

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLES B. LOONEY)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-284
)	
HARRISON COUNTY WATER ASSOCIATION, INC.)	
)	
DEFENDANT)	

ORDER

Charles B. Looney (Complainant) has brought a formal complaint against Harrison County Water Association, Inc. (Harrison County). On July 23, 1999, Harrison County responded to this complaint by letter. Danny D. Northcutt, Harrison County s manager, submitted the letter on behalf of Harrison County. Mr. Northcutt is not a licensed attorney.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. SCR 2.100. The practice of law is

any 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.

Kentucky Supreme Court Rule 3.020. 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.

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

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

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. Administrative Regulation 807 KAR 5:001, Section 12(2), states in part:

Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address.

The regulation requires that a corporation or other organization, from the outset of a complaint proceeding, be represented by an attorney.

Based on the above, the Commission finds that Harrison County's Answer fails to comply with Kentucky law and should not be accepted for filing. We further find that Harrison County should be permitted to file an Answer that complies with Administrative Regulation 807 KAR 5:001 within 20 days of the date of this Order. Harrison County's failure to submit a timely answer that complies with this administrative regulation will be considered as an admission of all allegations contained in the complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

IT IS THEREFORE ORDERED that:

1. Harrison County's Answer is rejected.
2. Within 20 days of the date of this Order, Harrison County shall submit an Answer that complies with Administrative Regulation 807 KAR 5:001. Failure to submit a timely answer that complies with this administrative regulation will be considered as an admission of all allegations contained in the complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 11th day of August, 1999.

By the Commission

ATTEST:

Executive Director