

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SALT RIVER ELECTRIC)
COOPERATIVE CORPORATION)
)
_____)
)
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)

CASE NO. 99-112

O R D E R

On March 31, 1999, the Commission directed Salt River Electric Cooperative Corporation ("Salt River") 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. Salt River's employee violated NESC Section 42, Rule 420H. Employee Billy Marks failed to use the proper protective tools and equipment.

After commencement of this proceeding, Salt River and Commission Staff entered into negotiations to resolve all outstanding issues. On September 20, 1999, they executed a Settlement Agreement which is appended hereto. In reviewing the Settlement Agreement, the Commission considered, *inter alia*, the circumstances and seriousness surrounding the incident that is the subject of this proceeding, including the

fact that Salt River has not had a fatality from electric shock in 60 years and Salt River's effort to comply with the Commission's safety regulations. Salt River took immediate disciplinary steps, changed the disciplinary system, and provided a documented procedure for every job. 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, Salt River shall pay to the Commonwealth of Kentucky the sum of Two Hundred Dollars (\$200). This payment shall be made in the form of cashier's check payable to the Kentucky State Treasurer and shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602.

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

Done at Frankfort, Kentucky, this 8th day of February, 2000.

By the Commission

ATTEST:

Executive Director