

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LESLIE COUNTY TELEPHONE COMPANY, INC.)
)
)
 _____) CASE NO.
) 92-438
)
 ALLEGED FAILURE TO COMPLY WITH)
 COMMISSION REGULATIONS 807 KAR 5:006)
 AND 807 KAR 5:061)

O R D E R

Leslie County Telephone Company, Inc. ("Leslie County"), a Kentucky corporation which engages in telephone service to the public for compensation, is a utility subject to Commission jurisdiction. KRS 278.010.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:006, Section 24, which requires utilities to adopt and execute a safety program, and 807 KAR 5:061, Section 3(1), which adopts the National Electrical Safety Code, C2 1990 Edition.

Commission Staff has submitted to the Commission a Telephone Utility Accident Investigation Report, appended hereto, which alleges:

1. On July 16, 1992, James R. Morton, Jr., an employee of Hamlet Telephone Contractors, Inc., was injured as a result of a pole falling while he was working on it. At the time of the accident, Hamlet Telephone Contractors, Inc. was providing services

on behalf of Leslie County. He suffered a broken pelvis, broken teeth, and leg and facial injuries. At the time of the accident, Morton did not test the pole before climbing, nor did he secure the pole.

2. Morton's failure to secure the pole before climbing is a violation of National Electric Safety Code Section 422 B2 which requires that a pole be made safe by guying, bracing, or other means where there are indications that the pole may be unsafe.

3. Leslie County's Safety Code, Paragraph 3.23(c) and (h), requires an employee to test each pole before climbing, and when replacing an old pole that is unsafe to work on, lash the new pole to the old.

4. Leslie County is in probable violation of Commission Regulations 807 KAR 5:006, Section 24(2), and 807 KAR 5:061, Section 3(1).

The Commission, on its own motion, HEREBY ORDERS that:

1. Leslie County shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Telephone Utility Accident Investigation Report.

2. Leslie County shall appear on December 4, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purposes of presenting evidence concerning the incident which is the subject of the Telephone Utility Accident Investigation Report, specifically the alleged violations of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:061, Section 3(2), and of showing cause,

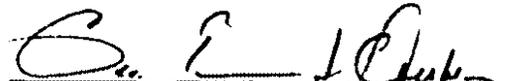
if any it can, why it should not be subjected to the penalties of KRS 278.990 for its alleged failure to comply with Commission regulations.

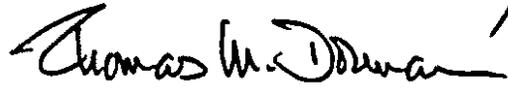
3. Leslie County shall appear at an informal conference to be held on November 19, 1992, at 1:30 p.m., Eastern Standard Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

4. The Telephone Utility Accident Investigation Report is hereby made a part of the record in this case.

Done at Frankfort, Kentucky, this 22nd day of October, 1992.

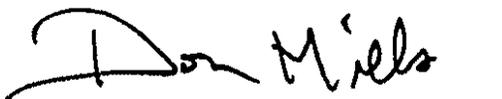
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

ACCIDENT REPORT

Leslie County Telephone Company, Inc.

BRIEF

At approximately 2:25 P.M., July 16, 1992, Mr. Terry Malone of Leslie County Telephone Company, Inc. ("Leslie County") called the Public Service Commission's Division of Engineering, Communications Section to report that Mr. James R. Morton, Jr., an employee of Hamlet Telephone Contractors, Inc., had been injured as a result of a pole falling while he was working on it.

INVESTIGATION FINDINGS

Leslie County Telephone Company, Inc.

On July 20, 1992, I interviewed Mr. Terry Malone and Mr. Bob Hackney. At this time, they identified the fallen pole as being on Route No. A27-36B, pole #6 in the Wooton Exchange. Records indicated this facility was last inspected by Mr. Charles Jenkins of American Communications Consultants ("ACC"), Engineers, Nashville, TN, in November, 1990, as a part of the program to upgrade the facilities in the Wooton Exchange. No deficiencies were listed at this time and this pole would be utilized to support two 24 gauge six pair cables on two 6M strands. Hamlet Telephone Contractors, Inc., has been working in the Wooton Exchange since March, 1992, and has been a contractor employed for over 15 years throughout the TDS system.

Mr. Malone also indicated that the pole was owned by Kentucky Power Company and that in May, 1992, Kentucky Power Company had set a new pole and transferred its facilities.

AT this time, I was also provided a copy of the "Employer's First Report of Work Injury." Attachment No. 2.

Hamlet Telephone Contractors, Inc.

On July 20, 1992, I interviewed Mr. Bill Collier, Supervisor, of the construction crew working in the Wooton Exchange. Mr. Collier was present and witnessed the accident. Mr. Collier indicated that Mr. James R. Morton has been employed by Hamlet Telephone Contractors, Inc. ("Hamlet") for approximately two years as a lineman.

When asked what had been done to determine that the pole was safe to climb, Mr. Collier stated that they located the pole "birth mark" at approximately 8 feet above ground level. Normally the "birth mark" is approximately 10 feet above the end of the pole, they noted that a stub pole had been placed and strapped to the existing pole, normally stub poles are placed to provide extra support. After this visual inspection, Mr. Morton climbed the pole and pulled on the guy wire to see if it was under a strain. Not feeling any tension on the guy wire Mr. Morton assumed it was safe to remove the strands which supported the telephone cables and when the top strand was removed the pole fell.

Kentucky Power Company

Mr. R.J. Eversole and Mr. Ron Williamson of Kentucky Power Company, were interviewed at the accident site on July 20, 1992. Mr. Williamson indicated the fallen pole as a Class 4, 45 foot pole identified as pole number 390-11 that was placed into service in June, 1983. Mr. Eversole stated that Kentucky Power Company last inspected the pole in January, 1992. As can be seen in the

photographs, the top of the pole had been removed to aid in the transfer of the attached facilities to a new pole, which was placed in May, 1992.

An "Accident Summary Report" was received by the Commission on July 22, 1992. Attachment No. 4.

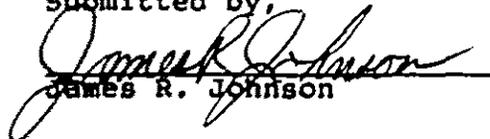
CONCLUSION

This accident could have been avoided if Hamlet Telephone Contractors, Inc. employees had followed the safety procedures outlined in the National Electrical Safety Code, C2 1990 Edition, Section 422 B2 and Leslie County Telephone Company, Inc.'s Safety Code, Paragraph 3.23(c) and (h). Attachment No. 6.

RECOMMENDATIONS

It is recommended that the Commission consider action in accordance with KRS 278.990 for probable violation of Commission regulations 807 KAR 5:006, Section 24 and 807 KAR 5:061, Section 3(1) which adopts the National Electrical Safety Code, C2 1990 Edition.

Submitted by,


James R. Johnson

Reviewed by,


Wayne Bates, Manager
Communications and Electric Branch

JRJ:jsb

Attachments: 1. Accident Report
2. Employee's First Report of Injury
3. Ky Power's Inspection Verification
4. Ky Power's Accident Report Summary
5. Photographs
6. Leslie Co. Telephone Co., Inc.'s Safety Code

ATTACHMENT NO. 1

TELEPHONE UTILITY ACCIDENT INVESTIGATION

DATE OF THIS REPORT 7/23/92 SUBMITTED BY James R. Johnson
NAME OF UTILITY Leslie County Telephone Co., Inc.
ACCIDENT REPORTED BY Terry Malone-Leslie County Telephone Co., Inc.
DATE AND TIME ACCIDENT OCCURRED 7/16/92
DATE & TIME UTILITY LEARNED OF ACCIDENT 7/16/92 12:00 P.M.
DATE & TIME ACCIDENT REPORTED 7/16/92 2:25 P.M.
DATE OF ACCIDENT INVESTIGATION 7/20/92
DATE SUMMARY WRITTEN REPORT WAS RECEIVED FROM UTILITY 7/20/92
PERSONS ASSISTING IN THE INVESTIGATION Terry Malone-Leslie Co. Tele-
phone Co., Bob Hackney-TDS, Bill Collier-Hamlet Telephone Contractors,
Inc., Charles Jenkins-American Communication Consultants, Inc., J.R.
Eversole-Kentucky Power Company and Ron Williamson-Kentucky Power Co.
NAME OF VICTIM(S) 1. James R. Morton, Jr. SEX M AGE 21
FATAL No NAME OF EMPLOYER: Hamlet Telephone Contractors,
Inc.
INJURIES Broken pelvis, teeth and leg and facial injuries.

2. _____ SEX _____ AGE _____
FATAL _____ NAME OF EMPLOYER: _____
INJURIES _____
3. _____ SEX _____ AGE _____
FATAL _____ NAME OF EMPLOYER: _____
INJURIES _____

TELEPHONE UTILITY ACCIDENT INVESTIGATION (Continued)

LOCATION OF ACCIDENT SITE Near Mr. Clinton Kilburn's residence.
Wooton, Kentucky, Leslie County.

DESCRIPTION OF ACCIDENT Mr. James R. Morton had climbed a pole to re-
move telephone cable and supporting strand. Apparently there was no
movement when the first messenger strand was removed but when the
top cable and strand were released from the pole, the pole fell.
Mr. Morton, according to a witness, was still belted to the pole
when it hit the ground and he fell on top of the pole causing his
injuries.

SOURCE OF INFORMATION Mr. Bill Collier, Terry Malone, Bob Hackney,
R.J. Eversole, Ron Williamson, TN Employers First Report of Work
Injury.

PROBABLE VIOLATIONS OF COMMISSION REGULATIONS Failure of Leslie
Co. to enforce safety standards as required by 807 KAR 5:006, Section
24 and 807 KAR 5:061, Section 3 (1) which adopts the National
Electrical Safety Code, C2 1990 Edition, Section 422 B2.

RECOMMENDATIONS It is recommended that the Commission consider action
in accordance with KRS 278.990 for Leslie Co. Telephone Co., Inc.'s
failure to enforce safety standards.

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	<u>N/A</u>	
Date the line or facilities were constructed:	<u>June 1983</u>	
Voltage of line or facilities:	<u>48 VDC</u>	
Date last inspected by utility:	<u>Leslie Co. Tel. Co.-Nov. 1990/Ky</u> <u>Power-Jan. 1992.</u>	
Utility:	<u>Leslie Co. Tel. Co., Inc.</u>	
Date:	<u>N/A</u>	Time <u>N/A</u>
Approximate temperature:	<u>N/A</u>	
Measurements made by:	<u>N/A</u>	

Submitted by: 