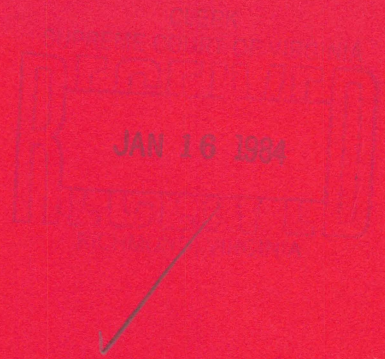


227 Va 265



IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

VIRGINIA ELECTRIC AND POWER)
COMPANY, SELF-INSURED,)
Appellant,)
v.)
MICHAEL F. KREMPOSKY,)
Appellee.)

Record No. 830202
Claim No. 105-55-77

APPENDIX

J. Kennerly Davis, Jr.
Virginia Electric and Power Company
One James River Plaza
Richmond, Virginia 23212

APPENDIX

TABLE OF CONTENTS

PAGE

Employer's First Report of Accident, dated May 26, 1982	1
Employer's letter to Claimant, dated June 3, 1982	2-3
Application for Hearing, filed July 29, 1982	4
Defendant's letter to Commission, dated August 19, 1982	5
Opinion by Deputy Commissioner Colville, Entered on September 8, 1982	6-9
Opinion on Review of the Industrial Commission of Virginia (Opinion by Commissioner Miller), entered on January 6, 1983	10-15
The Assignments of Error	16
Transcript pages from the Industrial Commission Hearing before Deputy Commissioner Colville on August 26, 1982	
Testimony of Wesley W. Childs [2-22]	17-37
Testimony of Carlton L. Utterback [22-37, 47-51]	37-52, 62-66
Testimony of Michael F. Kremposky [37-41, 46-47]	52-56, 61-62
Testimony of Michael V. Washington [41-43]	56-58
Testimony of Martin S. Travis [44-45]	59-60

APPENDIX (con't.)

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
Exhibits introduced at the Industrial Commission Hearing before Deputy Commissioner Colville on August 26, 1982	
Company Exhibit No. 1 - Drawing of Network Protector	67
Company Exhibit No. 2 - Portions of Defendant's Accident Prevention Manual	68-81
Company Exhibit No. 4 - Copy of Claimant's Receipt for his Accident Prevention Manual, signed and dated September 15, 1976	82
Company Exhibit No. 5 - Copy of Claimant's Receipt for his Accident Prevention Manual, signed and dated April 14, 1974	83
Company Exhibit No. 6 - Copy of Claimant's Receipt for his Accident Prevention Manual, signed and dated August 16, 1967	84

THE USE OF THIS FORM IS REQUIRED UNDER THE PROVISIONS OF THE WORKMEN'S COMPENSATION ACT

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF WORKMEN'S COMPENSATION
INDUSTRIAL COMMISSION OF VIRGINIA
P. O. BOX 1794 - RICHMOND, VIRGINIA 23214

Case of Michael F. Kremposky
File No. _____

EMPLOYER'S FIRST REPORT OF ACCIDENT

(Every question must be answered)

Employer	1. Name of Employer <u>Virginia Electric and Power Company</u> Phone No. <u>771-3154</u> 2. Address: No. and St. <u>P. O. Box 26666</u> City <u>Richmond</u> State <u>VA</u> Zip <u>23261</u> 3. Location, if different from mail address <u>One James River Plaza</u> 4. Insured by: Name of Company <u>Self-Insured</u> 5. Nature of business (or article manufactured) <u>Electric Utility</u>
Time and Place	6. (a) Location of plant or place where accident occurred <u>Alexandria, Virginia</u> (City or County) State if employer's premises _____ (b) If injured in a mine, did accident occur on surface, underground, shaft, drift or mill _____ 7. (a) Date of Injury <u>May 3</u> 19 <u>82</u> Day of week <u>Monday</u> Hour of day <u>11:45</u> A. M. _____ P. M. _____ (b) Was injured paid in full for day he was injured? <u>yes</u> 8. Date incapacity began <u>May 4</u> 19 <u>82</u> A. M. _____ P. M. _____ 9. Was injured paid in full for day incapacity began? <u>yes</u> 10. When did you or foreman first know of accident? <u>May 3, 1982</u> 11. Name of foreman <u>W. W. Chiles, Jr.</u>
Injured Person	12. Name of Injured <u>Michael</u> <u>F.</u> <u>Kremposky</u> <u>162-34-6334</u> (First Name) (Middle Name) (Last Name) (Social Security No.) 13. Address: No. and St. <u>4104 S. 36th Street</u> City <u>Arlington</u> State <u>VA</u> Zip _____ 14. Check (✓) Married, Single, Widowed, Widower, Divorced, Male <u>X</u> Female, No of Dependent Children _____ 15. Age <u>37</u> Did you have on file employment certificate or permit? _____ 16. (a) Occupation when injured <u>Network Lineman</u> (b) Was this his or her regular occupation? <u>yes</u> In what department regularly employed? <u>Construction</u> 17. (a) How long employed by you? <u>4-14-64</u> in present job? _____ (b) Piece or time worker <u>time</u> (c) Wages per hour \$ <u>12.27</u> 18. (a) No. hours worked per day <u>8</u> (b) Wages per day \$ _____ (c) No. days worked per week <u>5</u> (d) Average weekly earnings <u>\$490.80</u> (e) Work week starts on _____ and ends on _____ (f) Time shift started _____ A.M. _____ P.M. (g) If board, lodging, fuel or other advantages furnished in addition to wages, give estimated value per day, week or month _____
Cause of Injury	19. Machine, tool or thing causing injury _____ 20. Kind of power, (hand, foot, electrical, steam, etc.) _____ 21. Part of machine on which accident occurred _____ 22. (a) Was safety appliance or regulation provided? _____ (b) Was it in use at time? _____ 23. Was accident caused by injured's failure to use or observe safety appliance or regulation? _____ 24. Describe fully how accident occurred, and state what employee was doing when injured _____ <u>Employee burned by arc when using steel wool to clean energized conductor. Violated Company enforced safety rules.</u> 25. Name and address of witness <u>L. P. Hoynacki, Vepco employee</u>
Nature of Injury	26. Nature of injury (describe exact location of amputation or fractures, right or left) _____ <u>Severe burns to face, arms and chest area</u> 27. Probable length of disability <u>unknown</u> 28. Has injured returned to work? <u>no</u> If so, date and hour _____ At what wage \$ _____ 29. At what occupation? _____ 30. (a) Name and address of physician <u>Dr. Jordan and Dr. Nothwanger</u> (b) Name and address of hospital <u>Washington Burn Center</u>
Fatal Cases	31. Has injured died? <u>No</u> If so, give date of death _____

Date of this report 5-26-82 Firm Name Virginia Electric & Power Company
Signed by _____ Official Title Manager-Claims

June 3, 1982

Mr. Michael J. Kramposky
4104 South 36th Street
Arlington, Virginia 22206

Re: Accident of May 3, 1982
Crystal City Marriott
Arlington, Virginia

Dear Mr. Kramposky:

I trust that by the time you receive this letter you will be well on the road to recovery from your unfortunate accident and will soon be back with us.

As you probably know, following any serious employee injury the Company is charged with the investigation of the causation of the accident. An extensive investigation was conducted of your accident, including consultation with Northern division and district personnel and a complete inspection of the network protector at the Crystal City Marriott location.

The conclusions of the Northern division fact finding investigation, as well as the Claim Department's investigation, established the cause of the accident as due to an attempt to clean an energized bus without proper cover-up of energized electrical conductors and equipment. As I am sure you are aware, rule 423.04 of the Company's Accident Prevention Manual states, "Rubber protective equipment shall be placed so as to adequately cover all energized conductors of equipment . . . within the working zone or within reaching distance." Had this rule been followed, we feel that the injuries to you and Mr. Washington would have been prevented.

Safety rules are adopted by the Company for the safety of its employees and to prevent injuries and fatalities. When these rules are not followed, then workmen's compensation benefits are forfeited and cannot be approved in such cases. We regret having to take this action, but we do hope you understand and see how close this incident came to being very tragic for you and your fellow employee.

Mr. Michael F. Kravosky

Page 2

June 3, 1982

The denial of workmen's compensation, however, does not exclude your full utilization of the Company's Blue Cross and Blue Shield Health Plan and since we are denying workmen's compensation, you are eligible to use your accrued sick leave to cover lost time.

The decision we have reached in this case is the Company's position and if you feel grieved by this action, you do have the right to appeal this decision to the Industrial Commission of Virginia for a formal hearing before the Industrial Commission.

If you have any questions concerning any of the above, I will be happy to try to explain them to you.

Very truly yours,

E. J. Wright, Jr.
Manager-Claims

EJWjr/rwb

bc: H. A. Keever, Jr.
H. B. Peel
J. A. Broadus

July 21, 1982

Department of Workmen's Compensation
Industrial Commission of Virginia
P. O. Box 1794
Richmond, Virginia 23214

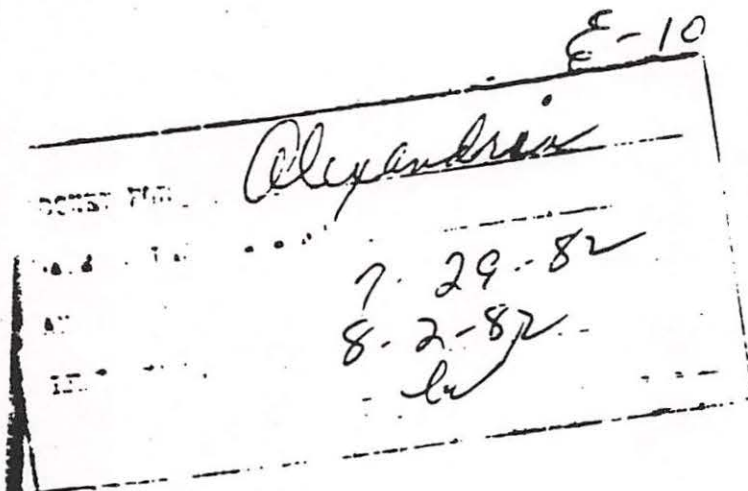
Dear Sir:

In reference to I. C. File No. 105-55-77, I would like to request a hearing on my behalf.

I feel that I was unjustly denied compensation for the injuries and time lost for an on the job accident.

Sincerely,

Michael F. Kremposky





VIRGINIA ELECTRIC AND POWER COMPANY, RICHMOND, VIRGINIA 23261

August 19, 1982

Alexandria Courthouse
Industrial Commission Courtroom
520 King Street - Suite 204
Alexandria, Virginia

ATTENTION: Carolyn J. Colville
Deputy Commissioner

Re: I. C. No. 105-55-77
Michael Frank Kremposky vs. Vepco
D/A: May 8, 1982

Dear Commissioner Colville:

In order to bring your file completely up-to-date on this case, I am enclosing a copy of Mr. E. J. Wright, Jr.'s letter of June 3, 1982, to Mr. Kremposky covering our denial of his claim. As you can see from the letter, our defense in this case will be willful violation of a known safety rule.

We would also like to notify you that we feel this hearing may take more than the twenty minutes allocated by your office. Our tentative plans are for no more than two witnesses on our part, but our past experiences with this type of defense indicates a hearing of probably longer than twenty minutes.

Very truly yours,

Dover J. Johnston, III
Senior Claim Representative
Claim Department

DJIII/agd

cc: Mr. Michael F. Kremposky
Enclosure

V I R G I N I A

IN THE INDUSTRIAL COMMISSION

MICHAEL FRANK KREMPOSKY, Claimant

v. Claim No. 105-55-77

Opinion by COLVILLE
Deputy Commissioner

VEPCO, Employer
- SELF-INSURED -

Richard E. Trodden, Esq.
4660 Kenmore Avenue, Suite 220
Alexandria, VA 22304
for the claimant

J. Kennerly Davis, Jr., Esq.
1 James River Plaza
P. O. Box 26666
Richmond, Va 23261
for the defendant

Hearing before Deputy Commissioner COLVILLE at Alexandria,
Virginia on August 26, 1982.

This case is before us on application of Michael Frank Kremposky filed July 29, 1982 alleging an injury by accident arising out of and in the course of his employment with VEPCO on May 8, 1982 causing a necessity for medical treatment and a period of total work incapacity from May 3, 1982 through June 23, 1982.

It is stipulated that the claimant was employed as a network lineman at an average weekly wage of \$490.00, that the claimant sustained burns to his left arm, chest area, neck, and face as a result of an injury by accident that took place while cleaning an energized conductor and that the claimant was disabled during the period alleged.

In compliance with the notice provisions of Rule 4 the employer defends the case on the ground that the claimant's injury was due to the willful breach of a safety rule regulation adopted by the employer, thereby precluding the awarding of compensation pursuant to the provisions of Section 65.1-38, Code of Virginia.

The record reveals that the claimant, an 18 year employee of VEPCO noticed that the energized bus bars inside a "network protector" were dirty and needed to be cleaned. He put on rubber gloves, removed the insulating barrier between two of the bars and took a piece of steel wool to wipe the energized bus. Apparently a piece of the steel wool connected two of the energized bars, approximately 2 inches apart, thereby causing an electrical explosion and the resulting burns on the claimant's body.

The record reveals that during his employment the claimant repeatedly signed for and received an "Accident Prevention Manual" which included Section 423.04 calling for the use of rubber protective equipment when working around all energized conductors. In the case at hand the claimant did not use the protective device at issue, the rubber blanket, to hang over the phases or conductors not being cleaned thereby isolating the bar being cleaned, which should have prevented any electrical connection and the resulting explosion.

Carlton Utterback, the company safety director testified that the rules found in the "Accident Prevention Manual" were enforced and that when a violation was revealed the employee was counselled, reprimanded or suspended. The rules were adopted for the safety of the employees and were brought to the attention of the employees through thrice yearly safety meetings. He was unaware of any time when an employee failed to use a safety blanket in violation of the above-mentioned rule and the company failed to act. In the claimant's case he talked to him at the hospital on May 3 at which time the claimant stated that he had "messed up" by not using the proper equipment. His last comment was apparently later repeated by the claimant to his foreman, Wesley Chiles.

The claimant testified that he did not feel that he could have wrapped the blanket around the other phases and on the one other

occasion that he had worked with energized equipment, he had not used a rubber blanket and did not receive any sort of reprimand.

Michael Washington, a network lineman for 12 years and Mark Traves, a network lineman for 11 years both testified that they had observed others working with energized buses without use of a rubber blanket without receiving any form of reprimand. Both also testified about the difficulties of keeping a rubber blanket in position contrary to the opinions expressed by Mr. Utterback and Mr. Chiles both also knowledgeable on the subject who felt that there were no major difficulties in attaching the blanket to hold it in place..

Section 65.1-38 reads in part as follows:

No compensation shall be allowed for any injury or death:

x x x x x x x x x x x

(4) Due to willful failure or refusal to use a safety appliance or perform a duty required by statute or the willfull breach of any rule or regulation adopted by the employer and approved by the Industrial Commission and brought prior to the accident to the knowledge of the employee.

The burden of proof shall be upon him who claims an exemption or forfeiture under this section.

Upon a review of this evidence we find that the employer had adopted a safety rule pertaining to the use of rubber protective equipment when working around all energized conductors for the protection of the employees which the claimant violated. We further find that while the management intended to enforce all of the rules found in the "Accident Prevention Manual", the network lineman frequently violated the rule without disciplinary action by the employer apparently out of the belief that a rubber blanket was too unwieldy to efficiently use. As such, compensation is not barred. [See Boone v. Suffolk Chemical Co., 57 O.I.C. 45; Breeden v. Ames & Webb, Inc., 34 O.I.C. 410].

Our award shall enter accordingly.

A W A R D

An award is entered in behalf of Michael Frank Kremposky against Virginia Electric and Power Comany providing compensation for total work incapacity at the weekly rate of \$231.00 from May 3 through June 23, 1982 on which date this award is vacated and set aside.

From the limited compensation awarded \$500.00 shall be deducted and paid to Richard Trodden for legal services rendered.

The employer shall provide necessary medical care for as long as necessary.

The case is ordered removed from the hearing docket.

V I R G I N I A : I N T H E I N D U S T R I A L C O M M I S S I O N

MICHAEL FRANK KREMPOSKY, Claimant

JAN - 6 1983

v. Claim No. 105-55-77

Opinion by MILLER
Commissioner

VIRGINIA ELECTRIC & POWER COMPANY, Employer
SELF-INSURED

Richard E. Trodden, p.q.
Suite 220
4660 Kenmore Avenue
Alexandria, Virginia 22304

J. Kennerly Davis, Jr., p.d.
1 James River Plaza
Richmond, Virginia 23261

REVIEW before the full Commission at Richmond, Virginia, on
December 3, 1982.

This case comes before the full Commission for a review of
the September 8, 1982 Opinion and Award of compensation.

It is uncontroverted that as a result of a May 3, 1982
accident arising out of and in the course of his employment, the
claimant suffered burns which necessitated his being incapacitated
from work until June 23, 1982. It is clear that after putting on
rubber gloves, this eighteen year employee of Vepco proceeded to use
steel wool to clean the energized bars inside a "network protector."
Apparently a slender thread of the wool connected the energized bars
causing an arc explosion. Although cleaning energized bars was not
part of claimant's assigned task, he had on at least one other occasion
performed this work. As his foreman stated, "he was trying to do a
good job."

The issue raised by this case is whether a sufficient willful
violation of a safety rule exist to deny compensation under §65.1-38
of the Code. Rule 423 which comprises 8 of the 105 page company safety
manual requires the use of a rubber blanket to cover all energized

conductors or equipment. While the claimant did receive a copy of the manual and was required to sign that he had read it plus attendance at periodic safety meetings, no evidence was offered to suggest that this specific rule had been more directly communicated to the claimant. While company official stated that a failure to follow the required safety procedure would result in some form of disciplinary action, two linemen, Michael Washington, with 12 years of service, and Mark Traves, with 11 years, both testified that co-workers had been observed violating the rule without being reprimanded. Skepticism concerning the feasibility of properly performing the job in the manner set forth in the manual was also voiced. In fact, testimony by Safety Director Utterback, Sr. revealed that in tests he was unable to place a rubber blanket completely around the unit as required by the safety guide. Finally it was unclear whether the use of the prescribed safety precaution would have prevented this accident.

For the violation of a safety rule to bar compensation, the claimant must have knowledge of the rule and it must be uniformly enforced. C. B. Mills v. Vepco, 197 Va. 547, 90 S.E. (2d) 124 (1954). Failure to properly enforce a safety regulation has the effect of condoning the action and nullifying the rule. Caniely v. Gordon Paper Company, Inc., 60 O.I.C. 74 (1981).

A careful weighing of all the evidence presented in this matter fails to preponderate in establishing that claimant had direct knowledge of the rule or, and more importantly, that it was strictly enforced.

Therefore upon review we concur in the conclusion by the Deputy Commissioner hearing the evidence finding that upon this record \$65.1-38 does not bar an award of compensation. Interest is applicable upon the award pursuant to statute. Accordingly, the September 6, 1982 Opinion is thus AFFIRMED.

Deputy Commissioner Wilhoit dissenting: (See attached)

I do not concur with the findings made by the majority in this case and must, therefore, respectfully dissent for the following reasons:

The Hearing Commissioner found that the employer had adopted a safety rule pertaining to the use of rubber protective equipment when working around all energized conductors for the protection of the employees and that the claimant violated this rule. With this finding I concur. The Hearing Commissioner further found that while the employer intended to enforce the rule in question, it failed to do so and, as a consequence, awarded compensation. With this finding I do not concur. Further, the majority opinion indicates that the claimant was not aware of the safety rule in question, however, I believe that the evidence clearly reveals that the claimant was aware of said rule in that he not only received a copy of the Accident Prevention Manual containing the rule but immediately after the accident the claimant, in effect, advised the employer's Safety Director that he had "messed up" and had not, in fact, followed the proper safety procedure.

As mentioned above, the claim was awarded by the Hearing Commissioner basically on the ground that the employer had failed to enforce the rule in question. In this respect a portion of the employer's Safety Director's testimony pertaining thereto is as follows:

"BY MR. DAVIS:

- Q Besides publication in this manual that is issued to Mr. Kremposky and all other employees, could you describe for us based on your knowledge as Division Safety Director how the company otherwise publishes and publicizes its rules regarding energized equipment.
- A The company publishes and issues to each supervisor weekly material for a 15 minute

[3.]

weekly safety meeting. Each employee is required to attend three general safety meetings a year which is conducted jointly by the safety personnel and by the district personnel in which the employee works. We continue through field observations of safety personnel to work with the employees and of course discuss safety related matters with them.

Q What is the company's policy and established practice with regard to safety rule violations?

A They are dealt with on individual merits either in counselling, orally or written, possibly a reprimand and there could even be suspension."

* * * * *

Q Could you describe your involvement and the procedure used to insure that a response is made?

A Yes, on unsafe observations, the safety supervisors make a copy of that report is-- a book on unsafe and good observation is completed and sent to the District Manager which will read and makes suggestions on it and sends it down to his department head and to the immediate supervisor for the appropriate action to be taken on the observations and when that is completed, it comes back to my office and I will monitor those to make sure that we do take appropriate action on violations of safety rules.

Q Is an appropriate action taken in every case?

A Yes it is."

The finding made by the Hearing Commissioner and the Majority that the employer failed to enforce the safety rule in question was based solely on the evidence of two fellow employees (not supervisory capacity) who testified that they had seen the safety rule violated on occasions without reprimand from the employer. If, in fact, the rule in question had been violated one or more times, there is absolutely no evidence in this record to show that anyone in a supervisory capacity representing the

[4.]

employer was aware of said violation. The case of Peanut City Iron and Metal Co., Inc. v. Jenkins, 207 Va. 399, 150 S.E. (2d) 120 deals with this very issue. The Virginia Supreme Court of Appeals found in that case that the employer enforced its safety rule, that the claimant was aware of said rule and, as a consequence, compensation was denied. In that case the Court said in part as follows:

"The most frequent ground for rejecting violation of rules as a defense, whether under the safety rule or wilful misconduct defense, is lack of enforcement of the rule in practice. Habitual disregard of the rule has been made the basis of rejecting the defense ***.

"However, this disregard of rules is relevant only if done under circumstances charging the employer with knowledge and acquiescence. * * *" See also Schneider, Workmen's Compensation, Vol. 6, 3rd ed., § 1577 (e), p. 333; Bradbury, Workmen's Compensation, 3rd ed., p. 544; Minor, Workmen's Compensation Laws, p. 253; 99 C.J.S., Workmen's Compensation, § 245, p. 869, 58 Am. Jur., Workmen's Compensation, § 203, p. 712.

"In Ragle v. State Compensation Commissioner, 125 W.Va. 450, 24 S.E. 2d. 756, the claimant, a brakeman on an electric motor in a coal mine, disobeyed his employer's rule against riding on the front end of the motor and was injured. In denying him compensation the court said:

"The contention that the employer connived at and waived the violation of its rules is not established. The mere statement of one witness that the rules (not the orders of superiors) were 'not strictly enforced to the letter'; the fact that another witness had never known an employee to be discharged for the violation of this particular rule; and the failure of the foreman to penalize the claimant for his first offense, are not sufficient to justify the conclusion that the employer had abandoned the rules and orders which it consistently and vigorously insisted upon." 125 W.Va. at p. 456, 24 S.E. 2d. at p. 758.

Based upon the evidence, I would find that this employer had, in effect, a safety rule for the purpose of protecting its employees; that said rule was known to the claimant; that the claimant violated said rule and that said violation resulted in the injury in question and the evidence is insufficient to show that the employer did not strictly enforce the rule.

I would deny the claimant compensation.

[6.]

II. THE ASSIGNMENTS OF ERROR

A. The Industrial Commission erred as a matter of law by failing to apply the legal principles set forth in Peanut City Iron & Metal Co. v. Jenkins, 207 Va. 399, 150 S.E. 2d 120 (1966).

1. The Industrial Commission majority erred in holding that Vepco failed to enforce consistently and strictly the safety rule violated in this case.

B. The Industrial Commission majority erred in holding that Vepco failed to establish that the Claimant had knowledge of the relevant Company safety rule prior to his accident.

employee's intentional failure or refusal to use a safety appliance or follow a known safety rule of the employer. Mr. Davis. am I correct in stating your defense to this case?

MR. DAVIS:

Yes ma'am you are, we do rely on subsection 38. Specifically, it's our position that this claimant in this case is not entitled to compensation because the May 3 accident in question resulted from his intentional actions in violation of a regional safety rule indoctrinated for his protection and enforced by the company well known to him prior to 3 of May.

DEPUTY COMMISSIONER COLVILLE:

Mr. Trodden, it's on your application, do you want to call your first witness?

MR. TRODDEN:

No ma'am, I would take the position that under Section 38 the burden falls upon the defendant...testimony, I would reserve rebuttal.

WESLEY CHILDS, Witness

BY MR. DAVIS:

Q Mr. Childs, would you state for the record your full name please?

A Wesley Wilson Childs.

Q What is your present position with Vepco?

A Cable foreman.

Q About how long have you been in that position?

A About three years.

[-2-]

Wesley Childs, Witness
Statements

Q How long have you been with Vepco altogether?

A Sixteen years.

Q On May 3 was Mr. Michael Kremposky working under your supervision?

A Yes he was.

Q As of that time, how long had he worked under your supervision?

A About a year and a half I believe.

Q What kind of work did he do when he was working for you?

A He's a network lineman and for the past eight months he had been working on network protectors.

Q Was that the kind of equipment he was working on on May 3?

A Yes it was.

Q You say for eight months he had been working on network protectors, had he been doing other kinds of work or was he assigned exclusively to work on network protectors?

A We had that crew assigned to work on network units, I'd say at least 95 percent of the time. The only time he would work on anything else would be...

Q I'd like to show you a picture from a publication from the General Electric Company that should be marked for identification as Company's Exhibit Number 1.

MR. TRODDEN:

In respect to counsel, I would object to the

proffering of this to the Commission until proper foundation has been made.

MR. DAVIS:

Well, this has been simply marked for identification at this time and Mr. Childs has referred to a specific piece of equipment called the network protector and I'm going to ask him a series of questions to describe yet for us. I know when I started on the case, I certainly wasn't personally familiar with it and I think his description of it and its characteristics bear on the events of this issue.

DEPUTY COMMISSIONER COLVILLE:

Go ahead.

Q Mr. Childs, could you tell us very briefly what a network protector is?

A A network protector is used on the transformers to maintain service and the network protector acts as an automatic switching device.

Q Where are they located?

A They would be on the low side of a transformer.

Q Above ground or below ground?

A They're used in vaults, submergeable--this would be a submergeable unit in this picture.

DEPUTY COMMISSIONER COLVILLE:

Is this the network protector used by Vepco?

A That's a similar design of one, we have different

[-4-]

Wesley Childs, Witness
Statements

types; GE, Westinghouse, but it's a basic design of a network protector.

DEPUTY COMMISSIONER COLVILLE:

Mr. Trodden, I know you're going to object if it's not the same.

MR. TRODDEN:

That's correct.

DEPUTY COMMISSIONER COLVILLE:

Let me keep your objection under advisement. It might help for me just to look at this diagram if the components are going to be the same.

MR. TRODDEN:

Madam Commissioner, may I...the witness to lay the proper foundation for my objection.

DEPUTY COMMISSIONER COLVILLE:

Certainly.

BY MR. TRODDEN:

Q Mr. Childs, this photograph of the network protector, have you been in the vault where this accident occurred on May 3?

A Yes I have.

Q Is this an exact duplication of the network protector that was in that vault that day?

A No it is not.

MR. TRODDEN:

I would object to the introduction of the photograph.

[-5-]

20

Wesley Childs, Witness
Statements

DEPUTY COMMISSIONER COLVILLE:

It hasn't been introduced at this point, I'm going to keep your objection under advisement. I want to see what kind of differences are going to arise. As to the difference or not of any great importance, then it might help to explain if everything occurred...

MR. DAVIS:

Certainly we never did intend to present it representing that it was a diagram of the network protector.

DEPUTY COMMISSIONER COLVILLE:

It might be of some assistance in understanding what he's testifying to.

BY MR. DAVIS:

Q Mr. Childs, there have been made various marks on here in brown ink one, two and three and I would like for you just in your own words to describe for us the network protector that was involved in this accident and to the extent that this picture represents the same kind of part or the same kind of relationship, feel free to refer to it but I would just like for you to describe the kind of equipment Mr. Kremposky was working on on May 3, just in your own words in as much detail as you like.

A Basically this picture is the same equipment, the hinges and so forth on the door are different, the features would be

a bit different on the unit that the accident occurred in but as far as equipment goes, it would be the same. This unit, the upper bus[?] marked A, B and C is energized from the network side of the system which is fed from an additional transformer. The lower bus is fed from the transformer that this unit would be hanging on the rear of. What we call the guts of the section you see rolled out marked 1 would be the bars that the unit is rolled out on. In this position, the guts, as we refer to it, are de-energized, the upper and lower bus stays energized.

Q How many buses or how many contact points that are energized, upper and lower, are there on the network protector that Mr. Kremposky was working on?

A It's a three phase unit, you have three energized buses on the upper section and three energized buses on the lower section fed from different sources.

DEPUTY COMMISSIONER COLVILLE:

The three on the top you're referring to as A, B and C?

A Right. The phases are the same on the lower bus and then the network system you have two circuits. One of this network unit would be hanging on an additional transformer and protector identical to this one tied back in through the top so that either circuit could feed the customer.

Q This particular drawing that's been supplied for information and assistance only shows the letters B and

C at the bottom, is there a third bus behind what you call the guts?

A Right.

Q About how long is the track marked number one that you say the guts are pulled out of, about how long is that track on the network protector that Mr. Kremposky was working on?

A I'd say it's approximately 30 inches which allows the guts to be pulled clear of the case.

Q So about how much clearance would that give between the back of the de-energized guts and the energized bus bars down there at the bottom?

A Between the bus and the rolled out unit, you would have approximately 30 inches.

Q How much clearance is there between each of the lower bus bars on the network protector that Mr. Kremposky was working on?

A I'd say around ten inches.

MR. TRODDEN:

I would object to that as speculation Madam Commissioner, unless he specifically measured it.

MR. DAVIS:

Well, he has said he has been in the vault.

DEPUTY COMMISSIONER COLVILLE:

I think he can give me a fair estimate.

Q When the network protector is first opened and the

guts pulled out, are there any separations or insulating devices between the three bus bars down below?

A Yes, he can see the barriers between phases. There is a small bar that goes through them--insulated bars that holds them together and they also attach to the rear of the dividers that are still on the unit.

Q The insulated dividers, where are they on this representative diagram, are they marked in any way?

A Right there between phases, the ones where you have column A, B and C.

Q Are they the barriers marked number two there?

A Yes they are.

Q Would there be an additional separate or insulated barrier between phase A and phase B if it's behind the pulled out guts here?

A In this picture, it looks as though the extension bus that's normally in any unit has been removed. You have the dividers, not the extension bus, you have dividers between phases and also they extend out at the lower portion and in fact, you can see the contacts, it looks as though they have been removed.

Q You're saying that some of the insulated...

MR. TRODDEN:

Madam Commissioner, I would object to this blatant leading of the witness.

[-9-]

Wesley Childs, Witness
Statement

BY DEPUTY COMMISSIONER COLVILLE:

Q To operate this unit, what exactly would you do, do you open up the front of the...pull out what you deem to be the guts?

Q You see the handle on the right side, that's the operating device to open the unit or take the load off of it.

Q When it's open, do you then pull out that portion that's marked number three, is that right?

A Right, you would open.

Q Do I understand that pulls out approximately 30 inches?

A Right. You have to unbolt the unit before you can pull it out, it's bolted to the upper and lower.

Q Where would you unbolt the unit on this?

A You see the small dots on the bus marked A, B and C, they're bolts attached there and fuses that come down to the unit that's rolled up. You also have four body bolts that have to be removed before the unit will roll out.

BY MR. DAVIS:

Q Mr. Childs, you said that you had talked with Mr. Kremposky about the accident, could you describe the events leading up to the accident as they're known to you?

MR. TRODDEN:

Madam Commissioner, I...

DEPUTY COMMISSIONER COLVILLE:

I think he can relate what was told to him by the claimant but that would be it. Anything-- Any other knowledge outside of what the claimant had told him would be speculation on his part.

Q Could you tell us what Mr. Kremposky told you about the facts leading up to the accident?

A He was in the process of cleaning the lower bus and found foreign matter on it and felt it necessary to try to clean the face of the bus off where it makes contact. Wasington was in the process of doing work on the rolled out portion. He made mention that it was dangerous and you have to be careful when you do this, the explosion occurred and the rescue units were called in to pick them up, that's all he has related as far as leading up to the accident.

Q Did he indicate anything to you about...

MR. TRODDEN:

Madam Commissioner, I object to him leading the witness.

DEPUTY COMMISSIONER COLVILLE:

Can you recall any other details mentioned to you at that time?

A He did mention that he had made a mistake.

Q Did you know or instruct him in advance to clean the energized bus bars, did you know that he was going to do this?

A No I did not.

Q Did the procedure he used to clean the bus bars, was it in accordance with company safety procedures?

MR. TRODDEN:

Madam Commissioner, I'm going to object, the witness not having been present during the period of time that is claimed...

DEPUTY COMMISSIONER COLVILLE:

I agree, he is not going to be able to say how it was done, he can give the company's procedure of what should have been done to clean those.

MR. DAVIS:

Well, he indicated that Mr. Kremposky had described to him that he was cleaning the bus bars and the activated bus bars.

DEPUTY COMMISSIONER COLVILLE:

Very little else was mentioned by the claimant, that's one of the problems I'm going to have.. That's why I think he can testify what the proper procedure was but he gave very little details of what the claimant told him as to what he did or did not do wrong.

Q Mr. Childs, could you describe the procedures if someone were to clean these energized pieces of equipment, what would the company procedures be to do that?

A If the situation were that you had to do them energized, you

would barricade yourself between phases and ground by using a barrier board or rubber good or something to isolate you. The dividers that are in this unit act as a barrier between phases, you would leave them in to protect yourself from contact between two phases at the same time and you would also use rubber blankets to do the same thing.

Q Are these procedures spelled out anywhere?

A They're standard procedure when working on energized conductors to insulate and isolate.

Q Could the energized bus bars and the network protector be cleaned if they were covered up and barricaded in this fashion?

A Yes they could be.

Q If they were covered up, would that have prevented the accident that occurred?

A It should have.

Q About how long did Mr. Kremposky work around energized equipment at the company at one time or the other?

A He's been with the company I believe for about 18 years. Most of that time he's been working around energizers.

MR. TRODDEN:

I'm going to object to this witness's speculation as to what he has done during that 18 years.

DEPUTY COMMISSIONER COLVILLE:

During the time that you've been supervising the claimant, what percentage of the time has he

been working around energizer equipment?

A I would cover the approximate year and a half that he's been under my supervision.

Q Mr. Childs, as a supervisor of the company, what is your regular response when some employee under your supervision has violated a safety rule of the company?

MR. TRODDEN:

Madam Commissioner, I would object as to what his regular response would have been if it's a violation of a safety rule, I don't believe it's germane. I believe what is germane is the violation of this alleged safety rule, I believe that is the issue before this Commission, not any safety rule.

MR. DAVIS:

Well, I think it is of interest to the Commission the other routine practice...

DEPUTY COMMISSIONER COLVILLE:

I'll allow him to answer it but I would like a follow up question in regard to a specific rule.

A In this case I talked to Kremposky about it and I told him that I thought he should have used a cover, use a rubber blanket or barrier to protect himself in this case.

Q What was his response?

A He realized that was true.

MR. DAVIS:

I don't have any further questions of Mr. Childs.

BY MR. TRODDEN:

Q You're Mr. Kremposky's foreman?

A I was at that time.

Q You're no longer his foreman?

A No.

Q On May 3, the time of the accident, you were not at the scene, were you?

A No I was not.

Q In reference to this photograph that you have given a description of, let's talk about the ways this photograph is different from the network protector that was in the vault in Crystal City on the date which he was injured. When was the last time you saw that network protector?

A I went back and looked at it on several occasions after the accident during that month.

Q Were you doing work on it at that time?

A We were just trying to figure out what we could do to prevent an accident from occurring like that again.

Q You had seen the network protector that he was working on?

A Right.

Q In what aspects does that network protector differ from the network protector that is portrayed in this photograph?

A The basic design of the cabinet is different, the hinging of the doorway is different.

Q In what way is it different, does it open from right to left or does it open from left to right?

A Well, this unit, of course, opens to the left.

Q The one that was in the vault in which Mr. Kremposky was injured, how does that open?

A I believe it opens to the left too.

Q The energized conductor which you had referred to in this diagram as A, B and C, is that correct?

A Right.

Q They are separated by barriers, are they not?

A They are.

Q Those barriers that separate those energized conductors are made of fiber board, are they not?

A They are.

Q So that you cannot attach a magnetic device to that fiber board?

A No you cannot.

Q The vault in which Mr. Kremposky was injured on May 3, do you remember whether that vault had any mud or water in it on that day?

A It did.

Q The clearance between these conductors, the difference, that is the space between A, B and C, you say it's approximately two inches?

A Right.

Q Could it have been three inches?

A It wouldn't be anymore than three.

Q It would be between and less, is that correct?

A Right.

Q When Mr. Kremposky gave you a statement or talked to you about the injury, didn't he also tell you that he was cleaning these energized conductors with steel wool?

A He was.

Q It is not a violation of Vepco's safety ordinances to use steel wool, is it?

A I believe it is but at the time...

Q Could you tell me which one?

A I don't know if it's a written violation but...

Q I'm asking you is it a violation of a written safety regulation to use steel wool?

A Not that I know of.

Q Isn't it a matter of fact Mr. Kremposky told you that he thought the accident occurred because one piece of the steel wool had been connected inadvertently to one conductor and evidently had marked when he took the steel wool over to another, thus creating a thin strand of steel from one conductor to the other?

A He said there was a possibility.

Q As a matter of fact, isn't that what he was talking about when he said he thought he had made a mistake?

A I don't believe he was referring to that when he said he made a mistake.

Q Just what do you believe he was referring to?

A The fact that he hadn't isolated the separate phases before working on them.

Q You didn't know that he was going to be using steel wool on this day, did you?

A I know they were using it for cleaning parts but not on energized bus.

Q As a matter of fact he was doing this just because he was a selfless employee without even being ordered to clean these buses, was he?

A He was trying to do a good job.

Q You talked about he should barricade himself from these energized conductors, A, B and C, is that correct?

A That's true.

Q A, B and C would stand right in front of him, is that correct, as he is cleaning them, they would be at what height in terms of his body?

A The lower bus would be on the particular unit he got hurt on, would be about his belt height or a little lower. The upper bus would be about eye level.

DEPUTY COMMISSIONER COLVILLE:

How large is this entire network that you're talking about?

A It's approximately four feet across and it's mounted on a transformer off the floor and it's approximately five to five and a half feet tall.

Q Would this door be any help in talking about the size of the box?

A It would be similar to the upper half of the door.

Q So as you would be cleaning A, B and C, they would be at eye height and at about waist height?

A Approximately, yes.

Q Would you describe how you would protect yourself from B and C at the top and A, B and C at the bottom as you cleaned A at the top?

A Well, if you have the barriers in and hang a rubber blanket over the two phases that you're not working on, you would be able to...

Q How would you hang that rubber blanket over the two phases that you are not working on?

A We use...and the blankets have holes in the outer edges so you can hang them or attach them by tying them up or you can use pins.

Q Tell us about how you would tie them up, what would you tie them with?

A Well, you would use marline and tie them over the front of the unit.

Q When you refer to the marline, what are you referring to on this photograph, is this marline on this photograph, is this marline on this photograph?

A No, it's string, heavy string.

Q So you're referring to something that's not on this photograph?

A Right.

Q So was something in this particular unit that's not reflected in this photograph?

A Well, the marline or the rubber blankets are not there.

Q Is the marline a stationary piece of equipment to the network transformer that Mr. Kremposky was working on on May 3?

A No it isn't.

Q Where would he get this marline?

A We carry it on the trucks that they work off of.

Q Was there a truck at this job site that day?

A There was.

Q Where about was it parked?

A It's on the ground level.

Q How do you fix this marline so that it covers the network?

A You tie the corners of the blanket, drape it over the outer portion of the case itself.

Q How do you affix the marlin to the case?

A Well, you could tie it to the lifting eyes?

Q Lifting eyes?

A Right, you see one just to the right of the picture

Q Wouldn't that also then cover section C?

A Right, you're attempting to work on A, right?

DEPUTY COMMISSIONER COLVILLE:

I believe the whole idea was to cover B and C

Q Correct, I'm trying to get where the marline would go, it would go up in that eye, what else would it hook up to?

A You have an eye on the other side, you would have to adjust your blanket to one side, whichever side you wanted to work on, you had to adjust the other side.

Q Would it be basically like an old fashioned drape that you would have a rope across and you'd have these blankets hanging down, is that basically what it would be?

A Right.

Q What did you say, you slide the rubber blanket from one side to the other?

A You would have to readjust it each time you work on a different phase.

Q How would you do that readjusting?

A You'd take it a loose and rehang them.

Q Would it fall down as in a flowing drape?

A Right.

Q If a piece of steel wool had been connected inadvertently or attached to a corner inadvertently to one bus, that drape would not have prevented that string of steel wool from contacting the other, would it, if it had been inadvertent.

A It should have prevented it.

Q Tell me how.

A Like I said, you're also using the barrier between the

bus and using the blanket for protection in the front of it.

Q Let's say that this square is the bus and that Mr. Kremposky is cleaning this bus and that inadvertently on the corner a piece of steel wool or very slim strand of that steel wool would become attached to that bus and he then goes on to the next bus, thus creating a link by that narrow stand of steel wool. Isn't it quite possible that the...could have occurred that way?

A With the barrier in place, you couldn't go from one bus to the other.

Q The barrier does not come out into infinity, does it?

A No, it extends approximately six inches beyond the bus

Q So if you have a long amount of strand, as you reach around that six inches the arc could occur, could it not?

A If he had a strand that long it would.

Q You stated that Mr. Kremposky that he should have covered this with a blanket, is that correct?

A True.

Q You told him that after the accident, didn't you?

A True.

MR. TRODDEN:

I have no further questions.

CARLTON L. UTTERBACK, Witness

BY MR. DAVIS:

Q Mr. Utterback, could you state your full name for the record please?

[-22-]

Wesley Childs, Witness
Carlton Utterback

A Carlton Lee Utterback, Sr.

Q What is your present position with Vepco?

A Division Safety Director.

Q For which division?

A Northern division.

Q Does that division include the City of Alexandria?

A Yes it does.

Q How long have you been in that position?

A Since October of 1976.

Q How long have you been with Vepco altogether?

A Since September, 1959.

Q Since 1959, have you ever worked in a position of the company that involved energized equipment?

A Yes I have.

Q What was that position?

A I worked in the line department for approximately six years.

Q What was your position in the line department?

A I was a helper at the time.

Q In your present position as, Division Safety Director, I wonder if you could for the Commissioner and the record just briefly list your responsibilities?

A Responsibility of enforcement of safety rules, compliance of safety rules and the benefit of the employee.

Q Does the enforcement of safety rules include any

responsibilities for the investigation of accidents?

A Yes it does.

Q In your capacity as Division Safety Director, did you have occasion to become personally familiar with this case involving the May 3 accident of Mr. Kremposky?

A Yes I did.

Q What was your participation in this accident or what was your involvement in it?

A I chaired the investigation committee.

Q Did you in connection with this investigation ever talk with Mr. Kremposky about the events on May 3?

A I talked to Mr. Kremposky on May 3 at the hospital.

Q Did he describe to you what happened on that date?

A Yes he did.

Q In addition to your conversation with Mr. Kremposky, did you talk to members of his supervision about the events on May 3?

A Yes I did.

Q Did you personally visit the scene of the accident and look at the network protector?

A Yes I did.

Q What did Mr. Kremposky tell you happened on May 3 that led up to his accident?

A When I walked in to the hospital to visit Mr. Kremposky, I asked him how he was feeling, how he was doing and he just told us that he had messed up and the fact that he did not use

the necessary protective equipment to protect himself from the fall...

Q Did he describe what actually he was doing at the time of the accident?

A Yes, he told me he was cleaning the outer portion of the bus and the secondary side of the transformer.

Q Did he indicate that he had used any...

MR. TRODDEN:

Madam Commissioner, I would object to this leading of the witness. If the witness has something to say, let him say it but to ask him did he say this, then did he say that is blatant and I object to it.

DEPUTY COMMISSIONER COLVILLE:

That is rather leading Mr. Davis, could you try to get it a little more generalized?

MR. DAVIS:

I certainly have no problem in that.

Q Could you just tell us everything that you recall about what he said about the events on May 3 that led up to the accident?

A Yes, he told us, you know, that we had been telling them if they continued small accidents, we would get into a large one, that...

MR. TRODDEN:

Madam Commissioner, I believe the question was

what he told them, not what he told Mr. Kremposky.

DEPUTY COMMISSIONER COLVILLE:

We're interested in what the claimant told you.

A This is what Mr. Kremposky told me. After I asked Mr. Kremposky how he was feeling, if he was okay, then he proceeded to tell us what he had been told before if in safety meetings that if a lot of little accidents occurred, there would be a large one to occur and it appeared that this was a large one and then he proceeded to tell us that he was cleaning the energized bus and the secondary side of the transformer with the use of steel wool with no protective equipment being used from protection from face to phase or phase to phase.

Q When you say phase to phase, that is not a term that is not very familiar to me, could you briefly in layman's term describe what phase to phase means?

A On the secondary side of that transformer there is three bus bars and the phasing A, B and C from left to right in that particular transformer, so we're talking from one bus bar to the other one.

Q When you say secondary side, do you mean upper or lower?

A I mean the side of the transformer which he was working.

Q Is each of the three phases energized?

A They are energized.

Q Based on your investigation of this accident, the

committee that you chaired, what was the conclusion...

MR. TRODDEN:

Madam Commissioner, I would object to that. That's an ultimate issue to be decided by this Commission.

DEPUTY COMMISSIONER COLVILLE:

Mr. Davis, I'm not really sure I need that. That conclusion reached by the committee when the ultimately the conclusion is supposed to be reached by the Commission. If you're getting at any action that was taken by the committee, I can accept that but their conclusions are not going to be binding either.

MR. DAVIS:

Not as to anything specifically that relates to Section 38 but the committee made findings as to the facts that lead to the electrical accident.

DEPUTY COMMISSIONER COLVILLE:

Their conclusion I assume is going to be based on what other persons have told them. I believe this gentleman can state whatever he personally observed. He said he went out to the scene and I think he can state what he personally saw but what the committee arrived at in a conclusion, I don't think it's going to be probative for us. It's going to be based on other people's observations to him.

I think he can state what he personally observed and what he personally investigated.

Q Mr. Utterback, did you go out to the scene and look at the piece of equipment in question?

A Yes I did.

Q Could you tell us or describe for us what you saw and any factual determinations that you came to based on your examination of the scene?

A Yes I observed as I indicated the three bus bars in there, there was a lot of smudging or smoking where there had been a fire, everything was exactly as it was I was told at the time of the accident, nothing had been moved or anything.

MR. TRODDEN:

I would object Madam Commissioner, that is again hearsay.

DEPUTY COMMISSIONER COLVILLE:

It is hearsay but I'll accept it.

Q Which rule did the committee refer to and concluded was violated, which company safety rule?

MR. TRODDEN:

Madam Commissioner, what the committee referred to is not an issue before this Commission.

DEPUTY COMMISSIONER COLVILLE:

Why don't we find out first of all, sir could you first of all relate to the Commission what safety rules.

A They are Vepco safety rules.

DEPUTY COMMISSIONER COLVILLE:

Are there written safety rules?

A There are written safety rules in an Accident Prevention Manual.

Q Would you indicate to the Commission what safety rules were involved in this accident?

A Rule 423 entitled "Rubber and Composition Protective Equipment", page 60.

MR. DAVIS:

We have the...man here if anybody has any particular...

MR. TRODDEN:

Madam Commissioner, I would object to this whole line of questioning. The question is not what the manual says, the question is under Section 38 as to what Mr. Kremposky knew.

DEPUTY COMMISSIONER COLVILLE:

I'll accept this simply as an exhibit for what the company's rules involved.

Q Mr. Utterback, Rule 423 is part of what publication?

A Part of the Accident Prevention Manual issued to the employees by Vepco.

Q Is that manual issued to all employees?

A Issued to all employees.

Q Was it issued to Mr. Kremposky?

A Yes it was.

Q When you talked to him, did he say anything to you about the relationship between company safety rules and the events on May 3.

A Yes, he did comment that there was no protection being used between the phases in that particular compartment.

Q Despite the fact that that is in the rules.

A It is in the Accident Prevention Manual, yes.

Q Why were these rules adopted by Vepco?

A For the safety and well being of the employee.

Q Besides publication in this manual that is issued to Mr. Kremposky and all other employees, could you describe for us based on your knowledge as Division Safety Director how the company otherwise publishes and publicizes its rules regarding energized equipment. ^{kw} A The company publishes and issues to each supervisor weekly material for a 15 minute weekly safety meeting. Each employee is required to attend three general safety meetings a year which is conducted jointly by the safety personnel and by the district personnel in which the employee works. We continue through field observations of safety personnel to work with the employees and of course discuss safety related matters with them.

Q What is the company's policy and established practice with regard to safety rule violations?

A They are dealt with on individual merits either in counselling, orally or written, possibly a reprimand and there could even be suspension.

Q Depending on the circumstances?

A Depending on the circumstances.

Q What steps do you take personally to insure that this kind of enforcement is regularly carried out?

MR. TRODDEN:

I object to the relevance of that question. I don't believe that's a relevant issue as to whatever steps he may have taken to enforce this, I think the issue is one as to whether this particular regulation was ever enforced and brought home to Mr. Kremposky.

MR. DAVIS:

Mr. Kremposky's awareness of the rule is certainly an issue but I think so is the company's established practice.

DEPUTY COMMISSIONER COLVILLE:

I think the company's established practice in enforcing the rule is relevant and I'll allow you to briefly go through that.

Q Could you describe your involvement and the procedure used to insure that a response is made?

A Yes, on unsafe observations, the safety supervisors make a copy of that report is--a book on unsafe and good observation is completed and sent to the District Manager which will read and makes suggestions on it and sends it down to his department head and to the immediate supervisor for the

appropriate action to be taken on the observation and when that is completed, it comes back to my office and I will monitor those to make sure that we do take appropriate action on violations of safety rules.

Q Is an appropriate action taken in every case?

A Yes it is.

MR. DAVIS:

I have no additional questions.

BY MR. TRODDEN:

Q How long have you been in the position of Safety Director?

A Since October, 1976.

Q When is it that a copy of these rules that you gave to Mr, Kremposky?

A I have no idea as to the date but each employee signs a receipt that says that he has received a copy of the Accident Prevention Manual.

Q Do you have such a slip from Mr, Kremposky?

A I do not have it here, no.

Q So you cannot testify as to your own knowledge that Mr. Kremposky did receive one of these?

A I could if I went to his personnel jacket.

Q I'm asking you today.

A Yes, I know for a fact that he has received it.

Q Tell me how you know that fact.

A Because I looked in his personnel jacket to see if there was a receipt there indicating that he had received the manual.

Q You didn't bring that receipt with you today?

A I don't have it with me on my person.

Q How many pages are there in this Accident Prevention Manual?

A There are 105 numbered pages.

Q How many accident prevtion rules are there, individualized rules?

A I would have to go through this manual to tell you how many there are.

Q They're not numbered in sequence?

A They are numbered, the rules continue through page 103.

Q What is the last numbered rule?

A The last numbered rule is 717.

Q You testified that an employee is required to attend a safety meeting three times a year, is that correct?

A That is correct.

Q How long are these safety meetings?

A Those particular meetings will range from an hour to two hours.

Q During the course of one year, you have six hours of safety instruction?

A In that one particular meeting.

Q You testified that you visited Mr. Kremposky in the hospital on the day of the accident, I'd like to show you a photograph of Mr. Kremposky and ask you if this was the condition Mr. Kremposky was in at the time you visited

him at the hospital?

A At the time I visited Mr. Kremposky at the hospital, he was bandaged and I did not see his...

Q Was his face bandaged?

A A portion of his face was bandaged.

Q Was anything in his mouth?

A He did have a cover over his mouth for oxygen I believe it was.

Q Similar to this photograph?

A No, the cover he had covered his nose and mouth.

Q He was in intensive care when you saw him at that time, wasn't he?

A Right.

Q He had just received second and third degree burns to his body?

A I was told that that was what the doctor thought at that time that he had.

Q Did you have a tape recorder when you took the statement of Mr. Kremposky?

A No I did not.

Q Did you make hand-written notes of the statement that Mr. Kremposky made to you?

A No I did not.

Q When was the first time that you were asked to think back to that statement that Mr. Kremposky made to you?

A I don't know that I have been asked to think back to that statement Mr. Kremposky made.

Q So today, August 26, is the first day that you have thought back to the statement that he made to you on May 3?

A No it is not the first time I've thought back personally, no it is not.

Q When was the first time your attention was directed to that statement that you thought back and recalled?

A Well, I think back quite often, even while I'm at home about the safety of our personnel. I'm concerned about them so I cannot...

Q I understand that, I'm asking you a specific question about the conversation you made on the 3.

A Would you restate your question?

Q When was the first time that you went back in your mind to the conversation you had with Mr. Kremposky in the intensive care unit on May 3?

A I would say that night while at home.

Q Did you make any notations or recollections of that conversation?

A I did not make any notes of that conversation.

Q He told you that he was using steel wool on that day, didn't he?

A Yes he did.

Q You're not aware of any violation of safety ordinances that involve the use of steel wool, are you?

A There's nothing written in the Accident Prevention Manual

that indicates a violation of the use of steel wool.

MR. TRODDEN:

I have no further questions of this witness.

BY MR. DAVIS:

Q You've indicated that you had a conversation with Mr. Kremposky shortly after the accident. Reference has been made to an oxygen mask and so forth, could you explain how it was that you had conversations with him and how that related to the oxygen mask?

A Mr. Kremposky had no problem talking with the mask on. His face was--the portion that was not wrapped was certainly greased with medication, he did have difficulty in keeping the mask in position and from time to time he would hold it out if he wanted to say something.

Q Did you have any trouble understanding him?

A No I did not.

Q In all the safety manuals and all the safety rules, what is the most often referred to rule regarding work with energized equipment?

MR. TRODDEN:

Madam Commissioner, I would object. That is beyond the scope of cross-examination.

MR. DAVIS:

No, the suggestion was that there were a lot of rules in the book and so forth and I think it's helpful and I think certainly appropriate from

the witness' position as Division Safety Director for him to point out the relative importance of a particular rule.

MR. TRODDEN:

Madam Commissioner, I believe the record speaks for itself and the factual matters have been gone into and to open up a whole new line of inquiry would be inappropriate.

DEPUTY COMMISSIONER COLVILLE:

I'll note your objection, sir, are there particular rules that are particularly emphasized to the employees?

A Yes, I would say any rule in the Accident Prevention Manual concerning to the section or the electric operation would be.

MICHAEL FRANK KREMPOSKY, Claimant

BY MR. DAVIS:

Q Mr. Kremposki, on May 3 when you were working on the network protector in the vault, could you tell us how is it that you came to decide to work on the energized bus bars?

A Well, we'd been doing it in the last six months, we do maintenance on the protector guts itself.

Q Are those the same guts referred to by Mr...

A The mechanical portion of the unit, the automatic portion.

Q The nonenergized portion?

A Right, at this time I happened to notice that the contacts on the automatic portion with the guts was very-- the unit had been stripped down and we also stripped whatever we could get from the inside of the cabinet to clean it also plus wipe down the whole inside of the cabinet with a rag. It was at this time when I noticed that the contacts were dirty on the mechanical portion. I had cleaned them and I looked at the bus and at that point in time I put a glove on with the steel wool and went inside to clean.

Q Why did you put a glove on?

A Because it was energized.

Q Were you specifically instructed to clean the energized portion?

A No, that was something I had to do on my own.

Q Before cleaning the energized portion, is it not true that you removed the insulating barriers between?

A Just the bottom section where the stud bolts go into the bus.

Q Was that the section that you were working on when the electrical accident occurred?

A Yes.

Q Mr. Trodden went over to the door a little while ago and I hope this is clear on the record but I want to be sure that everybody understands about what you were doing. If you say that these squares in the door were energized buses, you say

that you removed the insulative protective boards between them first?

A Yes, that was a normal practice that we did.

Q You had a piece of steel wool in your gloved hand, you were wiping the surface of the first energized bus and then you moved across to the other?

A Yes.

Q Are they all on the same level?

A Yes.

Q Mr. Trodden indicated that you thought that the accident occurred because the steel wool got hung up between the two?

A That was my understanding, that's the only thing I could have thought could have happened. There was no clear statement that an accident did in fact happen but we assume it did.

Q If you had covered up the box with a rubber blanket while you were working on it, stop working on the one, cover the first one and then work on the second one, you would not have been able to have proceeded as you did, that is, wiping one and then wiping them both together, is that right without personally covering the second one?

A Well, it would depend on how you covered it up, if you did cover it up or if you thought of covering it up.

Q But if it were covered up you'd have to uncover it to clean it?

A In my opinion you can't cover the bus up safely the way you are stating there, you can't do it properly to begin with.

Q If one of the two or two of the three were covered in an insulated device, you would have to remove that device before you cleaned it, is that right?

A If it were covered.

Q Have you ever cleaned the lower energized bus, the contact points in a network protector?

A I did once.

Q On that occasion would you also remove the fiber board insulator?

A No, on that particular occasion the fiber was already put back in when I noticed the bus was dirty.

Q So you...separaters in?

A Yes.

Q You didn't have any accident that day, did you?

A No but it was quite difficult to clean with the fibers in.

Q But you did clean them?

A Yes.

Q Mr. Kremposky, reference has been made to the employee safety manual, Accident Prevention Manual actually, I'd like to show you something that has been marked for identification as "Company Exhibit No. 3" and ask you if it is not a receipt that you signed in 1976 when you received this edition, this latest edition of the Accident Prevention Manual.

A It's got my signature on it, so I assume that it is mine.

Q You first started with the company at what time, what year?

A April '64.

Q I'd like to show you something that has been marked for identification as "Company Exhibit 4," we'll have to make additional copies of this but I can represent that it is the same document of an earlier edition.

MR. TRODDEN:

I don't know what point counsel is referring to but I believe the document speaks for itself.

MR. DAVIS:

Well, the issue was raised by Mr. Trodden as to the personal awareness of the employees, about the safety rules and...

DEPUTY COMMISSIONER COLVILLE:

We'll make those exhibits five and six then.

Q Those are your signatures?

A Yes.

DEPUTY COMMISSIONER COLVILLE:

What is the earliest date on that Mr. Davis?

MR. DAVIS:

The earliest date is Company Exhibit 4 and that's 1964, number five is 1964, number six is 1967.

MICHAEL V. WASHINGTON, Witness

BY MR. TRODDEN:

Q Mr. Washington, please state your full name and occupation for the Commission.

A Michael Vincent Washington, network lineman for Vepco.

Q How long have you been employed for Vepco?

A About 12 years.

Q Mr. Washington, you were present, were you not, with Mr. Kremposky at the time of the accident on May 3?

A Yes.

Q Would you describe for the Commission the vault and the network transformer that you were working on that day?

A Well, the vault is about 15 to 20 feet wide and I'd say maybe 30 feet long.

Q Is it underground?

A Yes, you've got a grade on top and a transformer sits about the middle with the protector unit hanging on one end and we were just cleaning it and everything.

Q Was there any water or mud in that vault that day?

A There was a little bit in the bottom, yes.

Q During the period of time that you had been employed with Vepco, have you had occasion to see work on or about exposed conductors being done?

A Yes.

Q Have you seen occasions which those buses or conductors were not wrapped with a rubber blankets?

A Yes.

Q On those occasions that you have seen the rubber buses or conductors not being covered with a rubber blanket, have you seen any employee be reprimanded for that?

A No.

Q Have you seen any employee be docked for pay for that?

A No.

Q Have you seen any employee be chewed out for that?

A No.

Q Would you describe, if you can, how a rubber blanket would have covered one of those buses?

A Well, the blanket is really so big, they've tried...the pins that we use, they wouldn't really do the job.

Q Why would you have to use pins?

A That's the only way really to hold them up in there.

Q Have you attempted to do this before?

A Just once.

Q Would this be approximately the size of a bus or would it be more or less...

A It's a little longer than that, it's about from the bottom to the top to the bottom of the middle.

Q It's about this long?

A About that.

Q You would have to wrap the entire thing with the rubber blanket.

A You can't get behind it to grab it. You can't get up in there really to get all the way around it if it's hot.

MR. TRODDEN:

I have no further questions of this witness.

[-43-]

Michael Washington, Witness.

MARTIN S. TRAVIS, Witness

BY MR. TRODDEN:

Q Sir, would you please state your full name and occupation for the Commission?

A Martin Stuart Travis, I'm a network lineman.

Q How long have you been employed for Vepco?

A Approximately 11 years.

Q Mr. Travis, during the course of your employment with Vepco, have you had an opportunity to observe employees working on or about exposed conductors or buses that had not been wrapped with rubber blankets?

MR. DAVIS:

Objection, there is no indication either to my knowledge or the introductory questions asked that Mr. Travis was present on the 3 of May or in any way connected with the accident.

DEPUTY COMMISSIONER COLVILLE:

What he is trying to establish is the lack of policy I assume in the past and I'll accept it for that the same way I accepted your policy.

Q During the 11 years that you have been working with Vepco, have you had an opportunity to observe employees working on or about exposed conductors or buses, that is, buses or conductors which have not been wrapped with rubber blankets?

A Yes.

Q Seeing this, have you seen any of those employees be reprimanded for so doing?

A No.

Q Have you seen any of them being docked for pay or fired?

A No.

Q Have you seen any of them being chewed out for that?

A No.

Q Are you familiar with the location which Mr. Kremposky was injured on May 3, the vault in the Crystal City area?

A Yes.

Q Have you worked in that area?

A Yes.

Q Is it possible to place a rubber blanket around one of those buses?

A You can put the blanket up there but there is no way to keep it in position.

Q Why would that be?

A The blanket pins won't fit around the bus.

MR. TRODDEN:

I have no further questions.

BY MR. DAVIS:

Q I don't know if I've got clear in your introductory remarks what your position is.

A I'm a network lineman.

Q That's not member of supervision, is it?

A No.

MR. DAVIS:

No questions.

MICHAEL FRANK KREMPOSKY, Claimant

BY MR. TRODDEN:

Q Mr. Kremposky, on the energized bus that you were working on May 3, were you able to wrap that bus with a rubber blanket?

A Well, on that day I don't even think I gave it a thought of using a rubber blanket in my haste of trying to get the job done.

Q The question was were you able to wrap it safely with a rubber blanket?

A No, I don't believe you could, I've never seen one actually really wrapped.

Q During the period of time that you have been employed with Vepco, have you seen any employees working around exposed buses that have not been wrapped in rubber blankets?

A The whole time we were doing maintenance on protectors we never put any protective barrier between us or the bus.

Q How long have you been doing that?

A At that time I think about six or eight months.

Q During that six or eight months were any of you chastised or reprimanded for that?

A No.

Q Were any of you docked for pay or fired?

A No.

Q Was your foreman the same foreman that testified today?

A Yes.

MR. TRODDEN:

No further questions of this witness.

BY MR. DAVIS:

Q I believe you said earlier in your six to eight months working on protectors, you only cleaned the energized bus twice?

A Correct.

MR. DAVIS:

No further questions of him.

CARLTON UTTERBACK, Witness

BY MR. DAVIS:

Q Mr. Utterback, in your position as Division Safety Director, are you personally aware of anytime when company supervision has condoned a violation of rule 423?

MR. TRODDEN:

Madam Commissioner, I don't believe that is an issue. Condoning is not...issue as whether a regulation has been enforced...

MR. DAVIS:

Well, failed to respond to--condone.

DEPUTY COMMISSIONER COLVILLE:

Are you aware of any violations that the company did not act upon?

A No I am not.

Q As a part of your investigation of this particular

accident, you said you visited the vault. As a part of that investigation, did you take a piece of rubber goods and see if it was possible to have covered up the bus?

A Yes we did.

MR. TRODDEN:

Madam Commissioner, I would object to--If there is going to be testimony concerning an experiment, that the experiment be done in the exact nature as the conditions were on that day and there has not been the proper foundation laid. He testified that he came there after the accident had occurred and he could not testify as to what, if anything, had been done in the vault prior to that period of time, thus he has not established a proper foundation to lay an experiment.

DEPUTY COMMISSIONER COLVILLE:

Is the nature of the testimony going to be that a blanket could be placed there?

MR. DAVIS:

Yes.

DEPUTY COMMISSIONER COLVILLE:

I'll let him testify to that.

Q Could you describe the experiment that you conducted, if you want to call it that?

A Yes, we did take a blanket and fold it, placed it around the bus.

Q How did you attach it to the bus?

A He did not attach it, he pushed it in between the two buses.

Q How did it stay in position?

A It stayed there by the ridgedness of the blanket itself.

Q About what was it in approximate dimension of?

A It was about 16 by 16 approximately folded.

DEPUTY COMMISSIONER COLVILLE:

Was that inches?

A Inches.

Q That blanket then separated the two buses?

A Yes it did.

Q Was this blanket provided by the company as part of the safety equipment?

A Yes it is.

MR. DAVIS:

No further questions.

BY MR. TRODDEN:

Q You say you wedged the blanket between the two?

A We folded the blanket and placed it around the bus between the other one.

Q Did you cover the top of the bus?

A The top of the bus can be covered.

Q That's not the question, the question is did you cover the top of the bus?

A We covered about half of the bus.

Q You didn't cover the entire bus then?

A We covered the lower half of the bus.

Q Did you not cover the entire bus?

A No I did not cover the entire bus.

MR. TRODDEN:

No further questions.

BY MR. DAVIS:

Q Did the blanket cover the area of the bus that was energized and that Mr. Kremposky was working on?

A Yes it did.

MR. TRODDEN:

I object, he was not even present when Mr. Kremposky was there.

DEPUTY COMMISSIONER COLVILLE:

As far as I can see, unless he can testify what area the claimant told him he was working on, his own personal knowledge then I'll allow it.

Q I think I asked you how large the dimensions of the blanket that you pushed in, could you tell us again?

DEPUTY COMMISSIONER COLVILLE:

16 by 16.

Q How large was the energized surface that the claimant was working on about in square inches?

MR. TRODDEN:

Madam Commissioner, if he was not present, how can he tell as to what the surface of the energized

conductors that Mr. Kremposky was working on.

MR. DAVIS:

Well, I can recall Mr. Kremposky but I don't think there is any dispute about the physical characteristics of the surface that he's working on and I'm only trying to clarify the relation of the size of that piece of the equipment to the blanket.

MR. TRODDEN:

I certainly do not...that we are not in dispute, I believe everything is in dispute.

Q Could you give us the approximate dimension of the surface that the claimant was working on and cleaning?

A It would be approximately four inches by two inches.

MR. DAVIS:

No further questions.

BY MR. TRODDEN:

Q The rules in your rule book, specifically 423, Section 04, "Rubber Protective Equipment", does it not say, "This equipment shall be placed so as to adequately cover all energized conductors or equipment?"

A Yes it does.

Q Would not also the top of the bus be energized?

A The top of the bus would be energized.

MR. TRODDEN:

No further questions.

10-7-82

mph

[-51-]

Witnesses dismissed.
Case concluded.

PROTECTOR

FOR A-C SECONDARY NETWORK SYSTEMS



network protectors depending on reverse-power settings, on a given feeder by opening the feeder breaker. This still permits continuity of service on all other feeders into the network grid. Such opening will permit maintenance work on the feeder and network protectors that have been opened. The protectors will again automatically reclose upon closure of the high-voltage feeder breaker.

4. If a light load exists on a network system, the substation attendant may load the systems more economically by opening one or more of the high-voltage feeders.

5. When the load increases, the attendant can reclose the feeders shut down, thereby automatically closing the network protectors concerned.

6. The fuses in a network protector serve two functions:

They open the circuit in case of failure of the reverse-power relay if a high-voltage fault occurs.

They open the circuit (when limiters are not present) upon a fault in the low-voltage circuit, if the short circuit does not burn clear. (The fuse links can be removed to isolate the network protector.)

NETWORK PROTECTOR

WHEN the protector is mounted in underground vaults subject to immersion from floods or tides, a submersible case should be used. The door of the case is gasketed and bolted by a clamping-bar arrangement which prevents water from entering.

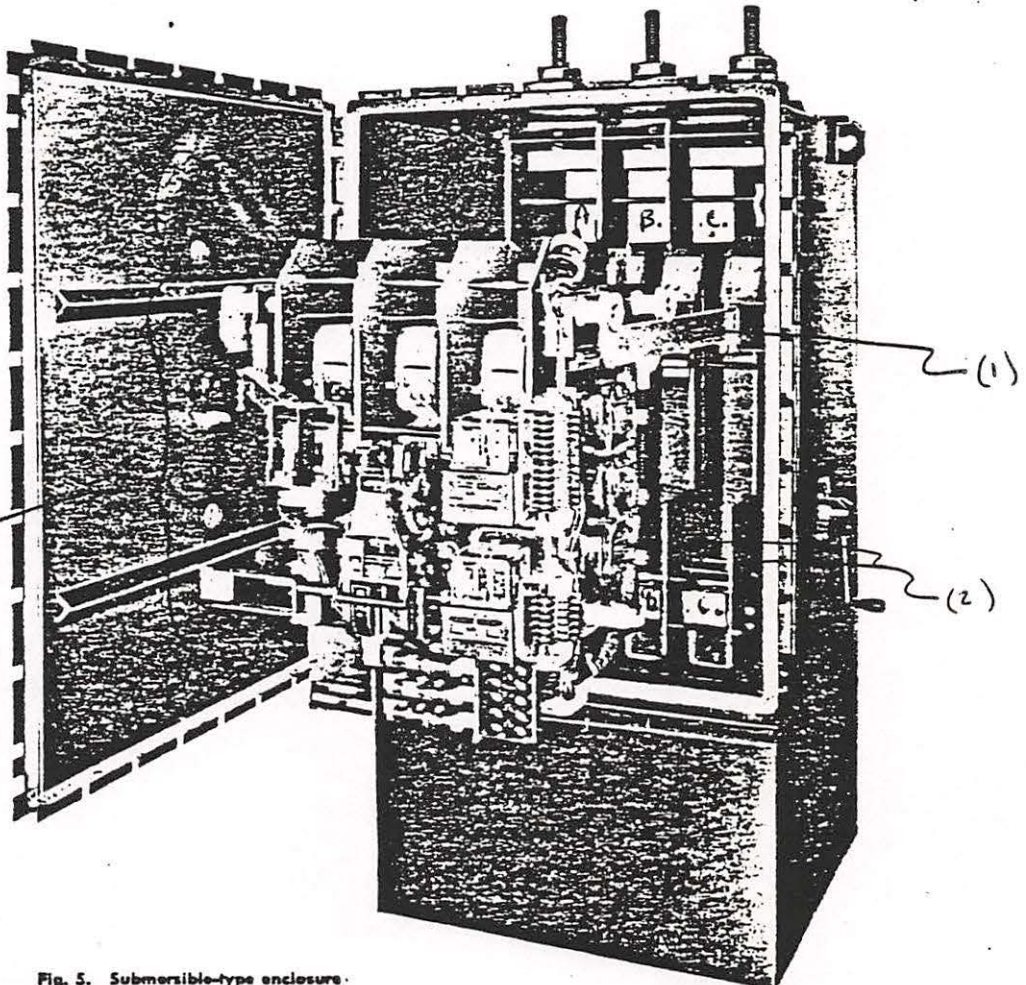


Fig. 5. Submersible-type enclosure.

**ACCIDENT
PREVENTION
MANUAL**

Vepco

VIRGINIA ELECTRIC AND POWER COMPANY

VIRGINIA ELECTRIC AND POWER COMPANY

Veeco

RICHMOND, VIRGINIA 23261

To All Employees:

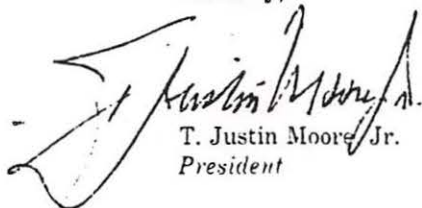
Safety in accomplishing our work is the first and foremost consideration of every person in our organization. Each has a specific assignment of responsibility which shall not be delegated, either by intent or by default.

The Company has exercised reasonable precautions against physical hazards by providing mechanical safeguards and protective equipment for the safe performance of our work. In addition, it will consider any other practical safeguards that may be suggested, but it cannot provide against the consequences that may arise from our own actions—this we must do.

Safety on our lines, in our plants, offices and shops, and on the public streets and highways deserves the interest and cooperation of every employee. It is a recognized fact that accidents do not just happen—there are causes for every one; and these, I believe, can be removed by strict observance of proper safe practices. Our Safety Rules represent the cumulative experience of all employees and of our industry. These rules shall be considered minimal.

Knowing these rules is not enough. Each one of us must develop a personal awareness and responsibility for safety. This is the best way I know to assure our personal safety.

Sincerely,



T. Justin Moore Jr.
President

SECTION I

GENERAL

101 Definitions, Terms Used in Manual

- .01 "Employee" shall mean every regular, temporary, or part-time employee on the Company payroll.
- .02 "Supervisor" shall mean any employee of the Company in charge of work, regardless of his title or classification.
- .03 "Company" shall mean Virginia Electric and Power Company.
- .04 "Approved" shall mean that the article or equipment, including special items or working equipment, will have appropriate System management approval.
- .05 All voltages referred to in this manual are *phase to ground* unless otherwise specified.
- .06 "The employee's body or the body" shall mean the trunk, head, hands, feet, and the limbs.
- .07 "Reaching Distance" shall mean that an employee from the working position can make contact with energized conductors or equipment by reaching or by a sudden grab due to a slip or a cut out, even though such energized conductors or equipment are covered with rubber or composition protective equipment.

102 Responsibility of the Individual

- .01 It is *your responsibility* to act so as to provide:
 - (1) Safety for yourself;
 - (2) Safety for your fellow employees;
 - (3) Protection for the public;
 - (4) Protection of Company property.
- .02 It is *your responsibility* to keep yourself fully informed of the contents of this manual and apply these rules in your work.
- .03 If an employee feels for any reason that he or she is unable to do assigned work, the supervisor in charge is to be advised and informed of the reasons.
- .04 When an employee considers that the work being done is in violation of the provisions of this manual, that he or she is not protected with sufficient safeguards, or that the work is not being performed in a safe manner, whether or not covered by provisions of this manual, he or she shall immediately bring the matter to the attention of his or her supervisor.

- .05 An employee assigned to work under the direction of factory representatives or other non-company employees shall, in cases of instructions conflicting with those in this manual, immediately bring the matter to the attention of his or her supervisor.
- .06 It is the responsibility of all supervisors, regardless of title or classification, to require that all employees working under his/her direction comply with all applicable safety rules and practices, whether or not covered by the provisions of this manual.
- .07 Any employee violating safety rules, procedures or standards, or the provisions of this manual, or acting in such a manner as to endanger his/her own or another's personal safety shall be subject to disciplinary action, including warning, suspension or discharge.

103 Accident—What to Do

- .01 All company related accidents shall be reported.
- .02 Both the Claim and Safety Departments shall be promptly advised of every serious accident involving employees, non-employees, or public property damage. When local Safety Personnel cannot be located, the Safety Director shall be advised.
- .03 Any employee involved in an accident resulting in injuries or property damage shall report to his or her supervisor before the end of the work shift. If the supervisor is absent, the employee is to report to the next in line supervisor on duty. Failure to do so will be considered a willful violation of the rules.
- .04 It shall be the responsibility of the employee's immediate titled supervisor to investigate accidents and submit a preliminary report to his Department Head before the end of the work shift in which the accident occurred.
- .05 The titled supervisor shall see that an Accident Report (Vepco Form 610.1) is made for all accidents not involving company vehicles. Vehicle accidents are to be reported using the Company Vehicles Accident Report (Vepco Form 610.15) and minor injuries not requiring doctor's attention, are to be reported on the Minor Injury Report (Vepco Form 610.2).
- .06 In personal injury cases resulting from Company work, the following procedures shall be followed:
 - 1. Render first aid.

2. For serious injuries, either employee or non-employee, obtain medical or ambulance service by the most direct method.
3. The Company is required by law to furnish proper and reasonable medical care for employees injured in the line of duty.
4. The supervisor shall arrange for medical attention and grant approval, using the Medical Authorization Form (Vepco Form 406.4), when work related injury requiring a doctor's attention is involved.
5. In case of an accident involving the public or public property, obtain the names of all witnesses, even late arrivals; also obtain measurements, pieces of equipment, or material, tools or devices which could be valuable as evidence.

104 Personal Conduct

- .01 Horseplay shall not be allowed while on duty.
- .02 Smoking is prohibited when refueling engines or handling gasoline, in underground manholes and vaults which have not been tested for gas fumes, in areas where NO SMOKING signs are posted, or when it would create a hazard. (See Gas Operations and Electric Underground Sections for additional NO SMOKING rules and regulations.)
- .03 Use of intoxicating beverages while on the job is prohibited. No employee shall report for work while under the influence of alcohol, drugs, or narcotics. Drugs or narcotics are permissible if used in accordance with a medical prescription and does not interfere with the employee's ability to perform his work safely.
- .04 It is forbidden to bring personal firearms or explosives onto Company property unless authorized by the Company. Authorization to have a personal firearm, explosive or incendiary device on Company property may only be obtained for a specific occasion, in writing, from the Station Manager or Superintendent, District Manager or System Manager who is responsible for such property.

105 Personal Clothing and Accessories

- .01 Flammable cap visors shall not be worn while on duty.
- .02 Employees shall not wear loose or flapping clothing or have rags or other objects extending from pockets or belt when in the immediate proximity of moving machinery, motors, engines, etc.

- .03 Employees shall not wear metal wrist or watch bands, watch chains, pocket key chains or similar items when working in the proximity of moving machinery, motors, engines, energized circuits, etc. It is recommended that all finger rings be removed under conditions noted above.
- .04 Employees shall wear suitable shoes in good condition. Shoes with hard soles shall be used for field work. Canvas top shoes are not acceptable for field work.
- .05 Employees shall wear suitable work gloves on jobs where gloves will help prevent hand injuries. Suitable work gloves are gloves with leather palms and a cuff a minimum length of 2½ inches.
- .06 Employees shall wear a top garment with sleeves either long or short. Under any of the following conditions, long sleeves shall be worn secured at the wrist:
 - 1. When wearing rubber sleeves.
 - 2. When climbing poles, towers, and structures, or when handling poles, crossarms, or chemically treated timbers.
 - 3. When exposed to acids, caustics, or alkalines.
 - 4. When handling hot compounds or molten metal, or when welding or burning.
 - 5. When working with wire wheels, buffers, or grinders, or when drilling or chipping concrete. This does not include floor polishers.
 - 6. When working with asbestos or other fibrous materials.
 - 7. Blowing pressurized air or gases.
 - 8. When working in woods or brush where poisonous plants, briars, stinging insects, or snakes are likely to be encountered.

106 Office, Building, and Miscellaneous Safety

- .01 Tripping hazards such as chairs, waste baskets, cords, etc., shall not be left in aisles.
- .02 Desk and file drawers and cabinet doors shall not be left open while unattended. To prevent tipping over, not more than one drawer in a standard filing cabinet shall be opened at a time.
- .03 Do not carry pointed or sharp objects such as screw drivers, open-blade knives, pencils, or scissors in clothing pockets with points unprotected.
- .04 When sitting in chairs, all of the chair legs shall be kept in contact with the floor.
- .05 Only qualified and authorized employees 18 years of age or over shall operate power driven apparatus or use large paper cutters, paper cutting machines, or similar equipment.

SECTION IV
ELECTRIC OPERATIONS

401 General

- .01 Existing conditions in the work area shall be determined by inspection or test if necessary before work is started.
- .02 All circuits, equipment, wire, tube or bar shall be considered energized unless disconnected from all sources of energy, tagged, tested for voltage and grounded.
- .03 Dusters and wipers for cleaning around or on energized conductors shall be non-conductive.
- .04 Cleaning rags leaving dye markings shall not be used to clean insulators or insulating material.
- .05 Substation gates and doors shall be kept closed and locked when work is not in progress. When open for work, provisions shall be made to prevent entry of unauthorized persons.
- .06 Stringing, cable, rope, and handline blocks shall be attached to the pole, structure or crossarm only by means of a rope, chain, cable, bolt or other approved devices.
- .07 Where steps are installed by this company on poles and structures, the lowest permanent step shall be at least 10 feet above the ground. Portable steps, climbers or ladders shall be used to reach the lowest permanent step.
- .08 Where other companies install steps on joint-use poles and structures, no step shall be installed in the space between the attachments of the two-companies.

402 Installing and Removing Conductors on Poles and Structures

- .01 When a conductor is being strung or removed and the possibility of accidental contact with an energized conductor above 600 volts exists or induced voltage could occur, the conductor, the pulling equipment, and tensioner shall be grounded. Refer to Subsection 309.08-4-d.
- .02 When crossing over energized conductors in excess of 600 volts, rope nets or guard structures shall be installed to prevent contact unless provisions are made to isolate or insulate the workman or the energized conductor.
- .03 The conductor being strung or removed shall be grounded between the tensioner and the first pole or structure, at the first pole or structure, on either side of each energized crossover in excess of 600 volts, and at the last structure or

network protector after repairs have been made on the mechanism or breaker, the door of the protector shall be closed.

3. Before installing or removing secondary fuses in network protectors, the protector shall be made inoperative to prevent automatic closing. If it is necessary to remove the network protector mechanism, the protector shall be made inoperative to prevent automatic closing and secondary fuses removed before other work is performed.
4. No primary switch on network transformers shall be operated or fuse compartment opened until the primary circuit has been de-energized and the network protectors are in the open position. In addition, the employee designated to operate the primary switch shall make certain:
 - a. That he is at the correct location.
 - b. That the tags on the feeder cable and equipment in the vault or manhole bear the same number as specified in his orders.

423 Rubber and Composition Protective Equipment

Rubber or composition protective equipment, including rubber gloves and rubber sleeves, shall be used to protect employees when performing work on or near energized electrical conductors and equipment subject to the rules and regulations outlined in this section as well as the other sections of this manual.

.01 Rubber Gloves—Classes II and IV

1. Class II or Class IV rubber gloves shall be used for working on electrical conductors and equipment energized at 600 volts and below.
2. Class II or Class IV rubber gloves and rubber sleeves shall be used for working on electrical conductors and equipment energized between 600 volts and 6,000 volts, phase to ground.

Note: For permitted use of Class II and Class IV rubber gloves and rubber sleeves on higher voltages, see subsection 423.07 and 423.08. For permitted use of low voltage rubber gloves on voltages 600 volts and below, see subsection 423.05.

3. When performing work on overhead energized distribution and substation facilities or other work aloft requiring the use of rubber gloves, rubber gloves and sleeves shall be worn from the ground up and shall not be removed

while aloft except under the following conditions:

- a. An employee working aloft may temporarily remove his rubber gloves provided he takes a fixed position aloft out of reach of all energized conductors or equipment and provided there is a second employee in the vicinity on the ground or aloft on the same pole, to whom he has indicated and who has recognized his intentions. The employee, with his rubber gloves removed, shall not change his position or return to work before replacing his rubber gloves and has announced his intentions and received acknowledgment from the second employee.
 - b. Rubber gloves may be temporarily removed to change transformer taps or perform other transformer work under oil, in which case applicable rules in the Accident Prevention Manual shall be followed (Subsection 407.03).
 - c. When an employee is working from a platform, ladder or aerial device splicing de-energized cable or installing terminals on de-energized cable and has protected himself from contact with energized conductors or equipment by barricades or railing, he may then temporarily remove his rubber gloves to perform that work.
 - d. When an employee is working from a transmission structure with distribution underbuild attached or in close proximity, he must wear his rubber gloves and sleeves while covering same and climbing through or past such distribution circuits. Once positioned in the transmission conductor area, he may remove his rubber gloves and sleeves as long as tools, equipment, etc., cannot contact the distribution conductors. Synthetic rope lines excluded.
4. Rubber gloves and rubber sleeves shall be worn when opening and/or working within padmount distribution enclosures containing energized conductors, and shall not be removed except under the following conditions:
- a. When working on de-energized cables in the high voltage compartment of a padmounted transformer, provided the energized primary is covered with approved protective equipment and barricaded.
 - b. When working on de-energized cables in the low voltage compartment of an energized padmounted transformer, provided the high voltage compartment

is completely closed and the energized secondary is covered with approved protective equipment and barricaded.

5. Exposed energized parts above 600 volts shall be covered with protective equipment or barricaded when the work being performed within the enclosure or padmount equipment does not require their exposure, even though the employee is wearing rubber gloves and rubber sleeves.
6. Rubber gloves shall also be worn by employees:
 - a. When using or applying any type of protective ground with a stick less than 5 feet in length.
 - b. When working on any ungrounded de-energized conductors, equipment, telephone, signal, control, or similar lines subject to induced voltages or accidental contact with energized conductors.
 - c. When handling poles or structures that are being installed or removed from existing lines or close to adjacent energized lines. This also will apply to the employee using cant hooks in such operations. See Subsections 421.05-1 and 423.06-1-e.
 - d. When testing, connecting, or disconnecting permanent or fixed grounds.
 - e. When operating gang operated distribution and/or transmission switches without interconnecting ground grid.
 - f. See Subsection 402.09-Reel Attendants and others.
7. Approved protector gloves shall always be used over rubber gloves and shall not be used as work gloves. Cotton liners or equivalent may be worn inside rubber gloves.
8. Rubber gloves shall be:
 - a. Visually inspected and air-tested by the employee at the beginning of each work day or shift. Gloves assigned to locations shall be inspected and air-tested before each use.
 - b. Turned in monthly for laboratory test.
 - c. Kept in protective bag containers when not in use.
 - d. Used only by employees to whom they are assigned except in emergencies or as may be assigned by the supervisor.
9. Rubber gloves shall never be used while turned inside out.

- .02 It is recognized, however, that there is energized work such as certain phases of battery, meter, and switchboard work below 250 volts that cannot be performed with rubber gloves. In such cases, employees shall take all necessary means of protecting themselves against electric shock.
- .03 Composition Protective Equipment
1. Composition protective equipment may be used as appropriate in place of rubber hose, hoods, blankets, and jackets. It is used to prevent short-circuits and as an added protection in case of accidental contact. See Subsection 423.04-3.
 2. The manufacturer's maximum voltage rating shall not be exceeded.
 3. Composition protective equipment shall be applied and used in accordance with existing operating procedures.
- .04 Rubber Protective Equipment
1. This equipment shall be placed so as to adequately cover all energized conductors or equipment, neutral conductors, guy wires, ground wires, and foreign wires within the working zone or within reaching distance.
Exception:
When working on secondaries, not exceeding 250 volts, the covering of secondaries and service wires may be omitted, provided the employee performing the work is wearing rubber sleeves in addition to rubber gloves. Secondaries, including the neutral, shall be covered in every instance if the employee has to work above them and they are within reaching distance from the upper working level. Employees shall be careful to see that no part of their body, hands covered with rubber gloves excepted, contacts uncovered energized secondary conductors or equipment.
 2. This equipment shall be visually inspected prior to use. It shall be turned in to the laboratory for tests every six months.
 3. Rubber protective equipment shall be used to cover energized electrical conductors and equipment operating at 6,000 volts and below. However, when working adjacent to or when climbing by energized conductors or equipment at voltages 6,000 through 8,700, rubber hoods, hose, jackets, and blankets shall be used to prevent short-circuits and for added protection in case of accidental contact by employees. In such cases, this rubber equip-

ment shall be applied with live line tools or by a method that will not require the employee to actually contact the conductor or equipment with his body or limbs, even though he is wearing rubber sleeves and gloves.

4. Salcor or equivalent material approved by the Safety Director shall be used to cover electrical conductors and equipment 23,000 volts and below. For use on voltages above 6,000, this equipment must be applied with live line tools or in accordance with Subsection 423.04-3, 423.07, and 423.08.
5. Foreign wires, conductors, cables, etc., that can be contacted easily when climbing by or through, shall be covered with protective equipment.

.05 Low Voltage Rubber Gloves

1. Low voltage rubber gloves are issued for certain types of work under 600 volts.
2. Low voltage rubber gloves shall never be used for overhead line work, on padmount distribution equipment, on voltages in excess of 600 volts phase to phase, or by employees other than those to whom they are assigned.
3. Employees performing work on energized network equipment and circuits, 600 volts and below, shall wear rubber sleeves in addition to low voltage rubber gloves.
4. These gloves shall be air tested before each use and turned in monthly for laboratory tests. They shall never be used without approved protector gloves. Approved protector gloves shall not be used as work gloves.

.06 Rubber Sleeves

1. Employees shall wear rubber sleeves in addition to rubber gloves when:
 - a. Working aloft on overhead energized distribution.
 - b. Working aloft on energized substation electrical conductors and equipment.
 - c. Opening and/or working within padmount equipment containing energized conductors.
 - d. Repairing Common Neutrals.
 - e. Setting or removing poles in energized lines.
2. Rubber sleeves shall be inspected visually at the beginning of each work shift and turned in to the laboratory for electrical tests each three months.
3. Employees working alone shall observe the ground-to-ground requirements of Subsection 423.01-3.
4. Rubber sleeves may be omitted when:

- a. Working on underground street lights at ground level.
- b. Repairing, connecting or disconnecting cables in conduit junction boxes with or without panel boards.
(URD excluded)
- c. Performing work on self contained meter bases.

.07 15KV Gloving

1. Qualified and authorized employees may perform work on electrical conductors and equipment energized at voltages between 6,000 volts phase to ground and 8,700 volts phase to ground or 15,000 volts phase to phase, using Class II or Class IV rubber gloves and rubber sleeves under the following conditions:
 - a. From the basket of an aerial lift that has passed required insulation tests and the basket and at least the top half of the upper boom is fiberglass or other approved insulating materials.
 - b. Or from an insulated platform not less than 40 ft length and equipped with staging, provided the lineman's safety can be attached to the staging and the type of platform is approved by the Safety Director.
 - c. Or from an insulated ladder which has been approved by the Safety Director, provided:
 1. The lineman's safety belt is attached to the ladder.
 2. Access to and from the ladder is made in a clear space away from energized conductors and equipment.
 3. The ladder is secured and positioned in such a manner that the employee can maintain a working position on the ladder a safe distance from pole, structures, crossarms, guys, conductors, etc., not adequately covered with protective equipment.
2. This type of work shall not be started in damp weather.
3. Employees working from an aerial lift shall abide by the rules as set forth in Subsection 424.
4. Employees working from an approved insulated platform shall keep their feet within the staging supports and must have safety straps attached to the staging.
5. Employees, while working from insulated hook ladders, shall not allow any portion of their body not covered by rubber gloves or rubber sleeves to contact any portion of the ladder above designated insulated section.
6. All precautions shall be taken to adequately cover or

move all energized conductors or equipment, neutral conductors, guy wires, and ground wires that are within reaching distance of the work area or that may be inadvertently contacted by the basket or upper boom of the aerial lift, the insulated platform, or the insulated ladder.

7. An employee shall position himself so that no part of his body will touch the pole, structure, crossarm, conductors, or other equipment which is not adequately covered with protective equipment.
8. The basket, insulated platform, or insulated ladder shall be visually inspected each day before they are used for this work.

.08 40KV Gloving

1. 40 KV Gloving shall be performed under the direct supervision of an approved titled supervisor.
2. Qualified and authorized employees may perform work on electrical conductors and equipment energized at voltages up to 23,000 volts phase to ground or between 15,000 volts and 40,000 volts phase to phase using Class IV rubber gloves and rubber sleeves under the following conditions:
 - a. From the basket of an aerial lift that has passed required insulation tests, the basket and at least the top half of the upper boom are fiberglass or other approved insulating material, and the fiberglass parts of the lift are cleaned each day prior to use or more often where contamination is obvious.
 - b. Or from other System approved insulated devices that have passed required insulation tests.
3. The workman shall be insulated at all times from a difference in potential while in contact with energized conductors or equipment.
4. Only approved protective equipment shall be used on conductors and equipment energized at 23,000 volts phase to ground or between 15,000 and 40,000 volts phase to phase.
5. This type work shall not be started in damp weather.
6. Class IV rubber gloves and rubber sleeves shall be worn from ground to ground.
7. All static, ground and guy wires shall be removed from the work area or covered with approved protective equipment.

RECEIPT

This will acknowledge that I have received a copy of the Virginia Electric and Power Company's Accident Prevention Manual (1976 Edition), and herewith certify that I have checked the Manual and find that it does not have any missing pages or illegible print.

I further certify that I will study and familiarize myself with the rules and regulations outlined in the Manual that pertain to my work with the Company, that I will maintain the Manual in good condition, reasonable wear and tear excepted, and will return it to the proper person upon demand or upon leaving the Company.

Manual Number

Underground
Department

Location

Alexandria

Signed

Michael F. Kempf

Date

9-15-76

Witness

A.W. Rose

OLD MANUAL
RETURNED ON
9-15-76
CE

RECEIPT

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I further certify that I will study and familiarize myself with the rules and regulations outlined in the Manual that pertain to my work with the Company, that I will maintain the Manual in good condition, reasonable wear and tear excepted, and will return it to the proper person upon demand or upon leaving the Company.

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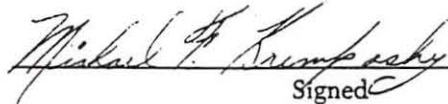
Manual Number

Accounting

Department

Potomac

District


Signed

April 14, 1964

Date


Witness

Page 8

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I further certify that I will study and familiarize myself with the rules and regulations outlined in the Manual that pertain to my work with the Company, that I will maintain the Manual in good condition, reasonable wear and tear excepted, and will return it to the proper person upon demand or upon leaving the Company.

Manual Number

Subground
Department

2nd
District

Michael E. Kempsey
Signed

Aug 16 - 1967
Date

Witness

