

COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION  
CASE #: 2017-00120

RECEIVED

IN RE:

POLLITT ENTERPRISES, INC.  
WHITNEY CLARK POLLITT, INDIVIDUALLY  
AMANDA DEEANN POLLITT, INDIVIDUALLY  
BASIL C. POLLITT, INDIVIDUALLY  
D/B/A THE GAS GROUP, INC.  
A/K/A THE GAS GROUP.

AUG 09 2017  
PUBLIC SERVICE  
COMMISSION

RENEWED MOTION OF AMANDA POLLITT AND CLARK POLLITT  
TO DISMISS THIS ACTION AGAINST THEM FOR LACK OF PERSONAL  
AND SUBJECT MATTER JURISDICTION

Comes Amanda Pollitt and Clark Pollitt, by counsel, and do hereby renew their motion to dismiss them from this action. In support of same Amanda and Clark respectfully assert that this Commission lacks jurisdiction over them, both personal and subject matter.

1. Per a Commission Order entered 3-15-17 Amanda and Clark were found to be public utilities and subject to the jurisdiction of the PSC. This conclusion was predicated upon the alleged transfer to them of the natural gas line at issue in this matter. The 3-15-17 Order directed Amanda and Clark to file an appropriate response. The Order further found that any such transfer was "void" as a matter of law. As directed Amanda and Clark filed a Joint Response on 5-20-17. Therein they denied any such transfer and further denied any interest whatever in the gas line at issue in this matter. The respective affidavits of Amanda and Clark were attached to and made a part of the Joint Response. Therein Amanda and Clark denied transfer of the pipeline which at all times was and remains the property of The Gas Group. Amanda and Clark further denied any interest in the pipeline. Amanda and Clark further denied that they were subject to the jurisdiction of the Commission. On 6-12-17 the Commission entered an Order setting this matter for a hearing. Said

Order included Amanda and Clark and was otherwise silent as to the jurisdictional issue. Accordingly, Amanda and Clark moved the Franklin Circuit Court to intervene in an action concerning the pipeline (PSC v. The Gas Group-[01-CI-581]). The purpose of the intervention was to challenge Commission jurisdiction over Amanda and Clark. Said motion to intervene was denied by the Franklin Circuit Court per an Order entered 8-7-17 on the basis that the Commission has yet to rule on the issue. Accordingly, Amanda and Clark renew their motion to dismiss them from this action as the Commission lacks both personal and subject matter jurisdiction.

2. The Commission lacks jurisdiction as neither Amanda nor Clark have any interest in the pipeline at issue herein. Moreover, Amanda and Clark are not a public utility. Further, even if there was a transfer of the pipeline, which there was not, same is void as a matter of law. See 3-15-17 Order at pg. 2. Finally, Amanda is a Florida resident having no nexus with the subject matter of this action and having no nexus with the Commonwealth of Kentucky. Accordingly, Amanda and Clark move the Commission to dismiss them from this action.




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## CERTIFICATE OF SERVICE

It is hereby certified that the original and ten copies of this document were filed at the Office of the Public Service Commission, 211 Sower Blvd., Frankfort, KY 40602-0615 in conjunction with the 8-9-17 hearing. It is further certified that a copy of this document was sent via U.S. Mail to Nancy Vinsel, Counsel for PSC, P.O. Box 615, 211 Sower Blvd., Frankfort, KY 40602-0615 this 8<sup>th</sup> day of August, 2017. It is hereby further certified that a copy of this document was mailed to the Office of Attorney General, c/o Kent Chandler/Rebecca Goodman/Justin McNeil, Assistant Attorney General, Office of Rate Intervention, 700 Capital Avenue, Suite 20, Frankfort, KY 40601 this 8<sup>th</sup> day of August, 2017. It is further certified that courtesy copies were sent to the PSC c/o Nancy Vinsel ('[nancy.vinsel@ky.gov](mailto:nancy.vinsel@ky.gov)') and Office of Attorney General c/o Kent Chandler/Rebecca Goodman/Justin McNeil ('[Kent.Chandler@ky.gov](mailto:Kent.Chandler@ky.gov)', '[Rebecca.Goodman@ky.gov](mailto:Rebecca.Goodman@ky.gov)' and '[Justin.McNeil@ky.gov](mailto:Justin.McNeil@ky.gov)') this 8<sup>th</sup> day of August 2017.



Kirk Hoskins