

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY )  
\_\_\_\_\_) ) CASE NO. 2006-00348  
ALLEGED FAILURE TO COMPLY )  
WITH KRS 278.042 )

O R D E R

Kentucky Utilities Company (“KU”) 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.<sup>1</sup>

Commission Staff submitted to the Commission an Incident Investigation Report (“Incident Report”) dated July 12, 2006, attached hereto as Appendix A, which alleges that on June 20, 2006 James Waters was an employee of QSC Painting, Inc., a contractor hired by KU to perform maintenance work on KU’s electric plant and facilities. Mr. Waters was painting the steel structure at the Lexington Plant Substation #028 at 745 North Limestone Street, Lexington, Kentucky, an area of the substation that was still energized. He apparently lost his balance and fell, making contact with an energized 69 kV disconnect. Mr. Waters suffered burns to his hands and ankles and was hospitalized.

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<sup>1</sup> KRS 278.010.

KRS 278.042 requires that an electric utility construct and maintain its plant and facilities in accordance with the most recent edition of the National Electrical Safety Code, which is the 2002 Edition (“NESC”). The Staff’s Incident Report notes one probable violation of KRS 278.042, which is NESC Section 42, Rule 420.C.4, by the failure of the employees who work on or in the vicinity of energized lines to consider all of the effects of their actions and to take into account their own safety, the safety of other employees, the property of others, and the public in general.

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

1. KU shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Incident Report.
2. KU shall appear on November 16, 2006 at 1:30 p.m., Eastern Standard 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 Report, specifically the one alleged violation of KRS 278.042 and NESC Rule 420.C.4, and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the one probable violation of the aforementioned statute.
3. The official record of this proceeding shall be by video, unless otherwise requested by KU.
4. The Incident Report dated July 12, 2006 is hereby made a part of the record in this case.
5. Any request by KU 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 26<sup>th</sup> day of September, 2006.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2006-00348 DATED September 26, 2006

A copy of this document can be obtained by contacting the Kentucky Public Service Commission.