

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Harold and) **File No. EO-2010-0051**
Debbie Meyer for Change of Electric Supplier.)

NOTICE OF DEFICIENCY AND ORDER EXTENDING TIME FOR FILINGS

Issue Date: September 3, 2009

Effective Date: September 3, 2009

On August 4, 2009, Harold and Debbie Meyer filed an application to change their electric supplier from the City of Marceline, Missouri, to Macon Electric Cooperative. The Commission issued notice to the City and to the Cooperative and directed that any responses to the application be filed no later than September 8, 2009. On September 2, 2009, the City filed a response. The response is signed by Elizabeth Cupp, City Manager. There is no indication that Ms. Cupp is an attorney licensed in the State of Missouri.

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 these Commission Rules can be found in the Revised Statutes of Missouri at 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

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

having authority to settle controversies.” Section 484.020 restricts the practice of law and engagement in law business to licensed attorneys.

The City, 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 matter. Therefore, the City’s response 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. Because the time for responses has not yet passed, the Commission will grant additional time to the City to correct the deficiency.² The Commission will also grant additional time to the Staff of the Public Service Commission and the other parties.

THE COMMISSION ORDERS THAT:

1. The time for responses to the application is extended so that the responses shall be due no later than September 15, 2009.
2. The recommendation or status report of the Staff of the Missouri Public Service Commission shall be filed no later than September 25, 2009.
3. This order shall become effective upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of September, 2009.

² The Commission’s rule regarding pleadings is found at 4 CSR 240-2.080.