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[1] You testified that you told him it was coming from
[2] the AMR device.
[3] A: I told Mr. Sisak, I went inside, I turned
[4] the gas off. I did the procedure here making sure
[5] that the building was safe, the customers were safe,
[6] the premises were safe.
[7] After all of that was said and done, then
[8] when I -- Mike Sisak said -- I told him what I
[9] thought it was. Mr. Sisak said, Go ahead and turn
[10] it on and see what's going on there. What?
[11] Q: Mr. --
[12] A: Mr. Sisak said, Turn it on and see what's
[13] going on.
[14] Q: Did you write this affidavit yourself?
[15] A: I answered the questions.
[16] Q: Who asked you the questions?
[17] A: My attorney.
[18] Q: Which --
[19] A: Our attorney.
[20] Q: Which attorney?
[21] A: Mike.
[22] Q: Mike Evans that's sitting here?
[23] A: Mike Evans.
[24] Q: Now, if you look at -- in this first
[25] question and answer, what you're saying here is, I

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[1] then went to the basement where the meter was
[2] located. The meter was inside a small closet. I
[3] noticed the gas was blowing out of the union on the
[4] piping located one foot away from the meter. I then
[5] disconnected the gas and began venting the house.
[6] Do you see that?
[7] A: Right.
[8] Q: Is that a true statement?
[9] A: Actually, I thought we were going to change
[10] that, Sherrie.
[11] MS. SCHRODER: Well, the change was after
[12] the --
[13] QUESTIONS BY MR. ELBERT:
[14] Q: Well -- Whoa. Is that a true statement?
[15] A: Well, it's a true statement that when I got
[16] into the house, I didn't do a leak investigation
[17] before I made that house safe. No, I did not. I
[18] didn't see it blowing out of the union prior to me
[19] making the gas safe, no, I did not.
[20] Q: So that's not a true statement in your
[21] affidavit, is it?
[22] A: No.
[23] Q: No, it's not true?
[24] A: No, it's not true.
[25] Q: Now, can you show me, Sir, where in

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[1] Exhibit 2, which I've previously shown you, it says
[2] that you're supposed to call the Union when you have
[3] a gas leak?
[4] MS. SCHRODER: In Exhibit 2? That's his
[5] testimony.
[6] QUESTIONS BY MR. ELBERT:
[7] Q: I'm sorry, Exhibit 5. Where in Exhibit 5
[8] does it show you're supposed to call the Union when
[9] you have a gas leak?
[10] A: It doesn't say that in this exhibit, no.
[11] Q: Why did you do that?
[12] A: I did it for two reasons. The first reason
[13] was, it was just fresh on my mind that me and Kevin
[14] had just spoke about this.
[15] The second reason was, is that during our
[16] conversation, prior to me going to this, that we did
[17] discuss the withholding, per say, that the staff and
[18] Laclede stated that the Union was doing; withholding
[19] leaks and information, that we weren't giving it to
[20] the customer -- or the company.
[21] So I felt at this time that I'm on a job,
[22] it's -- it's exactly what we spoke about at the
[23] hearing could happen. I wanted to let the business
[24] manager know directly so he could call the people
[25] who were concerned on that end.

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[1] So I felt that he was going to make the
[2] calls to the company and let them know -- not my
[3] boss, not his boss, I meant people other than
[4] that -- That were familiar with the hearing.
[5] Q: So you were doing what I would -- Would it
[6] be fair to say you were engaged in Union type
[7] business when you made that call?
[8] A: Not exactly.
[9] Q: Well, this all had to do with the hearing,
[10] didn't it? That was the reason for your call.
[11] That's what you just testified to.
[12] A: Right. Actual --
[13] Q: And I'm asking you, Sir, what does that have
[14] to do with Laclede Gas Company business?
[15] A: Because they wanted to know immediately when
[16] we were getting these leaks. I felt that this was a
[17] perfect example that we should let them know
[18] immediately that this was going on out in the field.
[19] Q: Well, you called your supervisor and let him
[20] know; correct?
[21] A: But we've let our supervisors know about all
[22] the leaks, and from the hearings -- what I got from
[23] the hearings was that some people felt that we were
[24] withholding information from the Company. I felt at
[25] this point in time that this was a perfect example

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(1) **QUESTIONS BY MR. ELBERT:**

(2) Q: Just show me so I understand what union
(3) you're referring to.

(4) A: I can't see anything here. I'm -- There's
(5) the union right there. It's right below the
(6) regulator on the left side of the meter.

(7) Q: Good; okay. So the union right below the
(8) regulator, is that the one that was leaking?

(9) A: Right. It's not a very good picture of a
(10) union, but that's --

(11) Q: That's where it was?

(12) A: That's where it ended up being, yes.

(13) Q: And all you had to do was tighten it?

(14) A: That's right.

(15) Q: You didn't have to take it apart and put any
(16) tape dope -- pipe dope or anything on it?

(17) A: No. I was instructed to just tighten it.
(18) Instructed to.

(19) Q: Was that the proper procedure?

(20) A: No, not normally.

(21) Q: Well, what's the proper procedure?

(22) A: Replacing the whole insulated union.

(23) Q: And by tightening it, did you determine that
(24) it was then gas safe?

(25) A: My supervisor said it was.

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(1) Q: Well, did you make a determination?

(2) A: Yes, Sir, I did. I re-checked it and it was
(3) not leaking at that point in time.

(4) Q: And did you, in any way, going back to
(5) Exhibit No. 8, indicate that it wasn't gas safe?

(6) A: Excuse me? I don't understand your
(7) question.

(8) Q: Well, let's refer, again, back to Exhibit
(9) No. 8. Did you report here that you repaired the
(10) leak?

(11) A: Yes.

(12) Q: And was there any reason to believe that it
(13) wasn't properly repaired?

(14) A: That's not normal procedure just to tighten
(15) the union, no. No. If a union's leaking on an
(16) inside set, we always replace the union.

(17) Q: Why didn't you replace it then?

(18) A: I was told not to.

(19) Q: He actually told you not to replace the
(20) union?

(21) A: Actually told me not to replace the union.
(22) And you want to know the reason he told me not to?

(23) Q: Did he tell you the reason?

(24) A: Yes, he did.

(25) Q: What did he tell you?

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(1) A: Because it looks very bad on Laclede's part
(2) if there's parts being replaced. It looks like
(3) they're at fault. We're going -- Actually, the
(4) picture don't show it, on the bottom left, below the
(5) meter, I had a new insulated union prepared to
(6) install it into here and was instructed to not
(7) install it.

(8) Q: You had it out?

(9) A: Had it there, right here below the meter,
(10) sitting, ready to go in.

(11) Q: And did you report that to anybody that
(12) Mr. Sisak allegedly told you not to replace it?

(13) A: Mr. Sisak told me not to replace it; to
(14) tighten it.

(15) Q: I said, did you report that to anyone?

(16) A: No.

(17) Q: And when you say it's standard procedure to
(18) replace these, have you replaced a lot of those
(19) unions over the years?

(20) A: Yes.

(21) Q: Is it pretty common for them to leak?

(22) A: Mr. Sisak told me that was a 1973 union. I
(23) don't know how he knew that but that's an old union.
(24) And what happens is, in that particular union -- we
(25) don't even use these unions anymore -- there's a

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(1) rubber piece that seals. And after time, that
(2) rubber piece hardens and that's how they leak, is
(3) the seal actually hardens up and gets brittle.

(4) Q: Could you read my question back please?

(5) A: Yeah, sorry. Sorry.

(6) Q: That's okay.

(7) (The requested portion of the record
(8) was read by the reporter.)

(9) **THE WITNESS: Yes.**

(10) **QUESTIONS BY MR. ELBERT:**

(11) Q: Pretty common for unions to leak?

(12) A: Yes.

(13) Q: And if that -- And if that rubber seal goes
(14) bad, they can start leaking?

(15) A: Yes.

(16) Q: If the rubber seals go bad, could you stop
(17) the leak by simply tightening it?

(18) A: Yes, I did, on that one.

(19) Q: You know that it was the rubber seal that
(20) was a problem?

(21) A: I'm -- With my work in the field and seeing
(22) those, yeah, I would say it was the rubber seal was
(23) the problem.

(24) Q: Okay. So if the rubber seal was the
(25) problem, that leak, then, had absolutely nothing to

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[1] Q: So you have no recollection of that phone
[2] call?
[3] A: No.
[4] Q: And this doesn't help refresh your
[5] recollection at all?
[6] A: Not at all.
[7] Q: Does it surprise you that your phone was
[8] used for approximately 11 minutes during the period
[9] of 10:10 a.m. to approximately 10:34 a.m. to call
[10] the Union?
[11] A: Yes.
[12] Q: Now, do you see on there where you called
[13] the Company?
[14] A: Can you show me?
[15] Q: Well --
[16] A: Where at?
[17] Q: What's the -- What's the dispatch board
[18] number?
[19] A: 342-0810.
[20] Q: Well, there's one where you called the
[21] dispatch board at 9:55, which is what you testified
[22] to earlier --
[23] A: Okay.
[24] Q: -- when your break was over, right?
[25] A: Yes, Sir.

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[1] Q: Is there any other indication that you
[2] called the dispatch board while you were at the
[3] address in question?
[4] A: No.
[5] Q: Okay. Now, what's your supervisor's number?
[6] Do you know that?
[7] A: I two-wayed my supervisor.
[8] Q: Oh, you didn't call him on the cell phone?
[9] A: No, it was a two-way. It's direct connect.
[10] Q: Do you know who's phone number is 342-0835?
[11] MS. SCHRODER: I'm sorry, which number,
[12] Charles?
[13] MR. ELBERT: 342-0835.
[14] QUESTIONS BY MR. ELBERT:
[15] Q: Do you know that number?
[16] A: I -- It's -- It's Laclede. I think that's
[17] downtown, 720 Olive.
[18] Q: Okay. You don't know who it is, though, off
[19] the top of your head?
[20] A: No, Sir. And that was at 10:39.
[21] Q: Right.
[22] A: I don't know when -- You know, again,
[23] that -- that -- even that call, I don't even know --
[24] remember making that call. I'm not sure if
[25] Mr. Sisak was there at that time -- I'm not trying

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[1] to put words in anyone's mouth here but that's -- I
[2] don't even remember making that phone call.
[3] Q: What time did Mr. Sisak arrive at the
[4] premises?
[5] A: I don't -- I don't have that time, Sir.
[6] Q: What did you do while you were waiting for
[7] Mr. Sisak to arrive at the premises?
[8] A: I was making sure that the home was safe. I
[9] was continually taking readings, continually
[10] speaking to the customer, letting them know that the
[11] bosses are on their way. Doing my safety -- Doing
[12] my investigation that, you know, we do.
[13] Q: How long was it before -- Did Mr. Sisak
[14] arrive at the premises before the customers left --
[15] went outside the premises?
[16] A: No.
[17] Q: The customers went outside the premises
[18] before Mr. Sisak got there, went outside the
[19] building?
[20] A: No, no.
[21] Q: Let me -- Those are confusing questions.
[22] Let me try again.
[23] When Mr. Sisak arrived at the premises, were
[24] the customers still in the building?
[25] A: Yes.

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[1] Q: And you don't recall how long it took
[2] Mr. Sisak to get there?
[3] A: If I say 40 minutes, I would probably be
[4] close.
[5] Q: So you arrived roughly at ten after ten, and
[6] Mr. Sisak arrived sometime shortly before
[7] 11 o'clock; would that be fair?
[8] A: I'm not -- To my knowledge. I don't really
[9] know what time Mike arrived.
[10] Q: But you thought somewhere around 40 minutes?
[11] A: And I'd be guessing at that. I wasn't
[12] paying really close attention to time of arrivals,
[13] no, I'm sorry.
[14] Q: All right. And -- But you are certain that
[15] during that period of time the customers stayed in
[16] the building the whole time?
[17] A: Yes.
[18] Q: And was the woman in the building appearing
[19] to you to be sick that entire time?
[20] A: I'm going to have to go back to say, I
[21] wasn't in the room with her, no. So I really don't
[22] know what she was doing at that time. I wasn't
[23] really paying attention to her at this time. I was
[24] doing my job.
[25] I do know she went upstairs and I remember

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[1] her coughing and gagging. And he came back down and
[2] he said something to me about, We're going to go
[3] ahead and call an ambulance; or, We're calling an
[4] ambulance; or, An ambulance is on the way. And then
[5] I think I called Mike again, right after that, and I
[6] said, Mike, I don't know if you're on your way,
[7] you've got to get here because they're calling an
[8] ambulance now.

[9] Q: You might have called him on your two-way at
[10] that point?

[11] A: Yeah.

[12] Q: So let's look at the top of page two of
[13] Exhibit No. 2, which is your affidavit.

[14] A: Where at, Sir?

[15] Q: Top of page two.

[16] A: Okay.

[17] Q: Starting on line two, it says, When I
[18] entered the basement, the wife was sitting at a
[19] computer located near the leak. She appeared to be
[20] ill. After I made the leak safe, I went upstairs
[21] and noticed that the wife was gagging and convulsing
[22] on the couch.

[23] Are those true statements?

[24] A: Those are true statements.

[25] Q: Why did she appear to be ill when you went

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[1] down in the basement?

[2] A: That's when she stumbled over to the steps.

[3] Q: Okay. And then when you went upstairs, just
[4] so I understand, how long was it between the time
[5] that you saw her in the basement and the time that
[6] you noticed that she was gagging and convulsing on
[7] the couch?

[8] A: The time that she went upstairs and was on
[9] the couch, what had happened is, just --

[10] Q: I'm just asking you for a period of time.

[11] A: I'm going to try to figure it out and ask
[12] for your help, because I went back downstairs and
[13] was checking again for the amount of gas in the
[14] home. I heard her upstairs. I went upstairs to
[15] check for the amount -- Because the doors were open,
[16] I went upstairs to check the amount of gas. I
[17] happened to cross where she was sitting and I looked
[18] in at her. I did look in at her.

[19] Q: Because I thought your testimony before --
[20] and I'm not trying to confuse things, but I thought
[21] your testimony before was that you just went up to
[22] the landing --

[23] A: Oh, no. I went -- This is a whole process.
[24] I eventually went throughout the whole house.

[25] Q: Well, I know eventually, but how long --

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[1] Between the period of time that you saw her in the
[2] basement, how long a period of time between the time
[3] you saw her in the basement and on the couch gagging
[4] and convulsing?

[5] A: I don't have that knowledge. I don't know
[6] the amount of time.

[7] Q: You have no idea?

[8] A: No.

[9] Q: Was it before or after Mr. Sisak arrived?

[10] A: Before.

[11] Q: And it also says here in line five, I
[12] suggested the husband call an ambulance for her.

[13] A: Well, he was -- he said --

[14] Q: You just --

[15] A: No, I understand what you're saying. And
[16] you're twisting my words a little bit, just for the
[17] fact I know what I said.

[18] Q: How am I twisting --

[19] A: I said to him -- I said to him, you know,
[20] the way she walked, the way she was convulsing and
[21] everything --

[22] Q: Well, Sir, I'm not trying to twist your
[23] words. You just testified that he --

[24] A: Right.

[25] Q: -- said to call for an ambulance --

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[1] A: He told me --

[2] Q: Let me finish my question.

[3] MS. SCHRODER: Let him finish.

[4] THE WITNESS: Okay.

[5] QUESTIONS BY MR. ELBERT:

[6] Q: My understanding of your testimony is he
[7] said he was going to call an ambulance and that you
[8] then called Mr. Sisak to let him know that they were
[9] calling an ambulance?

[10] A: What had happened was --

[11] Q: Was that -- Was that your prior testimony?

[12] MS. SCHRODER: I object because I think it
[13] mischaracterizes his testimony.

[14] MR. ELBERT: That's fine.

[15] QUESTIONS BY MR. ELBERT:

[16] Q: Was that your prior testimony or not?

[17] A: I don't remember -- I -- I recall --

[18] Q: What -- I'm just asking you --

[19] A: I'm trying to recall what actually happened.
[20] I mean, this was a few months ago.

[21] Q: I'm asking what your prior testimony was?

[22] A: What was it again?

[23] Q: Was your prior testimony, just a few minutes
[24] ago, that -- that the resident, the occupant of the
[25] house, was going to call an ambulance -- he told you

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(1) the -- Again, I didn't know it, but it seemed like
(2) she was fine prior in the day, then she got excited
(3) after the leak was there.
(4) Q: Well, if she went to the hospital due to a
(5) stroke or heart condition, would that help your
(6) case, the Union's case, in front of the PSC?
(7) A: Help our case?
(8) Q: Yes.
(9) A: If she went -- Excuse me?
(10) Q: If the lady went to the hospital because --
(11) A: For a stroke?
(12) Q: -- of a stroke -- yes, because of a stroke
(13) or heart condition, would that help the Union's case
(14) before the PSC?
(15) A: I don't think the lady's condition would
(16) help or hurt our case.
(17) Q: Okay. Then why did you put down here
(18) that -- If you don't think her condition would help
(19) or hurt the case, why did you put down they went to
(20) the hospital due to gas inhalation?
(21) A: That was my reasoning that started the whole
(22) process was the leak.
(23) Q: But you don't know why she went to the
(24) hospital?
(25) A: No, Sir.

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(1) Q: And do you know whether the gentleman even
(2) went to the hospital?
(3) A: He told me he was going to the hospital. He
(4) drove himself.
(5) Q: And who called the Fire Department?
(6) A: I don't know.
(7) Q: Do you know who called the police?
(8) A: I don't know.
(9) Q: And who called the ambulance?
(10) A: They did.
(11) Q: The gentleman called the ambulance; right?
(12) A: Yes, Sir.
(13) Q: Other than this incident -- And we'll just
(14) assume for the moment that maybe they did go to the
(15) hospital due to gas inhalation. Let's just assume
(16) that. Other than this incident, are you aware of
(17) any other person who allegedly has gone -- has been
(18) injured in any way by gas?
(19) A: Yes.
(20) Q: Okay. Who would that be?
(21) A: I don't know the customer's name but I know
(22) there was a leak outside and a lady claimed that she
(23) had a brain tumor from gas. And Laclede ended up
(24) paying her.
(25) Q: When was that?

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(1) A: Seven, eight, nine, ten years ago, something
(2) like that.
(3) Q: Do you know what caused that leak?
(4) A: Our services. Our -- Our gas.
(5) Q: Do you know where the leak was coming from?
(6) A: It was outside.
(7) Q: And do you know where it was coming from
(8) outside?
(9) A: From the ground.
(10) Q: Okay. Other than that, are you aware of any
(11) other injuries to people resulting from gas?
(12) A: Injuries from gas?
(13) Q: Yes.
(14) A: Well, sure. There's explosions and fires
(15) all the time.
(16) Q: All the time?
(17) A: Not all the time, but when we read about
(18) them, yeah, people get injured from them.
(19) Q: Okay. Are you personally familiar with
(20) any -- Besides the incident you've described here
(21) today, do you have any personal knowledge of any
(22) injury to persons resulting from natural gas?
(23) A: No.
(24) Q: Other than the incident described here
(25) today, do you have any knowledge of any damage to

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(1) property resulting from that natural gas?
(2) A: I'll say no.
(3) Q: I'm asking about your personal knowledge,
(4) not what you've read about.
(5) A: Yeah, I mean, all these thoughts go through
(6) my mind when I'm -- When you're asking me these
(7) questions, you know, I see the stuff, just like you
(8) see it. I'm going to say no. Not my personal
(9) knowledge, no.
(10) Q: Do you have any facts to show that Laclede
(11) Gas Company is trying to conceal problems resulting
(12) from Cellnet installations?
(13) A: Would you repeat that?
(14) Q: Do you have any facts to show that Laclede
(15) Gas Company is trying to conceal problems resulting
(16) from Cellnet installations?
(17) A: No facts. Opinions.
(18) Q: You have opinions?
(19) A: Yes, Sir.
(20) Q: Do you have any facts -- What I'm trying to
(21) get at is, do you have any personal knowledge --
(22) A: That they --
(23) Q: -- that Laclede is trying to conceal -- Yes,
(24) do you have personal knowledge? Have you witnessed
(25) any conduct that would lead you to believe that

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[1] Laclede is trying to conceal problems resulting from
[2] Cellnet installations?

[3] A: Yeah. I would have to say yeah, I have
[4] personal knowledge.

[5] Q: Tell me what knowledge you have.

[6] A: When we first started with these meter
[7] leaks, AMR meter leaks, they weren't -- they were
[8] just installing them. And when we would get leaks,
[9] they would actually have us bring them into the shop
[10] area, into the building, into the office where the
[11] bosses were. They didn't want them out there. They
[12] didn't -- Now, I don't know why they were doing
[13] this. Again, to me, they -- they were trying to
[14] hide it. Personally, that was my personal opinion.
[15] Yes, I think that they have tried to --

[16] Q: So that's -- that's based on the fact that
[17] they brought the meters into the office?

[18] A: Right, which is never done. Never.

[19] Q: Is it possible they were trying to
[20] investigate what the cause was?

[21] A: No, they weren't trying to investigate the
[22] cause.

[23] Q: How do you know that?

[24] A: They would have told us. They would have
[25] said, We're trying to investigate the cause, bring

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[1] Q: Did you bring in any Laclede --

[2] A: Oh, absolutely. Absolutely.

[3] Q: So you brought in at least one?

[4] A: Absolutely.

[5] Q: But you don't know how many beyond one?

[6] A: No.

[7] Q: And do you have any other facts to show,
[8] other than the fact that they brought these meters
[9] into the office -- Well, let me go back.

[10] How many meters did you bring into the
[11] office that had AMS's on them?

[12] A: I would say probably at least one.

[13] Q: At least one. And do you know what -- what
[14] they did with that meter after you brought it in?

[15] A: No, Sir.

[16] Q: Do you know whether they sent it out to be
[17] checked thoroughly?

[18] A: I would hope they did, yes.

[19] Q: But I'm asking whether you know.

[20] A: No.

[21] Q: But that's -- Because you brought it in the
[22] office, that's your basis for believing they were
[23] trying to conceal the problem?

[24] A: That's one of my bases, yes.

[25] Q: Give me another basis.

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[1] them in.

[2] Q: Well, what did they do with the meters?

[3] A: I have no clue.

[4] Q: You previously testified you saw them out in
[5] the yard?

[6] A: That was what they're doing now. At the
[7] very beginning, when we first started getting these
[8] leaks coming in, when they first were being put --
[9] installed 18 months ago, and we were getting calls
[10] out, the initial leaks were coming in, we were
[11] initially bringing them in there. What had happened
[12] and occurred was, there was so many that we were
[13] bringing in, that the room just kept filling up,
[14] filling up. Then they said, You know what, just
[15] bring them down there and leave them.

[16] Q: How many of them did you personally bring in
[17] with leaks?

[18] A: I don't -- I don't have the number. I
[19] don't --

[20] Q: One?

[21] A: No. I don't know. I -- I'll have to look
[22] at my paperwork. I don't have the knowledge in
[23] front of me to --

[24] Q: Do you have an estimate even?

[25] A: No.

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[1] A: Well, we continually, to this day, turn in
[2] leaking AMR meters every day. Every day, on our
[3] CIS's, we write on there, Replaced leaking meter.

[4] Q: Well, I just asked you, you -- you can only
[5] remember -- You think you've done one or more.
[6] You're doing this every day.

[7] A: No, no, I'm not saying me, I'm saying we.
[8] We as the workers, the work force, the service
[9] people, every day.

[10] Q: And your testimony before is that you
[11] never -- I just want to clarify this --

[12] A: Okay.

[13] Q: -- you never turned in a meter that was
[14] leaking that had an ME device on it?

[15] A: To my knowledge at this time, I'm going to
[16] say no, I never have.

[17] Q: And you never turned in a meter that had a
[18] leak -- that was leaking that had an RE device on
[19] it?

[20] A: To my knowledge, no.

[21] Q: Do you think other servicemen did?

[22] A: I don't know what they did, Sir.

[23] Q: Did you ever check on that?

[24] A: No.

[25] Q: Why not?

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[1] A: I don't have that knowledge, no.
[2] Q: Other than this incident on December 19,
[3] 2006, how many other times have you recommended that
[4] people go to the hospital when you have gone out on
[5] a service call?
[6] A: Very few. This would probably be --
[7] Sometimes we recommend it and they don't
[8] recommend -- they don't -- they don't go for one
[9] reason or another.
[10] Q: Okay. Those other times that you
[11] recommended someone go to the hospital, do you
[12] recall whether or not those meters had an AMR device
[13] on them?
[14] A: No, Sir.
[15] Q: You don't recall or they didn't?
[16] A: I don't really recall what type of meter was
[17] on there. And -- No, Sir.
[18] Q: Do you recall the reason that you were
[19] recommending, in those other situations, why someone
[20] should go to the hospital?
[21] A: They would tell me that they were feeling
[22] ill and that's just a statement that we make, that
[23] they might, you know, seek medical attention. It's
[24] not necessarily I tell them that they need to go to
[25] a hospital.

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[1] MR. FRANSON: Okay. I don't believe I have
[2] any further questions.
[3] THE WITNESS: Thank you.
[4] MS. SCHRODER: I do.
[5] EXAMINATION
[6] QUESTIONS BY MS. SCHRODER:
[7] Q: First of all, you got asked about -- Let's
[8] just start with this December 19th call, when you
[9] got the call to go out to this job. Did you choose
[10] which call you were going to take? Do you
[11] understand my question?
[12] A: Are you asking if -- Was this a routed job
[13] or ...
[14] Q: No. Did -- Did you get told by Laclede,
[15] Hey, there's a group of service work out there,
[16] choose which one you want to do?
[17] A: No.
[18] Q: How did you get this job?
[19] A: The dispatching board dispatched this job to
[20] me.
[21] Q: Okay. Did you have any reason to believe
[22] before you got there that this job involved an AMR?
[23] A: No.
[24] Q: Okay. Did you know the customers?
[25] A: No.

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[1] Q: To your knowledge, had you ever worked on
[2] that meter before?
[3] A: No.
[4] Q: Did you know that installers -- Cellnet
[5] installers were going to be out in that neighborhood
[6] that day?
[7] A: No.
[8] Q: All right. You indicated -- You asked --
[9] answered some questions for Mr. Elbert about why you
[10] called Kevin Patterson from that job, and I believe
[11] you stated that you called him for two basic
[12] reasons. First, because you had just been there
[13] discussing the AMR case. And secondly, because you
[14] felt that the Staff and the Company had accused the
[15] Union at the hearing of withholding information from
[16] them and you wanted the Union to notify the proper
[17] people; is that right?
[18] A: Yes.
[19] Q: All of that sort of presupposes that you
[20] thought that the -- this was an AMR situation at the
[21] time you called Mr. Patterson.
[22] MR. ELBERT: I'm going to object, these
[23] questions are leading.
[24] MS. SCHRODER: That was a summary.
[25] MR. ELBERT: You -- You can't lead your own

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[1] witness here.
[2] MS. SCHRODER: Are you done?
[3] MR. ELBERT: I'm making an objection.
[4] MS. SCHRODER: Okay. That's what I mean.
[5] MR. ELBERT: And the leading is totally
[6] improper.
[7] QUESTIONS BY MS. SCHRODER:
[8] Q: Mr. Boyle, why did you -- why did you
[9] believe -- Did you believe that this was an AMR
[10] situation when you called Mr. Patterson?
[11] A: Yes.
[12] Q: Okay. Why had you come to that conclusion
[13] at the time you called Mr. Patterson?
[14] A: I came to that conclusion with the remarks
[15] that were made by both customers that the missus
[16] stated -- the mister stated that we had been there
[17] prior. At that point in time I was still vague.
[18] The missus made the statement of, she was having
[19] problems with her bills, that a man showed up with a
[20] hard hat on and a safety vest, and went to the meter
[21] and was working on the meter.
[22] I asked the question of, was he in a Laclede
[23] Gas Company van? Because I wanted to make sure if
[24] it was one of our guys there or not. And she said
[25] no, he didn't have a van. She said, He was having

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(1) problems working in here. He was -- He seemed like
(2) he got confused in here.

(3) He was -- He was kind of getting upset, and
(4) he stated he didn't have the right proper tool to do
(5) the job and he requested her for a screwdriver. She
(6) said she handed him the screwdriver, he did what he
(7) did. She stated he did what he did, didn't get it
(8) done, said, I can't do it this way. It's not
(9) working. We're going to have to come back another
(10) time. And that's how I put it together where I felt
(11) it was Cellnet.

(12) Q: Okay. I'm going to go through a little bit
(13) of that. Why is the company van issue, why was that
(14) question important to you?

(15) A: Well, if it was -- when -- They kept saying
(16) it was someone from Laclede Gas because he
(17) identified himself as a Laclede Gas employee. The
(18) difference that made to me was, is I wanted to --
(19) you know, we hadn't -- I just wanted to be specific
(20) of whether or not it was Laclede Gas or some
(21) contractor of Laclede Gas.

(22) Q: Who drives company vans?

(23) A: Laclede Gas employees.

(24) Q: To your knowledge, do the Cellnet
(25) subcontractors drive company vans?

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(1) was doing my -- my job. I was outside completing my
(2) leak investigation, so I wasn't following them
(3) around seeing what they were saying, but it was a
(4) Cellnet foreman that came out and they actually were
(5) going to go out and visit the Cellnet employee that
(6) was at that job.

(7) Q: All right. Are you also familiar with the
(8) testimony of Dr. Sieman, in this matter, that was
(9) attached to Laclede's response in opposition to the
(10) motion of USW Local 11-6 for immediate interim
(11) relief?

(12) A: Yes.

(13) Q: All right. Was there anything in
(14) Dr. Sieman's testimony that confirmed that a Cellnet
(15) employee worked on this matter -- on this -- at this
(16) address before you on December 19th?

(17) A: I don't have it in front of me, the
(18) paperwork of what exactly Mr. Sieman stated. I do
(19) know there was a statement in there that he felt
(20) that the -- the Cellnet employee that was there
(21) doing his job created that leak.

(22) Q: Did Dr. Sieman confirm in his testimony
(23) that -- I just have the one copy with me right
(24) now -- that a Cellnet employee had been there?

(25) A: Yes.

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(1) A: Not to my knowledge.

(2) Q: Okay. You said that the wife also said
(3) something about a hard hat and a safety vest. Why
(4) would that identify for you that this might be a
(5) Cellnet employee?

(6) A: Testimony down at the hearing in Jeff City
(7) is that's how they -- that's their normal attire,
(8) gear, when they walk into a job, or any job.

(9) Q: Do Laclede Service Department employees wear
(10) a hard hat and safety vest to a leak call -- Well,
(11) I'm sorry, to a regular service job?

(12) A: No.

(13) Q: All right. Was your impression that a
(14) Cellnet employee had been there -- or I should say
(15) an AMR installer, had been there prior to you on
(16) December 19th, later confirmed?

(17) A: Yes.

(18) Q: By what?

(19) A: It was confirmed by my Claims Department,
(20) stated that he had spoke to the Cellnet foreman and
(21) that the Cellnet foreman told him he had a man in
(22) that area that was working. The Cellnet foreman
(23) actually showed up on the job site and him and
(24) the -- the claims man that was there from Laclede,
(25) Bill Klingemann, they entered the home and, again, I

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(1) Q: Okay. All right. I -- You also got asked
(2) by Mr. Elbert about your campaigning for a position
(3) at the Union. Did -- Who at the Union -- What Union
(4) member or Union management have you told about this
(5) incident that occurred on December 19, 2006?

(6) A: One.

(7) Q: Who's that?

(8) A: Kevin Patterson.

(9) Q: Okay. And I believe you also told
(10) Mr. Elbert that you were running against
(11) Mr. Patterson for business manager; is that right?
(12) Or that you had been nominated to run against him;
(13) is that correct?

(14) A: Yes.

(15) Q: How is it going to help you to -- How is it
(16) going to help your campaign for you to have notified
(17) Kevin Patterson on December 19, 2006, about this
(18) incident that occurred?

(19) A: There was -- I had no reason to help or hurt
(20) a campaign. I wasn't calling Mr. Patterson for any
(21) specific reason except to -- just to notify him
(22) that, like I said in previous testimony, that --
(23) that, you know, that they felt that we withheld
(24) information from them, and I wanted to give it to my
(25) business manager as soon as possible.

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[1] Q: All right. But putting that aside, would
[2] this help your campaign in any way?
[3] A: No.
[4] Q: All right. You answered a lot of questions
[5] about ME and REs, meters and leaks pertaining to
[6] those. And you also -- I believe you stated that
[7] you had never installed an ME or RE; is that right?
[8] A: Right.
[9] Q: Okay. Do you know how long those had been
[10] in the field by the time you started working at
[11] Laclede?
[12] A: No, I do not.
[13] Q: Had they been in the field some -- for some
[14] considerable time by then?
[15] A: I don't -- I don't have a date on it. I
[16] don't know how long they were being used.
[17] Q: Do you know, at the time that you started
[18] working on meters at Laclede, approximately how many
[19] ME and RE meters were out there?
[20] A: No. I don't know how many approximately. I
[21] would -- They were only on -- They were only being
[22] put, at that time, on inside sets. They weren't on
[23] all of them so I don't know how many inside meters
[24] we have out in our infrastructure out there on
[25] inside sets, but I would maybe say, guessing, maybe

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[1] 100,000.
[2] Q: All right. And you said at one point that
[3] you were taking these MEs and REs off of meters
[4] because they were obsolete. I believe that was your
[5] testimony; is that correct?
[6] A: Well, they -- they weren't being used
[7] anymore. We were actually removing the whole meter
[8] because it's a whole face plate on there. We would
[9] remove the whole meter on inside sets and put in
[10] what we were using at that time which were called a
[11] trace meter, which is another remote, and we were
[12] replacing MEs and REs with trace meters at that
[13] time.
[14] Q: All right. In your -- In the range of your
[15] experience with -- at Laclede Gas, can you give me
[16] some idea of how much of that time you spent working
[17] on ME and RE meters?
[18] MR. ELBERT: Objection, vague and ambiguous.
[19] QUESTIONS BY MS. SCHRODER:
[20] Q: Okay. Do you understand my question?
[21] A: Mm-mm, yes. The only time I spent time on
[22] it was to take it out, and I never worked on them.
[23] I never installed them. I just removed them and put
[24] a new meter in. I --
[25] Q: Can you give me some idea how -- how long a

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[1] time period you might have worked on them? I mean,
[2] did you work on them for years, or a few months,
[3] or --
[4] A: They're still out there. There are still
[5] some out there.
[6] Q: Okay. How long has it been since you
[7] actually worked on a -- an ME or RE meter?
[8] A: I would say I probably would replace an
[9] RE -- the MEs are pretty well gone. RE, I probably
[10] had just replaced one probably a week ago.
[11] Q: Okay. You got asked a question about
[12] whether you were aware of Company employees causing
[13] leaks to meters. And I just want to make sure I
[14] understand. Are -- Are you claiming that a Company
[15] employee has never caused a leak at all, or just a
[16] leak to meter -- to a meter?
[17] A: No, I don't -- I don't claim that the
[18] Company employee's never caused a leak.
[19] Q: Okay. Do Company employees cause leaks?
[20] A: Yes, it happens.
[21] Q: And what's the procedure when that occurs?
[22] A: We don't leave a leak. We might cause one.
[23] To our best ability we won't -- we won't leave a
[24] leak.
[25] Q: All right. And do Laclede Service

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[1] Department employees get training exactly for that
[2] purpose?
[3] A: Yes.
[4] Q: You also got asked about -- Well, in -- in
[5] the line of questioning about Company employees
[6] causing leaks, you got asked about whether you'd
[7] fixed a leak caused by a Company employee. And
[8] you -- you made a comment, and I think this is a
[9] quote, A whole lot more recently. What were you
[10] referring to?
[11] MR. ELBERT: Leading.
[12] THE WITNESS: Well, what I was leading to
[13] was is we're going out and we're replacing meters --
[14] AMR meters that are being installed and devices that
[15] are being installed, we're going out and replacing
[16] those. When I say a Company employee, I'm talking
[17] about Cellnet, the subsidiary -- or the
[18] subcontractor, I'm sorry.
[19] QUESTIONS BY MS. SCHRODER:
[20] Q: Okay. So you weren't talking -- Were you
[21] talking about employees that are directly employed
[22] by Laclede?
[23] A: They're leaving leaks on meters?
[24] Q: Correct. Do you understand my question?
[25] A: I understand the question. And I guess I'll

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(1) answer it by saying, when I go do a leak, if I
(2) would, I don't figure out who put the AMR device on
(3) or who didn't. I just fix the leak. I don't
(4) investigate who did it and why. I just fix it.

(5) Q: Okay.

(6) A: It could be a gas company employee, and it
(7) could be a Cellnet employee, I don't know.

(8) Q: All right. And I think you indicated that
(9) you personally had never installed an AMR device on
(10) a meter. Do you know whether Laclede employees --
(11) Laclede Service Department employees are -- whether
(12) any of them are installing AMR devices directly on
(13) the meters?

(14) MR. ELBERT: Objection. No foundation.
(15) Calls for speculation.

(16) THE WITNESS: The Service Department service
(17) people don't.

(18) QUESTIONS BY MS. SCHRODER:

(19) Q: All right. And how do you know that?

(20) A: I've never been trained and I'm in the
(21) Service Department.

(22) Q: All right. You got asked some questions
(23) about your conclusion that AMR installation causes
(24) leaks. What is the basis for that conclusion?

(25) MR. ELBERT: Objection, asked and answered.

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(1) MS. SCHRODER: No, it's not. That question
(2) was not asked.

(3) MR. ELBERT: It's been repeatedly asked.

(4) MS. SCHRODER: No.

(5) MR. ELBERT: We can argue about it. Go
(6) ahead.

(7) THE WITNESS: What was the question?

(8) QUESTIONS BY MS. SCHRODER:

(9) Q: Do you understand my question? All right.
(10) You've been asked several times what causes the AMR
(11) device -- or how an AMR device causes a leak.

(12) A: Right.

(13) Q: I'm not asking you that. I'm asking what
(14) the basis is for your conclusion that AMR
(15) installation has caused leaks.

(16) A: The -- The only basis I have is when I was
(17) down in Jeff City on the Public Commission -- on the
(18) hearing, and watched the testimony of a service
(19) person there, I think her name was Gloria, she
(20) worked in the meter shop, and also the testimony
(21) from the gentleman from Cellnet, I forget what his
(22) name was, but just them showing how it worked and
(23) the intricacies. I never knew how any of it worked.

(24) Q: Okay. And I'm not asking you how the AMR
(25) device causes a leak. I'm asking for, you made a

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(1) conclusion that improper installation was actually
(2) causing leaks. Is there anything in your personal
(3) experience that caused you to reach that conclusion?

(4) MR. ELBERT: Objection, it was just asked,
(5) just answered.

(6) THE WITNESS: Not my personal experience,
(7) no. Just what I seen at the hearing.

(8) QUESTIONS BY MS. SCHRODER:

(9) Q: On the December 19, 2006, incident, are you
(10) claiming that -- that that was -- that that leak was
(11) caused by an AMR device?

(12) A: No.

(13) Q: Okay. I just wanted to make sure we were
(14) clear on that.

(15) All right. Let's go through some other
(16) things specifically on this December 19, 2006,
(17) situation. You -- You told Mr. Elbert that you
(18) asked the -- or that you directed the husband to
(19) vent the house at some point. What specifically did
(20) you ask him to do?

(21) MR. ELBERT: Objection, leading.

(22) THE WITNESS: What I -- What I requested him
(23) to do was -- was to do was to open the doors and the
(24) windows and get some ventilation going through the
(25) house.

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(1) QUESTIONS BY MS. SCHRODER:

(2) Q: All right. So you actually did ask him to
(3) open windows, not just a door?

(4) MR. ELBERT: Objection, leading.

(5) THE WITNESS: Yes.

(6) QUESTIONS BY MS. SCHRODER:

(7) Q: Then Mr. Elbert asked you some questions
(8) about Exhibit 5, the leak investigation procedure.
(9) And first of all, directing your attention to
(10) Section 19.9 -- or dash 9, I'm sorry -- and the list
(11) of ten -- ten locations inside a premise that you're
(12) supposed to check with the CGI, did you check all 10
(13) of those?

(14) A: I believe I checked all of that plus more.

(15) Q: All right. And is there anything in Section
(16) 19.9, in these 10 locations that we just talked
(17) about, that talks about a sanitary sewer outlet
(18) outside of the house?

(19) A: No.

(20) Q: Directing your attention now to the first
(21) page of Exhibit 5, at the time that you got to the
(22) residence on December 19, 2006, did you believe it
(23) was more important to turn the gas off or to
(24) evacuate first?

(25) MR. ELBERT: Objection, leading.