



Ernie Fletcher  
Governor

Teresa J. Hill, Secretary  
Environmental and Public  
Protection Cabinet

Timothy J. LeDonne  
Commissioner  
Department of Public Protection

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Mark David Goss  
Chairman

John W. Clay  
Commissioner

February 1, 2007

Debbie Martin  
Shelby Energy Cooperative, Inc.  
620 Old Finchville Road  
Shelbyville, KY. 40065

RE: Case No. 2006-00487  
Pass-Through Application

Dear Ms. Martin:

The Commission has received Shelby Energy Cooperative, Inc.'s application for pass-through rates in relation to the application for a wholesale rate adjustment by East Kentucky Power Company in Case No. 2006-00472. Kentucky law requires that those representing the interests of corporations before the Commission must be attorneys licensed to practice in the Commonwealth of Kentucky. The Commission has previously ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to present a client or employer before this Commission, must engage a member of the Kentucky Bar Association.

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

Although you are Shelby Energy Cooperative, Inc.'s representative, the Commission has not found any information indicating that you are an attorney licensed to practice law in Kentucky. Kentucky's Supreme Court has stated that no person may engage in the practice of law without first obtaining a license. SCR 2.100. The practice of law is defined as follows:

[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.

SCR 3.020. In Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W. 2d 727 (Ky., 1967), the Supreme Court held that the representation of a corporation before a state agency qualifies as participating in the practice of law.

All documents filed with the Commission on behalf of a corporation must be signed by its attorney and must provide the address for that attorney. Please refer to 807 KAR 5:001 (12) and (15) for additional information on this requirement.

Before the Commission can allow Shelby Energy Cooperative, Inc. to proceed with its application, the corporation must provide documentation demonstrating that it is being represented by a licensed member of the Kentucky Bar Association.

As it stands today, Shelby Energy Cooperative, Inc.'s application fails to comply with Kentucky law and must be amended before it can be accepted for filing. Please mail this response to Michael F. Burford, Director of Filings Division, Public Service Commission, 211 Sower Blvd., Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

Michael F. Burford  
Director  
Division of Filings

Enclosure  
/mb