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September 16, 2013

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PA PUBLIC UTILITY COMMISSION  
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**Via Federal Express**

Rosemary Chiavetta, Secretary  
Secretary's Bureau  
The Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

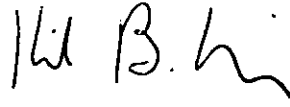
**Re: Pennsylvania Public Utility Commission Bureau of Investigation and  
Enforcement v. West Penn Power Company  
Docket No. C-2012-2307244**

Dear Ms. Chiavetta:

Enclosed please find an original and three copies of Michael Goretzka and Joann Goretzka's Limited Objections to the Joint Petition for Full Settlement of Proceeding filed on February 13, 2013 by the Public Utility Commission. Kindly file the original and return a time-stamped copy to me in the enclosed envelope.

Thank you for your assistance in this regard.

Very truly yours,



KILA B. BALDWIN

DCG/acp

Enclosures

cc: John F. Povilaitis, Esquire (w/enclosure)  
Tori Giesler, Esquire (w/enclosure)  
Heidi L. Wushinske, Esquire (w/enclosure)

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**KLINE & SPECTER**

***A Professional Corporation***

BY: SHANIN SPECTER, ESQUIRE (ID #40928)  
DOMINIC C. GUERRINI, ESQUIRE (ID #91311)  
KILA B. BALDWIN, ESQUIRE (ID #94430)

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1525 Locust Street  
Philadelphia, PA 19102  
(215) 772-1000 phone  
(215) 772-1359 facsimile

Attorneys for Petitioners,  
Michael Goretzka & JoAnn Goretzka

\_\_\_\_\_  
Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement, :  
Complainant :  
:  
v. :  
:  
West Penn Power Company, :  
Respondent :

BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Docket No. C-2012-2307244

**MICHAEL GORETZKA AND JOANN GORETZKA'S LIMITED OBJECTIONS  
TO THE JOINT PETITION FOR FULL SETTLEMENT OF PROCEEDING  
FILED ON FEBRUARY 13, 2013  
BY THE PUBLIC UTILITY COMMISSION**

By and through undersigned counsel, Michael Goretzka and Joann Goretzka hereby file limited objections to the Joint Petition for Full Settlement of Proceeding filed on February 13, 2013 by the Public Utility Commission's Bureau for Investigation and Enforcement and West Penn Power Company ("West Penn").

1. Petitioners are Michael Goretzka, the Administrator of the Estate of Carrie Goretzka, the father and natural guardian of Carlie and Chloe Goretzka, and the widower of Carrie Goretzka; and JoAnn Goretzka, mother-in-law of Carrie Goretzka and grandmother of Chloe and Carlie Goretzka.

2. Carrie Goretzka was electrocuted on June 2, 2009 when a powerline on her property fell for the third time in six years and toppled onto her. JoAnn Goretzka and

Michael Goretzka's two young girls, Chloe and Carlie, watched in horror as their mother was electrocuted by the fallen 7200 volt line.

3. After West Penn refused to provide information on this accident to the Commission, a formal Complaint was filed by this Commission on May 30, 2012.

4. On December 6, 2012, an Allegheny County jury determined that the installation and maintenance was not only negligent, but also reckless, and assessed both compensatory and punitive damages against West Penn in the total amount of \$109 million.

5. On February 13, 2003, the Commission's Bureau for Investigation and Enforcement and West Penn filed the instant Petition seeking to settle and resolve the formal proceedings initiated against West Penn as a result of the Goretzka incident. The highlights of this proposed agreement include:

- a. A modification of West Penn's training program relative to the installation of automatic splices, including mandatory training of all linemen and line supervisors within the next year and mandatory retraining at "regular intervals";
- b. An inspection, to be completed in three years, of all automatic splices in use on distribution lines on the West Penn primary distribution system;
- c. Spot checks of automatic splices installed on distribution lines;
- d. Mandatory tracking of all automatic splice failures over the next 3 years;
- e. The payment of \$86,000 by West Penn as a civil penalty.

6. The PUC and West Penn's remediation agreement is good and constructive. The proposed remedial measures, including both training and inspections, will make the citizens of southwestern Pennsylvania safer.

7. However, the proposed remedial measures are not sufficient. They do not require re-inspections of splices, as West Penn is only required to check each splice a single time. This is not enough.

8. During settlement negotiations in the underlying wrongful death lawsuit, West Penn agreed to repeat this infra-red inspection program within five years of completing it the first time. See Exhibit A. However, in the proposal agreement with the PUC, West Penn agrees only to a single inspection. This is simply not sufficient. If West Penn was willing to repeat the splice inspection as part of the wrongful death settlement, it should be willing to do so with the PUC. We respectfully suggest that annual inspections occur by infrared and that they be done by all Pennsylvania public utilities.

9. While retraining of linemen is an important part of the proposed agreement, it is only required at "regular intervals". Both the PUC and West Penn should quantify what is meant by "regular intervals". Respectfully, such retraining should occur on an annual basis.

Respectfully submitted,

**KLINE & SPECTER,  
A Professional Corporation**

BY:



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**VERIFICATION**

We, Michael Goretzka and JoAnn Goretzka, hereby state that the facts set forth in the foregoing Petition to Intervene are based on first-hand information and on information furnished to counsel and obtained by them. The language of the document is that of counsel and not of the affiants. To the extent that the contents of the document are based on information furnished to counsel and obtained by them, the affiants have relied upon counsel in making this verification. All statements are founded upon reasonable belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

  
MICHAEL GORETZKA

  
JOANN GORETZKA

Dated: 9-11-13

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# Exhibit "A"

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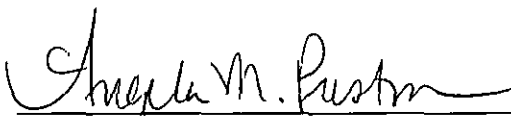
**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing Objections upon the parties listed below via federal express, in accordance with the requirements of 52 Pa. Code §1.54, relating to service by a party:

John F. Povilaitis, Esquire  
Alan Michael Seltzer, Esquire  
Buchanan Ingersoll & Rooney, P.C.  
409 North Second Street, Suite 500  
Harrisburg, PA 17101

Tori Giesler, Esquire  
FirstEnergy Services Company  
2800 Pottsville Pike  
Reading, PA 19610

Heidi L. Wushinske, Esquire  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

  
\_\_\_\_\_  
Angela M. Preston, Legal Assistant

Dated: 9/16/13

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From: (215) 772-2461  
 Angela Preston  
 Kline and Specter PC  
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 19th Floor  
 Philadelphia, PA 19102

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**Rosemary Chiavetta, Secretary**  
**The Pennsylvania Public Utility Com**  
**Commonwealth Keystone Building**  
**400 North Street**  
**HARRISBURG, PA 17120**

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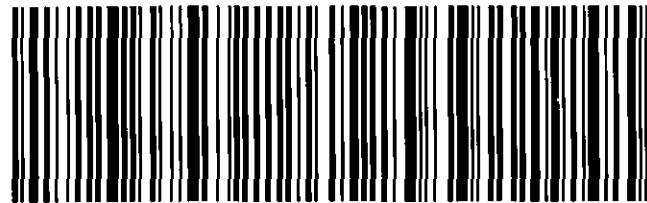
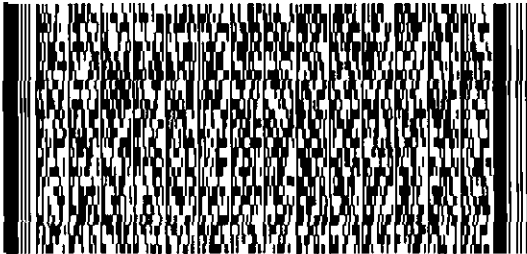
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