

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHELBY ENERGY COOPERATIVE, INC.)
_____)
)
ALLEGED FAILURE TO COMPLY)
WITH KRS 278.042)
)

CASE NO. 2008-00069

and

SHELBY ENERGY COOPERATIVE, INC.)
_____)
)
ALLEGED FAILURE TO COMPLY)
WITH KRS 278.042)
)

CASE NO. 2008-00147

O R D E R

On November 12, 2007, Cosby Carroll, a contract worker for Dobson Power Line Construction ("Dobson"), died as a result of injuries sustained in a fall from an aerial bucket at the site of a Shelby Energy Cooperative, Inc. ("Shelby Energy") electric construction project. On March 7, 2008, after reviewing an Electric Utility Personal Injury Accident Report that Commission Staff prepared on the incident, the Commission established Case No. 2008-00069 and ordered Shelby Energy to respond in writing to the accident report and to appear before the Commission to show cause why it should not be found in violation of KRS 278.042 for its alleged failure to comply with certain provisions of the National Electrical Safety Code ("NESC").

On November 13, 2007, Commission Staff investigated the scene of the November 12, 2007 accident. That day, the same Dobson crew involved in the prior day's accident was continuing work on the Shelby Energy distribution line project. After

examining the accident site, Commission Staff inspected the distribution line construction project and found a condition that allegedly violated two NESC rules.

On April 30, 2008, based on a report by Commission Staff documenting the November 13, 2007 deficiency, the Commission established Case No. 2008-00147 and ordered Shelby Energy to respond in writing to the report and to appear before the Commission to show cause why it should not be found in violation of KRS 278.042 for its alleged failure, on November 13, 2007, to comply with the provisions of the NESC.

As Case Nos. 2008-00069 and 2008-00147 involve the same utility and contractor crew, and are based on events that occurred only a day apart on the same distribution line construction project, the Commission finds that these proceedings involve common questions of fact and law and that their consolidation will result in greater administrative efficiency and avoid unnecessary costs and delay.

IT IS THEREFORE ORDERED that:

1. Case No. 2008-00147 is consolidated with Case No. 2008-00069.
2. From this date, all pleadings, documents, and papers in these proceedings shall be filed in the record of Case No. 2008-00069.

Done at Frankfort, Kentucky, this 21st day of May, 2008.

By the Commission

ATTEST:


Executive Director

Case No. 2008-00069
Case No. 2008-00147