

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLARK ENERGY COOPERATIVE, INC.)
_____) CASE NO. 99-180
)
ALLEGED FAILURE PURSUANT TO 807 KAR 5:041,)
SECTION 3, TO COMPLY WITH NATIONAL ELECTRIC)
SAFETY CODE, 1990 EDITION, SECTION 42, RULE 420H,)
RULES FOR EMPLOYEES, TOOLS AND PROTECTIVE)
EQUIPMENT AND SECTION 44, RULE 441A.1. AND)
RULE 443A.1., ADDITIONAL RULES FOR SUPPLY)
EMPLOYEES)

O R D E R

Clark Energy Cooperative, Inc. (Clark Energy) is a Kentucky corporation engaged in the generation, transmission, and distribution of electricity to the public for compensation for lights, heat and power and other uses and is a utility subject to the Commission s jurisdiction. KRS 278.010(3)(a) and KRS 278.040.

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 standards of the National Electric Safety Code, 1990 Edition (NESC).

Commission Staff submitted to the Commission a Utility Accident Investigation Report, a copy of which is appended hereto, dated March 10, 1999 which alleges that:

1. Clark Energy employees were performing the job of grounding two primary surge arrestors on a 14.4 KV single-phase dead-end pole facility in the Mockingbird Hill Subdivision in Madison County, Kentucky.

2. Employee Gary Miller was harnessed in standard climbing gear and was located above the primary neutral line near the top of the pole. Employee Kevin Wilson was elevated in a bucket from a bucket truck and was located near Miller. Miller was attempting to change his position and location on the pole. He grasped with his left hand the grounded surge arrestor mounting bracket, and with his right hand he reached to grasp the primary suspension insulator assembly. However, he overreached and grasped an energized conductor dead-end shoe.

3. This resulted in a temporary ground fault through Miller's body, and the shock rendered him unconscious. Miller released his grasp and slumped in his climbing harness. Wilson had both hands on the surge arrestor ground, which caused him to be in parallel with the pole ground. He was also shocked and received injury. Wilson was able to get Miller into the bucket before they were lowered to the ground.

4. Two additional employees, Tommy Hill and Virgil Hill, were located on the ground near the bucket truck. They witnessed the accident.

5. Miller and Wilson were treated for their injuries at Pattie A. Clay Hospital in Richmond, Kentucky before being transferred to the University of Kentucky Medical Center in Lexington for further treatment.

6. Gary Miller and Kevin Wilson were not wearing protective equipment at the time of the incident. Energized conductors in the workplace area were not covered or insulated at the time of the incident.

7. NESC, Section 42, Rule 420H, provides, employees shall use the personal equipment, protective devices, and the special tools provided for their work. NESC, Section 44, Rule 441A.1., provides, in pertinent part, employees shall not

approach, or take any conductive object. . . . unless at least one of the following is met: (1) the line or part is de-energized, or (2) the employee is insulated from the energized line or part or (3) the energized line or part is insulated from the employee, or (4) the employee is insulated from all conducting services other than the one upon which the employee is working. NESC, Section 44, Rule 443A.1., provides, when working on energized lines and equipment, one of the following safeguards shall be applied: a. insulate employee from energized part. NESC standards are applicable to Clark Energy pursuant to 807 KAR 5:041, Section 3. Mr. Miller's and Mr. Wilson's conduct violated the above-named safety rules.

The Commission, based upon the facts contained in the Utility Accident Investigation Report, finds sufficient evidence to believe that Clark Energy has failed to comply with 807 KAR 5:041, Section 3; NESC, Section 42, Rule 420H; NESC, Section 44, Rule 441A.1., and Rule 443A.1.

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

1. Clark 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. Clark Energy shall appear on August 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 for the purpose of presenting evidence regarding the alleged violations named above, 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 March 10, 1999 is hereby made a part of the record herein.

4. Any request for 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.

Done at Frankfort, Kentucky, this 12th day of May, 1999.

By the Commission

ATTEST:

Executive Director