

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

On May 12, 1999, the Commission directed Clark Energy Cooperative, Inc. ("Clark Energy") to appear at a hearing and to show cause why it should not be penalized, pursuant to KRS 278.990(1), for its alleged violations of the National Electric Safety Code ("NESC") that the Commission enforces, pursuant to 807 KAR 5:041, Section 3. Clark Energy's employees violated NESC, Section 42, Rule 420H; NESC, Section 44, Rule 441A.1.; and NESC, Section 44, Rule 443A.1.

After the commencement of this proceeding, Clark Energy and Commission Staff entered into negotiations to resolve all outstanding issues. On September 23, 1999, they executed a Settlement Agreement, which is appended hereto. In reviewing the Settlement Agreement, the Commission has considered, *inter alia*, the circumstances and seriousness surrounding the incident that is the subject of this proceeding, and

Clark Energy's efforts to comply with the Commission's safety regulations. After reviewing the Settlement Agreement, and being otherwise sufficiently advised, the Commission finds that the Agreement is in accordance with the law, does not violate any regulatory principle, results in a reasonable resolution of this case, and is in the public interest.

IT IS THEREFORE ORDERED that:

1. The Settlement Agreement is incorporated into this Order as if fully set out herein.

2. The terms and conditions set forth in the Settlement Agreement are hereby adopted and approved.

3. Within 10 days of the date of this Order, Clark Energy shall pay to the Commonwealth of Kentucky the sum of Five Hundred Dollars (\$500). This payment shall be in the form of a cashier's check made payable to "Treasurer, Commonwealth of Kentucky" and shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

4. This case is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 13th day of October, 1999.

By the Commission

ATTEST:

Executive Director