

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FILING OF TERABLUE, INC. REQUESTING)
REINSTATEMENT OF AUTHORITY TO)
OPERATE AS A COMPETITIVE LOCAL) CASE NO. 2009-00216
EXCHANGE CARRIER)
)

O R D E R

TeraBlue, Inc. ("TeraBlue") filed a petition for reinstatement with the Commission on June 3, 2009. Finding that a non-attorney represents TeraBlue, we reject the tendered petition for reinstatement.

TeraBlue is a Kentucky corporation which purports to be organized pursuant to KRS Chapter 272.¹ It appears to operate, or will operate, as a Competitive Local Exchange Carrier ("CLEC").

On June 3, 2009, Kevin Scott Brooks, Operations Manager for TeraBlue, filed a petition for reinstatement with the Commission. On information and belief, Mr. Brooks is not an attorney licensed to practice in Kentucky, nor has Mr. Brooks presented information to the Commission that he is licensed in another jurisdiction and received permission for limited practice in Kentucky, pursuant to Supreme Court Rule 3.030(2).²

¹ See Petition Exhibit A.

² The directory of the Kentucky Bar Association does not list any licensed attorney with the name of "Kevin Scott Brooks." See <http://www.kybar.org/26> (last visited June 19, 2009).

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. The practice of law is:

[A]ny 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.³

It includes the representation of a corporation before a state administrative agency.⁴

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others before us be licensed attorneys. In a previous case, the Commission ordered that:

[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.⁵

It logically follows that if an unlicensed attorney may not represent a client before this Commission, neither may a layman.

Based on the foregoing facts, the Commission finds that the petition for reinstatement fails to comply with Kentucky law and cannot be accepted for filing.

IT IS THEREFORE ORDERED that:

1. The petition for reinstatement is rejected for filing.

³ Kentucky Supreme Court Rule 3.020.

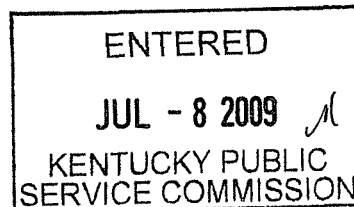
⁴ Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967).

⁵ Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2. See also Case No. 2004-00348, Howard Keen v. Carroll County Water District # 1 (Ky. PSC Oct. 15, 2004).

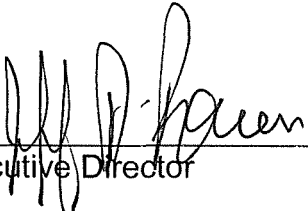
2. TeraBlue shall have 15 days from the date of this Order to amend its petition for reinstatement to ensure that it is signed by an attorney licensed to practice in the state of Kentucky.

3. If TeraBlue has failed to file, within 15 days of the date of this Order, an amended petition for reinstatement that conforms to this Order, this matter shall be dismissed and removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

Kevin S Brooks
Operations Manager
TeraBlue, Inc
304 Winterberry Drive
Winchester, KY 40391

Sondra Oliver
Owner
Tera Blue, Inc.
304 Winterberry Drive
Winchester, KY 40391