

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY )  
\_\_\_\_\_) ) CASE NO. 2006-00353  
)  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.042 )

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.

Commission Staff submitted to the Commission an Incident Investigation Report (“Incident Report”) dated June 2, 2006, attached hereto as Appendix A, which alleges that on May 23, 2006 Willie Durbin, an employee of Peterson, Inc., was attempting to paint the exterior wall of a building at 1155 South Shelby Street, Louisville, Kentucky. Mr. Durbin was on the roof of the building, using an aluminum pole with a paint roller at the end, when he contacted a 4 kV primary conductor running parallel to the rooftop at a horizontal distance of 2 feet 2 inches from the rooftop. Mr. Durbin suffered fatal injuries.

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 NESC, Section 23, Rule 234.C.1.a, and Table 234-1 require that there be a minimum horizontal clearance of 7.5 feet for unguarded or accessible wires, conductors, cables, or rigid live parts that are located adjacent to buildings.

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 Report.
2. LG&E shall appear on November 15, 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 234.C.1.a, and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the probable violation of the aforementioned statute.
3. The official record of this proceeding shall be by video, unless otherwise requested by LG&E.
4. The Incident Report dated June 2, 2006 is hereby made a part of the record in 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 29<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. 2006-00353 DATED September 29, 2006

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