

AUG 23 2021

PUBLIC SERVICE  
COMMISSIONCOMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

CASE NO, 2021-00307

LARRY RAYOMND BAILEY  
COMPLAINANTV. **REQUEST TO RECONSIDER ORDER, IN PART**WEST LAUREL WATER ASSOCIATION, INC.  
DEFENDANT

**I Come Now**, requesting the Public Service Commission (PSC) to reconsider its decision to exclude my request to suspend late fees and shutoffs until customers have been timely notified, and refund late fees and reconnect services to any customers affected until they have been properly notified.

In its opinion the PSC claims that my request pertaining to other customers constitutes the unauthorized practice of law. I respectfully disagree.

Merely filing a complaint asking relief for all affected customers does not constitute the practice of law. *“While this Court agrees with the proposition that corporations and business entities must be represented by counsel in adjudicatory hearings, there is no legal or administrative basis to support the proposition that the initial request for a hearing must be filed by a lawyer.”* Cabinet for Health and Family Services v. Appellation Hospice Care Inc., NO. 2020-CA-0684-MR 2021 WL 407081 (KY. App. 2021). Therefore, it cannot be established that my request constitutes the practice of law.

The legal authority cited by the PSC pertains to persons representing businesses or corporations. None mentions whether a customer can request relief for all customers that share the same type of damage resulting from the same action of the business that all shares. West Laurel (WL) customers are not a corporation. The PSC expanded the opinion in *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967) and other cited authority to include non-business/corporation customers who ask for its consideration to comprise all affected consumers under the same complaint. Language stating “it logically follows” (Order pg. 3) is assumptive and amounts to legal theory.

In this complaint I am representing myself, and the PSC agrees I have legal standing to do so. However, other customers of WL were affected in the same exact manner as me. The water district gave an example bill as evidence that it notified all customers of its reinstatement of late fees and shutoffs. Even though I filed a complaint, the water bill is not unique to me or any one customer. If WL failed to properly notify me, it then failed to properly notify all its customers. If the PSC and/or WL does not apply the rule equally it is in violation of laws that ensure all customers are treated fairly. Pursuant to KRS § 278.030, KRS § 278.170, and KRS § 367.170 the water district has a duty to treat its customers fairly. Thus, my asking the PSC to grant relief to all WL customers affected by the water district’s failure to properly notify its customers is no different than asking it to follow the law pertaining to the request.

It would be unconscionable pursuant to KRS § 367.170 to require every individual customer to hire an attorney, or file separate complaints to the PSC to achieve what the PSC should do on its own accord.

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