

ORIGINAL

IN THE MATTER OF:

***In the Matter of: USW Local 11-6
and Laclede Gas Company***

Cause No. GC-2006-0390

FILED²

MAR 23 2007

Missouri Public
Service Commission

Deposition of Jim Johnson
1/19/2007

~~Laclede~~ Joint Exhibit No. 26
Case No(s) GC-2006-0390
Date 2-26-07 Rptr JE

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

USW LOCAL 11-6,

Complainant,

and

No. GC-2006-0390

LACLEDE GAS COMPANY,

Respondent.

DEPOSITION OF JIM JOHNSON, produced, sworn and
examined on behalf of the Respondent, at the offices
of Hammond, Shinnars, Turcotte, Larrew and Young,
P.C., 7730 Carondelet, Suite 200, in the County of
St. Louis, State of Missouri, on the 19th day of
January, 2007, before Kelly L. Williams, CCR and
Notary Public within and for the State of Missouri.

APPEARANCES OF COUNSEL

FOR THE COMPLAINANT:

Ms. Sherrie A. Schroder
Hammond, Shinnars, Turcotte, Larrew and Young,
P.C.
7730 Carondelet, Suite 200
Clayton, MO 63105
(314) 727-1015

FOR THE RESPONDENT:

Mr. Charles S. Elbert
Kohn, Shands, Elbert, Gianoulakis & Giljum,
L.L.P.
One US Bank Plaza, Suite 2410
St. Louis, MO 63101
(314) 241-3963

Mr. Rick Zucker
Laclede Gas Company
720 Olive Street, Room 805
St. Louis, MO 63101
(314) 342-0528

APPEARANCES CONTINUED

(By Telephone)

FOR THE STAFF OF THE PSC:

Mr. Robert Franson - Senior Counsel

Mr. Bob Leonberger

Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

(573) 751-6651

ALSO PRESENT:

Mr. Gerry Gorla - Director of Labor Relations

Laclede Gas Company

720 Olive Street

St. Louis, MO 63101

(314) 342-0528

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(No Exhibit 6 used)

1 JIM JOHNSON,
2 of lawful age, being produced, sworn and examined on
3 behalf of the Respondent, deposeth and saith:

4 EXAMINATION

5 QUESTIONS BY MR. ELBERT:

6 Q: Good morning, Mr. Johnson.

7 A: Good morning.

8 Q: My name is Charles Elbert, I'm an attorney
9 for Laclede Gas Company. Have you ever had your
10 deposition taken before?

11 A: No.

12 Q: Okay. Well, all it amounts to is me asking
13 you some questions and you answering the questions.
14 You need to answer the questions audibly, because
15 the Court Reporter cannot take down a shake of the
16 head or a nod of the head accurately.

17 A: Uh-huh.

18 Q: And please answer with a yes or a no as
19 opposed to a "Uh-huh" or "Uh-uh," because those are
20 hard to take down and come out ambiguous on the
21 transcript as well. Okay?

22 A: Uh-huh. Yes.

23 Q: Yes, I know.

24 A: Yes.

25 Q: That's a common issue.

1 A: Yes.

2 Q: If you don't understand a question, please
3 let me know, and I will try to rephrase the
4 question. Okay?

5 A: Okay.

6 Q: If you answer the question that I ask, I'm
7 going to assume that you understood it. Okay?

8 A: Okay.

9 Q: All right. Now, state your name for the
10 record, please.

11 A: It's Jim Johnson.

12 Q: And what's your current -- who's your
13 current employer?

14 A: Laclede Gas Company.

15 Q: What's your current position at Laclede Gas
16 Company?

17 A: Fitter.

18 Q: How long have you been at Laclede?

19 A: This will be my 28th year, 27.

20 Q: Can you describe your education, your formal
21 education?

22 A: Graduated from Vianney High School.

23 Q: What year?

24 A: '76. I went to heating and air conditioning
25 school at BIT and --

1 Q: BIT is the name of the school?

2 A: Right, Basic Institute of Technology.

3 Q: Where is that located?

4 A: It was down -- at the time, it was Shaw and
5 Vandeventer, right around that area, the city.

6 Q: What type of courses did you take there?

7 A: Heating and air conditioning or
8 refrigeration.

9 Q: So, did you learn to work on furnaces and --

10 A: Yes.

11 Q: -- air conditioners?

12 A: Yes, sir.

13 Q: Have you taken any other courses besides
14 those?

15 A: I've taken a sheet metal class, sheet metal
16 at South County Tech.

17 Q: When did you take that?

18 A: I took that since I've been employed at
19 Laclede, maybe '87, '88, somewhere around in there.

20 Q: What was the subject matter of that class
21 besides sheet metal?

22 A: That's all it was, just sheet metal, working
23 with sheet metal, bending sheet metal, making, you
24 know, ductwork.

25 Q: Oh, it's for ductwork?

1 A: Yeah.

2 Q: Did you learn anything about other types of
3 metals while you were in that class?

4 A: No, just sheet metal.

5 Q: Have you taken any courses relating to iron
6 or steel?

7 A: No.

8 Q: Do you understand the properties of iron and
9 steel?

10 A: No.

11 Q: Have you taken courses regarding minimum
12 federal standards for gas safety?

13 A: Anything -- are you -- well, can I ask you
14 are you referring to like a Laclede safety program?

15 Q: Let's talk about ones outside of Laclede
16 first. Have you taken any outside of Laclede?

17 A: No.

18 Q: At Laclede, have you taken some courses with
19 regard to federal pipeline safety regulations?

20 A: I take a class every year, qualification
21 class, annual qualification.

22 Q: Have you taken courses regarding natural gas
23 incident investigations?

24 A: Explosions, is that what you mean?

25 Q: Yes. Well, any type of -- any type of

1 natural gas incident, whether --

2 A: Right.

3 Q: -- it can be an explosion?

4 A: Yes.

5 Q: You have taken some courses in that. Have
6 those been at Laclede Gas Company?

7 A: Laclede Gas.

8 Q: Have you taken courses regarding
9 installation of gas meters?

10 A: At Laclede.

11 Q: Have you taken courses regarding --

12 MS. SCHRODER: Wait, wait, wait. Was that a
13 yes or a no?

14 THE WITNESS: Yes.

15 MR. ELBERT: Thank you, Sherrie.

16 Q: (By Mr. Elbert) Have you taken courses
17 regarding the maintenance of gas meters at Laclede?

18 A: Yes.

19 Q: Have you taken courses regarding the
20 installation of AMR devices at Laclede?

21 A: Yes, just plugging the battery in, that's
22 the only course I have.

23 Q: All right. Have you ever learned how to
24 actually install an AMR device?

25 A: If I can ask you, the device itself?

1 Q: Yes, the device itself.

2 A: No.

3 Q: And just so there's no misunderstanding, do
4 you know what an AMR device is?

5 A: Yes.

6 Q: That's an automatic meter reading device?

7 A: That's -- yes.

8 Q: Have you received any types of awards for
9 industrial safety?

10 A: No.

11 Q: Have you received any awards or honors of
12 any kind in connection with your job?

13 A: No.

14 Q: Have you ever done any studies on AMR
15 devices?

16 A: No.

17 Q: Have you ever done any studies on gas
18 safety?

19 A: Yes.

20 Q: Okay. Tell me about those.

21 A: At Laclede.

22 Q: Where you actually performed a study?

23 A: On -- I was studying that.

24 Q: Oh, okay. I'm sorry, the question was
25 confusing. What I'm asking you is whether you have

1 actually performed any analysis or study --

2 A: For Laclede?

3 Q: Yes, for Laclede.

4 A: No.

5 Q: You have studied gas safety there; correct?

6 A: Correct, yes.

7 Q: Was Laclede your first job after you
8 completed your education?

9 A: No.

10 Q: Where did you work first?

11 A: I worked for Breckenridge Hotels, I did
12 heating and air conditioning.

13 Q: What were your duties as heating -- when you
14 say you did heating and air conditioning --

15 A: Heating and air conditioning maintenance
16 department. I was in the maintenance department.

17 Q: And that was the Breckenridge Hotel out was
18 that on Lindbergh?

19 A: All different ones. I worked at basically,
20 you know, northwest airport and up north. I worked
21 at Frontenac and, at the time, when it was across
22 from Busch Stadium a couple times. They owned -- I
23 forget the name, it's changed names so many times.

24 Q: I think I know what you're talking about,
25 right.

1 A: It's like where Mike Shannon's is now or it
2 used to be, right across there.

3 Q: Right. How long did you work there?

4 A: Two years.

5 Q: Why did you leave?

6 A: I had a friend that -- Wally Reitz, works
7 here, I went to high school with. He told me
8 Laclede was hiring into the Service Department
9 directly off the street, and I went to high school
10 with him. I said, well, it might, you know, be a
11 good thing.

12 He had hired into the Service Department --
13 I mean to the Street Department, he was working on
14 digging ditches and that. A couple guys, Pat
15 Fleming, another guy that works at Laclede I went to
16 high school with, Tim O'Brien, they were all working
17 here.

18 And he told me that, you know, Laclede was
19 going to start hiring off the street with guys the
20 work I did. I thought Laclede just hired their own
21 people, you know, trained their own people. He said
22 they were going to try a new experiment in '79, hire
23 some guys off the street with the experience -- with
24 experience already.

25 I went down there, Marge Fania was the

1 Personnel Director at the time. She hired me. You
2 know, within -- it seemed like within two weeks. It
3 just happened to be he told me about it, I went down
4 there, they had an opening up on their window or
5 door down there, I went in and interviewed with her.
6 A couple weeks later, I came back, and next you
7 know, I was working there. And then they went on
8 strike, '79, for five and a half months.

9 Q: I remember that one.

10 A: Yeah.

11 Q: And you started about August 20 of '79;
12 correct?

13 A: Yes.

14 Q: I'm going to show you what's been marked for
15 identification as Exhibit 1, which is what Laclede
16 commonly refers to as an ACME card. Have you ever
17 seen that document before?

18 A: No.

19 Q: And I just want to review it with you
20 briefly. It shows your date of hire as August 20,
21 1979. Do you see that?

22 A: Yes, sir.

23 Q: And then it shows you were hired in as a
24 helper in the Central District --

25 A: Yes, sir.

1 Q: -- is that correct?

2 A: Yes, sir.

3 Q: Then it says you went to combination turn
4 off, cut off in the Central District?

5 A: Yes, sir.

6 Q: Is that correct?

7 A: Yes, sir.

8 Q: Then it shows on August 13, 1981, you became
9 a special adjust?

10 A: Yes, sir.

11 Q: And you held that position until about
12 August 17, 1989 when you -- I'm sorry, until July
13 31, 1985 when you became a general fitter?

14 A: Yes, sir.

15 Q: Does that look about right?

16 A: Yes, sir.

17 Q: And have you maintained the general fitter
18 position ever since basically?

19 A: Yes, sir.

20 Q: Tell me what your duties are as a general
21 fitter.

22 A: Without getting into everything, it would be
23 just about everything. General fitting covers
24 almost everything but gas air conditioning. Gas air
25 conditioning would be the ICI classification at

1 Laclede.

2 Q: General fitting is generally work that is
3 done on customer premises?

4 A: Or on commercial establishments.

5 Q: Okay. Well, residential, commercial or
6 industrial; correct?

7 A: That's correct.

8 Q: Can you explain the difference between the
9 general fitting job that you have and work and what
10 you referred to before as the Street Department?
11 Would you do any work in the Street Department?

12 A: Never, never did any work in the Street
13 Department.

14 Q: So, you're in what's called the Service &
15 Installation Department?

16 A: Right, hired straight into the service.

17 Q: And as part of that, tell me what your --
18 with a little more specificity, what do you do, do
19 you install meters for example?

20 A: I install meters, work on appliances, run
21 emergency calls, leak calls, troubleshooting orders,
22 anything that -- install fuel runs, work on pool
23 heaters, put pool heater lines in, generators, put
24 in lines to generators.

25 Q: Do you ever install or have you ever

1 installed remote reading devices?

2 A: Other than plugging the battery in, no.

3 Q: Even with regard to the --

4 A: Now, are you talking about -- no -- well, we
5 can rephrase something. Okay?

6 Q: Yeah, let --

7 A: Are we just talking about the AMR, or are we
8 talking about Laclede's devices ever since I've been
9 here?

10 Q: Ever since you -- when I asked -- the
11 question I asked was on remote reading --

12 A: Remote meters, okay.

13 Q: So, that would include the so-called --

14 A: The ME.

15 Q: -- ME or --

16 MS. SCHRODER: Let him finish his question.

17 Q: (By Mr. Elbert) That's okay. It's helpful
18 if only one of us speaks at a time.

19 A: Okay. Sorry.

20 Q: What I was trying to cover, Mr. Johnson, was
21 remote reading devices, which would include the
22 so-called ME, RE and TRACE. You've already
23 testified, if I understood you correctly, that
24 you've never learned how to install an AMR device.
25 And correct me if I'm wrong, but is it fair to say

1 that you have never installed an AMR device?

2 A: I've installed an AMR device. The only
3 thing I have done is plug in the battery. It's on
4 the meter already.

5 Q: Right. What I'm asking is: Have you ever
6 actually affixed the AMR device to the meter?

7 A: No.

8 Q: Okay. Now, let's put AMR devices aside for
9 the moment. Have you ever affixed an ME device to
10 the meter?

11 A: Yes.

12 Q: Did you do that frequently as part of your
13 job?

14 A: Yes.

15 Q: Did you ever affix an RE device to the
16 meter?

17 A: Yes.

18 Q: Did you do that frequently as part of your
19 job?

20 A: Yes.

21 Q: Did you ever affix a TRACE device to the
22 meter?

23 A: No, it was on the meter already.

24 Q: Okay. You've never done that work?

25 A: I've put them on, the same thing, you put

1 the thing in -- you put the -- the device is on the
2 meter and you put it in.

3 Q: So, you have installed a TRACE device?

4 A: Yes. It's on the meter.

5 Q: Well, that's what I'm asking. I'm a little
6 confused.

7 MS. SCHRODER: I'm confused, too.

8 Q: (By Mr. Elbert) The TRACE device, are you
9 saying they come on the meter?

10 A: Right.

11 Q: Yeah, okay. So, you've never actually
12 installed one, you --

13 A: Well, the installation for theirs is you
14 took the tag off -- that had came with a tag. You
15 had a tag, you pulled the tag off, and you put the
16 tag with your paperwork. That was considered their
17 installation for that.

18 Q: Can you describe for me how you go about
19 installing an ME device on a meter?

20 A: The ME device had four screws on it that
21 held it on, and the meters were of a -- like a 5-B
22 range, 5-M range. They had tabs that came off, four
23 tabs on the front of the meter, and this device was
24 held on with the four tabs.

25 It went on the front, and you had wiring,

1 black -- it had numerous wires, maybe 20 wires or so
2 across it that came into the device, and then it ran
3 to a black box where it plugged in on the outside to
4 where you -- that's where it would be read at by the
5 meter reader, they had a black little thing that
6 came in, you pushed it in, opened up the door, and
7 you slid it in there, and it read the reading on the
8 inside.

9 Q: When you installed the ME --

10 A: A digital reading outside.

11 Q: I'm sorry. Did you -- when you installed
12 the ME device, did you have to hook it up to the
13 so-called drive dog on the meter?

14 A: The drive dog on the meter, it's just when
15 -- whatever position it would catch up with it on a
16 device. And when I was -- when I'm installing these
17 on these right now, you're -- I'm with a fitter on
18 those jobs.

19 Q: I'm sorry, I'm not --

20 A: When I'm putting these in when you're first
21 going back to me starting as a -- that's right when
22 I first started at the gas company.

23 Q: Okay.

24 A: Okay, I'm with another fitter, a fitter is
25 on the job with me.

1 Q: So, what you're saying, if I understand you,
2 is when you were doing the ME installations, you
3 were doing it as assisting a fitter?

4 A: Right. But, there would be two of us, we'd
5 be, you know, drilling the holes inside and out and
6 doing the work together.

7 Q: Did you actually have to drill holes in the
8 meter to install those?

9 A: No. Drill in the wall.

10 Q: Yeah. So, you were drilling so that you
11 could put the wires --

12 A: Get the wires outside.

13 Q: Okay. One of us at a time again.

14 A: I'm sorry.

15 Q: So, you could get the wires and the device
16 on the outside?

17 A: Yes, sir.

18 Q: Okay. How about the RE device, did you
19 install those?

20 A: Yes, I did.

21 Q: Can you describe the installation of those?

22 A: The installation of those, I had a lot to do
23 on that installation. Ed Waltermath was in charge
24 of that down at the Central District. They had a
25 prefab bench, what they called -- they would -- the

1 REs would come in in a box. They didn't want all
2 these boxes on the guys' trucks, so they'd bring
3 these up into the school up at Forest -- 4040 Forest
4 Park, it's by -- underneath the training school down
5 the basement.

6 You would go up there, unbox the REs,
7 install the device on the front. You would wire the
8 two wires over on the side, it was a two-wire
9 system. You would wire the two wires on it. You
10 would put the face plate on. After the dial was on
11 there, you'd get that on, seal it, then wrap the
12 wire, maybe 50 foot of wire, two-wire cable, around
13 the meter, and that would be set to go out to a job.

14 Once you got out to the job, you would drill
15 a hole on the outside. There was a digital readout
16 on the RE on the outside, another two-wire
17 connections out there. You'd run this two-wire
18 cable out and make that connection outside. You'd
19 put the face plate on and seal it outside, and then
20 that would be a digital readout that clicked up.

21 Q: Did you have to attach the drive dog to the
22 RE device on the meter?

23 A: When you put the reading device on it,
24 there's already a drive sticking out the back of it,
25 and it catches the gear when it goes around.

1 Q: Same thing as with the --

2 A: Similar as with the ME.

3 Q: -- ME Device?

4 MS. SCHRODER: You got to let him finish his
5 questions completely before you answer.

6 THE WITNESS: I'm sorry. I'll learn.

7 MS. SCHRODER: Probably about the time he
8 says his last question. No, it's just the Court
9 Reporter will finally snap and let you have it in a
10 minute.

11 THE WITNESS: She's about ready to lose it
12 with me, huh?

13 Q: (By Mr. Elbert) Did you have to do any
14 drilling into the meter to install the RE device?

15 A: No, sir.

16 Q: And if I understood you correctly, the TRACE
17 device came installed on the meter?

18 A: Yes, sir.

19 Q: Now, when -- are you aware of the leak
20 investigation procedures at Laclede?

21 A: Yes, sir.

22 Q: I'm going to show you what's been previously
23 marked for identification as Exhibit 9, which is a
24 portion of the SAID Manual I believe issued June
25 2000, revised January 2003. It's Section 19-5. Are

1 you familiar with this document?

2 A: Yes, sir.

3 Q: And you've read it before?

4 A: Yes, sir.

5 Q: And do you follow it?

6 A: Yes, sir.

7 Q: Okay. Does this appear to be a true and
8 accurate copy of Pages 19-5 -- it looks like I'm
9 missing Page 7 in here for some reason.

10 MS. SCHRODER: Oh.

11 Q: (By Mr. Elbert) 19-5 through 19-12 except
12 for 19-7 is missing?

13 MS. SCHRODER: I have the manual here. Do
14 you want me to go pull it?

15 MR. EVANS: Yeah, I can do it.

16 MR. ELBERT: Yeah, if you could get Page 7
17 so we have a complete copy, I'd appreciate it.

18 MS. SCHRODER: Do you want to continue with
19 this questioning --

20 MR. ELBERT: Yeah.

21 MS. SCHRODER: -- or do you want to wait for
22 him to get back?

23 MR. ELBERT: No. I just want him to
24 identify the document. It looks like it's right.

25 A: Yes, sir.

1 Q: (By Mr. Elbert) So, that does appear to be
2 a true and accurate copy of the pages?

3 A: Yes, sir.

4 Q: Do you carry a drill when you work at
5 Laclede?

6 A: No, sir.

7 Q: Do you know whether general fitters carry
8 drills, other -- people other than you carry drills?

9 A: Can -- is the question on -- on my person
10 when I'm in there, or I have a -- I have a battery
11 operated drill on the truck.

12 Q: That's what I'm asking you. Do you carry --

13 A: Laclede issued?

14 Q: Let me -- let me rephrase my question, I'm
15 sorry. Are you issued a electric or battery
16 operated drill by Laclede Gas Company?

17 A: Yes.

18 Q: Do you carry it on your truck?

19 A: Yes.

20 Q: And do you sometimes take it onto the
21 premises when you're working?

22 A: Yes.

23 Q: Have you ever investigated any leaks
24 resulting from ME devices?

25 A: Yes.

1 Q: Do you know about how many of those leaks
2 you've ever investigated?

3 A: I can't give you the number. I'm sure it
4 was enough though.

5 Q: A lot?

6 A: I'd say so.

7 Q: And when we say "a lot," I mean how many
8 leaks do you generally -- do you have any idea --

9 A: It depends on what kind of work you do.

10 MS. SCHRODER: Wait.

11 Q: (By Mr. Elbert) About -- do you have any
12 sense of about how many leaks on average you would
13 investigate per week?

14 MS. SCHRODER: I'd just object to the extent
15 that it's calling for him to speculate. If you can
16 give him a reasonable --

17 Q: (By Mr. Elbert) Well, I'm asking based on
18 your knowledge. You've been investigating leaks I
19 believe for about 16 or 17 years, haven't you?

20 A: Yes, sir.

21 Q: In that 16 or 17 years, do you have some
22 sense, based on your personal experience, of how
23 many leaks you have investigated?

24 A: I've -- I've had the leaks, I couldn't give
25 you numbers though.

1 Q: I know you can't give me numbers, exact
2 numbers, and I'm not asking for any exact numbers,
3 Mr. Johnson, I'm just trying to get a sense on a
4 weekly basis about -- or maybe you want to start
5 with a daily basis. How many leaks per day do you
6 generally get?

7 MS. SCHRODER: And again, I'll just object
8 on the grounds that, you know, he's already said he
9 really can't tell you and that you're asking him to
10 speculate.

11 MR. ELBERT: I'm not asking him to
12 speculate, I'm asking based on his knowledge. If we
13 want to agree all this is speculation, that's fine,
14 you know, but -- if you want to go there, because
15 you --

16 A: Well, it all depends what kind of work
17 you're doing, too.

18 Q: (By Mr. Elbert) Okay. Well, tell me
19 generally.

20 A: It depends what kind of work you're assigned
21 in the day. If you're assigned to work off the
22 dispatching board, you're probably going to be
23 running leaks all day.

24 Q: And do you run off --

25 A: If I'm putting fuel runs in that day, I'll

1 be putting a fuel run in all day, I'll be at one
2 house the whole day.

3 Q: Good point. How often do you work off the
4 board?

5 A: I'm a Sunday man, so I'm guaranteed I'll be
6 working that Sunday off the board all the time. I
7 get a lot of service work. I'll be work -- but,
8 I've worked the board a lot also. It all depends.
9 When your bosses come in, they change your
10 assignments, there's no set you do this work, you
11 come in and --

12 Q: But, on Sundays, you work off the board?

13 A: All the time.

14 Q: How long have you been working on Sundays?

15 A: I'm a seasonal worker, so I work from
16 October to probably March, somewhere around -- just
17 for the cold season.

18 Q: Let's talk about those Sundays. About how
19 often on a Sunday -- how many leaks do you get on a
20 Sunday generally?

21 A: Four or five.

22 Q: And that's been pretty consistent over
23 your --

24 A: Yes, yes.

25 Q: -- your term of employment at Laclede --

1 A: Yes.

2 Q: -- as a fitter?

3 MR. ELBERT: Thank you, Sherrie.

4 MS. SCHRODER: Robert, just for your
5 information, we're just correcting the exhibit right
6 now with an additional page.

7 MR. ELBERT: We're putting -- just for the
8 record, this is Page 19-7 of the leak
9 investigations.

10 MR. FRANSON: Sherrie, this is Robert. We
11 will be attaching the exhibits to the deposition I
12 assume, because obviously, I don't have that one?

13 MS. SCHRODER: Yes.

14 MR. FRANSON: Okay.

15 MR. ELBERT: We can do that.

16 Q: (By Mr. Elbert) I'm going to try this
17 again. This is Page 19-7, Mr. Johnson. I just want
18 to make sure that looks like a correct copy to you
19 as well?

20 A: Yes.

21 Q: And that's part of Exhibit 9. Okay?

22 A: Yes, sir.

23 Q: Now, on Sundays, you said you had four to
24 five leaks, if I understood you correctly, on a day?

25 A: Yes.

1 Q: How many of those leaks on average, if you
2 can recall, and I'm just asking for an average,
3 would relate to an ME or an RE device before AMR was
4 installed obviously?

5 MS. SCHRODER: And now you're saying ME or
6 RE?

7 MR. ELBERT: Right.

8 MS. SCHRODER: Okay. Because previously,
9 you were just talking about MEs.

10 MR. ELBERT: Right.

11 Q: (By Mr. Elbert) Well, we can -- we can
12 break it down. If you can recall whether it's an ME
13 or an RE, I don't -- we can break it down by ME
14 devices first, that's fine. Do you know how many
15 would relate to an ME device?

16 A: It's just speculating. I --

17 MS. SCHRODER: Yeah, no.

18 Q: (By Mr. Elbert) Well, I'm not asking you to
19 speculate, I'm asking you --

20 A: I just -- you know, I -- if you want to give
21 me all my route sheets and, you know, all my work --
22 you know, work that I've done, I can go right
23 through it with you, but I don't -- you know, I
24 don't --

25 Q: I'm just asking for a general estimate, I'm

1 not trying to hold you to a specific number. I mean
2 do you have -- out of the four or five leaks you'd
3 get in a day, would one relate to a remote reading
4 device, would zero, would five?

5 MS. SCHRODER: And I'm just going to object
6 again that I -- not only does this call for
7 speculation, but I suspect that it varies across
8 time.

9 THE WITNESS: It does.

10 MS. SCHRODER: There's times when there's
11 more MEs out there, et cetera.

12 MR. ELBERT: Right. That may be true.

13 MS. SCHRODER: So, I don't know if he can
14 answer that.

15 Q: (By Mr. Elbert) Do the best you can to
16 answer the question, please.

17 A: Well, you know, if I -- if I had to say
18 maybe on the MEs, most of the leaks on an ME meter
19 would be the lead seal was leaking up -- or lead
20 would be leaking up around the top, or you'd have up
21 around where the swivels were, they'd leak on that.

22 So, you're not necessarily saying that it's
23 the ME, it's the actual meter itself. You say the
24 ME, but it's actually the meter itself, you know, is
25 leaking. The ME's not leaking, it's the meter.

1 You know, on that given day, there -- you
2 know, five, five a week with the ME if you just want
3 me to -- that's just speculation, that's all I can
4 tell you. If you want to give me some route sheets,
5 you'd have to go back a long way.

6 Q: I understand. How about with respect to the
7 RE, about how many of those would leak?

8 MS. SCHRODER: And again, just same
9 objection. You can answer subject to that.

10 A: I'd say you'd be around in that area, too,
11 with more drive gear issues, you know, leaking.

12 Q: (By Mr. Elbert) So, in the RE case, that
13 was more the device itself was leaking as opposed to
14 the --

15 A: Not the -- the device itself is not leaking,
16 it's the meter that's leaking.

17 Q: Well, where are the gears?

18 A: The gears are on the meter -- the drive gear
19 is on the meter. There's an ME device -- or RE
20 device, there's a drive gear that comes off the
21 device, but it's attaching to the meter. You're not
22 going to get gas from the device, the device is not
23 going to give you gas, the meter will give you the
24 gas.

25 Q: I understand that. So, are all the leaks

1 caused by the drive area from the meter, is that
2 what you're saying?

3 A: No.

4 Q: Where else are they caused?

5 A: They're caused from the seal up around the
6 top, you can get there's -- where the meter --
7 there's a top -- without working in the meter shop,
8 I don't know how the meter's put together, if
9 there's a seal up there at the top.

10 Q: On top of the meter?

11 A: On top of the meter. There's four screws
12 and there's like a tamper thing up on the top, and
13 that's a little square plate. They leak up around
14 that. They leak around the gasket that holds the
15 top of the meter to the bottom of the meter where
16 they put the two sections of the meter together.
17 There's a gasket, and they leak around there.

18 Q: So, that's the meter leaking?

19 A: That's where you asked me, where else would
20 a meter leak.

21 Q: And you think you might have had five a week
22 also of REs leaking, RE meters leaking?

23 A: It's speculation. You know, I can't -- you
24 know, I --

25 Q: Well, is it speculation with -- and we

1 haven't asked this question, but if I ask you
2 questions about AMR devices leaking, is that going
3 to be speculation also?

4 A: No, I could -- I told you what -- we'll say
5 six on the REs.

6 Q: Six a week?

7 MS. SCHRODER: Wait a second.

8 THE WITNESS: If that's what he wants.

9 MS. SCHRODER: You need to answer his
10 question though. If he asks you questions about the
11 AMR meters, is that going to be speculation?

12 Q: (By Mr. Elbert) On the number of AMR -- if
13 I ask you questions about the number of AMR meters
14 leaking, is that going to be speculation also?

15 A: No.

16 Q: So, you know the numbers of AMR meters
17 leaking?

18 A: Well, this right -- we're talking right now
19 work I'm doing right now. Okay? Work you're
20 talking about is when I started 28 years ago.

21 Q: Well, no.

22 A: Okay? I can -- I can remember a lot better
23 what I did this week than what I did 28 years ago,
24 okay, on meters, as far as meters go, what numbers
25 do I have. Okay?

1 Q: When did AMR start -- when did Laclede start
2 installing AMRs?

3 A: I think it was like 2005.

4 Q: So, prior to 2005, it was either REs, MEs or
5 TRACE devices; right?

6 A: That's correct.

7 Q: Okay. So, are you saying that anything --
8 you can remember anything since they've started
9 installing AMR devices in 2005? You can remember
10 any leaks since they've started AMR devices in 2005,
11 is that what you said -- is that what you're saying?

12 MS. SCHRODER: Do you understand his
13 question?

14 Q: (By Mr. Elbert) Let me rephrase the
15 question. Are you stating that you can recall the
16 number of leaks that you have investigated relating
17 to AMR devices since 2005?

18 A: Not all of them.

19 Q: How many of them can you remember
20 specifically?

21 A: Well, I'm going to go back to the same thing
22 I had told you before. If you can get me route
23 sheets, I could tell you on the meters, when it goes
24 to a meter change on different things, I can let you
25 know what the numbers are.

1 Q: I understand that. I'm asking --

2 A: You know, I --

3 Q: Mr. Johnson, I'm asking you as we sit here
4 today, since 2005, how many AMR related leaks have
5 you investigated?

6 MS. SCHRODER: Okay. Now, that's a
7 different question than you asked him before,
8 because before you were asking him for a weekly
9 average. So, what are you asking now?

10 MR. ELBERT: You can read back my question.
11 I mean I would object, Sherrie, to the extent that
12 you are -- that wasn't an objection that I believe
13 is an appropriate objection. I asked a question,
14 and it's not appropriate for you to explain the
15 question to the Witness.

16 MS. SCHRODER: Except that you asked the
17 question as though this was the question you had
18 previously asked him, and what you previously asked
19 him was a weekly average.

20 MR. ELBERT: I don't believe I did try to
21 make it the same question. Would you read back my
22 question, please?

23 [Whereupon, Reporter read from record as directed.]

24 "Q: Mr. Johnson, I'm asking you as we sit here
25 today, since 2005, how many AMR related leaks have

1 you investigated?"

2 Q: (By Mr. Elbert) Do you understand that
3 question?

4 A: Yes.

5 Q: Okay. How many, can you answer the
6 question?

7 A: I can't give you a number on that.

8 Q: Now, can you give me an estimate?

9 A: You know, it's the same answer I'm giving
10 you with the other ones, I can't -- I don't know --
11 you know, I can't give you what I did this week,
12 that week type stuff, you know, I mean --

13 Q: What I'm trying to get at, Mr. Johnson, the
14 same answer you gave me with regard to the other
15 ones and that your attorney helped you with the
16 answer on was it's speculation.

17 Are you telling me it's speculation with
18 regard to the AMR devices as well, that you can't --
19 that you would only be speculating if you told me
20 the number of leaks relating to AMR devices? Is
21 that what you're saying?

22 A: I can tell you this. If I'm on the board, I
23 would be running emergency calls. Okay? Since the
24 meters have been installed, the AMRs, the odor
25 complaints I have at meters has gone up and --

1 Q: That does not answer my question.

2 A: And --

3 MR. ELBERT: Could you read back my
4 question?

5 MS. SCHRODER: But, he wasn't finished
6 either.

7 MR. ELBERT: But, he's not -- it's not
8 responsive to my question.

9 MS. SCHRODER: Well, you won't know that
10 until you know -- until you get the rest of his
11 answer.

12 Q: (By Mr. Elbert) Go ahead and finish your
13 answer.

14 A: I would say that if you're on the -- if I
15 was on the board answering the calls, I would have
16 one at the beginning of this, one to two a day.

17 Q: At the beginning of this?

18 A: Of the AMR -- AMR installation.

19 Q: Well, and that's, if I understood your
20 testimony, about similar to what you would have had
21 on an RE or ME device as well; isn't that right?

22 A: That's correct.

23 Q: Yeah. So -- and when you say "at the
24 beginning," what is the period you're referring to
25 at the beginning?

1 A: When these AMRs were just starting to be put
2 on, the complaints, be it the holes or the vent
3 holes on that. The device has some little vent
4 holes underneath it.

5 Q: Yeah, I brought one with me just so we
6 could --

7 A: Right.

8 Q: -- talk about it.

9 A: Like these right under here.

10 Q: You're talking about these little holes?

11 A: Right here, these.

12 Q: Right there, yeah.

13 A: Those.

14 Q: And what we have here is the -- actually, I
15 don't remember which one this is. It's device --

16 MR. GORLA: It's a Rockwell.

17 MS. SCHRODER: Gerry says it's a Rockwell.

18 MR. ELBERT: Yes, but I'm trying to get
19 there's a number or a -- hold on just a second.

20 Q: (By Mr. Elbert) I'll just read this into
21 the record so we know what we're talking about.
22 It's a 29-1013 Equimeter. Is that right,
23 Mr. Johnson?

24 A: That's what it says.

25 Q: Okay.

1 MS. SCHRODER: And it's actually the AMR
2 device, not the meter. I just want to clear that up
3 for the record.

4 MR. ELBERT: Right. Oh, yeah.

5 Q: (By Mr. Elbert) It's the AMR device, and
6 it's the one that does work I believe, as Mr. Gorla
7 said, on a Rockwell device as opposed -- on a
8 Rockwell meter as opposed to an American meter;
9 correct?

10 A: I wouldn't know that.

11 Q: Okay. But, what you were referring to is it
12 has these little vent holes here, and gas would
13 sometimes leak out of those?

14 A: I'd get odor complaints there, yes.

15 Q: But, as you testified before, if I
16 understand it, it's not the device that's doing the
17 leaking, it's the meter; correct?

18 A: Correct.

19 Q: And when you got those odor complaints, what
20 was the primary cause of the odor?

21 A: Odor readings at these vent holes. I do not
22 take this device off to tell you what was causing
23 it.

24 Q: What did you do to correct the problem?

25 A: Installed a new meter.

1 Q: So, you took the entire meter down?

2 A: Yes, sir.

3 Q: Did you ever determine what the cause of the
4 leak was?

5 A: No.

6 Q: So, you don't know -- and is that true with
7 regard to all of your correction of leaks, that --
8 of meters that had AMR devices on them?

9 A: No. On the old ones, the REs, I could -- I
10 would take that plate off, and I could check that --
11 check that gear.

12 Q: Where the drive dog is?

13 A: Right.

14 Q: And there's a little gasket in there, isn't
15 there?

16 A: Yes, sir. You could loosen that -- you
17 could loosen your screws up on the front, pull it
18 back a little bit, and get a reading right down in
19 there.

20 Q: And is that usually where it was leaking,
21 around that gasket?

22 A: Well, it would -- you know, it normally
23 would be that drive gear on the meter. It's not,
24 you know, the gasket leaking, it's the drive --

25 Q: The gear, that's where the gas normally

1 would come out when -- and then it would come out
2 through these holes in the AMR device; correct, is
3 that what you're saying?

4 A: Well, I don't know where it's coming on
5 these.

6 Q: Oh, I'm sorry. On the RE device. You were
7 talking about the -- you're correct. On the RE
8 device, that drive gear, it would leak around there,
9 and the gas would come out and then come out --

10 A: You'd get an odor there.

11 Q: You'd get an odor. And do you know why
12 those -- what did you call them again, are they
13 gears?

14 A: Drive gears?

15 Q: Yeah. Do you know why the drive gear would
16 leak?

17 A: Without working on a meter, actually working
18 in the meter shop and actually installing it, I've
19 been told there's a seal in there.

20 Q: And the seal would just break down over
21 time?

22 A: Yeah.

23 Q: So, do you know whether or -- whether in
24 fact the installation of the ME or RE device on the
25 meter caused the leak, or do you have any idea?

1 [This page has been designated as "Confidential."]

2 A: I have no idea.

3 Q: Okay. Do you have any idea whether the
4 installation of an AMR device on a meter causes a
5 leak?

6 A: Yes.

7 Q: Okay. What's the basis of your
8 understanding?

9 A: And it's going to be only two instances
10 where this one here we're talking about, the one
11 that you're --

12 MS. SCHRODER: No, we're not talking about
13 anything yet.

14 THE WITNESS: Oh, we're not talking about
15 it, all right.

16 MS. SCHRODER: So, go ahead.

17 Q: (By Mr. Elbert) But, we will get to it.

18 MS. SCHRODER: Tell him what the basis is.

19 A: The basis is the job I had over at the
20 W.A.C. Center.

21 Q: (By Mr. Elbert) Right.

22 A: And I don't have the exact address, it was
23 out off -- off 109 by Babler -- off Babler View, one
24 of the side streets off there I had a call, a
25 Honeywell call, and I had a leak there also.

1 Q: When was that, Mr. Johnson?

2 A: It was when this first started.

3 Q: So, back --

4 A: Maybe 2005 somewhere or something. I don't
5 know what -- I don't recall when the AMRs first
6 started, because they came to different areas at
7 different times. You know, like I came to -- the
8 area -- I work out at West County. Our area, you
9 heard they were going in other places and we didn't
10 get them. Then all of a sudden, they started coming
11 in like a wave at our area.

12 Q: So, the only --

13 A: I don't recall when.

14 MS. SCHRODER: Okay. Again, let him ask his
15 questions.

16 Q: (By Mr. Elbert) Let me ask my question.
17 So, let's just --

18 A: I won't be a good lawyer.

19 Q: Do you think that the Babler View one
20 occurred in 2005?

21 A: I'd say so.

22 Q: Can you describe what you found at the
23 Babler View location?

24 A: Yes, sir. I received a call, leak call,
25 dispatched odor at a meter called in by Honeywell,

1 and I got to the -- to the job site. There was no
2 Honeywell employee around. There was an outside
3 meter set. The face -- plastic face plate that goes
4 over the dials was laying on the grass, so just the
5 dial was on there, and the top left hole on the
6 meter, gas was coming out of it where the screws go
7 in to hold the plastic dial.

8 Q: So, what you're talking about, I've got this
9 device that we looked at before, and I don't have
10 the dials with me, but are you talking about on the
11 inside here is where the --

12 A: Is that the inside of the meter? Is that a
13 dial on a meter?

14 MS. SCHRODER: Make sure it's an AMR.

15 THE WITNESS: That's an AMR.

16 MS. SCHRODER: I want to make sure for the
17 record.

18 THE WITNESS: That's what I mean, that's an
19 AMR.

20 MS. SCHRODER: Okay.

21 Q: (By Mr. Elbert) Well, weren't we talking
22 about an AMR at Babler?

23 A: No, they never got it on there yet. They
24 were trying to put it on.

25 Q: Oh, were they still there while you were

1 there?

2 A: No, they left. They were nowhere to be
3 found.

4 Q: So, what was there when you got there?

5 A: The -- if this would be the old meter, this
6 is the plastic dial on the front. The dial is --
7 this is the dial glass. The dial's on the meter.
8 The dial's on the meter, this is laying on the
9 grass, down in the grass, and the screws are out.
10 And back on the top left side, gas is coming right
11 out of where the screw was. I put my finger on it
12 and stopped the gas.

13 Q: Do you know whether there -- do you know who
14 was trying to install the AMR device on that?

15 A: The call was from Honeywell that reported
16 the leak.

17 Q: But, Honeywell's the customer; right?

18 A: No. Honeywell was the company that put it
19 in I guess, I don't know.

20 Q: But, there was nothing in. Based on your
21 testimony, there was no AMR device there?

22 A: It wasn't on.

23 Q: What you're telling me is that when you got
24 there, the screws were missing from the meter dial;
25 right?

1 A: Right, and the glass -- the dial -- the dial
2 glass was on the grass.

3 Q: And you say Honeywell reported it?

4 A: Yes, sir.

5 Q: Do you know whether Honeywell, any Honeywell
6 employee caused that leak?

7 A: No, I wasn't there.

8 Q: Okay. So, is it possible that the Honeywell
9 person got out there and found the leak and reported
10 it?

11 A: That's possible.

12 Q: Do you have any reason to believe that's not
13 the case?

14 A: I --

15 Q: You just don't know, do you?

16 A: I don't know.

17 Q: All right. So, the only reason you believe,
18 if I -- let me see if I understand this. The only
19 reason you believe that's related to AMR is because
20 Honeywell called it in?

21 A: They were putting them on in that area.

22 Q: At that time?

23 A: At that time.

24 Q: And how do you know that?

25 A: Because I saw them on the other homes.

1 [This page has been designated as "Confidential."]

2 Q: But, you didn't see them do any work at this
3 one?

4 A: No, sir.

5 Q: And this was at a residence?

6 A: Yes, sir.

7 Q: And the other incident that you know about
8 is the one that we'll talk about later on MacKenzie
9 Road, the W.A.C. Center; right?

10 A: Yes, sir.

11 Q: Other than those two incidents, do you have
12 any knowledge of AMR installations that resulted in
13 leaks?

14 A: No.

15 Q: When you have investigated leaks on ME
16 devices, have you ever investigated a leak where a
17 Laclede employee had worked on that ME device
18 shortly before you got there?

19 A: Yes.

20 Q: And do you recall about how many times
21 that's happened?

22 A: Not many.

23 Q: But, a few?

24 A: A few.

25 Q: Did the Laclede employee do something to the

1 ME device or the meter to cause the leak in your
2 opinion?

3 A: No, no.

4 Q: Do you know how the leak occurred?

5 A: It's maybe sometimes just not tightening the
6 meter nut enough or washer, you know, not tightening
7 it down tight enough on a washer or something like
8 that.

9 Q: So, is it possible that a Laclede employee
10 who had been there before you failed to properly
11 tighten down a washer or a nut?

12 A: I wasn't there, so I don't know.

13 Q: You don't know. Have you had to be called
14 out on leaks on ME devices where a Laclede employee
15 was there the exact same day that you got called out
16 on a leak?

17 A: No. I wouldn't --

18 Q: Do you know?

19 A: I can't remember if I did.

20 Q: Do you know whether you were called out on a
21 leak the day after a Laclede employee was working on
22 a meter?

23 A: A lot of times I don't know if a Laclede
24 employee's been there.

25 Q: But, there are times that you know that a

1 Laclede employee has been there right before you and
2 there was a leak after that employee left; right?

3 A: There's been occasion.

4 Q: Yeah. And do you know what -- but, you
5 don't know whether that leak was caused by that
6 employee or not, do you?

7 A: No, I don't.

8 Q: That leak could have occurred after the
9 employee was there; right?

10 A: Yes, sir.

11 Q: Do leaks sometimes occur spontaneously?

12 A: Yes, sir.

13 Q: For example, on a gas meter, if that gear
14 drive seal breaks or wears out, a leak's going to
15 start; right?

16 A: Exactly.

17 Q: And that wouldn't be the fault of the
18 Laclede employee who was there?

19 A: No, sir.

20 Q: Right. So, if a Laclede employee was there
21 on a Monday, it's possible that that seal could
22 break on Tuesday; right?

23 A: Yes, sir.

24 Q: And then you'd be called out to repair it;
25 right?

1 A: That's correct.

2 Q: And with respect to times when you went out
3 to look at remote reading devices where there was a
4 leak on the meter, you don't know -- do you know
5 when the leak occurred?

6 A: No.

7 Q: Have you ever had to investigate a leak of
8 any type where you had reason to believe that a
9 Laclede employee made a mistake and caused the leak?

10 A: I never speculated on it, I just -- on the
11 work.

12 Q: Okay. I understand that you may not know
13 whether the employee caused the leak.

14 A: Yeah, I don't know.

15 Q: I understand that. Let me try to rephrase
16 the question. Have you ever investigated a leak
17 where, in your mind, it was possible that a Laclede
18 employee had caused the leak?

19 MS. SCHRODER: Objection to the extent
20 you're calling for him to speculate. Subject to
21 that, you can answer.

22 A: That would just be speculation, I don't
23 know.

24 Q: (By Mr. Elbert) Well, I'm not asking --
25 let's make sure you understand the question. I'm

1 not asking for your determination as to whether the
2 employee caused the leak. What I'm asking you is
3 whether you ever investigated a gas leak where in
4 your mind at the time, you thought it was possible
5 that a Laclede employee caused the leak?

6 A: Yes.

7 Q: Do you know about how many times that's
8 happened in your career?

9 A: Not many.

10 Q: What's not many, 10, 20?

11 A: About that.

12 Q: Somewhere between 10 and 20 times? Is that
13 a yes?

14 A: That would be about -- yes.

15 Q: Okay. And in your career at Laclede, can
16 you tell me how many times you thought it was
17 possible that -- when you investigated a leak, that
18 an AMR installer caused the leak?

19 A: On an AMR installation, I -- I cannot tell,
20 because I -- what I'm trying to tell you is I can't
21 -- I've never taken the front off, so I don't know
22 what's causing the leak.

23 Q: Okay. So, your answer is in your mind --

24 A: I know it's leaking, I don't --

25 Q: But, in your --

1 A: -- I don't know what --

2 Q: Sorry.

3 MS. SCHRODER: Yeah, let him finish.

4 Q: (By Mr. Elbert) I didn't mean to interrupt.
5 Go ahead.

6 MS. SCHRODER: You're both doing this.

7 A: I -- we don't take the front off to check
8 this RE. Okay? We get a reading here. It could be
9 coming from anything on this RE or the drive gear, I
10 don't know what, I don't really worry about it. I'm
11 there to get it out, unplug the battery, and get a
12 new meter in, get the people back in service. I
13 don't -- I'm not -- we don't take -- I don't take
14 that off.

15 Q: (By Mr. Elbert) So, your answer is, if I
16 understand it, that with respect to AMR devices, you
17 have no idea whether or not the installer of the
18 device caused the leak; is that correct?

19 A: That's correct.

20 Q: Now, let's turn to your -- I know you're
21 very anxious to talk about this, your affidavit, and
22 I'll get it out. I've marked it as Exhibit No. 2.

23 MS. SCHRODER: Thank you.

24 MR. ELBERT: Do we need to get the Court
25 Reporter copies of these?

1 MS. SCHRODER: We can give her the Witness
2 copy at the end.

3 MR. ELBERT: Okay. Thank you, Sherrie.

4 Q: (By Mr. Elbert) I'm going to show you
5 what's been marked as Company -- I'm sorry, Exhibit
6 No. 2, Mr. Johnson, which is an affidavit of yours I
7 believe. Could you review it and make sure that
8 that is a true and accurate copy of your January 4,
9 2007 affidavit?

10 MS. SCHRODER: And I just want to note for
11 the record that this is the "HC" version, which it
12 should be, but we'll just have to have the Court
13 Reporter mark that highly confidential.

14 MR. FRANSON: Yeah, that does bring up the
15 question, Sherrie, are we going to have this
16 deposition be public, or are we going to have
17 portions of it highly confidential, what are we
18 going to do in regard to that?

19 MS. SCHRODER: I mean I think we've only got
20 -- I mean we haven't gotten to anything that's
21 highly confidential yet. When we get to it --

22 MR. FRANSON: Okay, that's fine. I think
23 that --

24 MS. SCHRODER: I think we're getting to it.

25 MR. FRANSON: -- that it would be public

1 unless we designate otherwise as we go through it
2 then?

3 MS. SCHRODER: Yeah, I think so.

4 MR. FRANSON: Okay. Sounds good to me.

5 MS. SCHRODER: You're looking like I looked
6 when we first started doing this, but --

7 MR. ELBERT: Should we agree -- no, all I'm
8 asking, should we agree right now on what portions
9 are highly confidential, because I suspect we'll
10 forget as we go through it?

11 MS. SCHRODER: Yeah. I mean generally,
12 whenever we're referring to a specific address or a
13 specific person's name that -- I mean isn't that --

14 MR. ZUCKER: Right. In the document itself,
15 the things that are marked as "HC" are a name, an
16 address, and the name of the company.

17 MS. SCHRODER: Right.

18 MR. ZUCKER: And so --

19 MR. FRANSON: Do we want to -- I mean --

20 MR. ZUCKER: I think what we would do is
21 with regard to the deposition, I don't think we have
22 to worry about it at this point, but if some of the
23 information is either used --

24 MS. SCHRODER: Right.

25 MR. ZUCKER: -- at the hearing, then we

1 [This page has been designated as "Confidential."]
2 would need to agree at that point what's "HC."

3 MS. SCHRODER: I guess the only thing is
4 that with regard to the depositions, what we've done
5 in the past is that we have had to designate either
6 -- you know, we've either had to designate a whole
7 deposition or we've had to designate the parts
8 confidential so that they can't be shared beyond,
9 you know -- they just can't be shared. And I guess
10 we would still need to do that.

11 And the one thing that we have already said
12 is that he mentioned the name of the place where
13 this incident occurred, and he called it the W.A.C.
14 Center, and that would need to be marked as highly
15 confidential.

16 MR. FRANSON: Has that already happened?

17 MS. SCHRODER: Yeah, that has already
18 happened I think twice.

19 MR. ELBERT: I did it once and Mr. Johnson
20 did it once.

21 MR. FRANSON: Well, a couple things. No. 1,
22 do we -- all we've got to do is probably pretty much
23 avoid referring to a specific address, specific
24 business name or -- and go from there.

25 MS. SCHRODER: Yeah, I think to the extent

1 possible, if we can avoid --

2 MR. ELBERT: I'll refer to it as the -- how
3 about if I just refer to it -- can I do it by the
4 date, the November 10th --

5 MS. SCHRODER: Yes, the November 10th
6 incident.

7 MR. ELBERT: -- incident, would that satisfy
8 everybody?

9 MR. FRANSON: I think that would work quite
10 well.

11 MS. SCHRODER: All right. And Mr. Johnson,
12 you know what he's referring to when he refers to
13 that?

14 THE WITNESS: Yes, sir.

15 MS. SCHRODER: Okay.

16 MR. ZUCKER: And you can refer to the
17 business as "the business."

18 MR. FRANSON: And then the other question
19 I've got, just out of curiosity, I understand the
20 address and the actual business name maybe, but why
21 is the name of the maintenance supervisor highly
22 confidential?

23 MS. SCHRODER: Because all the way through
24 this, you've been telling me I had to mark
25 everybody's names highly confidential --

1 MR. FRANSON: Only customers.

2 MS. SCHRODER: -- if they weren't -- oh, oh.
3 But, this is a customer. This is a customer.

4 MR. FRANSON: The name of the customer is
5 the actual place there, but the --

6 MS. SCHRODER: Okay. Well, I could care
7 less if his name is marked or not.

8 MR. FRANSON: Well, that's fine.

9 MS. SCHRODER: I marked it because of what
10 you had told me before.

11 MR. ELBERT: I'm going to refer to him as
12 "the maintenance man."

13 MR. FRANSON: That should solve the problem,
14 though Sherrie called -- well, Mr. Johnson called
15 him "the maintenance supervisor," so, you know.

16 MR. ELBERT: We'll -- we'll get to that.

17 Q: (By Mr. Elbert) Mr. Johnson, I have shown
18 you Company -- or Exhibit 2, which is your affidavit
19 of January 4, 2007. It's the highly confidential
20 version. Is that a true and accurate copy of your
21 affidavit?

22 A: Yes.

23 Q: Now, let's start going through it. Had you
24 ever been to that location before?

25 A: No.

1 Q: Did you know the maintenance man?

2 A: No.

3 Q: Did you know anybody at that location?

4 A: No.

5 Q: Why were you called out there?

6 A: I was called out there on a leak call. The

7 --

8 Q: Who -- go ahead.

9 A: The dispatcher dispatched the job, said
10 there was odor in the boiler room.

11 Q: Do you recall the time that you were called
12 out there?

13 A: It was around 9 o'clock I think.

14 Q: I'll show you what's been previously marked
15 as Exhibit 3, which is what I believe Laclede refers
16 to as a CIS form, front and back. Is that your
17 handwriting?

18 A: Yes, sir.

19 Q: Would you please take a moment to look at
20 that form, which is dated 11/10/06 to -- and let me
21 know whether it's a true and accurate copy?

22 MS. SCHRODER: And Robert, while he's
23 looking at it, just for your information, this is
24 something you got by E-mail from Rick yesterday or
25 two days ago, something like that.

1 MR. ZUCKER: Yesterday.

2 MR. FRANSON: Yeah, I think it was
3 yesterday, and I understand that, thank you.

4 Q: (By Mr. Elbert) Is that a true and accurate
5 copy of it?

6 A: Yes, sir.

7 Q: And does that help refresh your recollection
8 as to what time you arrived there?

9 A: Yes, sir, I've got it written up here --

10 Q: What time was that?

11 A: -- the time I was dispatched. In this
12 corner right here, I wrote 0900 and the dispatcher's
13 name, Doug.

14 Q: Okay. So, it took you about, what, 25
15 minutes to get --

16 A: Twenty-five minutes, yes, sir.

17 Q: Where were you when you got the dispatch?

18 A: I was out in West County somewhere. It was
19 in the 1 -- I'm not sure, I think it was in the 195
20 grid or somewhere out that way.

21 Q: Were you investigating a leak out there?

22 A: I can't remember.

23 Q: You were working the board that day?

24 A: Yes, sir.

25 Q: What day of the week was that, do you

1 recall?

2 A: It was a Friday if I remember right.

3 Q: Where did you enter that building?

4 A: I entered at their -- they have -- you go in
5 their parking lot, they have a side entrance, and
6 you go in their -- they only have one -- the one
7 entrance that I saw, you go in, and it was like a
8 locked off area, like the door, and they had two
9 girls working right at like the I guess for all
10 visitors to head in area.

11 Q: Okay. I'm going to show you what's been
12 marked as Exhibit 8, which is a hand drawing with
13 behind it --

14 MS. SCHRODER: Oh, my gosh.

15 Q: (By Mr. Elbert) -- an aerial view, which is
16 pretty difficult to -- to decipher, and I apologize
17 for that, but... Let's look at the aerial view, the
18 second page first, and can you sort of -- does that
19 sort of look like the structure, that aerial view?

20 A: This?

21 Q: Yes.

22 A: I can't tell much by this picture.

23 Q: Well, you see there's a soccer field or a
24 football field or something behind it. Do you
25 recall seeing that?

1 A: Is that over to the left when you come in?

2 Q: Well, I'm going to ask you where you come
3 in, because I haven't got any idea. I just see that
4 there's a soccer or football field adjacent to the
5 building. Do you recall seeing that? Here's a
6 little better version of it, a lot clearer version.

7 MS. SCHRODER: Oh, yeah, that's better.

8 Q: (By Mr. Elbert) Maybe that will help. Does
9 that look like the building?

10 A: That looks like the building.

11 Q: And what I'm trying -- I'm just trying to
12 find out, Mr. Johnson, maybe I can, if you don't
13 mind, look at this with you, can you sort of --

14 A: The soccer field was back here.

15 Q: Yes.

16 A: Yes. That's behind -- that's behind the
17 building.

18 Q: All right. Do you know your directions,
19 north, south, east, west here, can you kind of get
20 this picture right with the world?

21 A: I'm trying to get this picture right here.
22 If we're coming in off MacKenzie here, that would
23 be -- I entered that would be on the north -- this
24 is the north side of the building right here and --

25 Q: Is this the parking lot you were referring

1 to?

2 A: Yeah. I would say I was like --

3 MS. SCHRODER: Can he write on this, or do
4 you want him to use this?

5 MR. ZUCKER: No, I guess it's okay. Someone
6 got it off Google, so --

7 MR. ELBERT: We can always print another
8 one.

9 MS. SCHRODER: Do you want him to write
10 "north" on that?

11 MR. ELBERT: Yeah, if he could put "north,
12 south," I think that would help everybody.

13 MS. SCHRODER: And maybe write "MacKenzie."

14 A: Well, if we're going to get this right, this
15 would be MacKenzie down here. This would -- I'm
16 going to say this is north, I'm going to say this is
17 south.

18 Q: (By Mr. Elbert) So, that's west and east
19 here; right?

20 A: Right.

21 Q: So, the soccer field is east of the
22 building?

23 A: If that's -- yeah, I'm thinking that's what
24 it is.

25 MS. SCHRODER: If his directions are

1 correct.

2 A: If my directions are right, I'd say yeah.

3 Q: (By Mr. Elbert) Okay. Well, we're going to
4 work off your directions and assume they're correct.
5 So, you came in to the parking lot on the north --

6 A: I think you come in here through this, you
7 know, right in this --

8 Q: You came off MacKenzie, you went onto the
9 north parking lot?

10 A: North lot, right. And I parked my truck
11 right here or the first parking spot.

12 Q: All right. So, what you're showing for the
13 record, when you just put that little X there, is
14 you picked the eastern most parking space on the
15 south side of the parking lot; right?

16 A: That's correct. If this is the entrance, I
17 parked my truck it was in the first or second spot,
18 it's right in, you know, one of these spots right
19 here.

20 Q: And now I want to go back to -- I know this
21 is a little confusing, but I want to go back to
22 Exhibit No. 3 and just confirm that when you arrived
23 and parked your truck, is that when you wrote down
24 the time of 9:25?

25 A: Yes, sir.

1 Q: That's the practice, right, when you drive
2 up and put your -- park your truck?

3 A: Right, that's correct.

4 Q: It's 9:25, okay.

5 A: The time I leave my last job to the time I
6 get there.

7 Q: Right. So, you got out of the truck. What
8 did you do next?

9 A: I've got all my leak detection equipment
10 ready, I got my tray of tools.

11 Q: What type of leak detection equipment did
12 you use, was that a CGI?

13 A: I use a Ranger.

14 Q: A Ranger, okay.

15 A: Yes, sir, and I have a Sensit also.

16 Q: So, you had both of them?

17 A: Yes, sir.

18 Q: So, where did you go with those -- with your
19 leak detection equipment?

20 A: I walked -- if this is the entrance --

21 Q: Yes.

22 A: -- okay, if this is the entrance, I walked
23 in here and over to the right. There's some glass
24 windows with the workers, there was two girls.

25 Q: So, there were two women at that --

1 A: Two girls or -- in behind these glass doors
2 right here. As soon as I opened up their door to
3 get in right here, this girl slid the door open here
4 and said, "Oh, the gas man's here, good. Call the
5 maintenance man," or whatever, I don't know what his
6 name --

7 Q: So, there was like a little waiting area
8 there?

9 A: Right.

10 Q: And you stood there and waited until the
11 maintenance man --

12 A: Right.

13 Q: -- got there? Is that correct?

14 A: Well, he got there quick, yeah, yeah.

15 Q: How long did it take him to get there?

16 A: Not even five minutes.

17 Q: So, within five minutes, he was --

18 A: He opened up a door, because I guess you had
19 a sign-in sheet. They have a sign-in -- they have a
20 place that's a sign-in building. I didn't know it
21 was a sign-in building, because I didn't sign in,
22 they just said, "The maintenance guy is coming here.
23 He wants" -- you know, "Let the guy" -- you know,
24 "The gas man's here, you know, for the leak." He
25 come open the door, and he said, "Come with me." He

1 opened the door up where you go into this place, and
2 I went with him.

3 Q: Let me try to go through this step by step
4 so I understand you. You stood there and waited for
5 about five minutes in this area outside of where the
6 glass windows are, the waiting area; right?

7 A: The waiting area.

8 Q: While you were there, did you take any
9 measurements with you?

10 A: My meter was on the whole time.

11 Q: And did you detect any gas there?

12 A: No readings.

13 Q: So, you waited there five minutes, then the
14 maintenance man came and got you, and then he took
15 you where?

16 A: He -- back in -- he opened up the door, and
17 you went in and you turned to the -- turned to the
18 left if I remember right, and there was a --

19 Q: So, you turned south, you went in and you
20 turned to go south; right?

21 A: It's somewhere, you know, like you're
22 turning -- it's not too far after you walk in the
23 door, there's a door. I think there's some
24 bathrooms, a bathroom area, and then -- you know, I
25 --

1 Q: Okay. So, you turned left, which is south,
2 and then where did you go?

3 A: Well, when he opened up the door, he said to
4 me, he said, "This is -- the boiler room's down
5 here." He says, "The gas -- there's a gas odor as
6 soon as you open this door." So, he opened the
7 door.

8 Q: Was that on the same level?

9 A: Same -- well, it's on the same level, the
10 door is, to go down to the basement.

11 Q: So, you had to go down the basement?

12 A: Yes, sir.

13 Q: About how many steps down, do you recall?
14 Sort of standard, like 10 or 12?

15 A: Twelve, 12 or 13. It was a deep basement.

16 Q: So, about 12 -- let's just say you went down
17 about 12 steps or whatever. Then what did you do?

18 A: Well, we went down. He said, "You know, I
19 smelled the -- I think it's the meter," you know.
20 He says, "The people came out, put that new device
21 on yesterday."

22 Q: That's what he told you?

23 A: This is what he's saying as we're going --
24 you know, we're going down there and he's trying to
25 direct me towards the meter. I said, "I got some

1 other checks I need to do first." I checked -- you
2 know, went through the leak -- our standard leak
3 procedure, going through checking our services
4 coming in, you know, the cracks in the foundation,
5 checking that, checked the sanitary sewer.

6 Q: You were doing that all from the inside?

7 A: Yes, sir. I went through that and checked
8 that. I wanted to make sure that whatever I was
9 smelling wasn't coming from somewhere else,
10 migrating outside or something.

11 Q: When did you first start smelling the gas?

12 A: When he opened that door. The same thing he
13 said -- the same thing he said I smelled.

14 Q: And as soon as you opened that door, did
15 your device go off?

16 A: No, it didn't.

17 Q: So, you get down to the bottom of the steps.
18 Did your device go off when you got down to the
19 bottom of the steps?

20 A: No, it didn't.

21 Q: So, what happened next?

22 A: Well, I checked -- ran our check -- my
23 checks that I normally run.

24 Q: Did the device go off at any of those
25 checks?

1 A: No. I was checking our service, sanitary
2 sewers.

3 Q: You checked the Laclede facilities, the
4 sanitary sewer?

5 A: First, right.

6 Q: You didn't start on the fuel runs yet?

7 A: No. I was wanting to make sure that it
8 wasn't migrating --

9 Q: Wasn't migrating in.

10 A: -- in from anything, so I wanted to make
11 sure that it wasn't anything on our end of it coming
12 into this building. Even though he kept saying to
13 me, you know, "I think it's around that meter, you
14 know," and I said, "Well, we're going to get to
15 that, you know, I just need to go through this stuff
16 first."

17 Q: So, you checked all of the Laclede
18 facilities, and what did you do next?

19 A: Then I went around the meter, got over
20 towards the meter. I was working towards the
21 regulator. It comes in, it's a big meter set, it's
22 got a big, I don't know, two-inch regulator or
23 something that's right over -- kind of swung over.
24 I checked around the regulator and made sure the
25 regulator bowl wasn't leaking, lock cock coming in

1 there, checked all that.

2 Q: Did your equipment go off?

3 A: Didn't go off. Then I went around the meter
4 itself, around the casing around the back and the
5 front to see if anything was going on. It didn't go
6 off. Then I went around the top where the AMR is,
7 and it went off where the AMR --

8 Q: So, when you say when you went around the
9 top where the AMR is, you were just on the top of
10 the -- right at the top of the meter?

11 A: Right. It doesn't look like that anymore.

12 Q: No, I know it doesn't. So, you actually
13 held which device up?

14 A: The Ranger.

15 Q: You held the Ranger up to that and it went
16 off, and what did it show?

17 A: It showed 20, 25 percent, somewhere around
18 there. I think it was 20 percent, 25, I don't know,
19 somewhere in there.

20 Q: And if you went -- did you then go -- so,
21 you had gone within just a couple of feet on it, and
22 it wasn't showing anything; right?

23 A: I was by the regulator, yes.

24 Q: And it wasn't showing --

25 A: No, sir.

1 Q: It wasn't even showing one percent?

2 A: No, sir

3 Q: Is it unusual if the -- well, if you hold a
4 device up to the meter, right up to the meter, is it
5 unusual if there is a leak to get a reading as high
6 as 25 percent?

7 A: No.

8 Q: Did you consider that to be a dangerous
9 situation?

10 A: I didn't have explosive readings, you know,
11 where you'd be, you know, one percent -- over -- one
12 percent or over, you know, and I didn't consider,
13 you know, where we needed to evacuate or anything
14 like that considering we got a leak on a meter.

15 Q: Right. Because if you had had a serious
16 leak there, you would have had to evacuate the
17 building; right?

18 A: If I would have had one percent or over in
19 the open air, we would have been leaving.

20 Q: And you didn't have that?

21 A: No, sir.

22 Q: And you did a thorough check to make sure;
23 right?

24 A: Yes, sir.

25 Q: How far was the entrance to the basement

1 from the meter?

2 A: Not even five feet, six feet. Six feet
3 maybe. Are you talking about the double door?

4 Q: No.

5 A: The top entrance?

6 Q: The top entrance.

7 A: Top entrance. Oh. Oh, it's 30 -- 30 -- 30
8 feet.

9 Q: So, you could smell the gas 30 to 40 feet
10 away?

11 A: Up top.

12 Q: Up top, but it wasn't even a one percent
13 reading anywhere?

14 A: Not in the open air, no.

15 Q: In the open air?

16 A: You could smell gas though.

17 Q: Yeah, okay. On your order form, and you --
18 can you tell me what percentage you wrote down on
19 the back? Does it say you found --

20 A: Twenty.

21 Q: It says you found 20 percent; right?

22 A: Twenty percent, yes, sir.

23 Q: And is that what you found?

24 A: Yes, sir. If that's what I wrote, that's
25 what I found.

1 Q: Okay. Did you feel that you needed to shut
2 off the gas?

3 A: It's a commercial account. You wouldn't
4 normally shut off a commercial account.

5 Q: Well, did you feel the situation warranted
6 --

7 A: No, I didn't have a broken line or didn't
8 have gas entering the building.

9 Q: And you didn't have one percent in the --

10 A: Right.

11 Q: -- open air; right?

12 A: Correct.

13 Q: So, that would not warrant shutting off the
14 gas, would it? Right?

15 A: No, right.

16 Q: Now, I'd like to refer you to Exhibit 2,
17 Page 1, which is your affidavit, and if you look
18 down at the third line from the bottom, you stated
19 that you had a 25 percent reading at the meter. You
20 see that?

21 A: Yes, sir.

22 Q: But, your CIS form says 20 percent, and you
23 just testified that was the true amount?

24 A: That's what it says. That's what -- 20, 25
25 percent, I was just -- you know, I knew it was in

1 that range. When I gave this affidavit, you know, I
2 didn't have any information to say exactly what it
3 was, because I always write exactly what it is on
4 this Laclede document.

5 Q: So, the document is the correct one; right,
6 20 percent, not 25 percent?

7 A: Yes, sir.

8 Q: You're saying your affidavit's wrong;
9 correct?

10 A: Yes.

11 Q: And you also said here that this was -- any
12 gas leak so close to the boiler is particularly
13 dangerous?

14 A: Yes.

15 Q: What do you base that statement on?

16 A: I base it on this being that it was a
17 two-pound meter, this was not an inches meter, it
18 was a two-pound set. It was a large meter, it was a
19 1,000 iron case meter. Also, it was a confined
20 area, this boiler room was confined.

21 Q: But, you just previously testified, if I
22 understood you correctly, that this was not in your
23 view a serious leak, because it was less than one
24 percent in the air; isn't that right?

25 A: Yes. But, it was --

1 Q: Well, why would this be so dangerous if you
2 had less than one percent in the air?

3 A: This -- I have no idea of knowing how long
4 this was going to build up in that room. I don't
5 know how long this maintenance man aired that room,
6 if he aired this room out before I got there.

7 Q: Did you ask him?

8 A: No. And as soon as I got there, I opened
9 that -- there's two double doors, there's that
10 entrance and then there's another entrance out off
11 the back. After I ran my tests and all that, I
12 ventilated that room. I had two big double doors
13 open.

14 Q: Then what did you do after you ventilated
15 the room?

16 A: I ran my check outside with an SEI, there's
17 a service check on the outside. There's an asphalt
18 parking lot that goes all the way up to the service.
19 I ran probe holes down through the asphalt to check
20 the service coming in to the building, probe holes
21 on the outside, SEI holes, and then -- well, I --
22 let me take that -- take that back.

23 I want to -- before I did that, I made calls
24 to my superintendent. I made calls to the
25 superintendent, tried calling the meter shop. It

1 was their holiday that day, okay, Laclede's. Their
2 meter shop was Veterans' Day holiday, I think it was
3 honored on a Friday I guess, because they're
4 normally off on a Saturday.

5 So, I called the south meter shop phone
6 number I have for south district. The phone kept
7 ringing and kept ringing, kept ringing. I thought,
8 that's odd, it usually goes over to the stenographer
9 real quick.

10 Well, Gary Mehringer picked it up, the
11 superintendent of the whole SAID Department. And he
12 answered the phone, and I told him, I said -- he
13 says, "What do you got?" I said, "I'm trying to
14 find the meter shop foreman. You know, I've got a
15 meter leaking out the top by the AMR over here, I've
16 got a pounds meter, and I'm going to need the meter
17 shop." So, he said, "Let me see who's on. You
18 know, it's the holiday for that, I didn't know who
19 it was for them" he tells me, you know, it was
20 holiday for them. "Somebody will be on. Let me
21 call you back. Let me get the phone number and call
22 you back."

23 So, I'm outside. He calls me back and says
24 this Elgin, is that his name, Elgin, he's on, and so
25 I called him.

1 Q: Who is Elgin?

2 A: He's -- I don't know if he's a
3 superintendent or he's in the meter shop, but he's a
4 foreman I guess. I don't -- I've never met the guy
5 before, I don't know him.

6 Q: So, you called him?

7 A: I called him.

8 Q: And what did you tell him?

9 A: I told him I have a meter, 1,000 meter on
10 two pounds. I've got readings around the AMR device
11 on the top of the meter, can he get somebody over,
12 or how does he want to handle it. He said, "Man, I
13 don't have anybody on. There's nobody on for this
14 weekend. How about doing this on Monday or
15 something? Can we just turn it off and come back
16 and do this on Monday?"

17 So, the maintenance guy was standing right
18 next to me, and he said, "Well, run it by him." I
19 go, "The maintenance guy's right here." He goes,
20 "Run it by him, what I just said, and then call me
21 back." So, I ran it by him, and the maintenance guy
22 goes, "Oh, no, you're not turning off that gas, it's
23 your job to fix it." He said, "I'm not going to do
24 it yet, but my" -- his superintendent or whoever,
25 whoever runs that place over there, she's a direct

1 contact to -- she's a hotline to Channel 2.

2 He says, "You don't fix this," he says,
3 "you're probably going to be having Channel 2 out
4 here," that's what he said to me. So, I called
5 Elgin back and told him, I said, "I think you better
6 get somebody out here," I said, "because I don't
7 think we want the media, and we don't want problems
8 out here." He says, "I'm not anywhere near that
9 job," he said, "but I'll be on my way." He didn't
10 give me any time or how long it would take to get
11 there or whatever.

12 I'm thinking it took him like 45 minutes to
13 get to the job, getting over to the job, and when he
14 arrived, I was outside talking to the maintenance
15 guy right on those steps outside the boiler where we
16 was sitting there venting it.

17 Q: You were standing out there. Were you
18 smoking a cigarette?

19 A: I don't even smoke. I've never smoked in my
20 life.

21 Q: So, you weren't smoking?

22 A: No. I never smoked in my life.

23 Q: And you said that Elgin didn't tell you how
24 long it would take him to get there; right?

25 A: He said, "I'm on my way. I'll be on my way,

1 I'm not anywhere around there. I'll be on my way."

2 Q: I want to refer you to Page 2 of your
3 affidavit, Lines 11 and 12. It says,
4 "Superintendent Manglang then said he was running 40
5 minutes away and told me to wait until he arrived."
6 Is that a true statement, or is the testimony you
7 just gave that he didn't tell you the true
8 statement?

9 A: Well, I know it was like 40 minutes away, I
10 know that. So, I -- you know, when I said that --

11 Q: Did he tell you he was 40 minutes away or
12 not?

13 A: He must -- he told me -- I -- when I said
14 this, I had recollection of it, I know it's like 40
15 minutes, you know, 40 -- I remember 40 minutes.
16 Whether he said "40," or "I'm not" -- you know, "I'm
17 coming" or --

18 Q: Are these your words in this affidavit?

19 A: Yes, they are.

20 Q: So, if these are your words, then I want to
21 know which statement is the true statement. Did he
22 tell you that he was 40 minutes away as stated in
23 your affidavit, or did he not tell you as you just
24 stated in your testimony?

25 A: This -- it's 40 minutes away any way you

1 look at it.

2 Q: Is that your answer to my question?

3 A: Yes. That's the way I recall.

4 Q: And if this leak was particularly dangerous,
5 why didn't you evacuate the building?

6 A: I didn't feel there was any need to evacuate
7 the building right then, because I'm not at the
8 levels where Laclede considers I need to start
9 evacuating. I didn't have any open air readings.

10 Q: So, the leak really wasn't very dangerous,
11 was it?

12 A: Not at the time when I -- the readings that
13 I had right there, I -- I've got no way of knowing
14 what -- you know, like I said, it was in a confined
15 area.

16 Q: Was the leak dangerous or not?

17 A: It's an inside -- it's an inside leak,
18 Laclede considers them all dangerous.

19 Q: Laclede considers -- will you show me in the
20 SAID Manual where it says they're all dangerous?

21 MS. SCHRODER: Do you have the manual for
22 him?

23 MR. ELBERT: Yes, he's got the -- it's
24 Exhibit No. 9, "Leak Investigations."

25 A: Well, it's treat all odors, all odors are to

1 be treated. They're to be fixed before you leave or
2 not. That's the way that you're taught here, you
3 know, you --

4 Q: (By Mr. Elbert) Please show me in the
5 manual where it says that a leak where you have no
6 reading in the open air is, as you call it,
7 particularly dangerous.

8 A: Well, I can't show that. I mean I can't --
9 you know, it's not in --

10 Q: You can't show it, because it's not true, is
11 it?

12 MS. SCHRODER: Objection, that's --

13 Q: (By Mr. Elbert) Well, is it true?

14 MS. SCHRODER: That's an improper question,
15 because whether it's in the manual or not doesn't
16 mean it's not true.

17 Q: (By Mr. Elbert) Tell me what your basis is
18 for --

19 A: How I am -- I'm the serviceman out on the
20 job. It's how I interpret the job. It's how I --
21 I'm on that job, and I say what I have there is a
22 confined space. This is not in the open air, this
23 is not out -- the meter's not outside. It's in a
24 basement, the basement is not very large at all.

25 Q: Well, if you thought it was dangerous,

1 Mr. Johnson --

2 A: I --

3 Q: -- then you should have evacuated the
4 occupants of the building, shouldn't you, under the
5 manual?

6 A: I didn't have --

7 MS. SCHRODER: Objection.

8 MR. ELBERT: Well, no, let --

9 MS. SCHRODER: Objection, you are badgering
10 the Witness at this point.

11 MR. ELBERT: I am not badgering him, no.
12 He's not answering my question.

13 A: I'll answer your question.

14 Q: (By Mr. Elbert) Answer my question.

15 A: I'll answer your question. I had -- after I
16 investigated this, I had those doors open, I had
17 that room ventilated. I had fresh air going into
18 that room. That's two big double doors going into
19 that room.

20 Q: Did you shut off the gas?

21 A: I did not shut the gas off, no, I didn't,
22 because on commercial accounts when you work here at
23 Laclede, the last thing you do is shut that gas off,
24 unless there's a broken line or I have one percent
25 and I need to evacuate that building, the gas needs

1 to be off.

2 Q: So, your basis for determining it was,
3 quote, particularly dangerous, closed quote, is
4 simply your opinion?

5 A: Confined -- it's a confined area. I had the
6 area safe when I ventilated it. The area, I
7 considered it was safe enough to where I had a
8 foreman coming on the job and we were going to do
9 something, we were going to repair that meter.

10 Q: But, you could wait 40 to 45 minutes?

11 A: That's a -- there's no -- I have no other
12 choice, that's the way Laclede was running it that
13 day. I do not work on commercial meters.

14 Q: Well, the supervisor, Mr. Manglang, whatever
15 he was, told you to turn off the gas; right?

16 A: He asked me to run it by him. He asked me
17 to run it by him to turn off the gas. I -- they had
18 -- they were serving food, there was a bunch of kids
19 in there that they had eaten in the kitchen or
20 something. The guy told me they were serving food,
21 plus that day the boiler was running, they had hot
22 water for the thing. The guy said, "You will fix
23 this out here, it's your job to fix it."

24 Q: So, there were a lot of people in that
25 building; is that correct?

1 A: I hardly seen any of them. The only ones
2 that I seen was -- he kept telling me there was a
3 bunch of workers that worked for Wal-Mart,
4 handicapped kids in the back, and they do like piece
5 work or something like that. I didn't go back and
6 see any of them, they were back --

7 Q: You didn't see them yourself, but the
8 maintenance man told you they were there?

9 A: That's all I can go by.

10 Q: And you didn't feel the situation was so
11 dangerous that you needed to get them out of the
12 building; is that correct?

13 A: That's correct.

14 MS. SCHRODER: Is this a good time to take a
15 break? We've been going for at least an hour and a
16 half.

17 MR. ELBERT: Absolutely.

18 MR. FRANSON: Sherrie, before we go, what
19 are we going to do about this, are we just going to
20 finish this one and go right into the next one until
21 we're done, or are we going to talk about a lunch
22 break, what's the plan?

23 MS. SCHRODER: I don't know, we're not there
24 yet.

25 MR. ELBERT: Well, I can tell you my plan is

1 to eat lunch.

2 MS. SCHRODER: Yeah, I think that makes
3 sense.

4 MR. ELBERT: So, that's in my plan.

5 MS. SCHRODER: And I'm just talking about a
6 five-minute break. Does anybody want some water or
7 coffee?

8 (A brief recess was taken.)

9 MR. ELBERT: Okay. Are we back on the
10 record?

11 MS. SCHRODER: Yes.

12 Q: (By Mr. Elbert) Did you conduct an
13 investigation of the leak at this building?

14 A: Yes.

15 Q: Did you conduct that on your own, or was Mr.
16 Manglang present?

17 A: He was present.

18 Q: Can you describe that investigation?

19 A: Well, it's pretty much what I had -- what I
20 had said before, you know, getting there and --

21 Q: No, I'm talking about when Mr. Manglang was
22 present, not when -- you already described what you
23 did before Mr. Manglang got there. What did you do
24 after Mr. Manglang got there?

25 A: Oh. I don't even know the guy's last name.

1 Is his name Manglang?

2 Q: Yes.

3 MS. SCHRODER: The guy you've been referring
4 to as Elgin.

5 THE WITNESS: Elgin, okay, I thought that
6 was his name. Okay.

7 Q: (By Mr. Elbert) We'll refer to him as
8 Elgin.

9 A: Okay, Elgin, okay.

10 Q: We'll refer to him as Elgin.

11 A: Okay. When Elgin --

12 Q: What did you do when Elgin got there?

13 A: When Elgin got there, I -- you know, I told
14 him what I had, and then we went over to the meter
15 and I showed him, you know, and he said -- he leaned
16 down and he smelt it, and he said, "Yeah, I smell
17 it, I smell the gas." And he --

18 Q: Did you take another reading at that time?

19 A: I had my meter on at the time I was going
20 around.

21 Q: What did it show at the time that Elgin was
22 there?

23 A: That was, you know, 20 percent, 25 percent,
24 right around that range.

25 Q: So, even with the room ventilated for 40

1 minutes, it was still 20 or 25 percent?

2 A: Right at the reading -- right at the AMR.

3 Q: And that's because you were basically
4 holding the Ranger right above --

5 A: The AM --

6 Q: -- the meter; right?

7 A: Yes, sir.

8 MS. SCHRODER: Again, let him finish his
9 questions before you answer, it's so much easier on
10 the Court Reporter.

11 Q: (By Mr. Elbert) And was there any -- 40
12 minutes later when Elgin arrived, was there any
13 reading anywhere in the open air?

14 A: No.

15 Q: So then what happened after you -- he
16 smelled the gas?

17 A: He said, "Well," he says, "will you work
18 with me on it? You know, let's try and take this
19 top off. You know, can we get this top off or
20 whatever? You know, there's not anybody on. We
21 need to try and get this AMR off, the top -- the top
22 thing."

23 Q: And I'm going to show you what's been marked
24 as Exhibit No. 5. Does that look like a picture of
25 the AMR device that was on the meter at the time you

1 were there?

2 A: Is this all plastic?

3 Q: I'm just asking you if that looks like --

4 A: Yeah, that's -- you know, if that's not
5 solid steel or anything. This whole thing was
6 plastic.

7 MS. SCHRODER: And you're pointing to the
8 black box?

9 THE WITNESS: This black area. This -- you
10 know, that's why I mean it doesn't look like -- this
11 is all plastic. That looks like it's more solid,
12 like a -- to me, because this is plastic here back
13 here, and this is plastic, and this is showing
14 solid.

15 Q: (By Mr. Elbert) Does this look like a
16 picture of what -- does this picture look like what
17 you saw at this address on November 10?

18 A: No.

19 Q: It does not. How is it different?

20 A: It's different from -- I can't tell by, you
21 know, just the way this thing's run off, if this --
22 if this black area around here over the dial, if
23 that's plastic, clear plastic, I'll say, you know,
24 that's what it would be, because this was plastic,
25 the back, this box, and this reader on the front --

1 Q: Let me give you another picture to look at
2 to see if that helps any. Does that look like it?

3 A: Yeah, that's clearer. This is dark. Yes.

4 Q: Well, it's the same --

5 A: Well, I don't know, because we -- you know,
6 we have different things that have like a steel
7 casing around it and different things, and I just
8 want to make sure, I don't know, you know.

9 Q: Other than the fact that you can't tell
10 whether from the black and white --

11 A: Plastic or --

12 Q: Let me finish my question, please. Other
13 than the fact that you cannot tell whether this
14 casing is clear or black on this black and white
15 photo, can you -- does the picture otherwise
16 represent what you saw on November 10 at this
17 location?

18 A: Yes.

19 MS. SCHRODER: Well, and can I just ask, the
20 picture that he now has in front of him appears to
21 be just a better resolution of Exhibit 5; is that
22 correct?

23 MR. ELBERT: That's my understanding, yes,
24 it's just a better resolution.

25 MS. SCHRODER: Okay.

1 Q: (By Mr. Elbert) Okay. Now, so then did you
2 and Elgin take this unit off the meter?

3 A: I took it off.

4 Q: You took it off. And what did you do to
5 take it off?

6 A: Over on the -- as you're looking at the
7 meter right here, there was -- this is a regulator
8 right up above here. This regulator was swung over
9 the top of it to where you couldn't hardly get a
10 regular screwdriver, which I carry; in fact, I got
11 it in my pocket.

12 Q: That's okay, I don't need to see it at this
13 point.

14 A: You could not get a regular screwdriver in
15 right here. And there's a tamper, like a red tamper
16 thing that they put down in here. After they put
17 this device on, there's these plastic slots, and
18 there's a red little tamper thing they push down in
19 there.

20 Q: Right. And this is -- I know this is not
21 the same AMR device, but there's the little red
22 tamper things in there.

23 A: Yes.

24 Q: See those?

25 A: Yes.

1 Q: Okay. That's what you're talking about?

2 A: Yes, sir.

3 Q: Okay. Go ahead.

4 A: Those red tamper things were down in that
5 plastic slot, and you couldn't -- usually, you would
6 stick a screwdriver in and either pry it out or try
7 and push it in the middle and just make a little
8 hole and just kind of pull it out of there.

9 I couldn't get my screwdriver on the left
10 side at that angle. And he goes, "Oh, man." He
11 goes, "I don't know how they got that thing in
12 there," and I said, "I don't either." I said, "I'm
13 going to have to go out and look in the truck." I
14 said, "I got a little midget screwdriver," which I
15 have in my pocket. I said, "I have a little midget
16 screwdriver out there, it's only a little tiny
17 handle, and the bit itself." I said, "I think that
18 might fit in there." He said, "Well, go out and
19 look in your truck and see if you can find it."

20 So, I went out to the truck. I went out
21 there and I did find it, I brought it in, and I
22 said, "Let's" -- he goes, "Let's see if it will
23 work." So, I got in there and I got the -- pried
24 the red thing out of there and then took the screw
25 out, took the screw out that held that plastic thing

1 down.

2 Q: You call it a screw. Is it a screw or a
3 bolt?

4 A: Well, I call it a screw.

5 Q: Do you know the difference between a screw
6 and a bolt? And I'm not being facetious, I just
7 want to know if you --

8 A: Well, probably I -- I call a bolt -- I call
9 a bolt like a hex head right here, and I call a
10 screw with a head right here.

11 Q: So, these --

12 A: That would be my -- that would be a screw.

13 MS. SCHRODER: You got to quit talking over
14 each other.

15 Q: (By Mr. Elbert) When you say "that would be
16 a screw," you're referring to these items in this
17 little plastic bag with this AMR device that we have
18 here; right?

19 A: Yes, sir.

20 Q: And these things that you're calling a screw
21 would you agree are all flat on the bottom, not
22 pointed?

23 A: Yes, sir.

24 Q: And would you also agree that they are not
25 tapered, that they are just straight?

1 A: Yes.

2 Q: So, you're calling something a screw that is
3 -- can be flat on the bottom and not tapered?

4 A: That's what I call it, yeah.

5 Q: All right. So, you took this what you're
6 calling a screw out, and what did it look like, was
7 it tapered like a screw with a point on the bottom,
8 or did it look like the items that are in this bag
9 that are not tapered?

10 A: It looked like -- it looked like those in
11 the bag.

12 Q: It looked like those in the bag. So, just
13 for -- can we then call it a bolt?

14 A: We can call it a bolt.

15 Q: Okay. So, you took the bolt out; right?

16 A: Yes, sir.

17 Q: And then what did you do next?

18 A: There was one on this side over here, and
19 then there was one over back towards the back side
20 over here I think if I remember right.

21 Q: So, you've taken the one out --

22 A: Yes, sir.

23 Q: -- and then you have to take the other one
24 out?

25 A: Yeah, and that one's out in the open. You

1 could use a screwdriver or anything, there wasn't
2 no -- no problem. Popped that out and started to
3 take the bolt out, so unscrew the bolt out, and when
4 I started to unscrew it out, I could hear gas coming
5 out. When I'm unscrewing -- when I'm backing the
6 bolt out, I could hear gas coming up.

7 And I looked to Elgin, and he was right --
8 you know, he's standing right there. I go, "You
9 hear that," he goes, "Yeah." I go, "That's not" --
10 I thought it was the gear. My -- I thought at the
11 time it was the gear. I said, "That's not the gear,
12 that's coming out of the bolt." Okay? And he said,
13 "Okay." He said, "Let's just, you know, get it out,
14 get it out," you know. So, I got the thing out and
15 put my finger over it, because gas was -- gas was
16 coming out of it.

17 Q: And you could -- and did that stop the gas
18 from coming out when you --

19 A: That stopped the gas coming out of it. So,
20 I held it down with my finger, I said, "That's --
21 that's where it's coming from." He goes -- I go,
22 "That's, you know, down through the casing," this
23 iron -- this right here, this case right here. I'm
24 calling that the casing.

25 Q: Do you have any idea how thick that casing

1 is?

2 A: I have no idea.

3 Q: Go ahead.

4 A: And I said, "There's gas coming out. You
5 know, it's coming out of that." He says, "What do
6 you think we could do on it?" And I said, "Well," I
7 said, "we can try getting some Permagum," we carry
8 this Permagum that it's like a putty type stuff.
9 And I said, "We can try getting some of that putty
10 down there, this Permagum. I'll go out to the
11 truck, get some of that Permagum, push that down in
12 there."

13 In the meantime, I had that screw in there
14 with some pipe dope on it, with some pipe compound,
15 and it was -- you know, there wasn't gas blowing out
16 of it or anything, it was just, you know -- it was
17 leaking a little bit out of there still, but it
18 wasn't blowing out of it, you know. So, I had that
19 screw, and I said, "Let me go out and get some
20 Permagum, and we'll stick that Permagum down in
21 there and see if we can get it to stop."

22 So, we put the Permagum down. I kept
23 pushing it down in there and pushing the Permagum
24 down in there, down in this hole where the bolt was,
25 and then I put some pipe compound that we carry,

1 like pipe dope, pipe compound. I put that on the
2 threads of the bolt and tightened that down in.

3 Q: So, you didn't actually move the housing
4 here, you just actually inserted the Permagum
5 straight down through the housing into the hole?

6 A: Into where the bolt came out of, the exact
7 same hole where the threads were, it went right down
8 in there, yes. And I tight -- you know, put the
9 Permagum on there and then tightened it up.

10 So, it sounded like it had got it, but I
11 took our soap -- soap check, and he said, "Put some
12 soap around there," so I soaped it down. No bubbles
13 or anything, you know, and that, but I said, "I
14 still smell the gas."

15 Q: Did you take a reading?

16 A: No, I didn't take a reading, but I was
17 standing right over it. I go, "I'm still smelling
18 it." So, I had -- still had the soap out with my
19 hand, and there's two screws that hold this
20 two-pound dial on right here. They're not the same
21 -- I don't know if we're going to call them screws
22 or bolts. I'll call them bolts if you -- you know.
23 But, there's two -- but they're different than --
24 they're not as long as these two that we're talking
25 about, okay, they're shorter and they're fatter.

1 Okay?

2 Q: Are they blunt on the bottom, are they flat
3 on the bottom?

4 A: Flat on the bottom. So, we'll call it a
5 bolt I guess. There's one on the left and one on
6 the right that hold the dial. I squirted the soap
7 on the one. The dial was still hooked up underneath
8 that bolt. I squirted the soap over there, and it
9 all started bubbling up. So, I said, "We've got
10 more going on than this." I said, "It looks like
11 it's coming out of that one."

12 So, I loosened up this screw over to the
13 left side and took that out. Nothing, there wasn't
14 anything coming out. I loosened this -- took the
15 one out that I had the soap on it, and it started
16 doing the same thing that the last one did, the gas
17 started coming out of it.

18 So, I had the Permagum still there. I did
19 the exact same trick, I took the Permagum, pushed it
20 down in the bolt hole for where the -- it held the
21 dial down, and I pipe doped the threads up the same
22 thing and screwed that up. So, the only thing that
23 was on top of that meter was those two bolts, one in
24 the dial area and one in the back of the meter, you
25 know, back here, it was holding that plastic thing

1 on.

2 Q: So, if I understand what you're telling me,
3 you never removed the housing at all; is that
4 correct?

5 A: Oh, this whole thing was off. When this
6 comes off -- you know, when you take this off, when
7 I took those two screws out here, this -- this comes
8 off.

9 Q: So, when -- well, I'm a little confused.
10 Where did you put the Permagum -- did you put the
11 Permagum up here in this hole where you're into the
12 actual --

13 A: Meter.

14 Q: -- device, or were you down on the iron?

15 A: No, I'm -- yeah, this is where I'm at.

16 Q: Okay. You're down at the iron, okay, I get
17 it.

18 A: Right, right. It's down -- this flat part
19 here, this iron right across here --

20 Q: So, you did Permagum twice there?

21 A: Right.

22 Q: Okay. I'm going to show you what's been
23 marked for identification as Exhibit 7, which is a
24 poor quality picture, but a picture nonetheless, of
25 the top of this meter. I think they called this the