

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

USW Local 11-6)	
)	
Complainant,)	
)	
v.)	
)	
Laclede Gas Company,)	Case No. GC-2006-0390
)	
)	
Respondent.)	

STAFF'S SUBMISSION OF MARK BOYLE DEPOSITION TESTIMONY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. The relevant parts of Mark Boyle's testimony from his deposition, taken January 23, 2007 are as follows and are attached hereto:

- p. 8, line 16 through p. 9, line 25
- p. 20, line 17 through p. 22, line 15
- p. 23, lines 4-8
- p. 23, line 14 through p. 27, line 25
- p. 31, line 7 through p. 32, line 16
- p. 36, line 12 through p. 37, line 25
- p. 40, lines 6-21
- p. 41, line 23 through p. 43, line 2

p. 44, line 19 through p. 50, line 21

p. 52, line 3 through p. 53, line 13

p. 57, line 10 through p. 59, line 9

p. 72, line 25 through p. 73, line 19

p. 75, line 24 through p. 76, line 14

p. 79, lines 12-24

p. 80, line 25 through p. 81, line 3

p. 90, line 25 through p. 91, line 2

p. 92, line 9 through p. 93, line 14

p. 97, line 14 through p. 98, line 24

p. 99, lines 1-25

p. 102, lines 15-20

p. 106, line 9 through p. 107, line 9

p. 107, lines 10-12

p.112, lines 11-12

p. 129, line 17 through p. 130, line 1

p. 133, lines 24-25

p. 136, lines 14-17

p. 140, line 13 through p. 142, line 1

p. 175, lines 2-18

p. 181, line 14 through p. 186, line 2

WHEREFORE, Staff respectfully submits the relevant parts of Mark Boyle's deposition.

Respectfully submitted,

/s/ Robert V. Franson

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 29th day of January, 2007.

/s/ Robert V. Franson

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(1) or huh-uh because that's very difficult for the
(2) court reporter to take down and be -- It's a bit
(3) ambiguous; okay?
(4) A: Yes.
(5) Q: If you have a question, or you don't
(6) understand a question that I'm asking, please let me
(7) know and I'll be happy to rephrase it; okay?
(8) A: Yes.
(9) Q: If you answer a question that I ask, I'm
(10) going to assume you understood it; all right?
(11) A: Yes.
(12) Q: Will you state your name for the record
(13) please?
(14) A: It's Mark Joseph Boyle, B-O-Y-L-E.
(15) Q: By whom are you employed, Mr. Boyle?
(16) A: Laclede Gas Company.
(17) Q: How long have you been employed by Laclede
(18) Gas Company?
(19) A: Fifteen years in June.
(20) Q: Can you describe your education -- your
(21) formal education for us?
(22) A: High school graduate and two years at Rankin
(23) Technical College.
(24) Q: When did you graduate from high school?
(25) A: '81.

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(1) MARK BOYLE,
(2)
(3) of lawful age, having been first duly sworn to
(4) testify the truth, the whole truth, and nothing but
(5) the truth in the case aforesaid, deposes and says in
(6) reply to oral interrogatories propounded as follows,
(7) to-wit:
(8) EXAMINATION
(9) QUESTIONS BY MR. ELBERT:
(10) Q: Good morning, Mr. Boyle.
(11) A: Good morning.
(12) Q: My name is Charles Elbert and I'm -- I'm an
(13) attorney for Laclede Gas Company. I will be taking
(14) your deposition today. Have you ever had your
(15) deposition taken before?
(16) A: No. In a divorce, yeah. Not with you.
(17) Q: Hopefully -- Yes, hopefully this won't be
(18) quite as painful, assuming that was painful.
(19) A: That was pretty painful.
(20) Q: I'm going to be asking you some questions
(21) and you will need to answer the questions audibly
(22) with a yes or a no or a description, however you
(23) please; okay?
(24) A: Yes.
(25) Q: All right. You cannot answer with an uh-huh

(1) Q: And did you go straight to Rankin Technical?
(2) A: Yes.
(3) Q: What did you do at Rankin?
(4) A: I took the refrigeration, air conditioning,
(5) and heating course.
(6) Q: What does that course consist of,
(7) essentially?
(8) A: Theory and hands-training of HVAC equipment
(9) and knowledge.
(10) Q: Do you learn how to install and repair and
(11) maintain HVAC equipment?
(12) A: Yes.
(13) Q: Have you had any other formal education
(14) besides what you've just described?
(15) A: No.
(16) Q: Have you taken any courses on industrial
(17) safety?
(18) A: No.
(19) Q: Have you taken any courses on natural gas
(20) safety?
(21) A: Not out of -- Laclede's studies, I would
(22) say. Just what Laclede has given me.
(23) Q: Have you taken any courses regarding minimum
(24) federal standards for the transportation of natural
(25) gas by pipeline?

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(1) A: No.
(2) Q: Have you taken any courses regarding natural
(3) gas incident investigations such as explosions?
(4) A: No.
(5) Q: Have you taken any courses regarding the
(6) installation of gas meters?
(7) A: No.
(8) Q: Have you taken any courses regarding the
(9) installation of remote reading devices?
(10) A: No.
(11) Q: Have you published any articles regarding
(12) natural gas safety?
(13) A: No.
(14) Q: Have you published any articles regarding
(15) remote reading devices?
(16) A: No.
(17) Q: Have you received any rewards or honors of
(18) any kind in connection with industrial safety?
(19) A: No.
(20) Q: Have you performed any studies regarding
(21) installation of remote reading devices?
(22) A: No.
(23) Q: Have you performed any studies regarding the
(24) leaking of gas meters?
(25) A: No.

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(1) Q: After you completed your education, what was
(2) your first job?
(3) A: First job? I believe I worked for a heating
(4) and cooling contractor.
(5) Q: What did you do for that heating and cooling
(6) contractor?
(7) A: Service work.
(8) Q: On furnaces and air conditioning units?
(9) A: Yes.
(10) Q: Do you remember the name of that contractor?
(11) A: I -- I believe it was Click, but I'm not
(12) certain. Click.
(13) Q: C-L-I-C-K?
(14) A: Yes.
(15) Q: Was that here in St. Louis?
(16) A: Yes.
(17) Q: How long did you work for Click?
(18) A: I don't remember.
(19) Q: So you don't know whether it was a year, or
(20) a month, or --
(21) A: It was approximately a year maybe.
(22) Q: Why did you leave Click?
(23) A: I don't remember. Probably pay. I don't
(24) remember.
(25) Q: Where did you go to work after Click?

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(1) A: I don't remember.
(2) Q: You don't remember where you went to work?
(3) A: No. Don't remember. I worked at several
(4) heating and cooling companies after I got out of
(5) Rankin. I don't remember -- I would say probably
(6) two -- two or three -- two. I think it was two
(7) heating and cooling companies. I worked for Click
(8) and then I think I worked with Superior Heating &
(9) Cooling for a very short time.
(10) Q: What's a very short time? A couple of days?
(11) A: Probably a couple weeks.
(12) Q: Couple weeks. Why did you leave there?
(13) A: Because they were unethical.
(14) Q: How were they unethical?
(15) A: They were parts changers.
(16) Q: What does that mean?
(17) A: That means every job you had to have a
(18) certain amount of money on every job, and if -- you
(19) changed parts until you got it.
(20) Q: Did you report them to anybody?
(21) A: Oh, absolutely.
(22) Q: Who did you report it to?
(23) A: I wrote letters to the Normandy Chamber of
(24) Commerce, the Better Business Bureau, and I think I
(25) wrote one to the Attorney General. I'm not

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(1) positive. I wrote three letters.
(2) Q: Do you recall if -- if your complaints were
(3) ever investigated?
(4) A: Yes, they were.
(5) Q: Do you recall what the resolution was?
(6) A: Disgruntled employee.
(7) Q: And that was the finding of who?
(8) A: The Normandy Chamber of Commerce and the --
(9) I think the attorney. They talked to their people
(10) and they said I just wasn't ...
(11) Q: After you worked at Superior, where did you
(12) go to work?
(13) A: I went to work for a place called Automatic
(14) Ice Systems.
(15) Q: What was that?
(16) A: It was installing industrial ice makers.
(17) Q: How long did you work there?
(18) A: Four years.
(19) Q: Why did you leave there?
(20) A: I started my own business.
(21) Q: And what -- what did you do in industrial
(22) ice makers? What was your job?
(23) A: I was in the office, did some paperwork
(24) on -- on incoming quotes for ice makers. I
(25) travelled around the country and was the on-job

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[1] A: It -- That also included meter changes and
[2] then turn-on/turn-offs where I would go and turn
[3] people's gas on and off.
[4] Q: Did that include changing meters that were
[5] leaking as well as part of the systematic meter
[6] change program?
[7] A: No. The systematic change had nothing to do
[8] with leaking meters.
[9] Q: I understand that they -- that the -- When
[10] you say it had nothing to do with it, all I'm
[11] asking, is it possible that a meter was leaking at
[12] the same time that you had to change it as part of
[13] the systematic reading program?
[14] A: No.
[15] Q: It's not possible that they were leaking?
[16] A: No.
[17] Q: Why wouldn't it be possible?
[18] A: I wasn't -- Why wouldn't it be possible that
[19] they were leaking?
[20] Q: Yes.
[21] A: Well, because no one called in a leak there.
[22] I was there to change the meter not fix a leak.
[23] Q: I understand what you were there for. What
[24] I'm asking is whether or not, at the time that you
[25] went in to change the meter, the meter could have

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[1] Q: Now, you became a special adjust in May of
[2] 1995; is that right?
[3] A: Yes.
[4] Q: What were your duties as a special adjust?
[5] A: Special adjust was another -- a combination
[6] of service work and all below it. It was just --
[7] Q: What's that mean, below it?
[8] A: Meter changes, turn-ons, cut-offs, and
[9] special adjusts would mean that I was able to do
[10] service work on appliances, do some fitting work.
[11] When I say fitting work, I was able to replace piece
[12] for piece, pipe for pipe. I couldn't reconfigure
[13] anything. But if I found something leaking out on a
[14] job I could replace that piece and repair it.
[15] Q: So if you found, for example, a pipe that
[16] was running into the meter that was leaking, you
[17] could fix that; is that what you're saying?
[18] A: Yes.
[19] Q: But you couldn't -- I guess I just want to
[20] make sure I understand this. You couldn't re-run a
[21] line; is that what you mean?
[22] A: I couldn't reconfigure the -- Right. That's
[23] correct.
[24] Q: As -- In your capacity as a special adjust,
[25] did you do any leak investigations?

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[1] been leaking anyway?
[2] A: No.
[3] Q: It's not possible?
[4] A: No.
[5] Q: And why do you say it isn't possible that a
[6] meter was leaking?
[7] A: Because I didn't smell it.
[8] Q: Have you ever seen or -- a leaking meter?
[9] A: Have I ever seen a leaking meter?
[10] Q: Yes.
[11] A: Yes.
[12] Q: Have you seen a lot of leaking meters?
[13] A: Yes.
[14] Q: Okay. And in what capacity did you see
[15] leaking meters? What job -- What type of job were
[16] you performing when you saw leaking meters?
[17] A: Leak investigations.
[18] Q: Those -- That's the only time you've ever
[19] seen them?
[20] A: Yeah. Yes.
[21] Q: Okay. So you've never seen them -- As part
[22] of any type of routine maintenance or routine meter
[23] changes, you've never seen a leaking meter?
[24] A: That's correct. I haven't seen them
[25] leaking.

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[1] A: Yes.
[2] Q: Did you find leaking meters at that time?
[3] A: If I was called out on an odor at the meter,
[4] yes, I'm sure I did.
[5] Q: Do you think you found a lot of meters that
[6] were leaking as a special adjust?
[7] A: I don't have the number in front of me but
[8] I've -- we respond to all different sorts and types
[9] of leaks.
[10] Q: So did you do leaks on fuel runs as well?
[11] A: Yes.
[12] Q: So you would do leak investigations on both
[13] customer facilities and Laclede facilities; is that
[14] correct?
[15] A: Yes.
[16] Q: On February 5, 1998, you became general
[17] fitter; right? General fitting?
[18] A: Yes, Sir.
[19] Q: And have you maintained that position ever
[20] since?
[21] A: Yes, Sir.
[22] Q: What are your duties in general fitting?
[23] A: All the above -- All the below, I'm sorry,
[24] that got me to that position. And then I can
[25] actually do more commercial -- I can refigure the

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(1) stuff now. I can replace vent pipe and -- You can
(2) just -- Actually, I think what has actually happened
(3) with Laclede is they've actually gone away from all
(4) these different categories now and you're either a
(5) helper or a fitter.

(6) Q: So as a fitter, you can do work on customer
(7) fuel runs, on Laclede facilities, meters, the -- the
(8) pipes running into the meters; is that correct?

(9) A: Yes.

(10) Q: And you can reconfigure those lines as well
(11) as simply replace pipes or unions or whatever?

(12) A: Yes. Wake up.

(13) Q: During your -- I'm sorry, I --

(14) MS. SCHRODER: He just told me to wake up.

(15) MR. ELBERT: Oh.

(16) QUESTIONS BY MR. ELBERT:

(17) Q: During your work at Laclede, did you have
(18) experience working with remote reading devices?

(19) A: Experience as of what?

(20) Q: Well, did you see remote reading devices on
(21) meters?

(22) A: Yes.

(23) Q: Did you ever install remote reading devices
(24) on meters?

(25) A: Yes.

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(1) A: I'm not saying -- The ones I did, yeah.

(2) That's -- That was the new remote meter that was
(3) in -- that Laclede was using at that time when I was
(4) hired in.

(5) Q: Did you ever have occasion to see a meter
(6) that was leaking that had an RE device on it?

(7) A: No.

(8) Q: Did you ever change a meter that was leaking
(9) that had an RE device on it?

(10) A: No.

(11) Q: Did you ever change a meter that was leaking
(12) that had an ME device on it?

(13) A: No.

(14) Q: Never?

(15) A: Never.

(16) Q: About how many meters do you think you've
(17) changed that were leaking in your career?

(18) MS. SCHRODER: Objection, just to the extent
(19) that this is calling for speculation over 15 years
(20) of employment, or at least over 11 years of doing --
(21) Well, I don't know how long he's been doing it but
(22) to the extent you can answer that, go ahead.

(23) THE WITNESS: Do you want an accurate
(24) number?

(25)

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(1) Q: Did you install what are called ME devices
(2) on meters?

(3) A: No.

(4) Q: Did you work with ME devices on meters?

(5) A: I removed them.

(6) Q: You removed them?

(7) A: Yes, Sir.

(8) Q: Why did you remove them?

(9) A: They were obsolete.

(10) Q: Did you ever find situations where gas
(11) meters were leaking through the ME devices?

(12) A: I don't recall.

(13) Q: You don't recall ever -- that ever
(14) happening?

(15) A: No. Can I say something to you? When I
(16) started there 15 years ago, the MEs and the RIs, and
(17) that's another reader, they were obsolete. We
(18) weren't even using them anymore. That's what we
(19) were putting -- Trace meters were in when I came.
(20) So the MEs and the RIs, I never installed one. And
(21) if I ever removed one, it was just due to a
(22) systematic where we were putting in a -- changing
(23) that out to a trace meter.

(24) Q: So you're saying all MEs and all REs were
(25) changed to trace meters?

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(1) QUESTIONS BY MR. ELBERT:

(2) Q: I'm asking for the best of your knowledge.

(3) A: Boy, I -- I'm going to say many.

(4) Q: And is it your testimony, as you sit here
(5) today, that the only meters that you ever changed
(6) that were leaking were ones that did not have any
(7) devices on them, or RE devices on them?

(8) A: To my knowledge, that's what I'm saying.

(9) Q: Now, those meters that you changed, where
(10) were they leaking from?

(11) MS. SCHRODER: Objection, vague and
(12) ambiguous.

(13) QUESTIONS BY MR. ELBERT:

(14) Q: Where were the -- You just testified that
(15) you changed many meters that were leaking; right?

(16) A: Right.

(17) Q: Now, where were those meters that you
(18) changed, in general, where did they leak from?

(19) A: Well, there was all kinds of reasons I would
(20) change a leaking meter. Either the customer would
(21) damage it doing whatever they did, lawn work,
(22) vehicles running into them.

(23) Q: Those would be outside meters, correct?

(24) A: Those are outside, correct. On -- on
(25) outside meters I would change them that are leaking

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(1) out of, they're calling it the face plate, the weep
(2) holes around the dial face. I think we had one
(3) here, but around the face plate.

(4) Q: So if they leak around the face plate,
(5) that's probably because they're leaking around the
(6) little drive dog that drives the face plate; right?

(7) A: I don't know. I never -- I never pinpointed
(8) where it was leaking -- coming from. I just knew it
(9) was coming out of the meter on the front.

(10) Q: But it only -- Those -- Those didn't leak if
(11) they had RE devices on them; is that right?

(12) A: I wasn't -- It wasn't my job at that time to
(13) check for leaks on REs. I was changing the meter.
(14) I wasn't there to check for a leak. I was there
(15) just to take the meter, remove it, and put in a new
(16) meter.

(17) Q: I'm asking you about ones where you were
(18) there to change the meter because it was leaking.

(19) A: I wasn't ever on an RE or an ME due to a
(20) leak.

(21) Q: You're positive about that?

(22) A: I'm pretty positive. You know, I mean, I
(23) guess if you could check my -- all my CIS's, I mean,
(24) if you could show me one, I would not be positive.

(25) Q: Well, what I'm trying to get at is you just

(1) A: Yes.

(2) Q: And some of those meters have been leaking;
(3) haven't they?

(4) A: Yes.

(5) Q: In fact, you testified before, many of those
(6) meters had been leaking; right?

(7) A: Yes.

(8) Q: What I'm asking you is, are you telling me,
(9) as we sit here today, that none of those meters that
(10) were leaking had either an RE device on them or an
(11) ME device on them?

(12) A: None that I've changed.

(13) Q: So when they leaked around the face plate,
(14) it was only ones where it had neither an ME device
(15) nor an RE device?

(16) A: None that I've changed.

(17) Q: Are you aware of Laclede Gas employees
(18) causing leaks to meters?

(19) A: No.

(20) Q: Have you ever had to change a meter shortly
(21) after a Laclede employee was there working on it?

(22) A: And why would I be there -- Why would I be
(23) there?

(24) Q: Because the meter was leaking.

(25) A: No.

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(1) testified that some of these meters that you
(2) changed --

(3) A: Right.

(4) Q: -- had -- they were leaking around the face
(5) plate.

(6) A: Right.

(7) Q: Now, sometimes that face plate could be an
(8) RE or ME, couldn't it?

(9) A: Or it would be a regular one.

(10) Q: Or it could be a regular one; right?

(11) A: Right.

(12) Q: So you're telling me, if I understand your
(13) testimony as we sit here today, that you never had
(14) one that was leaking around the face plate that was
(15) an RE or an ME?

(16) A: What I'm sitting here saying is when I was
(17) in this category --

(18) Q: Which category?

(19) A: Helper, turn-on, and I was changing meters,
(20) I was never sent out on a leaking RE or ME meter.

(21) Q: I understand that. Let's talk about since
(22) you've been a general -- in general fitting.

(23) A: Fitter; okay.

(24) Q: Now, you've changed meters since you've been
(25) a general fitter; correct?

(1) Q: Did Laclede employees ever make mistakes?

(2) A: Sure, yes.

(3) Q: Have you ever been called out on a job to
(4) correct a leak that a Laclede employee caused?

(5) A: I'm going to have to answer, I'm sure I have
(6) been but I can't give you the time, date, or the
(7) circumstances.

(8) Q: I understand that.

(9) A: Okay.

(10) Q: And I'm not expecting you to remember
(11) specifically.

(12) A: Okay.

(13) Q: Do you have any idea about how many times
(14) that could have happened over the years? Let's say
(15) since 1998 when you became a fitter.

(16) A: That I would go out and repair something
(17) that our man would have caused?

(18) Q: Your man or woman would have caused.

(19) A: Or service person would have caused?

(20) Q: Yes.

(21) A: I would probably say very rare. I would
(22) probably say, in the Service Department, we're
(23) not -- I'm not talking about the Construction
(24) Department. You're talking about if a service man
(25) went out and did a job --

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(1) Q: I'm talking about any time that you went out
(2) to have to correct a leak or conduct a leak
(3) investigation after any Laclede employee was there
(4) working on the facility, whether it's the Laclede
(5) facility or the customer facility.

(6) A: You know, I'm -- I'm not -- I'm going to
(7) have to -- You're going to have to be a little more
(8) specific because we've got leaks that we check
(9) annually, daily, that are number three leaks, C&M,
(10) or below grade. And people call them in daily.
(11) Sometimes I'll go out on the same leak and check an
(12) outside leak underground, or outside, or in the air,
(13) and it's there for five, six, seven years.

(14) Q: Oh, I understand that, Mr. Boyle. What I'm
(15) referring to is a situation -- Let's go back. Maybe
(16) you forgot the premise of my question.

(17) We were talking about situations Laclede
(18) employees may have been out on a job and caused a
(19) leak.

(20) A: Mm-mm.

(21) Q: And that you were thereafter called out to
(22) investigate that leak or fix the leak; okay? That's
(23) the situations that I'm talking about.

(24) A: Okay.

(25) Q: I'm not talking about number three leaks.

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(1) A: Okay. And have I gone out and done that?

(2) Q: Well, you already testified that you have.

(3) A: Yes, I have.

(4) Q: And what I was trying to get at is, how
(5) often has that happened?

(6) A: Well, normally --

(7) Q: If you recall.

(8) A: Normally that's a blank board. Normally I'm
(9) a routing man. But when I'm on the board, that
(10) would happen, and yes, I do go out there. What --
(11) How many? Well, a whole lot more recently.

(12) Q: Would you say, maybe, has that happened 100
(13) times? If you know.

(14) A: I would say this: In the last year, it's
(15) occurred a whole lot more with these new AMR meters
(16) that are being put in. Yes, we are, not only myself
(17) but other servicemen are, going out and we do put in
(18) AMRs ourselves, another company is putting in AMRs,
(19) and we are going out and doing numerous of those.

(20) When I say numbers, me personally, I've --
(21) 50, 25, I don't know. Again, I'm a blank -- I'm not
(22) a blank board man all the time. I'm a routing man
(23) normally.

(24) Q: Between 1998 and July of 2005, how many do
(25) you think you went out on?

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(1) MS. SCHRODER: And could you just go ahead
(2) and repeat for him what the original question was?
(3) Because I think he's frankly gotten off the
(4) question.

(5) QUESTIONS BY MR. ELBERT:

(6) Q: What I'm asking you --

(7) A: How many -- Are you asking me this question:
(8) How many leaks have I gone out and repaired that a
(9) Laclede service person's created?

(10) Q: Yes.

(11) A: I don't know that answer. I have gone out
(12) on some. I don't know that -- I can't be accurate
(13) with an answer.

(14) Q: And that's been going on since 1998? That's
(15) my question.

(16) A: Yes.

(17) Q: Now, do you hold a position with the Union?

(18) A: Yes.

(19) Q: What's your current position?

(20) A: I'm a shop steward for the North District,
(21) and I'm also the executive board member for the
(22) Service and Installation Department.

(23) Q: How long have you held the shop steward
(24) position?

(25) A: This'll be three years.

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(1) Q: How long have you held the executive board
(2) member position?

(3) A: This'll be three years.

(4) Q: Are you a candidate for Union office?

(5) A: At this time, I was nominated for an
(6) officer's position, yes.

(7) Q: What's that position?

(8) A: Business manager.

(9) Q: Is that to replace Joe Schulte?

(10) A: No.

(11) Q: Who's it to replace? Who are you running
(12) against?

(13) A: I'm running against the present business
(14) manager.

(15) Q: Which is who?

(16) A: Kevin Patterson.

(17) Q: Do you have a particular platform that
(18) you're running on against Mr. Patterson?

(19) A: Not exactly, no.

(20) Q: Have you told Union members why they should
(21) vote for you rather than Mr. Patterson?

(22) A: I've been nominated for the position. I
(23) haven't accepted it yet.

(24) Q: Okay. Are you going to accept the position?

(25) A: I -- Probably, yes.

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(1) Q: The nomination, I mean.
(2) A: Yes.
(3) Q: And have you made any promises to Union
(4) members about what you would do if you were elected?
(5) A: Absolutely not.
(6) Q: Okay. Have you told Union members what you
(7) would try to do if you were elected?
(8) A: Not at this time, no.
(9) Q: Have you discussed with anyone what you
(10) would try to do if you were elected?
(11) A: Sure.
(12) Q: Okay.
(13) A: Yes.
(14) Q: Who have you discussed that with?
(15) A: My friends.
(16) Q: Okay. And what have you told them that you
(17) would try to do if you were elected to the Union
(18) office?
(19) A: Well, I'd be consistent.
(20) Q: Consistent with regard to what?
(21) A: Maintaining hard fought victories and gains
(22) that we've had, just being a Union representative.
(23) Q: Well, be a little more specific about that
(24) if you can. Are you talking about with respect to
(25) wages? Are you talking about with respect to

(1) jobs.
(2) Q: Keeping people's jobs. Are you involved in
(3) this case before the Public Service Commission
(4) that's currently pending and is the -- what you've
(5) given this affidavit?
(6) MS. SCHRODER: Or he's testified.
(7) QUESTIONS BY MR. ELBERT:
(8) Q: Oh, you've already testified in this case?
(9) A: Sure, yes.
(10) Q: Were you involved in the bringing of this
(11) case?
(12) A: Yes.
(13) Q: What was your role in bringing this case?
(14) A: I collected -- The case concerning what?
(15) What case? What are you talking about?
(16) Q: The case that's currently pending before the
(17) Public Service Commission --
(18) A: The AMRs?
(19) Q: Well, it's case number GC-2006-0390.
(20) MS. SCHRODER: He's not going to know the
(21) case number.
(22) MR. ELBERT: Well, he's nodding.
(23) QUESTIONS BY MR. ELBERT:
(24) Q: So please --
(25) A: I'm just -- I'm nodding here because you're

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(1) benefits? Are you talking about with respect to
(2) jobs? What is it that you would be trying to
(3) maintain?
(4) MS. SCHRODER: I'm just going to object to
(5) this line of testimony on relevancy grounds. You
(6) can go ahead and answer.
(7) THE WITNESS: I don't understand what you're
(8) trying to get me to say.
(9) QUESTIONS BY MR. ELBERT:
(10) Q: I'm not trying to get you to say anything.
(11) I'm just trying to ask you questions and ask for
(12) answers.
(13) A: Right. And you're asking me what?
(14) Q: I'm asking you --
(15) A: What my goals are in the Union?
(16) Q: If you are elected to be business manager,
(17) what would you try to accomplish on behalf of the
(18) Union?
(19) A: I would protect our rights.
(20) Q: What rights are you talking about?
(21) A: All the rights that are guaranteed in our
(22) contract.
(23) Q: Okay. And specifically, which rights?
(24) A: Wages, salaries, work policies,
(25) implementation, holding people -- keeping people's

(1) giving me a number that I have no clue what that
(2) number means.
(3) Q: That's why you were nodding?
(4) A: Yeah.
(5) Q: And this is the case involving the AMR
(6) devices that you have provided --
(7) MS. SCHRODER: That he's testified in.
(8) MR. ELBERT: I -- Can I ask the questions?
(9) MS. SCHRODER: Yeah. I mean, we can
(10) stipulate that that is the case number for the AMR
(11) case.
(12) QUESTIONS BY MR. ELBERT:
(13) Q: Okay. And you've already testified in that
(14) case?
(15) A: Yes.
(16) Q: And you've collected data for the Union to
(17) support that case?
(18) A: Yes.
(19) Q: Do you have a personal stake in winning that
(20) case?
(21) A: No.
(22) Q: Do you think it would help to win that case
(23) in connection with your bid for Union office?
(24) A: No.
(25) Q: Why do you think it would not be helpful?

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[1] A: No one knows that I'm even doing it.
[2] Q: No one knows that you're doing it?
[3] A: Nope.
[4] Q: Did any Union members appear at the hearing?
[5] A: The only people -- Okay, I'll rephrase that
[6] then. The people who were at the hearing know it,
[7] yes.
[8] Q: And nobody else knows it?
[9] A: No.
[10] Q: How do you know no one else knows it?
[11] A: Because I'm not telling anybody.
[12] Q: Have you encouraged other people to collect
[13] data?
[14] A: Have I encouraged them? I've passed on the
[15] statements from our Union leadership to collect
[16] them.
[17] Q: How many people have you told that they
[18] should collect data regarding AMR devices?
[19] A: I have probably told -- Actually, I'm going
[20] to tell you, I probably haven't told anybody. They
[21] come to me and say, Are we still collecting data for
[22] these AMRs that are leaking? And I say yes. And
[23] then they hand them to me.
[24] Q: How would they know to come to you?
[25] A: Because the Union leadership has gotten it

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[1] out for them to give them to their shop stewards and
[2] the officers of this local when they find leaking
[3] AMR meters.
[4] Q: So when they come to you with this
[5] information, what do you do with it?
[6] A: I collect it and I pass it on to my business
[7] manager.
[8] Q: Do you ever pass it on to the company?
[9] A: No.
[10] Q: Why not?
[11] A: Because they already -- they're already
[12] aware of it.
[13] Q: How do you know that?
[14] A: Because they're leaks and these guys go out
[15] on leaks and they fill out their paperwork and they
[16] turn it in daily.
[17] Q: Now, do you have personal knowledge that any
[18] AMR devices actually leak?
[19] A: Yes.
[20] Q: Now, isn't it true, Sir, that AMR devices
[21] don't have gas in them, do they?
[22] A: Don't know if that's true or not.
[23] Q: You don't know whether an AMR device has gas
[24] in it?
[25] A: No.

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[1] Q: Does gas go into the AMR device or does gas
[2] go into the meter?
[3] A: It goes into the meter.
[4] Q: So if there's -- If the AMR device is
[5] leaking, where does the gas come from?
[6] A: I would say it comes from the meter.
[7] Q: Could it come from anywhere else?
[8] A: If it's leaking out of the AMR?
[9] Q: Yes.
[10] A: No.
[11] Q: Okay. And what would cause the leak that
[12] would cause gas to come out of the AMR?
[13] A: Well, I didn't know until I went to the
[14] hearing, but the hearing stated that it's coming
[15] from the drive.
[16] Q: So you had no knowledge prior to that
[17] time -- When was that hearing? Was that in December
[18] of 2006?
[19] A: Yes.
[20] Q: So from -- Do you know when Laclede started
[21] installing AMR devices?
[22] A: I would probably say 18 months ago, year and
[23] a half.
[24] Q: So let's say it was about in July of 2005.
[25] Does that sound about right?

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[1] A: About right. I would say yes.
[2] Q: Sometime in the summer of 2005?
[3] A: Yeah. Actually, they didn't come to me and
[4] tell me when they started it but I -- I did hear
[5] that they did start it sometime in that summer.
[6] Q: And as a Union shop steward, are you
[7] somewhat concerned that AMR devices might affect
[8] Union jobs?
[9] A: They already have.
[10] Q: They have affected Union jobs?
[11] A: Yes, Sir.
[12] Q: How have they affected Union jobs?
[13] A: There's no longer a meter reading
[14] department.
[15] Q: And is that of concern to you as a Union
[16] shop steward?
[17] A: Sure, yes.
[18] Q: And is that a concern to you as a candidate
[19] of office?
[20] A: Actually, it's already happened so there's
[21] not much I'm going to be able to do about it.
[22] Q: Now, when you found out at the hearing that
[23] the drive dog -- The drive is where these meters
[24] typically leak; right?
[25] A: That's what I understood it as the drive

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(1) dog, and there's a gasket supposedly around that
(2) dog. And that's what I got out of it.
(3) Q: And do you know prior -- So as of
(4) December 2006, you didn't even know where the meters
(5) were leaking from; correct?
(6) A: They were leaking out of the face plate.
(7) Q: I understand. But you didn't know where in
(8) the meter they were leaking, did you?
(9) A: No.
(10) Q: So you didn't know how any leak was caused,
(11) did you?
(12) A: No.
(13) Q: And as we sit here today, do you have any
(14) personal experience, any personal knowledge, of how
(15) a leak is caused, which ultimately leaks through the
(16) AMR device?
(17) A: I do now, yes.
(18) Q: Okay. And how did you get that knowledge?
(19) A: From the hearing.
(20) Q: I'm asking whether you -- I understand that
(21) you heard it at the hearing.
(22) A: Okay.
(23) Q: But aside from what you heard at the
(24) hearing, in your experience, over 18 months of
(25) dealing with leaking meters that have AMR devices on

(1) that you -- type of AMR device that you've seen
(2) before?
(3) A: Yes.
(4) Q: Okay. Now, what I was asking you is whether
(5) you've ever installed a device like this on a meter.
(6) A: No.
(7) Q: You were saying before, though, that I
(8) needed to somehow define my question better.
(9) There's some similar devices that you've installed
(10) on a meter?
(11) A: No. When you say do I install it, we
(12) install two different ways. One is we install the
(13) whole meter and we call it an AMR meter, which it
(14) already comes and this is already on it.
(15) Q: So the device, the --
(16) A: This is the device -- I've never installed
(17) this on a meter, never.
(18) MS. SCHRODER: And by this, you're referring
(19) to what?
(20) MR. ELBERT: He's referring to the Equimeter
(21) that we just identified.
(22) THE WITNESS: I've never installed this on a
(23) meter.
(24) QUESTIONS BY MR. ELBERT:
(25) Q: Okay. And you've never installed one that's

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(1) them, I'm asking you, do you have any knowledge
(2) personally of how the gas leaks out of the meter
(3) through the AMR device?
(4) A: No.
(5) Q: Have you ever installed an AMR device?
(6) A: Well, we're going to have to -- You're going
(7) to have to be more specific on installation of an
(8) AMR device.
(9) Q: Well, I've got an AMR device here.
(10) A: Right.
(11) Q: And I'm going to read into the record the
(12) number, if I can read it?
(13) MS. SCHRODER: You need those glasses.
(14) MR. ELBERT: No, I have a -- glasses won't
(15) help.
(16) QUESTIONS BY MR. ELBERT:
(17) Q: It's a 29-1013 Equimeter, E-Q-U-I-M-E-T-E-R.
(18) I'll somehow the face plate. Do you see that?
(19) A: Where did you get the number at? Did you
(20) say 29-1013?
(21) Q: Is that right?
(22) A: Yeah.
(23) Q: It's not easy to read.
(24) A: No, it's not.
(25) Q: Anyway, this is a -- Is this an AMR device

(1) like this on a meter?
(2) A: No.
(3) Q: Okay. But what have you -- Have you
(4) installed the battery?
(5) A: Yeah. What we do is when we -- we have
(6) to -- The face plate's on there also, I don't know
(7) where it is, but there's a face plate on here. And
(8) we take this front piece off and we have to activate
(9) the battery. Then we put it back on there and
(10) that's all we do.
(11) Q: When you talk about the face plate, you're
(12) talking about the face that has the dial?
(13) A: Yeah, on the dial face.
(14) Q: And that's on the meter and is taken off and
(15) put into this device; right?
(16) A: It's on that, yes.
(17) Q: But you don't do that work?
(18) A: I don't do that.
(19) Q: Do you know whether the Union has a duty to
(20) protect public safety?
(21) A: The Union has a duty?
(22) Q: Yes.
(23) A: I feel that the -- the employees of the
(24) Union have a duty to protect public safety, yes.
(25) Q: You mean Laclede Gas employees?

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[1] A: Right.
[2] Q: They're --
[3] A: Which are Union employees.
[4] Q: Well, they're not employees of the Union.
[5] A: No, they're Union members.
[6] Q: Union members. They have a duty?
[7] A: Yes.
[8] Q: I'm asking you whether the Union itself has
[9] a duty to protect public safety?
[10] A: Yes.
[11] Q: Okay. And where does that duty come from?
[12] Where --
[13] A: Representing the members.
[14] Q: So it's the Union's job to protect the
[15] public?
[16] A: Sure, yes.
[17] Q: Is that in the Union constitution?
[18] A: I don't have the Union Constitution.
[19] Q: You've never read it?
[20] A: No.
[21] Q: Is that in the Union bylaws?
[22] A: No.
[23] Q: Well, where does that duty come from?
[24] A: I would say that duty comes from your own
[25] integrity in your job that Laclede has trained us to

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[1] perform for the public. We are a public service.
[2] Q: I agree --
[3] A: Okay.
[4] Q: -- Mr. Boyle. I'm not -- I agree completely
[5] that you as an employee of Laclede Gas have a duty
[6] to the public.
[7] A: Mm-mm.
[8] Q: What I'm asking you is whether your Union
[9] has that same duty to the public.
[10] A: I believe they do.
[11] Q: But you don't know where that duty comes
[12] from? There's no document that says that; is there?
[13] A: No, there's nothing in writing. I don't
[14] believe there is.
[15] Q: So if a Union employee should be
[16] negligent -- an employee who's represented by the
[17] Union should be negligent, and there's an explosion
[18] to a customer facility, should the Union be held
[19] liable for that explosion?
[20] A: That member will.
[21] Q: Well, I'm asking -- Again, Mr. Boyle, I'm
[22] asking you the difference between the employee and
[23] the Union. I understand that as an employee of
[24] Laclede Gas Company, we can all agree, you have a
[25] duty to the public. Laclede Gas Company has a duty

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[1] to the public; correct?
[2] A: Correct.
[3] Q: Now, what I'm asking you is, does the Union
[4] have that same duty to the public?
[5] A: I'm trying to get your question.
[6] Q: Well, I'm going to go back --
[7] A: I know what your question is. It's not in
[8] writing anywhere. We've gone over that. Does
[9] Laclede -- the Union have a duty?
[10] Q: Yes. If a house blows up --
[11] A: If a house blows up --
[12] Q: -- because a Union employee makes a
[13] mistake -- a Laclede employee that's represented by
[14] the Union makes a mistake, should the Union be held
[15] liable --
[16] A: This is a hypothetical question?
[17] Q: Yes, it is.
[18] A: And I'm going to say that the Union is held
[19] accountable just for the fact that it is a Union
[20] member.
[21] Q: So in other words --
[22] A: Now, are you saying that they're going to
[23] get -- the Union's going to get sued and lose money?
[24] Q: Yes.
[25] A: No. No, they won't.

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[1] Q: Why not?
[2] A: I don't know -- They might. They might.
[3] Q: Okay. You don't know?
[4] A: I don't know.
[5] Q: In your capacity as a Laclede employee or a
[6] shop steward, are you aware of any situations where
[7] a Laclede employee represented by the Union has
[8] caused an explosion at a customer's premises?
[9] A: No.
[10] Q: You're not aware of any?
[11] A: No, Sir.
[12] Q: Have you ever heard of Gary Boschert?
[13] A: I wasn't a steward then.
[14] Q: Well, I didn't -- That wasn't my question.
[15] A: I thought that was your question.
[16] Q: No. I said in your capacity as a Laclede
[17] employee or a shop steward.
[18] A: Yes.
[19] Q: Okay.
[20] A: I misunderstood. I thought you said as my
[21] capacity as a shop steward. But yes, I have.
[22] Q: You have heard of Laclede employees doing
[23] things that have caused explosions at customer
[24] premises?
[25] A: Where the Laclede employee actually caused

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(1) it?
(2) Q: Yes.
(3) A: In -- In my 15 years here?
(4) Q: Yes.
(5) A: I'm going to have to say no. I don't recall
(6) any employee causing an explosion.
(7) Q: Okay.
(8) A: On his -- Go ahead. I'm sorry.
(9) Q: Are you aware of the Gary Boschert case?
(10) A: I'm aware of Gary Boschert's case, yes.
(11) Q: Are you aware that it was found that his --
(12) his negligence resulted in an explosion?
(13) A: I don't know the results of the case.
(14) Q: Okay. Are you aware that -- and I think you
(15) already testified to this previously -- that Laclede
(16) employees have left premises with leaks; right?
(17) A: I'm sure it's happened, yes.
(18) Q: Well, you said you were personally aware of
(19) that before.
(20) A: I'm sure it's happened.
(21) Q: Is --
(22) A: I'm personally aware of it, yes.
(23) Q: Okay. And did the Union, to your knowledge,
(24) ever suggest that an employee who did that should be
(25) disciplined?

(1) A: Not that I'm aware of, no.
(2) Q: Are you aware of the Union ever
(3) requesting -- Are you aware of -- and I know this
(4) doesn't happen often -- but are you aware of some
(5) situations where Laclede employees who were
(6) represented by the Union have failed to follow
(7) safety procedures?
(8) A: Yes.
(9) Q: Okay. And that's happened a few times;
(10) right?
(11) A: Yes.
(12) Q: To your knowledge? And are you aware of
(13) whether or not the Union has ever sought to have
(14) that employee disciplined?
(15) A: No.
(16) Q: No, you're not aware of any such situation?
(17) A: No, the Union's never went to the Company to
(18) discipline a member.
(19) Q: Do you know why not?
(20) A: The Company does a good job doing that
(21) itself.
(22) Q: Do you know whether the Union has ever
(23) suggested to the Company that they do hazard
(24) investigations of work of employees who have failed
(25) to follow safety procedures?

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(1) MS. SCHRODER: I'm just going to object,
(2) lack of foundation. Go ahead.
(3) MR. ELBERT: Well, I want to correct any
(4) foundation.
(5) QUESTIONS BY MR. ELBERT:
(6) Q: You are -- You've been a Laclede employee
(7) for 15 years; right?
(8) A: Yes, Sir.
(9) Q: You've been a shop steward for three years;
(10) right?
(11) A: Right.
(12) Q: You've been a member of the executive board
(13) for three years, right?
(14) A: Right.
(15) Q: So do you have knowledge, personal knowledge
(16) of the Union ever disciplining an employee for
(17) failure to properly perform his or her job?
(18) A: No, Sir.
(19) Q: Do you know whether the Union has ever told
(20) the Company that an employee should be disciplined
(21) for failure to perform his or her job?
(22) A: I'm not aware of that, no, Sir.
(23) Q: Do you know whether the Union has ever
(24) sought the discipline or discharge of an employee
(25) who failed to perform his or her job?

(1) A: You're going to have to repeat that.
(2) Q: Okay. Are you aware that in this case
(3) that's currently pending before the PSC, the Union
(4) has requested that Laclede can -- can be required to
(5) conduct hazard investigations where AMR devices have
(6) been installed?
(7) A: I did read that.
(8) Q: Okay. What I'm asking you is, to your
(9) knowledge, has the Union ever requested that Laclede
(10) perform hazard investigations of work performed by
(11) Laclede employees who previously have failed to
(12) follow the safety procedures?
(13) A: That's -- I'm going to answer that by saying
(14) our Laclede employees and Union members normally
(15) follow safety procedures. So that's not an
(16) ongoing --
(17) MR. ELBERT: Can you read my question back
(18) please?
(19) (The requested portion of the record
(20) was read by the reporter.)
(21) THE WITNESS: I don't know what your
(22) question is there. I really don't.
(23) QUESTIONS BY MR. ELBERT:
(24) Q: Okay. You've already testified that there
(25) have been Laclede employees who failed to follow

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(1) safety procedures; correct?
(2) A: There's been a few instances, yes.
(3) Q: And in those instances, has the Union asked
(4) Laclede or anyone else to conduct hazard
(5) investigations following work performed by those
(6) employees who failed to follow safety procedures?
(7) A: I'm going to have to ask you this: Are you
(8) saying go back on an employee's other work prior to
(9) him getting caught doing that?
(10) Q: Either prior work or work after the employee
(11) got caught, either -- either way.
(12) A: You mean additional training?
(13) Q: No. Doing investigations to make sure that
(14) the work is being performed properly.
(15) A: I -- I just don't know what you're asking
(16) me.
(17) Q: Well, we'll keep working at it.
(18) A: I'm trying. Try it again.
(19) Q: Do you understand what an investigation is?
(20) A: Oh, yeah, absolutely.
(21) Q: And do you understand that the Union in this
(22) case is requesting that each time there's an AMR
(23) installation, a Union member should then go out
(24) afterward and check it to make sure that it's --
(25) there's no hazard? Do you understand that?

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(1) A: Yes.
(2) Q: Okay. Do you understand that there have
(3) been employees, Laclede Gas employees --
(4) A: Right.
(5) Q: -- who are members of the Union, who have
(6) failed to follow safety procedures?
(7) A: Right.
(8) Q: Now, are you aware of the Union ever
(9) requesting that hazard investigations be performed
(10) with respect to those employees' work that they
(11) performed?
(12) A: The Union hasn't requested that, no. The
(13) Company does that.
(14) Q: How do you know that?
(15) A: Because they go back on people's work,
(16) sometimes months, and check to make sure they did
(17) their job safely.
(18) Q: Is it -- Would you agree, Mr. Boyle, that
(19) it's always safer to have someone -- to have one
(20) employee check another employee's work?
(21) A: Yes.
(22) Q: And would it be even safer if you had a
(23) third employee check the work of the first two
(24) employees?
(25) A: Yes.

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(1) Q: Or if you had a fourth employee check the
(2) work of the first three employees?
(3) A: Yes.
(4) Q: That would always be safer; right?
(5) A: Yes.
(6) Q: And that doesn't matter whether it's a
(7) Laclede employee or anybody else; does it?
(8) A: No.
(9) Q: And as a Union member, do you believe that
(10) Laclede should be required to have work of all
(11) employees checked?
(12) A: No.
(13) Q: Why not?
(14) A: Because we do it right 99.9 percent of the
(15) time.
(16) Q: I agree, Laclede employees do a good job.
(17) A: Thanks.
(18) Q: And -- But -- But as we said before, people
(19) make mistakes; correct?
(20) A: Correct.
(21) Q: Okay. What I'm saying to you is, do you
(22) believe -- And I'll give -- I'll assume your
(23) statistic is true, I don't know whether it is or
(24) isn't, that 99.9 percent of the time Laclede
(25) employees do the job right. Do you think that they

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(1) still -- the Company should still send out another
(2) Laclede employee to check each employee's work to
(3) protect the public?
(4) A: If it's going to protect the public and that
(5) employee has been found that he wasn't doing his
(6) procedures correctly, I would suggest the Company
(7) would send someone back and check his work.
(8) Q: Okay. Now, if the -- Are you saying that if
(9) the employee has not been found to be performing the
(10) work improperly, then there should be no requirement
(11) on Laclede to go check his work?
(12) A: Correct.
(13) Q: So in the case of going back to Gary
(14) Boschert, should Laclede be checking Gary Boschert's
(15) work each time?
(16) MS. SCHRODER: Objection. This -- That
(17) lacks foundation. This employee -- or this -- I'm
(18) sorry, the witness has already said he doesn't know
(19) what was found with regard to Boschert.
(20) QUESTIONS BY MR. ELBERT:
(21) Q: You can answer the question.
(22) A: Could you repeat it?
(23) Q: With respect to Gary Boschert, should
(24) Laclede be sending out an employee to check Gary
(25) Boschert's work?

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(1) A: You know, actually, I think Laclede sent
(2) Gary Boschert back to training for a specific amount
(3) of time, which I don't know of.

(4) Q: Okay.

(5) A: So yeah, what they did is -- No, they don't
(6) send them back because they trained him and that
(7) what he did wrong -- evidently what he did wrong on
(8) that specific job, they've actually got -- they got
(9) a whole manual on it now.

(10) Q: Are you aware of any injury to a person
(11) resulting from a leaking ME device?

(12) A: No.

(13) Q: Are you aware of any injury to a person
(14) resulting from a leaking RE device?

(15) A: No.

(16) Q: Are you aware of any injury to a person
(17) resulting from any trace device?

(18) A: No.

(19) Q: Are you aware of any injury to a person
(20) resulting from an AMR device?

(21) A: Yes.

(22) Q: And tell me what that incident is.

(23) A: The incident I'm here about.

(24) Q: Is that the only incident you're aware of?

(25) A: That I'm aware of.

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(1) Q: Have you ever -- Are you aware of any injury
(2) to a person resulting from one of those meters that
(3) did not have a remote reading device on it?

(4) A: No.

(5) Q: Are you aware of any damage to property
(6) resulting from one of those meters that were leaking
(7) that did not have a remote reading device on it?

(8) A: No.

(9) MS. SCHRODER: Is this a good time to take a
(10) break?

(11) MR. ELBERT: Absolutely.

(12) (Short recess taken.)

(13) (Exhibit No. 5 marked for identification.)

(14) QUESTIONS BY MR. ELBERT:

(15) Q: I'm going to show you what's been marked as
(16) Exhibit 5, which is the leak -- a portion of the
(17) leak -- I'm sorry, a portion of the SEID manual
(18) issued June 2000, revised January 2003, and it's
(19) Section 19-5 to 19-12 -- pages 19-5 to 19-12, and
(20) ask you if that's a true and accurate copy of the
(21) portion of the leak investigation?

(22) A: Yes.

(23) Q: Procedure, I'm sorry.

(24) A: Yes.

(25) Q: Okay. And you're familiar with that

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(1) Q: Are you aware of any damage to property
(2) resulting from a leaking ME device?

(3) A: No.

(4) Q: Are you aware of any damage to property
(5) resulting from a leaking RE device?

(6) A: No.

(7) Q: Are you aware of any damage to property
(8) resulting from a trace device?

(9) A: No.

(10) Q: Are you aware of any damage to property
(11) resulting from an AMR device?

(12) A: No.

(13) Q: Are you aware of any injury to a person
(14) resulting from a leaking meter without any remote
(15) reading device on it?

(16) A: I kept saying no, but you just -- you kind
(17) of confused me on that last question.

(18) Q: We'll go over the last question again.

(19) A: Go ahead.

(20) Q: You testified before that there are some
(21) meters that have no remote devices?

(22) A: Right. That's correct.

(23) Q: And you testified before that some of those
(24) meters you found were leaking?

(25) A: Right.

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(1) procedure; correct?

(2) A: Yes.

(3) Q: And do you follow that procedure when on a
(4) leak investigation?

(5) A: As close as I can, yes.

(6) Q: Do you always follow it?

(7) A: Yes.

(8) Q: In your experience, since AMR has been
(9) installed starting roughly in July of 2005, about
(10) how many meters have you seen where the meter was
(11) leaking that had an AMR device on it?

(12) A: How many have I personally seen?

(13) Q: Yes.

(14) A: Well, I would say -- That would be hard for
(15) me to give you that number but I'm going to say over
(16) 100.

(17) Q: You've personally seen over 100?

(18) A: I see them every day. I'll tell you where I
(19) see them. I don't go and remove them. I see them
(20) in our yard. They're sitting down -- I say in our
(21) yard, our servicemen bring them back into the
(22) Laclede Gas facility and we drop off meters when we
(23) remove them for changes, leaks, DRs, stuck, and they
(24) all put them down there and they're just -- they're
(25) all down there.

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(1) A: Not very far. Are you talking time wise or
(2) miles?
(3) Q: Yes, let's talk time.
(4) A: I would probably say 15 minutes maybe.
(5) Q: About how many miles?
(6) A: With traffic stops and all that, six,
(7) seven miles away.
(8) Q: When you arrived at this address at
(9) 10:08 a.m. on December 19th, what -- First of all,
(10) describe what the building looked like.
(11) A: It was a single dwelling residential home,
(12) brick.
(13) Q: Was it multi-story?
(14) A: No.
(15) Q: Did it have a basement?
(16) A: Yes.
(17) Q: When you arrived at the building what did
(18) you do?
(19) A: When I arrived at the building, the customer
(20) had the side door open of the home. I'm -- It would
(21) be like if there was a carport door, but there's no
(22) carport, it was just a side door in the garage. And
(23) he waived me into his driveway.
(24) Q: So he was standing there at the door?
(25) A: With the door open, yes.

(1) A: I immediately went downstairs and made it
(2) safe.
(3) Q: Well, tell me what you did. What was the
(4) first thing you did when you went downstairs?
(5) A: I turned it off.
(6) Q: You turned off the gas?
(7) A: Yes.
(8) Q: Did you do any checking of any of the
(9) facilities before you turned off the gas?
(10) A: No.
(11) Q: Was there anybody downstairs?
(12) A: Yes.
(13) Q: Who was downstairs?
(14) A: The missus.
(15) Q: The missus was downstairs. And mister was
(16) upstairs. What did you do next?
(17) A: What I did next was, is I turned it off. I
(18) went back, I told her she's going to have to get out
(19) of the basement. I went back up to the steps, I was
(20) going to air my machine out again, go back outside.
(21) He was standing there. I said I might have to ask
(22) you to evacuate your home. So you need to grab your
(23) necessary -- It was cold out -- You're going to grab
(24) your necessary clothing, whatever, because I think I
(25) stopped it but I'm not sure. I went outside to air

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(1) Q: He had the door actually open?
(2) A: Yes.
(3) Q: And what -- Did you -- Were you wearing a
(4) CG -- were you holding a CGI, or wearing any kind of
(5) leak detection equipment?
(6) A: I got out of my truck, I spoke to him, I
(7) said, I'll be in, in a few minutes. I've got to get
(8) my equipment. I cleared my CGI reading -- Well,
(9) clearing it means I zeroed it out before I go into
(10) the home. I grabbed my tool bucket, walked in,
(11) approached the door. I got on -- inside the
(12) landing, he was there, and we were standing there.
(13) Q: And when you went in, did your CGI register
(14) anything?
(15) A: Immediately.
(16) Q: Okay. What did it register?
(17) A: Not only did my CGI register, my nose
(18) registered.
(19) Q: The question is, what did your CGI register?
(20) What percentage?
(21) A: Thirty.
(22) Q: Percentage -- 30 of the lower explosive
(23) limit?
(24) A: Yes.
(25) Q: What did you do?

(1) out my machine.
(2) Q: Okay. And just so I understand it, did
(3) you -- when you went downstairs, did you notice
(4) where the gas was coming from?
(5) A: At that point in time, no.
(6) Q: You didn't?
(7) A: No.
(8) Q: Did you CGI around the down -- the basement
(9) area at all?
(10) A: Well, when -- it -- it -- What it does is,
(11) it sucks -- My -- Our ranger -- it's called a
(12) ranger. It actually takes air samples constantly.
(13) Q: What I'm saying is, did you go to the place
(14) where the gas comes in at the wall?
(15) A: Sure.
(16) Q: And you checked that?
(17) A: Sure.
(18) Q: And did you check any other locations around
(19) that basement?
(20) A: I went in, I turned it off. I went -- I was
(21) going to get the customers out. I was going to
(22) recalibrate. I was going to see if the readings
(23) would go down when I went back inside. Then I knew
(24) that I had secured the building safely.
(25) Q: How long do you think you spent in the

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(1) basement before you went back upstairs?
(2) A: Boy, it happened so quick. Maybe a minute.
(3) Q: You were downstairs for one minute?
(4) A: Maybe.
(5) Q: Okay. And then did you actually evacuate
(6) the customers from the house?
(7) A: No.
(8) Q: Why not?
(9) A: Because the readings went down.
(10) Q: How long did it take for the readings to go
(11) down?
(12) A: The readings went down -- I went back
(13) outside, I aired it back out, and then when I
(14) returned back in, it started to lower. It was
(15) starting to lower -- By the way, before that, I did
(16) have him open up another couple windows and the
(17) front door so it would just -- We were getting more
(18) of a -- a better effect of getting -- of airing it
(19) out.
(20) Q: That was upstairs where he opened the
(21) windows; correct?
(22) A: You know, I'm not sure. I told him to open
(23) the windows and doors. I think he just opened the
(24) front door and the side door were open. They were
(25) both open.

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(1) Q: So there were no windows open?
(2) A: I don't think so, no.
(3) Q: And there were no doors in the basement
(4) open; is that right?
(5) A: No.
(6) Q: And upstairs, what did your ranger register
(7) upstairs?
(8) A: I never went to the upstairs at that point
(9) in time because it was all downstairs where I was
(10) at.
(11) Q: Well, when you walked in, I thought it
(12) immediately registered?
(13) A: It did.
(14) Q: And didn't it register --
(15) A: See, that's not upstairs. When I walked in,
(16) that was a landing. It was a landing area. And you
(17) had to go up a small flight of steps, probably three
(18) or four steps, to get up into the kitchen, or you'd
(19) take four or five to go down in the basement. And I
(20) didn't go up into the kitchen.
(21) Q: Okay.
(22) A: I went directly down to the basement to the
(23) meter area.
(24) Q: Okay. And you never went upstairs to take
(25) any readings?

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(1) A: I did eventually, yeah.
(2) Q: When did you do that?
(3) A: When I was re-checking the home, making sure
(4) it was aired out. Making sure we could go ahead and
(5) close it up and -- and they could continue to be
(6) inside.
(7) Q: And when --
(8) A: And myself inside.
(9) Q: When you have a reading of 30 percent of the
(10) lower explosive limit, is that about -- What -- What
(11) percentage reading is that of -- of gas in air?
(12) A: My calculation, it would be approximately
(13) 1.3 percent.
(14) Q: Okay. And approximately 1.3 percent, is it
(15) part of the procedure, Sir, to evacuate the house
(16) immediately?
(17) A: It's -- It's -- The procedure is, when I get
(18) in there and I make it safe, then I adjust the
(19) situation by airing it out. I continue to take
(20) readings and then I'm the man on the job and I
(21) decide on how I go about doing what we're going to
(22) do. If it would have stayed at that level, there's
(23) no doubt they would have been out of there.
(24) Q: Doesn't the procedure require you -- and you
(25) can look at Exhibit No. 2 -- doesn't it require you

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(1) to evacuate the occupants if you have a reading
(2) greater than one percent?
(3) A: It does.
(4) Q: Okay. But you chose not to do that here?
(5) A: At that point in time, the reading went down
(6) quick enough that I didn't feel it was necessary to
(7) remove them from the home.
(8) Q: But you agree that the reading was
(9) 1.3 percent --
(10) A: When I initially walked in, yes, Sir.
(11) Q: And -- And doesn't the procedure require
(12) you, at 1.3 percent, to immediately evacuate the
(13) occupants?
(14) A: It -- It states that we do that, yes. But
(15) when we go out on a job, we are the man out on the
(16) job. This is -- This leak investigation is what we
(17) go by as the structure for a leak investigation.
(18) This isn't set in stone that we've got to do exactly
(19) all of this in this order.
(20) Q: Is there anything in this document, Exhibit
(21) No. 5, which indicates that you were permitted to
(22) allow the occupants to remain in the house where you
(23) have a 1.3 percent leak?
(24) A: I think when it states that the technician
(25) should be aware of the surrounding conditions, I

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(1) think that gives me the leverage or the -- to make
(2) the decision, when I'm out on the job site, of
(3) whether or not I should evacuate the building.
(4) Q: Well, when it refers to the surrounding
(5) conditions, that's before you've even entered the
(6) customer's premises; isn't it, Sir?
(7) A: That's when -- That's the whole time on the
(8) job, you're aware of the surrounding conditions.
(9) Q: Well, you're reading the very first line of
(10) the policy which says, The technician should be
(11) aware of the surrounding conditions when leaving the
(12) truck and approaching the customer's premises;
(13) correct?
(14) A: Right.
(15) Q: That doesn't say when you're on the
(16) customer's premises, does it?
(17) A: Well, I think I'm going to be aware of the
(18) surrounding conditions when I'm inside their -- when
(19) I'm inside their home.
(20) Q: I'm asking you what the policy says. Does
(21) it say that you should be aware of the surrounding
(22) conditions when you're on the customer's premises?
(23) A: Yes.
(24) Q: Where does it say that?
(25) A: It may not say it in this particular segment

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(1) that you gave to me but it is definitely in our
(2) manual that we know the surrounding conditions.
(3) Whenever we're in a building, whenever we're doing
(4) any job inside a home, we know the surrounding
(5) conditions.
(6) Q: And where does it say in the manual that you
(7) are allowed to vary from the procedure that is set
(8) forth in the manual?
(9) A: Excuse me?
(10) Q: Where does it say in the manual that you are
(11) permitted to vary from the procedure that's set
(12) forth in the manual?
(13) A: Well, I go to Section 19-6 of the same
(14) pamphlet that you gave me.
(15) Q: Yes, Sir.
(16) A: And then they give you readings of less than
(17) one percent in the free air, which is what I got
(18) after I discontinued the gas and made it safe. Then
(19) I got less than one percent and then I made the
(20) decision and the call at that point in time to leave
(21) the customer in the home.
(22) Q: Well, when you got there, though, Sir, you
(23) had a reading of greater than one percent; correct?
(24) A: I had 1.3 percent.
(25) Q: Okay. So this procedure that you just

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(1) referred to on 19-6 didn't apply when you arrived at
(2) the home; did it?
(3) A: No.
(4) Q: The procedure that applied is the one on
(5) page 19-5; isn't it?
(6) A: This whole procedure applies. This whole
(7) paragraph applies to whenever we do a gas leak.
(8) Q: Okay. But what we're talking about here, is
(9) it says, Readings of one percent or above for free
(10) air; correct? Isn't that the first section on 19-5?
(11) A: That's the first section of 19-5; yes.
(12) Q: And isn't it true that you had a reading of
(13) one percent or above for free air when you entered
(14) the house?
(15) A: Yes.
(16) Q: And you didn't follow the procedure; did
(17) you?
(18) A: Well, yes, I did.
(19) Q: Well, did you clear the building of the
(20) occupants or not?
(21) A: No, I didn't.
(22) Q: Okay. And this procedure requires you to
(23) clear the building of occupants; doesn't it?
(24) A: Yes, it does.
(25) Q: So you did not follow it; did you?

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(1) A: Yes, I did.
(2) Q: How can you follow it if the procedure says
(3) you are required to do it and you didn't do it? How
(4) did you follow the procedure?
(5) A: Because I got less than one percent after I
(6) made the gas safe.
(7) Q: Sir --
(8) MS. SCHRODER: You know what, you're just
(9) arguing with him at this point. You've got the
(10) facts in front of you. You can make whatever
(11) judgment you want on it, but badgering back and
(12) forth and asking him the same questions does nothing
(13) to go forward with this, to further this whole
(14) inquiry. So that's my objection. Go on. Do
(15) whatever you want.
(16) MR. ELBERT: Thank you.
(17) MS. SCHRODER: You will anyway.
(18) MR. ELBERT: Thank you.
(19) THE WITNESS: Can I say --
(20) MS. SCHRODER: No.
(21) QUESTIONS BY MR. ELBERT:
(22) Q: Did you -- Did you open the windows on the
(23) highest floor as required by the procedure?
(24) A: I opened the door at the highest floor.
(25) Q: Did you stay out of the building and keep

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(1) others at a safe distance as required by paragraph
(2) six?

(3) A: No, I did not. Because in number four, I
(4) did that. So, I mean, we've got a list of ten
(5) things we're supposed to try to accomplish when
(6) we're there. I didn't go one, two, three, four,
(7) five, six, seven, eight, nine, ten.

(8) When I go in there and I'm the man on the
(9) job, I did one, and then I did number four. I
(10) immediately stopped the gas emanating from the
(11) company facilities. I went outside, we opened up
(12) the front door, we aired it out, and it was less
(13) than one percent in a matter of a minute.

(14) Q: One minute it was less than one percent?

(15) A: That's right.

(16) Q: And you told the woman who was down in the
(17) basement to go upstairs; is that correct?

(18) A: I told her -- Yes, I told her she needed to
(19) remove herself from the -- She was in front of the
(20) meter.

(21) Q: And you told her to go upstairs but you did
(22) not tell her to go out of the house?

(23) A: Actually, the woman was -- No, I did. I did
(24) tell them to go out of the house. I told both of
(25) them. I told him -- He was standing there, she was

(1) Q: Below one percent?

(2) A: It was -- You know, at that point in time, I
(3) wasn't as curious about -- I know it was going down.
(4) I knew -- I knew at that time when it was going down
(5) that the airing out of the building and me turning
(6) off the gas had made that building safe.

(7) Q: You knew that at that point.

(8) A: I was real sure.

(9) Q: What does real sure mean?

(10) A: My machine was telling me that the -- the
(11) problem looked like it had been solved.

(12) Q: And what was -- Do you recall what the read
(13) was when you went back in?

(14) A: It was less than one percent.

(15) Q: Okay. Then what did you do?

(16) A: I instructed him to -- if he would leave the
(17) door open for a while. She had gone upstairs. She
(18) was -- I was listening to her. She was coughing
(19) and -- and gagging and I went back downstairs with
(20) my CGI equipment, and I was checking the surrounding
(21) conditions of the home.

(22) I said -- I made two statements to this
(23) customer. First one, when I first told her to go
(24) upstairs and be prepared to possibly evacuate the
(25) building, she stumbled over to the steps. And I

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(1) there, I said, You're going to have to get your
(2) clothes, what you're going to need, because I might
(3) have to get you to evacuate this home if I can't
(4) stop this.

(5) Q: You told -- Right. That's what you said
(6) before.

(7) A: Right.

(8) Q: You might have to evacuate the home.

(9) A: Right.

(10) Q: But you didn't actually tell them to
(11) evacuate the home, did you?

(12) A: No.

(13) Q: What did you do next?

(14) A: Where are you at? Where are we at?

(15) Q: Well, you turned off the gas.

(16) A: I turned the gas off.

(17) Q: And you told the gentleman to open the front
(18) door; right?

(19) A: Right.

(20) Q: And what did you do after that?

(21) A: I walked outside and I don't know -- I
(22) walked outside, aired out my machine, came back
(23) inside, was standing on the same landing I got the
(24) 1.3 percent, and it was already dissipating. It was
(25) already --

(1) looked at the gentleman and I stated, Is she always
(2) like that? And he said, No, I think she's gotten
(3) sick. And I said, Oh, okay. Which, you know,
(4) didn't really phase me too much.

(5) Later, when I went back in and was checking
(6) the area, making sure it was going back down, the
(7) readings, and we were in a safe environment, I heard
(8) her upstairs and he was downstairs with me, and
(9) he's, like, are -- Or she was up there and she was
(10) gagging and this and that, and I went and I looked
(11) at her, and I went down to him and I said, Your wife
(12) is very ill right now. And then I said, I'm going
(13) to call -- I'm going to get a hold of the right --
(14) you know, some people. And that was what was going
(15) on.

(16) Q: Who did you get a hold of?

(17) A: I don't know the -- the timing of my calls,
(18) but I called up Mike Sisak, my foreman. I'm not
(19) sure if I called the dispatching board or not. Who
(20) else -- I called up -- I actually -- I made a phone
(21) call to Kevin Patterson, our business manager.

(22) I think I talked to Mike two or three
(23) different times because at first he wasn't going to
(24) come out. And then I told him, I said -- At first
(25) the foreman wasn't really too interested until I

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(1) Q: Okay.
(2) A: And I had the home safe.
(3) Q: And you -- And you had a 1.3 percent
(4) reading?
(5) A: Yes.
(6) Q: And you're carrying on a conversation with
(7) her down in the basement?
(8) A: No, I'm not carrying a conversation. She's
(9) talking to me while I'm working.
(10) Q: You didn't say anything?
(11) A: No.
(12) Q: What else did she tell you?
(13) A: At this point in time, she said -- I -- I
(14) didn't say anything. She started talking about
(15) there was a man there. I'm checking the inside
(16) premises, like you stated before.
(17) She said there was a man there and that he
(18) was working in there and he didn't have the proper
(19) tools. He was in there. He was working on the
(20) meter. He didn't have the proper tools. He was
(21) kind of -- She said he was kind of aggravated. He
(22) asked her -- She asked him if everything was okay.
(23) He stated to her, he didn't have the right tools,
(24) and she got him a screwdriver for him to use.
(25) Q: And did she know what he did with the

(1) home.
(2) A: No.
(3) Q: So I'm asking you if you know what they were
(4) doing while they were upstairs? Yes or no.
(5) A: No.
(6) Q: Now, let's go back to my question about what
(7) you told Mr. Sisak when you called him.
(8) A: Okay.
(9) Q: What did you tell him?
(10) A: I told Mike that the customer's claiming
(11) that we had a -- a service person there prior and
(12) that. I felt that it was a Cellnet employee. And I
(13) told him the reading I had, and I told him
(14) everything was safe. You know, I did everything.
(15) You know, and I said, Everything's secure now.
(16) And we got to talking back and forth, and
(17) he -- what's the address. I said, Mike, the lady's
(18) sick, she's upstairs. She's -- She's -- She's
(19) acting like she's violently ill. I really feel you
(20) need to come over here. And he said, What's the
(21) address? And I told him where I was. And he
(22) said -- He said -- Actually, I think he said he was
(23) going to call the Claims Department. He was on his
(24) way.
(25) Q: Where were you in the building when you made

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(1) screwdriver?
(2) A: No.
(3) Q: Okay. What else did she tell you?
(4) A: Well, at that point in time she didn't say
(5) too much more. She went upstairs. Now, later on
(6) she said some more to me, yes, but at that point in
(7) time there was nothing else said to me. She was
(8) upstairs, he was upstairs with her. I guess they
(9) were getting their coats and stuff, getting ready to
(10) get out of the home.
(11) Q: Do you know what they were doing while they
(12) were upstairs?
(13) A: I was downstairs.
(14) Q: So you don't know what they were doing?
(15) A: It's pretty much, I can tell someone to
(16) evacuate the home. If they don't, I can only tell
(17) them to do it, or ask them to do it.
(18) Q: But -- But Mr. -- Mr. --
(19) A: Boyle.
(20) Q: -- you didn't tell them to evacuate the home
(21) at that point. You have -- We've already been
(22) through that over and over.
(23) A: No, I didn't -- I told them that they --
(24) there was a probability they might have to.
(25) Q: But you didn't tell them to evacuate the

(1) that phone call?
(2) A: I was on the landing. Actually, I wasn't
(3) going to call him because I wasn't going to evacuate
(4) the home at that point in time, and I was -- had the
(5) place secure and safe. And -- But when the customer
(6) was going to be ill, that's when I immediately
(7) called him. That's when I called him to let him
(8) know the situation.
(9) Q: And did you call -- You said you also called
(10) Kevin Patterson?
(11) A: Right.
(12) Q: When did you call him?
(13) A: I called him approximately that same time
(14) period.
(15) Q: So while you were still standing on the
(16) landing?
(17) A: Actually, I called him outside when I was
(18) airing out my machine at a different period.
(19) Q: So you called him before you called
(20) Mr. Sisak?
(21) A: I -- I'm going to have to -- I don't know.
(22) I don't remember that. To my knowledge I don't
(23) remember that. I can't tell you yes or no.
(24) Q: If I understood you, you aired out the
(25) machine --

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(1) A: I aired the machine out several times.
(2) Q: Okay. And how long do you think you talked
(3) to Mr. Patterson for?
(4) A: Short period of time.
(5) Q: Thirty seconds?
(6) A: You're not going to believe what I'm on
(7) right now. What's that? I'm on a job that the
(8) customer claims Cellnet was here. The customer
(9) said, Who are you speaking to? He was standing on
(10) the landing, I was airing out. I says, It's my
(11) Union official, I'm -- We were just talking about
(12) this. He says, Let me talk to him. I handed him
(13) the phone. That's how short of a conversation I had
(14) with Mr. Patterson.
(15) Q: And how long did the customer talk to
(16) Mr. Patterson?
(17) A: Very short time. He was kind of berating
(18) Kevin.
(19) Q: Do you know -- So you don't know what Kevin
(20) said to him?
(21) A: No, not at all. As a matter of fact, I
(22) asked to get the phone back just for the fact -- the
(23) man was very good customer. You know, he wasn't out
(24) of hand, but he was very upset that we had just
(25) sent -- He said, I'm very upset. You guys just had

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(1) a man here. What are you going to do about this?
(2) And I said, Sir, that's -- that guy has nothing to
(3) do with it. The other people are on their way.
(4) That's who you need to talk to. I was just calling
(5) him because it was fresh on my mind.
(6) Q: So the combined conversation to Patterson
(7) between you first talking to him and the customer
(8) talking to him, can you give me an estimate of how
(9) long that was?
(10) A: No, I can't.
(11) Q: You don't have any idea?
(12) A: I said what I said to him, and then he was
(13) talking to him. I was downstairs, again, checking
(14) the surrounding area and making sure that it was
(15) still down. Now we're probably at zero in the
(16) building.
(17) And this is only a matter of -- You know,
(18) it's -- We had actually closed the front door
(19) already because it was zero. The amount of time I
(20) was on the phone with Kevin, was that sentence I
(21) said to him, that I said to him, that's the amount
(22) of time I know I was on the phone. You're not going
(23) to believe what I've got here.
(24) Q: So that was --
(25) A: Five --

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(1) Q: -- five seconds?
(2) A: That's all I said to him.
(3) Q: Is that right, about five seconds?
(4) A: Yes.
(5) Q: And then the customer was on the phone for
(6) about how long?
(7) A: I don't recall. I was -- I --
(8) Q: Was it 5 minutes or 30 seconds, or ...
(9) A: Well, what I did was, is I continued just to
(10) check the building to make sure we were at zero.
(11) Q: I understand.
(12) A: I heard him talking. I walk back over. The
(13) time period was probably -- I -- I'd be guessing.
(14) Q: You can't even come up with a range?
(15) A: Five minutes.
(16) Q: He was on the phone for five minutes with
(17) Patterson?
(18) A: That's what I'm going to say, if that long.
(19) Again, I'm going to say five minutes, maybe. And I
(20) don't really know what they were discussing except
(21) when I heard what he said to Kevin about -- when he
(22) said what he said, that's when I immediately said,
(23) Whoa, whoa, whoa, wait a minute. And --
(24) Q: What did you tell Mr. Sisak when you talked
(25) to him about the reading -- the gas reading in the

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(1) premises?
(2) A: That I had 30 percent on the LEL scale.
(3) Q: You did tell him it was on the LEL scale?
(4) A: Absolutely, yes.
(5) Q: And did you tell him at that time where the
(6) gas was coming from?
(7) A: I told him -- Yes, I told him at that point
(8) in time I felt that it was coming from the AMR
(9) device.
(10) Q: The meter face plate area?
(11) A: Yes.
(12) Q: So that's what you told Mr. Sisak?
(13) A: And I -- I came to that conclusion for the
(14) fact of what the customer told me happened there
(15) prior. The gas leak wasn't there prior to him, and
(16) the tamper proof plugs were out of the face plate.
(17) Q: I'm going to show you -- Let's go to page
(18) one of your affidavit, lines 12 and 13. It says
(19) there, I noticed the gas was blowing out of the
(20) Union on the piping located one foot away from the
(21) meter.
(22) A: Right.
(23) Q: Do you see that?
(24) A: Right.
(25) Q: Well, that's not what you just testified to.

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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

(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) 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

(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] of not withholding information, calling my business
[2] manager, he could call people that were concerned
[3] about this.
[4] Q: Were you on break when you called the Union?
[5] Were you on break when you called the Union?
[6] A: No.
[7] Q: So you were being paid by the Company; is
[8] that correct?
[9] A: Right.
[10] Q: And you were being paid by the Company, and
[11] while being paid by the Company you were discussing
[12] Union business; is that correct?
[13] A: Happens all the time.
[14] Q: Yes or no, Sir?
[15] A: Yes.
[16] Q: It happens all the time. You think that's
[17] permissible?
[18] A: It is permissible.
[19] Q: Where is it permissible that you're allowed
[20] to engage in Union business while you're being paid
[21] by the Company?
[22] A: It's been allowed throughout time at Laclede
[23] Gas Company, that I'm allowed to conduct Union
[24] business on Company time, any time.
[25] Q: Any time?

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[1] A: Any time.
[2] Q: For as long as you want?
[3] A: Well, I mean, you know, there are some
[4] structures in it that we don't abuse it.
[5] Q: Where -- Where is the structure set forth,
[6] Mr. Boyle?
[7] A: It's -- It's not written down anywhere but
[8] it's just been the way it's been forever at Laclede.
[9] Q: So you can use your discretion to conduct
[10] Union business while working for the Company; that's
[11] your testimony?
[12] A: Yes.
[13] Q: And that's not a dischargeable offense?
[14] A: No.
[15] Q: By the way, does the Union have any role in
[16] the leak investigation?
[17] A: Excuse me?
[18] Q: Did the Union have any role in the leak
[19] investigation at that address?
[20] A: No.
[21] (Exhibit No. 3 marked for identification.)
[22] **QUESTIONS BY MR. ELBERT:**
[23] Q: I'm going to show you what's been marked for
[24] identification as Exhibit 3. I'll ask you if you
[25] can identify that document?

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[1] A: It's my route sheet from that day.
[2] Q: Is this your handwriting?
[3] A: Yes.
[4] Q: Are you the Mark J. Boyle that's referred to
[5] in the left-hand corner?
[6] A: Yes.
[7] Q: Are these the three locations you were at
[8] that day?
[9] A: Actually, there's five locations I was at
[10] that day.
[11] Q: Okay. The five -- You're right, there are
[12] five locations that day. One of them was 7750
[13] Olive; correct?
[14] A: Yes, Sir.
[15] Q: And what -- Was that a customer address?
[16] A: That was on my break.
[17] Q: That's when you were at the Union?
[18] A: Yes, Sir.
[19] Q: It shows you were there for 15 minutes;
[20] correct?
[21] A: Yes, Sir.
[22] Q: Is this a true and accurate copy of your
[23] route sheet for that day?
[24] A: Yes, Sir.
[25] Q: Does it accurately reflect the times that

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[1] you were at each location?
[2] A: Yes, Sir.
[3] Q: So at the address in question, you were at
[4] that location from about 10:10 to approximately --
[5] is that a 13:50 or 13:00?
[6] A: That's 13:00, Sir.
[7] (Exhibit No. 8 marked for identification.)
[8] **QUESTIONS BY MR. ELBERT:**
[9] Q: Okay. I'm going to show you what's been
[10] marked as Exhibit No. 8 and ask you if you can
[11] identify that document?
[12] A: This is -- This is the -- It's called a CIS.
[13] I don't know what -- Customer information sheet?
[14] It's the CIS form, that I filled out for that
[15] address that day.
[16] Q: Okay. Is this a true and accurate copy of
[17] the form that you filled out for that day?
[18] A: I believe it is, yes.
[19] Q: I want you to look on the second page under
[20] serviceman's remarks and HSI other comments. Do you
[21] see that?
[22] A: Yes.
[23] Q: Is that your handwriting?
[24] A: Yes, it is.
[25] Q: Do you see there where it says that you

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(1) evacuated the home?
(2) A: Yes.
(3) Q: That's not a true statement; is it?
(4) A: You know --
(5) Q: Yes or no, Mr. Boyle. Did you evacuate the
(6) home or not?
(7) A: I didn't make them get out of the house, no,
(8) but they was standing at the doorway. No, I didn't
(9) make them get out of the house.
(10) Q: They were standing at the doorway?
(11) A: He was, yes.
(12) Q: She was not?
(13) A: She was upstairs laying on the couch or
(14) doing something. I don't know where she was
(15) exactly, no. No, I didn't evacuate the home.
(16) Q: And you say -- It says, You could hear leak
(17) from union. Do you see that?
(18) A: Yes.
(19) Q: And that was after you turned the gas back
(20) on; is that right?
(21) A: Yes, Sir.
(22) Q: Does it indicate anywhere on here that
(23) you called the Union?
(24) A: No, Sir.
(25) Q: When you discovered that the union was

(1) A: To my knowledge?
(2) Q: Yes.
(3) A: No.
(4) Q: No. No one made the determination?
(5) A: No one's made a determination, no.
(6) Q: And you yourself couldn't tell, could you?
(7) A: Tell --
(8) Q: What caused the leak?
(9) A: No.
(10) Q: Do you know -- Did you ever advise the
(11) occupants of the house to go to the hospital?
(12) A: No.
(13) Q: Do you know whether Mr. Patterson advised
(14) them to go to the hospital?
(15) A: I don't know.
(16) Q: Did you have any further conversations with
(17) Kevin Patterson, besides the one that you've
(18) testified to already, on -- with respect to -- Let
(19) me -- Let me start over.
(20) A: Okay.
(21) Q: While you were at this location, did you
(22) have any further conversations with Mr. Patterson
(23) other than the one that you've already testified to?
(24) A: No.
(25) Q: You're sure about that?

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(1) leaking after you turned the gas back on, did you
(2) fix it?
(3) A: Not at that time, no.
(4) Q: Did you turn the gas off again?
(5) A: Yes.
(6) Q: Okay. And why didn't you fix it?
(7) A: Mr. Sisak instructed -- He was there.
(8) Mr. Sisak instructed me to wait until Claims came.
(9) Q: Okay. And then after Claims came, did you
(10) repair the --
(11) A: Mr. Sisak had me tighten it, yes, to see if
(12) it would repair it.
(13) Q: Is that all it took was tightening it?
(14) A: That's what it took, yes.
(15) Q: Do you have any idea what caused that union
(16) to leak?
(17) A: No, I do not.
(18) Q: Do unions sometimes leak?
(19) A: Sometimes, yes.
(20) Q: Can they sometimes leak spontaneously, just
(21) after a period of time?
(22) A: Right. Yes.
(23) Q: So on this day, do you know whether the
(24) Company determined -- you or the Company determined
(25) what caused that particular leak at this location?

(1) A: Yes.
(2) (Exhibit No. 4 marked for identification.)
(3) **QUESTIONS BY MR. ELBERT:**
(4) Q: I'm going to show you what's been marked as
(5) Exhibit 4. I apologize for the quality of the
(6) pictures but I'm just -- Exhibit 4 consists of two
(7) pages showing a meter in a closet area.
(8) One is -- The first page is from a distance
(9) that actually shows the closet, I believe, and the
(10) second picture is more of a close-up. The quality
(11) isn't good on any of them, but just --
(12) **MS. SCHRODER:** Do you have a better copy?
(13) **QUESTIONS BY MR. ELBERT:**
(14) Q: Yeah, we do have a better copy which we can
(15) certainly show you. I just want to ask if that
(16) looks like a picture of the meters at the
(17) location -- the meter at the location that we've
(18) been talking about?
(19) A: Yes.
(20) Q: Okay. And can you show me, Mr. Boyle, where
(21) you ultimately determined the leak was by reference
(22) to these pictures?
(23) **MS. SCHRODER:** Do you want him to draw it on
(24) the other copy?
(25) **MR. ELBERT:** He can point to it to start.

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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) 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) 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) 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] is a serious issue. And he said, It looks like
[2] she's having -- It looks like she's -- because she
[3] walked from the -- We didn't see her come down. She
[4] walked from the side door to a gurney, four or five
[5] steps at that, and she looked like she was having an
[6] epileptic -- you know, they had to help her.
[7] Q: And at this point, was this about, what,
[8] 40 minutes after you had arrived there?
[9] A: I don't know the time, Sir.
[10] Q: But the house -- There was zero gas at the
[11] time; right?
[12] A: There was just a pungent odor of the rotten
[13] egg odor was in there, yeah, but the readings were
[14] zero.
[15] Q: When she was having trouble walking?
[16] A: Yes, Sir.
[17] Q: Okay. And you say down in lines 15 and 16,
[18] My supervisor instructed me to tighten the union
[19] that had been leaking. This repaired the leak.
[20] Do you see that?
[21] A: Yes, Sir.
[22] Q: Is that a true statement?
[23] A: Yes, Sir.
[24] Q: Is there any indication in your statement
[25] here that that wasn't a proper repair of the leak?

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[1] A: No, Sir.
[2] Q: Over on the next page, you say that the --
[3] and I don't think you've testified to this
[4] previously -- that the -- before the subcontractor
[5] left, the wife told him that she smelled gas.
[6] Do you see that?
[7] A: Where are you at, Sir?
[8] Q: Line three.
[9] A: On page three?
[10] Q: On page three.
[11] A: Yes.
[12] Q: All right. And then you say, However, he
[13] ignored her, stating the gas odor was merely normal
[14] leakage from the meter face plate.
[15] A: That's -- That was her statement.
[16] Q: When did she tell you that?
[17] A: I believe she told me that right at the
[18] beginning.
[19] Q: When you were downstairs and she was
[20] downstairs?
[21] A: Yes.
[22] Q: And he -- She actually used the words, he
[23] ignored her?
[24] A: I'm not sure if that's her exact words, no.
[25] But no, I can't say that was her exact word, no.

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[1] Q: Did she just say that the person told her
[2] that the gas odor was merely normal leakage? Is
[3] that what she said?
[4] A: No, I don't remember exactly what she said.
[5] Q: Well --
[6] A: I --
[7] Q: -- what you wrote here --
[8] A: What I wrote here was, is that he ignored
[9] her and he told her it was just normal -- a normal
[10] leakage from the meter that he was working on.
[11] Q: But you don't know if any of these were her
[12] exact words; is that what you're saying?
[13] A: No.
[14] Q: That ignored her may be your words?
[15] A: Ignored her might be my word, yes.
[16] Q: And how about stating, The gas odor was
[17] merely normal leakage from the meter?
[18] A: That was her words.
[19] Q: Okay. Down in lines 14 and through 17, it
[20] says, Also, the dangerousness of the leak is shown
[21] by the fact that the Fire Department, police, and
[22] ambulance were all called to the scene, and by the
[23] fact that both of the customers went to the hospital
[24] due to gas inhalation.
[25] Do you see that?

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[1] A: Yes.
[2] Q: Do you know if either of the customers went
[3] to the hospital because of gas inhalation?
[4] A: I didn't know what the outcome of the -- of
[5] what -- why they ended up at the hospital. I never
[6] did a follow-up, no.
[7] Q: So this statement down here is just not an
[8] accurate statement, is it?
[9] A: It's accurate to my knowledge. That's what
[10] I feel -- felt could have caused her leaving that
[11] home, yes.
[12] Q: I thought you testified before what you
[13] really thought was that she had a stroke?
[14] A: I had all kinds of thoughts going through my
[15] mind. Strokes, heart attacks, gas, excitement.
[16] Q: So did you --
[17] A: I had all of it. I didn't write all of it
[18] down here.
[19] Q: Right. You only wrote down gas inhalation;
[20] right?
[21] A: Yes, Sir.
[22] Q: Why did you only write gas inhalation and
[23] leave out stroke, heart attack, and all these other
[24] things that were going through your mind?
[25] A: Because it seemed like she was fine prior to

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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

(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.

(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: That was 15 years ago.
(2) Q: And isn't it true, Sir, that those were all
(3) being installed by Laclede employees?
(4) A: What's that, Sir?
(5) Q: The RE devices and the ME devices.
(6) A: Yes.
(7) Q: Yes. So is there any incentive to check on
(8) the AMR devices because they're not being installed
(9) by Laclede employees?
(10) A: Is there any -- I'm --
(11) Q: Does the Union have an incentive to check on
(12) the installation of AMR devices because they are not
(13) being installed by Union employees?
(14) A: Do we have an incentive --
(15) Q: Yes.
(16) A: Repeat that one more time.
(17) Q: Is the Union checking on -- Let me try to
(18) rephrase it.
(19) A: Okay.
(20) Q: It's confusing. Now --
(21) A: It's not that bad, I'm just trying to get my
(22) answer straight.
(23) Q: Yeah, yeah, I know you are. Is the Union
(24) checking on AMR devices because they are not being
(25) installed by employees represented by the Union?

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(1) A: No.
(2) Q: Why are they doing it then?
(3) A: Because they're not being installed
(4) correctly.
(5) Q: How do you know that?
(6) A: From the hearings that I've been attending.
(7) From the meter shop that I heard.
(8) Q: What personal knowledge do you have that an
(9) AMR device has ever been improperly installed?
(10) A: Personal?
(11) Q: Yes.
(12) A: From me talking to the meter shop personnel
(13) that work on them daily.
(14) Q: I'm asking you what personal -- If I
(15) understood your testimony before, you stated you
(16) didn't know the cause of any meter that was leaking
(17) that had an AMR device on it; correct?
(18) A: Right, right.
(19) Q: So I'm asking you what personal knowledge
(20) you have that any installation was caused -- of an
(21) AMR device, caused a leak on a meter?
(22) A: The personal knowledge, I haven't physically
(23) personally done it, no.
(24) Q: And you don't know whether AMR devices cause
(25) leaks, do you?

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(1) A: Oh, yeah, they do.
(2) Q: How?
(3) A: The testimony from the hearing.
(4) Q: I'm not asking --
(5) A: The meter shop people saying it. Going out
(6) and every day seeing guys get called out on jobs,
(7) replacing leaking AMRs. Seeing them down at the --
(8) at the meter shed where they've got the tag on it
(9) and it says leaking meter. That's my personal
(10) knowledge and I know these meters are leaking.
(11) Q: And you never saw, down in the yard, meters
(12) that had ME devices on it that said leaking meter?
(13) A: I haven't seen an ME device in probably
(14) 15 years.
(15) Q: That's not my question.
(16) A: What's your question, then?
(17) MR. ELBERT: Read back my question, please.
(18) (The requested portion of the record
(19) was read by the reporter.)
(20) THE WITNESS: No.
(21) QUESTIONS BY MR. ELBERT:
(22) Q: Never saw that?
(23) A: No.
(24) MS. SCHRODER: How close are we to being
(25) done?

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(1) MR. ELBERT: Oh, probably --
(2) MS. SCHRODER: Lunch break?
(3) MR. ELBERT: I would say I've got less than
(4) 20 minutes left.
(5) MR. POSTON: Hey, this is Marc. I'm going
(6) to have to drop off now. I probably won't go back
(7) on.
(8) MS. SCHRODER: Okay.
(9) MR. POSTON: But thanks, Sherrie.
(10) MS. SCHRODER: You're welcome, Marc. I
(11) guess I'd kind of like to go ahead and take our
(12) break then. I have something I have to do before --
(13) that I have to check before 1 o'clock.
(14) MR. ELBERT: I'll be finished before
(15) 1 o'clock. That's not a problem. It's only 12:20.
(16) MS. SCHRODER: Okay. Robert, I'm going to
(17) have to call you back. I forgot that's what happens
(18) when we have these.
(19) MR. ELBERT: Why don't we just try to finish
(20) up then you can do your thing at one and --
(21) MS. SCHRODER: Well, it's not at one, I have
(22) to do something before one.
(23) (Off-the-record discussion.)
(24) (Lunch recess taken.)
(25)

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(1) Q: How?

(2) A: With the dog that you guys were all talking
(3) about at the hearing, the piece that goes in there,
(4) the rubber grommet around it, the seal, I feel that
(5) all of that, with the AMR device not being put in
(6) properly, with too much tension, whatever, I feel
(7) that that causes the leak.

(8) Q: Do you have any knowledge, any personal
(9) knowledge, that an AMR device can cause a leak in
(10) the manner that you just described?

(11) A: Only from the testimony I heard at the
(12) hearing.

(13) Q: So you have no personal knowledge; is that
(14) what you're saying?

(15) A: That's correct.

(16) Q: And you couldn't tell me, can you, Sir, how
(17) putting on this device, this AMR device improperly,
(18) could cause a leak in a meter, can you?

(19) A: Sure.

(20) Q: How?

(21) A: Because if it's put on wrong, if it's not
(22) put on --

(23) Q: Tell me --

(24) A: -- straight --

(25) Q: Tell me how it can cause a leak.

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(1) A: -- what happens is, is this thing goes in
(2) here. It gets caught on a little lever and this
(3) gets put on there, and then it's not there. It
(4) doesn't get on correctly. It's too tight. The face
(5) plate, the index gets on there, that's -- that's --
(6) also turns the face plate, that could do it. I
(7) mean ...

(8) Q: Well, how does this -- The meter itself is
(9) what has the gas in it; right?

(10) A: Right.

(11) Q: And something has to cause the meter to leak
(12) so it can go through the AMR device, wouldn't you
(13) agree with that?

(14) A: I've -- I think I've testified I never put
(15) one of these on so I don't know exactly how it
(16) works. But gas enters the meter and it exits out an
(17) AMR device.

(18) Q: And that could be caused by a problem with
(19) the meter, couldn't it?

(20) A: Hadn't happened before, not until the
(21) devices were installed on them.

(22) Q: Well, you've never had a leaking meter?

(23) A: I never said I never had a leaking meter.

(24) Q: You testified before you had a leaking
(25) meter, didn't you?

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(1) A: Right.

(2) Q: And those leaked without an AMR device on
(3) them, didn't they?

(4) A: A few of them, yes.

(5) Q: Just a few.

(6) A: Mm-mm.

(7) Q: And how did they leak?

(8) A: I don't have the personal experience on it.
(9) I never took it apart and checked it. That all goes
(10) into the Meter Shop Department.

(11) Q: The truth of the matter is, you don't know
(12) how meters leak, do you? Yes or no.

(13) A: I just -- I fix them.

(14) Q: Do you know how they leak?

(15) A: No.

(16) Q: And you don't know for a fact whether an AMR
(17) device can cause a leak, do you? Yes or no.

(18) A: With my -- Yes.

(19) Q: Then tell me how -- I want to know --

(20) A: My experience is when I get calls and I go
(21) out there and I get my ranger, and it goes around
(22) that face plate and it registers gas, and I replace
(23) them, that's telling me that that AMR is leaking.
(24) Now, how it's leaking, I don't know. That's not my
(25) job. I don't think the Company would want me to sit

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(1) and try to figure it out.

(2) Q: I want to know -- You're saying -- Your
(3) testimony is that you, as I understand it, have
(4) knowledge that AMR devices cause leaks.

(5) A: Right.

(6) Q: Now, I want you to tell me what that is
(7) based on, how they cause a leak in a meter?

(8) A: They cause a leak in the meter through poor
(9) installation by Cellnet employees.

(10) Q: How?

(11) A: Poor installation. I'm not going to be able
(12) to sit here and explain to you how because I don't
(13) see every instance. And it doesn't --

(14) Q: Explain one instance where the installation
(15) that you have personal knowledge of caused a leak.

(16) A: I've never taken it apart to find out how.
(17) I go to a job on a leak.

(18) Q: Okay. You just told me that based on your
(19) experience, these devices, by being improperly
(20) installed, cause leaks; right?

(21) A: Right.

(22) Q: Tell me how the installation caused the
(23) leak.

(24) MS. SCHRODER: I'm going to object to this.
(25) He has answered this over and over and over again.

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(1) of trying to figure out why it's leaking. I just
(2) repair it -- replace it, and put a new one in.
(3) Q: So the bottom line is, is it fair to say,
(4) you don't know how improper installation causes the
(5) leak. All you know is that you have found AMR
(6) devices and gas is coming through them? Is that a
(7) fair statement?
(8) A: Yes.
(9) MR. ELBERT: Okay. I have no further
(10) questions at this time.
(11) MS. SCHRODER: Robert?
(12) EXAMINATION
(13) QUESTIONS BY MR. FRANSON:
(14) Q: Mr. Boyle, you -- I want to know what steps
(15) you took after the events that you testified on
(16) December 19, 2006, and I'm talking about your
(17) personal steps, to notify the Public Service
(18) Commission about this incident on December 19, 2006.
(19) A: Are you asking -- Can I ask you that? Are
(20) you asking what I did to notify the staff?
(21) Q: Certainly. What did you do to notify the
(22) staff of the Public Service Commission about this --
(23) the events in your affidavit that occurred on
(24) December 19, 2006?
(25) A: Well, I thought I had already accomplished

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(1) what I wanted to accomplish with, was calling my
(2) business manager. And I felt that that was his
(3) position and job to do that.
(4) Q: Okay. Did you notify anyone at the -- as --
(5) Who's your business manager?
(6) A: Kevin Patterson.
(7) Q: Okay. Did you tell Mr. Patterson, Please
(8) immediately notify the Public Service Commission?
(9) A: No, I didn't specifically say that, no.
(10) Q: Okay. Did you -- Did Mr. Patterson tell you
(11) he would immediately take care of it that same day?
(12) A: That was my understanding, yes.
(13) Q: And what did Mr. Patterson say in the phone
(14) conversation that led you to believe that?
(15) A: After the fact -- What was your name, Sir?
(16) Q: Robert Franson. I'm the attorney for the
(17) staff of the Public Service Commission, also the one
(18) that appeared at the hearing.
(19) A: After -- After the fact, Sir, I did talk
(20) with him and ask if he did make the calls and he did
(21) state that he made the phone call.
(22) Q: Okay. How long after the fact?
(23) A: That evening.
(24) Q: Okay. Who did Mr. Patterson tell you he
(25) communicated with?

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(1) A: Jerry Gorla.
(2) Q: Who is Jerry Gorla?
(3) A: Mr. Gorla's in Industrial Relations and
(4) upper management with Laclede Gas.
(5) Q: Okay. Mr. Gora is with Laclede Gas. Who
(6) did Mr. Patterson tell you he talked with at the
(7) staff of the Public Service Commission?
(8) A: He didn't say, Sir.
(9) Q: Did he say that he called someone at the
(10) Public Service Commission?
(11) A: He didn't -- He didn't say that to me, no.
(12) Q: So you don't know whether Mr. Patterson
(13) contacted anyone at Public Service Commission
(14) directly?
(15) A: That's correct.
(16) Q: Okay. Who would be the only one to know
(17) that? Mr. Patterson?
(18) A: I would assume, yes.
(19) Q: Then Mr. -- I believe you mentioned
(20) Mr. Gora --
(21) MS. SCHRODER: Gorla.
(22) MR. FRANSON: I'm sorry, what's the name?
(23) MS. SCHRODER: Gorla.
(24) MR. FRANSON: How do you spell it?
(25) MS. SCHRODER: G-O-R-L-A.

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(1) QUESTIONS BY MR. FRANSON:
(2) Q: And what did -- What does Mr. Gore -- Is it
(3) Gorla?
(4) A: He's here.
(5) Q: What does he do at Laclede?
(6) A: You know, I -- I really don't know his exact
(7) job title, Sir. He is right here, Sir.
(8) Q: Well, he's not giving a deposition.
(9) A: Okay.
(10) Q: Have you talked to Mr. Gorla about this
(11) matter since December 19, 2006, to see if he
(12) contacted the Public Service Commission?
(13) A: No, Sir, I didn't.
(14) Q: Okay. Did you ever have a conversation with
(15) Mr. Leon Berger of the Public Service Commission
(16) staff since December 19, 2006, about this incident?
(17) A: No, Sir.
(18) Q: Okay. Have you asked anyone at the -- at
(19) Laclede whether they have had any such conversation?
(20) A: With the PSC?
(21) Q: Yes.
(22) A: No, Sir.
(23) Q: Okay. Do you know whether the attorneys
(24) have contacted the Public Service Commission about
(25) this incident?

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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.

[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] 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.

[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 you 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