

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY POWER COMPANY

ALLEGED VIOLATIONS OF KRS 278.160
AND COMMISSION REGULATION 807 KAR
5:041

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) CASE NO.
) 93-380
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O R D E R

Kentucky Power Corporation ("Kentucky Power"), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, is a utility subject to Commission jurisdiction. KRS 278.010(3)(a).

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Commission Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) ("NESC").

KRS 278.160 requires a utility to enforce the rules and regulations set forth in its filed tariffs. See also Chesapeake & O. Ry. Co. v. Gorman, 300 Ky. 230, 188 S.W.2d 316 (1945).

Kentucky Power's filed tariff requires cable television system operators who attach cable television facilities to Kentucky Power utility poles to install and maintain all such attachments and

equipment in compliance with NESC standards. Kentucky Power Tariff Original Sheet No. 16-1.

Commission Staff has submitted to the Commission an Electrical Utility Complaint Investigation Report dated October 11, 1993, appended hereto, which alleges:

1. In June 1993, Kenneth Compton of Pikeville, Kentucky advised Commission Staff of neutral and communications conductors which crossed his property, and which are not within NESC vertical clearance standards. Kentucky Power owns the neutral conductor in question and the utility poles to which both conductors were attached. A local cable television company owns the communications conductor in question.

2. Commission Staff referred the matter to Kentucky Power officials.

3. By letter dated June 29, 1993, a Kentucky Power official informed the Commission that clearance problems with the neutral conductor and communications conductor existed, but corrective action was being taken.

4. On September 21, 1993, Compton advised Commission Staff that no corrective action had been taken.

5. On September 22, 1993, Commission Staff inspected the location and, with the assistance of Kentucky Power officials, measured the conductors in question. Its measurements indicate that the conductors fail to comply with NESC vertical clearance standards.

Based on its review of the Electrical Utility Complaint Investigation Report and being sufficiently advised, the Commission finds that prima facie evidence exists that Kentucky Power has violated KRS 278.160 by failing to enforce the provisions of its filed tariff regarding cable television pole attachments.

The Commission further finds that prima facie evidence exists that Kentucky Power has violated Commission Regulation 807 KAR 5:041, Section 3, insofar as it failed to maintain its neutral conductor in accordance with NESC standards and allowed a cable television facility which did not comply with NESC standards to remain attached to its utility poles.

IT IS THEREFORE ORDERED that:

1. Kentucky Power shall appear before the Commission on November 18, 1993, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of KRS 278.160 and Commission Regulation 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

2. Kentucky Power shall correct all alleged violations of NESC standards set forth in the Electrical Utility Complaint Investigation Report within seven days of the date of this Order.

3. Kentucky Power shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Electrical Utility Complaint


Investigation Report and this Order. This response shall also state all corrective actions which Kentucky Power has taken.

4. The Electrical Utility Complaint Investigation Report of October 11, 1993, a copy of which is appended hereto, is made part of the record of this proceeding.

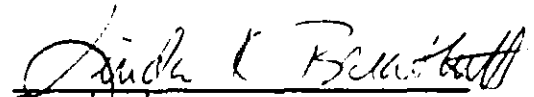
5. Any motion requesting an informal conference with Commission Staff to consider the simplification of issues and any other matters which aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 18th day of October, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

ELECTRICAL UTILITY COMPLAINT INVESTIGATION REPORT

In June, 1993, Mr. Kenneth Compton called the Commission office regarding low clearance of the electric and cable TV ("CATV") lines which are attached to Kentucky Power Company's ("Kentucky Power") poles and cross his property on Route 5 Box 301 Pikeville, Kentucky. Mr. Fred Long of Kentucky Power was contacted regarding this complaint. He referred it to Mr. Perry Farmer of Kentucky Power.

Mr. Farmer's letter dated June 29, 1993 indicated that the CATV and the neutral conductor have a low clearance problem. He further stated that a letter has been mailed to the CATV company requesting that clearance be corrected as soon as possible or the line be relocated from Kentucky Power's poles within 30 days as required by the tariff. As for the neutral conductor he stated that Kentucky Power would work to raise the neutral to meet the NESC requirement and he expected this job to be completed by July 2, 1993. (Exhibit 1 is a copy of his letter, and Exhibit 2 is a copy of the letter sent to Kentucky Power regarding Mr. Kenneth Compton's complaint).

On September 21, 1993 Mr. Compton called me and indicated that nothing has been done to raise the electric or CATV conductor.

On September 22, 1993 I investigated this low clearance and discovered the following:

1. Mr. Compton is using a PVC pipe to raise the CATV line across his drive way.
2. The PVC pipe was removed and Mr. Bill Johnson of Kentucky Power took the measurements below at the lowest point of the 491' span:

	<u>As Measured</u>	<u>Minimum allowed by NFSC</u>
a. CATV Conductor to ground elevation	10' - 3.5"	15' - 5"
b. Neutral Conductor to ground elevation	14' - 6"	15' - 6"
c. Phase Conductor to ground elevation	21' - 7.5" 23' - 9.5" 22' - 7"	18' - 6"

Kentucky Power knew about the low clearances since June of 1993. Kentucky Power indicated that the problem would be fixed by July 2, 1993. As of September 22, 1993 Kentucky Power had done nothing to raise the electric or CATV conductors. If the problem is left incorrect, it is my opinion that the low clearances may result in an electric related accident since big trucks and equipment cross under the low clearance conductors. Therefore, it is my recommendation that Kentucky Power correct the low clearances immediately to avoid potential accidents which may result in injury or fatality.

Submitted by: Eli F. Rosenfeld

Date: October 11, 1993

35 Main Street
Box 1007
Pikeville, KY 40360
606-437-2000

EXHIBIT 1



Mr. Elie El-Rouaiheb
Division of Utility Engineering and Services
Commonwealth of Kentucky
Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, KY 40602

RECEIVED

JUN 29 1993

DIVISION OF UTILITY
ENGINEERING & SERVICE

June 29, 1993

Dear Elie,

This letter is in confirmation of our telephone conversation of June 25, 1993 concerning the line clearance on the Kenneth Compton property on Route 5, Box 301, Pikeville, Kentucky.

We have measured the clearances of both the cable TV company and our own distribution line. The CATV company will have less than eight (8) feet of clearance over the area in question. Our lowest conductor is the neutral on our three phase line and it is at fourteen (14) feet. Correction is needed in both instances.

A letter has been mailed to the CATV company requesting that clearance be corrected as soon as possible or relocate from our poles. Our tariff with them allows a maximum of thirty (30) days to correct such a deficiency.

Kentucky Power will work to raise the neutral in this location to fifteen and one half feet (15.5) in order to meet code requirements. I expect this to be completed by Friday, July 2, 1993.

Sincerely,

Perry Farmer
Engineering Manager

PF:mn



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT KY 40602
(502) 564-1940

June 22, 1993

Mr. Coulter R. Boyle
President
Kentucky Power Company
1701 Central Avenue
P.O. Box 1428
Ashland, KY 41101

Dear Mr. Boyle:

Mr. Kenneth Compton called our office regarding low clearance of the electric and cable TV lines that cross his property on Route 5 Box 301 Pikeville, Kentucky.

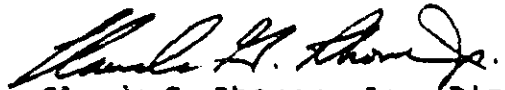
Mr. Fred Long of Kentucky Power Company ("Kentucky Power") was contacted regarding this complaint. He referred this matter to Mr. Perry Farmer of Kentucky Power who contacted Mr. Elie El-Rouaiheb of the Commission's staff. Mr. Farmer indicated that the electric lines' clearances meet the NESC, but the cable TV line which is attached to Kentucky Power's poles may not. A request was made to Mr. Farmer to have the line clearances checked on Mr. Compton's property and to report back to us concerning whether the lines meet the clearances required by the NESC. This conversation took place on June 10, 1993. As of the date of this letter, we have not heard from Mr. Farmer regarding the line clearances even though he was contacted twice by Mr. El-Rouaiheb and a message was left asking him to return the calls.

Within 7 days from the date of this letter provide the following information:

1. Do the electric lines and cable TV lines meet the clearances required by 1990 NESC?
2. If the response to question 1 is no, indicate the steps taken by Kentucky Power to insure that the line clearances will meet the 1990 NESC and indicate the completion date.

If you have any questions, please contact Mr. Elie El-Rouaiheb
at (502) 564-3940.

Sincerely,



Claude G. Rhorer, Jr., Director
Division of Utility Engineering
and Services

CGR:tgp