

APR 27 2018

PUBLIC SERVICE
COMMISSIONCOMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
CASE #: 2018-00103

IN RE:

BASIL POLLITT/D/B/A THE GAS GROUP INC. and
POLLITT ENTERPRISES, INC.**MOTION TO HOLD CASE IN ABEYANCE**

Comes Basil Pollitt, d/b/a The Gas Group, Inc. and Pollitt Enterprises, by counsel, and do hereby move the Commission to hold this case in abeyance pending further order of the Franklin Circuit Court. In support of this motion Pollitt states as follows:

1. Central to the Order is a staff report dated 10-23-17. This staff report followed an inspection of the Pollitt line and was made a part of the record in a previous PSC case (2017-103).¹ On 12-27-17 PSC issued its final order in case # 2017-103. Pollitt has appealed that Order to the Franklin Circuit Court (18-CI-0069). The inspection report is part of administrative record and is part of the judicial appeal. Moreover, the Franklin Circuit Court has consolidated the current appeal with a prior action (01-CI-581). One of the core issues is jurisdiction. If Pollitt prevails the regulatory violations at issue in the instant administrative proceeding will have no application to him effectively rendering them moot.

2. The Franklin Circuit Court, per Order of 4-23-18, has required the parties to meet and attempt a global resolution to issues arising out of Pollitt's operation of the natural gas pipeline at issue herein. Ex. A, attached. Pollitt and counsel for PSC are currently engaged in negotiations to

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The 4-6-18 Order provides that prior to its decision in 2017-130 (12-17-17) it Ordered an inspection of the Pollitt line. Pollitt notes that he volunteered for the inspection and had arranged inspection dates with PSC inspectors prior to the entry of the inspection order. The inspection order simply codified Pollitt's voluntary agreement.

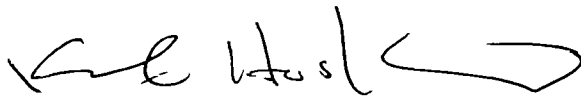
that effect. Per the 4-23-18 Order in the event the parties are unable to reach a resolution the Court will appoint a mediator in an effort to accomplish a global resolution. Pollitt prays PSC give these negotiations a chance. Opening yet another administrative proceeding complicates an already complicated situation and lessens, rather than increases, the likelihood of a negotiated resolution and is contrary to the spirit of the 4-23-18 Order. For these reasons Pollitt prays PSC hold this matter in abeyance. A tendered order is attached hereto.



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CERTIFICATE

It is hereby certified that a copy of this document was sent via U.S. Mail to the Public Service Commission, P.O. Box 615, 211 Sower Blvd. Frankfort, KY 40602-0615 this 25th day of April, 2018.



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 01-CI-581; 18-CI-069

BASIL POLLITT, *et al.*

PLAINTIFFS

v.

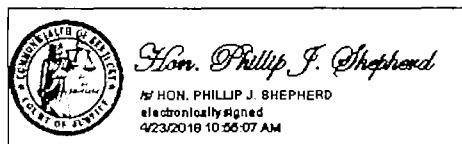
ORDER

PUBLIC SERVICE COMMISSION
OF KENTUCKY, *et al.*

DEFENDANTS

This matter is before the Court on Pollitt’s Motion for Relief from 3-2-04 Judgment and the Public Service Commission’s Motion to Reconsider Order Consolidating. The parties appeared before the Court during Motion Hour on April 23, 2018 to argue these matters. Accordingly, being sufficiently advised, the Court hereby **ORDERS** that these Motions be **HELD IN ABEYANCE** for a period of thirty (30) days. During that time, the parties shall meet and confer to resolve this matter and shall submit an Agreed Order. Should the parties fail to reach an agreement, the parties shall re-notice their motions before the Court, at which time the Court will direct the parties to participate in alternative dispute resolution.

So **ORDERED** this 23rd day of April, 2018.



PHILLIP J. SHEPHERD, JUDGE
Franklin Circuit Court, Division I

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
CASE #: 2018-00103

IN RE:

BASIL POLLITT/D/B/A THE GAS GROUP INC. and
POLLITT ENTERPRISES, INC.

ORDER

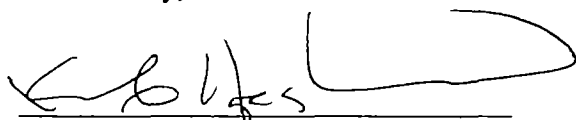
This matter is before the Commission per the motion of Pollitt to hold this case in abeyance pending completion of the appeal in the Franklin Circuit Court. The Commission, having considered the matter, arguments of counsel and being otherwise sufficiently advised

IT IS HEREBY ORDERED that the motion is GRANTED.

Public Service Commission

Date

Tendered by,



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