

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

U.S. CAVALRY STORE, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2003-00173
)	
NOLIN RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

O R D E R

U.S. Cavalry Store, Inc. (Cavalry) has filed a formal complaint with the Commission against Nolin Rural Electric Cooperative Corporation. Randy Acton, the president of Cavalry, has filed the complaint on behalf of Cavalry. The complaint form contains a space in which a Complainant lists its attorney and the attorney's address. In this space, Cavalry has written nothing. On information and belief, Mr. Acton is not an attorney licensed to practice law in Kentucky. 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:

[A]ny 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, the 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 (Ky. P.S.C. June 15, 1981) at 2.

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. 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 Cavalry's complaint fails to comply with Kentucky law and should not be accepted for filing. We further find that Cavalry should be permitted to file a complaint that complies with 807 KAR 5:001 within 10 days of the date of this Order. If Cavalry fails to submit a timely amended complaint that complies with this administrative regulation, such failure will result in the dismissal of this case.

IT IS THEREFORE ORDERED that:

1. The complaint of Cavalry is rejected.

2. Within 10 days of the date of this Order, Cavalry may submit a complaint that complies with 807 KAR 5:001. Failure to submit a timely complaint that complies with this administrative regulation will result in the dismissal of this case without further Order of the Commission.

Done at Frankfort, Kentucky, this 13th day of June, 2003.

By the Commission

ATTEST:


Executive Director