

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Frances Ann Holley,  
Complainant,

v.

Union Electric Company d/b/a AmerenUE,  
Respondent.

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**File No. GC-2010-0225**

## ORDER DIRECTING FILING

Issue Date: March 15, 2010

Effective Date: March 15, 2010

The Missouri Public Service Commission is scheduling a pre-hearing conference and addressing the issue of unauthorized representation.

### A. Background

On January 25, 2010, the Commission's Data Center opened a file<sup>1</sup> for the complaint. The complaint bears the signature of John W. Holley, whose name also appears on bills attached to the formal complaint, suggesting that John W. Holley is liable for the amounts at issue. Nevertheless, Union Electric Company d/b/a AmerenUE ("AmerenUE") and the Commission's staff ("Staff") allege, in their respective responsive pleadings, that John W. Holley is representing Frances Ann Holley, whose name also appears on the bills attached to the complaint.

### B. Representation

Those allegations raise an issue as to the unauthorized practice of law.

The unauthorized practice of law includes one person advocating—presenting principles of law and legally significant facts—on another's behalf.<sup>2</sup> No one may do so

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<sup>1</sup> Originally under File No. EC-2010-0222 but changed to the current file number on January 26, 2010.

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

before the Commission without permission from the Missouri Supreme Court.<sup>3</sup> For that reason, the Commission must clarify whether John W. Holley is representing his own interest or is representing the interest solely of another person.

That matter will be among the issues that the parties shall address at the pre-hearing conference scheduled below.

### C. Pre-Hearing Conference

A pre-hearing conference's purpose and function is as follows:

Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.<sup>[4]</sup>

Among those matters will be a clarification of the interests at stake in the complaint. Parties shall also be prepared to discuss pending motions, exchanges of information, the number and nature of witnesses and exhibits the parties intend to present at hearing, a procedural schedule, and the possibilities for settlement.

John W. Holley may present matters for ruling to the Commission on his own behalf, but not on behalf of anyone else, unless the Missouri Supreme Court has admitted him to practice law. But nothing prevents John W. Holley from communicating with Staff and AmerenUE outside the Commission's procedures. The Commission encourages the parties to continue their attempts to resolve disputed matters among themselves and offers mediation services for that purpose.

Parties shall participate as set forth below.

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<sup>3</sup> **Clark v. Austin**, 340 Mo. 467, 101 S.W.2d 977, 982 (1937).

<sup>4</sup> 4 CSR 240-2.090(6).

**THE COMMISSION ORDERS THAT:**

1. The regulatory law judge assigned to this case ("RLJ") will convene a pre-hearing conference at 9:00 a.m., on April 12, 2010.

2. The RLJ will convene such conference in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

3. Any party, and John W. Holley, may appear in person or by telephone. Any person appearing by telephone shall call the following telephone number when the conference is scheduled to begin:

Local: 526-5904

Long distance: (866) 630-9352

Any party may appear through counsel.

4. The pre-hearing conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the pre-hearing conference shall contact the Commission before the pre-hearing conference. Such contact shall be through the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.

5. This order shall become effective immediately on issuance.

**BY THE COMMISSION**

(S E A L)



Steven C. Reed  
Secretary

Jordan, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 15<sup>th</sup> day of March 2010.