

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
MAR 5 2009
PUBLIC SERVICE
COMMISSION

In the Matter of:

SOUTH KENTUCKY RURAL ELECTRIC)
COOPERATIVE CORPORATION)
_____) CASE NO. 2009-00015
)
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.042)

RESPONSE

Comes South Kentucky Rural Electric Cooperative Corporation, (“South Kentucky”) by counsel, and for its response to the allegations as contained in the Commission’s Order of February 11, 2009 which summarizes the incident report attached thereto states as follows:

FIRST DEFENSE

South Kentucky denies all alleged violations of the National Electric Safety Code (NESC) as contained on pages 3 and 4 of the Commission’s February 11, 2009 and denies generally any violation of KRS 278.042.

SECOND DEFENSE

As the Commission should be aware by prior submissions of South Kentucky, a comprehensive safety program with stringent disciplinary consequences has been adopted by South Kentucky and was in full force and effect on August 5, 2008, however, since the persons injured were employed by Davis H. Elliot Company, Inc., South Kentucky lacks control of those persons through its safety program, or otherwise.

THIRD DEFENSE

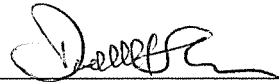
Not being the employer of the persons injured, South Kentucky does not have the legal right or obligation to control the day to day activities of employees of its contractor, Davis H.

Elliot Company, Inc. and should not be subject to any disciplinary action by the Commission for actions or inactions for which it did not, nor legally could not, control.

FOURTH DEFENSE

No actions or inactions of South Kentucky were willful and no actions or inactions of South Kentucky contributed to any injuries as sustained by the Davis H. Elliot Company, Inc. employees.

WHEREFORE, South Kentucky requests that the Commission determine that it did not willfully violate KRS 278.042 or any provision of KRS Chapter 278; that it did not procure, aid or abet any violation of KRS 278.042 or any other provision of KRS Chapter 278; that no fine be imposed against South Kentucky for any claimed violations of employees of Davis H. Elliot Company, Inc.; and any further relief to which it may appear entitled.



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ATTORNEY FOR SOUTH KENTUCKY RURAL
ELECTRIC COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was this 3rd day of March, 2009, via facsimile transmission and deposited in the regular United States mail, all postage prepaid and addressed for delivery to Mr. Rick Bertelson, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, KY 40602-0615.

Original to: Mr. Jeff Derouen, Executive Director, Public Service Commission, 211
Sower Blvd., P.O. Box 615, Frankfort, KY 40602-0615.



ATTORNEY FOR SOUTH KENTUCKY RURAL
ELECTRIC COOPERATIVE CORPORATION

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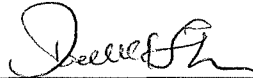
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REQUEST FOR INFORMAL CONFERENCE

South Kentucky Rural Electric Cooperative Corporation hereby requests an informal conference with Commission Staff.



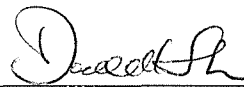
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