

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHELBY ENERGY COOPERATIVE, INC.)	
_____)	CASE NO. 2008-00069
)	
ALLEGED FAILURE TO COMPLY)	
WITH KRS 278.042)	

O R D E R

Shelby Energy Cooperative, Inc. (“Shelby Energy”) is a Kentucky 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 order 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 good accepted engineering practices, as provided in NESC.

Commission Staff submitted to the Commission an Electric Utility Personal Injury Accident Report (“Report”), dated December 3, 2007, attached hereto as Appendix A. The Report alleges that on November 12, 2007, in Shelbyville, Shelby County, Kentucky, Cosby Carroll died as a result of injuries sustained in a fall from an aerial bucket at the site of a Shelby Energy electric construction project.

¹ See KRS 278.010(3)(a).

In March 2006, Shelby Energy hired Dobson Power Line Construction (“Dobson Construction”) to serve as a contractor for a 3-year electric system construction project.² Mr. Carroll was a Dobson Construction employee and served as a lineman. Dobson Construction had a supervisor on site on the day of the accident. According to the Report, the supervisor stated that he conducted a verbal job briefing with the employees prior to the start of the work on the day of the accident, but that there were no written work briefings relating to this job.

On the day of the accident, a Dobson Construction contract crew was working on a reconductoring job, upgrading an old single-phase circuit with a new three-phase circuit and neutral. Prior to the accident, the crew had attached the three conductors and the neutral line to individual ropes which were then attached to a single rope. The single rope was strung through a dolly in order to pull the four individual lines up to the pole for attachment. When the accident occurred, Mr. Carroll was in the bucket of a truck approximately 30 feet above the ground waiting to transfer the four individual ropes into their respective dollies. The Report indicates that the latch of the primary dolly had not been properly fastened after the rope was strung through it. When the rope was pulled, it slipped out of the unfastened dolly at a high velocity, striking Mr. Carroll and pulling him out of the bucket. He slid approximately 8 feet down the boom and then fell approximately 26 feet, striking the back outrigger box of the truck and falling to the ground. Mr. Carroll was air-lifted to University Hospital in Louisville, Kentucky where he later died due to injuries sustained in the fall.

² Dobson Construction was selected as the contractor after having submitted a winning bid to Shelby Energy for its project, as required under the regulations for the United States Department of Agriculture’s Rural Utilities Service.

Mr. Carroll was reportedly wearing his safety harness at the time of the accident. However, for unknown reasons, Mr. Carroll failed to attach the lanyard of the harness to the bucket of the truck. A witness at the scene states that, prior to the accident, he witnessed Mr. Carroll attach and detach his lanyard numerous times as he got into and out of the bucket that day.

The Report noted four probable violations of Commission Regulation 807 KAR 5:041, Section 3(1). All alleged violations arise under the 2007 edition of NESC. The alleged violations are as follows:

NESC Section 42: General rules for employees:

1. 420-C-4: Employees who work on or in the vicinity of energized lines shall consider all of the effects of their actions, taking into account their own safety as well as the safety of other employees on the job site, or on some other part of the affected electric system, the property of others, and the public in general.
2. 420-K-1: At elevated locations above 3 m (10 ft), climbers shall be attached to equipment or structures by a fall protection system while at the worksite, at a rest site, in aerial devices, helicopters, cable carts, and a boatswain's chair.
3. 420-K-4: Fall arrest equipment shall be attached to a suitable anchorage.
4. 420-K-5: The employee shall determine that all components of the fall protection system are properly engaged and that the employee is secure in the line-worker's body belt, harness, or any other fall protection system.

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

1. Shelby Energy shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Report.

2. Shelby Energy shall appear on April 22, 2008 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky to present evidence concerning the incident which is the subject of the Report. Specifically, Shelby Energy shall present evidence as to the four violations of KRS 278.042 and the NESC and to show cause as to why it should not be held subject to the penalties of KRS 278.990 for the alleged failure to comply with the aforementioned Commission regulation.

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

4. Any requests for an 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 7th day of March, 2008.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2008-00069 DATED MARCH 7, 2008

A copy of Appendix A (Incident Investigation Report) is available upon request.