

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NAVITAS KY NG, LLC FOR AN )	CASE NO.
ALTERNATE RATE ADJUSTMENT )	2019-00430

ORDER

On December 6, 2019, Brenda Bott, on behalf of Navitas KY NG, LLC (Navitas KY), tendered for filing a petition requesting confidential treatment for the entirety of an audit report filing in this proceeding. As discussed below, although 807 KAR 5:076, Section 13, creates an exception and allows an authorized utility official who is not licensed to practice law in Kentucky to file an application for an alternate rate adjustment, responses to Commission orders, and requests for information on behalf of the utility, a petition such as that filed by Navitas KY must be signed by an attorney authorized to practice law in Kentucky. Similarly, if there is a hearing in this matter, Navitas KY must be represented by an attorney who is authorized to practice law in Kentucky.

Commission Staff conducted a search of a database of attorneys who are authorized to practice law in Kentucky,<sup>1</sup> and Ms. Bott is not listed as an attorney licensed to practice law in Kentucky. Therefore, on information and belief, Ms. Bott is not an attorney licensed to practice law in Kentucky.

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<sup>1</sup> Kentucky Bar Association Lawyer Locator, <https://www.kybar.org/search/custom.asp?id=2947> (last accessed December 9, 2019).

No person may engage in the practice of law in Kentucky without first obtaining a license to practice.

The practice of law is any 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>2</sup>

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.

[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.<sup>3</sup>

Commission regulations incorporate, at least in part, these sentiments. As 807 KAR 5:001, Section 4(4), states in part: "A person shall not file a paper on behalf of another person or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2)."

Based on the above, the Commission finds that Navitas KY's petition fails to comply with Kentucky law and cannot be accepted for filing. We further find that Navitas KY should be granted 30 days from the date of this Order to have an attorney file a petition requesting confidential treatment for the audit report that comports.

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<sup>2</sup> Kentucky Supreme Court Rule 3.020.

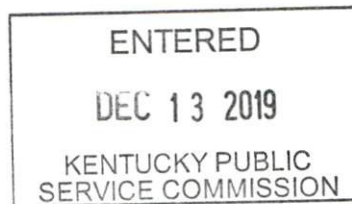
<sup>3</sup> Administrative Case No. 249, *Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky* (Ky. PSC June 15, 1981) at 2.

IT IS THEREFORE ORDERED that:

1. Navitas KY's petition for confidential treatment is rejected for filing.
2. Within 30 days of the date of this Order, Navitas KY shall have an attorney file a petition requesting confidential treatment of the audit report.

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By the Commission



ATTEST:

  
Executive Director

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