

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY)
)
_____) CASE NO. 96-355
)
ALLEGED VIOLATION OF COMMISSION)
REGULATION 807 KAR 5:041, SECTION 3)

O R D E R

Kentucky Utilities Company ("KU"), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for light, 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").

Commission Staff has submitted to the Commission a Utility Accident Investigation Report dated April 26, 1996, appended hereto, which alleges:

1. On March 13, 1996, Roger Hamilton was injured when he came into contact with an electric fence located on his property at 3236 Taylor Mine Road, Beaver Dam, Kentucky. The electric fence had broken and recoiled into a 2400 volt distribution which KU owns and operates.

2. The electric fence was attached to utility poles which KU owned and operated. At the time of the incident, the electric fence had been attached to these utility poles for approximately five years.

3. KU, through its employees, had been aware of the electric fence's attachment to its utility poles.

4. NESC Section 217A4 requires a utility to keep its supporting structures free from climbing hazards.¹

5. KU failed to comply with NESC Section 217A4.

6. As a result of this failure, KU is in probable violation of Commission Regulation 807 KAR 5:041, Section 3.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that KU has failed to comply with Commission Regulation 807 KAR 5:041, Section 3.

The Commission, on its own motion, HEREBY ORDERS that:

1. KU shall appear before the Commission on October 24, 1996 at 10:00 a.m., Eastern Daylight 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 violations of 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.

¹ In its report, Commission Staff refers to NESC Section 280A4 (1981 ed.). These sections are identical.

2. KU shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Utility Accident Investigation Report.

3. The Utility Accident Investigation Report of April 26, 1996, a copy of which is appended hereto, is made part of the record of this proceeding.

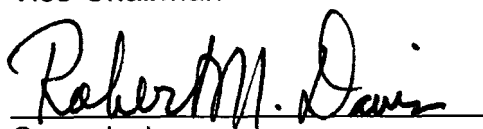
4. Any motion requesting any informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 29th day of July, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director