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STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

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

30 (b) (6) DEPOSITION  
- of -

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

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

COURT REPORTER: JOHANNA MASSÉ, RMR, CRR

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ALSO PRESENT:

LISA BARRETT  
JANE PALMER  
RACHEL SMOLKER  
JOHN ST. HILAIRE

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

PAGE  
5

E X H I B I T S

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

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

TUESDAY, DECEMBER 19, 2017

10:04 AM

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(Deposition Exhibit No. 1 was marked for identification prior to the commencement of the proceedings.)

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

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

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

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

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

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

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

And, Carl, do you want to introduce yourself?

THE WITNESS: Carl Bubolz.

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

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

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

4 MR. SIMON: No, sir.

5 MR. DUMONT: Okay.

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

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

12 MICHELS CORPORATION,

13 by and through its corporate designee,

14 CARL BUBOLZ,

15 appearing via telephone and having been first duly

16 sworn by Attorney Simon, testified as follows:

17 MR. SIMON: Spell your last name.

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

19 EXAMINATION

20 BY MR. DUMONT:

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

22 A. "Boo-boles."

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

25 A. I am a superintendent.

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

2 A. Generally over -- over the project.

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

4 Could you repeat that?

5 A. My duties would be the overall -- over the

6 project I'm assigned to.

7 Q. And how long have you been a superintendent at

8 the Michels Corporation?

9 A. I believe 11 years.

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

11 A. Yes.

12 Q. How many times?

13 A. One.

14 Q. And what was that about?

15 A. It was an incident with a crane.

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

17 A. We -- there was an incident with a crane

18 that -- that tipped on our project in 2007.

19 Q. So why was your deposition taken?

20 A. Because I was a superintendent on that

21 project.

22 Q. And was there a workers' comp claim or a

23 personal injury claim or some other claim?

24 A. It was a -- there was no injury. It was more

25 of an other claim.

1 Q. Who made the claim?

2 A. The crane company.

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

4 A. Michels.

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

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

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

15 A. Understood.

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

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

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

22 A. Yes.

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

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

1 Q. Michels had a lawsuit against Michels?

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

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

6 A. Yes.

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

10 A. Superintendent.

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

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

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

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

18 Q. Where?

19 A. Superior, Wisconsin.

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

22 A. Eleven years.

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

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

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

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

5           A.    Yes.

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

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

10          Q.    And then what?

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

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

14          A.    1996.

15          Q.    What was your employment before that?

16          A.    I started right out of high school.

17          Q.    Where did you go to high school?

18          A.    Horace Mann High School.

19          Q.    Where is that?

20          A.    North Fond du Lac.

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

23          A.    North Fond du Lac?

24          Q.    Yes.

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

1 Q. Is that in Wisconsin?

2 A. Yes.

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

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

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

9 A. Yes.

10 Q. Do you have a copy with you?

11 A. Yes.

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

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

15 BY MR. DUMONT:

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

1 Vermont, nearby to the Monkton town line.

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

4 A. I would be certain they did.

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

6 A. Yes.

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

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

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

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

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

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

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

21 A. No.

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

24 A. Jolene is my wife.

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

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

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

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

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

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

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

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

14 A. No.

15 Q. Who is Mary Chevalier?

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

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

21 A. I do from the time sheets listed.

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

24 A. No.

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

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

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

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

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

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

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

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

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

25 Q. Do you possess records or does the company

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

3 A. No.

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

6 A. No.

7 Q. Does -- does --

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

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

12 A. The project as a whole.

13 Q. All 41 miles?

14 A. Correct.

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

17 A. I don't think so.

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

20 A. The recollection of the dates?

21 Q. Yes.

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

24 Q. Were you there in 2014?

25 A. Are you saying the year 2014?

1 Q. Yes.

2 A. No.

3 Q. Were you present in the year 2015?

4 A. No.

5 Q. Were you present in the year 2016?

6 A. Yes.

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

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

10 Q. The New Haven site.

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

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

14 A. I was definitely there in September.

15 Q. Would you have been there in October?

16 A. I don't recall.

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

20 A. Many.

21 Q. And why were you there many times?

22 A. Because I was overseeing the project.

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

25 A. The work being performed.

1 Q. What aspect of the work?

2 A. All of it.

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

8 A. Yes.

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

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

13 Q. Whose -- whose was it?

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

15 Q. Who was that?

16 A. I don't recall their name.

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

19 A. Yes.

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

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

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

9 A. Yes.

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

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

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

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

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

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

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

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

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

16 MR. SIMON: Can you repeat the question?

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

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

23 BY MR. DUMONT:

24 Q. Please answer that.

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

1 for the swamp area.

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

5 MS. BOUFFARD: Objection.

6 MR. DUMONT: Your objection's noted.

7 Q. Please answer.

8 A. That's correct.

9 Q. Who would know that?

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

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

13 A. Yes.

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

15 A. That is correct.

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

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

23 A. Yes.

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

1 absence of backfill or padding under the pipeline?

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

5 MR. DUMONT: In September of 2016.

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

7 THE WITNESS: Yes.

8 A. Please repeat the question.

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

14 A. No.

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

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

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

21 A. Padding would be material free of rocks.

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

24 A. I said rocks.

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

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

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

8 A. It was visual.

9 Q. Visual by who?

10 A. By the crew on-site --

11 Q. Okay.

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

13 Q. Who was the inspector on-site?

14 A. I believe his name was Gordon.

15 Q. Gordon what?

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

17 Q. Give it your best shot.

18 A. Brushare [phonetic].

19 Q. Was he a Michels employee?

20 A. No.

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

22 A. He worked for the inspection company.

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

25 A. I believe it was Hatch Mott.

1 Q. Can you spell that?

2 A. No.

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

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

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

9 A. No.

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

17 A. Visual.

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

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

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

24 A. No.

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

1 superintendent determine that the standards were  
2 satisfied?

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

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

8 A. That's correct.

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

12 A. Visual.

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

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

17 Q. Who was the foreman on-site?

18 A. Her name was Jolene.

19 Q. Your wife?

20 A. That is correct.

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

24 A. Visual.

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

1 you?

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

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

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

12 BY MR. DUMONT:

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

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

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

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

20 A. Okay. 0019.

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

25 A. Yes.

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

6 A. I see nothing.

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

9 A. The handwriting should be Jolene's.

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

11 A. Yes.

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

14 A. Yes.

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

17 A. Yes.

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

19 A. Yes.

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

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

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

23 A. I do not know where he stayed.

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

25 A. Yes.

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

2 A. I do not recall.

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

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

13 A. None that I'm aware of.

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

19 A. Yes.

20 Q. How do you know that?

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

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

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

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

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

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

15          A.    We did a visual inspection.

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

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

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

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

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

23          A.    Yes.

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

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

4 A. Yes.

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

7 A. Yes. I know the process.

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

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

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

18 A. Yes.

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

21 A. Yes.

22 Q. Tell us what the other method was.

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

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

1 pipeline down as we went."

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

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

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

10 Q. How deep was that trench?

11 A. Roughly two to three feet.

12 Q. How do you know that?

13 A. Because that's what we did.

14 Q. Were you there at all times?

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

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

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

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

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

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

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

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

8           A.    No.

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

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

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

20          A.    That's correct.

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

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

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

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

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

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

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

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

10 A. No.

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

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

15 Q. How deep was the water?

16 A. I do not recall.

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

18 A. No.

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

22 A. No.

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

25 A. Yes.

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

3 A. Yes.

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

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

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

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

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

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

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

19 A. Correct.

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

24 A. Yes.

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

1 doing so, correct?

2 A. Correct.

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

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

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

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

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

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

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

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

4 MS. BOUFFARD: Objection.

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

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

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

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

15 A. What are you looking at again?

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

18 A. Yes.

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

21 A. Correct.

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

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

3 A. Two laborers.

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

7 A. That's another foreman.

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

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

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

14 A. For that particular day.

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

18 A. Yes.

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

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

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

24 A. I would assume so.

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

1 correct?

2 A. Yes.

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

4 A. Yes.

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

9 A. Yes.

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

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

15 Q. Then what does it say?

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

17 Q. Then what does it say?

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

20 Q. And then?

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

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

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

3 A. Okay.

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

6 A. Correct.

7 Q. The other eight did not, correct?

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

10 Q. Am I correct?

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

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

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

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

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

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

21 A. Not that I am in possession of.

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

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

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

3 A. No.

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

6 A. No.

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

11 A. Yes.

12 Q. Do you know what that means?

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

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

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

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

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

1 recall.

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

4 A. The specifications?

5 Q. Yes.

6 A. I would believe so.

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

10 A. Correct.

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

14 A. Correct.

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

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

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

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

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

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

7           (Interruption by the reporter.)

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

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

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

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

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

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

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

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

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

19 BY MR. DUMONT:

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

25 A. I would believe so.

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

8 A. Not on September 19th, no.

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

10 A. Yes.

11 Q. Tell me about that conversation.

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

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

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

19 Q. Who is Mr. Vincent?

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

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

24 A. That's correct.

25 Q. -- who Mike Reagan was.

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

3           Q.    Who is Danny Crandall?

4           A.    Darrel Crandall --

5           Q.    Darrel Crandall. Thank you.

6           A.    -- was the chief inspector.

7           Q.    Who did he work for?

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

10          Q.    When did this conversation occur?

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

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

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

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

19          A.    I do not know the dates.

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

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

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

4           A.    This was on a laptop.

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

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

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

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

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

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

19          Q.    What does it mean --

20          A.    And --

21          Q.    Go ahead.

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

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

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

3 A. We suggested the use of sheet piling.

4 Q. Why?

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

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

9 A. Well, it was a swamp.

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

12 A. Yes.

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

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

17 Q. Which locations?

18 A. I -- I do not recall.

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

1 Did I read that correctly?

2 A. Yes.

3 Q. Can you explain that?

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

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

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

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

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

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

19 Q. And he reported to you?

20 A. That's correct.

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

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

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

1 Monkton?

2 A. Yes.

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

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

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

11 A. That I do not know.

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

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

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

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

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

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

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

5 A. I'm certain there is.

6 Q. Okay.

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

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

12 A. Extension to the right.

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

16 A. That is correct.

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

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

20 Q. What is a tie-in crew?

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

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

1 little otter creek bore"?

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

4 Q. Okay. What does that mean?

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

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

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

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

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

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

15 A. This was in the ditch.

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

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

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

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

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

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

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

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

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

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

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

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

24 A. Yes.

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

1 caption? I can't read that.

2 A. It says Roy stringing.

3 Q. Roy stringing. Okay. So Roy is a person's

4 name?

5 A. Roy is a person's name, and stringing is

6 misspelled.

7 Q. Okay. What does "stringing" mean?

8 A. Stringing is a crew that lays down the pipe

9 from the pipe yard to the right-of-way.

10 Q. Is welding done as part of stringing?

11 A. No.

12 Q. It's done afterwards?

13 A. That is correct.

14 Q. All right. So when it says finished stringing

15 in the New Haven swamp, what does that mean?

16 A. It means he finished placing the pipe in the

17 New Haven swamp.

18 Q. Was it placed in the trench that we discussed

19 earlier?

20 A. No. This was placed aboveground.

21 Q. Was it placed on any kind of bedding?

22 A. No. This was placed on skids in preparation

23 for welding.

24 Q. What is a skid?

25 A. A piece of wood approximately four foot long

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

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

7 Did I read that correctly?

8 A. Yes.

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

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

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

16 A. He finished his tie-ins.

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

20 A. That's correct.

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

23 What does that mean?

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

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

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

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

8 A. Correct.

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

12 A. There's pieces, yes.

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

16 A. Yes.

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

20 A. No.

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

24 A. Actually, yes, it does.

25 Q. Okay. Tell me about that.

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

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

8                    What does that mean?

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

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

12          A.    That's correct.

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

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

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

19          A.    I honestly do not remember.

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

21          A.    No.

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

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

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

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

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

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

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

10 Q. Wrap it with what?

11 A. The rock shield.

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

14 A. It would be like a plastic mesh.

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

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

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

22 A. From memory, correct.

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

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

1 Q. Who did the concrete coating?

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

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

5 A. That is correct.

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

9 A. That sounds logical.

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

13 MS. BARRETT: 21st.

14 Q. Or the 16th.

15 MS. BARRETT: 21st, I think.

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

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

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

1 Drinkwater today.

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

4 A. That is correct.

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

8 That's a different site, correct?

9 A. Correct.

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

13 A. That's a different site.

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

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

19 Q. And what, if you --

20 A. A different site.

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

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

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

1 difference?

2 A. Excuse me?

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

5 A. It's a different site.

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

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

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

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

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

15 A. Yes.

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

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

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

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

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

10 A. I don't recall.

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

13 A. No.

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

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

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

1 Haven swamp?

2 A. Can you repeat the question?

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

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

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

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

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

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

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

25 Q. Okay. Next?

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

5           MR. SIMON: Hold on one second.

6           MR. DUMONT: Sure.

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

8   There was someone at the door. Continue.

9           MR. DUMONT: Okay. Thank you.

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

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

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

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

21          Q.    And this is the 15th?

22          A.    Yes.

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

25                You wrote these entries, correct?

1           A.    That's correct.

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

3           What did you mean by that?

4           A.    It means the conditions were terrible.

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

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

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

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

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

17          A.    Say that again.

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

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

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

1           A.    3 o'clock on the 14th.

2           Q.    And -- and that's what Jolene was referring to  
3 as they got 700 feet done by the end of that day?

4           A.    That is correct.

5           Q.    Okay. Thank you. What's the next entry  
6 relating to the clay plains swamp or the New Haven  
7 swamp?

8           A.    It would be on the 19th. It says, 400 more  
9 foot through the swamp. It got worse, then better.

10          Q.    Is this one trench to the side of the  
11 pipeline, or is this trenches on both sides of the  
12 pipeline?

13          A.    It's one trench on the side of the pipeline.

14          Q.    Okay. What's the next entry?

15          A.    The 20th says, Out of bad area. Got our five  
16 foot of cover on Hurlburt property. Made tie-in weld  
17 on north side of the swamp.

18          Q.    And again, that is which day?

19          A.    I believe it's the 20th.

20          Q.    I am sorry if this is repetitive, but what is  
21 a tie-in weld?

22          A.    A tie-in weld would be putting the swamp piece  
23 that they dug in and connecting it to the mainline  
24 piece that was on the other side of the swamp.

25          Q.    North of the swamp?

1           A.    North of the swamp.

2           Q.    Who did the welding?

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

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

7           A.    Yes.  The welder was Brian Foster.

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

12          A.    Other than the tie-in?

13          Q.    Yes.

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

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

18          A.    Only in my notes.

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

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

3           MR. DUMONT: Sure.

4           MR. SIMON: He can't see.

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

6           Q. And how did you figure that out?

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

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

15          MR. DUMONT: Okay. Thank you.

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

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

21          A. That is correct.

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

25          A. Of who did the welds?

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

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

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

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

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

11 A. That is correct.

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

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

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

17 A. I could not tell you that.

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

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

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

24 A. No.

25 Q. Were the welders Michels employees?

1 A. Yes.

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

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

10 Did I read that correctly?

11 A. Yes.

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

14 A. It was the 21st.

15 Q. Okay. And what does that mean?

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

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

21 A. Correct.

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

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

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

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

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

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

11          Q.    What is the PI swamp section?

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

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

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

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

20          A.    They had to haul it.

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

23          A.    No.  I don't recall.

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

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

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

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

5 A. Because they ran out of room.

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

8 A. Yes.

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

11 MS. BARRETT: 23rd.

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

14 A. Says "rain out."

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

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

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

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

24 Q. What does "rain out" mean?

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

1       went home.

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

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

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

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

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

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

18          Q.    What does that mean?

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

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

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

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

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

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

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

8 A. A bell hole.

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

10 A. That is correct.

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

12 A. Yes.

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

15 A. That's not what it says.

16 Q. Okay. What is --

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

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

23 A. A portion of it.

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

1 the ground.

2 A. This is outside of the swamp area.

3 Q. Okay.

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

5 Everything in the swamp was already in the ground.

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

12 A. No.

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

17 A. No.

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

23 A. Yes.

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

- 1           A.    No.
- 2           Q.    Whose responsibility was it, Michels or Clough  
3 Harbour or somebody else, to install the zinc ribbon?
- 4           A.    We actually had another crew that went in  
5 afterwards to install the zinc ribbon.
- 6           Q.    After the pipeline was covered up?
- 7           A.    That is correct.
- 8           Q.    What was -- do you know what the name of that  
9 crew was or who the crew leader was?
- 10          A.    Dave Prokosch was his name.
- 11          Q.    What was his first name?
- 12          A.    I did not keep a record of him. He does not  
13 have a column in my notes.
- 14          Q.    What was Mr. Prokosch's first name?
- 15          A.    Dave.
- 16          Q.    Dave, like David?
- 17          A.    Yes.
- 18          Q.    Okay. David Prokosch. P-r-o-k-o-s-h, maybe?
- 19          A.    That sounds pretty close.
- 20          Q.    And he was a Michels employee?
- 21          A.    That is correct.
- 22          Q.    Do you know whether Mr. Prokosch kept his own  
23 records that would show that the zinc ribbon was put  
24 down and who put it down and when it was put down?
- 25          A.    He would have had a time sheet, and I -- I

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

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

13 MS. BOUFFARD: Objection.

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

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

17 Q. Okay.

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

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

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

1 that.

2 Q. So your wife's signature isn't on this page  
3 20, correct?

4 A. Correct. My signature.

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

7 A. That is my signature, correct.

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

9 A. Yes.

10 Q. Yeah. All right. And so this is -- the  
11 purpose of 0020 is not -- actually it says time record,  
12 but it's not to keep track of time; it's for some other  
13 purpose?

14 A. Well, it's to keep track of time as well for  
15 the people that did not necessarily fall into a crew.

16 Q. I see. Okay. So the corresponding sheet for  
17 the 19th is sheet 18?

18 A. That's correct.

19 Q. All right. If we can move to sheet 21, daily  
20 time report, is this again in Jolene's handwriting?

21 A. Yes.

22 Q. It says "worked till 7 PM," and it says  
23 "finished clay planes 885 feet."

24 "885 feet" is circled and it's highlighted in  
25 yellow. Do you know who circled it and who highlighted

1       it?

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

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

8           A.    You mean page 19?

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

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

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

14          A.    388.

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

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

20          Q.    Okay.

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

23          Q.    1273.  Okay.  So the --

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

25       Okay.

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

4 A. Took 885 --

5 Q. Um-hum.

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

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

10 A. Correct.

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

18 A. No. There were two separate swamps.

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

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

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

1 Q. All right. What does that mean?

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

4 Q. What does "1 cut" mean?

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

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

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

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

15 A. "Side is tied-in."

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

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

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

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

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

12 A. Not that we possess.

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

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

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

25 I haven't asked you compaction questions. Do

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

4 A. We did not compact the backfill.

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

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

9 Q. Did you ever see the agreement?

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

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

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

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

23 A. I do not have any documents.

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

1 A. Correct.

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

4 A. No.

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

10 A. Yes.

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

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

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

15 And --

16 A. I was done.

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

19 A. I do not know.

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

23 A. I believe that conversation --

24 Q. Go ahead.

25 A. -- referred to the sheeting issue.

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

3 A. Essentially.

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

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

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

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

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

15 MR. DUMONT: Yup.

16 A. My guess would be the 15th.

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

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

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

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

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

3 A. Yes.

4 Q. Tell me what you recall.

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

7 Q. Had Michels --

8 A. What our op- --

9 Q. Go ahead. Sorry.

10 A. And what our options would be.

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

15 A. I honestly don't remember.

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

19 A. I believe so.

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

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

1 Q. Mr. Reagan and Mr. Crandall?

2 A. Correct.

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

6 A. In the clay plains --

7 Q. Yes.

8 A. -- you mean?

9 Q. Yes, I do.

10 A. Yes.

11 Q. How did that come to your attention?

12 A. It was verbal from Mr. Crandall.

13 Q. Tell me what you remember him saying.

14 A. I remember him saying it got approved.

15 Q. Approved by whom?

16 A. I believe it was VELCO.

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

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

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

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

6 MS. BOUFFARD: Objection.

7 Q. Go ahead.

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

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

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

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

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

21 Q. Where was that?

22 A. At our construction yard in Williston.

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

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

1 know.

2 Q. How did the subject come up?

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

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

8 A. That is correct.

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

12 A. I believe it was me.

13 Q. Why did you have concerns?

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

16 Q. How wide was it?

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

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

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

23 Q. What's typical in your business?

24 A. Seventy-five to a hundred.

25 Q. Tell me the connection between your concern

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

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

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

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

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

12 A. From what I can remember.

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

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

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

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

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

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

4 A. Both.

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

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

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

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

17 Q. What were the other possible solutions?

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

21 Q. Any other options?

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

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

1           A.    I believe only briefly.

2           Q.    What did they say about directional drilling?

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

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

6           A.    I do not recall.

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

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

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

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

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

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

1 made the agreement.

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

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

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

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

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

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

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

6           A.    Nope.

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

9           A.    Of course.

10          Q.    Briefly, what is the policy?

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

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

17          A.    Yes.

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

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

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

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

6           A.    I don't believe so.

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

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

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

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

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

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

18          A.    Yes.

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

21          A.    These were taken in November.

22          Q.    Of what year?

23          A.    2016.

24          Q.    Do you know who took the photographs?

25          A.    I did.

1 Q. And why did you take them?

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

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

9 A. No.

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

12 A. That is correct.

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

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

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

19 A. Yes.

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

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

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

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

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

8 A. No, I did not.

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

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

15 A. I don't know.

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

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

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

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

23 Q. Sent by who?

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

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

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

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

4           A.    Yes.

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

8           A.    Yes.

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

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

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

19          A.    This was in November, I believe.

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

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

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

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

7 A. I believe those are weld numbers.

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

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

12 Q. Who redacted it?

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

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

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

18 A. Correct.

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

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

1 confidentiality.

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

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

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

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

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

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

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

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

4 BY MR. DUMONT:

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

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

11 MR. DUMONT: Sure.

12 (A recess was taken.)

13 BY MR. DUMONT:

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

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

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

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

20 A. That is correct.

21 Q. How was that brought onto the site?

22 A. It was brought on by trucks.

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

25 A. They were 60 foot long.

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

3 A. Yes.

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

6 A. It would be a pipe layer.

7 Q. What is a pipe layer?

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

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

14 A. Yes.

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

17 A. That is correct.

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

19 A. That is correct.

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

23 A. Yes.

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

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

3 A. Yes.

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

7 A. The matting stays down.

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

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

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

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

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

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

1 Q. Were you there when that was done?

2 A. I do not believe so.

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

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

5 was picked up and put into the initial trench?

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

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

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

9 Q. Is there any record of what the

10 concrete-coated pipeline was resting on before it was

11 placed in the trench?

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

13 that I mentioned earlier.

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

15 practice?

16 A. Yes.

17 Q. Is there any record that wooden skids were

18 used in this --

19 A. No.

20 Q. -- in the clay plains swamp?

21 A. No.

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

23 Jolene have indicated that skids were used?

24 A. No. Skids are used everywhere that you

25 assemble pipe to elevate it off the ground for the

1 welders to weld it.

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

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

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

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

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

16 A. Only for the first couple feet.

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

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

20 Q. And why was that?

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

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

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

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

13 A. In my notes it says the materials were  
14 terrible. I believe in Jolene's time sheets, it says  
15 there were bad conditions. And that's all I know of.

16 Q. And when you say "terrible" or "bad," you mean  
17 very wet?

18 A. It wasn't even that wet. It wasn't like we  
19 were digging in water. The material was -- it was just  
20 like an ooze.

21 Q. I think you need to explain that for me. You  
22 said it wasn't very wet but it was an ooze. I don't --  
23 I can't comprehend the distinction. What do you mean?

24 A. It -- it was just muck. There -- there wasn't  
25 standing -- a ton of standing water in the ditch. It

1 was -- it was just -- it would just ooze in on you.  
2 Every time you took a bucket out, more would come in.  
3 It would -- it wasn't stable whatsoever. It wouldn't  
4 stay in a pile after you set it on the matting, and it  
5 would not hold ditch. No matter what you did or how  
6 you tried, it would just keep coming in.

7 Q. In your experience working for the Michels  
8 Corporation, had you ever encountered conditions such  
9 as this or similar to this?

10 A. I would have to say that's one of the worst  
11 ones I've ever seen.

12 Q. All right. So going forward with the  
13 narrative, you've got the trench -- the initial trench  
14 dug. You've got the material removed from the trench  
15 on the other side of the trench from where the  
16 equipment is. The equipment is operating on top of  
17 wooden mats, correct?

18 A. That is correct.

19 Q. The equipment that -- what equipment is then  
20 used to move the pipeline into the trench? Is that  
21 what's called -- is that an excavator, or was that the  
22 pipe-laying equipment?

23 A. An excavator. When we dug, there was no road  
24 along the side of the trench any longer. You could not  
25 put any kind of weight there whatsoever. It was an

1 ooze.

2 Q. And I'm sorry. I forgot the name of the  
3 pipe-laying equipment that you used initially. What  
4 was that called? A pipe layer? Is that what you said?

5 A. A pipe layer, correct.

6 Q. And what do those look like?

7 A. It's a Caterpillar-type machine.

8 Q. Um-hum.

9 A. Like a -- like a bulldozer but without a  
10 blade, and it would have an A-frame structure hanging  
11 off the side of it to be able to -- somewhat of a crane  
12 off the side that you could pick and move forward and  
13 backwards off the side of the machine.

14 Q. And were those used to place the pipeline into  
15 the trench?

16 A. No. We used excavators to place the pipeline  
17 into the trench.

18 Q. Okay. And how does an excavator with a blade  
19 move a concrete-coated pipeline?

20 A. The excavator does not have a blade. It has a  
21 bucket. A bucket has a lifting ring in which you can  
22 hang a hook off of, and you can -- you can not only dig  
23 but pick and move things with it.

24 Q. So what -- did the hook -- was the hook placed  
25 underneath the pipeline to place it in the trench?

1           A.    No.  We would have used lifting slings for  
2   that.

3           Q.    Okay.  What's a lifting sling?

4           A.    It would be a nylon rope sling that would be  
5   rated for such poundage that you would use to actually  
6   lift the pipe without putting any kind of hook or  
7   anything on it.  You would hook the sling into the  
8   hook.

9           Q.    And what was the spacing between the slings?

10          A.    I could not tell you.

11          Q.    Was there any record made of the spacing  
12   between the slings?

13          A.    No.

14          Q.    So now we have the pipeline in this trench.  
15   What happened next?

16          A.    We went to dig it down.  We dug a ditch  
17   alongside the pipe, deeper than the pipe itself, and it  
18   fell down.  It wasn't like the materials underneath it  
19   stayed.  I mean, it was ooze where the pipe would just  
20   kind of settle down as we dug.  And that spoil would go  
21   on the mat side or the road side of the right-of-way.

22          Q.    Did placement of the spoil on the mats prevent  
23   your equipment from traveling on the mats?

24          A.    Yes.  Absolutely.

25          Q.    So --

1           A.    We did not have the ability to put any  
2           additional weight on that side on the mats or it would  
3           ring our -- everything we were working on, it would  
4           push that ooze back into our trench.

5           Q.    Were different sections of the 2500-foot  
6           concrete pipeline lowered in the manner you've  
7           described by digging a trench next to it at one time,  
8           or was it one section at a time?

9           A.    It was -- what we ended up having was one  
10          machine digging from one end to the other, and the rest  
11          of the equipment would -- the machine would take its  
12          dirt and put it next to it on the mats. We had another  
13          machine that would take the dirt and relay it behind  
14          because we didn't have enough room for that spoil, so  
15          we would take it and fill it behind us.

16          Q.    So you had -- you did the entire length  
17          basically foot by foot --

18          A.    With one machine.

19          Q.    -- with one machine foot by foot from start  
20          to -- from one end to the other?

21          A.    That is correct.

22          Q.    How long did that take?

23          A.    I would have to refer to the time sheets  
24          again -- or the notes --

25          Q.    Sure.

1           A.    -- and when they started.

2           Q.    Why don't you do that.

3           A.    I believe it was September 14th through the  
4    20th.  Six days, five days.

5           Q.    Now, you've told me quite clearly that this  
6    was muck, it was ooze.  I'm not saying this should or  
7    shouldn't have happened, but I have to ask:  Did  
8    anybody get out of -- off of the heavy equipment and  
9    stand -- get into the trench next to the pipeline and  
10   look at what was underneath the pipeline?

11          A.    Well, we -- we dug deeper than the pipeline  
12   was going to end up going originally, so you could see  
13   all the material on the bottom.  Nobody -- we -- nobody  
14   could get in the trench that we dug.  It was not a safe  
15   trench to be in.

16          Q.    Right.  I mean, that's why I prefaced my  
17   question the way I did.  I would imagine there would be  
18   major OSHA or just common-sense safety concerns about  
19   getting into that trench.  Do you agree?

20          A.    Yes, sir.

21          Q.    And you've said you knew you were dealing with  
22   muck and ooze because you were pulling it out from next  
23   to the pipeline, but I'm left with this question:  The  
24   pipeline ended up at a final resting depth, correct?

25          A.    Yes.

1 Q. And underneath that pipeline was material that  
2 had never been seen by anybody, correct?

3 A. We overdug that ditch quite a bit where we  
4 could clearly see all the material. There were no  
5 rocks or anything present. It was nothing but muck.

6 Q. But again, when you're done, it's down as far  
7 as it's going to go; you've dug next to it, but you  
8 haven't dug underneath it, correct?

9 A. We didn't have to dig underneath it. It was  
10 ooze. It would just come out from underneath it  
11 automatically when we dug next to it.

12 Q. Do wetlands sometimes sit on rock, in your  
13 experience, if you know?

14 A. I really don't know. I would assume  
15 eventually it does.

16 Q. So you could have a layer of clay that traps  
17 water and keeps the water near the surface or you could  
18 have rock, and do you know if the rock sometimes  
19 fractures and enters the wetland soils?

20 A. I don't recall ever seeing any of -- any rock  
21 whatsoever. Again, it was all ooze.

22 Q. All right. So we've gotten to the point where  
23 the construction crew believes the pipeline is deep  
24 enough. Who would have made that decision?

25 A. It would have been the on-site survey crew.

1 Q. And how did they -- were you ever there when  
2 they were doing their surveying?

3 A. They were -- that survey crew I believe was  
4 there all the time.

5 Q. Okay. So how did they do the surveying?

6 A. They would take a shot on undisturbed virgin  
7 ground and then take a shot on top of our pipeline.

8 Q. And a shot being a GPS reading?

9 A. That is correct.

10 Q. Did they provide any -- to you any piece of  
11 paper saying at this station number or this location of  
12 the pipeline you were at X number of feet, or was it  
13 just verbal, it's okay?

14 A. It was all verbal. We would dig until they  
15 said it was deep enough.

16 Q. At that point, when you received the okay it  
17 was deep enough, then what happened?

18 A. The operator would move another set and  
19 continue digging.

20 Q. All right. And then when that process was  
21 finished, all 2500 feet, then what happened?

22 A. The tie-in crew would proceed to put the ends  
23 together.

24 Q. Okay. So by the time the person -- by the  
25 time you're done and you've got sign-off from the

1 surveyor, the pipeline is at -- according to what  
2 you've been told, is at the right depth of burial and  
3 it's immediately covered with the material that had  
4 been removed not long before; is that correct?

5 A. That is correct.

6 Q. So that by the time you were at the very last  
7 section and the surveyor says deep enough, if you were  
8 to look back, it would all be covered behind you,  
9 correct?

10 A. Yes.

11 Q. Okay. And then you said after that there's a  
12 tie-in that's done. I think I know what you mean, but  
13 just describe that.

14 A. The pipeline is put together in sections.  
15 Sections are installed in the ditch, and after they're  
16 installed, then the ends get put together to make the  
17 pipeline whole.

18 Q. And that's what you were telling me about in  
19 connection with Michels 0021 where it said "made 1 weld  
20 and 1 cut. Coming in side is tied-in"?

21 A. Yes.

22 Q. Then what happened to all those mats?

23 A. The mats were removed.

24 Q. Are they removed as you're filling in behind  
25 the pipeline, or are they removed all at one time at

1 the end?

2 A. They're removed all at one time at the end.

3 Q. And then you put them on a truck and they go  
4 to the next location?

5 A. Correct.

6 Q. Thank you. I have a couple questions about  
7 the materials that were sent to us last night.

8 MR. DUMONT: And, Attorney Simon, I just want  
9 him to identify some of the documents that I can't read  
10 so at least I know what they are, and then when I have  
11 a chance, I'll look at the larger version that you sent  
12 earlier today and I may need to ask Mr. Bubolz some  
13 questions about them, but I just want to identify what  
14 they are for now.

15 MR. SIMON: Understood. And let me clarify.  
16 It's not a larger version. It's a native version. It  
17 should be the same size.

18 MR. DUMONT: Okay. Well, shall we say a  
19 legible version.

20 Q. Michels 008, what is that?

21 A. That is a depth-of-cover table that was  
22 included in our drawings.

23 Q. So when -- when did you get these -- this --  
24 I'm sorry. When did you get this?

25 A. This was -- I received the drawings in the

1 beginning of the project.

2 Q. When would that have been? 2016, 2015?

3 A. 2016 for me.

4 Q. Had -- had Michels started work on this gas  
5 project before you came to Vermont?

6 A. Yes.

7 Q. So whenever Michels started work, it had  
8 00- -- 0008 to work from?

9 A. I believe this was another phase of the  
10 project. I don't know that this information was  
11 included in the 2015 work or not.

12 Q. Okay.

13 A. I doubt they would have had this.

14 Q. And I have to ask you questions about this  
15 blind because I can't read any of it. Why do you doubt  
16 that they would have had this at the beginning?

17 A. Because it was another phase of the project.  
18 The drawings were for a different location.

19 Q. I see. So just -- it wasn't time for Michels  
20 to work on this segment of the project yet, so these  
21 drawings might not have been made available yet?

22 A. Yes.

23 Q. Okay. And what is 0009?

24 A. That is a page out of the drawings. The  
25 hatched area would be the new -- would be the -- the

1 clay plains swamp we're referencing.

2 Q. Okay. With my old eyes, I don't see any  
3 hatched area. What do you mean by "hatched area"?

4 A. You can see a hatched area on the right side  
5 of the drawings.

6 Q. I see a dark area. Okay.

7 A. Yup.

8 Q. It says "Town of New Haven, Addison County."  
9 And it's a rectangle there. Is the dark area beneath  
10 where it says "Town of New Haven, Addison County"?

11 A. Yes.

12 Q. Okay. And what did this sheet tell you?

13 A. This was the drawings. This sheet pretty much  
14 showed us the station numbers and where the swamp  
15 started and stopped.

16 Q. Okay. I can't see what they are, but I see  
17 there are little circles. If you go directly  
18 underneath "Town of New Haven, Addison County," then  
19 there's a dark area and then there's some dashed and  
20 broken lines that lead down to a chart that says  
21 "Profile." Way over on the left, it says "Profile."

22 A. Okay.

23 Q. But between the broken lines and the profile,  
24 there's something in circles. What's in those little  
25 circles? A number or letter?

1           A.    Are you looking above the dashed-dotted line  
2           or below it?

3           Q.    Below the dotted-dashed lines but above where  
4           the profile starts.

5           A.    Okay.

6           Q.    Some little circles. Looks like maybe one of  
7           them says W.

8           A.    Okay. Yeah. I can see W. Looks like a T.

9           Q.    Do you know what those refer to?

10          A.    I believe they refer to a chart in the  
11          beginning of the prints. They show construction type.

12                 MR. DUMONT: So I have seen CHA drawings  
13          before, though not this exact drawing, and that's what  
14          I was guessing, because I've seen construction types  
15          indicated in those little circles in other drawings,  
16          so, Attorney Simon, I think it would be useful if you  
17          were able to send us the whole set of drawings, because  
18          this refers to other pages that you didn't provide. I  
19          understand you were trying to get this done at the last  
20          minute, but just so we know what these things all refer  
21          to, we probably need the whole set.

22          Q.    Mr. Bubolz, when you got this, did you look at  
23          those other pages that it referred to?

24          A.    Yes, I did.

25          Q.    Okay. So we don't have them in front of us

1 now, but whatever they told us these abbreviations  
2 meant, you went and read that?

3 A. Yes.

4 Q. Okay. What's the next page? It's 0010.

5 A. That refers to a creek crossing that is not  
6 involved in -- directly in this wetland.

7 Q. Okay. Do you know where the creek is?

8 A. Yes. It is -- on page 0009, it would be left  
9 of the hatched area, kind of in the center of the page.

10 Q. I see. Okay. There's more dark area in the  
11 middle of the page.

12 A. Correct.

13 Q. Okay. Great. Thank you. And what is 0011?

14 A. It would be the other half of the drawings for  
15 the clay plains swamp that you're referring to.

16 Q. Okay. Now, turning to 11 -- turning to 12,  
17 13, 14, 15, which are the depth-of-cover data that you  
18 were sent by Vermont Gas, is there any way to correlate  
19 the depth of cover shown in this chart with what you've  
20 just shown us on Michels 9 and 11?

21 A. I am fairly certain that it is on page 0015,  
22 and you would be able to correlate it with the station  
23 numbers that are on there.

24 Q. So in this -- on 9 and 11, I can't -- I'll  
25 have to take your word for it. Are there station

1 numbers shown?

2 A. Yes, there are station numbers shown. I  
3 believe the pink area on page 0015 represents that  
4 swamp.

5 Q. Okay. Starting with -- on 0009, on what part  
6 of the page are the station numbers shown?

7 A. 0009?

8 Q. Yeah. Is it in the "Profile" section?

9 A. Yes. On the "Profile" section on the  
10 bottom --

11 Q. Okay.

12 A. -- you can see the station numbers.

13 Q. All right. And in the middle of 0015 are  
14 shown the station numbers?

15 A. Yes.

16 Q. Okay. So that's how we figure it out. Okay.  
17 Thank you.

18 The process you and I have just gone through  
19 of identifying particular locations by station number,  
20 is that something you do or your crews do when they  
21 were on the site doing the construction?

22 A. They would track footage by station number,  
23 yes.

24 Q. So are station numbers shown on the ground?  
25 If you were there, could you say, Oh, look, there's a

1 stake here showing what station number I am -- I'm at?

2 A. Yes.

3 Q. Okay.

4 A. Station numbers are typically referenced on  
5 the right-of-way stake.

6 Q. Were -- going back to your meeting in  
7 Williston with Mr. Reagan, Mr. Crandall, were there any  
8 other construction techniques discussed for this site  
9 other than use of sheeting, use of HDD, or the method  
10 that you ended up using?

11 A. I do not recall.

12 Q. You may have told me this, and I'm sorry if  
13 you did. Have you used sheeting in other wetland areas  
14 in your career?

15 A. Yes.

16 Q. How did it work?

17 A. Very good.

18 Q. When you're dealing with the muck that you  
19 have described as ugly and terrible, did you ever  
20 contact Reagan or Crandall or Vermont Gas and say, We  
21 need to stop; we need to use the sheeting?

22 A. Once we committed to digging, we were pretty  
23 much committed to the process we had. The sheeting  
24 would have had to have been done initially.

25 Q. Explain that to me. Why -- why did it have to

1 be done initially?

2 A. Well, because we -- we dug the ditch already  
3 in them areas and it took all the material that was  
4 underneath the mat road and pushed it into the ditch,  
5 even just with the weight of the spoil on it, and in  
6 essence there was no getting back through that area  
7 with anything anymore.

8 Q. So you couldn't have gone back in to put in  
9 sheeting because it would have been impossible to do at  
10 that point?

11 A. Sheeting requires some very heavy equipment.  
12 I don't think after the fact it would have been a good  
13 idea.

14 Q. And this will seem like a really dumb  
15 question, but when you put in sheeting, does it stay in  
16 afterwards, or do you pull it out when the  
17 construction's done?

18 A. It gets pulled out afterwards.

19 Q. A few more questions about Michels 003 through  
20 007. There's a column that says "environmental," and I  
21 wanted to ask you about that. What does that mean?

22 A. We have an environmental crew that is -- their  
23 tasks are to do environmental work, such as soil  
24 stabilization, silt fence, cleanup as far as seeding  
25 and all them things.

1 Q. Who -- do you know who was on the  
2 environmental crew for the clay plains site?

3 A. So the environmental crew would go through  
4 initially and install all the erosion controls, and  
5 then they wouldn't be back until they -- unless they  
6 needed to stabilize soil or things like that. There  
7 was not an environmental crew present when this was  
8 being performed. You couldn't walk in this area on the  
9 right-of-way. The mud would be to your waist.

10 Q. According to some documents that we don't have  
11 with us today, because they didn't come from Michels,  
12 after construction was completed in September of 2016,  
13 months later, Mr. St. Hilaire, who's with us today,  
14 notified VELCO that there were additional sites that  
15 were not -- at which the pipeline had not been buried  
16 four feet deep in New Haven. Do you know how those  
17 were discovered?

18 A. No.

19 Q. Were those ever brought to Michels' attention?

20 A. Yes.

21 Q. How were they brought to your attention?

22 A. In document 0012.

23 Q. 0012. Okay. I thought you told me you got  
24 this document in November of 2016.

25 A. I did.

1 Q. The information we have is that -- well, go  
2 ahead. Tell me your answer why -- why you think 0012  
3 answers the question.

4 A. 0012 incorporates all the places that we -- we  
5 did not have cover at the end.

6 Q. Okay. You mean 12 through 17?

7 A. Yes.

8 Q. Okay.

9 A. For this area.

10 Q. So to your knowledge, as of November, when you  
11 received this document, all the known sites had been  
12 disclosed, and that's still true today? The known  
13 sites where it wasn't four feet deep in the VELCO  
14 right-of-way?

15 MS. BOUFFARD: Objection.

16 A. Yes.

17 MS. BOUFFARD: I don't understand the question  
18 myself.

19 Q. All right. Let me ask it over. As of  
20 November of 2016, when you received 12 through 17, all  
21 of the locations in New Haven in the clay plain wetland  
22 and surrounding buffer where the four-foot standard  
23 wasn't met were known and were set forth in this  
24 document?

25 A. I believe so.

1 Q. And you haven't learned anything afterwards  
2 saying there were additional locations?

3 A. No.

4 Q. Okay. Have you ever been interviewed by  
5 anyone on behalf of Vermont Gas Systems about the same  
6 issues you and I have been talking about today?

7 A. Yes.

8 Q. When did that happen?

9 A. Sometime this summer we had a conference call.

10 Q. Who was on the call?

11 A. It was the attorney for Vermont Gas; John  
12 St. Hilaire; Matthew Westphal, who is a Michels vice  
13 president; Danny Vincent, who is the East Coast  
14 manager; myself; and Nick Pfundheller.

15 Q. Can you spell --

16 A. And also Andrew Simon was on the call.

17 Q. Victor -- what was the last name?

18 A. Nick.

19 Q. Oh. Nick. And the last name was?

20 A. Pfundheller.

21 Q. Pfundheller.

22 A. No, sir, I cannot spell it.

23 Q. All right. And what did they -- were there  
24 any documents discussed at that meeting that we haven't  
25 discussed today?

1           A.    Not that I can recall.

2           Q.    Was that meeting -- do you recall what month  
3 it was, that teleconference, what month it was?

4           A.    I do not.

5           Q.    Was it before or after the gas company filed a  
6 motion with the Public Service Board for a  
7 non-substantial change ruling?

8           A.    I do not know when they filed.

9           Q.    Did you disclose to them that -- the details  
10 of the meeting that happened in Williston with Mr.  
11 Crandall and Mr. Reagan which ADD -- HDD, directional  
12 drilling, was proposed and rejected?

13          A.    There was nothing official on that. It was  
14 just verbal.

15          Q.    Right. But in the conference you just said  
16 you had with lawyers from Vermont Gas, Mr. St. Hilaire,  
17 and others, did you disclose to them what you disclosed  
18 to me earlier today, that you had a meeting with Mr.  
19 Reagan and Mr. Crandall early on where you raised your  
20 concern that the right-of-way was too narrow, you  
21 discussed using sheeting or HDD instead of the method  
22 that you did use? Did you share any information about  
23 that meeting with the gas company or its lawyers?

24          A.    I would be certain I did. I just don't recall  
25 any details.

1 Q. Okay. That's fair. You're saying you can't  
2 remember exactly what you told them but you know it  
3 came up?

4 A. Yes.

5 Q. Okay.

6 A. We also spoke with Vermont Gas representation  
7 and Mr. St. Hilaire yesterday.

8 Q. Thank you. Did you learn anything yesterday  
9 that you hadn't known -- had not known before?

10 A. It was generally the same conversation as  
11 today.

12 Q. At the -- during the conference that happened  
13 over the summer, did you learn anything from anyone  
14 else, or were you the source of all the information?

15 A. I don't understand your question.

16 Q. Sure. Were you being questioned and were you  
17 the source of information that was shared with that  
18 group on the phone?

19 A. I believe so. Again, I don't have exact  
20 details. I know I had concerns and we were looking for  
21 a solution.

22 Q. You're talking about the meeting you had in  
23 Williston; you had concerns and you were looking for  
24 solutions?

25 A. Yes.

1 Q. And as far -- what about the meeting on the  
2 telephone with Vermont Gas's lawyers? Were you the  
3 only person providing factual information, or were  
4 others providing factual information?

5 MS. BARRETT: Which conversation?

6 A. I believe I was the only person providing  
7 information.

8 Q. Again, this is during the telephone conference  
9 sometime over the summer, correct? Summer of this  
10 year, correct?

11 A. I thought you were talking about yesterday.

12 Q. Oh, okay. Well, thanks for clarifying that.  
13 So what about the conference -- the teleconference that  
14 happened over the summer of 2017? Were you the only  
15 one providing information, or was someone else  
16 providing factual information?

17 A. I believe I was the only one.

18 Q. Do you recall whether or not you told Mr.  
19 St. Hilaire at any time that a trench was dug on both  
20 sides of where the pipeline was resting?

21 A. No, I don't recall.

22 Q. Is it possible you did?

23 A. It's -- I -- I thought we had dug on only one  
24 side, but there's a chance that we probably did dig on  
25 both sides. I really could not tell you.

1 Q. In preparation for that teleconference this  
2 past summer, did you do any factual research, such as  
3 contacting your wife or others who were present at the  
4 scene to ask them what had happened?

5 A. I was on another project at the time working.  
6 I did not do any preparation.

7 Q. Since then have you spoken to your wife about  
8 the same issues -- same facts I've talked with you  
9 about today?

10 A. Not really in detail, no. She knows that I'm  
11 here and why I'm here.

12 Q. Have you --

13 A. But we really didn't discuss anything in  
14 detail about the situation.

15 Q. Have you talked to anyone else who was present  
16 from September 15th through September 20th at the clay  
17 plains wetlands site in New Haven about the facts you  
18 and I have talked about today?

19 A. No.

20 MR. DUMONT: Okay. I think we're -- we're  
21 done, but let me take a break for one second and see  
22 what my clients tell me I forgot.

23 (There was a discussion off the record.)

24 BY MR. DUMONT:

25 Q. So my clients have some really basic questions

1 that I promised them I would ask and I forgot to ask.

2 So when you use the term "padding," what do  
3 you mean by "padding"?

4 A. Padding would be material free of rock.

5 Q. And is that the same as bedding, or is bedding  
6 different?

7 A. Bedding is the same. We use the same virgin  
8 material for bedding, but we would screen it for rocks  
9 at the time.

10 Q. So is bedding padding that has been screened?

11 A. Yes.

12 Q. Okay. What is -- in your industry what is  
13 shading?

14 A. Shading would mean to place the dirt over the  
15 pipe with an excavator very slowly so you can visually  
16 inspect for rocks.

17 Q. Do you know if shading was done for the  
18 Addison Natural Gas Pipeline, in construction of the  
19 ANGP?

20 A. I believe where there was rocks present we  
21 used a padding machine, I think, that actually took the  
22 rocks out of the dirt.

23 Q. What's the name of the machine?

24 A. It was called a padding machine.

25 Q. And how does it work?

1           A.    It screens the soil and takes the rocks out if  
2   there's rocks present.

3           Q.    And that was not used in the area we've been  
4   discussing today in the wetland in New Haven, correct?

5           A.    No, sir.

6           Q.    In the industry what does the term "trench  
7   breakers" mean?

8           A.    Trench breakers would be a sand bag wall built  
9   inside of your trench.

10          Q.    What's their function?

11          A.    It would be used on hills a lot where you  
12   would have issues where water would follow the pipeline  
13   and erode, and they're also used on the edges of  
14   wetlands to keep the material separate.

15          Q.    And what is a weld coating?

16          A.    A weld coating would be coating that's applied  
17   after the two sections of pipe are welded together.

18          Q.    Is that the rock shield that you and I talked  
19   about?

20          A.    No.

21          Q.    What's the difference?

22          A.    The coating would be a protective barrier that  
23   would keep all -- any foreign material, debris, out.

24          Q.    Did --

25          A.    Water --

1 Q. Go ahead. Sorry.

2 A. Water, them kind of things. It actually seals  
3 to the pipe.

4 Q. Did the Michels employees not only do the  
5 welding but also apply the weld coatings?

6 A. Yes.

7 Q. Were there any specifications that were  
8 followed for weld coatings at the clay plains wetland?

9 A. I would be certain of it.

10 Q. Where would the records be of what was  
11 actually done, what the specifications were and whether  
12 they were followed? Is there a record of both of  
13 those?

14 A. That would come from the coating inspector  
15 that would have been on that crew.

16 Q. Okay. And who was the coating inspector in  
17 the clay plains wetlands?

18 A. I do not remember.

19 Q. Can we look at the exhibits and figure that  
20 out?

21 A. Not the ones I have in front of me. It  
22 doesn't list who the inspectors are. They're not my  
23 employees.

24 Q. When would that have been done during that  
25 process you've now described for us?

1           A.    The coating would have been done after the  
2 welding was done.

3           Q.    Before the pipe is put in the first trench?

4           A.    That is correct.

5           Q.    And what about the welds that were done using  
6 the bell holes?

7           A.    That would have -- them welds would have been  
8 coated by the tie-in crew that -- that made the  
9 tie-ins, and there would have been a utility inspector  
10 on that crew that would have kept the records.

11          Q.    Who employed the utility inspector who had  
12 those records?

13          A.    Vermont Gas.

14          Q.    Have you seen any as-built drawings for the  
15 clay plains swamp?

16          A.    No.

17          Q.    In the industry what's the practice that  
18 you're aware of for completing as-built drawings of a  
19 gas pipeline?

20          A.    Typically the survey crew completes the  
21 as-built drawings.

22          Q.    How long are those -- how long does it take to  
23 complete those?

24          A.    Well, it takes the entire course of the  
25 project for certain to -- just to collect the

1 information, and then after that I do not know.

2 Q. So the survey crew that you've mentioned that  
3 was signing off on depth of burial of the pipeline, it  
4 would be the same folks that would create the as-built  
5 drawings?

6 A. Yes.

7 Q. The method of pipeline construction that  
8 you've described that was used in the clay plains  
9 swamp, have you used that anywhere else in your career?

10 A. No, I have not.

11 Q. Do you know of any -- sorry. Go ahead.

12 A. We've used the same technique before in -- in  
13 lowering existing lines where we dig next to them and  
14 lower them down.

15 Q. What's the difference between that and what  
16 happened at the clay plains swamp?

17 A. Really none.

18 Q. So where have you used that technique before?

19 A. I can't remember.

20 Q. Is it common in the industry to use the  
21 practice that you described happened in the clay plains  
22 swamp in New Haven?

23 A. Yes.

24 Q. Have you ever seen any specifications setting  
25 out how to do that and where to do that?

1 A. No.

2 Q. And you agree it was not in the specifications  
3 that you reviewed that were prepared by Clough Harbour  
4 in this case, correct?

5 A. Correct. I don't believe that they knew what  
6 the conditions were like when the specifications were  
7 written.

8 Q. Just one clarification. This technique that  
9 you've described that you've used elsewhere, have you  
10 seen it used for installing new pipe or just in  
11 situations where you're going back and adjusting the  
12 depth of burial of a preexisting pipe?

13 A. I personally have never seen it used for  
14 installing new pipe, but I know that it has been done  
15 that way.

16 Q. And the instances you know of that you  
17 mentioned earlier, was that new pipe or burying --  
18 reburying older pipe?

19 A. Both.

20 Q. So what you're -- I think the sum and  
21 substance of what you're telling me is you've never  
22 been involved in doing it before but you're aware that  
23 other people have done it; is that right?

24 A. Yes.

25 MR. DUMONT: Okay. You've been incredibly

1 patient with me. Thank you so much.

2 Mr. Simon, thanks for your help. We will  
3 follow up by looking at the more legible versions of  
4 some of the exhibits, and you're going to get me a few  
5 other pages anyway, and then we'll talk and see if we  
6 need to continue this. Thank you for your cooperation.

7 MS. BOUFFARD: Let me confirm that I don't --  
8 I don't have -- we're all set. Yeah. I don't -- I  
9 don't have any follow-up, and just to the extent that  
10 you're asking to keep open the deposition, we're not  
11 going to object if we're keeping it limited to these  
12 new documents that you indicated were difficult to  
13 read, and they are, because of the size.

14 MR. DUMONT: Mr. Clark?

15 MR. CLARK: Nothing from the Department of  
16 Public Service at this point.

17 MR. DUMONT: Thank you. So I think the  
18 process going forward is that our stenographer will get  
19 us a written transcript, and the state of practice here  
20 is she can give me an electronic version, but she's  
21 going to prepare a paper copy that will be the  
22 original, and, Attorney Simon, I will mail the paper  
23 copy to you so that the deponent can -- has a paper  
24 copy in front of him and can read it and make any  
25 necessary corrections.

1           MR. SIMON: Sounds good. Feel free to e-mail  
2           it to the address in my signature block on the e-mail.

3           MR. DUMONT: I'll send you an e-mail copy as  
4           well, but in addition to the e-mail copy, we have to  
5           work with the paper original.

6           MR. SIMON: Understood.

7           MR. DUMONT: Great. Thank you very much.

8           (The deposition concluded at 1:51 PM.)

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S I G N A T U R E O F D E P O N E N T

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I, the undersigned, do hereby certify that I have read the foregoing deposition and find it to be a true and accurate transcription of my testimony, with any corrections so noted on the errata sheet.

Date: \_\_\_\_\_

MICHELS CORPORATION, by and through its corporate designee, Carl Bubolz

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_

NOTARY PUBLIC

My commission expires:

## C E R T I F I C A T E

1  
2  
3 I, Johanna Massé, Court Reporter, do hereby  
4 certify that the foregoing pages, numbered 4 through  
5 136, inclusive, are a true and accurate transcription  
6 of my stenographic notes of the Deposition of Michels  
7 Corporation, by and through its corporate designee,  
8 Carl Bubolz, who was first duly sworn, taken before me  
9 on Tuesday, December 19, 2017, commencing at 10:04 AM,  
10 in the matter of Investigation Pursuant to 30 V.S.A. §§  
11 30 and 209 regarding the alleged failure of Vermont Gas  
12 Systems, Inc., to comply with the certificate of public  
13 good in docket 7970 by burying the pipeline at less  
14 than required depth in New Haven, Vermont, Docket No.  
15 17-3550-INV, as to which a transcript was duly ordered.

16 I further certify that I am neither attorney  
17 nor counsel for, nor related to or employed by any of  
18 the parties to the action in which this transcript was  
19 produced, and further that I am not a relative or  
20 employee of any attorney or counsel employed in this  
21 case, nor am I financially interested in this action.  
22  
23  
24

---

JOHANNA MASSÉ, RMR, CRR



STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

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

SUBPOENA to MICHELS CORPORATION to APPEAR AT A DEPOSITION  
PURSUANT TO V.R.C.P. 30(B)(6) and 45

To: **MICHELS CORPORATION** C/O CT CORPORATION SYSTEM, 17 G.W. TATRO  
DRIVE, JEFFERSONVILLE VT

BY THE AUTHORITY OF THE STATE OF VERMONT, you are hereby summoned to  
designate a representative or representatives to appear at a deposition in this matter pursuant to  
Vermont Rule of Civil Procedure 30(b)(6) and 45 at the Giga Conference Room of the Vermont  
Dept. of Public Service, 112 State St., Montpelier, VT, on December 19, 2017 at 9:00 am.

1. Designated representative or representatives of the Michels Corporation knowledgeable about  
the following matters shall be present for deposition:

- a) The identity and current telephone numbers, work addresses and home addresses of each person who was present in on September 19, 2016 and/or September 20, 2016, on behalf of MICHELS CORPORATION as an employee, officer, agent or contractee, to install, construct, bury, supervise or inspect the Vermont Gas Systems gas pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- b) The depth of the trench in which the Vermont Gas Systems pipeline was buried in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- c) The presence or absence of backfill or padding under the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- d) Whether the materials under the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line were inspected for rocks or clods greater than 3 inches in greatest dimension

- e) The depth of burial of the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- f) Whether compacted backfill was placed around the pipeline in the wetland or swamp area, or the wetland buffer area, of New Haven, Vermont, nearby to the Monkton town line.
- g) The earliest date on which Michels Corporation, or any officer, employee, agent or contractee of Michels Corporation, first communicated with Vermont Gas Systems about the need or potential need to bury the gas pipeline less than four feet below the surface of the ground within the VELCO right of way in New Haven, Vermont; and also the nature and manner of the communication.
- h) The earliest date on which Michels Corporation, or any officer, employee, agent or contractee of Michels Corporation, first communicated with Vermont Gas Systems about the need or potential need to bury the gas pipeline less than four feet below the surface of the ground within the VELCO right of way in any location other than New Haven; and also the nature and manner of the communication.
- i) Whether any Michels Corporation employee, officer, agent or contractee expressed concern, or knows of any other person who expressed concern, about failure to properly bury the pipeline in any respect (including but not limited to improper depth of trench, failure to use backfill beneath pipe, failure to inspect material beneath pipe, failure to use compacted backfill around pipe, improper depth of burial of the pipeline, etc.), at any location.
- j) The past or present existence of any communications, whether verbal, in writing or via the internet, by any Michels Corporation officer, employee, agent or contractee, with Vermont Gas Systems, Inc., and/or the Vermont Department of Public Service about any subject listed above
- k) The existence, location and nature of any email, letter, report or other documents which contains evidence of any subject listed above.

2. The custodian of the records of the Michels Corporation shall also produce and permit inspection and copying of each email, letter, report or other documents which contain evidence of the matters set forth above in 1(a) through 1(j).

You are hereby advised of the protections of persons subject to subpoenas and of the duties in responding to subpoenas as set forth below.

VERMONT RULES OF CIVIL PROCEDURE 45. SUBPOENA+

\* \* \* \*

**(c) Protections of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court for which the subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles on way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED at Bristol, Vermont this 28th day of November, 2017.

/s/James A. Dumont  
James A. Dumont, Esq.  
Law Office of James A. Dumont P.C.  
15 Main Street  
P.O. Box 229  
Bristol, VT 05443  
(802) 453-7011  
dumont@gmavt.net  
ecabinet registration #: 1948



Michels 0003

JOB # 61103 Vermont Gas

91,380

<u>Date</u>	<u>Daily Activities</u>	<u>Crew</u>	<u>Hours</u>	<u>Issues / Concerns</u>	<u>don holly ROW</u>
Mon Sep 12	talked with joey/darrel and mike regan about clay plains. Made it clear that out 2 options were to let the dirt fall off of the row or to sheet the entire thing. The answer was to just get it done and make it look good later.			danny suggested laying swamp pipe on ditch line and digging it down as we went. Great idea. Inspection thought so too.	met with wayne from the town of monkton.
Tue Sep 13	cleanup meeting at 7 am.			big protest planned for today. Showed up at hunt rd from 10-2 arrested 11 of them. Shut down ditch and pad and backfill.	determined at cleanup meeting to restore old stage as it was. Denny working on putting back to grade.
Wed Sep 14	canusa sleeves a priority, only a handful left onsite.				old stage rd.
Thu Sep 15	blowup with jersey barriers needing to be off the road by the end of the day and with hollow rd dirt spilling off of the row.			chain trencher in at the end of the day.	old stage, fixed culverts.
Fri Sep 16	blowup with us shorthanded.			clappers last productive day.	put back pad at monkton swamp.
Sat Sep 17	kyle bates (straw for donny holly) found dead in his tent.				shut crew down for the day.
Sun Sep 18					
Mon Sep 19	Enduro onsite this morning for orientation.				finished the monkton drill pad, strawed to are site, hauled out mats all day.
Tue Sep 20	enduro run successful, no issues.			brandons crew hit above ground powerlines, broke pole.	
Wed Sep 21	safety stand down in the morning due to powerline hit. Landowner complaint about foul language.				working thru are site on monkton rd. finished hauling out mats on north side of monkton rd. pulled approach and finalized.
Thu Sep 22	met with the middlebury water department to string hose thru culvert to fill tanks with hydrant.				GA side of monkton rd, taking mats back to old stage.
Fri Sep 23	2" of rain overnight. rain on and off all day. Kept drivers to move mats and stage our frac tanks from the kickoff to the pipeyard.				hauled mats from old stage to yard.
Sat Sep 24					started to work on hwy 7.

Michels 0004

jokene Tie In	brandon duffy Rd bore/tie in	roy strating	Dave Hemplill/ tie in	environmental
<p>ried in off of the little otter creek bore</p> <p>dig in and tied in last ml piece before swamp</p> <p>prepping swamp, dug 2' ditch and set mats for dirt lowered in pipe into trench, began digging at 5, 700 ft by the end of the day</p> <p>hit terrible spot in swamp, cleanup hoe slid off of mats at the end of the day</p> <p>digging through bad spot in swamp, taking time</p>	<p>hit rock by power pole coming around hill. Went back and set up 6" pumps for dewatering and new haven river drill</p> <p>dug in next 2 sections, pole holding truck onsite</p> <p>dug in next 2 sections</p> <p>dug in 11 jnt section</p> <p>dug in creek section</p> <p>cleanup day, hoe hand was kyle fates brother</p> <p>next 1 sections, dug ditch for second</p> <p>hit power lines, put in 2 sections moved down into the wet areas while the water table was low, got 1 piece in and set the bigger ml piece in false ditch</p> <p>dug in mainline 1.5 style, and put in pt section</p> <p>went out in morning to backfill and cleanup</p> <p>set in on oh to drill, did not win today</p>	<p>finished strating in the new haven swamp</p> <p>up to phase 7 on pothole and trencher support</p> <p>phase 7 pothole ph 7, potholing sent half of coating crew there</p> <p>unloaded trencher, put trencher together</p> <p>trencher assist</p> <p>trencher set in today</p> <p>phase 7, 30 ft</p> <p>phase 7</p> <p>phase 7</p> <p>rain out trencher</p> <p>trenching and dug</p>	<p>finished at monkton rd, moved to plank rd dug up bore end south of plank, took down fence, moved last 2 hoses and dozer at the end of the day to plank</p> <p>plank rd</p> <p>plank rd, dug next section on top of hill</p> <p>finished at plank rd, dug in and tied in 4 jnt section at access rd</p> <p>working on 90 degree fittings</p> <p>open cut quarry rd / hit telephone line</p> <p>installing 90 degree area CI hwy 17</p> <p>tied in CI side of 17 working on GA side</p> <p>GA side of 17</p> <p>went out rain out by 11</p> <p>worked thru hole</p>	<p>rebuilt dewatering structure</p> <p>phase 7</p> <p>worked all day, job inspection then stacked skids</p> <p>helping in clay plains swamp blowing straw</p>
<p>400 more ft through swamp, it got worse then better out of bad area, got our 5' of cover on hurlbutt property, made tie in weld on north side of swamp moved equipment around swamp and began installing pipe off of the other side of swamp section</p> <p>next 3 jnt section in off of P1 swamp section, had to dump truck imid back, ugly ditch</p> <p>2 welds left thru wetland, rain out</p> <p>dig out 4 jnt wetland/are site section, need to x-ray and coat welds</p>				

Michels 0005

jeff nyberg/dutch LI	Drillers	Halm (Drill support 1)	Luke (Drill support 2)	welders
lowered in to hunt rd Dug across street	still cobblely at exit side, decided to dig we could not move. Brought the hammer hoe in to break it up	finished filling frac tanks. Welded on test mani-ids and made first cleaning run	dug out tie ins for 2 pit section assisted drillers in digging out their exit hole and hammering rock	40 welds left to go at the end of the day
protester delay from 10-4 working GAS hunt rd	swabbed harder than planned. Hooked up and ready to pull in morning	made cleaning runs on 8 mile run	drill assist, dug out tie ins	finished up on started behind maine drilling and blasting
dug out next 2 large sections lowered in last large section, digging out last smaller one	pulled pipe, drill is good!! cleaning up	set up for filling 8 mile north section 8 mile filled by 6:30 set up for test and put test on, test on by 2 o'clock, out oil by 10:30, out of there by midnight attempted to put test on peyser bore, pump went out	assisted drill pullback began digging on large concrete ML section run sizing pig and filled peyser bore, finished digging out concrete ML section lowered in ML concrete section behind peyser	Mland by track rig broke down at the end of the day. 38 welds 30 welds coming up to end laid out, back end will have to finish Monday
tracked back into maine drilling and blasting at the end of the day to get by the welders	finished getting out of peyser drill		Became T14 today, open cut post rd tied in. Mess left behind by clapper, a few areas to dig up and check coating dug out tie in thru wetland on bottom side to GA hollow rd. Had cover issues, had to re dig, made 1 weld	2 welders on tie ins on 16", 2 on fab, 4 on tie ins
moved over pipe and mats to dig in ml section		dewatered ML. Enduro onsite today for orientation made enduro run, every thing was good	got pre test on the peyser bore	fab in yard
dug section behind maine drilling and blasting		dewatered peyser bore, made one more poly run with head pressure. Ready for drying pigs worked with only operators and lab, pulled out frac tanks	tried in er side of hollow rd. backfilled wetland finished backfilling wetland, dug up bad areas left behind, strung bsh sides of peyser bore tie ins. 700 ft ga and 200 ft ca	
lowered in large section, made 2 welds, dug next smaller section			went out to backfill, rained out by 11 dug up drill ends so Barry could bend began digging wetland, pure slop, decided to prep and hold off till Monday	most rained out before 7, rest by 11
lowered in both smaller sections, moved over pipe on swamp section				working on fab in yard
dug on big swamp section, backfilled				
went out, shuttled mats all day				
700 ft in the ditch		started running drying pigs		

Michels 0006

Jeff novak (pad and backfill)	Matt Wagner coating	Ritchie (cleanup)	Richard Clapper T14	Drew parsons T15
moved the rest of the equipment to hunt rd and continued backfilling	worked on jeeping and rockshielding clay plains. sent half of crew to finish pre jeeping hunt rd 55 jeeps on last section		worked on GA side of post rd	
protester shut down. CIS hunt rd	coated pipe in drinkwater today	finished up on X. pulled filled in area for approach on X. hauled mats out of AA	tid into swamp	
CL side of hunt rd	coated concrete pipe at rotax rd finished jeeping rotax. helped with removal of concrete barriers		arc sites south of post rd	stopped topsoil and ready to open cut swamp
GA side of hunt			open cut post rd	
GA side of hunt rd	began coating in maine drilling and blasting. stayed late to prejeep the last section for jeff			
GA side of hunt rd	coating concrete		backfilled in arc sites and wetlands. finished breakers quit/ luke taking over crew	phase 7
moved into hwy 7 to cleanup. pull boxes and prep for lake tank	coating across swamp	moved into plank rd. finished to rotax.		digging ditch through first creek and past first access rd
working on hwy 7	coating in swamp. coated out final jeeping concrete section on new lagoon swamp. wrapping with rock shield. Helped jeff	working on plank rd		
hwy 7. working on pad for lake tank	at the end of the day. move pipe and pick up skids. moved off of parks haulburt to plank rd			pipe in the ditch all the way to plans rd
pad for tank and loaded out leftover pipe and all jersey barriers. worked on loading pipe out of pipe yard. and met with lake tank people. Brought in roller to compact pad and gravel for base	finished rockshielding and final jeeping rained out	quarry rd rained out		rained out
finished pad for lake tank. started running hose for hydrant	worked with domyk holly	dirt roughed in to hwy 17. pulling mats out of the swamp		dug on south side of plans rd

Michels 0007

robert anderson coating 2 ed

40 welds coated on first day

old stage rd

Ga side of old stage

crossed sodom rd strawed in by donny to monkton swamp

coated out finished old stage rd

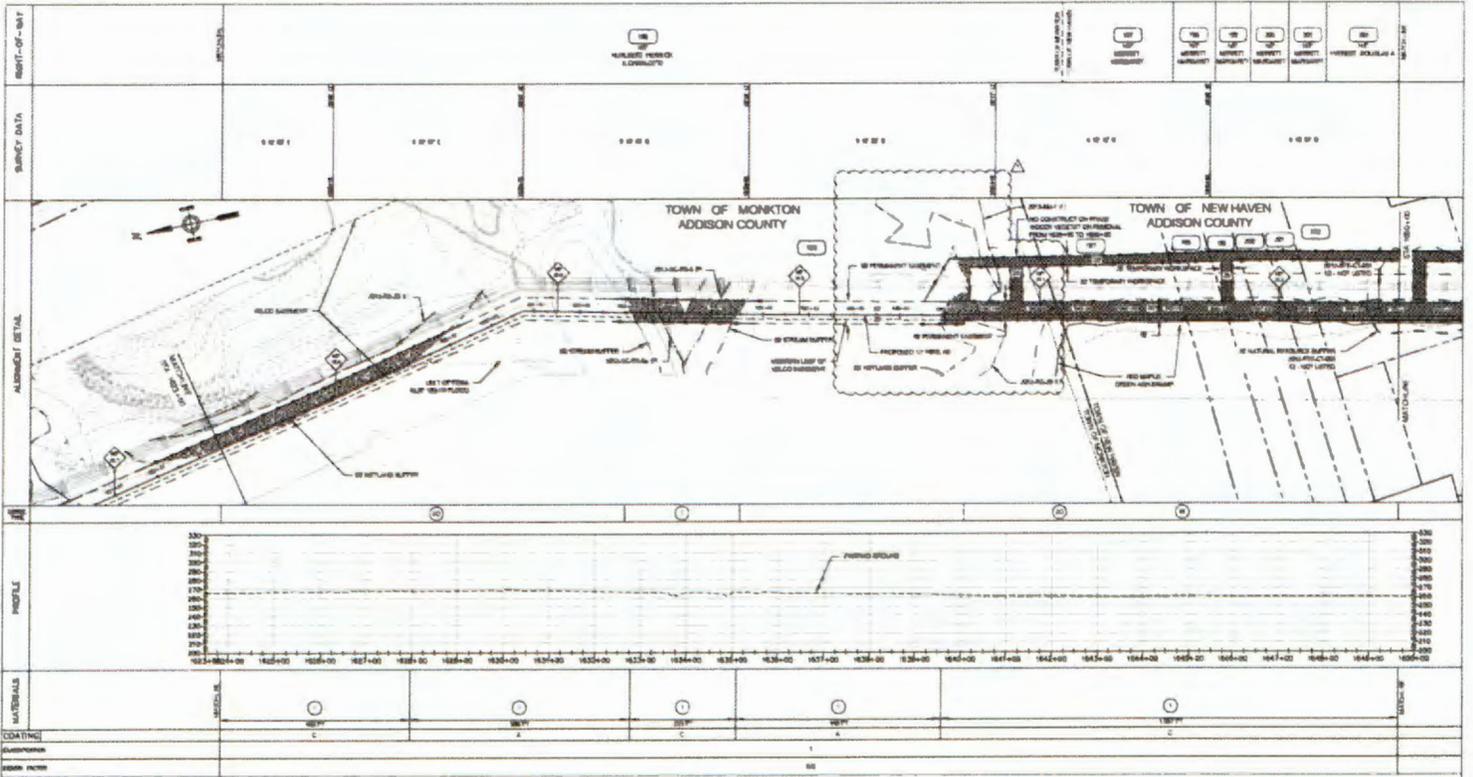
working on rock shield monkton rd

rained out worked till 11

helping behind drew

Begin Station	End Station	Min. Depth [ft]	Reason	Notes
110000	110005	3	110000-110005 (110005)	110000-110005 (110005)
110005	110010	3	110005-110010 (110010)	110005-110010 (110010)
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110020	110025	3	110020-110025 (110025)	110020-110025 (110025)
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Michels 0009

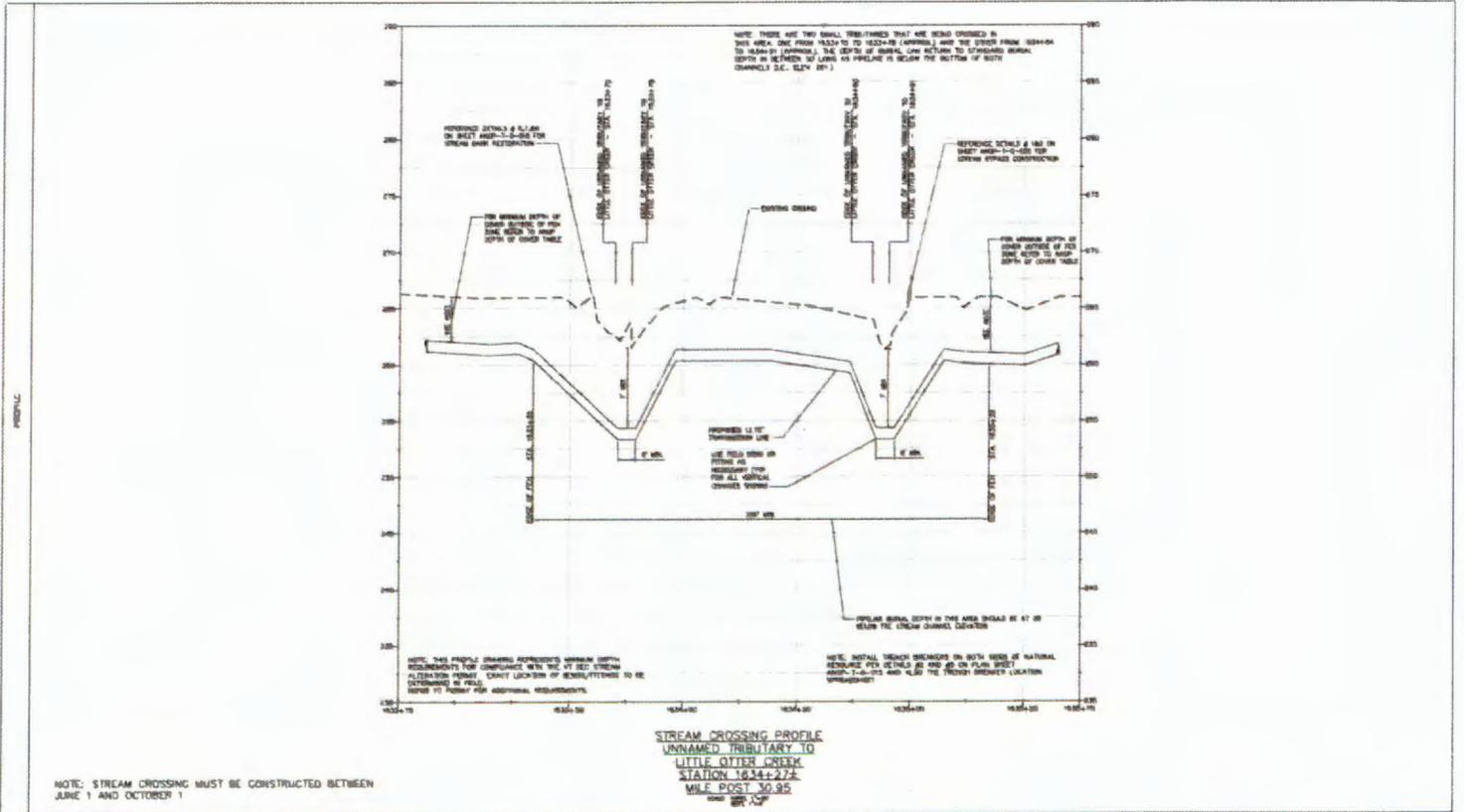


**PERMITTING**  
 1. 12" x 18" 1/4" = 1" SCALE, 1/4" = 1' HORIZ. AND VERTICAL. 1/8" = 1' HORIZ. AND VERTICAL.  
 2. 12" x 18" 1/4" = 1" SCALE, 1/4" = 1' HORIZ. AND VERTICAL. 1/8" = 1' HORIZ. AND VERTICAL.  
**PERMITS**  
 1. 12" x 18" 1/4" = 1" SCALE, 1/4" = 1' HORIZ. AND VERTICAL. 1/8" = 1' HORIZ. AND VERTICAL.  
 2. 12" x 18" 1/4" = 1" SCALE, 1/4" = 1' HORIZ. AND VERTICAL. 1/8" = 1' HORIZ. AND VERTICAL.

PROJECT INFORMATION		ISSUANCE		DESIGN		CONSTRUCTION		GENERAL NOTES	
DWG. NO.	DESCRIPTION	REV.	DATE	BY	CHK.	DATE	DATE	YEAR	SCALE
ANGP-1-C-07-010	ACCESS ROAD DETAILS								
ANGP-1-C-08	CONSTRUCTION DETAILS								
G-001 - 010	COVER, INDEX, LEGEND & NOTES, AND CONSTRUCTION DETAILS	1	VDS	VDS					
	REFERENCE DWG.								

Vermont Gas  
 CHA  
 Construction Hazard Assessment

Michels 0010



NOTE: STREAM CROSSING MUST BE CONSTRUCTED BETWEEN JUNE 1 AND OCTOBER 1

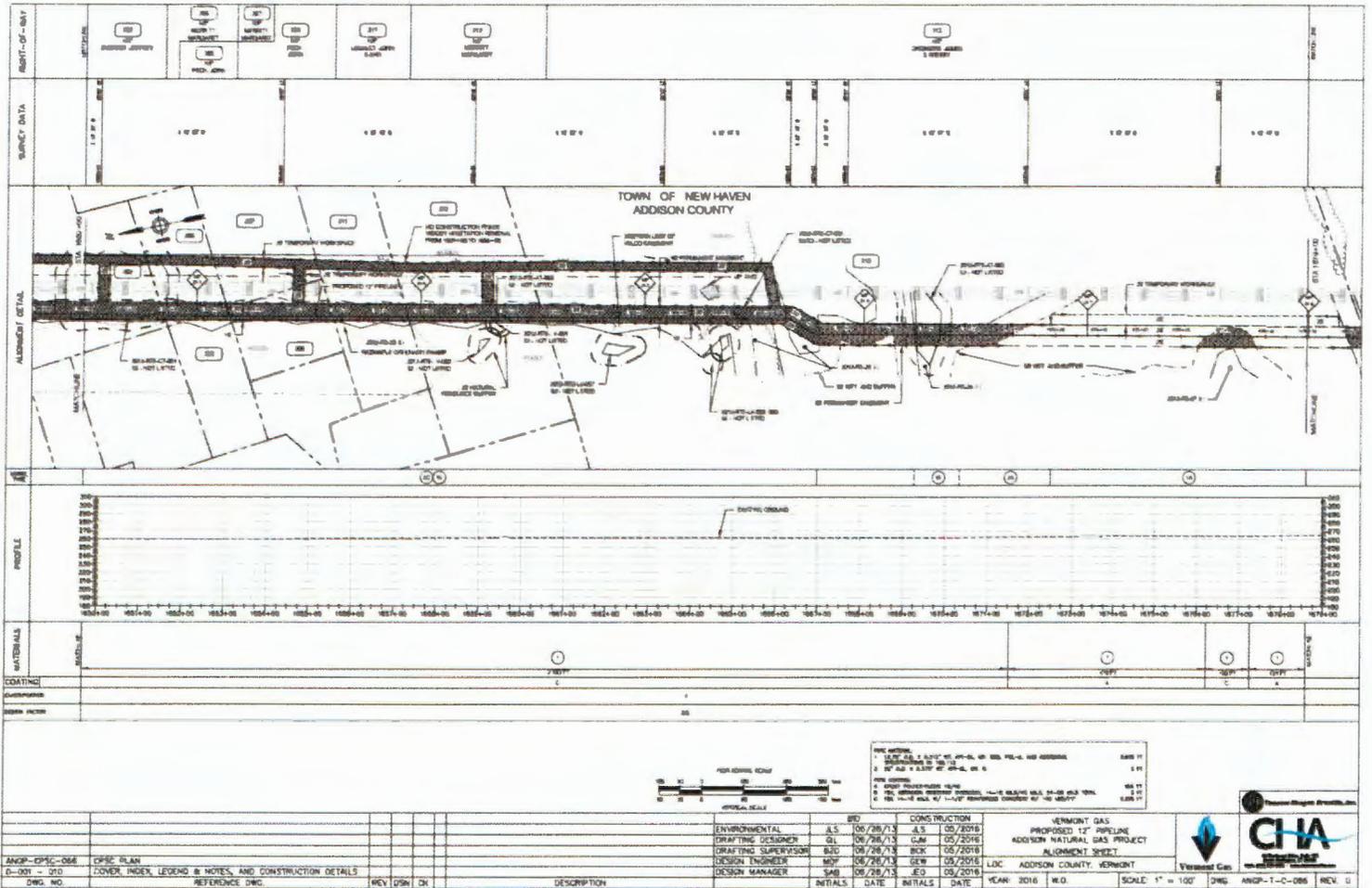
STREAM CROSSING PROFILE  
 UNNAMED TRIBUTARY TO  
 LITTLE OXLEY CREEK  
 STATION 1634+272  
 MILE POST 30.95



DWG NO.	REFERENCE DWG	REV	DSN	CR	DESCRIPTION	INITIALS	DATE	INITIALS	DATE	YEAR 2016	WG	SCALE AS NOTED	DWG	ANQP-T-C-005A	REV D

VERMONT GAS  
 PROPOSED 12" PIPELINE  
 ABBOTSON NATURAL GAS PROJECT  
 OPEN TRENCH STREAM CROSSING PROFILE  
 LOC. ABBOTSON COUNTY, VERMONT

Michels 0011



ANGP-EPSC-085	EPSC PLAN
0-000 - 010	COVER INDEX, LEGEND & NOTES, AND CONSTRUCTION DETAILS
DWG. NO.	REFERENCE DWG.

REV	QSN	CHK	DESCRIPTION

ENVIRONMENTAL	DESIGN	CONSTRUCTION
A.S.	10/28/13	A.S.
DRAFTING SUPERVISOR	GL	06/28/13
DESIGN ENGINEER	MD	06/28/13
DESIGN MANAGER	SM	06/28/13

INITIALS	DATE	INITIALS	DATE	YEAR	W.G.
				2016	

VERMONT GAS  
ADDISON NATURAL GAS PROJECT  
ALIGNMENT SHEET

ADDISON COUNTY, VERMONT

SCALE: 1" = 100'    DWG: ANGP-1-C-085    REV: 0

Michels 0012

Point #	Coord. A	Coord. B	Elevation	Weld #	Depth	Probed Depth	Approx Station	Depth Needed Per Plan Sheet	Reason For depth	Comment	Further Action Needed
1800			285.7		9.0						
1801			287.3		5.6						
1802			287.6		5.3						
1803			287.2		5.9						
1804			286.7		5.8						
1805			285.3		5.7						
1806			283.4		5.8						
1807			281.8		5.7						
1808			281.1		5.4						
1809			279.8		5.1						
1810			277.2		6.2						
1811			275.9		5.9						
1812			275.4		5.9						
1813			275.2		5.7						
1814			273.1		6.1						
1815			271.6		6.2						
1816			270.7		5.4						
1817			269.6		5.0						
1818			269.2		4.8	1597+89	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1819			268.7		4.9	1598+09	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1820			267.0		5.8						
1821			263.6		5.3						
1822			261.5		5.4						
1823			259.8		5.2						
1824			257.5		6.3						
1825			256.3		5.8						
1826			255.5		4.9	1602+24	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1827			256.0		4.9	1602+84	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1828			255.7		4.9	1603+44	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1829			255.5		4.8	1604+04	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1830			255.3		5.2						
1831			255.5		4.6	1605+24	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	
1832			255.7		4.4	1605+84	5	VELCO/AG LAND LL196		NEED 5' FOR HURLBURT HERE	

Michels 0013

1833		255.6	4.7	1606+24	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1834		255.1	5.2				
1835		255.1	5.2				
1836		254.7	5.4				
1837		254.6	5.7				
1838		254.3	5.7				
1839		253.9	5.8				
1840		254.2	5.4				
1841		254.1	5.5				
1842		253.6	5.5				
1843		253.2	6.1				
1844		253.0	6.4				
1845		253.8	5.8				
1846		253.5	5.5				
1847		253.2	6.0				
1848		253.3	5.9				
1849		253.1	6.1				
1850		253.0	6.2				
1851		254.9	4.4	1612+32	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1852		254.3	4.6	1612+92	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1853		253.5	5.5				
1854		253.3	5.5				
1855		252.4	6.3				
1856		253.9	4.7	1615+32	5	VELCO/AG LAND LL196	NEED 5' FOR HURLBURT HERE
1857		252.4	6.2				
1858		252.2	6.4				
1859		252.5	6.2				
1860		253.1	6.1				
1861		253.8	5.8				
1862		254.3	7.1				
1863		254.9	6.8				
1864		256.7	6.1				
1865		257.7	6.6				
1866		257.5	6.9				
1867		257.6	6.8				
1868		257.9	6.8				

Michels 0014

1869	259.5	6.0
1870	259.6	6.0
1871	259.5	6.4
1872	259.1	6.7
1873	260.0	6.1
1874	260.0	6.2
1875	260.5	5.9
1876	260.5	6.4
1877	261.0	6.1
1878	260.8	6.3
1879	261.4	5.6
1880	261.5	5.9
1881	261.7	5.8
1882	262.6	5.1
1883	262.0	5.4
1884	261.2	5.4
1885	260.5	5.5
1886	259.7	6.3
1887	260.0	6.2
1888	256.1	9.1
1889	258.4	6.4
1890	256.4	8.0
1891	257.6	7.2
1892	258.2	6.4
1893	258.2	5.7
1894	258.0	5.9
1895	258.2	5.5
1896	258.1	5.2
1897	257.8	5.2
1898	256.8	5.6
1899	256.2	5.5
1900	256.0	5.4
1901	255.9	5.3
1902	255.9	5.1
1903	255.2	5.0
1904	255.0	5.2

Michels 0015

1905	254.9	4.9				
1906	255.0	4.4				
1907	255.4	4.4				
1908	255.9	3.5	1645+26	4	VELCO/AG/LAND LL213	VELCO
1909	256.4	3.1	1645+86	4	VELCO/AG/LAND LL213	VELCO
1910	256.2	3.3	1646+27	4	VELCO/AG/LAND LL213	VELCO
1911	256.7	3.1	1646+63	4	VELCO/AG/LAND LL213	VELCO
1912	257.1	3.0	1647+03	4	VELCO/AG/LAND LL213	VELCO
1913	257.3	3.1	1647+42	4	VELCO/AG/LAND LL213	VELCO
1914	257.2	3.1	1647+84	4	VELCO/AG/LAND LL213	VELCO
1915	257.0	3.4	1648+24	4	VELCO/AG/LAND LL213	VELCO
1916	256.7	3.4	1648+63	4	VELCO/AG/LAND LL213	VELCO
1917	256.7	3.2	1649+09	4	VELCO/AG/LAND LL213	VELCO
1918	256.4	3.6	1649+69	4	VELCO/AG/LAND LL213	VELCO
1919	256.5	3.8	1650+30	4	VELCO/AG/LAND LL213	VELCO
1920	256.1	3.6	1650+88	4	VELCO/AG/LAND LL213	VELCO
1921	255.3	4.1				
1922	255.0	4.4				
1923	254.9	4.3				
1924	255.5	4.1				
1925	254.9	4.1				
1926	254.7	4.5				
1927	255.0	4.3				
1928	255.2	4.1				
1929	255.4	4.1				
1930	255.6	4.0				
1931	255.5	4.3				
1932	255.5	4.4				
1933	255.4	4.1				
1934	255.3	4.5				
1935	255.4	4.1				
1936	255.6	3.8	1659+22	4	VELCO/AG/LAND LL213	VELCO
1937	255.3	4.3				
1938	255.4	4.0				
1939	255.7	4.2				
1940	255.5	4.0				

Michels 0016

1941	255.0	4.0				
1942	255.5	3.7	1662+62	4	VELCO/AG/LAND LL213	VELCO
1943	255.4	4.2				
1944	255.8	3.4	1663+81	4	VELCO/AG/LAND LL213	VELCO
1945	256.1	3.1	1664+42	4	VELCO/AG/LAND LL213	VELCO
1946	255.9	3.9	1665+02	4	VELCO/AG/LAND LL213	VELCO
1947	255.9	3.5	1665+63	4	VELCO/AG/LAND LL213	VELCO
1948	255.2	4.4				
1949	255.3	5.3				
1950	255.3	5.3				
1951	255.2	4.9				
1952	255.3	4.9				
1953	255.3	4.8				
1954	256.2	4.1				
1955	255.9	4.4				
1956	256.0	4.7				
1957	256.6	3.9	1669+20	4	VELCO/AG/LAND LL213	NEED TO BE 4' FOR CHANOIRE
1958	256.2	4.8				
1959	257.0	4.4				
1960	256.7	4.7				
1961	256.9	4.1				
1962	256.7	4.2				
1963	256.7	4.4				
1964	256.9	4.7				
1965	257.0	4.4				
1966	256.9	4.3				
1967	257.0	4.2				
1968	257.0	4.7				
1969	257.0	5.1				
1970	257.3	4.8				
1971	256.9	5.3				
1972	256.7	5.8				
1973	256.7	5.6				
1974	256.7	5.3				
1975	256.7	5.6				
1976	256.9	5.7				

Michels 0017

1977		257.1		5.5				
1978		257.5		5.2				
1979		257.7		5.6				
1980		257.6		5.9				
1981		257.8		5.5				
1982		257.8		5.8				
1983		262.0		2.1				
1984		260.6		3.9	1680+51	4	VELCO/AG/LAND LL213	LOOKS LIKE MIGHT BE IN AG FIELD
1985		257.9		5.6				
1986		258.2		6.0				
1987		258.1		6.2				
1988		258.4		6.2				
1989		258.3		6.3				
1990		258.5		6.3				

**Michels 0018**  
**DAILY TIME REPORT**



COMPANY: <b>Michels Pipeline</b>	SPREAD: <b>61103</b>	ECA: <b>Williston</b>	Project: <b>Addison Vermont Natural Gas Project</b>
CREW: <b>Overhead</b> Foreman: <b>BUBOLZ</b>	LOCATION: <b>Williston</b>	COUNTY: <b>Addison</b>	DATE: <b>9/19/2016</b> DAY: <b>Monday</b>
ROW CONDITION: <b>N/A</b>	WEATHER: <b>Fair</b>	COST CODE: <b>2</b>	

EMPLOYEE NAME	#	CLASS	HOURS	PU / RIG Urn Type	EQUIPMENT DESCRIPTION <small>(Include all assigned equipment, note whether in use.)</small>	PLATE OR SERIAL#
Carl Bubolz	26628	SUP	10		FORD 350	R-001
Robert Mitchell	62828	ASST SUP	10		FORD 250	B-1810
Nick Pfundheller	90864	PM	10		FORD 150	B-2719
Cody Vincent	54187	OM	10	PU	DODGE	R-003
Kimberly Barry		CL	10		FORD FOCUS	I-0328
Robert Castaldi	91072	SAF	10		FORD 150	B-2063
Michael Mitton	91546	SAF	10	PU	OFFICE TRAILERS	870832/451323/451322
George Hess	44902	OQ	10	PU	HUMMER	R-002
Eric Brown	45953	PUR	10	PU	FORD F-150	R-004
Kevin Barry	28748	FM	10		FORD 250	B-2269
Clement Hils	54338	OPS	13	PU	3-CONEX RENTALS	917751/914010/720035/
Larry Moquin	54339	LST	13	PU	WAREHOUSE TRAILER	D-2532
Bake Madore		LAB	10			

**Comments:**

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FOREMAN  
INSPECTOR *Mike Beaudry* 9.21.16

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE DAILY WITH SIGNATURES BY 8:30 AM

DAILY TIME REPORT



COMPANY	Michels Pipeline		SPREAD	61103	ECA	Project	Addison Vermont Natural Gas Project	
CREW	Tie-In 1	Foreman	Jolene Bulboz		LOCATION	Williston	COUNTY	Addison
ROW CONDITION	N/A	WEATHER	Fair		DATE	9/19/2016	DAY	Monday
EMPLOYEE NAME	#	CLASS	HOURS	PU / RID Unit Type	EQUIPMENT DESCRIPTION (Exclude all assigned equipment, note whether in use)		PROJECT ID: N/A	
Jolene Bulboz	27443	FM	10		FORD 250 PU		B-2114	
Kyle Zabel	69879	STR	10		FORD 250 PU		B-1806	
Jamie Milledge	56773	OP1	13	PU	323 CAT HOE		R-003	
Matt Mistic	63437	OP1	13	PU	SANDBLAST/AIR COMPRESSOR		X-1015	
Richard Sierzenga	54401	OP1	13	PU	OUTLAW PADDER BUCKET			
John Eckhardt	43640	OP1	13	PU	221 KOMATSU HOE		N-0713	
Tyler Mistic	69773	OP1	13	PU	CAT 320 HOE		R-006	
Sam Shook	55923	OP2	12					
Stephen Paquette	57210	LAB	12		TRENCH BOXES			
Danny Brasier	56905	LAB	12		JD 850 BOOM		U-0430	
<del>Matthew Marshall</del>	<del>57398</del>	<del>LAB</del>	<del>12</del>					
Brian Foster	60394	WEL	12	Rig	2-ROCK BREAKERS			
Cheryl Dormire	67173	TM2	13		2-3" WATER PUMPS			
MAC Ruttaford		LAB	12		FORD F450 ONE TON		F-0729	
Antony Repsher		LAB	12		2 GENERATORS			
William Dodd		WEL	12		CAT 329 HOE		R-020	
					CAT 329 HOE		R-020	

Went with  
JEFF FOR  
THE DAY  
Moved  
to DORMS  
JEFF  
KERRIS  
Went  
with JEFF  
on the DAY

2 LAB went to (Jeff Nighburg)  
for the DAY and Tomorrow  
But will be back with me.

Worked through lunch because we are IN Clay  
Planes SWAMP. ~~Very Hard to get to~~ ~~SMALL TOOLS~~ ~~and cover~~

Comments: worked TO CLAY PLAINES SWAMP  
From 1645+87 to 1649+75 we LOCATED  
9 welds ~~300~~. STARTED with only 3ft  
cover by the END OF DAY # 9 weld  
Hard (3.9) Getting Deeper.

FOREMAN: Jolene Bulboz  
INSPECTOR: [Signature]  
9-21-16

DAILY TIME REPORT



COMPANY: **Michels Pipeline**      SPREAD: **61103**      ECA:      Project: **Addison Vermont Natural Gas Project**  
 LOCATION: **Williston**      COUNTY: **Addison**  
 CREW: **Overhead**      Foreman: **BUBOLZ**      DATE: **8/20/2016**      DAY: **Tuesday**  
 ROW CONDITION: **N/A**      WEATHER: **Fair**      COST CODE: **2**

EMPLOYEE NAME	#	CLASS	HOURS	PU / RG Use Type	EQUIPMENT DESCRIPTION <small>(include all assigned equipment, note whether in use)</small>	FLEET OR SERIALS
Carl Bubolz	26628	SUP	10		FORD 350	R-001
Robert Mitchell	62828	ASST SUP	10		FORD 250	B-1810
Nick Pfundheiler	90864	PM	10		FORD 150	B-2719
Cody Vincent	54187	OM	10	PU	DODGE	R-003
Kimberly Barry		CL	10		FORD FOCUS	I-0328
Robert Castaldi	91072	SAF	10		FORD 150	B-2063
Michael Mitton	91546	SAF	10	PU	OFFICE TRAILERS	670832/451323/451322
George Hess	44902	OQ	10	PU	HUMMER	R-002
Eric Brown	45953	PUR	10	PU	FORD F-150	R-004
Kevin Barry	28748	FM	10		FORD 250	B-2269
Clement Hils	54338	OPS	13	PU	3-CONEX RENTALS	917751/914010720035/
Jeffrey Kirwan	57432	OP1	10	PU		
Lary Moquin	54339	LST	13	PU	WAREHOUSE TRAILER	D-2532
<del>Blake Maddox</del>	<del>57465</del>	<del>LAR</del>	<del>10</del>			
Dorothy Fillyaw	69957	TM2	10			

Comments:

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FOREMAN  
INSPECTOR *M Keagan*

9-22-16

*Uz*

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE DAILY WITH SIGNATURES BY 9:30 AM

DAILY TIME REPORT



COMPANY	Michels Pipeline		SPREAD	61103	ECA		Project	Addison Vermont Natural Gas Project	
CREW	Tie-in 1	Foreman	Jolene Bulboz		LOCATION	Williston	COUNTY	Addison	
ROW CONDITION	N/A	WEATHER	Fair		DATE	9/29/2016	DAY	Tuesday	
							COST CODE	14	

EMPLOYEE NAME	#	CLASS	HOURS	PU / Rig	EQUIPMENT DESCRIPTION	REPLY ON SHEET #
<small>(Include all assigned equipment, note whether in use.)</small>						
Jolene Bubolz	27443	FM	10		FORD 250 PU	B-2114
Kyle Zabel	69879	STR	10		FORD 250 PU	B-1808
Jamie Milledge	56773	OP1	13	PU	323 CAT HOE	R-003
Matt Mistic	63437	OP1	13	PU	SANDBLAST/AIR COMPRESSOR	X-1015
Richard Sierzenga	54401	OP1	13	PU	OUTLAW PADDER BUCKET	
John Eckhardt	43640	OP1	13	PU	221 KOMATSU HOE	N-0713
Tyler Mistic	69773	OP1	13	PU	CAT 320 HOE	R-006
Sam Shook	55923	OP2	10			
Stephen Paquette	57210	LAB	12		TRENCH BOXES	
Danny Brasier	56905	LAB	13		JD 850 BOOM	U-0430
Anthony Repsher	73459	LAB	12			
Mack Rutherford	56828	LAB	13			
Brian Foster	60394	WEL	13	Rig	2-ROCK BREAKERS	
William Dodd	52632	WEH	13			
Cheryl Dornire	67173	TM2	13		2-3" WATER PUMPS	
					FORD F450 ONE TON	F-0729
					2 GENERATORS	
					CAT 329 HOE	R-020
					CAT 329 HOE	R-020

Worked till 7 pm

Comments: Finish Clay Pines **885 FT**  
 Made 1 weld 1-cut  
 coming in side is tied-in

FOREMAN: *[Signature]*  
 INSPECTOR: *[Signature]*

9-22-16

PLEASE FAX OR EMAIL TO WASHINGTON OFFICE ONLY WITH SIGNATURES BY 8:30 AM

*[Handwritten initials]*

Michels 0022

**Employees Onsite Nearby the Monkton Town Line**

<b>Last Name</b>	<b>First Name</b>	<b>Business Address</b>	<b>Last Known Address</b>	<b>Home Phone</b>
CASTALDI	ROBERT	817 W. Main St., Brownsville, WI 53006 Unknown - No longer employed by	Please contact through Michels Corporation's legal counsel.	
MITTON	MICHAEL	Michels Corporation.	333 Lancaster Rd., Lunenburg, VT 05906	708-710-0345
HESS	GEORGE	817 W. Main St., Brownsville, WI 53006	Please contact through Michels Corporation's legal counsel.	618-214-2158
BARRY	KEVIN	817 W. Main St., Brownsville, WI 53006 Unknown - No longer employed by	Please contact through Michels Corporation's legal counsel.	608-516-2720
HILS	CLEMENT	Michels Corporation. Unknown - No longer employed by	PO Box 403, Great Barrington, MA 01230	413-229-2117
MOQUIN	LARRY	Michels Corporation.	12 Dewey St., Swanton, VT 05488	603-731-0212

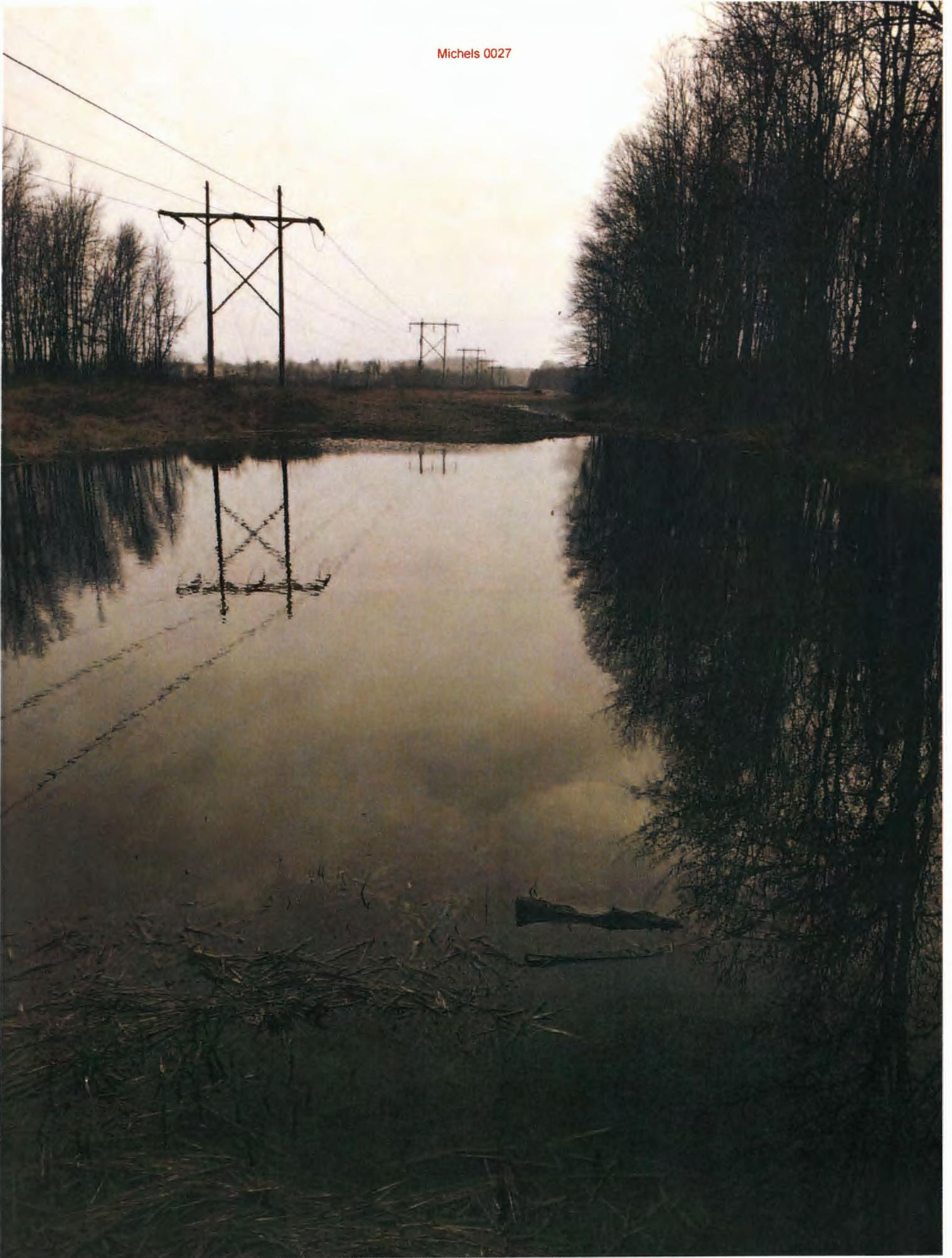








Michels 0027







Michels 0030



Michels 0031

