

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

**RECEIVED**

**MAY 9 2017**

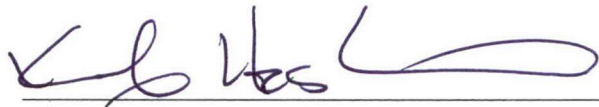
**PUBLIC SERVICE  
COMMISSION**

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

ENTRY OF APPEARANCE

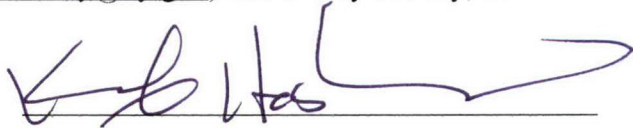
Comes the undersigned counsel, Kirk Hoskins, and does hereby enter his appearance on behalf of Clark Pollitt, Amanda Pollitt, Basil Pollitt and The Gas Group. Respondents request this honorable Commission to direct all communications and activity in this matter to the undersigned counsel at the address set forth below.



Kirk Hoskins, Counsel for Respondents  
The Landward House  
1387 S. Fourth Street  
Louisville, KY 40208  
502-821-9001-Office  
502-634-9119-Fax  
Hoskins@Kirk.win.net (E-mail)

CERTIFICATE

It is hereby certified that a copy of this document was mailed to the Public Service Commission, P.O. Box 615, 211 Sower Blvd., Frankfort, KY, 40602-0615 and sent via electronic mail to the honorable Nancy Vinsel (Vinsel.Nancy@ky.gov) this 8<sup>th</sup> day of May, 2017.



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MOTION FOR AN EXTENSION OF TIME TO RESPOND  
TO THE COMMISSION'S ORDER OF 3-15-17

Come the Respondents, Clark Pollitt, Amanda Pollitt, Basil Pollitt and The Gas Group, by counsel and hereby move the Commission to extend the time for responding to the Order of 3-15-17 until 5-24-17. In support of this motion Pollitt states as follows:

1. Clark Pollitt was served with a copy of the Order, via certified mail, on or about 3-20-17. The undersigned entered an appearance on Clark's behalf in conjunction with a motion to extend time. Unbeknownst to the undersigned that motion was granted. The undersigned did not learn the motion was granted until he conferred with counsel for the PSC, the honorable Nancy Vinsel. Per an e-mail communication with Ms. Vinsel the records of the PSC apparently indicate the Order was e-mailed to the undersigned. The undersigned has reviewed all e-mails contained in his "inbox" from 4-10-17 onward but there is no record of the Order extending time. He has further reviewed his "deleted" file and his "junk" file. No e-mail containing the Order granting the extension is contained in those files either. An e-mail communication from Ms. Vinsel received this morning (5-8-17) contained a link to the PSC on line case filings. At that time the undersigned learned of the entry of the 4-10-17 Order extending the response time. What is most perplexing is that the original motion to extend time filed on behalf of Clark Pollitt was sent via both fax and U.S. Mail. The fax

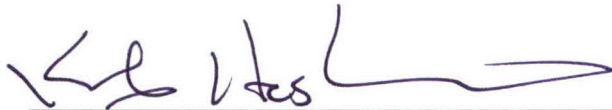
was utilized as the undersigned received the 3-15-17 Order at roughly the same time a response was due. He feared a "default" thus utilized the fax as a duplicate means of filing as to insure that the Commission was in immediate receipt of same. The following day the undersigned received a telephonic communication from the Commission indicating that a fax was not acceptable and that indeed filing by U.S. Mail was the sole means of filing. As a result the undersigned assumed, wrongly, that Commission orders likewise were served only via U.S. Mail.

2. On or about 4-24-17 the undersigned had communicated to Ms. Vinsel it was likely he would also represent Amanda Pollitt, Basil Pollitt and The Gas Group but wanted to delay entering an appearance until first having an opportunity to speak with them. At that time it was the undersigned's understanding that the PSC would nonetheless go forward and attempt personal service upon them. On 4-25 the undersigned communicated to Ms. Vinsel he would accept service on behalf of Amanda, Basil and The Gas Group. That same day the undersigned received an e-mail containing another copy of the 3-15-17 Order. This e-mail originated from Renee Smith and for reasons unknown same was overlooked. Whether the attached Order was intended as service on Amanda, Basil and The Gas Group is unclear. The undersigned apologizes for this convoluted sequence of events. At any rate Clark, Amanda, Basil and The Gas Group are now before the Commission.

3. The same factors at work per the motion to extend the response time of Clark Pollitt are at work here, to wit: a) page 1 of the Order concerns the Commission's jurisdictional authority in this matter and cites 4 separate statutes; b) page 2 cites the Commission's regulatory authority, federal authority and the statutory/regulatory basis for the actions taken against him; c) page 3 begins with a citation supportive of Pollitt's classification as a "utility". Thereafter there are citations to both statutes and regulations that provide, inter alia, the substantive law governing the alleged

violations; d) page 3 further provides a brief history of this case which is lengthy and complex. Said history concerns proceedings before the Commission, the Franklin Circuit Court and the Court of Appeals and spans an 18 year time frame beginning in 1999; e) the Order itself requires a response to 6 inquiries contained in an attached appendix.

4. The Respondents have just obtained counsel. Basil Pollitt is recovering from colon cancer. Toward that end the undersigned is scheduled to meet with him for the purpose of digesting the content of the Order, re-familiarizing himself with the lengthy record of this case, gathering facts and otherwise orchestrating a response. Accordingly, Respondents move this honorable Commission to extend the Response time until 5-22-17. While much needs to be done in this two week period it will at least provide Respondents and counsel an opportunity to confer, gather facts, review the record and prepare a response. A lesser period fails to provide Respondents with due process in any meaningful sense of the term. The extension is in the interest of fairness and harms no one. A tendered order is attached hereto.



Kirk Hoskins, Counsel for Whitney Clark Pollitt  
The Landward House  
1387 S. Fourth Street  
Louisville, KY 40208  
502-821-9001-Office  
502-634-9119-Fax  
[Hoskins@Kirk.win.net](mailto:Hoskins@Kirk.win.net) (E-mail)

#### CERTIFICATE

It is hereby certified that a copy of this document was sent via fax (502-564-3460) and U.S. Mail to the Public Service Commission, P.O. Box 615, 211 Sower Blvd. Frankfort, KY 40602-0615 this 8<sup>th</sup> day of May, 2017.



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ORDER

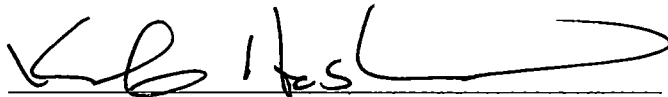
This matter is before the Commission per the motion of Clark Pollitt, Amanda Pollitt, Basil Pollitt, and The Gas Group to extend the time for his responding to the Order of 3-15-17 up to and including May 24, 2017. The Commission, having considered the matter and being otherwise sufficiently advised

IT IS HEREBY ORDERED that the motion is GRANTED and the time available for Clark Pollitt, Amanda Pollitt, Basil Pollitt and The Gas Group to respond or otherwise responsively plead to the Commission Order entered 3-15-17 is extended until 5-24-17.

\_\_\_\_\_  
Public Service Commission

Date: \_\_\_\_\_

Tendered by,



\_\_\_\_\_  
Kirk Hoskins, Counsel for Respondents  
The Landward House  
1387 S. Fourth Street  
Louisville, KY 40208  
502-821-9001-Office  
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[Hoskins@Kirk.win.net](mailto:Hoskins@Kirk.win.net) (E-mail)