### COMMONWEALTH OF KENTUCKY

#### BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOOTHILLS RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

CASE NO. 98-593

ALLEGED FAILURE PURSUANT TO 807 KAR 5:041, SECTION 3, TO COMPLY WITH NATIONAL ELECTRIC SAFETY CODE, 1990 EDITION, SECTION 42, RULE 420 H; RULE 421 A; RULE 422 A; AND, SECTION 43, RULE 431

### <u>O R D E R</u>

Foothills Rural Telephone Cooperative Corporation, Inc. ("Foothills RTCC") is a Kentucky corporation which engages in the transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public for compensation and is a utility subject to the Commission's jurisdiction. KRS 278.010(3)(e) and KRS 278.516(2).

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

Commission Staff submitted to the Commission a Utility Accident Investigation Report dated August 6, 1998, attached hereto, which alleges that: 1. Big Sandy Rural Electric Cooperative Corporation ("Big Sandy") maintained a single-phase distribution line carrying 7,620 V on Patterson Creek at Flat Gap, Johnson County, Kentucky. Big Sandy's line was built over (over-built) a telephone communication line constructed and maintained by Foothills RTCC. Each system co-existed within the same easement space with the Big Sandy line simply being higher than the other.

2. On May 20, 1998, Foothills RTCC was in the process of replacing one of its old communication poles with a new 25 foot pole. The old pole and the hole for the new pole were located between two Big Sandy poles to which was attached the single-phase distribution line.

3. Four (4) employees of United, Inc., Dewey Lemaster, Donald McCoy, Anthony McDowell, and Paul Hale acting on behalf of Foothills RTCC, were working to set the new 25-foot communication pole adjacent to the old pole. Lemaster was the foreman in charge of the work crew and McCoy and McDowell were physically attempting to set the new pole by pushing and maneuvering it into the hole which had been prepared.

4. The crew was using a block and tackle rigging and Lemaster was operating a digger derrick truck's wench line. The block and tackle was attached to the old pole of Foothills RTCC and was attached to two (2) of Big Sandy's distribution poles.

5. In pushing and maneuvering the new pole, McCoy and McDowell caused the top of the pole to contact the energized primary conductor and the neutral conductor of Big Sandy's energized line facilities. The new pole was scarred with a burn mark 56 2/3 inches from the top.

-2-

6. McCoy and McDowell each received a shock. McCoy was transported to the local hospital but McDowell did not seek medical attention.

7. NESC, Section 42, Rule 420 H, mandates that employees shall use personal protective equipment and Rule 422 A specifically addresses employees who are setting, moving, or removing poles in or near energized electric supply lines. 422 A mandates that employees "shall wear suitable insulating gloves or use other suitable means . . . ." Neither Donald McCoy nor Anthony McDowell were wearing rubber gloves and sleeves, which violates NESC, Section 42, Rule 420 H and Rule 422 A.

8. Dewey Lemaster was the foreman in charge of the work crew when the accident occurred and he was operating the truck wench in an attempt to set the new communication pole. NESC, Section 42, Rule 421 A provides that the person in charge shall see that safety rules and operating precautions are followed by persons under his direction. By failing to direct McCoy and McDowell to wear protective equipment and to use safe procedures as hereinabove set out, Lemaster violated NESC, Section 42, Rule 421 A.

9. NESC, Section 43, Rule 431 provides minimum distances which employees shall observe when they take any conductive object (new pole) near exposed energized facilities (Big Sandy's 7,620 V distribution line). McCoy, McDowell, and Lemaster violated NESC Section 43, Rule 431 because the new pole contacted the distribution line of Big Sandy.

10. Commission Staff measured all clearances of the energized distribution line of Big Sandy and determined that the energized facilities met or exceeded allowable NESC distances. Big Sandy was not in violation.

-3-

The Commission, based upon the facts contained in the Utility Accident Investigation Report, finds sufficient evidence to believe that Foothills RTCC has failed to comply with 807 KAR 5:041, Section 3; NESC, Section 42, Rules 420 H, 421 A, and 422 A and Section 43, Rule 431.

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

1. Foothills RTCC 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.

2. Foothills RTCC shall appear on the 14th day of January, 1999 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 purposes of presenting evidence regarding the alleged violations of Commission Regulation 807 KAR 5:041, Section 3 and NESC, Section 42, Rule 420 H; Rule 421 A; Rule 422 A ; and, Section 43, Rule 431 and of showing cause, if any, why it should not be subject to the penalties prescribed in KRS 278.990(1) for the alleged violations.

3. The Utility Accident Investigation Report dated August 6, 1998 is hereby made a part of the record herein.

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

-4-

Done at Frankfort, Kentucky, this 24th day of November, 1998.

## PUBLIC SERVICE COMMISSION

1etm Chairman

Vice Chairman

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Commissioner

ATTEST:

**Executive Director** 

### APPENDIX

### AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 98-593 DATED NOVEMBER 24, 1998

August 6, 1998

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Page 1

	UTILITY ACCIDENT INVESTIGATION REPO	
Utility:	Big Sandy RECC ("Big Sandy")	Foothills Telephone Company ("Foothills")
Reported By:	Bruce A. Davis, Jr.	Paul Preston
Dates & Times Accident Occurred:	05/20/98 – Between 11:30 a.m. & 11:	45 a.m.
Utility Notified:	05/20/98 – 12:20 p.m.	05/20/98 – 11:45 p.m.
PSC Notified:	05/20/98 – 12:32 p.m.	05/20/98 – 1:50 p.m.
Investigated:	05/21/98	·····
Written Report Rcvd:	05/20/98	05/21/98
Location of Accident:	The accident occurred on Patterson C Johnson County.	Creek at Flat Gap, Kentucky in
Description of Accident:	United, Inc. employees were in the pro- Mr. McCoy was injured. The crew a attached to Foothills' old pole to pull attached to the old pole and was also a either side of it. Mr. Lemaster, Forer truck's winch line, which was attached time of the accident. Mr. Lemaster s setting the new pole, Big Sandy's pole time the new pole contacted Big Sand McDowell were trying to push the new energized line facilities. Mr. McCoy an Mr. Hale was standing near by but transported to the hospital. Mr. McDow Lemaster was the foreman in charge a and Mr. McDowell were not wearing p	Anthony McDowell, and Paul Hale, all beess of setting a new pole in line when was using a block and tackle rigging in the new pole. Foothills' cable was attached to two of Big Sandy's poles on man, was operating the digger derrick d to the block and tackle rigging at the said he believed that in the process of s were pulled closer together, at which y's energized line. Mr. McCoy and Mr. pole into the hole when it contacted the d Mr. McDowell both received a shock. received no shock. Mr. McCoy was well did not seek medical attention. Mr. at the time of the accident. Mr. McCoy protective equipment at the time of the tractor for Foothills at the time of the

Victims:				<u>-</u>	· .	·	
Name:	Donald D. McCoy	<u> </u>	Fatal:	No	Age:	29	
Addr./Empl.:	Rt. 4, Box 12232 310, French Lick,	, Louisa, Kentucky/ Indiana	/United, Inc	., 307 Ma	ain St., P (	O Box	
Injuries:	Shock						
Witnesses:	Name		Address/	Employm	ient		
	Howard Dewey L	emaster	Rt. 2, Bo United, Ir		ouisa, Ken oyee	tucky	
	Anthony McDowe	2)	HC 81, B United, Ir		Blain, Ken byee	tucky	
	Paul Hale		Unknown	n/United,	Inc. emplo	yee	
	Name		Address/	Employm	ent		
	Arlie O. Daniel		Big Sand	y RECC	employee		
	Dan Hitchcock		Big Sand	y RECC	employee		
	Paul Preston (Ge	neral Manager)	Foothills	Rural Te	lephone e	mployee	
	Lonnie Kelly		Foothills	Rural Te	lephone e	mployee	
	Jim Patton		Foothills	Rural Te	lephone e	mployee	
	Donald L. Renner	****	United, Ir				
	Dewey Lemaster	(Foreman)	United, Inc. employee				
	Jeff McDowell		United, Ir				
Sources of	Anthony McDowe		United, Ir				
Information:	Paul Hale		United, Inc. employee				
Probable Violations KAR 5:061, Section 3:	for Employees. McCoy, and Mr. A electric supply lin (Rubber Gloves a	Safety Code (NESC Rule 420H and 42 Anthony McDowell les and were not v and Sleeves). Rule when the acciden	2A. Mr. D were settin wearing pe e 421A. N	ewey Le g a new rsonal p Ir. Dewey	master, M pole near rotective e	ir. Donald energized quipment	
Line Clearances At Point of Accident:	Measured	Minimum Allowed by NESC	Applicabl Editi 199	ion¹	Volt.	Constr. Date	
Phase Conductor to Ground Elevation:	25' – 2 <u>"</u>	14' – 6"	Table 2	232-1	7620V	1994	

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Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

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Neutral Conductor to Ground					
Elevation:	21' – 6"	9' - 6"	Table 232-1	N/A	1994
Comm. Conductor to Ground Elevation:	14' – 6"	9' 5"	Table 232-1	N/A	1966
Phase Conductor to Foothills Pole:	9' – ́3"	8' – 0"	Table 241-1	7620V <sup>/</sup>	1994
Neutral Conductor to Foothills Pole:	5' – 7"	3' – 0"	Table 234-1	N/A	1994
Phase Conductor to Foothills Cable:	10' – 6"	6' – 0"	Table 233-1	7620V	1994
Neutral Conductor to Foothills Cable:	7' – 0"	2' – 0"	Table 233-1	N/A	1994
Date of Measurement:	05/21/98				
Approximate Temp.:	83°F				
Measurements Made By:	John W. Land and	l Vern Miracle, PSC	Engineering Staff		
Investigated By:	John W. Land and	Vern Miracle, PSC	Engineering Staff		
Signed:	Johnwa	Land	E Ven 1	ina	l

Attachments A. Big Sandy RECC's Accident Report B. Foothills Rural Telephone's Accident Report C. Photographs of Accident Site

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# Attachment A

**Big Sandy RECC's Accident Report** 



# **Big Sandy Rural Electric Cooperative Corporation**

504 11th Street Paintsville, Kentucky 41240-1422 (606) 789-4095 • Fax (606) 789-5454

### 5/22/98

Mr John Land Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Dear Mr. Land:

Around 11:30 a.m. on Wednesday, May 20 1998, a contractor for Foothills Rural Telephone was setting a 25' telephone pole off an old telephone pole in mid-span between Big Sandy RECC's poles. The pole came in contact with the phase and neutral. From top of pole down to the burn mark measured 56 3/4". No other burn marks were found. Vines in a tree next to where they were setting the pole may have got tangled around the pole as it was being set. This happened on Patterson Creek at Flat Gap, Kentucky in Johnson County.

Measurements from: Phase to ground......25' Neutral to ground......21' 5" Contractors name: United......Name of person shocked: Donald McCoy

We were notified by Foothills Rural Telephone about the electrical contact at 12:20 p.m. Arlie Daniel and myself went to the accident site to investigate. Bruce Davis Jr., General Manager for Big Sandy RECC called Foothills Telephone back around 12:25 p.m. and then reported the accident to the Public Service Commission about 12:35 p.m. I talked with you at 2:20 p.m. and gave an update on the situation.

Diagram of accident site and pictures are enclosed. Also I have enclosed the staking sheet for that particular area and a copy of our annual meter reading report for that area. As you can see by the date on the report, the last time was 9/25/97.

If you need any further information, please contact Arlie Daniel or myself.

Sincerely,

)an Hithock

Dan Hitchcock Member Service Department

Enclosures

**Branch Office:** 

Box 8, Glyn View Plaza Prestonsburg, KY 41653 (606) 886-2987



MAY 26 1998

DIVISION OF UTILITY ENGINEERING & SERVICES

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BIG SANDY RECC ANNUAL METER READING REPORT

		pro-	
METER NO	CONSUMER NAME	NO OF LIGHTS	
284274	JIMMY R LEMASTER 9-2 S	- 0	<u>2307.</u>
554275	JOE H ROSEBERRY	0	2014
900051273	ROBERT CURTIS 9-25	1	<u>5635</u>
371288	GEORGE THACKER 9-25	1	350-
900320284	DAN'BARKER 9-23	ο	0915
100052	teresa estep 9-25	o	4004
432286	PAUL BRIAN CANTRELL	0	<u> </u>
900447284	KRISTIE DAVIS 9-25	o	1694
184294	SANDRA ESTEP 9-25-	97 1	<u>3 93 i</u>
122294	MICHAEL ESTEP 9-25	o	54461
900274285	JAMES A SALYERS 9-23	0	<u>6960</u>
900114285	GEORGE THACKER 9-25	1	086.
506275	KERRY L ROBERTS 9-24	0	0170:
900123281	RICK CALDWELL $9-24$	1	0002
190297	HOMER CANTRELL 9-24	0	<u>0003</u> .
900043584	ROBERT STURGILL 9-25	V. 1/ 4.5	1001
276272	LOUISE LEMASTER 9:22	port 21	0264:
900145277	MALTA SALYER ( Metek in	sile a decenvel.	nse
384295	CLINT SALVER JR 9-22	0 .	2964

367295	JOHN O BOLTON 9-24	0	1214
421287	CHARLES BOWLES 9-25	1~400	2973
46287	BETHEL CHURCH . 9-25	1 🗸	12251
900191284	DENVER SALVER 7-25	1 1	29997
900231288	WILLARD C RAMEY 9-25	1 1/	146
397295	TONMY STANIFORD 9-25-	0	3/92

ACCOUNT NO







5/21/98

5/20/98

Mr John Land Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Dear Mr. Land:

A contractor for Foothills Rural Telephone was setting a 25' telephone pole off an old telephone pole in mid-span between Big Sandy RECC's poles. The pole came in contact with the phase and neutral. From top of pole down to the burn mark measured 56 3/4". No other burn marks were found. Vines in a tree next to where they were setting the pole may have got tangled around the pole as it was being set. This happened on Patterson Creek at Flat Gap, Kentucky in Johnson County.

Diagram of accident site and pictures are enclosed. If you need any further information, please call me.

Sincerely Dan Hitchcock

Member Service Department

Enclosures

Attachment B

# Foothills Rural Telephone's Accident Report

RURA



# FOOTHILLS RURAL- TELEPHONE COOPERATIVE CORPORATION, INC.

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P.O. Box 240 Staffordsville, Kentucky 41256 Telephone Number : 606-297-3501 FAX Number : 606-297-2000

	•	Date:	5/aa	x/98	· .	
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TO:	COMPANY	f.	<u>S.C.</u>			
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	FAX NO.	5	22-564	- 1582		
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STAFFORDSVILLE, KENTUCKY 41256 - 606-297-3501

FOOTHILLS TEL.



# FOOTHILLS RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

May 22, 1998

Mr. John Land Engineering Branch Public Service Commission 730 Schenkel Lane P.O. Box 615 Frankfort, KY 40602

Dear Mr. Land:

Attach you will find Foothills' report of accident that you and Vern Miracle investigated on May 21, 1998.

The pole being changed out was placed into service about 1965. Central Associated Engineers did plant inspection on this line in May 1997 as dated on staking sheets.

If I or Lonnie Kelly can be of further help, please call.

Sincerely,

FOOTHILLS RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

Paul E. Preston General Manager

PEP/syw

Enclosures

cc: Don Renner United, Inc.

STAFFORDSVILLE, KENTUCKY 41256 - 606-297-3501

DATE OF Accident = 5/20/1998 Exclusing = Flat Gap TIME APPEX = 11:30 TO 11:45 Roufe. A20-P5 TIME Foothells whited by Dewey Lunster on TWO-Way Pro- APROX : 11:95 Time Fastilles (climiture Gruble) colled 911 = 11:48 Time LK ARAccian Scare = 12:10 Time I Red and to what By By Sandy Rock 12:19 Aubularce TRANSported .. Donald Milloy TO PAul B. Hall Logeonal Medical Centur Anthony Mi Dowell Stayed of Job Site Indoviduals that were shocked (1) Donald MSLoy @ Anthony Mi Dowell Indoviduals that were shocked (1) Donald MSLoy @ Anthony Mi Durell United Employees that were at serve of Acount Dew by Lentstore Anthony ME Dourd! Paul Horle . Dowald Micoy. Footbulls employees ARRIVED AFFER Arcident Louvie Kelly Jim Patton By SANCY RECE EMployeess 1. SERVICE MAN ? 2. Arlia DAMUIS 3. DAN Hitchcock

Some one with Big Sandy Reace Mind PSC Paul Preston Called Wayne Bres PSC

At site on 5/21/98 10:00 A.M. John Land PSC VERN Mixocle P5C Aplie DANIO'S By Sandy Rece DAN H.tobcock By Sundy Rece ... PAul Proston Foothells Footbells Louis Kelly J.M. Prtton Foothills United DON RENNER ... Dewey LEMTSter Unofort JEFF MS Dowell United Anthony McDowoll Mu: tod PAUL HALE UNited

An Account occured on wednesday May 2018 1998 in Flat Gop Exchange ON PATERSON Crock (A20-PS). DEWEY Reported by Tab-WAY CoupANY Rolio TO Chaplant betwoon 11:30 AND 11:45 AM. CHARLENI CALLS 91/ AND Reported AN \_ Accord OCCUROC : When I Appilan The SCANE EMangancy pressed ware alerrily on site. They were proparie ing Donald Millay lor subulan TRANSport To Paul & Hall Regional What Conton. HE was softing up on Read side. - Dewoy said they ware pulling pales up - ViA Repos and Pully with which on Degoe TRuck, He said the SAW than Eall bet the though They got tappled up in vives on ground the didn't know they ware stucked. · · · · · Paul SAid He Look over at them as They \_ were noving pole up in ATR with the But of - The pla vere the hale that are dug them He Lookod Around Again and Anthony E Dont of where laying on ground soveral feet BACK FROM the base of pole. Ho SAid Dorald was jocking and Turnorl White Looking I They Sted Devalds Eyes was need with Ulcton up and joaking Anthony was

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FOOTBILLS TEL.

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FOOTBILLS TEL.



# Attachment C

# Photographs of Accident Site

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Accident Investigation Report Big Sandy RECC/Foothills Rural Telephone Mr. Donald D. McCoy







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のないたが、「日本のないない」ではないであるとなっていたので、ことになった。













