

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Investigation Pursuant to 30)
V.S.A. §§ 30 and 209 regarding)
the alleged failure of Vermont)
Gas Systems, Inc., to comply)
with the certificate of public) Docket No. 17-3550-INV
good in docket 7970 by burying)
the pipeline at less than)
required depth in New Haven,)
Vermont)

30 (b) (6) DEPOSITION
- of -

MICHELS CORPORATION,
BY AND THROUGH ITS CORPORATE DESIGNEE,
CARL BUBOLZ

taken on behalf of the Intervenor on Tuesday,
December 19, 2017, at the offices of Vermont
Department of Public Service, 112 State Street,
Montpelier, Vermont, commencing at 10:04 AM.

COURT REPORTER: JOHANNA MASSÉ, RMR, CRR

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ALSO PRESENT:

LISA BARRETT
JANE PALMER
RACHEL SMOLKER
JOHN ST. HILAIRE

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I N D E X

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MICHELS CORPORATION,
BY AND THROUGH ITS CORPORATE DESIGNEE,
CARL BUBOLZ
EXAMINATION BY MR. DUMONT

PAGE
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E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Subpoena	10
2	Michels Document Production, Michels 0003-0032	24

(The original exhibits were included
with the original transcript.)

1 TUESDAY, DECEMBER 19, 2017

2 10:04 AM

3 -----
4 (Deposition Exhibit No. 1 was marked
5 for identification prior to the
6 commencement of the proceedings.)

7 MR. DUMONT: Why don't we go around and say
8 who's in the room. At this end, myself, James Dumont,
9 present for intervenors in Docket No. 17-3550-INV.
10 With me are Lisa Barrett, Jane Palmer, and Rachel
11 Smolker.

12 And we'll turn to you next, Mr. Clark.

13 MR. CLARK: This is Jacob Clark on behalf of
14 the Department of Public Service.

15 MS. BOUFFARD: I'm Debra Bouffard for Vermont
16 Gas Systems, Incorporated, and here with me today is
17 John St. Hilaire.

18 MR. DUMONT: And our court reporter is Johanna
19 Massé, M-A-S-S-E.

20 So who do you have in the room at that end?

21 MR. SIMON: This is Andrew Simon, corporate
22 counsel for Michels Corporation.

23 And, Carl, do you want to introduce yourself?

24 THE WITNESS: Carl Bubolz.

25 MR. DUMONT: And do we have a notary present?

1 MR. SIMON: Yes. I'm a notary.

2 MR. DUMONT: Okay. Is there anybody else
3 present in the room?

4 MR. SIMON: No, sir.

5 MR. DUMONT: Okay.

6 MR. SIMON: If anyone steps in, of course I'll
7 announce it, but right now no one's here. We expect
8 perhaps Matt Westphal, one of our vice presidents, may
9 or may not stop.

10 MR. DUMONT: So why don't we start by spelling
11 Mr. Bubolz's last name and placing him under oath.

12 MICHELS CORPORATION,

13 by and through its corporate designee,

14 CARL BUBOLZ,

15 appearing via telephone and having been first duly

16 sworn by Attorney Simon, testified as follows:

17 MR. SIMON: Spell your last name.

18 THE WITNESS: My last name is B-u-b-o-l-z.

19 EXAMINATION

20 BY MR. DUMONT:

21 Q. And how do you pronounce your last name?

22 A. "Boo-boles."

23 Q. Okay. Thank you. What's your position within
24 the Michels Corporation?

25 A. I am a superintendent.

1 Q. What are your duties? What are your duties?

2 A. Generally over -- over the project.

3 Q. I'm sorry. Could you speak a little slower?

4 Could you repeat that?

5 A. My duties would be the overall -- over the
6 project I'm assigned to.

7 Q. And how long have you been a superintendent at
8 the Michels Corporation?

9 A. I believe 11 years.

10 Q. Have you ever been in a deposition before?

11 A. Yes.

12 Q. How many times?

13 A. One.

14 Q. And what was that about?

15 A. It was an incident with a crane.

16 Q. What do you mean, "an incident with a crane"?

17 A. We -- there was an incident with a crane
18 that -- that tipped on our project in 2007.

19 Q. So why was your deposition taken?

20 A. Because I was a superintendent on that
21 project.

22 Q. And was there a workers' comp claim or a
23 personal injury claim or some other claim?

24 A. It was a -- there was no injury. It was more
25 of an other claim.

1 Q. Who made the claim?

2 A. The crane company.

3 Q. And who were you testifying on behalf of?

4 A. Michels.

5 Q. And had someone -- had Michels brought suit or
6 had Michels been sued?

7 A. I believe -- I don't know. What does "brought
8 suit" mean?

9 Q. So you're asking Mr. Simon a question. So
10 that causes me to let you know that under the rules of
11 our depositions you are the only person under oath, Mr.
12 Bubolz. It's not appropriate for you to communicate in
13 answering a question with anyone present in the room.
14 I'm here --

15 A. Understood.

16 MR. SIMON: I think he was asking you a
17 question.

18 A. I was. What does -- what does "brought suit"
19 mean?

20 Q. Your question is what does "brought suit"
21 mean?

22 A. Yes.

23 Q. Had Michels filed a lawsuit or had Michels had
24 a lawsuit filed against it?

25 A. I believe they had a lawsuit against them.

1 Q. Michels had a lawsuit against Michels?

2 A. No. The crane company had a lawsuit against
3 Michels.

4 Q. Okay. And that's -- you were a witness in the
5 lawsuit between the crane company and Michels?

6 A. Yes.

7 Q. All right. Are you presently the sup- --
8 supervisor or superintendent -- is your title
9 supervisor or superintendent?

10 A. Superintendent.

11 Q. Are you presently the superintendent of any
12 project?

13 A. We are just finishing up a project, but every
14 project I go on, I'm superintendent.

15 Q. What's the project you're superintendent of
16 now?

17 A. We're working on a project for Enbridge.

18 Q. Where?

19 A. Superior, Wisconsin.

20 Q. How long have you been a superintendent for
21 the Michels Corporation?

22 A. Eleven years.

23 Q. Okay. You were superintendent the entire
24 time?

25 A. In the beginning I believe my title would have

1 been assistant superintendent on and off depending on
2 the workload.

3 Q. So have you been with the Michels Corporation
4 more than 11 years?

5 A. Yes.

6 Q. So before 11 years ago, what was your
7 function? What was your title?

8 A. I've had several titles. When I started, I
9 was a laborer.

10 Q. And then what?

11 A. Then I was an equipment operator. Then I was
12 a foreman.

13 Q. What year did you start work for Michels?

14 A. 1996.

15 Q. What was your employment before that?

16 A. I started right out of high school.

17 Q. Where did you go to high school?

18 A. Horace Mann High School.

19 Q. Where is that?

20 A. North Fond du Lac.

21 Q. Can you spell that? Can you spell that town,
22 please?

23 A. North Fond du Lac?

24 Q. Yes.

25 A. N-o-r-t-h F-o-n-d d-u L-a-c.

1 Q. Is that in Wisconsin?

2 A. Yes.

3 Q. Thank you. Do you have any education beyond
4 high school?

5 A. I started with Michels right out of high
6 school. I did not take any further education.

7 Q. Thank you. Have you looked at the subpoena
8 that was served in this case?

9 A. Yes.

10 Q. Do you have a copy with you?

11 A. Yes.

12 Q. I'm treating the subpoena as Exhibit 1.

13 (Deposition Exhibit No. 1 was
14 marked for identification.)

15 BY MR. DUMONT:

16 Q. The first part of the subpoena commands the
17 presence of designated representative knowledgeable
18 about (a) The identity and current telephone numbers,
19 work addresses, and home addresses of each person who
20 was present in or on September 19th, 2016, or September
21 20, 2016, on behalf of Michels Corporation as an
22 employee, officer, agent, or contractee to install,
23 construct, bury, supervise, or inspect the Vermont Gas
24 Systems pipeline -- gas pipeline in the wetland or
25 swamp area, or the wetland buffer area, in New Haven,

1 Vermont, nearby to the Monkton town line.

2 Does Michels keep records indicating --
3 including the home addresses of its employees?

4 A. I would be certain they did.

5 Q. Okay. Has that been provided to us?

6 A. Yes.

7 Q. In fact, I will represent -- have you seen the
8 documents that were provided to us Bates stamped 1
9 through 32?

10 MR. SIMON: We have the documents printed.
11 They're in front of the witness.

12 Q. For numerous employees on pages 1, 2, and 22,
13 have the home addresses been withheld?

14 A. I see the last known addresses are listed.

15 Q. Is your last known address "Please contact" --
16 care of Mary Chevalier, 27554 390th Street?

17 A. No. That -- that says "Please contact through
18 Michels."

19 Q. Is your home address 817 West Main Street,
20 Brownsville?

21 A. No.

22 Q. The next person listed is Jolene Bubolz.
23 What's her relation to you?

24 A. Jolene is my wife.

25 Q. Is her -- is her home address or -- last known

1 address or home address present on the discovery -- on
2 the subpoena response?

3 A. The Michels last known address is on here,
4 yes.

5 Q. Is that care of Mary Chevalier, 27554 390th
6 Street?

7 A. Yes. That's what's listed on the page.

8 Q. Is that in fact her -- her home address, or is
9 that a Michels address?

10 A. That was the last known Michels address. That
11 is not her home address.

12 Q. So that's an address for -- Mary Chevalier
13 works for Michels, correct?

14 A. No.

15 Q. Who is Mary Chevalier?

16 A. That would be my mother-in-law. That is where
17 Jolene was having her mail sent.

18 Q. Okay. Do you know who was actually present at
19 the site that's the subject of the subpoena on the 19th
20 and the 20th of September?

21 A. I do from the time sheets listed.

22 Q. Other than the time sheets, is there any way
23 to ascertain that?

24 A. No.

25 Q. Paragraph 1(b) of the subpoena states, "The

1 depth of the trench in which the Vermont Gas Systems
2 pipeline was buried in the wetland or swamp area, or
3 the wetland buffer area, of New Haven, Vermont, nearby
4 to the Monkton town line." That's paragraph 1(b).

5 And paragraph 2 commands production of each of
6 the documents listed in paragraph 1 or which contain
7 evidence of the matters set forth in paragraphs 1(a)
8 through 1(j).

9 So what documents in 2016 -- in September of
10 2016 did the Michels Corporation possess or did the
11 Michels Corporation or its employees create with regard
12 to the depth of the trench in which the pipeline was
13 buried?

14 A. We would have not created any documents in
15 regards to the depth of the trench.

16 Q. Would you have possessed -- you or your
17 employees possessed any documents as to the depth of
18 the trench?

19 A. Well, the time sheets have some notes about
20 depth, and that is all.

21 Q. Were you present on the work site in New Haven
22 on September 19th or 20th, 2016?

23 A. I visited the site frequently, but I -- I
24 could not tell you the exact dates.

25 Q. Do you possess records or does the company

1 possess records that would tell us the exact date you
2 were present?

3 A. No.

4 Q. Does the company possess records which tell us
5 roughly the date you were present?

6 A. No.

7 Q. Does -- does --

8 A. I was on -- I was on-site all the time, but
9 there were many crews working that I was tending to.

10 Q. How do you define "site" when you say you were
11 on-site all of the time?

12 A. The project as a whole.

13 Q. All 41 miles?

14 A. Correct.

15 Q. Are there any documents that would show you
16 were ever at the New Haven wetlands site?

17 A. I don't think so.

18 Q. What's your best recollection of the dates or
19 date you were present at the New Haven site?

20 A. The recollection of the dates?

21 Q. Yes.

22 A. I could not tell you the exact dates I was
23 present.

24 Q. Were you there in 2014?

25 A. Are you saying the year 2014?

1 Q. Yes.

2 A. No.

3 Q. Were you present in the year 2015?

4 A. No.

5 Q. Were you present in the year 2016?

6 A. Yes.

7 Q. Do you recall what month you were there?

8 A. Are you referring to only the New Haven site
9 that we're talking about or the project as a whole?

10 Q. The New Haven site.

11 A. We were working at that site in September.

12 Q. Do you have any recollection what month you
13 were present at the New Haven site in 2016?

14 A. I was definitely there in September.

15 Q. Would you have been there in October?

16 A. I don't recall.

17 Q. How many times were you present at the New
18 Haven site where there was a wetland near the Monkton
19 town line?

20 A. Many.

21 Q. And why were you there many times?

22 A. Because I was overseeing the project.

23 Q. What was it that you were overseeing at this
24 particular site?

25 A. The work being performed.

1 Q. What aspect of the work?

2 A. All of it.

3 Q. So you told me a few minutes ago that the
4 company possesses no records as to the depth of the
5 trench in which the pipeline was buried. Was it part
6 of your duties to oversee the depth of the trench in
7 which the pipeline was buried?

8 A. Yes.

9 Q. How could you oversee that without creating
10 any records?

11 A. It wasn't our responsibility to create records
12 for the depth.

13 Q. Whose -- whose was it?

14 A. There was an on-site survey crew.

15 Q. Who was that?

16 A. I don't recall their name.

17 Q. Was that true for the entire 41-mile length of
18 the pipeline construction?

19 A. Yes.

20 Q. Do you recall the name of any person,
21 corporation, or entity that in your opinion had the
22 responsibility to determine the depth of the trench
23 along the entire pipeline?

24 A. I do not recall any of the names of the
25 surveyor or their -- or the name of the company.

1 Q. Okay. You said you did not -- the company did
2 not possess any records, if I heard you correctly. So
3 if I understand what you're saying, you're saying
4 another company had the responsibility to determine the
5 depth of the trench, number one; number two, you were
6 overseeing the depth of the trench, but you never saw
7 the records that the surveyors created? Is that what
8 you're saying?

9 A. Yes.

10 Q. So how could you oversee the depth of the
11 trench if you didn't see the records that were being
12 created by the surveyors whose job it was to determine
13 the depth of the trench?

14 A. We didn't have to see the records to know that
15 we had our coverage there because the surveyor was
16 on-site and he would tell us that it was either good or
17 not good.

18 Q. Was this true along the entire length of the
19 pipeline that the Michels Corporation obtained no
20 documentation of the depth of the trench?

21 MR. SIMON: Hold on. Object. That's beyond
22 the scope of the subpoena. I'd encourage you to look
23 back at the subpoena. We've already agreed to limit
24 the scope of the questioning today to the specific area
25 nearby the Monkton town line. We've been flexible in

1 allowing some broader questions, but on this one we're
2 looking just at that area and encourage you to answer
3 with regard to that area.

4 MR. DUMONT: Attorney Simon, you've chosen not
5 to retain Vermont counsel. That's your choice.
6 Michels Corporation is not an indigent litigant who
7 doesn't have the ability to hire in-state counsel. For
8 whatever reason you've chosen not to. You are not
9 counsel of record for Michels in this proceeding.

10 Are you instructing the witness not to answer
11 the question?

12 MR. SIMON: I'm instructing you to follow the
13 scope of the subpoena.

14 MR. DUMONT: I've asked the question. The
15 witness is under oath. I want an answer.

16 MR. SIMON: Can you repeat the question?

17 MR. DUMONT: Sure. I'm going to ask Ms. Massé
18 to read it back.

19 (The record was read as follows: "Was
20 this true along the entire length of the
21 pipeline that the Michels Corporation obtained
22 no documentation of the depth of the trench?")

23 BY MR. DUMONT:

24 Q. Please answer that.

25 A. I've only been looking at records for the --

1 for the swamp area.

2 Q. Is it your testimony you do not know whether
3 the Michels Corporation obtained records of the depth
4 of the trench along the entire length of the pipeline?

5 MS. BOUFFARD: Objection.

6 MR. DUMONT: Your objection's noted.

7 Q. Please answer.

8 A. That's correct.

9 Q. Who would know that?

10 A. There's none that I am aware of.

11 Q. Were you the superintendent -- were you the
12 superintendent for the entire 41-mile-long project?

13 A. Yes.

14 Q. And there are none you're aware of?

15 A. That is correct.

16 Q. Paragraph 1(c) and 2 called for documents
17 evidencing "The presence or absence of backfill or
18 padding under the pipeline in the wetland or swamp
19 area, or the wetland buffer area, of New Haven,
20 Vermont, nearby to the Monkton town line."

21 So was the presence or absence of backfill
22 within the scope of your duties as the superintendent?

23 A. Yes.

24 Q. Are there any records that were created at
25 that time governing or pertaining to the presence or

1 absence of backfill or padding under the pipeline?

2 MS. BOUFFARD: I'm going to object to the form
3 of the question just to make sure it's -- we're clear
4 here what you mean by "at that time."

5 MR. DUMONT: In September of 2016.

6 MR. SIMON: Do you need the question repeated?

7 THE WITNESS: Yes.

8 A. Please repeat the question.

9 Q. Are there any records that were created in
10 September of 2016 pertaining to the presence or absence
11 of backfill or padding under the pipeline in the
12 wetland or swamp area, or the wetland buffer area, of
13 New Haven, Vermont, nearby to the Monkton town line?

14 A. No.

15 Q. You've been in this business a long time.
16 When you hear the word "backfill," what does that mean
17 to you?

18 A. Material that was excavated that will return
19 to the trench.

20 Q. And what does "padding" mean to you?

21 A. Padding would be material free of rocks.

22 Q. Free of -- I think I heard what you said, but
23 if you could repeat that, please.

24 A. I said rocks.

25 Q. Okay. Free of rocks. Okay. I thought that's

1 what you said, but I want to make sure we have a clear
2 record.

3 In September of 2016, how did the Michels
4 Corporation determine whether there was proper backfill
5 or padding under the pipeline in the wetland or swamp
6 area, or the wetland buffer area, of New Haven nearby
7 to the Monkton town line?

8 A. It was visual.

9 Q. Visual by who?

10 A. By the crew on-site --

11 Q. Okay.

12 A. -- and the inspector on-site.

13 Q. Who was the inspector on-site?

14 A. I believe his name was Gordon.

15 Q. Gordon what?

16 A. He's got a last name I cannot pronounce.

17 Q. Give it your best shot.

18 A. Brushare [phonetic].

19 Q. Was he a Michels employee?

20 A. No.

21 Q. Who was -- who did he work for?

22 A. He worked for the inspection company.

23 Q. What was -- who was the -- what was the
24 inspection company?

25 A. I believe it was Hatch Mott.

1 Q. Can you spell that?

2 A. No.

3 Q. Hatch Mott? Would it have been Mott
4 MacDonald?

5 A. I could not answer that question. I don't
6 know.

7 Q. Did the -- did the inspector provide any
8 records to you?

9 A. No.

10 Q. So you said you were their superintendent for
11 the entire 41-mile distance of the pipeline. As the
12 superintendent, how did you determine that standards
13 were satisfied as to the presence or absence of
14 backfill or padding under the pipeline in the wetland
15 or swamp area, or the wetland buffer area, of New Haven
16 nearby to the Monkton town line?

17 A. Visual.

18 Q. But were you there? Did you -- did you do the
19 visual inspection yourself?

20 A. I did look at the material. I was there. But
21 not full time.

22 Q. So did you make any record when you were
23 there?

24 A. No.

25 Q. When you were not there, how did you as

1 superintendent determine that the standards were
2 satisfied?

3 A. There was a third-party inspector on-site full
4 time that was there to make sure the standards were
5 satisfied.

6 Q. I thought you said you were overseeing the
7 project on behalf of Michels.

8 A. That's correct.

9 Q. How did you -- how did you determine that the
10 standards were satisfied on behalf of your employer,
11 Michels?

12 A. Visual.

13 Q. How did you determine them when you were not
14 personally present?

15 A. Visual. It was a visual with the foreman
16 on-site and the inspector on-site.

17 Q. Who was the foreman on-site?

18 A. Her name was Jolene.

19 Q. Your wife?

20 A. That is correct.

21 Q. How did she determine that the standards as to
22 presence or absence of backfill or padding were
23 satisfied?

24 A. Visual.

25 Q. Did she make any record that she provided to

1 you?

2 A. Only what's on the foreman sheet that was
3 provided to you.

4 Q. And that's -- that's a sheet -- why don't we
5 turn to that right now. And tell us what sheet you're
6 referring to. And these have been numbered, so I'm
7 treating this package that starts with Bates stamp
8 Michels 0003 and ending with Bates stamp Michels 0032
9 as our Exhibit 2. We'll put a sticker on it later.

10 (Deposition Exhibit No. 2 was
11 marked for identification.)

12 BY MR. DUMONT:

13 Q. Using the Michels Bates stamp number, what
14 page number are you looking at?

15 A. 00819 -- or 0819. I apologize.

16 Q. 819. Ours are not numbered in that way. Ours
17 are --

18 MR. SIMON: Hold on. I think he's looking at
19 0019.

20 A. Okay. 0019.

21 Q. 0019. And that is a page that in the
22 right-hand corner it says "Monday," and the date
23 appears -- is very small print, but I believe that is
24 the 19th. Can you read that?

25 A. Yes.

1 Q. So if we're all on the same page, literally,
2 what on this page relates to presence or absence of
3 backfill or padding under the pipeline in the wetland
4 or swamp area, or the wetland buffer area, of New
5 Haven, Vermont, nearby to the Monkton town line?

6 A. I see nothing.

7 Q. Can you tell me, referring to the same
8 exhibit, whose handwriting is on the exhibit?

9 A. The handwriting should be Jolene's.

10 Q. Do you recognize your wife's handwriting?

11 A. Yes.

12 Q. Is that true all the way down to where it's
13 signed Jolene Bubolz, foreman?

14 A. Yes.

15 Q. Do you see a signature beneath that, it says
16 M. Reagan, R-e-a-g-e-n?

17 A. Yes.

18 Q. 9/21/16. Do you know who Mr. Reagan is?

19 A. Yes.

20 Q. Was he on the site in New Haven?

21 A. I don't recall. I could not tell you.

22 Q. Isn't it true he stayed in Williston?

23 A. I do not know where he stayed.

24 Q. Did you ever see him on the work site?

25 A. Yes.

1 Q. Did you ever see him in New Haven?

2 A. I do not recall.

3 Q. So going back to the subpoena, paragraph 1(d)
4 and paragraph 2, the subpoena addressed "Whether the
5 materials under the pipeline in the wetland or swamp
6 area, or the wetland buffer area, of New Haven,
7 Vermont, nearby to the Monkton town line were inspected
8 for rocks or clods greater than 3 inches in greatest
9 dimension."

10 Did -- in September of 2016, did the Michels
11 Corporation generate or possess any records that would
12 provide evidence about this subject matter?

13 A. None that I'm aware of.

14 Q. In fact, were the materials under the pipeline
15 in the wetland or swamp area, or the wetland buffer
16 area, of New Haven, Vermont, nearby to the Monkton town
17 line inspected for rocks or clods greater than three
18 inches in greatest dimension?

19 A. Yes.

20 Q. How do you know that?

21 A. I know that because if there -- I know that
22 they -- the on-site inspector was watching and the crew
23 was watching as we were digging and backfilling.

24 Q. So when you say "watching," what do you mean
25 by that?

1 A. There was an inspector watching the backfill
2 activities for rocks.

3 Q. Was that Michels Corporation's obligation
4 under its contract with Vermont Gas to inspect this, or
5 was it somebody else's obligation?

6 A. It was our obligation to ensure there was no
7 rocks. It was the inspector's obligation to inspect
8 it.

9 Q. What did the Michels Corporation do in
10 September of 2016 when working to install the pipeline
11 in the wetland or swamp area, or the wetland buffer
12 area, of New Haven nearby to the Monkton town line to
13 ensure that no rocks or clods greater than three inches
14 in greatest dimension were under the pipeline?

15 A. We did a visual inspection.

16 Q. Tell me how you did the visual inspection.

17 A. We could see that there were no rocks in the
18 soil.

19 Q. How do you see what's underneath a pipeline?

20 A. We could see the bottom of the ditch.

21 Q. Before the pipeline was placed on it; is that
22 what you're saying?

23 A. Yes.

24 Q. In fact, how was this pipeline installed in
25 the wetland or swamp area, or the wetland buffer area,

1 of New Haven, Vermont, in September of 2016? Was a
2 trench dug and then the pipeline was laid down in the
3 trench? Is that what you're testifying?

4 A. Yes.

5 Q. You were present, and that's your sworn
6 testimony?

7 A. Yes. I know the process.

8 Q. I'm not asking for your general knowledge.
9 I'm asking whether in fact you know that's the process
10 that was used in the wetland or swamp area, or the
11 wetland buffer area, of New Haven, Vermont, nearby to
12 the Monkton town line.

13 A. The trench was dug and the pipeline was put in
14 it. Correct.

15 Q. And it's your testimony that the standard
16 procedure for Michels would be to inspect the trench
17 before the pipeline is placed in it?

18 A. Yes.

19 Q. Was any other method of construction used at
20 this location other than the one you've just described?

21 A. Yes.

22 Q. Tell us what the other method was.

23 A. We dug a shallow trench and then dug the
24 pipeline down as we went.

25 Q. Please explain what you mean by "dug the

1 pipeline down as we went."

2 A. We dug next to the pipe that was there to get
3 the pipeline where it ultimately had enough cover.

4 Q. So in fact what you did was not to lay the
5 pipeline in an open trench; you dug on either side of
6 it and the weight of the pipeline between the two
7 trenches sank it down into the wetland, correct?

8 A. First we dug the trench and put the pipeline
9 in it.

10 Q. How deep was that trench?

11 A. Roughly two to three feet.

12 Q. How do you know that?

13 A. Because that's what we did.

14 Q. Were you there at all times?

15 A. No, I was not there at all times.

16 Q. On what did you base your testimony that the
17 trench that was dug was two to three feet?

18 A. Because that's how we decided we were going to
19 install the pipe.

20 Q. Okay. How do you know that that's what was
21 done since you weren't there?

22 A. I -- I visited the site frequently.

23 Q. Okay. How did you determine the depth of the
24 trench? Did you measure it with a yardstick or did you
25 use the surveyor's data? How did you know?

1 A. I seen it. When the pipeline was lowered
2 beneath the ground level, we dug a two- to three-foot
3 trench and placed the pipe in it first. I guess two to
4 three feet would be an estimate. I do not have an
5 exact depth of the first time we dug it.

6 Q. Does Michels have any data showing the exact
7 depth of the trench that was dug?

8 A. No.

9 Q. Does anyone else, to your knowledge? Does the
10 surveyor? Does Vermont Gas? Does the Department of
11 Public Service? Does anybody know the exact depth of
12 the trench that was dug?

13 A. No. The initial trench that we dug was not
14 important at the time. It was not our final product.

15 Q. Okay. So when I asked you just a few minutes
16 ago how you knew that there were no materials -- no
17 rocks or clods greater than three inches in greatest
18 dimension, you testified that you inspected the trench
19 before the pipe was placed in it, correct?

20 A. That's correct.

21 Q. Well, now you've just told me that that's not
22 how this pipe was actually installed, correct?

23 A. We dug another trench next to the pipe. We
24 could see that trench as well.

25 Q. And what did you do -- what did you do to

1 inspect the soils, the ground between the two trenches;
2 in other words, the soil underneath the pipeline?

3 A. We could see it. It was visual.

4 Q. Did someone get down into the trench that was
5 alongside it and look along the -- look sideways inside
6 that trench?

7 A. No. Nobody could go in the trench, but it was
8 very easy to see.

9 Q. Wasn't the trench filled with water?

10 A. No.

11 Q. Wasn't the trench occupied by water to some
12 depth?

13 A. There was presence of water, but it was not
14 full of water at all the time.

15 Q. How deep was the water?

16 A. I do not recall.

17 Q. Did you measure how deep the water was?

18 A. No.

19 Q. Am I correct the water was present at all
20 times inside both of the two trenches on either side of
21 the pipeline?

22 A. No.

23 Q. Were you ever personally present when both
24 trenches were not filled with water?

25 A. Yes.

1 Q. Were you personally present when neither
2 trench had any water in it?

3 A. Yes.

4 Q. How many times would you think you were
5 present at this site in September?

6 A. I couldn't even guess. I was there
7 frequently.

8 Q. Were you there on the 19th of September?

9 A. I -- I did not keep records of every place I
10 visited and when. I assume I was, but I could not tell
11 you that for a fact.

12 Q. Well, if we look at page 19 of the exhibit,
13 does it not list every person present at the work site?

14 A. 19? That list is a time sheet for the workers
15 present. It does not list everybody present.

16 Q. So tell me -- we're talking about a pipeline
17 in this area that's 2,500 feet -- approximately 2,500
18 feet long, correct?

19 A. Correct.

20 Q. Is it your testimony that Michels Corporation
21 inspected all 2500 feet visually to make sure there
22 were no rocks or clods greater than three inches in
23 dimension underneath the pipeline?

24 A. Yes.

25 Q. And they did so without creating any record of

1 doing so, correct?

2 A. Correct.

3 Q. Is that standard practice in -- for Michels at
4 all sites in the country? Not to make any record is
5 what I'm asking. Is it standard practice not to make
6 any record of inspections of the materials on which a
7 pipeline is being placed?

8 A. Oftentimes, yeah, we do not keep record of
9 that, no.

10 Q. Paragraph 1(e) and 2 pertain to "The depth of
11 burial of the pipeline in the wetland or swamp area, or
12 the wetland buffer area, of New Haven, Vermont, nearby
13 to the Monkton town line."

14 So we're not talking about the depth of the
15 trench. We're talking about the depth of the pipeline.
16 Did the Michels Corporation possess or create any
17 records in September 2016 pertaining to the depth of
18 burial of the pipeline in the wetland or swamp area, or
19 the wetland buffer area, of New Haven, Vermont, nearby
20 to the Monkton town line?

21 A. The only thing that Michels would have records
22 of is on the time sheets provided to you.

23 Q. So if we turn to -- back to page 19, that's
24 the record you're referring to?

25 A. That's -- that's correct.

1 Q. That's the only document that exists that
2 Michel had -- that Michels possessed in September of
3 2016, correct, that relates to this subject?

4 MS. BOUFFARD: Objection.

5 MR. DUMONT: If I'm asking a poor question,
6 I'd be happy to amend it. What would you like me to
7 clarify?

8 MS. BOUFFARD: You -- you said this is the
9 only document, and his -- his response to you was that
10 there were time sheets.

11 MR. DUMONT: I think this is a time sheet, but
12 let's clarify that.

13 Q. Is this the time sheet that you're referring
14 to?

15 A. What are you looking at again?

16 Q. Page 19 of -- of this exhibit that says "Daily
17 Time Report" on the top.

18 A. Yes.

19 Q. This -- when you said "time sheet," you mean
20 this page, correct?

21 A. Correct.

22 Q. So I'm going to ask you to read all of the
23 narrative on the page. I assume your copy is better
24 than my copy. And also I assume you can read your
25 wife's handwriting better than I can. So why don't we

1 start with -- it says "2 lab" on the left. What does
2 that mean?

3 A. Two laborers.

4 Q. Okay. "2 laborers went to," and then in
5 parentheses "Jeff Nighburg," N-i-g-h-b-u-r-g, end
6 parentheses. What does that mean?

7 A. That's another foreman.

8 Q. What does that mean, "2 laborers went to (Jeff
9 Nighburg)"?

10 A. It means two of her crew members went to a
11 different crew that day.

12 Q. Not working on this site, in other words, on
13 this particular site?

14 A. For that particular day.

15 Q. For that day. Okay. So it says "2 laborers
16 went to (Jeff Nighburg) for the day and tomorrow but
17 will be back with me." Did I read that correctly?

18 A. Yes.

19 Q. Okay. What does that mean, "but will be back
20 with me"?

21 A. I think it's pretty clear. They'll be back.

22 Q. On this -- "with me" means on this site in the
23 New Haven wetlands? Is that what it means?

24 A. I would assume so.

25 Q. And we're talking about September 19th,

1 correct?

2 A. Yes.

3 Q. And the next day is September 20th, correct?

4 A. Yes.

5 Q. So she's saying two laborers went to Jeff
6 Nighburg for the day, the 19th, and tomorrow, the 20th,
7 but will be back with me after the 20th. That's what
8 it means, correct?

9 A. Yes.

10 Q. Okay. Next -- maybe if you could just read
11 it, because it's a little hard for me to read. I see
12 "worked through lunch." Why don't you read all of it.

13 A. It says, "Worked through lunch because we are
14 in the clay planes swamp."

15 Q. Then what does it say?

16 A. "Very hard to get ditch and cover."

17 Q. Then what does it say?

18 A. "Worked in clay planes swamp from 1645+87 to
19 1649+75."

20 Q. And then?

21 A. It says, "We" -- I think that says located 9
22 welds starting with only three foot of cover. By the
23 end of the day had 3.9. And this says "Getting
24 Deeper."

25 Q. I think you may have missed some words. It

1 says, "Started with only 3 feet cover. By end of day
2 number 9 weld had 3.9." Correct?

3 A. Okay.

4 Q. There were nine welds. One of them had 3.9
5 feet of cover. Correct?

6 A. Correct.

7 Q. The other eight did not, correct?

8 MS. BOUFFARD: Object to the form of the
9 question.

10 Q. Am I correct?

11 A. It does not say that the other eight does not.

12 Q. Okay. So it says, "Started with only 3 feet
13 of cover. By end of day number 9 weld had 3.9" feet.
14 Correct?

15 A. That's what it says, yes.

16 Q. Is there any record other than this time sheet
17 of the depth of cover for the other eight welds?

18 MR. SIMON: Can you clarify? Which time
19 period are you talking about?

20 Q. September -- September 19th, 2016.

21 A. Not that I am in possession of.

22 Q. Did any such record exist on September 19th,
23 2016?

24 A. There was a survey crew on-site that would
25 have the records for the depths of the welds.

1 Q. Did you have access -- did you actually see
2 those records on the 19th?

3 A. No.

4 Q. Do you know if Jolene saw that record on the
5 19th when she wrote this time sheet?

6 A. No.

7 Q. After the words 3.9 -- or the number 3.9, it
8 says "Getting Deeper," capital G, "Getting Deeper,"
9 capital D, "Deeper," and then period. Did I read that
10 correctly?

11 A. Yes.

12 Q. Do you know what that means?

13 A. It means they were continuing to work on that
14 area.

15 Q. Based on your years of experience in the field
16 and your knowledge of the site, how were they getting
17 the pipeline deeper?

18 A. They were digging another trench along the
19 side of it.

20 Q. Mr. Bubolz, as the superintendent of this
21 project, did you ever look at the specifications
22 provided by Clough Harbour & Associates, CHA, for how
23 to construct each portion of the project, including
24 this portion?

25 A. I would be certain I did, but I don't really

1 recall.

2 Q. Well, if Michels Corporation had those
3 specifications in 2016, would they have them now?

4 A. The specifications?

5 Q. Yes.

6 A. I would believe so.

7 Q. Okay. So those specifications relate to the
8 depth of burial of the pipeline, correct? They set
9 forth the depth of burial of the pipeline, correct?

10 A. Correct.

11 Q. And those specifications from Clough Harbour
12 set forth how the pipeline was to be constructed, how
13 the trenches were to be dug, correct?

14 A. Correct.

15 Q. And you were familiar with those? You had
16 seen them, correct?

17 A. As I said, I would be certain I did, but I do
18 not recall the details.

19 MR. DUMONT: So for Mr. Simon, the
20 specifications for this portion of the pipeline clearly
21 fall within the subpoena and have not been produced, so
22 that's something we can work on after the deposition.

23 MR. SIMON: I would encourage you to look at
24 the documents entitled -- numbered Michels 8 through
25 11.

1 MR. DUMONT: Well, I tried to, but they
2 weren't legible. Too small. Couldn't read them.

3 MR. SIMON: I can clearly see them on my
4 computer, but I sent you a native version as well
5 shortly before this deposition, so feel free to take a
6 look at those, and if you'd like, we can --

7 (Interruption by the reporter.)

8 MR. SIMON: The documents that were produced,
9 Michels document number 8 through 11, in their original
10 format -- granted they were Bates stamped. I sent the
11 non-Bates stamped version of the same document. If
12 that's any clearer, great. I don't have any problems
13 with -- with the clarity of the document that was
14 produced on my end, but of course I'm not seeing what
15 you're seeing, right? So take a look at those, and if
16 you'd like to pause for a minute and look at them in
17 greater detail or you have specific questions, we're
18 glad to answer them. I would suspect these documents
19 should already be in your records, right? I assume
20 they've been produced, but of course I don't know what
21 you received.

22 MR. DUMONT: Mr. Simon, we went through this
23 last week. I needed the documents by the close of
24 business Friday so I could prepare for the deposition.
25 They weren't produced Friday. They weren't produced

1 Saturday. They weren't produced yesterday. Apparently
2 they were produced while I was driving to Montpelier
3 today.

4 MR. SIMON: They were produced last night.
5 You saw them. Apparently you can't see -- for some
6 reason the version you have is blurry. The version I
7 have is not. Again, like I said, I'm not sitting on
8 your end, so I can't see what you see. If they're
9 blurry, I believe you. Now, I did send the original
10 native version un-Bates stamped, the exact same
11 document. They look the same on my computer. If it's
12 for some reason clearer on yours, great. I have no
13 idea why it would be blurry on your end, right? But
14 the document was originally produced in PDF. It has
15 been produced to you. I produced all the documents in
16 my possession last Friday. I didn't have these
17 documents. Meeting with Carl yesterday, we discovered
18 a few additional documents, not many. There were I
19 believe 30 in total, and those were sent to you. These
20 are four of those documents.

21 MR. DUMONT: The ones that you sent us which
22 we're now discussing that are legible were received
23 6:30 PM Eastern time after I'd left work. I went back
24 to my office last night to look at them, and they were
25 not legible on the computer. I printed them. They're

1 not legible printed. I enlarged them on the computer,
2 and because of the nature of the PDF, you could not
3 read anything when they were enlarged because they were
4 blurry. Now you said you sent me a legible copy
5 sometime this morning.

6 If we have time permitting, I will ask the
7 Department of Public Service to let me have access to
8 their Internet so I can read them. I am not an
9 employee of the Department of Public Service. I don't
10 have Internet access right now, and I can't interrupt
11 the deposition to find the documents and peruse them to
12 prepare for the deposition.

13 MR. SIMON: I think I've made my position
14 clear. Have you not received these documents before
15 previously in this proceeding?

16 MR. DUMONT: So I will need to return to the
17 subject after I read a legible copy of those documents,
18 but let me return to Mr. Bubolz.

19 BY MR. DUMONT:

20 Q. Mr. Bubolz, do you agree with me that the
21 method you've been describing for sinking the pipeline
22 down deeper than the trench that was dug is not set
23 forth in any of the Clough Harbour specifications that
24 the Michels Corporation was given? Am I correct?

25 A. I would believe so.

1 Q. Thank you. Do you recall any discussions on
2 September 19th with anyone from Clough Harbour, from
3 Vermont Gas, from the Department of Public Service,
4 from Mott MacDonald, with any employee or officer of
5 any other company, as to whether it was permissible to
6 use a pipeline construction method that wasn't set
7 forth in the Clough Harbour specifications?

8 A. Not on September 19th, no.

9 Q. How about same question at any other date?

10 A. Yes.

11 Q. Tell me about that conversation.

12 A. The conversation? We talked about how we were
13 going to install the pipe in this area, and we all
14 determined that this was the best method.

15 Q. Who was part of that -- who was present for
16 that conversation?

17 A. Myself, Danny Vincent, Mike Reagan, and Darrel
18 Crandall.

19 Q. Who is Mr. Vincent?

20 A. Danny Vincent was the -- our eastern division
21 manager. Danny was my boss.

22 Q. Okay. You mentioned a second person, Mike
23 Reagan. Tell us --

24 A. That's correct.

25 Q. -- who Mike Reagan was.

1 A. Mike Reagan was the construction manager for
2 Hatch Mott MacDonald.

3 Q. Who is Danny Crandall?

4 A. Darrel Crandall --

5 Q. Darrel Crandall. Thank you.

6 A. -- was the chief inspector.

7 Q. Who did he work for?

8 A. I do not know. I believe it was Hatch Mott,
9 but I could not tell you for certain.

10 Q. When did this conversation occur?

11 A. This conversation occurred in the planning
12 stages for when -- before we started to work in this
13 swamp. I do not know the date.

14 Q. That was on September 12th, correct?

15 A. No. We talked about this before September
16 12th.

17 Q. Okay. How long before September 12th did you
18 talk about it?

19 A. I do not know the dates.

20 Q. If you return to Michels 0003, that's a
21 document that has a title "Job #61103 Vermont Gas."
22 And what was sent to us was a three-page -- four-page
23 document -- five-page document. I'm sorry. Five-page
24 document. What is this document, five pages long, with
25 the caption "Job #61103 Vermont Gas"?

1 A. Those are the notes I made for the project.

2 Q. And how did you make these notes? On a
3 hand-held device, a laptop? Are they handwritten?

4 A. This was on a laptop.

5 Q. Can you read the entry for September 12th?

6 A. Yes. Talked with Joey, Darrel, and Mike
7 Reagan about clay plains. Made it clear our two
8 options were to let the dirt fall off the right-of-way
9 or to sheet the entire thing. The answer was to get it
10 done and make good later [sic].

11 Q. What does it mean to sheet the entire thing?

12 A. Sheet piling would be a method of driving
13 steel plates in along both sides of our excavation
14 before we dig as a way of shoring and holding our
15 banks.

16 Q. Okay. What does it mean to let the dirt fall
17 off the right-of-way?

18 A. The concern was the width of the right-of-way.

19 Q. What does it mean --

20 A. And --

21 Q. Go ahead.

22 A. The -- there would not be enough room for all
23 the spoils.

24 Q. So when you state, Talked with Joey, Darrel,
25 and Mike Reagan about clay plains, what is it you

1 talked to them about? Was there a problem you were
2 addressing?

3 A. We suggested the use of sheet piling.

4 Q. Why?

5 A. Because of the conditions and of the room we
6 had.

7 Q. What were the condition -- what were the
8 conditions?

9 A. Well, it was a swamp.

10 Q. There were numerous other swamps along the
11 pipeline's 41-mile length, correct?

12 A. Yes.

13 Q. Had you had similar discussions about the
14 other locations?

15 A. We used sheet piling in one or two other
16 locations, yes.

17 Q. Which locations?

18 A. I -- I do not recall.

19 Q. So reading still the entry for Monday,
20 September 12, you just read what's captioned "Daily
21 Activities," and then it says Issues/Comments [sic].
22 As I read it -- it's tiny, but as I read it, it says --
23 it says, Danny suggested leaving swamp pipe on ditch
24 line and digging it down as we went, space space, Great
25 idea, space space, Inspection thought so too.

1 Did I read that correctly?

2 A. Yes.

3 Q. Can you explain that?

4 MS. BOUFFARD: I think it actually says, Danny
5 suggested laying the swamp pipe. It's tiny, but I
6 think it's the word "laying," not "leaving."

7 MR. DUMONT: Oh, I think you're right. I
8 think it says "laying."

9 Q. "Danny suggested laying swamp pipe on ditch
10 line and digging it down as we went." What does that
11 mean?

12 A. That means exactly what I told you before
13 about the method of installation we used.

14 Q. Okay. And then it says -- there's another
15 caption that says "don holly ROW." What does "don
16 holly ROW" mean?

17 A. Don Holly was a foreman of our right-of-way
18 crew. That was one crew.

19 Q. And he reported to you?

20 A. That's correct.

21 Q. Okay. And what's the entry under Don Holly
22 right-of-way for September 12?

23 A. It says, Met with Wayne from the Town of
24 Monkton.

25 Q. Did you meet with Wayne from the Town of

1 Monkton?

2 A. Yes.

3 Q. Is that -- did that meeting have anything to
4 do with the clay plains problem?

5 A. No. I believe it was roads that I met with
6 him with.

7 Q. So did someone discuss on September 12th
8 whether or not Michels or Hatch Mott MacDonald or
9 someone else needed to get permission from Vermont Gas
10 to depart from Clough Harbour's plans?

11 A. That I do not know.

12 Q. Who would know that if you don't?

13 A. It would be either Mike Reagan or Darrel
14 Crandall.

15 Q. As I recall, you said you actually discussed
16 this method of construction prior to September 12th.
17 Is that right?

18 A. I don't know that. The way I wrote it down
19 there, it looks like September 12th is the first time
20 it was discussed.

21 Q. Under "Issues/Concerns" are the words "Great
22 idea" that -- I read those words earlier. Who said
23 great idea or whose thought was it, great idea?

24 A. Those are my notes that I thought it was a
25 great idea.

1 Q. Are there any other notes in your -- your own
2 log that are marked Michels 3, 4, 5, 6, 7 that relate
3 to the clay plains swamp or the buffer area in New
4 Haven?

5 A. I'm certain there is.

6 Q. Okay.

7 A. I would have to read through them all.

8 Q. A question for you just about formatting.
9 Michels 003, looking at that and Michels 004, is
10 Michels 004 an extension to the right of Michels 003,
11 or is it a whole new page?

12 A. Extension to the right.

13 Q. Okay. So to continue understanding the entry
14 for Monday, September 12th, we have to go on to the
15 next page?

16 A. That is correct.

17 Q. So on the next page it says "jolene Tie In."
18 What does "jolene Tie In" mean?

19 A. Jolene's crew was a tie-in crew.

20 Q. What is a tie-in crew?

21 A. A crew that would come back and do the small
22 pieces and put the ends together after the line crews
23 went through.

24 Q. So is the entry for Monday, September 12th,
25 "jolene Tie In," or is the entry "tied in off of the

1 little otter creek bore"?

2 A. That September 12th is "tied in off of the
3 little otter creek bore."

4 Q. Okay. What does that mean?

5 A. It means she made the tie-in off of the Little
6 Otter Creek bore.

7 Q. And what is the Little Otter Creek bore?

8 A. It was a bore under the Little Otter Creek.

9 Q. So in English, when someone ties in off of the
10 Little Otter Creek bore, what does that mean?

11 A. It means she put the pipe together after the
12 bore crew had left.

13 Q. Was this aboveground, in the ditch, in the --
14 in the wetland? Where -- where does this happen?

15 A. This was in the ditch.

16 Q. Before the ditches were dug on either side to
17 get it deeper? We're still on September 12th.

18 A. Well, no. This instance she was making a
19 tie-in off of a bore, so the method of construction was
20 not used. And this -- and when they were making the
21 tie-in, they were not digging pipe down on either side.

22 Q. So what does -- what does it mean to tie in?

23 A. I would have to describe the process of
24 building a pipeline pretty much, but in essence you
25 would have a mainline ditch crew that would dig the

1 mainline ditch through larger stretches and put the
2 pipe in the ground, and then you would have a bore crew
3 that would bore places like the Little Otter Creek, and
4 then you have another tie-in crew that would put the
5 two ends together and make the pipeline whole.

6 Q. Thank you. So if we could continue across the
7 September 12th entry going from right -- left to right,
8 what's the next entry for that date?

9 A. We're going left to right? That would be
10 "brandon duffy."

11 Q. What does that -- can you read what it says
12 under "brandon duffy" or as part of that entry, the
13 whole entry for the 9 -- for 9/12.

14 A. Hit rock by power pole coming around hill.
15 Went back and set up six-inch pumps for dewatering and
16 New Haven River drill.

17 Q. Now, is this -- does this pertain to work in
18 the clay plains swamp or other work?

19 A. This is other locations. Another foreman
20 working in a different area.

21 Q. Next entry to the right, still for September
22 12th, I read finished stringing in the New Haven swamp.
23 Did I read that correctly?

24 A. Yes.

25 Q. What does it say above that? What's the

- 1 caption? I can't read that.
- 2 A. It says Roy stringing.
- 3 Q. Roy stringing. Okay. So Roy is a person's
4 name?
- 5 A. Roy is a person's name, and stringing is
6 misspelled.
- 7 Q. Okay. What does "stringing" mean?
- 8 A. Stringing is a crew that lays down the pipe
9 from the pipe yard to the right-of-way.
- 10 Q. Is welding done as part of stringing?
- 11 A. No.
- 12 Q. It's done afterwards?
- 13 A. That is correct.
- 14 Q. All right. So when it says finished stringing
15 in the New Haven swamp, what does that mean?
- 16 A. It means he finished placing the pipe in the
17 New Haven swamp.
- 18 Q. Was it placed in the trench that we discussed
19 earlier?
- 20 A. No. This was placed aboveground.
- 21 Q. Was it placed on any kind of bedding?
- 22 A. No. This was placed on skids in preparation
23 for welding.
- 24 Q. What is a skid?
- 25 A. A piece of wood approximately four foot long

1 used as cribbing to elevate the pipe off the ground.

2 Q. Thank you. On the 12th, next entry to the
3 right, it says, Finished at Monkton Road. Moved to
4 Plank Road. Dug up bore end south of Plank. Took down
5 fence. Moved last two hoes and dozer at the end of the
6 day to Plank.

7 Did I read that correctly?

8 A. Yes.

9 Q. And the caption on the top of that column is
10 "Dave Hemphill/tie in." So what does that -- the entry
11 that I read, what does it mean?

12 A. It describes what Dave Hemphill tie-in crew
13 did for the day.

14 Q. So when it says he finished at Monkton Road,
15 what does that mean? What did he finish?

16 A. He finished his tie-ins.

17 Q. Okay. And when it says moved to Plank Road,
18 that just means he moved his -- his equipment to Plank
19 Road?

20 A. That's correct.

21 Q. And then it says, Dug up bore end south of
22 Plank.

23 What does that mean?

24 A. There's no other way to describe it besides he
25 dug up the bore end south of Plank.

1 Q. Okay. But I thought the pipeline was on
2 skids. Right?

3 A. What you're -- you're -- no. The pipeline is
4 not on skids on this tie-in. He dug up the end of a
5 bore and that bore is in the ground.

6 Q. So different section. Further south is
7 already in the ground?

8 A. Correct.

9 Q. So south of the clay plains swamp and north of
10 the clay plains swamp, the pipeline is in the ground as
11 of September 19th?

12 A. There's pieces, yes.

13 Q. Okay. Continuing to Michels Bates stamp 0005,
14 is this still a continuation of the entry from
15 September 12th?

16 A. Yes.

17 Q. Okay. Does any of the rest of the entry for
18 September 12th pertain to the clay plains swamp area
19 just south of the Monkton town line?

20 A. No.

21 Q. Same question about Michels 0006, the entry
22 for September 12th. Does any of that pertain to the
23 area we've been discussing?

24 A. Actually, yes, it does.

25 Q. Okay. Tell me about that.

1 A. I see there's a coating crew that was working
2 at the clay plains swamp.

3 Q. It says "Matt Wagner coating": Worked on
4 jeeping and rock-shielding clay plains. Then it's
5 either a period or a comma; it's hard to read. Sent
6 half of crew to finish pre jeeping, j-e-e-p-i-n-g, Hunt
7 Road, 53 jeeps on last section.

8 What does that mean?

9 A. A jeep would be a small void in the coating.

10 Q. So when you're jeeping, you're checking for
11 voids?

12 A. That's correct.

13 Q. What is rock -- when it says "rock shielding
14 clay plains," what does that mean?

15 A. Rock shield is something you would put over
16 pipe to protect it.

17 Q. What distance of pipeline in the clay plain
18 was rock-shielded?

19 A. I honestly do not remember.

20 Q. Is there any document that would answer that?

21 A. No.

22 Q. How was the pipeline in the clay plains swamp
23 rock-shielded?

24 A. I would assume it would only be the welds that
25 we would have put rock shield on because the rest of

1 the pipe in the clay plains had a concrete coating on
2 it already.

3 Q. How did you rock-shield -- what's your
4 understanding of how the welds were rock-shielded?

5 A. It would be the voids in between the concrete.

6 Q. What -- how does one rock-shield the void
7 between the concrete?

8 A. We would wrap the material in the void between
9 the concrete.

10 Q. Wrap it with what?

11 A. The rock shield.

12 Q. And what does -- what does the rock shield
13 consist of?

14 A. It would be like a plastic mesh.

15 Q. Now, you've stated that the pipeline aside
16 from the welds -- welding areas already had a concrete
17 coating. How do you know that?

18 A. Because all of the pipe through that swamp had
19 a concrete coating on it.

20 Q. You recall that from being on-site and seeing
21 it, correct?

22 A. From memory, correct.

23 Q. Was the concrete coating 1-1/2 inches thick?

24 A. We did not do the concrete coating. I believe
25 so.

1 Q. Who did the concrete coating?

2 A. The crew the previous year before we arrived.

3 Q. So this is a 12.75 outer diameter steel
4 pipeline, correct?

5 A. That is correct.

6 Q. And you're adding three inches of concrete to
7 it, 1-1/2 inch -- it's a 1-1/2-inch coating, so the
8 overall diameter is now 15.75 inches, correct?

9 A. That sounds logical.

10 Q. If you could look further on the same page 006
11 under "Matt Wagner coating," there's a later entry. It
12 looks like it might be the 17th?

13 MS. BARRETT: 21st.

14 Q. Or the 16th.

15 MS. BARRETT: 21st, I think.

16 Q. It's hard for me -- you have to go all the way
17 to the first page to get the date, but it says under
18 "Matt Wagner coating," Began coating in Maine
19 Drilling and Blasting -- began coating -- maybe you can
20 read that. It has to do with coating.

21 A. Began coating in Maine Drilling and Blasting
22 and stayed late to prejeep the last section for Jeff.

23 Q. Then above that it says -- actually, starting
24 right below where we first read, Working on jeeping and
25 rock-shielding, the next entry says, Coated pipe on

1 Drinkwater today.

2 That's a different site. That's not the clay
3 plains, correct?

4 A. That is correct.

5 Q. And then underneath that it says, Coated
6 concrete pipe at Rotax Road. Finished jeeping Rotax.
7 Helped with removal of concrete barriers.

8 That's a different site, correct?

9 A. Correct.

10 Q. And then what we just read, Began coating in
11 Maine Drilling and Blasting, is that this site in the
12 clay plains swamp, or is that a different site?

13 A. That's a different site.

14 Q. Okay. And then it says -- next entry below
15 that, "coating concrete," do you know where that
16 pertains to?

17 A. I would believe it would pertain to the New
18 Haven swamp.

19 Q. And what, if you --

20 A. A different site.

21 Q. Different site of the New Haven swamp but
22 still the New Haven swamp?

23 A. The New Haven swamp would be a different site
24 than the clay plains.

25 Q. Okay. What's -- in your mind what's the

1 difference?

2 A. Excuse me?

3 Q. What's the difference between the clay plains
4 swamp and the New Haven swamp?

5 A. It's a different site.

6 Q. Physically what -- or geographically what's
7 the difference?

8 A. New Haven swamp was south of the clay plains
9 swamp.

10 Q. Do you know the station numbers or the
11 distance south from the clay plains swamp?

12 A. I -- I do not right offhand.

13 Q. Has all your testimony up until now been just
14 about the clay plains swamp?

15 A. Yes.

16 Q. Okay. So further on the same page, 0006,
17 below what we read, it now says "coating across swamp."
18 It doesn't say which swamp. What -- do you have any
19 way of knowing which swamp that is?

20 A. It would be the New Haven swamp. I can tell
21 by the -- the first entry of Maine Drilling and
22 Blasting, that was the beginning of the New Haven swamp
23 there and our access to it.

24 Q. Okay. While we're on your entries from 0- --
25 Mitchell's -- Michels 03 to 07, are there any other

1 entries that relate to the clay plains swamp area or
2 the New Haven swamp area -- well, let me -- let me
3 withdraw that.

4 So we're clear, was the method of construction
5 you discussed earlier where you dig a trench on either
6 side of the pipeline and then it sinks down between the
7 trenches, is it your understanding that was used only
8 in the clay plains swamp, or was it also used in the
9 New Haven swamp?

10 A. I don't recall.

11 Q. Are there any records that would answer that
12 question that Michels maintained in September of 2016?

13 A. No.

14 Q. Are there any records that you could turn to
15 now, whether they're created by Michels, by Clough
16 Harbour, by Hatch Mott MacDonald, anything you know of
17 as someone who's been working in this field for a long
18 time, that would answer that question?

19 A. I could not tell you that. I do not have
20 access to their records.

21 Q. Okay. Thank you. So while we're on 03
22 through 007, so we don't have to come back to it, could
23 you just look at that and see if there are any other
24 entries that relate to how the pipeline was constructed
25 in the clay plains swamp or in what you call the New

1 Haven swamp?

2 A. Can you repeat the question?

3 Q. Yes. And feel free to take a break to do
4 this, but we've been going through Michels 03 through
5 Michels 008 -- sorry, 007, and it's very difficult for
6 me to read because the print is so small, so while
7 we're on this, I'm asking Mr. Bubolz if there are any
8 other entries that relate to how the pipeline was
9 installed/constructed in the clay plains swamp or what
10 he calls the New Haven swamp. It's obvious to me there
11 are many entries here that have nothing to do with
12 either area, which I'm not really interested in.

13 A. Most of the clay plains swamp activity was
14 done by Jolene's tie-in crew, and they would be listed
15 under that column.

16 Q. Okay. So that's on Michels 0004.

17 A. That's correct. The first column.

18 Q. Okay. You want to read through that for us
19 and tell us what each entry means? We start off with,
20 Tied in off of the Little Otter Creek bore.

21 What's the next entry below that, and what's
22 the date of the entry?

23 A. On the 13th it says, Dug in and tied in last
24 mainline piece before swamp.

25 Q. Okay. Next?

1 A. On the 14th it says, Prepping swamp. Dug
2 two-foot ditch and set mats for dirt. Lowered in pipe
3 to trench and began digging at 3. 700 foot by the end
4 of the day.

5 MR. SIMON: Hold on one second.

6 MR. DUMONT: Sure.

7 MR. SIMON: All right. Sorry about that.

8 There was someone at the door. Continue.

9 MR. DUMONT: Okay. Thank you.

10 Q. So next entry, give us the date and what it
11 says and what it means.

12 A. The date would be the 15th. It says, Hit
13 terrible spot in swamp. Cleanup hoe slid off of mats
14 at the end of the day.

15 Q. What does that mean? In terrible spot in
16 swamp, and then what does it mean, cleanup -- cleanup
17 hoe slid off of mats at end of the day?

18 A. On that particular day the material got poor,
19 and at the end of the day a machine slid off of the
20 matting underneath it and got stuck in the mud.

21 Q. And this is the 15th?

22 A. Yes.

23 Q. Okay. What does it mean to you when you
24 wrote -- well, let me back up.

25 You wrote these entries, correct?

1 A. That's correct.

2 Q. And it said "hit terrible spot in swamp."

3 What did you mean by that?

4 A. It means the conditions were terrible.

5 Q. You probably know what that means because
6 you've been in this business a long time, but how would
7 you explain that to a layperson?

8 A. I would tell them that the -- the ground was
9 not stable, they were having a hard time holding their
10 excavation, and the mud was really bad.

11 Q. Okay. What's the next entry about the clay
12 plains swamp or the New Haven swamp?

13 A. It says "digging" -- on the 16th it says,
14 Digging through bad spot in swamp. Taking time.

15 Q. Now, do you recall what the digging was that
16 was occurring on that day?

17 A. Say that again.

18 Q. Yes. Do you recall what the digging was that
19 was occurring on that day? Was this digging the
20 initial trench or digging the two trenches on either
21 side of the pipeline?

22 A. This would be digging the trench on the side
23 of the pipeline.

24 Q. So when did the process of digging the trench
25 on the side of the pipeline start?

- 1 A. 3 o'clock on the 14th.
- 2 Q. And -- and that's what Jolene was referring to
3 as they got 700 feet done by the end of that day?
- 4 A. That is correct.
- 5 Q. Okay. Thank you. What's the next entry
6 relating to the clay plains swamp or the New Haven
7 swamp?
- 8 A. It would be on the 19th. It says, 400 more
9 foot through the swamp. It got worse, then better.
- 10 Q. Is this one trench to the side of the
11 pipeline, or is this trenches on both sides of the
12 pipeline?
- 13 A. It's one trench on the side of the pipeline.
- 14 Q. Okay. What's the next entry?
- 15 A. The 20th says, Out of bad area. Got our five
16 foot of cover on Hurlburt property. Made tie-in weld
17 on north side of the swamp.
- 18 Q. And again, that is which day?
- 19 A. I believe it's the 20th.
- 20 Q. I am sorry if this is repetitive, but what is
21 a tie-in weld?
- 22 A. A tie-in weld would be putting the swamp piece
23 that they dug in and connecting it to the mainline
24 piece that was on the other side of the swamp.
- 25 Q. North of the swamp?

1 A. North of the swamp.

2 Q. Who did the welding?

3 A. I would have to refer back to the time sheet
4 and see who the welder was.

5 Q. All right. Why don't you do that. Are you
6 looking at page Michels 0021?

7 A. Yes. The welder was Brian Foster.

8 Q. Okay. Thank you. Was other welding -- when
9 was the other welding performed on the -- in the clay
10 plains swamp, welding other than the tie-in to the
11 section to the north?

12 A. Other than the tie-in?

13 Q. Yes.

14 A. I do not know. I don't have it in front of
15 me.

16 Q. Is there a record that would tell us when the
17 welds were done and who did them?

18 A. Only in my notes.

19 Q. So you told us that there's a -- a coating --
20 rock coating that's done where the welds are because
21 where the welds are, there's no concrete coating around
22 the pipeline. So can you -- from looking at your
23 notes, can you reconstruct when the welds were
24 performed that were later covered with rock shielding
25 within the clay plains swamp or the New Haven swamp?

1 MR. SIMON: Give us a minute. Carl's looking
2 through his notes right now.

3 MR. DUMONT: Sure.

4 MR. SIMON: He can't see.

5 A. It would be August 29th and 30th.

6 Q. And how did you figure that out?

7 A. I looked at the rest of my notes.

8 MR. SIMON: And we will certainly produce --
9 there's one additional day. We had originally produced
10 one day -- or one week on either side when we were in
11 the clay plains. That's what we're looking through
12 right now in the record. Looking at the notes in their
13 entirety, apparently this one particular crew had moved
14 in in August, and of course I'll produce those days.

15 MR. DUMONT: Okay. Thank you.

16 MR. SIMON: Let me make a note quick so I
17 don't forget.

18 Q. So, Mr. Bubolz, the notes you looked back on
19 were the ones from your laptop from earlier in the
20 year?

21 A. That is correct.

22 Q. Okay. Is there a separate set of records that
23 just pertain to who did a weld or when it was done or
24 whether the weld was tested?

25 A. Of who did the welds?

1 Q. Who the welder was, when the weld was
2 performed, and whether the weld was tested. Are there
3 records other than your laptop notes that we have in
4 front of us that would --

5 A. I do not possess them records at all.

6 Q. Did Michels create or possess such records
7 back in August and September of 2016?

8 A. I do not believe so. I believe that was
9 tracked by the x-ray company.

10 Q. The -- you said the x-ray company?

11 A. That is correct.

12 Q. What -- tell us what you mean by that.

13 A. There's a crew that x-rays the welds for
14 defects after they're welded.

15 Q. So that crew wouldn't know who the welder was,
16 would it?

17 A. I could not tell you that.

18 Q. Do you know who -- what company had performed
19 those x-ray checks?

20 A. I do not remember that, either, offhand.

21 Q. Were those x-ray checks provided to you as the
22 superintendent of the Michels -- for the Michels
23 Corporation?

24 A. No.

25 Q. Were the welders Michels employees?

1 A. Yes.

2 Q. Returning to Michels 004, you were reading
3 under "jolene Tie In." I think when we stopped, it
4 said, Out of bad area. Got our five feet of cover on
5 Hurlburt property. Made tie-in weld on north side of
6 swamp.

7 The next entry below that says, Moved
8 equipment around swamp and began installing pipe out of
9 the other side of swamp section.

10 Did I read that correctly?

11 A. Yes.

12 Q. And what does that mean? And also, sorry,
13 what date was that?

14 A. It was the 21st.

15 Q. Okay. And what does that mean?

16 A. And they moved their equipment around to the
17 south side of the swamp to tie the end in from the
18 swamp section to the mainline section.

19 Q. So that's tying into the mainline section that
20 had already been constructed south of the swamp?

21 A. Correct.

22 Q. And when you're referring to south of the
23 swamp here, do you recall whether you're referring to
24 south of the clay plains swamp or today what you've
25 called the New Haven swamp?

1 A. This crew is working in the clay plains swamp.

2 Q. Okay. So it would be -- even further south
3 than where they tied in would be what you refer to as
4 the New Haven swamp?

5 A. The New Haven swamp is a whole nother
6 location.

7 Q. Okay. Next entry below that one, could you
8 read that to us.

9 A. Next three-joint section in off of PI swamp
10 section. Had to dump truck mud back. Ugly ditch.

11 Q. What is the PI swamp section?

12 A. PI would be point of intersection. That's
13 where we would have a bend in the pipe, either a
14 fitting or a field bend.

15 Q. What does it mean -- what's the reference to
16 the dump truck?

17 A. They had to dump truck their mud away to -- to
18 another -- further down the right-of-way.

19 Q. What does it mean to dump truck the mud away?

20 A. They had to haul it.

21 Q. These are your notes. Can you recall why they
22 had to haul it?

23 A. No. I don't recall.

24 Q. Do you know where they hauled it to?

25 A. More than likely they just hauled it down to a

1 right-of-way -- down the right-of-way to where there
2 was either an area already constructed or where there
3 was more room.

4 Q. Why would you have to haul mud away?

5 A. Because they ran out of room.

6 Q. So it's after it's excavated; they just ran
7 out of room to store it?

8 A. Yes.

9 Q. Okay. Next entry under that is for the 24th,
10 I -- if I'm reading this correctly?

11 MS. BARRETT: 23rd.

12 Q. 23rd? Yes, 23rd. It says "2 welds left thru
13 wetland." Then I can't read the next word.

14 A. Says "rain out."

15 Q. "Rain out." Okay. What does "2 welds left
16 thru wetland" mean?

17 A. They -- it seems like they had two welds left
18 to go before they moved out of that area.

19 Q. And is this what you're referring to as the
20 clay plains area or another area?

21 A. The clay plains area. I believe this work
22 would be out of the swamp itself, but I still referred
23 to it as the wetland in general.

24 Q. What does "rain out" mean?

25 A. It means that it rained that day and the crew

1 went home.

2 Q. Can you explain why two welds were left in the
3 wetland? I thought that all the welds had been done in
4 August.

5 A. They didn't leave them. There was two left to
6 go. They needed to be completed before they were done
7 in that area.

8 Q. Okay. So can you explain why two welds needed
9 to be done? I thought the welds had been done in
10 August.

11 A. These are tie-in welds. Putting the sections
12 together after the crews went through.

13 Q. Okay. The next entry on this page, I believe
14 this one is Saturday, September 24th. Can you read
15 that one?

16 A. It says, Dug out four-joint wetland/arc site
17 section. Need to x-ray and coat welds.

18 Q. What does that mean?

19 A. It means they dug out a four-joint section.
20 It seems to me that they got the weld done but ran out
21 of time in the day to both x-ray and coat them.

22 Q. And is this the clay plains swamp area?

23 A. This would all be in that area, correct.

24 Q. So the pipe is in the ground. How is the
25 welding done -- go ahead. If I understand, the pipe

1 has already been laid down. This is the 24th. How was
2 the welding done?

3 A. We would dig a bell hole, which is an
4 excavation sloped so somebody can get in it, and the
5 weld is done underground in the ditch.

6 Q. You used a word I'm not sure we caught. What
7 kind of hole? A barrel hole?

8 A. A bell hole.

9 Q. Bell hole. Like b-e-l-l?

10 A. That is correct.

11 Q. Okay. So it's bell shaped?

12 A. Yes.

13 Q. How did it come to pass that four welds had to
14 be dug out and rewelded? How did that come to pass?

15 A. That's not what it says.

16 Q. Okay. What is --

17 A. They're not -- there was a four-joint -- a
18 four-joint section. That means there was four pieces
19 of pipe up on the ground welded together at a section,
20 and they dug the ditch for that and installed that
21 pipe.

22 Q. Okay. So the welding was done aboveground?

23 A. A portion of it.

24 Q. Okay. So I am quite confused. I thought the
25 entire pipeline in the clay plains area was already in

1 the ground.

2 A. This is outside of the swamp area.

3 Q. Okay.

4 A. Working on the south side of the swamp.

5 Everything in the swamp was already in the ground.

6 Q. So I don't know whether you answer this by
7 looking at 003 through 007 or back to the time sheets,
8 but I haven't -- so far I haven't seen a record that
9 describes the process of covering up the pipeline.
10 When did that happen; how was that done? Are there any
11 records that discuss that?

12 A. No.

13 Q. Were there any records in September of 2016
14 that documented the process of covering up the
15 pipeline, who did it, how it was done, that kind of
16 thing?

17 A. No.

18 Q. My very poor comprehension of all these plans
19 and specifications is that part of the process of
20 burying the pipeline had to wait until there was a zinc
21 ribbon that was attached along the pipeline. Are you
22 familiar with the zinc ribbon?

23 A. Yes.

24 Q. Is there any record of the zinc ribbon being
25 placed down before the pipeline was covered up?

1 A. No.

2 Q. Whose responsibility was it, Michels or Clough
3 Harbour or somebody else, to install the zinc ribbon?

4 A. We actually had another crew that went in
5 afterwards to install the zinc ribbon.

6 Q. After the pipeline was covered up?

7 A. That is correct.

8 Q. What was -- do you know what the name of that
9 crew was or who the crew leader was?

10 A. Dave Prokosch was his name.

11 Q. What was his first name?

12 A. I did not keep a record of him. He does not
13 have a column in my notes.

14 Q. What was Mr. Prokosch's first name?

15 A. Dave.

16 Q. Dave, like David?

17 A. Yes.

18 Q. Okay. David Prokosch. P-r-o-k-o-s-h, maybe?

19 A. That sounds pretty close.

20 Q. And he was a Michels employee?

21 A. That is correct.

22 Q. Do you know whether Mr. Prokosch kept his own
23 records that would show that the zinc ribbon was put
24 down and who put it down and when it was put down?

25 A. He would have had a time sheet, and I -- I

1 don't believe we've ever seen it. That is something
2 I'll have to look into.

3 Q. Okay. Thank you. So going back to Jolene's
4 notes from Monday, the 19th, which are Bates stamp page
5 0018, having gone back through your notes from your
6 laptop, looking back at Jolene's notes from the 19th,
7 are there any other records we haven't talked about
8 that would tell the Department of Public Service, the
9 Public Utilities Commission, or my clients the details
10 of how the pipe was installed, how it was inspected,
11 the depth of burial, the backfill, any records we
12 haven't talked about yet --

13 MS. BOUFFARD: Objection.

14 Q. -- pertaining -- pertaining to the 19th?

15 A. Not that I can think of that Michels would
16 have.

17 Q. Okay.

18 A. There would be inspection records from the
19 inspection company, and there would be what survey had,
20 but we don't have access to any of that.

21 Q. Okay. Turning to 0020 and 0021, can you tell
22 me what those are?

23 A. These are the time sheets for the overhead of
24 the project. This would include the safety guys and
25 assistant superintendent, project manager, people like

1 that.

2 Q. So your wife's signature isn't on this page

3 20, correct?

4 A. Correct. My signature.

5 Q. That's yours on the bottom right? Looks like

6 CLZ?

7 A. That is my signature, correct.

8 Q. Okay. The thing that starts with a C is you?

9 A. Yes.

10 Q. Yeah. All right. And so this is -- the

11 purpose of 0020 is not -- actually it says time record,

12 but it's not to keep track of time; it's for some other

13 purpose?

14 A. Well, it's to keep track of time as well for

15 the people that did not necessarily fall into a crew.

16 Q. I see. Okay. So the corresponding sheet for

17 the 19th is sheet 18?

18 A. That's correct.

19 Q. All right. If we can move to sheet 21, daily

20 time report, is this again in Jolene's handwriting?

21 A. Yes.

22 Q. It says "worked till 7 PM," and it says

23 "finished clay planes 885 feet."

24 "885 feet" is circled and it's highlighted in

25 yellow. Do you know who circled it and who highlighted

1 it?

2 A. I would assume Jolene did, but I couldn't tell
3 you that.

4 Q. I want to see if you can help me with the math
5 a little bit. It looks like on the 21st 885 feet was
6 completed, and if we go back to the day before, which
7 is page 18, how many feet were completed?

8 A. You mean page 19?

9 Q. Sorry. Yes. I'm sorry. I misled you. 19,
10 not 18.

11 A. I would have to do the math here.

12 Q. Yeah. Take your time. So you're looking at
13 $1645+87$ running up to $1649+75$.

14 A. 388.

15 Q. All right. So the 388 from the 19th, and
16 we've got 885 from the 20th. That's less than 1200
17 feet. It's about 1200 feet.

18 A. I apologize. My math was wrong. I must have
19 hit the wrong button.

20 Q. Okay.

21 A. Okay. I see what -- we have 1273 is the
22 total.

23 Q. 1273. Okay. So the --

24 MS. BARRETT: No, it's not. Yes, it is.

25 Okay.

1 Q. Why don't you tell us -- tell us just so the
2 record's clear how you figured that out so we are all
3 on the same figurative page.

4 A. Took 885 --

5 Q. Um-hum.

6 A. -- plus the last total I gave you, the 388,
7 equals 1273.

8 Q. Okay. And 388 is the distance from 1645+87 to
9 1649+75?

10 A. Correct.

11 Q. Okay. So the information provided to us by
12 the company is that we're looking at a much longer
13 distance, roughly 2500 feet, that is an area of
14 concern. So the other 1300 feet that had areas that
15 involved construction in wetland, do you think that
16 would be in the area you're calling the New Haven
17 swamp?

18 A. No. There were two separate swamps.

19 Q. Okay. All right. Well, let's continue on
20 Exhibit -- page 0021. It says, Finished clay plains
21 885 feet.

22 Why don't you read the rest, because I'm not
23 sure I can read it.

24 A. It says, "made 1 weld and 1 cut. Coming in
25 side is tied-in."

1 Q. All right. What does that mean?

2 A. It means they tied the -- I believe the north
3 end in.

4 Q. What does "1 cut" mean?

5 A. Well, when you make a tie-in, you have -- you
6 have a lap and you would have to cut the excess off to
7 make it fit.

8 Q. So you're saying that the two sections of pipe
9 overlap so you have to cut off part of one?

10 A. You have to cut them off and put them
11 together, correct.

12 Q. What does it mean to say "coming in side
13 is" -- well, I'm not sure what -- read that last line.
14 "Coming in" --

15 A. "Side is tied-in."

16 Q. Oh, "coming in side is tied-in." What does
17 that mean?

18 A. It would be the direction we're working on the
19 project. So if this was -- if we were working north to
20 south, which I believe we were, this would be the north
21 side tied in.

22 Q. So let me ask you a big-picture question about
23 the 20th the same as I asked you about the 19th. Are
24 there any documents other than the one in front of us,
25 page 21, and your laptop notes that are pages 3 through

1 7 that were created in September of 2016, that would
2 document the depth of the trench, the depth of the
3 pipeline, presence or absence of backfill, whether
4 there was inspection underneath the pipe, the presence
5 or absence of stones underneath the pipe, checking for
6 welds, who did the welds, whether the welds were
7 inspected? Are there any other documents other than
8 the ones in front of us that would answer those
9 questions?

10 MS. BOUFFARD: Object to the form of the
11 question.

12 A. Not that we possess.

13 Q. Okay. And do you think such documents existed
14 back in September of 2016 regardless of whether you
15 possess them now?

16 A. No. It would be by -- it would -- the only
17 other place I could think would be the inspector's
18 notes, and we do not have access to them.

19 Q. Okay. Thank you. Paragraph 1(f) of the
20 subpoena and paragraph 2 related to whether -- "Whether
21 compacted backfill was placed around the pipeline in
22 the wetland or swamp area, or the wetland buffer area,
23 of New Haven, Vermont, nearby to the Monkton town
24 line."

25 I haven't asked you compaction questions. Do

1 you know whether or not compacted backfill was placed
2 around the pipeline in the wetland or swamp area or the
3 wetland buffer area?

4 A. We did not compact the backfill.

5 Q. And is there a reason that you recall?

6 A. Yes. It was not compactible backfill. It was
7 muck. I do believe there was an agreement with VELCO
8 before we started about compaction.

9 Q. Did you ever see the agreement?

10 A. No. I don't believe so.

11 Q. Paragraph 1(g) and 2 relate to the following:

12 "The earliest date on which Michels Corporation, or any
13 officer, employee, agent or contractee of Michels
14 Corporation, first communicated with Vermont Gas
15 Systems about the need or potential need to bury the
16 gas pipeline less than four feet below the surface of
17 the ground within the VELCO right of way in New Haven,
18 Vermont; and also the nature and manner of the
19 communication."

20 So let me ask you, are there any documents
21 that would tell us the earliest date of that
22 communication?

23 A. I do not have any documents.

24 Q. When you say "I," you mean the Michels
25 Corporation?

1 A. Correct.

2 Q. Did the Michels Corporation have any such
3 documents in September of 2016 or at any time in 2016?

4 A. No.

5 Q. Was there any verbal communication between the
6 Michels Corporation and Vermont Gas about the need or
7 potential need to bury the gas pipeline less than four
8 feet below the surface of the ground within the VELCO
9 right-of-way in New Haven?

10 A. Yes.

11 Q. And tell me what you know about that.

12 A. I had conversations with Mike Reagan and
13 Darrel Crandall about -- about that.

14 Q. When do you -- go ahead. Sorry.

15 And --

16 A. I was done.

17 Q. What was the -- what was the earliest date on
18 which you had such a conversation?

19 A. I do not know.

20 Q. Now, you've told us your notes, which are page
21 003, refer to a conversation on September 12. Is
22 that --

23 A. I believe that conversation --

24 Q. Go ahead.

25 A. -- referred to the sheeting issue.

1 Q. Okay. So that's different than the depth
2 issue?

3 A. Essentially.

4 Q. Okay. When is the first -- the earliest date
5 on which the Michels Corporation became aware that the
6 pipeline might be buried or potentially would have to
7 be buried less than four feet below the surface within
8 the VELCO right-of-way in New Haven?

9 A. It would have been as we were constructing
10 when we realized how bad the conditions really were.

11 Q. And looking through your notes that we've been
12 just looking through, what date was that?

13 A. My -- let me take a look at my notes.

14 MR. SIMON: We're looking for them.

15 MR. DUMONT: Yup.

16 A. My guess would be the 15th.

17 Q. Okay. What is it about your notes that
18 suggest it was the 15th?

19 MR. SIMON: Could you -- could you repeat the
20 question?

21 Q. Yes. What is it in your notes that suggests
22 it was the 15th of September?

23 A. It said the machine -- or it said hit the
24 terrible spot in the swamp and the machine slid off the
25 mats at the end of the day.

1 Q. Okay. Do you recall speaking to Darrel,
2 Michael, or anyone at Vermont Gas on the 15th?

3 A. Yes.

4 Q. Tell me what you recall.

5 A. I remember we talked about the -- the troubles
6 we were having there and the conditions.

7 Q. Had Michels --

8 A. What our op- --

9 Q. Go ahead. Sorry.

10 A. And what our options would be.

11 Q. At other locations along the pipeline, had you
12 personally been aware of a similar problem, meaning a
13 need to burial less than -- need to bury less than four
14 feet within the VELCO right-of-way?

15 A. I honestly don't remember.

16 Q. If you had used sheeting in the clay plains
17 swamp, could you have achieved four feet depth of
18 burial?

19 A. I believe so.

20 Q. Do you remember any communications you had
21 with any employee of Vermont Gas, not Hatch Mott
22 MacDonald or Clough Harbour but Vermont Gas, about the
23 depth of burial that we've been discussing?

24 A. I do not remember. The construction manager
25 and the chief inspector were my points of contact.

1 Q. Mr. Reagan and Mr. Crandall?

2 A. Correct.

3 Q. Did you ever learn that Vermont Gas had
4 approved of burial less than four feet deep within the
5 VELCO right-of-way in New Haven?

6 A. In the clay plains --

7 Q. Yes.

8 A. -- you mean?

9 Q. Yes, I do.

10 A. Yes.

11 Q. How did that come to your attention?

12 A. It was verbal from Mr. Crandall.

13 Q. Tell me what you remember him saying.

14 A. I remember him saying it got approved.

15 Q. Approved by whom?

16 A. I believe it was VELCO.

17 Q. Do you remember when that conversation
18 happened?

19 A. I -- I honestly cannot pinpoint the exact
20 date. I do not know. It would have been somewhere
21 between the 12th and the -- and the 22nd.

22 Q. We've been given a document showing that Mott
23 MacDonald did engineering studies to analyze whether it
24 would be safe to bury the pipeline less than four feet
25 deep within the VELCO right-of-way much earlier in

1 2016. The study was done in May of 2016, not
2 September. Do you recall any issues pertaining to
3 depth of burial less than four feet earlier in 2016
4 than the discussions we've had, whether it's at the New
5 Haven site or any other site?

6 MS. BOUFFARD: Objection.

7 Q. Go ahead.

8 A. I do not recall. I know the swamp was talked
9 about and we talked about it a lot in planning to get
10 in there, but I do not recall the dates, who, when, and
11 where.

12 Q. Tell me about that discussion. Who was part
13 of the discussion?

14 A. It would have been Mike Reagan, Darrel
15 Crandall, and I believe Joey Wilson was involved in
16 several of them.

17 Q. Do you remember where you were when you had
18 the discussion?

19 A. It would have been in Mike and Darrel's
20 office.

21 Q. Where was that?

22 A. At our construction yard in Williston.

23 Q. Do you think that could have been in the
24 spring of 2016?

25 A. It very well could have been. I -- I don't

1 know.

2 Q. How did the subject come up?

3 A. When we were talking about the -- the width of
4 the right-of-way in this location and the concerns we
5 had.

6 Q. "At this location" meaning the clay plains
7 swamp?

8 A. That is correct.

9 Q. Who first raised concerns about construction
10 in the clay plains swamp? Was it you on behalf of
11 Michels or Mr. Crandall or Mr. Reagan?

12 A. I believe it was me.

13 Q. Why did you have concerns?

14 A. Because of the width of our right-of-way. It
15 was extremely narrow.

16 Q. How wide was it?

17 A. I don't remember exactly. I believe it was 30
18 or 40 feet.

19 Q. Why was that -- why did that seem narrow to
20 you?

21 A. Because that is not typical at all. Thirty
22 feet is extremely narrow.

23 Q. What's typical in your business?

24 A. Seventy-five to a hundred.

25 Q. Tell me the connection between your concern

1 about the narrowness of the right -- of the
2 construction corridor and depth of burial.

3 A. In 30 feet, especially in the conditions we
4 had, you don't have enough room to get your dirt away
5 from you.

6 Q. In other work -- at other work sites have you
7 worked in a wetland with only a 30-foot-wide corridor
8 to work in before this one?

9 A. I do not -- I do not recall any time where we
10 only had a 30-foot corridor.

11 Q. And this is in your entire career at Michels?

12 A. From what I can remember.

13 Q. And do you mean -- I want to be clear. You
14 mean a 30-foot corridor in a wetland or a 30-foot
15 corridor in any area?

16 A. I believe we've worked in a 30-foot corridor
17 in -- a narrow one, anyways, in other areas, but not in
18 a wetland.

19 Q. This will be obvious to you, but can you
20 explain to me why it's a particular problem in a
21 wetland?

22 A. Because the dirt is not solid and it don't
23 stack. It's just muck, and you can't -- you can't do
24 anything with it.

25 Q. Is this a problem just because there's not

1 room to store it or because you just can't dig deep
2 enough in -- in a mucky area if you only have 30 feet
3 to work in?

4 A. Both.

5 Q. Both. Okay. So tell me anything -- anything
6 more you remember about this discussion you had back at
7 the office in Williston which started with your concern
8 about the narrowness of the right-of-way.

9 A. I really don't remember details of -- of
10 exactly what we talked about.

11 Q. Did Mr. Reagan or Mr. Crandall say don't worry
12 about it, it's a problem, or did they say we'll get
13 back to you, or did -- was there some other resolution?

14 A. There were many options and solutions
15 proposed, if I remember right, and it's something we
16 talked about for some time.

17 Q. What were the other possible solutions?

18 A. Well, acquiring more right-of-way would be the
19 first solution, and I don't think that was possible
20 there. The second would be to sheet it.

21 Q. Any other options?

22 A. There would have been an option to directional
23 drill it.

24 Q. Was that directional drilling discussed
25 between you and Mr. Reagan and Mr. Crandall?

1 A. I believe only briefly.

2 Q. What did they say about directional drilling?

3 A. I do not recall, but we did not do that.

4 Q. Did you discuss that directional drilling is
5 much more expensive?

6 A. I do not recall.

7 Q. At any time did Reagan or Crandall say
8 directional drilling is off the table because it's too
9 expensive?

10 A. Again, I'm sorry, I do not recall the exact
11 conversation. I would not be able to answer it
12 correctly.

13 Q. Okay. Do you recall any discussion at all
14 about the cost of the alternative ways of dealing with
15 the concern you had raised?

16 A. I know there was a large cost in sheeting as
17 well as drilling, but like I said, I don't -- I don't
18 remember exactly what was said.

19 Q. Okay. Now, I'm going to compliment you and
20 say I know you're not a lawyer. That's intended as a
21 compliment. Having said that, do you know whether or
22 not the contract between Michels and Vermont Gas would
23 have imposed the cost of directional drilling on
24 Michels or on Vermont Gas?

25 A. It would have been all on how we would have

1 made the agreement.

2 Q. So do you recall -- did you know at the time
3 in 2016 whose cost that would have been?

4 A. Again, if the decision would have been to
5 drill, there would have had to have been agreement made
6 between Michels and Vermont Gas and hash out whose cost
7 it would be.

8 Q. Okay. Do you know if that discussion ever
9 happened?

10 A. I do not believe it happened. I do not
11 believe it ever happened, no.

12 Q. Thank you. During the entire time you were
13 working for Michels in Vermont, did any -- let me back
14 up.

15 This relates to question on the subpoena 1(i)
16 and 2. I'll read 1(i) and then I'll ask you a question
17 about it: "Whether any Michels Corporation employee,
18 officer, agent or contractee expressed concern, or
19 knows of any other person who expressed concern, about
20 failure to properly bury the pipeline in any respect
21 (including but not limited to improper depth of trench,
22 failure to use backfill beneath pipe, failure to
23 inspect material beneath pipe, failure to use compacted
24 backfill around pipe, improper depth of burial of the
25 pipeline, et cetera), at any location."

1 So the question I have for you is, During the
2 time you worked for Michels, are you aware of any
3 concerns that any Michels employee, officer, agent, or
4 contractee or any other person expressed about failure
5 to properly bury the pipeline in any respect?

6 A. Nope.

7 Q. Does Michels have any kind of in-house
8 whistle-blowing or similar policy?

9 A. Of course.

10 Q. Briefly, what is the policy?

11 A. I could not tell you the policy off the top of
12 my head.

13 Q. Okay. But if, say, one of your workers had
14 said, you know, I have a concern about this, I'm not
15 sure this is safe, that employee would have been
16 protected against any retaliation?

17 A. Yes.

18 Q. Okay. You've been very helpful and I know
19 you're trying really hard to listen to my questions and
20 answer them as best you can. A question that I still
21 have is this: You've described to me based on Jolene's
22 time sheets and your own laptop notes that first a
23 trench was dug, then the pipe was put in and a second
24 trench was dug alongside of it to try and get the --
25 the pipeline deeper. Isn't it true that there were

1 trenches dug on both sides of the pipeline so that it
2 would sink deeper?

3 A. You know, it could be. I do not recall.

4 Q. Have you seen any of the photographs that were
5 taken by Joey Wilson?

6 A. I don't believe so.

7 Q. Of this site, to be clear. You don't think
8 so?

9 Have you seen the photographs that some of my
10 clients took of the site on the 19th of September?

11 A. I don't know. I don't -- I don't believe so.

12 Q. Okay. Did Michels take any photographs of the
13 New Haven swamp or the clay plains swamp before,
14 during, or after construction?

15 A. I took photos after construction, and I sent
16 what I had.

17 Q. That's in the package we got last night?

18 A. Yes.

19 Q. And the date -- do you know how long after
20 construction those were taken?

21 A. These were taken in November.

22 Q. Of what year?

23 A. 2016.

24 Q. Do you know who took the photographs?

25 A. I did.

1 Q. And why did you take them?

2 A. We had some depth-of-cover issues at the end
3 of the project. Most of it was contouring and sunken
4 ditch, and this area in particular is -- is settlement,
5 and I took them to show the settlement areas.

6 Q. Was any change made to these -- the sites
7 shown in the photographs after the photographs were
8 taken?

9 A. No.

10 Q. So if I were to go there today, the depth of
11 cover would be the same as it was in November of 2016?

12 A. That is correct.

13 MR. SIMON: For the sake of clarity, Attorney
14 Dumont, let me clarify those two questions. You're
15 saying by Michels Corporation?

16 MR. DUMONT: Yes. Thank you. By Michels
17 Corporation. Thank you.

18 Q. That's what you meant, correct?

19 A. Yes.

20 Q. Have you looked at the time sheets for the
21 dates you've been discussing about with relation to
22 Michels 003, 004, 005 -- let me rephrase that.

23 In what we were sent last night, we have the
24 time sheets for the 19th and the 20th, but not the time
25 sheets for, for example, the 12th or the 15th, which is

1 when you believe the equipment fell off the matting and
2 into the swamp. Have you looked at the time sheets for
3 dates other than the 19th and the 20th?

4 A. Not recently. Not since the dates they were
5 written and I signed them.

6 MR. SIMON: Want to take a look through your
7 records?

8 A. No, I did not.

9 Q. Okay. So I have one we obtained from Vermont
10 Gas. It's a daily time report -- I'm sorry. I'm not
11 going to go there.

12 Let me ask -- go back to the photographs. Why
13 is it that you took photographs in November of 2016 but
14 none during construction or before construction?

15 A. I don't know.

16 Q. Did anyone ask you to take photographs in
17 November of 2016?

18 A. No. No. I did this on my own because it was
19 an issue.

20 Q. How did this issue come to your attention?

21 A. There was an e-mail sent that showed the
22 depths of cover after the project was completed.

23 Q. Sent by who?

24 A. Vermont Gas. I don't know the exact person.

25 Q. Do you still have that e-mail?

1 A. It was the depth of cover chart that -- that
2 was 0012.

3 Q. Oh. So it's in this package?

4 A. Yes.

5 Q. Okay. In the package that was sent, this is
6 Michels 0012, so you're saying this was sent to you by
7 e-mail?

8 A. Yes.

9 Q. In the package that's been prepared to us, we
10 don't have any cover -- any cover e-mail. What we have
11 is just this depth-of-cover table. When -- when
12 this -- how do you know this arrived by e-mail?

13 A. I had this saved in my files. I will have to
14 check and see if I have those e-mails still.

15 Q. This chart, as far as I can see, doesn't have
16 any date on it. Are you saying this is -- was taken --
17 what's your -- what's your understanding of the date
18 this was provided to Michels?

19 A. This was in November, I believe.

20 Q. Was Michels asked to do anything about the
21 insufficient depth of cover?

22 A. The issue we have with this is that dirt has
23 more than likely squished out on the sides where you
24 cannot import material into a wetland and bring in
25 other material to fill with, and if it was a simple

1 regrading, we would -- we would have put a machine in
2 there and regraded it, but there really was no material
3 to regrade with, and that's why I took the pictures.

4 Q. If I look at Michels 0015, I see numbers on
5 the left, 1905 running through 1940. What are those
6 numbers?

7 A. I believe those are weld numbers.

8 Q. And then there's a black rectangle. What --
9 on my copy it's black. What is that? Is that material
10 that's been redacted, or was that in the original?

11 A. That's material that's been redacted.

12 Q. Who redacted it?

13 MR. SIMON: That was redacted by me in our
14 production. This is Andrew speaking.

15 MR. DUMONT: So let me stick with the witness.

16 Q. Mr. Bubolz, in the copy you received from
17 Vermont Gas, nothing was redacted, correct?

18 A. Correct.

19 MR. DUMONT: So, Mr. Simon, how could a
20 communication from Vermont Gas, a regulated Vermont
21 utility, to a contractee working on a pipeline be
22 covered by attorney-client privilege? Explain that to
23 me, please.

24 MR. SIMON: It's not attorney-client
25 privilege. It was redacted for reasons of

1 confidentiality.

2 And, Debra, if you would like to explain your
3 reasoning, I'm glad to allow you to do so.

4 MR. DUMONT: I'm sorry. I didn't catch that.
5 Could you say that a little slowly -- more slowly?

6 MR. SIMON: It's not attorney-client
7 privilege. It was for reasons of confidentiality and
8 public safety.

9 And, Debra, if you would like to elaborate
10 further, I'm glad to allow you to do so.

11 MS. BOUFFARD: The information that was
12 redacted had more specific -- specific location detail
13 in there that -- that hasn't been included in other
14 submissions and wouldn't be information that we would
15 make publicly available in terms of the specific
16 coordinates of where the pipe is.

17 MR. DUMONT: In other dockets, material --
18 information covered by the federal statute has been
19 provided to the parties. The parties signed a
20 protective agreement, and it has never been the
21 practice of the Public Utilities Commission to allow
22 one party to unilaterally decide that information is
23 confidential and just withhold it.

24 MS. BOUFFARD: If you want to talk about a
25 protective agreement and entering into that, we can

1 certainly do that, and -- and for today this
2 facilitated getting the discovery here to you, but we
3 can absolutely talk about that.

4 BY MR. DUMONT:

5 Q. The third column has some numbers starting
6 with 254.9 and ending at 255.5. Do you know what those
7 numbers are?

8 MR. SIMON: Can we hold on one sec? The
9 witness needs to utilize the lavatory, so can we take
10 five minutes?

11 MR. DUMONT: Sure.

12 (A recess was taken.)

13 BY MR. DUMONT:

14 Q. So this is Jim again. Mr. Bubolz, I'm
15 wondering if you could give us sort of a big picture.
16 We've been going through lots of details, and I'm
17 afraid I've missed the big picture, which is I'd like
18 you to describe for me in your own words in a narrative
19 fashion the process by which the pipeline was laid
20 down -- the trench was dug, the pipeline was laid down,
21 it was buried, and then the project was finished in the
22 clay plains swamp. So if you could just give us --
23 spend a couple minutes and describe what the whole --
24 how the process happened from start to finish.

25 A. Certainly. First off, the reason for having

1 to do it this way was in the 30-foot right-of-way, when
2 you dig your ditch -- and it's going to be a very wide
3 ditch, and then next to that ditch is going to be a
4 pile of slop spoil. We could not -- there was going to
5 be no road to carry the pipe in and set it in place.
6 That was our biggest obstacle. There's no room. You
7 can't drive on the muck to carry the pipe into place.
8 It would be a safety hazard. The matting underneath
9 you, you wouldn't be able to see it and it would be a
10 really, really bad deal. So we decided to bury the
11 pipe only a foot or two -- two to three feet deep
12 before the ditch turned bad and install the pipe
13 partway and then our excavator could dig alongside of
14 it and lower it down as we went, and that would
15 eliminate the need to have to carry in sections of pipe
16 in the conditions that would not allow it.

17 Q. So there's a -- I believe there's a
18 2500-foot-long section of pipe that was concrete
19 coated. Is that your understanding?

20 A. That is correct.

21 Q. How was that brought onto the site?

22 A. It was brought on by trucks.

23 Q. And how large were the sections that were
24 brought over -- brought to the site?

25 A. They were 60 foot long.

1 Q. And so those are assembled on the site,
2 correct?

3 A. Yes.

4 Q. They're connected up. And what equipment is
5 used to connect them up?

6 A. It would be a pipe layer.

7 Q. What is a pipe layer?

8 A. It would be a Caterpillar-type machine with a
9 boom that hangs over the side for -- for laying pipe.

10 Q. Okay. So the concrete-coated pipe is now
11 lying on the ground, and then the sections are then
12 connected together after they're laid on the ground; is
13 that right?

14 A. Yes.

15 Q. And this is before any trench has been dug,
16 correct?

17 A. That is correct.

18 Q. Is this what's known as stringing the pipe?

19 A. That is correct.

20 Q. So the pipe was strung -- a 2500-foot length
21 of pipe was strung, and after that's completed, the
22 trench -- the initial trench was excavated, correct?

23 A. Yes.

24 Q. Now, what use of the wooden matting was made
25 up until this point -- let me -- up to the point that

1 the stringing is completed, were you using wooden
2 matting?

3 A. Yes.

4 Q. So, now, we've got the matting now. Does it
5 stay down before -- while the trench is dug, or do you
6 lift -- was it lifted up to dig the trench?

7 A. The matting stays down.

8 Q. And is the trench dug to the side of the
9 matting or in some other way?

10 A. To the side of the matting. Correct.

11 Q. How was the 2500 foot of pipe then laid into
12 the ditch?

13 A. We dug a partial ditch over the top of the
14 ditch line first, and we only excavated the topsoil,
15 which was the first two or three feet, and then we
16 placed that pipe in that partial ditch before we
17 started digging and dirt was an issue.

18 Q. So I'm thinking 2500 foot of concrete-coated
19 pipe is extremely heavy. What was the process that you
20 picked this up and put it in the ditch?

21 A. It is heavy, but you do not pick up the whole
22 thing at one time. It's also more flexible than you
23 would think, and four or five machines could pick it up
24 and place it in and move along and place it versus
25 picking up the entire section.

1 Q. Were you there when that was done?

2 A. I do not believe so.

3 Q. Is there any record of how the -- what you've

4 just described; that is, how the concrete-coated pipe

5 was picked up and put into the initial trench?

6 A. Only what's on Jolene's time sheet. It was

7 put in the trench the same way that all pipe is put in

8 the trench. It's a very standard procedure.

9 Q. Is there any record of what the

10 concrete-coated pipeline was resting on before it was

11 placed in the trench?

12 A. It would have been resting on the wooden skids

13 that I mentioned earlier.

14 Q. And you say that because that's standard

15 practice?

16 A. Yes.

17 Q. Is there any record that wooden skids were

18 used in this --

19 A. No.

20 Q. -- in the clay plains swamp?

21 A. No.

22 Q. If we were to look on the time sheets, would

23 Jolene have indicated that skids were used?

24 A. No. Skids are used everywhere that you

25 assemble pipe to elevate it off the ground for the

1 welders to weld it.

2 Q. The initial two- to three-foot trench was
3 excavated. Where was the materials that was --
4 materials that were removed from the trench placed
5 after the trench was excavated?

6 A. I believe that was put on the tree line side
7 as topsoil.

8 Q. What do you mean by "the tree line side"?

9 A. It would be the other side of the ditch, not
10 where the mat road was but on the other side. I don't
11 have my directions right to tell you north, south,
12 east, or west.

13 Q. Okay. So the mats were on one side and the
14 fill -- I'm sorry, the excavated material was placed on
15 the other side?

16 A. Only for the first couple feet.

17 Q. And after that, what was the process?

18 A. Then the excavated material was placed on the
19 matting.

20 Q. And why was that?

21 A. It was -- one, it was a requirement; two is it
22 was the only room we would have to place it on the
23 matting. It was too narrow next to the -- the narrower
24 side of the right-of-way to store any more than just
25 topsoil. That was all the room we had.

1 Q. Did anyone -- and this may be repetitious, but
2 I'm trying to put all the pieces together here. When
3 the two- to three-foot trench was finished and you had
4 put the excavated material on the other side of the
5 trench, was any survey taken of the depth of that
6 temporary trench?

7 A. No. No survey was required. We knew the
8 process and we knew we planned on digging it deeper
9 after that. It was irrelevant.

10 Q. Was any record made of the nature of the
11 materials that were excavated when you were digging the
12 two- to three-foot trench?

13 A. In my notes it says the materials were
14 terrible. I believe in Jolene's time sheets, it says
15 there were bad conditions. And that's all I know of.

16 Q. And when you say "terrible" or "bad," you mean
17 very wet?

18 A. It wasn't even that wet. It wasn't like we
19 were digging in water. The material was -- it was just
20 like an ooze.

21 Q. I think you need to explain that for me. You
22 said it wasn't very wet but it was an ooze. I don't --
23 I can't comprehend the distinction. What do you mean?

24 A. It -- it was just muck. There -- there wasn't
25 standing -- a ton of standing water in the ditch. It

1 was -- it was just -- it would just ooze in on you.
2 Every time you took a bucket out, more would come in.
3 It would -- it wasn't stable whatsoever. It wouldn't
4 stay in a pile after you set it on the matting, and it
5 would not hold ditch. No matter what you did or how
6 you tried, it would just keep coming in.

7 Q. In your experience working for the Michels
8 Corporation, had you ever encountered conditions such
9 as this or similar to this?

10 A. I would have to say that's one of the worst
11 ones I've ever seen.

12 Q. All right. So going forward with the
13 narrative, you've got the trench -- the initial trench
14 dug. You've got the material removed from the trench
15 on the other side of the trench from where the
16 equipment is. The equipment is operating on top of
17 wooden mats, correct?

18 A. That is correct.

19 Q. The equipment that -- what equipment is then
20 used to move the pipeline into the trench? Is that
21 what's called -- is that an excavator, or was that the
22 pipe-laying equipment?

23 A. An excavator. When we dug, there was no road
24 along the side of the trench any longer. You could not
25 put any kind of weight there whatsoever. It was an

1 ooze.

2 Q. And I'm sorry. I forgot the name of the
3 pipe-laying equipment that you used initially. What
4 was that called? A pipe layer? Is that what you said?

5 A. A pipe layer, correct.

6 Q. And what do those look like?

7 A. It's a Caterpillar-type machine.

8 Q. Um-hum.

9 A. Like a -- like a bulldozer but without a
10 blade, and it would have an A-frame structure hanging
11 off the side of it to be able to -- somewhat of a crane
12 off the side that you could pick and move forward and
13 backwards off the side of the machine.

14 Q. And were those used to place the pipeline into
15 the trench?

16 A. No. We used excavators to place the pipeline
17 into the trench.

18 Q. Okay. And how does an excavator with a blade
19 move a concrete-coated pipeline?

20 A. The excavator does not have a blade. It has a
21 bucket. A bucket has a lifting ring in which you can
22 hang a hook off of, and you can -- you can not only dig
23 but pick and move things with it.

24 Q. So what -- did the hook -- was the hook placed
25 underneath the pipeline to place it in the trench?

1 A. No. We would have used lifting slings for
2 that.

3 Q. Okay. What's a lifting sling?

4 A. It would be a nylon rope sling that would be
5 rated for such poundage that you would use to actually
6 lift the pipe without putting any kind of hook or
7 anything on it. You would hook the sling into the
8 hook.

9 Q. And what was the spacing between the slings?

10 A. I could not tell you.

11 Q. Was there any record made of the spacing
12 between the slings?

13 A. No.

14 Q. So now we have the pipeline in this trench.
15 What happened next?

16 A. We went to dig it down. We dug a ditch
17 alongside the pipe, deeper than the pipe itself, and it
18 fell down. It wasn't like the materials underneath it
19 stayed. I mean, it was ooze where the pipe would just
20 kind of settle down as we dug. And that spoil would go
21 on the mat side or the road side of the right-of-way.

22 Q. Did placement of the spoil on the mats prevent
23 your equipment from traveling on the mats?

24 A. Yes. Absolutely.

25 Q. So --

1 A. We did not have the ability to put any
2 additional weight on that side on the mats or it would
3 ring our -- everything we were working on, it would
4 push that ooze back into our trench.

5 Q. Were different sections of the 2500-foot
6 concrete pipeline lowered in the manner you've
7 described by digging a trench next to it at one time,
8 or was it one section at a time?

9 A. It was -- what we ended up having was one
10 machine digging from one end to the other, and the rest
11 of the equipment would -- the machine would take its
12 dirt and put it next to it on the mats. We had another
13 machine that would take the dirt and relay it behind
14 because we didn't have enough room for that spoil, so
15 we would take it and fill it behind us.

16 Q. So you had -- you did the entire length
17 basically foot by foot --

18 A. With one machine.

19 Q. -- with one machine foot by foot from start
20 to -- from one end to the other?

21 A. That is correct.

22 Q. How long did that take?

23 A. I would have to refer to the time sheets
24 again -- or the notes --

25 Q. Sure.

1 A. -- and when they started.

2 Q. Why don't you do that.

3 A. I believe it was September 14th through the
4 20th. Six days, five days.

5 Q. Now, you've told me quite clearly that this
6 was muck, it was ooze. I'm not saying this should or
7 shouldn't have happened, but I have to ask: Did
8 anybody get out of -- off of the heavy equipment and
9 stand -- get into the trench next to the pipeline and
10 look at what was underneath the pipeline?

11 A. Well, we -- we dug deeper than the pipeline
12 was going to end up going originally, so you could see
13 all the material on the bottom. Nobody -- we -- nobody
14 could get in the trench that we dug. It was not a safe
15 trench to be in.

16 Q. Right. I mean, that's why I prefaced my
17 question the way I did. I would imagine there would be
18 major OSHA or just common-sense safety concerns about
19 getting into that trench. Do you agree?

20 A. Yes, sir.

21 Q. And you've said you knew you were dealing with
22 muck and ooze because you were pulling it out from next
23 to the pipeline, but I'm left with this question: The
24 pipeline ended up at a final resting depth, correct?

25 A. Yes.

1 Q. And underneath that pipeline was material that
2 had never been seen by anybody, correct?

3 A. We overdug that ditch quite a bit where we
4 could clearly see all the material. There were no
5 rocks or anything present. It was nothing but muck.

6 Q. But again, when you're done, it's down as far
7 as it's going to go; you've dug next to it, but you
8 haven't dug underneath it, correct?

9 A. We didn't have to dig underneath it. It was
10 ooze. It would just come out from underneath it
11 automatically when we dug next to it.

12 Q. Do wetlands sometimes sit on rock, in your
13 experience, if you know?

14 A. I really don't know. I would assume
15 eventually it does.

16 Q. So you could have a layer of clay that traps
17 water and keeps the water near the surface or you could
18 have rock, and do you know if the rock sometimes
19 fractures and enters the wetland soils?

20 A. I don't recall ever seeing any of -- any rock
21 whatsoever. Again, it was all ooze.

22 Q. All right. So we've gotten to the point where
23 the construction crew believes the pipeline is deep
24 enough. Who would have made that decision?

25 A. It would have been the on-site survey crew.

1 Q. And how did they -- were you ever there when
2 they were doing their surveying?

3 A. They were -- that survey crew I believe was
4 there all the time.

5 Q. Okay. So how did they do the surveying?

6 A. They would take a shot on undisturbed virgin
7 ground and then take a shot on top of our pipeline.

8 Q. And a shot being a GPS reading?

9 A. That is correct.

10 Q. Did they provide any -- to you any piece of
11 paper saying at this station number or this location of
12 the pipeline you were at X number of feet, or was it
13 just verbal, it's okay?

14 A. It was all verbal. We would dig until they
15 said it was deep enough.

16 Q. At that point, when you received the okay it
17 was deep enough, then what happened?

18 A. The operator would move another set and
19 continue digging.

20 Q. All right. And then when that process was
21 finished, all 2500 feet, then what happened?

22 A. The tie-in crew would proceed to put the ends
23 together.

24 Q. Okay. So by the time the person -- by the
25 time you're done and you've got sign-off from the

1 surveyor, the pipeline is at -- according to what
2 you've been told, is at the right depth of burial and
3 it's immediately covered with the material that had
4 been removed not long before; is that correct?

5 A. That is correct.

6 Q. So that by the time you were at the very last
7 section and the surveyor says deep enough, if you were
8 to look back, it would all be covered behind you,
9 correct?

10 A. Yes.

11 Q. Okay. And then you said after that there's a
12 tie-in that's done. I think I know what you mean, but
13 just describe that.

14 A. The pipeline is put together in sections.
15 Sections are installed in the ditch, and after they're
16 installed, then the ends get put together to make the
17 pipeline whole.

18 Q. And that's what you were telling me about in
19 connection with Michels 0021 where it said "made 1 weld
20 and 1 cut. Coming in side is tied-in"?

21 A. Yes.

22 Q. Then what happened to all those mats?

23 A. The mats were removed.

24 Q. Are they removed as you're filling in behind
25 the pipeline, or are they removed all at one time at

1 the end?

2 A. They're removed all at one time at the end.

3 Q. And then you put them on a truck and they go
4 to the next location?

5 A. Correct.

6 Q. Thank you. I have a couple questions about
7 the materials that were sent to us last night.

8 MR. DUMONT: And, Attorney Simon, I just want
9 him to identify some of the documents that I can't read
10 so at least I know what they are, and then when I have
11 a chance, I'll look at the larger version that you sent
12 earlier today and I may need to ask Mr. Bubolz some
13 questions about them, but I just want to identify what
14 they are for now.

15 MR. SIMON: Understood. And let me clarify.
16 It's not a larger version. It's a native version. It
17 should be the same size.

18 MR. DUMONT: Okay. Well, shall we say a
19 legible version.

20 Q. Michels 008, what is that?

21 A. That is a depth-of-cover table that was
22 included in our drawings.

23 Q. So when -- when did you get these -- this --
24 I'm sorry. When did you get this?

25 A. This was -- I received the drawings in the

1 beginning of the project.

2 Q. When would that have been? 2016, 2015?

3 A. 2016 for me.

4 Q. Had -- had Michels started work on this gas
5 project before you came to Vermont?

6 A. Yes.

7 Q. So whenever Michels started work, it had
8 00- -- 0008 to work from?

9 A. I believe this was another phase of the
10 project. I don't know that this information was
11 included in the 2015 work or not.

12 Q. Okay.

13 A. I doubt they would have had this.

14 Q. And I have to ask you questions about this
15 blind because I can't read any of it. Why do you doubt
16 that they would have had this at the beginning?

17 A. Because it was another phase of the project.
18 The drawings were for a different location.

19 Q. I see. So just -- it wasn't time for Michels
20 to work on this segment of the project yet, so these
21 drawings might not have been made available yet?

22 A. Yes.

23 Q. Okay. And what is 0009?

24 A. That is a page out of the drawings. The
25 hatched area would be the new -- would be the -- the

1 clay plains swamp we're referencing.

2 Q. Okay. With my old eyes, I don't see any
3 hatched area. What do you mean by "hatched area"?

4 A. You can see a hatched area on the right side
5 of the drawings.

6 Q. I see a dark area. Okay.

7 A. Yup.

8 Q. It says "Town of New Haven, Addison County."
9 And it's a rectangle there. Is the dark area beneath
10 where it says "Town of New Haven, Addison County"?

11 A. Yes.

12 Q. Okay. And what did this sheet tell you?

13 A. This was the drawings. This sheet pretty much
14 showed us the station numbers and where the swamp
15 started and stopped.

16 Q. Okay. I can't see what they are, but I see
17 there are little circles. If you go directly
18 underneath "Town of New Haven, Addison County," then
19 there's a dark area and then there's some dashed and
20 broken lines that lead down to a chart that says
21 "Profile." Way over on the left, it says "Profile."

22 A. Okay.

23 Q. But between the broken lines and the profile,
24 there's something in circles. What's in those little
25 circles? A number or letter?

1 A. Are you looking above the dashed-dotted line
2 or below it?

3 Q. Below the dotted-dashed lines but above where
4 the profile starts.

5 A. Okay.

6 Q. Some little circles. Looks like maybe one of
7 them says W.

8 A. Okay. Yeah. I can see W. Looks like a T.

9 Q. Do you know what those refer to?

10 A. I believe they refer to a chart in the
11 beginning of the prints. They show construction type.

12 MR. DUMONT: So I have seen CHA drawings
13 before, though not this exact drawing, and that's what
14 I was guessing, because I've seen construction types
15 indicated in those little circles in other drawings,
16 so, Attorney Simon, I think it would be useful if you
17 were able to send us the whole set of drawings, because
18 this refers to other pages that you didn't provide. I
19 understand you were trying to get this done at the last
20 minute, but just so we know what these things all refer
21 to, we probably need the whole set.

22 Q. Mr. Bubolz, when you got this, did you look at
23 those other pages that it referred to?

24 A. Yes, I did.

25 Q. Okay. So we don't have them in front of us

1 now, but whatever they told us these abbreviations
2 meant, you went and read that?

3 A. Yes.

4 Q. Okay. What's the next page? It's 0010.

5 A. That refers to a creek crossing that is not
6 involved in -- directly in this wetland.

7 Q. Okay. Do you know where the creek is?

8 A. Yes. It is -- on page 0009, it would be left
9 of the hatched area, kind of in the center of the page.

10 Q. I see. Okay. There's more dark area in the
11 middle of the page.

12 A. Correct.

13 Q. Okay. Great. Thank you. And what is 0011?

14 A. It would be the other half of the drawings for
15 the clay plains swamp that you're referring to.

16 Q. Okay. Now, turning to 11 -- turning to 12,
17 13, 14, 15, which are the depth-of-cover data that you
18 were sent by Vermont Gas, is there any way to correlate
19 the depth of cover shown in this chart with what you've
20 just shown us on Michels 9 and 11?

21 A. I am fairly certain that it is on page 0015,
22 and you would be able to correlate it with the station
23 numbers that are on there.

24 Q. So in this -- on 9 and 11, I can't -- I'll
25 have to take your word for it. Are there station

1 numbers shown?

2 A. Yes, there are station numbers shown. I
3 believe the pink area on page 0015 represents that
4 swamp.

5 Q. Okay. Starting with -- on 0009, on what part
6 of the page are the station numbers shown?

7 A. 0009?

8 Q. Yeah. Is it in the "Profile" section?

9 A. Yes. On the "Profile" section on the
10 bottom --

11 Q. Okay.

12 A. -- you can see the station numbers.

13 Q. All right. And in the middle of 0015 are
14 shown the station numbers?

15 A. Yes.

16 Q. Okay. So that's how we figure it out. Okay.
17 Thank you.

18 The process you and I have just gone through
19 of identifying particular locations by station number,
20 is that something you do or your crews do when they
21 were on the site doing the construction?

22 A. They would track footage by station number,
23 yes.

24 Q. So are station numbers shown on the ground?
25 If you were there, could you say, Oh, look, there's a

1 stake here showing what station number I am -- I'm at?

2 A. Yes.

3 Q. Okay.

4 A. Station numbers are typically referenced on
5 the right-of-way stake.

6 Q. Were -- going back to your meeting in
7 Williston with Mr. Reagan, Mr. Crandall, were there any
8 other construction techniques discussed for this site
9 other than use of sheeting, use of HDD, or the method
10 that you ended up using?

11 A. I do not recall.

12 Q. You may have told me this, and I'm sorry if
13 you did. Have you used sheeting in other wetland areas
14 in your career?

15 A. Yes.

16 Q. How did it work?

17 A. Very good.

18 Q. When you're dealing with the muck that you
19 have described as ugly and terrible, did you ever
20 contact Reagan or Crandall or Vermont Gas and say, We
21 need to stop; we need to use the sheeting?

22 A. Once we committed to digging, we were pretty
23 much committed to the process we had. The sheeting
24 would have had to have been done initially.

25 Q. Explain that to me. Why -- why did it have to

1 be done initially?

2 A. Well, because we -- we dug the ditch already
3 in them areas and it took all the material that was
4 underneath the mat road and pushed it into the ditch,
5 even just with the weight of the spoil on it, and in
6 essence there was no getting back through that area
7 with anything anymore.

8 Q. So you couldn't have gone back in to put in
9 sheeting because it would have been impossible to do at
10 that point?

11 A. Sheeting requires some very heavy equipment.
12 I don't think after the fact it would have been a good
13 idea.

14 Q. And this will seem like a really dumb
15 question, but when you put in sheeting, does it stay in
16 afterwards, or do you pull it out when the
17 construction's done?

18 A. It gets pulled out afterwards.

19 Q. A few more questions about Michels 003 through
20 007. There's a column that says "environmental," and I
21 wanted to ask you about that. What does that mean?

22 A. We have an environmental crew that is -- their
23 tasks are to do environmental work, such as soil
24 stabilization, silt fence, cleanup as far as seeding
25 and all them things.

1 Q. Who -- do you know who was on the
2 environmental crew for the clay plains site?

3 A. So the environmental crew would go through
4 initially and install all the erosion controls, and
5 then they wouldn't be back until they -- unless they
6 needed to stabilize soil or things like that. There
7 was not an environmental crew present when this was
8 being performed. You couldn't walk in this area on the
9 right-of-way. The mud would be to your waist.

10 Q. According to some documents that we don't have
11 with us today, because they didn't come from Michels,
12 after construction was completed in September of 2016,
13 months later, Mr. St. Hilaire, who's with us today,
14 notified VELCO that there were additional sites that
15 were not -- at which the pipeline had not been buried
16 four feet deep in New Haven. Do you know how those
17 were discovered?

18 A. No.

19 Q. Were those ever brought to Michels' attention?

20 A. Yes.

21 Q. How were they brought to your attention?

22 A. In document 0012.

23 Q. 0012. Okay. I thought you told me you got
24 this document in November of 2016.

25 A. I did.

1 Q. The information we have is that -- well, go
2 ahead. Tell me your answer why -- why you think 0012
3 answers the question.

4 A. 0012 incorporates all the places that we -- we
5 did not have cover at the end.

6 Q. Okay. You mean 12 through 17?

7 A. Yes.

8 Q. Okay.

9 A. For this area.

10 Q. So to your knowledge, as of November, when you
11 received this document, all the known sites had been
12 disclosed, and that's still true today? The known
13 sites where it wasn't four feet deep in the VELCO
14 right-of-way?

15 MS. BOUFFARD: Objection.

16 A. Yes.

17 MS. BOUFFARD: I don't understand the question
18 myself.

19 Q. All right. Let me ask it over. As of
20 November of 2016, when you received 12 through 17, all
21 of the locations in New Haven in the clay plain wetland
22 and surrounding buffer where the four-foot standard
23 wasn't met were known and were set forth in this
24 document?

25 A. I believe so.

1 Q. And you haven't learned anything afterwards
2 saying there were additional locations?

3 A. No.

4 Q. Okay. Have you ever been interviewed by
5 anyone on behalf of Vermont Gas Systems about the same
6 issues you and I have been talking about today?

7 A. Yes.

8 Q. When did that happen?

9 A. Sometime this summer we had a conference call.

10 Q. Who was on the call?

11 A. It was the attorney for Vermont Gas; John
12 St. Hilaire; Matthew Westphal, who is a Michels vice
13 president; Danny Vincent, who is the East Coast
14 manager; myself; and Nick Pfundheller.

15 Q. Can you spell --

16 A. And also Andrew Simon was on the call.

17 Q. Victor -- what was the last name?

18 A. Nick.

19 Q. Oh. Nick. And the last name was?

20 A. Pfundheller.

21 Q. Pfundheller.

22 A. No, sir, I cannot spell it.

23 Q. All right. And what did they -- were there
24 any documents discussed at that meeting that we haven't
25 discussed today?

1 A. Not that I can recall.

2 Q. Was that meeting -- do you recall what month
3 it was, that teleconference, what month it was?

4 A. I do not.

5 Q. Was it before or after the gas company filed a
6 motion with the Public Service Board for a
7 non-substantial change ruling?

8 A. I do not know when they filed.

9 Q. Did you disclose to them that -- the details
10 of the meeting that happened in Williston with Mr.
11 Crandall and Mr. Reagan which ADD -- HDD, directional
12 drilling, was proposed and rejected?

13 A. There was nothing official on that. It was
14 just verbal.

15 Q. Right. But in the conference you just said
16 you had with lawyers from Vermont Gas, Mr. St. Hilaire,
17 and others, did you disclose to them what you disclosed
18 to me earlier today, that you had a meeting with Mr.
19 Reagan and Mr. Crandall early on where you raised your
20 concern that the right-of-way was too narrow, you
21 discussed using sheeting or HDD instead of the method
22 that you did use? Did you share any information about
23 that meeting with the gas company or its lawyers?

24 A. I would be certain I did. I just don't recall
25 any details.

1 Q. Okay. That's fair. You're saying you can't
2 remember exactly what you told them but you know it
3 came up?

4 A. Yes.

5 Q. Okay.

6 A. We also spoke with Vermont Gas representation
7 and Mr. St. Hilaire yesterday.

8 Q. Thank you. Did you learn anything yesterday
9 that you hadn't known -- had not known before?

10 A. It was generally the same conversation as
11 today.

12 Q. At the -- during the conference that happened
13 over the summer, did you learn anything from anyone
14 else, or were you the source of all the information?

15 A. I don't understand your question.

16 Q. Sure. Were you being questioned and were you
17 the source of information that was shared with that
18 group on the phone?

19 A. I believe so. Again, I don't have exact
20 details. I know I had concerns and we were looking for
21 a solution.

22 Q. You're talking about the meeting you had in
23 Williston; you had concerns and you were looking for
24 solutions?

25 A. Yes.

1 Q. And as far -- what about the meeting on the
2 telephone with Vermont Gas's lawyers? Were you the
3 only person providing factual information, or were
4 others providing factual information?

5 MS. BARRETT: Which conversation?

6 A. I believe I was the only person providing
7 information.

8 Q. Again, this is during the telephone conference
9 sometime over the summer, correct? Summer of this
10 year, correct?

11 A. I thought you were talking about yesterday.

12 Q. Oh, okay. Well, thanks for clarifying that.
13 So what about the conference -- the teleconference that
14 happened over the summer of 2017? Were you the only
15 one providing information, or was someone else
16 providing factual information?

17 A. I believe I was the only one.

18 Q. Do you recall whether or not you told Mr.
19 St. Hilaire at any time that a trench was dug on both
20 sides of where the pipeline was resting?

21 A. No, I don't recall.

22 Q. Is it possible you did?

23 A. It's -- I -- I thought we had dug on only one
24 side, but there's a chance that we probably did dig on
25 both sides. I really could not tell you.

1 Q. In preparation for that teleconference this
2 past summer, did you do any factual research, such as
3 contacting your wife or others who were present at the
4 scene to ask them what had happened?

5 A. I was on another project at the time working.
6 I did not do any preparation.

7 Q. Since then have you spoken to your wife about
8 the same issues -- same facts I've talked with you
9 about today?

10 A. Not really in detail, no. She knows that I'm
11 here and why I'm here.

12 Q. Have you --

13 A. But we really didn't discuss anything in
14 detail about the situation.

15 Q. Have you talked to anyone else who was present
16 from September 15th through September 20th at the clay
17 plains wetlands site in New Haven about the facts you
18 and I have talked about today?

19 A. No.

20 MR. DUMONT: Okay. I think we're -- we're
21 done, but let me take a break for one second and see
22 what my clients tell me I forgot.

23 (There was a discussion off the record.)

24 BY MR. DUMONT:

25 Q. So my clients have some really basic questions

1 that I promised them I would ask and I forgot to ask.

2 So when you use the term "padding," what do
3 you mean by "padding"?

4 A. Padding would be material free of rock.

5 Q. And is that the same as bedding, or is bedding
6 different?

7 A. Bedding is the same. We use the same virgin
8 material for bedding, but we would screen it for rocks
9 at the time.

10 Q. So is bedding padding that has been screened?

11 A. Yes.

12 Q. Okay. What is -- in your industry what is
13 shading?

14 A. Shading would mean to place the dirt over the
15 pipe with an excavator very slowly so you can visually
16 inspect for rocks.

17 Q. Do you know if shading was done for the
18 Addison Natural Gas Pipeline, in construction of the
19 ANGP?

20 A. I believe where there was rocks present we
21 used a padding machine, I think, that actually took the
22 rocks out of the dirt.

23 Q. What's the name of the machine?

24 A. It was called a padding machine.

25 Q. And how does it work?

1 A. It screens the soil and takes the rocks out if
2 there's rocks present.

3 Q. And that was not used in the area we've been
4 discussing today in the wetland in New Haven, correct?

5 A. No, sir.

6 Q. In the industry what does the term "trench
7 breakers" mean?

8 A. Trench breakers would be a sand bag wall built
9 inside of your trench.

10 Q. What's their function?

11 A. It would be used on hills a lot where you
12 would have issues where water would follow the pipeline
13 and erode, and they're also used on the edges of
14 wetlands to keep the material separate.

15 Q. And what is a weld coating?

16 A. A weld coating would be coating that's applied
17 after the two sections of pipe are welded together.

18 Q. Is that the rock shield that you and I talked
19 about?

20 A. No.

21 Q. What's the difference?

22 A. The coating would be a protective barrier that
23 would keep all -- any foreign material, debris, out.

24 Q. Did --

25 A. Water --

1 Q. Go ahead. Sorry.

2 A. Water, them kind of things. It actually seals
3 to the pipe.

4 Q. Did the Michels employees not only do the
5 welding but also apply the weld coatings?

6 A. Yes.

7 Q. Were there any specifications that were
8 followed for weld coatings at the clay plains wetland?

9 A. I would be certain of it.

10 Q. Where would the records be of what was
11 actually done, what the specifications were and whether
12 they were followed? Is there a record of both of
13 those?

14 A. That would come from the coating inspector
15 that would have been on that crew.

16 Q. Okay. And who was the coating inspector in
17 the clay plains wetlands?

18 A. I do not remember.

19 Q. Can we look at the exhibits and figure that
20 out?

21 A. Not the ones I have in front of me. It
22 doesn't list who the inspectors are. They're not my
23 employees.

24 Q. When would that have been done during that
25 process you've now described for us?

1 A. The coating would have been done after the
2 welding was done.

3 Q. Before the pipe is put in the first trench?

4 A. That is correct.

5 Q. And what about the welds that were done using
6 the bell holes?

7 A. That would have -- them welds would have been
8 coated by the tie-in crew that -- that made the
9 tie-ins, and there would have been a utility inspector
10 on that crew that would have kept the records.

11 Q. Who employed the utility inspector who had
12 those records?

13 A. Vermont Gas.

14 Q. Have you seen any as-built drawings for the
15 clay plains swamp?

16 A. No.

17 Q. In the industry what's the practice that
18 you're aware of for completing as-built drawings of a
19 gas pipeline?

20 A. Typically the survey crew completes the
21 as-built drawings.

22 Q. How long are those -- how long does it take to
23 complete those?

24 A. Well, it takes the entire course of the
25 project for certain to -- just to collect the

1 information, and then after that I do not know.

2 Q. So the survey crew that you've mentioned that
3 was signing off on depth of burial of the pipeline, it
4 would be the same folks that would create the as-built
5 drawings?

6 A. Yes.

7 Q. The method of pipeline construction that
8 you've described that was used in the clay plains
9 swamp, have you used that anywhere else in your career?

10 A. No, I have not.

11 Q. Do you know of any -- sorry. Go ahead.

12 A. We've used the same technique before in -- in
13 lowering existing lines where we dig next to them and
14 lower them down.

15 Q. What's the difference between that and what
16 happened at the clay plains swamp?

17 A. Really none.

18 Q. So where have you used that technique before?

19 A. I can't remember.

20 Q. Is it common in the industry to use the
21 practice that you described happened in the clay plains
22 swamp in New Haven?

23 A. Yes.

24 Q. Have you ever seen any specifications setting
25 out how to do that and where to do that?

1 A. No.

2 Q. And you agree it was not in the specifications
3 that you reviewed that were prepared by Clough Harbour
4 in this case, correct?

5 A. Correct. I don't believe that they knew what
6 the conditions were like when the specifications were
7 written.

8 Q. Just one clarification. This technique that
9 you've described that you've used elsewhere, have you
10 seen it used for installing new pipe or just in
11 situations where you're going back and adjusting the
12 depth of burial of a preexisting pipe?

13 A. I personally have never seen it used for
14 installing new pipe, but I know that it has been done
15 that way.

16 Q. And the instances you know of that you
17 mentioned earlier, was that new pipe or burying --
18 reburying older pipe?

19 A. Both.

20 Q. So what you're -- I think the sum and
21 substance of what you're telling me is you've never
22 been involved in doing it before but you're aware that
23 other people have done it; is that right?

24 A. Yes.

25 MR. DUMONT: Okay. You've been incredibly

1 patient with me. Thank you so much.

2 Mr. Simon, thanks for your help. We will
3 follow up by looking at the more legible versions of
4 some of the exhibits, and you're going to get me a few
5 other pages anyway, and then we'll talk and see if we
6 need to continue this. Thank you for your cooperation.

7 MS. BOUFFARD: Let me confirm that I don't --
8 I don't have -- we're all set. Yeah. I don't -- I
9 don't have any follow-up, and just to the extent that
10 you're asking to keep open the deposition, we're not
11 going to object if we're keeping it limited to these
12 new documents that you indicated were difficult to
13 read, and they are, because of the size.

14 MR. DUMONT: Mr. Clark?

15 MR. CLARK: Nothing from the Department of
16 Public Service at this point.

17 MR. DUMONT: Thank you. So I think the
18 process going forward is that our stenographer will get
19 us a written transcript, and the state of practice here
20 is she can give me an electronic version, but she's
21 going to prepare a paper copy that will be the
22 original, and, Attorney Simon, I will mail the paper
23 copy to you so that the deponent can -- has a paper
24 copy in front of him and can read it and make any
25 necessary corrections.

1 MR. SIMON: Sounds good. Feel free to e-mail
2 it to the address in my signature block on the e-mail.

3 MR. DUMONT: I'll send you an e-mail copy as
4 well, but in addition to the e-mail copy, we have to
5 work with the paper original.

6 MR. SIMON: Understood.

7 MR. DUMONT: Great. Thank you very much.

8 (The deposition concluded at 1:51 PM.)

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S I G N A T U R E O F D E P O N E N T

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I, the undersigned, do hereby certify that I have read the foregoing deposition and find it to be a true and accurate transcription of my testimony, with any corrections so noted on the errata sheet.

Date: _____
MICHELS CORPORATION, by and through its corporate designee, Carl Bubolz

STATE OF _____ COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20 _____.

NOTARY PUBLIC

My commission expires:

C E R T I F I C A T E

1
2
3 I, Johanna Massé, Court Reporter, do hereby
4 certify that the foregoing pages, numbered 4 through
5 136, inclusive, are a true and accurate transcription
6 of my stenographic notes of the Deposition of Michels
7 Corporation, by and through its corporate designee,
8 Carl Bubolz, who was first duly sworn, taken before me
9 on Tuesday, December 19, 2017, commencing at 10:04 AM,
10 in the matter of Investigation Pursuant to 30 V.S.A. §§
11 30 and 209 regarding the alleged failure of Vermont Gas
12 Systems, Inc., to comply with the certificate of public
13 good in docket 7970 by burying the pipeline at less
14 than required depth in New Haven, Vermont, Docket No.
15 17-3550-INV, as to which a transcript was duly ordered.

16 I further certify that I am neither attorney
17 nor counsel for, nor related to or employed by any of
18 the parties to the action in which this transcript was
19 produced, and further that I am not a relative or
20 employee of any attorney or counsel employed in this
21 case, nor am I financially interested in this action.
22
23
24

JOHANNA MASSÉ, RMR, CRR



STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Investigation Pursuant to 30 V.S.A. §§ 30 and)
209 regarding the alleged failure of Vermont)
Gas Systems, Inc., to comply with the)
certificate of public good in Docket 7970 by)
burying the pipeline at less than required depth) Docket No. 17-3550-INV
in New Haven, Vermont)
)
)

SUBPOENA to MICHELS CORPORATION to APPEAR AT A DEPOSITION
PURSUANT TO V.R.C.P. 30(B)(6) and 45

To: **MICHELS CORPORATION** C/O CT CORPORATION SYSTEM, 17 G.W. TATRO
DRIVE, JEFFERSONVILLE VT

BY THE AUTHORITY OF THE STATE OF VERMONT, you are hereby summoned to
designate a representative or representatives to appear at a deposition in this matter pursuant to
Vermont Rule of Civil Procedure 30(b)(6) and 45 at the Giga Conference Room of the Vermont
Dept. of Public Service, 112 State St., Montpelier, VT, on December 19, 2017 at 9:00 am.

1. Designated representative or representatives of the Michels Corporation knowledgeable about
the following matters shall be present for deposition:

- a) The identity and current telephone numbers, work addresses and home addresses of each person who was present in on September 19, 2016 and/or September 20, 2016, on behalf of MICHELS CORPORATION as an employee, officer, agent or contractee, to install, construct, bury, supervise or inspect the Vermont Gas Systems gas pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- b) The depth of the trench in which the Vermont Gas Systems pipeline was buried in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- c) The presence or absence of backfill or padding under the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- d) Whether the materials under the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line were inspected for rocks or clods greater than 3 inches in greatest dimension

- e) The depth of burial of the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- f) Whether compacted backfill was placed around the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- g) The earliest date on which Michels Corporation, or any officer, employee, agent or contractee of Michels Corporation, first communicated with Vermont Gas Systems about the need or potential need to bury the gas pipeline less than four feet below the surface of the ground within the VELCO right of way in New Haven, Vermont; and also the nature and manner of the communication.
- h) The earliest date on which Michels Corporation, or any officer, employee, agent or contractee of Michels Corporation, first communicated with Vermont Gas Systems about the need or potential need to bury the gas pipeline less than four feet below the surface of the ground within the VELCO right of way in any location other than New Haven; and also the nature and manner of the communication.
- i) Whether any Michels Corporation employee, officer, agent or contractee expressed concern, or knows of any other person who expressed concern, about failure to properly bury the pipeline in any respect (including but not limited to improper depth of trench, failure to use backfill beneath pipe, failure to inspect material beneath pipe, failure to use compacted backfill around pipe, improper depth of burial of the pipeline, etc.), at any location.
- j) The past or present existence of any communications, whether verbal, in writing or via the internet, by any Michels Corporation officer, employee, agent or contractee, with Vermont Gas Systems, Inc., and/or the Vermont Department of Public Service about any subject listed above
- k) The existence, location and nature of any email, letter, report or other documents which contains evidence of any subject listed above.

2. The custodian of the records of the Michels Corporation shall also produce and permit inspection and copying of each email, letter, report or other documents which contain evidence of the matters set forth above in 1(a) through 1(j).

You are hereby advised of the protections of persons subject to subpoenas and of the duties in responding to subpoenas as set forth below.

VERMONT RULES OF CIVIL PROCEDURE 45. SUBPOENA+

* * * *

(c) Protections of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court for which the subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles on way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED at Bristol, Vermont this 28th day of November, 2017.

/s/James A. Dumont
James A. Dumont, Esq.
Law Office of James A. Dumont P.C.
15 Main Street
P.O. Box 229
Bristol, VT 05443
(802) 453-7011
dumont@gmavt.net
ecabinet registration #: 1948



Michels 0003

JOB # 61103 Vermont Gas

91,380

Date	Daily Activities	Crew	Hours	Issues / Concerns	don holly ROW
Mon Sep 12	talked with joey/darrell and mike regan about clay plains. Made it clear that out 2 options were to let the dirt fall off of the row or to sheet the entire thing. The answer was to just get it done and make it look good later.			danny suggested laying swamp pipe on ditch line and digging it down as we went. Great idea. Inspection thought so too.	met with wayne from the town of monkton
Tue Sep 13	cleanup meeting at 7 am			big protest planned for today. Showed up at hunt rd from 10-2 arrested 11 of them. Shut down ditch and pad and backfill	determined at cleanup meeting to restore old stage as it was. Denny working on putting back to grade
Wed Sep 14	canusa sleeves a priority, only a handful left onsite				old stage rd
Thu Sep 15	blowup with jersey barriers needing to be off the road by the end of the day and with hollow rd dirt spilling off of the row			chain trencher in at the end of the day	old stage, fixed culverts
Fri Sep 16	blowup with us shorthanded			clippers last productive day	put back pad at monkton swamp
Sat Sep 17	kyle bates (straw for donny holly) found dead in his tent				shut crew down for the day
Sun Sep 18					
Mon Sep 19	Enduro onsite this morning for orientation				finished the monkton drill pad, strawed to are site, hauled out mats all day
Tue Sep 20	enduro run successful, no issues			brandons crew hit above ground powerlines, broke pole	
Wed Sep 21	sally stand down in the morning due to powerline hit. Landowner complaint about foul language				working thru are site on monkton rd finished hauling out mats on north side of monkton rd, pulled approach and finalized.
Thu Sep 22	met with the middlebury water department to string hose thru culvert to fill tanks with hydrant				GA side of monkton rd, taking mats back to old stage
Fri Sep 23	2" of rain overnight, rain on and off all day. Kept drivers to move mats and stage our frac tanks from the kickoff to the pipeyard				hauled mats from old stage to yard
Sat Sep 24					started to work on hwy 7

Michels 0004

jokene Tie In	brandon duffy Rd bore/tie in	roy strating	Dave Hemplill/tie in	environmental
<p>ted in off of the little otter creek bore</p> <p>dig in and tied in last ml piece before swamp</p> <p>prepping swamp, dug 2' ditch and set mats for dirt lowered in pipe into trench, began digging at 5, 700 ft by the end of the day</p> <p>hit terrible spot in swamp, cleanup hoe slid off of mats at the end of the day</p> <p>digging through bad spot in swamp, taking time</p>	<p>hit rock by power pole coming around hill. Went back and set up 6" pumps for dewatering and new haven river drill</p> <p>dug in next 2 sections, pole holding truck onsite</p> <p>dug in next 2 sections</p> <p>dug in 11 jnt section</p> <p>dug in creek section</p> <p>cleanup day, hoe hand was kyle fates brother</p> <p>next 1 sections, dug ditch for second</p> <p>hit power lines, put in 2 sections moved down into the wet areas while the water table was low, got 1 piece in and set the bigger ml piece in false ditch</p> <p>dug in mainline 1.5 style, and put in pt section</p> <p>went out in morning to backfill and cleanup</p> <p>set in on oh to drill, did not win today</p>	<p>finished strating in the new haven swamp</p> <p>up to phase 7 on pothole and trencher support</p> <p>phase 7 pothole ph 7, potholing sent half of coating crew there</p> <p>unloaded trencher, put trencher together</p> <p>trencher assist</p> <p>trencher set in today</p> <p>phase 7, 30 ft</p> <p>phase 7</p> <p>phase 7</p> <p>rain out trencher</p> <p>trenching and dug</p>	<p>finished at monkton rd, moved to plank rd dug up bore end south of plank, took down fence, moved last 2 hoses and dozer at the end of the day to plank</p> <p>plank rd</p> <p>plank rd, dug next section on top of hill</p> <p>finished at plank rd, dug in and tied in 4 jnt section at access rd</p> <p>working on 90 degree fittings</p> <p>open cut quarry rd / hit telephone line</p> <p>installing 90 degree area CI hwy 17</p> <p>tied in CI side of 17 working on GA side</p> <p>GA side of 17</p> <p>went out, rain out by 11</p> <p>worked thru hole</p>	<p>rebuilt dewatering structure</p> <p>phase 7</p> <p>worked all day, job inspection then stacked skids</p> <p>helping in clay plains swamp blowing straw</p>
<p>400 more ft through swamp, it got worse then better out of bad area, got our 5' of cover on hurlbart property, made tie in weld on north side of swamp moved equipment around swamp and began installing pipe off of the other side of swamp section</p> <p>next 3 jnt section in off of P1 swamp section, had to dump truck imid back, ugly ditch</p> <p>2 welds left thru wetland, rain out</p> <p>dig out 4 jnt wetland/are site section, need to x-ray and coat welds</p>				

Michels 0005

jeff nyberg/dutch LI	Drillers	Halm (Drill support 1)	Luke (Drill support 2)	welders
lowered in to hunt rd Dug across street	still cobblely at exit side, decided to dig we could not move. Brought the hammer hoe in to break it up	finished filling frac tanks. Welded on test mani-olds and made first cleaning run	dig out tie ins for 2 pit section assisted drillers in digging out their exit hole and hammering rock	40 welds left to go at the end of the day
protester delay from 10-4 working GAS hunt rd	swabbed harder than planned. Hooked up and ready to pull in morning	made cleaning runs on 8 mile run	drill assist, dug out tie ins	finished up on started behind maine drilling and blasting
dug out next 2 large sections	pulled pipe, drill is good!!	set up for filling 8 mile north section	assisted drill pullback	Mland by track rig broke down at the end of the day. 38 welds
lowered in last large section, digging out last smaller one	cleaning up	8 mile filled by 6:30	began digging on large concrete ML section	run sizing pig and filled peyser bore, finished digging out concrete ML section
tracked back into maine drilling and blasting at the end of the day to get by the welders		set up for test and put test on, test on by 2 o'clock, out oil by 10:30, out of there by midnight	finished digging out concrete ML section	30 welds coming up to end
moved over pipe and mats to dig in ml section	finished getting out of peyser drill	attempted to put test on peyser bore, pump went out	lowered in ML concrete section behind peyser	laid out, back end will have to finish Monday
dug section behind maine drilling and blasting		dewatered ML. Enduro onsite today for orientation	Became T14 today, open cut post rd (tied in). Mess left behind by clapper, a few areas to dig up and check coating	2 welders on tie ins on 16", 2 on fab, 4 on tie ins
lowered in large section, made 2 welds, dug next smaller section		made enduro run, everything was good	dug out tie in thru wetland on bottom side to GA hollow rd. Had cover issues, had to re dig, made 1 weld	
lowered in both smaller sections, moved over pipe on swamp section		got pre test on the peyser bore	tried in er side of hollow rd, backfilled wetland	fab in yard
dug on big swamp section, backfilled		dewatered peyser bore, made one more poly run with head pressure. Ready for drying pigs	finished backfilling wetland, dug up bad areas left behind, strung bsh	sides of peyser bore tie ins 300 ft ga and 200 ft cr
went out, shuttled mats all day		worked with only operators and lab, pulled out frac tanks	vent out to backfill, ramed out by 11, dug up drill ends so Barry could bend	most rained out before 7, rest by 11
7:00 ft in the ditch		started running drying pigs	began digging wetland, pure slop, decided to prep and hold off till Monday	working on fab in yard

Michels 0006

Jeff novak (pad and backfill)	Matt Wagner coating	Ritchie (cleanup)	Richard Clapper T14	Drew parsons T15
moved the rest of the equipment to hunt rd and continued backfilling	worked on jeeping and rockshielding clay plains. sent half of crew to finish pre jeeping hunt rd 55 jeeps on last section		worked on GA side of post rd	
protester shut down. CIS hunt rd	coated pipe in drinkwater today	finished up on X. pulled filled in area for approach on X. hauled mats out of AA	tid into swamp	
CL side of hunt rd	coated concrete pipe at rotax rd finished jeeping rotax. helped with removal of concrete barriers		arc sites south of post rd	stopped topsoil and ready to open cut swamp
GA side of hunt			open cut post rd	
GA side of hunt rd	began coating in maine drilling and blasting. stayed late to prejeep the last section for jeff			
GA side of hunt rd	coating concrete		backfilled in arc sites and wetlands. finished breakers quit/ luke taking over crew	phase 7
moved into hwy 7 to cleanup. pull boxes and prep for lake tank	coating across swamp	moved into plank rd. finished to rotax.		digging ditch through first creek and past first access rd
working on hwy 7	coating in swamp. coated out final jeeping concrete section on new luvon swamp. wrapping with rock shield. Helped jeff	working on plank rd		
hwy 7. working on pad for lake tank	at the end of the day. move pipe and pick up skids. moved off of parks haulburt to plank rd			pipe in the ditch all the way to plans rd
pad for tank and loaded out leftover pipe and all jersey barriers. worked on loading pipe out of pipe yard. and met with lake tank people. Brought in roller to compact pad and gravel for base	finished rockshielding and final jeeping rained out	quarry rd rained out		rained out
finished pad for lake tank. started running hose for hydrant	worked with domyk holly	dirt roughed in to hwy 17. pulling mats out of the swamp		dug on south side of plans rd

Michels 0007

robert anderson coating 2 ed

40 welds coated on first day

old stage rd

Ga side of old stage

crossed sodom rd strawed in by donny to monkton swamp

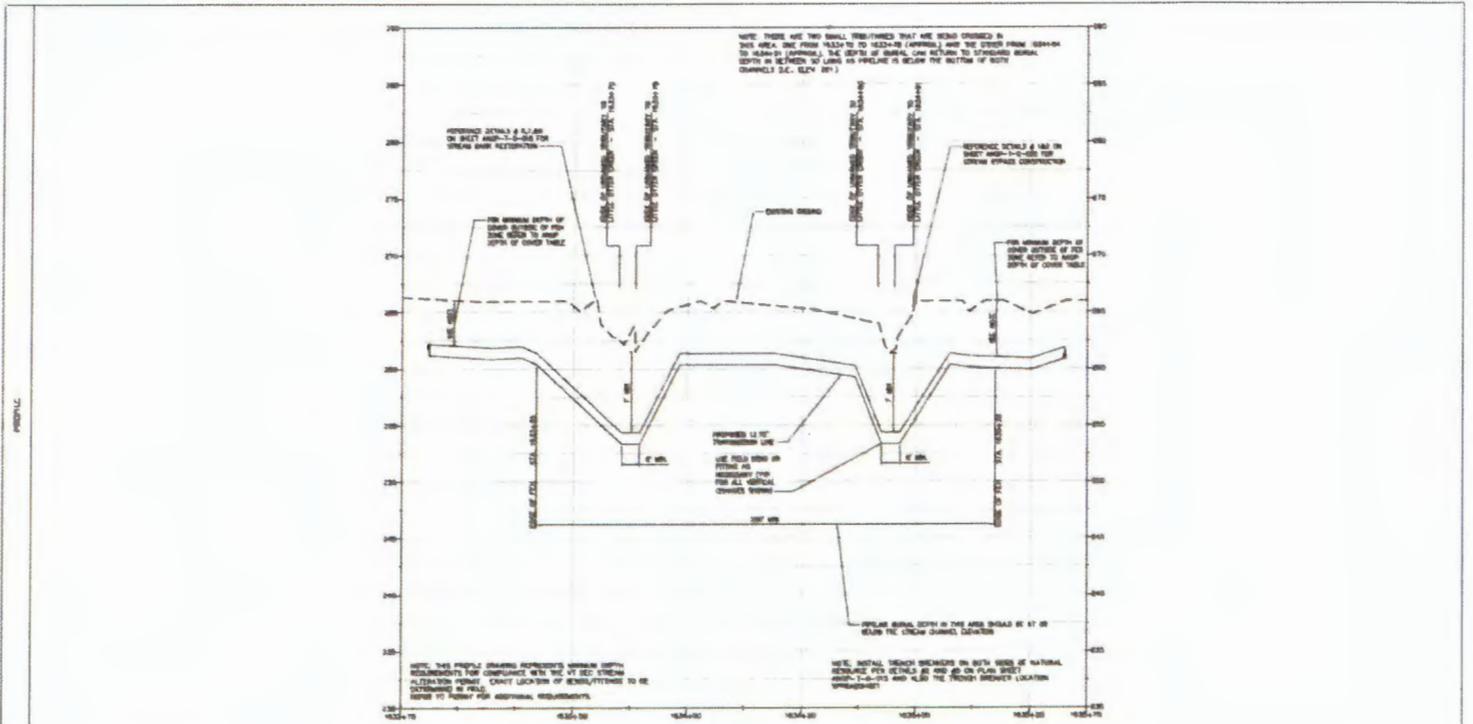
coated out finished old stage rd

working on rock shield monkton rd

rained out worked till 11

helping behind drew

Michels 0010



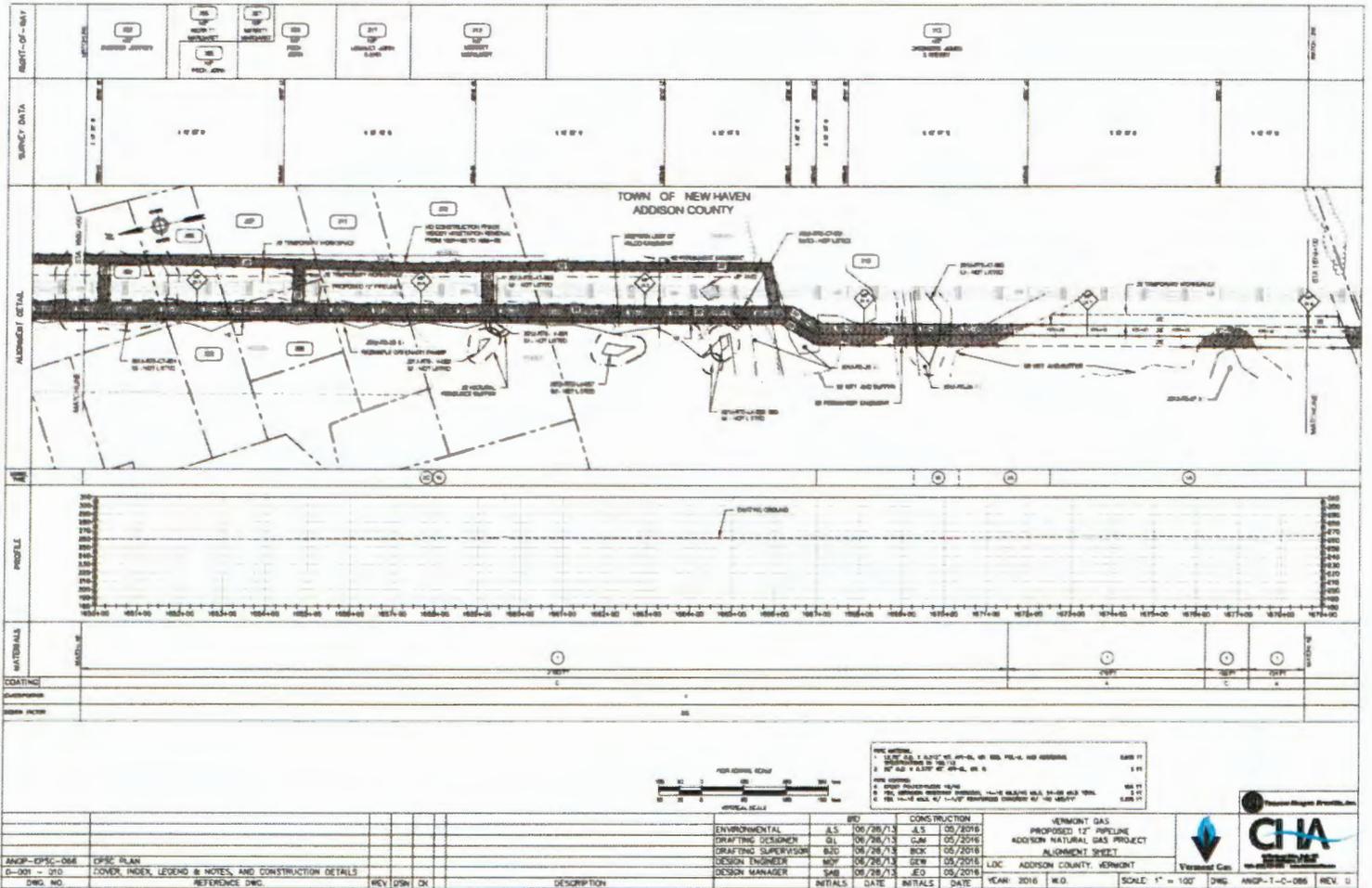
NOTE: STREAM CROSSING MUST BE CONSTRUCTED BETWEEN JUNE 1 AND OCTOBER 1

STREAM CROSSING PROFILE
UNNAMED TRIBUTARY TO
LITTLE OXEN CREEK
STATION 1034+272
MILE POST 30.95



ENVIRONMENTAL	J.S.	08/28/13	J.S.	09/2/2018	VERMONT GAS PROPOSED 12" PIPELINE ADKSON NATURAL GAS PROJECT OPEN TRENCH STREAM CROSSING PROFILE LOC. ADKSON COUNTY, VERMONT				
DRAFTING DESIGNER	GL	08/28/13	GLM	05/20/18					
DRAFTING SUPERVISOR	BSD	08/28/13	BNH	05/20/18					
DESIGN ENGINEER	KCF	08/28/13	CEW	05/20/18					
DESIGN MANAGER	SAB	08/28/13	JCO	05/20/18					
INITIALS	DATE	INITIALS	DATE	YEAR 2018	W.O.	SCALE AS NOTED	DWG	ADKQ-T-C-000A	REV 0

Michels 0011



Michels 0012

Point #	Coord. A	Coord. B	Elevation	Weld #	Depth	Probed Depth	Approx Station	Depth Needed Per Plan Sheet	Reason For depth	Comment	Further Action Needed
1800			285.7		9.0						
1801			287.3		5.6						
1802			287.6		5.3						
1803			287.2		5.9						
1804			286.7		5.8						
1805			285.3		5.7						
1806			283.4		5.8						
1807			281.8		5.7						
1808			281.1		5.4						
1809			279.8		5.1						
1810			277.2		6.2						
1811			275.9		5.9						
1812			275.4		5.9						
1813			275.2		5.7						
1814			273.1		6.1						
1815			271.6		6.2						
1816			270.7		5.4						
1817			269.6		5.0						
1818			269.2		4.8	1597+89	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1819			268.7		4.9	1598+09	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1820			267.0		5.8						
1821			263.6		5.3						
1822			261.5		5.4						
1823			259.8		5.2						
1824			257.5		6.3						
1825			256.3		5.8						
1826			255.5		4.9	1602+24	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1827			256.0		4.9	1602+84	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1828			255.7		4.9	1603+44	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1829			255.5		4.8	1604+04	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1830			255.3		5.2						
1831			255.5		4.6	1605+24	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		
1832			255.7		4.4	1605+84	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE		

Michels 0013

1833		255.6	4.7	1606+24	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1834		255.1	5.2				
1835		255.1	5.2				
1836		254.7	5.4				
1837		254.6	5.7				
1838		254.3	5.7				
1839		253.9	5.8				
1840		254.2	5.4				
1841		254.1	5.5				
1842		253.6	5.5				
1843		253.2	6.1				
1844		253.0	6.4				
1845		253.8	5.8				
1846		253.5	5.5				
1847		253.2	6.0				
1848		253.3	5.9				
1849		253.1	6.1				
1850		253.0	6.2				
1851		254.9	4.4	1612+32	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1852		254.3	4.6	1612+92	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1853		253.5	5.5				
1854		253.3	5.5				
1855		252.4	6.3				
1856		253.9	4.7	1615+32	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1857		252.4	6.2				
1858		252.2	6.4				
1859		252.5	6.2				
1860		253.1	6.1				
1861		253.8	5.8				
1862		254.3	7.1				
1863		254.9	6.8				
1864		256.7	6.1				
1865		257.7	6.6				
1866		257.5	6.9				
1867		257.6	6.8				
1868		257.9	6.8				

Michels 0014

1869	259.5	6.0
1870	259.6	6.0
1871	259.5	6.4
1872	259.1	6.7
1873	260.0	6.1
1874	260.0	6.2
1875	260.5	5.9
1876	260.5	6.4
1877	261.0	6.1
1878	260.8	6.3
1879	261.4	5.6
1880	261.5	5.9
1881	261.7	5.8
1882	262.6	5.1
1883	262.0	5.4
1884	261.2	5.4
1885	260.5	5.5
1886	259.7	6.3
1887	260.0	6.2
1888	256.1	9.1
1889	258.4	6.4
1890	256.4	8.0
1891	257.6	7.2
1892	258.2	6.4
1893	258.2	5.7
1894	258.0	5.9
1895	258.2	5.5
1896	258.1	5.2
1897	257.8	5.2
1898	256.8	5.6
1899	256.2	5.5
1900	256.0	5.4
1901	255.9	5.3
1902	255.9	5.1
1903	255.2	5.0
1904	255.0	5.2

Michels 0015

1905	254.9	4.9				
1906	255.0	4.4				
1907	255.4	4.4				
1908	255.9	3.5	1645+26	4	VELCO/AG/LAND LL213	VELCO
1909	256.4	3.1	1645+86	4	VELCO/AG/LAND LL213	VELCO
1910	256.2	3.3	1646+27	4	VELCO/AG/LAND LL213	VELCO
1911	256.7	3.1	1646+63	4	VELCO/AG/LAND LL213	VELCO
1912	257.1	3.0	1647+03	4	VELCO/AG/LAND LL213	VELCO
1913	257.3	3.1	1647+42	4	VELCO/AG/LAND LL213	VELCO
1914	257.2	3.1	1647+84	4	VELCO/AG/LAND LL213	VELCO
1915	257.0	3.4	1648+24	4	VELCO/AG/LAND LL213	VELCO
1916	256.7	3.4	1648+63	4	VELCO/AG/LAND LL213	VELCO
1917	256.7	3.2	1649+09	4	VELCO/AG/LAND LL213	VELCO
1918	256.4	3.6	1649+69	4	VELCO/AG/LAND LL213	VELCO
1919	256.5	3.8	1650+30	4	VELCO/AG/LAND LL213	VELCO
1920	256.1	3.6	1650+88	4	VELCO/AG/LAND LL213	VELCO
1921	255.3	4.1				
1922	255.0	4.4				
1923	254.9	4.3				
1924	255.5	4.1				
1925	254.9	4.1				
1926	254.7	4.5				
1927	255.0	4.3				
1928	255.2	4.1				
1929	255.4	4.1				
1930	255.6	4.0				
1931	255.5	4.3				
1932	255.5	4.4				
1933	255.4	4.1				
1934	255.3	4.5				
1935	255.4	4.1				
1936	255.6	3.8	1659+22	4	VELCO/AG/LAND LL213	VELCO
1937	255.3	4.3				
1938	255.4	4.0				
1939	255.7	4.2				
1940	255.5	4.0				

Michels 0016

1941	255.0	4.0				
1942	255.5	3.7	1662+62	4	VELCO/AG/LAND LL213	VELCO
1943	255.4	4.2				
1944	255.8	3.4	1663+81	4	VELCO/AG/LAND LL213	VELCO
1945	256.1	3.1	1664+42	4	VELCO/AG/LAND LL213	VELCO
1946	255.9	3.9	1665+02	4	VELCO/AG/LAND LL213	VELCO
1947	255.9	3.5	1665+63	4	VELCO/AG/LAND LL213	VELCO
1948	255.2	4.4				
1949	255.3	5.3				
1950	255.3	5.3				
1951	255.2	4.9				
1952	255.3	4.9				
1953	255.3	4.8				
1954	256.2	4.1				
1955	255.9	4.4				
1956	256.0	4.7				
1957	256.6	3.9	1669+20	4	VELCO/AG/LAND LL213	NEED TO BE 4' FOR CHANOIRE
1958	256.2	4.8				
1959	257.0	4.4				
1960	256.7	4.7				
1961	256.9	4.1				
1962	256.7	4.2				
1963	256.7	4.4				
1964	256.9	4.7				
1965	257.0	4.4				
1966	256.9	4.3				
1967	257.0	4.2				
1968	257.0	4.7				
1969	257.0	5.1				
1970	257.3	4.8				
1971	256.9	5.3				
1972	256.7	5.8				
1973	256.7	5.6				
1974	256.7	5.3				
1975	256.7	5.6				
1976	256.9	5.7				

Michels 0017

1977		257.1		5.5				
1978		257.5		5.2				
1979		257.7		5.6				
1980		257.6		5.9				
1981		257.8		5.5				
1982		257.8		5.8				
1983		262.0		2.1				
1984		260.6		3.9	1680+51	4	VELCO/AG/LAND LL213	LOOKS LIKE MIGHT BE IN AG FIELD
1985		257.9		5.6				
1986		258.2		6.0				
1987		258.1		6.2				
1988		258.4		6.2				
1989		258.3		6.3				
1990		258.5		6.3				

Michels 0018
DAILY TIME REPORT



COMPANY: Michels Pipeline	SPREAD: 61103	ECA: Williston	Project: Addison Vermont Natural Gas Project
CREW: Overhead Foreman: BUBOLZ	LOCATION: Williston	COUNTY: Addison	DATE: 9/19/2016 DAY: Monday
ROW CONDITION: N/A	WEATHER: Fair	COST CODE: 2	

EMPLOYEE NAME	#	CLASS	HOURS	PU / RIG Urn Type	EQUIPMENT DESCRIPTION <small>(Include all assigned equipment, note whether in use.)</small>	PLATE OR SERIAL#
Carl Bubolz	26628	SUP	10		FORD 350	R-001
Robert Mitchell	62828	ASST SUP	10		FORD 250	B-1810
Nick Pfundheller	90864	PM	10		FORD 150	B-2719
Cody Vincent	54187	OM	10	PU	DODGE	R-003
Kimberly Barry		CL	10		FORD FOCUS	I-0328
Robert Castaldi	91072	SAF	10		FORD 150	B-2063
Michael Mitton	91546	SAF	10	PU	OFFICE TRAILERS	870832/451323/451322
George Hess	44902	OQ	10	PU	HUMMER	R-002
Eric Brown	45953	PUR	10	PU	FORD F-150	R-004
Kevin Barry	28748	FM	10		FORD 250	B-2269
Clement Hils	54338	OPS	13	PU	3-CONEX RENTALS	917751/914010/720035/
Larry Moquin	54339	LST	13	PU	WAREHOUSE TRAILER	D-2532
Bake Madore		LAB	10			

Comments:

FOREMAN
INSPECTOR *Mike Beaudry* 9.21.16

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE DAILY WITH SIGNATURES BY 8:30 AM

DAILY TIME REPORT



COMPANY		SPREAD		E.C.A.		Project	
Michels Pipeline		61103		Williston		Addison Vermont Natural Gas Project	
CREW		LOCATION		COUNTY		DATE	
Tie-In 1		Jolene Bulboz		Addison		9/19/2016	
ROW CONDITION		WEATHER		COST CODE		DAY	
N/A		Fair		14		Monday	
EMPLOYEE NAME	#	CLASS	HOURS	PU / RID Unit Type	EQUIPMENT DESCRIPTION (Exclude all assigned equipment, note whether in use)	COST CODE	
Jolene Bulboz	27443	FM	10		FORD 250 PU	B-2114	
Kyle Zabel	69879	STR	10		FORD 250 PU	B-1806	
Jamie Milledge	56773	OP1	13	PU	323 CAT HOE	R-003	
Matt Mistic	63437	OP1	13	PU	SANDBLAST/AIR COMPRESSOR	X-1015	
Richard Sierzenga	54401	OP1	13	PU	OUTLAW PADDER BUCKET		
John Eckhardt	43640	OP1	13	PU	221 KOMATSU HOE	N-0713	
Tyler Mistic	69773	OP1	13	PU	CAT 320 HOE	R-006	
Sam Shook	55923	OP2	12				
Stephen Paquette	57210	LAB	12		TRENCH BOXES		
Danny Brasier	56905	LAB	12		JD 850 BOOM	U-0430	
Matthew Marshall	57398	LAB	12				
Brian Foster	60394	WEL	12	Rig	2-ROCK BREAKERS		
Cheryl Dormire	67173	TM2	13		2-3" WATER PUMPS		
MAC Rutledge		LAB	12		FORD F450 ONE TON	F-0729	
Antony Repsher		LAB	12		2 GENERATORS		
William Dodd		WEL	12		CAT 329 HOE	R-020	
					CAT 329 HOE	R-020	

Went with
JEFF FOR
THE DAY
Moved
to DORIS
JEFF
KERR
Went
with JEFF
on the DAY

2 LAB went to (Jeff Nighburg)
for the DAY and Tomorrow
But will be back with me.

Worked through lunch because we are IN Clay
Planes SWAMP. ~~Very Hard to get to~~ Very Hard to get to ditch and cover
SMALL TOOLS

Comments: worked TO CLAY PLAINES SWAMP
From 1645+87 to 1649+75 we LOCATED
9 welds ~~300~~ STARTED with only 3ft
cover by the END OF DAY # 9 welds
Hard (3.9) Getting Deeper.

FOREMAN: Jolene Bulboz
INSPECTOR: [Signature]
9-21-16

DAILY TIME REPORT



COMPANY: **Michels Pipeline** SPREAD: **61103** ECA: Project: **Addison Vermont Natural Gas Project**
 LOCATION: **Williston** COUNTY: **Addison**
 CREW: **Overhead** Foreman: **BUBOLZ** DATE: **9/20/2016** DAY: **Tuesday**
 ROW CONDITION: **N/A** WEATHER: **Fair** COST CODE: **2**

EMPLOYEE NAME	#	CLASS	HOURS	PU / RG Use Type	EQUIPMENT DESCRIPTION <small>(include all assigned equipment, note whether in use)</small>	PLST OR SERIALS
Carl Bubolz	26628	SUP	10		FORD 350	R-001
Robert Mitchell	62828	ASST SUP	10		FORD 250	B-1810
Nick Pfundheller	90864	PM	10		FORD 150	B-2719
Cody Vincent	54187	OM	10	PU	DODGE	R-003
Kimberly Barry		CL	10		FORD FOCUS	I-0328
Robert Castaldi	91072	SAF	10		FORD 150	B-2063
Michael Mitton	91546	SAF	10	PU	OFFICE TRAILERS	670632/451323/451322
George Hess	44902	OQ	10	PU	HUMMER	R-002
Eric Brown	45953	PUR	10	PU	FORD F-150	R-004
Kevin Barry	28748	FM	10		FORD 250	B-2269
Clement Hils	54338	OPS	13	PU	3-CONEX RENTALS	917751/914010/720035/
Jeffrey Kirwan	57432	OP1	10	PU		
Lary Moquin	54339	LST	13	PU	WAREHOUSE TRAILER	D-2532
Blake Madore	57465	LAR	10			
Dorothy Fillyaw	69957	TM2	10			

Comments:

FOREMAN
INSPECTOR *M Keagan*

9-22-16

Uz

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE DAILY WITH SIGNATURES BY 9:30 AM

DAILY TIME REPORT



COMPANY	Michels Pipeline		SPREAD	61103	ECA		Project	Addison Vermont Natural Gas Project	
CREW	Tie-in 1	Foreman	Jolene Bulboz		LOCATION	Williston	COUNTY	Addison	
ROW CONDITION	N/A	WEATHER	Fair		DATE	9/29/2016	DAY	Tuesday	
							COST CODE	14	

EMPLOYEE NAME	#	CLASS	HOURS	PU / Rig Use Type	EQUIPMENT DESCRIPTION <small>(Include all assigned equipment, note whether in use.)</small>	PLANT OR OTHER #
Jolene Bubolz	27443	FM	10		FORD 250 PU	B-2114
Kyle Zabel	69879	STR	10		FORD 250 PU	B-1806
Jamie Milledge	56773	OP1	13	PU	323 CAT HOE	R-003
Matt Mistic	63437	OP1	13	PU	SANDBLAST/AIR COMPRESSOR	X-1015
Richard Sierzenga	54401	OP1	13	PU	OUTLAW PADDER BUCKET	
John Eckhardt	43640	OP1	13	PU	221 KOMATSU HOE	N-0713
Tyler Mistic	69773	OP1	13	PU	CAT 320 HOE	R-006
Sam Shook	55923	OP2	10			
Stephen Paquette	57210	LAB	12		TRENCH BOXES	
Danny Brasier	56905	LAB	13		JD 850 BOOM	U-0430
Anthony Repsher	73459	LAB	12			
Mack Rutherford	56828	LAB	13			
Brian Foster	60394	WEL	13	Rig	2-ROCK BREAKERS	
William Dodd	52632	WEH	13			
Cheryl Dornire	67173	TM2	13		2-3" WATER PUMPS	
					FORD F450 ONE TON	F-0729
					2 GENERATORS	
					CAT 329 HOE	R-020
					CAT 329 HOE	R-020

Worked till 7 pm

Comments: Finish Clay Piles **885 FT**
 Made 1 weld 1-cut
 coming in side is tied-in

FOREMAN: *[Signature]*
 INSPECTOR: *[Signature]*

9-22-16

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE ONLY WITH SIGNATURES BY 9:30 AM

07

Employees Onsite Nearby the Monkton Town Line

Last Name	First Name	Business Address	Last Known Address	Home Phone
CASTALDI	ROBERT	817 W. Main St., Brownsville, WI 53006 Unknown - No longer employed by	Please contact through Michels Corporation's legal counsel.	
MITTON	MICHAEL	Michels Corporation.	333 Lancaster Rd., Lunenburg, VT 05906	708-710-0345
HESS	GEORGE	817 W. Main St., Brownsville, WI 53006	Please contact through Michels Corporation's legal counsel.	618-214-2158
BARRY	KEVIN	817 W. Main St., Brownsville, WI 53006 Unknown - No longer employed by	Please contact through Michels Corporation's legal counsel.	608-516-2720
HILS	CLEMENT	Michels Corporation. Unknown - No longer employed by	PO Box 403, Great Barrington, MA 01230	413-229-2117
MOQUIN	LARRY	Michels Corporation.	12 Dewey St., Swanton, VT 05488	603-731-0212

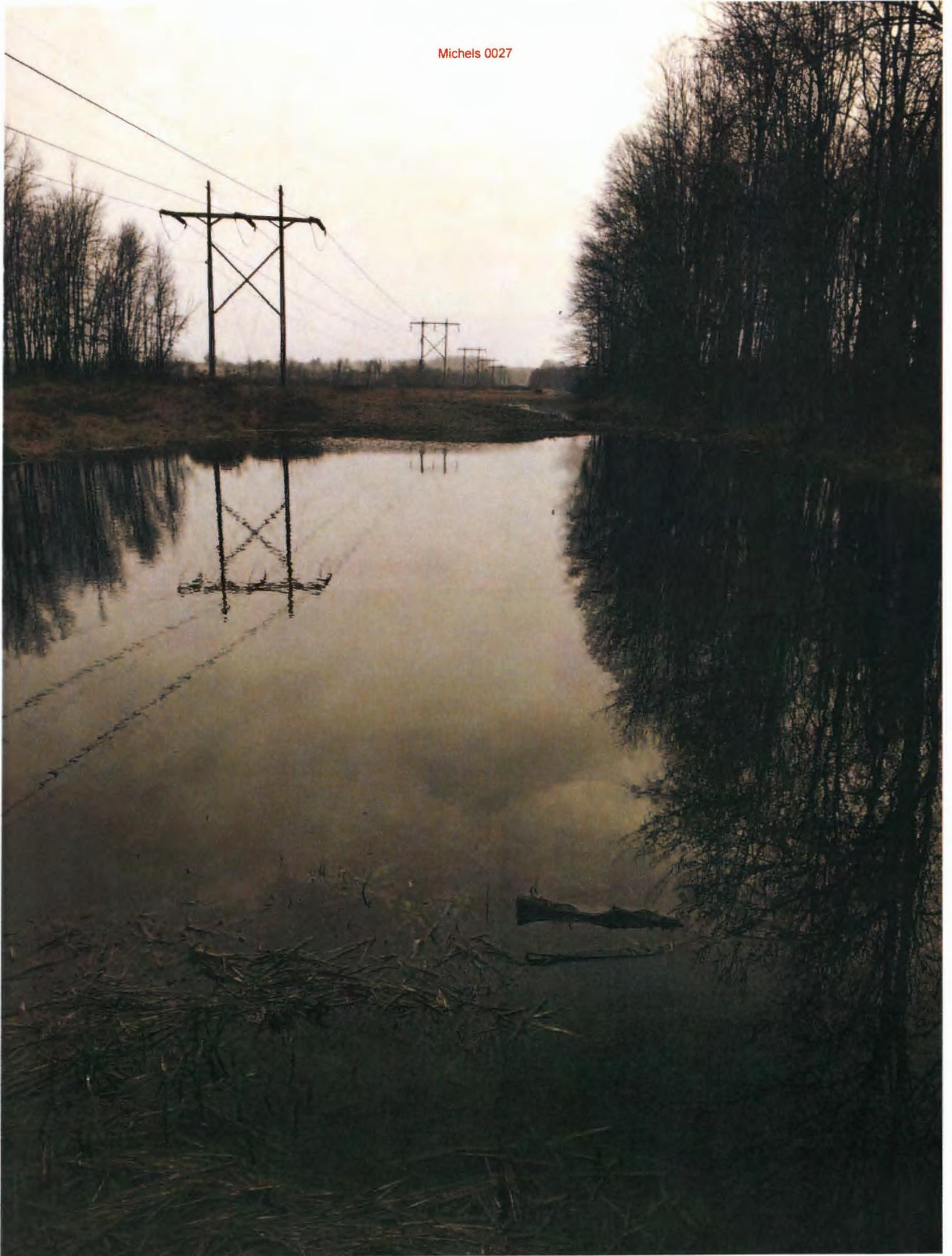








Michels 0027







Michels 0030



Michels 0031

