

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JACKSON PURCHASE ENERGY CORPORATION)	
_____)	CASE NO.
)	2009-00326
ALLEGED FAILURE TO COMPLY WITH)	
KRS 278.042)	

O R D E R

Jackson Purchase Energy Corporation (“Jackson Purchase”) is a Kentucky corporation engaged in the distribution of electricity to the public for compensation for lights, heat, power, and other uses and is a utility subject to Commission jurisdiction.¹

Commission Staff submitted to the Commission an Incident Investigation Report (“Incident Report”) dated March 18, 2009, attached hereto as an Appendix to this Order, which alleges that, on February 10, 2009, an employee of Jackson Energy, along with three visiting employees of Connexus Energy (“Connexus”), were repairing primary and secondary conductors located near 2040 Clarkline Road, Paducah, Kentucky. The Connexus employees were assisting Jackson Energy pursuant to the terms of a Mutual Aid Agreement to repair damage caused by the January 27, 2009 ice storm.

The workers arrived at the job site in a Connexus bucket truck. While workers were moving the truck closer to a pole to repair a downed primary line, the truck got stuck in the mud. A call was then placed for a second truck to pull the first truck out.

¹ KRS 278.010 and KRS 279.210.

While waiting for the second truck, Andy Reichwein of Connexus and Jimmy Johnson of Jackson Purchase climbed the pole to repair the downed primary conductor. When the second truck arrived, it attempted to pull the Connexus truck out of the mud while a Connexus employee was driving it. A steel messenger cable was attached to the pole on which the two men had climbed, and the other end of the cable was on the ground by the Connexus truck. As the tires of the Connexus truck were turning, the messenger cable got hung in the right rear wheels. As the rear wheels of the Connexus truck turned, the messenger cable tightened and ultimately snapped the pole. Mr. Reichwein, who was on the pole above the point of break, fell to the ground with the pole and transformer landing on top of him. He suffered fatal injuries and passed away two days later. Mr. Johnson, who was on the pole below the break, fell to the ground and suffered minor injuries. The pole was 40 feet long and broke approximately 10 feet from the top at the point of attachment of the messenger cable.

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 Electric Safety Code, which is the 2002 Edition ("NESC"). The Incident Report notes three probable violations of the NESC: Section 41, Rule 411.A.3, which requires employees to be instructed as to the character of the equipment or lines and methods to be used before any work is undertaken thereon; Section 41, Rule 411.A.4, which requires employees to be instructed to take additional precautions to ensure their safety when conditions create unusual hazards; and Section 42, Rule 421.A.1, which requires the first-level supervisor or person in charge to adopt such precautions as are within the individual's authority to prevent accidents.

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

1. Jackson Purchase 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. Jackson Purchase shall appear on September 10, 2009 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices, 211 Sower Boulevard, Frankfort, Kentucky to present evidence concerning the incident which is the subject of the Incident Report, specifically, the three alleged violations of KRS 278.042 and NESC Rules 411.A.3 and 4 and 421.A.1, and to show cause, if any it can, why it should not be subject to the penalties of KRS 278.990 for the three possible violations of the aforementioned statute.

3. The official record of this proceeding shall be by video, unless otherwise requested by Jackson Purchase.

4. The Incident Report dated March 18, 2009 is hereby made a part of the record in this case.

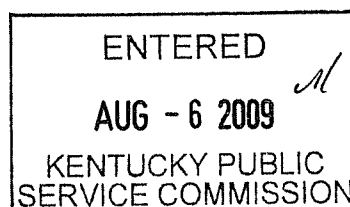
5. Any request by Jackson Purchase for an informal conference with the Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

By the Commission

ATTEST:



Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2009-00326 DATED **AUG - 6 2009**



Kentucky Public Service Commission

Electric Utility Personal Injury Incident Report

Utility:

Jackson Purchase Energy Cooperative

Reported By:

Tracy Bensley, VP of Engineering and Operations

Incident Occurred:

5:45 PM CST, 2-10-09

Utility Notified:

5:45 PM CST, 2-10-09

PSC Notified:

7:20 PM EST, 2-10-09

PSC Investigated:

9:00 AM CST, 2-11-09

Report Received:

11:42 AM EST, 2-19-09 (Extension Given)

Incident Location:

Near 2040 Clarkline Road, Paducah, Kentucky, McCracken County

Incident Description:

This accident took place during restoration work following the 1-27-09 ice storm. The victims were Jackson Purchase Energy employee, Jimmy Johnson, and a visiting worker employed by Connexus Energy from Ramsey, Minnesota, Andy Reichwein. Both victims were transported to a Paducah hospital. The Jackson Purchase Energy Employee, Jimmy Johnson, sustained minor injuries and returned to work on 2-12-09. The visiting employee, Andy Reichwein, sustained serious injuries and passed away on 2-12-09. This crew was made up of Jackson Purchase Energy and Connexus Energy employees. They were assigned this job to repair primary and secondary conductors that had fallen due to the ice storm. When they arrived at the job site, they decided to try to get the bucket truck closer to the pole location. When they backed the truck off the road, it became stuck. They called to get a Jackson Purchase Energy vehicle to come and pull the bucket truck out of the ditch. In the meantime they decided to start on the work, and the two victims decided to climb the pole and continue their work. The Jackson Purchase Energy truck arrived to pull the Connexus bucket truck out of the ditch. The other workers at the site prepared both trucks and started pulling the truck out of the ditch. A steel messenger cable used by the local cable company was lying underneath the truck that was stuck. This steel messenger cable was attached to the pole on which the two victims were working. When they started pulling the truck from the ditch, the steel messenger cable got hung in the right rear wheels of the truck. The action of pulling the truck and the turning of the rear wheels caused the messenger cable to become tight and caused the 40-foot pole on which the victims were working to break where the messenger cable was attached. Andy Reichwein had belted off just below the transformer, and Jimmy Johnson was located beneath him just below the cable messenger attachment. When the pole broke, Jimmy Johnson cutout and fell to the ground. Andy Reichwein was above where the pole broke. He fell to the ground with the upper part of the broken pole and transformer falling on top of him. The person in charge of this job was Scott Kiekow, a lead lineman for Connexus Energy. During this investigation, information was given to me that a job briefing was done, but not documented.

<u>Victim:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Andy Reichwein	Ramsey, Minnesota	Connexus Energy

Fatality: Yes
Age: 34

<u>Victim:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Jimmy Johnson	Paducah, Kentucky	Jackson Purchase Energy

Fatality: No
Age: 31

<u>Witnesses:</u>	<u>Name:</u>	<u>Address:</u>	<u>Employer:</u>
	Tal Woodard	Ramsey, Minnesota	Connexus Energy
	Scott Kiekow	Ramsey, Minnesota	Connexus Energy
	Jack Waldridge	Paducah, Kentucky	Jackson Purchase Energy

Information From:	Name:	Position:	Employer:
	Tracy Bensley	VP, Engineering and Operations	Jackson Purchase Energy
	Murray Riley	Safety Director	Jackson Purchase energy
	Clarence Green	Safety Director	Ky. Association of Electric Coops

Probable Violations:

**KAR 278.042 Service adequacy and safety standards for electric utilities-
National Electric Safety Code**

National Electric Safety Code:

411. Protective Methods and Devices

A. Methods

3. Employees should be instructed as to the character of the equipment or lines and methods to be used before any work is undertaken thereon.
4. Employees should be instructed to take additional precautions to insure safety when conditions create unusual hazards.

421. General Operating Routines

A. Duties of a First-Level Supervisor or Person in Charge

This Individual shall:

1. Adopt such precautions as are within the individual's authority to prevent accidents.

Weather Conditions:

65°, Rainy and Overcast

G. Kelly Nuckols
President & CEO
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Paducah, KY 42002-4030