

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH KENTUCKY RURAL ELECTRIC)
COOPERATIVE CORPORATION)
_____)
ALLEGED FAILURE TO COMPLY WITH)
ADMINISTRATIVE REGULATIONS)
807 KAR 5:006, SECTION 24 AND)
807 KAR 5:041, SECTION 3)

CASE NO.
2003-00405

O R D E R

South Kentucky Rural Electric Cooperative Corporation ("South Kentucky") is a Kentucky corporation that engages in the distribution of electricity to the public for compensation for lights, heat, power and other uses. South Kentucky was formed under KRS 279.010 to KRS 279.220, and is a utility subject to Commission jurisdiction pursuant to 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 electric utilities to maintain their plant and facilities in accordance with the standards of the most recent edition of the National Electric Safety Code ("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 Electric Utility Personal Injury Incident Report dated October 8, 2003, appended hereto, which alleges:

1. On September 4, 2003, Mike Ramsey ("Ramsey") was preparing to pull up a downed line when a broken bolt on the clevis was discovered. Ramsey descended the pole and stopped midway. He removed his rubber gloves while he was just above the neutral wire. As Ramsey removed his safety belt to continue his descent, arcing occurred as his hands passed the neutral wire. Ramsey pushed off the pole and fell approximately 30 feet to the ground.

2. Ramsey suffered a broken femur, a fractured pelvis and broken ribs as a result of the fall.

3. At the time of the incident, South Kentucky owned and operated the facilities in question.

4. At the time of the incident, Ramsey was an employee of South Kentucky and was acting within the scope of his employment.

5. At the time of the incident, Ramsey had removed his protective gloves and his safety belt.

6. At the time of the incident, the weather was wet and stormy.

7. NESC Rule 420D requires that employees shall consider lines to be energized unless they are positively shown by inspections or tests to be de-energized.

8. NESC Rule 443A3 provides that "all employees working on or in the vicinity of lines or equipment exposed to voltages higher than those guarded against by safety protective equipment provided shall assure themselves that the equipment or

lines on which they are working are free from dangerous leakage or induction, or have been effectively grounded."

9. South Kentucky's Safety Manual (APPA), Section 601(j), requires that employees always consider electrical equipment and lines to be "live" unless the equipment and lines are known to be dead by testing and grounding. The rule further requires that preliminary inspections or tests be conducted to determine the status prior to beginning work.

10. South Kentucky's Safety Manual (APPA), Section 604(d)(2), provides that rubber gloves shall be worn "during wet or stormy weather, working on or within falling or reaching distance of any conductor or equipment that may be or may become energized at any voltage."

11. South Kentucky's Safety Manual (APPA), Section 607(a), provides that all conductors and equipment be treated as energized until tested and grounded.

12. South Kentucky's Safety Manual (APPA), Section 615(a), provides that all previously energized conductors shall be considered energized until tested and properly grounded.

13. Ramsey violated NESC Rules 420D, 443A3 and South Kentucky's Safety Manual, Sections 601(j), 607(a), and 615(a) when he failed to determine by inspection or testing whether the line in question was de-energized.

14. Ramsey violated South Kentucky's Safety Manual, Section 604(d)(2), when he failed to wear his rubber gloves while working during stormy weather within reaching or falling distance of equipment that may be or may become energized.

Based on its review of the Electric Utility Personal Injury Incident Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that South Kentucky 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. South Kentucky shall appear before the Commission on February 17, 2004 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 Commission 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 these alleged violations.

2. South Kentucky shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Electric Utility Personal Injury Incident Report.

3. The Electric Utility Personal Injury Incident Report is hereby made a part of the record in 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 25th day of November, 2003.

By the Commission

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00405 DATED November 25, 2003

(See document named 200300405_11252003apx.pdf for Appendix)