

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket No. 17-3550-INV
INVESTIGATION PURSUANT TO 30 V.S.A.
SECTIONS 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 IN NEW HAVEN, VERMONT

Deposition of Chris LeForce
Held by Zoom
on March 27, 2020
beginning at 10 a.m.

A P P E A R A N C E S

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IT IS HEREBY STIPULATED AND AGREED by
and between counsel as follows:

1. That the requirements of notice of
the taking of the deposition have been
complied with;

2. That the proof of the qualifications
of the Notary Public be waived;

3. That all objections except as to the
form of the question shall be reserved to
the time of trial.

1 (10:07 a.m.)

2 CHRIS LeFORCE

3 Having been duly sworn, testified
4 as follows:

5 MR. DUMONT: Good morning. Let me
6 start by summarizing the rules that govern how we do
7 a deposition, particularly by Zoom, and as we have
8 agreed.

9 First, Mr. LeForce, since this is a
10 deposition, and there is no judge or judicial officer
11 present, the objections that are allowed are
12 basically just two kinds. One is if the company's
13 lawyer believes I'm asking something that the answer
14 to which would be privileged, the company's lawyer
15 can instruct the witness, in this case you, not to
16 answer the question.

17 Second, if the company's lawyer or the
18 Department's lawyer feels that the question I'm
19 asking may be objectionable for some other reason,
20 the lawyer states objection to the form, and their
21 objection then is taken down by the court reporter,
22 object to the form, but there is no further
23 explanation since there is nobody here to rule on it.
24 And later, if the attorneys want to, they can raise
25 those objections on the transcript -- by giving the

1 transcript to the hearing officer. So I'm sure there
2 will be times when, for example, Attorney McClain
3 says object to the form. After he makes that
4 objection, then we continue with the question and
5 answer. Again the exception is if there is a
6 question of privilege and the attorney instructs the
7 witness not to answer.

8 THE WITNESS: Okay. Understood.

9 MR. DUMONT: And usually the court
10 stenographer is in the same room with the witness and
11 places the witness under oath. We have all agreed
12 that the court stenographer can place the witness
13 under oath remotely. And apparently the Secretary of
14 State's office agrees that that's allowable under
15 current circumstances as well as long as the witness
16 is in Vermont.

17 I guess third I would point out that
18 when we are done, Ms. Sears will prepare a written
19 transcript. And it will be submitted to the
20 company's attorneys who will then give it to you, and
21 you will have time to review it to make any
22 corrections, should any be necessary. And then you
23 fill out a piece of paper with the corrections.

24 And finally, I believe that Zoom has an
25 option to do a digital recording of the proceeding.

1 I haven't listened to any of the others. And I
2 haven't turned it on for this one. Ms. Sears, do you
3 -- you usually do your own digital backup, audio
4 backup anyway, don't you?

5 THE COURT REPORTER: Yes, I do.

6 MR. DUMONT: So you're doing that
7 anyway?

8 THE COURT REPORTER: Yes.

9 MR. DUMONT: Let's just leave it at
10 that. Unless somebody wants me to do the Cloud
11 recording, I won't.

12 Owen, Jim, Eric, did I leave out
13 anything?

14 MR. McCLAIN: Yeah. So we agreed that
15 -- we agreed that no one -- no other party is
16 recording the deposition from their location either
17 by video or audio. And so that means that any
18 participant, intervener participant, is not
19 recording. And Chris, the two interveners that are
20 here today, it looks like Jane Palmer and Rachel
21 Smolker have -- have told Jim that they won't record
22 the deposition. And we have agreed that the
23 recording, if there is one, won't be used for
24 anything other than checking the transcript if Jim
25 and I have a disagreement about what it says. So

1 it's not to be distributed to anybody or used for any
2 purpose unless we expressly agree.

3 And then we have also agreed that
4 people that are participating are visible on the
5 screen, and that no one is -- else is participating
6 or recording it that's off the screen, although
7 sometimes obviously people need to walk out of the
8 room and come back in. That's fine.

9 MR. DUMONT: Yeah. And as I expect
10 will happen today as happened last time, Nate Palmer
11 may join Jane. They are both parties, interveners.
12 And Mr. Shelton may join Dr. Smolker. Mr. Shelton is
13 also a party intervener. The same rules apply to
14 everybody.

15 MR. McCLAIN: Right. Yeah. Mr.
16 Shelton appears to prefer just to have his shoulder
17 on the screen and I've been fine with that. That's
18 fine with me.

19 MR. DUMONT: Okay.

20 MR. McCLAIN: All right. Let's go,
21 Jim. Oh, and the last thing is, I have a hard stop
22 today at 5. I told you by email, and I'm hoping
23 that's okay. And so I'll do whatever we can to get
24 us -- get this done by then.

25 MR. DUMONT: All right.

EXAMINATION

1
2 BY MR. DUMONT:

3 Q. Good morning, Mr. LeForce.

4 A. Good morning.

5 Q. I circulated to everybody what I've marked as
6 Exhibit 41. I don't know if it's necessary, but it's the
7 prefiled testimony you gave in another case, Docket Number
8 8643. I only direct your attention to it because it seems
9 to be a summary of your career at Vermont Gas.

10 I understand from your testimony in the other
11 matter that you were the engineering manager from May,
12 2013 to January, 2015; is that right?

13 A. Sorry. Can you repeat that or can I bring up
14 that exhibit?

15 Q. Yes. Please do.

16 A. Okay. What number was it again?

17 Q. 41.

18 A. Okay. Yes. That's correct.

19 Q. Then it says you served as the engineering
20 supervisor from September of '07 to May of 2013. Can you
21 explain to me the difference between being an engineering
22 supervisor and an engineering manager?

23 A. The difference is basically it's kind of a pay
24 scale, experience thing. And basically that's what I
25 remember it being. Same relative duties, but, you know,

1 it was kind of a promotion with some added -- probably
2 some added responsibility.

3 Q. What did you do before September of 2007?

4 A. Before that, I was an engineer title in the
5 engineering department. And before that I had a couple
6 other titles in engineering.

7 Q. And I know you have a BS in civil engineering
8 from UVM as of 2000.

9 A. That's correct.

10 Q. In your prefiled in Docket Number 8643 you
11 said, "As the engineering supervisor/manager, I was
12 responsible for long-term planning and system design,
13 system capacity planning, construction of reinforcement
14 projects, system modeling, permitting of larger expansion
15 projects, cost estimating for construction projects, the
16 steel cathodic protection system, and the transmission
17 integrity management program (IMP)."

18 So I wanted to ask you about that. When you
19 say you were responsible for long-term planning and system
20 design, what does that mean?

21 A. So basically that is -- planning and system
22 design is about having our pipeline systems capable of
23 meeting the demands of our current and future customers.

24 Q. When you say permitting of larger expansion
25 projects, what does that mean? What does that refer to?

1 A. So sometimes we will -- we have had in the
2 past projects to expand the capacity of our transmission
3 system where we add a couple miles of pipe, so I worked on
4 some of those.

5 We have had replacement projects where we
6 replace a facility or a piece of pipe, so they are the
7 more singled out projects like that.

8 Q. In -- when was the first time you performed
9 any work in connection with the Addison Natural Gas
10 Pipeline?

11 A. I don't have an exact date. But it probably
12 was in the time frame of when we -- when the project first
13 came up as an idea, and it was probably 2012ish.
14 Possibly. Somewhere around there.

15 Q. So to get oriented with the time sequence,
16 I'll represent to you that the CPG was issued by the PUC
17 on December 23, 2013. And the permitting process started
18 in 2012.

19 Were you involved with the permitting process
20 in 2012?

21 A. I -- yes, to some extent. I wasn't involved
22 with it day to day, but I knew what was going on. I was
23 aware of the work going on, but I wasn't -- I wasn't
24 specifically doing the work or, you know, just being --
25 being at the company I knew what was happening.

1 Q. In 2012 when you were engineering --
2 engineering manager, I'm sorry, you were engineering
3 supervisor in 2012. To whom did you report?

4 A. What -- sorry. Did you say 2012?

5 Q. Yes.

6 A. I reported to Mark Texeira at that time.

7 Q. And in -- starting in May of 2013, when you
8 became engineering manager, to whom did you report?

9 A. Same person. Mark Texeira.

10 Q. And does Mark Texeira still work for the
11 company?

12 A. He does not.

13 Q. Do you know what he does now?

14 A. He retired. Or as far as -- I know he retired
15 from Vermont Gas. I don't know -- I don't know what -- if
16 he's working or anything right now today.

17 Q. Approximately when did he retire from Vermont
18 Gas?

19 A. I don't have an exact date. I'd say it was --
20 I'd say it was early 2015. But I'm not a hundred percent
21 sure.

22 Q. Thank you. During the construction of the
23 Addison Natural Gas Pipeline before it was over?

24 A. I believe so.

25 Q. Okay. Did you attend any design review

1 meetings before the pipeline received the CPG on December
2 23 of 2013?

3 A. I believe I attended some.

4 Q. Where were the design review meetings held?

5 A. I don't know where they all were held. But I
6 know I attended some that were in our building. The VGS
7 main office.

8 Q. Did someone chair or coordinate the design
9 review meetings during that time period?

10 A. Yeah. I assume someone did. Yes.

11 Q. Do you know who it was?

12 A. I couldn't say who the exact person was at
13 that time.

14 Q. Did someone take minutes of design review
15 meetings?

16 A. I'm not sure. I don't know.

17 Q. Have you ever seen any minutes of design
18 review meetings dated prior to December 23, 2013?

19 A. Sorry. Can you repeat that? What was the
20 date?

21 Q. Yes. December 23, 2013.

22 A. No. I can't -- yeah, I can't remember.

23 Q. Who do you recall was present at design review
24 meetings prior to issuance of the CPG on December 23,
25 2013?

1 A. I can't say specific email. I know there were
2 people from our -- our office, the VGS office, and people
3 from our engineering firm, CHA. And there could have been
4 other people present.

5 Q. Who was present on behalf of CHA during that
6 time period at those meetings?

7 A. I mean are you asking -- I mean I can't
8 pinpoint, you know, who was at each meeting or any
9 particular time. I mean I know one individual that was
10 there was John Heintz. I can't say all or some, but I
11 know he was there for some.

12 Q. Right. And am I correct that Mr. Heintz did
13 not work for CHA?

14 A. I don't -- I'm not really sure of their -- how
15 their relationship was. I mean he worked, my impression
16 is he worked through CHA, but I don't know if he was a
17 direct employee or how his employment was set up. I don't
18 know that.

19 Q. If you were involved with permitting of larger
20 expansion projects as engineering manager/supervisor, as
21 -- let me start over.

22 You were involved -- you were the engineering
23 manager and supervisor from September of '07 through
24 January of 2015. And you said that your duties included
25 permitting of larger expansion projects.

1 So if you could give me a narrative, describe
2 what your role was in permitting of the Addison Natural
3 Gas Project?

4 A. I wouldn't say I had a specific role. I was
5 more there to listen and give some feedback on, you know,
6 items that VGS considers in permitting. And -- but I
7 didn't specifically apply for permits or kind of fill that
8 -- those items out. It was more kind of just giving my,
9 like I said, my feedback.

10 Q. Who were you giving your feedback to?

11 A. I wouldn't say anybody in particular. It was
12 more the group working on the project, the project team at
13 that time.

14 Q. Who do you recollect was on the project team?

15 A. I mean it depends on the time frame. So it
16 was just whoever was on the team at that time, like at
17 that juncture. So --

18 Q. During the time period I'm now asking you
19 about, which was before issuance of the CPG on December
20 23, 2013, did you have any meetings at which -- did you
21 participate in any meetings in which engineer Colantonio
22 participated?

23 A. I -- I can't say for sure. But I know I met
24 him, and I'm assuming it was through a project meeting.

25 Q. Was that meeting at the Vermont Gas office in

1 South Burlington?

2 A. Yes. That's what I recall.

3 Q. Did you ever travel to Mr. Colantonio's office
4 in another state?

5 A. I have. I have been to Colantonio's offices
6 before, but it wasn't -- it wasn't related to this
7 project. There were projects before this that were --
8 that I traveled down there for.

9 Q. How many times do you think you had met with
10 Mr. Colantonio outside of the ANGP?

11 A. I don't have a number. But I was at their
12 office a few times, and I can remember meeting -- seeing
13 him at the office at least once.

14 Q. And what town or city was the office in?

15 A. It was in Massachusetts. I know their offices
16 moved, so I can't say what town it was at that time.
17 Because it was probably 15 years ago.

18 Q. During the permitting for the ANGP, do you
19 recall meeting with engineer Williams?

20 A. That's a pretty common name. Do you have a
21 first name?

22 Q. There is someone in the documentation, but you
23 don't -- during the permitting you don't recall any
24 engineer with the last name of Williams?

25 A. The last name -- I'm thinking of someone. But

1 I really need the first name to confirm.

2 Q. How about --

3 A. Sounds familiar.

4 Q. How about an engineer who is a woman who is
5 named Williams?

6 A. No. I don't remember.

7 Q. During the same period, before issuance of the
8 CPG in December of 2013, did you meet with engineer
9 Kearns, K-E-A-R-N-S?

10 A. What was the time frame?

11 Q. Prior --

12 A. Before.

13 Q. Before issuance of the CPG on December 23,
14 2013?

15 A. I've definitely worked with Kearns -- Brendan
16 Kearns if that's who you're talking about. And but as far
17 as time frame, I can't say on that time frame, if it was,
18 you know, before or after or both.

19 Q. Okay. Who within Vermont Gas would have
20 custody today of minutes of design review meetings that
21 were held in 2012 or 2013?

22 MR. McCLAIN: Just objection to the
23 form.

24 THE WITNESS: I can't say if I know the
25 exact individual.

1 BY MR. DUMONT:

2 Q. If you were involved in a project today, and
3 there was a design review meeting, who would have custody
4 of the minutes of those -- of those minutes?

5 A. Can you repeat that? Sorry.

6 Q. Yes. If you were to attend a design review
7 meeting today, at Vermont Gas, and minutes were taken, who
8 would have custody of those minutes? Who would possess
9 them?

10 A. It would probably be a -- most likely whoever
11 is in charge of that project like a project manager or,
12 you know, really the person appointed to lead whatever
13 project it is.

14 Q. Who was the project manager of the ANGP in
15 2012 and 2013?

16 A. I'd need more -- do you mean on the -- I need
17 more specific information as far as -- I guess I don't
18 really know because of the time frame.

19 Q. Do you recall any person who served as project
20 manager prior to December 23, 2013?

21 A. Are you asking for VGS?

22 Q. Well when you answered my prior question about
23 who would have custody of design review minutes for a
24 meeting held today, you said project manager. So that's
25 the term I'm sticking with.

1 Who was that project manager for the ANGP
2 project at any time that you can recall prior to December
3 23, 2013?

4 A. It could have been --

5 MR. McCLAIN: Objection -- hold on.
6 Objection to the form. You can answer, Chris.

7 THE WITNESS: I know Stephen Wark was
8 one of the project managers, and I believe it was
9 around that time.

10 BY MR. DUMONT:

11 Q. And then wasn't he replaced by Ms.
12 Simollardes?

13 MR. McCLAIN: Objection to the form.

14 THE WITNESS: I don't know if he was
15 directly replaced by her. I know she was a project
16 manager after, after Steve -- after Stephen Wark.

17 BY MR. DUMONT:

18 Q. So let me ask you a similar question about the
19 period after December 23, 2013. Did you attend any design
20 review meetings after the CPG was issued on December 23,
21 2013?

22 A. I attended meetings. I don't know if they
23 were depicted as design meetings.

24 Q. What are the meetings that you recall
25 attending?

1 A. Project meetings. Status meetings.

2 Q. Did you attend any meetings at which any
3 representative or member of CHA participated?

4 A. And you're still asking after December 2013?

5 Q. Yes.

6 A. Yes. I attended meetings with CHA.

7 Q. Tell me what you can recall of those meetings
8 starting with where they were held.

9 A. Most meetings that I can remember attending
10 were at Vermont Gas, Vermont Gas offices. I know I
11 attended meetings at a couple different CHA offices, and
12 some of their consultants.

13 I mean meetings were really about general
14 items, about the project; permitting, designs, right of
15 way, things of that nature.

16 Q. Which CHA office or offices did you attend,
17 did you visit?

18 A. There was one in Hinesburg for a time. And
19 then there was one in South Burlington, and I can remember
20 attending at least one meeting, more than one meeting at
21 both.

22 Q. Who do you recall participated on behalf of
23 CHA at the Hinesburg office?

24 A. I don't remember that. I don't -- can't say.

25 Q. Would it be Tyler Billingsley?

1 MR. McCLAIN: Objection.

2 THE WITNESS: I have met with Tyler.

3 MR. McCLAIN: Hold on. Objection to
4 the form. Go ahead.

5 MR. DUMONT: Go ahead.

6 THE WITNESS: I have met with Tyler
7 Billingsley. Yes.

8 BY MR. DUMONT:

9 Q. And tell me the context in which you met with
10 Tyler Billingsley.

11 A. I'm not sure if I understand what you're
12 asking.

13 Q. Just to show you how broad the question is.
14 Did you meet with him at a Red Sox game? Did you meet
15 with him to talk about the ANGP? Why did you meet with
16 him?

17 MR. McCLAIN: Objection to the form of
18 the question.

19 THE WITNESS: I believe I met with him
20 on project-related items.

21 BY MR. DUMONT:

22 Q. And do you recall which project-related items?

23 A. No. Not specific items. But there were
24 about, you know, general items like I previously said,
25 designs and permits and items like that.

1 Q. Do you recall any persons from CHA that you
2 met with at the South Burlington office?

3 A. Yeah. I can recall a few.

4 (Technical difficulties with Zoom)

5 (The record was read as requested)

6 MR. McCLAIN: Well we didn't notice
7 until about I think maybe five minutes later it looks
8 like maybe at least huh, Jim? Okay. So are we back
9 on the record, Kim?

10 THE COURT REPORTER: Yes.

11 MR. McCLAIN: But as we proceed, I've
12 asked the witnesses about this protest ornament that
13 is in the background, and Jim and the witness refuse
14 to take it off the screen. I think it's designed to
15 be a protest sign about the ANGP.

16 We have agreed that the witnesses would
17 not speak or communicate during these depositions. I
18 think having -- holding protest signs out to try to
19 intimidate and make the witness feel uncomfortable is
20 inappropriate behavior at a deposition. I've asked
21 them to turn the screen, and the interveners and
22 their counsel have refused to abide by that request.

23 I'll continue, if Chris is comfortable
24 continuing. And so I'll ask him, you know, whether
25 he wants to continue the deposition.

1 MR. DUMONT: Owen, don't you want to
2 describe what the sign says?

3 MR. McCLAIN: No, I don't want to
4 describe the sign, Jim. If you want to describe the
5 sign, go for it. I'm saying I asked you guys to move
6 it. You refused to do it. I'm objecting to us
7 continuing with this deposition with protest signs in
8 the background. And I'm asking my witness if he's
9 comfortable proceeding. We can proceed and we can do
10 this and get something done today. And if he's
11 uncomfortable and doesn't want to be taunted
12 throughout the entire deposition, I understand that
13 too, and we can stop the deposition.

14 MR. DUMONT: Let me put on the record
15 what the sign says. It says ANGP. That's it.

16 MR. McCLAIN: So again, I'll ask Chris
17 if you're comfortable proceeding with the record --
18 with today, with protest signs in your face, then
19 that's fine with me, and we can keep going. If
20 you're not comfortable with it, and you prefer for us
21 to negotiate a different set of circumstances, I'm
22 happy to do that. We can stop the deposition and
23 schedule it for another time. It's your call.

24 MR. DUMONT: No, it's not. It's not
25 his call. But you can take whatever position you

1 want. It's my call. I'm taking the deposition.
2 There is no grounds to continue or postpone the
3 deposition.

4 MR. McCLAIN: We can object to how the
5 deposition proceeds. Chris, so you let us know --
6 let me know whether you're comfortable proceeding.
7 And if you indicate that you are comfortable
8 proceeding, then I'll just make my objection noted.
9 We can continue and get something done. If you are
10 uncomfortable and want to stop, then Jim and I will
11 talk about that.

12 THE WITNESS: I'm fine with continuing.

13 MR. McCLAIN: All right. Go ahead,
14 Jim. So it sounds like you might have to backtrack a
15 bit.

16 MR. DUMONT: I believe the last
17 question and answer -- the last question was who do
18 you recall was present at the CHA office in South
19 Burlington.

20 And I believe the context was this is
21 the time period after issuance of the CPG in 12/23/
22 13, and I don't think your answer is on the record.
23 So why don't we start there.

24 MR. McCLAIN: Objection to the form of
25 the question.

1 THE WITNESS: Sorry. Can you ask it
2 again too, please?

3 BY MR. DUMONT:

4 Q. Sure. The last question before the court
5 reporter lost contact with us was who do you recall was
6 present at the CHA offices in South Burlington in the time
7 period after 12/23/13 during meetings you attended there?

8 A. I can't remember all the individuals. But I
9 know I did meet with Brendan Kearns, Tyler Billingsley,
10 and Jason Gorman.

11 Q. And I think during the time period where we
12 didn't have a court reporter I asked you about several
13 other names. And I'll list them now again. One was
14 engineer named Williams. And your recall was you have no
15 recollection of that person; correct?

16 MR. McCLAIN: Objection to the form of
17 the question. Objection to the form.

18 THE WITNESS: Again, I need more -- it
19 sounds familiar, but I need the first name. So I
20 don't know.

21 BY MR. DUMONT:

22 Q. Okay. And I asked you about an engineer named
23 Hollowood. And what do you remember about that?

24 MR. McCLAIN: Objection to the form.

25 THE WITNESS: I know the last name.

1 I'm not sure if I met with that person there.

2 BY MR. DUMONT:

3 Q. Do you remember if you've met with that person
4 engineer Hollowood at any time, anywhere?

5 A. No. I do not.

6 Q. How about an engineer named Thomson, T-H-O-M-S
7 -O-N. Did you meet with that person?

8 MS. SMOLKER: The engineering manager
9 doesn't even remember --

10 MR. DUMONT: Hold on. Somebody's
11 speaking. We need to mute.

12 MR. McCLAIN: Yeah. We have got an
13 agreement that the people --

14 MR. DUMONT: Owen, stop. It's just a
15 mistake.

16 MR. McCLAIN: Don't stop me. Don't
17 stop me. We have got an agreement that the people
18 that are participating today will have their face
19 visible on the screen and will have their speaker
20 muted. And we are not going to do the deposition if
21 we are not going to abide by the rules. And we don't
22 need our witness to be taunted by signs or by
23 commentary during the deposition. That's totally
24 inappropriate.

25 MR. DUMONT: Okay. I see Rachel's

1 microphone is muted again, so she is not going to
2 answer you.

3 MR. McCLAIN: She should be visible on
4 the screen. That's our agreement. I can't see her
5 on the screen now.

6 MR. DUMONT: There she is. So Rachel
7 has just sent me a chat message saying the problem
8 was she had to reboot her computer. Apparently she
9 had the same problem the stenographer did. So here
10 we are. We are trying to get started again.

11 MR. McCLAIN: I disagree that she had
12 the same problem the stenographer did. She was heard
13 audibly commenting on the current deposition as it
14 goes on, and that's inconsistent with our agreement.
15 And I hope that it stops. We will stop the
16 deposition if we are not going to conduct it in the
17 manner that we agreed to.

18 MR. DUMONT: Okay. So I was asking,
19 just so the record's clear, whatever Dr. Smolker
20 said, she said it while I was speaking, so I have no
21 idea what she said and I doubt anybody else did.

22 MR. McCLAIN: I heard what she said.
23 And she was being critical of the witness's testimony
24 during the middle of the deposition, which is exactly
25 what we agreed not to have happen.

1 MR. DUMONT: Well I didn't hear any of
2 it. So let me continue with the question. I was
3 asking about -- now I'm lost.

4 Maybe, Ms. Sears, could you read back
5 whatever the last question was?

6 (The record was read as requested)

7 THE WITNESS: So do I answer now?

8 Sorry.

9 MR. DUMONT: Yes.

10 MR. McCLAIN: Go ahead, Chris.

11 THE WITNESS: Sorry. No. I don't know
12 if I met with Thomson.

13 BY MR. DUMONT:

14 Q. How about an engineer named Fuller; F-U-L-L
15 -E-R, in the South Burlington office? Did you meet with
16 an engineer named Fuller?

17 MR. McCLAIN: Objection to the form.

18 THE WITNESS: I don't remember if I met
19 with Fuller.

20 BY MR. DUMONT:

21 Q. At any time have you met with an engineer
22 named Fuller about the ANGP?

23 A. I don't recall.

24 Q. Then we started to talk about -- I think I may
25 be mistaken, but I think it was during the time period the

1 court stenographer's computer had to be rebooted and we
2 didn't realize she was missing. I was asking about
3 whether or not you understand what the term engineer of
4 record means.

5 So why don't I start over there. What's your
6 understanding of the term engineer of record?

7 A. My understanding is it's the people
8 responsible for -- for the engineering work on something,
9 a project.

10 Q. What's the importance of -- to your
11 understanding what's the importance of an individual
12 putting his signature or her signature and his stamp or
13 her stamp on engineering documents?

14 A. It's a way to document who did the work.

15 Q. Is there any connection between being the
16 engineer of record and signing and sealing engineering
17 documents to your understanding?

18 MR. McCLAIN: Objection to the form.

19 THE WITNESS: Yeah. I don't know if
20 there is a connection between the two, I guess.

21 BY MR. DUMONT:

22 Q. And I apologize if I asked this before,
23 because I don't recall whether this was when Ms. Sears was
24 with us or wasn't with us. Who was the engineer of record
25 during the time period up to issuance of the CPG on

1 12/23/2013?

2 A. I believe it was CHA.

3 Q. And do you have any understanding or
4 recollection of who within CHA was the engineer of record?

5 MR. McCLAIN: Objection to the form.

6 THE WITNESS: Can you repeat that?

7 Sorry.

8 MR. DUMONT: Yes. Ms. Sears, could you
9 read it back?

10 (The record was read as requested)

11 THE WITNESS: I don't know the exact
12 time frame, because I believe it changed, but I know
13 Mr. Colantonio was part of that at the start of the
14 project.

15 BY MR. DUMONT:

16 Q. When did it change?

17 MR. McCLAIN: Objection to the form.

18 THE WITNESS: I'm not sure when it
19 changed.

20 BY MR. DUMONT:

21 Q. How did you learn that it had changed?

22 MR. McCLAIN: Objection to the form.

23 THE WITNESS: Yeah. I don't know if I
24 knew at the time.

25 BY MR. DUMONT:

1 Q. At some point you learned. How did you learn
2 at that point?

3 MR. McCLAIN: Objection to the form.

4 THE WITNESS: I'm not sure when I
5 learned or how I learned.

6 BY MR. DUMONT:

7 Q. Who became the engineer of record after Mr.
8 Colantonio?

9 A. It had to have been someone else in CHA. I'm
10 not sure if I -- I know the exact individual.

11 Q. Was Mr. Kearns ever the engineer of record?

12 A. I don't believe so. I'm not sure.

13 Q. Was Mr. Kearns ever the engineer principally
14 in charge of engineering plans and specifications for the
15 ANGP?

16 MR. McCLAIN: Objection to form.

17 THE WITNESS: Can you ask that again?

18 I'm sorry.

19 MR. DUMONT: Yes. Ms. Sears, could you
20 read that back?

21 (The record was read as requested)

22 THE WITNESS: I don't know if he
23 principally was, but I know he worked on them.

24 BY MR. DUMONT:

25 Q. Same question about Mr. Billingsley. Was he

1 ever the engineer of record for the ANGP?

2 A. I don't believe so.

3 Q. Did you ever do any -- did you have any
4 connection whatsoever of any kind with the Over & Under
5 construction company, pipeline construction company?

6 MR. McCLAIN: Objection to form.

7 THE WITNESS: I've worked with Over &
8 Under. Yes.

9 BY MR. DUMONT:

10 Q. Tell me the nature of the work you did with
11 Over & Under.

12 A. They have done -- they did construction work
13 for Vermont Gas for many years. And I know when I started
14 they -- I can recall that they were working at that time
15 for us.

16 Q. Did you ever do any work with Over & Under in
17 connection with the ANGP?

18 A. Not specifically. I know I attended some
19 meetings with Over & Under there at present. And so --
20 that was about the extent of it.

21 Q. Was Over & Under given any signed and stamped
22 construction plans for the ANGP?

23 MR. McCLAIN: Objection to form.

24 THE WITNESS: I'm not sure. I wasn't
25 on the -- I wasn't really on the project at that

1 point when they were working.

2 BY MR. DUMONT:

3 Q. Who would know the answer to that question?

4 MR. McCLAIN: Objection to form.

5 THE WITNESS: It would be someone else
6 that was on the project team at that point. I don't
7 know if I could name an exact individual.

8 BY MR. DUMONT:

9 Q. Ms. Simollardes?

10 MR. McCLAIN: Objection to form.

11 THE WITNESS: Possibly. I'm not sure
12 if she could answer it.

13 BY MR. DUMONT:

14 Q. Is there any record kept by the company of
15 documents provided to a construction contractor?

16 A. There might be. But I don't have any direct
17 knowledge where exactly those would be or --

18 Q. Did you work with the Michels Construction
19 Company, the Michels Company in connection with the ANGP
20 in any way?

21 A. I did.

22 Q. What was the nature of your role in dealing
23 with Michels?

24 MR. McCLAIN: Objection to form.

25 THE WITNESS: I mean it was a variety

1 of items. Just working on scheduling, of talking
2 about the work, talking about different portions of
3 the project while that was being constructed.

4 Progress meetings. So it was a variety of items.
5 BY MR. DUMONT:

6 Q. During the time period Michels was working on
7 the ANGP, how often did you -- what part of -- let me
8 start over.

9 During the time period 2015, 2016, 2017, how
10 much of your employment in VGS pertained to the ANGP? A
11 little bit, a lot, all?

12 MR. McCLAIN: Objection to form. Go
13 ahead, Chris.

14 THE WITNESS: I'd categorize it as a
15 lot to most.

16 BY MR. DUMONT:

17 Q. During the time period that the Michels
18 Corporation was a construction contractor, was the Michels
19 Corporation ever provided plans or specifications that had
20 been signed and sealed by the engineer of record?

21 A. They were provided plans and documents, but I
22 don't know if they were -- I don't know if they were all
23 stamped or not.

24 Q. Do you know if any of them were signed and
25 stamped by the engineer of record?

1 MR. McCLAIN: Objection to form.

2 THE WITNESS: There may have been some.

3 But I can't -- I can't say for sure what was and
4 wasn't.

5 BY MR. DUMONT:

6 Q. Is there any way that the company possesses of
7 going back and looking at a record of documents that were
8 provided to the Michels Corporation to answer that
9 question?

10 MR. McCLAIN: Objection to form.

11 THE WITNESS: I believe we could go
12 back and look. But I don't know what the record may
13 or may not be.

14 BY MR. DUMONT:

15 Q. Did Over & Under ever present shop drawings to
16 Vermont Gas or to CHA?

17 MR. McCLAIN: Objection to form.

18 THE WITNESS: I don't know if I
19 understand the question. When you say shop -- shop
20 drawings.

21 BY MR. DUMONT:

22 Q. Do you have any understanding of the term shop
23 drawings?

24 A. I have an idea.

25 Q. Tell us what your understanding of shop

1 drawings is.

2 MR. McCLAIN: Objection to form.

3 THE WITNESS: Generally shop drawings
4 are something that a contractor or it could be a --
5 or anybody building something, that they may put a
6 sketch together or drawing together for something
7 that needed some detail with dimensions. Or I mean
8 it could be a variety of things.

9 BY MR. DUMONT:

10 Q. Did the Over & Under Construction Company have
11 its own engineers that were advising it to your knowledge?

12 A. To my knowledge, I don't know.

13 Q. Do you know what a construction status meeting
14 is?

15 A. I believe so.

16 Q. What is a construction status meeting?

17 A. To me a status meeting is just talking about
18 the progress of a -- the progress of construction.

19 Q. Did you attend construction status meetings
20 with Over & Under?

21 A. I don't believe so. But I can't say for sure.
22 I might have attended one or none. I just don't remember.

23 Q. Were minutes kept of construction status
24 meetings with Over & Under?

25 A. I'm not sure.

1 Q. Did you ever attend construction status
2 meetings with the Michels Corporation?

3 A. I attended some. Yes.

4 Q. Were meetings kept of those minutes? I'm
5 sorry. Were minutes kept of those meetings?

6 A. I'm sure there was some notes, but I don't
7 know in what form or if they were formal or not.

8 Q. Who would have been the note taker or the
9 minute maker?

10 MR. McCLAIN: Objection to form.

11 THE WITNESS: I believe -- I mean my
12 guess is it was part of the -- it would have been the
13 construction team, maybe someone on the construction
14 team or the contractor possibly.

15 BY MR. DUMONT:

16 Q. Had you ever seen any minutes of construction
17 status meetings?

18 A. I can't recall seeing any specific meeting
19 minutes. No.

20 Q. One of the documents given to us in discovery
21 states that it is an agreement between CHA and VGS dated
22 June of 2014. Have you ever seen that agreement?

23 MR. McCLAIN: Objection.

24 THE WITNESS: Yeah. I'm not sure if
25 I've seen it or not. I would have to look at it.

1 BY MR. DUMONT:

2 Q. Did CHA's role change in any way that you know
3 of in -- in or around June of 2014?

4 A. Their role changed. But yeah, I don't know if
5 that was the date.

6 Q. What's your understanding of the change?

7 MR. McCLAIN: Objection to form.

8 THE WITNESS: My understanding is CHA
9 -- the construction management was moved to -- from
10 CHA to other contractors, but I'm not sure of the
11 exact time frame.

12 BY MR. DUMONT:

13 Q. I think you told me you're not sure if you've
14 seen the agreement between CHA and VGS that was signed
15 sometime in around June of 2014; is that right?

16 MR. McCLAIN: Objection to form.

17 THE WITNESS: Yeah. I may have seen
18 it. I'm not sure.

19 BY MR. DUMONT:

20 Q. Part of that agreement that was provided to us
21 in discovery states as follows: "VGS shall provide
22 engineer with a copy of the minutes for all construction
23 status meetings."

24 Does that refresh your recollection at all as
25 to whether minutes were kept at construction status

1 meetings?

2 MR. McCLAIN: Objection.

3 THE WITNESS: No. I don't remember
4 that --

5 BY MR. DUMONT:

6 Q. Okay.

7 A. -- specifically.

8 Q. I have some questions for you about Mr.
9 Heintz. When Mr. Heintz was preparing his prefiled
10 testimony in Docket 7970, did you meet with him, talk with
11 him, confer with him in any way?

12 MR. McCLAIN: Objection to form.

13 THE WITNESS: Yes. I met with him
14 during different, I guess, different types of
15 meetings, group meetings and whatnot.

16 BY MR. DUMONT:

17 Q. What was your role in those meetings with Mr.
18 Heintz?

19 A. Mostly, as I can recall, I was just listening
20 in on what, you know, what was -- whatever the topics
21 were. And listening in from VGS, because I worked at VGS.
22 And I'd -- I would, I guess, bring up things if I had
23 something to contribute.

24 Q. One of his prefiled testimony submissions was
25 dated February 28, '13. On pages 31 and 32 he made some

1 statements I'm going to ask you about. You don't have to
2 read it. I'll read it to you.

3 He wrote, "For the transmission mainline, a 4
4 to 5-foot-wide trench will be excavated to a depth of
5 approximately 5 feet, and soil from the trench will be
6 stockpiled adjacent to the trench within the construction
7 corridor."

8 Do you recall discussing that with Mr. Heintz
9 before he submitted that written testimony?

10 A. That wording definitely sounds familiar. But
11 I don't know if I specifically discussed that -- that item
12 with him in any way.

13 Q. At any time since it was filed, including when
14 you were drafting the various reports you submitted that
15 we will get to later today, that -- various reports that
16 you wrote, did you ever ask him about that testimony that
17 I just read?

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

19 Q. The next sentence, this is now on page 32
20 says, "There will be different construction configurations
21 for each of the different types of area to be crossed,
22 including wetlands, agricultural areas, and within the
23 public highway ROW."

24 Do you recall discussing that with Mr. Heintz
25 before he filed that testimony?

1 A. No. I don't remember -- I don't recall
2 talking about that.

3 Q. At any time since then have you discussed that
4 sentence with Mr. Heintz?

5 A. I don't believe so.

6 Q. The next sentence says, "These configurations
7 are shown in Exhibit Petitioner Supp," S-U-P-P, "JH-3
8 (2/28/13)."

9 Do you recall discussing that sentence with
10 Mr. Heintz before he submitted his prefiled testimony?

11 A. No, I don't remember specifically discussing
12 that.

13 Q. Do you recall discussing that sentence at any
14 time since then with Mr. Heintz?

15 A. I don't believe so.

16 Q. What about JH-3 itself? Did you review JH-3
17 before it was filed with the Public Service Board?

18 MR. McCLAIN: Objection.

19 THE WITNESS: Is that -- I need to see
20 that just to confirm what it is. Is it something I
21 can bring up?

22 BY MR. DUMONT:

23 Q. You could. But I'll represent to you it's --
24 plans for the Addison Natural Gas Pipeline, the plans that
25 were submitted to the Public Service Board.

1 A. When you say plans, do you mean like drawings
2 of the corridor and sheets?

3 Q. Yes. And it includes what's referred to in
4 the sentence I just read; it includes configurations,
5 different configurations.

6 MR. McCLAIN: I'm just going to object
7 to asking him a line of questions about a document
8 he's told you he needs to have in front of him to
9 talk accurately about.

10 THE WITNESS: Do I proceed to answer?

11 MR. McCLAIN: Yeah. I don't know if
12 there is a question on the table.

13 MR. DUMONT: Yes.

14 MR. McCLAIN: But yeah. You can
15 answer. I'm objecting. I don't know what question
16 is on the table, if there is one at all.

17 THE WITNESS: Could it just be repeated
18 to me, please?

19 MR. DUMONT: Sure.

20 (The record was read as requested)

21 THE WITNESS: Well without seeing JH-3,
22 my inclination is it's the project plans, and I've
23 seen those project plans throughout the project. So
24 I probably looked at them before -- before they were
25 filed and after.

1 BY MR. DUMONT:

2 Q. Thank you. Did you ever discuss JH-3 itself
3 with Mr. Heintz before he submitted JH-3 on February 28 of
4 2013?

5 A. I don't know if I specifically discussed it
6 with Mr. Heintz.

7 Q. Further down on page 32 his testimony says,
8 "The pipeline will have four feet of cover in agricultural
9 areas, within the VELCO ROW and residential areas, and
10 generally five feet of cover at road crossings and seven
11 of feet cover at open cut streams."

12 I think it was supposed to say seven feet of
13 cover instead of seven of feet cover -- but the intent was
14 clear. I'll read it one more time. "The pipeline will
15 have four feet of cover in agricultural areas, within the
16 VELCO ROW and residential areas, and generally five feet
17 of cover at road crossings and seven of feet cover at open
18 cut streams."

19 Do you recall discussing that sentence, or any
20 part of it, with Mr. Heintz before he filed the testimony?

21 A. No, I don't recall talking to Mr. Heintz about
22 that.

23 Q. Since the CPG was issued, have you ever talked
24 to Mr. Heintz about any part of that sentence?

25 A. I don't believe so.

1 Q. Was it part of your job in 2012, 2013, 2014,
2 2015, 2016, 2017 to review billing or billing records
3 submitted by CHA?

4 A. I think in -- I don't know when, but I
5 definitely reviewed some bills, invoices, not throughout
6 that time period, towards the latter part of that time
7 period.

8 Q. 2016, 2017?

9 A. Yes. 2016, 2017. Correct.

10 Q. Whose job was it within VGS to review billing
11 records from CHA in 2013?

12 A. I don't know that.

13 Q. How about 2014?

14 A. No, I'm not sure.

15 Q. 2015?

16 A. I'm not sure. But that might have been -- I
17 might have started looking at them sometime in that year.
18 But I'm not -- I don't have the exact date. And I don't
19 know who it was before me.

20 Q. Okay. Thank you. And I'm going to ask you
21 about Exhibit 27.

22 A. I can open it up?

23 Q. Yes.

24 A. This is from the St. Hilaire --

25 Q. Yes.

1 A. -- exhibit. Okay.

2 Q. If you turn to PDF page 6, we can start there.

3 A. I'm at page 6.

4 Q. Is that a memo dated February 27, 2018
5 prepared by Christopher LeForce and Adam Gero?

6 A. Yes.

7 Q. Can you tell us the difference between your
8 position in 2018 and Mr. Gero's position?

9 A. I can, generally. So Mr. Gero was the
10 engineering and compliance manager for Vermont Gas. He
11 was in charge of the engineering department and had a
12 group working under him. My role at that time was working
13 as -- working on specific projects for Vermont Gas in a
14 project manager role and overseeing smaller projects that
15 were going on at that time.

16 And I was part of the -- the engineering
17 department at that time still, but Adam and I or Mr. Gero
18 and I were peer managers.

19 Q. When you say a peer manager, I think I know
20 what you mean, but could you explain that?

21 A. We were just both -- both managers at that
22 time. We didn't report to each other, one another, and we
23 both reported to the same person.

24 Q. And who was that?

25 A. John St. Hilaire. Can I just say a break

1 around noonish would be good for me? I can hear my
2 stomach starting to growl. I hope you guys don't hear
3 that.

4 MR. DUMONT: Do you want to take a
5 break now, or do you want to wait for half an hour?

6 THE WITNESS: No. I just wanted to
7 give people a heads up. Hopefully that would be good
8 with everybody.

9 BY MR. DUMONT:

10 Q. Okay. If you could turn to PDF page 6 of this
11 same document.

12 A. The same page we were on?

13 Q. Page -- it's two pages later, I think. No.
14 It is the same page. Yes. Page 6, I'm sorry.

15 A. Okay.

16 Q. There is a quote from code, it says, "Code
17 section cited by DPS." And then a citation. Before you
18 read the citation by DPS, were you familiar with 49 CFR
19 Section 192.303?

20 A. Yes. I've read that before. Yes.

21 Q. When do you think you first read that? That
22 code section?

23 A. I couldn't tell you a date. But I have been
24 reading part 192 since I first started at Vermont Gas. So
25 many, many years.

1 Q. Okay. Further down on the same page it says,
2 quoting from CPG paragraph 2; "Construction of the
3 proposed project shall be in accord with plans and
4 evidence as submitted in this proceeding."

5 Do you see that?

6 A. I do.

7 Q. And then the next paragraph it says, "VGS
8 maintained written specifications for the project,
9 including a specification for pipe support, VGS
10 specification section 312.333 (which was modified at times
11 during the ANGP), is discussed below."

12 Did you write that paragraph or participate in
13 writing -- I'm sorry. Did you write that sentence or
14 participate in writing that sentence that I just read?

15 A. I'm not sure if that came from -- I don't know
16 if I wrote it specifically, and I can't remember if this
17 section came from the DPS NOPV or we added this ourself.
18 I would have to look at the NOPV to see if this same
19 language was in the NOPV.

20 Q. Okay.

21 A. But -- yeah.

22 Q. Let me ask you about whether section 312.333
23 falls within the description we just quoted. That is,
24 "Construction of the proposed project shall be in
25 accordance with plans and evidence as submitted in this

1 proceeding."

2 Was section 312.333 submitted in the
3 proceeding?

4 MR. McCLAIN: Objection to the form of
5 the question.

6 THE WITNESS: I don't know if it was
7 submitted with the CPG. I don't believe so.

8 BY MR. DUMONT:

9 Q. Okay. So my question to you is, in preparing
10 this memo did you and Mr. Gero go back and look at the
11 plans that were submitted to the PUC or the PSB in
12 obtaining the CPG?

13 A. I don't know if we specifically went back to
14 the -- to the -- what plans we went back to. But I know
15 we looked at a lot of material in writing this memo.

16 Q. In writing this memo did you consult with Mr.
17 Heintz?

18 A. I don't believe so.

19 Q. Can you tell me why you didn't go back and
20 look at quote, the plans in evidence as submitted in this
21 proceeding, end quote?

22 MR. McCLAIN: Objection.

23 THE WITNESS: I don't believe I said we
24 didn't. I just don't know everything we went back to
25 look at. There are a lot of documents and plans, and

1 so, like I said, I can't say for -- I don't know
2 every document we looked at in writing this. But I
3 know we went back and looked at a lot of material to
4 write this.

5 BY MR. DUMONT:

6 Q. Okay. Does the memo that you wrote quote or
7 cite to any document that was submitted to the PUC?

8 A. Can you ask that again? I'm sorry.

9 Q. Sure.

10 MR. DUMONT: Ms. Sears, could you read
11 it back?

12 (The record was read as requested)

13 THE WITNESS: I'm just looking through
14 the memo. Other pages. It looks like that on page 1
15 the final order is cited in that second to last
16 paragraph. But as I stated before, I can't remember
17 if we wrote that, or we were citing something from
18 the DPS NOPV.

19 BY MR. DUMONT:

20 Q. So other than that sentence which I had read
21 earlier which quotes from paragraph 2 of the CPG, does the
22 report that you and Mr. Gero prepared cite to any document
23 that was submitted to the Public Service Board in
24 obtaining that CPG?

25 A. It looks like I did find one spot that it -- I

1 think it cites to the -- possibly cites to the CPG or a
2 document that was submitted.

3 Q. What's that?

4 A. There is an -- on page, PDF page 7, second to
5 last paragraph, it talks about a typical trench detail.
6 And I believe those were -- that trench detail is in the
7 plan sets that were the plan sets of the project.

8 What I don't know if that specific trench
9 detail was the one in the plans to the PSB.

10 Q. All right. So the paragraph you're quoting
11 from starts with the sentence, "The DPS further points to
12 details 3 and 6 of the 2015 project alignment sheets."

13 A. Correct.

14 Q. Of course the CPG was issued in 2013. So if I
15 understand you correctly, you're saying you cited to the
16 typical trench detail in the 2015 project alignment
17 sheets. That's what you're saying; right?

18 A. That's --

19 MR. McCLAIN: Objection to the form --
20 objection to the form of the question.

21 THE WITNESS: Project alignment sheets
22 I know were part of the CPG submittal. But I don't
23 know if what -- if that's the exact same detail
24 that's in those.

25 This one is in the project plans

1 though.

2 BY MR. DUMONT.

3 Q. If you could now look at Exhibit 22 from Mr.
4 St. Hilaire's deposition. Keep Exhibit 27. We will get
5 back to it.

6 A. Oh. Okay.

7 Q. If you can look at PDF page 12 of Exhibit 22.

8 A. Page 12 of 22? Correct?

9 Q. Of Exhibit 22. Yes.

10 A. Yes.

11 Q. That is a memo -- I'm sorry -- an email from
12 you to G.C. Morris; correct?

13 A. Yes.

14 Q. Fifth paragraph says, "It was our intent to
15 allow the pipe to be installed on the trench bottom if,"
16 and then the sentence continues. When you say, "It was
17 our" -- when you said, "it was our intent," whose intent
18 were you referring to?

19 A. I'd be referring to VGS and the project team.

20 Q. And what time period are you referring to?
21 When was it your intent to allow the pipe to be installed
22 on trench bottom if, and so on.

23 A. Could you just repeat that? I think you asked
24 for the time frame.

25 Q. Yes. When was it your intent to allow the

1 pipe to be installed on the trench bottom if certain
2 conditions were met?

3 A. I think it was at least up until that time
4 that I'm writing this.

5 Q. When was that intent -- you say, "It was our
6 intent to allow." Are you referring to 2015 when the
7 documents -- the plans we were discussing in Exhibit 27
8 were created, or were you referring to some other time
9 that's in the past?

10 MR. McCLAIN: Objection. Objection.

11 Asked and answered.

12 THE WITNESS: Am I answering again?

13 Sorry. I don't know what to do.

14 MR. McCLAIN: Yeah. If you can
15 understand the question, you can go ahead and ask it
16 -- or answer. Sorry. If you can understand the
17 question, go ahead and answer it, Chris.

18 MR. DUMONT: Owen, let's try and stick
19 with objection to the form and not suggest the
20 witness's answer. We have been through this so many
21 times. Please refrain from doing that.

22 MR. McCLAIN: We have not been through
23 anything so many times, Jim. I'm allowed to
24 participate in this deposition. And in a reasonable
25 way. And I don't think there is anything

1 unreasonable about me directing the witness to answer
2 the question if he understands it.

3 MR. DUMONT: Yes, it is objectionable.
4 You need to say object to the form and not go beyond
5 that.

6 MR. McCLAIN: No. The rules are not
7 that I can't say anything but object to the form.
8 That's not the rule. Okay? I don't know why you
9 want to fight with me about stuff.

10 I am allowed to just direct the witness
11 to answer the question. That's what he wanted to
12 know. Should I answer the question. I'm his lawyer.
13 I'm saying, yes, if you understand the question, go
14 ahead and answer it. That's completely reasonable.

15 MR. DUMONT: Which is very commonly
16 done by lawyers to suggest to the witness to say I
17 don't understand the question. Right? Do you agree
18 with me that's a standard technique?

19 MR. McCLAIN: I'm not agreeing with you
20 about anything today, Jim. No. Absolutely not.

21 MR. DUMONT: Let's not use it in this
22 deposition anymore, okay?

23 MR. McCLAIN: If the question -- if the
24 witness has a question on his mind as to whether he
25 should proceed and answer the question, I think it's

1 appropriate for me to be able to direct him to answer
2 the question. You can go ahead and answer the
3 question.

4 THE WITNESS: At this point I think I
5 need the question read back to me please.

6 BY MR. DUMONT:

7 Q. In this document which you wrote, you wrote,
8 "It was our intent to allow the pipe to be installed on
9 the trench bottom if certain conditions were met."

10 What time period are you referring to when it
11 was your intent?

12 MR. McCLAIN: Objection to the form of
13 the -- objection to the form of the question.

14 THE WITNESS: I mean I believe what I
15 was saying here was the time before up until the
16 point I was writing this at least, that I wrote this
17 email.

18 BY MR. DUMONT:

19 Q. Okay. Was it VGS's intent to allow the pipe
20 to be installed in the trench bottom in 2013 when Mr.
21 Heintz submitted his testimony?

22 A. I can't answer that. I'm not sure. I don't
23 know.

24 Q. So to answer that question you would go back
25 and look at his testimony and the plans that he submitted;

1 correct?

2 MR. McCLAIN: Objection to the form.

3 THE WITNESS: Can you ask that question
4 again, please?

5 MR. DUMONT: Sure. Ms. Sears, could
6 you read it back?

7 (The record was read as requested)

8 THE WITNESS: I mean I guess that's one
9 way that you could do it. Yes.

10 BY MR. DUMONT:

11 Q. How else would you do it?

12 A. I guess I don't know off the top of my head
13 what other ways. Actually I just -- I guess I'm confused
14 about the question. I'm still confused about the
15 question. Can you rephrase it?

16 MR. DUMONT: Ms. Sears, could you read
17 back the last question?

18 (The record was read as requested)

19 MR. McCLAIN: Jim, are you refusing to
20 rephrase the question as the witness asked you to?
21 You just want him to ask you a question that he's
22 said he's confused about or --

23 MR. DUMONT: I was about to ask my
24 question.

25 MR. McCLAIN: Oh, okay.

1 BY MR. DUMONT:

2 Q. So what is it that you find confusing about
3 the questions that the court reporter just read back? My
4 question was how would you determine VGS's intent in 2013.
5 Is that confusing to you?

6 MR. McCLAIN: Object to the form of the
7 question.

8 THE WITNESS: Yeah. I'm just confused
9 about exactly what you're asking as far as a -- what
10 -- yeah. I'm just confused. Sorry.

11 BY MR. DUMONT:

12 Q. We will -- we will do it over again. We will
13 start with your memo, the sentence that you wrote says,
14 "It was our intent to allow the pipe to be installed on
15 the trench bottom if certain conditions were met."

16 And then I asked -- I read that to you, and I
17 asked, okay. How do we determine what -- what our intent
18 was in 2013? So is there anything confusing about that
19 question?

20 MR. McCLAIN: Object to the form of the
21 question.

22 THE WITNESS: I guess I don't -- yeah.
23 I'm not sure how I would go back to find the exact --
24 to find what the intent was at that point.

25 BY MR. DUMONT:

1 Q. Well you wrote this. What did you have in
2 mind? Did you have 2013 in mind when you wrote this?

3 MR. McCLAIN: Objection to the form.

4 THE WITNESS: I can't remember if
5 that's what I had in mind.

6 BY MR. DUMONT:

7 Q. Okay. Why don't you go down to the next page,
8 page 13. That is an email from Mr. St. Hilaire to Mr.
9 Morris with a copy to you. Do you see that?

10 A. Yes.

11 Q. And it's dated July 1, 2016. And on the
12 fourth line it states, "We provided an email from the
13 engineering firm describing his wording and intent."

14 Do you see that?

15 A. Yes.

16 Q. And if you go a little further up in the same
17 document page -- PDF page 5, I believe, you'll find that
18 email.

19 A. Yes.

20 Q. Email dated June 22, 2016 at 9:07 -- 9:37
21 a.m.; correct?

22 A. Yes. June 22, 2016.

23 MR. McCLAIN: Objection to the form.

24 BY MR. DUMONT:

25 Q. And Mr. Kearns is referring to the trench

1 details in ANGP-T-G-015. Correct?

2 A. I see that on the second line.

3 Q. And 015 tells you these are trench details.
4 I'm sorry. These are, yes, trench details in a document
5 dated 2015?

6 MR. McCLAIN: Objection.

7 THE WITNESS: I can't tell that from
8 this email.

9 BY MR. DUMONT:

10 Q. Do you know when ANGP-T-G-015 was written?

11 A. I do not.

12 Q. So you have no idea whether it was written in
13 2015?

14 A. I do not.

15 MR. McCLAIN: Objection to the form of
16 the question.

17 BY MR. DUMONT:

18 Q. Let's go back to PDF page 13. The email from
19 Mr. St. Hilaire to Mr. Morris. Dated July 1 of 2016. The
20 sentence I read starts, "We provided an email from the
21 engineering firm describing his wording and intent."

22 Do you see that?

23 A. I see that on the fourth line of the second
24 paragraph.

25 Q. Is that the intent you had in mind when you

1 wrote "our intent" in the memo that you wrote?

2 A. I think it's similar intent. Yes.

3 Q. At the time that you wrote your memo on June 6
4 -- I'm sorry. Wrong one. In Exhibit 27 -- I'll start
5 over.

6 At the time you wrote your memo in Exhibit 27,
7 it starts on page 6 of Exhibit 27. February 27, 2018.
8 Who was the engineer of record for the project?

9 A. Exhibit 27 is -- do I have this wrong?
10 Exhibit 27 is an -- oh, on what page? Sorry.

11 Q. Your memo starts on PDF page 6.

12 A. I'm sorry. I lost the page.

13 Q. That's fine. Take your time. We are getting
14 near the lunch break.

15 A. Could you please repeat that question?

16 Q. Sure. Referring to page 6 of Exhibit 27, your
17 memo dated February 27, 2018, at that time who was the
18 engineer of record for the ANGP?

19 A. Well the project was finished at that point.
20 So CHA was the engineer of record on the project. So I
21 guess it would still be CHA.

22 Q. But what individual was the engineer of record
23 at that time?

24 A. I don't know.

25 Q. If we go back to 2016 which is in Exhibit 22,

1 I'm sorry, it's the emails we have been looking at in
2 Exhibit 22, Mr. -- from Mr. Kearns to Mr. St. Hilaire and
3 from you, at that time, 2016, who was the engineer of
4 record for the ANGP?

5 A. CHA was the engineer of record.

6 Q. What individual was the engineer of record?

7 A. I don't know off the top of my head.

8 Q. Did you make any effort to consult with the
9 engineer of record when you were preparing, for example,
10 the email that you wrote on July 7 of 2016?

11 MR. McCLAIN: What page are we on, Jim?

12 MR. DUMONT: PDF page 12 of Exhibit 22.

13 THE WITNESS: When -- I believe when I
14 was writing that, I -- at that time I was talking
15 with CHA about items like this. Yes.

16 BY MR. DUMONT:

17 Q. And who at CHA were you talking with?

18 A. I would have been talking with Brendan Kearns
19 or Tyler Billingsley. That those were the -- my main
20 contacts.

21 Q. All right. It's 11:57. Do you want to break
22 now for lunch?

23 A. That works for me. If -- yeah, as long as
24 that's okay with everyone else.

25 Q. Sure. Because the next questions and answers

1 will take more than 3 minutes. So I think what I'll do to
2 make sure this works. I'll leave the meeting going. We
3 are going to mute everybody, if I can do that correctly.
4 And then you can either leave the meeting or stay on it
5 and just let the camera show a blank room, whatever you
6 want. And how much time would you like?

7 A. Sorry. I muted myself. I'm open to something
8 between -- I assume people want to eat like I do. So 20
9 to 30 minutes. Is that fair?

10 MR. DUMONT: That's fair. Whatever is
11 comfortable for you.

12 THE WITNESS: Yeah. Let's do -- I
13 guess let's do 30 minutes if that's okay.

14 MR. DUMONT: Sure.

15 THE WITNESS: Just so everybody has a
16 chance to eat lunch. I definitely want to eat lunch.

17 MR. DUMONT: Good. All right.
18 Starvation is not the usual part of the deposition.
19 So --

20 THE WITNESS: I appreciate it.

21 MR. DUMONT: All right. So we will
22 resume at 12:30. I'm going to mute everybody, I
23 hope.

24 THE WITNESS: Thank you.

25 (Recess was taken.)

1 (Mr. Porter is absent)

2 BY MR. DUMONT:

3 Q. All right. I think we are all back here
4 except for Jim.

5 Mr. LeForce, I want to start by apologizing
6 for you. One of the questions or two of the questions I
7 asked before the lunch break the assumption in my question
8 was incorrect. The exhibit ANGP-015 if you look at the
9 that label, 015 does not stand for the year. So apologize
10 for that.

11 A. Okay. Thank you.

12 MR. McCLAIN: Sorry, Kim? Oh, there
13 she is. She is not in the same spot that she was
14 earlier on my screen.

15 BY MR. DUMONT:

16 Q. All right. Let's proceed to Exhibit 24.

17 A. Okay.

18 Q. This is an email from Mr. Gero to Mr. Morris
19 with a cc to you, Shana or Shana. Shana?

20 A. Shana.

21 Q. Shana. S-H-A-N-A. Kane. K-A-N-E. And Mr.
22 St. Hilaire. And it says subject. RE: Items from the
23 matrix.

24 Do you know what the matrix was?

25 A. I'm just going to take a second to look at the

1 document.

2 Q. Take your time.

3 A. In the first line of the email it says,
4 "Reviewing the matrix of discussion items."

5 So it was a matrix that -- just what that
6 says. I think it was discussions items between --
7 discussion items with GC, Mr. Morris. He might have put
8 it together. And -- that was a list of discussion items.

9 Q. So it's not a long email. Why don't you just
10 read through the whole thing, and then I'll ask you a
11 question about it.

12 A. The entire four pages or just that first part
13 of it?

14 Q. It's four pages, but it's large print so it's
15 only just a couple paragraphs.

16 A. Oh sorry. You want me to just on my own read
17 through it?

18 Q. Yes. Yes.

19 A. Okay. Sorry. Thank you. Okay, I've read
20 through it.

21 Q. Did you have any role in the creation of this
22 email?

23 A. I don't know. It came from Adam, so I'm not
24 sure if I had input to this exact email.

25 Q. Do you know why you were sent a copy?

1 A. I was cc'd on it probably because there is
2 items that I was involved with.

3 Q. Which items would those have been?

4 A. Some of the cathodic protection items, the
5 integration of data. Those were two items I was involved
6 with.

7 Q. What about the item that I will read? "VGS
8 followed the construction type W detailed on sheet
9 ANGP-T-G-006 of the design drawings for pipe installations
10 in swampy areas."

11 A. What's the question there?

12 Q. Was that one of the items that fell within
13 your responsibility?

14 A. Yeah. I could have worked on that. I don't
15 know specifically at this point.

16 Q. Now this is August the 17th. What knowledge
17 did you have then of the construction practice that was
18 actually used in the clayplains swamp in New Haven?

19 A. My knowledge of that was really when -- when
20 this came up with this proceeding. I wasn't involved with
21 it at the time, but I'm definitely aware of all the back
22 and forth about that since the time it was installed.

23 Q. Were you involved in any -- were you involved
24 in the root cause investigation that Mr. St. Hilaire
25 performed?

1 A. I remember that getting completed, and my
2 guess is I helped contribute to that in some form. But I
3 don't remember my exact role in that.

4 Q. In preparing Exhibit 24 to Mr. Morris, did
5 you, Mr. Gero or Mr. St. Hilaire go back and look at the
6 plans submitted by Mr. Heintz in Exhibit JH-3?

7 MR. McCLAIN: Objection to the form of
8 the question.

9 THE WITNESS: I can't say if that
10 happened or not.

11 BY MR. DUMONT:

12 Q. Was construction type W that's mentioned in
13 the email part of Mr. -- Exhibit JH-3 that was submitted
14 to the Public Service Board?

15 A. Construction type W was part of the plan set.
16 I don't know if it was part of that exact. I need to open
17 that plan set to verify that or not. I don't know off the
18 top of my head. Sorry. I just spilled some tea.

19 Q. Take your time.

20 A. No. I'm good. Just fumbling around here for
21 a second.

22 Q. If you could go to Exhibit 32.

23 A. I have 32 open.

24 Q. This is just a little over a page of emails
25 from June of 2016. Why don't you take a second and read

1 through them.

2 A. Yup. I've read it.

3 Q. Judging from the times on this it looks like
4 we start at the bottom and work up. It says, "On June 29
5 at 7:45 p.m., Michael J. Reagan wrote."

6 Do you see that?

7 A. Yes.

8 Q. But the part of an email that shows who it was
9 sent to is not reproduced here. Do you have any
10 recollection of receiving this email?

11 A. I don't.

12 Q. So it says gentleman, M-A-N, "Gentleman: GC
13 is back on the issue if compaction on the VELCO easement."
14 I believe that should be of compaction, but it says if
15 compaction on the VELCO easement. "Just a heads up. He
16 talked to some operators today. So --" accept, it's
17 written E-X-C-E-P-T, but I think he means accept. "So
18 accept a call tomorrow. I was just notified by the VELCO
19 inspector, Mike."

20 And then the reply is from Mr. St. Hilaire,
21 "Compaction or placing pipe on bottom of trench?"

22 And then there is a reply by Mr. Reagan at
23 7:49 p.m., "Compaction, the original spec."

24 And there is a reply from Mr. St. Hilaire at
25 7:49 p.m. as well. "I thought we took that out?"

1 And then there is an email from Mr. Reagan
2 where we see all of the addressees, and it's from Mr.
3 Reagan to Mr. St. Hilaire with a cc to Mr. Stamatov, a cc
4 to you. It says, "I did to." It's spelled T-O, but I
5 think he means T-O-O. "I did too. We went thru it."
6 T-H-R-U. "I did too. We went thru it. Hope CHA did it.
7 I thought -- I thought," T-H-O-U-G-H, "this was all set.
8 We look into it tomorrow morning."

9 Do you remember receiving that email?

10 A. Not specifically this email. But yeah.

11 Q. So there was a fair amount of back and forth
12 about compaction back and forth between the department and
13 the gas company about compaction in 2016; correct?

14 A. I don't remember a lot of back and forth. I
15 remember -- I definitely remember the topic coming up.
16 Yes.

17 Q. In the email where Mr. Reagan writes,
18 "Compaction, the original spec," did you understand at the
19 time what he meant by the original spec?

20 A. I don't know specifically, but yeah, I don't
21 know from what he wrote there, or I can't remember
22 exactly, you know, what -- reading it now what he meant
23 there.

24 Q. At any time you have been working for Vermont
25 Gas Systems from December 23, 2013, up through the date of

1 this email in June of 2016, did you go back and look at
2 what Mr. Heintz had submitted about compaction?

3 A. I can't. I mean I know I went back to look at
4 -- I remember going back and looking at Mr. Heintz'
5 testimony. But I don't know if it was the purposes of
6 compaction.

7 Q. Did you have any phone conversations or in-
8 person conversations with Mr. St. Hilaire about compaction
9 and what was required? I'll start -- bad question. Let's
10 start over.

11 At any time have you had any conversations,
12 phone or otherwise, including in person with Mr. St.
13 Hilaire about the compaction requirements set forth in the
14 plans and evidence submitted to the PSB in 2012 and 2013?

15 A. Yeah. We definitely I would say talked about
16 compaction at one point or another.

17 Q. And my specific question is, did you talk to
18 him about the plans and evidence submitted to the Public
19 Service Board in 2012 and 2013 about compaction?

20 A. Oh, I apologize. I don't know if it was
21 specific to that, those submittals or not. Or I cannot
22 remember if it was specific I should say.

23 Q. In this email from Mr. Reagan he says, "I did
24 too. We went through it. Hope CHA did it."

25 What did you understand he meant by that?

1 MR. McCLAIN: Objection to the form of
2 the question.

3 BY MR. DUMONT:

4 Q. Let me ask a better question. The email
5 before that -- let me read that, from Mr. St. Hilaire
6 said, "I thought we took that out."

7 And then Mr. Reagan replied, "I did too. We
8 went through it. Hope CHA did it. I thought this was all
9 set. We look into it tomorrow morning."

10 So my question is, what is it that you, if you
11 know, that Mr. St. Hilaire was referring to when he said,
12 "I thought we took that out"?

13 MR. McCLAIN: Objection to the form of
14 the question.

15 THE WITNESS: My recollection from
16 compaction with VELCO was I know we worked with VELCO
17 on a spec for their right of way and doing some
18 calculations. So I believe that it refers to that.
19 But I can't say for sure. But it's -- I believe
20 that's what it's talking about.

21 BY MR. DUMONT:

22 Q. And do you recall any discussion that you, Mr.
23 St. Hilaire, Mr. Gero or anyone else had at Vermont Gas
24 that you knew about with CHA about obtaining an approval
25 from the PSB or PUC for taking that out? As Mr. St.

1 Hilaire's says.

2 MR. McCLAIN: Objection to the form.

3 THE WITNESS: I can't recall any
4 conversations about that. No.

5 BY MR. DUMONT:

6 Q. Did you do anything in response to these
7 emails from June 29, 2016?

8 A. Not that -- I can't remember if I did or not.

9 Q. If you could turn to Exhibit 49. 49.

10 A. Yes, I have 49 open.

11 Q. Why don't you take a minute and read through
12 it. It's not very long.

13 A. Just the first part?

14 Q. You should read the whole thing so you have
15 context.

16 A. Okay. My second two pages are blank.

17 Q. Really?

18 A. Is that the case? I just have page one that
19 has stuff on it.

20 Q. There may have been a copying problem.

21 MR. McCLAIN: Maybe it's just --
22 sometimes my PDF viewer takes a second to load,
23 Chris. Are you looking at it on the web or did you
24 download those?

25 THE WITNESS: No. I downloaded them.

1 MR. McCLAIN: I downloaded them too. I
2 have content on pages 2 and 3.

3 THE WITNESS: You do? I'll try and
4 reopen it. We are at 49? Sorry.

5 MR. DUMONT: Right.

6 THE WITNESS: Yeah. My second two
7 pages are blank. I can try and open it through the
8 web too.

9 BY MR. DUMONT:

10 Q. If you just look -- you have pages 1 and 2 or
11 just page 1?

12 A. I just have page 1. And it ends -- the last
13 thing I can see is, "Good morning, Shana and Adam."

14 Q. All right.

15 A. From an email heading April 6.

16 Q. All right. I'll just read you the rest of the
17 email. So it's April 6, 2018. 7:06 a.m. "Good morning,
18 Shana and Adam. Regarding the quote, ARK post-survey
19 actions, unquote, listed in this week's field activity,
20 field activity plan(s), with an S in parenthesis after
21 plans. And then it says, "(Contained in Shana's email
22 below):" I'll read the whole sentence again. "Regarding
23 the ARK post-survey actions listed in this week's field
24 activity plan(s) (contained in Shana's email below):"

25 "VGS (or ARK), should have a written procedure

1 on what to document when performing an excavation. Please
2 forward this procedure to Michelle and I at your most
3 early convenience; I would like to reference it during
4 today's activity."

5 "Shana, would you please forward Michelle and
6 I indications (ITS screenshots or other documents) to
7 substantiate current OQ certifications of," and then there
8 is a bullet point, "excavation near pipeline facilities."
9 Bullet point, "coating application." And bullet point
10 "corrosion protection for the following individuals.
11 Joshua Robtoy, Larry Ducharme, Jeremy Bachand." Robtoy is
12 R-O-B-T-O-Y. Ducharme is D-U-C-H-A-R-M-E. Bachand is
13 B-A-C-H-A-N-D.

14 "Thank you, GC." That's G.C. Morris. So that
15 was the April 6, 7 a.m.

16 And then we have April 6, 8:26 a.m. "Hello
17 Chris and Jeremy," the email to you and Jeremy. First,
18 who is Jeremy Bachand?

19 A. Jeremy is our -- I believe his title is senior
20 corrosion technician.

21 Q. And second what is -- what's the -- I'll start
22 over. It says, "Hello, Chris and Jeremy. FYI: I have
23 included a list of minimum informational elements for a
24 written procedure on what to document when performing an
25 excavation related to, quotation, ARK post-survey actions,

1 unquote below."

2 What does -- what is the excavation related to
3 ARK post-survey actions below?

4 A. I'm not sure what you're asking. What do you
5 mean by excavation?

6 Q. Describe the excavation that Mr. Morris is
7 addressing.

8 A. Oh, I believe he's addressing when we
9 completed some additional surveys after the pipeline was
10 put in, we did some follow-up surveys. And from that,
11 there were some spots to further investigation, and these
12 types of investigations or these excavations are a way to
13 go out and verify what maybe was seen with -- on a survey
14 actually in the field on the actual facility being
15 surveyed. If that makes sense.

16 Q. Thank you. And he then lists 15 items. The
17 second sentence of his first paragraph says, "Please
18 include information related to each item in your specific
19 -- in your specific reports for each excavation, and plan
20 to review the reports with me and/or our consultant, Dave
21 Berger in the near future," and then he lists 15 items.
22 What did you or Jeremy do in response to this list of 15
23 items?

24 A. I think we -- I believe we supplemented -- we
25 have a form for when we expose the pipeline for any

1 reason, and what we did was we made a supplemental form to
2 include some of these additional items for this specific
3 type of excavation. And from the email we were asked to
4 include those, so we -- I believe we collected those on a
5 supplemental form.

6 Q. If you could turn to Exhibit 38 now.

7 A. Yes, I have that open.

8 Q. Can you tell us what Exhibit 38 is?

9 A. It is a report and inspection excavation
10 report that we -- that I prepared after we did some
11 excavations on the pipeline from the data received from
12 multiple in-line inspections of the pipeline.

13 Q. And you wrote this report?

14 A. Yeah. I prepared it with -- with help from
15 others.

16 Q. And who were the others?

17 A. The others would have been other people from
18 VGS. One looks like Lee Brown, and I'm sure I got support
19 from our engineering team.

20 Q. Who was Lee Brown?

21 A. Lee Brown is an employee of Vermont Gas. He
22 -- I think his current title is operations project
23 manager, and he works for the operations department.

24 Q. So you're doing the excavation that was the
25 subject of G.C. Morris's email to you that was Exhibit 49?

1 A. Sorry. I closed 49. I shouldn't have. No.
2 At least two separate -- this is two separate issues. Or
3 sorry.

4 GC is referring to something different than
5 what that report is for.

6 Q. All right. Can you tell me the difference?

7 A. The -- just bear with me for a second.

8 Q. Yeah.

9 A. I started -- I opened my email by accident.
10 I'm just closing the window.

11 So GC is talking about -- in GC's email in
12 Exhibit 49 he's talking about excavations we did in
13 response to cathodic-protection-type surveys. The report
14 that I -- let's see. The report that I wrote in Exhibit
15 38 or that I prepared in 38 was a report based on
16 excavations from the in-line inspections. So they are two
17 different items. They are two different reports for this.

18 Q. Okay. If you turn on Exhibit 38, if you could
19 turn to page four.

20 A. PDF 4? I guess it's 4 too on the bottom.

21 Q. This one -- they are the same.

22 A. Yes.

23 Q. There is a photograph of excavated pipe for
24 inspection on 4/27/18.

25 A. Now I have a picture -- orthographic photo on

1 page 4.

2 Q. Oh, okay.

3 A. Are we on Exhibit 38?

4 Q. Yes.

5 A. Okay.

6 Q. Let's see.

7 A. Mine has "Excavation Inspections" on top.
8 Number roman numeral number II.

9 MR. McCLAIN: Yeah. It's an ortho
10 picture on page 4 of the PDF I have too, Jim.

11 BY MR. DUMONT:

12 Q. All right. We need to go to PDF 5 then.
13 Which is --

14 A. Yes.

15 Q. Document page 4.

16 A. Yes. I see two pictures on that page.

17 Q. Do you see a picture of an -- it says,
18 "Excavated pipe for inspection on 4/27/2018"?

19 A. Yes.

20 Q. And the next, I think it's the next PDF page
21 below that, it's -- is that the same pipe from a further
22 distance or different pipe?

23 A. Based on the report, I think it's the same
24 excavated area.

25 Q. Were you present at the scene of this

1 excavation?

2 A. I don't in here say I was, but the pictures --
3 the area looks familiar to me.

4 Q. Well underneath the picture it says, "Measured
5 depth of cover to top of pipe was 4.75 feet. As-built
6 data recorded in this area has a depth of 6.4 feet."

7 Do you see that?

8 A. Yes.

9 Q. Did you write that?

10 A. I believe so.

11 Q. Why was that important enough to note?

12 A. I mean for all these excavations we were -- we
13 were -- after excavating we were recording the depth of
14 cover that we found when we were out there.

15 Q. So here you found that the as-built data was
16 wrong; correct?

17 A. Yes. They do not match.

18 Q. Who was responsible for that as-built data?

19 A. For most of it, it was CHA. Survey.

20 Q. How did they prepare that data?

21 A. They used survey equipment, survey equipment
22 that's used for surveying. I don't know the exact
23 equipment models or anything like that. But typical
24 survey equipment, GPS total stations.

25 Q. Can you ascertain roughly where this location

1 is? What town it's in, for example?

2 A. We are still on page 5; correct?

3 Q. It's numbered page 5 PDF. May be off a little
4 bit.

5 A. 5 of 20. I believe that's Essex.

6 Q. Did you take any steps upon discovering that
7 the as-built data was incorrect?

8 A. I don't think, no. I don't think I took any
9 specific steps to that except continuing to record depths.

10 Q. So you did not inform CHA that their data was
11 erroneous, am I correct?

12 A. I don't believe so.

13 Q. I asked a poor question. So negative with a
14 positive. So let me just ask a straightforward question.

15 Did you inform CHA that their as-built data
16 was incorrect?

17 MR. McCLAIN: Objection.

18 THE WITNESS: I don't know if their as-
19 built data, I can't say their as-built date was
20 incorrect. At the time the as-built data was taken
21 in maybe about 2014 or 2015, it could have been
22 correct at that time, but we did this excavation
23 three to four years later. So the contour could have
24 changed. So I can't say whether their data was
25 correct or incorrect.

1 All I can say is in 2018, from what I
2 wrote, they didn't match.

3 BY MR. DUMONT:

4 Q. What would cause the contour to change from
5 6.4 feet to 4.75 feet during that time period?

6 A. The contour -- the contour wouldn't be -- or
7 the measurements aren't of the contour. The ground above
8 the pipe could have changed in those few years and changed
9 that depth. So the existing grade could have changed
10 between the time the survey was done and the time we went
11 in and excavated the pipe.

12 Q. What would cause the depth of cover to change
13 during that time period?

14 A. I mean it could be a variety of things. There
15 could have been work -- work done in that area that
16 changed it. It could be, I don't know, from the
17 orthophoto it's by a road. So there could have been a
18 change there.

19 Q. Why would -- sorry. Go ahead.

20 A. Erosion. It could be erosion.

21 Q. Why would being near a road affect the depth
22 of cover over the pipeline?

23 A. Roads, I'm just talking general here, many
24 roads, as you see, might have drainage ditches or other
25 things around it. So things could have been done

1 alongside of the road. So -- there is, depending on
2 again, depending on the location and where you are, the
3 contours can change.

4 Q. But Vermont has a Dig Safe law; correct?

5 MR. McCLAIN: Objection.

6 THE WITNESS: They -- I don't know if
7 -- I guess I don't know what the exact law is, but
8 there are rules around Dig Safe; correct.

9 BY MR. DUMONT:

10 Q. So are you saying that a state or town highway
11 employee could have removed cover from above a pipeline?

12 MR. McCLAIN: Objection.

13 THE WITNESS: Can you ask that question
14 again, please?

15 MR. DUMONT: Sure.

16 BY MR. DUMONT:

17 Q. Are you saying that one of the possibilities
18 is that a town or state employee removed cover from above
19 the pipeline?

20 A. I'm not saying that's the case here. But a
21 state could do work around our pipeline.

22 Q. You didn't mention compaction as possible
23 cause, or lack of compaction. Do you think that's a
24 possible cause?

25 A. I don't believe that would be a possible cause

1 for this type of situation.

2 Q. Because?

3 MR. McCLAIN: Objection to the form.

4 THE WITNESS: Just based on what I'm
5 looking at from my report, I just don't believe that
6 that would be a reason in this case.

7 BY MR. DUMONT:

8 Q. What is it about what you see in this report
9 that tells you it would not be a reason in this case?

10 A. The difference in the depth, the type of soil.
11 Some of those soils that I see around there, that's -- I
12 mean that's just my -- my read of this location.

13 Q. On PDF page 5, document page 4, it says,
14 "Found wet, sandy and clay soil."

15 Are you saying that wet, sandy and clay soil
16 would not settle if not -- in the absence of compaction?

17 MR. McCLAIN: Objection to the form of
18 the question.

19 THE WITNESS: Yeah. I don't think that
20 there would be -- brought from this that there would
21 be that amount of settling based on what I see here.

22 BY MR. DUMONT:

23 Q. Okay. If you could turn to PDF page -- well
24 it's document page 7. "Inspection details. Location
25 number 2."

1 A. Page 8 of 20 on the bottom.

2 Q. It says 7 of 20, I think, on the bottom of
3 mine.

4 A. Page 7 of 20 on mine says, "General
5 information. Location 2."

6 MR. McCLAIN: That's what mine looks
7 like too.

8 THE WITNESS: And again, it's an
9 orthographic photo of the area.

10 BY MR. DUMONT:

11 Q. Okay. If you go below the orthophoto, there
12 is a TDW symbol?

13 A. Yes.

14 Q. And it says, "Group Dig Site Information
15 Report." Do you see that?

16 A. Correct. I see that.

17 Q. And then below that it says, "Inspection
18 details. Location number 2."

19 A. No. I don't see that on my page.

20 Q. Maybe it's -- the break is on the next page.

21 A. Yeah. I see "Inspection details" on the next
22 page.

23 Q. Okay. It says, "Inspection details. Location
24 2." And then there is a bullet point, "Excavated pipe for
25 inspection on 5/24/2018." Another bullet point. "Found

1 pipe padded with damp, clay-like material, and it was
2 wrapped in rock shield. Backfill was mostly shot rock
3 above the pipe."

4 Do you see that?

5 A. Yes.

6 Q. Using the specifications that CHA had provided
7 to VGS, was it permissible to have shot rock in backfill?

8 A. I'd have to go back and look to see exactly
9 how the rock was allowed. Rock was allowed above, as I
10 can recall, some rock was involved -- or allowed above the
11 pipe, but not around the pipe. If I described that --
12 that's understandable.

13 Q. Do you recall what JH-3 sets forth as the
14 typical trench detail?

15 A. I recall a trench detail. Yes.

16 Q. And did it call for laying the pipe on sand
17 and then covering the pipe with 12 inches of sand?

18 A. I would have to look at the detail. But that
19 -- I mean that sounds -- if you're reading from it, it
20 sounds -- sounds familiar. Yes.

21 Q. If you could scroll down to -- slowly getting
22 there. Screen keeps jumping around on this.

23 Okay. Next we are in the middle of 38 here.
24 Now I want to see if you would go to Exhibit 45. Sorry
25 for not realizing. I was looking at a different exhibit

1 so --

2 A. Oh.

3 Q. Let's go to 45.

4 A. Yes. I have -- yes. I have 45 open.

5 Q. Can you tell us what 45 is?

6 A. 45 is a similar report that I described
7 earlier. It's a report on inspection investigation or --
8 sorry. Let me repeat that.

9 Inspection excavations we completed on the
10 pipeline from an ILI that we did and from a data
11 integration analysis.

12 Q. And just so the is record clear, you said an
13 ILI that you did?

14 A. Yes. ILI.

15 Q. And ILI stands for?

16 A. ILI stands for in-line inspection.

17 Q. In general, what is an ILI?

18 A. In general, an ILI is an inspection that you
19 can do on a pipe. There is a variety of types, but
20 basically you send something -- some type of device
21 through the inside of the pipe to measure whatever the
22 type of device is for. You can pick up measurements and
23 data from that device going through the pipe.

24 Q. This report was issued, according to its front
25 page, on March 20, 2019. Second page -- I'm sorry. On

1 the first page it says, "Draft Only."

2 Do you know if this was revised or changed in
3 any way after March 20, 2019?

4 A. I don't know. I don't remember.

5 Q. Now -- and it's a long document, so why don't
6 we take a minute and just scroll through it and see if it
7 -- having scrolled through it, anything jumps out at you
8 at having been changed or superseded?

9 MR. McCLAIN: It's a 64-page document,
10 Jim.

11 MR. DUMONT: That's correct.

12 THE WITNESS: I mean I can't tell if
13 there is a follow up to this from scrolling through
14 it.

15 BY MR. DUMONT:

16 Q. Okay. I'll represent to you that in discovery
17 this was given to us, and no other version of this was
18 given to us. That's why I'm using it. But it does say
19 "Draft Only."

20 Who was Matthew Lawlis?

21 A. Matt Lawlis is a VGS employee that works in
22 the engineering group at -- yeah, at VGS.

23 Q. Are you one of his supervisors?

24 A. I am not his supervisor.

25 Q. Who would be his supervisor?

1 A. Adam Gero is his supervisor.

2 Q. Did you participate in any way in the creation
3 of this report?

4 A. I don't know if I added to the -- I don't know
5 if I had any specific input. I know I definitely have
6 seen it before and looked at it for sure. Yes.

7 Q. If you look at section 1 on page 2,
8 "Background." Read that, and I'll ask you about it. Just
9 what it says there.

10 A. The entire page?

11 Q. Yes.

12 A. Okay. Okay.

13 Q. Am I correct that the report we discussed
14 earlier which was based on the ARK Engineering CIS, let me
15 start with that.

16 The email that Mr. Morris gave you was
17 pertaining to the excavations planned to follow up on the
18 ARK Engineering CIS; correct?

19 A. Yes.

20 Q. And then the report that we just looked at,
21 38, that was in response to the Rosen Group ILI?

22 A. What -- again, I apologize.

23 Q. Sure.

24 A. I shut the previous exhibit we were looking
25 at. The report.

1 Q. That was 38.

2 A. Okay. I'm just going to bring that back up.

3 Q. Yeah. Yeah.

4 A. The previous report that we had up and talked
5 about in Exhibit 38 were for in-line inspections that were
6 done on the pipeline by T.D. Williamson and Enduro
7 Pipeline. The report -- sorry.

8 What's your -- I should ask, what was the
9 original question?

10 Q. Was the T.D. Williams' report done in response
11 to the Rosen report?

12 A. These are two different reports for two
13 different -- sort of two different sets of data.

14 Q. Okay. So going back to Exhibit 45. This
15 report is to follow up on everything -- all the studies
16 done earlier. It's in response to the Rosen study, the
17 ARK report, and the T.D. Williams' Enduro report;
18 correct?

19 MR. McCLAIN: Objection to form.

20 THE WITNESS: Not exactly.

21 BY MR. DUMONT:

22 Q. Okay. Correct me.

23 A. This report in Exhibit 45 was about
24 excavations we did after we completed the Rosen in-line
25 inspection, and as part of this, we also took a lot of --

1 all the data done to that point, and did some excavations
2 based on that data combined.

3 Q. So you combined the data from Rosen, ARK, and
4 Williamson in determining where to excavate. Is that what
5 you're saying?

6 MR. McCLAIN: Objection to form.

7 THE WITNESS: It was combined data from
8 these various surveys that we had done, plus there
9 were other items part of that too.

10 BY MR. DUMONT:

11 Q. Thank you. If you could go to -- on mine it's
12 page 21 of 39.

13 A. On which exhibit?

14 Q. 45.

15 A. What page again? Sorry.

16 Q. Sure. 21 of 39.

17 A. Okay.

18 Q. Does yours show a pipe with a yellow material
19 over it?

20 A. Yes, it does.

21 Q. What's that yellow material?

22 A. It's -- it's commonly known as rock shield.

23 Q. And right above the photograph of the pipe
24 with rock shield, there is a bullet point. And it says,
25 "At expected indication, pipe (in rock shield) was sitting

1 on a knob of ledge."

2 What does at expected indication mean?

3 A. There was -- basically from one of the
4 surveys, there was an indication there, and that's where
5 -- that's why we excavated it.

6 Q. And can you, by looking at this report, find
7 out what that indication was that led you to -- led VGS to
8 excavate here?

9 A. What was the question again? I'm sorry.

10 Q. Yes. What was the nature of the indication
11 that led VGS to excavate at this site?

12 A. The on -- we are on page 21 right now;
13 correct?

14 Q. Yes.

15 A. Yeah. So for -- going back a couple pages, we
16 are at location 6 it says. And it says it's a
17 deformation.

18 MR. McCLAIN: It says what?

19 THE WITNESS: It says on page 19 of 39

20 it says it is deformation.

21 BY MR. DUMONT:

22 Q. And can you explain what a deformation is?

23 A. Basically it's the formal way of saying a
24 dent.

25 Q. So like lawyers using unnecessarily big words.

1 You don't have to answer that.

2 A. Thank you.

3 Q. Okay. Back to page 21. It says, "An expected
4 indication. Pipe in rock shield was sitting on a knob of
5 ledge."

6 Am I correct that until you did the
7 excavation, VGS did not know that the pipe was sitting on
8 a knob of ledge; is that correct?

9 MR. McCLAIN: Objection to the form of
10 the question.

11 THE WITNESS: Could you repeat that for
12 me?

13 BY MR. DUMONT:

14 Q. Yes. Until VGS excavated down to the pipe,
15 did VGS have any knowledge that the pipe was lying
16 directly on a knob of ledge?

17 MR. McCLAIN: Objection to the form of
18 the question.

19 THE WITNESS: I mean I wasn't aware
20 that it was on a piece -- that it was sitting like
21 that. No.

22 BY MR. DUMONT:

23 Q. Is laying the pipeline directly on a knob of
24 ledge consistent with the plans and specifications that
25 CHA had provided to VGS?

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

2 Q. So in the course of constructing the pipeline,
3 was laying down this pipe subject -- at this location
4 subject to any inspection?

5 A. Yes. We had inspection along the pipeline.

6 Q. Okay. So did you check to see if there is any
7 inspection report that states, "Pipe laid on knob of
8 ledge"?

9 A. I did not go back through to look at the
10 inspection reports to look for that information.

11 Q. At this location who employed the inspector or
12 inspectors?

13 A. Are you asking -- I guess I need
14 clarification. Do you mean the company the inspectors
15 worked for?

16 Q. Good question. I should clarify that. I'm
17 trying to ask you open ended questions. But let me be a
18 little bit more leading.

19 Did the construction contractor employ the
20 inspectors at this location, or did Vermont Gas either
21 directly or through a subcontractor, employ the inspector
22 at this location?

23 A. Vermont Gas employed inspectors through
24 another company.

25 Q. And do you know what company that was?

1 A. This section looking at the location was, I
2 believe, installed in 2016. And our -- the inspection
3 company or most of the inspectors came from Hatch Mott
4 MacDonald. And I think since -- maybe even part way
5 through they became Mott MacDonald.

6 Q. And what town is this site in?

7 A. The Town of New Haven.

8 Q. And you can tell that because the orthophoto
9 shows the site is just north of River Road? And it's
10 mileage in the 2 thousands? Not mileage. It's marker --
11 what's the right term? It's 2000 plus?

12 A. Stationing.

13 Q. Thank you. Stationing. Is that how you
14 determined that?

15 A. Yeah. From my being familiar with the
16 stationing, and I looked on the -- I looked through the
17 data, and it said New Haven as well.

18 Q. Oh, that was cheating. Just kidding.

19 On page 21 below bullet point, "Used hydraulic
20 hammer and pneumatic," P-N-E-U-M-A TIC "jackhammer to
21 break ledge from below pipe."

22 Do you know if you were present at the time?

23 A. I was not.

24 Q. Did anybody who was present at the time
25 contact you and say, "Hey, we found the pipe was resting

1 directly on ledge in New Haven"?

2 MR. McCLAIN: Objection to form.

3 THE WITNESS: I don't remember if
4 anyone contacted me directly. But I do remember
5 having discussions with people at VGS about this
6 location and removing the ledge.

7 BY MR. DUMONT:

8 Q. What do you remember about those discussions?

9 A. That we wanted to remove the ledge, and not
10 have it that way.

11 Q. There is a photograph of a piece of equipment
12 that has Hitachi on it. Do you know what that equipment
13 is doing in the photograph?

14 A. It's kind of small. But it's probably an
15 excavator with the pneumatic hammer on it. Or hydraulic
16 hammer.

17 Q. So it's -- hydraulic hammer is in this
18 photograph between the viewer and the yellow-coated
19 pipeline; correct?

20 A. Maybe. I can't tell if the black -- there is
21 a black band that you can kind of see where the pipe is,
22 and I'm not sure if that's part of the equipment or if
23 that's something on the rock shield.

24 Q. Okay. Thank you. The bullet point
25 immediately below the Hitachi photograph says, "Found

1 wrinkled coating where pipe was resting on ledge at
2 indication."

3 What does wrinkled coating mean?

4 A. Wrinkled -- just like a wrinkle in a -- like
5 on -- in a sleeve. There is -- it's not -- I guess it's
6 not smooth.

7 Q. Is wrinkled coating acceptable?

8 MR. McCLAIN: Objection to the form.

9 THE WITNESS: I -- I can't really say
10 if it's acceptable or not. There's a lot of factors
11 with coating and whether the coating is protecting
12 the pipe. So the presence of a wrinkle doesn't mean
13 that it's not protecting the pipe.

14 BY MR. DUMONT:

15 Q. What was the nature of the coating that was
16 wrinkled?

17 A. I'm not sure what you mean by nature.

18 Q. Was it a manufactured coating, and if so, what
19 was the type of coating?

20 MR. McCLAIN: Objection to the form.

21 THE WITNESS: I'd have to go through
22 the data to just -- to verify what the exact coating
23 was in that area.

24 BY MR. DUMONT:

25 Q. So the coating was beneath the yellow rock

1 shield; correct?

2 A. Yeah. Generally the coat -- the pipeline
3 coating is over the steel pipe, and then the rock shield
4 is over -- is wrapped around the pipe. So the coating --
5 the pipeline coating is underneath the rock shield.

6 Q. And do you know what the purpose of the
7 coating is?

8 A. The coating is to protect the -- protect the
9 pipeline. In a pipeline's case it's to protect the
10 pipeline from corrosion. Sorry. I need to correct my
11 answer there.

12 Q. Okay.

13 A. In this case it depends where you're talking
14 about. But in general, a pipeline coating is to protect
15 the pipeline from corrosion, other coatings do other
16 things.

17 Q. Was the purpose of the coating that was
18 wrinkled in this location to protect the pipeline against
19 corrosion?

20 A. Generally, I believe so in this area.

21 Q. Using your sleeve analogy, a wrinkle means
22 some parts are higher and some parts are lower?

23 A. That's --

24 MR. McCLAIN: Object -- hold on.

25 Objection to form. Go ahead.

1 THE WITNESS: I'm assuming -- I didn't
2 write this, and I don't have a picture of the
3 wrinkled coating that I can see, but that's what I'm
4 assuming from what was written here.

5 BY MR. DUMONT:

6 Q. And just as a matter of simple logic, some
7 parts of the coating are raised up, that means other parts
8 are either thinner or have gaps in them; correct?

9 MR. McCLAIN: Objection to the form.

10 THE WITNESS: It depends on the
11 coating, because the corrosion coating here, the
12 outer layer of the coating, yeah, has the wrinkles,
13 but it may not effect the purpose of the coating
14 protecting the pipe.

15 BY MR. DUMONT:

16 Q. How thick is the coating when it's applied?

17 A. I need more detail to answer that question.
18 Or -- yeah. I need more detail.

19 Q. At this location, are -- what was the
20 thickness of the coating supposed to be?

21 MR. McCLAIN: Objection to the form.

22 THE WITNESS: Yeah. I can't answer
23 that to say what the thickness is.

24 BY MR. DUMONT:

25 Q. What would you need to look at to answer that?

1 A. I would have to look at the specification or
2 the specification for this coating, and the components of
3 this coating to verify the thicknesses for it.

4 Q. On page 21 at the bottom it states, the final
5 bullet point, "Dent was a smooth 4 inch by 6 inch dent,
6 estimated to be less than 1 quarter inch (2 percent) deep
7 in center."

8 Did I read that correctly?

9 MR. McCLAIN: Where are we, Jim?

10 Sorry.

11 MR. DUMONT: The final bullet point
12 underneath the photograph of the Hitachi.

13 THE WITNESS: Yes. Yeah. I think you
14 read what was -- what's written there.

15 BY MR. DUMONT:

16 Q. So the dent was estimated to be a quarter of
17 an inch deep. Why wasn't it measured?

18 MR. McCLAIN: I guess -- I'm sorry.

19 Objection to the form of the question.

20 THE WITNESS: I -- I don't know by
21 reading that if it was measured or not.

22 BY MR. DUMONT:

23 Q. Okay. It says, "Less than" -- "estimated to
24 be less than a quarter inch (2 percent) deep in center."

25 I couldn't understand that. 2 percent of

1 what?

2 A. I think -- it's a calculation that I'm trying
3 to think of how to explain. Or how to -- I don't know if
4 I can explain it correctly. I would have to look up the
5 exact way it's done, and I can't picture it sitting here.

6 Q. Okay. Well I appreciate your honesty. It's
7 better for me to hear that you can't answer it than for
8 you to speculate. So thank you.

9 A. You're welcome.

10 Q. If you go to page 23, 23 of 39.

11 A. Yes.

12 Q. At the top of the page it says,
13 "Results/summary location 6."

14 A. I see that.

15 Q. The third line in the middle of it has a
16 sentence that starts there, and the sentence states, "The
17 dent appears to have been caused by the knob of ledge,
18 which tapered off on each side of the indication under the
19 pipe in this location."

20 A. Yup. I see that.

21 Q. So tell me if my interpretation of this is
22 correct. I interpret this as meaning that the dent did
23 not occur during fabrication of the pipe. It did not
24 occur during transportation of the pipe. It happened when
25 the pipe was lowered on to the ledge. Is that your

1 interpretation?

2 MR. McCLAIN: Objection to the form of
3 the question.

4 THE WITNESS: I can agree with you that
5 I don't believe it happened with the first two items
6 you said; fabrication of the pipe and transportation
7 of the pipe. But after that, I can't say exactly
8 when the dent occurred. It doesn't say exactly when
9 it occurred. Nor do I -- I don't know that either.

10 BY MR. DUMONT:

11 Q. It states, "The dent appears to have been
12 caused by the knob of ledge." So that leaves us with only
13 two possibilities, correct me if I am wrong. But either
14 it was caused when the pipe was lowered on to ledge, or it
15 happened because the pipe was resting on the ledge. Those
16 are the two possibilities; correct?

17 A. Yes.

18 MR. McCLAIN: Objection -- objection to
19 the form of the question.

20 BY MR. DUMONT:

21 Q. Q. And you were correct, it could be one
22 or the other according to this sentence. So as the
23 engineering manager for the ANGP, do you have any opinion
24 as to -- as an engineering manager for Vermont Gas Systems
25 -- do you have any opinion as to what caused the dent in

1 this case?

2 A. Opinion of?

3 Q. Causation.

4 A. I mean based on this information, in this
5 report, the ledge -- I mean this report says that it was
6 on the ledge. So I'm not -- that's the possible reason
7 that it happened.

8 Q. Moving on to page 23 of 39.

9 "Recommendation/outstanding items. Location 6." And I
10 will read the recommendations. "The records for this
11 indication and excavation will be maintained for
12 comparison with future ILIs. No further recommendations
13 or outstanding items remain."

14 Did I read that correctly?

15 A. You did.

16 Q. Did anyone within Vermont Gas respond to this
17 by recommending that the inspection process for the
18 pipeline, the evaluated question looked into in any way,
19 shape, or form?

20 MR. McCLAIN: Objection to the form of
21 the question.

22 THE WITNESS: I don't know if anyone
23 did anything in response to this with regards to
24 inspection, with regards to the previous inspection.

25 BY MR. DUMONT:

1 Q. Did this finding raise any red flags for you
2 personally?

3 MR. McCLAIN: Objection to the form of
4 the question.

5 THE WITNESS: I do remember looking
6 further into this.

7 BY MR. DUMONT:

8 Q. What did you do?

9 A. From my recollection, I went back through the
10 -- I combed through all the data to see the date from
11 these reports, to see if there were any similar -- similar
12 characteristics with any of the other indications, the
13 characteristics surrounding an indication, to see if
14 another -- anything like this could have occurred
15 somewhere else based on all that data.

16 Q. Did you have assistance from anyone else doing
17 that?

18 A. Yes. I believe the engineering team helped me
19 with some of that data analysis.

20 Q. When you say engineering team, what do you
21 mean?

22 A. The VGS engineering team.

23 Q. Did that include any licensed professional
24 engineers?

25 A. The -- I don't know if -- the engineering

1 team's led by Adam Gero, and he is a PE. So it was his
2 team that helped me out.

3 Q. Who was the engineer -- go ahead.

4 A. That's it. Sorry.

5 Q. Who was the engineer of record for the
6 pipeline when the pipe that's the subject of location
7 number 6 was constructed?

8 MR. McCLAIN: Objection to form.

9 THE WITNESS: Can you ask that again?

10 MR. DUMONT: Yes.

11 BY MR. DUMONT:

12 Q. Who was the engineer of record for the ANGP
13 when the pipeline that's -- section that's in location 6
14 that we have been discussing was constructed?

15 A. I believe it was CHA.

16 Q. Did you or anyone else at VGS bring this to
17 CHA's attention? This meaning the pipe was laid directly
18 on the knob of a ledge?

19 A. I don't think I let them know, and I don't
20 know if anybody else did.

21 Q. Based on your knowledge of the ANGP, of the
22 engineering and the contracting, did laying -- was the
23 response -- was it Michels' responsibility to ensure that
24 the pipeline was not laid on the knob of the ledge?

25 MR. McCLAIN: Objection to the form of

1 the question.

2 THE WITNESS: Michels generally is
3 expected to build the pipeline in accordance with the
4 plans.

5 BY MR. DUMONT:

6 Q. Did anyone on behalf of VGS contact Michels
7 about what's discussed under the title location 6?

8 A. I don't know.

9 Q. So who pays for all this repair work like
10 bringing in the jackhammer and fixing location 6?

11 A. VGS conducted that work.

12 Q. Any idea how much it cost?

13 A. I don't. Let me correct my answer. VGS would
14 have done the supervision. We could have gotten help by
15 renting equipment or getting a contractor to help us. So
16 I don't know if it was all VGS personnel. But we were in
17 charge of the -- we would have been in charge of the --
18 doing the work down there, or VGS would have been in
19 charge of doing the work.

20 Q. If you turn to PDF page -- I'm sorry. Page
21 number 35 of 39.

22 A. Yup. I'm on page 35.

23 MR. McCLAIN: Exhibit 39 or 38?

24 MR. DUMONT: It's 35 of 39. And it's
25 location number 11.

1 MR. McCLAIN: Of -- oh, okay. Sorry.

2 On Exhibit 45 though.

3 BY MR. DUMONT:

4 Q. And you may need to look at another page to
5 answer this. But what town is this location 11 in?

6 A. Looks like it's New Haven.

7 Q. I'm interested in the statement underneath the
8 photograph. There is a photograph of someone in a Vermont
9 Gas vest wearing a blue hat. And beneath that photograph
10 is a bullet point. The bullet point states, "Found damp,
11 medium-packed clay soil surrounding pipe trench. Pipe was
12 encircled with fine grade gravel."

13 As I read this, there was damp, medium-packed
14 clay soil around the pipe trench. That's what it means
15 when it says surrounding the pipe trench. Is that how you
16 read that?

17 A. Yeah.

18 Q. Then it says, "The pipe"?

19 A. Yes.

20 Q. It says, "The pipe was encircled with fine
21 grade gravel."

22 Is that how you read this?

23 A. That's what it says. Written.

24 Q. Based on your understanding of the
25 specifications that CHA provided to Vermont Gas, did those

1 specifications contemplate placing gravel around the gas
2 transmission pipe?

3 MR. McCLAIN: Objection to the form of
4 the question.

5 THE WITNESS: The specification would
6 -- didn't have -- didn't list gravel to be in contact
7 with the pipe.

8 BY MR. DUMONT:

9 Q. Was it in contact with the pipe here?

10 A. I can't say from the way that's -- the way
11 that sentence is written, doesn't quite make sense to me.
12 I'd have to ask the person writing it to see what they
13 meant. It seems backwards to me. But yeah, I didn't
14 write that. So -- I'm not sure.

15 Q. Okay. If you could turn now -- you have to
16 look at PDF pages -- PDF 50 of 64. Looking for your
17 comment on a transmission line exposure report that's on
18 PDF page 50 of 64.

19 A. Yup.

20 Q. Are you there?

21 A. On page -- sorry. We are on page -- PDF page
22 50?

23 Q. Yes.

24 A. Yup.

25 Q. And at least on mine it says date 10/25/2018.

1 Location 6. ID 211540.18. Is that where you are?

2 A. Yes.

3 Q. Okay. And it says town is New Haven. And we
4 are back at location 6. This is the actual exposure
5 report for location 6; correct?

6 A. Yes. Looks like that way.

7 Q. And if you look at the bottom, the employee
8 who completed it was Mr. Lawlis.

9 A. Yes.

10 Q. And he wrote in comments, and his comment
11 looks like the fourth comment was, "Pipe, in rock shield,
12 was resting for approximately 6 inches on ledge."

13 Did I read that correctly?

14 A. It's kind of small. I see 6. I don't know if
15 that -- yeah, it looks like inches. Yes.

16 Q. On your screen you should be able to enlarge
17 it.

18 A. Yeah, I did. Sorry. I forgot I could do
19 that.

20 Q. A few lines down that it says -- sorry -- the
21 next line down says, "Backfilled because we did not have
22 appropriate tools to remove ledge."

23 Can you explain that to me?

24 A. Let's see, it looks like reading the next line
25 down they went back. So they probably made the hole safe

1 for the evening and then came back the next day to
2 re-excavate and remove that ledge that we talked about
3 earlier.

4 Q. Two lines below that or next line below the
5 line you looked at it states, "Used excavator-mounted
6 hydraulic hammer, circular saw, and handheld pneumatic
7 jackhammer to move ledge."

8 How was -- do you know what a circular saw
9 would have been used for?

10 A. I wasn't out there to see it. They do make
11 rock saws to almost -- you can perforate the rock and then
12 hammer it out. So I believe that's probably -- they did
13 something like that there. It's not a circular saw that
14 most people would think of that you would have in your
15 shop to cut wood. It's a different piece of equipment.

16 Q. Now is gas running through the pipeline during
17 this process, during this repair?

18 A. Yes.

19 Q. To your knowledge was the engineer of record
20 contacted to obtain any advice or guidance about how to
21 perform the repair?

22 MR. McCLAIN: Objection to form.

23 THE WITNESS: I don't know if they were
24 contacted.

25 BY MR. DUMONT:

1 Q. Certainly the notes from Mr. Lawlis don't say
2 that they were contacted. Did those notes say -- did
3 they?

4 MR. McCLAIN: Objection to form.

5 THE WITNESS: I'm just going to read
6 them.

7 BY MR. DUMONT:

8 Q. Okay. Take your time.

9 A. Yeah. In the notes on page -- PDF page 50, do
10 not say they were contacted.

11 MR. DUMONT: Thank you. We have been
12 going about an hour and-a-half since lunch break.
13 Should we all take like a 5-minute break now?
14 Bathroom, food, whatever you want.

15 THE WITNESS: I could go longer, but I
16 could also use a break.

17 MR. DUMONT: Let's take a 5-minute
18 break. I'll put everybody on mute. At least
19 speaking for myself, I would like a break.

20 THE WITNESS: Okay. 2:20?

21 MR. DUMONT: Yeah. 2:20 sounds good.

22 (Recess was taken.)

23 BY MR. DUMONT:

24 Q. A few more questions about Exhibit 45.

25 MR. McCLAIN: Is Rachel and -- is

1 Rachel still there or no?

2 MR. SHELTON: (Waving).

3 MR. McCLAIN: There he is. Mr.

4 Shelton. Okay. Thank you. Jim, whenever you're
5 ready.

6 BY MR. DUMONT:

7 Q. Mr. LeForce, I'm trying to visualize how the
8 pipeline was laid on 6 inches of rock ledge in location 6.

9 Can you explain to me whether this meant that
10 the pipeline was laid directly on a trench bottom, or does
11 it mean that the contractor excavated on either side of
12 the pipe -- I'm sorry -- on either side of the rock ledge
13 so the trench bottom was lower than the rock ledge, and
14 they laid the pipe on to the ledge that was sticking up
15 above the rock bottom? Above the trench bottom? Or is
16 there some other explanation? Can you explain this to me?

17 MR. McCLAIN: Objection to the form of
18 the question.

19 THE WITNESS: Yeah. I can't -- I can't
20 say how exactly it was done in this area with this
21 information.

22 BY MR. DUMONT:

23 Q. Was Exhibit 45 given to the Department of
24 Public Service in March of 2019?

25 A. I can't say if it -- it was or was not given

1 to them at that time.

2 Q. Was any report to the Department of Public
3 Service or the Public Utility Commission made of the facts
4 that are summarized under the caption heading "Location 6"
5 in this report?

6 MR. McCLAIN: Objection to form.

7 THE WITNESS: Yeah. I can't say from
8 what I have here what was given and what wasn't.

9 BY MR. DUMONT:

10 Q. Would it be fair to summarize by stating that
11 at this location the pipe, in fact, was laid on trench
12 bottom?

13 MR. McCLAIN: Objection to form.

14 THE WITNESS: No. I mean I can't say
15 that that's the way it was done here.

16 BY MR. DUMONT:

17 Q. Certainly rock ledge was the bottom of the
18 trench, was it not, in that location?

19 MR. McCLAIN: Objection to form.

20 THE WITNESS: No. I disagree. It
21 talks about the piece of ledge, but the rest of the
22 trench, I can't say exactly how it was installed in
23 there, in that section.

24 BY MR. DUMONT:

25 Q. In the precise location where the pipeline was

1 resting on the ledge, the pipeline was laid directly on
2 trench bottom; correct?

3 MR. McCLAIN: Objection to form.

4 THE WITNESS: No. I can't say that.

5 Because I didn't see it, and all I know is what this
6 report -- reading from this report.

7 BY MR. DUMONT:

8 Q. Is there any -- and I want to ask a carefully
9 worded question. Hopefully I'll get it right. I don't
10 want to know anything that the company's lawyers have told
11 you. I don't want to know anything the company's lawyers
12 have said to you in writing or verbally. Put that to the
13 side.

14 Other than that, have you received any
15 training while you have been at Vermont Gas on the
16 company's duty to report to the Department of Public
17 Service?

18 MR. McCLAIN: Objection to form.

19 THE WITNESS: Can you just ask that
20 again, please?

21 MR. DUMONT: Yes. Ms. Sears, could you
22 read that back?

23 (The record was read as requested)

24 THE WITNESS: Yeah. I don't believe
25 I've received any specific training on reporting.

1 BY MR. DUMONT:

2 Q. Does Vermont Gas have any written policies on
3 when the company must report issues of problems, or
4 possible violations of law, or possible violations of PUC
5 orders to the Department of Public Service?

6 MR. McCLAIN: Objection to form.

7 THE WITNESS: There are some procedures
8 and guidelines about reporting stuff to the state and
9 the federal based on the federal guidelines.

10 BY MR. DUMONT:

11 Q. What federal guidelines do you have in mind?

12 A. I'm thinking Natural Gas Code part 192.

13 Q. If you could go to Exhibit 50. Five-0.

14 A. Not page 50, new exhibit?

15 Q. New exhibit.

16 A. Okay. Yes.

17 Q. Tell us what is Exhibit 50?

18 A. Exhibit 50 says it's a project plan procedure
19 for in-line inspection dated June 15, 2018.

20 Q. Did you have any role in preparing Exhibit 50?

21 A. I don't know if I helped prepare it. But I
22 definitely -- I definitely have reviewed or had looked at
23 it before. But I don't think -- I didn't write it.

24 Q. You were mentioned on page number 4.

25 A. Yes.

1 Q. There is a table there. I'm interested in
2 page number 2, "Introduction."

3 Why don't you just read to yourself that whole
4 paragraph. Then I'll ask you about it.

5 A. Yes. I read it.

6 Q. It states, "Introduction. Consistent with the
7 information and recommendations presented in the CPG for
8 the installation of the 12-inch ANGP transmission line,
9 VGS intends to conduct an internal line inspection (ILI)."

10 Do you know -- any idea who wrote this?

11 A. Yeah, I don't see an author on it.

12 Q. Based on the nature of the document, the
13 subject of the document, whose province would this have
14 fallen in -- within in June of 2018?

15 A. It would have been someone on the project team
16 that's listed.

17 Q. Where are they listed?

18 A. It was the reference you made to page 4.

19 Q. Okay. So any of those people; St. Hilaire
20 Gero, Brown, Minor --

21 A. Yeah.

22 Q. You, Kotecki, Mr. Murray?

23 A. Yes.

24 Q. Mr. Attig, A-T-T-I-G, or Ms. Parent?

25 A. Yes.

1 Q. Okay. Do you remember reviewing this when it
2 was in draft form or just after it was finished?

3 A. I can't recall.

4 Q. I haven't seen language like I just read.
5 I'll read it again. "Consistent with the information and
6 recommendations presented in the CPG."

7 I didn't see that in any of the reports of
8 you, or that you and I have been discussing. This is
9 suggesting to me that somebody went back and read the CPG.
10 And I'm curious about that. If you can help me out.

11 Why did that happen in writing in this report?
12 Is there anything in particular about this report that you
13 know of that caused the author to go back and read the
14 CPG?

15 MR. McCLAIN: Objection to the form of
16 the question.

17 THE WITNESS: No. I don't know. I
18 don't have any information.

19 BY MR. DUMONT:

20 Q. Okay. Thank you. If you could turn to
21 Exhibit 44.

22 A. Yes. I have that.

23 Q. This appears to be an email from Mr. Gero to
24 Mr. Morris and Mr. McCauley. M-C-C-A-U-L-E-Y. With a
25 copy to Mr. St. Hilaire and to you dated June 24, 2016.

1 Take a second to read it. It's not very long.

2 A. I scanned it.

3 Q. So of course it deals with the issue of
4 placing the pipeline directly on the bottom of the trench.
5 But I'm interested in the last sentence on the first page.
6 It says, "Michels' electrical expert -- we have confirmed
7 Michels has an electrical expert on the project. Please
8 check in with Mike Reagan, and he can put you in contact
9 with the Michels' employee."

10 Do you recall that Mr. Morris asked if the
11 contractor Michels had its own electrical expert?

12 A. I can't recall if he specifically asked that.

13 Q. Do you know who the electrical expert was for
14 Michels?

15 A. No. I cannot remember.

16 Q. In June of 2016 did Vermont Gas Systems have
17 an electrical engineer as its expert?

18 MR. McCLAIN: Can you repeat that
19 question, Jim?

20 MR. DUMONT: In June of 2016, did
21 Vermont Gas Systems have an electrical engineer as
22 its expert?

23 MR. McCLAIN: Objection to the form of
24 the question.

25 THE WITNESS: Can you be more -- do you

1 mean -- can you be more specific?

2 BY MR. DUMONT:

3 Q. At any time that you have been working on the
4 ANGP, have you ever been informed that there was a
5 licensed Professional Engineer licensed in Vermont who is
6 an electrical engineer who is working on the ANGP? ANGP.

7 MR. McCLAIN: Objection to form.

8 THE WITNESS: Yeah, I don't know.

9 BY MR. DUMONT:

10 Q. Similar question. At any time you have been
11 working on the ANGP, have you ever been informed that VGS
12 has a mechanical engineer who is licensed in Vermont who
13 is working on the ANGP?

14 A. I don't know.

15 Q. Next if you could turn to Exhibit 51.

16 A. I have 51 open.

17 Q. Can you take a second to look through it, and
18 then I'm going to ask you just to describe generally what
19 this is.

20 A. Okay.

21 Q. What is this?

22 A. The title of it is "An Erosion Prevention and
23 Sediment Control Specialist Inspection Report."

24 Q. What's the purpose of this document?

25 A. I believe it's a -- it's a report on the --

1 those EPSC -- or erosion prevention and sediment control.
2 It's a report for the person that was inspecting those
3 types of -- that type of work.

4 Q. On this first page of the exhibit it has a
5 distribution list, and it states, "Jenna Calvi, Vermont
6 DEC; Chris LeForce, VGS; Kate Rich, VGS; Sharon Ferland,
7 VGS; Joey Wilson, WCE; Josh Sky, S-K-Y, VHB; Nick
8 Pfundheller, P-H-U-N-D-H-E-L-L-E-R, Michels; Carl Bubolz,
9 B-U-B-O-L-Z, Michels."

10 Were you, in fact, on a distribution list for
11 EPSC specialist inspection reports?

12 A. I was at one point in the project. Yes.

13 Q. When you received these reports, did you read
14 them?

15 A. Generally I just scan them.

16 Q. What was your role? What was your purpose in
17 receiving and reading these reports?

18 A. It was just -- it was to be aware that this
19 work, that they were out there inspecting this work, and
20 that reports were being made. I didn't have a specific
21 role.

22 Q. So I'm going to tell you, I and my clients
23 have looked at many, many records in this case, including
24 inspection reports. And we haven't seen a distribution
25 list for inspection reports.

1 Are you aware of any distribution list for
2 inspection reports other than VHB, EPSC inspection
3 reports?

4 MR. McCLAIN: Objection to form.

5 THE WITNESS: No. I'm not aware of any
6 specific distribution lists.

7 BY MR. DUMONT:

8 Q. So if we go back to location 6, for example,
9 in New Haven that we spent some time on awhile ago,
10 whoever was inspecting lowering that pipe into the trench
11 did not have you on a distribution list for the inspection
12 reports; correct?

13 MR. McCLAIN: Objection to form.

14 THE WITNESS: No. I don't believe so.

15 BY MR. DUMONT:

16 Q. I'll start over. With regard to inspections
17 pertaining to location 6 that we were discussing in New
18 Haven, were you on a distribution list for inspection
19 reports other than the EPSC reports prepared by VHB?

20 A. I can't recall being on a specific
21 distribution list.

22 Q. If you could turn to PDF page, let's see here,
23 page 6 of this exhibit.

24 A. We are still on 51?

25 Q. Yes. Okay. Photograph 4. The caption

1 states, "Photograph 4: Station 1649 plus 00; trenching
2 and lowering in the pipe through clayplains. Topsoil and
3 sub soil are segregated and placed on timber mats.
4 Photograph taken looking north."

5 Have you ever been to this location?

6 A. I can't say I have been to that specific
7 station, but I have been to the north side of that area.

8 Q. Have you been to the clayplains swamp at any
9 time since September of 2016? I'll start over. Have you
10 been to the clayplains swamp in New Haven at any time
11 since September 1 of 2016?

12 A. When you say the clayplains, you're talking
13 about the area around this specific stationing; correct?

14 Q. Yes.

15 A. I don't believe I have been through that area;
16 only to the very north side of that area.

17 Q. What was the purpose of your visit?

18 A. I don't know -- yeah, I don't know the
19 specific reason that I would have been out there.

20 Q. Did it pertain to the method used to bury the
21 pipe in the clayplains swamp?

22 MR. McCLAIN: Objection to form.

23 THE WITNESS: No. I don't think so.

24 BY MR. DUMONT:

25 Q. Okay. If you could turn to Exhibit 53.

1 A. Yes.

2 Q. Can you tell us what this is?

3 A. 53 is a Corrective Preventive Action Request.

4 Q. What is a Corrective Preventive Action
5 Request?

6 A. Generally it was something that if something
7 came up for -- that someone saw, you could fill one of
8 these out about, and document what the item was and what
9 was the investigation -- or the -- on the paper or on the
10 report you could investigate it, and then document your
11 actions for that item.

12 Q. And it says in one column, "Date due 12/9/15."
13 And then there is -- sorry. "Date due investigation
14 12/9/15. Implementation 12/11/15." It says, "By/
15 assigned to Christopher LeForce for both investigation and
16 implementation."

17 Was it by you or assigned to you or both?

18 A. I don't think I -- yeah, I can't remember
19 looking at this.

20 Q. Okay. And then there is --

21 A. Sorry. Go ahead.

22 Q. Are those your initials in blue ink to the
23 right?

24 A. Yes, I believe so.

25 Q. The initiator on the top left is K. Oxholm.

1 Who is she?

2 A. She was a -- she was employed by VGS. And she
3 had a title, she was -- it was close to codes and
4 compliance specialist or something similar to that.

5 Q. "Description of issue," is just below your
6 initials. Then there is about 6 lines of text. Who wrote
7 those 6 lines?

8 A. I can't say.

9 Q. Did you write them?

10 A. I don't know.

11 Q. There is a signature at the bottom of
12 "Description of issue" from beneath that. Is that Mr.
13 Stamatov's signature?

14 MR. McCLAIN: Objection to form.

15 THE WITNESS: I can't tell from this if
16 that's -- I can't tell whose signature that is.

17 BY MR. DUMONT:

18 Q. It's certainly not yours, is it?

19 MR. McCLAIN: Objection to form.

20 THE WITNESS: It does not look like my
21 signature.

22 BY MR. DUMONT:

23 Q. And then there is a section captioned
24 "Investigation finding," which I will read. The list
25 titled, "ANGP trench breaker as-built 2014 (segment one)

1 was reviewed and the locations plotted on a set of design
2 drawings. To field personnel (inspectors), it was
3 determined that some of the locations where trench
4 breakers were designed on paper were omitted because the
5 field conditions warranted -- warranted them not to be
6 installed. On the other hand there were locations where
7 there were -- where there was no designed trench breaker,
8 but field conditions warranted one to be installed. There
9 was no documentation of this process."

10 Did you write what I just read?

11 MR. McCLAIN: Objection to form.

12 THE WITNESS: I can't recall if I wrote
13 that or not.

14 BY MR. DUMONT:

15 Q. When you signed that the investigation was
16 completed on 12/11/15, did that mean that the
17 investigation I just read the finding of had been
18 completed by you?

19 MR. McCLAIN: Objection to form.

20 THE WITNESS: I can't recall if that --
21 that's what my signature is or my initials.

22 BY MR. DUMONT:

23 Q. It says, "After talking to field personnel
24 (inspectors) it was determined." Who talked to the field
25 personnel?

1 A. I can't recall.

2 Q. If you had been a person talking to field
3 personnel, would you recall?

4 MR. McCLAIN: Objection to form.

5 THE WITNESS: I don't know if I would
6 recall with it being five years ago.

7 BY MR. DUMONT:

8 Q. The sentence that states, "There was no
9 documentation of this process."

10 Was that the finding you reached on December
11 11, 2015 --

12 MR. McCLAIN: Objection.

13 BY MR. DUMONT:

14 Q. -- when you signed the form?

15 A. Can you re-ask that question, please?

16 Q. The sentence that states, "There was no
17 documentation of this process," was that a finding that
18 you reached when you signed this form on December 11,
19 2015?

20 A. I don't know if that was actually my finding
21 or not.

22 Q. If it wasn't your finding, whose would it have
23 been?

24 MR. McCLAIN: Objection to form.

25 THE WITNESS: It could have been Kristy

1 Oxholm.

2 BY MR. DUMONT:

3 Q. Next page says, "Recommendations for
4 corrective/preventive action." It states, "VGS will
5 investigate the areas where designed trench breaker was
6 not installed. If field conditions show that one is not
7 needed, then it will be documented as to the reason why
8 not. If one is needed, then one will be scheduled to be
9 installed. While this investigation takes place, VGS
10 operations will control the transmission corridor on a
11 monthly basis or after any significant rain to ensure no
12 erosion occurs due to the lack of a trench breaker. If
13 VGS operations finds erosion occurring, it will be
14 remediated to ensure the safety of the pipeline."

15 Did I read that correctly?

16 A. Yes. I believe so.

17 Q. I didn't see any recommendation that
18 henceforth there would be documentation of the process.
19 Was there any change in Vermont Gas policy so that
20 henceforth there would be documentation of the process?

21 MR. McCLAIN: Objection to the form.

22 THE WITNESS: Are you reading the
23 henceforth off this document?

24 BY MR. DUMONT:

25 Q. No. I read the investigation finding. There

1 was no documentation of this process. And then I read you
2 the recommendations.

3 And I'm asking you isn't it true that there
4 was no recommendation that going forward there would be
5 documentation of the process?

6 MR. McCLAIN: Objection to form.

7 THE WITNESS: I don't see any
8 documentation wording under recommendations.

9 BY MR. DUMONT:

10 Q. I also did not notice a recommendation that
11 said henceforth trench breakers will be installed as
12 plotted on the design drawings.

13 Why wasn't that one of the recommendations?

14 MR. McCLAIN: Objection to form.

15 THE WITNESS: I don't know.

16 BY MR. DUMONT:

17 Q. What was the process which these corrective
18 action -- corrective preventive action requests went
19 through? I see that you signed it twice on 12/11/15.
20 Were they reviewed by anybody other than the person who
21 signed them?

22 MR. McCLAIN: Objection to form.

23 THE WITNESS: I can't recall who else
24 would have looked at these.

25 BY MR. DUMONT:

1 Q. Did trench breakers -- I'm sorry. Let me
2 start over. After -- I'll start over. Sorry.

3 Description of the issues stated, "In areas
4 where pipe was installed by the 2014 contractor Over &
5 Under, trench breakers were not installed as designed in
6 numerous locations."

7 Did that problem continue when Michels was the
8 contractor?

9 MR. McCLAIN: Objection to form.

10 THE WITNESS: I don't know if that same
11 problem continued.

12 BY MR. DUMONT:

13 Q. Okay. Let me see if I can refresh your
14 recollection a little bit. Michels started work in the
15 early summer, June of 2014; correct?

16 A. What was that date?

17 Q. June, July.

18 A. Of what year?

19 Q. 2014?

20 A. No.

21 Q. When did they start?

22 A. I believe they started in 2015.

23 Q. What we have just read says, "In areas where
24 pipe was installed by the 2014 contractor Over & Under,"
25 do you see that?

1 A. Yes.

2 Q. Does that refresh your recollection?

3 A. No.

4 Q. Okay. Let's see if this does. The CPG was
5 issued in December of 2013; correct?

6 A. I believe so. Yes.

7 Q. Over & Under was the first mainline
8 contractor; correct?

9 A. Yes.

10 Q. Are you saying construction didn't start for a
11 year and-a-half?

12 MR. McCLAIN: Objection. I'm not sure
13 what the confusion is. I'm having a hard time
14 following you, Jim.

15 BY MR. DUMONT:

16 Q. I'll start over. The CPG was issued in
17 December of 2013; correct?

18 A. Yes.

19 Q. And construction started early the next
20 summer; correct?

21 A. Yes.

22 Q. So that would have been June, July of 2014?

23 A. Yes.

24 Q. And that was Over & Under, that was the
25 mainline contractor; is that correct?

1 A. Yes.

2 Q. Okay.

3 A. I'm sorry. I heard Michels in there.

4 MR. McCLAIN: I think you misspoke
5 earlier, Jim, and the question was -- and you slipped
6 Michels in instead. Maybe you meant to say Over &
7 Under.

8 MR. DUMONT: I apologize. At this
9 stage it's entirely possible. So I apologize.

10 BY MR. DUMONT:

11 Q. And so Over & Under started in June, July of
12 2014 and they lasted just a few months, maybe into
13 September, October; is that right?

14 MR. McCLAIN: Objection to form.

15 THE WITNESS: I know they worked that
16 first year. I don't know when they exactly left.

17 BY MR. DUMONT:

18 Q. At some point before the year was over, VGS
19 instructed them to cease working; correct?

20 A. At some point around that time they stopped
21 working.

22 Q. In 2014?

23 A. I don't know if it was exactly 2014 or '15.

24 Q. So what I'm curious about is the date of this
25 CPAR, Ms. Oxholm is November 18, 2015, and the due date

1 was December 9, 2015. And you signed it December 11,
2 2015.

3 What about the whole year of 2015 that had
4 passed since Over & Under had ceased being the mainline
5 contractor? Did you look at the practice of installing
6 trench breakers in 2015?

7 MR. McCLAIN: Objection to form.

8 THE WITNESS: I can't recall what we
9 looked at with the process.

10 MR. McCLAIN: Jim, I can't tell. Are
11 you talking? I can't hear you or --

12 MR. DUMONT: No. I wasn't saying
13 anything.

14 MR. McCLAIN: Okay. Because there is a
15 little delay on the video, and it's hard -- I
16 couldn't tell.

17 BY MR. DUMONT:

18 Q. If you could turn to Exhibit 56.

19 A. Sorry. Exhibit 56. Yes. Yes.

20 Q. Can you tell us what this is?

21 A. It says it's a QA/QC -- QA/QC summary.

22 Q. And what does that mean in layperson's terms?

23 A. QA/QC is quality assurance/quality control.

24 And it -- I believe this document was a summary of the
25 work that had previously had been done with relation to

1 QA/QC.

2 Q. Did you have any role in preparing this
3 exhibit?

4 A. There is material in there that -- I need to
5 look at it first actually.

6 Q. Okay.

7 A. Sorry. Yes, I had a role in parts of this.
8 Part of the content.

9 Q. What was your role?

10 A. I did some work, looking through it I did some
11 work with relation to the welding program, that was the
12 first thing I saw. And there might be more. I didn't go
13 through all 163 pages.

14 Q. Well let me ask you about PDF page 6.
15 "Trenching and backfill."

16 A. 3 of 6?

17 Q. PDF page 6?

18 A. PDF 6. Okay.

19 Q. It says, "Trenching and backfill." Tab 3.
20 Are you there?

21 A. Yes.

22 Q. Okay. It states, "There was concern as to
23 whether proper backfill was used in all areas or
24 construction occurred in 2014. We are uncertain of
25 specific locations where improper backfill may have been

1 used. The only areas we are certain were an issue are a
2 few locations that were noted during the lowering of pipe
3 to address depth of cover issues. In those cases, any
4 improper backfill was removed and replaced with proper
5 backfill as part of the lowering process."

6 And it continues from there. Were you at all
7 involved in ascertaining the specific locations where
8 improper backfill may have been used?

9 MR. McCLAIN: Objection to form.

10 THE WITNESS: I'm not sure if I quite
11 understand the -- what you're asking.

12 BY MR. DUMONT:

13 Q. Okay. Was any effort made by VGS to ascertain
14 the specific locations where improper backfill may have
15 been used?

16 MR. McCLAIN: Objection to form.

17 THE WITNESS: I don't know if that was
18 done for this, this area, or how that was done.

19 BY MR. DUMONT:

20 Q. Well this report was dated December 21, 2015;
21 correct?

22 A. Yes.

23 Q. So as of December 21, 2015 VGS was uncertain
24 of specific locations where improper backfill may have
25 been used in 2014. That's what it's saying, right?

1 A. Yes.

2 Q. So as of that date, do you know what effort
3 was made to answer that question?

4 MR. McCLAIN: Objection to form.

5 THE WITNESS: Yeah. As of that date, I
6 don't know.

7 BY MR. DUMONT:

8 Q. As of that date, all of the inspection reports
9 were available, were they not? Inspection reports for
10 lowering -- for constructing the pipeline in 2014. All of
11 those inspection reports were available. Correct?

12 A. I believe so.

13 Q. Did anybody read them to see if it answered
14 this question?

15 MR. McCLAIN: Objection.

16 THE WITNESS: I don't know.

17 BY MR. DUMONT:

18 Q. Did you ever read them to see if they answered
19 this question?

20 A. I did not for this question.

21 Q. Have you ever looked at the inspection reports
22 that were used in 2014?

23 A. I've looked at many of the inspection reports.
24 I can't say specifically if -- what years, but I've looked
25 at -- I've definitely looked at inspection reports.

1 Q. And as you read the first sentence there was
2 concern as to whether proper backfill was used in all
3 areas for where construction occurred in 2014.

4 What is your understanding about the
5 difference between proper backfill and improper backfill?

6 A. I assume proper backfill is referring to
7 backfill in specifications.

8 Q. And what were the specifications in 2014?

9 A. I don't know what the specific specification
10 for backfill was in 2014.

11 Q. If you could turn to PDF page 7.

12 A. Yes.

13 Q. Specific deviations (tab 5). "It was
14 determined." I'm reading from it. "It was determined
15 that not all trench breakers were installed as required.
16 This is addressed by CAR 2015-006." I'm going to stop
17 reading the paragraph here.

18 CAR 2015-006 is the document we just finished
19 discussing that you signed on December 11, 2015; correct?

20 A. What exhibit was that again? Do you know?

21 Q. Sure. It was Exhibit 53.

22 A. Yes. That name matches that exhibit.

23 Q. So it states, "This is addressed by CAR
24 2015-006." And you've told me that as you read that
25 document, it did not propose any documentation in the

1 future of the process of deciding whether or not to depart
2 from the written standards; correct?

3 MR. McCLAIN: Objection to the form of
4 the question.

5 THE WITNESS: I would like to hear that
6 one again, please.

7 MR. DUMONT: Sure. Ms. Sears, could
8 you read that back?

9 (The record was read as requested)

10 THE WITNESS: I did not see that in
11 that document.

12 BY MR. DUMONT:

13 Q. And that document also does not in the future
14 call for placing trench breakers in every location where
15 they are required by the standards, am I correct?

16 MR. McCLAIN: Objection to the form.

17 THE WITNESS: I do not see where that
18 document talks about the trench breakers in the
19 future.

20 BY MR. DUMONT:

21 Q. Thank you. The very next sentence of the
22 QA/QC report dated 12/21/15 states, "The corrective
23 actions for this continue are in progress and required
24 trench breakers will be installed in the future (see CAR
25 for more specific information." I'm going to read that a

1 second time because I want to make sure we got it right.
2 "The corrective actions for this continue are in progress
3 and required trench breakers will be installed in the
4 future (see CAR for more specific information). I think I
5 got it right that time.

6 And you agree that the CAR itself does not --
7 itself does not contain more specific information about --

8 MR. McCLAIN: Objection.

9 MR. DUMONT: -- about requiring trench
10 breakers in the future.

11 MR. McCLAIN: Objection to the form.

12 MR. DUMONT: Right?

13 MR. McCLAIN: Objection to the form.

14 THE WITNESS: I do not see that in the
15 recommendations.

16 MR. DUMONT: Thank you.

17 BY MR. DUMONT:

18 Q. If you could turn to PDF page 8, "Trenching
19 and backfilling."

20 A. Yes.

21 Q. The third paragraph states, "It was determined
22 that compaction requirements in typical cross-county areas
23 needed further clarification. Directive 2015-006 was
24 issued to document this clarification."

25 I did read that correctly, but I'll read it

1 again. It says cross county, not cross country. But I'll
2 read it again so we are all clear. "It was determined
3 that compaction requirements in typical cross-county areas
4 needed further clarification. Directive 2015-006 was
5 issued to document this clarification."

6 So it refers to tab 8. So why don't we scroll
7 down to tab 8 which is way down at the back of the
8 document. Tab 8 starts at PDF 91.

9 A. Yes.

10 Q. And am I correct the tab is actually
11 corrective action 2015-002, not 006?

12 A. That's the first one in that section.

13 Q. Right. And you signed this under the line
14 "Implementation" on December 18, 2015?

15 A. Are you talking about PDF page 92?

16 Q. Yes.

17 A. Yes. That's my signature.

18 Q. Is there anything in the corrective action
19 plan that addresses compaction?

20 A. No. But this is a different number.

21 Q. Okay. If you go down to PDF 102.

22 A. Yes.

23 Q. There is something called "ARNGP Project
24 Directive"?

25 A. Yes.

1 Q. And that's directive number 2015-006; correct?

2 A. Yes.

3 Q. What's the difference between a project
4 directive and corrective action plan?

5 A. I explained the corrective action earlier.
6 The directive, as I can recall, was a way to document a
7 decision or a -- some type of process so that we had a
8 record of it that could be distributed.

9 Q. Okay. If you could look at the bottom of it
10 it says, "Issued by Kristy Oxholm for Christopher
11 LeForce," and then Ms. Oxholm signed it; is that right?

12 A. Yes.

13 MR. McCLAIN: Are we on PDF 101 or --

14 MR. DUMONT: 102.

15 MR. McCLAIN: 102.

16 BY MR. DUMONT:

17 Q. Did you, in fact, issue project directive
18 2015-006?

19 A. I can recall working on this one. Yes.

20 Q. In 2015 who was the engineer of record for the
21 ANGP?

22 A. I believe that was CHA.

23 MR. McCLAIN: Objection. Objection.

24 BY MR. DUMONT:

25 Q. Is there any individual that was the engineer

1 of record when you signed this, it looks like August 31 if
2 I'm reading correctly.

3 MR. McCLAIN: Objection to form.

4 BY MR. DUMONT:

5 Q. Was there an individual who was the engineer
6 of record when you signed this? Or I'm sorry. When
7 Kristy Oxholm signed this project directive?

8 MR. McCLAIN: Objection.

9 THE WITNESS: I don't know what the
10 individual --

11 BY MR. DUMONT:

12 Q. Did you or Kristy Oxholm refer to the plans
13 that Mr. Heintz submitted to the PUC in 2013 when you were
14 preparing this?

15 A. I can't recall if I did.

16 Q. What changes -- let me back up a second. This
17 project directive does not have strikeovers and
18 underlining or anything of that sort to show what language
19 is being deleted and what language is new.

20 What was the -- so I have to ask you this.
21 What was the standard before you issued directive number
22 2015-006 that was being changed by this directive?

23 MR. McCLAIN: Objection to form.

24 THE WITNESS: I don't believe we were
25 changing anything here. It was more giving

1 clarification of what was meant by compacted in
2 giving direction to that as I can recall.

3 BY MR. DUMONT:

4 Q. So the clarification you're providing is in
5 the second paragraph, the second paragraph states,
6 "Compaction shall occur when there is at least 12 inches
7 of sand padding and 12 inches of general backfill above
8 the pipe and at a maximum of 24-inch lifts thereafter.
9 Final compaction at grade can be completed using either an
10 excavator bucket or the tracks of a piece of excavating
11 equipment."

12 Is that what you mean as the clarification?

13 A. I think the clarification was about --

14 MR. McCLAIN: Objection to form.

15 THE WITNESS: I believe the -- I
16 believe the clarification or -- the explanation or
17 clarification was that compacted by mechanical means
18 and saying it could be done with an excavator bucket.
19 As I can recall.

20 BY MR. DUMONT:

21 Q. You looking for something? Need a break?

22 A. No. I just spilled something, and I just
23 wiped it on my pants. No big deal.

24 Q. What did you base this clarification on?

25 A. I don't recall what I -- how we came to this

1 conclusion. Yeah. I don't remember.

2 Q. Is there any record that you can refer to that
3 would answer that question?

4 A. Yeah, I don't know if there is a record of
5 that, that process.

6 Q. Let me read the first sentence again.
7 "Compaction shall occur when there is at least 12 inches
8 of sand padding and 12 inches of general backfill above
9 the pipe and at a maximum of 24-inch lifts thereafter."

10 I have several questions for you about that.
11 Is the -- where it says at least 12 inches of sand padding
12 and 12 inches of general backfill above the pipe, do you
13 understand that to mean that there must be 12 inches of
14 sand padding and 12 inches of backfill, and both sand and
15 the general backfill have to be above the pipe, or do you
16 mean that only the 12 inches of general backfill has to be
17 above the pipe?

18 A. I'm not sure if I understand your question.

19 Q. Well since there is no comma after the word
20 sand padding, under basic rules of English, the sentence
21 means that there must be at least 12 inches of sand
22 padding and also 12 inches of general backfill, and both
23 the sand padding and the general backfill must be above
24 the pipe. Was that your intent?

25 MR. McCLAIN: Objection to the form of

1 the question.

2 THE WITNESS: I believe my intent was
3 both those 12-inch items are above the pipe.

4 BY MR. DUMONT:

5 Q. Do you recall what you base that on?

6 A. I do not.

7 Q. Did you mean by this to state that there is no
8 need for compaction unless there is at least 12 inches of
9 sand padding and 12 inches of general backfill?

10 MR. McCLAIN: Objection.

11 THE WITNESS: Could you please reread
12 that one? That question, please.

13 BY MR. DUMONT:

14 Q. I'll try and ask a longer question that may be
15 more helpful. You could read the sentence's meaning
16 first: Compaction shall occur all the time and you wait
17 until there is at least 12 inches of sand padding, 12
18 inches of general backfill above the pipe. Or you could
19 read it secondly as: Compaction occurs only when there is
20 12 inches of sand padding and 12 inches of general
21 backfill, but if there is less than that, you don't have
22 to do compaction.

23 And I want to be clear what your intention
24 was.

25 MR. McCLAIN: I'm sorry. If there is a

1 question in there, I'll object to the form of the
2 question.

3 THE WITNESS: Yeah. I guess I'm still
4 not quite understanding what you're asking here. I
5 apologize.

6 BY MR. DUMONT:

7 Q. That's okay.

8 MR. DUMONT: Ms. Sears, could you read
9 that back?

10 (The record was read as requested)

11 THE WITNESS: I -- I don't agree with
12 the saying that compaction wasn't required with less
13 of the -- less than the 12 inches as it was read to
14 me. So I think my intent is that -- is there another
15 question in there too besides that?

16 MR. DUMONT: No. You answered it.
17 Thank you.

18 THE WITNESS: Okay.

19 BY MR. DUMONT:

20 Q. If you go to the next PDF page, which is 103.

21 A. Yes.

22 Q. This too is dated 8/31/15, signature by Kristy
23 Oxholm. It says, "Issued by Kristy Oxholm for Christopher
24 LeForce. Subject, general backfill materials."

25 Take a second to read that.

1 A. Yes.

2 Q. Do you recall preparing this?

3 A. I do remember working on it.

4 Q. It's pretty short, so I'll read it.

5 "Directive number 2015-007. In 2.1 (B) -- materials of
6 section 312.333 -- trenching, pipe laying, and
7 backfilling of the technical specifications, it states:
8 Native materials containing no stones or clods larger than
9 three inches in the longest dimension are acceptable for
10 general backfill. This directive will serve as notice
11 that native materials containing no stones or clods larger
12 than 6 inches in the longest dimension are acceptable for
13 general backfill."

14 Next paragraph. "The VGS operations and
15 maintenance manual in the trenching and backfilling
16 procedure allows for this change to the specification, and
17 now the two documents will be consistent."

18 Tell me why this was issued.

19 A. As I can recall, the -- our operations and
20 maintenance manual and the specifications were
21 inconsistent, didn't match in this item, so we -- we
22 issued this so that they were both consistent, because
23 they were conflicting.

24 There is some background noise I'm hearing. I
25 don't know if anyone else is.

1 MR. McCLAIN: I think Rachel's volume
2 was on for a second.

3 THE WITNESS: Okay. I hope you heard
4 all my -- what I said.

5 BY MR. DUMONT:

6 Q. I did. I did. Thank you. When you were
7 preparing to directive number 2015-007, did you refer back
8 to and read the plans and specifications submitted to the
9 Public Utility Commission by Mr. Heintz in 2013 that
10 addressed the same subject matter?

11 A. I can't recall.

12 MR. McCLAIN: Objection to the form of
13 the question.

14 THE WITNESS: I can't recall if we --
15 if I went back or someone went back to those specific
16 from Heintz that were submitted.

17 BY MR. DUMONT:

18 Q. Did you consult with any licensed Professional
19 Engineer in preparing 2015-007?

20 A. I can recall talking to CHA about this.

21 Q. And who did you talk to at CHA?

22 A. I can't say for certain. But I stated earlier
23 today my main contacts were Brendan Kearns and Tyler
24 Billingsley. So it could have been one of those, those
25 two.

1 Q. As you patiently sit here answering my tedious
2 questions, do you know of any reason why stones or clods
3 should be no larger than 3 inches in the longest dimension
4 rather than 6 inches?

5 MR. McCLAIN: Objection to the form of
6 the question.

7 THE WITNESS: I don't know any specific
8 reason.

9 BY MR. DUMONT:

10 Q. Did you make any effort to find out why
11 section 312.333 originally limited the length of longest
12 dimension to 3 inches?

13 MR. McCLAIN: Objection to form.

14 THE WITNESS: All -- from what I can
15 recall, we discussed this. And that's all -- I don't
16 know the specifics.

17 BY MR. DUMONT:

18 Q. What I'm trying to get at is, you changed
19 something that was in the specs, and I'm trying to find
20 out if you understood why the 3-inch limitation was
21 originally in the specs.

22 MR. McCLAIN: Yeah. If there is a
23 question there, objection to the form.

24 THE WITNESS: Yeah. Could you ask that
25 question again?

1 MR. DUMONT: Sure. Excuse me one
2 second.

3 THE WITNESS: Yes.

4 BY MR. DUMONT:

5 Q. When you prepared the directive number
6 2015-007, did you make any effort to determine why section
7 312.333 limited to 3 inches the longest dimension of
8 stones or clods?

9 MR. McCLAIN: Objection to form.

10 THE WITNESS: No, I can't recall that
11 we -- that was a discussion point.

12 BY MR. DUMONT:

13 Q. Whether or not it was a discussion point, did
14 you make any effort to find out?

15 MR. McCLAIN: Objection to form.

16 THE WITNESS: Yeah. I can't recall if
17 an effort was made to find out or not. No.

18 BY MR. DUMONT:

19 Q. Next if you could turn to PDF page 107 of the
20 same exhibit.

21 A. Yes.

22 Q. This has to do with -- this says EN
23 Engineering, but I believe it's ENE Engineering. This
24 refers to a report. Do you see that?

25 A. Yes.

1 Q. Were you involved in that -- in this issue
2 with ENE or EN Engineering?

3 A. Yes.

4 Q. If you can scroll down two more pages, and the
5 report is there dated 8/9/15.

6 A. 8/19?

7 Q. Yes. 8/19/15.

8 A. Yes.

9 Q. And it's page -- PDF page 108?

10 A. Yes.

11 Q. This was written to you by Kristi,
12 K-R-I-S-T-I, Sparbanie. S-P-A-R-B-A-N-I-E.

13 A. Yes.

14 Q. It says that Vermont Gas Systems retained EN
15 Engineering otherwise known as ENE to conduct a coating
16 integrity analysis at a certain location.

17 In the second page the second to the last
18 paragraph under the heading, "Analysis," that paragraph
19 begins, "Based on the testing."

20 I would -- this one I would like you to read
21 out loud into the record.

22 A. "Based on the testing, it appears this section
23 of pipe is acceptable. However, the pipe that was greater
24 than 20 feet deep, and at that depth, the surveys
25 performed are not as reliable. It is possible that

1 additional indications exist on this section of pipe, but
2 because of the depth they are not being picked up with the
3 limitations of this equipment. In addition, the surveys
4 performed do not determine if physical damage or wall loss
5 is present in the pipeline steel wall."

6 Q. Thank you. Was that new information for you,
7 that the surveys performed were not as reliable at depths
8 greater than 20 feet and -- at depths greater than 20
9 feet?

10 MR. McCLAIN: I'm sorry. Can you

11 repeat the question, Jim?

12 BY MR. DUMONT:

13 Q. Sure. Was this news to you -- was this the
14 first you learned that at pipe depths greater than 20 feet
15 the surveys performed are not as reliable?

16 MR. McCLAIN: Objection to the form.

17 THE WITNESS: I can't recall if that's

18 the first time I knew that or not.

19 BY MR. DUMONT:

20 Q. In the next sentence I want to ask you about
21 the word indications. The next sentence states, "It is
22 possible that additional indications exist on this section
23 of the pipe. But because of the depth -- because of the
24 depth, they are not being picked up with the limitations
25 of the equipment."

1 What is an indication?

2 A. Typically in a survey an indication is an
3 abnormality in the data from whatever survey is being
4 performed.

5 Q. If we go back up to PDF page 107. I think we
6 should turn to 105 for completeness sake. It's another
7 CAR, CAR number 2015-008.

8 Do you see that?

9 A. I do.

10 Q. And you signed it on -- twice on December 11,
11 2015?

12 A. Yes.

13 Q. Did you also write what's found on PDF page
14 107 "Action taken/verification"?

15 A. I can't recall if I exactly wrote that.

16 Q. By signing the CAR on 12/11/15 did you approve
17 what's on page -- PDF page 107?

18 MR. McCLAIN: Objection to form.

19 THE WITNESS: I'm just looking at it or
20 reading it. Could you ask that question again
21 please?

22 BY MR. DUMONT:

23 Q. Yes. Did you approve of the action
24 taken/verification part of the CAR that's found on PDF
25 page 107?

1 A. Yes. I was part -- yes. I was part of -- I
2 know there are -- I can recall other people being involved
3 at Vermont Gas. But I signed it. That is correct.

4 Q. Who else was involved?

5 A. I don't know if I recall specific people.

6 Q. Let's read through it line by line. First
7 sentence says, "VGS hired EN Engineering to conduct the
8 indirect inspection of the pipe."

9 You agree with that, don't you?

10 A. Yes.

11 MR. McCLAIN: Objection to form.

12 BY MR. DUMONT:

13 Q. Second sentence. "EN Engineering provides,
14 quote, comprehensive and dependable engineering,
15 consulting, and automation services to pipeline companies,
16 utilities, and industrial consumers."

17 To your knowledge that's correct; isn't it?

18 A. That's what it says. Yes.

19 Q. Next sentence. "EN Engineering reviewed and
20 revised -- EN Engineering reviewed and revised VGS's
21 direct assessment procedure and was hired in 2015 to
22 conduct a direct assessment on multiple sections of pipe
23 in VGS's transmission system."

24 That's all correct; isn't it?

25 MR. McCLAIN: Objection.

1 THE WITNESS: That's what it reads,
2 yes.

3 BY MR. DUMONT:

4 Q. And in fact, it was true?

5 MR. McCLAIN: Objection to form.

6 THE WITNESS: I don't have the records
7 to say it was 2015. But that's what you read is what
8 it reads on this paper. And EN Engineering has
9 worked for Vermont Gas in the past.

10 BY MR. DUMONT:

11 Q. Next sentence, in the next paragraph --

12 MR. McCLAIN: Jim, it's still not --
13 the sound's still not right.

14 MR. DUMONT: Can you hear me now?

15 MR. McCLAIN: Yeah.

16 MR. DUMONT: How about now? Good?

17 MR. McCLAIN: Yes.

18 BY MR. DUMONT:

19 Q. The next paragraph states, "EN performed a
20 close interval survey (CIS), and an alternating current
21 voltage gradient (ACVG) survey, and a direct voltage --
22 direct current voltage gradient (DCVG) survey on the
23 section of pipe installed by HDD."

24 To your knowledge; is that correct?

25 A. Yes. I believe that's correct.

1 Q. And next sentence states, "The ACVG survey
2 found one minor coating defect on the upstream side of the
3 pipe, but the DCVG survey found no indications."

4 Is that accurate?

5 A. Yes. That's what it says. Yes.

6 Q. And to your knowledge that's all correct?

7 A. Just going to go look at the report.

8 Q. Sure.

9 A. That matches up with EN's report.

10 Q. The next sentence states, "EN concluded that
11 it appears," quote, that this segment of pipe could be
12 adequately cathodically protected. As long as coating
13 damage does not exist anywhere else along the pipe, it
14 would raise the necessary cathodic protection, unquote.
15 And then quote, "Based on the testing, it appears this
16 section of pipe is acceptable."

17 In fact, is that what EN concluded?

18 MR. McCLAIN: Object to the form.

19 THE WITNESS: That is basically a
20 summary of what EN concludes in their report.

21 BY MR. DUMONT:

22 Q. The next sentence states "They do indicate
23 that the survey is most effective at depths of less than
24 20 feet."

25 Is that, in fact, EN concluded?

1 A. Yes. That's in their report.

2 Q. But it leaves out important information,
3 doesn't it? Let me see if you agree.

4 If you turn to the EN report under analysis,
5 it states, "Analysis of the CIS survey data, ACVG and
6 DCVG indicate only one minor coating defect."

7 Do you see that?

8 A. Are you talking on page 109?

9 Q. Yes.

10 A. Yes. Yes. I see that.

11 Q. And then in a paragraph that you read out you
12 loud before says, "Based on the testing, it appears this
13 section of pipe is acceptable."

14 New sentence, "However, the pipe depth was
15 greater than 20 feet deep, and at that depth the surveys
16 performed are not as reliable. It is possible that
17 additional indications exist on this section of pipe. But
18 because of the depth they are not being picked up with the
19 limitations of the equipment."

20 I don't see in the quality assurance report
21 that we have been reading in the corrective action plan
22 any reference, any indication to the reader that the three
23 surveys CIS, ACVG and DCVG may be missing indications at a
24 depth greater than 20 feet.

25 So my question to you is, is this sentence in

1 the CAR incomplete or misleading because it does not
2 mention that ENE found that at depths greater than 20 feet
3 there may be indications that the surveys are not
4 detecting?

5 MR. McCLAIN: Objection to the form of
6 the question.

7 THE WITNESS: So what -- I'm not sure
8 if I -- what are you asking?

9 BY MR. DUMONT:

10 Q. Whether the sentence that you either wrote or
11 approved of that states, "They do indicate that the survey
12 is most effective at depths of less than 20 feet." That
13 sentence is leaving out the other caveat or concern that
14 ENE stated that at depths greater than 20 feet there may
15 be indications that are being missed despite all three
16 surveys.

17 A. I don't believe it's misleading because the
18 next sentence it says, "Majority of this section of pipe
19 is greater than 20 feet."

20 So I don't believe that what's written here is
21 trying to be misleading.

22 BY MR. DUMONT:

23 Q. Let's read the entire next sentence out loud.

24 MR. McCLAIN: He's already read this,
25 hasn't he?

1 THE WITNESS: No.

2 MR. McCLAIN: Okay. You've read it. I
3 mean -- go ahead. Sorry.

4 THE WITNESS: The sentence that starts
5 with "although"?

6 BY MR. DUMONT:

7 Q. Yes.

8 A. "Although a majority of this section of pipe
9 is greater than 20 feet, there is an approximately 100-
10 foot portion of the pipe that was pulled through the
11 entire hole on the lead end at a depth of 20 feet or
12 less."

13 Q. Read the next sentence after that.

14 A. "The survey did not find any coating defects
15 on this portion of pipe. A copy of report is attached."

16 Q. All right. So, in fact, the section of the
17 pipe that ENE tested was 20 feet or less, and ENE is
18 warning the reader that at depths greater than 20 feet
19 indications will be missed or may be missed by the three
20 kinds of surveys they did; correct?

21 MR. McCLAIN: Objection to the form of
22 the question.

23 THE WITNESS: Yeah. I don't -- I
24 either need that repeated or rephrased, please.

25 BY MR. DUMONT:

1 Q. So where in the CAR do you find the warning
2 that at depths of 20 feet -- at depths greater than 20
3 feet the surveys may not pick up indications? Where is
4 that found in the CAR?

5 MR. McCLAIN: Objection to the form of
6 the question.

7 THE WITNESS: I mean I think it's in
8 that CAR because I referenced the report, or in this
9 report -- I guess I don't know if I wrote that exact
10 last sentence of the -- of page 107, but "a copy of
11 the report is attached." So that sentence is
12 technically in my mind, part of the -- this CAR.

13 BY MR. DUMONT:

14 Q. Over the 41-mile length of the ANGP,
15 approximately how much of it uses HDD?

16 A. I can't say off the top of my head. The
17 footage.

18 Q. You testified as a witness in the Docket
19 Number 8643; correct?

20 A. I believe so. Yes. I don't know the exact
21 Docket Number. But I definitely worked on the -- I was
22 part of the Geprags Park project.

23 Q. Right. And it's an exhibit we have already
24 used today?

25 A. Yes.

1 Q. Exhibit 41.

2 A. Okay.

3 Q. In the Geprags Park -- in Geprags Park most of
4 the HDD was at a depth greater than 20 feet, was it not?

5 A. What number exhibit was that again?

6 Q. 41.

7 A. 41. Can you repeat that question, please.

8 Q. I'll ask a broader question. What depth is
9 the pipeline underneath the Geprags Park approximately?

10 A. I can't remember that -- the data on the
11 depths throughout the park.

12 Q. Is it greater than 20 feet, do you know?

13 A. I'd have to go to records to tell you that or
14 not. I can't say with a hundred percent certainty how
15 much is the depths. I'd have to see the data.

16 Q. So in general, what steps has Vermont Gas
17 taken to ensure the integrity of the pipeline where HDD
18 exceeds 20 feet in depth?

19 MR. McCLAIN: Objection to the form.

20 THE WITNESS: Can you repeat that,
21 please?

22 MR. DUMONT: Yes. Ms. Sears, if you
23 can read that one back.

24 (The record was read as requested)

25 THE WITNESS: In general, we conducted

1 multiple pressure tests of the HDDs, and we also ran
2 multiple in-line inspections of those, of the
3 pipeline which would include those HDDs.

4 BY MR. DUMONT:

5 Q. What does a CIS, an ACVG or a DCVG detect that
6 cannot be detected by other means?

7 A. I can tell you what those surveys are.

8 MR. McCLAIN: Objection. Sorry.
9 Objection to the form of the question. Go ahead.

10 THE WITNESS: The CIS is a test of
11 pipeline's cathodic protection system whereas a DCVG
12 or an ACVG tests can indicate coating holidays.

13 BY MR. DUMONT:

14 Q. And the test that you mentioned, did they
15 provide the same data?

16 A. Those tests, the tests I listed, the general
17 tests --

18 Q. Yes.

19 A. -- I listed, no, they don't measure coating.

20 Q. I'm finding the right page.

21 A. Can we take a three-minute bathroom break?

22 MR. DUMONT: Yeah. Why don't we make
23 it more like five or six minutes.

24 THE WITNESS: Okay. I appreciate it.

25 MR. DUMONT: It is 4:03. Let's start

1 at 4:15 so we are not rushed.

2 MR. McCLAIN: Yeah. So Jim, are we
3 going to be able to -- I'm happy to take a longer
4 break, but I'm also hoping that we can wrap up by 5.

5 MR. DUMONT: I'm hoping too.

6 MR. McCLAIN: So a longer break won't
7 stress it?

8 MR. DUMONT: Well we will make it 4:10.

9 MR. McCLAIN: Okay. Thanks.

10 THE WITNESS: I appreciate it.

11 (Recess was taken.)

12 BY MR. DUMONT:

13 Q. Mr. LeForce, you're familiar with Mr. Hareth,
14 H-A-R-E-T-H?

15 A. Yes.

16 Q. And in some of the communications that you
17 participated in with the department, you referred to his
18 letter which you stated that -- stating that a plan is for
19 a typical trench doesn't mean it has to be used in every
20 trench. Do you remember that?

21 A. Are you referring to something specific that I
22 wrote?

23 Q. Do you remember Mr. Hareth's report making
24 that point and your report referencing his report just in
25 general? I'm not going to tie down to language.

1 A. Oh. Yeah. I remember Hareth, and I remember
2 talking about something that he wrote. Yes.

3 Q. All right. So I want to ask you about what
4 was typical for the Addison Natural Gas Pipeline. I'm
5 using Mr. Hareth's approach that just because a plan
6 submitted to the commission was for a typical trench,
7 doesn't mean it had to be for every trench. So I have a
8 couple questions for you about what was typical.

9 A. Okay.

10 Q. For the ANGP, all 41 miles of it, was it
11 typical that backfill would contain no stones or clods
12 larger than three inches in greatest dimension?

13 A. If you're referring to backfill as the
14 material above any type of padding, it did for a time.
15 But we changed it -- we adjusted it through a document
16 that we looked at earlier today.

17 Q. Thank you. Was it typical for the ANGP, all
18 41 miles of it, to backfill with clean sand to a height 12
19 inches over the pipe?

20 MR. McCLAIN: Objection to the form of
21 the question.

22 THE WITNESS: It was typical to have
23 padding around the pipe. Not -- I wouldn't
24 characterize it as clean sand.

25 BY MR. DUMONT:

1 Q. And padding consisted of native soils;
2 correct?

3 A. Padding could, yes, refer to native material.

4 Q. Was it typical in wetland areas for native
5 sub soil and topsoil be segregated and then returned so
6 that the border between the sub soil and the topsoil
7 followed, or was that the same level of the interface in
8 the adjoining soils? If that was confusing, I can ask it
9 over.

10 A. Yeah. I would appreciate that. Please.

11 Q. Sure. In wetland areas was it typical for sub
12 soils to be backfilled to match the depth of adjacent
13 native undisturbed sub soils? I'm just restricting this
14 to wetlands.

15 A. It was typical to segregate the soils. I'd
16 have to look at the permits or the specs to see if it was
17 worded as you -- as you said to me to say -- to say yes or
18 no.

19 Q. Was it typical for the entire ANGP, all 41
20 miles, with the exception of resource -- I'm sorry -- with
21 the exception of wetland areas and prime agricultural soil
22 areas for soils -- for backfill to be compacted in layers
23 not exceeding six inches?

24 MR. McCLAIN: Objection to form.

25 MR. DUMONT: It was a long question. I

1 can ask it over again if you want.

2 THE WITNESS: Yes. I would appreciate
3 that.

4 BY MR. DUMONT:

5 Q. So I'm excluding wetlands and prime
6 agricultural soils from this question. With those
7 exclusions, was it typical for the ANGP, all 41 miles, for
8 backfill to be compacted in layers not exceeding six
9 inches in compacted thickness?

10 MR. McCLAIN: Objection to form.

11 THE WITNESS: I don't know if that --
12 you could say that was typical. I don't know.

13 BY MR. DUMONT:

14 Q. Thank you. For the entire ANGP, again
15 excluding wetlands areas and excluding prime agricultural
16 areas, was it typical for the contractor to provide
17 testing to Vermont Gas Systems to ensure that the in-place
18 density of the backfill meets requirements?

19 MR. McCLAIN: Objection to form.

20 THE WITNESS: I don't believe that was
21 typical.

22 BY MR. DUMONT:

23 Q. Thank you. When I deposed Mr. St. Hilaire, he
24 indicated that you had informed him of some emails or
25 newsletters of some kind that Mr. Byrd was sending to

1 Vermont Gas Systems. Do you know about that?

2 A. Yeah, I do. Yes, I do.

3 Q. Tell me what you know about that.

4 A. That -- can you repeat how you characterized
5 the emails, please?

6 Q. It was along the lines of an email newsletter.
7 It wasn't a personalized email. But some kind of
8 unpersonal email that was sent to people at Vermont Gas
9 Systems by Mr. Byrd or his company about gas pipelines?

10 A. Yes. I remember emails of that nature.

11 Q. Can you describe those for us in some detail?

12 A. Like many associations and vendors, I get a
13 multiple -- a multitude of emails about industry news, and
14 I know I've received some from RCP that announce various
15 industry news about regulations and information like that.
16 It's like some type of newsletter form.

17 Q. When did you discover that Mr. Byrd was -- had
18 been sending these to Vermont Gas?

19 A. I believe I had realized that they were from
20 Mr. Byrd's company, it was sometime after that he was the
21 investigator or hired as the investigator or after I had
22 first met him.

23 Q. What did you do when you made that
24 realization? Did you do anything with that information?

25 A. Yeah. I mean I think I had mentioned it. I

1 had made that connection, and I don't know who I told. I
2 believe, as John St. Hilaire said, I must have told him,
3 but that was it. That's all I remember. I don't know who
4 else I told.

5 Q. Were you present during any meetings with Mr.
6 Byrd that occurred by Skype?

7 A. I was -- I don't know if it was by Skype, but
8 I recall being part of meetings with Mr. Byrd through some
9 type of conference call.

10 Q. Can you tell me roughly -- I mean --

11 A. Oh, there was a break up.

12 Q. Sorry. I asked you to tell me, if you can,
13 when -- roughly when that meeting was?

14 A. I mean there were multiple times that I can
15 remember. I believe there was one or two before he came
16 for two site visits to Vermont, and I think we had a
17 couple, one or two, I don't know, meetings or conference
18 calls on planning for those site visits or talking about
19 those site visits.

20 And then he interviewed me through a
21 conference call towards the -- after the site visit --
22 both site visits were completed.

23 Q. When you were on conference calls with Mr.
24 Byrd, what was the subject matter?

25 A. I think the ones before the site visits, as I

1 said, were to talk about those site visits logistics, and
2 trying to make them -- just trying to plan them out. And
3 then when he interviewed me, he just asked a bunch of
4 questions that I gave answers to similar, you know, to
5 this.

6 Q. Do you recall meeting at my office with me,
7 Mr. Byrd, Dr. Smolker, Mr. Shelton, Attorney Bouffard and
8 Mr. St. Hilaire?

9 A. Yeah. I remember having one meeting in your
10 upstairs office where you hold, I think, concerts. Yes.

11 Q. Yes. Before that meeting, did you participate
12 in any conference call with Mr. Byrd? Or Skype?

13 A. No, I don't believe so. I'm pretty sure that
14 was the first time I had met Mr. Byrd.

15 Q. All right. Well it's 4:27 and I'm done.
16 Others may have questions for you. I want to thank you
17 for your patience and your courtesy and your attempt to
18 really listen carefully to my questions. I appreciate it.

19 A. Thank you.

20 MR. McCLAIN: Eric, do you want to ask
21 any questions or need clarification on anything?

22 MR. GUZMAN: No. I don't think so.

23 MR. McCLAIN: I don't have any
24 follow-up questions for Chris either.

25 MR. DUMONT: All right. Now we can all

1 go home, and go home from our offices.

2 THE WITNESS: A few feet.

3 MR. McCLAIN: Thank you.

4 MR. DUMONT: Thank you everyone for
5 coordinating this, and socially isolate.

6 THE WITNESS: Yes, I encourage that
7 too. Please help everybody out.

8 MR. DUMONT: Stay healthy. Thank you.

9 (Whereupon, the proceeding was
10 adjourned at 4:27 p.m.)

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S I G N A T U R E

This deposition has been read by me and the answers contained therein are true and accurate.

Chris LeForce

Subscribed and sworn to before me this _____ day of _____, 2020.

Notary Public

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C E R T I F I C A T E

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2
3 I, Kim U. Sears, do hereby certify that
4 I reported by stenographic means the
5 deposition of Chris LeForce, held by Zoom,
6 on March 27, 2020, beginning at 10 a.m.

7 I further certify that the foregoing
8 testimony was taken by me stenographically
9 and thereafter reduced to typewriting, and
10 the foregoing 166 pages are a transcript of
11 the stenographic notes taken by me of the
12 evidence and the proceedings, to the best of
13 my ability.

14 I further certify that I am not related
15 to any of the parties thereto or their
16 counsel, and I am in no way interested in
17 the outcome of said cause.

18 Dated at Williston, Vermont, this 1st
19 day of April, 2020.
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ERRATA SHEET

To: Chris LeForce
Re: Docket No. 17-3550-INV
Date of Depo: 3/27/2020

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DO NOT MARK ON THE TRANSCRIPT OR TAKE APART OR TAMPER WITH THE ORIGINAL TRANSCRIPT. Any typographical errors, corrections, or changes you think should be made must be listed on the correction sheet and returned with the deposition.

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