

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Pac-West)
Telecomm, Inc. for a Certificate of Service Authority to) **File No. LA-2011-0283**
Provide Local and Interexchange Telecommunications)
Services in the State of Missouri and to Classify said) Tracking No. YL-2011-0451
Services and the Company as Competitive)

ORDER DIRECTING FILINGS

Issue Date: March 8, 2011

Effective Date: March 8, 2011

The Missouri Public Service Commission is ordering that:

- Any appearance on behalf of Pac-West Telecomm, Inc. ("Pac-West") shall be through a lawyer admitted to practice in Missouri, and
- Until such appearance, the Commission's staff's ("Staff") need file no recommendation.

On March 7, 2011, Pac-West filed a tariff and an application for certificates of basic local and interexchange service authority. The application states that Pac-West is a California corporation and includes allegations of legally significant facts for the Commission's consideration.

Such pleading 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 and Commission Regulation 4 CSR 240-

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

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

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 the application, which determines whether the Commission will need Staff's recommendation.

The application bears the signature of Robert H. Turner III as "Counsel for [Pac-West]" but includes no Missouri Bar number and the Official Missouri Directory of Lawyers reveals no member of the Missouri Bar by that name. The Commission will allow time for Pac-West to show compliance with the provisions of law cited above before the Commission takes further action. The Commission will set the date for filing a recommendation depending on such compliance. Pending such actions, the parties may continue to discuss the issues in the application.

THE COMMISSION ORDERS THAT:

1. No later than March 18, 2011, Pac-West Telecomm, Inc., shall appear through a lawyer admitted to practice in Missouri.
2. Unless Pac-West Telecomm, Inc., complies with paragraph 1, Staff need file no recommendation on the application.
3. If Pac-West Telecomm, Inc., complies with paragraph 1, Staff shall file its recommendation no later than March 28, 2011.

³ *Id.* at 23-24.

4. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240.

Dated at Jefferson City, Missouri,
on this 8th day of March, 2011.