¹ An application requesting an ETC designation is a paper subject to 807 KAR

¹ 807 KAR 5:001, Section 4(4); *see also* Kentucky Supreme Court Rule 3.020 (which prohibits a non-attorney from practicing law on behalf of a corporation or partnership except in small claims court); *Bobbett v. Russellville Mobile Home Park*, No. 2007-CA-000684, 2008 WL 4182001 (Ky. App. 2008) (in which the court found that the owner of a limited liability corporation (LLC) could not represent the LLC in a forcible detainer action, because the LLC was a separate legal person and the action was not in small claims court).

5:001, Section 4(4).² Thus, Viasat's Application is not in compliance with Commission regulations.

IT IS HEREBY ORDERED that:

1. Viasat shall obtain an attorney who is licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2) within 21 days.³

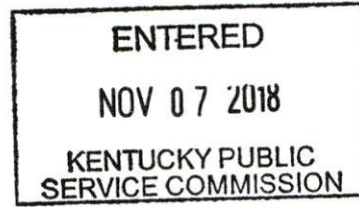
2. If an attorney who is licensed to practice law in Kentucky or has complied with SCR 3.030(2) does not enter an appearance on behalf Viasat within 21 days, then the Commission will dismiss the Application without prejudice.

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² Cf. *Petition of Everycall Communications, Inc. d/b/a all American Home Phone and d/b/a/ Local USA for Relinquishment of Eligible Telecommunications Carrier Designation and Service Discontinuance*, Case No. 2014-00148, 2014 WL 1999036, Order (Ky. PSC. May 12, 2014) (in which the Commission held that a company seeking to relinquish its status as an ETC needed an attorney to file the application requesting the same).

³ The Commission gave Viasat 21 days to obtain counsel to ensure it had time to do so but would encourage Viasat to obtain counsel as quickly as possible, so it can begin addressing the merits of the Application.

By the Commission



ATTEST:


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