

WM. KIRK HOSKINS

ATTORNEY AT LAW
THE LANDWARD HOUSE
1387 S. FOURTH ST.
LOUISVILLE, KENTUCKY 40208

(502) 821-9001 OFFICE
(502) 634-9119 FAX

EMAIL
HOSKINS@KIRK.WIN.NET

September 21, 2017

Public Service Commission
P. O. Box 615
211 Sower Blvd.
Frankfort, KY 40602-0615
Attn. Nancy Vinsel

RECEIVED

SEP 27 2017

PUBLIC SERVICE
COMMISSION

Re: Order of 9-19-17

Dear Nancy,

I hope all is going well. I am in receipt of your Order of 9-19-17 regarding an inspection of the "Pollitt System" line and "Pollitt System Records". Pollitt/Gas Group begins at the end by observing that we have never objected or attempted to discourage in any manner an inspection of the line. Your Order notes an e-mail of 9-7-17 requesting an inspection and that Pollitt has failed to respond. Since the transmission of that email, indeed since the 8-9-17 hearing, PSC matters have monopolized my time as well as Pollitts leaving no time for an inspection. Matters are further complicated by the fact that Pollitt continues his recovery from colon cancer. Moreover, by proceeding via an Order there is no opportunity to contest, provide input or respond. I am fearful that agreement to an inspection schedule will be perceived as agreement with its content. Accordingly, I think it wise to proceed per the schedule contained in the Order.

To preserve the matters that we contest please note the following:

a) the Order begins by classification of the "Pollitt System" as a "distribution system". This is one of the issues in dispute. It appears that the Order is predicated upon "utility" status.

b) the Order references the "Pollitt System". From my reading of the various orders the "Pollitt System" includes the Pollitt children. Fealty to the Order is in not to suggest that we are in agreement with that term. Pollitt/Gas Group own and operate the gas line at issue herein and provide natural gas service to the farm tap customers.

c) It is unclear why the inspection begins at the Pollitt residence (13517 Saddlecreek Drive). The authority for inspecting the Pollitt residence, even if same operates as the business address of the company, is not stated. Indeed Pollitt is of the belief it is not lawful. He however has little choice in the matter and will nonetheless be there at 10:00 a.m. on 10-9. If photographs of the residence are taken we ask that they not be included in the record without first affording us the opportunity to object and seek privacy safeguards. The Order further references production of Pollitt

System "records". Again there is no "Pollitt System". Records which relate to the gas line and farm tap customers at issue herein are those of Pollitt/Gas Group. Pollitt will make every effort to have same available for inspection in conjunction with the inspection of his home (10-9). Otherwise he can make them available at my office. Please advise as to this.

d) It is implied, but not completely clear, that from the Pollitt residence we will travel to the line. I anticipate that it will take 2 days to inspect the line. We are desirous of accomplishing this on consecutive days.

e) Your email references the location of the farm tap customers. Please be advised that the petition filed as an exhibit at the hearing contains all customer addresses. Moreover, I believe the farm tap customer addresses were submitted in response to a pre hearing request of some sort.

f) Pollitt/Gas Group take issue with the citations in the Order which are intended to indicate agreement to the instant inspection. The first citation, in context, has Pollitt expressing exasperation over the accusation that the line was transferred to another person/entity. He laments that had PSC only called he could have advised of the situation thus obviating the need and expense of a formal inquiry. The same is true of the second citation. Pollitt testified he would have made the line available for inspection to satisfy PSC concerns but he had not heard from PSC since 2002. The context of this testimony was Pollitt's vexation that rather than contact him for the purpose of an informal resolution of concerns PSC initiated the instant proceeding. In short, both citations concerning an inspection were in the past tense. Again, Pollitt/Gas Group are not opposed to an inspection as a matter of general principle. Pollitt/Gas Group are opposed to the inspection for the purpose of gathering evidence for use in the instant proceeding. This renders the hearing meaningless and adds to the impression of a fishing expedition.

Finally, I am quite busy at the moment and do not have the luxury of instantaneous communications. Two days to digest the latest Order, confer with Pollitt, orchestrate scheduling and reply is not unreasonable. I was in the Marion Circuit Court today and will be out of the office most of the day tomorrow. I intend to have my phone with me and am thus available for the 11:00 call. Please advise if the records inspection is to occur on 10-9 at the Pollitt residence with the line inspection beginning thereafter. I am

Yours,



Kirk Hoskins

KH/me