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State commission, West Penn Power settle Hempfield electrocution case

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STAFF REPORTER

The Pennsylvania Public Utility Commission on Thursday voted to finalize an \$86,000 civil settlement with West Penn Power Co. that stems from an investigation into the company's handling of the 2009 electrocution of a Hempfield woman.

The commission voted 5-0 to approve a modified settlement between West Penn and the PUC's independent Bureau of Investigation and Enforcement that was announced last year.

The commission said it will further examine inspection requirements for automatic splices in utility lines in a separate proceeding that will provide other interested parties the opportunity to file comments.

Part of that process will be determining whether a statewide inspection program for splice connections on lines should be implemented, PUC spokeswoman Jennifer Kocher confirmed on Thursday.

"It's a little preliminary right now, but that's one of the questions be-

ing asked. What is the need and how inspections are currently handled will all be reviewed in that separate proceeding," she said.

West Penn and the PUC bureau have 10 days to agree to the modifications to the settlement, which includes annual refresher training for West Penn employees. The company does not admit any wrongdoing under the settlement.

"If either party does not agree to the modifications, the issue will be referred to the PUC's Office of Administrative Law Judge for hearings," Kocher said.

The \$86,000 fine was announced in February, about two months after a record \$109 million jury verdict in Allegheny County in a wrongful death lawsuit by the family of Carrie Goretzka, 39, of West Hempfield Drive.

The utility subsequently dropped an appeal of that verdict and agreed to pay \$105 million to the family of Goretzka, who died in 2009 after a power line fell on her.

According to testimony during the four-week trial, Goretzka suffered

severe burns over 85 percent of her body on June 2, 2009, when a 7,200-volt power line fell on her when she went outside with her cellphone to alert the utility that power lines were burning in trees in her backyard.

The tragedy occurred on a clear, sunny day and was witnessed by Goretzka's two young daughters, Chloe and Carlie, now 9 and 7, and her mother-in-law, Joann Goretzka of Elizabeth Township.

Shanin Specter, founding partner of Kline & Specter in Philadelphia, who represented the victim's husband, Michael, and family in the 2012 trial in Pittsburgh, said he was pleased with the PUC's action.

"I am heartened that the PUC took strong remedial action in response to our law firm's complaint, which will make the citizens of Southwestern Pennsylvania safer," Specter said.

Under the agreement, West Penn Power would agree to pay the \$86,000 fine to the PUC and drastically alter its maintenance procedures on utility lines.

Under the Commission Order, the company will:

- Pay a civil penalty of \$86,000, which it may not recover from ratepayers.
- Modify its training program to ensure that linemen and line supervisors address splice installations and other issues.
- Provide annual refresher training for linemen and supervisors.
- Inspect the automatic splices on its primary distribution system using infrared technology.
- Spot check 5 percent of the installations a year.
- Track automatic splice failures and report the information as part of its annual report to the commission.

West Penn, whose parent company is First Energy, headquartered in Akron, Ohio, released a statement on Thursday.

“First Energy will review the modified settlement and will respond within the 10-day period provided for in that settlement as we look to move forward towards putting this tragic matter behind us,” it said.

The company declined to disclose whether any of the proposed maintenance procedures have already been implemented.

On May 30, 2012, the PUC's investigative bureau filed a formal complaint against West Penn as an outgrowth of the fatal accident.

That complaint alleged the company violated PUC regulations by failing to ensure the integrity of its distribution line, supervise and train employees, and provide information to commission staff as requested.