

The Goretzka Case

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The Pennsylvania Public Utility Commission's investigative arm has asked state regulators to fine West Penn Power Co. \$86,000 and to levy a \$1,000-per-day penalty against the utility for refusing to turn over information regarding the 2009 electrocution death of a Hempfield Township woman.

Last week, the agency's Bureau of Investigation and Enforcement filed a nine-page complaint against West Penn Power before the commission. It is seeking penalties in connection with the June 2, 2009 electrocution of Carrie Goretzka, 39, outside her West Hempfield Drive home.

Goretzka was trapped under a fallen 7,200-volt power line outside her home in view of her mother-in-law and two daughters, Chloe, then 4, and Carlie, then 2.

Goretzka, who had burns over 85 percent of her body, died three days later in UPMC Mercy hospital, Pittsburgh.

In the complaint, PUC prosecutor Heidi L. Wushinske alleges West Penn Power has repeatedly delayed over the past three years the release of information related to the accident.

"To date, the company has not complied with the Commission's staff repeated requests for information. On March 12, 2012, Commission staff contacted the company for a fifth time and demanded it provide the information that the commission staff requested," Wushinske alleges in the complaint.

Wushinske reported that the company has said that some of the documents the PUC has asked for, including experts' analyses, should remain private because "it fell within the purviews of work product privilege."

Wushinske said in the complaint that the PUC needs the company's internal investigation report in order to complete its own investigation into the accident.

In addition to the fines and penalties, the PUC investigators are asking the commission to order West Penn Power to alter its maintenance procedures regarding splicing lines.

"The manufacturer of the automatic splice ... stated that failure to clean the conductor with a wire brush would not remove all of the oxides, which could result in an increased temperature and lost tension in the wire, causing the wire to fall," the PUC complaint alleges.

The complaint asks the regulatory commission to order the utility to beef up "supervision of linemen and other field employees so that such employees are properly monitored and supervised to ensure that they are following internal procedures for splice and conductor installation including cleaning with a wire brush."

PUC spokeswoman Jennifer R. Kocher said the company has 20 days to respond to the complaint before being referred for hearings before an administrative judge. Once the case is heard and a ruling is issued by the judge, both sides will have the opportunity to file exceptions before it goes before the commission.

"This case is really in its infancy. It could take months or even longer to complete," Kocher said. West Penn Power officials have not yet responded to a reporter's inquiry about the complaint.

The alleged splice and connection maintenance deficiencies were initially brought to light early this year by Shanin Specter, the Philadelphia civil attorney representing the Goretzka family in an ongoing civil damage lawsuit filed in Allegheny County.

Specter filed a complaint with the regulatory agency saying the utility's maintenance practices pose an ongoing danger to the public. He said the deficiencies in splicing and connection procedures were uncovered during depositions of several Allegheny Power and West Penn Power employees in the lawsuit.