

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORP.)	
_____)	
ALLEGED FAILURE TO COMPLY)	CASE NO. 2016-00324
WITH KRS 278.042)	

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO
KENERGY CORP.

Kenergy Corp. ("Kenergy") pursuant to 807 KAR 5:001, is to file with the Commission the original and ten copies of the following information, with a copy to all parties of record. The information requested herein is due within 10 days of the date of this request. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Kenergy shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which

Kenergy fails or refuses to furnish all or part of the requested information, Kenergy shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Kenergy shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide documentation of all remedial actions taken by Kenergy as a result of the accident occurring on October 7, 2014, involving Rhyan Dickerson (“October 7, 2014 accident”), which is the subject of this action. Indicate whether the remedial action was a continuation of Kenergy’s ongoing safety program or whether the remedial action was newly implemented as a direct result of the October 7, 2014 accident.

2. Provide documentation of all safety training sessions, in whatever form, for the past three years for:

- a. Rhyan Dickerson;
- b. Terry Frederick;
- c. Kevin Board; and
- d. Eric Winebarger.

3. State whether any disciplinary action was taken against the following employees as a result of the October 7, 2014 accident. If yes, provide action taken, the date taken, and documentation for the action.

- a. Rhyan Dickerson;
- b. Terry Frederick;
- c. Kevin Board; and
- d. Eric Winebarger.

4. Provide the date that Rhyan Dickerson returned to work full time after the October 7, 2014 accident.

5. Refer to the Response of Kenergy, Corp. ("Kenergy's Response"), filed on September 29, 2016, p. 2 and p. 4, in which Kenergy attributes the October 7, 2014 accident to human error that Kenergy "could not control or prevent." Also refer to Kenergy's Response, p. 5, in which Kenergy states "We are unsure of why Mr. Dickerson would have chosen to remove his gloves at that moment, but it was in direct violation of Kenergy policy." Lastly, refer to Kenergy's Response, p. 5, in which Kenergy asserts it "has shown cause why it should not be subject to prescribed penalties." Explain why Kenergy believes it should not be subject to a penalty, pursuant to KRS 278.990(1), for Mr. Dickerson's conduct, which was in direct violation of a safety requirement and KRS 278.042.

6. Refer to Kenergy's Response, Exhibit F. Explain in detail why Eric Winebarger was not suspended without pay as of October 30, 2014, the date he signed the corrective action form, and why his three-day suspension was delayed until November 24, 25, and 26, 2014, the three days prior to the Thanksgiving holiday.

7. Refer to Kenergy's Response, Exhibit F. Confirm that Eric Winebarger was suspended without pay for the following violations arising from the October 7, 2014 accident:

a. Failed to ensure vehicle was grounded per section 312v of the APPA Safety Manual;

b. Failed to provide cover up according to section 602c of the APPA Safety Manual; and

c. Failure to provide visible opening point according to section 626, hazardous energy control, of the APPA Safety Manual.

8. Refer to Kenergy's Response, Exhibit F. Explain in detail why Terry Frederick was not suspended without pay as of October 30, 2014, the date he signed the corrective action form, and why his five-day suspension was delayed until December 1, 2, 3, 4 and 5, 2014, the week following the Thanksgiving holiday.

9. Refer to Kenergy's Response, Exhibit F. Confirm that Terry Frederick was suspended without pay for the following violations arising from the October 7, 2014 accident:

a. Failure to supervise apprentice that removed rubber gloves, violating section 604c in the APPA Safety manual, making contact with energized line.

b. Failed to ensure vehicle was grounded per section 312v of the APPA Safety Manual;

c. Failed to provide cover up according to section 602c of the APPA Safety Manual; and

d. Failure to provide visible opening point according to section 626, hazardous energy control, of the APPA Safety Manual.

10. Refer to Kenergy's Response, Exhibit F. Explain in detail why Kevin Board was not suspended without pay as of October 31, 2014, the date he signed the corrective action form, and why his five-day suspension was delayed until December 15, 16, 17, 18, and 19, 2014, the week before the Christmas holiday.

11. Refer to Kenergy's Response, Exhibit F. Confirm that Kevin Board was suspended without pay for the following violations arising from the October 7, 2014 accident:

a. Failed to ensure vehicle was grounded per section 312v of the APPA Safety Manual;

b. Failed to provide cover up according to section 602c of the APPA Safety Manual; and

c. Failure to provide visible opening point, according to section 626, hazardous energy control, of the APPA Safety Manual.

12. State whether the following employees have been documented, verbally or written, for committing a safety violation since October 7, 2014. If so, detail the nature of the violation and any corrective action taken.

a. Rhyan Dickerson;

b. Terry Frederick;

c. Kevin Board; and

d. Eric Winebarger.

13. Describe in detail and provide documentation for all assigned training activities conducted since October 7, 2014, for the following employees:

a. Rhyan Dickerson;

b. Terry Frederick;

c. Kevin Board; and

d. Eric Winebarger.

14. Provide copies of requests filed by the following employees for time off for any period of time in November and December 2014.

a. Terry Frederick;

b. Kevin Board; and

c. Eric Winebarger.



Talina R. Mathews
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

DATED OCT 18 2016

cc: Parties of Record

*J. Christopher Hopgood
Dorsey, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

*Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Kenergy Corp.
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419