

The Goretzka Case

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Press
Updated: 06/05/2012 02:02:41
PM EDT

Lebanon Daily News

PUC: West Penn Power to blame in Pa. electrocution

PITTSBURGH—The state Public Utility Commission is accusing West Penn Power of not properly maintaining a spliced power line and not properly training its employees before the line failed and fell on a woman who was fatally shocked and burned in front of her mother-in-law and young daughters in 2009.

A statement by FirstEnergy Corp., which owns West Penn, said the complaint is under review and that the utility "will respond to the commission in due time." The utility stressed that the complaint is separate from a lawsuit filed on behalf of the family of 39-year-old Carrie Goretzka, of Irwin.

The family's attorney in January asked the PUC to investigate based on depositions he has taken in the lawsuit stemming from Goretzka's death in her own backyard in June 2009. The family is suing Allegheny Energy Inc., Allegheny Power and West Penn Power. Allegheny Power was an Allegheny Energy subsidiary renamed West Penn Power when Allegheny Energy and Akron, Ohio-based FirstEnergy Corp. merged last year.

The PUC's nine-page complaint, filed May 30 and obtained by The Associated Press on Tuesday, echoes allegations the family's attorney, Shanin Specter of Philadelphia, made when he asked the PUC to investigate not just the 7,200-volt power line that was spliced in 2004 and killed Goretzka five years later but also all other lines spliced by the defendant companies.

The PUC complaint said that West Penn Power "failed to furnish and maintain adequate, efficient,

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safe, and reasonable service and facilities" by not ensuring "the integrity of the splice" and that West Penn didn't properly train or supervise its workers to ensure they'd properly clean and splice such power lines.

The PUC also contends that West Penn Power has refused to turn over some test results and reports by experts in mid-2010 and has ignored five requests since then for the information, which the PUC contends is necessary to complete its investigation. The PUC is asking for

\$86,000 in fines through May 31, plus \$1,000 for every additional day West Penn fails to produce that information.

Jennifer Kocher, PUC press secretary, said complaints involving residential electric injuries are rare. More often investigations involve people injured when they trespass on power company property, not those shocked or burned when power lines or other equipment fail on their own property, she said.

West Penn has 20 days to respond to the complaint, which will be heard by an administrative judge whose findings will then be forwarded to the PUC for enforcement action. There's no time limit on how long that can take, but Kocher said any penalties are separate from any damages that may be awarded in the lawsuit.

Specter told the AP on Tuesday that he was "shocked by West Penn's stonewalling of the PUC and ignorance of this public safety issue. As a public utility engaged in the ultra-hazardous activity of transmitting electric power, West Penn must answer the questions the PUC has asked and fix the power lines so more lines don't fall."

Specter said in January that utility's maintenance workers have given sworn depositions that they were trained to clean spliced power lines with knives and other tools instead of wire brushes which—the attorney and the power line's manufacturer contend—was the only way to keep the lines from failing.

Allegheny Power's written safety instructions to workers make clear that "unclean conductor (power lines) will set up overheating and eventually cause failure of the splice," Specter said in his January letter to the PUC.

The lawsuit filed on behalf of Goretzka's husband, Michael, and the couple's daughters, then 4 and 2, contends an improperly spliced line above their yard failed on June 2, 2009, cutting power to the home.

When Carrie Goretzka walked outside to call 911 on a cellphone, the line fell onto her. Goretzka's mother-in-law was shocked trying to help her, and Goretzka couldn't be moved until utility workers arrived to turn off the power.

Goretzka was burned over 85 percent of her body and had her left arm amputated before she died three days later.