

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BASHAM CONSTRUCTION AND RENTAL COMPANY, INC.)	
)	
_____)	CASE NO.
)	2019-00299
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)	
)	

ORDER

A hearing in the above matter was held before the Kentucky Public Service Commission on September 27, 2019, at its offices at 211 Sower Boulevard, Frankfort, Kentucky. Basham Construction and Rental Company, Inc. (Basham) is alleged to have violated KRS 367.491(10) by conducting excavation activities using mechanized equipment within the approximate location of an underground natural gas service line used to serve the public and owned and operated by Louisville Gas and Electric Company. The resulting damage to the underground facility occurred on February 21, 2019, at approximately 8:14 a.m., at 1644 Rangeland Road, Louisville, Kentucky.

Basham was served with the initiating Order by certified mail on September 4, 2019, and appeared at the hearing, but without the services of an attorney. The initiating Order at page 2, numerical paragraph 4, notified Basham that a person unlicensed to practice law in Kentucky would not be authorized to appear at a hearing or otherwise represent it in this case. Basham apparently overlooked this requirement and was represented only by Chris Pile, its project manager. Administrative regulation 807 KAR

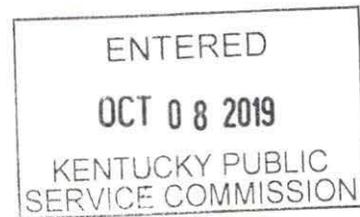
5:001, Section 4(4), provides that “A person shall not file a paper on behalf of another person or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)”. A person not licensed to practice law in the state of Kentucky and appearing on behalf of a partnership, corporation, or business entity or other person is guilty of the unauthorized practice of law, which is a Class B misdemeanor, pursuant to KRS 524.130(1) & (3). Mr. Pile acknowledged that he is not licensed to practice in this state or elsewhere, and is therefore not legally capable of representing Basham in this case. Mr. Pile advised that he had contacted Basham during a recess between the hearings held in other cases and had been advised that Basham desired that the hearing be rescheduled in order to afford it the opportunity to obtain legal counsel.

IT IS THEREFORE ORDERED that:

1. The hearing in this case is hereby continued and reassigned for hearing on November 22, 2019, at 9 a.m. Eastern Standard Time at the offices of the Public Service Commission located at 211 Sower Boulevard, Frankfort, Kentucky.
2. If Basham intends to present a defense and advocate its position before the Commission, Basham must be represented by an attorney licensed or otherwise authorized to practice law within the state of Kentucky.

By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:


Executive Director

Randall Basham
Registered Agent
Basham Construction and Rental Company, Inc.
372 Tug Howard Road
Leitchfield, KENTUCKY 42754

Randall Basham
1102 South Park Road
Fairdale, KENTUCKY 40118