

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|--------------------------------|---|---------------------|
| LOUISVILLE GAS & ELECTRIC |) | |
| COMPANY |) | |
| _____ |) | CASE NO. 2011-00098 |
| |) | |
| ALLEGED FAILURE TO COMPLY WITH |) | |
| KRS 278.042 |) | |

ORDER

Louisville Gas & Electric (“LG&E”), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, 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 addition 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 the reasonable, safe, proper, or adequate practice or methods to be observed and to fix same by Order.

¹ KRS 278.010(3)(a)

Pursuant to KRS 278.280(2), which directs the Commission to prescribe rules and regulations for the performance of services by utilities, the Commission has promulgated 807 KAR 5:006, Section 24, which requires all utilities to adopt and execute a safety program.

In Public Service Com'n v. Jackson County Rural Elec. Co-op., Inc., 50 S.W.3d 764 (Ky. App. 2000), the Kentucky Court of Appeals ruled that the Commission may assess civil penalties against jurisdictional utility companies for violations of the NESC by contract employees.²

Commission Staff submitted to the Commission an Electric Utility Personal Injury Accident Report ("Report"), dated January 27, 2011, which is attached to this Order as an Appendix. The report alleges that, on August 10, 2010, at 6408 Six Mile Lane, Louisville, Kentucky, Michael Meany, an employee of Fishel Company ("Fishel"), sustained shock and burn injuries as a result of an accident while replacing a broken pole. Fishel was working as a contractor for LG&E at the time of the accident.

According to the Report, a public vehicle ran off the road and struck a utility pole in use by LG&E, causing it to break. Mr. Meany was working at the base of the new pole being installed, tamping dirt to secure the new pole in the ground. He was using a hydraulic tamp which was attached to the truck. The derrick truck securing the old broken pole made contact with an energized part causing the truck and the hydraulic tamp attached to become energized, causing the shock and burn accident. The report states that the insulated section of the derrick's boom was not being used at the time of this accident, which removed the insulation value in the derrick's boom. It appears that

² 50 S.W.3d 764, 770.

the first-level supervisor at this jobsite did not require the use of the insulated section of the derrick's boom which is a protective device provided for this work. Mr. Meany received burns to his legs, groin and chest areas.

The victim was transported to University Hospital in Louisville, Kentucky, and was in serious condition.

Based on Commission Staff's investigation of the accident and the information provided by LG&E in its seven-day summary report (Attachment A to the Report), Commission Staff alleges that LG&E has violated the following provisions of the NESC:

1. 2007 NESC Section 42, Rule 420.H—Personal General Precautions—Tools and Protective Equipment—Employees shall use the personal protective equipment, the protective devices, and the special tools provided for their work. Before starting work, these devices and tools shall be carefully inspected to make sure that they are in good condition.
2. 2007 NESC Section 42, Rule 421.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 safety rules and operating procedures are observed by the employee under the direction of this individual.

Based on its review of the Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that LG&E 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 LG&E's practices related to the construction, installation and repair of electric facilities.

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 Report.

2. LG&E shall appear on August 30, 2011, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 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 showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

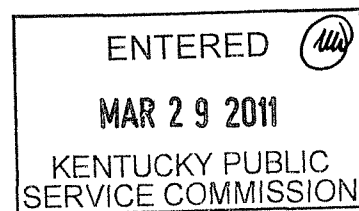
3. At the scheduled hearing in this matter, LG&E shall also present evidence on the adequacy, safety, and reasonableness of its practices related to the construction, installation and repair of electric facilities and whether such practices require revision as related to this incident.

4. The August 30, 2011 hearing shall be recorded by videotape only.

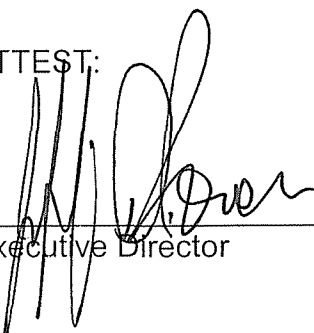
5. The Report attached as an Appendix to this Order is made a part of the record in this case.

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



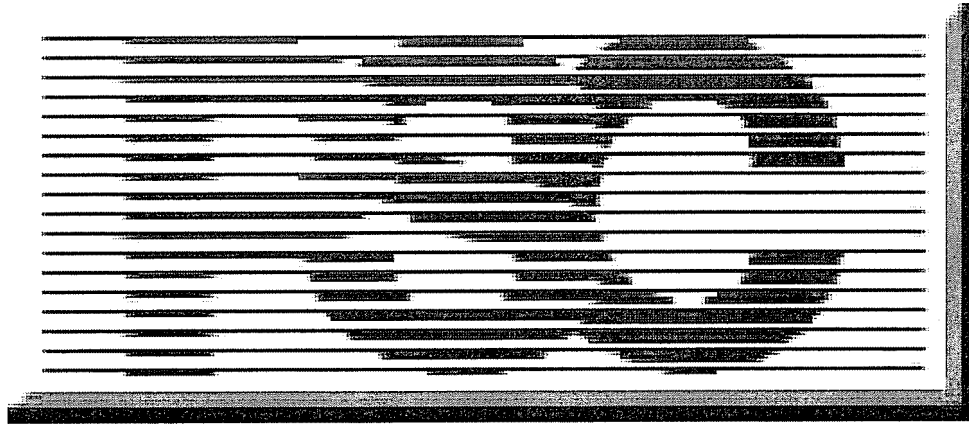
ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2011-00098 DATED **MAR 29 2011**



ACCIDENT INVESTIGATION ~ Staff Report

Report Date ~ September 9, 2010

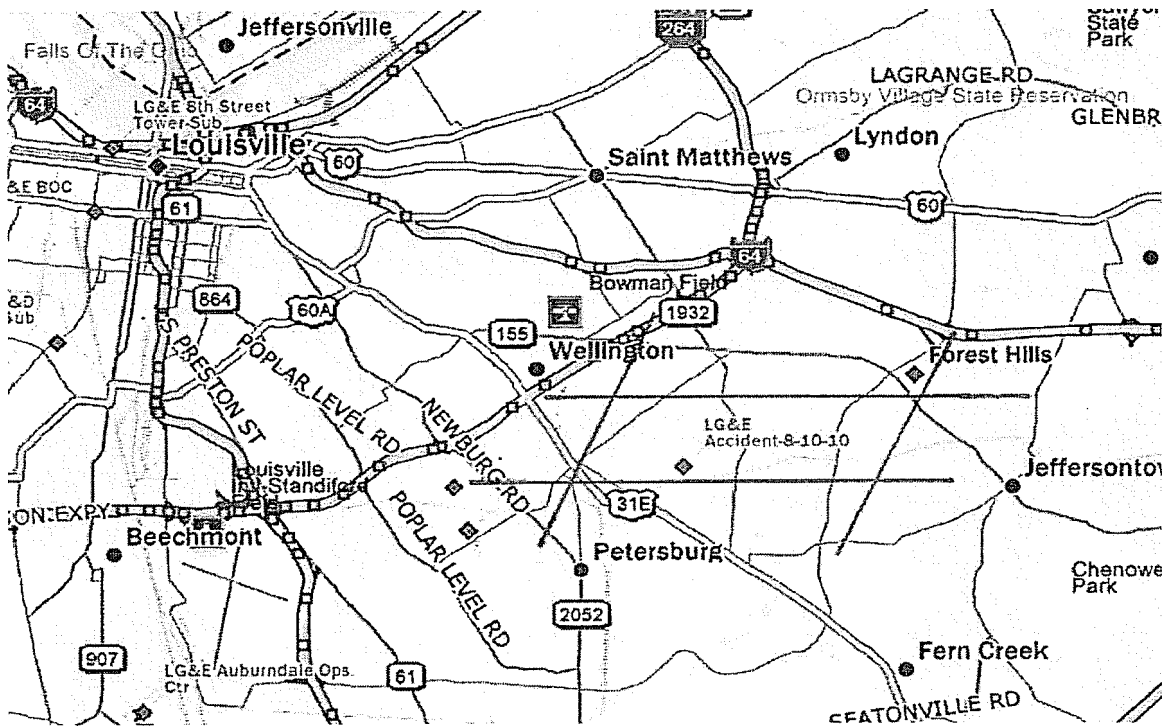
Accident Date ~ August 10, 2010

Serving Utility ~ Louisville Gas and Electric

Incident Location ~ Louisville, Kentucky

Victim ~ Mr. Michael Brandon Meany

PSC Investigator ~ Steve Kingsolver





Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Utility:

Louisville Gas and Electric (LG&E)

Reported By:

Ken Sheridan, LG&E Safety Department

Incident Occurred:

10:38AM, August 10, 2010

Utility Notified:

10:40AM, August 10, 2010

PSC Notified:

11:25AM, August 10, 2010

PSC Investigated:

9:30AM, August 11, 2010

By:

Steve Kingsolver, KPSC

Report Received:

August 17, 2010

Incident Location:

6408 Six Mile Lane
Louisville, Kentucky

Incident Description:

A public vehicle ran off the road across from 6408 Six Mile Lane in Jefferson County, Kentucky, striking and breaking a utility pole in use by LG&E. During the process of replacing the broken pole, an employee, Michael Meany, with Fishel Company, was injured in a shock and burn accident. Fishel Company was working as a contractor for LG&E at the time of the accident. Mr. Meany was working at the base of the new pole tamping dirt to secure the new pole in the ground when the derrick truck securing the old broken pole became energized and in turn energized the hydraulic tamp being used by Mr. Meany. During the investigation, it was discovered that the insulated section of the derrick's boom was not being used at the time of this accident which removed the insulation value in the derrick's boom. This allowed the vehicle to become energized through the continuous metal parts of the boom from the upper head of the derrick truck's boom which made contact with an inadvertently energized part. It appears that the first-level supervisor at this jobsite did not require the use of the insulated section of the derrick truck's boom which is a protective device provided for this work. Mr. Meany received burns to his legs, groin and chest areas. He was taken to the burn unit at University Hospital in Louisville, Kentucky. He was in serious condition at last report.

| | | | |
|----------------|---------------------------|---|--------------------|
| Victim: | Name: | Address: | Employer: |
| | Michael Brandon Meany | 2004 Lowell Ave. Louisville, Ky. 40205 | The Fishel Company |
| | Date of Birth: [REDACTED] | | |
| | Date of Hire: 4-20-2010 | | |
| | Fatality: No | | |

| | | | | |
|-------------------------|-----------------|-------------------|------------------|--------------------------|
| Persons on Site: | Name: | Hire Date: | Position: | Employer: |
| | Kenny Smith | 7-6-2010 | Foreman | Fishel Company |
| | Justin Eskridge | 4-14-2010 | Apprentice 4 | Fishel Company |
| | Todd Elbert | 4-20-2010 | Apprentice 2 | Fishel Company |
| | Korbin Bunnell | 9-30-2002 | Journeyman | Fishel Company |
| | Mile Ernst | | Traffic Control | Off Duty Police Services |
| | Robert Brown | | Traffic Control | Off Duty Police Services |

| | | | |
|--------------------------|---------------|-------------------|------------------|
| Information From: | Name: | Position: | Employer: |
| | Ken Sheridan | Safety Department | EON |
| | Keith McBride | Safety Department | EON |
| | Mike Woods | Safety Department | EON |

Notes:

There were no witnesses to this accident.

Probable Violations:

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

National Electric Safety Code:

Section 42

General Rules for Employees

420. Personal General Precautions

H. Tools and Protective Equipment

Employees shall use the personal protective equipment, the protective devices, and the special tools provided for their work. Before starting work, these devices and tools shall be carefully inspected to make sure that they are in good condition.

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.

Temp & Weather: 88-90° Sunny and Clear

Investigated By: _____ **Name:** Steve Kingsolver **Company:** KPSC
Utility Regulatory and Safety Investigator IV

Signed: *Steve Kingsolver*

Date: 1-27-11

Reviewed By: _____ **Name:** John Shupp **Company:** KPSC
Manager, Electric Branch

Signed: *John V. Shupp*

Date: 1/27/11

Approved By: _____ **Name:** Reggie Chaney **Company:** KPSC
Director of Engineering

Signed: *Reginald Chaney*

Date: 1/27/11

- Attachments:**
- A. Utility Accident Report
 - B. Utility Supplemental Accident Report
 - C. KPSC Photographs of Accident Site
 - D. KPSC Map of Accident Location

Attachment A

Utility Accident Report



an *e-on* company

Mr. John Shupp *J.D. 8/16*
Manager Electrical Branch
Division of Engineering
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

RECEIVED

AUG 17 2010

PUBLIC SERVICE
COMMISSION

Louisville Gas and Electric
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

August 16, 2010

**Re: LG&E Contractor Employee
Received Shock and Burns
10-ED-E-015**

Dear Mr. Shupp:

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

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,

Jim Dimas/mc

Jim Dimas

JD/kmw

Enclosures

INVESTIGATION REPORT

Electrical Contact / Injury

Type of Report

10-ED-E-015

Report Number

W. Keith McBride

Investigator

August 10, 2010

Date of Incident

Reference: **LG&E Contractor Employee
Received Shock and Burns**

Location: **6408 Six Mile Lane
Louisville, Kentucky 40218**

Case Summary

At 10:38 AM on August 10, 2010, LG&E's Distribution Control Center (DCC) received notice of a circuit lock-out. The circuit, Nachand - (NA) 1264, was under caution at the time of the lock-out while work was being done to replace a broken pole on the circuit. Several attempts were made to contact the Team Fishel crew on site over the radio, and shortly thereafter DCC received a call from a Supervisor for The Fishel Company (Fishel) reporting a man down.

Initial reports were that the Fishel employee had received a shock and burn and that CPR was in progress.

Due to the nature of the incident and the severity of the injuries, Ken Sheridan, Manager Safety and Technical Training, notified the Kentucky Public Service Commission of the incident.

Initial Response

DCC notified of lock-out – 10:38 AM

DCC notified of man down – approx / 10:40 AM

FD dispatched at – 10:42 AM

FD on scene at – 10:44 AM

EMS transported

Investigation

On August 10, 2010, at approximately 4:00 AM, a vehicle struck and broke a pole located in front of 6408 Six Mile lane. An LG&E Trouble Technician was dispatched to the scene. Once on scene the Trouble Technician requested a crew.

A crew from The Fishel Company, contractor for LG&E, responded to the scene of the broken distribution pole at this address. After setting a new pole, the Fishel crew was undertaking work to transfer the electric facilities to the new pole. Fishel employee, Mike Meany, Apprentice 2, was on the ground using a hydraulic tamper at the base of the new pole when he was injured. That tamp was connected to a truck which had an extended boom supporting the broken pole (which still contained the electric facilities).

While Mr. Meany was tamping around the base of the pole, Justin Eskridge, Apprentice-4 for Fishel, was placing rubber hoses on the conductors on the east side of the pole. When Mr. Eskridge slid the hose on B-phase up to the poly insulator, the line fired up. Investigation found that a broken tie wire appeared to have come into contact with the metal insulator pin.

Further investigation found that the tip-end of the derrick digger, particularly at a metal hydraulic line, was in contact with the metal insulator pin. When the metal insulator pin became energized, it apparently energized the truck.

It was found that the tamper that Mr. Meany was operating was connected to the truck by a metal braided hydraulic hose.

Mr. Meany was wearing all required PPE and FR clothing at the time of the incident. Mr. Meany has significant burns on his legs, groin and chest areas and is in the burn unit at University Hospital in serious condition.

Interviews

During the investigation I interviewed all co-workers that were on the job site at the time of the incident. None of the co-workers witnessed the actual incident.

Kenny Smith, Foreman for Fishel, stated that he was sitting in the small bucket truck doing paperwork when he heard the arc. Mr. Smith stated that when he got out of the truck he saw Mr. Meany lying on the ground. Mr. Smith and Todd Elbert, Apprentice-2 for Fishel, picked Mr. Meany up and moved him away from the pole and laid him on his back. Mr. Smith stated that he, the Fishel co-workers on site and two off duty police officers that had been directing traffic started CPR. At one point during these activities, Mr. Smith stated that he took the truck

grounds off of the ground rod near the pole. Asked why, Mr. Smith stated that he knew that the circuit was locked-out and he wanted to get the grounds out of the way of everyone.

Todd Elbert, Apprentice -2 for Fishel, stated that he had been assisting Mr. Meany in backfilling the pole hole with dirt while Mr. Meany tamped the hole using a hydraulic tamp. Mr. Elbert stated that he was approximately three feet away from Mr. Meany and that he had just turned and looked away when he heard the arc and saw part of the flash. Mr. Elbert turned back around and saw Mr. Meany lying face down near the pole. Mr. Elbert further stated that he assisted in CPR with Mr. Smith. Mr. Elbert was the operator of the derrick digger holding the broken pole.

Justin Eskridge, Apprentice-4 for Fishel, stated that he was up in the bucket and was installing rubber hoses on the lines on the east side of the pole and cross arms. Mr. Eskridge stated that he installed the rubber hose on B-phase and slid the hose up to and against the poly insulator. Mr. Eskridge stated that when the rubber hose got to the insulator, the line fired up. Mr. Eskridge stated that he turned away and pulled the hose back from the insulator. Mr. Eskridge stated that seconds later he heard the co-workers yelling that a man was down. Mr. Eskridge stated that he boomed down and assisted the other workers with CPR.

Korbin Bunnell, Journeyman Line Technician for Fishel, stated that he had been down the street and had just arrived back to the job site and was getting out of the truck when he was told by Mr. Bunnell (who was still up in the bucket) that a man was down. Mr. Bunnell stated that he called 911. According to Mr. Bunnell, he stayed on the phone with the 911 operator until the Buechel Fire and Rescue arrived on scene.

Officer Mike Ernst, Louisville Metro Police Department, working for Off Duty Police Services (ODPS), was on the job site directing traffic at the west side of the job site. Officer Ernst stated that he was setting in his cruiser and saw the arc flash in his mirror. Officer Ernst stated that when he ran to the scene he saw one of the Fishel workers lying on the ground. Officer Ernst stated that he used his LMPD radio to notify Metro Dispatch of the incident. Officer Ernst stated that he also assisted with CPR.

Officer Robert Brown, Louisville Metro Corrections, also working for ODPS was stationed at the eastern end of the job site directing traffic. Officer Brown stated that he also saw the arc flash and responded to the scene. Officer Brown assisted with CPR.

Measurements

A-phase to earth (broken pole) – 27 feet / 7 inches
B-phase to earth (broken pole) – 27 feet / 6 inches
C-phase to earth (broken pole) – 27 feet / 6 inches
Secondary lay wire / neutral to earth – 22 feet / 5 inches

Measurements taken by:

Mike Woods – E.ON U.S. Safety and Technical training
Keith McBride – E.ON U.S. Fire and Security Investigator

Circuit Substation Information

Circuit was on non-reclosing (Caution on circuit).
Breaker rating is 1200 amps with a relay setting of 720 amps

Derrick Digger information

Truck year – 2006
Truck make – International
Truck model – DM47TR
Date of last dielectric testing – 04/16/2010

Witnesses/Interested Parties

Michael Brendon Meany – Apprentice 2, The Fishel Company / injured worker
2004 Lowell Avenue
Louisville, KY, 40205
Date of Birth: [REDACTED]
Hire date – 04/20/2010

Kenny Smith – Foreman, Fishel / on site – not a witness
Hire date – 07/06/2010

Justin Eskridge – Apprentice 4, Fishel / on site not a witness
Hire date – 04-14-2003

Todd Elbert – Apprentice 2, Fishel / on site not a witness
Hire date – 04-20-2010

Korbin Bunnell – Journeyman Line technician, Fishel / had just arrived on site /
not a witness
Hire date – 09-30-2002

Officer Mike Ernst – employee of Off Duty Police Services / not a witness

Officer Robert Brown – employee of Off Duty Police Services / not a witness

THE FISHEL COMPANY

4508 Bishop Lane
Louisville, KY 40218
Office: (502) 456-2900

Enclosures

Print of system at incident area ✓

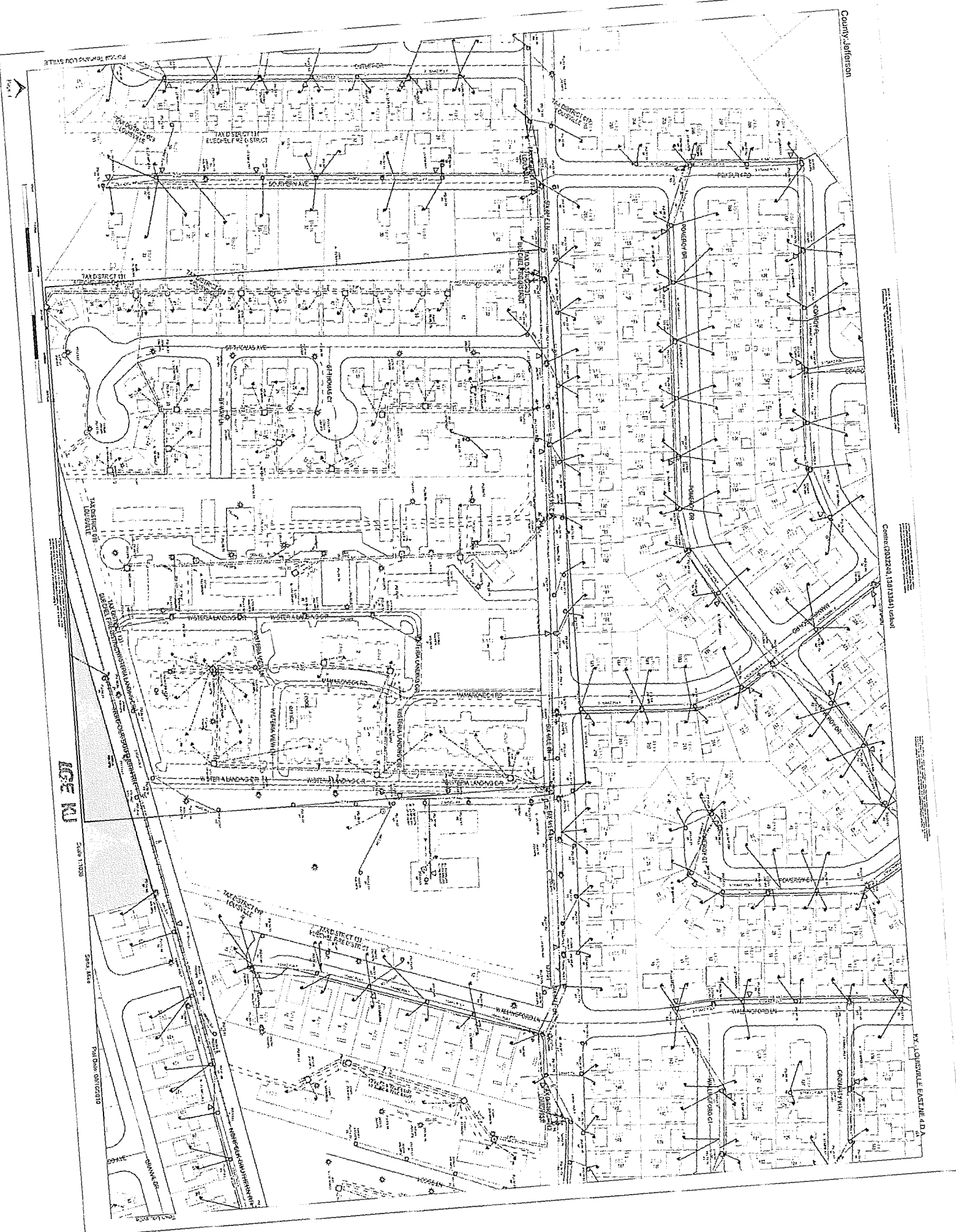
Rating of breaker at sub-station ✓

Copy of OMS records ✓

Louisville Metro Police Department Report (to be supplemented to this report upon receipt from LMPD)

DATE OF REPORT: August 16, 2010

END OF REPORT



ICE RU

Scale 1:7500

Scale Area

Post Office Building

City Hall

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| Premise ID | Transformer | Device Code | Inc # | Begin Time | Est Restored Time | Restored Time | Duration | Cust Out | DTS # |
|----------------|-----------------|--------------------------------|-------------------|-----------------------|--------------------------|----------------------|---------------------------|-----------------------------------|-------|
| | | cutout107040347 (OP# - 102462) | 1197447 | 8/10/2010 5:10:08 AM | 8/10/2010 7:00:00 PM | 8/10/2010 6:32:19 PM | 802:18 | 93 | |
| <u>Company</u> | <u>OpCenter</u> | <u>Local Area</u> | <u>Substation</u> | <u>Circuit</u> | <u>Outage Location</u> | <u>Job Code</u> | <u>Trouble Code</u> | <u>Excluded from SAIDI/SAIFI?</u> | |
| LOG# | EOC | EOC CENTRAL | NACHAND | NA1264 | 6408 SIX MILE LN APT 106 | -- | 911-L1-FD-PLD-POI-VEH,OUT | N | |
| <u>System</u> | <u>Type</u> | <u>Action</u> | <u>Cause</u> | <u>Failure Device</u> | <u>Interrupt Device</u> | <u>Weather</u> | <u>Previous Event</u> | <u>Subsequent Event</u> | |
| Underground | Primary | Completed | Vehicle | Pole | Line Fuse | Extreme Temperature | | | |

Customer Case Notes

ETNA 05:22....Broken 45' pole with double lateral.

Dispatcher Info Notes

Broken 45' pole with double lateral.Laterals where closed @ 18:32

| Step Number | Time of Operation | Time Reported | Crew ID | Crew Contact | Mobile Number | Description of Event Action |
|-------------|----------------------|----------------------|---------|----------------------|---------------|---|
| 1 | 8/10/2010 5:12:34 AM | 8/10/2010 5:12:34 AM | | | | Event given Probable Service Outage status |
| 2 | 8/10/2010 5:17:13 AM | 8/10/2010 5:17:13 AM | | | | Event given Probable Device Outage status |
| 3 | 8/10/2010 5:23:40 AM | 8/10/2010 5:23:40 AM | | | | Outage merged upstream to device xfm107040356 (OP# - 11187) |
| 4 | 8/10/2010 5:28:49 AM | 8/10/2010 5:28:49 AM | | 4705-Randy Mc Nutt | 502-643-5617 | Crew 217 en-route |
| 5 | 8/10/2010 5:28:54 AM | 8/10/2010 5:28:54 AM | | 4415-Keith Michaels | 502-643-5591 | Crew 312 released |
| 6 | 8/10/2010 5:41:08 AM | 8/10/2010 5:41:08 AM | | 4705-Randy Mc Nutt | 502-643-5617 | Crew 217 arrived at device |
| 7 | 8/10/2010 5:42:58 AM | 8/10/2010 5:42:58 AM | | | | Device outout107040347 changed to state OPEN (OP# - 102462) |
| 8 | 8/10/2010 5:42:58 AM | 8/10/2010 5:42:58 AM | | | | Event given Real Device Outage status |
| 9 | 8/10/2010 6:44:04 AM | 8/10/2010 6:44:04 AM | | Kenny Smith | 502-639-3355 | Crew 509 en-route |
| 10 | 8/10/2010 7:28:52 AM | 8/10/2010 7:28:52 AM | | Kenny Smith | 502-639-3355 | Crew 509 arrived at device |
| 11 | 8/10/2010 7:29:20 AM | 8/10/2010 7:29:20 AM | | 4705-Randy Mc Nutt | 502-643-5617 | Crew 217 released |
| 12 | 8/10/2010 1:07:16 PM | 8/10/2010 1:07:16 PM | | 6035-John Seay | 502-643-5559 | Crew 301 en-route |
| 13 | 8/10/2010 1:07:16 PM | 8/10/2010 1:07:16 PM | | 6035-John Seay | 502-643-5559 | Crew 301 arrived at device |
| 14 | 8/10/2010 1:07:22 PM | 8/10/2010 1:07:22 PM | | 4409-Ken Haubenstein | 502-643-5621 | Crew 330 en-route |
| 15 | 8/10/2010 1:07:24 PM | 8/10/2010 1:07:24 PM | | 4409-Ken Haubenstein | 502-643-5621 | Crew 330 arrived at device |
| 16 | 8/10/2010 1:07:27 PM | 8/10/2010 1:07:27 PM | | 4410-Tom Malloy | 502-643-5599 | Crew 331 en-route |
| 17 | 8/10/2010 1:07:28 PM | 8/10/2010 1:07:28 PM | | 4410-Tom Malloy | 502-643-5599 | Crew 331 arrived at device |



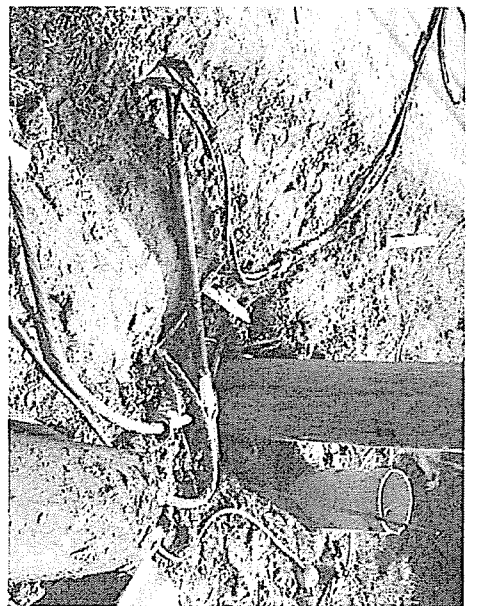
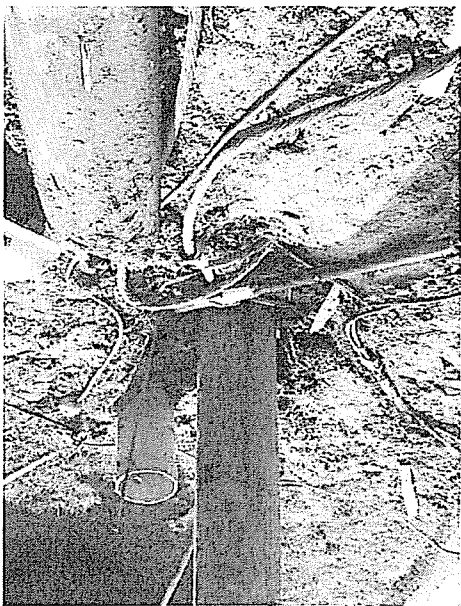
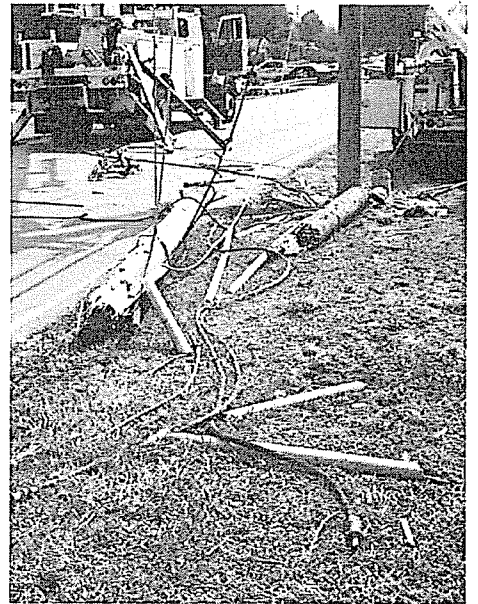
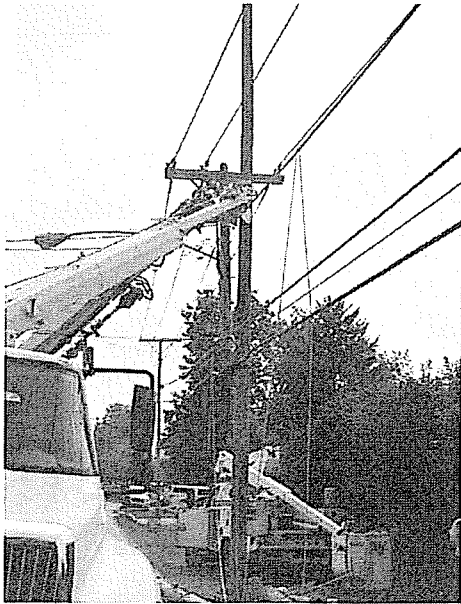
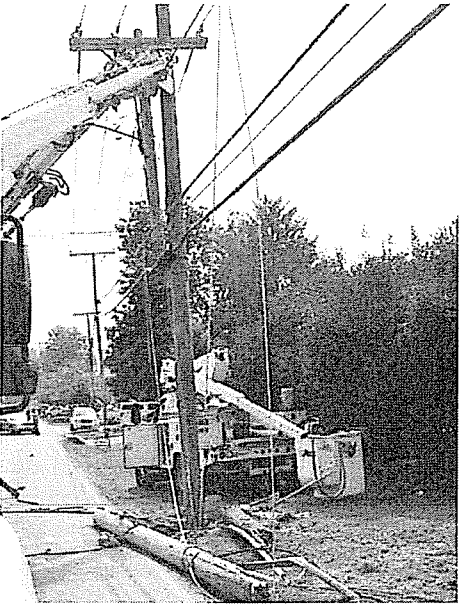
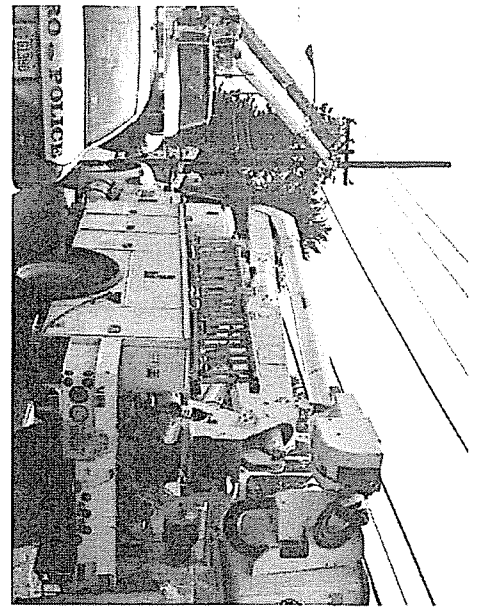
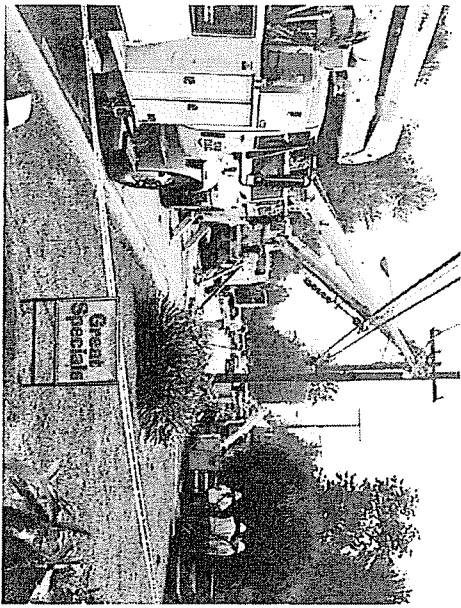
| | | | | | | |
|----|----------------------|----------------------|-----|----------------------|--------------|--|
| 18 | 8/10/2010 1:07:54 PM | 8/10/2010 1:07:54 PM | 203 | 5310-Darryl Evans | 502-643-3809 | Crew 203 en-route |
| 19 | 8/10/2010 1:07:55 PM | 8/10/2010 1:07:55 PM | 203 | 5310-Darryl Evans | 502-643-3809 | Crew 203 arrived at device |
| 20 | 8/10/2010 1:22:48 PM | 8/10/2010 1:22:48 PM | 501 | Dale Bruce | | Crew 501 en-route |
| 21 | 8/10/2010 1:22:48 PM | 8/10/2010 1:22:48 PM | 501 | Dale Bruce | | Crew 501 arrived at device |
| 22 | 8/10/2010 1:22:58 PM | 8/10/2010 1:22:58 PM | 105 | 6013-Keith McBride | 502-664-0317 | Crew 105 en-route |
| 23 | 8/10/2010 1:22:59 PM | 8/10/2010 1:22:59 PM | 105 | 6013-Keith McBride | 502-664-0317 | Crew 105 arrived at device |
| 24 | 8/10/2010 3:13:08 PM | 8/10/2010 3:13:08 PM | 105 | 6013-Keith McBride | 502-664-0317 | Crew 105 en-route |
| 25 | 8/10/2010 3:13:08 PM | 8/10/2010 3:13:08 PM | 203 | 5310-Darryl Evans | 502-643-3809 | Crew 203 en-route |
| 26 | 8/10/2010 3:13:08 PM | 8/10/2010 3:13:08 PM | 301 | 6035-John Seay | 502-643-5559 | Crew 301 en-route |
| 27 | 8/10/2010 3:13:10 PM | 8/10/2010 3:13:10 PM | 330 | 4409-Ken Haubenstein | 502-643-5621 | Crew 330 en-route |
| 28 | 8/10/2010 3:13:10 PM | 8/10/2010 3:13:10 PM | 331 | 4410-Tom Malloy | 502-643-5599 | Crew 331 en-route |
| 29 | 8/10/2010 3:13:10 PM | 8/10/2010 3:13:10 PM | 501 | Dale Bruce | | Crew 501 en-route |
| 30 | 8/10/2010 3:13:13 PM | 8/10/2010 3:13:13 PM | 509 | Kenny Smith | 502-639-3355 | Crew 509 en-route |
| 31 | 8/10/2010 3:39:55 PM | 8/10/2010 3:39:55 PM | 332 | 4411-Ron Ackeman | 502-643-5601 | Crew 332 en-route |
| 32 | 8/10/2010 3:39:56 PM | 8/10/2010 3:39:56 PM | 332 | 4411-Ron Ackeman | 502-643-5601 | Crew 332 arrived at device |
| 33 | 8/10/2010 3:39:59 PM | 8/10/2010 3:39:59 PM | 501 | Dale Bruce | | Crew 501 arrived at device |
| 34 | 8/10/2010 3:40:01 PM | 8/10/2010 3:40:01 PM | 501 | Dale Bruce | | Crew 501 released |
| 35 | 8/10/2010 3:40:10 PM | 8/10/2010 3:40:10 PM | 509 | Kenny Smith | 502-639-3355 | Crew 509 arrived at device |
| 36 | 8/10/2010 3:40:10 PM | 8/10/2010 3:40:10 PM | 509 | Kenny Smith | 502-639-3355 | Crew 509 released |
| 37 | 8/10/2010 3:40:39 PM | 8/10/2010 3:40:39 PM | 203 | 5310-Darryl Evans | 502-643-3809 | Crew 203 arrived at device |
| 38 | 8/10/2010 3:40:39 PM | 8/10/2010 3:40:39 PM | 203 | 5310-Darryl Evans | 502-643-3809 | Crew 203 released |
| 39 | 8/10/2010 6:23:15 PM | 8/10/2010 6:23:15 PM | 105 | 6013-Keith McBride | 502-664-0317 | Crew 105 released |
| 40 | 8/10/2010 6:32:19 PM | 8/10/2010 6:32:19 PM | | | | Device callout107040347 changed to state CLOSED (OP# - 102462) |
| 41 | 8/10/2010 6:32:19 PM | 8/10/2010 6:32:19 PM | | | | Event removed |
| 42 | 8/10/2010 6:55:41 PM | 8/10/2010 6:55:41 PM | | | | Event removed |
| 43 | 8/10/2010 6:55:41 PM | 8/10/2010 6:55:41 PM | | | | Event completed |
| 44 | 8/10/2010 6:55:41 PM | 8/10/2010 6:55:41 PM | 301 | 6035-John Seay | 502-643-5559 | Crew 301 released |
| 45 | 8/10/2010 6:55:44 PM | 8/10/2010 6:55:44 PM | 330 | 4409-Ken Haubenstein | 502-643-5621 | Crew 330 released |

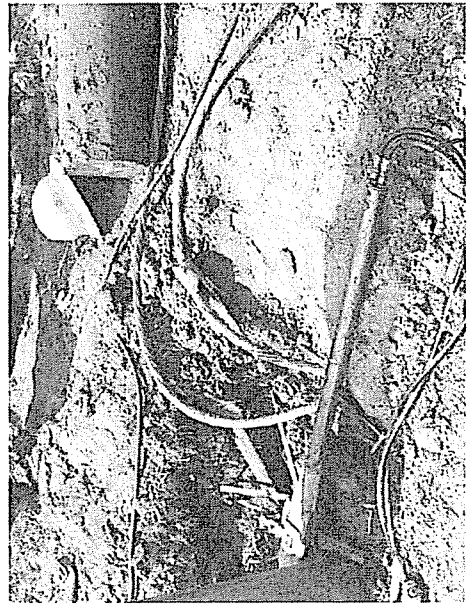
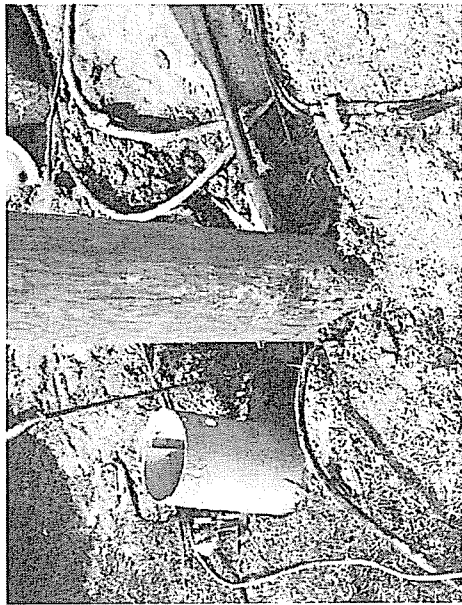
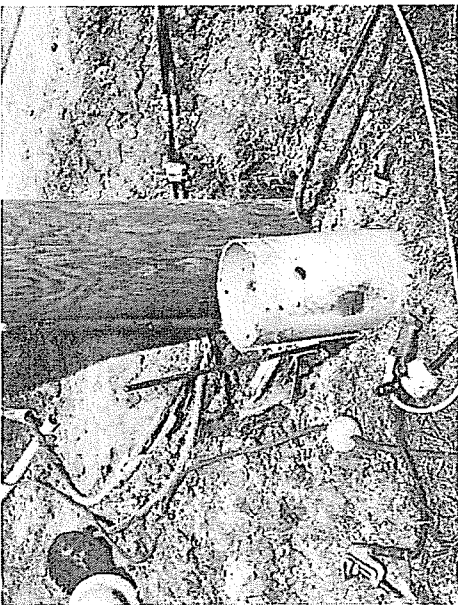
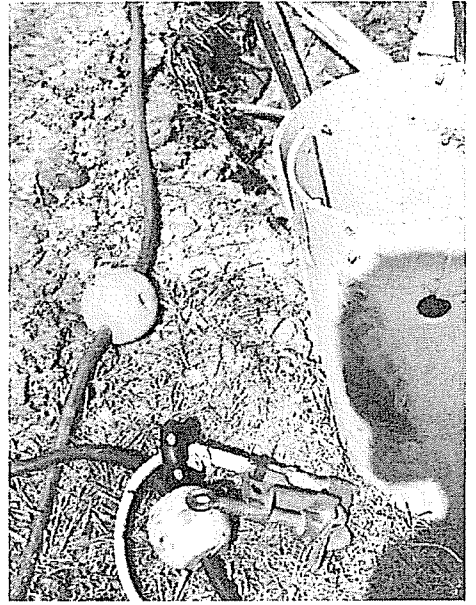


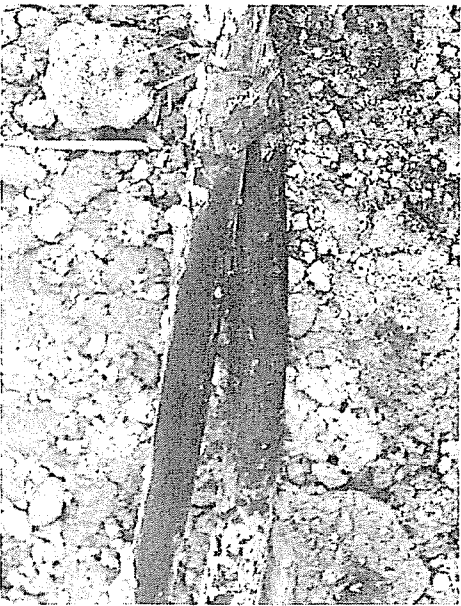
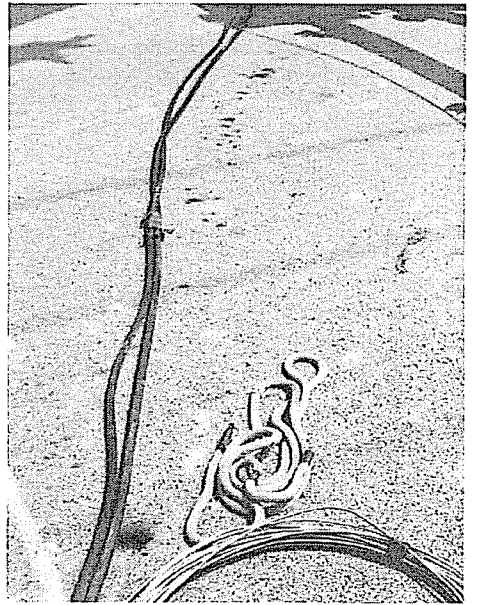
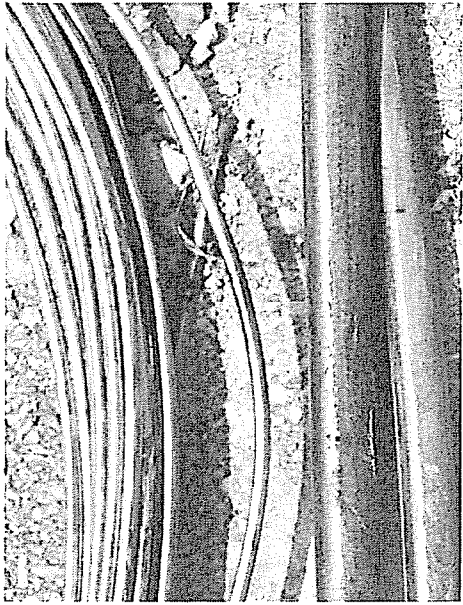
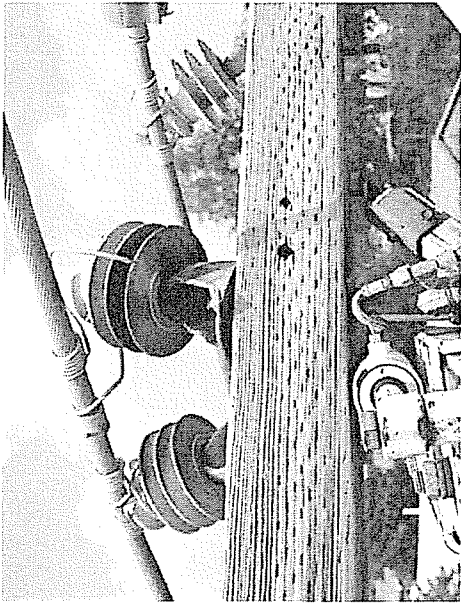
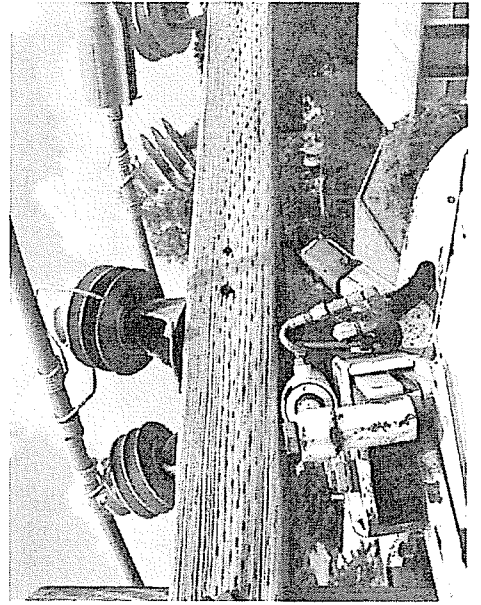
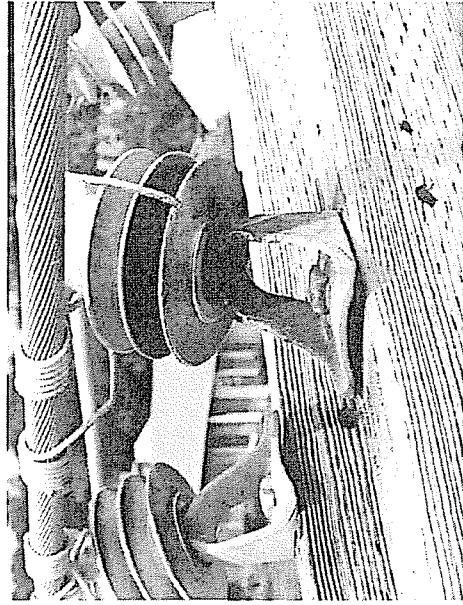
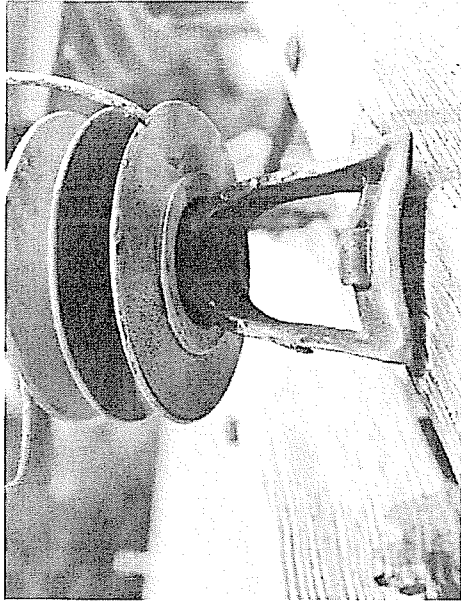
OMS
Event Details Report

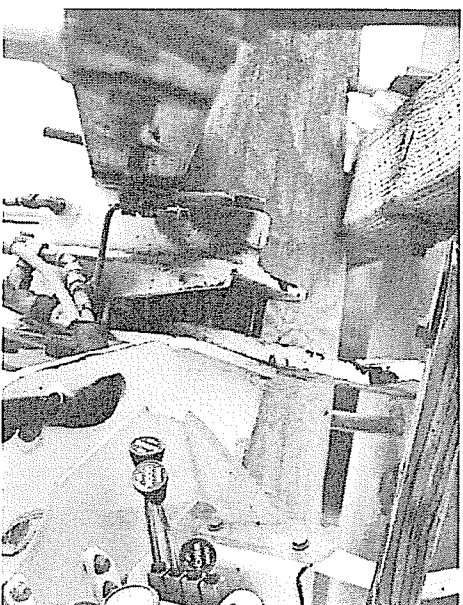
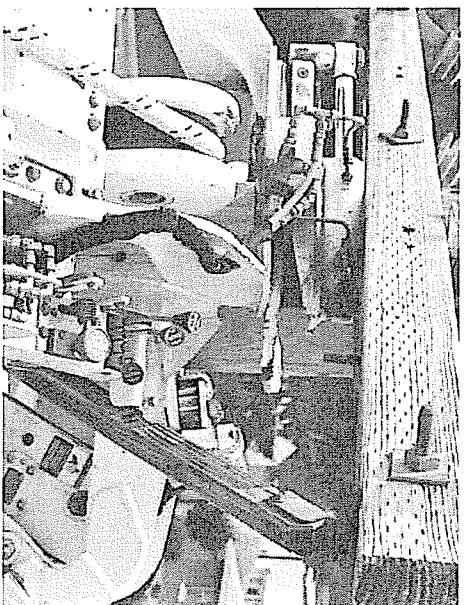
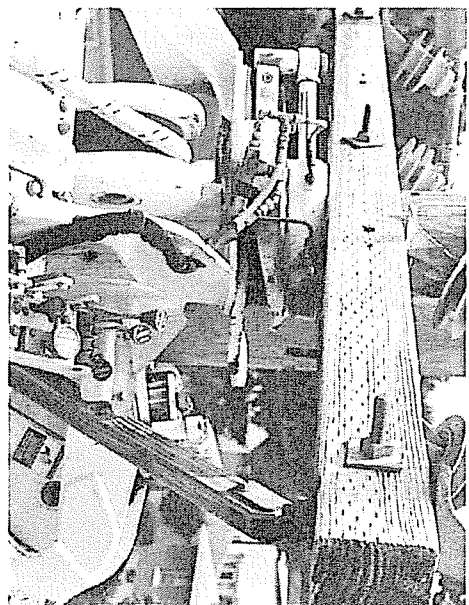
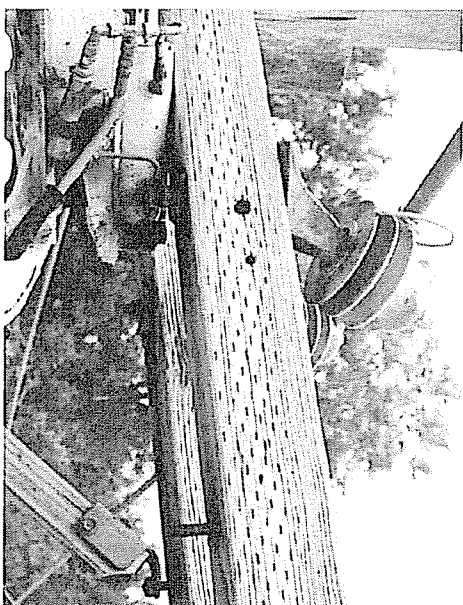
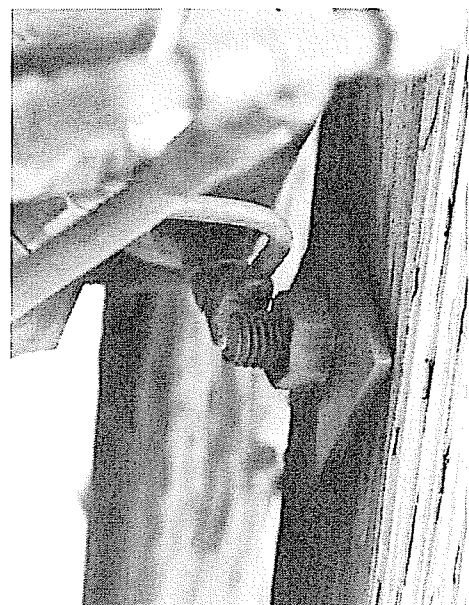
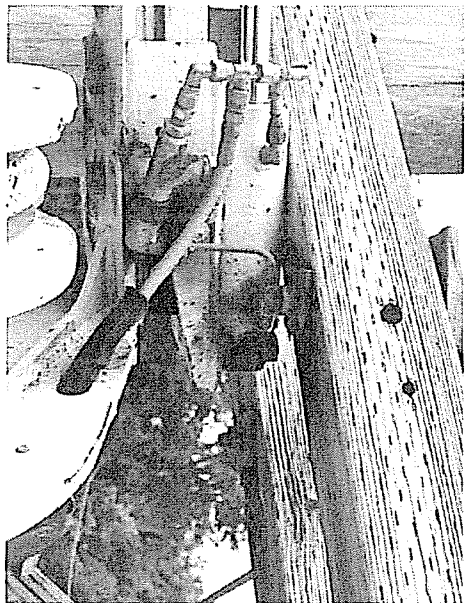
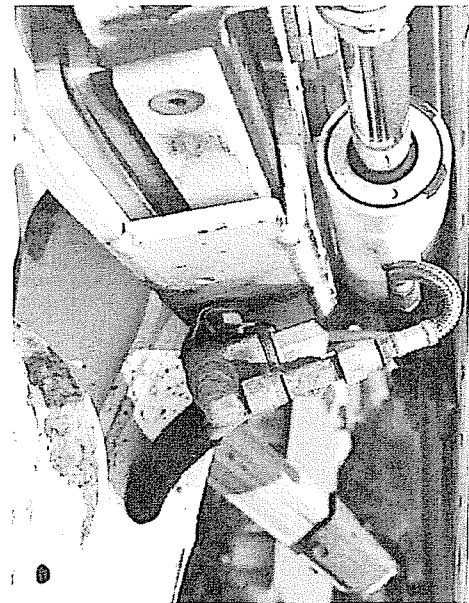
Report Run
08/14/2010
10:30:44 PM

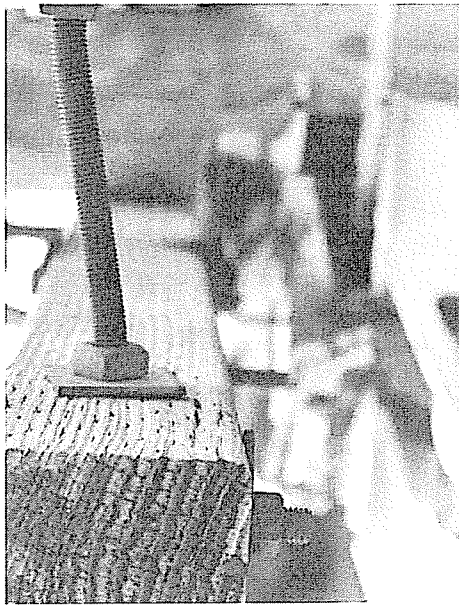
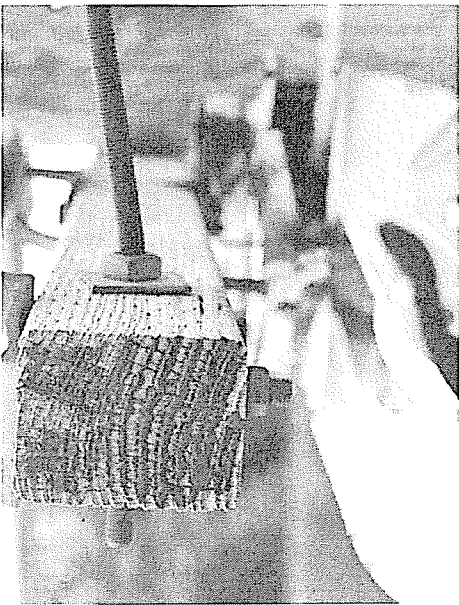
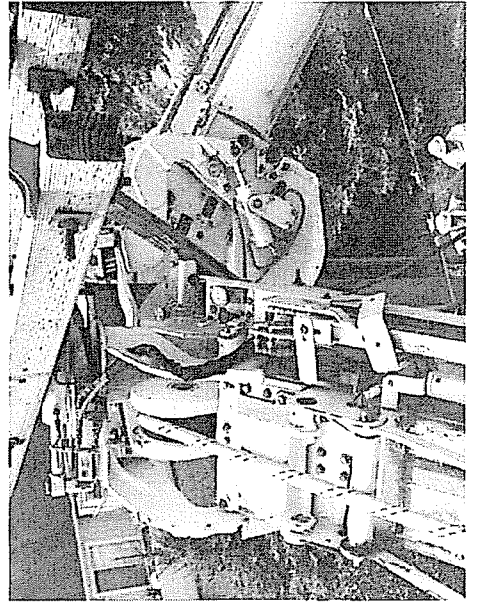
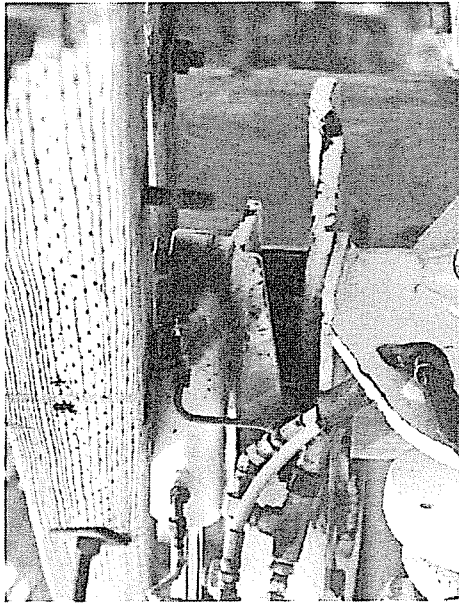
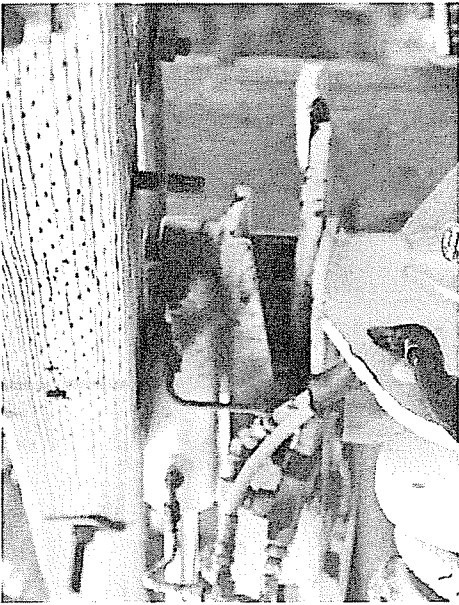
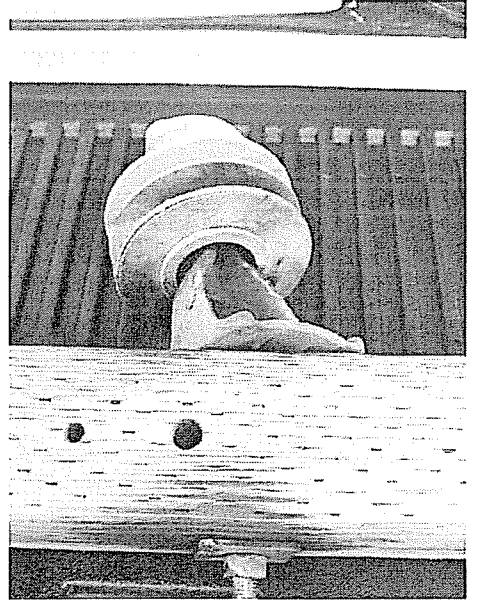
| | | | | | | |
|----|----------------------|----------------------|-----|-------------------|--------------|-------------------|
| 46 | 8/10/2010 6:55:44 PM | 8/10/2010 6:55:44 PM | 331 | 4410-Tom Malloy | 502-643-5599 | Crew 331 released |
| 47 | 8/10/2010 6:55:44 PM | 8/10/2010 6:55:44 PM | 332 | 4411-Ron Ackerman | 502-643-5601 | Crew 332 released |

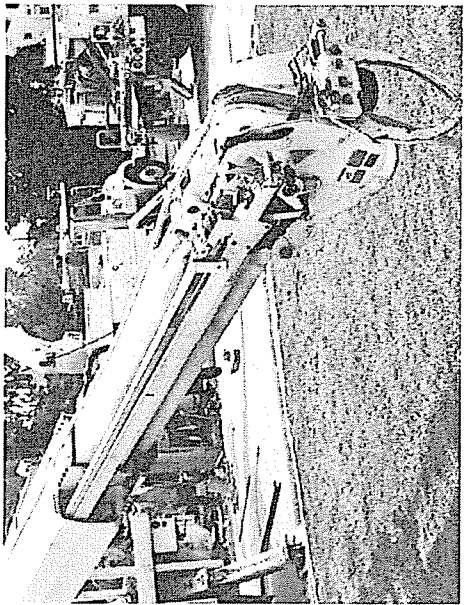
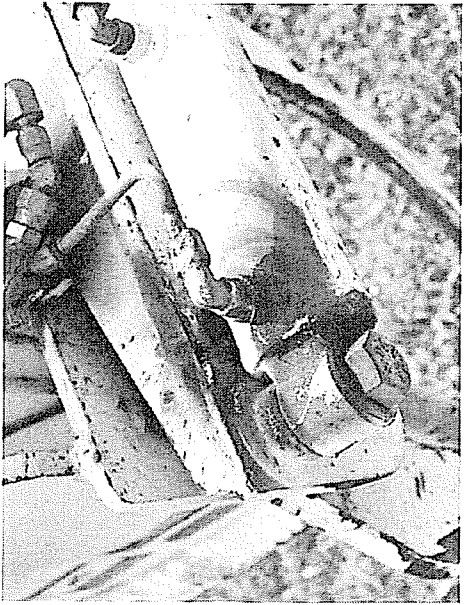
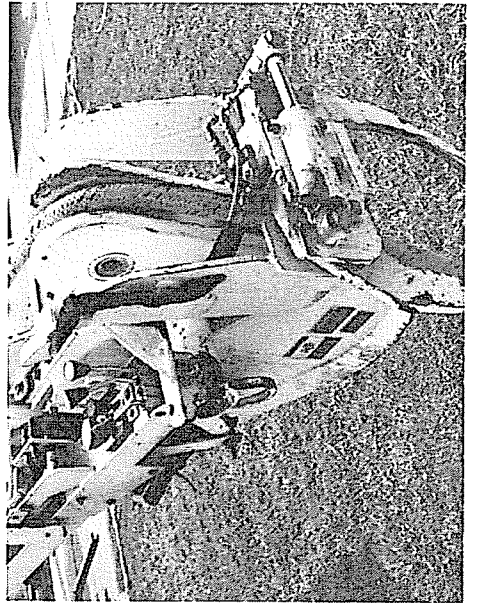


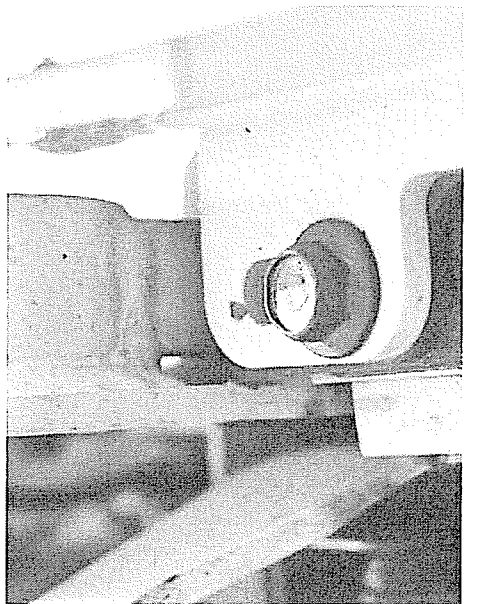
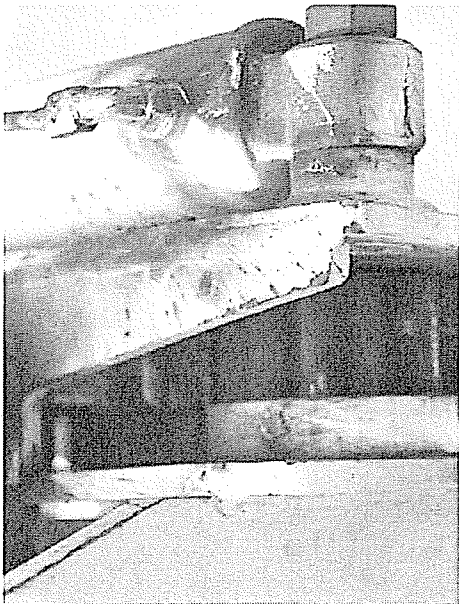
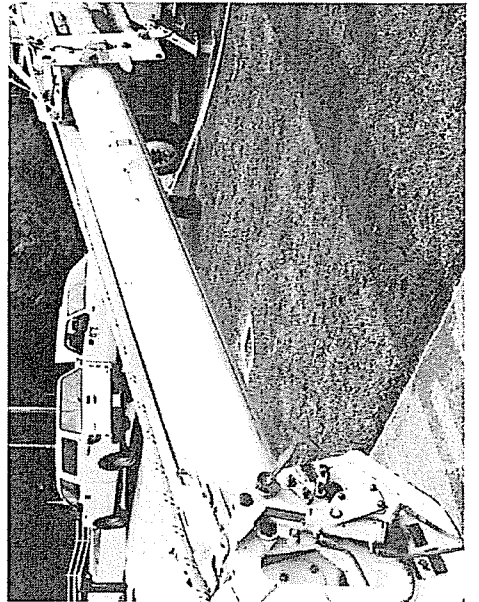
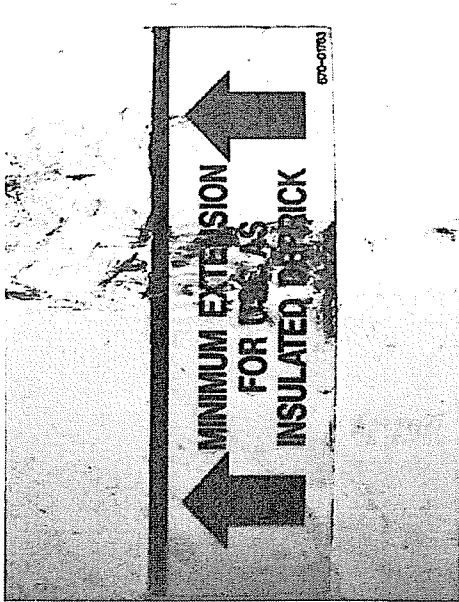
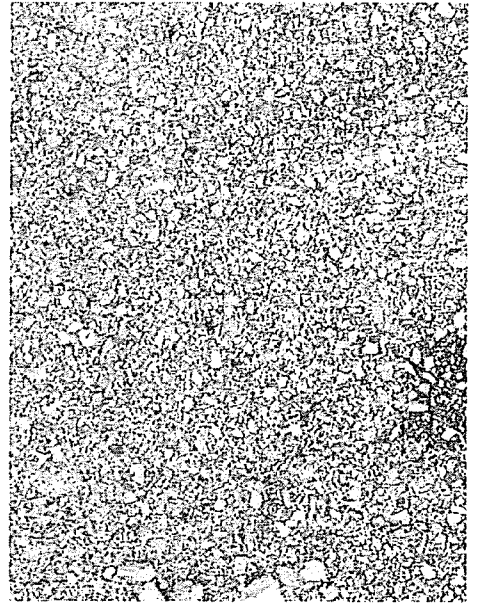
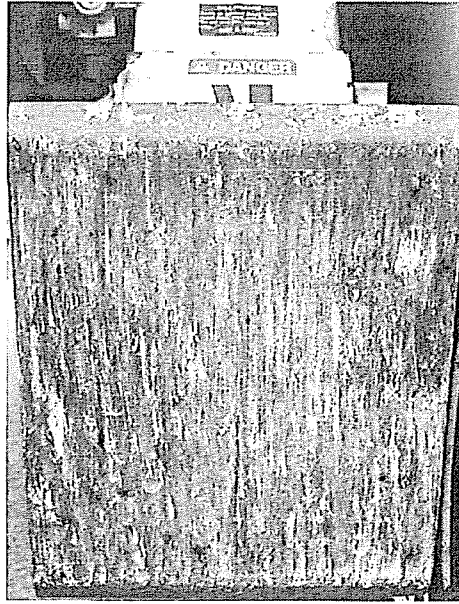


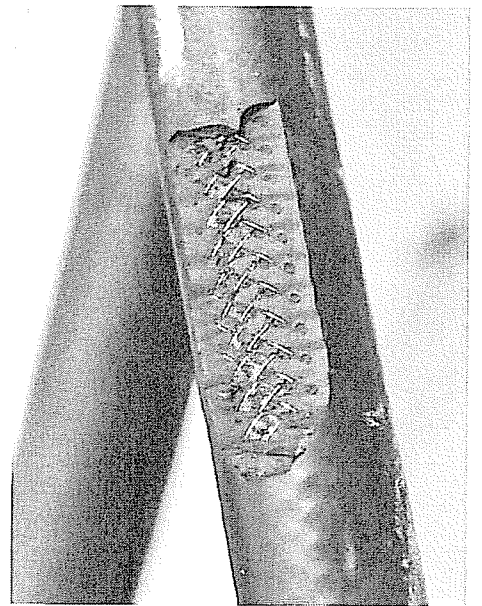












Attachment B

Utility Supplemental Accident Report



an EON company

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

Louisville Gas and Electric
Law Department
220 W. Main Street
Louisville, Kentucky 40202
www.eon-us.com

Meredith Needham
Sr. Paralegal
T 502-627-2680
F 502-627-3367
meredith.needham@eon-us.com

August 24, 2010

Re: Contact Incident / The Fishel Company
Michael Meany
6408 Six Mile Lane
Louisville, Kentucky 40218

Dear Mr. Kingsolver:

As requested, enclosed are copies of the following documents for your review and file in the above referenced matter:

- Torco Testing Services dielectric testing results
- Team Fishel's Daily Field Report
- Incident/Investigation Report from Louisville Metro Police Department

These documents supplement our August 10, 2010 Investigation Report that was submitted as required by Section 26 of 807 KAR 5:006.

If you need additional information concerning this incident, please contact me at (502) 627-2680 so I can direct your request to the appropriate person.

Sincerely,

Meredith Needham
Sr. Paralegal

MN/mn
Enclosures

TEST REPORT # 6

CUSTOMER Team Fisher

TRUCK 022325N 0305DV1082



TORCO
TESTING SERVICES, INC.

STATE Ky TECH. Simpson

MODEL DM47TR

ALTER

TEMP 84

% R.H. 24

DATE 4/16/10 TIME 2:50 PM

P.O. Box 1717 - Louisville, KY 40201

(502) 561-0506

Toll Free 888-540-0065

Website: torcotesting.com

AC DIELECTRIC TEST
ANSI/SIA A92.2 SECTION 5.4.3

STRUCTURAL ANALYSIS
ANSI/SIA A92.2 8.2.4

VT - Visual Inspection
UT - Ultrasonic Test
MT - Magnetic Particle Testing

| AREA TESTED | APPLIED VOLTAGE KVAC | TEST TIME MIN. | LEAKAGE MILLIAMPS | RESULTS |
|----------------------------|----------------------|----------------|-------------------|---------------|
| BASKET SHAFT TO LOWER BOOM | | | | |
| LOWER BOOM INSERT | | | | |
| BASKET TO CHASSIS | | | | |
| EXTENSIBLE BOOM | | | | |
| BASKET LINER | <u>49.4</u> | <u>3</u> | <u>1.400</u> | <u>PASSED</u> |
| HYDRAULIC OIL | <u>23.4</u> | | | <u>PASSED</u> |
| HOT STICKS | | | | |
| OTHER | | | | |

| AREA TESTED | RESULTS | AREA TESTED | RESULTS |
|------------------------------------|--------------|----------------------------|--------------|
| Accessible outrigger welds | <u>VT</u> | Accessible outrigger pins | <u>UT</u> |
| Lower pedestal welds | <u>VT</u> | Anchor bolts | <u>UT</u> |
| Accessible cylinder block welds | <u>VT/MT</u> | Accessible turntable bolts | <u>UT</u> |
| Welds at elbow | <u>VT</u> | Lower boom hinge pin | <u>UT</u> |
| Welds at basket area | <u>VT</u> | Accessible cylinder pins | <u>UT</u> |
| Welds on head of boom | <u>VT/MT</u> | Upper boom hinge pin | <u>UT</u> |
| Boom support | <u>VT</u> | Basket shaft | <u>UT</u> |
| Auger support brace | <u>VT/MT</u> | Auger hanger pins | <u>UT</u> |
| Winch line hooks | <u>VT/MT</u> | Pinle hook | <u>VT/MT</u> |
| Turret welds | <u>VT/MT</u> | | |
| NONDESTRUCTIVE FIBERGLASS ANALYSIS | | RESULTS | |

COMMENTS ON DIELECTRIC TEST

COMMENTS ON STRUCTURAL ANALYSIS

Concks @ open end of pole clear tilt cylinder, -Maddled w/ black aerosols

Note: Too much material on bed of truck to inspect pedestal area

The test results reported herein reflect the condition of the equipment at the time and under the conditions stated herein, and Torco MAKES NO WARRANTIES, and DISCLAIMS ALL WARRANTIES, whether EXPRESS or IMPLIED, as to any matter whatsoever, including without limitation, the condition of the equipment tested, its merchantability or its fitness for any particular purpose. Structural Analysis is limited to accessible welds and pins. This is a test, not a guarantee.

The purpose of this practice is to ensure that all utilities are marked and properly exposed before starting any excavation operation. The Foreman or designated Teammate shall complete the daily utility locate inspection prior the start of each work shift.

Did you excavate today? YES NO

Locates have been completed and are valid for work today.

All utility/facility marks on the ground are visible.

A visual check for pedestal, riser, new trench lines, etc. was completed.

All Teammates have been informed of any potential hazards.

Service feeds from buildings and homes have been identified. I.e. sewer clean-outs.

HDD locate equipment was calibrated prior to the start of work and as work dictated. *NA*

All exposed utilities are properly supported and have been protected. *NA*

All utilities to be crossed have been potholed and the location and depth have been verified as required by Team Fishel's Utility Locating Procedures.

All paralleling utilities within 3 feet of our path have been potholed and the location and depth have been verified every feet.

| Service | Provide a Brief Descrip. |
|--------------------------------|--------------------------|
| <input type="checkbox"/> Gas | / |
| <input type="checkbox"/> Elec. | |
| <input type="checkbox"/> Water | |
| <input type="checkbox"/> Sewer | |
| <input type="checkbox"/> Tele. | |
| <input type="checkbox"/> Fiber | |
| <input type="checkbox"/> Other | |

List any work activity requiring the crossing of an existing utility:

What is the "no dig zone" requirement? 18" 24" 30"

Bud # 100810-001

Customer Work Request # *1197447* Customer Project # _____ Customer Task # _____

Foreman's Signature *Rennett L. Smith* Date *8-11-10* For *8-10-10*

| Purchases & Rentals | | |
|------------------------|------------|------------------------------|
| Vendor / Subcontractor | P O Number | Estimated Rental Time / Cost |
| | | |
| | | |
| | | |
| | | |

Weather Conditions and Production Delays: *HOT*

Damages / Accidents / Injuries: *SIG. FETY INCIDENT*

Additional Comments:

Goal:

| Job Briefing | |
|--|-------------------------|
| TOPICS COVERED | Teammate Signature |
| Hazards Associated with Job: <input checked="" type="checkbox"/> | <i>Rennett L. Smith</i> |
| Special Precautions: <input checked="" type="checkbox"/> | |
| P.P.E. Required: <input checked="" type="checkbox"/> | |
| Work Procedures Involved: <input checked="" type="checkbox"/> | |
| Energy Source Controls: <input checked="" type="checkbox"/> | |
| | |
| | |
| | |

| | | | |
|----------------------|--------------------------------------|---------------------------|--------------------------|
| Division: 6 DISTRICT | Incident/Investigation Report | | |
| Beat: 625 | Agency: LMPD | Case Number: 80-10-061865 | Case Status: OPEN ACTIVE |

| Incident Information | | | |
|--|------------------|------------------|--------------------------------|
| Date/Time Reported | Date/Time From | Date/Time To | Officer |
| 08/10/2010 10:39 | 08/10/2010 10:39 | 08/10/2010 10:39 | (6100) CHRISTIAN, KENNETH R JR |
| Incident Location | | | |
| 6300 Six Mile Ln. Louisville, KY 40218 | | | |

| Charges | | | | | | |
|--|--|------------------------|--------------------|---|------------|--|
| Charge Type | Description | Statute | UCR | <input type="checkbox"/> At | | |
| State | ANY NON CRIMINAL CHARGE NOT COVERED BY THESE CODES | 03013 | 90Z | <input checked="" type="checkbox"/> Com | | |
| Alcohol, Drugs or Computers Used | | Location Type | Premises Entered | Forced Entry | Weapons | |
| <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers | | HIGHWAY / ROAD / ALLEY | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 1. | |
| Entry | Exit | Criminal Activity | | | 2. | |
| | | | | | 3. | |
| Bias Motivation | | Bias Target | Bias Circumstances | | Hate Group | |

| Victims | | | | | | |
|---------------------------------------|------------|--------------------|------------------|-----|----------------|-----|
| Subject | Type | Injuries | Residency Status | | Ethnicity | |
| | INDIVIDUAL | Other Major Injury | Resident | | Non-Hispanic | |
| Name (Last, First, MI) | | | Race | Sex | DOB | Age |
| MEANY, MICHAEL B | | | W | M | | 26 |
| Address | | | | | Home Phone | |
| 2004 LOWELL AVE, LOUISVILLE, KY 40205 | | | | | | |
| Employer Name/Address | | | | | Business Phone | |
| | | | | | | |
| Victim of Crimes | | | Cell Phone | | | |
| 1 | | | | | | |

Division: 6 DISTRICT

Incident/Investigation Report

Beat: 625

Agency: LMPD

Case Number: 80-10-061865

Case Status: OPEN ACTIVE

Notes/Narratives

PUBLIC NARRATIVE

All parties were at the location for electrical maintenance work for LGE (Team Fishel contracted workers). While working on a ground placement of a pole, witness #3 stated he saw an electrical arc come down from the top of the pole they were working at and then saw the victim lying on the ground. Witness #3 yelled out man down to alert the other workers. Witness #1 & 2 came over from their traffic points notifying police radio what happened and to start EMS. Both witness 1 & 2 performed CPR until further help could arrive. I arrived shortly there after and assisted with breathing when fire personnel showed up to take over medical support and use of an AED. LMEMS 112 and 223 transported to University Hospital.

Attachment C

KPSC Photographs of Accident Site



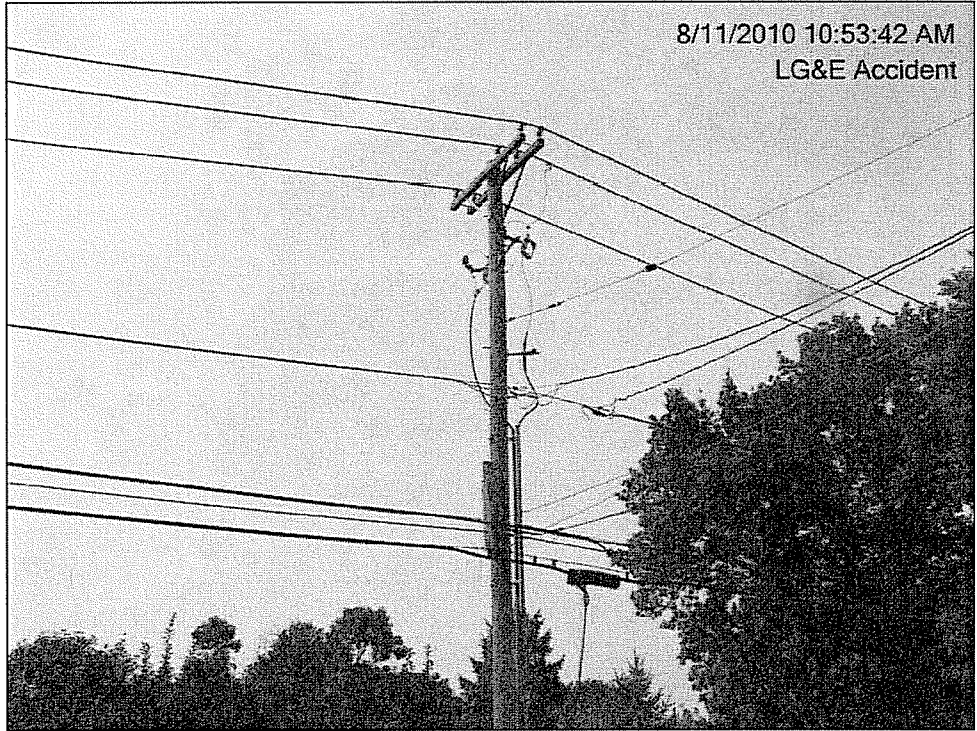
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#2



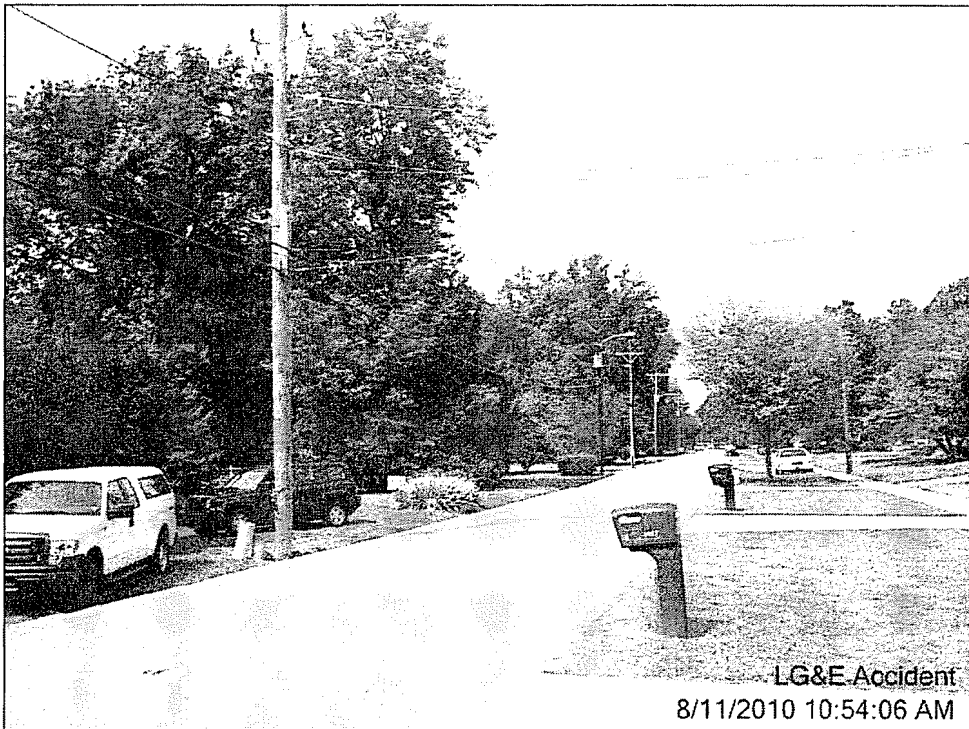
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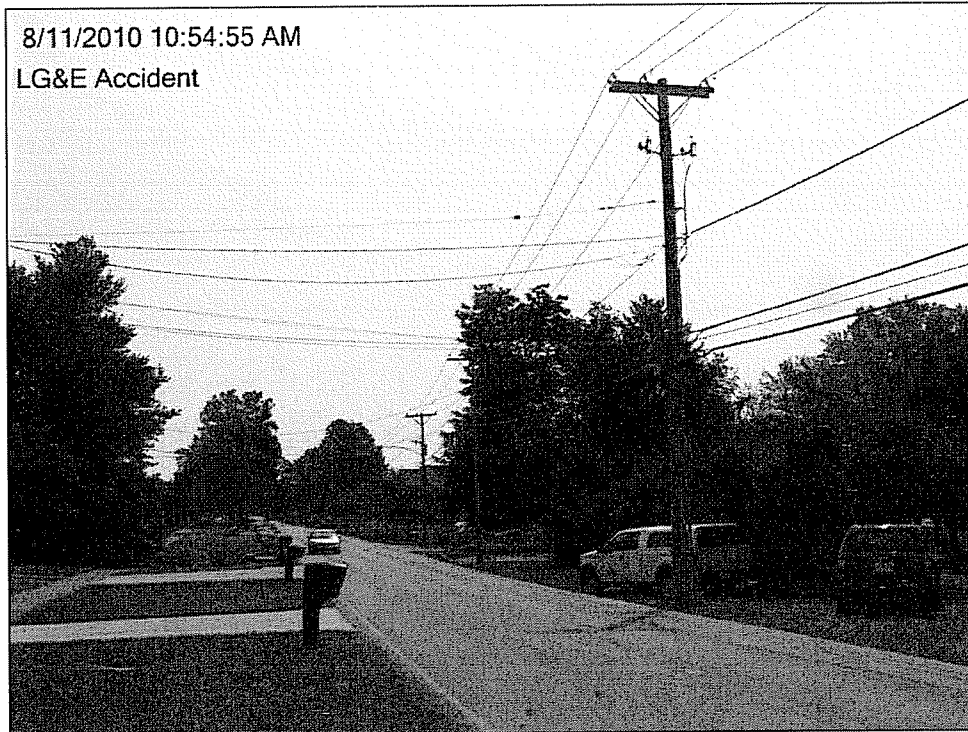
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#5



#6

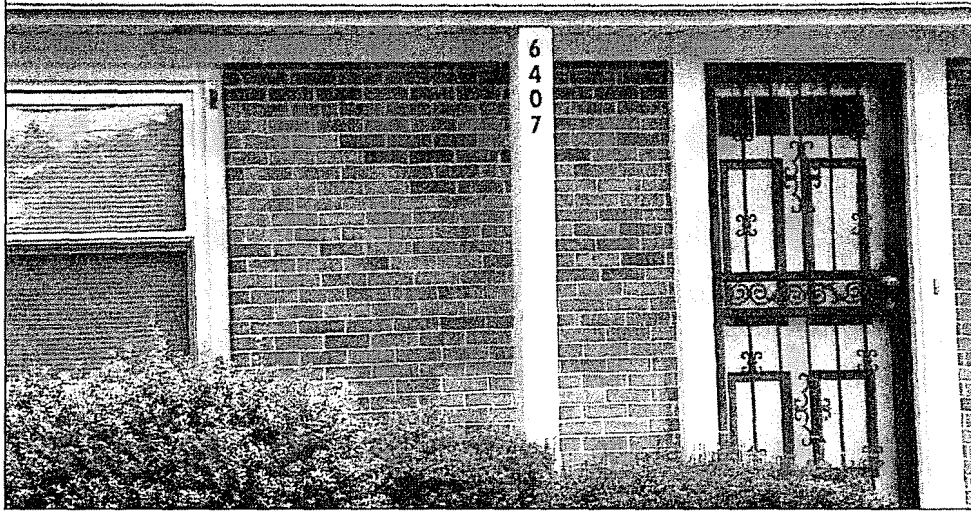


#7



#8

8/11/2010 10:56:43 AM
LG&E Accident



#9



#10



#11



#12



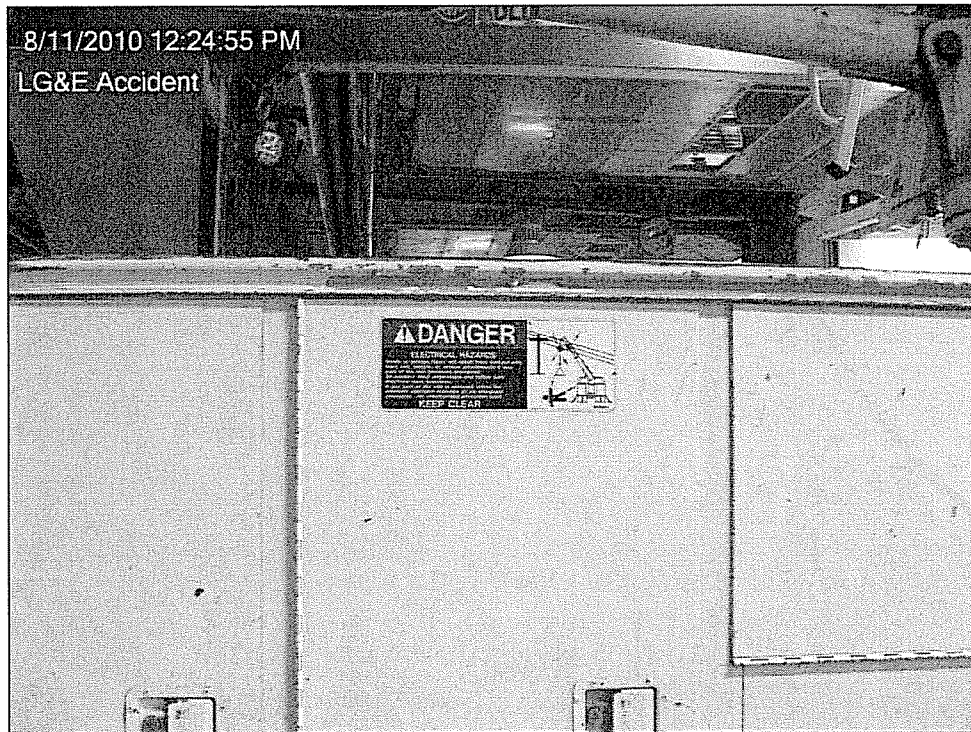
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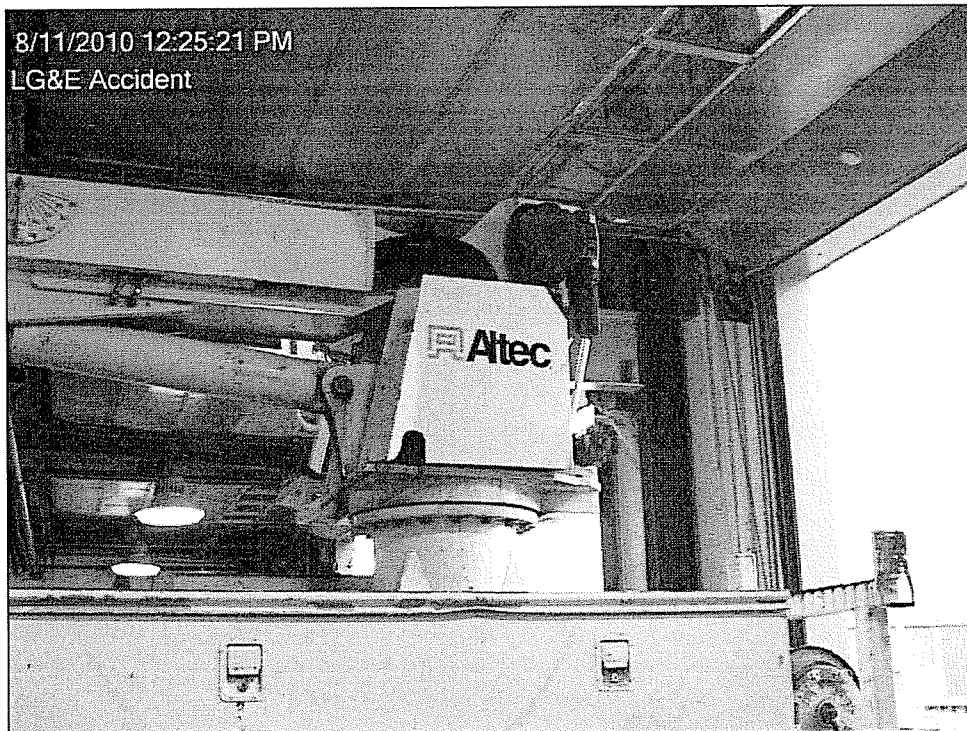
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#16



#17



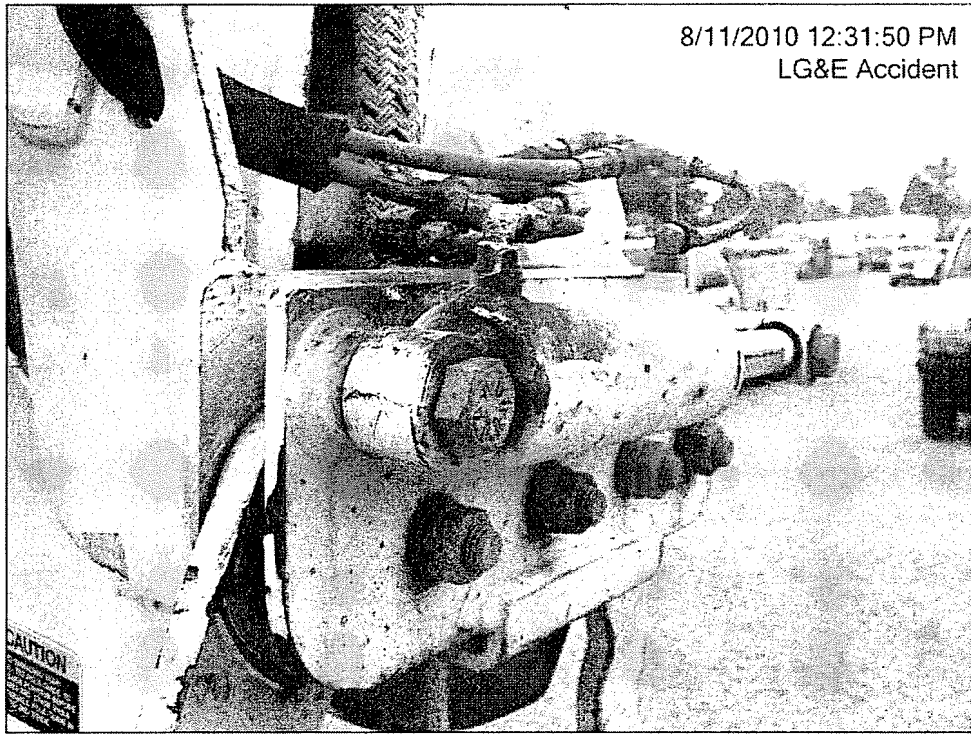
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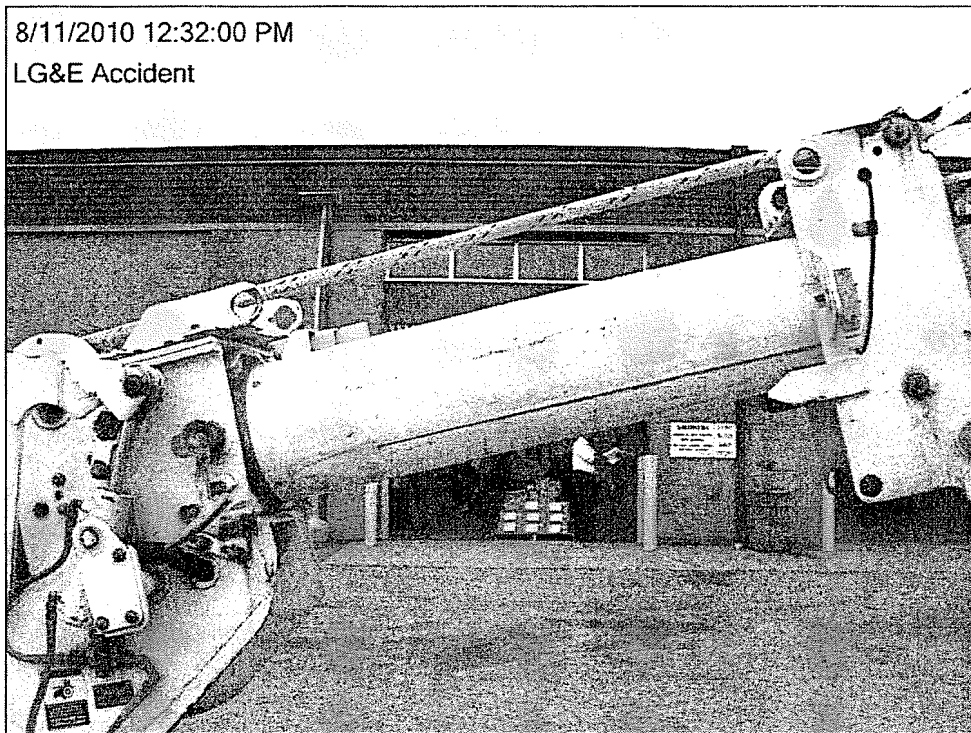
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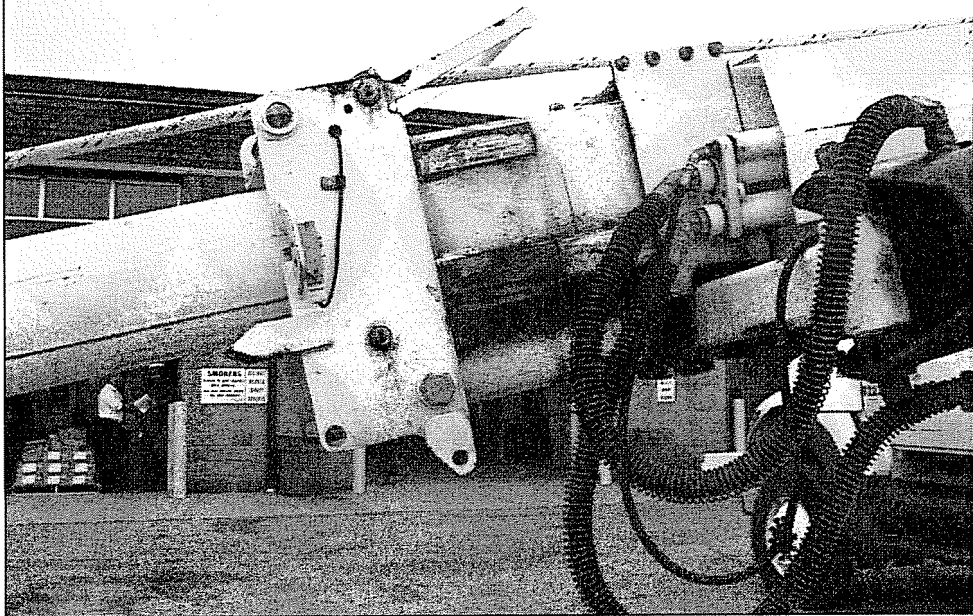


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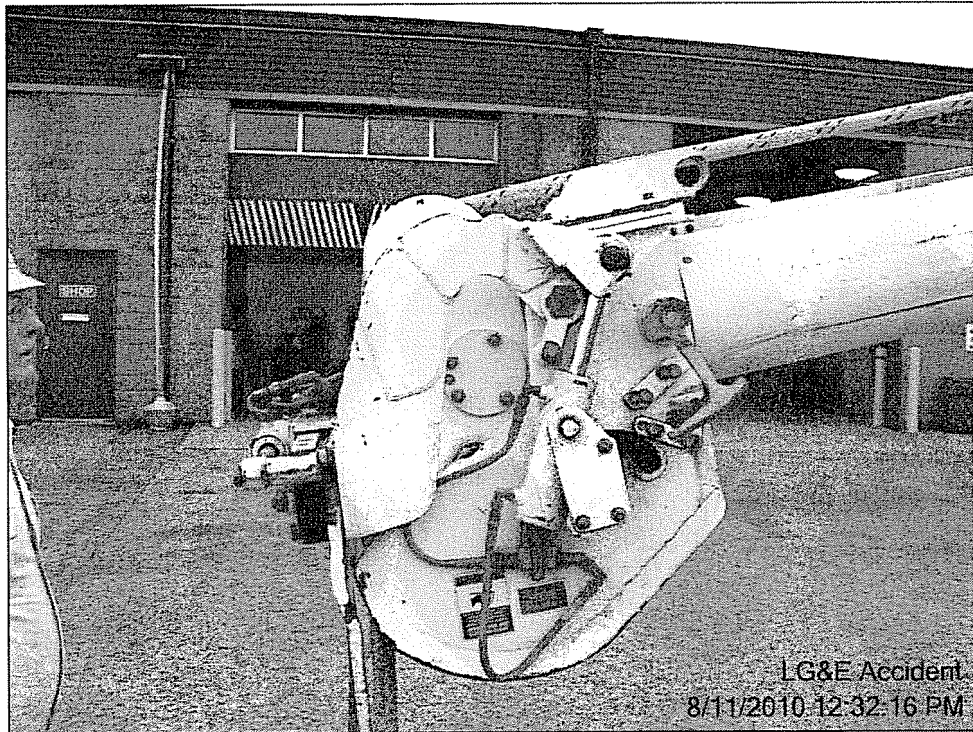


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8/11/2010 12:32:05 PM
LG&E Accident



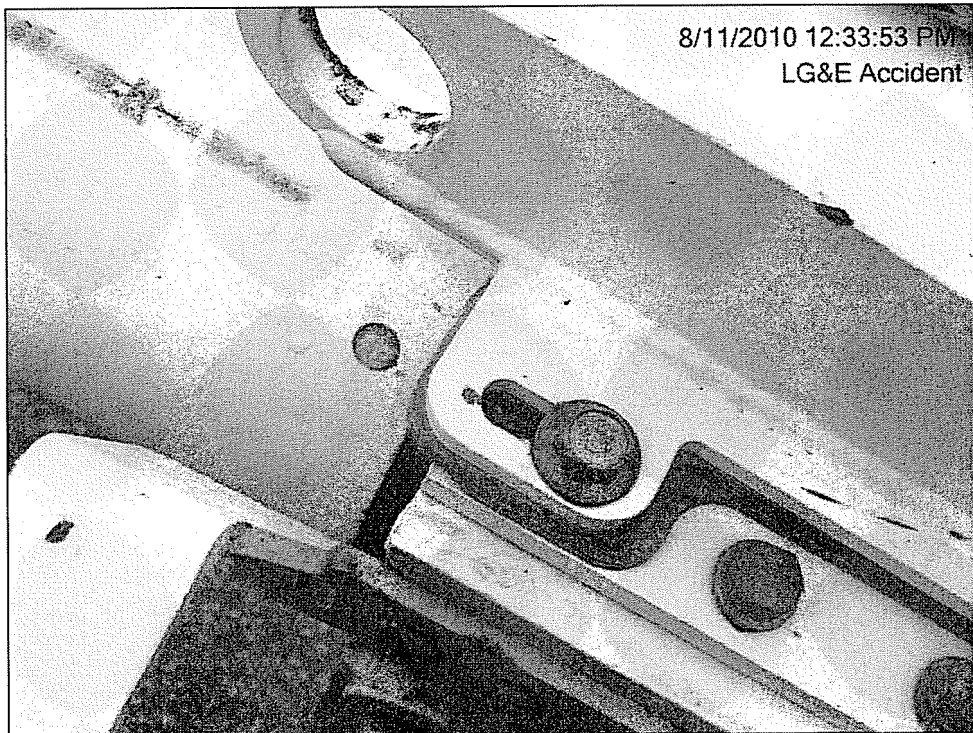
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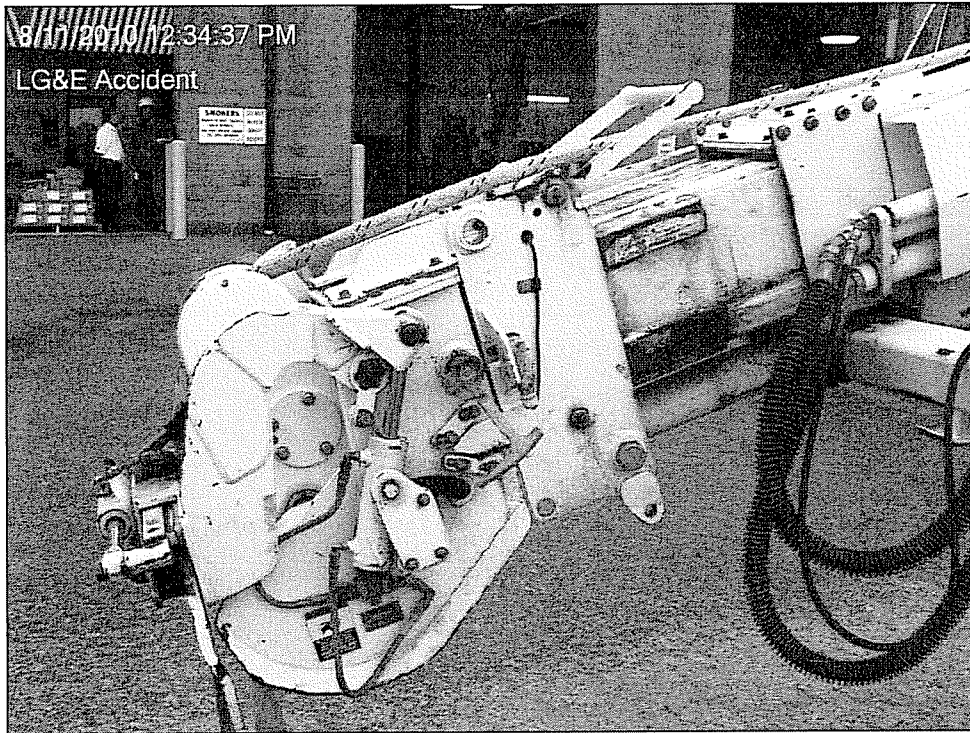
#24



#25



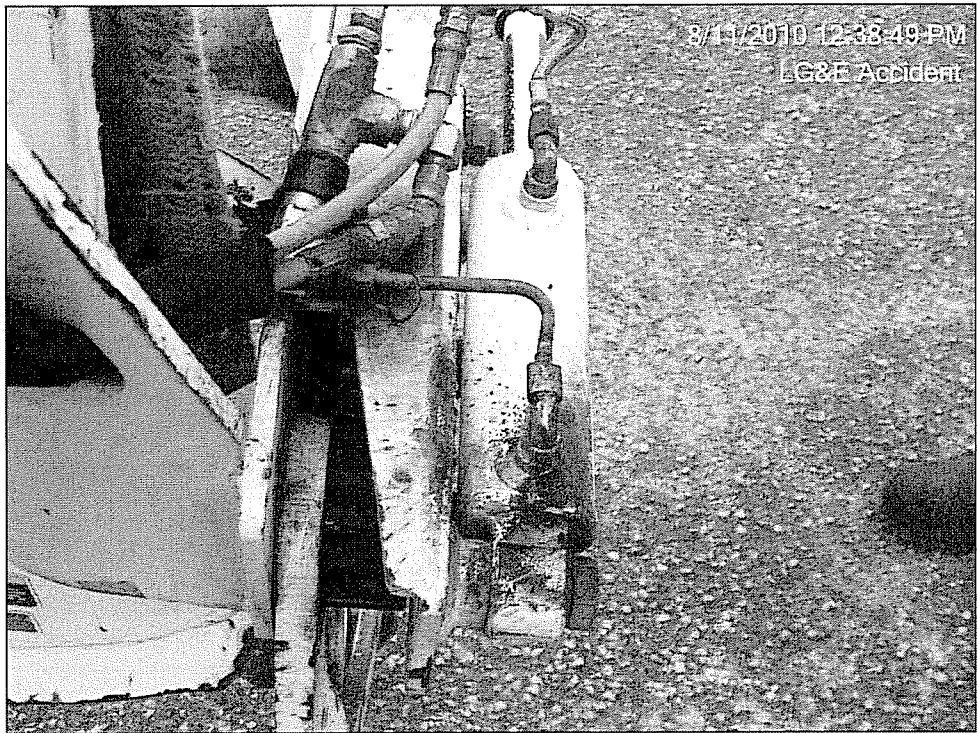
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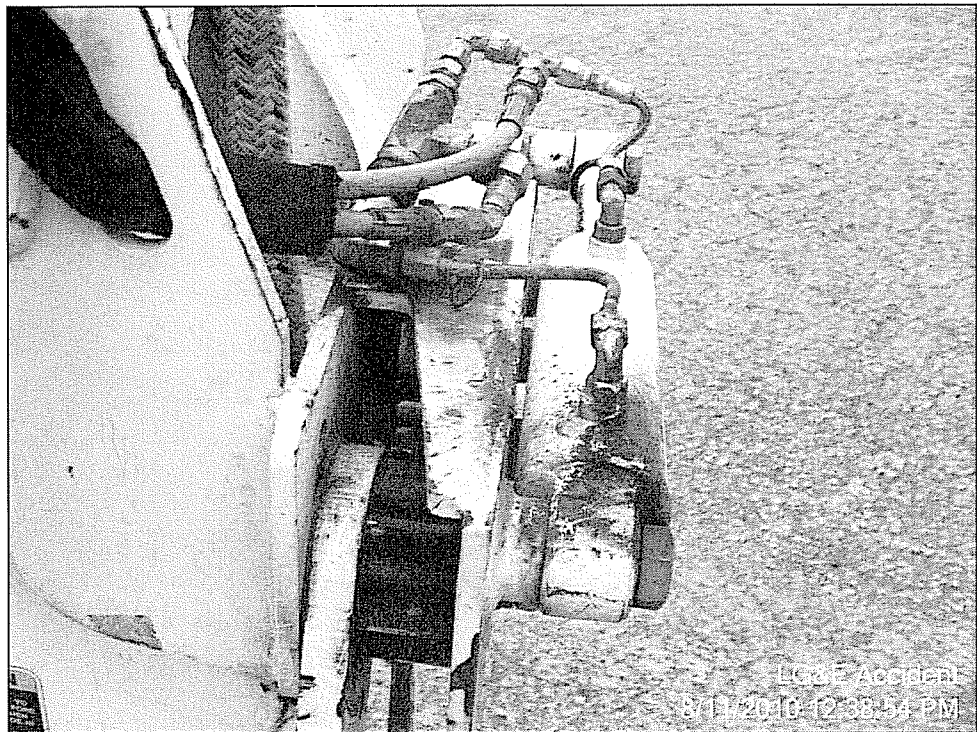
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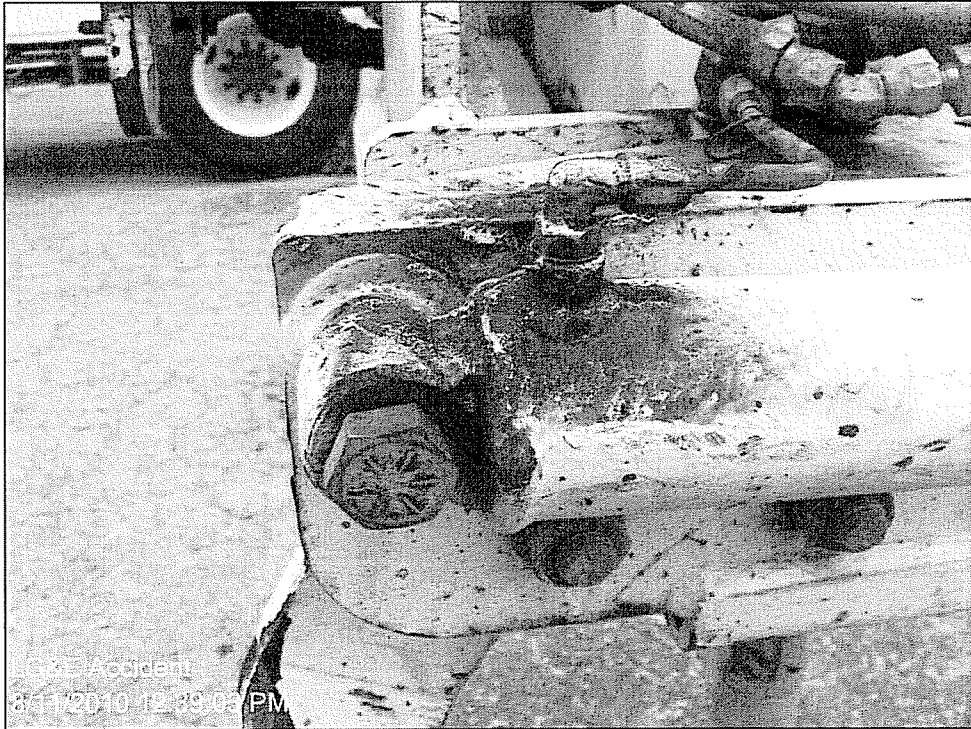
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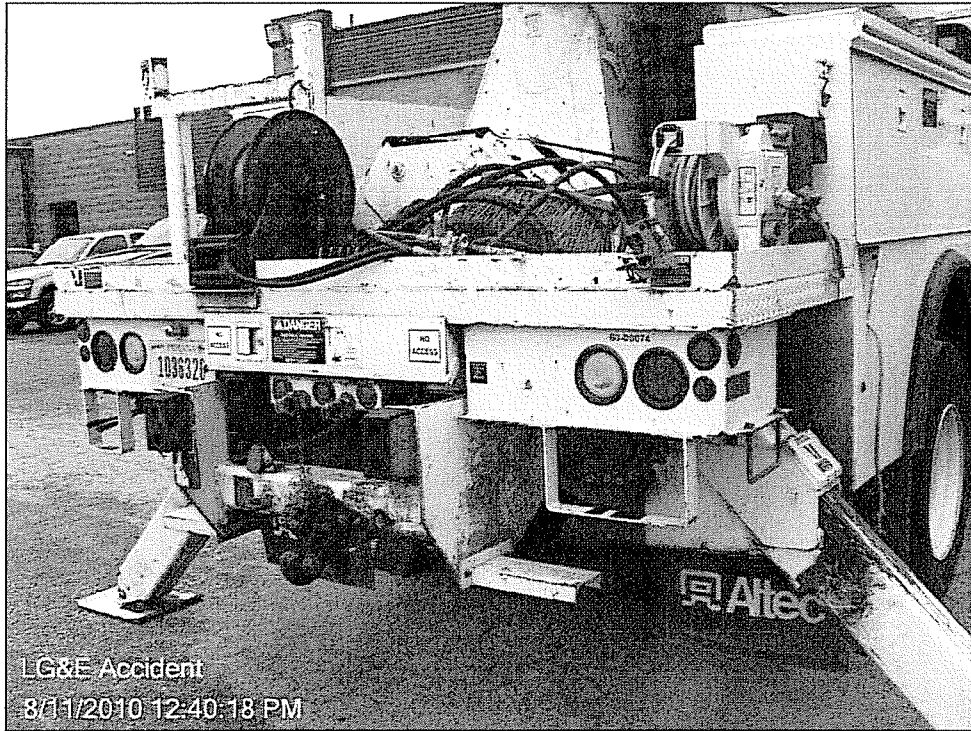
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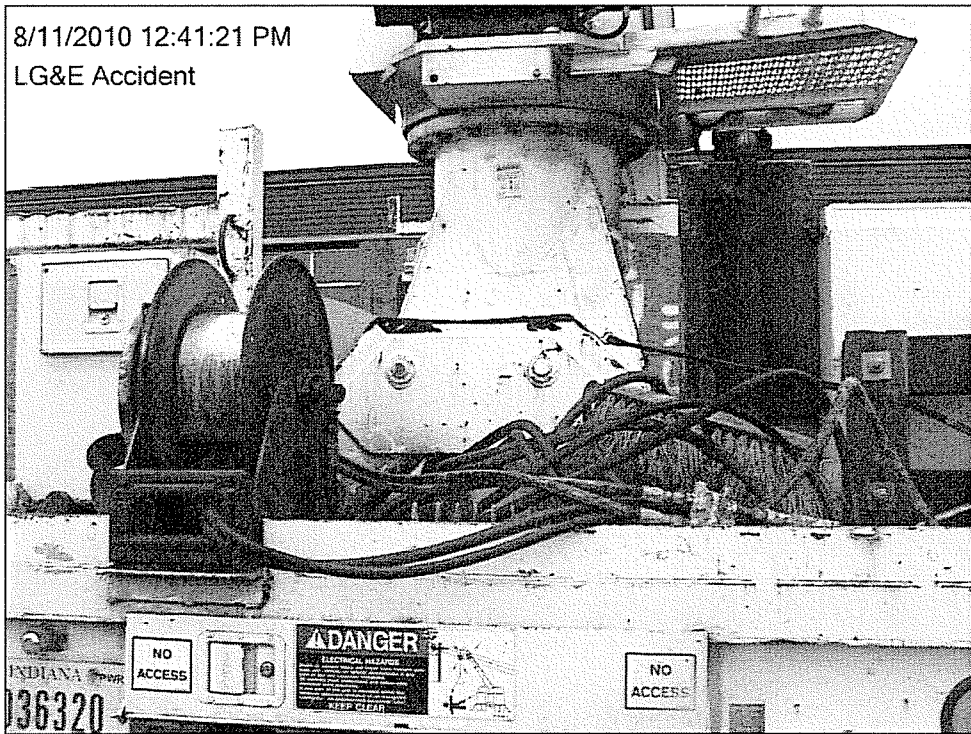
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#32



#33



#34



LG&E Accident
8/11/2010 12:41:32 PM

#35



#36



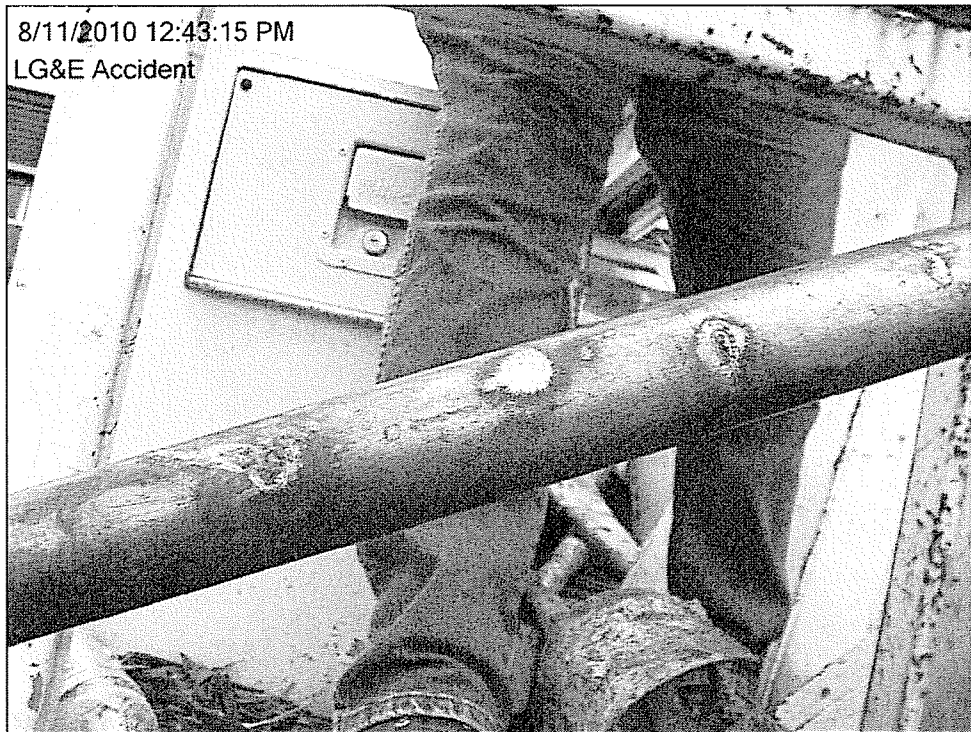
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#38



#39



#40

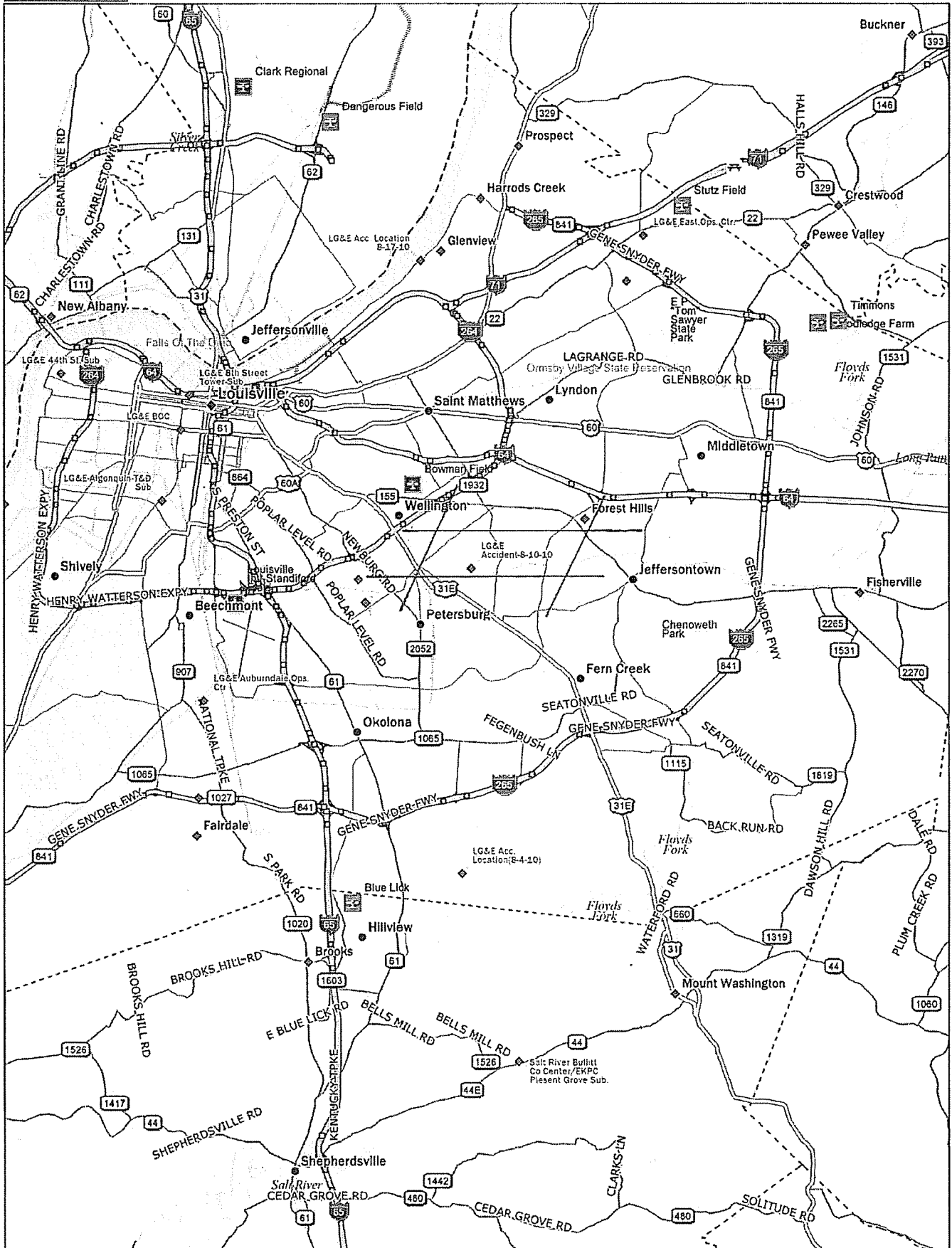
8/11/2010 12:43:22 PM
LG&E Accident



#41

Attachment D

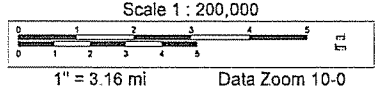
KPSC Map of Accident Location



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