

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICAN ELECTRIC POWER)	
AND)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
_____)	CASE NO. 2000-207
)	
ALLEGED FAILURE TO COMPLY WITH)	
ADMINISTRATIVE REGULATIONS)	

O R D E R

American Electric Power (“AEP”) is an investor-owned electric utility that engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, and is subject to Commission jurisdiction.

BellSouth Telecommunications, Inc. (“BellSouth”), which engages in the transmission or conveyance over wire of telephone messages for the public, for compensation, is a utility under the jurisdiction of the Commission. Both utilities are subject to Commission jurisdiction pursuant to 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(1), which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) (“NESC”). 807 KAR 5:061, Section 3(1), requires utilities providing telephone service to do likewise.

Commission Staff has submitted to the Commission a Utility Accident Investigation Report dated April 6, 2000, appended hereto, in which Commission Staff alleges:

1. On March 24, 2000, Michael Quillen and Robbie Ferguson were injured while repositioning portable scaffolding at the Appalachian Regional Hospital, Whitesburg, Kentucky.

2. At the time of the incident Quillen and Ferguson were in the process of moving a tall metal scaffolding under the communications conductor owned and maintained by BellSouth and the neutral conductor owned and maintained by AEP on a construction site at the Appalachian Regional Hospital in Whitesburg. Both Quillen and Ferguson were on the scaffolding lifting the conductor and neutral over the scaffolding supports when Ferguson contacted the center phase of the overhead energized 7200-volt line. Both men suffered burns that required medical attention.

3. At the time of the injury to Quillen and Ferguson, all three lines failed to meet the minimum vertical clearance above ground for wires and conductors as established by NESC.

4. AEP violated 807 KAR 5:041, Section 3(1)(c), by failing to comply with the standards of the NESC.

5. BellSouth violated 807 KAR 5:041, Section 3(1)(c), by failing to comply with the standards of the NESC, and also violated 807 KAR 5:006, Section 26(a), by failing to notify the Commission within two hours of discovery of shock or burn requiring medical treatment.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that:

1. AEP violated 807 KAR 5:041, Section 3 (1)(c), by failing to comply with the standards of the NESC.

2. BellSouth violated 807 KAR 5:041, Section 3(1)(c), by failing to comply with the standards of the NESC and also violated 807 KAR 5:006, Section 26(a), by failing to notify the Commission within two hours following discovery of the incident.

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

1. AEP shall appear before the Commission on June 6, 2000 at 9:30 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of presenting evidence concerning the alleged violations of Administrative Regulation 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for this alleged violation.

2. BellSouth shall also appear before the Commission on June 6, 2000 at 9:30 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of presenting evidence concerning the alleged violations of Administrative Regulation 807 KAR 5:041, Section 3, and 807 KAR 5:006, Section 26(a), and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

3. Within 20 days of the date of this Order, AEP and BellSouth shall submit to the Commission a written response to the allegations contained in the Utility Accident Investigation Report of April 6, 2000, a copy of which is appended hereto and made a part of the record of this proceeding.

4. Any motion requesting an informal conference with Commission Staff to consider any matter that would aid in 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 9th day of May, 2000.

By the Commission

ATTEST:


Executive Director