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West Penn settles fatal power line case for \$105M

PITTSBURGH (AP) - West Penn Power Co. has agreed to drop its appeal of a \$109 million verdict in the death of a woman who was fatally burned by a falling power line in front of her two young daughters and will pay \$105 million instead, as well as inspect its lines for the kind of dangerous splices that caused the deadly line failure in 2009.

A West Penn spokesman has confirmed the proposed settlement, which was announced Wednesday by Shanin Specter, the Philadelphia attorney representing the family of 39-year-old Carrie Goretzka.

An Allegheny County jury in December found West Penn workers didn't properly splice a power line over Goretzka's backyard in Irwin, causing it to fall on her while her daughters and mother-in-law looked on helplessly.

"This is West Penn saying the jury got it right," Specter told The Associated Press in explaining the settlement. "That's very gratifying."

Goretzka, 39, was killed when she went outside to make a cellphone call when she saw a backyard tree burning because the line had again overheated, cutting power to her house in June 2009. Michael Goretzka, her husband, testified at her wrongful death trial in December, that he had complained about the line failing at least twice before and the jury agreed those failures were caused by West Penn technicians who didn't properly clean the power lines with a wire brush before splicing them, which prompted rust that caused the splice to overheat and fail.

Goretzka's mother-in-law tried to help, but was burned in the process and watched Goretzka suffer for more than 20 minutes while waiting for crews to turn off the power. Goretzka died three days later after her badly burned arm was amputated in an effort to save her life.

The wrongful death settlement comes a week after West Penn settled a related enforcement action by the Pennsylvania Public Utility Commission.

That agreement includes an \$86,000 fine and requires West Penn to retrain its workers about how to splice power lines and to inspect any current splices for potential problems. The commission still must finalize the agreement, and an Allegheny County judge must still approve the settlement.

Specter said the settlement amount is \$4 million less than the jury's verdict because "we had to give West Penn a little bit of an incentive to resolve the case, but just a little bit."

West Penn spokesman Scott Surgeoner confirmed the proposed deal but said the company would have no other comment.

Specter said the remedial actions being taken by West Penn are at least as important as the money Goretzka's family will receive.

"I don't need to represent another family that loses another loved one like this. I'd rather turn my attention to preventing it. It's regrettable to me that it took Carrie Goretzka's death and it took our lawsuit and our verdict and the PUC to get these changes made," Specter said.

"It should have happened a long time ago by the utility on its own and, if not by the utility by the PUC on its own," Specter said. "They should be proactive. They shouldn't be reactive."

PUC press secretary Jennifer Kocher defended the agency's response saying it began reviewing the case days after Goretzka's death, though she acknowledged the agency didn't file a formal complaint until June.

That's when the PUC accused West Penn of not properly maintaining the Goretzka power line, and others similarly spliced. Specter contends that happened only after his firm gave the PUC evidence uncovered while investigating the Goretzka case.

Specter said in a letter sent to the PUC in January 2012 that West Penn maintenance workers gave sworn statements that they were trained to clean power lines with knives and other tools instead of wire brushes which - Specter and the power line's manufacturer contend - was the only way to keep the spliced lines from failing.

Kocher said the PUC could still accept, reject or modify the regulatory settlement - including the \$86,000 - depending on the findings of an administrative law judge.