

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLARK ENERGY COOPERATIVE, INC.	)	
_____	)	CASE NO. 2001-201
	)	
ALLEGED VIOLATION OF COMMISSION	)	
REGULATION 807 KAR 5:041, SECTION 3,	)	
AND 807 KAR 5:006, SECTION 24	)	

O R D E R

Clark Energy Cooperative, Inc. (“Clark Energy”) is a Kentucky corporation engaging in the distribution of electricity to the public for compensation for lights, heat, power, and other uses. Clark Energy was formed under KRS 279.010 to 279.220, and is a utility subject to Commission jurisdiction pursuant to 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, and KRS 278.040(3), the Commission promulgated 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”). The Commission also promulgated 807 KAR 5:006, Section 24, which requires a utility to adopt and execute a safety program.

Commission Staff has submitted to the Commission an Electrical Utility Accident Investigation Report, appended hereto, which alleges that:

1. On May 17, 2001, Chad Hunt suffered burn injuries to his right hand and upper torso while preparing to change a fuse at 2146 Hope Means Road, Montgomery County, Kentucky.

2. At the time of the incident, Clark Energy owned and operated the facilities.

3. At the time of the incident, no protective covering or guard was being used.

4. At the time of the incident, Glen Fitch, David Edmond, and Chad Hunt were employees of Bluegrass Central Construction, Inc. and were acting within the scope of their employment.

5. At the time of the incident, Bluegrass Central Construction, Inc. was acting within the scope of a contract with Clark Energy to construct and install certain utility plant.

6. NESC Section 42, 420-H requires employees to use personal protective equipment.

7. NESC Section 42, 420-K requires use of a suitable safety strap.

8. Mr. Hunt failed to comply with NESC Sections 42, 420-H and 42, 420-K.

9. Glenn Fitch failed to comply with NESC Section 42, 421-A.

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

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

1. Clark Energy shall appear on December 6, 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 violations of 807 KAR 5: 041, Section 3, and 807 KAR 5:006, Section 24, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations. According to Kentucky law, corporations or foreign entities are required to be represented by an attorney authorized to practice in the Commonwealth of Kentucky in appearances before the Commission.

2. The Electrical Utility Accident Investigation Report, a copy of which is appended hereto, is made part of the record of this proceeding.

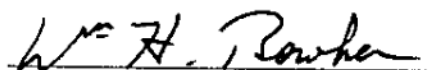
3. Within 20 days of the date of this Order, Clark Energy shall submit to the Commission a written response to the allegations contained in the Electrical Utility Accident Investigation Report.

4. Any motion requesting an informal conference with Commission Staff to consider matters 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 22<sup>nd</sup> day of October, 2001.

By the Commission

ATTEST:

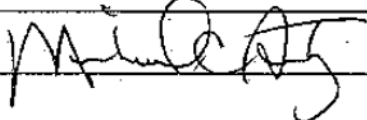
  
Deputy Executive Director

APPENDIX TO AN ORDER OF THE  
KENTUCKY PUBLIC SERVICE COMMISSION  
IN CASE NO. 2001-201  
DATED October 22, 2001

**UTILITY ACCIDENT  
INVESTIGATION REPORT**

<b>Utility:</b>	Clark Energy Cooperative
<b>Reported By:</b>	Kim Moore, Operations Assistant, Clark Energy
<b>Dates &amp; Times</b>	
<b>Accident Occurred:</b>	May 17, 2001 9:40 AM
<b>Utility Notified:</b>	May 17, 2001 9:45 AM
<b>PSC Notified:</b>	May 17, 2001 11:00 AM
<b>Investigated:</b>	May 18, 2001
<b>Written Report Rcvd:</b>	May 24, 2001
<b>Location of Accident:</b>	2146 Hope Means Road, Montgomery County, Kentucky Clark Energy pole # 02-25-313233
<b>Description of Accident:</b>	<p>Clark Energy was in the process of converting a portion of its system from 7,200 volts to 14,400 volts. On the day of the accident Randy Stanton, Senior Service Foreman, Clark Energy, was supervising Bluegrass Central Contracting (Bluegrass) personnel contracted to assist in the conversion. Glenn Fitch, foreman for Bluegrass, supervised the Bluegrass employee (Chad Hunt) involved in the accident.</p> <p>Mr. Fitch stated that he had attended a job briefing held by Randy Stanton in which it was discussed that Bluegrass and all employees should use hotsticks and/or rubber gloves. The portion of the system to be converted had been de-energized, but there was concern of possible back-feed from unknown private generators that may or may not be connected to the system. Mr. Fitch conveyed the information and instructions to his crew members.</p> <p>At the time of the accident Mr. Fitch instructed Mr. Hunt to go to a pole and note on which side of the pole the transformer was attached. Mr. Hunt was told that if the transformer was on the right side of the pole it was energized. If attached on the left it was not energized and Mr. Hunt was to change the taps on the transformer from the 7,200 volt to 14,400 and change out the fuse.</p> <p>This pole was the open point of the system being worked. The cut outs were open, de-energizing the section of the line being converted. The transformer was located on the right side of the pole and was energized. Mr. Hunt climbed the pole and switched the energized transformer from 7,200 volts to 14,400 volts. He descended the pole and realized that he had not changed out the fuse. He then free climbed the pole without belting off and with no rubber protective equipment and made contact with the cut out barrel. He received</p>

	a shock and burn to his right hand and upper torso. He fell from the pole. David Edmond, a groundman with Bluegrass was assisting Mr. Hunt at the time of the accident. Mr. Edmond witnessed the contact and saw Mr. Hunt fall. Mr. Edmond was able to help break Mr. Hunt's fall. Mr. Edmond stated that he did not attend the "tailgate" session earlier that morning nor was he present when Mr. Fitch instructed Mr. Hunt to go to the pole at the accident site. He was not aware that the pole Mr. Hunt was climbing was energized. Mr. Hunt was a "Top Apprentice Lineman" at the time of the accident and authorized to perform the work in which he was attempting when the accident occurred.			
<b>Victims:</b>				
<b>Name:</b>	Chad Hunt	<b>Fatal:</b>	No	<b>Age:</b> 27
<b>Addr./Empl.:</b>	Bluegrass Central Contracting, 265 Midland Trail, Mt. Sterling, KY 40353			
<b>Injuries:</b>	Mr. Hunt had electrical burns on his right hand and upper right torso.			
<b>Witnesses:</b>	<b>Name</b>	<b>Address/Employment</b>		
	David Edmond	Same as victim		
	<b>Name</b>	<b>Address/Employment</b>		
	Randy Staton, Clark Energy	P.O. Box 748, Winchester, KY 40392		
<b>Sources of Information:</b>	Glenn Fitch, Bluegrass Foreman Randy Osborne, Bluegrass Owner Vince Meadows, Bluegrass Superintendent	Bluegrass Central Contracting, Inc. 265 Midland Trail, Mt. Sterling, KY 40353		
<b>Probable Violations:</b>	<p>1.) Mr. Hunt was not wearing required protective equipment, a violation of NESC Section 42, 420 H (Tools and Protective Equipment); NESC Section 42, 420 K, Safety Straps.</p> <p>2.) Mr. Edmond was not made aware of energized equipment by the Bluegrass Foreman, Mr. Fitch, a violation of NESC Section 42, 421, A, Duties of a First Level Supervisor or Person in Charge.</p>			

Line Clearances At Point of Accident:	Measured	Minimum Allowed by NESC	Applicable NESC Edition <sup>1</sup> 1990	Volt.	Constr. Date
Primary Phase:	26' 8.5" B-phase	18' 6"	Table 232-1	7,200	1991
Neutral:	26'	15' 6"	Table 232-1	N/A	1991
Point of Contact:	25' 9"	N/A		N/A	
Date of Measurement:	May 18, 2001, Note: Line section was last inspected in the fall of 2000.				
Approximate Temp:	Approximately 70°				
Measurements Made By:	Michael Nantz assisted by Randy Stanton, Clark Energy				
Investigated By:	Michael C. Nantz				
Signed:					

- Attachments
- A. Accident Report
  - B. Photographs of Accident Site

<sup>1</sup> Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.