

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY	)	
_____	)	CASE NO. 2002-00165
	)	
FAILURE TO COMPLY WITH COMMISSION	)	
REGULATION 807 KAR 5:041, SECTION 3(1)	)	

O R D E R

Louisville Gas and Electric Company ( LG&E ) is a Kentucky corporation engaged in the generation, transmission, and 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 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 21, Rule 214.A.5, requires that lines with recorded defects which could reasonably be expected to endanger life or property be promptly repaired, disconnected, or isolated; Section 21, Rule 214.B.2, requires lines temporarily out of service to be maintained in a safe condition; and Section 41, Rule 410.C.1 and 2, requires a designated person to be in charge of the operation of equipment and lines and to be responsible for their safe operation, and if more than one

person is engaged in work on the same equipment or line, one person shall be designated as in charge of the work to be performed.

Commission Staff submitted to the Commission a Utility Accident Investigation Report dated April 24, 2002, attached hereto as Appendix A, which alleges that on February 1, 2002, LG&E received a report of a fire in a wooded area adjacent to 8501 Standing Oak Drive in southwest Jefferson County, Kentucky. Upon investigation, an LG&E line technician discovered several trees had fallen during a storm and one of the trees had contacted a 7200-volt, 3-phase line, resulting in A phase having burned to the ground and B phase having a blown fuse. The line technician requested that the Trouble and Dispatch Center send crews to clear the trees and for the A phase line to be restored or removed since it had not been energized for some period of time.

The Trouble and Dispatch Center sent a contract tree crew to the site. After clearing the trees, the contract crew reported to LG&E that the line was ready to be restored. Subsequently, an LG&E Trouble Supervisor dispatched an LG&E employee to re-fuse B phase, but this employee was not aware that A phase was on the ground. Between the time that the LG&E line technician reported the incident to the Trouble and Dispatch Center and the employee was sent to reenergize B phase, there had been a shift change in personnel at the Trouble and Dispatch Center.

At approximately 1:30 p.m. on February 2, 2002, four individuals were riding double on two all-terrain vehicles when they encountered the downed A phase. Two of the riders, Jose Chavez and Joshua Nottingham, attempted to move the A phase wire and received fatal injuries. The other two riders, Brent Levy and Joshua Clayton, received burns to their hands while attempting to assist Mr. Chavez and Mr.

Nottingham. It appears that A phase was on the ground from approximately 5:30 a.m. on February 1, 2002 until the accident occurred on the next day. A phase apparently became energized through contact with B phase, although it is not known whether this occurred when the riders attempted to move the wire or sometime earlier.

The Utility Accident Investigation Report notes three probable violations of Commission regulations: Administrative Regulations 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 214.A.5 by LG&E's failure to promptly repair, disconnect, or isolate lines with recorded defects; 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 214.B.2 by LG&E's failure to maintain in a safe condition a line temporarily out of service; and 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 410.C.1 and 2 by LG&E's failure to have a designated person in charge of the operation of the lines and be responsible for their safe operation.

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

1. 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.

2. LG&E shall appear on July 23, 2002 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 three alleged violations of Administrative 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 three probable violations of the aforementioned Commission regulations.

3. The Utility Accident Investigation Report dated April 24, 2002 is hereby made a part of the record of this case.

4. Any request by LG&E 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 14<sup>th</sup> day of June, 2002.

By the Commission

ATTEST:

  
Executive Director

APPENDIX A  
APPENDIX TO AN ORDER OF THE  
KENTUCKY PUBLIC SERVICE COMMISSION  
IN CASE NO. 2002-00165  
DATED JUNE 14, 2002

**UTILITY ACCIDENT  
INVESTIGATION REPORT**

<b>Utility:</b>	Louisville Gas and Electric Company		
<b>Reported By:</b>	Marty J. Reinert, Regulatory Analyst		
<b>Accident Occurred:</b>	February 2, 2002	Approximately 1:30 p.m.	
	<b>Utility Notified:</b>	February 2, 2002	Approximately 3:45 p.m.
	<b>PSC Notified:</b>	February 2, 2002	4:00 p.m.
	<b>Investigated:</b>	February 2 and 3, 2002	
	<b>Written Report Rcvd:</b>	February 8, 2002	
<b>Location of Accident:</b>	Wooded area behind apartments located at 8501 Standing Oak Drive on the Old Waverly Hills Hospital property in Southwest Jefferson County, Kentucky.		
<b>Description of Accident:</b>	<p>Jose Chevez, Joshua Nottingham, Brent Levy and Joshua Clayton were riding double on two ATV s in a wooded area on the old Waverly Hill Hospital property when the accident occurred. Chevez and Nottingham were riding up a small dirt road in front of Levy and Clayton when they came upon a downed power line near LG&amp;E pole No. 40150-83713. The power line was running across the road in front of them. Chevez and Nottingham attempted to move the wire to go under it. The wire had inadvertently become energized resulting in both boys receiving fatal injuries. It is not known whether the wire had become energized prior to the boys movement of the wire or not. Levy and Clayton attempted to help their two friends by trying to move the wire away from them with a stick and were injured.</p> <p>SUMMARY OF EVENTS LEADING UP TO THE ACCIDENT;</p> <p>The downed power line was due to an early morning storm on February 1, 2002. The electric trouble department received a call reporting that fire had been seen in the woods at the intersection of Standing Oak and Paralee Drive. At approximately 5:30 A.M. John Eskridge, a Line Technician from the Electric Trouble Department, was dispatched to the above location to investigate. John Eskridge arrived at the above location and talked with</p>		

firefighters and police who had reported seeing fire in the woods near an electric line and hearing a loud bang. John Eskridge believed this to be a line fuse blowing. Eskridge went to investigate and found a 100 amp fuse on B phase of a 3 phase line had blown. From this point Eskridge patrolled the line into the woods and found that several trees had fallen during the storm and one of the trees had contacted the 3 phase line burning A phase to the ground. Eskridge made a request that crews be sent to clear the trees and A phase be restored or removed since B phase was the only phase that was normally energized anyway. A & C phase had not been energized in a number of years.

At approximately 8:00 a.m. on the morning of February 1, 2002 Donald Hogan, Top Climber and Acting Crew Leader, and 3 other employees for Nelson Tree Company went to the site and cleared the trees from the line. After clearing the trees, Hogan said he notified Jim Mathews for LG&E that they had cleared the trees from the line and that the line was ready to be put back up. They then left for another work location but thought it was strange that a crew was not there to put the line back up, as most times they are there when they get finished. It was after the tree crew had completed their work that Bill Wood, Trouble Supervisor, dispatched Greg Wright, a testing employee assigned to trouble calls, to re-fuse B phase. Wright was not aware that A phase was still down on the ground. Wright did check to see if the tree trimmers were clear of the area before re-fusing B phase. A phase was on the ground from approximately 5:30 a.m. February 1, 2002 and was still on the ground when the accident occurred. A phase apparently became energized through contact with B phase. It is not known if A phase was energized prior to the boys attempting to move it.

It was also noted that employee shift changes took place at approximately 6:00 & 7:00 a.m. on the morning of February 1, 2002 within the trouble department. The trouble department tracks its outages in two ways. They have an initial screen they use to record the incoming calls and information given to them on the first screen. They then go to the correction order screen after the trouble man goes to the location and verifies the exact location and trouble found. Both screens are kept open but only the second screen has specific location and description of trouble found and is recorded on the trouble order. Both screens in some cases are used for correction procedures. However, the first screen does not contain the full flow of information needed to verify that all corrections have been made in reference to trouble found. It was noted during this investigation that changes have been made to eliminate any further use of the first screen being used for dispatch purposes. It has also been noted that the Crew Track software has been modified to eliminate the ability to obtain additional but limited information on a job by hitting the Enter key. The software that is now in place requires the user to access the correction order screen to obtain information on a job.

<b>Victims:</b>						
	<b>Name:</b>	Jose Chavez	<b>Fatal:</b>	Yes	<b>Age:</b>	██████
	<b>Addr./Empl.:</b>	9617 Old Third Street Road, Louisville, Kentucky 40272				
	<b>Injuries:</b>	Electrocuted (Deceased)				
<b>Victims:</b>						
	<b>Name:</b>	Joshua Nottingham	<b>Fatal:</b>	Yes	<b>Age:</b>	██████
	<b>Addr./Empl.:</b>	5805 Aruis Drive, Louisville, Kentucky 40258				
	<b>Injuries:</b>	Electrocuted (Deceased)				
<b>Victims:</b>						
	<b>Name:</b>	Brent Levy	<b>Fatal:</b>	No	<b>Age:</b>	██████
	<b>Addr./Empl.:</b>	9619 Yarmouth Court, Louisville, Kentucky 40272				
	<b>Injuries:</b>	Burns to hands				
<b>Victims:</b>						
	<b>Name:</b>	Joshua Clayton	<b>Fatal:</b>	No	<b>Age:</b>	██████
	<b>Addr./Empl.:</b>	1502 Virginia Court, LaGrange, Kentucky 40031				
	<b>Injuries:</b>	Burns to hands				
<b>Witnesses:</b>	<b>Name</b>	<b>Address/Employment</b>				
	Brent Levy	9619 Yarmouth Court Louisville, KY 40272				
	Joshua Clayton	1502 Virginia Court LaGrange, KY 40031				
<b>Sources of Information:</b>	<b>Name</b>	<b>Address/Employment</b>				
	James Dimas	LG&E Employee Louisville, KY Corporate Attorney				
	Marty J. Reinert	LG&E Employee Louisville, KY Regulatory Analyst				



	<p>Bill Wood</p> <p>Arthur L. Miller</p> <p>Ken Sheridan</p> <p>Charles Hudson</p> <p>Jimmy Doyle</p>	<p>LG&amp;E Employee Louisville, KY Electric Trouble Supervisor</p> <p>Unified Investigations Sciences, Inc. Columbus Office, OH</p> <p>LG&amp;E Employee Louisville, KY Mgr., Safety &amp; Technical Training</p> <p>LG&amp;E Employee Louisville, KY Group Leader-Network Trouble and Dispatch</p> <p>LG&amp;E Employee Louisville, KY Electric Trouble Dispatcher</p>
	<p>John Eskridge (not interviewed)</p> <p>Donald Hogan</p> <p>Joseph L. Burnett, Jr.</p> <p>Daniel Mitchell</p> <p>Ryan Hoback</p> <p>Jim Mathews</p> <p>Steve Moore (not interviewed)</p> <p>Bill Wood</p>	<p>LG&amp;E Employee Louisville, KY Electric Trouble Line Technician</p> <p>Nelson Tree Co. Employee Dayton, OH, Top Climber of acting crew leader 2/1/02</p> <p>Nelson Tree Co. Employee Dayton, OH, Top Climber</p> <p>Nelson Tree Co., Employee Dayton, OH, Trimmer Trainee</p> <p>Nelson Tree Co., Employee, Dayton, OH Trimmer Trainee</p> <p>LG&amp;E Employee Louisville, KY LG&amp;E Forestier</p> <p>LG&amp;E Employee Louisville, KY Electric Trouble Dispatcher</p> <p>LG&amp;E Employee Louisville, KY Electric Trouble Supervisor</p>
<p><b>Probable Violations:</b></p>	<p>807 KAR 5:041, Section 3, National Electric Safety Code 1990 Edition, Section 21, General Requirements, Rule 214. B.2 Temporarily out of service (Lines and equipment temporarily out of service shall be maintained in a safe condition.</p> <p>807 KAR 5:041, Section 3, National Electric Safety code 1990 Edition, Section 21, and General Requirements, Rule 214.A.5. Remedying Defects, Lines and Equipment with recorded defects, which could reasonable be expected to endanger life, or property shall be repaired, disconnected or isolated and Rule 214, B.2, Temporarily out of service (lines and equipment temporarily our of service) shall be maintained in a safe condition. Section 41. Supply and Communications System Rules for Employers: Rule 410.C.1 and 2: (1) A designated person shall be in charge of the operation of the equipment and lines and shall be responsible for their safe operation; (2) If more than one person is engaged in work on or about the same equipment or lines, one person shall be designated as in charge of the work to be performed. Where there are separate work locations one person may be designated at each location.</p>	

<b>Line Clearances At Point of Accident:</b>	<b>Measured</b>	<b>Minimum Allowed by NESC</b>	<b>Applicable NESC Edition<sup>1</sup></b>	<b>Volt.</b>	<b>Constr. Date</b>
<b>(A) Phase Conductor to Ground Elevation</b>	0 0	18.5	1990 Edition	7200	Un-known
<b>(A) Phase</b>	Was burned down by tree contact after storm				

<b>Date of Measurement</b>	(A) Phase Conductor was down on ground				
<b>Approximate Temp.:</b>	°48 degrees				
<b>Measurements Made By:</b>	N/A				
<b>Investigated By:</b>	John Land				
<b>Signed:</b>					

Attachments A. LG&E Accident Report  
 B. Photographs of Accident Site

<sup>1</sup>Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.