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PUBLIC SERVICE  
COMMISSION

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

IN RE:

BASIL C. POLLITT, INDIVIDUALLY  
D/B/A THE GAS GROUP, INC.  
A/K/A THE GAS GROUP.

MOTION TO ACCEPT POLLITT/GAS GROUP BRIEF FOR FILING

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Come the Respondents, Basil Pollitt/Gas Group, by counsel, and do hereby move the Commission to accept for filing their responsive brief previously tendered. In support of this motion Pollitt/Gas Group state as follows:

At the conclusion of the hearing held on 8-9-17 the Commission discussed the filing of responsive briefs and provided a date of 9-8-17. This deadline however was not reduced to an Order. Pollitt/Gas Group verily believed this was so because the record remained open thus necessitating a revised briefing schedule. Moreover, because the hearing veered into a number of different directions Pollitt/Gas Group were uncertain as to the issues under review and subject to briefing. The Commission agreed. Thereafter, 8-16-17, an Order was issued "clarifying" issues. The next effect is to reduce the Pollitt/Gas Group response time. Examples of the ongoing record in this case include the following: a) On 8-11-17 post hearing data requests were propounded upon Pollitt and Jason Sharp of Southern Kentucky Energy. Responses were due 8-25-17<sup>1</sup>. b) On 8-25-17 additional post hearing data requests were propounded upon SKE. c) On 8-16-17 the Commission filed a motion to Alter, Amend or Vacate the Franklin Circuit Court Order of 8-7-17. The basis for the motion was the testimony of Jason Sharp (SKE) per the 8-9-17 hearing. Toward

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<sup>1</sup>Pollitt/Gas Group have not received the SKE responses.

that end Pollitt/Gas Group believed and remain of the belief that the Sharp testimony was misrepresented. This required Pollitt/Gas Group to review the transcript and take necessary remedial measures. d) On 9-19-17 the Commission ordered an inspection of the Pollitt/Gas Group line as well as an inspection of Gas Group records. It was expressly noted that the inspections were for the purpose of aiding the Commission per the matter under review. Under these circumstances it is unfair to impose the original briefing schedule as the record remains in flux. Pollitt/Gas Group are unfamiliar with any circumstance whereby briefing is due prior to completion of proof. After all the purpose of a responsive brief is to evaluate the proof in terms of applicable law. It was precisely because the post hearing proof was overwhelming that adduced at the hearing that Pollitt/Gas Group filed their responsive brief on 9-20-17. Paragraph 2 of the brief reads as follows: Basil Pollitt and The Gas Group (hereinafter "Gas Group") concede confusion as to where matters presently stand. Following the hearing Gas Group moved the Commission for clarity regarding the issues to be determined. The Commission, from the bench, agreed. Toward that end an Order clarifying issues was entered 8-16-17. Following the hearing a number of "post hearing data requests" were submitted. These were followed by additional post hearing data requests. Additionally, per an Order entered 9-19-17 PSC seeks an inspection of Pollitt's home, unspecified records as well as the gas line. As a result the record in this matter is ever expanding. This results in uncertainty as to the evidence of record and what PSC might use against Gas Group in this matter.

Pollitt/Gas Group further observe that the Commission is yet to file a brief in this matter. Moreover, any delay in filing the Pollitt/Gas Group brief will not result in a delay in the consideration of this matter given that the record is ongoing. Accordingly, Pollitt/Gas Group move that the previously tendered brief be accepted for filing.



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CERTIFICATE OF SERVICE

It is hereby certified that an original and 10 copies of this motion were sent via U.S. Mail to the Public Service Commission, P.O. Box 615, 211 Sower Blvd. Frankfort, KY 40602-0615 this 18<sup>th</sup> day of September, 2017. It is hereby further certified that a copy of this Response 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 and Nancy Vinsel, Counsel for the PSC, 211 Sower Blvd. Frankfort, KY, 40601-0615 this 25<sup>th</sup> day of September, 2017.



A handwritten signature in black ink, appearing to read "Kent Chandler", is written over a horizontal line. The signature is stylized and cursive.