

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)
_____) CASE NO. 2006-00084
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.042)

O R D E R

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 278.042 requires that an electric utility construct and maintain its plant and facilities in accordance with the most recent edition of the National Electrical Safety Code, which is the 2002 Edition ("NESC"). The NESC, Section 42, Rule 420.C.4, requires employees who work on or in the vicinity of energized lines to consider all of the effects of their actions, taking into account their own safety as well as the safety of other employees, of the affected electric system, the property of others, and the public in general. The NESC, Section 42, Rule 422.A.1, requires employees who are setting, moving, or removing poles in the vicinity of energized lines to take suitable precautions to avoid direct contact of the pole with the energized conductors. Further, that rule prohibits employees performing such work from contacting the pole with uninsulated parts of their bodies.

Commission Staff submitted to the Commission an Incident Investigation Report ("Incident Report") dated June 28, 2005, attached hereto as Appendix A, which alleges that on June 14, 2005 Greg Mudd was an employee of United Electric Company, a contractor hired by LG&E to perform maintenance work on LG&E's electric plant and facilities. Mr. Mudd and other employees of United Electric Company were attempting to replace the aluminum base of an aluminum street light pole at the intersection of Eighth and Market Streets in Louisville, Kentucky. As the pole was being lifted with a derrick truck, a gust of wind caused the arm of the pole and the street light head to rotate approximately 90 degrees and make contact with the C-phase of a 4 kV circuit. Mr. Mudd was kneeling at the base of the aluminum pole, and his left knee was in contact with the aluminum base and his left arm was in contact with the aluminum pole. As a result of the pole coming in contact with the 4 kV circuit, Mr. Mudd received a shock with burns to his left arm and left knee.

The Incident Report notes two probable violations of KRS 278.042: NESC Rule 420.C.4, by the employees' failure while working in the vicinity of energized lines to consider all the effects of their actions and to take into account their own safety, the safety of other employees, the property of others, and the public in general; and NESC Rule 422.A.1, by the employee's failure to wear suitable insulating gloves or other suitable means, and by contacting the pole with uninsulated parts of his body.

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

1. LG&E shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Incident Report.

2. LG&E shall appear on April 7, 2006 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky to present evidence concerning the incident which is the subject of the Incident Report, specifically the two alleged violations of KRS 278.042, NESC Rules 420.C.4 and 422.A.1, and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the two probable violations of the aforementioned statute.

3. The official record of this proceeding shall be by video, unless otherwise requested by a party to this proceeding.

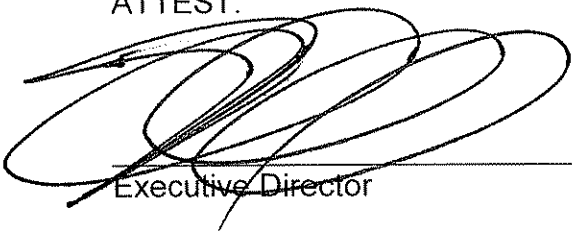
4. The Incident Report dated June 28, 2005 is hereby made a part of the record of this case.

5. 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 3rd day of March, 2006.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2006-00084 DATED March 3, 2006.

[REDACTED]

INCIDENT INVESTIGATION ~ Staff Report

Report Date ~ June 28, 2005

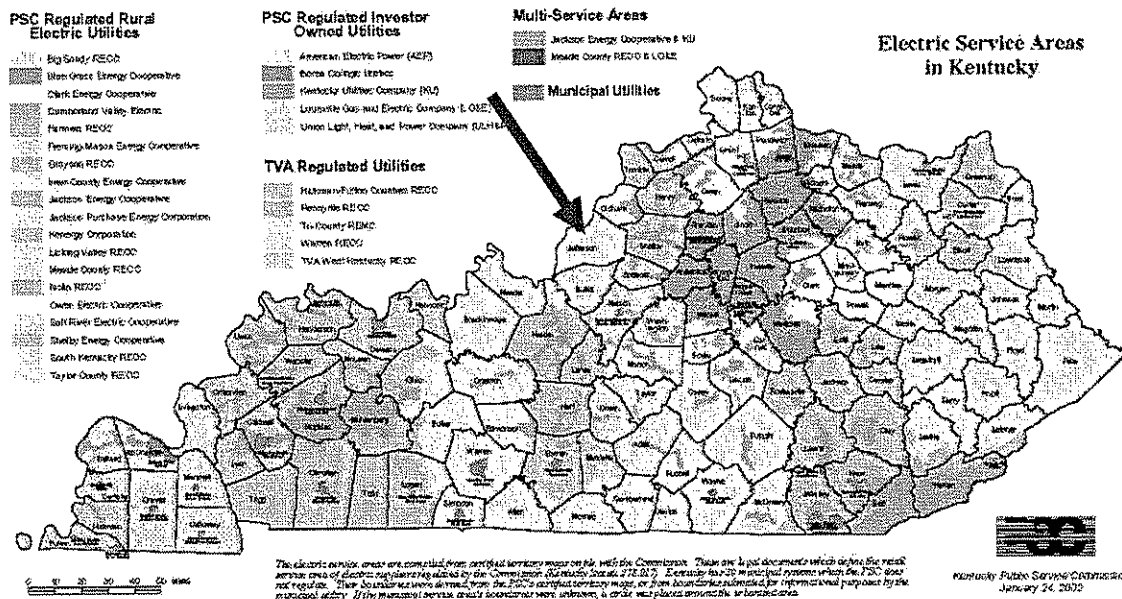
Incident Date ~ June 14, 2005

Serving Utility ~ Louisville Gas and Electric

Incident Location ~ Louisville, Kentucky

Victim ~ Mr. Greg Mudd

PSC Investigators ~ Steve Kingsolver and Jeff Moore





Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

| | | |
|------------------------------|---|-----------------------|
| Utility: | Louisville Gas and Electric | |
| Reported By: | Ken Sheridan, Safety Director. | |
| Incident Occurred | June 14, 2005 | Approximately 1:30 PM |
| Utility Notified: | June 14, 2005 | Approximately 1:30 PM |
| PSC Notified: | June 14, 2005 | Approximately 2:30 PM |
| PSC Investigated: | June 14, 2005 | Approximately 5:20 PM |
| Report Received: | June 17, 2005 | |
| Incident Location: | Louisville, Kentucky. At the intersection of 8 TH and Market Streets at the southeast corner. | |
| Incident Description: | <p>A United Electric Company crew was working for Louisville Gas and Electric Company as a contractor at the intersection of 8th and Market streets near the southeast corner. They were replacing an aluminum base for an aluminum streetlight pole. After the aluminum pole was loosened from the base, the aluminum pole was raised approximately 4 inches to allow the aluminum base to be replaced. The pole was being lifted with a derrick truck. The victim, Greg Mudd, an employee of United Electric company, was kneeling at the base of the aluminum pole preparing to remove the damaged aluminum base. His left knee was in contact with the aluminum base and his left arm was in contact with the aluminum pole. At this time the weight of the aluminum arm and the streetlight head and a gust of wind caused the aluminum pole to rotate approximately 90 degrees and make contact with C phase of the 4 KV circuit. The streetlight pole at the base was approximately 10 feet horizontally from the C phase of the 4KV circuit when installed. The streetlight head on the aluminum standard or arm was 9 feet horizontally from the base of the pole. When the aluminum pole tilted and rotated approximately 90 degrees, this allowed contact to be made between the streetlight head and the 4 KV circuit.</p> | |



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

| | | | | |
|--------------------------|---|------------|---|----------------------------|
| Victim: | Name | | Address | Employer |
| | Greg Mudd | | 6102 Gloria Avenue Louisville, Ky. 40213 | United Electric Company |
| | Fatality | Age | | |
| | No | 23 | | |
| Injury: | Mr. Mudd received a shock with burns to his left inside forearm and to the right side of the left knee. | | | |
| Witnesses: | Name | | Address | Employer |
| | James Black | | Unknown | United Electric Company |
| | Dean Meyer | | Unknown | United Electric Company |
| | Steve Kemper | | Unknown | United Electric Company |
| Information From: | Name | | Position | Employer |
| | Ken Sheridan | | Safety Director | LG&E Energy. |
| | Keith McBride | | Fire and Security Investigator | LG&E Energy |



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

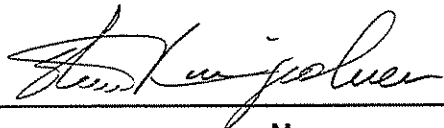

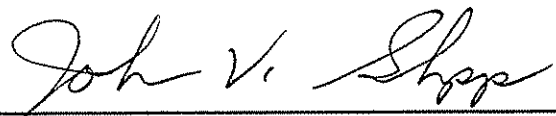
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|---|---|--------------------------------|---|-----------------------------|-----------------------|
| Probable Violation | <u>KRS 278.042 Service Adequacy and Safety Standards</u> | | | | |
| | 1. NESC: Section 42 422-A-1 Overhead Line Operating Procedures Section 42 420-C-4 Personal General Precautions | | | | |
| Line/Equipment Measurements/Clearances | | | | | |
| Line Clearances At Point of Incident: | Measured | Minimum Allowed by NESC | Applicable NESC Edition¹ 2002 | Voltage | Construct Date |
| Primary (C Phase) to Ground Elevation: | 31'7" | 18'-6" | 2002 EDITION | 4 kV | Unknown |
| Date of Measurement: | June 14, 2005 | | | | |
| Temp & Weather: | 88 Degrees, Sunny and Windy | | | | |
| Measurements Made By: | Name | | | Company | |
| | Keith McBride | | | Louisville Gas and Electric | |
| Witnessed By: | Steve Kingsolver and Jeff Moore, PSC | | | | |

¹ If clearances were not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

| | | | |
|-------------------------|--|---|----------------|
| Investigated By: | Name | Company | |
| | Steve Kingsolver | PSC Engineering Staff | |
| Signed: |  | Date | 2-14-06 |
| | Name | Company | |
| Investigated By: | Jeff Moore | PSC Engineering Staff | |
| | Signed: |  | Date |
| Reviewed By: | | Name | Company |
| | John Shupp | Manager, Electric Branch | |
| Signed: |  | Date | 2/14/06 |

Attachments:

- A. Louisville Gas and Electric Incident Report
- B. KPSC Site Sketch
- C. Text of Cited Violation
- D. KPSC Photographs of Incident Site



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment A

Louisville Gas and Electric Incident Report



LG&E Energy LLC
220 West Main Street
P.O. Box 32030
Louisville, Kentucky 40232
(502) 627-3450
(502) 627-3367 FAX

Jim Dimas
Senior Corporate Attorney
Corporate Law Department

RECEIVED

JUN 17 2005

PUBLIC SERVICE
COMMISSION

June 16, 2005

Mr. Steve Kingsolver
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

**RE: Injury From Shock and Burn
South East Corner of 8th Street and Market Street
Louisville, Kentucky**

Dear Mr. Kingsolver:

I am forwarding the attached "Investigation Report" prepared by Keith McBride regarding the incident that occurred in the area of the above referenced location on June 14, 2005. This report is being submitted as the "summary report" required by Section 26 of 807 KAR 5:006.

If you need additional information concerning this incident, please contact me at (502) 627-3712 so I can direct your request to the appropriate person.

Sincerely,

Jim Dimas
Senior Corporate Attorney

Attachment

cc: Keith McBride

INVESTIGATION REPORT

Injury From Shock and Burn

Type of Report

05-E-015

Report Number

Keith McBride

Investigator

June 14, 2005

Date of Incident

Location: South East Corner
8th Street and Market Street
Louisville, Kentucky

Case Summary

On June 14, 2005 I was notified that an employee of United Electric Company, a contractor for LG&E, had received a shock and burn from contacting a 4KV conductor. Initial reports stated that Louisville EMS was on scene and were to transport to University Hospital. I notified Ken Sheridan, Manager of LG&E Safety and Technical Training and he in turn notified the Kentucky Public Service Commission by telephone.

Investigation

On June 14, 2005 Gregg Mudd, James Black, Steve Kemper and Dean Meyers working for United Electric Company had a job assignment to replace a cracked aluminum base for a streetlight on the south east corner of 8th and Market. The light standard was 25'5" and had a 6'6" arm on the end of it with a cobra fixture attached. Total measurement from the standard horizontally to tip of cobra fixture was 9 ft.

To remove the standard from the base, four bolts needed to be removed. Once the top four bolts were removed, the derrick truck operator used a winch to raise the standard up a few inches. Mr. Mudd was kneeling on his right knee with his left knee up and next to the south side of the broken aluminum base. He was also holding the bottom of the standard with his left arm and hand.

At approximately 1:30pm as Mr. Black, Mr. Kemper and Mr. Meyers were attempting to remove another four bolts holding the base to the sidewalk, a gust of

wind from an approaching storm blew against the top of the standard and caused the fixture to swing to the right and contact the bottom C - phase of a 4KV circuit.

Mr. Mudd received a shock with burns to his left inside forearm and to the right side of the left knee. Mr. Mudd fell backwards but remained conscious. Crew members notified 911 and called LG&E Electric Trouble Dispatch. Louisville EMS transported Mr. Mudd to University Hospital. At approximately 11:00am on June 15, 2005, Mark Hatcher, Safety Director for United Electric Company, reported to LG&E that Mr. Mudd was to be released from the hospital that afternoon. Measurements and photographs were taken of the scene.

Injured United Electric Co. employee:

Greg Mudd
6102 Gloria Avenue
Louisville, Ky. 40213
(502) 966-5067
DOB - 6/29/1982
Hire date - February 2005
Classification - Apprentice

United Elect. Employees also on job site:

- James Black - Journeyman Wireman
- Dean Meyer - Journeyman Line Technician
- Steve Kemper - Journeyman Line Technician

Measurements

Standard height – 25 ½ ft
Mast arm – 6 ½ ft
Cobra fixture – 2 ½ ft
Standard measured horizontally to tip of cobra fixture – 9ft
Standard measured horizontally to primary – 10 ft
C phase 4KV conductor to earth – 31 ft 7 in



Louisville Gas and Electric Company
220 West Main Street
P O Box 32010
Louisville, Kentucky 40232
(502) 627-2703

June 20, 2005

Mr. Steve Kingsolver
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

RECEIVED

JUN 22 2005

PUBLIC SERVICE
COMMISSION

**RE: Photographs from June 14, 2005 Accident
8th and Market Streets
Louisville, Kentucky**

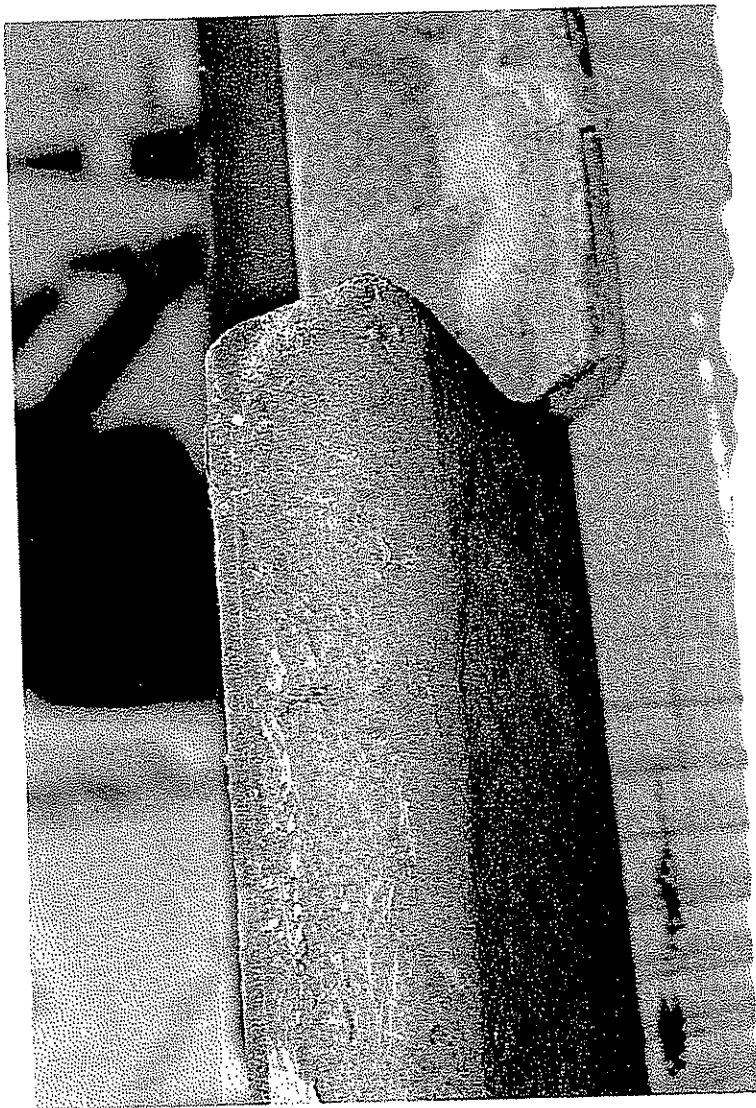
Dear Mr. Kingsolver:

Per your request, I have enclosed three photographs I took at the scene of the accident that took place at the above referenced location on June 14, 2005. Please contact me with any questions regarding the enclosed photographs.

Sincerely,

Keith McBride

Attachments



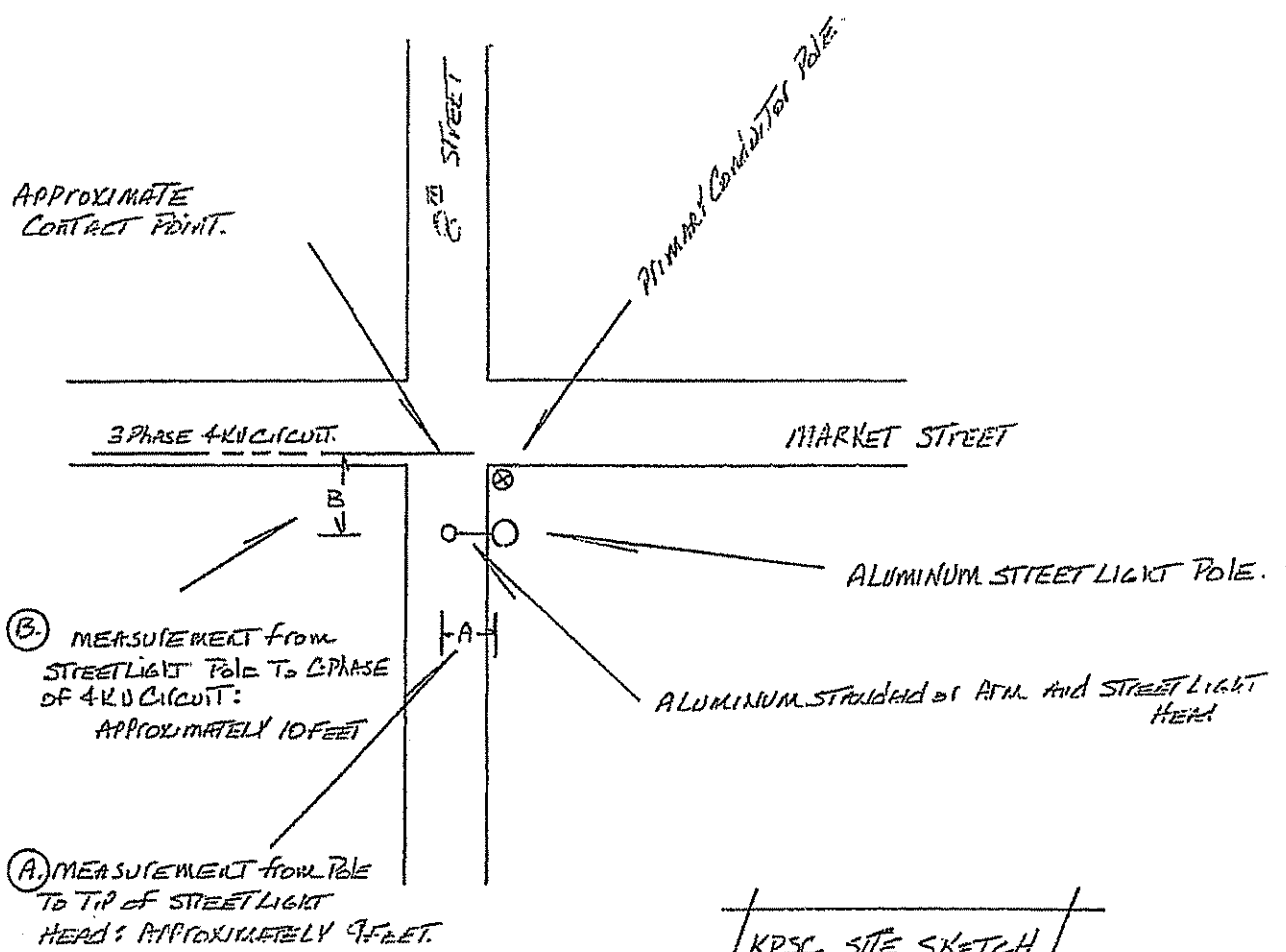


Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment B
KPSC Site Sketch

↑ APPROXIMATE NORTH.



KPSC SITE SKETCH.

NOT TO SCALE



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment C

Text of Cited Violation

422. Overhead Line Operating Procedures

Employees working on or with overhead lines shall observe the following rules in addition to applicable rules contained elsewhere in Sections 43 and 44.

A. Setting, Moving, or Removing Poles In or Near Energized Electric Supply Lines

1. When setting, moving, or removing poles in or in the vicinity of energized lines, precautions shall be taken to avoid direct contact of the pole with the energized conductors. Employees shall wear suitable insulating gloves or use other suitable means where voltages may exceed rating of gloves in handling poles where conductors energized at potentials above 750 V can be contacted. Employees performing such work shall not contact the pole with uninsulated parts of their bodies.
2. Contact with trucks, or other equipment that is not bonded to an effective ground being used to set, move, or remove poles in or in the vicinity of energized lines shall be avoided by employees standing on the ground or in contact with grounded objects unless employees are wearing suitable protective equipment.

B. Checking Structures Before Climbing

1. Before climbing poles, ladders, scaffolds, or other elevated structures, employees shall determine, to the extent practical, that the structures are capable of sustaining the additional or unbalanced stresses to which they will be subjected.
2. Where there are indications that poles and structures may be unsafe for climbing, they shall not be climbed until made safe by guying, bracing, or other means.

C. Installing and Removing Wires or Cables

1. Precautions shall be taken to prevent wires or cables that are being installed or removed from contacting energized wires or equipment. Wires or cables that are not bonded to an effective ground and which are being installed or removed in the vicinity of energized conductors shall be considered as being energized.
2. Sag of wire or cables being installed or removed shall be controlled to prevent danger to pedestrian and vehicular traffic.
3. Before installing or removing wires or cables, the strains to which poles and structures will be subjected shall be considered and necessary action taken to prevent failure of supporting structures.
4. Employees should avoid contact with moving winch lines, especially in the vicinity of sheaves, blocks, and take-up drums.
5. Employees working on or in the vicinity of equipment or lines exposed to voltages higher than those guarded against by the safety appliances provided shall take steps to be assured that the equipment or lines on which the employees are working are free from dangerous leakage or induction or have been effectively grounded.

423. Underground Line Operating Procedures

Employees working on or with underground lines shall observe the following rules in addition to applicable rules contained elsewhere in Sections 43 and 44.

A. Guarding Manhole and Street Openings

When covers of manholes, handholes, or vaults are removed, the opening shall be promptly protected with a barrier, temporary cover, or other suitable guard.

B. Testing for Gas in Manholes and Unventilated Vaults

1. The atmosphere shall be tested for combustible or flammable gas(es) before entry.
2. Where combustible or flammable gas(es) are detected, the work area shall be ventilated and made safe before entry.
3. Unless forced continuous ventilation is provided, a test shall also be made for oxygen deficiency.
4. Provision shall be made for an adequate continuous supply of air.

NOTE: The term *adequate* includes evaluation of both the quantity and quality of the air



NEESC - SECTION 42
422-A-1



Section 42. General Rules for Employees

420. Personal General Precautions

A. Rules and Emergency Methods

1. Employees shall carefully read and study the safety rules, and may be called upon at any time to show their knowledge of the rules.
2. Employees shall familiarize themselves with approved methods of first aid, rescue techniques, and fire extinguishment.

B. Qualifications of Employees

1. Employees whose duties require working on or in the vicinity of energized equipment or lines shall perform only those tasks for which they are trained, equipped, authorized, and so directed. Inexperienced employees shall: (a) work under the direction of an experienced and qualified person at the site, and (b) perform only directed tasks.
2. If an employee is in doubt as to the safe performance of any assigned work, the employee shall request instructions from the employee's supervisor or person in charge.
3. Employees who do not normally work on or in the vicinity of electric supply lines and equipment but whose work brings them into these areas for certain tasks shall proceed with this work only when authorized by a qualified person.

C. Safeguarding Oneself and Others

1. Employees shall heed safety signs and signals and warn others who are in danger or in the vicinity of energized equipment or lines.
2. Employees shall report promptly to the proper authority any of the following:
 - a. Line or equipment defects such as abnormally sagging wires, broken insulators, broken poles, or lamp supports
 - b. Accidentally energized objects such as conduits, light fixtures, or guys
 - c. Other defects that may cause a dangerous condition
3. Employees whose duties do not require them to approach or handle electric equipment and lines shall keep away from such equipment or lines and should avoid working in areas where objects and materials may be dropped by persons working overhead.
4. Employees who work on or in the vicinity of energized lines shall consider all of the effects of their actions, taking into account their own safety as well as the safety of other employees on the job site, or on some other part of the affected electric system, the property of others, and the public in general.
5. No employee shall approach or bring any conductive object, without a suitable insulating handle, closer to any exposed energized part than allowed by Rule 431 (communication) or Rule 441 (supply), as applicable.
6. Employees should exercise care when extending metal ropes, tapes, or wires parallel to and in the proximity of energized high-voltage lines because of induced voltages. When it is necessary to measure clearances from energized objects, only devices approved for the purpose shall be used.

D. Energized or Unknown Conditions

Employees shall consider electric supply equipment and lines to be energized, unless they are positively known to be de-energized. Before starting work, employees shall perform preliminary inspections or tests to determine existing conditions. Operating voltages of equipment and lines should be known before working on or in the vicinity of energized parts.

E. Ungrounded Metal Parts

Employees shall consider all ungrounded metal parts of equipment or devices such as transformer cases and circuit breaker housings, to be energized at the highest voltage to which they are exposed, unless these parts are known by test to be free from such voltage.

N.E.S.C. - SECTION 42 420 C-A





Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment D

KPSC Photographs Of Incident Site



#1



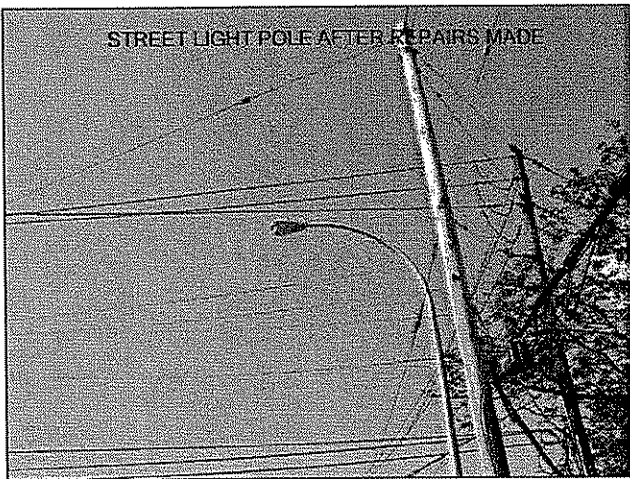
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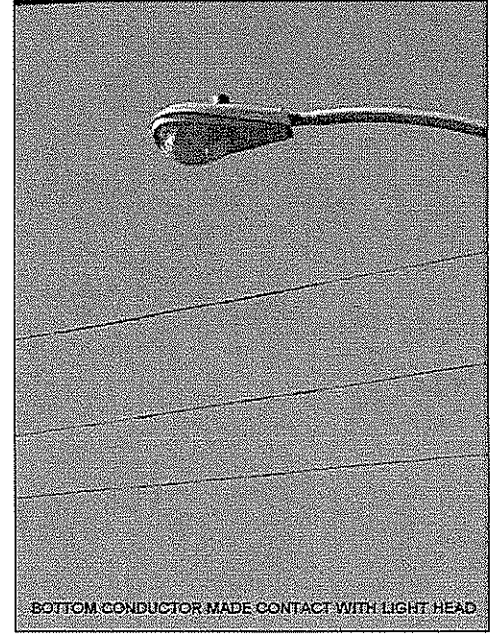
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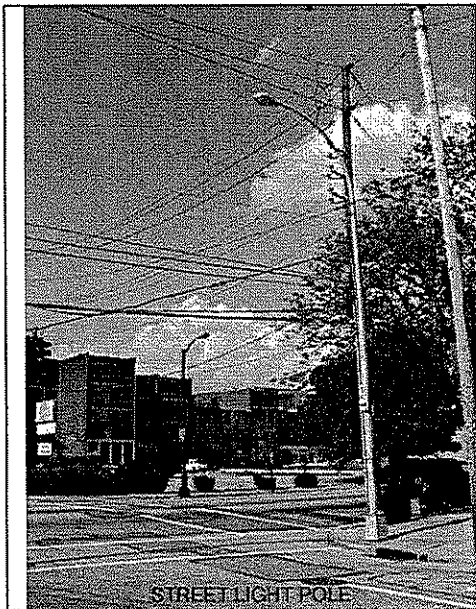
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