

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

SALT RIVER ELECTRIC)
COOPERATIVE CORPORATION)
_____)
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.042 AND ADMINISTRATIVE)
REGULATION 807 KAR 5:006, SECTION 24)

CASE NO. 2005-00285

RESPONSE

Salt River Electric Cooperative Corporation ("Salt River ECC") hereby files a response to the Commission's Order of September 2, 2005.

In response to the numbered allegations stated on page 2 of the Commission Order, Salt River responds as follows:

- 1) Salt River ECC admits the allegations stated in paragraphs one and two.
- 2) Salt River admits the allegation contained in paragraph three. but further states that the Incident Investigation Report states that Mr. Hamilton did not know the line was energized.
- 3) Salt River admits the allegations stated in paragraph 4, but further states that the contract between Salt River and Hamilton Power Line Construction Company requires Hamilton Power Line to comply with all applicable statutes, ordinances, rules and regulations pertaining to the work.
- 4) Salt River admits the allegations contained in paragraph five.

- 5) Salt River admits the allegation stated in paragraph six, and further states the Mr. Hamilton' failure to comply with NESC Rule 420-H violated the above stated provision of Salt River's contract with Hamilton Power Line Construction.
- 6) Salt River Admits the allegations contained in paragraphs seven and eight.
- 7) Salt River admits the allegation in paragraph nine, but further states that MR. Hamilton's failure to comply was a violation of the contract provisions between Salt River and Hamilton Power Line Construction.

ARGUMENT

Hamilton Power Line Construction, LLC ("Hamilton") is an independent contractor performing work for Salt River ECC. The victim, Billy Hamilton, is an employee of Hamilton.

Hamilton entered into a contract of May of 2000 with Salt River ECC that has since been extended as of May 2003. This contract provides that Hamilton will provide services pursuant to all rules and regulations applicable. Hamilton was performing under the contract when this incident occurred.

The PSC Orders alleges that Salt River violated the following rules: NESC, Section 42, Rule420-H, and 807 KAR 5:006, Section 24- Safety Program. The first regulation cited, NESC Section 42, 420-H requires an employee to use personal protective equipment, the protective devices, and special tools provided for their work. Billy Hamilton was an independent contractor, not an employee of Salt River. Mr. Hamilton did not willfully violate the requirement of wearing rubber gloves and rubber sleeves.

The second regulation, 807 KAR 5:006, Section 24 requires a utility to adopt and execute a safety program. Further, the regulation provides that at a minimum a utility should:

- [(1)] Establish a safety manual with written guidelines for safe working practices and procedures to be followed by utility employees.
- (2) Instruct employees in safe methods of performing their work.
- (3) Instruct employees, who in the course of their work are subject to the hazard of electric shock, asphyxiation or drowning, in accepted methods of artificial respiration.

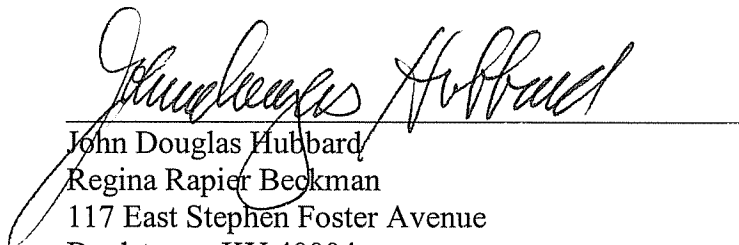
Salt River ECC has adopted the American Public Power Association Safety Manual, 2004 Edition. Further, Salt River ECC provides safety training for its employees and instructs its employees on artificial respiration. Accordingly, Salt River ECC has complied with the requirements that a safety program be put in place and executed.

In conclusion, Salt River ECC states that this incident was by an independent contractor who did not willfully violate the rubber glove policy and Salt River has the approved safety program in place.

Salt River has requested, by a separate motion filed this same day, an informal conference with the Commission Staff and also a request to join this case with another matter pending before the Commission. The PSC had completed an incident investigation in June 2005 regarding Bradley Wilson, and employee of Davis Elliot Company, Inc. an independent contractor working pursuant to a contract with Salt River.

Respectfully Submitted,

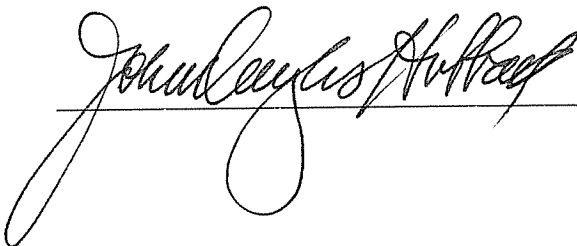
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CERTIFICATE OF SERVICE

This is to certify that an original and ten copies of the foregoing Response were served by U.S. Mail to Hon. Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Blvd., Frankfort, KY 40602-0615, on this the 19 day of September, 2005..



REGINA:SALT RIVER-PSC-HAMILTON060305.RESPONSE