

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CUMBERLAND VALLEY ELECTRIC, INC.)	
)	
_____)	CASE NO. 2000-403
)	
ALLEGED FAILURE TO COMPLY WITH)	
ADMINISTRATIVE REGULATIONS)	
807 KAR 5:006, SECTION 24 AND)	
807 KAR 5:041, SECTION 3)	

O R D E R

Cumberland Valley Electric, Inc. ("Cumberland"), a Kentucky Corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power and other uses, is a utility subject to Commission jurisdiction. KRS 278.010(3)(a).

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, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) ("NESC").

Commission Regulation 807 KAR 5:006, Section 24, requires each utility to adopt and execute a safety program. Cumberland adopted the American Public Power Association Safety Manual Eleventh Edition ("APPA") as a part of its safety program.

Commission Staff has submitted to the Commission a Utility Accident Investigation Report dated June 1, 2000, appended hereto in which Commission Staff alleges:

1. On May 26, 2000, David Taylor was injured while hooking up an underground service in the Briarwood Subdivision near Corbin, Kentucky.

2. At the time of the incident, Taylor was tightening the ground-wire on the neutral terminator when his wrench touched the energized secondary lead. An arc occurred resulting in burn injuries to Taylor's right thumb and index finger.

3. At the time of the incident Taylor was an employee of Cumberland and was acting within the scope of his employment.

4. At the time of the incident, Taylor was using no protective covering.

5. NESC Rule 420H requires persons to use the personal protective equipment, protective devices, and special tools provided for their work.

6. Taylor violated NESC Rule 420H when he failed to wear his protective equipment while hooking up the underground service.

7. APPA Section 8, Rule 811(a) and (f) require rubber gloves and rubber sleeves to be worn by persons working on any open underground residential distribution compartment.

8. Taylor violated APPA Section 8, Rule 811(a) and (f) when he failed to wear rubber gloves and rubber sleeves while working on the open underground residential distribution compartment.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that Cumberland has failed to comply with Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:041, Section 3.

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

1. Cumberland shall appear before the Commission on April 11, 2001, at 9:00 a.m., Eastern Standard 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 violation of Administrative Regulations 807 KAR 5:006, Section 24, and 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. Cumberland 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.

3. The Utility Accident Investigation Report of June 1, 2000, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting an informal conference with Commission Staff to consider any matter which 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 21st day of December, 2000.

By the Commission

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. 2000-403 DATED DECEMBER 21, 2000