

SUMMERFIELD INN d/b/a
America's Value Inn,

Complainant,

v.

AMERENUE,

Respondent.

AMERENUE,)
)
Respondent.)

Staff's report alleges that the name "America's Value Inn" is a fictitious name registered to Summerfield Inn, L.L.C., which is a limited liability company ("LLC").

If an LLC is the Complainant, then it can only appear before the Commission through an attorney admitted to practice in Missouri. Such appearance includes filing a complaint because the complaint must be:

. . . in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission [. ¹]

To select legally significant facts (like facts that constitute a violation of law or tariffs), for presentation to a tribunal (like the Commission) on behalf of another person (including a legal entity like an LLC) is the practice of law.[²]

The practice of law, if done by a person not admitted to practice in this State, is void.[³] If void, the complaint vests no jurisdiction in the Commission.[⁴] If the Commission lacks jurisdiction, it cannot reach the merits of the complaint, and can only dismiss the action,[⁵] so the Commission will order the Complainant to file a Reply showing cause why the Commission should not dismiss this action for lack of jurisdiction.

B. Merits

Staff's report and AmerenUE's amended answer also allege that Ameren UE has remedied the billing inaccuracies cited in the complaint by recalculating the bill and granting more time to pay it, so the Commission will require the Reply to show what further relief the Commission has the authority to provide.

¹ Section 386.390.1, RSMo 2000.

² **Reed v. Labor & Indus. Relat. Comm'n**, 789 S.W.2d 19, 22-23 (Mo. banc 1990).

³ *Id.*

⁴ **State ex rel. Robinson v. Crouch**, 616 S.W.2d 587, 592 (Mo. App., S.D. 1981).

⁵ **Oberreiter v. Fullbright Trucking**, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000) (citations omitted).

C. Representation

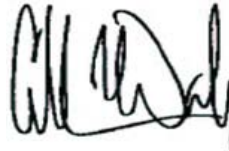
If the Complainant is an LLC or other legal entity, Complainant shall file the Reply only through an attorney admitted to practice in this State.

THE COMMISSION ORDERS THAT:

1. Complainant shall file a Reply as follows.
 - a. If Complainant files the Reply through another person, such person shall be an attorney admitted to practice in this State.
 - b. The Reply shall show cause why the Commission should not dismiss this action for lack of jurisdiction.
 - c. The Reply shall show what relief remains for the Commission to grant.
2. Complainant shall file the Reply no later than February 19, 2009.
3. This order is effective when issued.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Dated at Jefferson City, Missouri,
on this 5th day of February 2009.

Jordan, Regulatory Law Judge