

ORIGINAL

IN THE MATTER OF:

**USW Local 11-6
vs.
Laclede Gas Company**

Cause No. GC-2006-0390

FILED²

MAR 23 2007

**Missouri Public
Service Commission**

*Deposition of Mark Boyle
1/23/2007*

Joint Exhibit No. 27
Case No(s) GC-2006-0390
Date 2-26-07 Rptr KE

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

USW LOCAL 11-6,

Complainant,

vs.

No. GC-2006-0390

LACLEDE GAS COMPANY,

Respondent.

Deposition of MARK BOYLE, taken on
behalf of the Respondent at the offices of Hammond,
Shinners, Turcotte, Larrew and Young, P.C., 7730
Carondelet, Suite 200, in the County of St. Louis,
State of Missouri, on the 23rd day of January, 2007,
before Gretta G. Cairatti, RPR, CRR, MO-CCR #790,
IL-CSR #084-003418, and Notary Public.

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1 MARK BOYLE,

2
3 of lawful age, having been first duly sworn to
4 testify the truth, the whole truth, and nothing but
5 the truth in the case aforesaid, deposes and says in
6 reply to oral interrogatories propounded as follows,
7 to-wit:

8 EXAMINATION

9 QUESTIONS BY MR. ELBERT:

10 Q: Good morning, Mr. Boyle.

11 A: Good morning.

12 Q: My name is Charles Elbert and I'm -- I'm an
13 attorney for Laclede Gas Company. I will be taking
14 your deposition today. Have you ever had your
15 deposition taken before?

16 A: No. In a divorce, yeah. Not with you.

17 Q: Hopefully -- Yes, hopefully this won't be
18 quite as painful, assuming that was painful.

19 A: That was pretty painful.

20 Q: I'm going to be asking you some questions
21 and you will need to answer the questions audibly
22 with a yes or a no or a description, however you
23 please; okay?

24 A: Yes.

25 Q: All right. You cannot answer with an uh-huh

1 or huh-uh because that's very difficult for the
2 court reporter to take down and be -- It's a bit
3 ambiguous; okay?

4 A: Yes.

5 Q: If you have a question, or you don't
6 understand a question that I'm asking, please let me
7 know and I'll be happy to rephrase it; okay?

8 A: Yes.

9 Q: If you answer a question that I ask, I'm
10 going to assume you understood it; all right?

11 A: Yes.

12 Q: Will you state your name for the record
13 please?

14 A: It's Mark Joseph Boyle, B-O-Y-L-E.

15 Q: By whom are you employed, Mr. Boyle?

16 A: Laclede Gas Company.

17 Q: How long have you been employed by Laclede
18 Gas Company?

19 A: Fifteen years in June.

20 Q: Can you describe your education -- your
21 formal education for us?

22 A: High school graduate and two years at Rankin
23 Technical College.

24 Q: When did you graduate from high school?

25 A: '81.

1 Q: And did you go straight to Rankin Technical?

2 A: Yes.

3 Q: What did you do at Rankin?

4 A: I took the refrigeration, air conditioning,
5 and heating course.

6 Q: What does that course consist of,
7 essentially?

8 A: Theory and hands-training of HVAC equipment
9 and knowledge.

10 Q: Do you learn how to install and repair and
11 maintain HVAC equipment?

12 A: Yes.

13 Q: Have you had any other formal education
14 besides what you've just described?

15 A: No.

16 Q: Have you taken any courses on industrial
17 safety?

18 A: No.

19 Q: Have you taken any courses on natural gas
20 safety?

21 A: Not out of -- Laclede's studies, I would
22 say. Just what Laclede has given me.

23 Q: Have you taken any courses regarding minimum
24 federal standards for the transportation of natural
25 gas by pipeline?

1 A: No.

2 Q: Have you taken any courses regarding natural
3 gas incident investigations such as explosions?

4 A: No.

5 Q: Have you taken any courses regarding the
6 installation of gas meters?

7 A: No.

8 Q: Have you taken any courses regarding the
9 installation of remote reading devices?

10 A: No.

11 Q: Have you published any articles regarding
12 natural gas safety?

13 A: No.

14 Q: Have you published any articles regarding
15 remote reading devices?

16 A: No.

17 Q: Have you received any rewards or honors of
18 any kind in connection with industrial safety?

19 A: No.

20 Q: Have you performed any studies regarding
21 installation of remote reading devices?

22 A: No.

23 Q: Have you performed any studies regarding the
24 leaking of gas meters?

25 A: No.

1 Q: After you completed your education, what was
2 your first job?

3 A: First job? I believe I worked for a heating
4 and cooling contractor.

5 Q: What did you do for that heating and cooling
6 contractor?

7 A: Service work.

8 Q: On furnaces and air conditioning units?

9 A: Yes.

10 Q: Do you remember the name of that contractor?

11 A: I -- I believe it was Click, but I'm not
12 certain. Click.

13 Q: C-L-I-C-K?

14 A: Yes.

15 Q: Was that here in St. Louis?

16 A: Yes.

17 Q: How long did you work for Click?

18 A: I don't remember.

19 Q: So you don't know whether it was a year, or
20 a month, or --

21 A: It was approximately a year maybe.

22 Q: Why did you leave Click?

23 A: I don't remember. Probably pay. I don't
24 remember.

25 Q: Where did you go to work after Click?

1 A: I don't remember.

2 Q: You don't remember where you went to work?

3 A: No. Don't remember. I worked at several
4 heating and cooling companies after I got out of
5 Rankin. I don't remember -- I would say probably
6 two -- two or three -- two. I think it was two
7 heating and cooling companies. I worked for Click
8 and then I think I worked with Superior Heating &
9 Cooling for a very short time.

10 Q: What's a very short time? A couple of days?

11 A: Probably a couple weeks.

12 Q: Couple weeks. Why did you leave there?

13 A: Because they were unethical.

14 Q: How were they unethical?

15 A: They were parts changers.

16 Q: What does that mean?

17 A: That means every job you had to have a
18 certain amount of money on every job, and if -- you
19 changed parts until you got it.

20 Q: Did you report them to anybody?

21 A: Oh, absolutely.

22 Q: Who did you report it to?

23 A: I wrote letters to the Normandy Chamber of
24 Commerce, the Better Business Bureau, and I think I
25 wrote one to the Attorney General. I'm not

1 positive. I wrote three letters.

2 Q: Do you recall if -- if your complaints were
3 ever investigated?

4 A: Yes, they were.

5 Q: Do you recall what the resolution was?

6 A: Disgruntled employee.

7 Q: And that was the finding of who?

8 A: The Normandy Chamber of Commerce and the --
9 I think the attorney. They talked to their people
10 and they said I just wasn't ...

11 Q: After you worked at Superior, where did you
12 go to work?

13 A: I went to work for a place called Automatic
14 Ice Systems.

15 Q: What was that?

16 A: It was installing industrial ice makers.

17 Q: How long did you work there?

18 A: Four years.

19 Q: Why did you leave there?

20 A: I started my own business.

21 Q: And what -- what did you do in industrial
22 ice makers? What was your job?

23 A: I was in the office, did some paperwork
24 on -- on incoming quotes for ice makers. I
25 travelled around the country and was the on-job

1 foreman for installation of ice equipment,
2 industrial type, from the ground up.

3 Q: Did you do actual installation work there?

4 A: Yes.

5 Q: What percentage of your time was spent on
6 installation work?

7 A: For -- In a year's time?

8 Q: Yeah, say in a year.

9 A: Probably five to six months out of a year I
10 was out on the job sites.

11 Q: And when you started your own business,
12 when -- what year was that?

13 A: I don't recall the year. I -- I tell you
14 what, it was five years before I started here.

15 Q: Okay. What was the nature of the business
16 that you started?

17 A: A refrigeration, air conditioning, heating,
18 on commercial accounts, restaurants and bars and
19 small Mom and Pop stores.

20 Q: Was that an installation business, repair
21 business, a maintenance business?

22 A: All the above.

23 Q: All right. And you ran that business for
24 five years?

25 A: Yes.

1 Q: Did you have any employees?

2 A: I would sometimes have one guy help me, but
3 mostly it was just a one-man operation. And my
4 wife; one man, one woman.

5 Q: Did she do the installation, repair and
6 maintenance also?

7 A: No. She did the book work.

8 Q: Why did you discontinue that business?

9 A: I -- The -- The range -- The terms -- Let me
10 try to rephrase this. The -- The goals weren't
11 being reached financially where I wanted to be in
12 five years, according to her.

13 Q: I guess that's who matters.

14 A: Yeah, it mattered.

15 Q: So you closed that business?

16 A: Yes.

17 Q: Then where did you go to work?

18 A: Laclede Gas Company.

19 Q: So you were -- The five years preceding the
20 time you went to Laclede Gas Company you had your
21 own business?

22 A: Yes, Sir.

23 (Exhibit No. 1 marked for identification.)

24 QUESTIONS BY MR. ELBERT:

25 Q: I'm going to show you what's been marked for

1 identification as Exhibit No. 1 which is what
2 Laclede refers to as an ACME card. Have you ever
3 seen this document before?

4 A: No, Sir.

5 Q: It shows up in the upper left-hand corner
6 your date of birth, February 12, 1963?

7 A: Yes.

8 Q: Is that correct?

9 A: Yes.

10 Q: And it shows that you started work at
11 Laclede on June 29, 1992?

12 A: Yes.

13 Q: And is that correct?

14 A: Yes.

15 Q: It shows that you started as a helper; is
16 that correct?

17 A: Yes.

18 Q: And it shows that you basically stayed a
19 helper until approximately May 16, 1994, when you
20 became a combination turn-on/turn-off; right?

21 A: Actually, in January it shows I was -- went
22 to be a meter change person.

23 Q: Okay.

24 A: I was a meter change. That was a -- another
25 classification. That was the first classification

1 above from helper.

2 Q: What were your duties as a meter change?

3 A: Changed the meters. Removed meters that
4 were due. We had a ten-year program, systematic
5 meter changes.

6 Q: So did you change meters that were leaking
7 or did you just change meters as part of a
8 systematic change program?

9 A: Systematic change program.

10 Q: Sometimes when you would change a meter as
11 part of that systematic change program, were they
12 ever leaking?

13 A: No.

14 Q: Never had a leaking meter?

15 A: At that classification --

16 Q: At that classification.

17 A: -- if it was leaking I'd have to call
18 somebody.

19 Q: Well, I'm asking whether they were leaking
20 sometimes when you changed them?

21 A: No.

22 Q: Okay. And then you became a combination
23 turn-on/turn-off; right?

24 A: Yes.

25 Q: What were your duties in that job?

1 A: It -- That also included meter changes and
2 then turn-on/turn-offs where I would go and turn
3 people's gas on and off.

4 Q: Did that include changing meters that were
5 leaking as well as part of the systematic meter
6 change program?

7 A: No. The systematic change had nothing to do
8 with leaking meters.

9 Q: I understand that they -- that the -- When
10 you say it had nothing to do with it, all I'm
11 asking, is it possible that a meter was leaking at
12 the same time that you had to change it as part of
13 the systematic reading program?

14 A: No.

15 Q: It's not possible that they were leaking?

16 A: No.

17 Q: Why wouldn't it be possible?

18 A: I wasn't -- Why wouldn't it be possible that
19 they were leaking?

20 Q: Yes.

21 A: Well, because no one called in a leak there.
22 I was there to change the meter not fix a leak.

23 Q: I understand what you were there for. What
24 I'm asking is whether or not, at the time that you
25 went in to change the meter, the meter could have

1 been leaking anyway?

2 A: No.

3 Q: It's not possible?

4 A: No.

5 Q: And why do you say it isn't possible that a
6 meter was leaking?

7 A: Because I didn't smell it.

8 Q: Have you ever seen or -- a leaking meter?

9 A: Have I ever seen a leaking meter?

10 Q: Yes.

11 A: Yes.

12 Q: Have you seen a lot of leaking meters?

13 A: Yes.

14 Q: Okay. And in what capacity did you see
15 leaking meters? What job -- What type of job were
16 you performing when you saw leaking meters?

17 A: Leak investigations.

18 Q: Those -- That's the only time you've ever
19 seen them?

20 A: Yeah. Yes.

21 Q: Okay. So you've never seen them -- As part
22 of any type of routine maintenance or routine meter
23 changes, you've never seen a leaking meter?

24 A: That's correct. I haven't seen them
25 leaking.

1 Q: Now, you became a special adjust in May of
2 1995; is that right?

3 A: Yes.

4 Q: What were your duties as a special adjust?

5 A: Special adjust was another -- a combination
6 of service work and all below it. It was just --

7 Q: What's that mean, below it?

8 A: Meter changes, turn-ons, cut-offs, and
9 special adjusts would mean that I was able to do
10 service work on appliances, do some fitting work.
11 When I say fitting work, I was able to replace piece
12 for piece, pipe for pipe. I couldn't reconfigure
13 anything. But if I found something leaking out on a
14 job I could replace that piece and repair it.

15 Q: So if you found, for example, a pipe that
16 was running into the meter that was leaking, you
17 could fix that; is that what you're saying?

18 A: Yes.

19 Q: But you couldn't -- I guess I just want to
20 make sure I understand this. You couldn't re-run a
21 line; is that what you mean?

22 A: I couldn't reconfigure the -- Right. That's
23 correct.

24 Q: As -- In your capacity as a special adjust,
25 did you do any leak investigations?

1 A: Yes.

2 Q: Did you find leaking meters at that time?

3 A: If I was called out on an odor at the meter,
4 yes, I'm sure I did.

5 Q: Do you think you found a lot of meters that
6 were leaking as a special adjust?

7 A: I don't have the number in front of me but
8 I've -- we respond to all different sorts and types
9 of leaks.

10 Q: So did you do leaks on fuel runs as well?

11 A: Yes.

12 Q: So you would do leak investigations on both
13 customer facilities and Laclede facilities; is that
14 correct?

15 A: Yes.

16 Q: On February 5, 1998, you became general
17 fitter; right? General fitting?

18 A: Yes, Sir.

19 Q: And have you maintained that position ever
20 since?

21 A: Yes, Sir.

22 Q: What are your duties in general fitting?

23 A: All the above -- All the below, I'm sorry,
24 that got me to that position. And then I can
25 actually do more commercial -- I can refigure the

1 stuff now. I can replace vent pipe and -- You can
2 just -- Actually, I think what has actually happened
3 with Laclede is they've actually gone away from all
4 these different categories now and you're either a
5 helper or a fitter.

6 Q: So as a fitter, you can do work on customer
7 fuel runs, on Laclede facilities, meters, the -- the
8 pipes running into the meters; is that correct?

9 A: Yes.

10 Q: And you can reconfigure those lines as well
11 as simply replace pipes or unions or whatever?

12 A: Yes. Wake up.

13 Q: During your -- I'm sorry, I --

14 MS. SCHRODER: He just told me to wake up.

15 MR. ELBERT: Oh.

16 QUESTIONS BY MR. ELBERT:

17 Q: During your work at Laclede, did you have
18 experience working with remote reading devices?

19 A: Experience as of what?

20 Q: Well, did you see remote reading devices on
21 meters?

22 A: Yes.

23 Q: Did you ever install remote reading devices
24 on meters?

25 A: Yes.

1 Q: Did you install what are called ME devices
2 on meters?

3 A: No.

4 Q: Did you work with ME devices on meters?

5 A: I removed them.

6 Q: You removed them?

7 A: Yes, Sir.

8 Q: Why did you remove them?

9 A: They were obsolete.

10 Q: Did you ever find situations where gas
11 meters were leaking through the ME devices?

12 A: I don't recall.

13 Q: You don't recall ever -- that ever
14 happening?

15 A: No. Can I say something to you? When I
16 started there 15 years ago, the MEs and the RIs, and
17 that's another reader, they were obsolete. We
18 weren't even using them anymore. That's what we
19 were putting -- Trace meters were in when I came.
20 So the MEs and the RIs, I never installed one. And
21 if I ever removed one, it was just due to a
22 systematic where we were putting in a -- changing
23 that out to a trace meter.

24 Q: So you're saying all MEs and all RES were
25 changed to trace meters?

1 A: I'm not saying -- The ones I did, yeah.
2 That's -- That was the new remote meter that was
3 in -- that Laclede was using at that time when I was
4 hired in.

5 Q: Did you ever have occasion to see a meter
6 that was leaking that had an RE device on it?

7 A: No.

8 Q: Did you ever change a meter that was leaking
9 that had an RE device on it?

10 A: No.

11 Q: Did you ever change a meter that was leaking
12 that had an ME device on it?

13 A: No.

14 Q: Never?

15 A: Never.

16 Q: About how many meters do you think you've
17 changed that were leaking in your career?

18 MS. SCHRODER: Objection, just to the extent
19 that this is calling for speculation over 15 years
20 of employment, or at least over 11 years of doing --
21 Well, I don't know how long he's been doing it but
22 to the extent you can answer that, go ahead.

23 THE WITNESS: Do you want an accurate
24 number?

25

1 QUESTIONS BY MR. ELBERT:

2 Q: I'm asking for the best of your knowledge.

3 A: Boy, I -- I'm going to say many.

4 Q: And is it your testimony, as you sit here
5 today, that the only meters that you ever changed
6 that were leaking were ones that did not have any
7 devices on them, or RE devices on them?

8 A: To my knowledge, that's what I'm saying.

9 Q: Now, those meters that you changed, where
10 were they leaking from?

11 MS. SCHRODER: Objection, vague and
12 ambiguous.

13 QUESTIONS BY MR. ELBERT:

14 Q: Where were the -- You just testified that
15 you changed many meters that were leaking; right?

16 A: Right.

17 Q: Now, where were those meters that you
18 changed, in general, where did they leak from?

19 A: Well, there was all kinds of reasons I would
20 change a leaking meter. Either the customer would
21 damage it doing whatever they did, lawn work,
22 vehicles running into them.

23 Q: Those would be outside meters, correct?

24 A: Those are outside, correct. On -- on
25 outside meters I would change them that are leaking

1 out of, they're calling it the face plate, the weep
2 holes around the dial face. I think we had one
3 here, but around the face plate.

4 Q: So if they leak around the face plate,
5 that's probably because they're leaking around the
6 little drive dog that drives the face plate; right?

7 A: I don't know. I never -- I never pinpointed
8 where it was leaking -- coming from. I just knew it
9 was coming out of the meter on the front.

10 Q: But it only -- Those -- Those didn't leak if
11 they had RE devices on them; is that right?

12 A: I wasn't -- It wasn't my job at that time to
13 check for leaks on REs. I was changing the meter.
14 I wasn't there to check for a leak. I was there
15 just to take the meter, remove it, and put in a new
16 meter.

17 Q: I'm asking you about ones where you were
18 there to change the meter because it was leaking.

19 A: I wasn't ever on an RE or an ME due to a
20 leak.

21 Q: You're positive about that?

22 A: I'm pretty positive. You know, I mean, I
23 guess if you could check my -- all my CIS's, I mean,
24 if you could show me one, I would not be positive.

25 Q: Well, what I'm trying to get at is you just

1 testified that some of these meters that you
2 changed --

3 A: Right.

4 Q: -- had -- they were leaking around the face
5 plate.

6 A: Right.

7 Q: Now, sometimes that face plate could be an
8 RE or ME, couldn't it?

9 A: Or it would be a regular one.

10 Q: Or it could be a regular one; right?

11 A: Right.

12 Q: So you're telling me, if I understand your
13 testimony as we sit here today, that you never had
14 one that was leaking around the face plate that was
15 an RE or an ME?

16 A: What I'm sitting here saying is when I was
17 in this category --

18 Q: Which category?

19 A: Helper, turn-on, and I was changing meters,
20 I was never sent out on a leaking RE or ME meter.

21 Q: I understand that. Let's talk about since
22 you've been a general -- in general fitting.

23 A: Fitter; okay.

24 Q: Now, you've changed meters since you've been
25 a general fitter; correct?

1 A: Yes.

2 Q: And some of those meters have been leaking;
3 haven't they?

4 A: Yes.

5 Q: In fact, you testified before, many of those
6 meters had been leaking; right?

7 A: Yes.

8 Q: What I'm asking you is, are you telling me,
9 as we sit here today, that none of those meters that
10 were leaking had either an RE device on them or an
11 ME device on them?

12 A: None that I've changed.

13 Q: So when they leaked around the face plate,
14 it was only ones where it had neither an ME device
15 nor an RE device?

16 A: None that I've changed.

17 Q: Are you aware of Laclede Gas employees
18 causing leaks to meters?

19 A: No.

20 Q: Have you ever had to change a meter shortly
21 after a Laclede employee was there working on it?

22 A: And why would I be there -- Why would I be
23 there?

24 Q: Because the meter was leaking.

25 A: No.

1 Q: Did Laclede employees ever make mistakes?

2 A: Sure, yes.

3 Q: Have you ever been called out on a job to
4 correct a leak that a Laclede employee caused?

5 A: I'm going to have to answer, I'm sure I have
6 been but I can't give you the time, date, or the
7 circumstances.

8 Q: I understand that.

9 A: Okay.

10 Q: And I'm not expecting you to remember
11 specifically.

12 A: Okay.

13 Q: Do you have any idea about how many times
14 that could have happened over the years? Let's say
15 since 1998 when you became a fitter.

16 A: That I would go out and repair something
17 that our man would have caused?

18 Q: Your man or woman would have caused.

19 A: Or service person would have caused?

20 Q: Yes.

21 A: I would probably say very rare. I would
22 probably say, in the Service Department, we're
23 not -- I'm not talking about the Construction
24 Department. You're talking about if a service man
25 went out and did a job --

1 Q: I'm talking about any time that you went out
2 to have to correct a leak or conduct a leak
3 investigation after any Laclede employee was there
4 working on the facility, whether it's the Laclede
5 facility or the customer facility.

6 A: You know, I'm -- I'm not -- I'm going to
7 have to -- You're going to have to be a little more
8 specific because we've got leaks that we check
9 annually, daily, that are number three leaks, C&M,
10 or below grade. And people call them in daily.
11 Sometimes I'll go out on the same leak and check an
12 outside leak underground, or outside, or in the air,
13 and it's there for five, six, seven years.

14 Q: Oh, I understand that, Mr. Boyle. What I'm
15 referring to is a situation -- Let's go back. Maybe
16 you forgot the premise of my question.

17 We were talking about situations Laclede
18 employees may have been out on a job and caused a
19 leak.

20 A: Mm-mm.

21 Q: And that you were thereafter called out to
22 investigate that leak or fix the leak; okay? That's
23 the situations that I'm talking about.

24 A: Okay.

25 Q: I'm not talking about number three leaks.

1 A: Okay. And have I gone out and done that?

2 Q: Well, you already testified that you have.

3 A: Yes, I have.

4 Q: And what I was trying to get at is, how
5 often has that happened?

6 A: Well, normally --

7 Q: If you recall.

8 A: Normally that's a blank board. Normally I'm
9 a routing man. But when I'm on the board, that
10 would happen, and yes, I do go out there. What --
11 How many? Well, a whole lot more recently.

12 Q: Would you say, maybe, has that happened 100
13 times? If you know.

14 A: I would say this: In the last year, it's
15 occurred a whole lot more with these new AMR meters
16 that are being put in. Yes, we are, not only myself
17 but other servicemen are, going out and we do put in
18 AMRs ourselves, another company is putting in AMRs,
19 and we are going out and doing numerous of those.

20 When I say numbers, me personally, I've --
21 50, 25, I don't know. Again, I'm a blank -- I'm not
22 a blank board man all the time. I'm a routing man
23 normally.

24 Q: Between 1998 and July of 2005, how many do
25 you think you went out on?

1 MS. SCHRODER: And could you just go ahead
2 and repeat for him what the original question was?
3 Because I think he's frankly gotten off the
4 question.

5 QUESTIONS BY MR. ELBERT:

6 Q: What I'm asking you --

7 A: How many -- Are you asking me this question:
8 How many leaks have I gone out and repaired that a
9 Laclede service person's created?

10 Q: Yes.

11 A: I don't know that answer. I have gone out
12 on some. I don't know that -- I can't be accurate
13 with an answer.

14 Q: And that's been going on since 1998? That's
15 my question.

16 A: Yes.

17 Q: Now, do you hold a position with the Union?

18 A: Yes.

19 Q: What's your current position?

20 A: I'm a shop steward for the North District,
21 and I'm also the executive board member for the
22 Service and Installation Department.

23 Q: How long have you held the shop steward
24 position?

25 A: This'll be three years.

1 Q: How long have you held the executive board
2 member position?

3 A: This'll be three years.

4 Q: Are you a candidate for Union office?

5 A: At this time, I was nominated for an
6 officer's position, yes.

7 Q: What's that position?

8 A: Business manager.

9 Q: Is that to replace Joe Schulte?

10 A: No.

11 Q: Who's it to replace? Who are you running
12 against?

13 A: I'm running against the present business
14 manager.

15 Q: Which is who?

16 A: Kevin Patterson.

17 Q: Do you have a particular platform that
18 you're running on against Mr. Patterson?

19 A: Not exactly, no.

20 Q: Have you told Union members why they should
21 vote for you rather than Mr. Patterson?

22 A: I've been nominated for the position. I
23 haven't accepted it yet.

24 Q: Okay. Are you going to accept the position?

25 A: I -- Probably, yes.

1 Q: The nomination, I mean.

2 A: Yes.

3 Q: And have you made any promises to Union
4 members about what you would do if you were elected?

5 A: Absolutely not.

6 Q: Okay. Have you told Union members what you
7 would try to do if you were elected?

8 A: Not at this time, no.

9 Q: Have you discussed with anyone what you
10 would try to do if you were elected?

11 A: Sure.

12 Q: Okay.

13 A: Yes.

14 Q: Who have you discussed that with?

15 A: My friends.

16 Q: Okay. And what have you told them that you
17 would try to do if you were elected to the Union
18 office?

19 A: Well, I'd be consistent.

20 Q: Consistent with regard to what?

21 A: Maintaining hard fought victories and gains
22 that we've had, just being a Union representative.

23 Q: Well, be a little more specific about that
24 if you can. Are you talking about with respect to
25 wages? Are you talking about with respect to

1 benefits? Are you talking about with respect to
2 jobs? What is it that you would be trying to
3 maintain?

4 MS. SCHRODER: I'm just going to object to
5 this line of testimony on relevancy grounds. You
6 can go ahead and answer.

7 THE WITNESS: I don't understand what you're
8 trying to get me to say.

9 QUESTIONS BY MR. ELBERT:

10 Q: I'm not trying to get you to say anything.
11 I'm just trying to ask you questions and ask for
12 answers.

13 A: Right. And you're asking me what?

14 Q: I'm asking you --

15 A: What my goals are in the Union?

16 Q: If you are elected to be business manager,
17 what would you try to accomplish on behalf of the
18 Union?

19 A: I would protect our rights.

20 Q: What rights are you talking about?

21 A: All the rights that are guaranteed in our
22 contract.

23 Q: Okay. And specifically, which rights?

24 A: Wages, salaries, work policies,
25 implementation, holding people -- keeping people's

1 jobs.

2 Q: Keeping people's jobs. Are you involved in
3 this case before the Public Service Commission
4 that's currently pending and is the -- what you've
5 given this affidavit?

6 MS. SCHRODER: Or he's testified.

7 QUESTIONS BY MR. ELBERT:

8 Q: Oh, you've already testified in this case?

9 A: Sure, yes.

10 Q: Were you involved in the bringing of this
11 case?

12 A: Yes.

13 Q: What was your role in bringing this case?

14 A: I collected -- The case concerning what?
15 What case? What are you talking about?

16 Q: The case that's currently pending before the
17 Public Service Commission --

18 A: The AMRs?

19 Q: Well, it's case number GC-2006-0390.

20 MS. SCHRODER: He's not going to know the
21 case number.

22 MR. ELBERT: Well, he's nodding.

23 QUESTIONS BY MR. ELBERT:

24 Q: So please --

25 A: I'm just -- I'm nodding here because you're

1 giving me a number that I have no clue what that
2 number means.

3 Q: That's why you were nodding?

4 A: Yeah.

5 Q: And this is the case involving the AMR
6 devices that you have provided --

7 MS. SCHRODER: That he's testified in.

8 MR. ELBERT: I -- Can I ask the questions?

9 MS. SCHRODER: Yeah. I mean, we can
10 stipulate that that is the case number for the AMR
11 case.

12 QUESTIONS BY MR. ELBERT:

13 Q: Okay. And you've already testified in that
14 case?

15 A: Yes.

16 Q: And you've collected data for the Union to
17 support that case?

18 A: Yes.

19 Q: Do you have a personal stake in winning that
20 case?

21 A: No.

22 Q: Do you think it would help to win that case
23 in connection with your bid for Union office?

24 A: No.

25 Q: Why do you think it would not be helpful?

1 A: No one knows that I'm even doing it.

2 Q: No one knows that you're doing it?

3 A: Nope.

4 Q: Did any Union members appear at the hearing?

5 A: The only people -- Okay, I'll rephrase that
6 then. The people who were at the hearing know it,
7 yes.

8 Q: And nobody else knows it?

9 A: No.

10 Q: How do you know no one else knows it?

11 A: Because I'm not telling anybody.

12 Q: Have you encouraged other people to collect
13 data?

14 A: Have I encouraged them? I've passed on the
15 statements from our Union leadership to collect
16 them.

17 Q: How many people have you told that they
18 should collect data regarding AMR devices?

19 A: I have probably told -- Actually, I'm going
20 to tell you, I probably haven't told anybody. They
21 come to me and say, Are we still collecting data for
22 these AMRs that are leaking? And I say yes. And
23 then they hand them to me.

24 Q: How would they know to come to you?

25 A: Because the Union leadership has gotten it

1 out for them to give them to their shop stewards and
2 the officers of this local when they find leaking
3 AMR meters.

4 Q: So when they come to you with this
5 information, what do you do with it?

6 A: I collect it and I pass it on to my business
7 manager.

8 Q: Do you ever pass it on to the company?

9 A: No.

10 Q: Why not?

11 A: Because they already -- they're already
12 aware of it.

13 Q: How do you know that?

14 A: Because they're leaks and these guys go out
15 on leaks and they fill out their paperwork and they
16 turn it in daily.

17 Q: Now, do you have personal knowledge that any
18 AMR devices actually leak?

19 A: Yes.

20 Q: Now, isn't it true, Sir, that AMR devices
21 don't have gas in them, do they?

22 A: Don't know if that's true or not.

23 Q: You don't know whether an AMR device has gas
24 in it?

25 A: No.

1 Q: Does gas go into the AMR device or does gas
2 go into the meter?

3 A: It goes into the meter.

4 Q: So if there's -- If the AMR device is
5 leaking, where does the gas come from?

6 A: I would say it comes from the meter.

7 Q: Could it come from anywhere else?

8 A: If it's leaking out of the AMR?

9 Q: Yes.

10 A: No.

11 Q: Okay. And what would cause the leak that
12 would cause gas to come out of the AMR?

13 A: Well, I didn't know until I went to the
14 hearing, but the hearing stated that it's coming
15 from the drive.

16 Q: So you had no knowledge prior to that
17 time -- When was that hearing? Was that in December
18 of 2006?

19 A: Yes.

20 Q: So from -- Do you know when Laclede started
21 installing AMR devices?

22 A: I would probably say 18 months ago, year and
23 a half.

24 Q: So let's say it was about in July of 2005.
25 Does that sound about right?

1 A: About right. I would say yes.

2 Q: Sometime in the summer of 2005?

3 A: Yeah. Actually, they didn't come to me and
4 tell me when they started it but I -- I did hear
5 that they did start it sometime in that summer.

6 Q: And as a Union shop steward, are you
7 somewhat concerned that AMR devices might affect
8 Union jobs?

9 A: They already have.

10 Q: They have affected Union jobs?

11 A: Yes, Sir.

12 Q: How have they affected Union jobs?

13 A: There's no longer a meter reading
14 department.

15 Q: And is that of concern to you as a Union
16 shop steward?

17 A: Sure, yes.

18 Q: And is that a concern to you as a candidate
19 of office?

20 A: Actually, it's already happened so there's
21 not much I'm going to be able to do about it.

22 Q: Now, when you found out at the hearing that
23 the drive dog -- The drive is where these meters
24 typically leak; right?

25 A: That's what I understood it as the drive

1 dog, and there's a gasket supposedly around that
2 dog. And that's what I got out of it.

3 Q: And do you know prior -- So as of
4 December 2006, you didn't even know where the meters
5 were leaking from; correct?

6 A: They were leaking out of the face plate.

7 Q: I understand. But you didn't know where in
8 the meter they were leaking, did you?

9 A: No.

10 Q: So you didn't know how any leak was caused,
11 did you?

12 A: No.

13 Q: And as we sit here today, do you have any
14 personal experience, any personal knowledge, of how
15 a leak is caused, which ultimately leaks through the
16 AMR device?

17 A: I do now, yes.

18 Q: Okay. And how did you get that knowledge?

19 A: From the hearing.

20 Q: I'm asking whether you -- I understand that
21 you heard it at the hearing.

22 A: Okay.

23 Q: But aside from what you heard at the
24 hearing, in your experience, over 18 months of
25 dealing with leaking meters that have AMR devices on

1 them, I'm asking you, do you have any knowledge
2 personally of how the gas leaks out of the meter
3 through the AMR device?

4 A: No.

5 Q: Have you ever installed an AMR device?

6 A: Well, we're going to have to -- You're going
7 to have to be more specific on installation of an
8 AMR device.

9 Q: Well, I've got an AMR device here.

10 A: Right.

11 Q: And I'm going to read into the record the
12 number, if I can read it?

13 MS. SCHRODER: You need those glasses.

14 MR. ELBERT: No, I have a -- glasses won't
15 help.

16 QUESTIONS BY MR. ELBERT:

17 Q: It's a 29-1013 Equimeter, E-Q-U-I-M-E-T-E-R.
18 I'll somehow the face plate. Do you see that?

19 A: Where did you get the number at? Did you
20 say 29-1013?

21 Q: Is that right?

22 A: Yeah.

23 Q: It's not easy to read.

24 A: No, it's not.

25 Q: Anyway, this is a -- Is this an AMR device

1 that you -- type of AMR device that you've seen
2 before?

3 A: Yes.

4 Q: Okay. Now, what I was asking you is whether
5 you've ever installed a device like this on a meter.

6 A: No.

7 Q: You were saying before, though, that I
8 needed to somehow define my question better.
9 There's some similar devices that you've installed
10 on a meter?

11 A: No. When you say do I install it, we
12 install two different ways. One is we install the
13 whole meter and we call it an AMR meter, which it
14 already comes and this is already on it.

15 Q: So the device, the --

16 A: This is the device -- I've never installed
17 this on a meter, never.

18 MS. SCHRODER: And by this, you're referring
19 to what?

20 MR. ELBERT: He's referring to the Equimeter
21 that we just identified.

22 THE WITNESS: I've never installed this on a
23 meter.

24 QUESTIONS BY MR. ELBERT:

25 Q: Okay. And you've never installed one that's

1 like this on a meter?

2 A: No.

3 Q: Okay. But what have you -- Have you
4 installed the battery?

5 A: Yeah. What we do is when we -- we have
6 to -- The face plate's on there also, I don't know
7 where it is, but there's a face plate on here. And
8 we take this front piece off and we have to activate
9 the battery. Then we put it back on there and
10 that's all we do.

11 Q: When you talk about the face plate, you're
12 talking about the face that has the dial?

13 A: Yeah, on the dial face.

14 Q: And that's on the meter and is taken off and
15 put into this device; right?

16 A: It's on that, yes.

17 Q: But you don't do that work?

18 A: I don't do that.

19 Q: Do you know whether the Union has a duty to
20 protect public safety?

21 A: The Union has a duty?

22 Q: Yes.

23 A: I feel that the -- the employees of the
24 Union have a duty to protect public safety, yes.

25 Q: You mean Laclede Gas employees?

1 A: Right.

2 Q: They're --

3 A: Which are Union employees.

4 Q: Well, they're not employees of the Union.

5 A: No, they're Union members.

6 Q: Union members. They have a duty?

7 A: Yes.

8 Q: I'm asking you whether the Union itself has
9 a duty to protect public safety?

10 A: Yes.

11 Q: Okay. And where does that duty come from?
12 Where --

13 A: Representing the members.

14 Q: So it's the Union's job to protect the
15 public?

16 A: Sure, yes.

17 Q: Is that in the Union constitution?

18 A: I don't have the Union Constitution.

19 Q: You've never read it?

20 A: No.

21 Q: Is that in the Union bylaws?

22 A: No.

23 Q: Well, where does that duty come from?

24 A: I would say that duty comes from your own
25 integrity in your job that Laclede has trained us to

1 perform for the public. We are a public service.

2 Q: I agree --

3 A: Okay.

4 Q: -- Mr. Boyle. I'm not -- I agree completely
5 that you as an employee of Laclede Gas have a duty
6 to the public.

7 A: Mm-mm.

8 Q: What I'm asking you is whether your Union
9 has that same duty to the public.

10 A: I believe they do.

11 Q: But you don't know where that duty comes
12 from? There's no document that says that; is there?

13 A: No, there's nothing in writing. I don't
14 believe there is.

15 Q: So if a Union employee should be
16 negligent -- an employee who's represented by the
17 Union should be negligent, and there's an explosion
18 to a customer facility, should the Union be held
19 liable for that explosion?

20 A: That member will.

21 Q: Well, I'm asking -- Again, Mr. Boyle, I'm
22 asking you the difference between the employee and
23 the Union. I understand that as an employee of
24 Laclede Gas Company, we can all agree, you have a
25 duty to the public. Laclede Gas Company has a duty

1 to the public; correct?

2 A: Correct.

3 Q: Now, what I'm asking you is, does the Union
4 have that same duty to the public?

5 A: I'm trying to get your question.

6 Q: Well, I'm going to go back --

7 A: I know what your question is. It's not in
8 writing anywhere. We've gone over that. Does
9 Laclede -- the Union have a duty?

10 Q: Yes. If a house blows up --

11 A: If a house blows up --

12 Q: -- because a Union employee makes a
13 mistake -- a Laclede employee that's represented by
14 the Union makes a mistake, should the Union be held
15 liable --

16 A: This is a hypothetical question?

17 Q: Yes, it is.

18 A: And I'm going to say that the Union is held
19 accountable just for the fact that it is a Union
20 member.

21 Q: So in other words --

22 A: Now, are you saying that they're going to
23 get -- the Union's going to get sued and lose money?

24 Q: Yes.

25 A: No. No, they won't.

1 Q: Why not?

2 A: I don't know -- They might. They might.

3 Q: Okay. You don't know?

4 A: I don't know.

5 Q: In your capacity as a Laclede employee or a
6 shop steward, are you aware of any situations where
7 a Laclede employee represented by the Union has
8 caused an explosion at a customer's premises?

9 A: No.

10 Q: You're not aware of any?

11 A: No, Sir.

12 Q: Have you ever heard of Gary Boschert?

13 A: I wasn't a steward then.

14 Q: Well, I didn't -- That wasn't my question.

15 A: I thought that was your question.

16 Q: No. I said in your capacity as a Laclede
17 employee or a shop steward.

18 A: Yes.

19 Q: Okay.

20 A: I misunderstood. I thought you said as my
21 capacity as a shop steward. But yes, I have.

22 Q: You have heard of Laclede employees doing
23 things that have caused explosions at customer
24 premises?

25 A: Where the Laclede employee actually caused

1 it?

2 Q: Yes.

3 A: In -- In my 15 years here?

4 Q: Yes.

5 A: I'm going to have to say no. I don't recall
6 any employee causing an explosion.

7 Q: Okay.

8 A: On his -- Go ahead. I'm sorry.

9 Q: Are you aware of the Gary Boschert case?

10 A: I'm aware of Gary Boschert's case, yes.

11 Q: Are you aware that it was found that his --
12 his negligence resulted in an explosion?

13 A: I don't know the results of the case.

14 Q: Okay. Are you aware that -- and I think you
15 already testified to this previously -- that Laclede
16 employees have left premises with leaks; right?

17 A: I'm sure it's happened, yes.

18 Q: Well, you said you were personally aware of
19 that before.

20 A: I'm sure it's happened.

21 Q: Is --

22 A: I'm personally aware of it, yes.

23 Q: Okay. And did the Union, to your knowledge,
24 ever suggest that an employee who did that should be
25 disciplined?

1 MS. SCHRODER: I'm just going to object,
2 lack of foundation. Go ahead.

3 MR. ELBERT: Well, I want to correct any
4 foundation.

5 QUESTIONS BY MR. ELBERT:

6 Q: You are -- You've been a Laclede employee
7 for 15 years; right?

8 A: Yes, Sir.

9 Q: You've been a shop steward for three years;
10 right?

11 A: Right.

12 Q: You've been a member of the executive board
13 for three years, right?

14 A: Right.

15 Q: So do you have knowledge, personal knowledge
16 of the Union ever disciplining an employee for
17 failure to properly perform his or her job?

18 A: No, Sir.

19 Q: Do you know whether the Union has ever told
20 the Company that an employee should be disciplined
21 for failure to perform his or her job?

22 A: I'm not aware of that, no, Sir.

23 Q: Do you know whether the Union has ever
24 sought the discipline or discharge of an employee
25 who failed to perform his or her job?

1 A: Not that I'm aware of, no.

2 Q: Are you aware of the Union ever
3 requesting -- Are you aware of -- and I know this
4 doesn't happen often -- but are you aware of some
5 situations where Laclede employees who were
6 represented by the Union have failed to follow
7 safety procedures?

8 A: Yes.

9 Q: Okay. And that's happened a few times;
10 right?

11 A: Yes.

12 Q: To your knowledge? And are you aware of
13 whether or not the Union has ever sought to have
14 that employee disciplined?

15 A: No.

16 Q: No, you're not aware of any such situation?

17 A: No, the Union's never went to the Company to
18 discipline a member.

19 Q: Do you know why not?

20 A: The Company does a good job doing that
21 itself.

22 Q: Do you know whether the Union has ever
23 suggested to the Company that they do hazard
24 investigations of work of employees who have failed
25 to follow safety procedures?

1 A: You're going to have to repeat that.

2 Q: Okay. Are you aware that in this case
3 that's currently pending before the PSC, the Union
4 has requested that Laclede can -- can be required to
5 conduct hazard investigations where AMR devices have
6 been installed?

7 A: I did read that.

8 Q: Okay. What I'm asking you is, to your
9 knowledge, has the Union ever requested that Laclede
10 perform hazard investigations of work performed by
11 Laclede employees who previously have failed to
12 follow the safety procedures?

13 A: That's -- I'm going to answer that by saying
14 our Laclede employees and Union members normally
15 follow safety procedures. So that's not an
16 ongoing --

17 MR. ELBERT: Can you read my question back
18 please?

19 (The requested portion of the record
20 was read by the reporter.)

21 THE WITNESS: I don't know what your
22 question is there. I really don't.

23 QUESTIONS BY MR. ELBERT:

24 Q: Okay. You've already testified that there
25 have been Laclede employees who failed to follow

1 safety procedures; correct?

2 A: There's been a few instances, yes.

3 Q: And in those instances, has the Union asked
4 Laclede or anyone else to conduct hazard
5 investigations following work performed by those
6 employees who failed to follow safety procedures?

7 A: I'm going to have to ask you this: Are you
8 saying go back on an employee's other work prior to
9 him getting caught doing that?

10 Q: Either prior work or work after the employee
11 got caught, either -- either way.

12 A: You mean additional training?

13 Q: No. Doing investigations to make sure that
14 the work is being performed properly.

15 A: I -- I just don't know what you're asking
16 me.

17 Q: Well, we'll keep working at it.

18 A: I'm trying. Try it again.

19 Q: Do you understand what an investigation is?

20 A: Oh, yeah, absolutely.

21 Q: And do you understand that the Union in this
22 case is requesting that each time there's an AMR
23 installation, a Union member should then go out
24 afterward and check it to make sure that it's --
25 there's no hazard? Do you understand that?

1 A: Yes.

2 Q: Okay. Do you understand that there have
3 been employees, Laclede Gas employees --

4 A: Right.

5 Q: -- who are members of the Union, who have
6 failed to follow safety procedures?

7 A: Right.

8 Q: Now, are you aware of the Union ever
9 requesting that hazard investigations be performed
10 with respect to those employees' work that they
11 performed?

12 A: The Union hasn't requested that, no. The
13 Company does that.

14 Q: How do you know that?

15 A: Because they go back on people's work,
16 sometimes months, and check to make sure they did
17 their job safely.

18 Q: Is it -- Would you agree, Mr. Boyle, that
19 it's always safer to have someone -- to have one
20 employee check another employee's work?

21 A: Yes.

22 Q: And would it be even safer if you had a
23 third employee check the work of the first two
24 employees?

25 A: Yes.

1 Q: Or if you had a fourth employee check the
2 work of the first three employees?

3 A: Yes.

4 Q: That would always be safer; right?

5 A: Yes.

6 Q: And that doesn't matter whether it's a
7 Laclede employee or anybody else; does it?

8 A: No.

9 Q: And as a Union member, do you believe that
10 Laclede should be required to have work of all
11 employees checked?

12 A: No.

13 Q: Why not?

14 A: Because we do it right 99.9 percent of the
15 time.

16 Q: I agree, Laclede employees do a good job.

17 A: Thanks.

18 Q: And -- But -- But as we said before, people
19 make mistakes; correct?

20 A: Correct.

21 Q: Okay. What I'm saying to you is, do you
22 believe -- And I'll give -- I'll assume your
23 statistic is true, I don't know whether it is or
24 isn't, that 99.9 percent of the time Laclede
25 employees do the job right. Do you think that they

1 still -- the Company should still send out another
2 Laclede employee to check each employee's work to
3 protect the public?

4 A: If it's going to protect the public and that
5 employee has been found that he wasn't doing his
6 procedures correctly, I would suggest the Company
7 would send someone back and check his work.

8 Q: Okay. Now, if the -- Are you saying that if
9 the employee has not been found to be performing the
10 work improperly, then there should be no requirement
11 on Laclede to go check his work?

12 A: Correct.

13 Q: So in the case of going back to Gary
14 Boschert, should Laclede be checking Gary Boschert's
15 work each time?

16 MS. SCHRODER: Objection. This -- That
17 lacks foundation. This employee -- or this -- I'm
18 sorry, the witness has already said he doesn't know
19 what was found with regard to Boschert.

20 QUESTIONS BY MR. ELBERT:

21 Q: You can answer the question.

22 A: Could you repeat it?

23 Q: With respect to Gary Boschert, should
24 Laclede be sending out an employee to check Gary
25 Boschert's work?

1 A: You know, actually, I think Laclede sent
2 Gary Boschert back to training for a specific amount
3 of time, which I don't know of.

4 Q: Okay.

5 A: So yeah, what they did is -- No, they don't
6 send them back because they trained him and that
7 what he did wrong -- evidently what he did wrong on
8 that specific job, they've actually got -- they got
9 a whole manual on it now.

10 Q: Are you aware of any injury to a person
11 resulting from a leaking ME device?

12 A: No.

13 Q: Are you aware of any injury to a person
14 resulting from a leaking RE device?

15 A: No.

16 Q: Are you aware of any injury to a person
17 resulting from any trace device?

18 A: No.

19 Q: Are you aware of any injury to a person
20 resulting from an AMR device?

21 A: Yes.

22 Q: And tell me what that incident is.

23 A: The incident I'm here about.

24 Q: Is that the only incident you're aware of?

25 A: That I'm aware of.

1 Q: Are you aware of any damage to property
2 resulting from a leaking ME device?

3 A: No.

4 Q: Are you aware of any damage to property
5 resulting from a leaking RE device?

6 A: No.

7 Q: Are you aware of any damage to property
8 resulting from a trace device?

9 A: No.

10 Q: Are you aware of any damage to property
11 resulting from an AMR device?

12 A: No.

13 Q: Are you aware of any injury to a person
14 resulting from a leaking meter without any remote
15 reading device on it?

16 A: I kept saying no, but you just -- you kind
17 of confused me on that last question.

18 Q: We'll go over the last question again.

19 A: Go ahead.

20 Q: You testified before that there are some
21 meters that have no remote devices?

22 A: Right. That's correct.

23 Q: And you testified before that some of those
24 meters you found were leaking?

25 A: Right.

1 Q: Have you ever -- Are you aware of any injury
2 to a person resulting from one of those meters that
3 did not have a remote reading device on it?

4 A: No.

5 Q: Are you aware of any damage to property
6 resulting from one of those meters that were leaking
7 that did not have a remote reading device on it?

8 A: No.

9 MS. SCHRODER: Is this a good time to take a
10 break?

11 MR. ELBERT: Absolutely.

12 (Short recess taken.)

13 (Exhibit No. 5 marked for identification.)

14 QUESTIONS BY MR. ELBERT:

15 Q: I'm going to show you what's been marked as
16 Exhibit 5, which is the leak -- a portion of the
17 leak -- I'm sorry, a portion of the SEID manual
18 issued June 2000, revised January 2003, and it's
19 Section 19-5 to 19-12 -- pages 19-5 to 19-12, and
20 ask you if that's a true and accurate copy of the
21 portion of the leak investigation?

22 A: Yes.

23 Q: Procedure, I'm sorry.

24 A: Yes.

25 Q: Okay. And you're familiar with that

1 procedure; correct?

2 A: Yes.

3 Q: And do you follow that procedure when on a
4 leak investigation?

5 A: As close as I can, yes.

6 Q: Do you always follow it?

7 A: Yes.

8 Q: In your experience, since AMR has been
9 installed starting roughly in July of 2005, about
10 how many meters have you seen where the meter was
11 leaking that had an AMR device on it?

12 A: How many have I personally seen?

13 Q: Yes.

14 A: Well, I would say -- That would be hard for
15 me to give you that number but I'm going to say over
16 100.

17 Q: You've personally seen over 100?

18 A: I see them every day. I'll tell you where I
19 see them. I don't go and remove them. I see them
20 in our yard. They're sitting down -- I say in our
21 yard, our servicemen bring them back into the
22 Laclede Gas facility and we drop off meters when we
23 remove them for changes, leaks, DRs, stuck, and they
24 all put them down there and they're just -- they're
25 all down there.

1 Q: And that's where you've seen all of them,
2 is --

3 A: I've seen all of them and I've personally
4 changed some, too.

5 Q: I'm asking you how many where you've
6 actually changed the meter?

7 A: Probably -- You're going to stick me with
8 this one?

9 Q: No, I'm asking -- No, Sir, I'm asking --

10 A: I'm going to say ten.

11 Q: Okay. You've seen ten. And about how many
12 meters have you seen with AMR devices on them out in
13 the field?

14 A: Pretty much every one of them now.

15 Q: All right. And I guess what I'm asking you
16 is, since July of 2005, have you seen 1,000 of them
17 in the field, 5,000, 10,000, 100,000?

18 A: Not 100,000, no.

19 Q: 50,000?

20 A: I see them daily. I see them every day.

21 Q: Okay. Thousands; is that fair?

22 A: I'd say a few hundred, yeah. Maybe --

23 Q: You just see a few hundred meters?

24 A: I don't know.

25 Q: You don't have any idea?

1 A: I don't pay attention that much. It's a
2 meter.

3 Q: And those ones that you talked about in the
4 lot, or in the yard I should say, that you saw, do
5 you know what caused the leaks in any of those
6 meters?

7 A: No.

8 (Exhibit No. 2 marked for identification.)

9 QUESTIONS BY MR. ELBERT:

10 Q: I'm going to show you what's been marked for
11 identification as Exhibit No. 2 which appears to be
12 a copy of an affidavit of Mark Boyle dated
13 January 5, 2007. I'll ask you if you can identify
14 that document?

15 A: Yes.

16 Q: Is that a true and accurate copy of your
17 January 5, 2007, affidavit?

18 A: Yes.

19 Q: Were you working the blank board on
20 December 19, 2006?

21 A: Yes.

22 MS. SCHRODER: Oh, can I tell him what we
23 were doing about the highly confidential stuff?

24 MR. ELBERT: Yes.

25 MS. SCHRODER: Please do not refer to the

1 names of the customers or to the specific address --

2 THE WITNESS: Okay.

3 MS. SCHRODER: -- when you're giving your
4 answers as much as possible. And we're going to try
5 not to do it in our questions, too. Just refer --
6 if you can refer to it as the incident of
7 December 19th, and you can refer to them as the
8 customer.

9 THE WITNESS: Okay.

10 MS. SCHRODER: We're just trying to keep
11 from having to mark the entire -- or to mark whole
12 portions of the transcript highly confidential.

13 THE WITNESS: Okay.

14 QUESTIONS BY MR. ELBERT:

15 Q: In line three of -- on page one, it says,
16 Around 10:10 a.m. I was called out to this address
17 because the customer had reported smelling gas;
18 right?

19 A: Yes.

20 Q: When you say called out, what does that
21 mean? Is that when you arrived at the location,
22 10:10? Do you --

23 A: Yes.

24 Q: Did you arrive at the location at 10:10?

25 A: It was probably 10:08, but we round it up to

1 the increments of 10, 15, 20. So if it was 10:10 --

2 Q: So you -- you actually remember you arrived
3 there at 10:08?

4 A: Yeah. Yes.

5 Q: And where were you when you received the
6 call to go there?

7 A: I was on -- just finishing my break.

8 Q: What time was your break that day?

9 A: I've got to see my rough sheet.

10 Q: Well --

11 A: I don't know what my rough sheet is.

12 Q: You don't remember the time of your break
13 that day?

14 A: It was before this job, right before this
15 job.

16 Q: But you do remember specifically arriving at
17 10:08?

18 A: Yes.

19 Q: How long was your break that day?

20 A: Fifteen minutes.

21 Q: Where were you when you were taking your
22 break?

23 A: I was at our Union office.

24 Q: You were at the Union office. Where is that
25 located?

1 A: On Olive. I don't know the address.

2 Q: What were you doing at the Union office?

3 A: Getting a free cup of coffee.

4 Q: Were you talking to anyone there?

5 A: Yes.

6 Q: Who were you talking to?

7 A: Our -- My business manager, Kevin Patterson.

8 Q: What were you talking to him about?

9 A: Some of it was confidential and I'm not
10 going to be able to repeat it, but other stuff was
11 concerning the hearing that we had just participated
12 in the week prior.

13 Q: Well, I'm going to ask you, I don't think
14 there's anything that's confidential, Mr. Boyle. I
15 would like to know what you were talking to him
16 about.

17 MS. SCHRODER: It sounds like we need to
18 take just a real quick -- I need a real quick
19 conference to see if there's any basis for an
20 objection for confidentiality.

21 QUESTIONS BY MR. ELBERT:

22 Q: Well, let's try this: Was there an attorney
23 present during that conversation?

24 A: No.

25 Q: Was there a discussion about -- Was there an

1 attorney on the phone during that conversation?

2 A: No.

3 Q: Well, why was the conversation confidential?

4 A: It was concerning the upcoming election in
5 our Local.

6 Q: What were you discussing about the election?

7 A: That I was going to be possibly running
8 against him.

9 Q: And why is that confidential?

10 A: That's my -- I mean, it's between me and
11 Mr. Patterson. I didn't -- I didn't feel it was
12 necessary that, you know, you would want to really
13 know about it.

14 Q: During that conversation was there also a
15 discussion about this case before the PSC?

16 A: Yes.

17 Q: What were you discussing?

18 A: We -- I brought up some issues and -- of how
19 some questions were being asked to the members and
20 how the staff was asking questions concerning
21 withholding information. Just vague conversation.
22 I mean, it wasn't really pinpointing anything,
23 just -- just a vague conversation about the whole
24 hearing itself.

25 Q: Well, tell me what was it that you said to

1 Mr. Patterson about the hearing itself?

2 MS. SCHRODER: Objection, relevance, but go
3 ahead.

4 MR. ELBERT: Well --

5 THE WITNESS: I felt that it was a very
6 learning experience going down there in front of the
7 PSC. I felt that it's going to help me in the
8 future.

9 QUESTIONS BY MR. ELBERT:

10 Q: How would it help you in the future?

11 A: Just -- Well, listening to the line of
12 questioning that -- that was happening, how
13 important the PSC takes these complaints.

14 Q: Did you believe that the PSC takes these
15 complaints very seriously?

16 A: Absolutely.

17 Q: Did you discuss with Mr. Patterson what the
18 Union needed to do to improve its case before the
19 PSC?

20 A: Not at all.

21 Q: Did you discuss with Mr. Patterson the
22 notion that you needed to find any further AMR
23 leaks?

24 A: Not at all.

25 Q: Okay. So what else did you discuss with

1 Mr. Patterson?

2 A: Actually, the discussion was, pretty much it
3 was done, that the hearing was over and I felt I did
4 a pretty good job up there. And I thought the Union
5 presented its case very well and that was it.

6 Q: Did Mr. Patterson give you any instructions
7 while you were there?

8 A: No.

9 Q: When you were there, did you receive a call
10 from the board, from the dispatcher?

11 A: No.

12 Q: Did you conclude your coffee break there?

13 A: Yes.

14 Q: And then did you get back in your truck?

15 A: Yes.

16 Q: Is that when you received a call from the
17 dispatcher?

18 A: That's when I called the dispatcher.

19 Q: I see. You called the dispatcher, and the
20 dispatcher dispatched you to this address that's
21 mentioned in your affidavit?

22 A: Yes.

23 Q: How far away from that address were you when
24 you received that call? Or when you made that call,
25 I should say.

1 A: Not very far. Are you talking time wise or
2 miles?

3 Q: Yes, let's talk time.

4 A: I would probably say 15 minutes maybe.

5 Q: About how many miles?

6 A: With traffic stops and all that, six,
7 seven miles away.

8 Q: When you arrived at this address at
9 10:08 a.m. on December 19th, what -- First of all,
10 describe what the building looked like.

11 A: It was a single dwelling residential home,
12 brick.

13 Q: Was it multi-story?

14 A: No.

15 Q: Did it have a basement?

16 A: Yes.

17 Q: When you arrived at the building what did
18 you do?

19 A: When I arrived at the building, the customer
20 had the side door open of the home. I'm -- It would
21 be like if there was a carport door, but there's no
22 carport, it was just a side door in the garage. And
23 he waived me into his driveway.

24 Q: So he was standing there at the door?

25 A: With the door open, yes.

1 Q: He had the door actually open?

2 A: Yes.

3 Q: And what -- Did you -- Were you wearing a
4 CG -- were you holding a CGI, or wearing any kind of
5 leak detection equipment?

6 A: I got out of my truck, I spoke to him, I
7 said, I'll be in, in a few minutes. I've got to get
8 my equipment. I cleared my CGI reading -- Well,
9 clearing it means I zeroed it out before I go into
10 the home. I grabbed my tool bucket, walked in,
11 approached the door. I got on -- inside the
12 landing, he was there, and we were standing there.

13 Q: And when you went in, did your CGI register
14 anything?

15 A: Immediately.

16 Q: Okay. What did it register?

17 A: Not only did my CGI register, my nose
18 registered.

19 Q: The question is, what did your CGI register?
20 What percentage?

21 A: Thirty.

22 Q: Percentage -- 30 of the lower explosive
23 limit?

24 A: Yes.

25 Q: What did you do?

1 A: I immediately went downstairs and made it
2 safe.

3 Q: Well, tell me what you did. What was the
4 first thing you did when you went downstairs?

5 A: I turned it off.

6 Q: You turned off the gas?

7 A: Yes.

8 Q: Did you do any checking of any of the
9 facilities before you turned off the gas?

10 A: No.

11 Q: Was there anybody downstairs?

12 A: Yes.

13 Q: Who was downstairs?

14 A: The missus.

15 Q: The missus was downstairs. And mister was
16 upstairs. What did you do next?

17 A: What I did next was, is I turned it off. I
18 went back, I told her she's going to have to get out
19 of the basement. I went back up to the steps, I was
20 going to air my machine out again, go back outside.
21 He was standing there. I said I might have to ask
22 you to evacuate your home. So you need to grab your
23 necessary -- It was cold out -- You're going to grab
24 your necessary clothing, whatever, because I think I
25 stopped it but I'm not sure. I went outside to air

1 out my machine.

2 Q: Okay. And just so I understand it, did
3 you -- when you went downstairs, did you notice
4 where the gas was coming from?

5 A: At that point in time, no.

6 Q: You didn't?

7 A: No.

8 Q: Did you CGI around the down -- the basement
9 area at all?

10 A: Well, when -- it -- it -- What it does is,
11 it sucks -- My -- Our ranger -- it's called a
12 ranger. It actually takes air samples constantly.

13 Q: What I'm saying is, did you go to the place
14 where the gas comes in at the wall?

15 A: Sure.

16 Q: And you checked that?

17 A: Sure.

18 Q: And did you check any other locations around
19 that basement?

20 A: I went in, I turned it off. I went -- I was
21 going to get the customers out. I was going to
22 recalibrate. I was going to see if the readings
23 would go down when I went back inside. Then I knew
24 that I had secured the building safely.

25 Q: How long do you think you spent in the

1 basement before you went back upstairs?

2 A: Boy, it happened so quick. Maybe a minute.

3 Q: You were downstairs for one minute?

4 A: Maybe.

5 Q: Okay. And then did you actually evacuate
6 the customers from the house?

7 A: No.

8 Q: Why not?

9 A: Because the readings went down.

10 Q: How long did it take for the readings to go
11 down?

12 A: The readings went down -- I went back
13 outside, I aired it back out, and then when I
14 returned back in, it started to lower. It was
15 starting to lower -- By the way, before that, I did
16 have him open up another couple windows and the
17 front door so it would just -- We were getting more
18 of a -- a better effect of getting -- of airing it
19 out.

20 Q: That was upstairs where he opened the
21 windows; correct?

22 A: You know, I'm not sure. I told him to open
23 the windows and doors. I think he just opened the
24 front door and the side door were open. They were
25 both open.

1 Q: So there were no windows open?

2 A: I don't think so, no.

3 Q: And there were no doors in the basement
4 open; is that right?

5 A: No.

6 Q: And upstairs, what did your ranger register
7 upstairs?

8 A: I never went to the upstairs at that point
9 in time because it was all downstairs where I was
10 at.

11 Q: Well, when you walked in, I thought it
12 immediately registered?

13 A: It did.

14 Q: And didn't it register --

15 A: See, that's not upstairs. When I walked in,
16 that was a landing. It was a landing area. And you
17 had to go up a small flight of steps, probably three
18 or four steps, to get up into the kitchen, or you'd
19 take four or five to go down in the basement. And I
20 didn't go up into the kitchen.

21 Q: Okay.

22 A: I went directly down to the basement to the
23 meter area.

24 Q: Okay. And you never went upstairs to take
25 any readings?

1 A: I did eventually, yeah.

2 Q: When did you do that?

3 A: When I was re-checking the home, making sure
4 it was aired out. Making sure we could go ahead and
5 close it up and -- and they could continue to be
6 inside.

7 Q: And when --

8 A: And myself inside.

9 Q: When you have a reading of 30 percent of the
10 lower explosive limit, is that about -- What -- What
11 percentage reading is that of -- of gas in air?

12 A: My calculation, it would be approximately
13 1.3 percent.

14 Q: Okay. And approximately 1.3 percent, is it
15 part of the procedure, Sir, to evacuate the house
16 immediately?

17 A: It's -- It's -- The procedure is, when I get
18 in there and I make it safe, then I adjust the
19 situation by airing it out. I continue to take
20 readings and then I'm the man on the job and I
21 decide on how I go about doing what we're going to
22 do. If it would have stayed at that level, there's
23 no doubt they would have been out of there.

24 Q: Doesn't the procedure require you -- and you
25 can look at Exhibit No. 2 -- doesn't it require you

1 to evacuate the occupants if you have a reading
2 greater than one percent?

3 A: It does.

4 Q: Okay. But you chose not to do that here?

5 A: At that point in time, the reading went down
6 quick enough that I didn't feel it was necessary to
7 remove them from the home.

8 Q: But you agree that the reading was
9 1.3 percent --

10 A: When I initially walked in, yes, Sir.

11 Q: And -- And doesn't the procedure require
12 you, at 1.3 percent, to immediately evacuate the
13 occupants?

14 A: It -- It states that we do that, yes. But
15 when we go out on a job, we are the man out on the
16 job. This is -- This leak investigation is what we
17 go by as the structure for a leak investigation.
18 This isn't set in stone that we've got to do exactly
19 all of this in this order.

20 Q: Is there anything in this document, Exhibit
21 No. 5, which indicates that you were permitted to
22 allow the occupants to remain in the house where you
23 have a 1.3 percent leak?

24 A: I think when it states that the technician
25 should be aware of the surrounding conditions, I

1 think that gives me the leverage or the -- to make
2 the decision, when I'm out on the job site, of
3 whether or not I should evacuate the building.

4 Q: Well, when it refers to the surrounding
5 conditions, that's before you've even entered the
6 customer's premises; isn't it, Sir?

7 A: That's when -- That's the whole time on the
8 job, you're aware of the surrounding conditions.

9 Q: Well, you're reading the very first line of
10 the policy which says, The technician should be
11 aware of the surrounding conditions when leaving the
12 truck and approaching the customer's premises;
13 correct?

14 A: Right.

15 Q: That doesn't say when you're on the
16 customer's premises, does it?

17 A: Well, I think I'm going to be aware of the
18 surrounding conditions when I'm inside their -- when
19 I'm inside their home.

20 Q: I'm asking you what the policy says. Does
21 it say that you should be aware of the surrounding
22 conditions when you're on the customer's premises?

23 A: Yes.

24 Q: Where does it say that?

25 A: It may not say it in this particular segment

1 that you gave to me but it is definitely in our
2 manual that we know the surrounding conditions.
3 Whenever we're in a building, whenever we're doing
4 any job inside a home, we know the surrounding
5 conditions.

6 Q: And where does it say in the manual that you
7 are allowed to vary from the procedure that is set
8 forth in the manual?

9 A: Excuse me?

10 Q: Where does it say in the manual that you are
11 permitted to vary from the procedure that's set
12 forth in the manual?

13 A: Well, I go to Section 19-6 of the same
14 pamphlet that you gave me.

15 Q: Yes, Sir.

16 A: And then they give you readings of less than
17 one percent in the free air, which is what I got
18 after I discontinued the gas and made it safe. Then
19 I got less than one percent and then I made the
20 decision and the call at that point in time to leave
21 the customer in the home.

22 Q: Well, when you got there, though, Sir, you
23 had a reading of greater than one percent; correct?

24 A: I had 1.3 percent.

25 Q: Okay. So this procedure that you just

1 referred to on 19-6 didn't apply when you arrived at
2 the home; did it?

3 A: No.

4 Q: The procedure that applied is the one on
5 page 19-5; isn't it?

6 A: This whole procedure applies. This whole
7 paragraph applies to whenever we do a gas leak.

8 Q: Okay. But what we're talking about here, is
9 it says, Readings of one percent or above for free
10 air; correct? Isn't that the first section on 19-5?

11 A: That's the first section of 19-5; yes.

12 Q: And isn't it true that you had a reading of
13 one percent or above for free air when you entered
14 the house?

15 A: Yes.

16 Q: And you didn't follow the procedure; did
17 you?

18 A: Well, yes, I did.

19 Q: Well, did you clear the building of the
20 occupants or not?

21 A: No, I didn't.

22 Q: Okay. And this procedure requires you to
23 clear the building of occupants; doesn't it?

24 A: Yes, it does.

25 Q: So you did not follow it; did you?

1 A: Yes, I did.

2 Q: How can you follow it if the procedure says
3 you are required to do it and you didn't do it? How
4 did you follow the procedure?

5 A: Because I got less than one percent after I
6 made the gas safe.

7 Q: Sir --

8 MS. SCHRODER: You know what, you're just
9 arguing with him at this point. You've got the
10 facts in front of you. You can make whatever
11 judgment you want on it, but badgering back and
12 forth and asking him the same questions does nothing
13 to go forward with this, to further this whole
14 inquiry. So that's my objection. Go on. Do
15 whatever you want.

16 MR. ELBERT: Thank you.

17 MS. SCHRODER: You will anyway.

18 MR. ELBERT: Thank you.

19 THE WITNESS: Can I say --

20 MS. SCHRODER: No.

21 QUESTIONS BY MR. ELBERT:

22 Q: Did you -- Did you open the windows on the
23 highest floor as required by the procedure?

24 A: I opened the door at the highest floor.

25 Q: Did you stay out of the building and keep

1 others at a safe distance as required by paragraph
2 six?

3 A: No, I did not. Because in number four, I
4 did that. So, I mean, we've got a list of ten
5 things we're supposed to try to accomplish when
6 we're there. I didn't go one, two, three, four,
7 five, six, seven, eight, nine, ten.

8 When I go in there and I'm the man on the
9 job, I did one, and then I did number four. I
10 immediately stopped the gas emanating from the
11 company facilities. I went outside, we opened up
12 the front door, we aired it out, and it was less
13 than one percent in a matter of a minute.

14 Q: One minute it was less than one percent?

15 A: That's right.

16 Q: And you told the woman who was down in the
17 basement to go upstairs; is that correct?

18 A: I told her -- Yes, I told her she needed to
19 remove herself from the -- She was in front of the
20 meter.

21 Q: And you told her to go upstairs but you did
22 not tell her to go out of the house?

23 A: Actually, the woman was -- No, I did. I did
24 tell them to go out of the house. I told both of
25 them. I told him -- He was standing there, she was

1 there, I said, You're going to have to get your
2 clothes, what you're going to need, because I might
3 have to get you to evacuate this home if I can't
4 stop this.

5 Q: You told -- Right. That's what you said
6 before.

7 A: Right.

8 Q: You might have to evacuate the home.

9 A: Right.

10 Q: But you didn't actually tell them to
11 evacuate the home, did you?

12 A: No.

13 Q: What did you do next?

14 A: Where are you at? Where are we at?

15 Q: Well, you turned off the gas.

16 A: I turned the gas off.

17 Q: And you told the gentleman to open the front
18 door; right?

19 A: Right.

20 Q: And what did you do after that?

21 A: I walked outside and I don't know -- I
22 walked outside, aired out my machine, came back
23 inside, was standing on the same landing I got the
24 1.3 percent, and it was already dissipating. It was
25 already --

1 Q: Below one percent?

2 A: It was -- You know, at that point in time, I
3 wasn't as curious about -- I know it was going down.
4 I knew -- I knew at that time when it was going down
5 that the airing out of the building and me turning
6 off the gas had made that building safe.

7 Q: You knew that at that point.

8 A: I was real sure.

9 Q: What does real sure mean?

10 A: My machine was telling me that the -- the
11 problem looked like it had been solved.

12 Q: And what was -- Do you recall what the read
13 was when you went back in?

14 A: It was less than one percent.

15 Q: Okay. Then what did you do?

16 A: I instructed him to -- if he would leave the
17 door open for a while. She had gone upstairs. She
18 was -- I was listening to her. She was coughing
19 and -- and gagging and I went back downstairs with
20 my CGI equipment, and I was checking the surrounding
21 conditions of the home.

22 I said -- I made two statements to this
23 customer. First one, when I first told her to go
24 upstairs and be prepared to possibly evacuate the
25 building, she stumbled over to the steps. And I

1 looked at the gentleman and I stated, Is she always
2 like that? And he said, No, I think she's gotten
3 sick. And I said, Oh, okay. Which, you know,
4 didn't really phase me too much.

5 Later, when I went back in and was checking
6 the area, making sure it was going back down, the
7 readings, and we were in a safe environment, I heard
8 her upstairs and he was downstairs with me, and
9 he's, like, are -- Or she was up there and she was
10 gagging and this and that, and I went and I looked
11 at her, and I went down to him and I said, Your wife
12 is very ill right now. And then I said, I'm going
13 to call -- I'm going to get a hold of the right --
14 you know, some people. And that was what was going
15 on.

16 Q: Who did you get a hold of?

17 A: I don't know the -- the timing of my calls,
18 but I called up Mike Sisak, my foreman. I'm not
19 sure if I called the dispatching board or not. Who
20 else -- I called up -- I actually -- I made a phone
21 call to Kevin Patterson, our business manager.

22 I think I talked to Mike two or three
23 different times because at first he wasn't going to
24 come out. And then I told him, I said -- At first
25 the foreman wasn't really too interested until I

1 told him that it appeared that this customer was
2 very ill and it was due to this situation.

3 Q: I see. How did you determine that the
4 customer was ill as a result of this situation?

5 A: How did I determine it? Well, when she was
6 upstairs coughing and gagging and carrying on, I
7 felt that it was probably due to this because the
8 gentleman stated that she was -- had just gotten
9 ill.

10 Q: And you -- He told you that when she was
11 still downstairs; right? When she was stumbling,
12 you said?

13 A: Yeah, she stumbled over to the steps.

14 Q: So you saw her stumble over to the steps
15 and -- and the husband told you that --

16 A: I asked him.

17 Q: You asked him, and the husband told you that
18 she was sick?

19 A: He said, She must be getting sick.

20 Q: Did he say she must be getting sick from the
21 gas?

22 A: No.

23 Q: Okay. Did you conclude that while she was
24 stumbling over --

25 A: Yes.

1 Q: Okay. You still didn't tell her to evacuate
2 the house?

3 A: She -- Yes, I did.

4 Q: When?

5 A: Before she got up to walk to the steps, I
6 told the young -- the lady and the gentleman to be
7 prepared to evacuate the house if the readings don't
8 go down.

9 Q: I understand. But here you saw somebody who
10 might be sick from gas and you didn't tell them to
11 go outside at that point; did you?

12 A: Well, you just -- I didn't know she was sick
13 from the gas either, Sir. I didn't know it.

14 Q: What -- If I understood your testimony, you
15 just testified that you thought she was sick from
16 the --

17 A: I thought she -- I didn't know what -- I
18 asked the gentleman, Is she always like that? When
19 I meant that, is the stumbling over to the -- to the
20 steps because it was almost to the point where -- I
21 can't describe it, but she was just real awkward
22 going to the stairs. And I said, Is she always like
23 that? And he said, I don't know, she must be
24 getting sick.

25 Q: And you didn't tell her to evacuate the

1 house immediately at that point; did you?

2 A: No.

3 Q: How -- How long do you think you spent on
4 the phone with Mr. Sisak?

5 A: I don't -- I don't remember.

6 Q: Do you remember what you told Mr. Sisak?

7 A: Well, we're leaving a lot of stuff out, of
8 what I've told him is what I've heard from customer,
9 you know, when I got there. When I'm in there and
10 I'm working, the customer's talking to me the whole
11 time.

12 Q: What did the customer tell you?

13 A: He told me that we were there prior that
14 day.

15 Q: He told you that?

16 A: Yes.

17 Q: And what did he say?

18 A: He said that -- When I -- I said, You've got
19 a problem here. You've got a major gas leak. He
20 said we were here prior and that it wasn't smelling
21 like this before we were here, and he was real
22 concerned about it.

23 Q: Did he tell you what was done the day prior?

24 A: No, it was that day.

25 Q: Okay. Did he tell you what was done earlier

1 that day?

2 A: He said to me, as I was going down and
3 turning the gas off -- Other things go on when
4 you're working. He stated, as I was going down to
5 turn the gas off, that somebody was here to work on
6 the meter. She said the same thing, that someone
7 was there working on the meter that day before I
8 arrived.

9 Q: Did they tell you what was done to the
10 meter?

11 A: You know, she didn't really know what was
12 done, neither did he.

13 Q: When she said that, was that before or after
14 she stumbled?

15 A: Before. She was sitting at her computer.

16 Q: So you had a 1.3 percent reading, and you're
17 talking to her while she's sitting there working
18 with her --

19 A: I'm working. I'm getting in the closet
20 telling her to move. She has to get out of my way.
21 I had to make that safe. It was a matter of
22 30 seconds, if that long, for me to get that gas
23 off. From the time I entered the home until the
24 time I went down in the basement, it was a matter of
25 30 seconds.

1 Q: Okay.

2 A: And I had the home safe.

3 Q: And you -- And you had a 1.3 percent
4 reading?

5 A: Yes.

6 Q: And you're carrying on a conversation with
7 her down in the basement?

8 A: No, I'm not carrying a conversation. She's
9 talking to me while I'm working.

10 Q: You didn't say anything?

11 A: No.

12 Q: What else did she tell you?

13 A: At this point in time, she said -- I -- I
14 didn't say anything. She started talking about
15 there was a man there. I'm checking the inside
16 premises, like you stated before.

17 She said there was a man there and that he
18 was working in there and he didn't have the proper
19 tools. He was in there. He was working on the
20 meter. He didn't have the proper tools. He was
21 kind of -- She said he was kind of aggravated. He
22 asked her -- She asked him if everything was okay.
23 He stated to her, he didn't have the right tools,
24 and she got him a screwdriver for him to use.

25 Q: And did she know what he did with the

1 screwdriver?

2 A: No.

3 Q: Okay. What else did she tell you?

4 A: Well, at that point in time she didn't say
5 too much more. She went upstairs. Now, later on
6 she said some more to me, yes, but at that point in
7 time there was nothing else said to me. She was
8 upstairs, he was upstairs with her. I guess they
9 were getting their coats and stuff, getting ready to
10 get out of the home.

11 Q: Do you know what they were doing while they
12 were upstairs?

13 A: I was downstairs.

14 Q: So you don't know what they were doing?

15 A: It's pretty much, I can tell someone to
16 evacuate the home. If they don't, I can only tell
17 them to do it, or ask them to do it.

18 Q: But -- But Mr. -- Mr. --

19 A: Boyle.

20 Q: -- you didn't tell them to evacuate the home
21 at that point. You have -- We've already been
22 through that over and over.

23 A: No, I didn't -- I told them that they --
24 there was a probability they might have to.

25 Q: But you didn't tell them to evacuate the

1 home.

2 A: No.

3 Q: So I'm asking you if you know what they were
4 doing while they were upstairs? Yes or no.

5 A: No.

6 Q: Now, let's go back to my question about what
7 you told Mr. Sisak when you called him.

8 A: Okay.

9 Q: What did you tell him?

10 A: I told Mike that the customer's claiming
11 that we had a -- a service person there prior and
12 that. I felt that it was a Cellnet employee. And I
13 told him the reading I had, and I told him
14 everything was safe. You know, I did everything.
15 You know, and I said, Everything's secure now.

16 And we got to talking back and forth, and
17 he -- what's the address. I said, Mike, the lady's
18 sick, she's upstairs. She's -- She's -- She's
19 acting like she's violently ill. I really feel you
20 need to come over here. And he said, What's the
21 address? And I told him where I was. And he
22 said -- He said -- Actually, I think he said he was
23 going to call the Claims Department. He was on his
24 way.

25 Q: Where were you in the building when you made

1 that phone call?

2 A: I was on the landing. Actually, I wasn't
3 going to call him because I wasn't going to evacuate
4 the home at that point in time, and I was -- had the
5 place secure and safe. And -- But when the customer
6 was going to be ill, that's when I immediately
7 called him. That's when I called him to let him
8 know the situation.

9 Q: And did you call -- You said you also called
10 Kevin Patterson?

11 A: Right.

12 Q: When did you call him?

13 A: I called him approximately that same time
14 period.

15 Q: So while you were still standing on the
16 landing?

17 A: Actually, I called him outside when I was
18 airing out my machine at a different period.

19 Q: So you called him before you called
20 Mr. Sisak?

21 A: I -- I'm going to have to -- I don't know.
22 I don't remember that. To my knowledge I don't
23 remember that. I can't tell you yes or no.

24 Q: If I understood you, you aired out the
25 machine --

1 A: I aired the machine out several times.

2 Q: Okay. And how long do you think you talked
3 to Mr. Patterson for?

4 A: Short period of time.

5 Q: Thirty seconds?

6 A: You're not going to believe what I'm on
7 right now. What's that? I'm on a job that the
8 customer claims Cellnet was here. The customer
9 said, Who are you speaking to? He was standing on
10 the landing, I was airing out. I says, It's my
11 Union official, I'm -- We were just talking about
12 this. He says, Let me talk to him. I handed him
13 the phone. That's how short of a conversation I had
14 with Mr. Patterson.

15 Q: And how long did the customer talk to
16 Mr. Patterson?

17 A: Very short time. He was kind of berating
18 Kevin.

19 Q: Do you know -- So you don't know what Kevin
20 said to him?

21 A: No, not at all. As a matter of fact, I
22 asked to get the phone back just for the fact -- the
23 man was very good customer. You know, he wasn't out
24 of hand, but he was very upset that we had just
25 sent -- He said, I'm very upset. You guys just had

1 a man here. What are you going to do about this?
2 And I said, Sir, that's -- that guy has nothing to
3 do with it. The other people are on their way.
4 That's who you need to talk to. I was just calling
5 him because it was fresh on my mind.

6 Q: So the combined conversation to Patterson
7 between you first talking to him and the customer
8 talking to him, can you give me an estimate of how
9 long that was?

10 A: No, I can't.

11 Q: You don't have any idea?

12 A: I said what I said to him, and then he was
13 talking to him. I was downstairs, again, checking
14 the surrounding area and making sure that it was
15 still down. Now we're probably at zero in the
16 building.

17 And this is only a matter of -- You know,
18 it's -- We had actually closed the front door
19 already because it was zero. The amount of time I
20 was on the phone with Kevin, was that sentence I
21 said to him, that I said to him, that's the amount
22 of time I know I was on the phone. You're not going
23 to believe what I've got here.

24 Q: So that was --

25 A: Five --

1 Q: -- five seconds?

2 A: That's all I said to him.

3 Q: Is that right, about five seconds?

4 A: Yes.

5 Q: And then the customer was on the phone for
6 about how long?

7 A: I don't recall. I was -- I --

8 Q: Was it 5 minutes or 30 seconds, or ...

9 A: Well, what I did was, is I continued just to
10 check the building to make sure we were at zero.

11 Q: I understand.

12 A: I heard him talking. I walk back over. The
13 time period was probably -- I -- I'd be guessing.

14 Q: You can't even come up with a range?

15 A: Five minutes.

16 Q: He was on the phone for five minutes with
17 Patterson?

18 A: That's what I'm going to say, if that long.
19 Again, I'm going to say five minutes, maybe. And I
20 don't really know what they were discussing except
21 when I heard what he said to Kevin about -- when he
22 said what he said, that's when I immediately said,
23 Whoa, whoa, whoa, wait a minute. And --

24 Q: What did you tell Mr. Sisak when you talked
25 to him about the reading -- the gas reading in the

1 premises?

2 A: That I had 30 percent on the LEL scale.

3 Q: You did tell him it was on the LEL scale?

4 A: Absolutely, yes.

5 Q: And did you tell him at that time where the
6 gas was coming from?

7 A: I told him -- Yes, I told him at that point
8 in time I felt that it was coming from the AMR
9 device.

10 Q: The meter face plate area?

11 A: Yes.

12 Q: So that's what you told Mr. Sisak?

13 A: And I -- I came to that conclusion for the
14 fact of what the customer told me happened there
15 prior. The gas leak wasn't there prior to him, and
16 the tamper proof plugs were out of the face plate.

17 Q: I'm going to show you -- Let's go to page
18 one of your affidavit, lines 12 and 13. It says
19 there, I noticed the gas was blowing out of the
20 Union on the piping located one foot away from the
21 meter.

22 A: Right.

23 Q: Do you see that?

24 A: Right.

25 Q: Well, that's not what you just testified to.

1 You testified that you told him it was coming from
2 the AMR device.

3 A: I told Mr. Sisak, I went inside, I turned
4 the gas off. I did the procedure here making sure
5 that the building was safe, the customers were safe,
6 the premises were safe.

7 After all of that was said and done, then
8 when I -- Mike Sisak said -- I told him what I
9 thought it was. Mr. Sisak said, Go ahead and turn
10 it on and see what's going on there. What?

11 Q: Mr. --

12 A: Mr. Sisak said, Turn it on and see what's
13 going on.

14 Q: Did you write this affidavit yourself?

15 A: I answered the questions.

16 Q: Who asked you the questions?

17 A: My attorney.

18 Q: Which --

19 A: Our attorney.

20 Q: Which attorney?

21 A: Mike.

22 Q: Mike Evans that's sitting here?

23 A: Mike Evans.

24 Q: Now, if you look at -- in this first
25 question and answer, what you're saying here is, I

1 then went to the basement where the meter was
2 located. The meter was inside a small closet. I
3 noticed the gas was blowing out of the union on the
4 piping located one foot away from the meter. I then
5 disconnected the gas and began venting the house.

6 Do you see that?

7 A: Right.

8 Q: Is that a true statement?

9 A: Actually, I thought we were going to change
10 that, Sherrie.

11 MS. SCHRODER: Well, the change was after
12 the --

13 QUESTIONS BY MR. ELBERT:

14 Q: Well -- Whoa. Is that a true statement?

15 A: Well, it's a true statement that when I got
16 into the house, I didn't do a leak investigation
17 before I made that house safe. No, I did not. I
18 didn't see it blowing out of the union prior to me
19 making the gas safe, no, I did not.

20 Q: So that's not a true statement in your
21 affidavit, is it?

22 A: No.

23 Q: No, it's not true?

24 A: No, it's not true.

25 Q: Now, can you show me, Sir, where in

1 Exhibit 2, which I've previously shown you, it says
2 that you're supposed to call the Union when you have
3 a gas leak?

4 MS. SCHRODER: In Exhibit 2? That's his
5 testimony.

6 QUESTIONS BY MR. ELBERT:

7 Q: I'm sorry, Exhibit 5. Where in Exhibit 5
8 does it show you're supposed to call the Union when
9 you have a gas leak?

10 A: It doesn't say that in this exhibit, no.

11 Q: Why did you do that?

12 A: I did it for two reasons. The first reason
13 was, it was just fresh on my mind that me and Kevin
14 had just spoke about this.

15 The second reason was, is that during our
16 conversation, prior to me going to this, that we did
17 discuss the withholding, per say, that the staff and
18 Laclede stated that the Union was doing; withholding
19 leaks and information, that we weren't giving it to
20 the customer -- or the company.

21 So I felt at this time that I'm on a job,
22 it's -- it's exactly what we spoke about at the
23 hearing could happen. I wanted to let the business
24 manager know directly so he could call the people
25 who were concerned on that end.

1 So I felt that he was going to make the
2 calls to the company and let them know -- not my
3 boss, not his boss, I meant people other than
4 that -- That were familiar with the hearing.

5 Q: So you were doing what I would -- Would it
6 be fair to say you were engaged in Union type
7 business when you made that call?

8 A: Not exactly.

9 Q: Well, this all had to do with the hearing,
10 didn't it? That was the reason for your call.
11 That's what you just testified to.

12 A: Right. Actual --

13 Q: And I'm asking you, Sir, what does that have
14 to do with Laclede Gas Company business?

15 A: Because they wanted to know immediately when
16 we were getting these leaks. I felt that this was a
17 perfect example that we should let them know
18 immediately that this was going on out in the field.

19 Q: Well, you called your supervisor and let him
20 know; correct?

21 A: But we've let our supervisors know about all
22 the leaks, and from the hearings -- what I got from
23 the hearings was that some people felt that we were
24 withholding information from the Company. I felt at
25 this point in time that this was a perfect example