

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICAN ELECTRIC POWER )  
\_\_\_\_\_) )  
ALLEGED FAILURE TO COMPLY WITH ) CASE NO. 99-137  
ADMINISTRATIVE REGULATION )  
807 KAR 5:041, SECTION 3 (1) )

O R D E R

American Electric Power ( AEP ) is an investor owned electric utility which engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, and is subject to Commission jurisdiction pursuant to 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 Administrative 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 November 9, 1998, appended hereto, in which Commission Staff alleges:

1. On July 28, 1998, William D. Cyfers was injured while changing a utility pole at Soldier, Carter County, Kentucky.

2. At the time of the incident a crew consisting of Mark Tomblin, Bill Mitchell and William D. Cyfers was in the process of changing out a pole as part of a job of reconductoring a three phase 12 KV circuit. Each phase was energized and carried a voltage of 7200 volts. As Mitchell, in the aerial lift bucket raised the bucket to Toblin, the grounding cable made contact with the A-phase of the 12 KV primary, which energized the vehicle below. William Cyfers made contact with the energized vehicle and was burned. William Cyfers was not wearing rubber overshoes at the time of the accident.

3. At the time of the incident, no protective covering was being used.

4. NESC Rule 441.A1 prohibits an employee from approaching or taking any conductive object without suitable insulating handle within certain distances of an exposed ungrounded part normally energized unless the line or part is de-energized, or the person is insulated from the energized line or part, or the energized line or part is insulated from the employee, or the person is insulated from all conducting surfaces other than the one upon which the person is working.

5. NESC Rule 420.H requires that employees shall use the personal protective equipment, protective devices, and the special tools provided for their work.

6. William Mitchell failed to comply with NESC Rule 441.A1.

7. William D. Cyfers failed to comply with NESC Rule 420.H.

8. Mark Tomblin failed to see that all safety and operating procedures were observed by those under his direction. His failure is a violation of NESC Rule 421.A, which

requires a person in charge to adopt such precautions as are within his authority to prevent accidents and to see that the all safety rules and operating procedures are observed by those under his direction.

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

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

1. AEP shall appear before the Commission, at a date and time to be set, for the purpose of presenting evidence concerning the alleged violations of Administrative 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.

2. AEP 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 November 9, 1998, 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.

5. AEP and Commission Staff shall be permitted to take the deposition of any person for the purpose of perpetuating the person s testimony.

Done at Frankfort, Kentucky, this 21<sup>st</sup> day of April, 1999.

By the Commission

ATTEST:

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Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 99-137 DATED APRIL 21, 1999