

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TAYLOR COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
_____)	CASE NO. 89-243
ALLEGED VIOLATION OF 807 KAR)	
5:006, SECTION 24)	

O R D E R

On July 11, 1989, the Taylor County Rural Electric Cooperative Corporation ("Taylor County RECC") notified the Commission of a fatal accident occurring on July 10, 1989 to George Abell, an employee of an independent contractor's crew which was converting a single phase distribution line to a three phase line for Taylor County RECC. The utility had learned the accident was fatal at or about 5:00 p.m. on July 10, 1989. On September 8, 1989, the Commission entered a Show Cause Order for the alleged violation by Taylor County RECC of 807 KAR 5:006, Section 24.¹ On September 26, 1989, Taylor County RECC and Commission Staff ("Staff") held an informal conference regarding the allegations of the Show Cause Order and agreed to a

¹ This regulation requires the "prompt" notification of the Commission of all fatal accidents. The Commission has defined "prompt" to mean "immediately." See Case No. 9988, Fleming-Mason Rural Electric Cooperative Corporation and Continental Telephone Company of Kentucky -- Alleged Failure to Comply with the Commission's Regulation 807 KAR 5:006, Section 4.

Stipulation of Facts and Proposed Settlement ("Proposed Settlement"). Taylor County RECC and Staff understood that the Commission would not be bound by that Proposed Settlement.

Having reviewed the Proposed Settlement and being otherwise sufficiently advised, the Commission finds that the Proposed Settlement is reasonable and lawful and is supported by substantial evidence of record.

IT IS THEREFORE ORDERED that:

1. The terms and conditions set forth in the Proposed Settlement are adopted and approved.

2. The Proposed Settlement, attached hereto as Appendix A, is incorporated into this Order by reference as if fully set out herein.

3. Taylor County RECC shall pay the agreed penalty within 30 days of the date of this Order by certified check or money order made payable to Treasurer, Commonwealth of Kentucky. Said check or money order shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 19th day of October, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:

Executive Director


Commissioner

COMMONWEALTH OF KENTUCKY

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CASE NO. 89-243

ALLEGED VIOLATION OF 807 KAR
5:006, SECTION 24

STIPULATION OF FACTS AND PROPOSED SETTLEMENT

On September 8, 1989, the Commission entered a Show Cause Order for the alleged violation by Taylor County Rural Electric Cooperative Corporation ("Taylor County RECC") of 807 KAR 5:006, Section 24. On September 26, 1989, Taylor County RECC and Commission Staff ("Staff") held an informal conference from which the following Stipulation of Facts and Proposed Settlement is entered into and offered to the Commission as a basis for resolution and settlement of this case. It is understood that this Stipulation of Facts and Proposed Settlement is not binding on the Commission.

Taylor County RECC and Staff stipulate that:

1. At or about 2:00 p.m., Eastern Daylight Time, July 10, 1989, a fatal accident occurred to George Abell, a member of a crew of an independent contractor working on electric lines belonging to Taylor County RECC.

2. At 3:32 p.m., Eastern Daylight Time, July 10, 1989, Taylor County RECC learned that an accident had occurred to Mr. Abell but did not know it was fatal until 5:00 p.m., Eastern Daylight Time, July 10, 1989.

3. Taylor County RECC reported the fatal accident to the Commission at 7:57 a.m., Eastern Daylight Time, July 11, 1989.

4. Taylor County RECC violated 807 KAR 5:006, Section 24, by not reporting that fatal accident until the morning after the fatal accident occurred. Taylor County's management and counsel have advised that they were unaware that the Commission had previously defined "promptly" to mean "immediately" in connection with 807 KAR 5:006, Section 24, in Case No. 9988, "Fleming-Mason Rural Electric Cooperative Corporation and Continental Telephone Company of Kentucky -- Alleged Failure to Comply with the Commission's Regulation 807 KAR 5:006, Section 24."

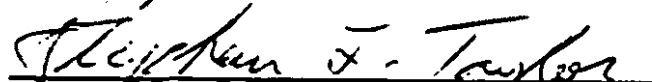
5. Management of Taylor County RECC, having talked with the witnesses to this fatal accident during the late afternoon of July 10, 1989, believed that those witnesses were, at that time, in no condition to be helpful in a Commission investigation of the accident.

6. The delay in reporting the fatal accident had no adverse effect on the Commission's investigation of that accident inasmuch as Taylor County RECC had secured the scene of the accident.


7. Taylor County RECC assures the Commission that Taylor County RECC will comply strictly with 807 KAR 5:006, Section 24, in the future and will issue a policy statement to that effect to its employees within 10 days of the signing of this Stipulation of Facts and Proposed Settlement.

8. Staff shall recommend to the Commission that Taylor County RECC be fined \$500.00 for violating 807 KAR 5:006, Section 24, pursuant to KRS 278.990.

9. Should this Stipulation of Facts and Proposed Settlement be accepted by the Commission, Taylor County RECC waives its right to a hearing in this matter and requests the Commission immediately proceed to render a decision, based solely on the facts herein stipulated.


Stephan L. Taylor
Attorney for Commission Staff

October 6, 1989
Date


Robert Spragens, Jr.
Attorney for Taylor County
Rural Electric Cooperative Corporation

Oct. 4, 1989
Date