

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BENT TREE CONDOMINIUM ASSOCIATION)	
)	
COMPLAINANT)	CASE NO.
)	2019-00133
V.)	
)	
KENTUCKY-AMERICAN WATER COMPANY)	
)	
DEFENDANT)	

ORDER

On November 9, 2018, Mr. Brack Marquette, on behalf of Bent Tree Condominium Association (Bent Tree) tendered for filing a Complaint against Kentucky-American Water Company (Kentucky-American). On information and belief, Mr. Marquette is not an attorney licensed to practice law in Kentucky.

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.¹

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 business before a state administrative agency.

¹ Kentucky Supreme Court Rule 3.020.

[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.²

Commission regulations incorporate these sentiments. Section 4(4) of 807 KAR 5:001 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 Bent Tree’s Complaint fails to comply with Kentucky law and cannot be accepted for filing. We further find that Bent Tree should be granted ten days from the date of this Order to have an attorney licensed to practice law in Kentucky file a signed Complaint in this case. Bent Tree’s failure to have an attorney file a timely Complaint in this case will result in dismissal without prejudice of Bent Tree’s Complaint.

IT IS THEREFORE ORDERED that:

1. The Complaint filed by Bent Tree is rejected for filing.
2. Within ten days of the date of this Order, Bent Tree shall have an attorney licensed to practice law in Kentucky file a signed complaint. Failure to have an attorney file a signed complaint in this case will result in dismissal without prejudice of the Complaint and its removal from the Commission’s docket without further Order.

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

By the Commission

ENTERED
APR 26 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00133

Brack Marquette
President
Bent Tree Condominium Association
401 Redding Road, #42
Lexington, KENTUCKY 40517

*Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*Kentucky-American Water Company
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502