

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLOSURE OF INVESTIGATION OF)	CASE NO.
SEPTEMBER 9, 2019 INCIDENT – EAST)	2020-00075
KENTUCKY POWER COOPERATIVE, INC.)	

ORDER

The Commission, on its own motion, initiates this proceeding to close the investigation of an incident that occurred on September 9, 2019, near Argillite in Greenup County, Kentucky. As a result of the incident, an employee of Osmose Company (Osmose), a contractor for East Kentucky Power Cooperative, Inc. (EKPC), suffered a broken leg and was hospitalized. The injured employee, William Johnson, was part of a crew performing a line inspection on EKPC's Leon to Warnock line. The crew was traversing terrain between structures in a utility task vehicle (UTV) when the UTV got stuck in a gully. The crew members were attempting to push the vehicle out of the gully when it started to roll back and ran over Johnson's leg.

Commission Staff (Staff) investigated the incident and found four probable violations of Commission safety regulations. Staff issued EKPC a Demand for Remedial Measures and Penalty Assessment, a copy of which is attached to this Order as an Appendix, to resolve all compliance and enforcement matters pertaining to the September 9, 2019 incident. Staff reviewed and approved post-incident corrective action and safety training completed by EKPC and Osmose, and EKPC paid the proposed penalty.

The Commission finds that EKPC has addressed to its satisfaction the probable violations cited by Staff in connection with the September 9, 2019 incident. The

Commission further finds that the Commission's investigation of the incident should be closed.

IT IS THEREFORE ORDERED that:

1. EKPC's payment of Staff's proposed penalty and completion of remedial measures is accepted and resolves all alleged violations of KRS 278.042, 807 KAR 5:006, or 807 KAR 5:041 as well as any penalty that could be assessed under KRS 278.990(1), arising out of the September 9, 2019 incident.

2. EKPC's payment of Staff's proposed penalty is not an admission by EKPC that it willfully violated any provision of KRS Chapter 278 or any administrative regulation promulgated pursuant thereto.

3. The Commission's investigation of the September 9, 2019 incident is closed.

4. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED
MAR 24 2020 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00075

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00075 DATED MAR 24 2020

TWENTY-THREE PAGES TO FOLLOW



Matthew G. Bevin
Governor

Charles G. Snavely
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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P.O. Box 615
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Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

ACCIDENT INVESTIGATION STAFF REPORT

Report Date: October 10, 2019

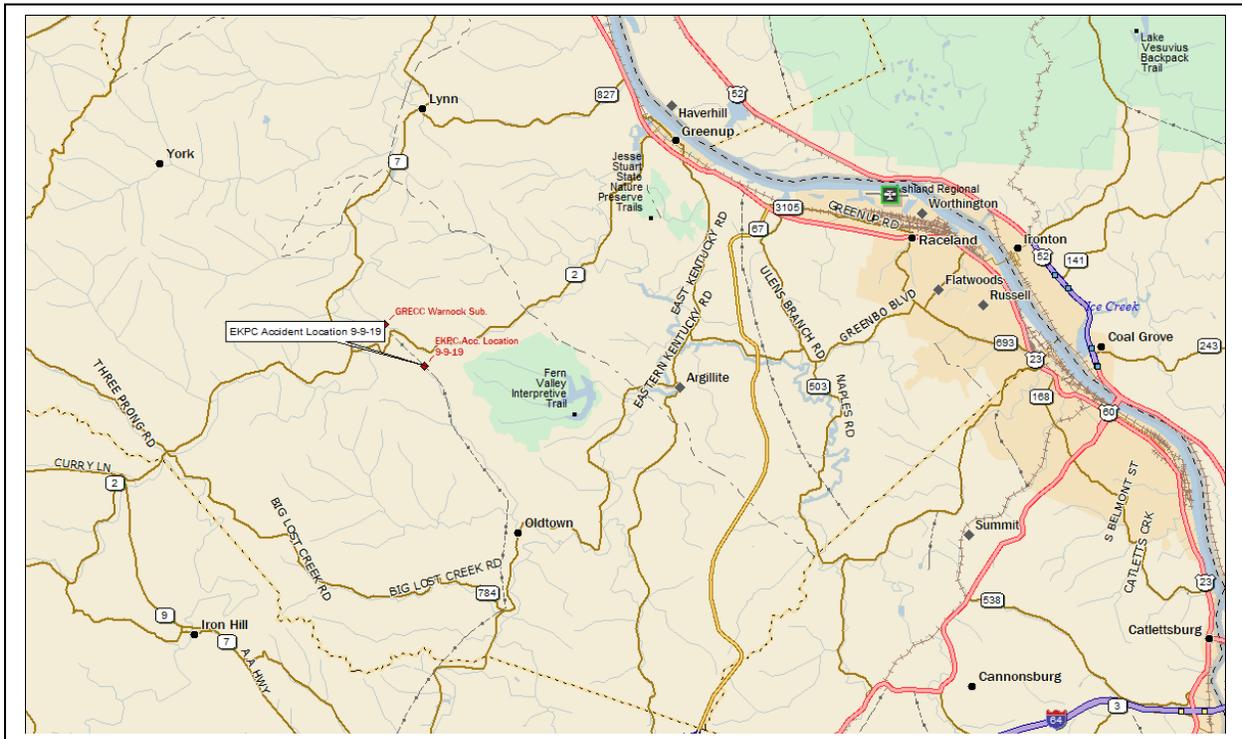
Accident Date: September 9, 2019

Serving Utility: East Kentucky Power Cooperative

Accident Location: Near Argillite, Kentucky

Accident Victim: William Johnson

PSC Investigator: Steve Kingsolver





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Vice Chairman

Talina R. Mathews
Commissioner

Electric Utility Injury Accident Report

Utility: East Kentucky Power Cooperative (EKPC)

Reported by: Mike Willoughby
Corporate Safety, Security & Facilities Manager

Incident Occurred: Approximately 5:00 PM, September 9, 2019

Utility Discovered: Approximately 11:05 AM, September 10, 2019

PSC Notified: Approximately 11:10 AM, September 10, 2019

Summary Report Received: September 17, 2018. (See Attachment A)

PSC On-Site Investigation: None

Type of Accident: Contractor, UTV (Utility Task Vehicle)

Accident Location: Near Argillite, Kentucky, Greenup County
EKPC Leon to Warnock Line

Coordinates: 38.4957672 -82.937426389

Accident Description:

EKPC notified the Commission staff on September 10, 2019 about an accident that had taken place on their system on September 9, 2019. This accident happened near Argillite, Kentucky on the EKPC Leon to Warnock line. The victim, William Johnson, is an employee of Osmose Company, a contractor for EKPC. The crew was performing line inspection at the time of this accident. The victim along with Robert Johnson, foreman on this job, were pushing the stuck UTV out of a gully when the vehicle started to move and ran over the victims left leg braking it just below the hip.

The person in charge at this job site, Robert Johnson, should have insured the proper use and condition of the UTV and should have seen that appropriate tools were used. Employees should have been recertified in the use of the UTV.

Victim:	Name:	Position:	Employer:
	William Johnson	Crew Member	Osmose Company

Witnesses:	Name:	Position	Employer:
	Robert Johnson	Foreman	Osmose Company

Information from:	Name:	Position:	Employer:
	Mike Willoughby	Safety Manager	EKPC
	Amy Hamm	Safety / Health Supervisor	EKPC

FINDINGS:

Based on its investigation, Commission staff has determined that EKPC did not meet the following requirements set forth in the Commission Regulations and National Electrical Safety Code (NESC)

RELEVANT CODES, STATUTES, REGULATIONS, OR SAFETY MANUAL ISSUES THAT ARE PERTINENT TO THE INVESTIGATION

278.042 Service adequacy and safety standards for electric utilities
National Electrical Safety Code

- (1) For the purposes of this section, "NESC" means the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc.
- (2) Except as otherwise provided by law, the commission shall, in enforcing service adequacy and safety standards for electric utilities, ensure that each electric utility constructs and maintains its plant and facilities in accordance with accepted engineering practices as set forth in the commission's administrative regulations and orders and in the most recent edition of the NESC.

Effective: June 24, 2003

History: Created 2003 Ky. Acts Ch. 84, sec. 1, Effective June 24, 2003.

2017 National Electric Safety Code:

See 2017 NESC Code to view each rule in its entirety.

#1:
National Electrical Safety Code

Part 4.

Work rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 42.

General Rules for Employees

421. General Operating Routines

- A. Duties of a first-level supervisor or person in charge
This individual shall:
 - 1. Adopt such precautions as are within the individuals authority to prevent accidents
 - 2. See that the safety rules and operating procedures are observed by the employees under the direction of this individual.
 - 5. Prohibit the use of tools or devices unsuited to the work at hand or that have not been tested or inspected as required.

#2:
National Electrical Safety Code

Part 4.

Work rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 42.

General Rules for Employees

420. General

H. Tools and Protective Equipment

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 they are in good working condition.

#3:
National Electrical Safety Code

Part 4.

Work rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 41.

Supply and Communications systems – Rules for employees

411. Protective methods and devices

A. Methods

3. Employees should be instructed as to the characteristics of the equipment or lines and methods to be used before any work is undertaken therein.
4. Employees should be instructed to take additional precautions to insure their safety when conditions create unusual hazards.

#4:
National Electrical Safety Code

Part 4.

Work rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 42.

General rules for employees

420. General

B. Qualifications of employees

2. Employees operating mechanized equipment shall be qualified to perform those tasks.

Investigated by: _____ **Name:** Steve Kingsolver **Company:** KPSC

Signed: 

Date: October 10, 2019

- Attachments:**
- A.** EKPC Summary Report
 - B.** EKPC Additional Information
 - C.** Accident Notification Information

Attachment A

EKPC Accident Summary Report



RECEIVED

SEP 17 2019

PUBLIC SERVICE
COMMISSION

September 13, 2019

Mr. Steve Kingsolver
Kentucky Public Service Commission
Post Office Box 615
211 Sower Blvd
Frankfort, Kentucky 40602

Re: East Kentucky Power Cooperative (EKPC) Contractor Injury incident on
September 9, 2019

Dear Mr. Kingsolver:

In accordance with the Kentucky Public Service Commission's (Commission) Regulation 807 KAR5:006, Section 27 (2), this letter serves as a summary written report of an incident which occurred on September 9, 2019 involving a utility related accident that resulted in an injury. The details of the incident are outlined below:

Date, Time & Location of Incident

Monday, 09/09/19 – Approximately 5:30 p.m.
Leon to Warnock line (See map attached)
Accident County: Greenup

Jack Carnes of Osmose Company contacted their EKPC Contract Manager at 9:50 a.m. on September 10, to inform him of an employee injury. Mr. Carnes contacted EKPC Corporate Safety Supervisor at 11:05 a.m. to inform her that the employee was admitted to the hospital.

Reported to Commission

EKPC Safety Supervisor reported to the PSC via email at 11:10 a.m. on September 10, 2019.

Initial Report of Incident to EKPC

An Osmose employee, William Johnson, was injured when an embankment he was standing on gave way, causing the employee to fall down the hillside. As this was occurring, the employee's leg hit the hammer handle, breaking his femur. The employee was taken to Cabell Huntington Hospital in Huntington, West Virginia where he has been since 8:00 p.m. on September 9.

Description from the Osmose Investigation:

Please note that this description, taken directly from their investigation report, is very different from the initial report of injury that we received from them on Tuesday. We are attaching their entire report to this document.

On 9/9/19 Foreman Robert Johnson & Crew Member William Johnson were performing TPINT work for East Kentucky Power Company. While traversing mountains and terrain between structures they incounted a gully between structures with a steep grade approaching the next structure. The decision was made to attempt to reach the next structure with the UTV, when they were not able to climb the steep incline due to poor tire conditions and ruts the UTV rolled backwards into the gully where the soil was wet. The UTV could not get out under it's own power with attempts for nearly an hour. Rather than walk back to the truck to collect teh winch they decided to push the UTV out of the gully. William was on the edge of the embankment while pushing and when the UTV started to move he slid under the UTV where we was run over by the UTV causing a brken left leg.

**Transmission Pole Inspection (No Treatment)*

Casual Analysis from Osmose Report

Employee did not follow procedure to have a spotter out front to ensure the UTV could traverse the terrain, then did not use a winch when he got stuck.

Corrective Actions from Osmose Report

- Remove all UTVs that are not essential to the project, and ensure all UTVs are serviceable
- Verify UTV recertification's occur
- Observe the use of UTVs and actively ask what if scenarios

We are attaching the Osmose report. EKPC may have further information at a later date. Any relevant documentation and/or information not included in this initial report (such as photos, etc.) will be provided to the Commission as it becomes available.

Sincerely,



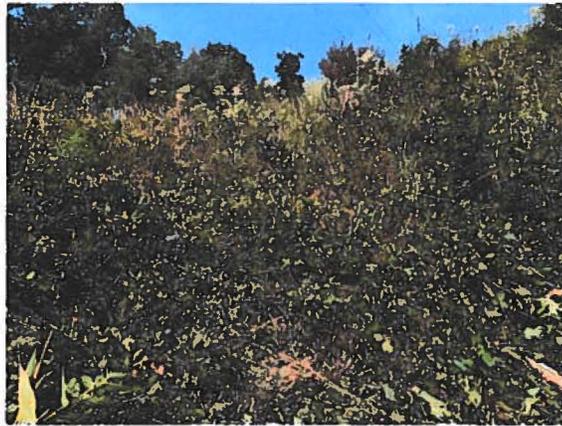
Amy Hamm
Safety and Occupational Health Supervisor

c: Tony Campbell, Don Mosier, Mike McNalley, Denver York, David Smart, Steve Anderson, Mike Willoughby, Patrick Woods, Roger Cowden and Barry Lindeman

Attachment – Photos of Incident Area



Area where UTV was stuck



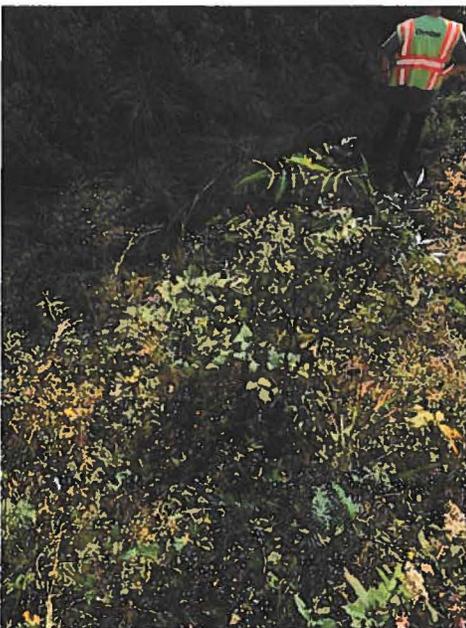
Incline attempted



Looking into gully from approach

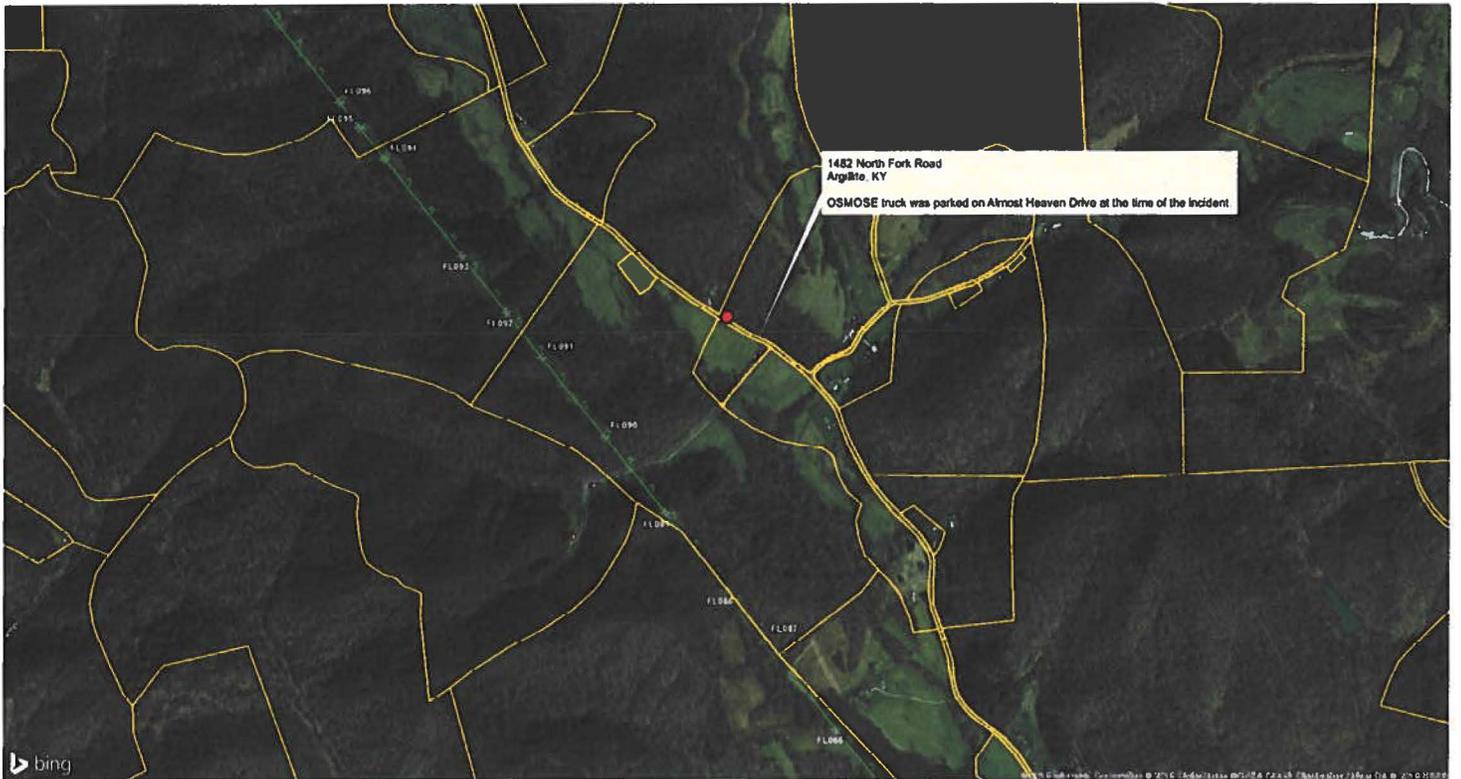


Looking up the incline that was attempted



Looking back at gully from opposite direction

Appendix – Map of Area



Territory:	703
Customer:	East Kentucky Power
Crew Member:	William Johnson
Foreman:	Robert Johnson
Supervisor:	Jack Carnes
Manager-Operations:	Josh Smith
General Manager:	Josh Smith

Result:	CVC
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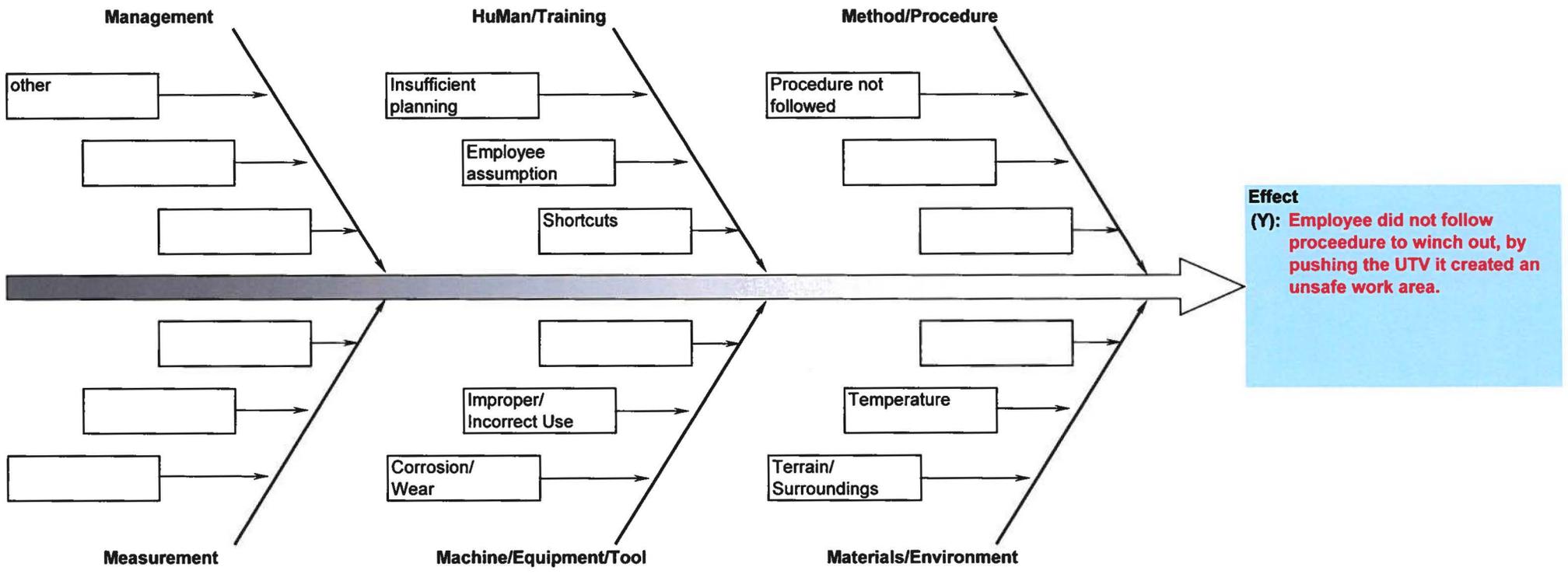
Safety Audit Scores - Foreman:	3.63 8/27/19, 3.33 7/9/19, 3.67 6/27/19
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Who:	Employee: William Johnson
	Hire Date: 7/9/1905
	Tenure:
What:	Activity engaged in: Pole Inspection / Aiding in getting a UTV unstuck
	Specific injury or damage: broken left leg just below the hip
When:	Incident Date: 9/9/2019
	Time: 5:PM
Where:	Location: In ROW off Lauren Ridge Rd. Argillite, KI 41144
How:	Equipment: UTV
	Process: Pushing UTV

Description of event:	Answer:
Why do you think it happened?	Poor decision making
Material/Equipment/Environmental:	Answer:
Materials from incident secured?	Yes
What equipment/products were involved in the event?	UTV
What environmental factors were present that contributed to the event?	Heat, terrain (mountain), wet ground, lack of cell coverage to consult with SR
Method/Procedure:	Answer:
What are the usual steps in the process(es)/procedure(s)/task(s)?	Have a spotter out front of UTV, and not traverse such an incline
Were procedures in place followed?	No
Was correct technique being used (i.e., bending at knees, team lift)?	No - should have used winch to get UTV out of ditch

Was a visual inspection completed/planning for task being performed?	Not as expected
Training/Competency:	Answer:
What training has the employee had in reference to the procedure/task/tool?	UTV certification had expired
Is training documented?	Yes
How long has the employee been performing this procedure/task?	6 months out of 2 year tenure
Has the employee ever been documented/corrected for performing procedure/task incorrectly?	No
Human Factors:	Answer:
What role did human performance/behavior play in this event?	All related to human performance
What human factors were relevant to this case? (i.e., fatigue; illness; noise; temperature; stress; life)	Temperature, stress of trying to maintain production
Were distractions or interruptions a factor in this case?	UTV was stuck
Communication among staff / Info availability:	Answer:
Was communication adequate and timely in this event?	To the best the Foreman was able to obtain phone signal
Are there obstacles to communication relating to this event?	Phone coverage
Was the needed information available, accurate, and complete?	No

Supervision/Management:		Answer:	
Has the Foreman/Supervisor shown history of issues with this type of event?		No	
What is the relationship between Supervisor/Foreman & Foreman/Crew Member?		FR - SR is a new relationship, FR - CM are brothers and worked together for almost 2 years	
Has the Supervisor visited this Foreman/Crew? How often? When was last visit?		Yes - 8/27/19 to start the project	
Other Questions:		Answer:	
Employee Statement of what happened:			
Witness Name/Statement - If any:			



Incident Statement	
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Question	Answer
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WHY	Method/Procedure	Procedure not followed	Employee did not follow procedure to have a spotter out front to ensure the UTV could traverse the terrain, then did not use a winch when he got stuck.
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WHY	Materials/Environment	Terrain/ Surroundings	Steep inclines and gullys
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WHY	Materials/Environment	Temperature	90+ degrees
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WHY	Machine/Equip./Tool	Corrosion/ Wear	Tires were in poor condition
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WHY	Management	other	Driver was not re-certified for UTV use
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WHY			
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WHY			
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WHY			
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Root Cause	
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Control Level	Action Required	Person Responsible	Target Date	Date Completed
Elimination/Substitution	Remove all UTVs that are not essential to the project, and ensure all UTVs are servicable	Field Mgmt	10/1/2019	
Engineering				
Training/Procedures	Verify UTV recertifications occur	Field Mgmt	9/21/2019	
PPE				
Management	Observe the use of UTVs and actively ask what if scenarios	Field Mgmt	10/1/2019	

RC Investigation Completed by: Josh Smith
 Job Title General Manager Date 9/12/2019

Approved by: _____
 Job Title _____ Date _____

Incident Summary Report

On 9/9/19 Foreman Robert Johnson & Crew Member William Johnson were performing TPINT work for East Kentucky Power Company. While traversing mountains and terrain between structures they incounted a gully between structures with a steep grade approaching the next structure. The decision was made to attempt to reach the next structure with the UTV, when they were not able to climb the steep incline due to poor tire conditions and ruts the UTV rolled backwards into the gully where the soil was wet. The UTV could not get out under it's own power with attempts for nearly an hour. Rather than walk back to the truck to collect teh winch they decided to push the UTV out of the gully. William was on the edge of the embankment while pushing and when the UTV started to move he slid under the UTV where we was run over by the UTV causing a brken left leg.

Attachment B

EKPC Additional Information

EKPC 9-9-19 Accident: Contractor Completed Job Briefing Form

Date Received by Supervisor _____

WEEKLY SAFETY AND BRIEFING REPORT

Foreman Name: Robert Johnson
Job Location: Kentucky

Date: 9-9-19
Supervisor: Mike Cranes

Type of Work to be Performed: Pole Inspection Pole Restoration Other

Job Site Safety Training		
Job Tasks		Terrain / Weather / Outdoor Environment
<input checked="" type="checkbox"/> Overhead Inspection	<input type="checkbox"/> Review Work Procedures	<input type="checkbox"/> Uneven Surfaces
<input type="checkbox"/> Electrical Hazards (risers, defects, etc)	<input type="checkbox"/> Review Job Assignments	<input type="checkbox"/> Ice, Snow, Mud
<input type="checkbox"/> Driving / Parking	<input type="checkbox"/> Animal & Insect Hazards	<input type="checkbox"/> Hot or Cold Weather Concerns
<input type="checkbox"/> PPE (Personal Protective Equipment)	<input type="checkbox"/> Slip, Trip & Fall Hazards	<input type="checkbox"/> Fences
<input type="checkbox"/> Lifting, Twisting, Bending & Stretching	<input type="checkbox"/> ATV / Trailer Operations	<input type="checkbox"/> Vegetation (thick brush, low hanging branches, poisonous plants)
<input type="checkbox"/> Housekeeping/Self-made Hazards	<input type="checkbox"/> Other- _____	<input checked="" type="checkbox"/> Other- <u>Leaves are falling and hiding</u>
<input type="checkbox"/> Review Safe Working Techniques	<input type="checkbox"/> Other- _____	<input type="checkbox"/> Other- <u>Things</u>
<u>all ways lookup</u>		

Special Safety Precaution Training	
<input type="checkbox"/> New or Inexperienced Employee Training	<input type="checkbox"/> Equipment in Good Working Order
<input type="checkbox"/> Review Injury/Accident Procedures	<input type="checkbox"/> Tools in Good Working Order
<input type="checkbox"/> Drug & Alcohol-Free Workplace	<input type="checkbox"/> Right Tool for the Job
<input type="checkbox"/> Required Safety Equipment	<input type="checkbox"/> Equipment Operation
<input type="checkbox"/> Qualified Driver/Operator	<input type="checkbox"/> Inspect Rigging and Lifting Equipment
<input type="checkbox"/> Electrical Hazards	<input type="checkbox"/> Inspect Lines, Hoses, Valves, Tanks, Pumps, Compressors
<input type="checkbox"/> Hazard Communication Program (Label, MSDS)	<input type="checkbox"/> Test Lineman Gloves and Rubber Goods
<input type="checkbox"/> Pesticides (Transportation, Storage, Packaging, Application)	<input type="checkbox"/> Other- _____
<input type="checkbox"/> Underground Facilities Locating (one-call, markouts)	<input type="checkbox"/> Other- _____

Attachment C

Accident Notification Information

From: Amy Hamm

Sent: Tuesday, September 10, 2019 11:09:48 AM (UTC-05:00) Eastern Time (US & Canada)

To: PSC - Utility Electric Notifications

Subject: EKPC Notice of Contractor Injury

East Kentucky Power Cooperative was notified at 11:05am this morning, Sept 10, that a contract employee was admitted into the hospital for an injury he sustained the previous day around 5:30pm on Sept 9th.

Summary of the incident:

A contract employee for Osmose, William Allen Johnson, was doing foot patrol for EKPC on the Leon to Warnock line in Greenup/Carter County area. While standing on an embankment, it gave way causing the employee to fall down the hillside. As this was occurring, the employee's leg hit the hammer handle, breaking his femur. The employee was taken to Cabell Huntington Hospital in Huntington, West Virginia where he has been since 8pm on Sept. 9th. Last the Osmose supervisor, Jack Carnes, heard was he will more than likely will require surgery to place pins in his leg.

Thanks,
Amy

Amy Hamm
Occupational Health & Safety
Supervisor
East Kentucky Power Cooperative
O: 859-745-9705
C: 513-465-9149

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