

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

OLDHAM COUNTY VETERINARY SERVICES)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2018-00308
)	
BIRCH COMMUNICATIONS, LLC)	
)	
DEFENDANT)	

ORDER

On August 27, 2018, Leigh Ann Ford filed a formal complaint pursuant to KRS 278.260 on behalf of Oldham County Veterinary Services (Oldham County Vet), against Defendant, Birch Communications, LLC (Birch Communications), arising from its alleged actions in switching Oldham County Vet's telephone service with Impact Telecom to Birch Communications' service without proper authority. Oldham County Vet is organized as Kentucky Professional Services Corporation, and Ms. Ford is not licensed to practice law in the state of Kentucky. Commission regulations, consistent with rules established by the Kentucky Supreme Court regarding the practice of law, prohibit non-attorneys from representing corporations, which are considered separate legal persons, in formal

before the Commission.¹ For that reason, on October 5, 2018, the Commission ordered that Oldham County Vet have an attorney enter an appearance on its behalf in this matter or that Ms. Ford provides evidence that the telephone service was in her name, in which case, she would be able to proceed without an attorney.

Ms. Ford submitted a supplement to her Complaint following the Commission's October 5, 2018 Order indicating that the telephone service in question was in the name of Oldham County Vet, and therefore was not in the name of Ms. Ford, personally. Because Ms. Ford is not an attorney, she is not permitted to represent a corporation in a formal proceeding before the Commission. Moreover, no attorney entered an appearance on behalf of Oldham County Vet in the time prescribed by the Commission. Thus, the Commission must dismiss this matter. Though, in doing so, the Commission notes that the dismissal is without prejudice such that this order would not prevent Oldham County Vet from refiling its Complaint in the event counsel is obtained, provided that the filing is consistent with other applicable laws.

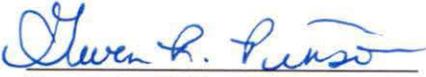
IT IS THEREFORE ORDERED that this matter is hereby dismissed without prejudice.

¹ See 807 KAR 5:001, Section 4(4) ("A person shall not file a paper [in a case] 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)."); 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).

By the Commission

ENTERED
DEC 19 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00308

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