

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

On September 1, 1995, a utility-related accident resulting in burns occurred in Mt. Sterling, Kentucky. The utilities involved were Clark Rural Electric Cooperative Corporation ("Clark RECC") and BellSouth Telecommunications, Inc. ("BellSouth").

On February 20, 1996, the Commission ordered Clark RECC to appear before it on April 9, 1996 for the purpose of presenting evidence concerning the alleged violation of Commission Regulation 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for the alleged violation. 807 KAR 5:041, Section 3, requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) (hereinafter, "NESC").

In its February 20, 1996 Order, the Commission asserted 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 the NESC. However, Commission Staff ("Staff") subsequently discovered that the Institute of Electrical and Electronics Engineers, Inc. had published two different 1990 editions of the NESC. One printing states that it is the "corrected" edition.

Staff had not received notice of the above facts at the time it prepared its report of the September 1, 1995 incident. As a result, it inadvertently referenced the edition that had not been corrected and cited Clark RECC for a violation of 807 KAR 5:041, Section 3 -- a violation that it had not, in fact, committed under the "corrected" edition.

Having reviewed the "corrected" 1990 edition of the NESC and being otherwise sufficiently advised, the Commission finds that the September 1, 1995 incident did not involve a violation of 807 KAR 5:041, Section 3. Hence, the allegation that Clark RECC has violated the regulation is erroneous. For these reasons, the Commission finds that the allegation should be dismissed from this proceeding.

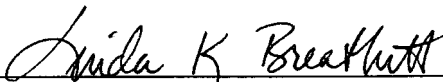
IT IS THEREFORE ORDERED that:

1. Clark RECC's alleged violation of Commission Regulation 807 KAR 5:041, Section 3, is dismissed from this proceeding.

2. Those portions of the Commission's February 20, 1996 Order, as amended by its March 12, 1996 Order and not modified herein, shall remain in full force and effect.

Done at Frankfort, Kentucky, this 1st day of May, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director