

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)	
JURISDICTIONAL STATUS OF SEVERAL)	CASE NO.
COMPANIES IN PIKE COUNTY, KENTUCKY AND)	2024-00271
OF THEIR COMPLIANCE WITH KRS CHAPTER)	
278 AND 807 KAR CHAPTER 005)	

ORDER

On October 1, 2024, the Commission opened an investigation into the jurisdictional status as utilities of Prater Construction Inc. (Prater Construction), Twin Diamond, LLC (Twin Diamond), Roopani Development Corporation (Roopani Development), and Appalachian Building Services, LLC (Appalachian Building Services). As part of the opening Order in this case, the Commission directed all named parties to file responses to the Order no less than 30 days after the date of service of the October 1, 2024 Order. After reviewing the filings, the Commission has become aware that several parties are not represented by counsel.

Commission regulation 807 KAR 5:001, Section 4(3)-(4) states that:

(3) Signing of papers.

(a) A paper shall be signed by the submitting party or attorney and shall include the name, address, telephone number, facsimile number, and electronic mail address, if any, of the attorney of record or submitting party.

(b) A paper shall be verified or under oath if required by statute, administrative regulation, or order of the commission.

(4) 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). An attorney who is not licensed to practice law in Kentucky shall present evidence of his or her compliance with SCR 3.030(2) if appearing before the commission.

Additionally, in *Kentucky State Bar Association v. Henry Vogt Machine Co.*, the Kentucky Supreme Court ruled that corporations must be represented by counsel before a state administrative agency.¹ Finally, as the Commission has previously held in Case No. 2012-00179,² the regulatory framework, properly understood, requires “that a corporation or other organization, such as an LLC [. . .] be represented by an attorney.”

Based upon the above, and being otherwise sufficiently advised, the Commission finds that all parties to this investigation should acquire counsel licensed to practice law in the Commonwealth of Kentucky, or who can demonstrate compliance with SCR 3.030(2),³ and said counsel should enter appearance in this case in compliance with 807 KAR 5:001 within 90 days of the issuance of this Order. If counsel of a party has previously entered an appearance in this matter, that party may disregard this Order.⁴

IT IS THEREFORE ORDERED that all named parties to this investigation shall retain counsel and said counsel shall enter appearance in this matter within 90 days of the issuance of this Order, if the party has not already done so.

¹ *Kentucky State Bar Association v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967).

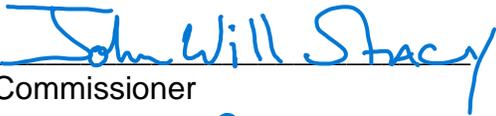
² Case No. 2012-00179, *Koppel Associates, LLC vs. Hardin County Water District #1* (Ky. PSC June 12, 2012), Order at 2.

³ Kentucky Supreme Court Rule 3:030(2).

⁴ Entry of Appearance of Counsel on Behalf of Mountain Water District (filed Oct. 2, 2024).

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director

ENTERED
DEC 6 2024 jdc
KENTUCKY PUBLIC
SERVICE COMMISSION

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