

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALTERNATIVE RATE FILING ADJUSTMENT)	CASE NO.
FOR DELAPLAIN DISPOSAL COMPANY)	2010-00349

O R D E R

On August 31, 2010, Delaplain Disposal Company ("Delaplain"), a Kentucky corporation, filed an application with the Commission for an alternative rate filing with new rates to be effective October 1, 2010. The Commission suspended the proposed new rates of Delaplain for five months, from October 1, 2010 up to and including February 28, 2011.¹

On September 27, 2010, Deer Run Estates Homeowners Association, Inc. ("Deer Run Estates") filed a motion for intervention in this proceeding. 807 KAR 5:001, Section 3(8), states that any person wishing to become a party to a proceeding may request intervention by timely motion.

Deer Run Estates is a not-for-profit corporation and is a person. Based upon this, the Commission finds that:

1. The application is signed by the corporate officers on behalf of Deer Run Estates.

¹ Pursuant to KRS 278.190(2) the Commission may render a decision on the requested rate prior to the end of the suspension period.

2. On information and belief, none of the corporate officers is an attorney or identifies himself as 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.² The practice of law is:

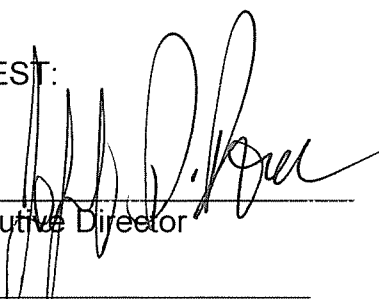
[A]ny service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.³

It includes, 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 corporation before a state administrative agency.⁴

Therefore, Deer Run Estates' request to intervene as a corporate entity should be denied. Individuals will, however, be entitled to appear at any public hearing and offer public comment that will be included as part of the record in this case.

The Commission, being sufficiently advised, HEREBY ORDERS that the motion of Deer Run Estates for intervention is denied.

By the Commission

ATTEST:


Executive Director

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² SCR 2.120.

³ Kentucky Supreme Court Rule 3.020.

⁴ Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2.

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