

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| LOUISVILLE GAS AND ELECTRIC COMPANY |) | |
| <hr/> |) | CASE NO. 99-338 |
| |) | |
| FAILURE TO COMPLY WITH COMMISSION |) | |
| REGULATION 807 KAR 5:041, SECTION 3(1) |) | |

O R D E R

Louisville Gas and Electric Company ("LG&E") is a Kentucky corporation engaged in the generation, transmission, and 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 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 420.H requires employees to use personal protective equipment and Rule 421.A requires the first level supervisor or person in charge to adopt such precautions as are within the individual's authority to prevent accidents. In addition, NESC Section 44, Rule 444.C requires that when equipment or lines are to be de-energized all switches and disconnects through which electric energy may be supplied to the particular section of equipment or lines be rendered inoperable, and Rule 444.D requires the employee in charge to make protective grounds or verify that adequate grounds have been applied on the

disconnected lines or equipment. Commission Staff submitted to the Commission a Utility Accident Investigation Report dated June 9, 1999, attached hereto as Appendix A, which alleges that on March 8, 1999 three LG&E employees were doing work at the Breckinridge Substation in Jefferson County, Kentucky. One employee positioned a ladder at disconnect 1351 and climbed up to inspect a 14 KV disconnect which was thought to have been de-energized. The disconnect was actually energized and upon contact the employee fell from the ladder and suffered burns to his hands and injuries from the fall. The employee had not realized that the 14 KV disconnect was being back fed off a lateral pole which had not been opened along with the other switches. The employee failed to determine whether the lateral pole had been opened or included in the switching order. In addition, no protective grounds had been used and the employee, who was the person in charge of the work site, was not wearing protective rubber gloves and sleeves at the time.

The Utility Accident Investigation Report notes four probable violations of Commission regulations:

1. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 420.H, due to the employee's failure to wear rubber gloves and sleeves.
2. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 421.A, due to the failure of the individual in charge to adopt such precautions as are within the individual's authority to prevent accidents.
3. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 444.C, due to the failure of the designated person to direct that all switches and disconnects

through which electric energy may be supplied to the section of equipment and lines be rendered inoperable.

4. 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 444.D, due to the failure of the employee to make protective grounds or verify that adequate grounds have been applied.

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

1. LG&E 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. LG&E shall appear on September 8, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Utility Accident Investigation Report, specifically the four alleged violations of Commission regulation 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 four probable violations of the aforementioned Commission regulations.

3. The Utility Accident Investigation Report dated June 9, 1999 is hereby made a part of the record in this case.

4. Any request by LG&E 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 17th day of August, 1999.

By the Commission

ATTEST:

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 99-338, DATED AUGUST 17, 1999

Available upon request.
Contact the Filings Division of the Kentucky Public Service Commission
At 502 564-3940