

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH KENTUCKY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
_____)	CASE NO.
)	89-244
ALLEGED VIOLATION OF 807 KAR)	
5:006, SECTION 24)	

O R D E R

On June 9, 1989, the South Kentucky Rural Electric Cooperative Corporation ("South Kentucky") notified the Commission of a fatal accident occurring on June 8, 1989 to Jeffrey Clark, a member of a crew working on electric lines belonging to South Kentucky. The utility had learned the accident was fatal at or about 6:45 p.m. on June 8, 1989. On September 11, 1989, the Commission entered a Show Cause Order for the alleged violation by South Kentucky of 807 KAR 5:006, Section 24.¹ South Kentucky and Commission Staff discussed this case and agreed to a Stipulation of Facts and Proposed Settlement ("Proposed Settlement"). South

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 24.

Kentucky 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. South Kentucky 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 27th day of October, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:

Executive Director


Commissioner

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STIPULATION OF FACTS AND PROPOSED SETTLEMENT

On September 11, 1989, the Commission entered into a Show Cause Order for the alleged violation of South Kentucky Rural Electric Cooperative Corporation ("South Kentucky") of 807 KAR 5:006, Section 24. After discussion between counsel for South Kentucky and counsel to the Commission Staff ("Staff"), in consultation with respective clients, 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.

South Kentucky and Staff stipulate that:

1. At or about 5:45 p.m., Eastern Daylight Time, June 8, 1989, a fatal accident occurred to Jeffrey Clark, a member of a crew working on electric lines belonging to South Kentucky.

2. South Kentucky learned of the accident at or about 5:45 p.m., Eastern Daylight Time, June 8, 1989, but did not learn that it had resulted in a fatality until approximately

one hour later. South Kentucky did not report it until 8:22 a.m., Eastern Daylight Time, June 9, 1989.

3. South Kentucky violated 807 KAR 5:006, Section 24, by not reporting the fatal accident until the morning after the fatal accident occurred.

4. The delay in reporting the fatal accident had no adverse effect on the Commission's investigation of that accident inasmuch as South Kentucky had secured the scene of the accident.

5. The Commission investigation found no violation of Commission regulations with regard to the cause of the fatal accident.


South Kentucky and Staff propose the following as a basis of settlement:

1. Staff shall recommend to the Commission that South Kentucky be fined \$500 for violating 807 KAR 5:006, Section 24, pursuant to KRS 278.990.

2. Should this Stipulation of Facts and Proposed Settlement be accepted by the Commission, South Kentucky 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 17, 1989
Date


J.B. Johnson, Jr.
Attorney for South Kentucky

October 13, 1989
Date