COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

LICKING VALLEY RURAL ELECTRIC COOPERATIVE CORPORATION

CASE NO. 2012-00372

ALLEGED FAILURE TO COMPLY WITH 807 KAR 5:006

<u>ORDER</u>

Licking Valley Rural Electric Cooperative Corporation ("Licking Valley"), a Kentucky cooperative corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, and which was formed pursuant to KRS 279.010 to 279.220, is a utility subject to Commission jurisdiction.¹

KRS 278.042 requires the Commission to ensure that each electric utility constructs and maintains its plant and facilities in accordance with accepted engineering practices as set forth in the Commission's administrative regulations and orders and in the most recent addition of the National Electrical Safety Code ("NESC").

KRS 278.030 requires every utility to furnish adequate, efficient, and reasonable service. KRS 278.260 permits the Commission, upon its own motion, to investigate any act or practice of a utility that affects or is related to the service of a utility. KRS 278.280(1) further permits the Commission, after conducting such investigation and finding that a practice is unreasonable, unsafe, improper, or inadequate, to determine

¹ KRS 278.010(3)(a); KRS 279.210.

the reasonable, safe, proper, or adequate practice or methods to be observed and to fix same by Order.

Pursuant to 278.280(2), which directs the Commission to prescribe rules and regulations for the performance of services by utilities, the Commission has promulgated 807 KAR 5:006, Section 24, which requires all utilities to adopt and execute a safety program.

Commission Staff submitted to the Commission an Incident Investigation Report ("Report") regarding this incident, which is attached as an Appendix to this Order. The Report alleges that on April 17, 2012, at Highway 1812 and Hurst Lane in Wolfe County, Kentucky, Ryan Rose, an employee of R & L Contracting, Inc. ("R & L"), a contractor for Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural"), sustained injuries as a result of an accident while attempting to raise the height of a telephone service drop on a Licking Valley service pole.

According to the Report, on the day of the incident, the victim climbed the Licking Valley service pole to raise a telephone service drop attached to the pole. When Mr. Rose released the tension of the telephone service drop, the pole fell while he was still attached to it.

According to the Report, it appears that the Licking Valley service pole was located on the edge of a creek bank and the dirt around the base of the pole had been washed away and the pole was setting on bedrock in the creek bed. It appears the pole was being supported by the attached conductors and down guys. It was discovered during the investigation that the most recent documentation provided by Licking Valley

-2-

on the two-year distribution system inspection on the involved facilities was dated August 30, 2006.

According to Licking Valley's seven-day summary report (Attachment B to the Report) and an attached statement from Larry Sapp, Superintendent of R & L, Mr. Rose climbed the service pole to raise a copper telephone drop. As soon as he started to raise the drop, the pole fell. He was not alert for approximately two minutes. It appears Mr. Rose was kept overnight in the hospital for observation when tests revealed Mr. Rose had blood between his brain and his skull. Mr. Rose was released the next day.

Based on Commission Staff's investigation of the incident, information contained in the Report, and the information provided by Licking Valley in its seven-day summary report, Commission Staff alleges that Licking Valley has violated 807 KAR 5:006, Section 25, which states as follows:

807 KAR 5:006. General Rules.

Section 25. Inspection of Systems.

(4) Electric utility inspection. Each electric utility shall make systematic inspections of its system in the manner set out below to insure that the commission's safety requirements are being met. These inspections shall be made as often as necessary but not less frequently than is set forth below for various classes of facilities and types of inspections.
(d) At intervals not to exceed two (2) years, the utility shall inspect electric lines operating at voltages of less than sixtynine (69) KV, including insulators, conductors and supporting facilities.

Based on its review of the Report and being otherwise sufficiently advised, the Commission finds that *prima facie* evidence exists that Licking Valley has failed to comply with 807 KAR 5:006. We further find that a formal investigation into the incident that is the subject matter of the Report should be conducted and that this investigation should also examine the adequacy, safety, and reasonableness of Licking Valley's practices related to the construction, installation, and repair of electric facilities.

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

1. Licking Valley shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Report.

2. Licking Valley shall appear on January 17, 2013, at 10:00 a.m. Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of 807 KAR 5:006 and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

3. At the scheduled hearing in this matter, Licking Valley shall also present evidence on the adequacy, safety, and reasonableness of its practices related to the construction, installation, and repair of electric facilities and whether such practices require revision as related to this incident.

4. The January 17, 2013 hearing shall be recorded by videotape only.

5. The Report in the Appendix to this Order is made a part of the record in this case.

6. Any requests for an informal conference with Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

Case No. 2012-00372

-4-

By the Commission



ATTE Director Execut

Case No. 2012-00372

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2012-00372 DATED SEP 1 0 2012



ACCIDENT INVESTIGATION ~ Staff Report

Report Date ~ May 14, 2012

Accident Date ~ April 17, 2012

Serving Utility ~ Licking Valley Rural Electric Cooperative Corporation

Accident Location ~ Highway 1812, Wolfe County, Kentucky

Victim ~ Mr. Ryan Rose

PSC Investigator ~ Mr. Steve Kingsolver



SECTION IA: INVESTIGATION - CONTACTS/ACTIONS

Date: April 18, 2012

Time: 9:00 AM

PSC Staff Member: Steve Kingsolver

Contact Name: Tommy Conley, Operations Superintendent. Licking Valley RECC

Contact Address: PO Box 605, West Liberty, Kentucky 41472

Contact Telephone: 606-743-3179

Summary of Conversation/Action: Discussion of this Accident

SECTION IB: INVESTIGATION - SUPPORTING INFORMATION (Attach tables, DOT report, etc.)

See Investigator's Report (Attachment A)

SECTION II: FINDINGS

During this accident investigation it was discovered that Licking Valley RECC could not produce current documentation that would verify that the facilities involved in this accident had been inspected as prescribed in Commission regulation 807 KAR 5:006. General Rules, Section 25. Inspection of Systems. The System Inspection Documentation provided in the utilities' summary report on this accident was dated 8-30-06. As a follow up on the information in the utility's' summary report, I discussed this issue with Tommy Conley again and was told the information in the summary report was the most current information on file for the inspection of these facilities. The type of facilities involved in this accident is required to be inspected at intervals not to exceed two (2) years. (See section III for regulation.)

SECTION III: RELEVANT CODES, STATUTES, REGULATIONS, OR SAFETY MANUAL ISSUES THAT ARE PERTINENT TO THE INVESTIGATION

807 KAR 5:006. General rules.

RELATES TO: KRS Chapter 278, 49 C.F.R. Part 192

STATUTORY AUTHORITY: KRS 278.280(2), 49 C.F.R. Part 192

NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.280(2) provides that the Public Service Commission (hereinafter referred to as "commission") shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This administrative regulation establishes general rules which apply to electric, gas, water, sewage and telephone utilities. This administrative regulation includes the substance of 807 KAR 5:008, which it repeals.

Section 25. Inspection of Systems.

(4) Electric utility inspection. Each electric utility shall make systematic inspections of its system in the manner set out below to insure that the commission's safety requirements are being met. These inspections shall be made as often as necessary but not less frequently than is set forth below for various classes of facilities and types of inspection.

(d) At intervals not to exceed two (2) years, the utility shall inspect electric lines operating at voltages of less than sixty-nine (69) KV, including insulators, conductors and supporting facilities.

SECTION IV: NOTIFICATION FROM UTILITY

To: Steve Kingsolver Subject: Fw: Accident at Licking Valley RECC Sent: Apr 17, 2012 9:50 PM From: Steve Kingsolver

I called Tommy Conley, LVRECC Construction Superintendent at approximately. 6:30PM after receiving this e-mail. At that time the victim had not been admitted to the hospital. I advised Tommy to let me know if he was admitted. At approximately 7:30PM (4-17-12) I received a call back from Tommy reporting that the victim, Ryan Rose, Age: approx. 21 years old, was admitted to the hospital. It was reported that after a cat scan, the victim had blood between the brain and the skull. I advised Tommy that I would come and look at this. I called Eric Bowman to find out information on Mountain Telephone. At that time it was unclear if the telecom section had notification of this accident. The victim, Rose, was working for R+L Construction that was working for Mountain Telephone at the time of the accident according to information provided by LVRECC.

Scott Morris, Telecom Investigator and I will be going to the site on 4-18-12.

Information on the accident: Accident Time and Date: Approximately 4:30PM EDT. (4-17-12) Accident Reported to PSC: Approximately 5:39PM EDT. (4-17-12) to Steve Kingsolver Accident Location: Hwy. 1812, Wolfe County Hospital: Kentucky River Medical Center Breathitt County, Kentucky

-----Original Message-----From: Oneida Haney To: Steve Kingsolver Subject: accident at Licking Valley RECC Sent: Apr 17, 2012 5:39 PM

Mr. Kingsolver,

It was just reported to us that Mountain Telephone had a contractor working for them today, they climbed one of our service poles and the pole fell with them. They did not think he was hurt, but to make sure they have taken him to the Jackson Hospital, in Breathitt County. Tommy Conley, Superintendent of Operations, did go to the scene and is now in route to the hospital. We will update you in the morning.

Thank You Oneida Haney Licking Valley RECC Investigated By:

Name:

Company:

Steve Kingsolver KPSC Utility Regulatory and Safety Investigator IV

Signed:

Steenkingsolver

Date:

5-14-12

Attachments:

A. KPSC Investigator ReportB. Utility Summary ReportC. KPSC Photographs of AccidentD. KPSC Maps

Attachment A

KPSC Investigator Report

Electric Utility Personal Injury Accident Report Investigator Report

Utility: Licking Valle	ey Rural Electric Cooperative Corporation (Licking Valley RECC)
Reported By: Tomr	ny Conley and Oneida Haney, Licking Valley RECC
Incident Occurred:	April 17, 2012 Approximately 4:30PM EDT
Utility Notified: April	17, 2012 Approximately 5:00 PM EDT
PSC Notified: April	17, 2012 Approximately 5:39 PM EDT
PSC Investigated:	April 18, 2012 Approximately 9:00 AM EDT
Report Received:	April 25, 2012
Incident Location:	Highway 182 near Hurst Lane Intersection, Wolfe County, Kentucky

ncident Description:

I was contacted by Tommy Conley, Operations Superintendent for Licking Valley RECC, reporting a reportable accident that occurred on the facilities of Licking Valley RECC. Mountain Telephone Company, a Kentucky Public Service Commission regulated telephone company, had a contractor, R & L Construction, performing work on Mountain Telephone facilities that were attached to Licking Valley RECC poles. An employee for R & L Construction, Ryan Rose, was climbing a Licking Valley RECC pole when the pole fell while the victim was working on the pole. The victim was admitted to Kentucky River Medical Center in Breathitt County, Kentucky for observation after tests discovered that the victim had bleeding around the brain. The pole that fell with the victim was set near a creek. All of the dirt around the pole had washed away and the pole was setting on bed rock in the creek bed. The pole was being held in place by the conductors and down guys attached to the pole. The action of the victim climbing the pole and removing a telephone conductor from the pole caused the pole to fall. This accident took place on Licking Valley RECC's Stillwater circuit feed out of the Campton substation.

During the accident investigation, it was discovered that the most recent documentation provided by Licking Valley RECC on the two-year distribution system inspection on the involved facilities was dated August 30, 2006. See Section III of this accident report for additional information on the Public Service Commission regulation on Inspection of Systems.

/ictim:	Name:	Address:	Employer:
	Ryan Rose	PO Box 399 West Liberty, Ky. 41472-0399	R & L Construction
<u>Age</u> : Approxir <u>Fatality</u> : No <u>Injuries:</u> Head	nately 21 Years Old Injuries		
<u>Witnesses:</u>	Name:	Address:	Employer:
	Larry Sapp	P.O. Box 399	R & L Construction
	Superintendent	West Liberty, KY 41472-0399	
Information I	From: Name:	Position:	Employer:
	Tommy Conley	Operations Superintendent	Licking Valley RECC
Investigated		Name: Compa	
		KPS & Safety Investigator	C
Signed	1: Hererk	inpolee	

Date: 5-14-12

Attachment B

Utility Summary Report



LICKING VALLEY

RURAL ELECTRIC COOPERATIVE CORPORATION P. O. Box 605 • 271 Main Street West Liberty, KY 41472-0605 (606) 743-3179



RECEIVED

April 23, 2012

APR 25 2012

PUBLIC SERVICE COMMISSION

Mr. Steve Kingsolver Public Service Commission 211 Sower Blvd. P.O. Box 615 Frankfort, KY 40602-0615

RE: Accident on April 17, 2012

Dear Mr. Kingsolver:

On April 17, 2012, Quentin Murphy, employee of Mountain Telephone, called Licking Valley RECC outage line approximately 4:20pm to report that an employee, Ryan Rose, of their contractor, R & L Contractor, was on a service pole belonging to Licking Valley RECC and it fell with him. Location of service pole was at Highway 1812, Hurst Lane Junction in Wolfe County. Tommy Conley, Superintendent of Operations for Licking Valley RECC was immediately notified of report and he in turn called the service man in Wolfe County to meet him at the scene. On route to the scene Tommy called and talked to R & L Contractor Superintendent, Larry Sap, to inquire as to the turn of events. Larry told Tommy that he thought Ryan was OK but was taking him to the Jackson hospital to be checked out.

Tommy and Homer met at the scene approximately 5:00pm, they proceeded to unhook the service wire from the pole and then took pictures of the scene. Tommy then went to the hospital to check on Ryan and he was told he was ok, but they were keeping him overnight for observation. Ryan was released the next day and as far as we know he is doing fine.

Enclosed are the photos and information you requested.

If additional information is needed, please let me know. Sincerely,

Tommy Conley Tommy Conley

Tommy Conley Superintendent of Operations

TC:oh

Enclosure

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 \mathcal{T} 's requested information shall be made part of the 7-day summary report as required by δ_{\sim} . KAR 5:006 Section 26-2. This document is a request for the information listed below.

ACCIDENT DATE: $4 - 17 - 12$
ACCIDENT LOCATION: HWY 1812 WOLFE COUNTY.
ACCIDENT VICTIM(S): RYAN ROSE
REQUESTED INFORMATION:
 7-DAY SUMMARY REPORT UTITLIY ACCIDENT REPORT. UTILITY PHOTOGRAPHS OF ACCIDENT SITE. LAST SYSTEM INSPECTION ON FACILITIES INVOLVED. COPY OF POLICE REPORT (IF INVOLVED) FACILITY MAP OF AREA INVOLVED. ANY RECENT WORK PREFORMED ON FACILITIES INVOLVED. MAINTENANCE RECORDS ON FAILED OR AFFECTED EQUIPMENT. ANY RECENT CUSTOMER CONTACT AT LOCATION BEFORE ACCIDENT. COPY OF OUTAGE REPORTS ON FACILITIES INVOLVED. COPY OF JOB BREIFING BEFORE WORK BEGAN AT THE ACCIDENT. SYSTEM PROTECTIVE DEVICES: RATINGS AND IF OPERATED CONSTRUCTION DATES OF INVOLVED FACILITIES — Oetober 1915
V WRITTEN STATEMENT FROM CONTINES - DECOMPTING
PSC ACCIDENT INVESTIGATOR: <u>STEVE KINGSOLVER</u> SIGNATURE Level in John DATE: <u>4-18-12</u> UTILITY COMPANY INVESTIGATOR: <u>TOMM'</u> CONTEN
SIGNATURE: Jomma Conten DATE: 4-18-12

We were workin on hwy 1812 behind the greyhound bus Station, Placing strand. The incident took place at approximently 3:45 p.m. The said person mr Ryan Rose climbed a power service pole to raise a copper telephone drop, as soon as said person started to raise drop. the pole Fell, The foreman Standing Close by and run to him. He was we not alert the dert for 2 minutes. His breath was knocked out of him. Responsive Started comin back, t was tolkin to every one around him. The ambulance arrived approximently 30 minutes later, then said person walked to ambulance. He was then transported to Tackson, Ky hospital

April 17 1 2012

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Work Phone: NONE LISTED Mobile Phone: NONE LISTED				<u>Service Address:</u> 163 n Washington ST Campton, Ky 41301	
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From: Sent: To: Subject: Attachments:	Denise Reed <dreed@lvrecc.com> Friday, May 11, 2012 10:43 AM Kingsolver, Steve (PSC) accident involving Mountain Telephone Contractor, Ryan Rose , 04-17-2012. 2012-05-11-0946-29_edited.jpg; 2012-05-11-0942-34_edited.jpg; 2012-05-11-0944-38 _edited.jpg</dreed@lvrecc.com>
Importance:	High

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Steve,

As per the conversation between yourself and Tommy Conley today 05-11-2012, these attachments are those requested on the accident involving the Mountain Telephone Contractor, Ryan Rose, which occurred on 04-17-2012.

If you need anything further, please let us know.

Thank You,

Denise Reed Secretary: Operations Dept. LVRECC

The sender has included tags, so you can do more with these photos. Download Photoshop (R) Album Starter Edition-Free!

http://www.adobe.com/aboutstarteredition

NOTE:

Additional Internation: The ATTACHMENT TO THIS E-MAIL AVE CUVIENT LINE LINE INSPECTION DOCUMENTS ON A SECTION OF LURELL SYSTEM OTHER THAN WERE THIS ACCIDENT TEOK PLACE. Also ATTACHED IS A METER READING SHEET FOR THE AVEA WHERE THIS ACCIDENT TOOK PLACE.

STEVE KINGSOLVER 5-14-12

Stevekinpoleer

LICKING VALLEY RECC LINE PATROL And LINE INSPECTION. MONTH: ____ DAV: ___ YEAR: _____ Inspected by: AP DC

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LICKING VALLEY RECC LINE PATIOL AND LINE INSPECTION.

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INSPECTED by: AP.

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wr#	Sights	Test Date AC	Sound Mumber	Pole KumberliNatie	Feeder Date Reasing
30850	**************************************	5/15/2025	2102600400	21020009 MAHRY KENNETH H	1 4-25-12 741.92
30882		5152062	21028000M(1	210260004 MIABRY KENNETH H	2 4-25-12 190672
SUBBI		5/15/20061	2102600801	210280000 MLABRY KENNETH H -	2 4-25-22 21991
30623	1	5/16/2008	2102600180	21026CO11 MOCALL YVONNE	2 N-25-12 (53933)
30021	-4	5116/2006	21/125009002	210260014 TAYLOR MARICH	2 14.25-12 2-7471
30702	-	5/16/2006	2102602501	210280014 POTTER CARRIE	3 M-25-12 62 133
129:9	-1	5462005	2502601000	210265010 DUNHUBER MIKE	2 14-25-12 1004h7
26074		5/16/2006	2102600700	210280019 DUNHUBER INKE	3 14-25-12 04344
24459	4	4/7/2005	2-112901800	210200019 LIUNHUBER WIKE	2 41-25-12 047334
11722	1	7/27/2005	2103200703	210320006 CALDWELL OMER -	2 4-61-72 454-71
19933	-	7/27/2002	2103201801	210320008 CALDWELL TAYLOR	2 4-19-12 16722 2
13509	*	7272005	2103:00105	210220010 LAWSON TERESA L	2 4-19-13 44782
29653		7/27/2008	2103200601	210620019 ROSE MARIE -	2 H-A-A Huisza
20033	2	7/27/2005	210320366	210320020 SAMS HERSCHEL G	2 11-19-12 39590
22767	÷.	7272006	2103203401	210323028 FLATTON MILLIAM T	2 H-19-12 193010
28117	ni i	7/2/0006	27.03235201	ZIOSADON ROSE MARIE	2 4-44-12 540-4
34415	1	11/16/2009	2103301500	210330003 BREWER PLUMMER	2 5-1-12 309-79
					5-1-12 39091
					15-1-12 CONV3
					170931 5-1-12 170931
					1 HAL A 5-1-12 20260
26552	4	20/2011	2103300800	210230007 PATTON LIZZE	4 3 5-1-12 8402
10454		3/1/2011	2102501201	210330008 MITCHELL CLETA MALE 2405	
30535	1	6/12/2007	2103301300	216320015 BRNKS ADRIAN	3 5-1-12 april 9
30568		612/2007	2103301105	Z10330015 BANKS DOMIE	2 15-1-12 41000
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1820'e	4	6'13'2007	21034038/00	210340007 JETT WAYNE	3 5-1-17 13423
30758	7	6/17/2008	2109500306	210380002 STONE TERESALYNN	2 4.25-10 2910
30925	4	5472026	2103500495	212350002 BUSH RONDEL	- 2 <u>4-19-12</u> 07026
10555	1	B/17/2006	2103501900	210350002 TOLSON _ LAMES P	2 4-25-12 37229
30827	1	5170005	7403600700	210350006 WATKINS SEWELL	2 4.25-12 54396
10ETB	ĮĮ	5/17/2006	2103500600	210350007 BREWER GOFF	2 4-25-12 74755
34219	1	8/18/2006	710364607	210350607TLUKE ROBN	<u>2 H-25-12 37193</u>
30824	ť	5/17/2006	2103501701	210250008 BUSH LCMINE .	2 14-25-12 18-7411
31720		8/11/2009	2109553504	210350008 GABBARD ANNA	= 17-25-12 2.8676
30567	1	5/17/2906	2103502400	216250010 TERRILL SHALLEY P	<u>2 4-25- 12 71-856</u>
30021	1	5117/2006	2103500104	210350012 04864RD ANNA N	<u>= 4-25-10 51773</u>
30794	1	5/17/2006	2103502300	210350014 BUSH JAMES G	2 4-25-12 28176
30458	-1	5/17/2006	116550604	210350019[MURRAY BRAD	2 4-75-12 94239
30455	A COLORADOR	5117.2005	2102502100	210350017 STONE CARL	3 4-25-12 M6-306
M554	1	5/17/2006	2103501000	210350019 STONE CARL	1 H-25-12 H6608
35544	LEES Transf	123.20TT	2 TOPECTRON	210250022 HURST JOHNEY	
14755	1	5/17/2005	7106600500	210360003 FUGATE BALL	2 4-25-12 4-1237
30759		5/17/2006	2103601400	210380003 BUSH WENDELL	2 14-25-12 14-25-2

Attachment C

KPSC Photographs of Accident


<u>#1</u>





<u>#3</u>





<u>#5</u>





<u>#7</u>





<u>#9</u>





<u>#11</u>





<u>#13</u>





<u>#15</u>





<u>#17</u>





<u>#19</u>





<u>#21</u>





<u>#23</u>



<u>#24</u>



<u>#25</u>

Attachment D

KPSC Maps

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