

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BASIL C. POLLITT, D/B/A THE GAS)	
GROUP INCORPORATED AND)	
POLLITT ENTERPRISES, INC. AND)	CASE NO.
CLARK POLLITT ALLEGED FAILURE)	2018-00103
TO COMPLY WITH KRS 278.495, 807)	
KAR 5:022, AND 49 C.F.R. PART 192)	

ORDER

Basil C. Pollitt, doing business as The Gas Group Incorporated and Pollitt Enterprises, Inc. (Pollitt), operates a natural gas gathering system (the Pollitt System) that sells natural gas to approximately 28 residential customers in Warren County, Kentucky. Based on findings of violation of minimum federal and state pipeline safety standards cited by Commission Staff (Staff) in its report dated October 23, 2017, the Commission initiated this proceeding to conduct a formal investigation into the operation of the Pollitt System.

On April 27, 2018, Pollitt filed a motion to hold this case in abeyance pending resolution of two related matters pending in Franklin Circuit Court.¹ On September 1, 2018, Pollitt, the Commission, and the other parties to the Franklin Circuit Court cases entered into a settlement agreement (Settlement Agreement), pursuant to which the parties agreed that based on the current configuration of the Pollitt System, Pollitt is not a jurisdictional utility but rather the operator of a gathering pipeline with farm tap service

¹ See *Pollitt Enterprises, Inc. v. Kentucky Public Service Comm'n*, Civil Action No. 18-CI-00069, consolidated with *Public Service Comm'n of Ky. v. Pollitt*, Civil Action No. 01-CI-00581 (Franklin Cir. Ct.).

subject to the Commission's jurisdiction under KRS 278.485. The parties further agreed that Pollitt would have until March 1, 2019, to cure the safety violations cited in the Staff Report that are applicable to farm tap service. By Order October 3, 2018, the Commission granted Pollitt's motion and ordered this proceeding held in abeyance until March 2, 2019.² On May 30, 2019, the Commission filed in the Franklin Circuit Court a report confirming that Pollitt was in substantial compliance with the terms of the September 1, 2018 Settlement Agreement. A copy of that report is attached to this Order as an Appendix.

The Commission finds that Pollitt has complied with the terms of the Settlement Agreement and addressed the Pollitt System safety deficiencies cited in the Staff Report that are applicable to farm tap service. The Commission further finds that this case should be closed and removed from the Commission' docket.

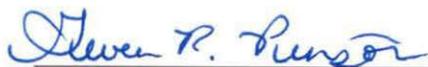
The Commission, on its own motion, HEREBY ORDERS that this case is closed and removed from the Commission's docket.

² A copy of the Settlement Agreement is attached as an Appendix to the Commission's Order dated October 3, 2018.

By the Commission

ENTERED
JUN 11 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2018-00103 DATED **JUN 11 2019**

THREE PAGES TO FOLLOW

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 01-CI-00581
CIVIL ACTION NO. 18-CI-00069

ELECTRONICALLY FILED

PUBLIC SERVICE COMMISSION
OF KENTUCKY

PLAINTIFFS

v.

BASIL C. POLLITT, *et al.*

DEFENDANTS

* * * * *

JOINT REPORT TO THE COURT

At motion hour on August 29, 2018, the Court heard a joint motion submitted by the Public Service Commission of Kentucky ("Commission"), Basil C. Pollitt, Whitney Clark Pollitt, Pollitt Enterprises, Inc., The Gas Group, Inc., and the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, (collectively, "Parties"), to dismiss this case pursuant to the terms and conditions of the Settlement Agreement. At that time, the Court stated that an agreed order dismissing would be entered and verbally directed the Parties to report back to the Court on the status of compliance with the Settlement Agreement. On September 2018, the Court entered an Agreed Order dismissing these consolidated cases under the terms and conditions set forth in the Settlement Agreement.

The Parties respectfully file this joint report confirming that the Pollitts and their businesses are in substantial compliance with the September 1, 2018 Settlement Agreement ("Settlement Agreement"), and therefore complied with the Court's September 18, 2018 Order dismissing this case under the terms and conditions of the Settlement

Agreement. The Parties further confirm that the Commission tendered releases of its judgment liens with Jefferson County Clerk and Warren County Clerk, pursuant to the terms of the Settlement Agreement.

Respectfully submitted,

/s/ Nancy J. Vinsel

Nancy J. Vinsel
PUBLIC SERVICE COMMISSION OF
KENTUCKY
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602
*Counsel for Public Service Commission
of Kentucky*

/s/ Justin M. McNeil

*Signed by Nancy J. Vinsel with permission of
Justin M. McNeil*
Rebecca W. Goodman
Kent A. Chandler
Justin M. McNeil
OFFICE OF ATTORNEY GENERAL
700 Capital Avenue, Suite 20
Frankfort KY 40601
Assistant Attorneys General

/s/ Kirk Hoskins

*Signed by Nancy J. Vinsel with permission of
Kirk Hoskins*
Kirk Hoskins
1387 S. Fourth St.
Louisville KY 40208
Hoskins@Kirk.win.net
Counsel for Basil Pollitt, et al.

CERTIFICATE OF SERVICE

I certify that on May 30, 2019, a true and accurate copy of the foregoing was electronically filed with the Kentucky Court of Justice e-filing system and served by electronic means to the following who are registered e-filers:

Kirk Hoskins
1387 S. Fourth St.
Louisville KY 40208
Hoskins@Kirk.win.net
Counsel for Basil Pollitt, et al.

I further certify that on May 30, 2019, a true and accurate copy of the foregoing has been served t via U.S. Mail Service, postage prepaid, upon the following:

Rebecca W. Goodman
Kent A. Chandler
Justin M. McNeil
OFFICE OF ATTORNEY GENERAL
700 Capital Avenue, Suite 20
Frankfort KY 40601
Kent.Chandler@ky.gov
Rebecca.Goodman@ky.gov
Justin.McNeil@ky.gov
Assistant Attorneys General

/s/ Nancy J. Vinsel
*Counsel for Kentucky Public Service
Commission*

*Basil C. Pollitt, d/b/a The Gas Group Incorporated
13517 Saddlecreek Drive
Louisville, KENTUCKY 40245

*Whitney Clark Pollitt
12004 Ridge Road
Louisville, KENTUCKY 40223