

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENERGY CORPORATION)	
_____)	
ALLEGED FAILURE TO COMPLY WITH)	CASE NO. 2009-00431
KRS 278.042)	
)	

ORDER

Kenergy Corporation (“Kenergy”), a Kentucky cooperative corporation which engages in the distribution of electricity to the public for compensation for light, heat, power, and other uses, and which was formed pursuant to KRS 279.010 to 279.220, is a utility subject to Commission jurisdiction.¹

KRS 278.042 requires the Commission to ensure that each electric utility constructs and maintains its plant and facilities in accordance with accepted engineering practices as set forth in the Commission’s administrative regulations and Orders and in the most recent edition of the National Electrical Safety Code (“NESC”).

KRS 278.030 requires every utility to furnish adequate, efficient and reasonable service. KRS 278.260 permits the Commission, upon its own motion, to investigate any act or practice of a utility that affects or is related to the service of a utility. KRS 278.280(1) further permits the Commission, after conducting such investigation and finding that a practice is unreasonable, unsafe, improper, or inadequate, to determine

¹ KRS 278.010(3)(a); KRS 279.210.

the reasonable, safe, proper, or adequate practice or methods to be observed and to correct the same by Order.

Commission Staff submitted to the Commission an Electric Utility Personal Injury Accident Report ("Report"), dated March 23, 2009, attached as the Appendix to this Order. The Report alleges that, on February 13, 2009, on Knight Road in Lyon County, Kentucky, Bill Plunkett, an employee of Butler Storm Recovery, Inc. ("Butler Storm Recovery"),² sustained burn injuries as a result of an accident at the site of a Kenergy electric construction project.

According to the Report, Mr. Plunkett was a member of a Butler Storm Recovery crew. Butler Storm Recovery was working under contract with Kenergy to replace utility poles that were broken during the ice storm that occurred on January 27, 2009. More specifically, the Butler Storm Recovery crew was digging the holes for the new poles and setting the poles into place.

A Blue Grass Energy Cooperative ("Blue Grass Energy") crew which was working on the same project had confirmed that the single-phase primary distribution tap line on which the Butler Storm Recovery crew was to work was de-energized, and the Blue Grass Energy crew grounded the tap line. According to the Report, the Blue Grass Energy crew foreman told the Butler Storm Recovery crew that the single-phase line was grounded and warned them to beware of making contact with the overhead transmission line.

² According to Kentucky Utilities Company's February 18, 2009 investigation report (See Report, Attachment D), the business addresses of Butler Storm Recovery are 6833 Highway 167-N, Ville Platte, Louisiana 70586 and P.O. Box 370, Turkey Creek, Louisiana 70855.

The Butler Storm Recovery crew was operating a small Bobcat skid steer excavator with a front attachment being used to set the poles in place. The Bobcat was being operated by Justin Pepitone, an employee of Butler Storm Recovery, who was also the person in charge of the job site. After Mr. Pepitone would lift a pole off the ground, other members of the Butler Storm Recovery crew would secure the pole to the Bobcat with a long metal log chain.

While using the Bobcat to lift a utility pole into place, Mr. Pepitone raised the pole too high, bringing the pole into contact with an energized 161 kV transmission conductor owned and operated by Kentucky Utilities Company ("KU"). According to the witness statements contained in the incident report filed by Butler Storm Recovery (Attachment C to the Report), prior to making contact with the transmission lines, Mr. Pepitone asked Mr. Plunkett, who was watching him as he was operating the Bobcat, whether he was clear of the transmission lines, and Mr. Plunkett mistakenly told him that he was clear when, in fact, he was not clear.

At the time of the accident, Mr. Plunkett was walking beside the Bobcat and holding the end of the log chain, which was attached to the pole, in order to keep the chain out of the Bobcat's treads. When the pole made contact with the KU transmission conductor, the victim received a shock-and-burn injury. He suffered an entrance wound to his right hand and exit wounds to his right foot. Mr. Plunkett was taken to a local hospital and was later transferred by helicopter to Vanderbilt Hospital in Nashville, Tennessee. The victim has since recovered from his injuries.

Based on Commission Staff's investigation of the accident and the information provided by Kenergy in its seven-day summary report (Attachment A to the Report),

Commission Staff alleges that Kenergy has violated the following provisions of the NESC:

1. NESC Section 42, 422-A-1 & 2: Employees working on or with overhead lines shall observe the following rules in addition to applicable rules contained elsewhere in Sections 43 and 44:

(1) When setting, moving, or removing poles in or in the vicinity of energized lines, precautions shall be taken to avoid direct contact of the pole with the energized conductors. Employees shall wear suitable insulating gloves or use other suitable means where voltages may exceed rating of gloves in handling poles where conductors energized at potentials above 750 V can be contacted. Employees performing such work shall not contact the pole with uninsulated parts of their bodies.

(2) Contact with trucks, or other equipment that is not bonded to an effective ground being used to set, move, or remove poles in or in the vicinity of energized lines shall be avoided by employees standing on the ground or in contact with grounded objects unless employees are wearing suitable protective equipment.

2. NESC Section 42, 421-A-1 and 2: A First-Level Supervisor or Person in Charge . . . shall: 1. Adopt such precautions as are within the individual's authority to prevent accidents. 2. See that the safety rules and operating procedures are observed by the employees under the direction of this individual.

3. NESC Section 44, 441-A-1: Employees shall not approach or bring any conductive object within the minimum approach distance listed in Table 441-1 or Table 441-4 to exposed parts unless one of the following is met:

- a. The line or part is de-energized and grounded per Rule 444D.
- b. The employee is insulated from the energized line or part. *Electrical protective equipment insulated for the voltage involved, such as tools, gloves, rubber gloves, or rubber gloves with sleeves, shall be considered effective insulation for the employee from the energized part being worked on.*
- c. The energized line or part is insulated from the employee and from any other line or part at a different voltage.

Based on its review of the Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that Kenergy has failed to comply with KRS 278.042. We further find that a formal investigation into the incident that is the subject matter of the Report should be conducted and that this investigation should also examine the adequacy, safety, and reasonableness of Kenergy's practices related to the construction, installation and repair of electric facilities.

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

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

2. Kenergy shall appear on January 27, 2010 at 10:00 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of KRS 278.042 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.

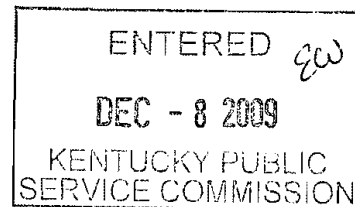
3. At the scheduled hearing in this matter, Kenergy shall also present evidence on the adequacy, safety, and reasonableness of its practices related to the construction, installation and repair of electric facilities and whether such practices require revision.

4. The January 27, 2010 hearing shall be recorded by videotape only unless, on or before January 13, 2010, a party to the proceeding timely moves for a stenographic transcript of the proceedings to be made.

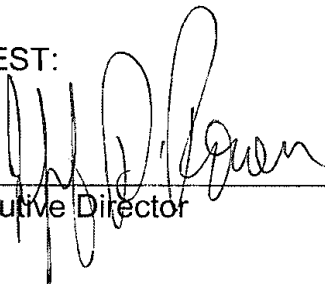
5. The Report in the Appendix of this Order is made a part of the record in this case.

6. Any requests for an informal conference with Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

By the Commission



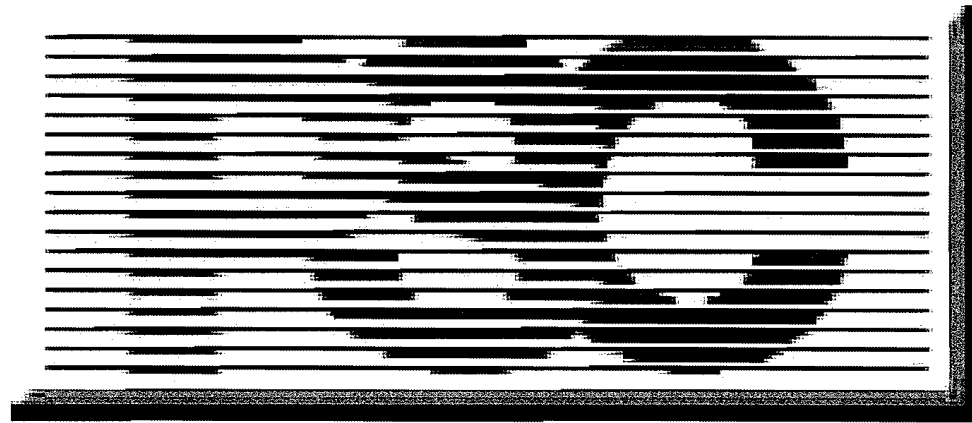
ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2009-00431 DATED **DEC - 8 2009**



INCIDENT INVESTIGATION ~ Staff Report

Report Date ~ March 23, 2009

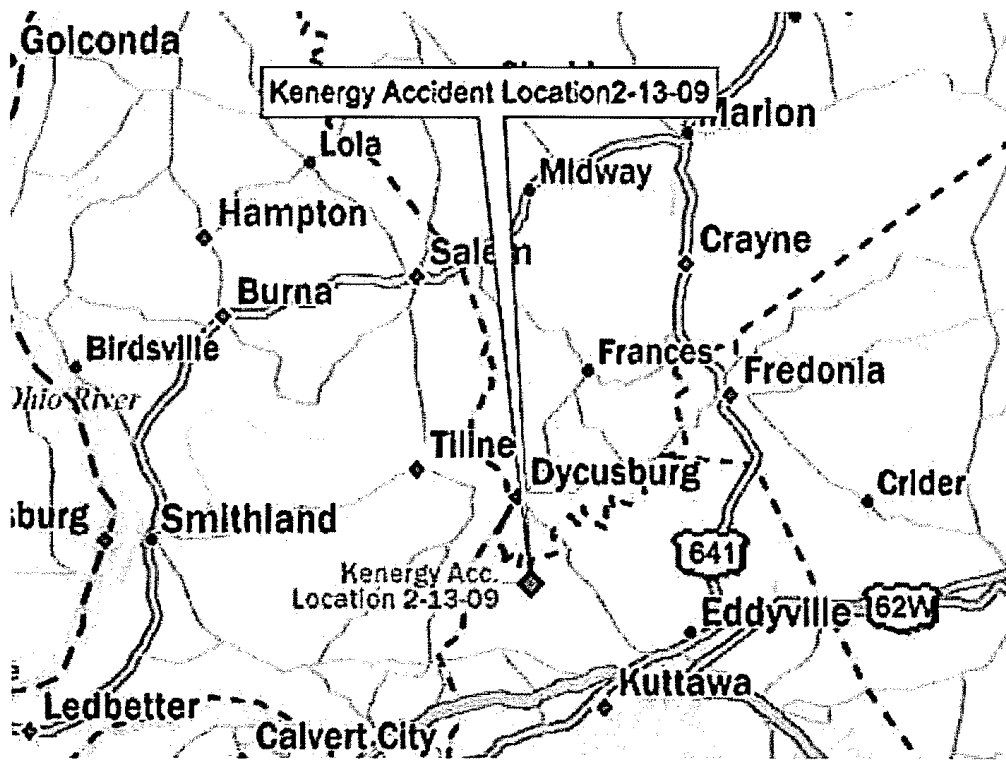
Incident Date ~ February 13, 2009

Serving Utility ~ Kenergy Corp.

Incident Location ~ Near Eddyville, Kentucky, Lyon County

Victim ~ Mr. Billy Plunkett

PSC Lead Investigator ~ Steve Kingsolver





Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Utility:

Kenergy Corp.

Reported By:

Sandy Novick, CEO , Kenergy Corp.

Incident Occurred:

February 13, 2009, 9:58 AM. CST

Utility Notified:

February 13, 2009, 10:30 AM. CST

PSC Notified:

February 13, 2009, 10:33 AM. CST

PSC Investigated:

February 13, 2009, 11:30 AM, CST

Report Received:

February 19, 2009, 2:54 PM. EST

Incident Location:

Knight Road, Lyon County, near Eddyville, Kentucky

Incident Description:

The victim, Billy Plunkett, was working for Butler Storm Recovery, Inc. which was contracting with Kenergy Corp. Butler Storm recovery was assisting Kenergy Corp. in restoration work caused by the ice storm that occurred on 1-27-09. This crew was assigned work of replacing poles broken during the ice storm. A Blue Grass energy crew had confirmed that the single phase primary distribution tap line on which this crew was to work was de-energized, and the Blue Grass Energy crew grounded this tap line. The Blue Grass Energy crew foreman, Ben Coffy, stated in his statement that he told the Butler Storm Recovery crew that the single phase line was grounded and to watch the overhead transmission line. The Butler Storm Recovery crew was only digging holes and setting poles. During the process of positioning a pole to set, the crew lifted the pole, and the pole made contact with an energized Kentucky Utilities Company 161 kV transmission conductor. The victim was walking beside the bobcat that was being used to set the pole. He was holding the end of the chain that was securing the pole to the bobcat. The victim received what appears to be an entrance wound to his right hand and exit wounds to his right foot. The victim was taken to a local hospital and was later transferred by helicopter to Vanderbilt Hospital in Nashville, Tennessee. The person in charge of this job site was Justin Pepitone, an employee of Butler Storm Recovery, Inc. Justin Pepitone was also the bobcat operator at the time of this accident.

<u>Victim:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Billy Plunkett	Mountain Home, Ark.	Butler & Co. Storm Recovery

Fatality: No
Type of Injury: Shock and Burn
Date of Birth:

<u>Witnesses:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Justin Pepitone Foreman and Person in Charge	Glenmora, La.	Butler & Co. Storm Recovery

<u>Information From:</u>	<u>Name:</u>	<u>Position:</u>	<u>Employer:</u>
	Sandy Novick	CEO	Kenergy Corp.
	Gerald Ford	VP of Operations	Kenergy Corp.
	Donnie Phillips	Manager, Marion District	Kenergy Corp.
	Charles Butler	Supervisor	Butler & Co. Storm Recovery

Possible Violations:

**KAR 278.042 Service adequacy and safety standards for electric utilities-
National Electric Safety Code**

National Electric Safety Code:

#1 Possible Violation

422. Overhead Line Operating Procedures

Employees working on or with overhead lines shall observe the following rules in addition to applicable rules contained elsewhere in Sections 43 and 44.

A. Setting, Moving, or Removing Poles In or Near Energized Electric Supply Lines

1. When setting, moving, or removing poles in or in the vicinity of energized lines, precautions shall be taken to avoid direct contact of the pole with the energized conductors. Employees shall wear suitable insulating gloves or use other suitable means where voltages may exceed rating of gloves in handling poles where conductors energized at potentials above 750 V can be contacted. Employees performing such work shall not contact the pole with uninsulated parts of their bodies.
2. Contact with trucks, or other equipment that is not bonded to an effective ground being used to set, move, or remove poles in or in the vicinity of energized lines shall be avoided by employees standing on the ground or in contact with grounded objects unless employees are wearing suitable protective equipment.

#2 Possible Violation

421. General Operating Routines

A. Duties of a First-Level Supervisor or Person in Charge

This individual shall:

1. Adopt such precautions as are within the individual's authority to prevent accidents.
2. See that the safety rules and operating procedures are observed by the employees under the direction of this individual.

#3 possible Violation

441. Energized Conductors or Parts

Employees shall not approach, or knowingly permit others to approach, any exposed ungrounded part normally energized except as permitted by this rule.

A. Minimum Approach Distance to Live Parts

1. General

Employees shall not approach or bring any conductive object within the minimum approach distance listed in Table 441-1 or Table 441-4 to exposed parts unless one of the following is met:

- a. The line or part is de-energized and grounded per Rule 444D.
- b. The employee is insulated from the energized line or part. Electrical protective equipment insulated for the voltage involved, such as tools, gloves, rubber gloves, or rubber gloves with sleeves, shall be considered effective insulation for the employee from the energized part being worked on.
- c. The energized line or part is insulated from the employee and from any other line or part at a different voltage.

Measurements:

**Kentucky Utilities Company Transmission Circuit-161kV
Measurements of Circuit East of Structure #466 on Eastside of Knight Road**

Line Clearances At Point of Incident:	Measured	Minimum Allowed by NESC	Applicable NESC Edition 2007*	Voltage
Transmission (A-Phase)(South) to Ground Elevation:	36.64'	20'-11"	2007 EDITION	93 kV to Ground
Transmission(B-Phase)(Middle) to Ground Elevation:	36.78'	20'-11"	2007 EDITION	93 kV to Ground
Transmission (C-Phase)(North) to Ground Elevation:	37.11'	20'-11"	2007 EDITION	93 kV to Ground

* If clearances were not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.



P.O. Box 1389 • 3111 Fairview Drive
Owensboro, Kentucky 42302-1389
(270) 926-4141 • FAX (270) 685-2279
(800) 844-4732

RECEIVED

FEB 20 2009

**PUBLIC SERVICE
COMMISSION**

February 19, 2009

Mr. Steve Kingsolver
Electric Branch
Kentucky Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

RE: Written Report of Accident

Dear Mr. Kingsolver:

Please find enclosed Kenergy's accident report relative to Bill Plellet's electrical contact on February 13, 2009.

If further information is needed, please call.

Yours truly,

A handwritten signature in black ink, appearing to read "Gerald R. Ford".

Gerald Ford, P.E.
VP of Operations

Kenergy Accident Report

Bill Plellet Injury

2-13-09

Location of accident: Knight Road, Lyon Co. KY

Job assignment: Replace 4 broken poles (dig holes and set poles).

2-12-09: One span south of location distribution line load side jumper was opened (pole 447-9 pole # 40) and the line was energized to that location.

2-13-09: At 7 a.m., the crew from Bluegrass Energy grounded both ends of work site so that the Butler crew could begin job assignment.

- Grounded at 447-9- pole #11
- Grounded at 447-9 pole #33
- Poles to be replaced by Butler 447-9 –poles #12 #13 #14 #15
- Accident pole #13

Bluegrass Energy crew foreman, Ben Coffee, told Butler crew the distribution was grounded, and to be aware of the high (transmission) line before leaving to resume their work on Thompson Rd. (see statement from Ben Coffee - Bluegrass Energy crew foreman).

2-13-09: At 10:30 a.m., District Manager Donnie Phillips received a call from Ben Coffee stating that a worker had been hurt and that Butler Storm Removal foreman, Todd Legg, was taking the injured worker Bill Plellet to the hospital in Livingston Co. Coffee also stated that from the explosion he heard on Thompson Rd. he believed Butler Storm Removal must have gotten into the high (transmission) line.

2-13-09: At 10:33 a.m., Phillips notified by cell phone, VP of Operations - Gerry Ford, CEO- Sandy Novick, and PSC representative- Steve Kingsolver, who were in Madisonville enroute to Fredonia for a field visit of the operations center. Phillips told Mr. Ford of the situation, gave him directions to the site of the accident, and told him he and Jason Settles

(Logistics) would be at the accident site as soon as they checked on the condition of the Plellet at the hospital.

Phillips and Settles then immediately left Fredonia and traveled to the hospital in Salem, KY.

2-13-09: At 10:55 a.m., upon arrival at hospital, Phillips spoke with Butler Storm Removal foreman, Todd Legg. Legg reported to Phillips that the Plellet was alive and appeared to be ok. Phillips asked Legg if electrical current had traveled throughout the worker's body. Legg replied that it had. Phillips told Todd that company policy required that the Plellet be flown as soon as possible to the nearest burn center.

Phillips then spoke with the Plellet's attending physician and was told that his vital signs were good and that he (the doctor) had a helicopter on standby at Vanderbilt Hospital in Nashville, TN. Upon arrival in Salem the helicopter would then fly the Plellet back to Vanderbilt.

The Plellet then asked Phillips if he had his cell phone and Phillips said that he did not. The Plellet told Phillips that Butler Storm Removal foreman, Legg, was notifying his mother. Phillips left the room as nurses began preparing Plellet for the flight to Nashville.

Phillips then called Ben Coffee, Bluegrass crew foreman, to go to the scene of the accident, to secure the scene, and to not allow anyone to leave the scene of the accident.

2-13-09: At 11:30 a.m., Sandy Novick, Gerry Ford, Steve Kingsolver, Donnie Phillips, and Jason Settles arrived at the accident site. Mr. Kingsolver recorded all names and interviewed all witnesses. Photographs were taken and the bobcat was inspected for electrical arcs and burns from the high voltage line.

Accident Review:

Bobcat operator (Justin Peripone) picked up a 40' pole with machine, put clamps around bottom 42" butt end of pole. He then picked the pole up approximately 2-3' and put the chain around the pole and the frame of the lifting bar. There was approximately 71/2' of chain not being used and the

Plellet was holding it in his hands to prevent the track of the bobcat from running over it.

According to statements from the bobcat operator, he began backing the machine and raising the pole at the same time. He asked the Plellet holding the chain if he was clear from the transmission line. The Plellet replied, "Yes, you are clear." The bobcat operator continued backing up and raising the pole at the same time. The marks in the ground indicated that the operator had backed up 9'. At this point, there was a loud explosion and the grass caught on fire. The operator then lowered the pole, moved the bobcat forward 20' and exited the bobcat. The bobcat operator did not remember any details after leaving the bobcat.

A phone call was immediately made to Todd Legg, Butler Storm Removal foreman, advising that an accident had occurred and the Plellet had to be taken immediately to the hospital. The Plellet was in extreme pain as Legg transported him to Livingston Co. Hospital in Salem.

Other Butler people at the site were Charles Butler and Nathan Musgrave.

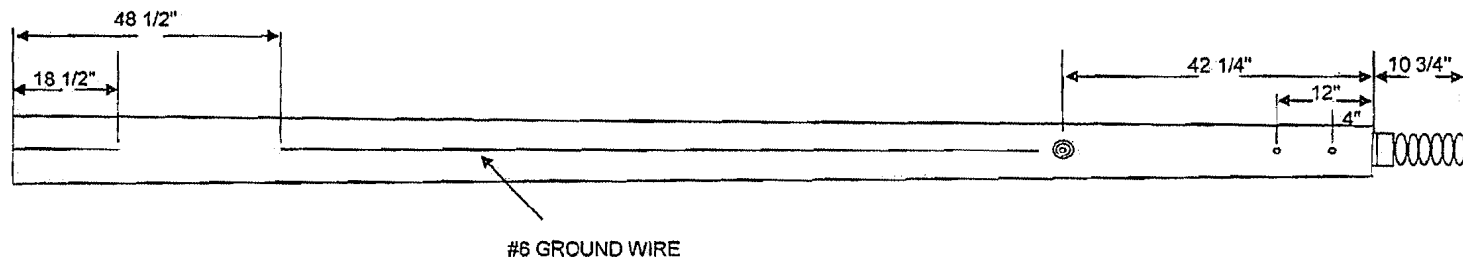
When the Botler Company arrived on Knight Rd I stated to them that the single phase line was grounded and to watch the overhead transmission line.

The BlueGrass Energy or myself was ^{not} responsible for this Company

2-13-09

Ben Coffey

LYON COUNTY
KNIGHT ROAD



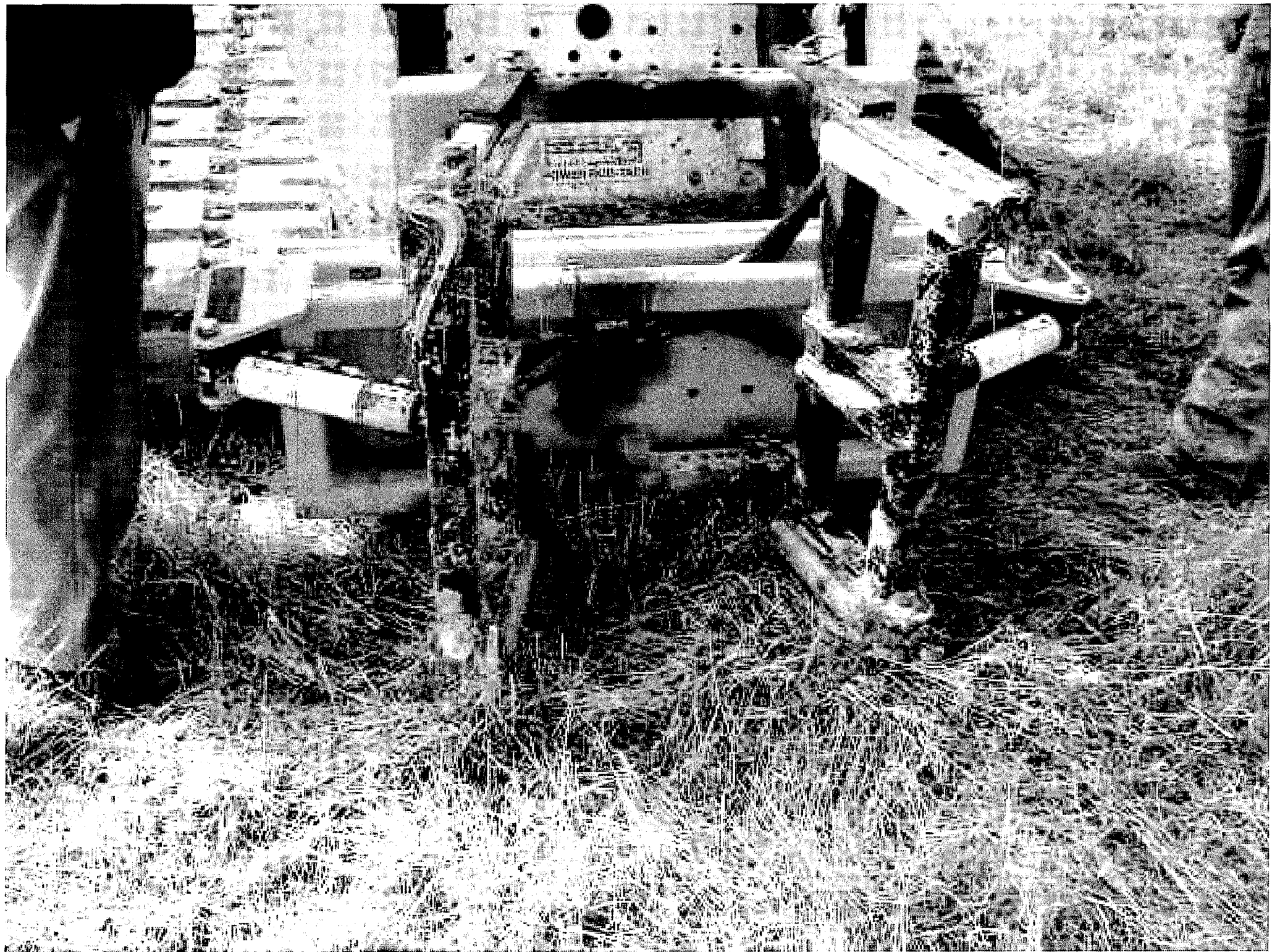
40 FOOT POLE

not to scale







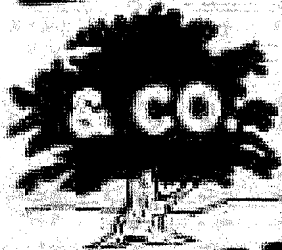






BUTLER

*Licensed
& Insured*



*Free
Estimates*

STORM RECOVERY, INC.

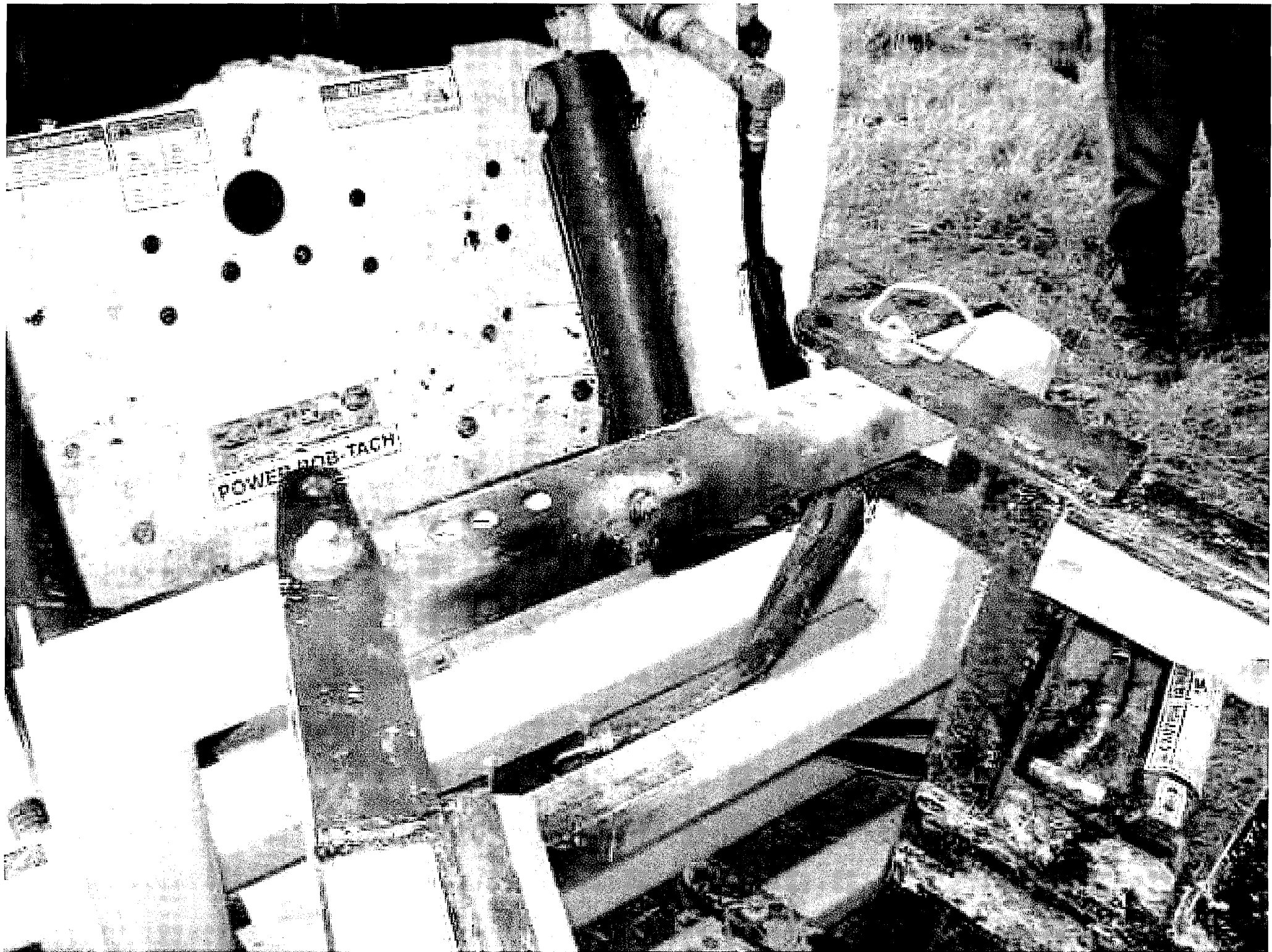
337-224-3634

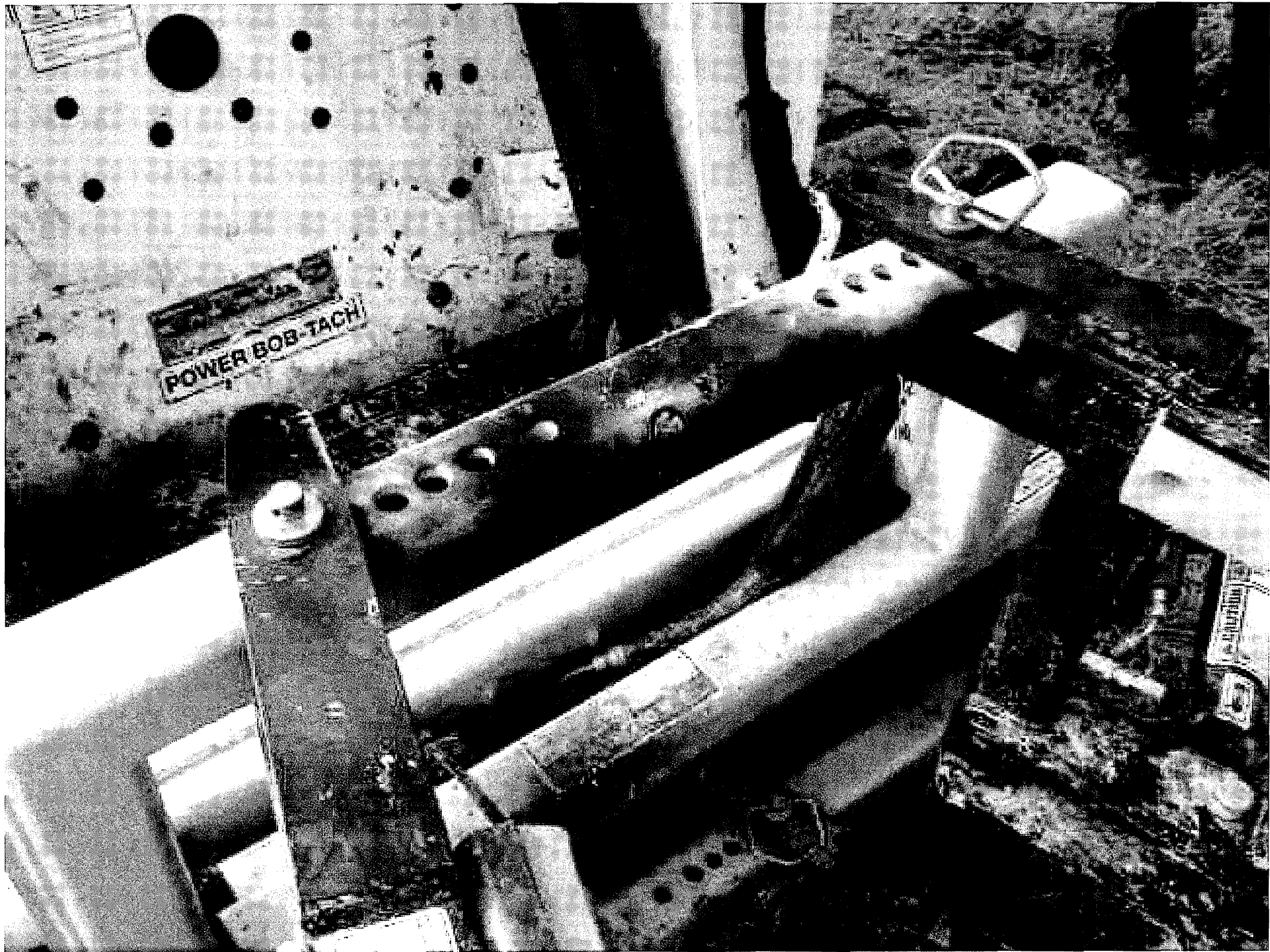
TURKEY CREEK, LA

USDOT 1786900

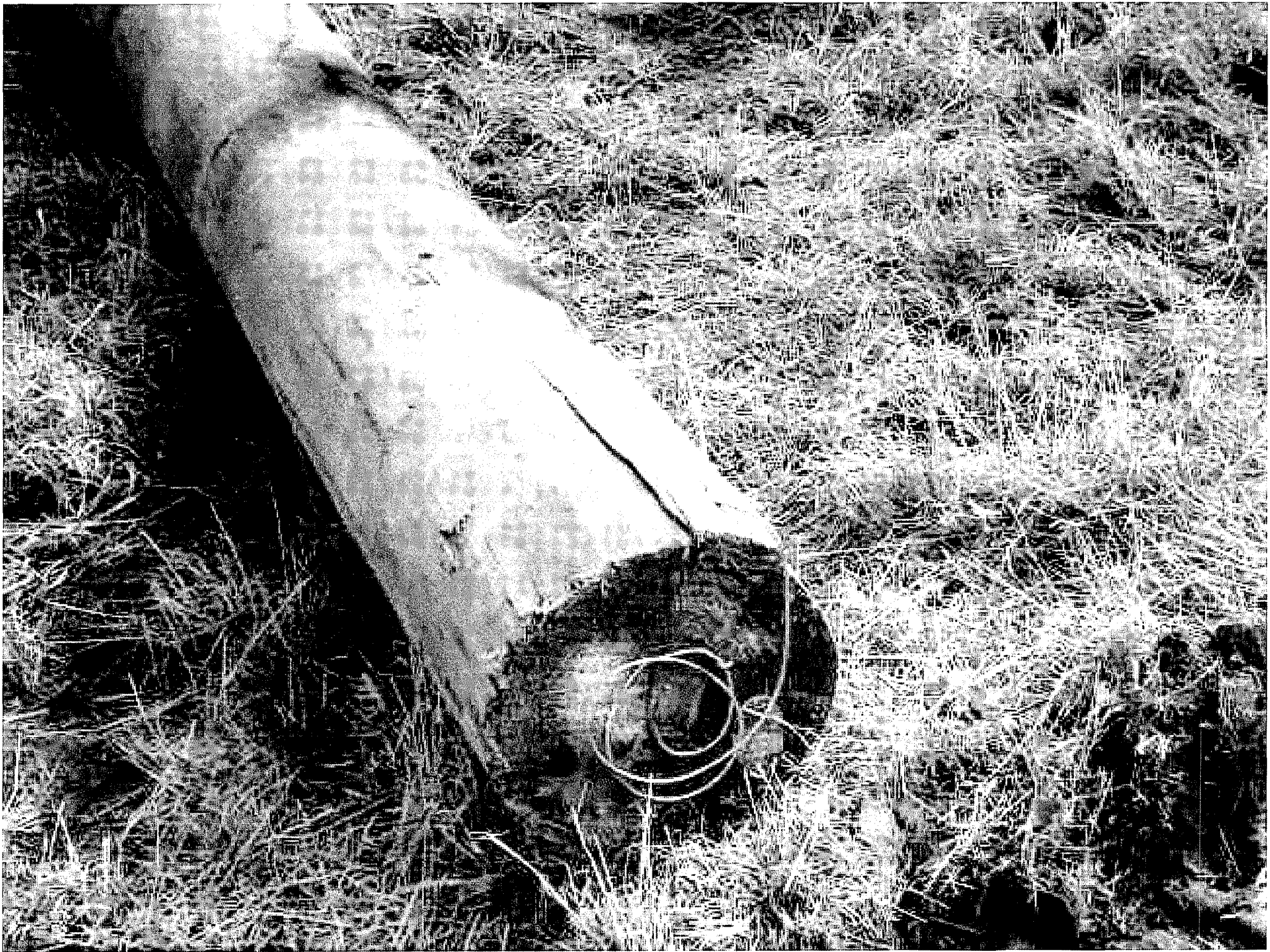








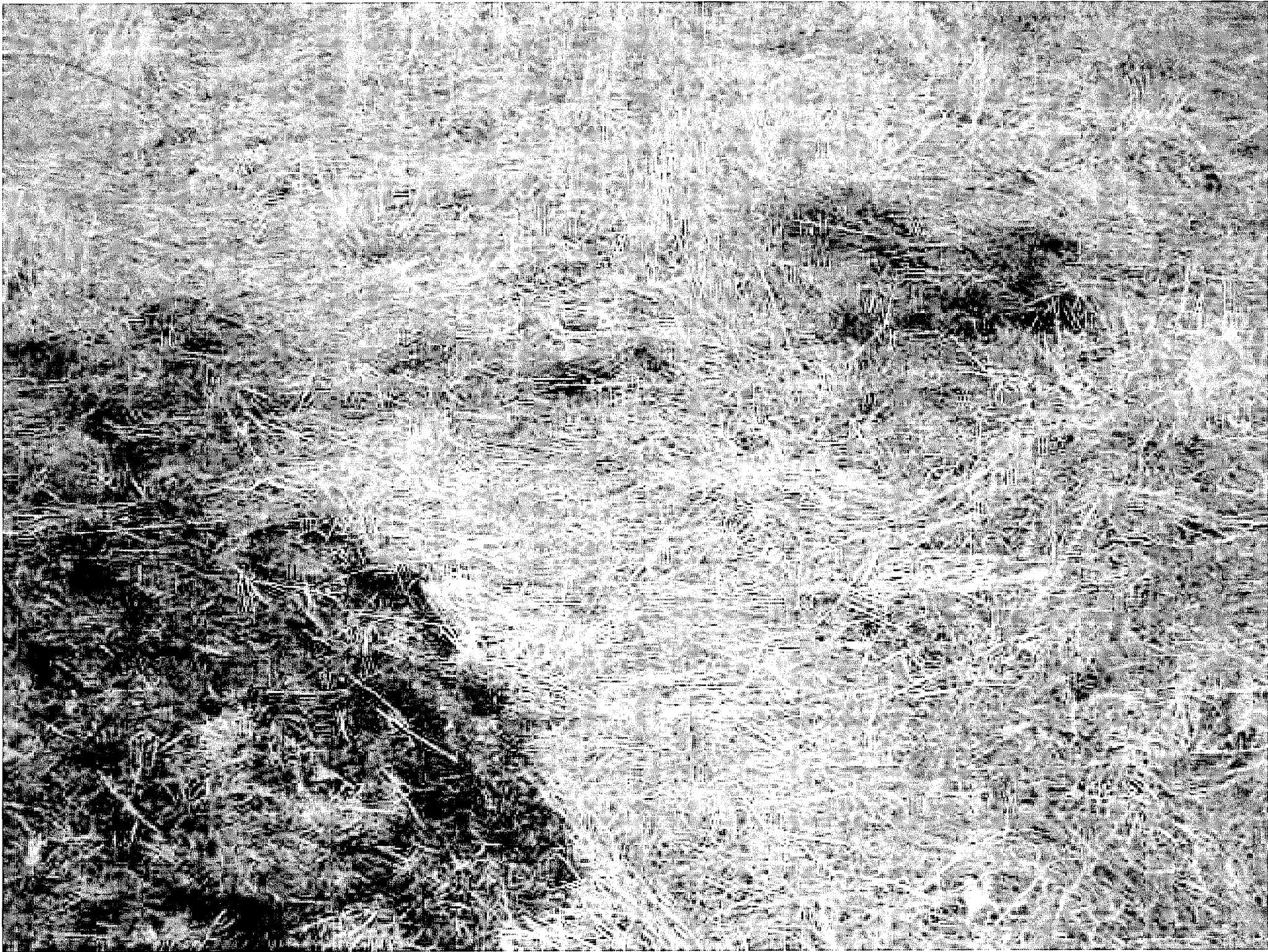


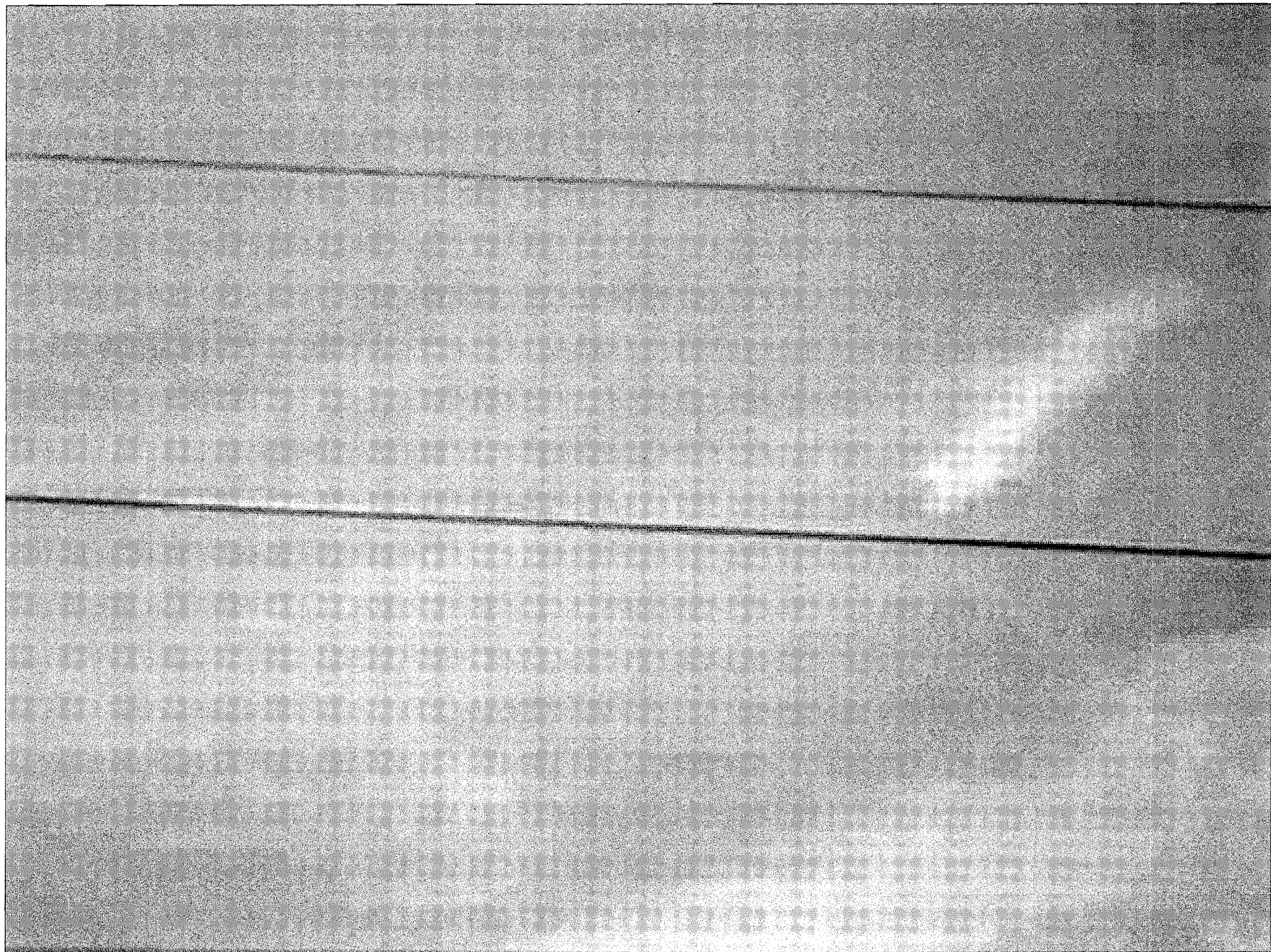


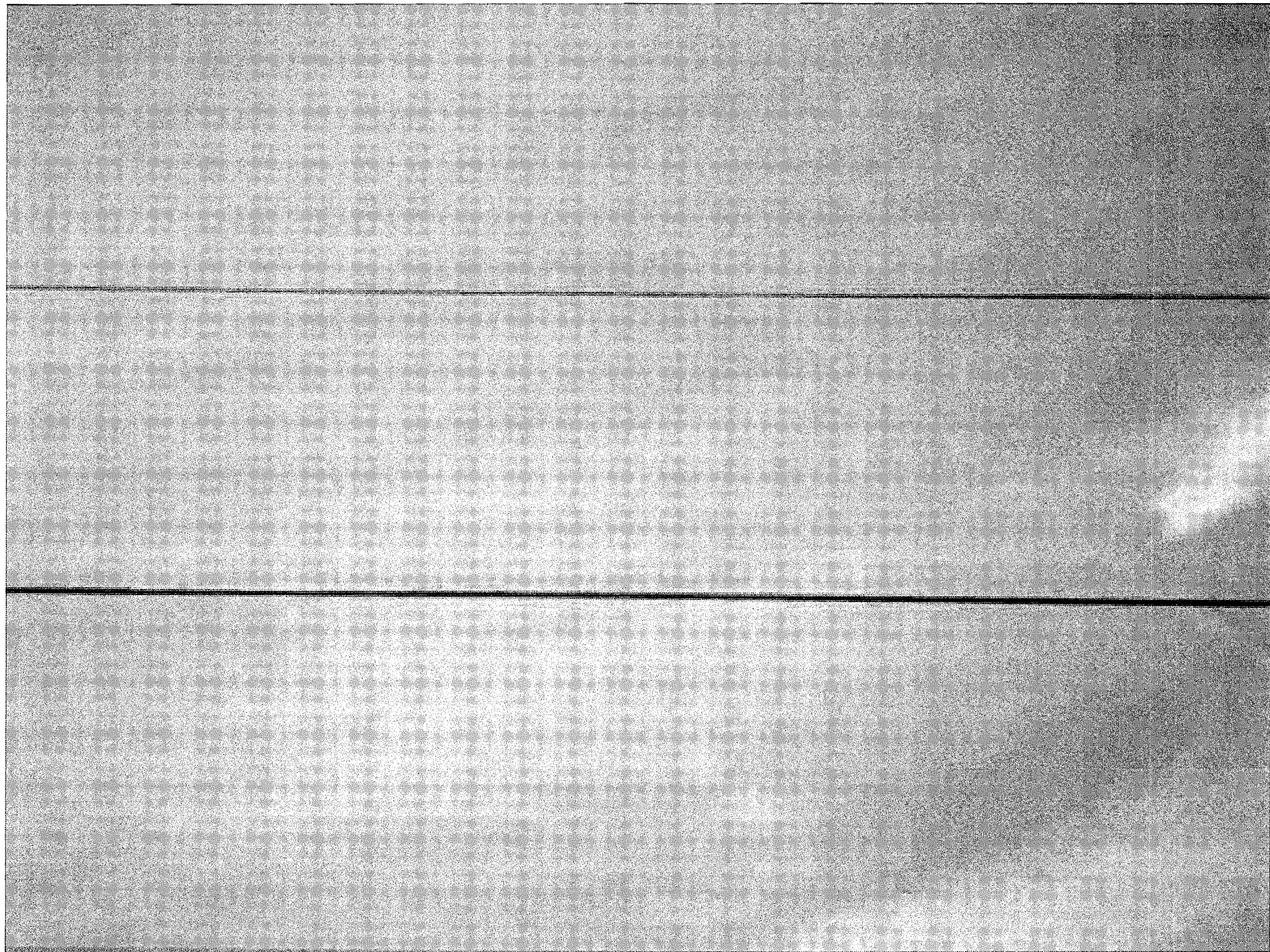


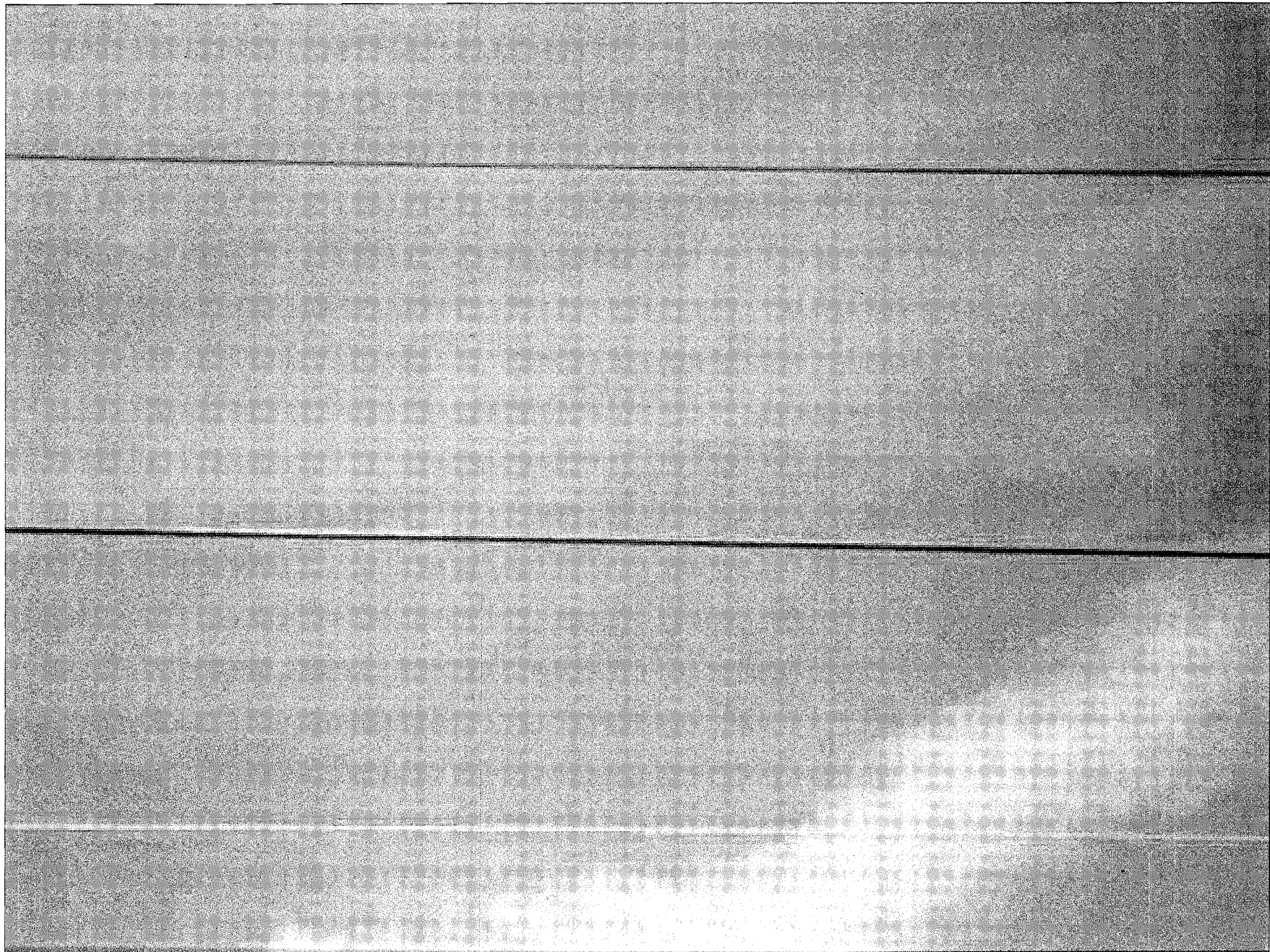










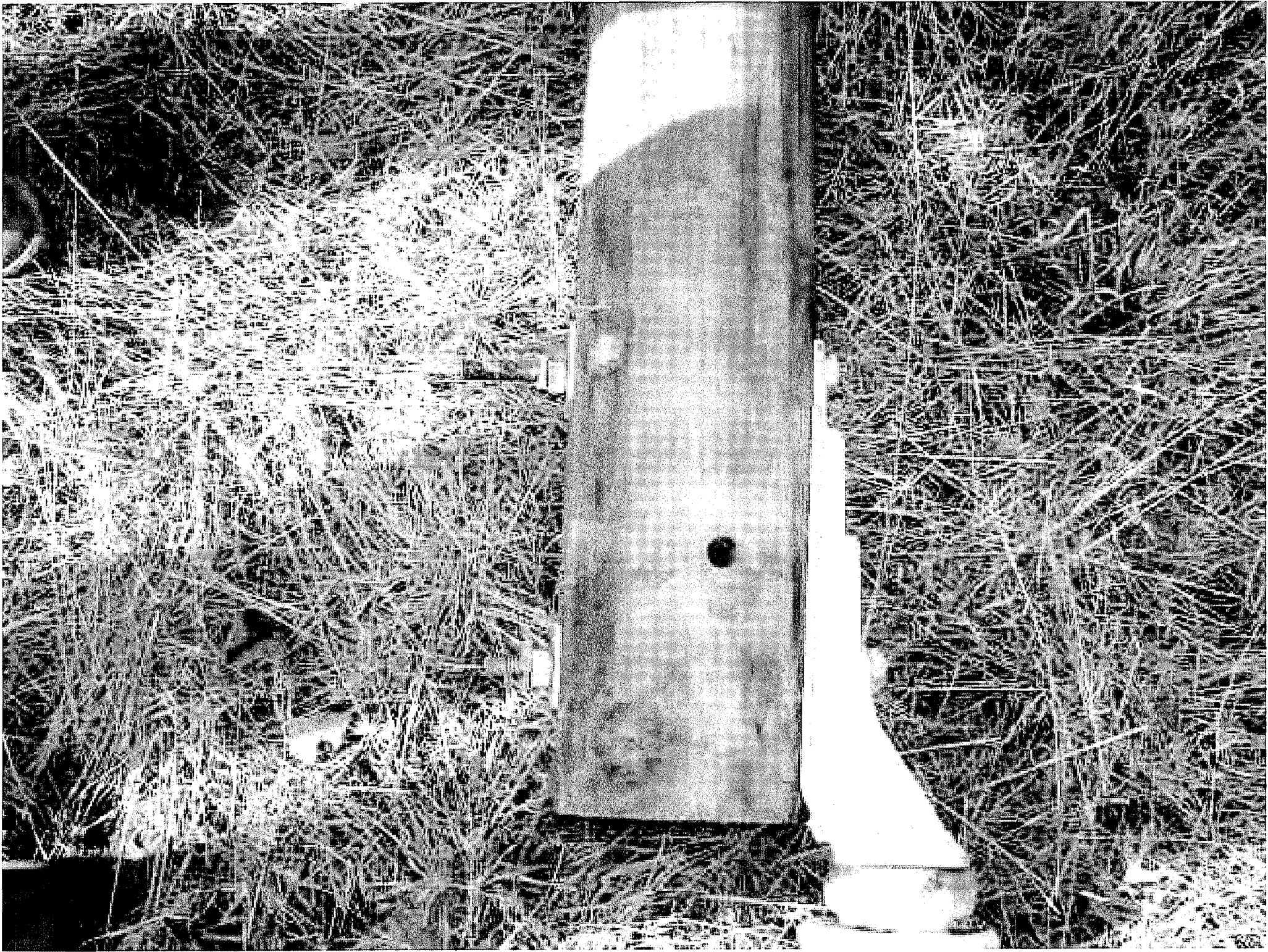








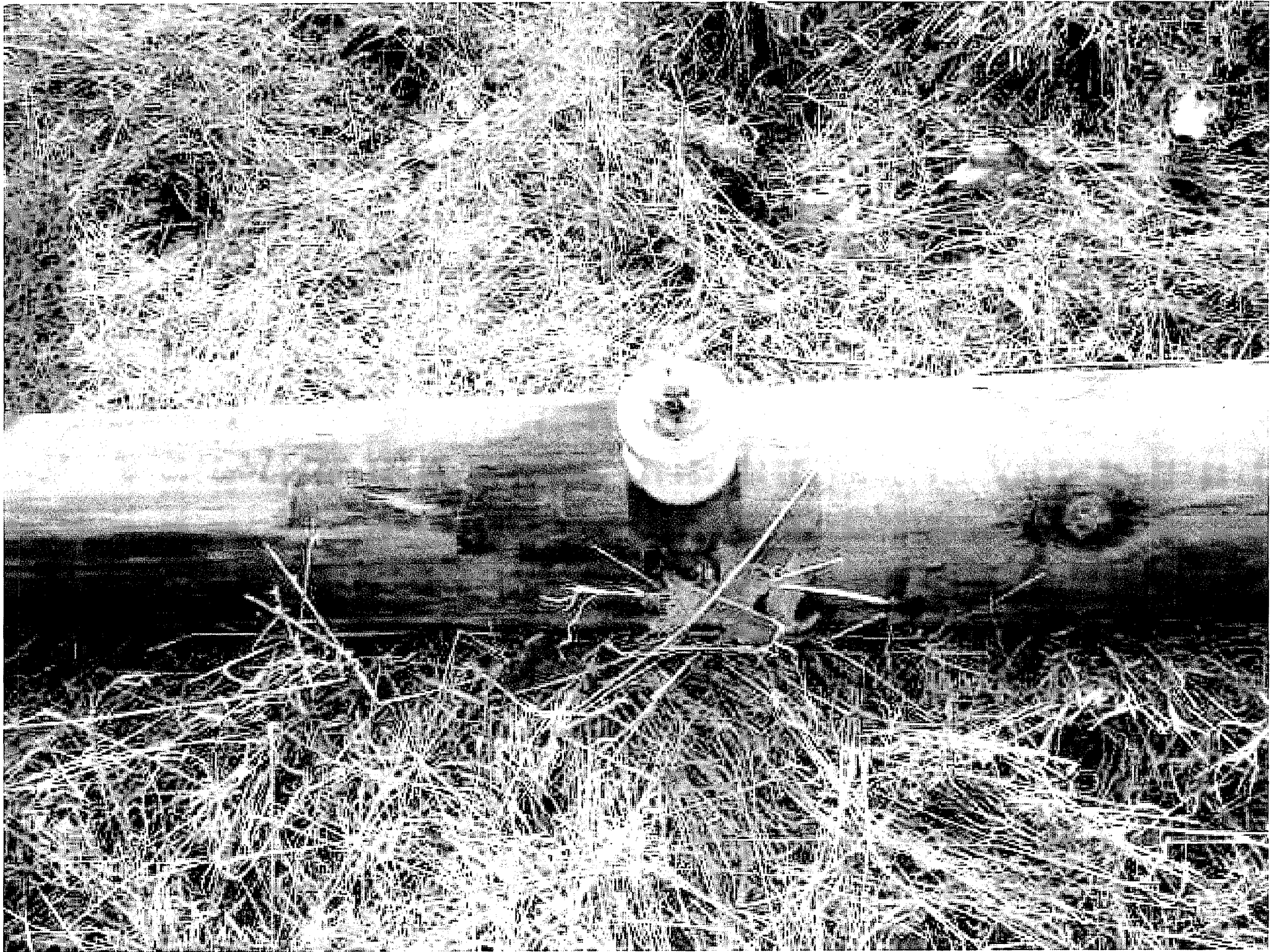




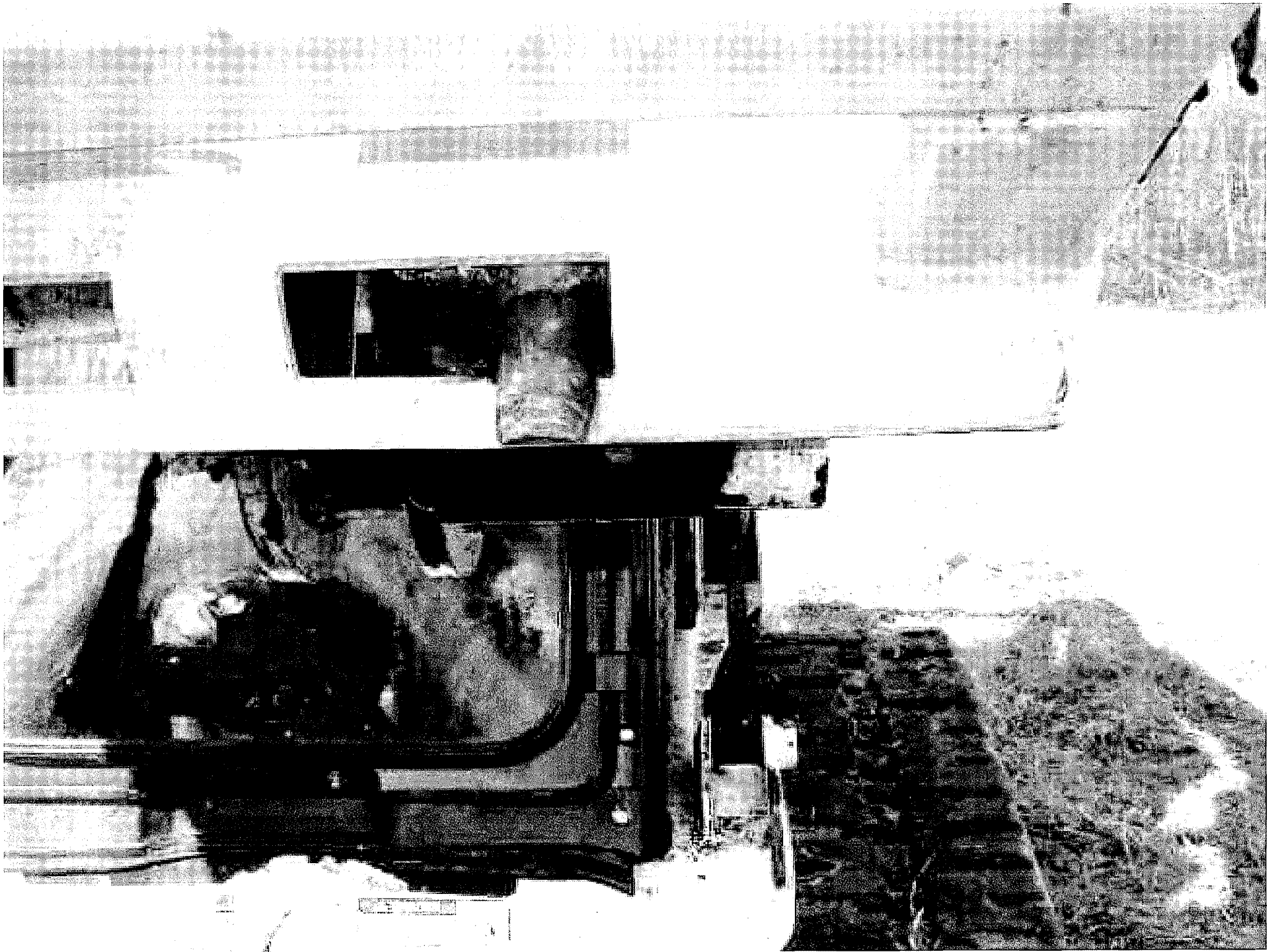


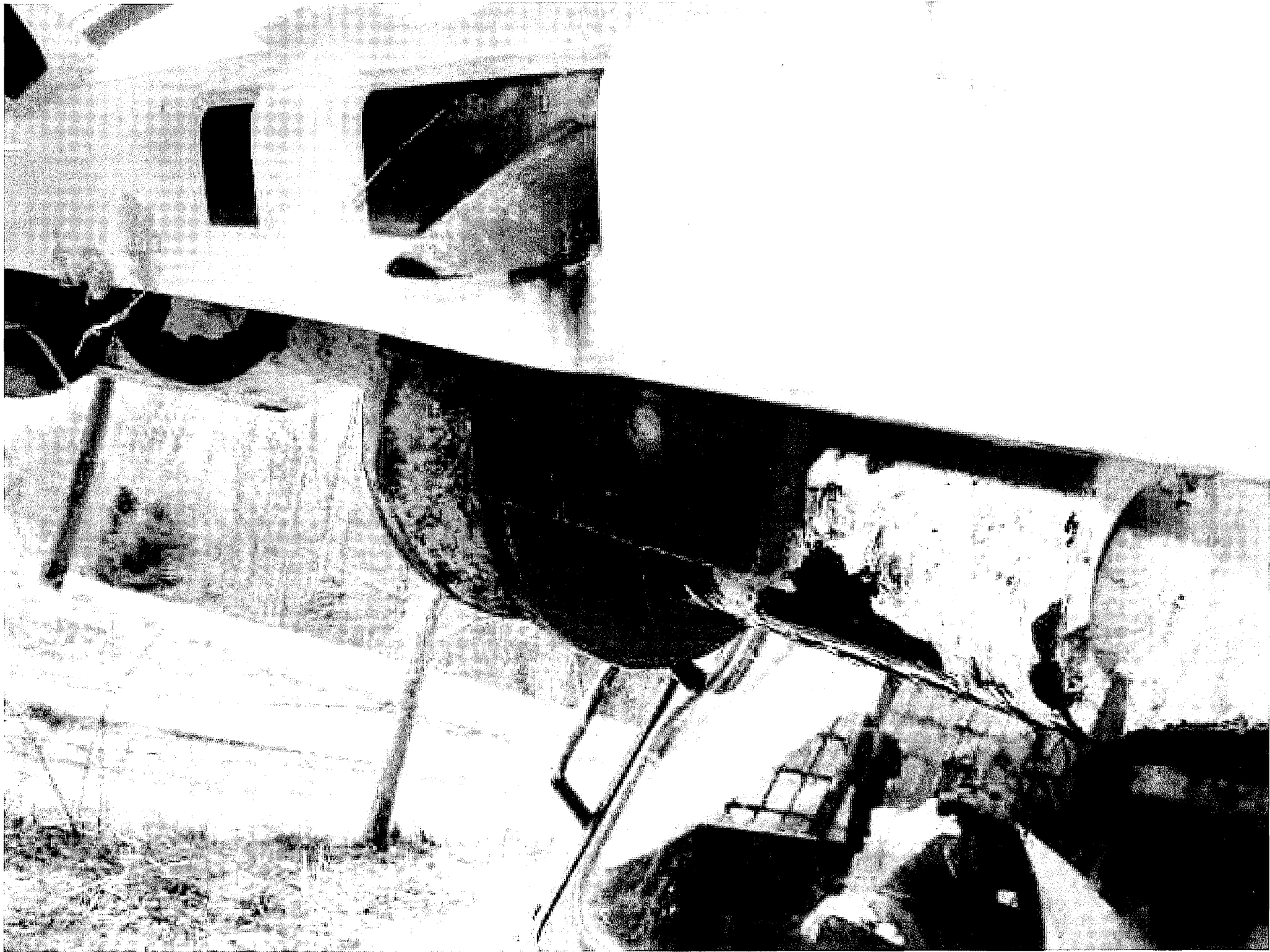






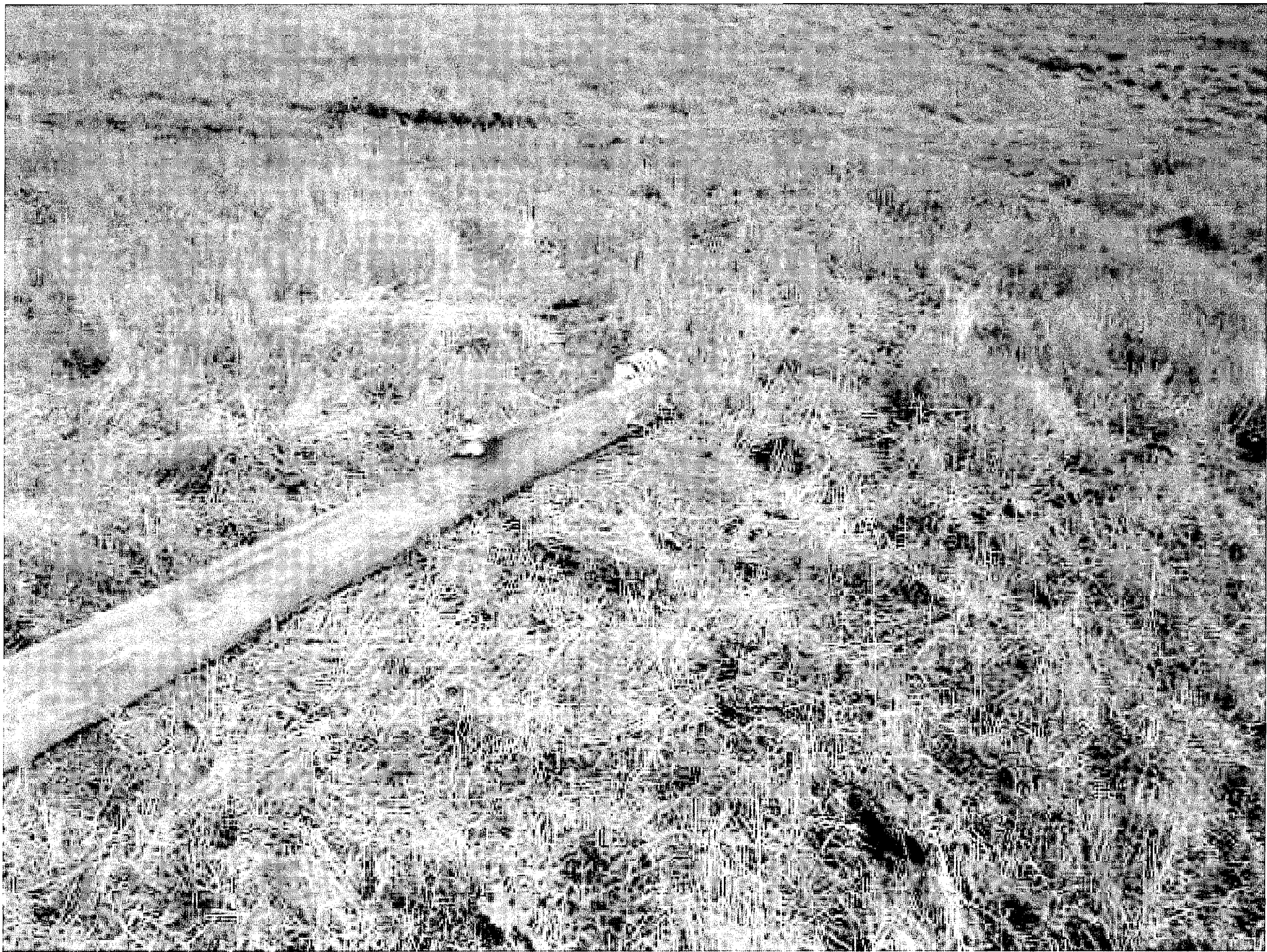




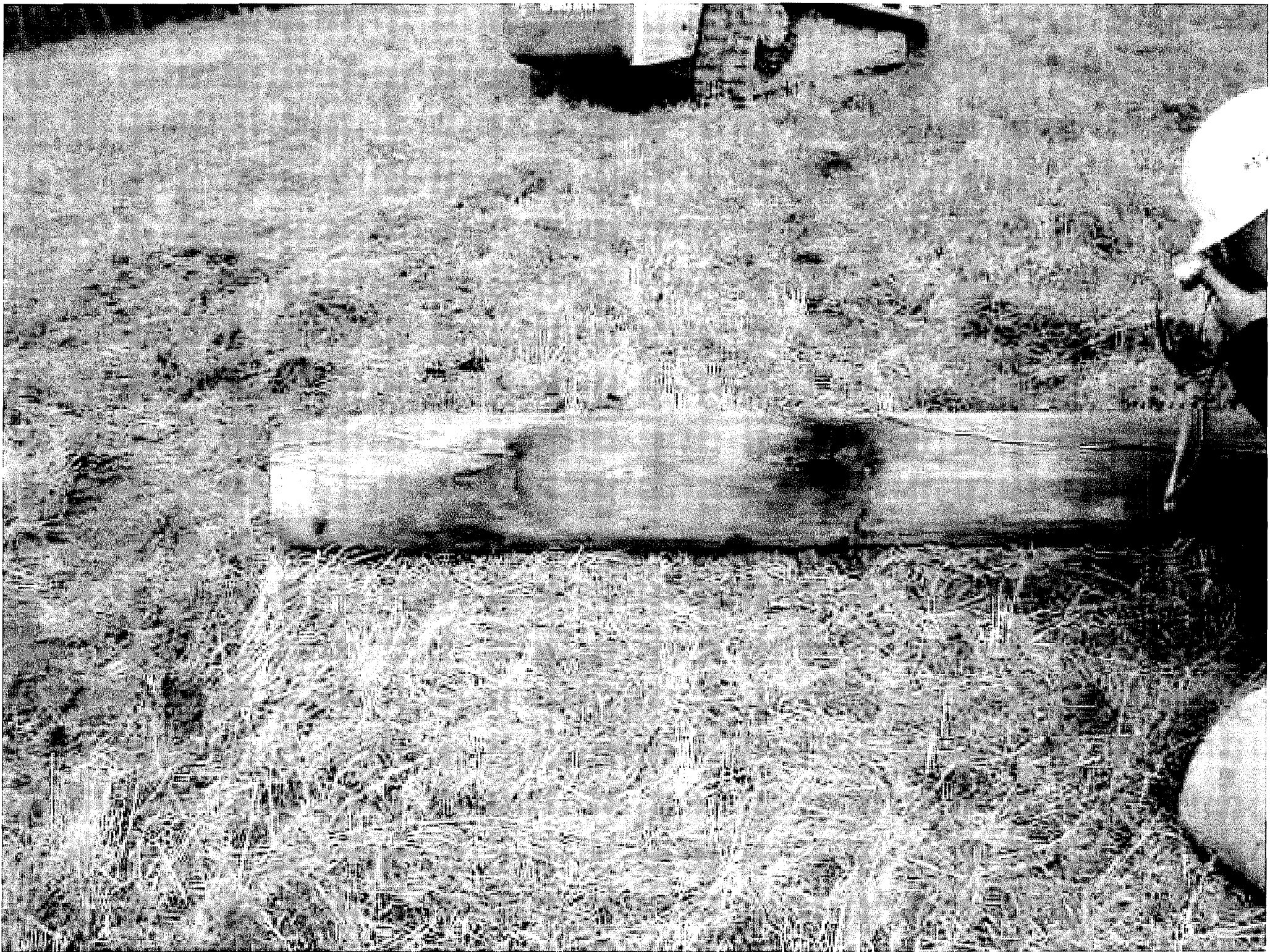


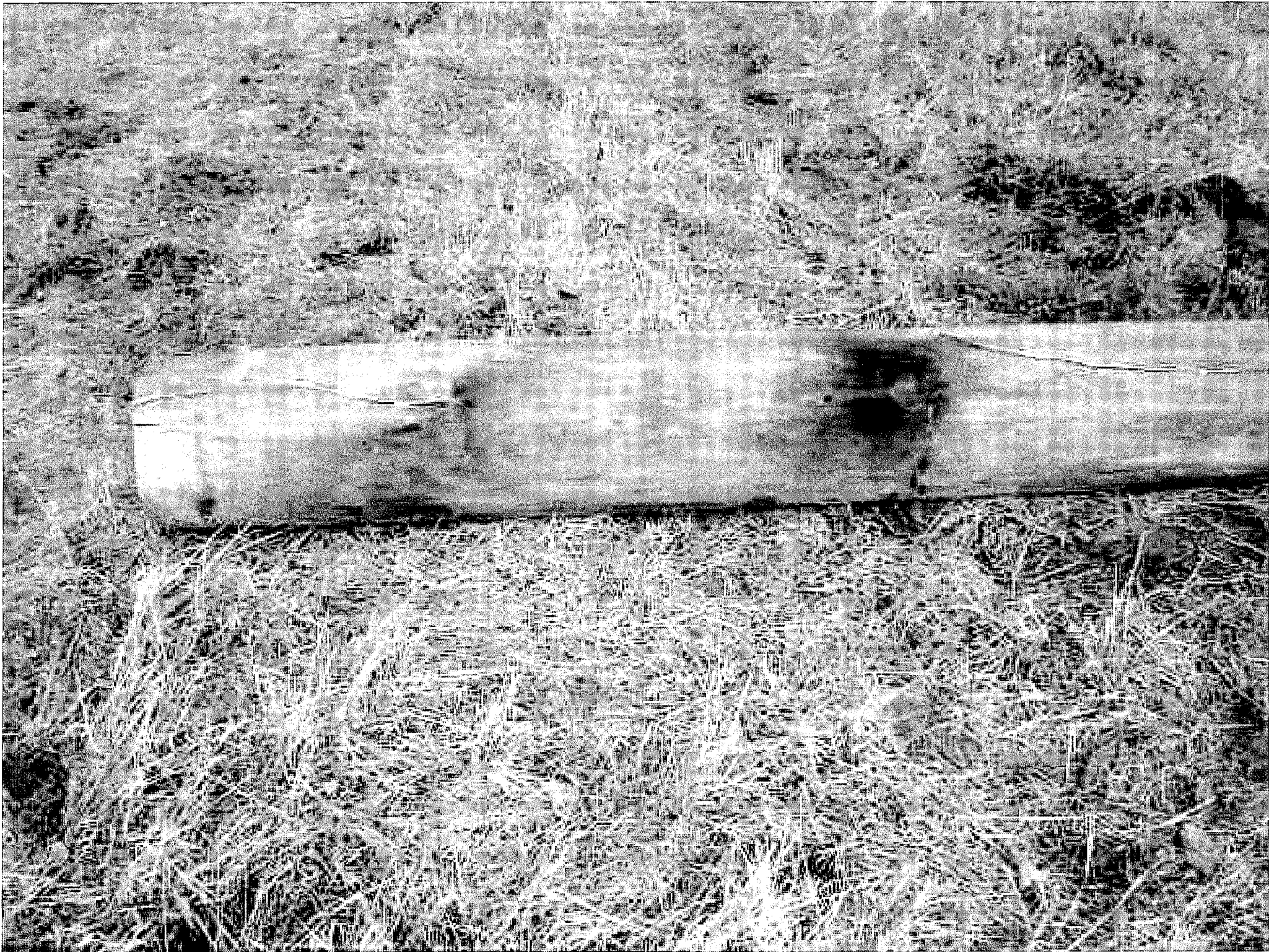












01/20/2007 03:17 FAX

001

BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

ACCIDENT REPORT SUPPLEMENT

CREW AT WORK SITE AT TIME OF ACCIDENT

Justin Pepitone, Glenmora, La., (318)729-8237 Foreman/Operator

Billy Plunkett, 543 cr. 675, Mountain Home, AR. 72653, Laborer Hire Date:02/08/2009 DOB

Justine Gillian, Saw Hand, was on location at the hole waiting on the pole. Reports he did not see what happened.

Anthony Harvell, Saw Hand, was on location at the hole waiting on the pole. Reports he did not see what happened.

James C. Cooper, Laborer, was on location at the hole, waiting on the pole. Reports he did not see what happened.

Nathan Musgrave, Operator, was moving the digger bobcat away from hole to trailer when event occurred, did not see what happened.

had been dropped off and framed under the transmission line. His statement is also attached to this email.

I then got a statement from Justin Pepitone. I told him to write exactly what happened, then sign and date it.

Charles Butler
General Manager
P.O. Box 256
Turkey Creek, La. 70585

Accident Report

Billy + I "Justin" were picking up
The Last of 3 Three poles I grabbed
The pole + Tracked Backwards To
Clear The Transmission Lines. I asked
Billy 3 seperate Times IF we were
Clear of The Lines + Each Time
He said yes. Billy was holding a
Logging chain That was wrapped around
The pole + The pole setter as a
Safety chain so The pole could not
come lose of the Polesetter. As the
pole came up it struck one of
The Transmission Lines with The
ground wire + knocked Billy To The
ground.

Justin Pappas
2-13-09

Buck Storm Report

(1)

~~Justin~~

Fri Feb 19, 2007

~~10:58~~~~Justin~~

Pepton 7:58 AM

Justin Pepton & Billie Plunkett were lifting a pole to carry to pre drilled hole

Nathan Muirgrave called me at 9:58am to explain to me that an accident had just occurred on the job site on Knight Rd. He told me that Justin Pepton & Billie Plunkett were lifting a pole under the electric lines and Billie Plunkett was flagging the operator telling him he was clear of the electric lines. Justin asked Billie if it was clear of the electric lines 2-3 times and Billie said yes. Billie was holding a chain that they put around the pole as a safety measure. Billie was told not to hold the chains, to throw it on the implement. They were both told in safety meetings to

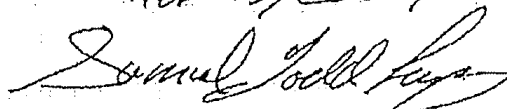


treat all wires as live wires. They
 proceeded to pick the pole up under the
 wires and lift it in the air and
 into the electric wires, resulting in
 Billie being shocked. ~~He~~ I then went
 to the job site, put Billie in the truck
 and proceeded to the closest hospital.
 Nashville was the ^(Vanderburg Hospital) closest burn center.
~~Some things~~ The helicopter shipped
 him to Nashville TN. from Salem
 hospital. On the way to the hospital he complained
 of his right arm hurting. He was moving
 all of his extremities without a problem.
~~My sister and I went to the hospital.~~
 I held his hand to the hospital and didn't
 leave him until the helicopter came to get
 him. I then went to the job site and
 took pictures. I checked on him by phone
 every hour to see if he was OK. I notified
 his sister, mother, and girlfriend.
 I called Billie's sister to check on him
 she told me ~~that~~ they operated on his arm
 to relieve pressure to keep circulation flowing.

(3)

His sister told me he had tendon damage in his (R) arm but he was not going to lose his hand. Then she told me her fiance wanted to speak with me on the phone. Mr. Brim, Billie's sister's fiance threatened me on the phone to come to Ky to, "Fuck everybody up." Then Mr. Brim started talking about pain and suffering and asked what the company was going to do. Then he said he was going to meet us in Arkansas where our equipment is because he was going to be driving through there and he told me he had something for us when we got there. Then I hung up the phone.

Feb. 13, 2009



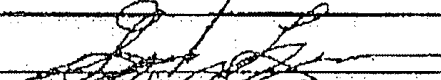
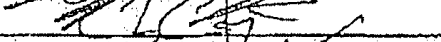
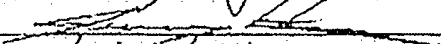
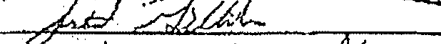
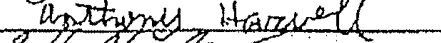
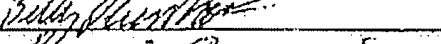
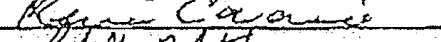
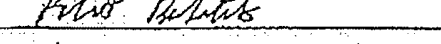
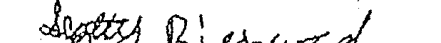
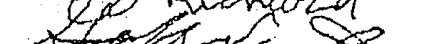
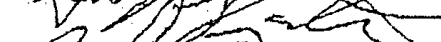





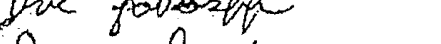
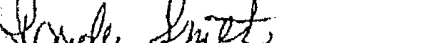
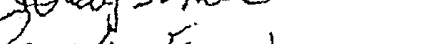
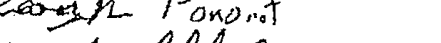
BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

SAFETY MEETING

TOPIC: Proper safe work procedures around downed lines

DATE: 02/08/2009

Discussed safe work practices when working around downed power lines. Do not touch anything until power company gives the ok. Do not damage wires. Be observant of wires to insure they do not become entangled in equipment. Open discussion of line safety.

PRINT NAME	SIGNATURE
James Todd Lopez	
James Cody Cooper	
Jeremy Hall	
Justin Gillikin	
Anthony Harvell	
Billy Hewitt	
Kevin Caranick	
Peter Dunbar	
Scotty Biewerd	
Geoffrey Kaulik	
Justin Peppone	
Jeremy Cox	
Andrew Hart	
Joe Pottorff	
Randy Smith	
Josh Fontnot	
Joseph Cleveland	
Shane Spence	
Buck Tuna	
Nathan Musgrave	

BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

SAFETY MEETING

TOPIC: Bobcat SafetyDATE: 2/9/09

Discussed dangers of working around moving machinery.
 To ensure the Operator always knows where you are.
 Never walk behind moving machinery. To be aware of
 surroundings and not let machinery catch wiring
 or fencing. Talked about safe work procedures when
 drilling holes.
 General discussion of safe work practices.

PRINT NAME	SIGNATURE
Billy Plunkett	Billy Plunkett
Geoffrey Kunklik	Geoffrey Kunklik
Jerrod Leger	Jerrod Leger
James Cody Cooper	James Cody Cooper
Anthony Harvell	Anthony Harvell
Jeremy Hall	Jeremy Hall
Joe Pottorff	Joe Pottorff
Scotty Conley	Scotty Conley
Kevin Cavalliere	Kevin Cavalliere
Scotty Richard	Scotty Richard
Robert Dastid	Robert Dastid
Jeremi Cox	Jeremi Cox
Justin Peppone	Justin Peppone
Andrew Hart	Andrew Hart
Randy Smith	Randy Smith
Josh Fonton	Josh Fonton
Joseph Cleveland	Joseph Cleveland
Shane Spence	Shane Spence
Nathan Musgrave	Nathan Musgrave

BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

SAFETY MEETING

TOPIC: Chainsaw Safety

DATE: 2/10/09

Discussed dangers of operating a chainsaw. Went over safe start procedures, not to walk with bar lock off and proper PPE's.
Open discussion on chainsaw safety.

PRINT NAME	SIGNATURE
Jeremy Cox	Jeremy Cox
Anthony Harvell	Anthony Harvell
James Rudy Casper	James Rudy Casper
James Legay	James Legay
Jeremy Hall	Jeremy Hall
William G. Hill	William G. Hill
Billy Plunkett	Billy Plunkett
Kevin Colucciak	Kevin Colucciak
Robert Deshotel	Robert Deshotel
Scotty Richard	Scotty Richard
Westley Knight	Westley Knight
Justin Lepitone	Justin Lepitone
Randy Smith	Randy Smith
Andrew Hart	Andrew Hart
Joe Pataashik	Joe Pataashik
Randy Smith	Randy Smith
Josh Fontana	Josh Fontana
Joseph Cleveland	Joseph Cleveland
Shane Spence	Shane Spence

BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

SAFETY MEETING

TOPIC: Slips, trips and falls.

DATE: 2/11/09

Discussed safety tips when working on or around wet areas, with limbs and trees on the ground. Also discussed proper footwear for different environments. Went over safe work practices concerning driving to and from each site. Inspecting equipment for loose or missing parts and caring for equipment and why it is important.
Open discussion.

PRINT NAME	SIGNATURE
Jeremy Cox	<i>Jeremy Cox</i>
Farrell [unclear]	<i>[unclear]</i>
Anthony Harvell	<i>Anthony Harvell</i>
Tamara Coyle Cooper	<i>[unclear]</i>
Jeremy Hall	<i>[unclear]</i>
Scotty Gilligan	<i>Scotty Gilligan</i>
Jilly Plunkett	<i>Jilly Plunkett</i>
Kevin Cavaliere	<i>Kevin Cavaliere</i>

Scotty Richard
 Robert Rashotels
 Greg Farcy Kumbik
 Justin Lepitone
 Rameley Smith
 Andrew Hort
 Joe Jattaroff
 Josh Fontant
 Joseph Cleveland
 Share Spencer
 Buck Turn

Scotty Richard
Robert Rashotels
[unclear]
Justin Lepitone
Rameley Smith
Andrew Hort
Joe Jattaroff
Josh Fontant
Joseph Cleveland
Share Spencer
Buck Turn

BUTLER & CO. STORM RECOVERY AND TREE SERVICE INC.

SAFETY MEETING

TOPIC: General Safety

DATE: 2/12/09

Talked about how to watch out for each other and how every man has "stop work authority". To be observant of their surroundings and to try to anticipate problems before they arise. Do not touch lines unless absolutely necessary and only if Electric Co. Rep. has verified that the line is powered down and grounded. Watch when buckets move to ensure nothing is hit.
General discussion.

PRINT NAME	SIGNATURE
Anthony Hurvell	Anthony Hurvell
James Cosby Cooper	[Signature]
Jeremy Hall	[Signature]
James Lynch	[Signature]
Justin Collier	[Signature]
Billy Hunkert	[Signature]
Kevin Cavalliere	[Signature]
Robert [unclear]	[Signature]
Scotty Richard	Scotty Richard
Gregory Konalk	[Signature]
Justin Peptore	[Signature]
[unclear]	[Signature]
Andrew Hart	[Signature]
Joe [unclear]	[Signature]
Randy Smith	Randy Smith
Josh Loft	Josh Loft
Joseph Cleveland	Joseph Cleveland
Shane Spence	Shane Spence



an eon company

Mr. John Shupp
Manager Electrical Branch
Division of Engineering
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

RECEIVED

FEB 19 2009

**PUBLIC SERVICE
COMMISSION**

Kentucky Utilities Company
Corporate Law
220 W. Main Street
Louisville, Kentucky 40202
www.eon-us.com

Jim Dimas
Senior Corporate Attorney
T 502-627-3712
F 502-627-3367
jim.dimas@eon-us.com

February 18, 2009

**Re: Billy Plunkett
Third Party Contractor Contact
KU Transmission Circuit 8901**

Dear Mr. Shupp:

I am forwarding the attached Investigation Report prepared by Troy Bess regarding the above-referenced incident. This report is being submitted as required by Section 26 of 807 KAR 5:006. Please return file stamped copy in enclosed self addressed envelope.

If you need additional information concerning this incident, please contact me at (502) 627-3712 so I can direct your request to the appropriate person.

Sincerely,

A handwritten signature in black ink that reads "Jim Dimas". The signature is written in a cursive style with a large, sweeping initial 'J'.

Jim Dimas

JD/blb

Enclosures

KPSC EXTERNAL / INVESTIGATION REPORT

Transmission Line Contact

Type of Report

09-E-017-KU

Report Number

Troy Bess

Investigator

February 13, 2009

Date of Incident

Utility: **Kentucky Utilities Company ("KU")**

Reference: **Billy Plunkett
Third party Contractor Contact
KU Transmission Circuit 8901**

Location: **Between KU Transmission Structure #466 and #465
On the Eastside of Knight Road
Eddyville, Kentucky**

Case Summary

On February 13, 2009 at 10:55 a.m. EST, the KU Dix Dispatch and Transmission System Operation Center received a relay on A-phase of the 161Kv circuit #8901 / Earlington North to Livingston County. Preliminary information indicated that a third party contractor working for Kenergy Corporation, a member of the Touchstone Energy Cooperative, had received a shock and burn due to a contact with the transmission line.

Ken Sheridan, Manager Safety and Technical Training - Energy Delivery, was in contact with the Kentucky Public Service Commission concerning the incident. This contact incident was determined to be a reportable to the Kentucky Public Service Commission.

Investigation

Investigation into the transmission line relay found that Billy Plunkett, an employee of Butler Tree Service / Storm Recovery, Inc., a third party contractor working storm restoration for Kenergy Corporation, had come into contact with the KU 161kV transmission line. As a result of the contact, Mr. Plunkett received

a shock and burns to his right hand and foot, and he was transported to a local hospital and then air-lifted to Vanderbilt University Hospital's Burn Unit for treatment.

Further investigation found that the Butler Tree Service and Storm Recovery Inc. crews were moving broken poles and setting new ones for an existing single phase tap line running along the eastside of Knight Road in Lyon County near Eddyville, Kentucky.

By the time I arrived at the incident site, all Butler Tree Service and Storm Recovery Inc. employees had left the site. I proceeded with my investigation and gathered information from Donnie Phillips, District Manager for Kenergy, who arrived on site shortly after the incident occurred.

According to Mr. Phillips, Mr. Plunkett was working with a crew moving and setting new poles. This crew was operating several small Bobcat skid steer excavators with front attachments being used to set the poles.

According to Mr. Phillips, Butler Tree Service and Storm Recovery Inc. employees stated to him that Mr. Plunkett was holding on to a log chain that had been used to tie and hold the pole in place in the front attachment of a Bobcat. The pole had already been framed with the line equipment and also had the copper pole ground already attached to the pole from top to bottom. As the Bobcat was in motion with the pole straight up in a vertical position, the pole made contact with one of the energized phases of the 161kV line.

It appears that when the top of the pole made contact with the 161kV phase, it went to ground through the pole ground and down to the Bobcat, also energizing the log chain that Mr. Plunkett was holding.

Mr. Plunkett received what appeared to be an entrance wound to the right hand and two exit wounds to the right foot. He was immediately taken to the local hospital from where he was later air lifted to Vanderbilt University Hospital.

Billy Plunkett – Injured
543 Cr. 675
Mountain Home, AR 72653
DOB Hire Date: 2/8/09

Butler Tree Service / Storm Recovery, Inc.
6833 Highway 167 – N
Ville Platte, LA 70586
P.O. Box 370
Turkey Creek, LA 70855
(337) 461-2488
1-877-526-7523

Kenergy Corporation, a member of the Touchstone Energy Cooperative
6402 Old Corydon Road
Henderson, KY 42420
(270) 826-3991

Kenergy Corporation – Marion, Kentucky, Area Branch Office
703 Main Street
Marion, Kentucky 42064

Donnie Phillips - District Manager, Kenergy
(270) 704-1304

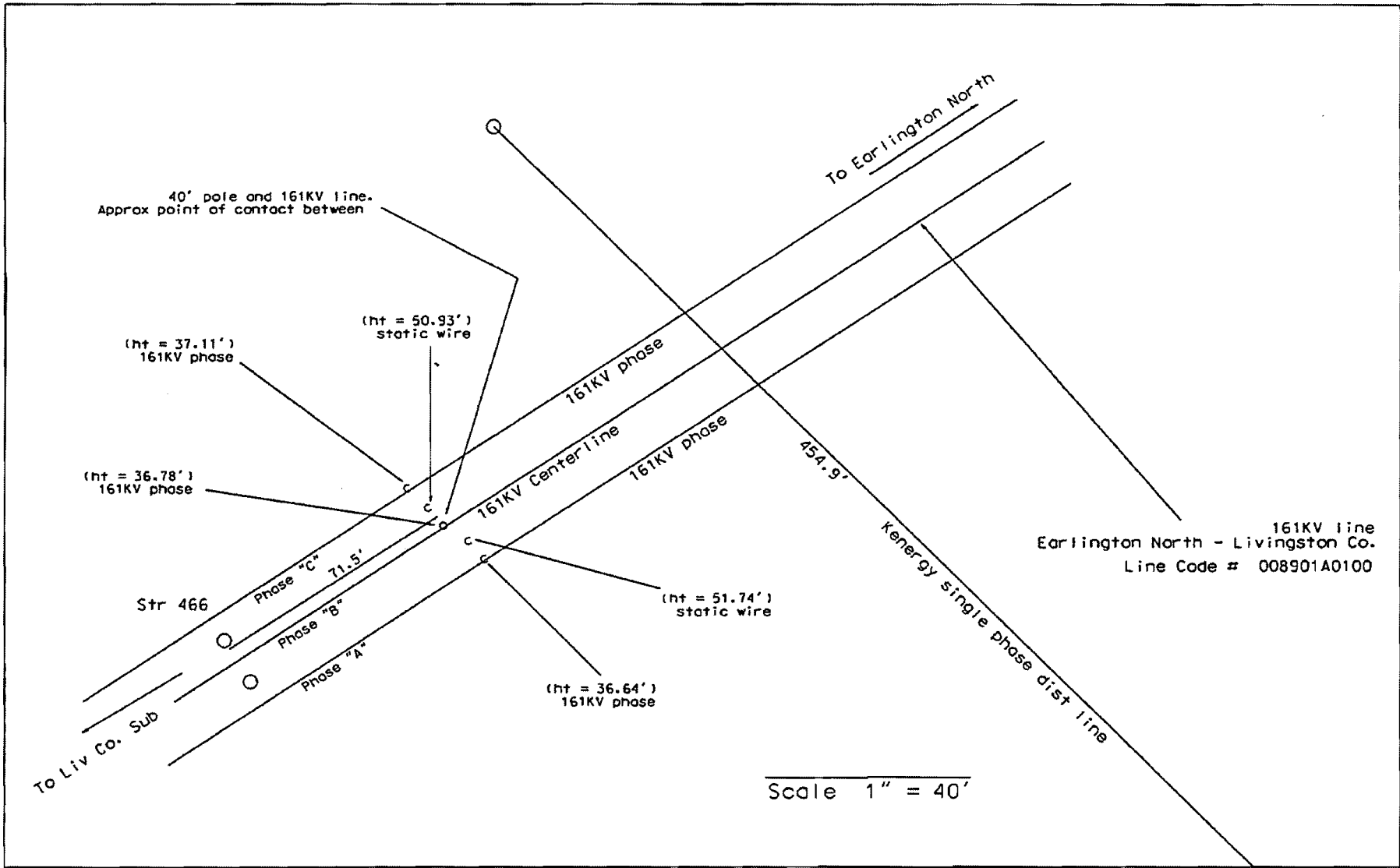
Measurements of Circuit East of Structure #466 on Eastside of Knight Road

South A-phase to earth – 36.64 ft
Middle B-phase to earth – 36.78 ft
North C-phase to earth – 37.11 ft
South static to earth – 51.74 ft
North static to earth – 50.93 ft

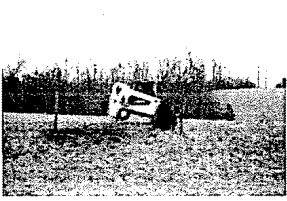
Attachments

- Print of transmission line at that location
- Utility photos of scene
- Record of prior KPSC inspections of the transmission line

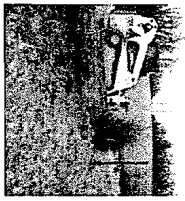
DATE OF REPORT: FEBRUARY 18, 2009
END OF REPORT



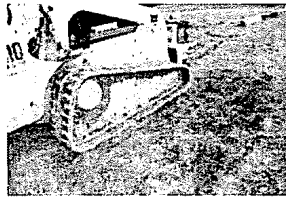
LINE CODE	LINE NAME	KV	METHOD	PATROL DATE	STR NUMBER	PROBLEM	DESCRIPTION DETAIL
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	3/30/2006	209	Woodpecker Holes -	numerous large holes in the CCA pole - check. run up and down the pole.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	5/23/2006	0	No Problems Observed	
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	8/31/2006	187	Crossarm Rotted -	beginning to rot and has a small crack - check.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	12/11/2006	441	Down Guy -	1 broken guy - 3 pole running corner
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	3/21/2007	441	Down Guy -	3 pole running corner. 1 broken guy w/wood strain insul.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	3/21/2007	428	X-Brace Is Loose -	
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	6/5/2007	0	No Problems Observed	
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	8/28/2007	441	Down Guy -	3 pole running corner. 1 broken guy with wood strain insulator.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	11/13/2007	485	Erosion At Base of Pole/Tower -	west side river crossing tower. need to begin looking at containing future erosion of river bank.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	11/13/2007	441	Down Guy -	3 pole running corner, broken guy w/ws insulator
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	4/1/2008	269	Down Guy -	broken gut, tree on guy
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	4/1/2008	485	Erosion At Base of Pole/Tower -	River crossing tower. the river bank is eroding and continuing to approach the tower. still 25' away but may need to evaluate in the field.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	6/13/2008	441	Down Guy -	3 pole running corner. one down guy with wood strain insulator has broken. not urgent. other guys are okay.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	6/13/2008	428	X-Brace Is Loose -	not critical, bolt has come out at bottom of one brace.
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	9/11/2008	0	No Problems Observed	
008901A0100	EARLINGTON N. - LIVINGSTON CO.	161	Aerial	1/29/2009	0	No Problems Observed	



813024-R1-006-1A_001.jpg



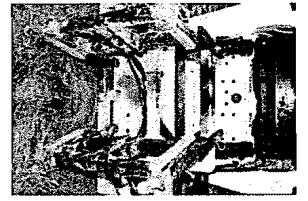
813024-R1-008-2A_002.jpg



813024-R1-010-3A_003.jpg



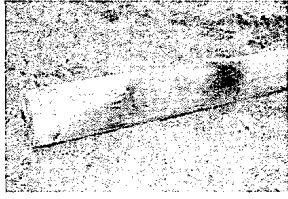
813024-R1-012-4A_004.jpg



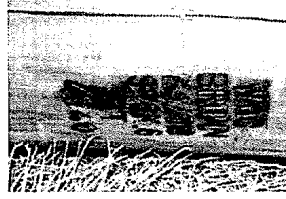
813024-R1-014-5A_005.jpg



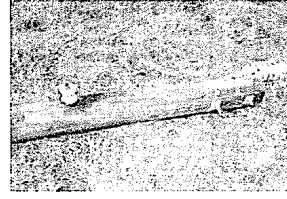
813024-R1-016-6A_006.jpg



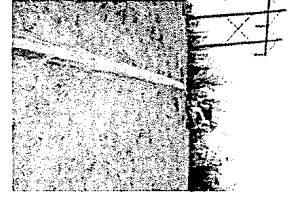
813024-R1-018-7A_007.jpg



813024-R1-020-8A_008.jpg



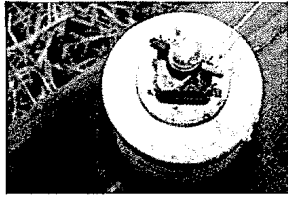
813024-R1-022-9A_009.jpg



813024-R1-024-10A_010.jpg



813024-R1-026-11A_011.jpg



813024-R1-028-12A_012.jpg



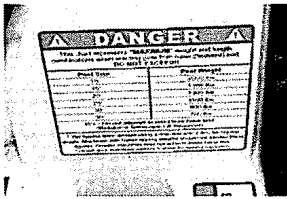
813024-R1-030-13A_013.jpg



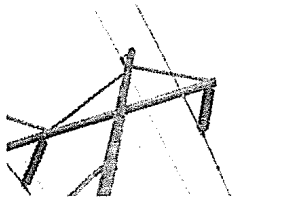
813024-R1-032-14A_014.jpg



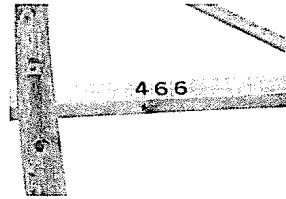
813024-R1-034-15A_015.jpg



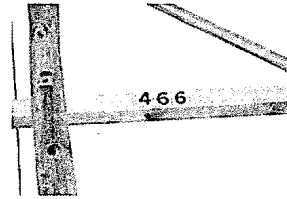
813024-R1-036-16A_016.jpg



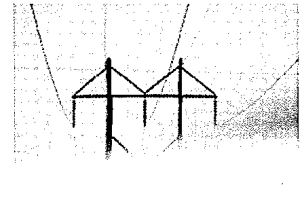
813024-R1-038-17A_017.jpg



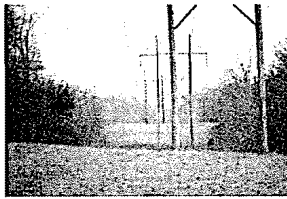
813024-R1-040-18A_018.jpg



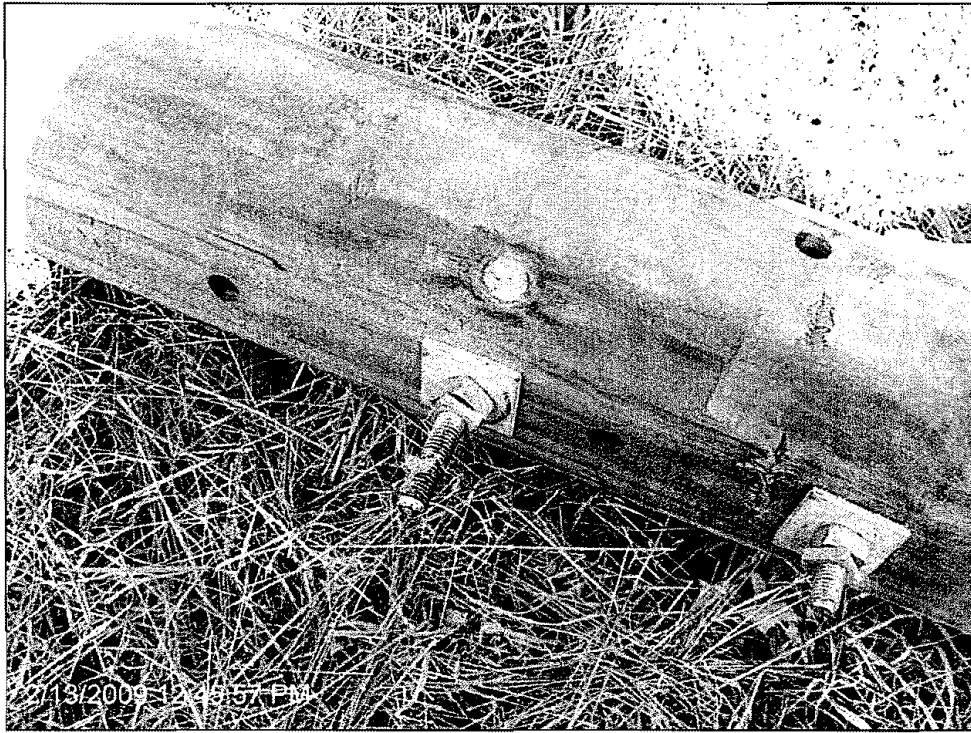
813024-R1-042-19A_019.jpg



813024-R1-044-20A_020.jpg



813024-R1-046-21A_021.jpg



#1



#2



#3



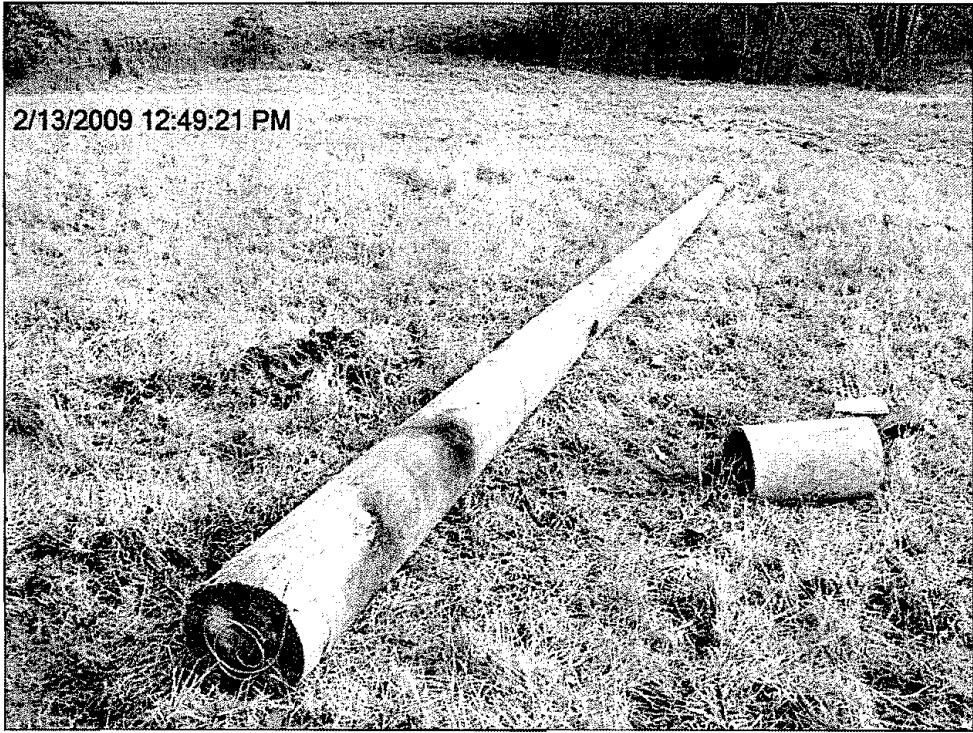
#4



#5



#6



#7



#8



#9



#10

2/13/2009 12:51:04 PM

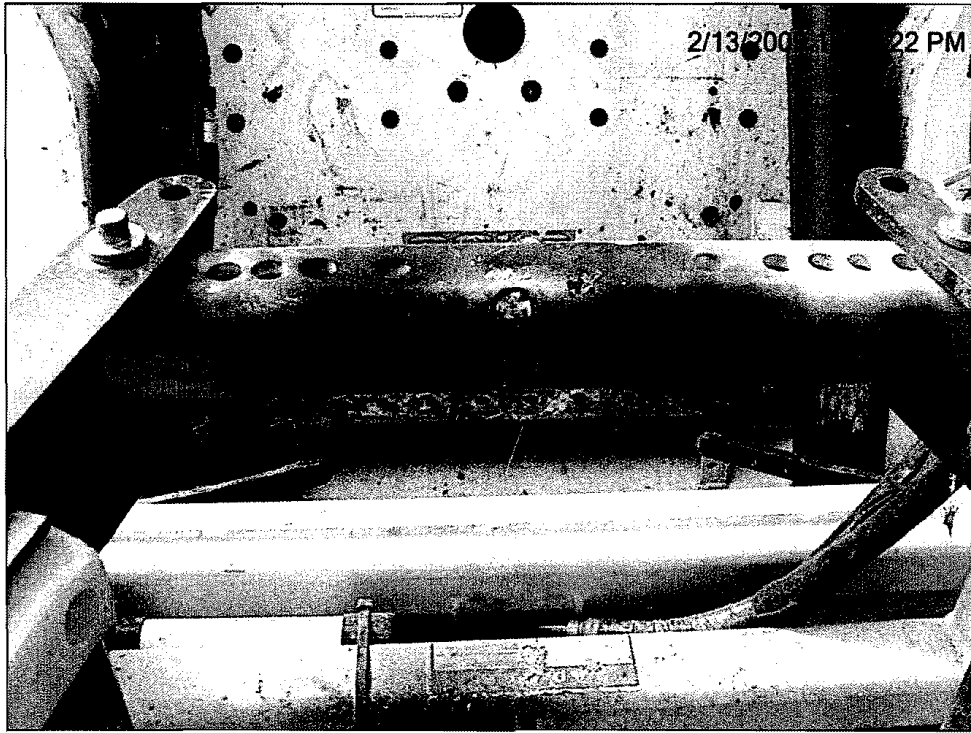


#11

2/13/2009 12:51:12 PM



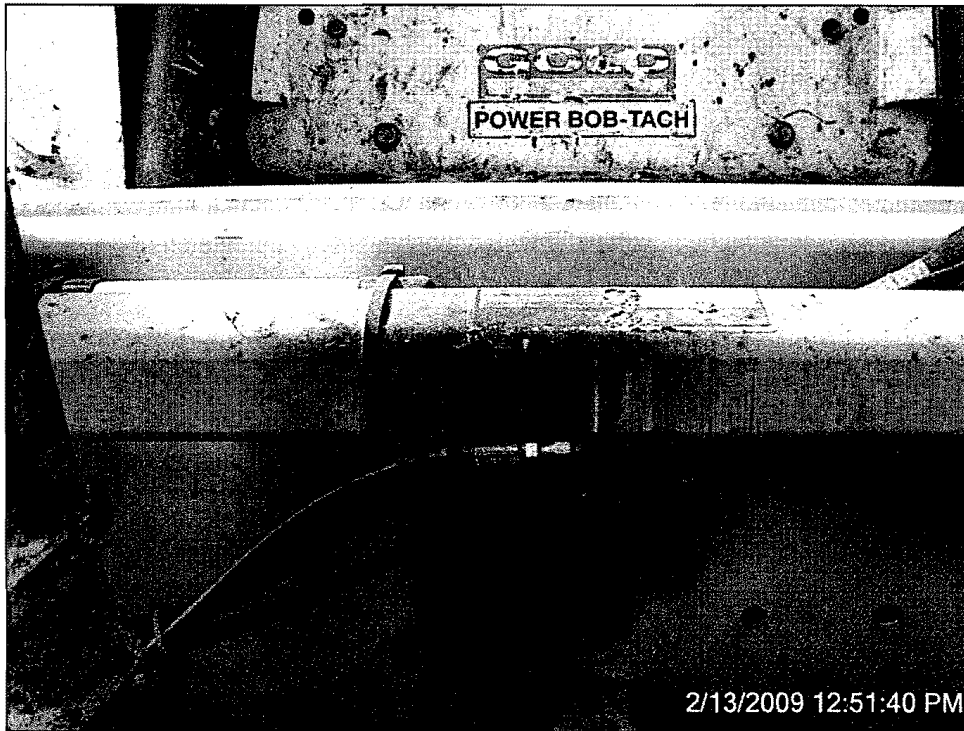
#12



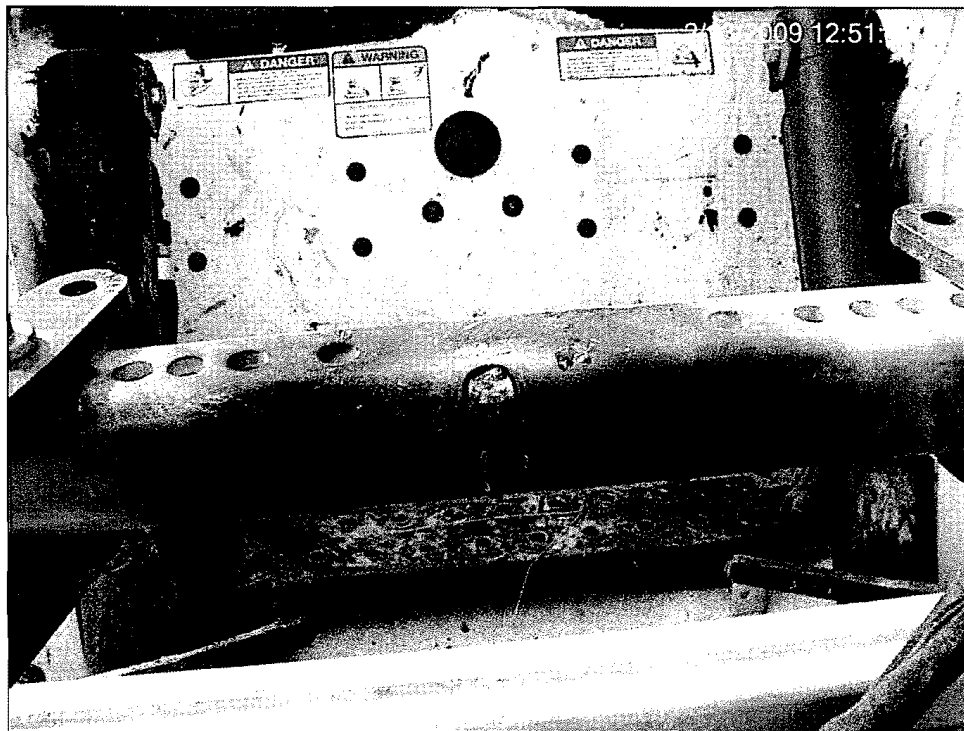
#13



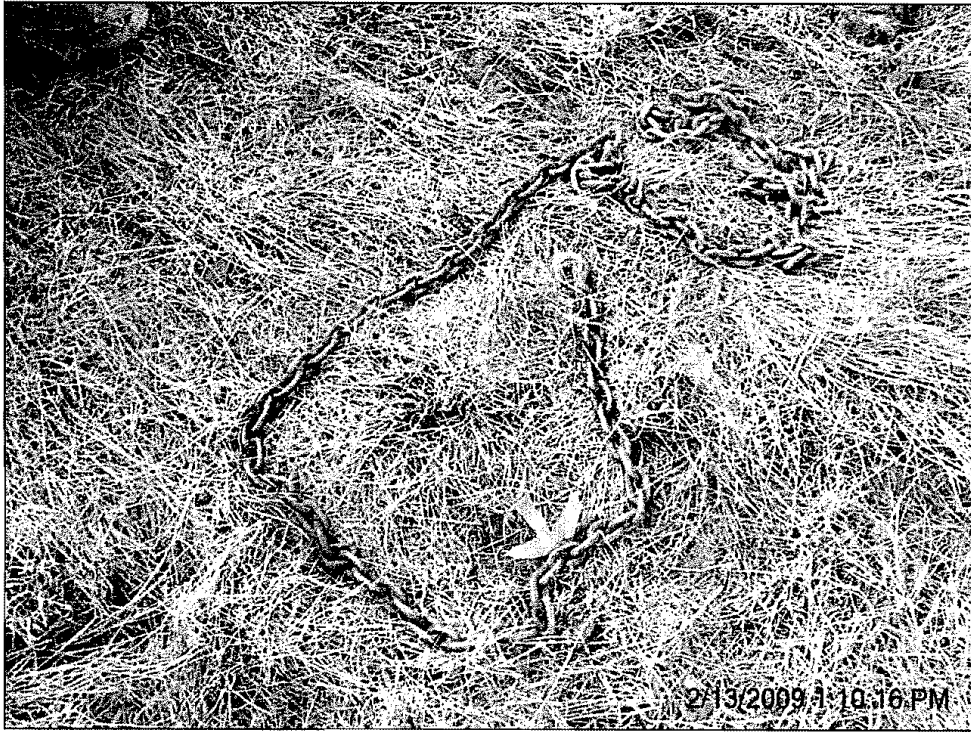
#14



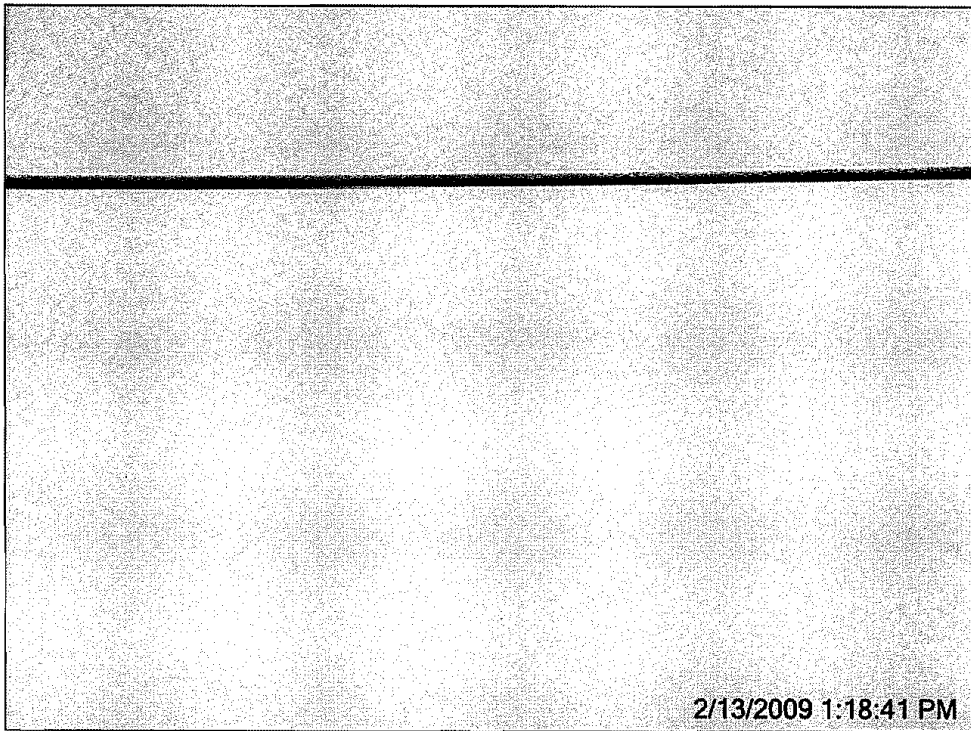
#15



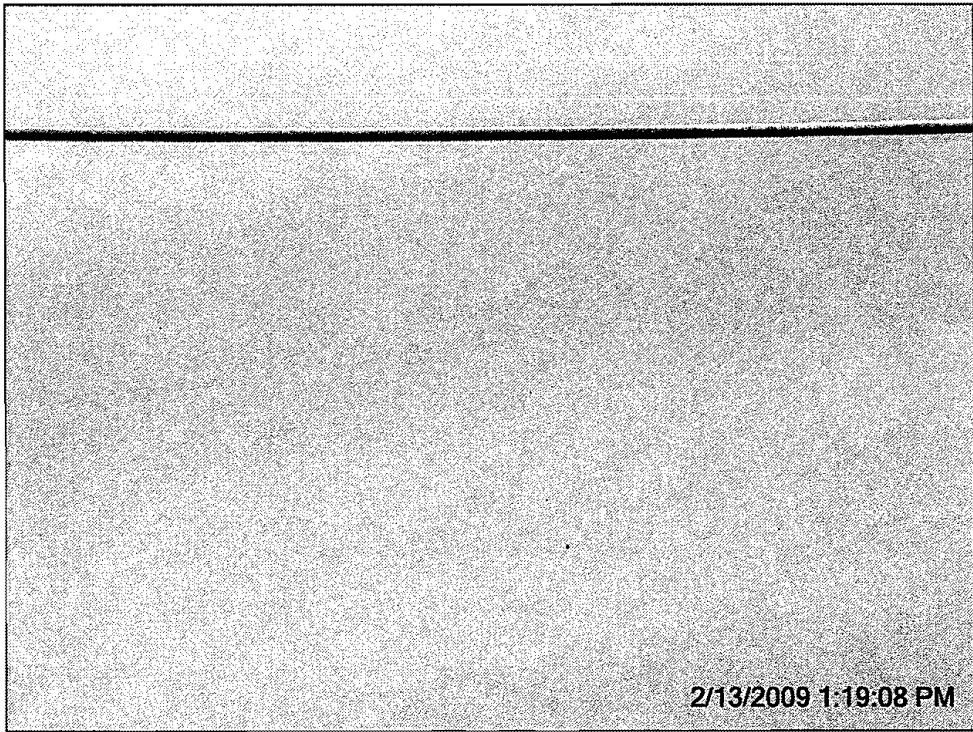
#16



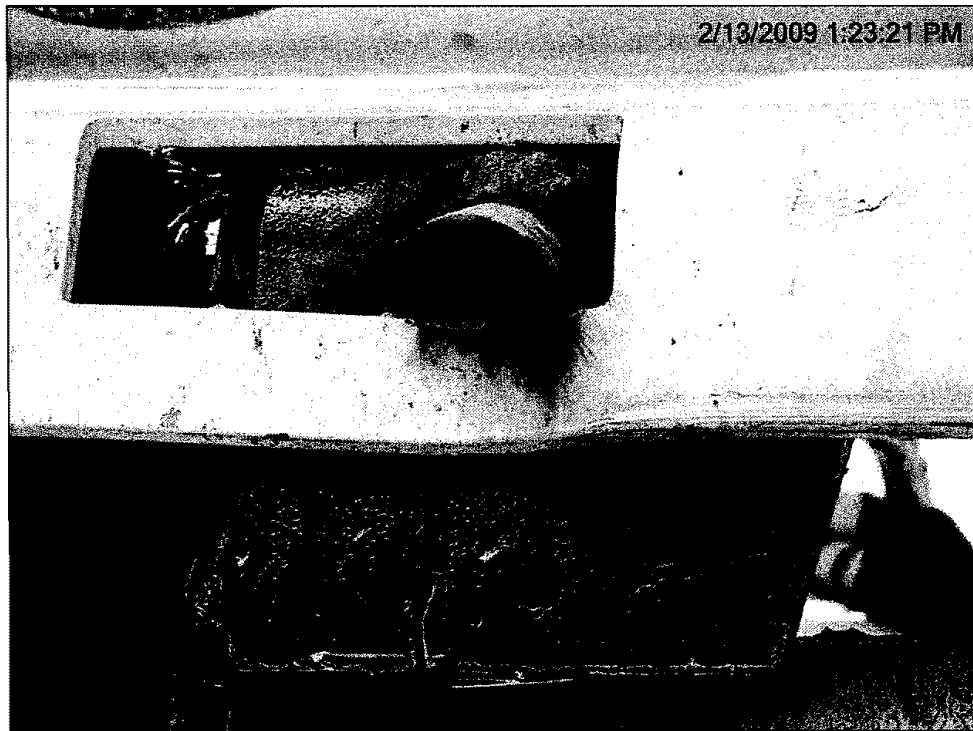
#17



#18



#19



#20

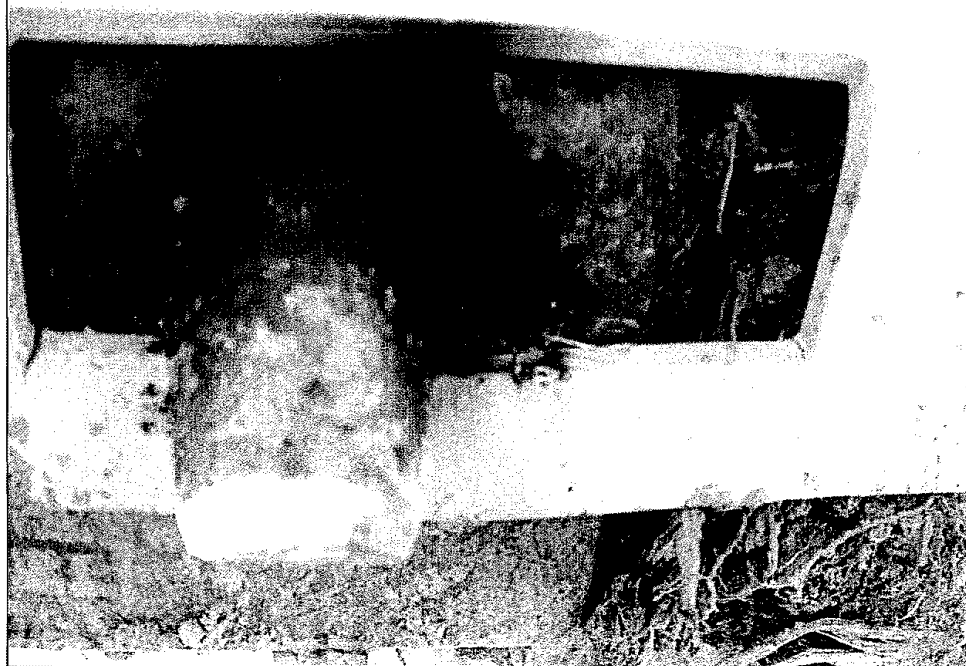


#21

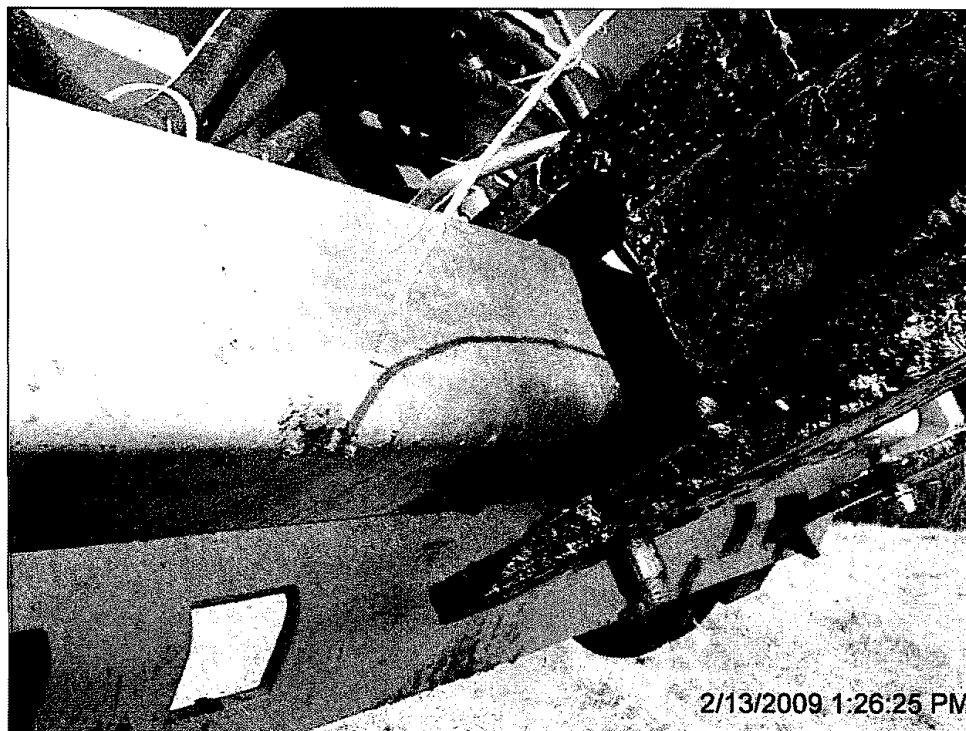


#22

2/13/2009 1:25:46 PM



#23



2/13/2009 1:26:25 PM

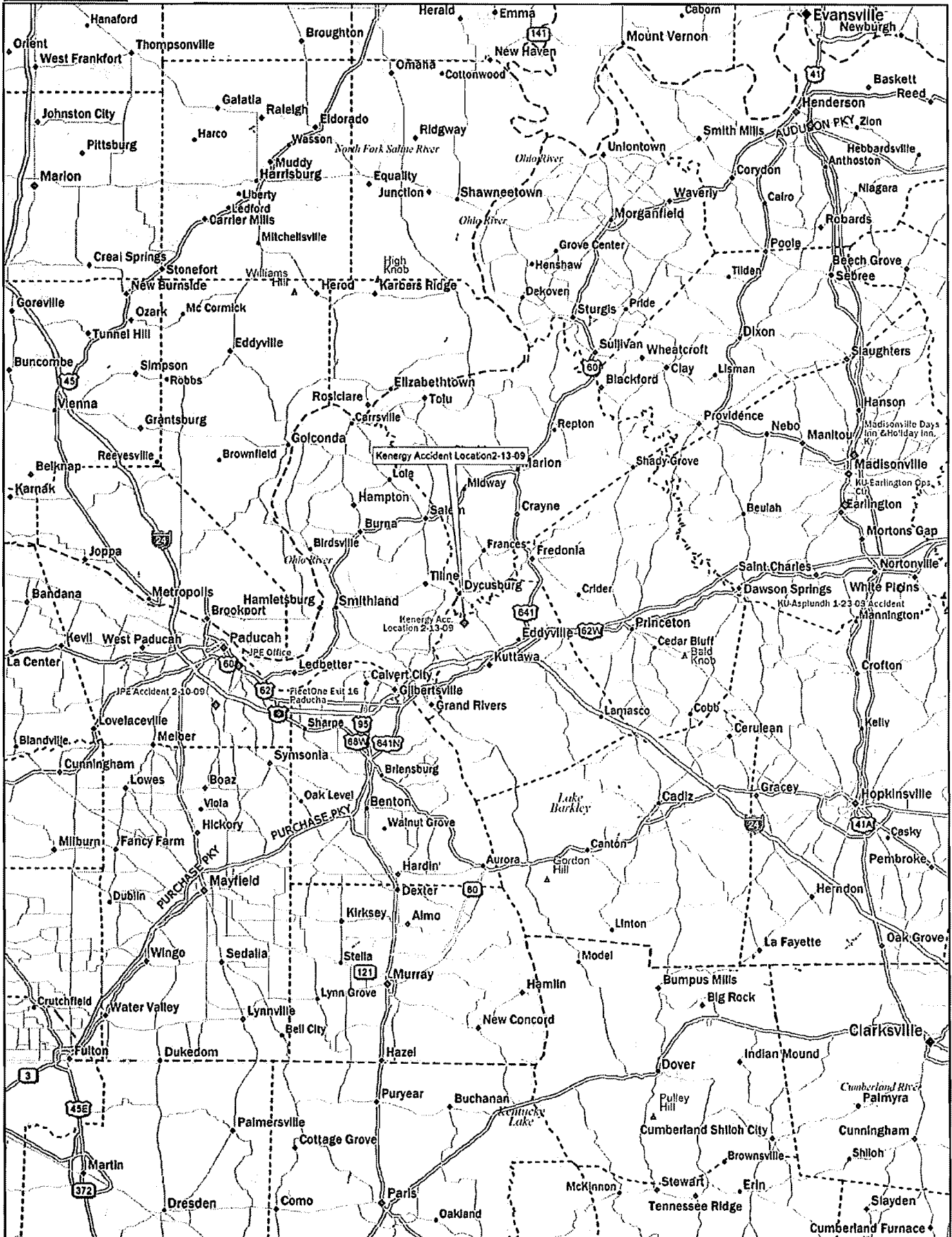
#24



#25



#26



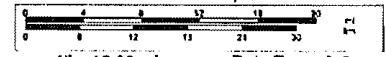
Data use subject to license.

© 2007 DeLorme. Street Atlas USA® 2008 Plus.

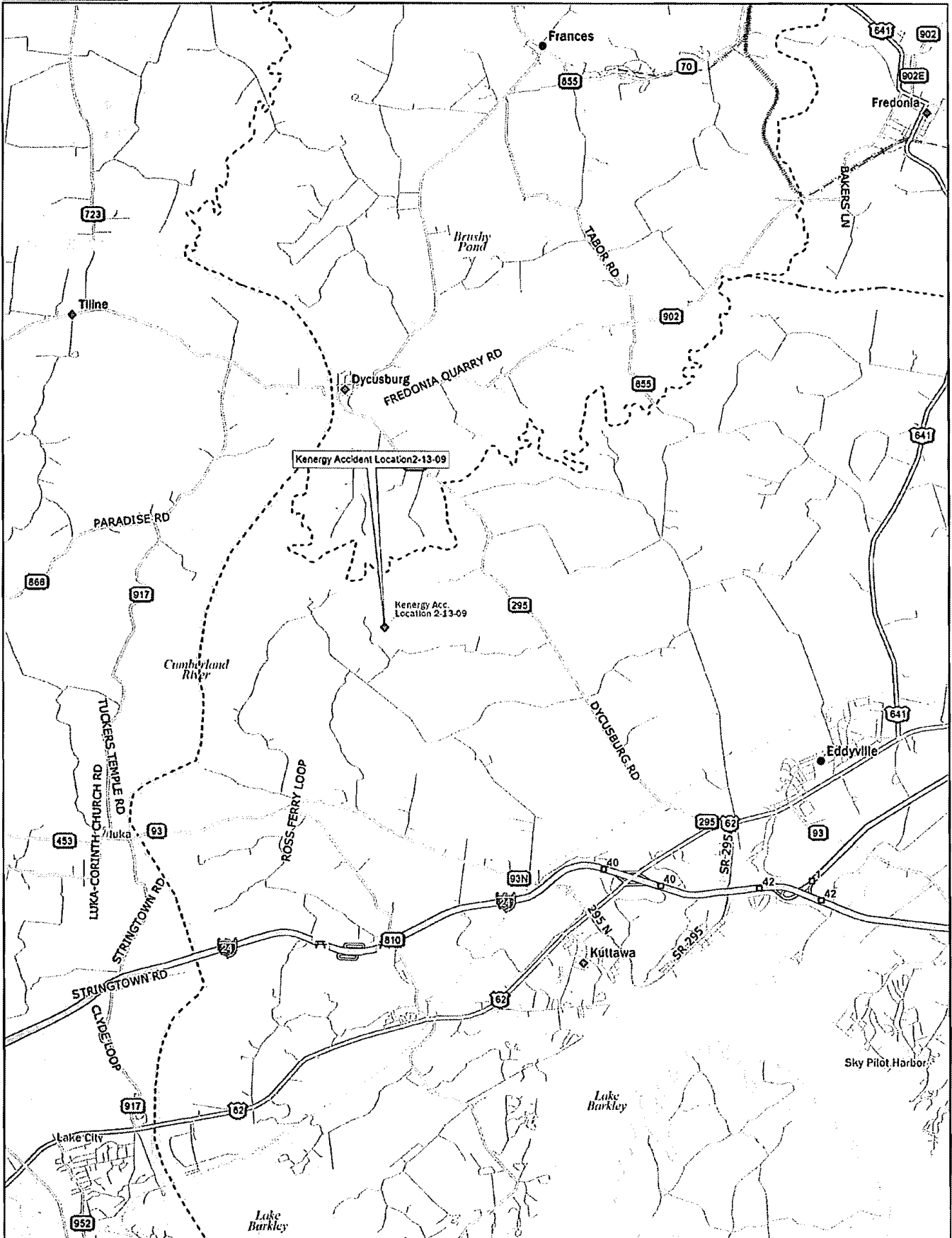
www.delorme.com



Scale 1 : 800,000



1" = 12.63 mi Data Zoom 8-0



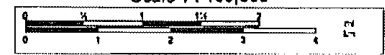
Data use subject to license.

© 2007 DeLorme. Street Atlas USA® 2008 Plus.

www.delorme.com



Scale 1 : 100,000



1" = 1.58 mi

Data Zoom 11-0