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Case Management System - KY Public Service Commission*Regular Cases Before the Commission as of August 19, 2017***2017-00120**

RECEIVED: 03/15/17

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FINAL:

REOPENED:

SUSPENSION DATE:

CASE NATURE: Alleged Violations of KRS 278.020, KRS 278.160, KRS 278.140, and 807 KAR 5:006, Section 4(2)

CASE CODE

Investigation - Service

HEARINGS:

08/09/17 Formal Hearing

05/31/17 Formal Hearing

INDEX OF EVENTS:

08/16/17 Order Entered: The issues described in Finding Nos. 1-8 above are the primary issues presented in this proceeding.

08/11/17 Commission Staff's Post-Hearing Request for Information to Basil C. Pollitt, Individually, d/b/a The Gas Group, Inc. a/k/a The Gas Group

08/11/17 Post-Hearing Request for Information

08/11/17 Notice of Filing Hearing Documents

08/11/17 AG Post Hearing Data Request

08/11/17 AG Request for Jason Sharp

08/10/17 Letter Filing Document into the Record

08/09/17 Amanda and Clark Pollitt Renewed Motion to Dismiss

08/09/17 Gas Group Proof of Notice

08/09/17 Gas Group Objection to Subpoena

08/08/17 AG Response to Gas Group

08/07/17 Jason Sharp Subpoena

08/07/17 Gas Group/Basil Pollitt Objections to Motions

08/03/17 Order Entered: 1. The motion of the Attorney General to conduct expedited discovery is granted. 2. Plaintiff Basil C. Pollitt shall file his responses to the Attorney General's initial data requests on or before Monday, August 7, 2017.

08/03/17 Bayard Huff Public Comment

08/02/17 AG Motion for Leave to Conduct Expedited Discovery

08/02/17 AG Data Requests to Basil Pollitt Et Al

08/01/17 Letter to Southern Kentucky Energy, LLC Requesting Copies of Contracts

08/01/17 AG Response to Order

07/31/17 Basil Pollitt Et Al Response to Request for Information and Witness and Exhibit List

07/26/17 Order Entered: 1. The motion of the Attorney General to intervene is granted. 2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. Within seven days of entry of this Order, the Attorney General shall provide his electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon the Attorney General in accordance with 807 KAR 5:001, Section 4(8).

07/26/17 AG Motion to Intervene

07/18/17 Notice of Filing Transcript of Deposition

07/07/17 Commission Staff's First Request for Information to Whitney Clark Pollitt

07/07/17 Commission Staff's First Request for Information to Amanda Deeann Pollitt

07/07/17 Commission Staff's First Request for Information to Basil C. Pollitt, Individually, d/b/a The Gas Group, Inc. a/k/a The Gas Group

06/30/17 Order Entered: 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

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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 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.

- 06/15/17 Whitney Clark Pollitt Subpoena
- 06/15/17 Basil C. Pollitt Subpoena
- 06/15/17 Order Entered: Pursuant to KRS 278.340, Civil Rule 43.04(1), and all other applicable law, that the Commission, by and through its Staff, shall take the deposition of Basil C. Pollitt for any and all discovery and evidentiary purposes. The deposition will be taken at 9116 Leesgate Road, Louisville, Kentucky, on Wednesday, June 28, 2017, at 9:00 a.m., Eastern Daylight Time. Any question not responded to by a witness may be certified for decision by the Commission.
- 06/12/17 Order Entered: 1. A hearing shall be held in this matter on August 9, 2017, beginning at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 2. The Pollitts shall mail notice of the scheduled hearing to each of their customers no more than 21 days and no less than seven days before the day of the scheduled hearing. The notice of the hearing shall state the purpose of the hearing, and the time, date, and place of the hearing, and shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website , psc.ky.gov." 3. Pollitts shall provide the Commission with proof of the notice at or prior to the August 9, 2017 hearing. Proof of the notice shall include a copy of the notice, and a list of customers' names and mailing addresses to which the notice was mailed. 4. The Pollitts shall file with the Commission, no later than July 26, 2017, a list of witnesses and exhibits to be presented at the August 9, 2017 hearing. The Pollitts shall provide six copies of any exhibit they intend to introduce into evidence at the hearing. 5. All provisions of the Commission's Orders of March 15, 2017, May 11 , 2017, and May 24, 2017, which are not in conflict with this Order shall remain in effect.
- 06/08/17 Clark Pollitt Et Al Joint Response to Order
- 06/06/17 Basil Pollitt Motion for Confidential Treatment of Medical Records
- 06/01/17 Notice of Filing Hearing Documents
- 05/31/17 Letter Filing Correspondence Regarding Basil C. Pollitt Deposition
- 05/30/17 Pollitt Enterprises Et Al Motion to Convert and Obtain New Hearing Date
- 05/26/17 Letter Filing Document into the Record
- 05/24/17 Order Entered: Prior to May 30, 2017, Pollitts shall tender a list of witnesses and exhibits that they intend to offer at the May 31 , 2017 hearing in this matter.
- 05/11/17 Order Entered: 1. The Pollitts' motion for an extension of time is granted. 2. The Pollitts are granted an extension up to and including May 22, 2017, to file their written responses to the allegations contained in the March 15, 2017 Order, and to the requests for information and the Inspection Report attached as Appendix A and Appendix E, respectively, to the March 15, 2017 Order.
- 05/09/17 Pollitt Enterprises Inc. Kirk Hoskins Entry of Appearance and Motion for Extension of Time with Draft of Order Attached
- 04/13/17 Order Entered: Clark Pollitt's motion for an extension of time is granted.
2. Clark Pollitt is granted an extension up to and including May 4, 2017, to file his written responses to the allegations contained in the March 15, 2017 Order, and to the requests for information and the Inspection Report attached as Appendix A and Appendix E, respectively, to the March 15, 2017 Order.
- 04/10/17 Whitney Clark Pollitt Motion for Extension of Time To Respond to Commission's 3/15/17 Order
- 03/15/17 Order Entered: 1. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in this Order and in the Inspection Report. 2. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt shall appear on Wednesday, May 31, 2017, at 9:00 a.m. Eastern Daylight Time in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of KRS 278.020(1), KRS 278.020(6), KRS 278.020(7), KRS 278.160, KRS 278.140, and 807 KAR 5:006, Section 4(2), and Franklin Circuit Court's March 2, 2004 Order, and showing cause why they should not be subject to the penalties prescribed in KRS 278.990 and KRS 278.992 for these alleged violations. 3. The May 31, 2017 hearing shall be recorded by digital video

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recording only. 4. a. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt pursuant to 807 KAR 5:001, are to file with the Commission the original and ten copies of the information requested in Appendix A to this Order. The information requested is due within 20 days of the date of this order. b. Responses to requests for information shall be appropriately bound, tabbed and indexed, and shall include the name of the witness responsible for responding to the questions related to the information provided, with a copy to all parties of record.

Total Number of Cases: 1