

1 phone.

2 Q (By Mr. Franson) So, is it your testimony  
3 that Mr. Evans wrote these questions?

4 MS. SCHRODER: Objection, I don't think --

5 A I don't know who wrote them.

6 MS. SCHRODER: I'm sorry. Objection on two  
7 grounds. First of all, are you trying to get into  
8 attorney/client, or are you -- well --

9 MR. FRANSON: I don't think the identity of  
10 the person who wrote the questions -- and by the  
11 way, if we're going to carry out this discussion,  
12 that's fine, I'll be happy to, but Mr. Johnson  
13 really should be outside the room, and I would  
14 hereby request that he step out for our discussion.

15 MS. SCHRODER: Well, the second objection  
16 would be that you're assuming he knows, and I think  
17 that that is -- that there's a lack of foundation  
18 about whether he knows about the questions.

19 MR. FRANSON: Okay. The question is: Who  
20 wrote the questions, and I'm not asking --

21 MS. SCHRODER: If you know, answer it.

22 MR. FRANSON: And that I don't believe is  
23 attorney/client. He's here with a product  
24 representing it, it is his testimony, and I believe  
25 I'm entitled to ask who wrote the questions. Now,

1 A That's correct, sir.

2 Q But, this Channel 2 reference that you've  
3 testified about wasn't in there; correct?

4 A That's correct.

5 Q Why not?

6 A I didn't feel -- you know, they weren't  
7 called and nothing happened, we took care of the  
8 job. I didn't -- I didn't -- it never even got to  
9 that. I never -- you know, I didn't want it to get  
10 to that, I don't want news media around. I didn't  
11 figure -- I didn't figure I needed to put that in  
12 there. I wasn't expecting all this.

13 Q Okay. Now, there was also some questions  
14 about who -- after November 10 -- well, let me ask  
15 you, other than the superintendent that you talked  
16 to and the people out there at this incident, on  
17 November 10th, did you talk to anyone else about  
18 this incident?

19 A On the -- the 10th, that's when it happened.

20 Q On the same day, November 10th, 2006 that it  
21 occurred?

22 A No.

23 Q Sometime after that, did you talk to anyone  
24 at your Union about this incident?

25 A Other than what I testified about Mike Pona

1 if you think that in --

2 MS. SCHRODER: Robert, let him answer the  
3 question.

4 MR. FRANSON: Okay. I thought you were  
5 going to tell him not to. Let's go.

6 A I do not know.

7 Q (By Mr. Franson) Did you write the  
8 questions?

9 A No.

10 Q Did you see -- at some point, you signed  
11 your affidavit; correct?

12 A Yes, sir.

13 Q Okay. Did you see the questions and the  
14 answers at that time?

15 A Yes.

16 Q And you reviewed them; correct?

17 A Yes, sir.

18 Q And you had -- but, you didn't type up the  
19 document yourself, including the questions and  
20 answers; correct?

21 A That's correct.

22 Q But, when you looked at the document as a  
23 whole, do you believe it was an accurate  
24 representation of your testimony about this  
25 incident; is that correct?

1 two days later, that's the only contact I've had  
2 with any person associated with our Union.

3 Q And you talked --

4 A Until this. Pardon me?

5 Q Did you say at some point you talked to  
6 Mr. Evans about this matter?

7 A Yes.

8 Q And that was two days afterward?

9 A No.

10 MS. SCHRODER: No.

11 A That was a long time after.

12 Q (By Mr. Franson) Okay. I don't -- I don't  
13 believe I have any further questions.

14 MS. SCHRODER: All right. Now, I don't  
15 know, with the PSC, would he go next again, or would  
16 I go first and then Charles?

17 MR. ZUCKER: Well, here, you can --

18 MR. ELBERT: You can --

19 MS. SCHRODER: We can just do it the normal  
20 way? All right. I mean we can do it the way we  
21 want, whatever. Okay. I'll go ahead and go then  
22 now.

23 EXAMINATION

24 QUESTIONS BY MS. SCHRODER:

25 Q Mr. Johnson, I want to go back through some

1 questions that Mr. Elbert asked you first. He asked  
2 you early on about some background information,  
3 whether you had had any awards or anything. This  
4 may not be an award, but did the company ever try to  
5 promote you into management?

6 A Yes.

7 Q Can you tell me approximately when that  
8 happened?

9 A Well, it was '80 -- '82, '82, around that  
10 area, around that time, they upgraded me to a  
11 foreman.

12 Q And did you continue in that position?

13 A For about 30 days.

14 Q And then why did you cease that position?

15 A It -- it just was something I didn't really  
16 think I was going to like anything like that, it  
17 seemed like it was more paperwork, and I'm more  
18 hands-on.

19 Q So, the company didn't demote you?

20 A No.

21 Q All right. And at the time that you were  
22 promoted, were you told why you were being promoted?

23 A They --

24 MR. ELBERT: I'm going to object to the  
25 characterization of it as a promotion, because I

1 had been the special adjust classification. I was  
2 the first one, I was a parts man, I was working on  
3 parts. My foreman at the time was Mel Mattern. He  
4 said that he thinks I could make a good foreman, I  
5 was young, and if I stuck with it, you know, I could  
6 work my way on up to superintendent. And if  
7 everything went right, he thought I would be a good  
8 candidate for it.

9 Q Has the company ever asked you to do any  
10 training for Service Department employees?

11 A Yes.

12 Q Did you do that?

13 A Yes.

14 Q When was that?

15 A As soon as I got the special adjust  
16 classification, it was -- I started training up at  
17 the school, there's a training school, and I work  
18 with the different training supervisors. I work  
19 with a Paul Galen, I work with Jim Cooper, and I  
20 work with Glen Henry, they were all training  
21 supervisors. I pretty much handled the service end  
22 of the training working on the ranges, furnaces,  
23 showing how to install motors, blowers, all the  
24 different controls.

25 Q For how long?

1 don't think that's accurate under the Collective  
2 Bargaining Agreement. I think those are temporary  
3 upgrades for 30 days, that's not a promotion, and  
4 any reference to it is improper. But, subject to  
5 that.

6 Q (By Ms. Schroder) Well, let's back up a  
7 minute. Was this a temporary upgrade?

8 A They're longer than 30 days. You can go  
9 almost to six months if you wanted to do it. In  
10 fact, they asked me --

11 Q No, that's -- you've answered my question.  
12 Did the company want you to continue in that  
13 position after the 30 days?

14 MR. ELBERT: Object, calls for speculation.

15 Q (By Ms. Schroder) Did the company tell you  
16 they wanted you to --

17 A Yes.

18 Q -- continue in that position after -- please  
19 let me finish my question. Did the company tell you  
20 that they wanted you to continue in the working  
21 foreman position after 30 days?

22 A Yes.

23 Q All right. And did the company tell you why  
24 they were upgrading you to foreman?

25 A At the time, I was a first special adjust, I

1 A It went on for about five years.

2 Q All right. Did you provide training to any  
3 of the current management staff of the --

4 A Yes.

5 Q -- SAID Department?

6 A Yes.

7 Q Can you -- what kind of training did you  
8 give them?

9 A Well, if they were -- if they were in the  
10 class, you know, they would be going through the  
11 special adjust end of it on the service, and it was  
12 pretty much just on all the appliances. We had a  
13 room in the back up at the school that had ranges,  
14 dryers and furnaces, all different kinds to where  
15 you could get some hands-on training.

16 Q All right. You also answered some questions  
17 from Mr. Elbert about the type of work you did, and  
18 you said that at times, you were assigned to work on  
19 the dispatch board and at times you weren't. And I  
20 think -- is the dispatch board the emergency calls  
21 you talked about?

22 A That's where they come, they come from  
23 there, yes.

24 Q All right. Approximately how long -- was  
25 there a time period when you were assigned primarily

1 to the emergency calls?

2 A No. They -- you don't know what you're  
3 doing till you get in that day.

4 Q Have -- okay. Have you always handled  
5 emergency calls?

6 A Yes.

7 Q So, basically, for the last 27 plus years?

8 A Yes. You know, nights, I've -- I had 13  
9 years of nights where I ran them almost all the  
10 time.

11 Q Thirteen years of night shift?

12 A Yes.

13 Q You also said, and I was very confused about  
14 this, something in response to Mr. Elbert's  
15 questioning about being a seasonal employee. Do you  
16 only work from October to March?

17 A On Sundays. We have seasonal bids where  
18 they put extra employees on, because the workload  
19 increases during the winter on the weekends, and  
20 they put two, three extra guys on my district to  
21 cover the Sundays.

22 Q All right. And how long have you been  
23 working the Sunday shift from October to March?

24 A I've -- I've done it before when I was -- I  
25 did it for about five or six years when I was a

1 special adjust classification, and I just signed it  
2 this year. So, I've only been doing it, you know,  
3 three months, four months.

4 Q So, five to six years earlier and then again  
5 this year?

6 A Yes.

7 Q Plus 13 years when you worked nights and  
8 were pretty much assigned constantly to emergencies;  
9 is that right?

10 A That's when I worked the board the whole  
11 time.

12 Q And I believe you told Mr. Elbert, did you  
13 say that all the Sunday work is board work, dispatch  
14 board?

15 A Yes.

16 Q Prior to this November 10th incident, had  
17 you ever met Elgin Manglang?

18 A No.

19 Q Mr. Elbert asked you some questions about  
20 investigating leaks from ME devices and RE devices.  
21 When you were -- when you would -- well, first of  
22 all, how many years have ME devices been on Laclede  
23 meters to your knowledge?

24 A That was the first one. I doubt there's any  
25 of them out there now. About how long?

1 Q Yeah. How long were they out in the field?

2 A They were -- they were here when I got here,  
3 you know, in '79, and they were on the meters then.

4 Q And had all of the ME devices -- no, strike  
5 that. When you would find a leak on a meter that  
6 had an ME device and the leak seemed to be in the  
7 vicinity of the ME device, was -- did that occur  
8 close in time to when the ME device was installed?

9 A I -- I can't say, I don't -- I don't know,  
10 because I don't know when it was installed. I don't  
11 know when it started.

12 Q So, you wouldn't get that information?

13 A They were in when I -- when I started.

14 Q All right. Well, if they were already in  
15 when you started --

16 A It was -- it would just be running leak  
17 calls, you know, at them. You know, they were  
18 already in there.

19 Q Okay. Did the RE devices go in after you  
20 started?

21 A Yes.

22 Q When you were receiving leak calls for leaks  
23 that were near an RE device, were those calls coming  
24 shortly after those RE devices had been installed?

25 A I'd say yes, that would be fair.

1 Q You've also answered some questions about  
2 how many AMR meters or -- yeah, AMR meter leak calls  
3 you might have been getting, et cetera. Is there  
4 any reason that you would have a better recollection  
5 of the average number of AMR meters that you might  
6 be getting leak calls on than you would about ME and  
7 RE meters?

8 A Well, being as it just happened for one, and  
9 -- I think it was the -- the dial being taken off  
10 and the AMR being put on and actually these vent  
11 holes, that it left -- we may have had something  
12 there leaking on that gear, and this -- when the  
13 device was put on, it gave it a way to vent and show  
14 up.

15 Q The AMR device did?

16 A Yes.

17 Q All right. In your experience, does it  
18 appear that you're seeing more leaks pertaining to  
19 AMR devices than you did with the RE and the ME  
20 devices when they were in the field?

21 MR. ELBERT: I'm going to object on the same  
22 grounds that you were objecting, that just calls for  
23 pure speculation.

24 MS. SCHRODER: Well, you got to ask him,  
25 so...

1 MR. ELBERT: Yeah. Well, that's why I asked  
2 whether you were going to object to speculation with  
3 regard to your own questions.

4 A Yeah, I would have.

5 MR. FRANSON: Well, Sherrie, you've got to  
6 object to your own question as speculation.

7 A Yeah, that's what I -- you know, I --

8 Q (By Ms. Schroder) I mean if you don't know  
9 the answer --

10 A Yeah, I really can't answer.

11 Q Okay. And you also told -- you told  
12 Mr. Elbert at some point that you don't take off the  
13 AMR device, that you did with the ME devices and the  
14 RE devices when there was a leak, but you don't with  
15 the AMR device. Why is that?

16 A That's what we were instructed to do, we  
17 were instructed to -- you know, there's going to be  
18 no -- before, we could change the meter out and put  
19 the RE back on. In other words, I took the RE  
20 off -- if I had a leaking meter, I could take the RE  
21 device off and I could put -- just take the dial off  
22 the new meter that I'm going to put on and install  
23 the RE on there, put that meter actually on the  
24 meter.

25 So, the same -- you know, it would be

1 showing up. The seal -- the seal may -- there may  
2 be a problem with the seal, and then when a device  
3 is put on there with these vent holes, it's actually  
4 bringing it to the attention of the customer and the  
5 service guys quicker, because it's not a sealed  
6 plate on the front -- a sealed dial glass on there  
7 anymore, it's a -- there's a place for this to vent,  
8 and it's just coming to the attention of the  
9 customers.

10 Q So, because there's not a seal on the front  
11 anymore, is -- strike that. Mr. Elbert asked you  
12 about whether you had ever investigated leaks where  
13 a Laclede employee -- where you thought that a  
14 Laclede employee might possibly have caused the  
15 leak. Can you give me, you know, some idea of how  
16 many, and I'm just talking about a range here, of  
17 how many leaks that you've investigated in 27 years,  
18 I mean are we talking about 10, 100, thousands, do  
19 you have any idea?

20 A Where it was a Laclede employee?

21 Q No, no, no. No, I'm just talking about  
22 leaks that you've -- how many leaks total you've  
23 investigated, just some range?

24 A Oh. I can't even imagine how many. There  
25 are a whole lot. It would be over -- you're talking

1 staying there, I could switch it, you know. And  
2 this one here, they -- they -- we'd get new meters  
3 in, they're all on it, you just take it out and do  
4 it, you know.

5 Q But, the reason you're not taking them off  
6 is because Laclede has told you not to?

7 A Not to take -- not to take the -- we're not  
8 to touch anything but the battery.

9 Q You talked to Mr. Elbert about some of these  
10 leaks from I think the MEs and the REs coming from  
11 seals that had worn out. Do you remember that?

12 A Yes.

13 Q With the leaks that you're seeing, the AMR  
14 leaks that you're seeing, are those occurring -- can  
15 you tell from how quickly they're occurring -- no,  
16 strike that. With the leaks that you're seeing on  
17 AMR -- on meters with AMRs, in and around the AMR,  
18 are those occurring soon after installation?

19 A Yes.

20 Q Would you expect in your experience from  
21 working with these gaskets and seals for 27 plus  
22 years, would you expect a seal to break under normal  
23 wear and tear that quickly after an AMR device has  
24 been installed?

25 A I wouldn't necessarily say that I think it's

1 [This page has been designated as "Confidential."]  
2 about a lot of leak calls.

3 Q And when you were on the emergency board,  
4 how many were you saying you were running a day  
5 approximately?

6 A Five to six at least.

7 Q So, for at least 13 years at five to six a  
8 day, and you work five days a week?

9 A Yes, sometimes six.

10 Q Five to six days a week, okay. Let's talk  
11 for a minute about the November 10th incident. Who  
12 called that leak in to dispatch?

13 MR. ELBERT: Objection, no foundation, calls  
14 for speculation.

15 Q (By Ms. Schroder) Do you get paperwork that  
16 indicates?

17 A No, I -- I just get the call from the  
18 dispatcher saying that -- telling me where to go and  
19 who to see.

20 Q You didn't call it in, did you?

21 A No.

22 Q Did anybody at \_\_\_\_\_ indicate to  
23 you how that -- how that had gotten called to  
24 dispatch?

25 MR. FRANSON: You just used the words. We

1 A A Hilti's a -- we use that for -- it's a  
 2 hammer drill, you can either hammer with it, it can  
 3 go through concrete, and -- or I can use it as  
 4 pretty much a regular drill for just -- but, it's  
 5 kind of bulky, so you wouldn't want to use it --  
 6 Q Have you ever used a Hilti on a meter?  
 7 A Oh, no.  
 8 Q Have you ever used a power tool of any sort  
 9 on a meter?  
 10 A No.  
 11 Q Not even when you were installing MEs and  
 12 REs?  
 13 A No, I only just use hand screwdrivers.  
 14 Q All right. Can you imagine -- well, going  
 15 back again to this November 10th incident,  
 16 Mr. Elbert asked you if you could -- if you thought  
 17 enough force could be applied to push this screw or  
 18 bolt, either the quarter inch or the 5/16th's bolt,  
 19 through the iron casing, and you said that you did.  
 20 How would you think that would be done, how do you  
 21 think enough force could be applied?  
 22 A Well, I think you could -- if a -- if a guy  
 23 was -- you know, I don't consider myself weak, but  
 24 if a guy was stronger -- stronger than me and if  
 25 he's got a lot of torque in his arms or, you know,

1 whatever, powerful guy; otherwise, you know, battery  
 2 powered screwdrivers and different things, they got  
 3 a lot more torque than -- than I do.  
 4 Q And are you familiar with -- well, you're  
 5 familiar with the training that Laclede gives to its  
 6 Service Department employees about working around  
 7 meters; right?  
 8 A Yes.  
 9 Q Does Laclede ever advocate using power tools  
 10 around a meter?  
 11 A No.  
 12 Q Are you aware of any Service Department  
 13 employee who would use a power tool around a meter?  
 14 MR. ELBERT: Calls for speculation,  
 15 objection.  
 16 Q (By Ms. Schroder) In your experience with  
 17 your fellow co-workers --  
 18 A We use no electric drill. You don't want  
 19 electric around gas.  
 20 Q Back again to this November 10th incident,  
 21 do you -- I'm sorry. Let's make sure that I'm  
 22 pretty clear on this -- on where these holes were,  
 23 first of all, that you found on the meter casing.  
 24 You talked about a regulator being above the  
 25 meter casing, and it's in the picture, Exhibit 5,

1 covering one side of the meter casing, and which  
 2 side of that as you were --  
 3 A That was the left side.  
 4 Q Did you find either of the two holes on the  
 5 left side of the meter?  
 6 A No.  
 7 Q Where did you --  
 8 A They were both -- I'm sorry.  
 9 Q Where did you find those two holes  
 10 basically, were they parallel to --  
 11 A They were both on the right side. They were  
 12 --  
 13 Q Where were they in relation to the actual  
 14 AMR device?  
 15 A One holding the dial down, the two-pound  
 16 dial, and one holding the cover, the plastic cover  
 17 for the AMR device.  
 18 Q All right. Prior to installation of an AMR  
 19 device, would there have been any reason for anybody  
 20 to put a screw where that -- to hold that cover on?  
 21 MR. ELBERT: Objection, leading, calls for  
 22 speculation.  
 23 Q (By Ms. Schroder) You can answer.  
 24 A I'm not real familiar with where the screws  
 25 go on that, because I've never installed it, but --

1 you know.  
 2 Q Okay. I'm not asking you about -- I'm  
 3 sorry, I'm not asking you about you installing an  
 4 AMR device. Are you familiar with where the dial  
 5 would have been on an industrial meter prior to an  
 6 AMR device?  
 7 A Yes.  
 8 Q And where would it have been?  
 9 A The dial -- the meter dial itself would have  
 10 been in the same place. There would have been a  
 11 cover over the top of it, a steel cover with some  
 12 screws holding it down and a seal.  
 13 Q And would those screws -- to your knowledge,  
 14 would those screws be in the same place that those  
 15 screws are after an AMR device is installed?  
 16 A I don't know.  
 17 Q Do you understand my question?  
 18 A I don't know -- I don't know where the -- if  
 19 the screws went in the same holes or not, I don't --  
 20 I don't know if they did or not, as far as that new  
 21 one went.  
 22 Q If the holes had been -- the holes that you  
 23 found on November 10th had been there prior to the  
 24 AMR device going on, would there have been a gas  
 25 leak -- would there have been a gas odor prior to

1 that time?

2 MR. ELBERT: Objection, calls for  
3 speculation, leading.

4 A Yes.

5 Q (By Ms. Schroder) How do you know that?

6 A That -- that meter is a two-pound meter, it  
7 doesn't take -- that's a two-pound set. It doesn't  
8 take much of a leak at all to get an odor on that  
9 meter set.

10 Q All right. Did the maintenance person that  
11 met you on November 10th from that business indicate  
12 to you when he first smelled the odor of gas?

13 A Yes. He said he smelt it that day. He said  
14 he -- the --

15 Q On November 10th?

16 A Yes. He smelt it on November 10th. He said  
17 he -- he didn't go down after the -- the AMR was  
18 installed the day before, and he got busy, he was  
19 doing something else. He didn't go down that night  
20 to the boiler, so he was on his run to go down to  
21 the boiler the next morning when he smelt it.

22 Q All right. Does the information that you  
23 know about -- does -- okay. You know then how  
24 quickly a gas odor would have appeared after those  
25 holes have been made, and you know when the

1 maintenance man first discovered the leak, and you  
2 know that some work had been done the day before.  
3 Does that information cause you in your experience  
4 to draw some conclusions about what caused this gas  
5 leak?

6 A Yes.

7 MR. ELBERT: I'm going to object, misstates  
8 the testimony, leading, calls for speculation.

9 Q (By Ms. Schroder) Go on.

10 A All I can -- I can go by what the  
11 maintenance man told me, he said that they did not  
12 smell any gas, there was not any gas odor in that --  
13 in that room. He even said it to me when we were  
14 walking down there, he said, "I didn't smell it  
15 until that AMR was -- a guy came out," or whatever  
16 -- the meter guy came out and put the reader on he  
17 said.

18 And all I can say is it was -- you can go by  
19 what he said or what I found. The tamper screws,  
20 everything were in that thing, that thing was sealed  
21 up. It was sealed up just the way the AMR guy put  
22 it in. I could even -- hardly even get the thing  
23 off. I had to get a special screwdriver to get it  
24 off. So, all I can think is that's how it happened.

25 Q All right. And I just want to revisit this

1 tamper proof tab thing for a minute. What is the  
2 significance of that, the fact that those tamper  
3 proof tabs hadn't been disturbed?

4 A Well, that's Laclede. Laclede puts those  
5 red tamper proof things in to see if anybody plans  
6 on -- you know, if anybody plans on tampering with  
7 the meter and, you know, lifting those screws out or  
8 whatever, taking those screws -- unscrewing it and  
9 possibly taking -- taking the dial off or -- it  
10 would be called unmetered gas, you wouldn't be  
11 paying for it then.

12 Q Okay. Does the fact that those tamper proof  
13 tabs were on tight, as you pointed out, after the  
14 AMR installation indicate to you whether anybody had  
15 messed with the meter after the AMR installation?

16 MR. ELBERT: Objection, calls for  
17 speculation.

18 Q (By Ms. Schroder) Do you understand my  
19 question?

20 A Yes. I -- when I get there and I see the  
21 tabs in the meter, I consider it the way Laclede  
22 installed -- the way Laclede installed it. I don't  
23 think anybody's tampered with it whenever I see  
24 those in there.

25 Q Did Laclede put those meters -- those tabs

1 in?

2 MR. ELBERT: Objection, calls for  
3 speculation, no foundation.

4 A The --

5 Q (By Ms. Schroder) All right. Let me  
6 rephrase the question. Have Laclede employees  
7 installed these -- strike that. We already know  
8 that. After the AMR installation, was this meter  
9 tampered with prior to the time that Mr. -- that  
10 Elgin Manglang got there?

11 MR. ELBERT: Objection, calls for  
12 speculation, no foundation, and somewhat leading.

13 A Well, it appeared to me not tampered with.  
14 I did not tamper with it, I did not do anything to  
15 it, that is the way it was found. I found it that  
16 way, the seals were in. It appeared to be just  
17 installed, and that was the installation.

18 Q (By Ms. Schroder) Okay. When you say the  
19 seals are in, are you talking about the tamper proof  
20 tabs?

21 A Tamper -- tamper tabs, the red tabs.

22 Q Okay. And in your 27 plus years at Laclede,  
23 have you ever seen holes in the meter casing  
24 immediately after an ME or an RE installation?

25 A No.

1 A No.  
 2 Q Okay. Under your statement before, if you  
 3 needed to turn off a meter, that was the procedure  
 4 that you were to follow; isn't that correct?  
 5 A Yes, sir.  
 6 Q And you didn't do that; correct?  
 7 A Because I didn't turn the meter off.  
 8 Q But, you didn't call your foreman about  
 9 turning off the meter; correct?  
 10 A No, because I had already talked to a  
 11 superintendent, his boss. That's -- the  
 12 superintendent is my boss -- my boss's boss.  
 13 Q Okay. We've got some titles and names here.  
 14 The superintendent, which superintendent was that?  
 15 A Gary Mehringer.  
 16 Q And then -- so, when you say  
 17 "superintendent," you're talking about Mr.  
 18 Mehringer, not --  
 19 A Not Jeff Slotey.  
 20 Q Okay. And not -- in your testimony, you  
 21 talk about Superintendent Manglang. You're not  
 22 talking about him either, are you?  
 23 A No.  
 24 Q So, you did talk to someone in your chain of  
 25 command, Mr. Mehringer; correct?

1 A Yes, sir.  
 2 Q Did you talk about turning off the meter?  
 3 A No, but I told him what I had, and I told  
 4 him what I needed to do. And he said that he would  
 5 get the foreman for me.  
 6 Q And the foreman, was that a reference to a  
 7 foreman in the meter shop?  
 8 A Yes, sir.  
 9 Q And the person you ended up talking to was  
 10 Elgin Manglang?  
 11 A Yes, sir.  
 12 Q And you didn't think it was necessary to  
 13 turn off the gas; correct?  
 14 A That's correct.  
 15 Q Then let's talk about Manpower. Have you  
 16 ever met anybody who is a Manpower worker?  
 17 A No.  
 18 Q You don't know whether Manpower workers have  
 19 adequate training to install AMR devices, do you?  
 20 A No.  
 21 Q You don't have any details about training  
 22 that the Cellnet folks from Manpower have gotten, do  
 23 you?  
 24 A No.  
 25 Q I don't believe I have any further

1 questions.  
 2 EXAMINATION  
 3 QUESTIONS BY MS. SCHRODER:  
 4 Q Okay. Mr. Elbert asked you about your  
 5 statement that you didn't have any parts for a  
 6 commercial meter on November 10th. When you left on  
 7 November 10th, was that meter -- had a permanent fix  
 8 been done?  
 9 A No, temporary.  
 10 Q Did you have the parts on your truck to do a  
 11 permanent fix?  
 12 A No.  
 13 Q And why did you do a temporary fix?  
 14 A I was instructed by Laclede supervision.  
 15 Q Is Permagem even permitted as a permanent  
 16 fix?  
 17 A Permanent, no.  
 18 Q Referring you to Company Exhibit 4, the CIS  
 19 form from 2005 for the same location that you were  
 20 at on November 10th. Do you have that? No, that's  
 21 3. There's -- I think it's 4, isn't it?  
 22 MR. ELBERT: Yeah.  
 23 Q (By Ms. Schroder) Here you go, you can look  
 24 at mine.  
 25 A That's the other guy's.

1 Q Right, but that's what I mean, that's what  
 2 I'm trying to refer you to.  
 3 A Oh, okay.  
 4 Q Mr. Elbert asked you whether there could  
 5 have been a leak on the -- or a hole in the meter on  
 6 that day, and I think it's February '05, yes,  
 7 February 7th of '05.  
 8 A Uh-huh.  
 9 Q If there was a hole in the meter, does  
 10 Laclede procedure allow the service employee to  
 11 leave without fixing that?  
 12 MR. ELBERT: Objection, no foundation.  
 13 A Only with permission of the supervision.  
 14 Q (By Ms. Schroder) Mr. Elbert also asked you  
 15 about whether everybody on SAID carries these red  
 16 tabs. Prior to November 10th of 2006, did you know  
 17 that an AMR device was being installed on November  
 18 9th at this location?  
 19 A No.  
 20 Q Have you ever been notified by Laclede or  
 21 anybody else of where an AMR device was going to be  
 22 installed except at your house?  
 23 A No.  
 24 Q Do you have any reason to believe that any  
 25 of the Laclede Service Department employees know

1 ahead of time where an AMR device is going to be  
2 installed?

3 A No.

4 Q Does anybody -- to your knowledge, does  
5 Laclede issue those red tabs to anybody outside of  
6 the meter department -- I mean, I'm sorry, outside  
7 of the Service Department?

8 A No.

9 Q Mr. Elbert also asked you about whether you  
10 had the strength at 6'1" and 210 pounds to screw  
11 through the iron casing. Could you have done that  
12 with a power tool?

13 A I imagine I could, yes.

14 Q All right. If the meter at the location  
15 that you went to on November 10th, 2006 was leaking  
16 before the AMR installer got there, should that have  
17 been obvious to the AMR installer?

18 MR. ELBERT: Objection, calls for  
19 speculation.

20 A I would hope it would be, yes. That's a  
21 two-pound meter. Leaks show up pretty quick on that  
22 set.

23 Q (By Ms. Schroder) If it had been leaking  
24 before November 9th, would it have smelled the way  
25 it smelled when you got there?

1 MR. ELBERT: Objection, calls for  
2 speculation.

3 A I had an odor, that's all I know.

4 Q (By Ms. Schroder) All right. When you were  
5 there on November 10th, was the odor stronger when  
6 you were right above the meter?

7 A Yes.

8 Q No further questions.

9 MR. ELBERT: I have no questions.

10 MS. SCHRODER: All right. We'll read.

11 [Signature of the Witness was not waived.]  
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1 State of Missouri

2 SS.

3 County of St. Louis

4 I, KELLY L. GUILLIAMS, a Certified Court  
5 Reporter and a duly commissioned Notary Public  
6 within and for the State of Missouri, do hereby  
7 certify that pursuant to agreement of Counsel, there  
8 came before me at the offices of Hammond, Shinnery,  
9 Turcotte, Larrew and Young, P.C., 7730 Carondelet,  
10 Suite 200, in the County of St. Louis, State of  
11 Missouri,

12 JIM JOHNSON,

13 who was by me first duly sworn to testify to  
14 the truth and nothing but the truth of all knowledge  
15 touching and concerning the matters in controversy  
16 in this cause; that the witness was thereupon  
17 carefully examined under oath and said examination  
18 was reduced to writing by me; that the signature of  
19 the witness was not waived by agreement of all  
20 parties; and that this deposition is a true and  
21 correct record of the testimony given by the  
22 witness.

23 I further certify that I am not counsel,  
24 attorney or relative of either party, or clerk or  
25 stenographer of either party, or otherwise

1 interested in the event of this suit.

2 IN WITNESS WHEREOF, I have hereunto set my hand  
3 and seal this 22nd day of January, 2007.

4 My Commission expires May 29, 2009.  
5  
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7 Notary Public in and for the  
8 State of Missouri  
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