

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLARK RURAL ELECTRIC COOPERATIVE )  
CORPORATION )  
AND )  
BELLSOUTH TELECOMMUNICATIONS, INC. ) CASE NO. 96-045  
\_\_\_\_\_)  
ALLEGED FAILURE TO COMPLY )  
WITH COMMISSION REGULATIONS )

O R D E R

Clark Rural Electric Cooperative Corporation ("Clark RECC"), a Kentucky corporation which owns facilities in Kentucky which are used in the distribution of electricity to the public, for compensation, for lights, heat, power, and other uses, is a utility under Commission jurisdiction. KRS 278.010(3)(a); KRS 279.210.

BellSouth Telecommunications, Inc. ("BellSouth"),<sup>1</sup> a Georgia corporation which owns facilities in Kentucky which are used for the transmission over wire of messages by telephone for the public for compensation, is a utility under Commission jurisdiction. KRS 278.010(3)(e).

KRS 278.280(2) authorizes the Commission to prescribe rules for the performance of any service furnished or supplied by a

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<sup>1</sup> At the time of the incident, BellSouth operated in Kentucky as South Central Bell Telephone Company. On November 2, 1995, the Commission entered an Order recognizing South Central Bell's name change to BellSouth Telecommunications, Inc.

utility. Pursuant to this authority, the Commission has promulgated Commission Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) and Commission Regulation 807 KAR 5:061, Section 3, which requires telephone utilities to do likewise.

The Commission also promulgated Commission Regulation 807 KAR 5:006, Section 26, which requires a utility, other than a natural gas utility, to submit a written summary report of any utility-related accident resulting in burns requiring medical treatment at a hospital or similar medical facility within seven days of the accident.

Commission Staff has submitted to the Commission a Utility Accident Investigation Report dated December 19, 1995. The report, which is appended hereto as Appendix A, alleges:

1. While tying a telephone line to a neutral line and a 7,200 volt single phase line, on Long Branch Road in Jeffersonville, Kentucky, on September 1, 1995, Marvin Watkins suffered serious burns when he made contact with the 7,200 volt line. As a result of his injuries, Mr. Watkins was treated at Mary Chiles Hospital in Mt. Sterling, Kentucky. He was also treated at the University of Kentucky Medical Center in Lexington, Kentucky.

2. Commission Staff inspected the facilities in question on September 5, 1995. During this inspection, Commission Staff found that the electric conductors, which Clark RECC owns and maintains, failed to comply with the minimum clearance standards for above-

ground wires and conductors as established by National Electrical Safety Code Rule 233. The communications conductor in question, which BellSouth owns and maintains, also failed to comply with these standards.

3. BellSouth did not submit a written summary report of the incident.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that Clark RECC has failed to comply with Commission Regulation 807 KAR 5:041, Section 3. The Commission also finds that prima facie evidence exists that BellSouth has failed to comply with Commission Regulations 807 KAR 5:006, Section 26, and 807 KAR 5:061, Section 3.

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

1. Clark RECC and BellSouth shall appear before the Commission on Tuesday, April 9, 1996 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of Commission Regulations 807 KAR 5:066, Section 26, 807 KAR 5:041, Section 3, and 807 KAR 5:061, Section 3, and of showing cause why they should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

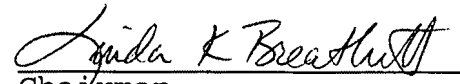
2. Clark RECC and BellSouth shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Utility Accident Investigation Report.


3. The Utility Accident Investigation Report of December 19, 1995 is made part of the record of this proceeding.

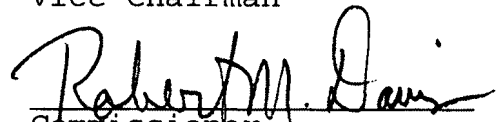
4. Any motion requesting an informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 20th day of February, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:


  
Executive Director

December 19, 1995

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**UTILITY ACCIDENT  
 INVESTIGATION REPORT**

<b>Utility:</b>	Clark Rural Electric Cooperative			
<b>Reported By:</b>	Mr. David Duvall, Controller			
<b>Dates &amp; Times</b>				
<b>Accident Occurred:</b>	09/01/95 - 1:00 p.m.			
<b>Utility Notified:</b>	09/01/95 - 2:25 p.m.			
<b>PSC Notified:</b>	09/01/95 - Approximately 2:55 p.m.			
<b>Investigated:</b>	09/05/95			
<b>Written Report Rcvd:</b>	09/06/95			
<b>Location of Accident:</b>	760 Long Branch Road, Jeffersonville, Kentucky in Montgomery County.			
<b>Description of Accident:</b>	Mr. Watkins was clearing land on 760 Long Branch Road in Jeffersonville, Kentucky. In order to obtain clearance under a telephone line that measured 6'-6" above the ground where the dozer was positioned, Mr. Watkins climbed on top of the safety cage of the dozer to tie the telephone line to the neutral and the 7,200 volt single phase. In the process of tying the lines together, Mr. Marvin Watkins made contact with the 7,200 volt phase and received electrical burns to his hands and wrists.			
<b>Victims:</b>				
<b>Name:</b>	Mr. Marvin Watkins	<b>Fatal:</b>	No	<b>Age:</b> 58
<b>Addr./Empl.:</b>	760 Long Branch Road, Jeffersonville, Kentucky - Self employed			
<b>Injuries:</b>	Burns to both hands and wrists.			
<b>Witnesses:</b>	<b>Name</b>	<b>Address/Employment</b>		
	Mr. Clyde Stoker	Unknown - Self employed		
<b>Sources of Information:</b>	<b>Name</b>	<b>Address/Employment</b>		
	Mr. Overt Carroll	President & CEO - Clark REC		
	Mr. Paul Embs	Member Services and Loss Control Manager - Clark REC		
	Mr. Jim Kirk	Senior Service Foreman - Clark REC		

<b>Probable Violations:</b>	807 KAR 5:041 Electric, Section 3, Acceptable Standards and 807 KAR 5:061 Telephone, Section 3, Acceptable Standards.				
<b>Line Clearances At Point of Accident:</b>	<b>Measured</b>	<b>Minimum Allowed by NESC</b>	<b>Applicable NESC Edition<sup>1</sup> 1990</b>	<b>Volt.</b>	<b>Constr. Date</b>
<b>Communic. conductor:</b>	BellSouth 6' - 6"	14' - 0"	Table 232-1	N/A	1991
<b>Phase conductor:</b>	17' - 8"	14' - 6"	Table 232-1	7200 V	02/91
<b>Neutral Conductor:</b>	13' - 8"	14' - 0"	Table 232-1	N/A	02/91
<b>Clearance between Comm. and Phase</b>	11' - 2"	6' - 0"	Table 233-1	7200 V	1991
<b>Date of Measurement:</b>	09/05/95				
<b>Approximate Temp.:</b>	79° F				
<b>Measurements Made By:</b>	Overt Carroll, Paul Embs, Jim Kirk - Clark REC and Robert Ueltschi - PSC.				
<b>Investigated By:</b>	Robert Ueltschi				
<b>Signed:</b>					

<sup>1</sup> Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

FEDERATED RURAL ELECTRIC  
INSURANCE CORPORATION  
P. O. Box 15147  
Lawrence Mission, KS 66215  
(913) 541-0150

INVESTIGATION REPORT  
PUBLIC ACCIDENT  
ELECTRICAL CONTACT

INSTRUCTIONS:  
1. Forward original to Federated  
2. Attach diagram & photographs  
3. Use additional sheets of paper if  
necessary

COOPERATIVE: Name Clark Rural Electric Telephone No. 606-744-4251  
Address P.O. Box 748, Winchester, KY 40392

DATE OF ACCIDENT: 09 / 01 / 95 1:00 AM Cooperative PM Notified 09 / 01 / 95 2:25 AM PM

LOCATION: 760 Long Branch Road, Jeffersville, KY

DESCRIPTION OF ACCIDENT: Mr. Watkins was on top of a dozer and attempting to tie together the telephone line, and our phase and neutral in order to gain clearance under the telephone line when he came into contact with the string over the phase and th neutral

CLAIMANTS: 

Name	Address	Telephone No.	Occupation
1. Marvin Watkins	760 Long Branch Road	606-498-7171	
2.	Jeffersonville, KY 40337		
3.			
4.			

EXTENT OF INJURY: 1. Burns to hand and arms  
2.  
3.  
4.

Ambulance, Doctor, Hospital, Etc.

TREATMENT: Mary Chiles Hospital, Mt. Sterling, KY  
University of Kentucky Medical Center, Lexington, KY

COOPERATIVE EMPLOYEES AT SCENE: 

Name	Job Title
<u>Jim Kirk</u>	<u>Senior Service Foreman</u>
<u>Overt Carroll</u>	<u>President &amp; CEO</u>
<u>Paul Embs</u>	<u>Member Services &amp; Loss Control Manager</u>

WITNESSES: 

Name	Address	Telephone No.
<u>Clyde Stoker</u>		

LAW OR OTHER OFFICIALS INVESTIGATING: Kentucky Public Service Commission



September 6, 1995

Bob Ueltschi  
Kentucky Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

RECEIVED

SEP 06 1995

DIVISION OF UTILITY  
ENGINEERING & SERVICES

Dear Mr. Ueltschi:

Please find attached a copy of our notes concerning the electrical accident involving Mr. Marvin Watkins.

These notes are in detail and should more than meet our seven day requirements for report filing.

If you have any questions, please contact me.

Respectfully,

A handwritten signature in cursive script, appearing to read "Overt L. Carroll".

Overt L. Carroll  
President & CEO

Enclosure

OLC:cf



DATE: September 5, 1995

MEMO TO: File

FROM: O. Carroll

Re: Power Line Contact (Marvin Watkins)

On September 1, 1995 at approximately 2:25 p.m. a call was received at the Cooperative from the emergency room at Mary Child's Hospital, Mt. Sterling, Ky, phone #606-498-1220, concerning a patient with an electrical burn.

I spoke with Dr. McLaughlin, attending physician, who stated that the patient was Marvin Watkins, a self-employed white male, approximately 58 years old, residing at 760 Long Branch Road, Jeffersonville, Montgomery County, Ky, and had electrical burns. The physician stated that Mr. Watkins did have an electrical burn involving both hands or wrists and Mr. Watkins stated that it was 440 volts. I determined thru the physician that Mr. Watkins was in a stable condition. I advised the physician that the victim had apparently been in contact w/7200 or 14,400 volts. I would have to make that determination and would advise. The physician also stated that the victim had indeed been in contact with the "top" wire and that the victim showed evidence of an entrance and exit wound. I strongly advised the physician to have him transferred to the burn center at the University of Kentucky. The physician stated that the patient was in stable condition and that he would continue to monitor him. My suggestion apparently fell on deaf ears.

At approximately 2:45 p.m. I left the office to go to the accident scene. At approximately 3:15 p.m. I met with Jim Kirk, Senior Serviceman, Frenchburg area, and we went to the accident site. Apparently, the victim, Marvin Watkins, 760 Long Branch Road, Jeffersonville, Montgomery County, KY, and his employee, Clyde Stoker, were using a Case #850 dozer clearing ground on a steep hillside. The telephone wires (2) were very low, and in an effort to make ample clearance for the dozer to operate on the embankment, Mr. Watkins climbed on the top of the safety cage on the dozer and was in the process of using string to tie the telephone wires to the electric wires. The phase wire, the neutral, and phone wires and Mr. Watkins' hand came in contact in the tying process; thus, causing the injuries to Mr. Watkins. The following measurements were made upon arriving at the scene: (Wires still attached together with string)

The phase was pulled down to 15' 11", the neutral and telephone were together at 13' 10", and the top of the dozer where Mr. Watkins was standing was measured at 9' 2".

Mr. Kirk removed the string and released all wires, and the following measurements were taken:

The phase was 17' 8", the neutral 13' 8", the top of dozer 9' 2", and telephone 6' 6". There were several footprints on top of the dozer indicating where Mr. Watkins had stood. The phase, neutral, and phone wires all show evidence of burns.

The Clark lines appear to be well within code. This is very rough terrain and cannot normally be used for pasture, and it certainly would not be normal to use farm equipment on this steep of an incline. Code calls for 9' 6" clearance;

At approximately 5:00 p.m., I returned to office and attempted to call the physician. I was unable to talk to him but did talk with a lady in the emergency room. I was advised that she thought the patient was in his room and stable. I advised that he had been in contact with 7200 volts and strongly advised that he be transferred to the U.K. burn center.

The patient was apparently transferred to the U.K. Burn Center either Friday night or Saturday. It was determined this morning, Tuesday, September 5, 1995, that the victim was indeed a patient in the U.K. Hospital and was assigned to room 653 and listed in fair condition.

#### OTHER NOTES:

At approximately 2:55 p.m., David Duvall, Controller, contacted the Kentucky PSC and spoke with Martha Morton to report the contact and injury and that I was in the process of investigating the accident. David explained the situation and gave her all the information that we had at that point. She informed him that we needed to contact her once the investigation was complete, either at the PSC, phone 502-564-7553 if before 4:00 p.m.; Otherwise, he was instructed by her to have me contact her at her home, phone 606-299-0568, later Friday evening.

I attempted to call the PSC at approximately 5:10 p.m., No answer. I called Mrs. Morton at the number given and did not receive an answer. I tried later Friday night and again Saturday, all to no avail.

At approximately 8:10 a.m. Thursday, September 5, 1995, I called for Mrs. Morton and was advised that she was on vacation today. I left a message for Eddie Lee (per operator's instruction). A few minutes later Mr. Bob Uelstchi called me and made arrangements to come to our office this morning.

The temperature at time of accident was approximately 85 degrees, and at approximately 11:00 a.m. Tuesday, the temperature was 79 degrees. The span length measured to be 280', and the point of contact was 115' from end of span. Conductor is #4ACSR, and 40' Class 4 poles are on either end of span. Our electric service in that area was last inspected by helicopter in March 1994.

On Tuesday, September 5, 1995, Mr. Bob Uelstchi, Paul Embs, and I met Jim Kirk at the accident scene and made measurements and took several photographs for our files. We are to send a copy to the Kentucky Public Service Commission as part of our report.

The span in question was constructed February, 1991.

WATKINS  
02-23-80

Phase 17' 8"  
Neutral 13' 8"  
Telephone 6' 6"

