

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	
_____)	
ALLEGED FAILURE TO COMPLY WITH)	CASE NO.
COMMISSION REGULATIONS 807 KAR 5:006,)	2004-00232
SECTION 25(4)(d) AND 807 KAR 5:041,)	
SECTION 3(1))	

O R D E R

Louisville Gas and Electric Company (“LG&E”) is a Kentucky corporation engaged in the generation, transmission, and distribution of electricity to the public for compensation for lights, heat, power and other uses and is a utility subject to Commission jurisdiction. KRS 278.010.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of service by utilities. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:006, Section 25(4)(d), which requires a utility to inspect, at intervals not to exceed two years, electric lines operating at voltages of less than 69 kV. In addition, the Commission promulgated 807 KAR 5:041, Section 3(1), which requires the maintenance of utility facilities to be in accordance with the National Electrical Safety Code, 2002 Edition (“NESC”). The NESC, Section 23, Rule 232.B.1 and Table 232-1 require that there be a minimum vertical clearance of wires and conductors above ground in generally accessible places and roadway surfaces.

Commission Staff submitted to the Commission an Incident Investigation Report dated May 24, 2004, attached hereto as Appendix A, which alleges that on May 6, 2004 Garland Cherry, an employee of Henderson Services, was working for Rohm-Haas Chemical Company at 4300 Campground Road, Louisville, Kentucky. Mr. Cherry was working in a non-insulated aerial lift device while installing fiber optic communication lines on a Rohm-Haas owned pole line. It is believed that Mr. Cherry had positioned the lift device under a nearby 7,200 volt LG&E line. As he maneuvered the lift around the wires he was working on, the back of his head contacted the energized LG&E line which ran along a roadway adjacent to the Rohm-Haas owned pole line. Mr. Cherry suffered burns to his body and required hospitalization.

The Incident Investigation Report notes two probable violations of Commission regulations: Administrative Regulations 807 KAR 5:006, Section 25(4)(d), due to LG&E's previous inspection in July 2002 which failed to recognize or correct a longstanding inadequate line clearance; and 807 KAR 5:041, Section 3(1), due to a violation of NESC Rule 232.B.1 and Table 232-1 by LG&E's failure to maintain the minimum vertical clearance of wires and conductors above ground in generally accessible places and roadway surfaces.

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

1. LG&E shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Incident Investigation Report.
2. LG&E shall appear on September 30, 2004 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard,

Frankfort, Kentucky, to present evidence concerning the incident which is the subject of the Incident Investigation Report, specifically the two alleged violations of Administrative Regulation 807 KAR 5:006, Section 25(4)(d) and 807 KAR 5:041, Section 3(1), and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the two probable violations of the aforementioned Commission regulations.

3. The official record of this proceeding shall be by video only, unless otherwise requested by a party to this proceeding.

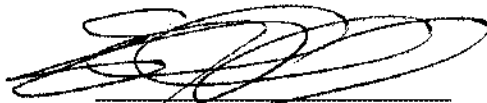
4. The Incident Investigation Report dated May 24, 2004 is hereby made a part of the record of this case.

5. Any request by LG&E for an informal conference with the Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 8th day of September, 2004.

By the Commission

ATTEST:

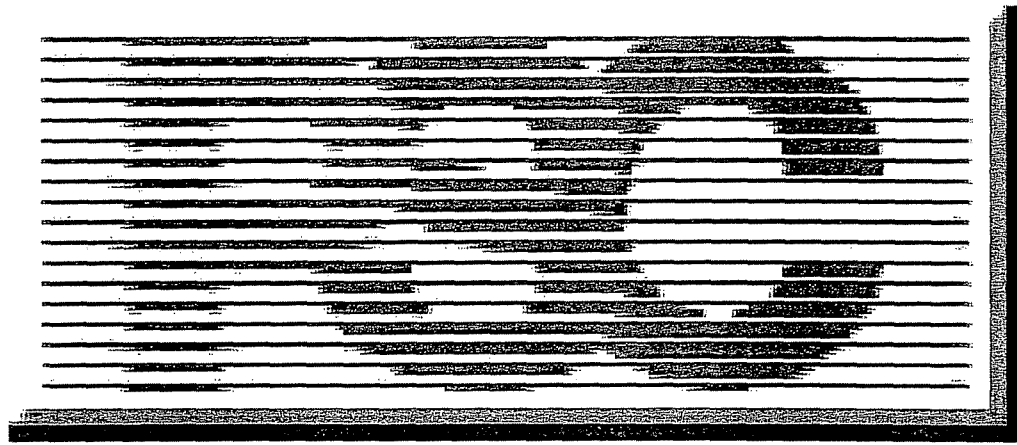
A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

Case No. 2004-00232

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2004-00232 DATED September 7, 2004



INCIDENT INVESTIGATION ~ Staff Report

Report Date ~ May 24, 2004

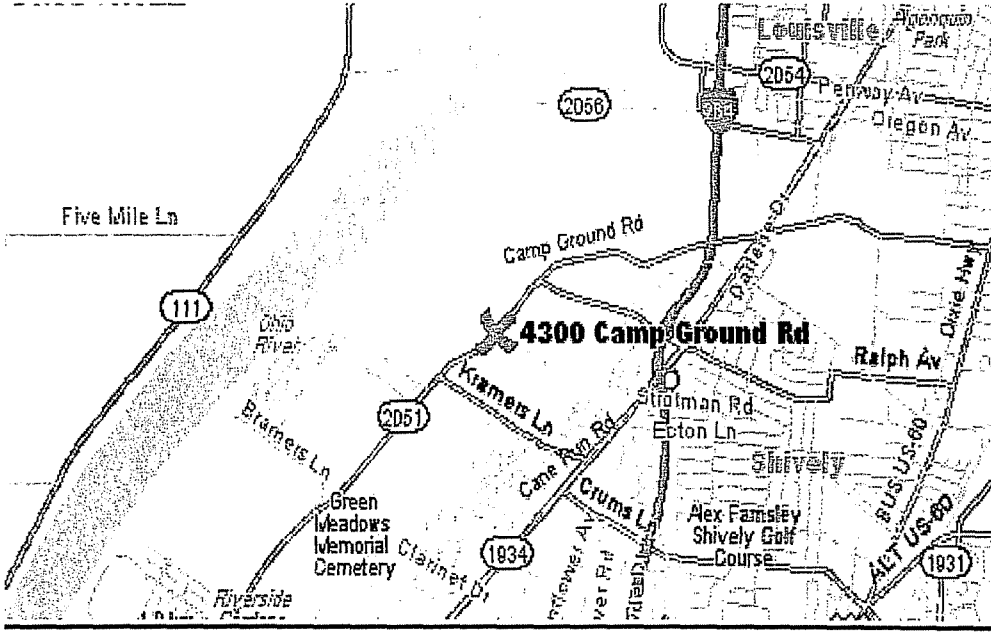
Incident Date ~ May 6, 2004

Serving Utility ~ Louisville Gas & Electric

Incident Location ~ Louisville, Kentucky

Victim ~ Mr. Garland Cherry

PSC Lead Investigator ~ Mr. David G. White





Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Utility:	Louisville Gas & Electric (a.k.a. LG&E)	
Reported By:	Ken Sheridan, KU/LG&E Safety Manager	
Incident Occurred	May 6, 2004	Approximately 2:30 P.M.
Utility Notified:	May 7, 2004	By Rhom-Haas staff
PSC Notified:	May 7, 2004	2:45 P.M.
PSC Investigated:	May 11, 2004	
Report Received:	May 17, 2004	
Incident Location:	Rhom-Haas Chemical Plant 4300 Camp Ground Road Louisville, KY	
Incident Description:	<p>Mr. Garland Cherry, an employee of Henderson Services, was working for Rohm-Haas Chemical Co. in western Louisville on May 6, 2004. Mr. Cherry's crew was installing fiber optic communication lines on a Rohm-Haas owned pole line along the company's southern property line near Camp Ground Road. Mr. Cherry was working alone in a non-insulated aerial lift known as a <i>JLG Lift</i> (see attached photos). Shortly after resuming work following an afternoon break, Mr. Cherry's foreman (Mr. Danny Pipes) approached Mr. Cherry's work site. He noticed Mr. Cherry's arm hanging out from the operator's position on the JLG Lift. He thought Mr. Cherry was attempting to reach a wire and asked if he needed any help. When he did not respond, Mr. Pipes realized Mr. Cherry was injured. Mr. Pipes lowered the lift device via the lower controls and issued a "man down" call to the plant emergency staff at 2:41 pm.</p> <p>It is believed that Mr. Cherry had positioned the lift device under a nearby 7200-volt LG&E line. As he maneuvered the lift around the wires he was working on (the Rohm-Haas lines), the back of his head contacted the energized LG&E line. Mr. Cherry suffered entry burns to his head and neck and exit burns to his right hand and small finger. He was hospitalized for 2 nights.</p> <p>A site investigation and subsequent interviews revealed that there had been some confusion about the ownership of the electric lines along a roadway between the Rohm-Haas plant and the American Synthetics Plant located on the south side of the access road. Several lines exist in close proximity to the LG&E lines located along the road. It is believed that the Henderson crew thought the LG&E lines were owned by Rohm-Haas and were de-energized in conjunction with clearance granted to work their job.</p>	



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Victim:	Name		Address	Employer
	Garland Cherry		11619 Charlestown/New Market Rd. Marysville, IN 47147	Henderson Services 4502 Poplar Level Rd. Louisville, KY 40232
	Fatality	Age		
	No	61		
Injury	Burns to top of head / neck area (entry) and small finger on right hand (exit).			
Witnesses:	Name		Address	Employer
Information From:	Name		Position	Employer
	Ken Sheridan		Safety Director	LG&E; Louisville, Kentucky
	Keith McBride		Lead Safety Investigator	LG&E; Louisville, Kentucky
	Eli Whitney		Safety Manager	Henderson Services; Louisville, KY
	Jeff Waring		Project Manager	Rhom-Haas Plant; Louisville, KY
	Tom Barnell		Plant Safety	Rhom-Haas Plant; Louisville, KY
David G. White		Electric Investigator	PSC Engineering Staff; On-site Investigation	
Notes:	5/11/04 - On site inspection with Mr. Sheridan, and Mr. McBride. 5/13/04 - Phone interviews with Mr. Whitney, Mr. Waring, and Mr. Barnell.			

Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Probable Violations	<p><u>807 KAR 5:041 Section 3 – Acceptable Standards:</u> Measured vertical clearance of north phase and neutral are in violation of NESC clearances (Table 232-1).</p> <p><u>807 KAR 5:006 Section 25 (4-d) – Inspection of Systems:</u> Previous system inspections failed to recognize or correct cited clearance violations, deteriorating conductors / cross-arms, etc. Most recent LG&E inspection listed in the area was July 2002. Site inspection and subsequent interviews indicate that the line section in question has not undergone any substantial changes for years and that “as-found” conditions have existed for some time.</p>
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Line/Equipment Measurements/Clearances

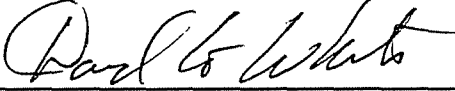

Line Clearances At Point of Incident:	Measured	Minimum Allowed by NESC	Applicable NESC Edition ¹ 2002	Voltage	Construct Date
Primary (North Phase) to Ground Elevation:	17'-4"	18'-6"	2002 EDITION	7.2 kV	Unknown
Primary (South Phase) to Ground Elevation:	20'-4"	18'-6"	2002 EDITION	7.2 kV	Unknown
Primary Neutral to Ground Elevation:	12'-7"	15'-6"	2002 EDITION	N/A	Unknown
Date of Measurement:	May 11, 2004				
Temp & Weather:	76° & Partly Cloudy				
Measurements Made By:	Name		Company		
	David G. White		PSC Investigator		

¹ If clearances were not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Investigated By:	Name	Company	
	David G. White	PSC Investigator	
Signed:		Date	5/26/04
Reviewed By:	Name	Company	
	Gary E Grubbs, PE	Mgr. PSC Engineering Staff	
Signed:		Date	5/26/04

Attachments:

- A. LG&E Incident Report
- B. KPSC Site Sketch
- C. KPSC Photographs of Incident Site



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment A
Incident Report

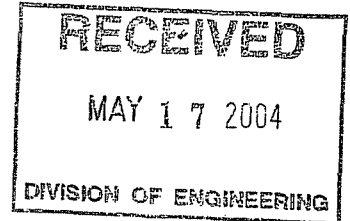


Jim Dimas
Corporate Attorney
Corporate Law Department

Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232
(502) 627-2703

May 14, 2004

Mr. Gary Grubbs, Manager
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602



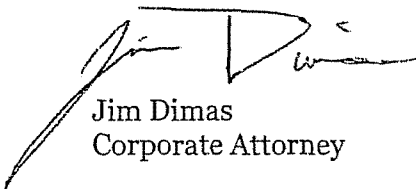
**RE: Rohm and Hass Chemical Company
4300 Camp Ground Road
Louisville, KY**

Dear Mr. Grubbs:

I am forwarding the attached "Investigation Report" prepared by Keith McBride regarding the incident that occurred at the above referenced location on May 6, 2004. This report is being submitted as the "summary report" required by Section 26 of 807 KAR 5:006.

If you need additional information concerning this incident, please contact me at (502) 627-3712 so I can direct your request to the appropriate person.

Sincerely,



Jim Dimas
Corporate Attorney

Attachment

cc: Keith McBride
Marty Reinert

INVESTIGATION REPORT

Electrical Contact / Shock and Burn

Type of Report

04-E-011

Report Number

Keith McBride

Investigator

May 6, 2004

Date of Incident

**Location: Rohm and Hass Chemical Company
4300 Camp Ground Road
Louisville, Kentucky**

Case Summary

On May 7, 2004, I was informed about an incident at Rohm & Hass Chemical Company's facility at 4300 Camp Ground Road that occurred on May 6, 2004. I discovered that there had been an electrical contact resulting in a shock and burn at the plant. Preliminary investigation found that the energized conductor that had been contacted belonged to LG&E. I notified Ken Sheridan, Manager Safety and Technical Training for LG&E. He in turn notified the Kentucky Public Service Commission.

Investigation

On May 6, 2004 at 2:42pm, Rohm and Hass plant emergency personnel were dispatched to a man down call within the plant property. Once on scene they found a Henderson Services employee in the basket of a JLG lift. The Henderson services employee had come into contact with an energized 7200 volt conductor that was running along the Rohm & Hass boundary fence on the west side of the plant. The Rohm & Hass ambulance transported the Henderson employee to Caritas Hospital where he was admitted.

According to a doctor involved, the Henderson employee had sustained a burn mark on the top of his head and an exit wound at the tip of his right small finger. LG&E understands that the Henderson employee received a skin graft on his right small finger and was released from the hospital on Saturday, May 8.

Investigation of the area where the incident occurred found that the Henderson employee was operating a JLG lift. This unit did not have a dielectric boom or basket.

According to Eli Whitney, Safety director for Henderson Services LLC, a Mr. Danny Pipes, a Foreman for Henderson, and a crew were installing fiber optic cable along the plant perimeter lighting system on 40ft wood poles. Mr. Pipes had dropped off Mr. Garland Cherry, Line Technician for Henderson, at the job site after lunch and left to drop off other Henderson employees at their job sites. Mr. Cherry was to resume installing the cable. Mr. Pipes returned to Mr. Cherry's site where he noticed that Mr. Cherry was in the basket and the boom was raised into the air.

Mr. Pipes indicates Mr. Cherry was on the floor of the basket with his right arm hanging down out of the basket and appeared to reaching for a cable. Mr. Pipes actually called out and said "wait a minute and I'll help you". When Mr. Pipes noticed that Mr. Cherry was not responding, he switched the boom controls to the lower controls and lowered the boom down to the ground. Mr. Pipes then called another Henderson employee on his Nextel mobile phone/radio. A call for help / man down was received at the Rohm & Hass guard office at 2:42pm.

Further investigation of the scene found what appeared to be hair on the 7200 volt conductor. This is presumed to be the point of contact. There was also a small burn mark on the railing of the JLG's basket railing. It appears that this is the point where the electricity exited from Mr. Cherry's finger. On May 10, 2004 a joint investigation was conducted at the Rohm & Hass plant that included LG&E, Henderson Services and Rohm & Hass. Mr. Cherry was in attendance during this investigation.

During an interview as part of that investigation, Mr. Cherry stated that he did not remember anything from the time he returned from lunch to the time he came to at the hospital. Mr. Cherry also stated that he did not know that the 7200 volt lines were there. A secondary investigation of the incident scene was conducted with the KPSC Investigator on May 11, 2004. Photographs and measurements were taken of the scene.

Garland Cherry – Henderson Services employee
11619 Chastown / New Market road
Marysville, Indiana 47147

Danny Pipes – Henderson Services Foreman

Eli Whitney – Henderson Services Safety Director

Henderson Services LLC
4502 Poplar Level Road
P. O. Box 32038
Louisville, Kentucky 40213
(502) 719-6615

Rohm and Hass Chemicals
4300 camp Ground road
Louisville, Kentucky 40216

Atofina Chemicals
4350 Camp Ground Road
Louisville, Kentucky 40216

Measurements

5/7/2004

84 degrees

A phase to earth – 18ft 4in

C phase to earth – 20ft 10in

Neutral to earth – 13ft 6in

5/11/2004

76 degrees

A phase to earth – 17ft 3in @ mark

C phase to earth – 20ft 4in @ mark

Neutral to earth – 12ft 7 1/2in @ mark

Span – 493ft

A phase to Rohm and Hass route – 6ft

Circuit last inspected – July, 2002



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Attachment B
KPSC Site Sketch

LG+E - G. CHERRY INCIDENT

SKETCH 1

RHOM-HASS PROPERTY

APPX. DIST. FROM LG+E N PHASE
TO RHOM-HASS WIRES AT PT.
OF CONTACT = 9'

APPX. PT. OF CONTACT

RHOM-HASS POLES & WIRES

ACCESS ROAD 31'

LG+E 2Ø #6 ACW SPAN = 493'

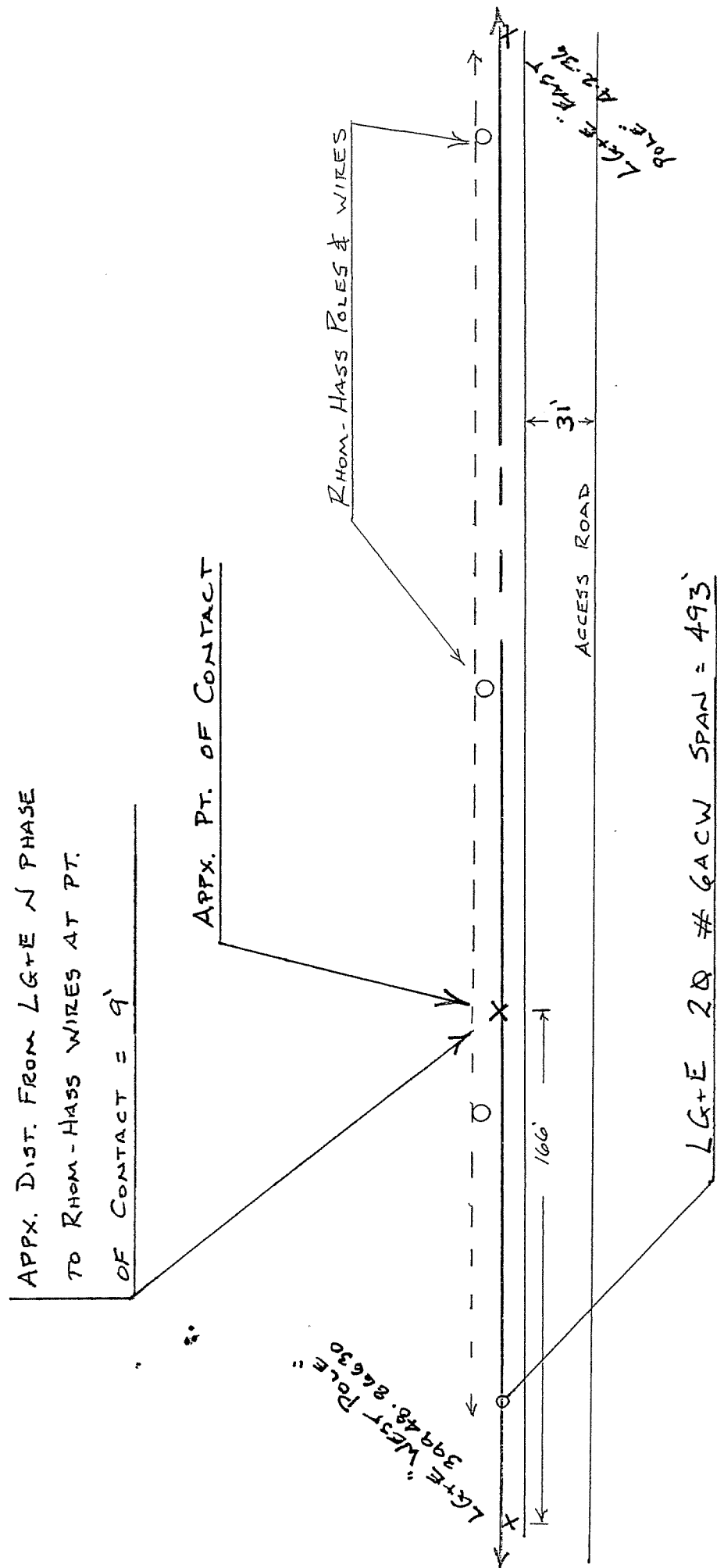
LG+E "WEST POLE"
39948.84630

166'

LG+E "EAST POLE"
39948.84630

AMERICAN SYNTHETIC
CO. PROPERTY

APPX. SCALE: 1" = 50'
D. WHITE KPSC
5-24-04





Kentucky Public Service Commission

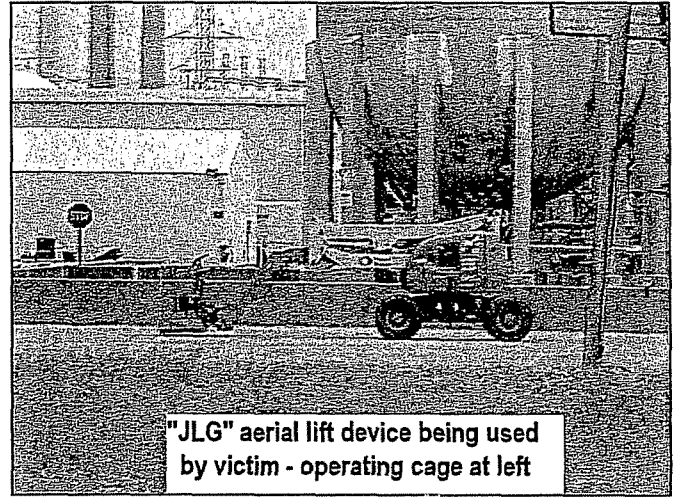
Electric Utility Personal Injury Incident Report

Attachment C

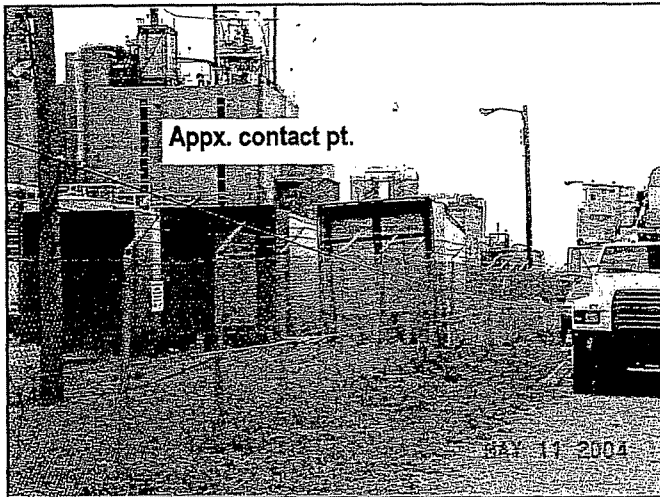
KPSC Photographs of Incident Site



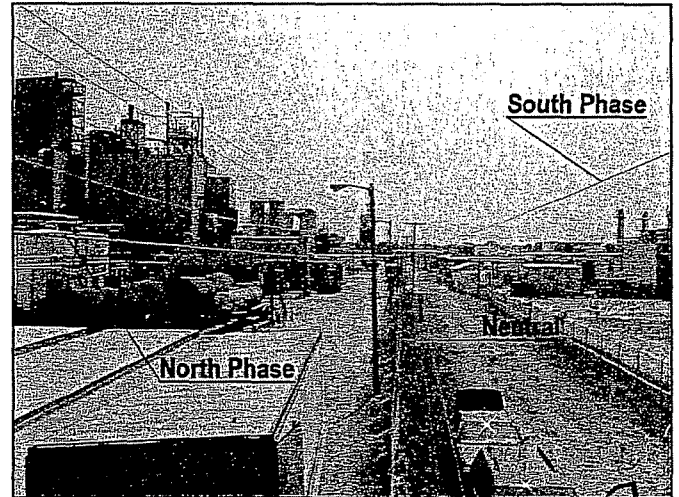
VIEW 1: NEAR CONTACT POINT - FACING NW



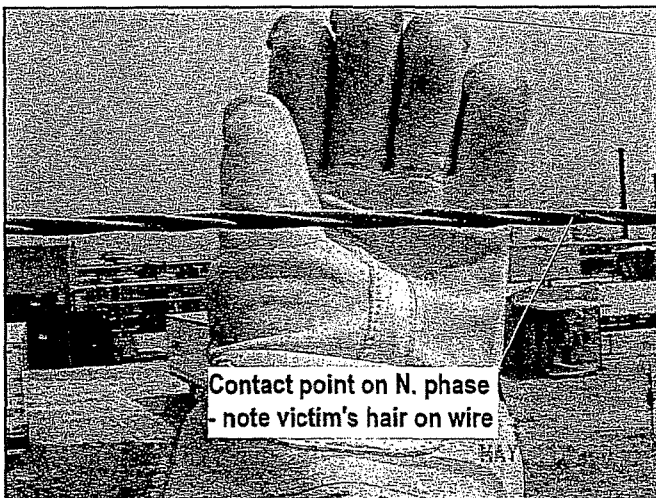
VIEW 2: AERIAL LIFT USED



VIEW 3: SITE FACING EAST



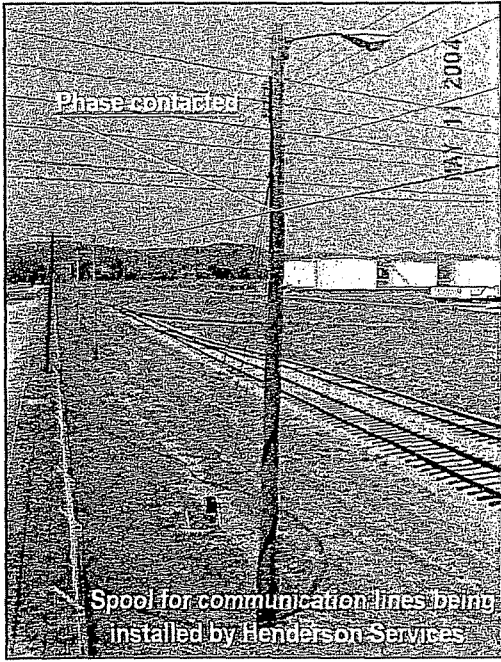
VIEW 4: AERIAL VIEW - FACING EAST



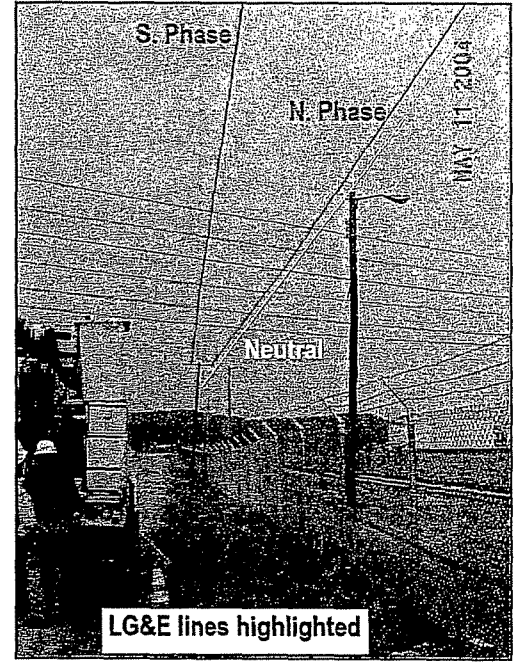
VIEW 5: CONTACT POINT ON NORTH PHASE



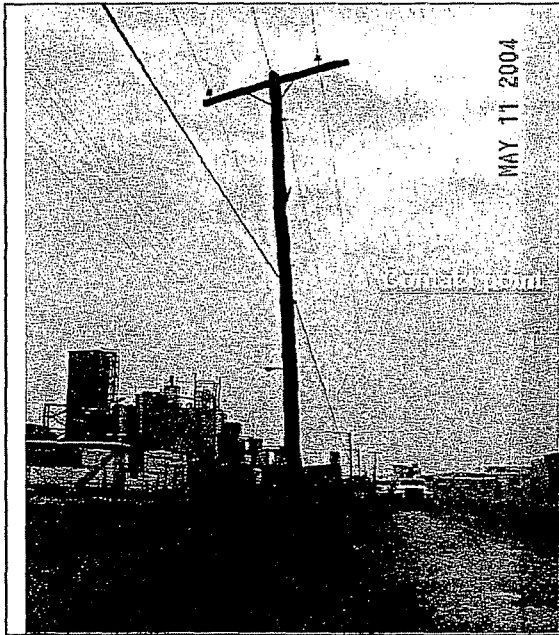
VIEW 6: ACCESS ROAD FROM EAST LG&E POLE - FACING WEST



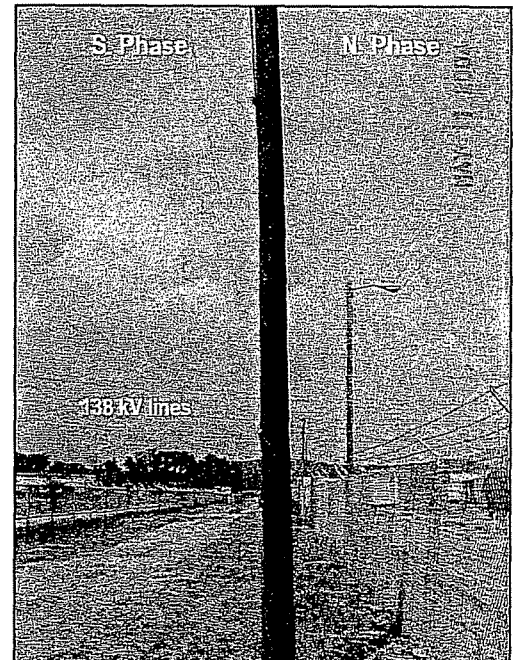
**VIEW 7: AERIAL VIEW
FACING WEST**



**VIEW 8: NEAR CONTACT
POINT – FACING WEST**



**VIEW 9: LG&E POLE LINE –
FACING EAST**



**VIEW 10: LG&E POLE LINE –
FACING WEST**