

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH KENTUCKY RURAL )  
ELECTRIC COOPERATIVE CORPORATION )  
\_\_\_\_\_ ) CASE NO. 2006-00150  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.042 AND 807 KAR 5:006, SECTION 24 )

O R D E R

South Kentucky Rural Electric Cooperative Corporation (“South Kentucky”) is a Kentucky corporation that engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses. South Kentucky was formed under KRS 279.010 to 279.220, and is a utility subject to Commission jurisdiction pursuant to KRS 279.210.

KRS 278.042 directs the Commission to ensure that each utility constructs and maintains its plant and facilities in accordance with accepted engineering practices as set forth in Commission regulations and the standards of the National Electrical Safety Code (“NESC”). 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 24, which requires electric utilities to adopt and execute a safety program.

Commission Staff has submitted to the Commission an Incident Investigation Report dated March 22, 2006, appended hereto, in which Commission Staff alleges:

1. On March 9, 2006, Jeffery D. Mize suffered minor burns to his right hand and left knee while working on a down guy in Pulaski County, Kentucky.

2. At the time of the incident, Mr. Mize was working on the down guy, cutting tape while holding the down guy in place when the down guy came loose and made contact with the energized 7,200-volt phase conductor.

3. At the time of the incident, Phillip Walker was acting as supervisor of a three-man crew at the site.

4. At the time of the incident, both Mr. Walker and Mr. Mize were employees of South Kentucky and were acting within the scope of their employment.

5. NESC Section 42, Rule 420-H, requires employees to use personal protective equipment, the protective devices, and the special tools provided for their work.

6. At the time of the incident, Mr. Mize was not wearing his personal protective equipment.

7. NESC Section 42, Rule 422-C (1), requires that precautions be taken to prevent wires or cables that are being installed or removed from contacting energized wires or equipment.

8. At the time of the incident, Mr. Mize failed to take required precautions to prevent contact with the energized wire.

9. NESC Section 42, Rule 421-A-1, requires the person in charge to adopt such precautions as are in the individual's authority to prevent accidents.

10. At the time of the incident, Mr. Walker failed to adopt such precautions to prevent the accident involving Mr. Mize.

11. NESC Section 42, Rule 421-A-2, requires that the person in charge see that safety rules and operating procedures are observed by the employees under his direction.

12. At the time of the incident, Mr. Walker failed to take such precautions to see that safety rules were observed by Mr. Mize.

13. South Kentucky has adopted the American Public Power Association Safety Manual 13<sup>th</sup> Edition (APPA Safety Manual) which describes its safety program.

14. APPA Safety Manual, Section 1, 102-A and 102-B, provides that, prior to work commencing, employees should conduct job preparation and have an understanding of the work to be done.

15. APPA Safety Manual, Section 6, 602-B, requires an employee to wear personal protective equipment to protect from energized contact.

16. APPA Safety Manual, Section 14, 1405-A, requires a job briefing prior to the start of each job.

17. 807 KAR 5:006, Section 24, requires electric utilities to adopt and execute a safety program.

18. Both Mr. Walker and Mr. Mize failed to comply with the APPA Safety Manual adopted by South Kentucky.

Based on its review of the Incident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that South Kentucky has failed to comply with KRS 278.042 and 807 KAR 5:006, Section 24.

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

1. South Kentucky shall appear before the Commission on June 6, 2006 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 violations of NESC, Section 42, Rule 420-H; Section 42, Rule 421 A-1 and A-2; Section 42, Rule 422-C; Section 44, Rule 441 A-1; and 807 KAR 5:006, Section 24, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

2. South Kentucky 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.

3. The Incident Investigation Report of March 22, 2006, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting any informal conference with Commission Staff to consider matters 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.

5. Pursuant to KRS 278.360, the official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding 10 days prior to the hearing.

Done at Frankfort, Kentucky, this 2<sup>nd</sup> day of May, 2006.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2006-00150 DATED May 2, 2006

(Appendix is available upon request.)