

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF OLDHAM)	CASE NO.
COUNTY WATER DISTRICT FOR AN)	2023-00252
ALTERNATIVE RATE ADJUSTMENT)	

ORDER

On September 19, 2023, Robert Jefferson filed a motion on behalf of Buckeye Trace Homeowners Association requesting to intervene in this proceeding. On information and belief, Robert Jefferson is not an attorney licensed to practice law in Kentucky.

LEGAL STANDARD

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.¹

It includes, as Kentucky's highest court held in *Kentucky State Bar Association v. Henry Vogt Machine Co.*² 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 before this Commission, must engage a member of the Kentucky Bar Association. It logically follows that if an

¹ Kentucky Supreme Court Rule 3.020.

² *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

unlicensed attorney may not represent a client before this Commission, neither may a layman.³

Commission regulations incorporate these sentiments. Commission regulation 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).”

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and within the sole discretion of the Commission.⁴

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

DISCUSSION AND FINDINGS

Based on the above, the Commission finds that Robert Jefferson’s request to intervene on behalf of Buckeye Trace Homeowners Association fails to comply with Kentucky law and cannot be accepted for filing. We further find that if the Buckeye Trace Homeowners Association intends to request to intervene in this matter, then it should

³ Administrative Case No. 249, *Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky* (Ky. PSC June 15, 1981) at 2.

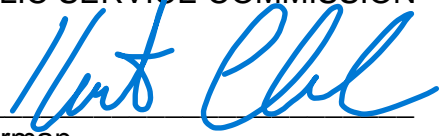
⁴ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

have an attorney licensed to practice law in Kentucky file a motion to intervene in this in this case pursuant to 807 KAR 5:001, Section 4(4). The Commission will treat Mr. Jefferson's September 19, 2023 letter as a public comment that will be filed in the public comment section of the case record. Mr. Jefferson can review case filings on the Commission's website at <https://psc.ky.gov/Case/ViewCaseFilings/252>. Mr. Jefferson may file public comments as frequently as he chooses and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that:

1. The request to intervene filed by Robert Jefferson is rejected for filing.
2. A copy of this Order shall be served on Robert Jefferson by U.S. certified mail, return receipt requested at 11000 Buckeye Trace, Goshen, Kentucky 40026.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner



ATTEST:


Executive Director

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