

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------|---|---------------------|
| MOUNTAIN RURAL TELEPHONE |) | |
| COOPERATIVE CORPORATION, INC. |) | |
| _____ |) | CASE NO. 2012-00370 |
| |) | |
| ALLEGED FAILURE TO COMPLY WITH |) | |
| 807 KAR 5:006 and 807 KAR 5:061 |) | |

ORDER

Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural"), a Kentucky cooperative corporation organized under KRS Chapter 279 which engages in the transmission of messages by telephone for the public, for compensation, and in the provisioning of telecommunications services, is a utility subject to Commission jurisdiction.¹

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 administrative regulations establishing the proper conditions required for the safe and adequate furnishing of utility services. 807 KAR 5:006, Section 24, requires each utility to adopt and execute a safety program and 807 KAR 5:061, Section 3(1), adopts the 1990 Edition of the National Electrical Safety Code ("NESC") as a standard of accepted good engineering practice for the construction and maintenance of plant and facilities.

¹ KRS 278.010(3)(e).

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.

Commission Staff submitted to the Commission an Incident Investigation Report ("Report") regarding this incident, which is attached as an Appendix to this Order. The Report alleges that on April 18, 2012, while PSC Investigator Scott Morris was on site investigating a separate incident, Mountain Rural notified Mr. Morris of an incident that occurred on April 4, 2012. The Report alleges that the April 4, 2012 incident occurred at Woodsbend on Bays Bend Road in Morgan County, Kentucky, and that Shaun Dalton, a Mountain Rural employee, sustained injuries while a Mountain Rural crew was constructing a new line across a roadway.

According to the Report, on the day of the incident the victim was the ground man for the crew and another employee, Toby Wells, was on the pole. The crew had attached the strand to a dead end pole and the other end of the strand was still attached on the flat bed spool. The strand was lying across the roadway and Mr. Dalton was standing between the pole and the strand. The slack was pulled from the strand lying on the road and that allowed the strand to rise approximately two feet high. A car came through and hooked the strand which caused the strand to pull towards Mr. Dalton, and knocked him to the ground. The jerk of the strand caused Mr. Wells' gaffs to come out

of the pole and he caught himself by holding onto a bolt in the pole long enough to secure his hooks back into the pole.

According to the Report, it appears that Mountain Rural did not have any road signs displayed at the time of the incident nor did it have any flagmen at the site at the time of the incident.

According to Mountain Rural's report, the supervisor on this job had helped dig an anchor prior to connecting the strand to the pole and the rest of the crew began running the strand and attached it to the take-off pole. The supervisor laid the strand in the ditch and made sure it was flat across the roadway and then went to the other end of the job. There were no road signs displayed at the time of the incident. Mr. Dalton suffered a fractured skull, three small broken bones around the eye socket, and a black eye.

Based on Commission Staff's investigation of the incident, information contained in the Report, and the information provided by Mountain Rural in its seven-day summary report (Attachment C to the Report),² Commission Staff alleges that Mountain Rural has violated the following provision of the NESC:

- 1990 NESC Section 42, Rule 421.B—General Operating Routines—Area Protection
- 1. Areas Accessible to Vehicular and Pedestrian Traffic
- a. Before engaging in work that may endanger the public, warning signs or traffic control devices, or both, shall be placed conspicuously to alert approaching traffic. Where further protection is needed, suitable barrier guards shall be erected. Where the nature of work and traffic requires it, a person shall be stationed to ward traffic while the hazard exists.

² The Commission has redacted the victim's date of birth on the first page of the seven-day summary report.

Commission Staff also alleges that Mountain Rural has violated the following provisions of 807 KAR 5:006 and Mountain Rural's safety manual:

807 KAR 5:006. General Rules.

Section 26. Reporting of Accidents, Property Damage or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the Commission by telephone or electronic mail of any utility related accident which results in:

(a) Death; or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

Mountain Rural Telephone Safety Manual—Section K—
Roadway Safety

When performing maintenance or construction work near a roadway or public thruway of any kind, the use of warning flags, signs, cones, lights or flagmen must be used in such a manner as to provide adequate warning to the public that work is being performed in the immediate area.

Based on its review of the Report and being otherwise sufficiently advised, the Commission finds that *prima facie* evidence exists that Mountain Rural has failed to comply with 807 KAR 5:006 and 807 KAR 5:061. 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 Mountain Rural's practices related to the construction, installation, and repair of facilities.

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

1. Mountain Rural 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. Mountain Rural shall appear on January 15, 2013, at 12:00 p.m. Eastern Standard 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 807 KAR 5:006, 807 KAR 5:061, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

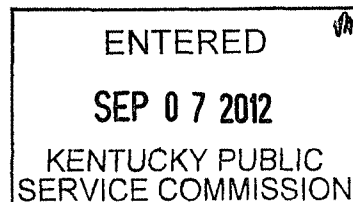
3. At the scheduled hearing in this matter, Mountain Rural shall also present evidence on the adequacy, safety, and reasonableness of its practices related to the construction, installation, and repair of facilities and whether such practices require revision as related to this incident.

4. The January 15, 2013 hearing shall be recorded by videotape only.

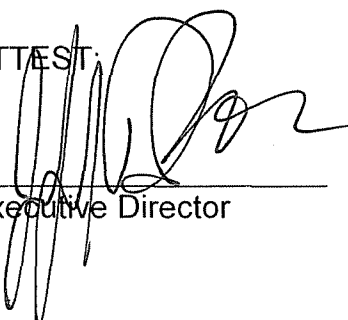
5. The Report in the Appendix to this Order is made a part of the record in this case.

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

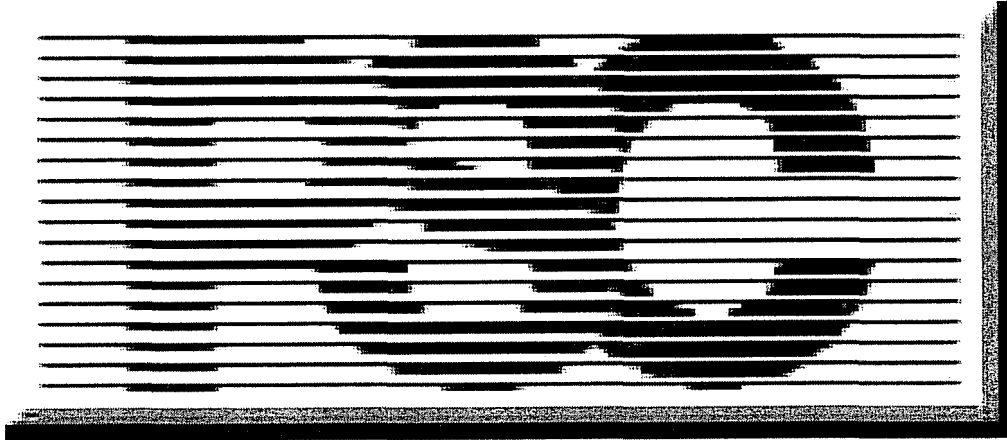
Case No. 2012-00370

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2012-00370 DATED **SEP 07 2012**



Kentucky Public Service
Commission



ACCIDENT INVESTIGATION - Staff Report

| | |
|---------------------------------|--|
| <u>Report Date</u> | July 18, 2012 |
| <u>Utility</u> | Mountain Rural Telephone Cooperative Corporation, Inc. |
| <u>Accident Date</u> | April 4, 2012 |
| <u>Accident Location</u> | Woodsbend on Bays Bend Road in Morgan County |
| <u>Victim</u> | Mr. Richard Shaun Dalton |
| <u>PSC Investigator</u> | Mr. Scott Morris |

Section 1-A: Investigation – Contacts/Actions

Utility: Mountain Rural Telephone Cooperative Corporation, Inc.

Date: 4-18-12

PSC Staff Member: Scott Morris

Contact Name: Rick Pelfrey – Outside Plant Manager

Contact Address: Mountain Rural Telephone Cooperative Corporation, Inc.
405 Main Street P.O. Box 399 West Liberty, KY 41472-0399

Contact Telephone: 606-743-3121

Summary of Conversation/Action: Discussion of this accident.

Utility: Mountain Rural Telephone Cooperative Corporation, Inc.

Date: 4-18-12

PSC Staff Member: Scott Morris

Contact Name: Teresa Brown Litteral – Human Resource & Safety Director

Contact Address: Mountain Rural Telephone Cooperative Corporation, Inc.
405 Main Street P.O. Box 399 West Liberty, KY 41472-0399

Contact Telephone: 606-743-3121

Summary of Conversation/Action: Discussion of this accident and provided summary report.

Section 1-B: INVESTIGATION – SUPPORTING INFORMATION

See Investigator's Report (Attachment A)

SECTION II: FINDINGS

The Commission did not receive notice of this accident from the utility within two hours of discovery as prescribed in Commission regulation 807 KAR 5:006, Section 26(a).

807 KAR 5:006. General Rules. Section 26. Reporting of Accidents, Property Damage or Loss of Service. (1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the Commission by telephone or electronic mail of any utility related accident which results in: (a) Death; or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

A review of the information provided by the utility about this accident reveals that there were no road signs displayed at the work site and no flagmen were used to assist in traffic control.

The utility safety manual gives guidance for maintenance and construction workers to take precautions when working on or near roadways on page 103, section K, Roadway Safety. (See Attachment E).

K. Roadway Safety

When performing maintenance or construction work near a roadway or public thruway of any kind, the use of warning flags, sign, cones, lights or flagmen must be used in such a manner as to provide adequate warning to the public that work is being performed in the immediate area.

The National Electrical Safety Code gives guidance to take precautions to alert approaching traffic of work being performed in areas accessible to vehicular and pedestrian traffic before engaging in work that may endanger the public in Part 4, Section 42. 421 B (1), (a) - pages 366-367. The Code recommends the conspicuous placement of warning signs, traffic control devices, or both. The Code also recommends that a person shall be stationed to warn traffic while the hazard exists where the nature of work and traffic requires it. (See Attachment F).

SECTION IV: NOTIFICATION FROM THE UTILITY

The Commission did not receive notice of this accident from the utility within two hours of discovery as prescribed in commission regulation 807 KAR 5:006. General Rules, Section 26, (a). (See Findings).

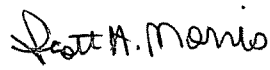
Investigated By:

Scott Morris
Utility Regulatory and Safety Investigator -
Telephone

Company:

Kentucky Public Service
Commission

Date:


7-18-12

Attachments:

- A. PSC Investigator Report
- B. Utility Accident Report – Mountain Rural Telephone employee – Richard Shaun Dalton Accident
- C. Utility Summary Report – Mountain Rural Telephone employee Richard Shaun Dalton Accident
- D. Kentucky Uniform Police Traffic Collision Report
- E. Mountain Rural Telephone Safety Manual
Section K. Roadway Safety - Page 103
- F. National Electrical Safety Code 1990 Edition
Part 4. Section 42. General Rules for Employees
421. General Operating Routines
B. Area Protection (1), (a) - pages 366-367

Attachment A

Incident Investigation Report

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION**

INCIDENT INVESTIGATION REPORT

July 18, 2012

BRIEF

Name of Utility: Mountain Rural Telephone Company, Inc.

Utility Address: 405 Main Street P.O. Box 399 West Liberty, KY 41472-0399

Type of Utility: Incumbent Local Exchange Carrier

Inspector(s): Scott Morris

Date and Time of Incident: April 4, 2012 at approximately 10:30 AM E.S.T.

Location of Incident: Woodsbend on Bays Bend Road in Morgan County

Date and Time Commission Notified: April 18, Approximately 10:00 AM E.S.T.

Date(s) of Investigation: April 18, 2012

Type of Incident: Head and shoulder injuries to utility employee

Purpose of Investigation: Review operational procedures and management practices to verify compliance with Commission regulations, industry standards and utility policies.

Incident Description:

Victim:

Richard Shaun Dalton
Age: 33
Injuries: Head

| <u>Information From:</u> | <u>Position:</u> | <u>Employer:</u> |
|---------------------------------|-------------------------|--------------------------|
| Rick Pelfrey | Outside Plant Manager | Mountain Rural Telephone |
| Teresa Litteral | HR Safety Director | Mountain Rural Telephone |

Description:

During an accident investigation for R&L Contracting employee conducted on April 18, 2012, representatives from Mountain Rural Telephone informed me about another accident involving a utility employee who had sustained head injuries and required overnight hospitalization that occurred on April 4, 2012. I informed Teresa Litteral and Rick Pelfrey that the accident should have been reported to the Commission within two hours of discovery of the accident, per 807 KAR 5:006, Section 26. I gave Teresa Litteral the most recent version of the PSC contact list for reporting accidents and outages and requested that the utility provide a summary report of the accident within seven days.

From information in the utility accident report, received by e-mail on 4-19-12 (See Attachment B, Utility Accident Report – Mountain Rural Telephone employee Richard Shaun Dalton Accident), and the summary report, received by e-mail on 4/26/12 (See Attachment C, Utility Summary Report – Mountain Rural Telephone employee Richard Shaun Dalton Accident), the following is a description of the accident. The accident occurred at approximately 10:30 AM on April 4, 2012 at Woodsbend on Bays Bend Road in Morgan County. The accident victim, Richard Shaun Dalton, is a 33 year old construction employee for Mountain Rural Telephone. The victim reportedly sustained a fractured skull, and broke three small bones around the eye socket on the left side of his face, and injured his shoulder, as a result of being knocked to the blacktop by a metal cable strand hitting him from behind after the strand was hooked by a car. The victim was transported to the airport in West Liberty, Kentucky, and then was airlifted to St. Mary's Hospital in Huntington, West Virginia where he was admitted to the hospital overnight and received treatment for his injuries.

The utility summary report stated that Mountain Rural Telephone Construction Supervisor Mike Howard was present at the time of the accident.

The utility stated in the summary report that there were no road signs displayed at the time of the accident.

From conversations with Rick Pelfrey and Teresa Litteral, there were no flagmen at the site at the time of the accident.

Attachment B

**Utility Accident Report – Mountain Rural Telephone employee –
Richard Shaun Dalton**

Received by e-mail on 4/19/12 at 1:24 PM E.S.T.

4-4-12 the day of the accident

Approximately 10:30 AM, construction supervisor Mike Howard contacted Rick Pelfrey OSPM stating they had an accident involving MRTC employee Shaun Dalton. Mike stated they were constructing a new line across the road at Woodsbend (Morgan County) and a car unexpectedly hit the strand, as a result the strand hit Shaun knocking him down on the blacktop. Mike stated that Shaun is conscious and sitting up but is confused. Mike stated they had already called an ambulance. When Rick arrived on scene EMS crews were loading him in the ambulance, he appeared pale and kept his eyes closed. The state police was on the scene interviewing the employees and were working on the accident report. Rick spoke to Mike briefly to get details of the accident before following the ambulance to the hospital. While in route to the hospital the ambulance stopped and informed Rick they were going to airlift Shaun to the hospital due to him being confused and the nature of the accident. He was transported to the West Liberty airport where he then was airlifted to St. Mary's Hospital in Huntington West Virginia.

Rick notified MRTC Human Resource & Safety Director Teresa Litteral and General Manager Allen Gillum of the accident.

Teresa Litteral
4/19/12

Attachment C

**Utility Summary Report – Mountain Rural Telephone employee
Richard Shaun Dalton Accident**

Received by e-mail on 4/26/12 at 9:07 AM E.S.T.

4/23/12

Summary Written Report for Richard Shaun Dalton (construction) with Mountain Telephone

Date of incident 4/4/12 approximately 10:30 am.

Location, Woodsbend on Bays Bend Road (Morgan County)

Mike Howard (Construction Supervisor) did not see incident

John Aragon (Construction Foreman) did not see incident

Richard S. Dalton (Construction) injured

Henry Ferguson (Construction) did not see incident

Bryan Cox (Construction) was in bucket truck

Toby Wells (Construction) was on pole, Shaun was ground man for him

Perry Lacy (Installer/repairman) had just pulled up and witness most of incident

Injured Richard Shaun Dalton birthday [REDACTED] making him 33 yrs old.

After incident investigation on April 5th, 2012 including all those listed above we determined the following:

As stated in previous report dated 4/19/12, they were constructing a new telephone line across the road at Woodsbend and a car unexpectedly hit the strand. As a result the strand hit Shaun from behind knocking him down on the blacktop. Shaun was groundman for Toby who was on the pole. They had attached the strand to dead end pole and the strand was still attached on the flat bed spool. Strand was lying on road and Shaun was standing between pole and strand. Slack was pulled from strand lying on road and that allowed strand to rise approximately 2ft high. When car driven by William A. Angus came through the vehicle hooked the strand which then pulled strand towards Shaun causing him to fall. The jerk of the strand caused Toby's gaffs to come out of the pole and he caught himself by holding onto a ¾ bolt in pole long enough to secure his hooks back in to the pole. The car traveled approx 100ft before coming to a stop.

State police was called and see attached for copy of their report.

Determined after investigation.

There were no road signs yet displayed, Mike Howard (Supervisor) had helped dig an anchor prior to connecting the strand to the pole. The rest of MRTC crew's arrived and began running the strand. The crew attached the strand on the take off pole (where the anchor was dug) Mike

laid the strand in the ditch and made sure it was flat across the roadway, he then went to the other end of the job to meet with the buried crew which was plowing a service drop to the customer. Mike stated he does not know how the strand was raised. They were wearing their hard hats, safety glasses and gloves as needed.

At this month's safety meeting (4/19/12) we discussed and reminded all the outside plant on the proper procedures for parking on the side of the road and when we have wire on the road. Of making sure your truck is completely off the road, cones out, and flaggers if needed. We did have Shaun with us at that meeting and we also discussed the incident with the R & L contractors too.

There was no lost of service.

The day of the incident I checked my OSHA requirements and decided that it was not a reportable incident for OSHA. There was only one injured employee. Did not even think of the PSC. Only when Rick (Outside plant manager) and I was traveling to the R & L incident did we question has to way we did not have to report to the PSC. After conversation with Scott Morris, PSC we discovered that we should have reported the incident because Shaun did spend the night in the hospital. We did pull Scott aside and ask if our incident should have been reported, after discussion we decided that it should have been. Scott did at that time give us the notice dated 4/10/12 from the PSC. I checked my files and the last one I received was dated 4/4/07. I should have check with the PSC, but I just did not think of it, I thought I had covered all bases by reviewing OSHA requirements. This is the first incident since I became HR & Safety Director where the employee stayed over night in the hospital. I am sorry for the delay and you can bet I won't ever forget in the future.

Shaun's doctor visits have been good, he has a fracture skull, and broke three small bones around the eye socket, black eye, all on the left side of face. Shaun says that he is ready to return to work, but doctor will not consider releasing him until follow-up visit the end of the month. We will work with Shaun and if needed he will be able to return him to light duty if necessary.


In addition to monthly safety meetings, I will recommend more tail gate safety meetings and how the process to complete the job needs to be discussed in more detailed before starting

At the Plant safety meeting we've always stress that safety come first no matter what, then job. We want all employees to return safety home to their families.

Teresa Litteral
HR & Safety Director
Mountain Telephone

Attachment D

Kentucky Uniform Police Traffic Collision Report

| | | | | | | | | | | | |
|---|-------------------------|--|--|-----------------------|-------------------------------------|---|------------------------|---|----------------------|---------------------------|--|
|  KENTUCKY UNIFORM POLICE TRAFFIC COLLISION REPORT | | | | | | | | | | MASTER FILE # 71139274 | |
| INVESTIGATING AGENCY KY STATE POLICE, POST 08 | | | | | AGENCY ORI NUMBER KSP0800 | | | LOCAL CODE | | | |
| ROADWAY NAME BAYS BEND RD | | | PARKING LDY: N | | INTERSECTION WITH: N | | | BETWEEN STREETS: N | | | |
| ROADWAY # | DISTANCE FROM MILEPOINT | MILEPOINT # | INJURED | KILLED | # UNITS INVOLVED | HIT & RUN | ONE WAY | SPEED LIMIT | | | |
| | | 0.487 | 1 | | 2 | NO | NO | 055 MPH | | | |
| IN CITY LIMITS? NO | | LATITUDE DEG: 37 MIN: 55.084 | | | | COLLISION DATE AND TIME 04/04/2012 09:19 | | | | | |
| MILES FROM CITY 6.4 MILES WEST | | LONGITUDE DEG: 83 MIN: 12.873 | | | | | | | | | |
| CITY/TOWN: 08801 - WEST LIBERTY | | | | | RAMP: NO | | | | | | |
| COUNTY: 088 - MORGAN | | | | | FROM: | | | | | DIR: | |
| SECONDARY COLLISION: NO | | MEDIAN CROSSOVER: NO | | | TO: | | | | | DIR: | |
| MANNER OF COLLISION 09 - SINGLE VEHICLE | | | LOCATION 1ST EVENT 97 - OTHER PROPERTY | | | TRAFFIC CONTROL 99 - NONE | | | | | |
| ROADWAY TYPE 01 - COUNTY ROAD | | TOTAL LANES 2 | ROADWAY CHARACTER 06 - STRAIGHT & LEVEL | | | ROADWAY SURFACE 01 - ASPHALT | | ROADWAY CONDITION 01 - DRY | | | |
| WEATHER 02 - CLEAR | | | LIGHT CONDITION 02 - DAYLIGHT | | | LAND USE 07 - RURAL | | SCHOOL BUS RELATED 03 - NOT APPLICABLE | | | |
| FIRST AID AT SCENE YES | | FIRST AID GIVEN BY MORGAN COUNTY AMBULANCE | | | | | | | | | |
| INJURED REMOVED TO 08801 - MORGAN COUNTY APPALACHAIN REGIONAL 60002 - ST MARYS (HUNTINGTON WV) | | | | | | | | | | | |
| EMS AGENCY AND RUN # | | | EMS AGENCY AND RUN # | | | EMS AGENCY AND RUN # | | | | | |
| NOTIFIED TIME | ARRIVED TIME | TIME AT HOSPITAL | NOTIFIED TIME | ARRIVED TIME | TIME AT HOSPITAL | NOTIFIED TIME | ARRIVED TIME | TIME AT HOSPITAL | | | |
| INJURED OR DECEASED REMOVED BY 02 - HELICOPTER/OTHER AIR VEHICLE 03 - MUNICIPAL/COUNTY EMERGENCY VEHICLE | | | | | | | | | | | |
| 1 PROPERTY DAMAGE - OTHER THAN VEHICLES | | | | | | | PROPERTY | | | | |
| OWNER/ADDRESS | | | | | | | | | | | |
| 2 PROPERTY DAMAGE - OTHER THAN VEHICLES | | | | | | | PROPERTY | | | | |
| OWNER/ADDRESS | | | | | | | | | | | |
| 3 PROPERTY DAMAGE - OTHER THAN VEHICLES | | | | | | | PROPERTY | | | | |
| OWNER/ADDRESS | | | | | | | | | | | |
| INV. COMPLETE YES | | PHOTOS NO | | PHOTOGRAPHER UNIT NO. | | | | | | | |
| INVESTIGATOR FEARIN S | | | | | ID NUMBER 0860 | BEAT OR POST NO. POST 8 | TIME NOTIFIED 09:24 | TIME ARRIVED 09:24 | RDWY OPENED 09:40 | | |
| REVIEWED BY A FANNIN | | | | | | | | PAGE 1 OF 5 | | | |

| KENTUCKY UNIFORM POLICE TRAFFIC COLLISION REPORT - NARRATIVE | | | KSP 74 Revised 1/2000 |
|--|--------------------------|-------------------|-----------------------|
| | | MASTER FILE # | 71139274 |
| INVESTIGATING AGENCY | KY STATE POLICE, POST 01 | AGENCY ORI NUMBER | KSP0800 LOCAL CODE |

Unit one was traveling north on Bay's Bend Road, in Morgan County. Richard Dalton, an employee of Mountain Telephone, was working along the roadway of Bays Bend Road. Dalton and other employee's of Mountain Telephone were stretching telephone wire from a pole along the north bound side of Bay's Bend Road, across Bay's Bend Road. The wire was lying on the roadway. Dalton was standing at the south bound edge of Bay's Bend Road, directly across from the pole from which the wire was extended. Unit One hit the telephone wire in the roadway, causing tension, in the wire. The telephone wire then hit Richard Dalton, causing him to fall partially into roadway.

Operator of Unit One advised that as he was approaching the work site, he observed a worker on a telephone pole along the south bound shoulder of roadway, and Mr. Dalton standing at the base of the pole. The operator of Unit One advised that as he approached the location of the work site, he observed a loop in the wire, just as the impact with the wire occurred. The operator of Unit One stated that he immediately looked in his side mirror, and observed Dalton lying on the ground.

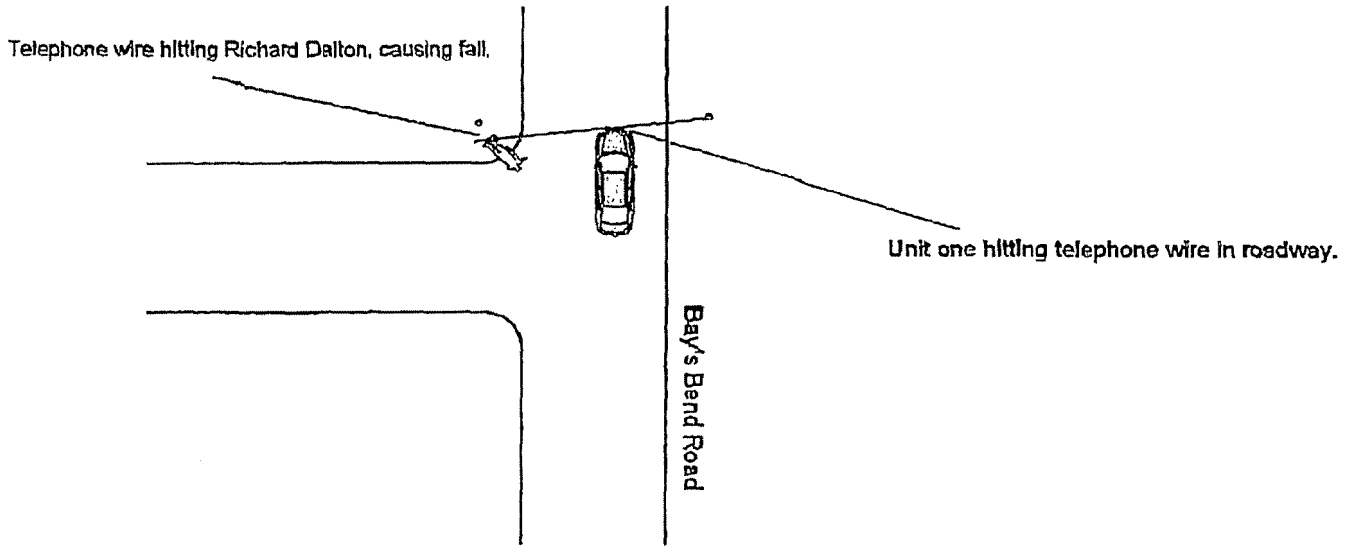
A statement was not obtained from Richard Dalton at the scene. Dalton was contacted after his release from the hospital, but had no recollection of the accident.

Perry Lacy, employee of Mountain Telephone and witness to the collision, stated that he had arrived at the scene just prior to the accident. Lacy said that he observed Dalton standing at the base of a telephone pole, on the south bound shoulder of Bay's Bend Road. Lacy stated that he observed Unit One just prior to hitting the telephone wire in the roadway. Lacy stated that the telephone wire appeared to be slightly suspended above the roadway. Lacy said that when Unit One hit the telephone wire, he saw Dalton fall to the ground.

Traffic control was not present at the time of the collision.

| KENTUCKY UNIFORM POLICE TRAFFIC COLLISION REPORT - UNIT | | | | | | | | | | | | | | |
|---|--------------------|--|--------------------|--|--------------------------------|--|---------------------|---------------------|---------------------|---------------|---------|------------|----|----|
| | | | | | | | | | | MASTER FILE # | | 71139274 | | |
| INVESTIGATING AGENCY | | | | | | KY STATE POLICE, POST 08 | | | AGENCY ORI NUMBER | | KSP0800 | LOCAL CODE | | |
| UNIT # | TOWED? | TOWED DUE TO DISABLED? | # OCCUPANTS | PEDESTRIAN FACTORS | | | | | | | | | | |
| 1 | NO | NO | 2 | | | | | | | | | | | |
| OPERATORS LIC. NO. | | STATE | LIC. CLASS | ENDORSEMENT | OPERATORS LICENSE RESTRICTIONS | | | | | | | | | |
| [REDACTED] | | KY | D | | 01 - CORRECTIVE LENS | | | | | | | | | |
| COL | NO | CO. RESIDENT | YES | OWNER | YES | COMPLIANT | | | | | | YES | | |
| OPERATOR NAME (LN, FN, MI) | | | | ANGUS, WILLIAM A | | | | | | | | | | |
| ADDRESS | | | | [REDACTED] 4605 HWY 705 WEST LIBERTY, KY 41472 | | | | | | | | | | |
| A. PRE-COLLISION VEHICLE ACTION | | | | | | B. UNIT TYPE | | | C. FIRE | D. OVERTURNED | | | | |
| 05 - GOING STRAIGHT AHEAD | | | | | | 14-PASSENGER CAR | | | NO | NO | | | | |
| E HUMAN FACTORS 99 - NONE DETECTED | | | | | | | | | | | | | | |
| F-H. EVENT COLLISION | | | | | | | | | | | | | | |
| 1ST: 47 - OTHER MOVABLE OBJECT | | | | | | | | | | | | | | |
| I. VEHICULAR FACTORS | | | | | | J. ENVIRONMENTAL FACTORS | | | | | | | | |
| 99 - NONE DETECTED | | | | | | 08 - IMPROPER/NON-WORKING TRAFFIC CONTROLS 09 - MAINTENANCE/UTILITY WORK ZONE | | | | | | | | |
| K UNDERRIDE/OVERRIDE 01 - NO UNDERRIDE/OVERRIDE | | | | | | | | | | | | | | |
| INVOLVED PERSONS: NAME ADDRESS CITY, STATE AND ZIP | | | | DOB/DOD | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| ANGUS, BARBARA 4605 HWY 705 WEST LIBERTY, KY 41472 | | | | FEMALE DOB [REDACTED] | 02 | NO | 03 | 05 | | 01 | 01 | 01 | 01 | 01 |
| ANGUS, WILLIAM A 4605 HWY 705 WEST LIBERTY, KY 41472 | | | | MALE DO [REDACTED] | 08,01 | NO | 01 | 05 | | 01 | 01 | 01 | 01 | 01 |
| VEH YEAR | MAKE | MODEL | | | TYPE | STATE | REGISTRATION NUMBER | | | YEAR | | | | |
| 2000 | BUICK | LESABRE CUSTOM | | | | KY | 972CMW | | | 2012 | | | | |
| VEHICLE ID NUMBER | VEHICLE INSURED | NAME OF INSURANCE CO. | | | | INSURANCE POLICY # | | | COLOR OF VEH | | | | | |
| 1G4HP54K3Y4163801 | YES | AMERICAN FIRE AND CASUALTY | | | | 6066632271 | | | WHITE | | | | | |
| 1ST AREA OF CONTACT | | 1ST AREA CONTACT - COMBINATION VEHICLE | | | EXTENT OF DAMAGE | | AIR BAG SWITCH | | TRAVEL DIRECTION | | | | | |
| 01 - FRONT VEHICLE | | | | | MINOR | | ON | | NORTH | | | | | |
| ESTIMATED TRAVEL SPEED | | | | MOST HARMFUL EVENT | | | | | | | | | | |
| COMMERCIAL VEH. | LARGE TRUCK OR BUS | PLACARD PRESENT | HAZ. CARGO | HAZ. SPILL | HAZ. MAT. # | TYPE CARGO/COMMODITY | | | HAS SAFETY REPORT # | | | | | |
| NO | NO | | | | | | | | | | | | | |
| HM CLASS | | | | | CARRIER TYPE | | | | | | | | | |
| SINGLE/COMBINATION/BOBTAIL | NO. AXLES | NO. TRAILERS | US DOT # | ICC MC # | CRASH AVOIDANCE (Fatal Only) | | | | | | | | | |
| | | | | | | | | | | | | | | |
| VEHICLE CONFIGURATION | | | | CARGO BODY TYPE | | | | BUS USE | | | | | | |
| | | | | | | | | | | | | | | |
| GVWR TOTAL | | | MOTOR CARRIER NAME | | | | | CARRIER NAME SOURCE | | | | | | |
| | | | | | | | | | | | | | | |
| MOTOR CARRIER ADDRESS | | | | | | | | | | | | | | |
| VIOLATION CODES CITATION NUMBER CASE NUMBER SUSPECTED DRINKING DRIVER METHOD OF DETERMINATION | | | | | | | | | | | | | | |
| NO NO NO NO 02 - OBSERVATION | | | | | | | | | | | | | | |
| TAKEN BY | | | | | | | | | | | | | | |
| TEST OFFERED | CHEMICAL TEST | TESTED FOR | SENT TO | | | | RESULTS | | | PAGE | | | | |
| NO | | | | | | | | | | | | | | |

| KENTUCKY UNIFORM POLICE TRAFFIC COLLISION REPORT - UNIT | | | | | | | | | | | | | | | | | | | | |
|---|--------------------|------------------------|--|---------------------------|--------------------|--------------------------------|---------------------|---------------------|------------|------------------------|---------------|------|-------|----|--|------|-------|---------------------|--|------|
| | | | | | | | | | | MASTER FILE # 71139274 | | | | | | | | | | |
| INVESTIGATING AGENCY KY STATE POLICE, POST 08 | | | | | | AGENCY ORI NUMBER KSP0800 | | | LOCAL CODE | | | | | | | | | | | |
| UNIT # | TOWED? | TOWED DUE TO DISABLED? | | # OCCUPANTS | | PEDESTRIAN FACTORS | | | | | | | | | | | | | | |
| 2 | NO | | | 1 | | 14 - NOT IN ROADWAY | | | | | | | | | | | | | | |
| OPERATOR'S LIC. NO. | | | STATE | LIC. CLASS | ENDORSEMENT | OPERATORS LICENSE RESTRICTIONS | | | | | | | | | | | | | | |
| CDL | | CO. RESIDENT | | OWNER | | | | | | | | | | | | | | | | |
| OPERATOR NAME (LN, FN, MI) | | | | | | | | | | | | | | | | | | | | |
| DATE OF BIRTH | | ADDRESS | | | | | | | | | | | | | | | | | | |
| COMPLIANT | | | | | | | | | | | | | | | | | | | | |
| A. PRE-COLLISION VEHICLE ACTION | | | | | | B. UNIT TYPE | | | C. FIRE | | D. OVERTURNED | | | | | | | | | |
| | | | | | | 16-PEDESTRIAN | | | | | | | | | | | | | | |
| E. HUMAN FACTORS | | | | | | | | | | | | | | | | | | | | |
| F-H EVENT COLLISION | | | | | | | | | | | | | | | | | | | | |
| I. VEHICULAR FACTORS | | | | | | J. ENVIRONMENTAL FACTORS | | | | | | | | | | | | | | |
| K. UNDERRIDE/OVERRIDE | | | | | | | | | | | | | | | | | | | | |
| INVOLVED PERSONS: NAME, ADDRESS, CITY, STATE AND ZIP | | | | DOB/DOB | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | | | | | | |
| DALTON, RICHARD S 133 ISON DRIVE WEST LIBERTY, KY 41472 | | | | MALE DOB [REDACTED] | 03 | YES | | 02 | 01 | | | 01 | 01 | 01 | | | | | | |
| VEH YEAR | | | | | | | | | | | | MAKE | MODEL | | | TYPE | STATE | REGISTRATION NUMBER | | YEAR |
| VEHICLE ID NUMBER | | VEHICLE INSURED | | NAME OF INSURANCE CO. | | | | INSURANCE POLICY # | | COLOR OF VEH | | | | | | | | | | |
| 1ST AREA OF CONTACT | | | 1ST AREA CONTACT - COMBINATION VEHICLE | | | EXTENT OF DAMAGE | | AIR BAG SWITCH | | TRAVEL DIRECTION | | | | | | | | | | |
| ESTIMATED TRAVEL SPEED | | | | | MOST HARMFUL EVENT | | | | | | | | | | | | | | | |
| COMMERCIAL VEH. | LARGE TRUCK OR BUS | PLACARD PRESENT | HAZ. CARGO | HAZ. SPILL | HAZ. MAT. # | TYPE CARGO/COMMODITY | | HAS SAFETY REPORT # | | | | | | | | | | | | |
| NO | NO | | | | | | | | | | | | | | | | | | | |
| HM CLASS | | | | | CARRIER TYPE | | | | | | | | | | | | | | | |
| SINGLE/COMBINATION/BOBTAIL | | NO. AXLES | NO. TRAILERS | US DOT # | ICC MC # | CRASH AVOIDANCE (Fatal Only) | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| VEHICLE CONFIGURATION | | | | CARGO BODY TYPE | | | | BUS USE | | | | | | | | | | | | |
| GVWR TOTAL | | | MOTOR CARRIER NAME | | | | CARRIER NAME SOURCE | | | | | | | | | | | | | |
| MOTOR CARRIER ADDRESS | | | | | | | | | | | | | | | | | | | | |
| VIOLATION CODES | | CITATION NUMBER | CASE NUMBER | SUSPECTED DRINKING DRIVER | | METHOD OF DETERMINATION | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| TAKEN BY | | | | | | | | | | | | | | | | | | | | |
| TEST OFFERED | CHEMICAL TEST | TESTED FOR | | SENT TO | | | RESULTS | | | PAGE | | | | | | | | | | |
| | | | | | | | | | | 4 OF 5 | | | | | | | | | | |



NOT TO SCALE

Attachment E

**Mountain Rural Telephone Safety Manual - Section K. Roadway Safety
- Page 103**

I. Tools

1. All tools shall be kept in a safe operating condition. Lineman belts and safety strap shall be inspected regularly for wear and replaced when necessary. Climbers shall be maintained according to standard with gaff covers properly installed when not in use.
2. Climbers shall be removed at the foot of the pole.

J. Reporting Accidents and Injuries

Any accident resulting in serious injury or death to an employee or the general public shall be immediately reported to the main office by radio, telephone or in person by the employee who has full knowledge of the incident.

All accidents, regardless of severity, involving employees, should be reported in writing to supervisor as promptly as possible. This report should contain all information pertaining to the accident and shall be the responsibility of the injured or supervisor who is on the job site.

K. Roadway Safety

When performing maintenance or construction work near a roadway or public thruway of any kind, the use of warning flags, signs, cones, lights or flagmen must be used in such a manner as to provide adequate warning to the public that work is being performed in the immediate area.

L. Responsibility

1. The General Manager and Department Heads shall be responsible for carrying out said policy to its fullest extent.
2. Failure of employee to comply with this policy shall be grounds for disciplinary action.

Attachment F

**National Electrical Safety Code 1990 Edition
Part 4. Section 42. General Rules for Employees
421. General Operating Routines
B. Area Protection (1), (a) - pages 366-367**

N. Fuses

When fuses must be installed or removed with one or both terminals energized, employees shall use special tools or gloves insulated for the voltage involved. When installing expulsion-type fuses, employees shall wear personal eye protection and take precautions to stand clear of the exhaust path of the fuse barrel.

O. Cable Reels

Cable reels shall be securely blocked so they cannot roll or rotate accidentally.

P. Street and Area Lighting

1. The lowering rope or chain, its supports, and fastenings shall be examined periodically.
2. A suitable device shall be provided by which each lamp on series lighting circuits of more than 300 volts may be safely disconnected from the circuit before the lamp is handled.

EXCEPTION: This rule does not apply where the lamps are always worked on from suitable insulated platforms or aerial lift devices, or handled with suitable insulated tools, and treated as under full voltage of the circuit concerned.

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. Make all the necessary records and reports, as required.
4. Prevent unauthorized persons from approaching places where work is being done, as far as practical.
5. Prohibit the use of tools or devices unsuited to the work at hand, or which have not been tested or inspected as required.

B. Area Protection

1. Areas Accessible to Vehicular and Pedestrian Traffic
 - a. Before engaging in work that may endanger the

public, warning signs or traffic control devices, or both, shall be placed conspicuously to alert approaching traffic. Where further protection is needed, suitable barrier guards shall be erected. Where the nature of work and traffic requires it, a person shall be stationed to warn traffic while the hazard exists.

- b. When openings or obstructions in the street, sidewalk, walkways, or on private property are being worked on or left unattended during the day, danger signals, such as warning signs and flags, shall be effectively displayed. Under these same conditions at night, warning lights shall be prominently displayed and excavations shall be enclosed with protective barricades.

2. Areas Accessible to Employees Only

- a. If the work exposes energized or moving parts that are normally protected, danger signs shall be displayed. Suitable barricades shall be erected to restrict other personnel from entering the area.
- b. When working in one section where there is a multiplicity of such sections, such as one panel of a switchboard, one compartment of several, or one portion of a substation, employees shall mark the work area conspicuously and place barriers to prevent accidental contact with energized parts in that section or adjacent sections.

3. Locations with Crossed or Fallen Wires

An employee, finding crossed or fallen wires that are creating, or may create a hazard, shall remain on guard or adopt other adequate means to prevent accidents. The proper authority shall be notified. If the employee is qualified, and can observe the rules for safely handling energized parts by the use of insulating equipment, this employee may correct the condition.

C. Escort

Persons accompanying non-qualified employees or visitors or in the vicinity of electric equipment or lines shall be qualified to safeguard the people in their care, and see that the safety rules are observed.

W. Allen Gillum
General Manager
Mountain Rural Telephone Cooperative
405 Main Street
P. O. Box 399
West Liberty, KY 41472-0399