

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHELBY ENERGY COOPERATIVE, INC.)	
_____)	
)	CASE NO. 99-125
FAILURE TO COMPLY WITH COMMISSION)	
REGULATION 807 KAR 5:041, SECTION 3(1))	

O R D E R

Shelby Energy Cooperative, Inc. (Shelby Energy) is a Kentucky corporation engaged in the 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, 279.210.

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 5:041, 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 421.A, require the first line 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 441.A, requires employees to

maintain a specified minimum distance from energized lines, unless the employee or the line is insulated.

The Commission Staff submitted to the Commission a Utility Accident Investigation Report dated January 15, 1999, attached hereto as Appendix A, which alleges that on November 12, 1998 a Shelby Energy employee, Michael A. Clark, was in the process of making up a single-phase line assembly at a 3-phase take off pole. Mr. Clark was working in a aerial bucket when he contacted a 7,200 volt overhead cut out assembly and was fatally injured. Insulating material had been removed from the 3-phase take off pole installation, and Mr. Clark was not wearing his rubber gloves or sleeves at the time of the accident. The line supervisor, William Bramblett, was the supervisor in charge of the work site and was working on the ground below at the time of the accident.

The Utility Accident Investigation Report notes three probable violations of Commission regulations: 1) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420H, by Mr. Clark's failure to wear personal protective equipment and protective devices consisting of rubber gloves and sleeves; 2) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421A by the failure of Mr. Bramblett, 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 3) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 441, by Mr. Clark's failure to maintain the minimum specified distance from energized, uninsulated lines.

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

1. Shelby Energy 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. Shelby Energy shall appear on May 4, 1999, at 9:00 a.m., Eastern Daylight 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 5:041, 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 three probable violations of the aforementioned Commission regulations.

3. The Utility Accident Investigation Report dated January 15, 1999 is hereby made a part of the record of this case.

4. Any request by Shelby Energy 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 6th day of April, 1999.

By the Commission

ATTEST:

Executive Director