

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

In the Matter of the Application of )  
 CheckMate Design for a Variance of ) **File No. EE-2021-0180**  
 Commission Rules )

## NOTICE OF DEFICIENCY

Issue Date: December 29, 2020

On December 23, 2020, Checkmate Design filed an application with the Missouri Public Service Commission (Commission) requesting that it be granted a variance to allow it to not individually meter a residential building located at 4440 Manchester Ave. in St. Louis. The application consists of an unsigned letter describing the request and the project, along with a Meter Variance Policy: Customer Variance Application Request Form, which contains an AmerenUE logo.<sup>1</sup>

The Commission is authorized to consider requests for variance from individual meter requirements under Commission Rule 20 CSR 4240-20.050, but Commission Rule 20 CSR 4240-2.040(5), requires pleadings filed with the Commission to be signed by an attorney authorized to practice law in Missouri unless the entity signing the pleading is a natural person acting solely on his or her own behalf and representing only him or herself. Further, Missouri statute restricts the practice of law to licensed attorneys.<sup>2</sup>

Checkmate Design's pleading is not signed by an attorney licensed to practice law in Missouri. To appear before the Commission, Checkmate Design, which appears to be

<sup>1</sup> The e-mail by which the application was delivered to the Commission came from Lamont Anderson at Checkmate Design, LLC.

<sup>2</sup> Section 484.020, RSMo (2016).

a corporate entity, must be represented by an attorney authorized to practice law in Missouri.<sup>3</sup>

Therefore, the application is deficient in that it does not comply with Commission Rule 20 CSR 4240-2.040 requiring an entity to be represented by counsel. The Commission cannot take action on this application until this deficiency is corrected. The Commission will leave the file open until January 28, 2021, to allow Checkmate Design to correct the deficiency. If no response is filed by that time, the Commission will reject the application and close the file.



**BY THE COMMISSION**

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 29<sup>th</sup> day of December, 2020.

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<sup>3</sup> "A corporation is not a natural person. It is an artificial entity created by law. Being an artificial entity it cannot appear or act in person. It must act in all its affairs through agents or representatives. In legal matters, it must act, if at all, through licensed attorneys. (internal citation omitted) *Naylor Senior Citizens Housing, LP v. Side Construction Company, Inc.*, 423 S.W.3d 238, 243 (Mo. 2014) (en banc).

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 29<sup>th</sup> day of December, 2020.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 29, 2020**

**File/Case No. EE-2021-0180**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.