

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.¹

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.²

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

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

² Section 484.020, RSMo (2016).

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

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 black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

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 29th day of December, 2020.

³ "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).