

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY POWER COMPANY	)	
D/B/A AMERICAN ELECTRIC POWER	)	
_____	)	CASE NO. 2004-00049
	)	
ALLEGED FAILURE TO COMPLY WITH	)	
807 KAR 5:041, SECTION 3, AND	)	
807 KAR 5:006, SECTION 25	)	

O R D E R

Kentucky Power Company d/b/a American Electric Power (“AEP”) is a Kentucky corporation with its principal offices at 1701 Central Avenue, Ashland, Kentucky. AEP 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 807 KAR 5:006, Section 25, which requires periodic inspection of facilities and 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with good, accepted engineering practices, which include the standards of the National Electrical Safety Code (1990 edition) (“NESC”).

Commission Staff has submitted to the Commission an Electric Utility Personal Injury Incident Report, appended hereto as Appendix A, which alleges:

1. On June 19, 2003, Phillip Glass was clearing an area behind a garage at 237 Etna Street, Ashland, Kentucky when his right shoulder contacted an energized #4 triplex service line owned and operated by AEP.

2. At the time of the incident, the energized service line was rolled up and affixed to the side of a utility pole owned and operated by AEP at an approximate height of 3 to 4 feet.

3. The rolled service line had previously provided electricity service to a home located at 209 Amanda Street, Ashland, Kentucky. The line was removed from that location in September 2000 after that residence suffered fire damage and was razed.

4. NESC Rule 232 (Table 232-1(3)) requires a service line clearance of 15-1/2 feet.

5. NESC Section 21, Rule 214.A.5 provides that lines with defects that could reasonably be expected to endanger life or property are to be promptly repaired, disconnected, or isolated.

6. NESC Section 21, Rule 214.B.2 requires lines temporarily out of service to be maintained in a safe condition.

7. AEP conducted a routine inspection of the system in the area in July 2002.

8. There are four probable violations of Commission regulations:

a. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 214.A.5 by AEP's failure to promptly repair, disconnect, or isolate lines with recorded defects.

b. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 214.B.2 by AEP's failure to maintain in a safe condition a line temporarily out of service.

c. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 232 by AEP's failure to maintain the service line at the proper clearance.

d. 807 KAR 5:006, Section 25, by AEP's failure to properly inspect its facilities during the inspection made in July 2002.

Based on its review of the Electric Utility Personal Injury Incident Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that AEP has failed to comply with 807 KAR 5:041, Section 3, and 807 KAR 5:006, Section 25.

IT IS THEREFORE ORDERED that:

1. AEP shall appear before the Commission on May 11, 2004 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of presenting evidence concerning the alleged violations of 807 KAR 5:006, Section 25, 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. The official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding.

3. AEP shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Electric Utility Personal Injury Incident Report.

4. The Electric Utility Personal Injury Incident Report is attached hereto as Appendix A and is made a part of the record in this proceeding.

5. 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 23<sup>rd</sup> day of March, 2004.

By the Commission

ATTEST:

  
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2004-00049 DATED March 23, 2004

(Copies of the Incident Report are available upon request.)