

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHELBY ENERGY COOPERATIVE, INC.)	
_____)	
)	CASE NO. 99-198
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; KRS 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 Electrical Safety Code, 1990 Edition (NESC). The NESC, Section 42, Rule 420H, requires employees to use the personal protective equipment and devices provided for their work; Section 42, Rule 420.I, requires employees to wear clothing suitable for the assigned tasks and the work environment; Section 42, Rule 421.A, requires 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 February 1, 1999, attached hereto as Appendix A, which alleges that on September 29, 1998 a Shelby Energy contractor employee, Kevin Stewart, was working in an aerial bucket truck on a 7,200 volt overhead line on Gest Road, Henry County, Kentucky. Also working at the site was Jimmy Stewart, the foreman and person in charge at the work site, and two other contractor employees. While changing out an A-1 pole structure, Kevin Stewart had installed a hot line hoist and cut a break in the primary line. Kevin Stewart then dead-ended the primary to the boom of the bucket with rope ties and installed a mechanical ground on one side of the primary for down line protection. No insulating cover was being used at the time. An electrical arc and fire then occurred, causing fatal injuries to Kevin Stewart. Although Kevin Stewart's tee shirt was almost completely burned, his outer fire retardant shirt, found lying on the ground, had no visible signs of damage; his rubber gloves were hanging on the tool caddy hooks on the outside of the bucket; and his rubber sleeves were on the ground near the truck. The aerial bucket truck in which Kevin Stewart had been working was not grounded, although grounds were visible at the rear of the truck. The foreman in charge, Jimmy Stewart, was working at the site 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 420.H, by Kevin Stewart's failure to wear personal protective equipment and protective devices consisting of rubber gloves and rubber sleeves; 2) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420.I by Kevin Stewart's failure to wear his flame retardant shirt; and 3) 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421.A by the failure of Jimmy Stewart, 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 441, by Kevin Stewart'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 June 15, 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 February 1, 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 19th day of May, 1999.

By the Commission

ATTEST:

Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 99-198 DATED MAY 19, 1999