

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLARK ENERGY COOPERATIVE)	
_____)	CASE NO. 2000-152
)	
FAILURE TO COMPLY WITH)	
COMMISSION REGULATION)	
807 KAR 5:041, SECTION 3(1))	

O R D E R

Clark Energy Cooperative ("Clark") 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 Electrical Safety Code, 1990 Edition ("NESC"). The NESC Section 42, Rule 420.H, requires employees to use personal protective equipment and Rule 421.A requires the first-level supervisor or person in charge to adopt such precautions as are within the individual's authority to prevent accidents.

Commission Staff submitted to the Commission a Utility Accident Investigation Report, attached hereto as Appendix A, which alleges that on October 27, 1999, three Clark employees were replacing two 35 amp reclosers with two 50 amp reclosers at

Wills-Rupard Road, Winchester, Kentucky. The supervisor and one lineman were working on the ground preparing new equipment for installation while a second lineman was elevated in an aerial bucket removing a drain ground lead on a surge arrester tank-mounted on a single-phase recloser. All reclosers had been opened, but one primary lead to one recloser had not been disconnected. While the employee in the bucket was removing the drain ground lead with one hand, he contacted the energized primary lead with his other hand, resulting in burns to both of his hands and flash burns to his neck. No protective rubber equipment was being worn at the time.

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 due to the employee's failure to wear rubber gloves and sleeves.
2. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421.A due to the failure of the individual in charge to adopt such precautions as are within the individual's authority to prevent accidents.

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

1. Within 20 days of the date of this Order, Clark shall submit to the Commission a written response to the allegations contained in the Utility Accident Investigation Report.
2. Clark shall appear on April 28, 2000 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky to present evidence concerning the incident which is the subject of the Utility Accident Investigation Report, specifically the two 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 regulations.

3. The Utility Accident Investigation Report, attached hereto as Appendix A, is hereby made a part of the record in this case.

4. Any request by Clark 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 4th day of April, 2000.

By the Commission

ATTEST:



Executive Director