

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

In the Matter of the Application Carl Richard	)	
Mills d/b/a Carl R. Mills Water Service	)	File No. WM-2020-0387
for a Transfer of Assets to the Carriage Oaks	)	
Estates Homeowners Association	)	

**SUGGESTIONS IN SUPPORT OF INTERVENORS’  
MOTION TO STRIKE APPLICATION**

COMES NOW, Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott (“Intervenors”), and in support of its Motion to Strike, states as follows:

*Background*

In November 2019, in WA-2018-0370, the Commission approved the application of the Carl Mills to operate a water utility system in Stone County, Missouri. The Commission found that Mr. Mills was a “water corporation.” In that application, the matter was initiated by Staff Counsel’s Office, not Mr. Mills. Mr. Mills is not an attorney. In this application, Mr. Mills, a natural person, seeks to transfer the assets of a water corporation without representation. Carriage Oaks Homeowners Association is not a party to this application, nor is represented by counsel in this matter.

*Legal Authority*

An entity must be represented by counsel before the Commission to file an application to transfer assets. Commission rules define “pleading” as any written document filed with the commission. 20 CSR 4240-2.010(12). Commission rules state that every pleading shall be signed by an attorney of record. 20 CSR 4240-2.080(1). Natural persons are prohibited from representing any other person or entity before the

Commission. 20 CSR 4340-2.040(5). Carl Mills is not an attorney and does not have the legal ability to represent a water corporations before the Commission.

Carl Mills does not have legal ability to represent the water corporation *pro se*. Courts have considered a similar matter in evaluating the role of trustees in representing trusts in judicial proceedings. Non-attorney trustees may not appear *pro se* in a representative capacity of a trust where such activities constitute the practice of law. *See Mayer v. Lindenwood Female College*, 453 S.W.3d 307, 315 (Mo. App. E.D. 2014).

In *Mayer*, the Appellate Court considered the issue as whether a trustee had the capacity to file a notice of appeal on behalf of the trust. *Id.* at 311. The court identified a trustee has a legal duty to administer a trust in accordance with its terms and purposes and in the interests of the beneficiaries. *Id.* at 314. “Thus, when the Trustees appeared on behalf of the Trusts, they were necessarily representing the interests of others in court, which constitutes the unauthorized practice of law.” *Id.* at 315. Ultimately the Appellate Court dismissed the appeal for the nonattorneys’ conduct in filing the notice reaffirming the Missouri Supreme Court’s “bright-line” rule declining to consider the unauthorized practice of law as a curable defect. *Id.* at 316. Like *Mayer*, Carl Mills capacity is similar to a trustee of a trust, and does not permit him to engage in practice of law on the water corporation’s behalf. Like *Mayer*, this matter should be dismissed.

Where applications do not comport with the filing requirements of 4 CSR 4240-2.010, 20 CSR 420-2.080, and 4 CSR 4240-2.040, the Commission has required the applicant to make a showing of compliance or face dismissal. *See Missouri In the Matter of the Application of Net Talk.com, Inc. for A Certificate of Serv. Auth. to Provide Basic*

*Local Telecommunications Servs. in the State of Missouri & for Competitive*

*Classification*, No. TA-2011-0166, 2011 WL 121507, at \*1 (Jan. 4, 2011), and 2011 WL 287283, at \*1 (Jan. 18, 2011).

*Conclusion*

Carl Mills is not an attorney and does not have the legal capacity to represent the water corporation before the Commission. The offending pleading should be stricken. The matter should be dismissed.

Respectfully submitted,

SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC

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COUNSEL FOR INTERVENORS

**CERTIFICATE OF SERVICE**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to all counsel of record via email on June 12, 2020, to the following email addresses:

Mark Johnson [Mark.Johnson@psc.mo.gov];  
Jamie Myers [Jamie.Myers@psc.mo.gov];  
Missouri Public Service Commission [staffcounsel@psc.mo.gov];  
Office of the Public Counsel [opc@opc.mo.gov];  
Carl Richard Mills [mrrsykes@aol.com].

The above was also served via U.S. Mail, postage prepaid to the following interested parties on June 12, 2020:

Carriage Oaks Estates Homeowners Association  
Legal Department  
209 Falling Leaf Court  
Reeds Spring, MO 65737

Missouri Department of Natural Resources  
Legal Department  
PO Box 176  
Jefferson City, MO 65102-0176

/s/ Hampton Williams

Hampton Williams