

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

Lodges at Roark Creek COA,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2014-0169</u>
)	
Missouri American Water Company,)	
)	
Respondent.)	

**ORDER DIRECTING COMPLAINANT TO SHOW CAUSE WHY
COMPLAINT SHOULD NOT BE DISMISSED**

Issue Date: December 4, 2013

Effective Date: December 4, 2013

On December 2, 2013, Lodges at Roark Creek COA ("Complainant") filed a complaint with the Missouri Public Service Commission ("Commission") against Missouri-American Water Company. The complaint was signed on behalf of the Complainant by "Richard Kelly, Manager". There is no indication in the complaint that Mr. Kelly is an attorney.

The rules of practice before the Commission prohibit a non-attorney from representing a company. Commission Rule 4 CSR 240-2.040(5) states that while 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". 4 CSR 240-2.040(3) governs the practice of attorneys before the Commission and states as follows:

Attorneys who wish to practice before the commission shall fully comply with its rules and also comply with one (1) of the following criteria:

(A) An attorney who is licensed to practice law in the state of Missouri, and in good standing, may practice before the commission;

(B) A nonresident attorney who is a member of the Missouri Bar in good standing, but who does not maintain an office for the practice of law within the state of Missouri, may appear as in the case of a resident attorney;

(C) Any attorney who is not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record, may petition the commission for leave to be permitted to appear and participate in a particular case under all of the following conditions:

1. The visiting attorney shall file in a separate pleading a statement identifying each court of which that attorney is a member and certifying that neither the visiting attorney nor any member of the attorney's firm is disqualified to appear in any of these courts;
2. The statement shall designate some member in good standing of the Missouri Bar having an office within Missouri as associate counsel;
3. The designated Missouri attorney shall simultaneously enter an appearance as an attorney of record; and
4. The visiting attorney shall provide a receipt or a statement showing that he or she has complied with the requirement of Missouri Supreme Court Rule 6.01(m).

The Complainant's complaint is subject to dismissal for failing to comply with the Commission rule described above. The Commission will require the Complainant to file an entry of appearance by an attorney qualified to practice before the Commission or file a pleading showing cause why the complaint should not be dismissed.

THE COMMISSION ORDERS THAT:

1. No later than December 16, 2013, Lodges at Roark Creek COA shall file an entry of appearance by an attorney qualified to practice before the Commission or file a pleading showing cause why the complaint should not be dismissed.

2. This order shall become effective upon issuance.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of December, 2013.