

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JACKSON PURCHASE ENERGY CORPORATION)	
_____)	CASE NO. 2007-00456
)	
ALLEGED FAILURE TO COMPLY)	
WITH KRS 278.042)	

O R D E R

Jackson Purchase Energy Corporation (“Jackson Purchase”) is a corporation engaged in the distribution of electricity for compensation for lights, heat, power, and other uses. It is subject to the jurisdiction of the Commission.¹ Pursuant to KRS 278.042, the Commission shall prescribe the service adequacy and safety standards for electric utilities, as stated in the Commission’s administrative regulations and in the most recent edition of the National Electrical Safety Code (“NESC”). Under 807 KAR 5:041, Section 3(1), the Commission requires utilities to construct and maintain plants and facilities in accordance with engineering practices set forth in the NESC.

Commission Staff submitted to the Commission an Electric Utility Personal Injury Accident Report (“Report”) dated August 28, 2007, attached hereto as Appendix A. The Report alleges that on August 7, 2007, in Marshall County, Kentucky, Joshua Champion was injured at the site of a reconductoring work project.

¹ See KRS 278.010(3)(a).

Jackson Purchase had contracted with Hendrix Electric to conduct a three-phase reconductoring project at Little Cypress Road in Marshall County, Kentucky. Mr. Champion was an employee of Hendrix Electric and was part of the crew that worked on the project.

At the time of the accident, Mr. Champion was installing an armor rod on one of the new three-phase conductors that the Hendrix crew had installed. This newly installed conductor was de-energized and grounded. The three energized phase conductors being replaced had been moved to the fiberglass hot arms, which were attached to the end of the cross-arms. The Report noted that the points of contact were on the clamp of the old energized B-phase conductor moving to the hot arm and the clevis of the block holding the new grounded C-phase conductor. Mr. Champion was working between these two phases while he was installing the armor rod. As he reached to his left while leaning over the hot arm, Mr. Champion made contact with the exposed clamp and clevis holding the two phases. Because adequate protective equipment had not been installed or in use at the time, Mr. Champion sustained burns on his upper torso and neck as well as entrance and exit burns to his chest and back. The four other members of the crew were in close proximity, but did not witness the accident.

The Report noted six probable violations of KRS 278.042. All alleged violations arise under the 2007 edition of the NESC. The alleged violations are as follows:

1. NESC Section 42, Rule 420.C.4, by the employee's failure while working in the vicinity of energized lines to consider all the effects of his actions and to take into

account his own safety, the safety of other employees, the property of others, and the public in general.

2. NESC Section 42, Rule 420.H, by the employee's failure to use the personal protective equipment, protective devices, and the special tools provided for the work.

3. NESC Section 42, Rule 421.A.2, by the supervisor's failure to see that the safety rules and operating procedures are observed by the employee under the direction of the supervisor.

4. NESC Section 44, Rule 441.A.3.a, by the employee's failure to guard or insulate exposed ground lines, conductors, or other parts in the work area.

5. NESC Section 44, Rule 443.A.1, by the employee's failure to insulate himself from energized parts or failure to isolate or insulate himself from ground and grounded structures when working on energized lines and equipment.

6. NESC Section 44, Rule 443.D, by the employee's failure to avoid working on equipment or lines in any position from which a shock or slip will tend to bring the body toward exposed parts at a potential different than the employee's body – work should generally be done from below, rather than from above.

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

1. Jackson Purchase shall file with the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Report.

2. Jackson Purchase shall appear on March 4, 2008 at 10:00 a.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

that is the subject of the Report. Specifically, Jackson Purchase shall present evidence as to the six alleged violations of KRS 278.042 and the NESC and shall show cause why it should not be subject to the penalties of KRS 278.990 for the alleged violations.

3. The Report, attached hereto as Appendix A, is made a part of the record in this case.

4. Any requests for informal conference with 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 15th day of November, 2007.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2007-00456 DATED November 15, 2007

A copy of the accident report is available upon request.