

USW LOCAL 11-6 & LACLEDE GAS CO

Testimony of JIM johnson

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

3 A Yes, sir.

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

6 A No, sir.

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

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

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

13 A Laclede issued?

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

17 A Yes.

18 Q Do you carry it on your truck?

19 A Yes.

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

22 A Yes.

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

25 A Yes.

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

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

5 Q A lot?

6 A I'd say so.

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

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

10 MS. SCHRODER: Wait.

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

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

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

20 A Yes, sir.

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

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

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

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

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

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

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

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

24 Q And do you run off --

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

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

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

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

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

13 A All the time.

14 Q How long have you been working on Sundays?

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

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

21 A Four or five.

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

24 A Yes, yes.

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

1 Q So, you took the entire meter down?
 2 A Yes, sir.
 3 Q Did you ever determine what the cause of the
 4 leak was?
 5 A No.
 6 Q So, you don't know -- and is that true with
 7 regard to all of your correction of leaks, that --
 8 of meters that had AMR devices on them?
 9 A No. On the old ones, the REs, I could -- I
 10 would take that plate off, and I could check that --
 11 check that gear.
 12 Q Where the drive dog is?
 13 A Right.
 14 Q And there's a little gasket in there, isn't
 15 there?
 16 A Yes, sir. You could loosen that -- you
 17 could loosen your screws up on the front, pull it
 18 back a little bit, and get a reading right down in
 19 there.
 20 Q And is that usually where it was leaking,
 21 around that gasket?
 22 A Well, it would -- you know, it normally
 23 would be that drive gear on the meter. It's not,
 24 you know, the gasket leaking, it's the drive --
 25 Q The gear, that's where the gas normally

1 would come out when -- and then it would come out
 2 through these holes in the AMR device; correct, is
 3 that what you're saying?
 4 A Well, I don't know where it's coming on
 5 these.
 6 Q Oh, I'm sorry. On the RE device. You were
 7 talking about the -- you're correct. On the RE
 8 device, that drive gear, it would leak around there,
 9 and the gas would come out and then come out --
 10 A You'd get an odor there.
 11 Q You'd get an odor. And do you know why
 12 those -- what did you call them again, are they
 13 gears?
 14 A Drive gears?
 15 Q Yeah. Do you know why the drive gear would
 16 leak?
 17 A Without working on a meter, actually working
 18 in the meter shop and actually installing it, I've
 19 been told there's a seal in there.
 20 Q And the seal would just break down over
 21 time?
 22 A Yeah.
 23 Q So, do you know whether or -- whether in
 24 fact the installation of the ME or RE device on the
 25 meter caused the leak, or do you have any idea?

1 [This page has been designated as "Confidential."]
 2 A I have no idea.
 3 Q Okay. Do you have any idea whether the
 4 installation of an AMR device on a meter causes a
 5 leak?
 6 A Yes.
 7 Q Okay. What's the basis of your
 8 understanding?
 9 A And it's going to be only two instances
 10 where this one here we're talking about, the one
 11 that you're --
 12 MS. SCHRODER: No, we're not talking about
 13 anything yet.
 14 THE WITNESS: Oh, we're not talking about
 15 it, all right.
 16 MS. SCHRODER: So, go ahead.
 17 Q (By Mr. Elbert) But, we will get to it.
 18 MS. SCHRODER: Tell him what the basis is.
 19 A The basis is the job I had over at the
 20 W.A.C. Center.
 21 Q (By Mr. Elbert) Right.
 22 A And I don't have the exact address, it was
 23 out off -- , one
 24 of the side streets off there I had a call, a
 25 Honeywell call, and I had a leak there also.

1 Q When was that, Mr. Johnson?
 2 A It was when this first started.
 3 Q So, back --
 4 A Maybe 2005 somewhere or something. I don't
 5 know what -- I don't recall when the AMRs first
 6 started, because they came to different areas at
 7 different times. You know, like I came to -- the
 8 area -- I work out at West County. Our area, you
 9 heard they were going in other places and we didn't
 10 get them. Then all of a sudden, they started coming
 11 in like a wave at our area.
 12 Q So, the only --
 13 A I don't recall when.
 14 MS. SCHRODER: Okay. Again, let him ask his
 15 questions.
 16 Q (By Mr. Elbert) Let me ask my question.
 17 So, let's just --
 18 A I won't be a good lawyer.
 19 Q Do you think that the Babler View one
 20 occurred in 2005?
 21 A I'd say so.
 22 Q Can you describe what you found at the
 23 Babler View location?
 24 A Yes, sir. I received a call, leak call,
 25 dispatched odor at a meter called in by Honeywell,

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

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

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

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

15 THE WITNESS: That's an AMR.

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

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

20 MS. SCHRODER: Okay.

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

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

25 Q Oh, were they still there while you were

1 there?

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

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

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

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

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

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

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

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

22 A It wasn't on.

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

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

3 Q And you say Honeywell reported it?

4 A Yes, sir.

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

7 A No, I wasn't there.

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

11 A That's possible.

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

14 A I --

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

16 A I don't know.

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

21 A They were putting them on in that area.

22 Q At that time?

23 A At that time.

24 Q And how do you know that?

25 A Because I saw them on the other homes.

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

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

4 A No, sir.

5 Q And this was at a residence?

6 A Yes, sir.

7 Q And the other incident that you know about
8 is the one that we'll talk about later.

9 ...

10 A Yes, sir.

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

14 A No.

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

19 A Yes.

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

22 A Not many.

23 Q But, a few?

24 A A few.

25 Q Did the Laclede employee do something to the

1 from the meter?
 2 A Not even five feet, six feet. Six feet
 3 maybe. Are you talking about the double door?
 4 Q No.
 5 A The top entrance?
 6 Q The top entrance.
 7 A Top entrance. Oh. Oh, it's 30 -- 30 -- 30
 8 feet.
 9 Q So, you could smell the gas 30 to 40 feet
 10 away?
 11 A Up top.
 12 Q Up top, but it wasn't even a one percent
 13 reading anywhere?
 14 A Not in the open air, no.
 15 Q In the open air?
 16 A You could smell gas though.
 17 Q Yeah, okay. On your order form, and you --
 18 can you tell me what percentage you wrote down on
 19 the back? Does it say you found --
 20 A Twenty.
 21 Q It says you found 20 percent; right?
 22 A Twenty percent, yes, sir.
 23 Q And is that what you found?
 24 A Yes, sir. If that's what I wrote, that's
 25 what I found.

1 Q Okay. Did you feel that you needed to shut
 2 off the gas?
 3 A It's a commercial account. You wouldn't
 4 normally shut off a commercial account.
 5 Q Well, did you feel the situation warranted
 6 --
 7 A No, I didn't have a broken line or didn't
 8 have gas entering the building.
 9 Q And you didn't have one percent in the --
 10 A Right.
 11 Q -- open air; right?
 12 A Correct.
 13 Q So, that would not warrant shutting off the
 14 gas, would it? Right?
 15 A No, right.
 16 Q Now, I'd like to refer you to Exhibit 2,
 17 Page 1, which is your affidavit, and if you look
 18 down at the third line from the bottom, you stated
 19 that you had a 25 percent reading at the meter. You
 20 see that?
 21 A Yes, sir.
 22 Q But, your CIS form says 20 percent, and you
 23 just testified that was the true amount?
 24 A That's what it says. That's what -- 20, 25
 25 percent, I was just -- you know, I knew it was in

1 that range. When I gave this affidavit, you know, I
 2 didn't have any information to say exactly what it
 3 was, because I always write exactly what it is on
 4 this Laclede document.
 5 Q So, the document is the correct one; right,
 6 20 percent, not 25 percent?
 7 A Yes, sir.
 8 Q You're saying your affidavit's wrong;
 9 correct?
 10 A Yes.
 11 Q And you also said here that this was -- any
 12 gas leak so close to the boiler is particularly
 13 dangerous?
 14 A Yes.
 15 Q What do you base that statement on?
 16 A I base it on this being that it was a
 17 two-pound meter, this was not an inches meter, it
 18 was a two-pound set. It was a large meter, it was a
 19 1,000 iron case meter. Also, it was a confined
 20 area, this boiler room was confined.
 21 Q But, you just previously testified, if I
 22 understood you correctly, that this was not in your
 23 view a serious leak, because it was less than one
 24 percent in the air; isn't that right?
 25 A Yes. But, it was --

1 Q Well, why would this be so dangerous if you
 2 had less than one percent in the air?
 3 A This -- I have no idea of knowing how long
 4 this was going to build up in that room. I don't
 5 know how long this maintenance man aired that room,
 6 if he aired this room out before I got there.
 7 Q Did you ask him?
 8 A No. And as soon as I got there, I opened
 9 that -- there's two double doors, there's that
 10 entrance and then there's another entrance out off
 11 the back. After I ran my tests and all that, I
 12 ventilated that room. I had two big double doors
 13 open.
 14 Q Then what did you do after you ventilated
 15 the room?
 16 A I ran my check outside with an SEI, there's
 17 a service check on the outside. There's an asphalt
 18 parking lot that goes all the way up to the service.
 19 I ran probe holes down through the asphalt to check
 20 the service coming in to the building, probe holes
 21 on the outside, SEI holes, and then -- well, I --
 22 let me take that -- take that back.
 23 I want to -- before I did that, I made calls
 24 to my superintendent. I made calls to the
 25 superintendent, tried calling the meter shop. It

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

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

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

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

1 Q Who is Elgin?

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

6 Q So, you called him?

7 A I called him.

8 Q And what did you tell him?

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

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

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

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

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

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

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

21 Q So, you weren't smoking?

22 A No. I never smoked in my life.

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

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

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

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

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

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

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

18 Q Are these your words in this affidavit?

19 A Yes, they are.

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

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

1 A No.
 2 Q You state in your affidavit, I'll refer you
 3 back --
 4 A I can speculate.
 5 Q Okay. Well, I'll listen to your
 6 speculation. And let's just find out if this is
 7 speculation here. If you'll go to Page 3 of your
 8 affidavit, Lines 7 -- 6, 7 and 8, it says, "Upon
 9 inspecting it, I discovered that one of the two
 10 screws used to install the AMR device had penetrated
 11 the meter casing, thus causing the leak."
 12 A That's what I found.
 13 Q Now, are you saying that you know for a fact
 14 that that's what caused the leak, or is that
 15 speculation?
 16 A I -- in my opinion, that caused the leak,
 17 that's where the gas was coming, that's where I
 18 found it, they were leaking.
 19 Q But, you agree that those things that you're
 20 calling screws here in your affidavit were in fact
 21 what I've called bolts, which are flat on the
 22 bottom, not tapered; correct?
 23 A Correct.
 24 Q How could those -- how could those have
 25 penetrated cast iron?

1 A I think they were tightened up too much that
 2 the bolts may have been of longer threads than --
 3 maybe a little bit longer than needed to be on that
 4 meter, and when you tightened it up, the threads
 5 just keep going and it drilled right into the
 6 casing.
 7 Q So, you think a flat headed bolt could go
 8 through a --
 9 A Yes.
 10 Q -- cast iron casing?
 11 A Right.
 12 Q And it wouldn't strip the threads first, it
 13 would --
 14 A It would go down -- it would push down on
 15 it, put pressure on it and break it.
 16 Q Have you ever seen that happen in your
 17 nearly 30 years of experience at Laclede?
 18 A On that other meter I told you about, that's
 19 what had happened.
 20 Q What other meter?
 21 A The one out at that other address that I
 22 told you about where the gas was coming out of
 23 the -- I would say --
 24 MS. SCHRODER: Since you didn't have the
 25 full address, you can go ahead and say which one

1 you're talking about. I think he's trying to be
 2 confidential here.
 3 MR. ELBERT: No, he's not.
 4 Q (By Mr. Elbert) What other address?
 5 A That other address out off 100 and -- the
 6 one I told you about on Babler out off 100. You
 7 said have you ever seen it, you know, where the dial
 8 was down.
 9 Q Well, but that one, the screws had been
 10 taken out you testified.
 11 A The screw was out, but the gas was coming
 12 out of the hole the same way this meter was.
 13 Q Okay. But, have you -- but, you did no
 14 investigation of that one at all, did you?
 15 A Just took that meter out, but it was --
 16 Q You took the meter out.
 17 A You know, I'm going to take it out, but the
 18 meter was doing the same thing, it was coming out --
 19 coming out that screw hole.
 20 Q Do you know how the hole was caused at the
 21 one on Babler?
 22 A I don't.
 23 Q Do you know how the hole was caused here at
 24 the one in this building?
 25 A In my opinion, that -- that's why -- how I

1 think it happened. I'm not thinking that this --
 2 somebody ran a drill and drilled a drill hole
 3 through this meter. You'd have to be a fool to
 4 drill -- you know, run a drill over a two-pound
 5 meter.
 6 Q Well, how -- what I'm asking --
 7 A I'm saying that -- I'm thinking that these
 8 things got tightened up somehow, tightened up and
 9 that casing broke underneath it. There's -- I've
 10 already saw on a -- most of -- the biggest meters we
 11 normally are associated with is the 425 meters, are
 12 you familiar with those, 340 --
 13 Q No, I'm not.
 14 A 340. But, they're meters of this size.
 15 Okay? And they have a top plate on them also. And
 16 I've already seen the top plate off that. Okay?
 17 I've seen that already in our shop. There's like a
 18 meter that you can see everything on it, and I've
 19 seen that top plate.
 20 And underneath that flat top plate where
 21 these screws go down into it, there's -- on this
 22 meter, I can't say on that one, but on this one for
 23 sure, there's -- there's a little dimple, it's not a
 24 full casing, there's a -- where the screw goes down
 25 in here, there's a little dimple that just goes like

1 that. And that's the only protection that that has
2 from that gas coming up that screw, and the dimple
3 is only about like that.

4 Q Do you remember the width of the bolt? Do
5 you remember how big that bolt was?

6 MS. SCHRODER: Which bolt are you referring
7 to?

8 Q (By Mr. Elbert) The one that he -- the
9 first set of bolts that you took out. Do you
10 remember how big they were?

11 A They were -- they were of that nature. They
12 were the skinny, long ones.

13 MS. SCHRODER: And could you -- just for the
14 record, can you specify a little more when you're
15 pointing to things, because the Court Reporter's not
16 getting it down?

17 A Okay. On --

18 Q (By Mr. Elbert) Well, they're the size of
19 -- these are, what, about --

20 A I'd say they were longer than this, but this
21 size.

22 Q So, when you're saying "longer than this,"
23 you're referring to one that's maybe about an inch
24 and a quarter long, and you say maybe it was an inch
25 and a half, two inches?

1 A Yeah, around that.

2 Q And it's about -- would it be fair to say
3 that's a quarter inch bolt; is that right --

4 A I would say around that.

5 Q -- about a quarter inch bolt? Have you ever
6 tried to exert enough force on a quarter inch bolt
7 in the description you're -- what you're describing
8 here, that you think you could actually, using a
9 screwdriver, drive it through cast iron?

10 A I have not done it with hand tools. I
11 haven't done it with a power tool. I don't use a
12 power tool when I'm putting screws in meters.

13 Q But, you actually think somebody could exert
14 enough force on a quarter inch bolt to drive it
15 through cast iron?

16 A I do, if you're using something else.

17 Q And the second set of bolts that you
18 referred to were wider you said; is that correct?

19 A Yes, sir.

20 Q How -- what were they, about 5/16th's of an
21 inch would you say?

22 A I'd say about that.

23 Q That's a pretty wide bolt, isn't it?

24 A Yes.

25 Q So, if it penetrated, it would make a

1 5/16th's inch hole, wouldn't it?

2 A I have no way of knowing.

3 Q Well, it's flat on the bottom, isn't it?

4 A It's flat, yeah.

5 Q Yeah. So, if it penetrated, wouldn't it
6 have to make a 5/16th's inch hole?

7 A It could crack it, it wouldn't have to knock
8 the whole thing out.

9 Q Do you have any idea who made the whole in
10 this meter?

11 A No. I know who it wasn't, it wasn't me.

12 Q And I assume you have no idea the amount of
13 force it would take to create such a -- to penetrate
14 the meter?

15 A No, I'm not an engineer.

16 Q Okay. Are you an officer in the Union?

17 A No.

18 Q Are you a shop steward?

19 A No.

20 Q How did this incident come to the union's
21 attention, do you know?

22 A Yes.

23 Q How?

24 A I -- two days -- I think it was two days
25 after, I worked Sundays, Mike Pona, who is an

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

2 officer in the Union, Vice President, was on a --

3 was on a job. And I was dispatched. I didn't know

4 he was there, but I was dispatched a job, relight

5 the -- the home. There was a leak there the night

6 before. They told -- they sent me out there to
7 relight the home and get the gas back on out there.

8 Q Do you know what type of leak that was?

9 A It must have been a good one, because they
10 had holes all over. They had three holes, and they

11 were still out -- that's why the leak truck was
12 still there, they were still out checking in front

13 of the house making sure that everything was cleared
14 from the night before.

15 Q So, it was an outside leak?

16 A Yes, sir. And I was dispatched to that job
17 just to do the relight, and the leak truck was

18 there. And like I said, Mike's the Vice President
19 of the Union. I just walked past him, and I told

20 him, he said, "What's going on?" I said "Oh, not
21 much," I said, "but" -- I said, "I had a job

22 over there." He
23 goes --

24 MR. ELBERT: Excuse me. That's the highly
25 confidential portion of the record. Just designate

1 A Right, because I -- that actual device,
2 being different from the other jobs I'm on where I'm
3 just taking it out, I actually had the device off
4 with the superintendent right there watching it.

5 Q When you worked on an ME device and you
6 found there was -- you had a leaking meter, and you
7 had to fix that; right?

8 A Uh-huh.

9 Q You had to fix a leaking meter that had an
10 ME device on it. Would it have been safer, again,
11 if someone came back and checked your work after you
12 did it?

13 A Yes.

14 Q And why is that?

15 A It's always safer -- two people on a job,
16 three people on a job, if you -- the more people you
17 get out there, the more things you're going to find,
18 if there's anything -- if there's a problem. If
19 there isn't a problem, you know, the chances one
20 person may see something the other person doesn't
21 see, you know, everybody's different.

22 Q And you would agree that that's true with
23 regard to Laclede employees, wouldn't you?

24 A Yes.

25 Q So, the fact that a Laclede employee does

1 work on a meter doesn't ensure that the work is
2 safely done, does it?

3 A Well, I -- a Laclede employee I consider is
4 a well-trained serviceman, and we try to do our best
5 job for the company.

6 Q Absolutely, and we --

7 A You know, we're out to, you know, do the
8 job. Nobody -- I'm not out there to leave leaks, my
9 job is to repair leaks.

10 Q Absolutely. And the employees at Laclede
11 Gas Company do a good job, don't they?

12 A I feel like we do.

13 Q Yes. But, they make mistakes, don't they?

14 A Everybody does.

15 Q And those mistakes can result in leaks,
16 can't they?

17 A Yes.

18 Q Do you have any knowledge of any injury to
19 person -- to persons resulting from a leak allegedly
20 resulting from an AMR device?

21 A No.

22 Q Do you have any knowledge of damage to
23 property --

24 A No.

25 Q -- from a -- let me finish my question, from

1 a leak allegedly attributable to installation of an
2 AMR device?

3 A No.

4 Q Do you have any knowledge of injury to
5 person -- to persons resulting from the installation
6 of an ME or RE device?

7 A No.

8 Q Do you have any knowledge of damage to
9 property --

10 A No.

11 Q -- from -- let me finish my question. Do
12 you have any knowledge of damage to property
13 resulting from a leak allegedly attributable to
14 installation of an ME or RE device?

15 A No.

16 Q If you give me just a second, I think I'm
17 about finished.

18 (A brief recess was taken.)

19 Q (By Mr. Elbert) I have a couple more
20 questions. I just want to go back to Exhibit No. 3.

21 MS. SCHRODER: Which one is that, Charles?

22 MR. ELBERT: That's the CIS form.

23 Q (By Mr. Elbert) And on the back side where
24 you said you found the 20 percent reading --

25 A Yes.

1 Q -- is that 20 percent of LEL, or is that 20
2 percent in the air?

3 A It's not in the air, it's 20 percent on a 0
4 to 100 scale. That meter has LEL, and it has 0 to
5 100 scale.

6 Q So, you were --

7 A On the 0 to 100 scale, yes.

8 Q Scale, all right. And when you were
9 standing out -- what does open air mean by the way?
10 What does it mean, open air, when you're -- in terms
11 of a gas reading?

12 A I would say right in this room here, I would
13 consider an open air reading would be right about in
14 the middle of this desk here.

15 Q So, when you're talking about -- the reading
16 you got was right at the -- essentially, right at
17 the leak; right?

18 A Yes.

19 Q Okay. When you were standing outside for
20 that 40 minutes while you were waiting for Elgin to
21 show up, you were talking to the maintenance man,
22 did he stay there with you the whole time?

23 A Yes.

24 Q Was he smoking?

25 A No.

1 Q Was anybody smoking there?
 2 A No.
 3 Q What were you talking about with him for 40
 4 minutes?
 5 A Well, he told me he had some handicapped
 6 kid, he's got his -- I asked him what he was doing
 7 working there, he said he works there because he's
 8 got handicapped -- he's got kids that are
 9 handicapped and they work there. He was retired
 10 from MSD I think he said.
 11 Q Okay. He was an older gentleman?
 12 A Yes, sir.
 13 Q Did you ever tell him this was a
 14 particularly dangerous situation?
 15 A No. I don't try and alarm the public when
 16 I'm out on the job.
 17 Q And you referred to blowing gas I believe in
 18 your affidavit?
 19 A Yes.
 20 Q What kind of sound does blowing gas make?
 21 A When you can hear it or feel it.
 22 Q And you could hear --
 23 A Do both.
 24 Q You could do both.
 25 MS. SCHRODER: Let him finish his questions,

1 please.
 2 Q (By Mr. Elbert) I have no other questions.
 3 MS. SCHRODER: Oh, you didn't get it right
 4 by the time he asked his last question. I'm just
 5 kidding.
 6 THE WITNESS: I'm bad.
 7 MS. SCHRODER: Robert, do you want to go
 8 next?
 9 MR. FRANSON: I think that would be the
 10 logical order.
 11 MS. SCHRODER: I do, too.
 12 EXAMINATION
 13 QUESTIONS BY MR. FRANSON:
 14 Q Mr. Johnson, I'm Robert Franson, I'm an
 15 attorney for the staff of the Public Service
 16 Commission. Good afternoon.
 17 A Good afternoon.
 18 Q You say that you don't -- when you go out on
 19 calls like this, you try not to alarm the public.
 20 Isn't that what you said?
 21 A Yes, sir.
 22 Q Okay. But, you also try to tell the truth
 23 to the public, don't you?
 24 A Yes, sir.
 25 Q And was this maintenance supervisor there

1 when you were on the phone to Elgin, and tell me was
 2 his name Manglang?
 3 MS. SCHRODER: Yeah, that's his name.
 4 A I guess that's his name.
 5 Q (By Mr. Franson) Okay. Was he -- was the
 6 maintenance supervisor -- well, let me ask him, when
 7 you called the Superintendent Manglang, did you do
 8 that on a cell phone?
 9 A I did it on a Laclede cell phone.
 10 Q That's a Laclede cell phone issued to you
 11 for your work use?
 12 A Yes, sir.
 13 Q Okay. And is that the device you used to
 14 contact Mr. Manglang?
 15 A Yes, sir.
 16 Q Was the maintenance supervisor there by you
 17 when you made that call?
 18 A Yes, sir.
 19 Q So, is it fair to say the maintenance
 20 supervisor could hear your part of the call?
 21 A Yes, sir.
 22 Q Okay. And now have you ever installed an
 23 AMR device as part of your job?
 24 A Yes, sir, just the -- at Laclede now, the
 25 AMR device comes on the meter already, and I plug in

1 the battery.
 2 Q So, you plugged in a battery, but have you
 3 ever taken a meter without an AMR device and
 4 installed onto that meter an AMR device?
 5 A No, sir.
 6 Q Have you ever received any specific training
 7 on -- where you went to a class and you were
 8 informed, "This is an AMR device, this is the proper
 9 way to install it on a meter"?
 10 A No.
 11 Q So, is it fair to say it's not part of your
 12 normal duties to install AMR devices on meters?
 13 A That would be correct.
 14 Q Okay. Tell me about, to the best of your
 15 ability, the tools that are issued to you and on
 16 your truck when you are doing your job and going out
 17 on service calls.
 18 A You want to know all the tools I have?
 19 Q To the best of your ability, yes.
 20 A I got a whole truck sitting out front there,
 21 it's -- there's like three -- three, four bins full
 22 of them. I carry certain tools in a tray that
 23 Laclede has gave us a list of the different tools
 24 that they pretty much want us to have on us, plugs
 25 in case a lock cock breaks, screwdrivers, 12-inch