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In stray voltage case

PUC rules in favor of dairy farmers

BY SHEILA MILLER
STATE COLLEGE — The question of who is responsible for the stray voltage problem in Pennsylvania may have come one step closer to being answered recently when the Public Utility Commission reached a final decision on the cases of dairymen Larry Mills and Joel and Larson Wenger versus West Penn Power Company.

With a vote of 4-1 on Nov. 19, the PUC charged West Penn Power with refunding 75 percent of the costs incurred by the dairy farmers when they purchased and installed isolation transformers to correct their off-farm stray voltage problems.

Although a motion by PUC Commissioner Clifford Jones also had called for the West Penn Power to "establish necessary tariff rates, rules and regulations including a 25 percent contribution in aid of construction and minimum bill provision (revenue

guarantee) that will enable the company to recover their investment in corrective equipment over the useful life of the property," this section was amended by Commissioner Michael Johnson to postpone the initiation of tariff rules and rates until a stray voltage survey is completed by July 31, 1983.

Although this is not termed a "landmark decision" by Mill's and Wengers' attorney, Louis T. Glantz, Esquire with S. Paul Mazza & Associates, he said the PUC's decision "clarifies the farmer's rights" in stray voltage cases and indicates that power companies are "at least partially responsible for correcting stray voltage."

"This will go a long way to eliminate the problem" of power companies refusing to install isolation transformers on farms affected by off-farm stray voltage, said an excited and surprised Glantz after learning of the PUC

ruling. He added there is a good possibility that power companies may decide to pay for the total cost of isolation transformers at their wholesale rates rather than reimburse farmers who would have to purchase and install them individually at retail rates.

Glantz pointed out that some farmers may now have a chance to recover some of their damage costs that resulted from production losses and culled cows while stray voltage was tingling through their barns. But, he noted, damage suits are difficult to plead because of the problems involved in establishing the dollar amounts and who is at fault.

"There won't be thousands of these types of damage suits — maybe 10 or 20," predicted Glantz.

Both Glantz and the farmers he represented credited the support they received from farmers and farm organizations in playing a major role in this precedent-setting case. He noted especially

the efforts by Pennsylvania Farmers' Association in working behind the scenes to inform PUC staff members about stray voltage and how devastating it is for farmers.

Glantz filed a formal complaint for his clients against West Penn Power with the PUC in March. Then came a May 6 hearing before Judge Edward R. Casey during which experts testified for both the farmers and the utility company.

Mills, the Wengers, and Glantz waited all summer for a decision on their case. Finally, on Sept. 14, Casey formally announced he had reached a decision — and dismissed the farmers' complaints "due to insufficient evidence."

After this surprising ruling, Glantz and clients appealed their case to the full PUC which overturned Casey's decision in favor of the farmers.

Despite his decision to dismiss the case, Judge Casey did recognize the importance of the

action being taken by the three dairy farmers and commended them "for taking the initiative in bringing this problem of stray voltage to the attention of the Public Utility Commission. If the electric utility industry in Pennsylvania responds to the challenge (presented by stray voltage) in the way it should, any improvements in electrical service to dairy farmers in the future will be due in large measure to the efforts expended by these Complainants and their attorney."

Glantz termed the effort of Mills and the Wengers as "noble" and said the costs of bringing this case to the PUC far outweigh the benefits of even a 75 percent reimbursement. "Even if we would have lost," he said, "this case would have been a benefit to farmers just by letting them know where they stand."

When asked how he felt about the PUC's decision last month, Larry Mills of Clearville, Bedford County

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Soil Conservation Service Chief Peter Myers, center, left his Washington D.C. office on Wednesday and flew to Pennsylvania to meet with the U.S. Dept. of Agriculture, Northeast state conservationists. During his visit, Myers announced a change in the guard within Pennsylvania's SCS staff — present state conservationist Graham T. Munkittrick, left, will be leaving for Washington as assistant chief on Dec. 12. He will be replaced by James Olson, right, who is presently working in the SCS national office.

Pa. gets new state conservationist

SHEILA MILLER

HARRISBURG — There'll be a new but familiar face in the state conservationist's chair in the U.S. Department of Agriculture's Harrisburg office of the Soil Conservation Service. Effective Jan. 24, 1983, James Olson will be replacing Graham T. Munkittrick as head of the federal conservation office here in Pennsylvania.

Olson is no stranger to Pennsylvania, having served as a district conservationist in Pittsburgh from 1969-71, Somerset from 1971-73; and as area conservationist in charge of the southeastern SCS field offices from 1973-76. Originally from North Dakota, Olson, who has been with SCS for 30 years, served as the "top legislative man" in SCS Washington D.C. headquarters since 1976.

The announcement of the change in SCS state conservationists came Wednesday morning, as the agency's chief administrator, Pete Myers, made his first visit to Pennsylvania to attend the meeting of the 14 Northeast state conservationists here at the Marriott.

An unplanned part of the morning press conference, Myers announced, "I'm going to steal your state conservationist, Graham Munkittrick. As of today, he is being promoted to be one of the five assistant chiefs working on staff in Washington, D.C. He will hold a senior executive position with SCS, (effective Dec. 12)."

Myers added that Olson requested to return to Pennsylvania as state conservationist, considering it "a real challenge."

"We're getting an excellent man in Mr. Munkittrick in Washington ... you've losing a good man but you're getting a good man right back again," Myers remarked.

After Myers announced the shift in state conservationists, which he termed "appropriate," he discussed several programs that are making their debuts in the SCS job folders. The first to be discussed was the Resource Conservation Act, called RCA.

Myers reported that RCA officially has not been released, and that SCS is awaiting approval from the Office of Management and Budget on a transmittal letter

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Mushroom growers dealt blow

KENNETT SQUARE — American mushroom growers were dealt a decisive blow this week when U.S. Trade Ambassador William Brock announced President Reagan's decision refusing to restrict Chinese mushroom imports which continue to take their toll on the U.S. mushroom industry, having taken over more than 50 percent of the domestic market.

Recoiling from the shock of the Nov. 30 announcement, American Mushroom Institute's executive director Jack Kooker expressed his astonishment at the president's decision "against American agriculture."

Kooker explained that Reagan

accepted the decision of the two members of the International Trade Commission who had ruled against a 21 million pound quota on imported mushrooms and an orderly marketing order on Sept. 30. Details of the split-decision 2-2 vote were reported in the Oct. 9, 1982 issue of *Lancaster Farming*.

Reagan's message to mushroom growers across the nation — that he believes imports from canned mushrooms are not disrupting trade in this country — may soon be bouncing off empty mushroom house walls, according to Kooker.

"We (AMI) put every effort into politicizing the president's decision," said Kooker, explaining that the mushroom industry's

national organization made personal contacts with Congressmen, staff members of the White House and Cabinet members, plus encouraging the writing of letters by Pennsylvania's governor and secretary of agriculture.

"The president had the opportunity to go either way, but he decided against American agriculture," Kooker exclaimed. "It's unfortunate that two people can control the mushroom industry's fate and overrule the signatures of 125 Congressmen and 15 Senators who sent letters of quota support to the president."

Kooker expressed his belief that the two ITC members who voted

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Looking ahead to Farm Show

LANCASTER — Well, the 49th issue of the LANCASTER FARMING for 1982 is history today.

That means another year is rapidly drawing to a close. And the start of a new year heralds, among other things, another Farm Show.

Already, we're gearing up for the Farm Show Issue, which will be stretching the seams of your mailbox on Saturday, Jan. 8. Farm Show opens the following day, Sunday, Jan. 9, and continues to Friday, Jan. 14.

So, advertisers and readers, get your material in to us early. The ad deadline is Thursday, Dec. 30, and the news deadline is Wednesday, Jan. 5. Contact LANCASTER FARMING, P.O. Box 366, Lititz, Pa. 17543, or call 717-626-1164 or 717-394-3047.