

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
_____)	CASE NO. 98-592
)	
ALLEGED FAILURE PURSUANT TO 807 KAR 5:041,)	
SECTION 3, TO COMPLY WITH NATIONAL)	
ELECTRIC SAFETY CODE ("NESEC"), 1990)	
EDITION, SECTION 23, CLEARANCES,)	
RULE 234 B, 1&2)	

O R D E R

This matter coming before the Commission upon the motion of the City of Louisville (City) for the right to intervene as a full party or as a limited intervenor pursuant to 807 KAR 5:061, Section 3, and it appearing to the Commission as follows:

On November 20, 1998, the Commission initiated this proceeding against Louisville Gas and Electric Company (LG&E). The show cause Order issued by the Commission alleged that an employee of the City received a burn injury on May 31, 1998 at a specific time and location in Louisville, Kentucky. It is alleged that the energized line involved in the injury was a facility of LG&E. On January 12, 1999, LG&E filed with the Commission its answer and request for informal conference. For the purposes of this proceeding before the Commission, LG&E admits the facts alleged against it in the Commission's Order and Commission Staff's Utility Accident Investigation Report.

The City characterizes its interest in this proceeding as follows: . . . [t]o identify the location of any and all other transmission lines which may be in violation of the National Electric Safety Code and to ensure that said violations are brought into compliance. . . . However, the scope of this proceeding as stated in the November 20, 1998 Order to which LG&E has already responded is limited to examination of the specific facts surrounding an accident that occurred on May 31, 1998 at a time certain in Louisville, Kentucky. The injured employee of the City and another witness who is also a City employee are available if needed. The City's stated interest is outside the scope of this proceeding. Intervention by the City will add nothing to assist [t]he Commission in fully considering the matter. . . and would, in fact, unduly complicate this proceeding in which no material facts remain in dispute. 807 KAR 5:061, Section 3. Accordingly, the City is not entitled to intervene in this proceeding.

IT IS THEREFORE ORDERED that the City of Louisville's Motion to Intervene is denied.

Done at Frankfort, Kentucky, this 25th day of January, 1999.

By the Commission

ATTEST:

Executive Director