

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Application of Windstream)
Communications, LLC for Designation as an)
Eligible Telecommunications Carrier to) **File No. TA-2021-0354**
Receive Rural Digital Opportunity Fund)
Auction Support)

NOTICE OF DEFICIENCY

Issue Date: April 20, 2021

On April 16, 2021, Windstream Communications, LLC (WC) filed its application for designation as a wireless Eligible Telecommunications Carrier. Attorney Nicole Winters, whose office is identified as in Arkansas, signed the application as attorney. It does not appear, however, from the face of the application, that Ms. Winters is licensed to practice law in the state of Missouri,¹ and the application contains no motion for leave to practice before the Commission pro hac vice.

The application states that WC is a limited liability company. Commission Rule 20 CSR 4240-2.040(5), 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 basis for this Commission rule is found in Sections 484.010 and 484.020, RSMo.² 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

¹ A review of the Missouri Bar’s on line publication of attorneys currently licensed to practice in Missouri, <https://mobar.org/> does not contain Ms. Winters’ name.

² All statutory citations refer to RSMo 2016 unless otherwise noted.

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.³

As it does not appear from the face of the application that Ms. Winters is licensed to practice law in Missouri, the application is defective in that the applicant is a corporation whose application must be signed and presented by an attorney licensed in Missouri or otherwise authorized per a duly granted motion pro hac vice. Because the application is deficient, the Commission will take no further action in this matter until such time as the deficiency is corrected. Per Rule 20 CSR 4240-2.116, the Commission may dismiss this cause for lack of prosecution if no action has occurred within 90 days.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 20th day of April, 2021.

³ “The law does not treat individuals and corporations equally. The law allows an individual to bear the risk that representation without an attorney may entail. Natural persons may represent themselves in situations which, if done for someone else, would constitute the practice of law. Unlike individuals, corporations are not natural persons, but are creatures of statute. Businesses operating in corporate form are entitled to certain benefits that are denied to others. In addition to benefits, however, corporations also have certain restrictions placed upon them. One such restriction in Missouri is that a corporation may not represent itself in legal matters, but must act solely through licensed attorneys.” (Internal citations omitted). *Reed v. Labor and Indus. Relations Com'n*, 789 S.W.2d 19, 21 (Mo. banc 1990).


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 20th day of April, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 20, 2021

File/Case No. TA-2021-0354

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

Sincerely,



**Morris L. Woodruff
Secretary**

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