

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Hearing

December 12, 2006  
Jefferson City, Missouri  
Volume 3

USW Local 11-6, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. GC-2006-0390  
 )  
LACLEDE GAS COMPANY )  
 )  
Respondent. )

MORRIS L. WOODRUFF, Presiding  
DEPUTY CHIEF REGULATORY LAW JUDGE  
JEFF DAVIS, Chairman,  
CONNIE MURRAY,  
STEVE GAW,  
ROBERT M. CLAYTON, III  
LINWARD "LIN" APPLING,  
COMMISSIONERS

REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR  
Midwest Litigation Services  
3432 W. Truman Boulevard, Suite 207  
Jefferson City, MO 65109  
(573) 636-7551

1                                   A P P E A R A N C E S

2   For Staff of the Missouri Public Service Commission:

3                           Mr. Robert Franson  
4                           Public Service Commission  
5                           200 Madison Street  
6                           P.O. Box 360  
7                           Jefferson City, MO 65102  
8                           (573) 751-6651

9   For Office of Public Counsel:

10                          Mr. Marc Poston  
11                          Office of Public Counsel  
12                          200 Madison Street  
13                          P.O. Box 2230  
14                          Jefferson City, MO 65102  
15                          (573) 751-5558

16   For USW Local 11-6:

17                          Ms. Sherrie Schroder  
18                          Attorney at Law  
19                          7730 Carondelet, Suite 200  
20                          St. Louis, MO 63105  
21                          (314) 727-1015

22   For Laclede Gas Company:

23                          Mr. Michael C. Pendergast  
24                          and Mr. Rick Zucker  
25                          Attorney at Law  
26                          720 Olive Street  
27                          St. Louis, MO 63101  
28                          (314) 342-0532

1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Welcome back to the hearing.  
3 We're ready to proceed with Mr. Pat White's testimony; is  
4 that correct?

5 MS. SCHRODER: Yes. That's right.

6 JUDGE WOODRUFF: Good morning, Mr. White.

7 MR. WHITE: How are you?

8 JUDGE WOODRUFF: If you'll please raise your  
9 right hand.

10 PAT WHITE,  
11 being first duly sworn to testify the truth, the whole  
12 truth, and nothing but the truth, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. SCHRODER:

15 JUDGE WOODRUFF: You may be seated. And you may  
16 inquire when you're ready.

17 Q (By Ms. Schroder) Hi, Pat.

18 A Good morning.

19 Q Are you the same Pat White who filed written  
20 testimony in this matter that's been marked as Exhibit --  
21 actually, two sets of -- just a second.

22 MS. SCHRODER: Do you want me to take him  
23 through one set at a time?

24 JUDGE WOODRUFF: Yeah. That would be good.

25 MS. SCHRODER: Okay.

1           Q     (By Ms. Schroder) The filed written testimony,  
2 direct written testimony in this matter err that has been  
3 marked as Exhibit 5-HC and 5-NP -- I mean -- HC and NP?

4           A     Yes, I am.

5           Q     All right. Do you have a copy of that in front  
6 of you?

7           A     I do not have one in front of me.

8                     MS. SCHRODER: May I approach?

9                     JUDGE WOODRUFF: You may.

10          Q     (By Ms. Schroder) Okay. Mr. Wright, have you  
11 reviewed that written testimony?

12          A     Yes, I have.

13          Q     And do you have any -- any corrections to it?

14          A     I do not.

15          Q     All right. If I asked you the same questions  
16 today as are in the written testimony, would your answers  
17 be the same?

18          A     They would.

19          Q     And are these answers true and correct to the  
20 best of your information, knowledge and belief?

21          A     To the best of my knowledge, yes.

22          Q     The union would move for the admission of  
23 Exhibit 5-HP -- HC and NP.

24                     JUDGE WOODRUFF: All right.

25                     MR. FRANSON: What about surrebuttal?

1 JUDGE WOODRUFF: We'll get to that in a minute.

2 MR. FRANSON: Okay.

3 JUDGE WOODRUFF: All right. Exhibits 5-HC and  
4 NP has been offered into evidence. Are there any  
5 objections to its receipt? Hearing none, it will be  
6 received into evidence.

7 (Exhibits 5-HC and 5-NP were admitted into  
8 evidence.)

9 MS. SCHRODER: Thank you.

10 Q (By Ms. Schroder) Mr. White, did you also file  
11 surrebuttal testimony in this matter?

12 A Yes, I did.

13 Q And has -- is that the same surrebuttal  
14 testimony that's been marked as 6-HC and NP?

15 A Yes it is.

16 Q All right. And is that in front of you?

17 A Yes.

18 Q Do you have any corrections to that testimony?

19 A I do not.

20 Q If I asked you the same questions today that I  
21 asked you then, would your answers be the same?

22 A They would.

23 Q And were those answers true and accurate to the  
24 best of your knowledge, information and belief?

25 A Yes, to the best of my knowledge.

1                   MS. SCHRODER: The union moves for the admission  
2 of Exhibit 6-HC and NP.

3                   JUDGE WOODRUFF: All right. 6-HC and NP have  
4 been offered into evidence. Are there any objections to  
5 its receipt? Hearing none, it will be received into  
6 evidence.

7                   (Exhibit Nos. 6-HP and 6-NP were admitted into  
8 evidence.)

9                   MS. SCHRODER: Thank you.

10                  JUDGE WOODRUFF: And for cross-examination,  
11 we'll begin with Public Counsel.

12                  MR. POSTON: No questions. Thank you.

13                  JUDGE WOODRUFF: Staff?

14                  MR. FRANSON: Thank you, your Honor.

15                               CROSS-EXAMINATION

16 BY MR. FRANSON:

17               Q     Good morning, Mr. White.

18               A     Good morning.

19               Q     My name is Robert Franson. I'm an attorney for  
20 the Staff of the Public Service Commission. I've got a  
21 few questions for you this morning. What is your position  
22 at the union?

23               A     I am President of the Local.

24               Q     Okay. Now, we're talking about USW Local 11-6;  
25 is that correct?

1           A     This is true.

2           Q     Okay.  Now, as part of being the President,  
3     would it be fair to say that you were involved in the  
4     preparation of this case for hearing in the sense you were  
5     consulted and knew what was going on?

6           A     That would be fair to say, yes.

7           Q     And, in fact, in your position as President, you  
8     would have possibly made some of the decisions regarding  
9     this litigation?

10          A     I'd have probably -- yeah.  I'd have been -- had  
11     a part in some of them, yeah.

12          Q     Okay.  And you were certainly informed of them?

13          A     Absolutely.

14          Q     Okay.  Now, what I want to direct your attention  
15     to is some of the things that went on when the union first  
16     knew about this.  When did the union first become aware,  
17     and by union, I mean you, become aware that you believed  
18     there were problems with AMRs?

19          A     I'd have to say probably within the first couple  
20     of months that the AMRs were being installed.

21          Q     And when was that?

22          A     I'm not positive of the exact date.  I think  
23     probably about 18 months ago.  I -- just a guess.

24          Q     Okay.  Well, I believe there's been testimony  
25     that would pretty much coincide that's about when it

1 started.

2 A Yeah.

3 Q So we're talking May/June of 2005 when it  
4 started?

5 A Somewhere around there. Yeah.

6 Q Okay. Let's fast forward to October of 2005.  
7 Fair to say you knew about allegations of problems with  
8 the installation of AMRs?

9 A Yeah.

10 Q Okay. In fact, did the -- the complaint that  
11 was filed by the union on April 10th, 2005 -- 2006, did  
12 you read that before it was filed?

13 A I don't remember. I mean, I'm sure I did, but I  
14 don't remember exactly. I mean, I don't handle that stuff  
15 directly. We have a business manager and a business  
16 representative that do most of the day-to-day union stuff.  
17 I mean, I -- I'm sure I did read it. And -- but I don't  
18 remember it.

19 Q Okay. Well, let me ask you this: Let's go back  
20 a little bit further in time. Did you ever see a Labor  
21 Tribune article in -- dated October 13, 2005, that is an  
22 exhibit to the First Amended Complaint in this case?

23 A I -- I read the Labor Tribune every week, yes.

24 Q Okay. Do you believe it's a reputable  
25 publication?



1           A     Yes, I do.

2           Q     And you believe stories in it are accurate?

3           A     I don't write the stories, but --

4           Q     Okay. Let's talk about one in particular.

5                   MR. FRANSON: Your Honor, at this time, may I  
6 approach the witness?

7                   JUDGE WOODRUFF: You may.

8           Q     (By Mr. Franson) Okay. If you could take an  
9 opportunity to review that, please. And, Mr. White,  
10 please tell me when you've had an opportunity to review  
11 that, please.

12          A     The entire thing?

13          Q     Yes. When you've had an opportunity to review  
14 this. Not necessarily reading every word about it, but  
15 take a look at it.

16          A     Okay.

17          Q     Okay. Have you ever seen this article before?

18          A     I get the Labor Tribune every week, and I read  
19 it, so I'm sure I have. But I don't remember specifically  
20 reading this particular article.

21          Q     Okay. Well, how many pages are in the document  
22 in front of you? Would you count those, please?

23          A     I count six.

24          Q     Okay. I'll make sure -- hm-mm. Interesting. I  
25 count five.

1           A     You're right. Five.

2           Q     Okay. If you could look on the first page down  
3 at the bottom, it says -- where it says USW, could you  
4 read that, please? It's the little marking down there.

5           A     USW 11-6/AMR. Is that what you mean?

6           Q     008? Is that on there?

7           A     Yeah. 00 --

8           Q     Next page is the same, but it's nine?

9           A     Correct.

10          Q     Ten, eleven and twelve.

11               MR. FRANSON: Okay. Your Honor, this is a  
12 document taken out of -- it was an attachment of many  
13 pages to the First Amended Complaint of USW Local 11-6.  
14 And at this time, I would offer it into evidence.

15               JUDGE WOODRUFF: Okay. Do you have copies for  
16 the Bench?

17               MR. FRANSON: I do.

18               MS. SCHRODER: And, your Honor, it was actually  
19 -- yeah. It was attached to exhibit -- I mean, to the  
20 Amended Complaint. It's already --

21               MR. FRANSON: Yes.

22               JUDGE WOODRUFF: We'll go ahead and mark it as  
23 Exhibit 8. You've offered this at this point?

24               MR. FRANSON: Yes. I'd offer that into  
25 evidence.

1 JUDGE WOODRUFF: Exhibit 8 has been offered into  
2 evidence. Are there any objections to its receipt?

3 MR. ZUCKER: Our only comment is that it not be  
4 admitted for the truth of the matters asserted in here,  
5 but just that this was a Labor Tribune article -- or it  
6 looks like two articles published on the dates stated.

7 JUDGE WOODRUFF: Is that your understanding  
8 also, Counsel?

9 MR. FRANSON: Yes, it is.

10 JUDGE WOODRUFF: You're not offering this to  
11 prove the information in this article, I am assuming?

12 MR. FRANSON: No. I don't -- no, I'm not  
13 offering it for that purpose. Mainly to talk about this  
14 witness's awareness of the article.

15 JUDGE WOODRUFF: All right. With that  
16 understanding, the Exhibit 8 will be received into  
17 evidence.

18 (Exhibit No. 8 was admitted into evidence.)

19 Q (By Mr. Franson) Okay. Mr. White, in this  
20 article, does this in anywhere say that the -- the alleged  
21 sources for this article were USW Local 11-6 members?

22 MS. SCHRODER: I would just object to this on  
23 the grounds that this witness has already said he doesn't  
24 recall this article. And if Counsel wants to point him to  
25 a particular -- obviously, the article states what it

1 states.

2 So first of all, it's the best evidence. And  
3 this witness doesn't recall having read it before.

4 JUDGE WOODRUFF: I'll sustain that objection.  
5 You can rephrase your question.

6 MR. FRANSON: Okay. Thank you.

7 Q (By Mr. Franson) Let me ask you, Mr. White,  
8 were you a source for the -- this article?

9 A I was not. I mean, not -- I mean, I don't  
10 really remember. I'd have to read it all. But not that I  
11 am aware of.

12 Q Okay. Let me address your attention to page --  
13 the very front page, page 4 --

14 A Okay.

15 Q -- down about two-thirds of the way on the  
16 column. It says, "Editor's Note: Names of persons quoted  
17 in this series are being withheld to protect the identity  
18 of the gas workers who fear retribution from the company  
19 for talking about the dangerous situation faced by the  
20 public."

21 Had you ever heard from any of your union  
22 members that they gave information to the Labor Tribune  
23 for this article?

24 A I have not.

25 MS. SCHRODER: Objection.

1           A     Oh, I'm sorry.

2           MS. SCHRODER: I'm sorry. Objection. Calls for  
3     hearsay.

4           MR. FRANSON: No. It calls for this witness's  
5     knowledge. And I asked if he ever heard that. And that  
6     question, the answer to that is yes, he's ever heard that,  
7     or no. That is not hearsay. That's what this witness  
8     knows.

9           JUDGE WOODRUFF: Well, I'll overrule the  
10    objection.

11          A     I have not.

12          Q     (By Mr. Franson) Okay. Let's move on to the  
13    First Amended Complaint.

14          MR. FRANSON: Your Honor, I would ask that the  
15    Commission take administrative notice of the First Amended  
16    -- I'm sorry -- of the Complaint and the First Amended  
17    Complaint as an alternative. I can offer it into  
18    evidence, but I think it will get us the same place.

19          JUDGE WOODRUFF: They are part of the record in  
20    this case already, so, yes, it's -- it's there.

21          MR. FRANSON: Okay. May I approach the witness?

22          JUDGE WOODRUFF: You may.

23          MR. FRANSON: Thank you.

24          Q     (By Mr. Franson) Mr. White, if you would take a  
25    look at that.

1           MR. FRANSON: Your Honor, just so Mr. Zucker  
2 doesn't object, it's already in the evidence. I'm not  
3 necessarily offering it for the truth. So I'm not  
4 offering it for the truth other than it is a document  
5 filed by the union.

6           JUDGE WOODRUFF: I haven't seen it yet. Do you  
7 have a copy?

8           MR. FRANSON: Yes, I do. Your Honor --

9           JUDGE WOODRUFF: Is -- is this the Complaint?

10          MR. FRANSON: Yes, it is. But that way, you've  
11 got a copy handy.

12          JUDGE WOODRUFF: Okay.

13          Q     (By Mr. Franson) Mr. White, would you review  
14 this and tell us -- tell me when you've had an opportunity  
15 to do so.

16          A     Yes.

17          Q     Okay. Have you -- prior to today, have you ever  
18 seen this Complaint?

19          A     I believe I have. I don't remember when, but I  
20 -- I believe I've read it.

21          Q     Okay. In this Complaint, is there any specific  
22 address that you can see where the union says, We know  
23 that there is a AMR installation problem at any specific  
24 address?

25          MS. SCHRODER: Objection. Again, the document

1 speaks for itself.

2 MR. FRANSON: Judge, you know, that's kind of  
3 one of those objections that if that was strictly  
4 enforced, then we would never have any witness talk about  
5 any document.

6 I'm asking for the witness to review this and  
7 give his interpretation of it. And the best evidence  
8 rule, which is really what she's alluding, strictly speaks  
9 about the admissibility of the document. The witness is  
10 free to look at this document and talk about his  
11 knowledge.

12 JUDGE WOODRUFF: I'll overrule the objection.  
13 Go ahead and proceed.

14 A I don't -- I do not see a specific address.

15 Q (By Mr. Franson) Okay. Now, and in -- in fact,  
16 in here, there was no allegation that the union had ever  
17 contacted the Staff of the Missouri Public Service  
18 Commission. Do you see any such allegation in there?

19 MS. SCHRODER: Objection. Relevance.

20 MR. FRANSON: Oh, the relevance, Judge, is that  
21 one of the points that Staff is bringing here is that the  
22 union did not notify the Staff at any time prior to August  
23 21, 2006.

24 And that's in Mr. Leonberger's testimony, and it  
25 is -- was in my opening statement. Now, if Ms. Schroder

1 wants to stipulate right now that that was the first date  
2 that the Public Service Commission Staff knew about the --  
3 all of these allegations, specific addresses, I'm all for  
4 it, and I would so stipulate right now.

5 MS. SCHRODER: Your Honor, we would certainly  
6 stipulate that April 10th, 2006, when we filed this  
7 Complaint was -- well, I -- that that actually was the  
8 first date that we notified PSC Staff.

9 We did not go to PSC -- to the PSC Staff before  
10 we filed this Complaint. And then we -- I would also  
11 stipulate that we answered a -- we timely responded to the  
12 only DR in front of us at the time.

13 In fact, we answered it early when we filed our  
14 information and provided additional information to the  
15 Staff on or about August 21st of 2006.

16 We were not -- we had not been issued a data  
17 request from Staff or from Laclede prior to that date.  
18 And whether there had been some specific addresses  
19 provided before that is possible because, in fact, we had  
20 taken Mr. Leonberger's deposition before that, and I know  
21 that -- I mean, provided by us.

22 And so we may have asked about some specific  
23 addresses at that time. But nobody had -- had issued us a  
24 data request for information before that date.

25 JUDGE WOODRUFF: All right. I assume you wanted



1 to explore that area a little bit?

2 MR. FRANSON: Oh, I do, Judge. But where I'm  
3 going with this is -- and I've heard a stipulation that  
4 we've had -- that PSC Staff, PSC was not notified until at  
5 least April 10th. But it's not just DRs going out. It's  
6 when did the union come forth with information, and that  
7 is a crucial point, and that is what I want to explore.

8 JUDGE WOODRUFF: Okay. I just want -- jump in.

9 MR. ZUCKER: Just one quick comment, and that is  
10 -- the pleadings on file will show that our response to  
11 the original complaint in April was a motion for a more  
12 definite statement seeking more information.

13 MR. FRANSON: And I've got that, and I'm going  
14 there.

15 MS. SCHRODER: And, in fact, as soon as that was  
16 granted, we filed the First Amended Complaint.

17 JUDGE WOODRUFF: And all that is in the record  
18 in this case, so what's the reason for going into this?

19 MR. FRANSON: It goes into the union's  
20 motivation for bringing this complaint, Judge. That's  
21 where I'm going. They didn't produce information until  
22 they absolutely had to.

23 That is -- it goes to their motivation for  
24 bringing this is their -- their stated motivation is that  
25 this is an altruistic purpose, that's it's strictly

1 safety --

2 JUDGE WOODRUFF: Okay. I understand where  
3 you're going with it. All right. I'll allow you some  
4 leeway to go forward with this. The objection is  
5 overruled.

6 Q (By Mr. Franson) Okay. Mr. White, you heard  
7 your attorney stipulate that, at least until April 10,  
8 2006, the union had not brought forth specific information  
9 about these allegations to the Public Service Commission  
10 Staff. Is that -- do you agree with that?

11 A I -- I would agree with that. I know I didn't  
12 personally, so I'm assuming we didn't. I'd say we didn't.

13 Q Okay. Well, let me just -- we've got on April  
14 30th the -- as Mr. Zucker said, the company filed a  
15 specific motion, and then there was an order of the  
16 Commission that said, You've got to give more information.  
17 Are you familiar with that? Or --

18 A I am not. I don't handle that type of stuff.

19 Q Then you know that the First Amended Complaint  
20 was filed by -- by the union on, I believe, August 21,  
21 2006. Do you know whether the union had specifically  
22 contacted anyone at the Public Service Commission  
23 regarding these allegations?

24 A I do not know if they did or not. We didn't.

25 Q Okay. And that was never a subject of

1 discussion with you or anyone that you've been -- you've  
2 known of regarding this case? Where -- where I'm going  
3 is --

4 A Yeah. I don't understand the question.

5 Q Okay. When you filed -- to your knowledge, why  
6 did you -- why did the union file the First Amended  
7 Complaint?

8 A Well, I know there has been -- had been  
9 discussion from the very beginning. We were worried about  
10 the -- the gas leaks that the -- that we felt these things  
11 were causing.

12 And we, you know, were worried about, A, the  
13 public safety and the safety of our members going out --  
14 you know, we felt there was leaks out there that needed to  
15 be addressed.

16 Q Do you know the primary difference in the  
17 documents of the -- of your initial Complaint and your  
18 First Amended Complaint? Have you looked at both  
19 documents?

20 A I probably looked at them at one time. I don't  
21 recall.

22 Q Is it fair to say that one of the primary  
23 differences is there's a lot more specific information in  
24 the First Amended Complaint?

25 MS. SCHRODER: Objection. Again, he's asking

1 the witness something that the witness has already said he  
2 doesn't know.

3 MR. FRANSON: No. Actually, he hasn't said he  
4 doesn't know that specifically.

5 JUDGE WOODRUFF: I'll overrule the objection.  
6 You can answer it again.

7 A I -- I don't know.

8 Q (By Mr. Franson) Okay. Thank you. Now, you've  
9 got your testimony in front of you, correct?

10 A Yes, I do.

11 Q Okay. If you could, turn to your surrebuttal.  
12 Now, this is labeled HC, but I don't believe any of the  
13 questions I'm going to ask you -- in fact, I better ask  
14 you now.

15 What is it in your testimony that is -- is it  
16 addresses that's -- is that the primary part that's a --  
17 what I'm asking is there's going to be asterisks around  
18 what is highly confidential. Is there anything in your  
19 testimony that's highly confidential other than addresses?

20 MS. SCHRODER: I think you're asking --  
21 objection in that basically you're asking him a legal  
22 question because he didn't indicate that he did that.

23 MR. FRANSON: Okay. I'll ask him.

24 MS. SCHRODER: I can tell you, though, if you'd  
25 like.

1 MR. FRANSON: Please do.

2 MS. SCHRODER: We -- because you had made a big  
3 deal about people's names and addresses, we -- we whited  
4 out the names.

5 MR. FRANSON: Okay.

6 MS. SCHRODER: I think it's just two names.

7 MR. FRANSON: Okay. It's the names and then  
8 some addresses, correct, and then his schedule?

9 MS. SCHRODER: Yes. And some addresses.

10 MR. FRANSON: Okay. Thank you.

11 Q (By Mr. Franson) Now, if you could turn to page  
12 3, lines 20 through 22 of your testimony -- of your  
13 surrebuttal. And when you've had an opportunity to review  
14 that, please tell me.

15 A I'm finished.

16 Q Okay. You state your opinion that Laclede  
17 employees are significantly better equipped to avoid the  
18 risks of improper installation of the AMR device.

19 What specific Laclede employees -- and I'm not  
20 asking you to name names. I'm asking you to name the type  
21 of employee you believe is better qualified to install the  
22 AMR than the people who are doing it.

23 A Well, in my opinion, I think that, for the most  
24 part, most of our employees who work with gas on a regular  
25 basis would be more qualified than the people that they

1 had out there doing the installations.

2 Q Okay. Now, what is it you do at Laclede?

3 A I am a Service Technician.

4 Q And what do Service Technicians do?

5 A Basically, we do pipefitting work. We answer  
6 leak calls, work on furnaces, do turn-ons, turn-offs,  
7 meter changes, house sale inspections, service work,  
8 various --

9 Q Have you ever gone out and installed an AMR  
10 device yourself?

11 A I have installed an AMR meter, but we don't  
12 install the device.

13 Q Okay. So when you say an AMR meter, you mean a  
14 gas meter with an AMR device already installed?

15 A That is correct.

16 Q Okay. But then what you do, among other things,  
17 is install the meters and take them out?

18 A This is correct.

19 Q Okay. So have you ever had any specific  
20 training to install an AMR device?

21 A I have not.

22 Q Okay. So, in fact, it's fair to say that the  
23 people who have had the specific training to install AMR  
24 devices would actually know more about it than you? Would  
25 you agree with that?

1           A     I would not.

2           Q     Okay.  Now, so you -- you could install an AMR  
3     device right now?

4           A     I think, after yesterday, I could.  And from  
5     what I hear, they get about a half a day's training, and  
6     most of it's on meter reading.  And I've been reading  
7     meters for close to 16 years now.  And I know what a  
8     barking dog sounds like, so I think I'd be capable.

9           Q     And do you know what specific protective  
10    equipment a -- an AMR installer working for Cellnet must  
11    wear?

12          A     The only thing I heard yesterday was a vest, a  
13    hard hat and safety glasses.  That's what I can remember  
14    what Mr. Clark's testimony was.

15          Q     But your only source of knowledge for that is  
16    what you heard yesterday?

17          A     Yeah.  I would say my only -- yeah.  From what I  
18    heard yesterday is the only thing I know about it.  Yeah.

19          Q     But you've never gone to the training to do AMR  
20    installation and found out exactly what you must wear; is  
21    that correct?

22          A     Other than what Mr. Clark said yesterday, no, I  
23    have never gone to the training.

24          Q     Okay.  Let me change a couple things here.

25    Let's go to page -- let's see -- line 1 -- let's see.  I

1 want to make sure. Page 1, lines 8 through 10 of your  
2 surrebuttal, if you could look at that, please.

3 MS. SCHRODER: I'm sorry, Robert. What page?

4 JUDGE WOODRUFF: Page 1, lines 8 through 10 of  
5 the surrebuttal.

6 Q (By Mr. Franson) And please tell me when you've  
7 had an opportunity to review that.

8 A I have had a chance to review it.

9 Q Okay. Thank you. Now, you talk about wear on  
10 the gaskets that's creating gas leaks; is that correct,  
11 page 1, lines 8 through 10 of your surrebuttal?

12 A Correct.

13 Q What causes that wear?

14 A Well, I think it was stated yesterday in --

15 Q No. I'm asking you, not what was stated  
16 yesterday. I'm asking you, to your knowledge, what causes  
17 the wear?

18 A Well, coming through the meter, there is a --  
19 there is a rod connected to a piece of metal. I don't  
20 think it was called a wiggler. And if -- if it all --  
21 doesn't all fit on the meter correctly and it's -- if  
22 there's any kind of alteration or if it's not flush on the  
23 meter, it won't turn correctly.

24 And if you take a piece of rubber, which  
25 basically are cork, whichever, really, anything other than



1 actually even metal and it's not a flush -- it doesn't  
2 turn flush, there will be some wear and tear.

3 Q Okay. Do you know what the design life of a  
4 gasket is?

5 A Oh, I have no idea.

6 Q Do you know whether the wear here is a function  
7 of friction or heat?

8 A I would -- I would have to guess. Could be  
9 both.

10 Q But you don't know specifically?

11 A No. No, not specifically.

12 MR. FRANSON: Okay. I don't believe I have any  
13 further questions, your Honor.

14 JUDGE WOODRUFF: All right, Mr. Franson. And  
15 for Laclede?

16 CROSS-EXAMINATION

17 BY MR. ZUCKER:

18 Q Good morning, Mr. White.

19 A Good morning, Mr. Zucker.

20 Q I'd introduce myself, but I see you know my  
21 name.

22 A I think we've met a couple times.

23 Q Okay. Did I hear you testify this morning -- I  
24 just want to clarify with -- in response to Mr. Franson's  
25 questions that you read the Labor Tribune every week?

1           A     Yes, sir.

2           Q     But that -- but that you weren't familiar with  
3     the articles in the Labor Tribune on -- on -- specifically  
4     on Laclede?

5           A     Not on Laclede. I -- I wasn't -- I'm not  
6     familiar with this particular article. I mean, I -- I'm  
7     sure I read it, but I couldn't sit here and quote from it  
8     because I don't remember this in particular.

9           Q     I'm not asking you to quote from it.

10          A     Okay.

11          Q     Do you remember it?

12          A     I remember there being a lot of articles on  
13     Laclede. You know, I am sure I read it. If I read  
14     through it word for word right now, I bet it would  
15     probably come back to mind.

16          Q     Okay. And you -- you said that you thought you  
17     could do an AMR installation now. You couldn't do one  
18     having just watched what you watched yesterday?

19          A     I believe it was Mr. Clark that said we could  
20     probably all do one now. But I -- I think that I probably  
21     could.

22          Q     Okay. Without having practiced?

23          A     I could sure try.

24          Q     Okay. All right. I'm holding up a small device  
25     here. Do you know what this is?

1           A     Looks to me as if it's the -- the arm that comes  
2 out of the meter that -- that spins the -- the wiggler  
3 arm, I guess is -- I mean, I've never heard it -- until  
4 this hearing, I've never heard that verbiage. But it  
5 looks familiar to me.

6           Q     Okay. And do you know which part of this device  
7 is inside the meter and which part is outside the meter?

8           A     I would have to say no. I mean, I don't deal  
9 with them -- I don't deal with the meters on a daily  
10 basis. I --

11          Q     Okay. And assuming that part of this device is  
12 outside the meter and part of it's inside, do you know  
13 which part of this device stops the gas from leaving the  
14 inside of the meter and going to the outside of the meter?

15          A     I would say -- I couldn't speak factual to that.  
16 I don't -- I don't deal with the meters -- the housing of  
17 the meter.

18          Q     Okay. You have your testimony in front of you?

19          A     Yes, I do.

20          Q     Okay. Let's see. Let's -- well, it looks like  
21 I don't.

22                 MS. SCHRODER: Would you like a copy of it,  
23 Rick?

24          A     I just left it behind.

25                 MR. ZUCKER: Sure. Here it is. Okay. Thank

1     you.

2           Q     (By Mr. Zucker) Can you go to page 3 of your  
3     direct testimony, I believe it's called? Yeah. Direct  
4     testimony that you filed in this case on September, I  
5     believe it was, 26?

6           A     It's not the surrebuttal. It's an affidavit.

7           Q     Yeah. It starts with an affidavit. You signed  
8     the affidavit on the 21st of September, and I believe it  
9     was filed on the 26th.

10          A     Okay.

11          Q     Page 3, line -- line 4 is where I'd like to  
12     start. "There is a rod inside gas meters that makes the  
13     dial spin." Is that your sentence?

14          A     Yes.

15          Q     Okay. Is this the rod we're talking about?

16          A     I would have to guess that is the rod. I --.

17          Q     The rod that you're talking about, I should say?

18          A     Yeah. I would guess that is. I -- from this --  
19     it was from training school. They take us through the  
20     operation of the meter. I've never seen that particular  
21     rod, but --

22          Q     Okay. Do you know what type of meter this rod  
23     would come from?

24          A     I do not.

25          Q     If I told you it came from an American meter,

1     would that sound -- would you accept that, subject to  
2     check?

3             A     I'd have to believe you.

4             Q     Okay.

5                   MR. FRANSON:  Judge, as much as I hate to do it,  
6     there are certain words that we are never to utter here.  
7     Subject to check.  He violated the rule.  Could we have  
8     him rephrase that so that we aren't left with maybe  
9     something hanging later on?

10                  JUDGE WOODRUFF:  Mr. Franson is correct.  We  
11     usually don't refer to subject to check.  If he knows the  
12     answer -- and he's actually given the answer, so -- all  
13     right.

14                  MR. ZUCKER:  Fair enough.

15             Q     (By Mr. Zucker)  Well, let me ask you it a  
16     different way.  Would you accept that this is from an  
17     American meter?

18             A     If you say so.

19             Q     Okay.  Then you say in your next sentence,  
20     "There is a gasket around that rod that prevents gas  
21     leaks:  Can you identify for me where that gasket is?

22             A     If I had to guess, I'd say it's the black rubber  
23     thing right at the tip of your finger.

24             Q     Okay.  That black rubber seal right there?

25             A     Yeah.

1           Q     Okay.  And that's -- that's a guess?

2           A     That is a guess.

3           MS. SCHRODER:  I'm going to object to this line  
4     of questioning in the fact that he's pulling out parts of  
5     a meter, and so he's taking all of this out of context.  
6     And this man works with meters in context when they're all  
7     -- the whole thing is together.

8           I mean, he's asking him to speculate by handing,  
9     you know -- by putting up little pieces of the meter at a  
10    time.

11          JUDGE WOODRUFF:  What is the relevance of this  
12    questioning?

13          MR. ZUCKER:  Well, this -- this witness has  
14    testified as to how the -- how the installation of an AMR  
15    device causes a leak.  He has definite theories on it, and  
16    -- and -- and I want to see what he knows about how a --  
17    how that actually happened.  I mean, he's testified to it.

18          MS. SCHRODER:  His question -- his questioning  
19    isn't going to what he knows.  He's, again, taking pieces  
20    out of context.

21          MR. FRANSON:  Judge --

22          MR. ZUCKER:  Specifically, right there on page  
23    3, he specifically testifies to parts of the meter and how  
24    they work.

25          JUDGE WOODRUFF:  I'll overrule the objection.

1 You can go ahead and ask your questions.

2 Q (By Mr. Zucker) Okay. So your -- your guess  
3 was is this piece right there -- and would you like to see  
4 this closer?

5 A Sure.

6 Q Okay. I'm even going to give you this. And  
7 I'll get another one for myself if I've got another one  
8 handy.

9 MR. ZUCKER: Excuse me a second.

10 JUDGE WOODRUFF: Sure.

11 MR. ZUCKER: You know, what I can -- I can see  
12 it from there. Okay.

13 JUDGE WOODRUFF: You can approach if you need  
14 to.

15 MR. ZUCKER: Thank you -- thank you, your Honor.

16 Q (By Mr. Zucker) Okay. So once again, that  
17 small black rubber piece there, is it made of rubber?  
18 Would you agree with me?

19 A I would agree with you.

20 Q Okay. And -- and that's the gasket that you're  
21 referring to around the rod that prevents gas leaks?

22 A In my opinion, yeah.

23 Q Okay. Now you say, "An AMR device is installed  
24 with two screws: Is that -- do you know that for a fact?

25 A Do I know -- that is my opinion, yeah. That's

1 the way I understood it to be done.

2 Q The AMR device, how it was attached, you mean,  
3 how it was installed?

4 A No. I would say the AMR -- the -- it's  
5 connected with two screws. I have actually taken one  
6 apart because, when we change the meter, we have to take  
7 the batteries out when we change an existing AMR. So I  
8 know that there are four screws that hold the plate -- or  
9 hold the glass on.

10 Q Four screws hold the glass on and then -- is  
11 that all there?

12 A From what I've seen, the two screws that hold  
13 the actual AMR to the meter.

14 Q There are four or two?

15 A Total of six.

16 Q Total of six. Okay. All right. Then you say,  
17 "In my opinion, a meter may leak if the gasket is not  
18 replaced correctly after an AMR installation."

19 Okay. I'll stop there for a moment. So are you  
20 saying that if that gasket that you're holding, the rubber  
21 seal, is not replaced correctly?

22 A No. I -- from what I know about the meters,  
23 that is already in the meter when the AMR is taken off.  
24 The gasket that I am talking about is on certain meters,  
25 and I'm not positive of the -- the make.



1           There is a -- a gasket that sits on the face --  
2   or on the actual body of the meter that the AMR sticks on  
3   that I believe -- like I said, I'm just speculating. I  
4   have never changed an AMR. They have to clean that off to  
5   get it to fit flush on the -- on the body of the meter.

6           Q     Okay. And if it is -- and you -- you stated  
7   you're speculating. If -- if it -- if it's not faced --  
8   flush, will that cause the meter to leak?

9           A     The meter itself to leak?

10          Q     Yes.

11          A     Oh, I would say, -- I mean, to my -- from my  
12   experience, I don't think that would cause the meter to  
13   leak.

14          Q     Right. Okay. And if you didn't put an index  
15   cover on at all and there was a leak coming through that  
16   rubber seal, that leak would then be free to move into the  
17   atmosphere; is that correct?

18          A     To the best of my knowledge, yeah.

19          Q     Let me take a step back and ask you some  
20   questions about yourself. Are you a high school graduate?

21          A     Yes, I am.

22          Q     And did you attend college?

23          A     Yes, I did.

24          Q     What college did you attend?

25          A     Rankin Technical College.

1 Q Okay. And how -- how long were you there?

2 A Two years.

3 Q Two years. And did you graduate --

4 A Yes, I did.

5 Q -- there? Okay. And what was your degree in?

6 A Refrigeration, air conditioning and heating.

7 Q Okay. Is that also known as HVAC?

8 A Yeah. Yes. They don't call it that there.

9 They call it REH there.

10 Q Okay.

11 A But it's the same thing.

12 Q Okay. And what year did you graduate?

13 A 1990.

14 Q 1990. And it says here you've been at Laclede

15 for 15 years?

16 A Fifteen years, ten months yesterday.

17 Q Congratulations.

18 A Thank you.

19 Q And was Laclede your first job out of Rankin

20 Tech?

21 A No, it was not.

22 Q What -- where did you work?

23 A First job in the field, yes. I mean, I had

24 numerous jobs when I was in Rankin before I was at Rankin.

25 But I'd have to say it was my first job in the HVAC field.

1 Q After you graduated, correct?

2 A Yes.

3 Q Okay. And I think you may have kind of alluded  
4 to this. You haven't taken specific training classes on  
5 meters?

6 A No.

7 Q Okay.

8 A Other than what Laclede offers, you know, coming  
9 up, you know, through our training program.

10 Q Okay. And so when you started at Laclede, I  
11 guess, in 1990, I'm going to say, or '91?

12 A No. In '91.

13 Q '91. Okay. In 1991, you were given training at  
14 Laclede at that point. And since then, you've received  
15 more training at Laclede?

16 A Yearly.

17 Q Yearly. Okay. And have you received any  
18 training outside of the Laclede, gone to any seminars or  
19 classes?

20 A Yeah. I've gone to inter-union gas conferences.  
21 I've gone to labor relation courses. But nothing that had  
22 to do with -- well, I mean, yeah. I've been to many,  
23 so --

24 Q Those -- those sound like they have to do with  
25 being a union official?

1           A     This is correct.

2           Q     Okay. And how long have you been President of  
3 the union?

4           A     Two and a half years.

5           Q     Two and a half years. Have you gone to any  
6 technical courses on -- outside of Laclede?

7           A     No.

8           Q     Okay. Okay. Back to your direct testimony, if  
9 you'll go to page 2, line 7, you state there that, "AMR  
10 meters usually leak below the dial glass."

11          A     The ones that I have encountered, yes.

12          Q     And below -- by the dial glass, you mean the  
13 same thing as the index cover?

14          A     I would say right where the -- the dial glass --  
15 yeah. The index cover meets the meter.

16          Q     Okay, it's not made out of glass, though, right?

17          A     Well, yeah. That's what we -- that's -- in the  
18 field, that's what we call it, the dial glass. Yeah.

19          Q     Okay. It's a plastic index cover, basically?

20          A     (Witness nods head.)

21          Q     And by the word -- was that a yes? I'm sorry.

22          A     Yes.

23          Q     And by below, do you mean through the venting in  
24 the index cover?

25          A     That -- I don't know. Every one that I've

1 encountered I have found with the leak detection equipment  
2 Laclede provides, and that's where the alarm goes off.  
3 But I've never actually, you know, been able to get the --  
4 the thing to bubble, so --

5 Q Okay. So the alarm goes off when you hold your  
6 equipment below the index cover?

7 A Correct.

8 Q Okay. And are you aware that all index covers  
9 are vented on the bottom?

10 A I am now.

11 Q Okay. Meaning you weren't before I just said  
12 that?

13 A No. I didn't know.

14 Q Look at page 2 on line 14 of your direct  
15 testimony.

16 A Okay. Okay.

17 Q There you're saying that, in your experience,  
18 customers have usually complained of gas leaks within one  
19 week of the AMR installation and that some customers even  
20 complain the same day. Is that -- did I read that  
21 correctly?

22 A You did.

23 Q Let's move real quickly to your surrebuttal. Do  
24 you have that? On page 7.

25 A Okay.

1           Q     Starting the end of line 11 when you say, "In  
2     many cases where a leak is found on a meter equipped with  
3     an AMR device, the leak occurs over a short period of time  
4     as a result of friction caused by the erratic spinning of  
5     the drive axle." Did I read that correctly?

6           A     Yes.

7           Q     And that is your theory; is that correct?

8           A     Yeah. That's my opinion.

9           Q     Okay. And you have not done any studies to  
10    determine that?

11          A     Absolutely not.

12          Q     Okay. And you go on, give some examples of some  
13    leaks that were found well after the installation of the  
14    AMR device; is that correct?

15          A     Yes.

16          Q     And so you -- your examples include four months  
17    after installation, over three months. The next one is  
18    over four months. The one after that, over four months.  
19    The one after that, six months. Is that correct?

20          A     It looks like that's what it said, yes.

21          Q     Okay. So -- so if we put those two testimonies  
22    together, in your view, customers will complain even  
23    within a day or a week of installation or several months  
24    after installation?

25          A     Yeah. In my -- yeah. From what I've been able

1 to speak with other service techs and my experiences,  
2 we've had them from the day that it was installed all the  
3 way up to months afterwards.

4 Q Okay. So in -- in your view, then, any leak  
5 that occurs in -- in the area of the -- where the index is  
6 that has an AMR meter installed, after the -- after the  
7 installation was caused by the installation?

8 A Normally, in my opinion, if it wasn't leaking  
9 before the installation, the customer would have called us  
10 then. And if the meter had been on there, in some cases  
11 for years now, since we don't change them every ten years,  
12 then that customer would have called in with a leak  
13 complaint if there was a leak before that.

14 So by process of elimination, I would say in  
15 most cases the installation did cause the leak.

16 Q Would you agree with me that leaks in -- behind  
17 the center box are -- continue to be very small?

18 A I wouldn't -- I wouldn't be able to speculate on  
19 that because I don't take the center box off.

20 Q Okay.

21 A We don't -- we don't deal with that part of the  
22 meter directly.

23 Q Have -- okay. Have you -- before the  
24 installation of AMR, have you ever -- were you ever called  
25 to remove meters that were leaking?

1           A     I -- the old meters, the 5-B meters, which are  
2     extremely large, old meters, I had found maybe, at the  
3     most, five that I can remember. I mean, I -- and I can't  
4     remember specific addresses, but it's not something that  
5     was a common occurrence.

6           Q     Well, I'm not asking about any particular style  
7     of meter. I'm just saying was part of your job to remove  
8     meter -- leaking meters?

9           A     I have removed very few of those, yes.

10          Q     Very few?

11          A     Yeah.

12          Q     Okay. And do you have an opinion as to why that  
13     is?

14          A     The ones that I had were on the -- on the welds.  
15     Or on the seams of the meter. I have had a couple cracked  
16     glasses that were damaged meters, but I don't -- I mean,  
17     in my opinion, I think it was just wear and tear or they  
18     were an older meter.

19          Q     Uh-huh. And is it possible that meter leaks  
20     tend to be so small that they're not detected?

21          A     I guess it's possible.

22          Q     Is it possible that the AMR installation and all  
23     the attention being brought to it is -- is causing people  
24     to bring more attention to meters and actually finding  
25     more leaks that were already occurring being?



1           A     I should certainly hope so. Because if there is  
2 a leak, it would be in Laclede's best interest and the  
3 customer's best interest to have that leak repaired.

4           Q     Okay. Was that a yes?

5           A     I would say yes.

6           Q     Okay. On your direct testimony, bottom of page  
7 2, it says, "Certain meter models are more likely to leak  
8 after an AMR device has been installed." And you give as  
9 an example the Lancaster 175.

10          A     Correct.

11          Q     Have you done any studies to determine that?

12          A     I have not, other than word of mouth.

13          Q     Okay. In the next line, you say, "Certain  
14 Rockwell models also leak after an AMR installation." It  
15 is your opinion that AMR faces do not fit these meters.  
16 Have you done a study on that?

17          A     I have not done a study on that, no.

18          Q     Have you removed a -- an index cover on a  
19 Rockwell meter?

20          A     No.

21          Q     Have you measured a Rockwell meter -- a Rockwell  
22 index cover on a Rockwell meter?

23          A     Never had a need to. No.

24          Q     Do you have any experience in customer  
25 accounting?

1           A     No, I do not.

2           Q     Okay. Do you know how -- if a customer claims  
3     that they're over-billed, do you know how Laclede  
4     investigates that matter?

5           A     I know that I've run out and done high bill  
6     inspections.

7           Q     Okay.

8           A     And they said, you know -- I know the SAID  
9     Department goes out and does high bill inspections on the  
10    meter.

11          Q     Okay. And what does that consist of?

12          A     It consists of going out, checking the --  
13    everything from the windows to the -- asking the customer  
14    about insulation, clocking -- clocking each individual  
15    appliance to the meter, timing the meter, how many -- you  
16    know, how many seconds it takes for it to spin, the  
17    condition of the appliance, the year of the appliance that  
18    was installed. It's a two-page process that we go  
19    through.

20          Q     Okay. And then did you give the customer  
21    feedback?

22          A     Other than they -- the company will get back to  
23    them. I don't -- we don't discuss how many seconds it  
24    took for their furnace to spin around in one revolution.

25          Q     So when you're done -- when you're done

1 recording this information, does the customer say, Well,  
2 what did you find out?

3 A They normally do. But I tell them the gas  
4 company will have to get back to them because this is just  
5 my part in the process.

6 Q Okay.

7 A I've only done about five or six of those,  
8 though.

9 Q Okay. On page 4, you talk about the  
10 documentation that you gave Laclede -- the -- the list of  
11 information in -- that was provided to Laclede in August  
12 of 2006. Do you recall that?

13 A Yes.

14 Q Okay. And are you aware that Laclede has been  
15 since last -- since October 2005 recording its -- at its  
16 meter shop recording its analysis of meters brought in  
17 with -- with AMR units on them?

18 A I -- I didn't have any knowledge of that.

19 Q Okay. On page 4, line 18, you say in your  
20 opinion, any leaking AMR meter is dangerous. What do you  
21 base that opinion on?

22 A Everything I've been taught at the gas company.

23 Q Okay. And are you aware of any incidences like  
24 an explosion or a fire that have occurred from a leak on  
25 an AMR meter?

1           A     I don't have any knowledge of that.

2           Q     Do you have any knowledge of any explosion or  
3 fire that would have occurred on a leak -- from a leak on  
4 any meter?

5           A     Oh, I don't have any knowledge. I don't --

6           Q     On page 5 of your direct testimony, you list  
7 several addresses that you dealt with.

8           A     Yes.

9           Q     Let's just take the first one.

10                REPORTER'S NOTE: The last portion of the  
11 question was stricken from the record at the request of  
12 Judge Woodward.

13                MR. FRANSON: Rick --

14                MR. ZUCKER: I'm sorry. Whoops. Well, the fact  
15 that that's an address, I think is -- is -- thank you for  
16 pointing that out, Robert.

17                MR. ZUCKER: Strike that from the record. Let  
18 me ask that question again.

19                JUDGE WOODRUFF: Let me make it clear to the  
20 court reporter. Strike the address from the record  
21 because it is highly confident.

22                THE COURT REPORTER: Okay.

23                MR. ZUCKER: Robert, watch me in case I do that  
24 again.

25                MR. FRANSON: Okay.

1           Q     (By Mr. Zucker)   Okay.  Let's take the first  
2     address.  On that address, you found a leak on the riser.  
3     That's what it says in your -- in your testimony, right?

4           A     That's what it says.

5           Q     Okay.  So it -- it would appear that that leak  
6     is not related to the index or the AMR unit.  Would you  
7     agree with me?

8           A     Well, it states here that I replaced the AMR  
9     meter.  Without having the job in front of me, I'm not  
10    really positive, but I don't know why I would have  
11    replaced the meter if it -- if there wasn't a problem with  
12    it.

13          Q     Okay.  But there was a -- whether or not there  
14    was a problem with the meter, you would have had to have  
15    done some work anyway because you found a leak somewhere  
16    else?

17          A     Absolutely.  Can I state that before when this  
18    first came out, any time that we found a leaking AMR, our  
19    -- we had to get -- we had to get permission to change any  
20    meter.

21                    So I don't know when this was, but I would have  
22    had to make contact with my supervisor before I changed  
23    the meter.

24          Q     Okay.  You can go ahead and state that, but  
25    don't -- just answer questions in the future.  Okay?

1           A     Got you.

2           Q     Page 6, line 11, same question there. You found  
3 a leak on the riser. That is not related to the AMR unit;  
4 isn't that correct?

5                   MS. SCHRODER: I'm sorry, Rick. Page 6, line 11  
6 doesn't have an address on it.

7                   MR. ZUCKER: Okay.

8           A     Page 6 --

9           Q     (By Mr. Zucker) You're referring to an address  
10 which I will not name. Oh, wait a second. Wait a second.  
11 Okay.

12                   MS. SCHRODER: Were we on the same -- were we on  
13 the same page?

14                   MR. ZUCKER: We're on page 6 of his direct, line  
15 11. He was referring to an address stated above.

16                   MS. SCHRODER: Okay.

17           Q     (By Mr. Zucker) And at that address, he -- he  
18 -- you stated that you found a leak on the riser?

19           A     That's what it says.

20           Q     Okay. That's unrelated to the AMR module; isn't  
21 that correct?

22           A     As far as the leak goes?

23           Q     Yes.

24           A     Yes, it is.

25           Q     Okay. Okay. Let's turn to your surrebuttal

1 testimony, page 1. You state that -- starting on line 8,  
2 "What Laclede refuses to acknowledge is that improper  
3 installation of the AMR device can cause or accelerate  
4 wear on the gaskets, thus, creating gas leaks."

5 Now, this is -- I think you've already stated,  
6 this is your theory, right?

7 A That's correct.

8 Q You've done no study to determine that?

9 A I have done no study to determine that.

10 Q And you don't know if an improper installation  
11 of a device can actually cause accelerated wear on the  
12 gasket?

13 A In my opinion, it would. But I have never done  
14 a study on it.

15 Q And what is your opinion based on?

16 A My opinion is based on knowing how a meter  
17 works, knowing the -- you know, the mechanics, and that if  
18 something like the piece that you gave me was out of line  
19 or out of whack, something is going to give if the meter  
20 is constantly spinning.

21 Q And that piece you're talking about is the --  
22 the piece that I handed you before that you testified --

23 A Yeah.

24 Q -- that you weren't familiar with?

25 A Using that as an example, but --

1           MS. SCHRODER:  Objection.  That mischaracterizes  
2   his testimony.  He didn't say he wasn't familiar with it.

3           MR. ZUCKER:  I'm pretty sure he did.

4           MS. SCHRODER:  No, he didn't.  The record -- I  
5   mean, the record will state what it states.

6           JUDGE WOODRUFF:  The record will state what it  
7   says.

8           MS. SCHRODER:  But I do object to the  
9   mischaracterization, so --

10          MR. ZUCKER:  Well, it's not a  
11   mischaracterization.

12          JUDGE WOODRUFF:  The objection is noted.  I'll  
13   overrule it at the moment.  The record will be clear as  
14   to, when we actually review it, what exactly he did say.

15          MR. ZUCKER:  Okay.

16          JUDGE WOODRUFF:  You can go ahead.

17          Q     (By Mr. Zucker)  On page 1 at line 12, you refer  
18   to a situation where rough handling of the meter could  
19   pull a union loose.  Do you see that?

20          A     Yes.

21          Q     Have you ever seen that happen?

22          A     Yes, I have.

23          Q     Where -- where have you seen that happen?

24          A     At the gas company.

25          Q     By --



1           A     I don't -- I mean, I've been out in the field  
2     for 15 years, and I work on risers every day. And I know  
3     trying to tighten or loosen a meter nut, you know,  
4     anything can cause that union to move. And if it's there,  
5     and it does move, then I check it for leaks, and I'm there  
6     to repair it.

7           Q     Okay. So you've seen that happen where it was  
8     Laclede -- a Laclede person may have done it?

9           A     Correct.

10          Q     Okay.

11          A     We were there to repair it, too.

12          Q     You talk about -- in the next line, talk about  
13     installation of AMR devices putting customers at risk.  
14     You don't know of any incident, do you, during these  
15     600,000 installs that has occurred that has actually  
16     injured or harmed customer, persons or property?

17          A     Injured or harmed?

18          Q     Right.

19          A     I'd have to say no to that.

20          Q     Okay.

21                 JUDGE WOODRUFF: Mr. Zucker, I hate to  
22     interrupt. Are you nearly finished or -- the reason I ask  
23     is I need to go upstairs for agenda, so --

24                 MR. ZUCKER: Oh, agenda. I would say that I  
25     still have a little ways to go.

1 JUDGE WOODRUFF: All right. Well, let's go  
2 ahead and take a break now, and we'll come back at 10:00.

3 MS. SCHRODER: All right.

4 (Break in proceedings.)

5 JUDGE WOODRUFF: All right. Let's come to  
6 order, please. And we're back from break, and,  
7 Mr. Zucker, you can continue with your cross.

8 MR. ZUCKER: Thank you, Judge.

9 Q (By Mr. Zucker) Before the break, you said that  
10 you had used your sensor device and ran it underneath the  
11 index -- index cover and -- when you found a leak there,  
12 but you could not get it to -- to make a soap bubble. Is  
13 that what you said?

14 A Correct.

15 Q And the fact that it would not bubble soap,  
16 wouldn't that indicate that the leak was very small?

17 A I don't know. I mean, the -- I would assume the  
18 -- leak was coming from inside the vents that you were  
19 talking about earlier. I don't -- I mean, not being able  
20 to see the thing bubble, I couldn't speculate whether it  
21 was small or big.

22 Q So are you saying, as a Laclede service tech,  
23 that you can't say that if a leak cannot cause a soap  
24 bubble that that leak isn't very small?

25 A I don't understand the question.

1           Q     In other words, you put soap in an area where  
2     you think a leak is, but you can't get it to bubble?

3           A     Some leaks are so big they blow the bubbles  
4     right off. But, I mean, we see them all.

5           Q     So in these cases where your sensor device went  
6     off under the index cover, are you saying that that leak  
7     was so big that it blew the bubbles off?

8           A     I'm not saying that because I don't know either  
9     one. I didn't see where the leak was actually coming  
10    from. I got a sensor reading from the reader that they  
11    gave us. And I determined it to be leaking, and I changed  
12    it.

13                   The few that I did try, you know, because we  
14    want to make sure it's not part of the housing of the  
15    meter because usually when we do find those, we soap them.  
16    And I mean, so, yeah, I do try to soap it up, but I have  
17    never seen any bubbles on there.

18           Q     Okay. All I want to establish is that that  
19    means that the leak must be pretty small.

20                   MS. SCHRODER: Objection. Asked and answered.

21                   JUDGE WOODRUFF: Overruled.

22           A     I don't know whether it was a large leak or a  
23    small leak. I know that my sensor went off. I can't  
24    answer that question because I don't know whether it was a  
25    small leak or a big leak.

1           Q     (By Mr. Zucker)   Okay.  Let's go to your list at  
2     the bottom of page 2 of your surrebuttal testimony.  You  
3     have a list of a -- of lines from your Exhibit 1 that talk  
4     about a pattern of gas leaks found within a period of  
5     months after an AMR installation.  Do you see that list?

6           A     Yes, I do.

7           Q     And it is your theory, is it not, that the  
8     improper installation can cause a leak to occur along the  
9     rod along that axle that -- that's sitting in front of you  
10    and through that seal behind the center box; is that  
11    correct?

12          A     That would be my opinion.  Yes.

13          Q     Okay.  And several of these items in your list  
14    have -- were shown to have leaks on the meter through  
15    gaskets on the meter other than in the area that we're  
16    talking about; isn't that correct?

17          A     I don't understand the question.

18          Q     In other words, look at like 24 on your Exhibit  
19    1.

20          A     Okay.

21          Q     You see under the last column where it says,  
22    Leak from worn seal behind center box, meter gasket  
23    leaking.

24          A     I see that.

25          Q     In other words, this meter was leaking in more

1     than one place when the meter shop tested it. Is that  
2     your understanding of -- of that -- that language?

3             A     Leak from worn seal. Honestly, I don't know --  
4     without seeing -- leak from worn seal behind center box,  
5     meter gasket leaking. I mean --

6             MS. SCHRODER: I'm sorry. I want to just impose  
7     an objection that he's asking this witness to speculate  
8     about what another person meant by writing this comment.

9             JUDGE WOODRUFF: I'll sustain that objection.

10            MR. ZUCKER: Okay. Well, then I guess I'm going  
11     to move to strike that -- that entire sentence worth of  
12     testimony starting with "these show a pattern of gas  
13     leaks."

14            If he doesn't know what the information is that  
15     he's showing as a pattern, then I don't think that that  
16     information should go into evidence.

17            MS. SCHRODER: Excuse me. The -- the exhibit is  
18     a document from Laclede. And he can certainly attest to  
19     certain information on this document from Laclede. And --  
20     and what that means, without knowing exactly what every  
21     single comment that a meter shop employee made means.

22            JUDGE WOODRUFF: Which exhibit are we talking  
23     about?

24            MS. SCHRODER: It's Exhibit 1 to Mr. White's  
25     surrebuttal. It's the Schedule 2 that -- yeah. Schedule

1 2 to -- it's also Schedule 2 to Dr. Seamand's testimony,  
2 except that we put line numbers on it.

3 JUDGE WOODRUFF: So it's the analysis of union  
4 information?

5 MS. SCHROEDER: Correct.

6 JUDGE WOODRUFF: And which particular lines were  
7 you --

8 MR. ZUCKER: Well, I was looking at line 24,  
9 which is on page 2 of that exhibit.

10 MR. FRANSON: This is Exhibit 2 or 1?

11 MR. ZUCKER: Exhibit 1, page 2. And they have  
12 numbered the lines in handwriting there. And line 24 is  
13 numbered. And on the -- the far right column, as you can  
14 see from the heading on page 1, is called Meter Shop  
15 Report.

16 JUDGE WOODRUFF: Right.

17 MR. ZUCKER: So this is the report -- the meter  
18 shop's analysis of these meters that he listed in his list  
19 on page 2 of his testimony.

20 JUDGE WOODRUFF: Okay. And, once again, your  
21 motion to strike is to strike line 24?

22 MR. ZUCKER: No. My motion to strike is going  
23 back to line 2 of -- page 2 of his testimony. He says,  
24 These exhibits show a pattern -- I'm just referring to  
25 Exhibit 2 right now -- show a pattern of gas leaks found

1 within a period of months after an AMR installation,  
2 especially the ones that the meter shop notes as improper  
3 alignment of drive gear, CEG, Exhibit 1, lines, and then  
4 he's got a whole bunch of lines.

5 MS. SCHRODER: And there's nothing about that  
6 statement that is contradicted at all by -- by either  
7 Exhibit 1 or by saying that he can't tell you exactly what  
8 -- you know, that this is -- that he's asking him to  
9 speculate about the meter shop, what exactly the meter  
10 shop person meant with meter gasket leaking.

11 JUDGE WOODRUFF: Yeah. I'll sustain the  
12 objection. I'll overrule the motion to strike.

13 Q (By Mr. Zucker) Okay. And so is it your  
14 position, then, Mr. White, that on line 24 of Exhibit 1 to  
15 your surrebuttal testimony, you do not know what it means  
16 there at the end where it says "Leak from worn seal behind  
17 center box, meter gasket leaking?"

18 A Yeah. I don't know what that person meant when  
19 he wrote that.

20 Q Okay. When you say that there is a pattern of  
21 gas leaks, do you have any evidence -- I'm now back on  
22 page 2, line 15 of your surrebuttal. Do you have any  
23 evidence that this is a pattern greater than a -- a  
24 pattern of leaks on meters without AMR units?

25 A I don't know.

1           Q     Okay. Page 3, Line 4 of your surrebuttal. Are  
2 you there?

3           A     Yes, I am.

4           Q     You say, "If Laclede employees had performed the  
5 installation, the risks associated with both type of leaks  
6 -- both types of leaks" -- and you're talking about the  
7 two types above there at the top of page 3 -- "would have  
8 been significantly reduced." Do you have any evidence of  
9 that?

10          A     I don't know what you mean by evidence. Are you  
11 asking my opinion, or do I have --

12          Q     I'm asking you what you base that opinion on. I  
13 know what your opinion is.

14          A     I would say that I'm -- if -- Laclede employees  
15 are experienced in the gas industry, including myself,  
16 that if I went out and changed an AMR device and found a  
17 leak, I would make the repairs right there.

18                 I would also check the piping and the  
19 installation for any kind of leak with my detector that  
20 Laclede provides with me -- provides to me. So I would  
21 say that the risks associated with the leaks, meaning any  
22 kind of risk, would be significantly reduced because I  
23 would be there as a trained employee to make the repairs.

24          Q     Okay. But if gas leaks are not caused by the  
25 improper installation of an AMR device, then the AMR



1 installers are not causing gas leaks, nor would a Laclede  
2 employee who installed cause a gas leak. Would that -- is  
3 that correct? If you -- if you take that assumption as  
4 correct, isn't that true?

5 A I don't understand what you mean.

6 Q Okay. Assume that an AMR installation does not  
7 cause a gas leak. I know that's not your opinion, but  
8 assume it for me. Okay?

9 A I'm assuming it.

10 Q Okay. If -- if the -- if -- if the AMR  
11 installer does not cause a gas leak and the Laclede  
12 employee would not cause a gas leak, then there would not  
13 be a significant reduction in gas leaks between the two?

14 MS. SCHRODER: Objection. The question is very  
15 confusing. I'm not sure the witness understands.

16 A I have no idea.

17 JUDGE WOODRUFF: I'm confused by the question a  
18 little bit.

19 MR. ZUCKER: Okay. Maybe I'll just move on from  
20 that one.

21 JUDGE WOODRUFF: Okay.

22 Q (By Mr. Zucker) Okay. On page 4 at the top,  
23 lines 6 to 8 --

24 A Of the surrebuttal? Of Exhibit 1 or --

25 Q Good question. Yes. The surrebuttal.

1           A     Line 8?

2           Q     Lines 6 to 8.

3           A     Okay.

4           Q     You quote the Laclede Service Department manual

5     as saying any leak must be repaired. Is that correct?

6           A     It says it right there, yes.

7           Q     It doesn't say that any leak is dangerous?

8           A     I didn't -- it doesn't say that in -- in the

9     sentence. You're right.

10          Q     Okay. Are you aware of different categories of

11     leaks?

12          A     Yes, I am.

13          Q     Leak classes?

14          A     Yes.

15          Q     Aren't there some categories of leaks that you

16     can take up to five years to repair?

17          A     I wouldn't know that answer. I -- I don't know

18     how they classify them. I just know there are -- I'm

19     aware that there are -- there are classes.

20          Q     Do you know how many classes there are?

21          A     I do not.

22          Q     Okay. Do you know what the time is to repair

23     different classes of leaks?

24          A     I do not.

25          Q     Okay. Did you hear Mr. Gozy testify yesterday

1     that when a meter makes a clicking sound, it's replaced  
2     due to customer complaints?

3           A     I heard him say that.

4           Q     Do you agree with that?

5           A     I -- I couldn't say that -- I know that it  
6     happens every time. I know it has happened at Laclede.  
7     I've changed them myself.

8           Q     Because a customer complained that they heard  
9     the clicking?

10          A     Correct.

11          Q     Okay. Okay. Starting at the bottom of page 5  
12     of your surrebuttal testimony --

13          A     Okay.

14          Q     -- you talk about erratically moving dial hands.  
15     Do you see that?

16          A     Yes, I do.

17                 MR. ZUCKER: Permission to approach the witness?

18                 JUDGE WOODRUFF: Okay. And I'm assuming you  
19     want to mark this as an exhibit?

20                 MR. ZUCKER: Yes, sir.

21                 JUDGE WOODRUFF: This will be No. 9.

22                 MR. ZUCKER: Exhibit 9.

23          Q     (By Mr. Zucker) Mr. White, I've handed you  
24     what's now been marked as Exhibit 9, and it's called  
25     Laclede Gas Operations Training Department Technical

1 Update, Spring Extra No. 2. Do you see that?

2 A I do see it.

3 Q Are you familiar with this document?

4 A Honestly, I've never seen this before.

5 Q You have never seen that before?

6 A No, sir.

7 Q Okay. It does not have a year on it, from what  
8 I can tell. So you can't tell that it was issued in the  
9 spring of 2006?

10 A I know we get these things from time to time.  
11 But this one I haven't seen, so I don't know if it was --  
12 or if it was distributed.

13 Q Okay. Would you take a moment to read it?

14 A Sure.

15 MS. SCHRODER: I am going to object to this  
16 witness answering questions about this document that he --  
17 I mean, he can -- he can certainly answer questions about  
18 what it says. But with -- if there's -- he didn't sponsor  
19 this document. I guess that's my objection.

20 JUDGE WOODRUFF: All right.

21 MR. ZUCKER: I don't think that I disagree with  
22 that, if he's not able to identify it.

23 MS. SCHRODER: All right.

24 JUDGE WOODRUFF: At this point, your objection  
25 is apparently premature, so it's overruled.

1 MS. SCHRODER: All right. Sorry.

2 A So what am I doing?

3 JUDGE WOODRUFF: You're reviewing the document.

4 A Okay.

5 Q (By Mr. Zucker) I'm not going to ask you to be  
6 too familiar with this document since you've never seen it  
7 before. But in general, this document addresses the  
8 movement of dials and the -- and how to do leak testing  
9 based on the -- with a new style of index. Does that  
10 sound correct to you?

11 A It sounds correct to me. Yes.

12 Q And would you say that, in general, this  
13 document addresses the issues you've raised on erratically  
14 moving dial hands?

15 A No. Not necessarily. The few times that I've  
16 seen the erratically moving dial hands wasn't more -- was  
17 more when the hands were spinning, not with both of them  
18 -- with both of them on the up-swing or whether they were  
19 on the up-swing or they weren't on the up-swing. On the  
20 newer meters and the older AMRs, it skips when it comes  
21 around on the up-swing, to be honest with you, the ones  
22 that I have seen.

23 Q Excuse me for a moment. Do you recognize this?

24 A Yes, I do.

25 Q Okay.

1 MR. ZUCKER: Permission to approach the witness?

2 JUDGE WOODRUFF: You may.

3 Q (By Mr. Zucker) Is -- can you tell me what this  
4 is?

5 A It looks like a dial face.

6 Q And would this go on a -- a natural gas meter?

7 A Yes. I would assume so.

8 Q How many dials are on that dial face?

9 A A total of six.

10 Q Six. And when you talk about erratically --  
11 erratic movement, which dial is it that moves erratically?

12 A The ones that I have seen personally?

13 Q Uh-huh.

14 A The -- the half foot -- the half foot hand, I  
15 guess as you call it, or the half foot dial. And the two  
16 foot dial. Sorry. The two-feet dial. I've seen both  
17 cases.

18 Q Okay. And would you say you've seen the half  
19 foot dial move how far when it moves erratically?

20 A I've seen it skip about -- from -- I don't know.  
21 I can say from 6:00 to about -- it goes counterclockwise,  
22 so 6:00 to about 3:00, about a quarter of a skip.

23 Q Okay. 6:00 to 3:00 would be uphill, right?

24 A That is correct.

25 Q All right. And the two foot dial, how far have

1     you seen that one move?

2           A     I don't remember exactly what it was. I haven't  
3     seen -- I haven't seen that as much as the half foot. I  
4     -- I don't remember specifically how far it was skipping.  
5     I just remember that there was skipping.

6           Q     Okay. And when you say six foot -- 6:00 to  
7     3:00, you mean from 6:00 to 5:00 or 4:00 to 3:00?

8           A     Yeah. 6:00 to 3:00. It starts here and skips  
9     to here. So it skips over four and five.

10          Q     Okay. All right. Okay. So when you do a -- a  
11     leak test on a -- a -- a meter with a newer index, are you  
12     doing the -- are you waiting until both hands are in the  
13     up-swing?

14          A     I normally do, yes.

15          Q     Okay. And -- and do you recall -- but you  
16     didn't see this memo or this technical update?

17          A     No. I have never seen this memo.

18          Q     How did you get the idea to do that?

19          A     Word of mouth. It was told to us.

20          Q     By --

21          A     I -- I believe it was in a safety meeting by a  
22     supervisor, but I don't remember. I do remember being  
23     told to have both hands on the up-swing.

24          Q     Okay. On page 8 of your surrebuttal --

25          A     Okay.

1           Q     -- look at -- at line 16. You say that, "Leaks  
2 on outside AMR read -- meters are under-reported." And  
3 then you say, "It's easier for customers to smell inside  
4 leaks than outside ones." Do you see that?

5           A     Uh-huh.

6           Q     Do you have evidence -- any evidence to say that  
7 -- that -- indicate that -- well, let me ask you what the  
8 basis of that is.

9           A     A lot of times, I worked the dispatcher board  
10 pretty much every day. And I make -- I make leak calls.  
11 And most of the time when we get outside odor complaints  
12 and they turn out to be the meter, it's when somebody was  
13 outside either doing yard work or siding or something like  
14 that.

15                     And, you know, as we all know, the gas  
16 dissipates in the air. So if you're not actually standing  
17 right there, a lot of times, you wouldn't know that it's  
18 leaking.

19           Q     Okay. And that would apply to both meters with  
20 AMR units on them and meters that do not have AMR units on  
21 them --

22           A     Correct.

23           Q     -- correct? Okay. Page 9, line 3, in response  
24 to a question about a link between meter replacement and  
25 over-billing, you say that, "Certain types of gas leaks



1 will register gas usage that is not authorized by the  
2 customer." Do you see that?

3 A Yes.

4 Q Are you aware that when there is a gas leak on a  
5 meter that that meter has not registered the usage of that  
6 gas?

7 A I don't understand what you're saying.

8 Q In other words, when there is -- in -- in your  
9 opinion, a leak can be caused out of the -- of that seal  
10 on the device that's in front of you or on the -- the  
11 little rod that's in front of you --

12 A Okay.

13 Q -- and come outside the meter at the center box,  
14 correct? That's your -- that's been your testimony?

15 A That it can leak there?

16 Q Right.

17 A Yeah.

18 Q And what I'm asking you is, do you know that  
19 when it does leak there that gas has not been registered  
20 through the meter?

21 A I don't know that.

22 Q And do you not know that because you're not  
23 familiar with the inner workings of a meter?

24 A I'm not familiar with the inner workings of a  
25 meter.

1           Q     Okay. Further down on page 9, you talk about a  
2     certain address where there was a meter that had a hole in  
3     the back of it. Do you -- do you recall this testimony?

4           A     Yes, I do.

5           Q     And Dr. Seamands has testified that the hole in  
6     the back of that meter was likely caused by the fact that  
7     the meter was placed against a limestone wall and eroded.  
8     Are you aware of that?

9           A     I -- I'm aware of his testimony.

10          Q     And you then say that he's speculating?

11          A     Yeah. I've seen other ways, so yes.

12          Q     Okay. On line 17, you say that, "The more  
13     likely scenario is that rock and mortar may have dropped  
14     from the ceiling or wall and made contact with the meter."  
15     Do you see that?

16          A     Yes, I do.

17          Q     Are you speculating there?

18          A     Yes. I didn't see that particular meter.

19          Q     You don't have any evidence what happened with  
20     that meter; isn't that correct?

21          A     I do not.

22          Q     Okay. And you -- but you do say there that the  
23     meter that is generally fixed in that location. You know,  
24     when you take the old meter off and you put the new meter  
25     on, the new meter is in the same location as the old

1 meter?

2 A Yeah. That I -- yes.

3 Q Okay. So if the old meter wasn't against the  
4 wall, your theory is -- and I'm -- disagree with me if --  
5 if I'm not stating your theory right. Your theory is that  
6 the new meter shouldn't be against the wall?

7 A I don't know what size meter was in there  
8 before. Meters have different body designs. I couldn't  
9 even tell you.

10 Q Good -- that's a good point. So if the -- if  
11 the new meter that went on was actually a little lighter  
12 than the old meter, the new meter would actually make  
13 contact with the wall where the older meter didn't. Is  
14 that possible?

15 A Anything is possible.

16 Q And if the new meter was American and the old  
17 meter was a Rockwell and the American was a little wider  
18 in the back, that could happen?

19 MS. SCHRODER: Objection. That's not in  
20 evidence that the American was wider in the back.

21 JUDGE WOODRUFF: Overruled.

22 A I don't know. Without both meters sitting in  
23 front of me, I don't know.

24 Q (By Mr. Zucker) Okay. It's possible those were  
25 the facts?

1           A     If those were the facts, I guess it would be  
2 possible.

3           Q     Okay. Okay. On page 10, starting at line 10,  
4 you have -- you also have an answer to a question having  
5 to do with that same address where there was a hole in the  
6 back of the meter.

7           MS. SCHRODER: I'm sorry. Page 10, line 10?

8           MR. ZUCKER: Yes.

9           MS. SCHRODER: Oh, I see.

10          JUDGE WOODRUFF: Okay. Yes, I see it.

11          Q     (By Mr. Zucker) Okay. And what you say is, "If  
12 Laclede employees had performed the installation, they  
13 would have been able to detect those drive axle and center  
14 box leaks that were present before the AMR installation,  
15 as well as the other leaks, such as the one at that  
16 address." Is that -- did I read that correctly?

17          A     That's what it says. Yes.

18          Q     Okay. And are you familiar with the company's  
19 corrosion inspection requirement?

20          A     Vaguely.

21          Q     Okay. If I were to tell you that the company is  
22 obligated to do a corrosion inspection every three years,  
23 would that sound --

24          A     Sounds correct.

25          Q     -- correct to you? Okay. And so given that,

1     then, the company should have done corrosion inspections  
2     at that location within three years?

3           A     If those are the rules, yes.

4           Q     And you don't know when corrosion inspections  
5     were done at that location, though?

6           A     I have no idea.

7                   MR. ZUCKER:  Okay.  May I have a moment, your  
8     Honor?

9                   JUDGE WOODRUFF:  Certainly.

10          Q     (By Mr. Zucker)  I'm going to hand you these two  
11     documents.

12          A     Okay.

13          Q     I'm not offering these as an exhibit.  Are you  
14     familiar with these documents?

15          A     These particular ones?

16                   MS. SCHRODER:  I'm sorry.  I'm sorry.  What are  
17     you showing him?

18                   MR. ZUCKER:  I don't have extra copies and  
19     hadn't intended to use them.  What I'm showing him is  
20     documents on this particular address from our customer  
21     information system showing the inspection history.

22                   MS. SCHRODER:  I really would like to see a copy  
23     of this before you ask the witness about it.

24                   MR. ZUCKER:  Okay.  I don't have one.  But can I  
25     -- I bring you one?

1 JUDGE WOODRUFF: Uh-huh.

2 MS. SCHRODER: Can I approach?

3 JUDGE WOODRUFF: You certainly may.

4 MS. SCHRODER: If it's all right, I'll just read  
5 over his shoulder for a second.

6 MR. ZUCKER: Yes, please.

7 Q (By Mr. Zucker) Are you familiar with these  
8 documents from your customer information system?

9 A I don't get these kind of documents. No. So  
10 no. So I'm not.

11 Q Okay. Do these documents attempt to -- well, do  
12 they -- do you see the inspection history at the top?

13 A I see where it says inspection history, yes.

14 Q Do you see the dates on the site?

15 MS. SCHRODER: Your Honor, if I could, I'm going  
16 to object to any questions about these document. In  
17 discovery in this matter, we requested documents that  
18 pertain to all of the -- with regard to -- okay. Back up  
19 just a minute.

20 We requested documents about all of the -- the  
21 leaks that had been found basically since AMR installation  
22 started. And then we specifically, with regard to the  
23 list of addresses that we provided, which this is one of  
24 them, we asked for, you know, basically all the back-up  
25 documents pertaining to those, and we were never provided

1 a copy of this.

2 So this is a document that not only is this  
3 witness not familiar with and he's not familiar with this  
4 type of document, but it's also a document that we  
5 specifically -- that was specifically included in our  
6 request and that was not turned over to us.

7 MR. ZUCKER: That's not true, your Honor. They  
8 -- they did ask for documents having to do with damage  
9 reports, and we provided them those. They asked for -- to  
10 -- documents that -- well, we -- we -- we made a whole --  
11 we made up a whole document for them on their -- on the  
12 leaks they turned over to us.

13 This document doesn't have anything to do with  
14 those. It's just the inspection history. So it really  
15 doesn't -- I'm not trying to show a -- that a leak  
16 occurred or didn't occur somewhere or give -- not give  
17 them information on a leak.

18 This is something different. The fact that  
19 inspections took place at this location, and, therefore,  
20 the -- the point of that is -- is that safety is covered  
21 by our corrosion inspection obligations.

22 JUDGE WOODRUFF: Ms. Schroder, is there anything  
23 else?

24 MS. SCHRODER: Yes. I mean, we specifically  
25 asked for the damage reports or other documents of any

1 meters that were damaged in any way from January 1st, 2005  
2 to date, and to identify and provide all documents  
3 relating to the residential gas meters that -- I'm sorry  
4 -- that wasn't the one. Yeah. I'm sorry. It was the --  
5 the first one. The damage reports or other documents  
6 relating to residential gas meters.

7 We didn't say just relating to the damage that  
8 were -- that was identified on January 1st, 2005, to date.  
9 We asked for all of the documents relating to those gas  
10 meters.

11 JUDGE WOODRUFF: And these documents were not  
12 disclosed? Is that what -- you understood, Mr. Zucker?

13 MR. ZUCKER: What?

14 JUDGE WOODRUFF: You agree that the document you  
15 handed this witness was not disclosed to the union?

16 MR. ZUCKER: It was neither -- well, let me make  
17 one other point. The union did, and it was just on last  
18 Friday, have an opportunity to come look through our  
19 customer information system and look at whatever documents  
20 they wanted on that system.

21 However, this document was not produced in  
22 response to that DR that -- that Ms. Schroder just read,  
23 nor is it responsive to that request.

24 JUDGE WOODRUFF: Well, it sounds responsive to  
25 me. I'll sustain the objection.



1                   MR. ZUCKER: Okay. Can I go retrieve the  
2 document?

3                   JUDGE WOODRUFF: You certainly may.

4                   MR. ZUCKER: One -- one moment, your Honor.  
5 That's all I have, your Honor.

6                   JUDGE WOODRUFF: All right. Thank you. All  
7 right. I don't have any questions from the Bench. But  
8 Commissioner Clayton had indicated to me that he might  
9 have questions for you later. I assume you'll be staying  
10 in the room?

11                  MR. WHITE: Yes, sir.

12                  JUDGE WOODRUFF: All right. We may need to  
13 recall you up for those questions later on, or we may not,  
14 depending upon what the Commissioner wants to do.

15                  MR. WHITE: Yes, sir.

16                  JUDGE WOODRUFF: So there's no questions from  
17 the Bench, so no need for recross. Any redirect?

18                  MS. SCHRODER: Yes, your Honor. My documents  
19 are all a jumble.

20                                 REDIRECT EXAMINATION

21 BY MS. SCHRODER:

22                 Q     Hello again, Mr. White.

23                 A     Hello.

24                 Q     Okay. Let's talk about this meter that's been  
25 corroded through that you were just talking to Mr. Zucker

1     about.

2           A     Okay.

3           Q     Are you familiar with the training that SAID  
4     employees get for installing meters?

5           A     Yes.

6           Q     And what are they told in that training about --  
7     about installing meters in the vicinity of a wall?

8           A     Well, you're not supposed to install it up  
9     against a wall.

10          Q     All right. And in your -- in your experience,  
11     15 years in the field -- 15 years and ten months, have you  
12     found that SAID employees follow that --

13          A     Yes, I have.

14          Q     -- rule? All right. Mr. Zucker asked you about  
15     the different sizes of meters. Are meters generally -- as  
16     you're installing new meters, are they generally getting  
17     bigger or smaller?

18          A     I'd say for the most part, smaller.

19          Q     All right.

20          A     Yeah.

21          Q     Have you gone from one type of meter, like that  
22     was made with a certain material, to a type of meter that  
23     was made with a different type of material?

24          A     I believe they're aluminum now. I'm not really  
25     positive of that.

1 Q All right. They used to be tin?

2 A Yeah.

3 Q Okay. Were the tin meters larger?

4 A Some of them were, yes.

5 Q Okay. And if a meter reader -- I'm sorry. Not  
6 a meter reader. If an SAID employee who is installing a  
7 meter, install -- happens to be installing a meter that  
8 was larger than the one that preceded it, in your  
9 experience, is he going to know when he's installing this  
10 that it's touching the wall?

11 A I would say yes because it would have to line up  
12 perfectly on the swivels. You know, if there's even a --  
13 if it's even just a hair off, it wouldn't screw on. So if  
14 it's leaning up against the wall, it's probably a one in a  
15 million shot that it would be leaning against the wall and  
16 fit on the swivel.

17 MR. ZUCKER: Speculation on the one in a million  
18 comment.

19 JUDGE WOODRUFF: Overruled.

20 Q (By Ms. Schroder) All right. And, Mr. White,  
21 when you're installing a meter, I mean, tell us about how  
22 heavy some of these meters are?

23 A Depending on the size, the -- the American that  
24 we had in here yesterday is -- is pretty light. I don't  
25 know. I think the guys said 20 pounds. I don't agree

1 with that. I'd say it's more like 5 or 7 pounds, maybe.

2 They're not very heavy.

3 Q But if you -- when you're installing a meter, I  
4 mean, are you holding it while you're installing it?

5 A Yes. You have to hold it with one hand and  
6 screw the nut with the other hand.

7 Q All right. So are you going to feel the wall  
8 against it?

9 A Absolutely.

10 Q And in your experience, when you've seen meters  
11 that are corroded in the back, have you seen them more  
12 frequently -- well, what -- what has been the most  
13 frequent cause for that?

14 A Usually, most of our inside meters are in older  
15 houses. And, I mean, I don't work in the city anymore.  
16 But when I do see them, and I still do, you know,  
17 occasionally get down that way -- I don't know how to  
18 explain it.

19 But the basement foundations are rough, brittle,  
20 and rocks fall off them all the time. The few times I  
21 have seen that kind of situation happen, it's been more  
22 from stuff leaning against the meter, in between the meter  
23 and the wall that have fallen down.

24 You know, it's pretty common in some of the very  
25 older -- you know, the older houses because, like I said,

1 the foundation was very brittle.

2 Q All right. Mr. Zucker also asked you about this  
3 whole issue with erratic dials and testing them on the  
4 up-swing. First of all, how important is it that you be  
5 able to depend on the accuracy of test hands when -- to  
6 find a meter leak?

7 A It's very important.

8 Q What happens if you can't?

9 A You can miss a leak.

10 Q All right. And have you been taught whether  
11 that's important?

12 A Yeah. Yes, I have.

13 Q All right. When you were told -- you testified  
14 that you thought in a safety meeting you were told to  
15 check the meters on the up-swing. What was the context  
16 for that? Why were you guys being told?

17 A Because they were having problems with the meter  
18 having --

19 MR. ZUCKER: Objection.

20 A Oh, sorry.

21 MR. ZUCKER: She's asking for speculation,  
22 asking why they were being told.

23 MS. SCHRODER: Okay. I can rephrase.

24 JUDGE WOODRUFF: All right. I'll sustain that  
25 objection.

1 MR. ZUCKER: Okay.

2 MS. SCHRODER: You can rephrase.

3 Q (By Ms. Schroder) Mr. White, in that safety  
4 meeting, when you were told to check dial hands on the  
5 up-swing, were you told a reason why this procedure needed  
6 to change?

7 A Yes, I was.

8 Q And what were you told?

9 A That they were having problems with the meters  
10 skipping and that they wanted us to get both hands on the  
11 up-swing to get a proper spot.

12 Q Okay. And were you told whether or not this had  
13 anything to do with the AMR meters?

14 A They said it was -- had to do with the new  
15 meters, which are the ones that they're putting in. So it  
16 was -- I don't know if the supervisor said AMR in  
17 particular, but he said new meter dial -- or the new  
18 meters that they were putting in.

19 Q The new meters that they were putting in to  
20 retrofit for AMR?

21 A Correct.

22 Q All right. So that's a whole different thing,  
23 isn't it, from -- what happens to a meter after the AMR  
24 device is installed?

25 A I don't understand.

1           Q     All right. The testimony that Mr. Zucker was  
2     referring to when he was asking you these questions came  
3     in your surrebuttal at page 5 when you were talking about  
4     these erratically moving hands, dial hands.

5                     Was your testimony -- were you drawing a  
6     distinction between the type of movement that you see on  
7     dial hands with meters that don't have AMRs and with  
8     meters that do have AMRs?

9           A     Yes.

10          Q     All right. And what has been your experience  
11     that -- well, first of all, I guess, have you seen a  
12     particular meter that you recall before an AMR was  
13     installed on it and then seen that meter after the AMR was  
14     installed, for instance, your house meter?

15          A     Yes. Yes. My house meter would be a good  
16     example. Yes.

17          Q     All right. Does the dial move differently now  
18     that the AMR is installed?

19          A     Yes, it does.

20          Q     All right. Can you explain to the Commission  
21     the difference in the way the meter dials move?

22          A     Basically, when the meter is spinning -- and I  
23     know this is a pretty good example right here.

24          Q     And you're holding up the dial face that  
25     Mr. Zucker gave you?

1           A     Yeah. I mean, it -- excuse me. It spins pretty  
2 smoothly. You know, this would be a -- a good dial to  
3 have on your meter. And there's no interruptions. On a  
4 lot of the new meters --

5           Q     Now, wait. Are we talking about the new meter,  
6 or are we talking about --

7           A     Oh, I'm sorry.

8           Q     I just need to know. I just --

9           A     No. In both cases. In both cases. The new  
10 meters with the AMR device installed and the old meters  
11 without AMR. Some of them, I'm guessing, that come from  
12 the manufacturer with a Cellnet device on, we have them on  
13 those, too, occasionally.

14          Q     Okay.

15          A     The hands will skip as opposed to, you know,  
16 smoothly going around and -- you know, a revelation (sic).  
17 I'm sorry. Revolution. Strike that.

18          Q     And I guess I want to understand how that  
19 differs from a new retrofit meter that doesn't have an AMR  
20 on it that there might be erratic movement on that, too,  
21 how that differs from the type of erratic dial movement on  
22 the old meters that have the old device. Do you  
23 understand my question?

24          A     I do not. I'm sorry.

25          Q     Okay. We discussed that some of the new meters



1     that are being brought in to replace the meters that you  
2     didn't put an AMR device in --

3             A     Okay.  Yeah.

4             Q     -- have erratically moving dials?

5             A     Correct.

6             Q     But that those -- the way those dials move may  
7     be different from the way the dials move with an AMR  
8     module; is that right?

9             A     Yeah.  It would be -- it would be my opinion --  
10    I don't remember the difference.  I just remember that on  
11    the newer style, the AMRs, they do skip.  I -- really, I  
12    can't -- I don't remember, you know, distinguishing  
13    between whether it was a new meter installed with the AMR  
14    or just a new AMR device because, honestly, sometimes you  
15    don't know because it could be a newer American that has  
16    had the AMR replaced and not been replaced entirely.  You  
17    know what I mean?  It's -- you know, yeah.  I can't -- I  
18    don't know an answer to that.

19            Q     All right.  When you're talking about -- I heard  
20    you use the term spinning and skipping.  How quickly are  
21    we talking about this dial hand moving?

22            A     Usually, on a regular appliance, the half foot  
23    hand, you know -- I mean, just thinking back of when I did  
24    a high bill inspection, you know, like a regular water  
25    meter might take 20 or 30 seconds to go around one time.

1           Q     For the hand to go around?

2           A     Right. And I'm trying to remember back a couple  
3 weeks ago when I did my last high bill inspection. But  
4 that seems to be right.

5           Q     Okay. That's how it's supposed to work, or  
6 that's how quickly it is working?

7           A     That's how quickly it is working.

8           Q     How quickly is it supposed to go around?

9           A     I don't know the answer to that.

10          Q     Okay. What I'm trying to get at is can you  
11 explain to the Commission when you're talking about the  
12 spinning or skipping how much faster this dial is moving  
13 or jerking than what you had --

14          A     Okay. I understand. I've never timed it when  
15 it skipped. Ones that I've had to do the high bill  
16 inspections, the few that I've done -- I've only done a  
17 couple after AMR. I've done more on a non-AMR.

18                   When it goes around to the dial, you could  
19 probably count to three, and then it skips up to -- you,  
20 just guessing, I'd say three seconds. And it goes from  
21 six to three without any movement. It just -- it doesn't  
22 -- it just skips, kind of like if you're moving a clock  
23 hand. You know, it just -- it skips right to three.

24          Q     Okay. And that's on an AMR meter?

25          A     Yes. Yes. I can't recall not having one on a

1 non-AMR.

2 Q And when you say you performed more high bill  
3 inspections on non-AMR meters than AMR meters, over what  
4 course of time are we talking about?

5 A I guess probably over the last four or five  
6 years.

7 Q Okay.

8 A Yeah. I mean that's probably when we started  
9 doing them.

10 Q All right. And there weren't any AMR meters  
11 four or five years ago, were there?

12 A No.

13 Q All right. Mr. Zucker also asked you about your  
14 testimony in the surrebuttal at page 9, line -- well, your  
15 response about Dr. Seamand's opinion that there's no link  
16 between meter replacement and over billing potentially.

17 And he asked you about the first part of that  
18 answer but managed to -- but skipped the second part.  
19 What is -- okay. So I want to kind of go back, I guess,  
20 about your whole answer.

21 Why did you feel -- strike that. Is there  
22 another reason that you believe there's a link between AMR  
23 installation and over billing?

24 A We were told when this first started that they  
25 were getting a lot of complaints. We were told by

1 supervision that they were getting a lot of complaints  
2 about the bills being wrong. People were getting  
3 extremely high bills.

4 MR. ZUCKER: Objection. Hearsay.

5 MS. SCHRODER: It's not hearsay. It's admission  
6 of a party opponent.

7 JUDGE WOODRUFF: Overrule the objection. You  
8 can answer.

9 A And they told us that installers were installing  
10 the half foot dials, I believe, that -- and the quarter  
11 foot. There's half foot and quarter foot. And that the  
12 meter was spinning twice as fast. This was what  
13 supervision told us. And that if we did find this, we  
14 were supposed to report it to them and change the meter  
15 out.

16 Q (By Ms. Schroder) Okay. And just for the  
17 Commission's sake, would you explain what a quarter hand  
18 and half foot meter is?

19 A Well, can I look at this stuff they gave me  
20 before I --

21 Q Certainly.

22 A They have different -- they have different --  
23 they have different size -- the drive dog, they call it.  
24 And from what I've been told, and I have never -- I've  
25 never seen either one without the face spinning. The one

1 spins faster than the other. The quarter foot would spin  
2 faster than the half foot.

3 JUDGE WOODRUFF: You were looking at Exhibit 9?

4 A Yes. Yes.

5 Q (By Ms. Schroder) Are you looking at page 2 of  
6 Exhibit 9?

7 A Page 2 where it has the half foot and quarter  
8 foot style drive dog. I'm sorry. Yeah. It looks like  
9 they call it a drive dog. This is what supervision was  
10 telling us in the -- in the -- to keep an eye out for, one  
11 of the problems they were having with the AMRs.

12 Q All right. And when were you told this? Was it  
13 in the safety meeting?

14 A Yeah. Yes. I'm sorry.

15 Q Do you remember who it was who told you that in  
16 supervision?

17 A No. I -- I think it was my boss, Dennis Weber,  
18 but I couldn't be sure. He's usually the one that gives  
19 us the safety meetings.

20 Q All right. You also got asked about leak  
21 classifications and whether all leaks are dangerous. What  
22 have you been taught about the danger of leaks and what  
23 you're supposed to do with them when you find one?

24 A Any gas leak, I have been told, is dangerous or  
25 can become dangerous. You know, they don't get better.

1 They don't fix themselves.

2 Q What does happen to them if they're left un --  
3 unrepaired?

4 A Depending on where it is, anything could happen.  
5 It could -- the leak could get worse. You know, worst  
6 case scenario, gas could build up, and there could be an  
7 explosion or a fire. I mean, it -- you know, the effects  
8 could be hazardous.

9 Q All right. And what is Laclede Gas's safety  
10 record?

11 A Oh --

12 MR. FRANSON: Objection, your Honor. I don't  
13 believe Laclede's Gas's overall safety record was ever  
14 brought up in any form prior to this, so I would object,  
15 one, on relevance, and, two, on the --

16 MS. SCHRODER: That's fine. I'll rephrase it.

17 MR. FRANSON: On the --

18 JUDGE WOODRUFF: I'll sustain the objection.

19 Q (By Ms. Schroder) What were you taught with  
20 regard to leaks on a meter that's an inside meter?

21 A Any kind of inside meter -- any kind of an  
22 inside leak has to be repaired or, you know, you have to  
23 stop the gas. You have to repair it or disconnect  
24 whatever it is that's leaking, whether it be the meter,  
25 the furnace, whatever. Any inside leak needs to be fixed

1 immediately.

2 Q Immediately. All right. So has Laclede ever  
3 talked to you about -- has it -- has it ever -- Laclede  
4 management ever explained to you that there's a  
5 distinction between tiny little leaks and big leaks on  
6 inside meters?

7 A No. All leaks had to be repaired immediately on  
8 the inside.

9 Q Okay. And with regard to other -- to leaks that  
10 you find on an outside meter, what have you been told  
11 about the time frame for fixing those?

12 A Depends on what the leak is. If I'm able to do  
13 the repairs, we do it when I'm there. I know that certain  
14 classes -- and this is from experience. Under the ground,  
15 there's a criteria as far as how close it is to the wall.

16 Q Okay. I'm talking about if it's actually on the  
17 meter outside.

18 A Well, if it's there, we're supposed to fix it.

19 Q Fix it when?

20 A Right then.

21 Q Okay. Okay. You were also asked about your  
22 testimony on page 3 of your surrebuttal, lines 1 through  
23 5. And I think this, again -- wait. No. I'm sorry.  
24 This doesn't refer to that.

25 You -- you were generally responding about why

1     you felt Laclede employees would be better prepared to --  
2     I'm sorry. Your statement if Laclede employees had  
3     performed the installation, the risk associated with both  
4     types of leaks, meaning gas leaks caused by improper  
5     installation and pre-existing leaks would have been  
6     significantly reduced.

7                     And Mr. Zucker asked you about one of those  
8     types of leaks, I think, but I -- I want to make sure -- I  
9     couldn't tell if he was asking you about the other ones,  
10    so I just kind of want to clear that up.

11                    With regard to gas leaks caused by the improper  
12    installation of an AMR device, why do you think that it's  
13    more likely -- that the risks associated with having a  
14    leak of that sort would be lessened by having Laclede  
15    employees performing the installation?

16            A     I think if we were there doing the installation  
17    -- you know, we're provided with equipment that can detect  
18    leaks. And instead of just hooking it on and going and  
19    sniffing, we would have -- you know, any time that I  
20    change a meter, I would check it with my leak detection  
21    equipment to see -- make sure I'm not receiving anything.  
22    You know, once -- once we leave, we're responsible. So,  
23    you know, I --

24            Q     What did you mean by that, once you leave,  
25    you're responsible?



1           A     Well, meaning once I get there and I put that on  
2     and I check, I want to make sure that there wasn't any  
3     leak there. So I'm going to take the time to, you know,  
4     run the equipment that they provide me with to -- you know  
5     to make sure there's no leaks.

6           Q     And are -- are there incentives built into your  
7     job that ensure that you can still be personally  
8     responsible for those leaks?

9           A     Yeah. You could lose it.

10          Q     You could lose what?

11          A     Your job.

12          Q     You could lose your job if you leave a leak?

13          A     Absolutely.

14          Q     Right. And what kind of -- what kind of  
15     training do Laclede Gas employees have about gas safety  
16     generally?

17          A     It's good training. As a matter of fact, the --  
18     the guy that was the head of our department, Tom Rice,  
19     he's on special assignment, took pride in the fact that  
20     since he's come on, he has increased the training for SAID  
21     employees to -- I want to say it's 40 hours a year up from  
22     like 22 hours or something like that. Yeah. I'd say we  
23     get pretty good training.

24          Q     So in each of your 15 years and ten months,  
25     you've received at least four hours of safety training?

1           A     I wouldn't say since --

2           Q     Oh, I'm sorry.

3           A     I'd say within the last four or five years, it's  
4     gone up to that. I'd say before that, you know, on  
5     average, probably 25 before that 40 within the last four  
6     -- four or five years since Tom's been here.

7           Q     All right. And did you receive any initial gas  
8     safety training when you started with Laclede?

9           A     Yeah. They -- they sent us through a school.  
10    When I came on, it was a week -- a week in the classroom,  
11    a week on the street, a week in the classroom, a week on  
12    the street. And I want to say we did that for either a  
13    month or month and a half. But at least -- at least a  
14    month. And it was eight hours of intense training.

15          Q     Eight hours a day?

16          A     Yes. Yes.

17          Q     And when you say a week on the street, was that  
18    a week you were working or a week that you were getting  
19    on-the-job training?

20          A     You were getting on-the-job training. And then  
21    after that, when I came on, we were required to be  
22    helpers, so I -- I think I spent an additional three or  
23    four months with other fitters learning the job.

24          Q     All right. And you mentioned in response to  
25    Mr. Zucker's questions that at some point you had taken a

1 class -- well, in training school, somebody taken you  
2 through the workings of a meter; is that right?

3 A Yeah. They had -- training school, they have a  
4 -- a variety of things that we work with, cut --  
5 regulators cut in half to show you the inner workers.  
6 They had a meter that -- you know, that they basically  
7 showed you.

8 You know, I mean, it was there for, you know,  
9 teaching purposes. But they -- yeah. They -- and I'm  
10 going back to when I first came on. We don't get that  
11 every year, but it's -- they're available. But I would  
12 say, yeah, they take us through all that stuff. Or they  
13 took us through all that stuff. I'm sorry.

14 Q All right. And would you expect that if Laclede  
15 was asking its employees to install the AMR devices on its  
16 meters that it would provide training on that?

17 A Oh, yes.

18 Q All right.

19 A Probably extensive training.

20 Q What equipment are you required to carry with  
21 you when you work on a meter?

22 A I have a slew of tools. I have a whole bucket.  
23 They include a plug, wrenches, my -- we call gas Ranger,  
24 detects gas, gasoline, and detects CO. I have a kind of  
25 wrench, screwdriver, pipe. I mean, I've got a bucket that

1     probably weighs -- it weighs more than a 20-pound meter.

2                 But, no, it's -- it's a pretty heavy bucket.

3     And depending on who -- some other guys bring in more than  
4     other guys. But I'd say the minimum that we're supposed  
5     to bring in probably has about 30 tools in it.

6                 Q     And you mentioned a Ranger. Is that a leak  
7     detector?

8                 A     Yes, it does.

9                 Q     Does that leak detector and the other things  
10    that you just described enter into your opinion in any way  
11    that Laclede Gas employees could lessen the risk  
12    associated with AMR installations if they did them?

13                A     Yes. Yes. Definitely.

14                Q     And you also mentioned in response to  
15    Mr. Zucker's questioning that you've taken apart an AMR  
16    device to remove the battery. And why does that happen?

17                A     They told us -- when we -- for some reason, when  
18    we get meter changes that requires us to take the old AMR  
19    out, whether it be DR or it be a -- a systematic change,  
20    what Gloria talked about yesterday, they need to take that  
21    meter down, we have to disengage that battery, or it will  
22    keep reading back at the Cellnet.

23                I guess on the computers, it will keep reading  
24    if we don't disconnect the battery. And there's a sheet  
25    that we fill out that has the meter change on there, Did

1     you disengage batter, yes or no. So they remind you  
2     during your paperwork to do that.

3           Q     All right. When you remove the battery, do you  
4     remove the tamper proof seals?

5           A     Yes, we do.

6           Q     Okay. Mr. Zucker asked you about your testimony  
7     of finding the leaks below the dial gas -- glass. And  
8     what did you mean by that?

9           A     Excuse me.

10          Q     Do we need to get you some water?

11          A     No. No. I'm okay.

12          Q     Okay.

13          A     I would -- when -- when we get there -- I don't  
14     know -- we don't have a ranger here in front of us, but  
15     it's got a lock. They call it a goose neck. It's  
16     probably about 2 and a half, 3 feet long. And getting --  
17     you know, when we get a gas odor, say it's an odor at the  
18     meter, if it's inside, we normally start at the -- the  
19     point of entry where the pipe comes in the wall.

20                 And you follow that up, and basically the thing  
21     beeps.

22          Q     The thing, the gasket?

23          A     The sense -- well, the Ranger beeps. And if it  
24     picks up the sense of gas, that beeping intensifies.  
25     Normally, since we have been having problems with the

1     AMRs, what I do is I run it underneath that glass dial.  
2     And then just to be sure, I'll pull -- pull the Ranger  
3     away from the -- let it go back to its normal beep and put  
4     it down there to see if it intensifies just to make sure.  
5     You know, because, like I said, it's hard to find the --  
6     exactly where it's leaking.

7                 If I know -- if I go to the union on the pipe  
8     coming out and I get it to work --

9             Q     The AMR?

10            A     I'm sorry. You know, the beeping to intensify  
11     like I have a leak there, I can spray it and see exactly  
12     where the leak's at.

13                 And then I know that I've got to replace the  
14     union or I've got to replace the piping below the union.  
15     You know, we were told from the very beginning that we  
16     don't repair these -- these AMRs. And if we saw these  
17     things, like leaking on the glass, we were supposed to --  
18     we were calling our foreman every time we found it.

19                 My understanding, from what I was told, we were  
20     getting too many -- they just said change them now.  
21     You know, so that's what we did. We don't have to let our  
22     foreman know every time we change an AMR. We just change  
23     it out.

24             Q     You said that when you got a leak on the union  
25     and you spray it that you find out exactly where the leak

1 is at. Why is that?

2 A Well, sometimes if it's a new union, sometimes  
3 you can redope, put pipe dope on it. You know, you loosen  
4 up the pipe and put pipe dope around it and put it up good  
5 and snug so it will stop leaking.

6 So if you -- if you find out exactly where the  
7 leak is by the bubbles, you know what to fix.

8 Q Okay. And that's not really what I was asking.

9 A Oh, I'm sorry.

10 Q No. That's all right. What I want to know is  
11 how do the bubbles show you exactly where the leak is?

12 A The -- the gas is under pressure. And when we  
13 spray -- we call it soap bubbles. It's called leak  
14 solution or leak detection. You spray that.

15 It -- the pressure from inside, since there is a  
16 leak, it's just like holding your little bike tubing under  
17 water. You'll see the bubbles. You know, the bubbles  
18 form from the pressure coming outside from the leak.

19 Q Okay. But what happens if you spray your --  
20 your leak solution a foot away from that -- from that  
21 leak? Is it going to bubble?

22 A No. Absolutely not.

23 Q Okay. So if there's a leak on a meter that  
24 you're finding, are you going to be able to tell exactly  
25 where that leak is by spraying bubbles on it -- or

1 spraying the leak solution on it?

2 A Only if you can spray is directly on where the  
3 gas is coming off of the meter.

4 Q And is that possible with a meter that's hooked  
5 in?

6 A Not behind -- not if it's leaking behind the gas  
7 -- or behind the face plate.

8 Q So not if it's a center box leak?

9 A Right. Unless you take all of that apart, which  
10 we're not allowed to do.

11 Q Okay. Before AMR devices were installed, did  
12 you find center box leaks? Did you personally?

13 A No, no.

14 Q All right. And in your experience, were center  
15 box leaks -- I mean, in your experience with talking to  
16 other people and such, were center box leaks something  
17 that -- that service employees found on a regular basis  
18 before AMR?

19 A Very uncommon. We didn't find them hardly at  
20 all.

21 Q Okay. Now, I want to ask you -- Mr. Zucker  
22 asked you some questions about how long after the AMR  
23 installation customers were typically complaining of gas  
24 leaks or how -- what we were seeing in -- in that regard.

25 So first of all, on your direct testimony at



1 page 2, lines 14 and 15, you gave some testimony where you  
2 said, "In my experience, customers have usually complained  
3 of gas leaks within one week of the AMR installation. Was  
4 that true at the time that you said it?

5 A Yes.

6 Q And is that still your -- has that still been  
7 your personal experience?

8 A My personal experience, yes.

9 Q All right. And then on page 7 of your  
10 surrebuttal, lines 8 through the bottom of the page,  
11 basically, Mr. Zucker was asking you about -- concerning  
12 some length of time before -- before some of these leaks  
13 might show up.

14 And can you explain why that testimony includes  
15 leaks from behind -- that occurred more than a week later?

16 A Well, I did -- it became -- it came from my  
17 investigation of the -- the leaks that were given to me or  
18 given to my executive board members, our executive board  
19 members and shop steward. Just from research, you know,  
20 looking -- I guess you guys are calling it Exhibit 1.

21 Q Well, Exhibit 1 and 2, I think of your -- to  
22 your surrebuttal testimony, is that what you're referring  
23 to?

24 A Yeah. I mean, just doing research on it.

25 Q All right. And let me ask you about Exhibits 1

1 and 2 to your testimony. Are these Laclede Gas documents  
2 -- sorry. Are these Laclede Gas documents that the union  
3 was given in the course of this litigation proceeding?

4 A I believe so.

5 Q All right. And are these documents that you  
6 reviewed before you submitted your surrebuttal testimony?

7 A These -- these right here?

8 Q Exhibits 1 and 2 to your surrebuttal testimony.

9 A Yes. Did I review them before my -- my  
10 surrebuttal?

11 Q Yeah. Did you review them before you wrote --  
12 before you gave the answers?

13 A Each individual --

14 Q No. Just did you review the documents?

15 A No.

16 Q You didn't review those documents before you  
17 answered questions about them?

18 A Oh, I don't understand. I'm sorry. Could you  
19 rephrase? I don't understand what you're saying.

20 Q Okay. Let me show you Exhibits 1 and 2 to your  
21 surrebuttal testimony.

22 A Oh, I'm sorry. I see what you're saying. Did I  
23 review -- okay.

24 Q Okay. Do you see --

25 A I didn't know --

1           Q     Look up, Pat.  Are these the documents you have  
2     in front of you?

3           A     Yes, they are.

4           Q     Okay.  Have you got the right documents now?

5           A     Yes, I do.

6           Q     Okay.  So let me just go back through these,  
7     then.  Are these documents we received from Laclede Gas in  
8     the course of this proceeding?

9           A     Yes, they were.

10          Q     All right.  Did you review your documents where  
11     you gave your surrebuttal testimony?

12          A     Yes, I did.

13          Q     All right.  Was the answer on page 7 based in  
14     part on the documents you received from Laclede Gas?

15          A     Absolutely.

16          Q     All right.  And did you see a pattern from  
17     reviewing those documents?

18          A     Yes.  I saw that -- you know, that the AMRs --  
19     you know, the leaks that the men were reporting were  
20     anywhere from, you know, a week to months to, you know,  
21     four months, three months.  They were -- they were all  
22     over the board.

23          Q     And were these the types of leaks that before  
24     AMR installation you would have seen on meters?

25          A     No.  No.  We -- the -- we didn't get -- in my

1 experience, we didn't have too many face plate leaks.

2 Q And, again, by face plate leaks, you're  
3 referring to these center box leaks?

4 A That's right. I'm sorry.

5 Q That's all right. I know we all use different  
6 terminology. Okay. You got asked some questions By  
7 Mr. Franson about protective equipment that the Manpower  
8 employees wear. What protective equipment are you  
9 required to wear when you work on a meter?

10 A Required -- we're required to have a special  
11 type of shirt that Laclede provides that is fire retardant  
12 or resistant. You know, protective footwear. They  
13 recommend we wear gloves and eye protection.

14 Q Eye protection, safety glasses?

15 A Safety glasses. Yes.

16 Q All right. You were here for Mr. Korbisch's  
17 testimony yesterday?

18 A Yes, I was.

19 Q Did you hear him say that there was anything  
20 additional to that that the Manpower employees are  
21 required to wear?

22 A They are required -- I thought he said they were  
23 required to wear a reflective vest and a hard hat.

24 Q Okay. And when you work on meters, are you  
25 closer to the gas source than -- than -- than you would be

1 if you were installing an AMR?

2 A Yes. Because, normally, if I'm working on a  
3 meter, I'm taking the meter down. You know, and the pipe  
4 is there. And it's -- you know, you're dealing with live  
5 gas by shutting the meter on and off.

6 Q So Laclede Gas didn't think it was necessary for  
7 you to wear a helmet; is that correct?

8 A Yeah. We're not required to wear a helmet when  
9 we're working on meters.

10 Q Okay. And what about that reflective vest?

11 A No. They do -- they do supply us with  
12 reflective vests, but we're told to use it if we're  
13 working near intersections or helping out the construction  
14 on the street. But we're not required to wear them when  
15 we're up by the meter.

16 Q Okay. You were already asked by Mr. Franson  
17 about wear on the gaskets. Do you -- do you know -- I'm  
18 sorry. From your field experience, how frequently do you  
19 have to remove a meter from the field because a gasket  
20 needs to be replaced?

21 A I --

22 Q I mean, I'm sorry. Let me just change that  
23 slightly. Before AMR was installed?

24 A I don't remember removing one.

25 Q Okay. And that's in 15 years, ten months?

1           A     Yesterday.

2           Q     But how many times have you -- I'm not going to  
3 ask you for a precise number -- had to do it since AMR  
4 devices were installed?

5           A     Yes. I've had to change a meter, you know, from  
6 the AMR device leaking, you know, which it says in Exhibit  
7 1 that they found a worn seal behind center box, so --

8           Q     It's not actually the device that's leaking.  
9 It's the actual meter?

10          A     Correct.

11          Q     All right. But that didn't start occurring and  
12 you didn't have that show up until after AMR devices?

13          A     Yes. That's correct.

14          Q     And Mr. Zucker asked you some questions about  
15 whether -- he asked you a question about whether people  
16 were looking more carefully for leaks since the AMR  
17 devices started being installed. Do you recall a question  
18 like that?

19          A     Yes, I do.

20          Q     And what did you understand he meant by that?

21          A     I was under the impression that he was talking  
22 about customers looking at their meters closer because of  
23 the press and the -- the article in the Labor Tribune and  
24 the -- you know, the situation.

25                     And my answer was that I should hope that their

1 customers are looking at it closer because if there is a  
2 leak then, you know, the gas company is -- you know, it's  
3 better for the gas company and customers if we know it's  
4 there and we can change it.

5 Q All right. In -- in your experience, I mean,  
6 are you looking more closely for leaks now that AMR  
7 devices are installed?

8 A I look the same any time I go into a house,  
9 whether it's an AMR device or not an AMR device for gas  
10 leaks. I mean, we're supposed to be -- I won't say on  
11 guard, but we're supposed to be alert about what's going  
12 on with the gas, whether or not there's an AMR device.

13 Q All right. And prior to AMR installation, were  
14 you still using your leak detector to check the piping and  
15 -- and check for leaks around the meter?

16 A On every job.

17 Q All right. And in your experience, I mean, do  
18 you have any reason to believe that anybody else in the  
19 field, any other SAID employee, is looking harder for  
20 leaks now that AMR devices are being installed?

21 A I don't have any -- no. I mean, they're -- in  
22 my experience, they're looking just as hard now as they  
23 were before.

24 Q All right. Mr. Franson also asked you some  
25 questions about when the union -- yeah -- when the union

1 first gave information to PSC Staff about these AMR  
2 problems. Have you had any prior dealings with the PSC  
3 Staff?

4 A No. No.

5 Q So why would you go to them with a leak, with a  
6 problem with an AMR?

7 A I'll be honest, until yesterday, I didn't really  
8 know much about them. So I wouldn't personally --

9 Q Mr. Zucker asked you some questions about a  
10 variety of leaks that you found and noted in your direct  
11 testimony. And I want to refer you to that direct  
12 testimony to page 5.

13 Now, one of the leaks referred to on page 5  
14 pertained to a situation where an installer drilled  
15 through the meter. Do you recall that?

16 A Yes, I do.

17 MR. ZUCKER: Objection. I never asked him about  
18 that one.

19 MS. SCHRODER: He was asking about the leaks  
20 that he found. I think that opens the door to go back in  
21 and ask about the other leaks that he found.

22 MR. ZUCKER: I don't think that it does. I  
23 asked him about one specific address, mistakenly said that  
24 address out loud, and that was it.

25 MS. SCHRODER: Well, actually you asked about



1 more than one address. You asked about the -- you asked  
2 about at least two on page 5 and page 6.

3 JUDGE WOODRUFF: I'll overrule the objection.  
4 Go ahead and answer.

5 MS. SCHRODER: Thank you.

6 Q (By Ms. Schroder) First of all, when you --  
7 when you found this meter that had been drilled through,  
8 you say in here that you notified your boss. Did you --  
9 okay. I'm sorry. And you also say you filled out a  
10 damage report.

11 A Yes.

12 Q What happened to that damage report?

13 A I turned it in at the end of the day.

14 Q You turned it into who?

15 A My foreman.

16 Q All right. In your review, the documents that  
17 the company provided to the union, which has been attached  
18 to as Exhibit 1 and 2 to your rebuttal testimony --

19 A Okay.

20 Q -- did you see any mention of the drilled  
21 through leak -- drilled through meter that you mentioned  
22 in your direct testimony?

23 A No, I did not.

24 Q And when -- were you in my office last week  
25 reviewing documents that Laclede gas had just produced

1     that were service tickets that were responsive to Exhibits  
2     1 and 2?

3             A     Yes, I was.

4             Q     And when I say responsive, they were the  
5     back-ups for Exhibit 1 and 2?

6             A     Yes, it is.

7             Q     All right. Was your ticket produced by Laclede  
8     at that time?

9             A     No, it was not.

10            Q     All right. Have you ever seen a document that  
11     has any reference to your -- to that leak that you found?

12            A     No. Not since that day.

13            Q     Have you -- whoops. Did I show you some  
14     documents that were produced last week by Honeywell  
15     Corporation in this matter?

16            A     Yes.

17            Q     All right.

18                   MS. SCHRODER: And, your Honor, these have not  
19     been previously put into evidence because, in fact, we  
20     didn't get them until last week. I would like to go ahead  
21     and approach the witness and hand out copies to people.

22                   JUDGE WOODRUFF: All right. Do you want to mark  
23     them as an exhibit? It will be No. 10.

24                   MS. SCHRODER: Okay.

25                   JUDGE WOODRUFF: Would this be HC?

1 MS. SCHRODER: Yes. This is an HC document.

2 Thank you.

3 JUDGE WOODRUFF: Call it 10-HC.

4 MS. SCHRODER: All right. Would you give that  
5 document to the witness, please?

6 MS. SCHRODER: Thank you.

7 A Thank you.

8 Q (By Ms. Schroder) Okay. Mr. White, do you now  
9 have in front of you Exhibit 10-HC?

10 A Yes, I do.

11 Q Is this a document that you reviewed in my  
12 office last week?

13 A Yes.

14 Q All right. Does this document reflect the  
15 address -- and please don't say the address --

16 A Okay.

17 Q -- that -- where you found the drilled through  
18 meter?

19 A Yes, it does.

20 Q And what does it say about that?

21 A Minus the address, it says, Gas leak changed by  
22 Laclede.

23 MS. SCHRODER: All right. And I don't know  
24 whether the parties can stipulate that -- that this was a  
25 document provided by Honeywell on December 6th, 2006, that

1 Honeywell's attorney identified as -- as being notes that  
2 Debra Redepenning indicated she had found through research  
3 to determine whether an installation was skipped due to a  
4 leak and that this is the -- these are the IT notes that  
5 she said she found. Can we stipulate to that?

6 MR. FRANSON: I --

7 MR. ZUCKER: So what you're saying is this is a  
8 list of --

9 MS. SCHRODER: There is a list --

10 MR. ZUCKER: -- leak type incident in which  
11 Honeywell installers called in to Laclede? Is that what  
12 you're saying this is?

13 MS. SCHRODER: Yes. That this is a list that  
14 Honeywell had.

15 MR. ZUCKER: Okay. That Honeywell --

16 MS. SCHRODER: That was produced in response to  
17 my deposition subpoena in this matter.

18 MR. ZUCKER: And that AMR installers called in  
19 leaks on and this is Honeywell's records of those?

20 MS. SCHRODER: Yes. This is the -- the skip  
21 data through the hand-held -- that is the letter from  
22 Patrick Martin, e-mail from Patrick Martin that I sent on  
23 December 6th.

24 MR. ZUCKER: Okay. I -- I think that I'm -- I  
25 think that that's accurate, and I think that I'm willing

1 to stipulate to it.

2 MR. FRANSON: I don't think I have a problem  
3 with it as long as it is clearly limited that these are  
4 Honeywell employees calling in and just their notes, but  
5 it's not being offered to say that some leak was caused by  
6 AMRs. These are strictly their notes and what they  
7 observed and what they did.

8 MS. SCHRODER: Yeah. I think the document  
9 stands for itself. Just wanted to make sure we could  
10 stipulate that this is an authentic document from  
11 Honeywell, that that's what it was produced for and --

12 MR. FRANSON: And it's strictly a list of  
13 addresses and notes of AMR installers. You're not  
14 offering it to show that the AMR, in fact, caused a gas  
15 leak?

16 MS. SCHRODER: I'm absolutely not offering it  
17 for that purpose.

18 MR. FRANSON: Okay. With that, then, your  
19 Honor, I have no objection to it, as to Exhibit 10-HC.

20 MR. POSTON: No objections.

21 JUDGE WOODRUFF: All right. Exhibit 10-HC has  
22 been offered into evidence. Hearing no objections, it  
23 will be received into evidence.

24 (Exhibit 10-HC was admitted into evidence.)

25 THE COURT REPORTER: Excuse me. The witness

1 would like to take a rest room break.

2 JUDGE WOODRUFF: Huh?

3 THE COURT REPORTER: The witness would like to  
4 take a rest room break.

5 JUDGE WOODRUFF: We will take a five-minute  
6 break. Come back in ten at 11:30.

7 (Break in proceedings.)

8 JUDGE WOODRUFF: All right. Let's go ahead and  
9 get started again. And we're back from our break, and you  
10 can continue with your redirect.

11 MS. SCHRODER: Thank you.

12 Q (By Ms. Schroder) Mr. White, I -- I think  
13 before we stopped we were talking about -- or at least  
14 sometime before we stopped, we were talking about spotting  
15 meters and erratic dials. Do you recall that?

16 A Yes.

17 Q All right. Has -- has Laclede gas had AMR  
18 devices before Cellnet's AMR device?

19 A Yeah. They had a -- something they called a  
20 trace meter that is read. And you know what, I --

21 Q You don't have to go into details?

22 A Yeah. They had a trace meter, yes.

23 Q And have there been other AMR devices, too, to  
24 your knowledge?

25 A Yeah. They -- yes -- yes, there has.

1           Q     Okay. In your 15 years of experience, have you  
2     seen the erratic dials with any of those AMR devices  
3     before?

4           A     No.

5           Q     In fact, in your experience with those other AMR  
6     devices, the non-Cellnet ones, are you aware of the -- the  
7     union ever complaining about any of those devices in the  
8     past?

9           A     I'm not aware of the union complaining about it.

10          Q     Why -- what's different about the Cellnet AMR, I  
11     mean, without going back through all your testimony, just  
12     sort of as an overview?

13          A     There seems to be more leaks.

14          Q     Okay. Now, you got asked by Rick -- by  
15     Mr. Zucker about a Lancaster 175 meter that you had  
16     indicated you thought leaked more. Are you aware of  
17     whether Laclede is even installing AMRs on those devices  
18     anymore? Do you understand my question?

19          A     Yeah. My understanding is they're changing them  
20     out completely.

21          Q     All right.

22          A     Yeah.

23          Q     And did Laclede management ever indicate to you  
24     why that's happening?

25          A     Yeah. They told us that it was non -- non-retro

1 is what they're saying. That's the -- that's what the --  
2 the ticket was stamped, non-retro on the ones that I've  
3 had.

4 Q All right. And did they tell you why it was  
5 non-retro? Did they say whether it was leaking?

6 A Whether it was leaking?

7 Q Right.

8 A They didn't say.

9 Q All right. You also were asked by Mr. Zucker  
10 about a Rockwell meter that you said you believed the AMR  
11 device didn't fit the meter very well. Do you recall that  
12 testimony?

13 A Yes.

14 Q All right. And he asked whether you measured  
15 things -- measured things on the Rockwell. Do you need to  
16 measure something on the Rockwell to see whether the AMR  
17 device fits? Is it something you can see visually?

18 A I mean, yeah. If it doesn't line up, it -- you  
19 know, I would say it doesn't fit.

20 Q Okay. Has that been your experience?

21 A Yes.

22 Q Okay. You also were asked by Mr. Zucker about  
23 some old 5-B meters that you said you had found leaks on.  
24 Do you recall that?

25 A Yes.



1                   MR. ZUCKER:  Objection.  I never asked him about  
2   any 5-B meters.

3                   MS. SCHRODER:  Well, I don't know whether you  
4   asked or not.  I know he testified about some 5-B meters  
5   in response to your questioning.

6                   MR. ZUCKER:  In fact, my question was -- I  
7   didn't ask him about 5-B's.  I asked him to talk about  
8   other kinds of meters.

9                   JUDGE WOODRUFF:  I'll sustain the objection.

10                Q     (By Ms. Schroder)  All right.  Let me rephrase  
11   the question.  In response to some questioning by  
12   Mr. Zucker, do you recall telling him about approximately  
13   five old 5-B meters that you had found leaks on?

14                A     Yes.

15                   MR. ZUCKER:  Same objection.

16                A     Oh.

17                   MS. SCHRODER:  I think this is definitely within  
18   the scope of cross.  It came out as a part of the answer  
19   to a question by Mr. Zucker.

20                   JUDGE WOODRUFF:  Again, the objection is  
21   sustained.  Just move on to the next area.

22                Q     (By Ms. Schroder)  Okay.  All right.  Do you  
23   recall being asked by Mr. Zucker whether you had knowledge  
24   that the pattern of the time it took for a leak to occur  
25   after AMR installation is greater -- whether that pattern

1 is greater now that AMR devices are being installed as  
2 opposed to AMR devices not being installed? Does that  
3 make any sense?

4 A I'm sorry. No.

5 Q Okay. Don't worry about it. Do you recall  
6 being asked by Mr. Zucker whether you had seen any actual  
7 harm to a customer or property as a result of an AMR  
8 device leaking?

9 A Yes, I do.

10 Q All right. Have you -- have you seen great  
11 potential -- I mean, have you seen potential for customers  
12 with property damage as a result of AMRs?

13 A Absolutely.

14 Q And how does that potential compare to the  
15 potential you have seen for that kind of damage prior to  
16 AMR installation?

17 A I guess, in my opinion, there's more leaks out  
18 there, which, potentially, could create more problems for  
19 more people than there were before as far as the meters  
20 go.

21 Q All right. And back to this meter for a moment  
22 that you were discussing with Mr. Zucker that corroded in  
23 the back.

24 A Uh-huh.

25 Q In your experience, how long does it -- well,

1 can a -- can a meter corrode between one corrosion  
2 inspection, one -- and the next three-year corrosion  
3 inspection?

4 A Certainly. I would -- in my opinion, I would  
5 say yes.

6 MS. SCHRODER: I have no further questions.

7 JUDGE WOODRUFF: Mr. White, you can step down.

8 MR. WHITE: What about all this stuff? Do I  
9 take this with me?

10 MS. SCHRODER: Actually, you give the exhibits  
11 back to the court reporter.

12 MR. ZUCKER: I'll pick up my stuff. Thank you.

13 MS. SCHRODER: Unless you want to not have  
14 anymore, that would be great.

15 JUDGE WOODRUFF: That's all right.

16 MS. SCHRODER: Can I just ask something before  
17 we call him? Our next witness is probably -- well, is  
18 definitely probably -- is definitely the longest witness  
19 we will have other than Mr. White. Do we want to call  
20 him, or do we want to maybe go out of order and call a  
21 shorter one since it's 11:40?

22 JUDGE WOODRUFF: Yeah.

23 MS. SCHRODER: We have a number of short --

24 JUDGE WOODRUFF: I was look for taking a break  
25 for lunch about 12, so -- yeah. If you have a short

1 witness, we can do that and come back to Mr. Carlton.

2 MS. SCHRODER: Well, we could do Claire Donnelly  
3 now because she's by phone, and I think she's going to be  
4 very short.

5 JUDGE WOODRUFF: That would be good, and get  
6 that out of the way. Is she the only one we are going to  
7 do by phone?

8 MS. SCHRODER: No. We're actually going to do  
9 Marilyn Jean Kessler by phone, too.

10 MR. EVANS: Should I give her a call first and  
11 tell her?

12 JUDGE WOODRUFF: Okay. Why don't we go ahead  
13 and do Claire Donnelly, then?

14 MR. FRANSON: Is there anybody --

15 MS. SCHRODER: Yeah. You know what? We're  
16 having trouble with our phone -- oh, here it is.

17 MR. EVANS: Thank you. I'll go give her a call.

18 MS. SCHRODER: I think we can just call her now  
19 and tell her. Do we have a phone?

20 JUDGE WOODRUFF: I've got the phone up here.  
21 It's a speaker phone.

22 MR. ZUCKER: Did you have a cell phone to call  
23 her?

24 MS. SCHRODER: We could call her -- Mike's  
25 concerned that we should call her first just to let her

1 know.

2 JUDGE WOODRUFF: Just to let her know before she  
3 gets on the line.

4 MR. ZUCKER: You can do it right here.

5 (Discussion off the record.)

6 MS. DONNELLY: Hello.

7 JUDGE WOODRUFF: Ms. Donnelly?

8 MS. DONNELLY: Yes.

9 JUDGE WOODRUFF: This is Judge Woodruff. I'm  
10 the Judge with the Public Service Commission.

11 MS. DONNELLY: Okay.

12 JUDGE WOODRUFF: I've got you on the speaker  
13 phone here.

14 MS. DONNELLY: Okay.

15 JUDGE WOODRUFF: And Mrs. Schroder's going to  
16 start asking you some questions here in a minute.

17 MS. DONNELLY: Okay.

18 JUDGE WOODRUFF: Can everyone hear her? Okay.

19 DIRECT EXAMINATION

20 BY MS. SCHRODER:

21 Q Hi, Ms. Donnelly.

22 A Hi.

23 Q This is Sherrie Schroder. I am going to ask you  
24 some questions about your prior testimony, and you aren't  
25 going to know the testimony number, unfortunately. I'm

1 just going to have to tell you what we've marked it as.

2 Okay? And this will be Exhibit 11, correct?

3 A I'm having a hard time hearing you a little bit.

4 JUDGE WOODRUFF: You can come closer if you want  
5 to.

6 MS. SCHRODER: Sorry.

7 Q (By Ms. Schroder) Can you hear me better now?

8 A Yes.

9 Q Okay. Great. Ms. Donnelly, we are going to  
10 mark your testimony Exhibit 11-NP and Exhibit 11-HC. And  
11 the -- the distinction is merely that one of them is a  
12 public copy and the other one has your address whited out.

13 A Okay.

14 Q All right. Did you give -- did you provide  
15 written testimony to the PSC in this matter?

16 A Yes.

17 Q All right. And you don't have it in front of  
18 you, but have you reviewed that written testimony?

19 A Have I reviewed it?

20 Q Yeah. Have you looked back at it?

21 A Yes.

22 Q And if I asked you those -- the same questions  
23 -- I'm sorry. Do you have any corrections to make to that  
24 testimony?

25 A No.

1           Q     If I asked you the same questions that elicited  
2     that testimony today, would your answers be the same?

3           A     Yes.

4           Q     And was your testimony true and accurate to the  
5     best of your knowledge, information and belief?

6           A     Yes.

7           MS. SCHRODER: With that, the union would move  
8     for the submission of Ms. Donnelly's testimony

9           JUDGE WOODRUFF: All right. Exhibit 11 has been  
10    offered into evidence. Are there any objections to its  
11    receipt?

12          MR. ZUCKER: No objection, your Honor.

13          JUDGE WOODRUFF: Hearing no -- hearing no  
14    objections, it will be received into evidence.

15          (Exhibit Nos. 11-NP and 11-HC were admitted into  
16    evidence.)

17          JUDGE WOODRUFF: For cross-examination, then,  
18    beginning with Public Counsel?

19          MR. POSTON: No questions.

20          JUDGE WOODRUFF: All right. And for Staff?

21          MR. FRANSON: A few, Judge.

22                       CROSS-EXAMINATION

23    BY MR. FRANSON:

24          Q     Ms. Donnelly --

25          JUDGE WOODRUFF: Can you hear him from back

1     there?

2             A     Not very well.

3                     JUDGE WOODRUFF:  You can come on up here, too,  
4     then.  We're in kind of a large courtroom here, and it's a  
5     little bit hard to hear sometimes.

6             A     Okay.

7             Q     (By Mr. Franson)  Ms. Donnelly, I'm an attorney  
8     for the Staff of the Public Service Commission.  Can you  
9     hear me?

10            A     Yes.

11            Q     Okay.  What I wanted to ask you is, what you're  
12    reporting here in your testimony is -- is strictly an  
13    experience you had when an AMR device was installed in  
14    your home; is that correct?

15            A     Yes.

16            Q     Okay.  So you're just reporting what people told  
17    you, the gas worker, the supervisor, and other people,  
18    correct?

19            A     We also ask -- I mean, we had the leak, so it  
20    was also something that I smelled and I noticed.

21            Q     Okay.  But you're not -- and then once that leak  
22    happened, did you report it to Laclede?

23            A     I reported it two weeks later after I first  
24    smelled it because the person who installed the device  
25    told me that it would dissipate.  And because it was in



1 the basement and I don't spend a lot of time there, I  
2 would just notice it from time to time.

3 Q Okay. You're not a trained gas worker, are you?

4 A No.

5 Q Okay. So once you -- you smelled the gas and  
6 reported it -- no, wait.

7 MR. FRANSON: I don't believe I have any further  
8 questions, your Honor. Thank you.

9 JUDGE WOODRUFF: All right. Thank you.  
10 Laclede?

11 MR. ZUCKER: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MR. ZUCKER:

14 Q Good morning, Ms. Donnelly.

15 A Hi.

16 Q Hi. My name is Rick Zucker. I'm an attorney  
17 for Laclede.

18 A Okay.

19 Q And let me ask you first how you came to -- to  
20 testify in this case. How -- how did you -- how were you  
21 contacted by the union?

22 A I had filed the -- let me think. How the union  
23 contacted me?

24 Q Or whether they did.

25 A The union did contact me. The gas worker who

1 was the union gas worker gave my number to his union  
2 leader.

3 Q Okay. And you say -- do you have your testimony  
4 in front of you, by the way?

5 A Yes.

6 Q Okay. And in paragraph 6, you have a sentence  
7 that says, "The supervisor admitted that there would have  
8 been no leak but for the installation of the AMR device."  
9 Do you see that?

10 A Yes.

11 Q Okay. Wouldn't it be more true to state that  
12 the supervisor admitted that you wouldn't have discovered  
13 the leak but for the installation of the AMR device?

14 A Can you repeat that again?

15 Q Wouldn't it be more accurate to say that the  
16 supervisor may have admitted that -- that you would not  
17 have discovered the leak but for the installation of the  
18 AMR device?

19 A No. Because if they would have just left it  
20 alone, the leak would have remained contained, and it  
21 wouldn't have actually been a leak. And because the plate  
22 was removed off the front of the gas meter, that caused  
23 the leak to be -- you know, let into the room.

24 Q Okay. So -- so the fact that the -- the index  
25 cover was removed to do the AMR installation allowed you

1 to discover the leak?

2 A Well, it allowed the leak to -- it allowed it to  
3 leak into our home versus being contained and not leaking  
4 into our home.

5 Q Okay. Were -- were you also -- you -- you made  
6 a -- a complaint at the Commission regarding something  
7 that the Laclede tech said to you regarding this payment  
8 by the -- how the Cellnet installers get paid. Do you  
9 recall that?

10 A Yes.

11 Q Okay. And -- and you testified in paragraph 6  
12 that you found it to be unprofessional on the part of the  
13 supervisor to bring the -- the tech back to your home?

14 A I thought that the supervisor -- I thought it  
15 was demeaning to the gas worker because he was just  
16 informing me of -- because I asked why the first gas  
17 worker had let that leak into the house and told us it was  
18 okay.

19 And so when the gas worker informed me that the  
20 person who came to our house and said that they were with  
21 Laclede Gas -- I just felt that it was unprofessional the  
22 way that the supervisor made the gas worker apologize when  
23 he was just informing me of a -- of a safety issue.

24 Q Okay. But do you understand, from the company's  
25 standpoint, we have to be careful with what technicians

1 working there on our behalf say about other companies?

2 A Do I understand that? Is that what you're  
3 asking?

4 Q Yes.

5 A Yes. I do understand that.

6 Q Okay. For example, if we -- we did service  
7 work, if our tech came out and said, Don't use some other  
8 service company because they're disreputable, we wouldn't  
9 want that to happen as -- as -- from Laclede's standpoint?

10 A Right. But at the same time, I just felt like  
11 he was doing me a service by informing me that the person  
12 who told me they were with the gas company actually was  
13 not with the gas company. He wasn't actually certified  
14 really to -- to detect leaks and all that stuff, according  
15 to the gas worker.

16 And -- which I believe to be true because he  
17 told me the leak was not a big deal and that it would  
18 dissipate, which the gas worker told me was not the case,  
19 that it wouldn't dissipate and it was a leak.

20 MR. ZUCKER: Okay. Okay. Thank you very much,  
21 Ms. Donnelly.

22 MS. DONNELLY: Thank you.

23 JUDGE WOODRUFF: All right. Thank you,  
24 Mr. Zucker. I don't have any questions, so there's no  
25 need for re-cross. Any redirect?

1 MS. SCHRODER: Just two questions.

2 JUDGE WOODRUFF: Okay.

3 REDIRECT EXAMINATION

4 BY MS. SCHRODER:

5 Q Hi, Ms. Donnelly. This is Sherrie Schroder  
6 again.

7 A Okay.

8 Q When the gas worker gave your number to the  
9 union, that was with your permission?

10 A Of course. I gave the gas worker -- I gave -- I  
11 think I gave the gas worker my phone number to give to --  
12 to the union guy.

13 Q All right. Thank you. And Mr. Franson asked  
14 you about the gas odor dissipating, I believe. Am I  
15 making that up?

16 MR. FRANSON: I have no objection to your  
17 question, but I don't know that I asked her, but go on  
18 with your question.

19 Q (By Ms. Schroder) Okay. I thought I heard some  
20 testimony about dissipating. Anyway, did you try to air  
21 out the basement?

22 A No, I did not.

23 Q Okay. Is there really any way to do that?

24 A Not safely. Not really sure -- you know, not  
25 really securely.

1           Q     And at the time that you called Laclede, how  
2     long was that after the installation?

3           A     I think it was about two weeks.  And like I  
4     said, it's just that we don't spend a lot of time -- our  
5     basement's an unfinished basement, so I only go down there  
6     to do laundry.  And every once in a while when I went  
7     down, I would notice the odor.

8           Q     And was the odor still -- did you still notice  
9     it two weeks later?

10          A     Yes.  And it was never -- it was never very  
11     strong.  If it was very strong, I would have called, you  
12     know, right away.  But I kept thinking that it would just  
13     dissipate, and it was very faint.

14                MS. SCHRODER:  Okay.  Thank you.  I have no  
15     further questions.

16                JUDGE WOODRUFF:  All right.  Thank you.  I  
17     believe that will complete Ms. Donnelly's testimony, then.  
18     And I thank you for your time, Ms. Donnelly.  And I'm  
19     going to hang up the phone now.

20                MS. DONNELLY:  Great.  Thank you.

21                JUDGE WOODRUFF:  Thank you.

22                MS. DONNELLY:  Bye.

23                JUDGE WOODRUFF:  Okay.

24                MR. ZUCKER:  We can do another phone call.

25                JUDGE WOODRUFF:  I know you said you had another

1 witness that might be done quickly.

2 MS. SCHRODER: Yes. And, actually, she would  
3 prefer to stay in order, she said. So, I mean, we can do  
4 the other phone call if you want or -- we might actually  
5 get a jump on the lunch crowd if we take lunch early, so  
6 it's up to you.

7 JUDGE WOODRUFF: Let's just go ahead and take  
8 lunch early. It's -- it's looking like we're going to  
9 have a hard time getting done today.

10 MS. SCHRODER: I don't believe --

11 JUDGE WOODRUFF: From -- from -- well, I don't  
12 know. I don't know how long these other witnesses are  
13 going to go. Based on what I've seen so far today, it's  
14 not going very quickly.

15 MS. SCHRODER: That was our longest witness.

16 JUDGE WOODRUFF: Okay. Well, we can -- we can  
17 try and get done today. If we want to come back at 12:30  
18 -- or do you need a longer lunch?

19 MR. FRANSON: Could we go just ten minutes  
20 longer, Judge? Thirty minutes yesterday was pretty tight.

21 JUDGE WOODRUFF: Yeah. I know. I've got some  
22 stuff to get done, too. Well, let's come back at 12:45.  
23 We'll compromise. All right. We'll adjourned until  
24 12:45.

25 (Lunch recess.)

1 JUDGE WOODRUFF: All right. Let's go back on  
2 the record.

3 MS. SCHRODER: The union calls Mary Hall.

4 JUDGE WOODRUFF: All right.

5 JUDGE WOODRUFF: Right up here, Ms. Hall.  
6 Please raise your right hand, and I'll swear you in.

7 MARY HALL,  
8 being first duly sworn to testify the truth, the whole  
9 truth, and nothing but the truth, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. SCHRODER:

12 JUDGE WOODRUFF: Thank you. You may be seated.  
13 You may inquire when you're ready.

14 MS. SCHRODER: Thank you.

15 Q (By Ms. Schroder) Hi, Ms. Hall.

16 MS. SCHRODER: I am sorry. I don't know what  
17 number we were on. Are we on 12?

18 JUDGE WOODRUFF: We're up to 12. Yes.

19 MS. SCHRODER: Excuse me. Did you give me those  
20 copies, Mike, the NP and --

21 MR. EVANS: Yeah. Here it is. And then I --

22 MR. FRANSON: She's got an NP and HC version,  
23 correct?

24 MS. SCHRODER: Right. I just gave those both to  
25 the court reporter.



1 MR. FRANSON: Are we up to 12, your Honor?

2 JUDGE WOODRUFF: Yes.

3 MS. SCHRODER: So that's 12, not 11?

4 JUDGE WOODRUFF: That was 12, yes. Donnelly was

5 11.

6 MS. SCHRODER: Okay. I'm sorry.

7 MS. HALL: Was I meant to have two of these?

8 THE COURT REPORTER: (The court reporter nods

9 head.)

10 MS. SCHRODER: All right, your Honor.

11 Q (By Ms. Schroder) I think you've got the

12 copies in front of you now?

13 A Yes. I had the original that I marked up. The

14 original.

15 Q Okay. That's fine. Ms. Hall, are you the --

16 did you provide written testimony in this matter?

17 A Yes.

18 Q And is that written testimony before you marked

19 as 12-HC and 12-NP?

20 A Yes.

21 Q All right. And --

22 JUDGE WOODRUFF: Ms. Hall, if you'd move the

23 microphone over a little bit. You have a soft voice.

24 A I could use any teacher's voice.

25 JUDGE WOODRUFF: Well, they need to hear you,

1 so --

2 A I'm sorry.

3 Q That's much better.

4 A Yes. 12-HC and 12-NP.

5 Q Okay. Do you have any corrections to your  
6 testimony?

7 A There is one -- one line -- page 3, lines 15 and  
8 16 about the budget billing. It did not show the actual  
9 gas charges. In other words, the budget billing, as it  
10 was meant to do, was an umbrella fee to balance out over  
11 the months. I'm talking too much.

12 Q No. I just want to make sure that we understand  
13 what the change is. The change is -- you said actual gas  
14 charges. It's not actual gas usage, is that --

15 A Right. Right. The usage -- right. It's on  
16 there, but I didn't know what the actual fee would be for  
17 what I really had used as opposed to what the budget  
18 billing wanted me to pay. There was only one figure,  
19 monetary figure on each bill, and that was what the gas  
20 company wanted me to pay as part of the budget plan, which  
21 was \$80 at this time. That was the only amendment I would  
22 have to this affidavit.

23 MS. SCHRODER: All right. Also, your Honor,  
24 since Ms. Hall's testimony, three more bills have come in  
25 of that I only have, unfortunately, one copy a piece of

1     because I just got them from her today. I would like to  
2     -- I guess I would -- I would like to have her discuss  
3     them because I think they complete her testimony, and then  
4     we can EFIS file them as an addendum to her testimony if  
5     that's --

6             JUDGE WOODRUFF: Or possibly if she's given the  
7     amounts on them, it's maybe not necessary to --

8             MS. SCHRODER: It may not be necessary.

9             JUDGE WOODRUFF: All right.

10            MS. SCHRODER: And I passed them to Mr. Zucker,  
11     except for the September one, which I hadn't found yet.  
12     But nobody else -- Marc Poston and Robert Franson have not  
13     seen them yet. So I guess do you guys want to take a  
14     quick break and look at them?

15            MR. FRANSON: No. Proceed. I'm sure she'll  
16     state the billing numbers. That's all I need.

17            MS. SCHRODER: All right. So if I may approach,  
18     I'll hand her those.

19            JUDGE WOODRUFF: You certainly may.

20            MS. SCHRODER: Thank you.

21            Q     (By Ms. Schroder) And why don't you put them in  
22     order so it will be easier for you?

23            A     Okay.

24            Q     All right. Ms. Hall, other than that correction  
25     that you made to page 3, line 16, if I asked you the same

1 questions today that we asked you in October when you  
2 filed this testimony, would your answers be the same?

3 A Yes, it would.

4 Q All right. And were those answers true and  
5 accurate to the best of your information and belief and  
6 knowledge?

7 A Yes, they are.

8 MS. SCHRODER: Thank you. With that, I move the  
9 admission of Mary Hall's testimony.

10 JUDGE WOODRUFF: All right. 12-HC and NP have  
11 been offered into evidence. Are there any objections to  
12 its receipt?

13 MR. ZUCKER: No, your Honor.

14 JUDGE WOODRUFF: All right. Hearing no  
15 objections, 12-HC and NP will be received into evidence.

16 (Exhibit Nos. 12-HC and 12-NP were admitted into  
17 evidence.)

18 JUDGE WOODRUFF: And did you want to ask --  
19 Mrs. Schroder, did you want to ask additional questions  
20 about those bills at this point?

21 MS. SCHRODER: That would be lovely if I could.

22 JUDGE WOODRUFF: This would be the best time to  
23 do that.

24 MS. SCHRODER: All right.

25 Q (By Ms. Schroder) Ms. Hall, when you gave your

1 testimony, you ended with your August bill, and you had  
2 just had a special meter read on that bill as well; is  
3 that correct?

4 A Yes.

5 Q And you stated at the end that your billing  
6 issue had not been resolved. Has your billing issue been  
7 resolved today?

8 A No.

9 Q Has -- do your new bills reflect a continuation  
10 -- is there -- what do your new bills show?

11 A To me, they show still that I am being -- have  
12 been over-charged in that the fees that I had earlier paid  
13 starting with that exorbitant January gas bill -- excuse  
14 me. I shouldn't have used that word. But excuse me.

15 But starting with that very high January gas  
16 bill that started my vested interest in this matter, that  
17 has not been resolved. So I believe I am still overpaid  
18 to Laclede Gas.

19 Q All right. And let's go specifically through  
20 those. In September '06 --

21 MS. SCHRODER: Do we -- I would really rather  
22 talk to her about the usage. Or do you guys want me to  
23 talk to her about the numbers, the amount of --

24 MR. FRANSON: You're asking the questions. Do  
25 what you deem appropriate.

1           Q     (By Ms. Schroder) What -- what usage does your  
2     September '06 bill show?

3           A     Present reading, 3613. Previous, 3612. And the  
4     amount due is \$70.50 cents for --

5           Q     Okay. So you had a -- a one -- whatever --

6           A     One digit discrepancy in the ones column.

7           Q     And you got charged how much for that?

8           A     \$70.50.

9           Q     All right. And was that an actual read or an  
10    estimated read?

11          A     It says actual reading.

12          Q     All right.

13          A     And underneath it says CWR plan amount, which I  
14    don't understand what that means, CWR.

15          Q     Okay. And did a meter reader come to read your  
16    meter on September -- in September, or was this the AMR  
17    reading?

18          A     Well, the AMR has been on since June of 1st  
19    year. So they would all be, I assume, AMR readings. To  
20    my knowledge, there has not been a May meter reader since  
21    Mr. Stewart came in August.

22          Q     All right. The October '06 bill, what does the  
23    present reading show?

24          A     That's not here. But then I was told I had a  
25    credit and did not pay.

1 Q Okay.

2 A So either they didn't send me one or I  
3 overlooked it. But I keep all my receipts, as you see.  
4 But I don't have an October, any -- any documentation for  
5 October.

6 Q All right. What does your November '06 bill  
7 show?

8 A It says the previous reading was 3615, which is  
9 three therms above or three units above what it said in --

10 Q September?

11 A Yeah. And the present reading was 3647 in  
12 November.

13 Q And how much did you get charged for that?

14 A 18.62.

15 Q Okay. And what does the December bill show?

16 A The December bill shows 3647, previous read,  
17 which matches the November figure, and 3716, present  
18 reading amount, \$102.32.

19 Q All right. And with the December read, does it  
20 say whether that's estimated or actual?

21 A Actual.

22 Q What about November?

23 A It says actual.

24 Q Okay. Directing your attention BACK to your May  
25 bill, what is the previous reading on your May bill?

1           A     It's hard to read the copy. But it looks like  
2     3516 -- 3616. No. It's 3616.

3           Q     Okay.

4           A     Previous reading under that column, it says,  
5     3616. Present reading, 3643.

6           Q     Okay. So directing your attention, then, to the  
7     November reading --

8           A     Uh-huh.

9           Q     -- is -- well, and even your -- to your  
10    September and November readings --

11          A     Right.

12          Q     -- do you see any problem with those numbers?

13          A     Yes, I do. And that's -- I was puzzled by that.

14          Q     All right. What problem do you see with those  
15    numbers?

16          A     Well, I see that in May, 3616 was the number of  
17    the previous reading. And in September, the number of the  
18    previous reading was 3612. And in November, the previous  
19    reading is 3615. And they're all digits in the ones  
20    column. They're minor discrepancies.

21          Q     All right. So your previous reading actually  
22    went down between May and September, didn't it?

23          A     Yes. Yes, it did.

24          Q     All right. And also between May and November.

25    All right. Do you --



1 MS. SCHRODER: Actually, I think I already --  
2 did I already move for the admission of 12 -- yeah. I  
3 did.

4 JUDGE WOODRUFF: Yes. 12 is already in. So if  
5 you're ready for cross --

6 MS. SCHRODER: Yes. I'm ready for cross.

7 JUDGE WOODRUFF: All right. Cross-examination,  
8 beginning with Public Counsel.

9 MR. POSTON: I don't have any questions. Thank  
10 you.

11 JUDGE WOODRUFF: For Staff?

12 MR. FRANSON: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. FRANSON:

15 Q Ms. Hall, are -- I'd like -- do you have your  
16 testimony in front of you?

17 A Yes.

18 Q Okay. Could you turn to page 4? And when you  
19 get there, look at lines 4 through 7, please.

20 A Yes, sir.

21 Q Do you see that?

22 A Yes.

23 Q Okay. Do you -- are you related in any way to  
24 any member of USW Local 11-6?

25 A No, no, no. Not at all.

1           Q     Okay.  How did you become aware of this  
2     proceeding?

3           A     Well, I found out about this particular  
4     proceeding through Ms. Schroder's office.  However --

5           Q     Through whose office?

6           A     Through the law offices of --

7           Q     Ms. Schroder's office?

8           A     Yes.  Ms. Schroder's office.  But when I got  
9     this bill in January, it was exorbitantly high to me.  And  
10    I inquired.  I called the gas company.  And I was told  
11    that they thought my usage fee was in line and they would  
12    send me a printout of my previous bills.

13                   They did not.  I rang again several weeks later.  
14    And then I was put on budget.  And I was sent a printout  
15    of the bills.

16           Q     So is it fair to say your complaint is the high  
17    bills?

18           A     Yes.

19                   MR. FRANSON:  No further questions, your Honor.

20                   JUDGE WOODRUFF:  Thank you.

21           A     Now, can I amend that or --

22                   JUDGE WOODRUFF:  Not right now.

23           A     All right.

24                   JUDGE WOODRUFF:  Ms. Schroder is going to have  
25    to ask you more questions.



1 JUDGE WOODRUFF: Yes, you may.

2 MR. ZUCKER: I'll show you the page.

3 A Sorry. I looked for Exhibit 4, and you said  
4 page 4.

5 Q (By Mr. Zucker) Yeah. I'll show you. This is  
6 a much better copy than mine. Okay. This one right here.

7 A Okay. I apologize for that.

8 Q No, no. It's just fine. Okay. So do you know  
9 what that -- that page is that we're talking about?

10 A Well, I have found the page now because you've  
11 shown it to me.

12 Q Right. But do you know what it's -- it's trying  
13 to show you?

14 A It looks like the amount of the bill based on  
15 the number of days of therm usage.

16 Q Right. This is -- is trying to explain to you  
17 how we arrived at the billing amount.

18 A Yeah. I have not seen this before, so --

19 Q Before --

20 A Today.

21 Q -- today?

22 A Yes.

23 Q This was not part of your testimony when you --  
24 you filed it?

25 A No. I have just got the affidavit here.

1           Q     Okay. Well, this was attached to the -- okay.  
2     You're saying you just had the body of the affidavit?  
3           A     Right. Just what I said is all I received.  
4           Q     Is this page you're looking at there, was this  
5     what you received from Laclede?  
6           A     No.  
7           Q     No? Okay. Well, let's look at it anyway.  
8           A     All right. What I -- what I received from them,  
9     I think, was this one.  
10          Q     Oh, okay. Okay. I recognize that. Okay.  
11     Well, let's look at this page anyway that I've pointed out  
12     to you. Do you see it says Revenue Month on the left  
13     side?  
14          A     Yes.  
15          Q     And then it compares December '04 to December  
16     '05?  
17          A     Uh-huh.  
18          Q     And what it -- in the second line, it says Bill  
19     Amount. And it seems to -- and it shows that you were  
20     billed \$159.88 --  
21          A     Uh-huh.  
22          Q     -- for usage in December '04 versus \$231.59 in  
23     December 2005. Do you see that?  
24          A     Yes. I see that.  
25          Q     Okay. And look a little further down. Do you

1 see a line called Heating Degree Days?

2 A Yes.

3 Q My guess is you don't know what heating degree  
4 days is?

5 A (Witness shakes head.)

6 Q It's -- it's the -- if I were to tell you that  
7 it's the number of degrees that an average -- the average  
8 temperature in a day was below 65 --

9 A Okay.

10 Q -- would you accept that?

11 A Sure.

12 Q Okay. And so the higher the heating degree  
13 days, the more heat needed to heat your home and the  
14 higher the bills tend to be.

15 A All right.

16 Q So in December of 2004, the heating degree days  
17 were 906 in St. Louis. And in December of 2005, 1,071.  
18 Do you see that?

19 A Yes.

20 Q And -- well, let me continue. So the heating  
21 degree days were about 165 more in December 2005.

22 A There's an error here that I need to point out.  
23 You see in the upper right-hand corner it says December  
24 '05? I never received a bill of 231.59. And I have a  
25 list of all the bills I've paid.

1                   In December of '05, my bill was \$78.17 This  
2   should read December '06.

3           Q     So this would be --

4           A     But it wasn't --

5           Q     I understand. This was our -- what we call our  
6   revenue month. So this was -- your usage that year  
7   actually went from -- ended the month of December ended  
8   January 3rd from -- and that's just a function of our  
9   billing cycle.

10          A     I see.

11          Q     But, basically, this was your usage in December.

12          A     Uh-huh. Okay.

13          Q     And so what -- basically, what I'm saying to you  
14   is the heating degree days were higher; in other words,  
15   December '05 was colder than December '04.

16          A     Okay.

17          Q     And we did not get a reading in December '05, so  
18   your read type was -- see -- see, it says Estimate there,  
19   Estimate?

20          A     Okay. Right.

21          Q     And so we estimated your usage at 151 CCF. Do  
22   you see that line, the CCF?

23          A     Yes.

24          Q     Versus the year before when it was warmer, and  
25   you actually used only 133. So we estimated a little bit

1 higher usage. And then we have to multiply those numbers  
2 times the cost per therm. See that at the bottom?

3 A Yes.

4 Q As you can see, the cost per therm in December  
5 2005 was significantly higher than '04, \$1.14 versus just  
6 under 82 cents. And so that's why your -- your bill for  
7 the month, December '05, at 231.59 is -- is higher than  
8 the -- the bill in December '04. Do you -- do you follow  
9 that?

10 A Yes, I do.

11 Q Okay. And -- and it appears that you also --  
12 you -- you -- after you got this bill and you complained  
13 about it, you went on kind of a budget program, right?

14 A Yes.

15 Q And CWR stands for cold weather rule.

16 A Cold weather rule. Thank you.

17 Q And during the winter when you go on a budget  
18 program in the winter, it's called the cold weather rule  
19 budget program. Do you understand that?

20 A Okay.

21 Q Okay. And so the budget is the -- is meant to  
22 be a consistent amount throughout the year.

23 A Uh-huh.

24 Q And so as you might expect, you'll be paying  
25 higher than your actual usage in the summer, but lower



1     than your actual usage in the winter.

2           A     Uh-huh.

3           Q     Does that make sense?

4           A     Uh-huh.

5           Q     so when you got the bill of \$80 in the summer,

6     that was just part of the budget. It appears that you

7     follow that because that's in your testimony?

8           A     Right. I do understand the nature of budget.

9     But what I objected to in the amendment I made was that

10    nowhere on the bill does it tell you what your actual

11    usage would have been or where the actual cash --

12           Q     Okay. Let's -- let's look at that. That's a

13    good -- good question.

14           A     Price would have been --

15           Q     Let's go to page -- in your -- I'll tell you

16    exactly which exhibit number this time. How about Exhibit

17    6?

18           A     Okay.

19           Q     Now, there, if you look on the left side of the

20    bill, see where it says CWR/Plan Amount?

21           A     Yeah.

22           Q     \$80?

23           A     \$80.

24           Q     Now, your plan amount before that had been

25    \$105.50, right?

1           A     Uh-huh.

2           Q     And it says there on the bottom of the right  
3 side of the bill, "Due to periodic review, your plan  
4 amount has been changed to 80." Do you see that?

5           A     Yes. I remember that.

6           Q     So your -- your -- your budget amount was  
7 reduced from 105 to 80?

8           A     Right.

9           Q     Now, your question is how much did I actually  
10 use there?

11          A     Right. Yes.

12          Q     And if you look at the line on the right side  
13 that says charge for gas service, 4-3-06 to 5-3-06.

14          A     Okay. I see that.

15          Q     Do you see that? 34.91?

16          A     Yes.

17          Q     And then the tax for your city --

18          A     Right. Yes.

19          Q     -- is added. And then those two numbers added  
20 together are -- make your actual bill for that month?

21          A     All right.

22          Q     Okay? Let -- I'm -- I'm done asking you  
23 questions for now. But let me offer to you that if you  
24 would like to -- to talk about this more, if you have more  
25 questions about your bill, I would be very happy to

1 discuss it with you. I know a lot of the information is  
2 very esoteric and specific to -- to gas service issues.  
3 So I understand that -- that you may have questions, and  
4 I'll be glad to talk to you about this.

5 A All right. Thank you.

6 Q And I'll leave you my phone number.

7 MR. ZUCKER: Okay. No further questions, your  
8 Honor.

9 JUDGE WOODRUFF: Thank you. All right. I have  
10 no questions from the bench. No recross. Any redirect?

11 MS. SCHRODER: Oh, I'm sorry.

12 JUDGE WOODRUFF: We're up to you already.

13 MS. SCHRODER: I didn't realize that Marc had  
14 already said no questions.

15 REDIRECT EXAMINATION

16 BY MS. SCHRODER:

17 Q Okay. Ms. Hall, I just want to clear up a  
18 couple of things. First of all, if -- I can direct your  
19 attention to Exhibit 2 to your testimony. This is a  
20 letter from the Missouri Public Service Commission?

21 A Oh, yes.

22 MS. SCHRODER: You're taller than me, Rick.

23 MR. ZUCKER: I like to think so.

24 A I don't know that that is going to be over here.  
25 Yes.

1 Q (By Ms. Schroder) Okay. Great.

2 A I'm killing your microphone.

3 Q That's all right. Do you have it in front of

4 you now?

5 A Yes, I do.

6 Q All right. Do you recall this letter?

7 A Oh, yes.

8 Q And if you will just glance at that letter for a

9 moment and then see if the third -- the third page after

10 that that came with that letter?

11 A Third --

12 Q The page that Mr. Zucker was asking you about.

13 A Oh, I'm sorry. Right. Right. Yes. Right.

14 Q So you have seen this --

15 A I had. You're right. You're right. I had it

16 in my possession, and I did not study it. So that's my

17 error. I apologize.

18 Q All right. I just wanted to clear up where this

19 record came from.

20 A I had it and did not study it, so --

21 Q Okay. Staff asked you -- I'm sorry.

22 Mr. Franson asked you about how you got involved in this

23 proceeding.

24 A Uh-huh.

25 Q Actually, he asked you how you came to testify

1 for the union, and I think you indicated my law firm. How  
2 did you find your way to my law -- to my law firm?

3 A Well, I got that extremely high bill for me --  
4 for me, okay, in January. I wasn't pleased with the way  
5 the gas company hadn't sent me the first time the list of  
6 bills and said that it was in line, which, to me, it  
7 wasn't because it wasn't.

8 And so I called Lisa Sigman. I know she had  
9 done a report on the gas company. And she -- her report  
10 involved the installation of AMRs.

11 And the -- a crew -- a group of men from the gas  
12 company, I assume, came in June of last year, the past  
13 year, and installed an AMR on my meter.

14 Q That was June of 2005?

15 A Yes.

16 Q Okay.

17 A And it was quite an interesting thing to watch.  
18 None of them were in uniform, and they did not announce  
19 themselves. And so I came out to see what was going on.

20 And what I found was that the rates seemed to go  
21 up after that, especially this January bill. And so in my  
22 mind, that's -- that's why I called Lisa Sigman, to see if  
23 there was a connection between this really high bill and  
24 the AMR. And she thought that there might be.

25 Q Okay. So my question was how you got to us.

1           A     She gave me Mike Evans' phone number.

2           Q     Mike Evans, an attorney with my office?

3           A     Right. Mike Evans, your associate, who she said  
4     was handling the data gathering for this case, which I did  
5     not know existed before I contacted her.

6           Q     All right. And I just wanted to clear up one  
7     more thing. You said that -- I think you said in response  
8     to a question from Mr. Zucker that you never received a  
9     bill in December '05 for 231.91.

10          A     Right. It was a discrepancy. He said in -- in  
11     months. I --

12          Q     Well, actually, if I can just direct you to page  
13     2, beginning of your testimony, lines 1 and 5 -- 1 through  
14     5, I think that may refresh your recollection about that  
15     December 2005 bill.

16          A     Okay. Page 2, line --

17          Q     Lines 1 through 5.

18          A     That's the amount of bill. January of 2006,  
19     right. And that's what I was -- he said it was December  
20     '05. And that -- January of 2006 is when the 231 bill  
21     arrived at my house.

22          Q     Okay. But it was for December of 2005?

23          A     I assumed it had to have been for past usage  
24     rather than for future usage.

25          Q     Yes. Okay. That was -- that was all I needed

1 to -- I just wanted to make sure that was clear.

2 A Okay.

3 Q And Mr. Zucker was asking you -- or explaining  
4 to you, actually, I think, about how -- why your bills  
5 might have been larger in December '05 than December of  
6 '04 --

7 A Uh-huh.

8 Q -- and January of '06.

9 A Uh-huh.

10 Q And January of '05. But there are some other  
11 months where your bills were also higher. If -- if I  
12 direct your attention to your May '06 bill -- I'm sorry.  
13 Your June '06 bill?

14 A It's one of these exhibits here someplace.

15 Q It's Exhibit 7.

16 A All right.

17 Q Do you see on Exhibit 7 -- I just put it away  
18 for a second.

19 A That's the 6/28/06 bill, Exhibit 7. Did you  
20 want May?

21 Q No. Exhibit 6 --

22 MR. FRANSON: Exhibit 6 --

23 Q (By Ms. Schroder) Exhibit 7, I'm sorry, is the  
24 6/28/06 bill.

25 A Right. Uh-huh.

1           Q     What are the therms of usage reflected on that  
2 bill?  
3           A     The previous?  
4           Q     No. On that bill, do you see on the left-hand  
5 side at the bottom?  
6           A     Oh, 2.3, yes. Oh, I see it. 15.3.  
7           Q     All right. And then if I could turn your  
8 attention to Exhibit 10, it's the very last page of your  
9 testimony.  
10          A     Yes.  
11          Q     And if you would look at the -- the June --  
12          A     6/18.  
13          Q     -- '05 bill? I mean, yeah, June '05.  
14          A     6/6/05. Right.  
15          Q     Okay. And what are the -- what's the therm  
16 usage?  
17          A     That's interesting. It says 3.1.  
18          Q     All right. So what -- so at this point, are you  
19 using heat in either June of '05 or June of '06?  
20          A     Not usually. I usually like it -- I keep my  
21 house cool.  
22          Q     I mean, and June is generally not a cold month,  
23 is it?  
24          A     No.  
25          Q     All right.



1           A     Not in St. Louis, it's not.

2           Q     Right. Thank you. What other appliances do you  
3 have that are on gas?

4           A     Just the hot water heater. Just the gas hot  
5 water heater.

6           Q     All right. So I'm asking you now to think back  
7 a little bit. But did you take a lot more hot showers, do  
8 a lot more laundry in June of '06 than June of '05?

9           A     No. And I looked back, too, as I was thinking  
10 about it. Nothing was different. I did have out of town  
11 company during some of the time, but not during that time  
12 of the year.

13          Q     Okay. So that was a fairly substantial jump in  
14 therms. Let me direct your attention now on the same  
15 document, Exhibit 10, to the July '05 bill, July '0 --  
16 July 6th of '05. Do you see that?

17          A     Yes.

18          Q     And what were your therms of usage that month?

19          A     Five one.

20          Q     And then if I can direct your attention to  
21 Exhibit 8, which is your July '06 bill --

22          A     Uh-huh. Very good. Yes. Uh-huh.

23          Q     Well, it's your bill for usage in July.

24          A     71.9.

25          Q     71.9 therms. Okay.

1           A     My appliances are electric, except for the gas  
2     hot water heater and the furnace.

3           Q     Again, more showers, more washing?

4           A     No.

5           Q     Laundry or dish washing?

6           A     No.

7           Q     Okay.

8           A     No.

9           MR. ZUCKER: I'm going to interpose an objection  
10     here that -- the bill that they're looking at on Exhibit 8  
11     is actually a four-month -- billing adjustment to -- to  
12     bill for -- to make up for statements that had been billed  
13     previous to that.

14                 In addition, I -- you know, I don't mean to be  
15     disrespectful, but this wasn't stuff we went over in  
16     cross.

17                 JUDGE WOODRUFF: It -- it wasn't -- and it's --  
18     but it's something I want to learn more about. So I'll  
19     let her go ahead and finish this redirect. Then I'll give  
20     you a chance to re -- re-recross on that --

21                 MR. ZUCKER: Thank you, your Honor.

22                 JUDGE WOODRUFF: -- So we can get to the bottom  
23     of it.

24           A     Good.

25           Q     (By Ms. Schroder) Ms. Hall, you did get bills

1 for the period -- from Laclede for the period of March

2 '06 --

3 A Yes.

4 Q -- through June '06, didn't you?

5 A Oh, yes.

6 Q And they reflected usage?

7 A Yes.

8 Q All right.

9 A Yes.

10 MS. SCHRODER: Okay. I have no further  
11 questions.

12 A Oh, yes.

13 JUDGE WOODRUFF: All right. Thank you.

14 Mr. Zucker, if you want to come up and ask some questions  
15 about those last couple comments.

16 A Well done. Well done. Oh, okay. Thank you.

17 Thank you.

18 RECROSS EXAMINATION

19 BY MR. ZUCKER:

20 Q I don't have a card. I'm just going to ask you  
21 a quick question. I only brought one page up with me.  
22 Exhibit 8 again, if you would look at that?

23 A Eight. All right. Yes.

24 Q Okay. During the -- the few months before, we  
25 had billed you, and I think you saw in June we billed you

1 15 for a month which is very low, but the year before  
2 you'd only used three. So it may have happened during  
3 this year that we billed you a little more than you  
4 actually used because we had estimated some of your bills.  
5 Do you follow that?

6 A Right. I have a question about how the estimate  
7 could be so much higher --

8 Q Well, it -- I'll be glad to answer that  
9 question.

10 A -- usage. Yeah.

11 Q Well, we'll talk later, and I'll answer that.

12 A Okay. All right.

13 Q But let me ask you one question. Do you see on  
14 Exhibit 8 the charge for gas service, on the right side of  
15 the bill?

16 A Uh-huh.

17 Q Charge for gas service, 3/3/06 to 7/3/06. Do  
18 you see? That's a four-month period. So the \$137 charge  
19 covers all four of those months. Do you see that?

20 A Actually, I don't. I just have the stub that I  
21 keep. Is that --

22 Q It should be on the stub. Yes. The right side  
23 of the bills. There's a line that says Charge for Gas  
24 Service.

25 A Oh, now I see it here. Charge for gas, 3/3/06

1 to 7/3/06.

2 Q Right.

3 A Okay.

4 Q So that's a four-month period?

5 A Right. It is.

6 Q And the total bill for those four months is a

7 \$137. Do you see that?

8 A Yes. Yes.

9 Q Okay. Now, we have to give you credit for

10 everything that, as Ms. Schroder pointed out, we'd already

11 billed you for. So if you look above that, there's a line

12 called Bill Adjustment. Do you see that?

13 A Yes.

14 Q And across from there is a number that says \$186

15 and 30-something cents.

16 A Thirty-five cents.

17 Q Thirty-five cents with a minus sign next to it?

18 A Right.

19 Q So we gave you a credit for that. So you

20 started off with a -- a balance, see, at the top of that

21 same area, a balance of a \$196.

22 A Right.

23 Q We took into account your payment of \$80, gave

24 you credit for the 186 that you'd already been billed,

25 charged you 137, plus the tax, and your -- your total

1 balance comes out over a hundred dollars less than your --  
2 well, not over a hundred dollars, but given your \$80  
3 payment still less than your -- your balance would have  
4 been --

5 A Uh-huh. I see.

6 Q -- prior to that. Okay. And, again, let me  
7 offer to -- to answer further questions --

8 A Uh-huh.

9 Q -- outside of the hearing.

10 A Yes. Thank you.

11 MR. ZUCKER: Thank you, Judge.

12 JUDGE WOODRUFF: Thank you. Any further  
13 redirect after -- based on those questions?

14 MS. SCHRODER: No.

15 JUDGE WOODRUFF: All right. Thank you. Ms.  
16 Hall, then can you step down, and we're finished with you.

17 MS. HALL: Thank you.

18 JUDGE WOODRUFF: Thank you for coming. Do we  
19 want to go with Mr. Carlton now, I think?

20 MS. SCHRODER: Yes, we will.

21 DEAN CARLTON,

22 being first duly sworn to testify the truth, the whole  
23 truth, and nothing but the truth, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. SCHRODER:

26



1 JUDGE WOODRUFF: You may be seated. And you may  
2 inquire when you're ready.

3 Q (By Ms. Schroder) All right. Mr. Carlton, I  
4 believe the court reporter just put in front of you  
5 Exhibits 13-HC and 13-NP and 14-HC and 14-NP; is that  
6 correct?

7 A That's correct.

8 Q All right. Did you file written testimony in  
9 this matter of -- first, let's start with written direct  
10 testimony that has been marked as 13-HC and 13-NP.

11 A Yes, I did.

12 Q All right. Have you -- do you have any  
13 corrections to that testimony?

14 A No, I don't.

15 Q And if I asked you the same questions today that  
16 you were asked then, would your answers be the same?

17 A Yes, they would.

18 Q All right. Were those answers true and accurate  
19 to the best of your knowledge, information and belief?

20 A Yes, it was.

21 MS. SCHRODER: With that, the union moves for  
22 the submission of Exhibit 13-HC and 13-NP.

23 JUDGE WOODRUFF: Exhibits 13-HC and NP have been  
24 offered. Are there any objections to its receipt?  
25 Hearing none, it will be received into evidence.



1                   (Exhibit Nos. 13-HC and 13-NP were admitted into  
2 evidence.)

3           Q        (By Ms. Schroder) All right. Mr. Carlton, did  
4 you also file surrebuttal testimony in this matter, and is  
5 that in front of as Exhibits 14-NP and 14-HC?

6           A        Yes, it is.

7           Q        And do you have any corrections to that  
8 testimony?

9           A        No, I don't.

10          Q        If I asked you the same questions today that you  
11 were asked then, would your answers be the same?

12          A        Yes, they would.

13          Q        And were those answers true and accurate to the  
14 best of your knowledge, information and belief?

15          A        Yes, it was.

16                   MS. SCHRODER: I pass the witness.

17                   JUDGE WOODRUFF: Did you want to offer 14?

18                   MS. SCHRODER: Oh, I'm sorry. Thank you. Yes.

19 I would offer Exhibit 14-NP and 14-HC into evidence.

20                   JUDGE WOODRUFF: 14-HC and NP has been offered  
21 into evidence. Is there any objection to its receipt?  
22 Hearing none, it will be -- it will be admitted into  
23 evidence.

24                   (Exhibit Nos. 14-HC and 14-NP were admitted into  
25 evidence.)

1 JUDGE WOODRUFF: Let's -- all right. For  
2 cross-examination, again, beginning with Public Counsel?

3 MR. POSTON: No, thank you.

4 JUDGE WOODRUFF: Staff?

5 MR. FRANSON: Yes, your Honor, briefly.

6 CROSS-EXAMINATION

7 BY MR. FRANSON:

8 Q Afternoon, Mr. Carlton. I'm Robert Franson.  
9 I'm an attorney with the Public Service Commission. I've  
10 got a few questions, and we'll try and be as brief as we  
11 can. Do you have your direct testimony and then your  
12 surrebuttal with you?

13 A I do.

14 Q Okay. Turning your attention to page 2, lines 7  
15 -- this would be your direct testimony, which I believe  
16 has been marked as 13-NP. Page 2, line 17 through 20.  
17 Could you take a look at that?

18 Actually, make that 17 through -- line 17  
19 through 23. When you've had an opportunity to review  
20 that, please let me know.

21 A I've reviewed it.

22 Q Okay. Was that list compiled under your  
23 direction?

24 A No, it was not.

25 Q Okay. Whose direction was it compiled under?

1           A     I believe -- you know, honestly, I don't know  
2     who actually directed it. It was just a large number of  
3     us employees, and some of the union members decided that  
4     it was time. I don't -- I don't remember ever being  
5     corrected by one specific person.

6           Q     How did you decide it was time to do it on  
7     August 21 rather than at some other time earlier or later?

8           A     I don't recall August 21 being a date that is  
9     significant in -- in the -- I don't -- I guess I don't  
10    understand what August 21 is.

11          Q     Okay. Well, when did you compile it?

12          A     A few months after when we started seeing that  
13    leaks were going on, problems AMRs, skipping meters and  
14    leaks. I don't know a specific date.

15          Q     Okay. So you -- you can't tell me a date in  
16    either 2005 or 2006 when this list existed?

17          A     I don't know when it started. No.

18          Q     Well, I'm not asking when it started, but I'm  
19    asking when the final list that was filed -- and the  
20    significant date that I've asked about earlier was August  
21    21, 2006, that was the day of your First Amended  
22    Complaint.

23                I'm asking, that list, do you know when it -- it  
24    actually existed in totality for the first time?

25          A     No. I don't have any knowledge of that.

1           Q     Thank you. Turning your attention to page 3,  
2     lines 8 through 9, see where it says, In my opinion, the  
3     vast majority of AMR meters from the factory have this  
4     problem; is that correct?

5           A     Yes. That's correct.

6           Q     Okay. And you -- right before that, you tell us  
7     what you think that problem is that these AMR meters skip,  
8     jump, stall or turn erratically. Okay. So those are the  
9     ones where it's actually installed in the factory; is that  
10    correct?

11          A     It does encompass those meters as well as other  
12    meters.

13          Q     Well, besides meters with AMRs on them, are you  
14    telling me that other non-AMR meters have the same  
15    problem?

16          A     No. No, I'm not.

17          Q     Okay. What other meters are you referring to?

18          A     Ones that are installed in the field by the  
19    Honeywell people as well. It's just not new meters.

20          Q     We'll come to that in a moment. For the moment,  
21    let's limit ourselves to the factory installed AMR  
22    devices. In your opinion, they have this problem of  
23    skipping, jumping, stalling or turning erratically?

24          A     Yes, they do.

25          Q     Okay. Now, let's go to the ones right down

1 below, which I believe is where you were going earlier.  
2 Lines 11 through 13, "AMR devices put on by Cellnet  
3 subcontractors have the same dial movement problem"; is  
4 that correct?

5 A That's correct.

6 Q But -- then go down to lines -- page 3, lines 16  
7 through 7 -- well, actually, 16 through 20. Could you  
8 take a look at those? So --

9 A Uh-huh.

10 Q So these -- these meters -- these AMR devices  
11 that are stalled in the meter shop, those are done by  
12 Laclede employees, though; is that correct?

13 A Yes, they are.

14 Q Are they -- those employees also USW Local 11-6  
15 members?

16 A Yes, they are.

17 Q And they're the only ones, in your opinion, that  
18 do it right?

19 A No. I don't have an opinion on who is doing it  
20 right or wrong, just on how the meters function.

21 Q Okay. But based on your opinion of how these  
22 meters function, is it fair to say here that the factory  
23 doesn't do it right, the Cellnet subcontractors putting  
24 them on in the field don't do it right, but the -- the  
25 people in the meter shop do it right?

1           A     That would be speculation on who is doing it  
2     right. I don't know. I have no idea who is doing it  
3     right or wrong. I do know that the meters that seem to  
4     come out with the red stamp on them seem to run more  
5     smoothly. I wouldn't know why. That just seems to be, in  
6     my experience, what I've encountered.

7           Q     Okay. And then aren't you saying that the  
8     people in the meter shop do it better than anybody else?

9           A     No. I'm just testifying to how the function of  
10    the meter is. I don't know who does it better or worse.  
11    I'm just saying the function of the meter -- you know, I'm  
12    not commenting on the ability or inability of anybody.  
13    I'm just saying how the meters function.

14          Q     The meters that have this red tag on them, those  
15    come from the meter shop, right?

16          A     Yes, sir, they do.

17          Q     And your testimony is that those meters work the  
18    best; is that correct?

19          A     They appear to work better, yes.

20          Q     And those meters happen to have had the AMR  
21    devices installed by the meter shop, correct?

22          A     That's correct.

23                MS. SCHRODER: Objection. This has been asked  
24    and answered, and I think he's just badgering the witness  
25    at this point.

1 MR. FRANSON: Your Honor, I don't think --

2 JUDGE WOODRUFF: I think he's just summarizing  
3 at this point, and I'll overrule the objection.

4 MR. FRANSON: That's correct.

5 Q (By Mr. Franson) And with that being said, I  
6 think we'll move on. Thank you.

7 Let me turn your attention to your page 4, lines  
8 3 through 4 of your surrebuttal, if you can turn there,  
9 please.

10 A Could you repeat what page?

11 Q Of your surrebuttal, 14-NP, your -- lines 3  
12 through 4. Specifically, the sentence says --

13 A I'm sorry. I didn't hear the page.

14 Q Page 4.

15 A Okay.

16 Q Lines 3 through 4.

17 A Okay.

18 Q I'm interested in the sentence, "Prior to AMR,  
19 index dial glass meters filled up with water for the very  
20 reason that it was not vented." Okay. Have you heard the  
21 prior testimony in this case?

22 A Not completely, but most of it.

23 Q Okay. After hearing that and after seeing --  
24 did you see the AMR demonstration yesterday?

25 A No, I did not. I actually came after that.

1           Q     Do you stand by this testimony that AMR -- well,  
2     prior to the installation of AMR devices that index dial  
3     glass was not vented?

4           A     Yes, I do.

5           Q     Okay. How long have you been familiar with  
6     index dial glasses in the Laclede system?

7           A     I've got 15 years experience at the gas company.

8           Q     You've never seen one vented prior to AMR?

9           A     I never specifically looked for it. But I did  
10    -- I have seen many meters that the dial glass have a  
11    significant amount of water either being half full or  
12    holding water.

13          Q     I'm not asking about water. I'm talking about  
14    specific vents or holes.

15          A     Never -- never really any reason to look for a  
16    vent or pay attention to a vent.

17          Q     So --

18          A     So, no, I have not.

19          Q     So you haven't seen it because you didn't look?

20          A     That's correct.

21          Q     Is it fair to say you really don't know whether  
22    they were vented before that, the AMR installation or not  
23    because you didn't have occasion to look?

24          A     I think it would be fair to say.

25          Q     Thank you. No -- no further questions on that.



1 Let me ask you, also, down on page 4, lines 16 through 22,  
2 could you review that, please, and tell me when you've had  
3 the opportunity to do that?

4 MS. SCHRODER: I'm sorry, Robert.

5 MR. FRANSON: Page 4 of his surrebuttal, lines  
6 16 through 22.

7 A I've reviewed it.

8 Q (By Mr. Franson) Okay. You -- that starts out,  
9 "The Staff has raised concerns about the union  
10 accumulating evidence of AMR problems without notifying  
11 Laclede."

12 Where did you get the information that led you  
13 to ask and answer that question there?

14 MS. SCHRODER: Objection. He didn't ask the  
15 question.

16 MR. FRANSON: He most certainly did. Prefiled  
17 testimony.

18 MS. SCHRODER: He didn't ask it. He answered  
19 it.

20 MR. FRANSON: Well, he asked himself and  
21 answered the question. I think I can ask about it. This  
22 is his prefiled testimony. It's supposed to be his  
23 testimony.

24 MS. SCHRODER: It's his testimony. That doesn't  
25 mean --

1 JUDGE WOODRUFF: All right.

2 MS. SCHRODER: I -- I'm sorry.

3 JUDGE WOODRUFF: It's not always clear exactly  
4 who writes the questions and who writes the answers in  
5 prefiled testimony, but we will indulge the assumption  
6 that the questions -- that the witness provides the  
7 answers, the questions come from some other source.

8 MR. FRANSON: Well, let's explore that.

9 Q (By Mr. Franson) Mr. Carlton, did you, in fact,  
10 write the question on line 16 and 17 of your surrebuttal  
11 testimony?

12 A No.

13 Q Okay. Did you participate in the preparation of  
14 the answer?

15 A Yes.

16 Q Okay. The question asked about Staff raising  
17 concerns about the union accumulating evidence without  
18 notifying Laclede. Did you ever take it upon yourself to  
19 make sure that the Public Service Commission, whether it  
20 was the Staff or anyone else at the Public Service  
21 Commission, was aware of this evidence that the union was  
22 accumulating?

23 A No, I did not.

24 MR. FRANSON: I don't believe I have any further  
25 questions of the witness.

1 JUDGE WOODRUFF: All right. Cross-examination  
2 by Laclede?

3 MR. ZUCKER: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. ZUCKER:

6 Q Good afternoon, Mr. Carlton.

7 A Good afternoon.

8 Q My name is Rick Zucker. I'm an attorney for  
9 Laclede Gas Company. I -- I just have to pop that  
10 microphone each time I come up.

11 Are you a high school graduate, sir?

12 A Yes, I am.

13 Q And did you attend college?

14 A Yes, I did.

15 Q Which college did you attend?

16 A Rankin Technical College.

17 Q Did you know Mr. White while you were there?

18 A Yes, I did.

19 Q Okay. Have you attended any other college?

20 A No, I have not.

21 Q Are you a -- did you graduate from Rankin Tech?

22 A Yes, I did.

23 Q What year did you graduate?

24 A 1990.

25 Q And you have been at Laclede for 16 years?

1           A     Fifteen and some change right now, yes.

2           Q     Okay. And was your job at Laclede your first

3 job after graduating from Rankin Tech?

4           A     No, it was not.

5           Q     What was your first job?

6           A     I was with a commercial heating and cooling

7 contractor.

8           Q     Okay. And how long were you with that

9 contractor?

10          A     Approximately six months or so.

11          Q     And then did you go to Laclede from there?

12          A     Yes, I did.

13          Q     Okay. Have you ever taken any classes on any --

14 on AMR installation?

15          A     Previous generations, yes.

16          Q     Previous generation, meaning not --

17          A     Trace device. Not the Cellnet, the trace

18 device.

19          Q     Okay. Have you ever installed an AMR?

20          A     Yes, I have.

21          Q     On a -- a --

22          A     Not a Cellnet, but the previous.

23          Q     Okay. Good -- good point. When I refer to AMR,

24 I'm referring to Cellnet.

25          A     Okay.

1           Q     So Let me ask again, just to be clear. Have you  
2     ever installed a Cellnet AMR?

3           A     No, I have not.

4           Q     Okay. One moment, please. Okay. Okay. I had  
5     it the whole time. Have you seen what was marked as  
6     Exhibit 9? Did you have a chance to look at that maybe  
7     during the lunch break?

8           A     Yeah. I went over it a little bit when you guys  
9     passed it out earlier.

10          Q     Have you seen this document before?

11          A     Not before today.

12          Q     So this was not presented to you sometime during  
13     the spring of 2006?

14          A     Not in written form, no.

15          Q     Okay. Did you get a chance to read it?

16          A     I went over it briefly. Not word for word, no.

17          Q     Okay. And are you familiar with the information  
18     contained in it?

19          A     Fairly.

20          Q     Okay. So the -- the -- you kind of know the  
21     information, although you haven't seen this particular  
22     technical update?

23          A     Correct.

24          Q     On page 3 of your testimony, Mr. Franson asked  
25     you some questions about -- on page 3 of your direct. I'm

1     sorry. About the dial -- movement of dials on factory  
2     installed AMRs and Cellnet installed AMRs. And you said  
3     -- well, and your testimony says that both of them are  
4     prone to skipping and jumping. Is that an accurate review  
5     of your testimony?

6             A     Yes, it is.

7             Q     Okay. So what -- what you're saying by that is  
8     that the -- the issue with AMRs is not just the  
9     installation. It's also the -- the -- the factory  
10    production of them?

11            A     Yes. I believe so.

12            Q     Do you recognize this?

13            A     Just as a meter dial. Yeah.

14            Q     Okay. Can you -- can you tell the -- the Judge  
15    what this is?

16            A     That is a meter dial.

17            Q     Would we call this an index?

18            A     Yeah.

19            Q     And is this used to measure gas, the -- the  
20    number of cubic feet of gas that go through the meter?

21            A     That's correct.

22            Q     Okay. I'm going to hand this to you, if I may.

23                   JUDGE WOODRUFF: You may.

24            Q     (By Mr. Zucker) Can you tell me how many dials  
25    are on that index?

1           A     Six.

2           Q     Six dials.  And can you tell me when you talk  
3     about the dial spinning erratically which one of those  
4     dials spins erratically?

5           A     The two bottom ones, the half foot and the two  
6     foot hand.

7           Q     The half foot and the two foot?

8           A     Yes, sir.

9           Q     Okay.  And you -- you asked a question there on  
10    page 4.  You didn't necessarily ask the question.  You  
11    answered the question.

12          A     On where --

13          Q     And page 4 of your direct testimony starting at  
14    line 8.  The question asked of you was, "What, if any,  
15    billing implications are caused by leaving these  
16    erratically spinning dials?"  Your answer is, "The dials  
17    of the meter cannot be manually read because they spin  
18    erratically."  Did I read that accurately?

19          A     Yes, you did.

20          Q     Have you ever done meter reading?

21          A     Yes.

22          Q     Are you trained to do meter reading?

23          A     Yes.

24          Q     And do you, on occasion, when you are on a  
25    customer's property read the meter?

1           A     Yes.

2           Q     And do you turn in that meter reading?

3           A     Yes.

4           Q     And when you read the meter, let's say on that

5 index in front of you, which dials do you read?

6           A     The top four.

7           Q     The top four. You don't read the bottom two at

8 all?

9           A     No.

10          Q     Okay. Is it your understanding that the -- what

11 you have -- have stated as the erratic movement of the

12 bottom two dials, the half foot dial and the two foot

13 dial, does not affect the measurement of the meter, does

14 not affect the measurement of the gas that comes through

15 the meter?

16          A     I'm not sure. Could you --

17          Q     In other words, when you read the -- the top

18 four dials on the meter and turn in that reading --

19          A     Uh-huh.

20          Q     -- is that an -- is that reading affected by the

21 erratic movement of the bottom two dials?

22          A     Yes. I believe it would be.

23          Q     You believe it would be. And so you're saying

24 that the -- the reading is then not accurate on the top

25 four dials?



1           A     I believe it would be -- it's my understanding  
2     that they're all connected together and that if it is  
3     spinning erratically, stopping or starting or spinning  
4     faster or slower than it should, over an accumulation of  
5     time, it would change or factor into what the top four  
6     dials are reading.

7           Q     Okay.  So are you telling me that when the dial  
8     -- the bottom two dials, the half foot and the two foot,  
9     move in this erratic manner, they actually get ahead of  
10    the gearing?

11          A     I don't understand ahead of the gearing.  But I  
12    -- I would say that if -- if they are not smooth, if the  
13    gearing is not smooth and it is not properly registering  
14    the amount of gas that's going through it over an  
15    accumulation of time, I would think that that -- the top  
16    four dials could be off over time.

17          Q     Okay.  I'm going to hand you Exhibit 9.

18          A     Okay.

19          Q     Do you see the -- the third and last page of  
20    that exhibit?

21          A     Is that what you opened it to?

22          Q     Yes.

23          A     Yes, I do.

24          Q     And can you see this the explanation given for  
25    how the dial moves in -- the circle is the dial and the

1     little triangles are the -- the catches that move?

2           A     Uh-huh.

3           Q     The -- the -- what they call the drive dog?

4           A     Uh-huh.

5           Q     Do you see that?

6           A     Yes, sir.

7           Q     Do you see that the movement is only in between

8     those two catches?

9           A     Yeah. According to the picture, yes.

10          Q     Do you have reason to doubt that picture?

11          A     No.

12          Q     In other words, the erratic movement is

13     something that is a fraction of a foot as opposed to

14     causing large changes in the number of cubic feet. Do you

15     understand that?

16          A     Yeah.

17          Q     And so, therefore, the measurement will not

18     really be off. The measurement of the top four dials on

19     the meter won't really be off by this small difference.

20          A     If that were the only issue, yes, I guess that

21     would be true.

22          Q     Is there another issue?

23          A     It just seems to me that the meters either stop

24     at a -- at a larger ratio than that would be. Like I

25     said, this is just an opinion. But sometimes they speed

1 up or they jump full rotations on the half foot hand. So  
2 it just appears that there could be other issues if -- if  
3 it is -- I guess everything is -- you know, in a perfect  
4 world, if they're installed correctly and if that is  
5 really the only slack, I guess that would be true.

6 Q So this is your opinion. Do you understand it's  
7 Laclede's opinion that the measurement is not affected?

8 A I do not understand that.

9 Q Do you -- when -- do you do leak testing?

10 A Yes, I do.

11 Q Of -- of meters?

12 A No.

13 Q Okay. Well --

14 A Well --

15 Q The leak -- let me ask the question differently.  
16 I'm sorry. When you're at the customer's home, do you  
17 sometimes do leak testing?

18 A Yes, I do.

19 Q Okay. And when you do leak testing, do you wait  
20 for both hands to come on up-swing on the half foot and  
21 two foot dial?

22 A Yes, I do.

23 Q Okay. And how did you become aware of -- of --  
24 why do you -- who -- who told you to do that?

25 A Management, after we had brought numerous

1 concerns about --

2 Q Well, I asked you who told you to do it. Do you  
3 know -- do you know -- do you remember the person who told  
4 you?

5 A Supervision in the shop. Numerous supervisors.

6 Q Okay.

7 MR. ZUCKER: One moment, please, Judge. That's  
8 all for me. Thank you.

9 JUDGE WOODRUFF: All right. Thank you. I don't  
10 have any questions from the Bench, so there's no need for  
11 recross. Any redirect?

12 MS. SCHRODER: Yes. Just a minute. Let's see  
13 if I've got all my documents together this time.

14 REDIRECT EXAMINATION

15 BY MS. SCHRODER:

16 Q Okay, Mr. Carlton. You were just asked about  
17 spotting meters. And, specifically, Mr. Zucker just asked  
18 -- Zucker just asked you who told you from management to  
19 wait until the up-swing to do your spotting.

20 You -- why did -- how did that come about? How  
21 did it come about that management told you to start  
22 spotting these meters on the up-swing only?

23 A Well, it's always been the practice to do the  
24 half foot hand on up-swing. The change now is that we do  
25 the two foot and the half a foot hand on the up-swing.

1 And that was after concerns that the half foot hand is now  
2 inaccurate with the new AMR devices. And that was their  
3 rectification or their -- you know, their attempt to -- to  
4 make spotting more accurate.

5 Q All right. And you said it was because of  
6 concerns about the -- the two foot hand being inaccurate,  
7 now, too, the two foot hand having the erratic --

8 A The half foot hand was the concern.

9 Q Okay. Sorry.

10 A That is what -- the half a foot hand is our -- I  
11 guess they're both considered test hands, but the half a  
12 foot hand is what we use in the field to check for leaks,  
13 leak investigations or whatnot.

14 Q All right. How did those concerns get raised?

15 A From multiple service men.

16 Q All right. So service men expressed those  
17 concerns to management at Laclede?

18 A That's correct.

19 Q And when did that occur? Before or after AMR  
20 installation started?

21 A Shortly after this generation of AMRs.

22 Q All right. So you're talking about the Cellnet  
23 AMRs?

24 A Correct.

25 Q Okay. Did that take care of the problem when

1 management told you to wait until the up-swing for both  
2 the two foot and half foot hand?

3 A No.

4 Q And -- and have you mentioned that to  
5 management?

6 A Yes.

7 Q And what's the response been?

8 A There really has not been a response to that.  
9 That's what we're doing at this time, and there really  
10 hasn't been a response.

11 Q All right. And you got asked about -- I mean,  
12 also in talking about these erratic dials, you were  
13 talking with Mr. Zucker about the impact of those erratic  
14 dials and billing. And you said that it was your opinion  
15 that it affects billing because these are interconnected  
16 dials; is that right? Is that a fair summary?

17 A Yeah. That's correct. It -- it seems that --  
18 another service man brought this to my attention, and he  
19 said, Don't you think it's weird that these dials jump  
20 sometimes? And if it was slack like they were all talking  
21 about, that it would -- if they jump, they would stop for  
22 a certain amount of time.

23 And -- and I said, Yeah, you know, that's fair  
24 to say. I said, I think so, yeah, they should stop. It  
25 jumps and it waits to catch up like this illustration

1 would show. And he said, Well, I've been noticing that  
2 they continue to move. They jump and then they continue  
3 to move.

4 MR. ZUCKER: I'm going to object, your Honor.  
5 This is hearsay.

6 A It's not hearsay. Well --

7 JUDGE WOODRUFF: Well, sustained.

8 MS. SCHRODER: You don't get to rule on those  
9 things, Mr. Carlton.

10 Q (By Ms. Schroder) Mr. Carlton, have you seen  
11 dials jump and continue to move?

12 A Yes, I have. After -- and that's where I was  
13 going. I apologize for that, but the -- after he had  
14 mentioned that, I started to look for that specific thing  
15 myself and have noticed it happens on not a large amount  
16 of meters. But on some meters, it does definitely happen.  
17 It does jump and then continue to move.

18 Q All right. And some of the information that  
19 Mr. Zucker was going through with you on Exhibit 9, which  
20 I understand that you've not seen Exhibit 9, but he asked  
21 whether that information had been orally conveyed to you.  
22 And I think you indicated that most of it had; is that  
23 correct?

24 A That's correct.

25 Q All right. Does Exhibit 9 address -- I mean,

1 does it explain to you -- okay. Back up.

2 Exhibit 9 talks about gears jumping ahead when  
3 they're on the down-swing. Is that what you've been  
4 seeing with these AMR meters?

5 A We do see that. And I -- like I just previously  
6 stated, I don't know why, you know, they would keep moving  
7 or what is the problem. But there's -- I think, other  
8 than just --

9 MR. ZUCKER: I'm going to -- sorry to interrupt.  
10 I'm going to object to the question because it doesn't say  
11 anything about gears jumping ahead. If she could point  
12 that out to me --

13 MS. SCHRODER: Gears? It does. Page 1.

14 MR. FRANSON: Your Honor, I think there's  
15 another point here. I'm going to offer Exhibit 9 at this  
16 time. It's been talked about. It's being used for  
17 substantive purposes. And just for purposes clarity of  
18 the record, I'll offer Exhibit 9 at this time, and I move  
19 for its admission.

20 MS. SCHRODER: Well, I guess I have an objection  
21 to Exhibit 9 in that we have no indication -- none of our  
22 people have seen it, and we have no indication that it  
23 wasn't created today. I certainly -- to the extent that  
24 somebody wants to put it in as a self-serving statement  
25 from Laclede that was created for this hearing, I have no



1 problem with it. But for the purpose that Mr. Zucker  
2 initially intended to offer it, which was that this was a  
3 document that was issued to the service employees --

4 JUDGE WOODRUFF: I agree. There's no foundation  
5 for it yet at this point. There may be later on in this  
6 proceeding. At this point, it will not be admitted.

7 MR. FRANSON: Thank you.

8 Q (By Ms. Schroder) All right. Okay. So let me  
9 rephrase the question because I -- I think Mr. Zucker was  
10 correct about -- I was using the wrong terminology here.  
11 It's the gears catching up. But the -- the jumping is  
12 supposed to occur on the downhill swing.

13 So let me ask you, Mr. Carlton, does -- the  
14 instructions about -- that you received from management  
15 about spotting on the uphill swing because all the erratic  
16 movement is occurring on the downhill swing, did that  
17 address -- did that thoroughly address the problem that  
18 you're seeing with these AMR meters? Do you understand my  
19 question?

20 A I don't -- I don't think I really do.

21 Q All right. Are the AMR meters jumping only on  
22 the downhill swing?

23 A No.

24 Q All right. With the instructions management  
25 gave you, were those directed to erratic movement in one

1 particular quadrant of the dial?

2 A As far as like you're saying on the down-swing?

3 Is that what --

4 Q Yes.

5 A Yeah. I -- I think so. I think that that's  
6 their -- you know, I hate putting words in somebody else's  
7 mouth, but I think that is -- with the slack that they're  
8 thinking when they're on the up-swing, it would be a  
9 smoother operation or it takes -- it allows you to spot  
10 it.

11 It all came about with the -- you know, the  
12 inability to spot the meters, you know. And that's what  
13 we're trying to alleviate with putting them on the  
14 up-swing is being able to spot the meter for leak  
15 detection.

16 Q All right. Going back to this billing issue,  
17 then, with the erratic dials, are you aware of any facts  
18 that support the opinion that you testified to Mr. Zucker  
19 about that this erratic dials make it difficult -- or  
20 being -- or makes it impossible to verify a read?

21 A Just through high bill inspections and reviewing  
22 customers' bills with them when I'm doing high bill  
23 inspections that they don't seem to be the same, you know,  
24 that the readings on the meter are different than what  
25 Cellnet is providing.

1           Q     All right. And how many high bill inspections  
2     -- strike that. I shouldn't be asking you about numbers  
3     that you probably can't put your finger on. How many  
4     years have you been with Laclede?

5           A     Fifteen.

6           Q     All right. Fifteen years and ten months like  
7     Mr. White?

8           A     A few less month than Pat.

9           Q     All right. In your 15 years and eight months,  
10    have you -- did you do high bill complaints before the  
11    Cellnet AMRs were installed?

12               MR. ZUCKER: I'm going to object to that. I  
13    never went into high bill complaints with him.

14               MS. SCHRODER: No. But you did ask him about  
15    whether this was just his opinion that -- that this  
16    erratic dial movement was affecting billing.

17               JUDGE WOODRUFF: I'll overrule the objection.  
18    you can go ahead and answer.

19           A     Can you restate the question, please?

20           Q     (By Ms. Schroder) Certainly. Prior to Cellnet  
21    in -- AMR installation, did you do any high bill complaint  
22    inspections?

23           A     A few years ago, I've done a -- very few select  
24    number.

25           Q     All right. Since AMR installation by Cellnet,

1 have you done high bill complaint inspections?

2 A Yes. Yes, I have.

3 Q Have you -- I mean, can you give me some idea of  
4 how many?

5 A I would say a dozen or so now.

6 Q All right. Do you have -- does -- does that  
7 give you some reason to estimate -- no. Strike that.

8 Were you here yesterday for Gloria Harmon's part  
9 of the demonstration?

10 A No, I was not.

11 Q All right. You heard Pat White's testimony  
12 today, didn't you?

13 A Yes, I did.

14 Q And you heard his testimony about the amount of  
15 education that he received from Laclede Gas since he's  
16 been here?

17 A Yes.

18 Q All right. Was that comparable to the amount of  
19 education that you have received from Laclede Gas since  
20 you've started with the company?

21 A Yes. Pat and I have received the same training.

22 Q All right. And was part of that training  
23 directed towards this interconnection between the dials on  
24 an index that you were talking to Mr. Zucker about?

25 A No.

1           Q     Okay.  And Mr. Zucker asked you a question about  
2     the erratic dials that have been submitted -- I'm sorry --  
3     the erratic dials on meters that have factory installed  
4     AMR devices, and he asked you whether that led you to  
5     believe that it was factory production rather than  
6     installation that might be causing the erraticness of the  
7     dials.  Do you recall that?

8           A     I do.

9           Q     All right.  Are the -- but as -- as I recall,  
10    you also testified in response to both Mr. Zucker and  
11    Mr. Franson about AMR devices that had been installed by  
12    the meter shop employees.  And you said that the ones --  
13    those you've seen seem to move smoothly; is that correct?

14          A     Yeah.  For the most part, it seems that the  
15    meters that are stamped, and I assume they were from the  
16    meter shop.  Or I don't quite remember.  But they had a  
17    red stamp on top of them.  And those seemed to work  
18    better.

19          Q     All right.  Those are still designed and  
20    produced by the same -- by the same people, Cellnet; is  
21    that correct?

22          A     As far as I know, yes.

23          Q     All right.  So the difference there would be  
24    installation or production?  Do you understand my  
25    question?

1           A     I -- I guess it's the people doing it, I would  
2     assume.

3           Q     The people installing it?

4           A     The people putting -- putting it on.

5           Q     All right. Okay. I want to ask you another  
6     question about this Exhibit 9 that we've heard so much  
7     about today. When you receive documents from Laclede Gas  
8     in safety meetings or other kind of training documents, do  
9     they look like this?

10          A     Similar. But this seems to be -- I've never --  
11     we get technical updates every -- every month or every  
12     other month or whatever, periodically through the year.  
13     And it doesn't seem that this is consistent with the same  
14     typing or how it's been done from -- in the past.

15          Q     All right. And what do you mean it's not  
16     consistent with the same typing?

17          A     It just seems that he always -- when they come  
18     out -- I say he because I know who makes the -- the  
19     update. You know, they always have the month that it  
20     comes out, and the -- and it seemed like the typing is  
21     different than, you know, his typing seems to be.

22                 You know, it's been consistent. And that looks  
23     different to me on this page than -- than other ones.

24          Q     Are you talking about the font?

25          A     Correct.

1           MR. ZUCKER: Your Honor, if it's the font, I  
2 mean, I printed this off of my computer where it was sent  
3 to me. If it's the font that's stopping him, I'm willing  
4 to stipulate if he recognizes the substance of but just  
5 not the font, I'm willing to stipulate that -- that this  
6 is the update issued. And I don't know if my computer  
7 printed it in a different font or not.

8           MS. SCHRODER: Except that I think this witness  
9 also said it didn't have the month and --

10          A     Yeah. It does appear -- I mean, as well as the  
11 font. Like I said, it always comes out with the month and  
12 the subject and -- you know, and that stuff. It seems to  
13 be different than normal.

14          Q     (By Ms. Schroder) All right. You don't  
15 remember reading a document --

16           MR. FRANSON: Your Honor, I'm going to have to  
17 object. Exhibit 9 has been offered at least twice now,  
18 and so far it's been rejected.

19           JUDGE WOODRUFF: Actually, it's only been  
20 offered once by you.

21           MR. FRANSON: Okay. I stand corrected. Once.  
22 I'd do it again, but I don't see the point at this point.  
23 But I also don't see the -- how it's proper to -- relevant  
24 to be asking questions about an exhibit that has not been  
25 offered.

1           Ordinarily, you see questions to establish a  
2 foundation, not preemptory questions to preempt anything  
3 that might come up. And I don't believe that is  
4 appropriate, nor is it relevant. This man's already said  
5 he doesn't know exactly where this came from.

6           JUDGE WOODRUFF: Well, let me ask, Counsel, what  
7 would be the relevance of these questions about this  
8 document at this time?

9           MS. SCHRODER: Okay. The relevance is that it  
10 has been represented that -- and it's been represented in  
11 writing as well as here at this hearing that these SAID  
12 employees received a written document that indicated that  
13 the spotting issue doesn't exist or it's been resolved.  
14 And -- and they have indicated that they didn't receive  
15 any such written document and that the issue is not  
16 resolved.

17           And I don't want our witnesses to be excused and  
18 then have somebody step up to the stand, you know, without  
19 asking them and have somebody step up to the stand and  
20 say, well, I don't know where Pat White was that day, but,  
21 you know, we handed this out to all the SAID employees.  
22 We have three SAID employees here today. I think just  
23 three.

24           JUDGE WOODRUFF: Well, I'm convinced. I'll  
25 allow it to go forward.



1 MS. SCHRODER: Thank you.

2 JUDGE WOODRUFF: Your objection is overruled.

3 Q (By Ms. Schroder) Mr. Carlton, have you ever  
4 received a document from Laclede that contained the  
5 information that is written in this Exhibit 9, whether or  
6 not in this font?

7 A I don't recall receiving it, no.

8 MS. SCHRODER: All right. I have no further  
9 questions.

10 JUDGE WOODRUFF: Okay. Mr. Carlton, you can  
11 step down.

12 MR. CARLTON: Thank you. Do you want your dials  
13 back?

14 MR. ZUCKER: Yes, please. Thank you.

15 JUDGE WOODRUFF: Call your next witness, then.

16 MS. SCHRODER: I'm sorry. Mark Boyle. Exhibit  
17 15?

18 THE COURT REPORTER: 15.

19 MARK BOYLE,

20 being first duly sworn to testify the truth, the whole  
21 truth, and nothing but the truth, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. SCHRODER:

24 JUDGE WOODRUFF: You may be seated. And you may  
25 inquire when you're ready.

1 MS. SCHRODER: I'm sorry, your Honor. We're  
2 having difficulty finding the NP version. Your Honor,  
3 somehow we failed to get here with the NP version. All  
4 the rest of our NPs -- it's not in there. Can we go ahead  
5 and -- never mind.

6 MR. FRANSON: I do need it back.

7 MS. SCHRODER: I'm going to give it to the court  
8 reporter. The NP. Oh, thank you. Thank God.

9 Q (By Ms. Schroder) Hi, Mr. Boyle -- yeah. This  
10 is on. Sorry. Mr. Boyle, did you give testimony in this  
11 -- written testimony in this matter that has been marked  
12 as 15-HC and 15-NP?

13 A Yes, I did.

14 Q All right. Do you have any corrections to that  
15 testimony?

16 A No, I don't. I -- can I -- addition? No?  
17 Okay.

18 Q Well, I guess that depends on how the Judge  
19 feels about it.

20 JUDGE WOODRUFF: What kind of additional  
21 testimony would it be?

22 A I just wanted to add that I did fill out a form  
23 on a question that was answered, but it might come out.  
24 It's not really relevant.

25 Q (By Ms. Schroder) All right. If I asked you

1 the same questions that are in your testimony, would your  
2 answers be the same?

3 A Yes.

4 Q And are those answers true and correct to the  
5 best of your information, knowledge and belief?

6 A Yes.

7 MS. SCHRODER: With that, the union submits the  
8 testimony of Mark Boyle, Exhibit 15-HC and 15-NP, into  
9 evidence.

10 JUDGE WOODRUFF: All right. Exhibits 15-HC and  
11 NP have been offered into evidence. Are there any  
12 objections to their receipt? Hearing none, they will be  
13 received into evidence.

14 (Exhibit Nos. 15-HC and 15-NP were admitted into  
15 evidence.)

16 JUDGE WOODRUFF: And for cross-examination,  
17 again, we'll begin with Office of Public Counsel.

18 MR. POSTON: No, thank you.

19 JUDGE WOODRUFF: Staff?

20 MR. FRANSON: No questions, your Honor.

21 JUDGE WOODRUFF: Laclede?

22 MR. PENDERGAST: Thank you, your Honor.

23 CROSS-EXAMINATION

24 BY MR. PENDERGAST:

25 Q Good afternoon, Mr. Boyle.

1           A     Good afternoon.

2           Q     In your testimony, you discuss the process that  
3     you underwent, the purpose of which was to gather  
4     information on meters that had AMR devices installed that  
5     you say in your testimony were leaking; is that correct?

6           A     Where is that?

7           Q     If you look on page 3 --

8           A     Should I be in NP or HC?

9           Q     Or excuse me. No. NP. And I'm speaking of  
10    lines 5 to 13 on page 2, in particular, lines 10 to 13.  
11    Do you see that?

12          A     Yes, sir.

13          Q     Okay. Can you describe that process for me  
14    where you went ahead and wrote down addresses where you  
15    had personally encountered AMR leaks and turned that  
16    information over to the union? Who instructed you to do  
17    that?

18          A     Union. The union did.

19          Q     Who specifically with the union instructed you  
20    to do that?

21          A     My union leaderships. Business managers,  
22    representatives and the President.

23          Q     And who would that be, if you could identify  
24    them, please?

25          A     In the room?

1 Q Just identify who they are.

2 A Pat White, the President, Kevin Patterson, the  
3 Business Manager, and Mr. Joe Schulte, the Business Rep.

4 Q Okay. And you not only wrote down addresses  
5 that you had personally gathered, but you also collected  
6 the addresses of what you call -- or characterize as AMR  
7 leaks from other service employees; is that correct?

8 A Yeah. When they -- they would give them to me,  
9 and I would forward them to the union.

10 Q Okay. And you gave them to the union. And over  
11 what period of time did this process take place?

12 A Oh, I would say probably two to three months  
13 after the AMR installations started.

14 Q Okay. And the AMR installation process started  
15 in the summer of 2005. This would have been sometime in  
16 the late summer or fall of 2005 when you began to do this?

17 A I don't know the exact date, sir. But, you  
18 know, we just collected them.

19 Q Okay.

20 A I didn't keep -- I didn't keep a stat sheet,  
21 no. So I don't know.

22 Q Would there be a rough time period when you  
23 began to collect them, though?

24 A Yes, sir.

25 Q And it was pursuant to the direction of your

1 union leadership; is that correct?

2 A Involved with this case, yes, sir.

3 Q Okay. Are you familiar with the fact that your  
4 union leadership appeared at the shareholder meeting of  
5 Laclede Gas Company in January of 2006 and indicated to  
6 our Chief Executive Officer that they had concerns about  
7 AMR installations causing leaks?

8 MS. SCHRODER: Objection. Relevance.

9 JUDGE WOODRUFF: Overruled.

10 A Could you repeat the question for me?

11 Q (By Mr. Pendergast) Yes. Are you aware whether  
12 your union leadership appeared at a Laclede shareholder  
13 meeting in January of 2006 and in that meeting indicated  
14 that they had a concern about the installation of AMR  
15 devices causing leaks?

16 A I heard that during testimony, yes.

17 Q And are you aware of whether or not the CEO of  
18 Laclede indicated that while he cannot believe an AMR  
19 installation could cause a leak that if the union had any  
20 information he was very interested in seeing it?

21 MS. SCHRODER: Objection. Here the witness has  
22 said he's heard this during testimony, so the only  
23 information he's going to have about it is what he heard  
24 yesterday or testimony in Mr. Zucker's opening statement.

25 JUDGE WOODRUFF: Where are you going with this?

1           MR. PENDERGAST: Where I'm going with this, your  
2 Honor, is to -- there -- there have been various  
3 allegations about documents being not provided. There  
4 have been allegations made about safety being paramount.  
5 What I'm trying to find out, your Honor, is if they had  
6 this kind of information within their possession why it  
7 took seven or eight months or longer to go ahead and  
8 provide it to us. That's what I'm trying to find out.

9           MS. SCHRODER: Now I object to Mr. Pendergast  
10 testifying.

11           MR. PENDERGAST: I'm explaining why I'm --

12           JUDGE WOODRUFF: He's explaining his question at  
13 this point, so that second objection is overruled. Back  
14 to the first one. Again, I'll overrule the objection.  
15 you can go ahead and proceed. Answer the question, if you  
16 can.

17           A     What was the question, please?

18           Q     (By Mr. Pendergast) The question was, are you  
19 aware of whether the Chief Executive Officer at that same  
20 shareholder meeting we discussed a moment ago told your  
21 union representative in response to his comments at that  
22 shareholder meeting that if he had any information  
23 regarding AMR installations causing leaks, to let him and  
24 Laclede employees in upper management know as soon as  
25 possible?

1           A     No. I just heard that in testimony here.

2           Q     Okay. What can you tell me, if anything, about  
3 what efforts the union leadership or you personally or  
4 anybody else you know of in the union made to convey this  
5 information and these addresses to Laclede management  
6 employees?

7           A     On what effort did I personally?

8           Q     You personally or --

9           A     Or any other management?

10          Q     -- any union representative that you're aware of  
11 made to get this information, these addresses to a Laclede  
12 management.

13               MS. SCHRODER: And I would really just object  
14 that this is a compound question that could be two  
15 separate ones.

16               JUDGE WOODRUFF: Sustained.

17          Q     (By Mr. Pendergast) What efforts did you make  
18 to convey that information to Laclede management?

19          A     Well, when the first -- when the problems first  
20 started coming to light, we went to the -- I'm going to  
21 call them the -- the front line supervisors. We let them  
22 know about the problems.

23          Q     Okay. And -- and what efforts did your union  
24 leadership make to go ahead and convey these addresses --  
25 I know the allegation was made that there are meters



1     leaking. But what I'm saying is, you were collecting  
2     information on which meters you thought were leaking; is  
3     that correct?

4           A     Actually, I wasn't done answering the question.

5           Q     Okay. Go ahead.

6           A     What we did -- what I did was -- is I personally  
7     went to the front line supervisors and let them know.  
8     Then what they did with it, I would presume they went to  
9     -- up the chain of command.

10                  And when I seen that -- and myself recognized it  
11     along with -- along with talking to a person what I did, I  
12     recognized that these allegations that I was making  
13     weren't -- weren't being looked at in a thorough --  
14     thorough view.

15                  And that's when I went to the union, and we  
16     started going that route. Now, I don't know what time --  
17     let me just finish. I don't know how long of a time limit  
18     that was between the time I went to them the first day and  
19     then the time I -- when the union started talking to us  
20     about it and seeing, but we did bring all of these -- and  
21     a whole lot more of these addresses to the -- the -- the  
22     supervisors of Laclede Gas on a daily basis.

23           Q     Did your union membership leadership bring these  
24     addresses to Laclede's management after the shareholders  
25     meeting and share these addresses with them?

1           A     I do not know that.

2           Q     Did they ever report back to you on their  
3 meeting with them?

4           A     No, sir.

5           Q     When did you go ahead and provide these  
6 addresses to the Commission staff?

7           A     I never did give them to the Commission Staff.  
8 I periodically would give them to the Hall.

9           Q     Okay. Are you familiar with the fact that you  
10 filed this complaint shortly after that shareholders  
11 meeting?

12          A     No, sir.

13          Q     Okay. Did anybody indicate to you during the  
14 course of your gathering of this material that Laclede Gas  
15 Company had asked in pleadings regarding this complaint  
16 for any specific information the union had regarding AMRs  
17 causing leaks?

18          A     Not to my knowledge. No, sir.

19          Q     Nobody came back to you and said, you know,  
20 Laclede's got a request out there that the union give them  
21 specific information, where are your addresses, we need to  
22 go ahead and provide them to them?

23          A     Well, we just continually was gathering the  
24 information ever since these AMRs started. So, no, we  
25 weren't given a certain date that we had to have them all

1 in or all out or -- no, sir.

2 Q You just gathered them, and you gave them to  
3 your union representatives?

4 A Periodically, yes. That's correct.

5 Q And you don't know how long they had it in their  
6 possession before they provided it either to upper Laclede  
7 management or provided it to the Commission or included it  
8 in any of their evidentiary presentations here in this  
9 complaint proceeding?

10 A No, I don't know that.

11 Q Okay. You indicated that you also filled out a  
12 CIS form when you took these addresses; is that correct?

13 A No, sir.

14 Q Oh, well, you say in your testimony, After I  
15 replace a leaking meter, I fill out a CIS form.

16 A That was on that particular job that we were  
17 talking about on that. That wasn't all the addresses that  
18 I accumulated, no, sir. This -- could I elaborate?

19 Q Yeah. Sure.

20 A This particular -- what you're asking me is if  
21 the -- on this answer, after encountering a leaking AMR  
22 meter, you know, what would you do with the information?  
23 After I personally encounter them on a leak call or  
24 complaint or a job order, what I would do, that's when I  
25 fill out a CIS form, sir.

1           Q     Okay.  You're saying whenever you personally  
2 gathered information relating to this kind of particular  
3 circumstance, you filled out an CIS form?

4           A     And turn it into the company.

5           Q     Okay.  And would it be your opinion that if  
6 other union members that you were gathering addresses from  
7 had encountered a similar situation, they would have  
8 filled out a CIS form, too?

9           A     That's pretty much what I was trying to explain  
10 where every day we were turning them into Laclede --  
11 Laclede Gas Company.

12          Q     Were you involved in gathering any information  
13 for the union's other complaint proceeding involving  
14 TFTOs?

15          A     Yes, I --

16                MS. SCHRODER:  Objection.  Relevance.  We're now  
17 talking about a completely different proceeding.

18                JUDGE WOODRUFF:  You'll need to clarify for me.  
19 What's a TFTO?

20                MR. PENDERGAST:  Turn-on, turn-off.  And that  
21 involved instances where they actually copied these CIS  
22 forms.  And what I'm trying to find out is what kind of  
23 information they were actually gathering and whether it  
24 was simply the addresses or if they were also making  
25 copies of the CIS forms.

1 MS. SCHRODER: When?

2 MR. PENDERGAST: At the time they were gathering  
3 these addresses for situations where they thought an AMR  
4 had caused a leak.

5 MS. SCHRODER: Okay. You're now talking about  
6 the AMR dials rather than the tariff revision case.

7 MR. PENDERGAST: Yeah.

8 MS. SCHRODER: My objection goes to the tariff  
9 revision case part.

10 JUDGE WOODRUFF: I'll overrule the objection.  
11 You can go forward.

12 Q (By Mr. Pendergast) Yeah. Did you make copies  
13 of CIS forms as you went about gathering these addresses?

14 A No, I did not.

15 Q Have you ever made copies of CIS forms?

16 A No, I don't -- I have never.

17 Q Do you know if any other union members have ever  
18 made copies of CIS forms?

19 A Not to my knowledge. No.

20 Q Okay. Now, did you keep track of how many of  
21 these addresses you had gathered and kept -- kept track of  
22 how many you had personally gathered that supposedly had  
23 AMRs that had been causing leaks?

24 A No, I did not.

25 Q Did you ever receive an address from Pat White

1     regarding the meter that he earlier testified had been  
2     drilled through?

3           A     No, I have not.

4           Q     You did not receive that?

5           A     No, sir.

6           Q     You weren't collecting addresses from him?

7           A     He's the President of the union, sir. I  
8     wouldn't -- I answer to him.

9           Q     And did he ever indicate to you what he was  
10    doing with this information?

11          A     Ask -- could you explain that?

12          Q     Yeah. The addresses that you were providing  
13    him, did he ever indicate to you what he was doing with  
14    the information?

15          A     Well, I mean, we didn't sit down and have a  
16    discussion about it, no. But I did know it was ultimately  
17    going to be going for this purpose of a hearing.

18          Q     Well, did you ever urge him to make this  
19    information available to Laclede upper management as soon  
20    as possible?

21          A     Did I ever urge Mr. White?

22          Q     Yes.

23          A     No.

24          Q     You did not. I mean, were you concerned that  
25    all of these meters that had AMR devices were leaking and

1 it was critical to get this information up the chain?

2 MS. SCHRODER: Objection. This witness has  
3 already testified that they gave this information to  
4 Laclede on a daily basis through CIS forms. I really  
5 think this line of questioning is badgering.

6 MR. PENDERGAST: It's not badgering, your Honor.  
7 What it is is trying to go ahead and get at the truth of  
8 the matter. And truth of the matter is was this a  
9 legitimate safety concern, or are we -- were we simply  
10 gathering up addresses to spring on people later on to go  
11 ahead and make it believe that it was a safety concern.  
12 And I think I'm entitled to go ahead and question whether  
13 or not it's the former or the latter.

14 MS. SCHRODER: How are we springing on them when  
15 we give them to Laclede before we ever write them down and  
16 give them to the union?

17 MR. PENDERGAST: They're springing it on us  
18 because we get thousands of these CIS forms in. And when  
19 you have a legitimate concern that there's a safety  
20 problem out there, when you have been asked repeatedly to  
21 provide information --

22 JUDGE WOODRUFF: All right. All right. I'm  
23 ready to make a ruling on this. I'm going to overrule the  
24 objection. But I will admonish you to -- to -- maintain a  
25 tone where you're not badgering the witness quite as much

1 as you are.

2 MR. PENDERGAST: I will, your Honor, and I  
3 apologize.

4 JUDGE WOODRUFF: Thank you.

5 MR. PENDERGAST: And I apologize. Thank you,  
6 your Honor.

7 JUDGE WOODRUFF: If there's a question out  
8 there, you can answer it. If not, you can ask your next  
9 question.

10 MR. PENDERGAST: If you could read it back for  
11 me?

12 (The previous question was read back.)

13 A Do you want me to answer that?

14 Q (By Mr. Pendergast) Yes.

15 A Absolutely, I thought it was critical. That's  
16 why I -- when we -- initially, I -- the first question I  
17 said to you -- or answer I said to you was we brought it  
18 to the immediate attention of front line supervisors.

19 We felt it -- I felt that that was the -- when  
20 you say immediate attention, I think that's as immediate  
21 as I can be when I call up a boss and tell them that I've  
22 got a leak out here.

23 Q And did you tell your union management to  
24 provide that to Laclede's upper management?

25 A No, sir.



1           Q     Did they have these addresses, to your  
2 knowledge, at the time they were talking to Laclede's  
3 upper management?

4           A     You mean at the shareholders meeting?

5           Q     Either the shareholders meeting or in meetings  
6 after that, to your knowledge.

7           A     I don't know when the meetings all took place,  
8 sir. I couldn't give you the -- I don't know what the  
9 dates were.

10          Q     Okay. Well, let me ask you this: When did you  
11 start providing these addresses to your union leadership?

12          A     I initially thought I answered that as  
13 approximately three months after the AMR devices.

14          Q     Okay. So that would be the fall not only did  
15 you start gathering it, but you started providing it to  
16 your union management at that time?

17          A     That's correct.

18          Q     Okay. So over a year ago from today?

19          A     Again, I -- I don't -- I can't get pinned down  
20 on a date. No, sir. I would assume, yes.

21          Q     Okay. Let me ask you about this one incident  
22 where you talk about a meter being drilled through. Do  
23 you recall that in your testimony?

24          A     Yes, sir.

25          Q     Okay. And in that particular instance, as I

1 believe you relate in your testimony, when the meter was  
2 pierced and a leak resulted, the Cellnet person called  
3 Laclede; is that correct?

4 A To my understanding, it was, yes.

5 Q Okay. And that's what you responded to; is that  
6 correct?

7 A No, sir. I just responded to the dispatcher  
8 giving me the job.

9 Q Okay. You responded to the dispatcher --

10 A Laclede Gas, yes, sir.

11 Q -- relating to you that there was a leak call  
12 that had apparently resulted from this situation with the  
13 meter?

14 A The exact verbiage, sir, was, I'm going out to a  
15 blowing meter that was drilled through by a Cellnet  
16 employee.

17 Q Okay. Fine. And when you got out there and the  
18 Cellnet fellow returned from wherever he had voluntarily  
19 left, did he try and hide the fact that he had drilled  
20 through the meter?

21 A Actually, I don't know how long it took them  
22 momentarily to where -- I don't know when he left the job  
23 site because he wasn't there when I arrived, sir.

24 Q Okay. When he returned, did he forthrightly  
25 admit that it was on him, it was his bad?

1           A     No, sir.

2           Q     Oh, he did not?

3           A     No, sir.

4           Q     You say in your testimony he did.

5           A     Well, what I -- he walked up to me and he

6 immediately -- he came up. I already knew he did it

7 because I was told by my dispatchers that he did it. So

8 there was no admittance by anybody.

9           Q     Fine. So --

10          A     And if I could finish, he walked up, and I asked

11 him, Was you the -- I think it was a Honeywell truck

12 sitting there. That's why I get a little confused Cellnet

13 or Honeywell. I think it was a Honeywell truck there.

14 And that's when I asked him, Were you the service man

15 here?

16          Q     And he said he was?

17          A     Yes.

18          Q     Okay. Now, you say that you called in and

19 talked to your supervisor; is that correct?

20          A     Yes, sir.

21          Q     And you were told not to fill out an F-632

22 damage report?

23          A     That's correct, sir.

24          Q     Okay. And are you familiar with filling out

25 those reports?

1           A     Yes, sir.

2           Q     Okay. And do you typically fill out those

3     reports when you cause damage to a piece of property?

4           A     When who causes damage, sir?

5           Q     When you do.

6           A     When I -- personally me?

7           Q     Yes.

8           A     No, sir.

9           Q     What happens when you cause damage to a piece of

10   property?

11          A     I don't know what damage I caused.

12          Q     So --

13          A     Give me an example of some damage I could cause

14   because I don't know what you're ensuing (sic).

15          Q     So in working on facilities, you've never caused

16   any damage?

17          A     Again, you're -- it's a very vague question,

18   sir. I don't know what type of damage you're ensuing that

19   I'm causing.

20          Q     Well, I'm just asking you, have you ever damaged

21   any property during the normal course of your work?

22          A     I've had to repair and -- and replace piping and

23   that sort of -- type issues, yes, sir.

24          Q     Okay. And has any of the damage to those

25   facilities been caused by you?

1           A     Well, they were caused by me, but they were  
2     there before.

3           Q     Okay. The damage occurred because of something  
4     you did?

5           A     Well, yeah. We got copper lines that were ready  
6     to break and I get on a riser and I put a wrench onto a  
7     union and, pow, there it goes.

8           Q     Okay. And do you fill out a damage report for  
9     that?

10          A     Not when it's Laclede Gas and I call C&N, no.

11          Q     And is that because you're a Laclede Gas  
12     employee?

13          A     Yes, sir.

14          Q     Okay. And could it be that Mr. Sissick thought  
15     that since Cellnet was working for Laclede Gas that the  
16     same rules that apply to you ought also apply to them?

17          A     I don't --

18                 MS. SCHRODER: Objection. Calls for  
19     speculation. Makes him assume what's in somebody else's  
20     mind.

21                 MR. PENDERGAST: I'll withdraw the question.

22          Q     (By Mr. Pendergast) Do you know if 632 reports  
23     are typically used to collect damages from third parties?

24          A     Is -- where are we at here? Excuse me. That's  
25     -- that's part of the process, yes, sir.

1           Q     Okay. And this is when somebody comes in and  
2 they pierce a line and they happen to be working for  
3 somebody else; is that correct?

4           A     No, sir.

5           Q     Oh, it's not when they're working for somebody  
6 else?

7           A     No, sir. A 632 is damage to Laclede Gas  
8 property. We also fill out another form, I don't have  
9 that with me, and I don't know the form number, but it  
10 also -- that form is another form when they pierce a line  
11 -- an employee contractor? Or is that what you're talking  
12 about?

13          Q     They have a separate kind of form?

14          A     Well, I fill it out.

15          Q     Okay.

16          A     The address where I'm at, the contractor who hit  
17 it, the contractor's phone number, what time I got the  
18 job, when I arrived, how long I was at the job, how many  
19 buildings are out, you know, who all -- we turn all this  
20 into C&N, and then, you know, that goes to another  
21 department. I think in your -- with you fellas.

22          Q     Claims?

23          A     Yes.

24          Q     Okay. Okay.

25          A     Yes, sir.

1 Q That's when we have the underground --

2 A Yes. So 632 is actually damage to company  
3 facility that -- that we're -- that we're familiar with,  
4 meters, regulators, regulatory stations, stuff like that.

5 Q Got you. Understood. And you're not aware of  
6 whether any other employees fill out an F-632 damage  
7 report when they happen to damage a company facility while  
8 working on it, are you?

9 A I have no knowledge of what the other employees  
10 are filling out, sir.

11 Q Okay. But you personally do not?

12 A No, sir.

13 Q Okay. And when you filled out these CIS forms,  
14 when you personally detected a meter that was leaking  
15 because, in your view, an AMR installation had occurred,  
16 what would you typically write on the CIS report as far  
17 as --

18 A Where at?

19 Q Well, I'm talking about for reason of -- for why  
20 you were called out.

21 A On the back of the CIS and the service man's  
22 remarks?

23 Q Yes.

24 A Well, in quite honesty, I don't get a lot of AMR  
25 leaks because I'm not the guy to do leaks.

1           Q     Okay.

2           A     On this particular day, I was the blank board

3     man.   And --

4           Q     So what was --

5           A     I primarily don't do blank board work.   I do

6     service work.

7           Q     Okay.   So you wouldn't have much familiarity

8     with what would be on the CIS relating to AMR devices that

9     supposedly caused a leak on a meter?

10          A     Well, I'm not saying I never had any.

11          Q     Yeah.

12          A     But I would say the couple that I do, I don't --

13     I don't recall exactly what I write.   You know, if I -- if

14     I could get a ticket in front of me, I could read it to

15     you.

16          Q     Have you ever encountered a non-AMR leaking

17     meter?

18          A     In the -- my entire career here at Laclede?

19          Q     Yes.

20          A     Oh, absolutely.

21          Q     I mean, like how often?

22          A     Not very often.

23          Q     But every now and then?

24          A     Every now and then.

25          Q     Okay.   So they can leak whether they've got an



1 AMR device on them or not; is that correct?

2 A I -- I think anything's possible.

3 Q Well, in your experience, it's not only been  
4 possible, but it's happened, right?

5 A You know, I don't have the documentation to --  
6 as to what I've changed earlier, so I really don't know if  
7 I've actually done that. I mean, I don't want to go back  
8 to my testimony. But I -- I'm assuming that I changed a  
9 DR meter leak before. Not a DR, but a leaking face plate.  
10 I'm assuming I have.

11 Q Oh, okay.

12 A I mean, I've got 14 years and six months here.  
13 And I don't remember all my jobs that I've written down.

14 Q Okay. You think you have, but you're not sure.  
15 Would that be fair?

16 A That would be fair.

17 Q Okay. And when you say the failure to fill out  
18 a F-632 form damage report meant that there would be no  
19 documentation of the mistake made by the Cellnet  
20 installer, are -- are you saying that there would be no  
21 documentation other than your own CIS form?

22 A Excuse me. I was reading what you was  
23 reading --

24 Q Yeah.

25 A -- because I wasn't following along.

1           Q     Yeah. On page 3, you say that because the F-632  
2     report was not filled out, that prevented documentation of  
3     this mistake made by the Cellnet installer. And my  
4     question to you is, did you document this mistake by the  
5     Cellnet installer on your CIS form?

6           A     Yes, sir.

7           Q     Okay. So you meant no documentation other than  
8     the CIS form?

9           A     What -- what I was trying to state here was, is  
10    there was a -- going to be a missing document of a 632  
11    form, which it's not there --

12          Q     Right.

13          A     -- because I didn't fill it out.

14          Q     That's not to say there's no documentation of  
15    what happened, is there?

16          A     No, sir. It's on the CIS.

17          Q     Okay. It's on the CIS -- on the CIS form?

18          A     It's on -- excuse me. I'm sorry. Go ahead.

19          Q     Yeah. And, of course, there would be other  
20    documentation, correct?

21          A     Oh, absolutely. You've got a recording on the  
22    dispatcher that gave me the job.

23          Q     Okay. And it is important to see these CIS  
24    forms and if you wanted to get copies of them from  
25    Laclede, would you simply ask for the CIS form?

1           A     They wouldn't give them to me.

2           Q     Okay. But if you wanted them, how would you ask  
3 for them? Would you say, Can I have the CIS form?

4           A     I don't understand your question.

5           Q     Well, these forms are called CIS forms, right?

6           A     Yes.

7           Q     If you want to go ahead and see a CIS form, what  
8 do you go ahead and ask for? Do you ask for a CIS form?

9           A     I would, sir.

10           MS. SCHRODER: Objection.

11           Q     (By Ms. Schroder) From anybody, what would you  
12 ask for?

13           MS. SCHRODER: Objection. This witness has  
14 testified he didn't get these from Laclede. So now this  
15 is rank speculation at this point.

16           MR. PENDERGAST: I'm asking him -- he deals with  
17 these forms every day. If he wanted to go ahead and see  
18 this kind of form, just assume for me, hypothetically that  
19 the person would go ahead and be happy to provide it to  
20 you, would you ask for a CIS form?

21           JUDGE WOODRUFF: All right. I'll overrule the  
22 objection because I think I see where this is going. If  
23 you can answer the question, you can. If you don't know  
24 the answer, just say I don't know.

25           A     I've never attempted to, sir.

1           Q     (By Mr. Pendergast)    I know you've not  
2 attempted to. I'm just saying imagine that you are going  
3 to attempt to. What would you ask for? How would you  
4 entitle the document you were looking for?

5           A     You mean what process? Who would I go to? What  
6 manager.

7           Q     How would you identify the document? What would  
8 you ask for? If you wanted a CIS form, what would you ask  
9 for?

10          A     I'm not understanding where -- I don't  
11 understand where he's going.

12          Q     If you wanted to get a CIS form, would you say,  
13 I want to see the CIS form?

14          A     I don't know who I'd say it to.

15          Q     Well, I'm not asking you who you'd say it to.  
16 But I'm just saying if you want to see a CIS form, would  
17 you say, I want to see a CIS form? Would you use the word  
18 CIS?

19          A     Yes, sir.

20          Q     Okay. Thank you. Now, in compiling your list  
21 of leaking meters, did you or anybody else in the union  
22 membership that you're aware of check with other gas  
23 utilities, either in the State of Missouri or elsewhere,  
24 to determine whether they'd had any experience with the  
25 sort of problems that you've identified?

1 MS. SCHRODER: Objection. Compound question. I  
2 think actually there may be three questions in there, not  
3 just two.

4 JUDGE WOODRUFF: I'll sustain the objection.  
5 Separate it out.

6 Q (By Mr. Pendergast) Yeah. To your knowledge,  
7 did you check with anyone from any other utility?

8 A No, sir.

9 Q Okay. To your knowledge, did the union  
10 membership check with anybody else?

11 A No.

12 MS. SCHRODER: Objection. Calls for  
13 speculation.

14 MR. PENDERGAST: I'm saying to his knowledge.

15 JUDGE WOODRUFF: Overruled. You can answer that  
16 if you can.

17 A Not to my knowledge.

18 Q (By Mr. Pendergast) Okay. Are you at all  
19 familiar with where these Automated Meter Reading devices  
20 have been installed in the state of Missouri aside from  
21 Laclede Gas Company?

22 A No, sir.

23 Q So that means you're not aware that they've been  
24 installed throughout Jefferson City, Missouri?

25 A I heard that in testimony.

1 Q Does that cause you any concern?

2 A I don't -- I don't know what they're finding  
3 here, sir.

4 Q Do you have any particular sense about ease  
5 being here in Jefferson City knowing that we have all  
6 these AMR meters around?

7 A All right. Am I imagining this one again?

8 Q I'm just asking you, do you have any sense of  
9 dread?

10 A I'm just asking, because I would think that the  
11 gas company in Jeff City is capable of finding leaks on  
12 their AMR meters if they have them.

13 MR. PENDERGAST: Great. Thank you. I have no  
14 further questions.

15 JUDGE WOODRUFF: Thank you. I have no questions  
16 from the Bench, so there's no need for recross. Any  
17 redirect?

18 MS. SCHRODER: Yes.

19 REDIRECT EXAMINATION

20 BY MS. SCHRODER:

21 Q Mr. Boyle, do you have any idea who installed  
22 the Cellnet AMRs in Jefferson City?

23 A No, ma'am.

24 Q All right. Okay. You mentioned that you were  
25 not on the blank board. Would you just explain to the

1 Commission what that is?

2 A The blank board is when you're -- you don't have  
3 a routed -- a daily route sheet work. You actually start  
4 -- you call up the central dispatchers who collect all the  
5 leaks, the people who are calling in, and they dispatch  
6 you out to leaks, no gas, emergency type situations if  
7 they have them, which normally they do.

8 Q All right. All right. Mr. Pendergast asked you  
9 whether you would fill out an FC -- I am sorry -- an F-632  
10 form on a Laclede employee. Did -- has anybody in Laclede  
11 management ever told you that these Manpower installers  
12 are Laclede employees?

13 A No. No, ma'am.

14 Q All right. Was it your belief that they were  
15 Laclede employees?

16 A No, ma'am.

17 Q Okay. Mr. Pendergast also asked you about the  
18 drilled through meter that is referenced in Pat White's  
19 testimony. Were you aware that Pat White had found a  
20 drilled through meter before today's testimony?

21 A Yes, I was.

22 Q All right. Did you become aware of that on or  
23 about the time that it happened?

24 A Yes, I was.

25 Q And how did you become aware of it?

1           A     I got -- I got a phone call from Pat. And,  
2 again, I don't know the dates that he called me. But he  
3 said that he was going to a job that -- or he was at a job  
4 that had a drilled through meter like the one that  
5 occurred with me.

6           Q     All right. And there was a whole lot of  
7 questioning about what you told management and when you  
8 told management. And I just want to clear up a couple  
9 little details of that -- I'm sorry -- about specific AMR  
10 addresses.

11                   As I understand it, when -- your prior testimony  
12 was that when you first started discovering these AMR  
13 problems that you went to your front line management about  
14 it; is that right?

15           A     That's correct.

16           Q     And -- and then this is where I got a little bit  
17 confused. Who -- you said they went someplace else with  
18 it. Was the "they" you were talking about the front line  
19 supervisors?

20           A     I -- I suspected that they went to the General  
21 Foreman and Superintendent in our district. And they have  
22 meetings with the Superintendent and the SAID Department,  
23 and I'm sure it -- I anticipate it would filter all the  
24 way up.

25           Q     All right. Certainly -- well, have you ever



1 spoken to somebody, for instance, Laclede's President or  
2 Chief Executive Officer about any problem at Laclede?

3 A No, ma'am.

4 Q Is that appropriate in the chain of command at  
5 Laclede?

6 A That I would speak to the President?

7 Q Yes.

8 A No, ma'am.

9 Q All right. How does the chain of command at  
10 Laclede work?

11 A We take our problems to the front line  
12 supervisors. That's their purpose. They're kind of a  
13 buffer between us and the higher-ups. And they filter out  
14 what they -- I guess feel it necessary to bring it to the  
15 attention of the higher-ups.

16 Q All right. And when you went to the front line  
17 management, did you take them these specific addresses?

18 A We were -- I personally was talking to them  
19 daily.

20 Q About specific addresses --

21 A Yes.

22 Q -- and specific things you found? All right.  
23 At some point after you talked to front line management  
24 about some of these problems, was a system instituted  
25 where certain AMR problems were brought directly into the

1 shop and held separately? Is that --

2 A Could you re-ask that question, please?

3 Q Certainly. After you first brought this issue  
4 to Laclede management's front line management's attention,  
5 was a procedure established for you to bring problem AMR  
6 meters into a special area?

7 A Okay. I understand what you're asking. That  
8 was -- and, again, I'm not saying that Laclede never  
9 identified they had a problem because this is a good way  
10 to explain it.

11 They initially started having us bring these  
12 meters in. We would call them, tell them we had a leaking  
13 meter, DR meter, whatever type meter that we spoke about  
14 here. And we would remove the meter and bring it into  
15 what we call the meter room area, which is inside Laclede  
16 Gas building.

17 And then from there, I don't know what happened  
18 to them.

19 Q All right. At some point, did Laclede  
20 management tell you they didn't want you to do that  
21 anymore?

22 A Yes.

23 Q And approximately when was that?

24 A I can't give you the time. What ended up  
25 happening was the meter room started getting filled up

1 with meters, so they said, Enough's enough, just put them  
2 down at the shed.

3 Q All right. When the meter room -- how long did  
4 it take from the time that -- approximately from the time  
5 that you first started bringing them into the meter room  
6 to the time that they said the meter room is full?

7 A I'd say probably a couple weeks they made  
8 another decision.

9 Q All right. And after you started -- what shed  
10 are you talking about that you took -- that you now take  
11 the problem meters to?

12 A We've got a -- I'm in the north district,  
13 Berkley, and we have a meter area that we drop off all or  
14 meters that we change out for various reasons. And then  
15 we -- they collect down there from all the service men.

16 Q All right.

17 A It's not actually a shed. It's by a shed.

18 Q Okay.

19 A So we just say the meter shed.

20 Q And is that still going on today?

21 A Yes, ma'am.

22 Q Are there -- are there a number of meters there?

23 A Yes, ma'am.

24 Q Can you give me an idea how many?

25 A Oh, it varies from anywhere from -- sometimes --

1 well, just the meter department guy comes in the boom  
2 truck, I think they call it, or whatever truck, picks them  
3 all up. I don't even know how he does it, you know,  
4 weekly, bi-weekly, I don't know. It sometimes just  
5 depends on how many meters we're taking out. Sometimes  
6 there's a hundred down there, sometimes there's 200,  
7 sometimes there's 50. It just varies.

8 Q All right. Have you looked at that shed area  
9 from Berkley recently?

10 A Yes.

11 Q And can you give us some idea whether the meters  
12 that were out there were largely AMR meters or non-AMR  
13 meters?

14 A They were largely -- they were largely non-AMR  
15 meters. We're on a trace mission now. They're changing a  
16 lot of trace meters, so --

17 Q All right. Meaning that you're -- are you  
18 retrofitting those, meaning you're pulling them out to  
19 retrofit?

20 A No, ma'am. We're actually replacing the whole  
21 meter and installing a new factory meter that was  
22 provided.

23 Q All right. Mr. Pendergast also asked you about  
24 this whole process of collecting the information for the  
25 unions and -- and stewards collected from some of the

1 service employees, other service employees. Do you -- I  
2 mean, in your experience, do you believe that everyone  
3 turned in -- that everybody that was supposed to turn in  
4 reports to you turned in everything they had? Do you  
5 understand what I'm saying?

6 A Well --

7 Q No. Let me just rephrase. I could just see  
8 from the look on your face.

9 A I kind of do.

10 Q I'll rephrase. During the collection of -- of  
11 information about AMR problems for the union, was there a  
12 certain group of people that were supposed to turn in  
13 their information to you?

14 A No.

15 Q Okay. How does it work? Who knows who to give  
16 it to?

17 A Actually, it was just, you know, a whim.

18 Q All right.

19 A If a guy decided that he had something he wanted  
20 to give me, he gave it to me. If not, no one pushed no  
21 one to do nothing. You know, it's --

22 Q All right.

23 A That's just pretty much how it was.

24 Q Do you have reason to believe one way or the  
25 other whether all of the AMR problems got turned in?

1           A     Absolutely. They did not all get turned in to  
2     the union.

3           Q     And what makes you believe that?

4           A     Because there's just a lot of meters down there  
5     that say leaks on them, and I don't have the tickets on  
6     them. And the union didn't -- I didn't give them to the  
7     union either.

8           Q     All right. And are you aware of -- I mean, have  
9     you turned in every ticket to the union that you received?

10          A     Yes.

11          Q     Well -- okay. You --

12          A     Did I personally --

13          Q     Yes, that you personally --

14          A     That I personally removed and found?

15          Q     No. My -- I'm sorry. Let me rephrase the  
16     question. Did you turn in every ticket or every -- that's  
17     probably where the problem is. Did you turn in to the  
18     union every address that somebody gave to you?

19          A     Well, actually, I located four more before  
20     coming down here.

21          Q     All right. So there might be reasons that  
22     somebody just -- well, how -- how come -- well, you said  
23     you located them. Were those ones that you had probably  
24     had for some time?

25          A     Yes. Yes.

1 Q Did you mean to give those to the union?

2 A Yes, ma'am.

3 Q All right. So there might be reasons why  
4 tickets just didn't get turned in?

5 A Yes, ma'am.

6 Q Okay. Are there any other reasons that you're  
7 aware of that people might not be turning their AMR  
8 problems in or might not have turned their AMR problems  
9 in?

10 MR. FRANSON: Judge, we're getting -- I know  
11 this has gone all over the place but might be other  
12 reasons to explain other people's actions, I don't believe  
13 that's relevant, and I will object on that basis. And  
14 it's rank speculation.

15 MS. SCHRODER: We've had a lot of -- actually,  
16 I've been asking him if he knows from his personal  
17 experience why there's any reasons. But we've had a  
18 ton --

19 JUDGE WOODRUFF: The Last question that was, Do  
20 you know of any reason why anyone else might not have  
21 turned them in.

22 MS. SCHRODER: Okay. I can certainly rephrase  
23 it.

24 JUDGE WOODRUFF: I'll sustain that objection.

25 MS. SCHRODER: Okay. Let me rephrase that,

1     then.

2           Q     (By Ms. Schroder)   Do you have personal  
3     knowledge of other people not -- willfully not turning in  
4     that information to the union and -- and the reasons for  
5     that?

6           A     Yes.

7           Q     All right.   And -- and what is that?

8           MR. PENDERGAST:   I'm going object, your Honor.  
9     It sounds to me like this is going to go ahead and call  
10    for hearsay.   I don't know how they could have  
11    communicated whatever reasons anybody might have had other  
12    than through out-of-court statements that we don't have an  
13    opportunity to cross-examine them on.

14           MS. SCHRODER:   It's not hearsay if it's going to  
15    what the people are telling him as opposed to whether it's  
16    for the truth of the matter asserted.

17           MR. FRANSON:   Well, actually, Judge, it's still  
18    hearsay, but it's offered for a different purpose.   But  
19    here it seems like it's being offered for the truth of it.

20           JUDGE WOODRUFF:   I'll sustain the objection.

21           MS.   SCHRODER:   All right.   Okay.   I have no  
22    further questions.

23           JUDGE WOODRUFF:   All right.   I just got a  
24    message on my e-mail that Commissioners Gaw --  
25    Commissioner Gaw is heading down and wanted to ask some



1 questions. I'm going to go ahead and take a break,  
2 however.

3 MR. FRANSON: And you'll explain that to the  
4 Commissioner?

5 JUDGE WOODRUFF: I will explain it to the  
6 Commissioner. We need to take a break. Just a short one.  
7 We'll come back at 3:00.

8 (Break in proceedings.)

9 JUDGE WOODRUFF: All right. Let's come back to  
10 order after a break. It was -- there was -- there was a  
11 suggestion made shortly before the break that we take a  
12 look at where we're at in this case. And it looks like  
13 we're unlikely to get through all the remaining witnesses  
14 today, so we'd be looking at finding another date to -- to  
15 continue this hearing.

16 Looking at the Commission calendar here, Friday,  
17 January 5th, is clear on the Commission's schedule.

18 MR. FRANSON: Your Honor -- oh -- oh, okay.  
19 Friday, January 5th. No objection. I thought at first  
20 you said sometime during the week of the 8th. That starts  
21 the MGE hearing.

22 JUDGE WOODRUFF: Yes. For those of you that  
23 don't know, there's an MGE rate case that starts that  
24 following Monday and runs for a couple of weeks. And it's  
25 going to be hard to find dates. So everybody can check

1 your calendar and let me know whether that's workable or  
2 not.

3 MS. SCHRODER: Do we have to let you know right  
4 now? Because my calendar is in my car.

5 JUDGE WOODRUFF: No. You don't have to let me  
6 know right now.

7 MS. SCHRODER: Okay. Thank you.

8 JUDGE WOODRUFF: But that was the one date on  
9 the calendar that I could see. And we can wait a couple  
10 days -- like I say, I don't have to make a decision on it  
11 today.

12 MS. SCHRODER: Okay. Thank you.

13 JUDGE WOODRUFF: All right. As we indicated  
14 just before the break, Commissioner Gaw has -- has come  
15 downstairs and indicated he had some questions. I'm going  
16 to turn it over to Commissioner Gaw.

17 You had some specific questions, and we weren't  
18 sure which witness could answer those questions. So I'll  
19 let him tell you what sort of area he wants to go into,  
20 and we'll decide who needs to be testifying.

21 COMMISSIONER GAW: I'm wanting to ask a few  
22 questions in regard to what a -- a worker would normally  
23 observe and be able to -- to report back or to -- to  
24 express a concern about additional work that might be done  
25 who was on the site where the meter was, and, in

1 particular, in regard to lines going in and out of the  
2 meter.

3 And I don't know if -- if there's a witness that  
4 you have that would know about that specifically or not.

5 MS. SCHRODER: I'm not sure I understand what  
6 you're asking. Are you wanting --

7 COMMISSIONER GAW: I'm looking -- I'm looking to  
8 understand what a -- a gas worker would normally be  
9 observing if they were looking at a meter in regard to  
10 safety questions. So --

11 MS. SCHRODER: Okay. I think Mark can probably  
12 answer that.

13 MR. BOYLE: I can -- I can try.

14 COMMISSIONER GAW: Okay. That would be great.

15 JUDGE WOODRUFF: Then, Mr. Boyle, we'll let you  
16 answer the questions. And, Commissioner Gaw, go ahead.

17 CROSS-EXAMINATION

18 BY COMMISSIONER GAW:

19 Q When -- when a worker would go to see, for any  
20 reason, a meter and observe the meter, are there things  
21 that -- that you would normally be watching for or be  
22 conscious of in regard to the -- the meter itself or the  
23 lines going in and out of the meter that -- that would be  
24 things that you would -- you would -- would cause you to  
25 act to -- to correct in general? Do you know what I'm

1 asking?

2 A Yes, sir.

3 Q Okay.

4 A And there's going to be an inside answer and  
5 outside answer.

6 Q Okay.

7 A Inside, meaning the meter would be located in  
8 the inside type.

9 Q All right.

10 A Outside, meaning the meter would be on the  
11 outside. And I'm going to exclude any sort of bar hold  
12 situation where we would go in and poke a hole and find  
13 leaks and we would happen to go in and -- and, for  
14 instance, do a work order for a meter change.

15 Q Yes.

16 A On an inside set, we would go in. We would  
17 bring all our equipment in with the bucket, the Ranger and  
18 all. We would -- on a meter change, the first thing we  
19 would do is try to locate the curb box out at the curb to  
20 make sure we could get the key on it.

21 All inside sets, residential, have outside curb  
22 boxes. We'd try to locate that curb box, get a key on it.  
23 And if that's possible, then we could go inside. With the  
24 tools, we would turn the shut-off valve off, look at the  
25 shut-off valve, see if it's intact, if it's not broken, if

1 the ears are broken. They like to break the shutoff  
2 valves on us.

3 We would check the point of entry where the line  
4 comes in with our CGI equipment, which is our gas Ranger,  
5 check for gas leaks coming in. We would also look at --  
6 how the meter -- we would -- we call this a company  
7 facility check, which is all Laclede Gas's equipment.

8 We would check from the inside wall to the  
9 outlet of the meter. We would make sure that the  
10 insulated union is properly installed below the regulator  
11 so when C&M has to get on there, it's not shortened to the  
12 mains. That's been a -- an issue that came up probably  
13 about five years ago. So we're looking for that.

14 We're looking for proper installation of the  
15 regulators. We still have a whole lot of what we call  
16 internal relief regulators out there, which are --they've  
17 got the little quarter inch vent coming out which don't  
18 have the internal regulators so that if service pressure  
19 would happen to rise, it wouldn't -- it would go into the  
20 home itself. So we want to get those out of the system.

21 And we also look to see if the corrosion -- we  
22 look at the piping to see if we need to replace that. We  
23 also look at the stability of the -- of the whole company  
24 facilities and look at the shape of the meter, see if it's  
25 been tampered with.

1                   And then we would move from there. But I don't  
2   want to say -- that doesn't take a whole lot of time just  
3   visually -- a seasoned service man, Pat, Dean, myself, I'd  
4   say we're seasoned, but, you know, we could go in there  
5   and make that visual observation in a short period of  
6   time.

7           Q     Okay. Now, I want to -- I want to narrow this  
8   down just a bit. If, hypothetically speaking, or if it  
9   actually occurred, you were doing a change in regard to  
10  going to an AMR or placing an AMR on a meter, tell me what  
11  -- of those things that you just mentioned, how many of  
12  those things -- or what portion of those things would you  
13  be -- would you be doing if it were you replacing that --  
14  the -- the gauges on the meter with an AMR?

15          A     Well, my department actually doesn't change the  
16  AMR itself. We take the whole meter out and put a whole  
17  new meter in. It's been given to us from the factory. We  
18  just put the face -- we just take the place plate off,  
19  screw it on, and do a couple -- we don't take it off and  
20  actually install it. I don't understand the question --

21                   MS. SCHRODER: Mark, he's asking you to assume  
22  that you did, that you were asked to.

23          Q     (By Commissioner Gaw) Yeah. I'm asking you if  
24  instead of having these temp workers do this --

25          A     If I were --

1           Q     -- you were doing it.

2           A     Okay.

3           Q     Of the safety checks that you mentioned that you  
4 would do if you were changing the meter out, what part of  
5 those would you do if you were the one that was -- that  
6 was responsible for the -- for the AMR itself?

7                     Would you be -- would you normally check on  
8 those things that you mentioned in the house and -- and  
9 other things? Would you think that would be appropriate  
10 to do?

11          A     No. That's mandatory by Laclede Gas to check  
12 that whenever we go on an inside set.

13          Q     Okay. I want -- if you wouldn't mind describing  
14 for me in a little more detail those things that you just  
15 -- the list that you just went through, and tell me what  
16 it is you're looking for and why. And if necessary, we  
17 can have the court reporter read back that list to you  
18 because I didn't keep notes.

19          A     I know the list.

20          Q     I figured. Go ahead.

21          A     I'll start with the curb box. That's the  
22 initial thing we do.

23          Q     All right.

24          A     We would locate the curb box. In other words --

25          Q     Would you do -- would you do that if you were

1 switching -- if you were doing this AMR -- would you --  
2 would you go to that curb box then, too?

3 A Well, I would have to say that if there would be  
4 no disruption of gas service when they do that AMR --

5 Q Yes.

6 A -- then I would probably say no. Laclede would  
7 probably not have us have to locate that box.

8 Q That's kind of the reason I was asking the  
9 question again because I thought that might be the case.

10 A They probably would not have you -- however, you  
11 know, due to the safety issue of being out there, Laclede  
12 does like to have us locate the box and have it marked to  
13 make sure of its location in case of fire or --

14 Q So you might do it?

15 A They might have me do it, yeah.

16 Q Yeah.

17 A I think it would be in their best interest since  
18 I'm there.

19 Q And, again, the reason would be?

20 A If there was a fire, explosion, any type of --  
21 someone calls in a gas leak there and no one's there,  
22 we've got easy accessibility, we find it immediately and  
23 turn it off. We don't have to be digging with the Fire  
24 Department there trying to locate it with the --

25 Q So -- so in the event that a fire would -- would



1 occur later on, the chances of that being broken and being  
2 a major problem in shut-off would hopefully be eliminated?

3 A Yes, sir.

4 Q All right. And then go ahead from that point  
5 forward.

6 A Well, from that -- from that point forward, we  
7 would -- I guess you're going say the lock cock. We call  
8 it a lock cock. We've got a lot of nasty names.

9 Q All right. What does that mean? What is that?

10 A That's the shut-off valve. That actually is the  
11 main shut-off valve inside the home at the inside entrance  
12 point. It's called the SEI -- or excuse me -- it's called  
13 the point of entry.

14 Q All right.

15 A And it's immediately -- comes in, and there's a  
16 shut-off valve and we can shut it off. We can also lock  
17 it there for any number of reasons. We've got a little  
18 key we can put through there, and we lock it when we do  
19 turn-offs, collection department turn-offs, that type  
20 thing.

21 A lot of times, those do tend to get broken and  
22 the cores leak on them. You know, we've got some problems  
23 with those sometimes. I mean, it's just a -- piece of --  
24 a -- it's a lock cock.

25 Q All right. So -- and what's -- what's the --

1 from a safety standpoint, tell me the importance of that.

2 A Well, what happens is sometimes the lug on --  
3 there's two parts of a lock cock. Well, there's -- I'm  
4 not an expert on lock cocks, but I do know we call it an  
5 ear, which is the piece you put the lock through. And we  
6 call another piece the lug, which is the piece you put  
7 your crescent wrench on to be able to turn it off and on.

8 Q Yes.

9 A And if that lug is sheared off or broken, you're  
10 going to be panicking.

11 Q Okay. Because?

12 A It's -- it's very hard to get -- to be able to  
13 get a wrench on there and turn it off.

14 Q Okay.

15 A Very hard. If you have to -- any time in an  
16 emergency, the homeowner wouldn't -- the homeowner  
17 probably wouldn't be able to do it.

18 Q Okay. So if that's -- if you find that it's  
19 broken, what occurs then?

20 A We either make immediate repairs or we call --  
21 we write up a CIS order and -- and we make repairs through  
22 SAID down the road. But it is brought to management's  
23 attention.

24 Q Okay.

25 A One of -- excuse me. By telephone. They

1 definitely know it when I first see it.

2 Q Okay. So it would -- it could get repaired?

3 A Absolutely.

4 Q And then next what would happen?

5 A Well, next, then we would go up the -- we would  
6 get probably two street holes and go up to what we would  
7 consider -- it's called the insulated union. And what it  
8 does it protects the mains from any electrical coming --  
9 I'm not an expert on this either. I went to Rankin Tech,  
10 so --

11 Q Okay.

12 A But what this means is that when C&M goes on to  
13 -- and they try to locate the service and sometimes they  
14 get feedback or what have you because that -- that union  
15 is there to prohibit -- and I don't know if it's  
16 electricity goes back or in. I don't know which one. But  
17 I know it's to stop electricity from being grounded down  
18 to our mains.

19 Q Okay.

20 A Which -- which grounding the mains with  
21 electricity decays them faster rates, deteriorates the  
22 mains. So there is -- there is another safety issue that  
23 they're trying to accomplish by putting the insulated  
24 union below the regulator because right now we're finding  
25 probably, I would say -- I'm not that good with numbers,

1 but a lot of them are above the regulator, which if they  
2 put it on the vent pipe coming in, it's -- it's going this  
3 way, see. It's not going --

4 Q When you say it's going that way, would you say  
5 in words what you mean?

6 A It's bypassing -- it's bypassing the insulated  
7 regulator.

8 Q Okay.

9 A So it will actually get electricity to the  
10 mains.

11 Q Okay.

12 A And it will be grounded.

13 Q Okay. And, again, the problem there is  
14 deterioration of the mains. Is there any problem -- would  
15 that potentially be causing any other hazard, explosions  
16 or anything of that sort? Do you know?

17 A Not to my knowledge that would cause it. I'm  
18 sure it wouldn't help the matter. I'm not a C&M guy. I  
19 don't dig the holes.

20 Q Yes.

21 A But I'm sure we've got people that have dug the  
22 holes and see what that's caused.

23 Q But the deterioration of the mains is the  
24 problem because adding electricity there would cause the  
25 metal to deteriorate, correct?

1           A     It's my understanding.  Yes.

2           Q     Okay.  Then the next -- what else would you  
3     check?

4           A     Next, you'd go right above the insulated union  
5     and go to the regulator.  The regulator, we come in with a  
6     service pressure which is a higher pressure than what's  
7     used in the home, and the pressure is to regulate the  
8     pressure to a constant feed to all of the appliances.

9                 you know, we're -- and we need -- we need to make  
10    sure it's -- well, there's several things we look at on a  
11    regulator.  First off, we have what we call a non-internal  
12    relief regulator, which I'll try to explain.

13                 It's a -- it' a -- like a three-eighths or piece  
14    -- it's a reduced vent on the regulator.  That's how we  
15    recognize it.  It's a -- it's a non-internal relief.  And  
16    what happens with a non-internal relief regulator is one  
17    is that -- that -- that's reduced so low that if the  
18    service pressure would rise and the regulator is trying to  
19    vent outside and it cannot, then it will go into the home,  
20    and you will have service pressure actually entering into  
21    a home.

22           Q     And -- and that is a problem because?

23           A     That's a problem because then you're going to  
24    have big flames because -- I mean, I -- I mean, I could  
25    speculate on what could happen, but I really don't want to

1     because -- I -- what I'm trying to say is it's not right.

2             Q     Okay.

3             A     The flame on the furnaces could be high, water  
4     heaters could cause fires, explosions. So it could cause  
5     all the horror stories that we hear about.

6             Q     Okay. Then next what would you check?

7             A     Well, we would check to make sure that -- if  
8     it's a proper installation of the regulator. We would  
9     also make sure that -- we call it a blow pipe. It's our  
10    vent pipe is -- is adequately going up and out the home  
11    and vented properly, not reduced in any shape or form and  
12    that -- and also like on the turn-on, we actually have to  
13    undo that on a turn-on and make sure we can blow through  
14    it to make sure it's not obstructed with any type of wasps  
15    getting in there and making their nests.

16            Q     What I'm really looking for here -- and if you  
17    could confine your -- what you would be doing to -- to  
18    where you were changing out a meter to -- and putting in  
19    an AMR --

20            A     AMR. Okay.

21            Q     So go ahead.

22            A     Okay. We -- we would still -- I would -- I  
23    would say we -- we wouldn't take apart the blow pipe on  
24    something like that.

25            Q     Okay.

1           A     We would just visually see if it's going out.  
2     Also, in that inspection, we would also see that it's  
3     going outside.

4           Q     Okay. Now, what's -- what's coming out of that  
5     blow pipe?

6           A     It's -- it's -- again, if service pressure would  
7     rise, if there would be a pressure increase in the mains,  
8     the regulator would vent it outside.

9           Q     Vent what outside?

10          A     Natural gas.

11          Q     Thank you. Okay. Go ahead.

12          A     Instead of in the home. That's the whole  
13     purpose of it is to do its job that way.

14          Q     All right. And then what would you do?

15          A     From that point, we would go to the top of the  
16     regulator, just look at the rest of the piping, make sure  
17     -- you know, now, what I do with this, I go over the whole  
18     set with my Ranger, with my gas detection to make sure  
19     there's no leaks.

20          Q     So you -- so you -- and the Ranger is -- is an  
21     instrument that -- that measures gas presence?

22          A     Yes, sir. It -- it measures it two ways. It  
23     beeps, and it also has a digital reading on the front of  
24     it.

25          Q     You don't just rely on your nose?

1           A     No, sir. But I do use my nose sometimes.

2           Q     In addition to this?

3           A     Yes, sir.

4           Q     Okay. Keep going. What happens next?

5           A     We check for leaks with our CGI equipment, which

6     is another mandatory Laclede wants us to do. And from

7     that point on, we may just make sure that the -- that it's

8     all solid and it's not leaning or tipping or touching the

9     walls or --

10          Q     And what is it again, when you say it?

11          A     The meter.

12          Q     The meter. Okay. Now, do you -- the lines that

13     are coming in inside the home, what are they usually made

14     of? Or is there --

15          A     Below grade?

16          Q     Well, why don't you tell me --

17          A     Well, we've got several.

18          Q     Go ahead.

19          A     Well, they've got copper.

20          Q     Okay.

21          A     They've got cast iron.

22          Q     Okay.

23          A     They've got steel.

24          Q     Yes.

25          A     And they've got plastic.



1           Q     Are there -- now, on any of these -- are any of  
2     them copper over -- steel over copper, rather? Have you  
3     ever seen steel over copper, steel over copper lines?

4           A     I don't understand the question.

5           Q     A copper line that has been -- where steel has  
6     been placed over the top of it or vice versa? I'm not --  
7     I'm not recalling which way that is.

8           A     Are you talking about copper being inserted into  
9     a -- for the service?

10          Q     I'm asking whether you've ever seen any of those  
11     going into a house.

12          A     Oh, yes.

13          Q     Okay. All right. So there's all sorts of  
14     different kinds of potentially different kinds of lines,  
15     correct?

16          A     Yes, sir.

17          Q     All right. Now, that's also inside the house up  
18     to the meter?

19          A     No, sir.

20          Q     Okay. When -- when you get -- when -- you're  
21     talking about lines up to the --

22          A     From the outside coming to the point of entry.

23          Q     And the -- okay. And then after you get to that  
24     point, then what do the lines look like?

25          A     Black iron pipe.

1 Q Black iron. Okay. All the way to the meter?

2 A Black iron solid pipe all the way from the met  
3 -- to the meter, yes, sir.

4 Q Okay. Do those lines ever have any issues with  
5 them?

6 A Well, they leak.

7 Q They do?

8 A They corrode. Normally, when you're on an  
9 inside set, you've got a water line, incoming water line  
10 that's, I'm going to say, normally probably 80 percent of  
11 the time, probably a foot or two away from our service  
12 line. Just seems like that's the way it happens.

13 Q Okay.

14 A A lot of times, we get corrosion from them water  
15 lines leaking. We get corrosion from the older homes in  
16 the cities leaking water in the basement on our pipe.

17 Q Yes.

18 A We get corrosion just from the atmosphere in the  
19 basement.

20 Q Okay.

21 A You know, the lines do corrode. It's black iron  
22 pipe.

23 Q So -- yes. So if you find corrosion, is there a  
24 point at which it might be reportable?

25 A Absolutely.

1 Q Okay. Tell me when you would report it.

2 A When we find it.

3 Q Any time you find the corrosion itself, or do  
4 you have to find a hole, or do you have to find gas coming  
5 out?

6 A Well, it's our judgment call what we find.

7 Q Okay.

8 A But if it's pitted -- we call it pitted and  
9 rusty. If it's pitted and rusted, if it's bad enough, we  
10 call the supervisor and tell them what we have, and we  
11 make repairs permanently.

12 Q Okay.

13 A If it's just surface rust, it will be there --  
14 it will be there longer than me and you are here.

15 Q Yes. So have you found those kinds of things  
16 where -- where the corrosion was significant enough to  
17 call them in?

18 A Absolutely.

19 Q Is some of that -- and -- and would -- are there  
20 times when that's actually where it enters into the meter  
21 itself, or would it back up from there generally? Or do  
22 you know?

23 A Corrosion happens all throughout the -- the  
24 piping system.

25 Q Okay.

1           A     Company -- company facilities and customer  
2 facilities, also.

3           Q     When you're looking for corrosion, is that both  
4 visual and testing for gas?

5           A     Sure.

6           Q     I mean, I didn't ask that very well. But -- so  
7 when you're examining it, you're examining it for  
8 corrosion, but the ultimate -- the ultimate concern is the  
9 gas could eventually be leaking or is leaking at the time?

10          A     That's the ultimate -- I -- I would have to say  
11 the ultimate goal is to see if there's any type of leak  
12 there.

13          Q     Yes.

14          A     And if there is, we're going to fix it then.

15          Q     Yeah.

16          A     Regardless if it's a corroded pipe or brand new  
17 pipe, we're going to fix it then.

18          Q     But it could be corroded enough to -- to warrant  
19 some action, even if you couldn't find a leak at the  
20 moment, I assume?

21          A     And that -- and that action could be immediate,  
22 also.

23          Q     Yes. Okay. Anything else, then, once you got  
24 to -- I assume the next -- next thing would be actually  
25 looking at the -- at the meter and changing it -- changing

1 out the -- the reader. But I don't know. You tell me.

2 A I've never done one.

3 Q Yes, sir. If -- have you ever observed someone  
4 trying to change one out?

5 A I did.

6 Q Did you?

7 A Yeah.

8 Q In that process of watching that, did you see  
9 anything that -- that you thought was -- in the actual  
10 process itself, did you see anything in your handling of  
11 meters that gave you any insight about -- about anything  
12 else that you might do?

13 A Will you -- I guess are you asking me would I be  
14 capable of doing it? Is that the question?

15 Q I suppose that you would be capable of doing it,  
16 but you tell me.

17 A Oh, yes, sir. I would be capable of doing it.

18 Q And your experience of dealing with meters and  
19 taking them off and putting them back on is what? What  
20 kind of experience have you had doing that?

21 A All kinds.

22 Q Yeah. And give me just a few -- give me some  
23 idea about -- first of all, how long you've been dealing  
24 with them?

25 A Fourteen years, six months. And when you're

1     talking about a -- are we talking about taking the whole  
2     meter off now, or are we just doing an AMR?

3           Q     Just in dealing with the meters themselves,  
4     taking them off and putting them back on, things of that  
5     sort.

6           A     Okay. In dealing with taking them off and  
7     putting them on, you've got pipes, a lot pipes in your  
8     way. You've got a lot of stuff in your way. They're  
9     built in closets. They're built in concealed areas. It's  
10    tough to get to. That that's another issue, too.

11                I can talk some more. We go in and we -- they  
12    built them in closets where you can't even get to them,  
13    can't get to the shut-offs, emergency shut-offs. You  
14    know, I mean, it just seems like I can go on with the  
15    stuff that we do that we just do it out of training.

16           Q     So -- so in looking at these meters sitting out  
17    here on the podium disconnected from everything like when  
18    we saw the meter earlier in the week, it -- there was free  
19    -- free -- free access to all parts of that -- that meter,  
20    and there weren't any of these confining closets or other  
21    water lines or --

22           A     No sewage, no basement, no nothing.

23           Q     And so it's a little bit different situation --

24           A     Yes, sir.

25           Q     -- than what you normally find?

1           A     Yes, sir.

2           Q     A lot different, as a matter of fact?

3           A     Yes, sir.

4           A     The environment is very good here.

5           Q     Yes.

6           A     Almost.

7           Q     Well, let's not -- let's not go into that.

8     We'll -- but in any event, if -- if you're working in that

9     -- in that kind of a -- of an arena, I assume sometimes

10    the lighting isn't necessarily really good, I assume?

11          A     It's right here. Put a flashlight right here.

12          Q     Yes.

13          A     And that's your light.

14          Q     And so you carry that with you?

15          A     You work with -- yeah. You work with both hands

16    and your light is here. It's put in here. It sticks out

17    and --

18          Q     This -- this work that -- that you do in regard

19    to -- to meters and checking the lines, how much training

20    did you get before your were doing that kind of work, if

21    you recall?

22          A     From Laclede?

23          Q     Well, from anyone. Yeah. How much training was

24    required?

25          A     Well, Laclede's got a good training --

1 Q Okay.

2 A -- campaign. They do a very nice job getting us  
3 acquainted with all the -- the issues that we need to  
4 find.

5 Q About how often does that training occur?

6 A We -- when we first start here, it's a little  
7 bit more intense. They give you a little bit more. But  
8 then we do what we call an annual training. We also have  
9 safety meetings every month that bring up issues of what  
10 the men find out there, problems the men find, issues that  
11 the men have. We -- and that's brought up in that, also.

12 Q Okay. So would you have any idea about how many  
13 hours of training that you've had --

14 A Well --

15 Q -- over the years?

16 A How many in all my years here?

17 Q Yes.

18 A I know they've -- they've actually upped it.

19 Q Okay.

20 A We were doing -- we were doing about 14 to 20 a  
21 year per man. And I think they've upped that to almost --  
22 I think it's close to 40.

23 Q Okay. And that is in addition to the actual  
24 field work that you're doing?

25 A The field training is the best training you can



1 get.

2 Q Yes. How closely related is -- is your  
3 inspection and the -- that you've been describing to me to  
4 the safety of the -- of the individuals that are living in  
5 the house that you're going into or around or the -- the  
6 business? How closely related is it?

7 A Is it related to what? The -- the safety issue?

8 Q Safety. Yes.

9 A Oh, 100 percent.

10 COMMISSIONER GAW: Yeah. I think that's all I  
11 have, Judge. Thank you.

12 JUDGE WOODRUFF: All right. Thank you. Any  
13 recross, then, based on the Commissioner's questions,  
14 beginning with Public Counsel?

15 MR. POSTON: No questions.

16 JUDGE WOODRUFF: Staff?

17 MR. FRANSON: No questions, your Honor.

18 JUDGE WOODRUFF: Laclede?

19 MR. PENDERGAST: Just a couple.

20 CROSS-EXAMINATION

21 BY MR. PENDERGAST:

22 Q In the AMR installation process, are you aware  
23 of whether or not Laclede is still doing corrosion  
24 inspections once every three years?

25 A Yes. I am aware that they are doing corrosion

1 inspections once every three years.

2 Q Okay. And the fact that you've had an AMR  
3 installer install one of these devices doesn't mean that  
4 you still don't do the corrosion inspection, does it?

5 A Excuse me, sir?

6 Q It doesn't have any impact on the corrosion  
7 inspection. You still do those even though an AMR  
8 installer has recently been there?

9 A I don't really know what they look for on the  
10 corrosion inspection.

11 Q I understand. But do you -- is it your  
12 understanding that there's been any change in the routine  
13 performance of corrosion inspections because of AMR?

14 A Not to my knowledge. No, sir.

15 Q Okay. And when you do a leak call, what sort of  
16 inspection, if it's an inside leak call, will you make at  
17 that time?

18 A On company facilities or customer facilities?

19 Q Either.

20 A Well, we would start by going in -- and, again,  
21 on this particular issue, we don't look for the curb box  
22 first. We actually go inside, and we try to determine  
23 where the leak might be appearing. You know, we've got  
24 all different types of leaks.

25 And, you know, sometimes you go directly to

1    them.  Sometimes you have to actually find them because  
2    they're hidden, concealed, what have you.  And, you know,  
3    we would go inside.  And, normally, we would go over our  
4    stuff first.  I do.

5           Q     Okay.  And you surveyed the Laclede facilities  
6    first?

7           A     Yes, sir.  When I -- when I determine that the  
8    house was safe and there's -- there's no, you know,  
9    emergency type situations.

10          Q     And -- and if you don't find a leak on a Laclede  
11    facilities, will you survey the customer's facilities?

12          A     Well, I really didn't get to finish answering my  
13    question.

14          Q     Oh, I'm sorry.  I thought you were.

15          A     Because normally it's on our facilities.

16          Q     Okay.

17          A     Normally.

18          Q     And if it's not on our facilities, would you  
19    continue to go ahead and survey the customer's?

20          A     Yes, sir.  Yes, sir.

21          Q     Okay.  And do you do home sale inspections as  
22    well?

23          A     Yes, sir.

24          Q     Okay.  Are you aware of any other gas utility in  
25    the state that does home sale inspections?

1                   MS. SCHRODER:  Objection.  I don't think this  
2  relates to Commissioner Gaw's questions.

3                   JUDGE WOODRUFF:  Overruled.  You can go ahead  
4  and answer.

5           A     No, sir.

6           Q     (By Mr. Pendergast)  Okay.  And -- and on the  
7  home sale inspections, once again, the purpose of that is  
8  to check all the facilities that involve natural gas on  
9  the customer's premises?

10          A     Repeat that, please.

11          Q     Yes.  When you do a home sale inspection, do you  
12  check all the facilities involving natural gas?

13          A     It depends on if it's an inside or an outside  
14  meter.

15          Q     What if it's an inside meter?

16          A     Inside, we do.

17          Q     Okay.  And if you do a home sale inspection and  
18  it's outside meter?

19          A     If we don't smell it, we don't -- we don't go  
20  into his -- I mean, we look at the same stuff in  
21  particular, but we don't -- we're a little bit more  
22  thorough on the inside sets.

23          Q     Yeah.  I'm -- I'm talking about a home sale  
24  inspection now.  There's been no leak call or anything  
25  like that.  This is when somebody sells a home in the St.

1 Louis area --

2 A Right.

3 Q -- and they ask for a home sale inspection as  
4 part of the sales contract.

5 A Right. They've lived there for 20 years and we  
6 haven't been in there for 20 years?

7 Q Right.

8 A Right.

9 Q You'll go in there and inspect the various gas  
10 facilities?

11 A Yes, sir.

12 Q All right. And do you have any idea how many of  
13 those Laclede does per year?

14 A I used to know that number.

15 Q Are you --

16 A A whole bunch.

17 Q Have you ever been involved in doing any kind of  
18 service work for Laclede?

19 A Yes. I guess define service work. Meaning on  
20 appliances?

21 Q Yes.

22 A Yes, sir.

23 Q Okay. And do you do any kind of inspections  
24 when do you the service work?

25 A Again, yes, sir. When we go in, we have a

1 mandatory -- you know, we look at -- look-see.

2 Q Okay. And do you know of any other gas  
3 utilities in Missouri that do that sort of thing?

4 A What sort of thing?

5 Q Service work?

6 A Not to my knowledge.

7 Q Okay. Do you have any idea how -- how often  
8 Laclede employees are inspecting inside customer homes?

9 MS. SCHRODER: Objection. Your Honor, this is  
10 -- again, this is going way afield, and I'd kind of like  
11 to get through the other witnesses we have here today.

12 A So --

13 MR. PENDERGAST: I think he was asked about --  
14 well, I'll be brief. I'm almost done, your Honor.

15 JUDGE WOODRUFF: I'll overrule -- I'll overrule  
16 the objection. You can go ahead -- go ahead and proceed.

17 Q (By Mr. Pendergast) Okay. To your knowledge,  
18 has -- has the fact that AMRs have been installed had any  
19 impact at all or varied Laclede's compliance with leak  
20 surveys, corrosion inspections, or any other required  
21 safety check?

22 A Actually -- actually, they gave us a good way of  
23 getting into people's homes when they're calling in the  
24 leaks so we can check all the company facilities.

25 Q So would it be true, then, that the main impact

1 of AMR is that we've gotten into a lot more customer homes  
2 in a lot less time over the last year and a half than we  
3 probably otherwise would have?

4 A Concerning leaks?

5 Q Well, just getting in customers' homes, period.

6 A Concerning leaks, absolutely.

7 MR. PENDERGAST: Okay. I think that's all I  
8 have. Thank you.

9 JUDGE WOODRUFF: All right. Thank you. Any  
10 redirect?

11 MS. SCHRODER: Yes. Thank you. Do you want me  
12 to do it from here or --

13 JUDGE WOODRUFF: If you're going to be brief.  
14 You can do it from there.

15 REDIRECT EXAMINATION

16 BY MS. SCHRODER:

17 Q Okay. First of all, Mr. Boyle, what did you  
18 mean by AMRs have given Laclede employees a good way to  
19 get into their homes?

20 A Well, with the -- with the -- with our knowledge  
21 of customers calling in leaks, DRs, ducts, high bills, we  
22 get into people's home that's we normally probably  
23 wouldn't have.

24 Q You mean because there are more problems with  
25 the AMR meters --

1           A     That's correct.

2           Q     -- you're seeing more homes?

3           A     That's correct.

4           Q     Okay. All right. Mr. -- Commissioner Gaw asked  
5     you some questions about -- well, he was asking about the  
6     kind of inspections you would do if SAID employees  
7     installed the Cellnet AMR devices. Have you -- and Dean  
8     Carlton testified earlier that he's actually installed not  
9     a Cellnet AMR, but another AMR type device. Have you  
10    also?

11          A     Yes, ma'am.

12          Q     All right. When you installed those other AMR  
13    type devices, did you do all the things that you told  
14    Commissioner Gaw about today?

15          A     On every job.

16          Q     All right. And a couple of things that you  
17    mentioned to Commissioner Gaw the first time, but I think  
18    didn't maybe go into detail about, I just want to make  
19    sure that we didn't miss them.

20                 The corrosion -- visual check for corrosion on  
21    piping, is that something that you would do -- or that you  
22    actually did do when you installed an AMR device  
23    pre-Cellnet?

24          A     Yes, ma'am.

25          Q     And, also, the visual check for -- for tampering



1 with the meter, is that something that you did when you  
2 installed a pre-Cellnet AMR device?

3 A Yes, ma'am.

4 Q All right. You also talked to Commissioner Gaw  
5 briefly about your personal observation of an AMR -- AMR  
6 installer installing a device. Did that indicate to you  
7 any other types of safety checks that you thought might be  
8 necessary, having seen what he was doing with the AMR  
9 device?

10 A You mean for us to go back after he put the  
11 device in?

12 Q No. That if you were doing the installation  
13 yourself, was there something else that you thought, oh,  
14 because of the way he's -- because of the way this device  
15 fits on or whatever, I think I should do this extra safety  
16 inspection? You don't understand my question?

17 A No.

18 Q All right.

19 A I know I wouldn't put a drill through a meter  
20 that gas is running through.

21 Q All right. Was there anything different about  
22 the AMR -- the Cellnet AMR device that would suggest to  
23 you that another type of safety inspection was also  
24 required? That's all I'm asking.

25 A I -- I -- repeat the question. I -- I don't --

1 Q It's all right.

2 A I'm just not getting what you're saying.

3 Q It's all right. When you watched the Cellnet  
4 installer install the AMR device, did that person have the  
5 same sort of lighting that you were describing to  
6 Commissioner Gaw that you have had when you work on a  
7 meter -- meter?

8 A To my knowledge, I don't know what type lighting  
9 they have. I don't know what -- I've never seen an AMR  
10 installer inside a home.

11 Q Okay. So the one you watched was outside?

12 A The one that was -- the job that I responded to  
13 was an outside, yes.

14 MS. SCHRODER: All right. Thank you. No  
15 further questions.

16 JUDGE WOODRUFF: All right. And, Mr. Boyle, you  
17 may step down.

18 MR. BOYLE: Thank you, your Honor.

19 MS. SCHRODER: The union calls Everet Minton.

20 JUDGE WOODRUFF: We are going to be running out  
21 of time. Have you considered -- is there anything today  
22 that really needs to be done today or --

23 MS. SCHRODER: Well, Everet Minton and Don  
24 Vierling are here -- oh, shoot. And so is Kevin Stewart  
25 and Steve White.

1 MR. PENDERGAST: That's four people.

2 MS. SCHRODER: I mean, it seems to me it's more  
3 important to get done the people that are actually here as  
4 opposed to ones that we can do by telephone.

5 JUDGE WOODRUFF: All right. Well, I'll let you  
6 make the call.

7 MS. SCHRODER: Mr. Minton, then.

8 JUDGE WOODRUFF: Please raise your right hand.

9 EVERET MINTON,  
10 being first duly sworn to testify the truth, the whole  
11 truth, and nothing but the truth, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SCHRODER:

14 JUDGE WOODRUFF: You may be seated.

15 Q (By Ms. Schroder) All right. Mr. Minton?

16 A Uh-huh.

17 Q Did you give testimony in this matter, written  
18 testimony that has been marked here as Exhibit 16-HC and  
19 16-NP?

20 A Yes.

21 Q Okay. Do you have any corrections to that  
22 written testimony?

23 A No.

24 Q And if I asked you the same questions today that  
25 are in your testimony, would your answers be the same?

1           A     Yes.

2           Q     Are those answers true and correct to the best  
3     of your information, knowledge and belief?

4           A     Yes.

5                     MS. SCHRODER:  I move for the admission of  
6     Exhibit 16-HC and 16-NP.

7                     JUDGE WOODRUFF:.

8                     MR. PENDERGAST:  Your Honor, could I see a copy  
9     of his testimony?  I -- I've got something that was  
10    attached to Mr. --

11                    MS. SCHRODER:  Yes.  There was an attachment to  
12    both of them.

13                    MR. FRANSON:  It was the same as the attachment  
14    to Vierling.

15                    MS. SCHRODER:  Vierling.

16                    MR. FRANSON:  Actually, you may have left it out  
17    as well here.  We'd have to check EFIS.  But if we want --  
18    I'll suggest we just include the attachment to  
19    Mr. Vierling's testimony and incorporate it by reference.

20                    MS. SCHRODER:  Was it left out on EIF?  Is that  
21    what you're saying?

22                    MR. FRANSON:  It may have been because I just  
23    looked at my things when I printed it off of EFIS, and  
24    it's not there.

25                    JUDGE WOODRUFF:  Are you talking about that

1 handwritten letter?

2 MR. FRANSON: Yeah. I think it's the same as  
3 the attachment to Mr. Vierling's testimony.

4 MS. SCHRODER: Yeah.

5 JUDGE WOODRUFF: I have it attached to  
6 Mr. Minton's which I printed off of EFIS.

7 MR. FRANSON: Maybe it is the same thing.

8 MS. SCHRODER: Oh, thank goodness we didn't  
9 screw up one.

10 MR. PENDERGAST: I just didn't have a copy of  
11 Mr. Minton's testimony. I have a copy of the attachment,  
12 but that was to --

13 MR. ZUCKER: Mr. Vierling.

14 MR. PENDERGAST: Mr. Vierling.

15 MS. SCHRODER: There's to both. We made the  
16 same attachment to both.

17 MR. PENDERGAST: I just didn't have the  
18 attachment to both, for whatever reason, but I've got it  
19 now.

20 JUDGE WOODRUFF: Any objection to the receipt of  
21 Exhibit 16-HC and NP?

22 MR. FRANSON: And it does include -- the one  
23 you're offering does include that same one?

24 MS. SCHRODER: Yes, it does.

25 MR. FRANSON: No objection on behalf of Staff,

1 your Honor.

2 JUDGE WOODRUFF: All right. Hearing no  
3 objection, 16-NP and HC are received into evidence.

4 (Exhibit Nos. 16-HC and 16-NP were admitted into  
5 evidence.)

6 JUDGE WOODRUFF: For cross-examination,  
7 beginning with Public Counsel?

8 MR. POSTON: No questions. Thank you.

9 JUDGE WOODRUFF: Staff?

10 MR. FRANSON: Thank you.

11 CROSS-EXAMINATION

12 BY MR. FRANSON:

13 Q Good afternoon, Mr. -- is it Minton?

14 A Minton.

15 Q Sir, my name is Robert Franson. I'm an attorney  
16 with the Public Service Commission Staff. Do you have  
17 your testimony in front of you?

18 A Yes.

19 Q Okay. I just wanted to caution you to please  
20 not mention the specific address that you were at. We'll  
21 refer to it as this address or that address. But please  
22 don't mention the specific address. Okay. Now, what do  
23 you do at Laclede gas?

24 A I work for the C&M department, Construction and  
25 Maintenance.

1           Q     Okay.  And when you went to this address that  
2     you refer to in your testimony, why did you go there?

3           A     For a copper replacement renewal.

4           Q     Okay.  And what -- what is a copper pipe  
5     placement renewal?

6           A     It's where you go in and take the copper out and  
7     replace it with plastic.

8           Q     Okay.  So you went there specifically for a pipe  
9     replacement?

10          A     Yes.

11          Q     Didn't go there to do anything in regard to the  
12     residence in particular, did you?

13          A     No.

14          Q     Okay.  When you arrived with your co-workers,  
15     who I believe are Shawn O'Neal, Don Vierling and Jim  
16     Leach, what ordinarily would be the first thing you do  
17     once you get out of your truck and you're ready to go to  
18     work?

19          A     Well, you chalk your wheels and put your cones  
20     out.  And then you go to the address and check to see if  
21     Someone's home.

22          Q     Okay.  And was there someone home at this time?

23          A     Yes, there was.

24          Q     Okay.  Did -- you saw someone come to the door?

25          A     No.  I went and knocked on the door.

1           Q     Okay.  So you did that.  Okay.  And then you  
2 talked to someone?

3           A     Yes.

4           Q     Okay.  And that was the resident?

5           A     Yes.

6           Q     Okay.  And then what happened?

7           A     And then we explained to them what we was going  
8 to be doing.  And prior to that, they had already had a --  
9 a slip -- they knew that we were coming to replace their  
10 copper line.  And then we proceeded to go out and find the  
11 curb cock.

12          Q     Stop right there.  What is a curb cock?

13          A     Well, I call it a curb cock.

14          Q     Okay.

15          A     It's --

16          Q     What you call a curb cock, what is that?

17          A     Okay.  Like he said before, everybody's got  
18 terms and a different word for it.  It's the shut-off  
19 outside when there's an inside set.

20          Q     Okay.  So that would shut off the gas from where  
21 you are outside.  And so you could go from that point on  
22 in?

23          A     Correct.

24          Q     Okay.  And then what -- so you went out -- you  
25 went out and looked for this curb cock?



1           A     Right.

2           Q     Okay.  What did you find when you went out and  
3     looked for the curb cock?

4           A     We found the curb cock.

5           Q     Okay.  And then what happened?

6           A     And then after we found the curb cock, then we  
7     started digging it up.

8           Q     Okay.  Now, is this all four of you digging it  
9     up?

10          A     Well, at the beginning, we tried to put the curb  
11     cock key on it.  I forgot -- okay.  I forgot that part.

12          Q     Okay.  Let's talk about what is a -- we've  
13     talked about a curb cock.  What's a curb cock key?

14          A     A curb cock key is about 6 foot long, roughly.  
15     It's got a slotted end on it, and it goes down in a -- say  
16     a plastic tubing for the new modern type days, the older  
17     days.  It's steel, and it goes down inside.  And it -- it  
18     goes over either a steal shut-off or a plastic shut-off,  
19     depending on what's down in the ground.

20          Q     Okay.  But in your testimony, didn't you say you  
21     couldn't do that because it was -- it was --

22          A     It was under -- right.  We located the box.  We  
23     couldn't get the key on it, so we started digging it up.

24          Q     Okay.  And then what happened?

25          A     They were almost done digging it up, down --

1 they had found the curb cock. And then I -- I asked Don,  
2 I said, I'll go ahead and grab my tools, and I'll go  
3 downstairs. And while you guys are shutting it off, I'll  
4 go ahead and break down the meter, turn the gas off and  
5 break down the meter. And once they had the gas off, then  
6 we proceeded with the copper renewal.

7 Q Okay. Now, the copper renewal, is that going to  
8 be outside, or is that going to be an inside job that  
9 you're working on? You're going to do this pipe  
10 replacement. Where is the pipe? Is it outside?

11 A The pipe -- the pipe that's actually in this  
12 house right now is beneath the surface, I'm going to say,  
13 4 foot below the surface coming in. And most of your  
14 houses have a foundation wall. This is an older house.  
15 It had stone with concrete, and the casing pipe was  
16 sitting on it.

17 Q Okay. Now, in the -- inside the house is where  
18 you're going to do the pipe replacement? That's what you  
19 went there for, right?

20 A The pipe replacement going from the inside of  
21 the house on this one out to the main.

22 Q Okay. In order to do it, do you have to dig out  
23 in the yard?

24 A Well, rephrase that question, please.

25 Q Okay. What I'm trying to get at is, you went

1     there to do a specific thing. This pipe that you were  
2     going to replace, where is that pipe located? Inside the  
3     house or outside the house?

4             A     Both.

5             Q     Okay. Okay. Thank you. Now, you go in -- you  
6     went into the house. Are you supposed to do that before the  
7     gas is turned off out at the curb cock?

8             A     Go in the house?

9             Q     Yes. And begin the work that you began. Are  
10    you supposed to do that?

11            A     Normally, there's only two people. And this  
12    time there was four. So I went in there to do the work  
13    ahead of time. Not ahead of time, but to shut the gas off  
14    and to break the meter down. And once they shut it off,  
15    then I could go ahead and proceed on doing the caulk and  
16    stuff. That way, the gas is off.

17            Q     Let's go to where there's two people. Are you  
18    supposed to shut off the gas out at the curb cock before  
19    going in before doing any work?

20            A     Yes.

21            Q     You didn't follow that procedure here, correct?

22            A     No.

23            Q     Okay. Is -- is -- turning off the gas at the  
24    curb cock before you go in, is that something -- is that a  
25    Laclede policy you're supposed to follow?

1           A     Yes.

2           Q     And you violated that here?

3           A     We -- yes.

4           Q     Okay. Now, when you go in and your -- was this

5 down in the basement?

6           A     Uh-huh.

7           Q     Okay. You're down in the basement. Did you see

8 any rotted pipe at that point in time?

9           A     It was pretty dark down in there.

10          Q     Okay. My question is, when you go down there

11 the first time, before you do anything, did you see any

12 rotted pipe?

13          A     I saw no rotted. Scaly pipe.

14          Q     Scaly pipe. Okay. Now, but that did not stop

15 you from proceeding with your work, correct?

16          A     No.

17          Q     Okay. In fact, in your testimony, you say --

18 you turned off the inside gas at the lock cock. Why do

19 you turn off the inside gas at the lock cock?

20          A     So I can break the piping down, take the piping

21 apart --

22          Q     Okay.

23          A     -- on the inside.

24          Q     Okay. Now, normally, I would have used my

25 18-inch aluminum wrench to loosen the union between the

1 two -- actually, where I'm reading is page 2, lines 6  
2 through 8. What would you ordinarily do with your 18-inch  
3 aluminum wrench?

4 A What line are you on, sir?

5 Q Page 2, lines 6 through 8.

6 A And what was your question.

7 Q Okay. Normally, what would you do with your  
8 18-inch aluminum wrench?

9 A I would unloosen the union.

10 Q Okay. You didn't do that this time, correct?

11 A Yes, I did.

12 Q Okay. Well, your testimony indicates that this  
13 particular union could be opened without a tool; isn't  
14 that correct?

15 A I put the pipe wrench up there. But as in  
16 loose, I mean as easy as it was when you put the pipe  
17 wrench up there, it turned so easy, I took it back off,  
18 and I sat it down and undid the union by hand.

19 Q Okay. And then what happened?

20 A Once I did -- undid the union?

21 Q Uh-huh.

22 A I put the pipe wrench down. And once the union  
23 broke loose, the cock broke off the wall.

24 Q Okay. Now, this -- all of this piping, did it  
25 come falling down?

1           A     I can't remember.

2           Q     Okay.  Let's take a -- could you take a look at  
3     your testimony and your -- the more -- even more, your --  
4     by the way, this -- this attachment to your testimony, is  
5     that in your handwriting?  Well, whose handwriting is  
6     that?

7           A     Oh, my handwriting?

8           Q     Yes.  Did you write this?

9           A     No.

10          Q     Who did?

11          A     I believe Don Vierling.

12          Q     Okay.  But you certainly have reviewed it; is  
13     that correct?

14          A     Not today.

15          Q     Okay.  Have you reviewed it in the past?

16          A     When we wrote it.

17          Q     Okay.  And you agreed with it at that time?

18          A     Yes.

19          Q     Okay.  In other words, this is an accurate  
20     statement of what happened?

21          A     Yes.  Yes.

22          Q     Okay.  Well, take a look at page 2, line 6 of  
23     your testimony.  It -- was it your testimony that you did,  
24     in fact, use your 18-inch aluminum wrench?

25          A     Did I use it?

1 Q Yes.

2 A To loosen the union?

3 Q Yes.

4 A I believe so, yes.

5 Q Okay. Then could you -- you do have this

6 statement with you, don't you?

7 A No.

8 Q That's not attached to your testimony?

9 A No.

10 Q Okay.

11 MS. SCHRODER: Here, let me give him another

12 copy. It should have been.

13 A Okay. Thank you.

14 MS. SCHRODER: It should be the last page of

15 your testimony. Oh, it is.

16 A Oh.

17 Q (By Mr. Franson) When you've had an opportunity

18 to review that, please tell me.

19 A Okay.

20 Q Okay. You, in fact, used your wrench to --

21 well, what did you use to turn off the lock cock, I should

22 ask?

23 A The lock cock?

24 Q Yes.

25 A I can't remember.

1           Q     Okay.  Without regard to this specific instance,  
2     what would you ordinarily use to turn off the lock cock?

3           A     A crescent wrench or a pipe wrench.

4           Q     Okay.  Well, now, let me ask you, in your  
5     statement, one, two, three, four, five, six, seven, eight  
6     -- I count nine lines down, could you tell -- starting on  
7     line 8, it says, "He set his 24-inch aluminum wrench at  
8     the cock."  Does that refresh your recollection whether it  
9     was an 18 or 24-inch?

10          A     It was a -- it was an 18-inch.

11          Q     Okay.  So this statement, this handwritten  
12     statement, is incorrect?

13          A     The 24-inch part.

14                 MR.  FRANSON:  Okay.  If I may, just a moment,  
15     your Honor.  May I approach the witness, your Honor?

16                 JUDGE  WOODRUFF:  You may.

17                 MR.  FRANSON:  Thank you.

18          Q     (By Mr. Franson)  Mr. Minton, what is that?  Or  
19     what does it appear to be?

20          A     That's a 24.

21          Q     Okay.  Now, the statement that you typed -- or  
22     that was written says it's a 24, but it was, in fact, an  
23     18?

24          A     Uh-huh.

25          Q     Okay.  Now, what is the difference between this



1 -- well, let me ask you, can you see this, this instrument  
2 from over there? What's the difference between this  
3 24-inch -- well, let me ask you, is this an aluminum  
4 wrench?

5 A I couldn't tell unless I was holding it.

6 Q Okay.

7 MR. FRANSON: May I approach the witness again,  
8 your Honor?

9 JUDGE WOODRUFF: Yes.

10 Q (By Mr. Franson) Please take it and do what you  
11 need to do, and tell me what that is.

12 A It's aluminum.

13 Q What size?

14 A Well, 24.

15 Q Okay. Is that a tool you use normally in your  
16 job?

17 A Aluminum 24?

18 Q Yes.

19 A This is probably over-sized.

20 Q Okay. What size do you ordinarily use?

21 A Usually 18.

22 Q Okay.

23 A Ten.

24 Q Mr. Minton, isn't it true that it was dark in  
25 that basement?

1           A     Yes.

2           Q     You didn't see the extent of the damage -- of  
3 the rotted pipe, did you?

4           A     Of the what?

5           Q     Of the pipe that was rotted. You didn't see how  
6 extensive that damage was, did you?

7           A     I -- I looked at it. The extent of it, no.

8           Q     And it did not strike you that by putting a  
9 wrench on part of it that could be -- that could cause you  
10 the problem that it did, in fact, cause?

11          A     Could you repeat that?

12          Q     Okay. Isn't it true that you put the --  
13 you say now it's an 18-inch aluminum wrench on -- let's  
14 see. I believe it says you put it on the cock to hang  
15 there, and the cock casing, pipe and copper fell on the  
16 floor blowing gas into the basement.

17                 Isn't it true that you didn't look at that pipe  
18 very closely -- or before you did that to ascertain  
19 whether there was rotting pipe there or not?

20          A     I could see there was flaking.

21          Q     Okay. You're a trained gas worker, right?

22          A     Uh-huh.

23          Q     And you put this wrench on there anyway, right?

24          A     I set the wrench on there, yes.

25          Q     And then when you did that, it was hanging

1     there, right?

2             A     (Witness nods head.)

3             Q     Okay.  And then the cock, the case -- the  
4     casing, pipe and copper fell on the floor blowing gas into  
5     the basement, correct?

6             A     Correct.

7             Q     Now -- okay.  As -- now, you're doing this.  
8     Where is the met -- gas meter in relation to the pipe that  
9     -- that came falling off the wall?  Actually, I should say  
10    the cock, casing, pipe and copper.

11            In regard -- that -- those items, where are  
12    those in relation to the pipe?  I mean, I'm sorry, to the  
13    gas meter.

14            A     I don't know what you're asking.

15            Q     Okay.  Is the gas meter to this home -- this  
16    address you went, is it located in the basement?

17            A     The meter?

18            Q     Yes.

19            A     Yes.

20            Q     Okay.  Where in relation to where you were  
21    working with your wrench is the meter?

22            A     Off to the right.

23            Q     How far to the right?

24            A     I'm going to say 8 inches.

25            Q     Okay.  Is it -- now, let's turn to your

1 testimony, page 3, lines 12 through 17. Could you --  
2 well, actually --

3 A Page 3?

4 Q Page 3, lines 7 through 17?

5 A Page 3, line what.

6 Q Lines 7 through 17. If you could review that,  
7 and then tell me when you've done that, please.

8 COMMISSIONER CLAYTON: Counsel, can we get that  
9 wrench up here while he's looking at that?

10 MR. FRANSON: Certainly. If I may approach the  
11 witness, your Honor. You can't keep it.

12 COMMISSIONER CLAYTON: Judge, I'd like to have  
13 this marked as an exhibit.

14 COMMISSIONER GAW: Before or after you use it?

15 COMMISSIONER APPLING: The Commissioner is  
16 leaving the courtroom with a wrench.

17 MR. FRANSON: May I proceed, your Honor, or do I  
18 need to --

19 JUDGE WOODRUFF: Well, we'll wait a minute.

20 MR. FRANSON: Thank you.

21 Q (By Mr. Franson) Mr. Minton -- okay. You are a  
22 trained gas worker, correct?

23 A Yes.

24 Q And you didn't foresee this problem when you  
25 were in there actually working on it that this pipe was

1 going to fall on the floor and cause a gas leak, did you?

2 A Did I foresee it?

3 Q Yes.

4 A Well, that would be kind of speculating if I  
5 said yes or no.

6 Q Okay. You did not -- fair to say, if you knew  
7 that was going to happen, you wouldn't have put your  
8 wrench on it and done the work you did, right?

9 A If I thought it was going to break off or fall  
10 down? Is that what you're -- is that what you're --

11 Q Right.

12 A No, I wouldn't have.

13 Q Okay. Now, when -- let's -- you speculate that  
14 a -- in your testimony, page 3, line -- well, actually,  
15 let's just -- you flat out say that because the AMR  
16 installer was not a gas worker, he was unable to detect  
17 rotted pipe. You said that, didn't you? Page 3, lines 14  
18 through 15 of your testimony.

19 A And your question?

20 Q Okay. You said that because the AMR installer  
21 was not a gas worker, he was unable to detect the rotted  
22 pipe, correct?

23 A Yes.

24 Q Okay. And that was true when you said it? You  
25 believed it?

1           A     (Witness nods head.)   Yes.

2           Q     Okay.   However, you, a trained gas worker, being  
3     in there a very short time later did not see this rotted  
4     pipe, did you?

5           A     I saw the casing pipe that was corroded.   Or  
6     flaking.

7           Q     But you did not see this rotted pipe that  
8     presented such a danger to you that you didn't put a -- a  
9     wrench on it and proceed to work on it, did you?

10          A     No.   Because the copper pipe is inside the  
11     casing pipe.

12          Q     Is it really reasonable to expect an AMR -- AMR  
13     installer who is not a trained gas worker working under  
14     the same or similar conditions as you to have spotted this  
15     and when a trained gas worker couldn't?

16          A     He should have -- he should be able to see the  
17     flaky pipe right there and see that there's a problem.

18          Q     Have you ever done an AMR installation yourself?

19          A     No.

20          Q     Have you ever undergone training to do an AMR  
21     installation?

22          A     I -- I can't say right now.

23          Q     So you don't know or you haven't or you --

24          A     I'll say I don't know.

25          Q     So it's possible you've undergone training

1     sometime in your career at Laclede or elsewhere to install  
2     an AMR device?

3             A     I -- I can't say.

4             Q     Have you -- but you never installed one that you  
5     can recall?

6             A     No.

7             MR. FRANSON:   Okay.  I don't believe I have any  
8     further questions, your Honor.

9             JUDGE WOODRUFF:  Okay.  Cross from Laclede?

10                             CROSS-EXAMINATION

11     BY MR. PENDERGAST:

12             Q     Good afternoon, Mr. Minton.

13             A     Hi.

14             Q     I don't have very many questions.  I think  
15     Mr. Franson's covered this pretty well.  But can the  
16     experience at this particular house be sort of summarized  
17     this way, and just tell me whether you agree with it or  
18     not.

19                     You arrived at the house.  It wasn't in response  
20     to any leak call or other indication that something was  
21     wrong; is that correct?

22             A     That is correct.

23             Q     Within a few moments, minutes of getting there,  
24     you had gone inside the house.  You had taken some actions  
25     on the pipe that were contrary to company policy.  And

1     within a few minutes of that, you had gas rushing out of a  
2     pipe, and a desperate situation had been created. Would  
3     you agree with that?

4           A     Could you repeat that?

5           Q     Yes. And within a few minutes of going inside  
6     the house, you began some work on the pipe. You began  
7     that work in contradiction to established company policy.  
8     And within a few minutes, gas was rushing into the house  
9     because of the actions you had taken; is that correct?

10           MS. SCHRODER: Objection. Compound question.

11           JUDGE WOODRUFF: Overruled.

12           A     Yes. I guess.

13           Q     (By Mr. Pendergast) And you're blaming this on  
14     the Cellnet Honeywell installer?

15           A     Are you asking me?

16           Q     Yes.

17           A     Am I blaming it?

18           Q     Yeah. Is -- is this something that you're  
19     trying to lay at the feet of whoever the individual was  
20     that a few weeks before came in and installed an AMR  
21     device without incident?

22           A     What I'm saying is the lady said that they had  
23     smelled gas a couple of weeks since the guy has been in  
24     there and did the meter.

25           Q     I didn't ask you whether somebody had smelled



1 gas. I'm saying are you taking the desperate situation  
2 that was created the day that you were there and working  
3 on the facilities, and are you laying the fault for that  
4 on the installer of the AMR device?

5 A No. I'm saying that the lady said that she  
6 smelled gas after the AMR meter was installed.

7 Q So the answer would be you're not trying to lay  
8 the fault for this on the installer of the AMR device who  
9 appeared there a few weeks before and installed a device  
10 without incident?

11 A I'm saying that she said they smelled gas down  
12 in the basement.

13 Q Okay. Let me ask you the question again  
14 correctly. Are you blaming what happened with the  
15 facilities simply falling apart, the situation that you  
16 had with the gas, was that the fault of the AMR installer?  
17 Yes or no?

18 A I can't answer that.

19 Q You can't answer that. Was it your fault?

20 A Was what my fault?

21 Q What happened. The fact that you had gas  
22 rushing into the house. Was that your fault?

23 A Well, if the pipes wouldn't have been moved  
24 earlier, that doesn't mean -- if the pipes -- if he was in  
25 there and if he installed that and he's moving the pipes

1     around, that could have moved the scale off the pipes,  
2     which could have also loosened it up.

3           Q     Do you know if any of that happened?

4           A     Do I know?

5           Q     Yes.

6           A     No, I don't.

7           Q     Okay. Let me ask you this: Was it the Cellnet  
8     installer who decided to begin working on those facilities  
9     before the flow of gas had been shut off?

10          A     No.

11          Q     Okay. Who made that decision?

12          A     I did.

13          Q     Okay. Was it the Cellnet installer that went  
14     ahead and started loosening up the facilities and the  
15     union and various things before the flow of gas had been  
16     shut off?

17          A     I don't know what he did.

18          Q     Did he make the decision to do it the day you  
19     were there?

20          A     He wasn't there when I was there.

21          Q     Okay. So who made the decision to do that?

22          A     To loosen the pipes?

23          Q     Yes.

24          A     I did.

25          Q     Okay. And it wasn't the Cellnet installer that

1 put that big wrench up on top of this pipe that you say  
2 looked suspiciously corroded, was it?

3 A Could you repeat that?

4 Q Yes. It wasn't the Cellnet installer who had  
5 been there a few weeks before that put the big pipe wrench  
6 up on the --

7 A No.

8 Q Who did that?

9 A I set the wrench up there.

10 Q Okay. And we've had a lot of discussion over  
11 the last day and a half, and I assume you've been in the  
12 hearing room, about leaks that are caused by AMR  
13 installations.

14 Are you aware of any leak that even approaches  
15 in severity the potential danger both to you guys and the  
16 residents of the house and maybe even the neighborhood and  
17 the leak that you created the day you were there?

18 A Could you repeat it, please?

19 Q Yes. We've had a lot of discussion about leaks  
20 over the last day and a half supposedly caused by AMR  
21 installations. My question is, are you aware of any other  
22 leaks that posed the same degree of danger and immediate  
23 danger that the leak you created on this day posed to  
24 public safety?

25 A I don't go out on leak calls. I -- no.

1           Q     Do you think it's reasonable to expect that when  
2     you have your experienced gas workers go onto a premises  
3     to do work that within about three or four minutes of  
4     beginning their job there won't be a desperate situation  
5     like this created?

6           A     Will there be?

7           Q     No. Do you think it's reasonable to expect that  
8     when you have experienced gas workers performing these  
9     duties that they will not turn a situation where maybe  
10    somebody smells gas but there was no leak call into one  
11    where gas is blowing out of a pipe and a home is in  
12    imminent danger of blowing up?

13          A     No.

14          Q     Okay. I'll accept that answer. And do you have  
15    any idea of when the last time before the AMR installer  
16    installed his AMR device without incident that a Laclede  
17    employee had inspected these particular facilities?

18          A     No. I wouldn't -- I have no knowledge of that.

19          Q     How long -- do you have any estimate of how long  
20    this pipe would have been corroded to where it would have  
21    been noticeable as being corroded?

22          A     I -- I haven't -- I can't answer that.

23          Q     Okay.

24          A     I mean, I -- that's -- that's not in my  
25    department. I wouldn't know that.

1 Q Wouldn't know that.

2 A You're talking about inspections?

3 Q Uh-huh.

4 A Yes. That's -- that's a whole different  
5 department.

6 Q Okay. So you don't feel that you're qualified  
7 to speak on the issue of when something would have become  
8 corroded; is that correct?

9 A I know when something's corroded.

10 Q Okay. But you're not qualified to go ahead and  
11 speak to the issue of if you see something's corroded how  
12 long it may have been corroded for?

13 A Are you asking me how long it's been corroded?

14 Q Yes. Yes.

15 A I --

16 Q Do you feel qualified to render judgments on  
17 that?

18 A It would be -- no. It would be speculation, I  
19 would say.

20 Q Okay. And you say you're not in the Inspection  
21 Department. So would you be qualified to render opinion  
22 on when somebody that does inspect corrosion as part of  
23 their job should notice that something's corroded and  
24 something's not?

25 A Yes.

1           Q     Okay. And if you thought that this pipe was in  
2 any danger of falling apart, that it was corroded or  
3 pitted or scaled or what have you, to a degree that its  
4 structural integrity was threatened, you never would have  
5 put your pipe wrench on top of it, would you?

6           A     Yes.

7           Q     Yes, you would not have?

8           A     Yes, I wouldn't have.

9           MR. PENDERGAST: Thank you. I have no further  
10 questions.

11           JUDGE WOODRUFF: All right. We'll go on to  
12 questions from the Bench. Commissioner Gaw?

13                   CROSS-EXAMINATION

14 BY COMMISSIONER GAW:

15           Q     Tell me what your -- what your general role is  
16 again, what you generally do for Laclede?

17           A     Normally, I'm putting -- I'm in an APC truck.  
18 And we put new subdivisions in, new plastic services,  
19 subs.

20           Q     Okay. So you don't change meters out?

21           A     Huh-uh.

22           Q     So you're not familiar with the general  
23 practices of those who -- who go in to -- to check and  
24 change meters?

25           A     Correct.

1           Q     Okay.  Because that's not your job --

2           A     Right.

3           Q     -- generally?

4           A     Right.

5           Q     Why were you on this particular call?

6           A     I do -- pardon me?

7           Q     This call that's being discussed, why were you

8     on that call that day?

9           A     Well, I was -- I was with Don and --

10          Q     Who is Don?

11          A     Done Vierling.  He's -- he's back there.

12          Q     Yes.

13          A     He's a -- he's the foreman on the job.  And we

14     were just -- I was assisting, and we were helping do that

15     job.

16          Q     Okay.  But this is not something you normally

17     do?

18          A     I've done them before, yes.

19          Q     All right.  And what were you doing -- supposed

20     to be doing there that day?

21          A     We were going to do the copper replacement.  We

22     were going to take that line out and insert plastic in and

23     -- and air test and -- and get the new service installed.

24          Q     Okay.  What kind of -- what kind of line again

25     was it that you were replacing?

1           A     Copper.

2           Q     Was it copper or steel over copper?

3           A     It was a steel casing pipe going through the

4 wall --

5           Q     Yes, sir.

6           A     -- with copper inside that.

7           Q     Yes, sir. There's been some issues and danger

8 with that, is that correct, in with regard to those kinds

9 of lines?

10          A     Yes.

11          Q     And did -- did you just forget to turn the line

12 off outside?

13          A     No. We were digging it up at the time. And

14 they had it exposed, the shut-off.

15          Q     Yes.

16          A     I figured by the time I walked downstairs, it

17 would have been shut off.

18          Q     And -- and for some reason, it didn't occur that

19 it got shut off?

20          A     Right.

21          Q     So you thought it was shut off when you were

22 working on it?

23          A     When I went downstairs, I figured by the time I

24 walked -- it was probably -- oh, I don't know. It was

25 several feet, you know, go down, carry your stuff and get



1     downstairs and get set up.

2             Q     Okay.

3             A     I figured by that time they would have had it

4     shut off.

5             Q     All right. And --

6             A     We'd already found it. It's not like we were

7     looking for it.

8             Q     You had already found what?

9             A     The shut-off. We just couldn't get the key on

10    it to shut it off.

11            Q     So but -- but -- because of some

12    miscommunication or an assumption that wasn't correct on

13    your part, the gas wasn't shut off?

14            A     Right. It was --

15            Q     But you thought it was shut off when you began

16    working on it?

17            A     Yes.

18            Q     That's what you assumed?

19            A     Right.

20            Q     And was it -- were you taking this particular

21    piece of line out when you started turning it? What were

22    -- what was your purpose in -- when you put the pipe

23    wrench on the line, what was your purpose?

24            A     The purpose was to shut the lock cock off, which

25    is an inside shut-off.

1           Q     Okay.

2           A     And then once you do that, then everything  
3     inside the house should be secured so you can break the  
4     pipes down.

5           Q     Okay.  So you were taking the lines out after --  
6     after this.  That was your purpose, right?

7           A     Right.

8           Q     And -- and the line that you noticed the scaling  
9     on, was it part of what you were replacing or intending to  
10    replace?

11          A     Yes.

12          Q     Was -- okay.  And the reason you were doing --  
13    doing this replacement, was it -- was it because it was  
14    scheduled maintenance or because someone had reported that  
15    they smelled gas or some other reason?

16          A     I wouldn't be able -- I don't know if it was  
17    scheduled or -- I don't -- we just -- we get our ticket,  
18    and then we go out.

19          Q     So you don't know if --

20          A     I don't know if it was scheduled or if there was  
21    a leak there or not.  I don't know.

22          Q     Okay.  You were -- the scaling that you -- that  
23    you noticed on -- on this line, though, was something that  
24    -- would it -- would it have been a concern to you -- if  
25    you were not there to replace that pipe, was it something

1     that would have generated concern on your part if you saw  
2     that kind of scaling?

3           A     Yeah.  It was -- yes.

4           Q     Okay.  Enough to have reported it?

5           A     Yeah.

6                   COMMISSIONER GAW:  That's all.  Thank you.

7                   JUDGE WOODRUFF:  Commissioner Clayton?

8                   COMMISSIONER CLAYTON:  No questions.

9                   JUDGE WOODRUFF:  Recross based on questions from  
10     the Bench, then?  Public Counsel?

11                  MR. POSTON:  No.

12                  JUDGE WOODRUFF:  Staff?

13                  MR. FRANSON:  Yes.

14                                 RE CROSS EXAMINATION

15     BY MR. FRANSON:

16           Q     Mr. Minton, you have your testimony and then the  
17     attachment or exhibit with you, don't you?

18           A     Yes.

19           Q     Where in your testimony does it say that you  
20     thought when you went in and you knew the gas wasn't  
21     turned off and you went in that you thought it would be  
22     turned off by the time you got in there and began work?  
23     Where is that in your testimony or your statement?

24           A     I don't know that it's in there.

25           Q     And you didn't tell me that during my questions

1 to you, did you?

2 A I don't recall.

3 Q Okay. In fact, the first time that you thought  
4 about that was when Commissioner Gaw was asking you  
5 questions; is that true?

6 A That the gas was shut off?

7 Q That the gas would be shut off before you got  
8 anything done inside.

9 A Oh, I thought it would have been.

10 Q You were wrong, weren't you?

11 A That it was shut off?

12 Q Right.

13 A Yes. It was -- it was not off.

14 Q And a -- and going back -- let's go over this  
15 scenario just so I understand. You got there to this  
16 residence with three other workers, correct?

17 A Yes.

18 Q And those three other workers were Shawn O'Neal,  
19 Everet -- Don Vierling and Jim Leach, correct?

20 A Yes.

21 Q Okay. And you told me earlier that normally  
22 when you would -- before going inside to actually begin  
23 work, the gas would be shut off at the curb box, correct?

24 A Correct.

25 Q And, in fact, that is a required Laclede policy,

1 correct?

2 A Yes.

3 Q And you violated that policy when you went in  
4 and began work before the gas was shut off, correct?

5 A Yeah. That's the same question you asked  
6 earlier.

7 Q Okay. And the answer was yes?

8 A You said -- yes.

9 Q Let's not have me answer the question. Your  
10 answer to my question is yes?

11 A Yes.

12 Q Okay. So -- and a tragedy was averted here,  
13 correct?

14 A Yes.

15 Q And it really has nothing to do with any -- the  
16 tragedy that was averted here has nothing to do with an  
17 AMR installer that was in there a week, two weeks or any  
18 other time really. There's really no connection, is  
19 there?

20 A With what?

21 Q Okay. The tragedy that was averted on the day  
22 you were at this address, that has no connection to an AMR  
23 installer, does it?

24 A No. Because --

25 MR. FRANSON: Thank you. I have no further

1 questions.

2 MR. MINTON: All right.

3 JUDGE WOODRUFF: Laclede?

4 MR. PENDERGAST: Just very briefly.

5 RE CROSS EXAMINATION

6 BY MR. PENDERGAST:

7 Q In response to a question by Commissioner Gaw,  
8 you indicated that you weren't sure whether you were there  
9 on a leak call or you were there to do a routine  
10 replacement of a copper service line.

11 But I thought you had indicated to me earlier  
12 that you were out there specifically to replace a copper  
13 service line and that it wasn't in response to a leak. Do  
14 you remember that?

15 A We were doing a copper replacement renewal.  
16 Whether it's a leak or whether it's not, I don't know  
17 that. Is that what you're asking?

18 Q You mean whether it's a leak in the line versus  
19 a leak call?

20 A No. I know what you're saying. No. No. I  
21 don't know. I was out there to do a copper replacement  
22 renewal.

23 Q Okay. Would it be standard procedure if it had  
24 been a case of a customer calling in and saying, I have --  
25 I smell gas that you would have gone out to residence and

1 say, We need to go ahead and replace the line before you  
2 go ahead and check the piping and that sort of thing?

3 A I don't understand what you're --

4 Q If it had been a leak call where a customer had  
5 called in and said, I smell gas, please come out and make  
6 sure everything's okay, you would have followed a  
7 different procedure other than going out and starting to  
8 replace a copper service line, wouldn't you?

9 A That would have been the service department  
10 then.

11 Q So you wouldn't even have gone out if it had  
12 been a call that was originated by a customer calling in a  
13 leak; is that correct?

14 A That's correct.

15 Q Okay. So at least it wasn't that kind of a leak  
16 call, right?

17 A I -- no. The service department takes care of  
18 the leaks, I mean, as far as the calls.

19 Q And you said, I think, in your testimony that --  
20 that the customer had made some mention of smelling gas.  
21 Did you smell gas when you were on the premises?

22 A No, I did not.

23 Q You did not. Okay. And you also indicated that  
24 you thought someone had recently -- I think you said a  
25 couple weeks before installed an AMR device. Would you,

1 in fact, know when that AMR device was installed?

2 A Do I?

3 Q Yes.

4 A No.

5 Q Okay. So aside from what the customer said, you  
6 don't know how long ago it was installed?

7 A Yes. That's what she said. That's all I  
8 remember.

9 MR. PENDERGAST: Okay. Thank you.

10 JUDGE WOODRUFF: Redirect?

11 REDIRECT EXAMINATION

12 BY MS. SCHRODER:

13 Q Everybody else has had their props. Okay.

14 Mr. Everet, I'm just a little bit confused about a couple  
15 of things. First of all, is it a Laclede Gas requirement  
16 to shut gas off outside before you -- you turn off the --  
17 the lock cock on a meter?

18 A Yes.

19 Q It is? That's a Laclede requirement?

20 A To shut off the outside gas? I mean, outside  
21 shut-off before you -- before inside the house?

22 Q Right. Or is it a requirement to shut it off  
23 before you work on the piping?

24 A I believe we're supposed to shut off on the  
25 outside or have a valve key on it and then shut it -- shut



1 it off.

2 Q All right. Did -- did you get disciplined for  
3 this by Laclede?

4 A No.

5 Q And did you talk to a supervisor about whether  
6 you were going to get disciplined for this by Laclede?

7 A There was never, ever -- nothing was ever  
8 brought up about it as far as they were concerned --  
9 everything was -- we did everything right. There was no  
10 discipline.

11 Q Okay. I mean, did you talk to a supervisor who  
12 told you that you did everything right?

13 A Yes.

14 Q Okay. And who was that?

15 A The supervisor?

16 Q Yeah.

17 A Steve Maylar (ph.).

18 Q And who -- what is his job?

19 A He's, I guess -- he's the foreman.

20 Q I thought you said that Don Vierling was the  
21 foreman?

22 A Well, he's -- Don is a working foreman, and  
23 Steve Maylar is our foreman.

24 Q He's a Laclede manager?

25 A Yes. Manager. I'm sorry.

1           Q     All right. You said that the customer smelled  
2     gas and told you that -- the cus -- the customer told you  
3     she had smelled gas since the AMR was installed. Did she  
4     tell you this before or after this incident occurred,  
5     before or after you turned off the meter? Do you  
6     understand my question?

7           A     Not really.

8           Q     Okay. Okay. When was it that the customer told  
9     you that she smelled the gas? When was it in the  
10    procedure?

11          A     I can't remember.

12          Q     Do C&M employees, Construction & Maintenance  
13    employees, carry leak detectors?

14          A     No.

15          Q     All right. Are you aware of whether service  
16    department employees carry leak detectors?

17          A     I believe they do.

18          Q     And are you also aware of whether meter readers  
19    at Laclede carry leak detectors?

20          A     I -- that one, I cannot answer.

21          Q     All right. The -- I'm sorry. I'm looking for  
22    -- I did this again up here.

23                MR. FRANSON: Judge, while she's doing that,  
24    just for your information, I don't see us on the screen up  
25    there.

1 JUDGE WOODRUFF: We're on the screen from my  
2 terminal here.

3 MR. FRANSON: Well --

4 JUDGE WOODRUFF: I'm not sure what the problem  
5 might be with that. If we went off the air, I'm sure I  
6 would be getting e-mails from the people watching  
7 upstairs, so --

8 Q (By Ms. Schroder) You stated in your testimony  
9 that you believed a Laclede Gas service employee would  
10 have been able to detect if they had installed the device  
11 that -- that the pipe was rotted. What did you -- why did  
12 you believe that?

13 A That the -- I don't know what you mean.

14 Q All right. Why did you believe that a Laclede  
15 Gas service department employee would have been able to  
16 detect this rotted pipe if that person had done the AMR  
17 installation?

18 A Well, I believe the service department is the  
19 one that puts those on. When I say puts them on -- I  
20 can't say that because I don't know if they put them on or  
21 not.

22 I would say because they had the leak detector,  
23 -- they have the leak detectors and they can -- once -- if  
24 they're the ones putting it on, they do -- they can do a  
25 soap test, which is the leak detector solution. And they

1 have the -- the gas scopes to find out if it's -- you  
2 know, if there's any leaks.

3 Q All right. And do you have that equipment as  
4 part of C&M?

5 A I have leak solution, leak soap. That's all I  
6 have.

7 Q All right. And is there any particular time  
8 you're supposed to use leak soap?

9 A If there's a leak. If we're looking for a leak.

10 Q If you're looking for one. All right. And on  
11 that day, were you looking for a leak?

12 A No.

13 Q All right. Can you see what I'm holding up  
14 here?

15 A Yes, I did.

16 Q And do you recognize this?

17 A Yes.

18 Q What is it?

19 A That is a lock cock.

20 Q Is it a particular lock cock? Is it a lock cock  
21 that you recognize?

22 A Yes.

23 Q Okay. What lock cock is that? And don't give  
24 me an address.

25 A Okay. That's what I was getting at.

1           Q     All right.

2           A     That is the one from the house that broke off  
3     the wall.

4           Q     All right.

5                     MS. SCHRODER:  Can I approach?

6                     JUDGE WOODRUFF:  Yes.

7           Q     (By Ms. Schroder)  Mr. Minton, is the -- the  
8     corrosion on the lock cock -- lock cock more visible from  
9     the inside or the outside?

10          A     The corrosion?

11          Q     Yeah.  The problems with it, the breakages and  
12     whatever.

13          A     I would say you could see it on the outside.

14          Q     Okay.  Did it break from the inside out or the  
15     outside in?  Can you tell from looking at that?

16          A     I don't -- I would say inside.  I -- I don't  
17     know.  I would say inside.

18          Q     All right.  That's what it looks like to you?

19          A     (Witness nods head.)  Yeah.

20          Q     Okay.  Was the -- this pipe is green.  Why is  
21     that?

22          A     It's painted.

23          Q     All right.  And does that paint tend to hide the  
24     visible signs of corrosion?

25          A     Yes.

1           Q     Mr. Minton, in your -- how long have you been  
2     working for Laclede Gas?

3           A     Nine and a half years, almost ten.

4           Q     All right. In your experience, when you've  
5     actually -- well, strike that.

6                     In your experience, in your training, if you've  
7     actually violated a company policy, will the company  
8     discipline you for it?

9           A     Yes.

10          Q     But in this case, management told you that you  
11     didn't do anything wrong; is that right?

12          A     That is correct.

13                     MS. SCHRODER: Okay. I have no further  
14     questions.

15                     JUDGE WOODRUFF: All right. Thank you. And,  
16     Mr. Minton, you can step down. Do you want to call your  
17     next witness, then?

18                     MS. SCHRODER: Yes. Don Vierling.

19                             DON VIERLING,  
20     being first duly sworn to testify the truth, the whole  
21     truth, and nothing but the truth, testified as follows:

22                             DIRECT EXAMINATION

23     BY MR. SCHRODER:

24                     JUDGE WOODRUFF: You may be seated.

25          Q     (By Ms. Schroder) Mr. Vierling, did you give

1 written testimony in this matter that's been marked as  
2 17-HC and 17-NP?

3 A Yes, I did.

4 Q All right. Do you have any corrections to that  
5 testimony?

6 A I do have one correction. That was an 18-inch  
7 wrench. I made a mistake in writing the letter.

8 Q All right. Do you remember the wrench?

9 A Yes, I do. It's still on my truck.

10 Q All right. Any other corrections?

11 A Well, it's not company policy to shut the curb  
12 cock off outside.

13 MR. FRANSON: Objection, your Honor. That is  
14 not a correction. That is adding to his testimony.

15 MS. SCHRODER: I agree.

16 JUDGE WOODRUFF: That's right.

17 Q (By Ms. Schroder) We'll get to that later.  
18 Somebody will get to that later.

19 A Okay.

20 Q If I asked you the same questions today that are  
21 in your testimony, would your answers be the same?

22 A Yes.

23 Q All right. Were those answers true and accurate  
24 to the best of your knowledge, belief and -- and  
25 information?

1           A     Yes, they would.

2                   MS. SCHRODER:  Thank you.  I'm sorry.  Move for  
3     the admission of Exhibit 17-HC and 17-NP.

4                   JUDGE WOODRUFF:  17-HC and NP have been offered  
5     into evidence.  Are there any objections to the receipt?  
6     Hearing none, they will be received into evidence.

7                   (Exhibit Nos. 17-NC and 17-NP were admitted into  
8     evidence.)

9                   JUDGE WOODRUFF:  Cross-examination, then,  
10    beginning with Public Counsel?

11                  MR. POSTON:  Just one real quick.

12                               CROSS-EXAMINATION

13    BY MR. POSTON:

14           Q     I just wanted to ask if you concurred with the  
15    testimony of Mr. Minton.  And if -- if not, why?

16           A     Well, I -- it's not the case that company policy  
17    was violated.  When we go inside to do the work, it's  
18    perfectly all right to shut it off at the cock on the  
19    inside if you're working on the back side of the meter,  
20    you know.

21                   But if you're going to work -- it comes through  
22    the wall, if you're going to work on this side, you've got  
23    to have it shut off either at the main or the curb cock so  
24    you don't have gas blowing into the home.

25                  MR. POSTON:  That's all I have.  Thank you.



1 JUDGE WOODRUFF: All right. Staff?

2 MR. FRANSON: Thank you, your Honor.

3 CROSS-EXAMINATION

4 BY MR. FRANSON:

5 Q Mr. Vierling, did you have the recollection that  
6 it was an 18 inch-wrench -- or a 24-inch, that there was  
7 any discrepancy here between your testimony and this  
8 handwritten statement before today?

9 A No. I -- I just made a mistake in writing down  
10 24 instead of 18.

11 Q Okay. Now, what's that item up there in front  
12 of you? Could you hold that up, please?

13 A Yeah. This would be --

14 Q Yeah.

15 A Case --

16 Q What is -- what is that?

17 A It's a set-up for an inside set with a casing  
18 pipe, a dock and an insulated union.

19 Q Okay. Is it normal -- and Mr. Minton testified  
20 that's the exact equipment from this address; is that  
21 correct?

22 A Yes.

23 Q Do you know whether that is, in fact, correct?

24 A Yes, I do.

25 Q Do you know who removed it from this address?

1           A     No. I sure don't.

2           Q     Is it -- is it normal for Laclede employees to  
3 take property like that and then be in possession of it  
4 outside company premises? Is that normal?

5           A     I -- I have no idea. I don't know the answer to  
6 that.

7           Q     Do you know who, in fact, removed it from the  
8 premises?

9           A     No, I sure don't.

10          Q     Did you?

11          A     No, I did not.

12          Q     You don't know whether Mr. Minton or anyone else  
13 did?

14          A     I have no idea who did.

15          Q     And you don't know where it's been from the time  
16 that you gentlemen were out there on September 14, 2006,  
17 until today?

18          A     No. This is the first time I've seen it.

19          Q     Okay. And other than Mr. Minton testifying, do  
20 you -- how do you know that's, in fact, the same piece of  
21 equipment that was at the address?

22          A     I remember it, this being the one. I mean, I  
23 just remember it being the pipe.

24                 MR. FRANSON: Thank you. No further questions.

25                 JUDGE WOODRUFF: Cross-examination for Laclede?

1 CROSS-EXAMINATION

2 BY MR. PENDERGAST:

3 Q Good afternoon, Mr. Vierling.

4 A Good afternoon.

5 Q Should the address that Mr. Minton references  
6 where this occurred match with the address that you  
7 mention where it occurred?

8 A Yes, sir.

9 Q Okay. In our discussion with Mr. Minton, I  
10 think he testified that when he went downstairs to do his  
11 work on the facilities that the shut-off box had already  
12 been uncovered and that you were poised to turn it off,  
13 and, in fact, he thought by the time he got downstairs it  
14 would have been turned off.

15 But I notice in your testimony you say, "He  
16 tried to contain the gas with his hands. At this point,  
17 we were still digging up the curb box outside." That  
18 would suggest to me that it wasn't uncovered and it was  
19 just a case of turning the key. Are -- are you correct or  
20 is he correct?

21 A I would say I was correct.

22 Q Okay. So when he went downstairs, the last  
23 thing he would have seen would have been you guys still  
24 digging around the curb box; is that correct?

25 A That's correct.

1           Q     Okay. He is correct, though, on the 18-inch  
2     versus the 24?

3           A     Yes, he is. That is my error.

4           Q     Okay. Okay. Did you have any idea when the AMR  
5     device was installed at this location?

6           A     I only know what the homeowner told us --

7           Q     Okay.

8           A     -- that it was put in two weeks prior to us  
9     coming.

10          Q     Okay. And do you recall smelling any gas when  
11     you were there?

12          A     No, sir.

13          Q     And as far as you know, were you just out to do  
14     a standard copper service replacement that day?

15          A     Yes, sir.

16          Q     Okay. And, you know, I don't want to get into  
17     what company policy requires and what it doesn't. But, I  
18     mean, generally speaking, do you think it's a pretty good  
19     idea to have the gas disconnected outside before you start  
20     working on the facilities inside?

21          A     Since this incident, yes.

22                 MR. FRANSON: Okay. Thank you. Appreciate it.

23                 MR. VIERLING: Uh-huh.

24                 JUDGE WOODRUFF: Commissioner Gaw, any  
25     questions?

1 COMMISSIONER GAW: I don't believe so.

2 JUDGE WOODRUFF: Commissioner Clayton?

3 COMMISSIONER CLAYTON: No questions.

4 JUDGE WOODRUFF: I have no questions, so no

5 recross. Any redirect?

6 MS. SCHRODER: Just two questions. Can I just

7 handle it from here?

8 JUDGE WOODRUFF: Go ahead.

9 MS. SCHRODER: Thank you.

10 REDIRECT EXAMINATION

11

12 BY MS. SCHRODER:

13 Q Mr. Vierling, you said you have the 18-inch on

14 your truck. Do you have a 24-inch on your truck?

15 A No. As far as I'm aware, we're not even -- they

16 don't carry it in the storeroom, at least in Shrewsbury.

17 Q All right. And that's where you work?

18 A I work in a satellite out of Shrewsbury, yes.

19 Q All right. And the pipe that's in front of you

20 that we were talking about -- the lock cock. Excuse me.

21 A Yes.

22 Q How often do you see a lock cock that's in that

23 condition?

24 A Well, normally, most of my work is outside. You

25 know, 95 percent of it is main to meter new construction.

1 I'd say -- I really couldn't answer that because I'm not  
2 really -- I don't do that much of it, and I'm not trained  
3 on spotting it.

4 Q Okay. And, actually, I'm referring to how often  
5 do you see a lock cock that is -- that's open like that  
6 with the copper sticking out and the -- you know, after  
7 it's -- after it's fallen off?

8 A I've never seen one fall off before.

9 Q Is that how come you are certain that that's the  
10 lock cock from that the job?

11 A Yes. Yes.

12 Q All right. Does it appear to be in the same  
13 condition that it was on the day that you saw it?

14 A Yes.

15 MS. SCHRODER: No further questions.

16 JUDGE WOODRUFF: All right.

17 A That was it. I'm sorry. I was --

18 MS. SCHRODER: That's okay. If it's all right  
19 with you -- we want to go out of order just so we can call  
20 somebody that's actually here as opposed to --

21 JUDGE WOODRUFF: Okay.

22 MS. SCHRODER: Thank you. Steve White. Oh, I'm  
23 sorry. I'm sorry. Kevin Stewart.

24 JUDGE WOODRUFF: Good afternoon, Mr. Stewart.  
25 Please raise your right hand.

1 KEVIN STEWART,  
2 being first duly sworn to testify the truth, the whole  
3 truth, and nothing but the truth, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SCHRODER:

6 Q Mr. Stewart? I'm sorry. Okay. Sorry.  
7 Mr. Stewart, did you give written testimony in this matter  
8 that is marked as Exhibit 18-HC and 18-NP?

9 A Yes, I did.

10 Q Do you have any corrections to that testimony?

11 A The only correction I might have is at this  
12 point, I am -- I'm still the meter reader, but I do  
13 basically corrosion inspections and high bill readings.

14 Q All right. And -- and how is that a correction  
15 of sorts to your testimony?

16 A Well, at this time when I gave the -- the  
17 testimony in the affidavit, at that time, I was still  
18 reading gas meters primarily.

19 Q And has it changed your experience in any way to  
20 be doing what you're doing now?

21 A I've run across a lot more of the -- basically,  
22 one of my jobs to perform is reading AMRs that are either  
23 installed or troubled meters that they're requiring a -- a  
24 reading off of.

25 Q All right.

1                   MS. SCHRODER: Then I guess then I'll just ask  
2     you, Judge Woodruff, I mean, is that -- he wasn't doing  
3     that at the time we filed this testimony. He's seen more  
4     since then. Do you want to know about it or not? Or do  
5     you -- and do you want it addressed now, or do you want it  
6     addressed when he comes up?

7                   JUDGE WOODRUFF: I think that can be addressed  
8     by cross-examination if somebody wants to cross-examine.  
9     His correction is simply that his job title has changed.  
10    We'll accept that as a correction.

11                  MS. SCHRODER: All right.

12                 Q     (By Ms. Schroder) Okay. If I asked you the  
13    same questions today that I asked you -- or that we asked  
14    you in September, would your testimony be the same,  
15    except, I guess, with regard to your job title and any new  
16    experiences you've had?

17                 A     Yes. That would be correct.

18                 Q     All right. Was your testimony -- was the  
19    testimony that you've given in writing true and accurate  
20    to the best of your knowledge, information and belief?

21                 A     Yes, it is.

22                  MS. SCHRODER: The union would move for the  
23    admission of Exhibit 18-HC and 18-NP.

24                  JUDGE WOODRUFF: 18-HC and NP has been offered  
25    into evidence. Are there any objections to its receipt?



1     Hearing none, it will be received into evidence.

2                     (Exhibit Nos. 18-HC and 18-NP were admitted into  
3     evidence.)

4                     JUDGE WOODRUFF:  Cross-examination, beginning  
5     again with Public Counsel?

6                     MR. POSTON:  No questions.  No questions.

7                     JUDGE WOODRUFF:  I'm sorry.  Staff?

8                     MR. FRANSON:  Yes, your Honor.

9                                 CROSS-EXAMINATION

10    BY MR. FRANSON:

11             Q     Good afternoon, Mr. Stewart.

12             A     Good afternoon.

13             Q     You were a meter reader, right, for Laclede?

14             A     Yes.  I -- I'm still technically a meter reader.

15             Q     Okay.  But I think there was some reference to  
16     you having a new job title.  What is your current job  
17     title?

18             A     I'm still a meter reader, but my position has  
19     changed from reading gas meters on a daily basis to what  
20     they call a special to where I go out to appointment  
21     routes, either initiated by the company or the customer.

22             Q     So you were not fired because of the  
23     installation of AMR devices; is that correct?

24             A     Not yet.

25             Q     Okay.  Have you been told you will be fired any

1 time soon?

2 A No, I have not.

3 Q Okay. In fact, you're -- you're still working  
4 for Laclede doing productive work, correct?

5 A Yes, I am.

6 Q Okay. Now, during the time of your testimony  
7 when you were doing these -- and observing these things,  
8 only the things that are in your testimony now, you aren't  
9 saying to this Commission that you know for a fact that  
10 AMR installations cause gas leaks, are you?

11 A I have run across -- when I worked in St.  
12 Charles as a meter reader, during the initial phases of  
13 the installation of the AMRs, which St. Charles was first  
14 area that Laclede had AMRs installed, we quite frequently  
15 ran across AMRs that were leaking.

16 Q Okay. Now, when you say AMRs, do you mean the  
17 AMR device itself or the meter that was leaking?

18 A Many of the leaks I called in on the AMR meters  
19 were from around the dial face.

20 Q Okay. My question remains, are you telling the  
21 Commission today that you know for a fact that the  
22 installation of AMRs causes gas leaks?

23 A Yes.

24 Q Based on what?

25 A Based on the finding of the leaks at the AMR. I

1 have read those routes prior, and I did not detect a gas  
2 leak.

3 Q Okay.

4 A But as the AMRs were installed, I started  
5 running across more leaks at the AMR more frequently.

6 Q Okay. Now, have you ever done an AMR  
7 installation yourself?

8 A No, I have not.

9 Q Have you ever observed one being done?

10 A No, I have not.

11 Q Were you here when the AMR demonstration was  
12 done on how to install one?

13 A No, I was not.

14 Q So you're telling us even though you've never  
15 installed one -- well, you've never installed an AMR,  
16 correct?

17 A That's correct.

18 Q Never had any training on how to install an AMR?

19 A Correct.

20 Q Okay. You're not an engineer, are you?

21 A No.

22 Q You're not an expert on the design, function and  
23 installation of AMRs, are you?

24 A No, I'm not.

25 Q Okay. And despite all of that, you're saying

1 the installation of AMRs on Laclede Gas meters causes  
2 leaks? Is that what you're saying?

3 A With my experience reading gas meters in the  
4 field, I did notice quite more frequent leaks after the  
5 AMRs were installed.

6 Q Okay. But -- but that's all you're basing your  
7 testimony on is your observations and belief of being out  
8 in the field that the installation of AMRs causes gas  
9 leaks?

10 A Correct.

11 MR. FRANSON: No further questions.

12 JUDGE WOODRUFF: All right. Laclede?

13 CROSS-EXAMINATION

14 BY MR. PENDERGAST:

15 Q Good afternoon, Mr. Stewart.

16 A Mr. Pendergast.

17 Q Just a couple questions. First of all, Mr.  
18 Franson asked you some questions about your knowledge of  
19 whether an AMR installation had actually caused leaks on  
20 meters.

21 If a leak on a meter is detected, will one of  
22 the things that Laclede does is take that meter in the  
23 meter shop?

24 A Yes, sir.

25 Q Okay. And when it goes into the meter shop, do

1     they have some tests that they perform in order to  
2     determine whether a meter is leaking?

3           A     I do not have any information on that that I  
4     know of.

5           Q     Okay.  So you don't have any information on what  
6     processes Laclede follows to identify where a leak on a  
7     heater is occurring or, in fact, whether the meter has a  
8     leak?

9           A     Most of the information for the leaks that I do  
10    come across that I can attribute to the AMR, when I worked  
11    in St. Charles, the SAID and the meter readings worked out  
12    of the same office.  It was quite normal for the next day  
13    when you show up, if you called in a leak the day before  
14    to find out who went out on the leak.

15                   The majority of SAIDs on the leak that I spoke  
16    to, I asked them, you know, basically where did you find  
17    the leak at.  It was around the AMR.

18          Q     Well --

19          A     I'm sorry.

20                   JUDGE WOODRUFF:  Wait a minute.

21          Q     (By Mr. Pendergast)  That's not what I asked  
22    you.  What I asked you was, are you familiar with the  
23    processes that Laclede's meter shop follows to determine  
24    whether or not a leak exists on a meter and where that  
25    leak is?

1           A     No, I'm not aware of that.

2           Q     Okay. Have you evaluated any of the testimony  
3     presented in this case that shows the analysis that was  
4     done by union people in the meter shop on claimed leaks on  
5     meters that had AMR devices attached?

6           A     No, I have not.

7           Q     Okay. Do you recall testifying and being  
8     deposed in a recent proceeding involving whether Laclede  
9     should continue to do TFTO inspections?

10          A     Yes, sir.

11          Q     Okay. And do you recall in a deposition,  
12     perhaps during the testimony as well, answering questions  
13     about leaks that you had identified during your, I think  
14     it was, 26 years worth of experience as a meter reader?

15          A     That's correct.

16          Q     Okay. And did you testify at that time that  
17     even before AMR was installed that you would typically  
18     identify a few leaks per meter route?

19          A     Yes, sir.

20          Q     Okay. And sometimes up to five a day? Does  
21     that sound familiar?

22          A     Maybe one day I might have had that many, but  
23     not on a daily basis.

24          Q     Okay. And do you recall also being asked a  
25     question of whether or not there was any situation you

1     could identify where a leak on a meter had actually  
2     resulted in injury or damage to anyone?

3           A     Yes. I recall that.

4           Q     Twenty-six years?

5           A     Right. And no.

6           Q     And no. Now, as a meter reader, there were  
7     instances where because of weather condition and other  
8     factors, even if the meter was outside, you couldn't get a  
9     meter reading; is that correct?

10          A     That's correct.

11          Q     Okay. And under those circumstances, would an  
12     estimate simply be used?

13          A     Yes, sir. The Meter Reading Department, the  
14     company chose to estimate those bills.

15          Q     Okay. Well, without an actual meter reading,  
16     there wasn't much else they could do, was there?

17          A     I'm not aware of that, sir. I don't know.

18          Q     Okay. Well, let me ask you this: Is it your  
19     understanding with AMR that you won't need to go ahead and  
20     use an estimate?

21                 MS. SCHRODER: Objection. This goes beyond the  
22     scope of direct.

23                 JUDGE WOODRUFF: Overruled. You can answer.

24          A     I'm sorry. Could you repeat that once more?

25          Q     (By Mr. Pendergast) Yes. Are you aware that

1 with AMR you will not -- you will get an actual read  
2 regardless of what the weather conditions are?

3 A I assume that would be correct, sir, yes.

4 Q Do you think it's a good thing to base bills on  
5 actual readings?

6 A Yes.

7 Q Okay. And would you concede that there were  
8 times when you did meter readings that you read the meter  
9 incorrectly?

10 A I've made mistakes. Yes, sir.

11 Q Okay. And that would be true for anybody that  
12 tries to do something like that? Mistakes are going to be  
13 made; is that correct?

14 A Correct.

15 Q Okay. And when mistakes are made, that can lead  
16 to an incorrect billing or a bill error; is that correct?

17 A Correct.

18 Q Okay. And to the extent that those errors  
19 aren't made anymore, that's one problem that we don't have  
20 to worry about. Would that be correct?

21 A With the information that I do now in my job,  
22 no, I can't answer that as being correct.

23 Q Okay. You say that you're now doing high bill  
24 inspections?

25 A Yes, sir.



1           Q     Okay.  Didn't you do high bill inspections as a  
2 meter reader in your former life?

3           A     The majority of my work that was done was meter  
4 reading.  Sometimes Saturday overtime might have included  
5 high bill routes.

6           Q     Okay.  So you did those before as well?

7           A     Not very often.  Out in St. Charles, it was more  
8 of -- we read meters out there.

9           Q     Okay.  Okay.  Do you know what a dummy read is?

10          A     Yes, sir.

11          Q     Okay.  What's a dummy read?

12          A     A dummy read was initiated probably about 15  
13 years ago.  And, basically, it was to catch a meter  
14 reading estimating a bill.  Curbing, I think is the  
15 terminology they use now.

16          Q     Okay.  And the way that works is for every meter  
17 that you're going to read, they give you a printout.  And  
18 that has a -- the actual last reading on it and an  
19 indication of what the range of expected readings should  
20 be for each meter; is that correct?

21          A     I believe it had a high and low index on it.

22          Q     Right.  And the dummy one is one where they,  
23 like, add 5,000 CCF to it just to make sure that the meter  
24 reader is not just relying on those particular printouts  
25 but is actually going up to the meter and reading it and

1 getting a reading?

2 A That's correct.

3 Q Okay. And you had a number of instances where  
4 you were cited, were you not, for I think the terminology  
5 is falling for dummy reads?

6 A I've fallen for dummy readings, sir, yes.

7 Q Okay. And what would that indicate when you  
8 fall for a dummy read?

9 A Basically, the meter was read wrong. But on a  
10 majority of the mistakes I had made, I felt I was trying  
11 to do the extra effort, maybe trying to read a meter  
12 through a bush. Some branches were blocking the way, and  
13 I didn't get an accurate reading on it.

14 Q Okay. So it was a case of where you were more  
15 than 5,000 CCFs off most instances because there was a  
16 bush in the way or something?

17 A That has happened quite often, yes.

18 Q Okay. And a lot of them just happened to occur  
19 on the ones that were dummy reads that had the extra 5,000  
20 added on?

21 A Yes.

22 Q Okay. And, of course, with AMR, there is no  
23 need to rely on dummy reads anymore, is there?

24 A No, sir.

25 MR. PENDERGAST: Okay. Thank you.

1 JUDGE WOODRUFF: Thank you. And questions from  
2 the bench? Commissioner Clayton?

3 CROSS-EXAMINATION

4 BY COMMISSIONER CLAYTON:

5 Q I just -- I wanted -- for a clarification --

6 A Yes, sir.

7 COMMISSIONER CLAYTON: Did we mark this as --  
8 did we mark this as an exhibit?

9 MR. FRANSON: Commissioner, if you want it  
10 marked, we'll mark it.

11 MS. SCHRODER: If we did that, you could take it  
12 home with you.

13 COMMISSIONER CLAYTON: Yeah. That's good.

14 Q (By Commissioner Clayton) Are you trained to  
15 use the aluminum 24?

16 A No.

17 Q We'll talk about that later. I was confused in  
18 your testimony. You started off talking about how you  
19 were -- you are aware of leaks that occurred with AMRs in  
20 the St. Charles area.

21 And then later on, you came back and said, well,  
22 you had talked to some people and they had perhaps told  
23 you back at the office or something like that. I wanted  
24 some clarification.

25 Do you have personal knowledge of AMRs leaking

1 on -- on the routes on where you were working?

2 A Yes. Let me further explain myself on that. We  
3 -- normally, we would have a route, maybe 500 meters.  
4 Obviously, if you run across the meter that's leaking, you  
5 call in the leak and then you proceed on your way.

6 Q You carried the detection equipment?

7 A We carry the CDG. Yes.

8 Q See, everyone uses all these words -- these  
9 acronyms, and it's sometimes hard to follow. Go ahead?

10 A And a lot of times, as we're coming either back  
11 down the other side of the street, you would run into the  
12 service man that was out there that responded to your leak  
13 call.

14 And a lot of times, you could converse with him,  
15 and he would tell you where the meter was leaking. Also,  
16 like I had mentioned out in St. Charles, the SAID and the  
17 meter readers work out of same office, and it was really  
18 easy to say, I had a leak on such and such street, who got  
19 it? And then you would converse about what kind of leak  
20 it was, where it was coming from.

21 Q So what you're saying is you detect a leak, call  
22 it in, and another worker would come out and --

23 A Service man.

24 Q -- service man would come out and make a  
25 determination where the leak was coming from. And then

1 from that conversation you were hearing that it was  
2 perhaps coming from the AMR?

3 A That's correct.

4 Q Okay. So -- so you can't tell personally when  
5 you get up close to the meter where the leak's coming  
6 from. You just sense gas?

7 A On an outside meter, if you would get close  
8 enough, you could smell where a leak is coming from. You  
9 could tell if it's from around the AMR, the dial face or  
10 one of the unions or one of the seals at the top of the  
11 meter where they -- they tighten it down to connect it to  
12 the header.

13 Q Okay. So on -- on any given day walking through  
14 St. Charles, how many leaks would you detect? All leaks,  
15 how many leaks would you detect if you're doing a 500  
16 meter route?

17 A Maybe three to five a week.

18 Q Three to five a week. Now, can you tell me, out  
19 of those three to five, how many had AMRs on them?

20 A I would say the majority would have the AMRs  
21 that -- that I had called in.

22 Q Okay. And -- and you don't know how many of  
23 those three to five would -- whether the leak was  
24 determined to be caused by the AMR?

25 A No, I do not.

1 Q You don't know that.

2 COMMISSIONER CLAYTON: Okay. Thank you very  
3 much?

4 MR. STEWART: Thank you.

5 JUDGE WOODRUFF: All right. Any recross based  
6 on questions from the Bench? Public Counsel?

7 RECROSS EXAMINATION

8 BY MR. POSTON:

9 Q Before the AMRs were installed, how many would  
10 you find on a 500 meter route?

11 A Out in St. Charles, on an all outside route, you  
12 may run across three to five a month.

13 Q So then that number didn't change when AMR got  
14 installed?

15 A No. It turned to about three to five a week  
16 versus three to five a month.

17 MR. POSTON: Oh, sorry. Thank you. That's all.

18 JUDGE WOODRUFF: Staff?

19 MR. FRANSON: No further questions, your Honor.

20 JUDGE WOODRUFF: Laclede?

21 MR. PENDERGAST: Yeah.

22 RECROSS EXAMINATION

23 BY MR. PENDERGAST:

24 Q When -- the little leak detector --

25 JUDGE WOODRUFF: Mr. Pendergast, you need to use

1 the microphone.

2 MR. PENDERGAST: Oh, I'm sorry.

3 Q (By Mr. Pendergast) The little leak detection  
4 device that you carry, when did you start carrying that,  
5 meter readers?

6 A I'd say probably about two and a half three  
7 years ago.

8 Q Two and a half three years ago. Okay. So for  
9 most of your 26 years, you never had the assistance of  
10 that device to determine whether or not there might be a  
11 leak around the meter; is that correct?

12 A That is correct. We had to smell the leaks.

13 Q Okay. And when you would detect a leak around a  
14 meter that had AMR on it, did you do the soap thing?

15 A No. We don't carry that type of equipment with  
16 us.

17 Q Okay. So you really couldn't identify the  
18 specific place that the leak was coming from, could you?

19 A It -- in the general area where I would smell  
20 where the gas was coming from. Like I said before, a lot  
21 of the leaks I had confirmed as being AMR leaks came from  
22 the service men who actually came out and -- and found the  
23 leaks with their sniffers.

24 Q Oh, okay. So you can with a sniffer determine  
25 exactly where the leak is coming from?

1           A     In the general area, yes, sir.

2           Q     The general area. How big is the general area?

3           A     I would say probably maybe an inch, the  
4 difference from around where the meter is.

5           Q     Okay. So you really don't need this solution,  
6 then, that people use?

7           A     Like I said, we don't carry that equipment with  
8 us.

9           Q     But -- but if you can detect it with this other  
10 device, why do you even need the solution?

11                MS. SCHRODER: Objection. Lack of foundation.

12                JUDGE WOODRUFF: Overruled. You can answer if  
13 you can.

14           A     We have never been trained to use the bubbles or  
15 the -- the leak liquid, so I really have no comment. I  
16 mean, I have no knowledge of that.

17           Q     (By Mr. Pendergast) Okay. Well, from the  
18 standpoint of your personal detection, if you will, of  
19 leaks on meters that are -- had AMR devices on it, you  
20 didn't use the detecting device with the wand, right?

21           A     Correct.

22           Q     Okay. And you didn't use any solution to put it  
23 on; is that correct?

24           A     Correct.

25           Q     Your identification came through your nose?



1           A     Correct.

2           Q     Okay.  And from your standpoint, is the nose a  
3     pretty good instrument for detecting leaks?

4           A     Yes, it is.

5                     MR. PENDERGAST:  Great.  Thank you.

6                     JUDGE WOODRUFF:  All right.  Redirect?

7                                 REDIRECT EXAMINATION

8     BY MS. SCHRODER:

9           Q     Mr. Stewart, Mr. Pendergast asked you about  
10    whether you had ever had -- ever known a leak that you'd  
11    found to injure someone or cause damage to property.  But  
12    what do you do when you find a leak?

13          A     We call those leaks in so they can be taken care  
14    of.

15          Q     Okay.  And do you know how quickly those are  
16    taken care of?

17          A     It's a guaranteed 90 minutes is when the service  
18    man is supposed to arrive.

19          Q     Okay.  So once it's taken care of, do you expect  
20    there to be any injury to property or person?

21          A     No, I would not.

22          Q     Mr. Pendergast also asked you about meter  
23    reading mistakes, human mistakes and whether it was a  
24    wonderful thing, basically, that AMR has corrected that.  
25    And you seemed to have some difficulty answering the

1 second part of that questions. Why do you have difficulty  
2 answering the second part of that question?

3 A Recently --

4 MR. PENDERGAST: Your Honor, I'm going to object  
5 on grounds that it's -- that it's leading. She's telling  
6 the witness that he had difficulty answering it. I didn't  
7 sense any difficulty on his part at all.

8 MS. SCHRODER: He said he couldn't answer it or  
9 he said he couldn't agree with that.

10 JUDGE WOODRUFF: I'll overrule the objection.

11 A I'm sorry. Could you re --

12 Q (By Mr. Pendergast) Certainly. Mr. Stewart, do  
13 you have any experience that would suggest that human  
14 meter readers are not the only people who make -- or the  
15 only meter readers who make mistakes? Does that make  
16 sense to you?

17 A No.

18 Q All right. Mr. Pendergast asked you about the  
19 replacement of human meter readers with Cellnet AMR meter  
20 readers. And he asked whether human meter readers made  
21 mistakes, and you said they did. Do you recall that?

22 A Correct.

23 Q All right. Do Cellnet AMR meter readers -- the  
24 meter reading device, does that also make mistakes?

25 A The AMR itself? Yes. I've run across several

1 of the AMR meters on these appointment routes to where the  
2 meter is different than what the Cellnet device had read.

3 Q And from your personal experience when you've  
4 made a meter reading mistake, is that -- do you get the  
5 feedback that you make a mistake? Does somebody tell you?

6 A Yes, we do. We used to get error sheets, and it  
7 would basically point any errors that we would make. Most  
8 of the errors we make were still billable readings, but  
9 possibly they weren't verified reads.

10 Q All right. When you get an error sheet, what  
11 would -- would that be for a month-long period?

12 A Both. We would get them periodically that  
13 reflect daily errors if we would make a -- you know, if we  
14 would receive an error sheet, sometimes it would be for a  
15 certain cycle date.

16 Q All right.

17 A For a while, they gave us errors that was like  
18 over a six month period of time.

19 Q Okay. What was the average range of error that  
20 you made in terms of therms or -- I heard you -- I heard  
21 Mr. Pendergast, I guess, talk about CCFs, and I'm not  
22 really sure what a CCF is. But what was the range of the  
23 errors you were making?

24 A The last time that an error sheet was brought to  
25 me, I think it was over a six-month period of time. If

1 I'm not mistaken, I'm not a hundred percent on numbers,  
2 but I'd had 71 errors. And at that time, I had figured I  
3 had read over 129,000 meters.

4 Q But I guess I'm asking about the range of -- of  
5 the actual error. Was it one therm? Was it a thousand  
6 therms? Was it 5,000 therms? Do you understand what I'm  
7 asking?

8 A Yes. Normally, it was -- a lot of verified  
9 reads were small, maybe increments of five or ten cubic  
10 foot. Dummy readings would generate a 5,000 dollar -- or  
11 5,000 cubic foot difference.

12 But when those were -- they were never billed at  
13 that. They were brought to the attention of the billing  
14 department, and they were corrected.

15 Q Okay. Is the cubic foot the CCF?

16 A Yes.

17 Q Thank you. Cleared that one up for me. In your  
18 experience doing these high bill complaints on the AMR  
19 meters, what had been the range of the -- the average  
20 range of -- of mistakes that the -- a Cellnet AMR is  
21 making in CCFs?

22 A I've been out on certain meters that generated a  
23 \$4,000 gas bill.

24 Q But I don't understand what that means in terms  
25 of CCFs.

1           A     Maybe a thousand to 1500 cubic foot off of what  
2     the customer is being charged.

3           Q     All right. And these dummy reads that  
4     Mr. Pendergast asked you about, have you had a lot of  
5     those? Would you still -- would you still have a job as a  
6     meter reader?

7           A     No. As a matter of fact, it would be to a point  
8     where if you would fall for so many dummies, you would get  
9     wrote up and then laid off.

10          Q     All right. And that hasn't happened to you, has  
11     it?

12          A     I've never been laid off.

13                MS. SCHRODER: No further questions.

14                JUDGE WOODRUFF: All right. And, Mr. Stewart,  
15     can you step down. We have one more witness.

16                MS. SCHRODER: Yes. I'd like to call Steve  
17     White today.

18                JUDGE WOODRUFF: Okay.

19                         STEVE WHITE,  
20     being first duly sworn to testify the truth, the whole  
21     truth, and nothing but the truth, testified as follows:

22                                 DIRECT EXAMINATION

23     BY MS. SCHRODER:

24                JUDGE WOODRUFF: You may be seated.

25          Q     (By Ms. Schroder) Mr. White, did you give

1 testimony -- written testimony in this matter, and is that  
2 written testimony presented as Exhibits 19-HC and 19-NP?

3 A Yes. Yes.

4 Q All right. Do you have any corrections to your  
5 testimony?

6 A I don't think so. No.

7 Q All right. If I asked you the same questions  
8 today that we asked then, would your answers be the same?

9 A Yes.

10 Q And are those answers true and accurate to the  
11 best of your information, belief and knowledge?

12 A Yes.

13 MS. SCHRODER: The union moves for the admission  
14 of Exhibit 19-HC and 19-NP.

15 JUDGE WOODRUFF: 19-HC and NP have been offered  
16 into evidence. Are there any objections to its receipt?  
17 Hearing none, it will be received into evidence.

18 (Exhibit Nos. 19-HC and 19-NP were admitted into  
19 evidence.)

20 JUDGE WOODRUFF: For cross-examination,  
21 beginning with Public Counsel?

22 MR. POSTON: No, thank you.

23 JUDGE WOODRUFF: Staff?

24 MR. FRANSON: No questions, your Honor.

25 JUDGE WOODRUFF: Laclede?

1                   MR. ZUCKER: Yes, your Honor.

2                               CROSS-EXAMINATION

3 BY MR. ZUCKER:

4           Q     Good evening, Mr. White.

5           A     Good evening.

6           Q     I'm Rick Zucker. I am an attorney for Laclede.  
7 How are you?

8           A     I'm just fine.

9           Q     Did you hear Mr. Stewart just testify about  
10 whether he had been -- he was asked whether he had been  
11 written up or laid off for a dummy -- for falling for  
12 dummy reads --

13          A     Yes.

14          Q     -- and he said he had never been laid off?

15          A     That's what he said.

16          Q     Have you -- have you ever been laid off for  
17 falling for dummy reads?

18          A     No.

19          Q     Have you ever been written up for falling for  
20 dummy reads?

21          A     No.

22          Q     Okay. Has -- has that ever been brought to your  
23 attention?

24          A     Yes. I am aware of it. People have been laid  
25 off for that.

1           Q     No. Has it ever been brought to your  
2     attention --  
3           A     Oh, for falling for a dummy?  
4           Q     Yes.  
5           A     I'm sure it has, but I can't remember when. If  
6     it has, it's been a long time.  
7           Q     Okay. And you have been there for 28 years?  
8           A     Twenty-eight years, yes.  
9           Q     Okay. In your time reading meters, have you  
10    ever seen what we call a DR meter?  
11          A     Is that a Dead Read meter?  
12          Q     Well, DR stands for Doesn't Register?  
13          A     Doesn't Register. Yes.  
14          Q     Would you know that when you see it, or do you  
15    just read the -- the dials?  
16          A     Well, at work I wouldn't know it, no.  
17          Q     Okay.  
18          A     I would not. Not at -- I'd read the meter, and  
19    I'd be on my way.  
20          Q     So you know it from your home?  
21          A     That's correct.  
22          Q     And do you know how Laclede bills situations  
23    where a meter is what we call DR?  
24          A     Well, they would have to estimate it.  
25          Q     Okay. Good. You're not specifically familiar



1 with it?

2 A No.

3 Q But that would make sense?

4 A Yes.

5 Q Okay. Do you know the difference between a  
6 stuck meter and a DR meter?

7 A No.

8 Q Okay. And so you don't know if your meter was  
9 stuck or DR?

10 A I know what the Cell -- Cellnet man told me when  
11 he came out. He said it did not register.

12 Q Okay.

13 A It was not working. That's what he told me.

14 Q Okay. Well, let me define my terms for you.  
15 When a meter is stuck, that means the meter itself isn't  
16 working. It isn't processing gas through it.  
17 If the meter is DR, that means the index isn't  
18 registering the usage, but the meter is still working.

19 A I would say it was DR, then.

20 Q You would say it was DR. And that was because  
21 you were -- continued to get natural gas service?

22 A That's correct. Yes.

23 Q Okay. And so you had gas service -- and this  
24 was in July and August --

25 A Yes.

1           Q     -- I think was your testimony --

2           A     Yes.

3           Q     -- of this year?

4           A     In July and August.

5           Q     Okay. And --

6                     MS. SCHRODER: Just a second, Rick. Steve,

7 would you please let him finish his questions before you

8 answer?

9                     MR. WHITE: Yes.

10                    MS. SCHRODER: Thank you.

11                    MR. ZUCKER: I thought you were doing pretty

12 good.

13                    MS. SCHRODER: It started to rush out.

14           Q     (By Mr. Zucker) Okay. So I believe in your

15 testimony you received a bill of some usage even though

16 when you read the meter, the -- the index wasn't

17 registering usage?

18           A     Yes.

19           Q     Okay. And you -- and your bill was estimated,

20 then? Or no. I'm sorry. It wasn't estimated. It was

21 based on actual usage from the Cellnet information?

22           A     Yes. That's true.

23           Q     Okay. And did that usage seem reasonable to you

24 based on the time of year?

25           A     Yes, it did.

1           Q     When Laclede has a DR meter, you've testified  
2     correctly that Laclede has to then estimate the bill,  
3     correct?

4           A     Yes.

5           Q     Okay. And the estimation would be based on  
6     Laclede's best estimate at the -- at what the customer  
7     would be using, correct, Would have used --

8           A     I believe that's the way it's supposed to work,  
9     yes.

10          Q     -- would have used over the period when the  
11     meter was not registering?

12          A     Yes.

13          Q     Okay. And without a reading on the index where  
14     the index isn't working, there's no other way to tell how  
15     much usage the customer actually had. Would you agree  
16     with that?

17          A     Yes.

18          Q     Okay. But in the situation where there's a  
19     Cellnet module on there and there is information being  
20     sent through the Cellnet system that Laclede gets, that  
21     Laclede receives, your bill was actually based on the --  
22     the usage registered by the Cellnet module; isn't that  
23     correct?

24          A     That's what -- what I came to find out. Yes.

25          Q     Right. Even though the index wasn't working?

1           A     That's correct.

2           Q     And so in -- in this situation now where the  
3     index isn't working, Laclede is still able to bill you  
4     based on actual usage?

5           A     That's what they're saying.  Yes.

6           Q     Okay.  And -- and are you still employed at  
7     Laclede now?

8           A     Yes.

9           Q     And would you -- it says here in your testimony  
10    that your job is meter reader.  Is that still your job?

11          A     Yes, it is.

12          Q     Okay.  Are you doing corrosion inspections,  
13    also?

14          A     Yes, I do.

15          Q     So are you on the new corrosion inspection team?

16          A     I -- yes.

17          Q     And as far as you know, your job will continue  
18    permanently?

19          A     As far as I know.

20                 MR. ZUCKER:  Okay.  Thank you.  No further  
21    questions.

22                 JUDGE WOODRUFF:  All right.  Thank you.  
23    Commissioner Clayton, do you have any questions?

24                 COMMISSIONER CLAYTON:  No.

25                 JUDGE WOODRUFF:  I have no questions, so no need

1 for recross. Any redirect?

2 MS. SCHRODER: Yes. Just a little. Do you want  
3 me to do it from here?

4 JUDGE WOODRUFF: You can do it from there if you  
5 like.

6 MS. SCHRODER: All right.

7 REDIRECT EXAMINATION

8 BY MR. SCHRODER:

9 Q Mr. White, was your meter ever DR before AMR, to  
10 your knowledge?

11 A No, it wasn't.

12 Q All right. Do you do your -- I mean, do you  
13 check it every month?

14 A Yeah. I usually do. When I'm down there, I'll  
15 take a look at it.

16 Q Okay. If something had happened and -- during  
17 those months that your meter was -- is your meter still  
18 DR?

19 A No. It's working now.

20 Q Okay. If something had happened during those  
21 months when your meter was DR -- I'm sorry. If something  
22 had caused there to be unusual gas usage one direction or  
23 the other, either unusually little or unusually high,  
24 during those months that your meter was DR, would you  
25 expect that any estimate that Laclede made of your bill

1 would have been accurate? Does that make sense?

2 A Say that one more time, please.

3 Q All right. If you had an unusual situation --  
4 let me just break it up and give you two different  
5 situations. During the months that you had the DR meter  
6 -- I mean, Mr. Zucker asked you about the fact that you  
7 would have expected Laclede to estimate; is that correct?

8 A Correct.

9 Q All right. During that time, if -- if you had  
10 had ten extra people living with you in your house, would  
11 you have expected that to affect your gas usage?

12 A Yes.

13 Q And then would Laclede's estimate have been  
14 accurate or reasonable?

15 A Well, according to them, they're saying that  
16 they can read it without even being able to read the  
17 index, the dials. So if I'm going to use more gas,  
18 they're saying that they can -- you know, they know this.  
19 I --

20 Q Okay.

21 A I don't know.

22 Q Would you be able to verify that if your actual  
23 meter reads DR?

24 A No.

25 Q And why is that? What does a DR mean or do?

1           A     Well, like you said, the meter -- it's dead.  
2     It's not registering. So if it's not moving, I can't read  
3     it to determine how much gas I'm using.

4           Q     All right. All right. And if, say, you had  
5     been gone for both of those two months, gone from home,  
6     your whole family for the two months that your meter was  
7     DR and you'd gotten these bills from -- from Laclede,  
8     would you have had any means, as a customer of verifying  
9     what they're telling you?

10          A     No.

11          Q     Does that fact bother you?

12          A     Yes.

13          Q     Why?

14          A     Well, I think we all want to know how much gas  
15     we're using, electric or whatever the utility is. You  
16     want to be able to -- to be able to read the meter, this  
17     is how much I used, not just an estimate.

18          Q     Okay. And -- and do you have any reason to  
19     believe that the Cellnet AMR devices might not be reading  
20     accurately?

21          A     Well, based on mine, yes.

22          Q     Was your estimate -- I mean, was your Cellnet  
23     read inaccurate?

24          A     Well, I don't know. I couldn't read the meter.  
25     I just -- it wasn't so high a bill that they sent me that

1 I could scream about, no. So --

2 Q Okay. Then I'm not sure you understood my  
3 question. Do you have any reason to believe that the  
4 Cellnet AMR read, the one that you got, wasn't accurate or  
5 that -- that any Cellnet AMR read might not be accurate?

6 A Yes.

7 MR. ZUCKER: This was asked and answered.

8 MS. SCHRODER: Actually, no, I don't think it  
9 was.

10 JUDGE WOODRUFF: I'll overrule the objection.

11 A I would say yes, I would be concerned because I  
12 cannot read my meter if that -- if it's a DR, if that's  
13 thing is stuck.

14 Q (By Ms. Schroder) Okay.

15 A If I didn't go down there for eight months and  
16 didn't take a look at that, it could have been DR -- DR'd  
17 for eight months.

18 Q Okay. I'm sorry. I don't think you understood  
19 my question. Do you have any reason to believe that the  
20 Cellnet AMR devices are not accurately reading bills,  
21 meters?

22 A Well, yes. From my experience reading meters, I  
23 do run across AMR meters that are not accurate. They're  
24 -- the bill is wrong.

25 Q All right. And has that happened rarely or



1 frequently or somewhere in between?

2 A Somewhere in between.

3 MS. SCHRODER: All right. No further questions.

4 JUDGE WOODRUFF: All right. Then, Mr. White,  
5 you can step down. And I believe that's all the witnesses  
6 that are here today; is that right?

7 MS. SCHRODER: Yes. We stopped for everybody  
8 else.

9 JUDGE WOODRUFF: Were the other witnesses going  
10 to be on the telephone, or you just called and told them  
11 not to be here?

12 MS. SCHRODER: Actually, I would have to look at  
13 our list to know that.

14 MR. ZUCKER: Either way, we'd have to come back.

15 JUDGE WOODRUFF: Yeah. It doesn't really  
16 matter. Just curiosity. We do have the six witnesses  
17 that we talked about yesterday letting their remarks in  
18 without cross-examination. We might as well just go ahead  
19 and do that now.

20 MS. SCHRODER: Certainly. Oh, so I need to go  
21 ahead and --

22 JUDGE WOODRUFF: Let's go ahead and mark their  
23 exhibits. That was George and Kathy Waites, Tim Daley  
24 Toby Kepner, Linda Tierney and Grace Forbes.

25 MR. FRANSON: Which one are we going to do

1 first?

2 JUDGE WOODRUFF: Pardon me? We can go off the  
3 record while she's marking these.

4 (Break in proceedings.)

5 JUDGE WOODRUFF: All right. Let's go back on  
6 the record again now that we've marked these documents.  
7 We've got George Waites as 20-HC and NP, Kathy Waites as  
8 21-HC and NP, Tim Daley as 22-HC and NP, Toby Kepner as  
9 23-HC and NP. 24 is Linda Tierney, HC and NP. 25-HC and  
10 NP is Grace Forbes. Is that right?

11 MS. SCHRODER: That's correct.

12 JUDGE WOODRUFF: And I believe yesterday all the  
13 parties agreed that these witnesses -- they would be --  
14 their testimony would -- could be admitted and they would  
15 waive cross-examination along the lines that were  
16 discussed yesterday, and I won't try and repeat them  
17 today. It's far too late for that. So does anyone object  
18 to receiving these documents, 19 through 25?

19 MR. PENDERGAST: No objection.

20 MR. FRANSON: No objection.

21 JUDGE WOODRUFF: No objection. They will be  
22 received into evidence.

23 (Exhibit Nos. 19-HP, 19-NP, 20-HC, 20-NP, 21-HC,  
24 21-NP, 22-HC, 22-NP, 23-HC, 23-NP, 24-HC, 24-NP, 25-HC and  
25 25-NP were admitted into evidence.)

1           JUDGE WOODRUFF: All right. And then the only  
2 other matter is to determine when we're going to come back  
3 to finish this hearing.

4           While we were off the record, Counsel for Staff  
5 indicated that he would not like to do the 5th of January  
6 for a very good reason that he is doing the MGE rate case  
7 the following week. So I'm going to leave it up to the  
8 parties to try and come up with a date.

9           Just get together amongst yourselves and have  
10 access at least to -- I know Staff has access to the  
11 Commission's calendar upstairs as well as there's a  
12 calendar on the -- on Outlook that you can access. File  
13 something by Friday of this week recommending a date, and  
14 I'll check and make sure it works out with the Commission.

15           MR. PENDERGAST: Great. Thank you.

16           JUDGE WOODRUFF: Anything else, then, while  
17 we're on the record? All right. With that, then, we're  
18 off the record. We're adjourned.

19           MS. SCHRODER: Thank you.

20           JUDGE WOODRUFF: Thank you.

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## E X H I B I T S

EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
5-NP	Testimony of Pat White	331	332
5-HC	Testimony of Pat White	331	332
6-HC	Surrebuttal Testimony of Pat White	333	333
6-NP	Surrebuttal Testimony of Pat White	333	333
8	Article	337	338
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10-HC	Documents with address of Drilled through Meter	436	436
11-HC	Testimony of Claire Donnelly	446	446
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12-HC	Testimony of Mary Hall	459	459
12-NP	Testimony of Mary Hall	459	459
13-HC	Testimony of Dean Carlton	486	486
13-NP	Testimony of Dean Carlton	486	486

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2	EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
3	14-HC	Supplemental	487	487
4		Testimony of		
		Dean Carlton		
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7	15-HC	Testimony of	521	521
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16	18-HC	Testimony of	646	646
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19	19-HC	Testimony of	668	668
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1	E X H I B I T S (CONTINUED)			
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3	EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
4	21-HC	Testimony of Kathy Waites	680	680
5	21-NP	Testimony of Kathy Waites	680	680
6	22-HC	Testimony of Timothy Daley	680	680
7				
8	22-NP	Testimony of Timothy Daley	680	680
9	23-HC	Testimony of J. Tobias Kepner	680	680
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11	23-NP	Testimony of J. Tobias Kepner	680	680
12	24-HC	Testimony of Linda Tierney	680	680
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14	24-NP	Testimony of Linda Tierney	680	680
15	25-HC	Testimony of Grace Forbes	680	680
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17	25-NP	Testimony of Grace Forbes	680	680
18	(Exhibits were retained by the Public Service Commission.)			
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