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Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of November 20, 2026

2017-00120 RECEIVED: 03/15/17 FILED: 03/15/17 FINAL: 09/05/18 REOPENED: SUSPENSION DATE:

CASE NATURE: Alleged Violations of KRS 278.020, KRS 278.160, KRS 278.140, and 807 KAR 5:006, Section 4(2)

CASE CODE

Investigation - Service

HEARINGS:

10/18/17	Formal Hearing
10/05/17	Teleconference
08/09/17	Formal Hearing
05/31/17	Formal Hearing

INDEX OF EVENTS:

12/27/17	Final Order Entered: 1. The motion to dismiss Clark Pollitt and Amanda Pollitt is denied in part and granted in part. 2. The motion to dismiss Clark Pollitt as a party to this proceeding is denied. 3. The motion to dismiss Amanda Pollitt as a party to this proceeding is granted. 4. Basil Pollitt, Clark Pollitt, and Pollitt Enterprises, jointly and severally, are assessed a civil penalty of $57,500 for violation of KRS 278.140, KRS 278.160, and 807 KAR 5:006, Section 4(2). 5. Basil Pollitt, Clark Pollitt, and Pollitt Enterprises shall pay the $57,500 assessed civil penalty within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer, and mailed or delivered to the Office of the General Counsel, Kentucky Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky, 40602. 6. Basil Pollitt, Clark Pollitt, and Pollitt Enterprises shall tender, within 30 days of the date of this Order, a tariff that complies with KRS 278.160 and 807 KAR 5:011 as a natural gas distribution utility. 7. Basil Pollitt, Clark Pollitt, and Pollitt Enterprises shall file, within 30 days of the date of this Order, an annual report of gross earnings from intrastate business for calendar year 2016, in a form designated by the Commission.
11/08/17	Basil Pollitt Response to Inspection Report
10/31/17	Letter Filing Inspection Report into the Record
10/30/17	Basil Pollitt Et Al Post-Hearing Brief
10/23/17	Order Entered: 1. Basil Pollitt's motion to file an untimely post-hearing brief is granted, 2. Basil Pollitt, within seven days of the date of this Order, shall file his post-hearing brief, with a corrected certificate of service.
10/20/17	Notice of Filing Hearing Documents
10/12/17	Order Entered: 1. A hearing shall be held in this matter on October 18, 2017, beginning at 11 :00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 2. The October 18, 2017 hearing shall be recorded by digital video recording only.
10/06/17	Memorandum dated 10/05/2017 for Informal Conference of 10/05/2017; Comments, if any, due within five days of receipt
10/03/17	Commission Staff's Notice of Informal Conference
09/27/17	Basil Pollitt Et Al Motion to Accept Brief
09/27/17	Kirk Hoskins Letter
09/25/17	Letter with Dates of Inspections
09/25/17	Order Entered: The untimely post-hearing brief tendered by Mr. Pollitt is rejected for filing.
09/22/17	Notice of Filing Documents
09/19/17	Order Entered: 1 . Commission Staff shall contact counsel for Basil Pollitt within seven days of the date of this Order to schedule an inspection of the Pollitt System. 2. The inspection, including system records, shall be conducted on a mutually agreeable date within the 30 days of the date of this Order, but absent agreement shall commence on Monday, October 9, 2017, and shall continue day to day as necessary until completed. 3. Within seven days of the date of this Order, Basil .Pollitt shall notify the Commission in writing of the location at which the Pollitt System records will be made available for inspection. 4. Commission Staff shall timely file into the record of this case an Inspection Report containing the results of the inspection. 5. Basil Pollitt's response to the Inspection Report, if any, shall be filed into the record of the case within ten days of the date the Inspection Report is filed pursuant to ordering paragraph 4.
09/19/17	Letter Filing Document into the Record
09/08/17	AG Post Hearing Brief

09/07/17	Jason Sharp Response to Post Hearing Data Request
08/25/17	Post-Hearing Request for Information
08/23/17	Order Entered: 1 . The Pollitts' objection to the Attorney General's motion to intervene is denied. 2. The Pollitts' objection to the Attorney General's motion for leave to file expedited discovery is denied. 3. The Pollitt's objection to the subpoena to Jason Sharp is denied.
08/23/17	Basil Pollitt Et Al Response to AG Post Hearing Data Request
08/23/17	Basil Pollitt Et Al Response to Post Hearing Data Request
08/21/17	Jason Sharp/Southern Kentucky Energy LLC Response to Post-Hearing Request
08/21/17	Jason Sharp/Southern Kentucky Energy LLC Response to AG Post-Hearing Request
08/16/17	Order Entered: The issues described in Finding Nos. 1-8 above are the primary issues presented in this proceeding.
08/11/17	Commission Staff's Post-Hearing Request for Information to Basil C. Pollitt, Individually, d/b/a The Gas Group, Inc. a/k/a The Gas Group
08/11/17	Post-Hearing Request for Information
08/11/17	Notice of Filing Hearing Documents
08/11/17	AG Post Hearing Data Request
08/11/17	AG Request for Jason Sharp
08/10/17	Letter Filing Document into the Record
08/09/17	Amanda and Clark Pollitt Renewed Motion to Dismiss
08/09/17	Gas Group Objection to Subpoena
08/09/17	Gas Group Customers Petition
08/09/17	Gas Group Proof of Notice
08/08/17	AG Response to Gas Group
08/07/17	Jason Sharp Subpoena
08/07/17	Gas Group/Basil Pollitt Objections to Motions
08/03/17	Order Entered: 1. The motion of the Attorney General to conduct expedited discovery is granted. 2. Plaintiff Basil C. Pollitt shall file his responses to the Attorney General's initial data requests on or before Monday, August 7, 2017.
08/03/17	Bayard Huff Public Comment
08/02/17	AG Motion for Leave to Conduct Expedited Discovery
08/02/17	AG Data Requests to Basil Pollitt Et Al
08/01/17	Letter to Southern Kentucky Energy, LLC Requesting Copies of Contracts
08/01/17	AG Response to Order
07/31/17	Basil Pollitt Et Al Response to Request for Information and Witness and Exhibit List
07/26/17	Order Entered: 1. The motion of the Attorney General to intervene is granted. 2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. Within seven days of entry of this Order, the Attorney General shall provide his electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon the Attorney General in accordance with 807 KAR 5:001, Section 4(8).
07/26/17	AG Motion to Intervene
07/18/17	Notice of Filing Transcript of Deposition
07/07/17	Commission Staff's First Request for Information to Whitney Clark Pollitt
07/07/17	Commission Staff's First Request for Information to Amanda Deeann Pollitt
07/07/17	Commission Staff's First Request for Information to Basil C. Pollitt, Individually, d/b/a The Gas Group, Inc. a/k/a The Gas Group
06/30/17	Order Entered: 1. Basil Pollitt's petition for confidential protection for the designated material contained in his medical records is granted. 2. The designated material contained in Basil Pollitt's medical records shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission. 3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. Basil Pollitt shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment. 5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order, and the period during which the material has been granted confidential treatment has not expired, then Basil Pollitt shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure

	requirements established in KRS 61.878. If Basil Pollitt is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Basil Pollitt to seek a remedy afforded by law.
06/15/17	Whitney Clark Pollitt Subpoena
06/15/17	Basil C. Pollitt Subpoena
06/15/17	Order Entered: Pursuant to KRS 278.340, Civil Rule 43.04(1), and all other applicable law, that the Commission, by and through its Staff, shall take the deposition of Basil C. Pollitt for any and all discovery and evidentiary purposes. The deposition will be taken at 9116 Leesgate Road, Louisville, Kentucky, on Wednesday, June 28, 2017, at 9:00 a.m., Eastern Daylight Time. Any question not responded to by a witness may be certified for decision by the Commission.
06/12/17	Order Entered: 1. A hearing shall be held in this matter on August 9, 2017, beginning at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 2. The Pollitts shall mail notice of the scheduled hearing to each of their customers no more than 21 days and no less than seven days before the day of the scheduled hearing. The notice of the hearing shall state the purpose of the hearing, and the time, date, and place of the hearing, and shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website , psc.ky.gov." 3. Pollitts shall provide the Commission with proof of the notice at or prior to the August 9, 2017 hearing. Proof of the notice shall include a copy of the notice, and a list of customers' names and mailing addresses to which the notice was mailed. 4. The Pollitts shall file with the Commission, no later than July 26, 2017, a list of witnesses and exhibits to be presented at the August 9, 2017 hearing. The Pollitts shall provide six copies of any exhibit they intend to introduce into evidence at the hearing. 5. All provisions of the Commission's Orders of March 15, 2017, May 11 , 2017, and May 24, 2017, which are not in conflict with this Order shall remain in effect.
06/08/17	Clark Pollitt Et Al Joint Response to Order
06/06/17	Basil Pollitt Motion for Confidential Treatment of Medical Records
06/01/17	Notice of Filing Hearing Documents
05/31/17	Letter Filing Correspondence Regarding Basil C. Pollitt Deposition
05/30/17	Pollitt Enterprises Et Al Motion to Convert and Obtain New Hearing Date
05/26/17	Letter Filing Document into the Record
05/24/17	Order Entered: Prior to May 30, 2017, Pollitts shall tender a list of witnesses and exhibits that they intend to offer at the May 31 , 2017 hearing in this matter.
05/11/17	Order Entered: 1. The Pollitts' motion for an extension of time is granted. 2. The Pollitts are granted an extension up to and including May 22, 2017, to file their written responses to the allegations contained in the March 15, 2017 Order, and to the requests for information and the Inspection Report attached as Appendix A and Appendix E, respectively, to the March 15, 2017 Order.
05/09/17	Pollitt Enterprises Inc. Kirk Hoskins Entry of Appearance and Motion for Extension of Time with Draft of Order Attached
04/13/17	Order Entered: Clark Pollitt's motion for an extension of time is granted. 2. Clark Pollitt is granted an extension up to and including May 4, 2017, to file his written responses to the allegations contained in the March 15, 2017 Order, and to the requests for information and the Inspection Report attached as Appendix A and Appendix E, respectively, to the March 15, 2017 Order.
04/10/17	Whitney Clark Pollitt Motion for Extension of Time To Respond to Commission's 3/15/17 Order
03/15/17	Order Entered: 1. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in this Order and in the Inspection Report. 2. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt shall appear on Wednesday, May 31, 2017, at 9:00 a.m. Eastern Daylight Time in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of KRS 278.020(1), KRS 278.020(6), KRS 278.020(7), KRS 278.160, KRS 278.140, and 807 KAR 5:006, Section 4(2), and Franklin Circuit Court's March 2, 2004 Order, and showing cause why they should not be subject to the penalties prescribed in KRS 278.990 and KRS 278.992 for these alleged violations. 3. The May 31, 2017 hearing shall be recorded by digital video recording only. 4. a. Pollitt Enterprises, Clark Pollitt, Amanda Pollitt, and Basil Pollitt pursuant to 807 KAR 5:001, are to file with the Commission the original and ten copies of the information requested in Appendix A to this Order. The information requested is due within 20 days of

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the date of this order. b. Responses to requests for information shall be appropriately bound, tabbed and indexed, and shall include the name of the witness responsible for responding to the questions related to the information provided, with a copy to all parties of record.

Total Number of Cases: 1