

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JACKSON ENERGY COOPERATIVE)	
_____)	CASE NO. 2004-00419
)	
ALLEGED FAILURE TO COMPLY)	
WITH COMMISSION REGULATION)	
807 KAR 5:006, SECTION 24(1))	

O R D E R

Jackson Energy Cooperative (“Jackson Energy”) 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, KRS 279.210.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of service by utilities. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:006, Section 24(1), which requires a utility to adopt and execute a safety program and to establish a safety manual with written guidelines for safe working practices and procedures to be followed by utility employees.

The Commission Staff submitted to the Commission an Incident Investigation Report dated October 14, 2004, attached hereto as Appendix A, which alleges that, on September 13, 2004, Lonnie Bowles, crew foreman at Jackson Energy, was installing wires to supply a new x-ray machine at Manchester Memorial Hospital. Mr. Bowles was

attempting to tighten a wire in an energized bus bar when the Allen wrench he was using contacted an energized lug causing a short and creating a flash. Mr. Bowles was not wearing eye protection and he suffered burns to his face.

The Incident Investigation Report notes a probable violation of 807 KAR 5:006, Section 24(1), due to the employee's failure to wear eye protection as required by the Jackson Energy Safety Manual (Policy No. 8-18A, page 3(3)—Eye Protection) and the 1999 APPA Safety Manual (115(m), Eye and Face Protection) as incorporated into the Jackson Energy Safety Manual.

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

1. Jackson Energy shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Incident Investigation Report.

2. Jackson Energy shall appear on February 14, 2005 at 9:00 a.m., Eastern Standard 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 Incident Investigation Report, specifically the one probable violation of 807 KAR 5:006, Section 24(1), and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the one probable violation of the aforementioned Commission regulation.

3. The official record of this proceeding shall be by video only, unless otherwise requested by a party to this proceeding.

4. The Incident Investigation Report dated October 14, 2004 is hereby made a part of the record of this case.

5. Any request by Jackson Energy 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 20th day of January, 2005.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2004-00419 DATED JANUARY 20, 2005

Copies of Appendix A are available upon request.