

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLARK ENERGY COOPERATIVE, INC.)	
_____)	
)	CASE NO. 99-142
FAILURE TO COMPLY WITH COMMISSION)	
REGULATION 807 KAR 5:041, SECTION 3(1))	

O R D E R

Clark Energy Cooperative, Inc. (Clark Energy) is a Kentucky corporation engaged in the distribution of electricity to the public for compensation for lights, heat, power, and other uses and is a utility subject to Commission jurisdiction. KRS 278.010, 279.210.

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 5:041, Section 3(1), which requires the maintenance of utility facilities to be in accordance with the National Electric Safety Code, 1990 Edition (NESC). The NESC, Section 42, Rule 420.H, requires utility employees to use the personal protective equipment and devices provided for their work; and Section 42, Rule 421.A, requires the first line supervisor or person in charge to adopt such precautions as are within the individual s authority to prevent accidents and to see that the safety rules and operating procedures are observed by the employees under the direction of this individual.

The Commission Staff submitted to the Commission a Utility Accident Investigation Report dated January 28, 1999, attached hereto as Appendix A, which alleges that on January 11, 1999, Albert Sturgell, an apprentice lineman, was in the process of installing a new guy on a three phase vertical C-4 structure. A fellow employee tightened the hot line hoist up on A/phase, resulting in the energized 7200 volt switch tail contacting the down guy that Mr. Sturgell was working on. Mr. Sturgell was not wearing his rubber gloves or sleeves at the time of the accident and he suffered fatal injuries. The foreman, James Maynard, was the supervisor in charge of the work site and was working at the site at the time of the accident.

The Utility Accident Investigation Report notes two probable violations of Commission regulations: 1) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420.H, by Mr. Sturgell's failure to wear personal protective equipment and protective devices consisting of rubber gloves and sleeves; and 2) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421.A by the failure of Mr. Maynard, the first line supervisor, to adopt such precautions within his authority to prevent accidents and to see that the safety rules and operating procedures were observed by the employee under his direction.

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

1. Clark Energy 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.

2. Clark Energy shall appear on May 20, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Utility Accident Investigation Report, specifically the alleged violations of Commission Regulation 807 KAR 5:041, Section 3(1), and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the two probable violations of the aforementioned Commission regulation.

3. The Utility Accident Investigation Report dated January 28, 1999 is hereby made a part of the record of this case.

4. Any request by Clark Energy for an informal conference with the Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 22nd day of April, 1999.

By the Commission

ATTEST:

Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 99-142 DATED APRIL 22, 1999

Attachment A, B and C, due to their large file size, are saved as individual documents. To view these documents use the back button to go back to the Commission Decisions Index Page. They are listed individually, under the Commission Decision.