

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Heritage Farms, Inc.'s,)
Application for Variance and/or Waiver of)
Commission Rule to Require Kansas City)
Power and Light, or Any Other Utility, to)
Provide Service to Real Property Located)
at 8360 N.W. Fox Road in Platte County,)
Missouri)

Case No. EE-2008-0151

NOTICE OF DEFICIENCY

Issue Date: November 13, 2007

On November 8, 2007, an entity bearing the name of Heritage Farms, Inc. ("Heritage Farms") attempted to file an application for a variance of a Commission rule with regard to the provision of electrical service. Unfortunately, Heritage Farms only completed an entry form in the Commission's Electronic Filing and information System ("EFIS"). No application for a variance was, in fact, attached to this "parent document." Although EFIS generated a case number for this filing, there is, in actuality, no existing case or no document filed with the Commission that could initiate any type of action before the Commission.

Nevertheless, the Commission can only surmise that it is this corporate entity's intention to file such an action, and Heritage Farms may have believed that having filed this form with the Commission constitutes a proper application for a variance – it does not. The Commission hereby issues a Notice of Deficiency. Heritage Farms is directed to consult with the proper Commission regulations to meet the filing requirements for an application for a variance. Heritage Farms is specifically directed to the following Commission rules:

(1) Commission Rule 4 CSR 240-2.015; (2) Commission Rule 4 CSR 240-2.060; (3) Commission Rule 4 CSR 240-2.080; and (4) Commission Rule 4 CSR 240-3.015.

Heritage Farms is further advised that if it is a corporation, it is required to be represented by counsel if it wishes to pursue an action before the Commission. 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 can be found in Revised Statutes of Missouri Sections 484.010 and 484.020.¹ Section 484.010 defines the practice of law as “the appearance as 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.

¹ All statutory citations refer to RSMo 2000 unless otherwise noted.

No action will be taken on this EFIS filing until it is brought into compliance with all Commission regulatory requirements.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a faint rectangular stamp.

Colleen M. Dale
Secretary

(S E A L)

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

Stearley, Regulatory Law Judge