

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
_____)	CASE NO. 99-002
)	
FAILURE TO COMPLY WITH COMMISSION)	
REGULATIONS 807 KAR 5:006, SECTION 26(1)(a))	
AND 807 KAR 5:041, SECTION 3(1))	

O R D E R

Louisville Gas and Electric Company (LG&E) is a Kentucky corporation engaged in the generation, transmission, and distribution of electricity to the public for compensation for lights, heat, power, and other uses and is a utility subject to Commission jurisdiction. KRS 278.010.

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 807 KAR 5:006, Section 26(1)(a), which requires utilities to notify the Commission within two hours following discovery of any utility-related accident which results in death or shock or burn requiring medical treatment at a hospital or similar medical facility. In addition, the Commission promulgated 807 KAR 5:041, Section 3(1), which requires the maintenance of utility facilities to be in accordance with the National Electric Safety Code, 1990 Edition (NESC). The NESC, Section 42, Rule 420H, requires utility employees to use the personal protective equipment and devices provided for their work; Section 42, Rule 421A, requires the first level supervisor or

person in charge to adopt such precautions as are within the individual's authority to prevent accidents and to see that the safety rules and operating procedures are observed by the employees under the direction of this individual; and Section 44, Rule 444D, which requires an employee working on a de-energized circuits to immediately proceed to make the employee's own protective grounds or verify that adequate grounds have been applied on the disconnected lines or equipment.

Commission staff submitted to the Commission a Utility Accident Investigation Report dated September 21, 1998, attached hereto as Appendix A, which alleges that on July 23, 1998 an LG&E employee, William E. Hundley, was working on an energized primary lead to a subgrade transformer when the lead arced to a metal protective grading. Mr. Hundley received a flash burn to his right arm and was hospitalized. One lead to the transformer had been disconnected but neither Mr. Hundley nor the foreman in charge at the job site, Mickey Grismer, were aware that there was a loop feed to the transformer. Protective grounds had not been installed and Mr. Hundley was not wearing rubber gloves or rubber sleeves. LG&E notified the Commission of the accident five days later, on July 28, 1998.

The Utility Accident Investigation Report notes four probable violations of Commission regulations: 1) 807 KAR 5:006, Section 26(1)(a), due to LG&E's failure to notify the Commission within two hours of discovering an accident resulting in a burn requiring hospitalization; 2) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420H, by Mr. Hundley's failure to wear personal protective equipment and protective devices consisting of rubber gloves and rubber sleeves; 3) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421A by the failure of Mr. Grismer, the

first line supervisor, to adopt such precautions within his authority to prevent accidents and to see that the safety rules and operating procedures were observed by the employee under his direction; and 4) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 444D by the failure of the employee in charge to make his own protective grounds or verify that adequate grounds had been applied.

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

1. LG&E 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. LG&E shall appear on February 24, 1999, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Utility Accident Investigation Report, specifically the alleged violations of Commission regulations 807 KAR 5:006, Section 26(1)(a), and 807 KAR 5:041, Section 3(1), and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the four probable violations of the aforementioned Commission regulations.

3. The Utility Accident Investigation Report dated September 21, 1998 is hereby made a part of the record of this case.

4. Any request by LG&E for an informal conference with the Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 15th day of January, 1999.

By the Commission

ATTEST:

Executive Director