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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

KENTUCKY POWER COMPANY)
D/B/A AMERICAN ELECTRIC POWER)
)
_____)
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.042)

CASE NO. 2010-000317

RESPONSE

Kentucky Power Company, in accordance with the August 20, 2010 Order of the Public Service Commission of Kentucky, states in Response to the Electrical Utility Personal Injury Incident Report:

1. In response to the first paragraph of the Section labeled "Incident Description," Kentucky Power:

(a) Admits so much as states that Kentucky Power contacted the Public Service Commission on June 15, 2009 about the alleged June 15, 2009 incident at 68 Snake Valley Road, Hueysville, Floyd County, Kentucky.

(b) Admits so much as states that as reported to Kentucky Power the incident involved the alleged contact by a weed eater operated by William Wolf with a 120/240 volt triplex Kentucky Power service drop.

(c) Denies that the service drop involved in the alleged incident was removed prior to documenting the incident site or surrounding terrain and features. The photographs attached to the Commission's Report as "Attachment C" are photographs

taken on June 15, 2009 (the date of the alleged contact incident) by Tim Hall, Kentucky Power Company Manager Distribution Services. All of the photographs were taken by Mr. Hall prior to his removal of the service drop on June 15, 2009. Prior to his removal of the service drop on June 15, 2009 Mr. Hall also measured the elevation of the service drop at its lowest point and at the alleged point of contact.¹

(d) The second, third, seventh, eighth, tenth, twelfth, sixteenth and eighteenth photographs on Attachment C to the Commission Report show the service drop involved in the alleged incident prior to the line's removal.² Attached as Exhibit 1 to this Response is a description of the subject matter of each of the 18 photographs attached to the Commission Report as Attachment C. The photographs document the alleged incident site and surrounding terrain and features.

(e) The two photographs attached to the Commission's report as Exhibit B were taken on June 16, 2010 by Bob Shurtleff, Pikeville Manager Distribution Services, Kentucky Power. The photographs illustrate the height and the clearance between the phone line and the cable line.

2. Kentucky Power denies the second paragraph of the section labeled "Incident Description."

(a) Kentucky Power did not re-install the original service at any time for the purpose of photographing it. The photographs provided the Commission by Kentucky Power and attached to the Commission's Report as Attachment C were taken

¹ Because Mr. Hall was the only Kentucky Power representative present at the site at the time he was documenting the site prior to the removal of the service drop, Mr. Hall was unable to photograph his measurement of the service drop while simultaneously making the measurement.

² Attached as Exhibit 1 to this Response is a description of the subject matter of each of the 18 photographs taken by Mr. Hall on June 15, 2009 prior to his removal of the service drop and attached to the Commission Report as Attachment C.

on June 15, 2009 by Tim Hall prior to his removal of the service drop following the alleged incident.

(b) The photographs attached to the Commission's Report as Attachment B were taken on June 16, 2009 by Bob Shurtleff. The photographs do not show the service drop, which had been removed the prior day by Mr. Hall. Instead the photographs show the phone and cable television lines.

(c) Mr. Shurtleff did not inform Commission staff that Tim Hall, Kentucky Power's Distribution Service Supervisor, or any other Kentucky Power employee, "re-installed the original service so he could take photographs of the service on the original distribution and service pole."

3. In response to the third and fourth paragraphs of the section labeled "Incident Description" Kentucky Power refers to its June 18, 2009 report and denies all allegations contrary thereto. Kentucky Power expressly denies that it "removed the service drop without documenting the incident site." To the contrary, Mr. Hall documented the incident site on June 15, 2009 prior to the removing the service drop that same day.

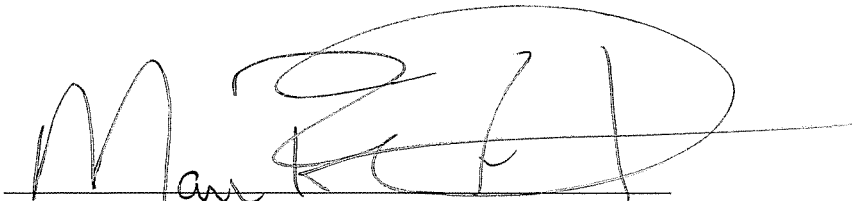
4. In response to the final paragraph of the Section labeled "Incident Description" Kentucky Power admits the first and third sentences of the paragraph. With respect to the second and fourth sentences of the paragraph Kentucky Power refers to its June 18, 2009 report and denies all allegations contrary thereto. With respect to the final sentence of the paragraph Kentucky Power personnel who met with Commission staff at the time of the site visit have no recollection of stating that the drop

was too low or that it was unsafe, but Kentucky Power admits the line did not comply with the applicable NESC standard.

5. In response to the table that appears on pages on 2-3 of the Report, Kentucky states that the section labeled "Victim" accurately reflects the information provided Kentucky Power by Mr. Wolf about the alleged incident. Kentucky Power admits the information contained in the sections labeled "Utility" and "Contractor," except that Mr. Shurtleff's name (spelled "Surtleff" in the report) is spelled Shurtleff. Kentucky Power admits the information contained in the section labeled "Line/Equipment Measurements/Clearance" except that it denies that the service elevation was not measured. The service line elevation was measured on June 15, 2009 by Mr. Hall prior to his removal of the service line.

Wherefore, Kentucky Power Company respectfully requests that:

- (1) The allegation that Kentucky Power violated Section 23 of the 2007 National Electrical Safety Code be resolved by negotiation;
- (2) The allegation Kentucky failed to document the incident site or violated 807 KAR 5:006, Section 24 be dismissed with prejudice;
- (3) That an informal conference be scheduled with Commission Staff;
- (4) It be granted all further relief to which it may appear entitled.

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', is written over a horizontal line. The signature is stylized and somewhat cursive.

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