

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MEADE COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
_____)	CASE NO. 2007-00030
)	
ALLEGED FAILURE TO COMPLY)	
WITH KRS 278.042)	

O R D E R

On January 31, 2007, the Commission issued a show cause Order to Meade County Rural Electric Cooperative Corporation (“Meade”). An Electric Utility Personal Injury Accident Report (“Report”) was attached as an appendix to the Order. The Order and the Report outlined several potential violations by Meade of KRS 278.042. The alleged violations arise under the 2002 edition of the National Electrical Safety Code (“NESC”). In the Order, the Commission stated that a formal hearing on this matter would be held on March 21, 2007 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission’s offices. The Commission also ordered Meade to provide a written response to the allegations within 20 days of the date of the Order.

On February 8, 2007, the Commission received a letter from David R. Poe on behalf of Meade. Mr. Poe is Meade’s Vice-President of Operations & Engineering. Mr. Poe requested an informal conference in this matter, but he did not address any of the allegations outlined in the show cause Order. The Commission will allow Meade until March 2, 2007 to file a written answer to the allegations in the show cause Order.

Additionally, the Commission notes that Kentucky law requires that those representing the interests of corporations before the Commission must be attorneys licensed to practice in the Commonwealth of Kentucky. Although Mr. Poe is Meade's Vice-President of Operations & Engineering, the Commission has not found any information indicating that he is an attorney licensed to practice law in Kentucky. In Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W. 2d 727 (Ky. 1967), the Supreme Court held that the representation of a corporation before a state agency qualifies as participating in the practice of law. Kentucky's Supreme Court has stated that no person may engage in the practice of law without first obtaining a license (SCR 2.100). The practice of law is defined as follows:

[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.

SCR 3.020.

Therefore, the Commission requires that Meade be represented by a licensed attorney in this action. Such representation shall include, but is not limited to, the request for an informal conference, the filing of the formal written response to the allegations in the show cause Order, as well as attendance at the March 21, 2007 formal hearing or any related informal conferences.

The Commission HEREBY ORDERS that:

1. Meade's attorney shall enter an appearance in this action no later than March 2, 2007.

2. Through its attorney, Meade shall submit to the Commission, on or before March 2, 2007, a written response to the allegations contained in the January 31, 2007 show cause Order.

3. Meade, represented by counsel, shall appear for a formal hearing on March 21, 2007 at 9:00 a.m., Eastern Daylight Time, at the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky to present evidence concerning the incident which is the subject of this case. Specifically, Meade shall present evidence as to the eight violations of KRS 278.042 and the NESC, and shall show cause why it should not be held subject to the penalties of KRS 278.990 for those alleged violations.

4. On or before March 2, 2007, Meade, through its attorney, may request an informal conference with Commission Staff.

Done at Frankfort, Kentucky, this 19th day of February, 2007.

By the Commission

ATTEST:



Executive Director