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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	<u>CASE NO. SC-99-134</u>
vs.	)	
	)	
Imperial Utility Corporation,	)	
	)	
Respondent.	)	

**ORDER REJECTING PLEADING AND**  
**EXTENDING TIME FOR RESPONSE**

On October 2, 1998, the Staff of the Missouri Public Service Commission (Staff) filed a complaint against Imperial Utility Corporation (Imperial). This case was docketed under Case No. SC-99-134. On October 6 a Notice of Complaint was issued to Imperial (Respondent) which informed the Respondent that pursuant to 4 CSR 240-2.070 the Respondent must either file an answer or satisfy the complaint within thirty days of the date of that notice. That thirty-day period expired on November 5, 1998.

On November 6, 1998, the Commission received a letter which purported to respond to the complaint. The Commission received a facsimile of this letter on November 5. Therefore, pursuant to 4 CSR 240-2.080(3) the letter was timely. However, a letter is not a proper response to a pleading nor was it properly filed.

The rule requires a response to a complaint to be filed by a pleading. Pursuant to 4 CSR 240-2.010(12) a pleading means "any application, complaint, petition, answer, motion or other similar written document, which is not a tariff or correspondence...". Letters and

correspondence do not constitute pleadings. In addition, 4 CSR 240-2.080(2) requires that each pleading shall be accompanied by a cover letter which states the subject matter of the pleading being filed. This cover letter shall contain no matter for Commission decision.

The document in question is a one-page letter addressed to "Mr. Dale Hardy Roberts" and signed by Eugene A. Fribis, P.E., President. This document does not constitute a pleading and for that reason is unacceptable. In addition, this document is not filed by an attorney and Missouri courts have held that a pleading filed on behalf of a corporation by a person other than a licensed attorney is a nullity. A pleading filed by a lay person on behalf of a corporation is not entitled to consideration and should have been dismissed without consideration. Stamatiou v. El Greco Studios, Inc., 935 S.W.2d 701, 702 (Mo. App. 1996).

Imperial is a corporation and as such may only be represented by an attorney licensed to practice law in the State of Missouri. This may seem restrictive, however, the Commission is bound to observe the laws of this jurisdiction.

"The law does not treat individuals and corporations equally. The law allows an individual to bear the risk that representation without an attorney may entail. Natural persons may represent themselves in situations which, if done for someone else, would constitute the practice of law. Clark v. Austin, 340 Mo. 467, 101 S.W.2d 977, 982 (1937). Unlike individuals, corporations are not natural persons, Clark v. Austin, 340 Mo. 467, 101 S.W.2d at 982, but are creatures of statute. Businesses operating in corporate form are entitled to certain benefits that are denied to others. In addition to benefits, however, corporations also have certain restrictions placed upon them. One such restriction in Missouri is that a corporation may not represent itself in legal matters, but must act solely through licensed attorneys. Liberty Mut. Ins. Co. v. Jones, 130 S.W.2d at 955. Reed v. Labor and Indus. Relations Com'n, 789 S.W.2d 19, 21 (Mo. 1990)."

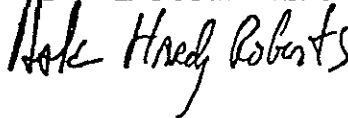
Pursuant to 4 CSR 240-2.080(11) pleadings which are not in substantial compliance shall be rejected. The mere act of filing shall not constitute a waiver of any noncompliance.

Therefore, the letter submitted by Eugene A. Fribis on November 6, 1998, must be rejected by the Commission. The letter submitted contains information which by law must be submitted only in a pleading. In addition, the letter in question has been submitted on behalf of a corporation by a person who does not appear to be licensed to practice law in the State of Missouri. Imperial must, through a proper pleading, file a response or be found in default. Any such response, by law, must be filed by an attorney licensed to practice law in the State of Missouri.

**IT IS THEREFORE ORDERED:**

1. That the letter submitted on November 6, 1998, by Eugene A. Fribis, P.E., President, on behalf of Imperial Utility Corporation, is hereby rejected and the Records Department shall remove it from the case file.
2. That the time for filing a response pursuant to 4 CSR 240-2.070(8) is extended for 20 days to November 25, 1998.
3. That this order shall be effective on (10 days).

BY THE COMMISSION



(S E A L)

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

Dale Hardy Roberts, Chief Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1) (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 9th day of November, 1998.

RECEIVED

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION