CASE NUMBER:

99-338

KY. PUBLIC SERVICE COMMISSION
AS OF: 04/27/00

HISTORY INDEX FOR CASE: 1999-338 LOUISVILLE GAS AND ELECTRIC COMPANY Investigation - Service COOTS INJURY

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041,

SEQ NBR	ENTRY DATE	REMARKS
	00/37/1000	
0001	08/17/1999	
0002	09/07/1999	Order cancelling 9/8 hearing
M0001	10/06/1999	LG&E DOUGLAS BROOKS-ANSWER & REQUEST FOR INFOMAL CONFERENCE
0003	10/13/1999	Order scheduling an IC on 10/20/99 at 9:30 in Conference Room 1.
M0002	10/19/1999	DOUGLAS BROOKS/LG&E-LG&E MOTION TO RESCHEDULE INFORMAL CONFERENCE TO 10/29/99.
0004	10/22/1999	Order rescheduling 10/20 informal conference to 11/1
0005	11/03/1999	
0006	02/29/2000	Stipulation of Facts and Agreement between Commission Staff and LG&E.
0007	03/24/2000	FINAL ORDER; STIPULATION IS ADOPTED AND APPROVED; \$3,000 PENALTY ASSESSED
M0003	04/13/2000	DOUGLAS BROOKS LG&E-RESPONSE TO ORDER FOR PAYMENT OF PENALTY
8000	04/20/2000	Receipt of Payment for payment of penalty.

RECE

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION GENERAL COUNSEL

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
	ý	CASE NO.
)	99-338
FAILURE TO COMPLY WITH COMMISSION)	
REGULATION 807 KAR 5:041, SECTION 3(1))	

STIPULATION OF FACTS AND AGREEMENT

By order dated August 17, 1999, the Commission initiated this proceeding to allow Louisville Gas and Electric Company ("LG&E") an opportunity to show cause why it should not be subject to the penalties provided under KRS 278.990 for four alleged violations of Commission Regulation 807 KAR 5:041, Section 3(1). The alleged violations arose from an accident on March 8, 1999 in Louisville, Kentucky resulting in injuries to an LG&E employee.

An Informal Conference was held at the Commission's offices on November 1, 1999. As a result of discussions held at the conference, LG&E and Commission Staff agree as follows:

- 1. The facts and circumstances surrounding the March 8, 1999 accident are accurately described and set forth in the Staff's Accident Investigation Report, Appendix A to the Commission's August 17, 1999 Order.
- 2. As a result of this accident, LG&E will modify the procedure used by employees working in substations. The new procedure includes the use of magnetic

based flags to delineate the areas which are deenergized. The utilization of these flags conforms to the procedures already in place at its affiliate, Kentucky Utilities Company.

- 3. LG&E acknowledges that the injured employee should have been wearing protective equipment and that the employee failed to adopt such precautions that are within the individual's authority to prevent accidents. LG&E contests the two other probable violations cited by the Commission, asserting that the employee had not yet been granted authority to work on the line and the accident occurred prior to the time that the switches should have been opened. The Staff recognized the basis for these assertions by LG&E, but Staff does not concur.
- 4. In an efficient and expeditious manner, LG&E agrees to pay a civil penalty in the amount of \$3000 in full settlement of this proceeding. Neither the payment of the civil penalty, nor any other agreement contained in this Stipulation of Facts and Agreement, is intended to constitute an admission by LG&E that it violated any of the Commission's regulations, nor shall it be used in any civil proceeding relating to this incident.
- 5. In the event that the Commission does not adopt this Stipulation of Facts and Agreement in its entirety, LG&E and Staff reserve their rights to withdraw therefrom and require that a hearing be held on any and all issues involved herein, and that none of the provisions contained herein shall be binding upon the parties hereto or used as an admission by either party.
- LG&E and Staff agree that the foregoing Stipulation of Facts and
 Agreement is reasonable, is in the public interest, and should be adopted in its entirety

by the Commission. If so adopted by the Commission, LG&E agrees to waive its right to a hearing and no petition for rehearing or judicial appeal will be filed.

AGREED TO BY:

Douglas M. Brooks

Counsel for Louisville Gas and Electric Company

DATE: 12/14/99

Richard G. Raff

Counsel for Commission Staff

DATE:

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

n the Matter of:	
LOUISVILLE GAS AND ELECTRIC COMPAN	Y))) CASE NO. 99-338
FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041, SECTION 3(1))

RECEIPT OF PAYMENT

This is to acknowledge receipt of one check in the amount of \$3,000.00 payable to Kentucky State Treasurer from Louisville Gas & Electric Company. This represents full payment of the penalty assessed against them in the above-styled action.

Stephanie Bell

Secretary of the Commission

Dated 4/20/2000

hv



Law Department

Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Keptucky 40232 502-627-3450 E V 502-627-3367 FAX

APR 1 3 2000

PUBLIC SERVICE COMMISSION

April 11, 2000

Via UPS

Office of the General Counsel Kentucky Public Service Commission 730 Schenkel Lane P. O. Box 615 Frankfort, Kentucky 40602

RECEIVEL

APR 13 2000

GENERAL COUNCEL

Re: Louisville Gas and Electric Company

Case No. 99-338

Dear Sir or Madam:

Pursuant to the Order of the Commission entered in this proceeding on March 24, 2000, I have enclosed herewith a check drawn on behalf of Louisville Gas and Electric Company in the amount of Three Thousand Dollars (\$3,000.00) payable to the Kentucky State Treasurer as payment of the civil penalty thereby assessed.

Sincerely yours,

Douglas M. Brooks

Senior Counsel Specialist, Regulatory

Daugla Mr. Bre

(502) 627-2557

Enclosure



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION 211 SOWER BOULEVARD POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-338
LOUISVILLE GAS AND ELECTRIC COMPANY

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 24, 2000.

Parties of Record:

Ronald Willhite Vice President Regulatory Affairs Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY. 40232 2010

Honorable Douglas M. Brooks Counsel for LG&E Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, KY. 40232

Secretary of the Commission

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the	Matter	of:
--------	--------	-----

)
) CASE NO. 99-338
)

ORDER

By Order dated August 17, 1999, the Commission directed Louisville Gas and Electric Company ("LG&E") to appear at a hearing on September 8, 1999 to show cause why it should not be subject to the penalties provided for under KRS 278.990 for four probable violations of Commission Regulation 807 KAR 5:041, Section 3(1), which requires utility facilities to be maintained in accordance with the National Electrical Safety Code, 1999 Edition ("NESC"). More specifically, the cited NESC violations were of Rule 420.H, which requires employees to use personal protective equipment; Rule 421.A, which requires the first-level supervisor or person in charge to adopt such precautions as are within the individual's authority to prevent accidents; Rule 444.C, which requires that when equipment or lines are to be de-energized all switches and disconnects through which electric energy may be supplied to the particular section of equipment or lines be rendered inoperable; and Rule 444.D, which requires the employee in charge to make protective grounds or verify that adequate grounds have been applied on the disconnected lines or equipment.

•

The probable violations arose from a March 8, 1999 accident at LG&E's Breckinridge Substation in Jefferson County, Kentucky. Three LG&E employees were working at the Substation and one of them positioned a ladder at disconnect 1351 and climbed up to inspect a 14 KV disconnect which was thought to have been deenergized. The disconnect was actually energized and, upon contact, the employee fell from the ladder and suffered burns to his hands and injuries from the fall.

At LG&E's request, the hearing was held in abeyance and an informal conference was convened to provide an opportunity to discuss the operative facts surrounding the accident. LG&E appeared at the conference and the discussion with Commission Staff resulted in the filing of a Stipulation of Facts and Agreement ("Stipulation") on February 28, 2000.

The Stipulation, attached hereto as Appendix A and incorporated herein by reference, sets forth the relevant facts surrounding the accident, discusses the remedial measures taken by LG&E since that time, and provides for LG&E to pay a civil penalty in the amount of \$3,000 in full satisfaction of the probable violations.

In determining whether the terms of the Stipulation are in the public interest and are reasonable, the Commission has taken into consideration the comprehensive nature of the settlement and LG&E's willingness to cooperate to achieve a speedy resolution of this proceeding. Based on the evidence of record and being otherwise sufficiently advised, the Commission finds that the Stipulation is in accordance with the law and does not violate any regulatory principle. The Stipulation is the product of arm's-length negotiations among capable, knowledgeable parties, is in the public interest, and results in a reasonable resolution of all issues in this case.

IT IS THEREFORE ORDERED that:

1. The Stipulation is adopted and approved in its entirety as a complete resolution of all issues in this case.

2. LG&E shall pay \$3,000 as a civil penalty within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the Office of General Counsel, Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 24th day of March, 2000.

By the Commission

ATTEST:

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE
KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 99-338

DATED March 24th, 2000

RECEI L

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION GENERAL COUNSEL

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	CASE NO.
FAILURE TO COMPLY WITH COMMISSION)	99-338
REGULATION 807 KAR 5:041, SECTION 3(1))	

STIPULATION OF FACTS AND AGREEMENT

By order dated August 17, 1999, the Commission initiated this proceeding to allow Louisville Gas and Electric Company ("LG&E") an opportunity to show cause why it should not be subject to the penalties provided under KRS 278.990 for four alleged violations of Commission Regulation 807 KAR 5:041, Section 3(1). The alleged violations arose from an accident on March 8, 1999 in Louisville, Kentucky resulting in injuries to an LG&E employee.

An Informal Conference was held at the Commission's offices on November 1, 1999. As a result of discussions held at the conference, LG&E and Commission Staff agree as follows:

- The facts and circumstances surrounding the March 8, 1999 accident are 1. accurately described and set forth in the Staff's Accident Investigation Report, Appendix A to the Commission's August 17, 1999 Order.
- As a result of this accident, LG&E will modify the procedure used by 2. employees working in substations. The new procedure includes the use of magnetic

based flags to delineate the areas which are deenergized. The utilization of these flags conforms to the procedures already in place at its affiliate, Kentucky Utilities Company.

- 3. LG&E acknowledges that the injured employee should have been wearing protective equipment and that the employee failed to adopt such precautions that are within the individual's authority to prevent accidents. LG&E contests the two other probable violations cited by the Commission, asserting that the employee had not yet been granted authority to work on the line and the accident occurred prior to the time that the switches should have been opened. The Staff recognized the basis for these assertions by LG&E, but Staff does not concur.
- 4. In an efficient and expeditious manner, LG&E agrees to pay a civil penalty in the amount of \$3000 in full settlement of this proceeding. Neither the payment of the civil penalty, nor any other agreement contained in this Stipulation of Facts and Agreement, is intended to constitute an admission by LG&E that it violated any of the Commission's regulations, nor shall it be used in any civil proceeding relating to this incident.
- 5. In the event that the Commission does not adopt this Stipulation of Facts and Agreement in its entirety, LG&E and Staff reserve their rights to withdraw therefrom and require that a hearing be held on any and all issues involved herein, and that none of the provisions contained herein shall be binding upon the parties hereto or used as an admission by either party.
- 6. LG&E and Staff agree that the foregoing Stipulation of Facts and Agreement is reasonable, is in the public interest, and should be adopted in its entirety

by the Commission. If so adopted by the Commission, LG&E agrees to waive its right to a hearing and no petition for rehearing or judicial appeal will be filed.

AGREED TO BY:

Douglas M. Brooks

Counsel for Louisville Gas and Electric Company

DATE: 12/14/99

Richard G. Raff

Counsel for Commission Staff

--



Paul E. Patton, Governor

Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Martin J. Huelsmann Executive Director Public Service Commission COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615

FRANKFORT, KENTUCKY 40602-0615 www.psc.state.ky.us (502) 564-3940 Fax (502) 564-3460 B. J. Helton Chairman

Edward J. Holmes Vice Chairman

> Gary W. Gillis Commissioner

February 29, 2000

Mr. Martin J. Huelsmann Executive Director Public Service Commission Post Office Box 615 Frankfort, Kentucky 40602

R۵.

Louisville Gas and Electric Company

Case No. 99-338

Dear Mr. Huelsmann:

Enclosed for filing is a Stipulation of Facts and Agreement between Commission Staff and Louisville Gas and Electric Company which resolves all outstanding issues in Case No. 99-338. The signatories to this Agreement request that the Commission review and approve this Agreement.

Sincerely,

Richard G. Raff

Staff Attorney

Enclosure

cc: Parties of Record

cc: File



RECEN

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION GENERAL COUNSEL

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)))	CASE NO.
FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041 SECTION 3(1)))	99-338

STIPULATION OF FACTS AND AGREEMENT

By order dated August 17, 1999, the Commission initiated this proceeding to allow Louisville Gas and Electric Company ("LG&E") an opportunity to show cause why it should not be subject to the penalties provided under KRS 278.990 for four alleged violations of Commission Regulation 807 KAR 5:041, Section 3(1). The alleged violations arose from an accident on March 8, 1999 in Louisville, Kentucky resulting in injuries to an LG&E employee.

An Informal Conference was held at the Commission's offices on November 1. 1999. As a result of discussions held at the conference, LG&E and Commission Staff agree as follows:

- The facts and circumstances surrounding the March 8, 1999 accident are 1. accurately described and set forth in the Staff's Accident Investigation Report, Appendix A to the Commission's August 17, 1999 Order.
- As a result of this accident, LG&E will modify the procedure used by 2. employees working in substations. The new procedure includes the use of magnetic

based flags to delineate the areas which are deenergized. The utilization of these flags conforms to the procedures already in place at its affiliate, Kentucky Utilities Company.

- 3. LG&E acknowledges that the injured employee should have been wearing protective equipment and that the employee failed to adopt such precautions that are within the individual's authority to prevent accidents. LG&E contests the two other probable violations cited by the Commission, asserting that the employee had not yet been granted authority to work on the line and the accident occurred prior to the time that the switches should have been opened. The Staff recognized the basis for these assertions by LG&E, but Staff does not concur.
- 4. In an efficient and expeditious manner, LG&E agrees to pay a civil penalty in the amount of \$3000 in full settlement of this proceeding. Neither the payment of the civil penalty, nor any other agreement contained in this Stipulation of Facts and Agreement, is intended to constitute an admission by LG&E that it violated any of the Commission's regulations, nor shall it be used in any civil proceeding relating to this incident.
- 5. In the event that the Commission does not adopt this Stipulation of Facts and Agreement in its entirety, LG&E and Staff reserve their rights to withdraw therefrom and require that a hearing be held on any and all issues involved herein, and that none of the provisions contained herein shall be binding upon the parties hereto or used as an admission by either party.
- 6. LG&E and Staff agree that the foregoing Stipulation of Facts and Agreement is reasonable, is in the public interest, and should be adopted in its entirety

by the Commission. If so adopted by the Commission, LG&E agrees to waive its right to a hearing and no petition for rehearing or judicial appeal will be filed.

AGREED TO BY:

Douglas M. Brooks

Counsel for Louisville Gas and Electric Company

DATE: 12/14/99

Kichard G. Raff

Counsel for Commission Staff

MEMO

FILED

NOV 03 1999

PUBLIC SERVICE

TO:

MAIN CASE FILE

99-338

FROM:

Richard Raff

Staff Attorney

DATE:

November 3, 1999

RE:

LG&E

Case No. 99-338

In response to the request of LG&E, an informal conference was held at the Commission's offices on November 1, 1999. A list of the attendees is attached hereto.

LG&E made a presentation covering the facts and circumstances surrounding the March 8, 1999 accident, which is the subject of this show cause proceeding. LG&E provided a handout consisting of numerous photographs of the accident site. LG&E and Commission Staff agreed in principle to enter into a Stipulation of Facts, including the payment of a civil penalty, which if accepted by the Commission, would act as a complete resolution of the issues under investigation in this case. Commission Staff agreed to provide LG&E with a first draft of a Stipulation within 10 days.

/rst

Attachments (case file only)

cc: Parties of record

CEE Sow Cuse Cose No. 99-338

NOV 0 3 1999
PUBLIC SERVICE
COMMISSION

November 1, 1999

Lecteral Roff
Loich Myster

Douglas Brooks

Meke Canfield

Chis Brown

Chuck Varlton

Bob Easton

Marka M. North

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LG+E

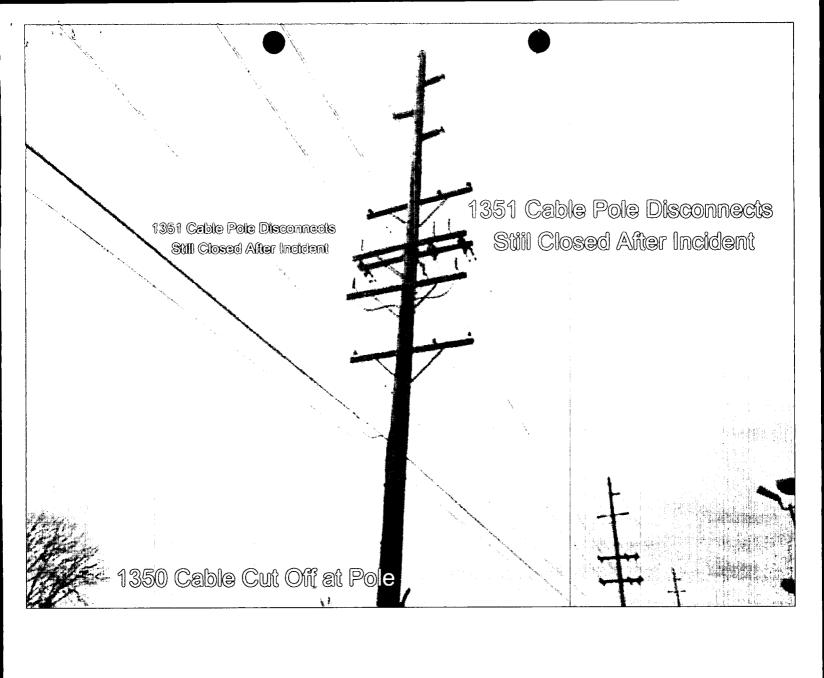
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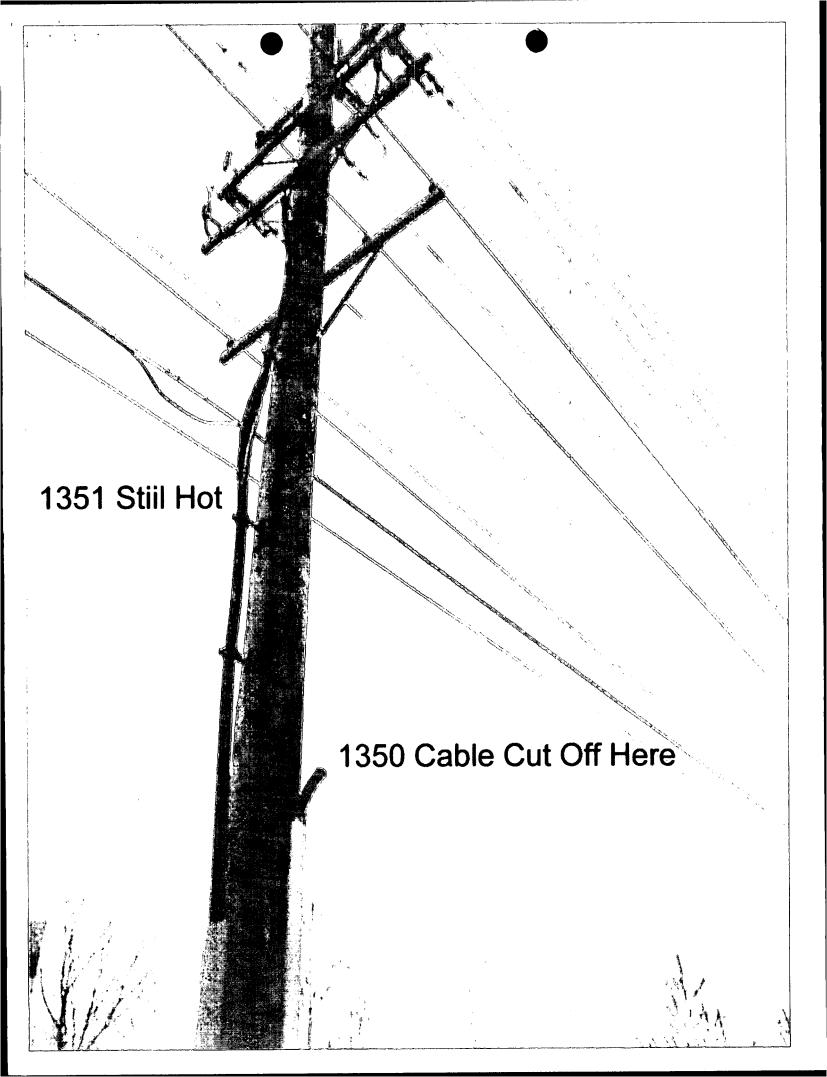
LGEE SUBSTATION SUPERVISOR

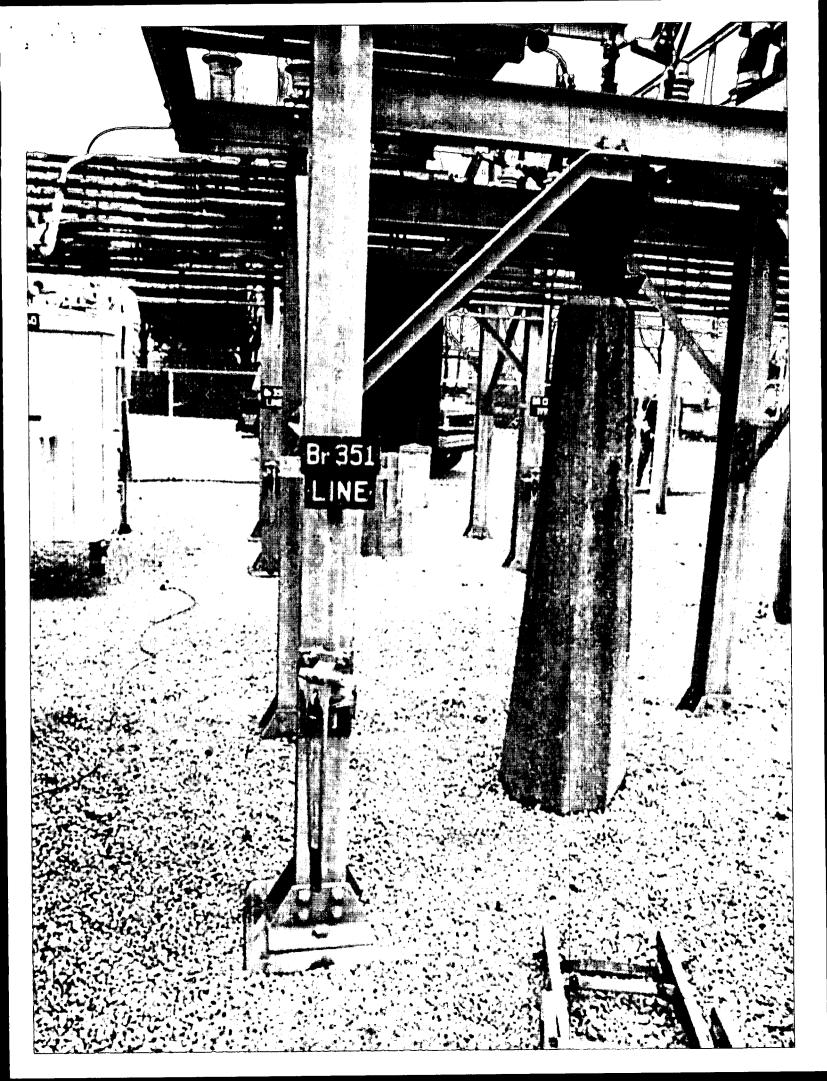
LGE-Safety Specialist

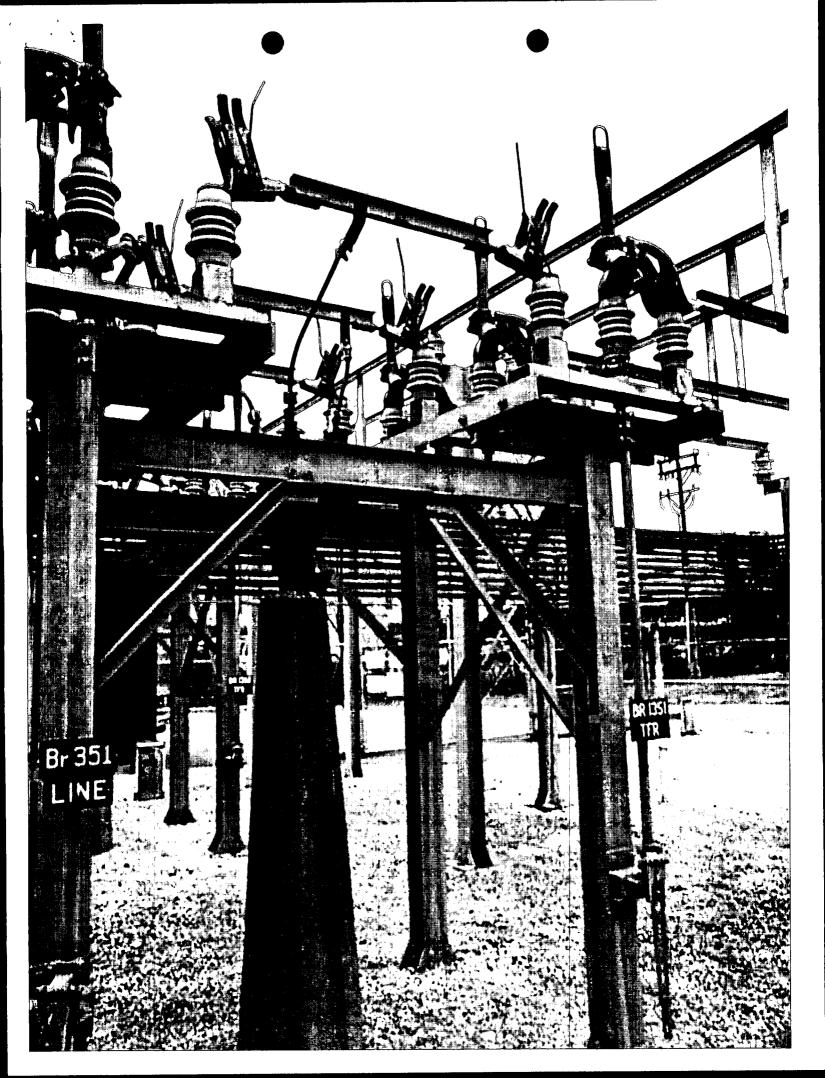
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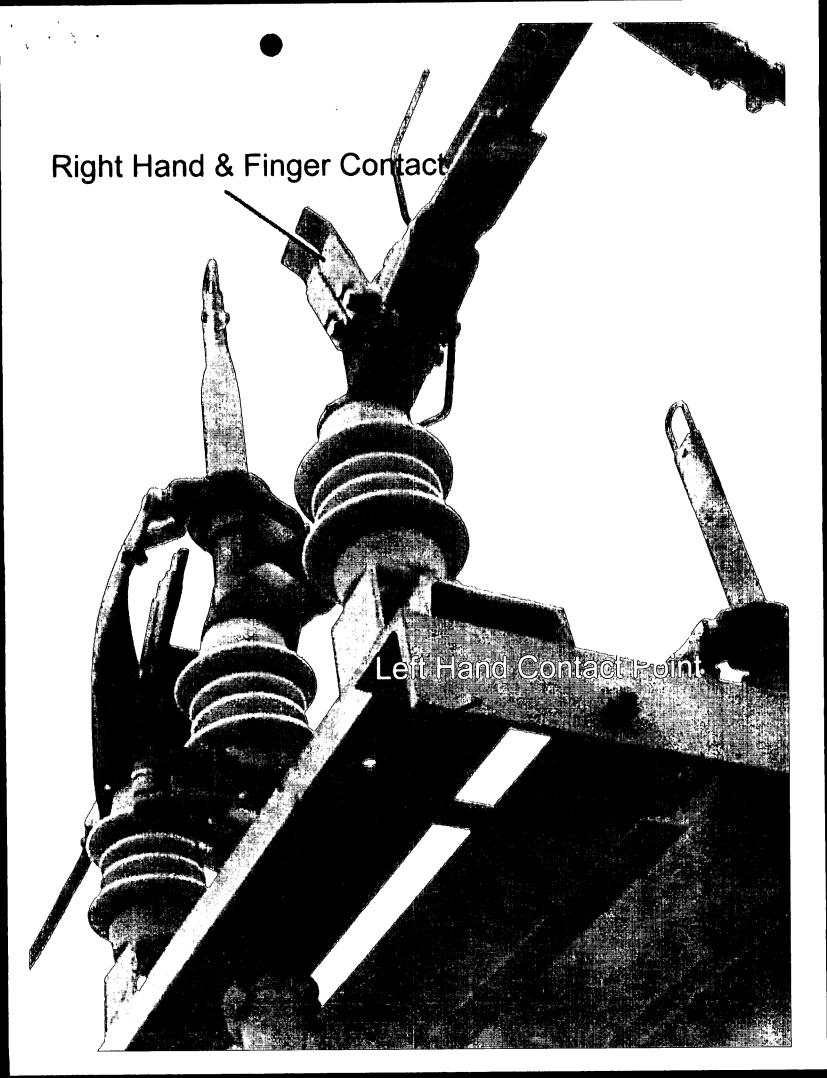
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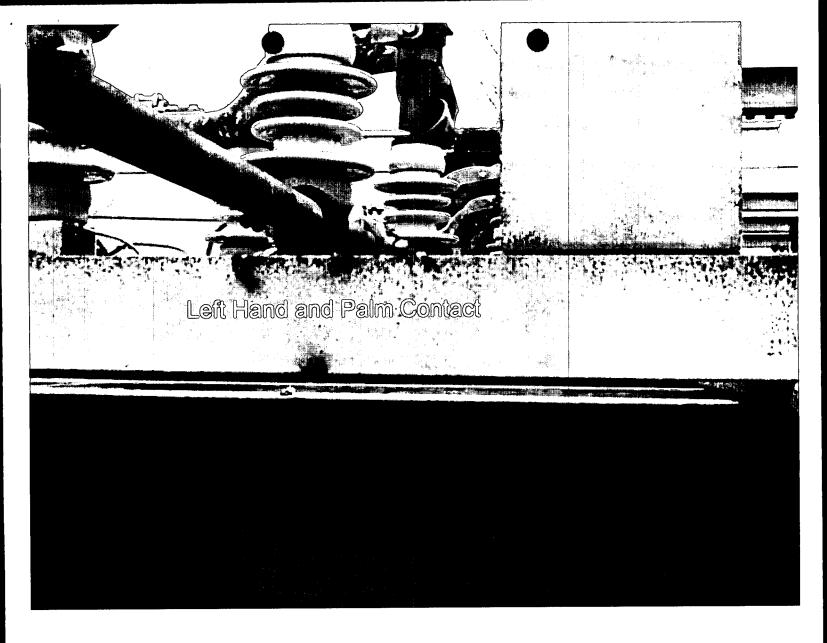


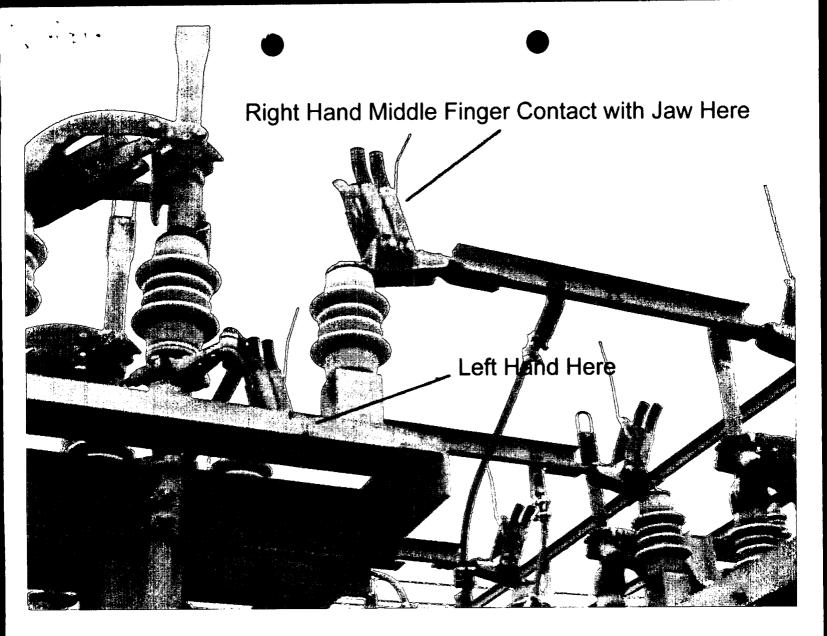














COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

October 22, 1999

Ronald Willhite Vice President Regulatory Affairs Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY. 40232 2010

Honorable Douglas M. Brooks Counsel for LG&E Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, KY. 40232

RE: Case No. 99-338

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sa Enclosure

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:	
LOUISVILLE GAS AND ELECTRIC COMPAN	Y))) CASE NO. 99-338
FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041, SECTION 3(1)))

ORDER

The Commission, having considered the motion of Louisville Gas and Electric Company requesting to reschedule the October 20, 1999 informal conference and good cause having been shown, HEREBY ORDERS that the informal conference shall be rescheduled from October 20, 1999 to November 1, 1999, at 1:00 p.m., Eastern Standard Time, in Conference Room 2 of the Commission's offices, 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 22nd day of October, 1999.

By the Commission

ATTEST

Executive Director



Law Department

October 18, 1999



Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Kentucky 40232 502-627-3450 502-627-3367 FAX

Via Overnight Delivery

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

Re: Louisville Gas and Electric Company

Case No. 99-338

Dear Ms. Helton:

You will find enclosed for filing in the above-referenced case an original and ten (10) copies of Louisville Gas and Electric Company's Motion to Reschedule Informal Conference.

Thank you for your courtesies in this matter. Please contact the undersigned if you have any questions.

Sincerely yours,

Douglas M. Brooks

Senior Counsel Specialist, Regulatory

Dog (a.M. Brow

(502) 627-2557

Enclosures

cc (Via Overnight Delivery): Hon. Richard Raff, Staff Counsel

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	CASE NO. 99-338
FAILURE TO COMPLY WITH COMMISSION)	
REGULATION 807 KAR 5:041, SECTION 3(1))	

MOTION TO RESCHEDULE INFORMAL CONFERENCE

Louisville Gas and Electric Company ("LG&E") hereby requests that the informal conference presently scheduled in this case for October 20, 1999 at 9:00 a.m. be cancelled and rescheduled. In support of this request, LG&E states that the Commission scheduled the informal conference in this proceeding at LG&E's request. LG&E believes that this matter can be resolved upon stipulated facts without the necessity of a formal hearing. However, one of LG&E's personnel with unique knowledge of the incident involved in this case is not available to participate in the informal conference due to serious illness. LG&E does not expect that this individual will be able to participate in an informal conference in the near future. LG&E suggests that the informal conference be cancelled and rescheduled for Friday, October 29, 1999 at 10 a.m., in order to give it sufficient time to prepare other individuals to participate in the conference.

Respectfully submitted,

Douglas M. Brooks

Senior Counsel Specialist, Regulatory

LOUISVILLE GAS AND ELECTRIC COMPANY

220 West Main Street

P.O. Box 32010

Louisville, Kentucky 40232

(502) 627-2557

Counsel for Louisville Gas and Electric Company



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

October 13, 1999

Ronald Willhite Vice President Regulatory Affairs Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY. 40232 2010

Honorable Douglas M. Brooks Counsel for LG&E Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, KY. 40232

RE: Case No. 99-338

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/hv Enclosure

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	CASE NO.
FAILURE TO COMPLY WITH COMMISSION)	99-338
REGULATION 807 KAR 5:041, SECTION 3(1)	ý	

ORDER

The Commission, having considered the motion of Louisville Gas and Electric Company requesting an informal conference and good cause having been shown, HEREBY ORDERS that an informal conference shall be held on October 20, 1999 at 9:30 a.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 13th day of October, 1999.

By the Commission

ATTEST:

Executive Director



Law Department

Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Kentucky 40232 502-627-3450 502-627-3367 FAX

October 5, 1999

Helen Helton
Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

Re: Louisville Gas and Electric Company

Case No. 99-338

Dear Ms. Helton:

You will find enclosed for filing in the above-referenced case an original and ten (10) copies of Louisville Gas and Electric Company's Answer and Request for Informal Conference.

Thank you for your courtesies in this matter. Please contact the undersigned if you have any questions.

Sincerely yours,

Douglas M. Brooks

Senior Counsel Specialist, Regulatory

Dayl-MBm

(502) 627-2557

Enclosures

cc:

Hon. Richard Raff, Staff Counsel

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION



In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
	. ,	CASE NO. 99-338
FAILURE TO COMPLY WITH COMMISSION)	
REGULATION 807 KAR 5:041, SECTION 3(1))	

ANSWER AND REQUEST FOR INFORMAL CONFERENCE

Louisville Gas and Electric Company ("LG&E") hereby submits its Answer to the Commission's Order dated August 17, 1999, in this case, and requests that the Commission schedule an informal conference between the Staff and LG&E so that a negotiated resolution of this proceeding may be explored.

ANSWER

- 1. LG&E admits those facts that appear in the Utility Accident Investigation Report dated June 9, 1999 that is attached to the August 17, 1999 Order.
- 2. For further answer, LG&E further states that personal protective equipment was not required for the job that was to be performed by Mr. Coots.

REQUEST FOR INFORMAL CONFERENCE AND CANCELLATION OF HEARING

LG&E requests that the Commission establish, pursuant to 807 KAR 5:001 §4(4), an informal conference between its Staff and LG&E for the purpose of discussing the Staff Utility Accident Investigation Report and exchanging information regarding the incident discussed in the Staff Report, and determining whether the case can be submitted to the Commission for

resolution on stipulated facts. LG&E believes that an informal conference will save the time and resources of both the Staff and LG&E and will allow for a more efficient disposition of the proceeding. No hearing should be scheduled by the Commission so that LG&E and the Staff can conduct the informal conference and determine whether a hearing is necessary for the disposition of this case.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission schedule an informal conference in this case.

Respectfully submitted,

Douglas M. Brooks

Senior Counsel Specialist, Regulatory

LOUISVILLE GAS AND ELECTRIC COMPANY

220 West Main Street

P.O. Box 32010

Louisville, Kentucky 40232

(502) 627-2557

Counsel for Louisville Gas and Electric

Company



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

September 7, 1999

Ronald Willhite Vice President Regulatory Affairs Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY. 40232 2010

RE: Case No. 99-338

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell

Secretary of the Commission

SB/sa Enclosure

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the N	Matter of:		
	LOUISVILLE GAS AND ELECTRIC COMPANY)	CASE NO
	FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041 SECTION 3(1))	99-338

ORDER

The Commission, on its own motion, HEREBY ORDERS that the hearing scheduled for September 8, 1999 in this matter is cancelled.

Done at Frankfort, Kentucky, this 7th day of September, 1999.

By the Commission

ATTES;

Executive Director



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

August 17, 1999

Ronald Willhite Vice President Regulatory Affairs Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY. 40232 2010

RE: Case No. 99-338

We enclose one attested copy of the Commission's Order in the above case.

Stephan Sur

Stephanie Bell Secretary of the Commission

SE/hv Enclosure

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	US Postal Service		
	Receipt for Cer	tified Mail	
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Is your RETURN	5. Received By: (Print Name) 6. Signature/(Addressee or Agent) Py Form 3811, December 1994	8. Addressee's fee is paid)	s Address (Only If requested and B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)) CASE NO. 99-338
FAILURE TO COMPLY WITH COMMISSION REGULATION 807 KAR 5:041, SECTION 3(1))))

ORDER

Louisville Gas and Electric Company ("LG&E") is a Kentucky corporation engaged in the generation, transmission, and distribution of electricity to the public for compensation for lights, heat, power, and other uses and is a utility subject to Commission jurisdiction. KRS 278.010.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:041, Section 3(1), which requires the maintenance of utility facilities to be in accordance with the National Electric Safety Code, 1990 Edition ("NESC"). The NESC Section 42, Rule 420.H requires employees to use personal protective equipment and Rule 421.A requires the first level supervisor or person in charge to adopt such precautions as are within the individual's authority to prevent accidents. In addition, NESC Section 44, Rule 444.C requires that when equipment or lines are to be de-energized all switches and disconnects through which electric energy may be supplied to the particular section of equipment or lines be rendered inoperable, and Rule 444.D requires the employee in charge to make protective grounds or verify that adequate grounds have been applied on the

disconnected lines or equipment. Commission Staff submitted to the Commission a Utility Accident Investigation Report dated June 9, 1999, attached hereto as Appendix A, which alleges that on March 8, 1999 three LG&E employees were doing work at the Breckinridge Substation in Jefferson County, Kentucky. One employee positioned a ladder at disconnect 1351 and climbed up to inspect a 14 KV disconnect which was thought to have been de-energized. The disconnect was actually energized and upon contact the employee fell from the ladder and suffered burns to his hands and injuries from the fall. The employee had not realized that the 14 KV disconnect was being back fed off a lateral pole which had not been opened along with the other switches. The employee failed to determine whether the lateral pole had been opened or included in the switching order. In addition, no protective grounds had been used and the employee, who was the person in charge of the work site, was not wearing protective rubber gloves and sleeves at the time.

The Utility Accident Investigation Report notes four probable violations of Commission regulations:

- 1. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420.H, due to the employee's failure to wear rubber gloves and sleeves.
- 2. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421.A, due to the failure of the individual in charge to adopt such precautions as are within the individual's authority to prevent accidents.
- 3. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 444.C, due to the failure of the designated person to direct that all switches and disconnects

through which electric energy may be supplied to the section of equipment and lines be rendered inoperable.

4. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 444.D, due to the failure of the employee to make protective grounds or verify that adequate grounds have been applied.

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

- 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 Utility Accident Investigation
 Report.
- 2. LG&E shall appear on September 8, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Utility Accident Investigation Report, specifically the four alleged violations of Commission regulation 807 KAR 5:041, Section 3(1), and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the four probable violations of the aforementioned Commission regulations.
- 3. The Utility Accident Investigation Report dated June 9, 1999 is hereby made a part of the record in this case.
- 4. Any request by LG&E for an informal conference with the Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 17th day of August, 1999.

By the Commission

ATTEST:

Executive Director

APPENDIX A APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 99- 338, DATED 8/17/99

June 9, 1999

UTILITY ACCIDENT INVESTIGATION REPORT

Utility:	Louisville Gas and Electric Company				
Reported By:	Gregory B. Fergason – Regulatory A	ffairs Coo	rdinator		
Dates & Times				•	
Accident	00/00/00 40:45 0 75				
Occurred:	03/08/99 – 10:45 a.m.				
Utility Notified:	03/08/99 11:04 a.m.				
PSC Notified:	03/08/99 – 11:50 a.m.		· · · · · · · · · · · · · · · · · · ·		
Investigated:	03/08/99				
Written Report Rcvd:	03/15/99				
Location of Accident:	Breckinridge Substation – In the rear Kentucky 40207	of 3920 D	utchmans	Parkway,	Louisville,
Description of Accident: Victims:	Mr. Cammie Coots and two other maintenance in LG&E's Breckinridge Mr. Coots positioned a ladder at discard a 14KV disconnect. It was at this time 14KV energized disconnect and fell the did not realize that the disconnect here 1351 line side and was being back the head. He thought that the lateral pole the other switches. He apparently did or included in the switching order. It were not being used. Mr. Coots was the was not wearing his rubber gloves are	substation connect 13 te that Mr. from the late had touched and been also applications.	n when the 351 and classed der. Mr ched was a lateral pen opened ok to see if parent that in charge	e accident imbed up ime in conto the Breon the Breon the Breon the Breon this had be the protective at the work in	occurred. to inspect act with a as said he eckinridge to the pot with all of een done e grounds k site and
Name:	Cammie Coots	Fatal:	No	Age:	57
Addr./Empl.:	9412 Titan Drive, Louisville, KY/Loui	sville Gas	and Elect	tric Compa	ıny
Injuries:	Shock and burns to both hands	.,	· · · · · · · · · · · · · · · · · · ·		
Witnesses:	Name	Address/	Employm	ent	
•	None				

June 9, 1999

	Name		Address/Employm	ent	
	Gregory B. Fergas	son	Louisville Gas and	Electric	employee
	Keith McBride		Louisville Gas and	l Electric e	employee
	Jerry Lasley		Louisville Gas and	Electric e	employee
	Chuck Carlton		Louisville Gas and	Electric e	employee
	Kenny Young		Louisville Gas and	Electric e	employee
Sources of	Dennis Reynolds		Louisville Gas and	Electric e	employee
Information:	John Land, On-sit	e Investigator	PSC Engineering	Staff	
Duckahla Vialatiana			Electric Safety Code		
Probable Violations:	Section 42, Rules	for Employees 42	0.H. and 421.A., Sec	ction 44, a	and
	Additional Rules for	or Supply Employe	es, Rule 444.C. and	D.	
,		Minimum	Applicable NESC	·	
Line Clearances At]	Allowed by	Edition ¹		Constr.
Point of Accident:	Measured	NESC	1990	Volt.	Date
			N/A		<u></u>
Date of					
Measurement:	N/A				
Approximate Temp.:	45°				
Measurements Made					
By:	N/A				
Investigated By:	John W. Land, PS	C Engineering Sta	ıff		
Signed:	golinga	nd lu Ma	anda MY	Jula	-
		8		•	

- Attachments A. Louisville Gas and Electric Company's Accident Report
 - B. Photographs of Accident Site

Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

Attachment A

Louisville Gas and Electric Company's Accident Report



Gregory B. Fergason Regulatory Relations Department Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Kentucky 40232

> 502-627-4883 502-627-2552 FAX

March 15, 1999

Ms. Martha Morton Kentucky Public Service Commission 730 Schenkel Lane P. O. Box 615 Frankfort, KY 40602

> RE: Electric Shock Incident Breckenridge Substation

Dear Ms. Morton:

Attached is an "Investigation Report" on the above incident. This is filed in compliance with the seven-day reporting requirement.

If you need additional information concerning this report, please let me know. I can be reached at (502) 627-4883.

Very truly yours,

Gregory B. Fergason

Deegs B. Tergon

Regulatory Affairs Coordinator

Attachment

INVESTIGATION REPORT

ELECTRICAL CONTACT

99-E-05 Report Number Type of Report

W K McBride

March 8, 1999 Investigator Date of Incident

Reference: Electrical Contact

Location: **Breckinridge Substation**

In the rear of

3920 Dutchmans Pkwy. Louisville, KY 40207

Case Summary

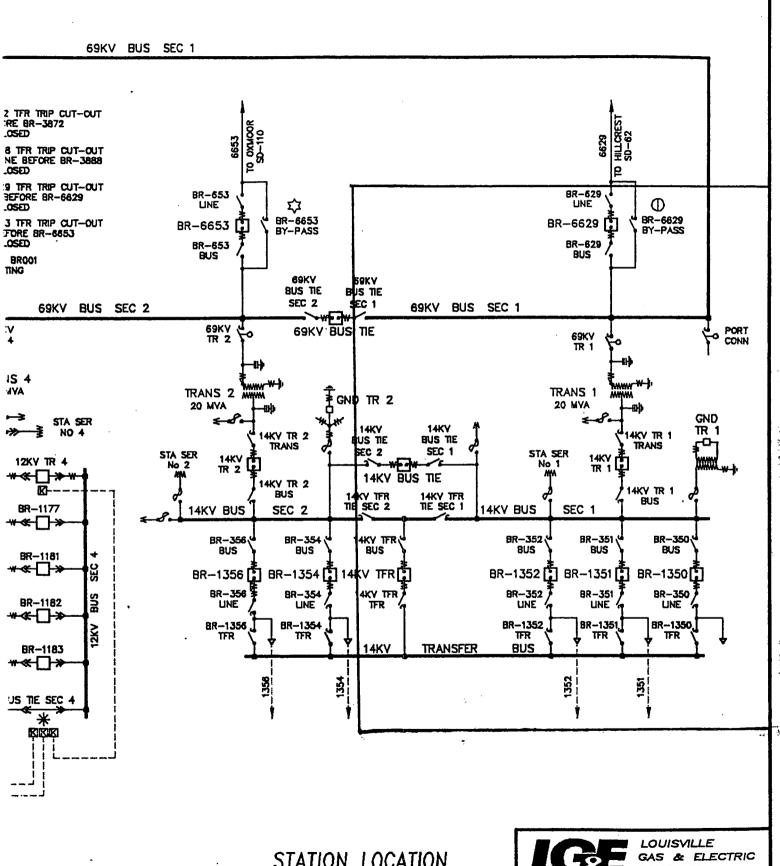
On March 8, 1999 at 11:04 Risk Management called and told me that an employee had received a shock at our Breckinridge substation. I called Greg Fergason, Regulatory Affairs Coordinator and we left for the scene. We arrived on scene at 11:20am. We were met by Jerry Lasley Electric Trouble Dept. Supervisor, Chuck Carlton Health & Safety Dept., Kenny Young Substation Maintenance Supervisor, Rick Gilley Substation Electrician A, and Paul Waldner Substation Electrician A. We were told that Cammie Coots was taken to University Hospital via EMS with electrical burns to his hands. Greg Fergason called and notified Mr. John Land of the PSC of the incident. Mr. Land arrived on scene at 2:00pm. Dennis Reynolds Health and Safety Dept. and David Gilliland Safety Specialist for IBEW Local 2100 also arrived about this time.

Investigation

Cammie Coots of 9412 Titan Dr. Louisville, Ky. 40229 (502)964-2789, DOB of 1/16/42 an employee of LG&E had received a shock from a 14kv circuit inside of the substation. Mr. Coots and his coworkers were doing maintenance on the disconnects in the station. They were replacing any worn parts and bolts on this equipment. Mr. Coots stated that he had placed a ladder to climb up to look at a disconnect. The other workers were working inside of the station but were not working at this particular disconnect.

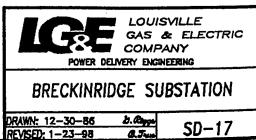
Investigation Page 2

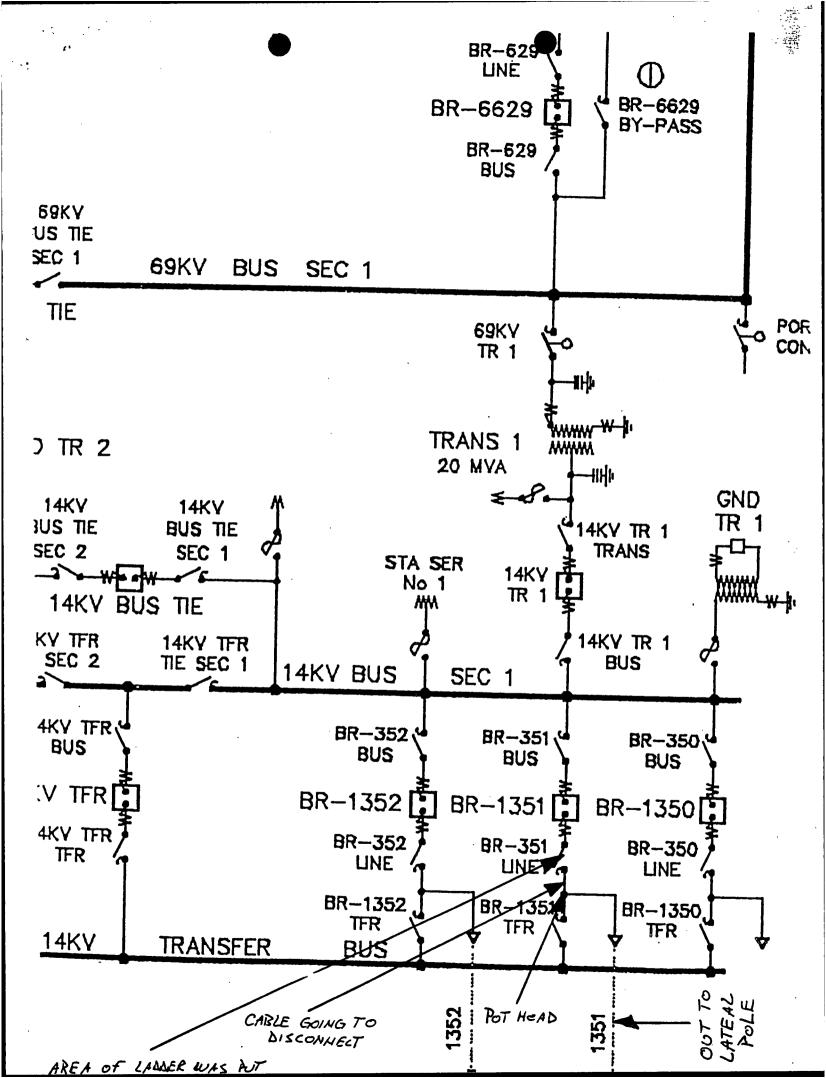
Mr. Coots climbed the ladder and while holding on to the structural steel, reached up to check the jaws of the disconnect. The side of the disconnect he had touched was on the Breckinridge 1351 line side and was being back fed off of a lateral pole going to the pot head. Mr. Coots received a 14kv shock causing him to fall off of the ladder. He had burns to his finger tips on both hands and had cut his head due to the fall. The Load Dispatchers Office had carded all of the equipment that they de-energized. The disconnect on Breckinridge 1351 was open and carded. The disconnect going to the 14kv Transfer Bus Bar is normally open and was not carded. He stated that he thought that the pot head was not energized. He thought that the lateral pole had been opened up along with all of the other switches. Included in this report are the instructions to the Load Dispatcher, and the card from the Dispatcher on what was opened up. A print of the station and a enlarged copy of the section they were working in is also at the end of this report. Pictures were taken of the scene.



STATION LOCATION

REAR 3920 DUTCHMANS LN BEHIND TRI-CITY OLDSMOBILE





" LGEE ESOC

502 627 4716

03/10 '9 15:35 NO.996 03/03

Form SD 232 **REV.2/84**

REQUEST FOR SHUT-DOWN

48 Hour advance notice required

DATE	25-Feb-98			<u> </u>	REQUEST	NO.	98-SS-156	}
LOCATIO	N OF WORK	<u>(:</u>	BRECKI	RIDGE SUE	STATION		····	
LINE OR	APPARATUS	S WANTE	<u>D:</u>	14 KV BUS	SEC 1 and	TRANS 1	1	
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			14 KV BL	IS TIE SEC	1, 14 KV BU	S TIE SE	C 2, 14 KV	TFR TIE SEC
			GND TR-	1 HIGH SIDE	E FUSES, S'	TA SER N	io 1 High s	SIDE FUSES,
			ASSOCIA	TED POT F	USES (14 A	(v SBC, 1	Bus Por	Fascs &
LINES TO	BE OPENE	D:	NONE			Ku 72. ;	LAC PAT	' <i>Fuses</i>) -
WORK	TO START		WORK C	OMPETED		N CHAR	GE OF	-
AT	MA 00:8	<u> </u>	ĀT	4:00 PM		Mr.	COOTS	
ABOUT	\45 (E\)		ABOUT	TAG	j .	SIGNED I	9 V	1
DAY DATE	WHEN AVAIL.	1	DAY DATE	TWO DAYS	•	SIGNED	K.SMITH	· 1
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RELAYIN APPROVI								
APPROVI	ED			DATE			NOTIFIED	
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Mike Cau	fied, Howard	Parker,	Fred Kret	os,	·			
David Has	skins, E.O. [Dennis, T.	Highland,	······································			<u></u>	

	R ₂	CARDING OUT RECORD	ECORD	
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3-4.99 07:00		ah:80	2000	HENSLEY
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THIS IS REVENSE SIDE OF "CARDING OUT RECORD" CARO.

69KV TRI MOD Y 14KV TR-1 TRANS > 14KN TR-1 BUS X BR. 352 Bus X BR-252 LINEX 2R-351 BUS X BR-251 LNEX BR-350 345-3R-350 LINE 4 KV BUS THE DEC / X 4KV BUS TIE SEC 2 4KN TER TIE SEC 1X FRD TR'-1 High Side FUSES X STA SER NO. 1 HIGH SIDE FUSES TR-1 PET FUSES (LEC) > 14KV SEC / BUS FOT FUSE'S X

	<i>Maerio</i>
PAGES 3 DATE 34	0-99FAX4 3553
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	Account					
Name	Code	Course Title	Start Date	Grade	Duration	EmpliD
Coots, Cammie Lee	003170	Safety Reinforcement/Near Miss	1996-12-06		2.00	00000001528

SAFETY TRAINING

				Duration	Euployee
	Center	Course Title	Date	in Hours	ID#
Cammie Lee	3170	Haz-Com (Painting)	2/2/96	0.75	001528
Coots, Cammie Lee	3170	Back Injury Prevention	4/26/96	1.5	001528
Coots, Cammie Lee	3170	Haz-Com (Toxicology)	5/10/96	0.5	001528
Coots, Cammie Lee	3170	"Heat Stress"	96/50/9	1.0	001528
Coots, Cammie Lee	3170	"Confined Space"	7/11/96	1.0	001528
Coots, Cammie Lee	3170	"Slings & Rigging"	7/18/96	1.0	001528
Coots, Cammie Lee	3170	"Burns"	9/13/96	1.25	001528
Coots, Cammie Lee	3170	Fire Safety "Everyone's Job"	10/11/96	1.0	001528
Coots, Cammie Lee	3170	Drug & Alcohol Abuse	10/25/96	1.0	001528
Coots, Cammie Lee	3170	"Eye Safety"	2/3/95	0.75	001528
Coots, Cammie Lee	3170	"Bloodbourne Pathogens"	2/17/95	1.0	001528
Coots, Cammie Lee	3170	"Confined Space"	4/13/95	1.0	001528
T	3170	OSHA "Overview 1910.269"	4/20/95	2.0	001528
Lee	3170	Haz-Com (Acid & Caustics)	7/19/95	0.5	001528
Lee	3170	Haz-Com (Gases)	8/2/95	0.75	001528
Lee	3170	Protective Clothing "Dressed to Live"	11/10/95	2.0	001528
Coots, Cammie Lee	3170	Haz-C	2/18/94	1.0	001528
Coots, Cammie Lee	3170	Haz-Com (MSDS Sheets)	2/18/94	1.0	001528
Coots, Cammie Lee	3170	Haz-Com (Asbestos Awareness)	3/31/94	1.0	001528
Coots, Cammie Lee	3170	Oxygen Monitors	6/24/94	0.5	001528
Γ	3170	"Heat Stress"	6/24/94	0.5	001528
Coots, Cammie Lee	3170	"Tuberculosis"	6/29/94	0.5	001528
Coots, Cammie Lee	3170	Haz-Com (Flammable Liquids)	7/8/94	1.0	001528
Coots, Cammie Lee	3170	Haz-Com (Labeling)	7/22/94	1.0	001528
Coots, Cammie Lee	3170	Haz-Com (Dust & Other Particulates)	8/5/94	0.5	001528
Lee	3170	"Safe Driving"	9/2/94	0.5	001528
Lee	3170	New Parts Washer/Solvent	9/2/94	0.5	001528
Coots, Cammie Lee		Haz-Com (Welding)	9/30/94	1.0	001528
Т	2170	OSHA (Lockout - Tagout)	12/9/94	0 75	001528

Attachment B

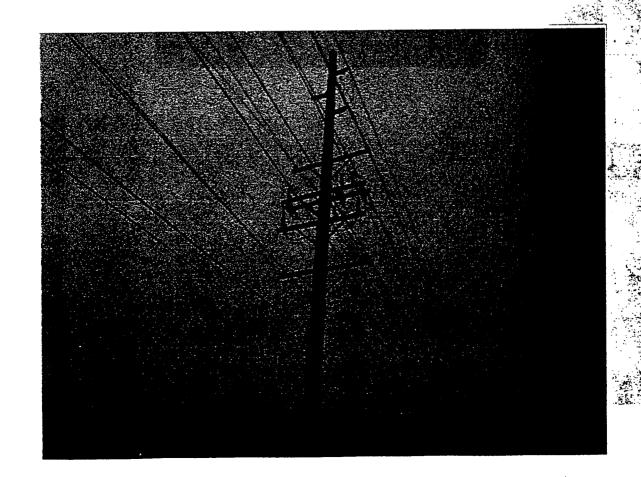
Photographs of Accident Site





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