

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PETITION OF GO MD USA LLC)	
FOR DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER IN THE)	CASE NO.
COMMONWEALTH OF KENTUCKY FOR THE)	2024-00231
LIMITED PURPOSE OF PROVIDING LIFELINE)	
SERVICE TO QUALIFYING CUSTOMERS)	

ORDER

On July 23, 2024, Mark J. Schirmer, on behalf of GO MD USA, LLC (GO MD USA) filed a petition for designation as an eligible telecommunications carrier in the Commonwealth of Kentucky for the limited purpose of providing Lifeline service to qualifying customers. Along with its petition, GO MD USA filed supporting documents as well as two motions for protective order¹ seeking confidential protection for portions of the documents considered confidential.

During the processing of GO MD USA's petition and motions Commission Staff reviewed the Kentucky Bar Association's website to ensure compliance with 807 KAR 5:001. On information and belief, following the review of the attorney listing on the Kentucky Bar Association website,² Mr. Schirmer is not an attorney licensed to practice law in the Commonwealth of Kentucky.

¹ Case No. 2024-00231, *Electronic Petition of GO MD USA, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky for the Limited Purpose of Providing Lifeline Service To Qualifying Customers* (Ky. PSC Jul. 23, 2024), Motion for Protective Order (filed July 23, 2024 and Aug. 23, 2024).

² [Kentucky Bar Association](https://www.kybar.org), <https://www.kybar.org> last accessed on Nov. 13, 2024.

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.³ This includes the representation of a business before a state administrative agency.⁴

As stated in Administrative Case No. 249, “[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.”⁵

Commission regulations incorporate, at least in part, these sentiments. Commission regulation 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 foregoing, the Commission finds that GO MD USA’s petition for designation as an eligible telecommunications carrier, any supporting documents and motions for protective order, fail to comply with Kentucky law, should not be accepted for filing and should be dismissed without prejudice. The Commission further finds that if GO

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.

MD USA continues to pursue designation as an eligible telecommunications carrier in the Commonwealth of Kentucky for the limited purpose of providing Lifeline service to qualifying customers, it should have an attorney licensed to practice law in Kentucky to file a new application.

IT IS THEREFORE ORDERED that:

1. The GO MD USA, LLC's petition for designation as an eligible telecommunications carrier is rejected for filing.

2. Any supporting confidential documents and motions for protective order are to be removed from the Commission's files and returned to applicant.

3. This case is closed and removed from the Commission's docket without further Order.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
NOV 26 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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