

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FLEMING-MASON RURAL ELECTRIC)
COOPERATIVE CORPORATION)
AND)
CONTINENTAL TELEPHONE COMPANY) Case No. 9988
OF KENTUCKY)
FAILURE TO COMPLY WITH THE)
COMMISSION'S REGULATION 807)
KAR 5:006, SECTION 24)

SHOW CAUSE ORDER

On April 29, 1987, Mr. Hazel McCarthey, a resident of Old Sardis Pike, Maysville, Kentucky, was fatally injured while mowing with his tractor. The mower bar on the tractor became entangled on a Continental Telephone Company of Kentucky ("CONTEL") down guy. This apparently caused the tractor to swing around sharply and become entangled on a Fleming-Mason Rural Electric Cooperative Corporation ("Fleming-Mason") down guy which created enough tension in the down guy to break the top of the pole. The Fleming-Mason down guy wrapped around the tractor's rear tire and the victim's chest. The continued forward motion of the tractor tightened the down guy across the victim causing his death. (See Appendix which is Commission's Accident Investigation Report and Fleming-Mason's Accident Report.)

The accident occurred on April 29, 1987, at 5:00 p.m. and was not reported to the Commission until April 30, 1987, at 3:07 p.m.

Fleming-Mason's Accident Report was not filed with the Commission until June 3, 1987. The Commission's Regulation 807 KAR 5:006, Section 24, states that prompt notice of fatal accidents shall be given to the Commission by telephone or telegraph, and a summary written report shall be submitted to the Commission within 7 days of the subject accident. The accident was reported by telephone almost 24 hours after its occurrence, and Fleming-Mason's Accident Report was filed 34 days after its occurrence.

CONTEL also had facilities on the same pole as Fleming-Mason. CONTEL did not notify the Commission at all of this accident involving its facilities. This is in violation of 807 KAR 5:006, Section 24, of the Commission's regulations.

FINDINGS AND ORDERS

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

1. Fleming-Mason violated the Commission's Regulations by not reporting the subject accident in a prompt manner, and by not submitting a summary written report within 7 days of the subject accident, as prescribed in 807 KAR 5:006, Section 24, of the Commission's Regulations.

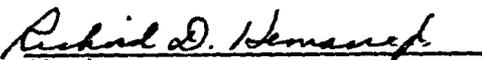
2. CONTEL violated the Commission's Regulations by failing to notify the Commission by telephone or telegraph, and also by not submitting a summary written report of this fatal accident involving its facilities, both of which are prescribed in 807 KAR 5:006, Section 24, of the Commission's Regulations.

3. CONTEL and Fleming-Mason should be required to appear and explain the reasons why the Commission's Regulation was violated and present a detailed plan to prevent the reoccurrence of this violation, and to show cause if any it can, why the Commission should not impose penalties pursuant to KRS 278.990.

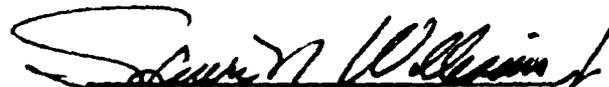
IT IS THEREFORE ORDERED that CONTEL and Fleming-Mason shall appear before the Commission on August 20, 1987, at 1:30 P.M., Eastern Daylight Time, in the Commission's offices at Frankfort, Kentucky, for the purpose of presenting evidence related to CONTEL's and Fleming-Mason's programs to ensure compliance with 807 KAR 5:006, Section 24, and to show cause if any it can, why the Commission should not impose penalties pursuant to KRS 278.990.

Done at Frankfort, Kentucky, this 7th day of August, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. 9988 DATED 8/7/87

ELECTRICAL UTILITY ACCIDENT INVESTIGATION

DATE OF THIS REPORT 6/8/87 SUBMITTED BY Jeffery L. Gilpin

NAME OF UTILITY Fleming-Mason RECC

ACCIDENT REPORTED BY Steve Souder

DATE & TIME ACCIDENT REPORTED 4/30/87 3:07 P.M.

DATE AND TIME ACCIDENT OCCURRED 4/29/87 5:00 P.M.

DATE OF ACCIDENT INVESTIGATION 5/1/87

DATE SUMMARY WRITTEN REPORT WAS RECEIVED FROM UTILITY 6/3/87

PERSONS ASSISTING IN THE INVESTIGATION Steve Souder-Fleming-Mason

RECC

NAME OF VICTIM(S) 1. Hazel McCarthy SEX M AGE 88

FATAL Yes NAME OF EMPLOYER: Self-employed farmer.

INJURIES _____

2. _____ SEX _____ AGE _____

FATAL _____ NAME OF EMPLOYER: _____

INJURIES _____

3. _____ SEX _____ AGE _____

FATAL _____ NAME OF EMPLOYER: _____

INJURIES _____

ELECTRICAL UTILITY ACCIDENT INVESTIGATION (Continued)

LOCATION OF ACCIDENT SITE Off of Old Sardis Pike in Mason County,
Kentucky, at the victim's residence.

DESCRIPTION OF ACCIDENT The victim was mowing grass around the edge
of his yard with a farm tractor and a cutter bar mower when the mower
became entangled in a Contel Telephone Company down guy. Apparently
the contact with the Contel guy caused the tractor to swing sharply
to the right and become entangled in Fleming-Mason's down guy which
broke the top off of the pole. When the pole broke the slack in the
Fleming-Mason down guy wrapped around the tractors rear tire and the
victim's chest. As the tractor continued forward the rotation of the
wheels tightened the cable across the victim and caused his death.

SOURCE OF INFORMATION Steve Souder, Fleming-Mason RECC: Fleming-
Mason's Summary Accident Report; onsite investigation.

VIOLATIONS OF COMMISSION REGULATIONS This accident occurred on April
29, 1987, at 5:00 P.M. and was not reported until April 30, 1987, at
3:07 P.M. This is in violation of KAR 5:006, Section 24 which re-
quires that the utility give prompt notice of all fatal accidents.
The Commission did not receive the utility's written summary report
of this accident until June 3, 1987. This is in violation of KAR
5:006, Section 24 which requires that a written summary report be
submitted within 7 days.

RECOMMENDATIONS To be in compliance with KAR 5:006, Section 24, the
utility should provide the Commission with prompt notice of all fatal
accidents and submit a summary written report within 7 days. The
prompt notice should be given to the Commission even if details are
sketchy. Additional information can be given at a later time if
necessary.

LINE CLEARANCES

	<u>As Measured</u>	<u>Minimum Allowed by NESC</u>
A. AT POINT OF ACCIDENT		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Phase conductor to structure:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to structure:	<u>N/A</u>	<u>N/A</u>
Communication conductor to structure:	<u>N/A</u>	<u>N/A</u>
B. AT LOWEST POINT OF SPAN		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>

C. SPAN LENGTH N/A

Date the line or facilities were constructed: _____

Utility: Fleming-Mason RECC

Date: 5/1/87 Time 10:30 A.M.

Approximate temperature: 82 Degrees F

Measurements made by: _____

Submitted by: Jeffrey L. Lutz

**FLEMING-MASON
RURAL ELECTRIC COOPERATIVE CORPORATION**



Huston Delaney,
President & General Manager

P.O. BOX 328
FLEMINGSBURG, KY. 41041
Phone (606) 845-2661

RECEIVED

June 2, 1987

JUN 3 1987

**DIVISION OF UTILITY
ENGINEERING & SERVICES**

Jeff Gilpin
Public Service Commission
P. O. Box 615
Frankfort, KY 40602

Dear Jeff:

Enclosed please find the following items relating to the Hazel
McCarthy accident in Mason County which you investigated.

Summary "Hazel McCarthy's Fatal Accident"
Coroner's Investigation Report
Sheriff's Report
Ambulance Operators Report
Sketch of Scene

Very truly yours,


S. D. Souder

SDS/pdp

Enclosures

HAZEL McCARTHEY'S FATAL ACCIDENT

The following is a reconstruction of events on the evening of April 29, 1987 concerning the Hazel McCarthy accident based on an interview by Steve Souder with Russie Dunaway, Steve Harn and Jack Owens, with Louie Flanery being present.

John Fulton or Elmer Fulton called Marjorie Royse about 5:00 p.m. to report the power off at account number [REDACTED]. This information was relayed by Reno McGlone to Russie and Steve who were working on another outage between Elizaville and Hilltop. They finished their work in the Elizaville-Hilltop area and proceeded to the John R. Fulton residence and determined that the distribution line was de-energized. They went to reclose number 223 which was locked out. It was successfully closed at 6:37 p.m. with no subsequent operations. Returning to the John R. Fulton residence they saw the lights on and decided to patrol the rest of the circuit to determine the cause of the outage. They discovered a tap line out of sag and thinking that the wind had probably caused this line to short decided to resag the line. To gain access to the terminal pole they contacted Emery Vice who went with them to open gates and show them the way to the pole on which they planned to work. They resaged the line and left the field at about 7:15 p.m. Returning to Emery Vice's house they were trimming some limbs which were near a service wire when Reno called to report service along the line section was still off.

They patrolled the line further specifically investigating the line which was recently resagged when they came upon the

broekn pole at Mr. McCarthy's. The pole had been broken at the telephone attachment, the telephone cable was on the ground and the electric conductors were still attached to the pole top.

Russie approached a tractor which was caught up in the guy wires and saw that Mr. McCarthy was still slumped in the tractor seat with his head down near the foot pedals. Russie called to Steve to bring rubber gloves and bolt cutters. They cut the electric conductors and guy wire. After straightening Mr. McCarthy back up in the tractor seat Russie left to call for help while Steve supported Mr. McCarthy. Russie went to Emery Vice's house; Mr. Vice called the Palmer Funeral Home in Mayslick at about 7:15 to 7:30 p.m. When Russie returned to Mr. McCarthy's, Winnie Sweet was arriving also. Mr. Sweet and Steve tried resuscitation techniques on Mr. McCarthy but to no avail. They continued to hold Mr. McCarthy's head until the ambulance arrived at 7:50 p.m. At some point during the time, between Russie's return and the arrival of the ambulance, Rose Ann Palmer and another lady arrived and on Mrs. Palmer's advice Mr. McCarthy was removed from the tractor and placed on the ground.

James Brell, Mason County Coroner, and Charles Lang, Mason County Deputy Sheriff, came to the site. Jack Owens of Fleming-Mason RECC arrived at about 8:25 p.m. He called Huston Delaney then isolated the line to Mr. McCarthy's and restored power to the line section.

Contel Telephone Company was notified by Jack at 7:00 a.m. on April 30.

CORONER'S INVESTIGATION REPORT

Person Calling Coroner: Maysville Life Squad Date April 29, 1987
Time 8:00 AM P.M. Time of Arrival 8:45 AM P.M.

Name of Deceased: Hazel M. McCarthy
(First) (Middle) (Last)

Place of Death: Residence - (Old Sardis Pike)
(Home, Hospital, Place of Injury or accident, or other)

Address: RR 2 Maysville Mason Ky
(Number & Street) (City) (County) (State)

Time of Death: 5:00 AM P.M. Date of Death: April 29 1987

Date of Birth: [REDACTED] Place of Birth: Kentucky
(Month) (Day) (Year) (City) (County) (State)

Age: 55 Sex: mi Race: W Single: Married:
Widowed: X Divorced: Sep:

Next of Kin: Cecil McCarthy Physick Ky Brother
(Name) (Address) (Phone No.) (Relationship)

Maiden Name (If wife surviving spouse) None

Father's Name: George William McArthur Mother's Maiden Name: Clara Brooking
(First) (Middle) (Last)

Social Security Number: [REDACTED] Occupation Farmer

Employed By: Self

Height 5'6" Weight 110 lbs Eyes Hair

Pronounced Dead by: J. Brill Jr

Police agency and investigator: Mason County Sheriff's Office

Clothed X Partially clothed Unclothed

	Date	Time	Location	City or County
Last Seen Alive	4-29-87			
Death Discovered	4-29-87	7:59 PM	Residence	RR 2 Maysville
View of Body	4-29-87	8:49 PM	Residence	RR 2 Maysville

Found Dead By: Steve Harn Russell Dunaway FMRECC
Name Address

Last Seen Alive By

Witness to Injury None
Illness or Death

History: Victim was mowing grass with a farm tractor
in a cutter bar type mower. The outer edge of the
inver next to the tip became hooked into an anchor
cable (phone) of a utility pole in the victim's side
(Over)

Mason County Coroner's Office

JAMES A. BRELL, CORONER

Phone 606 564-6012

620 East Second St. Maysville, Ky. 41056

yard causing the victim's tractor to come in contact with a second anchor cable (power). The tractor became entangled in the power line anchor cable causing the cable to become wrapped around the victim's upper abdomen causing death by asphyxiation. The pull on the power line anchor cable was such that utility pole top was broken off allowing slack in the cable to be wrapped around the victim.

Personal Physician N/A
(Name) (Address) (Phone No.)

Evidence obtained at scene: None

Name of Suspect: None Address: _____

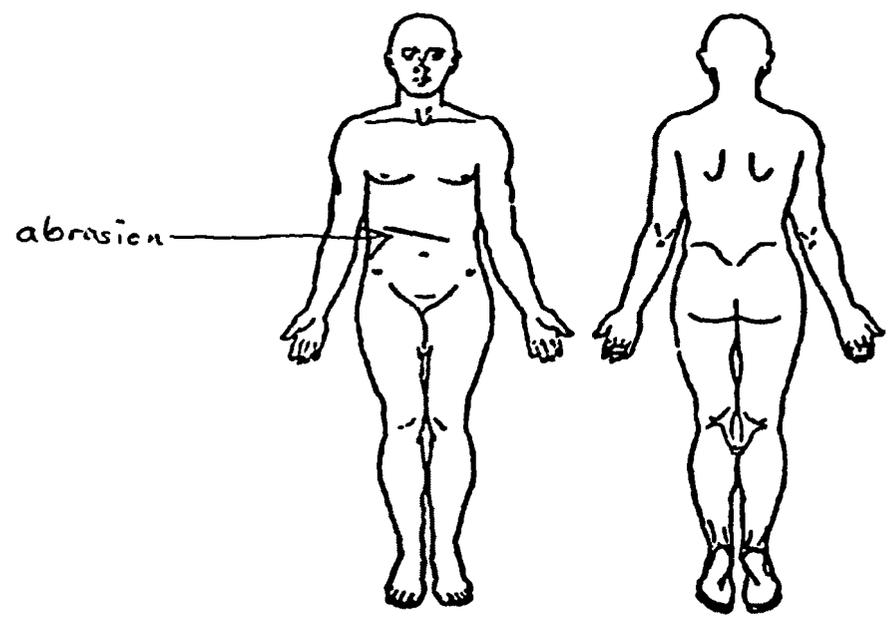
Autopsy: Yes _____ No X

Suspected cause of death: a) asphyxiation (compression)
(immediate cause)
b) abdominal strangulation
(Due to or as a consequence of)
c) Wire rapped around Body Trunk
(Due to or as a consequence of)

Suspected manner of death: Natural Accident Homicide
Suicide Unknown Pending

Photos Taken Blood Sample Taken Body Temperature _____

Body Released to Palmer F.H. Mayslick



PL 2 Box 275 Flemingssburg Ky

Old Sails P.I.E. R.R. Bridge

COMPLAINANT'S ADDRESS

STEVE HAZEN

PHONE NUMBER

205 Gateway Road Flemingssburg

LOCATION OF OFFENSE OR INCIDENT

RUSSIE DUNAWAY

R.R. BRIDGE FLEMINGSSBURG KY

REPORTED BY

ADDRESS

PHONE NUMBER

MAYSVILLE POLICE DEPT. # 914400

4-29-87

CHAR. LANGRISH

IN PERSON

RECEIVED BY

TIME

DATE

OFFICER ASSIGNED

HOW REPORTED

DETAILS OF COMPLAINT, OR INCIDENT

LAST PROPERTY SUBJECTS WANTED OR BEING SOUGHT:

RUSSIE DUNAWAY AND STEVE HAZEN R.E.C. LINE REPAIRMEN WERE LOOKING FOR LINE OUTAGE CAME UPON MR. HAZEL McCARTHY SLUMPED OVER SIDE OF 1964 INTERNATIONAL HARVESTER TRACTOR WITH MOWING MACHINE ATTACHED WITH GUY WIRE FROM BROKEN UTILITY POLE PULLING HIM TO TRACTOR AROUND LOWER SPINECH. WORKMAN DISCOVERED ELECTRICITY, GOT GUY WIRE AND REMOVED VICTIM FROM TRACTOR ABOUT 7:40, MR. McCARTHY WAS MOWING GRASS AROUND UTILITY POLE GOT ENTANGLED IN GUY WIRES BROKE TOP OF POLE WITH TRANSFORMER AND LINE STILL ATTACHED.

PERSONS ARRESTED _____ NO _____ OTHER Death Ruled Accidental
CASE CLOSED YES UNFOUNDED _____ CLASSIFIED BY AGENT James A. [Signature] DATE 4-30-87
APPROVED _____ SIGNED [Signature] DEPUTY SHERIFF OF MASON COUNTY, KENTUCKY

PATIENT NAME (FIRST) LAST (M.I.)
Hazel McCreary III

ADDRESS
Route #2

CITY/STATE ZIP CODE
Maysville, Ky. 41056

DATE MO. DAY YEAR
4/29/87

VEHICLE ID. NO.
EMM1

VEHICLE LICENSE NO.
081

RUN/ALARM NO.
222912

RUN COMPLETE?

- Yes
- No. Ambulance Accident
- No. Vehicle Failure
- No. Patient Refused
- No. Could Not Locate
- No. False Run
- No. Other

PHONE SEX HEIGHT WEIGHT AGE DOB
88

COUNTY CODE OF INCIDENT
081

AMBULANCE SERVICE LICENSE NUMBER
660160

STAFF ID (Signature) CERT. NO.
Riley 120126
Doug DRAICK

PICK-UP LOCATION
D.O.A.

- LOCATION WAS:
- Home
 - Retail Shipping
 - Industrial/Commercial
 - Mine
 - Recreation Area
 - School
 - Highway/Reoadway
 - Hospital
 - Other

TIMES	AM	PM	HOUR	MIN.
CALL RECEIVED			19	42
DISPATCH			19	42
ARRIVE SCENE			19	59
DEPART SCENE			21	54
ARRIVE DESTINATION			21	54
RETURN TO SERVICE			21	54

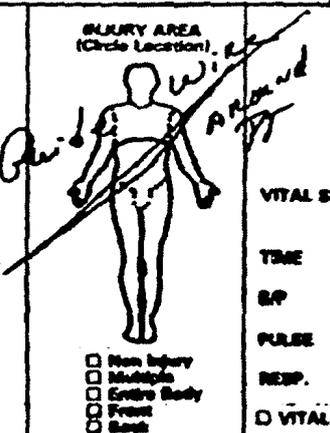
MILEAGE RECORD (ODOMETER READING)	AT START	AT SCENE	AT DESTINATION	AT BASE
	25442	25455	25455	

	NATURE OF RUN		
	DISPATCH	TRANSPORT	TRANSFER
EMERGENCY			
URGENT			
NON-URG.			
SCHEDULED			

PATIENT REFUSED: Treatment Transport
PATIENT'S SIGNATURE

PATIENT'S MEDICATION
MEDICAL ALERT

- CAUSE OF INJURY/ILLNESS
- ACCIDENT
- Motor Vehicle
 - Other Transportation
 - Fall/Slip
 - Other Accident
- GENERAL
- Cardiac/Stroke
 - Respiratory
 - Metabolic/OB
 - Diabetes
 - Other Illness
- MISCELLANEOUS
- Poisoning/OD
 - Crime (Shooting, Rape, etc.)
 - Exposure
 - Other Miscellaneous
- AID BEFORE ARRIVAL
- Police
 - Clinician
 - Fire Department
 - Medical Personnel
 - CPR
 - None



- INJURY SEVERITY
- Non-incapacitating
 - Incapacitating
 - Apparent Fatality
- INJURY
- Abrasion
 - Amputation
 - Bite
 - Bruise/Contusion
 - Concussion
 - Crushed
 - Dislocation
 - Fracture
 - Laceration
 - Puncture
- Sum Other

VITAL SIGNS
TIME
BP
PULSE
RESP.
 VITAL SIGNS COULD NOT BE TAKEN

- SYMPTOMS
- Bleeding
 - Chills/Fever
 - Convulsions
 - Discoloration
 - Dizziness
 - Faint/Weakness
 - Loss of Hearing
 - Loss of Motion
 - Loss of Vision
 - Nausea
 - Respiratory Prob.
 - Pain, Acute Abdomen
 - Pain, Head
 - Pain, Other
 - Swelling
 - Vomiting

- SPEECH
- Normal
 - Slurred
 - Incoherent
 - None
 - Infirm/Crying
- RESPONSE TO PAIN
- Yes
 - No
- PUPILS
- Equal
 - Unequal
 - Dilated
 - Light React
 - Pupilat
 - Fixed

- SUN CONDITION
- Normal
 - Cyanotic
 - Pink/Ashen
 - Flushed
 - Cool
 - Hot/Dry
 - Sweating

- MENTAL STATE
- Conscious
 - Disoriented
 - Unconscious
- CONDITION UPON ARRIVAL AT FACILITY
- Better
 - Same
 - Worse
 - Apparent Death

DESTINATION CODE

- FACILITY
- Hospital E.R.
 - Nursing Home
 - Outpatient Dept.
 - Residence

- FOR WHAT APPARENT CARE?
- Burn
 - Cardiac Care
 - Drug OD
 - High Risk Infant
 - Psych. Care
 - Spinal Tract.
 - Trauma
 - General Medical

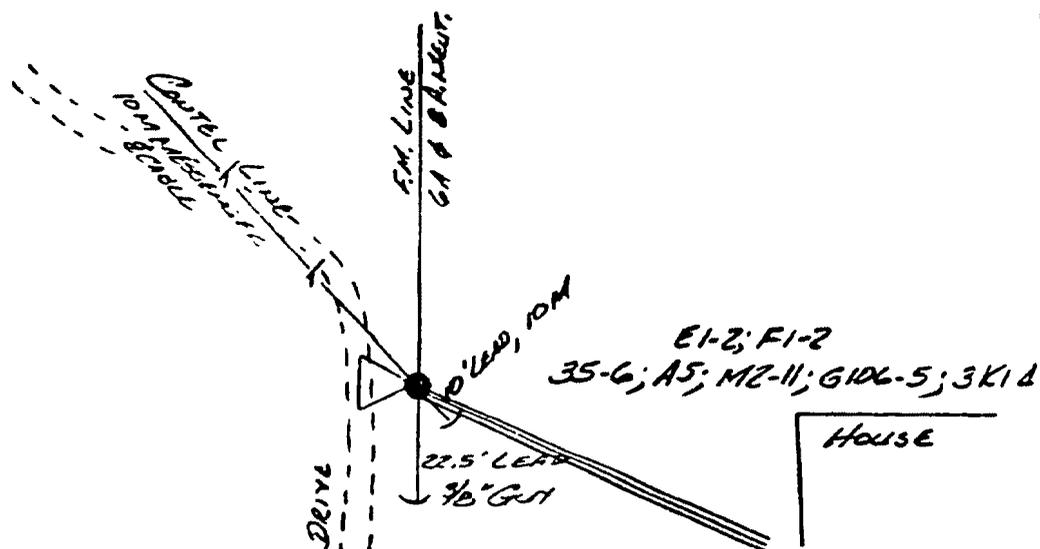
CHARGES	BASE RATE	MILEAGE RATE	EQUIP. CHARGE	TOTAL CHARGE

- PATIENT TREATMENT
- Airway Est.
 - Arif. Ventil.
 - Baby Delivery
 - Bleeding Control
 - Burn Treatment
 - Card/Not Appl.
 - CPR
 - Dressing Applied
 - Entercan
 - Immobilization
 - Irrigation
 - Restraints
 - Splints
 - Suction
 - Vomiting Induced
 - Debrided
 - Drug Admin.
 - Monitor EKG
 - Inhalation
 - IV Admin.
 - Telenursery
 - Other
- COMMUNICATIONS USED-VEHICLE TO
- Base
 - Hospital
 - Ambulance
 - Com. Center

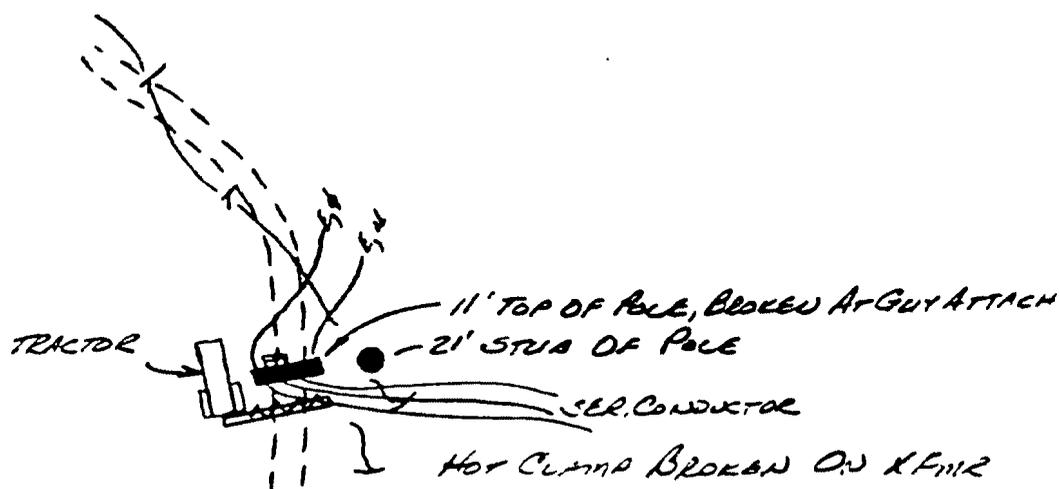
O2 LPM
Other
MEDICAL CONSULTANT ADVISOR

CASE NARRATIVE:
Pt. Laying on Ground - Took Vitals could not get any - Primary + 25' Found Guide wire had been wrapped around Pt. Called Cornech + Cornech Arrived at 2154 D.O.A.

SKETCH OF HAZEL Mc CARTHEY ACCIDENT
 4-30-87 S.D. SOLDER



FLEMING'S FACILITIES BEFORE ACCIDENT



APPROXIMATE LOCATIONS 4-30-87 AFTER ACCIDENT