

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FLEMING-MASON RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
AND)	
)	
CONTINENTAL TELEPHONE COMPANY)	CASE NO. 9988
OF KENTUCKY)	
)	
)	
)	
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)	
ALLEGED FAILURE TO COMPLY WITH)	
THE COMMISSION'S REGULATION 807)	
KAR 5:006, SECTION 24)	

ORDER TO SHOW CAUSE

On August 7, 1987, the Commission issued an Order in this proceeding which it rescinds and replaces with the following:

Fleming-Mason Rural Electric Cooperative Corporation ("Fleming-Mason"), a corporation which engages in the distribution and transmission of electricity to the public for compensation for light, heat, power and other uses, is a utility as defined in KRS 278.010.

Continental Telephone Company of Kentucky ("Contel"), a corporation which owns and operates facilities used in connection with the transmission over wire of messages by telephone for the public for compensation, is a utility as defined in KRS 278.010.

KRS 278.280 authorizes the Commission to prescribe rules for the performance of any service furnished or supplied by a utility.

Pursuant to this authority, the Commission has promulgated a rule, codified at 807 KAR 5:006, Section 24, which requires prompt notification to the Commission of any utility related accident which results in death to any person. Notice must be given by telephone or telegraph. A summary written report must be submitted within seven days of the accident.

The Commission staff has submitted to the Commission a report of Accident Investigation, attached hereto as Appendix A, which alleges that:

1. On April 29, 1987, Mr. Hazel McCarthy, a resident of Maysville, Kentucky, was fatally injured when the tractor which he was operating became entangled with down guys owned by Contel and Fleming-Mason.

2. The accident occurred on April 29, 1987, at approximately 5:00 p.m. in Maysville, Kentucky. Employees of Fleming-Mason discovered Mr. McCarthy's body approximately two and a half hours later.

3. Fleming-Mason failed to notify the Commission of the accident until April 30, 1987, at 3:07 p.m. A summary written report was not submitted to the Commission until June 3, 1987, thirty-five days after the accident occurred.

4. Contel was notified of the accident by telephone by Fleming-Mason on April 30, 1987, at 7:00 a.m. It failed to notify the Commission of the accident or submit to the Commission a summary written report.

5. Fleming-Mason violated 807 KAR 5:006, Section 24, by failing to notify the Commission promptly of the accident and to submit a summary written report within the prescribed time.

6. Contel violated 807 KAR 5:006, Section 24, by failing to notify the Commission of the accident and to submit a summary written report on it.

WHEREFORE, the Commission, on its own Motion, hereby ORDERS that:

1. The previous initiating Order issued in this case be and it hereby is rescinded and this Order issued in its stead.

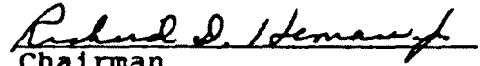
2. Fleming-Mason and Contel shall appear before the Commission on September 17, 1987, at 9:00 a.m., Eastern Daylight Time, in the Commission's offices at Frankfort, Kentucky, for the purposes of presenting evidence concerning the incident which is the subject of the report of Accident Investigation, specifically the alleged violations of 807 KAR 5:006, Section 24, and of showing cause why they should not be subject to the penalties prescribed in KRS 278.990 for failure to comply with the Commission's regulations.

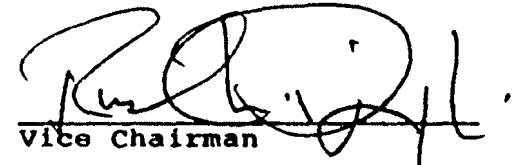
3. The report of the Accident Investigation shall be and hereby is included as part of the record of this proceeding.

4. Fleming-Mason and Contel shall have until the close of business two weeks from the date of this Order to submit written responses to the allegations contained in the report of the Accident Investigation.

Done at Frankfort, Kentucky, this 17th day of August, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. 9988 DATED 8/17/87

ELECTRICAL UTILITY ACCIDENT INVESTIGATION

DATE OF THIS REPORT 6/8/87 SUBMITTED BY Jeffery L. Gilpin

NAME OF UTILITY Fleming-Mason RECC

ACCIDENT REPORTED BY Steve Souder

DATE & TIME ACCIDENT REPORTED 4/30/87 3:07 P.M.

DATE AND TIME ACCIDENT OCCURRED 4/29/87 5:00 P.M.

DATE OF ACCIDENT INVESTIGATION 5/1/87

DATE SUMMARY WRITTEN REPORT WAS RECEIVED FROM UTILITY 6/3/87

PERSONS ASSISTING IN THE INVESTIGATION Steve Souder-Fleming-Mason
RECC

NAME OF VICTIM(S) 1. Hazel McCarthy SEX M AGE 88

FATAL Yes NAME OF EMPLOYER: Self-employed farmer.

INJURIES _____

2. _____ SEX _____ AGE _____

FATAL _____ NAME OF EMPLOYER: _____

INJURIES _____

3. _____ SEX _____ AGE _____

FATAL _____ NAME OF EMPLOYER: _____

INJURIES _____

ELECTRICAL UTILITY ACCIDENT INVESTIGATION (Continued)

LOCATION OF ACCIDENT SITE Off of Old Sardis Pike in Mason County,
Kentucky, at the victim's residence.

DESCRIPTION OF ACCIDENT The victim was mowing grass around the edge
of his yard with a farm tractor and a cutter bar mower when the mower
became entangled in a Contel Telephone Company down guy. Apparently
the contact with the Contel guy caused the tractor to swing sharply
to the right and become entangled in Fleming-Mason's down guy which
broke the top off of the pole. When the pole broke the slack in the
Fleming-Mason down guy wrapped around the tractors rear tire and the
victim's chest. As the tractor continued forward the rotation of the
wheels tightened the cable across the victim and caused his death.

SOURCE OF INFORMATION Steve Souder, Fleming-Mason RECC; Fleming-
Mason's Summary Accident Report; onsite investigation.

VIOLATIONS OF COMMISSION REGULATIONS This accident occurred on April
29, 1987, at 5:00 P.M. and was not reported until April 30, 1987, at
3:07 P.M. This is in violation of KAR 5:006, Section 24 which re-
quires that the utility give prompt notice of all fatal accidents.
The Commission did not receive the utility's written summary report
of this accident until June 3, 1987. This is in violation of KAR
5:006, Section 24 which requires that a written summary report be
submitted within 7 days.

RECOMMENDATIONS To be in compliance with KAR 5:006, Section 24, the
utility should provide the Commission with prompt notice of all fatal
accidents and submit a summary written report within 7 days. The
prompt notice should be given to the Commission even if details are
sketchy. Additional information can be given at a later time if
necessary.

CORRECTIVE ACTION

LINE CLEARANCES

	<u>As Measured</u>	<u>Minimum Allowed by NESC</u>
A. AT POINT OF ACCIDENT		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Phase conductor to structure:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to structure:	<u>N/A</u>	<u>N/A</u>
Communication conductor to structure:	<u>N/A</u>	<u>N/A</u>
B. AT LOWEST POINT OF SPAN		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>

C. SPAN LENGTH N/A

Date the line or facilities were constructed: _____

Utility: Fleming-Mason RECC

Date: 5/1/87 Time 10:30 A.M.

Approximate temperature: 82 Degrees F

Measurements made by: _____

Submitted by: Jeffrey L. L. L.

**FLEMING-MASON
RURAL ELECTRIC COOPERATIVE CORPORATION**



Huston Delaney,
President & General Manager

P.O. BOX 328
FLEMINGSBURG, KY. 41041
Phone (606) 845-2661

RECEIVED

June 2, 1987

JUN 3 1987

**DIVISION OF UTILITY
ENGINEERING & SERVICES**

Jeff Gilpin
Public Service Commission
P. O. Box 615
Frankfort, KY 40602

Dear Jeff:

Enclosed please find the following items relating to the Hazel
McCarthy accident in Mason County which you investigated.

Summary "Hazel McCarthy's Fatal Accident"
Coroner's Investigation Report
Sheriff's Report
Ambulance Operators Report
Sketch of Scene

Very truly yours,


S. W. Souder

SDS/pdp

Enclosures

HAZEL McCARTHEY'S FATAL ACCIDENT

The following is a reconstruction of events on the evening of April 29, 1987 concerning the Hazel McCarthy accident based on an interview by Steve Souder with Russle Dunaway, Steve Harn and Jack Owens, with Louie Flanery being present.

John Fulton or Elmer Fulton called Marjorie Royse about 5:00 p.m. to report the power off at account number [REDACTED]. This information was relayed by Reno McGlone to Russle and Steve who were working on another outage between Elizaville and Hilltop. They finished their work in the Elizaville-Hilltop area and proceeded to the John R. Fulton residence and determined that the distribution line was de-energized. They went to reclose number 223 which was locked out. It was successfully closed at 6:37 p.m. with no subsequent operations. Returning to the John R. Fulton residence they saw the lights on and decided to patrol the rest of the circuit to determine the cause of the outage. They discovered a tap line out of sag and thinking that the wind had probably caused this line to short decided to resag the line. To gain access to the terminal pole they contacted Emery Vice who went with them to open gates and show them the way to the pole on which they planned to work. They resaged the line and left the field at about 7:15 p.m. Returning to Emery Vice's house they were trimming some limbs which were near a service wire when Reno called to report service along the line section was still off.

They patrolled the line further specifically investigating the line which was recently resaged when they came upon the

broekn pole at Mr. McCarthy's. The pole had been broken at the telephone attachment, the telephone cable was on the ground and the electric conductors were still attached to the pole top.

Russie approached a tractor which was caught up in the guy wires and saw that Mr. McCarthy was still slumped in the tractor seat with his head down near the foot pedals. Russie called to Steve to bring rubber gloves and bolt cutters. They cut the electric conductors and guy wire. After straightening Mr. McCarthy back up in the tractor seat Russie left to call for help while Steve supported Mr. McCarthy. Russie went to Emery Vice's house; Mr. Vice called the Palmer Funeral Home in Mayslick at about 7:15 to 7:30 p.m. When Russie returned to Mr. McCarthy's, Winnie Sweet was arriving also. Mr. Sweet and Steve tried resuscitation techniques on Mr. McCarthy but to no avail. They continued to hold Mr. McCarthy's head until the ambulance arrived at 7:50 p.m. At some point during the time, between Russie's return and the arrival of the ambulance, Rose Ann Palmer and another lady arrived and on Mrs. Palmer's advice Mr. McCarthy was removed from the tractor and placed on the ground.

James Brell, Mason County Coroner, and Charles Lang, Mason County Deputy Sheriff, came to the site. Jack Owens of Fleming-Mason RECC arrived at about 8:25 p.m. He called Huston Delaney then isolated the line to Mr. McCarthy's and restored power to the line section.

Contel Telephone Company was notified by Jack at 7:00 a.m. on April 30.

CORONER'S INVESTIGATION REPORT

Person Calling Coroner: Mayville Life Squad Date April 29, 1987
 Time 8:00 AM P.M. Time of Arrival 8:45 AM P.M.

Name of Deceased: Hazel M. McCarthy
(First) (Middle) (Last)

Place of Death: Residence (Old Sandis Pike)
(Name, Hospital, Place of Injury or accident, or other)

Address: RR 2 Mayville Mason Ky
(Number & Street) (City) (County) (State)

Time of Death: 5:00 AM P.M. Date of Death: April 29 1987

Date of Birth: [REDACTED] Place of Birth: Kentucky
(Month) (Day) (Year) (City) (County) (State)

Age: 53 Sex: iii Race: W Single: Married:
 Widowed: X Divorced: Sep:

Next of Kin: Cecil McCarthy Maylick Ky Brother
(Name) (Address) (Phone No.) (Relationship)

Maiden Name (if wife surviving spouse) None

Father's Name: George William McCarthy Mother's Maiden Name: Clara Brooking
(First) (Middle) (Last)

Social Security Number [REDACTED] Occupation Farmer

Employed By: Self

Height 5'6" Weight 110 lbs Eyes Hair

Pronounced Dead by: J Brill Jr

Police agency and investigator: Mason County Sheriff's Office

Clothed X Partially clothed Unclothed

	Date	Time	Location	City or County
Last Seen Alive	4-24-87			
Death Discovered	4-24-87	7 59 PM	Residence	RR 2 Mayville
View of Body	4-24-87	8 49 PM	Residence	RR 2 Mayville

Found Dead By: Steve Harn Russell Dunaway EMRECC
Name Address

Last Seen Alive By
 Witness to Injury None
 Illness or Death None

History: Victim was mowing grass with a farm tractor
with a cutter bar type mower. The outer edge of the
mower next to the tip became hooked into an anchor
cable (phone) of a utility pole in the victim's side

Mason County Coroner's Office

JAMES A. BRELL, CORONER

Phone 606 564-6012

620 East Second St. Maysville, Ky. 41056

yard causing the victim's tractor to come in contact with a second anchor cable (power). The tractor became entangled in the power line anchor cable causing the cable to become wrapped around the victim's upper abdomen causing death by asphyxiation. The pull on the power line anchor cable was such that utility pole top was broken off allowing slack in the cable to be wrapped around the victim.

Personal Physician N/A (Name) (Address) (Phone No.)

Evidence obtained at scene: None

Name of Suspect: None Address: _____

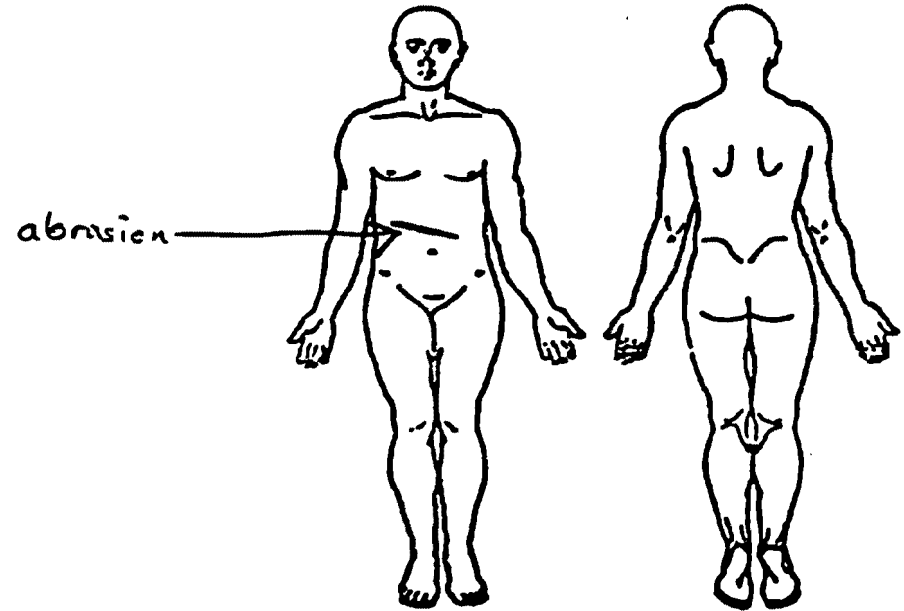
Autopsy: Yes _____ No X

Suspected cause of death: a) asphyxiation (compression)
(Immediate cause)
b) abdominal strangulation
(Due to or as a consequence of)
c) Wire rapped around Body Trunk
(Due to or as a consequence of)

Suspected manner of death: Natural Accident Homicide
Suicide Unknown Pending

Photos Taken Blood Sample Taken Body Temperature _____

Body Released to Palmer F.H. Mayslick



RTJ BOX 275 FLEMINGSBURG KY

OLD SAML'S P.C.E. RIA MARLIN

COMPLAINANT'S ADDRESS

STEVE HAZEM

PHONE NUMBER

205 CEDARWAY ROAD FLEMINGSBURG
RIA BOX 275 FLEMINGSBURG KY

LOCATION OF OFFENSE OR INCIDENT

REPORTED BY

APPROX

PHONE NUMBER

MARYVILLE POLICE DEPT

9:45 PM

4-29-87

MR. HAZEM

IN PERSON

RECEIVED BY

DATE

OFFENSE ASSIGNED

HOW REPORTED

DETAILS OF COMPLAINT, OR INCIDENT

ART NUMBER; SUBJECTS NAMED ON SERVICE ORDER

RUSSIE DUNAWAY AND STEVE HAZEM R.E.C. LINE REPAIRMEN WERE
LOOKING FOR LINE OUTAGE CAME UPON MR. HAZEM/ MCCARTHY
SLUMPED OVER SIDE OF 1967 INTERNATIONAL HARVESTER TRACTOR WITH
MOWING MACHINE ATTACHED WITH GUY WIRE FROM REAR TRACTOR WITH
PIVOTING HIM TO TRACTOR AROUND LOWER STOMACH. WORKMAN DISCOVERED
ELECTRICITY, CUT GUY WIRE AND REMOVED VICTIM FROM TRACTOR ABOUT 7:45
MR. MCCARTHY WAS MOWING GRASS AROUND UTILITY POLE GOT IMPASTED IN
GUY WIRE BARS TOP OF POLE WITH TRANSFORMER AND LINE STILL ABOVE

PERSONS ARRESTED _____ NO _____
CASE CLOSED YES _____ UN/DENIED _____
CLASSIFY BY ARREST _____ OTHER _____
APPROVED _____ DATE 4-30-87
DEPUTY SHERIFF OF MARION COUNTY, KENTUCKY

PATIENT NAME: HASEI, MELVIN (M.I.)
 ADDRESS: ROUTE #2
 CITY/STATE: MAYSVILLE, KY 41056 ZIP CODE

MO. DAY YEAR: 4/29/87
 VEHICLE CO. NO.: EMM1
 VEHICLE LICENSE NO.: OP1

222912

PHONE: SEX: M HEIGHT: WEIGHT: AGE: 88 DOB:

COUNTY CODE OF INCIDENT: 081

RUN/ALARM NO.:

AMBULANCE SERVICE LICENSE NUMBER: 880160

- RUN COMPLETE?
- Yes
 - No: Ambulance Accident
 - No: Vehicle Failure
 - No: Patient Refused
 - No: Could Not Locate
 - No: False Run
 - No: Other

STAFF ID (Signature): RILEY CERT. NO.: 1201178
DAUG 1201178

PICK-UP LOCATION: D.O.A.

- LOCATION WAS:
- Home
 - Retail Shopping
 - Industrial/Commercial
 - Mine
 - Recreation Area
 - School
 - Highway/Roadway
 - Hospital
 - Other

TIME	AM	PM	HOUR	MIN.
CALL RECEIVED			19	42
DISPATCH			19	42
ARRIVE SCENE			19	59
DEPART SCENE			21	53
ARRIVE DESTINATION			21	54
RETURN TO SERVICE			21	54

MILEAGE RECORD (ODOMETER READING)				
AT START	25	44	2	
AT SCENE	25	45	5	
AT DESTINATION	25	45	5	
AT BASE				

EMERGENCY	NATURE OF RUN	
	DISPATCH	TRANSFER
URGENT		
NON-URG.		
SCHEDULED		

PATIENT REFUSED: Treatment Transport

PATIENT'S MEDICATION:
 MEDICAL ALERT:

- CAUSE OF INJURY/ILLNESS
- ACCIDENT
- Motor Vehicle
 - Other Transportation
 - Fall/Slip
 - Other Accident
- GENERAL
- Cardiac/Cerebral
 - Respiratory
 - Muscular/OB
 - Diabetes
 - Other Illness
- MISCELLANEOUS
- Poisoning/OD
 - Crime (Shooting, Rape, etc.)
 - Exposure
 - Other Miscellaneous
- AD BEFORE ARRIVAL
- Falls
 - Choke
 - Fire Department
 - Medical Personnel
 - CPR
 - None



- INJURY SEVERITY
- Non-threatening
 - Impairing
 - Apparent Fatality
- INJURY
- Abrasion
 - Amputation
 - Bite
 - Bruise/Contusion
 - Concussion
 - Crushed
 - Distortion
 - Fracture
 - Laceration
 - Puncture
- Burn Other
- VITAL SIGNS
- TIME:
- BP:
- PULSE:
- RESP.:
- VITAL SIGNS COULD NOT BE TAKEN

- SYMPTOMS
- Bleeding
 - Chills/Fever
 - Convulsions
 - Diarrhea
 - Obstruction
 - Obesity
 - Fatigue/Weakness
 - Loss of Hearing
 - Loss of Vision
 - Loss of Motion
 - Nausea
 - Respiratory Prob.
 - Pain, Acute Abdomen
 - Pain, Head
 - Pain, Other
 - Swelling
 - Vomiting
- SKIN CONDITION
- Normal
 - Cyanotic
 - Pale/Ashen
 - Rash
 - Cool
 - Hot/Dry
 - Sweating
- SPEECH
- Normal
 - Slurred
 - Incoherent
 - None
 - Infant/Crying
- RESPONSE TO PAIN
- Yes
 - No
- RIFES
- Equal
 - Unequal
 - Light Reflex
 - Pupils
 - Fixed
- MENTAL STATE
- Conscious
 - Unconscious
 - Unresponsive
- CONDITION UPON ARRIVAL AT FACILITY
- Better
 - Same
 - Worse
 - Apparent Death

DESTINATION: CODE:

- FACILITY
- Hospital E.R.
 - Nursing Home
 - Outpatient Dept.
 - Residence
- FOR WHAT APPARENT CARE?
- Burn
 - Cardiac Care
 - Drug OD
 - High Risk Infant
 - Psych. Care
 - Spinal Trans.
 - Trauma
 - General Medical

CHARGE	
BASE RATE	
MILEAGE RATE	
EQUIP. CHARGE	
TOTAL CHARGE	

- PATIENT TREATMENT
- Airway Est.
 - Artif. Vent.
 - Baby Delivery
 - Bleeding Control
 - Burn Treatment
 - Cold/Warm Appl.
 - CPR
 - Dressing Applied
 - Extubation
 - Immobilization
 - Irrigation
 - Restraints
 - Splints
 - Suction
 - Vomiting Induced
- DIFFERENTIAL
- Drug Admin.
 - Monitor EKG
 - Intubation
 - IV Admin.
 - Telemetry
- Other:
- COMMUNICATIONS USED-VEHICLE TO
- Base
 - Hospital
 - Ambulance
 - Com. Center
- 02 LPM
- Other:

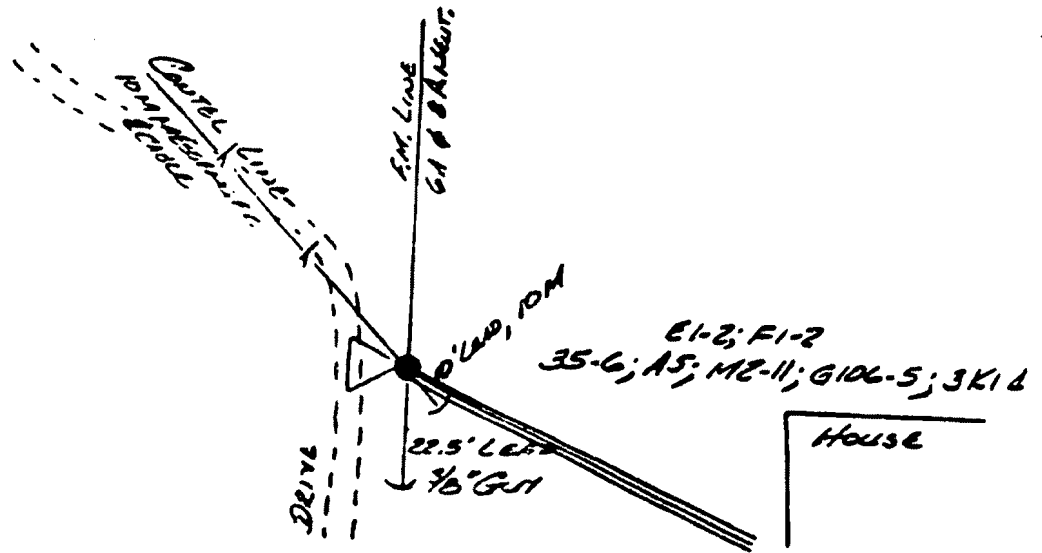
CASE NARRATIVE:

PT. LYING ON GROUND - TOOK VITALS COULD NOT GET ANY - PARAMEDIC & 25th FOUND GUIDE WIRE HAD BEEN WRAPPED AROUND PT. CALLED CORNER & CORNER ARRIVED AT 2154 D.O.A.

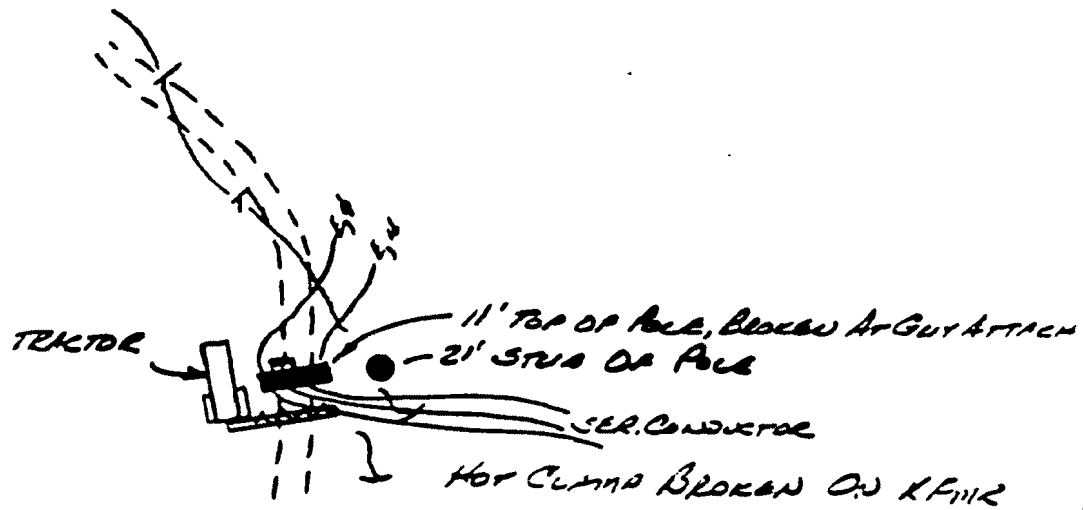
CHARGES NOT APPLICABLE

MEDICAL CONSULTANT ADVISOR:

SKETCH OF HAZEL M'S CLOTHING ACCIDENT -
 4-30-87 S.D. SOJLER



FACILITIES MISON FACILITIES BEFORE ACCIDENT



APPROXIMATE LOCATIONS 4-30-87 AFTER ACCIDENT