

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 22<sup>nd</sup> day  
of September, 2009.

GB & Associates, L.L.C.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. EC-2009-0433</u></b>
	)	
Kansas City Power and Light Company,	)	
	)	
Respondent.	)	

**ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE**

Issue Date: September 22, 2009

Effective Date: October 2, 2009

On June 5,<sup>1</sup> GB & Associates, L.L.C., (“GB”) filed a formal complaint pursuant to Commission Rule 4 CSR 240-2.070 against Kansas City Power and Light Company (“KCPL”). However, GB’s complaint, as filed, demonstrated that the company lacked appropriate legal representation.

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 underlying basis for this rule is found in RSMo sections 484.010 and 484.020.<sup>2</sup> Section 484.010 defines the practice of law as “the appearance as an advocate in a

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<sup>1</sup> All dates throughout this order refer to the year 2009 unless otherwise noted.

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.

A corporation is not a natural person, but rather is an artificial entity created by law.<sup>3</sup> “Being an artificial entity it cannot appear or act in person.”<sup>4</sup> “It must act in all its affairs through agents or representatives.”<sup>5</sup> “In legal matters, it must act, if at all, through licensed attorneys.”<sup>6</sup> “Filings by a lay person on behalf of a corporation will be considered untimely filed, null and void.”<sup>7</sup> Moreover, any decision reached by the Commission in a matter where a corporation was not appropriately represented by an attorney is void.<sup>8</sup>

GB, not being a natural person representing only itself, must be represented by an attorney authorized to practice law in Missouri in order for it to appear before the

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<sup>2</sup> All statutory citations refer to RSMo 2000 unless otherwise noted.

<sup>3</sup> *Stamatiou v. El Greco Studios, Inc.*, 935 S.W.2d 701, 702 (Mo. App. 1996); *Clark v. Austin*, 101 S.W.2d 977 (Mo. banc 1937).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Clark v. Austin*, 101 S.W.2d 977, 982-985 (Mo. banc 1937). In this case, three non-attorneys who represented corporations before the Missouri Public Service Commission were found to be guilty of contempt of the Missouri Supreme Court for violating the statutes forbidding any one not an attorney from performing any act in a representative capacity in connection with proceedings pending before any commission constituted by law.

Commission in this Complaint.<sup>9</sup> On June 8, because GB's complaint was defective, the Commission issued a notice of deficiency for GB's failure to have appropriate legal representation, and informed GB that the Commission would take no further action in this matter until such time as the deficiency was corrected. GB did not respond to the notice of deficiency, and on September 4, ninety days after GB filed its complaint, the Commission issued a show cause order directing GB to show cause why its complaint should not be dismissed for failure to prosecute.

Commission Rule 4 CSR 240-2.116(2) provides that: "[c]ases may be dismissed for lack of prosecution if no action has occurred in the case for ninety days and no party has filed a pleading requesting a continuance beyond that time." GB failed to correct the deficiency in its complaint. GB took no action to prosecute its complaint. GB did not respond to the Commission's show cause order. Therefore, the Commission shall dismiss GB's complaint.

**THE COMMISSION ORDERS THAT:**

1. The complaint filed by GB & Associates, L.L.C. on June 5, 2009, against Kansas City Power and Light Company, is dismissed without prejudice.

2. This order shall become effective on October 2, 2009.

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<sup>9</sup> GB elected to become a L.L.C. and avail itself of the privileges and protections of such designation under the laws of this state. With those privileges and protections attaches the responsibility for obtaining proper legal representation when it wishes to pursue a legal action or, if actions are filed against it, should it desire to challenge or defend itself in those actions.

3. This case shall be closed on October 3, 2009.

( S E A L )

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', written over a horizontal line.

**Steven C. Reed  
Secretary**

Clayton, Chm., Davis, Jarrett, Gunn,  
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge