

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JACKSON PURCHASE ENERGY)	
CORPORATION)	
_____)	CASE NO. 2012-00240
)	
ALLEGED FAILURE TO COMPLY WITH)	
KRS 278.042)	

ORDER

By Order dated June 25, 2012, the Commission directed Jackson Purchase Energy Corporation (“Jackson Purchase”) to show cause why it should not be subject to the penalties provided under KRS 278.990 for violations of KRS 278.042, which requires an electric utility to construct and maintain its plant and facilities in accordance with the National Electric Safety Code (“NESC”). The alleged violation cited in the Commission’s June 25, 2012 Order is as follows:

1. 1961 NESC Section 23, Rule 234.C.4—Clearances from Buildings—4. Conductors Passing By or Over Buildings—(a) Minimum Clearances. Unguarded or accessible supply conductors carrying voltages in excess of 300 volts may be run either beside or over buildings. The vertical or horizontal clearance to any building or its attachments (balconies, platforms, etc.) shall be as listed below. The horizontal clearance governs above the roof level to the point where the diagonal equals the vertical clearance requirement. From this point the diagonal clearance shall be equal to the vertical clearance requirement. This rule should not be interpreted as restricting the installation of a trolley contact conductor over the approximate center line of the track it serves. (1) For spans of 0 to 150 feet, the clearances shall be as given in table 4.

Table 4—Clearances of supply conductors from buildings

Voltage of supply conductors	Horizontal clearance	Vertical clearance
	Feet	Feet
300 to 8,000	3	8
8,700 to 15,000	8	8
15,000 to 50,000	10	10
Exceeding 50,000	10 plus 0.4 inch per kv in excess	10 plus 0.4 inch per kv in excess

The violations cited in the Commission's June 25, 2012 Order arose from a February 7, 2012 incident in Paducah, Kentucky, wherein Scott Gordon, an employee of Gordon Roofing, sustained injuries from a shock and burn accident while installing a new metal roof on the business located at 4946 Reidland Road.

On July 17, 2012, Jackson Purchase submitted an answer to the Commission's June 25, 2012 show cause Order and requested an informal conference be scheduled. The informal conference was held at the Commission's offices on September 11, 2012. The discussions at the informal conference led to Jackson Purchase filing additional information on October 1, 2012, which included current photographs of the roof in question. Jackson Purchase also included in this filing, a statement from Murray Riley, the Jackson Purchase employee who took the measurements of the incident site, which was submitted to Commission Staff. Mr. Riley states that on the day of the incident when the measurements were taken, it was assumed that the roof installation was complete. Measurements were taken from a piece of roof flashing which extended beyond the roof line and not from the roof line itself. Sometime later, Jackson Purchase visited the site again and realized that the flashing had been removed once the roof installation had actually been completed. Jackson Purchase included photographs of

the completed roof. Jackson Purchase has estimated the roof flashing extended approximately four inches away from the building.

During the informal conference, Commission Staff recommended to Jackson Purchase that it revise its procedures on how its inspectors will identify potential clearance issues and how those inspectors will relay the information so it can be evaluated by Jackson Purchase. The filing made by Jackson Purchase included information on the training the inspectors now receive, as well as a summary on how its current system has been changed regarding the evaluation of potential clearance issues. The new procedure, which was filed by Jackson Purchase in its October 1, 2012 filing with the Commission, states the inspector will now give the line patrol ticket to an engineer for review. Jackson Purchase also states it has instructed all employees to report any questions or concerns regarding potential clearance, construction, or other issues dealing with its facilities that may pose a safety hazard to the dispatch office. Dispatch will then create a job order of the location and give the order to an engineer to review. After review, engineering can either close the case with the appropriate documentation showing no hazard is present or forward to staking for a work order and correction by a construction crew.

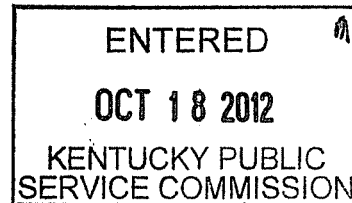
Based on the evidence of the record and being otherwise sufficiently advised, the Commission finds that there was no willful violation of the NESC in this incident. The initial measurements from the roof flashing revealed a 1 ½-inch encroachment of the clearance envelope established by the NESC. However, the roof flashing was merely a temporary encroachment extending approximately 4 inches from the roof edge. Had the roof flashing been removed the day of the incident, the measurements would have

shown that the line in question was approximately 2 ½ inches outside the clearance envelope. Since the encroachment merely temporarily encroached 1 ½ inches while the new roof was being installed, and since Jackson Purchase adopted a new system for evaluating clearance issues, this matter should be dismissed.

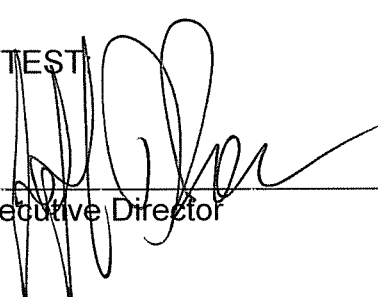
IT IS THEREFORE ORDERED that:

1. This case is dismissed and removed from the Commission's docket.
2. The hearing scheduled for October 23, 2012 is cancelled.

By the Commission



ATTEST


Executive Director

Case No. 2012-00240

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