



Matthew G. Bevin
Governor

Charles G. Snavelly
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

June 14, 2017

Talina R. Mathews
Executive Director
Public Service Commission
P.O. Box 625
Frankfort, KY 40602

Re: Case No. 2017-00095
South Kentucky Rural Electric Cooperative Corporation
Alleged Failure to Comply with KRS 278.042

Dear Ms. Mathews:

Enclosed for filing is the Stipulation of Facts and Settlement Agreement entered into between Commission Staff and South Kentucky Rural Electric Cooperative Corporation. Please bring this document to the Commission's attention for its review and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Park".

John B. Park
Staff Attorney

JBP/ph

Attachment

cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH KENTUCKY RURAL
ELECTRIC COOPERATIVE
CORPORATION

ALLEGED FAILURE TO COMPLY
WITH KRS 278.042

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CASE NO. 2017-00095

STIPULATION OF FACTS AND SETTLEMENT AGREEMENT

By Order issued on March 10, 2017, the Commission initiated this proceeding to determine whether South Kentucky Rural Electric Cooperative Corporation ("South Kentucky") should be subject to the penalties prescribed in KRS 278.990 for alleged violations of KRS 278.042, which 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 the most recent edition of the National Electrical Safety Code ("NESC").

The alleged violations relate to an incident that occurred on August 12, 2016, when Byron Koontz, a line technician with South Kentucky, sustained injuries when he came into contact with an energized phase conductor. According to the Staff Accident Investigation Report ("Staff Report"), Mr. Koontz was attempting to splice a broken single-phase conductor when he removed his rubber gloves and made contact with the two ends of the conductor. Mr. Koontz sustained burn injuries upon making contact with the energized conductor.

On March 30, 2017, South Kentucky filed a response to the Commission's March 10, 2017 Order in which it denied that it violated, willfully or otherwise, KRS 278.042, the NESC, or the South Kentucky Safety Manual, and requested that this proceeding be dismissed. South Kentucky also filed a motion requesting that in the event the proceeding is not dismissed, the Commission schedule an informal conference for the purpose of discussing the issues involved in this case.

On May 2, 2017, an informal conference involving South Kentucky and Commission Staff was held at the Commission's offices. As a result of the discussions had at the informal conference, South Kentucky and Commission Staff reached the following Stipulation of Facts and Settlement Agreement ("Stipulation"), which is submitted for the Commission's consideration in rendering its decision in this matter:

1. South Kentucky agrees that the Staff Accident Investigation Report, attached as an Appendix to the Commission's March 10, 2017 Initiating Order in this case, accurately describes and sets forth the facts and circumstances surrounding the incident giving rise to the Order.

2. As part of its response to the Commission's March 10, 2017 Initiating Order, South Kentucky identified certain corrective actions and measures it has undertaken in response to the incident giving rise to this proceeding. These measures include the adoption of a policy requiring employees to wear rubber gloves and sleeves "ground to ground" when climbing a pole, "cradle to cradle" when using an aerial lift truck, and "lock to lock" when working on an energized pad mount transformer; and the revision of its policies to include "zero tolerance" (immediate dismissal) for safety violations involving the testing and grounding of electric lines and employee use of rubber gloves. South

Kentucky also stated that it conducts numerous safety audits of its work crews, during which proper safety procedures are discussed and any safety concerns or violations are immediately addressed.

3. To settle this investigation into the August 12, 2016 incident, South Kentucky agrees to pay a civil penalty, pursuant to KRS 278.990, in the amount of \$15,000.00. South Kentucky further agrees to provide on a quarterly basis, for a period of one year, a report detailing the results of crew safety audits performed and, if any safety violations are identified, the corrective action taken to address the violation. If requested by the Commission, South Kentucky agrees to provide the actual audits. South Kentucky also agrees to provide on a quarterly basis, for a period of one year, documentation of five job briefings per month. The briefings shall be for separate crews, and shall include briefings for two contractor crews. The reports described in this paragraph shall be due within 30 days following the end of the calendar quarter, with the first quarter being the three months ending on June 30, 2017.

4. The Commission's acceptance of this Stipulation will satisfy and resolve any and all claims against South Kentucky for any violation of KRS Chapter 278 or for any penalty under KRS 278.990 arising out of the August 12, 2016 incident.

5. This Stipulation is not an admission by South Kentucky that it willfully violated KRS 278.042 or any other provision of KRS Chapter 278. The Commission's acceptance of this Stipulation shall not be construed as a finding that South Kentucky willfully violated any statute.

6. In the event the Commission does not accept this Stipulation in its entirety, South Kentucky reserves its right to withdraw therefrom and require that a hearing be

held on any and all issues herein. In such event, none of the provisions contained herein shall be binding upon South Kentucky or the Commission, or used as an admission by South Kentucky of any liability in any legal proceeding or lawsuit arising out of the facts set forth in the Staff Report.

7. This Stipulation is for use in Commission Case No. 2017-00095. None of the provisions in this Stipulation establishes any precedent for any other case. Neither South Kentucky nor Commission Staff shall be bound by any part of this Stipulation in any other proceeding, except that this Stipulation may be used in any proceeding by the Commission to enforce the terms of this Stipulation or to conduct a further investigation of South Kentucky's service. South Kentucky shall not be precluded or estopped from raising any issue, claim, or defense, therein by reason of the execution of this Stipulation.

8. South Kentucky and Commission Staff agree that the foregoing Stipulation is reasonable, is in the public interest, and should be adopted in its entirety by the Commission. If adopted by the Commission, South Kentucky waives its right to a hearing in this matter and will not file any petition for rehearing or seek judicial review.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their signatures this 13th day of June, 2017.

South Kentucky Rural Electric Cooperative Corporation

By: Allen Linderson

Title: President / CEO

Staff of the Kentucky Public Service Commission



Case No. 2017-00095

*South Kentucky R.E.C.C.
925-929 N Main Street
P. O. Box 910
Somerset, KY 42502-0910

*South Kentucky R.E.C.C.
South Kentucky R.E.C.C.
925-929 N Main Street
P. O. Box 910
Somerset, KY 42502-0910

*Mark David Goss
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504