

1 of not withholding information, calling my business
2 manager, he could call people that were concerned
3 about this.

4 Q: Were you on break when you called the Union?
5 Were you on break when you called the Union?

6 A: No.

7 Q: So you were being paid by the Company; is
8 that correct?

9 A: Right.

10 Q: And you were being paid by the Company, and
11 while being paid by the Company you were discussing
12 Union business; is that correct?

13 A: Happens all the time.

14 Q: Yes or no, Sir?

15 A: Yes.

16 Q: It happens all the time. You think that's
17 permissible?

18 A: It is permissible.

19 Q: Where is it permissible that you're allowed
20 to engage in Union business while you're being paid
21 by the Company?

22 A: It's been allowed throughout time at Laclede
23 Gas Company, that I'm allowed to conduct Union
24 business on Company time, any time.

25 Q: Any time?

1 A: Any time.

2 Q: For as long as you want?

3 A: Well, I mean, you know, there are some
4 structures in it that we don't abuse it.

5 Q: Where -- Where is the structure set forth,
6 Mr. Boyle?

7 A: It's -- It's not written down anywhere but
8 it's just been the way it's been forever at Laclede.

9 Q: So you can use your discretion to conduct
10 Union business while working for the Company; that's
11 your testimony?

12 A: Yes.

13 Q: And that's not a dischargeable offense?

14 A: No.

15 Q: By the way, does the Union have any role in
16 the leak investigation?

17 A: Excuse me?

18 Q: Did the Union have any role in the leak
19 investigation at that address?

20 A: No.

21 (Exhibit No. 3 marked for identification.)

22 QUESTIONS BY MR. ELBERT:

23 Q: I'm going to show you what's been marked for
24 identification as Exhibit 3. I'll ask you if you
25 can identify that document?

- 1 A: It's my route sheet from that day.
- 2 Q: Is this your handwriting?
- 3 A: Yes.
- 4 Q: Are you the Mark J. Boyle that's referred to
- 5 in the left-hand corner?
- 6 A: Yes.
- 7 Q: Are these the three locations you were at
- 8 that day?
- 9 A: Actually, there's five locations I was at
- 10 that day.
- 11 Q: Okay. The five -- You're right, there are
- 12 five locations that day. One of them was 7750
- 13 Olive; correct?
- 14 A: Yes, Sir.
- 15 Q: And what -- Was that a customer address?
- 16 A: That was on my break.
- 17 Q: That's when you were at the Union?
- 18 A: Yes, Sir.
- 19 Q: It shows you were there for 15 minutes;
- 20 correct?
- 21 A: Yes, Sir.
- 22 Q: Is this a true and accurate copy of your
- 23 route sheet for that day?
- 24 A: Yes, Sir.
- 25 Q: Does it accurately reflect the times that

1 you were at each location?

2 A: Yes, Sir.

3 Q: So at the address in question, you were at
4 that location from about 10:10 to approximately --
5 is that a 13:50 or 13:00?

6 A: That's 13:00, Sir.

7 (Exhibit No. 8 marked for identification.)

8 QUESTIONS BY MR. ELBERT:

9 Q: Okay. I'm going to show you what's been
10 marked as Exhibit No. 8 and ask you if you can
11 identify that document?

12 A: This is -- This is the -- It's called a CIS.
13 I don't know what -- Customer information sheet?
14 It's the CIS form, that I filled out for that
15 address that day.

16 Q: Okay. Is this a true and accurate copy of
17 the form that you filled out for that day?

18 A: I believe it is, yes.

19 Q: I want you to look on the second page under
20 serviceman's remarks and HSI other comments. Do you
21 see that?

22 A: Yes.

23 Q: Is that your handwriting?

24 A: Yes, it is.

25 Q: Do you see there where it says that you

1 evacuated the home?

2 A: Yes.

3 Q: That's not a true statement; is it?

4 A: You know --

5 Q: Yes or no, Mr. Boyle. Did you evacuate the
6 home or not?

7 A: I didn't make them get out of the house, no,
8 but they was standing at the doorway. No, I didn't
9 make them get out of the house.

10 Q: They were standing at the doorway?

11 A: He was, yes.

12 Q: She was not?

13 A: She was upstairs laying on the couch or
14 doing something. I don't know where she was
15 exactly, no. No, I didn't evacuate the home.

16 Q: And you say -- It says, You could hear leak
17 from union. Do you see that?

18 A: Yes.

19 Q: And that was after you turned the gas back
20 on; is that right?

21 A: Yes, Sir.

22 Q: Does is it indicate anywhere on here that
23 you called the Union?

24 A: No, Sir.

25 Q: When you discovered that the union was

1 leaking after you turned the gas back on, did you
2 fix it?

3 A: Not at that time, no.

4 Q: Did you turn the gas off again?

5 A: Yes.

6 Q: Okay. And why didn't you fix it?

7 A: Mr. Sisak instructed -- He was there.

8 Mr. Sisak instructed me to wait until Claims came.

9 Q: Okay. And then after Claims came, did you
10 repair the --

11 A: Mr. Sisak had me tighten it, yes, to see if
12 it would repair it.

13 Q: Is that all it took was tightening it?

14 A: That's what it took, yes.

15 Q: Do you have any idea what caused that union
16 to leak?

17 A: No, I do not.

18 Q: Do unions sometimes leak?

19 A: Sometimes, yes.

20 Q: Can they sometimes leak spontaneously, just
21 after a period of time?

22 A: Right. Yes.

23 Q: So on this day, do you know whether the
24 Company determined -- you or the Company determined
25 what caused that particular leak at this location?

1 A: To my knowledge?

2 Q: Yes.

3 A: No.

4 Q: No. No one made the determination?

5 A: No one's made a determination, no.

6 Q: And you yourself couldn't tell, could you?

7 A: Tell --

8 Q: What caused the leak?

9 A: No.

10 Q: Do you know -- Did you ever advise the
11 occupants of the house to go to the hospital?

12 A: No.

13 Q: Do you know whether Mr. Patterson advised
14 them to go to the hospital?

15 A: I don't know.

16 Q: Did you have any further conversations with
17 Kevin Patterson, besides the one that you've
18 testified to already, on -- with respect to -- Let
19 me -- Let me start over.

20 A: Okay.

21 Q: While you were at this location, did you
22 have any further conversations with Mr. Patterson
23 other than the one that you've already testified to?

24 A: No.

25 Q: You're sure about that?

1 A: Yes.

2 (Exhibit No. 4 marked for identification.)

3 QUESTIONS BY MR. ELBERT:

4 Q: I'm going to show you what's been marked as
5 Exhibit 4. I apologize for the quality of the
6 pictures but I'm just -- Exhibit 4 consists of two
7 pages showing a meter in a closet area.

8 One is -- The first page is from a distance
9 that actually shows the closet, I believe, and the
10 second picture is more of a close-up. The quality
11 isn't good on any of them, but just --

12 MS. SCHRODER: Do you have a better copy?

13 QUESTIONS BY MR. ELBERT:

14 Q: Yeah, we do have a better copy which we can
15 certainly show you. I just want to ask if that
16 looks like a picture of the meters at the
17 location -- the meter at the location that we've
18 been talking about?

19 A: Yes.

20 Q: Okay. And can you show me, Mr. Boyle, where
21 you ultimately determined the leak was by reference
22 to these pictures?

23 MS. SCHRODER: Do you want him to draw it on
24 the other copy?

25 MR. ELBERT: He can point to it to start.

1 QUESTIONS BY MR. ELBERT:

2 Q: Just show me so I understand what union
3 you're referring to.

4 A: I can't see anything here. I'm -- There's
5 the union right there. It's right below the
6 regulator on the left side of the meter.

7 Q: Good; okay. So the union right below the
8 regulator, is that the one that was leaking?

9 A: Right. It's not a very good picture of a
10 union, but that's --

11 Q: That's where it was?

12 A: That's where it ended up being, yes.

13 Q: And all you had to do was tighten it?

14 A: That's right.

15 Q: You didn't have to take it apart and put any
16 tape dope -- pipe dope or anything on it?

17 A: No. I was instructed to just tighten it.
18 Instructed to.

19 Q: Was that the proper procedure?

20 A: No, not normally.

21 Q: Well, what's the proper procedure?

22 A: Replacing the whole insulated union.

23 Q: And by tightening it, did you determine that
24 it was then gas safe?

25 A: My supervisor said it was.

1 Q: Well, did you make a determination?

2 A: Yes, Sir, I did. I re-checked it and it was
3 not leaking at that point in time.

4 Q: And did you, in any way, going back to
5 Exhibit No. 8, indicate that it wasn't gas safe?

6 A: Excuse me? I don't understand your
7 question.

8 Q: Well, let's refer, again, back to Exhibit
9 No. 8. Did you report here that you repaired the
10 leak?

11 A: Yes.

12 Q: And was there any reason to believe that it
13 wasn't properly repaired?

14 A: That's not normal procedure just to tighten
15 the union, no. No. If a union's leaking on an
16 inside set, we always replace the union.

17 Q: Why didn't you replace it then?

18 A: I was told not to.

19 Q: He actually told you not to replace the
20 union?

21 A: Actually told me not to replace the union.
22 And you want to know the reason he told me not to?

23 Q: Did he tell you the reason?

24 A: Yes, he did.

25 Q: What did he tell you?

1 A: Because it looks very bad on Laclede's part
2 if there's parts being replaced. It looks like
3 they're at fault. We're going -- Actually, the
4 picture don't show it, on the bottom left, below the
5 meter, I had a new insulated union prepared to
6 install it into here and was instructed to not
7 install it.

8 Q: You had it out?

9 A: Had it there, right here below the meter,
10 sitting, ready to go in.

11 Q: And did you report that to anybody that
12 Mr. Sisak allegedly told you not to replace it?

13 A: Mr. Sisak told me not to replace it; to
14 tighten it.

15 Q: I said, did you report that to anyone?

16 A: No.

17 Q: And when you say it's standard procedure to
18 replace these, have you replaced a lot of those
19 unions over the years?

20 A: Yes.

21 Q: Is it pretty common for them to leak?

22 A: Mr. Sisak told me that was a 1973 union. I
23 don't know how he knew that but that's an old union.
24 And what happens is, in that particular union -- we
25 don't even use these unions anymore -- there's a

1 rubber piece that seals. And after time, that
2 rubber piece hardens and that's how they leak, is
3 the seal actually hardens up and gets brittle.

4 Q: Could you read my question back please?

5 A: Yeah, sorry. Sorry.

6 Q: That's okay.

7 (The requested portion of the record
8 was read by the reporter.)

9 THE WITNESS: Yes.

10 QUESTIONS BY MR. ELBERT:

11 Q: Pretty common for unions to leak?

12 A: Yes.

13 Q: And if that -- And if that rubber seal goes
14 bad, they can start leaking?

15 A: Yes.

16 Q: If the rubber seals go bad, could you stop
17 the leak by simply tightening it?

18 A: Yes, I did, on that one.

19 Q: You know that it was the rubber seal that
20 was a problem?

21 A: I'm -- With my work in the field and seeing
22 those, yeah, I would say it was the rubber seal was
23 the problem.

24 Q: Okay. So if the rubber seal was the
25 problem, that leak, then, had absolutely nothing to

1 do with the installation of the AMR, did it?

2 A: I can't say what caused that to leak.

3 Q: Do you know your company cell phone number?

4 A: 575-6182?

5 Q: Is that your answer?

6 A: Yes. Is that right?

7 Q: I don't know. I'm asking you if you know.

8 A: I know my two-way. We use the two-ways

9 pretty much all the time. That's 505.

10 MS. SCHRODER: That's the whole number, 505?

11 THE WITNESS: Yeah.

12 (Exhibit No. 6 marked for identification.)

13 QUESTIONS BY MR. ELBERT:

14 Q: I'm going to show you what's been marked for
15 identification as Exhibit 6. And this is a sheet
16 showing -- Have you ever seen this document before?

17 A: No, Sir.

18 Q: Okay. Well, I'm going to tell you -- I'm
19 going to represent to you, Sir, that this is your
20 cell phone record for the day in question.

21 A: Okay.

22 Q: Okay?

23 A: Yes.

24 Q: Now, if you look -- What's the Union's
25 telephone number?

1 A: 721-8448.

2 Q: Okay. And I'm going to show you, if you
3 look at -- Can you tell how many calls were made to
4 the Union that day from that cell phone?

5 A: Are these two -- I'm looking at this. Is it
6 these two?

7 Q: Yes.

8 A: Okay. Two.

9 Q: And if you look over on the left-hand side,
10 the first call, it shows the date, 2006, 12/19. Do
11 you see that?

12 A: Yes.

13 Q: So that's December 19th of 2006 at 10:29.

14 A: This one right here? No -- Yeah.

15 Q: At 10:29 -- Well, let's look at the one
16 below it first, at 10:15. Do you see the one at
17 10:15? Do you see that?

18 A: I see -- What's -- And then the seconds is
19 the last thing?

20 Q: Yes.

21 A: 10:15 --

22 Q: And 24 seconds. Do you see that?

23 A: Yes.

24 Q: And it shows you made a call to 721-8448.
25 Do you see that?

1 A: Yes.

2 Q: And that call, according to this record,
3 lasted, if you look in this column -- and I know you
4 don't know how to read the sheet, so you'll have to
5 take my representation on it -- it lasted seven
6 minutes.

7 A: Okay.

8 Q: Do you see that?

9 A: Yes.

10 Q: Would that be the call at 10:15 that was
11 within five minutes after you arrived at the house?
12 Would that be the call that you initiated to Kevin
13 Patterson?

14 A: It -- On -- I'm trying to follow this out
15 here. This one right here?

16 Q: Yes, Sir. This one that says --

17 A: 12/19 at 10:15.

18 Q: And 24 seconds.

19 A: Right.

20 Q: And then if you follow it over, it shows
21 seven minutes?

22 A: Okay.

23 Q: All right?

24 A: Okay.

25 Q: To 721-8448; right?

1 A: Yes.

2 Q: Does that refresh your memory at all as to
3 the amount of time that you and the customer were on
4 the phone with Mr. Patterson during that --

5 A: Yeah, that says seven minutes.

6 Q: Does that sound about right?

7 A: It could be, yes.

8 Q: So the customer -- You were only on for
9 about five seconds as you testified earlier; is
10 right?

11 A: Yes, Sir.

12 Q: And then do you see at -- If you go right
13 above that, and -- and if that phone call lasted
14 seven minutes, it would have lasted until about
15 10:22; right?

16 A: Right.

17 Q: And then you went up right above that,
18 there's another call to the Union at 10:29 and
19 16 seconds. Do you see that?

20 A: I see that, yes.

21 Q: And that lasted four minutes.

22 A: Yes, I see that.

23 Q: Now, you previously testified that you
24 didn't talk to Mr. Patterson again that day.

25 A: Right. I didn't remember calling him twice.

1 Q: So you have no recollection of that phone
2 call?

3 A: No.

4 Q: And this doesn't help refresh your
5 recollection at all?

6 A: Not at all.

7 Q: Does it surprise you that your phone was
8 used for approximately 11 minutes during the period
9 of 10:10 a.m. to approximately 10:34 a.m. to call
10 the Union?

11 A: Yes.

12 Q: Now, do you see on there where you called
13 the Company?

14 A: Can you show me?

15 Q: Well --

16 A: Where at?

17 Q: What's the -- What's the dispatch board
18 number?

19 A: 342-0810.

20 Q: Well, there's one where you called the
21 dispatch board at 9:55, which is what you testified
22 to earlier --

23 A: Okay.

24 Q: -- when your break was over; right?

25 A: Yes, Sir.

1 Q: Is there any other indication that you
2 called the dispatch board while you were at the
3 address in question?

4 A: No.

5 Q: Okay. Now, what's your supervisor's number?
6 Do you know that?

7 A: I two-wayed my supervisor.

8 Q: Oh, you didn't call him on the cell phone?

9 A: No, it was a two-way. It's direct connect.

10 Q: Do you know who's phone number is 342-0835?

11 MS. SCHRODER: I'm sorry, which number,
12 Charles?

13 MR. ELBERT: 342-0835.

14 QUESTIONS BY MR. ELBERT:

15 Q: Do you know that number?

16 A: I -- It's -- It's Laclede. I think that's
17 downtown, 720 Olive.

18 Q: Okay. You don't know who it is, though, off
19 the top of your head?

20 A: No, Sir. And that was at 10:39.

21 Q: Right.

22 A: I don't know when -- You know, again,
23 that -- that -- even that call, I don't even know --
24 remember making that call. I'm not sure if
25 Mr. Sisak was there at that time -- I'm not trying

1 to put words in anyone's mouth here but that's -- I
2 don't even remember making that phone call.

3 Q: What time did Mr. Sisak arrive at the
4 premises?

5 A: I don't -- I don't have that time, Sir.

6 Q: What did you do while you were waiting for
7 Mr. Sisak to arrive at the premises?

8 A: I was making sure that the home was safe. I
9 was continually taking readings, continually
10 speaking to the customer, letting them know that the
11 bosses are on their way. Doing my safety -- Doing
12 my investigation that, you know, we do.

13 Q: How long was it before -- Did Mr. Sisak
14 arrive at the premises before the customers left --
15 went outside the premises?

16 A: No.

17 Q: The customers went outside the premises
18 before Mr. Sisak got there, went outside the
19 building?

20 A: No, no.

21 Q: Let me -- Those are confusing questions.
22 Let me try again.

23 When Mr. Sisak arrived at the premises, were
24 the customers still in the building?

25 A: Yes.

1 Q: And you don't recall how long it took
2 Mr. Sisak to get there?

3 A: If I say 40 minutes, I would probably be
4 close.

5 Q: So you arrived roughly at ten after ten, and
6 Mr. Sisak arrived sometime shortly before
7 11 o'clock; would that be fair?

8 A: I'm not -- To my knowledge. I don't really
9 know what time Mike arrived.

10 Q: But you thought somewhere around 40 minutes?

11 A: And I'd be guessing at that. I wasn't
12 paying really close attention to time of arrivals,
13 no, I'm sorry.

14 Q: All right. And -- But you are certain that
15 during that period of time the customers stayed in
16 the building the whole time?

17 A: Yes.

18 Q: And was the woman in the building appearing
19 to you to be sick that entire time?

20 A: I'm going to have to go back to say, I
21 wasn't in the room with her, no. So I really don't
22 know what she was doing at that time. I wasn't
23 really paying attention to her at this time. I was
24 doing my job.

25 I do know she went upstairs and I remember

1 her coughing and gagging. And he came back down and
2 he said something to me about, We're going to go
3 ahead and call an ambulance; or, We're calling an
4 ambulance; or, An ambulance is on the way. And then
5 I think I called Mike again, right after that, and I
6 said, Mike, I don't know if you're on your way,
7 you've got to get here because they're calling an
8 ambulance now.

9 Q: You might have called him on your two-way at
10 that point?

11 A: Yeah.

12 Q: So let's look at the top of page two of
13 Exhibit No. 2, which is your affidavit.

14 A: Where at, Sir?

15 Q: Top of page two.

16 A: Okay.

17 Q: Starting on line two, it says, When I
18 entered the basement, the wife was sitting at a
19 computer located near the leak. She appeared to be
20 ill. After I made the leak safe, I went upstairs
21 and noticed that the wife was gagging and convulsing
22 on the couch.

23 Are those true statements?

24 A: Those are true statements.

25 Q: Why did she appear to be ill when you went

1 down in the basement?

2 A: That's when she stumbled over to the steps.

3 Q: Okay. And then when you went upstairs, just
4 so I understand, how long was it between the time
5 that you saw her in the basement and the time that
6 you noticed that she was gagging and convulsing on
7 the couch?

8 A: The time that she went upstairs and was on
9 the couch, what had happened is, just --

10 Q: I'm just asking you for a period of time.

11 A: I'm going to try to figure it out and ask
12 for your help, because I went back downstairs and
13 was checking again for the amount of gas in the
14 home. I heard her upstairs. I went upstairs to
15 check for the amount -- Because the doors were open,
16 I went upstairs to check the amount of gas. I
17 happened to cross where she was sitting and I looked
18 in at her. I did look in at her.

19 Q: Because I thought your testimony before --
20 and I'm not trying to confuse things, but I thought
21 your testimony before was that you just went up to
22 the landing --

23 A: Oh, no. I went -- This is a whole process.
24 I eventually went throughout the whole house.

25 Q: Well, I know eventually, but how long --

1 Between the period of time that you saw her in the
2 basement, how long a period of time between the time
3 you saw her in the basement and on the couch gagging
4 and convulsing?

5 A: I don't have that knowledge. I don't know
6 the amount of time.

7 Q: You have no idea?

8 A: No.

9 Q: Was it before or after Mr. Sisak arrived?

10 A: Before.

11 Q: And it also says here in line five, I
12 suggested the husband call an ambulance for her.

13 A: Well, he was -- he said --

14 Q: You just --

15 A: No, I understand what you're saying. And
16 you're twisting my words a little bit, just for the
17 fact I know what I said.

18 Q: How am I twisting --

19 A: I said to him -- I said to him, you know,
20 the way she walked, the way she was convulsing and
21 everything --

22 Q: Well, Sir, I'm not trying to twist your
23 words. You just testified that he --

24 A: Right.

25 Q: -- said to call for an ambulance --

1 A: He told me --

2 Q: Let me finish my question.

3 MS. SCHRODER: Let him finish.

4 THE WITNESS: Okay.

5 QUESTIONS BY MR. ELBERT:

6 Q: My understanding of your testimony is he
7 said he was going to call an ambulance and that you
8 then called Mr. Sisak to let him know that they were
9 calling an ambulance?

10 A: What had happened was --

11 Q: Was that -- Was that your prior testimony?

12 MS. SCHRODER: I object because I think it
13 mischaracterizes his testimony.

14 MR. ELBERT: That's fine.

15 QUESTIONS BY MR. ELBERT:

16 Q: Was that your prior testimony or not?

17 A: I don't remember -- I -- I recall --

18 Q: What -- I'm just asking you --

19 A: I'm trying to recall what actually happened.
20 I mean, this was a few months ago.

21 Q: I'm asking what your prior testimony was?

22 A: What was it again?

23 Q: Was your prior testimony, just a few minutes
24 ago, that -- that the resident, the occupant of the
25 house, was going to call an ambulance -- he told you

1 was going to call an ambulance.

2 A: Yes, he did.

3 Q: You then called Mr. Sisak to let him know
4 that the resident was calling an ambulance.

5 A: Yes, I did.

6 Q: Now, this says that you suggested that the
7 husband call an ambulance.

8 A: I -- I suggested to him, If she continues to
9 be sick -- When I seen her upstairs, I suggested to
10 him, If she continues to act like this, I -- that
11 you might think about calling an ambulance.

12 Q: Did you tell Mr. Sisak that you suggested
13 that the resident call an ambulance?

14 A: I don't remember if I told Mike that or not.
15 I might have. I'm not hiding it --

16 Q: No, I'm --

17 A: -- you know.

18 Q: Do you have any medical training?

19 A: No, Sir.

20 Q: Do you know whether gas can cause -- a
21 1.3 percent reading in the air can cause gags and
22 convulsing?

23 A: I don't know how people would react to it,
24 no.

25 Q: Do you know whether natural gas is toxic?

1 A: It's not toxic, no.

2 Q: It's not toxic. Do you know whether her
3 gagging and convulsing could have been caused by any
4 other condition other than natural gas?

5 A: Do I know what now?

6 Q: Do you know whether her gagging and
7 convulsing could have been caused by a condition
8 other than natural gas?

9 A: I'm sure it could have, yes.

10 Q: Do you know whether the woman -- Did the
11 woman otherwise appear to be in poor health to you?

12 A: I never seen her before so I don't know what
13 kind of health she was in prior. I don't know if
14 the gas caused her to gag and convulse. All I know
15 is she was. I don't know the reason why she was.

16 Q: If you thought it was because of the gas,
17 would you -- would it -- would you have advised her
18 to go outside?

19 A: Actually, if you really want to know what I
20 really thought, I thought she might be having a
21 stroke because of all the excitement. So --

22 Q: Okay. Well, let's try my question again.

23 A: That's -- I mean, that's where I was with
24 her being sick.

25 Q: Okay.

1 A: I really wasn't --

2 MS. SCHRODER: Just answer his questions.

3 THE WITNESS: -- pinpointing to the gas.

4 MR. ELBERT: Let's try the question again.

5 Please read it back.

6 (The requested portion of the record
7 was read by the reporter.)

8 THE WITNESS: If she could walk, probably,
9 yes. I would have, if I thought it was the gas.

10 QUESTIONS BY MR. ELBERT:

11 Q: If you thought it was the gas?

12 A: Right.

13 Q: In fact -- Well, she walked upstairs, didn't
14 she?

15 A: She stumbled upstairs, yes, Sir.

16 Q: But she walked up the stairs, didn't she?

17 A: She stumbled up the stairs.

18 Q: You -- And could -- Did you ever advise her
19 to go outside, Mr. Sisak -- I mean, Mr. Boyle?

20 A: Yes, I did.

21 Q: When did you do that?

22 A: When I -- When I first got there. When I
23 first got on the job site I told them both that the
24 situation was very serious, they need to be prepared
25 to go outside.

1 Q: That's not my question. I -- We've been
2 through this.

3 A: Right.

4 Q: I'm asking you, you told them to be prepared
5 to go outside. You never told them to go outside,
6 did you? You've already said that --

7 A: No, I didn't tell them to go outside.

8 Q: Okay. That's all I wanted to know.

9 A: Okay.

10 Q: Do you know whether she was scheduled to
11 visit her doctor that day?

12 A: No, Sir, I don't.

13 Q: Did you have any discussions with her about
14 her overall health?

15 A: No, Sir.

16 Q: You say in your affidavit that your
17 supervisor, Mr. Sisak, appeared shocked when he
18 observed her walking. Do you want to look at it?
19 It's on page two, lines eight and nine.

20 A: Right. Yes, Sir. I read that.

21 Q: All right. And what -- Why do you say he
22 appeared shocked?

23 A: Because he looked at me with a look on his
24 face of -- he actually said to me, Holy cow. And I
25 said, Right, that's why I called you out here. This

1 is a serious issue. And he said, It looks like
2 she's having -- It looks like she's -- because she
3 walked from the -- We didn't see her come down. She
4 walked from the side door to a gurney, four or five
5 steps at that, and she looked like she was having an
6 epileptic -- you know, they had to help her.

7 Q: And at this point, was this about, what,
8 40 minutes after you had arrived there?

9 A: I don't know the time, Sir.

10 Q: But the house -- There was zero gas at the
11 time; right?

12 A: There was just a pungent odor of the rotten
13 egg odor was in there, yeah, but the readings were
14 zero.

15 Q: When she was having trouble walking?

16 A: Yes, Sir.

17 Q: Okay. And you say down in lines 15 and 16,
18 My supervisor instructed me to tighten the union
19 that had been leaking. This repaired the leak.

20 Do you see that?

21 A: Yes, Sir.

22 Q: Is that a true statement?

23 A: Yes, Sir.

24 Q: Is there any indication in your statement
25 here that that wasn't a proper repair of the leak?

1 A: No, Sir.

2 Q: Over on the next page, you say that the --
3 and I don't think you've testified to this
4 previously -- that the -- before the subcontractor
5 left, the wife told him that she smelled gas.

6 Do you see that?

7 A: Where are you at, Sir?

8 Q: Line three.

9 A: On page three?

10 Q: On page three.

11 A: Yes.

12 Q: All right. And then you say, However, he
13 ignored her, stating the gas odor was merely normal
14 leakage from the meter face plate.

15 A: That's -- That was her statement.

16 Q: When did she tell you that?

17 A: I believe she told me that right at the
18 beginning.

19 Q: When you were downstairs and she was
20 downstairs?

21 A: Yes.

22 Q: And he -- She actually used the words, he
23 ignored her?

24 A: I'm not sure if that's her exact words, no.
25 But no, I can't say that was her exact word, no.

1 Q: Did she just say that the person told her
2 that the gas odor was merely normal leakage? Is
3 that what she said?

4 A: No, I don't remember exactly what she said.

5 Q: Well --

6 A: I --

7 Q: -- what you wrote here --

8 A: What I wrote here was, is that he ignored
9 her and he told her it was just normal -- a normal
10 leakage from the meter that he was working on.

11 Q: But you don't know if any of these were her
12 exact words; is that what you're saying?

13 A: No.

14 Q: That ignored her may be your words?

15 A: Ignored her might be my word, yes.

16 Q: And how about stating, The gas odor was
17 merely normal leakage from the meter?

18 A: That was her words.

19 Q: Okay. Down in lines 14 and through 17, it
20 says, Also, the dangerousness of the leak is shown
21 by the fact that the Fire Department, police, and
22 ambulance were all called to the scene, and by the
23 fact that both of the customers went to the hospital
24 due to gas inhalation.

25 Do you see that?

1 A: Yes.

2 Q: Do you know if either of the customers went
3 to the hospital because of gas inhalation?

4 A: I didn't know what the outcome of the -- of
5 what -- why they ended up at the hospital. I never
6 did a follow-up, no.

7 Q: So this statement down here is just not an
8 accurate statement, is it?

9 A: It's accurate to my knowledge. That's what
10 I feel -- felt could have caused her leaving that
11 home, yes.

12 Q: I thought you testified before what you
13 really thought was that she had a stroke?

14 A: I had all kinds of thoughts going through my
15 mind. Strokes, heart attacks, gas, excitement.

16 Q: So did you --

17 A: I had all of it. I didn't write all of it
18 down here.

19 Q: Right. You only wrote down gas inhalation;
20 right?

21 A: Yes, Sir.

22 Q: Why did you only write gas inhalation and
23 leave out stroke, heart attack, and all these other
24 things that were going through your mind?

25 A: Because it seemed like she was fine prior to

1 the -- Again, I didn't know it, but it seemed like
2 she was fine prior in the day, then she got excited
3 after the leak was there.

4 Q: Well, if she went to the hospital due to a
5 stroke or heart condition, would that help your
6 case, the Union's case, in front of the PSC?

7 A: Help our case?

8 Q: Yes.

9 A: If she went -- Excuse me?

10 Q: If the lady went to the hospital because --

11 A: For a stroke?

12 Q: -- of a stroke -- yes, because of a stroke
13 or heart condition, would that help the Union's case
14 before the PSC?

15 A: I don't think the lady's condition would
16 help or hurt our case.

17 Q: Okay. Then why did you put down here
18 that -- If you don't think her condition would help
19 or hurt the case, why did you put down they went to
20 the hospital due to gas inhalation?

21 A: That was my reasoning that started the whole
22 process was the leak.

23 Q: But you don't know why she went to the
24 hospital?

25 A: No, Sir.

1 Q: And do you know whether the gentleman even
2 went to the hospital?

3 A: He told me he was going to the hospital. He
4 drove himself.

5 Q: And who called the Fire Department?

6 A: I don't know.

7 Q: Do you know who called the police?

8 A: I don't know.

9 Q: And who called the ambulance?

10 A: They did.

11 Q: The gentleman called the ambulance; right?

12 A: Yes, Sir.

13 Q: Other than this incident -- And we'll just
14 assume for the moment that maybe they did go to the
15 hospital due to gas inhalation. Let's just assume
16 that. Other than this incident, are you aware of
17 any other person who allegedly has gone -- has been
18 injured in any way by gas?

19 A: Yes.

20 Q: Okay. Who would that be?

21 A: I don't know the customer's name but I know
22 there was a leak outside and a lady claimed that she
23 had a brain tumor from gas. And Laclede ended up
24 paying her.

25 Q: When was that?

1 A: Seven, eight, nine, ten years ago, something
2 like that.

3 Q: Do you know what caused that leak?

4 A: Our services. Our -- Our gas.

5 Q: Do you know where the leak was coming from?

6 A: It was outside.

7 Q: And do you know where it was coming from
8 outside?

9 A: From the ground.

10 Q: Okay. Other than that, are you aware of any
11 other injuries to people resulting from gas?

12 A: Injuries from gas?

13 Q: Yes.

14 A: Well, sure. There's explosions and fires
15 all the time.

16 Q: All the time?

17 A: Not all the time, but when we read about
18 them, yeah, people get injured from them.

19 Q: Okay. Are you personally familiar with
20 any -- Besides the incident you've described here
21 today, do you have any personal knowledge of any
22 injury to persons resulting from natural gas?

23 A: No.

24 Q: Other than the incident described here
25 today, do you have any knowledge of any damage to

1 property resulting from that natural gas?

2 A: I'll say no.

3 Q: I'm asking about your personal knowledge,
4 not what you've read about.

5 A: Yeah, I mean, all these thoughts go through
6 my mind when I'm -- When you're asking me these
7 questions, you know, I see the stuff, just like you
8 see it. I'm going to say no. Not my personal
9 knowledge, no.

10 Q: Do you have any facts to show that Laclede
11 Gas Company is trying to conceal problems resulting
12 from Cellnet installations?

13 A: Would you repeat that?

14 Q: Do you have any facts to show that Laclede
15 Gas Company is trying to conceal problems resulting
16 from Cellnet installations?

17 A: No facts. Opinions.

18 Q: You have opinions?

19 A: Yes, Sir.

20 Q: Do you have any facts -- What I'm trying to
21 get at is, do you have any personal knowledge --

22 A: That they --

23 Q: -- that Laclede is trying to conceal -- Yes,
24 do you have personal knowledge? Have you witnessed
25 any conduct that would lead you to believe that

1 Laclede is trying to conceal problems resulting from
2 Cellnet installations?

3 A: Yeah. I would have to say yeah, I have
4 personal knowledge.

5 Q: Tell me what knowledge you have.

6 A: When we first started with these meter
7 leaks, AMR meter leaks, they weren't -- they were
8 just installing them. And when we would get leaks,
9 they would actually have us bring them into the shop
10 area, into the building, into the office where the
11 bosses were. They didn't want them out there. They
12 didn't -- Now, I don't know why they were doing
13 this. Again, to me, they -- they were trying to
14 hide it. Personally, that was my personal opinion.
15 Yes, I think that they have tried to --

16 Q: So that's -- that's based on the fact that
17 they brought the meters into the office?

18 A: Right, which is never done. Never.

19 Q: Is it possible they were trying to
20 investigate what the cause was?

21 A: No, they weren't trying to investigate the
22 cause.

23 Q: How do you know that?

24 A: They would have told us. They would have
25 said, We're trying to investigate the cause, bring

1 them in.

2 Q: Well, what did they do with the meters?

3 A: I have no clue.

4 Q: You previously testified you saw them out in
5 the yard?

6 A: That was what they're doing now. At the
7 very beginning, when we first started getting these
8 leaks coming in, when they first were being put --
9 installed 18 months ago, and we were getting calls
10 out, the initial leaks were coming in, we were
11 initially bringing them in there. What had happened
12 and occurred was, there was so many that we were
13 bringing in, that the room just kept filling up,
14 filling up. Then they said, You know what, just
15 bring them down there and leave them.

16 Q: How many of them did you personally bring in
17 with leaks?

18 A: I don't -- I don't have the number. I
19 don't --

20 Q: One?

21 A: No. I don't know. I -- I'll have to look
22 at my paperwork. I don't have the knowledge in
23 front of me to --

24 Q: Do you have an estimate even?

25 A: No.

1 Q: Did you bring in any Laclede --

2 A: Oh, absolutely. Absolutely.

3 Q: So you brought in at least one?

4 A: Absolutely.

5 Q: But you don't know how many beyond one?

6 A: No.

7 Q: And do you have any other facts to show,
8 other than the fact that they brought these meters
9 into the office -- Well, let me go back.

10 How many meters did you bring into the
11 office that had AMS's on them?

12 A: I would say probably at least one.

13 Q: At least one. And do you know what -- what
14 they did with that meter after you brought it in?

15 A: No, Sir.

16 Q: Do you know whether they sent it out to be
17 checked thoroughly?

18 A: I would hope they did, yes.

19 Q: But I'm asking whether you know.

20 A: No.

21 Q: But that's -- Because you brought it in the
22 office, that's your basis for believing they were
23 trying to conceal the problem?

24 A: That's one of my bases, yes.

25 Q: Give me another basis.

1 A: Well, we continually, to this day, turn in
2 leaking AMR meters every day. Every day, on our
3 CIS's, we write on there, Replaced leaking meter.

4 Q: Well, I just asked you, you -- you can only
5 remember -- You think you've done one or more.
6 You're doing this every day.

7 A: No, no, I'm not saying me, I'm saying we.
8 We as the workers, the work force, the service
9 people, every day.

10 Q: And your testimony before is that you
11 never -- I just want to clarify this --

12 A: Okay.

13 Q: -- you never turned in a meter that was
14 leaking that had an ME device on it?

15 A: To my knowledge at this time, I'm going to
16 say no, I never have.

17 Q: And you never turned in a meter that had a
18 leak -- that was leaking that had an RE device on
19 it?

20 A: To my knowledge, no.

21 Q: Do you think other servicemen did?

22 A: I don't know what they did, Sir.

23 Q: Did you ever check on that?

24 A: No.

25 Q: Why not?

1 A: That was 15 years ago.

2 Q: And isn't it true, Sir, that those were all
3 being installed by Laclede employees?

4 A: What's that, Sir?

5 Q: The RE devices and the ME devices.

6 A: Yes.

7 Q: Yes. So is there any incentive to check on
8 the AMR devices because they're not being installed
9 by Laclede employees?

10 A: Is there any -- I'm --

11 Q: Does the Union have an incentive to check on
12 the installation of AMR devices because they are not
13 being installed by Union employees?

14 A: Do we have an incentive --

15 Q: Yes.

16 A: Repeat that one more time.

17 Q: Is the Union checking on -- Let me try to
18 rephrase it.

19 A: Okay.

20 Q: It's confusing. Now --

21 A: It's not that bad, I'm just trying to get my
22 answer straight.

23 Q: Yeah, yeah, I know you are. Is the Union
24 checking on AMR devices because they are not being
25 installed by employees represented by the Union?

1 A: No.

2 Q: Why are they doing it then?

3 A: Because they're not being installed
4 correctly.

5 Q: How do you know that?

6 A: From the hearings that I've been attending.
7 From the meter shop that I heard.

8 Q: What personal knowledge do you have that an
9 AMR device has ever been improperly installed?

10 A: Personal?

11 Q: Yes.

12 A: From me talking to the meter shop personnel
13 that work on them daily.

14 Q: I'm asking you what personal -- If I
15 understood your testimony before, you stated you
16 didn't know the cause of any meter that was leaking
17 that had an AMR device on it; correct?

18 A: Right, right.

19 Q: So I'm asking you what personal knowledge
20 you have that any installation was caused -- of an
21 AMR device, caused a leak on a meter?

22 A: The personal knowledge, I haven't physically
23 personally done it, no.

24 Q: And you don't know whether AMR devices cause
25 leaks, do you?

1 A: Oh, yeah, they do.

2 Q: How?

3 A: The testimony from the hearing.

4 Q: I'm not asking --

5 A: The meter shop people saying it. Going out
6 and every day seeing guys get called out on jobs,
7 replacing leaking AMRs. Seeing them down at the --
8 at the meter shed where they've got the tag on it
9 and it says leaking meter. That's my personal
10 knowledge and I know these meters are leaking.

11 Q: And you never saw, down in the yard, meters
12 that had ME devices on it that said leaking meter?

13 A: I haven't seen an ME device in probably
14 15 years.

15 Q: That's not my question.

16 A: What's your question, then?

17 MR. ELBERT: Read back my question, please.

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

20 THE WITNESS: No.

21 QUESTIONS BY MR. ELBERT:

22 Q: Never saw that?

23 A: No.

24 MS. SCHRODER: How close are we to being
25 done?

1 MR. ELBERT: Oh, probably --

2 MS. SCHRODER: Lunch break?

3 MR. ELBERT: I would say I've got less than
4 20 minutes left.

5 MR. POSTON: Hey, this is Marc. I'm going
6 to have to drop off now. I probably won't go back
7 on.

8 MS. SCHRODER: Okay.

9 MR. POSTON: But thanks, Sherrie.

10 MS. SCHRODER: You're welcome, Marc. I
11 guess I'd kind of like to go ahead and take our
12 break then. I have something I have to do before --
13 that I have to check before 1 o'clock.

14 MR. ELBERT: I'll be finished before
15 1 o'clock. That's not a problem. It's only 12:20.

16 MS. SCHRODER: Okay. Robert, I'm going to
17 have to call you back. I forgot that's what happens
18 when we have these.

19 MR. ELBERT: Why don't we just try to finish
20 up then you can do your thing at one and --

21 MS. SCHRODER: Well, it's not at one, I have
22 to do something before one.

23 (Off-the-record discussion.)

24 (Lunch recess taken.)

25

1 QUESTIONS BY MR. ELBERT:

2 Q: Mr. Boyle, I want to make sure I understand
3 something about meter leaks, or your knowledge of
4 meter leaks. I believe you testified before when --
5 when there were no devices -- no remote reading
6 devices on the meter such as an ME or RE, let's
7 forget about AMR for a moment, that sometimes the
8 face plates would leak, or the leak would come from
9 behind the face plate; right?

10 A: On ME and --

11 MS. SCHRODER: No, he's not --

12 QUESTIONS BY MR. ELBERT:

13 Q: Where there is no ME and no RE --

14 A: Just straight --

15 Q: Yes. You'd find meters that would leak from
16 behind the face plate; right?

17 A: Right, yes.

18 Q: And do you know what caused those leaks?

19 A: No.

20 Q: And do you -- do you have any idea whether
21 sometimes the gear drives back there, the drives
22 that -- The dials, do you know whether it has a
23 gasket in it?

24 A: No.

25 Q: Do you have -- Can you explain why there

1 would be meters that do not have remote reading
2 devices on them that would leak, according to you,
3 but that if they had ME or RE devices on them, you
4 never found one with a leak?

5 A: How I would explain that?

6 Q: Yes.

7 A: Because I personally have never changed out
8 a leaking ME or RE -- or RI, whatever you're calling
9 it now. RI?

10 Q: RE.

11 A: RE. I never changed an RE or an ME leaking
12 meter.

13 Q: Well -- Okay. But what I'm asking you is if
14 you have any explanation for why a meter would leak
15 from behind the face plate when there is no remote
16 reading device on it, but it wouldn't leak from
17 behind the face plate if there was an ME, an RE, or
18 a trace?

19 MS. SCHRODER: Just object to the extent it
20 mischaracterizes his testimony. Go ahead and
21 answer.

22 THE WITNESS: My -- My answer would be is I
23 don't know the intricacies of each meter. So if
24 there's an extra part in there or not, I wouldn't
25 know. So if you're saying why or how would I

1 respond to a regular meter leaking --

2 QUESTIONS BY MR. ELBERT:

3 Q: I'm asking why you -- If you know --

4 A: I don't know.

5 Q: Well, let me make -- Let me get my question
6 out. Let me make sure --

7 A: I thought that was a question.

8 Q: My question is, do you have an explanation
9 as to why a meter may leak behind the face plate,
10 but if it has either an ME device on it or an RE
11 device, or a trace device, rather than the face
12 plate that comes with the meter, why would it not
13 leak?

14 A: I don't have an answer for you.

15 Q: Okay. Now, when you went to Salerno -- I'm
16 sorry --

17 MR. ELBERT: That's okay. You didn't give a
18 full address.

19 QUESTIONS BY MR. ELBERT:

20 Q: When you went to the location on
21 December 19, 2006, I just want to make sure I
22 understand what happened. You went in at the
23 landing, your -- and your ranger recorded a 1.3, or
24 a 30 percent LEL --

25 A: Yes.

1 Q: -- right? And then you went downstairs.
2 And when you went downstairs, did it still record a
3 1.3?

4 A: At that time, I wasn't looking at the
5 reading then. I was grabbing my tool bucket and
6 racing to the meter.

7 Q: Okay.

8 A: So you know, at that point in time, I'm not
9 going to be able to give you the exact reading it
10 was there, no.

11 Q: And when you got to the meter, did you take
12 a reading?

13 A: It was sitting next to me, the -- the
14 device, and, you know, I continually was just
15 monitoring it. But it was -- It was fluctuating,
16 but it was going down. It was actually going down
17 when I -- Actually, it went down a little bit when I
18 went downstairs.

19 Q: Sure. That's normal, isn't it, because
20 gas --

21 A: Yes, it's normal.

22 Q: Let me finish my question. It's normal
23 because gas is lighter than air; right?

24 A: Yes.

25 Q: So it would be normal that upstairs in the

1 house, you probably have a higher reading than
2 downstairs; right?

3 A: Yes.

4 Q: Okay. So then you went down to the -- to
5 the meter. When you say you went to straight to the
6 meter, and I showed you that very poor quality
7 Exhibit 4, was -- what did you observe when you got
8 down there? Could you see the meter?

9 A: No. The -- The cabinet doors were shut.

10 Q: And was there anything in front of the
11 cabinet doors?

12 A: The missus.

13 Q: Besides the missus, was there anything else?

14 A: No.

15 Q: There wasn't any kind of cabinet in front of
16 the -- in front of the doors?

17 A: Not that I recall.

18 Q: So did you ask the missus to move?

19 A: Yes.

20 Q: And is --

21 A: Can I -- Actually, I was in there working
22 and I said to her, You're going to have to move.
23 And then I had to say it again. And then the
24 gentleman actually said, You've got to move.

25 Q: Well, I'm a little confused. You went down,

1 was she in front of those doors?

2 A: That -- Excuse me --

3 Q: Let's point at Exhibit 4.

4 A: She was -- Is there a better picture than
5 this?

6 MS. SCHRODER: Yeah, we're getting -- You
7 know what, it may already be out here. I think
8 that's what Jerry's saying. One of us absconded
9 with it.

10 THE WITNESS: Let me just explain it then.

11 QUESTIONS BY MR. ELBERT:

12 Q: Yes, just explain. I think we --

13 A: It was cabinet doors and I think they went
14 from the ground up.

15 Q: That's what it looks like on this picture.

16 A: When I opened up the doors, she would have
17 been -- she would have been -- This one opened up
18 freely --

19 Q: This one, the one --

20 A: The one on the right side.

21 Q: Wait a minute. Let's -- When you say
22 this -- We have to help the court reporter here.

23 A: Okay.

24 Q: When you say this one, as you're facing it,
25 that's the one on the right side?

1 A: The one on the right side opened freely.

2 The one on the left side, when it was open, I was
3 able to get in here, but it was -- it was actually
4 opening and hitting her chair.

5 Q: All right. So is that when you asked her to
6 move?

7 A: The second time. I asked her to move when I
8 first initially went down in the basement. I said,
9 You're going to have to get out of the way.

10 Q: So you just told her --

11 A: I said, I've got to get in there and work.

12 Q: Where did she go?

13 A: She moved her chair.

14 Q: And then you got her --

15 A: Well, then I -- I was getting a little bit
16 excited and I said, You're going to have to move
17 now.

18 Q: Okay. How long between the first time you
19 told her to move and the second time?

20 A: Ten seconds.

21 Q: Okay. And did she say anything to you
22 during that period of time?

23 A: She was talking the whole time.

24 Q: And she was talking -- She was telling you
25 what you told us before, that there had been

1 somebody there earlier?

2 A: Yes, Sir.

3 Q: Okay. And so then she moved. Where did she
4 move to?

5 A: She scooted her chair out probably three or
6 four feet. And then he said -- the husband said to
7 the wife, Just get up and get out of there.

8 Q: When you -- When you talked to her the first
9 time, did she appear ill at that time?

10 A: I didn't notice, no.

11 Q: Okay.

12 A: Actually, she didn't appear ill at all until
13 I heard her coughing and gagging. He said, Get up
14 and get out of there. That's when she got up and --
15 and went towards the steps. And I -- That's when I
16 looked at him and first made the comment of, Does
17 she normally act like that? I think that's my
18 words, too. I said, Does she normally act like
19 that? And then he said no.

20 Q: So did you tell her to go upstairs?

21 A: The gentleman did, yeah. He said -- Well,
22 you've got to remember, I've said twice now to them
23 that you need to get prepared to be ready to
24 evacuate the house.

25 Q: Well, that's not my question.

1 A: So yes, she then -- she --

2 Q: Did you tell her --

3 A: I was working. I was in there.

4 Q: Did you tell her to go upstairs?

5 A: Hm-mm.

6 Q: Where did you tell her to go? Just to
7 stand --

8 A: He told her to go upstairs.

9 Q: And did you tell her not to?

10 A: No.

11 Q: Did you tell her she better get outside?

12 A: No.

13 Q: So you -- Okay. So you sent her -- So you
14 allowed her to go upstairs; is that correct?

15 A: Sure. Yes, Sir. I just wanted her out of
16 there.

17 Q: So then what happened? You turned off
18 the -- Show me where --

19 A: Actually, I had the gas off by then.

20 Q: Okay. Where -- Where is the -- the --

21 A: Shut-offs down here.

22 Q: Yeah, right where the entrance is?

23 A: Yes.

24 Q: So it's well below the regulator?

25 A: Yes.

1 Q: And you had shut it off. And then did you
2 take a measurement of the gas down there --

3 A: The machine was running the whole time.

4 Q: You didn't actually look at it?

5 A: I was just glancing at it. It wasn't where
6 it was when I first walked in.

7 Q: It was going down?

8 A: Oh, yeah, it was going down.

9 Q: Yeah.

10 A: And I noticed that. The machine never
11 turned off. I made it safe. That's when I made --

12 Q: When --

13 A: Go ahead, Sir.

14 Q: When you say you made it safe, did you then
15 go around the basement and check the entrance to
16 make sure there was no migrating gas?

17 A: I was checking it there when I was turning
18 it off. I actually set my meter right here on this
19 shelf, right below the meter. I sat -- I sat my gas
20 ranger right below this gas meter because there was
21 a shelf right there.

22 Q: Did you go around the basement after you
23 shut off the gas to determine the levels of gas in
24 there at various places in the basement?

25 A: When I turned it off and -- I actually had

1 to walk through almost the entire basement just --
2 not the entire, but I had to walk the length of the
3 floor to get to it. So when I turned it off, I
4 realized that that was where the gas leak was coming
5 from. I pretty well knew that I made it safe.

6 At that point in time I took my
7 measurements -- as I was going back outside, I took
8 my measurements again, and then I brought it back
9 outside to air it out, just to come back inside to
10 see where my measurements were and how accurate
11 that -- my initial reading was, which was the -- I
12 wanted to make sure that my machine was that
13 accurate, that I was getting that.

14 Q: Okay.

15 A: But let me just say that, I didn't stop and
16 read anything or do anything. What I did was is I
17 initially, when I smelled the gas and I got that
18 reading, I immediately went down and turned that gas
19 off.

20 Q: I understand that. Did you check the
21 sanitary sewer?

22 A: Yes.

23 Q: When did you do that?

24 A: I don't know the time I did it. You're
25 talking the sanitary sewer in the basement?

1 Q: Yeah.

2 A: That's not really a sanitary sewer. That's
3 not what we consider a sanitary sewer. That's what
4 we consider a drain.

5 Q: Did you -- Did do that?

6 A: Yes, I did.

7 Q: Did you check the sanitary sewer outside?

8 A: No, I did not.

9 Q: Why not?

10 A: Because it's not required.

11 Q: When you do a leak investigation, that's not
12 required?

13 A: No. On an outside leak it is.

14 Q: I'm going to refer you to Exhibit 5, Section
15 19-8. There's an area called Investigation
16 Sequence. Do you see that?

17 A: Yes, I do.

18 Q: Is that investigation sequence only for
19 outside meters?

20 A: Where are we at, Sir?

21 Q: Page -- Right where you just said you saw,
22 Investigation Sequence?

23 A: Oh, yeah.

24 Q: Is that for only outside meters?

25 A: I'd have to read this to tell you whether or

1 not it was.

2 Q: Why don't you read through it real quickly.

3 A: Okay.

4 Q: You're familiar with this investigation
5 sequence?

6 A: I don't know it by heart, no. This is --
7 This leak investigation in the manual, it's -- it
8 uses a guide for us to go back to and refer to. We
9 don't take this out when we go to leaks and read it
10 and go verbatim. We don't do it this way. We have
11 a pretty good idea what these say and then we refer
12 back to these all the time.

13 Q: Well, I understand you don't take these out
14 but you've been doing leak investigations for a long
15 time; haven't you?

16 A: Yes.

17 Q: Since at least 1998; correct?

18 A: Yes.

19 Q: And you're familiar with these -- this leak
20 investigation sequence; aren't you?

21 A: Yes.

22 Q: And you follow it; don't you?

23 A: Yes.

24 Q: Okay. Now, I'm asking you whether you
25 followed it with regard to the address in question.

1 A: Yes.

2 Q: Completely?

3 A: Yes.

4 Q: So let's go over to the next page. Did you
5 check the inside foundation walls, structural walls,
6 false ceilings and floors, attic, et cetera, with
7 your CGI?

8 A: Yes, to the best of my knowledge. Yes, when
9 I walked into the building with my CGI, that's when
10 I'm checking the inside foundation, if there's any
11 cracks. The basement was a fixed basement so I
12 wasn't able to see any cracks. But the water line,
13 I actually -- This isn't a good picture. I'm
14 looking at the picture. I thought the water line
15 actually came in alongside this in the same
16 compartment.

17 MS. SCHRODER: Charles, you don't have it,
18 do you?

19 MR. ELBERT: I couldn't swear to that.

20 MS. SCHRODER: I thought maybe it was in the
21 front of your notebook. No?

22 MR. ELBERT: Well, I can't commit for
23 certain that I don't have it but I can't find it.

24 MS. SCHRODER: Okay.

25 THE WITNESS: I don't have it.

1 QUESTIONS BY MR. ELBERT:

2 Q: Okay. So you did this -- You got down in
3 the basement and turned off the gas within about
4 30 seconds, I think was your testimony; right?

5 A: As soon as I could, yes.

6 Q: And then you followed these leak
7 investigation procedures; correct? Basically?

8 A: No.

9 Q: No, you didn't?

10 A: No. These are -- These are -- These are
11 checks that you have to make but you don't have to
12 make them in any kind of sequence. I might have
13 made the check for the -- just for instance -- you
14 know, we check along the -- you know, the point of
15 entry. I check that immediately. This is just a
16 guidelines of what was -- what we're going to check
17 when we go --

18 Q: You did all these things before you made any
19 attempt to fix the union, didn't you?

20 A: No. Absolutely not.

21 Q: So you at that time didn't know for sure
22 where the gas was coming from?

23 A: Yes, I did.

24 Q: How did you know for sure?

25 A: Because when I got in there, I could hear

1 it. I smelled it. When I turned it off -- You
2 know, what you're -- you're trying to pinpoint me in
3 doing this thing here and this isn't how we do our
4 leak investigation. I just want to let you know
5 this. We don't walk in and do the sequence of,
6 Okay, I smell gas, I'm going to check all of these;
7 when I know for a fact if I turn this valve off,
8 it's going to stop the leak.

9 Q: I will just tell you that your --
10 Mr. Johnson who testified last Friday, testified
11 contrary to what you're saying. He came in and
12 specifically testified that he did do these things
13 before he got to the source of the leak.

14 A: His leak was different.

15 Q: I see. So it depends on the leak?

16 A: Absolutely.

17 Q: And you recall, Sir, that you, in fact,
18 didn't know where the source of the leak was. Your
19 prior testimony was that you told Mr. Sisak that the
20 leak was coming from the face plate.

21 A: When I initially responded and made it safe,
22 I -- All the -- What I testified earlier, with what
23 the customer was telling me, with what the -- the
24 face plate being tampered with, with her saying that
25 the man was working on it, I told Mr. Sisak that I

1 felt at that time that there was a leak and it
2 was -- it was at the AMR device.

3 Q: Right. And so my point is, Sir -- And you
4 had already turned off the gas when you spoke to
5 Mr. Sisak?

6 A: Yes.

7 Q: So, in fact, you didn't know where the leak
8 was, did you, when you spoke to Mr. Sisak?

9 A: I didn't know that it wasn't at that
10 location, no, but I knew it was in that room.

11 Q: You knew it was in the room. Do you know
12 whether it could have been coming in through the
13 walls?

14 A: I did check for that later, after I
15 turned -- after I turned off the gas and I was --
16 Again, this all happens, like, quick. After I
17 turned off the gas and I'm walking around with my
18 ranger and equipment, I'm making all these checks.
19 I don't -- I don't know what precisely -- I mean, I
20 can't tell you exactly what crack in the wall or
21 where I went exactly.

22 Q: Well, I'm asking you, you just told me
23 before that you didn't follow the sequence right
24 away.

25 A: No, I didn't.

1 Q: Well, then how did you know where the gas
2 was coming from? If you didn't check the --

3 A: Didn't I answer this already? I'm not
4 trying to be rude with you, Sir, but I told you --

5 MS. SCHRODER: Mark, go ahead and say it
6 again.

7 THE WITNESS: -- that when I walked into the
8 house, I seen -- I heard something. I turned it
9 off. I knew it was safe at that point in time.

10 Yes, I did do my checks. I made all my
11 roles I was supposed to do. I did every check I was
12 supposed to make, I just didn't do it immediately
13 because I knew the leak was done because my numbers
14 were going down. I wasn't no longer hearing
15 anything.

16 I called up my -- Mr. Sisak, told him I
17 thought that's where it was coming from. Mr. Sisak
18 directed me to say -- he said, Turn it back on and
19 check it and see. If -- If you get the good
20 pictures, you'll see where I soaped that AMR device
21 down and I didn't find it on the AMR device.

22 Again, and I'm, like -- And it doesn't take
23 long to do this, just to let you know this. When
24 you've got a gas blowing out of there, it doesn't
25 take long. And I sprayed it over there and it was

1 there.

2 QUESTIONS BY MR. ELBERT:

3 Q: Well, I'm not trying to be rude with you
4 either.

5 A: Okay.

6 Q: I'm just trying to find out your story here
7 and it's shifting all over the place. Your
8 affidavit --

9 A: According to you it is.

10 MS. SCHRODER: Okay, wait --

11 QUESTIONS BY MR. ELBERT:

12 Q: Oh, yeah. We're --

13 MS. SCHRODER: Both of you calm down, you're
14 harassing and --

15 MR. ELBERT: I'm not being harassing.

16 MS. SCHRODER: You're turning this into a
17 fight.

18 MR. ELBERT: I'm not.

19 QUESTIONS BY MR. ELBERT:

20 Q: You say in an affidavit that you swore to
21 under oath that you noticed that the gas was blowing
22 out of the union on piping located one foot away
23 from the meter.

24 A: Right.

25 Q: And that's a false statement, isn't it?

1 A: Why?

2 Q: Did you notice that when you went in?

3 A: This was done after my leak was done.

4 Q: Did you notice --

5 A: This was done after I fixed the leak.

6 Q: I don't care when it was done, Sir.

7 A: I didn't know the people's names, either,
8 until after this was done.

9 Q: I'm not -- That's not answering my question.

10 A: I don't know what your question is.

11 Q: Is it -- Is it a true statement that when
12 you walked in, you noticed gas was blowing out of
13 the union on the piping located one foot away from
14 the meter?

15 A: Where are you at? Page one?

16 Q: Lines 12 and 13. Is that a true statement
17 or is that a false statement?

18 MS. SCHRODER: We've already been through
19 this.

20 MR. ELBERT: Right.

21 MS. SCHRODER: Objection.

22 QUESTIONS BY MR. ELBERT:

23 Q: And you said it was false; right? I'm
24 pointing out you're changing your testimony.

25 MS. SCHRODER: He's not changing his

1 testimony. He explained already that he discovered
2 that after -- that that was in the wrong sequence.
3 That's what he explained.

4 MR. ELBERT: Listen --

5 THE WITNESS: I'll explain the --

6 QUESTIONS BY MR. ELBERT:

7 Q: Is that a true -- I want my question
8 answered.

9 A: The true statement's this, if you --

10 Q: No, I'm --

11 MS. SCHRODER: Okay. Wait, let him ask the
12 question.

13 THE WITNESS: I'm going to answer you.

14 QUESTIONS BY MR. ELBERT:

15 Q: No. The question is, is the statement at
16 lines 12 and 13 on page one, a true statement? Yes
17 or no.

18 A: That is a true statement that I did notice
19 gas was blowing out of the union on the piping.

20 Q: When you came down to the --

21 A: That's a little bit misleading on my end. I
22 didn't write it exactly when I found it, no.

23 Q: Okay.

24 A: That was -- That sequence of how I found it,
25 no, that's not how it was. That's a true statement,

1 that's where the leak was found, but no, I didn't
2 notice it immediately when I walked into the house,
3 no, Sir.

4 Q: And nowhere in this affidavit does it say
5 that you heard gas blowing, does it? Where does it
6 say that, Sir?

7 A: That I heard gas blowing?

8 Q: Yes.

9 A: I noticed gas was blowing out of the union
10 on the piping. Isn't that what I wrote?

11 Q: And you've just testified that that wasn't
12 when you entered the premises, was it?

13 A: No. No, but --

14 Q: Well, let's get the sequence. Let's go back
15 to the sequence. When you walked in -- You can
16 laugh, Sir, but you've got to -- we've got to find
17 out --

18 A: I'm not laughing.

19 Q: You were laughing.

20 A: I mean, the sequence is what I've been
21 telling you from the beginning of this.

22 Q: It's changing all the time.

23 A: No, it's not.

24 MS. SCHRODER: No, it's not. And I
25 object to that characterization.

1 THE WITNESS: I'm not changing it at all.

2 QUESTIONS BY MR. ELBERT:

3 Q: Okay. Then we're going to go through it
4 step by step and get the sequence right.

5 A: If you want to, we can.

6 Q: We are.

7 A: Go ahead.

8 Q: All right. You entered the premises;
9 correct?

10 A: Yes.

11 Q: You went down, you saw the meter; correct?

12 A: Yes, I noticed the meter.

13 Q: At that time did you notice gas blowing out
14 of the union on the piping located about one foot
15 away from the --

16 A: No, I didn't, not at that time.

17 Q: Did you believe at that time that the gas
18 was coming out of the face plate?

19 A: Yes.

20 Q: Did you hear any sound of gas at that time?

21 A: I thought I did, yes.

22 Q: Why didn't you say that in your affidavit?

23 A: Well, I -- It just -- I didn't put it in my
24 affidavit. Why I didn't, I don't know.

25 Q: Did you put it in --

1 A: There's a few things probably I didn't put
2 in the affidavit.

3 Q: Did you put it in your CIS ticket?

4 A: What was that? That I heard gas blowing?

5 Q: Yes.

6 A: Yeah, Could hear leak from union. But
7 you've got to understand this, Sir, the sequence
8 that I'm saying on that, it wasn't when I first
9 walked in the house --

10 Q: So you --

11 A: -- that I noticed it was the union. When I
12 noticed it was the union is when I was making my
13 repairs.

14 Q: I understand that.

15 A: That's when I actually verified that the
16 leak was on the union.

17 Q: I understand that. And what I'm asking you
18 is, did you notice gas hissing at the time that you
19 believe the gas was coming out of the AMR device?

20 A: Yes.

21 Q: You did. But you didn't write that down
22 anywhere; is that right?

23 MS. SCHRODER: Except on the CIS form.

24 THE WITNESS: I didn't know I was going to
25 be in here talking to you, really.

1 QUESTIONS BY MR. ELBERT:

2 Q: That's not responsive. You need to answer
3 the questions.

4 A: Okay. What was the question?

5 MR. ELBERT: You can read back my question,
6 please.

7 (The requested portion of the record
8 was read by the reporter.)

9 THE WITNESS: Didn't write what down?

10 MS. SCHRODER: Yeah, you need to get the
11 whole question, because it preceded --

12 QUESTIONS BY MR. ELBERT:

13 Q: You didn't write down the fact that you
14 claim now that you heard gas hissing from the dial
15 of the meter?

16 MS. SCHRODER: And I would object that it
17 mischaracterizes prior testimony about the CIS form.

18 THE WITNESS: I didn't write it down because
19 when I first walked in there I didn't know exactly
20 where it was coming from. That's my testimony. I
21 didn't know.

22 QUESTIONS BY MR. ELBERT:

23 Q: I understand you didn't know. Did you
24 listen for where you thought the gas was coming from
25 at the time you walked in?

1 A: I made it safe as quickly as possible.

2 MR. ELBERT: Please read back my question.

3 QUESTIONS BY MR. ELBERT:

4 Q: If you don't answer the questions, we'll
5 just be here all afternoon.

6 A: I don't know what you want to hear.

7 Q: I want the truth.

8 MS. SCHRODER: It's a yes or no question.
9 That's what he's asking. It's just a yes or no
10 question here.

11 (The requested portion of the record
12 was read by the reporter.)

13 THE WITNESS: No.

14 QUESTIONS BY MR. ELBERT:

15 Q: And on your CIS ticket, does it say
16 anywhere -- that's Exhibit 8 -- does it say anywhere
17 that you heard gas blowing?

18 A: Not when I first walked in.

19 Q: Does it say -- Later, when you determined it
20 was from the union, does it say anywhere in here
21 that you heard gas blowing?

22 A: Yes.

23 Q: In your CIS ticket?

24 A: Yes. Could hear leak from union.

25 Q: Okay. So you didn't hear it when you first

1 walked in?

2 A: Yes, I did.

3 Q: But you didn't --

4 A: I didn't know where it was coming from. I
5 did hear it, didn't know where it was coming from.

6 Q: Why did you assume it was coming from the
7 face plate?

8 A: Because the customer told me there was
9 someone in there that worked on the meter. When I
10 went down in there, I seen it was tampered with.
11 The tamper proof plugs were out. That's why I
12 assumed it was the meter face plate.

13 With the customer's information that she
14 gave me, that he was in there working on the meter,
15 that she had to give him a screwdriver because he
16 wasn't completing his job, whatever he said to her,
17 I don't know, that's when I suggested to myself, and
18 to Mr. Sisak, that this is probably an AMR leaking
19 meter.

20 Q: What does it mean -- What does an AMR
21 leaking meter, what does that mean?

22 A: What's the question? What does an AMR
23 leaking meter mean?

24 Q: Yes.

25 A: That means it's an AMR meter leaking.

1 Q: It happens to have an AMR device on it and
2 it's leaking?

3 A: That's a phrase that we use, yes.

4 Q: Okay. Even though you have no idea whether
5 the leak has anything to do with the AMR device?

6 A: That's a phrase we use -- That's -- That's
7 just a phrase I use.

8 Q: Right. But you don't -- When you use that
9 phrase, you don't know whether or not, in fact, the
10 AMR device is causing a leak; do you?

11 A: If it's coming from the AMR device -- the
12 AMR device, that's where it's leaking from.

13 Q: Well, but does that mean that the AMR device
14 caused the leak?

15 A: Caused what, the leak that was at that
16 house?

17 Q: At any house. You're talking about an
18 AMR --

19 A: Meter leaking.

20 Q: -- meter leak. Does that mean the AMR
21 device caused the leak?

22 A: The AMR device caused the leak, you mean,
23 this device here?

24 Q: Yes. Does it cause the leak?

25 A: I would have to say yes, it does.

1 Q: How?

2 A: With the dog that you guys were all talking
3 about at the hearing, the piece that goes in there,
4 the rubber grommet around it, the seal, I feel that
5 all of that, with the AMR device not being put in
6 properly, with too much tension, whatever, I feel
7 that that causes the leak.

8 Q: Do you have any knowledge, any personal
9 knowledge, that an AMR device can cause a leak in
10 the manner that you just described?

11 A: Only from the testimony I heard at the
12 hearing.

13 Q: So you have no personal knowledge; is that
14 what you're saying?

15 A: That's correct.

16 Q: And you couldn't tell me, can you, Sir, how
17 putting on this device, this AMR device improperly,
18 could cause a leak in a meter, can you?

19 A: Sure.

20 Q: How?

21 A: Because if it's put on wrong, if it's not
22 put on --

23 Q: Tell me --

24 A: -- straight --

25 Q: Tell me how it can cause a leak.

1 A: -- what happens is, is this thing goes in
2 here. It gets caught on a little lever and this
3 gets put on there, and then it's not there. It
4 doesn't get on correctly. It's too tight. The face
5 plate, the index gets on there, that's -- that's --
6 also turns the face plate, that could do it. I
7 mean ...

8 Q: Well, how does this -- The meter itself is
9 what has the gas in it; right?

10 A: Right.

11 Q: And something has to cause the meter to leak
12 so it can go through the AMR device, wouldn't you
13 agree with that?

14 A: I've -- I think I've testified I never put
15 one of these on so I don't know exactly how it
16 works. But gas enters the meter and it exits out an
17 AMR device.

18 Q: And that could be caused by a problem with
19 the meter, couldn't it?

20 A: Hadn't happened before, not until the
21 devices were installed on them.

22 Q: Well, you've never had a leaking meter?

23 A: I never said I never had a leaking meter.

24 Q: You testified before you had a leaking
25 meter, didn't you?

1 A: Right.

2 Q: And those leaked without an AMR device on
3 them, didn't they?

4 A: A few of them, yes.

5 Q: Just a few.

6 A: Mm-mm.

7 Q: And how did they leak?

8 A: I don't have the personal experience on it.
9 I never took it apart and checked it. That all goes
10 into the Meter Shop Department.

11 Q: The truth of the matter is, you don't know
12 how meters leak, do you? Yes or no.

13 A: I just -- I fix them.

14 Q: Do you know how they leak?

15 A: No.

16 Q: And you don't know for a fact whether an AMR
17 device can cause a leak, do you? Yes or no.

18 A: With my -- Yes.

19 Q: Then tell me how -- I want to know --

20 A: My experience is when I get calls and I go
21 out there and I get my ranger, and it goes around
22 that face plate and it registers gas, and I replace
23 them, that's telling me that that AMR is leaking.
24 Now, how it's leaking, I don't know. That's not my
25 job. I don't think the Company would want me to sit

1 and try to figure it out.

2 Q: I want to know -- You're saying -- Your
3 testimony is that you, as I understand it, have
4 knowledge that AMR devices cause leaks.

5 A: Right.

6 Q: Now, I want you to tell me what that is
7 based on, how they cause a leak in a meter?

8 A: They cause a leak in the meter through poor
9 installation by Cellnet employees.

10 Q: How?

11 A: Poor installation. I'm not going to be able
12 to sit here and explain to you how because I don't
13 see every instance. And it doesn't --

14 Q: Explain one instance where the installation
15 that you have personal knowledge of caused a leak.

16 A: I've never taken it apart to find out how.
17 I go to a job on a leak.

18 Q: Okay. You just told me that based on your
19 experience, these devices, by being improperly
20 installed, cause leaks; right?

21 A: Right.

22 Q: Tell me how the installation caused the
23 leak.

24 MS. SCHRODER: I'm going to object to this.
25 He has answered this over and over and over again.

1 MR. ELBERT: No, he hasn't.

2 MS. SCHRODER: Yes, he has. He's told you
3 he doesn't know how these work exactly, that he
4 never installed them, that he doesn't know that.
5 That doesn't mean that he doesn't know that the
6 device -- that improper installation is causing
7 them.

8 MR. ELBERT: You have to be able -- Have a
9 basis --

10 MS. SCHRODER: If you want to ask him what
11 his basis is --

12 MR. ELBERT: I just did.

13 MS. SCHRODER: No, you didn't. You asked
14 him --

15 MR. ELBERT: Would you read back my question
16 please? I'm not going to argue with you, Sherrie.
17 I asked him his basis.

18 MS. SCHRODER: No, you didn't.

19 MR. ELBERT: You can read back my question,
20 we'll see whether I did or didn't.

21 MS. SCHRODER: There's a difference between
22 asking how it --

23 MR. ELBERT: There is no difference.

24 MS. SCHRODER: -- how it's installed and how
25 it's -- how he knows it leaks, or how he knows it's

1 causing the problem.

2 MR. ELBERT: I've asked him repeatedly how
3 he knows it's causing the problem and I keep getting
4 double talk.

5 (The requested portion of the record
6 was read by the reporter.)

7 MR. ELBERT: Is that clear enough?

8 QUESTIONS BY MR. ELBERT:

9 Q: Do you understand the question?

10 A: I understand the question.

11 MS. SCHRODER: That's different from asking
12 him the basis.

13 MR. ELBERT: Sherrie, that's not a proper --
14 make an objection --

15 MS. SCHRODER: I did object. My objection
16 is that's been asked and answered repeatedly.

17 MR. ELBERT: He hasn't answered it.

18 QUESTIONS BY MR. ELBERT:

19 Q: What -- How does it cause --

20 MS. SCHRODER: Yes, he has.

21 MR. ELBERT: He has not. He won't tell me
22 how it causes the leak.

23 QUESTIONS BY MR. ELBERT:

24 Q: How does the installation cause the leak?

25 MS. SCHRODER: Objection, asked and

1 answered, lack of foundation. Say it again, Mark.

2 THE WITNESS: I don't know the specifics on
3 how that is a leak -- how gas finds its way through
4 there. I don't know the specifics of how gas finds
5 its way from the meter to my ranger when I detect
6 the gas. I don't know how it finds its way there.

7 However, it does, and my proof of it is
8 this: I -- We have documentation of leaks --

9 QUESTIONS BY MR. ELBERT:

10 Q: Look, Sir, I'm going to ask you again.
11 You're not answering my question.

12 A: I don't understand the question, then, Sir.

13 Q: Well, I'm going to make it real simple.

14 A: Please do.

15 Q: Your testimony has been that the
16 installation -- the improper installation of AMR
17 devices causes leaks; correct?

18 A: Yes, Sir.

19 Q: Tell me how the improper installation of AMR
20 devices causes leaks.

21 A: By not aligning them correctly.

22 Q: How does that cause -- Let's start with that
23 one. How does that cause the leak?

24 A: How does that cause a leak?

25 Q: Right.

1 A: If you're not aligned correctly -- you,
2 yourself, you say the dog and all that goes in
3 there. It's got to find its way -- if it's not
4 aligned correctly, it's going to find its way
5 through there, the gas, and it's going to come out
6 and I'm going to read it.

7 Q: Well, wait a minute. Doesn't that mean the
8 meter has to be leaking in the first place?

9 A: No.

10 Q: Well, how would the gas get out of the meter
11 to come through the AMR device?

12 A: I don't know.

13 Q: You don't know. The alignment -- The only
14 issue on the alignment, to line up the dog, is for
15 the purpose of reading the meter; isn't it?

16 A: I don't know.

17 Q: Okay. Tell me another way that the improper
18 installation of an AMR device causes a leak?

19 A: I would say the improper installation is, is
20 not installing the screws properly. Sometimes the
21 screws aren't even in the holes.

22 Q: And how would that cause a leak in the
23 meter?

24 A: I don't know how the gas finds its way out
25 through that but it does. I don't go into specifics

1 of trying to figure out why it's leaking. I just
2 repair it -- replace it, and put a new one in.

3 Q: So the bottom line is, is it fair to say,
4 you don't know how improper installation causes the
5 leak. All you know is that you have found AMR
6 devices and gas is coming through them? Is that a
7 fair statement?

8 A: Yes.

9 MR. ELBERT: Okay. I have no further
10 questions at this time.

11 MS. SCHRODER: Robert?

12 EXAMINATION

13 QUESTIONS BY MR. FRANSON:

14 Q: Mr. Boyle, you -- I want to know what steps
15 you took after the events that you testified on
16 December 19, 2006, and I'm talking about your
17 personal steps, to notify the Public Service
18 Commission about this incident on December 19, 2006.

19 A: Are you asking -- Can I ask you that? Are
20 you asking what I did to notify the staff?

21 Q: Certainly. What did you do to notify the
22 staff of the Public Service Commission about this --
23 the events in your affidavit that occurred on
24 December 19, 2006?

25 A: Well, I thought I had already accomplished

1 what I wanted to accomplish with, was calling my
2 business manager. And I felt that that was his
3 position and job to do that.

4 Q: Okay. Did you notify anyone at the -- as --
5 Who's your business manager?

6 A: Kevin Patterson.

7 Q: Okay. Did you tell Mr. Patterson, Please
8 immediately notify the Public Service Commission?

9 A: No, I didn't specifically say that, no.

10 Q: Okay. Did you -- Did Mr. Patterson tell you
11 he would immediately take care of it that same day?

12 A: That was my understanding, yes.

13 Q: And what did Mr. Patterson say in the phone
14 conversation that led you to believe that?

15 A: After the fact -- What was your name, Sir?

16 Q: Robert Franson. I'm the attorney for the
17 staff of the Public Service Commission, also the one
18 that appeared at the hearing.

19 A: After -- After the fact, Sir, I did talk
20 with him and ask if he did make the calls and he did
21 state that he made the phone call.

22 Q: Okay. How long after the fact?

23 A: That evening.

24 Q: Okay. Who did Mr. Patterson tell you he
25 communicated with?

1 A: Jerry Gorla.

2 Q: Who is Jerry Gorla?

3 A: Mr. Gorla's in Industrial Relations and
4 upper management with Laclede Gas.

5 Q: Okay. Mr. Gora is with Laclede Gas. Who
6 did Mr. Patterson tell you he talked with at the
7 staff of the Public Service Commission?

8 A: He didn't say, Sir.

9 Q: Did he say that he called someone at the
10 Public Service Commission?

11 A: He didn't -- He didn't say that to me, no.

12 Q: So you don't know whether Mr. Patterson
13 contacted anyone at Public Service Commission
14 directly?

15 A: That's correct.

16 Q: Okay. Who would be the only one to know
17 that? Mr. Patterson?

18 A: I would assume, yes.

19 Q: Then Mr. -- I believe you mentioned
20 Mr. Gora --

21 MS. SCHRODER: Gorla.

22 MR. FRANSON: I'm sorry, what's the name?

23 MS. SCHRODER: Gorla.

24 MR. FRANSON: How do you spell it?

25 MS. SCHRODER: G-O-R-L-A.

1 QUESTIONS BY MR. FRANSON:

2 Q: And what did -- What does Mr. Gore -- Is it
3 Gorla?

4 A: He's here.

5 Q: What does he do at Laclede?

6 A: You know, I -- I really don't know his exact
7 job title, Sir. He is right here, Sir.

8 Q: Well, he's not giving a deposition.

9 A: Okay.

10 Q: Have you talked to Mr. Gorla about this
11 matter since December 19, 2006, to see if he
12 contacted the Public Service Commission?

13 A: No, Sir, I didn't.

14 Q: Okay. Did you ever have a conversation with
15 Mr. Leon Berger of the Public Service Commission
16 staff since December 19, 2006, about this incident?

17 A: No, Sir.

18 Q: Okay. Have you asked anyone at the -- at
19 Laclede whether they have had any such conversation?

20 A: With the PSC?

21 Q: Yes.

22 A: No, Sir.

23 Q: Okay. Do you know whether the attorneys
24 have contacted the Public Service Commission about
25 this incident?

1 A: I don't have that knowledge, no.

2 Q: Other than this incident on December 19,
3 2006, how many other times have you recommended that
4 people go to the hospital when you have gone out on
5 a service call?

6 A: Very few. This would probably be --
7 Sometimes we recommend it and they don't
8 recommend -- they don't -- they don't go for one
9 reason or another.

10 Q: Okay. Those other times that you
11 recommended someone go to the hospital, do you
12 recall whether or not those meters had an AMR device
13 on them?

14 A: No, Sir.

15 Q: You don't recall or they didn't?

16 A: I don't really recall what type of meter was
17 on there. And -- No, Sir.

18 Q: Do you recall the reason that you were
19 recommending, in those other situations, why someone
20 should go to the hospital?

21 A: They would tell me that they were feeling
22 ill and that's just a statement that we make, that
23 they might, you know, seek medical attention. It's
24 not necessarily I tell them that they need to go to
25 a hospital.

1 MR. FRANSON: Okay. I don't believe I have
2 any further questions.

3 THE WITNESS: Thank you.

4 MS. SCHRODER: I do.

5 EXAMINATION

6 QUESTIONS BY MS. SCHRODER:

7 Q: First of all, you got asked about -- Let's
8 just start with this December 19th call, when you
9 got the call to go out to this job. Did you choose
10 which call you were going to take? Do you
11 understand my question?

12 A: Are you asking if -- Was this a routed job
13 or ...

14 Q: No. Did -- Did you get told by Laclede,
15 Hey, there's a group of service work out there,
16 choose which one you want to do?

17 A: No.

18 Q: How did you get this job?

19 A: The dispatching board dispatched this job to
20 me.

21 Q: Okay. Did you have any reason to believe
22 before you got there that this job involved an AMR?

23 A: No.

24 Q: Okay. Did you know the customers?

25 A: No.

1 Q: To your knowledge, had you ever worked on
2 that meter before?

3 A: No.

4 Q: Did you know that installers -- Cellnet
5 installers were going to be out in that neighborhood
6 that day?

7 A: No.

8 Q: All right. You indicated -- You asked --
9 answered some questions for Mr. Elbert about why you
10 called Kevin Patterson from that job, and I believe
11 you stated that you called him for two basic
12 reasons. First, because you had just been there
13 discussing the AMR case. And secondly, because you
14 felt that the Staff and the Company had accused the
15 Union at the hearing of withholding information from
16 them and you wanted the Union to notify the proper
17 people; is that right?

18 A: Yes.

19 Q: All of that sort of presupposes that you
20 thought that the -- this was an AMR situation at the
21 time you called Mr. Patterson.

22 MR. ELBERT: I'm going to object, these
23 questions are leading.

24 MS. SCHRODER: That was a summary.

25 MR. ELBERT: You -- You can't lead your own

1 witness here.

2 MS. SCHRODER: Are you done?

3 MR. ELBERT: I'm making an objection.

4 MS. SCHRODER: Okay. That's what I mean.

5 MR. ELBERT: And the leading is totally
6 improper.

7 QUESTIONS BY MS. SCHRODER:

8 Q: Mr. Boyle, why you did you -- why did you
9 believe -- Did you believe that this was an AMR
10 situation when you called Mr. Patterson?

11 A: Yes.

12 Q: Okay. Why had you come to that conclusion
13 at the time you called Mr. Patterson?

14 A: I came to that conclusion with the remarks
15 that were made by both customers that the missus
16 stated -- the mister stated that we had been there
17 prior. At that point in time I was still vague.
18 The missus made the statement of, she was having
19 problems with her bills, that a man showed up with a
20 hard hat on and a safety vest, and went to the meter
21 and was working on the meter.

22 I asked the question of, was he in a Laclede
23 Gas Company van? Because I wanted to make sure if
24 it was one of our guys there or not. And she said
25 no, he didn't have a van. She said, He was having

1 problems working in here. He was -- He seemed like
2 he got confused in here.

3 He was -- He was kind of getting upset, and
4 he stated he didn't have the right proper tool to do
5 the job and he requested her for a screwdriver. She
6 said she handed him the screwdriver, he did what he
7 did. She stated he did what he did, didn't get it
8 done, said, I can't do it this way. It's not
9 working. We're going to have to come back another
10 time. And that's how I put it together where I felt
11 it was Cellnet.

12 Q: Okay. I'm going to go through a little bit
13 of that. Why is the company van issue, why was that
14 question important to you?

15 A: Well, if it was -- when -- They kept saying
16 it was someone from Laclede Gas because he
17 identified himself as a Laclede Gas employee. The
18 difference that made to me was, is I wanted to --
19 you know, we hadn't -- I just wanted to be specific
20 of whether or not it was Laclede Gas or some
21 contractor of Laclede Gas.

22 Q: Who drives company vans?

23 A: Laclede Gas employees.

24 Q: To your knowledge, do the Cellnet
25 subcontractors drive company vans?

1 A: Not to my knowledge.

2 Q: Okay. You said that the wife also said
3 something about a hard hat and a safety vest. Why
4 would that identify for you that this might be a
5 Cellnet employee?

6 A: Testimony down at the hearing in Jeff City
7 is that's how they -- that's their normal attire,
8 gear, when they walk into a job, or any job.

9 Q: Do Laclede Service Department employees wear
10 a hard hat and safety vest to a leak call -- Well,
11 I'm sorry, to a regular service job?

12 A: No.

13 Q: All right. Was your impression that a
14 Cellnet employee had been there -- or I should say
15 an AMR installer, had been there prior to you on
16 December 19th, later confirmed?

17 A: Yes.

18 Q: By what?

19 A: It was confirmed by my Claims Department,
20 stated that he had spoke to the Cellnet foreman and
21 that the Cellnet foreman told him he had a man in
22 that area that was working. The Cellnet foreman
23 actually showed up on the job site and him and
24 the -- the claims man that was there from Laclede,
25 Bill Klingemann, they entered the home and, again, I

1 was doing my -- my job. I was outside completing my
2 leak investigation, so I wasn't following them
3 around seeing what they were saying, but it was a
4 Cellnet foreman that came out and they actually were
5 going to go out and visit the Cellnet employee that
6 was at that job.

7 Q: All right. Are you also familiar with the
8 testimony of Dr. Sieman, in this matter, that was
9 attached to Laclede's response in opposition to the
10 motion of USW Local 11-6 for immediate interim
11 relief?

12 A: Yes.

13 Q: All right. Was there anything in
14 Dr. Sieman's testimony that confirmed that a Cellnet
15 employee worked on this matter -- on this -- at this
16 address before you on December 19th?

17 A: I don't have it in front of me, the
18 paperwork of what exactly Mr. Sieman stated. I do
19 know there was a statement in there that he felt
20 that the -- the Cellnet employee that was there
21 doing his job created that leak.

22 Q: Did Dr. Sieman confirm in his testimony
23 that -- I just have the one copy with me right
24 now -- that a Cellnet employee had been there?

25 A: Yes.

1 Q: Okay. All right. I -- You also got asked
2 by Mr. Elbert about your campaigning for a position
3 at the Union. Did -- Who at the Union -- What Union
4 member or Union management have you told about this
5 incident that occurred on December 19, 2006?

6 A: One.

7 Q: Who's that?

8 A: Kevin Patterson.

9 Q: Okay. And I believe you also told
10 Mr. Elbert that you were running against
11 Mr. Patterson for business manager; is that right?
12 Or that you had been nominated to run against him;
13 is that correct?

14 A: Yes.

15 Q: How is it going to help you to -- How is it
16 going to help your campaign for you to have notified
17 Kevin Patterson on December 19, 2006, about this
18 incident that occurred?

19 A: There was -- I had no reason to help or hurt
20 a campaign. I wasn't calling Mr. Patterson for any
21 specific reason except to -- just to notify him
22 that, like I said in previous testimony, that --
23 that, you know, that they felt that we withheld
24 information from them, and I wanted to give it to my
25 business manager as soon as possible.

1 Q: All right. But putting that aside, would
2 this help your campaign in any way?

3 A: No.

4 Q: All right. You answered a lot of questions
5 about ME and REs, meters and leaks pertaining to
6 those. And you also -- I believe you stated that
7 you had never installed an ME or RE; is that right?

8 A: Right.

9 Q: Okay. Do you know how long those had been
10 in the field by the time you started working at
11 Laclede?

12 A: No, I do not.

13 Q: Had they been in the field some -- for some
14 considerable time by then?

15 A: I don't -- I don't have a date on it. I
16 don't know how long they were being used.

17 Q: Do you know, at the time that you started
18 working on meters at Laclede, approximately how many
19 ME and RE meters were out there?

20 A: No. I don't know how many approximately. I
21 would -- They were only on -- They were only being
22 put, at that time, on inside sets. They weren't on
23 all of them so I don't know how many inside meters
24 we have out in our infrastructure out there on
25 inside sets, but I would maybe say, guessing, maybe

1 100,000.

2 Q: All right. And you said at one point that
3 you were taking these MEs and REs off of meters
4 because they were obsolete. I believe that was your
5 testimony; is that correct?

6 A: Well, they -- they weren't being used
7 anymore. We were actually removing the whole meter
8 because it's a whole face plate on there. We would
9 remove the whole meter on inside sets and put in
10 what we were using at that time which were called a
11 trace meter, which is another remote, and we were
12 replacing MEs and REs with trace meters at that
13 time.

14 Q: All right. In your -- In the range of your
15 experience with -- at Laclede Gas, can you give me
16 some idea of how much of that time you spent working
17 on ME and RE meters?

18 MR. ELBERT: Objection, vague and ambiguous.

19 QUESTIONS BY MS. SCHRODER:

20 Q: Okay. Do you understand my question?

21 A: Mm-mm, yes. The only time I spent time on
22 it was to take it out, and I never worked on them.
23 I never installed them. I just removed them and put
24 a new meter in. I --

25 Q: Can you give me some idea how -- how long a

1 time period you might have worked on them? I mean,
2 did you work on them for years, or a few months,
3 or --

4 A: They're still out there. There are still
5 some out there.

6 Q: Okay. How long has it been since you
7 actually worked on a -- an ME or RE meter?

8 A: I would say I probably would replace an
9 RE -- the MEs are pretty well gone. RE, I probably
10 had just replaced one probably a week ago.

11 Q: Okay. You got asked a question about
12 whether you were aware of Company employees causing
13 leaks to meters. And I just want to make sure I
14 understand. Are -- Are you claiming that a Company
15 employee has never caused a leak at all, or just a
16 leak to meter -- to a meter?

17 A: No, I don't -- I don't claim that the
18 Company employee's never caused a leak.

19 Q: Okay. Do Company employees cause leaks?

20 A: Yes, it happens.

21 Q: And what's the procedure when that occurs?

22 A: We don't leave a leak. We might cause one.
23 To our best ability we won't -- we won't leave a
24 leak.

25 Q: All right. And do Laclede Service

1 Department employees get training exactly for that
2 purpose?

3 A: Yes.

4 Q: You also got asked about -- Well, in -- in
5 the line of questioning about Company employees
6 causing leaks, you got asked about whether you'd
7 fixed a leak caused by a Company employee. And
8 you -- you made a comment, and I think this is a
9 quote, A whole lot more recently. What were you
10 referring to?

11 MR. ELBERT: Leading.

12 THE WITNESS: Well, what I was leading to
13 was is we're going out and we're replacing meters --
14 AMR meters that are being installed and devices that
15 are being installed, we're going out and replacing
16 those. When I say a Company employee, I'm talking
17 about Cellnet, the subsidiary -- or the
18 subcontractor, I'm sorry.

19 QUESTIONS BY MS. SCHRODER:

20 Q: Okay. So you weren't talking -- Were you
21 talking about employees that are directly employed
22 by Laclede?

23 A: They're leaving leaks on meters?

24 Q: Correct. Do you understand my question?

25 A: I understand the question. And I guess I'll

1 answer it by saying, when I go do a leak, if I
2 would, I don't figure out who put the AMR device on
3 or who didn't. I just fix the leak. I don't
4 investigate who did it and why. I just fix it.

5 Q: Okay.

6 A: It could be a gas company employee, and it
7 could be a Cellnet employee, I don't know.

8 Q: All right. And I think you indicated that
9 you personally had never installed an AMR device on
10 a meter. Do you know whether Laclede employees --
11 Laclede Service Department employees are -- whether
12 any of them are installing AMR devices directly on
13 the meters?

14 MR. ELBERT: Objection. No foundation.
15 Calls for speculation.

16 THE WITNESS: The Service Department service
17 people don't.

18 QUESTIONS BY MS. SCHRODER:

19 Q: All right. And how do you know that?

20 A: I've never been trained and I'm in the
21 Service Department.

22 Q: All right. You got asked some questions
23 about your conclusion that AMR installation causes
24 leaks. What is the basis for that conclusion?

25 MR. ELBERT: Objection, asked and answered.

1 MS. SCHRODER: No, it's not. That question
2 was not asked.

3 MR. ELBERT: It's been repeatedly asked.

4 MS. SCHRODER: No.

5 MR. ELBERT: We can argue about it. Go
6 ahead.

7 THE WITNESS: What was the question?

8 QUESTIONS BY MS. SCHRODER:

9 Q: Do you understand my question? All right.
10 You've been asked several times what causes the AMR
11 device -- or how an AMR device causes a leak.

12 A: Right.

13 Q: I'm not asking you that. I'm asking what
14 the basis is for your conclusion that AMR
15 installation has caused leaks.

16 A: The -- The only basis I have is when I was
17 down in Jeff City on the Public Commission -- on the
18 hearing, and watched the testimony of a service
19 person there, I think her name was Gloria, she
20 worked in the meter shop, and also the testimony
21 from the gentleman from Cellnet, I forget what his
22 name was, but just them showing how it worked and
23 the intricacies. I never knew how any of it worked.

24 Q: Okay. And I'm not asking you how the AMR
25 device causes a leak. I'm asking for, you made a

1 conclusion that improper installation was actually
2 causing leaks. Is there anything in your personal
3 experience that caused you to reach that conclusion?

4 MR. ELBERT: Objection, it was just asked,
5 just answered.

6 THE WITNESS: Not my personal experience,
7 no. Just what I seen at the hearing.

8 QUESTIONS BY MS. SCHRODER:

9 Q: On the December 19, 2006, incident, are you
10 claiming that -- that that was -- that that leak was
11 caused by an AMR device?

12 A: No.

13 Q: Okay. I just wanted to make sure we were
14 clear on that.

15 All right. Let's go through some other
16 things specifically on this December 19, 2006,
17 situation. You -- You told Mr. Elbert that you
18 asked the -- or that you directed the husband to
19 vent the house at some point. What specifically did
20 you ask him to do?

21 MR. ELBERT: Objection, leading.

22 THE WITNESS: What I -- What I requested him
23 to do was -- was to do was to open the doors and the
24 windows and get some ventilation going through the
25 house.

1 QUESTIONS BY MS. SCHRODER:

2 Q: All right. So you actually did ask him to
3 open windows, not just a door?

4 MR. ELBERT: Objection, leading.

5 THE WITNESS: Yes.

6 QUESTIONS BY MS. SCHRODER:

7 Q: Then Mr. Elbert asked you some questions
8 about Exhibit 5, the leak investigation procedure.
9 And first of all, directing your attention to
10 Section 19.9 -- or dash 9, I'm sorry -- and the list
11 of ten -- ten locations inside a premise that you're
12 supposed to check with the CGI, did you check all 10
13 of those?

14 A: I believe I checked all of that plus more.

15 Q: All right. And is there anything in Section
16 19.9, in these 10 locations that we just talked
17 about, that talks about a sanitary sewer outlet
18 outside of the house?

19 A: No.

20 Q: Directing your attention now to the first
21 page of Exhibit 5, at the time that you got to the
22 residence on December 19, 2006, did you believe it
23 was more important to turn the gas off or to
24 evacuate first?

25 MR. ELBERT: Objection, leading.