



Meade County RECC

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February 16, 2007

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PUBLIC SERVICE
COMMISSION

BETH O'DONNELL
EXECUTIVE SECRETARY
KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602

Dear Ms. O'Donnell:

Enclosed is Meade County RECC's response to the commission's data request in case #2007-00030.

If you have any comments please do not hesitate to contact me.

Sincerely,

Burns E. Mercer
President/CEO

BEM: msr

MEADE COUNTY RURAL ELECTRIC COOP. CORP.
RESPONSE OF MEADE COUNTY RECC
TO FIRST DATA REQUEST OF COMMISSION STAFF

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PUBLIC SERVICE
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CASE NO. 2007-00030

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Per the Kentucky Public Service Commission's (hereby noted as the Commission) request of January 31, 2007, Meade County Rural Electric Cooperative Corporation (hereby noted as MCRECC) is responding to the allegations specified in Case #2007-00030. On November 13, 2006 an employee of Richardson Contracting (hereby noted as Richardson), Mr. Donald R. Taylor, was fatally injured due to electrocution while working on a 7200 Volts distribution line within the service area of MCRECC. As a result of the accident the Commission cited MCRECC with eight infractions of the 2002 National Electric Safety Code (hereby noted as the NESC). MCRECC has examined each citation and responds as follows:

Citation #1) NESC Section 41, Rule 410.C.1 and 2 – Responsibility: Failure to supervise the safe operation of equipment and lines.

- 410.C.1

A designated person shall be in charge of the operation of the equipment and lines and shall be responsible for their safe operation.

- 410.C.2

If more than one person is engaged in work on or about the same equipment or line, one person shall be designated as in charge of the work to be performed. Where there are separate work locations, one person may be designated at each location.

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Response #1) These two rules state there is to be one individual in charge of the work and operation of the crew and their equipment during the work process. Richardson did have an individual, Mr. Earl Henson, assigned as the foreman for the project and was in charge of all related aspects of that project. While this accident reveals that Mr. Henson may have been negligent in his supervision at that time, the company did assign a qualified individual to lead and direct the crew. The foreman was onsite and retrieving material for Mr. Taylor just prior and during the time of the incident. He was performing foreman duties and displaying supervisory functions throughout the project and workday, such as the decision to place a temporary anchor and guy at the accident location for construction purposes. It should be duly noted that Mr. Taylor was agitated by the absence of a handline at that time and could not have been stopped by anyone in this circumstance; it was his personal actions that initiated the fatal events. MCRECC has determined that this rule was adhered to and no violation was evident.

Witness) David Poe

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Citation #2) NESC Section 41, Rule 411.A.3 Protective Methods and Devices: Failure to conduct a job briefing to employees as to the character of the equipment, lines, or work methods.

- Employees shall be instructed as to the character of the equipment or lines and methods to be used before any work is undertaken thereon.

Response #2) The foreman, Mr. Henson, stated that a “tailgate” session was conducted that morning as usual. There is no documentation signifying it occurred; however, the NESC, OSHA, or the APPA version 13 safety manual (which Richardson and Meade County RECC have adopted) does not require or recommend that formal documentation be made of such meetings. Because there is no evidence contradicting the statement that the meeting occurred, MCRECC has determined that Richardson has adhered to the rule and no violation is evident.

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Citation #3) NESC Section 42, Rule 420.C.4 and 5 – Safeguarding Oneself and Others: Employee failures.

- Employees who work on or in the vicinity of energized lines shall consider all of the effects 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.
- 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.

Response #3) Mr. Taylor acted as an individual when violating these rules. There was nothing that MCRECC or the foreman could have done at that time to have prevented Mr. Taylor from acting in such a manner at that time. Mr. Taylor was a 20 plus year veteran lineman and was fully aware of the rules and regulations of the industry. Insulating tools to perform this job safely were provided and available at the job site; however, the lineman chose not to use them accordingly. MCRECC cannot deny that these violations occurred.

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Citation #4) NESC Section 42, Rule 420.H – Tools and Protective Equipment: Failure of an employee to use personal protective equipment, devices, and tools.

- Employees shall use the personal protective equipment, the protective devices, and the special tools provided for their work. Before starting work, these devices and tools shall be carefully inspected to make sure that they are in good condition.

Response #4) The protective equipment, devices, and tools were available on the jobsite but Mr. Taylor chose not to use it at that time. Mr. Taylor chose to use the personal protective equipment only minutes earlier, knowing the rules, regulations, and hazards involved. However, MCRECC cannot deny that this violation occurred.

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Citation #5) NESC Section 42, Rule 421.A.1, 2, and 3 – General Operating Routines: Failure in the duties of the first-level supervisor.

- 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.

Response #5) MCRECC cannot conclude that the foreman had adopted such precautions to prevent all possible accidents and that the employees under his authority were following safe practices; therefore MCRECC cannot deny this portion of the citation is accurate.

The investigation has not shown the lack of any reporting or record keeping by the foreman. As stated in the Citation #1 response, formal documentation of tailgate sessions are not required by the NESC, OSHA, or the APPA version 13 safety manual. MCRECC is unaware of any violation of Rule 421.A.3 and does not concur with this citation as written.

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1 **Citation #6)** NESC Section 44, Rule 441.A.1 – Energized Conductors or Parts: Failure to adhere to
2 minimum approach distance to live parts.

- 3 • Minimum approach distance to live parts

4 1. General

- 5 ▪ Employees shall not approach or bring any conductive object within the
6 minimum approach distance listed in Table 441-1 or 441-4 to exposed
7 parts unless one of the following is met:

8 a. The line or part is de-energized and grounded per Rule 444D

9 b. The employee is insulated from the energized line or part.

10 Electrical protective equipment insulated for the voltage

11 involved, such as tools, gloves, rubber gloves, or rubber sleeves,

12 shall be considered effective insulation for the employee from the

13 energized part being worked on.

14 c. The energized line or part is insulated from the employee and
15 from any other line or part at a different voltage.

16 d. The employee is performing barehand live-line work according to
17 Rule 446.

18
19 **Response #6)** Citation #3 referenced this section when citing the need for insulation and the
20 restrictions for working near energized conductors or parts. Because this rule is referenced by a

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2 preceding citation, MCRECC feel that this infraction is already addressed and should not be
3 considered again; therefore, MCRECC does not concur with this citing.

4

5 **Witness)** David Poe

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Citation #7) NESC Section 44, Rule 441.A.3.a, b, and d. – Failure to Take Precautions for Approach

- Pre-cautions for approach – Voltages from 301 V to 72.5 kV

At voltages from 301 V to 72.5 kV, employees shall be protected from phase-to-phase and phase-to-ground differences in voltage. See Table 441-1 for the minimum approach distances to live parts.

a. When exposed grounded lines, conductors, or parts are in the work area, they shall be guarded or insulated.

b. When the Rubber Glove Work Method is employed, rubber insulating gloves, insulated for the maximum use voltage as listed in Table 441-6, shall be worn whenever employees are within the reach or extended reach of the minimum approach distances listed Table 441-1, supplemented by one of the following two protective methods:

1) The employee shall wear rubber insulating sleeves, insulated for the maximum use voltage as listed in Table 441-6, in addition to the rubber insulating gloves.

2) All exposed energized lines or parts, other than those temporarily exposed to perform work and maintained under positive control, located within maximum reach of the employee’s work position, shall be covered with insulating protective equipment.

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c. Cover-up equipment, when used, shall be applied to the exposed facilities as the employee first approaches the facilities from any direction, be that from the structure or from an aerial device, and shall be removed in the reverse order. This protective cover-up shall extend beyond the reach of the employee's anticipated work position or extended reach distance.

Response #7) Citation #3 referenced this section when citing the need for insulation and the restrictions for working near energized conductors or parts. Because this rule is referenced by a preceding citation, MCRECC feel that this infraction is already addressed and should not be considered again; therefore, MCRECC does not concur with this citing.

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Citation #8) NESC Section 44, Rule 443.A.1 – Work on Energized Lines and Equipment – Failure to apply safeguards.

- General requirements
 1. When working on energized lines and equipment, one of the following safeguards shall be applied:
 - a. Insulate employee from energized parts
 - b. Isolate or insulate the employee from ground and grounded structures, and potentials other than the one being worked on.

Response #8) While the aforementioned rule has been violated, its basis and intent has already been stated in Citations #3, #6 and #7. Both #6 and #7 deal more specifically with work around energized equipment while #3 and #8 are more general statements. Because this principle is restated, MCRECC believes this should not be noted as a citation; therefore, MCRECC does not concur with the Commission.

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2 The commonalities of five of the citations involve the lack of use of personal protective equipment and
3 other such insulating equipment, such as rubber gloves, rubber sleeves, and equipment/conductor
4 cover-up while working near energized conductor and handling conductive material. MCRECC
5 cannot deny that the lineman did not use proper equipment and operate in a safe manner at that time. It
6 should be noted, however, that Mr. Taylor was a skilled and veteran lineman of 20 plus years who had
7 exhibited irritability just prior to the incident. His actions were of a solitary nature and considered
8 uncontrollable considering the circumstances. Another citation states the failure of the on-site
9 supervisor to protect the workers and ensure a safe working environment. MCRECC also cannot deny
10 this general statement as our investigation reveals the absence of cover-up on the overhead conductors.

11

12 However, two citations indicate the lack of instructions or the documentation thereof for performing
13 the work at hand. MCRECC does not concur with the Commission on the basis that the personnel
14 questioned state that a "tailgate session" was conducted that day and documentation of such a meeting
15 is not mandated by the NESC, OSHA, or the APPA revision 13 safety manual which both MCRECC
16 and Richardson has adopted. Another citation alleges that supervision was not provided to ensure the
17 safe operation and work environment required. There was negligence on the part of the foreman to
18 provide the safe environment; however, the supervision was provided by Richardson as required by the
19 code.

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21 In summary, MCRECC agrees that improper or the absence of personal protective equipment and/or
22 other insulating equipment along with incomplete supervision were evident and citable. Therefore,

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MCRECC cannot deny that violations occurred resulting in citations #3, #4, and parts 1 and 2 of #5. MCRECC does not concur with the Commission regarding the lack of prework instructions and the documentation thereof. MCRECC also believes the additional citations addressing the same issues, such as the absence of personal protective equipment and cover-up, is not warranted. Therefore, MCRECC does not concur with the Commission in regards to citations #1, #2, #6, #7, #8, and part 3 of #5.

Mr. Blevins Bowlin, Richardson's President and Owner, and Mr. Donnie Mullikin, Richardson's Manager of Safety Services, have collaborated with and supports MCRECC's findings and responses as written.


Tom Brite, Attorney for Meade County RECC