

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

SUMMERFIELD INN d/b/a)
America's Value Inn,)
)
Complainant,)
)
v.)
)
AMERENUE,)
)
Respondent.)

Case No. GC-2009-0236

Order to Address Customer's Legal Status

Issue Date: February 11, 2009

Effective Date: February 11, 2009

The Missouri Public Service Commission orders AmerenUE to file a reply addressing an allegation in the report of the Commission's staff ("Staff").

On December 4, 2009, Sem Waheed filed the complaint, styled ***Summerfield Inn d/b/a America's Value Inn, v. AmerenUE***. On January 30, 2009, Staff filed its report, alleging 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").¹

If an LLC is the person whose account is at issue in the complaint ("Customer"), then only through an attorney admitted to practice in Missouri can it appear before the Commission. Appearance before the Commission 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

¹ Staff offered no evidence, and requested no relief, on that allegation, as is appropriate to its duty to advise the Commission in a neutral and impartial fashion.

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 [²]

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.^[3] The practice of law, if done by a person not admitted to practice in this State, is void.^[4] If void, the complaint vests no jurisdiction in the Commission.^[5] If the Commission lacks jurisdiction, it can only dismiss this action.^[6]

Therefore, by order dated February 5, 2009, we issued an order to show cause why we should not dismiss the complaint for lack of jurisdiction. On February 11, 2009, Sam Waheed filed a reply. But the reply does not address whether Sam Waheed or some other entity is the Customer.

The Commission, like other administrative tribunals, has a duty to guard against the unauthorized practice of law.⁷ But the Commission must also conduct this contested case in an impartial fashion.⁸ Therefore, the Commission will order AmerenUE to file a reply that shows (a) who the Customer is; (b) the Customer's legal status; and (c) any appropriate motion based on such evidence.

² Section 386.390.1, RSMo 2000.

³ **Reed v. Labor & Indus. Relat. Comm'n**, 789 S.W.2d 19, 22-23 (Mo. banc 1990).

⁴ *Id.*

⁵ **State ex rel. Robinson v. Crouch**, 616 S.W.2d 587, 592 (Mo. App., S.D. 1981).

⁶ **Oberreiter v. Fullbright Trucking**, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000) (citations omitted).

⁷ 789 S.W.2d at 23-24.

⁸ 4 CSR 240-2.120(1).

THE COMMISSION ORDERS THAT:

1. AmerenUE shall file a Reply including:
 - a. Evidence identifying the person whose account is at issue in the complaint ("Customer");
 - b. Evidence showing the Customer's status as an LLC or other legal entity; and
 - c. Any appropriate motion based on such evidence.
2. AmerenUE shall file such Reply no later than February 19, 2009.
3. This order is effective immediately on issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 11th day of February 2009.

Jordan, Regulatory Law Judge