

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HOWARD B. KEEN)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00348
)	
CARROLL COUNTY WATER DISTRICT #1)	
)	
DEFENDANT)	

O R D E R

Howard B. Keen has filed a formal complaint with the Commission against Carroll County Water District #1 (“Carroll District”). On October 4, 2004, James L. Smith, on behalf of Carroll District, filed an answer to the complaint. The records of the Kentucky Bar Association do not list Mr. Smith as an attorney licensed to practice law in Kentucky.¹ No person may engage in the practice of law in Kentucky without first obtaining a license to practice. 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. The practice of law 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.

¹ See Kentucky Bar Association Locator Service available at <http://www.kbaorg/default.aspx?tabid=26>.

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others 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.

Based on the above, the Commission finds that Carroll District's answer fails to comply with Kentucky law and should not be accepted for filing.

IT IS THEREFORE ORDERED that:

1. Carroll District should be permitted to file, within 10 days of the date of this Order, a response submitted by an attorney licensed to practice in Kentucky.
2. If Carroll District fails to submit a timely and properly amended response, such failure may result in a judgment entered in favor of the Complainant and the imposition of the penalties enumerated in KRS 278.990.

Done at Frankfort, Kentucky, this 15th day of October, 2004.

By the Commission

ATTEST:



Executive Director