

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF FOUNTAIN RUN WATER	)	
DISTRICT #1 FOR A DEVIATION FROM THE	)	CASE NO. 2003-00312
REQUIREMENTS OF 807 KAR 5:066,	)	
SECTION 4(4), REGARDING WATER STORAGE	)	

O R D E R

On November 10, 2003, the Commission granted Fountain Run Water District #1 (“Fountain Run”) a deviation from the requirements of 807 KAR 5:066, Section 4(4), until January 1, 2008. Fountain Run now seeks additional time in which to come within the requirements of that regulation. Finding that a non-attorney represents Fountain Run and that the request has not been properly submitted, we reject the request.

Fountain Run, a water district organized pursuant to KRS Chapter 74, owns and operates facilities that distribute water for compensation to approximately 516 customers in Allen, Barren, and Monroe counties, Kentucky.<sup>1</sup> It is a utility subject to Commission jurisdiction.<sup>2</sup> As a water district, Fountain Run is a public corporation.<sup>3</sup>

On September 27, 2007, Bob Blankenship, Vice President of HMB Professional Engineers, Inc., tendered a request to the Commission on Fountain Run’s behalf in

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<sup>1</sup> Report of Fountain Run Water District #1 to the Kentucky Public Service Commission for the Year Ended December 31, 2006, at 5 and 21.

<sup>2</sup> KRS 278.010(3)(d); KRS 278.015.

<sup>3</sup> See City of Cold Spring v. Campbell County Water District, 334 S.W.2d 269, 273 (Ky. 1960).

which he requested an extension of time in which Fountain Run had to comply with the requirements of 807 KAR 5:066, Section 4(4). Mr. Blankenship is not an attorney licensed to practice in Kentucky.<sup>4</sup>

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.<sup>5</sup>

It includes the representation of a corporation before a state administrative agency.<sup>6</sup>

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.<sup>7</sup>

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<sup>4</sup> The directory of the Kentucky Bar Association does not list any licensed attorney with the name of "Bob Blankenship" or "Robert Blankenship." See <http://www.kybar.org/Default.aspx?tabid=26> (last visited Oct. 10, 2007).

<sup>5</sup> Kentucky Supreme Court Rule 3.020.

<sup>6</sup> Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967).

<sup>7</sup> Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2. See also Case No. 2004-00348, Howard Keen v. Carroll County Water District # 1 (Ky. PSC Oct. 15, 2004).

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

Based on the foregoing facts, the Commission finds that Fountain Run's request for additional time fails to comply with Kentucky law and cannot be accepted for filing.<sup>8</sup>

IT IS THEREFORE ORDERED that Fountain Run's request for additional time is rejected.

Done at Frankfort, Kentucky, this 17<sup>th</sup> day of October, 2007.

By the Commission

ATTEST:

  
Executive Director

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<sup>8</sup> We note that, assuming that a licensed attorney had represented Fountain Run, the water district's request would not be appropriate. The request for additional time is in fact a request for a new deviation. If Fountain Run desires a new deviation, it should submit an application. Application forms are available on the Commission's website at <http://psc.ky.gov/agencies/psc/forms/waterstoragedeviation.pdf>.