BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

| TAMMIE LYNN POWELL, |) |
|----------------------------------|-----------------------|
| Complainant, |) |
| V. | File No. EC-2009-0449 |
| THE EMPIRE DISTRICT ELECTRIC CO. |))) |
| Respondent. |) |

ORDER TO ENTER APPEARANCE AND FILE ANSWER

Issue Date: July 27, 2009 Effective Date: July 27, 2009

The Missouri Public Service Commission is ordering The Empire District Electric Co. ("Empire District") to appear through counsel. On June 26, 2009, Tammie Lynn Powell filed the complaint and the Commission ordered Empire District to file an answer. On July 27, 2009, the Commission received an answer with no indication that the person who filed it on Empire District's behalf is licensed to practice law.

The Missouri Supreme Court has instructed us that selecting legally significant facts for presentation to the Commission on behalf of another person, including a legal entity like a corporation, constitutes the practice of law.¹ The practice of law is void if done by a person not admitted to practice law in this State.² Admission to practice before the Commission is subject to the provisions of Missouri Supreme Court Rule 9

² Reed v. Labor & Indus. Relat. Comm'n, 789 S.W.2d 19, 22-23 (Mo. banc 1990).

¹ Clark v. Austin, 340 Mo 467, 101 S.W. 2d 977 (Mo 1937).

and Commission Regulation 4 CSR 240-2.040, and the Commission has a duty to guard against the unauthorized practice of law.³

Therefore, compliance with those provisions determines whether the Commission will consider Empire District's answer. The Commission will allow time for Empire District to show compliance with the provisions cited above before the Commission takes further action. Pending such action, the parties may continue to discuss the issues in the complaint.

THE COMMISSION ORDERS THAT:

- 1. No later than August 3, 2009:
 - a. Counsel for The Empire District Electric Co. shall file an entry of appearance; and
 - b. The Empire District Electric Co. shall file an answer to the complaint through counsel.
- 2. This order is effective when issued.

BY THE COMMISSION

(SEAL)

Steven M. Reed Secretary

Dated at Jefferson City, Missouri, on this 27th day of July 2009.

Jordan, Regulatory Law Judge

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³ *Id.* at 23-24.