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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 10th  
day of November, 1994.

In the matter of the application for )  
authority to transfer control of )  
Touch 1, Inc. to LDDS Communications, ) **CASE NO. TM-95-93**  
Inc., d/b/a LDDSMETROMEDIA (LDDS) and )  
to transfer Touch 1, Inc.'s certificate )  
to Touch 1 Long Distance, Inc. )

**ORDER REJECTING AMENDMENT TO APPLICATION**

On November 2, 1994, an Amendment to Application (a "pleading" pursuant to 4 CSR 240-2.080) was filed in this case. This pleading was signed by "Rachel J. Rothstein". The Missouri Bar has confirmed that this individual is not licensed to practice law in the state of Missouri. She has not requested permission to practice law in the state of Missouri and appear before this agency as provided for in Supreme Court Rule 9.01 and 9.03 and as required by our rules as set out at 4 CSR 240-2.040(3)(A) and (C).

The Commission has reviewed the contents of this file and is aware of its own records and makes the following findings of fact. The Commission finds that on two other occasions this individual has attempted unauthorized practice before the Commission.

On January 12, 1994, an application was filed by Rachel J. Rothstein in Case Number TO-94-212. The Hearing Examiner to whom that case was assigned wrote and advised her that absent a license to practice law in the state of Missouri, she could not practice before this Commission. That letter cited the applicable Supreme Court holdings and

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Code of State Regulations.

On August 12, 1994, Rachel J. Rothstein again attempted to practice before this agency by filing a motion in Case Number TO-94-374. Again, the Hearing Examiner to whom the case was assigned wrote a letter reminding her of the previous correspondence. And, in that same docket, on August 19, 1994, the Commission issued an Order Rejecting Motion to File Notice of Participation Out of Time and Rejecting Comments Out of Time citing, inter alia, that this attorney was not licensed to practice in the state of Missouri.

The Commission now finds a third attempt at unauthorized practice which appears to violate state statute (see §484.010 et seq.), our Code of State Regulations (see 4 CSR 240-2.040 and 4 CSR 240-2.080) and in apparent violation of the holding of the Missouri Supreme Court as set out in Reed v. Labor and Indus. Relations Com'n., 789 S.W.2d 19 (Mo.banc 1990).

The Commission has twice previously advised this attorney of the impropriety of her acts and finds that she has actual knowledge of the law cited. The Commission has rules which provide for out of state attorneys to practice before this agency and has repeatedly cited those rules to this attorney. The Commission is, therefore, at a loss to comprehend the reason for a third such violation in less than one year.

Although the Commission, as an agency, may have no such obligation, the Commission is aware that its licensed attorneys may have an affirmative duty to report this conduct to the Office of Chief Disciplinary Counsel (OCDC) for the Missouri Bar. The Commission will not, at this time, file a formal complaint regarding these circumstances. However, in an attempt to remove the necessity of having a Commission staff member file a complaint regarding a case now pending before the Commission,

the Commission will direct that a copy of this Order, and those Orders cited herein be forwarded to the OCDC.

The Commission further finds that the pleading, as it was filed herein, constitutes a pleading on behalf of a corporation represented by an individual who is not licensed to practice law in the state of Missouri and for that reason it must be rejected.

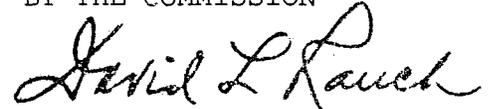
**IT IS THEREFORE ORDERED:**

1. That the Amendment to Application filed in this docket on November 2, 1994, and signed by "Rachel J. Rothstein" is hereby rejected.

2. That the orders and official correspondence cited herein from Cases No. TO-94-212 and TO-94-374, along with this order, shall be directed from the Executive Secretary to the attention of the Office of the Chief Disciplinary Counsel of the Missouri Bar Association.

3. That this order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,  
Kincheloe and Crumpton, CC., Concur.