

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Hearing  
8 February 26, 2007  
9 Jefferson City, Missouri  
Volume 4  
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12 USW Local 11-6, )  
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USW Local 11-6,  
Petitioner,  
v.  
Laclede Gas Company,  
Respondent.

MORRIS L. WOODRUFF, Presiding,  
SENIOR REGULATORY LAW JUDGE.

STEVE GAW,  
ROBERT M. CLAYTON,  
LINWARD "LIN" APPLING,  
COMMISSIONERS.

REPORTED BY:  
KELLENE K. FEDDERSEN, CSR, RPR, CCR  
MIDWEST LITIGATION SERVICES

## 1 APPEARANCES:

2 SHERRIE SCHRODER, Attorney at Law  
7730 Carondelet, Suite 200  
3 St. Louis, MO 63105  
(314) 727-1015  
4

FOR: USW 11-6.  
5 MICHAEL C. PENDERGAST, Attorney at Law  
RICK ZUCKER, Attorney at Law  
6 Laclede Gas Company  
720 Olive Street  
7 St. Louis, MO 63101  
(314) 342-0532  
8

FOR: Laclede Gas Company.  
9

10 MARC D. POSTON, Senior Public Counsel  
P.O. Box 2230  
200 Madison Street, Suite 650  
11 Jefferson City, MO 65102-2230  
(573) 751-4857  
12

FOR: Office of the Public Counsel  
13 and the Public.

14 ROBERT FRANSON, Senior Counsel  
P.O. Box 360  
15 200 Madison Street  
Jefferson City, MO 65102  
16 (573) 751-3234

FOR: Staff of the Missouri Public  
17 Service Commission.  
18  
19  
20  
21  
22  
23  
24  
25

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

2 JUDGE WOODRUFF: Welcome back everyone.

3 This is the continuation of the hearing in GC-2006-0390,  
4 and this was begun back in December. And we're going to  
5 resume today with further testimony, and I believe there's  
6 been some agreements among the parties as to exactly what  
7 or how some testimony's going to come in. I'll ask you  
8 about that in a minute.

9 Before we do that, there was a couple other  
10 motions that were filed, I think are now moot: A motion  
11 to submit testimony by deposition and a motion to permit  
12 testimony by telephone. Parties have reached agreement on  
13 those issues, I believe?

14 MS. SCHRODER: That is correct.

15 JUDGE WOODRUFF: Do you want to withdraw  
16 those motions?

17 MS. SCHRODER: Yes.

18 JUDGE WOODRUFF: They'll be shown as  
19 withdrawn, then.

20 All right. And as I indicated, there was  
21 an agreement amongst the parties about how some  
22 information would be submitted. Would one of the  
23 attorneys like to explain that?

24 MR. FRANSON: I'll defer to one of them,  
25 your Honor.

1                   MR. ZUCKER: Let me give it a try, subject  
2 to being corrected by the other attorneys here. We are  
3 going to handle the remaining witnesses in this order, as  
4 I understand it: Mr. Jim Johnson, whose deposition will  
5 be -- we took his deposition. That will be placed into  
6 the record. Mr. Mark Boyle, also took his deposition,  
7 which will be placed into the record. Then I believe  
8 No. 3 will be Ms. Gay Fred, who will just testify live,  
9 and she filed originally rebuttal testimony.

10                   No. 4 will be Mr. Michael Tracey, whose  
11 deposition will be placed into the record and he'll be --  
12 he does not have any prefiled testimony. He'll be  
13 available for any questions from the Commissioners. If  
14 they have none, then just his deposition will be --

15                   JUDGE WOODRUFF: Is he here today or is he  
16 by phone?

17                   MR. ZUCKER: He is not here. He will be  
18 testifying by phone, as I understand it.

19                   JUDGE WOODRUFF: If needed?

20                   MR. ZUCKER: If needed, right. Similar to  
21 Mr. Tracey, next will be Ms. Sheila Thomasson, I guess  
22 and/or her husband, Mr. James Thomasson.

23                   MR. FRANSON: I think the -- well, no.  
24 Judge, it was kind of a combined deposition that kind of  
25 happened more or less on the scene. Ms. Thomasson was

1 originally deposed, but Mr. Thomasson was also deposed in  
2 the process.

3 JUDGE WOODRUFF: He was there answering  
4 questions as well as she was?

5 MS. SCHRODER: We went ahead and had him  
6 sworn in and the parties agreed to it.

7 MR. FRANSON: I think it should be both,  
8 actually.

9 MR. ZUCKER: Yeah. It should be and  
10 instead of and/or. So again, the Thomassons do not have  
11 prefiled testimony. Their deposition will be placed into  
12 evidence, and then they'll be available for any questions  
13 that the Commissioners or you have.

14 JUDGE WOODRUFF: Okay.

15 MR. ZUCKER: Next I guess we're up to  
16 No. 6, will be a Mr. Jonathan Guelich, who does have  
17 prefiled testimony, but will be testifying by telephone  
18 today.

19 JUDGE WOODRUFF: Okay.

20 MR. ZUCKER: After him will be Ms. Marilyn  
21 Jean Kessler, and same as Mr. Guelich, she has prefiled  
22 testimony and will be appearing via telephone today. Same  
23 with Brian Johnson, who is also a witness for the Union,  
24 has prefiled testimony and will be participating by  
25 telephone.

1                   Mr. Fred Baras is a customer who also has  
2     prefiled testimony. I think the parties do not have any  
3     questions for him, but he will also be available by  
4     telephone and we'll just be putting his prefiled testimony  
5     into the record.

6                   MS. SCHRODER: Actually, I think there is a  
7     correction to that. I thought he wasn't going to be  
8     available by phone, that we were just putting his prefiled  
9     testimony in.

10                  MR. FRANSON: Which was also my  
11     understanding.

12                  MS. SCHRODER: The same way we had with a  
13     couple of other customers earlier.

14                  MR. ZUCKER: Good. And that's fine with  
15     me.

16                  And then finally the last two witnesses  
17     will be Staff's witness Mr. Bob Leonberger, who has  
18     prefiled testimony and will be appearing live, and  
19     Mr. Patrick Seamands or Dr. Patrick Seamands, who also has  
20     prefiled testimony in this case and is here today.

21                  MS. SCHRODER: And we will also be putting  
22     both of their depositions in as well.

23                  JUDGE WOODRUFF: But they'll be here to  
24     testify as well?

25                  MR. ZUCKER: Right. That's correct.

1 JUDGE WOODRUFF: Well, that doesn't sound  
2 too bad.

3 MS. SCHRODER: And then one other  
4 deposition is coming in, and that was Ms. Debra  
5 Redepenning's.

6 MR. FRANSON: We haven't already put that  
7 in?

8 MS. SCHRODER: No. I looked.

9 MR. FRANSON: Judge, what exhibit number  
10 are we up to?

11 JUDGE WOODRUFF: We have 25, so the next  
12 one would be 26. One other thing before we actually get  
13 started with the witness. Since we have had this  
14 two-month gap, I believe all the attorneys are the same  
15 attorneys that were here earlier, but if you want to just  
16 briefly give your entry of appearance again, so it's clear  
17 on the record, beginning with the Union.

18 MS. SCHRODER: Sherrie Schroder for  
19 USW 11-6.

20 JUDGE WOODRUFF: And for Laclede?

21 MR. ZUCKER: Michael C. Pendergast and Rick  
22 Zucker appearing for Laclede Gas Company.

23 JUDGE WOODRUFF: For Staff?

24 MR. FRANSON: Robert Franson appearing for  
25 the Staff of the Public Service Commission.

1 JUDGE WOODRUFF: And for Public Counsel?

2 MR. POSTON: Marc Poston appearing on  
3 behalf of the Office of the Public Counsel.

4 JUDGE WOODRUFF: All right. Thank you.

5 Well, let's go ahead and deal with the  
6 depositions, then, for Mr. Johnson. Do you have that?

7 MR. ZUCKER: I have that.

8 JUDGE WOODRUFF: Okay.

9 MR. ZUCKER: Your Honor, what we hope to do  
10 is, I guess we need to give one copy of these depositions  
11 to the court reporter, which I think we all have brought  
12 one copy of the deposition, and then I think we were going  
13 to get them into EFIS through electronic filing. I don't  
14 know if we -- I haven't done that yet. I don't know if  
15 the other attorneys have filed theirs yet.

16 MS. SCHRODER: I believe ours are being  
17 filed today.

18 JUDGE WOODRUFF: I believe some of the  
19 parties had filed portions of testimony previously. Those  
20 portions will be superseded by these entire depositions.

21 MS. SCHRODER: Correct. We are putting in  
22 the entire depos today.

23 MR. ZUCKER: So 26 will be the deposition  
24 of Mr. Jim Johnson.

25 JUDGE WOODRUFF: And is this HC or --



1 MR. ZUCKER: No. Well, is any of it HC?

2 MS. SCHRODER: I think it was marked off  
3 the record.

4 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

5 (EXHIBIT NO. 26 THROUGH 33 WERE MARKED FOR  
6 IDENTIFICATION BY THE REPORTER.)

7 JUDGE WOODRUFF: While we were off the  
8 record, several exhibits were marked. I'll go down them  
9 and we'll formally offer them and see if there's any  
10 objection to their receipt.

11 Exhibit 26 was marked as the deposition of  
12 Mr. Jim Johnson. It was offered by Laclede and the Union  
13 jointly. Does anyone have any objection to receiving that  
14 document into evidence?

15 (No response.)

16 JUDGE WOODRUFF: Hearing none, it will be  
17 received.

18 (EXHIBIT NO. 26 WAS RECEIVED INTO  
19 EVIDENCE.)

20 JUDGE WOODRUFF: No. 27 is the deposition  
21 of Mr. Boyle. And again that's offered by Laclede and the  
22 Union. Any objection to its receipt?

23 (No response.)

24 JUDGE WOODRUFF: Hearing none, it will be  
25 received into evidence.

1 (EXHIBIT NO. 27 WAS RECEIVED INTO  
2 EVIDENCE.)

3 JUDGE WOODRUFF: No. 28 is the deposition  
4 of Mike Tracey, again offered by the Laclede and the  
5 Union. Is there any objection to its receipt?

6 (No response.)

7 JUDGE WOODRUFF: Hearing none, it will be  
8 received into evidence.

9 (EXHIBIT NO. 28 WAS RECEIVED INTO  
10 EVIDENCE.)

11 JUDGE WOODRUFF: Exhibit No. 29 is the  
12 deposition of Mr. and Mrs. Thomasson?

13 MS. SCHRODER: Correct.

14 JUDGE WOODRUFF: Sheila, and what was the  
15 husband's name?

16 MS. SCHRODER: James.

17 JUDGE WOODRUFF: And it's my understanding  
18 that this started out as the deposition of Mr. -- Sheila,  
19 and Mr. Thomasson was there also and he was sworn in and  
20 it became a joint deposition?

21 MS. SCHRODER: Yes. We requested the  
22 deposition of Ms. Thomasson, and then her husband showed  
23 up, and at that point, the parties agreed that we would  
24 like to have them both sworn in and ask them both  
25 questions, yes.

1 JUDGE WOODRUFF: So Exhibit 29 is again  
2 offered by Laclede and the Union. Any objection to its  
3 receipt?

4 (No response.)

5 JUDGE WOODRUFF: Hearing none, it will be  
6 received into evidence.

7 (EXHIBIT NO. 29 WAS RECEIVED INTO  
8 EVIDENCE.)

9 JUDGE WOODRUFF: Exhibit 30 is the  
10 deposition of Robert Leonberger, again offered by Laclede  
11 and the Union. Any objections to its receipt?

12 (No response.)

13 JUDGE WOODRUFF: Hearing none, it will be  
14 received into evidence.

15 (EXHIBIT NO. 30 WAS RECEIVED INTO  
16 EVIDENCE.)

17 JUDGE WOODRUFF: Exhibit 31HC is offered.  
18 Is there any objection to its receipt?

19 (No response.)

20 JUDGE WOODRUFF: Hearing none, it will be  
21 received into evidence.

22 (EXHIBIT NO. 31HC WAS RECEIVED INTO  
23 EVIDENCE.)

24 JUDGE WOODRUFF: Exhibit 32HC is the  
25 deposition of Patrick Seamands, again offered by Laclede

1 and the Union. Any objection to its receipt?

2 (No response.)

3 JUDGE WOODRUFF: Hearing none, it will be  
4 received into evidence.

5 (EXHIBIT NO. 32HC WAS RECEIVED INTO  
6 EVIDENCE.)

7 JUDGE WOODRUFF: 33NP and HC is the direct  
8 testimony of Fred Baras or Baras -- I'm not sure how it's  
9 pronounced -- which is offered by the Union. He was a  
10 witness whose testimony was prefiled several months ago.  
11 It's my understanding the parties do not have any  
12 questions for him and he, in fact, is not available today.  
13 Does anyone object to the receipt of Mr. Baras' evidence,  
14 testimony into evidence?

15 (No response.)

16 JUDGE WOODRUFF: Hearing no objection, it  
17 will be received into evidence.

18 (EXHIBIT NO. 33NP AND HC WERE RECEIVED INTO  
19 EVIDENCE.)

20 MR. FRANSON: Judge, if I may, did you say  
21 Ms. Redepenning's testimony -- or I'm sorry -- her  
22 deposition, Exhibit 31, that was HC, wasn't it?

23 JUDGE WOODRUFF: Yes.

24 MR. FRANSON: Okay. Thank you.

25 JUDGE WOODRUFF: All right. I believe then

1 we're ready to begin with the first witness, which would  
2 be Gay Fred for the Staff; is that right?

3 MR. FRANSON: No, sir. I think it's  
4 Mr. Johnson.

5 MS. SCHRODER: I think that was a little  
6 unclear when Rick was telling it. Jim Johnson and Mark  
7 Boyle are appearing live as well as by their deposition.

8 JUDGE WOODRUFF: All right. We'll start  
9 with Mr. Johnson, then.

10 (EXHIBIT NO. 34NP AND HC WERE MARKED FOR  
11 IDENTIFICATION BY THE REPORTER.)

12 (Witness sworn.)

13 JUDGE WOODRUFF: And you're Jim Johnson,  
14 correct?

15 THE WITNESS: Yes, sir.

16 JUDGE WOODRUFF: Is your microphone on,  
17 sir?

18 THE WITNESS: Yes.

19 JUDGE WOODRUFF: It's my understanding that  
20 Mr. Jim Johnson did not prefile testimony; is that right?

21 MS. SCHRODER: Yes, he did actually.  
22 Mr. Johnson is one of the two people that we requested  
23 leave to file immediately after the last hearing.

24 JUDGE WOODRUFF: Okay. So he filed  
25 supplemental testimony?

1 MS. SCHRODER: Well, he hadn't filed  
2 original testimony. I don't think it's actually  
3 designated that way.

4 JUDGE WOODRUFF: I'm just trying to --

5 MS. SCHRODER: Supplemental direct, yes.

6 JUDGE WOODRUFF: Okay. We'll call it that.

7 JAMES JOHNSON testified as follows:

8 DIRECT EXAMINATION BY MS. SCHRODER:

9 Q. Mr. Johnson, are you the same James Johnson  
10 who caused to be filed in this case supplemental direct  
11 testimony which has been marked as Exhibit 34NP and HC?

12 A. Yes.

13 Q. All right. Do you have a copy of that in  
14 front of you?

15 A. No.

16 Q. All right. Hold on.

17 MS. SCHRODER: May I approach?

18 JUDGE WOODRUFF: Yes, you may.

19 MR. FRANSON: Judge, if I may, do we need  
20 an HC? Because we've already put in his deposition. Do  
21 we ever mention the address?

22 MS. SCHRODER: We don't in his deposition,  
23 and I think we discussed that it was waived, but I  
24 thought, well, we already had it, so I don't know if we  
25 want to do that. I don't think it matters now, the NP.

1 JUDGE WOODRUFF: Okay. Do you want to just  
2 make it all NP?

3 MS. SCHRODER: That's fine.

4 JUDGE WOODRUFF: Just 34, then.

5 BY MS. SCHRODER:

6 Q. Mr. Johnson, do you have any corrections to  
7 your testimony?

8 A. Yes, I do.

9 Q. All right. Did you want to correct  
10 something at page 2, lines 11 to 12?

11 A. Yes.

12 Q. And what was it that you wanted to correct  
13 there?

14 A. Superintendent Mannerly said he'd be around  
15 40 minutes late. Told me to wait. He -- the 40 minutes,  
16 he said -- said he -- Mr. Manley said be around 40 minutes  
17 before he got there.

18 Q. Okay. I think that's what you said in your  
19 testimony. Was there a question about whether he said  
20 that or whether he just was there within 40 minutes?

21 A. That's -- that's what it was around. I've  
22 always just -- 40 minutes, that's --

23 Q. Okay. Did you have a correction to make to  
24 page 1, lines 14 and 15?

25 A. Yes. After reviewing my company document,

1     that reading should be 20 percent.

2             Q.     All right.  And did you have the company  
3     documents with you when you were giving this direct  
4     testimony?

5             A.     No.

6             Q.     All right.  And what's the -- what scale is  
7     the 20 percent on?

8             A.     That's on a 1 to 100 percent.

9             Q.     Was that the same change you wanted to make  
10    to page 3, line 1?

11            A.     Yes.

12            Q.     All right.  With those corrections, if I  
13    asked you the same questions today as are in your  
14    testimony, would your answers be the same?

15            A.     Yes.

16            Q.     Are these answers true and correct to the  
17    best of your information, knowledge and belief?

18            A.     Yes.

19                   MS. SCHRODER:  With that, the Union moves  
20    for the admission of Exhibit 34.

21                   JUDGE WOODRUFF:  Okay.  Exhibit 34 has been  
22    offered into evidence.  Are there any objections to its  
23    receipt?

24                   (No response.)

25                   JUDGE WOODRUFF:  Hearing none, it will be



1 received into evidence.

2 (EXHIBIT NO. 34 WAS RECEIVED INTO  
3 EVIDENCE.)

4 MR. FRANSON: Judge, just to clarity, what  
5 we put in, was that the HC version that's now public or --  
6 because we did have an NP and an HC version.

7 JUDGE WOODRUFF: Yeah, it would be the HC  
8 version which the parties have agreed is not HC any  
9 longer.

10 For cross-examination then, we begin with  
11 Public Counsel.

12 MR. POSTON: No questions.

13 JUDGE WOODRUFF: Staff?

14 MR. FRANSON: No questions, your Honor.

15 JUDGE WOODRUFF: Laclede?

16 MR. ZUCKER: We have no questions, your  
17 Honor.

18 JUDGE WOODRUFF: All right. Coming up for  
19 questions from the Bench, then.

20 QUESTIONS BY COMMISSIONER APPLING:

21 Q. Good morning, Mr. Johnson. How are you  
22 doing?

23 A. Good.

24 Q. Would you refresh me? I read all this  
25 yesterday and there's a whole lot running together on me

1 this morning. Too many witnesses in this case. But  
2 anyway, would you refresh me how long -- do I have it  
3 right that you worked from Laclede from '05 to '06 as a  
4 temporary meter reader?

5 A. No, sir.

6 Q. Okay. Talk to me about how long -- what  
7 you've done with the -- with Laclede and what you're doing  
8 right now.

9 A. With Laclede? I've been with Laclede  
10 28 years now. Started in '79.

11 Q. Okay.

12 A. Right now, I'm a fitter with the gas  
13 company.

14 Q. Still with Laclede?

15 A. Still with Laclede.

16 Q. Okay. Is there anything you want to tell  
17 me this morning before you step down and walk away, since  
18 you been down there 28 years, that you haven't said  
19 already?

20 A. No. I pretty much said all I can say.

21 COMMISSIONER APPLING: Well, thank you very  
22 much then. Appreciate it. That's all I have, Judge.

23 JUDGE WOODRUFF: Commissioner Clayton, do  
24 you have any questions?

25 COMMISSIONER CLAYTON: I do, Judge. I just

1 want to ask a handful of questions here.

2 QUESTIONS BY COMMISSIONER CLAYTON:

3 Q. Mr. Johnson, you've been with the company  
4 since what, 1979, you just said?

5 A. Yes, sir.

6 Q. And in what capacity did you start with the  
7 company?

8 A. I started with the gas company as a helper.

9 Q. What is a helper?

10 A. A helper in the service department. You  
11 assist.

12 Q. Is a helper a union classification?

13 A. Yes.

14 Q. Okay.

15 A. You start in and you assist the different  
16 servicemen in their different classifications with their  
17 assignments for that day. And pretty much it's kind of  
18 on-the-job training also.

19 Q. Okay. And you said today you are a fitter,  
20 a pipefitter, correct?

21 A. Yes.

22 Q. And on day-to-day activities, what do you  
23 do?

24 A. My job classification covers everything but  
25 working on gas air conditioning. That would be the ICI

1 classification. My assignments can be anything from  
2 running the planning board, which would be getting your  
3 calls from dispatchers downtown, running no-gas  
4 complaints, gas leaks, pressure problems, all the  
5 emergency trouble orders.

6 Q. So these items you're talking about  
7 receiving calls from customers?

8 A. Receiving calls from dispatchers, Laclede  
9 dispatchers.

10 Q. So a call would come in from an unhappy  
11 customer, someone raising a complaint or problem, would go  
12 to the customer service department, and then they would  
13 call you, or would it then go through dispatch and then go  
14 to you?

15 A. Their call would be more of an emergency  
16 nature, calling in gas leak, pressure problems, no gas,  
17 reason unknown, that kind of thing, we run off what I call  
18 the blank board.

19 Q. What is the blank board?

20 A. That would be getting your calls from these  
21 dispatchers after -- after the complaint has come in to  
22 Laclede, they have a dispatcher who gets the job out as  
23 fast as they can, to one of us servicemen.

24 Q. Okay.

25 A. And that would be one -- one thing I would

1 do. Next thing would be I might come in and have a whole  
2 route of service work, working on appliances.

3 Q. So you would be the guy who would go out  
4 and either check on the problem or fix the problem?

5 A. Right.

6 Q. Okay.

7 A. And then next thing would be running fuel  
8 runs, putting in gas lines at homes, to new appliances, to  
9 pool heaters, running pool heater lines outside, a lot of  
10 generator work, running lights to new generators.

11 Q. So basically you --

12 A. Pretty much everything.

13 Q. The word I wrote down is that you do  
14 everything except what? What was that again? You said  
15 you didn't --

16 A. Gas air conditioning.

17 Q. Gas air conditioning?

18 A. Yes. There's not much of it around, but  
19 that would be a classification of -- ICI classification.

20 Q. That's using natural gas to cool air; is  
21 that correct?

22 A. Not to cool -- natural gas is used to heat  
23 a generator outside. Cold water runs over the coils and  
24 water is brought in to like a coil inside, run cold water  
25 instead of running freon.

1 Q. Yeah. I know all about it.

2 Mr. Johnson, you're here to testify about a  
3 particular incident; is that correct?

4 A. Yes, sir.

5 Q. And do you recall the date of that  
6 incident?

7 A. No, I don't.

8 Q. Well, could you narrow it down to a month?

9 A. It was around vet -- it was Veterans Day,  
10 so that --

11 Q. November?

12 A. November, Veterans Day, yeah.

13 MS. SCHRODER: Mr. Johnson, if you would,  
14 first page, line 4, you've got the date.

15 BY COMMISSIONER CLAYTON:

16 Q. Feel free if I ask a question --

17 A. I've got it. Okay.

18 Q. I'm not known to be --

19 A. November 10th.

20 Q. One day short of Veterans Day. So November  
21 10th. And can you describe to me in your own words what  
22 -- how you received notification of this incident?

23 A. The dispatcher called me on a -- called me  
24 on my phone and said they had a leak complaint they needed  
25 to dispatch, and proceeded to give me the job. And -- and

1 I went -- I went to the job.

2 Q. When they give you a leak complaint from  
3 the dispatcher, do they describe additional circumstances  
4 or do they just say there's a leak?

5 A. They'll -- they give you a job, odor of  
6 gas, say odor of gas in the basement, meet the maintenance  
7 man. Might be under special instructions, meet  
8 maintenance man.

9 Q. So you get additional detail to know where  
10 to begin your inspection?

11 A. Right.

12 Q. Do you recall what they said on  
13 November 10th when you got the call?

14 A. They had odor of gas in the boiler room.

15 Q. And were you the first dispatch or the  
16 first service worker to be called for this incident?

17 A. Yes.

18 Q. That you're aware of?

19 A. That I'm aware of.

20 Q. You traveled to the location, and could you  
21 just describe what actions you took and what you did, what  
22 you found.

23 A. I went to the location. It was a secured  
24 building where you walk in. There's two girls over to the  
25 side. They have a door lock there where you have a

1 sign-in sheet. It's a sign-in building. As soon as they  
2 saw me coming they said that they would get ahold of their  
3 maintenance man, he would meet me at this door, or they  
4 called him.

5 Q. Is that a commercial or a residential  
6 building?

7 A. It's a commercial building. Commercial  
8 building.

9 Q. Okay. Go ahead.

10 A. And they -- the maintenance man got there,  
11 he met me at the door. Told me there was an odor of gas  
12 in the boiler room, and that he would take me to it. Went  
13 through the door. Over to the left, there was another  
14 door you went down towards the boiler room, and he said,  
15 when you open it, this is where the odor would be down  
16 here at this door. And we opened that up, and that's how  
17 he proceeded to take me to the job.

18 Q. Okay. And what did you find when you got  
19 there?

20 A. Noticed odor of gas at the top of the  
21 stairs, the door -- when we opened the door. Looked down  
22 at my Ranger that has our leak equipment that I have on,  
23 my detector. Did not detect any readings of 1 percent or  
24 over. I didn't have anything like that at the top of the  
25 stairs.



1                   So we proceeded down the stairs into the  
2 boiler room, and then I proceeded with Laclede's leak  
3 procedure, checking out the services where the service  
4 enters the building, cracks, the sanitary sewers and  
5 different things to make sure I didn't have any migrating  
6 gas coming into it.

7           Q.       Can I ask you a question? As you began  
8 your descent down into the boiler room area and you check  
9 your equipment, check on the detector, what level of  
10 detection would require either evacuation of the building  
11 or would suggest that you need to clear the area of  
12 people?

13          A.       1 percent in the open air.

14          Q.       And your equipment did not suggest that  
15 1 percent?

16          A.       No.

17          Q.       Okay. Go ahead. So you went down and  
18 started checking the foundation and the sewer and  
19 everything?

20          A.       Service cracks, different things around  
21 there. Wanted to make sure the odor I was smelling wasn't  
22 coming from outside or gas getting in our service or  
23 anything like that. The maintenance man was -- while I  
24 was doing this was telling me, I think, you know, the  
25 odor's over here, you know, over around this meter, I

1 think. We just had this meter installed, and I think the  
2 odor's coming from the top around the meter.

3 I said, well, I'll get to that area over  
4 there. I need to run these checks first to make sure  
5 that -- that we don't have another problem here, and  
6 that's what I did.

7 Q. What kind of meter was in that building?

8 A. It's a 1000 iron case meter, what they call  
9 it. It's a large meter and it's on two pounds pressure.  
10 Meter's two pounds.

11 Q. Okay. And you discovered where was the  
12 leak?

13 A. I had -- my leak detection equipment, I had  
14 readings around the top of the dial, where the dial is,  
15 where the cover is, the dial cover around the meter,  
16 readings coming from the top of the meter there, and  
17 that's where it was at.

18 Q. So you can pinpoint where the gas is  
19 coming?

20 A. When you get into the area, the leak  
21 detection equipment's pretty sensitive. You get around  
22 the area and your readings start going up on it.

23 Q. So you can pinpoint where on a -- you know,  
24 a one foot or one and a half foot square device, you can  
25 tell where on that device the leak is?

1           A.       I can get pretty close, yes.

2           Q.       You can get pretty close. Okay. And what  
3 were the readings?

4           A.       My detection equipment was reading 20  
5 percent.

6           Q.       20 percent gas in air, is that what that  
7 reading means?

8           A.       Right. On a scale of 1 to 100, I was  
9 reading 20 percent.

10          Q.       Okay. I assume from your prior testimony  
11 that would be a significant hazard at that point that you  
12 found?

13          A.       Well, any gas inside a building I consider  
14 a hazard, hazardous. You don't want any gas inside  
15 buildings.

16          Q.       All right. What is the procedure after  
17 finding this leak? Do you shut off the gas? Do you call  
18 it in to a different service person? Do you try to repair  
19 it?

20          A.       Well, on that meter right there, our meter  
21 shop, we don't service -- we have servicemen that just  
22 service our commercial meter, work around our commercial  
23 end of it. I don't work on those in my classification.

24          Q.       So you call it in to the office?

25          A.       Well, I call for the meter shop foreman.

1 We have foremen that are over those workers, and we have a  
2 number that we can call to call the meter shop foremen for  
3 the different areas. The south city or north, depending  
4 on what area you're in, you call that foreman and let him  
5 know what you have, and then he gets the appropriate  
6 people out there to take care of it. And you'll stand by,  
7 wait for them 'til they get there or whatever instruction  
8 the foreman --

9 Q. So you don't shut off the gas or evacuate  
10 the building?

11 A. The only time that I would do something  
12 like that is if I had readings on a commercial building,  
13 in a commercial area like that. Commercial accounts are  
14 handled a little bit different than our residential  
15 accounts. Loss of business, you could -- you know, money  
16 everything involved with commercial accounts, you try to  
17 keep those accounts on as much as you can. I wouldn't  
18 shut the gas off unless I had a broken gas line. If I get  
19 there and I have broken line inside the building, I have  
20 gas entering the building, explosive readings or data, I'm  
21 going to turn it off.

22 Q. 20 percent, that's not an explosive  
23 reading?

24 A. It's around the top of the meter, but it's  
25 not an open air situation. It's not straight out in the

1 middle of the room.

2 Q. What was the reading in the general  
3 vicinity in the room, the open air reading?

4 A. I had zero in the open air reading. When I  
5 got around the meter, over the top of the meter, that's  
6 when I get the 20 percent, right over the top of these  
7 dials.

8 Q. Okay. And since you call it in to the  
9 meter shop, do you -- did you take any diagnostic action?  
10 I mean, could you tell what the problem was or --

11 A. Well, I knew it was pretty -- my -- my  
12 opinion right then was I thought it was coming from the  
13 drive gear. I can't see what's underneath the cover of  
14 these new readers, the cover that sits over the top of the  
15 dials, but I -- I thought it was a drive gear that may  
16 have been leaking.

17 Q. Okay. Had you had any prior experience in  
18 finding leaks over either this type of meter or this type  
19 of device?

20 A. I've had leaks on commercial meters before  
21 where I've done, you know, called in and -- but I've never  
22 taken the top off before.

23 Q. When you say the top, what do you mean, the  
24 top?

25 A. The --

1 Q. The AMR device?

2 A. The AMR device, I've never taken one off.

3 Q. So you have experienced AMR leaks in the  
4 past?

5 A. Yes.

6 Q. Okay. Was anything out of the ordinary in  
7 doing this inspection?

8 Let me rephrase that question. Was there  
9 anything else that you can describe that would suggest  
10 this was an ordinary -- or not an ordinary circumstance  
11 involving AMR devices on meters?

12 A. No.

13 Q. Can you -- do you know when the AMR device  
14 was installed on that meter? Could you tell by looking at  
15 it?

16 A. I couldn't tell by looking at it. All I  
17 knew was what the maintenance told me. The maintenance  
18 man had said it was installed the day before. I just went  
19 by what he said.

20 Q. There are no writings, markings or records  
21 that you would be able to see --

22 A. No.

23 Q. -- on the meter?

24 A. There's no stampings that I'm aware of on  
25 that because that's the commercial end of it, okay, and we

1 don't have any dates.

2 Q. Could you tell on the device whether it  
3 looked or appeared to be installed without difficulty or  
4 could you identify any abnormalities in looking at the AMR  
5 device on the meter?

6 A. No. Just looking at it, it looked like,  
7 you know, regular installation, you know. The -- if I had  
8 anything to say, it wasn't wide open, a wide-open  
9 installation. Where you put it over into the left side,  
10 there's a big regulator and the regulator was kind of  
11 swung over, kind of leaning over the meter side of it. So  
12 being on the left side, you didn't have wide-open access  
13 to do work on the top of it.

14 COMMISSIONER CLAYTON: Okay. Thank you  
15 very much.

16 JUDGE WOODRUFF: Commissioner Gaw, did you  
17 have any questions for this witness?

18 COMMISSIONER GAW: Not at this point.

19 JUDGE WOODRUFF: Go ahead, Commissioner  
20 Appling.

21 FURTHER QUESTIONS BY COMMISSIONER APPLING:

22 Q. Mr. Johnson, I just need a couple other  
23 clarifying questions on you. Can you recall the size of  
24 this building? Was it a 10,000, 20, 30,000 square foot  
25 building? Do you have any idea?

1           A.       It's an awful large building.  It --

2           Q.       Somebody had to employ a maintenance  
3 supervisor over --

4           A.       They had a building supervisor for it.  
5 They do some kind of work for -- I'm just going by what  
6 the maintenance man said, that they do work, they employ  
7 handicapped kids, kids with disabilities, and they do work  
8 for like Wal-Mart, kind of like piecemeal work.

9           Q.       I understand.  You changed this from  
10 25 percent to 20 percent.  What caused you to change that?

11          A.       The reason I did that, when I gave my  
12 testimony to Mr. Mike Evans, I was just talking to him on  
13 the phone at home, and I didn't have any of my paperwork.  
14 I was just trying to recall.  I thought I said 20 to  
15 25 percent.  I knew it was somewhere in that range.

16          Q.       But your meter reader was telling you what  
17 percentage was, or did you have some device with you that  
18 tell you it was 25 percent or 20 percent?

19          A.       Right.  I have the exact -- the exact  
20 reading that I had is what I wrote on the back of my  
21 ticket, the Laclede document, I write that on the back.

22          Q.       And the 25 percent was a close estimate?

23          A.       I said 20 to 25, but it was 20 exact.  I  
24 wrote that -- when I actually was given my Laclede  
25 document, I had it written on what I had on that meter.



1           Q.       You testified that you've been with Laclede  
2 for 28 years, I believe, approximately 28 years. How many  
3 times have you been called out to check this kind of a  
4 situation prior to putting this new device on the meter  
5 readers? Do you recall having this kind of a reading on  
6 other buildings prior to?

7           A.       Readings at other meters, yes, I have.

8           Q.       Okay. How many have you seen in this  
9 situation since this building? Have you encountered any  
10 other location?

11          A.       Of this size meter?

12          Q.       Yes.

13          A.       No, I haven't.

14                   COMMISSIONER APPLING: Okay. Thank you  
15 very much, sir.

16                   JUDGE WOODRUFF: Thank you, Commissioner.  
17 Back to recross, then, based on questions from the Bench.  
18 Public Counsel?

19                   MR. POSTON: No questions.

20                   JUDGE WOODRUFF: Staff?

21                   MR. FRANSON: No questions, your Honor.

22                   JUDGE WOODRUFF: Laclede?

23                   MR. ZUCKER: Just a few, your Honor.

24 RECROSS-EXAMINATION BY MR. ZUCKER:

25           Q.       Good morning, Mr. Johnson.

1 A. Good morning.

2 Q. My name is Rick Zucker. I'm an attorney  
3 for Laclede Gas Company. Is it your testimony this  
4 morning that the readings of gas in air was zero at the  
5 business on McKenzie?

6 A. Yes.

7 Q. So it was zero in all places other than  
8 right above the meter?

9 A. The meter area, yes.

10 Q. Okay. And you did not shut off the gas in  
11 this case?

12 A. That's correct.

13 Q. And you did not evacuate the building?

14 A. No, I didn't.

15 Q. And you did open the doors?

16 A. Yes, I did. I ventilated.

17 Q. And you've testified -- you testified in  
18 response to questions by Mr. Clayton and Mr. Appling that  
19 you've had leaks before on commercial meters?

20 A. Yes.

21 Q. And did those meters have AMRs on them?

22 A. No.

23 Q. And is this the -- is this incident the  
24 only leak you've had on a commercial meter with an AMR  
25 unit on it?

1           A.       Yes.

2           Q.       And have you seen leaks on meters,  
3 residential meters with AMRs on them?

4           A.       Yes.

5           Q.       Have you worked on leaks on meters on  
6 residential meters without AMRs on them?

7           A.       Yes.

8           Q.       Have you worked on leaks on residential  
9 meters with remote reading devices prior to the AMR  
10 generation?

11          A.       Yes.

12          Q.       And what kind of devices would those be?

13          A.       ME device was the first one, RE device was  
14 a second one, and Trace was a third.

15          Q.       Okay. And who would have installed those  
16 devices on the meters? If you could go in order, who  
17 installed the ME devices?

18          A.       Laclede personnel.

19          Q.       And who installed the REs?

20          A.       Laclede personnel.

21          Q.       Would these be service technicians?

22          A.       Service technicians.

23          Q.       Like yourself?

24          A.       Yes.

25          Q.       And what about the Trace?

1           A.       The Trace was already installed on the  
2 meter.

3                   MR. ZUCKER:   Okay.   Thank you, Mr. Johnson.

4                   THE WITNESS:   You're welcome.

5                   JUDGE WOODRUFF:   Any redirect?

6                   MS. SCHRODER:   Yes, just a little.

7 REDIRECT EXAMINATION BY MS. SCHRODER:

8           Q.       Mr. Johnson, I think Mr. Zucker cleared up  
9 a little bit of the confusion about the 20 percent reading  
10 on the 1 to 100 scale and why that wasn't -- didn't  
11 require you to evacuate, but I just want to make sure,  
12 first of all, that the record is clear.  You were talking  
13 about a certain -- having to reach certain threshold  
14 readings before you would evacuate.  Were those readings  
15 on the same scale that you were giving the 20 percent  
16 reading on?

17           A.       Yes.

18           Q.       But the difference was that they were open  
19 air versus right over the meter?

20           A.       Yes.

21           Q.       And you -- in response to Mr. Clayton's  
22 questions, Commissioner Clayton's questions, you said that  
23 this was an iron case meter with two pounds of pressure.  
24 How does that compare to a normal residential meter?

25           A.       Normal residential meter would be -- right

1     now Laclede's meter sets would be seven inches water  
2     column, and so that wouldn't even be a half pound of  
3     pressure that would be on Laclede's meters. The two pound  
4     meter would be, you know, a lot more pressure than a  
5     residential one.

6             Q.     And what does that mean when it's more  
7     pressure? What's the difference?

8             A.     The volume of gas that's going to go  
9     through there.

10            Q.     All right. And the intensity of the gas --

11            A.     Yes.

12            Q.     -- going through?

13                   All right. Now, Commissioner Clayton also  
14     asked you if you saw any signs of difficulty installing  
15     this meter, and at that point he had just been asking you  
16     about when you first saw the meter with your -- and  
17     checked it with the Ranger. Was there ever a time in the  
18     course of working on this meter that you did see that  
19     there were some signs of difficulty in installing the AMR  
20     device?

21            A.     Yes.

22            Q.     And when did that occur?

23            A.     When I tried to take it off with the  
24     instruction of the meter shop foreman.

25            Q.     All right. And what did you see at that

1 point that indicated to you that there were signs of  
2 difficulty?

3 A. Well, I -- on the left side, above where  
4 this regulator was, I couldn't get a regular screwdriver  
5 in to pry the tamper tabs out of the cover, plastic cover  
6 that is over the dial.

7 MR. FRANSON: Your Honor, I'm going to have  
8 to object. I don't believe this was covered either in --  
9 it is in his testimony on his deposition. I'm not arguing  
10 with that. But I don't believe anyone asked him to talk  
11 about the actual things he found. I believe this is  
12 beyond both any questions the parties had and beyond  
13 questions from the Commission, and so therefore, it would  
14 not be proper redirect and I would object on that basis.

15 MS. SCHRODER: Your Honor, I think this is  
16 directly responsive to Commissioner Clayton's question  
17 about signs of difficulty.

18 JUDGE WOODRUFF: I'll overrule the  
19 objection. You can continue with your answer, or if you  
20 have another question.

21 BY MS. SCHRODER:

22 Q. I'm not sure you finished your answer. Did  
23 you?

24 A. No.

25 Q. Would you continue with your answer?

1           A.       The -- I had to go out to my truck and try  
2   and find a littler screwdriver, we call them midget  
3   screwdriver, to try and remove the tamper, the red tamper  
4   and get that out of there. I needed a little screwdriver  
5   where I can get down to get the screws out. I couldn't  
6   use our regular screwdriver to get it out because this  
7   regulator was over the top of it.

8           Q.       All right. And was there another time  
9   during this process, did you see any other signs of  
10  difficulty from the installer, the AMR installer?

11          A.       Well, we took the -- when I actually took  
12  the reader off and took the screws out, then there was  
13  difficulty then because I had gas starting to blow out of  
14  the screws.

15          Q.       And how did that show you that the AMR  
16  installer had had difficulty installing this?

17          A.       The --

18                   MR. ZUCKER:  Objection.

19                   JUDGE WOODRUFF:  All right. What's your  
20  objection?

21                   MR. ZUCKER:  This calls for speculation.  
22  Also assumes facts not in evidence.

23                   MR. FRANSON:  And also, your Honor, I will  
24  join in. Again, this whole thing, there was no discussion  
25  or questions or anything about what he found or

1 speculating about an AMR installation that took place when  
2 this man wasn't there, so I would object on those bases  
3 also.

4 JUDGE WOODRUFF: Your response?

5 MS. SCHRODER: Again, Commissioner Clayton  
6 specifically asked him if he'd seen signs of difficulty  
7 that the AMR installer had had, and at that point -- well,  
8 I mean, he was specifically asking him about that, and  
9 they hadn't gotten to the right stage of Mr. Johnson's  
10 work on this meter at that point, but this is directly  
11 responsive to his questions, and I don't think you can  
12 call this speculation when you're talking about somebody  
13 who's been working on these meters for 28 years and he can  
14 tell whether you'd normally have a hole there or not.

15 JUDGE WOODRUFF: I believe the question was  
16 speculative in that it asked, as I recall, what the --  
17 what sort of difficulties the AMR installer may have had.  
18 You may want to rephrase the question. I think it can be  
19 rephrased into a proper question if you're asking what he  
20 observed. But I'll sustain the objection to that  
21 question.

22 BY MS. SCHRODER:

23 Q. All right. Mr. Johnson, did you -- what  
24 did you observe, if anything, at a later stage in that  
25 repair that would lead to believe that the AMR installer



1     may have had difficulty?

2                     MR. ZUCKER:  Objection, leading.

3                     MR. FRANSON:  Same objection.

4                     JUDGE WOODRUFF:  It's the same question.

5                     MS. SCHRODER:  Sure.  I'm rephrasing.

6     BY MS. SCHRODER:

7             Q.       What, if any, signs of difficulty did you  
8     observe later?

9                     MR. ZUCKER:  Let me object again.  The  
10    Commissioner did ask this question, and the witness'  
11    answer was that he didn't note signs of difficulty, and so  
12    there's no opportunity for recross to question that.  So  
13    now, if the answer is different, I think that's not  
14    proper.

15                    MR. FRANSON:  And, your Honor, also it  
16    continues to be speculation.  It's not what did you see,  
17    what did you do.  It's what did you see or not see that  
18    might have been difficulty for someone who did something  
19    when you weren't there and you don't know anything about  
20    it.  That's still speculation.

21                    JUDGE WOODRUFF:  I believe it is still  
22    speculation.  I'll overrule part of the objection that  
23    suggests this is beyond the scope of the Commissioner  
24    questions.  I think it is within the Commissioner's  
25    questions, but I believe it is still asking for

1 speculation as to what he saw.

2 Again, the problem is, you're asking for  
3 signs of difficulty, and inherently that's speculation on  
4 his part. He can say what he saw. I don't believe he can  
5 testify as to difficulty somebody else may have had.

6 MS. SCHRODER: I'm just trying to tie it  
7 back into the Commissioner's question, which was  
8 specifically signs of difficulty.

9 BY MS. SCHRODER:

10 Q. All right. Mr. Johnson, when you removed  
11 the screws, what did you observe?

12 A. I had gas blowing out of the screws when I  
13 removed them. Gas was coming out of where they were  
14 threaded down into the housing, to the iron case housing  
15 in the top. There was gas coming out. As soon as I  
16 removed the screws, gas started blowing out of it.

17 Q. Is that a usual situation?

18 A. No.

19 Q. How was that out of the ordinary?

20 A. Well, that is supposed to be a sealed  
21 meter, and where the screws go into it, that's supposed to  
22 be a sealed area also, and I had -- I had gas blowing out  
23 of the threaded slots where the screws went in.

24 Q. And have you ever seen that on a -- have  
25 you ever seen that on a meter before?

1           A.       I had the one other case that I had  
2 mentioned.

3           Q.       And did that involve AMR?

4           A.       Well, I had had a call from --

5                   MR. ZUCKER:  Objection.  This is not  
6 covered by the -- by the questions from the Bench.  We're  
7 not talking about a different situation she's asking.

8                   MS. SCHRODER:  And I don't really need to  
9 go into the other situation, except that, again,  
10 Commissioner Clayton had specifically asked him whether  
11 this was ordinary or non-ordinary, and so what I'm trying  
12 to get at now is whether he's ever seen this, other than  
13 with an AMR, and I can just ask him that.

14                  JUDGE WOODRUFF:  Go ahead and ask that way,  
15 then.

16                  MS. SCHRODER:  Okay.

17 BY MS. SCHRODER:

18           Q.       Mr. Johnson, other than with an AM-- meter  
19 involving an AMR installation, have you ever seen a  
20 situation like this before?

21           A.       No.

22                  MS. SCHRODER:  All right.  I have no  
23 further questions.

24                  JUDGE WOODRUFF:  All right.  Then,  
25 Mr. Johnson, you can step down.  And I believe the next

1 witness is going to be Mr. Boyle.

2 MS. SCHRODER: Yes.

3 (Witness sworn.)

4 JUDGE WOODRUFF: I believe you did testify  
5 back in December also; is that right?

6 THE WITNESS: Yes, sir.

7 JUDGE WOODRUFF: And you filed supplemental  
8 testimony since then?

9 THE WITNESS: Yes, sir.

10 MS. SCHRODER: Your Honor, if it's all  
11 right with you, we're going also to mark Mr. Boyle's  
12 supplemental testimony as all NP, the HC version, for the  
13 same reasons that we did Mr. Johnson's.

14 JUDGE WOODRUFF: So the HC version that was  
15 prefiled will now be public?

16 MS. SCHRODER: Yes, and that will be  
17 Exhibit 35.

18 JUDGE WOODRUFF: Exhibit 35 is public. I'm  
19 just thinking how we're going to deal with that in EFIS.  
20 I believe I can just deal with the people downstairs to  
21 change the categorization of that, and we can deal with it  
22 that way.

23 (EXHIBIT NO. 35 WAS MARKED FOR  
24 IDENTIFICATION BY THE REPORTER.)

25 MARK BOYLE testified as follows:

1 DIRECT EXAMINATION BY MS. SCHRODER:

2 Q. Hi, Mr. Boyle.

3 A. Hi.

4 Q. Are you the same Mark Boyle that previously  
5 testified in this matter?

6 A. Yes.

7 Q. All right. And are you the same Mr. Boyle  
8 who caused to be filed in this case supplemental direct  
9 testimony that has now been marked as Exhibit 35?

10 A. Yes.

11 Q. All right. Do you have any corrections to  
12 your testimony?

13 A. Yes.

14 Q. And is your first correction at page 1,  
15 line 12 and 13?

16 A. Yes.

17 Q. What did you want to correct there?

18 A. I didn't have that in the order that -- in  
19 the order that it happened. Line 12, where it started  
20 with, I noticed the gas was blowing out of the union,  
21 should be actually after line 13.

22 Q. All right. Instead of explaining it maybe  
23 in terms of the lines, would you just explain where  
24 logically you first noticed gas was blowing out of the  
25 union?

1           A.       It was after I disconnected the gas and  
2    vented the house.

3           Q.       All right. Did you also have a change to  
4    page 2, line 5?

5           A.       Yes.

6           Q.       And what's the change there?

7                   MR. FRANSON: What page? I'm sorry.

8                   MS. SCHRODER: Page 2, line 5.

9                   THE WITNESS: On the part where it stated  
10   that -- that I suggested the husband call an ambulance for  
11   her, I'm not exactly sure I stated that I suggested that  
12   he call it. I felt that he needed -- I think my exact --  
13   I don't know my exact words.

14   BY MS. SCHRODER:

15           Q.       All right. That's fine. Page 2, line 22,  
16   did you have a change to that?

17           A.       Yes. This is what -- I repeated what the  
18   customer told me, and I was wrong when I stated that the  
19   customer came upstairs to borrow the screwdriver.

20           Q.       The customer or the subcontractor?

21           A.       The subcontractor came upstairs to borrow  
22   the screwdriver. He was downstairs the whole time.

23           Q.       Okay. So is that the same change you have  
24   to page 3, line 1?

25           A.       Yes. Later he came back up, yes.

1           Q.       Subject to these corrections, if I asked  
2   you the same questions that are in your testimony, would  
3   your answers be the same?

4           A.       Yes.

5           Q.       And are these answers true and correct to  
6   the best of your information, knowledge and belief?

7           A.       Yes.

8                   MS. SCHRODER: All right. With that, the  
9   Union moves for the admission of Mark Boyle's supplemental  
10   direct testimony.

11                  JUDGE WOODRUFF: All right. The  
12   supplemental direct testimony of Mr. Boyle, which is  
13   marked as 35, has been offered into evidence. Any  
14   objections to its receipt?

15                   (No response.)

16                  JUDGE WOODRUFF: Hearing none, it will be  
17   received into evidence.

18                   (EXHIBIT NO. 35 WAS RECEIVED INTO  
19   EVIDENCE.)

20                  JUDGE WOODRUFF: For cross-examination,  
21   beginning with Public Counsel?

22                  MR. POSTON: No questions.

23                  JUDGE WOODRUFF: Staff?

24                  MR. FRANSON: Briefly, your Honor.

25   CROSS-EXAMINATION BY MR. FRANSON:

1           Q.       Good morning, Mr. Boyle. A couple  
2 questions. On page 1 of your testimony, where you're  
3 talking about how you've changed the order of things, this  
4 would be pages -- or page 1, lines 11 through 15, when you  
5 did your testimony the first time, you did go to  
6 Ms. Schroder's office and review it before you signed your  
7 affidavit, didn't you?

8           A.       Right.

9           Q.       Okay. And somewhere along the line you  
10 realized that was incorrect, exactly how you had it?

11          A.       Right.

12          Q.       Okay. On page 2, lines 22 and 23, you  
13 weren't there when the subcontractor was there, were you?

14          A.       No.

15          Q.       So other than what someone might have told  
16 you, you don't know exactly what happened during that  
17 time, do you?

18          A.       No.

19          Q.       Okay. Thank you. Now, in your -- well,  
20 isn't it true that you are running for union office?

21          A.       Yes.

22          Q.       What is that office?

23          A.       Business manager.

24          Q.       What does the business manager of  
25 USW Local 11-6 do?



1           A.       He makes sure that the company and the  
2 employees adhere to the contract.

3           Q.       And when will that election be held?

4           A.       It was held last Thursday, the 22nd.

5           Q.       Do you know the result of that election?

6           A.       Yes.

7           Q.       What are the results of that election?

8           A.       Scott Owens is the president of Local 11-6.

9 Pat White is the business representative. I won the  
10 election for business manager. We had a lot of people who  
11 had no one opposing them, and we had some sergeant of arms  
12 that were elected new, too.

13          Q.       Okay. Well, let's focus on your position,  
14 business manager.

15                   MS. SCHRODER: Your Honor, I'm just going  
16 to object to this line of questioning. It's in the  
17 deposition, but it's totally irrelevant.

18                   MR. FRANSON: Oh, Judge, bias is not  
19 irrelevant.

20                   JUDGE WOODRUFF: I'm going to overrule the  
21 objection. You can go ahead.

22 BY MR. FRANSON:

23          Q.       Mr. Boyle, assuming that the Union has  
24 litigation going on, what would the role of a business  
25 manager be in that litigation, as far as talking to

1 outside counsel and making decisions regarding litigation?

2 A. I haven't taken over the job yet, sir.

3 Q. Okay. Let me ask you this: Do you know  
4 what relief your union is asking for in this case if you  
5 should win?

6 A. You mean what the proposal is?

7 Q. Yes. If you win this litigation, what does  
8 your union want? Do you know what you've asked for?

9 A. I've got an idea. I'm not 100 percent  
10 positive, no.

11 Q. What is your idea of?

12 A. That they want us to make sure the AMRs  
13 were installed correctly and want us to have a program to  
14 go back and check them.

15 Q. Okay. When you say us, you mean Laclede  
16 employees who are also USW Local 11-6 members?

17 A. Yes, sir.

18 Q. Okay. So what we're talking about is a lot  
19 of work for you and your union; isn't that correct?

20 A. It could be. Depends on how many leaks we  
21 find.

22 Q. Well, to actually go out and inspect over  
23 600,000 meters, that would be a lot of work, wouldn't it?

24 A. That would be the initial start, right.

25 Q. Okay. And in fact, if you win this

1 litigation, as business manager, that would be a good  
2 thing for you personally, wouldn't it?

3 A. Personally?

4 Q. Yes. In your position as business manager  
5 of USW Local 11-6.

6 A. No. Not personally, no. I wouldn't go out  
7 and work on them.

8 Q. Would it be a good thing for your union  
9 that there's all this new work to do to go out and inspect  
10 over 600,000 meters?

11 A. Yes.

12 MR. FRANSON: No further questions, your  
13 Honor.

14 JUDGE WOODRUFF: All right. Cross, then,  
15 from Laclede?

16 MR. PENDERGAST: Thank you, your Honor.

17 CROSS-EXAMINATION BY MR. PENDERGAST:

18 Q. Good morning, Mr. Boyle.

19 A. Good morning.

20 Q. And congratulations.

21 A. Thank you.

22 Q. You were asked a couple of questions about  
23 running for position, I believe, of business manager of  
24 the Union. Do you recall those questions?

25 A. Just now?

1 Q. Yes.

2 A. Yes.

3 Q. And can you tell me, do you recall during  
4 your campaigning for that particular position, whether you  
5 made any representations to other Union members along the  
6 lines that if you had been in a Union leadership position  
7 before, AMR never would have happened?

8 A. No, sir.

9 Q. Do you remember making any position --  
10 stating any position or making any representations about  
11 what impact you might have had on AMR at all?

12 A. No, sir.

13 Q. Okay. On this specific incident that you  
14 responded to, you indicate in your testimony that you  
15 received a measurement of 1.3 percent upon arriving on the  
16 scene; is that correct?

17 A. Yes, sir.

18 Q. Okay. And you note that that's a dangerous  
19 situation that requires immediate action; is that correct?

20 A. Yes, sir.

21 Q. And were you here a few moments ago when  
22 Mr. Johnson testified that one of the things that's  
23 generally required under those circumstances is that you  
24 evacuate the premises?

25 A. Yes, sir.

1 Q. Did you evacuate the premises?

2 A. I instructed the residents of the home to  
3 evacuate.

4 Q. Okay. And did they evacuate?

5 A. Evidently not.

6 Q. Evidently not. Did you evacuate the  
7 premises shortly after arriving in order to make a cell  
8 phone call?

9 A. Again, I told the people to get outside of  
10 the house, and I'm not sure. I know one of the -- the  
11 gentleman was outside. I don't know if the lady was  
12 outside or not.

13 Q. Did you leave the house shortly after  
14 arriving?

15 A. After I made it safe, yes.

16 Q. Okay. About how many minutes after  
17 arriving did you leave?

18 A. I don't know the exact amount of minutes.

19 Q. Would it have been less than ten minutes?

20 A. Probably.

21 Q. Okay. And at the time you left, were you  
22 confident that the house was in a gas safe condition?

23 A. That it was gas safe?

24 Q. Yes, that there was no longer any danger  
25 inside the house at the time you left?

1           A.       I'm going to say I was pretty confident  
2       that I did find the cause that was leaking, that I did  
3       stop the flow of gas into the home, yes.

4           Q.       Okay. Why did you leave the house after  
5       somewhere in the neighborhood of ten minutes or less?

6           A.       I went back outside to clear my Ranger, my  
7       gas calibration equipment.

8           Q.       Did you do anything else while you were  
9       outside?

10          A.       I did make a telephone call, yes.

11          Q.       And who did you call?

12          A.       Kevin Patterson, the business manager.

13          Q.       Okay. And what was the purpose of your  
14       telephone call to him?

15          A.       The business -- the reason why I called  
16       Kevin was to let him know that I had just arrived on a job  
17       that I felt immediately that Cellnet had just left and  
18       might have caused this situation. And I was down here in  
19       December and the Public Counsel -- the Public Service  
20       Counsel Staff, along with Laclede, were insinuating that  
21       we were trying to withhold information, so I felt that  
22       this was an immediate reaction to give Kevin a call and he  
23       could get people out there if they wanted to come out and  
24       see the situation.

25          Q.       So it's my understanding from what you've

1 just said that you thought it was necessary to go ahead  
2 and call him so that they could send people out to  
3 personally investigate the situation; is that correct?

4 A. Not the Union. That he would call the  
5 company immediately.

6 Q. That he would call the company immediately?

7 A. Yes, sir.

8 Q. Okay. Somebody from the company other than  
9 you, you mean? I mean, you do work for the company, do  
10 you not?

11 A. Right. And I did call my supervisor also.

12 Q. So you'd already contacted your supervisor,  
13 so why did you need Kevin Patterson to go ahead and  
14 contact somebody?

15 A. Well, it -- it was -- to me, down at the  
16 hearing in December, that it was made clear that we were  
17 going to our front line supervisors on all these leaks and  
18 issues and that it wasn't getting to the people upstairs,  
19 I'll say, and I know Mr. Patterson had more knowledge of  
20 the person or people to call.

21 Q. So did you advise him to go ahead and call  
22 other people at the company?

23 A. No. I never advised Mr. Patterson to do  
24 anything, no.

25 Q. Your purpose in calling him was so that he

1     could contact other people in the company, but you never  
2     advised him to contact other people in the company?

3             A.       I just assumed that he would, yes.

4             Q.       You just assumed that he would.   Okay.

5     And was it your feeling that if you had waited another  
6     15 or 20 minutes until the situation inside the home had  
7     been completely rectified, all the gas, to the extent  
8     there was some, had been aired out, that that would have  
9     been too late to make that kind of phone call?

10            A.       No.

11            Q.       So you thought for whatever reason that  
12     that was one of the first things you needed to do, once  
13     you arrived on the scene and had shut off the flow of gas?

14            A.       It was real fresh on my mind, yes.

15            Q.       And can you tell me how long you talked to  
16     him?

17            A.       I don't have it in front of me, no.   It was  
18     a few moments, minutes.   Just a few moments.

19            Q.       Okay.   And before you contacted the Union  
20     to talk -- to telepath to them that they ought to go ahead  
21     and perhaps call somebody from the company, had you done  
22     everything possible inside the premises to check whether  
23     or not there was still any troublesome gas in air  
24     percentages, that there wasn't any leak coming from any  
25     other source?   Had you done everything possible inside the



1 house within the ten minutes that you had been on the  
2 premises?

3 A. No.

4 MS. SCHRODER: I object. Wait.

5 THE WITNESS: I'm sorry.

6 MS. SCHRODER: I object to the question,  
7 just to the characterization telepathing.

8 MR. PENDERGAST: I'll withdraw the word.

9 THE WITNESS: No.

10 BY MR. PENDERGAST:

11 Q. You say there were other things you could  
12 have done inside?

13 A. I was there three hours.

14 Q. Okay. So what you're telling me is that  
15 there were other things to be done inside the house to go  
16 ahead and protect the lives and property of the people  
17 involved, and that even though there were other things to  
18 do, you thought it was a priority to go outside, get on  
19 the cell phone and call your union leadership; is that  
20 correct?

21 A. What was correct is, I went inside, made it  
22 safe, stopped the flow of gas. My machine was going  
23 crazy. It beeps. I had to go outside and air my machine  
24 to make sure that that was exactly what I thought it was.  
25 Again, I was almost 99 percent sure I had stopped the flow

1 of gas entering the home, and I wanted to clear my machine  
2 to make sure that the levels were going down and that that  
3 was the problem in that home.

4 Q. I'm not asking you about whether you needed  
5 to go outside and --

6 A. That's why I went outside. As I'm standing  
7 outside and I'm zeroing my machine out, that's when I  
8 lifted my phone up, as my machine was zeroing out, which  
9 takes approximately -- after you turn it off and on,  
10 you've got to get away, three, four minutes.

11 Q. Three to four minutes?

12 A. To air it out.

13 Q. So there was nothing else you could have  
14 done inside, you have to stand by your machine while  
15 you're airing it out? You can't go back in the house?

16 A. Well, going back in the house wouldn't have  
17 did me any good without my machine. I always have to have  
18 that machine on me when I'm on a leak situation.

19 Q. Okay. So your view was you were stuck  
20 outside, there was nothing else you could do, so you might  
21 as well go ahead call the Union and talk to them?

22 A. After I looked back, it might have been not  
23 the best decision, no, but that's what I did.

24 Q. Okay. There was some discussion about  
25 leaks occurring on meters before AMR was installed, and I

1 believe Mr. Johnson testified that he had seen it on  
2 meters without AMR devices, on meters with other kinds of  
3 remote meter reading devices, and I believe you were asked  
4 a question during your deposition about whether you had  
5 ever encountered leaks on meters when you were doing  
6 systematic meter changes. Do you recall that?

7 A. Yes.

8 Q. Okay. And can you tell us what a  
9 systematic meter change is?

10 A. Systematics were a program that they had  
11 where we would once every ten years go out and change the  
12 meter, regardless if it -- for any reason, just because it  
13 was a ten-year-old meter.

14 Q. Okay. And how many of those did you do, do  
15 you recall? Give me a ballpark, if you can.

16 A. No, I don't -- a lot.

17 Q. Like in the thousands perhaps?

18 A. Yes.

19 Q. Okay. And during that period of time, you  
20 never encountered one meter that had a leak?

21 A. That's what a systematic change is. I  
22 didn't go out to check for leaks, sir.

23 Q. Okay. So when you say you never found one,  
24 you weren't out there to find leaks; is that correct?

25 A. Not on a systematic change, no, sir.

1 MR. PENDERGAST: Okay. That explains that.

2 Thank you. I have no further questions.

3 JUDGE WOODRUFF: All right. We'll come up  
4 to questions from the Bench.

5 COMMISSIONER GAW: Not at this time.

6 JUDGE WOODRUFF: All right. Commissioner  
7 Clayton?

8 COMMISSIONER CLAYTON: No questions.

9 JUDGE WOODRUFF: Commissioner applying?

10 COMMISSIONER APPLING: No questions.

11 JUDGE WOODRUFF: I don't have any  
12 questions, so there's no need for recross.

13 Any redirect?

14 MS. SCHRODER: Yes, thank you.

15 REDIRECT EXAMINATION BY MS. SCHRODER:

16 Q. You got asked some questions about this  
17 telephone call that you made to the Union while you were  
18 on this job on December 19th, and Mr. Pendergast used that  
19 word telepathic. He also asked you about assuming that  
20 Kevin Patterson would call the company. Did you, in fact  
21 -- why did you believe that Kevin Patterson would call  
22 upper management of the company after you called him about  
23 this matter?

24 A. Because he was here at the hearings and  
25 heard it also.

1           Q.       All right. And had you had additional  
2 discussions with Mr. Patterson about that since that time?

3           A.       Yes.

4           Q.       All right. And you also got asked some  
5 questions about evacuating the premises. After you zeroed  
6 out your machine, you turned off the -- turned off the gas  
7 and went outside to zero out your machine, did you go back  
8 in the house and get a reading?

9           A.       Yes.

10          Q.       What was the reading at that time?

11          A.       It was below the initial reading. It was  
12 below the 1 percent.

13          Q.       All right. At that point, was it necessary  
14 to evacuate the house?

15          A.       No longer. That's when I went back in and  
16 started rechecking and taking more -- doing the leak  
17 investigation. That's when I really started the leak  
18 investigation, just to verify that what I had done did  
19 resolve the situation.

20          Q.       All right. You also got asked a couple of  
21 questions about your running for business manager. Was  
22 there any aspect of this December 19th incident that  
23 helped your campaign in any way?

24          A.       None whatsoever.

25          Q.       And did you have any idea when you decided

1 to run for business manager that you were going to get  
2 called out on an incident like the one that happened on  
3 December 19th?

4 A. No.

5 Q. Did you have any choice -- I mean, did you  
6 choose to be called out on this incident on December 19th?

7 A. No.

8 Q. All right. And then Mr. Franson asked you  
9 about whether the requested remedy in this matter would  
10 increase work for the Union. Is there any assurance that  
11 if the Union wins this litigation, the work involved is  
12 going to go to Union employees?

13 A. No.

14 Q. Just a couple more questions about this  
15 phone call that you made to Mr. Patterson. What phone did  
16 you make it on?

17 A. Laclede Gas Company's cell phone.

18 Q. Did you have a personal cell phone, too?

19 A. Yes.

20 Q. And are you -- do you know that Laclede has  
21 records of the cell phone calls that you make with your  
22 Laclede cell phone?

23 A. Yes.

24 Q. Did you know it at the time you made the  
25 call?

1           A.       Yes.

2           Q.       So why did you think it was okay to use  
3 your company cell phone to make the call?

4           A.       Actually, I thought I was conducting  
5 company business on it by doing that.

6                   MS. SCHRODER: All right. No further  
7 questions.

8                   JUDGE WOODRUFF: All right. Mr. Boyle, you  
9 can step down.

10                  MR. FRANSON: Judge, could we take a  
11 five-minute recess? I need to go up and get Ms. Fred.

12                  JUDGE WOODRUFF: All right. We're due for  
13 a break anyway. We're going to take about a 15-minute  
14 break. We'll come back at 10:10.

15                  MS. SCHRODER: Your Honor, actually, right  
16 before we take that break, can we revisit the question I  
17 asked you before we started about the Thomassons and Mike  
18 Tracey?

19                  JUDGE WOODRUFF: Yes. Go ahead and  
20 explain.

21                  MS. SCHRODER: All right. We currently  
22 have Sheila Thomasson and James Thomasson, two customers,  
23 and Mike Tracey, a third customer, sort of on call in case  
24 the Commissioners want to ask them any questions. And I  
25 told them that I would let them know at the earliest

1 possible time whether we were going to be having any  
2 questions from the Commissioners, and then try to give  
3 them some time so that they can just be going on with  
4 their lives otherwise.

5 JUDGE WOODRUFF: Mr. Tracey is the customer  
6 at the Sheltered Workshop?

7 MS. SCHRODER: Yes.

8 JUDGE WOODRUFF: Where there was the  
9 incident with the meter that was discussed by Jim Johnson?

10 MS. SCHRODER: Correct. And the Thomassons  
11 were the customers that Mark Boyle was discussing.

12 JUDGE WOODRUFF: I'll ask the  
13 Commissioners, do you anticipate having any questions for  
14 these people? We have -- their full depositions have been  
15 entered into evidence. We don't actually have copies of  
16 them yet. But they are just the customers.

17 MS. SCHRODER: And you don't need to answer  
18 that now, but if you could be thinking about that and let  
19 us know after the break.

20 JUDGE WOODRUFF: The depositions came in  
21 this morning. I haven't actually seen the copies. I  
22 assume they're fairly extensive. There was the testimony  
23 that was prefiled, the supplemental testimony from some  
24 other people, from particularly Mr. Johnson and from  
25 Mr. Boyle about the incident. They're not received at



1     this point; is that right?

2                     MS. SCHRODER:  No.  I'm sorry.

3                     MR. FRANSON:  Judge, just so there's no  
4     mistake, the parties just made our agreement on that late  
5     last week.  So we've been scrambling to get those, but  
6     there are copies that the court reporter has of those  
7     depositions.

8                     JUDGE WOODRUFF:  Okay.  So if the  
9     Commissioners want to look at them during the break, they  
10    can?

11                    MS. SCHRODER:  It's just the one copy, I  
12    think, of each.  The other -- I mean, I guess  
13    alternatively, if the Commissioners would like, we can  
14    probably try to make them available at a later time, if  
15    you think you want to read them on EFIS first and then --  
16    that's up to -- that's up to you-all, but I think we could  
17    probably secure their cooperation if you guys wanted to  
18    ask them questions at a later date.

19                    JUDGE WOODRUFF:  Well, let's take our  
20    break.  I'll discuss it with the Commissioners and we'll  
21    let you know more when we come back.  At this point we're  
22    on a break until 10:10.

23                    (A BREAK WAS TAKEN.)

24                    JUDGE WOODRUFF:  We're back from the break,  
25    and during the break I had discussions with several of the

1 Commissioners about the discussion we had just before the  
2 break about the depositions of Mike Tracey and the  
3 Thomassons. And I believe the agreement among the  
4 Commissioners was that there would not be a need to  
5 contact them to question about their depositions.

6 So you can go ahead and notify them that  
7 they can go on with their lives.

8 MS. SCHRODER: Thank you. Do you literally  
9 want me to take a break right now and do that or just wait  
10 until the next break?

11 JUDGE WOODRUFF: How did you leave it with  
12 them?

13 MS. SCHRODER: I told them it would  
14 probably be the second break because I figured that we  
15 would find out after the first break and then on the  
16 second break, I would let them know.

17 JUDGE WOODRUFF: Let's go ahead and deal  
18 with Ms. Fred then, and the next break, then, you can let  
19 them know.

20 All right. Staff witness then.

21 MR. FRANSON: Staff will call Gay Fred,  
22 your Honor. Actually Carol Gay Fred. I've been  
23 corrected.

24 (Witness sworn.)

25 JUDGE WOODRUFF: You may inquire.

1 MR. FRANSON: Thank you, your Honor.

2 CAROL GAY FRED testified as follows:

3 DIRECT EXAMINATION BY MR. FRANSON:

4 Q. Ma'am, please state your name.

5 A. Carol Gay Fred.

6 Q. Ms. Fred, how are you employed?

7 A. I'm currently the consumer services manager  
8 for the Missouri Public Service Commission.

9 Q. And how long have you been the consumer  
10 services manager for the Missouri Public Service  
11 Commission?

12 A. For four years now.

13 Q. Okay. Now, did you prepare testimony to be  
14 filed in this case?

15 A. Yes, I did.

16 Q. Did you file that on or about November 7,  
17 2006?

18 A. Yes, I did.

19 MR. FRANSON: Judge, what I will be  
20 offering shortly will be -- I show Exhibit 36. There will  
21 be an HC and an NP version of that.

22 BY MR. FRANSON:

23 Q. Ms. Fred, turning to your -- do you, in  
24 fact, have copies of your testimony?

25 A. Yes, I do.

1           Q.     Okay. Let's start with -- well, first of  
2 all, to your testimony, do you have any additions,  
3 deletions or corrections?

4           A.     I have corrections.

5           Q.     Okay. What's the first correction?

6           A.     Starting on page 3 of my rebuttal  
7 testimony, line 5, toward the end of that line, I have at  
8 two of her. It should be her instead of here residences.

9           Q.     Any other corrections?

10          A.     Yes. Go down on the same page, on line 11,  
11 I have to have twice in that sentence. Strike one to  
12 have, please.

13          Q.     Okay. Any other corrections?

14          A.     Line 14, instead of subcontractors install  
15 that -- install the AMR and that is, it should be that if  
16 she didn't pay.

17          Q.     Okay. Any other corrections?

18          A.     Line 19, it should be who do not know, not  
19 who do no know.

20          Q.     Okay. Any other corrections?

21          A.     One last one. On line 21, it should be not  
22 there, instead of not here.

23          Q.     Okay. Besides those, any other  
24 corrections?

25          A.     No. That's all.

1           Q.       Okay. Ms. Fred, if you were asked the same  
2       questions that appear in your testimony today, would your  
3       answers be the same or substantially similar to the  
4       answers you gave on November 7, 2006?

5           A.       Yes, they would.

6                   MR. FRANSON: Your Honor, with that, I  
7       would offer into evidence Exhibits 36HC and 36NP.

8                   JUDGE WOODRUFF: All right. 36HC and NP  
9       have been offered into evidence. Are there any objections  
10      to their receipt?

11                  MR. ZUCKER: No, your Honor.

12                  MR. FRANSON: If I may approach the court  
13      reporter and give her the exhibit.

14                  JUDGE WOODRUFF: Go ahead.

15                  MR. FRANSON: And then offer the witness  
16      for cross-examination.

17                  JUDGE WOODRUFF: All right. And 36HC and  
18      NP will be received into evidence.

19                   (EXHIBIT NO. 36HC AND NP WERE MARKED FOR  
20      IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

21                  JUDGE WOODRUFF: For cross-examination  
22      we'll begin with Laclede.

23                  MR. ZUCKER: No questions, your Honor.

24                  JUDGE WOODRUFF: Public Counsel?

25                  MR. POSTON: No, thank you.

1 JUDGE WOODRUFF: Local 11-6?

2 MS. SCHRODER: Sorry. I'm the spoiler.

3 JUDGE WOODRUFF: If you'd come to the  
4 podium, please.

5 MS. SCHRODER: I'm sorry.

6 CROSS-EXAMINATION BY MS. SCHRODER:

7 Q. Hi, Ms. Fred.

8 A. Hi.

9 Q. I think you know I'm Sherrie Schroder. I  
10 represent USW 11-6 in this matter, and I had some  
11 questions. As consumer services manager, do you deal with  
12 the complaints that Laclede Gas customers make to the PSC?

13 A. Yes, that's correct.

14 Q. Not just the complaints of Laclede Gas'  
15 customers either?

16 A. Correct.

17 Q. What is your involvement in the resolution  
18 of those complaints?

19 A. Generally, after my staff has received the  
20 response from the company, we'll discuss those resolutions  
21 to determine whether or not they seem appropriate or if we  
22 need to ask additional questions or do further  
23 investigation or get additional information from the  
24 customer. So I'm familiar with the complaints being  
25 handled by my staff and what the responses are that

1 they're receiving.

2 Q. All right. And let's talk about -- I think  
3 I can use this person's name, right, because she's  
4 testified?

5 MR. FRANSON: Absolutely.

6 BY MS. SCHRODER:

7 Q. Let's talk about the primary matter that  
8 you were here that you filed testimony, which was the Jean  
9 Kessler, Marilyn Jean Kessler?

10 A. Correct.

11 Q. Ms. Kessler complained to the PSC, correct?

12 A. Correct.

13 Q. And she complained about being charged --  
14 or about being told that she would be charged for having a  
15 Union employee install her AMR device; is that correct?

16 A. That's correct.

17 Q. And you told her that that was okay, that  
18 Laclede could charge her that, right?

19 A. I told her that according to Laclede's  
20 tariff, that they had the authority to charge her for  
21 that, since it was a request by her that it be someone  
22 other than the contractor that they had hired to do the  
23 work.

24 Q. All right. Are you aware that when a  
25 customer has a meter that is not retrofittable to an AMR

1 device, that Laclede has the meter replaced with a new one  
2 with the preinstalled AMR device from the meter shop?

3 A. Yes, I'm aware of that.

4 Q. And are you aware that a Union employee  
5 does that installing?

6 A. Yes, I'm aware of that.

7 Q. All right. And that that's all done at no  
8 charge?

9 A. Correct.

10 Q. And are you aware that if a customer has a  
11 problem with their meter and it needs to be replaced,  
12 Laclede replaces it with a new one that has a preinstalled  
13 AMR device?

14 A. Correct.

15 Q. And that again that's done by a Laclede  
16 employee?

17 A. Correct.

18 Q. And that that's done at no charge to the  
19 customer?

20 A. Right.

21 Q. And all of that's done at no charge to the  
22 customer because it's all wrapped into the rates; is that  
23 right?

24 A. Correct.

25 Q. And you say that Laclede has the authority



1 to charge for a Union installer under -- and you attached  
2 the specific tariff provision to your testimony, and that  
3 was tariff No. 5, 10th revised sheet No. 31; is that  
4 right?

5 A. That's correct, uh-huh.

6 Q. And specifically it was about service and  
7 meter relocation charges, right?

8 A. Yes.

9 Q. And that's the sole basis for your  
10 statement to her that Laclede could charge her for sending  
11 a Union employee to install the AMR device?

12 A. Yes.

13 Q. And specifically you cited the  
14 miscellaneous work request; is that correct?

15 A. That's in the tariff, yes.

16 Q. All right. Isn't it true, however, that  
17 that miscellaneous entry is listed under the heading that  
18 lists charges for changing location of a customer's  
19 service pipe or meter at the customer's request?

20 A. Yes, that's the way it's stated.

21 Q. All right. Installation of an AMR device  
22 doesn't require relocation of the meter, does it?

23 A. That's correct.

24 Q. So this tariff really doesn't apply to  
25 Laclede's ability to charge a customer for having a Union

1 employee install the AMR device, does it?

2 A. It's my understanding that Laclede had  
3 contracted with a company to do the AMR installation for  
4 them, and anything beyond that would fall under this  
5 tariff provision for service and meter relocation charges,  
6 because that was where they had miscellaneous fees that  
7 could apply for if a customer was making a special request  
8 that it not be the contracted employee to do the work.

9 Q. But that's your understanding because  
10 that's what Laclede told you, isn't it?

11 A. That's also my understanding of what would  
12 apply even from within our own staff, that if there were  
13 other requests by a customer for special conditions,  
14 special provisions on their meter or moving their meter,  
15 that it would still fall under this provision of the  
16 tariff.

17 Q. Even if it didn't require moving the meter?

18 A. Yes. Correct.

19 Q. And who on your staff told you that?

20 A. That would be in our operations department,  
21 who would be Tom Imhoff, who's the manager of our gas  
22 department for rates and tariffs.

23 Q. Also Tariff Sheet 31 doesn't show the cost  
24 of having a Laclede employee install the AMR device; isn't  
25 that correct?

1           A.       That's correct.

2           Q.       But you cited a specific cost for that to  
3 Mrs. Kessler. Do you recall that?

4           A.       Yes, I did.

5           Q.       Where did you get that cost information?

6           A.       I did have to inquire with Laclede to the  
7 exact amount that they would be charging under their time  
8 and material expenses for this type of work, and they're  
9 the ones who gave me that information.

10          Q.       All right. And did you do any  
11 investigation into whether those charges were accurate?

12          A.       No, I did not.

13          Q.       Okay. Are you aware of any other tariff or  
14 other documents that says Laclede can charge customers for  
15 the installation of an AMR device by one of its own  
16 employees?

17          A.       No. Not offhand, no.

18          Q.       And would you agree with me that the other  
19 two situations we discussed about the meter with a  
20 non-ret-- that was not retrofittable to an AMR or the  
21 meter that needed to be replaced, just because the meter  
22 itself needed to be replaced but was replaced with a  
23 preinstalled meter, could also fall under -- well, could  
24 as easily fall under this tariff that you've attached to  
25 your testimony as Ms. Kessler's situation?

1                   MR. ZUCKER:  Objection.  I'm not sure where  
2   in evidence the nature of the two meters is -- exists.  In  
3   other words, she's just testified as to whether the meter  
4   is retrofittable or what the issue is with the meters.

5                   MS. SCHRODER:  I'm not the sure I  
6   understand the objection.

7                   JUDGE WOODRUFF:  I'm not sure I do either.

8                   MR. FRANSON:  Could we start with maybe  
9   repeating the question or having it read back?

10                  JUDGE WOODRUFF:  If you'd read back the  
11   question, please.

12                  THE REPORTER:  "Question:  And would you  
13   agree with me that the other two situations we discussed  
14   about the meter with a non-ret-- that was not  
15   retrofittable to an AMR or the meter that needed to be  
16   replaced, just because the meter itself needed to be  
17   replaced but was replaced with a preinstalled meter, could  
18   also fall under -- well, could as easily fall under this  
19   tariff that you've attached to your testimony as  
20   Ms. Kessler's situation?"

21                  MR. FRANSON:  Your Honor, I'll object  
22   solely on the basis compound usually means two.  I'm not  
23   sure when you've got eight, ten or a dozen premises in the  
24   question.  I also object as to the form of the question.  
25   It's compound and it's hard to understand.

1 JUDGE WOODRUFF: It is a very confusing  
2 question. If you'll rephrase, I'll sustain that  
3 objection, if you could go back to it.

4 BY MS. SCHRODER:

5 Q. Ms. Fred, going back to the situations  
6 we've discussed before about a customer who has a meter  
7 that isn't retrofittable but Laclede replaces that with a  
8 preinstalled AMR, do you recall that?

9 A. Yes.

10 Q. All right. And there was also the customer  
11 that has a problem with their meter and when Laclede  
12 replaces it, they replace it with a preinstalled AMR  
13 device. Do you recall that discussion?

14 A. Yes.

15 Q. And both of those were done free of charge,  
16 even though the replaced meter with the AMR device was  
17 installed by a Laclede employee; is that correct?

18 A. Correct.

19 Q. All right. Those situations could  
20 just as easily fall under Tariff No. 5 revised sheet --  
21 10th Revised Sheet No. 31 as Ms. Kessler's situation,  
22 couldn't they?

23 A. I'll answer that with a yes and no.

24 Q. Okay. Would you explain?

25 A. In our rules currently, there are

1 provisions for if there is a suspect meter, that it's  
2 perhaps age or there could be other safety concerns, that  
3 the company is to replace that meter. In that case, it's  
4 my understanding that any meter now leaving the meter shop  
5 is retrofitted with an AMR and, therefore, would need to  
6 be replaced and would have the already pre-existing AMR  
7 installed. So under those conditions, I think we have  
8 rules that circumvent the charging of the customer for  
9 those type of arrangements.

10 In the case of a customer's meter just not  
11 being the appropriate meter that can be retrofitted  
12 properly with AMR, I don't believe we've ever had that  
13 issue formally addressed in tariff or in rule, other than  
14 the company has indicated in those cases that those meters  
15 may need to be replaced, given that they don't have an AMR  
16 that can be retrofitted and, therefore, there would be no  
17 charge to the customer because of the intent of the  
18 company to replace the entire meter.

19 Q. All right. So basically, is it true that  
20 your reading of the -- of Ms. Kessler's situation being a  
21 situation in which Laclede can permissibly charge under  
22 this tariff is really at Laclede's convenience?

23 MR. FRANSON: Your Honor, I'll object as to  
24 the form of the question. The tariffs are what they are  
25 or are not, whichever the case may be, and Laclede, like

1 everyone else, has to live with them. So none of these  
2 would be at Laclede's convenience. So my objection goes  
3 to the form of the question, your Honor.

4 If it's asking her to interpret the rules  
5 or the tariffs, that's fine, but the question at Laclede's  
6 convenience would not be.

7 JUDGE WOODRUFF: I'm going to overrule the  
8 objection. The witness can go ahead and answer if she  
9 can.

10 THE WITNESS: Well --

11 BY MS. SCHRODER:

12 Q. Do you need the question read back?

13 A. Well, no. I believe that's a somewhat  
14 subjective assumption, and I'm not sure I'm in the place  
15 to be able to make such assumption as that. It would  
16 appear, I guess, on the surface that that could be the  
17 case, but I'm not sure I would make that assumption. I  
18 think I would further want clarification from the company  
19 or ask further information if I suspected that, that it  
20 was just a matter of convenience.

21 Q. All right. But, in fact, you did go to the  
22 company to get the information?

23 A. Yes, that's correct.

24 Q. All right. You stated that you  
25 investigated whether Ms. Kessler was given conflicting

1 information from Laclede in this matter. Why did you look  
2 into that? Are you concerned?

3 A. Well, I'll be quite honest. I mean, we  
4 have heard from other customers who had concerns with the  
5 AMR installation process and felt like that was just  
6 something that we needed to follow through with and  
7 confirm whether this customer was provided incorrect  
8 information or not in order to resolve the complaint in a  
9 fair and equitable way for the customer and the company.

10 Q. All right. What steps did you take to  
11 check that?

12 A. We actually contacted the company after  
13 receiving their initial resolution and asked them more  
14 detailed questions regarding the work orders and the  
15 processes that took place in order to handle  
16 Ms. Kessler's complaint.

17 Q. So was your only investigation there then  
18 calling Laclede and asking them more detailed questions?

19 A. Well, we not only received -- asked  
20 detailed questions, we received documentation that  
21 confirms the questions, you know, any response that  
22 they're giving to us to the questions we've asked.

23 Q. And what's that documentation, CIS records?

24 A. Not necessarily just CIS. I mean, we would  
25 get that information, but we would also get work orders



1     that would also indicate any special notes or comments on  
2     them. And to be honest, in Ms. Kessler's case, I can't  
3     recall if we actually got that copy or not.

4             Q.       Okay. There wouldn't have been a work  
5     order for Ms. Kessler at that point, right, because it  
6     hadn't been done?

7             A.       Right, not until it was completed would  
8     that have been done. But the work order request, I guess,  
9     is what I should be referring to, since she requested that  
10    the meter actually be changed in order to have a Union  
11    employee do the work.

12            Q.       All right. Are you aware of customers who  
13    were told that they could have AMR devices installed by  
14    Laclede employees without a fee? Are you aware that that  
15    happened?

16            A.       No.

17            Q.       Are you aware of other customers who were  
18    told they could have their AMR devices installed by  
19    Laclede for a different fee?

20            A.       No.

21            Q.       Are you aware of customers that were told  
22    that they couldn't have a Laclede Gas employee install the  
23    AMR device even if they paid for it?

24            A.       No.

25            Q.       Would any of that information have caused

1     you concern in looking at Ms. Kessler's complaints?

2             A.       Sure.  If I was getting conflicting  
3     information from either the company or the customer  
4     indicating such, I would have definitely taken measures to  
5     look into that further.

6             Q.       All right.  In the course of another case,  
7     what I call the estimating case, GC-2006-0318, you're  
8     familiar with that, aren't you?

9             A.       Yes, I am.

10            Q.       All right.  And Barb Meisenheimer filed  
11     testimony with that and a schedule that had a number of  
12     customer complaints.  It's actually quite thick, as I  
13     recall.  All of those customers' complaints had gone  
14     through your department first; is that correct?

15            A.       That's correct.

16            Q.       All right.  Do you recall that a number of  
17     those complaints involved AMR devices?

18            A.       Yes, they did.

19            Q.       All right.  And had you -- had you reviewed  
20     those?

21            A.       Yes.

22            Q.       Do you recall that a number of those  
23     complaints had to do with overbilling?

24            A.       Yes.

25            Q.       And that, in fact, your investigation

1     showed that these individuals really were overbilled; is  
2     that right?

3             A.       Correct.

4             Q.       Do you recall that a lot of those  
5     overbilling ones were related to programming errors that  
6     were made at the time of installation?

7             A.       Yes.

8             MR. ZUCKER: I'm going to object to the  
9     relevance of this line of questioning. What does it have  
10    to do with an AMR installation?

11            MS. SCHRODER: We were just talking about  
12    that, that these overbilling charges were because of  
13    improper programming at the time of installation.

14            MR. ZUCKER: Okay. What does it have to do  
15    with safety?

16            MS. SCHRODER: This complaint was both  
17    safety and non-safety oriented, as you'll recall. We did  
18    raise the issue of other problems other than just safety  
19    issues involving installation. Certainly the safety  
20    aspect has gotten the most treatment, but we did raise  
21    some other issues about installation issues.

22            JUDGE WOODRUFF: I'll allow it to go  
23    forward. The objection is overruled. You can answer the  
24    question, if you recall, or I'm not sure where we're at in  
25    the process here.

1 BY MS. SCHRODER:

2 Q. I'm not sure where we were either. I think  
3 I was asking you about whether the misprogramming turned  
4 out to be an installation error?

5 A. Yes.

6 Q. Do you also recall that some of the  
7 complaints were that the meter dials weren't moving and  
8 the customer was unable to verify their usage?

9 A. Related to an AMR or otherwise?

10 Q. I'm sorry?

11 A. Related to an AMR? I don't recall offhand  
12 if it was directly related to AMR.

13 Q. Okay. Were you present for the testimony  
14 of Mary Hall in this matter on December 12th?

15 A. I don't recall that I was.

16 Q. Okay. Do you recall receiving a complaint  
17 from her to the PSC for her overbilling situation?

18 A. No.

19 Q. Have you reviewed the Union's complaint in  
20 this matter?

21 A. Somewhat.

22 Q. All right. Did you see a -- well, did you  
23 review Union Exhibit 1 to the Amended Complaint that had a  
24 number of specifics attached to it?

25 A. No.

1           Q.       Okay. Let me ask you if you've seen this  
2 particular document (indicating). Attached to the Amended  
3 Complaint was a customer complaint that was e-mailed in to  
4 Laclede.

5                   MR. FRANSON: Your Honor, I'm going to have  
6 to object. I don't think it's appropriate to ask this  
7 witness about a document if that witness does not have the  
8 document.

9                   JUDGE WOODRUFF: Would you like to show her  
10 the document?

11                  MS. SCHRODER: Certainly. May I approach?

12                  JUDGE WOODRUFF: Yes.

13 BY MS. SCHRODER:

14           Q.       Ms. Fred, I just handed you a document that  
15 was attached to the Amended Complaint in this matter as  
16 Bates stamped USW 11-6/AMR 0003 to 0004. Is this a  
17 document you've ever seen, you've seen before?

18                  MR. FRANSON: Your Honor, also I believe  
19 all of those exhibits with names and things like that were  
20 considered highly confidential, so I hope we're proceeding  
21 with care here in regard to that.

22                  MS. SCHRODER: I haven't asked her for the  
23 name or the address of the individual.

24                  JUDGE WOODRUFF: Your concern is noted.

25                  THE WITNESS: I'm not going to say I

1 haven't seen it, but I don't recall seeing it until just  
2 looking at it again now.

3 BY MS. SCHRODER:

4 Q. Okay. That's fine. I wasn't sure if you  
5 had or not. Ms. Fred, I just want to go back for a  
6 moment. These customer complaints that were included in  
7 the estimating case that we discussed earlier, as well as  
8 Ms. Kessler's complaints and any complaints you've  
9 received -- well, have you received complaints from  
10 customers about AMR matters since then?

11 A. Yes.

12 Q. All right. Would you agree with me that  
13 you've received an inordinate number of customer  
14 complaints about AMR for Laclede?

15 A. I wouldn't characterize it as that given  
16 the number. I've seen more complaints regarding estimated  
17 billing than I have on AMR installation.

18 Q. All right. How long have you been  
19 receiving complaints on AMR installation?

20 A. Since November 2000 -- well, actually  
21 probably before that. I would say probably as early as  
22 September of 2005.

23 Q. And how long -- what time period have you  
24 been receiving complaints for estimated billing?

25 A. Since November of 2005 forward.

1           Q.       Other than the complaints you've received  
2    about estimated billing, are the complaints you've  
3    received relating to AMR installation the highest number  
4    of complaints you've seen for Laclede?

5           A.       Besides the AMR installation?

6           Q.       Besides the estimated.

7           A.       Oh, no.

8           Q.       Okay. I'm not sure you understood my  
9    question. Let me rephrase it.

10          A.       Okay.

11          Q.       You said that you've received more  
12   complaints about estimated billing, right?

13          A.       Correct.

14          Q.       Okay. Putting that aside, are the AMR  
15   complaints the second most complaints that you've  
16   received?

17                 MR. FRANSON: Your Honor, I'm going to have  
18   to object as to the number of complaints about other  
19   matters. This is specifically whatever the Union's pled  
20   about AMR, and all of these other things are simply not  
21   relevant to this case.

22                 JUDGE WOODRUFF: I'll overrule the  
23   objection. You can go ahead and answer.

24                 THE WITNESS: No, I would say the AMR is  
25   not the second highest complaint type that we receive on

1     Laclede customers of Laclede company.

2     BY MS. SCHRODER:

3             Q.     All right. Have you received a lot of AMR  
4     customer complaints?

5             A.     Yes, we received a few, and characterize it  
6     as a few because, in the scheme of things, I don't believe  
7     it's that large of a number.

8             Q.     Well, the estimating case alone, the ones  
9     that were attached to Ms. Meisenheimer's schedule, we  
10    counted 13.

11            MR. FRANSON: Your Honor, I'm going to have  
12    to object. The question's been asked and answered, and  
13    this is attempting to reask the same question.

14            JUDGE WOODRUFF: I'll overrule the  
15    objection.

16            MS. SCHRODER: Thank you.

17     BY MS. SCHRODER:

18             Q.     Ms. Kessler -- sorry. Ms. Fred, I  
19     apologize. Does that sound like approximately the number  
20     that you recall being attached to Ms. Meisenheimer's  
21     schedule?

22             A.     That's correct.

23             Q.     And I mean, can you give me any idea how  
24     many complaints you had received about AMR installation?

25             A.     I received 31 complaints.



1           Q.     And were all of those resolved to your  
2     satisfaction?

3           A.     To my satisfaction or to the customer's  
4     satisfaction?

5           Q.     Well, right now I'm asking about yours.

6           A.     I'd say yes.

7           Q.     Were they resolved to the customer's  
8     satisfaction?

9           A.     I really can't speak for them.

10          Q.     All right. Well, you indicated in your  
11     response to Ms. Kessler's -- strike that.

12                     You believed that Ms. Kessler's had been  
13     resolved to her satisfaction, hadn't you?

14          A.     Yes.

15          Q.     All right. And you've since seen her  
16     testimony in this matter, haven't you?

17          A.     Yes.

18          Q.     And you know that, in fact, it was not  
19     resolved to her satisfaction; isn't that right?

20          A.     According to her testimony, yeah.

21                     MS. SCHRODER: No further questions.

22                     JUDGE WOODRUFF: All right. And we'll come  
23     up for questions from the Bench. Commissioner Gaw?

24                     COMMISSIONER GAW: I don't have any at this  
25     time.

1 JUDGE WOODRUFF: Commissioner Clayton?

2 QUESTIONS BY COMMISSIONER CLAYTON:

3 Q. Ms. Fred, I just wanted to ask a couple  
4 general questions, and some of them may have been asked  
5 and I apologize for repetition.

6 First of all, can you identify by number  
7 how many complaints that your department has received in  
8 association with AMR?

9 A. Just with AMR installation?

10 Q. I guess, let me -- I'll rephrase this way,  
11 complaints regarding Laclede that stem in any way, shape  
12 or form associated with AMR, can you give me a round  
13 figure or a flat figure? It doesn't really matter if it's  
14 round or not.

15 A. An approximate number has been about 1,600.

16 Q. Okay. And in your recordkeeping through  
17 the computer system, and I know it's a very detailed -- I  
18 think it's detailed, and you're able to do a number of  
19 things with the data as it comes in. How many categories  
20 do you have underneath Laclede complaints associated with  
21 AMR? Do you categorize them by the type of complaint?

22 A. Yes, we categorize them by the type.

23 Q. How many subgroups underneath that  
24 1,600 number?

25 A. Five.

1 Q. Five. Can you identify those for me?

2 A. We have billing, which would deal with  
3 overbilling, estimated billing, undercharges, overcharges,  
4 those type of things. We have service quality, which  
5 would actually deal with AMR installation or improper  
6 installation. We have rates and tariffs, which would be  
7 customer complaints disputing that the charges that they  
8 were applied on their estimated bills were correct.

9 Q. Okay. Let me stop you right there. Third  
10 category, rates and tariffs, and then you went back and  
11 started talking about bills again. So can you identify  
12 the difference between Category 1 and 3?

13 A. Rates and tariffs would be the actual  
14 application of the rate that they were charged for the gas  
15 consumption, so that would fall under rates and tariffs,  
16 because we would refer to the actual currently applied  
17 rate or had it been an estimated bill over a period of  
18 time, what the applicable rate would have been at that  
19 time.

20 Q. Okay. Next category?

21 A. I'm sorry. I have to think off the top of  
22 my head.

23 Q. If you don't know them, that's --

24 A. Other and miscellaneous. That's another.

25 Q. Other and miscellaneous?

1           A.       Other and miscellaneous. That would --

2           Q.       Would that include the discussion about the  
3 miscellaneous tariff that you --

4           A.       No. That would fall under rates and  
5 tariffs. Other miscellaneous would be a customer  
6 complaint upset because an appointment had not been kept,  
7 either for an AMR installation or for a meter check,  
8 something of that nature.

9           Q.       Okay. And then there's a fifth category.

10          A.       There is a fifth category, and I'm sorry.

11          Q.       Let's talk about the others. If it comes  
12 to you in the meantime, feel free to chime in.

13                   Do you have the numbers for how the 1,600  
14 complaints break down in those five categories?

15          A.       Not with me.

16          Q.       You don't have those. Are you able to --  
17 is your memory sufficient that you could give me some  
18 guidance on, for example, where a majority of the  
19 complaints come from? Is it an equal distribution? Is it  
20 more in a particular area?

21          A.       The majority of the complaints are going to  
22 be under billing or under rates and tariffs.

23          Q.       Okay. Okay. Now, talking about Section 2,  
24 service quality, which I say includes installation, I  
25 think you said --

1           A.     Yes.

2           Q.     -- is that correct?

3                   Are you aware of how many complaints that  
4 your department has received regarding in total service  
5 quality?

6           A.     Yes, 31.

7           Q.     And is it fair to say each of those are  
8 related to installation?

9           A.     Yes.

10          Q.     Okay. Are you aware of whether each of  
11 those complaints involved leaks?

12          A.     I don't believe any of the complaints  
13 involved leaks.

14          Q.     Okay. Were the complaints in tone  
15 identical or did they vary on the particular complaints?

16          A.     They were pretty well all in sync with each  
17 other. I mean, the same type of complaint being voiced by  
18 the consumer.

19          Q.     And that was?

20          A.     Installation of the AMR may have caused  
21 leaks, must have been causing leaks because they had to --  
22 they could smell an odor, things of that nature, that  
23 created -- to us actually escalated that as a priority to  
24 be handled and looked into.

25          Q.     Okay. You haven't thought of the fifth

1 category yet?

2 A. Safety, I believe it is.

3 Q. Safety. And what would the safety category  
4 include, as an example? For example, if service quality  
5 includes installation, where would safety be?

6 A. Safety would generally be dealing with an  
7 actual odor or issue with an appliance that had been  
8 tagged for improper operation and, therefore, could not be  
9 used by the consumer.

10 Q. But how would that relate to AMR? I  
11 thought these --

12 A. If the customer really called and said that  
13 the installer was there, had installed AMR and since he's  
14 left I've had an odor of gas, then that would definitely  
15 fall under safety.

16 Q. Are you aware of how many safety  
17 complaints?

18 A. We had two.

19 Q. Just two. Okay. Okay. I know that you  
20 gave me this information, but I need to ask it again.  
21 What was the date when the AMR installation began to  
22 establish a time frame for where you go back and begin  
23 recording the complaints? Do you recall?

24 A. If my memory serves me right, they started  
25 somewhere around July 2005.

1 Q. Okay. And that's -- your data goes back to  
2 July '05?

3 A. Yes.

4 Q. So your data matches the installation?

5 A. Oh, yeah.

6 Q. When you receive a complaint that may  
7 relate to safety, and I know you say you only had two, do  
8 you normally forward those complaints to the gas safety  
9 department?

10 A. We usually will call the manager for the  
11 gas safety department, make him aware that we're sending  
12 that on to the company in case there's an issue that he  
13 would need to check into further.

14 Q. Okay. I wanted to ask you just a few  
15 questions regarding the tariff that was referenced  
16 earlier, the miscellaneous charges. And as I recall, your  
17 testimony was that you had received an opinion both from  
18 Laclede and from someone on the PSC Staff suggesting that  
19 that tariff applied to a request by a customer for a Union  
20 installation of an AMR?

21 A. That's correct.

22 Q. That's a lot of words there. Make sure I  
23 ask that properly. I would ask, can I get the  
24 identification of that tariff sheet again, so I can refer  
25 to it?

1                   MS. SCHRODER: It is PSC Missouri No. 5,  
2 Consolidated 10th Revised Sheet No. 31.

3                   MR. FRANSON: Commissioner Clayton, it's  
4 also Schedule B of Ms. Fred's testimony.

5                   COMMISSIONER CLAYTON: Appreciate that.  
6 I'm sure I'd find that document somewhere in my stack.

7                   It's No. 31, is that what you said, 10th  
8 Revised Sheet No. 31?

9                   MS. SCHRODER: Yes. Would you like me to  
10 give you a copy of that right now?

11                  COMMISSIONER CLAYTON: Not just yet.

12 BY COMMISSIONER CLAYTON:

13                 Q.       Ms. Fred, it sounded in reviewing the  
14 language within that tariff that there's -- that there may  
15 be a question of whether that was applicable to these  
16 types of installations. I guess my question to you is  
17 this: If you remove the advice received by other PSC  
18 Staff and the company, in your opinion, do you believe  
19 that tariff applies to these instances?

20                 A.       Without any further knowledge, no.

21                 Q.       Okay. And the additional knowledge is  
22 testimony from Mr. Imhoff and someone from the company; is  
23 that correct?

24                 A.       Well, the additional knowledge would be  
25 checking with our operations department to see if such a



1 charge could be applied under any tariff provisions, yes.

2 Q. But was there more than just Mr. Imhoff?

3 A. The actual charge is what I referenced in  
4 response to Ms. Stratman regarding the charge because that  
5 charge is not listed in the tariff. It just indicates  
6 time and material. So I actually had to go to the company  
7 to find out what that time and material cost was going to  
8 be.

9 Q. But the actual application of this tariff  
10 provision for this type of circumstance, a layperson's  
11 reading of the tariff raises a question of whether it is  
12 applicable or not, and I'm asking as you convey advice and  
13 suggestions to customers that call in, if you had not  
14 received that contact from either Mr. Imhoff or the  
15 company, would it be your recommendation that it would  
16 apply or not apply?

17 A. Without any further information, I would  
18 say it would not apply.

19 COMMISSIONER CLAYTON: Okay. I've got a  
20 list of questions here, but I don't think they're  
21 questions for you, so I'm just making sure. I don't think  
22 I have any other questions. Thank you, Ms. Fred.

23 JUDGE WOODRUFF: All right. Going to  
24 recross based on questions from the Bench, then.

25 Laclede?

1 MR. ZUCKER: Yes, your Honor.

2 RECROSS-EXAMINATION BY MR. ZUCKER:

3 Q. Good morning, Ms. Fred.

4 A. Good morning.

5 Q. Do you have any knowledge about how many  
6 AMRs Laclede has installed to date?

7 A. To date, no.

8 Q. Have you done any -- Commissioner Clayton  
9 asked you some questions about the number of complaints  
10 we've had. Have you done any work about having to do with  
11 complaints when other companies had AMR installation  
12 projects?

13 A. I am familiar with some other company AMR  
14 projects, yes.

15 Q. And can you tell us what the -- how those  
16 compared with your experience here with Laclede?

17 A. In comparison, they're very similar to the  
18 same occurrences that we're now seeing with Laclede and  
19 their AMR installation.

20 Q. In response to questions from Commissioner  
21 Clayton, you talked about billing issues as one of the  
22 subgroups of AMR complaints. And are those about  
23 estimated bills or kind of billing issues?

24 A. Primarily estimated bills for undercharges  
25 that the customer is now receiving a bill for.

1           Q.       And so would it be accurate to say that  
2       there were customers with, let's say, an inside meter who  
3       had received a series of estimated bills, and then once  
4       the AMR module was put on, they then got an actual  
5       reading?

6           A.       Yes, that's correct.

7           Q.       And the actual reading resulted in a  
8       billing adjustment?

9           A.       That's correct.

10          Q.       And then the customer complained about the  
11       billing adjustment?

12          A.       That's correct.

13          Q.       In Staff's view, which is preferable,  
14       estimated bills for inside customers or an AMR?

15          A.       AMR.

16          Q.       Commissioner Clayton asked you some  
17       questions about the handling of the tariff issue for  
18       charging when a customer requests a Union worker to do the  
19       AMR installation. Do you recall those questions?

20          A.       Yes.

21          Q.       Do you know how Laclede is handling this  
22       situation today? In other words, if a customer calls and  
23       says, I would like my AMR installed by a Union worker, do  
24       you know what Laclede is doing today?

25          A.       No.

1           Q.       Do you know anywhere in Laclede's tariff  
2       where there's a service provided by Laclede in which the  
3       customer can order a specific worker come out and do --  
4       and perform service?

5           A.       Are you suggesting such as relocate the  
6       meter or bring the inside meter outside, that type of  
7       provision, or some other request?

8           Q.       I'm asking, does Laclede have a service it  
9       provides in which, as part of that service in its tariff,  
10      the customer can order what kind of worker can come out  
11      and do the work?

12          A.       I'm not familiar with that language.

13          Q.       And if there is no such service, would  
14      there be a price for that service?

15          A.       No.

16          Q.       And so is there anywhere in the tariff, for  
17      example, where Laclede sells flashlights?

18          A.       No.

19          Q.       So if Laclede wanted to sell flashlights,  
20      the price for the flashlight would not be covered in the  
21      tariff; is that correct?

22          A.       Correct.

23          Q.       Do you, on behalf of Staff, have an opinion  
24      on how the matter should be handled where a customer calls  
25      and says, for example, I would like a Union worker to do

1 the AMR installation or, conversely, where a customer  
2 calls and says, I would like a non-Union worker to be sent  
3 to do work at my house?

4 A. In situations such as that, I think it's --  
5 the appropriate thing to do is try to work it out with the  
6 customer, have the customer talk to the company or for the  
7 Staff to talk to the company and see what resolution we  
8 can manage to come up to to help take care of the  
9 customer's concern. I think our goal here is to be as  
10 much customer friendly and appropriately handling the  
11 customer as much as we can, taking into account yet the  
12 rules and regulations as we must work under.

13 So you're asking if I have a personal  
14 opinion or what I would -- I would say, given that the  
15 customer's requested it and there's no provision for it,  
16 the best appropriate way to handle it would try to be to  
17 contact the company and see if we can't work something out  
18 for the customer.

19 Q. Okay. That sounds good. What if the  
20 matter can't be worked out?

21 A. In a case where it's not governed by the  
22 Public Service Commission, I'm not sure I have any  
23 authority to do anything in that case.

24 MR. ZUCKER: One moment, please, your  
25 Honor.

1 Thank you, Ms. Fred.

2 THE WITNESS: Sure.

3 JUDGE WOODRUFF: Thank you. All right.

4 Then any redirect?

5 MR. FRANSON: Judge, I hate to say, but I  
6 think you skipped a couple people, which I have no  
7 objection to, but --

8 JUDGE WOODRUFF: Public Counsel? I'm  
9 sorry.

10 RE-CROSS-EXAMINATION BY MR. POSTON:

11 Q. Good morning.

12 A. Good morning.

13 Q. Have any of the AMR complaints that your  
14 office has received resulted in a conclusion by either  
15 your office or Laclede that when the AMR was installed,  
16 usage was incorrectly set -- incorrectly set on the AMR?

17 A. Yes.

18 Q. And approximately how many?

19 A. I don't have that number with me. I'm  
20 sorry.

21 Q. Would you consider it to be a low number?  
22 Is this a concern of yours, that that is something that's  
23 occurring?

24 A. I would say yes, it's a concern. I  
25 would -- I would also say it's a low number, and I base

1     that on, I guess, the total potential number that's  
2     out there. I mean, potentially we're looking at, what,  
3     630,000 meters? So if it was high, it would already be  
4     before the Commission in another case, I'm sure.

5             Q.     So are most of the complaints that you've  
6     seen on that issue, is it a -- is there a big difference  
7     in the bill that created that, I guess, alerted the  
8     customer to the fact that it was incorrectly set?

9             A.     Yes.

10            Q.     So roughly how much are we talking about  
11     dollar-wise?

12            A.     You could be looking at either a zero bill  
13     or you could be looking at a bill that was for the minimum  
14     service charge only and no usage or you could be looking  
15     at a bill that had substantial dollars associated that  
16     would not be in line with a normal month's use of service.

17            Q.     And how were those cases or those  
18     complaints resolved generally?

19            A.     Generally the resolution comes down to  
20     having to send someone out to actually verify the meter,  
21     see where the problem lies, if it's with the AMR device  
22     itself or has the meter actually died in the process. And  
23     then, depending on the outcome of that, it would be  
24     determined whether there's an estimated bill that was  
25     warranted, based on the previous reading and the current,

1 or if it's unknown, then looking at the history of the  
2 customer to determine what would be normal usage for the  
3 customer to determine an estimated bill.

4 MR. POSTON: Thank you.

5 JUDGE WOODRUFF: For Local 11-6?

6 MS. SCHRODER: Yes, thank you.

7 RECROSS-EXAMINATION BY MS. SCHRODER:

8 Q. Ms. Fred, Marc Poston just asked you a  
9 question about how these complaints are resolved, these  
10 misprogramming complaints, and you said by sending  
11 somebody out to see if there's a physical problem and then  
12 reviewing usage. Who gets sent out? Does somebody from  
13 your staff go check that?

14 A. Oh, no. We contact the company and ask the  
15 company to send a company representative out.

16 Q. So you're at the mercy of the information  
17 you receive from the company; is that right?

18 A. That's correct.

19 MR. ZUCKER: Objection.

20 JUDGE WOODRUFF: On what basis?

21 MR. ZUCKER: The way the question was  
22 characterized.

23 JUDGE WOODRUFF: I'll sustain the objection  
24 in that it -- the characterization as being at the mercy  
25 of the company. If you want to rephrase your question.



1 BY MS. SCHRODER:

2 Q. All right. So you're relying on the  
3 information you get from the company; is that right?

4 A. That's correct.

5 Q. All right. And you said, when Mr. Poston  
6 had asked you basically how much of a problem it was that  
7 these AMRs have been set wrong, you said that it was a  
8 concern but not too much of a concern because you believe  
9 another PSC case would already have been filed --

10 A. Yes.

11 Q. -- otherwise?

12 A. Uh-huh.

13 Q. So I mean, is that what you're relying on  
14 to determine that this is not a serious concern, that no  
15 case has been filed specifically addressing that?

16 A. No. Perhaps I do need to clarify that.  
17 Traditionally what I watch is the number of complaints  
18 that we're getting in on a particular issue, and if that  
19 issue is not being resolved in a timely and appropriate  
20 manner between Commission Staff, the consumer and the  
21 company, and if I see that there's a trend of a large  
22 number of complaints coming in with the same type of  
23 issue, then I take it upon myself as part of the Staff to  
24 look at filing a Staff complaint against the company for  
25 the inappropriate behavior of what's going on.

1           Q.       All right. And that's really your only  
2   remedy, isn't it, if the Staff -- if the Staff can't  
3   mediate some resolution between the customer and Laclede?

4           A.       It's either the Staff file a complaint or  
5   we offer the customer the ability to file a formal  
6   complaint of their own to move the issue forward, yes.

7           Q.       All right. And isn't it true that the  
8   company had estimated bills for years, right?

9           A.       Yes.

10          Q.       And that case just got filed fairly  
11   recently; isn't that correct?

12                 MR. FRANSON: Your Honor, I'm going to  
13   object as to relevance of the estimated billings case  
14   and -- regarding this matter. I don't think that that  
15   estimated billings case was addressed by Commissioners.  
16   Therefore, this would be beyond the scope of appropriate  
17   redirect, and also I would object on the basis of  
18   relevance.

19                 MS. SCHRODER: Actually, the estimated  
20   billing case has come up in two ways in her testimony, one  
21   because we were specifically talking about the number of  
22   complaints that came under the estimated billing and the  
23   number of complaints under the AMR, and secondly because  
24   she raised the issue of -- and this is where I was getting  
25   with this at this time was that -- where she said that she

1     believed if this had been a serious problem, that there  
2     would already be a case before the PSC.

3                   MR. FRANSON:   Judge, that's not the issue.  
4     Whether it was in Ms. Fred's testimony in any way, shape  
5     or form is fascinating, but it's not the issue.  The  
6     question here is were -- was the issue of estimated  
7     billings complaints case raised by Commission questions.  
8     The answer to that is no.  Therefore, this is not proper  
9     redirect.

10                   JUDGE WOODRUFF:  I'm going to overrule the  
11    objection.  I believe it was relevant and that it was --  
12    it follows from the questions that were asked.  So your  
13    objection is overruled.

14                   MS. SCHRODER:  Thank you.  Do you need that  
15    reread to you?

16                   THE WITNESS:  Yes.

17                   THE REPORTER:  "Question:  And that case  
18    just got filed fairly recently; isn't that correct?"

19                   THE WITNESS:  Yes.

20    BY MS. SCHRODER:

21                   Q.     And I wanted to go back to a couple of  
22    questions.

23                   MS. SCHRODER:  Let me just ask the Judge at  
24    this point, I was going to ask her some questions relating  
25    to Laclede's cross that followed up on the Commissioner's

1 cross. I'm assuming I can do that.

2 MR. FRANSON: Judge, I'm going to have to  
3 object. You cannot say to the Judge, Judge, I'm going to  
4 do X, are you going to give me carte blanche authority to  
5 do it? She's got to ask her questions one by one. They  
6 are either proper or not.

7 MS. SCHRODER: I'm asking about the scope.

8 JUDGE WOODRUFF: Technically, I think the  
9 objection is fair. Obviously I can't give her carte  
10 blanche to ask any questions she wants. You certainly  
11 have an opportunity to object. I will let her proceed  
12 with -- if she has questions that she wants to ask, I'll  
13 allow her to ask those questions. If you have objections  
14 to the specific questions that she asks, then I'll rule on  
15 them.

16 BY MS. SCHRODER:

17 Q. All right. Ms. Fred, Mr. Zucker asked you  
18 some questions about the tariff, and about whether Laclede  
19 could charge prices for flashlights, for instance, if it  
20 didn't have a tariff covering it. Isn't it accurate,  
21 though, that Laclede does have tariffs covering the  
22 service work that it does?

23 A. Yes.

24 Q. And in your opinion, is Laclede allowed to  
25 charge for gas service that's not covered by the tariffs?

1           A.       I'm going to have to ask for clarification  
2   on that.

3           Q.       All right.  If -- as I understand it,  
4   Laclede is required to file tariffs to cover the types of  
5   service work that it performs and whether or not that's --  
6   it can charge on those for that work.  If Laclede offers a  
7   service that isn't covered by one of those tariffs, is it  
8   allowed to charge for it?

9           A.       I'd say yes.  In fact, I know they do  
10  charge for services that are not covered by the tariff.

11          Q.       All right.  What kind of service does it --

12          A.       Appliances, for one.

13          Q.       All right.  Appliances are -- all right.  
14  Yeah.  Let me narrow this question then.  Laclede has  
15  tariffs that cover work on its meters; is that correct?

16          A.       Yes.

17          Q.       All right.  Is Laclede permitted to charge  
18  for work on the meters that is not specifically covered by  
19  its tariffs?

20          A.       If you want to classify those under  
21  miscellaneous charges, then yes.

22          Q.       Except those miscellaneous charges you're  
23  referring to are the ones that require moving the meter or  
24  the piping, is that what you're referring to, that portion  
25  of the tariff?

1           A.       Well, under this portion of the tariff on  
2     the tariff sheet that was referenced earlier, this  
3     Consolidated 10th Revised No. 31, there are specific rates  
4     listed under residential for service and meter relocation  
5     charges, but then there's also a category that just says  
6     miscellaneous and instead of actually reflecting the rate,  
7     it just shows time and material. So I guess I'm not --  
8     I'm still not clear what you're asking.

9           Q.       All right. If Laclede has work on a meter,  
10    if Laclede does a service on a meter that is not expressly  
11    covered by a tariff and doesn't fall within the  
12    miscellaneous category for charges for changing the  
13    location of a customer service pipe or meter at the  
14    customer's request, are they allowed to charge for it?

15                   MR. ZUCKER: Your Honor, I'm going to  
16    object. That not only calls for a legal conclusion, but  
17    the issue here is whether or not the customer can order  
18    their own worker, and so everything else is hypothetical.

19                   MS. SCHRODER: I don't think the issue is  
20    whether they can order their own worker. They were told  
21    that -- at some point from Ms. Kessler's situation that  
22    she could order her own worker and she would be charged  
23    for it.

24                   MR. FRANSON: Judge, I think there's a  
25    fundamental difference here. This witness is being

1 offered as an expert on tariffs, and things that are in  
2 it, things that go outside the tariffs, which is the  
3 questions that Ms. Schroder is asking, do call for a legal  
4 conclusion and I don't believe this witness is qualified  
5 to answer that, because they certainly are beyond the  
6 scope of this witness' knowledge.

7 JUDGE WOODRUFF: Well, certainly this  
8 witness is not an attorney and cannot give a legal  
9 opinion. I think, though, the question is asking for her  
10 interpretation of the tariff. If she cannot interpret the  
11 tariff, she can say so.

12 MR. FRANSON: Actually, I believe the  
13 question specifically was, if something is not allowed by  
14 the tariff, so by definition it's beyond the tariff, and  
15 that, I believe, is the question.

16 MS. SCHRODER: The question is being asked  
17 of her as the consumer services manager about -- she's  
18 been asked a lot of questions about whether certain things  
19 are allowable, certain charges allowable, and the question  
20 is being asked in her perspective as a consumer services  
21 manager, whether there are allowable charges for work  
22 being performed on meters that aren't expressly covered by  
23 the tariff or don't fall within this miscellaneous  
24 category for charges for changing the location of a  
25 customer's service meter.

1 JUDGE WOODRUFF: I'll overrule the  
2 objection. You can go ahead and answer if you can, and if  
3 you want clarification of the question, you can ask for  
4 that as well.

5 THE WITNESS: Well, I believe you're asking  
6 if they can request work that's not covered by the tariff  
7 and, therefore, be charged for it.

8 BY MS. SCHRODER:

9 Q. No, I wasn't really asking for that  
10 specifically. I was asking whether work -- service work  
11 that Laclede does that isn't covered expressly by the  
12 tariff and doesn't fall within the miscellaneous category  
13 for charges for changing the location of a customer  
14 service pipe or meter at the customer's request can be  
15 charged for?

16 MR. FRANSON: Your Honor, just so I  
17 understand, you're allowing the question if something is  
18 not covered by the tariffs, a hypothetical, you're  
19 allowing that question, because my objection would still  
20 be --

21 JUDGE WOODRUFF: Is that a fair  
22 characterization of your question?

23 MS. SCHRODER: No, because the question is  
24 about what's expressly covered and what's covered by this  
25 particular miscellaneous category.



1                   MR. FRANSON: I'm still understanding the  
2 question about something that is expressly not covered by  
3 the tariffs and my objection would remain. This witness  
4 is being offered as an expert on tariffs, but anything  
5 that is not covered by the tariffs would be a legal  
6 conclusion and it would simply not be within this witness'  
7 purview.

8                   JUDGE WOODRUFF: All right. I'm going to  
9 overrule the objection. The witness can answer if she  
10 can. I'll instruct the witness that if you believe this  
11 is beyond your expertise, please say so.

12                  THE WITNESS: And I believe it is beyond my  
13 expertise to answer that particular question.

14 BY MS. SCHRODER:

15                 Q.       All right. I want to go back for a  
16 moment. You told Commissioner Clayton that there  
17 were approximately -- you'd received approximately  
18 1,600 complaints about Laclede's AMR installation; is  
19 that right?

20                 A.       1,600 complaints regarding estimated  
21 billing.

22                 Q.       Okay. That was what I got really confused  
23 about.

24                 A.       And other issues, I mean, it was -- he  
25 asked the question how many total complaints have you

1 received.

2 Q. About AMR, though; isn't that right?

3 A. Well, then he asked specifically about AMR,  
4 and I said 31.

5 Q. Well, okay. This is -- I got very confused  
6 about this, because I thought you said that only -- there  
7 were only 31 service quality complaints about AMR, but  
8 that there had been billing complaints about AMR, there  
9 were rates and tariff complaints about AMR, there were  
10 other and miscellaneous complaints about AMR and there  
11 were safety complaints about AMR, and that when all those  
12 were combined, that came up to about 1,600 complaints  
13 about AMR.

14 A. I don't believe I said they were directly  
15 related to AMR. There have been 1,600 complaints filed  
16 with my department regarding either billing, service  
17 quality, other miscellaneous, all related in some form or  
18 fashion to the fact that AMRs are being installed, not  
19 directly related to the AMR device itself.

20 And an example of that would be a billing  
21 complaint where they are now being charged for  
22 undercharges that they have incurred as a result of  
23 getting an actual read from the time they put in the AMR  
24 to the previous actual read that the customer had had on  
25 record and then indicating there have been an undercharge

1 of service -- for services during that period of time,  
2 whether it's a few months, years, whatever would be the  
3 case, and that's the type of complaints we're receiving.

4 Q. All right. And -- but those were  
5 1,600 complaints that were related to AMRs? I mean, I  
6 just want to make sure I understand.

7 MR. ZUCKER: Asked and answered, your  
8 Honor.

9 JUDGE WOODRUFF: Sustained.

10 BY MS. SCHRODER:

11 Q. All right. Would you agree that some of  
12 those complaints had to do with overbilling because of the  
13 AMR device?

14 A. Yes.

15 Q. And would you also agree that that  
16 overbilling can be the result of improper installation  
17 of --

18 MR. FRANSON: Your Honor, objection.  
19 Whether an AMR installation caused a problem that led to  
20 overbilling or any other problems is absolutely beyond  
21 this witness' knowledge, and I would object on that basis.  
22 And, Judge -- I'll object on that basis.

23 MS. SCHRODER: And, your Honor, I think  
24 that she had already testified at some point that she had  
25 discovered in some of these complaints, in processing some

1 of the complaints was overbilling due to misprogramming of  
2 the AMRs.

3 MR. FRANSON: There's a fundamental  
4 difference, Judge, between an error in programming versus  
5 an AMR installation. Those are two different categories  
6 and that's been abundantly clear in this case, and her  
7 question was not programming of AMR but was installation  
8 of AMR, and they are not the same thing.

9 MS. SCHRODER: My question was actually  
10 both. I said installation errors and programming.

11 JUDGE WOODRUFF: I'll overrule the  
12 objection. You can answer if you can.

13 THE WITNESS: Yes, there were.

14 BY MS. SCHRODER:

15 Q. All right. In the two safety complaints,  
16 AMR complaints that you talked to Commissioner Clayton  
17 about, are either of those complaints addresses or names  
18 that have been otherwise covered by testimony in this  
19 matter, do you know?

20 A. I don't recall. I'd have to -- subject to  
21 check, I would say perhaps, yes.

22 Q. You just don't know, do you?

23 A. I just don't really know, no.

24 Q. Okay. Do you know what the resolution of  
25 those two safety complaints was?

1           A.       I recall one where we actually were told  
2     that they removed the meter and put on a new meter. I  
3     don't recall the second one, no. I'm sorry.

4           Q.       All right. And I also got confused when  
5     you were talking to Commissioner Clayton about the service  
6     quality category where you said that none of those service  
7     quality complaints about AMRs pertain to leaks. Do you  
8     recall saying that?

9           A.       Yes.

10          Q.       Didn't you also then say, but some of them  
11     described gas odors that had resulted from the AMR  
12     installation?

13          A.       Correct.

14          Q.       So what makes you think that those didn't  
15     have anything to do with leaks?

16          A.       Because once they were investigated, we  
17     found out there was no leaking at the meter, it was  
18     actually something else that had occurred that either the  
19     customer smelled an odor from some other occurrence or it  
20     was just their understanding that -- or their belief they  
21     had an odor in the home.

22          Q.       Okay. Thank you. Because that was just a  
23     little bit confusing to me.

24                    Just one further question. You got asked  
25     by Mr. Zucker if -- which is preferable, AMR or estimated

1     billing. In Staff's view, is it preferable have AMRs that  
2     have been installed so that they're programmed correctly  
3     or AMRs that have been installed with misprogramming?

4             A.       Well, of course AMRs that have been  
5     programmed correctly.

6             MS. SCHRODER: All right. Thank you.

7             JUDGE WOODRUFF: All right. Now for  
8     redirect.

9             MR. FRANSON: Thank you, your Honor.

10    REDIRECT EXAMINATION BY MR. FRANSON:

11            Q.       Ms. Fred, do you have your testimony in  
12    front of you?

13            A.       Yes, I do.

14            Q.       Could you go to -- I believe it's your  
15    Schedule B, which is this tariff we've been talking about?

16            A.       Okay.

17            Q.       Please tell me when you're there.

18            A.       I'm there.

19            Q.       Okay. Now, when you have a tariff issue  
20    where you want some advice, do you often call on  
21    Mr. Imhoff?

22            A.       Yes.

23            Q.       What's Mr. Imhoff's position at the  
24    Commission?

25            A.       He's manager over the gas department, gas

1 rates and tariffs department.

2 Q. Would you recognize and believe that  
3 Mr. Imhoff is, in fact, an expert on tariffs?

4 A. Yes, I would.

5 Q. Okay. So have you previously relied on his  
6 advice?

7 A. Yes, I have.

8 Q. Do you believe it's reasonable to do so?

9 A. Yes, I do.

10 Q. Okay. Now, assume the following for me:  
11 Assume that a company, we'll just call it Laclede, owns a  
12 gas distribution system in the state of Missouri located  
13 in and around St. Louis, and as part of the normal course  
14 of its business, it decides to install an AMR system. It  
15 also decides to use subcontractors. This is a choice made  
16 by the company. And assume we'll call it customer X  
17 decides customer X does not want the person designated by  
18 the company to come out and install the AMR device for  
19 them. Are you with me so far?

20 A. Yes.

21 Q. Do you believe it is reasonable for a  
22 customer to be able to dictate to the company the identity  
23 of the installer?

24 MS. SCHRODER: Objection. I think this  
25 goes beyond the scope of this witness' expertise and job.

1 MR. FRANSON: Au contraire.

2 JUDGE WOODRUFF: I'll overrule the  
3 objection. You can go ahead and answer.

4 BY MR. FRANSON:

5 Q. Can you answer the question?

6 A. No.

7 Q. Now, is that --

8 JUDGE WOODRUFF: Let's be clear about what  
9 the -- you asked a question, can you answer that for me,  
10 and she said no. I want to make sure, you're answering  
11 which question.

12 BY MR. FRANSON:

13 Q. Okay. Thank you. Which question were you  
14 answering?

15 A. I was answering your first question.

16 Q. And that first question was the  
17 hypothetical I gave you?

18 A. Right, whether or not the customer should  
19 be able to make that choice.

20 Q. Okay. Now, let's take that hypothetical  
21 and let's put it into real life. Is that the situation  
22 presented by Ms. Kessler here today?

23 A. Yes.

24 Q. Thank you. Now, there also seemed to be  
25 something that I didn't hear exactly. How was



1 Ms. Kessler's complaint ultimately resolved?

2 A. The gas meters were actually replaced with  
3 an already preinstalled AMR that had been done by a  
4 Laclede employee.

5 Q. So, in fact, Ms. Kessler never paid any --

6 A. No.

7 Q. -- charge to have this service done?

8 A. Correct. She was -- that was done at no  
9 charge to her.

10 Q. Do you know how that came about, how that  
11 resolution came about?

12 A. Well, I guess I have my opinion on how that  
13 resolution came about.

14 Q. Well, I'm not asking your opinion. Do you  
15 know how it came about?

16 A. From the Commission complaint that was  
17 filed with the company to investigate and see how we could  
18 resolve the matter that she had filed before.

19 Q. And how -- well, how did it get resolved?

20 A. Again, she was indicating she wanted a  
21 Laclede employee to actually do the installation of the  
22 AMR. She also called back later indicating that her  
23 meters had been -- were fairly old and she felt were  
24 corroding. We then asked the company if they would take  
25 any measures to consider going out and replacing the

1 meters with an already preinstalled AMR, which we knew  
2 that the company -- Laclede company employees were doing.  
3 And their response was that's how they would resolve the  
4 matter and did so.

5 Q. Okay. Is that why you considered the  
6 matter with Ms. Kessler to be closed?

7 A. Yes, that's why we considered the matter  
8 resolved to her satisfaction because that was our  
9 understanding of what she wanted from the beginning.

10 Q. Okay. You talked about various types of  
11 categories of complaints -- of the complaints regarding  
12 AMR with Commissioner Clayton. Do you remember that?

13 A. Yes.

14 Q. Did you by any chance put any -- would you  
15 know a number where a customer was calling up and saying I  
16 want a Union employee from Laclede to come out and install  
17 my AMR?

18 A. I don't know the number off the top of my  
19 head. I do know that we have records that give us that  
20 information.

21 Q. Okay. Did you ever have anyone call up and  
22 say t, I want a non-union person to come out and install  
23 my AMR?

24 A. No, I don't recall any of those.

25 Q. Okay. Any of those calls that wanted a

1 Union -- Laclede Union gas worker to come out and install  
2 AMR, did any of those people tell you what their  
3 motivation was for calling to make that request?

4 A. Yes.

5 Q. What was their motivation?

6 A. In several -- well, not several. I would  
7 say in a few cases they indicated that their spouses or  
8 themselves were employed as a union worker and they felt  
9 like the union worker should be given that job and that  
10 that work should not be done by someone who's non-union.

11 MR. FRANSON: No further questions, your  
12 Honor.

13 JUDGE WOODRUFF: Ms. Fred, you can step  
14 down. I believe the plan was then to have the next few  
15 witnesses would be on the telephone; is that correct?

16 MS. SCHRODER: That is correct, and  
17 hopefully Jonathan Guelich is at his phone, because I did  
18 call him at break.

19 MR. FRANSON: Your Honor, may Ms. Fred be  
20 formally excused?

21 JUDGE WOODRUFF: Yes.

22 MR. FRANSON: Okay. Thank you.

23 MS. SCHRODER: I'm sorry. Can I call him  
24 real quickly and make sure he's there before you make the  
25 phone call?

1 JUDGE WOODRUFF: Yeah.

2 MR. FRANSON: Can we go off the record for  
3 five minutes, Judge? I'm sorry. I didn't know she was  
4 doing it right there. Okay.

5 JUDGE WOODRUFF: She's doing it right  
6 there.

7 MR. FRANSON: Okay.

8 JUDGE WOODRUFF: Ms. Schroder, if you want  
9 to just come forward, you can make your phone call from  
10 this phone here (indicating).

11 (EXHIBIT NO. 37NP AND HC WERE MARKED FOR  
12 IDENTIFICATION BY THE REPORTER.)

13 JUDGE WOODRUFF: Mr. Guelich, this is Judge  
14 Woodruff. I'm the presiding Judge for the Public Service  
15 Commission. I'll turn you over to Ms. Schroder, then.

16 JONATHAN GUELICH testified as follows:

17 DIRECT EXAMINATION BY MS. SCHRODER:

18 Q. Hi. Mr. Guelich. Thank you very much for  
19 being available to testify today. Are you the -- well,  
20 you won't have this in front of you in format, but did  
21 you -- are you the Jonathan Guelich who filed written  
22 testimony in this matter?

23 A. Yes.

24 Q. All right. And that testimony, I'm just  
25 going to tell you, has been marked as Exhibit 37 today.

1 A. Yes.

2 Q. Have you had a chance to review your  
3 testimony?

4 A. Yes.

5 Q. Do you have any corrections to it?

6 A. No.

7 Q. If I asked you the same questions today  
8 that are in your testimony, would your answers be the  
9 same?

10 A. Yes.

11 Q. And were those answers true and correct to  
12 the best of your information and knowledge and belief?

13 A. Yes.

14 MS. SCHRODER: All right. With that, I  
15 would ask for the admission of Mr. Guelich's testimony and  
16 then turn him over for cross-examination.

17 JUDGE WOODRUFF: All right. Exhibit 37 has  
18 been offered into evidence. Are there any objections to  
19 its receipt?

20 MR. FRANSON: There is a 37HC and NP?

21 MS. SCHRODER: Yes.

22 JUDGE WOODRUFF: All right. 37HC and NP.

23 MR. FRANSON: No objection, your Honor.

24 JUDGE WOODRUFF: Hearing no objection, it  
25 will be received into evidence.

1 (EXHIBIT NOS. 37NP AND HC WERE RECEIVED  
2 INTO EVIDENCE.)

3 JUDGE WOODRUFF: For cross-examination,  
4 we'll begin with Public Counsel.

5 MR. POSTON: No questions.

6 JUDGE WOODRUFF: Staff?

7 MR. FRANSON: Yes, your Honor.

8 THE REPORTER: Judge, you need to swear him  
9 in.

10 JUDGE WOODRUFF: I'm sorry. Thank you very  
11 much.

12 We've gotten confused here, or I got  
13 confused, Mr. Guelich, and I forgot to swear you in as a  
14 witness. So if you would please raise your right hand,  
15 and I'll assume you have.

16 (Witness sworn.)

17 JUDGE WOODRUFF: All right. Thank you.  
18 And to take care of this, since you weren't sworn when you  
19 were speaking with the attorney for the Union, I'll just  
20 ask you if you were asked those questions again under  
21 oath, would your answers be the same?

22 THE WITNESS: Yes.

23 JUDGE WOODRUFF: All right. Thank you.  
24 And thanks to the court reporter for bringing that to my  
25 attention. All right. For cross-examination from Staff?

1 MR. FRANSON: Thank you, your Honor.

2 CROSS-EXAMINATION BY MR. FRANSON:

3 Q. Sir, let me ask, first of all, I'm an  
4 attorney for the Staff of the Commission. How do you  
5 pronounce your last name?

6 A. Guelich.

7 Q. Guelich? Mr. Guelich, do you have your  
8 testimony in front of you?

9 A. No.

10 Q. Okay. Well, you remember your testimony,  
11 correct?

12 A. Yes, for the most part.

13 Q. Let me ask you, I'll just read this and see  
14 if you remember this. On page 1, lines 9 through 10, the  
15 question was, what experience do you have with AMR meters,  
16 and your answer, at least first sentence was, I was  
17 assigned to read meters that had an AMR device installed.  
18 Do you remember that?

19 A. Yes.

20 Q. Was your work as a meter reader in  
21 2005-2006, are you saying you were only going out and  
22 reading meters with AMR devices installed or were you  
23 reading meters on an assigned route?

24 A. I was reading meters on an assigned route.

25 Q. So some of those would have had AMRs on

1     them and some would not; is that a true statement?

2             A.       Correct.  Correct.

3             Q.       Okay.  Now, you used the term in some of  
4     this, like that question right there, what experience do  
5     you have with AMR meters?  To you, what does the term AMR  
6     meter mean?

7             A.       AMR meter, it's an automated read meter,  
8     which would just be the new face that Cellnet or whoever  
9     was installing on them.

10            Q.       What would you call a meter without an AMR  
11    installed?

12            A.       Just a meter.

13            Q.       Okay.  Isn't it true that over the course  
14    of the installation of these AMRs, virtually all, if not  
15    all, of Laclede's meters will have AMR devices on them?

16            A.       I'm sorry.  Can you re--

17            Q.       Isn't it true that the ultimate goal is for  
18    every single Laclede meter to have AMRs installed on them?

19            A.       Yeah, that's the ultimate goal.

20            Q.       Okay.  So some of these observations that  
21    you made were about meters with AMR devices installed; is  
22    that correct?

23            A.       Correct.

24            Q.       You would not know on any of the meters  
25    that you made observations about whether that AMR device



1 was installed by a Laclede employee, a Cellnet employee or  
2 anyone else, would you?

3 A. No, I wouldn't know the difference.

4 Q. Okay. And have you ever been trained to  
5 install an AMR device?

6 A. No.

7 Q. Okay. In fact, have you ever installed an  
8 AMR device?

9 A. No.

10 Q. And did you ever see any -- ever notice any  
11 gas leaks on meters that did not have AMR --

12 A. Yes.

13 Q. -- devices?

14 I'm sorry?

15 A. Yes.

16 Q. Okay. Did you refer to that anywhere in  
17 your testimony?

18 A. They didn't ask me any questions, no.

19 MR. FRANSON: I don't believe I have any  
20 further questions.

21 JUDGE WOODRUFF: All right. Thank you.

22 Cross-examination by Laclede?

23 MR. ZUCKER: Yes, your Honor. Do you want  
24 me to stand at the podium or near the phone?

25 JUDGE WOODRUFF: The podium seems to be

1 fine.

2 CROSS-EXAMINATION BY MR. ZUCKER:

3 Q. Mr. Guelich, can you hear me?

4 A. Yes.

5 Q. Okay. My name is Rick Zucker. I'm an  
6 attorney for Laclede Gas Company, and you just testified  
7 that you were reading meters on an assigned route; is that  
8 correct?

9 A. Yes.

10 Q. And so on this route there would be meters  
11 without AMRs on it?

12 A. Correct.

13 Q. And once enough meters had AMRs, I assume  
14 that you would no longer read that route?

15 A. Right.

16 Q. And you would move on to a different route  
17 that didn't have AMRs?

18 A. Yes.

19 Q. Can you tell me your level of education?

20 A. I have a bachelor's degree from Oral  
21 Roberts University.

22 Q. Okay. And what was your major?

23 A. Math communications with an emphasis in  
24 public relations and advertising.

25 Q. Did you take any courses on gas safety?

1           A.       Well, besides the ones that Laclede Gas  
2   gave me.

3           Q.       Okay. Any courses at all having to do with  
4   natural gas or gas safety anywhere other than Laclede Gas?

5           A.       No.

6           Q.       Okay. Did you have any experience in  
7   natural gas work before coming to Laclede?

8           A.       No.

9           Q.       Okay. And what kind of training did you  
10   get at Laclede?

11          A.       Just your comprehensive meter reader  
12   training, which would be classic corrosion inspection  
13   training, which was a day, and then just a brief overall  
14   whole, you know, safety course for meter readers, which  
15   wasn't like a week or anything. It was just like a day.

16          Q.       Okay. And were you trained to do any work  
17   on meters?

18          A.       No.

19          Q.       Did you ever do work on meters?

20          A.       No.

21          Q.       Did you ever work in Laclede's meter shop?

22          A.       No.

23          Q.       Were you trained to change a meter?

24          A.       Nope.

25          Q.       Did you ever change a meter?

1           A.       No.

2           Q.       Did you do any studies on meter -- on  
3 meters?

4           A.       Yes.

5           Q.       Excuse me?

6           A.       Yes.

7           Q.       Yes. What studies did you do on meters?

8           A.       Well, as far as the corrosion training,  
9 they pretty much gave us a basics of how a meter works  
10 and, you know, stuff like that.

11          Q.       Can you tell me where meters leak from?

12          A.       Well, typically it's from the pipes.

13          Q.       From the pipes?

14          A.       Yeah. That's why, like, corrosion  
15 training, that's why they give us corrosion training  
16 because they would want us to test the run. Sometimes it  
17 would be from the pipes. Other times a meter would just  
18 be rusted out in the back, you know. There's no concrete  
19 answer of where they leak from. It's various places.

20          Q.       Okay. So you were -- based on your  
21 training, you were looking for corrosion or rust on pipes  
22 or meters; is that correct?

23          A.       Exactly.

24          Q.       Okay. And your -- are you saying pipes and  
25 meter is the same thing or that they're two distinct

1 things?

2 A. They're definitely two distinct things, and  
3 that's why every time like a pipe would be leaking in a  
4 certain area, we would refer it to a different part of  
5 Laclede than if the meter was actually leaking.

6 Q. Okay. Do you know where on a meter leaks  
7 come from?

8 A. Say it again.

9 Q. Where on a meter do leaks come from?

10 A. I mean, I don't know if there is a specific  
11 spot. Depending on corrosion, they showed us a meter that  
12 has been rusted out in the back, so obviously gas would be  
13 coming from the back. Other than that, I don't know.

14 Q. So if there's a hole in the meter from  
15 rust, gas could come out that hole?

16 A. Yeah, obviously.

17 Q. What if there wasn't a rust situation, do  
18 you know where meters leak from in the absence of rust?

19 A. Like specifically saying no, I wouldn't,  
20 but I can have a hypothesis of, you know, where they would  
21 be leaking from.

22 Q. Okay. You don't know?

23 A. Correct.

24 Q. And you worked for Laclede for just under a  
25 year, correct?

1           A.       Yes.

2           Q.       Do you recall having a car accident while  
3 you were working for Laclede?

4           A.       Yes.

5           Q.       And was that in a company vehicle?

6           A.       Yes.

7           Q.       And do you recall that?

8                   MS. SCHRODER: I'm going to object to this.  
9 This is outside of the scope of his testimony at all, and  
10 it also seems to be quite irrelevant.

11                   MR. ZUCKER: Well, it's a safety issue.

12                   JUDGE WOODRUFF: I'll overrule the  
13 objection and allow it.

14 BY MR. ZUCKER:

15           Q.       Do you recall saying that you were driving  
16 offensively at the time that you had the accident?

17           A.       Yes.

18           Q.       I'm on the top of page 2 of your testimony,  
19 which I understand you don't have a copy of in front of  
20 you. The first sentence of your answer on line 3 on  
21 page 2 says, I would frequently find leaks resulting from  
22 the installation of the AMR device. Do you recall that  
23 sentence?

24           A.       I recall saying that, but I also recall  
25 saying that that was my hypothesis. Everything that I

1 gave in my testimony, I said, it's not a scientific proven  
2 fact. It was just something I'd be observing.

3 Q. Okay. And, in fact, you did say in the  
4 next line, while I am not trained in the service area, so  
5 is that what you're talking about?

6 A. Yeah, I'm sure that was probably on the  
7 line.

8 Q. Okay. So you're saying you're not  
9 qualified to determine how leaks result, but you have your  
10 own hypothesis; would that be accurate?

11 A. Yes.

12 Q. Okay. And so when you say in your  
13 hypothesis, you say, I would frequently find leaks  
14 resulting from the installation of the AMR device, how  
15 would you know when you found a leak when the AMR was  
16 installed?

17 A. Well, it was just process of elimination  
18 for me. I would look at corrosion in pipes and the meters  
19 even if there wasn't any, then you kind of smell a gas  
20 aroma around the meter. They would tell us to look at the  
21 installation of the AMR and the gasket could have been  
22 pinched too tight or not tightly enough. So because of  
23 that I would just, you know, make a hypothesis.

24 That's what they asked me. I didn't, you  
25 know, ever just out tell Laclede, yeah, there's a gas leak

1 at this meter and they would move on from there.

2 Q. Okay. But my question was, how do you know  
3 when the AMR was installed?

4 A. Because AMR's an actual -- it's a face.  
5 They put an actual device on the meter.

6 Q. Okay. So you would know that an AMR was  
7 installed, but how would you know when it was installed?

8 A. Oh, when? I don't know.

9 Q. Okay. And how would you know that the AMR  
10 installation caused the leak?

11 A. Well, that was, again, just my hypothesis.  
12 There was no, like, proven fact it was the AMR. It was  
13 just, you know, if an AMR was on a perfectly fine meter  
14 with great pipes and had just been -- you know, never been  
15 reported for a leak and there was an AMR on there, then  
16 obviously something could have definitely been wrong with  
17 the installation of the AMR.

18 Q. Okay. So your theory, then, wouldn't take  
19 into account that there might be other reasons that meters  
20 might leak other than corrosion; is that correct?

21 A. Yes. Yeah. Correct.

22 Q. Okay. And you would not have -- any of  
23 these meters you found leaks on, you would not have done  
24 any tests on those meters; is that correct?

25 A. No. I would just report back to Laclede



1 Gas.

2 Q. Okay. When you say you think a leak might  
3 occur because an AMR device would be screwed on too  
4 tightly, how would you know that?

5 A. Because the gasket, the gasket that is  
6 actually between the actual meter and the AMR is a little  
7 black gasket, and it would either look pinched too tightly  
8 or not tightly enough.

9 Q. So were you ever trained on how tight that  
10 the AMR device should be screwed on to the meter?

11 A. No.

12 Q. Let me ask you this: The gasket you're  
13 referring to prevents gas from escaping. How does  
14 screwing the device on too tightly cause gas to escape?

15 A. Well, it would pinch the gasket and the  
16 gasket wouldn't work correctly. I --

17 Q. So the seal would be too tight?

18 A. Not -- well, I mean, you can tighten a seal  
19 so tight that -- I mean, there's still like little air  
20 holes, that the gasket wouldn't work correctly because it  
21 would be stressed in places and not in others.

22 Q. And did you do a test on the meter to  
23 determine that or is that just your hypothesis again?

24 A. That's just my hypothesis.

25 Q. Okay. And when you referred to devices

1     that weren't screwed on tightly enough, is that also your  
2     hypothesis or did you do any tests?

3             A.       No tests were done.

4             Q.       Where you say that if the screws were not  
5     tight enough, the gasket would not contain any leaks  
6     within the meter, are you aware that the indexes are  
7     vented so that the indexes are not meant to be gas tight?

8             A.       I --

9             Q.       I'm sorry. Not the index. The index  
10    cover. I'm sorry, Mr. Guelich. Let me reask the  
11    question.

12            A.       Yeah. Go ahead and ask.

13            Q.       Are you aware that the index cover that  
14    goes over the index is vented on the bottom so that it's  
15    not intended to be gas tight anyway?

16            A.       No, I wasn't aware of that. I don't know  
17    why they --

18            Q.       Toward the bottom of page 2, you talk about  
19    other problems with AMR meters. You say you've noticed  
20    AMR meters where the first dial would click but not spin?

21            A.       Yeah.

22            Q.       Can you describe to us what the first dial  
23    is?

24            A.       The first line -- you know, there's four,  
25    you know, on a regular house meter, there's four dials

1 or indexes. There would be the first one, which would be  
2 the -- I don't even remember. It's been a while since I  
3 read a meter -- I guess 100,000 spot or something, 10,000,  
4 one of the spots.

5 Q. Are you aware that there are actually six  
6 dials on a normal house meter?

7 A. Well, there's four dials that you read that  
8 I'm referring to.

9 Q. You're referring to the four dials that you  
10 read for purposes of billing and measurement?

11 A. Right.

12 Q. Okay. And the -- so when you say the first  
13 dial, you mean the lowest number, if you were to write  
14 down the four digit number of the reading?

15 A. Correct.

16 Q. Okay. And when you say it would click but  
17 not spin, were you watching that dial to see if it would  
18 move up to the next number?

19 A. Yes. Customers would complain that -- the  
20 only reason why I would go in there and look at that is  
21 because a customer complained. They would turn on their  
22 heater or their furnace on high, and I would just sit  
23 there and watch it just click, click, click and not move.

24 Q. Okay. And are you aware of what the other  
25 two dials are on the residential meter, the two you're not

1 reading?

2 A. The tiny ones?

3 Q. Yes.

4 A. Not specifically. I mean, I've seen them  
5 before.

6 Q. Okay. Would those dials be moving?

7 A. I didn't really pay much attention to  
8 those.

9 Q. Okay. Do you have any idea -- one dial is  
10 called the half-foot dial. Do you have any idea how many  
11 times that dial needs to go around before the dial you're  
12 describing moves one number?

13 A. I don't know. It would obviously be a  
14 number like one or ten, something like that.

15 Q. Okay. If it's a half-foot dial, it would  
16 need to go around 200 times before the first dial you're  
17 describing would move up one number. Does that sound  
18 right to you?

19 A. Yeah. I mean, I don't know. I never  
20 really paid attention to that dial.

21 Q. Okay. You also say, I have also seen AMR  
22 meters where the first dial would jump and not spin  
23 consistently. Are you saying, again, that the first dial  
24 is the fourth of the top four dials?

25 A. Right. That's the first one that we read.

1           Q.       Okay. The first one to the left or the  
2 first one on the right?

3           A.       One on the right.

4           Q.       Okay. Are you aware that no one else is  
5 saying that that particular dial is jumping and not  
6 spinning consistently?

7           A.       I wasn't aware of that.

8           Q.       Okay. On line 20 on page 2 you say, in my  
9 opinion, if the dial does not spin, the customer may be  
10 receiving free gas?

11          A.       I don't know. I just said that because,  
12 obviously, if the dial is not moving, how can they be  
13 billed correctly?

14          Q.       Do you have any knowledge of Laclede's  
15 tariff regarding estimating what we call DR meters?

16          A.       I'm sorry.

17          Q.       Do you know what a DR meter is?

18          A.       No.

19          Q.       When a meter -- that's when a meter doesn't  
20 register. Does that sound correct to you?

21          A.       Yes.

22          Q.       Did you ever hear that term during your  
23 time at Laclede?

24          A.       No.

25          Q.       Are you aware that there are meters that

1 may not register whether or not they have an AMR device on  
2 them?

3 A. Right. Yes.

4 Q. And do you have any knowledge of Laclede's  
5 tariff regarding how to bill based on estimates for meters  
6 that aren't operating properly?

7 A. I think they use, like, the average around  
8 the neighborhood, is what I heard.

9 Q. Okay. But you're not familiar with the  
10 tariff?

11 A. No.

12 Q. Your last sentence on page 2 says -- well,  
13 let's read your entire last answer. The question is, what  
14 is the impact of a non-spinning or inconsistently spinning  
15 dial? Your answer is, in my opinion, if the dial does not  
16 spin, the customer may be receiving free gas. If the dial  
17 spins inconsistently, the customer may be getting  
18 overbilled. However, both of these results assume that  
19 the malfunction was not merely isolated in the first dial  
20 and the second dial had accurately recorded the gas usage.  
21 Can you explain this answer to us?

22 A. Yeah. I'm just saying -- I was just saying  
23 that if something's not spinning correctly, it's like the  
24 dial's not spinning correctly, there's a possibility that  
25 the gas is not being recorded correctly. Therefore, that

1     could be a free gas for somebody or overbilled for  
2     somebody else.

3             Q.       But what does it mean that the second dial  
4     had accurately recorded the gas usage?

5             A.       I don't know why that's on there.

6             Q.       Okay.

7             A.       I don't know what that means.

8             Q.       On the top of page 3, the question is asked  
9     to you, after finding a non-functional AMR meter, what  
10    would you do with that information? What do you mean by a  
11    non-functioning AMR meter, Mr. Guelich?

12            A.       Non-functional, the only thing I can think  
13    of in that case would be, a meter that I would get a  
14    complaint from by a customer, I would go down, look at the  
15    meter. They would have their furnace on high or whatever,  
16    show me what the meter was doing. So I would just make a  
17    note of that on my route or on my corrosion section.

18            Q.       Okay. And you say that there was no policy  
19    to report non-functional AMR devices, and so you would not  
20    fill out any documentation in the case of a non-functional  
21    AMR?

22            A.       Yeah. There was no, like, form or anything  
23    that you filled out. Whenever there was a problem or  
24    something, you just make a notation in the comment line or  
25    something on the route.

1 Q. Did anyone tell you not to report  
2 non-functional meters with AMRs on them?

3 A. No.

4 Q. Did anyone tell you to report  
5 non-functional meters without AMRs on them?

6 A. Restate that question.

7 Q. Did anyone tell you to report  
8 non-functional meters that did not have AMR modules on  
9 them?

10 A. No.

11 Q. Did anyone tell you not to report  
12 non-functional meters that did not have AMRs on them?

13 A. No.

14 Q. Do you think it would have been good  
15 customer service to have reported to Laclede that a meter  
16 was not working properly?

17 A. Yes.

18 MR. ZUCKER: That's all the questions I  
19 have. Thank you.

20 JUDGE WOODRUFF: All right. Thank you.  
21 Then we will come up to Commissioners.

22 COMMISSIONER GAW: No questions.

23 JUDGE WOODRUFF: Commissioner Appling?

24 COMMISSIONER APPLING: No questions.

25 JUDGE WOODRUFF: I have no questions. No



1     need for recross. Any redirect?

2                     MS. SCHRODER: Yes.

3     REDIRECT EXAMINATION BY MS. SCHRODER:

4             Q.     Hi. This is Sherrie Schroder again.

5             A.     Okay.

6             Q.     First of all, what, if any, benefit do you  
7     get testifying in this matter?

8             A.     I'm sorry. I didn't hear that.

9             Q.     What, if any, benefits do you receive from  
10    testifying in this matter?

11            A.     None.

12            Q.     All right. In fact, did you refuse to  
13    testify without a subpoena?

14            A.     Yes.

15            Q.     Okay. You described a situation -- well,  
16    you said that you worked on scheduled routes and that some  
17    of those meters would be AMR and some of those meters  
18    would not have AMR devices on them. When you started  
19    working with Laclede, was your route largely one way or  
20    the other?

21            A.     No.

22            Q.     I'm sorry?

23            A.     No. It would vary from a day to day.

24            Q.     Okay. Did you ever work on a route where  
25    the entire route pretty much was non-AMR meters at one

1 point and then later on they became mostly AMR meters?

2 A. Yes.

3 Q. And was that what you were discussing with  
4 Mr. Zucker where you said that you saw leaks resulting  
5 from AMR installation?

6 A. Yes.

7 Q. All right. So you were reading meters that  
8 had not had an AMR device on them and then later they had  
9 the AMR device, and was that when you were discovering the  
10 leaks?

11 A. To draw back a specific meter wouldn't be  
12 possible for me, but I do -- you know, I did read meters  
13 that had no AMR on it and then go back a month or two  
14 later and read that same meter with an AMR on it. But to  
15 say that there was a leak at that specific meter, I  
16 couldn't.

17 Q. All right. And when you were discovering  
18 leaks on meters, how were you discovering them?

19 A. I'm sorry?

20 Q. How were you -- how were you determining  
21 that there was a leak on a meter?

22 A. Oh, we use this little -- I guess it's  
23 called a gas detector on our pocket that Laclede gives  
24 us to wear on our routes, and when we go inside, that gas  
25 -- you know, that gas detector would go off and that would

1 show there is a gas leak occurring.

2 Q. Okay. And is that gas detector device that  
3 you just described, is that something you received  
4 training on through Laclede?

5 A. Yes.

6 Q. All right. And you described some training  
7 that you received about corrosion inspections and safety.  
8 Did you also get any on-the-job training at Laclede?

9 A. I'm sorry?

10 Q. Did you receive any on-the-job training at  
11 Laclede?

12 A. Yes.

13 Q. How much of that did you get?

14 A. I think a week or so with another -- with  
15 another meter reader that has more experience, and they  
16 would just kind of walk us through a route, teach us how  
17 to read meters, and then they would gradually let us go  
18 out on our own.

19 Q. Okay. You also talked to Mr. Zucker about  
20 these gaskets that you felt were screwed on too tightly or  
21 too loosely. Was that based on your personal observation?

22 A. Yes.

23 Q. All right. Did you -- did you see AMR  
24 meters that you thought had gaskets on them that were  
25 neither too tight or too loose?

1           A.       Yeah, you could tell, like when a gasket  
2 was on there, you know, and it was sufficient.

3           Q.       All right. And the last set of questions  
4 that Mr. Zucker asked you were about these meters that --  
5 with the dials that you said weren't spinning, and you  
6 indicated to him that this happened when a customer would  
7 complain and turn the furnace on high and you'd watch it  
8 click, click, click and not move. Do you recall that  
9 testimony?

10          A.       Yes.

11          Q.       All right. How long were you watching --  
12 how long were you watching the meter?

13          A.       Probably a good ten minutes.

14          Q.       And the hand never moved, the first hand?

15          A.       No.

16          Q.       Okay. And how frequently were you seeing  
17 meters like that?

18          A.       One I remember specifically was a husband  
19 and wife in South City.

20          Q.       Did you see more than one?

21          A.       No, not that I stood there that long and  
22 watched.

23          Q.       All right. Did you ever do -- were any of  
24 your meter reads on what's called high bill complaints?

25          A.       Yes.

1           Q.     And did you notice any patterns relating to  
2 your high bill complaints?

3           A.     I'm sorry?

4           Q.     Did you notice any pattern to your high  
5 bill complaint investigations?

6           A.     No.

7           Q.     Was there -- when you were doing high bill  
8 complaint investigations, were you seeing any of these  
9 spinning -- these dials that didn't spin?

10          A.     Yeah. That's the reason she brought it to  
11 my attention was because the bill was so high.

12          Q.     And what did she bring to your attention?  
13 I'm sorry.

14          A.     Oh, she -- the reason why the original  
15 meter I'm talking about that was clicking and not  
16 spinning, the reason why she had brought it to my  
17 attention is because the bill was so high.

18          Q.     Okay. And was that the only high bill  
19 investigation that you did where -- that involved an AMR  
20 meter?

21          A.     No.

22          Q.     Did you see that sort of thing with other  
23 high bill investigations with AMR meters?

24          A.     No, not that I specifically observed.

25          Q.     Okay. And I want to go back just one

1 second. When we were talking about these gaskets that  
2 were on too tightly or not tightly enough, in your  
3 opinion, did those seem to correspond at all with places  
4 where you were finding where your leak detector was going  
5 off?

6 MR. ZUCKER: Objection, leading.

7 MS. SCHRODER: Let me rephrase.

8 JUDGE WOODRUFF: Sustained.

9 BY MS. SCHRODER:

10 Q. Mr. Guelich, you testified previously about  
11 believing some AMR meters were installed with their  
12 gaskets too tight or too loose. How did that correspond,  
13 if at all, with leaks that you were finding?

14 A. No correspondence, I don't think, as far as  
15 I -- as far as I saw.

16 MS. SCHRODER: Okay. No further questions.

17 JUDGE WOODRUFF: All right. Thank you,  
18 Mr. Guelich.

19 THE WITNESS: Thank you.

20 JUDGE WOODRUFF: That should take care of  
21 our need for you today, and I'm going to hang up the phone  
22 now.

23 THE WITNESS: Sounds good.

24 JUDGE WOODRUFF: All right. Well, it's  
25 time for lunch, so let's take a break. We'll come back at

1 one o'clock. Before we go, though, I just want to run  
2 down the course of the rest of the afternoon.

3 We've got Ms. Kessler and Brian Johnson on  
4 the telephone, Bob Leonberger and Pat Seamands here live;  
5 is that right? We've got four witnesses left? How long  
6 do you think the Kessler and Johnson telephones will last?

7 MS. SCHRODER: I don't think they would  
8 last terribly long, but I am willing -- I know at the last  
9 hearing, you offered or maybe the parties offered to take  
10 Ms. Kessler's by written testimony. I am willing to do  
11 hers that way if you want to do it at the same time.

12 MR. FRANSON: I'm not.

13 MS. SCHRODER: You're not any longer?

14 MR. FRANSON: No. Well, that was never the  
15 agreement. The agreement was she would be available by  
16 phone, I thought.

17 MS. SCHRODER: No. Originally last hearing  
18 when we were trying to get through a bunch of this stuff  
19 and I ended up putting a bunch of customers in on their  
20 written testimony only. She was one of the people. It's  
21 in the record, she was one of the people that --

22 MR. FRANSON: Judge, if the Commissioners  
23 have no questions for her, I'll withdraw my objection.

24 JUDGE WOODRUFF: Well, I don't know if the  
25 Commissioners will or not, but we'll deal with that

1 tomorrow. I'm just trying to figure out particularly how  
2 quickly Mr. Leonberger would be ready to testify.

3 MR. ZUCKER: I would think that both  
4 Ms. Kessler and Mr. Brian Johnson will take up about the  
5 same amount of time that Mr. Guelich just did.

6 JUDGE WOODRUFF: About 20 minutes or so?

7 MS. SCHRODER: We're hopeful that we may  
8 finish this today. That's why I was trying to make that  
9 concession about Ms. Kessler.

10 JUDGE WOODRUFF: Sure.

11 MR. FRANSON: Judge, I made arrangements to  
12 be here a little bit past five o'clock, certainly not well  
13 into the evening, but if an extra 30 or 60 minutes would  
14 do it, I --

15 JUDGE WOODRUFF: We'll worry about that  
16 when it comes time for it. Well, let's go ahead and go on  
17 break. We'll come back at one o'clock.

18 MS. SCHRODER: Can I ask one more question  
19 before you do that?

20 JUDGE WOODRUFF: Sure. We're still on the  
21 record.

22 MS. SCHRODER: Mark Boyle and Jim Johnson  
23 have already testified. First of all, I guess, are they  
24 excused?

25 JUDGE WOODRUFF: Yes.





1 if it comes up, we'll deal with it at that time. I can't  
2 imagine the circumstances where that would happen, but I  
3 don't want to foreclose it absolutely until I understand  
4 what the circumstances are more.

5 MS. SCHRODER: So they are excused?

6 JUDGE WOODRUFF: They are excused, but if  
7 you want to keep them around, it's up to you. I don't see  
8 how -- I assume he's going to head back to St. Louis?

9 MS. SCHRODER: Yes.

10 JUDGE WOODRUFF: Well, we will deal with it  
11 if it comes up.

12 MS. SCHRODER: All right. Thank you.

13 JUDGE WOODRUFF: All right. With that  
14 then, we're off the record and we're on lunch break.

15 (A BREAK WAS TAKEN.)

16 (EXHIBIT NO. 38, 39NP, 39HC AND 40 WERE  
17 MARKED FOR IDENTIFICATION BY THE REPORTER.)

18 JUDGE WOODRUFF: All right. Let's come to  
19 order. We're back after our lunch break. Before we went  
20 back on the record, there was some discussion about the  
21 next witness, which would be Ms. Kessler. The parties  
22 indicated that they did not have any questions for  
23 Ms. Kessler, and I have no questions from the Bench. So  
24 we decided it would not be necessary to call her on the  
25 telephone.

1                   Ms. Schroder do you wish to offer the  
2 testimony at this point?

3                   MS. SCHRODER: Yes, I do. Thank you. I  
4 would offer Exhibit 38 as the testimony -- 38NP as the  
5 testimony of Ms. Kessler and, just for the record, that's  
6 the testimony we had previously filed as HC testimony, but  
7 per Ms. Kessler's permission, we would now go ahead and  
8 remove the HC from that.

9                   JUDGE WOODRUFF: And you just spoke with  
10 her about that matter on the telephone?

11                  MS. SCHRODER: Yes, I did.

12                  JUDGE WOODRUFF: And, Mr. Poston, since you  
13 just came in, before you came in the parties agreed the  
14 parties would not have any questions for Ms. Kessler. Do  
15 you have any objection to that?

16                  MR. POSTON: No.

17                  JUDGE WOODRUFF: All right. Then  
18 Exhibit 38 has been offered into evidence. Is there any  
19 objection to its receipt?

20                  (No response.)

21                  JUDGE WOODRUFF: Hearing none, it will be  
22 received into evidence.

23                  (EXHIBIT NO. 38 WAS RECEIVED INTO  
24 EVIDENCE.)

25                  JUDGE WOODRUFF: And I believe the next

1 witness on the phone then would be Brian Johnson?

2 MS. SCHRODER: Correct. Would you like me  
3 to come up and make the phone call?

4 JUDGE WOODRUFF: Yes, come on up and make  
5 the phone call.

6 (REPORTER'S NOTE: Judge Woodruff attempted  
7 to call Brian Johnson and reached his answering machine.)

8 JUDGE WOODRUFF: All right. Well, I guess  
9 we'll get back with Mr. Johnson at 1:30. Is there  
10 anything we can do in the next 20 minutes?

11 MR. FRANSON: Not really. I think -- well,  
12 actually, I guess we could offer Mr. Baras' testimony if  
13 we haven't already done that.

14 MS. SCHRODER: We could go ahead and do  
15 Bob's direct portion.

16 JUDGE WOODRUFF: We can get started on  
17 Mr. Leonberger and break from him at 1:30. I know several  
18 of the Commissioners had questions for Mr. Leonberger, so  
19 I don't want to rush him out.

20 Let's go ahead and do that. We'll put him  
21 on the stand now and break in time to call Mr. Johnson at  
22 1:30. If you'd please raise your right hand.

23 (Witness sworn.)

24 JUDGE WOODRUFF: Be seated. You may  
25 inquire.

1 MR. FRANSON: Thank you, your Honor.

2 ROBERT R. LEONBERGER testified as follows:

3 DIRECT EXAMINATION BY MR. FRANSON:

4 Q. Sir, please state your name.

5 A. Robert R. Leonberger.

6 Q. Mr. Leonberger, how are you employed?

7 A. I'm employed at the Public Service  
8 Commission.

9 Q. In what capacity?

10 A. I'm officially assistant manager of the  
11 energy department. I oversee the gas safety engineering  
12 section.

13 Q. Okay. Now, as part of your duties, did you  
14 cause testimony to be filed in this case specifically on  
15 November 8th, 2006, is what we'll start with?

16 A. Yes, I filed rebuttal testimony.

17 Q. Okay. Did you file both a highly  
18 confidential and a nonproprietary version of your  
19 testimony?

20 A. Yes.

21 MR. FRANSON: Okay. Your Honor, I believe  
22 those would be 39HC and 39NP.

23 BY MR. FRANSON:

24 Q. Mr. Leonberger, let's start with 39.

25 MS. SCHRODER: Actually, Robert, wait a

1 second. Were we going to mark Brian Johnson's as 39?

2 MR. FRANSON: No.

3 MS. SCHRODER: Okay.

4 BY MR. FRANSON:

5 Q. Mr. Leonberger -- and I understand you have  
6 another piece of testimony. We'll come back to that in a  
7 minute. On the ones that you filed on November 8, 2006,  
8 do you have any additions, deletions, corrections or  
9 additions to that testimony?

10 A. I have a correction.

11 Q. And where is that?

12 A. On page 16, line 12.

13 Q. Okay. Give us just a moment to get there.  
14 Page 16, line 12. What is your correction?

15 A. A spelling error. I spelled leak l-e-e-k.  
16 It should be l-e-a-k.

17 Q. Other than that testimony -- and that would  
18 also be in your NP version of your testimony also, would  
19 it not?

20 A. Yes.

21 Q. Okay. Other than that correction, do you  
22 have any other changes to your testimony?

23 A. No.

24 Q. If you were asked the same questions as  
25 appear in your sworn testimony of November 8, 2006, would

1 your answers be the same or substantially similar?

2 A. Yes.

3 Q. Then we'll come back to this. I believe  
4 this next -- did you also file additional testimony on  
5 January 29th, 2007 in this case?

6 A. Yes, supplemental rebuttal testimony.

7 Q. Okay. Your supplemental rebuttal  
8 testimony, do you have any additions, corrections, changes  
9 or additions to your testimony?

10 A. No.

11 Q. If you were asked these same questions  
12 today, would your answers be the same or substantially  
13 similar?

14 A. Yes.

15 MR. FRANSON: Your Honor, with those  
16 questions asked and answered, I would offer  
17 Exhibits 39HC, 39NP and Exhibit 40, which I believe is the  
18 supplemental rebuttal testimony of Mr. Leonberger, into  
19 evidence.

20 JUDGE WOODRUFF: Exhibit 39NP and HC and  
21 Exhibit 40 have been offered into evidence. Are there any  
22 objections to its receipt?

23 (No response.)

24 JUDGE WOODRUFF: Hearing none, they will be  
25 received.

1 (EXHIBIT NOS. 39NP, 39HC AND 40 WERE  
2 RECEIVED INTO EVIDENCE.)

3 MR. FRANSON: Thank you, your Honor. With  
4 that in evidence, I have no further questions of  
5 Mr. Leonberger at this time, and I would offer him for  
6 cross-examination.

7 JUDGE WOODRUFF: All right. Thank you.  
8 For cross-examination, we'll begin with Laclede.

9 MR. ZUCKER: Yes, your Honor.  
10 CROSS-EXAMINATION BY MR. ZUCKER:

11 Q. Good afternoon, Mr. Leonberger.

12 A. Good afternoon.

13 Q. Can you tell us your title?

14 A. Officially I'm the assistant manager in the  
15 energy department. I oversee the gas safety engineering  
16 group.

17 Q. Okay. And do you supervise other people in  
18 that group?

19 A. Yes.

20 Q. And how many people are in your group?

21 A. There are eight slots. Right now there are  
22 seven employees, but there are eight slots in our area.

23 Q. All reporting to you?

24 A. Yes.

25 Q. And do you and your group belong to state



1 or national gas safety organizations?

2 A. Yes.

3 Q. Can you name any of them?

4 A. As the head of the pipeline safety program,  
5 I am a member of National Association of Pipeline Safety  
6 Representatives, which is a group of pipeline safety  
7 managers throughout the United States. I'm also a member  
8 of the National Association Of Corrosion Engineers. Some  
9 of my people that work with me are also members of  
10 national organizations.

11 Q. Okay. Can you tell me any of those?

12 A. One of them is a member of the ANSI, Gas  
13 Piping Technology Committee.

14 Q. What was that, Nancy?

15 A. ANSI, A-N-S-I, American National Standards.

16 Q. American National Standards Institute?

17 A. I believe so, yes.

18 Q. And what subgroup of ANSI?

19 A. It's called the Gas Piping Technology  
20 Committee. That committee has been in existence for quite  
21 some time to write guide material for Part 192, which are  
22 the federal pipeline safety regulations by which the  
23 Missouri rules on pipeline safety are based upon.

24 Q. Okay. And are there any other gas safety  
25 groups that you are or your employees that report to you

1 are members of?

2 A. On a statewide basis we have what's called  
3 Missouri Association of Natural Gas Operators, which we  
4 meet quarterly to go over different aspects of the  
5 operations of the gas systems and the concerns, problems,  
6 things we -- within the state of Missouri.

7 Q. Are there any other gas safety groups?

8 A. Not that I can think of right now.

9 Q. In these various groups you've named, are  
10 there -- do the matters that these groups consider include  
11 meters?

12 A. The -- specifically the regulations  
13 don't. The pipeline safety regulations in Part 192 are --  
14 in 340-40.030 or 20 concern meters. There are some meter  
15 requirements in the public -- the Public Service  
16 Commission rules about meter changeout and accuracy. But  
17 the groups I was discussing would be more on the federal  
18 pipeline safety regulations or the Missouri pipeline  
19 safety regulations, and there's no regulations in those  
20 particular -- there's no requirements in those regulations  
21 about meters.

22 Q. Why, in your opinion, are meters not a big  
23 part of pipeline safety?

24 A. In my opinion, the meters are a billing  
25 issue. They bill the gas. The meter is used to bill the

1 gas.

2 Q. Well, are you saying that they don't  
3 present serious safety issues?

4 A. Any -- I guess any part of a system could  
5 potentially be a safety issue, but the meters specifically  
6 are a billing by how the gas is billed, so as far as  
7 pipeline safety regulation, the meter requirements for  
8 meters aren't in those pipeline safety regulations.

9 Q. In these gas safety groups and  
10 organizations you've talked about, are there issues  
11 discussed regarding automated meter reading devices?

12 A. There's been some discussions in the  
13 National Association of Pipeline Safety Representatives  
14 about people going to AMRs and the number of -- number of  
15 companies and their states going to AMRs.

16 Q. Have there been gas safety concerns about  
17 those?

18 A. Not that I'm aware of.

19 Q. And have there been any discussions among  
20 these groups and organizations about incidents in which  
21 there were leaks caused by an AMR installation or device?

22 A. I have had -- there's been no information  
23 or examples like that brought to my attention. The  
24 only one that I heard of was in this hearing back in  
25 December 10th, 11th.

1           Q.       Okay. And have you done any research on  
2 whether or not the installation of AMR can cause a gas  
3 safety concern?

4           A.       Well, I wasn't aware of any instances where  
5 AMR had caused a gas safety concern, and I believe  
6 Mr. McFarlane testified that he was aware of a couple of  
7 NTSB reports, public reports that there was association  
8 with AMR and safety. And I was not aware of that, and one  
9 of the people that worked directly for me, John Cotwitz,  
10 has been a member of the Gas Piping Technology Committee  
11 and the Chairman of the Damage Prevention Committee for  
12 ten years, and on that the committee, NTSB on the gas  
13 piping, NTSB representatives that meet I think it's -- I  
14 believe it's three times a year.

15                       So one of the things that John's group  
16 does, John Cotwitz's group does is look at NTSB reports  
17 and other reports to see if there's information in there  
18 that would cause an incident that may -- you may want to  
19 include guide material for the Part 192. So when I heard  
20 Mr. McFarlane's testimony about NTSB reports, I was  
21 surprised because I wasn't aware of it. I talked to John  
22 about it, and through John, through his contacts with the  
23 NTSB personnel on committee, he called them up and asked  
24 them, and that person contacted his supervisor and asked  
25 him about if he knew of any incidents caused by AMR

1 installation and he did not know any.

2                   So I then called Mr. Rod Dyke at NTSB,  
3 who's been there for ten and a half years, and asked him  
4 specifically that a person at a hearing here at the  
5 Commission has said that there are a couple of NTSB  
6 reports that talk about an incident caused by AMR  
7 installation, and I asked Mr. Dyke, I needed to know if  
8 that was -- if he could tell me if there was any of  
9 those -- if any AMR installations had caused -- that he  
10 was aware of any NTSB reports like that.

11                   He told me he knew of none and was not  
12 aware of any of them. He's been there for at least ten  
13 and a half years but not just during that time. He  
14 indicated that he looked and he could not find any.

15               Q.       Okay. So when we were here originally in  
16 the hearing in December, Mr. McFarlane testified that  
17 there was an NTSB report, I think maybe two?

18               A.       I believe his testimony specifically said  
19 there were a couple of NTSB reports, public reports that  
20 discussed AMR -- I don't know the second part, but  
21 discussed AMR incidents involving AMR.

22               Q.       And your research has not showed that those  
23 reports exist?

24               A.       No, because I was -- as I just said before,  
25 I was very surprised to hear that because through my work

1 with the GPDC or John's work with the GPDC, I thought we  
2 would have heard that, and so that's when we contacted  
3 NTSB.

4 Q. Okay. I've asked you about meters  
5 and about automated meter reading. Do you have any  
6 particular -- have you found any particular safety issues  
7 with the AMR units that are being installed in Laclede  
8 territory?

9 A. No.

10 Q. And do you have any particular information  
11 on Cellnet that indicates that -- that gives you any  
12 reason to have a safety concern?

13 A. No.

14 Q. Have you done any research on Cellnet?

15 A. Well, I had seen -- recently seen a couple  
16 of articles that I know, during the questioning of  
17 Mr. Korbisch, there was questioning regarding Austin  
18 Energy and there was a question I believe that said Austin  
19 Energy uses Cellnet and there's problems there and they  
20 went back to manual reads.

21 And Mr. Korbisch's answer was, no, that's  
22 not true. And I just read a newsletter from Austin Energy  
23 and an Energy Online report that said Austin Energy is  
24 going to contract with -- just contracted with Cellnet to  
25 do 230,000 more units. And so I don't believe there's --

1 I mean, from that information -- I heard what the  
2 questioning was, but I don't -- from that information and  
3 them continuing to use Cellnet, I didn't know there was a  
4 problem.

5 Also, Mr. Gozie was from Wisconsin Energy  
6 or WE Energies, and I also just read an article in the Gas  
7 and Pipeline Technology magazine that WE Energy has  
8 contacted with Cellnet to install 210 -- or 201,000 more  
9 Cellnet AMR devices.

10 MR. ZUCKER: Okay. Thank you very much,  
11 Mr. Leonberger. I have no further questions.

12 JUDGE WOODRUFF: All right. Thank you.

13 By previous arrangement, we're going to  
14 call Mr. Johnson at 1:30, so before we go ahead and start  
15 with further cross-examination of Mr. Leonberger, we'll  
16 take a short break and we'll come back at 1:30 and call  
17 Mr. Johnson.

18 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

19 (EXHIBIT NO. 41 WAS MARKED FOR  
20 IDENTIFICATION BY THE REPORTER.)

21 JUDGE WOODRUFF: We're ready for  
22 Mr. Johnson, if you want to go ahead and call,  
23 Ms. Schroder.

24 Mr. Johnson?

25 THE WITNESS: Yes.

1 JUDGE WOODRUFF: This is Morris Woodruff.  
2 I'm the Judge with the Public Service Commission. I'm  
3 calling you for the hearing. I've got you on speakerphone  
4 in the hearing room. Ms. Schroder is here, and we're  
5 going to have you testify in a moment.

6 Before we do that, I'm going to swear you  
7 in as a witness.

8 THE WITNESS: Okay.

9 JUDGE WOODRUFF: So if you'd please raise  
10 your right hand.

11 (Witness sworn.)

12 JUDGE WOODRUFF: All right. Thank you very  
13 much. I'll hand you over to Ms. Schroder.

14 MS. SCHRODER: Thank you.

15 BRIAN JOHNSON testified as follows:

16 DIRECT EXAMINATION BY MS. SCHRODER:

17 Q. Mr. Johnson, are you the same Brian Johnson  
18 who caused to be filed in this case direct testimony which  
19 has been marked as Exhibit 41, I believe?

20 A. Repeat that last part, please.

21 Q. Yes. I'm sorry. You're not going to know  
22 the exhibit number. We have just marked your testimony as  
23 Exhibit 41, but did you cause testimony to be filed in  
24 this matter, written testimony?

25 A. Yes.



1           Q.     All right. Do you have any corrections or  
2 additions to that testimony?

3           A.     No, I do not.

4           Q.     And if I asked you the same questions today  
5 as are in your testimony, would your answers be the same?

6           A.     Yes.

7           Q.     Are those answers true and correct to the  
8 best of your information, knowledge and belief?

9           A.     Yes.

10          Q.     One other question. Why are you testifying  
11 today?

12          A.     I was requested.

13                 MR. FRANSON: Your Honor, I withdraw. I  
14 was going to object. I withdraw it. No objection.

15                 MS. SCHRODER: Okay.

16 BY MS. SCHRODER:

17          Q.     And all I'm asking, were you subpoenaed?  
18 Mr. Johnson, did you have to be subpoenaed?

19          A.     Yes, I was.

20                 MS. SCHRODER: Okay. With that, the Union  
21 moves for the admission of Exhibit 41 and 41HC and NP, and  
22 turns the witness over for cross-examination. But I would  
23 like to actually approach the court reporter and give her  
24 those.

25                 JUDGE WOODRUFF: Go ahead.

1                   Exhibit 41HC and NP has been offered into  
2 evidence. Is there any objection to its receipt?

3                   (No response.)

4                   JUDGE WOODRUFF: Hearing none, it will be  
5 received into evidence.

6                   (EXHIBIT NO. 41NP AND HC WERE RECEIVED INTO  
7 EVIDENCE.)

8                   JUDGE WOODRUFF: For cross-examination,  
9 then, we begin with Public Counsel.

10                  MR. POSTON: No questions.

11                  JUDGE WOODRUFF: Staff?

12                  MR. FRANSON: Briefly, your Honor.

13 CROSS-EXAMINATION BY MR. FRANSON:

14                  Q.       Mr. Johnson, my name is Robert Franson.  
15 I'm an attorney for the Staff of the Commission. I've got  
16 a few questions for you. Can you hear me okay?

17                  A.       Yes, sir.

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

20                  A.       No, I do not.

21                  Q.       Okay. But you remember what it says, don't  
22 you? And I mean, you're familiar with your testimony; is  
23 that correct?

24                  A.       Yes.

25                  Q.       Okay. On page 1, line 9 of your testimony,

1 it says, what experience do you have with AMR meters? And  
2 then the first sentence is, I have discovered leaking AMR  
3 meters while performing meter reads. What exactly is an  
4 AMR meter?

5 A. Automatic meter reader.

6 Q. But when you use the term AMR meter, is  
7 that simply a regular meter that has an AMR device on it?

8 A. It's an automatic meter reader.

9 Q. Okay. And is it your understanding that  
10 those AMRs are put on meters?

11 A. Repeat that, please.

12 Q. Is it your understanding that automated  
13 meter reading devices are put on Laclede gas meters?

14 A. Yes.

15 Q. Okay. Now, when you were performing your  
16 duties for Laclede from September of '05 to August of '06,  
17 did you only go out and look and do meter readings on  
18 meters with AMR devices or did you also do meter reads on  
19 meters without AMR devices on them?

20 A. That's correct, on both.

21 Q. Okay. So when you started in September  
22 of '05, right after your training, were you going on a  
23 meter -- on a route to read meters?

24 A. Correct.

25 Q. And is it fair to say that some of those

1 meters, at the beginning especially, did not have AMR  
2 devices on them?

3 A. Correct.

4 Q. Did you ever find any meter leaks on a  
5 meter without an AMR device on it?

6 A. Did I -- at the beginning, most of my  
7 routes were outside.

8 Q. Yes, sir. I understand that. My question  
9 is, did you ever find any leaks on meters that did not  
10 have AMR devices on them?

11 A. Probably did. I don't recall.

12 Q. Okay. But you didn't put any of that  
13 information in your testimony, did you?

14 A. I guess not. I don't recall.

15 Q. Okay. Now, what exactly is a PM Special?

16 A. It's when you work the evening route and a  
17 particular customer will ask that a meter reader come by  
18 to read their meter because they feel it's incorrect. You  
19 have a three, maybe four-hour window to read that meter.

20 Q. Okay. Did you do any PM specials with  
21 meters that did not have AMR devices on them?

22 A. I will say I did, yes.

23 Q. Did any of those stand out in your memory  
24 today?

25 A. Stand out how?

1           Q.       Well, such that you would have wanted to  
2 put them in your testimony?

3           A.       Put them in my testimony for what? I mean,  
4 what are you trying to get at?

5           Q.       What I'm asking is, who made decisions  
6 about your testimony that it was only going to be about  
7 AMR meters? Was that you or someone else?

8           A.       That's what I was asked about.

9           Q.       Asked by whom?

10          A.       Whoever asked me the questions -- these  
11 questions at this particular time.

12                   MR. FRANSON: Thank you, Mr. Johnson. I  
13 don't believe I have any further questions.

14                   JUDGE WOODRUFF: All right. Thank you.  
15 Cross-examination then from Laclede?

16                   MR. ZUCKER: Yes, your Honor.

17 CROSS-EXAMINATION BY MR. ZUCKER:

18          Q.       Good afternoon, Mr. Johnson.

19          A.       Yes, sir.

20          Q.       Can you hear me?

21          A.       Yes.

22          Q.       My name is Rick Zucker. I'm an attorney  
23 for Laclede Gas Company. I have a few questions for you  
24 today.

25                   First, let me ask you about your

1 educational background. Can you tell me what level of  
2 education you've had?

3 A. I have an associate's degree. I attended  
4 the University of Kansas, but I did not graduate, and I  
5 have an associate's in electrical.

6 Q. You have an associate's in what area?

7 A. Heating and cooling, HVAC and electrical.

8 Q. Okay. And are you employed currently?

9 A. Yes.

10 Q. And what kind of work are you doing?

11 A. Maintenance.

12 JUDGE WOODRUFF: Maintenance, was it?

13 MR. ZUCKER: Maintenance.

14 BY MR. ZUCKER:

15 Q. Okay. And so have you graduated from an  
16 HVAC school?

17 A. Yes.

18 Q. And have you done work in the HVAC field?

19 A. Yes.

20 Q. Other than for Laclede?

21 A. Yes.

22 Q. Okay. What kind of work have you done?

23 A. Servicing furnaces, electric and gas and AC  
24 units.

25 Q. When did you -- what HVAC school did you go

1 to?

2 A. Vatterott.

3 Q. Okay. And when did you graduate from  
4 there?

5 A. Either '03 or '04.

6 Q. Okay. And did that -- has your education  
7 included training on meters?

8 A. Not with Vatterott.

9 Q. What about with Laclede?

10 A. Yes.

11 Q. What kind of meter training did you get  
12 with Laclede?

13 A. How to interpret the meter to do your  
14 reading as a meter reader, how to inspect the -- how to  
15 inspect the meter.

16 Q. Inspect it for what?

17 A. Corrosion. If the piping was corroded, go  
18 to the service department.

19 Q. If you found a meter with a leak in it,  
20 would you work on that meter yourself?

21 A. No.

22 Q. Did you ever do work on meters?

23 A. No.

24 Q. Did you ever work in Laclede's meter shop?

25 A. No.

1 Q. Did you ever change a meter?

2 A. No.

3 Q. Did you ever test a meter?

4 A. What do you mean by test?

5 Q. Oh, analyze a meter to see why it was

6 leaking or whether it was registering accurately?

7 A. No.

8 Q. Have you ever installed an AMR device?

9 A. No.

10 Q. Can you tell me where meter leaks tend to

11 occur?

12 A. No.

13 Q. Okay. Do you have any evidence that shows

14 that AMR installations cause leaks?

15 A. Just that my detector went off.

16 Q. Your detector would go off indicating that

17 there was a leak, and the facilities would include an AMR

18 module on the meter; is that correct?

19 A. For the ones I testified for, yes.

20 Q. Okay. And would you know when -- you

21 said -- what did you say would go off?

22 A. I had a detector provided by Laclede Gas.

23 Q. And where would you wear that? Would you

24 wear that detector or carry it or --

25 A. No. I'd wear it on my person, in the



1 pocket. If you had a jacket, you had to wear it on the  
2 outside of your jacket, not on the inside pocket.

3 Q. Would this detector show you what  
4 percentage of gas was in the air when there was a leak?

5 A. No.

6 Q. Okay. So it would just go off to say that  
7 there was gas?

8 A. Correct.

9 Q. Okay. And what kind of sound would it  
10 make?

11 A. Just a beeping noise.

12 Q. Okay. So as you approached some gas  
13 facilities and your detector would go off, would you know  
14 where the leak was?

15 A. As you got closer, it got louder.

16 Q. And were you able to pinpoint where the  
17 leak was?

18 A. No. It would just get in the general area.

19 Q. And when you say general area, you mean  
20 within how -- how much, within three feet, within two  
21 feet, one foot?

22 A. I guess maybe four or five feet it would  
23 get louder as you got closer to the source.

24 Q. So could you tell if a leak was on a meter  
25 versus on piping near the meter?

1           A.       Well, the detector guided it toward an  
2    area.

3           Q.       And is that something you would do?

4           A.       Sometimes, yes, if the resident was behind  
5    me asking, what was that noise?

6                   MS. SCHRODER: I'm sorry. I didn't hear  
7    that.

8                   JUDGE WOODRUFF: Can you repeat that last  
9    response, sir?

10                  THE WITNESS: If the resident or the  
11   homeowner was behind me and asked me, what was that?

12   BY MR. ZUCKER:

13           Q.       Then you would try to use your pocket  
14   device to be a little more specific?

15           A.       Within the sounds of the meter, yes, sir.

16           Q.       Okay. And when your device would go off  
17   and start beeping, what would you do then?

18           A.       Advise the resident not to turn anything  
19   else off or on, and then I would be calling leak  
20   detection, and they would generally be out within an hour  
21   or two.

22           Q.       Okay. At the top of 23 of your testimony,  
23   you say that it appears to me that as the AMR meters  
24   became more prevalent, more people began to complain of  
25   overbilling. Do you recall testifying to that?

1           A.       Not per se.

2           Q.       Well, do you agree with that sentence today  
3 or disagree with it or don't know?

4           A.       Yes, I agree with it.

5           Q.       Excuse me?

6           A.       Yes, I agree with it.

7           Q.       Okay. Do you have any reason to know  
8 whether or not the complaints of overbilling were caused  
9 by AMR?

10          A.       Just as people will sometimes have their  
11 bills out of the previous month and want you to review it  
12 with them. I'd just share with them that they had to call  
13 customer service.

14          Q.       I think that was the right answer. I mean,  
15 I guess let me ask it this way: Do you know when a  
16 customer complained of overbilling, would you know whether  
17 or not the overbilling was caused by an AMR module versus,  
18 let's say, gas prices; in other words, their bill was high  
19 because gas prices were high?

20          A.       No. They would just -- I would just tell  
21 them to look at the previous bill versus this current  
22 bill.

23          Q.       Okay. Could it be that people were  
24 complaining of overbilling because they had been getting  
25 estimated bills, and then when they got the AMR module

1 placed on their meter, they got an actual bill causing a  
2 billing adjustment?

3 MS. SCHRODER: Objection, calls for  
4 speculation.

5 JUDGE WOODRUFF: I'll sustain the  
6 objection. You don't have to answer that question.

7 BY MR. ZUCKER:

8 Q. Let me ask it this way: Do you know  
9 whether or not the installation of an AMR device causes a  
10 customer to be overbilled?

11 A. No.

12 Q. Okay. You referred to a situation at 40 --  
13 I'm sorry. A situation on a street called Fountain, do  
14 you recall that?

15 A. Yes.

16 Q. Okay. And what you say there is your leak  
17 detector went off halfway down the stairs and that you  
18 could also smell gas in the basement. Do you recall that  
19 testimony?

20 A. Yes.

21 Q. Did you actually go into the basement?

22 A. Yes.

23 Q. And did you pinpoint where the leak was  
24 coming from?

25 A. I was in a closed area where the two meters

1     were located.

2             Q.       Could it have been coming from the boiler  
3     or furnace?

4             A.       I don't believe so.

5             Q.       And you didn't have a percent reading of  
6     gas in the air, did you?

7             A.       No.

8             Q.       And you called in this leak to the leak  
9     detection hotline; is that correct?

10            A.       Yes.

11            Q.       But you did not test this meter?

12            A.       No.

13            Q.       And you don't know where -- if the leak was  
14     on the meter, you don't know where on the meter it would  
15     have been?

16            A.       No.

17            Q.       Okay.  Toward the end of your testimony,  
18     you refer to a case in Overland.  Do you recall that?

19            A.       Yes.

20            Q.       And you say, when I arrived to perform the  
21     PM special reading, the customer said that her husband and  
22     youngest child had been nauseous.  Do you recall that?

23            A.       Yes.

24            Q.       And you say your leak detector went off in  
25     the basement.  Do you know where the leak was in that

1 case, whether it was on the meter or somewhere else?

2 A. It just got stronger as I went to the meter  
3 to read it, in both cases.

4 Q. Okay. Do you have any basis for saying  
5 that the AMR installation in those cases actually caused  
6 the leak?

7 A. None other than my detector going off.

8 Q. Your detector went off, that shows that a  
9 leak actually was occurring, correct?

10 A. Correct.

11 Q. But do you have any basis for stating that  
12 the installation of AMR would have caused that leak to  
13 occur?

14 A. I recall that those two homes had an AMR on  
15 it.

16 Q. So there was a leak and there was an AMR  
17 module on the meter?

18 A. Correct.

19 Q. But do you have any basis for saying that  
20 the installation of that AMR module actually caused that  
21 leak?

22 A. I didn't install it, so I don't know.

23 Q. Okay.

24 A. I don't know the procedure to install.

25 MR. FRANSON: Okay. All right. Thank you,

1 Mr. Johnson. Good luck to you.

2 THE WITNESS: Yes, sir. Thank you.

3 JUDGE WOODRUFF: All right. And then come  
4 up for questions from the Bench. Commissioner Appling, do  
5 you have any questions for Mr. Johnson?

6 COMMISSIONER APPLING: I don't think so,  
7 Judge.

8 JUDGE WOODRUFF: I don't have any  
9 questions, so there's no recross. Any redirect?

10 MS. SCHRODER: Did you ask Marc if he  
11 wanted to cross? I apologize.

12 MR. POSTON: No. You asked me.

13 MS. SCHRODER: I apologize.

14 JUDGE WOODRUFF: Redirect then?

15 MS. SCHRODER: Yes.

16 REDIRECT EXAMINATION BY MS. SCHRODER:

17 Q. Hi, Mr. Johnson. It's Sherrie Schroder  
18 again. I just have a couple of follow-up questions for  
19 you.

20 First of all, you got asked by Mr. Franson  
21 about whether you ever saw leaks on non-AMR meters. Do  
22 you recall whether you saw leaks or found leaks more  
23 frequently on one type of meter than the other, meters  
24 with or without AMR meters or AMR devices?

25 A. Generally when you do specials, you follow

1 up behind the installer of the AMR. You have to verify  
2 the reading. Prior to doing the AM -- PM Specials or AM  
3 Specials, my readings were basically outside. It was a  
4 walk-around, and the detector wouldn't go off on a  
5 walk-around.

6 MR. FRANSON: Your Honor, I'm going to have  
7 to object to that whole answer. It was nonresponsive to  
8 Ms. Schroder's question. I would ask that it be stricken.

9 JUDGE WOODRUFF: Overrule the objection.  
10 The answer will stand.

11 MS. SCHRODER: Thank you.

12 BY MS. SCHRODER:

13 Q. Mr. Johnson, as I understand your  
14 testimony, then -- well, were you saying, then, that  
15 mostly you saw non-AMR meters on the outside meters?

16 MR. FRANSON: Objection, leading, your  
17 Honor.

18 JUDGE WOODRUFF: There was an objection  
19 that was leading.

20 MR. FRANSON: Yes.

21 JUDGE WOODRUFF: Your response?

22 MS. SCHRODER: It was leading. I'm just  
23 trying to figure out, I was asking him about his -- I'll  
24 rephrase it. It was leading.

25 JUDGE WOODRUFF: It was leading.



1 BY MS. SCHRODER:

2 Q. Mr. Johnson, I'm sorry. I'm trying to  
3 figure out what you meant by your prior response. Let me  
4 just rephrase this question. Where did you mostly see  
5 meters that didn't have AMRs on them?

6 A. On the walk-around when I first started  
7 with Laclede.

8 Q. All right. And is a walk-around a route of  
9 outside or inside meters?

10 A. Generally in the county, they were outside.

11 Q. Okay. Were you finding -- were you finding  
12 leaks out there very often?

13 A. They wouldn't -- it wouldn't work outside  
14 generally.

15 Q. And when you say they or it, are you  
16 referring to the device wouldn't work outside, is that  
17 your pocket leak detector?

18 A. Repeat that, please.

19 Q. Is that your pocket leak detector that  
20 you're referring to?

21 A. Correct.

22 Q. All right. On these PM specials that you  
23 were doing, were those meters that you had read before AMR  
24 was installed or not?

25 A. That I don't recall.

1           Q.       Okay. You testified about two particular  
2 incidents that stuck out in your memory, and both of those  
3 had AMR devices on them. Were there similar incidents  
4 like that that you recall involving non-AMR meters?

5           A.       There could have been. I don't recall.

6           Q.       Do you recall -- were these particular  
7 incidents that you described in your testimony, the  
8 Fountain one and the Overland one -- let me rephrase.

9                       Why did the incidents in Fountain and  
10 Overland stick out in your mind?

11          A.       Because the young man that let me in was  
12 actually renting from his grandparents, which is what I  
13 did for about seven years before we married, and Overland  
14 is because I just happened to overhear the lady talking  
15 about how the husband and the child was so nauseous but  
16 nobody else was sick, like the flu.

17          Q.       All right. Did you -- are you aware of any  
18 incidents involving meters that didn't have AMRs on them  
19 where a customer complained of getting the flu?

20          A.       Not that I recall.

21          Q.       Do you recall any incidents involving  
22 AMR -- I'm sorry -- involving meters that didn't have AMRs  
23 where you could smell the leak before you got to the  
24 location of the meter?

25                       Do you understand my question?

1           A.       No, not that I recall.

2           Q.       Okay. In the situation that you described  
3 in Overland where you said that the woman told you her  
4 husband and youngest child had gotten ill, did you take  
5 any particular -- any extra precautions with the customers  
6 when you were dealing with that leak?

7           A.       Just advised them of the procedure that  
8 maybe they should get out of the house if they feel ill.

9           Q.       I'm sorry. Did you say you evacuated them?

10          A.       No. Just told them if they felt ill, they  
11 should get out. I didn't tell them they should leave, no.  
12 I told them that leak detection would be notified and they  
13 should be at the house. If not, the procedure was to have  
14 the gas cut off because we did call it in.

15          Q.       All right. Did you vent the house?

16          A.       Repeat.

17          Q.       Did you vent that house?

18          A.       No, I didn't. That was one of the steps,  
19 procedures to tell the residents, the homeowners.

20          Q.       All right. Did you routinely tell people  
21 to vent their houses when you found leaks?

22          A.       Yeah. That way it can escape from the  
23 home.

24          Q.       Okay. And one thing that I wanted to  
25 follow up on, because I didn't quite understand your

1 answer to Mr. Zucker, you said something about when  
2 customers complained to you about overbilling, that you --  
3 did you say you looked at their previous bills or that you  
4 advised them to?

5 A. No. They would have it out when I came  
6 there, and all I would share with them was my present  
7 reading at that day.

8 Q. Okay. That's what I didn't understand.  
9 One more thing. Did Laclede Gas give you training with  
10 regard to your leak detector?

11 A. Yeah, how it should be worn and what the  
12 procedure was if it went off.

13 MS. SCHRODER: All right. Thank you. I  
14 don't have any further questions.

15 JUDGE WOODRUFF: All right. Well, thank  
16 you, Mr. Johnson. We're done with you now and I'm going  
17 to hang up the phone.

18 THE WITNESS: Yes, sir. Thank you.

19 JUDGE WOODRUFF: Thank you. I believe that  
20 takes care of the telephone people for today, and if we  
21 can just bring Mr. Leonberger back up to the stand.

22 And, of course, Mr. Leonberger, you're  
23 still under oath. We had done cross-examination from  
24 Laclede, so now Public Counsel?

25 MR. POSTON: Just a few.

1 ROBERT R. LEONBERGER testified as follows:

2 CROSS-EXAMINATION BY MR. POSTON:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Were you present during the earlier portion  
6 of this hearing in December?

7 A. Yes.

8 Q. Okay. And there was testimony from witness  
9 Harmon and McFarlane about the wiggler arm on the meter, I  
10 guess it's been called. Are you familiar with that?

11 A. Harmon or which one?

12 Q. I believe both of them talked about these.

13 A. I recall some of the witnesses talked about  
14 the wiggler, yes.

15 Q. Okay. And there was testimony that an  
16 improper installation could cause leaks. Did you hear  
17 that testimony?

18 A. Yes.

19 Q. Okay. And I believe McFarlane testified  
20 that side pressure on the wiggler arm could cause leaks.  
21 I was wondering if you agreed with that testimony.

22 A. I don't believe -- I don't believe it would  
23 cause a leak. I have a meter upstairs that you -- I've  
24 taken and tried to move the wiggler arm myself by pushing  
25 on it from side to side with a lot of force, and it

1 doesn't -- it's connected to a lot of gearing in the back,  
2 and I don't think that plastic piece that is on the back  
3 of the AMR device could produce enough pressure to push  
4 that metal rod that comes out of the interior of the meter  
5 that's connected to all that gearing to create a leak.

6 Q. So then you have no concern that an  
7 improper installation would cause a leak, is that what  
8 you're saying?

9 A. I think that the improper installation, if  
10 there's improper installation, we have more problems with  
11 the operating correctly possibly.

12 Q. But not with a leak itself?

13 A. No.

14 MR. POSTON: Okay. Thank you.

15 JUDGE WOODRUFF: All right.

16 For Local 11-6.

17 CROSS-EXAMINATION BY MS. SCHRODER:

18 Q. Hi, Mr. Leonberger.

19 A. Good afternoon.

20 Q. How are you today?

21 A. Good.

22 Q. Good. Okay. Before I get into anything  
23 else, let me just hopefully clear up something from  
24 Ms. Fred's testimony. Ms. Fred testified about a couple  
25 of AMR complaints that fell into the safety category. Are

1 those the same complaints that you referred to in your  
2 deposition in this matter in July of 2006?

3 A. I'm not aware if those two were part of the  
4 ones that -- the total we looked at. I can't recall which  
5 two those were.

6 Q. Okay.

7 A. And there's -- that was part of that list  
8 that was provided by Local 11-6 or not.

9 Q. Well, now, in July of 2006 -- or I'm sorry.  
10 Let me back up for a minute.

11 Did you give a deposition in this matter in  
12 July of 2006?

13 A. Yes.

14 Q. All right. And that was before you had  
15 received the list from Local 11-6; isn't that correct?

16 A. Yes.

17 Q. So the two -- and you did testify in your  
18 deposition about two leak complaints that you had received  
19 relating to AMR; is that correct?

20 A. Yes.

21 Q. So those two leak complaints weren't ones  
22 that you -- well, let me go back.

23 Now that you have seen the list from  
24 Local 11-6, were those two leak complaints covered by  
25 11-6's list?

1           A.       I don't recall.

2           Q.       All right.  What experience do you yourself  
3   have installing gas meters?

4           A.       Installing them?

5           Q.       Yes.

6           A.       I haven't installed one.

7           Q.       And have you ever installed an AMR device?

8           A.       No.

9           Q.       And you talked about having a meter  
10   upstairs that you've been manipulating the wiggler on.  
11   Does that meter -- have you actually put it or has anybody  
12   put an AMR device on it for you so you could see how it  
13   works with the AMR device?

14          A.       Yes.

15          Q.       All right.  Who put that on for you?

16          A.       I've -- well, I was at Laclede Gas and  
17   there's a -- one was put on by some Cellnet people, and  
18   another one was put on by some Laclede people.  I put this  
19   one on myself.

20          Q.       So you have put an AMR device on?

21          A.       I put an AMR device on, yes.  If I was  
22   trained to put it on, no.  I have put one on there, yes.

23          Q.       Okay.  So then I guess following up on  
24   Mr. Poston's question, when you were manipulating that  
25   wiggler device or that wiggler arm, was that when the AMR



1 device was actually on there?

2 A. No. What -- he asked if I thought the  
3 pressure on there could cause that, and it was -- what I  
4 was doing was looking at the -- where the rod comes out of  
5 the meter and trying to see if there could be pressure --  
6 put a lot of pressure on there, could it move that. And I  
7 didn't -- that's why I was trying to see if I believed  
8 from my own experience by doing that, if I could see that  
9 that would work, and I didn't see that.

10 Because on the back of the AMR device is a  
11 piece of plastic, which I'm -- so it would be a piece of  
12 plastic up against that metal wiggler rod or arm. So --  
13 but my manipulation, I didn't see it move, so that's what  
14 I testified to.

15 Q. All right. But what I'm trying to get at  
16 is when you were doing that manipulation, was it before or  
17 after the AMR device had been installed?

18 A. I'd put it on and taken it off a number of  
19 times.

20 Q. But you were manipulating it with or  
21 without an AMR device?

22 A. Without it on there, because you can't  
23 manipulate it with it on there. The AMR device covers  
24 that -- the wiggler.

25 Q. All right. Okay. On page 9 of your

1 initial testimony in this matter -- do you have that in  
2 front of you, which I think is Exhibit 39?

3 A. Page 9?

4 Q. Yes.

5 A. Yes.

6 Q. You state --

7 A. I'm on page 9.

8 Q. Okay. You state that prior to Laclede's  
9 AMR project, over 50,000 -- I'm sorry -- over 500,000 AMR  
10 devices were installed in Missouri and no safety problems  
11 were associated with that installation. Is that pretty  
12 accurate?

13 A. That's what I said, yes.

14 Q. Okay. Some of those 500,000 AMR devices  
15 were installed on something other than gas meters; is that  
16 right?

17 A. No. I specifically said AMR devices  
18 installed on natural gas meters.

19 Q. Okay. I apologize. The Missouri utilities  
20 that were using those AMR devices were Ameren and MGE; is  
21 that correct?

22 A. Correct.

23 Q. And you don't know -- well, were those  
24 meters installed by personnel hired -- I'm sorry. Start  
25 over.

1                   Were those AMR devices for Ameren and MGE  
2   installed by personnel hired through Manpower?

3           A.       Not that I know of.

4           Q.       Do you know what gas safety training those  
5   installers for Ameren and MGE had?

6           A.       I believe there were -- I believe the  
7   Ameren, the Ameren personnel did it.

8           Q.       All right.

9           A.       Installed those.

10          Q.       And when you say the Ameren personnel,  
11   you're talking about their normal trained gas workers?

12          A.       I don't know if it was the meter readers or  
13   gas workers. I'm not sure which classification installed  
14   those.

15          Q.       All right. And isn't it true that the  
16   Missouri utilities using AMR devices, all Missouri  
17   utilities using AMR devices are only required to report  
18   safety problems with AMR installation that result in  
19   actual damage to person or property?

20          A.       The reporting requirements for any event  
21   that would have personal property or certain dollar damage  
22   or in the estimate of the operator was needed to be  
23   reported to us.

24          Q.       All right. So we're talking about things  
25   like explosions?

1           A.       Explosions, release of gas that causes a  
2       certain amount of property loss, and injuries involving  
3       hospitalization, death.

4           Q.       All right. So near misses wouldn't have to  
5       be reported, would they?

6           A.       They're not required to be reported, no.

7           Q.       And do you know, was Ameren installing AMR  
8       devices on the same types of meters as Laclede?

9           A.       The -- I didn't check specifically, no.

10          Q.       All right.

11          A.       But I would assume that they were, since  
12       the meter -- there's different -- there's a number of  
13       different meters in both those companies that were used,  
14       so I would imagine there's similarities, yes.

15          Q.       But you don't know, do you?

16          A.       No. I didn't physically check one meter  
17       against the next one, no.

18          Q.       And you didn't check with MGE to see what  
19       kinds of meters they were installing AMR devices on, did  
20       you?

21          A.       No.

22          Q.       And MGE didn't even use a Cellnet AMR  
23       device, did they?

24          A.       No.

25          Q.       So Ameren did, but they used their own

1 installers?

2 A. Correct.

3 Q. Okay. Now I want you to -- oh, no.

4 Actually this is still your direct testimony. At page 12,

5 I think it's your direct testimony or your initial

6 testimony.

7 A. I'm on page 12 now.

8 Q. All right. Thank you. I haven't quite

9 gotten there myself. Yes.

10 Okay. Page 12 in your initial testimony,

11 you talk about being aware of 375 minor leaks resulting or

12 being called in after AMR deployment; is that correct?

13 A. Yes, that's what my testimony says.

14 Q. All right. And you got that number from

15 Laclede Gas, didn't you?

16 A. Yes.

17 Q. And you didn't get any such number from

18 Laclede Gas until after USW 11-6 had produced its amended

19 complaint in this matter; isn't that correct?

20 A. I was aware of some -- of some leaks. I

21 didn't get the 37-- the specific 375 number, but I talked

22 to them about leaks on AMRs.

23 Q. Okay.

24 A. Leaks associated with AMRs.

25 Q. In fact, however, before the Union filed

1 its amended complaint, when you talked to Laclede about  
2 leaks, they didn't give you any specific information, did  
3 they, about numbers? They didn't give you any specific  
4 numbers, did they?

5 A. I didn't ask for specific numbers, no.

6 Q. They didn't tell you about the  
7 drill-throughs that occurred in January of 2006 prior to  
8 the Union producing information about that, did they?

9 A. I had heard -- when I had gotten the  
10 ex parte, in the filing of the ex parte, some ex parte  
11 filings, there was mention of a drill-through, and I did  
12 call Laclede at that time and asked them.

13 Q. All right. But Laclede didn't volunteer  
14 that information to you, did they?

15 A. The Laclede personnel I talked to in the  
16 meter shop and some of the operation people were not aware  
17 of it, even when I called them. In fact, they looked for  
18 that meter and that meter had already been -- from my  
19 information, that meter had been brought into the meter  
20 shop and had been -- I forgot the term they used, but had  
21 been found to be not workable and had been trashed. And  
22 they actually, after I called, talked to the meter shop  
23 employee about that meter, and he didn't recall anything  
24 about that meter unusual.

25 Q. All right. And this was the ex parte

1 contact that you're talking about?

2 A. All the ex parte contact said was that  
3 there was -- there was a number of ex parte contacts in  
4 this case, and basically it mentioned a drill-through of  
5 the meter, and we had not been aware of that. So I  
6 followed up on that particular information to try to find  
7 out any information we could find.

8 Q. All right. That wasn't one of the meters  
9 that were -- that the Union put testimony in about being  
10 drilled through, was it?

11 A. I don't -- I have no idea. There's just  
12 a -- there's a claim in the number of the ex parte  
13 contacts, there was a meter drilled through. There was no  
14 address associated with that.

15 Q. All right. And when did that claim come to  
16 your notice?

17 A. I believe the ex parte contacts that I saw  
18 that came sometime in April after the case was filed.

19 Q. All right.

20 A. I think I said that in my testimony  
21 somewhere.

22 Q. Are you talking about your testimony at  
23 page 13?

24 A. Yes, ma'am.

25 Q. All right. When you said that beginning on

1 April 1st, 2006, soon after this complaint was filed, that  
2 numerous notices of ex parte contact were placed in the  
3 case files. Well, I'm a little bit confused then, because  
4 you said that you talked to a meter shop employee who  
5 dealt with that particular meter. How do you know that if  
6 you don't know the address for the meter?

7 A. No. What I said was I'd asked after --  
8 after we got the address from you-all, I asked you about  
9 that, but I asked the meter shop employees about if they  
10 had any drill-through meters, and they said they were not  
11 aware of it. And then when we got some information that  
12 there was a drill-through at a certain address, I went  
13 back to them and asked them, and they looked up that  
14 particular address and that meter, and that meter wasn't  
15 available because it had been -- I can't remember the term  
16 they used for a meter that comes in the meter shop that  
17 can't be fixed, and it was just trashed.

18 Q. All right. And which address did you ask  
19 them about, the one that Mark Boyle testified about in his  
20 direct testimony?

21 A. I believe I asked them about Autumn Lakes.

22 Q. All right. Because are you aware -- you  
23 read the -- you read the Union's First Amended Complaint;  
24 is that right?

25 A. Yes.



1 Q. And all the attachments to it?

2 A. Yes.

3 Q. And you are aware that -- well, I'm sorry.  
4 And then you read the testimony of -- the original direct  
5 testimony of Mark Boyle and Pat White in this matter,  
6 right?

7 A. Yes.

8 Q. All right. And you're aware that they  
9 alleged different addresses and different instances of  
10 drill-throughs?

11 A. Right. And what my testimony says is that  
12 the information supplied by the Union at the time was, we  
13 found one drill-through. Later on, after I'd wrote this  
14 testimony, there was, yes, but my -- I think my testimony  
15 says that the information provided, there's only one  
16 drill-through.

17 Q. All right. And what did your investigation  
18 into this drill-through consist of, other than calling the  
19 meter shop employee?

20 A. Well, that particular one I tried to -- at  
21 the time, we wanted to try to determine what happened  
22 because I didn't -- I wasn't aware of it early on, and  
23 then we got an address, I wanted to try to find out what  
24 happened. And the meter -- by that time the meter was  
25 already gone, so there was nothing I could find out about

1     that one.

2             Q.       Did you ask to talk to the Cellnet  
3     installer?

4             A.       No.

5             Q.       Did you ask Laclede whether they could tell  
6     you who the Cellnet installer was?

7             A.       No, I did not ask that.

8             Q.       You know from Mr. Seamands' supplemental  
9     testimony in this matter about the issues that Mark Boyle  
10    and Jim Johnson testified about today, that, in fact,  
11    Laclede does have the ability to trace who the Cellnet  
12    installer was, don't you?

13            A.       Yes. I do now, yes.

14            Q.       All right. If you had it to do over again,  
15    would you ask to talk to the Cellnet installer?

16            A.       At that point, it was August, and my  
17    understanding was that that particular practice had been  
18    stopped back in January. So the idea that my finding out  
19    about it, doing anything about it in August when the  
20    practice had been stopped in January, it's almost a moot  
21    point.

22            Q.       You wouldn't bother to talk to the Cellnet  
23    installer if you had that information today?

24            A.       If I had the information in January, I  
25    would have talked to the Cellnet installer, yes, but when

1 I found out the information in August that this was  
2 something that happened in January, I didn't -- and the  
3 practice -- my understanding the practice had been  
4 stopped. That was why I didn't pursue that matter.

5 Q. Okay. Is that still your understanding  
6 after listening to the testimony of Jim Johnson and  
7 reviewing the depo testimony of Mike Tracey?

8 A. I think it's still very unclear what  
9 happened in the -- I mean, I respect Mr. Johnson very  
10 much. He seems to be a good employee. Mr. Johnson's  
11 testimony is, he doesn't believe -- my understanding from  
12 the deposition, he doesn't believe that it was drilled  
13 through.

14 Now, I understand that there's other  
15 testimony that believes there is a drill-through, so I  
16 think at that particular location -- in my mind it's  
17 confusing what happened there. I think Mr. Johnson  
18 said -- I think specifically said he did not believe  
19 there's a drill-through there in that position.

20 Q. So you think that situation is confusing.  
21 Did you talk to the Cellnet installer about it?

22 A. No.

23 Q. And are you aware that Laclede does know  
24 who that Cellnet installer is?

25 MR. FRANSON: Objection, your Honor.

1 That's been asked and answered and --

2 MS. SCHRODER: That's true. That's true.

3 I will strike the question.

4 BY MS. SCHRODER:

5 Q. Isn't it true that your testimony at  
6 page 13 -- I'm sorry -- page 12 of your rebuttal testimony  
7 about the 375 minor leaks is based on Schedule 1 to  
8 Dr. Seamands' rebuttal testimony?

9 A. I don't have that with me. I don't recall  
10 specifically. I don't have that with me here.

11 Q. Okay. Have you reviewed Schedule 1 to  
12 Dr. Seamands' testimony?

13 A. I had some time ago, yes.

14 Q. All right. And did you also review the  
15 Cellnet return to field reports that Dr. Seamands'  
16 Schedule 1 was based on?

17 A. If the information is -- if there's  
18 information filed, I'm not sure the specific name of that  
19 report, but if that information was filed as an attachment  
20 to his testimony, yes, I reviewed it.

21 Q. Actually, that came out, I think, in his  
22 deposition testimony. Did you review his deposition?

23 A. I was present at his dep-- I was -- I think  
24 I was on the phone during his deposition, yes.

25 Q. I think you were present, too, yes.

1           A.       I can't remember which is which.  Sorry.

2           Q.       That's all right.  I don't know whether you  
3   were present in person or by phone.  So you reviewed the  
4   exhibits to that deposition?

5           A.       I believe I did, yes.

6           Q.       All right.  Did you do any independent  
7   research at all to verify the figures that Dr. Seamands  
8   came up with?

9           A.       The figures of?

10          Q.       In Schedule 1.

11          A.       I don't have Schedule 1 in front of me.

12          Q.       All right.  Did you do any independent  
13   investigation to verify the figure of 375, quote, minor  
14   leaks following the AMR installation?

15          A.       That was my request to Laclede to give me  
16   those numbers, and that's the numbers I had.  Are you  
17   saying did I do any other independent looking into the  
18   matter at all?

19          Q.       Yes.

20          A.       When -- normally I guess the -- what we do  
21   during our normal gas investigations, we look into -- look  
22   at the records and sometimes we'll look at records based  
23   upon what we were told and what -- make sure that the  
24   records verify that.  So I did go to Laclede and take a  
25   sampling of addresses that were mainly the addresses that

1     came from the -- the addresses from the Union and the  
2     information that the company gave to us, and then did a --  
3     I guess took a percentage of those or took some of those  
4     and wanted to make sure I looked at the serviceman tickets  
5     to make sure that the information was on there.

6                     I did a sampling of those to make sure the  
7     information that was on the record given to me by Laclede  
8     was accurate from the records that they have on the  
9     serviceman tickets.

10            Q.     All right. How many of those did you look  
11     at?

12            A.     I don't recall. Probably a dozen or so.

13            Q.     All right. Out of the several hundred that  
14     the Union produced?

15            A.     Yeah, something like that.

16            Q.     All right. And other than reviewing the  
17     service tickets, did you do any other investigation into  
18     those matters?

19            A.     I would -- we looked at meters that came  
20     in, two meters that came in that were leaking, to see what  
21     kind of things we're talking about. Did a dry leak test  
22     and wet leak test at the meter shop. I went out in the  
23     field and looked at meter AMR installations.

24            Q.     Okay. Slow down just a second. Going back  
25     to the dry leak test for a moment, did you do those on

1 meters that you selected or did you do them -- did you  
2 just watch the dry leak test that --

3 A. I believe --

4 Q. Please let me finish my question.

5 A. I'm sorry.

6 Q. Or did you just do it on -- on meters that  
7 Laclede selected?

8 A. There were some meters that came in and  
9 they had quite a few, so I said I wanted these two. They  
10 were meters in the meter shop at that time.

11 Q. All right. And I'm sorry. Then you said  
12 you did something in the field, you watched AMR  
13 installations; is that correct?

14 A. Yes.

15 Q. How many AMR installations did you watch?

16 A. I believe about seven or eight of them.

17 Q. Were they all from the same installer?

18 A. Yes.

19 Q. And who chose the installer that you saw?

20 A. Basically the day I went there and the time  
21 they went there, so we went to a location where we knew  
22 one was being installed.

23 Q. So Laclede chose that, didn't they?

24 A. Possibly. Probably, yes.

25 Q. Did you get any data on that installer,

1 find out that person's experience, anything like that?

2 A. No.

3 Q. Would you agree that Laclede Gas keeps  
4 records of when gas leaks occur?

5 A. Yes.

6 Q. Would you agree that Laclede has much  
7 better access to that information than the Union does?

8 A. You mean record access?

9 Q. Yes.

10 A. Yes.

11 Q. And you're aware that Laclede has invested  
12 a lot of money in the AMR system, aren't you?

13 A. That has to do with their contract, and I  
14 know they invested a lot of money into it. I guess the  
15 contract, as I understand it, is to -- they start paying  
16 as the readings start coming in. They're not specifically  
17 buying the units, so I'm not sure exactly what your  
18 question is.

19 Q. Well, you know that Laclede has invested a  
20 lot of time in the AMR project, right?

21 A. Yes.

22 Q. And time for Laclede is money?

23 A. Sure.

24 Q. So even before they paid for a single  
25 Cellnet read, they'd invested a lot of the money in the



1 AMR project, haven't they?

2 A. They've done a lot of investigations and  
3 looking into the AMRs, how they operate and the proper one  
4 to get from the company, yes. I don't know if this --  
5 they've done their investigation.

6 Q. And you're also aware that Laclede has  
7 invested a lot of public relations into the AMR project  
8 and how it's going to take care of their estimated billing  
9 problem, right?

10 A. I'm not aware of the public relations time.

11 Q. Well, you know they've raised that  
12 repeatedly in proceedings in front of this Public Service  
13 Commission, don't you?

14 A. Well, I believe the Public Service --

15 MR. ZUCKER: I object to that. Cases are  
16 brought by the Union, not by us.

17 MS. SCHRODER: The estimating case was not  
18 brought by the Union.

19 MR. FRANSON: Your Honor, if the question  
20 is --

21 MR. ZUCKER: Wasn't brought by us.

22 MS. SCHRODER: I'm willing to move on.

23 JUDGE WOODRUFF: I'll sustain the  
24 objection. You can move on to the next question.

25 MS. SCHRODER: All right.

1 BY MS. SCHRODER:

2 Q. Mr. Leonberger, if Laclede Gas  
3 underreported the number of AMR leaks to you, you wouldn't  
4 have any way of knowing it, would you?

5 A. Exactly the number, no.

6 Q. And if Laclede misclassified leaks as being  
7 unrelated to AMR installation, you wouldn't have any way  
8 of checking that either, would you?

9 A. During our normal safety inspections, we  
10 look at classifications of leaks in general. So we would  
11 look at classifications of a number of different leak  
12 tickets so we could find something like that, yes.

13 Q. All right. You could, but you might not,  
14 too; isn't that right?

15 A. It's possible.

16 Q. On page 10 of your testimony --

17 A. Which one?

18 Q. Of your rebuttal testimony, your initial  
19 rebuttal testimony, you state that Laclede's AMR failure  
20 rate is around 1.9 percent?

21 A. That's the information I got from Laclede,  
22 yes.

23 Q. Okay. And what independent verification  
24 did you do of that?

25 A. Just like I say, just the information I got

1 from Laclede.

2 Q. All right. You didn't do any independent  
3 verification; is that right?

4 A. No.

5 Q. And on page 3 of the same testimony, you  
6 claim that -- at least I think it's -- that you claim that  
7 a certain figure is not high industry-wide. Do you see  
8 that? You're doing an overview, and it's No. 3 of your  
9 overview.

10 A. Yes.

11 Q. That's the failure rate that you're  
12 referring to, this 1.9 percent failure rate that you  
13 testify about on page 10; is that right?

14 A. Yes.

15 Q. All right. And how did you reach the  
16 conclusion that that's not very high industry-wide?

17 A. The one way was that the case for the  
18 AmerenUE installation of the AMR devices, that was right  
19 in line with that particular -- the number of failure  
20 rate.

21 Q. And again, that failure rate from Ameren  
22 doesn't tell you -- it doesn't tell you about the leaks  
23 that Ameren found, does it?

24 A. The failure rate is just a term for, I  
25 guess, reads, installation problems.

1           Q.       So was Ameren the one comparison that you  
2   used?

3           A.       I think the -- I had had some  
4   conversations, I think my testimony indicated that that's  
5   the -- this appears to be in line with industry average 1  
6   to 3 percent. That's something we got from -- I just  
7   quoted that from Laclede.

8           Q.       From Laclede. All right. On page 3, then,  
9   of your rebuttal testimony, No. 4, you say of the AMR  
10   devices -- device failures, an extremely low percentage of  
11   them relate to any type of leak?

12          A.       Yes.

13          Q.       What do you base that on?

14          A.       The numbers that -- looking at the numbers  
15   of the addresses given to me by the Union, and I guess the  
16   numbers, the percentage of the 375 of the total at that  
17   time, I didn't think it was that high.

18          Q.       All right. But you wouldn't expect the  
19   Union to know every leak that happened or to be able to  
20   report to you every leak that happened, would you?

21          A.       No.

22          Q.       So you really don't know what the  
23   percentage is, do you?

24          A.       The exact percentage, no.

25          Q.       And you didn't perform any independent

1 investigation to determine the percentage of AMR failure  
2 rate that related to leaks?

3 A. You mean going to every AMR and checking  
4 them?

5 Q. Any independent investigation.

6 A. No.

7 MR. ZUCKER: I'm going to object to that.  
8 It may be a little late. He's testified to a lot of  
9 investigation.

10 MS. SCHRODER: I asked him what independent  
11 investigation he did, any independent investigation on  
12 this, and he said no.

13 JUDGE WOODRUFF: I'll overrule the  
14 objection.

15 BY MS. SCHRODER:

16 Q. And, in fact, Mr. Leonberger, failure rate  
17 on AMR devices and leak rate on AMR devices may be totally  
18 unrelated; is that right?

19 A. The failure rate would be -- I would think  
20 would be tied together. They would have to go out and do  
21 something to that meter and replace the meter. Normally,  
22 if they have a leak, they replace the meter.

23 Q. That doesn't necessarily mean the AMR  
24 device failed, did it?

25 A. I assume the failure rate was -- had to do

1 with both.

2 Q. Okay. You assumed that. Did you do any  
3 independent investigation?

4 A. No.

5 Q. Did you ask Laclede whether the failure  
6 rate and the leak rate were related?

7 A. I believe they were.

8 Q. Did you ask Laclede?

9 A. I don't recall.

10 Q. Am I correct that Missouri and federal  
11 regulations set training requirements for people working  
12 on gas meters?

13 A. No.

14 Q. They don't? There's no training  
15 requirement?

16 A. No. If you're changing out a gas meter and  
17 there's a -- training is required when the rules require  
18 an operation.

19 Q. All right. An operation. And how is that  
20 defined?

21 A. Operator qualification requirements.

22 Q. So now we're talking about the Federal  
23 Pipeline Safety Regulations for operator qualification  
24 certification?

25 A. We have our own regulations for that, but

1 they're very similar, yes.

2 Q. All right. And that's what Steve McFarlane  
3 testified about in the first day of this hearing; is that  
4 correct?

5 A. I believe it was him, yes. I don't recall  
6 specifically.

7 Q. All right. And specifically he talked  
8 about the Office of Pipeline Safety requirements for  
9 operator qualification at 49 CFR Sections 192.801 and  
10 195.501; is that right?

11 A. Operator qualification at 192.801, yes. I  
12 don't know if it's 501.

13 Q. I think 501 is actually -- well, I was  
14 going to ask you --

15 A. 501 is test requirements.

16 Q. And it's for transportation of hazardous  
17 liquids, right?

18 A. No.

19 Q. No?

20 A. If you're talking about 195, that would  
21 be -- if you're talking about 192.500. You're talking  
22 about --

23 Q. 195.501.

24 MS. SCHRODER: Judge, may I approach the  
25 witness?

1 JUDGE WOODRUFF: You certainly can, yes.

2 BY MS. SCHRODER:

3 Q. Mr. Leonberger, I just handed you a copy of  
4 the statutes that I'm referring to, 49 CFR -- I'm sorry  
5 regulations, CFR 195.501, and 49 CFR 192.801.

6 A. Yes.

7 Q. And I think you've already agreed with me  
8 that 192.801 does apply to operations on gas meters?

9 A. No. Not all operations on gas meters, no.

10 Q. We'll get to that in a minute. What I want  
11 to do right now is ask you whether 49 CFR 195.501 also  
12 applies to certain operations on gas meters?

13 A. The Public Service Commission doesn't -- we  
14 don't use 195.501, so I'm not really familiar with that.

15 Q. Is there any -- do you know why the Public  
16 Service Commission doesn't use 195.501?

17 A. We don't have jurisdiction over hazardous  
18 liquids.

19 Q. That's a pretty good reason. So  
20 referring -- directing your attention, then, to  
21 49 CFR 192.801, first of all, is this a regulation you're  
22 familiar with?

23 A. Yes.

24 Q. All right. Is it true that operator  
25 qualified means that an individual must be able to



1 recognize and react to abnormal operating conditions?

2 A. Yes.

3 Q. Okay. And that's at 49 CFR 192.803; is  
4 that right?

5 A. There's -- 192.803 is about abnormal  
6 operating conditions, yes.

7 Q. All right. Did you -- do you recall Steve  
8 McFarlane's testimony that he believed an installer who  
9 approached a meter with a drill would need to be  
10 occupational qualified, certified under these regulations?

11 MR. FRANSON: Your Honor, objection. I  
12 don't think Mr. McFarlane's opinion on some CFR or  
13 whatever he's offering an opinion on is particularly  
14 relevant, so I would object on that basis.

15 No. 2, the -- it's not appropriate to ask  
16 Mr. Leonberger to comment on the credibility of another  
17 witness. If the question is about the regulation and what  
18 it requires or not and Mr. Leonberger's knowledge, I would  
19 have no objection to that, but to comment on another  
20 witness, I would object.

21 MS. SCHRODER: Well, we've already had  
22 testimony from Mr. Leonberger about Mr. McFarlane's  
23 testimony.

24 MR. FRANSON: Which was unobjected to as --

25 JUDGE WOODRUFF: Let me ask a clarifying

1 question. Are you asking him to comment on the testimony  
2 of Mr. McFarlane or asking him about the regulation?

3 MS. SCHRODER: I'm asking about the  
4 regulation. I was going to ask him if he agreed with his  
5 testimony.

6 JUDGE WOODRUFF: I'll overrule the  
7 objection.

8 BY MS. SCHRODER:

9 Q. Mr. Leonberger, do you recall that  
10 testimony?

11 A. I remember something about him talking  
12 about that. I don't remember his whole testimony, no.

13 Q. Okay. Well, do you agree that an installer  
14 who approaches a meter with a drill would need to be  
15 occupational -- to be OQ certified?

16 A. Not necessarily, no.

17 Q. You don't?

18 A. No.

19 Q. Okay. Why not?

20 A. If there's safeguards where -- the intent  
21 is not to drill into the gas -- well, first of all, OQ  
22 requires -- it's an operation task that's performed as a  
23 requirement, it's required, the operator qualification  
24 part of that. There's no requirement about installing an  
25 AMR in this 192, No. 1.

1                   No. 2 is that the intent is not to drill  
2 through the meter, and there's safeguards so it wouldn't  
3 happen.

4           Q.       What safeguards are you aware of?

5           A.       They had a -- my understanding, Laclede had  
6 some kind of a stop on those or a -- to keep that from --  
7 keep from going any further. But I also understood from  
8 others that there -- that that had happened, and there was  
9 other individuals that didn't have the stop. So my  
10 understanding was Laclede had a stop that will not make it  
11 drill any further than a certain depth.

12          Q.       Okay. And again, what are you basing your  
13 conclusion that Laclede had some stops on its drill?

14          A.       I saw a plate that they had that went over  
15 the top, and -- from doing my investigation.

16          Q.       Okay. You're talking about a template that  
17 Laclede created to --

18          A.       Right.

19          Q.       -- drill screws into a certain type of  
20 meter?

21          A.       Yes.

22          Q.       Is that a Rockwell meter?

23          A.       I don't know.

24          Q.       All right. So was it your understanding  
25 from looking at that that Laclede had created this

1     template for the express purpose that a drill would be  
2     used to put screws into these meters?

3             A.       The -- no.  It was to get frozen screws  
4     out, as I understood.

5             Q.       Okay.  But the express purpose was that a  
6     drill would be used; isn't that right?

7             A.       Yes.

8             Q.       All right.  And the template, the template  
9     itself doesn't stop the drill from going further, does it?

10            A.       My understanding, the way it was to stop  
11    the drill from going a certain distance, yes.

12            Q.       Okay.

13            A.       That was my understanding.

14            Q.       All right.  And you're aware that on at  
15    least a couple of occasions, apparently no stops were  
16    used?

17            A.       I don't know what happened there.

18            Q.       Okay.  Or at least they weren't effective?

19            A.       Yeah, I'm aware, the two that allegedly  
20    were drilled through.  I didn't see them myself, no.

21            Q.       And do you know whether this template that  
22    you saw was created before or after those drill-throughs  
23    occurred?

24            A.       I don't know the date between one and the  
25    other, no.

1           Q.       Well, if it -- if the template was created  
2   after the drill-throughs, then there weren't any  
3   protections against the drill-throughs before that  
4   happened; isn't that correct?

5           A.       True.

6           Q.       All right.  So wouldn't it matter to you  
7   when that template was created?

8           A.       I wasn't aware I think -- I wasn't aware of  
9   all the -- when those dates occurred, when the  
10  drill-throughs occurred, and I'm not sure what date I saw  
11  the template.

12          Q.       Okay.  Doesn't it concern you as a safety  
13  person over gas that a drill could be used on a meter by  
14  somebody who is not occupational operator qualified?  I  
15  knew I wasn't going to say that right.

16          A.       I think that it was used and then it was  
17  found it wasn't a good idea, so they discarded that use.  
18  I mean, I think that -- any operation that you're trying  
19  to retrofit 600,000 things, if you have a method to do it,  
20  if you find that that method is not good, you may change  
21  your method, but I mean --

22          Q.       Mr. Leonberger --

23          A.       -- nothing was changed, so I --

24          Q.       My question was, wouldn't it concern you as  
25  somebody in charge of gas safety that Laclede had

1 untrained -- had -- I'm sorry -- had personnel who weren't  
2 trained in gas safety who were using drills on meters?

3 A. It didn't concern me, because I -- the  
4 drills had been used on other meters to take the screws  
5 out of other meters during the AMR installation in other  
6 states that I was aware of. So I guess I wasn't concerned  
7 because that was a method that had been used before.

8 Q. How do you know that?

9 A. I had talked to others. I mean, I'm not  
10 sure how I knew that. I was aware that in other areas  
11 that I -- I'm not sure where I got the information, as I  
12 recall, maybe from talking to Cellnet people and during my  
13 investigation. But the drill had been used to extract the  
14 screws in other locations.

15 Q. So you may have gotten this information  
16 from Cellnet, the company that was doing it here?

17 A. Possibly.

18 Q. Okay. Any independent verification of  
19 that?

20 A. Of what?

21 Q. Of the fact that drills were used safely in  
22 other locations?

23 A. I said they were used, yes.

24 Q. Okay.

25 A. No, no verification, in answer to your

1 question.

2 Q. And again, the fact that they've been used  
3 elsewhere, does that relieve you of concern that --

4 A. No.

5 MR. FRANSON: Your Honor, that's been asked  
6 and answered. I think we're at time number two.

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

9 THE WITNESS: What's the question again?

10 BY MS. SCHRODER:

11 Q. The question is -- well, let's just go back  
12 to my initial question because you haven't answered it  
13 yet. I'll rephrase it.

14 Does the fact that Cellnet employees told  
15 you that they have used drills at other locations to  
16 install the meter, their AMR devices, relieve you of any  
17 concern about employees that are not OQ certified using a  
18 drill on a meter?

19 A. First of all, they're not required to be OQ  
20 certified, but the idea of using a drill did not -- the  
21 intent is not to drill through the meter, and what did we  
22 find, two of these, so if there's two of these occurrences  
23 out of 600,000 --

24 Q. We don't know how many occurrences.

25 A. We -- I'm aware of two of those, I believe.

1 So the intent wasn't to drill through, and my  
2 understanding was there was an effort on Laclede's part to  
3 have a template that would stop them from going too far.  
4 So that was -- at that point I was not concerned for that.  
5 When I found out there were some drill-throughs and trying  
6 to go further, they'd already stopped that particular  
7 procedure, so...

8 Q. All right. And you keep saying that  
9 regulation 49 CFR 192 doesn't cover these AMR device  
10 installations. What do you base that on?

11 A. For the purposes of this subpart, it says  
12 that the -- there's four different areas that have to be  
13 identified, and one of those is performed as a requirement  
14 of this part. When you put an AMR device on a meter,  
15 there's no requirement in Part 192 to put AMRs on meters  
16 or even replace meters. So a part of the OQ qualification  
17 has to be all four of those items to be required for  
18 personnel to be qualified.

19 Q. Okay. And where are you referring to  
20 there?

21 A. 192.801(b), and then 1, 2, 3 and 4 are  
22 the -- for the purposes of subpart, a covered task is an  
23 activity identified by the operator that, and then there's  
24 four things and those are all -- it has to be all four of  
25 those things.



1           Q.       All right. So it's your understanding that  
2 nobody -- the person doesn't need to be OQ certified as  
3 long as they're doing something on a meter, no matter how  
4 dangerous it might be, that isn't required by the pipeline  
5 safety regulations; is that right?

6           A.       If it is not performed as a requirement of  
7 the Part 192, they do not have to be operator qualified.

8           Q.       All right. Putting that aside, do you  
9 believe that occupation -- I'm sorry -- operator qualified  
10 certification is a good safety mechanism?

11          A.       The Public Service Commission instituted  
12 operator qualifications back in 1999, long before the  
13 federal regulations required it, so yes, in Missouri we  
14 do.

15          Q.       All right. You think that that's a good  
16 thing. Would you agree that operator qualification would  
17 have been a good safety mechanism for anybody who was  
18 going to approach a meter with a drill?

19          A.       I guess you can always be -- have trained  
20 people make -- and operations can always make something  
21 safer, yes.

22          Q.       Based on your review of the testimony in  
23 this matter from Frank Muting, who was the Cellnet  
24 installer that was deposed, Deb Redepenning, who's the  
25 Honeywell representative, and Clark Korbisch, who's the

1 Cellnet representative, would you agree that it appears  
2 that these Cellnet installers were not OQ certified?

3 A. They're not required to be.

4 Q. And they weren't OQ certified?

5 A. They weren't. They weren't required to be.

6 Q. Okay. And it doesn't bother you that an  
7 AMR installer hired through Manpower could approach a  
8 Laclede gas meter with a drill if that person isn't  
9 operator qualified?

10 MR. ZUCKER: Asked and answered.

11 JUDGE WOODRUFF: I'll sustain the  
12 objection.

13 BY MS. SCHRODER:

14 Q. Were you aware before the hearing testimony  
15 in December in this matter that a meter's drive gear could  
16 be improperly aligned with an AMR module?

17 A. I'm sorry. I was --

18 Q. That's all right. Were you aware before  
19 the hearing testimony in this matter that occurred in  
20 December that a meter's drive gear could be improperly  
21 aligned with an AMR module?

22 A. You mean the AMR module incorrectly aligned  
23 with the drive gear, or the drive gear --

24 Q. Yes.

25 A. You don't align the drive gear. You align

1 the AMR gears onto the switch, is what you're saying?

2 Q. Yes.

3 A. I was not -- I wasn't specifically aware of  
4 the misalignment, no.

5 Q. All right. Laclede didn't bring that to  
6 your attention, did they, before the hearing?

7 A. No.

8 Q. But you were aware through other utilities  
9 that AMRs could be installed too tightly; isn't that  
10 right?

11 A. I believe I was aware that some AMR  
12 devices, specifically my own at my house, had been  
13 installed and it was -- it did not register. I'm not sure  
14 exactly why. I had anecdotal information, but my AMR  
15 device at my house was not working.

16 Q. All right. From your engineering  
17 experience and your own personal experience with your AMR  
18 device not working at your house, do you agree that  
19 improper alignment of the AMR drive gear with the wiggler  
20 could accelerate wear on a meter's gasket?

21 A. I guess my answer would be that the meters  
22 are in operation for 30 years -- or 20 to 30 years, and  
23 they're spinning around a gasket, and that wear and tear  
24 of -- that wear, not wear and tear, but that wear, over a  
25 period of time, could possibly cause a small leak. I'm

1 not sure -- I guess I testified before, I believe, that  
2 I'm not -- my manipulation of that arm pushing on the  
3 wiggler, that I saw much movement when you tried to push  
4 on it some. I'm not aware of a misalignment caused by  
5 pushing a piece of plastic up against that metal shaft  
6 that came from the meter could cause misalignment enough  
7 to cause a leak.

8 Q. Okay. Would you agree that Cellnet  
9 installers of AMR devices are not trained to check -- how  
10 to check that alignment?

11 A. I'm not aware if they're trained to check  
12 that alignment.

13 Q. All right.

14 A. I don't know if you can see it.

15 Q. Based on the testimony you heard here in  
16 December, would you agree that the meter shop employees of  
17 Laclede Gas are trained to check drive gear alignment when  
18 AMR devices are installed?

19 A. I know that Laclede put them on there. I  
20 don't know that they're trained to check the alignment.  
21 They're trained to check the operation. I guess I'm  
22 not -- I don't remember testimony about checking the  
23 alignment.

24 Q. Okay. And let me just see if I can refresh  
25 your recollection. Do you remember some testimony from

1 Gloria Harmon about -- and also from Clark Korbisch, I  
2 think, about the meter shop employees using a machine to  
3 blow air through the meter after they installed the AMR  
4 device to make sure everything was properly aligned?

5 A. There's quite a few operations in the meter  
6 shop. There's a drive -- there's the actual test to test  
7 the accuracy of the meter. Are you talking about that?  
8 Are you talking about the dry test or wet test?

9 Q. Actually, it would have been a dry test,  
10 but Gloria Harmon was testifying about how they would run  
11 this test when they were installing the AMR device in the  
12 meter shop to make sure that everything was properly  
13 aligned. Do you recall that?

14 A. I'm sorry.

15 Q. It's all right.

16 A. I really don't.

17 Q. It's all right.

18 A. I'm sorry.

19 Q. There was a lot of testimony.

20 A. My birthday was two days ago, so I think  
21 that's a big problem.

22 Q. Well, happy birthday.

23 MR. FRANSON: If you're going to ask him  
24 his age, I do object.

25 BY MS. SCHRODER:

1           Q.       No. I was just going to ask if one more  
2 year makes you that much more forgetful.

3           A.       It makes me more forgetful, yes, every year  
4 that goes by, yes.

5           Q.       All right. I wanted to ask -- you've  
6 already -- I already asked you a couple of questions about  
7 two customer complaints that the PSC received about AMR  
8 installation before -- well, before July 6, 2006. Since  
9 that time, have you received or you or anybody in your  
10 department received additional complaints from customers  
11 about AMR installation as a safety issue?

12          A.       To be honest, I can't recall if I received  
13 those that way or have been investigating the other ones  
14 that I've gotten through the list that was provided by the  
15 Union or whatever, so I'm not sure which ones I've -- I  
16 don't know.

17          Q.       All right. You were involved in the case  
18 that I referred to as the tariff revision case, which is  
19 GC-2006-0060. Do you recall that?

20          A.       Yes.

21          Q.       Okay. And do you recall being present  
22 for the live testimony in that matter on May 22nd and  
23 May 23rd?

24          A.       I was there, yes.

25          Q.       All right. Do you recall Kevin Stewart, a

1     Laclede Gas meter reader testifying?

2             A.       I remember Kevin Stewart's name, but I  
3     don't remember what he testified to.

4             MR. FRANSON: Your Honor, I'm going to have  
5     to object. The testimony in another hearing would not be  
6     relevant here, especially when that hearing dealt with  
7     another matter unrelated to AMRs or only marginally  
8     related.

9             JUDGE WOODRUFF: I'm going to overrule the  
10    objection at this time. You may want to renew it when she  
11    asks a specific question about the testimony.

12            MR. FRANSON: Okay.

13    BY MS. SCHRODER:

14            Q.       Do you recall Mr. Stewart testifying in  
15    that matter about finding an unusually high number of  
16    leaks when he was reading AMR routes?

17            MR. FRANSON: Your Honor, objection. If  
18    the Union wanted to bring in that testimony here so that  
19    person, Mr. Stewart, would be subject to cross-examination  
20    in this case and go through the whole process that all  
21    other witnesses do, then that might be appropriate, but to  
22    ask --

23            MS. SCHRODER: We did and he was.

24            MR. FRANSON: But your question was about  
25    something he said in another case.

1 MS. SCHRODER: The point --

2 MR. FRANSON: Not this case.

3 MS. SCHRODER: Okay. He testified about  
4 the same things in this case. The reason I'm referring to  
5 it in the earlier case is because that testimony occurred  
6 in May of 2006, and I'm trying to ask Mr. Leonberger about  
7 any response he may have made to that testimony at the  
8 time.

9 JUDGE WOODRUFF: I'll sustain the objection  
10 to the question you asked. If you want to ask the  
11 question you just theorized, go ahead and ask that.

12 MS. SCHRODER: All right.

13 BY MS. SCHRODER:

14 Q. Mr. Leonberger, you're aware that Kevin  
15 Stewart has testified now in two hearings about finding an  
16 unusually high number of leaks when he was reading AMR  
17 routes, correct?

18 A. I don't --

19 MR. ZUCKER: Object to the form of the  
20 question.

21 THE WITNESS: I don't specifically have his  
22 testimony here.

23 JUDGE WOODRUFF: There was an objection.  
24 I'll overrule the objection. Now you can answer.

25 THE WITNESS: I don't specifically remember



1     what he said.

2     BY MS. SCHRODER:

3             Q.       You read his testimony in this matter,  
4     haven't you?

5             A.       I'm sure I read it back in when -- during  
6     the case, yes.

7             Q.       All right. And you're sure that you read  
8     his testimony or heard his testimony in May of 2006 as  
9     well; is that correct?

10            A.       I was here, yes.

11            Q.       All right. And you recall that he  
12     testified in both cases that he called in all of the leaks  
13     to the company, right?

14                    MR. FRANSON: Your Honor, objection.

15     No. 1, what he said in another hearing --

16                    JUDGE WOODRUFF: I'll sustain the  
17     objection.

18                    MS. SCHRODER: Again, I don't know how I  
19     can get to the -- all right.

20     BY MS. SCHRODER:

21            Q.       Mr. Leonberger, isn't it true that  
22     before -- that well before August of 2006, you had  
23     information in front of you from a Laclede Gas employee  
24     about AMR leaks that -- or leaks that had been occurring  
25     in an AMR route that this person attributed to AMR

1 installation and you had a means of tracking those leaks  
2 through Laclede?

3 MR. FRANSON: Your Honor, I give her an  
4 A for valiant attempt, but what she's doing is asking the  
5 same question -- although it's veiled differently, she's  
6 asking the exact same question that has been sustained,  
7 and I would renew my objection.

8 JUDGE WOODRUFF: I'll overrule that  
9 objection, because at this point she's not asking about  
10 the details of what was testified to in the previous case,  
11 which I think is probably irrelevant, but at this point  
12 she's asking the witness what actions he took in response  
13 to that earlier testimony. I'll allow that.

14 MS. SCHRODER: Thank you.

15 JUDGE WOODRUFF: So you can go ahead and  
16 answer the question, or you can have it repeated if you  
17 need to.

18 THE WITNESS: I -- based on the AMRs, I  
19 contacted Laclede to find out if there was -- what kind of  
20 leaks they were finding on AMRs, and they were -- I  
21 believe that at that time, I'm not sure how many that they  
22 had, but I had no addresses to specifically go to. So I  
23 didn't -- I didn't have a way to specifically go to an  
24 address to see what kind of leaks we were talking about at  
25 a specific address.

1 BY MS. SCHRODER:

2 Q. Did you ask Laclede for the leak records  
3 that Kevin Stewart called in on AMR routes?

4 A. No.

5 Q. All right. Did you interview Kevin Stewart  
6 to try to find out that information?

7 A. No.

8 Q. Did you do any investigation into the  
9 allegations of those leaks attributed to AMR installation  
10 other than just calling Laclede and asking?

11 A. During our normal annual inspections of  
12 Laclede, we went through the leaks -- there's -- looking  
13 for leaks. There was not a abundant -- I don't think we  
14 found any AMR leaks looking for leak records.

15 Q. When did you do your annual investigation?

16 A. We'd been out there -- I've forgotten the  
17 number of times we were up there, but during those times  
18 we were -- a number of times, leak records were looked at.  
19 But did we specifically look at AMR leaks? No.

20 Q. So you don't know how many of the leaks  
21 when you did your annual investigation -- rephrase this.

22 So from your annual investigation, you  
23 don't know how many of the leaks that you saw were due to  
24 AMRs?

25 A. No.

1           Q.       All right. I apologize if I've already  
2 asked this. Just please tell me if I have. You indicated  
3 in your testimony that you asked Laclede about any  
4 drill-throughs after you received the Union's amended  
5 complaint. My question is, Laclede had not notified you  
6 before the Union's amended complaint of any drill-throughs  
7 by an AMR installer, had it?

8           MR. ZUCKER: Asked and answered.

9           MS. SCHRODER: Has that been asked and  
10 answered? All right. I'm sorry.

11 BY MS. SCHRODER:

12          Q.       And as I understood -- never mind.

13                   Isn't it true that, but for the Union's  
14 submission of written testimony of Mark Boyle and Pat  
15 White, that you still wouldn't know any of the details  
16 about drill-throughs that had occurred by AMR installers  
17 on Laclede Gas meters?

18           MR. FRANSON: Your Honor, that calls for  
19 speculation, pure, plain and simple. I would object on  
20 that basis.

21           JUDGE WOODRUFF: I'll overrule the  
22 objection.

23           THE WITNESS: I don't know.

24 BY MS. SCHRODER:

25          Q.       And I asked you previously about whether

1     you spoke to the installers on those drill-throughs. Did  
2     you talk to the customers after you had the drill-throughs  
3     addressed?

4             A.       No.

5             Q.       Did you interview the service people who  
6     repaired them?

7             A.       I attempted to on the one that was in  
8     January to find that meter and see what a drill-through  
9     looked like, but it was already gone.

10            Q.       Did you try to talk to the service person?

11            A.       No.

12            Q.       I'm sorry?

13            A.       No. We attempted to -- I asked Laclede to  
14     talk to the technician that classified that meter as not  
15     workable anymore, but I didn't talk to the service person  
16     who responded to the address.

17            Q.       Did you send a specific Data Request to the  
18     company about either of the drill-throughs mentioned by  
19     Mark Boyle or Pat White?

20            A.       I believe I got the service records for  
21     those, yes, the service ticket.

22            Q.       And did you also ask for the service  
23     tickets for the drill-through or drill-throughs related --  
24     or that came to you through the ex parte contacts?

25            A.       There was no addresses for those.

1 Q. Did you --

2 A. I assumed -- I assumed when we got the  
3 other, when we got list from you talking about a  
4 drill-through, that one of those must have been in the  
5 ex parte contact, but there's no addresses on that.

6 Q. Why did you assume that?

7 A. Because there was talk about a  
8 drill-through that I had never had knowledge of, and then  
9 in the records that you had sent, there was an allegation  
10 that this one had been drilled through, so that's why --  
11 that's the first I had gotten an actual address for it.

12 Q. And you assumed that since you'd never  
13 heard of one before, that there couldn't be more than the  
14 two?

15 A. That's not what I said. I said that during  
16 the ex parte -- those ex parte filings, there was an  
17 allegation of a drill-through. I never had found an  
18 address for that. When we got the addresses from the  
19 Union in this case in August, I saw one where there was  
20 a -- one of the comments was meter drill-through, so I  
21 assumed at that point that's what the one was that was  
22 mentioned in the ex parte contact.

23 Q. And I'm still trying to figure out why you  
24 came to that conclusion. You had two drill-throughs that  
25 the Union identified for you addresses for, and you had at

1    least one ex parte contact that mentioned a drill-through.  
2    Why did you conclude that the ex parte contact had to be  
3    referring to one of the drill-throughs submitted by the  
4    Union?

5           A.       I hadn't -- there's no indication from the  
6    Union what the ex parte contact was referring to.

7           Q.       Why would the Union know what the ex parte  
8    contact was referring to? You assumed that the ex parte  
9    contact came from the Union, didn't you?

10          A.       I assumed there was maybe because of the  
11    similarities, there's someone, some -- there's a lot of  
12    similarities in the ex parte contacts we were getting, so  
13    I assumed there was some entity behind them. I assumed it  
14    was the Union. Maybe I assumed incorrectly.

15          Q.       Maybe you did.

16                 MR. FRANSON: I'm going to object to the  
17    last comment by Ms. Schroder. That needs to be stricken.  
18    That's not a question and it's inappropriate.

19                 JUDGE WOODRUFF: I'll sustain the  
20    objection. It wasn't a question.

21    BY MS. SCHRODER:

22          Q.       All right. When you found out these  
23    addresses for the two drill-throughs that the Union  
24    produced, did you attempt to find out the gas-to-air ratio  
25    reading resulting from them?

1           A.       I believe the time I got the service  
2 tickets for those -- I don't recall. I think for the ones  
3 that I got the service tickets, I just don't remember them  
4 specifically right now.

5           Q.       All right. I want to ask you about your  
6 investigation into some of the other AMR incidents that  
7 were identified by the Union in this matter. First of  
8 all, are you familiar with -- if I refer to a complaint  
9 from a customer that was e-mailed to Laclede as being  
10 attachment 003 to 004 of the Union's amended complaint, do  
11 you know what I'm referring to?

12          A.       No.

13                   MS. SCHRODER: All right. May I approach?

14                   JUDGE WOODRUFF: You may.

15                   MS. SCHRODER: You know what I'm talking  
16 about, don't you?

17                   MR. FRANSON: No, but as long as he's got  
18 it, that's okay.

19 BY MS. SCHRODER:

20          Q.       Okay. And, Mr. Leonberger, I'm not trying  
21 to hide the ball here. I just don't want to refer to the  
22 woman's name or address. When the Union's First Amended  
23 Complaint came out, you reviewed this document, didn't  
24 you, this document that I handed you that is  
25 USW 11-6/AMR 003 to 4 that was attached to the complaint?



1           A.       I was reading.  When did I see this or --  
2           Q.       Did you review it when the Union filed its  
3   First Amended Complaint?  
4           A.       In August?  
5           Q.       Yes.  
6           A.       If it's part of that complaint -- I think  
7   it was -- I reviewed it, yes.  
8           Q.       What investigation did you do into it?  
9           A.       I think I got the serviceman's tickets for  
10   this address.  
11          Q.       Did you do anything else?  Did you try to  
12   speak to the customer?  
13          A.       I don't believe I did.  I don't recall.  
14          Q.       Did you try to speak to the installer?  
15          A.       No.  
16          Q.       Did you try to speak to the service person  
17   or persons, because I think this involved a few?  
18          A.       No.  
19          Q.       All right.  Did you send a Data Request to  
20   the Union about the leak?  
21          A.       No.  
22          Q.       Other than requesting the service tickets,  
23   did you send any Data Request to the company about it?  
24          A.       I didn't send any Data Requests, no, I  
25   don't believe.

1           Q.       And what did you conclude from the service  
2 tickets on this leak?

3           A.       I can't recall what the percentages exactly  
4 were. There's -- or where the leak was eventually found  
5 on the meter. I don't recall what these specific tickets  
6 said.

7           Q.       Did you conclude that this was a dangerous  
8 situation?

9           A.       I concluded there was a gas leak there  
10 somewhere, that the lady smelled the gas, and when she  
11 smelled the goes, she called the company. And I don't  
12 remember recalling that was a dangerous situation.

13          Q.       Do you recall concluding that the Cellnet  
14 installers had run off this job without notifying Laclede  
15 that there was a gas leak?

16          A.       I'd just have to review it. I reviewed a  
17 number of different addresses, and I have to read through  
18 this to see which one it was.

19          Q.       Sure. I understand.

20                   MR. ZUCKER: Can you tell us the street  
21 name?

22                   MS. SCHRODER: Oh, here (indicating).

23                   THE WITNESS: What's your question?

24                   MS. SCHRODER: And I actually don't  
25 remember.

1 (THE REQUESTED TESTIMONY WAS READ BY THE  
2 REPORTER.)

3 THE WITNESS: I don't recall that I  
4 concluded that.

5 BY MS. SCHRODER:

6 Q. All right. Do you recall concluding that  
7 Cellnet installers didn't follow the procedure of  
8 notifying Laclede of a gas leak?

9 A. If there was a gas leak there when this  
10 happened and they did that, I would -- if there was a gas  
11 leak there and they noticed it and didn't call Laclede,  
12 they didn't follow procedure.

13 Q. Prior to learning of this problem from the  
14 Union complaint, had Laclede notified you of it?

15 A. Of this, no.

16 Q. So once again, but for the Union report,  
17 you might never have learned of any relationship between  
18 this problem and the timing of AMR installation; is that  
19 right?

20 A. I don't know. Like I said, we do annual --  
21 we do reviews of the company on an annual basis, and we're  
22 there looking at operations, so I'm not sure. We may have  
23 found out otherwise, yes.

24 Q. Have you done a review on Laclede since  
25 that time?

1           A.       Since what time?

2           Q.       Since the time that this incident occurred  
3 in March -- I'm sorry -- February of -- March of '06?

4           A.       I would have to look at the records for  
5 sure, but I believe we've done inspections of Laclede  
6 since March of '06. We've been up there like 60 or 70  
7 days during 2006, so I don't recall exact dates.

8           Q.       All right. Well, did this situation come  
9 up in the random reports?

10          A.       No.

11          Q.       All right. So you wouldn't have found it  
12 from your random report because you didn't; is that  
13 correct?

14          A.       We didn't find this one, no.

15          Q.       I want to also ask you then about one of  
16 the incidents that we've heard testified about today from  
17 Mr. Johnson. You've reviewed -- you have reviewed his  
18 deposition in this matter, right, as well as heard his  
19 testimony today?

20          A.       Yes.

21          Q.       In fact, I think you were at his  
22 deposition; is that correct? I'm sorry.

23          A.       If I wasn't, I reviewed his deposition.  
24 I'm not sure. I can't recall if I was at this or not. I  
25 believe I was at his and I wasn't at Mr. --

1 Q. Tracey's?

2 A. Boyle's

3 Q. Mr. Boyle's. Okay. Were you present by  
4 phone for Mr. Tracey's deposition?

5 A. I don't believe so.

6 Q. All right. Have you reviewed his  
7 deposition? This is the maintenance supervisor at the  
8 facility at this time.

9 A. I don't think I got -- I'm not sure I got  
10 that one.

11 Q. All right.

12 JUDGE WOODRUFF: Ms. Schroder, I hate to  
13 interrupt. We are kind of overdue for a break. Are you  
14 close to finishing?

15 MS. SCHRODER: We should probably go ahead  
16 and take a break.

17 JUDGE WOODRUFF: We'll take a break at this  
18 time. We'll come back at 3:25.

19 (A BREAK WAS TAKEN.)

20 JUDGE WOODRUFF: We're back from break.  
21 Mr. Leonberger is still on the stand, and we'll continue  
22 with cross-examination from the Union.

23 MS. SCHRODER: Thank you.

24 BY MS. SCHRODER:

25 Q. Mr. Leonberger, when we went on break, we

1     were just starting to talk about the incident involving  
2     Jim Johnson that occurred in -- I think on November 10th,  
3     2006. Do you know the incident I'm referring to?

4             A.       Yes.

5             Q.       All right. And I -- are you aware that the  
6     holes that were found on that meter only occurred on the  
7     left side of the meter?

8             A.       I was aware that -- I didn't see the meter,  
9     but that's what I was -- the testimony I heard, yes.

10            Q.       All right. And based on your review of the  
11    testimony, isn't it true that it wouldn't have been  
12    possible to have used an electric drill on the screws on  
13    the right side of the meter because of space constraints?

14            A.       It -- I knew it -- I didn't hear what you  
15    said. I'm sorry.

16            Q.       Let me just repeat it. Based on your  
17    review of the testimony, isn't it true that it wouldn't  
18    have been possible to use -- would not have been possible  
19    to use an electric drill on the screws on the right side  
20    of the meter because of space constraints?

21            A.       That's what I was -- that's what I heard,  
22    but I didn't see the actual configuration to know.

23            Q.       Okay. But it would have been possible on  
24    the left side?

25            A.       I didn't see the configuration to know.

1           Q.       Okay. You're familiar with the size of the  
2 meter that was being used at that address, correct?

3           A.       I'm aware the basic size of the meter, but  
4 I did not see the meter at that address, no.

5           Q.       Okay. You would agree that those types of  
6 industrial meters are very powerful?

7           A.       I don't know what powerful means.

8           Q.       Well, they pump substantially more gas than  
9 a normal residential meter?

10          A.       The amount that they pump wouldn't make any  
11 difference in the -- the gas that would come out of a  
12 certain size hole.

13          Q.       Wouldn't it pump it with greater intensity?

14          A.       If the larger meter was operating at -- a  
15 small meter operating at two pounds and a large meter  
16 operating at two pounds, the same size hole would put out  
17 the same amount of gas.

18          Q.       But small meters don't generally operate at  
19 two pounds, do they?

20          A.       They can.

21          Q.       They generally operate at a quarter pound,  
22 don't they?

23          A.       Yes. And so sometimes a larger meter is  
24 operating at a lower pressure too. I'm saying the size of  
25 the meter doesn't make any difference. It's -- the same

1 size hole in the same pressure meter would be the same  
2 leakage.

3 Q. All right. But a two-pound meter has --  
4 pumps with much more intensity than a quarter-pound meter;  
5 is that correct?

6 A. A two-pound meter has more pressure, yeah,  
7 is a higher pressure meter than another meter.

8 Q. All right. Would you agree, then, that any  
9 leak on a meter of that size is potentially dangerous?

10 A. Any leak can be potentially dangerous.

11 Q. All right. And that it would be more  
12 dangerous than a corresponding leak on a quarter-pound  
13 meter?

14 A. Depending on the size of the hole and how  
15 it was -- the gas was somehow restricted from escaping.

16 Q. Okay. You are also aware of the incident  
17 that occurred at the Thomassons' residence, right?

18 A. Yes.

19 Q. Okay. And we can refer to them by name  
20 because they testified. Do you agree that roughly  
21 handling a meter might cause a union to loosen as occurred  
22 at the -- I mean, a union loosened at the Thomasson  
23 residence, right? Let's start there.

24 A. The service person, I believe, said there  
25 was a leak at the union. I'm not sure how you can unscrew



1 a union -- loosen a union by unscrewing it, by -- I'm not  
2 sure that will happen by jostling a meter by actually  
3 unscrewing a union, but --

4 Q. Would you agree that the Cellnet installer  
5 was unequipped to determine that a leak was occurring at  
6 the union?

7 A. I don't know if -- I don't know there  
8 was -- if he knew there was a leak at the union or not.

9 Q. Would you agree that that Laclede employees  
10 in the St. Louis County area all -- the service department  
11 and meter reading employees all carry some sort of leak  
12 detector?

13 A. I believe so, yes. Different kinds, but  
14 yes.

15 Q. And any type of leak detector would have  
16 picked up the leak at the union that day; isn't that  
17 correct?

18 A. If it was leaking, if it hadn't been -- if  
19 it was leaking when the person was there, correct, or if  
20 it had been jostled later on, I don't know.

21 Q. All right. You're aware that the resident  
22 testified that she started smelling the gas before the  
23 Cellnet installer left, right?

24 A. She -- yeah. I read the testimony she  
25 smelled a whiff of gas, yes.

1           Q.       And that she actually asked the installer  
2   about it before he left?

3           A.       Right.

4           Q.       You also mentioned in your initial rebuttal  
5   testimony a couple of matters that you said Staff were  
6   continuing to investigate. This is at page 16.

7                   MR. FRANSON: Of which testimony?

8                   MS. SCHRODER: Page 16 of his initial  
9   rebuttal testimony.

10   BY MS. SCHRODER:

11           Q.       And please do not refer to those by  
12   address, but do you know -- do you see where I'm talking  
13   about?

14           A.       The first one, the January 5th, the first  
15   one where I said leek instead of leak?

16           Q.       The second one and the fourth one, where it  
17   says Staff will continue to investigate.

18           A.       The second one or the first one?

19                   MS. SCHRODER: May I approach?

20                   JUDGE WOODRUFF: Yes, you may.

21                   THE WITNESS: I'm sorry. Yes.

22   BY MS. SCHRODER:

23           Q.       Are you on the wrong page?

24           A.       The 106 thing, right?

25           Q.       Yes.

1           A.       Thank you.

2           Q.       All right. And then the one -- not the  
3 next one below it, but the one below that?

4           A.       The one on the 106, I think there was three  
5 different -- as I recall, there was three different.  
6 There's like a 106, a 110 and there's three addresses at  
7 that particular name there, and I think two of those had a  
8 leak at the center box and one there wasn't a leak at all,  
9 but yes, I followed up on that. And then which one, the  
10 third one or fourth one?

11          Q.       Wait a second. I'm not through yet. So  
12 going back to that one --

13          A.       I followed up on -- I followed up on this  
14 particular, the 106 address, and there was also additional  
15 addresses I believe in the information you gave us, like a  
16 110 and another one. I can't remember what the third one  
17 was. And those three, I think two of those three had  
18 leaks at the center box, and one that was not a leak found  
19 on the meter.

20          Q.       And what did you do to determine that?

21          A.       The records that were given to me by  
22 Laclede.

23          Q.       All right.

24          A.       On the thread sheet record, and then I also  
25 got the serviceman's tickets on those.

1           Q.     All right. And again, those were not  
2 records that Laclede had provided to you prior to the  
3 Union filing this information; is that correct?

4           A.     No. I got that when I found out the  
5 addresses.

6           Q.     All right. Now, on the same page, the  
7 4960 address, do you see that, where you also say Staff  
8 will continue to investigate?

9           A.     That was the one we just discussed earlier,  
10 right?

11          Q.     No, I don't believe so.

12          A.     In the e-mail?

13          Q.     Thank you. I didn't put two and two  
14 together there. Thank you. And you've already told me  
15 what occurred there. Also at page 15 of your same  
16 testimony, you talked about a leak that occurred on  
17 441 something. We'll just leave it at that.

18          A.     All these addresses with the specific  
19 address is mentioned in the filing, I believe.

20          Q.     Okay.

21          A.     That's why I picked them. I didn't pick  
22 them out at random.

23          Q.     And you referred to this as a small fizz  
24 leak. Do you recall that or do you see that?

25          A.     That was the information that I was given,

1     yes.

2             Q.       And that information came from Laclede?

3             A.       Yes.

4             Q.       Are you aware that Laclede employees have

5     been disciplined over missing fizz leaks?

6             A.       I've heard it during the testimony here.

7             Q.       And are you aware that that discipline has

8     been on the grounds of customer safety?

9             A.       I don't know what the grounds is.

10            Q.       And would you agree that -- what is your

11     position about whether a fizz leak can be dangerous?

12            A.       I don't believe if it -- if you are aware

13     of a leak that is a fizz leak and where it is, I don't

14     believe that can necessarily be dangerous, no.

15            Q.       If you're aware of it?

16            A.       I'm saying that there are times when if you

17     are specifically aware that that is the only leak at that

18     location.

19            Q.       All right.

20            A.       But specifically -- specifically is a fizz

21     leak a dangerous leak, we classify those as -- that

22     wouldn't be necessarily a Class 1 leak in our regulations,

23     no.

24            Q.       All right. Are Class 1 leaks the only

25     dangerous leaks?

1           A.       Those are the only ones -- there's ones and  
2 twos and threes and fours, so it kind of goes from one  
3 through four.

4           Q.       I understand that, but does that mean only  
5 ones are dangerous?

6           A.       Only ones are immediate hazard.

7           Q.       All right.

8           A.       That require immediate attention.

9           Q.       The addresses that you provided, that you  
10 discussed on pages 15 through 17 of your testimony in the  
11 initial rebuttal testimony, all of those addresses came  
12 from the Union; is that correct?

13          A.       All these addresses I believe, those were  
14 actually mentioned in your filing, one of the Union --  
15 Local 11-6's filing, so I took these addresses because  
16 those are specific addresses mentioned.

17          Q.       Right. And prior to learning of them  
18 through Local 11-6, Laclede had not notified you of them;  
19 is that correct?

20          A.       I believe the -- just one second. I  
21 believe Laclede didn't. I was aware of the 12 Honey  
22 Locust through the KSDK report.

23          Q.       Is that --

24          A.       Excuse me. The No. 12 on the top of  
25 page 16.

1           Q.       Well, that's okay.  If it's from the KSDK  
2   report, then it's obviously on the record.  I mean, we  
3   don't have to worry about confidentiality.

4                   MS. SCHRODER:  Would you guys agree?

5                   MR. FRANSON:  Depends on what it is.

6                   THE WITNESS:  Sorry.  I just was --

7  BY MS. SCHRODER:

8           Q.       Is that the Prolly Meadows that this is  
9   even reported on?

10          A.       I believe so, yes.

11          Q.       All right.  And -- but again, Laclede  
12   hadn't notified you of that; isn't that correct?

13          A.       Of?

14          Q.       Of the Prolly Meadows situation.

15          A.       No.

16          Q.       All right.  And let's talk for a minute  
17   then about this KSDK news report.  You watched it; is that  
18   correct?

19          A.       Yes.  I mean, I was -- I got it off the --  
20   off the website.

21          Q.       Okay.  And, in fact, you've seen at least  
22   one other investigative news report relating to this  
23   matter, haven't you?  Hasn't Lisa Sigmund done several of  
24   them?

25          A.       As far as specific addresses, I'm not --

1     there's some others that another gentleman did, I think.

2             Q.       Chris Hays?

3             A.       Yeah.  But I mean, I don't remember -- I  
4     can't remember if she did it more than one address or not.

5             Q.       Okay.  And you also became aware through  
6     the Union's amended complaint of some investigative  
7     reports done by the St. Louis Labor Tribune; is that  
8     correct?

9             A.       Those are in the filing, yes.

10            Q.       All right.  And there were some addresses  
11    there that weren't included in the rest of the addresses  
12    that the Union provided; is that correct?

13            A.       There may have been, because I asked for  
14    additional -- I asked for additional records, ones that  
15    you wouldn't provide that I had seen, but I can't remember  
16    is if they're specifically in -- there's some -- I know  
17    there's some of the addresses in the Labor Tribune were  
18    part of your lists.

19            Q.       Before any of these investigative media  
20    reports, Laclede Gas management personnel hadn't  
21    identified any of those issues to you, had they?

22            A.       What issues?

23            Q.       Any of the issues reflected by the TV  
24    reports or the Labor Trib; isn't that right?

25            A.       They were leaks -- they were not



1 necessarily leaks on AMRs, so they were leaks. They don't  
2 necessarily report leaks to us on every leak that they  
3 have.

4 Q. And the news reports that we're talking  
5 about here all were reporting on AMR leaks, weren't they?

6 A. They were reporting on leaks that -- where  
7 an AMR had been installed. Not necessarily an AMR leak,  
8 no.

9 Q. All right. Do you specifically recall in  
10 the KSDK report that you were discussing that the customer  
11 at Prolly Meadows simultaneously discovered gas leaks in  
12 more than 20 meters in the apartment complex shortly after  
13 AMR devices were installed there?

14 MR. FRANSON: Where is this in his  
15 testimony?

16 MS. SCHRODER: Page 16.

17 THE WITNESS: Page 16, at the top of the  
18 page in the HC version. I don't believe it's shortly  
19 afterwards, no. I believe and my testimony states the  
20 AMRs were installed in August of 2005 and the news report,  
21 the leak that was the subject to the news report was on  
22 January 18th of 2006, which was five months later.

23 BY MS. SCHRODER:

24 Q. Five months later is still in general  
25 proximity to the AMR installation, isn't it?

1           A.       Correct. And in between there, there was a  
2 look survey of those done by a Laclede serviceman, and  
3 there was no leaks found.

4           Q.       But if those leaks were the result of  
5 gasket wear caused by improper installation of the gear  
6 device on a wiggler, then the leaks may not have been  
7 apparent on November 23rd, 2005 when there was another --  
8 when there was a leak -- I'm sorry -- when there was a  
9 person in there with a leak detection device; isn't that  
10 true?

11                   MR. ZUCKER: Objection. There's no  
12 foundation for that.

13                   MR. FRANSON: And it's also speculation,  
14 your Honor, so I would object on that basis also.

15                   JUDGE WOODRUFF: I'll sustain that  
16 objection.

17 BY MS. SCHRODER:

18           Q.       All right. Mr. Leonberger, are you aware  
19 that since the time of this KSDK news report, there has  
20 been another rash of leaks found at the same apartment  
21 complex?

22           A.       No.

23           Q.       So Laclede didn't tell you that, did they?

24                   MR. FRANSON: Your Honor, asked and  
25 answered. It is not appropriate to go on, there's no

1 foundation for anything further regarding something that  
2 has been -- this witness has no knowledge of.

3 MS. SCHRODER: Your Honor, this witness --

4 JUDGE WOODRUFF: I'm going to overrule the  
5 objection. You can ask -- you've already answered, I  
6 think, whether Laclede told you about this.

7 THE WITNESS: Yes, I answered.

8 JUDGE WOODRUFF: And you answered no?

9 THE WITNESS: Correct.

10 BY MS. SCHRODER:

11 Q. What, if any, investigation did you do as a  
12 result of the KSDK news report, the St. Louis Labor  
13 Tribune articles and Chris Hays' report on I think it's  
14 Channel 2, other than as reflected on the top of page 16,  
15 where you're talking about the Prolly Meadows situation?

16 A. In almost all the cases -- well, I  
17 shouldn't say all the cases. In all these cases, I got  
18 the service tickets to look and see what the actual  
19 serviceman's tickets said. And if I -- I can't remember  
20 if on the Chris Hays -- I would imagine I probably got  
21 that also, but I just don't specifically recall that  
22 address, so it doesn't ring a bell right now.

23 Q. All right. So you got the service tickets.  
24 Anything else?

25 A. On these?

1 Q. Yes.

2 A. I talked to Laclede people about what had  
3 happened here, what they'd found. The information was  
4 on -- also checked that information they had on the  
5 spreadsheet against the serviceman tickets to make sure  
6 that what they put on the spreadsheet information's on the  
7 service tickets.

8 Q. All right. Is it fair to say that you  
9 didn't talk to the Cellnet installer or the customer or  
10 the service employee?

11 A. In all these cases?

12 Q. Yes.

13 A. No.

14 Q. No, you didn't?

15 A. No, I did not.

16 Q. All right. You answered some questions  
17 earlier, and I don't remember frankly who asked you, about  
18 Mr. Gozie's testimony from Wisconsin, where his utility  
19 had also installed the Cellnet AMR devices. Do you recall  
20 him testifying about that?

21 A. Yes.

22 Q. And do you recall specifically that  
23 Mr. Gozie stated that they had discovered installation  
24 errors at WE Energy?

25 A. I don't recall what he said they were, but

1     there was -- I recall something. I don't remember what  
2     they were exactly.

3             Q.     All right. And you said that after that  
4     time you read an article about WE Energy, but did you  
5     contact anyone at the utility to investigate the AMR  
6     problems that they might have had?

7             A.     No.

8             Q.     And in that article pertaining to WE  
9     Energy, did the article indicate whether the new Cellnet  
10    installations were going to be done under the safeguards  
11    that the Wisconsin PSC put into effect?

12            A.     No.

13            Q.     They didn't indicate one way or the other,  
14    did they?

15            A.     No.

16            Q.     Did it indicate who was going to do the  
17    installations in that article?

18            A.     Just that Cellnet bid the contract to  
19    install.

20            Q.     And you also talked about reviewing an  
21    article or a newsletter from Austin Energy. Did you  
22    contact Austin Energy to ask them whether they were having  
23    any problems with Cellnet?

24            A.     I just read the newsletter.

25            Q.     So that's a no?

1           A.       I did not contact Austin Energy, no.

2           Q.       All right. Okay. On your supplemental  
3 rebuttal testimony, would you flip to that now? I will at  
4 the same time. At page 2, you talk about Mr. Johnson  
5 noting that prior remote reading devices had leaked after  
6 installation. Do you see that?

7           A.       On line 11, 12?

8           Q.       Yes.

9           A.       Yes.

10          Q.       Have you done any research regarding the  
11 amount or frequency of leaks found on MERE or Trace  
12 devices at Laclede?

13          A.       No. It was relying on the information  
14 given by Mr. Johnson in his deposition.

15          Q.       And Mr. Johnson stated in his deposition,  
16 didn't he, that he couldn't give accurate information  
17 about the frequency without reviewing his route sheets and  
18 CIS forms, didn't he?

19          A.       Correct, but he also said that he had been  
20 called out on a number of those that had leaked after he  
21 installed them. I think that's what he said.

22          Q.       Did you ask Laclede for Mr. Johnson's route  
23 sheets and CIS forms relating to MERE and Trace devices?

24          A.       No.

25          Q.       So your conclusion really is without any

1 meaningful comparison, isn't it, between the amount of AMR  
2 meters that leaked versus the amount of meters with older  
3 reading devices?

4 A. I was relying on Mr. Johnson, who had a lot  
5 of experience and had done a lot of these, so I was  
6 relying on his deposition.

7 Q. And yet he said in his deposition that he  
8 couldn't give an accurate indication of frequency because  
9 he didn't have his route sheets and CIS sheets?

10 MR. FRANSON: Asked and answered, your  
11 Honor.

12 JUDGE WOODRUFF: Sustained.

13 BY MS. SCHRODER:

14 Q. All right. Isn't it correct that MERE  
15 and Trace devices were only installed on approximately  
16 100,000 inside meters?

17 A. I don't have that number.

18 Q. Well, you know that they were only  
19 installed on inside meters at Laclede Gas; is that right?

20 A. I believe so, but I don't know if that was  
21 your question.

22 Q. And isn't it also true that at the time  
23 that those remote reading devices were installed, Laclede  
24 was performing annual meter reads of remote meters?

25 A. I'm not sure I understand what the question

1 exactly is.

2 Q. You're aware of the fact that, until  
3 recently, Laclede has had to perform annual meter reads on  
4 remotely read meters?

5 A. An actual read?

6 Q. Yes.

7 A. An actual read, yes, on a meter.

8 Q. That was being performed at the time that  
9 these MERE and Trace devices were installed; isn't that  
10 correct?

11 A. The actual read?

12 Q. Yes.

13 A. Yes.

14 Q. And that's not being performed anymore; is  
15 that correct?

16 A. That's correct.

17 Q. And you're aware that part of the actual  
18 annual read was a check for leaks; is that correct?

19 MR. ZUCKER: Objection, assumes facts not  
20 in evidence, no foundation.

21 JUDGE WOODRUFF: Overruled.

22 THE WITNESS: My understanding of the  
23 reason for the annual read was a tariff provision here at  
24 the Commission that made them get an annual read. That  
25 was my understanding.



1 BY MS. SCHRODER:

2 Q. I didn't ask about the reason for it.

3 A. I thought you said what was the reason for  
4 it.

5 Q. No. I think I asked whether it was being  
6 done, that as a part of the annual reads, Laclede  
7 employees were checking for leaks while they were in  
8 there; isn't that right?

9 A. I don't know if they -- back then that they  
10 had a device checking for leaks or not.

11 Q. All right.

12 A. I don't know what time period you're  
13 talking about.

14 Q. Well, the time period that the MEREs and  
15 Trace devices were in effect.

16 A. I don't believe they had a device checking  
17 for annual leaks. I'm not sure.

18 Q. But meter readers have always used their  
19 nose to check for leaks, haven't they?

20 A. They can smell gas, yes.

21 Q. And haven't meter readers always looked for  
22 signs of corrosion and other things that might indicate a  
23 problem when they do reads?

24 A. There's a requirement for corrosion  
25 investigations every three years. I'm not sure that was

1 performed during the annual meter read.

2 Q. All right. Isn't it true that during the  
3 times that -- the time that MERE and Trace devices were  
4 installed, that Laclede Gas was performing  
5 turn-off/turn-ons?

6 Do you know what I'm talking about?

7 A. Well --

8 MR. FRANSON: Your Honor, I'm going to  
9 object to the relevance of the duties of meter readers and  
10 also to turn-offs/turn-ons. While they're fascinating,  
11 they're related to other cases.

12 JUDGE WOODRUFF: What is the relevance?

13 MS. SCHRODER: The relevance is there were  
14 safety measures in effect then that aren't in effect now,  
15 and this is a safety hearing about trying to determine  
16 whether the protections they've installed --

17 JUDGE WOODRUFF: I'll overrule the  
18 objection.

19 BY MS. SCHRODER:

20 Q. Mr. Leonberger?

21 A. I don't remember the question.

22 Q. Isn't it true that at the time the MERE and  
23 Trace devices were being installed, that Laclede Gas was  
24 performing turn-off/turn-on inspections?

25 A. What are you referring to by

1 turn-off/turn-on inspection specifically?

2 Q. I'm referring to when somebody -- when the  
3 gas service was turned off for any reason, sometimes it's  
4 turned off and turned right back on because of an  
5 apartment resident, but it didn't matter whether or not  
6 that was going on, that Laclede insisted that -- that  
7 Laclede had a service employee go out and do both a  
8 Laclede side and customer side inspection?

9 A. Any time the gas is turned back on, they're  
10 required to go out and do an inspection, now and today.

11 Q. All right. But now they're not required to  
12 do these turn-off/turn-on inspections?

13 A. That's why I asked you what you meant by  
14 turn-off/turn-on. You said it was when the gas was turned  
15 off and turned on. When the gas is physically turned back  
16 on, they're required to do an inspection then and required  
17 to still do it now.

18 Q. With AMR devices, those aren't being done  
19 anymore; isn't that correct?

20 A. Well, you specifically said when the gas is  
21 turned off and turned back on. When that occurs, there's  
22 an inspection required.

23 Q. All right. But is that still occurring,  
24 the turning it off and turning it on?

25 A. Whenever the gas is turned back --

1 physically turned back on, an inspection is required, yes.

2 Q. And you're aware that 80 -- approximately  
3 80,000 less of those are being done per year right now  
4 because of the installation of AMR devices; is that right?

5 MR. FRANSON: Your Honor --

6 THE WITNESS: That's not true. That is not  
7 true. Any time the gas is physically turned back on, the  
8 rules require that Laclede do an inspection inside.

9 BY MS. SCHRODER:

10 Q. All right. But that's not my question.

11 A. You said -- you said turn-off/turn-ons were  
12 when the gas is turned off and the gas is turned back on.  
13 That's -- and you're asking about turn-offs/turn-ons, so  
14 if the gas is physically turned back on, no matter if it  
15 was back then or right now, they're required to do an  
16 inspection by rules.

17 Q. Would you agree with me that during some of  
18 the time that these MERE and Trace devices were being  
19 installed, Laclede was still replacing meters every ten  
20 years?

21 A. I'm not sure the time frame, but it goes  
22 back -- I'm trying to think of the date that we did the --  
23 it goes back quite a few years. I would say they were  
24 doing it every ten years.

25 Q. Would you agree Laclede isn't doing that at

1     this point?

2             A.       Doing?

3             Q.       They're not replacing meters every ten  
4     years?

5             A.       Some meters can be replaced every ten  
6     years, but it's not a requirement to replace every meter  
7     every ten years.

8             Q.       All right. Is your department involved in  
9     performing surprise safety checks on Laclede Gas's service  
10    department?

11            A.       We do inspections of their -- their  
12    operations, service department, construction department,  
13    their records that apply to the pipeline safety  
14    regulations.

15            Q.       All right. But I'm talking -- maybe I'm  
16    not calling it the right thing. I'm talking about sort of  
17    a surprise check where they drill a particular service  
18    employee and that employee's supervisor and they go -- the  
19    PSC goes through and makes sure that all the procedures  
20    are being followed?

21            A.       For -- I mean, a specific -- we -- I'm not  
22    sure exactly. I'm not clear. I mean, we --

23            Q.       Okay. I mean, are you aware of field  
24    inspections that the PSC does on Laclede without notice?

25            A.       We inform Laclede that we're coming to do

1 an inspection when we go there. We will pick certain  
2 places to go, whether it be leaks to make sure the  
3 classification was correct, look at regulator stations,  
4 look at valves, look at the corrosion control protection.  
5 We tell them that day or whatever -- what places we want  
6 to go to, so...

7 Q. All right. And you tell Laclede where  
8 you're going to go to see it, right?

9 A. We go -- yeah. We may tell them on that  
10 day where we want to go, yes.

11 Q. Okay. So Laclede doesn't choose the  
12 employees that get spot checked; is that right?

13 A. We don't necessarily spot check an  
14 employee. We spot check the facilities or the records,  
15 make sure that an employee or the facilities were  
16 inspected the way they're supposed to have been, the  
17 things they put down in the record were correct.

18 Q. How frequently does that occur?

19 A. I believe we inspect Laclede and their --  
20 like Missouri Natural probably four times a year,  
21 different -- there's different divisions that we do an  
22 inspection on each one of the divisions, and there may be  
23 other special inspections that we do.

24 Q. Have you ever done it on the Cellnet  
25 installations for Laclede?

1           A.       Going out and looking at installation. I  
2 believe I answered that earlier.

3           Q.       Well, you looked at the one installation,  
4 but you said that Laclede chose who you -- you know, where  
5 you looked?

6           A.       Right. I mean, I said I wanted to go out  
7 to a certain area and we went out there.

8           Q.       I want to go back for a minute to your  
9 testimony about this -- the NTSB reports. Do you recall  
10 that?

11          A.       Where that's?

12          Q.       Your testimony today.

13          A.       Yes.

14          Q.       In response to Mr. Zucker.

15          A.       Yes.

16          Q.       These NTS-- when you talked to -- you said  
17 that you spoke by telephone with the NTSB director, I  
18 think you said?

19          A.       His name was Rod Dyke. He was the  
20 supervisor of -- and I had contact with him before.

21          Q.       All right. When you spoke to him, did you  
22 ask him about incident reports?

23          A.       I specifically said that there was a person  
24 in a hearing at the Public Service Commission indicated  
25 that there was a -- I can't remember exactly the words

1     that were used about Mr. McFarlane, but there were a  
2     couple of NTSB public reports that discussed incidents  
3     involving AMRs. So I specifically asked him if he was  
4     aware of any incident reports involving -- of NTSB  
5     involving AMRs.

6             Q.     And does incident have a special -- a  
7     special meaning in the gas industry?

8             A.     Well, I said -- I read -- I had Mr.  
9     McFarlane's -- the transcript in front of me, and what he  
10    specifically said is the way I asked my question. I can't  
11    remember. I don't have that in front of me right now, but  
12    he said he remembered a couple of NTSB reports that  
13    referred to incidents on AMRs, and that's --  
14    that's -- I asked the question right off the transcript.

15            Q.     Now, will you go back and answer my  
16    question? Does incident have a special meaning in gas --  
17    in the gas industry?

18            A.     Yes.

19            Q.     And what's that special meaning?

20            A.     The incidents defined in the code.

21            Q.     Does it include explosion?

22            A.     An incident would have to do with injury  
23    that would involve hospitalization, a death, anything --  
24    well, in our rule it would be over 10,000. In the federal  
25    code it's a higher rate, but it has to do with property



1 damage, injury, death.

2 Q. And it's property damage of a certain  
3 amount; is that right?

4 A. Correct.

5 Q. When you talked to the supervisor at NTSB,  
6 did you ask him whether there were any public reports  
7 addressing gas leaks as a result of AMR installation?

8 A. Yes, because I was very surprised that I --  
9 that myself or John Cotwitz hadn't heard about that, and  
10 so I said, have you -- do you know of anything? I said, I  
11 was in a hearing and it's very important that I know if  
12 there are any NTSB reports, and I used Mr. McFarlane's  
13 wording, that would address AMRs -- AMR installation  
14 causing an incident.

15 Q. Now I'm not asking about incidents. Now  
16 I'm asking about leaks.

17 A. I just asked him if he was aware of any of  
18 that. He said no. Anything about AMR installation  
19 causing leaks or causing incidents, but I asked the first  
20 question about Mr. McFarlane. I said, are you aware of  
21 anything about AMRs, and he was not.

22 Q. All right. So he didn't mention anything  
23 about Wisconsin and about the decisions that we've seen  
24 copies of in this matter that came out of Wisconsin's PSC?

25 A. I don't believe those were NTSB reports.

1 Q. I didn't ask about that.

2 A. That would have been the only thing I would  
3 have been talking to him about, would be NTSB reports.

4 Q. When you talked to NAPSMA or N-A-P-S-M-A,  
5 you said that you don't recall being aware of any gas  
6 safety concerns that arose from that group. Do you recall  
7 any discussion from them about the Wisconsin PSC decision?

8 A. I talked to the person in Wisconsin.

9 Q. Pardon?

10 A. I've talked to the person in Wisconsin.

11 Q. All right. Who did you speak with in  
12 Wisconsin?

13 A. Tom Stimrich.

14 Q. And did you do that before or after  
15 Mr. Gozie's testimony in this matter?

16 A. I really don't recall.

17 Q. And what did Mr. -- did you say Stimrich?

18 A. Stimrich is -- Wisconsin is in the center  
19 region. The National Association of Pipeline Safety  
20 representatives have different regions that are aligned  
21 with the federal pipeline safety regions, and there's  
22 12 states in the central region, which Missouri is one.  
23 So I see Mr. Stimrich twice a year during different  
24 meetings at least. And I had called him on the phone,  
25 too, but I don't remember what the timing was.

1           Q.       You don't remember if it was before or  
2 after December -- please, the hearings in this matter in  
3 December of 2006?

4           MR. FRANSON: Your Honor, asked and  
5 answered.

6           JUDGE WOODRUFF: Overruled. Go ahead and  
7 answer.

8           THE WITNESS: I don't recall.

9 BY MS. SCHRODER:

10          Q.       All right. What did Mr. Stimrich tell you?

11          A.       That the information from the -- requiring  
12 three-year leak surveys was part of that. I'm not sure  
13 what else he said, but that they were going to require  
14 them to do three-year leak surveys on those.

15          Q.       All right. So he confirmed what Mr. Gozie  
16 and Mr. McFarlane testified about in that regard?

17          A.       Three-year leak surveys, yes, because I  
18 indicated that in Missouri we already had three-year leak  
19 survey requirements, so that was -- we already had that in  
20 place for a long time.

21          Q.       Right. Have you conducted any independent  
22 studies on the safety aspects of a drive gear that's  
23 improperly aligned with an AMR device? I said that again  
24 wrong, didn't I? Safety aspects of a wiggler improperly  
25 aligned with an AMR device?

1           A.       Besides just getting one and seeing how  
2 much it would move on my own, that -- that's what I did.  
3 I did that, yes.

4           Q.       But besides that?

5           A.       No.

6           Q.       All right. Have you conducted any  
7 independent studies on the safety aspects of meter indexes  
8 that spin erratically?

9           A.       I have got -- I got an index that I've  
10 looked at that I've seen it go around in a steady manner,  
11 then it'll be -- it will fall and it'll -- one dial will  
12 spin quickly for a while, then stop. Then it'll come back  
13 up and it comes back to the top. Sometimes it will fall,  
14 the gravity will -- there's not very much friction in  
15 those gears.

16                   And the one I have upstairs that you look  
17 at, it'll actually come around, it will fall and it will  
18 make the dial go fast for a minute and then it will stop,  
19 not a minute, but momentarily, then will pick -- the  
20 wiggler will pick that back up again. So I have seen  
21 that. I can replicate that erratic movement upstairs with  
22 an AMR device that I have.

23           Q.       And how does that compare to the erratic  
24 movement that -- have you reviewed the DVD that was  
25 received by the PSC on or about December 13th, 2006

1 ex parte?

2 A. Yes.

3 Q. All right. How does what you just  
4 described compare with what you saw on the DVD?

5 MR. FRANSON: Your Honor, I'm going to --  
6 has that already been answered?

7 JUDGE WOODRUFF: No, it's not.

8 MR. FRANSON: I'm going to object. An  
9 ex parte communication or this ex parte she's referring to  
10 is not in evidence, and I would object.

11 JUDGE WOODRUFF: I'll sustain the objection  
12 because I don't think there can be any relevance to an  
13 ex parte communication that's not in evidence.

14 MS. SCHRODER: Well, Mr. Leonberger  
15 testified earlier about ex parte communications in his  
16 looking into them, and what I'm trying to get at right now  
17 is whether he's reviewed it and he did any investigation  
18 into it or it's colored any of his conclusions in this  
19 matter. And I think that that is fair game whether it's  
20 in evidence or not.

21 MR. ZUCKER: I'm interested in knowing what  
22 the Union and Ms. Schroder's knowledge is of this ex parte  
23 communication, this DVD.

24 JUDGE WOODRUFF: It was filed as an  
25 ex parte exhibit in this case -- or an ex parte notice.

1 MS. SCHRODER: We all got the notice.

2 MR. ZUCKER: Right. I know what it is and  
3 who got it. I'm just interested in why there's questions  
4 about it and what they saw on it. I'd like to know  
5 because it came in anonymously.

6 MR. FRANSON: Judge, there's a more  
7 fundamental issue here. Can someone out there --  
8 regardless of whether the Union caused it or didn't, can  
9 someone send in an ex parte communication of some type and  
10 backhandedly get it into evidence? The answer is no.  
11 That is not competent evidence.

12 MS. SCHRODER: I'm not trying to get this  
13 into evidence.

14 JUDGE WOODRUFF: Clearly it's not evidence,  
15 and I sustained the objection as to any details about that  
16 exhibit, but you've clarified that what you're looking for  
17 is his response to that exhibit.

18 MS. SCHRODER: Right.

19 JUDGE WOODRUFF: I think that's allowable  
20 to determine whether he has made any further investigation  
21 or response to that. So if you want to confine your  
22 questions to that, I sustained the objection to the  
23 question that was asked. You can try another question, if  
24 there's further investigation.

25 BY MS. SCHRODER:

1           Q.       Mr. Leonberger, having reviewed that DVD,  
2 did you do any investigation into it?

3           MR. FRANSON: Your Honor -- to that  
4 particular question, which would be a yes or no question,  
5 I have no objection.

6           JUDGE WOODRUFF: All right. You can  
7 answer.

8           THE WITNESS: Did I investigate the DVD?

9 BY MS. SCHRODER:

10          Q.       Yes. Did you investigate any of the  
11 contents of the DVD?

12          A.       I watched the DVD.

13          Q.       You watched it. Did you do anything in  
14 response to it?

15          MR. FRANSON: Your Honor, objection.  
16 Again, she's backhandedly taking something that is not  
17 competent evidence and it's not relevant. It's an  
18 ex parte, and she's trying to turn it into substantive  
19 evidence. Whether it's offered or not, that's what is  
20 being done here.

21          JUDGE WOODRUFF: I believe the specific  
22 question was, did you do anything further in response to  
23 that. That's a yes or no question, so I'm going to  
24 overrule that objection.

25          THE WITNESS: So ask the question again.

1 BY MS. SCHRODER:

2 Q. After reviewing the DVD that was received  
3 by the Commission on or about 12/13/06, did you do any  
4 investigation into the contents of it?

5 A. It was anonymous. There's really no way I  
6 could do any specific investigation into that. I did take  
7 the AMR device I had and could replicate the movement that  
8 I saw in the DVD with the device that I had that was --  
9 that -- I could replicate that movement I saw on the DVD  
10 with the device I had.

11 Q. Did it raise any concerns for you about the  
12 accuracy of meter readings?

13 A. No.

14 MR. FRANSON: Your Honor --

15 BY MS. SCHRODER:

16 Q. Did it raise any concerns for you about --

17 MR. ZUCKER: I'm going to object. This is  
18 a case about AMR, and it's not relevant whether or not  
19 there are issues about the reading of the meters, the  
20 indexes.

21 MS. SCHRODER: I believe all of the things  
22 on the DVD, if I saw them correctly, at least had AMR  
23 devices on them.

24 You didn't get it? I got a letter.

25 MR. FRANSON: From?



1 MS. SCHRODER: I don't know. I got a --

2 JUDGE WOODRUFF: The Commission issued an  
3 ex parte notice. I don't know that the DVD was attached  
4 to it.

5 MS. SCHRODER: No, but I got one that  
6 said --

7 JUDGE WOODRUFF: I know I've never seen it.

8 MS. SCHRODER: -- that showed US as one of  
9 many cc's.

10 MR. FRANSON: Judge, I guess right now, is  
11 there a question to the witness?

12 MS. SCHRODER: Yeah, there was a question  
13 about whether this created any concern for him about meter  
14 safety.

15 MR. FRANSON: Your Honor, I renew my  
16 objection. It's taking something that has no relevance,  
17 is not proper evidence, and trying to turn it into such,  
18 and whether he saw the DVD or did anything is certainly  
19 not relevant. It's improper evidence, and anything from  
20 it -- flowing from it is also improper, and I would renew  
21 my objection.

22 MS. SCHRODER: And, your Honor, I would  
23 just say that's very interesting since Mr. Leonberger --  
24 Mr. Leonberger's testimony contains several references to  
25 ex parte contacts, and apparently it was okay for him to

1 backdoor the evidence in.

2 MR. FRANSON: Where?

3 JUDGE WOODRUFF: Well, we don't need to go  
4 into that at this point. I'm going to allow this  
5 question. Once again, I believe it's asking what his  
6 response was to it. I don't want to get anything about  
7 what was on the DVD. It doesn't really matter what was on  
8 the DVD.

9 MS. SCHRODER: Right.

10 JUDGE WOODRUFF: If you want to -- I don't  
11 see any further questions on this, but I'll rule on  
12 further questions as they come. But this question about  
13 whether or not this caused him any concerns about safety I  
14 believe is a proper question. You can answer it.

15 THE WITNESS: I don't think that was the  
16 original question. You were talking about -- you said  
17 accuracy, I believe. You asked a question about safety?

18 BY MS. SCHRODER:

19 Q. I asked -- the initial question was  
20 accuracy, and you answered that. Then I asked you about  
21 meter safety.

22 A. Okay. Ask the question again.

23 Q. Sure. Did anything you saw cause you to  
24 have a concern about meter safety?

25 A. No.

1           Q.     All right.  Isn't it true Laclede's been  
2     spotting meters for decades as a means for checking for  
3     gas leaks?

4           A.     Yes.

5           Q.     And isn't it true Laclede has considered  
6     spotting an important safety check?

7           A.     Yes.

8           Q.     Do you have any concerns that erratic  
9     spinning would make it impossible to spot a meter for gas  
10    leakage?

11          A.     I believe that Laclede has a procedure that  
12    they want the two dials -- two dials to be in the upswing  
13    when they do that, so they found there's not the falling  
14    of the -- of the tab on the -- excuse me -- the -- on the  
15    AMR would not do that when they're both -- both the  
16    meter -- the dials are on the upswing.  So I think that's  
17    a new procedure to do the test that way.

18          Q.     Okay.  And have you replicated that with  
19    your meter upstairs?

20          A.     I was -- yes.  As I was doing it, I never  
21    got -- when it was on the up -- when both those dials were  
22    on the upswing, I never saw it -- it never fell.

23          Q.     All right.  And again, did you see anything  
24    on this DVD that would cause you to question that?

25          A.     Question what?

1 MR. FRANSON: Your Honor --

2 JUDGE WOODRUFF: Asked and answered. It's  
3 sustained.

4 MS. SCHRODER: All right.

5 BY MS. SCHRODER:

6 Q. Have you conducted any independent studies  
7 on the relationship between AMR installation and the  
8 spinning of these dials?

9 A. The spinning of the dials I think has more  
10 to do with the type of index and the use of the Neoprene  
11 or the plastic cobs as opposed to the brass cobs in the  
12 indexes. And those -- I can't remember the exact date,  
13 but that could have happened before AMR occurred, but it  
14 depends on if you put those -- the specific wiggler has a  
15 slot in it. If you put the tab of the index in there, it  
16 would pull that around as it went around.

17 If that tab is not in that wiggler and is  
18 pushed, as that tab comes around, it could fall down by  
19 gravity. I think that the actual erratic movement would  
20 have been more related to the index, the type of the index  
21 and going to the plastic gears in them and the lack of  
22 friction in those gears from the brass gears, is what I  
23 think.

24 Q. Why do you think that? What do you base  
25 that conclusion on?

1           A.       Because of the friction, looking at the  
2   gears and the friction of those gears and then -- there's  
3   no friction basically in those plastic gears of that  
4   index.

5           Q.       All right. And have you -- going back to  
6   my initial question here, have you done any independent  
7   study into whether installation of these AMR devices  
8   affects or has a relationship on this spinning?

9           A.       Just the fact that, like I said, I don't  
10   believe that the AMR device necessarily would do that. It  
11   has the effect -- I believe it has to do with the index.

12                   JUDGE WOODRUFF: That was a yes or no  
13   question.

14                   MS. SCHRODER: Right.

15   BY MS. SCHRODER:

16           Q.       Have you done a study?

17           A.       No, I haven't done a study. Just --

18                   JUDGE WOODRUFF: You've answered the  
19   question. You can stop now.

20   BY MS. SCHRODER:

21           Q.       As a government employee responsible for  
22   public safety, isn't it your position that Laclede Gas  
23   should err on the side of safety as opposed to taking  
24   risks with people's lives?

25           A.       Yes.

1 MS. SCHRODER: All right. No further  
2 questions.

3 JUDGE WOODRUFF: All right. We'll come up  
4 for questions from the Bench, then. Commissioner Appling,  
5 do you have any questions?

6 QUESTIONS BY COMMISSIONER APPLING:

7 Q. Bob, how you doing?

8 A. Pretty good. How are you?

9 Q. Since you answered all the easy questions,  
10 I think I'll come in with a few hard ones to close this  
11 out. Okay?

12 Let's go to your rebuttal testimony, if you  
13 have it in front of you, and let's proceed to page 4, and  
14 I think it's the sentence on line 5 and 6. Let's use that  
15 as a starting point.

16 A. Okay.

17 Q. You have in there, therefore, Staff does  
18 not believe that the installation of AMR devices in  
19 Cellnet is in any way a general safety hazard. You still  
20 stick to that?

21 A. Yes, sir.

22 Q. Okay. Let me ask you a couple of  
23 questions. My major concern is about three or four  
24 things. First one is safety. That should be No. 1 on all  
25 of our lists in this room here.

1           A.       Correct.

2           Q.       And the correct installation of new  
3 devices, and it should be anything that Laclede should be  
4 doing that they're not doing. I'm relying on you to be  
5 the PSC's expert to go between me and Laclede and also the  
6 Union to tell me and advise me before I make a decision  
7 which is coming up pretty soon on who I rule for, the  
8 Union or Laclede. I can't give them both, you know, as a  
9 Commissioner here.

10                   So when you look at those issues, is there  
11 anything out there that, based on your expertise, that  
12 Laclede should be doing that they are not doing that will  
13 interfere with major safety issues as you see it?

14           A.       If they should do something additional  
15 here? I don't believe they should do anything additional  
16 because of the installation of AMRs. We have our -- the  
17 Public Service Commission rules as far as the leak surveys  
18 are more stringent than the federal rules. So we would  
19 require -- the requirement is to go inside every three  
20 years on -- do any leak survey on Laclede piping every  
21 three years. As I said, it's more stringent than the  
22 federal rule.

23                   There will be checks to the piping  
24 according to those rules, and Laclede, there's a  
25 requirement for them to do corrosion inspections inside on

1 the piping. So I believe the existing rules in that sense  
2 are adequate. The Missouri rules are adequate in that  
3 sense.

4 Q. I know I read this here, but help me out a  
5 little bit with it. What other states are installing this  
6 same device, if you can? You don't have to name them all,  
7 if you just know a few that is doing it.

8 A. Well, there's -- Ameren -- AmerenUE in this  
9 state of Missouri has already installed over 100,000 on  
10 gas meters.

11 Q. Okay.

12 A. So there's other states, Wisconsin, just  
13 some in Texas I know of, I mean Cellnet. There's AMRs --  
14 there's different types of AMRs, I guess. MGE's installed  
15 a type of automated meter reading device also. I'm  
16 not sure it's Cellnet. I just know from testimony of  
17 Mr. Korbisch who worked for Cellnet that they've installed  
18 three and a half million, I believe, on gas meters.

19 Q. Okay. Take the state of Missouri, for  
20 example. I think you talked about Laclede, MGE and  
21 Ameren?

22 A. Yes, sir.

23 Q. Approximately how many of these devices has  
24 been installed in the state of Missouri among these three,  
25 just your best guess?



1           A.       I believe that between Ameren and MGE  
2     there's about a half a million, about 500,000, and then I  
3     believe at this point Laclede has installed over 600,000.  
4     So would be like 1.1 million, something like that.

5           Q.       So what are your major concerns?

6           A.       Our major concern, the Staff -- going back  
7     to one of the other previous questions, our major Staff  
8     concerns, and has been for quite -- for management audits  
9     is that the estimated bills, the estimated readings,  
10    the estimated bills. So AMRs -- the AMR was a method to  
11    try to get away from the number of estimated bills that  
12    were -- that Laclede had. Obviously, like I said, the  
13    Staff filed a complaint because of estimated billing  
14    issue.

15                    So as far as the safety concern, I think  
16    that we all need to be diligent any time we do anything  
17    about what happens and what's being caused. That's our  
18    job every day here in our group is to make sure the best  
19    we can that we go to the utilities and make sure what  
20    they're doing and how they're doing it, is it done safely.

21                    I mean, that's my job every day, and I  
22    think that myself and all the people in my group take it  
23    very seriously.

24           Q.       Last question. In the list of contested  
25    issues, which was one major list of contested issues here,

1 and I'll read it to you, has the installation of AMR  
2 violated Section 393.130 of the RSMo, safe and adequate,  
3 or any gas safety law, rules, order or decision of the  
4 Commission?

5 A. I don't believe so, no.

6 Q. So to the best of your knowledge, you're  
7 saying you don't think so?

8 A. No, sir. I don't believe that this -- that  
9 they violated that.

10 COMMISSIONER APPLING: Thank you very much,  
11 sir.

12 JUDGE WOODRUFF: Commissioner Gaw, do you  
13 have any questions for Mr. Leonberger?

14 COMMISSIONER GAW: Yes.

15 QUESTIONS BY COMMISSIONER GAW:

16 Q. I'll try to keep this brief. I've been  
17 listening upstairs. With the extensive amount of cross, I  
18 don't think I need to ask a lot of questions. But there's  
19 a couple of areas that I don't believe I heard an answer  
20 on that was asked.

21 One had to do with the dialog that was  
22 going on about turn-ons and turn-offs. And I -- I want to  
23 know, Mr. Leonberger, can you tell me whether or not the  
24 number of turn-on/turn-offs in the Laclede service  
25 territory has changed with the implementation of AMR?

1           A.       I don't know if the number has -- I don't  
2 know if the number has changed.

3           Q.       You don't?

4           A.       You mean the number of turn-on/turn-offs?

5           Q.       Yeah.

6           A.       I don't know.

7           Q.       You don't have any idea?

8           A.       If the number of turn-off/turn-ons that are  
9 going on have changed?

10          Q.       Yes.

11          A.       No, I don't.

12          Q.       All right. How many do you think were done  
13 a year prior to AMRs, do you know?

14          A.       The actual -- I think there may be  
15 confusion about the turn-on, the actual turning on and  
16 turning off of gas or what was mentioned in the previous  
17 case, there may be confusion there. But as far as the  
18 actual turn-ons and turn-offs, I don't think there would  
19 be any difference in the number of physically turning on  
20 and off the meter that were done now and were done before.

21          Q.       Now, you had a substantial amount of  
22 conversation defining what that terminology meant?

23          A.       Right.

24          Q.       Now you're telling me they're two different  
25 meanings?

1           A.       No. I asked -- I specifically asked  
2 Ms. Schroder if -- what she meant, and she said physically  
3 when the gas meter is turned on or turned off. And I  
4 kept -- my testimony was that whenever the gas meter is  
5 physically turned back on, back then or now, our rules  
6 require that Laclede do an inspection.

7           Q.       I heard the answer that you gave. I don't  
8 think it was probably responsive to the question that was  
9 being asked.

10          A.       I believe I --

11          Q.       What I'm wanting to know is whether or not  
12 the actual number would have changed as a result of AMRs?

13          A.       I don't think so.

14          Q.       Okay. Now, is there -- is there something  
15 that was -- that was talked about in the previous case  
16 that you referred to dealing with turn-on/turn-offs?

17          A.       That's why I asked her definition, what she  
18 meant. The other idea, the other concept was that a meter  
19 what they called read in/read out, where you do not turn  
20 off the meter. That's why I asked that question. She  
21 said you're physically turning off and on the meter, so I  
22 answered her question about specifically turning off and  
23 on the meter.

24          Q.       Define what you mean by read on/read off.

25          A.       Read in/read out --

1 Q. Or read in/read out then. Excuse me.

2 A. When someone moves into an apar-- when  
3 someone moves out of an apartment, say, and someone else  
4 moves back in, you would get a reading. You wouldn't  
5 necessarily turn the gas off. You would get a reading  
6 when the person moved out, their final reading, and then  
7 you would do a reading, leave the gas on and do a reading  
8 for the initial reading for the new customer.

9 Q. All right. And would that number have  
10 changed with the implementation of AMRs, the number that  
11 were being done in Laclede's service territory?

12 A. The read in/read out, I don't believe so.

13 Q. Yes.

14 A. There was a -- the other case determined  
15 whether or not Laclede would do inspections during those.

16 Q. Yes, there was, wasn't there?

17 A. But I don't believe that the number would  
18 have changed, the number that were performed were changed.  
19 The requirement to do the inspection when a  
20 read in/read out was done, obviously those are not  
21 required anymore.

22 Q. Oh, okay. Maybe now we're making some  
23 progress. So --

24 A. But the number --

25 Q. In other words -- in other words, according

1 to your definition of what a read in/read out is and  
2 turn-on/turn-off, the actual physical definition of those,  
3 the number may not be changed, but you're telling me that  
4 the number of actual physical inspections that were  
5 previously conducted of the premises to see whether or not  
6 there were safety issues did change with the  
7 implementation of AMRs?

8 A. No.

9 Q. It didn't change?

10 A. It changed with the case --

11 Q. Well, did it or did it not change?

12 A. Not with the implementation of AMR. It  
13 changed with the change in the tariff language which no  
14 longer required Laclede to make a physical visit to and do  
15 an inside inspection during the turn in. No other utility  
16 in the state was doing -- required to do that. Laclede  
17 was doing it because it's in their tariff, and it may have  
18 been in anticipation of AMR, but it was not because of  
19 AMR.

20 Q. You don't think there was any connection at  
21 all?

22 A. I said it was probably because of  
23 anticipation, but there's no other -- the testimony at the  
24 time in the other case was there was no other utilities in  
25 Missouri that were doing that inspection when the gas --

1 the turn-on/turn offs.

2 Q. Isn't it true, Mr. Leonberger, that there  
3 were inspections that were going on prior to the  
4 implementation of AMR whenever the meter reader went in to  
5 do a reading, when there was a renter or someone else  
6 changing the occupation of the premises, that no longer  
7 occurs now with AMRs?

8 A. True.

9 Q. Okay.

10 A. But like I said, it wasn't --

11 Q. That's all I wanted to know. Now, in  
12 regard to the issue of this -- this question of training,  
13 I'm -- I'm trying to understand what your testimony was  
14 earlier in regard to when it's necessary to have someone  
15 trained, and I -- and what was -- what's the name of that  
16 training, again, that you're referring to?

17 A. The requirement in the Public Service  
18 Commission rules and the federal rules for operator  
19 qualification.

20 Q. So it's operator qualified?

21 A. The operators had to be qualified to  
22 perform -- if they're performing certain tasks, they have  
23 to be qualified to perform those tasks.

24 Q. And list off those tasks for me, could you,  
25 or is that a long, long-winded list?

1           A.       Well, the operators have to come up with  
2       their own specific tasks, and in a lot of cases there's  
3       50 or 60 specific tasks that a person -- one person may be  
4       required to take of 30, 40, 50 particular modules of  
5       training to do, depending on what they're doing. I mean,  
6       there may be a module on leak surveying. There may be a  
7       module on hazards of gas, the properties of gas. There  
8       may be how to turn a valve, how to repair regulators. I  
9       mean, it depends on what they're doing as to how many of  
10      those mod-- how many of those tasks they would have to be  
11      qualified to do.

12           Q.       Okay. And someone that's working on a  
13      meter itself, can you give me the -- the things that they  
14      have to be trained to do off the top of your head, or does  
15      that require you to look at something?

16           A.       Well, the general idea would be if they're  
17      doing something that was required by the rule. So if that  
18      employee is doing something that's required by the rules,  
19      then they would have to have a qualification to do that,  
20      certain qualifications to do that.

21           Q.       Well, with a meter, what is it that would  
22      be required? What are the things that would be required  
23      that you're referring to?

24           A.       If a -- if they were replacing a -- say  
25      replacing a meter, that would mean they would be working



1 with live gas, turning on and off the gas. There would be  
2 requirements for that particular issue. But when they're  
3 not really dealing -- putting an index on a meter and  
4 taking another index off the meter, there's no requirement  
5 in the rules for meters or indexing meters or replacing --  
6 or if you're not working on live gas, so that's what I was  
7 trying to refer to.

8 Q. Okay. And I'm going to have to spend a  
9 little time with this, only so I can try to --

10 A. Okay.

11 Q. -- understand what you're telling me.

12 Okay?

13 You said replacing a meter would be  
14 something that would be required under the rules. I'm  
15 trying to understand how you're categorizing this as  
16 something that gets -- that's required under the rules, as  
17 opposed to something that's not.

18 A. The way we look at -- the replacement of  
19 the meter is not required by the regulations. However --

20 Q. Yeah. That's why I'm asking the question.

21 A. When they go to replace a meter, they have  
22 to turn the gas off. They have to turn the gas back on.  
23 They have to do those functions. So really it's not  
24 necessarily the replacement of the meter per se that is  
25 the requirement, but there's requirements for turning on

1 and off the gas. So we believe at that point they need to  
2 be -- they need to have qualifications to turn off the  
3 gas, turn back on the gas.

4 Q. Now, and point out to me, if you would,  
5 where that requirement is in the rules.

6 A. Specifically, I'd have to -- I mean, I just  
7 can't think of it right now, but the -- our concern there  
8 is they are actually turning off and -- dealing with live  
9 gas and turning on and off the gas.

10 Q. I understand what the concern is.

11 A. Right.

12 Q. But what I'm trying to understand is, you  
13 made the statement earlier generally, and I'm paraphrasing  
14 here, that if it was required by the rules, then they had  
15 to be qualified, if they were performing something  
16 required by the rules. And I'm wanting you to tell me  
17 where in the rule it says that if you're replacing a meter  
18 then you have to be qualified. I just --

19 A. Not replacing a meter. It's turning on and  
20 off the flow of gas.

21 Q. Okay. Where is that in the rule?

22 A. I don't have a specific cite right now.

23 Q. Can you give me another example of  
24 something dealing with a meter, since you can't point that  
25 one out to me off the top, something else that you might

1 know?

2 A. Required qualification or --

3 Q. Yeah. Uh-huh, dealing with a meter.

4 A. Not that I can think of, no.

5 Q. If someone drills on a meter, does that

6 require nothing as far as gas is concerned about it being

7 turned off? No requirement that that gas be turned off if

8 one is using a drill on a meter?

9 A. The -- the rules don't talk about drilling

10 a meter, no.

11 Q. They don't talk about that?

12 A. No.

13 Q. But they do -- they do talk about the

14 replacement of a meter?

15 A. No. They talk about turning on the flow --

16 not replacing the meter, no. It's actually --

17 Q. So there's nothing in the rules that says

18 you have to turn the gas on or off when you replace a

19 meter, correct? Nothing in the rules that requires that;

20 is that correct?

21 A. There's nothing in the rules required

22 replacing the meters.

23 Q. No. There's nothing in the rules that

24 requires you to turn the gas on or off when you replace a

25 meter; is that true or not?

1           A.     The rules don't require that, no.

2           Q.     No. But common sense would require it,

3 wouldn't it?

4           A.     I hope so.

5           Q.     Yeah, but it's not required in the rules --

6           A.     Well --

7           Q.     -- isn't that true?

8           A.     Well --

9           Q.     You just answered that question. If you're

10 going to give me a different answer, go ahead, but --

11          A.     No. It's not required by the rules, but

12 there are --

13          Q.     Okay.

14          A.     You wouldn't have to turn off the meter.

15          Q.     Just answer my question if you would,

16 please.

17                   JUDGE WOODRUFF: Let the Commissioner ask

18 his questions before you answer. Otherwise you're talking

19 back and forth across each other and the court reporter

20 can't get that down.

21                   COMMISSIONER GAW: Thank you, Judge.

22 BY COMMISSIONER GAW:

23          Q.     And I know you'll get a chance to explain

24 all this in a little bit. I'm not -- there are others

25 here that, if you have something else there, that I'm sure

1 will ask the question.

2 Now, so if I'm drilling on a meter, would  
3 it be a good idea to do that with the gas on?

4 A. If you're not going to drill into the  
5 meter -- I mean, is it a good idea if you're going to  
6 drill through the meter to do that? No. If you're  
7 removing a screw, I mean, I don't think the intent is to  
8 drill through the meter that way.

9 Q. But if you do -- it is possible that you  
10 could drill through a meter while you're drilling on that  
11 screw, isn't it?

12 A. It's obviously possible, yes.

13 Q. Yes, it's obvious, because we've heard  
14 examples of it, correct?

15 A. True.

16 Q. Yeah. So -- but it's not a good idea to  
17 drill through a meter with the gas on, is it?

18 A. No.

19 Q. Because common sense would tell you that,  
20 correct, sparks come out of drills sometimes when they're  
21 being used and sparks and gas don't mix very well, do  
22 they?

23 A. Sparks and gas don't mix, right.

24 Q. So is it -- I assume there are other things  
25 dealing with the meter that you wouldn't want to do.

1     Probably wouldn't want to take a sledgehammer and beat on  
2     one, I suppose?

3             A.        No.

4             Q.        Probably wouldn't want to take a hacksaw to  
5     one while the gas was turned on?

6             A.        No.

7             Q.        None of those things like that, though,  
8     even though they wouldn't make any common sense, none of  
9     those things specifically would qualify under your  
10    requirement that there be something in the rule that said  
11    if you're going to take those kind of tools to a meter,  
12    you'd better be qualified before you try it?

13            A.        The sledgehammer or the hacksaw to be  
14    qualified? I don't know what kind of qualification that  
15    would be, but --

16            Q.        I'm not sure either. Probably you would be  
17    under the impression, if you were qualified, you probably  
18    shouldn't use those kind of tools for one thing?

19            A.        I think I would question if the company  
20    would qualify somebody to use those tools on a meter.

21            Q.        Yes. Of course, that assumes that they're  
22    qualified to begin with, doesn't it?

23            A.        We're talking about them qualifying to do  
24    those actions.

25            Q.        Would be -- you would have to assume that,

1 correct?

2 A. That they're qualified to use a hacksaw?

3 Q. They were qualified to work on the meter.

4 A. I'm not sure how to answer that, I guess.

5 Q. All right. There are a lot of things you  
6 can do around a meter with the gas turned on that might  
7 pose a danger, wouldn't you agree?

8 A. Yes.

9 Q. If you were working on it. If you were  
10 working on that meter, there are a lot of things you can  
11 do on that meter that could pose a danger if the gas were  
12 turned on?

13 A. I mean, what type of things? Hammering on  
14 it and stuff?

15 Q. Well, that would certainly be a problem,  
16 wouldn't it?

17 A. Right.

18 Q. There are a lot of things that you could do  
19 with that meter while the gas is turned on that might  
20 potentially, if you were dismantling it or using tools on  
21 it, it could cause a problem, a hazard, wouldn't you  
22 agree?

23 A. I guess it could in specific examples. I'm  
24 not sure the examples you're talking about.

25 COMMISSIONER GAW: I could spend a lot of

1 time on this, but I don't want to do any more of this  
2 right now. I think a lot of these things are already  
3 coming out from all the sides here. But thank you very  
4 much, Mr. Leonberger, for your time.

5 JUDGE WOODRUFF: We'll go to questions  
6 from -- we'll go to recross based on questions from the  
7 Bench, beginning with Laclede.

8 MR. ZUCKER: No questions, your Honor.

9 JUDGE WOODRUFF: All right. And Public  
10 Counsel?

11 MR. POSTON: No questions.

12 JUDGE WOODRUFF: Local 11-6?

13 MS. SCHRODER: Just one, your Honor. Can I  
14 go ahead and just ask it?

15 JUDGE WOODRUFF: Go ahead.

16 RECROSS-EXAMINATION BY MS. SCHRODER:

17 Q. Isn't it true, Mr. Leonberger, that  
18 Laclede has cited that it's ceased approximately  
19 80,000 inspections per year that it did before the tariff  
20 revision that you discussed in response to Mr. Gaw's  
21 questions?

22 A. I'm not aware of the number. That may be  
23 correct. I don't know.

24 MS. SCHRODER: All right. No further  
25 questions.



1 JUDGE WOODRUFF: Redirect?

2 MR. FRANSON: Oh, yes.

3 REDIRECT EXAMINATION BY MR. FRANSON:

4 Q. Mr. Leonberger, let's talk about some  
5 questions asked to you first by Commissioner Gaw. What is  
6 a turn-on/turn-off?

7 A. I believe a turn-on/turn-off is when the  
8 gas is physically turned on -- I mean, turned on, the gas  
9 is turned off, physically.

10 Q. Okay. With the -- did AMR cause -- well,  
11 let me ask you this: You talked about a tariff change  
12 from another case. What was that tariff change?

13 A. The tariff change would require Laclede --  
14 no longer would require Laclede to go to -- when the gas  
15 is not physically turned off, to go to that location and  
16 do an inside inspection.

17 Q. Okay. So if -- if an apartment is --  
18 person No. 1 leaves an apartment and the last day is  
19 February 28th, and Laclede has already been contacted and  
20 knows there's going to be a new customer in there on  
21 March 1, would Laclede be required to turn off the gas in  
22 that instance?

23 A. Not necessarily. There's other, you  
24 know --

25 Q. This tariff change, would that have any

1 impact on the scenario I just gave you?

2 A. Whether or not they turned -- whether or  
3 not they turned on and off the gas, that tariff change  
4 would have no effect on that, no.

5 Q. What would the tariff change have an effect  
6 on?

7 A. The tariff change would have an effect on  
8 if Laclede would have to do an inside check of the  
9 premises when that turn -- read in/read out occurred, and  
10 that was -- that was actually occurring a little bit  
11 before -- they were doing -- the inspection may not have  
12 been required even on non-AMR meters.

13 Q. So if I understand you correctly, what  
14 we're talking about on a read in/read out is old customer  
15 out February 28, new customer in March 1. It used to be  
16 that a meter reader had to go out and do an inspection?

17 A. Correct. Well, it used to be that Laclede  
18 would send a meter reader out to read the meter for the  
19 final reading of the original tenant. They would send a  
20 meter reader out to get an initial reading for that  
21 tenant, and when they were there doing the -- when they  
22 were doing that, they would do an inside -- they would do  
23 an inspection.

24 Q. Okay. And that is no longer required; is  
25 that correct?

1           A.     Correct.

2           Q.     Unless the gas is actually turned off?

3           A.     If the gas is physically turned on, they  
4     have to do an inspection.

5           Q.     Now, who -- a meter reader that did these  
6     inside inspections was a union employee, correct -- or I'm  
7     sorry -- was a Laclede employee who happened to be in the  
8     Union?

9           A.     I'm not sure the meter reader did the  
10    inside inspection. I think an employee went out and read  
11    the meter. I'm not sure it was a meter reader. They did  
12    run the meter and did the inspection. I'm not sure it was  
13    a meter reader.

14          Q.     But the one who would be qualified to do  
15    the inspection, do you know whether that person would be a  
16    union employee?

17          A.     Yes.

18          Q.     Okay. So there's -- both Commissioner Gaw  
19    and then Ms. Schroder tried to suggest there's  
20    significantly fewer inspections; is that correct? Was  
21    that your understanding?

22          A.     Significantly fewer inspections because --  
23    that was my confusion, because of what?

24          Q.     Well, is it because of the tariff change?

25          A.     It's -- there are significant fewer because

1 of tariff change, correct.

2 Q. Okay. So what we're talking about is quite  
3 frankly less work for the Union; is that correct?

4 A. There would be less inspections, yes.

5 Q. Okay. Done by the Union?

6 A. Yes.

7 Q. Okay. And it was the Union that brought  
8 the complaint that has been referred to regarding the  
9 tariff change; is that correct?

10 A. Yes.

11 Q. Now, Commissioner Gaw asked some questions  
12 about drilling on meters. Now, let's assume that there's  
13 going to -- there's been a revolution in gas meters and  
14 Laclede's going to be the first one to do -- to put these  
15 in, and they have to draw up some rules to implement the  
16 installation of the new meters, and you happen to be  
17 working on this.

18 Isn't it true that in such a scenario you  
19 would focus on learning how the meters are installed and  
20 then gearing your rules to how to do that properly?

21 A. We would want to make sure the process was  
22 done safely. I thought I'd answered earlier that I  
23 believe that Laclede had a process to -- to do that. Then  
24 they also, as soon as they found there were problems,  
25 discontinued that in January before I ever really even

1 knew about those happening.

2 Q. Okay. But in drawing up new rules, you  
3 wouldn't focus on dreaming up every improper or idiotic  
4 thing that somebody could do wrong, would you?

5 A. No.

6 Q. You would focus on how to do it right?

7 A. Correct.

8 Q. And when one is installing AMRs on a meter,  
9 is it fair to say, based on everything you've learned here  
10 and your general knowledge and expertise, one should not  
11 use a hacksaw in installing an AMR?

12 A. I don't believe that's a good idea.

13 Q. One should not use a sledgehammer?

14 A. I hope not.

15 Q. And when one is installing an AMR device,  
16 one should not drill through a meter; is that true?

17 A. True.

18 Q. Okay. And do you believe that an average  
19 person that might go to Manpower can be adequately trained  
20 to install an AMR device?

21 A. Yes.

22 Q. Okay. Do you have any --

23 MS. SCHRODER: I'm sorry. I know this is a  
24 little bit late, but I would just object to lack of  
25 foundation.

1                   MR. FRANSON: Well, asked and answered,  
2     your Honor, first.

3                   JUDGE WOODRUFF: I'll overrule the  
4     objection.

5     BY MR. FRANSON:

6                 Q.     Okay. Isn't it also fair to say that most  
7     of the Laclede Gas workers that we've heard from in this  
8     case and that you're familiar with generally have not  
9     undergone the same training to install an AMR device that  
10    the Cellnet subcontractors have undergone?

11                MS. SCHRODER: Objection again, lacks  
12    foundation.

13                MR. FRANSON: It's to his knowledge, Judge.

14                JUDGE WOODRUFF: That was testimony I  
15    believe earlier, I believe in December. So I'll overrule  
16    the objection.

17                THE WITNESS: There are some meter shop  
18    employees installing AMRs on meters, but they're not doing  
19    it in the field, as I understand, so they wouldn't get the  
20    same training, no.

21     BY MR. FRANSON:

22                Q.     Okay. Now, let's go back to some questions  
23    about the National Transportation Safety Board. Did Mr.  
24    McFarlane in his testimony produce some reports or  
25    anything from the National Transportation Safety Board in

1 his testimony, that you're aware of?

2 A. No.

3 Q. And now there were also some questions  
4 about the Wisconsin Public Service Commission orders that  
5 were attached to the testimony of I believe it was  
6 Mr. McFarlane and Mr. Gozie. Did you review those as part  
7 of this case?

8 A. It was part -- yes, it was part of their  
9 testimony.

10 Q. Isn't it true that the -- the reason we got  
11 most of those things was because of a Union intervention  
12 in the state of Wisconsin in both cases?

13 A. I believe so.

14 Q. Now, let's talk about some things here.  
15 No. 1, when this initial complaint was filed -- I'm not  
16 talking about the amended complaint with all the  
17 attachments -- the initial complaint, what was your  
18 understanding of the Union's theory of what was wrong with  
19 AMR installations?

20 A. That AMR installers were causing leaks on  
21 meters.

22 Q. Okay. Did you understand whether they were  
23 contemporaneous leaks or later?

24 A. Originally, my understanding was they were  
25 happening -- they believed they were happening when they

1 installed them.

2 Q. Okay. Was there anything about wigglers  
3 improperly aligned with the drive part of the meter in  
4 that initial complaint, that you might recall?

5 A. No. I wasn't aware of the idea that a leak  
6 would occur afterwards. That wasn't clear in their  
7 original complaint or wasn't covered.

8 Q. Okay. When did you -- was that theory  
9 covered in the amended complaint, to your knowledge?

10 A. I don't recall when it was -- when I first  
11 heard that idea.

12 Q. Okay. Let's talk about the investigation  
13 you did in this case. Isn't it true that you don't have  
14 the ability yourself personally to go out and inspect  
15 630,000 meters in the Laclede service territory?

16 A. I guess I could, but I'm not sure I could  
17 do it personally, but I -- I mean, it would be very  
18 difficult for me to look at every one of them and know  
19 what I was looking at.

20 Q. Okay. And isn't it true that as part of  
21 your job, you ordinarily contact a company and expect that  
22 company to be forthcoming with you on information?

23 A. Right.

24 Q. In your -- how long have you been dealing  
25 with Laclede?



1           A.       I started working here in 1982.

2           Q.       Okay. And during that time, have you had  
3 opportunity to work with a number of folks at Laclede?

4           A.       Yes.

5           Q.       And has your experience been they're a  
6 bunch of liars?

7           A.       We have -- the operations area, I think  
8 they're forthcoming. There's times that we disagree,  
9 obviously, and times they don't like when we disagree with  
10 one another, but we -- for the most part, I believe their  
11 operations area, we have a working relationship and we get  
12 the things done we need to get done for safety.

13          Q.       Okay. And generally, does Laclede do a  
14 good job with safety?

15          A.       I believe compared to the other utilities  
16 they do a good job, yes.

17          Q.       Okay. Now, in order to rely on what they  
18 tell you, you did some independent investigation in this  
19 case; isn't that correct?

20          A.       I looked at the addresses and then  
21 requested the servicemen's tickets that would have been  
22 completed by the servicemen who were at the location to  
23 make sure that those -- the information on those service  
24 tickets that I reviewed matched what was on the  
25 spreadsheet that I got from Laclede.

1 Q. You physically did that, correct?

2 A. Yes.

3 Q. You spent a fair amount of time doing that?

4 A. Yes.

5 Q. Substantial amount of time?

6 A. Yes.

7 Q. Besides reviewing service tickets, did you

8 do any onsite visits and/or inspections regarding this AMR

9 case?

10 A. Yes.

11 Q. Tell us about those.

12 A. Just to get a better understanding -- first

13 of all, get a better understanding of what the

14 installation of an AMR, what that was, how it occurred and

15 watching the AMR installations in the field, looking at

16 what AMR -- where a leak from a center box was, trying to

17 determine from those tickets, like I said, what those

18 tickets said from the information I got, just to review

19 what the servicemen were saying out in the field, because

20 those were the people that actually saw what went on.

21 Q. Okay. Well, as a result of that,

22 besides contacting Laclede, did you ever have anyone at

23 USW Local 11-6 contact you personally about AMRs?

24 A. I contacted them after the KSDK report, but

25 I'm not sure if they ever contacted me, no.

1           Q.       They never made it their business to call  
2   you up, Mr. Leonberger, we believe there's a problem with  
3   AMR installations, they're unsafe for the following  
4   reasons? They never contacted you with anything like  
5   that?

6           A.       No, which is kind of surprising to me  
7   because my past experience here, either Mr. Schulte or  
8   Mr. Shively has contacted me dozens of times on issues.

9           Q.       So in other words, they knew you existed?

10          A.       Oh, yes.

11          Q.       And they knew what you did?

12          A.       Oh, yes.

13          Q.       Okay. But those two names you just  
14   mentioned, they didn't contact you about AMR?

15          A.       No.

16          Q.       Okay. Did -- Ms. Schroder asked you about  
17   this KSDK report. Is that Channel 2 in St. Louis, if you  
18   know?

19          A.       I'm not sure what channel it is.

20          Q.       Okay. Well, the KSDK report and the Labor  
21   Tribune reports, have you reviewed those?

22          A.       All the -- there's a number of Labor  
23   Tribune articles.

24          Q.       Well, let's talk about the Labor Tribune  
25   articles that are attached to the First Amended Complaint.

1 Have you reviewed those?

2 A. I looked through those, yes.

3 Q. Okay. Did you notice who some of the  
4 sources, if not the primary sources, were for those  
5 articles?

6 A. You mean not the author, but the --

7 Q. The people that gave the author of the  
8 article their information?

9 A. Laclede employees.

10 Q. Okay. Were some of them Union members or  
11 do you know?

12 A. I would assume, yes.

13 Q. On Channel 2, do you know who the source of  
14 those -- well, let me rephrase that.

15 From reviewing the KSDK report, did you  
16 learn who some of the sources were for that?

17 A. I just -- I just know that Kevin Patterson  
18 was on the reports -- I mean, was on the spot. I mean,  
19 and later on from -- I said in my testimony, I saw in that  
20 report that there were little snapshots, looked like  
21 records of addresses and writing, so that's when I  
22 contacted Kevin Patterson. So I assume that those  
23 records -- it was obvious those records were done by  
24 Laclede employees, service people.

25 Q. Okay. Now, the chronology of difficulties

1     you had getting information, that's in your testimony,  
2     correct?

3             A.       Yes.

4             Q.       Now, but just so we're clear, who is Kevin  
5     Patterson?

6             A.       I don't remember if he's the business  
7     manager or business representative. I don't know if I  
8     said that or not.

9             Q.       But fair to say he's either the current  
10    business manager or the business representative of  
11    USW Local 11-6?

12            A.       I'm not sure if -- he was the USW person  
13    who was on that interview.

14            Q.       Okay.

15            A.       I don't know what his position was. Just  
16    don't remember.

17            Q.       Okay. Thank you. Now, Ms. Schroder asked  
18    you some questions about OQ qualifications. You remember  
19    those questions?

20            A.       Yes.

21            Q.       What does OQ stand for?

22            A.       Operator qualification.

23            Q.       What does that refer to?

24            A.       If refers to requirements that persons --  
25    that persons doing certain tasks on, again, the gas system

1 be qualified to perform that task.

2 Q. And under -- is that under some of the  
3 rules that you've talked to Ms. Schroder about?

4 A. The Public Service Commission passed an  
5 operator qualification rule in 1989, and the federal rules  
6 of operator qualification didn't happen until sometime  
7 later, and I don't -- I can probably find that -- didn't  
8 happen until sometime later, I believe in 1999. So I  
9 believe that Missouri had operator qualification rules for  
10 quite some time. I know it was quite some time before the  
11 federal rules occurred.

12 Q. Okay. Do you believe that the rules you  
13 referred to, Public Service Commission rules require AMR  
14 installers to be operator qualified?

15 A. No. If I thought that, we would have had  
16 them qualified when Ameren did it, when Laclede did it,  
17 but no, I do not believe that.

18 Q. Okay. Now, Ms. Schroder asked you about  
19 this alignment of the wiggler and these other things. Do  
20 you know what I'm talking about?

21 A. Yes.

22 Q. Okay. Now, does that affect safety?

23 A. I don't believe it affects safety, no.

24 Q. Okay. Does that cause leaks?

25 A. As I tried to discuss before, the -- I

1 don't know if there is a miss -- the amount of deflection  
2 on the particular rod that comes to a meter would be -- in  
3 a short period of time would have caused the leak, when  
4 we're talking about that particular shaft that's been  
5 spinning in that around for 10, 15 years already. So do I  
6 believe that -- I'm not sure I believe a misalignment  
7 could occur. I'm not sure if it did occur that it would  
8 cause a leak in a short period of time.

9 Q. Okay. Now, do you have your rebuttal  
10 testimony in front of you?

11 A. Yes.

12 Q. Could you go to page 16? Ms. Schroder  
13 asked you some questions about some of the -- actually,  
14 let's go back to page 15, starting at line 10 and let's go  
15 through page 17 and line 10. I'm not going to ask you  
16 addresses, but when you've had an opportunity to review  
17 that, please tell me.

18 A. Yes.

19 Q. Okay. Now, is it fair to say that -- well,  
20 let me ask, where did you get these addresses in here?

21 A. Those are specific addresses that the  
22 USW Local 11-6 had in the filing, I think their amended  
23 filing.

24 Q. Okay.

25 A. I could read through here and --

1 Q. That's fine.

2 A. Yes. In USW 11-6's First Amended  
3 Complaint, there were several customer addresses given as  
4 examples, and so I specifically took those addresses out  
5 of that first amended filing and tried to discuss each one  
6 of those.

7 Q. Okay. Other than this one on page 15 where  
8 you do say that a leak was caused by an AMR installation,  
9 where I believe your testimony is it was a drill-through,  
10 and do you know of any other addresses brought forth or at  
11 the time by the Union where an AMR installation at the  
12 same time, very, very close in time where it can be shown  
13 that an AMR installation caused the gas leak?

14 A. Specifically are you referring to the  
15 12/144 type of leak or not?

16 Q. No. I'm talking about all other things  
17 besides that one.

18 A. I believe that in the testimony there may  
19 have been one more testimony of one that was drilled into.  
20 At the time I did this testimony, I think what I said was  
21 there's only one example in addresses given to Staff by  
22 USW at the time I did this testimony, but I believe that  
23 when they did their testimony, there was another one --  
24 may have been another one that was testified to. I can't  
25 remember the person's name, but it was in the



1 drill-through, drill into.

2 Q. Okay. And isn't it, in fact, true that  
3 each of these addresses that you've talked about in  
4 page 15 through page 17 of your rebuttal testimony, that  
5 each of them was han-- each of those situations was  
6 handled and no one was injured?

7 A. Yes.

8 Q. And, in fact, of all of the addresses given  
9 to you by the Union in this case, isn't it true that any  
10 problems, whether they were leaks or anything else, were  
11 repaired?

12 A. Yes. That's my understanding, yes.

13 Q. And, in fact, would you say that the  
14 Laclede gas system in totality is safer because of the  
15 installation of AMRs?

16 A. I think my testimony said that because you  
17 had someone that knows each meter, there's probably some  
18 that were found and replaced that wouldn't have been found  
19 and replaced otherwise.

20 Q. Okay. Now, Ms. Schroder asked you about --  
21 a question about is every leak dangerous, and you talked  
22 about a Class 1, 2, 3 and 4 leak. Let's talk about those  
23 momentarily. What is a Class 1 leak?

24 A. I can refer to the rules, because  
25 there's -- there's various requirements, but a Class 1

1 leak that, due to its location, constitutes immediate  
2 hazard to a building or the general public and should  
3 require immediate corrective action. And that's the worst  
4 one. Then a Class 4 leak is one that's confined or  
5 localized and completely non-hazardous. So it goes  
6 from very hazardous needing immediate attention down to  
7 Class 4, which doesn't require -- that's non-hazardous.  
8 It's completely non-hazardous.

9 Q. Okay. Now, isn't it true that there's been  
10 references to Laclede manuals that say every leak is  
11 dangerous? Have you heard that in this case?

12 A. I've heard reference to that, yes.

13 Q. Okay. Would you know or would you have an  
14 opinion about why Laclede would put forth such a policy?

15 MS. SCHRODER: Objection, lacks foundation.

16 JUDGE WOODRUFF: Sustained.

17 BY MR. FRANSON:

18 Q. Well, I'll ask the preliminary. Do you  
19 know why Laclede has such a policy? That's a yes or  
20 no question.

21 MS. SCHRODER: I mean, again, I -- you're  
22 asking him to read between the lines.

23 MR. FRANSON: No. I'm asking a yes or no  
24 question, does he know why Laclede has such a policy?  
25 That's the first question of a foundation. Does the

1 witness know something? Then we go down to what.

2 JUDGE WOODRUFF: I'll overrule the  
3 objection. You can answer that yes or no question.  
4 Please answer it as a yes or no.

5 THE WITNESS: I'm not sure I can answer yes  
6 or no.

7 JUDGE WOODRUFF: All right.

8 MS. SCHRODER: And I renew my objection to  
9 this.

10 JUDGE WOODRUFF: I'll sustain the  
11 objection. I believe it's calling for him to speculate as  
12 to why Laclede has instituted a certain --

13 MR. FRANSON: My actual question didn't,  
14 but I probably have to concede that maybe his answer  
15 would.

16 JUDGE WOODRUFF: Well, since he can't give  
17 a yes or no answer to it, it appears he's going to  
18 speculate. The objection is sustained.

19 MR. FRANSON: Okay.

20 BY MR. FRANSON:

21 Q. Let's talk about what an AMR installer  
22 does. What does exactly an AMR installer who does a  
23 proper AMR installation from the time they get there to  
24 the time they leave, what should they accomplish?

25 MS. SCHRODER: I'm going to object again,

1 lack of foundation. I mean, this witness can only testify  
2 about what he's heard here in the hearing testimony, and  
3 that's already been talked about ad nauseam.

4 MR. FRANSON: Judge, the Union specifically  
5 has tried to qualify all of their witnesses as experts on  
6 AMR installation by what they've heard here today. We had  
7 testimony from Mr. Korbisch that people who watched that  
8 knew how to do it and could do it.

9 JUDGE WOODRUFF: The point is, though, that  
10 that testimony is already in the record. We don't need to  
11 have it repeated from this witness, so I'm going to  
12 sustain the objection.

13 MR. FRANSON: Okay. Thank you.

14 BY MR. FRANSON:

15 Q. Should someone installing an AMR, would  
16 proper -- let me ask it this way: Would proper  
17 installation of an AMR have anything to do with leak  
18 detection?

19 A. With leak?

20 Q. Detection.

21 A. Leak detection?

22 Q. Yes. Let me rephrase that.

23 Other than what any reasonable person could  
24 smell by using their nose, would an AMR installation have  
25 anything to do with leak detection otherwise?

1           A.       No. The AMR installation is just putting  
2 on the -- replacing the index and putting on the AMR  
3 device. If they smell it, the procedure was to call  
4 Laclede, but that's not the purpose.

5           Q.       Let me ask you this, and in closing, you  
6 talked to Commissioner Appling about the first question in  
7 this case. Let me ask you about the second. Are there --  
8 other than Laclede Gas workers who are Union members, are  
9 there other people out there qualified -- if the  
10 Commission should order 630,000 meter inspections, are  
11 there other people qualified to do that?

12          A.       Meter inspections of, like, leak surveys?

13          Q.       Yes.

14          A.       Yes.

15                   MR. FRANSON: No further questions.

16                   JUDGE WOODRUFF: All right.

17 Mr. Leonberger, you may step down.

18                   We have one more witness, Mr. Seamands.  
19 It's a little after five o'clock. I'll ask the parties,  
20 do you want to finish it tonight or do you want to come  
21 back tomorrow?

22                   MS. SCHRODER: I'd like to finish it  
23 tonight, if possible.

24                   MR. PENDERGAST: It will be up to  
25 Ms. Schroder, so...

1                   MR. FRANSON: I have questions, but mine  
2 can be short.

3                   JUDGE WOODRUFF: We'll try and finish it,  
4 but we will take about a seven-minute break. We'll come  
5 back at 5:10.

6                   (A BREAK WAS TAKEN.)

7                   JUDGE WOODRUFF: We're back from our break.  
8 It looks like Mr. Seamands is on the stand, so we're ready  
9 to begin his examination after I swear him in.

10                  (Witness sworn.)

11                  (EXHIBIT NOS. 42 AND 43 WERE MARKED FOR  
12 IDENTIFICATION BY THE REPORTER.)

13                  JUDGE WOODRUFF: And you may inquire.  
14 PATRICK SEAMANDS testified as follows:  
15 DIRECT EXAMINATION BY MR. ZUCKER:

16                  Q.       Dr. Seamands, can you state your title and  
17 the company you work for.

18                  A.       Chief engineer, Laclede Gas Company.

19                  Q.       And are you the same Patrick Seamands who  
20 filed rebuttal testimony in this case on November 8th,  
21 2006?

22                  A.       Yes.

23                  Q.       Do you have any changes to that testimony?

24                  A.       Yes, I have one correction, on page 14.

25                  Q.       This is your rebuttal testimony.

1           A.       I'm sorry.  Rebuttal?  No, I do not.

2           Q.       And you filed both -- this testimony as  
3 both an HC version and an NP version; is that correct?

4           A.       That's correct.

5           Q.       And this testimony has been marked as  
6 Exhibit 42, I believe.  Okay.  And if I asked you the same  
7 questions in that testimony today, would your answers be  
8 the same?

9           A.       Yes.

10                  MR. ZUCKER:  Okay.  I move to enter  
11 Exhibit 42 into evidence.

12                  JUDGE WOODRUFF:  Exhibit 42 has been  
13 offered into evidence.  Is there any objection to its  
14 receipt?

15                         (No response.)

16                  JUDGE WOODRUFF:  Hearing none, it will be  
17 received into evidence.

18                         (EXHIBIT NO. 42HC AND NP WERE RECEIVED INTO  
19 EVIDENCE.)

20 BY MR. ZUCKER:

21           Q.       And, Dr. Seamands, did you also enter  
22 supplemental rebuttal testimony or submit supplemental  
23 rebuttal testimony on January 29th, 2007?

24           A.       Yes.

25           Q.       And do you have any changes to that

1 testimony?

2 A. Yes, I have a correction to that one.

3 Q. Okay. And on what page would that  
4 correction take place?

5 A. Page 14, line 21.

6 Q. And what correction would you like to make  
7 to line 21?

8 A. I would need to strike the word both, and  
9 also strike the phrase in his sworn affidavit. So that  
10 line would read, corrected, evacuated the home on his  
11 service ticket, but in his deposition.

12 Q. Okay. So would you read the whole sentence  
13 for me, if you don't mind?

14 A. He claimed that he evacuated the home on  
15 his service ticket, but in his deposition he conceded that  
16 he had not done so, but only told the customer to prepare  
17 to evacuate in case he could not control the leak.

18 Q. Thank you. Do you have any other changes  
19 to your supplemental rebuttal testimony?

20 A. No.

21 Q. And if I asked you the same questions  
22 contained in that testimony today, would your answers be  
23 the same?

24 A. Yes.

25 MR. ZUCKER: I move for admission of the



1 supplemental rebuttal testimony of Dr. Patrick Seamands.

2 JUDGE WOODRUFF: I believe that's No. 43?

3 MR. ZUCKER: No. 43, yes, sir.

4 JUDGE WOODRUFF: No. 43's been offered into  
5 evidence. Are there any objections to its receipt?

6 MS. SCHRODER: I don't have any objection  
7 to its receipt, but I did want to raise some objections to  
8 the weight of the evidence relating to his statements in  
9 here about his discussions -- or not even his discussions,  
10 about some discussions that Laclede personnel had with the  
11 Cellnet installers on the two incidents that Mr. Boyle and  
12 Mr. Johnson testified about today.

13 JUDGE WOODRUFF: That was subject to your  
14 motion earlier, which was withdrawn, I believe.

15 MS. SCHRODER: Yes. We made an agreement  
16 that I would not ask to strike his testimony, but we also  
17 discussed and agreed that I would be making an objection  
18 to weight.

19 JUDGE WOODRUFF: I think the objection to  
20 weight would be more appropriate as the Commission  
21 deliberates in this case, rather than at this point.

22 MS. SCHRODER: That's fine.

23 JUDGE WOODRUFF: There's no objection to  
24 the admission of the document, but you will argue the  
25 weight accorded in your brief then?

1 MS. SCHRODER: Correct.

2 JUDGE WOODRUFF: All right. With that  
3 understanding, 43 is received into evidence.

4 (EXHIBIT NO. 43 WAS RECEIVED INTO  
5 EVIDENCE.)

6 MR. ZUCKER: Thank you, your Honor.

7 JUDGE WOODRUFF: And for cross-examination,  
8 we begin with Staff.

9 MR. FRANSON: Thank you, your Honor.

10 CROSS-EXAMINATION BY MR. FRANSON:

11 Q. Good afternoon. Sir, I've heard you  
12 referred to as Mr. Seamands and Dr. Seamands. Which is  
13 correct?

14 A. I'm both.

15 Q. Okay. Let's go with Dr. Seamands then.  
16 Okay. Now, at page 5 of your rebuttal, could you go to  
17 your rebuttal testimony, please, Dr. Seamands.

18 A. Okay.

19 Q. Okay. You state that an AMR installation  
20 cannot cause a leak. Is that still your expert opinion  
21 here today?

22 A. Yes.

23 Q. Okay. However, back in December of 2006,  
24 in this hearing in prior testimony, a Laclede meter shop  
25 employee, I believe her name was Glenda Harmon, testified

1     that --

2                     MS. SCHRODER:  Gloria.

3                     MR. FRANSON:  I'm sorry.  Gloria.  Thank  
4     you.

5     BY MR. FRANSON:

6             Q.       Well, we'll say Ms. Harmon testified that  
7     Laclede was having problems with the AMR device on a meter  
8     that was known as the Rockwell 415.  Do you recall that  
9     testimony?

10            A.       Yes.

11            Q.       Does -- are you familiar with Ms. Harmon?

12            A.       I know who she is.  I don't have that much  
13     dealing with her.

14            Q.       Does she report up to you in the Laclede  
15     organization?

16            A.       Ultimately, yes.

17            Q.       Is there somebody or more than one somebody  
18     in between?

19            A.       Yes.  She would report to a foreman who  
20     would report to an assistant superintendent who would  
21     report to a superintendent who would report to another  
22     superintendent who reports to me.

23            Q.       So you're at the top of her chain of  
24     command, except for maybe the CEO?

25            A.       The vice president of operations is the

1 person I report to.

2 Q. Okay. Do you know whether -- and this is  
3 to your knowledge -- whether Ms. Harmon worked on  
4 residential meters that had AMR modules on them?

5 A. Early on in the project, she would have had  
6 some peripheral association with the residential modules,  
7 but that would have been very early on in the project.

8 Q. Okay. Do you know who worked on  
9 residential meters with AMR modules in the meter shop  
10 other than Ms. Harmon?

11 A. Starting in like the last quarter of '05,  
12 we created a work area that was occupied by two people,  
13 William Whitfield and an Allen Brocksmith, and their --  
14 their duty was to evaluate all of the meters that had AMR  
15 devices on them but came in with reported difficulties.

16 Q. Okay. Is it fair to say that -- I believe  
17 you said William Whitfield and Allen?

18 A. Brocksmith.

19 Q. Brocksmith. Ms. Harmon testified about a  
20 William and Allen. Do you believe these are the same  
21 individuals?

22 A. Yes.

23 Q. Okay. Now, neither one of these gentlemen  
24 have come -- well, first of all, have you been here  
25 through the hearing both in December and then here today?

1           A.     Yes.

2           Q.     You've been here the entire time?

3           A.     Yes.

4           Q.     Neither one of these gentlemen has come in  
5 and testified; is that true?

6           A.     Correct.

7           Q.     However, is it fair to say that you relied  
8 on their testimony -- or I mean, not on their testimony,  
9 but on their work?

10          A.     Yes. Their evaluations were used in  
11 developing one of the exhibits, the basis for the exhibits  
12 in my testimony.

13          Q.     Okay. And is it also fair to say that some  
14 of their work and the results of their work has been  
15 provided to the Union in this case?

16          A.     Yes.

17          Q.     Now, let's go back to Ms. Harmon. Other  
18 than when she may have done very -- some very early meter  
19 work on residential meters, is it fair to say that after  
20 that very early work, she didn't do any more?

21          A.     Correct.

22          Q.     So she had very little experience with it,  
23 in fact?

24          A.     Correct.

25          Q.     Now, let's talk about these Rockwell 415s.

1 Was there an issue with those?

2 A. Yes, there was. Initially the -- we  
3 discovered early on that the device that was developed for  
4 the Rockwell meters did not work with the Rockwell 415s,  
5 it would not register properly.

6 Q. Okay. Do you know when you discovered  
7 this?

8 A. I'm guessing October/November.

9 Q. Last year?

10 A. '05.

11 Q. Okay. Once you knew about this, what did  
12 do you?

13 A. We had all -- we ceased installing the  
14 devices on the Rockwell 415s and also had the ones that  
15 had been installed removed.

16 Q. Okay. And why did you do that?

17 A. Because they weren't working properly on  
18 the Rockwell 415s.

19 Q. Okay. Well, did you come up with a way to  
20 put a module on a Rockwell 415?

21 A. A different module has been developed for  
22 the Rockwell 415.

23 Q. Okay. How was that developed? Do you  
24 know?

25 A. Cellnet worked with a vendor to develop a

1 module that would work.

2 Q. And so do now you have one?

3 A. Yes.

4 Q. Okay. Now, Ms. Harmon also -- she talked  
5 about this AMR installation on the Rockwell meters,  
6 something about when an old gasket was not completely  
7 removed. Do you know what that problem was?

8 A. I think she was referring to the gasket on  
9 the face plate of the meter. If you don't clean the  
10 gasket off of the -- off around where the face plate fits  
11 on the meter and you put a new face plate on there, it  
12 won't necessarily seat flush to the meter and you may not  
13 be able to get the gears on the AMR device to engage with  
14 the meter.

15 Q. Okay. Well, what you've just talked about,  
16 can that cause a leak?

17 A. No.

18 Q. Okay. Now, this gasket cleaning issue that  
19 you've just talked about, do you know when that was  
20 occurring?

21 A. Again, that would have been early on,  
22 August, September, October time frame in '05.

23 Q. Thank you. What did Laclede do about this  
24 gasket cleaning issue?

25 A. We had a discussion with Cellnet and had

1     them remind all of the installers that a requirement for  
2     the installation -- proper installation was to ensure that  
3     the old gasket was completely removed.

4             Q.       Did that solve the problem?

5             A.       It seemed to. Subsequent to that, except  
6     for very isolated instances, we've had no recurring issue  
7     with that.

8             Q.       Okay. Now, Ms. Harmon also talked about  
9     that by the time that these two gentlemen -- I've got  
10    down William Whitfield and Mr. Allen Brocksmith -- started  
11    working on the meters with AMR devices on it, she might  
12    have already fixed it from an accuracy and an improper  
13    installation standpoint, and all they would do would be a  
14    leak test. Do you recall her testimony?

15            A.       Yes.

16            Q.       Okay. Is that an accurate statement?

17            A.       That's not correct. The --

18            Q.       What's incorrect about it?

19            A.       The meters that came in with AMR devices  
20    with leaks or other types of issues with them were sent  
21    directly to those two gentlemen.

22            Q.       Okay. Now, did those two gentlemen who  
23    I'll refer to, because they've been referred to this way,  
24    as William and Allen, did they do any documentation of  
25    their work on these meters?



1           A.       Yes, they did.

2           Q.       And how often did they do that?

3           A.       They would --

4           Q.       I mean, how often did they do reports about  
5 meters they were working on that had AMRs on them?

6           A.       Each time they would evaluate one, they  
7 would report their result. As far as how often that would  
8 occur, they might store meters up for a few days and then  
9 do several meters in a given day and then record the  
10 results for all of those.

11          Q.       Okay. Would these two gentlemen, William  
12 and Allen, fill out a form on every residential meter that  
13 came through the meter shop between, oh, let's say  
14 November 2005 and August 2006?

15          A.       Yes.

16          Q.       Would that be whether it had an AMR on it  
17 or not?

18          A.       Correct.

19          Q.       So you didn't do a special procedure just  
20 for AMR, meters with AMR devices only?

21          A.       Well, their -- all of the AMR issues went  
22 to them.

23          Q.       Okay. Did any other issues besides AMR  
24 issues go to them?

25          A.       I don't know.

1           Q.       Okay. Now, as part of this, the forms that  
2       were filled out by William and Allen, do you know whether  
3       those were provided to any of the parties in this case  
4       that asked for them?

5           A.       There is the form that was attached that I  
6       can't remember the name of the form, but it's got the  
7       results of what they did at their bench.

8           Q.       Okay. Do you know what I'm asking is, all  
9       of those forms that William and Allen filled out, were  
10      those provided to any parties in this case that asked for  
11      them?

12          A.       The results were an exhibit, yes.

13          Q.       Okay. Okay. Approximately how many AMRs  
14      have been installed in the Laclede system so far?

15          A.       Over 600,000.

16          Q.       Okay. On a percentage basis, how far along  
17      are you in the installation process?

18          A.       We're over 90 percent complete.

19          Q.       Do you have a completion date in mind?

20          A.       We're hoping to finish the majority of  
21      those by mid year. We're having some difficulty getting  
22      into some inside meters, so that may drag out a little bit  
23      longer.

24          Q.       Okay. Now, as a result of these -- well,  
25      first of all, the time period that these 610,000 have been

1 installed, when did it start?

2 A. Started in July '05.

3 Q. Okay. And we're now in February of 2006.

4 How many months are we talking about?

5 A. Be about 20.

6 Q. Okay. Let's go 20 months. In those times,

7 have you had any fires that have been attributable to an

8 AMR installation?

9 A. No.

10 Q. Any explosions?

11 A. No.

12 Q. Has anybody been killed as a result of

13 this?

14 A. No.

15 Q. To your knowledge, has there been any

16 property damage other than what you may have heard about

17 to a few meters?

18 A. No.

19 Q. No customer property's been damaged that

20 you know of?

21 A. Correct.

22 Q. Okay. Now, there's a reference to a

23 McKenzie incident. Do you know what I'm talking about

24 there?

25 A. I recognize that address, but I can't

1 remember specifically the particulars.

2 MS. SCHRODER: Robert, why don't you tell  
3 him the person who testified about it?

4 MR. FRANSON: Thanks. I'll move on. Well,  
5 actually I do. Mr. -- or Dr. Seamands -- no, I think I'll  
6 stop there, Judge. Thank you.

7 JUDGE WOODRUFF: All right. Public  
8 Counsel?

9 MR. POSTON: No questions.

10 JUDGE WOODRUFF: Local 11-6?

11 CROSS-EXAMINATION BY MS. SCHRODER:

12 Q. Hi, Mr. Seamands -- Dr. Seamands, I'm  
13 sorry. How are you?

14 A. Okay. Thank you.

15 Q. Good. In your rebuttal testimony, and this  
16 is your initial rebuttal testimony, you say that there's  
17 no safety benefit from having gas workers install AMR  
18 devices. Do you recall that?

19 A. You'd have to refer me to the specific  
20 line.

21 Q. Okay. Page 16, lines 12 and 13.

22 MR. FRANSON: This is his rebuttal?

23 MS. SCHRODER: I believe it's his -- yeah,  
24 actual rebuttal testimony.

25 THE WITNESS: Again, what was the page?

1 BY MS. SCHRODER:

2 Q. Yep. Page 16, lines -- right at the end of  
3 line 12 and then most of line 13.

4 A. That's correct.

5 Q. Okay. And is that still your position  
6 today?

7 A. Yes.

8 Q. You're familiar with the gas safety  
9 training and equipment provided to Laclede Gas employees,  
10 aren't you?

11 A. Somewhat, yes.

12 Q. Somewhat. Okay. Would you agree that  
13 Missouri and federal regulations set training requirements  
14 for people working on gas meters?

15 A. They set requirements for some activities  
16 performed on gas meters.

17 Q. They require some knowledge of gas safety  
18 hazards, for the SAID employees; isn't that right?

19 A. SAID employees do get training on gas  
20 safety hazards, yes.

21 Q. And I think we've gone through this, but  
22 SAID employees, that's the service department; is that  
23 correct?

24 A. Correct.

25 Q. And even -- at Laclede, even the meter

1 readers get gas safety training; isn't that right?

2 A. Yes.

3 Q. About gas safety hazards and how to spot

4 them and what to do about them; is that right?

5 A. Yes.

6 Q. You believe those training requirements are

7 appropriate, don't you?

8 A. Which training requirements for what

9 activities?

10 Q. The training requirements for the meter

11 readers and the service department employees about gas

12 safety hazards.

13 A. To perform what?

14 Q. To perform the work that they're doing.

15 A. Which particular work?

16 Q. The work that the meter readers and service

17 department employees perform.

18 A. It's not required for all their activities.

19 It's required for some of their activities.

20 Q. All right.

21 A. The activities that they --

22 Q. I'll break it down.

23 A. Okay.

24 Q. Do you believe that it is appropriate for

25 meter readers to have knowledge of gas safety hazards?

1           A.       Yes.

2           Q.       All right. Do you believe that it's  
3 appropriate for service department employees to be trained  
4 in gas safety hazards?

5           A.       Yes.

6           Q.       All right. Do you believe that the  
7 training of those two sets of employees in gas safety  
8 hazards adds to gas safety?

9           A.       Yes.

10          Q.       Are you familiar with the testimony in this  
11 case of Frank Neating, the Cellnet installer who  
12 testified?

13          A.       I'm sure I read it, but I don't remember  
14 offhand what it all said.

15          Q.       Well, do you recall that he testified at  
16 length about the training that he received?

17          A.       I do not.

18          Q.       Do you recall that he testified that he was  
19 told to call into Laclede if he smells gas, but only to  
20 call in if there is a strong smell of gas?

21          A.       I don't recall that.

22          Q.       Do you recall the testimony of Clark  
23 Korbisch and Deb Redepenning about the training that  
24 Cellnet installers received?

25          A.       I don't recall the details.

1           Q.       Okay. You disappoint me. Sorry. Let's  
2 talk for a minute about something that you put in your  
3 rebuttal testimony at page 11. And I'm sorry, I don't  
4 have the specific lines marked -- I suspect I can find it  
5 momentarily -- concerning a clicking sound that can occur  
6 in an AMR device isn't properly aligned. Oh, it's at  
7 lines 9 through 11.

8           A.       I see it.

9           Q.       All right. As I understand it, you do  
10 admit that a clicking sound can occur if the AMR module  
11 isn't properly aligned with the drive axle; is that right?

12          A.       Yes.

13          Q.       From an engineering standpoint, do you  
14 agree that this clicking sound means that the drive gear  
15 is outside its normal circuit?

16          A.       I'm not sure what you mean by normal  
17 circuit.

18          Q.       Okay. Well, a drive gear has a particular  
19 circuit that it moves; is that correct?

20          A.       I'm not sure what you mean by circuit.

21          Q.       All right. Does a drive gear have a  
22 particular path that it moves along?

23          A.       Just going around in a circle. It's a  
24 circle.

25          Q.       Would you call it -- do you have a problem



1 calling that its circuit?

2 A. That would not be a term I would use.

3 Q. Do you want to call it its path, its normal  
4 path?

5 A. Call it a position.

6 Q. All right. From an engineer standpoint,  
7 would you agree that the clicking sound means that the  
8 drive gear is being pushed outside its normal position?

9 A. Which drive gear are you referring to?

10 Q. The drive gear that you said is not  
11 properly aligned with an AMR module when the clicking  
12 sound occurs.

13 A. That would be the drive gear on AMR, yes.

14 Q. All right. Are you aware of a new policy  
15 from Laclede that if an employee finds an AMR meter that  
16 has that clicking sound, the employee is now to turn the  
17 meter in or turn a slip of paper in reporting that, so  
18 that the meter can be replaced by Cellnet?

19 A. I wouldn't be aware that that was a new  
20 policy. I would have expected that to happen all along.

21 Q. All right. So you're not aware that that  
22 policy came out about a week ago?

23 A. No.

24 Q. Why would you expect that to be Laclede's  
25 policy?

1           A.       Because it could be a customer service  
2     issue if it -- even though it may be functioning properly,  
3     if it could create a sound that could irritate the  
4     customer, you would not want to.

5           Q.       So you think that's the only reason to have  
6     a policy of that sort?

7           A.       Not necessarily.

8           Q.       All right. What other reason is there?

9           A.       You want to make sure that the device was  
10    installed properly.

11          Q.       Why?

12          A.       So that it would read accurately.

13          Q.       Any other reason that Laclede would want a  
14    policy like that?

15          A.       Not that I know of.

16          Q.       Apparently since you weren't aware that  
17    this policy just came out, you weren't involved in  
18    implementing that policy; is that right?

19          A.       Correct.

20                   MR. ZUCKER: Objection, it assumes facts  
21    not in evidence.

22                   JUDGE WOODRUFF: Overruled.

23    BY MS. SCHRODER:

24          Q.       You're aware that mercaptan is added to gas  
25    by Laclede so that people will be able to smell it in the

1 case of leaks?

2 A. Odorant is added.

3 Q. I'm sorry?

4 A. Odorant is added.

5 Q. Right. And the odorant is mercaptan; is  
6 that right?

7 A. Can be, yes.

8 Q. Isn't it true that the longer someone  
9 smells mercaptan or any of the other odorants, the more  
10 likely they will be to get used to it?

11 A. I don't know.

12 Q. Okay. You've not seen any investigation,  
13 any studies on that?

14 A. I have not.

15 Q. There's been a lot of prior testimony that  
16 service department employees spot meters in order to  
17 detect gas leaks, and you're aware of that practice,  
18 aren't you?

19 A. Yes.

20 Q. And you're also aware that Laclede has  
21 promoted that practice over the years of a manometer to  
22 detect leaks; is that right?

23 A. As an alternative, yes.

24 Q. And in fact, they've -- it is an  
25 alternative to the manometer, but Laclede has actually

1 promoted that practice over the manometer, hasn't it?

2 JUDGE WOODRUFF: If I can interrupt, can  
3 somebody tell me what a manometer is?

4 MS. SCHRODER: Yes. I'm sorry.

5 JUDGE WOODRUFF: Mr. Seamands, you're the  
6 witness, so...

7 THE WITNESS: It would be a U-shaped tube  
8 that would have a liquid in it that would measure the  
9 differential pressure across the surface of the tube, two  
10 different tubes and you can tell what pressure.

11 JUDGE WOODRUFF: Would you have to put that  
12 into the meter somehow?

13 THE WITNESS: Yes, you could check for  
14 leaks.

15 JUDGE WOODRUFF: Okay. Thanks. I'm sorry  
16 to interrupt.

17 MS. SCHRODER: No. I'm glad you did.

18 BY MS. SCHRODER:

19 Q. Is a manometer also referred to by service  
20 as a U device or as a U tube?

21 A. I don't know.

22 Q. Okay. Are you aware that Laclede promotes  
23 the use of spotting meters over the use of a manometer to  
24 detect certain leaks?

25 A. No.

1           Q.       Are you aware that spotting a meter  
2       requires a consistent pattern of movement by the meter  
3       index so that the service employee can see that gas is  
4       flowing through the meter by usage registration on the  
5       index?

6           A.       Can you ask that question again?

7           Q.       Sure. Are you aware that spotting requires  
8       a consistent pattern of movement by the meter index so  
9       that the service employee can see that gas is flowing  
10      through the meter by the usage registration on the index?

11          A.       Would you define what you mean by spotting  
12      in this situation?

13          Q.       I mean what we've just been talking about,  
14      about SAID employees spotting meters in order to detect  
15      gas, gas leaks. I'm sorry.

16          A.       In this context, you mean checking for a  
17      leak?

18          Q.       Yes.

19          A.       Okay. When checking for a leak, you're  
20      looking for no movement. So in that situation, you would  
21      look for no movement.

22          Q.       And to get that, isn't it true that you  
23      would need a consistent pattern of movement by the meter  
24      index in order to know whether or not there's a difference  
25      between when you've got the gas on and when you don't?

1           A.       If you're checking for leaks, you would  
2     want no movement.

3           Q.       I understand that. My question is, in  
4     order to do that, don't you have to have a comparison?  
5     Don't you have to know that when the gas is on, that  
6     there's going to be some movement, if there's -- yeah,  
7     that when the gas is on, there's going to be some movement  
8     if there's no leak?

9           A.       If you have the gas shut in, you're  
10    checking for leaks, it either moves or it doesn't.

11          Q.       All right. So it's your position that  
12    spotting does not require a consistent pattern of  
13    movement?

14          A.       I don't understand what you're talking  
15    about, movement in the context of checking for leaks,  
16    because you don't want any movement.

17          Q.       Have you ever spotted a meter?

18          A.       I have not.

19          Q.       Are you aware that SAID employees have been  
20    punished for failing to find leaks after spotting the  
21    meter as instructed by Laclede Gas?

22          A.       I would suspect that's happened, but I  
23    don't know of any particular situations.

24          Q.       Okay. I want to talk to you for a minute  
25    about drill-throughs. We've already had -- I just want to

1     jump right to the situation that Jim Johnson testified  
2     about today. You were here when he testified, right?

3             A.       Yes.

4             Q.       All right. And as I understand your  
5     supplemental rebuttal testimony in this matter, you  
6     concluded that that incident did, in fact, involve a  
7     drill-through; is that right?

8             A.       No.

9             Q.       All right. Let me direct you to your  
10    supplemental rebuttal testimony, page 3, lines 12 to 13,  
11    and I quote, one of the punctures is a clean, small, round  
12    hole that, in my opinion, appears to have been made by a  
13    drill.

14            A.       Okay.

15            Q.       End of quote. Is that your testimony about  
16    the situation that Mr. Johnson testified about today?

17            A.       That's my testimony about what I observed  
18    on the hand-hold plate.

19            Q.       On the what?

20            A.       The hand-hold plate.

21            Q.       And that's the plate at the top of the  
22    meter; is that correct?

23            A.       Correct.

24            Q.       So is it correct, then, that from reviewing  
25    that top plate of the meter, that you believed one of the

1 punctures made, one of the holes in that meter appears to  
2 have been made by a drill?

3 A. Yes.

4 Q. All right. Are you changing your testimony  
5 here today?

6 A. No.

7 Q. You've also -- you also agree with me,  
8 don't you, that the two incidents identified by Mark Boyle  
9 in his original testimony and by Pat White in his direct  
10 testimony in this matter were drill-throughs; is that  
11 right?

12 A. Yes.

13 Q. All right. So there's three drill-throughs  
14 that the Union has presented testimony about. Are you  
15 aware of any other meters --

16 A. Again, I say I don't -- the fact that there  
17 was a hole drilled through a hand-hold, that does not make  
18 that a drill-through occurrence.

19 Q. Why is that?

20 A. It means at some point in time there was a  
21 hole drilled. That's different than the last two you  
22 talked about. I think you're mischaracterizing what I  
23 said.

24 Q. All right. Well, why don't you explain  
25 that to me?



1           A.       I don't know when the hole got drilled in  
2 the hand-hold plate.

3           Q.       Do you know when the hole was drilled in  
4 the incidents with Mr. Boyle and Mr. White?

5           A.       I assume it was on the day -- the day that  
6 they reported the leaks.

7           Q.       All right. And why don't you believe that  
8 was the case with Mr. Johnson -- or I'm sorry -- the day  
9 before with Mr. Johnson's incident?

10          A.       I thoroughly interviewed the installer. He  
11 did not have the equipment to do that.

12          Q.       So you personally interviewed this  
13 installer?

14          A.       Yes.

15          Q.       Let's talk about that for a minute. Isn't  
16 it true that that installer said he'd never smelled any  
17 gas leak during his time working for AMR -- working as an  
18 AMR installer?

19          A.       I don't recall that he said he never  
20 smelled gas.

21          Q.       I believe that was your testimony, unless  
22 I'm mixing up the two.

23          A.       If you can refresh my memory, I'd be glad  
24 to take a look at it.

25          Q.       Actually, maybe it was the other guy.

1 Let's see. I apologize. That was the other -- the other  
2 installer. All right. The installer on this situation in  
3 November, on November 10th, 2006, that Jim Johnson  
4 testified about today, he only worked as an installer for  
5 Cellnet for a few months, didn't he?

6 A. I don't recall for sure how long he worked  
7 for Cellnet or for the installing company.

8 Q. You don't recall providing information on  
9 that for another pleading that Laclede filed in this case?

10 A. Not offhand. I won't say that I didn't.

11 Q. If Laclede cited to an interview that you  
12 had with that Laclede -- I mean with that Cellnet  
13 installer in giving information to that effect, do you  
14 believe that would be accurate?

15 A. Yes.

16 Q. All right. Would you agree that the leak  
17 that occurred on November 10th, 2006 that Mr. Johnson  
18 testified about was dangerous?

19 A. No.

20 Q. This was a large industrial meter, wasn't  
21 it?

22 A. Yes.

23 Q. And it pumps out a substantially greater  
24 volume of gas than a residential meter? It has much  
25 higher capacity?

1           A.       Yes.

2           Q.       And it was kept in an enclosed space; is  
3   that right?

4           A.       Correct.

5           Q.       Do you agree that if it had been left  
6   unnoticed over the weekend, that it was likely to reach  
7   dangerous level?

8           A.       No.

9           Q.       Why not?

10          A.       Based on the testimony of Mr. Johnson,  
11   he -- after several hours or a day, he found no gas in air  
12   reading in the open air.

13          Q.       But that was less than a day later, wasn't  
14   it?

15          A.       Yes.

16          Q.       And if it had been left over the weekend in  
17   an enclosed space, you would have expected that the gas  
18   reading would have been much higher, wouldn't you?

19          A.       No.

20          Q.       Why not?

21          A.       I feel like the leak there was small enough  
22   that even though you call it an enclosed space, it was a  
23   relatively large room, a boiler area, that there was  
24   probably enough ventilation, just exchange of air in the  
25   room that it would not have created a hazard.

1 Q. Have you been to that room?

2 A. No.

3 Q. So you don't know what the ventilation was,  
4 do you?

5 A. I do not, not particularly, not  
6 specifically.

7 Q. All right. You wouldn't have wanted  
8 Mr. Johnson to leave that leak without repairing it on  
9 November 10th, would you?

10 A. No.

11 Q. In fact, he would have been disciplined if  
12 he did so, wouldn't he?

13 A. I would be speculating.

14 Q. Would it be speculating or do you know from  
15 Laclede's policy and practice?

16 A. I would assume he would have been, had he  
17 left it.

18 Q. You also testified in this matter, page 4,  
19 lines 5 through 7, about whether the items that held the  
20 index and AMR module to the meter in this case were screws  
21 or bolts. Do you recall that?

22 A. Yes.

23 MR. ZUCKER: Which testimony are we in?

24 MS. SCHRODER: This is the supplemental  
25 rebuttal. We're still on the Jim Johnson situation. And

1     if I may, I need to go get something.

2                     JUDGE WOODRUFF:  Go right ahead.

3     BY MS. SCHRODER:

4             Q.       Doctor, have you ever heard of a machine

5     screw?

6             A.       Yes.

7             Q.       Can you describe that for me?

8             A.       It would be threaded and pointed on the

9     end.

10            Q.       Is it pointed on the end or is it flat on

11   the end?

12            A.       I guess it could be either one.  I

13   typically think of a screw as being pointed on the end and

14   a bolt as being flat.

15            Q.       And -- but that's not necessarily true, is

16   it?

17            A.       In my terminology, it is.

18            Q.       All right.  In fact, a bolt is something

19   that has a -- I can't think what those things are called

20   now -- washer?

21            JUDGE WOODRUFF:  A nut.

22     BY MS. SCHRODER:

23            Q.       A nut.  Thank you -- a nut that works with

24   it, isn't that true?

25            A.       No, not necessarily.

1 Q. All right.

2 A. You can put a nut on a bolt. You don't  
3 necessarily have a nut on a bolt for the bolt to be a  
4 bolt.

5 MS. SCHRODER: What exhibit number are we  
6 up to?

7 JUDGE WOODRUFF: 44.

8 MS. SCHRODER: May I approach?

9 JUDGE WOODRUFF: Yes, you may.

10 (EXHIBIT NO. 44 WAS MARKED FOR  
11 IDENTIFICATION BY THE REPORTER.)

12 Q. Dr. Seamands, I just handed you what I  
13 marked as Exhibit 44, which is a page out of a -- out of  
14 the Readers Digest Book of Skills and Tools, and I just  
15 want to ask you, I don't think you've ever seen this book,  
16 have you, the Readers Digest Book of Skills and Tools?

17 A. No.

18 Q. But are you familiar with the equipment  
19 shown as C on this page (indicating)?

20 A. I've seen items like that.

21 Q. All right. In fact, isn't it true that C  
22 looks very much like the screw or bolt that was being used  
23 on the meter?

24 A. Has a similar shape, yes.

25 Q. The meter that Jim Johnson was working on

1 on November 10th?

2 A. Yes.

3 Q. All right. Do you see on the right-hand  
4 column of the page where that's defined as a machine  
5 screw?

6 A. I see that it's defined as such on this  
7 particular reference, yes.

8 Q. All right. Do you disagree with it?

9 MR. FRANSON: Your Honor, I'm going to  
10 object to the relevance of whether the witness disagrees  
11 with this. I think what Ms. Schroder is trying to do is  
12 establish this as some type of authoritative text on nuts,  
13 bolts and washers. She hasn't laid the foundation for  
14 that, and I would object on that basis, your Honor.

15 JUDGE WOODRUFF: Are you trying to  
16 establish this is an authoritative basis for nuts and  
17 bolts?

18 MS. SCHRODER: I'm just trying to -- I  
19 mean, I really have to say I think it is kind of silly,  
20 but it apparently means a lot to both Mr. Johnson and  
21 Dr. Seamands, and --

22 JUDGE WOODRUFF: Are you just trying to  
23 clarify the terms of what a nut and a bolt are?

24 MS. SCHRODER: No. A bolt and a screw.

25 JUDGE WOODRUFF: A bolt and a screw.

1                   MR. FRANSON: Judge, same thing. The  
2   witness -- I mean, to use this, whether it's as an  
3   authoritative text, the other way would be this witness is  
4   familiar with it, and the answer to that was an emphatic  
5   no. So I would object on that reason.

6 JUDGE WOODRUFF: The exhibit has not been  
7 offered into evidence at this point yet. We'll reserve  
8 your objection to admission of it at that point, but at  
9 this point, I think she's just trying to get an  
10 understanding of what he means by a nut or by a screw.

11 MR. FRANSON: I have no objection to that,  
12 Judge, but I do have an objection to questions about this  
13 Exhibit 44 that's been marked that way. Other than  
14 foundation questions, it's not proper. If you're going to  
15 use this, then you need to establish it for what it is  
16 and --

17 JUDGE WOODRUFF: All right. I'll overrule  
18 your objection at this time. You can answer the question  
19 if you remember what it is. If not, we can have it read  
20 back or you can ask it again.

21 MS. SCHRODER: I'll just reask.

22 BY MS. SCHRODER:

23 Q. Dr. Seamands, you have testified that you  
24 know what a machine screw is; is that correct?

25           A.       I testified as to what I would call a



1 machine screw.

2 Q. All right. And as I recall, you testified  
3 that a machine screw could be flat bottomed?

4 A. In some definitions, some terms it can be.  
5 When I talk about a screw, I typically think of a screw as  
6 being pointed.

7 Q. All right. But that's your opinion, isn't  
8 it?

9 A. That's my def-- that's my working  
10 definition.

11 Q. All right. And you understand that other  
12 people may refer to things that you call machine -- or you  
13 call bolts as machine screws; isn't that right?

14 A. Yes.

15 Q. All right. You also testified at the same  
16 page, the same lines, that both of the -- and we'll call  
17 them bolts at this point because that's how you referred  
18 to them -- were 5/16 inches wide; is that right?

19 A. Correct.

20 Q. Isn't it actually true that they were of  
21 different -- that the two screws of different widths, one  
22 was only about a quarter-inch wide?

23 A. I don't recall specifically.

24 Q. All right. If Mr. Johnson testified that  
25 one was 5/16 wide and the other one was a quarter-inch

1 wide, you wouldn't have any reason to dispute that, would  
2 you?

3 A. I wouldn't necessarily have any reason to  
4 believe it either.

5 Q. All right. But you don't remember, do you?

6 A. Correct.

7 Q. And you didn't -- you weren't the person  
8 who worked with those screws?

9 A. Correct.

10 Q. In fact, how much time did you spend with  
11 looking at this meter and these screws at all?

12 A. Probably a couple of hours, overall.

13 Q. All right. Would you agree that if -- I'm  
14 sorry. You've stated that you couldn't -- you couldn't  
15 tell when the hole was drilled that you believe was  
16 drilled on the meter that Jim Johnson worked on on  
17 November 10th, 2006; is that right?

18 A. Yes.

19 Q. All right. Would you agree with me that if  
20 that hole had already been drilled by the time the Cellnet  
21 installer worked on that meter, that there would have been  
22 a gas odor?

23 A. Yes.

24 Q. All right. Would you agree with me that  
25 the Cellnet installer -- that there should have been a

1 strong enough gas odor that the Cellnet installer noticed  
2 it?

3 A. Under what circumstances?

4 Q. When he was installing the AMR device.

5 A. You've got to give me more circumstances  
6 than that.

7 Q. Well, as I understand it, both of those  
8 holes that were located on this -- on this meter were  
9 located where the AMR device and the index is screwed into  
10 the meter; is that right?

11 A. Yes.

12 Q. All right. And that the screws that go  
13 there have to be undone in order to install an AMR device  
14 on this type of meter; is that right?

15 A. The holes these were used to install the  
16 AMR device had not been previously used.

17 Q. Okay. Would you agree that if the AMR  
18 installer -- if those had pre-existed the AMR  
19 installation, that when putting that device on the meter  
20 and attaching the device to the meter, that the Cellnet  
21 installer should have noticed the smell?

22 A. If the holes pre-existed, yes.

23 Q. All right. On the other hand, if the holes  
24 were created by the installation process, it might have  
25 occurred late enough into the process that the installer

1 wouldn't have smelled the odor; isn't that correct?

2 A. I don't think so.

3 Q. You don't think so, but you don't know, do  
4 you?

5 A. My best opinion is he would have noticed  
6 the odor if he had created the holes.

7 Q. That's your best opinion based on what?

8 A. Based on the fact that there -- what  
9 Mr. Johnson reported that he found.

10 Q. I don't understand. What part of what  
11 Mr. Johnson reported that he found?

12 A. He said when he got there, he could detect  
13 gas at the top of the meter.

14 Q. All right. And that was, you pointed out  
15 earlier, a number of hours after the Cellnet installer had  
16 been there, correct?

17 A. That's when he got there, yes.

18 Q. Would you also agree with me that if the  
19 holes had been there before the AMR installer got there,  
20 that the maintenance supervisor would have smelled the gas  
21 before the installation?

22 A. Yes.

23 Q. All right. And you've heard the testimony  
24 in this matter that AMR installers are taught that they  
25 will likely smell some gas when they install the device?

1 You've heard that testimony, haven't you?

2 A. You'd have to refresh my memory on the  
3 specifics.

4 Q. Well, Deb Redepenning from Honeywell  
5 testified about that at some point, do you remember?

6 A. I don't recall specifically what she said.

7 Q. Isn't it true that if at the time the  
8 installer was putting the AMR device on, if the furnace  
9 and other things that would use gas weren't kicking on at  
10 the time, that the smell of gas might be weaker if the  
11 holes were already there? Do you understand my question?

12 A. If you could repeat.

13 Q. That was pretty poorly done. I apologize.  
14 Is it true that if gas -- equipment that a  
15 gas meter is serving isn't being used, then there's going  
16 to be less gas moving through the meter?

17 A. That's correct.

18 Q. All right. So does it follow that if  
19 somebody is working on a meter that has a leak, that the  
20 strength of the smell of gas is going to vary depending on  
21 how much gas is being used by the customer at the time?

22 A. No.

23 Q. Why not?

24 A. Because the pressure on the gas meter is  
25 the same whether or not -- it varies very little based on

1     how much gas is moving through it.  If it's a two-pound  
2     meter, it's got two pounds on it, period.

3             Q.       Okay.  I want to talk to you for a moment  
4     about the incident that Mr. Boyle testified about today.  
5     And you were here for his testimony, right?

6             A.       Yes.

7             Q.       And you were also -- you were familiar with  
8     his deposition about that matter as well?

9             A.       I probably read it.

10            Q.       All right.  And as I understand it, you or  
11     somebody under your supervision interviewed the Cellnet  
12     installer that was involved in that situation; is that  
13     correct?

14            A.       Yes.

15            Q.       And was that you?

16            A.       No.

17            Q.       Who was that?

18            A.       It was Mike Hamilton, a Cellnet supervisor,  
19     and one of our risk people in our risk department also  
20     interviewed him.

21            Q.       Who in your risk department?

22            A.       I think it was Bill Klinneman.

23            Q.       And is he a claims manager for Laclede?

24            A.       I don't know if he's a manager.  He's in  
25     the claims department.  I don't know his exact title.

1 Q. All right. Laclede didn't have any  
2 difficulty tracking down the Cellnet installer, did it?

3 A. I'm not sure what you mean by difficulty.  
4 We were able to do it.

5 Q. And you were able to do it on the Jim  
6 Johnson incident that we were just talking about, too;  
7 isn't that right?

8 A. We determined who it was, yes.

9 Q. And in both cases, you were able to get  
10 these people to talk to you; is that right?

11 A. Yes.

12 Q. And Laclede could have contacted installers  
13 for each of the incidents identified by the Union in this  
14 case, couldn't it?

15 A. I don't know if they were available or not.

16 Q. But certainly Laclede could have found --  
17 had records from which it could determine who the Cellnet  
18 installer was; is that right?

19 A. Yes.

20 Q. And Laclede didn't track down those Cellnet  
21 installers for all the rest of the incidents, did it?

22 A. I didn't.

23 Q. Were you personally involved in tracking  
24 down these two installers?

25 A. I tracked -- I asked somebody to determine

1     who it was.

2             Q.       All right.  Now, this is the installer  
3     that, in your testimony, you stated said that he had never  
4     smelled gas when doing an AMR installation; isn't that  
5     correct?

6             A.       You need to refresh my memory on that one.

7             Q.       Sorry.  I'm not doing very well on that  
8     today.  We're just going to blow that one off.  I think it  
9     was in your affidavit rather than -- your affidavit  
10    attached to a pleading rather, and in your testimony here.

11            In this case, the Cellnet installer said  
12    that he smelled gas that day, right, and heard a noise  
13    when removing the index?

14            A.       He said he thought he might have heard a  
15    noise.  He continued to listen and didn't hear anything.

16            Q.       Okay.  And he didn't call in the leak, did  
17    he?

18            A.       No.

19            Q.       And neither did the Cellnet installer that  
20    was working on the Jim Johnson case; is that correct?

21            A.       Yes.

22            Q.       All right.  And after the customer  
23    informed -- the customer informed this installer that she  
24    smelled gas; isn't that right?

25            A.       That's what I understand, yes.



1           Q.     All right. I mean, the installer confirmed  
2     that, right?

3           A.     Yes.

4           Q.     Okay. But he left the premises without  
5     informing Laclede anyway; is that right?

6           A.     Yes.

7           Q.     And you discussed at some length this  
8     installer's prior work experience. Do you recall that?

9           A.     I'd have to refresh my memory on what I  
10    said.

11          Q.     I apologize. I did it again. I want to  
12    direct your attention to page 6 of your testimony, your  
13    supplemental rebuttal. And we're talking about the  
14    installer on the Jim Johnson matter for November 10th,  
15    2006, the installer who actually was there on  
16    November 9th. Do you recall testifying about his  
17    experience, starting at line 18?

18          A.     Yes.

19          Q.     And the experience that you cite in here,  
20    none of that is gas experience, is it?

21          A.     Not that I specifically know was gas  
22    experience.

23          Q.     And to your knowledge, this man had no  
24    prior gas safety training; is that right?

25          A.     He got gas safety training as part of his

1 training for installing devices for Cellnet.

2 Q. To your knowledge, he had no prior gas  
3 safety training other than that; is that correct?

4 A. Correct.

5 Q. And would that also be true with regard to  
6 the Cellnet installer that was involved in the Mark Boyle  
7 incident with the Thomassons?

8 A. I'm not aware of his background.

9 Q. All right. You're familiar with some gas  
10 leaks that occurred on several meters in an apartment  
11 complex in St. Charles that was the subject of a story by  
12 Lisa Sigmund; is that correct?

13 A. Yes.

14 Q. And are you also familiar with the fact  
15 that a second series of leaks occurred at that complex on  
16 January 18th, 2007?

17 A. A second series of leaks was investigated,  
18 yes.

19 Q. All right. And you're aware that 23 leaks  
20 were found in four buildings at that time?

21 A. Yes.

22 Q. And that those four buildings that --

23 A. Actually, 21 leaks were found, it's my  
24 recollection.

25 Q. All right. Would you agree that it was

1 approximately one-quarter of the meters from those four  
2 buildings?

3 A. Yes.

4 Q. All right. And would you agree that those  
5 meters all had had AMR devices installed on them as of the  
6 time of Lisa Sigmund's original story?

7 A. I don't know that that's necessarily the  
8 case.

9 Q. Do you know?

10 A. I don't know.

11 Q. Okay.

12 A. I'd have to look back through the  
13 individual records to check the timing of the AMR  
14 installations.

15 Q. You do know that AMR devices have been  
16 installed on those fairly recently; isn't that true?

17 A. No, I don't know that that's the case. I  
18 think they were installed way back months and months ago.

19 Q. Were you aware that each of those meters  
20 leaked below the face plate?

21 A. Face plates? I'm not sure what you're  
22 saying.

23 Q. Did each --

24 A. I'm aware that each meter had a leak.

25 Q. And did they each have a center box leak?

1           A.       Not all of them. Most of them were center  
2 box leaks.

3           Q.       All right. These are large two-pound  
4 meters, weren't they?

5           A.       They were two-pound meters. They weren't  
6 all that large.

7           Q.       All right. Well, two-pound meters are  
8 heavy pressure meters, aren't they?

9           A.       They're two-pound meters.

10          Q.       Is that a high pressure?

11          A.       It's higher than a quarter pound, but I  
12 don't consider it high pressure.

13          Q.       It's industrial sized, isn't it?

14          A.       It's two pounds.

15          Q.       A normal residential meter is a quarter  
16 pound, isn't it?

17          A.       Most residential meters are a quarter  
18 pound. There are residential meters that are two pound.

19          Q.       Do you know who Ed Themes is?

20          A.       Doesn't ring a bell.

21          Q.       Does it refresh your recollection if I tell  
22 you that he's a manager at Laclede?

23          A.       What department?

24          Q.       SAID.

25          A.       That would make sense, yes.

1           Q.     All right. Are you aware that Mr. Themes  
2 was at Prolly Meadows when the repairs were being done on  
3 these meters on January 18, 2007?

4           A.     I'm aware there was a supervisor there.

5           Q.     All right. Did you know that one of the  
6 supervisors there said that Cellnet installers had been  
7 screwing the AMR devices on too tightly?

8           A.     No.

9           Q.     Are you aware that one of Laclede's  
10 supervisors stated that screwing AMR devices on too  
11 tightly creates pressure against the drive dog --

12          A.     No.

13          Q.     -- which causes leaks?

14          A.     No.

15          Q.     Did you hear Mr. Leonberger's testimony  
16 earlier today?

17          A.     Yes.

18          Q.     And did you -- were you familiar with this  
19 meter template that he discussed?

20          A.     Yes.

21          Q.     And that was created at the direction of  
22 Fred Malley, wasn't it?

23          A.     Yes.

24          Q.     And he's the supervis-- or is he the  
25 manager over the meter shop?

1           A.       Superintendent of the meter department.

2           Q.       Thank you. And that was created with the  
3 intent that Cellnet installers would use a drill to work  
4 on that particular type of meter; isn't that correct?

5           A.       They would use a piece of equipment called  
6 a drill that would use a screw extracting tool.

7                   MS. SCHRODER: No further questions.

8                   JUDGE WOODRUFF: All right. Did you wish  
9 to offer 44?

10                  MS. SCHRODER: No, it's not necessary.

11                  JUDGE WOODRUFF: I have no questions from  
12 the Bench, so there's no need for recross. Any redirect?

13                  MR. ZUCKER: Just a little, your Honor.

14 REDIRECT EXAMINATION BY MR. ZUCKER:

15           Q.       Good afternoon again, Dr. Seamands.

16           A.       Good afternoon.

17           Q.       Home stretch.

18           A.       Good evening.

19           Q.       Good evening. Ms. Schroder asked you about  
20 page 16 of your rebuttal testimony. Do you recall that  
21 question?

22           A.       Page 16 of rebuttal testimony?

23           Q.       Yes, page 16, line 12.

24           A.       Yes.

25           Q.       Do you see that? That sentence there says,

1     there is no added safety benefit from having gas workers  
2     do the installations.

3             A.       Yes.

4             Q.       And you've testified earlier that there  
5     have been no incidents from AMR installations; is that  
6     correct?

7             A.       Yes.

8             Q.       And so if there are no incidents, there can  
9     be no less incidents by you having gas workers; is that  
10    correct?

11            A.       Yes.

12            Q.       Do you recall Ms. Schroder asking you about  
13    tracking down installers?

14            A.       Yes.

15            Q.       Is it important to you to track down  
16    individual installers from Laclede's standpoint?

17            A.       Under what circumstances?

18            Q.       Well, let's say there is a matter brought  
19    to our attention that AMR installers should be doing X  
20    instead of Y.

21            A.       Yes.

22            Q.       How would you handle that from Laclede's  
23    standpoint?

24            A.       I would call the Cellnet project manager  
25    and ask him to look through his records and determine who

1 the installer was.

2 Q. And would it be important to you to remedy  
3 that situation with just one installer?

4 A. Typically we would have -- determine what  
5 had occurred and then we would have Cellnet provide  
6 reinforcement to all of the installers.

7 Q. Ms. Schroder asked you about a situation in  
8 which you said there were 21 leaks at an apartment  
9 complex. Do you recall that?

10 A. Yes.

11 Q. And do you know how many buildings that  
12 covered?

13 A. My recollection is that it covered four.

14 Q. And were those meters -- or were those  
15 AMR -- were the AMR units in those -- on those meters in  
16 those buildings, those four buildings installed the same  
17 time as the other --

18 A. Yes, within a month or so.

19 Q. I'm sorry. Let me finish the question.

20 A. I'm sorry.

21 Q. -- at the same time as the other AMR units  
22 in the news story?

23 A. Yes.

24 Q. And do you remember about what time that  
25 was?



1           A.       Not for sure. My recollection's like  
2 August '05 or September time frame.

3           Q.       Okay. And when these 21 leaks were found,  
4 was the gas shut off because of those leaks?

5           A.       No.

6           Q.       Was there any reading of gas in air?

7           A.       No.

8           MR. ZUCKER: I think that's it. Thank you,  
9 Dr. Seamands.

10           JUDGE WOODRUFF: All right. Thank you, and  
11 you may step down.

12                    I believe that's all the witnesses, except  
13 for Debra Redepenning. I believe we just took her  
14 deposition in with no problem.

15           MS. SCHRODER: Yes.

16           MR. FRANSON: I believe we did, your Honor.

17           JUDGE WOODRUFF: All right. Then the only  
18 other matter to be resolved is the post-hearing briefs.

19                    The Commission will ask you for one round  
20 of post-hearing briefs. I'll make those due 20 days  
21 after the transcript is filed. Transcript will be due  
22 10 working days from today, so we'd be looking around the  
23 1st of April for the brief, and I'll send out a notice  
24 letting you know exactly when the brief is due after the  
25 transcript is filed.

1                   Anything else anyone wants to bring up  
2 while we're still on the record?

3                   MR. PENDERGAST: Have all the exhibits been  
4 received into evidence, your Honor?

5                   JUDGE WOODRUFF: The ones that have been  
6 offered have, yes.

7                   44 was never offered, so it was not  
8 received. Everything else is in.

9                   MR. PENDERGAST: Okay. Great. Thank you.

10                  JUDGE WOODRUFF: With that, then, we are  
11 adjourned. Thank you.

12                  WHEREUPON, the hearing of this case was  
13 concluded.

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## I N D E X

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