

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)
)
 _____) CASE NO. 97-174
)
 ALLEGED VIOLATIONS OF ADMINISTRATIVE)
 REGULATION 807 KAR 5:041)

O R D E R

Louisville Gas and Electric Company ("LG&E"), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for light, heat, power, and other uses, is a utility subject to Commission jurisdiction. KRS 278.010(3)(a) and 278.040(1).

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Administrative Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) ("NESC").

Commission Staff has submitted to the Commission a Utility Accident Investigation Report dated December 5, 1996, appended hereto, which alleges:

1. At approximately 7:05 p.m. on October 16, 1996, Charles D. Sheard received an electric shock when he came into contact with a tree located at 1020 West Market Street, Louisville, Kentucky.

2. Shortly after Sheard came into contact with the tree, a bystander reported seeing sparks coming from the tree and a burning wire fall from the tree. The Louisville Fire Department was called to the scene. At 7:19 p.m., it advised LG&E of these conditions.

3. The limbs from the tree in question came into contact with the incandescent street lighting circuit located on LG&E Pole No. E2-2468. As a result, electric current from the street lighting circuit was transferred to the tree.

4. On the day of the incident, an LG&E work crew was working on LG&E Pole No. E2-2468 and had knowledge of that pole's conditions.

5. LG&E owns the electric facilities and utility poles involved in the incident.

6. NESC Section 218A1 provides that "[t]rees which may interfere with ungrounded supply conductors should be trimmed or removed."

7. LG&E failed to comply with NESC Section 218A1.

8. As a result of its failure, LG&E is in probable violation of Administrative Regulation 807 KAR 5:041, Section 3.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that LG&E has failed to comply with Administrative Regulation 807 KAR 5:041, Section 3.

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

1. LG&E shall appear before the Commission on August 14, 1997 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, for the purpose of presenting evidence concerning

the alleged violation of Administrative Regulation 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for this alleged violation.

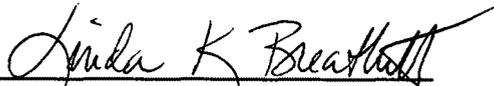
2. LG&E shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Electrical Utility Accident Investigation Report.

3. The Utility Accident Investigation Report of December 6, 1996, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting any informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 24th day of April, 1997.

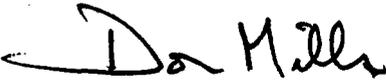
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC
SERVICE COMMISSION IN CASE NO. 97-174 DATED 4/24/97

**UTILITY ACCIDENT
INVESTIGATION REPORT**

Utility:	Louisville Gas and Electric Company			
Reported By:	George Siemens			
Dates & Times				
Accident Occurred:	10/16/96 - Approximately 7:05 p.m.			
Utility Notified:	10/17/96 - 12:30 p.m.			
PSC Notified:	10/17/96 - 3:20 p.m.			
Investigated:	10/18/96			
Written Report Rcvd:	10/24/96			
Location of Accident:	1020 West Market Street, Louisville, Kentucky			
Description of Accident:	<p>Mr. Charles D. Sheard touched a tree in front of 1020 West Market Street and apparently received an electric shock. The tree that Mr. Sheard touched was in contact with an incandescent street lighting circuit. The incandescent circuit is controlled by an electric photocell which energized the circuit when darkness occurs. The photocell and the incandescent circuit are attached to pole #E2-2468. Prior to this incident, pole #E2-2468 was in the process of being replaced. A new pole had been set on the east side of pole #E2-2468. To complete this procedure, wires were temporarily displaced from their normal position on the pole.</p>			
Victims:				
Name:	Mr. Charles D. Sheard	Fatal:	No	Age: 37
Addr./Empl.:	4612 West Broadway, Apt #3, Louisville, Kentucky/Tony's Roofing			
Injuries:	Electric Shock			
Sources of Information:	Name	Address/Employment		
	Joe Douthitt	LG&E Investigator, Louisville, Kentucky		
	Mike Leake	LG&E Electrical Engineer, Louisville, Kentucky		
	Doug Blakeman	LG&E Director Electric Service Delivery, Louisville, Kentucky		
	Sonny Campbell	LG&E Distribution Operations Supervisor, Louisville, Kentucky		

	Ron Hasch	LG&E Employee Job Coordinator, Louisville, Kentucky			
	John W. Land	PSC Engineering Staff - On-Site Investigation			
	Charles D. Sheard	4612 West Broadway, Louisville, Kentucky			
Probable Violations:	807 KAR 5:041, Section 3 and 1990 NESC, Section 20, Sub. Paragraph 218.A.1, Tree Trimming				
Line Clearances At Point of Accident:	Measured	Minimum Allowed by NESC	Applicable NESC Edition¹	Volt.	Constr. Date
Three Phase Primary to Ground Elevation:	42' - 6"	18' - 6"	1990	13000V	1996
Three Phase Primary to Ground Elevation:	38' - 2"	18' - 6"	1990	4000V	1996
Head Guy:	34' - 2"	15' - 6"	1990	N/A	1996
Damaged Head Guy:	33' - 10"	15' - 6"	1990	N/A	1996
Incandescent Street Light Circuit:	24' - 0"	18' - 6"	1990	240V	1996
Fire Alarm Circuit:	20' - 5"	16' - 6"	1990	120 V	N/A
CATV Cable:	19' - 1"	15' - 6"	1990	N/A	N/A
Supervisor Cable:	18' - 7"	15' - 6"	1990	N/A	N/A
Phone Cable:	17' - 6"	15' - 6"	1990	N/A	N/A
Date of Measurement:	October 18, 1996				

¹ Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

Approximate Temp.:	40°
Measurements Made By:	Ron Hasch, Bruce McGuff - LG&E Employees and John W. Land - PSC Engineering Staff
Investigated By:	John W. Land
Signed:	<i>John W. Land</i>

- Attachments
- A. PSC Accident and Trouble Report
 - B. Louisville Gas and Electric Company's Investigation Report
 - C. Photographs

Attachment A
PSC Accident and Trouble Report

P. S. C.
ACCIDENT AND TROUBLE REPORT FORM

TODAY'S DATE 10-17-96 TIME 3:20 pm

COMPANY LG&E

PERSON REPORTING INCIDENT: NAME: George Siemens

TITLE: _____

ADDRESS: _____

PHONE NO: [REDACTED]

ACCIDENT DESCRIPTION: Man called today - yesterday he was shocked by a tree. Woke up this morning with problem in his arm. (R. sore) LG&E investigated now - looks like a guy wire in a street light circuit. Advised we needed to investigate

VICTIMS NAMES: _____ SEX _____ AGE _____ DEATH _____ INJURY _____
_____ SEX _____ AGE _____ DEATH _____ INJURY _____
_____ SEX _____ AGE _____ DEATH _____ INJURY _____

LOCATION OF ACCIDENT: _____

TIME OF OCCURRENCE: _____

TROUBLE DESCRIPTION: _____

TIME OF OCCURRENCE: _____

TIME OF RESUMPTION OF NORMAL SERVICE: _____

NUMBER OF CUSTOMERS AFFECTED: _____

SIGNED M. Nuts

DATE 10-17-96

Attachment B

Louisville Gas and Electric Company's Investigation Report

Accident Investigation Report
Louisville Gas and Electric Company
Mr. Charles D. Sheard

George R. Siemens, Jr.
Director
External Affairs

Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232
502-627-2323
502-627-2930 FAX

October 25, 1996

RECEIVED

OCT 28 1996

DIVISION OF WORK
ENGINEERING & SURVEYING

Ms. Martha Morton, Manager
Electrical Branch
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

RE: Alleged Electric Shock -- 1020 West Market Street
Louisville, Kentucky -- October 16, 1996

Dear Ms. Morton:

Attached is the hard copy of the "Investigation Report" faxed to you yesterday on the above incident. Please note that the date of incident on the report has been changed to October 16, which is the date the incident took place even though we were not notified until October 17.

Also attached are drawings made of the scene by Ron Hasch and photographs taken by Joe Douthitt.

If you need additional information, please do not hesitate to contact me.

Sincerely,



Attachments



Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232

INVESTIGATION REPORT

ALLEGED ELECTRIC SHOCK

Type of Report

96-E-039

Report Number

Joe Douthitt

Investigator

October 16, 1996

Date of Incident

Reference: Alleged Electrical Shock

Location: 1020 West Market
Louisville, KY 40202

Case Summary:

On Thursday, October 17, 1996 at 1230 hours, I received a call from Anthony Highland, Senior Distribution Operations Supervisor. Mr. Highland advised that Sonny Campbell, Distribution Operations Supervisor, was en route to 4612 West Broadway to meet a man who stated he had been shocked when he touched a tree in front of 1020 West Market on the evening of October 16, 1996.

At 1250 hours I arrived at 4612 West Broadway and met with Mr. Campbell and Charles Sheard. Mr. Sheard advised that at approximately 1905 hours the previous evening he parked his car on the street directly on front of the building at 1020 West Market Street. As he and his girlfriend, Tosha Rand, walked from his car, he touched a tree with his right arm and it "jarred" him, but he continued on to his meeting.

Mr. Sheard advised that approximately 10 minutes after he went into the meeting someone in the meeting saw sparks coming from the trees. A short time later a burning wire fell to the ground, and the fire department was called.

Mr. Sheard advised that when he woke up on Thursday morning, October 17, his right shoulder was sore and he was unable to go to work.

Mr. Campbell and I arrived at 1020 West Market at 1315 hours and were met by Ron Hasch, Job Coordinator, and Bruce McGuffin, Line Technician A. Messrs. Hasch and McGuffin made measurements of the lines, pole, and trees at that location.

Incident
October 16, 1996
1020 West Market Street
Louisville, KY 40202
Page 2

The following conditions were noted. A light standard located on the south side of Market Street between poles #E2-2467 and #E2-2512 had a disconnected wire on its west side. This wire is fed by an incandescent lighting circuit "tub" located on pole #E2-2468. This pole was in the process of being replaced and a new pole was set on the east side of it on October 16. Extension arms were attached to pole #E2-2468 to spread the wires (a normal procedure for pole replacement). The lower extension arm held the end of a 240 V secondary line, and a guy wire holding it in place. The other end of the guy was attached to pole #E2-2467 (where two other guy wires also attached from pole #E2-2468). The guy wire in question was removed on the evening of October 16 by Kevin Rhodes, Line Technician-Trouble. LG&E's correction order #827859 states, "Found temporary head guy laying on incandescent circuit and burning on ground. Cleared up okay." (Note: Notation of "temporary" on correction order was an error. Head guy was permanent.)

There are two trees involved in this incident. The larger tree, directly in front of 1020 West Market Street, is the one Mr. Sheard advises he touched, and a smaller tree, which is located just west. The larger tree has limbs which have grown into the incandescent wire. The smaller tree suffered fire damage on the evening of October 16. All that remains of the smaller tree is a burned stump. The fire department removed the rest of the tree on October 16. The concrete on the sidewalk surrounding the stump of the small tree contains several burn marks. According to Mr. Hasch, these are indicative of incandescent circuit voltage.

The incandescent lighting circuit would not have been energized on October 16 until dark when the photocell closed the circuit. It appears the guy wire picked up current directly from the incandescent and transferred the current to the tree.

Photographs were made of the scene.

On Friday, October 18 at 0900 hours, I met with John Land of the Public Service Commission. Mike Leake, Lead Electrical Engineer, accompanied us to the West Market location. Already at the scene were Doug Blakeman, Director Electric Service Delivery, and Messrs. Hasch, Campbell, and McGuffin. Mr. Land requested Mr. Hasch make a few additional measurements to locate the trees on his diagram.

Mr. Campbell requested the Forestry Department send a crew to trim the tree limbs close to the incandescent circuit. This work was completed on October 18.

Incident

October 16, 1996

1020 West Market Street

Louisville, KY 40202

Page 3

While at the scene, Mr. Sheard arrived. He advised that he had been to Jewish Hospital on October 17 and was examined by Dr. Corey Cohen. Dr. Cohen had advised his kidneys and blood are okay, but he could not tell if there was any neurological damage in his arm.

The scene was cleared at 1230 hours. Mr. Land returned to the BOC with Mr. Hasch to determine when the trees were last trimmed and when the last service inspection had been conducted.

Victim:

Charles Sheard

4612 West Broadway

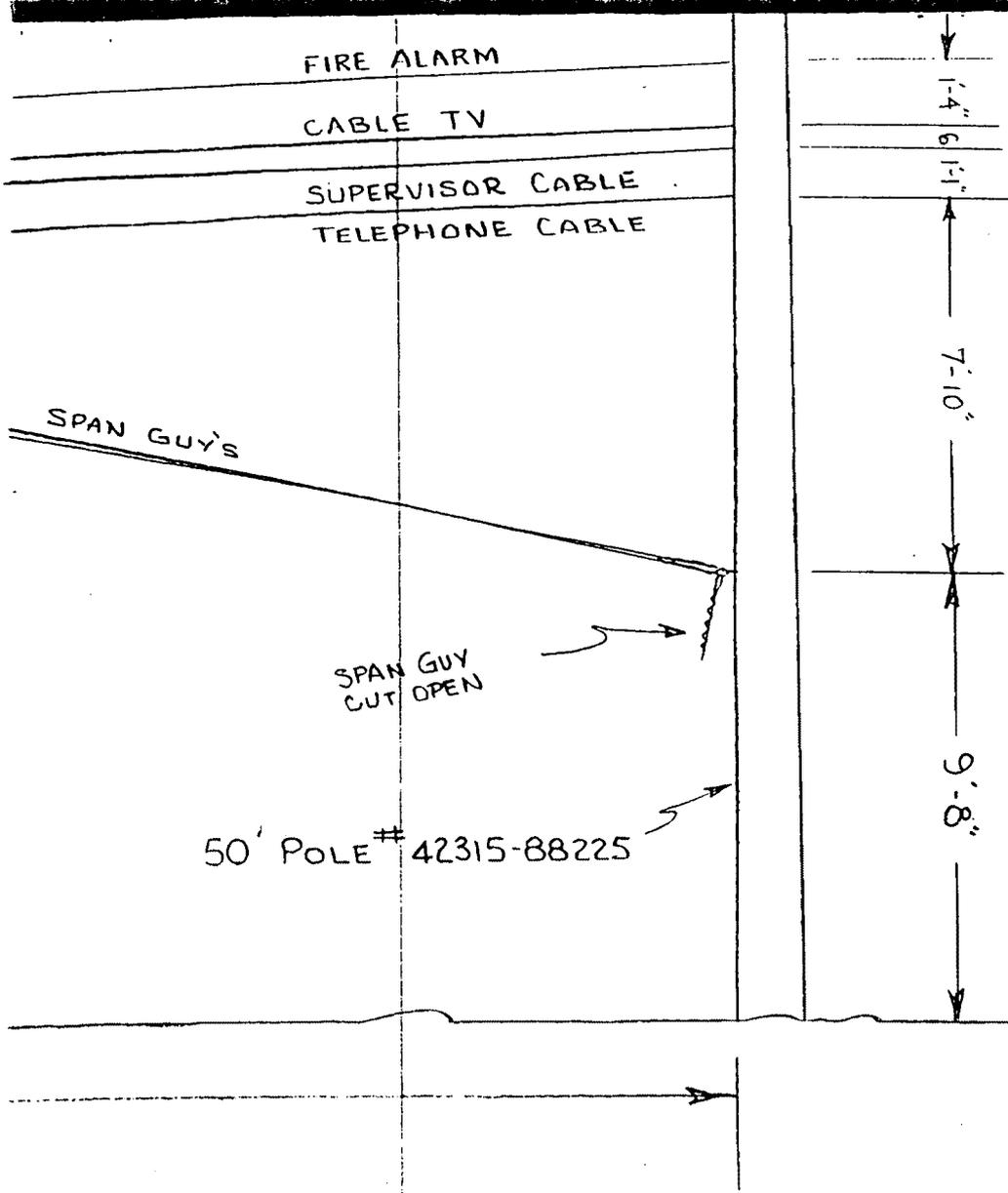
Louisville, KY 40211

Phone: [REDACTED]

SSN: [REDACTED]

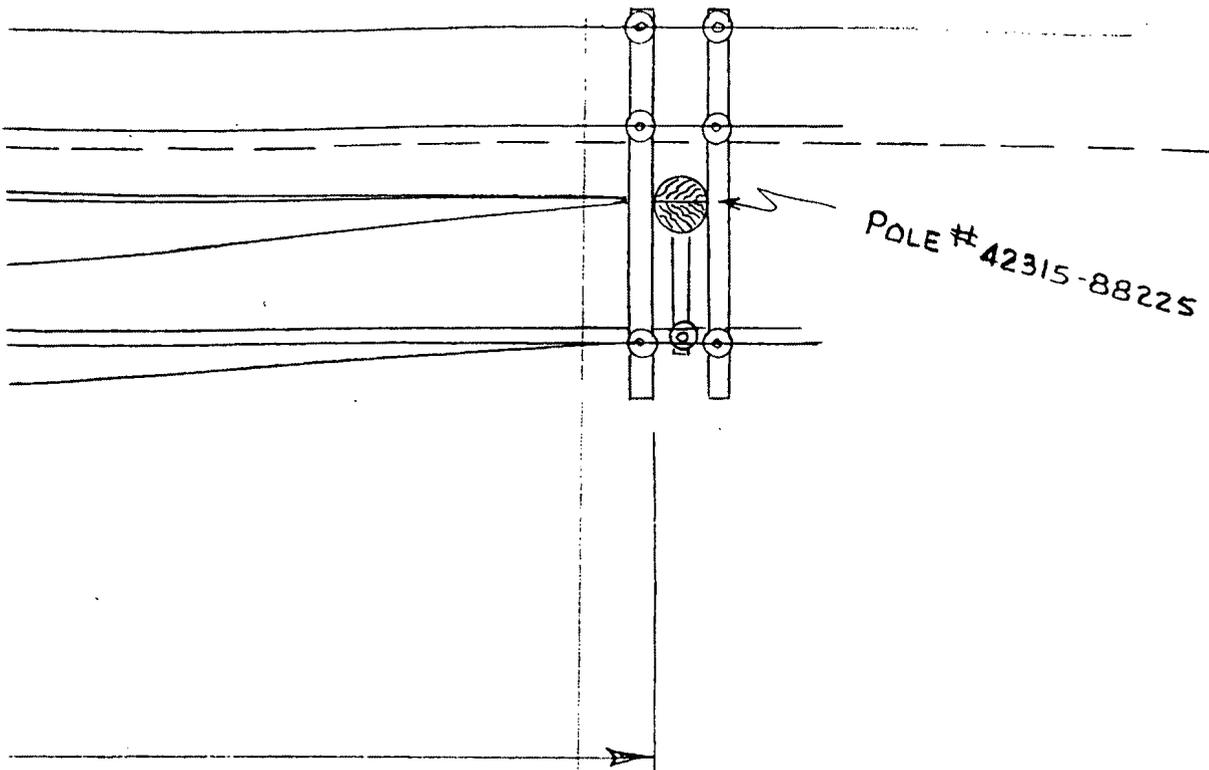
DOB: [REDACTED]

Employed by: Tony's Roofing



LOUISVILLE GAS & ELECTRIC CO.

SKETCH SHOWING POLE # 42315-88225
 AND POLE # E2-2468 IN FRONT OF
 1020 W. MARKET ST. WHERE ACCIDENT
 OCCURED TO CHARLES SHEARD 10-16-96
 NO SCALE DRAWN BY R.W. HASCH



POLE # 42315-88225

LOUISVILLE GAS & ELECTRIC CO.

SKETCH SHOWING OVERHEAD VIEW OF
POLE # 42315-88225 & POLE # E2-2468
AT 1020 W. MARKET WHERE ACCIDENT
OCCURED TO CHARLES SHEARD 10-16-96
NO SCALE DRAWN BY R.W. HASCH



George R. Siemens, Jr.
Director
External Affairs

Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232
502-627-2323
502-627-2930 FAX

October 24, 1996

VIA FAX

Ms. Martha Morton, Manager
Electrical Branch
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

**RE: Alleged Electric Shock -- 1020 West Market Street
Louisville, Kentucky -- October 17, 1996**

Dear Ms. Morton:

Attached is an "Investigation Report" prepared by Joe Douthitt on the above incident. This is filed in compliance with the seven-day reporting requirement.

Photographs taken at the scene and drawings will be sent via U.S. Mail.

If you need additional information concerning this incident, please let me know.

Sincerely,

Attachment



Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232

INVESTIGATION REPORT

ALLEGED ELECTRIC SHOCK

Type of Report

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Investigator

October 17, 1996

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Incident Report
October 17, 1996
1020 West Market Street
Louisville, KY 40202
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Mr. Campbell requested the Forestry Department send a crew to trim the tree limbs close to the incandescent circuit. This work was completed on October 18.

Incident Report**October 17, 1996****1020 West Market Street****Louisville, KY 40202****Page 3**

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The scene was cleared at 1230 hours. Mr. Land returned to the BOC with Mr. Hasch to determine when the trees were last trimmed and when the last service inspection had been conducted.

Victim: Charles Sheard
4612 West Broadway
Louisville, KY 40211
Phone: [REDACTED]

SSN: [REDACTED]
DOB: [REDACTED]

Employed by: Tony's Roofing

George R. Siemens, Jr.
Director
External Affairs

Louisville Gas and Electric Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232
502-627-2323
502-627-2930 FAX

November 13, 1996

RECEIVED

NOV 11 1996

DIVISION OF UTILITY
ENGINEERING & SERVICES

Ms. Martha Morton, Manager
Electrical Branch
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: **Alleged Electric Shock -- 1020 West Market Street
Louisville, Kentucky -- October 17, 1996**

Dear Ms. Morton:

In response to a request received from John Land after his visit to the above location, I have enclosed the following:

- Correction orders prepared by our Electric Trouble Department relating to the incident.
- Tree trimming report prepared by our Forestry Department which shows the trees involved in this incident.

If you have any questions or need additional information, please let me know.

Sincerely,



A SUBSIDIARY OF
LG&E ENERGY.

Cir PI0001 Correction Order N o. 827859
 Addr: 1020 W MARKET ST Rec By 2050 Mapsco T C 3 F 1
 Name: FIRE DEPT, Ntf By Grd - FRJ
 Time: 16-OCT-1996 19:19 Phone - Assigned at 16-OCT-1996 19:35 Addl
 Tlm_Tag: Dty Dt2 Sz x PCB -1 Custs 1 WNC 990
 To: - Nature Of Complaint -- Noc_Code 1 N_R FNIS_WD
 Wire Down IN TREES FIRING UP.

Complaint Answered at 16-OCT-1996 19:39 By 3485 Cause
 ----- Conditions Found -----
 FOUND TEMPORARY HEAD GUY LAYING ON INCANDESCENT CIRCUIT & BURNING ON GROUND.
 CLEARED UP OKAY. SPECIAL! NEED A CREW TO RE-ENERGIZED CIRCUIT A.S.A.P. **RUSS**

----- Corrections Made -----
 TUB ON OK

Good Code: Restoration Time:
 Status C Slot 12 Pip CSC Recd Pcom Aff Custs 1
 C.O. Create 16-OCT-1996 19:19 Repair: 16-OCT-1996 20:11 Comp:

Cir PJ0001 Correction Order N o. 827880
 Addr: 1020 W MARKET ST Rec By 2682 Mapsco T C 3 F 1
 Name: LOU F. R. Ntf By Grd - FRJ
 Time: 16-OCT-1996 21:04 Phone - Assigned at 16-OCT-1996 21:31 Addl
 Tlm_Tag: Dty SE Dt2 SE Sz x PCB -1 Custs 1 WNC 1
 Tr: - Nature Of Complaint -- Noc_Code 71 N_R EMIS_WO
 Wires Firing Up IN THE TREES

Complaint Answered at 16-OCT-1996 21:41 By 3485 Cause
 ----- Conditions Found -----
 FOUND TREES HAD GROWN INTO INCANDESCENT CAUSING IT SPIT OUT SPARKS. **RUSSA

----- Corrections Made -----

Good Code: Restoration Time:
 Status C Slot 2 Pip CSC Recd Pcom Aff Custs 1
 C.O. Create 16-OCT-1996 21:04 Repair: 16-OCT-1996 21:56 Comp:

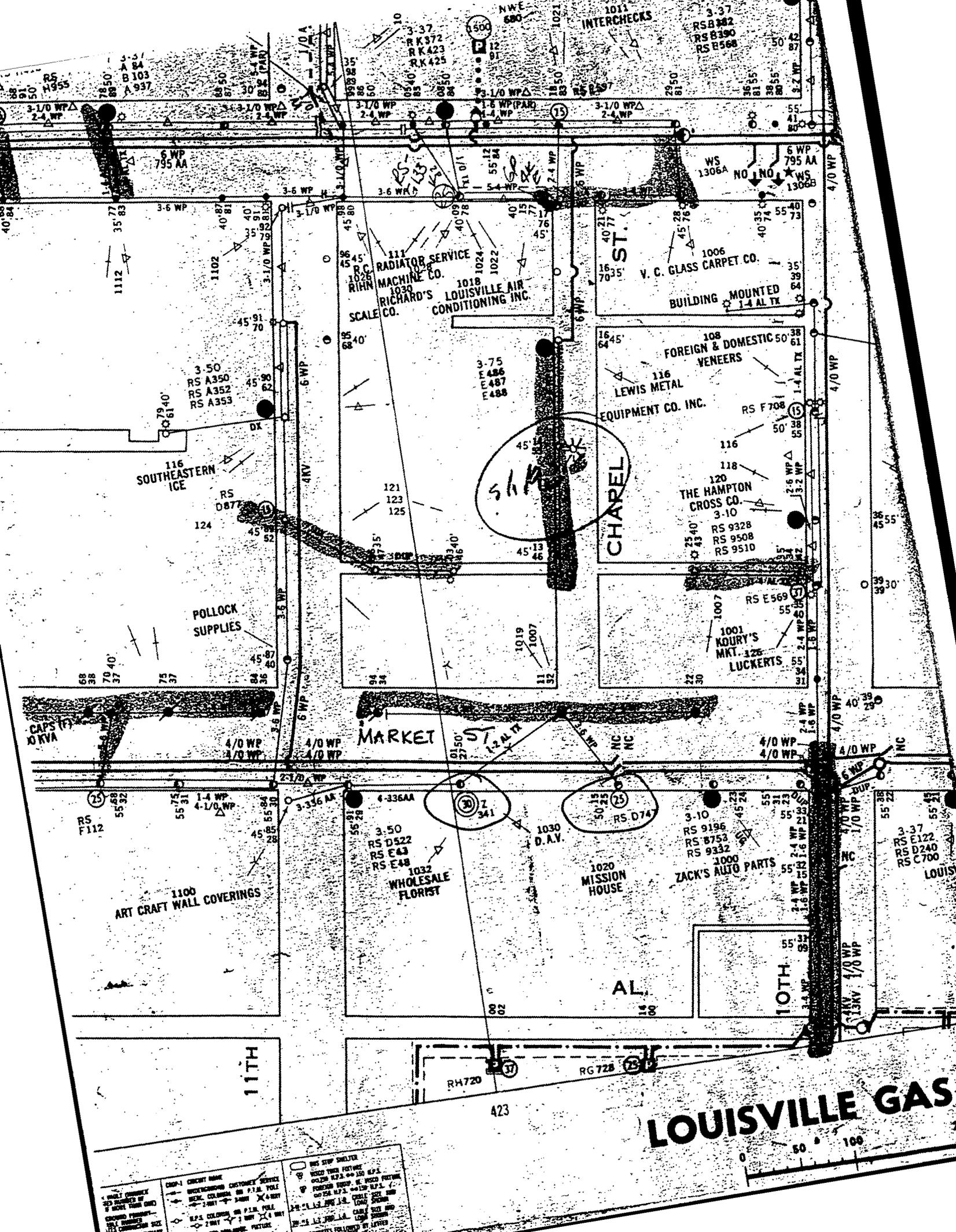
Cir P10001 Correction Order N o. 827997
Addr: 1020 W MARKET ST Rec By 3517 Mapsco T C 3 E 1
Name: SHEARD CHARLES Ntf By Grd - FRJ
Time: 17-OCT-1996 12:17 Phone 778-1875 Assigned at 17-OCT-1996 12:58 Addl
Tlm_Tag: Dty SE Dt2 SE Sz x PCB -1 Custs 1 WNC I
Tr: - Nature Of Complaint -- Noc_Code 19 N_R FMIS_WO

Shock Complaint
(PARTY CLAIMED THEY WERE SHOCKED BADLY TOUCHING A TREE AT THIS ADDRESS) PARTY
** LIVES AT 4612 W BROADWAY--(CLAIMS DIDN'T WORK DUE TOO PAIN) APT 3
Complaint Answered at 17-OCT-1996 13:31 By 2595 Cause

----- Conditions Found -----
CALL SAID LG&E EMP. GOT SHOCKED AT ABOVE ADDRESS. WITH MAN AT ABOVE ADDRESS.
HE DIDNT CALL. LG&E HAS NO WIRES DOWN. KEVIN RHOADES HAD WD CALL HERE ON
10-16-96 IN P.M. SECURITY ARRIVED AND WE MEASURED EVERYTHING AND WORE OUT 2
TAPE MEASURES.

----- Corrections Made -----

Good Code: Restoration Time:
Status C Slot 6 Pip CSC Recd Pcom Aff Custs I
C.O. Create 17-OCT-1996 12:18 Repair: 17-OCT-1996 14:57 Comp:

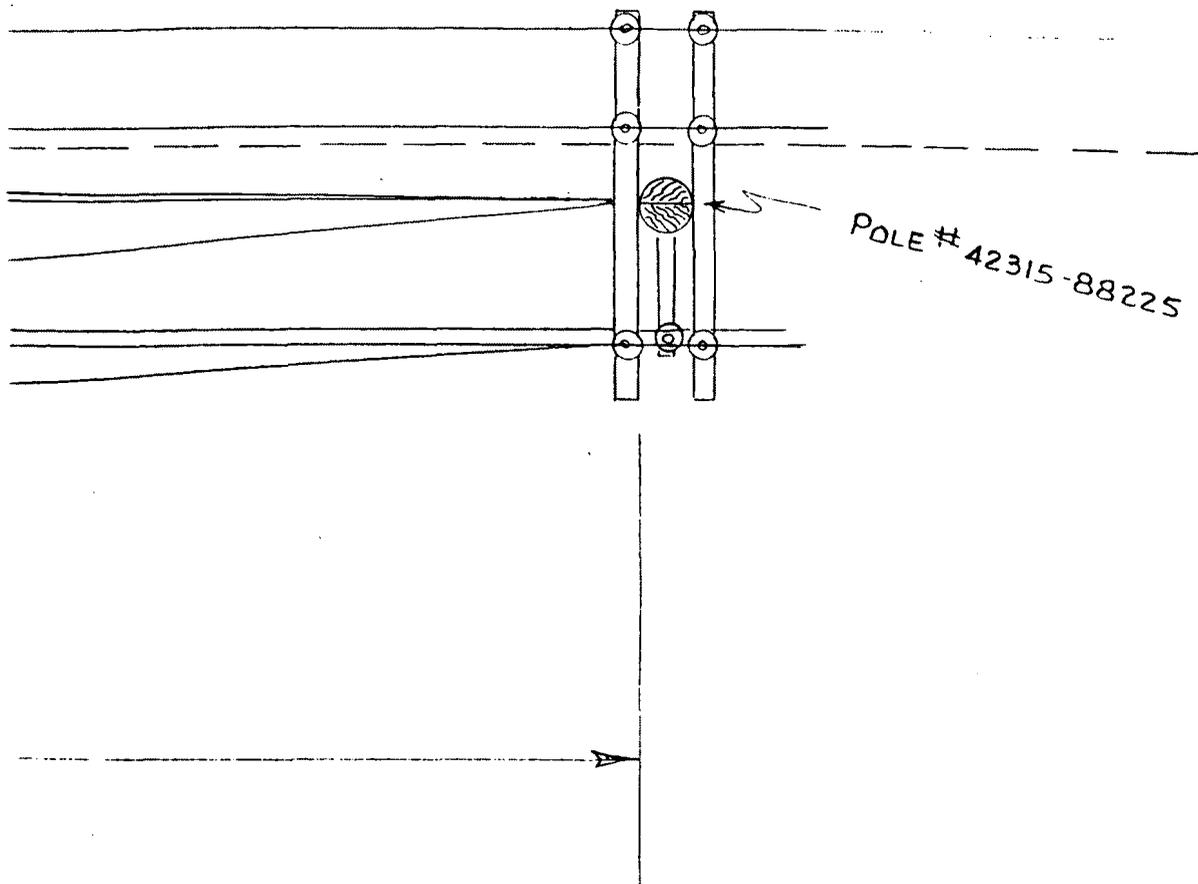


<p>4" WATER MAIN 2" WATER MAIN 2" WATER MAIN</p>	<p>COMP-1 CHECK NAME WORKING ON CUSTOMER SERVICE CHECK CLOSURE ON P.T. POLE 2" MET 1" MET 4" MET</p>	<p>6" GAS MAIN 4" GAS MAIN 2" GAS MAIN 2" GAS MAIN</p>	<p>6" WOOD TRUSS 4" WOOD TRUSS 2" WOOD TRUSS 2" WOOD TRUSS</p>
--	--	--	--

LOUISVILLE GAS

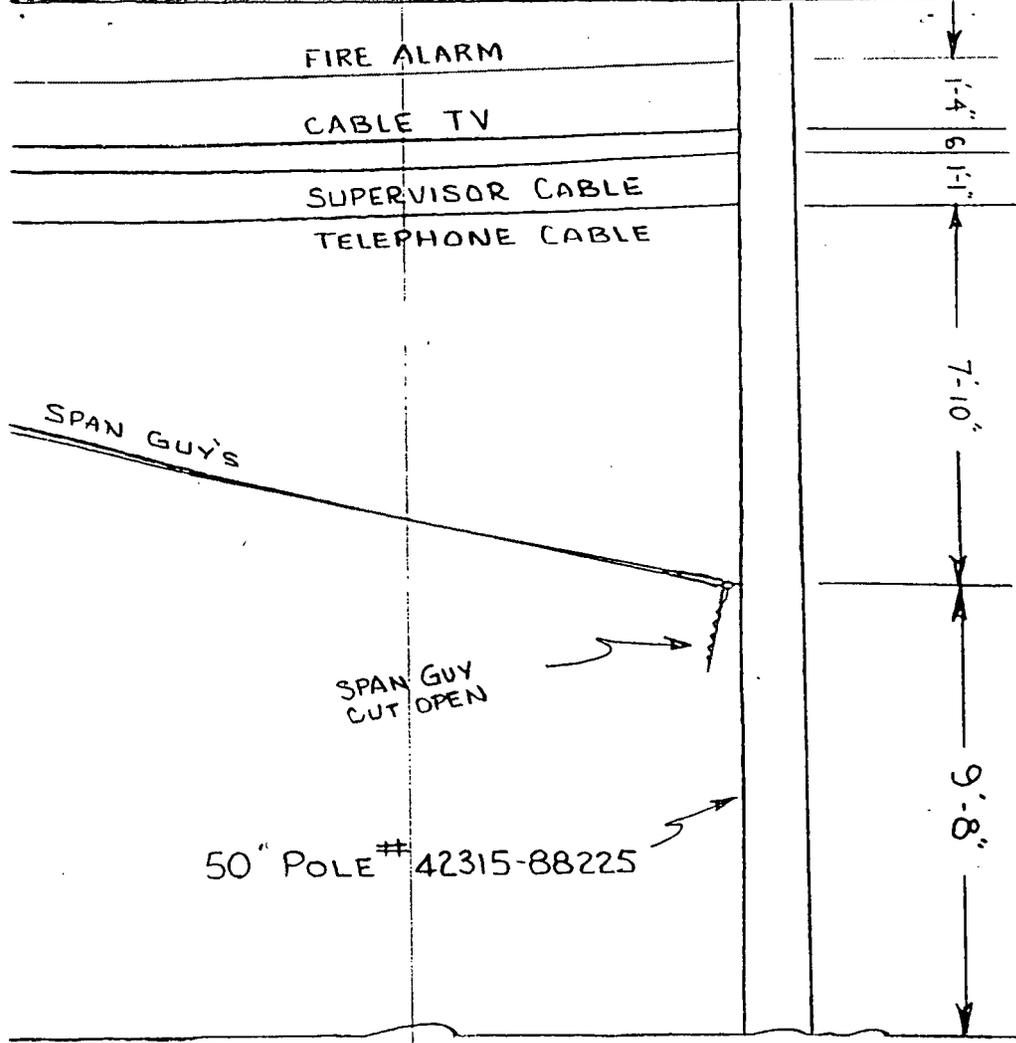
423

0 50 100



LOUISVILLE GAS & ELECTRIC CO.

SKETCH SHOWING OVERHEAD VIEW OF
POLE # 42315-88225 & POLE # E2-2468
AT 1020 W. MARKET WHERE ACCIDENT
OCCURED TO CHARLES SHEARD 10-16-96
NO SCALE DRAWN BY R.W. HASCH



LOUISVILLE GAS & ELECTRIC CO.

SKETCH SHOWING POLE # 42315-88225
 AND POLE # E2-2468 IN FRONT OF
 1020 W. MARKET ST. WHERE ACCIDENT
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 NO SCALE DRAWN BY R.W. HASCH

NELSON ST

2.6 WP
3.1/0 WP

LEONARD
ABRAHAM
BREELAND
& CO.
LER. MAR
SALES CO.

643
MELILLO
&
ASSOC

ST.

700
THE
SVILLIAN
BLDG.

14
RIFFIN CO. INC.
16

DERBY CAP
MANUFACTURING
CO.

ST.
4.0 WP

7TH

ST.

628
624

6
ENT

LOUISVILLE GAS & ELECTRIC CO.
T & D SYSTEM INSPECTION
DATE INSPECTED 8/8/95
INSPECTOR TK MORGAN
NUMBER OF CORRECTION ORDERS 3

CITY OF LOUISVILLE (19)

N882.000

EC 422-882-1

