

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
HAWAII ELECTRIC LIGHT COMPANY, INC.)  
Investigation into Accident That )  
Occurred in Hilo, Hawaii on )  
December 24, 2001. )  
\_\_\_\_\_ )

DOCKET NO. 02-0030

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2002 DEC 20 P 3:25

RECEIVED

DECISION AND ORDER NO. 19917

Filed Dec. 20, 2002  
At 8:00 o'clock A.M.

Karon Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
HAWAII ELECTRIC LIGHT COMPANY, INC.) Docket No. 02-0030  
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DECISION AND ORDER

I.

By Order No. 19187, filed on February 6, 2002, the commission opened this docket to investigate an accident that occurred in Hilo, Hawaii on December 24, 2002. On January 24, 2002, HAWAII ELECTRIC LIGHT COMPANY, INC. (HELCO) notified the commission that on December 24, 2001, at approximately 3:30 p.m., Joel Kudo (aka Joel Kubo) was fatally electrocuted when the aluminum ladder he was carrying came into contact with an energized lightning arrester inside HELCO's Pepeekeo Switching Station (Pepeekeo Station).

The commission opened this docket pursuant to Hawaii Revised Statutes (HRS) § 269-9, which requires that the commission investigate the cause of causes of any accident that results in loss of life. Order No. 19187 proposed to investigate the following issues:

1. The cause or causes of the accident leading to the death of Mr. Kudo;
2. Whether any statute or rule over which the commission has jurisdiction was violated; and

3. The steps, if any, that may be taken to avoid accidents of a similar nature in the future.

Order No. 19187 also set forth the reports, documents, and filings that the commission desired to aid in its investigation of the accident. First, the commission required that HELCO file the police report, all other documents relating to the accident, and a report detailing: (A) the station; (B) HELCO's safety standards for substations; (C) the safety practices, if any, that were in place at the time of the accident; (D) the accident itself; and (E) any steps the HELCO has taken since the accident, or will be taking, to prevent or avoid accidents of a similar nature in the future. Next, the commission requested a statement of position from the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate).

On February 12, 2002, HELCO filed a request for a subpoena for the police and fire reports prepared in connection with the December 24, 2002 accident. On March 8, 2002, the commission filed Protective Order No. 19237, allowing the parties to this docket the opportunity to designate certain information as confidential. HELCO filed the subpoenaed police and fire reports of the accidents, along with a copy of the transcripts of depositions obtained from the custodians of records for the Hawaii County Police Department and the Hawaii County Fire Department on March 13, 2002. On April 5, 2002, HELCO filed a report of the accident with the commission. On May 7, 2002, the Consumer Advocate submitted its Statement of Position in which it stated that it will not participate in this docket.

## II.

### A. Cause(s) of the Accident

The Pepeekeo Station is located in the area of Pepeekeo and Makahanaloa, in the District of South Hilo. The incident occurred at approximately 3:30 p.m. at HELCO's Pepeekeo Station when Joel Kudo was assisting Stephen Matsuura of Islandwide Fencing LLC, a HELCO contractor, to repair the barbed wire at the top of the six-foot high chain link fence. Based upon a review of the record, the commission finds that the accident was caused when Mr. Kudo, who was carrying a 16-foot aluminum extension ladder, made contact between the ladder and the lightning arrestors, which are located 11-feet, nine-inches above the ground.<sup>1</sup>

### B. Whether Any Commission Rules or Statutes Were Violated

The commission reviewed the various rules and statutes over which it has jurisdiction, including, among other things, Title 6, Hawaii Administrative Rules, Chapter 269, HRS, the commission's General Order No. 6, Rules for Overhead Electric Line Construction, the commission's General Order No. 7, Standards for Electric Utility Service in the State of Hawaii, and HELCO's tariff filed with the commission (hereinafter collectively referred to as commission's rules) to determine whether HELCO violated any of the aforementioned rules at the time that the accident occurred. After

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<sup>1</sup>A full description of the accident was provided to the commission and the Consumer Advocate, and deemed confidential by HELCO, pursuant to Protective Order No. 19237.

such review, the commission finds that HELCO did not violate any of the commission's rules with respect to the accident's occurrence.

C. The Steps That May be Taken to  
Avoid Future Accidents of This Nature

Pursuant to Order No. 19187, HELCO filed a report detailing, among other things, the safety standards for substations, the safety practices that were in place at the time of the accident, and the additional steps HELCO has taken to prevent or avoid accidents of a similar nature.<sup>2</sup>

Since the accident, HELCO has implemented a practice of allowing entry into all of its switching stations and substations only with the supervision of a HELCO electrical worker, unless the person requiring entry has demonstrated proficiency through a new training program. HELCO also retracted contractor keys that permitted entry into these facilities, regardless of the level of training. In addition, when appropriate, circuits are de-energized, tested, and grounded before any work is performed by contractors.

HELCO designed a training program for non-electrical workers who must enter switching stations and substations to perform work on non-energized structures, facilities, and grounds. This program requires that participants understand the maximum voltages within each specific switching station and substation, the required clearances, the safety procedures required when working within switching stations and substations, and demonstrate their

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<sup>2</sup>Some of the information provided to the commission relating to these issues was designated by HELCO as confidential, pursuant to Protective Order No. 19237.

knowledge and understanding satisfactorily. No unsupervised entry is allowed to anyone who has not passed this training program. HELCO held its first training program on February 25, 2002.

After a review of the entire record relating to the safety practices and standards, the commission finds that the steps that HELCO has undertaken to ensure that an accident of this nature will not occur in the future, and HELCO's plan for additional training and supervision of persons who enter its switching stations and substations appear reasonable.

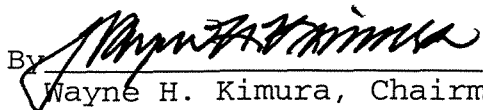
Thus, the commission concludes that HELCO did not violate any of the commission's rules, and acted reasonably in its attempts to ensure that accidents of this nature do not occur in the future. Accordingly, the commission concludes that this docket should be closed.

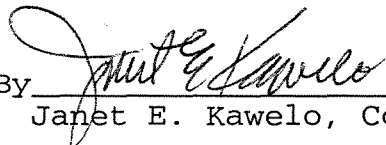
III.

THE COMMISSION ORDERS that this docket is closed.


DONE at Honolulu, Hawaii this 20th day of December, 2002.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Catherine P. Awakuni  
Commission Counsel

By (RECUSED)  
Gregg J. Kinkley, Commissioner

02-0030.0h

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19917 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
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P. O. Box 2750  
Honolulu, HI 96840-0001

  
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Karen Higashi

DATED: December 20, 2002