

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Robert Burdette Corporation,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2008-0039</u>
)	
Aquila, Inc.)	
)	
Respondent.)	

NOTICE OF DEFICIENCY

Issue Date: August 13, 2007

On August 9, 2007, the Robert Burdette Corporation filed a formal complaint pursuant to rule 4 CSR 240-2.070 against Aquila, Inc.. The complaint appears to be signed by "Cynthia Pincombe," an unidentified representative of the company.

Commission Rule 4 CSR 240.2.010(13) includes in its definition of a pleading "any . . . , complaint, . . . , which is not a tariff or correspondence, and which is filed in a case." Robert Burdette Corporation's complaint is a pleading pursuant to this rule. All pleadings are governed by 4 CSR 240-2.080, and all pleadings require the signature of an attorney authorized to practice in Missouri, unless the entity signing the pleading is a natural person representing only that natural person, i.e. themselves. (4 CSR 240-2.080(1) and (6)).¹

The underlying basis for these Commission Rules can be found in RSMo sections 484.010 and 484.020.² Section 484.010 defines the practice of law as "the appearance as

¹ Specific regulations for practice before the Commission are also delineated in 4 CSR 240-2.040.

² All statutory citations refer to RSMo 2000 unless otherwise noted.

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, 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.

Robert Burdette Corporation, 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. Robert Burdette Corporation’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. The lack of the proper signature is the equivalent of the application bearing no signature, and unsigned pleadings shall be rejected. (4 CSR 240-2.080(5)). Robert Burdette Corporation’s complaint is deficient and no further action will be taken in this matter until its complaint is brought into compliance with all Commission rules.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 13th day of August, 2007.

Stearley, Regulatory Law Judge