

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LAWRENCE J. WOLTER)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2020-00080
)	
JONATHAN CREEK WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

On June 3, 2020, David Lovett, on behalf of Jonathan Creek Water District (Jonathan Creek District) filed a response to the Complaint filed by Lawrence J. Wolter on March 13, 2020. On information and belief, Mr. Lovett 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 Ass'n v. Henry Vogt Machine Co.*, 416 S.W.2d 727 (Ky. 1967), the representation of a corporation 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, 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 Jonathan Creek District’s response fails to comply with Kentucky law and should not be accepted for filing. We further find that Jonathan Creek District should be granted ten days from the date of this Order to have an attorney licensed to practice law in Kentucky to file an entry of appearance in this case. Jonathan Creek District’s failure to have an attorney file a timely entry of appearance in this case will result in the Commission not considering its response in its determination of whether the Complaint filed by Mr. Wolter establishes a prima facie case.

IT IS THEREFORE ORDERED that:

1. The response of Jonathan Creek District is rejected for filing.
2. Within ten days of the date of this Order, Jonathan Creek District shall have an attorney licensed to practice law in Kentucky file an entry of appearance. Failure to have an attorney file an entry of appearance in this case will result in the Commission not considering its response in its determination of whether the Complaint filed by Mr. Wolter establishes a prima facie case.

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



ATTEST:


Acting Executive Director

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