

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LITTLE SANDY PACKING COMPANY)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2008-00076
)	
GRAYSON RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

O R D E R

Little Sandy Packing Company (“Little Sandy”) filed a complaint with the Commission against Grayson Rural Electric Cooperative Corporation (“Grayson”) alleging that Grayson had wrongly denied it service and requesting that the Commission hold a formal hearing to investigate the matter. Finding that a non-attorney represents Little Sandy, we reject the tendered complaint.

Little Sandy is a Kentucky corporation which purports to be organized pursuant to KRS Chapter 272.¹ It appears to operate, or will operate, a company that slaughters and processes livestock.

¹ See <http://apps.sos.ky.gov/business/obdb/OBDBDisplayImage.aspx?id=2923928> (last visited Mar. 12, 2008).

On February 29, 2008, Walter Callihan, president of and registered agent for Little Sandy, filed a formal complaint with the Commission against Grayson. Mr. Callihan is not an attorney licensed to practice in Kentucky.²

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.³

It includes the representation of a corporation before a state administrative agency.⁴

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.⁵

² The directory of the Kentucky Bar Association does not list any licensed attorney with the name of "Walter Callihan." See <http://www.kybar.org/Default.aspx?tabid=26> (last visited Mar. 12, 2008).

³ Kentucky Supreme Court Rule 3.020.

⁴ Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967).

⁵ 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 the complaint fails to comply with Kentucky law and cannot be accepted for filing.

IT IS THEREFORE ORDERED that:

1. The complaint is rejected for filing.
2. The Complainant shall have 15 days from the date of this Order to amend its complaint to ensure that it is signed by an attorney licensed to practice in the state of Kentucky.
3. If Complainant has failed to file, within 15 days of the date of this Order, an amended complaint that conforms to this Order, this matter shall be closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 14th day of March, 2008.

By the Commission

ATTEST:


Executive Director