

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

POLLITT ENTERPRISES, INC.,	)	
WHITNEY CLARK POLLITT, INDIVIDUALLY,	)	
AMANDA DEEANN POLLITT, INDIVIDUALLY,	)	CASE NO.
AND	)	2017-00120
BASIL C. POLLITT, INDIVIDUALLY,	)	
D/B/A THE GAS GROUP, INC. A/KA/ THE GAS	)	
GROUP	)	
_____	)	
	)	
ALLEGED VIOLATIONS OF KRS 278.020,	)	
KRS 278.160, KRS 278.140, AND	)	
807 KAR 5:006, SECTION 4(2)	)	

ORDER

On June 6, 2017, Defendant, Basil C. Pollitt, individually, d/b/a The Gas Group, Inc. ("Basil Pollitt"), filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for an indefinite period of time to the entirety of Basil Pollitt's medical records filed in this proceeding. At a May 31, 2017 hearing in this matter, the Commission, from the bench, directed counsel for Basil Pollitt to file the medical records under seal as support for a request to continue the hearing due to Basil Pollitt's health.

As a basis for his request, Basil Pollitt states that the designated material contains information of a personal nature and that public disclosure of the designated material would constitute an unwarranted invasion of personal privacy.

Having considered the petition and the material at issue, the Commission finds that the designated material is generally recognized as confidential, and therefore

meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(a) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Basil Pollitt's petition for confidential protection for the designated material contained in his medical records is granted.

2. The designated material contained in Basil Pollitt's medical records shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Basil Pollitt shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order, and the period during which the material has been granted confidential treatment has not expired, then Basil Pollitt shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Basil Pollitt is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Basil Pollitt to seek a remedy afforded by law.

By the Commission

ENTERED  
JUN 30 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Amanda Deeann Pollitt  
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