

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Double Delta Arizona, LLC)	
)	
Complainant.)	
)	
v.)	File No. TC-2014-0218
)	
Southwestern Bell Telephone, L.P.,)	
)	
Respondent.)	

ORDER SUSPENDING SCHEDULE AND DIRECTING FILING

Issue Date: March 3, 2014

Effective Date: March 3, 2014

The Commission is suspending further proceedings in this file pending an entry of appearance for counsel admitted to practice in Missouri and reserving ruling on the motion for mediation.¹

Background

The Commission opened this file and issued a notice of contested case² upon receipt of a complaint on behalf of Double Delta Arizona, LLC ("Double Delta").³ Double Delta acted through a person not admitted to practice law in Missouri. That complaint was sufficient to commence this action, and earlier case law to the contrary was outdated, according to an opinion of the Missouri Court of Appeals.⁴

¹ Electronic Filing and Information Service ("EFIS") No. 5, filed on February 28, 2014.

² EFIS No. 2, *Notice of Contested Case and Order Directing Filing*, issued February 7, 2014.

³ EFIS No. 1, *Complaint* filed on February 7, 2014.

⁴ *Naylor Senior Citizens Housing, LP v. Sides Const. Co., Inc.*, Case No. SD32098, (Mo. App., S.D., Apr. 19, 2013), Rahmeyer, J.

The Missouri Supreme Court held otherwise last week. Though not yet final, the Missouri Supreme Court's opinion⁵ endorses the earlier case law related to non-lawyer filings on another person's behalf. That earlier case law provides that asserting a legal theory for relief, and alleging supporting facts, on another person's behalf before a tribunal, constitutes the practice of law, which is null and void unless done by a licensed lawyer.⁶ That description includes the drafting of a complaint because the Commission's regulations require a complaint to set forth the Commission's jurisdiction and a public utility's violation of statute, regulation, order, or tariff.⁷

The Missouri Supreme Court also describes a "duty to insure that the law is not further violated" by rejecting documents that constitute the unlicensed practice of law.⁸

Filings

Therefore, the Commission will suspend proceedings in this action pending the filing of an entry of appearance by a lawyer admitted to practice in Missouri. Pending that filing, the order to file an answer and a report are suspended. The entry of appearance shall be accompanied by (a) either a statement adopting the complaint already in this file, or a new complaint signed by counsel entering the appearance; and (b) a response to the motion for mediation. No licensed lawyer is required for the parties to communicate with each other outside of filings with the Commission.

⁵ *Naylor Senior Citizens Housing, LP v. Side Const. Co., Inc.*, Case No. SC93404 (Mo. banc, Feb. 25, 2014), Wilson, J.

⁶ *Reed v. Labor & Indus. Relations Comm'n*, 789 S.W.2d 19, 23 (Mo. banc 1990).

⁷ 4 CSR 240-2.070(4) and (4)(G).

⁸ *Reed v. Labor & Indus. Relations Comm'n*, 789 S.W.2d 19, 23-24 (Mo. banc 1990).

THE COMMISSION ORDERS THAT:

1. An entry of appearance for Double Delta Arizona, LLC, as described in the body of this order, shall be filed no later than March 14, 2014.
2. The filing of an answer and a report, as described in the body of this order, is suspended.
3. This order is effective immediately upon issuance.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 3rd day of March, 2014.