

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)
_____))
ALLEGED FAILURE TO COMPLY WITH)
ADMINISTRATIVE REGULATIONS)
807 KAR 5:006, SECTION 24 AND)
807 KAR 5:041, SECTION 3)

CASE NO. 2001-029

O R D E R

Louisville Gas and Electric Company (“LG&E”), a Kentucky Corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power and other uses, is a utility subject to Commission jurisdiction. KRS 278.010(3)(a).

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 Administrative 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) (“NESC”). It further promulgated Administrative Regulation 807 KAR 5:006, Section 24, which requires each utility to adopt and execute a safety program. LG&E has adopted the Louisville Gas and Electric Company Safety Resource Handbook (“LG&E Handbook”), revised June 1995, as part of its safety program.

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

1. On October 3, 2000, Gary Stratman was injured while checking the connection on the secondary service at the home of an LG&E customer in Louisville, Kentucky.

2. At the time of the incident, Stratman was checking the connectors from his position in an elevated bucket 4 feet from a primary lightning arrestor. Two hot leads of the service shorted out and an arc flashed over to a primary KV lightning arrestor resulting in burn injuries to Stratman's left forearm.

3. At the time of the incident, Stratman was an employee of LG&E and was acting within the scope of his employment.

4. At the time of the incident, Stratman was not wearing appropriate protective covering.

5. NESC Rule 420H requires persons to use the personal protective equipment, protective devices, and special tools provided for their work.

6. Stratman violated NESC Rule 420H when he failed to wear the appropriate protective devices provided to him for this work.

7. LG&E Handbook, revised June 1995, Section E, Electrical E.2.2(a)(9)(b) requires that Class 2 rubber gloves and sleeves be worn when a person is working within 5 feet of exposed energized lines between 600 volts and 13,200 volts.

8. Stratman failed to comply with Section E, Electrical E.2.2(a)(9)(b) of the LG&E Handbook by not wearing the required rubber gloves and sleeves while checking the connection on the service.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that LG&E has failed to comply with Commission Regulations 807 KAR 5:006, Section 24 and 807 KAR 5:041, Section 3.

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

1. LG&E shall appear before the Commission on May 16, 2001, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of Commission Regulations 807 KAR 5:006, Section 24, and 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 these alleged violations.

2. LG&E 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, a copy of which is appended hereto, 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 8th day of February, 2001.

By the Commission

ATTEST:


Executive Director



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