

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY )  
\_\_\_\_\_) ) CASE NO. 2006-00084  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.042 )

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 278.042 requires that an electric utility construct and maintain its plant and facilities in accordance with the most recent edition of the National Electrical Safety Code, which is the 2002 Edition (“NESC”). The NESC, Section 42, Rule 420.C.4, requires employees who work on or in the vicinity of energized lines to consider all of the effects of their actions, taking into account their own safety as well as the safety of other employees, of the affected electric system, the property of others, and the public in general. The NESC, Section 42, Rule 422.A.1, requires employees who are setting, moving, or removing poles in the vicinity of energized lines to take suitable precautions to avoid direct contact of the pole with the energized conductors. Further, that rule prohibits employees performing such work from contacting the pole with uninsulated parts of their bodies.

Commission Staff submitted to the Commission an Incident Investigation Report (“Incident Report”) dated June 28, 2005, attached hereto as Appendix A, which alleges that on June 14, 2005 Greg Mudd was an employee of United Electric Company, a contractor hired by LG&E to perform maintenance work on LG&E’s electric plant and facilities. Mr. Mudd and other employees of United Electric Company were attempting to replace the aluminum base of an aluminum street light pole at the intersection of Eighth and Market Streets in Louisville, Kentucky. As the pole was being lifted with a derrick truck, a gust of wind caused the arm of the pole and the street light head to rotate approximately 90 degrees and make contact with the C-phase of a 4 kV circuit. Mr. Mudd was kneeling at the base of the aluminum pole, and his left knee was in contact with the aluminum base and his left arm was in contact with the aluminum pole. As a result of the pole coming in contact with the 4 kV circuit, Mr. Mudd received a shock with burns to his left arm and left knee.

The Incident Report notes two probable violations of KRS 278.042: NESC Rule 420.C.4, by the employees’ failure while working in the vicinity of energized lines to consider all the effects of their actions and to take into account their own safety, the safety of other employees, the property of others, and the public in general; and NESC Rule 422.A.1, by the employee’s failure to wear suitable insulating gloves or other suitable means, and by contacting the pole with uninsulated parts of his body.

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 Incident Report.

2. LG&E shall appear on April 7, 2006 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 Incident Report, specifically the two alleged violations of KRS 278.042, NESC Rules 420.C.4 and 422.A.1, and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the two probable violations of the aforementioned statute.

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

4. The Incident Report dated June 28, 2005 is hereby made a part of the record of this case.

5. 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 3<sup>rd</sup> day of March, 2006.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2006-00084 DATED March 3, 2006

Incident Investigation Report is available upon request.