

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORP.)
)
_____) CASE NO. 2002-00048
)
ALLEGED FAILURE TO COMPLY WITH)
ADMINISTRATIVE REGULATION)
807 KAR 5:041, SECTION 3)

O R D E R

Kenergy Corp. (Kenergy) is a nonprofit electric cooperative corporation organized pursuant to KRS 279.010 to 279.220. It engages 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; KRS 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 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).

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

1. On November 13, 2001, Ervin Leach was fatally injured in Beech Grove, Kentucky, when he came into contact with a 7200 volt overhead line owned and maintained by Kenergy.

2. At the time of the accident, Mr. Leach was an employee of Black s Construction Company.

3. At the time of the accident, Mr. Leach and another employee of Black s Construction Company were in the process of roofing a breezeway at the Beech Grove Christian Church.

4. NESC 234C1a provides specific clearance standards that must be maintained for wires, conductors, cables and rigid line parts from buildings.

5. At the time of the accident, the overhead line Mr. Leach came into contact with failed to meet the minimum vertical clearance standards established by NESC 234C1a.

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

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

1. Kenergy shall appear before the Commission on July 12, 2002, 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 Administrative Regulations 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 this alleged violation.

2. Kenergy 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 3rd day of May, 2002.

By the Commission

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2002-00048 DATED May 3, 2002

Accident reports are not posted on the web. You may contact this office if you need a copy.