

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Crain Pest and Lawn, L.L.C.,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2010-0053</u>
)	
Embarq Missouri, Inc., d/b/a Embarq,)	
)	
Respondent.)	

NOTICE OF DEFICIENCY

Issue Date: August 5, 2009

On August 5, 2009, Crain Pest and Lawn, L.L.C. ("CPL"), filed a formal complaint pursuant to rule 4 CSR 240-2.070 against Embarq Missouri, Inc., d/b/a Embarq ("Embarq"). The complaint is signed by Keith D. Kissee, the owner of CPL.

Commission Rule 4 CSR 240-2.040(5), specifically addressing practice before the Commission, states:

A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

The basis for these Commission Rules is found in Sections 484.010 and 484.020.¹ Section 484.010 defines the practice of law as "the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee or any body, board,

¹ All statutory citations refer to RSMo 2000 unless otherwise noted.

committee or commission constituted by law or having authority to settle controversies.”
Section 484.020 restricts the practice of law and engagement in law business to licensed attorneys.²

CPL, not being a natural person representing only itself, must be represented by an attorney authorized to practice law in Missouri to appear before the Commission in this Complaint. CPL’s complaint is defective because of the lack of that representation as evidenced by the lack of a signature by an attorney authorized to practice law in Missouri. CPL’s complaint is deficient and the Commission shall take no further action in this matter until such time as the deficiency is corrected.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Stearley, Senior Regulatory Law Judge

² “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. Unlike individuals, corporations are not natural persons, 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.” (Internal citations omitted). *Reed v. Labor and Indus. Relations Com’n*, 789 S.W.2d 19, 21 (Mo. banc 1990).