

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

B.T.U. GAS COMPANY, INC.

CASE NO. 2007-00403

Alleged violations of administrative regulation
807 KAR 5:006, 807 KAR 5:022,
807KAR 5:027 and 49 CFR 191-192

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PUBLIC SERVICE
COMMISSION

CERTIFICATE OF SERVICE

I hereby certify the original and six copies of Exhibit six to the testimony of Pam Williams has been served by U.S. mail postage prepaid, this the 18th day of February, 2010 upon the following:

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Executive Director
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Frankfort, KY 40602-0615



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**EXHIBIT SIX TO THE TESTIMONY OF
PAM WILLIAMS
TESTIMONY PRESENTED ON BEHALF OF
BTU GAS COMPANY, INC**

EXHIBIT SIX

DRUG & ALCOHOL ABUSE POLICY

OF

BTU GAS COMPANY, INC.

STATEMENT OF POLICY:

Btu Gas Company, Inc. is committed to providing a workplace free from drug and alcohol abuse. We are concerned about the well being of employees whose drug or alcohol abuse or dependency may affect their job performance, their job safety, the safety and well being of co-workers, and the expectations of our customers. We have adopted this policy-prohibiting drug and alcohol abuse on the part of all employees working with our company.

Nothing in this policy should be construed to create a contract of employment between the Company, and any individual, and the Company reserves the right to change or modify these policies at its sole discretion with or without prior notice.

DEFINITIONS:

Controlled substances. The term “controlled substances” includes mind-altering and/or addictive substances included under the provisions of the United States Government’s Controlled Substances Act of 1970, as amended. Examples include:

- Opiates (e.g., heroine, morphine, codeine, methadone)
- Cocaine
- Cannabinoids (e.g. marijuana, hashish)
- Amphetetamines
- Barbiturates
- Other narcotics and hallucinogens (e.g. phencyclidine [PCP], methaqualone [Quaalude], peyote, LSD)
- Benzodiazepines (e.g. Valium)

Also encompassed by this definition are substances not sold as drugs or medicines but which are used for mind or behavior-altering effect.

Illegal drugs. The term “illegal drugs” means any controlled substance other than one purchased and used pursuant to a prescription written by the employee’s medical doctor or treating physician

Company and customer premises. The term “Company and customer premises” includes work sites, vehicles, or offices owned, rented, used or serviced by the Company or by any customer of the Company; employee-owned or employee-rented

vehicles on the property of the Company or of any customer of the Company; and any other locations where the employee represents the Company in any capacity.

Company Time. The term "Company time" includes all working hours as well as meal periods and break periods, regardless of whether on Company or customer premises.

PROHIBITED ACTIVITIES:

The possession, use, sale or distribution of illegal drugs on Company time or on Company or customer premises is strictly prohibited. Any illegal drugs or drug paraphernalia will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

The unauthorized possession, use, sale or distribution of alcoholic beverages on Company time or on Company or customer premises is strictly prohibited. Employees on call are not permitted to use alcoholic beverages while they are on call.

Reporting to work at any time under the influence of alcohol or any controlled substance is strictly prohibited. The only exception will be for a controlled substance prescribed for the employee by the employee's physician.

Off-the-job illegal drug use is prohibited. Such use could adversely affect an employee's job performance or could jeopardize the safety of other employees or the public. Off-the-job illegal drug use could also jeopardize customers' or the public's confidence in the Company and its employees.

TESTING FOR THE PRESENCE OF ILLEGAL DRUGS:

The Company reserves the right to test any employee for the presence of illegal drugs under the following circumstances:

Newly Hired Employees. The Company may, at its discretion, test any newly hired employees for illegal drugs. Any offer of employment with the Company is contingent upon testing negative for the use of illegal drugs. Any newly hired employee who tests positive for illegal drugs will be subject to immediate termination.

Random Testing. The Company may, at its discretion, test its employees for illegal drugs at least once during a twelve-month period from the date of the implementation of this substance abuse program.

Suspected Influence. The Company may require a test whenever an employee's work performance, attendance, conduct, appearance, speech, or other behavior on the job creates a reasonable question of whether the employee is under the influence of illegal drugs.

Accidents: The Company will test all persons involved in any accident occurring on Company premises for illegal drugs if there is a reasonable basis to believe that drug use caused or contributed to the accident. In addition, all persons who sustain a work related injury requiring medical treatment by a physician or other licensed health care provider will be subject to testing for illegal drugs.

CONSEQUENCES:

Refusal to Take Test. Any employee who refuses to take a Company required drug and alcohol test or who does not authorize disclosure of test results to the Company would be subject to immediate termination.

Unauthorized Use. Any employee who violates the Company's policy against the possession, use, sale or distribution of illegal drugs or alcoholic beverages or who engages in off-the-job illegal drug use will be subject to disciplinary action up to and including termination.

Positive Test. Any newly hired employee who tests positive for illegal drugs will be subject to immediate termination. Any other employee who is found to be under the influence of alcohol or a controlled substance or who tests positive for illegal drugs or alcohol use will be subject to the following procedure:

A review of the circumstances of the incident and of the employee's total employment record, which may result in discipline up to and including termination of the employee, and;

Mandatory referral, enrollment, and participation in a rehabilitation program recommended or approved by the employee's personal physician, except in cases where the employee is terminated. Any employee required to participate in a rehabilitation program must sign a written agreement concerning the terms and conditions of his or her participation in the rehabilitation program.

Employees who are required to participate in a rehabilitation program will be fully responsible for all costs and expenses associated with the program.

Rehabilitation programs requiring in-patient care will necessitate an absence from work for the duration of the rehabilitation period. Other types of rehabilitation programs may not necessitate any absence from work.

Employees who miss work as a result of their participation in a rehabilitation program will not be compensated during the time they are off work, but may use any remaining vacation or personal days available to them. The option of mandatory referral to a rehabilitation program will be offered at the sole discretion of the Company and will not be an available option in all circumstances.

RETURN TO WORK:

An employee who has been referred to a rehabilitation program requiring an absence from work will be eligible to return to work only under the following conditions:

Undergoing a drug and/or alcohol test that is negative for illegal drugs/alcohol.

Signing an agreement authorizing periodic and unannounced follow up testing, at the Company's sole discretion, for one year after return to work. If a subsequent test is positive, the employee will be dismissed.

Producing written documentation showing enrollment and full participation in a rehabilitation program.

Providing a doctor's release confirming that he or she is physically and mentally able to return to work and perform his or her regular job duties.

Generally an employee will be given up to 30 days to meet these requirements.

Second Offenses. A second offense will result in immediate dismissal. An employee dismissed for violation of the Drug and Alcohol Abuse policy is not eligible for rehire.

ALCOHOL:

The Company reserves its right to discipline, discharge or deny employment to any individual whose use of alcohol impairs job performance to the point where he or she is not qualified to perform the essential functions of his or her job. The Company may require successful participation in a rehabilitation program.

Employees who use alcohol will be required to meet the same standards of performance and conduct that are required of other employees. Unsatisfactory behavior such as absenteeism, tardiness, poor job performance, or accidents caused by the use of alcohol will neither be accepted nor accommodated.

The Company reserves the right to test any employee for the presence of alcohol whenever the employee's performance, attendance, conduct, appearance, speech or other behavior on the job creates a reasonable question of whether the employee is under the influence of alcohol. In addition, the Company may test any employee involved in any accident occurring on Company premises or who sustains a work-related injury requiring medical treatment by a physician or other licensed health care provider.

TREATMENT PROGRAMS: The Company recognizes that alcohol and drug problems are treatable in many cases. Confidential assessment, counseling, treatment, and specialized help are available through numerous programs in the local area.

Voluntary participation in such programs will not jeopardize employment or future advancement, but will not exempt employees from disciplinary action for standard job performance or rules infractions.

The Company encourages employees who think they may have a drug or alcohol dependency problem or are concerned about the drug or alcohol dependency of a family member to seek help voluntarily as soon as possible by contacting an appropriate care provider or social service agency.

TEST RESULTS, RECORDKEEPING AND CONFIDENTIALITY:

Notification of test results. Any employee is entitled to be notified of the results of any substance abuse test administered to him or her under this policy.

Recordkeeping. All records related to the administration and results of the substance abuse testing program, including the test results of any individual whose test is positive, will be maintained for a minimum period of five years, except that individual negative test results will be maintained for a minimum of twelve months. Any individual's test results will be maintained solely by the medical doctor used by the company to conduct its substance abuse testing program.

Content of records. The Company will maintain records containing the following information relating to the substance abuse testing program: (1) The fact that the employee submitted to a substance abuse test; (2) The date of such test; (3) The location of such test; (4) The identity of the person or entity performing the test; and (5) whether the test finding was "positive" or "negative." This information will be maintained in confidential files separate and apart from the employee's personnel file.

Access to individual test results or test findings. No person may obtain the individual test results retained by the medical doctor who administers a drug test, and no such doctor may release the individual test results of any employee to any person, without first obtaining written authorization from the tested employee. However, nothing in this paragraph will prohibit a medical doctor from releasing to the Company any of the information that the Company is permitted to retain pursuant to the preceding paragraph.

Confidentiality. No person may obtain from the Company any information relating to an employee's participation in the substance abuse testing program without first obtaining written authorization from the tested employee.