

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY R.I.T.E., INC.)	
)	
COMPLAINANT)	
)	CASE NO.
VS.)	99-427
)	
GTE SOUTH INCORPORATED)	
)	
DEFENDANT)	

O R D E R

Will L. McGinnis has brought a formal complaint before the Commission against GTE South Incorporated (GTE) on behalf of Kentucky R.I.T.E., Inc. (KRI). Mr. McGinnis does not appear to be 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. This rule 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.

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 KRI s complaint fails to comply with Kentucky law and may not be accepted for filing.

IT IS THEREFORE ORDERED that the complaint filed by Will L. McGinnis on behalf of KRI is dismissed.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:

Executive Director